



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
31 JULY 2017**

CM504

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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 Bariakaulung 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 the minutes of the Ordinary Council Meeting held on 10 July 2017 be confirmed.

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

Date of Council Meeting	Item	Date of Future Council Meeting Report
Chief Executive Office		
City Development		
06 November 2013	Latrobe Regional Motorsport Complex	<p>2015 A briefing report and Council report will be presented in April 2016.</p> <p>30 March 2016 A briefing report will be presented in May 2016.</p> <p>26 May 2016 A briefing report will be presented to Councillors at the 30 May 2016 Councillor Briefing.</p> <p>30 May 2016 A report was presented to the Councillor Briefing on 30 May 2016, and a further report will follow in September.</p> <p>20 September 2016 A tour of possible sites for the development of a Motorsport Complex will be organised for early in 2017.</p> <p>26 April 2017 A report to Council is tentatively scheduled for June 2017.</p> <p>05 June 2017 The report to Council has been rescheduled while the Committee's Terms of Reference are drafted.</p>
29 May 2017	<p>Visitor Information Centre Options for Future Operations</p> <p>Confidential under section 89(2)(c) industrial matters</p>	<p>07 June 2017 A report will be presented to a Councillor Briefing in July 2017.</p>
19 June 2017	Domestic Animal Management Plan 2017	<p>22 June 2017 Draft released for Community consultation to 6 August 2017. Report to be presented no later than 11 September to Council.</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
Infrastructure & Recreation		
12 September 2016	Outdoor Pool Operating Hours 2016/17	<p>20 September 2016 A report will be presented to Council at the end of the outdoor pool season (March 2017).</p> <p>23 April 2017 A report will be presented to Council in July 2017.</p> <p>20 July 2017 The report is being presented to a Briefing in July 2017, with a report to follow to Council in August 2017.</p>
13 February 2017	39 Queen Street, Moe - Traffic and Verge Parking	<p>22 February 2017 A report will be presented to Council 3 months after the installation of signage.</p> <p>03 May 2017 Signage is erected and monitoring underway. A report will be presented to Council after 3 months.</p>
27 March 2017	Disposal of Illegally Dumped Rubbish on HVP Plantations Land	<p>28 March 2017 A report will be presented to Council in 2018, at the conclusion of the one year period.</p>
29 May 2017	Road Management Plan 2017-21 - Endorsement for Public Consultation	<p>05 June 2017 A report to Council is scheduled for 11 September 2017.</p>
19 June 2017	Recreation Needs Assessment	<p>22 June 2017 Released for public exhibition. Submissions and feedback will be accepted until Friday 28 July 2017.</p>
19 June 2017	Road Asset Management Plan 2017 – Endorsement for consultation	<p>28 June 2017 Consultation being prepared for July and August for Council report November 2017</p>

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> <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>

Date of Council Meeting	Item	Date of Future Council Meeting Report
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, targeting meeting for Monday 7 August, 2017.</p>
27 March 2017	Tarwin Street Pop-Up Park, Morwell	<p>28 March 2017 A report will be presented to Council on 21 August 2017.</p> <p>20 July 2017 Report to Council will be provided on Monday 31 July, 2017</p>
27 March 2017	Future Morwell Revitalisation Plan	<p>31 March 2017 Revitalisation Plan will commence the week commencing the 3 April.</p> <p>A report will be brought back to Council at the conclusion of the community engagement activities.</p> <p>05 June 2017 Future Morwell Revitalisation Plan - Community Engagement results to be tabled at Ordinary Council Meeting on Monday 21 August, 2017.</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
Corporate Services		
25 May 2015	MAV Workcare Self Insurance Confidential under section 89(2)(d) contractual matters	<p>2015 A report will be presented to Council in the second half of 2019.</p> <p>14 March 2017 A report to Council is scheduled for the end of the current financial year.</p> <p>18 July 2017 A report will be presented to Council in 2020/2021 Financial Year.</p>
13 February 2017	Proposed Sale of Land – Short Street, Traralgon	<p>16 February 2017 A report will be presented to Council at the conclusion of the Expression of Interest process.</p> <p>15 May 2017 A report is scheduled for the June Ordinary Council Meeting.</p> <p>07 June 2017 The report to Council has been rescheduled to July 2017.</p>
18 April 2017	Proposed Lease - The Star Hotel, Peterkin Street, Traralgon	<p>20 April 2017 A report will be presented to Council at the conclusion of the community consultation period, should any submissions be received.</p> <p>30 May 2017 Expression of Interest document currently being prepared, once finalised public advertising to be undertaken seeking submissions from prospective tenants.</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
29 May 2017	2017/07 - Notice of Rescission - Proposal to rename the Tyers Recreation Reserve, Baillie Reserve and name the entrance road to the Tyers Recreation Reserve Community Lane	<p>Complete 01 June 2017 A report is being prepared for the 19 June 2017 Council Meeting.</p> <p>20 July 2017 A report was presented to the Council Meeting on 19 June 2017.</p>
29 May 2017	Proposed Lease - Northern Reserve, Newborough	<p>02 June 2016 A report will be presented to an Ordinary Council Meeting, should submissions be received on this matter.</p> <p>30 June 2017 Further report prepared for consideration at Council meeting on 31 July 2017.</p>
29 May 2017	Proposal to rename part of Bradys Road Tyers	<p>02 June 2017 A report will be presented to an Ordinary Council Meeting, should submissions be received on this matter.</p> <p>23 June 2017 Public notice appeared in LV Express on 22 June 2017. Submissions to be received by 10 July 2017.</p> <p>29 June 2017 Public notice published in LV Express on 29 June 2017 Closing date for submissions is Monday, 31 July 2017.</p>
19 June 2017	Proposed Road Renaming – Crinigan Road West, Morwell	<p>10 July 2017 Public notice appeared in LV Express on 6 July 2017. Submissions close 28 July 2017.</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
19 June 2017	Proposal to rename the Tyers Recreation Reserve, Baillie Reserve and name the entrance road to the Tyers Recreation Reserve Community Lane	<p>23 June 2017 Public Notice in LV Express. Closing date for submissions is Monday 31 July 2017.</p> <p>23 June 2017 Public notice drafted in LV Express. Closing date for submissions is Monday 31 July 2017.</p>

Comments provided 28 June 2017. 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 Proposed Lease - Northern Reserve, Newborough

General Manager

Corporate Services

For Decision

EXECUTIVE SUMMARY

Council has received a request from Metasite Pty Ltd, acting on behalf of Optus Mobile Pty Ltd (Optus), to lease part of the Northern Reserve, Newborough to install a telecommunications facility.

Given the capital investment, Optus is seeking a long-term lease for this site of 20 years. The proposed lease area will be 77 square metres.

Council at the 29 May 2017 meeting resolved to give public notice of its intention to enter into such a lease and seek public comment on the proposed lease.

Two submissions have been received regarding the proposed lease. Council is required to consider these submissions in accordance with Section 223 of the *Local Government Act 1989* prior to making a decision on whether to enter into a long-term lease with Optus.

RECOMMENDATION

That Council:

- 1. Having given public notice, invited and considered submissions received, resolves in accordance with section 190 of the *Local Government Act 1989* to enter into a 20 year lease agreement with Optus Mobile Pty Ltd for part of Northern Reserve Newborough, pursuant to section 17D of the Crown Land (Reserves) Act, subject to:
 - a) Metasite Pty Ltd, acting on behalf of Optus Mobile Pty Ltd obtaining a Planning Approvals Permit for the installation of a Telecommunications Facility at Northern Reserve, and**
 - b) The Chief Executive Officer negotiating and signing a formal lease agreement with Optus Mobile Pty Ltd, and**
 - c) The Department for Environment, Land Water and Planning Ministerial representative approving the lease terms and conditions.****
- 2. Notify persons providing a submission of Council's decision.**

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

Council at the 29 May 2017 Council Meeting, it was resolved:

“That Council:

- 1. Gives public notice of its intention to enter into a 20 year lease agreement with Optus Mobile Pty Ltd for part of the Northern Reserve, Newborough; and*
- 2. Seeks the Department for Environment Land Water and Planning “approval in principle” to enter into a 20 year lease pursuant to section 17D of the Crown Land (Reserves) Act 1978, and*
- 3. Delegates the authority to the Chief Executive Officer to fix the day, time and place of the Ordinary Council Meeting in accordance with section 223 of the Local Government Act 1989 to consider any written submissions received objecting to the proposed 20 year lease agreement with Optus Mobile Pty Ltd for part of the Northern Reserve, Newborough, or*
- 4. If no submissions are received objecting to the proposed 20 year lease agreement with Optus Mobile Pty Ltd for part of the Northern Reserve, that Council authorises the Chief Executive Officer to finalise terms and conditions and sign the lease agreement.”*

Northern Reserve is Crown land for which Latrobe City Council is the appointed committee of management being Crown Allotment 4V in the Parish of Narracan.

As Northern Reserve is Crown land, any lease agreement will be subject to the provisions of the *Crown Land (Reserves) Act 1978*. The Department of Environment, Land, Water & Planning (DELWP) has prepared a lease template when leasing Crown land for the installation of a telecommunications facility. Prior to entering into a lease agreement for Crown land, Council must first obtain “approval in principle”, this was obtained on 11 May 2017 ([Attachment 1](#)), subject to Council proceeding with the lease.

Given that the proposed lease is for a term of 20 years it is also subject to section 190 of the *Local Government Act 1989* that requires Council to give public notice of the proposed lease and invite comment on the proposal.

Current Proposal

Metasite Pty Ltd, acting on behalf of Optus, has identified the Northern Reserve as a suitable location for the installation of a telecommunications facility to improve the coverage in Moe and Newborough. This was a result of a wider process that considered various sites in the area.

Metasite Pty Ltd originally proposed that the tower could replace one of the existing lighting towers adjacent to the oval however this option was not supported by Council officers as there were concerns with having lighting assets attached to the pole, particularly with regard to access for maintenance or repairs.

Following further discussions an alternative, stand-alone site was identified on the eastern boundary of the reserve. This site is considered to be a better location as it

will be less visible due to the surrounding trees while still allowing for the connection of the necessary services and ongoing access from John Field Drive (Attachment 2).

An additional benefit of the proposed site is that the location of the tower also ensures that it will be approximately 200 meters from residences in Avon Court and Southwell Avenue and 120 meters from residences in Western Avenue.

As was demonstrated recently with the proposed installation of a telecommunications tower by Telstra at the Moe Cemetery, such installations are often a source of concern for residents, particularly if they are in close proximity to homes. This needs to be balanced against the demand for adequate mobile coverage required by the wider community which has been identified as an issue in the Moe and Newborough area.

Given the proposed tower has a height of 30 meters it will inevitably be visible to the surrounding area, however, in the proposed location the equipment shelter and security fencing will be shielded from view by the trees that border the site and, as stated above, the tower is a significant distance from nearby residences. Refer Confidential Attachment 3 for a copy of the Optus Draft Design & Layout Diagram

While the Northern Reserve is an active recreation reserve, the proposed site for the lease is more than 40 meters from the oval boundary fences and 120 meters from the netball courts in a part of the reserve that would not generally be used by the public.

Any lease agreement would be subject to negotiation of lease terms and conditions and Optus obtaining a planning permit for the proposed telecommunication facility and the DELWP Ministers representative approving the lease.

STAKEHOLDER CONSULTATION

To ascertain community opinion concerning the proposed lease, public comment was sought via the following methods:

- Public notices published in the Latrobe Valley Express together with the Latrobe City website.
- Correspondence sent to Newborough Football Netball Club and Newborough Bulldogs Cricket Club as users of the Northern Reserve.
- Letters hand delivered to 50 properties in Western Avenue, Ellinbank Street, Wooreen Street, Koornalla Street and Belbrook Street, Newborough.

In response to the above community consultation, two submissions have been received (refer Confidential Attachment 4):

- A Newborough resident objecting to the proposed lease; and
- The Newborough Football / Netball Club advising that the club “has no fundamental objection in response to the erection of a Telecommunications Tower on the Eastern Boundary of the reserve. However the club has “a few questions / concerns that we would like to put forward”.

Both submissions are summarised below:

	Submission Detail	Officer comment
Resident - Objection	<ul style="list-style-type: none"> • The resident lives in Western Avenue and does not wish to see the tower from their property • Children play football and netball in this area, • It is a parkland reserve 	<p>The distance between the residents property and the tower is approximately 170 metres. Part of the tower will be obscured by large native trees.</p> <p>It is acknowledged that the reserve is used for both passive and sporting activities by persons of all ages.</p>
Newborough Football / Netball Club – No objection, have questions/ concerns	<ol style="list-style-type: none"> 1. Shadowing from the tower. 2. There is a drainage issue surrounding the oval in wet weather with at least 1/3 of the parking area around the oval not able to be used. 3. The road and parking surrounding the oval should be upgraded. At the very least by installing a concrete spoon drain behind the parking area to eliminate the drainage problems, this could be combined with an asphalt / sealed roadway which would make more parking available off the roadway. This improvement would alleviate 	<ol style="list-style-type: none"> 1. The tower will be located on the eastern side of the oval and location. Shadowing of the oval is only likely to occur when the sun is in an easterly arc and there will be existing trees surrounding the tower. 2. Council is aware of the condition roadway and the poor drainage around the oval as identified in the Moe Newborough Outdoor Recreation Plan 2015 and draft Recreation Needs Assessment Report. 3. As proposed by the draft Recreation Needs Assessment and draft funding policy, improvement works will be undertaken when funding is allocated. <p>The proposed location of the Optus tower will have minimal impact on access and use of the</p>

	<p>the need to utilise the area for parking where the tower is proposed;</p> <p>4. Road access to the Telecommunications Facility site.</p> <p>5. Some of the lease rental should be allocated to improve infrastructure at the reserve.</p>	<p>overflow car parking below the bank surrounding the east and northern sides of the oval.</p> <p>4. Access off John Field Drive will only be required during installation, service visits are expected at 3 to 4 month intervals and can be via the main entrance to the reserve.</p> <p>5. Improvements – As part of the annual budget process, Council allocates funds after prioritising infrastructure projects.</p>
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FINANCIAL AND RESOURCE IMPLICATIONS

The costs associated with undertaking this process are minimal, being the cost of public notices in the Latrobe Valley Express as well as officer resources in the preparation of reports. These costs are within existing recurrent budget allocations.

The proposed rental will be subject to an independent rental valuation to ensure it is consistent with that paid for other NBN and mobile phone towers within the region. Subject to negotiation, it is proposed that rental income, will be increased by 2.5% per annum for the duration of the lease.

It is proposed that annual rental received will form part of Council's general consolidated revenue to be allocated through the annual budget process to offset Council's global operating expenditure for Crown land.

RISK IMPLICATIONS

Provided Council undertakes the statutory process required by the *Local Government Act 1989* there are not considered to be any risks associated with entering into the lease with Optus.

The tower will be located within a fenced compound that is separate from the areas of the Northern Reserve that are used by the community for sport and recreation. The lease will contain a conditions requiring Optus to indemnify both Council and the Crown and hold public liability insurance.

Furthermore, any improvements on the land will remain in the ownership of Optus and, in the event that the tower was no longer required during the term of the lease,

Optus would be required to remove them and reinstate the land to the satisfaction of Council.

CONCLUSION

Following discussions with Metasite Pty Ltd, acting on behalf of Optus, the proposed site for a telecommunications tower at the Northern Reserve, Newborough, has been identified. Due to the capital investment a 20 year lease term is considered appropriate with a commencement date to be determined, subject to a planning permit being obtained.

Having satisfied the requirements of Section 190 of the *Local Government Act 1989* by giving public notice of its intention to enter into a long-term lease and considered submissions received, Council can now determine whether it wishes to enter into a long-term lease with Optus for part of the Northern Reserve.

SUPPORTING DOCUMENTS

Nil

Attachments

1. Department of Environment, Land, Water and Planning "approval in principle"
2. Aerial Image Northern Reserve Newborough
3. Draft Optus Design Diagram (Published Separately) (Confidential)
4. Public Submissions (Published Separately) (Confidential)

10.1

Proposed Lease - Northern Reserve, Newborough

- 1 Department of Environment, Land, Water and Planning
"approval in principle" 25
- 2 Aerial Image Northern Reserve Newborough..... 27



Department of Environment, Land, Water & Planning

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DELWP Ref: 1504382

Dear Peter

SECTION 17D CROWN LAND (RESERVES) ACT 1978 – GRANT & PURPOSE PROPOSED TELECOMMUNICATIONS LEASE – NORTHERN RESERVE

Thank you for your email dated 19 April 2017, seeking grant and purpose approval for a proposed lease to be issued to Optus Mobile Pty Ltd over part of Northern Reserve for the purpose of telecommunications network and service.

The proposed lease area is Crown land temporarily reserved for Public Recreation under the control of Latrobe City Council as the appointed committee of management.

Under s.17D(3)(b) of the *Crown Land (Reserves) Act 1978* (the Act), I am satisfied that the proposed lease purpose is not detrimental to the purpose of the reserve.

I wish to advise that I, as the delegate of the Minister for Energy, Environment and Climate Change, approved the granting of a lease, under s.17D(1) of the Act, as follows:

Approved Lessee:	Optus Mobile Pty Ltd
Approved Purpose:	Construction, maintenance and operations of a telecommunications network and service.
Approval Date (AIP):	Date of this letter.
Approved Area:	76.96m ² - As shown hatched on lease plan.

Please note any changes to the approved purpose or the lease boundary (approved area) will require further ministerial approval. The date of the lease must not pre-date the approval (AIP) date.

It is recommended that another draft of the lease be provided to this office for review once the terms and conditions have been negotiated, prior to seeking final approval. Should you have any questions, please contact me on 5172 2146 or via email tarnia.leeming@delwp.vic.gov.au.

Yours sincerely

Tarnia Leeming
A/Manager Property Services
Public Land Administration

Date: 11/5/17

Privacy Statement

Any personal information about you or a third party in your correspondence will be protected under the provisions of the Privacy and Data Protection Act 2014. It will only be used or disclosed to appropriate Ministerial, Statutory Authority, or departmental staff in regard to the purpose for which it was provided, unless required or authorised by law. Enquiries about access to information about you held by the Department should be directed to the Privacy Coordinator, Department of Environment, Land, Water and Planning, PO Box 500, East Melbourne, Victoria 3002





10.2 Proposal to Rename Part of Bradys Road Tyers

General Manager

Corporate Services

For Decision

EXECUTIVE SUMMARY

Council has given public notice and invited written submissions concerning a proposal to rename the southern section of Bradys Road, Tyers, to Russell Rise, Tyers.

Four submissions have been received in response to the public notice. The four submissions received are comprised as follows:

- Two supporting the proposed road name “Russell Rise”;
- One supporting the road name “Russell”, but suggesting “Lane” would be a more appropriate description of the road type; and
- One encouraging Council to give consideration to constructing Bradys Road as a through-road, thus not requiring the proposed name change.

The renaming will allow Council to allocate a rural road address to two other properties that have physical driveways off the southern section of Mays Road with an allocated a Mays Road address.

This report is to consider the submissions and enable Council to make a decision concerning the matter.

RECOMMENDATION

That Council:

- 1. Having given public notice, invited and considered submissions, resolves to authorise commencing the administrative process to officially rename the southern section of Bradys Road, Tyers, to Russell Rise, Tyers;**
- 2. In the event that the middle section of Bradys Road is constructed and the northern and southern segments of road are connected, Council resolves that Russell Rise be renamed Bradys Road and this information be recorded on the following databases and systems:**
 - VicNames – The Register of Geographic Names Road Historical Information;**
 - Latrobe City Council Asset Maintenance Database;**
 - Latrobe City Council Public Roads Register; and**
 - Latrobe City Council Electronic Content Management (ECM) Road File;**
- 3. Notifies Mr J Brady from Tyers, the relative of the person responsible for initial construction of the northern segment of Bradys Road, of the above decision;**
- 4. Allocates revised rural road addresses and notifies the property owners abutting the southern section of Bradys Road of Council's decision;**
- 5. Refers for investigation the request from the Tyers & District Community Association to consider constructing the unmade section of Bradys Road to allow through traffic from Mays Road to Fitzgibbons Road, Tyers; and**
- 6. Notifies the persons who provided a submission and the Tyers & District Community Association of the above Council decisions.**

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

Council at its meeting held on 29 May 2017, resolved:

That Council:

- 1. Authorise the Chief Executive Officer to commence the community consultation process required under the 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 renaming the southern section of Bradys Road, Tyers to Russell Rise, Tyers.*
2. *If submissions objecting to the proposal are received, Council delegates to the Chief Executive Officer the authority:*
 - (a) *to fix the date of the Ordinary Council Meeting to consider submissions, and*
 - (b) *notify those who submitted a submission of the time and place of the Ordinary Council Meeting that Council will consider the submission, and*
 - (c) *arrange for those wishing to be heard in support of their submission to attend the Ordinary Council Meeting to consider submissions, or*
 3. *If no submissions objecting to the proposal are received, Council authorises the Chief Executive Officer to commence the administrative process to officially rename the southern section of Bradys Road, Tyers to Russell Rise, Tyers.*
 4. *Notifies Mr Brady, relative of the person responsible for initial construction of the road, 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 Council to name/rename roads. As a coordinating road authority, Council must ensure that any proposal to name/rename a road conforms to the mandatory OGN Naming Rules.

Bradys Road, Tyers, is a Government Road Reserve. The road area consists of three sections; one at each end being constructed, drivable roads, with a third section located between them being a fenced off, un-driveable area covered with native vegetation. The two constructed, drivable road sections which make up Brady's Road are recorded in Council's Public Roads Register as detailed below:

	<i>Hierarchy</i>	<i>Road Register Description</i>
Southern end	Minor Access	260 metres North from Mays Road
Northern end	Sealed Access > 60 km/hr & Unsealed Access	First 810 metres South off Fitzgibbons Road

The rural properties abutting this unconstructed section have other road frontage access and there is no requirement to provide physical access off the unconstructed section of Bradys Road.

With a three lot subdivision of a large parcel of land that abuts Boulton Crescent and both the northern and southern sections of Bradys Road ([Attachment 2](#)), the access to Lot 2 will be from the southern section of Bradys Road only. Accordingly, it is proposed that the southern section of Bradys Road be renamed to give the newly created Lot 2 a unique property address identifier for reasons of public safety, delivery of services, etc.

Further, two properties that adjoin the southern section of Bradys Road have their respective physical driveways off Bradys Road, however, both are allocated a Mays Road address. By renaming the southern section, Council is able to allocate a unique address to both properties. The new address will accurately identify the location of respective property driveways for reasons of public safety, delivery of services, etc.

The suggested road name “Russell” was identified on the Boola Boola Parish Plan which records that a John Russell owned land (from 1 May 1891) on either side of the southern section of Bradys Road. A search of the National Archives of Australia, “*Discovering Anzacs*” website records that there were 10 Tyers residents who served in the Boer War and/or World War 1. Of those 10 enlisted from the Tyers area, one was John Alexander Russell, aged 21 years and 6 months.

This connection with the name “Russell” from both sources may be coincidental. However, officers recommend the name as it satisfies the Victorian government commemorative naming project to acknowledge wartime military service of a former Tyers resident. The proposed name also satisfies the OGN Naming Rules in particular Principle A Ensuring Public Safety and Principle H Using Commemorative Names.

The suggested road type “Rise” reflects that the southern road section does increase in elevation in a northerly direction from Mays Road.

In the event the southern section of Bradys Road Tyers is renamed to Russell Rise Tyers, officers will advise the statutory authorities and service providers of the change.

STAKEHOLDER CONSULTATION

Engagement Method Used:

Public submissions were invited via the following methods:

- Letters were sent to the residents of Bradys Road, Mr Brady of Fitzgibbons Road, Tyers and the Tyers and District Community Association.
- Public notices appeared in the Latrobe Valley Express.
- Notices were displayed at Council’s Corporate Headquarters, Morwell and Traralgon Service Centre.
- Details were placed on the Latrobe City Council website.

Officers also met with Mr Jim Brady from Tyers who advised that a relative of his constructed the northern section of Bradys Road. Mr Brady is supportive of the proposed name change provided that, in the event Bradys Road is ever constructed as a through road, the road name for the southern section of Bradys Road will be changed back to Bradys Road, Tyers. This suggestion can be recorded for future reference on the following databases and systems:

- VicNames – The Register of Geographic Names Road Historical Information;
- Latrobe City Council Asset Maintenance Database;

- Latrobe City Council Public Roads Register; and
- Latrobe City Council Electronic Content Management (ECM) Road File.

Following the above consultation process, Council received three submissions; two in support and one in objection to the proposal. For confidential copies of the submissions, refer to Attachment 3.

These three submissions are summarised in the table below:

	Submission	Officer Comment
Resident 1 Qualified support	<p>Supports the proposal to rename the southern section to Russell Rise subject to:</p> <ol style="list-style-type: none"> 1. “For the past 20 plus years I have been leasing the unconstructed portion of Bradys Road from various State Government departments..... As the constructed part of Bradys Road services no property, I submit that this land should be transferred respectively to Lots 1 and 2 of my subdivision. Please note that the unconstructed land is currently fenced as if it is part of my land. This appears to be common sense and will finalize the matter.” 2. “Also paid to extend the southern side of Bradys Road to the boundary of Lot 2 of the subdivision.” 	<ol style="list-style-type: none"> 1. Bradys Road is a Government Road and any lease/licence would be issued by DELWP. If DELWP was to sell the road reserve it would first require Council to declare that the road reserve is not required for public traffic and is therefore an unused road. Officers believe it would be inappropriate to determine that the road is not required for public traffic as it may be required in the future based upon the submission from the Tyers & District Community Association. 2. The requirement to extend the constructed section of Bradys Road would have been a condition of the subdivision planning permit to provide vehicle access to Lot 2.
Resident 2 Supports the renaming	<ol style="list-style-type: none"> 1. The rural road address allocated to residents’ property is 107A Mays Road whilst driveway access is off the southern section of Bradys Road. 	<ol style="list-style-type: none"> 1. Agree

	Submission	Officer Comment
	<p>2. Requests their property be given a rural road number to Russell Rise.</p> <p>3. Would like to attend the relevant Council meeting where this will be decided and if needed, speak in favour of the proposal.</p>	<p>2 This will occur if Council resolves to rename the southern section of Bradys Road.</p> <p>3 An invitation to present to Council at this meeting has been extended.</p>
<p>Resident 3 Supports the renaming</p>	<p>Supports the proposal to rename the southern section to 'Russell', however objects to the term 'Rise'...it has overtones of pretentiousness and, although used in suburban/regional city subdivisions, is not in keeping with the rural nature of Tyers and surrounds. Maybe 'Lane' would be more appropriate."</p>	<p>Rise is an acceptable road type to the OGN for registration as either a culs-de-sac or open-ended road. The OGN Rules describe:</p> <p>'Rise" as a roadway going to a higher place or position; and</p> <p>'Lane' as a narrow way between walls, buildings or a narrow country or city roadway.</p> <p>The section of road proposed to be renamed does increase in elevation in a northerly direction from Mays Road.</p>
<p>Tyers & District Community Association Encourages Council to construct the unmade section of Bradys Road however if unsuccessful supports the renaming of the southern section</p>	<p>Concerns for the residents off Fitzgibbons Road, Boulton Crescent, Woodland Drive and Brady's Road North area:</p> <p>(a) in respect to only one entrance/exit available in case of an emergency(bush or grass fire) to the residents.</p> <p>(b) the CFA has indicated that in the event of a fire that they will not despatch a fire truck to this area due to the single entry/exit point.</p>	<p>Agree</p> <p>This statement would need to be referred to the CFA for a comment.</p>

	Submission	Officer Comment
	<p>“We suggest that the short section of the unmade part of Brady’s Road be converted to a trafficable gravel road, thus giving all residents in the area an alternative way out of this enclosed area. This would also make a much shorter trip for emergency vehicles to service houses in this area and up to 5 kms less travel distance to Traralgon for residents in this area.”</p> <p>“Gippsland Water has...important infrastructure which would be better protected if there is an alternative entry/exit point in place.”</p> <p>“The distance that residents of Brady’s Road North and thereabout have to travel to go to Traralgon would be proximately 5 km’s shorter than currently if the closed section of Brady’s Road was open to traffic.”</p> <p>“We respectfully request that Council consider a possible plan to join these two sections of Brady’s Road in the future.”</p> <p>“If this were to eventuate, a name change would no longer be necessary.”</p> <p>“If a petition signed by most of or all of the residents affected by this situation were to be presented would this support our alternate proposal?”</p> <p>“If LCC has up to three interested Councillors who would personally like to view the area, John Henry has volunteered to take the Councillors to do so. Please let us know and we will make the necessary arrangements.”</p>	<p>Agree there would be a reduction in travel time and distance. In the event that the road would be constructed within the current road reserve it would require works</p> <p>This issue has not been raised by Gippsland Water.</p> <p>Agree there would be a reduction in travel time and distance.</p> <p>Council may resolve to refer this request to its Infrastructure team for further investigation.</p> <p>The name change is required to address the public safety issues currently being experienced. The public safety and rural road address issues are unable to be deferred pending Council investigating the option to construct the unmade section of Bradys Road.</p> <p>The residents are welcome to submit a petition if they so desire.</p> <p>Arrangements can be made if Councillors wish to take advantage of this offer.</p>

	Submission	Officer Comment
	<p>"If this submission is unsuccessful, we appreciate that Council has presented an alternative name for the road, who was land holder in the area 100 or more years ago and we would be happy to accept "Russell Rise" in lieu of Brady's Rd South."</p>	<p>Noted.</p>

FINANCIAL AND RESOURCE IMPLICATIONS

Costs associated with the statutory process are:

1. Officer resources in preparation of Council reports and historical searches of Bradys Road, Tyers.
2. Public notices in the Latrobe Valley Express inviting submissions.
3. Manufacturing and erection of a new road sign.

The above costs are within existing budget allocations.

RISK IMPLICATIONS

The proposal to rename the southern section of Bradys Road will minimise potential risk and improve public safety for residents that access their property from the southern section of Bradys Road whilst the road is not a constructed through road.

CONCLUSION

For reasons of public safety and to allocate a unique rural address identifier, it is considered necessary to rename the southern section of Bradys Road, Tyers. Following research of the Boola Boola Parish Plan and the National Archives of Australia, "Discovering Anzacs" website records, officers are suggesting this section of road be renamed Russell Rise.

Having given public notice inviting written submissions and Council considering submissions received, it is recommended that Council authorise the commencement of the administrative process to officially rename the southern section of Bradys Road, Tyers to Russell Rise, Tyers.

SUPPORTING DOCUMENTS

Nil

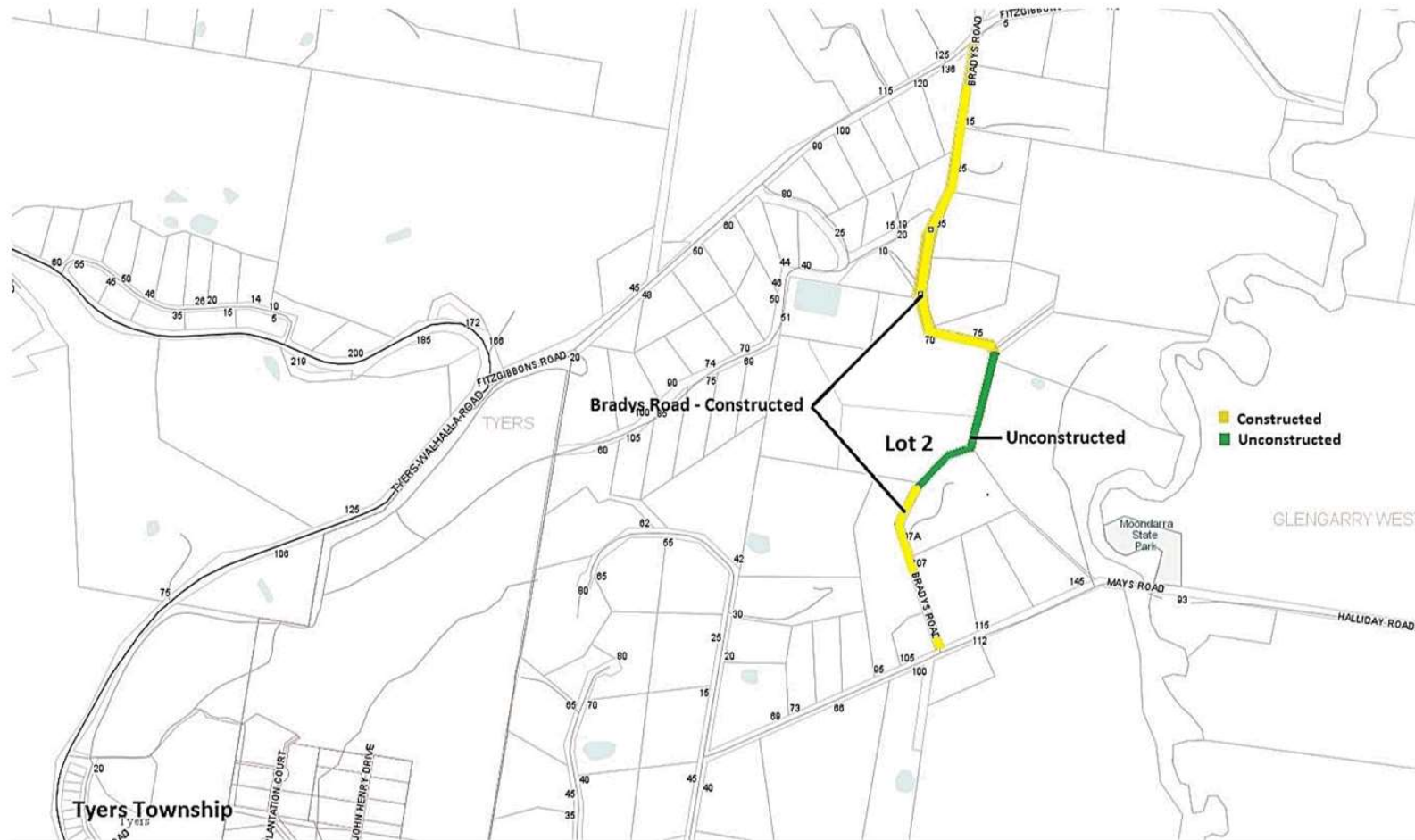
Attachments

- 1 [↓](#). Bradys Road Tyers
- 2 [↓](#). Three Lot Subdivision
3. Submissions received (Published Separately) (Confidential)

10.2

Proposal to Rename Part of Bradys Road Tyers

- 1 Bradys Road Tyers 37**
- 2 Three Lot Subdivision 39**





10.3 Proposed Sale of Land - Short Street Traralgon

General Manager

Corporate Services

For Decision

EXECUTIVE SUMMARY

Council, at its meeting held on 13 February 2017, considered the proposed sale of the discontinued laneway between Collins Street and Bourke Street, Traralgon, to the adjoining property owners.

At that meeting, Council resolved that parts of the discontinued laneway would be sold to the adjoining land owners at 23-29 Shakespeare Street and 12 Short Street, Traralgon, by private treaty.

In addition, Council also considered two submissions, one verbal from Parklane Estate Pty Ltd, owner of 2-4 Short Street and a written submission from Urban Town Developments Pty Ltd, owner of 31-33 Shakespeare Street, for the same parcel of land (refer Attachment 1). Council subsequently resolved to invite these respective owners to provide further information to assist in determining which owner should be eligible to purchase the land if Council resolved to sell.

This report is for Council to consider the further information provided by the owners and make a decision to allow the sale of the eastern section of the discontinued laneway to progress.

RECOMMENDATION

That Council:

- 1. Following assessment of the further information provided by the adjoining land owners Parklane Estate Pty Ltd, owner of 2-4 Short Street Traralgon from Urban Town Developments Pty Ltd, owner of 31-33 Shakespeare Street, Traralgon, resolves to sell the land at the rear of these properties to Parklane Estate Pty Ltd;**
- 2. Authorise the Chief Executive Officer to negotiate the terms and conditions of the Contract of Sale including the satisfaction of Gippsland Water's requirement of an easement;**
- 3. Authorise the Chief Executive Officer to sign and seal all documentation associated with the sale and transfer of the land (Contract of Sale and Transfer of Land); and**
- 4. Notifies both Parklane Estate Pty Ltd and Urban Town Developments Pty Ltd of Council's decision.**

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 former City of Traralgon formally discontinued the laneway that ran between Collins Street and Bourke Street and at the rear of 2-12 Short Street and 23-33 Shakespeare Street, Traralgon, in August 2004. The former laneway had previously been incorporated into the adjoining properties, (refer Attachment 2).

In July 2016, an application for a planning permit was received from the current owner of 2-4 Short Street for the use and development of a warehouse that proposed to utilise the section of the discontinued laneway off Collins Street for rear access to the property.

As part of the internal referral process it was identified that this land is no longer a road and, as it is freehold land owned by Council, the adjoining property owner would need to either enter into an agreement for its use or make application to acquire the land. Such an application from the owner of 2-4 Short Street to purchase was received in September 2016.

The application to acquire was considered by Council at its meeting held on 5 December 2016. Council subsequently resolved to commence the statutory process to give public notice and invite written submissions concerning the potential sale of the discontinued laneway between Collins Street and Bourke Street, Traralgon.

In response to the public notice three submissions were received.

- Both the owners of 23-29 Shakespeare Street and 12 Short Street expressed interest in acquiring the sections of land already incorporated into their properties.
- With respect to the land behind 2-4 Short Street and 31-33 Shakespeare Street a submission was received from the owner of 31-33 Shakespeare Street, Urban Town Developments Pty Ltd, expressing interest in acquiring the same section of the laneway at the rear of the property.

Having considered the submissions referred to above, Council at its meeting held 13 February 2017 resolved in part to:

- a. sell by private treaty the land incorporated into 23-29 Shakespeare Street and 12 Short Street, Traralgon, and
- b. as there was interest in the same parcel of land at the rear of both 2-4 Short Street and 31-33 Shakespeare Street, to invite expressions of interest from both adjoining property owners that provide the following information:
 - i. Purchase price;
 - ii. Details of proposed site utilisation including design concept of the future use or development of the land;
 - iii. Details of their ability to perform such works;
 - iv. Details of their property development experience;

- v. Confirmation that all expenses including valuation, legal and survey costs associated with the transfer and consolidation of the land will be the responsibility of the purchaser together with all development costs and expenses.

Current Position

Both property owners, Parklane Estate Pty Ltd and Urban Town Developments Pty Ltd, have provided responses to Council's request for further information. Details of the responses provided by the owners are summarised in the table below and included in (refer confidential Attachment 3).

Assessment Criteria	2-4 Short Street Parklane Estate Pty Ltd	31-33 Shakespeare Street Urban Town Development Pty Ltd	Officer Comment
Purchase price	Option 1 - Agree to pay amount subject to independent valuation; or Option 2 - \$75 per square metre being \$6,858 (inc. GST)	\$10,000 (no reference to GST)	Neither purchase price meets the independent valuation of \$150 per square metre (exclusive of gst) being \$13,716 (exclusive of GST)
Site utilisation	Planning Permit application has been submitted for 2 Short Street. The Council land will also provide access to the rear of 4 Short Street for off street parking and the proposed industrial development at 2 Short Street.	Development options under review include: <ul style="list-style-type: none"> • Medium to high density apartments • Townhouses • Aged care facility • Serviced apartments • Offices • Office showroom/s • Office warehouse/s • Combination of above. Plans for the Council land include open space landscaping and/or onsite open car parking or a combination of both to compliment the above development options.	Parklane has an immediate plan for the site. Urban has not provided details of the site utilisation. Instead has given a list of possible options which are still under review without any indication of timeframes.

Ability to perform such works	Have undertaken several industrial developments in Traralgon of similar scope (see below).	Building and Development Company based in Melbourne. The owner claims this Company has developed and built a number of developments in Melbourne over the years.	Parkland has demonstrated an ability to perform such works, included details of similar works undertaken and included proposed development details for 2 Short Street. Urban did not provide examples of its ability to perform similar works.
Property Development Experience	Parklane has provided photos of the following recent industrial developments undertaken in Traralgon: <ul style="list-style-type: none"> • 50 Head Street, • 4 Short Street, • 5&7 Short Street • 10 Stratton Drive 	Building and Development Company based in Melbourne. The owner claims this Company has developed and built a number of developments in Melbourne over the years.	Parkland has demonstrated the experience required to undertake similar works and included proposed development details for 2 Short Street. Urban did not provide details of its property development experience.
Confirmation that all expenses will be the responsibility of the purchaser	Confirmed.	Confirmed.	Noted.

Council Officers undertook an evaluation of the information provided by the owners and have formed the opinion that the preferred purchaser is Parklane Estate Pty Ltd.

Based on the evaluation undertaken, Parklane Estate Pty Ltd has demonstrated the following:

- A willingness to pay more consideration to purchase the Council land;
- An ability and capacity and undertake the development works;
- It has immediate plans for the development of the Council land having submitted a planning permit application for 2 Short Street and having completed a development at 4 Short Street;

- Utilisation of the Council land will be beneficial to the general amenity of the area as it is proposed the land will be used for off street car parking and rear access to both 2 and 4 Short Street developments.

STAKEHOLDER CONSULTATION

Public notices were placed in the Latrobe Valley Express giving notice of the proposed sale of land and inviting submissions.

Letters were also sent to the owners of 23-29 Shakespeare Street, 31-33 Shakespeare Street, 12 Short Street as well as Gippsland Water regarding the proposed sale of land.

In response to the public notices responses were received from each of the adjoining property owners and Gippsland Water. Gippsland Water confirmed that there are sewer assets located within the discontinued laneway and it would therefore require a 2 meter wide easement for pipeline or ancillary purposes in its favour (refer Attachment 4).

Council's Statutory Planning team has considered the further information provided by the owners and advised they do not oppose either proposal.

No further public consultation was required as Council had previously satisfied the legislative requirements of the *Local Government Act 1989*.

FINANCIAL AND RESOURCE IMPLICATIONS

Parklane Estate Pty Ltd has agreed to pay the purchase price as calculated by an independent licensed valuer. This satisfies the *Local Government Act 1989* and the Council's *Sale of Council Property Policy and Procedure*. Should Council resolve to sell the land, Parklane Estate Pty Ltd has agreed to pay all valuation, legal and survey costs associated with the transfer and consolidation of the land.

Costs associated with the statutory process are minimal, being the cost of notices in the Latrobe Valley Express inviting public comment and officer resources in the preparation of reports.

In accordance with the *Local Government Act 1989* and the Council's *Sale of Council Property Policy and Procedure* an independent valuation of the land was obtained. This valuation provided an indicative sale price of \$200 (exclusive of GST) per square metre with a discount of 25% applied to collectively reflect the restriction on use and limited potential of the land. Accordingly, the sale price is \$150 per square metre (excluding GST). A copy of the independent valuation report is provided for information (refer confidential Attachment 5).

RISK IMPLICATIONS

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

CONCLUSION

Council originally resolved to discontinue the laneway between Collins Street and Bourke Street in 2004 as it was previously determined that this laneway was surplus to Council and community requirements.

Council then, at its meeting held on 13 February 2017, resolved to sell part of the land by private treaty to the adjoining property owners at 12 Short Street and 33-35 Shakespeare Street.

At this same meeting, Council also considered two submissions for the acquisition of the same parcel of land at the rear of 2-4 Short Street and 31-33 Shakespeare Street. Council subsequently resolved to invite these respective owners to provide further information to assist in determining which owner should be eligible to acquire the land, if Council resolved to sell.

The further information was subsequently provided by the owners and assessed by Council Officers who recommend that the land be sold to Parklane Estate Pty Ltd for the reasons outlined above.

SUPPORTING DOCUMENTS

Nil

Attachments

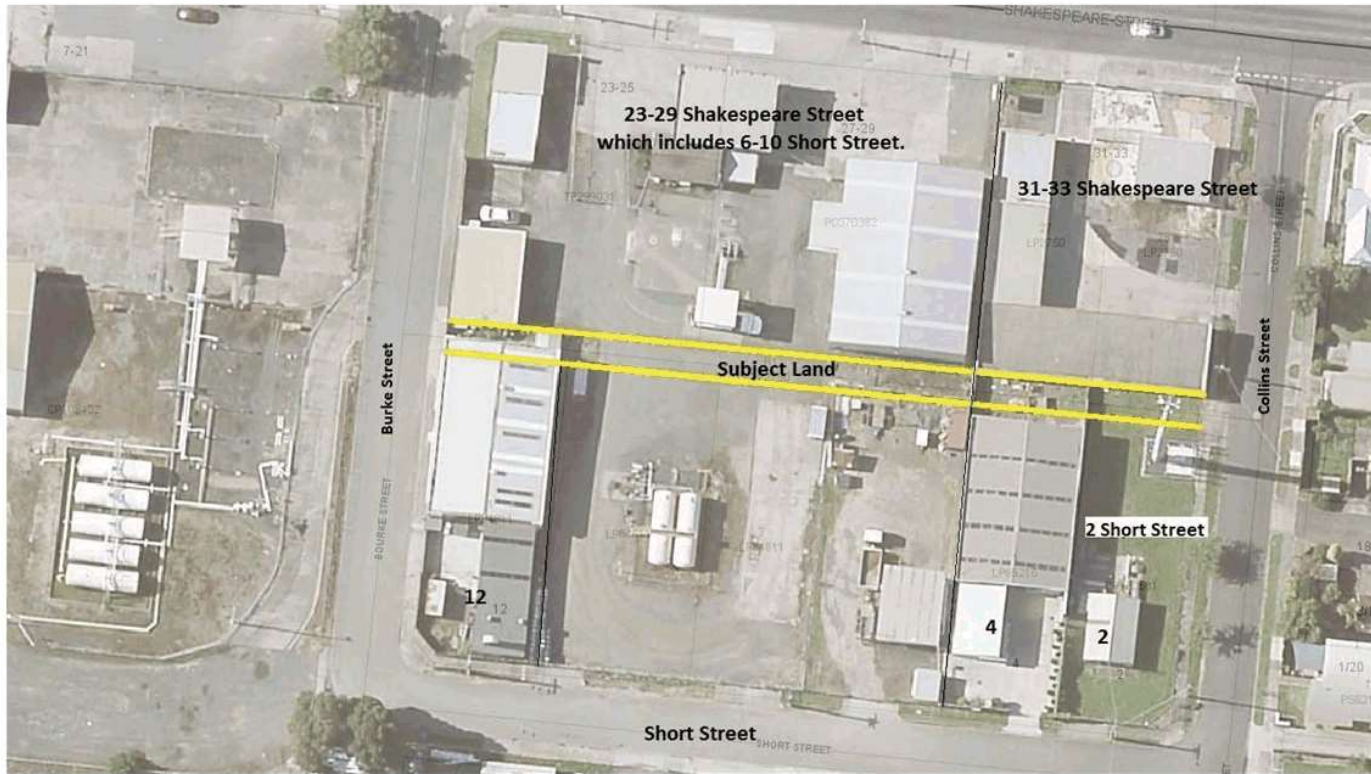
- 1 [↓](#). Subject land
- 2 [↓](#). Short Street Aerial
3. Owners further information (Published Separately) (Confidential)
 - 4 [↓](#). Gippsland Water Response
5. Lee Property Valuation (Published Separately) (Confidential)

10.3

Proposed Sale of Land - Short Street Traralgon

1	Subject land	47
2	Short Street Aerial	49
4	Gippsland Water Response	51





15 December 2016

220807

Peter Schulz
Property & Statute Officer
Latrobe City Council
P.O. Box 264
MORWELL VIC 3840

Dear Peter,

**RE: Proposed laneway closure between Collins & Bourke Street
Traralgon**

We refer to your email dated 13 December 2016 and advise that Gippsland Water **consents** to the discontinuance of the above laneway being closed by Council.

Gippsland Water has sewer assets located within the laneway to be discontinued as shown on the attached asset plan.

Please note: There are no issues with the sewer assets but Gippsland Water requires a 2 metre wide easement along the northern boundaries of the new title. The easements must be created for Pipeline or Ancillary Purposes in favour of Central Gippsland Region Water Corporation.

If you have any queries in the matter please contact the Statutory Planning Team on 5175 7488.

Yours sincerely



Nigel Gerreyn
MANAGER PROPERTY SERVICES



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Telephone: (03) 5177 4600
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CORRESPONDENCE

11. CORRESPONDENCE

Nil reports

PRESENTATION OF PETITIONS

12. PRESENTATION OF PETITIONS

Nil reports

CHIEF EXECUTIVE OFFICE

13. CHIEF EXECUTIVE OFFICE

Nil reports

CITY DEVELOPMENT

14. CITY DEVELOPMENT

14.1 Submission regarding Public and Shared Housing Planning Reforms

General Manager

City Development

For Decision

EXECUTIVE SUMMARY

The purpose of this report is to endorse (retrospectively) Latrobe City Council's submission to the State Government's proposed planning reforms to facilitate public housing, community care accommodation and improving rules for rooming houses. Due to the tight timeframes in which submissions were required (a period of four weeks) the submission summarises issues raised by Councillors at the briefing of 5 June 2017. Council's submission is included as Attachment 1 to this report.

RECOMMENDATION

That Council endorse the Latrobe City Council submission to the Department of Environment, Land Water and Planning (DELWP) regarding the proposed reforms in relation to public and shared housing within the Victoria Planning Provisions (VPP).

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

A presentation to Councillors on the background to the proposed reforms was undertaken at the Councillor Briefing of 5 June 2017. Due to the tight timeframes in which submissions were required, the comments at the Councillor Briefing were compiled, a draft submission was circulated to Councillors for comment and the submission included as Attachment 1 to this report was lodged. The submission is now ready for retrospective Council endorsement.

As detailed in the Councillor Briefing, the Minister for Planning is considering reforms to the Victoria Planning Provisions (VPP) to provide permit exemptions or streamline permit application processes for specified accommodation land uses. Three new particular provisions can be summarised as follows:

Facilitation of public housing

The reform proposes to streamline the permit process for the development of no more than 10 dwellings on a lot by or on behalf of a public authority such as the Department of Health and Human Services (DHHS). It exempts assessment under

Clause 55 (ResCode) and car parking requirements if specified requirements are met. In addition, it exempts an application from notice of review requirements.

Community care accommodation (which supersedes community care unit and crisis accommodation)

The provision provides permit exemptions for the use and development of land for community care accommodation where it is funded or provided by or on behalf of a public authority such as DHHS if specified requirements are met. It exempts an application from notice and review requirements.

Rooming House which supersedes shared housing

The proposed provisions see the term 'shared housing' replaced by the term 'rooming house' which clarifies that other land uses (such as a backpackers accommodation) cannot benefit from the provision. The provision provides a permit exemption for use and development for a rooming use where specified requirements are met supporting the development of domestic scale rooming houses. The requirements include limits of 12 persons, 8 bedrooms and a gross floor area of 300 square metres. It exempts the notice and review requirements for applications by public authorities.

Key points and issues

A Latrobe City Council submission was written in response to the invitation from the State Government which summarises issues raised by Councillors. The submission highlights the following key points:

- The aspects of the proposed reforms which address the existing ambiguity in permit exemptions for use and development of shared housing are a positive improvement to the provisions.
- The limited assessment criteria of public and shared housing against the requirements of Clause 55 (Two or More Dwellings on a Lot and Residential Buildings) and Clause 52.06 (Car Parking) will lead to a poor quality built outcome and reduced amenity for the end user compared to private housing developments.
- Providing exemption from notice and review for rooming houses and community care accommodation (if the application is by or on behalf of a public authority) is of concern as this results in the community being removed from the permit process and exercising their existing right to make a submission in relation to large scale proposals, which contributes to a more informed planning process.
- Latrobe City Council is actively working on a number of compliance matters related to boarding houses, and it is often found that operators have disregard for the relevant regulations, which results in an unacceptable outcome for the community and also to the health and safety of the patrons of these premises.
- Overall, Latrobe City Council is not supportive of a further relaxation of the provisions to facilitate the increased availability of social housing within the community for individuals with complex and varied high support needs. Any

changes to the planning provisions should not to impinge on the health and wellbeing of others in Latrobe City without appropriate and ongoing support services and job opportunities.

STAKEHOLDER CONSULTATION

The submission in response to the proposed reforms has come about as a result of the current consultation being undertaken by DELWP on behalf of the Minister for Planning, and submissions were called for by 16 June 2017.

Councillors were invited to contribute through a presentation on the background to the proposed reforms at the Councillor Briefing of 5 June 2017. As a result of the Councillor Briefing and the circulation of the draft submission to Councillors, the attached submission is ready for retrospective Council endorsement.

FINANCIAL RESOURCES IMPLICATIONS

Whilst there would be no direct financial and resource implications if Council did not contribute a submission to DELWP, there could be significant implications on resources that may be channelled into compliance with planning and building regulations if the number of rooming houses increases. Further, it is envisaged that Council resources would be spent on dealing with calls from the public about the lack of community consultation and the absence of third party appeal rights associated with new public housing being established in Latrobe City Council.

RISK IMPLICATIONS

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

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

CONCLUSION

A submission has been prepared on behalf of Council to the State Government's proposed planning reforms to facilitate public housing, community care accommodation and improving rules for rooming houses, and is ready for retrospective endorsement by Council. The submission summarises issues raised by Councillors at the briefing of 5 June 2017.

SUPPORTING DOCUMENTS

Nil

Attachments

- 1 [↓](#). Council's Submission Regarding Public and Shared Housing Reforms

14.1

Submission regarding Public and Shared Housing Planning Reforms

- 1 Council's Submission Regarding Public and Shared
Housing Reforms..... 63**

Ref No: Doc no. 1657800
GVD:JR

16 June 2017

Andrew Grear
Executive Director – Planning, Building and Heritage
C/- Gippsland Regional Office
71 Hotham Street
TRARALGON VIC 3844



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Dear Andrew

SUBMISSION REGARDING PUBLIC AND SHARED HOUSING REFORMS

I refer to your letter received on 23 May 2017 in relation to the proposed planning reforms to facilitate public housing, community care accommodation and improving rule for rooming houses.

Latrobe City is a municipality with well acknowledged challenges and ours is a community home to many individuals – both young and old – facing difficult and complex social, health and support needs on a daily basis. Latrobe City Council is aware of need to increase the supply of social housing in Victoria. That being said this needs to be balanced with providing the necessary support services to support any increases in social housing.

The follows points address Latrobe City Councils submission on these reforms:

- **Removing ambiguity regarding permit exemptions for shared housing**

Latrobe City Council considers that aspects of the proposed reforms which address existing ambiguity regarding permit exemptions for use of development of shared housing are positive and provide clarity to Council and the wider community.

- **Reduced design standards for public and shared housing**

Latrobe City Council is concerned with the limited assessment criteria of public and shared housing against the requirements of Clause 55 (Two or More Dwellings on a Lot and Residential Building) and Clause 52.06 (Car Parking) and reduced amenity for the end user compared to private housing developments. This will lead to a poor quality built outcome and it is considered that public and shared housing should have to address the same design standards as private developments which will also benefit the future occupants of these developments.

- **Exemption from third party notice and review**

Similarly, providing exemptions from notice (advertising of an application) and review (reviews to the Victorian Civil and Administrative Appeals Tribunal) for rooming house and community care accommodation proposals if the application is by or on behalf of a public authority including a public authority established for a public purpose is a concern that will most likely lead to issues. The removal of notification and third party appeal rights would result in the community being removed from the permit process and exercising their existing democratic right to make a submission in relation to large scale proposals which contributes to a more informed planning decision.

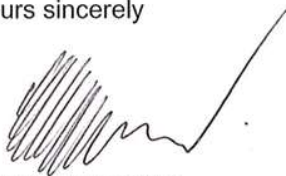
Latrobe City Council is actively working on a number of compliance matters related to boarding houses in particular due non-compliance with planning permit conditions. In a lot of these instances it is found that the operators have complete disregard to relevant planning permit conditions and essential safety measure requirements as per the building regulations. This results in an unacceptable outcome to the community and also to the health and safety of the patrons of these premises.

In conclusion, Latrobe City Council is not supportive of further relaxation in provisions to facilitate the increased availability of social housing within our community for individuals with complex and varied high support needs who require significant levels of assistance in order to participate independently in community life and to not impinge the health and wellbeing of others in Latrobe City without appropriate and ongoing support services, and job opportunities.

Latrobe City Council considers that the proposed reforms are excessive and without complimentary reforms in other related areas will lead to a poor outcome for our community.

If you have any enquiries regarding this matter, please contact Jody Riordan Coordinator Statutory Planning team of Latrobe City Council by e-mail Jody.riordan@latrobe.vic.gov.au or on (03) 5128 6178.

Yours sincerely



GARY VAN DRIEL
Chief Executive Officer

**14.2 Planning Scheme Amendment C85 - Crinigan Road, Morwell -
Consideration of Planning Panel Report**

General Manager

City Development

For Decision

EXECUTIVE SUMMARY

Planning Scheme Amendment C85 (the Amendment) proposes to rezone land at Crinigan Road, Morwell from Farming Zone to General Residential Zone – Schedule 1 and apply the Development Plan Overlay – Schedule 5. See Attachment 1 for proposed Zoning and Overlay maps.

In accordance with the prescribed processes under the *Planning and Environment Act 1987* (the Act), the Amendment was placed on public exhibition from 30 October 2014 to 8 December 2014. During this period, six submissions were received including two objections which related to loss of rural amenity and bushfire risk. Following the exhibition period, an outcome with the proponent was sought in order to resolve the objections received. The submission relating to loss of rural amenity was subsequently withdrawn in August 2016.

As the submission of concern relating to bushfire risk remains outstanding, at the Ordinary Council Meeting held on 13 February 2017, Council resolved to appoint a Planning Panel to consider submissions to the Amendment and prepare a report.

The Planning Panel Hearing was held on 15 May 2017 and a recommendation report was issued on 19 May 2017.

In summary the Panel supported the rezoning of Crinigan Road, Morwell as exhibited, subject to the Bushfire Management Overlay (BMO) being applied to the site before the Amendment is gazetted. The Panel recommends that the BMO is the most appropriate planning tool in order for the site to respond to the expanse of plantations directly to the north of the subject site.

In accordance with the recommendations of the Panel, it is recommended that Council adopt the Amendment as exhibited, subject to the BMO being applied to the subject site prior to the amendment being gazetted.

RECOMMENDATION

That Council:

- 1. Having considered the Planning Panel reports recommendations, adopts Amendment C85 in accordance with Section 29 of the *Planning & Environment Act 1987*;**
- 2. Submits Amendment C85 once adopted to the Minister for Planning for approval, in accordance with Section 35 of the *Planning and Environment Act 1987*;**
- 3. Requests that the Minister for Planning not approve Amendment C85 until such time as the Bushfire Management Overlay applies to Crinigan Road (Lot 1, PS 634891 Volume 10581 Folio 877); and**
- 4. Advises those persons who made a written submission to Amendment C85 of Council's decision.**

DECLARATION OF INTERESTS

The Manager Recreation, previously Manager Planning Services, declared an indirect conflict of interest under section 78 of the *Local Government Act 1989*. In order to ensure unbiased advice to Council, the Manager Recreation was not involved in the preparation of this report.

DISCUSSION

The subject land is known as Crinigan Road, Morwell (Lot 1, PS 634891 Volume 10581 Folio 877) and comprises part of an allotment totaling 36.42 hectares of which the subject site comprises approximately 24 hectares. The site comprises part of the total 80 hectares of land that forms the Crinigan Road Development Plan (CRDP) which was endorsed by Council on 17 December 2012. A site context map is provided at Attachment 2.

The site includes part of the remaining section of the CRDP that is still in the Farming Zone and is identified for future residential development in the Morwell Structure Plan (Clause 21.05 of the Latrobe Planning Scheme).

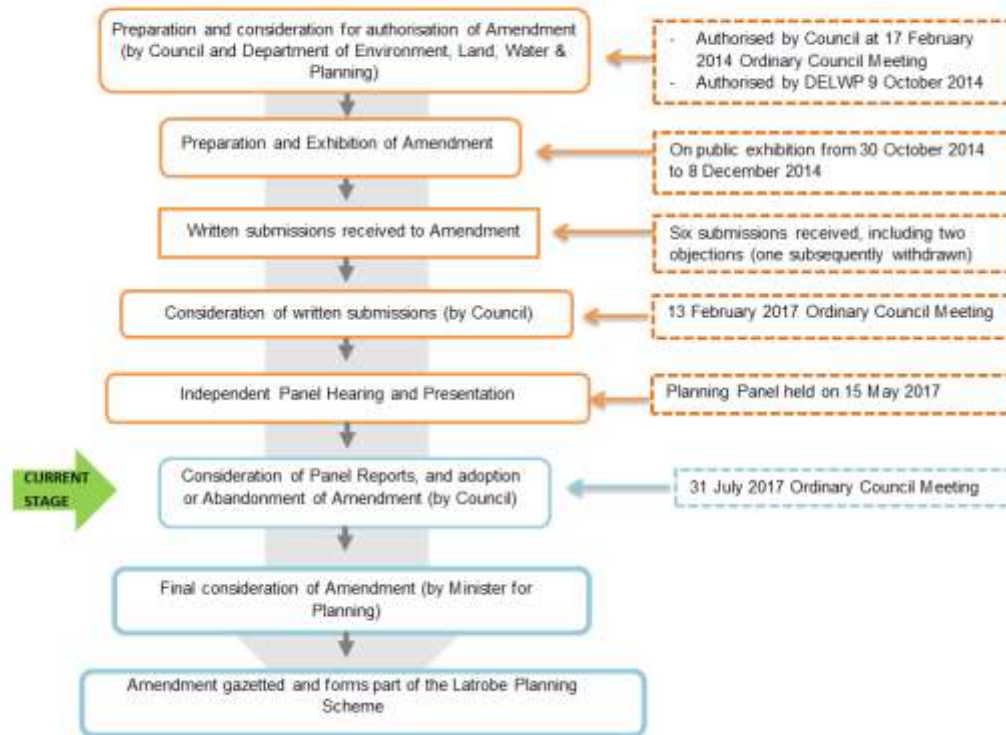
Planning Scheme Amendment C85

The Amendment proposes to:

- Rezone land located north of Crinigan Road and west of Alexanders Road from Farming Zone to General Residential Zone – Schedule 1; and
- Apply the Development Plan Overlay – Schedule 5.

Figure 1 below provides an overview of the planning scheme amendment process and an indication of the current stage of the Amendment.

Figure 1 – Amendment C85 – Planning Scheme Amendment Process



The Amendment was requested by NBA Group on behalf of DiFabro Pd Pty Ltd in September 2013.

At the Ordinary Council Meeting held on 17 February 2014, Council resolved to seek the Minister for Planning's Authorisation to prepare and exhibit the proposed Amendment.

Authorisation for the Amendment was received on 16 April 2014, with a condition that the Amendment not be placed on exhibition until a determination from the Advisory Committee for Amendment C84 (application of the new residential zones) had been received. This determination was formally gazetted on 9 October 2014.

The Amendment was placed on public exhibition from 30 October 2014 to 8 December 2014 (approximately five weeks). Six submissions were received, including two objections relating to loss of rural amenity and bushfire risk. Please refer to the Stakeholder Consultation section of this report for further detail.

Following the exhibition period, an outcome with the proponent was sought in order to resolve the concerns of submitters, but unfortunately the submissions were unable to be resolved and subsequently the Amendment was required to proceed to a Planning Panel for consideration.

In May 2015, the proponent provided written advice to Latrobe City Council confirming that their client wished to abandon the Amendment due to the costs of proceeding to a Planning Panel. Following this advice, in August 2016 the landowner

of the Amendment subject site, Grand Ridge Plantations Pty Ltd advised Latrobe City Council that they wish to become the proponent.

Since becoming the proponent, the landowner has resolved the submission of concern relating to the loss of rural amenity, with the submitter notifying Latrobe City Council on 14 August 2016 that they wish to withdraw their objection to the Amendment. As a result, only one submission remains outstanding which relates to bushfire risk from the Country Fire Authority (CFA). In particular, the CFA's concerns relate to the absence of appropriate planning controls (i.e Bushfire Management Overlay) given the risk presented by the expanse of plantations to the north of the subject site.

As a submission to the Amendment is outstanding, at the 13 February 2017 Ordinary Council Meeting, Council resolved the following:

That Council:

- 1. Having considered all written submissions received to Amendment C85 requests the Minister for Planning establish a planning panel to consider submissions for Amendment C85 and prepare a report; and*
- 2. Advises those persons who made written submissions to Amendment C85 of Council's decision.*

Planning Panel

No Directions Hearing was held at the decision of the Panel. The Planning Panel Hearing was held on 15 May 2017 and heard submissions from Latrobe City Council, the proponent and the CFA. The sole discussion point of the Planning Panel was around the appropriate mechanism to apply bushfire management controls to the subject site.

The Panel recommendations were received on 19 May 2017 (see Attachment 3) and were made available to the public for viewing on 1 June 2017.

The Planning Panel report states that the '*Amendment is strategically justified by the Morwell Structure Plan*' and made the following recommendations:

"The Panel recommends that Latrobe Planning Scheme Amendment C85 be adopted as exhibited, subject to a Bushfire Management Overlay being applied to the site prior to the Amendment being gazetted.

The Panel further recommends that Council defer consideration of the Amendment until its July or August 2017 Council meeting to allow time for the Statewide Bushfire Management Overlay mapping changes to be applied. In the event that the Bushfire Management Overlay is applied prior to considering the Amendment, then a conditional adoption is not required."

The Panel recommendations relate to the state wide review of the BMO that is currently underway and forms part of Planning Scheme Amendment GC13. The Amendment subject site is included within the state wide review as it meets the BMO mapping criteria. These include: areas of vegetation (except grasslands) that are four hectares or more in size, with a 150 metre buffer area and areas where the surrounding landscape presents a significant bushfire hazard. See Attachment 4 for the draft BMO mapping and the extent of the current BMO.

The Department of Environment, Land, Water and Planning have advised all Victorian councils that Amendment GC13 is to be seriously entertained as its implementation is expected in August 2017.

If GC13 is not implemented in a timely manner, the Panel recommends that the BMO be applied via a separate amendment before the Amendment is gazetted.

In accordance with section 30(1) of the *Planning and Environment Act 1987*, the Amendment was due to lapse on 30 October 2016, two years after the date of publication of the notice in the Government Gazette. The Department of Environment, Land, Water and Planning has granted an extension of time under section 30(1)(a)(ii) of the Act to allow Council additional time to consider the Amendment. Council must now consider whether to adopt or abandon the Amendment by no later than 27 August 2017.

The options available to Council are:

1. Adopts Amendment C85 as exhibited, subject to the BMO being applied prior to gazettal, in accordance with the Planning Panel's recommendation;
2. Adopts Amendment C85, without conditions; or
3. Abandons Amendment C85.

Statutory Requirements

In accordance with the Act, the municipal council, as a planning authority, has a number of duties and powers. These duties and powers are listed at Section 12 of the Act. Under Section 12 a planning authority must have regard to (*inter alia*):

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

The Amendment has had regard and is consistent with the requirements of Section 12 of the Act. In addition, each amendment must address the Department of Transport, Planning and Local Infrastructure publication *Strategic Assessment Guidelines for Planning Scheme Amendments July 2014*.

The Amendment proposal, with some changes in response to bushfire, is consistent with the State Planning Policy Framework and the Municipal Strategic Statement (MSS). A response to these guidelines is outlined in the Explanatory Report at Attachment 5.

STAKEHOLDER CONSULTATION

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

The Amendment was placed on public exhibition during the period of 30 October 2014 to December 2014 (approximately five weeks).

The Amendment was exhibited in the following manner:

- Notification was sent by mail on 28 October 2014 to all landowners and occupiers directly affected by the Amendment (119 letters sent in total).
- Notification was sent to public authorities on 28 October 2014 and prescribed Ministers on 13 October 2014.
- Notice appeared in the Government Gazette on 30 October 2014.
- Notice appeared in the Latrobe Valley Express on 3 November and 20 November 2014.
- Displayed on Latrobe City Council's website and hard copies available to be viewed at all Latrobe City Council Service Centres (content is still available for viewing online).
- Displayed on the Department of Transport, Planning and Local Infrastructure website (now Department of Environment, Land, Water & Planning).

Public Submissions

A total of six written submissions were received to the Amendment, consisting of:

- Three from referral agencies
 - One objection relating to bushfire risk (Country Fire Authority); and
 - Two support with comments (APA Group and West Gippsland Catchment Management Authority).
- Two submissions of support from local businesses; and
- One objection from a neighbouring landowner in relation to the loss of rural amenity to the area. (This submission was subsequently withdrawn on 14 August 2016.)

It is acknowledged that some time has passed since the Amendment was on public exhibition. This is due to the time taken in attempting to resolve objections received and also because there was a change in proponent for the Amendment in August 2016. As some time has passed, all new landowners within the Amendment notification area were informed of the Planning Scheme Amendment proposal in February 2017 (five letters sent).

All submissions were considered by the Panel at the Hearing held on 15 May 2017 at Latrobe City Council's Traralgon Service Centre. The Panel Report was received on 19 May 2017 (see Attachment 3) and was sent to all submitters and made available to the public for viewing on 1 June 2017.

FINANCIAL AND RESOURCE IMPLICATIONS

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2016*. The costs associated with a planning scheme amendment include: considering a request to amend a planning scheme,

consideration of submissions, providing assistance to a panel and adoption and approval of an amendment.

Statutory fees associated with the Amendment will be met by the proponent.

RISK IMPLICATIONS

Risk has been considered and the following risks have been identified should Council choose not to progress the Amendment:

- The policy direction within Clause 21.05 (Main Towns) of the Latrobe Planning Scheme which shows the subject site as 'Future Residential' would not be implemented.
- The implementation of the endorsed *Crinigan Road Development Plan* would be delayed.
- It is noted that in accordance with section 30(1) of the Act, the Amendment will lapse on 27 August 2017, if Council has not considered the Amendment by this date. Therefore, if Council choose to defer the Amendment, a decision would need to be made prior to 27 August 2017 or the Amendment will lapse.

CONCLUSION

Planning Scheme Amendment C85 proposes to rezone land at Crinigan Road, Morwell from Farming Zone to General Residential Zone – Schedule 1 and apply the Development Plan Overlay – Schedule 5.

Of the six submissions received in relation to the Amendment, one remains outstanding which relates to bushfire risk. At the Ordinary Council Meeting held on 13 February 2017, Council resolved to appoint a Planning Panel to consider the submissions to the Amendment.

The Planning Panel was held on 15 May 2017 and the recommendations of the Panel were received on 19 May 2017.

The Panel recommends that Council support the rezoning of Crinigan Road, Morwell as exhibited, subject to the BMO being applied. The BMO is intended to be applied to the subject site through Planning Scheme Amendment GC13, which introduces updated BMO mapping in areas throughout Victoria (expected in August 2017).

It is recommended that Council adopt in full the recommendations of the Planning Panel.

SUPPORTING DOCUMENTS

Crinigan Road Development Plan

Amendment C85 Background Report (Prepared by NBA Group)

Amendment C85 Submissions (Confidential)

Latrobe Council Submission to Planning Panels Victoria

Attachments

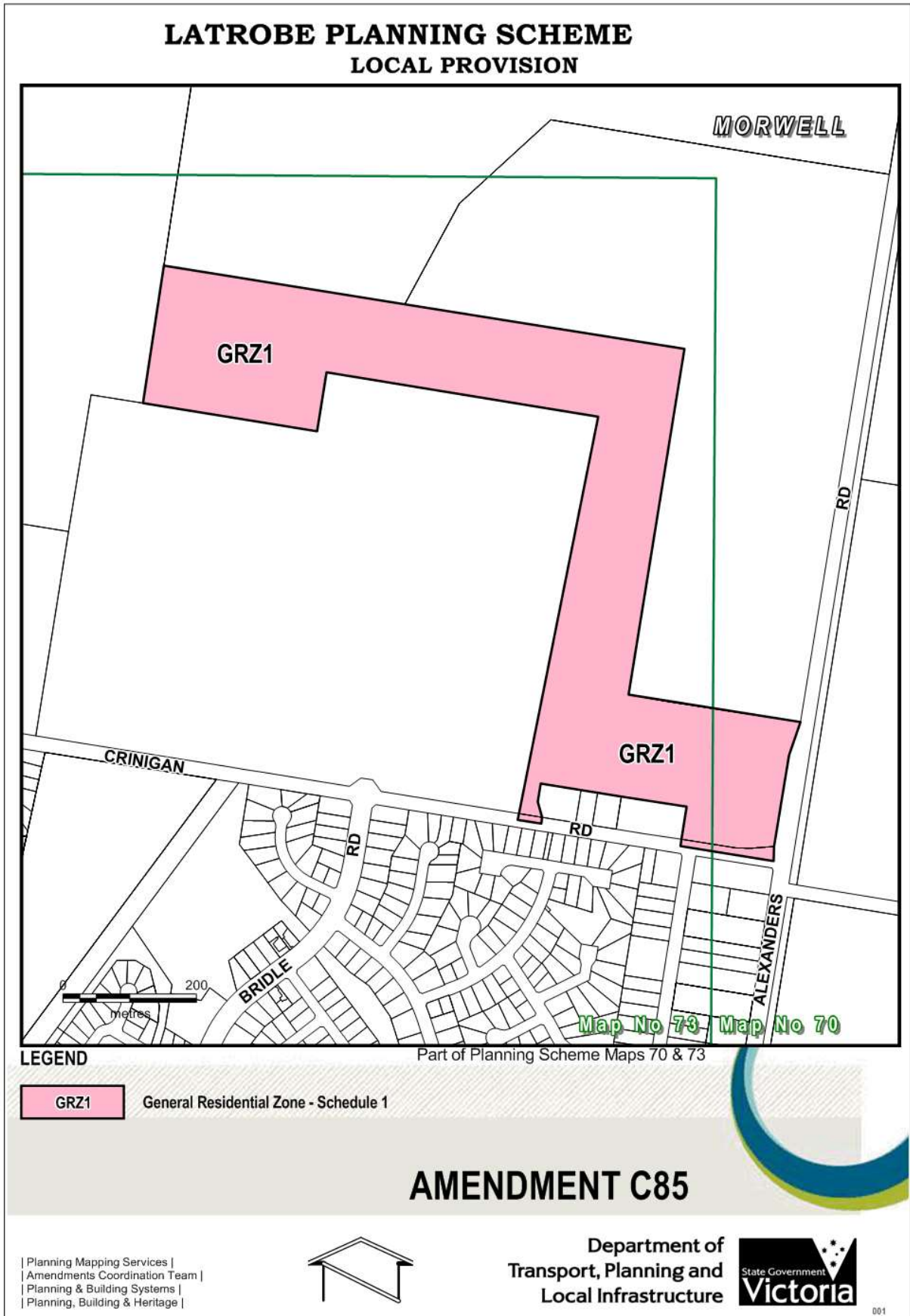
1 [↓](#). Proposed Zoning and Overlay Maps

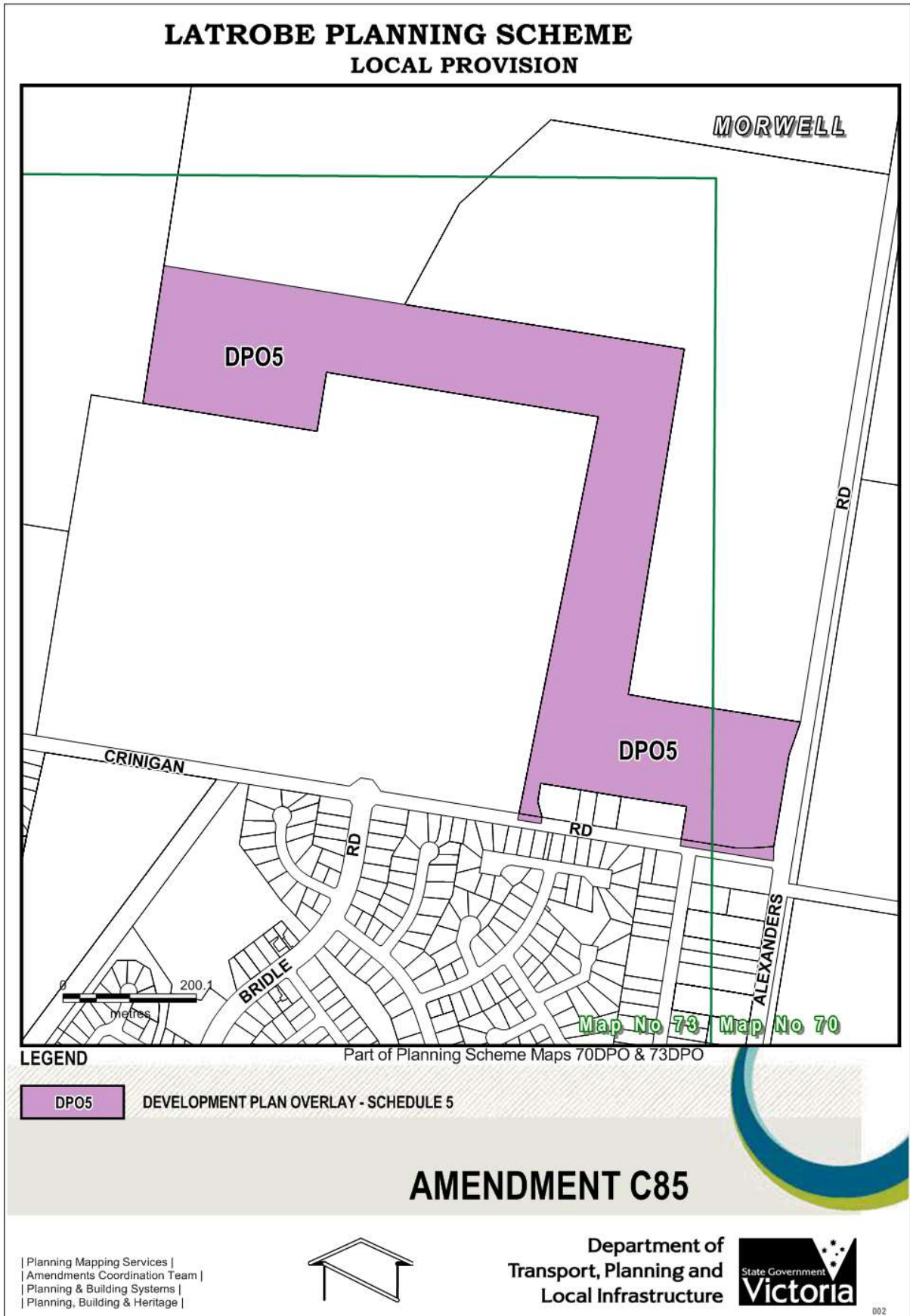
- 2. [Amendment C85 Subject Site - Site Context](#)
- 3. [Planning Panel Report \(Recommendations\)](#)
- 4. [Current & Proposed Bushfire Management Overlay Mapping](#)
- 5. [Explanatory Report](#)

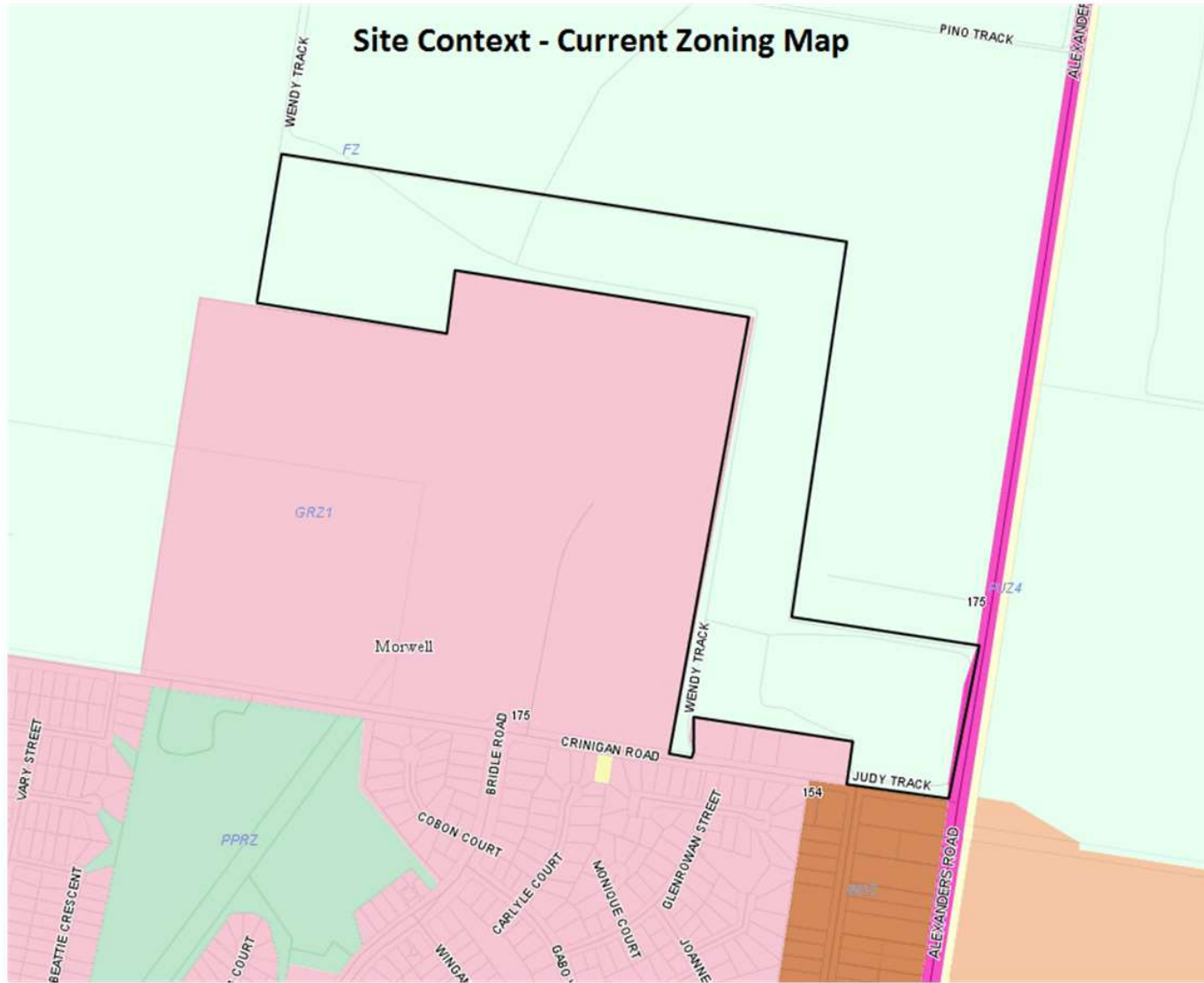
14.2

Planning Scheme Amendment C85 - Crinigan Road, Morwell - Consideration of Planning Panel Report

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Planning and Environment Act 1987

Panel Report

Latrobe Planning Scheme Amendment C85
Crinigan Road, Morwell

19 May 2017



Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Latrobe Planning Scheme Amendment C85

Crinigan Road, Morwell

19 May 2017



Trevor McCullough, Chair

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List of Abbreviations

BMO	Bushfire Management Overlay
CFA	Country Fire Authority
CRDP	Crinigan Road Development Plan
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
GC	General Amendment (applies to more than one Council)
GRZ	General Residential Zone

Overview

Amendment Summary

The Amendment	Latrobe Planning Scheme Amendment C85
Common name	Crinigan Road, Morwell
Brief description	Rezone approximately 24.3 hectares of land on the northern edge of the Morwell Township from the Farming Zone to General Residential Zone and apply the Development Plan Overlay Schedule 5 (DPO5).
Subject site	Lot 1 PS634891 Crinigan Road, Morwell
The Proponent	NBA Group on behalf of Grand Ridge Plantations Pty Ltd
Planning Authority	Latrobe City Council
Authorisation	A02784 authorised on 15 April 2014
Exhibition	30 October to 8 December 2014
Submissions	Number of Submissions: 6: <ul style="list-style-type: none"> • West Gippsland Catchment Management Authority – support • APA Group – no objection • Country Fire Authority (CFA) – objection unresolved • Ms J and Mr D N Alexander - withdrawn • Australian Paper Maryvale - support • Grand Ridge (HVP) Plantations – (landowner) support

Panel Process

The Panel	Trevor McCullough
Directions Hearing	No directions hearing was held
Panel Hearing	Traralgon, 15 May 2017
Site Inspections	Unaccompanied, 15 May 2017
Appearances	<ul style="list-style-type: none"> • Latrobe City Council represented by Ms Kiesha Jones and Ms Lorrae Dukes • CFA represented by Ms Anne Coxon and Mr Jude Kennedy • Grand Ridge Plantations represented by Ms Anna Borthwick
Date of this Report	19 May 2017

Executive summary

(i) Summary

Latrobe Planning Scheme Amendment C85 (the Amendment) seeks to rezone approximately 24.3 hectares of land on the northern edge of the Morwell Township from Farming Zone to General Residential Zone and to apply the Development Plan Overlay – Schedule 5 (DPO5).

Council submitted that the Amendment is required to accommodate the projected population growth for Morwell and will allow a future permit application to be made to develop the land in accordance with the Morwell Structure Plan and the endorsed Crinigan Road Development Plan.

Six submissions were received in response to exhibition of the Amendment, with only one issue, raised by the Country Fire Authority (CFA), remaining unresolved.

All parties agree that the application of a Bushfire Management Overlay (BMO) to the site is the appropriate mechanism to apply bushfire management controls to the site. All parties also agree that the Amendment should not be implemented without appropriate bushfire controls. The only issue that requires the Panel's attention is: the most appropriate mechanism to apply bushfire controls.

The Department of Environment, Land, Water and Planning (DELWP) is currently reviewing the BMO mapping across the State and are proposing to introduce an updated BMO Map through a GC Amendment in the near future. The revised BMO will apply to the subject site. Council is concerned that if it waits until the revised BMO mapping is implemented it will not meet its August 2017 deadline to make a decision on the Amendment.

The Panel has considered alternative options for implementing bushfire controls in the event that the Amendment proceeds ahead of the Statewide revised BMO and has concluded that neither a section 173 agreement nor a revised Development Plan Overlay are suitable options. The Panel prefers that any bushfire controls are applied through a BMO on the site. In the event that the Statewide revised BMO is unreasonably delayed, the Panel believes that Council should consider applying a BMO to the site via a separate amendment. In any event the Panel agrees that the Amendment should not be gazetted until a BMO is applied to the site.

(ii) Recommendations

The Panel recommends that Latrobe Planning Scheme Amendment C85 be adopted as exhibited, subject to a Bushfire Management Overlay being applied to the site prior to the Amendment being gazetted.

The Panel further recommends that Council defer consideration of the Amendment until its July or August 2017 Council meeting to allow time for the Statewide Bushfire Management Overlay mapping changes to be applied. In the event that the Bushfire Management Overlay is applied prior to considering the Amendment, then a conditional adoption is not required.

1 Introduction

1.1 The Amendment

(i) Amendment description

The Amendment seeks to rezone approximately 24.3 hectares of land on the northern edge of the Morwell Township from Farming Zone to General Residential Zone and to apply the Development Plan Overlay – Schedule 5 (DPO5).

More specifically, the Amendment seeks to:

- Rezone part of Lot 1 on PS634891 north of Crinigan Road, Morwell from Farming Zone to General Residential Zone - Schedule 1 (GRZ1).
- Apply the Development Plan Overlay – Schedule 5 (DPO5) Residential Growth Areas to the land zoned General Residential Zone - Schedule 1 (GRZ1) to facilitate the development of the land in accordance with the approved Crinigan Road Development Plan (CRDP).
- Amend Latrobe Planning Scheme Maps 70 and 73.

(ii) Purpose of the Amendment

Council submitted that¹:

The Latrobe City 'Residential and Rural Residential Land Assessment 2009' presents an analysis of the demand and supply of residential land within the municipality. It notes that there is evidence that future population growth in Latrobe may be in excess of recent trends and, therefore, the moderate or high growth scenario should be adopted for the purpose of planning for the future residential and rural residential land requirements in Latrobe. The assessment estimates a forecast demand for Morwell of approximately an additional 1,210 new dwellings over the next 10 years and approximately 1,840 new dwellings over the next 15 years (i.e. from 2008 to 2023).

The Amendment is required to provide the opportunity to assist in accommodating the projected population growth for Morwell. It will allow a future permit application to be made to develop the land in accordance with the State Planning Policy and Local Planning Policy Frameworks and more particularly in accordance with the Morwell Structure Plan and the endorsed Crinigan Road Development Plan (CRDP).

(iii) The subject site

The Amendment applies to land shown in Figure 1. The subject site is situated to the north of Crinigan Road and west of Alexanders Road, Morwell. It is contained within Area 7 of the Morwell Structure Plan. The land is known as part of Lot 1 on PS634891.

¹ From the Explanatory Report.



Figure 1 The subject site

The land is owned by Grand Ridge Plantations Pty Ltd, and currently contains mature plantation timber. The site is proposed to be cleared to enable residential subdivision. The land is currently in the Farming Zone, and the Floodway and Land Subject to Inundation Overlays apply to the northern part of the site.

The Wildfire Management Overlay previously applied to the site, but was removed in 2011. The site is included in the Bushfire Prone Area which would result in future development of the subject site being required to meet minimum bushfire requirements under building legislation.

DELWP are currently reviewing the BMO mapping across the State with a seriously entertained proposal to introduce an updated BMO Map through a General (GC) Amendment in the near future. DELWP are currently engaging with local government and other agencies regarding the mapping. It is proposed to include the subject site in the BMO as part of the mapping review. The extent of the proposed BMO mapping, as shown in Figure 2 covers the subject site plus a further 150 metre 'buffer'.



Figure 2 Proposed BMO on the subject site

1.2 Background to the proposal

Council submitted that the identification of the Crinigan Road area as appropriate for residential development occurred in 2007 through its inclusion in the Morwell Structure Plan, with the area (part of 'Area 7') being referenced as *"the only major parcel of unconstrained land potentially available for future urban growth [in Morwell]."*

The Morwell Structure Plan was introduced by Amendment C62 in January 2010.

The Crinigan Road Development Plan (CRDP), which includes the subject site and other adjoining sites, was approved by Council in December 2012.

1.3 Summary of issues raised in submissions

A total of six written submissions were received in relation to the Amendment, consisting of:

- Three from referral agencies:
 - One objection relating to bushfire risk (CFA)
 - Two supporting submissions with comments (APA Group and West Gippsland Catchment Management Authority).
- Two submissions of support from local businesses
- One objection from a neighbouring landowner in relation to the loss of rural amenity to the area. This submission was subsequently withdrawn.

The CFA's concerns related to the absence of appropriate planning controls (Bushfire Management Overlay) based on the fire risk presented by the expanse of plantations to the north of the subject land.

More specifically, the CFA in their written submission requested a Panel be appointed to determine:

- *whether the Amendment meets the objectives of State Planning Policy Framework – Bushfire (Clause 13.05-1);*
- *if appropriate separation between bushfire hazard and future development on the subject land will be provided; and*
- *the most appropriate mechanism for ensuring bushfire risk is mitigated.*

In their submission to the Hearing, the CFA submitted that the Amendment would meet the objectives of Clause 13.05-1, and appropriate separation would be provided if a BMO is applied to the site. The only remaining issue for the CFA is: the most appropriate mechanism for applying bushfire controls.

1.4 Issues not contested or agreed between the parties

The strategic merits of the Amendment are not contested by any submitters. Council has provided, in the Explanatory Report and in its very comprehensive Part A submission to the Panel, a thorough account of the history of the site and the strategic foundations for the Amendment. The Panel agrees that the Amendment is strategically justified by the Morwell Structure Plan.

Service authorities raised no concerns about the ability to service the land, and the proponent has produced background reports that demonstrate that the land is able to be developed with manageable impacts on infrastructure and the amenity of the nearby area.

Council, the proponent and the CFA agree that the subject site meets the criteria for the application of the BMO. All parties also agree that the preferred mechanism for applying bushfire risk management is via the BMO.

1.5 Outstanding issue

The only remaining issue to resolve is the most appropriate mechanism for applying bushfire controls.

The simplest approach to resolve the outstanding issue would be to wait until the BMO is applied via the Statewide GC amendment. Current advice from DELWP is that this is likely to occur in June or July 2017. Council is concerned that this timeframe is not certain, and that further delays may occur. Council does not support approval of the Amendment without bushfire controls in place, but noted that there is a time constraint on Council's consideration of the Amendment. Council advised that the deadline for Council to make a decision on the Amendment is 27 August 2017. This deadline has already been extended twice, and Council expects that it is unlikely to be extended further.

Council submitted, therefore, that it wished to make a decision about the Amendment at its June or July 2017 Council meeting, and that it would support the Amendment provided that the BMO is in place, or some other mechanism can be put in place to achieve the same outcome. These options are discussed in the next chapter.

2 The most appropriate mechanism for applying bushfire controls

2.1 The issue

All parties agree that the preferred approach is to apply the BMO to the subject site before, or at the same time as, implementing the Amendment.

The issue is what mechanism should be applied to achieve bushfire controls if the broader BMO mapping update is unreasonably delayed.

2.2 Submissions

The following options were discussed at the Hearing:

1. Defer a decision on the Amendment until after the Statewide BMO mapping changes are implemented.
2. Include appropriate bushfire controls in a section 173² agreement.
3. Include appropriate bushfire controls in a DPO schedule.
4. Adopt the Amendment but not gazette it until after the BMO is applied to the site.
5. Apply the BMO to the subject site through a separate amendment.

Council submitted that the first of these options is not preferred as there is no certainty about the timing of the Statewide revised BMO. As discussed in the previous Chapter, Council is conscious of its August 2017 deadline to make a decision on the Amendment.

Council and the proponent submitted that a section 173 agreement may be possible, although implementation may be difficult if and when the site is subdivided.

Ms Borthwick, appearing for the proponent at the Hearing, raised concerns about the practicality of including appropriate controls in a DPO schedule. She noted that DPO5 applied to other sites and so it may not be appropriate to add controls to DPO5. She suggested that it may be possible to use a new DPO schedule, tailored to the site.

Council, the proponent, and the CFA agreed that the fourth option may provide the best option provided that the delay between adoption and gazettal was not unreasonable.

The parties agreed that a BMO could be applied to the site through a separate amendment, but that this would only be necessary if the Statewide BMO changes did not eventuate, or were delayed by longer than three or four months.

2.3 Discussion

The Panel accepts Council's reasons for wanting to make a decision on the Amendment. Having said that, the Panel expects that it is very possible that the Statewide BMO changes may be in place before the July 2017 Council meeting. It might, therefore be prudent for

² Section 173 of the *Planning and Environment Act 1987*.

Council to withhold a decision until its July or August 2017 meeting, to see if the revised BMO is in place.

The Panel does not support the use of a section 173 agreement to implement bushfire management controls. The controls could only be made effective if a section 173 agreement was signed by every landowner after subdivision. The Panel believes this would be a very cumbersome approach.

The Panel agrees that a DPO schedule could, in theory, be used to implement bushfire management controls at the development plan stage. The Panel agrees with Ms Borthwick that the DPO5 should not be modified if this approach is taken. Any such controls included in a DPO schedule would, however, effectively duplicate what would be more appropriately contained in a BMO. The Panel does not recommend this option.

The Panel's preferred approach is for the Amendment to be adopted, but not gazetted until a BMO is applied to the site. There are three possible scenarios:

- A. The Statewide revised BMO is implemented before Council considers that Amendment. In this case Council does not need to place any conditions on adopting the Amendment.
- B. The Statewide revised BMO is implemented within a short timeframe after Council adopts the Amendment. In this case the Panel recommends that Council adopt the Amendment, subject to it not being gazetted until the BMO applies to the site.
- C. The Statewide revised BMO is delayed. In this case the Panel believes that there would be merit in Council initiating a separate amendment to apply a BMO to the site. In this case the recommendation is the same; i.e. that Council adopt the Amendment, subject to it not being gazetted until the BMO applies to the site.

Given the advice from DELWP that the revised BMO is expected to be in place within the next few months, it is expected that option C would not be required, but would always be available to Council as a fall back option. The extent of any BMO applied to the site or an adjoining area would be a matter for Council to consider if a separate BMO is proposed.

2.4 Conclusion

The Panel concludes that the Amendment should be adopted but not gazetted until a BMO is applied to the site. The BMO will most likely be applied to the site via a Statewide amendment within the next few months. Failing that Council should consider applying a BMO to the site via a separate amendment before Amendment C85 is gazetted.

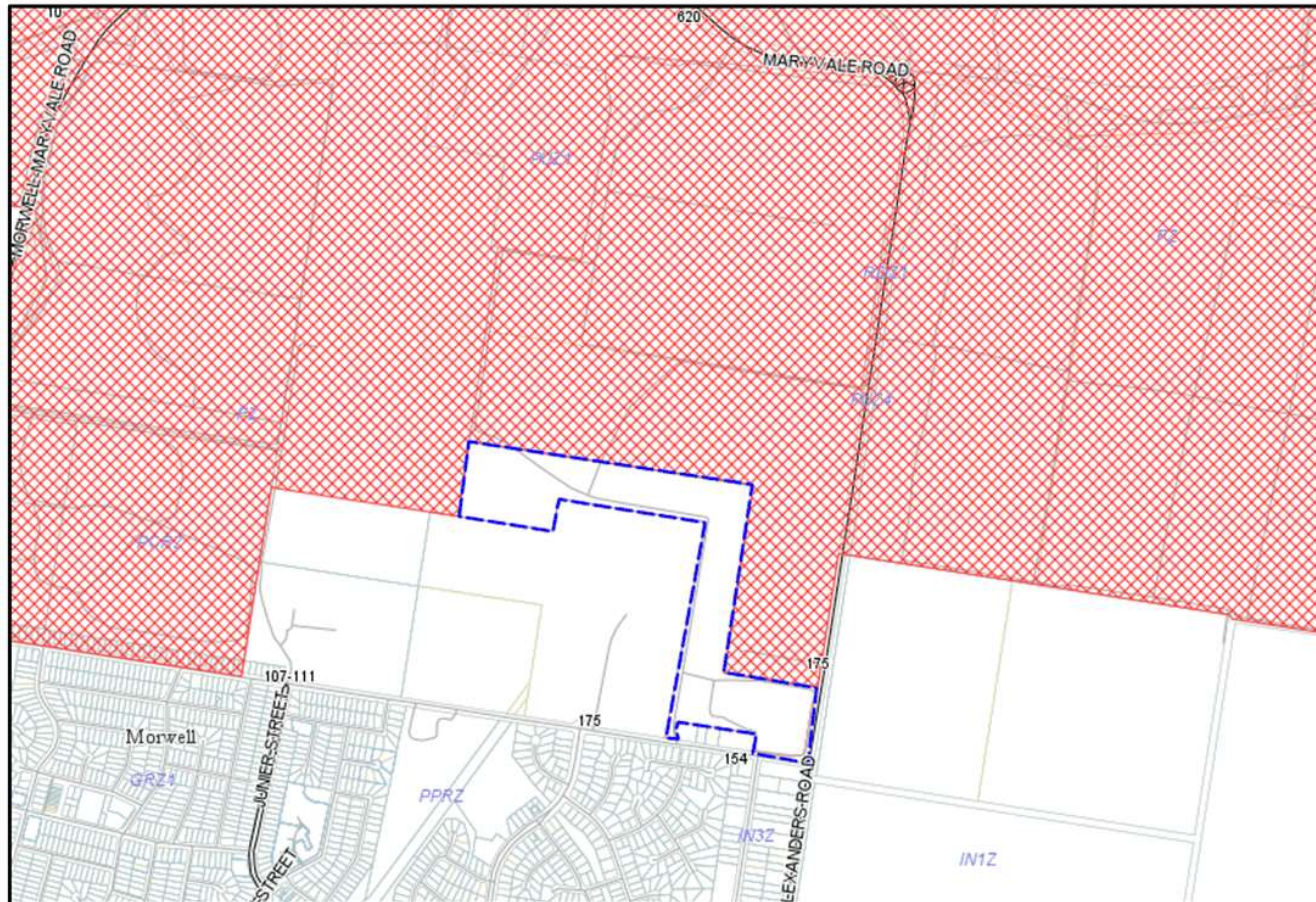
2.5 Recommendation

The Panel recommends that Latrobe Planning Scheme Amendment C85 be adopted as exhibited, subject to a Bushfire Management Overlay being applied to the site prior to the Amendment being gazetted.

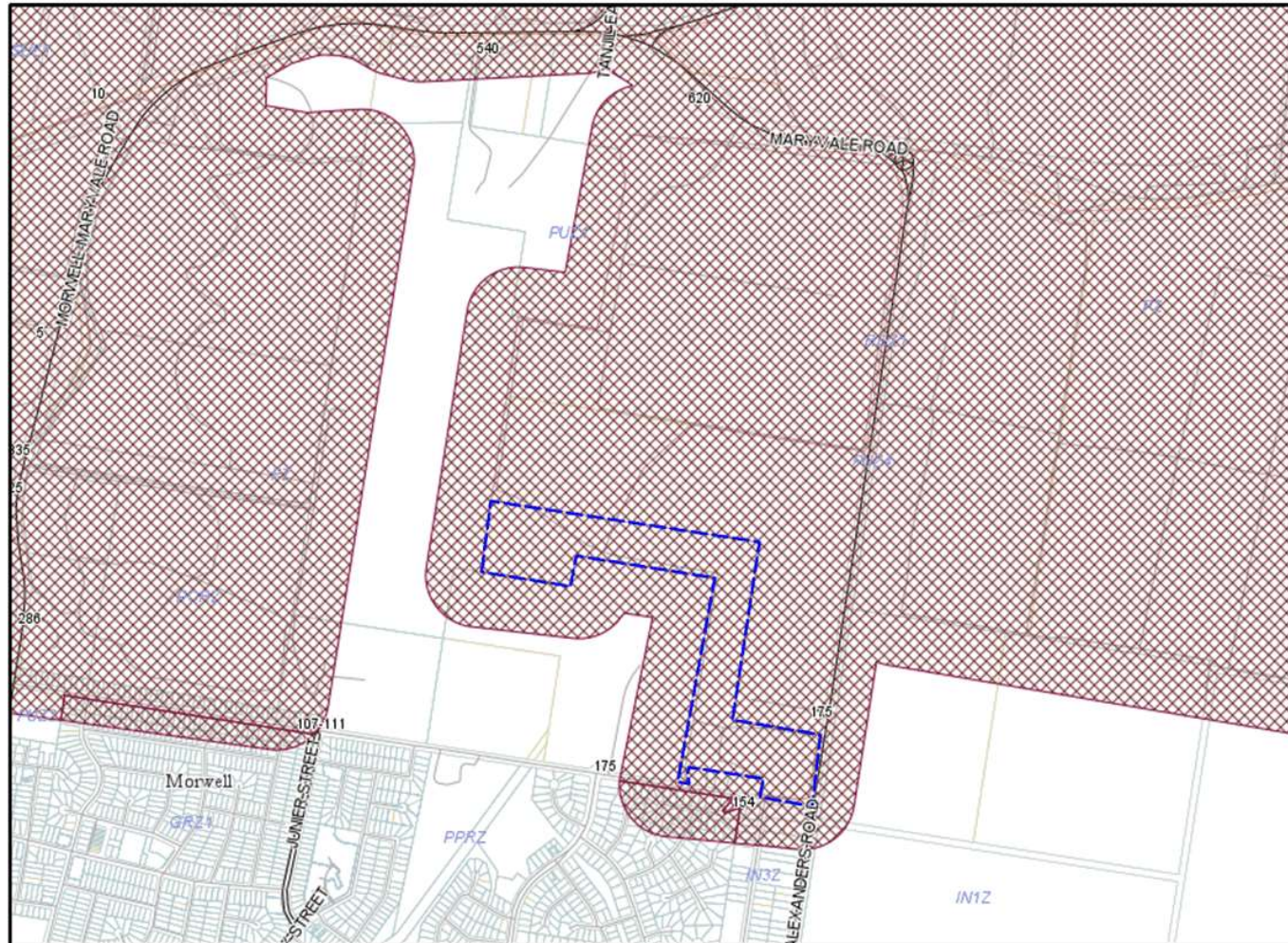
The Panel further recommends that Council defer consideration of the Amendment until its July or August 2017 Council meeting, to allow time for the Statewide Bushfire Management Overlay mapping changes to be applied. In the event that the Bushfire

Management Overlay is applied prior to considering the Amendment, then a conditional adoption is not required.

Current Bushfire Management Overlay – Amendment C85 Subject Site



Proposed Bushfire Management Overlay Mapping – Planning Scheme Amendment GC13



Planning and Environment Act 1987

LATROBE PLANNING SCHEME

AMENDMENT C85

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Latrobe City Council which is the planning authority for this amendment.

The amendment has been made at the request of NBA Group Pty Ltd on behalf of Grand Ridge Plantations Pty Ltd.

Land affected by the amendment

The amendment applies to land situated to the north of Crinigan Road and west of Alexanders Road. It is contained within Area 7 of the Morwell Structure Plan. Formally it is part of Lot 1 on PS634891 and is contained within Certificate of Title Volume 10581 Folio 877.



Outline of land to be rezoned

What the amendment does

The amendment seeks to:

- Rezone part of Lot 1 on PS634891 north of Crinigan Road, Morwell from Farming Zone to Neighbourhood Residential Zone - Schedule 2 (NRZ2) Endorsed Development Plan Areas.
- Apply the Development Plan Overlay – Schedule 5 (DPO5) Residential Growth Areas to the proposed Neighbourhood Residential Zone - Schedule 2 (NRZ2) Endorsed Development Plan Areas to facilitate the development of the land in accordance with the approved Crinigan Road Development Plan (CRDP); and
- Amends Planning Scheme Maps 70 & 73 by placing the Neighbourhood Residential Zone – Schedule 2 and the Development Plan Overlay – Schedule 5 over the subject land.

Strategic assessment of the amendment

• Why is the amendment required?

The Latrobe City 'Residential and Rural Residential Land Assessment 2009' presents an analysis of the demand and supply of residential land within the municipality. It notes that there is evidence that future population growth in Latrobe may be in excess of recent trends and, therefore, the moderate or high growth scenario should be adopted for the purpose of planning for the future residential and rural residential land requirements in Latrobe. The assessment estimates a forecast demand for Morwell of approximately an additional 1,210 new dwellings over the next 10 years and approximately 1,840 new dwellings over the next 15 years (i.e. from 2008 to 2023).

The amendment is required to provide the opportunity to assist in accommodating the projected population growth for Morwell. It will allow a future permit application to be made to develop the land in accordance with the State Planning Policy and Local Planning Policy Frameworks and more particularly in accordance with the Morwell Structure Plan and the endorsed Crinigan Road Development Plan (CRDP). Within the Morwell Structure Plan (included at Clause 21.05 of the Scheme), the site is designated as 'future residential'. Latrobe City Council endorsed the CRDP at its Ordinary Meeting on 12 December 2012 which provides an urban layout over the subject land. The proposed Development Plan Overlay Schedule 5 is intended to provide the statutory mechanism to implement the CRDP over the subject land to ensure the orderly and considered development of the land.

Furthermore the amendment presents the opportunity to increase competition within the housing market and offer a diversity of allotment and housing choice to the population.

• How does the amendment implement the objectives of planning in Victoria?

The objectives of planning in Victoria are (*inter alia*):

- To provide for the fair, orderly, economic and sustainable use and development of land.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- To facilitate development in accordance with the objectives set out in the points above.
- To balance the present and future interests of all Victorians.

The amendment implements the objectives of the *Planning and Environment Act 1987* (the Act) by contributing to the land supply in Morwell to efficiently and effectively meet the community needs now and into the future.

The Morwell Structure Plan and CRDP have each been through an extensive public consultation process which has ensured that the public and key agencies have considered in detail the suitability of the site for urban development, as well as considering a layout for the area. The CRDP creates a framework for a high quality urban environment which meets the needs of the community and provides access to relevant infrastructure and community services.

• How does the amendment address the environmental effects and any relevant social and economic effects?

Environmental Effects

It is considered that the rezoning of the land will have minimal impact on the environmental values of the site. A Native Vegetation Assessment was prepared as part of the preparation of the CRDP and acknowledges that the site is completely planted with a mixture of two Eucalypt species (plantation vegetation). However, as per the definitions within the Native Vegetation Framework it is not considered indigenous and therefore does not require either a permit for removal or offsetting.

A Surface Water Management Strategy was also prepared as part of the CRDP and details appropriate treatment of the two waterways that traverse the site. Preliminary design of retarding basins and wetlands were undertaken in preparation of the CRDP with detailed design to occur at the subdivision stage. It is submitted that the development of the land can occur without detrimental impacts to the waterways, and as such the amendment will not have an adverse environmental impact.

A key consideration in the preparation of both the rezoning and development plan is the interface to industrial land. Numerous discussions have been had between Environment Protection Authority and Australian Paper and Council and an appropriate interface treatment to the nearby industrial areas has been prepared within the CRDP. An indicative odour buffer from the Australian Paper Maryvale Mill has been prepared (although is awaiting endorsement from Council), and the portion of the subject site to be zoned for urban residential purposes is outside the nominated buffer area.

Impacts on natural features such as Waterhole Creek and the designated cultural heritage significant areas have been considered in the background reports informing the CRDP. These documents will be implemented as part of the future subdivision process.

Social and Economic Effects

The proposed amendment has considered the social and economic effects caused by the amendment.

Morwell town centre is located approximately 4.3kms south of the site and contains a variety of township facilities that will service the site. In addition, there is a possible Neighbourhood Activity Centre indicated within the CRDP. Future development of land in accordance with the CRDP will facilitate the provision of integrated services such as road connections, bike and pedestrian links and public open space areas to ensure the new neighbourhood centre is easily accessible.

Economic effects of the amendment are expected to be positive as the future development of the land will provide opportunities for new housing development to assist in affordable housing and choice within the area. There will also be additional job creation throughout the construction stage of the precinct, as well as the additional expenditure resulting from the population increase in the area. It is also expected that once the land is made available for residential development, demand will rise and in turn a positive benefit will be provided to the town through the building industry and increased population accessing local businesses and services.

• **Does the amendment address relevant bushfire risk?**

The proposed amendment addresses the relevant bushfire risk as required. It is acknowledged that the current use of the site as plantation presents a bushfire risk, and it is understood that the revised bushfire mapping that is yet to be released by the State Government intends to reintroduce a Bushfire Management Overlay (BMO) to the subject site. If the proposed BMO is applied to the subject land and the existing timber plantation is removed, then the land owner may seek advice from the Country Fire Authority to have the BMO altered or removed. Council may also consider the preparation of a Schedule to the BMO at the time as appropriate. Initial comments received from the Country Fire Authority on 11 December 2013 acknowledges the reduction in bushfire risk should the plantation be removed from the subject site. However, the retention of plantation on neighbouring land to the north will need to be considered in the design at subdivision stage.

- **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is affected by and complies with, Ministerial Direction 11 Strategic Assessment of Amendments under Section 12 of the Act. The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act. The amendment is affected by and complies Ministerial Direction 15 Planning Scheme Amendment Process of the Act.

- **How does the amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The proposed amendment is considered to compliment the objective of the SPPF by providing zones and overlay controls that will facilitate the efficient expansion of urban areas within Morwell.

In particular, the amendment is:

- Consistent with Clause 11 – Settlement by providing land for settlement in an area that is provided with utility, urban and social services. The Morwell Structure Plan and CRDP have designated the subject land as being suitable for future residential use. The amendment will improve the supply of residential land in an area identified at Clause 11.05 as a major regional City in the Regional Victoria Settlement Framework. In particular, the amendment addresses State Planning Policy by allowing future development to provide for a diversity of dwelling types, increased housing choice and affordability, which are to be supported through the Development Plan Overlay Schedule.
- Consistent with Clause 12 – Landscapes by ensuring that the landscape and habitat values of Waterhole Creek will only be improved as a result of the urban development of the site. Water quality features will be incorporated into the design at the subdivision stage in accordance with the recommendations of the Surface Water Management Strategy.
- Consistent with Clause 13 – Environmental Risks by assisting in the protection of life, property and community infrastructure from flood hazard. The amendment has considered the applicable Land Subject to Inundation and Flood Overlays for which a detailed Surface Water Management Strategy was prepared during the preparation of the CRDP. Future development of the land will be required to be in accordance with the CRDP which proposes stormwater management techniques, which will be required to be implemented at the subdivision stage.
- Consistent with Clause 14 – Natural Resources by considering the need to protect and restore the existing waterways on site. The CRDP proposes a series of retarding basins and wetlands and the proposed amendment including the implementation of the Development Plan Overlay Schedule 5 will ensure future development of the land occurs generally in accordance with the CRDP and thus ensuring the proposed treatments are implemented and no detrimental impacts to waterways will be caused.
- Consistent with Clause 15 – Built Environment as the site is well located to utilise existing infrastructure and community facilities resulting in a more sustainable and integrated community within Morwell. A Cultural Heritage Management Plan will be required prior to the granting of a planning permit for subdivision.
- Consistent with Clause 16 – Housing as the amendment will provide for new residential development in a location with access to existing physical and community infrastructure. The CRDP will ensure that the land is developed in an integrated fashion, will provide for housing diversity and affordability, provides a safe and convenient road network, provides appropriate pedestrian and cycle paths and sufficient space for public open space is available.
- Consistent with Clause 17 – There will be positive economic impacts as a result of the proposal through additional job creation throughout the construction stage of any

development, as well as the increased expenditure associated with future residents and any increase in population.

- Consistent with Clause 18 – The site is proximate to existing public transport services, which will only be enhanced as part of the implementation of the CRDP.
- Consistent with Clause 19 – Infrastructure as the amendment will expand on an existing residential area that has good access to existing physical, social and recreation infrastructure. There are also a range of new services proposed as part of the overall CRDP and the proposed amendment will provide for the more intensive use of these existing and proposed services.

• **How does the amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

Clause 21.03 – Natural Environment Sustainability: The proposed amendment has no impacts on the environmental values of the site with the only vegetation on site declared as non-indigenous as per the Native Vegetation Framework. Appropriate treatment of stormwater, flooding and the declared waterways are detailed in the CRDP for which future development must be generally in accordance with.

Clause 21.04 – Built Environment Sustainability: The proposed amendment is consistent with the objectives of this Clause, by building upon the existing township of Morwell as part of an integrated network of urban areas, and maximising the use of existing infrastructure.

Clause 21.05 – Main Towns: The proposed amendment is consistent with the objectives relating to Main Towns, which seeks to provide the flexibility for development to occur in each town to accommodate the needs of its population. The amendment site is situated within the Morwell Structure Plan as Area 7 Future Residential.

Clause 21.08 – Liveability: The proposed amendment is consistent with the objectives of Clause 21.08, by providing for future residential development in a location well serviced by existing social and recreational services and infrastructure.

• **Does the amendment make proper use of the Victoria Planning Provisions?**

The amendment makes proper use of the Victoria Planning Provisions by:

- Applying the Neighbourhood Residential Zone – Schedule 2 to provide for future residential development in accordance with the Latrobe Planning Scheme Morwell Structure Plan.
- Applying the Development Plan Overlay to land whereby a Development Plan has already been prepared and approved.

It is noted that planning zones in Victoria have been reformed with three amended residential zones, the Residential Growth Zone, the General Residential Zone and the Neighbourhood Residential Zone introduced into the Victoria Planning Provisions by Amendment VC104 to replace the Residential 1, 2 and 3 Zones.

Latrobe City Council is currently exhibiting draft Amendment C84 – Application of the new residential zones as part of the Residential Zones Standing Advisory Committee process.

Draft Amendment C84 proposes to replace the Residential 1 Zone in parts of Churchill, Morwell, Moe and Traralgon by introducing the General Residential Zone, the Neighbourhood Residential Zone and the Residential Growth Zone.

In particular, the Neighbourhood Residential Zone is proposed to be used where there is an established neighbourhood character in new residential development plan areas that

form part of an endorsed development plan. A new schedule titled *Schedule 2 to Clause 32.09 Neighbourhood Residential Zone Endorsed Development Plan Areas*. The schedule 2 will have application requirements and decision guidelines that link back to any endorsed development plan.

The adjoining land directly south of the subject site is proposed to be rezoned to *Neighbourhood Residential Zone – Schedule 2 Endorsed Development Plan Areas* by draft Amendment C84. This land has an approved Development Plan of which the subject site forms part of. This being the case the *Neighbourhood Residential Zone – Schedule 2 Endorsed Development Plan Areas* is the most suitable residential zone to be applied to the subject site. The application of the *Neighbourhood Residential Zone – Schedule 2 Endorsed Development Plan Areas* ensures consistency between the two proposed amendments.

The outcome of draft Amendment C84 is pending an Advisory Committee Hearing scheduled for the 28 April 2014. Any changes to Amendment C84 documentation post the Hearing, including the final application of the new zones, will be reflected within Amendment C85 post exhibition.

- **How does the amendment address the views of any relevant agency?**

The views of relevant agencies were considered as part of the approval of the CRDP which includes the subject site. The proposed amendment simply seeks to rezone land to allow for residential development as per the approved development plan and the Latrobe Planning Scheme Morwell Structure Plan. Preliminary advice has been sought from relevant agencies, who will again be consulted as part of the exhibition of the amendment to ensure their views are appropriately addressed.

- **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment is considered to be consistent with the objectives of the *Transport Integration Act 2010* as the rezoning facilitates an urban framework where future residents will have access to public transport services throughout the Latrobe Valley, and a transport system which enables residents to travel safely and efficiently on public transport.

Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment will have a negligible impact on the resource and administrative costs of the responsible authority. The amendment, if approved will result in a permit application to provide for the subdivision and development of the land due to the endorsed development plan already in place for the subject site. It is not considered that this application will have significant impact on the resource and administrative costs of the responsible authority.

Where you may inspect this Amendment

The amendment is available for public inspection, free of charge, during office hours at the following locations:

- Latrobe City Council, Corporate Headquarters, 141 Commercial Road, Morwell VIC 3840
- Latrobe City Council, Traralgon Service Centre, 34-38 Kay Street, Traralgon VIC 3844
- Latrobe City Council, Moe Service Centre, 44 Albert Street, Moe VIC 3825

- Latrobe City Council, Churchill Service Hub, 9-11 Philip Parade, Churchill VIC 3842

The amendment can also be inspected free of charge at the Department of Transport, Planning, and Local Infrastructure website at

<http://www.dpcd.vic.gov.au/planning/publicinspection>.

Submissions

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by **[insert submissions due date]**. All submissions must be sent to: Leah Pollard, Senior Strategic Planner, Latrobe City Council 141 Commercial Road, Morwell VIC 3840

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: pending Minister's authorisation.
- panel hearing: pending Minister's authorisation.

14.3 Purchase of Outdoor Sculpture for Yinnar

General Manager

City Development

For Decision

EXECUTIVE SUMMARY

This report seeks Council approval to pay \$10,000 to the Yinnar & District Community Association as a contribution towards the purchase of a sculpture by Nicole Allen for permanent outdoor display in the township.

The total cost of the sculpture is \$19,500, with several local business and community groups indicating their intention to support the sculpture's purchase, either via fundraising or direct contribution.

This report follows a Councillor Briefing on 17 July 2017 which provided information about the Inaugural Gippsland Sculpture Exhibition in Yinnar.

RECOMMENDATION

That Council refers Yinnar & District Community Association's request for \$10,000, as a contribution towards the purchase of the "Johnnie Be Good" sculpture by Nicole Allen, to the 2016/17 end of financial year budget process.

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

The Inaugural Gippsland Sculpture Exhibition was launched at arc Yinnar (Arts Resource Collective, Yinnar) on 1 April 2017, with approximately 170 people in attendance including the Member for Eastern Victoria, Harriet Shing MP, Councillor Darrell White and Councillor Sharon Gibson. The exhibition ran until 27 May 2017.

The Yinnar & District Community Association would like the Gippsland Sculpture Exhibition to become a bi-annual event, with the overall goal of Yinnar becoming known as the place to visit and view sculpture in the street. The next showing is scheduled for 2019.

The Yinnar & District Community Association is seeking a commitment from Council to help purchase one of the sculptures for permanent display in Main Street outside the Yinnar Community Hotel (Yinnar Pub). The sculpture selected for purchase is "Johnnie Be Good" by Nicole Allen. It is produced in Cor-ten steel and stainless steel and is priced at \$19,500 (*image in Attachment 1*).

The sculpture was chosen by the Yinnar & District Community Association following closure of the exhibition based on Yinnar's musical connections. The township is

home to the 'Strzelecki Stringbusters', a group of 14 local amateur musicians, as well as some members of the 'Steaming Monzas' and other musical groups.

Many of these musicians and groups utilise the Yinnar Community Hotel as their base for rehearsals, performances, and promotional activities. The Yinnar & District Community Association would like to purchase the sculpture and retain it at the Hotel to build on the reputation of providing a home to, and support for, musical groups. It should be noted that, although Nicole Allen was the curator of the exhibition, she has made no overtures to Council to purchase her sculpture, nor does she have any association or affiliation with Council.

Several local businesses and community groups have indicated their intention to support the sculpture's purchase, either via fundraising or direct contribution:

- Yinnar & District Community Association
- Board of the Yinnar Community Hotel Co-operative
- Bendigo Community Bank Mirboo North
- Strzelecki Stringbusters

The Yinnar & District Community Association is seeking a contribution from Council toward the purchase of the selected sculpture. Officers recommend an outlay of up to \$10,000, with the community contributing the balance of the \$19,500 purchase price. When making a decision, Council should consider any precedent this funding request might create.

Public and Urban Art Policy

Council adopted a Public and Urban Art Policy in early 2011, which acknowledges that "public art offers the potential to improve the intrinsic value, character and reputation of properties and public spaces within the urban environment". The Policy provides that "Council will encourage public art...through sponsorship and support of innovative arts projects in the public domain" and "will consider any proposed public art project including acquisitions, donations or commissions".

The methodology for doing so is via advice from 'Council's Public and Urban Arts Committee'. This Committee is not currently constituted, but it is intended to update the Public and Urban Art Policy during the 17/18 financial year and activate a new methodology for consideration of public art proposals.

STAKEHOLDER CONSULTATION

The decision to purchase the sculpture was made by the Yinnar & Community District Association following the closure of the exhibition.

The decision was based on the musical connections that can be made between the sculpture and the significant role played by the Yinnar Community Hotel in promoting, sponsoring and supporting music and its importance to the local community.

FINANCIAL AND RESOURCE IMPLICATIONS

Should Council approve a payment of \$10,000 towards the purchase of the sculpture, the expense could be paid from surplus budget funds; or else be provisioned at the first budget review of the 17/18 financial year.

When contemplating a decision about approving the funds, Council should identify any potential precedent. In outlined above, officers intend on updating the Public and Urban Art Policy to include a process for managing similar requests into the future.

Officers preparing this report understand that any application for funding from the budget surplus will be considered within the context of other competing bids and availability of funds.

RISK IMPLICATIONS

Risk has been assessed for this report and is in line with Council's Risk Management Policy.

CONCLUSION

This report seeks approval of a \$10,000 payment to the Yinnar & District Community Association toward the purchase of the "Johnnie Be Good" sculpture by Nicole Allen, for permanent display in the main street of Yinnar.

This report outlines the businesses and community groups who have indicated their commitment to supporting the sculpture's purchase.

This report also identifies that a review and update of the Public and Urban Art Policy will include provision for managing similar requests for Council funding for public art into the future.

SUPPORTING DOCUMENTS

Nil

Attachments

1 [↓](#). "Johnnie Be Good" Sculpture

14.3

Purchase of Outdoor Sculpture for Yinnar

- 1 "Johnnie Be Good" Sculpture 105**





14.4 Endorsement of Live Work Latrobe Land Use Strategies for public exhibition and preparation of a planning scheme amendment

General Manager

City Development

For Decision

EXECUTIVE SUMMARY

Land use planning in Latrobe City is unique and affected by many factors not experienced elsewhere in the state, whereby conflicting and fragmented land uses continue to limit opportunities for new investment and growth.

Latrobe City is also operating in a rapidly changing economic landscape. Population growth, technology advances, the ageing workforce, climate change, globalisation and a future low carbon economy, all present unique challenges and opportunities.

Enhancing Latrobe City's desirability as a destination to live and work must therefore be undertaken with an integrated and holistic approach.

In response to this need, the establishment of a 'whole of city' planning approach for the Live Work Latrobe project was considered essential to responding to both the immediate and predicted population housing needs, industry and employment opportunities and rural land use planning.

The Live Work Latrobe project aims to rationalise the land base and leverage the strategic advantages of Latrobe City's built and natural assets to sustain long term growth, target new investment and promote collaborative action with businesses, community agencies and authorities.

The project has been delivered over two stages, with stage one seeing the completion of extensive community engagement, background research and Council endorsement of a range of policy directions that have informed stage two. Stage two of the Live Work Latrobe project has delivered three distinct yet complementary strategies that identify the right locations for new housing, guidance for existing, new and transitioning industries and establish clear guidance for future rural land use and investment.

The Latrobe City Council 2016/17 Annual Budget identifies the completion of the three land use Strategies as a Major Initiative. The progression of a planning scheme amendment to give effect to each of the land use strategies is also included as a Major Initiative within the 2017/18 Annual Budget.

It is considered that intervention in current land use zoning and overlay arrangements is necessary in order to secure our Regional City role and the associated opportunities for immediate investment and long term growth this status provides. The recommendation is therefore to endorse each of the land use strategies to enable the preparation of amendments to the Latrobe Planning Scheme as required by the 2017/18 Major Initiative. It is then proposed to exhibit each strategy along with the amendments to the Latrobe Planning Scheme as a priority, in order to strengthen

Latrobe City's Regional City position aid collaborative efforts being undertaken within the Economic Growth Zone. .

RECOMMENDATION

That Council:

- 1. Endorse the draft Live Work Latrobe Land Use Strategies for public exhibition as part of a Planning Scheme Amendment(s) required to give effect to each strategy.**
- 2. Requests authorisation from the Minister for Planning to prepare and exhibit the draft Live Work Latrobe Land Use Strategies and associated amendments to the Latrobe Planning Scheme.**

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

Latrobe City has a well-documented history of economic and structural change involving the mining and energy sectors. Latrobe City is also operating in a rapidly changing economic landscape. Population growth, technology advances, the ageing workforce, climate change, globalisation and a future low carbon economy, all present unique challenges and opportunities. More immediately, the cumulative effects of industry reforms including the recent closure of Hazelwood are likely to be felt for many years to come.

Past employment studies and industrial strategies have recognised the challenges and opportunities facing Latrobe City, but have lacked a clear spatial framework and supporting policy to effectively plan for current and future industry requirements.

In response to the immediate priorities for new investment and jobs growth, the Live Work Latrobe strategies provide recommendations that will secure long term growth and jobs for the community whilst securing Latrobe City's Regional City position.

The Live Work Latrobe project is being undertaken as a two stage process, as shown below.



Stage One takes a comprehensive perspective of Latrobe City, and considers the three themes of the project (Housing, Industry and Employment and Rural land use) as well as broader matters which intersect with all three themes.

The Policy Directions Report endorsed by Council 23 May 2016, identifies the emerging principles and key directions from background analysis and community engagement. This document has informed the scope and approach adopted in developing the Housing Strategy, Industrial and Employment Strategy and Rural Land Use Strategy.

Overarching policy directions adopted by Council at the conclusion of Stage One of the Lie Work Latrobe project include:

1. *Recognise the interconnected nature of a strong economy, cleaner and greener environment and healthy and connected community.*
2. *Develop the three Stage 2 strategies concurrently to ensure that common issues are comprehensively addressed across all three strategies.*
3. *Build upon the existing 'networked city' policy within the Latrobe Planning Scheme and strengthen the establishment of Latrobe City as a single urban system to secure its role as one of Victoria's four Major Regional Cities.*
4. *Land use and development constraints are to be recognised in the preparation of all three strategies. These constraints include:*
 - *Biodiversity*
 - *Environmental Risks and extreme weather events (including Flooding, Bushfire)*
 - *Geology*
 - *Land Capability Infrastructure access and serviceability*
 - *State Resource and Environmental Significance Overlays*

- Land use separation buffers (i.e. separation of major industry/mining from urban areas).
5. Seek the participation of the Victorian State Government, major industries, community and other key stakeholders to assist in the development of effective policy and strategy responses, particularly in relation to land affected by coal related policies.

Stage Two of the project established the following key initiatives which collectively, each of the land use strategies, seek to establish:



The above themes are further explained within the attached Draft Land Use Strategies.

Each of the draft Land Use Strategies propose a range of amendments to the Latrobe Planning Scheme to be enacted as a priority in order to strengthen Latrobe City's Regional City position within the Economic Growth Zone.

It is noted that a range of advocacy, business engagement and other initiatives are also proposed requiring collaborative action with a range of local and regional agencies and authorities.

An overview of each Land Use Strategy objective and summary of key amendments to the Planning Scheme (to be prepared) is provided below:

Housing:

The Housing Strategy will support a diverse range of housing opportunities and types to cater for a changing housing demand, whilst enabling long term capacity for an additional 40,000 homes, securing Latrobe City's Regional City role.

Housing types will range from apartments to family homes to rural lifestyle properties, catering for differing needs, preferences and lifecycle choices. Areas of special character will be protected, while the general spaciousness of the residential areas, characteristic of regional cities and towns, will be respected. Higher density forms of housing will occur predominantly around locations with good access to activity centres and public transport.

Priority amendments recommended by the Housing Strategy include:

- Introduction of the Residential Housing Framework Plan to Local Planning Policy.
- Rezone land and update schedules to residential zones in accordance with the Housing Framework Plans prepared for each town.

Industry and Employment:

The Industrial and Employment Strategy proposes a new spatial land use framework for industrial land, supported by policy and planning tools to unlock future investment and employment opportunities across Latrobe City.

This will require a coordinated approach involving inputs from planning, economic development and regional authorities including Regional Development Victoria and the Latrobe Valley Authority to implement actions aimed at investment attraction and retention across the region.

The framework outlines actions for addressing fragmented and inconsistent land uses which reflect past investments and development outcomes; and create pathways for future investment in employment clusters within Morwell and Traralgon with a focus on creating a single regional city outcome for the long term benefit of the region.

Specifically the Strategy seeks to diversify employment opportunities, identify critical infrastructure required to support existing and new industry investment and pursue land use options within the State Resource Overlays, heavy industry and mining buffers.

Priority amendments recommended by the Industry and Employment Strategy include:

- Amend Local Planning Policy in accordance with the recommendations of the Industrial Land Use Strategy.
- MSS introductions
- Work with State Government to amend and or remove coal related overlay restrictions from large areas of Industrial 1 and 2 Zoned land, south of Princess Hwy, Morwell.

- Amend the Morwell Structure Plan to identify future industrial growth along the Alexander Road East Precinct and remove Environmental Significance Overlay south of Australian Paper.
- Apply the Environmental Audit Overlay to land where industry is to be relocated and the land repurposed in the future.

Rural Land Use:

The Rural Land Use Strategy is the first of its kind for Latrobe City, establishing a framework to protect and promote economic, environmental and landscape values associated with rural land as well as respond to competing rural land demand.

The Strategy responds to the City's diverse rural circumstances, supports established rural industries such as agriculture and forestry, promotes emerging opportunities in rural tourism, provides direction to intensive agriculture investments and addresses policy gaps recognising important environmental and landscape values.

Priority amendments recommended by the Rural Land Use Strategy include:

- Introduce Local Planning Policy to guide the assessment of planning permits for subdivision and dwellings in the Farming Zone.
- Introduce schedules to the Farming Zone that will identify areas where the current and preferred land uses as follows:
 - Farming Zone Schedule 1 - Commercial agriculture
 - Farming Zone Schedule 2 – Mixed farming - A mix of commercial and niche agriculture, large scale hobby farms and rural lifestyle
- Rationalise the application and location of Rural Living Land, including enabling new Rural Living opportunities
- Investigate backzoning land currently zoned Rural Living Zone within the Jeeralang precinct to Farming Zone Schedule 2
- Investigate rezoning of land in the Toongabbie Investigation Area to Rural Living Zone and Low Density Residential Zone.
- Introduce Local Planning Policy recognising the Strzelecki – Alpine biolink (a biodiversity corridor between the Strzelecki bioregion in the south and the Victoria's Alpine region in the north).

Preparation of Planning Scheme Amendment

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

- The objectives of planning in Victoria;
- The Minister's directions;
- The Victoria Planning Provisions;
- The Latrobe Planning Scheme;

- Any significant effects which it considers a planning scheme amendment might have on the environment or which it considers the environment might have on any use or development envisaged by the amendment.

In accordance with Section 9 of the Planning and Environment Act 1989 (the Act), the Minister for Planning may authorise a municipal council to prepare an amendment to State and local standard provisions of a planning scheme in force in its municipal district.

It is now proposed to commence preparation of amendments to the Latrobe Planning Scheme required to give effect to each strategy.

STAKEHOLDER CONSULTATION

Community consultation and understanding local aspirations for the future of the region has been an important part of Stage One of the Live Work Latrobe project. The engagement process was framed around housing, industry and employment and rural land use. The purpose of this engagement was to understand a range of aspirations and views for the future of Latrobe City across these broad themes.

Details of the engagement methods used, participation and feedback received is expressed within the Community Consultation Report (see supporting documents).

A summary of community participation is provided below:

- Over 370 people were engaged through the project
- Around 35% of participants were aged between 20–39 years old and over 40% were aged between 40–49 years old.
- Over 80% of participants are working. Jobs described were diverse in terms of technical specialty and field – ranging from factory work to owning a small business.
- Over 70% of participants who completed a survey were female.
- Over 50% of survey respondents have lived in Latrobe for over 20 years.
- Participants identified themselves from 12 postcodes which covers over 70 different locations.

A summary of key themes which emerged from community consultation undertaken during Stage One is provided below:

- *Plan for a greener, cleaner future and celebrate the natural environmental features that make Latrobe City an attractive place to live.*
- *Reposition Latrobe City's role as a thriving regional centre by attracting new industries that create more employment opportunities that go beyond the energy sector.*
- *Build on the existing skills and resources in Latrobe to transition into new and more sustainable industries such as advanced manufacturing and renewable energy.*

- *Generate opportunities to enhance the community and health service industry to respond to the needs of an aging population and create new employment opportunities.*
- *Support diversified farming that will create a new niche in agri-tourism for Latrobe City.*
- *Continue to support our existing farming industries that positively contribute to the local, state and national economies.*
- *Take a more systematic approach when reviewing permits within the farming zone that look at productivity not just lot size.*
- *Encourage well designed and different types of housing to be built in new developments or in renewal sites that assist people to age or stay in place.*
- *Build new housing including affordable and social housing, this should be located close to existing community infrastructure and be serviced by public transport.*

While the local community has contributed to the project strongly at the outset, it was recognised that more needs to be done during subsequent stages of the project to target the views of industry and state government.

Working with industry and government was therefore the primary focus during the development of the Draft Strategies during Stage Two of the Live Work Latrobe project.

Live Work Latrobe Stage 2 was also overseen by a Key Stakeholder Reference Group which included representatives from the agencies and organisations listed below. The purpose of this group was to provide technical advice and direction to shape and test the Strategies

- Department of Environment, Land, Water and Planning
- Department of Economic Development, Jobs, Transport and Resources
- Regional Development Victoria
- Latrobe Valley Authority
- Committee 4 Gippsland
- Agribusiness Gippsland
- Country Fire Authority (CFA)
- Environmental Protection Victoria
- West Gippsland Catchment Management Authority
- VicRoads
- Gippsland Water
- Gippsland Waste and Resource Recovery Group
- Latrobe City Council, including the following Departments:

- Strategic Planning
- Economic Development
- Urban Growth
- Statutory Planning

Subject to Council consideration, it is now proposed to engage the whole community, business and industry through the public exhibition of each strategy along with associated planning scheme amendments.

Public exhibition of the draft Strategies as part of a Planning Scheme Amendment will be subject to the prescribed processes required by Section 12 of the Act. This will include advertising in the government gazette and local newspapers as well as written notification to landowners and occupiers that may be materially affected by the amendment following authorisation of the amendment. In addition to the prescribed amendment process, a range of opportunities to ensure the community is well informed and able to participate in the exhibition and submission process will be provided.

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

FINANCIAL AND RESOURCE IMPLICATIONS

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2016*. The costs associated with a planning scheme amendment include: considering a request to amend a planning scheme, consideration of submissions, providing assistance to a panel and adoption and approval of an amendment.

Funds have now been allocated in the current 2017 - 18 budget year to enable the implementation of priority planning scheme amendments to proceed.

The number of submission received will determine the Planning Panel fees associated with the Planning Scheme Amendment. A budget allocation has therefore been set aside assuming the maximum planning panel fee of \$38000.

It is noted that each of the strategies recommend a range of actions beyond the planning scheme, which will require ongoing staff and financial resourcing to be determined as part of the annual budget and business plan preparation.

RISK IMPLICATIONS

Each of the land use strategies aim to rethink and revision current land use and development patterns, deliberately intervening in the present trajectory of growth and development of Latrobe City.

Given each of the Land Use Strategies recommend a range of land use policy changes (including amending zones and overlays applying to land), it is considered that some elements of the strategy may be considered controversial.

For this reason, it is recommended that the Land Use Strategies be publicly exhibited as part of a formal Planning Scheme Amendment process, whereby a planning panel may be appointed to independently consider all matters.

In accordance with the requirements of the Act, where submissions cannot be resolved, Council is required to request an independent panel be appointed by the Minister for Planning. The Planning Panel will consider all submissions and provide recommendations to Council.

It is considered that this process will reduce the risk to Council by way of utilising a third party to assist in the consideration of objections.

OPTIONS

The options available to Council are as follows:

1. That Council endorse each of the Live Work Latrobe Land Use Strategies, prepare a Planning Scheme Amendment to give effect to each strategy and commence formal public exhibition.
2. That Council does not endorse the Live Work Latrobe Land Use Strategies for public exhibition as part of Planning Scheme Amendment process.
3. That Council requests changes to the draft land use strategies prior to progressing a planning scheme amendment and public exhibition process.

CONCLUSION

Land use planning in Latrobe City is unique and affected by many factors not experienced elsewhere in the state, whereby conflicting and fragmented land uses continue to limit opportunities for new investment and growth.

Latrobe City is also operating in a rapidly changing economic landscape. Population growth, technology advances, the ageing workforce, climate change, globalisation and a future low carbon economy, all present unique challenges and opportunities.

Enhancing Latrobe City's desirability as a destination to live and work must therefore be undertaken with an integrated and holistic approach. In response to this need, the establishment of a 'whole of city' planning approach for the Live Work Latrobe project was considered essential to responding to both the immediate and predicted population housing needs, industry and employment opportunities and rural land use planning.

It is considered that intervention in current land use zoning and overlay arrangements is necessary in order to secure our Regional City role and the associated opportunities for immediate investment and long term growth this status provides. This is considered especially important given the current changes occurring in the local economic conditions of Latrobe City.

The Live Work Latrobe project aims to leverage the strategic advantages of Latrobe City's built and natural assets to sustain long term growth, target new investment and promote collaborative action with businesses, community agencies and authorities.

The strategies conclude that by growing a regional services sector in Latrobe City and pursuing longer term transition towards new energy technologies represent

opportunities for workforce re-alignment, economic diversification and sustainable growth in the future. The strategies establish clear policy and planning provision to enable investment in agriculture (including intensive agriculture).

Each of the draft Land Use Strategies propose a range of amendments to the Latrobe Planning Scheme to be enacted as a priority in order to strengthen Latrobe City's Regional City position within the Economic Growth Zone.

The Latrobe City Council 2016/17 Annual Budget identifies the completion of the three land use Strategies as a Major Initiative. The progression of a planning scheme amendment to give effect to each of the land use strategies is also included as a Major Initiative within the 2017/18 Annual Budget.

The recommendation is therefore for Council to endorse each of the land use strategies and prepare and seek Ministerial authorisation for amendments to the Latrobe Planning Scheme required to give effect to each strategy, in accordance with the 2017/18 Major Initiative.

SUPPORTING DOCUMENTS

Stage One Live Work Latrobe adopted documents including Community Consultation report, Background Report and Key Policy Directions.

Attachments

1. [Draft Rural Land Use Strategy](#) (Published Separately)(Confidential)
2. Draft Housing Strategy (Published Separately) (Confidential)
3. Draft Industry and Employment Strategy (Published Separately) (Confidential)

INFRASTRUCTURE AND RECREATION

15. INFRASTRUCTURE AND RECREATION

Nil reports

COMMUNITY SERVICES

16. COMMUNITY SERVICES

16.1 Appointment of members to the Cultural Diversity Advisory Committee

General Manager

Community Services

For Decision

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement of appointments to the Latrobe City Cultural Diversity Advisory Committee, in accordance with the Committee Terms of Reference (TOR), adopted by Council at its meeting on 6 March 2017.

Committee member positions are as follows:

1. Peak/major organisations who service or support Latrobe City's culturally diverse communities - two vacancies
2. Social group, ethnic association or agency that supports culturally diverse communities - five vacancies
3. Community member positions - two vacancies.

The Committee was established to provide advice to Council on matters relating to cultural diversity within the Latrobe City community. It is an Advisory Committee and has no delegated decision making authority. The Committee assists with the development, implementation and review of Council's Cultural Diversity Action Plan and provides networking, information sharing and partnership opportunities for committee members and invited guests.

As part of Council's Committee Review Project, the TOR for the Committee was reviewed and adopted by Council on 6 March 2017. Following Council's decision to adopt new TOR and call for applications for membership to the Committee, an Expression of Interest (EOI) process was conducted, closing on 21 April 2017. A range of recruitment activities were undertaken to promote the EOI process and build community interest. Ten EOIs were received for the nine vacant positions on the committee. Subsequently, interviews were held with four applicants who were not previously members of the Committee.

It is recommended that Council appoint applicants to fill vacancies on the Committee and that one of the three applicants for the two vacant community member positions, is appointed as a co-opted committee member.

Appointments will be for a three year term with the exception of the co-opted member position which will be for a one year term.

RECOMMENDATION

That Council:

- 1. Appoints the following representatives to the Cultural Diversity Advisory Committee**
 - a. From peak/major organisations who service or support Latrobe City's culturally diverse communities**
 - **Gippsland Multicultural Service represented by Lisa Sinha, Director**
 - **Gippsland Ethnic Communities Council, represented by Dr Christine Lee, Chairperson**
 - b. From social groups, ethnic associations or agencies that support culturally diverse communities.**
 - **Latrobe Community Health Service Settlement Program represented by Anne Roberts or Heidi Losic-Clarke**
 - **International Women's Group represented by Soula Kanellopoulos**
 - **Greek Community represented by Christalla Marcou**
 - **Department of Human Services represented by Donna Caneleo**
 - **Gippsland Australian Muslim Community Inc. represented by Aameruddin (Aamer) Khan Mohammed**
 - c. As community members.**
 - **Dr Michael Spisto**
 - **Praveen Chandra**
 - d. As a co-opted Committee member.**
 - **Julie Fenley**
- 2. Advises successful applicants.**

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

In 2004 a Cultural Diversity Reference Committee was established which was in operation until the end of 2011. In February 2012 Council adopted a revised name, TOR and membership for the Committee. The Committee name changed from Cultural Diversity Reference Committee to Cultural Diversity Advisory Committee.

Latrobe City Cultural Diversity Advisory Committee members are appointed by Council. As part of Council's Committee Review Project, the TOR for the Committee

were reviewed and adopted by Council on the 6 March 2017. At its meeting on 6 March 2017, Council resolved to:

1. *Adopts the Terms of Reference for Latrobe City Cultural Diversity Advisory Committee with a commencement date of 6 March 2017; and*
2. *Notes that the adoption of the Terms of Reference has the effect of rescinding any previous Terms of Reference for the Latrobe City Cultural Diversity Advisory Committee; and*
3. *Requires an Expression of Interest process be undertaken inviting nominations from the community and agencies to participate on the Latrobe City Cultural Diversity Advisory Committee.*

The Cultural Diversity Advisory Committee is established to provide advice to Council on matters relating to cultural diversity within the Latrobe City community. It assists with the development, implementation and review of Council's Cultural Diversity Action Plan and provides networking, information sharing and partnership opportunities for committee members and invited guests.

Membership of the Committee is drawn from:

- culturally diverse social groups, ethnic associations or agencies that support culturally diverse communities Latrobe City;
- peak/major organisations who service and support Latrobe City's culturally diverse communities;
- community members (individuals) with an interest in cultural diversity; and
- co-opted members, as deemed appropriate by the Committee to help fulfil/meet the objectives and address any specific areas or gaps.

The committee comprises of 15 members; Council officers play a support role to the Committee.

The membership of the Committee, as per its adopted TOR, is as follows:

- Up to two (2) Councillors
- Up to five (5) representatives nominated from culturally diverse social groups, ethnic associations or agencies that support culturally diverse communities in Latrobe City
- Two (2) representatives from peak/major organisations who service and support Latrobe City's culturally diverse communities
- Two (2) community members (individuals) with an interest in cultural diversity
- Up to four (4) co-opted members, as determined appropriate by the Committee to help fulfil/meet the objectives and address any specific areas or gaps. Co-opted members could be from an organisation, sector or community.
- Latrobe City Council Officers (ex-officio).

The term of appointment for membership of the Committee is three years. Co-opted members are appointed for one year.

Cr White and Cr Clancey have been appointed to the committee by the Council as the Committee co-chairs.

The Committee recruitment process commenced with the opening of the EOI period on 10 March 2017 and closed on 21 April 2017. The EOI process was promoted in the Latrobe Valley Express, the Latrobe City webpage and the Latrobe City Facebook page. The EOI Information pack was displayed at Council Service Centres, by email to current committee members and posted to a listing of representatives from ethnic and social groups in the municipality.

For the nine vacancies on the committee, 10 EOIs were received as follows:

Peak/major organisations who service or support Latrobe City's culturally diverse communities – two (2) vacancies

- Gippsland Multicultural Service represented by Lisa Sinha, Director
- Gippsland Ethnic Communities Council, represented by Dr Christine Lee, Chairperson

Social Group, ethnic association or agency that supports culturally diverse communities – five (5) vacancies

- Latrobe Community Health Service Settlement Program represented by Anne Roberts or Heidi Losic – Clarke
- International Women's Group represented by Soula Kanellopoulos
- Greek Community represented by Christalla Marcou,
- Department of Human Services represented by Donna Caneleo,
- Gippsland Australian Muslim Community Inc. represented by Aameruddin (Aamer) Khan Mohammed

Community member positions – two (2) vacancies

- Dr Michael Spisto
- Praveen Chandra
- Julie Fenley

Latrobe Community Health Service, the International Women's Group, the Greek Community and the Gippsland Australian Muslim Community Inc. have previously been members of the Committee and are known to the Committee Co-chairs and Council Officers.

Anne Roberts and Donna Caneleo participate in the Latrobe Settlement Network, which Latrobe City supports and are also known to Council Officers.

Aameruddin (Aamer) Khan Mohammed, Dr Michael Spisto, Praveen Chandra and Julie Fenley have had no involvement on the Committee nor have had any involvement in any other Committee of Council, although another representative from the Gippsland Australian Muslim Community Inc., Tanveer Hasan, was a member of the previous Committee.

The Committee Co-chairs requested that informal interviews be conducted with 'new' committee member applicants. Interviews were arranged with Aameruddin (Aamer) Khan Mohammed, Dr Michael Spisto, Praveen Chandra and Julie Fenley and were held on Monday, 19 June 2017 by a panel comprising of Cr Darrell White, Cr Dan Clancey and two Council Officers.

During the informal interview process, it was noted that all applicants interviewed impressed with their understanding of matters relating to cultural diversity within the Latrobe City community and could make a positive contribution to the Committee.

It was also noted that while the community member positions were oversubscribed; where three expressions of interest were received for two vacancies, all three applicants were suitable to serve on the Committee.

Following the review of EOI received and informal interviews conducted by the panel, it is recommended that Council appoint the following to the Committee for three years.

Peak/major organisations who service or support Latrobe City's culturally diverse communities

- Gippsland Multicultural Service represented by Lisa Sinha, Director
- Gippsland Ethnic Communities Council, represented by Dr Christine Lee, Chairperson

Social Group, ethnic association or agency that supports culturally diverse communities

- Latrobe Community Health Service Settlement Program represented by Anne Roberts or Heidi Losic – Clarke
- International Women's Group represented by Soula Kanellopoulos
- Greek Community represented by Christalla Marcou
- Department of Human Services represented by Donna Caneleo
- Gippsland Australian Muslim Community Inc. represented by Aameruddin (Aamer) Khan Mohammed

Community member positions

- Dr Michael Spisto
- Praveen Chandra

Following the review of EOI received and informal interviews conducted by the panel, it is recommended that Council appoint the following applicant as a Co-opted Committee member for twelve months.

Co-opted Committee member

- Julie Fenley

STAKEHOLDER CONSULTATION

EOIs were sought through the following engagement activities:

- Advertisements in the Council Noticeboard of the Latrobe Valley Express
- Promotion on the Latrobe City webpage
- Posts on the Latrobe City Facebook page
- The EOI Information Pack was displayed at Council Service Centres.
- The EOI Information Pack was sent by email to current committee members and posted to representatives from listed ethnic and social groups in the municipality.

FINANCIAL AND RESOURCE IMPLICATIONS

The costs associated with supporting this Committee are within the Community Development operational budget.

RISK IMPLICATIONS

Under the Risk Management Framework, an analysis of potential risks was undertaken to identify risks to Council if the Committee was not continued or risks from the operations of the Committee. No significant risks were identified, but it was noted that there could be some low risk if there was no Committee as the Committee informs and assists Council with developing and reviewing actions in the Cultural Diversity Action Plan.

CONCLUSION

The Cultural Diversity Advisory Committee is a Committee of Council that has been operating since 2004. Members of the Committee are appointed by Council. As part of Council's Committee Review Project, the TOR for the Committee were reviewed and adopted by Council on the 6 March 2017. At the time of adopting the TOR, Council also required that an EOI process be undertaken to recruit a new committee.

The EOI process has been undertaken and informal interviews have been conducted. The panel has made recommendations regarding the appointment of Committee members.

SUPPORTING DOCUMENTS

Nil

Attachments

- 1 [↓](#). Cultural Diversity Advisory Committee Terms of Reference, adopted 6 March 2017

16.1

Appointment of members to the Cultural Diversity Advisory Committee

- 1 Cultural Diversity Advisory Committee Terms of Reference, adopted 6 March 2017 129**

Cultural Diversity Advisory Committee

Terms of Reference



Adopted by Council: 06 March 2017





CONTENTS:

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



1. Establishment of the Committee

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

2. Objectives

- 2.1. The Committee’s role is to report to the Council and provide appropriate advice, information and feedback on matters relevant to this Terms of Reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
- 2.2. The Committee is an advisory committee only and has no delegated decision making authority.
- 2.3. The Committee is established to:
 - 2.3.1. To provide advice to Council on issues for people from culturally diverse backgrounds accessing information, services and facilities.
 - 2.3.2. To provide advice to Council on issues relating to cultural diversity within the Latrobe City community.
 - 2.3.3. To receive reports on progress of the development and implementation of the Latrobe City Cultural Diversity Action Plan.
 - 2.3.4. To review the Cultural Diversity Action Plan and make recommendations to Council.
 - 2.3.5. To promote cultural diversity within the Latrobe City community.
 - 2.3.6. To provide networking, information sharing and partnership opportunities for committee members and invited guests.
- 2.4. The Committee will carry out the following in order to achieve the objectives set:
 - 2.4.1. Review progress of actions in the Action Plan.
 - 2.4.2. Invite guest speakers identified in the Action Plan.
 - 2.4.2.1. To provide information/increase the Committee members awareness of issues for Culturally Diverse community members.



2.4.3. Policy and Strategy Development

2.4.3.1. Provide advice as part of a policy, strategy (or other relevant document) review or development processes as required.

2.4.4. Perform other activities related to this Terms of Reference as requested by the Council.

3. Membership

Composition of the Committee

3.1. The Committee shall comprise of 15 members, being:

3.1.1. Up to two Councillors;

3.1.2. Up to five representatives nominated from culturally diverse social groups, ethnic associations or agencies that support culturally diverse communities Latrobe City;

3.1.3. Two representatives from peak/major organisations who service and support Latrobe City's culturally diverse communities;

3.1.4. Two community members (individuals) with an interest in cultural diversity;

3.1.5. Up to four co-opted members, as deemed appropriate by the Committee to help fulfil/meet the objectives and address any specific areas or gaps. Co-opted members could be from an organisation, sector or community; and

3.1.6. Latrobe City Council Officers (ex-officio).

Length of appointment

3.2. While a Committee shall be in place for as long as Latrobe City Council sees fit, the appointment of members shall be for a term of not more than three years, with the exception of co-opted members whose terms will be for one year.

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

Selection of members and filling of vacancies

3.4. Latrobe City Council shall determine the original membership of a Committee based on Council's expressions of interest process.

3.5. The Committee may fill any vacancies that occur within the determined year period of appointment, subject to the approval of the General Manager Community Services and endorsement of Council. Where a vacancy is filled



in this way, the appointment shall be limited to the remainder of the period of the original appointment.

Co-option of members

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

Attendance at meetings

- 3.7. All Committee members are expected to attend each meeting.
- 3.8. A member who misses two consecutive meetings without a formal apology may at the discretion of Latrobe City Council have their term of office revoked.
- 3.9. A member who is unable to attend the majority of meetings during the year may at the discretion of Latrobe City Council have their term of office revoked.

Resignations

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

4. Proceedings

Chair

- 4.1. The nominated Councillor shall Chair the meetings.
- 4.2. If the Councillor delegate is unavailable he/she shall delegate to the other nominated Councillor to chair the meeting.
- 4.3. If neither Councillor is available, the Chair may nominate a replacement from the current membership of the Committee to chair the meeting. This will usually be the council officer (ex officio).

Meeting schedule

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



Meeting procedures

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

Quorum

- 4.9. 50% plus one (1) of the members constitutes a quorum.
- 4.10. If at any Committee meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be rescheduled.

Voting

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

Minutes of the Meeting

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



5. Review of Committee and Duration of the Committee

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

6. Authority and Compliance Requirements

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



Appendix 1: Agenda Template

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



Appendix 2: Minutes Template

<p>Name] Advisory Committee Minutes</p> <p>Meeting Day, XX Month Year</p> <p>Time Commenced: 00:00am/pm Finish Time: 00:00am/pm</p> <p>Location: (include specific meeting room and address)</p> <p>Meeting Chair: < Name ></p>			
<p><i>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</i></p>			
No.	Item	Responsible Person	Timeframe
1.	Present		
2.	Apologies		
3.	Interest Disclosures		
	<p><i>Members of the Committee declare any Conflicts of interest or Interests in matters discussed at the meeting.</i></p> <p>The following members of the Committee declared a Conflict of Interest at the meeting and left the meeting whilst the matter was being discussed:</p> <p><Name> ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p><Name> ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p><Name> ,Time left 00:00am/pm, Time returned 00:00am/pm</p>		



Name] Advisory Committee Minutes			
Meeting Day, XX Month Year Time Commenced: 00:00am/pm Finish Time: 00:00am/pm Location: (include specific meeting room and address) Meeting Chair: < Name >			
<i>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</i>			
No.	Item	Responsible Person	Timeframe
4.	Confirmation of Minutes		
	<i>That the minutes of the meeting held on [Date] of the [Name] Advisory Committee be confirmed.</i>		
5.	Matters arising from previous meeting		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): <ul style="list-style-type: none"> • • 2. Item Heading Action(s): <ul style="list-style-type: none"> • • 		
6.	Items for Consideration		
	<i>List the item and action agreed as per agenda and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): <ul style="list-style-type: none"> • 2. Item Heading Action(s): <ul style="list-style-type: none"> • 		



Name] Advisory Committee Minutes

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

Meeting Chair: < Name >

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

No.	Item	Responsible Person	Timeframe
	3. Item Heading Action(s): •		
7.	General Business		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): • 2. Item Heading Action(s): •		
Next Meeting: <Provide details of the next meeting date, time and location>.			

16.2 Unreasonable Behaviour and Demands Policy

General Manager

Community Services

For Decision

EXECUTIVE SUMMARY

In 2015 the Victoria Ombudsman published a report, and accompanying good practice guide, on issues relating to complaints handling in local government. That document acknowledges the need to actively manage aspects of both *unreasonable behaviours* and *unreasonable demands* by customers via policy and a series of procedures.

A draft Policy has been prepared, for Council's consideration, seeking to address instances where demands are vexatious, that is: they require an unreasonable allocation of Council resources to continue to address after full and proper consideration; where further investigation or resource allocation is unlikely to result in a tangible benefits to the broader community; where the customer's expectations are beyond or inconsistent with Council's policies, budget or strategy; or beyond Council's jurisdiction or where operational matters have been previously dealt with to the CEO's satisfaction.

The draft Policy also covers menacing or threatening behaviour that is contrary to the provision of a work environment for Councillors and officers that is conducive to good mental health, safety and security.

This draft Policy seeks to provide for the safe and secure environment in which Councillors and officers can conduct interactions with the community, that are held in a safe and welcoming environment; conducted in a fair, respectful and professional manner; are free from personal judgement or prejudice; and that remain focused on productive, positive problem solving. Furthermore it provides for the establishment of procedures to manage conduct by community members that is outside of these parameters.

Adoption of a Policy for addressing unreasonable behaviours and conduct will facilitate a clear process whereby Council may restrict or even cease contact with a member of the public, on a specific issue, for a given period of time due to the nature of the demands or conduct of the individual.

Adoption of this draft Policy will assist in the provision of a safe working environment for Councillors and officers, and provide clear definitions of what constitutes *unreasonable* for individuals whose conduct or behaviours that may trigger this Policy to be actioned.

RECOMMENDATION

That Council:

1. **Adopts the Unreasonable Behaviour and Demands Policy with an effective date of 1 August 2017; and**
2. **Makes the Unreasonable Behaviour and Demands Policy available to the community on Council's website.**

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

Last financial year, Latrobe City Council Service Centre counters delivered 377,175 interactions with customers. Of those interactions almost all occurred without incident.

In 2016/17 instances where the recommended draft Policy would have been directed to the CEO to consider seeking to restrict access would have related to fewer than 10 individual customers; only one circumstance would have likely resulted in seeking to exclude a customer for a defined period. In lieu of having a Policy suited to pursue exclusion of an individual with repeated menacing and threatening behaviours, Council was left to pursue a lengthier and resource intensive process with Victoria Police.

Most approaches to Council are made by individuals who conduct their interactions and communications in a way that productively engages with our systems, processes and Councillors/officers.

At any point during an interaction with council, individuals may conduct themselves in a way that is interpreted as *unreasonable behaviour*. This is behaviour that by either its nature or frequency results in issues relating to health, safety, resource or equity—especially for Councillors and officers.

The Victoria Ombudsman report references the NSW practice manual for managing unreasonable complainants, which categorises such behaviour as being motivated by:

Attitude - dissatisfied with a person, the systems and processes that they are interacting with at Council.

Emotions and psychology – highly angry, frustrated or disappointed and express those emotions in unacceptable ways; have an inflated sense of entitlement or are unable to accept any personal blame for their issues.

Aspirations – seeking 'justice', a 'moral outcome' or are obsessively pursuing their issue on a matter of principle; they want revenge, vindication or retribution.

Recreational interests – carrying out an all-consuming hobby or are making a career of complaining; deriving pleasure for the activities associated with the complaint process or are enjoying the social contact with the organisation.

Needs and expectations – expectations, physical needs or emotional needs have not been met.

Ulterior motives – such as the intent to harass, intimidate, embarrass or annoy another person.

The damage and loss caused to Council by unreasonable conduct includes compromised resource allocation; lost productivity; negative impact to reputation and brand; increased stress leave and absenteeism; reduction in service levels to other customers; duty of care and OH&S issues.

Unreasonable behaviour may manifest in one of five ways:

Unreasonable persistence – complainants persisting with their issues even though they have been dealt with to finality, refusing to accept final decisions and sending excessive amounts of correspondence.

Unreasonable demands – complainants insisting on outcomes that are unattainable, moving the goal posts or demanding to have their complaints dealt with in a particular way that are contrary to set process, procedure or level of service.

Unreasonable lack of cooperation – complainants providing disorganised, excessive or irrelevant information, unwilling to consider other valid viewpoints or refusing to define their issues.

Unreasonable arguments – complainants seeing cause and effect arguments where there are clearly none, holding conspiracy theories unsupported by evidence and irrationally interpreting facts or laws and refusing to accept other more reasonable interpretations.

Unreasonable behaviours – complainants displaying elevated anger, aggression, threats or other threatening or violent conduct.

This draft Policy seeks to establish a position upon which a framework and management strategies for addressing all instances of unreasonable behaviour and unreasonable conduct can be established, and identify the point at which normal processes relating to complaint handling become untenable.

On the spectrum of management measures available to Council in dealing with unreasonable conduct, the most extreme measure could see a complainant excluded from Council facilities, communicating with or accessing specific Council services for a defined period of time up to 12 months, at the discretion of the CEO.

Council could reasonably expect such action to be supported by the Victorian Ombudsman assuming justification according to merits of the case; complainants' circumstances; proportionality; complainants responsiveness; personal boundaries; conduct that is unreasonable or unacceptable under all circumstances; and jurisdictional issues—and these aspects of process would be enshrined in the Policy framework and operational procedures.

Until that time, the NSW Ombudsman practice manual will serve as a comprehensive reference point to guide Councillor and officer practice relating to the management of unreasonable behaviour/conduct.

STAKEHOLDER CONSULTATION

The Victorian Ombudsman conducted state-wide consultation in 2015 to identify current practice and issues relating to complaint handling in local government across the state.

Most complaints escalating to the Ombudsman related to failure to respond in a timely manner, planning, rates and infringements. It then follows that these are the area's most likely to have contact with disgruntled customers.

In an effort to reduce the risk of mental and physical harm stemming from unreasonable conduct/behaviour, it will be these operational teams who are prioritised for training when procedures are developed in line with the new complaint management framework system [AS ISO 1002-2014], scheduled for completion in 2017/18.

FINANCIAL AND RESOURCE IMPLICATIONS

No financial investment or additional resources are required to support to the Policy's adoption however savings may be realised via reduced absenteeism and stress claims as a result of provisions to better protect councillors and officers from unreasonable behaviours by community members.

RISK IMPLICATIONS

By introducing measures to seek to minimise potential exposure to unreasonable behaviours and unreasonable conduct, Council realises an improvement to its risk profile. This occurs via a reduction the likelihood of stress leave and absenteeism that stem from repeated exposure and the organisation's current inability to implement clear measures to seek to protect staff from further instances of unreasonable behaviour by an individual.

CONCLUSION

Having a Policy, and associated suite of procedures, in place for managing instances of unreasonable behaviour and unreasonable demands is recommended by the Victorian Ombudsman.

Work to introduce such policy within Latrobe City Council will result in a safer work environment capable of maximising community benefit in how resources are allocated and expended.

SUPPORTING DOCUMENTS

Draft Policy

Attachments

1 [↓](#). Unreasonable Behaviour and Demands policy

16.2

Unreasonable Behaviour and Demands Policy

- 1 Unreasonable Behaviour and Demands policy..... 145**



Unreasonable behaviours and demands Policy

Version (No)

Approval Date: 31 July 2017

Review Date: 1 August 2018



Unreasonable Behaviour and Conduct Policy

DOCUMENT CONTROL

Responsible GM	Sara Rhodes-Ward	
Division	Community Services	
Last Updated (who & when)	Edith Heiberg, Communications and Customer Relations	2017
DOCUMENT HISTORY		
Authority	Date	Description of change
Council	31 July 2017	Nil
References	Refer to Section 8 and 9 of this policy	
Next Review Date	1 August 2018	
Published on website	Yes	
Document Reference No		

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Unreasonable Behaviour and Conduct Policy

1. Background

This policy is prepared in response to the Victorian Ombudsman's published requirements regarding complaint handling in local government, in particular the need to actively manage aspects of unreasonable behaviours and unreasonable demands by community members in their dealings with Officers and Councillors.

2. Objectives

- To provide for the safe and secure environment in which Officers and Councillors can serve, communicate and conduct Council business in a fair, respectful and professional manner.
- To empower Officers and Councillors to take appropriate action when the conduct of community members is not conducive to productive, positive problem solving.
- To empower Officers and Councillors to take appropriate action when community members become insistent with demands for an unreasonable allocation of Council resources that is unlikely to result in tangible benefits to the broader community.
- To provide options for redress for Council.

3. Scope

In keeping with the Victorian Ombudsman's Report and Latrobe City Council's duty of care requirements relating to health and safety, this policy applies to Officers, Councillors and contractors where approach is being made by a community member.

The unreasonable behaviours or unreasonable demands may include, but are not limited to, face to face interactions, written correspondence in any form, telephone calls and online communications.

Council does not impose contact or communication limitations when statutory rights are established via legislation including, but not limited to, the Local Government Act 1989 or under the provisions of the Freedom of Information Act 1982.

4. Principles of Management

This policy may be activated, at the request of an Officer, Councillor or contractor, in instances where in the course of conducting Council business, or by virtue of their association with Council, considers any of the following to be occurring:

- Demands are vexatious, that is:
 - they require an unreasonable allocation of Council resources to continue to address after full and proper consideration;
 - where further investigation or resource allocation is unlikely to result in a tangible benefits to the broader community;
 - where the customer's expectations are inconsistent with Council's adopted policies, budget or strategy, beyond Council's jurisdiction; or

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Unreasonable Behaviour and Conduct Policy

- where operational matters are persistently raised despite having been previously dealt with to the CEO's satisfaction.
- Conduct by a community member involves menacing, threatening or demeaning behaviour that is contrary to Council's requirement to ensure the provision of a work environment that is conducive to good mental health, safety or security.
- Behaviour is displayed which jeopardises the provision of a safe and secure environment in which officers and Councillors may interact with community members;
- Behaviour impacts on an officers or Councillors ability to conduct meetings in a fair, respectful and professional manner that are free from personal judgement or prejudice; and that remain focused on productive, positive problem solving.

This policy enables a process whereby Council may cease continuing communication and/or contact with a community member on a specific issue for a given period of time due to the nature of the demands or conduct of the individual.

Accountability and Responsibility

Accountability and responsibility for this policy is outlined below.

4.1. Council

- Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other Latrobe City Council Policy
- Responsibility for the decision to approve this Policy by Council Resolution
- Responsibility to raise cases of perceived unreasonable behaviour or unreasonable demands with the CEO with due urgency
- Responsibility to honour and comply with all communication or access restrictions placed on a community member (this may relate to behaviour or conduct targeted at Officers or contractors).

4.2. Chief Executive Officer

- Overall responsibility for compliance with this policy
- Responsibility to receive, and action with appropriate urgency, Councillor reports of cases of perceived unreasonable behaviours and unreasonable demands by community

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Responsible Division	(Insert Division Name)	Approved Date	(day, month, Year)	Review Date	(month & year)
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Unreasonable Behaviour and Conduct Policy

- Responsibility to assess and consider all cases put forward by officers and Councillors, with a view to invoking Council's right to restrict access or communication or in extreme cases deny access in line with the Victorian Ombudsman's Report and good practice guide
- Responsibility for reviewing recommendations from General Managers to establish a period of service exclusion.
- Responsibility for communicating to Councillors any action taken in relation to this policy such as notification regarding communication restrictions placed on a community member
- Overall responsibility for providing resources
- Overall responsibility for performance monitoring

4.3. General Manager

- Responsibility for compliance with this policy
- Responsibility for decision making regarding restricted communication where an Officer or contractor has been the target of the unreasonable behaviour or demands
- Responsibility for providing the CEO with timely information regarding all instances of unreasonable behaviours or unreasonable demands experienced by Officers
- Responsibility for making a recommendation to the CEO where they believe a period of service exclusion is appropriate action, taking into account the Victorian Ombudsman's practice guide and duty of care to Officers' health and safety
- Responsibility for providing resources
- Responsibility for performance monitoring

4.4. Manager Governance

- Implement framework and procedures in compliance with this policy
- Administer the process to capture, monitor and manage recommendations regarding appropriate sanctions
- Enforce responsibilities to achieve compliance with frameworks and procedures
- Provide appropriate resources for the execution of the frameworks and procedures

Maintain a list of individuals – the period of exclusion, restrictions as deemed appropriate by the CEO

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Responsible Division	(Insert Division Name)	Approved Date	(day, month, Year)	Review Date	(month & year)
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Unreasonable Behaviour and Conduct Policy

Develop and implement a process to advise officers, Councillors and the community member of the completion of restriction period.

4.4. Managers

- Follow framework and procedures in compliance with this policy
- Refer, with recommendation regarding appropriate sanctions, all instances of perceived unreasonable behaviour or demands to their General Manager for consideration
- Enforce responsibilities to achieve compliance with frameworks and procedures
- Provide appropriate resources for the execution of the frameworks and procedures

4.5. Employees, Contractors and Volunteers

- Participate where required in the development of frameworks and procedures in compliance with this policy.
- Comply with frameworks and procedures developed to achieve compliance with this policy.

5. Evaluation and Review

This policy will be subject to an annual review or in the event of significant change in the Executive team, significant changes to legislation applicable to the subject matter of the policy, following release of further publications by the Victorian Ombudsman relating to this topic or, in any other case, during each Council term (generally four years).

6. Definitions

Unreasonable complainants may be categorised as behaviour being motivated by:

Attitude - dissatisfied with a person, the systems and processes that they are interacting with at Council.

Emotions and psychology – highly angry, frustrated or disappointed and express those emotions in unacceptable ways; have an inflated sense of entitlement or are unable to accept any personal blame for their issues.

Aspirations – seeking 'justice', a 'moral outcome' or are obsessively pursuing their issue on a matter of principle; they want revenge, vindication or retribution.

Recreational interests – carrying out an all-consuming hobby or are making a career of complaining; deriving pleasure for the activities associated with the complaint process or are enjoying the social contact with the organisation.

Needs and expectations – expectations, physical needs or emotional needs have not been met.

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Unreasonable Behaviour and Conduct Policy

Ulterior motives – such as the intent to harass, intimidate, embarrass or annoy another person.

Unreasonable behaviour may manifest in the form of:

Unreasonable persistence – complainants persisting with their issues even though they have been dealt with to finality, refusing to accept final decisions and sending excessive amounts of correspondence.

Unreasonable demands – complainants insisting on outcomes that are unattainable, moving the goal posts or demanding to have their complaints dealt with in a particular way that are contrary to set process, procedure or level of service.

Unreasonable lack of cooperation – complainants providing disorganised, excessive or irrelevant information, unwilling to consider other valid viewpoints or refusing to define their issues of complaint.

Unreasonable arguments – complainants seeing cause and effect arguments where there are clearly none, holding conspiracy theories unsupported by evidence and irrationally interpreting facts or laws and refusing to accept other more reasonable interpretations.

Unreasonable behaviours – complainants displaying elevated anger, aggression, threats or other threatening or violent conduct.

7. Related Documents

Victorian Ombudsman Report 2015

Good Practice Guide 2015

New South Wales Ombudsman, *Managing unreasonable complainant conduct practice manual*, 2nd edition, May 2012

Local Government Act 1989;
Protected Disclosure Act 2012;
Charter of Human Rights and Responsibilities Act 2006;
Information Privacy Act 2000;
Freedom of Information Act 1982; and
Occupational Health & Safety Act 2004.

8. Related Policies

- Citizen Complaints Resolution Policy;
- Citizen Confidentiality and Privacy Policy;
- Local Law No 1;
- Staff Code of Conduct; and

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Unreasonable Behaviour and Conduct Policy

- Councillor Code of Conduct.

9. Reference Resources

List any external reference materials, such as Acts, Regulations, Guidance, Industrial Instruments, Planning Instruments, etc.

10. Appendices

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Responsible Division	(Insert Division Name)	Approved Date	(day, month, Year)	Review Date	(month & year)
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16.3 Tarwin Street Pop up Park

General Manager

Community Services

For Decision

EXECUTIVE SUMMARY

This report presents feedback received on the continuing operation of the Tarwin Street Pop-Up Park as part of the Future Morwell community consultation process as per Council's resolution of the 10 April 2017.

In November 2015, Council approved the establishment of the Tarwin Street Pop-Up Park having secured funding from Vic Health.

Following a road closure process, a component of the northbound lane of Tarwin Street was closed on Tuesday 9 February 2016 and constructed as a temporary park.

At the Ordinary Council Meetings on 12 September 2016 and 27 March 2017, Council extended the duration of the Tarwin Street Pop-Up Park and road closure through to 21 August 2017. The purpose of the last extension was to continue to provide a temporary community meeting space and to seek feedback from the community regarding the Pop-Up Park during the community consultation process for the Future Morwell Urban Design Revitalisation Plan.

During the Future Morwell Urban Design Revitalisation Plan community consultation, community members have sought to inform Council of their views on the Pop-Up Park.

While some community members identify the Park as a valuable community asset and would like to see it continue; others consider it to be an eye-sore and would prefer to reinstate the flow of traffic currently disrupted by the partial road closure.

In light of the community feedback provided, it is recommended that the temporary Pop-Up Park be removed and that intersection treatments for Tarwin Street and Commercial Road be revisited upon Council's formal consideration of the Future Morwell Urban Design Revitalisation Plan.

RECOMMENDATION

That Council dismantle the temporary Pop Up Park in Tarwin Street, Morwell and return the Street to its former state as soon as practical.

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

In April 2015, Latrobe City Council submitted a funding application to VicHealth for a Community Activation Program grant. The application outlined that Council intended to close Tarwin Street for a pop up park for temporary community use.

VicHealth advised Latrobe City Council in May 2015 that the application for funding under VicHealth's Community Activation Program was successful.

At the Ordinary Council Meeting of 16 November 2015, Council resolved:

That Council exercise its powers under clause 10(1) of Schedule 11 of the Local Government Act 1989 to temporarily close the northbound lane of Tarwin Street, Morwell, from Commercial Road for a distance of approximately 30 metres south of Commercial Road for a six month period.

The northbound lane of Tarwin Street near Commercial Road was temporarily closed from Tuesday 9 February 2016 and the activation of the space commenced.

After being activated on 9 February 2015, the Park was advertised to close on 14 June 2016. In the Councillor Briefing on 30 May 2016, Council were provided the opportunity to continue the Park until 8 August 2016 by utilising the full 6-month period of the Tarwin Street road closure approval period. This decision was taken in direct response to positive stakeholder feedback, particularly from traders and community members.

At the Ordinary Council Meeting on 1 August 2016, it was resolved that Council:

1. *Extends the duration of the Tarwin Street Pop Up Park until 31 March 2017.*
2. *Publish a Public Notice in the Latrobe Valley Express on 4 August 2016, advising the community that Council intends to exercise its powers under clause 10(1)(c) of Schedule 11 of the Local Government Act 1989 to maintain the closure of the northbound lane of Tarwin Street, Morwell, from Commercial Road for a distance of approximately 30 metres south of Commercial Road and of their rights to make a submission under section 223 of the Local Government Act 1989;*
3. *Consider any submissions received in relation to the proposed closure of Tarwin Street until 31 March 2017 as part of a final decision on the closure of Tarwin Street at the Ordinary Council Meeting to be held on Monday 12 September 2016.*

The community was advised of Council's intention via Public Notice published on 4 August 2016. During the four-week submission period, Council received 16 submissions in relation to the proposal.

At the Ordinary Council Meeting on 12 September 2016, Council reviewed the submission applications. In summary, the submission responses were as follows:

- *Support:* 9 submissions were in favour of the park remaining
- *Neutral:* 3 submissions had minor comments or supported it if the businesses did.
- *Objected:* 4 submissions objected due to loss of on-street parking, the impact on traffic flow, or perceived lack of use of the park

While Officers noted the submitters' concerns about the impact of the loss of parking, the social and community benefits of the Park were considered to give favourable weight to the proposal for the trial to continue.

Officers recommended that the temporary closure be extended as proposed in the 1 August 2016 resolution.

On 13 September 2016 after due consideration, Council resolved the following;

That Council, having considered submissions received in accordance with section 223 of the Local Government Act:

- 1. Exercises its powers under clause 10(1) of Schedule 11 of the Local Government Act 1989 to temporarily close the northbound lane of Tarwin Street, Morwell, from Commercial Road for a distance of approximately 30 metres south of Commercial Road, until 31 March 2017.*
- 2. Advises those persons who have made a submission of Council's decision.*

On 26 October 2016, Latrobe City Council signed a funding agreement with VicHealth for a grant to support the development of a sustainable park model with greater community ownership.

At the Ordinary Council Meeting on 10 April 2017, it was resolved that Council:

- 1. Endorses that the temporary Tarwin Pop Up Park be maintained until consideration of the outcomes of the Future Morwell Revitalisation Plan community consultation;*
- 2. Publish a Public Notice in the Latrobe Valley Express on 30 March 2017, advising the community that Council intends to exercise its powers under clause 10(1)(c) of Schedule 11 of the Local Government Act 1989 to maintain the closure of the northbound lane of Tarwin Street, Morwell, from Commercial Road for a distance of approximately 30 metres south of Commercial Road and of their rights to make a submission under section 223 of the Local Government Act 1989;*
- 3. Advise the community of their right to make a submission under section 223 of the Local Government Act 1989;*
- 4. Consider any submissions received in relation to the proposed closure of Tarwin Street until 27 April 2017 and bring a subsequent report to council in relation to the temporary closure; and*
- 5. Receives a report on the future of the Tarwin Street Pop Up Park, following the consideration of feedback received on the Future Morwell Revitalisation Plan, at the Ordinary Council Meeting to be held on 21 August 2017.*

Council has received feedback on the Tarwin Street Pop-Up Park during both the Session 207 and 223 feedback process and the Future Morwell Urban Design Revitalisation Plan community consultation process.

Sections 207 and 223 Feedback

Council sought feedback from the public as per the requirements of the section 207 and 223 process.

This included a Public Notice placed in the Latrobe Valley Express and Council Officers distributing 75 letters to local businesses located in the Morwell CBD area surrounding the Tarwin Pop Up Park and advising them of the submission process.

In total, Council received four submissions (attachment 1) which are summarised as follows;

Objected: 3 submissions objected due to traffic flow concerns, that the temporary fixture is “ridiculous eye sore”, or there are health issues relating to instant turf covering bitumen and the use of old car tyres

Support: 1 submission received was in favour of the park remaining as it makes the town feel more open to people gathering, relaxing and being involved in activities, particularly mother’s with young children. It is also valued as a community asset.

Also, on 8 May 2017, Council received a list of 397 signatures (attachment 2) from people opposing the Park under the headings;

- “Please sign below to agree to the removal of the Tarwin Street Pop-Up Park. The park is causing business interruption through Commercial Road. Also, many of the local residents are incensed with the disruption to traffic” or
- “Please sign below to agree to the removal of the Tarwin Street Pop-up Park. The park is causing business interruption through Commercial Road”.

According to advice, the document did not comply with the requirements under the Local Law due to the following;

- Document had been altered to attempt to remove names and text
- No Head Petitioner identified
- No address was provided by any of the signatories
- Did not include a consistent petition statement for the following

However what cannot be repudiated is the overall anti-Pop-Up-Park sentiment.

STAKEHOLDER CONSULTATION

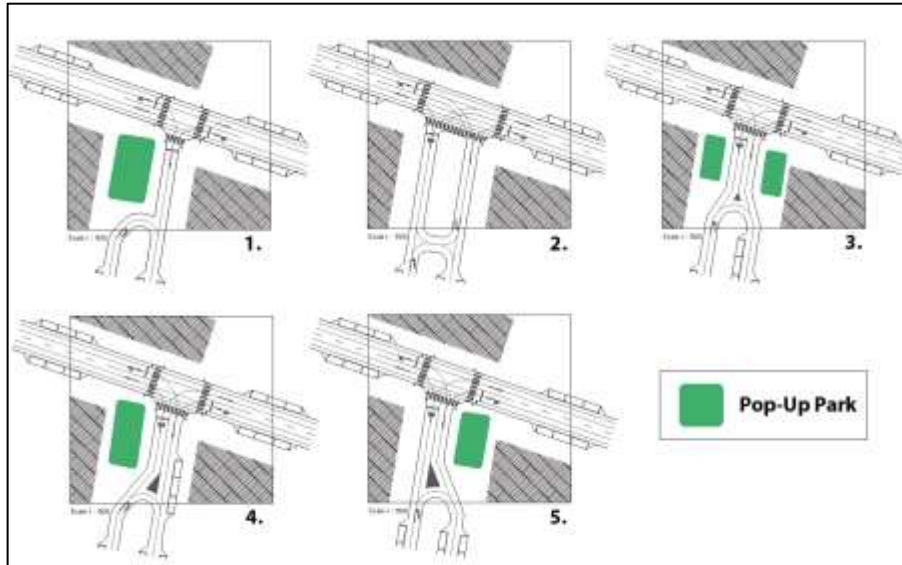
Future Morwell Urban Design Revitalisation Project – Community consultation process.

Council undertook community consultation on the Future Morwell Urban Design Revitalisation Plan from 28 March 2017 until 6 June 2017.

Part of the consultation process sought feedback on five possible permanent treatments for Tarwin Street, Morwell.

Three surveys were deployed as part of the Future Morwell community consultation process. One of these surveys sought to obtain feedback on the five proposed treatments. The results are as detailed below:

Question Eleven: The Morwell Circuit proposes five road design options for the Tarwin Street/Commercial Road intersection. Taking the current "Pop-Up Park" into consideration, which option would you prefer?



The feedback received to this question is as below and the total numbers of respondents to this question were 219 community members.

Option	Details	%	N
Option 1	Single lane for traffic entering south down Tarwin Street - current configuration of park area	21%	46
Option 2	Return to two way traffic with a central median strip - previous configuration	26.5%	58
Option 3	Relocating two way traffic up the centre of the street with a small park areas either side	13%	28
Option 4	Two way traffic re-routed to the eastern side of the street, allowing the Tarwin Street Pop up park to become a permanent fixture in its current location	22.5%	49
Option 5	Two way traffic re-routed to the western side of the street allowing a park to become a permanent fixture in front of the Commonwealth bank	15%	33
	Did not answer	2%	5

In summary most respondents (71.5%) supported the development of a community gathering place located at the Tarwin Street and Commercial Road intersection, with 50.5% of respondents seeking two-way traffic to be reinstated. Returning two-way traffic was the most important issue identified.

The initial loss of four car parks when the park was installed remains a concern for some respondents with many highlighting the benefits of retaining a community gathering place in the area of Tarwin Street with access to food outlets.

On 21 June 2017, Future Morwell Steering Committee members representing the Morwell Traders provided an information evening to approximately 25 Business owners. After discussing the concept design options for the Tarwin Street and

Commercial Road intersection, there did not appear to be any objections to a permanent community gathering place in the area.

FINANCIAL AND RESOURCE IMPLICATIONS

Funding was initially received from VicHealth for the establishment of the Tarwin Street Pop Up Park This project commenced on 7 February 2016.

In October 2016, VicHealth agreed to provide both in-kind and a financial contribution totalling \$30,000.00 to Council to support the park with a view to long-term sustainability. Should the Pop-Up Park be removed then a component of this funding would need to be renegotiated with Vic Health.

The cost of dismantling the Pop Up Park was budgeted for in the original submission and that funding has been set aside for the Park's eventual removal.

RISK IMPLICATIONS

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

A detailed plan for the pack up and removal of the park and associated work plan has been developed to ensure the site is restored safely to its original state following its closure.

Due to the highly divisive nature around the Pop-Up Park, it is likely that some community members will be displeased should it remain and some who will be displeased should it be removed.

CONCLUSION

The Tarwin Street Pop-Up Park has been a highly visible and successful temporary initiative of the Latrobe City Council.

It has been supported by traders; local service organisations; community groups; and for people using the site as a central place to come together.

The Pop-Up Park has been successful in demonstrating that innovative and cost effective treatments can be used to transform space in inventive locations can have a positive impact on increasing the wellbeing, connection, physical activity and community pride.

As identified in the community consultation and submission process, there are a number of respondents seeking the removal of the Pop-Up Park and returning to the street to previous configuration.

However, there are also a large number of respondents that supported a community gathering place, with a preference for two-way traffic to be reinstated.

In light of the fact that Council will soon consider the Final Draft of the Future Morwell Urban Design Revitalisation Plan, it may be possible for Council to consider a similar treatment which maintains two way traffic flow, potentially providing both two way traffic and a community gathering space.

SUPPORTING DOCUMENTS

Nil

Attachments

Nil

CORPORATE SERVICES

17. CORPORATE SERVICES

17.1 Assemblies of Councillors

General Manager

Corporate Services

For Information

EXECUTIVE SUMMARY

Section 80(A)2 of the *Local Government Act 1989* requires:

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.

Since the Ordinary Council Meeting on 10 July 2017, the following Assembly of Councillor records have been submitted to be presented to Council:

Date	Assembly Details	In Attendance	Confidential	Declarations of Interest
30 May 2017	Municipal Public Health and Wellbeing Plan Reference Group	Councillors Cr O'Callaghan Officers Heather Farley, Teresa Pugliese, Sara Rhodes-Ward, Steve Tong, Stuart Simmie	Not confidential	Nil
13 June 2017	Churchill & District Community Hub Joint User/ Advisory Committee meeting & Hub Advisory Committee Meeting	Councillors Cr White Officers Edith Heiberg, Carole Ayres	Not confidential	Nil
15 June 2017	Traralgon CBD Safety Committee	Councillors Cr Howe Officers Andrew Legge, Steve Tong	Not confidential	Nil

Date	Assembly Details	In Attendance	Confidential	Declarations of Interest
26 June 2017	Councillor Briefing	<p>Councillors Cr McFarlane, Cr Middlemiss, Cr White, Cr O’Callaghan, Cr Howe, Cr Clancey, Cr Law, Cr Sharon Gibson</p> <p>Officers Steven Piasente, Phil Stone, Angelo Saridis, Brett McCulley, Fiona Warne, Kylie Stockdale, Steve Tong, Michael Bloyce, Bruce Graham</p>	<p>Confidential under 89(2)</p> <p>(e) proposed developments</p> <p>(h) any other matters which the Council or special committee considers would prejudice the Council or any person</p>	Nil
3 July 2017	Councillor Briefing	<p>Councillors Cr McFarlane, Cr Middlemiss, Cr White, Cr Harriman, Cr O’Callaghan, Cr Howe, Cr Clancey, Cr Law, Cr Sharon Gibson(via phone)</p> <p>Officers Sara Rhodes-Ward, Steven Piasente, Phil Stone, Angelo Saridis, Brett McCulley, Fiona Warne, Brett Sim</p>	<p>Confidential under 89(2)</p> <p>(e) proposed developments</p> <p>(h) any other matters which the Council or special committee considers would prejudice the Council or any person</p>	Nil
11 July 2017	Churchill & District Community Hub Advisory Committee	<p>Councillors Cr White</p> <p>Officers Edith Heiberg, Carole Ayres</p>	Not confidential	Nil
14 July 2017	Morwell Centenary Rose Garden Advisory Committee	<p>Councillors Cr McFarlane</p> <p>Officers Simon Clark</p>	Not confidential	Nil

RECOMMENDATION

That Council receives and notes the Assemblies of Councillors records submitted which have been held within the period 30 May 2017 – 14 July 2017.

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 [↓](#). Municipal Public Health and Wellbeing Plan Reference Group 30 May 2017
- 2 [↓](#). Churchill & District Community Hub Joint User/ Advisory Committee Meeting & Hub Advisory Committee Meeting 13 June 2017
- 3 [↓](#). Traralgon CBD Safety Committee 15 June 2017
- 4 [↓](#). Councillor Briefing 26 June 2017
- 5 [↓](#). Councillor Briefing 03 July 2017
- 6 [↓](#). Churchill & District Community Hub Advisory Committee 11 July 2017
- 7 [↓](#). Morwell Centenary Rose Garden Advisory Committee 14 July 2017

17.1

Assemblies of Councillors

1	Municipal Public Health and Wellbeing Plan Reference Group 30 May 2017	165
2	Churchill & District Community Hub Joint User/ Advisory Committee Meeting & Hub Advisory Committee Meeting 13 June 2017	167
3	Traralgon CBD Safety Committee 15 June 2017	169
4	Councillor Briefing 26 June 2017	171
5	Councillor Briefing 03 July 2017	173
6	Churchill & District Community Hub Advisory Committee 11 July 2017.....	175
7	Morwell Centenary Rose Garden Advisory Committee 14 July 2017	177



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:	Municipal Public Health and Wellbeing Plan Referenec group
Date:	Tuesday, 30 May 2017
Time:	3.00 pm to 5.00 pm
Assembly Location:	Nambur Wariga Room, Latrobe City Headquarters, 141 Commercial Road Morwell

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 checked="" 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:	Heather Farley Teresa Pugliese Sara Rhodes-Ward Steve Tong Stuart Simmie		
Matters discussed:	5.4 MPHWP Reference Group Membership 5.5 Draft MPHWP Reference Group Meeting Schedule 5.6 Action Plan Themes 6.1 Year 4 Action Plan (2016 - 2017) reporting templates 6.2 Development of the next MPHWP (2017- 2021)		
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

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:	Churchill & District Community Hub Joint User/ Advisory Committee meeting & Hub Advisory Committee meeting
Date:	Tuesday 13 June, 2017
Time:	4.00pm to 6.00pm
Assembly Location:	Meeting Room, Churchill & District Community Hub

In Attendance

Councillors:	<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
Arrival / Departure Time:			
Officer/s:	Edith Heiberg - Executive Officer Carole Ayres - Executive Assistant Community Services (secretariat)		
Matters discussed:	<ol style="list-style-type: none"> 1. Composition of Advisory committee members. 2. Terms of Reference Review 3. Funding opportunities for Churchill/Hub expansion 4. Partition at Library counter 5. Airlock front door 6. Placement numbers at Child Care and local Preschools 		
<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: Carole Ayres, Executive Assistant Community Services





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:	Traralgon CBD Safety Committee
Date:	Thursday 15 June 2017
Time:	8.00 am - 9.00 am
Assembly Location:	Dal Monda Café 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 checked="" type="checkbox"/> Cr Darren Howe 8.00 am = 9.00 am
	<input type="checkbox"/> Cr Dan Clancey	<input type="checkbox"/> Cr Bradley Law	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Andrew Legge, Steve Tong		
Matters discussed:	Traralgon CBD Safety Committee frequency of meetings, day, time and location. Agency Reports from LV Bus Lines, Traralgon Taxis, Victoria Police, Stockland Plaza and The Traralgon Community Development Association Inc.		
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



Record Completed by: Andrew Legge 26/06//2017





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 1
Date:	26 June 2017
Time:	5.00 pm - 9.08 pm
Assembly Location:	Nambur Waringa

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 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 Bradley Law	<input checked="" type="checkbox"/> Cr Sharon Gibson
Officer/s:	Steven Piasente, Steve Tong, Phil Stone, Angelo Saridis, Martin Teplik, Brett McCulley, Fiona Warne, Kylie Stockdale, Michael Bloyce (until 6.45 pm) Bruce Graham (7.35 pm 0 8.05 pm)		
Matters discussed:	<p>Tonight's Presentations - confidential under section 89(2)(e) proposed developments.</p> <p>Future Presentations - confidential under section 89(2)(e) as it involves discussion of proposed developments.</p> <p>Transition Briefing - confidential under section 89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person</p> <p>Chief Executive Officer Performance and Remuneration Review</p> <p>Victorian Water Ski Association - International Event Attraction Support</p> <p>Community Services Survey Satisfaction Results Briefing</p> <p>Audit and Risk Committee Membership</p> <p>Regional Strategy Update</p> <p>Hazelwood Pondage Caravan Park Future Management Options</p> <p>Draft Traralgon Recreation Reserve & Showgrounds Master Plan</p> <p>Selection Panel for Latrobe Creative Precinct Design Competition</p> <p>Outstanding Issues - confidential under section 89(2)(h) any other matter</p>		



	<p>which the Council or special committee considers would prejudice the Council or any person</p> <p>Strategic Issues for Future Briefings - confidential under section 89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person</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: Kylie Stockdale, Acting 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:	Councillor Briefing
Date:	3 July 2017
Time:	5.00 pm - 9.09 pm
Assembly Location:	Nambur Waringa

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 Via phone in
Officer/s:	Steven Piasente, Sara Rhodes-Ward, Phil Stone, Angelo Saridis, Martin Teplik, Brett Mc Culley, Fiona Warne.		
Matters discussed:	<p>Tonight's Presentations - confidential under section 89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person.</p> <p>Future Presentations - confidential under section 89(2)(e) as it involves discussion of proposed developments.</p> <p>Transition Briefing - confidential under section 89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person</p> <p>Age Friendly Cities</p> <p>Public Safety Infrastructure Fund - Grant Opportunity</p> <p>Unreasonable behaviour and Unreasonable Conduct Policy</p> <p>Railway Avenue and Black Tank Road, Glengarry - Special Charge Scheme Survey and Options</p> <p>Live Streaming of Council Meetings and the Potential Implications</p> <p>Submission to Victorian Heritage Council - Morwell Power Station and Briquette Factories</p> <p>Response to Further Rehabilitation Bonds for the Latrobe Valley Coal Mining Licenses</p>		



	<p>Outstanding Issues - confidential under section 89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person</p> <p>Strategic Issues for Future Briefings - confidential under section 89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person</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: Fiona Warne





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:	Churchill & District Community Hub Advisory Committee meeting (inc tour of Churchill Neighbourhood Centre)
Date:	Tuesday 11 July, 2017
Time:	4.30pm to 5.50pm
Assembly Location:	Meeting Room, Churchill & District Community Hub

In Attendance

Councillors:	<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
Arrival / Departure Time:			
Officer/s:	Edith Heiberg - Executive Officer Carole Ayres - Executive Assistant Community Services (secretariat)		
Matters discussed:	<ol style="list-style-type: none"> 1. Composition of Advisory committee members. 2. Terms of Reference Review finalisation 3. Funding opportunities for Churchill/Hub expansion 4. Partition at Library counter/Airlock front door 5. Foodbank Proposal 		
<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: Carole Ayres, Executive Assistant Community Services





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:	14 July 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:	Railway embankment discussion on immediate maintenance works required and long term works re:fence and additional plantings. Review of Rose Garden Pruning weekend. Further discussion held on new Web Site for the garden. Discussion on annual works schedule.		
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

Record Completed by: Simon Clark



17.2 Proposed Long Term Lease - Yinnar Bowling Club

General Manager

Corporate Services

For Decision

EXECUTIVE SUMMARY

Council is the appointed Committee of Management for Crown Allotment 57, (Parish of Yinnar) Main Street, Yinnar. The Yinnar Bowls Club Inc. (Club) was established in 1984 and has developed a bowling green, members' clubroom and associated facilities on the land (refer [Attachment 1](#)).

Following discussions with the Department of Environment, Land, Water and Planning (DELWP) it has been revealed that there is no lease in place with the Club. To correct this position it is necessary for Council, with the approval of DELWP, to enter into an agreement to formalise the Club's occupation of the land.

It is proposed that Council commence the statutory process and gives public notice of its intention to consider entering into a long term lease, invite written submissions and seek "approval in principle" to enter into a land lease with the Club (refer [Attachment 2](#)).

RECOMMENDATION

That Council:

- 1. In accordance with section 190 of the *Local Government Act 1989* gives public notice of its intention to consider entering into a 20 year lease agreement pursuant to section 17D of the *Crown Land (Reserves) Act 1978* with the Yinnar Bowls Club Inc. for part of Crown allotment 57, Parish of Yinnar (Main Street, Yinnar) and invite written submissions, and**
- 2. Seeks the Department for Environment Land Water and Planning "approval in principle" to enter into a 20 year lease pursuant to section 17D of the *Crown Land (Reserves) Act 1978*, and**
- 3. Delegates the authority to the Chief Executive Officer to fix the day, time and place of the Ordinary Council Meeting in accordance with section 223 of the *Local Government Act 1989* to consider any written submissions received objecting to the proposed 20 year lease agreement with the Yinnar Bowls Club Inc. for part of Crown allotment 57, Parish of Yinnar (Main Street, Yinnar), or**
- 4. If no submissions are received objecting to the proposed 20 year lease agreement with the Yinnar Bowls Club Inc. for part of Crown allotment 57, Parish of Yinnar (Main Street, Yinnar), Council authorises the Chief Executive Officer to finalise terms and conditions and sign the lease agreement.**

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

The Yinnar Bowls Club Inc. was established in 1984 and has occupied Crown land allotment 57.

Over many years of occupying the Crown land allotment, the Club has developed a bowling green, a members' clubroom and associated facilities without a formal lease agreement. It is proposed that Council remedy this position and commence the statutory process to allow Council and the Club to enter into a long term lease.

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

Crown Land (Reserves) Act 1978 - Section 17D and

Local Government Act 1989 – Section 190 and Section 223.

Crown Land leases must be prepared in accordance with the “*Leasing Policy for Crown Land in Victoria 2010*” document using the DELWP Crown land lease template.

The objective principles of this leasing policy are summarised below:

”Principle 1 – To provide benefits to the public through leasing

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

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

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

Principle 2 – To ensure consistency and transparency in leasing

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

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

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

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

All Victorians depend on the health of the State’s natural assets: its water, biodiversity and land. The economic, social and cultural benefits to the community from the leasing of Crown land depend on its long-term management. Proposals to lease Crown land need to demonstrate the application of sustainable management principles.”

Any lease agreement will be subject to the provisions of the *Crown Land (Reserves) Act 1978* and must satisfy the leasing policy principles detailed above. A draft lease will be prepared using DELWP's *Crown Land (Reserves) Act 17D Lease Template*.

STAKEHOLDER CONSULTATION

The proposed lease has been discussed with representatives of DELWP prior to presenting the matter to Council for consideration.

To determine whether there are any objections to the proposed lease, it is intended that public comment will be sought via the following methods:

- Public notices in the Latrobe Valley Express and on Council's website and Facebook page
- A physical notice to be placed at Council's Corporate Headquarters, Morwell and at Council's Churchill Hub

Any submissions received objecting to the proposed lease will need to be considered at a future Council meeting in accordance with Section 223 of the *Local Government Act 1989*.

FINANCIAL AND RESOURCES IMPLICATIONS

The direct costs associated with undertaking this process would be minimal, being the cost of public notices in the Latrobe Valley Express, along with officer resources committed to the preparation and placing of notices and drafting of reports. Indirect costs would involve officer time in considering any submissions/expressions of interest received. These costs are within existing recurrent budget allocations.

The annual rental payable would be determined in accordance with the State Government's "*Leasing Policy for Crown Land in Victoria 2010*" and in accordance with Council's fees and charges budget.

As a special condition of the lease, the Club will be required to provide Council with copies of its financial statements and other relevant reports presented by the Club at its Annual General Meetings.

RISK IMPLICATIONS

Provided Council undertakes the statutory process required by section 190 of the *Local Government Act 1989* and 17D of the *Crown Land (Reserves) Act 1978*, there are not considered to be any risks associated with entering into the lease with the Yinnar Bowls Club.

CONCLUSION

The Yinnar Bowls Club currently occupies Crown land with Council being the appointed Committee of Management. As there is no formal lease agreement with the Club it is proposed that Council commence the statutory process to rectify this situation.

Given the proposed 20 year lease term Council would be required to give in accordance with section 190 of the *Local Government Act 1989*, public notice will be

given of Council's intention to enter into a long-term lease together with an invitation for public comment.

SUPPORTING DOCUMENTS

Nil

Attachments

1 [↓](#). Aerial Image - Yinnar Bowls Club, Part Crown Allotment 57, Parish of Yinnar.

17.2

Proposed Long Term Lease - Yinnar Bowling Club

- 1 Aerial Image - Yinnar Bowls Club, Part Crown Allotment
57, Parish of Yinnar. 185**



**17.3 Contract Variations and Contracts Awarded by the Chief Executive Officer
Report for the period 1 April 2017 to 30 June 2017**

General Manager

Corporate Services

For Information

EXECUTIVE SUMMARY

In accordance with Latrobe City Council's *Procurement Policy 15 POL-9* section 2.12 Contract Management, there is a requirement for contract variations to be reported to Council on a quarterly basis.

All contract variations by approving delegate and contracts awarded by the Chief Executive Officer under delegation are detailed in the attachment.

RECOMMENDATION

That Council receives and notes this report on contract variations and contracts awarded by the Chief Executive Officer during the period 1 April 2017 to 30 June 2017.

DECLARATION OF INTEREST

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

Attachments

1. [Variation Details and Contracts Awarded by the CEO](#)
2. Variation Details - Confidential (Published Separately) (Confidential)

17.3

Contract Variations and Contracts Awarded by the Chief Executive Officer Report for the period 1 April 2017 to 30 June 2017

- 1 Variation Details and Contracts Awarded by the CEO 189**

Contract No. and Title:		LCC-276 Ted Summerton Reserve Oval Re-Surfacing Project								
Contractor:		Hume Turf and Machinery Pty Ltd								
Date Contract Awarded:		14/09/2015	Contract Awarded by:			Council		Original Contract Value:		\$491,651.00
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
4	Wicket renovation	20/04/2017	General Manager	\$1,614.55	0.33%	\$70,726.65	\$72,341.20	14.71%	\$563,992.20	

Contract No. and Title:		LCC-295 Construction of Open Drain and Wetland at Fourth Road, Hazelwood North								
Contractor:		ACE Earthmoving Pty Ltd								
Date Contract Awarded:		7/12/2015	Contract Awarded by:			Council		Original Contract Value:		\$1,582,355.73
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
10	Additional landscaping throughout the worksite to tidy up and finish off the project	13/06/2017	General Manager	\$16,120.00	1.02%	\$30,886.60	\$47,006.60	2.97%	\$1,629,362.33	

Contract No. and Title:		LCC-319 Reconstruction of Moe Tennis Courts								
Contractor:		HCM Constructions Vic Pty Ltd								
Date Contract Awarded:		22/08/2016	Contract Awarded by:			Council		Original Contract Value:	\$1,416,792.35	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
8	CREDIT - Unused Item 1 (i) - Maintenance of the work site	7/04/2017	General Manager	-\$2,500.00	-0.18%	\$41,301.50	\$38,801.50	2.74%	\$1,455,593.85	

Contract No. and Title:		LCC-322-GASKIN - Reconstruction of Gaskin Park Netball Court at Churchill								
Contractor:		HCM Constructions Vic Pty Ltd								
Date Contract Awarded:		13/02/2017	Contract Awarded by:			CEO		Original Contract Value:		\$95,295.00
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
1	Supply and install additional gates	18/04/2017	General Manager	\$1,034.40	1.09%	\$0.00	\$1,034.40	1.09%	\$96,329.40	
2	Additional excavation above design schedule	18/04/2017	General Manager	\$1,750.00	1.84%	\$1,034.40	\$2,784.40	2.92%	\$98,079.40	
3	Additional crushed rock pavement costs above item 3a and 3b	18/04/2017	General Manager	\$2,843.00	2.98%	\$2,784.40	\$5,627.40	5.91%	\$100,922.40	
4	Construct pedestrian path and hardstand areas for gate entrances	18/04/2017	General Manager	\$8,550.00	8.97%	\$5,627.40	\$14,177.40	14.88%	\$109,472.40	

Contract No. and Title:		LCC-328 Reconstruction of Hourigan Road at Morwell – Stage 3								
Contractor:		Sure Constructions (Vic) Pty Ltd								
Date Contract Awarded:		12/09/2016	Contract Awarded by:			Council		Original Contract Value:		\$694,148.62
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
4	Repair of unsuitable subgrade near utility service mains and property service relocations	3/04/2017	CEO	\$39,667.72	5.71%	\$73,901.48	\$113,569.20	16.36%	\$807,717.82	
5	Change of scope for the northern carriage way	22/05/2017	CEO	\$66,421.37	9.57%	\$113,569.20	\$179,990.57	25.93%	\$874,139.19	
6	Delay charges	27/06/2017	CEO	\$15,334.34	2.21%	\$179,990.57	\$195,324.91	28.14%	\$889,473.53	

Contract No. and Title:		LCC-335 Reconstruction of Tarwin Street at Morwell								
Contractor:		ACE Earthmoving Pty Ltd								
Date Contract Awarded:		22/12/2016	Contract Awarded by:			CEO	Original Contract Value:		\$869,696.05	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
3	Kennedy Street works	9/05/2017	Manager	\$4,569.50	0.53%	\$4,250.00	\$8,819.50	1.01%	\$878,515.55	
4	CREDIT - reduced stormwater pipe quantity and subsoil drainage quantity	8/05/2017	Manager	-\$4,634.25	-0.53%	\$8,819.50	\$4,185.25	0.48%	\$873,881.30	
5	Removal and disposal of redundant 300mm dia SW pipe under Tarwin Street	9/05/2017	Manager	\$2,900.00	0.33%	\$4,185.25	\$7,085.25	0.81%	\$876,781.30	
6	Cement stabilisation of subgrade material	10/05/2017	General Manager	\$24,000.00	2.76%	\$7,085.25	\$31,085.25	3.57%	\$900,781.30	
7	Vehicle turnaround at 67 Tarwin Street	11/05/2017	General Manager	\$7,439.40	0.86%	\$31,085.25	\$38,524.65	4.43%	\$908,220.70	
8	Change of kerb profile between McLean Street and Wallace Street	19/06/2017	General Manager	\$3,910.00	0.45%	\$38,524.65	\$42,434.65	4.88%	\$912,130.70	

Contract No. and Title:		LCC-339 Rehabilitation of Ray Street at Traralgon								
Contractor:		Sure Constructions (Vic) Pty Ltd								
Date Contract Awarded:		5/12/2016	Contract Awarded by:			Council	Original Contract Value:		\$459,972.27	
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
2	Cement stabilisation	7/04/2017	General Manager	\$15,824.00	3.44%	-\$5,141.29	\$10,682.71	2.32%	\$470,654.98	
3	Additional area of concrete vehicle and pedestrian crossing	2/06/2017	General Manager	\$9,042.33	1.97%	\$10,682.71	\$19,725.04	4.29%	\$479,697.31	

Contract No. and Title:		LCC-340 Rehabilitation of Elliott Street at Traralgon								
Contractor:		Sure Constructions (Vic) Pty Ltd								
Date Contract Awarded:		5/12/2016	Contract Awarded by:			Council		Original Contract Value:		\$644,144.34
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
2	Cement stabilisation of existing subgrade	4/05/2017	General Manager	\$23,430.00	3.64%	\$9,593.10	\$33,023.10	5.13%	\$677,167.44	
3	Elliot St pavement change	8/06/2017	General Manager	\$8,078.00	1.25%	\$33,023.10	\$41,101.10	6.38%	\$685,245.44	
4	Elliot St drainage changes	29/06/2017	General Manager	\$15,815.40	2.46%	\$41,101.10	\$56,916.50	8.84%	\$701,060.84	

Contract No. and Title:		LCC-341 Hyland Highway Landfill - Construction of Landfill Cap - Parts of Cells 1, 2 and 3								
Contractor:		DDTLA Pty Ltd T/As Teneo								
Date Contract Awarded:		14/11/2016	Contract Awarded by:			Council		Original Contract Value:		\$1,347,958.00
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
1	Supply of clay material	25/05/2017	General Manager	\$60,905.26	4.52%	\$0.00	\$60,905.26	4.52%	\$1,408,863.26	

Contract No. and Title:		LCC-347 Hyland Highway Landfill - Cell 5 Excavation, Fencing and Access Road								
Contractor:		RTL Mining and Earthworks Pty Ltd								
Date Contract Awarded:		13/02/2017	Contract Awarded by:			Council		Original Contract Value:		\$914,819.71
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
1	Construction of extra landfill fencing	3/05/2017	General Manager	\$62,046.40	6.78%	\$0.00	\$62,046.40	6.78%	\$976,866.11	

Contract No. and Title:		LCC-350 Reconstruction of Garibaldi Street at Traralgon - Stage 3								
Contractor:		Eastern Constructions Pty Ltd								
Date Contract Awarded:		13/01/2017	Contract Awarded by:			CEO		Original Contract Value:		\$291,636.75
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
1	Lowering drainage alignment and reconstruction of drainage pits	26/04/2017	Manager	\$3,069.00	1.05%	\$0.00	\$3,069.00	1.05%	\$294,705.75	
2	Remove and replace footpath bays	15/06/2017	Manager	\$450.00	0.15%	\$3,069.00	\$3,519.00	1.21%	\$295,155.75	

Contract No. and Title:		LCC-352 Glengarry Netball/Tennis Pavilion Construction							
Contractor:		System Building Pty Ltd T/As Rick Doultree Builders							
Date Contract Awarded:		13/02/2017	Contract Awarded by:		CEO		Original Contract Value:		\$389,500.00
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value
2	Blinding concrete	2/05/2017	Manager	\$2,468.40	0.63%	\$8,977.10	\$11,445.50	2.94%	\$400,945.50
3	Alterations to door frames	4/05/2017	Manager	\$1,340.76	0.34%	\$11,445.50	\$12,786.26	3.28%	\$402,286.26
4	Door alteration	11/05/2017	Manager	\$592.92	0.15%	\$12,786.26	\$13,379.18	3.43%	\$402,879.18
5	Supply and installation of water fountain	25/05/2017	General Manager	\$3,100.00	0.80%	\$13,379.18	\$16,479.18	4.23%	\$405,979.18
6	External drainage	8/06/2017	General Manager	\$935.00	0.24%	\$16,479.18	\$17,414.18	4.47%	\$406,914.18
7	Shower partitioning	8/06/2017	General Manager	\$1,287.00	0.33%	\$17,414.18	\$18,701.18	4.80%	\$408,201.18
8	Additional concrete	21/06/2017	General Manager	\$1,243.00	0.32%	\$18,701.18	\$19,944.18	5.12%	\$409,444.18

Contract No. and Title:		LCC-355 Latrobe Leisure Morwell - Female Change Room Upgrade								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/04/2017	Contract Awarded by:			CEO		Original Contract Value:		\$208,860.00
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
1	Modwood slats in lieu of KDHW	20/06/2017	Manager	\$1,016.40	0.49%	\$0.00	\$1,016.40	0.49%	\$209,876.40	
2	Supply and install lintel	20/06/2017	Manager	\$286.00	0.14%	\$1,016.40	\$1,302.40	0.62%	\$210,162.40	

Contract No. and Title:		LCC-359 Latrobe Regional Gallery, Morwell - Refurbishment								
Contractor:		Waltcon Constructions Pty Ltd								
Date Contract Awarded:		20/03/2017	Contract Awarded by:			Council		Original Contract Value:		\$1,030,940.00
Contract variation no.	Variation description	Date variation approved	Variation approved by	Variation amount	Individual variation % of original contract value	Previous value of variations to date	Total value of variations	Cumulative total variation % of original contract value	Revised contract value	
1	Gallery 1 floor repairs	19/04/2017	Manager	\$390.50	0.04%	\$0.00	\$390.50	0.04%	\$1,031,330.50	
2	Additional data works	24/04/2017	Manager	\$1,287.00	0.12%	\$390.50	\$1,677.50	0.16%	\$1,032,617.50	
3	Re-level gallery entry floor	24/04/2017	Manager	\$2,662.00	0.26%	\$1,677.50	\$4,339.50	0.42%	\$1,035,279.50	
4	Additional security works	9/05/2017	General Manager	\$10,708.50	1.04%	\$4,339.50	\$15,048.00	1.46%	\$1,045,988.00	
5	Patch concrete floors	9/05/2017	General Manager	\$3,210.00	0.31%	\$15,048.00	\$18,258.00	1.77%	\$1,049,198.00	
6	Electrical VQ's	9/05/2017	General Manager	\$3,182.30	0.31%	\$18,258.00	\$21,440.30	2.08%	\$1,052,380.30	
7	Mechanical duct alterations to café	9/05/2017	General Manager	\$932.80	0.09%	\$21,440.30	\$22,373.10	2.17%	\$1,053,313.10	
8	CREDIT - Single glazing in lieu of double glazing	17/05/2017	General Manager	-\$4,820.00	-0.47%	\$22,373.10	\$17,553.10	1.70%	\$1,048,493.10	
9	Works to storeroom	25/05/2017	General Manager	\$885.50	0.09%	\$17,553.10	\$18,438.60	1.79%	\$1,049,378.60	
10	CREDIT - Timber ceiling baffles	13/06/2017	General Manager	-\$7,586.00	-0.74%	\$18,438.60	\$10,852.60	1.05%	\$1,041,792.60	
11	Change door track to door 12	13/06/2017	General Manager	\$9,708.49	0.94%	\$10,852.60	\$20,561.09	1.99%	\$1,051,501.09	
12	Additional security works	21/06/2017	General Manager	\$3,224.65	0.31%	\$20,561.09	\$23,785.74	2.31%	\$1,054,725.74	
13	Additional concrete hob, stairs and paving	22/06/2017	General Manager	\$3,027.20	0.29%	\$23,785.74	\$26,812.94	2.60%	\$1,057,752.94	
14	Signage changes	28/06/2017	General Manager	\$878.90	0.09%	\$26,812.94	\$27,691.84	2.69%	\$1,058,631.84	

CONTRACTS AWARDED BY THE CEO UNDER DELEGATION FROM 1 APRIL 2017 TO 30 JUNE 2017

Contract Number and Title:	Contractor:	Date Awarded:	Contract Amount or SOR
LCC-Mercury - HR Platform Services	Mercury Group of Companies Pty Ltd	30/11/2016 fully executed on 8/5/2017	\$108,999.96
LCC-316 Periodic Servicing and Calibration of Hyland Highway Landfill Weighbridges	Ultrahawke Pty Ltd	19/04/2017	SOR
LCC-354-A Provision of Urban Street Tree Pruning 2017/2018	Active Tree Services Pty Ltd	28/04/2017	\$106,329.86
LCC-354-B Provision of Urban Street Tree Pruning 2017/2018	Drop & Leave Pty Ltd	28/04/2017	\$56,837.00
LCC-354-C Provision of Urban Street Tree Pruning 2017/2018	Gippy Tree Services Pty Ltd	28/04/2017	\$17,000.00
LCC-355 Latrobe Leisure Morwell Female Change Room Refurbishment	Waltcon Constructions Pty Ltd	20/04/2017	\$208,860.00
LCC-401 Provision of Cash Collection Services	APIS Services Pty Ltd	21/06/2017	SOR
LCC-402 Project Management Services Latrobe Creative Precinct Design Competition Procurement Phase	M.R.Grosser and A.A.Mackenzie T/As Citylab	15/05/2017	\$67,080.00
LCC-404 Sealing of Taylors Road at Koornalla	ACE Earthmoving Pty Ltd	8/05/2017	\$337,275.00
LCC-408-A Panel of Probity Auditors and Advisors	RSM Australia Pty Ltd	21/06/2017	SOR
LCC-408-B Panel of Probity Auditors and Advisors	Crowe Horwath Vic	21/06/2017	SOR
LCC-408-C Panel of Probity Auditors and Advisors	Oakton Services Pty Ltd	21/06/2017	SOR
LCC-408-D Panel of Probity Auditors and Advisors	Landell Corporation Pty Ltd	21/06/2017	SOR
LCC-408-E Panel of Probity Auditors and Advisors	ArcBlue Consulting (Aus) Pty Ltd	21/06/2017	SOR

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 PROPOSED LEASE TO GIPPSAERO-LATROBE REGIONAL AIRPORT FACILITY**
Agenda item 19.1 *Proposed Lease to GippsAero-Latrobe Regional Airport Facility* is designated as confidential as it relates to contractual matters (s89 2d)
- 19.2 INTERNATIONAL RELATIONS ADVISORY COMMITTEE RECRUITMENT OF COMMUNITY MEMBERS**
Agenda item 19.2 *International Relations Advisory Committee Recruitment of Community Members* is designated as confidential as it relates to personnel matters (s89 2a)
- 19.3 APPOINTMENT OF MEMBERS TO THE MOE AND DISTRICT SOCIAL INFRASTRUCTURE PLAN REFERENCE GROUP**
Agenda item 19.3 *Appointment of members to the Moe and District Social Infrastructure Plan Reference Group* 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)
- 19.4 LCC-407 PROVISION OF CONSULTING FOR E-SERVICES PANEL OF PROVIDERS**
Agenda item 19.4 *LCC-407 Provision of Consulting for e-Services Panel of Providers* is designated as confidential as it relates to contractual matters (s89 2d)

- 19.5 LCC-409 CONSTRUCTION OF A SPORTS PAVILION AT LATROBE SYNTHETIC SPORTS FIELD, CHURCHILL**
Agenda item 19.5 *LCC-409 Construction of a Sports Pavilion at Latrobe Synthetic Sports Field, Churchill* is designated as confidential as it relates to contractual matters (s89 2d)