



# **LATROBE CITY COUNCIL**

## **AGENDA FOR THE COUNCIL MEETING**

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM  
CORPORATE HEADQUARTERS, MORWELL AND  
VIA AUDIO-VISUAL LINK  
AT 6.00PM ON  
02 MAY 2022**

**CM577**

***Please note:***

*Opinions expressed or statements made by participants are the opinions or statements of those individuals and do not imply any form of endorsement by Council.*

*By attending a Council Meeting via audio-visual link those present will be recorded or their image captured. When participating in the meeting, consent is automatically given for those participating to be recorded and have images captured.*

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## **COUNCILLOR AND PUBLIC ATTENDANCE**

### **PLEASE NOTE**

TO ENSURE LOCAL GOVERNMENT DECISION-MAKING CAN CONTINUE DURING THE CORONAVIRUS PANDEMIC, MECHANISMS FOR VIRTUAL COUNCIL MEETINGS HAVE BEEN INTRODUCED INTO THE *LOCAL GOVERNMENT ACT 2020*.

PURSUANT TO SECTION 394 OF THE *LOCAL GOVERNMENT ACT 2020*, A COUNCILLOR MAY ATTEND THIS COUNCIL MEETING REMOTELY BY ELECTRONIC MEANS OF COMMUNICATION; AND

PURSUANT TO SECTION 395 OF THE *LOCAL GOVERNMENT ACT 2020* THIS COUNCIL MEETING MAY BE CLOSED TO IN PERSON ATTENDANCE BY MEMBERS OF THE PUBLIC PROVIDED THE MEETING IS AVAILABLE THROUGH LIVE STREAM ON COUNCIL'S INTERNET SITE.

### **1. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**

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

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

### **2. THE 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.*

### **3. APOLOGIES AND LEAVE OF ABSENCE**

### **4. DECLARATION OF INTERESTS**

### **5. ADOPTION OF MINUTES**

#### **Proposed Resolution:**

**That Council confirm the minutes of the Council Meeting held on 4 April 2022.**

**6. ACKNOWLEDGEMENTS**

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

**7. PUBLIC PARTICIPATION TIME**

**Public Questions on Notice**

In accordance with the Council Meeting Policy, members of the public can lodge a question on notice before 12noon one day prior of the day of the Council meeting in order for the question to be answered at the meeting.

**Public Speakers**

An opportunity for members of the public to speak to an item on the agenda will be made available by necessary means. To participate, members of the public must have registered before 12noon on the day of the Council meeting.

**8. QUESTIONS ON NOTICE**

Nil reports

# NOTICES OF MOTION

**9. NOTICES OF MOTION**

**9.1 2022/03 COUNCILLOR BRIEFING PROCEDURE**

**Cr Sharon Gibson**

I, Cr Sharon Gibson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 02 May 2022:

**That the Chief Executive Officer prepare a report on a draft Councillor Briefing Procedure to sit underneath the Governance Rules and Code of Conduct for adoption at the June Council Meeting.**

Signed

Cr Sharon Gibson  
26 April 2022

**Attachments**  
Nil

**9.2 2022/04 COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT**

**Cr Sharon Gibson**

I, Cr Sharon Gibson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 02 May 2022:

**That the Chief Executive Officer prepare a report for presentation at the June Council Meeting on Councillor Induction and ongoing professional development with a view to incorporating and making mandatory training modules in Emotional Intelligence.**

Signed

Cr Sharon Gibson  
26 April 2022

**Attachments**  
Nil

**9.3 2022/05 PROCESS FOR REVIEWING THE CODE OF CONDUCT,  
GOVERNANCE RULES AND INDUCTION FOR PROFESSIONAL  
DEVELOPMENT****Cr Melissa Ferguson**

I, Cr Melissa Ferguson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on 02 May 2022:

**That the CEO present a report to a future Council Meeting outlining a process for reviewing the Code of Conduct, Governance Rules and Induction Process and ongoing professional development of councillors with specific attention to:**

- a) The adequacy of the provisions relating to internal resolution in supporting informal, respectful and constructive resolution of disputes between councillors;**
- b) The adequacy of internal resolution provisions in facilitating all parties understanding of the allegations and fair opportunity for respectful discussion between the parties with a view to early resolution;**
- c) The processes supporting early informal resolution of conduct matters between councillors and making of undertakings to de-escalate any disputes;**
- d) How the principles of good governance are implemented through the rules and conventions governing Council briefings and meetings; and**
- e) How the principles of good governance can be supported through Councillor induction training and ongoing professional development.**

Signed  
Cr Melissa Ferguson  
27 April 2022

**Attachments**  
Nil

# **ITEMS FOR TABLING AND ITEMS REFERRED**



## **10. ITEMS FOR TABLING AND ITEMS REFERRED**

**Agenda Item: 10.1**

**Agenda Item:** Internal arbitration process for Latrobe City Council  
under section 143 of the Local Government Act 2020

**Sponsor:** Chief Executive Office

**Council Plan Objective:** SMART

**Status:** For Information

**Proposed Resolution:**

**That Council:**

Receive and note the report of the arbiter in an internal arbitration process for Latrobe City Council under section 143 of the Local Government Act 2020 on an application by Councillors Dan Clancey, Tracie Lund and Bradley Law concerning Councillor Sharon Gibson.


**Executive Summary:**

The report was prepared by appointed arbiter J Silver.

The Local Government Act 2020 requires that a copy of the report must be tabled in the next council meeting after it is received and recorded in the minutes.

It is therefore recommended that Council receive and note the report.

### **Attachments**

1↓.  27 April 2022 - Complete Reasons

## **10.1**

### **Internal arbitration process for Latrobe City Council under section 143 of the Local Government Act 2020**

<b>1</b>	<b>27 April 2022 - Complete Reasons .....</b>	<b>13</b>
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**IN AN INTERNAL ARBITRATION PROCESS FOR LATROBE CITY COUNCIL  
UNDER SECTION 143 OF THE *LOCAL GOVERNMENT ACT 2020***

**APPLICANTS:** Cr Dan Clancey, Cr Tracie Lund, Cr Bradley Law

**RESPONDENT:** Cr Sharon Gibson

**WHERE HELD:** Traralgon (Liability), via Microsoft Teams (Sanction)

**BEFORE:** Arbiter J Silver

**DATE OF HEARINGS:** 14 December 2021 (Liability), 28 March 2022  
(Sanction)

**DATE OF REASONS:** 8 March 2022 (Liability), 7 April 2022 (Sanction)

**DATE OF FINAL REASONS:** 27 April 2022, edited for clerical errors and removal of  
confidential information.

**ORDERS MADE:**

Liability

1. Allegations 1 and 2 are proven.
2. Allegations 3 and 4 are dismissed.
3. In accordance with sub-s 147(1) of the *Local Government Act 2020*, I find that Cr Sharon Gibson has engaged in misconduct.

Sanction

4. Under sub-s 147(2)(e) of the *Local Government Act 2020*, I direct Cr Gibson to complete the one-day 'Emotional Intelligence Training' course offered by Swinburne

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University (available on 11 May, 20 July, or 30 August 2022), and to do so no later than 30 August 2022 (excluding completion of any assessments).

## APPEARENCES

For the Applicants	Cr Dan Clancey
For the Respondent	Cr Sharon Gibson

### Notes on ‘Statement of Reasons (Liability)’

- A. On 8 March 2022, I delivered my original reasons on liability, and made orders for a further hearing on sanction, meaning the internal arbitration was ongoing.
- B. Those original reasons remain the ‘decision and statement of reasons’ for the purposes of sub-s 147(3) of the *Local Government Act 2020* (**‘the Act’**).
- C. Under sub-s 147(5) of the Act, confidential information must be ‘redacted’ from a decision and statement of reasons, before they are tabled by a Council.
- D. The revised reasons in this document are produced for the purposes of sub-s 147(5), as confidential information in the original reasons has been redacted or removed, without affecting the substance of the reasons. It also includes some clerical corrections.
- E. My original reasons de-identified Suzanne Miller and Cr Ferguson. After those reasons were delivered, a Councillor Conduct Panel released findings concerning allegations against Cr Ferguson, which touched on the same facts that I had considered. The Panel named Cr Ferguson and Suzanne Miller, and I now do likewise.

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## STATEMENT OF REASONS (LIABILITY)

### Overview

1. Councillors sometimes find reason to express displeasure in Council staff.<sup>1</sup> These reasons deal with an inappropriate example of that.
2. The arbitration arose from the alleged misconduct of the then-Mayor of Latrobe City Council (**'Council'**), Cr Sharon Gibson, in the closed component of a Councillor Briefing (Assembly of Councillors) on 19 July 2021.
3. The relevant item of business was Agenda Item 10.10, 'Update on the Lease Arrangements for the Former Moe Library and Service Centre.'
4. On or about 5 September 2021, the applicants filed a written application against Cr Gibson with the Principal Councillor Conduct Registrar.
5. On 19 October 2021, and after assessing the application as required by section 144 of the Act, the Principal Councillor Conduct Registrar appointed me to hear the application.
6. The internal arbitration process applies to '*any breach of the prescribed standards of conduct included in a Councillor Code of Conduct*', meaning any incident in which a Councillor has engaged in misconduct.<sup>2</sup>
7. The standards are prescribed under sub-s 139(3)(a) of the Act, and are found in schedule 1 (*'Standards of conduct'*) of the *Local Government (Governance and Integrity) Regulations 2020* (**'the Regulations'**).

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<sup>1</sup> 'Council staff' is a defined term in the *Local Government Act 2020* (Vic) and the *Local Government Act 1989* (Vic). Many in local government use the term 'Council officer' in its place, as I did in the phrasing of the charges, and as Councillors do in their Code of Conduct.

<sup>2</sup> *Local Government Act 2020* (Vic), ss 3, 141(1). While sub-s 141(1) – located in Part 6 ('Councillor Integrity'), Division 5 ('Councillor conduct') – states that '*The internal arbitration process applies to any breach of the prescribed standards of conduct,*' the section is limited to Councillor breaches, which itself is the definition of 'misconduct' in section 3 of the Act (meaning the internal arbitration process applies to 'misconduct').

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8. Only breaches of the prescribed standards that are *included* in a Code are misconduct, as opposed to breaches of a Code generally.
9. The arbiter's role is to hear an application that '*alleges misconduct by a Councillor*.'<sup>3</sup> In other words, an arbiter's jurisdiction is limited to those breaches of Codes of Conduct which the Regulations have defined as misconduct.
10. To avoid confusion, where I refer to the 'application' in these reasons, I am usually referring to the *filed* application, as opposed the arbitration process generally, which is the sense in which the Act means 'application.'
11. The application expressed the allegations against Cr Gibson in a continuous narrative, and extracted the clauses of the Latrobe City Council Councillor Code of Conduct ('**the Code**') said to have been contravened.
12. Without summarising the complete procedural history, on 1 December 2021, I made orders splitting the allegations into four, as follows:
  - (1) That Cr Gibson stated the briefing paper ('**Briefing Paper**') for Agenda Item 10.10 'contained lies';
  - (2) That Cr Gibson made a statement, towards Council officers, that failing to follow a Council decision 'used to be a sackable offence' (or words to that effect);
  - (3) That Cr Gibson:
    - (a) allowed or facilitated Cr Ferguson interrupting Suzanne Miller (a General Manager employed by Council) ('**the Manager**'); and
    - (b) prevented the Manager responding to Cr Ferguson; and

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<sup>3</sup> *Local Government Act 2020* (Vic), sub-s 143(1)

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(4) That Cr Gibson prevented the Manager from responding to a question asked by Cr Middlemiss, and instead moved on from Agenda Item 10.10.

13. While the applicants did not express it in this way, the application cited three clauses in the Code, alleging that Cr Gibson had breached:

- clause 3.1,<sup>4</sup> as Cr Gibson failed to treat Council staff with ‘*dignity, fairness, objectivity, courtesy, and respect*’;
- clause 25.1, as Cr Gibson (in fulfilling her role as Mayor) failed ‘*to provide leadership in demonstrating and achieving good governance*,’ and
- clause 26.5, as Cr Gibson did not express her concerns ‘*regarding officer conduct or performance... directly to the Chief Executive Officer*,’ by which I understand the Code requires Councillors to raise concerns with the Chief Executive Officer (‘CEO’) instead of doing so to Council staff directly.

As only clause 3.1 reflects a prescribed standard (and without derogating from the merits of the other clauses, or criticising the applicants), I have only considered the allegations in the context of clause 3.1, which is the extent of my jurisdiction.

14. At the end of the hearing on 14 December 2021, I dismissed allegations 3 and 4, with reasons to follow. I reserved my decision on allegations 1 and 2.

15. The effect of Cr Gibson's defence to allegations 1 and 2 was that, **first**, she did not use the term ‘lies’ (or did not recall using it), **second**, while she stated that failing to follow a Council resolution ‘used to be a sackable offence’, it did not mean ‘the Manager must be sacked’ (which would breach the Code), and **third**, that she did not name the Manager when uttering either remark, meaning that no reasonable person would understand Cr Gibson's words as referencing the Manager.

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<sup>4</sup> Clause 3.1 incorporates the *Local Government (Governance and Integrity) Regulations 2020*, sch 1, reg 1 (‘*Treatment of others*’)

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16. Cr Gibson did not argue that, if I accepted the evidence against her (and rejected her defences), the Code would not apply.
17. Although she did not necessarily accept the manner in which they were alleged (including the words said to have been used by her), I also note that Cr Gibson generally accepted the facts said to constitute allegations 3 and 4.
18. As the evidence supporting allegations 1 and 2 is clear,<sup>5</sup> and having considered the Code, I am reasonably satisfied that Cr Gibson has engaged in misconduct.
19. Whatever Cr Gibson's concerns with the Briefing Paper (for example, that Council staff had not followed a resolution), it did not follow that Council staff had been dishonest, or had engaged in serious misconduct. Stating as-much, **when the relevant Council staff were present** (in front of their colleagues and other Councillors), was inconsistent with the prescribed standards of conduct.
20. The Manager sponsored the Briefing Paper,<sup>6</sup> and had corporate responsibility for the item concerned. As the Manager was in attendance, a reasonable and fair-minded observer would consider Cr Gibson's observations a direct criticism.
21. In doing as she did, Cr Gibson failed to treat the Manager with '*dignity, fairness, objectivity, courtesy, and respect.*' It represented a failure in her Mayoral leadership, in what, to quote Cr Clancey, was a 'one-off' in Cr Gibson's mayoral term.
22. It should be obvious to any Councillor that **accusing Council staff, in their presence, of lying to Council** (that is, shaming them) **and suggesting the conduct is severe and warrants a dismissal**, is highly inappropriate. It is a proposition that someone of Cr Gibson's seniority (she was first elected in 2008, and has served two terms as Mayor) should have understood on 19 July 2021.
23. I will hear from the parties on sanction.

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<sup>5</sup> An important consideration, amongst others, that was identified in *Briginshaw v Briginshaw* (1938) 60 CLR 336, 362 (Dixon J)

<sup>6</sup> When a member of Council staff sponsors a document, it can be accepted that they are the notional author.



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### Chronology

24. The following is the background to the arbitration, as I have gleaned it from documents filed and the evidence generally.
25. At the Ordinary Council Meeting on 7 June 2021, Council passed a confidential resolution that remains (at this date) confidential.
26. The public agenda and minutes identify the item as '19.1 Former Moe Library and Service Centre'. This refers to the adjoining buildings at 32 Kirk Street and 44 Albert Street, Moe.
27. At the time, Gippsland Employment Skills Training ('GEST') leased both buildings on a month-to-month basis, and sub-leased part of those spaces to a patchwork of community groups.
28. Without referring to the resolution itself, I am comfortable that from 7 June 2021 onwards, Councillors were aware that *GEST and its sub-tenants could be told to vacate* (without concrete timing), as subsequently occurred.
29. It should not be suggested that June 2021 was the first time the future of GEST's lease came to Council, with Cr Gibson confirming an earlier discussion in March 2021. The CEO also confirmed that Council staff had made GEST aware (some time before the June resolution) that Council was considering other options for the buildings.
30. As sometimes happens, events after 7 June 2021 did not progress as the confidential resolution anticipated: I regrettably cannot explain precisely why, as confidential information is involved.
31. On one view, the changed circumstances meant that Council staff lacked power to take further steps, meaning Council staff should have returned the future of the two buildings to Councillors with an alternate recommendation.

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32. That did not occur.
33. Instead, Council staff took further steps, seemingly without first informing Councillors of either the intended further steps, or of the changed circumstances.
34. On 5 July 2021, Council staff told GEST that the lease for 32 Kirk Street would end on 20 August 2021. Having heard from both Council staff and Councillors, I express no view on if this came within the scope of the 7 June resolution.<sup>7</sup>
35. While GEST was told that it could continue leasing 44 Albert Street alone, GEST declined, and advised that it would vacate both buildings.
36. I was informed by the CEO that, as GEST had notice that the lease *might* end, it had made contingency arrangements and located new premises in Morwell, some distance from the buildings in Moe. GEST also informed its sub-tenants.
37. Some two weeks later, the item was listed on the agenda for the Councillor Briefing session of 19 July 2021, as Agenda Item 10.10; I am unclear when the Briefing Paper itself became available to Councillors.
38. What followed was an unfortunate and very heated seven-and-a-half minutes in the virtual meeting room.

Dispute Resolution under a Councillor Code of Conduct and the *Local Government Act 2020*

39. It was suggested to me that, before lodging the application, the applicants had attempted to resolve matters informally. I did not request detailed evidence.
40. While such efforts are often admirable, it led me to consider clause 24 of the Code, on which I offer some generally relevant observations.

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<sup>7</sup> In an email to Councillors on 26 July 2021, the CEO acknowledged the decision to tell GEST to vacate was an 'error', apologised, and advised that steps would be taken to 'ensure that this does not occur again.'

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41. Clause 24 of the Latrobe Code states that Councillors must follow an '*internal dispute resolution process*' of two phases (of direct negotiation, then external mediation), before making an application for arbitration under section 143. I am aware that other Councillor Codes of Conduct contain similar provisions.
42. This '*internal*' process is reminiscent of the processes under the former section 81AA of the *Local Government Act* 1989. Before 2020, Councils had to maintain an '*internal resolution procedure*' to address alleged contraventions of a Councillor Code of Conduct (as distinct from a limited number of prescribed standards).
43. Like the "old" processes, clause 24 applies to any contraventions of the Code (including the prescribed standards).
44. On one view, Councillor Codes of Conduct cannot 'co-regulate' the prescribed standards, when the Act has provided for the internal arbitration process. Other provisions of Codes of Conduct are a different matter.
45. Another matter to observe is that the Code assumes that any breach of the Code can be the subject of the internal arbitration process. That is wrong.

#### Procedural Matters

46. The application for internal arbitration was filed on 5 September 2021, about one-and-a-half months after Cr Gibson's alleged misconduct.
47. I conducted a virtual directions hearing on 16 November 2021, at which time I set a hearing date of 14 December 2021, and heard Cr Gibson's application for representation under sub-s 141(2)(c) of the Act.
48. For reasons pronounced orally, I was not satisfied that representation was necessary for the arbitration to be '*conducted fairly*,' and dismissed Cr Gibson's application (without, as the orders confirmed, restricting her from obtaining legal advice), and I also made a series of procedural orders, which I issued on 17 November 2021.

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49. The orders included that the applicants must file an 'Outline of Alleged Misconduct', to ensure that Cr Gibson understood the allegations against her, given I found the exact allegations somewhat unclear, and that Cr Gibson would then respond.
50. Although the applicants' 'Outline' was not drafted in a legalistic manner, when read together with the original application, it made the allegations and intended evidence clear enough, in the form of further and better particulars (as opposed to fresh allegations, which I could not consider, as such allegations must be contained in an application that can be examined by the Principal Councillor Conduct Registrar). Accordingly, I made the orders in paragraph 12 of these Reasons.

#### The Evidence

51. At the hearing, I received evidence from Councillors Lund, Law, Ferguson, Harriman, and Howe, the Manager, Mr Gregory Drumm (General Manager, Organisational Performance), and Mr Steven Piasente (CEO), all of whom attended the arbitration at the parties' invitation and of their own volition.
52. Councillors Clancey and Gibson also attended, asked the witnesses questions, and made closing statements based on the evidence and in supplementation of their outlines. Both were courteous and respectful towards one another and the witnesses, and are to be commended in how they conducted themselves.
53. Each witness provided me with their recollection of events, which as mentioned, had taken place over about seven-and-a-half minutes on an online platform. I note that Mr Drumm and Mr Piasente had made contemporaneous notes which they referred to.
54. With some exceptions, the evidence was repetitive. The witnesses largely told the same story, although the details differed to some extent.
55. Most witnesses recalled Cr Gibson making the remarks in allegations 1 and 2 after the Briefing Paper was introduced for discussion (I was not told if the Manager or someone else first spoke), but did not do much more, for example, recalling the entirety of the remarks in which the words were spoken.

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56. An exception was Cr Harriman, whose evidence was that he spoke first (as Cr Gibson said occurred), and that Cr Gibson spoke in response to his criticisms. Unlike Cr Gibson, Cr Harriman agreed that Cr Gibson had used the word 'lies', but as a paraphrase of his observation that the report contained '*inconsistent truth*' or '*incorrect facts*', to which Cr Gibson had added '*some would call that lies.*'
57. Because of his more detailed recollection, I accept Cr Harriman's version of events, although that does not assist Cr Gibson.
58. Cr Gibson also suggested she had raised 'issues' in March 2021 concerning an earlier report concerning the GEST properties. Even if that was established, Cr Gibson did not explain what her 'issues' were, or their relevance to her July 2021 conduct.
59. There was also limited dispute around the facts of allegations 3 and 4, although less agreement on Cr Gibson's responsibility.
60. Councillors and the CEO confirmed the standard procedure in a Briefing Session is that if someone wishes to speak, they wait until the previous speaker has concluded, and then for the Mayor to call on them.
61. Such turn-taking is not particularly novel, and is important in both physical and virtual settings, if not more in the latter scenario, in which all speakers become an unintelligible cacophony when multiple participants speak concurrently. Of course, speaking out of turn does occur, and it is not a cardinal sin.
62. As with allegation 1, much of the evidence supporting allegations 3 and 4 was repetitive and differed little between the witnesses.
63. The evidence was that Cr Ferguson asked a question, but that when the Manager tried to respond, Cr Ferguson raised her voice, and exclaimed "Excuse me, I am talking to the Mayor."

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64. Even if the Manager was speaking before her "formal turn", because the question concerned a GEST sub-tenant (which the Manager would have had to answer in any event), the justification for such umbrage is unclear.
65. I also note there was some evidence (including from the CEO) that, at this stage in the discussion, the Manager was speaking in an elevated voice, which is perhaps understandable given the personal criticism earlier directed towards her.
66. While Cr Gibson disputes telling the Manager to 'be quiet', I accept the contrary evidence that she did, and did not let the Manager respond to Cr Ferguson. As I will explain, however, this does not establish misconduct.
67. The evidence of allegation 4 was uncontentious, which is that, within a short time after the occurrence of allegation 3, Cr Middlemiss asked that the Manager be allowed an opportunity to speak, but that Cr Gibson, in her capacity as meeting chair, did not agree, and responded in the following, agreed words: *'No, let's move on before someone says something they shouldn't.'*
68. While preparing my reasons, on 18 January 2021, I requested the Councillor Conduct Officer to obtain the Council organisation's official position on the decision-making process which led to GEST being told to vacate on 5 July 2021.
69. I received the CEO's response on 27 January 2021, and a version with minor amendments the following day.

### Reasoning

70. I deal with each allegation in turn, and construe them against clause 3.1 of the Code.

### ***Allegation 1***

71. In stating the Briefing Paper either *'contained lies,'* or a variation such as *'some would call that lies'*, I consider that Cr Gibson has contravened clause 3.1.

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72. Even accepting Cr Gibson's belief that the Council resolution had not been followed, the old adage that "two wrongs don't make a right" is apt.
73. Cr Gibson could have stated the Briefing Paper '*does not seem to tell the full story*' or '*seems to show our resolution had not been followed*'. Indeed, Cr Gibson could even have described herself as '*furious at Council staff*,' or requested that the CEO provide a detailed explanation, or even ask the CEO to ask GEST to stay put until Council had considered the changed circumstances mentioned in these reasons.
74. Instead, Cr Gibson went further, and questioned the Manager's integrity.
75. As the Briefing Paper was sponsored by the Manager, stating that it contained 'lies' would be understood by a fair-minded and reasonable observer to mean that it contained known falsehoods. It follows that if a document contains 'lies' (however described), the author is a participant in the lie.
76. This was inconsistent with Cr Gibson's obligation to treat the Manager with '*dignity, fairness, objectivity, courtesy, and respect*,' and because she did so in an Assembly of Councillors, it was a failure in Cr Gibson's leadership.
77. To avoid doubt, even if Cr Gibson had a proper basis to suggest that the Briefing Paper included 'lies' (in other words, Cr Gibson was right), **and I am not satisfied that she did**, stating as-much to the responsible Council staff (rather than to the CEO) would remain inconsistent with showing '*dignity, fairness, objectivity, courtesy, and respect*' to Council staff, as required by clause 3.1 of the Code.

### ***Allegation 2***

78. Cr Gibson argued that, because she used the phrase '*used to be*' in describing the actions of Council staff (including the Manager) as a 'sackable offence,' rather than just stating it 'is a sackable offence', no reasonable person would understand her as suggesting that anyone should be dismissed.

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79. In support of this argument, she relied on the proposition that only the CEO has the power to dismiss Council staff.
80. I do not accept this argument, and find that the statement is a breach of clause 3.1 of the Code.
81. If stating that failing to follow a Council resolution ‘used to be a sackable offence’ is as meaningless as Cr Gibson argued, she would have had no reason to state as much.
82. But she did.
83. A fair-minded and reasonable observer would conclude, to the contrary, that Cr Gibson was either calling for the Manager's termination, or at the least, suggesting the Manager had engaged serious misconduct (as if an "offence" warranted termination in the past, chances are that it remains somewhat serious).
84. Again, and to avoid doubt, even if certain actions were once ‘*a sackable offence*’ under a previous version of the Act,<sup>8</sup> that is not important.
85. For completeness, I note that under section 124 of the Act, it is an offence for a Councillor to intentionally direct or seek to direct Council staff in (*inter alia*) the performance of their duties.
86. While Councillors can hold concerns with staff performance, suggesting the CEO should terminate particular Council staff is a dangerous proposition, and can infringe on the separation between what, in a corporation, is referred to as the separation of ownership and control (that is, between the shareholders and directors), and which is also a feature in local government (between the community, as represented by Councillors, and Council staff under the direction of the CEO).

### ***Allegation 3***

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<sup>8</sup> The proposition is, as far as I can tell, wrong.



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87. In re-framing the allegations, I expressed allegation 3 as two independent allegations, which occurred in immediate succession. I will refer to them as allegation 3(a) and 3(b), which is how they appear in paragraph 12 of these reasons.
88. Both fail, for separate reasons.
89. Allegation 3(a) fails because there was no evidence that Cr Gibson had any role in Cr Ferguson's actions.
90. Allegation 3(b) fails because the evidence does not establish that Cr Gibson breached any particular provision of the Code.
91. As Mayor, Cr Gibson had to "direct traffic" in a virtual meeting. She was attempting to control numerous participants, probably with differing audio quality and connection speeds, and varying levels of virtual meeting etiquette.
92. As the Manager and Cr Ferguson were speaking simultaneously, I am not prepared to find that Cr Gibson breached the Code in letting Cr Ferguson continue. I am comfortable in concluding so, because if Cr Gibson let the Manager speak, she could also be accused misconduct for not letting Cr Ferguson speak.
93. To suggest either example amounts to misconduct is wrong.

#### ***Allegation 4***

94. In most circumstances, discussion on an item should allow all Council staff or Councillors an opportunity to speak.
95. But that is not a rule. The evidence shows the virtual room had become heated by the time of Cr Middlemiss' question, at least from Cr Gibson's point of view. As far as I could tell, the Manager had not yet had a chance to speak.

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96. Again, and although others may have done differently, I am not convinced that it was inappropriate for Cr Gibson to end the discussion before the Manager had spoken, or that in doing so, Cr Gibson breached the Code.

97. Allegation 4 fails.

#### Conclusion

98. As allegations 1 and 2 are proven, I find that Cr Gibson has engaged in misconduct.

99. Under sub-s 147(2) of the Act, having made a finding of misconduct, I *'may do any more of more of the following'*:

- (a) direct Cr Gibson to make an apology in a form or manner specified by the arbiter;
- (b) suspend Cr Gibson from the office of Councillor for a period specified by the arbiter not exceeding one month;
- (c) direct that Cr Gibson to be removed from any position where the Councillor represents the Council for the period determined by the arbiter;
- (d) direct that Cr Gibson is removed from being the chair of a delegated committee for the period determined by the arbiter;
- (e) direct Cr Gibson to attend or undergo training or counselling specified by the arbiter.

100. I will determine a date for a sanctions hearing after hearing from the parties.

101. Until I have heard from the parties, I will not express a view on what is an appropriate sanction.

102. If the applicants submit that Cr Gibson should give an apology, I encourage them to liaise with her and reach an agreed position. To avoid doubt, the parties are entitled to involve an intermediary in any discussion, and to give the intermediary access to these reasons (which remain confidential until tabled).

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103. At any sanctions hearing, the CEO or his delegate shall (having regard to these reasons) provide evidence of appropriate training or counselling that is available, which I might order Cr Gibson to undertake.

104. To avoid doubt, even if the parties can reach agreement, I am not bound to adopt any agreement, and will be required to make my own determination.

**J A SILVER**

ARBITER

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### STATEMENT OF REASONS (SANCTION)

#### Background and Principles

1. On 16 March 2021, and as provided for in the orders that accompanied my reasons on liability, the applicants requested that I consider sanctioning Cr Gibson.
2. While only an arbiter can decide if a Councillor will be sanctioned, I considered it appropriate to ask the question, as if the answer was negative, I might have treated that as evidence that the misconduct did not require a sanction.
3. But having received the request, I determined that I should consider sanctioning Cr Gibson, and made orders for a further hearing.
4. Where an arbiter finds that a Councillor has engaged in misconduct, sub-s 147(2) of the Act permits the arbiter to impose one or more of five types of sanction, as mentioned in paragraph 99 of my reasons on liability.
5. Although the Act does not state the considerations an arbiter must consider when deciding what sanction (if any) to impose, a sanction should not be decided on capriciously or randomly, but instead based on appropriate principles.
6. Having considered the statutory and common law principles of sentencing in Victoria generally, as usefully summarised in the Judicial College of Victoria's *Sentencing Manual*, I adopted those in considering if I should sanction Cr Gibson.
7. The principles include:
  - to punish an offender in a manner that is just in all the circumstances;
  - deter the offender and others from committing the same or a similar offence;
  - facilitate an offender's rehabilitation;

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- denounce the offending conduct; and
  - the protection of the community.
8. In imposing a sanction, an arbiter should ensure (as a sentencing judge does) that the sanction is proportionate to the misconduct, and not assume that because misconduct was found, any option in sub-s 147(2) is appropriate, regardless of the findings.
9. A copy of the arbiter's decision and statement of reasons must be tabled after those are received by Council.<sup>9</sup> This is required in sub-s 144(4) of section 147, which is titled '*Sanctions that may be imposed by an arbiter on findings of misconduct*'.
10. The tabling of reasons is thus an important part of the sanctions process, and an arbiter should consider its effect in determining what sanction is appropriate.
11. To the extent I need to denounce Cr Gibson, punish her for her misconduct, and deter her and others from similar behaviour, tabling my ruling achieves that, without the need to go further. Her misconduct will be on the public record and become known in the community, and it will have an impact on her.
12. In approaching the question of sanction, my central consideration has thus been to rehabilitate Cr Gibson so she can serve out her term (and any future terms) without the need for further arbitration, or a Councillor Conduct Panel.

#### Consideration and Reasoning

13. On 21 March 2022 and as I had requested, the CEO furnished me with information on the 'training or counselling' that I might direct Cr Gibson to undertake under sub-s 147(2)(e) of the *Local Government Act 2020*.

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<sup>9</sup> *Local Government Act 2020* sub-s 147(4)

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14. I requested that information because there is no prescribed 'training or counselling' under the Act, meaning what can be ordered requires some evidence.
15. The CEO made me aware of the short courses offered by the Municipal Association of Victoria (MAV) through its "Councillor Development Program," which in-turn prompted me to investigate the offerings of suitable tertiary institutions.
16. On 28 March 2022, the parties attended an e-hearing from Council premises, while I presided from my barrister's chambers at Melbourne.
17. The applicants filed a document that described a form of apology the applicants deemed appropriate. I also received Cr Gibson's response to it.
18. Having explained the principles I would implement, I advised the parties that I would consider one or more of three sanctions: to direct an apology 'in a form or manner specified' by me, to suspend Cr Gibson, and/or to direct her to 'attend or undergo training or counselling specified by the arbiter.'
19. After hearing the parties, I decided that suspension was inappropriate. Poor Councillor behaviour must be deterred, but Cr Gibson's misconduct was both an aberration, and was not prolonged or severe. Suspension is a serious sanction that involves disruption to the Councillor and the community, and I think it would ultimately be counterproductive to Cr Gibson's improvement.
20. The applicants' primary submission was that Cr Gibson should make individual, private apologies to each participant in the Councillor Briefing. On discussion, it became clear that the applicants sought this not so much because the participants were affected by Cr Gibson's behaviour, but because they wanted a statement of remorse.
21. I found this submission problematic, because—
  - First, I must specify the 'form' and 'manner' of apology in my reasons, so I can never order a truly "private" apology;

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- Second, apologies are given to persons affected by the misconduct to remedy their hurt. A general statement of remorse might use the words "I apologise," but I would not consider it an "apology" given it is not targeted. In any event, no evidence of Cr Gibson's misconduct affecting the participants generally was given; and
  - Third, while I considered ordering Cr Gibson to apologise to the Manager, who was the target of her misconduct, I am not satisfied that it is proportionate in the circumstances outlined in my decision on liability.
22. The parties accepted, and I have determined, that I should order Cr Gibson to undergo training, based on the two deficiencies that I consider her behaviour exposes:
- (a) first, a lack of emotional intelligence and the impact her words have on others, including Council staff and her colleagues;
  - (b) second, and more generally, a failure to understand the professional boundaries between Councillors and Council staff.
23. While I had intended on giving Cr Gibson the option of either the MAV or Swinburne University<sup>10</sup> short courses on Emotional Intelligence Training, Cr Gibson informed me that she had already undertaken the MAV course.
24. Although I expect there will be some content duplication with the MAV short course, I will order Cr Gibson to undertake the Swinburne course, which costs \$800.00.
25. Unfortunately, I could not identify an educational option that would ensure that Cr Gibson understood the professional boundaries between Councillors and Council staff, at least short of ordering her to complete the full Company Directors' Course offered by the Australian Institute of Company Directors, which would involve significant time at significant cost to the Councillor.

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<sup>10</sup> Details for which can be found at <https://www.swinburne.edu.au/study/course/building-emotional-intelligence/>.

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The Costs of Training

26. Where an arbiter directs a Councillor to undergo training or counselling in an internal arbitration process, it is unclear if the Councillor or Council must meet the expenses.
27. In contrast, under sub-s 167(8) of the Act, necessary expenses incurred by Councillors in attending mediation, training or counselling ordered by a Councillor Conduct Panel must be paid by the Council.
28. As an arbiter cannot direct payment of these expenses, I will not attempt to resolve this issue. I have no authority to answer, and will not offer an opinion.
29. I encourage the parties to reach an agreed position.

**J A SILVER**

ARBITER



**Agenda Item: 10.2**

**Agenda Item: CCP 2021-2 Councillor Conduct Panel Determination**

**Sponsor: Chief Executive Office**

**Council Plan Objective: SMART**

**Status: For Information**

**Proposed Resolution:**

**That Council:**

**That Council note this placeholder report is provided for necessary actions arising from the CCP2021-2 Councillor Conduct Panel Determination report received and noted by Council at its April 2022 meeting.**

**Executive Summary:**

Nil

**Attachments**

Nil

**11. CORRESPONDENCE**

Nil reports

# **PRESENTATION OF PETITIONS**

**12. PRESENTATION OF PETITIONS****Agenda Item: 12.1****Agenda Item: Petition of support for a new public toilet on the north side of Morwell's Activity Centre****Sponsor: General Manager, Regional City Planning and Assets****Council Plan Objective: CONNECTED****Status: For Decision****Proposed Resolution:****That Council:**

- 1. Notes the petition and report; and**
- 2. Advises the head petitioner that there is sufficient supply and access to toilets within the Morwell Activity Centre, including those located at the corner of Princes Drive and Latrobe Road, and on Commercial Road.**

**Executive Summary:**

- Latrobe City Council (Council) were presented with a petition (Attachment 1) containing 50 signatures, requesting Council install a public toilet on the northern side of the Morwell Activity Centre.
- The petition was tabled at the 4 April 2022 Ordinary Council Meeting, where it was resolved that a detailed report would be presented to Council in response.
- Officers have undertaken a detailed review of the public toilet provision within the Morwell Activity Centre and have determined that there is currently a sufficient supply of accessible public toilets within the area negating the need for additional public toilet infrastructure at this time.
- Officers are currently reviewing Council's Public Toilet Plan, which will provide overarching principles to determine the need for public toilets across the municipality and to also provide specific principles for activity centres like Morwell.
- The Draft Public Toilet Plan will be presented to Council for endorsement later this year.

**Background:**

Latrobe City Council (Council) was presented with a petition containing 50 signatures, requesting Council install a public toilet on the northern side of the Morwell Activity Centre. (Attachment 1)

The petition statement outlined the following:

*We, the undersigned concerned citizens wish to inform the Latrobe City Council of the need for a public toilet on the north side of Morwell in the CBD. The toilets that were previously located on Church Street have been closed and for people with mobility issues, it is difficult to walk to Commercial Road to access toilets. We ask that Latrobe City Council construct a public toilet on the north side of Morwell CBD.*

In response to this statement, the following information is provided:

The Morwell Activity Centre area has four existing Council owned and maintained public toilet facilities at the following locations:

1. Commercial Road (near bus interchange);
2. Corner of Latrobe Road and Princes Drive;
3. Rose Garden (Southern end); and
4. Town Common (near Play Space).

Of note in relation to this petition/request are the facilities on Commercial Road (near the bus interchange) and on the corner of Latrobe Road and Princes Drive in Morwell.

The Commercial Road public toilet facility is within 100 metres walking distance of Church Street and within 400 metres of the entire north eastern part of Morwell's Activity Centre. The remaining north western part of Morwell's Activity Centre being within 400 metres of the public toilet facility on the corner of Latrobe Road and Princes Drive (Attachment 2 – Map).

Officers acknowledge that the railway underpass connection between Church Street and Commercial Road has not been perfect in the past for persons with limited mobility, however current works on the underpass as part of the Gippsland Line Upgrade (GLU) are addressing this issue specifically.

This will result in people with limited mobility (e.g. wheelchair) having a much easier journey from the northern side of the Morwell Activity Centre (i.e. Church Street) to the Commercial Road public toilet facility.

400 metres of flat concrete path is widely recognised through various urban design guidelines and academic transcripts as a 'walkable' and 'accessible' distance/journey. This principle is applied to a lot of public infrastructure as it

provides an understanding of what is a reasonable distance for people to access services.

Although the journey from Church Street to Commercial Road involves traversing a signalled road crossing (Princes Drive), a series of stairs/ramps and a railway underpass, the entire length of Church Street is within 200 metres of the Commercial Road public toilet facility and therefore is considered to be within a 'walkable' and 'accessible' distance.

In addition to the Council owned and managed public toilet facilities, it is important to consider the supplementary availability of other toilet facilities in train stations, public buildings, restaurants, cafes, petrol stations and retail stores play in servicing the community's toilet needs, especially during business hours when activity centres are at their most active. (See Attachment 2)

Based on this information, it is considered that the Morwell Activity Centre currently has a sufficient supply of publicly accessible toilet facilities to service the current demand.

This will however be further investigated as part of the review of Council's Public Toilet Plan, with this review investigating other factors which influence the need for further public toilet facilities such as population growth and commercial density increases planned through the Morwell Activity Centre Plan.

These future growth and density projections will identify the number of public toilets (actual toilets) required to service a specific population, more so than where the additional public toilets should be located. For example, the Public Toilet Plan may indicate that one additional public toilet is required every time Morwell's population increases by 10,000 people or the number of businesses within the Activity Centre increases by 20.

Morwell's Activity Centre is however unlikely to sprawl outwards and therefore it is likely that the location of the four current public toilet facilities will remain within a walkable distance (400 metres) of the entire Morwell Activity Centre.

When considering the need for additional public toilet facilities it is likely that increasing the number of toilets provided at one of the four existing locations/facilities will be more cost effective than creating a new public toilet facility all together at a new location.

The perceived barrier (railway line) and physical barriers (road crossings and ramps) between the north and south side of the Morwell Activity Centre are however acknowledged and will be considered when determining where best to construct additional public toilets when they are needed through the Public Toilet Plan review.

## **Issues:**

### *Strategy Implications*

This report aligns to the following strategies of the Council Plan:

#### Connected

- Facilitate appropriate urban growth, industry diversification, liveability and connectivity throughout Latrobe City.

#### Healthy

- Provide spaces and services that support the community's physical health and mental wellbeing for the benefit of all.

Council's current Public Toilet Plan 2010-2014 (Supporting document) identifies that most of the businesses on the north side of the railway line are serviced by the Commercial Road public toilets and the railway station.

Council's Public Toilet Plan is currently under review and is expected to be presented to Council prior to the end of 2022.

### *Communication*

The head petitioner was advised of the petition being tabled at the 4 April 2022 Ordinary Council Meeting and as a result of the resolution, advised of the report being presented at the 2 May 2022 Ordinary Council Meeting.

### *Financial Implications*

There are no financial implications of this report or the recommendation that will be presented to Council at an upcoming Council meeting.

If Council were however to decide to construct a Public Toilet on the north side of the Morwell Activity Centre, a high-level estimate suggests the cost would be approximately \$200,000 to construct and \$10,000 to maintain annually.

### *Risk Analysis*

Identified risk	Risk likelihood*	Controls to manage risk
<b>Service Delivery Risk</b>  Officers required to manage construction and maintenance of an additional Public Toilet facility.	2 (Unlikely)	Do not install an additional public toilet on the north side of the Morwell Activity Centre as a direct response to this petition.

Identified risk	Risk likelihood*	Controls to manage risk
<b>Financial Risk</b>  Cost of constructing and maintaining an additional Public Toilet facility.	2 (Unlikely)	Do not install an additional public toilet on the north side of the Morwell Activity Centre as a direct response to this petition.
<b>Reputational Risk</b>  Not installing a public toilet as requested by the petition.	5 (Almost Certain)	Provide a response to the head partitioner providing clear justification as to why Council have decided an additional public toilet is not needed at this time.
<b>Strategic Risk</b>  Installing a new Public Toilet out of sequence with strategic direction could set a precedence.	2 (Unlikely)	Do not install an additional public toilet on the north side of the Morwell Activity Centre as a direct response to this petition.

\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

### *Legal and Compliance*

There are no foreseen legal or compliance issues related to this report.

### *Community Implications*

It is likely that the 50 people who signed this petition will not be satisfied with the outcome of this report.

It is however noted that the desire of the community to have a public toilet on the north side of the Morwell Activity Centre near Church Street has not gone unnoticed and will be considered further when determining the location of future additional public toilets within the Morwell Activity Centre when the need arises.

### *Environmental Implications*

There are no environmental implications associated with this report.

### *Consultation*

There has been no consultation undertaken relating to the petition or this report.



**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 2020*.

**Supporting Documents:**

- Latrobe City Council 'Public Toilet Plan 2010-2014

**Attachments****1. Attachment 1 - Petition (Published Separately)**

This attachment is designated as confidential under subsection (f) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. Personal information

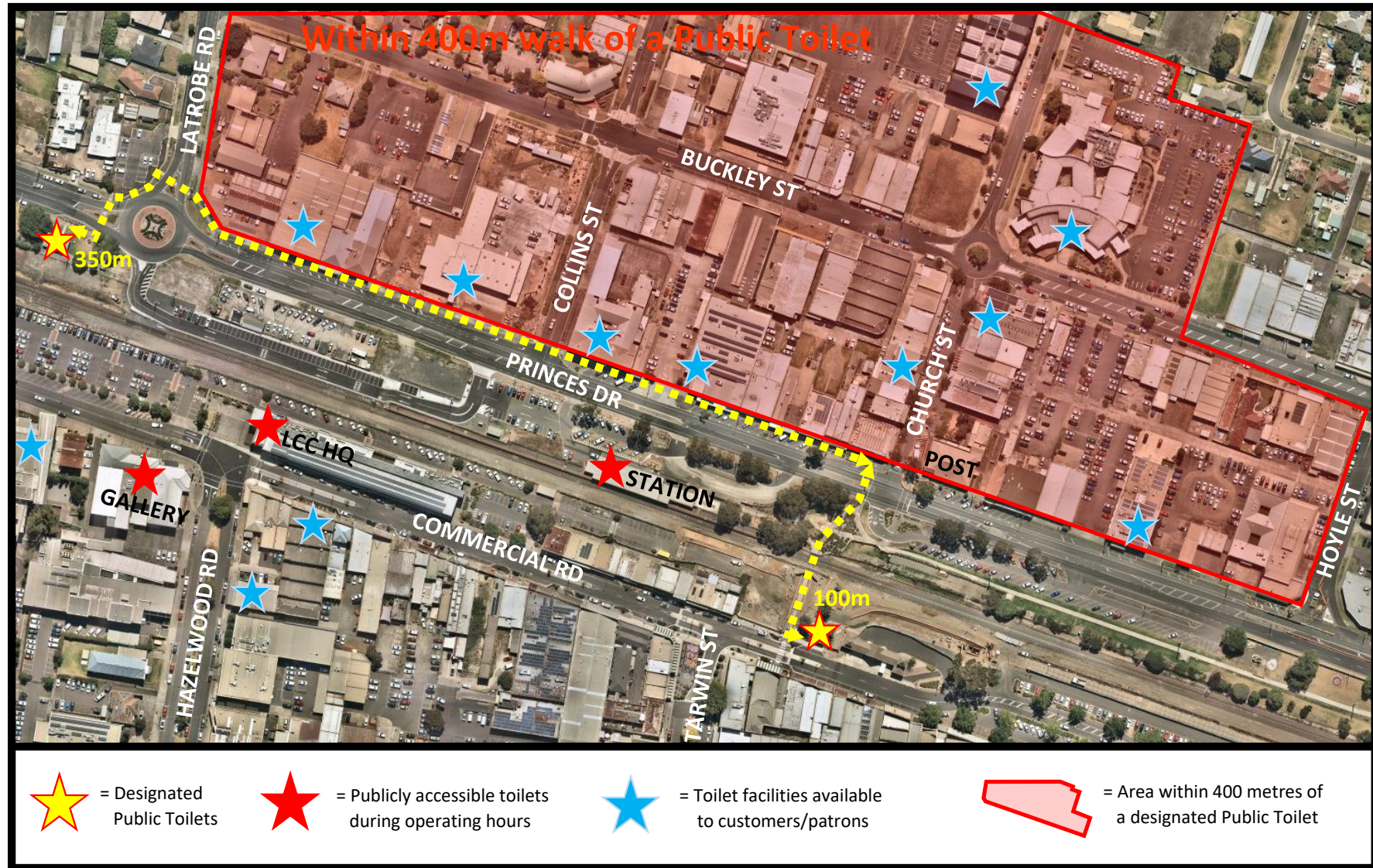
2.  Attachment 2 - Map of Toilet Facilities in the northern section of the Morwell Activity Centre

## **12.1**

### **Petition of support for a new public toilet on the north side of Morwell's Activity Centre**

- 2    Attachment 2 - Map of Toilet Facilities in the northern  
     section of the Morwell Activity Centre ..... 45**

### MORWELL ACTIVITY CENTRE (NORTH) – TOILET FACILITIES



# **CHIEF EXECUTIVE OFFICE**

### **13. CHIEF EXECUTIVE OFFICE**

**Agenda Item: 13.1**

**Agenda Item: Presentation of the Audit and Risk Committee Minutes  
- 03 March 2022**

**Sponsor: Chief Executive Office**

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

**Status: For Information**

**Proposed Resolution:**

**That Council receives and notes the attached Audit and Risk Committee Minutes for the 03 March 2022 meeting.**

#### **Executive Summary:**

The Audit and Risk Committee (Committee) is a statutory committee of the Council. The Committee held its last meeting on 03 March 2022. It is a requirement of the *Audit and Risk Committee Charter* that the minutes are then subsequently tabled at an upcoming Council meeting. A number of motions were made at the meeting (as summarised in this report and set out in full in the attached minutes).

#### **Background:**

At the meeting held on 03 March 2022, the Committee resolved the following:

<b>Item</b>	<b>Motion</b>
<b>Confirmation of Minutes</b>	That the minutes of the Audit and Risk Committee meeting held on 02 December 2021 be confirmed and ratified as true and correct.
<b>Items Referred by The Committee to This Meeting for Consideration</b>	That the Audit and Risk Committee note Latrobe City Council's continued participation in the Gippswide Kerbside collaborative procurement process as its primary response to waste services legislative and policy reforms.

<b>Item</b>	<b>Motion</b>
<b>Status of Actions Arising Report</b>	That the Audit and Risk Committee receives and notes the Status of Actions Arising Report.
<b>External Audit Reports</b>	That the Audit and Risk Committee receives and notes the 2021-2022 Audit Status Report.
<b>Internal Audit Status Report</b>	That the Audit and Risk Committee receives and notes the Internal Audit Plan Status report.
<b>Presentation of Internal Audit Scopes/Plans for Endorsement</b>	That the Audit and Risk Committee endorse the following scopes/plans as presented: <ul style="list-style-type: none"> <li>• Follow Up Review</li> <li>• Review of Cash Handling Procedures (Moe Library)</li> </ul>
<b>Review of Budget Development and Management</b>	That the Audit and Risk Committee receives and notes the findings and management responses contained in the Review of Budget Development and Management report.
<b>Response to the HLB Mann Judd Review of Cybersecurity (including Essential 8)</b>	That the Audit and Risk Committee: <ul style="list-style-type: none"> <li>• Receives and notes the HLB Mann Judd report and LCC management response;</li> <li>• Endorse the proposed remediation plans and timelines put forward by LCC</li> </ul>
<b>Review of Management of Waste and Landfill Operations (including closed landfill sites)</b>	That the Audit and Risk Committee receives and notes the findings and management responses contained in the Review of Management of Waste and Landfill Operations (including closed landfill sites) report.
<b>Quarterly Risk Management Report February 2022</b>	That the Audit and Risk Committee notes and receives the quarterly risk management report.
<b>Audit Compliance Report Risk-Related Actions update</b>	Audit Compliance Report Risk-Related Actions update.



<b>Item</b>	<b>Motion</b>
<b>Audit Compliance Report</b>	That the Audit and Risk Committee receive and notes this report and approves the extensions to audit action due dates as set out in this report.
<b>VAGO, Ombudsman and IBAC Reports</b>	That the Audit and Risk Committee receives and notes this report on VAGO, Victorian Ombudsman, IBAC, Inspectorate and other reports.
<b>Response to VAGO: Reducing Bushfire Risks - Update</b>	That the Audit and Risk Committee notes the report.
<b>Update on Fraud &amp; Corruption Control - gap analysis and action plan</b>	That the Audit and Risk Committee: 1. Note the Fraud and Corruption Control gap analysis and action plan
<b>Fraud and Corruption Reporting</b>	That the Audit and Risk Committee receive and note this report.
<b>Electronic Surveillance - Corporate CCTV quarterly report</b>	That the Audit and Risk Committee notes the report.
<b>Conflict of Interest - Compliance</b>	That the Audit and Risk Committee receives and notes this report on the conflicts of interest review for 2021.
<b>Gifts, Benefits and Hospitality Compliance Reporting July - December 2021</b>	That the Audit and Risk Committee receives and notes this report into the Gift Register Review for the period of 01 July 2021 to 31 December 2021.
<b>Quarter 2 2021/22 Performance Report Summary</b>	That the Audit and Risk Committee note the Quarterly Performance Summary Reports for Q2 2021-22.
<b>Quarter 2 2021/22 People and Workcover Reports</b>	That the Audit and Risk Committee note the Quarterly People Report for Q2 of the 2021/22 financial year.

Item	Motion
<b>Local Government Performance Reporting Framework (LGPRF)</b>	That the Audit and Risk Committee note the Local Government Performance Reporting Framework results and comparative data for the 2020/21 financial year.
<b>Quarterly Finance Report - December 2021</b>	That the Audit and Risk Committee receives and notes the Quarterly Finance Report for the period ended 31 December 2021, prepared in accordance with the requirements of the Local Government Act 2020.
<b>Bi-Annual Report to Council</b>	That the Audit and Risk Committee endorse the attached report for presentation to Council.
<b>General Matters</b>	That the Audit and Risk Committee note:  1. Terry Richards' contract will expire 02 June 2022.

The full minutes are attached to this report.

### **Issues:**

#### *Strategy Implications*

The Audit and Risk Committee provides advice to ensure that Council operates openly, transparently and responsibly.

#### *Communication*

The provision and circulation of the minutes to Council provides reassurance and awareness as a communication loop back to Council as part of good governance practices.

#### *Financial Implications*

The Audit and Risk Committee is managed through existing budget provisions. Recommendations and actions arising from the meeting are considered by management within the constraints of budget requirements.

#### *Risk Analysis*

The Audit and Risk Committee provides advice into the management of risk in the organisation.

#### *Legal and Compliance*

A number of reports tabled at each meeting of the Audit and Risk Committee relate to legal or compliance related matters. In addition, a report is tabled for the committee to consider any reports that have been published by the Victorian Ombudsman,



Victorian Auditor-Generals Office, Inspectorate or the Independent Broad-based Anti-corruption Commission to ensure that practices within Council are compliant with current expectations of the public sector.

*Community Implications*

There are no known community implications.

*Environmental Implications*

There are no known environmental implications.

*Consultation*

There is no engagement required as part of this process.

*Other*

There are no other known issues identified.

**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 2020*.

**Supporting Documents:**

- Audit and Risk Committee Minutes – 03 March 2022

**Attachments**

1   Audit and Risk Committee Minutes - 03 March 2022

## **13.1**

### **Presentation of the Audit and Risk Committee Minutes - 03 March 2022**

- 1     Audit and Risk Committee Minutes - 03 March 2022 ..... 53**



## Audit and Risk Committee Meeting Minutes - 3 March 2022

I hereby designate that all matters in this agenda and any discussion about or arising from any such matters will remain confidential until:

- Council passes a resolution that the information is not confidential; or,
- a report on the matter has been released in a subsequent meeting agenda, minute's paper or is approved in writing by the Chief Executive Officer.

Steven Piasente, Chief Executive Officer

Date

**Nambur Wariga Meeting Room, Council Headquarters,  
141 Commercial Road, Morwell**

Meeting commenced at 10.00AM

### Attendance

- Members:**
- Bev Excell (Chair) (9:52am – 12:50pm), Joanne Booth (9:56am , Terry Richards (9:55am - 12:40pm) , Cr Bradley Law (10:01am - 12:40pm)
- In Attendance:**
- Steve Piasente (CEO) (10:07am – 12:40pm)
  - Kendrea Pope (Executive Manager Office of the CEO) (9:52am - 12:50pm)
  - Greg Drumm (General Manager Organisational Performance) (10:10am - 12:40pm)
  - Jody Riordan (Acting General Manager Assets and Presentation) (10:05am - 12:40pm)
  - Gail Gatt (General Manager Regional City Growth and Investment) (10:05am - 12:40pm)
  - Tim Ellis (General Manager Regional City Strategy & Transition) (10:05am - 12:40pm)
  - Simon Dean (Coordinator IT) (10:05am – 12:18pm)
  - Matthew Rogers (Manager Financial Performance) (10:05am - 12:40pm)
  - Mark Holloway (HLB Mann Judd) (10:52am - 12:40pm)
  - Kapil Kukreja (HLB Mann Judd) (10:06am - 12:40pm)
  - Nathan Frith (Compliance Officer) (9:50am – 12:50pm)
  - Louise Van Der Velden (Senior Compliance Officer) (11:42am – 12:20pm)



## **Audit and Risk Committee Meeting Minutes - 3 March 2022**

- Sonika Sharma (Coordinator Risk) (11am – 11:45am)
- Barbara (VAGO) (10:05am – 11:29am)
- Travis Derricott (VAGO) (10:05am – 11:29am)
- Andy Viswanath (HLB Mann Judd) (11.04am – 11:27am)

**Teleconference:** Nil

### **IN CAMERA MEETING**

The Audit and Risk Committee did not have an in camera session.

#### **1. OPENING AND WELCOME**

The Chairperson opened the meeting and welcomed all present.

#### **2. APOLOGIES**

- Cr Melissa Ferguson

#### **3. DECLARATIONS OF INTEREST**

Nil.

#### **4. PROBITY QUESTIONS**

The Audit and Risk Committee Chair asked if the CEO was aware of any legislative non-compliance issues, any fraud incidents that have occurred or if there were any strategic risks been triggered since the last Audit and Risk Committee meeting.

The CEO responded no

The Audit and Risk Committee Chair asked the Councillors:

- a. If there was any matter arising from the Council meetings that needed to be brought to the attention of the Committee
- b. If there was any feedback or direction required from Council relating to the Audit Committee members.

The Councillors responded no

The Audit and Risk Committee Chair then asked the auditor representatives if they were satisfied that their work had not been impeded.

The auditor representatives responded it had not.



## Audit and Risk Committee Meeting Minutes - 3 March 2022

### 5. CONFIRMATION OF MINUTES

#### RECOMMENDATION

That the minutes of the Audit and Risk Committee meeting held on 02 December 2021 be confirmed and ratified as true and correct.

#### OUTCOME/ACTIONS ARISING:

1. Type text

### 6. ITEMS REFERRED BY THE COMMITTEE TO THIS MEETING FOR CONSIDERATION

#### 6.1 Gippswide Kerbside' Collaborative Procurement of Waste Services Update

#### RECOMMENDATION

That the Audit and Risk Committee note Latrobe City Council's continued participation in the Gippswide Kerbside collaborative procurement process as its primary response to waste services legislative and policy reforms.

#### OUTCOME/ACTIONS ARISING:

1. Nil.

### 7. STATUS OF ACTIONS ARISING

#### 7.1 Status of Actions Arising

#### RECOMMENDATION

That the Audit and Risk Committee receives and notes the Status of Actions Arising Report.

#### OUTCOME/ACTIONS ARISING:

1. Manager Governance to present overdue actions arising to Executive Team meeting for consultation to closing out these actions.
2. Action items 597, 602 to be closed.
3. Compliance Officer to follow-up on action item 644 in regards to whether this has been completed.



## Audit and Risk Committee Meeting Minutes - 3 March 2022

### 8. EXTERNAL AUDIT

#### 8.1 2021-2022 VAGO Audit - Status Report

##### RECOMMENDATION

That the Audit and Risk Committee receives and notes the 2021-2022 Audit Status Report

##### OUTCOME/ACTIONS ARISING:

1. Nil.

### 9. INTERNAL AUDIT

#### 9.1 Internal Audit Status Report

##### RECOMMENDATION

That the Audit and Risk Committee receives and notes the Internal Audit Plan Status report.

##### OUTCOME/ACTIONS ARISING:

1. Nil.

#### 9.2 Presentation of Internal Audit Scopes/Plans for Endorsement

##### RECOMMENDATION

That the Audit and Risk Committee endorse the following scopes/plans as presented:

- Follow Up Review
- Review of Cash Handling Procedures (Moe Library)

##### OUTCOME/ACTIONS ARISING:

1. Nil.

#### 9.3 Review of Budget Development and Management

##### RECOMMENDATION



## Audit and Risk Committee Meeting Minutes - 3 March 2022

That the Audit and Risk Committee receives and notes the findings and management responses contained in the Review of Budget Development and Management report.

### OUTCOME/ACTIONS ARISING:

1. Nil.

### 9.4 Response to the HLB Mann Judd Review of Cybersecurity (including Essential 8)

#### RECOMMENDATION

That the Audit and Risk Committee:

- Receives and notes the HLB Mann Judd report and LCC management response;
- Endorse the proposed remediation plans and timelines put forward by LCC;

### OUTCOME/ACTIONS ARISING:

1. Coordinator IT to provide a quarterly status update regarding the approach, progress and risk mitigation made towards findings within the Review of Cybersecurity Audit. This report is to be provided to the June and August Audit and Risk Committee meetings; and then provided on a bi-annual basis.

### 9.5 Review of Management of Waste and Landfill Operations (including closed landfill sites)

#### RECOMMENDATION

That the Audit and Risk Committee receives and notes the findings and management responses contained in the Review of Management of Waste and Landfill Operations (including closed landfill sites) report.

### OUTCOME/ACTIONS ARISING:

1. Nil.

## 10. RISK

### 10.1 Quarterly Risk Management Report February 2022

#### RECOMMENDATION



## Audit and Risk Committee Meeting Minutes - 3 March 2022

Quarterly Risk Management Report February 2022

### OUTCOME/ACTIONS ARISING:

1. Nil.

### 10.2 Audit Compliance Report Risk-Related Actions update

#### RECOMMENDATION

Audit Compliance Report Risk-Related Actions update

### OUTCOME/ACTIONS ARISING:

1. Nil.

## 11. MONITORING

### 11.1 Audit Compliance Report

#### RECOMMENDATION

That the Audit and Risk Committee receive and notes this report and approves the extensions to audit action due dates as set out in this report.

### OUTCOME/ACTIONS ARISING:

1. Compliance Officer to ensure that actions with a high risk rating are completed or contain an explanation as to why they cannot be completed as of the June 2022 ARC meeting.
2. Compliance Officer and Manager Governance to ensure risk ratings of progressing actions are updated and contain a risk rating that is appropriate to the level of mitigation that has taken place.

### 11.2 VAGO, Ombudsman and IBAC Reports

#### RECOMMENDATION

That the Audit and Risk Committee receives and notes this report on VAGO, Victorian Ombudsman, IBAC, Inspectorate and other reports

### OUTCOME/ACTIONS ARISING:

1. Nil.



**Audit and Risk Committee Meeting  
Minutes - 3 March 2022****11.3 Response to VAGO: Reducing Bushfire Risks - Update****RECOMMENDATION**

That the Audit and Risk Committee notes the report.

**OUTCOME/ACTIONS ARISING:**

1. Nil.

**11.4 Update on Fraud & Corruption Control - gap analysis and action plan****RECOMMENDATION**

That the Audit and Risk Committee

1. Note the Fraud and Corruption Control gap analysis and action plan

**OUTCOME/ACTIONS ARISING:**

1. Nil.

**11.5 Fraud and Corruption Reporting****RECOMMENDATION**

That the Audit and Risk Committee receives and notes this report.

**OUTCOME/ACTIONS ARISING:**

1. Nil.

**11.6 Electronic Surveillance - Corporate CCTV quarterly report****RECOMMENDATION**

That the Audit and Risk Committee notes the report.

**OUTCOME/ACTIONS ARISING:**

1. Nil.

**11.7 Conflict of Interest - Compliance****RECOMMENDATION**



## Audit and Risk Committee Meeting Minutes - 3 March 2022

That the Audit and Risk Committee receives and notes this report on the conflicts of interest review for 2021.

### OUTCOME/ACTIONS ARISING:

1. Nil.

### 11.8 Gifts, Benefits and Hospitality Compliance Reporting July - December 2021

#### RECOMMENDATION

That the Audit and Risk Committee receives and notes this report into the Gift Register Review for the period of 01 July 2021 to 31 December 2021.

#### OUTCOME/ACTIONS ARISING:

1. Manager Governance to consider benchmarking results with surrounding Councils moving forward.

## 12. PERFORMANCE REPORTING

### 12.1 Quarter 2 2021/22 Performance Report Summary

#### RECOMMENDATION

That the Audit and Risk Committee note the Quarterly Performance Summary Reports for Q2 2021-22.

#### OUTCOME/ACTIONS ARISING:

1. Nil.

### 12.2 Quarter 2 2021/22 People and Workcover Reports

#### RECOMMENDATION

That the Audit and Risk Committee note the Quarterly People Report for Q2 of the 2021/22 financial year.

#### OUTCOME/ACTIONS ARISING:

1. Nil.



## Audit and Risk Committee Meeting Minutes - 3 March 2022

### 12.3 Local Government Performance Reporting Framework (LGPRF)

#### RECOMMENDATION

That the Audit and Risk Committee note the Local Government Performance Reporting Framework results and comparative data for the 2020/21 financial year.

#### OUTCOME/ACTIONS ARISING:

1. Nil.

## 13. FINANCE

### 13.1 Quarterly Finance Report - December 2021

#### RECOMMENDATION

That the Audit and Risk Committee receives and notes the Quarterly Finance Report for the period ended 31 December 2021, prepared in accordance with the requirements of the Local Government Act 2020.

#### OUTCOME/ACTIONS ARISING:

1. Nil.

## 14. REPORTING REQUIREMENTS

### 14.1 Bi-Annual Report to Council

#### RECOMMENDATION

That the Audit and Risk Committee endorse the attached report for presentation to Council.

#### OUTCOME/ACTIONS ARISING:

1. Nil.

## 15. GENERAL BUSINESS

Terry to speak with Kendrea and Bev in regards to the next ARC meeting date and Terry's contract end date.



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## **Audit and Risk Committee Meeting Minutes - 3 March 2022**

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### **Next Meeting Date**

The next Audit and Risk Committee meeting is to be held on Thursday 09 June 2022.
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**Meeting Closed at 12:50pm.**

**Agenda Item: 13.2**

**Agenda Item: Review of Council Delegations**

**Sponsor: Chief Executive Office**

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

**Status: For Decision**

**Proposed Resolution:**

**That Council:**

- 1. In the exercise of the power conferred by section 11(1)(b) of the *Local Government Act 2020*, resolves that:**
  - a) there be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument;**
  - b) the instrument comes into force immediately the common seal of Council is affixed to the instrument;**
  - c) on the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked; and**
  - d) the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**
- 2. In the exercise of the powers conferred by the legislation referred to in the instrument of delegation at Attachment 2, resolves that:**
  - a) there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached *Instrument of Delegation to members of Council staff*, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;**
  - b) the instrument comes into force immediately the common seal of Council is affixed to the instrument; and**
  - c) on the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer)**

are revoked; and

- d) **the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

### **Executive Summary:**

To allow for Latrobe City Council to operate effectively and best utilise available resources, Council is empowered to delegate via instrument many of its powers, duties and functions to the Chief Executive Officer and Delegated Committees, pursuant to section 11 of the *Local Government Act 2020*. Various other Acts and regulations empower Council to delegate specific powers, functions or duties contained within those Acts and regulations directly to appropriate Council officers.

Pursuant to the *Local Government Act 2020*, the existing *Instrument of Delegation to the Chief Executive Officer* (S5) provides a broad delegation of Council's powers, duties and functions subject to a number of restrictions either necessary for compliance with that Act or as deemed appropriate by Council.

In accordance with the other relevant Acts, the *Instrument of Delegation to Members of Council Staff* (S6) delegates certain powers directly from Council to Council staff.

It is imperative from an accountability, transparency and risk management perspective that instruments of Council delegation are legislatively compliant and accurately maintained, which requires regular reviews and updates as relevant legislation changes.

An update of all applicable legislation current as at January 2022 and related recommended changes to delegations has been provided to Council by Maddocks. Feedback has also been received from Council departments as to ongoing organisational requirements.

Utilising that advice and information, the *Instrument of Delegation to the Chief Executive Officer* has been reviewed (provided at Attachment 1) and as an overview no proposed changes have been made.

The *Instrument of Delegation to Members of Council Staff* has also been reviewed. Proposed alterations in accordance with legislative changes identified by Maddocks.

### **Background:**

To ensure continued compliance with the relevant Acts and regulations as they change over time, as well as with Council policies, instruments of delegation must be reviewed regularly and alterations made where appropriate.

By way of assistance with the review process Maddocks provides councils with a bi-annual update of legislative amendments and associated recommended changes to delegations, which are provided in July and January each year via a subscription service. The most recent update takes into account all legislative changes to January 2022.

Departments within Council have also provided operational information to assist the review process.

The proposed changes are as follows:

- *Food Act 1984*: the addition of twelve new delegations (s 19EA(3), s19IA(1), s 19IA(2), s 19N(2), s 36A, s 38G(2), s 39(2), s 39A (6), s 40(1), s 40E, s 43, s 45AC);
- *Planning and Environment Act 1987*: the addition of four new delegations (s 28(2), s 28(4), s 41(2), s 113(2)) and removal of one delegation.
- *Residential Tenancies Act 1997*: the removal of twelve delegations; and  
*Residential Tenancies Regulations 2021*: the removal of one delegation

## Issues:

### *Strategy Implications*

Maintenance of compliant delegations ensures Council operates openly, transparently and responsibly in accordance with Objective 6 of the Council Plan.

### *Communication*

Internal organisational review has been conducted to ensure that the delegation functions and powers are recorded as being assigned to the appropriate officer(s).

### *Financial Implications*

With the exception of the purchase price for the Maddocks Delegation and Authorisation Service (Council's yearly subscription fee); and the RelianSys Delegations Management System (Annual subscription fee) there is no direct cost to Council in delegating various powers, functions and duties.

### *Risk Analysis*

Identified risk	Risk likelihood*	Controls to manage risk
<b>Legal/Regulatory Risk</b>  A delegation of Council is not compliant with legislation	Unlikely	The review of the instruments of delegation has been carried out using advice provided by Maddocks in the

Identified risk	Risk likelihood*	Controls to manage risk
		RelianSys Delegation Management System.

\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

### *Legal and Compliance*

Requirement under the *Local Government Act 2020*, to review and update registers.

### *Community Implications*

No community impact would result from the adoption of this recommendation as this is a statutory requirement

### *Environmental Implications*

Nil.

### *Consultation*

Community consultation has not been undertaken as this is a statutory function required by the *Local Government Act 2020*.

### **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*.

### **Supporting Documents:**

- S5 Delegations – Instrument of Delegation to the Chief Executive Officer
- S6 Delegations – Instrument of Delegation to Members of Council Staff

### **Attachments**

1.  S5 Delegations - Instrument of Delegation to the Chief Executive Officer
2.  S6 Delegations - Instrument of Delegation to Members of Council Staff  
(Published Separately) (Published Separately)



## **13.2**

### **Review of Council Delegations**

- 1 S5 Delegations - Instrument of Delegation to the Chief  
Executive Officer ..... 68**



## LATROBE CITY COUNCIL

### INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER

26 APRIL 2022

## Instrument of Delegation

In exercise of the power conferred by s 11(1) of the Local Government Act 2020 (the Act) and all other powers enabling it, the Latrobe City Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on 02 May 2022;
2. the delegation
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 is subject to any conditions and limitations set out in the Schedule;
  - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
  - 2.4 remains in force until Council resolves to vary or revoke it.

The Common Seal of **Latrobe City Council**

was affixed in accordance with Local Law No. 1

the     day of             2022 in the

presence of:

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*Cr Kellie O'Callaghan - Mayor*

## Schedule

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

### Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
  - 1.1 entering into a contract or making an expenditure exceeding the value of \$500,000 unless the contract, purchase or payment related to a contractual variation of a contract already entered into, statutory charges, utility contracts or insurance contract arrangements such as: WorkCover Insurance, Public Liability, Products Liability, Professional Indemnity; and Joint Municipal Asset Protection Plan (JMAPP) Insurance;
  - 1.2 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
  - 1.3 electing a Mayor or Deputy Mayor;
  - 1.4 granting a reasonable request for leave under s 35 of the Act;
  - 1.5 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
  - 1.6 approving or amending the Council Plan;
  - 1.7 adopting or amending any policy that Council is required to adopt under the Act;
  - 1.8 adopting or amending the Governance Rules;
  - 1.9 appointing the chair or the members to a delegated committee;
  - 1.10 making, amending or revoking a local law;
  - 1.11 approving the Budget or Revised Budget;
  - 1.12 approving the borrowing of money;
  - 1.13 subject to section 181H(1)(b) of the Local Government Act 1989, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;

3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

4.1 policy; or

4.2 strategy

adopted by Council;

5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or

6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

**Agenda Item: 13.3**

**Agenda Item: Council Policy Review - Privacy Policy**

**Sponsor: Chief Executive Office**

**Council Plan Objective: SMART**

**Status: For Decision**

**Proposed Resolution:**

**That Council:**

- 1. Adopts the Privacy Policy 2022; and**
- 2. Notes that with the adoption of this Policy, that any previous versions are revoked;**
- 3. Makes the Privacy Policy 2022 available on Council's website and available for inspection at all Council Service Centres.**

**Executive Summary:**

- The Citizen Confidentiality and Privacy Policy 2016 has been reviewed and updated, and is now presented for adoption by Council (renamed, Privacy Policy).
- The Privacy Policy has been updated to better explain and align with the *Privacy and Data Protection Act 2014* and the Information Privacy Principles (IPPs) and Health Privacy Principles (HPPs), reflect current organisational structure and privacy practices, and address ever-increasing use of online platforms for the collection, use and access of information.
- Key changes to the policy include the name, additional information on IPPs and HPPs, requirements around Privacy Impact Assessments and breaches, more guidance for individuals on their privacy rights with Council, and actions to address the upcoming changes to Child Safe Standards.

**Background:**

Review and update of the Privacy Policy provided opportunity to better reflect and align with the relevant legislation, organisation structure and processes, and ever-increasing use of online platforms for the collection, use, access of information. The updated policy reflects enhanced privacy practices currently in place, such as the use of a privacy breach register enabling quarterly reporting on privacy related KPIs.

A privacy training and awareness program will also be developed, including induction and refresher training, as well as awareness campaigns such as annual privacy awareness week. This will also include promoting and expanding the use of privacy impact assessments to consider privacy implications and design when collecting information, particularly when introducing or changing processes and systems.

The key changes to the policy include:

- Change of name (formerly *Citizen Confidentiality and Privacy Policy*)
- Additional information on the IPPs and HPPs (including HPP 10 Transfer/closure of health service provider and HPP 11 Making information available to another health service provider)
- Further information on access and correction of information, and opportunity for informal release of information where appropriate
- Inclusion of information on complaints, breaches, change of process and use of impact assessments
- Capture of enhanced privacy practices currently in place, such as use of privacy breach register enabling quarterly reporting on privacy related KPIs
- Setting out accountability and responsibility of Governance
- Inclusion of information relating to children's consent in regards to privacy, application of the expanded Information Sharing Scheme, and planned release of easy English, accessible versions of information, where practicable, to assist in addressing coming updates to Child Safe Standards

**Issues:***Strategy Implications*

Council adopting this policy will support the Smart theme in the Council Plan 2021 – 2025 and related Council capabilities around demonstrating high levels of compliance with legislative requirements.

*Health Implications*

Nil

*Communication*

The Policy is a Council level Policy, and once adopted will be available on Council's website. The review has involved council's leadership group and stakeholders, including those within privacy and information management.

*Financial Implications*

An effective Privacy Policy assists in preventing or minimising financial impacts on council, by helping ensure compliance with privacy legislation and therefore avoiding time consuming response and investigation of privacy breaches and potential claims against council.

*Risk Analysis*

Identified risk	Risk likelihood*	Controls to manage risk
<b>Legal/Regulatory Risk</b>  Breach of privacy legislation due to failure to collect, use, store, disclose private information appropriately	3	Privacy policy in place.  Privacy included in corporate induction and on online learning platform, PULSE.  Ongoing awareness, including Privacy Awareness Week.  Privacy officer and intranet resource for staff queries and information.  Privacy breach investigation form and register, enabling quarterly privacy KPIs

*Legal and Compliance*

The Privacy Policy assists council in ensuring compliance with the *Privacy and Data Protection Act 2014*.

*Community Implications*

The amended policy aims to provide greater clarity and reassure to the community as to how council protects their privacy and how they can access, update or raise concerns about council's use of their private information.

*Environmental Implications*

Nil

*Consultation*

The policy was reviewed with reference to Office of the Victorian Information Commissioner (OVIC) requirements and guidelines, benchmarking against other councils, and consultation with key internal experts and stakeholders.

**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 2020*.

**Supporting Documents:**

Nil



**Attachments**

1   DRAFT Privacy Policy 2022

## **13.3**

### **Council Policy Review - Privacy Policy**

- 1 DRAFT Privacy Policy 2022 ..... 77**



~~Citizen Confidentiality and Privacy~~  
Privacy Policy

Version ~~(1)~~2

Approval Date: ~~23 May 2016~~May 2022

Review Date: ~~April 2016~~May 2026



**Latrobe City**  
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## ~~Citizen Confidentiality and Privacy~~ ~~Policy Privacy Policy~~

### DOCUMENT CONTROL

Responsible GM	<del>Sarah Cumming</del> <u>Tim Ellis</u>	
Division	<del>Regional City Strategy and Transition</del> <u>Corporate Services</u>	
Last Updated (who & when)	<del>Coordinator Governance, Amy Phillips</del> <u>Senior Compliance Officer</u>	<del>April 2016</del> <u>February 2022</u>
<b>DOCUMENT HISTORY</b>		
Authority	Date	Description of change
Council	07 Feb 2011	Adopted
Revised	April 2016	Revised to incorporate updates to legislation changes to the <i>Privacy and Data Protection Act 2014</i>
Council	23 May 2016	Adopted, effective 24 May 2016, previous versions rescinded.
<u>Council</u>	<u>March 2022</u>	<u>Revised to better align with OVIC guidance, and include impact assessments, complaints and breaches.</u>
References	Refer to Section 8 and 9 of this policy	
Next Review Date	<del>April 2020</del> <u>2026</u>	
Published on website	Yes	
Document Reference No	ECM Number: 1348072	

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Responsible Division	<u>Regional City Strategy and Transition</u> <u>Corporate Services</u>	Approved Date	<del>23 May 2016</del> <u>2022</u>	Review Date	<del>April 2016</del> <u>2026</u>
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**Latrobe City**

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## ~~Citizen Confidentiality and Privacy~~ ~~Policy Privacy Policy~~

### 1. Background

Latrobe City Council (Council) believes that the responsible handling of personal information is a key aspect of democratic governance and is strongly committed to ensuring that personal information received by the Council is collected and handled in a responsible manner.

The Council demonstrates its commitment through implementing the Information Privacy Principles ("IPPs") in the *Privacy and Data Protection Act 2014* (Vic) and the Health Privacy Principles ("HPPs") in the *Health Records Act 2001* (Vic) (jointly the "Privacy Principles").

In fulfilling the objectives of the Privacy Principles, Council is mindful of the need to balance the public interest in the free flow of information with the public interest in protecting the privacy of personal and health information.

### 2. Objectives

~~This policy explains the o-meet the~~ IPPs and HPPs in relation ~~to to Council~~ managing and handling personal and health information within the Council, including collection, use, disclosure, protection, personal access, correction and complaints including how individuals can access their personal information, correct inaccuracies, and make a complaint about possible breaches.

### 3. Scope

This policy applies to all employees, Councillors and contractors of the Council, including volunteers and members of Council committees.

This policy applies to all personal information and health information held by the Council, including personal information sourced by the Council from third parties.

The scope of this policy may be limited where Council has obtained a Public Interest Determination, Information Usage Agreement or where there is applicable legislation that requires actions contrary to the policy (and as confirmed and approved by Manager Governance).

~~Certification ("three mechanisms") of an act or practice of Council from the Commissioner for Privacy and Data Protection ("Commissioner"). In those circumstances, the Council's obligations under the Privacy and Data Protection Act 2014 will change to reflect the Commissioner's approval of one of the three mechanisms.~~

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Responsible Division	<u>Regional City Strategy and Transition</u> <u>Corporate Services</u>	Approved Date	<u>23-May-2016</u> <u>2022</u>	Review Date	<u>April-2016</u> <u>2026</u>
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**Latrobe City**

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## ~~Citizen Confidentiality and Privacy~~ ~~Policy Privacy Policy~~

### 4. Principles of Management

Council is committed to providing quality, effective and efficient services to ~~our community citizens~~ in a manner which values and respects the individual. Due to the nature of providing personal services ~~to citizens~~, staff will have access to a range of sensitive personal information and in-depth knowledge about those ~~citizens~~ the services are provided to.

Council recognises that upholding a ~~citizen's person's~~ right to privacy and ~~confidentiality~~ is an integral component to providing a quality service. ~~Individuals should be able to feel satisfied the organisation will protect their privacy and be empowered to raise any queries or concerns they may have about how the organisation deals with their information.~~

The aim of this policy is to outline the ~~client's~~ right to ~~confidentiality privacy of individuals accessing Council services~~, and the measures that are to be undertaken by staff to uphold this right.

~~Citizens have the right to challenge how the organisation deals with their information.~~

~~Citizens usually are more willing to provide correct information if satisfied the organisation will protect their privacy.~~

This policy is not intended to prevent legitimate use of personal information or prohibit the collection of such information.

#### Privacy Principles

The *Privacy and Data Protection Act 2014* ~~came into effect in 2014 and~~ sets the new standards for the way government organisations, statutory bodies and local Councils, collect and handle personal information. ~~The Act is to:~~

~~balance the public interest in the free flow of information in respecting privacy and protecting information in the public sector;~~

~~promote responsible handling of personal information in the public sector and awareness of these practices.~~

This ~~Acte Privacy and Data Protection Act 2014~~ consists of 10 Information Privacy Principles. ~~These principles regulate the handling of personal information and compliance is required in order to meet the requirements of the Act.~~

The Health Records Act 2001 provides standards for relevant bodies, in relation to health information. It also contains Health Privacy Principles.

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Responsible Division	<u>Regional City Strategy and Transition Corporate Services</u>	Approved Date	23-May-20162022	Review Date	April-20162026
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**Latrobe City**

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## ~~Citizen Confidentiality and Privacy~~ ~~Policy Privacy Policy~~

These principles regulate the handling of personal information and health information and compliance is required in order to meet the requirements of the Acts.

What constitutes personal information and health information is set out in the definition sections below.

<u>Information Privacy Principles</u>	<u>Health Privacy Principles</u>
<u>1. Collection</u>	<u>1. Collection</u>
<u>2. Use and Disclosure</u>	<u>2. Use and Disclosure</u>
<u>3. Data Quality</u>	<u>3. Data Quality</u>
<u>4. Data Security</u>	<u>4. Data Security and Retention</u>
<u>5. Openness</u>	<u>5. Openness</u>
<u>6. Access and Correction</u>	<u>6. Access and Correction</u>
<u>7. Unique Identifiers</u>	<u>7. Unique Identifiers</u>
<u>8. Anonymity</u>	<u>8. Anonymity</u>
<u>9. Transborder Data flows</u>	<u>9. Transborder Data flows</u>
<u>10. Sensitive Information</u>	<u>10. Transfer/Closure of a Health Service Provider</u>
	<u>11. Making information available to another Health Service Provider</u>

An overview of how the Principles, and how they apply to Council is, are as follows:

### **PRINCIPLE 1 – Collection of Personal or Health Information**

Council will only collect personal or health information that is necessary for its specific and legitimate functions and activities. In some instances, Council is required by law to collect personal or health information.

W

The personal information collected by Council typically includes, but is not limited to, the following types of information:

name

address (postal and e-mail),

telephone number (work, home and mobile),

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## ~~Citizen Confidentiality and Privacy Policy~~ ~~Privacy Policy~~

~~date of birth;~~

~~credit card and bank account number;~~

~~motor vehicle registration number~~

~~When~~ Council collects personal or health information it will do so by fair and lawful means and not in an unreasonably intrusive way. Where it is practicable to do so at the time Council collects the personal or health information, Council will provide details of:

- why it is collecting the information;
- how that information can be accessed by the individual it was collected from;
- the purpose for which the information is collected;
- with whom the Council shares the ~~is~~ information;
- any relevant laws; and
- the consequences for the individual if all or part of the information is not collected.

~~By way of example, when Council receives unsolicited information such as a complaint, petition or submission, it is not practicable for Council to provide these types of details.~~

If it is reasonable and practicable to do so, Council will collect personal or health information about ~~a person~~ directly from ~~that person~~. If Council collects personal or health information about ~~a person~~ from someone else, it will take reasonable steps, if practicable, to make ~~the person aware that has occurred~~ ~~aware of these matters~~. ~~For example, when Council receives unsolicited information such as a complaint, petition or submission, it is not practicable for Council to provide these types of details.~~

Council may collect personal and/or health information in the following ways:

- During a conversation with a Council representative at a Service Centre or over the phone
- From the Council website, social networking sites or sending a messages (SMS/MMS)
- Council's online payment portal i.e. rates, permits, animal registrations, fines and infringements
- The completion of online or hard copy applications, enrolment forms, and surveys

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- ~~From other third parties i.e.e.g. a referral from a community health service~~

Council will, from time to time, use this information to contact ~~a person~~~~you~~ directly on a range of issues in the performance of its functions and the exercise of its powers under various Acts, ~~and~~ Regulations and Local Laws, to ~~also~~ issue accounts and for ~~other~~ permitted purposes.

All areas of Council that collect personal or health information will, ~~wherever possible, (at the very least),~~ provide notice of the purpose of collecting the personal or health information, ~~whether in writing or verbally, as circumstances allow. on the form, similar to the example below. This example is provided only as an illustration and may differ depending upon the content.~~

~~The Act does not specify an age after which an individual can make their own privacy decisions. For consent to be valid, an individual must have capacity to consent, which means they have the maturity to understand what is being proposed. If Council is unable to assess capacity of an individual, as a general rule, Council may assume an individual over the age of 15 has capacity, however regard will always be given to the nature of the information proposed to be collected and the circumstances in which collection is to occur. Where the individual is assessed not to have the capacity to consent, it may be appropriate for a parent or guardian to consent on the person's behalf.~~

~~Latrobe City Council will only collect personal or health information for municipal purposes as specified in the Local Government Act 1989 or other legislation. Personal and or health information will be used by Council for the purpose for which it was collected or for a directly related purpose. The intended recipients of the information are authorised Council staff, Council contractors and Council consultants. Council may disclose the information to law enforcement agencies, court and other organisations if required by law. Individuals may apply to Council for access to and / or amendment of their information using the provisions of the Freedom of Information Act 1982. More information is available on the Council's website or from the Council Freedom of Information Officer. Individuals may view Council's Privacy Policy on Council's website or obtain a copy from any Council office."~~

There are some specific requirements that Council must meet when it is collecting health information. For example, Council will only collect health information where it

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has obtained consent, ~~or the law provides for~~ requires the collection or another exception applies (for instance for ~~a~~ law enforcement functions).

There are also some specific requirements that apply to where health information is given to the Council when it is providing health services. In some ~~situations~~ situations, a person giving health information about another individual, for example a family member, may request the Council to keep the information confidential, including that the information not be communicated to the person to whom it relates. In such a situation, the Council will:

- ~~confirm~~ with the person giving the information that it is to remain confidential;
- ~~record~~ it only if required to give the health services;
- ~~take~~ reasonable steps to ensure the health information is accurate and not misleading; and
- ~~take~~ reasonable steps to record that the information is given in confidence and is to remain confidential.

Where Latrobe City Council's website contains links to other websites, we cannot be held responsible for these sites' privacy practices and users are advised to check the privacy statement of a linked website before providing any personal information.

### PRINCIPLE 2 - Use and Disclosure of Personal or Health Information

Council will only use personal or health information within Council, or disclose it outside Council, for the purpose for which it was collected or otherwise in accordance with the *Privacy and Data Protection Act 2014* or the *Health Records Act 2001*. For example, ~~the~~ Council may use or disclose a person's ~~your~~ personal or health information where that person ~~you have~~ has consented to the disclosure, ~~or for~~ a related ~~reasonable~~ secondary purpose (personal information) or directly related secondary purpose (health information and sensitive personal information) where a person would reasonably expect the disclosure to occur, or where the use or disclosure is specifically authorised by law.

Council will take all necessary measures to prevent unauthorised access to or disclosure of an individual's ~~your~~ personal or health information.

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Council discloses personal or health information to external organisations, such as Council's contracted service providers who perform various services for and on behalf of the Council. Council contractors are generally required to agree to be bound by the provisions of the *Privacy and Data Protection Act 2014* and the Health Records Act as applicable, just as ~~the~~ Council is bound. There are occasional exceptions where the contractor is already bound by the relevant act or other equivalent legislation. Additionally, the Council limits the personal or health information provided to its contractors by only providing them with theat information necessary to provide services ~~to you~~ on behalf of Council.

The law may authorise Council to disclose personal or health information to:

- Debt collection agencies-
- Government agencies-
- L-law enforcement agencies, including the courts and the Victoria Police, in instances where Council is required to respond to a subpoena or provide information to assist a police investigation-
- Other prescribed Information Sharing Entities as per the Information Sharing Scheme under the Child Wellbeing and Safety Act 2005

~~We have listed~~ Some examples of where personal or health information may be disclosed by Council include: below.

- ~~Personal information in applications for employment with Council will be supplieds to agencies such as the Victoria Police, where required by law (for instance, under the *Worker Screening Act 2020* ~~Working with Children Act 2005~~) as part of a background check. Background checks will only be carried out on applications for selected positions prior to employment with Council. Such checks will only be carried out with an individual's your written authorisation and the results will not be disclosed to third parties unless authorised by law.~~
- ~~Personal information provided by a personyou as part of a public submission to a Council and Delegated or eCommittee meeting may be included with the published agenda papers and minutes of the meeting. The published agenda papers and minutes are displayed online and available in hardcopy format.~~
- ~~Personal information may also be contained in Council's Public Registers that are required or permitted by law to be made available for inspection in particular circumstances.~~

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- Personal or health information may be disclosed in certain other circumstances, such as where it is necessary for the Council to establish or defend a legal claim or where there is a serious and imminent threat to an individual's health safety or welfare, or a serious threat to public health, public safety or public welfare. Where the information is health information there are additional disclosure requirements.

a web before providing any personal information

### **PRINCIPLE 3 - Data Quality**

Council will take reasonable steps to make sure that the personal or health information it collects, uses or discloses is accurate, complete and up-to-date. In addition, where the information is health information, Council will take steps that are reasonable in the circumstances and, having regard to the purpose for which the health information is to be used, to ensure that it is relevant to ~~the~~ Council's functions and activities.

### **PRINCIPLE 4 - Data Security**

Council will take all necessary steps to protect all personal or health information it holds from misuse, loss, unauthorised access, modification or disclosure. This applies regardless of the format in which the information is held.

Council will take reasonable steps to lawfully and responsibly destroy or permanently de-identify personal or health information when it is no longer needed for any purpose, subject to compliance with the *Public Records Act 1973*, ~~and the~~ Privacy and Data Protection Act 2014, the *Health Records Act 2001* and any other applicable law.

### **PRINCIPLE 5 - Openness**

Council will make publicly available its policies relating to the management of personal or health information and how individuals can ~~take to access the~~ information held about them. This will include easy English, accessible versions of information, where practicable. Council will on request, take reasonable steps to provide individuals with general information on the types of personal or health information it holds about the individual making the request, for what purpose the information is held, and how it collects, holds, uses and discloses that information.

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~~Council's Privacy Officer is positioned with the Corporate Services Department.~~

### **PRINCIPLE 6 - Access and Correction**

Where Council holds personal or health information about a person, that person has the right to access the information on request unless certain exceptions set out in IPPs and HPPs apply, such as where providing access may prejudice investigation of unlawful activity. If the person establishes that any information is inaccurate, incomplete, misleading or not up to date, Council will take reasonable steps to correct it.

Where an individual wishes to access their personal information, they can contact the relevant Council department directly or contact Council's Privacy Officer within the Governance team.

As the Council is subject to the *Freedom of Information Act 1982*, **formal** requests for access to, or correction of personal or health information ~~about you~~ is managed under that legislation. However, requests can often be managed outside of the FOI Act, whether through administrative processes or through other legislation. Before a person lodges a formal request for access or correction under the FOI Act, it is recommended that they contact Council's Privacy Officer to discuss what is being sought. Access will be provided except in the circumstances set out in that Act, for example where the information relates to legal proceedings.

### **PRINCIPLE 7 - Unique Identifiers**

A unique identifier is a number or code that is assigned to someone's record to assist with identification (similar to a ~~drivers~~**driver's** licence number).

Council will not assign, adopt, use, disclose or require unique identifiers from individuals unless it is necessary to enable the Council to carry out any of its functions more efficiently. Council will only use or disclose unique identifiers assigned to individuals by other organisations if the individual consents to the Council doing so, ~~or~~ there are legal requirements for the Council to do so, or the conditions for use and disclosure set out in the *Privacy and Data Protection Act 2014* or *Health Records Act 2001* are satisfied.

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## **Citizen Confidentiality and Privacy Policy Privacy Policy**

### **PRINCIPLE 8 - Anonymity**

Where it is both lawful and practicable, a person ~~Council will give you~~ will be given the option of not identifying themselves ~~yourself~~ when supplying information to or entering into transactions with Council ~~it~~.

Anonymity may limit Council's ability to process a complaint or other matter.

Therefore, if an individual ~~you~~ chooses not to supply personal or health information that is necessary for the Council to perform its functions, then Council reserves the right to take no further action on that matter.

### **PRINCIPLE 9 - Transborder Data Flows**

Council may transfer personal or health information about a person ~~you~~ to an individual or organisation outside Victoria, only where allowed by the relevant Act. ~~Some examples of that are where:~~ only in the following instances:

- the person has ~~if you have~~ provided their ~~your~~ consent; or
- if disclosure is authorised by law; or
- if the recipient of the information is subject to a law, scheme or contract with principles ~~that~~ are substantially similar to the IPPs or HPPs as applicable Privacy and Data Protection Act 2014; or
- where the information is health information, the specific provisions of the HPPs are met.

By way of example, Council may use cloud computing services based outside Victoria, in which case Council must ensure the cloud computing service provider ~~they~~ complies ~~es~~ with the Victorian IPPs and HPPs or substantially similar controls ~~when in~~ engaging with these ~~such a~~ services.

### **PRINCIPLE 10 (IPP) - Sensitive Information**

Council will not collect personal information about a person that is sensitive information, about you ~~except~~ where:

- you have ~~the person has~~ provided their ~~your~~ consent; ~~or~~
- collection is authorised or required by the law ~~requires the information to be collected~~; ~~or~~
- it is necessary to collect the sensitive information for establishing, exercising or defending a legal claim; ~~or~~

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- the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual; or
- the sensitive information is necessary for research on or provision of government funded welfare or educational services and there is no reasonably practicable alternative to collecting the information for that purpose.
- in certain prescribed circumstances where:
  - the collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any individual; or
    - it is impracticable to obtain consent and there is no reasonable alternative to collecting the sensitive information for the purpose of research or government funded targeted welfare and educational services.

### **PRINCIPLE 10 (HPP) –Transfer/Closure of a Health Service Provider**

Where Council discontinues a health service in accordance with the HPP 10, it will give notice of the closure to past service users, including whether health information is to be transferred to a new provider or retained by council.

### **PRINCIPLE 11 (HPP) - Making information available to another Health Service Provider**

Where Council acts as a health service provider, it will make health information relating to an individual available to another health service provider if required to do so by that an individual or by law.

### **Change of Process and Privacy Impact Assessment**

When altering systems or processes that collect, store or transfer personal information, eCouncil staff will have regard to the implications of the change on compliance with this policy, and consult with relevant areas of the organisation, where appropriate (including Privacy Officer, Corporate Information, Information Technology, Customer Focus, and any other effected teams or and areas).

Where significant changes or new systems or processes are proposed, a Privacy Impact Assessment (PIAs) should be undertaken, using the Office of the Victorian Information Commission (OVIC) template and guide.

### **Privacy Complaints**

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Where an individual feels aggrieved by Council's handling of their personal or health information, they may make a complaint to Council by contacting the Privacy Officer or Manager Governance within Council's Governance team.

Externally, individuals may contact the Office of the Victorian Information Commission (OVIC) with privacy related queries or the Health Complaints Commissioner for health information complaints.

### **Data Breaches**

Council recognises that privacy, including information privacy, is a human right and takes every reasonable measure to prevent privacy and data breaches. Some data breaches can have no or minimal impact, while others can have serious consequences, including physical, financial, emotional or reputational damage.

Some examples of harm to an individual include embarrassment or humiliation, emotional distress, identity theft or fraud, loss of employment or business opportunities, family violence, other physical harm or intimidation, unwanted marketing and spam emails.

A data breach can also have serious consequences for Council, Examples of harm to council including financial, legal and resources implications, as well as service disruption, reputational damage and loss of public trust.

If a breach does occur, eCouncil will act to contain, assess, notify and review the incident, in line with OVIC guidelines and requirements, as set out below:

1. Contain the breach immediately to prevent any further compromise of personal information
2. Assess the risk of harm to affected individuals by investigating the circumstances of the breach
3. Notify affected individuals if deemed appropriate in the circumstances
4. Review the breach and the organisation's response to consider longer-term action to prevent future incidents of a similar nature and improve the organisation's handling of future breaches.

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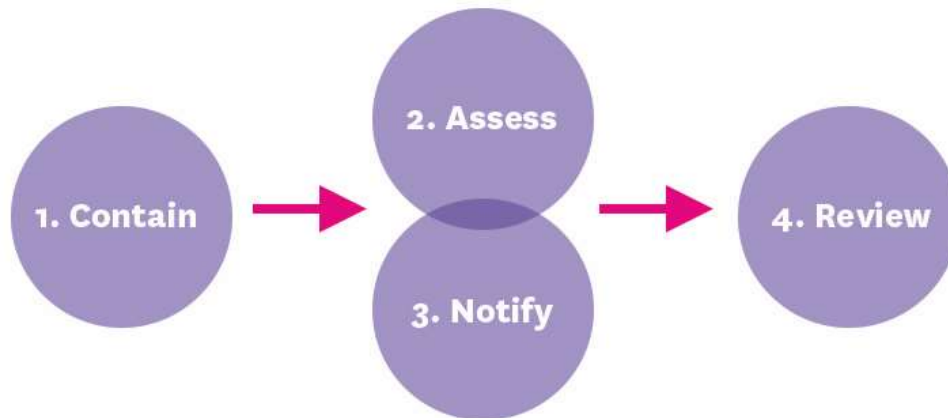
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Assessment and investigation shall be carried out by Governance in consultation with the relevant area/s. Council's 'Privacy Breach Response and Investigation' form or OVIC's 'Information Security and Privacy Incident Notification Form' shall be completed.

Council shall notify OVIC or the Health Complaints Commissioner of the breach where required and/or otherwise considered appropriate.

Reporting on privacy breaches and responses shall also be provided to the eCouncil's eExecutive tTeam quarterly.

### 5. Accountability and Responsibility

Accountability and responsibility for this policy is outlined below.

#### 5.1. Council

- Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and any other Latrobe City Council Policy
- Responsibility for the decision to approve this Policy by Council Resolution

#### 5.2. Chief Executive Officer

- Overall responsibility for compliance with this policy
- Overall responsibility for enforcing accountability

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- Overall responsibility for providing resources
- Overall responsibility for performance monitoring

### 5.3. General Manager

- Responsibility for compliance with this policy
- Responsibility for enforcing accountability
- Responsibility for providing resources
- Responsibility for performance monitoring

### 5.4. Manager

- Develop frameworks and procedures in compliance with this policy
- Enforce responsibilities to achieve compliance with frameworks and procedures
- Provide appropriate resources for the execution of the frameworks and procedures

### 5.5. Governance Department

- Responsibility to ensure this policy is maintained and reviewed in accordance with the requirements as set
- Manage and respond to breaches of privacy and notification to OVIC where required
- Ensure training and support is provided to staff as required
- Maintain a register of privacy breaches
- Prepare and provide reporting and monitoring of privacy requirements

### ~~5.5.5.6.~~ 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.

## 6. Evaluation and Review

This policy will be reviewed on request of Council, in the event of significant change in the Executive team, significant changes to legislation applicable to the subject matter of the policy or, in any other case, during each Council term (generally four years).

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### 7. Definitions

~~*Citizen / Client*~~ Includes a person receiving a service provided by the Mayor, any Councillor or staff member performing their duty as an employee or contractor of the Latrobe City Council. This definition also includes prospective and past clients.

~~*Confidentiality*~~ Respect for personal or sensitive information gained in a professional capacity or relationship with a client who no one outside of the helping or assisting relationship has a right to know.

*Health Information* Includes information or an opinion about the physical, mental, psychological health of an individual, disability of an individual or a health service provided or to be provided to an individual where that information is also personal information. Health information includes other personal information that is collected to provide or in providing a health service.

Examples of health information:

*The view of a maternal child health nurse on a database that a mother may have postnatal depression, records held by Council of attendees at immunisation sessions; requests for home support to be provided to a person living in the municipality made by family members outside the municipality.*

*Health Privacy Principles (HPPs)* Set of principles established by the *Health Records Act 2001* that regulate how a Council when it is a health service provider collects, holds, manages, uses, discloses or transfers health information.

*Health Services* Means an activity that is intended or claimed to assess, maintain or improve the individual's health, to diagnose the individual's illness, injury or disability or to treat the individual's illness, injury or disability

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### *Information Privacy Principles: (IPPs)*

Set of principles established by the *Privacy and Data Protection Act 2014* that regulate how organisations such as the Council collects, holds, manages, uses, discloses or transfers personal information.

### *Personal Information*

Means information or an opinion about an individual who can be identified from the information, or whose identity can reasonably be ascertained from the information. The information can be recorded in any form and does not need to be true. This includes information the Council has collected in any format including correspondence, in person, over the phone, and via our various web sites, or information or an opinion that forms part of a database. It does not include health information as defined in the *Health Records Act 2001*. However, where the information is health information, it need not be recorded and, wWhere anthe individual has been deceasedad for more than 30 years, the information about that person is no longer considered to be personal information.

Examples of personal information:

- Names
- addresses
- contact details
- work addresses
- signatures
- attendances at meetings
- opinions (particularly where those opinions would identify the person).
- Ppersonal information on a public register, in complaints records, in records of telephone calls, on building plans, in meeting minutes and many, manyvarious other types of records held by the Council.

### *Public Registers*

Documents that are held by the Council and:

- Are open to inspection by members of the public;

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- Contain information that a person or body was required or permitted by legislation to give the Council under an Act or regulation; and

Contain information that would be personal information if the document was not a generally available publication.

### *Sensitive Information*

Council may also hold sensitive information in order to provide education, welfare and other services. Sensitive information is personal information that is information or an opinion about an individual's:

- Race or ethnic origin;
- Political opinions;
- Membership of a political association;
- Religious beliefs or affiliations;
- Philosophical beliefs;
- Membership of a professional trade association;
- Membership of a trade union;
- Sexual preferences or practice; or
- Criminal record.

## 8. Related Documents

Records Management Operational policy

## 9. Reference Resources

*Privacy and Data Protection Act 2014*

*Health Records Act 2001*

*Freedom of Information Act 1982*

*Child Wellbeing and Safety Act 2005*

*Child Wellbeing and Safety Amendment (Child Safe Standards) Act 2015*

## 10. Appendices

Nil.

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# **REGIONAL CITY PLANNING AND ASSETS**

**14. REGIONAL CITY PLANNING AND ASSETS****Agenda Item: 14.1****Agenda Item: Fenced Dog Parks - Trial Review and Future****Sponsor: General Manager, Regional City Planning and Assets****Council Plan Objective: CONNECTED****Status: For Decision****Proposed Resolution:****That Council:**

- 1. Endorses the retention of the existing Dog Park at Bert Thomson Reserve until a suitable alternative location is identified and funded to replace it;**
- 2. Endorses the Draft Fenced Dog Park Guidelines; and**
- 3. That Council requests the State Government include Latrobe City Council as an eligible local government area for funding under the *New Dog Parks Program*.**

**Executive Summary:**

- Following the receipt of a petition containing 2,673 signatures and further community consultation, Council constructed a 'trial' Fenced Dog Park (FDP) at Bert Thompson Reserve, Traralgon in 2019 (Attachment 1 – Location).
- Attendance data gathered after construction indicates that the dog park has been popular, with on average 140 dogs visiting each day until wet weather and COVID reduced regular attendance (Attachment 3 – Attendance Data).
- Council hosted several events at the dog park to engage with and seek feedback from the users of the park, as well as undertaking surveys and monitoring social media pages and posts relating to the dog park.
- Based on community feedback and benchmarking with other Council FDP facilities and strategies, the following key learnings have been identified:
  - The trial FDP has been well received and popular within the community, with dog owners traveling from all over Latrobe City, as well as from outside the municipality to attend the park;
  - The size of the trial dog park (~1500m<sup>2</sup>) is too small for the number of dogs that use it, with the grass surface being stripped within a short

- period of time;
- There were anecdotal reports of cases of 'kennel cough' linked to the trial dog park;
- There is a desire/need to be able to separate dogs (large, small, timid etc) as they are currently forced to co-exist in the same area; and
- Car parking adjacent the site is reported as problematic during drop-off and pick-up times for the nearby Grey Street Primary School.
- When considering any future additional FDP or additional infrastructure at existing dog parks, the following should be considered:
  - Core Infrastructure: Perimeter fencing, entry gates/dog airlock (double gates), pathways, ground surface materials and landscaping;
  - Site Planning: Must be a sufficient size to allow the ability to rest (close) areas of the dog park to allow maintenance/rehabilitation and perhaps to provide separate areas for different types of dogs; and
  - Essential Amenities: Water fountains, bins and bag dispensers, shelter, seating, signs and car parking.
- To construct an FDP in line with good practice guidelines and feedback received, it is estimated to cost between \$50,000 and \$300,000 dependent on total size, existing infrastructure available at the site and the level of amenity provided (fences, gates, paths, water fountains, play equipment, landscaping, toilets, shelters etc).
- To assist with planning for any future FDP and to ensure it is sustainable for Council, as well as meets community expectations, 'Fenced Dog Park Guidelines' have been drafted which consider all components of siting, design, implementation and management (Attachment 4 – DRAFT Fenced Dog Park Guidelines).

**Background:**

On 13 September 2017 Latrobe City Council received a petition signed by 2,673 people seeking support for fenced off leash dog parks to be constructed within the townships of Churchill, Moe, Morwell and Traralgon.

Subsequently, between 19 March and 22 April 2018 community consultation was undertaken to determine the community's desire to have access to such facilities.

A further report was presented to the 4 June 2018 Ordinary Council meeting and Council resolved the following:

*That Council:*



1. *Notes and considers community survey submissions in relation to the proposed implementation of a Fenced Off-Leash Dog Park.*
2. *Install a trial Fenced Off-Leash Dog Park at Franklin St Reserve, in the location defined as the grassed area south of Traralgon Creek and directly north-west of the car park, behind the Australian Securities and Investments Commission building in Traralgon.*
3. *Prepare an assessment of the trial Fenced Off-Leash Dog Park, 12 months after implementation which will be presented to Council for review.*
4. *Refer the project to the 2017/18 end of year budget review process to identify \$40,000 to be allocated towards the construction of the trial park.*

On 30 January 2019, the 'trial' Fenced Dog Park at Bert Thompson Reserve near Franklin Street, Traralgon (See Attachment 1) was completed and opened to the public. Officers acknowledge there has been a significant period between the opening of the trial FDP and the completion of this review, which was supposed to take place after the park had been operation for 12 months, however this was impacted by COVID-19, resourcing issues, and other priority projects.

#### Trial review and findings:

Attachment 2 provides a review of the trial FDP against the assessment criteria presented to Council at the 4 June 2018 Council meeting.

In summary, there is little doubt the trial FDP has been well received within the community and attended by many dog owners from nearby and afar.

Anecdotally it is reported particularly via social media that community members from across the entire municipality are using the FDP on a regular basis, with many saying the social and mental health benefits for both dog and owner are considerable.

The 'Traralgon Dog Park' Facebook page in particular has over 980 members, who regularly post about their visits to the park, uploading videos and photos as well as organising other members to meet at the park at certain times.

Based on community feedback and benchmarking of other Council dog park facilities and strategies, although the site is popular the following key learnings have been identified:

- The trial FDP has been well received and popular within the community, with dog owners traveling from all over the Latrobe City, as well as from outside the municipality to attend the park;
- The size of the trial dog park (~1500m<sup>2</sup>) is too small for the number of dogs that use it, with the grass surface becoming stripped within a short period of time;
- There have been anecdotal reports of cases of the disease Kennel Cough linked to the FDP, although it is difficult to verify as it can be transmitted wherever dogs are prevalent or exercised;

- There is a desire/need to be able to separate dogs (large, small, timid etc) as they are currently forced to co-exist in the same area; and
- Car parking is sometimes problematic at the site, particularly during drop-off and pick-up times for the nearby Grey Street Primary School.

It is considered by Council Officers that the trial has confirmed that FDPs would be popular with the Latrobe City community.

However, careful consideration is needed when planning any future permanent FDP facility, to ensure the FDP is sustainable for Council (in terms of maintenance and operating costs) whilst also providing the best experience for users.

#### Planning for future Fenced Dog Parks:

The popularity of FDPs is now being experienced all over Australia with many local Governments having one or more FDP within their municipalities. Dog Parks are typically categorised the same as parks and play spaces, with park hierarchy being identified as either local, district and regional level.

'Local' being those that are attended by dogs who live within the immediate area or estate, 'District' being those attended by dogs in the wider community/township and 'Regional' being those that are attended by dogs whose owners would drive to the park from neighbouring townships and municipalities to attend the park.

In this context, the trial FDP at the Bert Thompson Reserve is of the size and infrastructure provision of a 'local' park, however, is experiencing the usage more in line with a 'district' or 'regional' park given the absence of other such facilities within the municipality.

As a consequence of the increased community demand for fenced dog parks, there is now a wide range of valuable resources available to ensure that fenced dog parks are planned, designed, managed and maintained appropriately particularly for asset owners.

The following documents are considered by Council Officers to be the best of these resources:

- '*Unleashed – A Guide to Successful Dog Parks*', which were developed by the South Australian Government in association with the Dog and Cat Management Board. This resource provides valuable advice to guide local governments on how to plan, design and manage future dog park installations; and
- '*Fenced Dog Parks – Siting, Design and Management Guidelines*' which is the planning guidance used by Geelong City Council whom have in recent years received funding to deliver a number of new fenced dog parks within their municipality.

Some of the primary considerations each of these documents identify when considering sites, locations and designs for FDP are the following:

- Core Infrastructure: Perimeter fencing, entry gates and dog airlock (double gates), pathways, ground surface materials and landscaping;
- Site Planning: Sufficient sized area to allow the ability to provide rest (close) areas of the dog park to allow maintenance/rehabilitation and to separate dogs; and
- Essential Amenities: Water fountains, bins and bag dispensers, shelter, seating, signs and car parking.

To ensure that any future dog parks respond to the expectations of the community, whilst also ensuring they can be developed as sustainable Council assets, Officers have established DRAFT 'Fenced Dog Park Guidelines' (Attachment 4) to guide decision making when identifying appropriate sites, to influence design and to educate management plans.

Council does not currently have the resources or budget to plan, construct or maintain any additional FDPs within the municipality and it must be noted that prior to considering the construction of any future FDP that funding is required to undertake detailed site assessments, designs and community consultation. Once this work was completed a construction budget allocation would be required and could range in the order of \$50,000 to \$300,000. On top of this an ongoing annual budget of between \$5,000 and \$15,000 would also be required to maintain each additional FDP.

**Issues:***Strategy Implications*

This report aligns to the following strategies of the Council Plan:

*Connected*

- Facilitate appropriate urban growth, industry diversification, liveability and connectivity throughout Latrobe City; and
- Develop the plan for staged development of dog parks across the towns of Latrobe City.

Latrobe City Council does not currently have any strategic direction for the current or future development of FDP within the municipality.

Planning, design, management and maintenance are critical to ensuring that FDP are sustainable Council Assets whilst meeting the expectations of our community.

*Health Implications*

Dog Parks are known to provide significant health benefits to not only the dogs, but their owners too. Dog Parks lead to social interaction with other like-minded people in an outdoor environment.

Some reports suggest that if it were not for the dog owner taking their dog to the dog park, they would not have any social interactions at all. This provides a significant mental health benefit, as well as the physical health benefit of undertaking mild exercise.

### *Communication*

The trial FDP has been the subject of many forms of communication and community engagement.

- It was initially constructed as a result of a community petition;
- A public Facebook page promoting the Traralgon Dog Park now has over 980 members with regular posts;
- Community surveys have received over 290 responses; and
- Council Officers have engaged with Officers from other Councils in relation to their experiences.

The Draft Fenced Dog Park Guidelines have been shared with Council's Animal Welfare Advisory Committee as well as a number of other local Dog Park advocates.

All feedback received has been positive, with no changes requested.

### *Financial Implications*

The trial FDP cost Council approximately \$43,000 to construct, which included the cost of the site preparation, fencing, installation of drinking fountain and dog bag dispenser.

A Council contractor is currently charging a fee of approximately \$10 per week or \$520 annually to empty the bins and refill the dog bag dispenser at the site.

It must be noted that the trial park is considered a very small dog park, so the costs associated with this park are considered to be lower than that expected for a dog park which aligns with Draft Fenced Dog Park Guidelines for size and infrastructure provision etc.

In order to construct an FDP in line with the Draft guidelines, it is estimated to cost between \$50,000 and \$300,000 dependant on size, existing infrastructure available at the site and the level of amenity provided (fences, gates, paths, water fountains, play equipment, landscaping, toilets and shelters etc).

These construction costs could however be provided by external State government funding opportunities such as under the *New Dog Parks Program*.

Management and maintenance costs (mowing, bins, weed control, furniture maintenance etc) are expected to cost Council between \$5,000 and \$15,000 annually dependant on size, level of service and amenity provided.

Detailed construction and ongoing maintenance costs are provided in the DRAFT 'Fenced Dog Park Guidelines' (Attachment 4).

*Risk Analysis*

Identified risk	Risk likelihood*	Controls to manage risk
<b>Service Delivery Risk</b> <ul style="list-style-type: none"> <li>Maintenance costs will be prohibitive; and</li> <li>Non-compliance of the patrons with regulations will result in negative public perception.</li> </ul>	4 (Likely)	<p>Design the parks in accordance with Draft guidelines to limit ongoing service requirements.</p> <p>Notify (signage) and educate dog owners about the risks and have Local Laws presence as required.</p>
<b>Occupational Health and Safety Risk</b> <ul style="list-style-type: none"> <li>Overuse of site resulting in the ground surface becoming unsafe;</li> <li>Dog behaviour; and</li> <li>Infectious diseases such as Kennel Cough.</li> </ul>	4 (Likely)	<p>Design parks in accordance with Draft guidelines, particularly in terms of size and surface materials for anticipated use.</p> <p>Restrict use of certain areas when required.</p> <p>Ensure regular inspections are undertaken to identify risks.</p>
<b>Financial Risk</b> <ul style="list-style-type: none"> <li>Commitment to deliver dog parks in line with Draft guidelines requires significant investment for construction as well as ongoing maintenance.</li> </ul>	4 (Likely)	<p>Ensure the community understands the financial implications of establishing suitable Dog Parks, limit the number of parks delivered, and design and construct with ongoing maintenance requirements in mind.</p>
<b>Reputational Risk</b> <ul style="list-style-type: none"> <li>Not delivering on community expectations to deliver dog parks in all towns; and</li> <li>Impacts on amenity and function of existing</li> </ul>	4 (Likely)	<p>Endorse the Draft Fenced Dog Park Guidelines to ensure the community are aware that the best and most sustainable outcome is not necessarily more, but better dog parks in areas with existing services.</p> <p>These guidelines consider impacts</p>

Identified risk	Risk likelihood*	Controls to manage risk
nearby uses.		on existing uses as a primary factor.
<b>Strategic Risk</b> <ul style="list-style-type: none"> <li>Land use conflict now and into the future.</li> </ul>	3 (Possible)	Follow the Fenced Dog Park Guidelines, as they consider both existing and future land uses.

### *Legal and Compliance*

There are not considered to be any legal or compliance implications of the trial park or any of the potential outcomes of this report.

### *Community Implications*

The trial FDP has been very popular and using the Draft Guidelines to determine suitable locations and infrastructure will ensure that the community impacts are limited to an appropriate level. Therefore, it is considered that the community implications would be predominantly positive.

### *Environmental Implications*

There are not considered to be any negative environmental impacts of dog parks, as long as they are located and planned appropriately. As per the Draft Fenced Dog Park Guidelines.

### *Consultation*

All community engagement and consultation activities have been detailed previously within this report.

Any future planning for additional dog parks within the municipality, will undertake further community consultation to ensure the views expressed by the community are captured and considered.





### **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 2020*.

### **Supporting Documents:**

- *Unleashed – A guide to Successful Dog Parks* – South Australian Government
- *'Fenced Dog Parks – Siting, Design and Management Guidelines'* – Geelong City Council

**Attachments**

1. [Download](#)  Attachment 1 - Trial Dog Park Location
2. [Download](#)  Attachment 2 - Trial Review
3. [Download](#)  Attachment 3 - Attendance Data
4. [Download](#)  Attachment 4 - Draft Fenced Dog Park Guidelines

## **14.1**

### **Fenced Dog Parks - Trial Review and Future**

<b>1</b>	<b>Attachment 1 - Trial Dog Park Location.....</b>	<b>107</b>
<b>2</b>	<b>Attachment 2 - Trial Review .....</b>	<b>108</b>
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<b>4</b>	<b>Attachment 4 - Draft Fenced Dog Park Guidelines .....</b>	<b>112</b>



**BERT THOMSON RESERVE – DOG PARK**

### **Review – Trail Fenced Dog Park**

The table below provides a review of the performance of the trial FDP against the assessment criteria presented to Council at the 4 June 2018 Council meeting.

Table 1 – Assessment criteria

<b>Assessment Criteria</b>	<b>Comments</b>
Safety	Council's Local Laws team have not received any reports of aggressive incidents (dog attacks) at the park.
Attendance/Use	<p>Attendance data was initially collected manually by Council Officers attending the site, before an automatic people counter was installed in July 2019.</p> <p>Before 1 July 2019, Council Officers attended the site 115 times observing on average 2.5 dogs at the site each time, however on a few occasions there were in excess of 20 dogs at the site during these inspections. (See Attachment 3 of the report)</p> <p>On 1 July 2019, an automatic people counter was installed at the site and the data collected between July 2019 and March 2020 when COVID restrictions skewed the data, show on average 4237 dogs visit the site each month which equates to approximately 140 per day. (See Attachment 3 of the report)</p> <p>The highest monthly attendance was July 2019 with 7068 visits and the highest daily attendance was 788 visits on 6 July 2019.</p> <p>Given that the counts in the inception phase of the park only represented 15 minutes of a day when visited by a Council officer, it would be reasonable to suggest that the initial attendance data was likely in excess of the monthly number collected after 1 July 2019.</p> <p>In summary, it is considered that the park has been very well patronised by the community and their dogs.</p>
Maintenance and Operating	<p>A Council contractor is charging Council the bin emptying fee of \$2.32 per visit. They empty the bin every Monday &amp; Friday and check the dog bag dispenser whilst there.</p> <p>To empty the bin twice a week and to check the dog bags it is costing approximately \$10 per week or \$520 annually.</p>




	<p>The site is not currently being mowed due to the site no longer having any grass, with the surface now being fine mulch.</p> <p>The grass covering deteriorated very quickly due to the amount of use and could only possibly recover if the park was closed for a considerable period of time.</p> <p>A dog park built to appropriate standards and of sufficient size to allow areas to be closed to allow the grass to recover etc, would have much higher construction and ongoing maintenance costs.</p>
Signage effectiveness & compliance with regulations	<p>No compliance issues have been reported to date.</p> <p>Latrobe City Council has been advised by the Latrobe Veterinary Group that Kennel cough has been an issue in the community.</p> <p>Kennel cough is a virus that can be transmitted through exposure anywhere, not just at a dog park. The virus is highly contagious and will be prevalent in all areas in which an infected dog has been present, however, dog parks specifically encourage close contact between dogs.</p> <p>There has not been a direct link between Kennel cough and the FDP, however is a concern as only two (2) of the seven different strains of Kennel cough that can be vaccinated against.</p> <p>The existing signage at the park already provides information about transmittable diseases and encourages the community to seek advice from their veterinarian.</p>
Other community consultation activities	<p>A public Facebook page "Traralgon dog park" has been established by community members to engage with other dog owners and community members visiting the dog park site.</p> <p>This page currently has over 980 members who post mostly positive comments about the social benefits for their dogs, however some feedback is often provided about the condition of the surface and the previously mentioned virus concerns.</p>

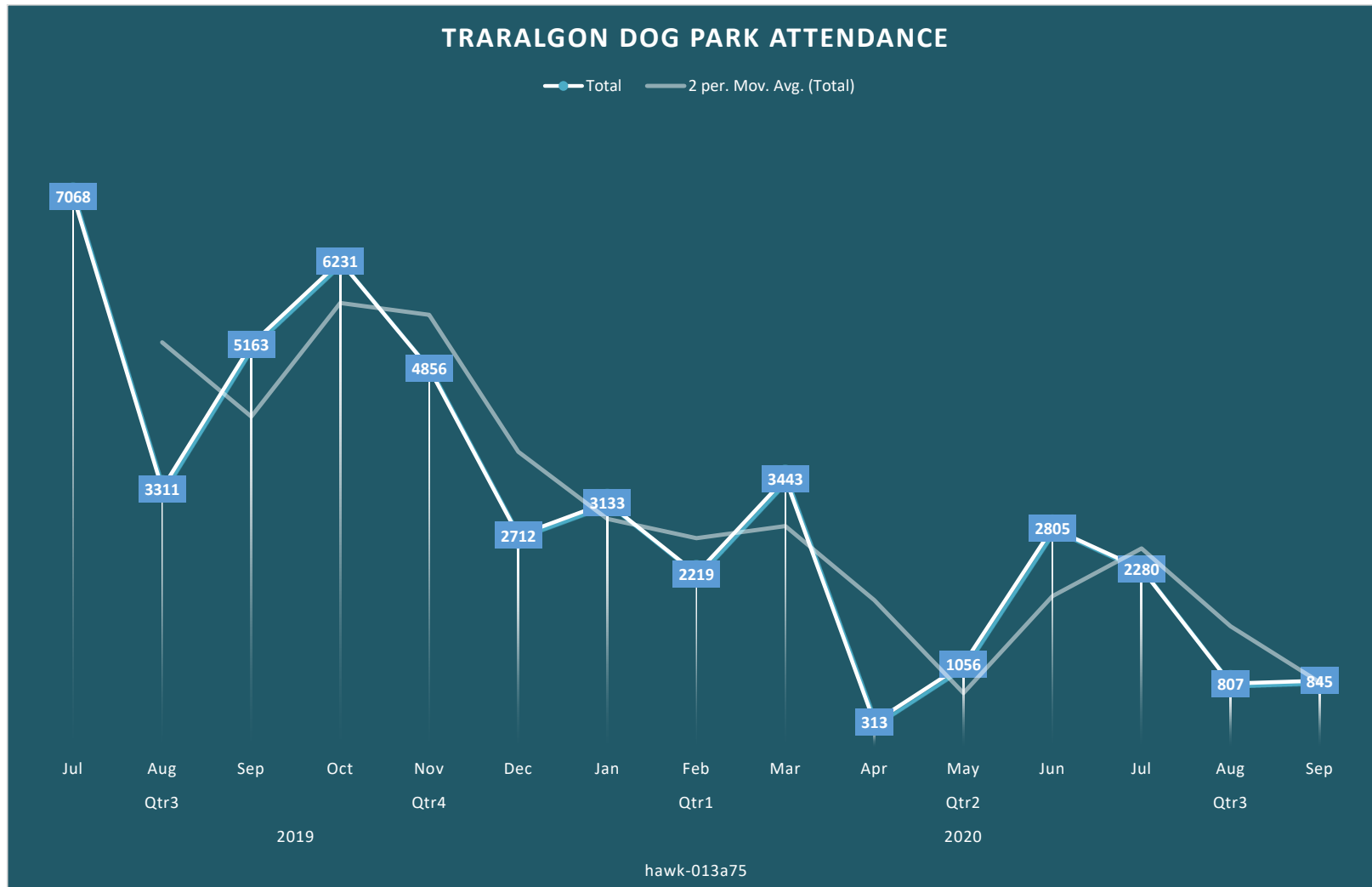
### Attendance 30 January 2019 – 1 July 2019 (Officer manual observation)

Date:	Time:	Dogs:
30/01/2019	17:30:00	0
30/01/2019	12:45:00	2
31/01/2019	13:30:00	0
1/02/2019	14:30:00	1
4/02/2019	09:15:00	7
4/02/2019	15:00:00	1
4/02/2019	16:45:00	2
4/02/2019	17:30:00	1
6/02/2019	10:34:00	0
7/02/2019	11:30:00	2
7/02/2019	12:46:00	0
7/02/2019	13:30:00	0
8/02/2019	12:41:00	1
9/02/2019	09:15:00	0
11/02/2019	19:15:00	4
12/02/2019	11:40:00	0
12/02/2019	18:15:00	4
13/02/2019	07:15:00	0
13/02/2019	20:20:00	3
15/02/2019	07:20:00	0
15/02/2019	10:07:00	3
16/02/2019	09:20:00	4
16/02/2019	12:30:00	4
17/02/2019	17:05:00	4
18/02/2019	09:33:00	1
19/02/2019	07:20:00	0
19/02/2019	14:20:00	2
20/02/2019	09:19:00	3
20/02/2019	13:26:00	3
22/02/2019	10:40:00	3
22/02/2019	14:06:00	0
22/02/2019	14:31:00	2
23/02/2019	18:15:00	0
23/02/2019	19:25:00	3
24/02/2019	10:00:00	0
25/02/2019	07:15:00	0
25/02/2019	16:50:00	0
26/02/2019	07:20:00	0
26/02/2019	10:50:00	4
26/02/2019	13:12:00	0
27/02/2019	07:25:00	0
28/02/2019	07:20:00	0
4/03/2019	11:10:00	2
4/03/2019	11:28:00	0
5/03/2019	07:20:00	0

Date:	Time:	Dogs:
6/03/2019	10:33:00	1
9/03/2019	06:50:00	2
9/03/2019	10:30:00	3
9/03/2019	17:45:00	3
10/03/2019	10:35:00	3
16/03/2019	06:30:00	0
16/03/2019	17:45:00	15
17/03/2019	11:00:00	5
18/03/2019	07:20:00	0
19/03/2019	07:20:00	0
28/03/2019	11:04:00	0
29/03/2019	07:15:00	0
31/03/2019	16:00:00	5
2/04/2019	07:20:00	0
8/04/2019	07:25:00	0
8/04/2019	14:00:00	2
12/04/2019	07:20:00	1
16/04/2019	09:00:00	0
16/04/2019	11:00:00	1
17/04/2019	08:30:00	1
18/04/2019	18:00:00	10
22/04/2019	12:00:00	5
23/04/2019	07:20:00	0
24/04/2019	07:20:00	0
25/04/2019	13:00:00	4
27/04/2019	10:00:00	10
5/05/2019	16:00:00	21
6/05/2019	07:10:00	0
8/05/2019	07:10:00	0
9/05/2019	07:20:00	0
10/05/2019	07:25:00	0
12/05/2019	16:30:00	7
13/05/2019	08:30:00	2
13/05/2019	16:50:00	5
14/05/2019	07:20:00	0
15/05/2019	07:20:00	0
16/05/2019	07:20:00	1
16/05/2019	11:30:00	0
17/05/2019	07:20:00	0
18/05/2019	16:45:00	5
19/05/2019	17:50:00	2
20/05/2019	07:23:00	0
21/05/2019	07:25:00	1
22/05/2019	07:21:00	0
25/05/2019	14:00:00	5

Date:	Time:	Dogs:
28/05/2019	07:23:00	0
29/05/2019	07:25:00	1
1/06/2019	12:35:00	17
2/06/2019	15:00:00	5
4/06/2019	07:15:00	0
8/06/2019	16:15:00	7
9/06/2019	10:00:00	3
11/06/2019	15:00:00	4
12/06/2019	07:20:00	0
13/06/2019	07:22:00	0
15/06/2019	07:25:00	0
17/06/2019	07:25:00	0
17/06/2019	11:00:00	2
18/06/2019	12:45:00	22
18/06/2019	15:00:00	11
19/06/2019	17:00:00	5
21/06/2019	07:20:00	0
22/06/2019	10:00:00	0
23/06/2019	14:30:00	10
25/06/2019	07:20:00	0
26/06/2019	07:25:00	0
27/06/2019	07:22:00	0
27/06/2019	13:30:00	3
28/06/2019	07:20:00	0
29/06/2019	15:00:00	12

 = Weekend  
 = Public Holiday  
 = Weekday

**Attendance 1 July 2019 – 1 October 2020 (Automatic gate counter)**



**Latrobe***City*

# Fenced Dog Park Guidelines 2021



 **Latrobe***City*  
a new energy

DRAFT

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## Introduction

**With the growth of new residential areas within Latrobe City and a reduction in average housing block sizes, the demand for public space for dog exercise is increasing.**

**Fenced dog parks provide an off-leash option for dog owners to exercise and socialise their dogs. The provision of these facilities should be provided in addition to and complement existing unfenced off-leash areas throughout Latrobe City.**

### WHY DO COUNCIL NEED THESE GUIDELINES?

These guidelines place Council in a proactive position to deliver a strategic approach to the provision of fenced dog parks within the municipality by providing a structure for decision-making that provides consistency yet enough flexibility for Council to tailor the approach to different contexts.

Fenced dog parks should be distributed across the municipality based on areas of need and established in strategically located areas.

Fenced dog parks should service a group or cluster of suburbs. The process and criteria outlined in this report should be used to set directions for future decision making for new fenced dog parks in existing areas and growth areas.







## SUMMARY OF KEY GUIDELINES

### 1 - SITE SELECTION

The site selection of a fenced dog park is most important and should be based on consistent data collection and assessment criteria.

These criteria are provided in detail later in this report and have been developed through trials undertaken within Latrobe City and best practice siting and design of fenced dog parks throughout Australia and overseas.

The key site selection considerations are as follows:

- Size
  - Minimum size of a fenced dog park is 3000m<sup>2</sup>, large enough to ensure the surface is not overused (i.e. Grass becomes mud).
- Location
  - Accessible;
  - Within close proximity to the dog population (residential areas); and/or
  - Easily accessible by car (near main road or highway with parking).
- Existing Characteristics
  - Relatively flat, drains well, doesn't flood, mature trees for shade;
  - Near existing footpath network;
  - Utility services nearby (water, electricity); and
  - Car parking nearby.

### 2 - DESIGN

Fenced dog parks should be divided into the following levels of requirements:

- **Core infrastructure** - perimeter fencing, double entry gates, maintenance gates and ground surfaces;
- **Essential amenities** - drinking water, bins and bag dispensers, shade and signage;
- **Desirable amenities** - separate areas for large and small dogs, paths, items of environmental enrichment, different activity zones, plantings; and
- **Optional amenities** - site lighting, notice board and toilets.

Fenced dog parks should as a minimum include core infrastructure and essential amenities.

### 3 - OPERATIONS AND MANAGEMENT

With the establishment of fenced dog parks, Council needs to consider the ongoing operations and management requirements including:

- maintenance schedules;
- monitoring of issues and evaluation of the effectiveness of fenced dog parks;
- budget allocations for design and construction;
- budget allocations for ongoing maintenance and park upgrades;
- partnerships and collaborative opportunities in the delivery of fenced dog parks; and
- fenced dog park education programs and signage.

## Guideline 1

### Site Selection

**Fenced dog parks should be strategically located to provide facilities that reflect the needs of the community. The selected sites should be appropriate for the anticipated level of usage and address a range of criteria to ensure they don't create more challenges than they address.**

The following information, criteria have been developed through trials undertaken within Latrobe City and best practice siting and design studies of fenced dog parks throughout Australia and overseas.

#### DATA COLLECTION:

To help guide the location of new fenced dog parks across the municipality the following information needs to be obtained and considered:

- **Distribution of registered dogs across the municipality**
  - Number of registered dogs by town (information obtained from Local Laws)
- **Location of existing off-leash dog areas**
  - Fenced dog parks should be provided in addition to and complement existing off-leash areas.
- **Location of existing fenced dog parks**
  - Location of existing fenced dog parks in Latrobe City;
  - Location of existing fenced dog parks in adjoining councils, particularly those near the Council boundary.
- **Requests for fenced dog parks**
  - Number of formal requests for additional fenced dog parks i.e. direct requests or information from community engagement findings.

#### SITE SELECTION

The location of a fenced dog park is often influenced by what land Council has available and this may restrict the choice from an ideal location to one that is available.

To help guide the selection of sites for new fenced dog parks the following steps need to be considered:

- **Potential sites**
  - A list of potential sites for fenced dog parks should be developed for consideration in the first instance.
  - New sites can be added to the list as they arise e.g. from community engagement feedback or formal requests
- **Shortlist of potential sites**
  - The list of potential sites should be refined to a shortlist. Start by eliminating those sites unsuitable for a fenced dog park including:
    - Parks less than the preferred minimum size of 3,000m<sup>2</sup>.
    - Within areas of environmental significance (i.e. areas that contain endangered species, significant wetlands, and high value-habit areas)
    - Areas subject to flooding.



- **Assessment criteria**

- A list of criteria is included in assessment criteria table on page 10. A site assessment sheet should be developed based on this table.

- **Preliminary site assessment**

- A preliminary inspection of the short-listed sites should be conducted to evaluate their suitability as a fenced dog park and to refine the list further.

- **Detailed site assessment**

- Conduct a detailed assessment of the short-listed sites and select the preferred sites.

- **Community consultation**

- Consult with the community on the preferred sites; and
- Select the site.

*Note: Further consultation with the community should be considered during the design phase.*

## **SPECIFIC SITE CONSIDERATIONS**

- **Park size**

The preferable minimum size for a fenced dog park is 3,000m<sup>2</sup>. Separate areas for small and large dogs would need to be 3000m<sup>2</sup> each.

- A key finding from the community engagement was the insufficient size of the existing 'trial' Dog Park of approximately 1500m<sup>2</sup>.
- In many circumstances, the size of the park is dictated by what land Council has available.

- **Location**

Fenced dog parks should be central to the dog population.

- A key benefit raised in the community engagement in relation to the existing trial Dog Park was that it was centrally located to the dog population, the activity centre of Traralgon and a popular existing walking path.
- It has been found that 45% of dog owners are willing to travel 10-20 minutes and 15% are willing to travel 20+ minutes to a fenced dog park.

- **Site qualities**

Fenced dog parks should be relatively flat, have good drainage and some mature trees for shade if possible.

- Avoid sites that are prone to flooding as this is likely to limit people's access to the park; and
- Avoid steep slopes that may be difficult to access.

- **Car Parking**

Where possible car parking areas should be close to the park and in safe locations to get dogs in and out of the car.

- Research shows that 68% of people drive to fenced dog parks (University of Adelaide)
- Parking is a significant issue and highly desirable at fenced dog parks.





#### • Adjacent activities/uses

Fenced dog parks should be sited near compatible activities/uses or have adequate measures in place to minimise conflict with incompatible activities.

Fenced dog parks may be located near incompatible activities such as cycling trails, BBQ and eating areas, skate parks and children's playgrounds nearby provided measures are put in place to mitigate potential conflict including:

- Adjacent residential areas – a setback or buffer should be provided to avoid potential issues of conflict. Fenced dog parks near residential properties can be a source of conflict and include issues such as:
  - Increased noise from barking dogs and people talking;
  - Park users looking into adjacent residential properties;
  - Additional activity in the park particularly in morning, evenings and weekends;
  - Odour from dog waste; and
  - Increased traffic and parking on surrounding local roads.
- Adjacent children's playground, BBQ and eating areas and skate parks – orientate the entry/exit gates of the fenced dog park away from these activities and provide a buffer where necessary.
- Environmentally sensitive areas – avoid areas of environmental sensitivity including areas that contain endangered species, significant wetlands, biodiversity corridors and high-value habitat areas.

#### • Access from the road

Fenced dog parks should be in areas that are easy to find and access.

- It is not preferable to locate a fenced dog park which is only accessible from the back streets of residential areas or located on a no-through road.

#### • Site infrastructure

Fenced dog parks should be co-located with other recreational amenities.

- If a fenced dog park is placed in a regional or district park or sporting field, they are likely to have other amenities and infrastructure within the larger park system such as water, electricity, toilets and on-site parking.

#### • Land ownership

Fenced dog parks should be located on Council land.

- Fenced dog parks are commonly developed by local councils but can also be developed in partnership with other organisations such as private industry or the state government.

SITE SELECTION - ASSESSMENT CRITERIA		
ELEMENT	QUESTIONS	PREFERRED
Size of park	<ul style="list-style-type: none"> <li>What is the size of the area available for the proposed fenced dog park?</li> <li>Is there enough space to minimise site degradation by overuse and crowding of dogs?</li> </ul>	<p>Each enclosed space should be at least 3,000m<sup>2</sup> for a fenced dog park.</p> <p><i>Note: Smaller areas will become mud very quickly.</i></p>
Location	<ul style="list-style-type: none"> <li>Is the site central to the dog population? Seek registration data from Local Laws.</li> <li>Are there any major roads, freeways or railway lines that make it difficult for people to access the site?</li> <li>Are there any existing fenced dog parks or other off-leash areas nearby?</li> </ul>	<p>Fenced Dog Park should be located in areas central to the existing &amp; projected dog population, easily accessible by walking for local dogs and by car for those traveling a little further.</p> <p>They should also only be located in areas underserved by existing fenced dog parks.</p>
Site qualities	<ul style="list-style-type: none"> <li>Are the site qualities suitable for a fenced dog park?</li> <li>Is the site prone to flooding?</li> <li>Is there good drainage?</li> <li>Are there any mature trees for shade on the site?</li> <li>Is a water and electricity connection easy to obtain?</li> <li>Is a footpath adjacent to the site or nearby?</li> </ul>	<p>The site should be relatively flat in topography, have permeable soils for good drainage, mature trees for shade, easy access to services (water and electricity), have existing off street car parking nearby and have a footpath network adjacent to the site.</p> <p><i>Note: If not, these things need to be provided and will make the cost to development the park significantly higher.</i></p>
Car parking	<ul style="list-style-type: none"> <li>Is there enough car parking to avoid creating a negative impact on surrounding areas?</li> <li>Is there any designated parking close by or capacity to establish car parking?</li> <li>How safe is the parking area to get dogs in and out of the car?</li> </ul>	<p>Off-street car parking must be provided.</p> <p><i>Note: The amount of car parks available depends on the size and expected use of the park however a minimum of 10 parks should be provided in all instances.</i></p>
Adjacent activities/uses	<ul style="list-style-type: none"> <li>What are the adjacent activities and are they compatible with a fenced dog park?</li> <li>Is there enough space to provide a buffer between adjacent activities such as children's playgrounds, skate parks, BBQ and eating areas, and residential dwellings?</li> <li>If co-located with sporting ovals, how will people access the fenced dog park on match days?</li> </ul>	<p>Fenced dog parks should be located near adjacent compatible activities or separate incompatible activities with the use of a buffer or setback.</p> <p><i>Note: If located close to sensitive uses (such as residential dwellings), consider undertaking an acoustic report and undertaking specific community engagement with those land owners and occupiers.</i></p>
Environmental sensitivity	<ul style="list-style-type: none"> <li>Are there any areas within the proposed site and surrounds that are environmentally sensitive? E.g. wetlands and biodiversity corridors.</li> </ul>	<p>Fenced dog parks should be located away from wetlands, fauna habitats and other sensitive environments.</p>
Access and traffic	<ul style="list-style-type: none"> <li>How easy is it to access and find the site by road?</li> <li>Is the park located on a main road, off a main road or only accessible from local residential streets?</li> </ul>	<p>Fenced dog parks should be easy to find and located on roads with good access i.e. not located off a dead end or no through road.</p>
Walking	<ul style="list-style-type: none"> <li>Are there any connecting paths or trails leading to the site?</li> </ul>	<p>There must be existing connections to walking paths, or the ability to easily connect to the network.</p>
Site infrastructure	<ul style="list-style-type: none"> <li>What existing infrastructure and services are on the site or nearby? E.g. water, electricity, public toilets?</li> <li>Where are the connection points?</li> <li>Are there any existing fences or boundaries that could be used?</li> </ul>	<p>The site must have the ability to connect to water for the water fountain and electricity for lighting etc.</p> <p><i>Note: Any existing site infrastructure is beneficial, as it will reduce the establishment costs significantly.</i></p>
Visibility	<ul style="list-style-type: none"> <li>Is the site visible from the road or is it in an isolated position?</li> </ul>	<p>Dog parks should be highly visible for crime prevention and to limit anti social behaviour.</p>
Ownership	<ul style="list-style-type: none"> <li>Who owns the land? Is consent needed from other authorities?</li> </ul>	<p>Preferred: Council owned land preferred</p>
Other:	<ul style="list-style-type: none"> <li>Crime Prevention Through Environmental Design (CPTED) and disability inclusion principles should be considered.</li> </ul>	







## Guideline 2

### Design

There is no 'one size fits all' design for a fenced dog park. The design of a fenced dog park should respond to the site conditions, Council budget, anticipated level of use and the needs of the community.

There are however some core infrastructure requirements and level of amenities that need to be considered in the design of all fenced dog parks:

- **Core infrastructure** - perimeter fencing, double gates, maintenance gates, suitable ground surfaces.
- **Essential amenities** - drinking water, bins and bag dispensers, shade and signage.
- **Preferable amenities** - separate areas for large and small dogs, paths within, items of environmental enrichment, different activity zones and plantings.
- **Optional amenities** - site lighting, notice board, and toilets.

#### 1 - CORE INFRASTRUCTURE

##### • Perimeter fencing

Secure perimeter fencing should be provided to discourage dogs escaping over, under and through the fence.

- In order to contain 99% of dogs/breeds, fencing should be 1.8m high.
- It is desirable to have a fencing alignment without corners in the park to avoid dogs getting trapped by other dogs. An oval or round shaped fenced is preferred.
- A concrete plinth or footing can be used to assist with maintenance and help prevent small dogs escaping.

##### • Double gates

Double-gated entry/exits with self-closing gates are required to prevent dogs from escaping when visitors enter or exit the park.

- It is preferable to have multiple double-gated entry/exit points as this helps to distribute the park users and reduce congestion in the park.
- The width of the gates and safety airlock i.e. the space between the double gates needs to consider wheelchair access.
- It is ideal to have self-closing gates with a pull latch.



- **Maintenance gates**

Separate maintenance gates should be provided.

- The maintenance gates need to be large enough to accommodate service vehicles and machinery such as a mower and bobcat etc.

- **Ground surfaces**

A variety of ground surfaces should be used to match the intensity of the activity zones (passive and active).

- Selecting suitable surface materials is one of the most challenging issues in a fenced dog park, and a variety of surfaces are required that are hard wearing, emit minimal dust and are dog-friendly including:
  - Concrete: can be used for high traffic areas i.e. in and around the double-gated entry/exit gates and internal paths.
  - Mulch: a good quality grade should be selected that doesn't contain sharp objects, plastics and string which may harm dogs.
  - Grass: while grass may look good at first it is difficult to maintain in a fenced dog park as it gets churned up by the dogs. Consider small areas of grass rather than one large area
    - Use grass varieties that are hard wearing such as those used for high-use sports fields.
    - Irrigation should be used to give the grass a better chance of surviving and to suppress any dust.

- Sand: may be appropriate in a combination with other surface materials.
- Asphalt: is not considered to be an appropriate surface material in a fenced dog park as it can get extremely hot and may burn the dog's pads.

## 2 - ESSENTIAL AMENITIES

- **Drinking water**

Drinking water for dogs should be provided in fenced dog parks with the following considerations:

- Good drainage around the water fountain/tap is to reduce water logging.
- Locate the water fountain/tap away from the double-gated entry/exit points to discourage people and their dogs congregating in these high traffic areas.
- Select a water bowl that is easy to refill and keep clean i.e. round bowl that can be flipped to empty.
- Make sure the water bowl is large enough for all dogs including those wearing a muzzle.

- **Shade**

Shade should be provided in a fenced dog park, as dogs are more vulnerable to heat than people.

- Shade may include the retention of existing trees on site, planting of new trees and provision of shelter structures.

- **Seating**

Seating should be provided but keep to a minimum to encourage people to move around and interact with their dog.

- Seating with backs is preferred as this discourages dogs jumping up onto the seats.
- Rocks and logs can also be used for informal seating.

- **Signs (wayfinding and park rules)**

Park rules should have consistent messages and be placed in highly visible locations such as the entry gates.

- **Waste disposal**

Dog waste bag dispensers, bags and waste bins should be provided to encourage people to pick up and dispose of dog waste appropriately.

### 3 - PREFERABLE AMENITIES

- **Pathways**

- An internal walking path or trail should be provided to encourage people and their dogs to keep moving in the space rather than staying in one spot.

- **Separate areas for small and large dogs or other variations may be provided**

- Separate areas for dogs will depend on the size of the park and construction budget. It's better to have one larger park rather than two small 'pokey' separate areas for dogs (e.g. areas for large and small dogs.)
- There are benefits of having separate areas including the rotation of sides for grass repair and to shut down one side for maintenance or upgrade etc.

- **Different activity zones should be created rather than just one flat open space in the park**

- Different zones offer dogs running areas as well as quieter environments where they can sniff, play and interact with their owners, and play one-on-one with other dogs away from the running.
- Activity zones also help to disperse the park users (dog and people) throughout the park and spread the wear and tear of the ground surfaces.
- Mounding and mass plantings can be used to divide the park into active and passive zones. These visual barriers also help to deter the dogs getting up too much speed in the park.

- **Plants**

Plants within the park and surrounds should be non-toxic and non-irritating to dogs including the flowers, seeds, fruit, and leaves.

- Ensure the plants and grass are well established before the park is opened to the public. Consider fencing off areas for plant establishment and recovery if required.
- The use of tussocks allows dogs to weave their way between the plants.

- **Environmental enrichment**

Environmental enrichment for dogs should be a consideration in a fenced dog park.

- This may include varied terrain, mounding, sensory plantings, tunnels, logs, water play and dog play items.

### 4 - OPTIONAL AMENITIES

- **Park lighting**

Lighting may be provided to extend hours of use.

- The provision of site lighting depends on the location of the park and potential impact on surrounding uses e.g. residential dwellings.

- **Toilets**

Toilets may be provided where appropriate.

- If fenced dog parks are placed within a larger park system, public toilets may already exist.

- **Noticeboard**

A noticeboard may be provided as an added feature to a fenced dog park.

- A notice board is a useful feature to promote dog park educational sessions, dog events and information on dog park rules and etiquette.
- Notice boards should be lockable and contain no breakable parts (i.e. no glass)

- **OTHER CONSIDERATIONS**

#### **Crime Prevention Through Environmental Design**

Consider Crime Prevention Through Environmental Design (CPTED) principles in the design of fenced dog parks.

DESIGN - ASSESSMENT CRITERIA		
CRITERIA	YES/NO	COMMENT
<b>CORE INFRASTRUCTURE</b>		
<b>Fencing</b> <ul style="list-style-type: none"> <li>1.8m high chainmesh</li> <li>Concrete plinth underneath</li> <li>Rounded corners.</li> </ul>		
<b>Entry/Exit points</b> <ul style="list-style-type: none"> <li>Multiple entry/exit points</li> <li>Self-closing, double-gate system</li> <li>Disability friendly heights etc</li> <li>Concrete surface</li> <li>Free of amenities such as water fountains and bins to minimise congestion in this area.</li> </ul>		
<b>Maintenance Gates</b> <ul style="list-style-type: none"> <li>Maintenance gate(s) to each fences area.</li> </ul>		
<b>Ground surface</b> <ul style="list-style-type: none"> <li>Concrete in high use areas (entry, fountain, bin)</li> <li>Granitic Sand = low maintenance</li> <li>Grass and mulch = high maintenance</li> <li>Avoid asphalt</li> </ul>		
<b>Connection pathway</b> <ul style="list-style-type: none"> <li>Pedestrian pathway from carpark or existing pathway to the entry gates.</li> </ul>		
<b>ESSENTIAL AMENITIES</b>		
<b>Drinking water provided</b> <ul style="list-style-type: none"> <li>Water fountain with dog bowl.</li> </ul>		
<b>Shaded area provided</b> <ul style="list-style-type: none"> <li>Keep existing mature trees wherever possible. If not possible;               <ul style="list-style-type: none"> <li>Plant semi established trees; or</li> <li>Construct a shelter.</li> </ul> </li> </ul>		
<b>Seating</b> <ul style="list-style-type: none"> <li>Minimise to encourage owners to move around and supervise their dogs.</li> <li>Seating should have a back to avoid dogs jumping on them.</li> </ul>		
<b>Signage</b> <ul style="list-style-type: none"> <li>Park rules displayed at each entrance</li> <li>Directional signage if necessary.</li> </ul>		
<b>Waste disposal</b> <ul style="list-style-type: none"> <li>Bins and bag dispensers at entrances.</li> </ul>		

DESIGN - ASSESSMENT CRITERIA		
CRITERIA	YES/NO	COMMENT
<b>PREFERABLE AMENITIES</b>		
<b>Pathways within the park</b> <ul style="list-style-type: none"> <li>Concrete pathways to encourage people to move through the space.</li> </ul>		
<b>Separate areas or more than one area</b> <ul style="list-style-type: none"> <li>Good for separating small and large dogs, or playful and timid dogs</li> <li>Also good for maintenance as it allows areas to be closed for resting or maintenance without closing the entire park.</li> <li>Areas must each be sufficient in size (Approx 3000m<sup>2</sup>) to avoid degradation.</li> </ul>		
<b>Different activity zones</b> <ul style="list-style-type: none"> <li>Areas for running, playing, sniffing, exploring etc</li> <li>Slow or one on one play areas.</li> </ul>		
<b>Planting</b> <ul style="list-style-type: none"> <li>All plantings must be non-toxic and non-irritant.</li> <li>Good way to natural creating separation within the park.</li> </ul>		
<b>Environmental Enrichment</b> <ul style="list-style-type: none"> <li>Nature-play for dogs. (hills/moulds, water, logs, tunnels, rocks etc)</li> </ul>		
<b>OPTIONAL AMENITIES</b>		
<b>Lighting</b> <ul style="list-style-type: none"> <li>Does the park warrant lighting to extend the hours of use? Consider nearby conflicts of noise etc in these hours of the day.</li> </ul>		
<b>Toilets</b> <ul style="list-style-type: none"> <li>If significant in size and service provision, a toilet may be necessary if there is not one already nearby.</li> </ul>		
<b>Noticeboard</b> <ul style="list-style-type: none"> <li>Likely only necessary at large regional parks, or where a community group is interested in the park.</li> </ul>		
<b>OTHER GENERAL CONSIDERATIONS</b>		
<b>Is the design simple and easy to maintain?</b> <ul style="list-style-type: none"> <li>Seek advice from maintenance team.</li> </ul>		
<b>Have cost savings measures been considered?</b> <p>- Example: One shelter on the fence between two areas, not one in each area.</p>		







## Guideline 3

### Construction

**Broad cost estimates have been developed for the construction and establishment of a new fenced dog park. These costings are provided for guidance purposes only, and the cost of individual projects may vary depending on the size of the park, existing site characteristics, materials, site preparation and final design.**

As mentioned previously, the key elements for the construction of a fenced dog park include:

- **Core infrastructure**
  - Perimeter fencing (the biggest single item)
  - Double gates and airlock, 2 gates per entry/exit with self-closing pull latch
  - Maintenance gates
  - Ground surfaces
  - Connection pathway
- **Essential amenities**
  - Drinking water fountains (including plumbing & drainage)
  - Bins and bags dispensers (
  - Shade (existing trees or planting/shelter structure)
  - Signage (directional and park rules)
  - Seating
- **Preferable amenities**
  - Separate areas for large and small dogs
  - Internal paths
  - Items for environmental enrichment
  - Different activity zones including mounding
  - Planting including screen planting
- **Optional amenities**
  - Site lighting
  - Notice board
  - Toilets





The following is a pre-design cost estimate based on individual infrastructure costs on recent projects and assumes the subject site will be approximately 3000m<sup>2</sup> is size, have existing mature trees, sufficient existing infrastructure provision (footpaths etc), easy access to services (water and electricity), requires no site remediation or excavation works (improve drainage etc) and requires no material or waste disposal. Example: An existing park that only needs things added.











- **Basic**
  - Simply add 'Core Infrastructure' and 'Essential Amenities'.
  - **Cost** = Approximately \$50,000 - \$100,000.
- **Intermediate**
  - As per the above 'basic' inclusions, plus the 'preferable amenities'.
  - **Cost** = Approximately \$100,000 to \$150,000.
- **Advanced**
  - As per the about 'Intermediate' inclusions, plus the 'optional amenities'
  - **Cost** = Approximately \$300,000+

## PROBABLE COST ESTIMATE

The following table of cost estimates details the costs of each element of a dog park development. These figures are based on a 3000m<sup>2</sup> park and indicate most of the known considerations and expected costs involved in establishing a new dog park.

### LEGEND

	Core infrastructure and essential amenities required in almost all instances		Optional if necessary and/or budget allows
	Preferable amenities if budget allows		Items that may be required in instances where additional work is required to provide a suitable site or develop a suitable dog park

	DESCRIPTION	QTY	RATE	AMOUNT
	<b>PRELIMINARIES</b>			
	<b>Plan and report preparation</b> (site plans, construction plans, environmental management plans, acoustic reports etc)	1	\$10,000	\$10,000
	<b>Surveyor</b>	1	\$5,000	\$5,000
	<b>LANDSCAPE AMENITIES</b>			
	<b>Bench seat</b>	1	\$2000	\$2000
	<b>Dog bag dispenser</b>	2	\$150	\$300
	<b>Bin enclosure</b>	2	\$1500	\$3000
	<b>Drinking fountain with dog bowl</b>	1	\$4000	\$4000
	<b>FENCING</b>			
	<b>Perimeter Fencing - 1.8m high chainmesh fence with top and bottom rail (50x60)</b>	220	\$70pm	\$15,400
	<b>Concrete plinth/strip underneath fence</b>	220	\$70pm	\$15,400
	<b>Double gates</b> (2 per entry)	4	\$500	\$2000
	<b>Maintenance gates</b> (3.5m wide for mowers)	2	\$2000	\$4000
	<b>IRRIGATION</b>			
	<b>Automatic irrigation system</b> (allowance)	1	\$30,000	\$30,000
	<b>SOFT LANDSCAPING</b>			
	<b>Imported topsoil</b> (turf areas)	150	\$60	\$9,000
	<b>Imported topsoil</b> (garden beds)	200	\$60	\$12,000
	<b>Filling sand</b> (play pit sand)	50	\$20	\$1,000
	<b>ROCKS AND LOGS</b>			
	<b>Rocks 400-600mm</b> (for informal seating)	5	\$200	\$1,000
	<b>Logs - 2.5m long</b>	2	\$500	\$1,000
	<b>PLANTING A MULCHING</b>			
	<b>Trees</b> (50L container including stakes/ties)	10	\$150	\$1500
	<b>Tubestock</b> (small plants)	100	\$3	\$300
	<b>Organic Mulch</b>	1000m <sup>2</sup>	\$8	\$8000
	<b>GRASSING</b>			
	<b>Instant Turf</b> (roll out turf) <b>supply + install</b>	1500m <sup>2</sup>	\$20,000	\$20,000





	DESCRIPTION	QTY	RATE	AMOUNT
	<b>DEMOLITION WORK AND SITE PREPARATION</b>			
	Clear site of rubbish and debris (allowance)	1	\$5,000	\$5,000
	Excavation and minor trimming of site	3000m <sup>2</sup>	\$5	\$15,000
	Soil removal	100 tonnes	\$25	\$2500
	<b>SERVICES</b>			
	Water supply connection (allowance)	1	\$10,000	\$10,000
	Electrical supply connection (allowance)	1	\$10,000	\$10,000
	<b>STORMWATER DRAINAGE</b>			
	Drainage (allowance)	1	\$10,000	\$10,000
	<b>LANDSCAPE SURFACES AND FINISHES</b>			
	Concrete paving (path through the park)	100m <sup>2</sup>	\$130	\$13,000
	Concrete paving (path to entry gates)	40m <sup>2</sup>	\$130	\$5,000
	Concrete pad under bench seat	2m <sup>2</sup>	\$130	\$260
	Concrete entry gate area	10m <sup>2</sup>	\$130	\$1,300
	Concrete pad for shelter	36m <sup>2</sup>	\$130	\$4680
	Compacted rubble/sand (within park)	100m <sup>2</sup>	\$30	\$3000
	Rubber mounds	30m <sup>2</sup>	\$220	\$6,600



	DESCRIPTION	QTY	RATE	AMOUNT
	<b>OTHER STRUCTURES/INFRASTRUCTURE</b>			
	Shelter (4m x 4m)	1	\$12,000	\$12,000
	Toilet (Single hole)	1	\$75,000	\$75,000
	Lighting throughout park	5	\$5,000	\$25,000
	<b>SIGNAGE</b>			
	Signage (allowance for 2 big and 2 small)	1	\$4,000	\$4,000
	<b>MAINTENANCE AND ESTABLISHMENT</b>			
	52 week establishment and weekly maintenance	52	\$500	\$26,000
	SUBTOTAL OF WORKS (GST exclusive)			
	CONTINGENCY (10%)			
	TOTAL BUDGET REQUIRED			



## Guideline 4

### Management & Maintenance



#### MAINTENANCE TASKS

TASK	FREQUENCY	DESCRIPTION
Mowing/Grass care	3 Week Cycle	Cut grass to maintain a grass height of no more than 100mm. Each mowing visit will include litter collection prior to cut.  As required, install para-webbing and star pickets to any areas being impacted from over use to rest/restore. Fill small holes with top soil as required.
Bag Refill/Bin Collection	Twice Weekly	Litter bins to be emptied twice per week, dog bags to be checked and restocked at the same time. Litter bins and dog bags to be wiped down as required ensuring clean surfaces are maintained
Weed Management	Monthly	All gravel surfaces to be sprayed with bio/animal friendly herbicide. Temporary signage must be displayed to advise of spraying for minimum 3 days prior to task and 3 days following task. Broad leaf weeds within grassed area to be sprayed annually (spring). Temporary signage must be erected and park closed for 1 week period following task.
Furniture Maintenance	Annually	Furniture to be inspected on an annual basis and timbers re-coated with oil as required
Ground Surface	Annually	Low points of granitic sand to be assessed on an annual basis and topped up as necessary
Landscape Maintenance	Fortnightly	<ul style="list-style-type: none"> <li>Rake all gravel surfaces, disposing of detritus</li> <li>Plant replacement where required</li> <li>Mulch top up where required</li> <li>Litter collection of whole site</li> <li>Note any dysfunctional elements within the space and report to appropriate team</li> </ul>
Toilet Cleaning	3 times per week	Ensure all toilets and surfaces are clean, toilet paper is re-stocked and any dysfunctions

MAINTENANCE COSTS			
TASK	FREQUENCY	COST	ANNUAL COST
BASIC			
Mowing	3 week cycle	\$100.00	\$1750.00
Bag Refill	Twice weekly	\$20.00	\$1040.00
Litter Collection	Twice weekly	\$4.80	\$249.60
Weed Management	Monthly	\$100.00	\$1200.00
Furniture maintenance	Annually	\$300.00	\$300.00
Ground surface	Annually	\$500.00	\$500.00
			<b>\$5039.60</b>
INTERMEDIATE			
Mowing	3 week cycle	\$100.00	\$1750.00
Bag Refill	Twice weekly	\$20.00	\$1040.00
Litter Collection	Twice weekly	\$4.80	\$249.60
Weed Management	Monthly	\$100.00	\$1200.00
Furniture maintenance	Annually	\$300.00	\$300.00
Ground surface	Annually	\$500.00	\$500.00
Landscape Maintenance	Fortnightly	\$200.00	\$5200.00
			<b>\$10,239.60</b>
ADVANCED			
Mowing	3 week cycle	\$100.00	\$1750.00
Bag Refill	Twice weekly	\$20.00	\$1040.00
Litter Collection	Twice weekly	\$4.80	\$249.60
Weed Management	Monthly	\$100.00	\$1200.00
Furniture maintenance	Annually	\$300.00	\$300.00
Ground surface	Annually	\$500.00	\$500.00
Landscape Maintenance	Fortnightly	\$200.00	\$5200.00
Toilet Cleaning	3 times per week	\$60.00	\$3120.00
			<b>\$13,359.60</b>

MANAGEMENT		
RESPONSIBILITY	DESCRIPTION	COMMENTS
Latrobe City Council	Handed over to Open Space Maintenance to be picked up within existing maintenance schedule	Council owned land, no agreements to draw up
LCC & Friends Group(volunteers)	If requests for additional infrastructure/works become common, advertise for a 'Friends of' group. This group can then apply for community grants etc	More follow up if/when required - who supervises/manages etc



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**Churchill and District Community Hub**  
9/11 Philip Parade

**Agenda Item: 14.2****Agenda Item: Former Budgeree Primary School Heritage Status****Sponsor: General Manager, Regional City Planning and Assets****Council Plan Objective: HEALTHY****Status: For Decision****Proposed Resolution:****That Council:**

- 1. Endorse Latrobe City Council's submission to the Heritage Victoria's Statement of Recommendation of the Former Budgeree Primary School, May 2022 (Attachment 3); and**
- 2. Submit the submission to the Heritage Council of Victoria for their consideration**

**Executive Summary:**

- Latrobe City Council took over ownership of the former Budgeree Primary School in 1993 after the site ceased use as a Primary School.
- The Budgeree Hall Reserve Committee have requested that the former Budgeree Primary School be listed with Heritage Victoria as an asset that needs to be registered, retained, protected and restored.
- Heritage Victoria undertook relevant site inspections on 19 November 2021 and supplied a Statement of Recommendation on 16 March 2022.
- The Executive Director, Heritage Victoria has recommended that the Heritage Council of Victoria not include School No. 2864 also known as Budgeree Primary School), 36 Roys Road Budgeree in the Victorian Heritage Register (VHR).
- Council officers engaged an independent heritage consultant to peer review Heritage Victoria's recommendation. That assessment concluded that Heritage Victoria should look at the site in more detail including other elements that form part of the primary school complex such as the remnant early landscaping and delve deeper into the social history, which will provide context and added meaning to the built form and landscape.

- Officers have reviewed the advice provided and believe a submission to the Heritage Council of Victoria is required. The submission requests further investigation be undertaken on the site as recommended by our independent heritage consultant.

**Background:**

- The former Budgeree Primary School was opened on 25 October 1887. The building was replaced in 1908 by another building which was relocated from Yinnar. This building ceased active use in 1977 when a portable building was moved onsite to take its place. The Budgeree Primary School ceased final operation in December 1992.
- Latrobe City Council took over ownership of the former Budgeree Primary School in 1993.
- The former Budgeree Primary School has fallen into disrepair and as such Council officers arranged an independent structural assessment of the building. The report was undertaken by an independent consultant and identified severe structural defects within the building, placing it at risk of a partial or full building collapse. This structural report can be found at Attachment 2.
- In the interest of community safety and given the identified risk of the building collapsing, a temporary fence was set up around the building as an immediate priority. It is deemed necessary to restrict access around the outside of the building in case of a collapse.
- The Budgeree Hall Reserve Committee requested that the former Budgeree Primary School be listed with Heritage Victoria for protection.
- Council officers met with the Secretary of the Budgeree Hall Committee on site on 18 October 2021. The site meeting was beneficial to understand the context of the building and also the perspectives of several members of the Hall Committee. Council officers also had a discussion with Heritage Victoria on 18 October 2021 and the process of Heritage Victoria's consideration was commenced.

***Executive Director Heritage Victoria Statement of Recommendation of the Former Budgeree Primary School***

- After conducting a site visit, Heritage Victoria provided Council with a copy of their official notice of recommendation to the Heritage Council of Victoria on 16 March 2022 (see link in supporting documents). The official notice of recommendation was also placed in *The Age* newspaper on 18 March 2022 and was made available on the Heritage Council of Victoria's website.

- The recommendation of the Executive Director Heritage Victoria was to not include School No. 2864 (Budgeree Primary School), 36 Roys Road, Budgeree in the Victorian Heritage Register (VHR).
- Heritage Victoria are currently seeking submissions regarding their recommendation. Submissions close on 17 May 2022 and will be considered by the Heritage Council at their June 2022 meeting.
- If no submissions are received, the Heritage Council must decide on the site within 40 days of the publication closing date. If submissions are received, the Heritage Council may decide to hold a hearing in relation to the submission. If a hearing does take place, the Heritage Council must make a determination within 90 days after the completion of the hearing.

*Peer Review of Heritage Victoria's Statement of Recommendation of the Former Budgeree Primary School*

- Council officers have engaged an independent heritage consultant to peer review Heritage Victoria's recommendation.
- This review suggested that more assessment could be undertaken by Heritage Victoria, however no indication was provided that there would likely be any change in outcome if further assessment were undertaken.
- Following the review of the advice council officers believe that a submission should be made requesting further investigation and clarification be undertaken.
- Further assessment is required to establish if the site is of local heritage significance, and if so, the extent of the site and buildings to be included within the Heritage Overlay (if applicable). A report on this will be presented to a future Council meeting.

*Submission to the Heritage Victoria's Statement of Recommendation of the Former Budgeree Primary School*

Latrobe City Council's submission requests that further assessment and investigation be undertaken on the Former Budgeree Primary School site including:

- The school's cultural heritage value including other elements that form part of the primary school complex;
- A landscape assessment being undertaken on remnants of an early garden;
- Investigation into the social history, which will provide context and added meaning to the built form and landscape; and
- Minor corrections be made to errors found within the Statement.



**Issues:**

*Strategy Implications*

Connected

- *Facilitate appropriate urban growth, industry diversification, liveability and connectivity throughout Latrobe City.*

*Council Capabilities:*

Governance

- *Ensuring financial sustainability to secure funding of council priorities and maintenance of community assets.*

Communications

- *Deliver consistent and effective advocacy of community priorities.*

*Communication*

Council has been liaising with the community and Heritage Victoria in relation to this matter. Recent interactions include:

- Council officers met with the Secretary of the Budgeree Hall Committee on site on 18 October 2021. The site meeting was beneficial to understand the context of the building and also the perspectives of some members of the Hall Committee. Temporary fencing of the building also occurred as a protection measure.
- Council officers had a discussion with Heritage Victoria on 18 October 2021.
- Heritage Victoria later came to inspect the site with Council officers observing.
- The structural report prepared was shared with the Budgeree Hall Committee and Councillors.
- Updates were provided to Councillors via email from Governance on 18 and 22 October 2021 and 12 November 2021.

Council officers have clarified that this is an issue that needs to be worked through via a set process, and the first step of that process is engaging with Heritage Victoria and seeking their review of the site. Now that a recommendation has been made, next steps are to be discussed and options explored.

*Financial Implications*

The former Budgeree Primary School has fallen into disrepair as outlined in the independent structural assessment previously undertaken (Attachment 2).

To fully restore the building for community use would require a substantial investment by Council. The cost is estimated to be around \$285,000 to make it suitable for community use.

If a hearing is required by a submitter of the Heritage Council, further costs may be incurred by Council in preparing a submission to the hearing. These costs can be covered by the existing BAU budget for the Regional City Planning team.

### *Risk Analysis*

Identified risk	Risk likelihood*	Controls to manage risk
<b>Occupational Health and Safety Risk</b>  Risk of the building falling down and injuring people.	3 (possible)	Temporary fencing has been placed around the building to restrict access in the case of collapse.
<b>Financial Risk</b>  The building (if retained) will require substantial investment to restore and will require ongoing specialist maintenance due to age.	5 (almost certain)	Further report to Council to discuss any costs likely to be incurred.
<b>Reputational Risk</b>  If retention and restoration of the building is not supported by Council, the Community and Stakeholders will be disappointed.	5 (almost certain)	Thorough consultation with the community and stakeholders will be required to ensure all decisions around possible demolition are understood.
<b>Reputational Risk</b>  If the building is to be retained and restored the future use and ongoing management of the building is still unknown at this stage. A large financial investment may be seen by a portion of the community as an unnecessary use of rate	3 (possible)	Thorough consultation with the community and stakeholders will be required to ensure all decisions around retention and restoration are understood.

Identified risk	Risk likelihood*	Controls to manage risk
payer monies.		

\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

### *Legal and Compliance*

Submissions must be made to the Heritage Council under section 44 of the Heritage Act 2017 (the Act).

Section 46 of the Act requires the Heritage Council to consider all submissions received. Section 46 also requires the Heritage Council to conduct a hearing if a submission requests a hearing.

In making a submission, council officers are not requesting a hearing be held in relation to this matter. However, other submitters may request a hearing that Council could be party to.

### *Community Implications*

The former Budgeree Primary School remains an important icon for the Budgeree community. The Budgeree Hall Committee and the Friends of the Budgeree School have been advocating for the building to be listed with Heritage Victoria as an asset and for Council to retain, protect and restore the building.

Recent advice from the Executive Director Heritage Victoria outlined that after a thorough assessment, they did not recommend that the building be included in the Victorian Heritage Register.

The potential demolition of the building is likely to be considered a loss to the community who value its heritage.

### *Environmental Implications*

No environmental implications are relevant for this matter.

### *Consultation*

Consultation undertaken has been discussed in the Communication section of this report.

### **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*.

### **Supporting Documents:**

Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria, School No. 2864 (Budgeree Primary School) -

<https://heritagecouncil.vic.gov.au/wp-content/uploads/2022/03/ED-RECOMMENDATION-NOT-INCLUDE-BUDGEREE-PRIMARY-SCHOOL.pdf>

**Attachments**

1.   Final Peer Review of Heritage Victoria's Statement of Recommendation for the Former Budgerie Primary School
2.   Former Budgerie Primary School Structural Report October 2021
3.   Submission to the Heritage Victoria's Statement of Recommendation of the Former Budgerie Primary School

## **14.2**

### **Former Budgeree Primary School Heritage Status**

- 1 Final Peer Review of Heritage Victoria's Statement of Recommendation for the Former Budgeree Primary School..... 144**
- 2 Former Budgeree Primary School Structural Report October 2021 ..... 158**
- 3 Submission to the Heritage Victoria's Statement of Recommendation of the Former Budgeree Primary School..... 166**

## BUDGEREE PRIMARY SCHOOL

No. 2864



REVIEW OF A STATEMENT OF  
RECOMMENDATION FROM THE  
EXECUTIVE DIRECTOR,  
HERITAGE VICTORIA,  
AGAINST INCLUSION ON THE  
VICTORIAN HERITAGE REGISTER

PETER ANDREW BARRETT

APRIL 2022

*Cover photograph:*

*Drawing of the Budgereee Primary School, 1949*

*Source: Public Record Office Victoria*

*VPRS 3686/P0008, SS 2684*

*Peter Andrew Barrett  
Architectural Conservation  
Consultant*

*1*

# 1 INTRODUCTION

## 1.1 PREAMBLE

This is part-one of a two-part heritage report on Budgeree Primary School No 2864, prepared for the Latrobe City Council.

The Budgeree Primary School was nominated for inclusion on the Heritage Council of Victoria *Victorian Heritage Register* as a place of State significance to Victoria. A determination was made by the Executive Director of Heritage Victoria on 16 March 2022 that the Budgeree Primary School No 2864 is not of State significance.

The purpose of part-one of this heritage report is to review this decision by the Executive Director to recommend against including the Budgeree Primary School No 2864 on the *Victorian Heritage Register*. This recommendation is outlined in a statement titled 'Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria' (hereon referred to as the 'statement').

Part Two of this report, which is yet to be finalised, is to assess the Budgeree Primary School No 2864 as a place of Local heritage significance in the *Latrobe Planning Scheme*.

*Figure 1: Rear of the schoolroom, with the shelter shed visible in the foreground.*



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## 1.2 SITE DESCRIPTION

The Budgeree Primary School No 2864 is situated at 36 Roys Road, adjacent to its intersection with Greenwoods Road. The school, which closed in 1992, forms a group of three single-storey timber buildings in this portion of Roys Road. From east to west these are the Budgeree Hall (built in 1910, as the Budgeree Mechanics' Institute), the Budgeree Primary School (established in 1887, and built in stages from this date), and the former teacher's residence of the Budgeree Primary School (built in 1913-14). The school has a prominent siting in this group of buildings as it is the central element, and it is on axis with Roys Road as it extends to the southeast towards its junction with Greenwoods Road.

The schoolroom of the Budgeree Primary School, with the teacher's residence and shelter shed, and landscape elements, are a fine and highly intact representative example of a Federation era primary school complex. It is acknowledged that the school and some elements have an earlier origin, eg the school was established on the site in another building in the 1880s; and the existing building is also of late Victorian origin, relocated from Yinnar around 1909 and extensively remodelled shortly after. The schoolroom's existing appearance is consistent with the remodelled design of 1914-15, which primarily re-roofed the building from a gable/skillion to a gable roof form, and remodelled the porch to have a skillion roof and its entrance facing north. Contributing to its heritage value is its interior which retains original finishes and the teacher's platform. Also on the site is a shelter shed (c1912) and an oak planted approximately 120 years ago.

*Figure 2: Budgeree Primary School schoolroom and shelter shed, looking southwest. In the foreground is an asphalt-surfaced former playground of the school.*



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*Figure 3: Budgeree Hall  
(formerly Budgeree  
Mechanics' Institute) to  
the east of the school.  
The Budgeree Primary  
School is visible at right.*



*Figure 4: Former  
teacher's residence to  
the west of the  
Budgeree Primary  
School.*



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## 2

STATEMENT OF RECOMMENDATION FROM THE EXECUTIVE  
DIRECTOR OF HERITAGE VICTORIA

An assessment of the Budgeree Primary School was undertaken by the Executive Director of Heritage Victoria in November 2021. That assessment focussed mostly on the schoolroom, which it is acknowledged was the element nominated for inclusion on the *Victorian Heritage Register* as a place of State significance.

In assessing the history of the Budgeree Primary School, a holistic approach is needed in order to determine the school's cultural heritage value at a State level. In focussing the assessment on mainly the schoolroom, it does not fully appreciate the cultural significance of this place. An assessment of this place needs to consider other elements that form part of this former primary school complex, including the former teacher's residence and remnant early landscaping. There is also scope when assessing the Budgeree Primary School to delve further into its social history, which will provide context and added meaning to the built form and landscape.

A broader assessment of this place reveals it potentially has cultural heritage value at a State level, as a fine and intact representative example of a Federation-era, Department of Education state school. In reaching a determination as to State significance, it is recommended that the Executive Director review aspects of the recent assessment by Heritage Victoria, and undertake assessment of other built form and landscaping on, and in the immediate environs of, the former Budgeree Primary School. Further documentary historical research on the school is also recommended.

Some other matters raised in the Executive Directors assessment also need further clarification.

I recommend that the Executive Director review the following:

***Landscaping***

It was noted on my site visit that there are a number of non-indigenous trees on the site, possibly remnants of an early garden at the front of the school. One source describes the large oak as being 120 years of age.<sup>1</sup> When assessing the school, it would be prudent a landscape assessment was undertaken on this tree, and others, and comment from the Executive Director on the perceived heritage value of these.

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1 Friends of Budgeree School, Facebook page.

*Figure 5: Oak in the school grounds that one source dates as 120 years old. Source of photograph: Friends of Budgeree School, Facebook page.*



### **Schoolroom**

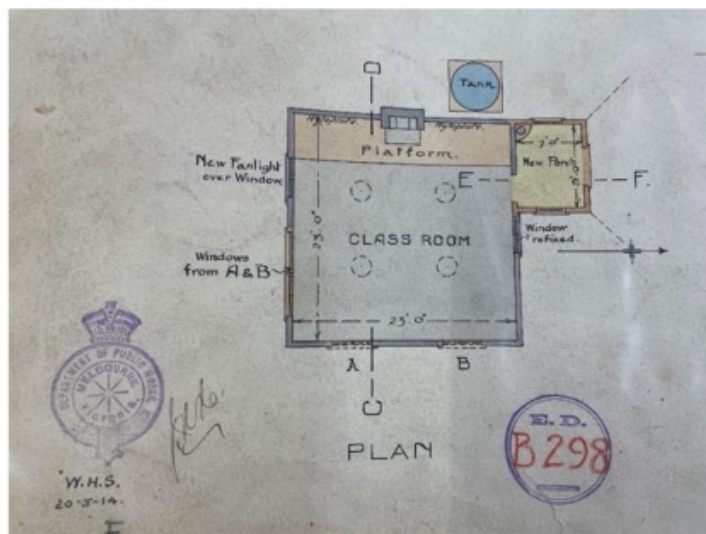
Although the former Yinnar Primary School forms much of the existing structure of the schoolroom, its extensive remodelling in 1914/15 is the built form that defines the building today. This aspect of the history of the school, where it was relocated and remodelled, demonstrates well the point stressed in the Executive Director's statement that single-classroom timber schools were portable and were designed to be adapted to the needs of their users.

Further clarification is needed in regard to the teacher's quarters, which are described in the statement as having formerly occupied the skillion section of the schoolroom brought from Yinnar. Elsewhere in the statement, these teacher's quarters are described as two rooms "attached" to this building. The 1914 floor plan (reproduced on the following page) indicates that a schoolroom for 50+ students, plus a two room teacher's quarters would be difficult to contain in this small building envelope. The former teacher's rooms are described as having been "converted into additional classrooms" when at Yinnar, whereas a single classroom is shown on the plan of the 1914/15 works. Further clarification is needed from the Executive Director on this aspect of the assessment.

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Consultant*

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Figure 6: Floor plan of  
the remodelled  
schoolroom, 1914.



Within the statement is a comparative analysis of Budgeree Primary School with other small timber schools. It shows that only two other examples, which are built earlier in the 1870s, are on the *Victorian Heritage Register* – Little Hampton Primary School No 1700 (VHR H0843) and Long Gully (VHR H0968). Another, the former Kerrie Primary School No 1290 (VHR H1631), was destroyed by fire in 2021. A number of examples are cited of small timber schools protected at a Local level, many of these contemporaneous with Budgeree Primary School.

Some narrative is needed in the statement as to whether any of these other examples cited by the Executive Director represent better a rural Federation-era school complex than Budgeree Primary School, which contains a number of intact elements evocative of a Federation-era school complex (schoolroom, teacher's residence, shelter shed and landscaping). Narrative is also needed as to how these other examples cited demonstrate the portability of these small timber school buildings and their ability to be shifted and remodelled to suit different needs of the Education Department.

Also, worthy of consideration is the isolated location of the Budgeree Primary School. The other examples on the *Victorian Heritage Register* that are cited in the statement are located in Central Victoria in more accessible and populated parts of the State. Budgeree is of interest for its isolation in dense forest and its location 32 kilometres from a major centre (Morwell). For this reason, Budgeree Primary School is of high interpretable value in understanding the provision of schools in small, isolated, rural communities.

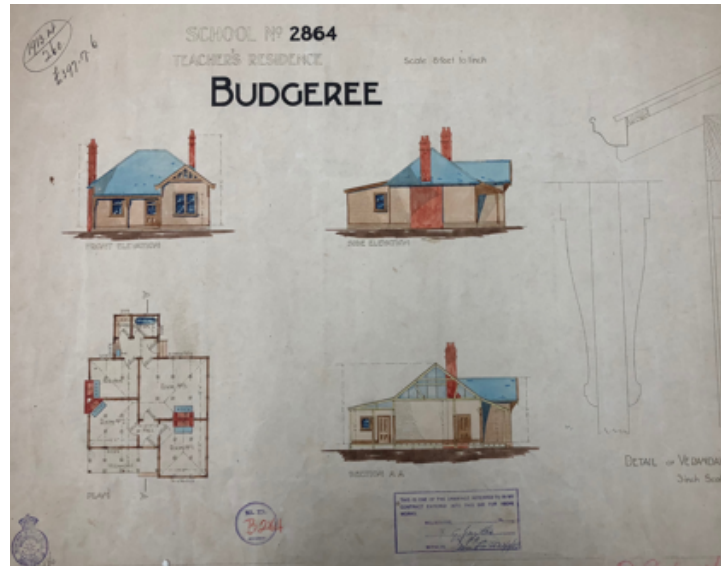
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**Former Teacher's Residence**

Figure 7: Architectural drawing of the former teacher's residence, prepared by the Public Works Department in 1913.



It is acknowledged that the teacher's residence was not nominated for inclusion on the *Victorian Heritage Register*, and is not within the existing title boundary of the former school. It does, historically, form part of the complex of buildings and landscape elements that define the Budgeree Primary School, and this association remains legible. The teacher's residence, with the remodelling of the school, demonstrate a commitment by the Education Department to provide proper educational facilities to isolated rural districts in the years prior to World War I, including accommodation in detached housing for staff based in rural districts. It demonstrates a departure away from providing teacher's accommodation attached to schoolrooms.

The list of teacher's quarters in the statement should provide analysis of how they compare with this example at Bungaree, in terms of scale, style, materiality. For example, the former teacher's residence at Westmere Primary School No 3833 is similar in terms of massing, materiality and architectural expression. Another of a similar style was also built at Heyfield, indicating that these were a standard design of the Public Works Department for teacher's residences during the early years of the twentieth century. The unusual siting of the residence, facing towards the school, and not the road, is of interest and reinforces a visual connection between the teacher's residence and the broader school campus.

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**Shelter Shed**

Early photographs of the shelter shed in the statement show it to have two or more openings, instead of one (see photo on page 15). Is this the same shelter shed or another? Further clarification of this is needed.

**Bibliography**

A bibliography prepared in the statement lists under 'other sources' the Public Records (*sic*) Office Victoria's Series 3686. It is recommended when assessing Education Department school's that the School Building File is also reviewed, as it will reveal added information on a school and its history.

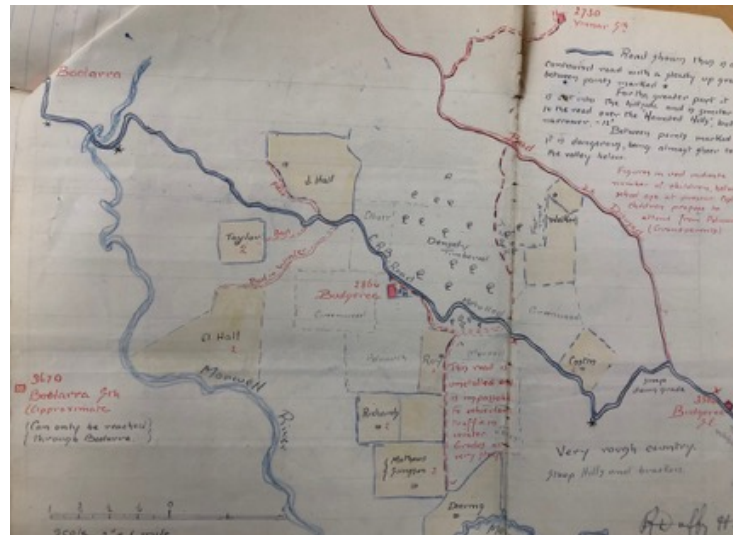
A School Building File for Budgeree Primary School is held by the Public Record Office Victoria (VPRS 795/P0000, 2864).

A review of the School Building File revealed:

- Budgeree Primary School was closed by the Department of Education for a period of a time during the Great Depression. This should be noted in the history in the statement;
- Outbuildings at both the school and residence were destroyed in fires in 1944. It is recommended that the scope of this damage is investigated and summarised in the history;
- The ongoing struggle with the school and the Department of Education to keep the school open; and for the Department to maintain the school buildings to an acceptable standard. This is an important part of the historical narrative on the school, which needs discussion in the history.

In the Building File is a hand drawn map of the district prepared by Head Teacher, R P Duffy, c1927. The map shows Budgeree to be an isolated settlement at that time, with many roads impassable during winter months (map reproduced on the next page). Of interest, elsewhere in the Building File it notes that children in the late 1920s still travelled to the school on horseback.

Figure 8: Hand drawn map of the district, prepared by Head Teacher, R P Duffy, in 1927. The map shows the school served students in an isolated community, inaccessible at times of the year by poor roads.



### Other

There are minor errors in the statement, which are inconsequential to whether the school has potential heritage value at a State level, but should nevertheless be corrected or addressed. These are:

- The windows described as “double-hung” on the south elevation are casement windows;
- The water tank and its tubular steel stand, on the west elevation, described as being of 1920s origin, conflicts with the records in the School Building File, which note the tank and stand were replaced in the mid-twentieth century;
- An early sign fixed to the school's north elevation is still extant, its letters/numerals are faded but 'Budgeree School' is still readable. It should be noted in the description of the schoolroom;
- What's described as a 'gravel yard' east of the school is surfaced in asphalt;
- The C E W File (VPRS 8796/P0001/57 – Bungaree Primary School 2864) describes Standard LTC classroom delivered to school August 1976 and occupied March 1977. Is this the temporary portable classroom mentioned in the history as being built in 1975?
- The top of the chimney of the schoolroom has been remodelled. Its original moulding and chimney pot has been removed and replaced sometime after c1949 with a soldier course (see drawing on cover of this report);



- *Vision and Realisation* describe H W G Payne as providing in addition to the land, the earlier school building. This should also be noted in the history;
- A description of the stone in the playground, and its various commemorative plaques and including its sundial;
- The illustration shown at the top of page 16 of the statement would be better described as a floor plan rather than an "aerial view".

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*Architectural Conservation*  
*Consultant*

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### 3 CONCLUSION

Before it can be conclusively determined that this is, or is not, a site of State significance, further assessment is needed by the Executive Director of Heritage Victoria.

Budgerie Primary School when assessed as a complex, that considers all built form and landscape elements associated with the former school (eg schoolroom, teacher's residence, shelter shed and landscaping elements), and delves further into the history intrinsic to this place, reveals that the Budgerie Primary School is a fine and intact representative example of a Federation-era small school campus in an isolated rural community in Victoria.

Two other examples of small rural schools on the *Victorian Heritage Register*, cited by the Executive Director, are of an earlier origin. Budgerie Primary School should be assessed in a different historical context to these other schools, as it is representative of a later generation of Department of Education buildings that were built around the time of Federation. In this respect, Budgerie Primary School is demonstrative of the Department's ongoing efforts to provide educational facilities to small, isolated, rural communities in the formative years of the State of Victoria. With its high level of integrity, and its isolated location still today, the Budgerie Primary School complex has great interpretative value in understanding this important aspect of the provision of State run education in Victoria in small remote communities.

I recommend that the Executive Director make further enquiries in regard to Budgerie Primary School. Further consideration, based on more robust assessment and analysis of physical evidence and documentary sources, is necessary before the school's significance to the State of Victoria can be determined conclusively. Pending this further investigation by Heritage Victoria, the Budgerie Primary School remains a place of potential State significance; and further consideration is needed before determining whether to include, or not to include, the school on the *Victorian Heritage Register*.

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Public Record Office Victoria, VPRS 3686/P0006, SSO 2864, various architectural drawings.

Public Record Office Victoria, VPRS 795/P0000, 2864, Budgeree State School Building File.

Public Record Office Victoria, VPRS 8796/P0001, 57, C E W File.



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20 Oct 2021

Project Reference: 21093

Attn: Wayne Pretty  
Latrobe City Council  
141 Commercial Road  
Morwell, Victoria 3840

Dear Wayne,

**BUDGEREE SCHOOL HALL  
STRUCTURAL INSPECTION AND ASSESSMENT OF EXISTING BUILDING**

Latrobe City Council is seeking a detailed building condition assessment report for the Budgereee School hall located at 40 Roys Rd, Budgereee.

## **1. Project Scope**

The scope of work for the engineering inspection and assessment included the following:

### **On-Site Inspection**

- On-site visual inspection and meeting with the client for project kick-off at Budgereee School Hall.
- Inspection to include observations on the condition of the structure to enable preparation of the engineering remediations and recommendations.
- Record basic measurements relating to defects observed,
- Collate photos on the items inspected.

### **Preparation of Report**

Report to include the following:

- Inspection findings, including condition rating of elements
- Recommendations for remedial works
- Cost plan for completion of remedial works (completed by Sub-Consultant)
- Opinion on structural condition and feasibility of works identified for remedy

### **Deliverables:**

- Engineering Report
- Cost Plan

## 2. Existing Building

The subject building is located at 40 Roys Rd, Budgeree. The building was originally constructed in Yinnar, and was relocated to Budgeree 1908. The building is a single level timber framed and timber weatherboard clad structure.

The roof structure consists of a timber framed gable roof with corrugated steel roof sheeting. The ceiling is lined with timber lining boards. The walls consist of hardwood timber studs, clad by timber weatherboards.

The floor consists of hardwood timber joists, over hardwood timber bearers. The bearers are supported on concrete stump foundations.



*Figure 1 - Subject site*






### 3. Inspection Findings / Defects

#### Condition Ratings

To help describe the condition of the structure a condition rating is given to the main 'elements' of the building/structure that have been assessed during the site inspection.

Recommendations on defect repair, or the requirement for further investigations are also provided for each of the elements that have been given a condition rating.

The condition ratings adopted for the assessment are as per the below:

Condition Rating		Description of Rating
	Not Inspected	Building element not Inspected due to access restrictions at the time of inspection
	Negligible	Building element in good condition. No repair is currently needed, or defect of aesthetic nature only and repairs are optional.
	Slight	Defect requires repair or maintenance within the next 5 years
	Moderate	Defect requires repair or replacement within the next 1-2 years
	Severe	Defect requires extensive and urgent repairs or replacement within the next 6-12 months

#### Details of inspection



Drew Hade of Hade Consulting visited the site on Wednesday 22 September 2021. The inspection was limited to areas that were accessible at the time of inspection. The areas inspected included the following:






- Internal and external wall cladding and window/door framing (note that wall framing behind cladding was generally not visible. Some localised areas were inspected around the buildings perimeter where cladding is missing)
- Internal ceiling linings
- Roofing and guttering, visible from ground
- Flooring, visible where exposed and not covered by furniture or fixtures.
- Floor framing and stump foundations, visible from through the base boards at limited locations around the perimeter of the building.





Condition Assessment


The below table details the defects identified during the inspection. The defects with the highest ratings are listed first, and the lowest ratings last.

Defect ID	Condition Rating	Location	Element	Commentary	Recommendation	Image
1	4	Severe	Building	Roofing/Gutters  Roof sheeting leaks, with visible 'holes' in the sheeting from corrosion. Overall condition of the roof sheeting and roof plumbing is poor. Missing gutters and/or corroded and loose around building perimeter. No downpipes observed.  Noticeable sag in roof at the buildings south west corner.	Remove existing roofing and gutters, re-roof and re-plumb the entire roof. At the time of removal inspect roof framing for rot/termite damage which is highly likely due to the presence of termites and water damage.	
2	4	Severe	Building	Wall Framing  Timber studs rotten and severely decayed by termites. Total loss of section in several areas which have led to partial collapse of the walls/building.	Remove all cladding to inspect timber frame. Due to the severity of damage it is likely that most of the studwork requires removal and replacement. Due to the condition of the structure these works would be difficult to conduct safely, without risk of building collapse.	

Defect ID	Condition Rating		Location	Element	Commentary	Recommendation	Image
							 
3	4	Severe	Building	Cladding, Internal and External	<p>Timber lining boards and skritings are infested with termites. Evidence of termite infestation as high as the building eaves. And in several locations around the building.</p> <p>Water damage to ceiling lining</p>	Remove all lining boards to enable rectification works to the stud framing. Replace damaged boards. The extent of replacement is expected to be high due to the severity of water and termite damage. Some boards may be salvageable.	 
4	4	Severe	Building	Floor	<p>Termite damage and rotten bearers have led to partial building collapse. Wombat burrows have undermined some footings in localised areas.</p> <p>Noticeable sag in building floor in several directions.</p>	Replace all damaged bearers and joists with new. Re-stump building in its entirety	



Defect ID	Condition Rating		Location	Element	Commentary	Recommendation	Image
							
5	4	Severe	Building	Floor	<p>Termite damage in floor boards. Large holes/gaps in flooring from termite damage.</p> <p>Noticeable sag in building floor in several directions.</p>	Remove and replace building flooring	

Defect ID	Condition Rating		Location	Element	Commentary	Recommendation	Image
6	4	Severe	Building	Floor	<p>Possible asbestos flooring underlay is damaged and within a trafficable area. Potential for fibres to be released under foot traffic.</p> <p>Asbestos backing to the building's switchboard is also likely.</p>	Undertake an asbestos audit. Seek advice from a professional asbestos consultant. Prevent access to building until removal or alternative advice is sought from asbestos consultant.	

## 4. Discussion on Building Condition

Based on the visual assessment undertaken, the main structure and fabric of the building is in very poor condition. The building has partially collapsed in some areas and due to the severity of defects observed there is a high risk of further partial or full building collapse.

The presence of termite damage was observed in numerous locations throughout the building. Termite damage was observed as high up the building as the eaves which suggests widespread infestation. The infestation is most likely worse than what can be visually inspected. Termites consume the 'heart' of the timber, leaving only the outer shell. This implies that the problem is most likely much worse than what can be visually inspected.

The roof leaks, and in several areas the weatherboards do not seal against moisture entering the building. The moisture has led to rotting of elements of the structure, which will continue over time if left to degrade.

The recommendations for repair/replacement of building elements detailed in this report would be very difficult to be carried out safely. The works could not be carried out without a very high risk of the building collapsing during the restoration works.

Due to the extent of damage observed and the risks associated with any replacement/restoration works it is recommended that the building is fully demolished. If replacement is required, then a full reconstruction is advised.

## 5. Summary / Conclusion

In summary, the inspection and condition assessment identified that the building is in very poor condition, with almost all elements of the building requiring immediate repair or replacement. Due to the extent of damage observed it is recommended that the building is fully demolished. If replacement is required, then a full reconstruction is advised.

This report does not include the inspection and assessment of items or matters outside the scope of the requested inspection and report, and does not include areas which were inaccessible, not readily accessible, or not completed at the time of inspection

If the conditions change or further clarification is required on the contents of this report, please contact the undersigned.

Yours sincerely,



Drew Hade  
Structural Engineer, BE (Civil), RPEng (Struc), PE0002920



# **Latrobe City Council Submission to the Heritage Victoria's Statement of Recommendation of the Former Budgeree Primary School**

May 2022

DRAFT



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## Latrobe City Council Submission to the Heritage Victoria's Statement of Recommendation of the Former Budgeree Primary School | Page 2

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### 1. Introduction

The Heritage Council of Victoria is seeking submissions on the Executive Director's recommendation to not include School No. 2864 also known as Budgeree Primary School in the Victorian Heritage Register.

Submissions are required within 60 days of the recommendation being published, which is the 17 May 2022.

Latrobe City Council's submission requests that further assessment and investigation be undertaken on the Former Budgeree Primary School site including:

- the school's cultural heritage value including other elements that form part of the primary school complex such as the remnant early landscaping; and
- to delve deeper into the social history, which will provide context and added meaning to the built form and landscape.

### 2. Submission

Council sought independent advice regarding the Executive Directors recommendation, a copy of this advice is provided in Attachment 1. This advice details the further investigation that needs to be undertaken in relation to the site before a recommendation on whether the site is to be included in the Victorian Heritage Register is made.

It is recommended that the Executive Director review aspects of the recent assessment by Heritage Victoria, and undertake assessment of other built form and landscaping on, and in the immediate environs of, the former Budgeree Primary School. Further documentary historical research on the school is also recommended. Some other matters raised in the Executive Directors assessment also need further clarification.

In particular it is recommended that the following is reviewed and changes made to the 'Statement of Recommendation from the Executive Director Heritage Victoria to the Heritage Council of Victoria' (statement):

- Landscaping and possible remnants of an early garden at the front of the school. A landscape assessment being undertaken on the lark oak tree and others and comment from the perceived heritage value of these.
- Further clarification is sought regarding the school room and shelter shed and in particular the old teachers' quarters.
- That the School Building File held by the Public Record Office Victoria (VPRS 795/P0000, 2864) be reviewed and details be included in the statement.
- Review and make changes to minor errors in the statement

Details of the further work required and changes to be made are detailed in Attachment 1.

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Latrobe City Council Submission to the Heritage Victoria's Statement of Recommendation of the  
Former Budgereee Primary School | Page 3

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### 3. Conclusion

Latrobe City Council is requesting that Heritage Council Victoria review the statement provided by the Executive Director and require further investigation including a landscape assessment be completed as part of the statement.

Further clarification is also sought around some elements of the statement, including further research into the cultural values of the site. It is requested that minor errors in the statement be fixed, noting that these will have no bearing on a decision for inclusion in the Victorian Heritage Register.

It is believed that if further investigation is undertaken this may change the recommendation of the Executive Director.

Latrobe City Council Submission to the Heritage Victoria's Statement of Recommendation of the  
Former Budgereee Primary School | Page 4

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## Attachment 1



## BUDGEREE PRIMARY SCHOOL

No. 2864



REVIEW OF A STATEMENT OF  
RECOMMENDATION FROM THE  
EXECUTIVE DIRECTOR,  
HERITAGE VICTORIA,  
AGAINST INCLUSION ON THE  
VICTORIAN HERITAGE REGISTER

PETER ANDREW BARRETT

APRIL 2022



*Cover photograph:*

*Drawing of the Budgeree Primary School, 1949*

*Source: Public Record Office Victoria*

*VPRS 3686/P0008, SS 2684*

*Peter Andrew Barrett  
Architectural Conservation  
Consultant*

*1*

# 1 INTRODUCTION

## 1.1 PREAMBLE

This is part-one of a two-part heritage report on Budgeree Primary School No 2864, prepared for the Latrobe City Council.

The Budgeree Primary School was nominated for inclusion on the Heritage Council of Victoria *Victorian Heritage Register* as a place of State significance to Victoria. A determination was made by the Executive Director of Heritage Victoria on 16 March 2022 that the Budgeree Primary School No 2864 is not of State significance.

The purpose of part-one of this heritage report is to review this decision by the Executive Director to recommend against including the Budgeree Primary School No 2864 on the *Victorian Heritage Register*. This recommendation is outlined in a statement titled 'Statement of recommendation from the Executive Director, Heritage Victoria to the Heritage Council of Victoria' (hereon referred to as the 'statement').

Part Two of this report, which is yet to be finalised, is to assess the Budgeree Primary School No 2864 as a place of Local heritage significance in the *Latrobe Planning Scheme*.

*Figure 1: Rear of the schoolroom, with the shelter shed visible in the foreground.*



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## 1.2 SITE DESCRIPTION

The Budgeree Primary School No 2864 is situated at 36 Roys Road, adjacent to its intersection with Greenwoods Road. The school, which closed in 1992, forms a group of three single-storey timber buildings in this portion of Roys Road. From east to west these are the Budgeree Hall (built in 1910, as the Budgeree Mechanics' Institute), the Budgeree Primary School (established in 1887, and built in stages from this date), and the former teacher's residence of the Budgeree Primary School (built in 1913-14). The school has a prominent siting in this group of buildings as it is the central element, and it is on axis with Roys Road as it extends to the southeast towards its junction with Greenwoods Road.

The schoolroom of the Budgeree Primary School, with the teacher's residence and shelter shed, and landscape elements, are a fine and highly intact representative example of a Federation era primary school complex. It is acknowledged that the school and some elements have an earlier origin, eg the school was established on the site in another building in the 1880s; and the existing building is also of late Victorian origin, relocated from Yinnar around 1909 and extensively remodelled shortly after. The schoolroom's existing appearance is consistent with the remodelled design of 1914-15, which primarily re-roofed the building from a gable/skillion to a gable roof form, and remodelled the porch to have a skillion roof and its entrance facing north. Contributing to its heritage value is its interior which retains original finishes and the teacher's platform. Also on the site is a shelter shed (c1912) and an oak planted approximately 120 years ago.

*Figure 2: Budgeree Primary School schoolroom and shelter shed, looking southwest. In the foreground is an asphalt-surfaced former playground of the school.*



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*Figure 3: Budgereee Hall  
(formerly Budgereee  
Mechanics' Institute) to  
the east of the school.  
The Budgereee Primary  
School is visible at right.*



*Figure 4: Former  
teacher's residence to  
the west of the  
Budgereee Primary  
School.*



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## 2

STATEMENT OF RECOMMENDATION FROM THE EXECUTIVE  
DIRECTOR OF HERITAGE VICTORIA

An assessment of the Budgeree Primary School was undertaken by the Executive Director of Heritage Victoria in November 2021. That assessment focussed mostly on the schoolroom, which it is acknowledged was the element nominated for inclusion on the *Victorian Heritage Register* as a place of State significance.

In assessing the history of the Budgeree Primary School, a holistic approach is needed in order to determine the school's cultural heritage value at a State level. In focussing the assessment on mainly the schoolroom, it does not fully appreciate the cultural significance of this place. An assessment of this place needs to consider other elements that form part of this former primary school complex, including the former teacher's residence and remnant early landscaping. There is also scope when assessing the Budgeree Primary School to delve further into its social history, which will provide context and added meaning to the built form and landscape.

A broader assessment of this place reveals it potentially has cultural heritage value at a State level, as a fine and intact representative example of a Federation-era, Department of Education state school. In reaching a determination as to State significance, it is recommended that the Executive Director review aspects of the recent assessment by Heritage Victoria, and undertake assessment of other built form and landscaping on, and in the immediate environs of, the former Budgeree Primary School. Further documentary historical research on the school is also recommended.

Some other matters raised in the Executive Directors assessment also need further clarification.

I recommend that the Executive Director review the following:

***Landscaping***

It was noted on my site visit that there are a number of non-indigenous trees on the site, possibly remnants of an early garden at the front of the school. One source describes the large oak as being 120 years of age.<sup>1</sup> When assessing the school, it would be prudent a landscape assessment was undertaken on this tree, and others, and comment from the Executive Director on the perceived heritage value of these.

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1 Friends of Budgeree School, Facebook page.

*Figure 5: Oak in the school grounds that one source dates as 120 years old. Source of photograph: Friends of Budgereee School, Facebook page.*



### **Schoolroom**

Although the former Yinnar Primary School forms much of the existing structure of the schoolroom, its extensive remodelling in 1914/15 is the built form that defines the building today. This aspect of the history of the school, where it was relocated and remodelled, demonstrates well the point stressed in the Executive Director's statement that single-classroom timber schools were portable and were designed to be adapted to the needs of their users.

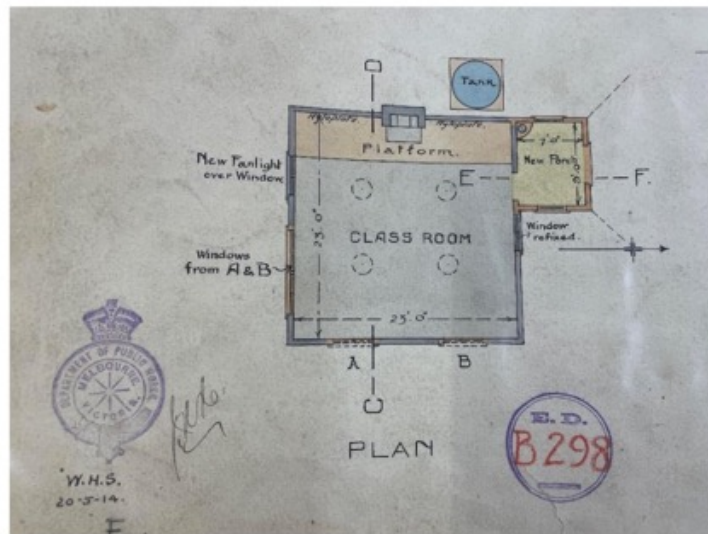
Further clarification is needed in regard to the teacher's quarters, which are described in the statement as having formerly occupied the skillion section of the schoolroom brought from Yinnar. Elsewhere in the statement, these teacher's quarters are described as two rooms "attached" to this building. The 1914 floor plan (reproduced on the following page) indicates that a schoolroom for 50+ students, plus a two room teacher's quarters would be difficult to contain in this small building envelope. The former teacher's rooms are described as having been "converted into additional classrooms" when at Yinnar, whereas a single classroom is shown on the plan of the 1914/15 works. Further clarification is needed from the Executive Director on this aspect of the assessment.

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Figure 6: Floor plan of the remodelled schoolroom, 1914.



Within the statement is a comparative analysis of Budgeree Primary School with other small timber schools. It shows that only two other examples, which are built earlier in the 1870s, are on the *Victorian Heritage Register* – Little Hampton Primary School No 1700 (VHR H0843) and Long Gully (VHR H0968). Another, the former Kerrie Primary School No 1290 (VHR H1631), was destroyed by fire in 2021. A number of examples are cited of small timber schools protected at a Local level, many of these contemporaneous with Budgeree Primary School.

Some narrative is needed in the statement as to whether any of these other examples cited by the Executive Director represent better a rural Federation-era school complex than Budgeree Primary School, which contains a number of intact elements evocative of a Federation-era school complex (schoolroom, teacher's residence, shelter shed and landscaping). Narrative is also needed as to how these other examples cited demonstrate the portability of these small timber school buildings and their ability to be shifted and remodelled to suit different needs of the Education Department.

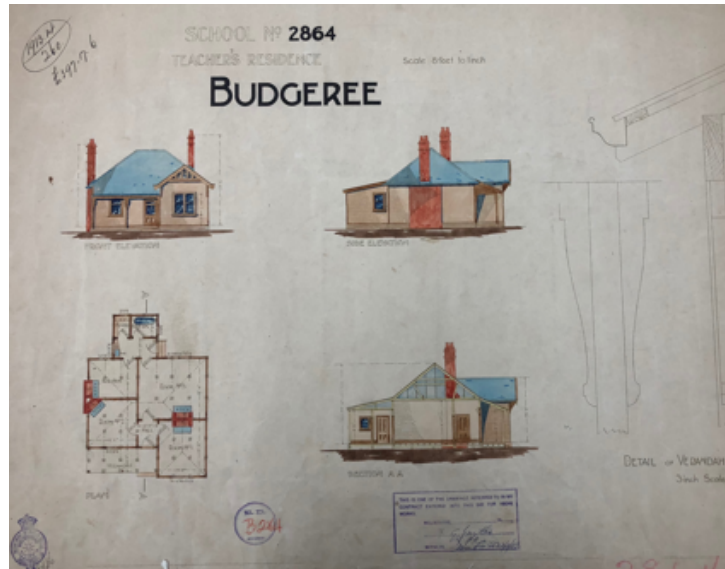
Also, worthy of consideration is the isolated location of the Budgeree Primary School. The other examples on the *Victorian Heritage Register* that are cited in the statement are located in Central Victoria in more accessible and populated parts of the State. Budgeree is of interest for its isolation in dense forest and its location 32 kilometres from a major centre (Morwell). For this reason, Budgeree Primary School is of high interpretable value in understanding the provision of schools in small, isolated, rural communities.

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**Former Teacher's Residence**

Figure 7: Architectural drawing of the former teacher's residence, prepared by the Public Works Department in 1913.



It is acknowledged that the teacher's residence was not nominated for inclusion on the *Victorian Heritage Register*, and is not within the existing title boundary of the former school. It does, historically, form part of the complex of buildings and landscape elements that define the Budgeree Primary School, and this association remains legible. The teacher's residence, with the remodelling of the school, demonstrate a commitment by the Education Department to provide proper educational facilities to isolated rural districts in the years prior to World War I, including accommodation in detached housing for staff based in rural districts. It demonstrates a departure away from providing teacher's accommodation attached to schoolrooms.

The list of teacher's quarters in the statement should provide analysis of how they compare with this example at Bungaree, in terms of scale, style, materiality. For example, the former teacher's residence at Westmere Primary School No 3833 is similar in terms of massing, materiality and architectural expression. Another of a similar style was also built at Heyfield, indicating that these were a standard design of the Public Works Department for teacher's residences during the early years of the twentieth century. The unusual siting of the residence, facing towards the school, and not the road, is of interest and reinforces a visual connection between the teacher's residence and the broader school campus.

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**Shelter Shed**

Early photographs of the shelter shed in the statement show it to have two or more openings, instead of one (see photo on page 15). Is this the same shelter shed or another? Further clarification of this is needed.

**Bibliography**

A bibliography prepared in the statement lists under 'other sources' the Public Records (*sic*) Office Victoria's Series 3686. It is recommended when assessing Education Department school's that the School Building File is also reviewed, as it will reveal added information on a school and its history.

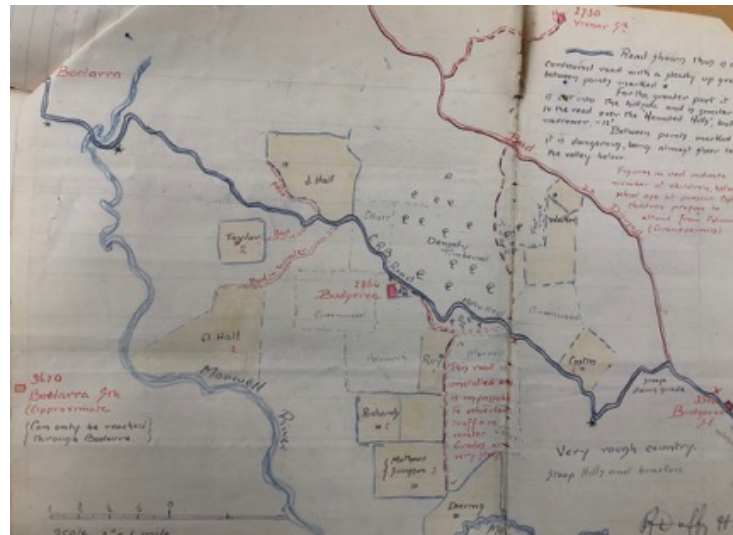
A School Building File for Budgeree Primary School is held by the Public Record Office Victoria (VPRS 795/P0000, 2864).

A review of the School Building File revealed:

- Budgeree Primary School was closed by the Department of Education for a period of a time during the Great Depression. This should be noted in the history in the statement;
- Outbuildings at both the school and residence were destroyed in fires in 1944. It is recommended that the scope of this damage is investigated and summarised in the history;
- The ongoing struggle with the school and the Department of Education to keep the school open; and for the Department to maintain the school buildings to an acceptable standard. This is an important part of the historical narrative on the school, which needs discussion in the history.

In the Building File is a hand drawn map of the district prepared by Head Teacher, R P Duffy, c1927. The map shows Budgeree to be an isolated settlement at that time, with many roads impassable during winter months (map reproduced on the next page). Of interest, elsewhere in the Building File it notes that children in the late 1920s still travelled to the school on horseback.

Figure 8: Hand drawn map of the district, prepared by Head Teacher, R P Duffy, in 1927. The map shows the school served students in an isolated community, inaccessible at times of the year by poor roads.



### Other

There are minor errors in the statement, which are inconsequential to whether the school has potential heritage value at a State level, but should nevertheless be corrected or addressed. These are:

- The windows described as “double-hung” on the south elevation are casement windows;
- The water tank and its tubular steel stand, on the west elevation, described as being of 1920s origin, conflicts with the records in the School Building File, which note the tank and stand were replaced in the mid-twentieth century;
- An early sign fixed to the school's north elevation is still extant, its letters/numerals are faded but 'Budgerree School' is still readable. It should be noted in the description of the schoolroom;
- What's described as a 'gravel yard' east of the school is surfaced in asphalt;
- The C E W File (VPRS 8796/P0001/57 – Bungaree Primary School 2864) describes Standard LTC classroom delivered to school August 1976 and occupied March 1977. Is this the temporary portable classroom mentioned in the history as being built in 1975?
- The top of the chimney of the schoolroom has been remodelled. Its original moulding and chimney pot has been removed and replaced sometime after c1949 with a soldier course (see drawing on cover of this report);

- *Vision and Realisation* describe H W G Payne as providing in addition to the land, the earlier school building. This should also be noted in the history;
- A description of the stone in the playground, and its various commemorative plaques and including its sundial;
- The illustration shown at the top of page 16 of the statement would be better described as a floor plan rather than an "aerial view".

*Peter Andrew Barrett*  
*Architectural Conservation*  
*Consultant*

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### 3 CONCLUSION

Before it can be conclusively determined that this is, or is not, a site of State significance, further assessment is needed by the Executive Director of Heritage Victoria.

Budgerree Primary School when assessed as a complex, that considers all built form and landscape elements associated with the former school (eg schoolroom, teacher's residence, shelter shed and landscaping elements), and delves further into the history intrinsic to this place, reveals that the Budgerree Primary School is a fine and intact representative example of a Federation-era small school campus in an isolated rural community in Victoria.

Two other examples of small rural schools on the *Victorian Heritage Register*, cited by the Executive Director, are of an earlier origin. Budgerree Primary School should be assessed in a different historical context to these other schools, as it is representative of a later generation of Department of Education buildings that were built around the time of Federation. In this respect, Budgerree Primary School is demonstrative of the Department's ongoing efforts to provide educational facilities to small, isolated, rural communities in the formative years of the State of Victoria. With its high level of integrity, and its isolated location still today, the Budgerree Primary School complex has great interpretative value in understanding this important aspect of the provision of State run education in Victoria in small remote communities.

I recommend that the Executive Director make further enquiries in regard to Budgerree Primary School. Further consideration, based on more robust assessment and analysis of physical evidence and documentary sources, is necessary before the school's significance to the State of Victoria can be determined conclusively. Pending this further investigation by Heritage Victoria, the Budgerree Primary School remains a place of potential State significance; and further consideration is needed before determining whether to include, or not to include, the school on the *Victorian Heritage Register*.

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Public Record Office Victoria, VPRS 8796/P0001, 57, C E W File.

**Agenda Item: 14.3**

**Agenda Item:** Use and development of land for Extractive Industry (sand quarry) and creation of access onto a road in a Transport Zone 2 at Traralgon West Road, Maryvale

**Sponsor:** General Manager, Regional City Planning and Assets

**Council Plan Objective:** SMART

**Status:** For Decision

**Proposed Resolution:**

That Council decides to issue a Notice of Decision to Grant a Permit for the use and development of land for extractive industry (sand quarry) and creation of access onto a road in Transport Zone 2 at Lot 1 TP 192718L, Lot 2 TP 885000Y & Lot 1 PS 729808, Traralgon West Road, Maryvale, with the following conditions:

1. Before the use and development start, amended plans to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimension and must generally be in accordance with the plans submitted with the application but modified to show:
  - a) A site plan showing:
    - (i) the land containing the proposed sand quarry and the adjoining land to the west where access is to be provided.
    - (ii) the area subject to WA 1515 delineated.
    - (iii) location of the proposed use, buildings and works.
    - (iv) the access track from Traralgon West Road to the quarry, including extent of sealed surface at the intersection of Jacks Track and Traralgon West Road to the satisfaction of the Responsible Authority.
  - b) Detailed functional layout plans and detailed design plans showing the upgraded intersection of Jacks Track and Traralgon West Road as required by conditions 23 and 24 of this permit.
  - c) Floor plans and elevation of all fixed plant and site buildings.
  - d) A sediment and dust management plan which provides:
    - i. Specific measures about how and/or under what circumstances sediment and dust from trucks carrying sand

from the site will be controlled (for example, by using truck covers; limiting travel speeds in specific areas; provision and use of a truck wheel wash);

- ii. Details of how the proposed operations will operate in accordance with WorkSafe Victoria and Australian Institute of Occupational Hygienists (AIOH) best practices; and
  - iii. Include management measures in accordance with EPA Publication 1834 'Civil Construction, Building and Demolition Guide' which describe how internal and external roads, storage areas, external stockpiles and vacant areas are to be maintained to mitigate offsite impacts from the operations.
- e) A landscape plan which provides details of screen planting of buffer areas and bund walls, including: a planting schedule of all proposed trees, shrub and ground covers including botanical names, pot sizes, sizes at maturity and quantities of each plant.
2. The use and development:
- a) As shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
  - b) Must at all times be in accordance with any work plan approved under Work Authority 1515 under the Mineral Resources (Sustainable Development) Act 1990.
  - c) Must not detrimentally affect the amenity of the area through the:
    - i. Transport of materials, goods or commodities to or from the land.
    - ii. Appearance of any building, works or materials.
    - iii. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
    - iv. Presence of vermin.
3. The use of Stage 1 must not commence until landscaping, bund walls and any proposed fencing is established as shown on the approved plans to the satisfaction of the Responsible Authority.
4. Construction works on the site must occur only between 7.00 am and 6.00 pm Monday to Friday and 7.00 am to 1.00 pm Saturday (not including public holidays) unless with the written consent of the Responsible Authority.
5. Roads, storage areas, external stockpiles and vacant areas must be maintained to avoid dust and nuisance to any surrounding property in

accordance with the sediment and dust management plan to the satisfaction of the Responsible Authority.

6. All materials imported or exported from the site must use the access from Jacks Track unless with the written consent of the Responsible Authority.
7. All vehicles transporting materials imported or exported from the site must use the following route to the Princes Freeway - Traralgon West Road, Maryvale Road, Alexanders Road and Tramway Road - unless with the written consent of the Responsible Authority.
8. Only works associated with driveways, drains, bund walls or landscaping are allowed to alter the natural condition or topography of the land within 20 metres of the site boundary.
9. Parking areas must be provided for employees' cars and all vehicles used on the land in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.
10. The landscaping as shown on the endorsed plans must be maintained for the operational life of the quarry, to screen activity of the site to the satisfaction of the Responsible Authority.
11. The plantation timber on the land must be managed to ensure that operations on the land are screened from residences to the satisfaction of the Responsible Authority.
12. The use and development permitted must at all times comply with:
  - a) Environment Protection Regulations under the Environment Protection Act 2017.
  - b) Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues (Publication 1826.2, Environment Protection Authority, March 2021).
13. The use hereby permitted must only operate between the following times:
  - a) 7.00am – 6.00pm - Monday to Friday;
  - b) 7.00am – 1.00pm – Saturday with sale of materials to 6.00pm; and
  - c) No operation on Sunday or Public Holidays.

The responsible authority may give its consent for the quarry to operate at other times for the purpose of managing equipment breakdowns or other unforeseen circumstances.

14. Before the commencement of any works hereby permitted, the permit



holder must advise all persons undertaking the work on site of all relevant permit conditions and associated statutory requirements or approvals associated with the native vegetation to be retained on the site.

15. Before the commencement of any works hereby permitted, a fence must be erected to demarcate the tree protection zone of any trees and significant vegetation that is to be retained and must be:

- a) Erected at a radius of 12 times the diameter of the tree at a height of 1.3 metres to a maximum of 15 metres (but no less than 2 metres) from the base of the trunk of the tree.
- b) Constructed of star pickets and barrier mesh (parawebbing) or chain mesh or similar to the satisfaction of the Latrobe City Council Environment Sustainability team.

The fence must remain in place until all works are completed to the satisfaction of the Responsible Authority.

16. Except with the written consent of the Responsible Authority, the following is prohibited within the tree protection zone:

- a) Vehicular or pedestrian access;
- b) Trenching or soil excavation;
- c) Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
- d) Entry and exit pits for underground services; and
- e) Any other actions or activities that may result in adverse impacts to retained native vegetation.

17. Sewage, sullage and other liquid wastes to arise from the development shall be treated and retained on site by a septic tank system in accordance with the requirements of the *Environment Protection Act 2017*, the *Guidelines for Environmental Management: Code of Practice – Onsite Wastewater Management 891.4 (2016)* and the Responsible Authority.

18. Prior to the commencement of construction of the office block and office, amenities, and sheds, an *Application for a Permit to Install* a septic tank system must be submitted and approved by Council prior to any installation. It is a requirement that any plumbing fixtures be installed within any of the office block, amenities or outbuildings, that they are connected to a septic tank system and that all appropriate permits are obtained as per the *Environment Protection Act 2017*.

19. Stormwater from the proposed buildings must not be permitted to enter

the septic tank system onsite wastewater system and disposal field.

20. Prior to the use of the Jacks Track access to the existing roundabout on the Traralgon West Road, the existing roundabout must be upgraded to include a fourth leg and be in accordance with the Austroads Guidelines.
21. The intersection must be upgraded with v3 roadway lighting to the satisfaction of the Head Transport for Victoria.
22. Prior to the roadworks beginning, Detailed Functional Layout plans in accordance with Gippsland Regions Developer Funded Checklist of the intersection of Jacks Track and the Traralgon West Road must be submitted and approved by the Head, Transport for Victoria.
23. Prior to the roadworks beginning, Detailed Design plans in accordance with Gippsland Regions Developer Funded Checklist of the intersection of Jacks Track and the Traralgon West Road must be submitted and approved by the Head, Transport for Victoria.
24. Prior to design plans beginning, the applicant's consultants must attend a pre-design meeting with the Department of Transport (Gippsland Region).
25. This permit will expire if one of the following circumstances applies:
  - a) The development for the first stage is not started within five years of the date of this permit; or
  - b) The use is not commenced within two years of the completion of the development for the first stage of this permit; or
  - c) If the work authority is cancelled under section 770 of the Mineral Resources (Sustainable Development) Act 1990.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

### **Executive Summary:**

The application proposes the use and development of land for an extractive industry (sand quarry) and creation of access to a Road in a Transport Zone 2 at Lot 1 TP 192718L, Lot 2 TP 885000Y & Lot 1 PS 729808, Traralgon West Road, Maryvale. The proposal is in accordance with Work Plan PLN-001344 endorsed by the Department of Jobs, Precincts and Regions (DJPR) under proposed Work Authority 1515 (WA 1515) dated 25 August 2021.

The proposed sand quarry has a total Work Authority area of approximately 156.24 hectares and total extraction area of 143.82 hectares. The applicant is proposing to

stage the quarrying activities with the maximum disturbed area at any one time to be approximately 60 hectares. The sand would be extracted using soft rock earth moving equipment such as excavators, bulldozers and scrapers. No blasting activities would occur on the site to extract material. Processing of the sand would be a wet and dry method, through screening and washing the material. The quarry is expected to have an output of approximately 350,000 tonnes per annum.

The existing timber plantation and proposed landscaped bund walls would be used to screen the activities from nearby residences. Access to and from the site would be from the roundabout at the intersection of Jacks Track and the Traralgon West Road.

Following notification of the application 43 submissions were received with 41 of these submissions in the form of objections. The issues of concern raised in the objections can be summarised as follows:

- Impact on neighbourhood peace and semi-rural character of the area;
- Visual impact;
- Impact on the existing recreational use of the surrounding area;
- Dust to surrounding properties and impact on the operations of Latrobe Regional Airport;
- Generation of silica that will affect community health;
- Disturbance to traffic, existing roads not suitable to accommodate vehicular traffic from the proposed quarry, and vibration;
- Noise impact – from quarry operations and traffic;
- Impact on flora and fauna and contamination of waterways; and
- Possibility of land slippage.

The submissions in support outlined that:

- The proposal will be of great benefit to the local economy; and
- Having a local supplier creates a competitive market for concrete batching plants in the area.

Having considered the proposal against the relevant provisions of the Latrobe Planning Scheme (the Scheme) and the submissions received both in favour and opposed to the proposal, it is considered that the proposal is generally consistent with the relevant objectives and decision guidelines of the Scheme.

It is therefore recommended that a Notice of Decision to Grant a Permit, subject to appropriate conditions, be issued.

**Background:****Summary**

Land:	Traralgon West Road Maryvale, known Lot 1 TP 192718L, Lot 2 TP 885000Y & Lot 1 PS 729808.
Proponent:	Latrobe Valley Sands Pty Ltd.
Zoning:	Farming Zone (Schedule 1)
Overlay	Environmental Significance Overlay (Schedule 3) Bushfire Management Overlay (BMO) Design and Development Overlay (Schedule 10)

The permit triggers for the proposal are as follows:

A planning permit is required for the use and development of land for an extractive industry (sand quarry) in accordance with the requirements of the Farming Zone and pursuant to Clause 35.07-1 and 35.07-4 of the Scheme.

A planning permit is required for buildings and works with a height that exceeds 10 metres above the natural ground level pursuant to Clause 43.02-2 of the Design and Development Overlay (Schedule 10).

Pursuant to Clause 52.08-1 of the Scheme (Earth and Energy Resources Industry), a permit is required to use and develop the land for extractive industry.

Pursuant to Clause 52.29-2 of the Scheme (Land Adjacent to Principal Road Network), a permit is required to create or alter access to a road in a Transport Zone 2.

**Proposal**

The application is for the use and development of land for extractive industry (sand quarry) and creation of access to a road in a Transport Zone 2. The proposed use and development will be in accordance with Work Plan PLN-001344 endorsed by the Department of Jobs, Precincts and Regions (DJPR) under proposed Work Authority 1515 (WA 1515) dated 25 August 2021.

The applicant has advised that the proposed quarry is to support and compliment the applicant's existing quarry operations under Work Authority 447 (WA 447) located to the north of the subject site and that once WA 447 is exhausted and rehabilitated (which is anticipated to occur within the next 5 years), the proposed quarry will become the applicant's sole extractive industry operation. It is not anticipated that WA 447 and WA 1515 will operate concurrently.

The proposed sand quarry will be in four stages, with the following details:

- A total Work Authority area of approximately 156.24 hectares.

- A total extraction area of 143.82 hectares.
- The maximum disturbed area at any one time will be approximately 60 hectares.
- The proposed maximum depth of the excavation is 55 metres from natural ground level at the terminal edge.
- A total disturbed area of approximately 152 hectares which includes the extraction area, site access road, soil stockpiles, diversion drains/ bunds, office, weighbridge, amenities, and workshop.

The first stage would commence in the south/ south-western part of the Work Authority area. This stage would involve the construction of the 12 to 15-metre-high visual screening mound on the southern border of the Work Authority. This stage would aim to develop a suitable area for the sand wash plant and associated infrastructure. The completion of the stage is estimated to be 25 years.

As the works proceed, the excavation will continue to the Stage 2 area to the east of Stage 1, then back to the western boundary for Stage 3 and finally along the northern boundary of the Work Authority for Stage 4. The completion of Stage 2 is estimated to be 55 years and Stage 3 will be 50 years.

Stage 4 would be within 220 metres of the Traralgon West Road. Given the proximity to the road, this stage will require a geotechnical and erosion control review of the exposed quarry faces to evaluate the long-term stability of the proposed terminal design and make any modifications to the design as appropriate. This review will occur every 5 years or at a more frequent rate, as determined by a geotechnical engineer. Stage 4 is estimated to be completed in 50 years.

In terms of output, the rate of extraction at the site will be determined by market demands and is expected to be approximately 350,000 tonnes per annum, which is equivalent to the Permit Applicant's current operations at WA 447 and Work Authority 171 (also to the north of the site).

A staging plan can be viewed at Attachment 1 to this report.

The following activities will be undertaken as part of the proposed use:

#### Extraction of materials

The proposed quarry would use industry-standard soft rock earthmoving equipment such as (but not limited to) excavators, bulldozers, scrapers, wheel loaders and off-road haul trucks to extract sand. The site would be operated as both a dry and wet open pit and comprise multiple benches.

Soil would be stripped and either hauled directly to prepared progressively rehabilitated areas or stockpiled for later use in rehabilitation.

### Processing of materials

The proposed quarry will process the sand resources using both dry and wet processing methods.

The dry processing method involves industry standard dry screening and sizing of the raw feed. Dry screening would commence immediately and would continue for the life of the resource.

The wet processing method involves introducing water to the dry raw feed (via a feed sump at the processing plant) and attritioning the raw feed to separate clay fines to produce a clean washed sand.

Waste from the wet processing method called slimes would be treated through dewatering/drying equipment to allow them to be placed in fill in worked out areas of the site. If the dewatering equipment malfunctions, the processing plant would stop.

All product stockpiles would be located within the disturbance area and close to the processing plant. These stockpiles would be created by a mobile stacking conveyor at the end of the dry processing plant with a maximum height of 8 metres. Product stockpiles would be located adjacent to the relevant processing plant.

Additional processing activities occurring at the site would involve accepting, sizing, sorting, mixing, and blending of processed materials. These materials would be stockpiled, tested, loaded for sale, and dispatched off site.

### Proposed operating hours

The proposed business hours for the extraction, sales and processing of materials are as follows:

Monday to Friday: 7am to 6pm.

Saturday: 7.00am to 1pm with sale of materials to 6.00pm.

Closed on Sundays and public holidays.

### Staff and car parking

The applicant advised that employee numbers would vary according to the level of activity, with a typical base load of approximately 5-7 personnel. However, up to 10 employees may be required where stripping, washing, dry extraction production, progressive rehabilitation, site maintenance and machine maintenance occur concurrently.

Car parking for all employees and visitors would be located at the entrance to the Work Authority area on the western boundary.

### Traffic and Vehicle access

Access to the proposed quarry would occur via a proposed site access road, via Jacks Track on Lot 1 PS 729808, to the APM roundabout on Traralgon West Road.

All truck movements would occur to the west of the subject land through industrial and rural areas, leading to Alexanders Road in Morwell and then to the Princes Freeway.

Site access would be managed with a stock proof fence and a series of screening mounds along the southern and eastern boundaries.

Fencing would be limited to the immediate working/ disturbance area as large areas within the Work Authority would be unaffected for several years and the APM access is required for the management and maintenance of the plantation timber on the site.

#### Rehabilitation and site end use

The site's progressive rehabilitation would be integrated into the daily operations of the proposed quarry's operation. All earthworks involved in the rehabilitation plan would be achieved within 12 months of the completion of each terminal face. Areas of the site not required for quarrying and rehabilitated areas would continue to be used for timber plantation.

Rehabilitation and site closure measures are provided for in the Rehabilitation and Site Closure Plan, which forms part of the Endorsed Work Plan.

After completion of quarrying operations, surface water management infrastructure would remain to direct water to retained water dams and sediment dams for post closure irrigation. No dams would be retained at the toe of rehabilitated slopes, with surface water directed away from these areas.

A copy of relevant plans can be viewed in Attachment 2 of this report.

#### ***Subject Land:***

The subject site is located between Morwell and Traralgon, on the southern side of Traralgon West Road, approximately 600 metres to the west of Scrubby Lane and approximately 5 kilometres west of the Traralgon Activity Centre. The site also has frontage to Traralgon West Road on its western boundary and Maryvale Road and Old Melbourne Road on its southern boundary.

The subject land is made up of three allotments, comprising of Lot 1 on Title Plan 192718L, with an area of approximately 127.6 hectares, Lot 2 on Title Plan 885000Y, with an area of approximately 39.65 hectares, and Lot 1 Plan of Subdivision 729808 with an area of approximately 184.26 hectares.

The three lots have a total area of 351.51 hectares, out of which the licensed area is approximately 150 hectares. The title to the smaller lot is partly affected by restrictive covenant H359505 (the covenant), which contains restrictions relating to excavation within a Gas and Fuel easement. However, a review of the title plan and covenant does not appear to identify any part of this lot that is affected by the easement.

The site contains a pine plantation and is surrounded on all boundaries by pine plantations in various stages of production. The land is also used informally as a cross country bike track with a hard stand car parking area. A patch of native

vegetation is located in the north of the site adjacent to Traralgon West Road. It straddles the roadside reserve and the northern boundary of the site.

Topographically, the site has a southerly aspect. Traralgon West Road runs along the ridge that adjoins the northern boundary of the site. The site grades to the drainage line on the southern boundary of the site.

The site is unfenced, and a dam and associated infrastructure are located approximately central to the site with a further small dam located to the south. There are minor ephemeral drainage lines on the site and Wades Creek is located at the southern edge of the site.

***Surrounding Land Use:***

The surrounding sites comprise of land within an Industrial 2 Zone and land within Farming Zone 1.

Land to the south, west and east is used for a range of agricultural purposes, including plantation timber and grazing. The land to the north is used for extractive industries. The land to the west is the Maryvale Paper Mill.

There are three sand quarries to the north of the site, identified as WA 447 (currently operated by permit applicant), WA 261 and WA 171. WA 261 is operated by Maryvale Sand and Trading Supplies Ltd and WA 171 is operated by Holcim. Further to the north of these nearby quarries are the APM aeration ponds.

The land immediately east of Scrubby Lane is a rural residential settlement. There are numerous residences within 2 kilometres of the proposed works, but none within 500 metres of the site. The closest residences immediately east of Scrubby Lane are approximately 650 metres from the Work Authority boundary.

Latrobe Valley Airport is approximately 1.5 kilometres south of the site.

An aerial image of the subject site and surrounding area can be viewed in Attachment 3 of this report.

**Reasons for Proposed Resolution:**

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Farming Zone (Schedule 1);
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Design & Development Overlay (Schedule 10);
- Consistent with the 'Purpose' of Clause 52.08 – Earth and Energy Resources Industry;



- Consistent with the 'Purpose' of Clause 52.29 – Land Adjacent to the Principal Road Network;
- Consistent with Clause 65 (Decision Guidelines); and
- The objections received have been considered against the provisions of the Scheme. Relevant permit conditions addressing these issues will be required. It is considered that the objections do not form planning grounds on which the application should be refused.

**Issues:****Strategy Implications**

Council Plan 2021-2025 – Smart

*'Continue to support our existing business community so they can prosper and grow'.*

It is considered that the proposed resource extracted from the sand quarry will assist in creating a competitive market for the concrete and construction industries in Latrobe City and the wider Gippsland region.

**Health Implications**

The endorsed Work Plan contains a range of safety and environmental controls to address the potential for impacts on the surrounding area, including noise, dust, sediment control and stormwater runoff, which will be enforced through the Work Authority.

Concerns have been raised regarding the proposed quarry generating dangerous levels of Respirable Crystalline Silica Dust (RCSD) that could adversely impact the health of residents in the wider surrounding area. Council engaged an Environmental Consultant to undertake a peer review of the application documentation in order to identify any issues in terms of health and environmental impacts from noise and dust and make recommendations to assist in addressing any potential offsite impacts.

An outcome of this review recommended that if a permit is issued for the proposal a condition of approval will require the submission of a dust management plan. The plan must include details of how the proposal will operate in accordance with WorkSafe Victoria and Australian Institute of Occupational Hygienists (AIOH) current guidelines, and how other potential offsite impacts from dust emissions from the quarrying activities on the land will be managed in accordance with EPA Publication 1834.

A recommended permit condition is for a sediment and dust management plan to be provided so that any potential offsite issues can be addressed by the plan including sediment on roads and dust generated by trucks.

## **Communication**

### ***Notification:***

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987. Notices were sent to landowners and occupiers within 2 kilometres of the subject site and three A2 site notice were displayed along the Traralgon West Road for 14 days.

In addition, given the level of community interest in the proposal, a virtual meeting was facilitated by Council on 7 April 2022 to hear the views of the community prior to making a decision.

At the time of writing this report 43 submissions have been received with 41 of these submissions in the form of objections.

A copy of all submissions can be viewed at Attachment 4 of this report and a map showing the location of objectors is at Attachment 5.

The main theme of the submissions received in the form of objections can be summarised as follows:

- Impact on neighbourhood peace and semi-rural character of the area

#### **Comment:**

The proposed quarrying activities are setback approximately 800 metres to the nearest dwelling (650 metres to the Work Authority boundary) and the proposed processing plant setback more than 1.5 kilometres. It is considered that the siting of the activities on the subject land provides sufficient buffers to sensitive receptors. The endorsed plans under the Works Plan and proposed conditions of any permit if issued will assist in ensuring that offsite impacts, including noise and dust, from the activities on site will be mitigated. Ongoing compliance with these conditions will be enforced through the Work Authority and any planning permit issued for the proposal.

- Visual impact

#### **Comment:**

The proposal includes the provision of a vegetated 3 metre high bund along the Traralgon West Road and a 12 to 15 metre bund along the southern and eastern boundary. The applicant submitted a suite of photomontages with the Work Plan to show how the bund walls and vegetation on site will ensure that the activities on site would be obscured from nearby residential properties. A condition of the Work Plan requires that all visual screening, including vegetation and bund walls ensure that the activities are screened from nearby residences. In addition, if a permit is issued for the proposal, a permit condition will be included requiring the establishment of bund walls and associated landscaping before the use can commence. It is noted that the quarry may be

visible from the broader area, depending on elevation, however this is considered to be acceptable.

- Impact on the existing recreational use of the surrounding area.

Comment:

The applicant has detailed that for over seven years they have supported Gippsland MTB Inc. in establishing mountain bike trails for its members around the existing plantation areas. Latrobe Valley Sands has detailed that they will continue to work closely with the club to facilitate the continuation of the trail network in areas where this is compatible with the staging of the proposed quarry activities and the plantation operations. There will remain adequate areas of plantation trees for the club's trail network to continue.

- Dust to surrounding properties and impact on the operations of Latrobe Regional Airport

Council engaged an Environmental Consultant to undertake a peer review of the endorsed Work Plan and concerns raised in objections in relation to dust impacts. The proposed activities on site do not include any blasting or crushing operations. The sand resource holds sufficient residual moisture that the low-energy excavation methods proposed will not generate dust. The peer review detailed that a valid analogy would be digging moist but not wet sand at the beach.

The topsoil and overburden overlying the sand resource are more likely to be sources of dust during the development phases of the project. The Risk Management Plan endorsed under the Work Plan has considered the risks associated with dust from the proposed activities. If a permit is issued for the proposal, a condition will require the submission of a sediment and dust management plan to ensure that measures are put in place to manage sediment and dust on public roads and in accordance with relevant regulatory requirements.

- Generation of silica that will affect community health

Comment:

The proposed operations will not involve crushing or grinding of any sand material. Sand is extracted and then processed by washing and grading. The low-energy method of sand extraction, size of particles, and washing of material will serve to reduce risk associated with RCSD.

The peer review of the endorsed Work Approval detailed that all silica handling activities do not automatically result in the same silicosis risk and if all controls set out in the Work Authority are implemented, it is highly unlikely that unacceptable levels of dust could occur at the nearest sensitive receptors.

- Disturbance to traffic and vibration, and existing roads not suitable to accommodate vehicular traffic from the proposed quarry.

**Comment:**

The planning application was referred to the Department of Transport for consideration who had no objection to the proposal subject to the inclusion of conditions relating to the construction of a fourth arm of the roundabout at the intersection of Jacks Track and the Traralgon West Road before the use commences. It is considered that the proposal will not cause vibration as blasting is not proposed as part of the quarrying activities.

If a permit is issued it is also recommended that a condition be included requiring all material that is imported and/or exported from the land to only be from the Jacks Track access at the roundabout intersection, and for vehicles to follow a set route onto the freeway. The access point to Jacks Track from Traralgon West Road will also be required to be sealed for 20 metres to prevent material being deposited on the road from truck wheels.

- Noise impact from quarry operations and traffic

The noise report provided with the application concludes that all aspects of the proposed quarry operations (extraction, processing, sales) can operate in compliance with all EPA noise requirements during the proposed operating hours.

Conditions to be included on any permit issued can require the activities on site to operate in accordance with EPA noise requirements.

- Impact on flora and fauna and contamination of waterways

**Comment:**

An ecology report submitted with the application documentation details that the majority of the site is pine plantation and associated weeds, with only one patch of native vegetation. Removal of this vegetation will be avoided.

A Water Management Plan has been endorsed under the Work Plan and provides that water runoff from the quarry activities will not intersect with ground water.

The subject land drains along the south and east boundaries of the Work Authority area into Wade Creek. Drainage lines on the eastern areas of the subject land will not be impacted by the proposed activities and water flows along the southern areas of the subject land will be intercepted by the excavation area and will be directed to the quarry floor (sump). On this basis it is considered that the proposed quarrying activities will not have an unreasonable impact on the flow of surface water or have an adverse impact on groundwater.

- Possibility of land slippage

**Comment:**

The applicant has undertaken a geotechnical assessment which has been peer reviewed. The Geotechnical Report has assessed the risks of erosion and landslip associated with the slope stability of the proposed quarry extraction area. The Geotechnical Report focussed on areas of Stage 4 nearer to the Traralgon West Road and has made recommendations (including drainage and response monitoring) to ensure these risks are appropriately addressed with relevant conditions included on the endorsed Work Plan enforced by DJPR.

**External:**

The application was referred to under Section 55 of the Act as a determining referral authority to the following referral authorities:

- Department of Transport
- DJPR
- Latrobe Regional Airport Board

There was no objection to the application, with the Department of Transport requiring the inclusion of conditions relating to the upgrade of the roundabout at the intersection of Jacks Track and Traralgon West Road.

Clause 52.09 (extractive industry) of the Scheme contains referral exemptions. Referral requirements do not apply to an application to use and develop land for extractive industry if a copy of the work plan was previously referred to the authority under section 77TE of the *Mineral Resources (Sustainable Development) Act 1990*.

Specific conditions have been applied to the statutorily endorsed Work Plan to address the comments of the referral authorities that were provided in response to the referrals.

Latrobe Regional Airport Board had no objection to the proposal.

**Internal:**

The application was referred internally to Council's Engineering, Strategic Planning, Environment and Health teams. The Engineering, Environment and Health teams provided conditional consent to the granting of a planning permit. Strategic Planning had no objections to the proposal.

**Financial Implications**

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT). Based on the technical nature of the proposal Council would need to engage a consultant and expert witnesses to attend on Council's behalf and it would likely cost in excess of \$15,000.

### *Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<b>Reputational Risk</b>  Reputational risk to Council from the community if Council supports the application due to objections received to the proposal	4 - Likely	To manage and limit the potential risk it is recommended that Council make an informed decision. An independent Environmental Consultant has been engaged to undertake a peer review of the endorsed Work Plan to assist Council Planning Officers in making a determination in relation to the application.
Negative perception of Council not supporting the application for the use and development of land for a sand quarry at Traralgon West Road	4 - Likely	To manage and limit the potential risk, the recommendation has been considered against the requirements of the Farming Zone, Design & Development Overlay Schedule 10, Clauses 52.09 and 52.29, Planning Policy Framework and Municipal Planning Strategy.

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

### **Legal and Compliance**

#### ***Latrobe Planning Scheme***

The Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) have been considered as part of the assessment of this application. The following clauses are relevant to the consideration of this application.

- Clause 02.01 – Context
- Clause 02.03-2 – Environmental and landscape values
- Clause 02.03-3 – Environmental risks and amenity
- Clause 02.03-4 – Natural resource management

- Clause 02.03-6 – Housing – Rural residential development
- Clause 02.03-7 – Economic development
- Clause 11.03-5S – Distinctive areas and landscapes
- Clause 12.05-1S – Environmentally sensitive areas
- Clause 12.05-2S – Landscapes
- Clause 13.05-1S - Noise Abatement
- Clause 13.07-1S – Land Use Compatibility
- Clause 13.07-1L – Land Use Compatibility
- Clause 14.01-S – Protection of agricultural land
- Clause 14.01-3S – Forestry and timber production
- Clause 14.01-3L – Forestry and timber production
- Clause 14.03-1S - Resource exploration and extraction
- Clause 17.01-1S – Diversified Economy
- Clause 17.01-1L – Diversified Economy
- Clause 17.02-1S – Business
- Clause 17.03-2S – Sustainable industry
- Clause 18.02-4S – Roads
- Clause 18.02-4L – Road system
- Clause 18.02-7L – Latrobe Regional Airport.

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

The key elements of the Planning Policy Framework have been considered in the assessment of the application.

Clause 71.02-3 of the Scheme requires decision makers to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

It is considered that the proposed quarry will contribute to the economic development of the Latrobe Valley by strengthening and diversifying the rural economy while it transitions away from coal mining, consistent with Clause 02.01 – Context, Clause 02.02 – Vision, Clause 02.03-4 – Natural resource management and Clause 17.01-1S – Diversified economy.

The proposed quarry will secure access to a valuable sand resource and will facilitate the continuation of the applicant's quarrying business in Maryvale as it will become the primary quarry once the lifespan of WA 447 is exhausted. It is considered that the proposed quarry will extract this resource in a manner that is consistent with State planning policies for earth and energy resources, including Clause 14.03-1S – Resource exploration and extraction.

Clause 12.01-1S – Biodiversity and Clause 12.01-2S – Native vegetation Management – have the objectives to assist the protection and conservation of Victoria's biodiversity and to ensure that there is no net loss to biodiversity due to the removal of native vegetation. Clause 12.05-2S - Landscapes also has the objective to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

The proposed quarry will not impact native vegetation or any rare or threatened species of flora or fauna. Native vegetation removal is avoided as part of this application and adequate protection measures will be implemented to ensure that retained native vegetation on site will not be impacted by construction activities.

Clause 13.05-1S – Noise abatement - has the objective is to assist the control of noise effects on sensitive land uses. Strategies include ensuring that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions by using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

The proposed quarry operations as detailed will not result in adverse noise amenity impacts upon the site and surrounding area. A Noise Report was submitted with the Work Plan application that concludes that all aspects of the proposed quarry operations (extraction, processing, sales) can operate in compliance with all EPA noise requirements and will not cause an unreasonable noise impact to sensitive uses.

Clause 13.07-1S – Land use compatibility - has the objective to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts. Strategies include to ensure that use or development of land is compatible with adjoining and nearby land uses and avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial, and other uses.

Agricultural and extractive industry uses are compatible uses with Extractive Industry Interest Areas usually located in rural areas. It is recognized that rural areas also accommodate some rural residential dwellings. The siting and design of the proposed quarry operation incorporates significant buffers and will ensure that it will not cause any unreasonable amenity impacts to adjoining and nearby land.

The endorsed Work Plan included a suite of assessments relating to noise, geotechnology, ecology, water management, and risk management and contain a range of safety and environmental controls to address the potential for impacts on



the surrounding area, including noise, dust, sediment control and stormwater runoff. In addition, if a permit is issued, conditions are recommended requiring additional measures relating to sediment and dust management and access to and from the land to assist in mitigating any offsite impacts to surrounding sensitive uses.

The proposed quarry has been designed to ensure that the existing plantation timber use can be carried out concurrently with the extractive industry use, and as the extraction area is exhausted of sand resource and rehabilitated, the plantation timber use will be expanded. In this regard, the proposed quarry is consistent with Clause 14.01-1S – Protection of agricultural land, Clause 14.01-1R – Protection of agricultural land – Gippsland, Clause 14.01-1L – Protection of agricultural land and Clause 14.01-2S – Sustainable agricultural land use.

The proposed quarry will not have any unreasonable effects on the flow of surface water or cause adverse impacts on groundwater. Water management will be successfully achieved across the proposed quarry through the strategies and controls contained in Water Management Plan. The proposed quarry will not intersect with groundwater and will consequently have no impact on natural aquifers. As such, it will be consistent with Clause 14.02.2S – Water quality.

The objective of Clause 18.02-4S – Roads – is to facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure. The strategy of Clause 18.02-4L – Road system – is to facilitate a functional, safe and efficient rural roads system that maintains the rural character and meets the demands of both rural industry and residents.

The traffic operations of the proposed quarry will be consistent with the subject land's rural traffic context, in which heavy vehicles currently operate in connection with existing agricultural and quarrying uses as well as the paper mill. Traffic is estimated to remain at similar levels to existing traffic volumes and all impacts will be managed in accordance with a Construction and Operational Environmental Management Plan, which is part of the endorsed Work Plan.

Conditions of approval required by the Department of Transport include a requirement that the Jacks Track access to the existing roundabout on the Traralgon West Road must be upgraded to include a fourth leg and be in accordance with the Austroads Guidelines. All material imported or exported from the land must be transported along this route. Further conditions (imposed by Council) will require the first 20 metres of the access road into the site to be sealed, and trucks to use a specified route to the freeway.

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

The Farming Zone seeks to provide for the use of land for agriculture, encourage the retention of productive agricultural land, ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture, encourage the retention of employment and population to support rural communities and to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The decision guidelines for the Farming Zone at Clause 35.07-6 include, amongst other matters, the consideration of the compatibility of the proposed use with adjoining and nearby land uses, the impact on natural physical and environmental resources, and the impact of proposed buildings and works on the environment and landscape features and character of the area.

The proposed use and development of the land for extractive industry is consistent with the purpose and decision guidelines of the FZ for the following reasons:

Most of the subject land consists of a pine plantation and does not contain any native vegetation except for a small patch near the northern boundary which is proposed to be retained. The quarry's extraction area has been designed to ensure that no native vegetation will require removal.

The proposed quarry will be in the vicinity of existing extractive industry uses (sand quarries) that have been established in disused pine plantations. The proposed quarry is consistent with these nearby uses and will not unreasonably disturb the existing landscape.

The proposed quarry will not compromise farming activity in the area and is considered to be compatible with surrounding agricultural activities. It will retain the subject land as a large rural allotment, which will be progressively rehabilitated and returned to a plantation during and following the completion of the quarry use.

The proposal will not have a detrimental impact on biodiversity, the rural environment or on rural landscape. The proposed quarry has been designed to minimise any environmental impacts on adjoining land, including on existing drainage lines.

The proposed quarry will not result in unreasonable landscape or visual impacts to surrounding properties. The proposed quarry design incorporates a 3-metre-high vegetated screening bund to Traralgon West Road and a 12 to 15 metres high vegetated screening bund along the southern and eastern boundaries of the Work Authority area. The endorsed Work Plan shows that the screening bunds and vegetation will ensure that the proposed quarry will not cause any landscape or visual impacts when viewed from key vantage points and sightlines on surrounding land.

The proposed quarry benefits from significant buffers to surrounding sensitive receptors, with no residences or other sensitive receptors within 500 metres of the Work Authority area.

The traffic operations of the proposed quarry will be consistent with the subject land's rural traffic context, in which heavy vehicles currently operate in connection with existing agricultural and quarrying uses and the paper mill.

Overall it is considered that the proposal is consistent with the purpose of the zone and would be appropriately located within the Farming Zone.

***Overlay - Design and Development Overlay (Schedule 10)***

The subject site is subject to Design and Development Overlay (Schedule 10) - Latrobe Regional Airport – Obstacle Height No. 3 (DDO10). DDO10 ensures that all buildings and works are within specified height limits to ensure that appropriate external building materials are used to avoid creating a hazard to aircraft flight paths in the vicinity of Latrobe Regional Airport and to ensure that flight paths associated with Latrobe Regional Airport are protected from the encroachment of inappropriate obstacles which may affect the safe and effective operation of the Airport.

A permit is required for the proposal under the Schedule to the overlay as the proposed buildings and works will exceed 10 metres in height. The views of the Latrobe Regional Airport Board were sought with the Board advising of no objection to the proposal.

***Clause 52.09 Extractive Industry and Extractive Industry Interest Areas***

The clause applies to an application to use and develop the land for extractive industry.

The Earth Resources Regulation (EER) branch of DJPR statutorily endorsed Work Plan PLN-001344 for WA1515 for the proposed quarry on 25 August 2021 pursuant to section 77TD of the Mineral Resources (Sustainable Development) Act 1990 (the MRSDA).

Specific requirements relating to extractive industry are set out under Clause 52.09-5 and 52.09-6, including permit conditions, boundary setbacks, the provision of screen planting and the provision of car parking areas.

The proposal is consistent with the requirements of the clause for the following reasons:

- There will be no alteration to the natural condition or topography of the land within 20 metres of the boundary of the land, except driveways, drains, bund walls or landscaping. The proposed quarry will have a 20-metre buffer offset to the Work Authority boundary.
- Geotechnical Assessment Report prepared by Geotesta (dated 20 March 2018), and peer reviewed by GHD was submitted with the Works Plan application which indicated that the proposal will not increase the possibility of landslip in the area if the proposed cut batters are rehabilitated by using compacted fill.
- Shrubs and trees are to be planted and maintained to screen activity on the land.
- The proposed quarry will provide adequate car parking for employees' and visitors' cars and vehicles used on the land.

**Clause 52.29 – Land Adjacent to the Principal Road Network**

The purpose of the clause is to ensure appropriate access to the Principal Road Network. A permit is required to create or alter access to a road in a Transport Zone 2. Traralgon West Road is a road in Transport Zone 2 and an alteration to the road is proposed as part of the application.

Access to the proposed quarry would occur via the site access road, via Jacks Track, from the APM roundabout on the Traralgon West Road. The application was referred to the Department of Transport who had no objection to the granting of a permit subject to the inclusion of conditions relating to the upgrade of the roundabout.

**Decision Guidelines (Clause 65):**

The general provisions found at Clause 65 (Decision Guidelines) of the Scheme are relevant to this application an assessment of the application against the relevant decision guidelines, the proposal is considered to be generally consistent with some of the relevant decision guidelines.

**Environmental Implications**

Environmental implications have been considered and discussed throughout this report.

**Other**

Council has the following options in regard to this application:

1. Issue a Notice of Decision to Grant a Permit; or
2. Issue a Notice of Refusal to Grant a Permit

Council's decision must be based on planning grounds, having regard to the provisions of 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 2020*.

**Supporting Documents:**

Nil

**Attachments**

1.  Attachment 1 - Staging Plan
2.  Attachment 2 - Plans
3.  Attachment 3 - Site Context
4. Attachment 4 - Copy of Submissions (Published Separately)

This attachment is designated as confidential under subsection (f) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to personal information, being information which if released would result

in the unreasonable disclosure of information about any person or their personal affairs. The submissions contain personal information of community members

**5. Attachment 5 - Location of objectors (Published Separately)**

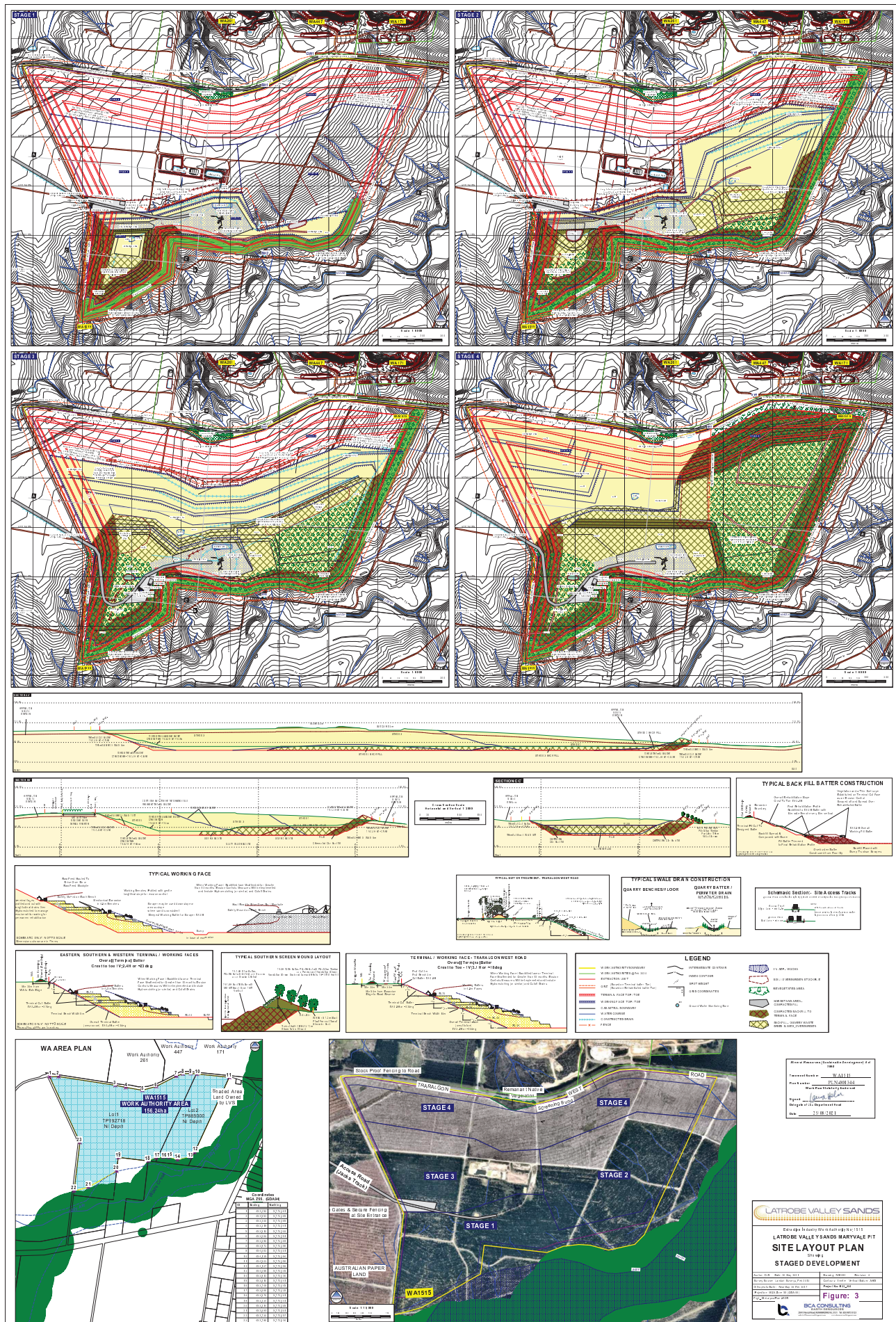
This attachment is designated as confidential under subsection (f) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. Location of objector properties

## **14.3**

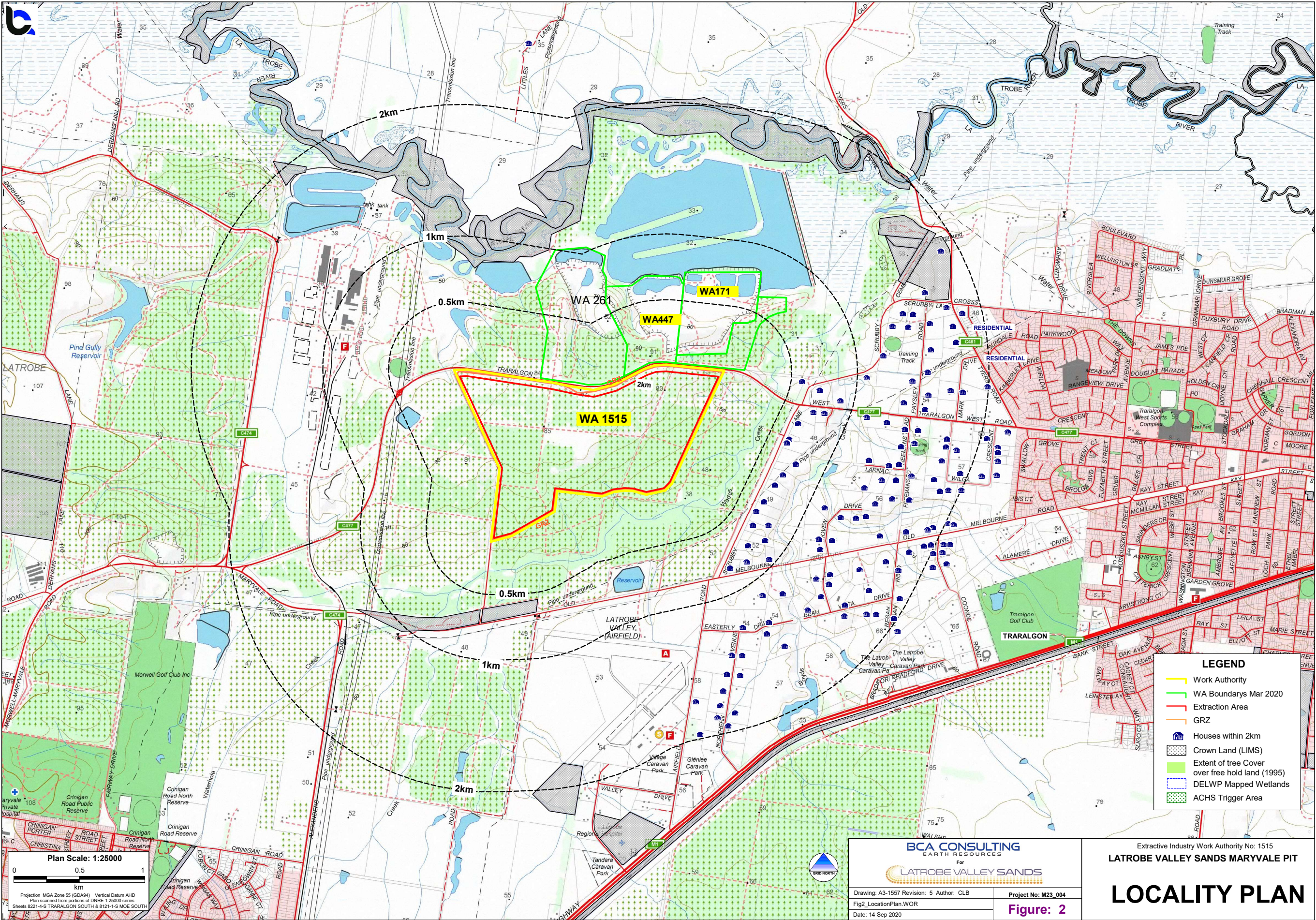
### **Use and development of land for Extractive Industry (sand quarry) and creation of access onto a road in a Transport Zone 2 at Traralgon West Road, Maryvale**

- |          |  |            |
|----------|--|------------|
| <b>1</b> | <b>Attachment 1 - Staging Plan .....</b> | <b>209</b> |
| <b>2</b> | <b>Attachment 2 - Plans .....</b>        | <b>210</b> |
| <b>3</b> | <b>Attachment 3 - Site Context .....</b> | <b>217</b> |

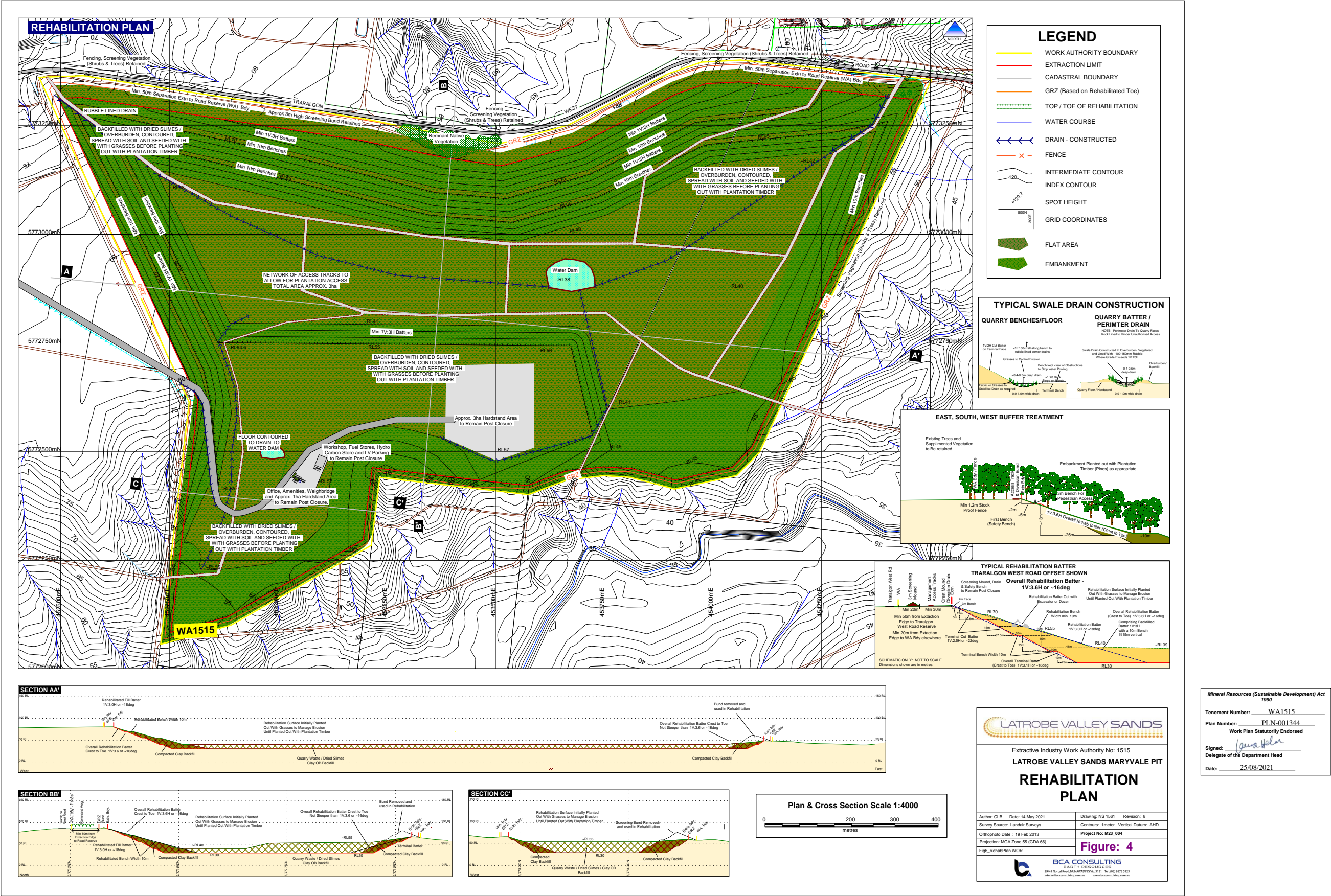




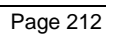




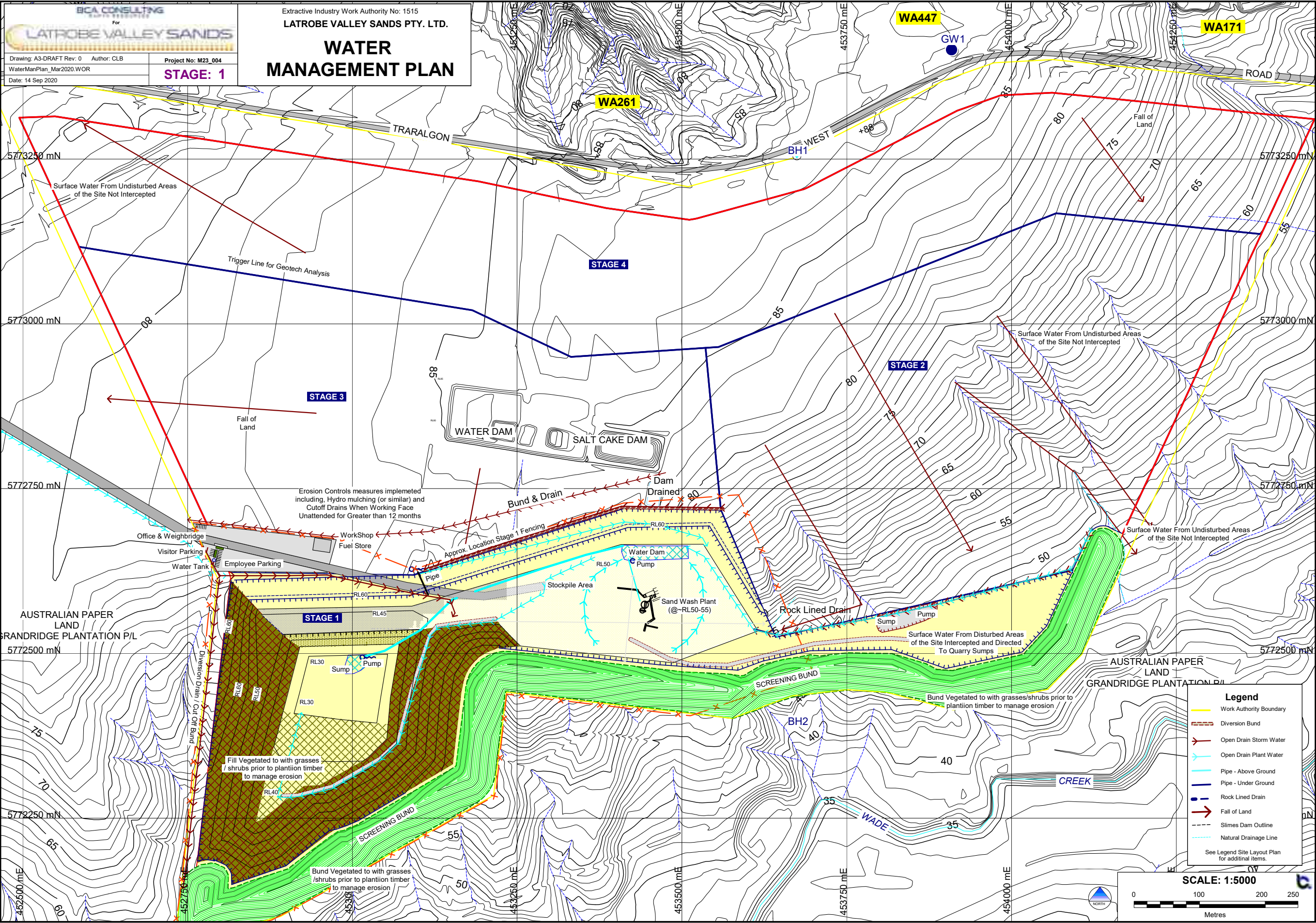




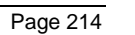




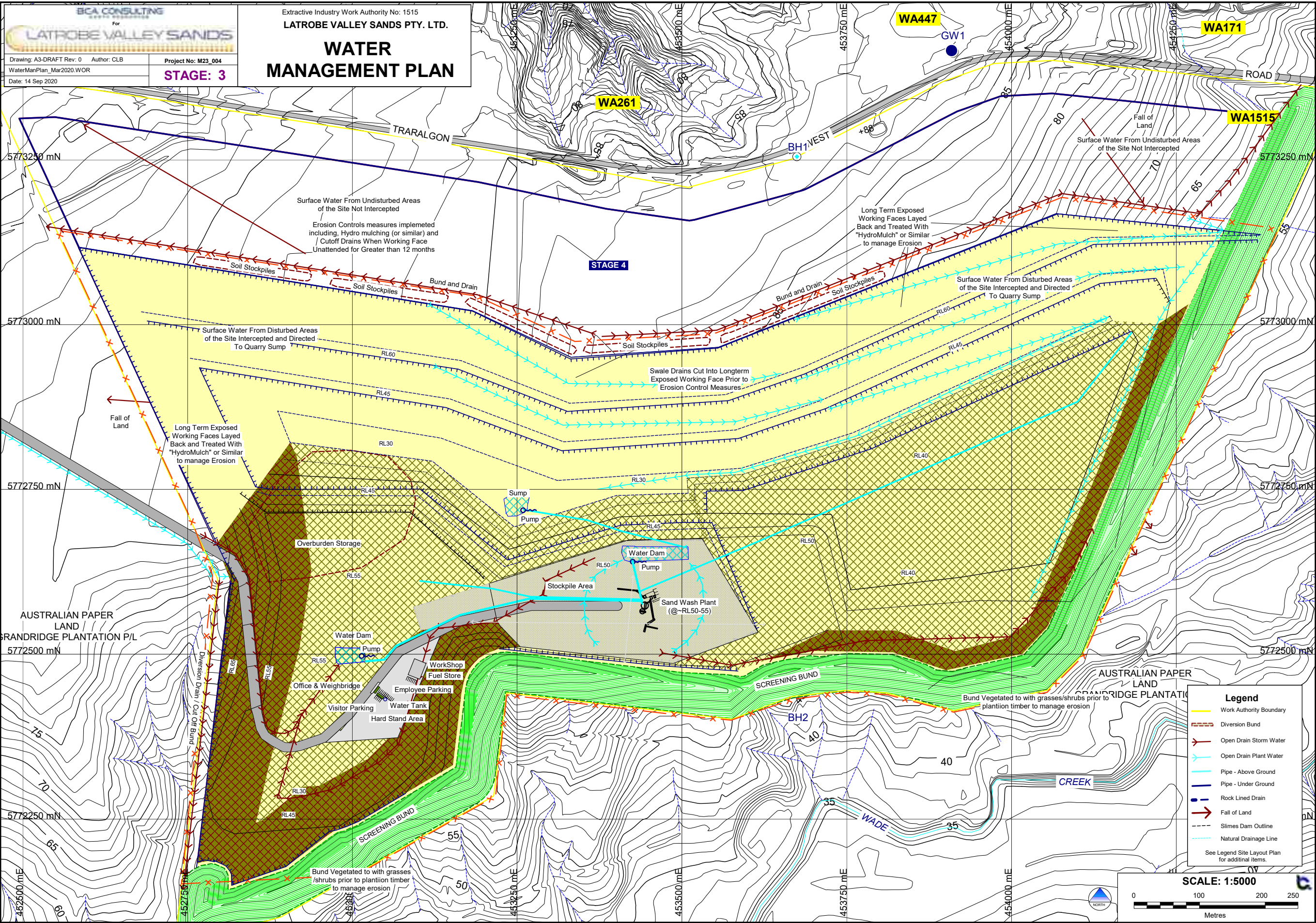




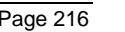




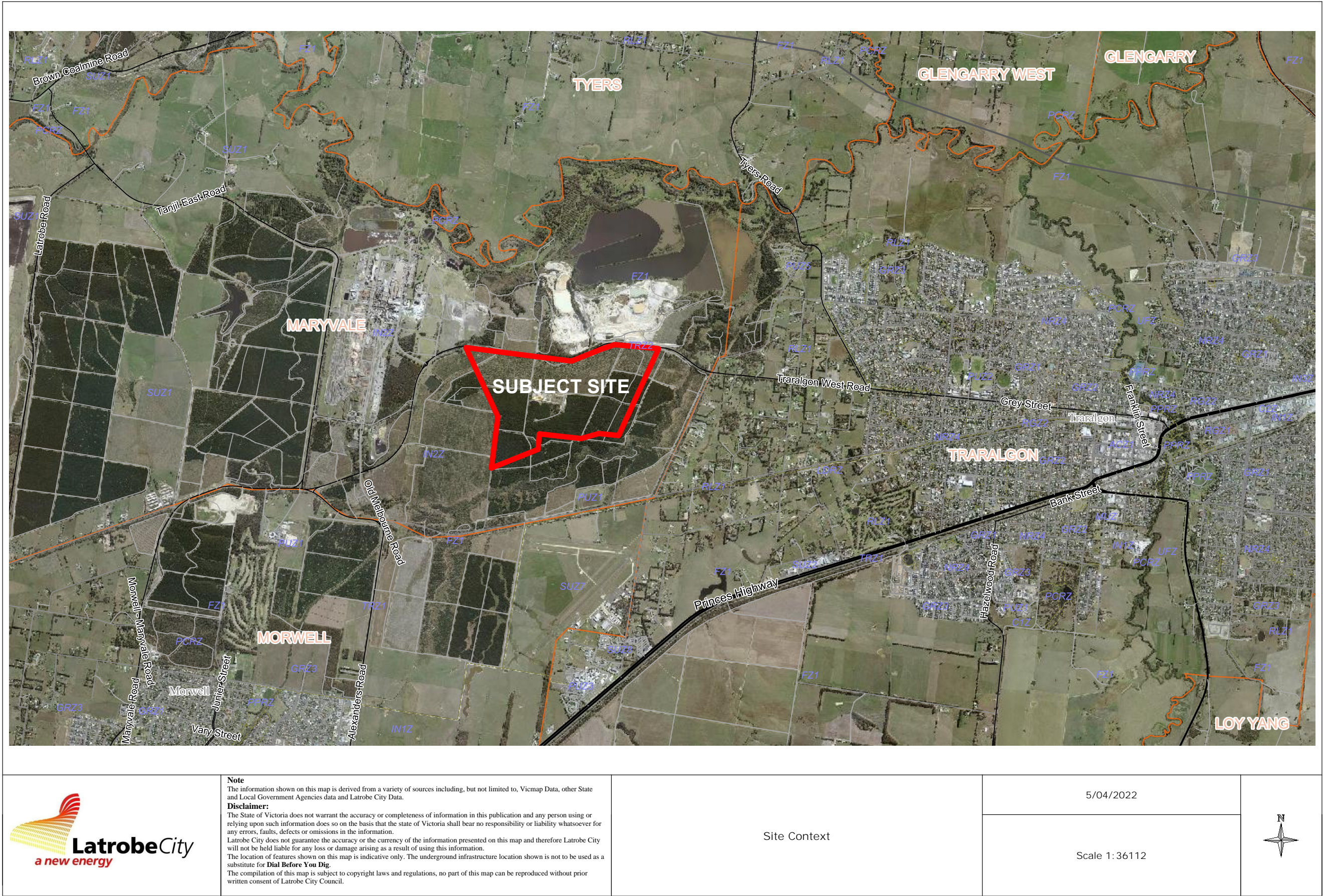














**Agenda Item: 14.4**

**Agenda Item:** **Proposed Amendment C137 - Morwell Activity Centre Plan**

**Sponsor:** **General Manager, Regional City Planning and Assets**

**Council Plan Objective:** **SMART**

**Status:** **For Decision**

**Proposed Resolution:****That Council:**

- 1. Endorse the draft Morwell Activity Centre Plan and Background Reports, provided at Attachments 1-7 for public exhibition as part of Amendment C137.**
- 2. Request authorisation from the Minister for Planning to prepare and exhibit Amendment C137 to the Latrobe Planning Scheme, in accordance with section 8A of the *Planning and Environment Act 1987*;**
- 3. Prepare Amendment C137 to the Latrobe Planning Scheme to implement the land use and built form directions from the *Morwell Activity Centre Plan 2022* (the Plan) generally in accordance with the documentation provided at Attachments 1-7, subject to Ministerial Authorisation; and**
- 4. Place Amendment C137 on exhibition in accordance with the requirements of section 19 of the *Planning and Environment Act 1987*, subject to Ministerial Authorisation.**

**Executive Summary:**

- Latrobe City is the retail and regional service centre for Gippsland. Current policy supports the development of a network of activity centres and the need to facilitate the growth of the Morwell, Moe, Traralgon and Churchill Town Centres. As such the Vision, Objectives and Strategies outlined for Morwell and specifically the Morwell Activity Centre can begin to be realised through the development of the Morwell Activity Centre Plan.
- The draft Morwell Activity Centre Plan (the Plan – see Attachment 1) and associated background reports (see Attachment 2-7) have been prepared by Council officers. All previous strategic work undertaken for Morwell, including the *Future Morwell Revitalisation Plan*, has been reviewed and appropriately consolidated into the Plan as appropriately consolidated into the Plan where appropriate.



- The Plan aims to establish an agreed vision for the commercial centre of Morwell and is intended to provide a framework within which change is proposed to occur over the next 15+ years.
- The Plan seeks to address long term ambitions for Morwell's growth and sustainability as well as supporting its reactivation by removing unnecessary planning permit triggers to assist business activity and the ongoing coordinated development of the commercial centre.
- The Plan will form the basis for future decision making as it relates to planning design matters in Morwell by way of introducing new local planning policy and zone and overlay controls into the Latrobe Planning Scheme; providing greater certainty for all stakeholders in the delivery of a preferred outcome for the centre.
- The first step in implementing the recommendations made by the Plan is to rezone the current Commercial 1 Zoned and the majority of the Mixed Use Zoned land within the Morwell Primary Activity Centre to an Activity Centre Zone via a Planning Scheme Amendment.
- The Activity Centre Zone seeks to simplify zone and overlay controls within activity centres (usually town centres) which tend to be complex urban environments. The Activity Centre Zone combines both zoning and built form controls and allows for these to be targeted to the requirements of different Precincts within the Activity Centre.
- To date the community and stakeholders have been key in the development of the project. If the Plan is to be successful it will need their ongoing support. The final draft Plan and Background Reports should be placed on public exhibition (as part of a planning scheme amendment process) to allow for further input before the plan is finalised and incorporated into the Latrobe Planning Scheme.

**Background:**

The Morwell Primary Activity Centre is identified as a sub-regional retail centre within the Latrobe Planning Scheme and is the last of the four main towns to have an activity centre prepared.

The need to undertake activity centre planning for Morwell has been identified as further strategic work within the Latrobe Planning Scheme for a number of years. More recently the Latrobe City Retail Strategy, which was completed in 2019, identified as part of the implementation plan, that to support the viability of Latrobe City's larger retail centres, Council should prepare and implement an activity centre plan for Morwell.

To date a large amount of strategic work has been completed for Morwell with regards to urban design/renewal, transport and car parking. Most recently, the Future Morwell Revitalisation Plan (2017) which has been vital in informing the development of the Plan. The Plan does not seek to 'reinvent the wheel', instead, it has sought to review, consolidate and update strategies pertaining to the Morwell Activity Centre, along with the identification of additional work to establish a contemporary vision that will guide and support the development of Morwell into the future.

The project commenced in 2020 and was developed in the following phases:

**Phase 1** - Research, data collection and review and analysis of background information.

**Phase 2** – Develop a suite of background reports:

- Planning Context Report;
- Urban Design and Built Form Discussion Paper and Report (Hansen Partnership P/L);
- Transport Assessment and Parking Plan (Movement & Place Consulting);
- Economics Assessment; and
- Community Infrastructure Assessment.

**Phase 3** - Development of the Activity Centre Plan.

The Plan's vision forms the basis of a framework which outlines key policy directions and important physical outcomes as they relate to the following:

1. Land use and activity;
2. Built form and development;
3. Landscape and public realm; and
4. Access and movement

The Plan also outlines a series of urban design guidelines to support the built form strategies.

The Plan aims to guide the major changes that together can achieve economic, social and environmental objectives for the centre.

#### *Proposed Planning Scheme Amendment*

It is proposed to implement the strategic directions set out within the Plan into the Latrobe Planning Scheme via a planning scheme amendment. The planning scheme amendment is proposed to include:

- Introduction of local policy to achieve the strategic directions for the Morwell Activity Centre.
- Introduction of a Schedule 2 to the Activity Centre Zone (Morwell Activity Centre) into the Latrobe Planning Scheme.
- Rezoning Commercial 1 Zoned land within the MAC to the Activity Centre Zone Schedule 2. • Rezoning of a small portion of land from residential to Activity Centre Zone Schedule 2.
- Rezoning the majority of Mixed Use Zoned land within the MAC to Activity Centre Zone Schedule 2
- Introduction of a Schedule 2 to the remainder of Mixed Use Zone within the activity centre.
- Applying the Environmental Audit Overlay to sites identified as potentially contaminated.
- Correcting zone anomalies (split zoned/and or errors).
- Introduction of the Plan and background reports as Background Documents to the Latrobe Planning Scheme.

The draft plan and background reports have been included as confidential attachments and are proposed to be released for exhibition during the planning scheme amendment process. This has been the standard approach used for strategic planning projects such as Live Work Latrobe, Traralgon Activity Centre Plan, Morwell-Traralgon Employment Corridor Investment Masterplan, Retail Strategy and the Toongabbie Structure Plan.

It is proposed that formal exhibition of the amendment would take place in June/July 2022.

**Issues:***Strategy Implications*

This report aligns with the following strategies of the Council Plan:

*Smart*

- Support reactivation of the local economy and deliver support to the start-up ecosystem through delivery of Council's economic development program.

*Creative:*

- Prioritise a range of public space improvements across the municipality.
- Improve the amenity and presentation of Latrobe City's town entrances, activity centres and public spaces through signage, art and plantings and greening of the City.

*Healthy:*

- Increase accessibility to utilise our green spaces and facilities to connect community and achieve positive health and wellbeing outcomes.
- Ensure a wholistic approach to community safety in the planning and development of infrastructure, and the delivery of service to our community.

*Sustainable:*

- Invest in increased urban greening initiatives and increasing the City's tree canopy in appropriate sites using appropriate species in built up areas for improved amenity and reduced heat stress.

*Connected:*

- Facilitate appropriate urban growth, industry diversification, liveability and connectivity throughout Latrobe City.

*Communication*

During Phase 2 of the project, consultation was undertaken with internal and external stakeholders to assist with the development of the Plan.

The draft Plan and background documents have been referred internally for comments. In addition during the development of the Urban Design and Built Form Plan and the Transport Assessment and Parking Plan, consultation was undertaken with key stakeholders (both internally and externally) via two workshops. All feedback received to date has been incorporated onto the draft Plan as appropriate.

A presentation was made to Councillors on 12 April 2022, providing an update and overview of the project, proposed policy changes and next steps.

Amendment C137 is subject to the prescribed process in accordance with the public notice and consultation requirements of section 19 of the *Planning and Environment Act 1987* (Act).

An engagement plan will be developed to ensure appropriate engagement activities are undertaken for Amendment C137. This will include:

- Exhibition of Amendment C137 for a minimum of 1 calendar month;
- Documents available on Latrobe City Council's website
- Have Your Say page created;
- Letters / emails notifying affected owners and occupiers, agencies, public authorities and Ministers believed to be materially affected by Amendment C137 or prescribed under the Act;
- Notices in the Latrobe Valley Express
- Notice in the Government Gazette; and

- Drop in sessions/ 1:1 meetings with planning officers to be offered to all.

### *Financial Implications*

Amendment C137 will be undertaken with the Strategic Planning BAU budget for the 2021/2022 financial year. This includes costs associated with the Planning Panel (if required); this is estimated to be \$15,000 - \$20,000 based on previous similar amendments. The planning scheme approval fee is increased annually, but will be approximately \$500.

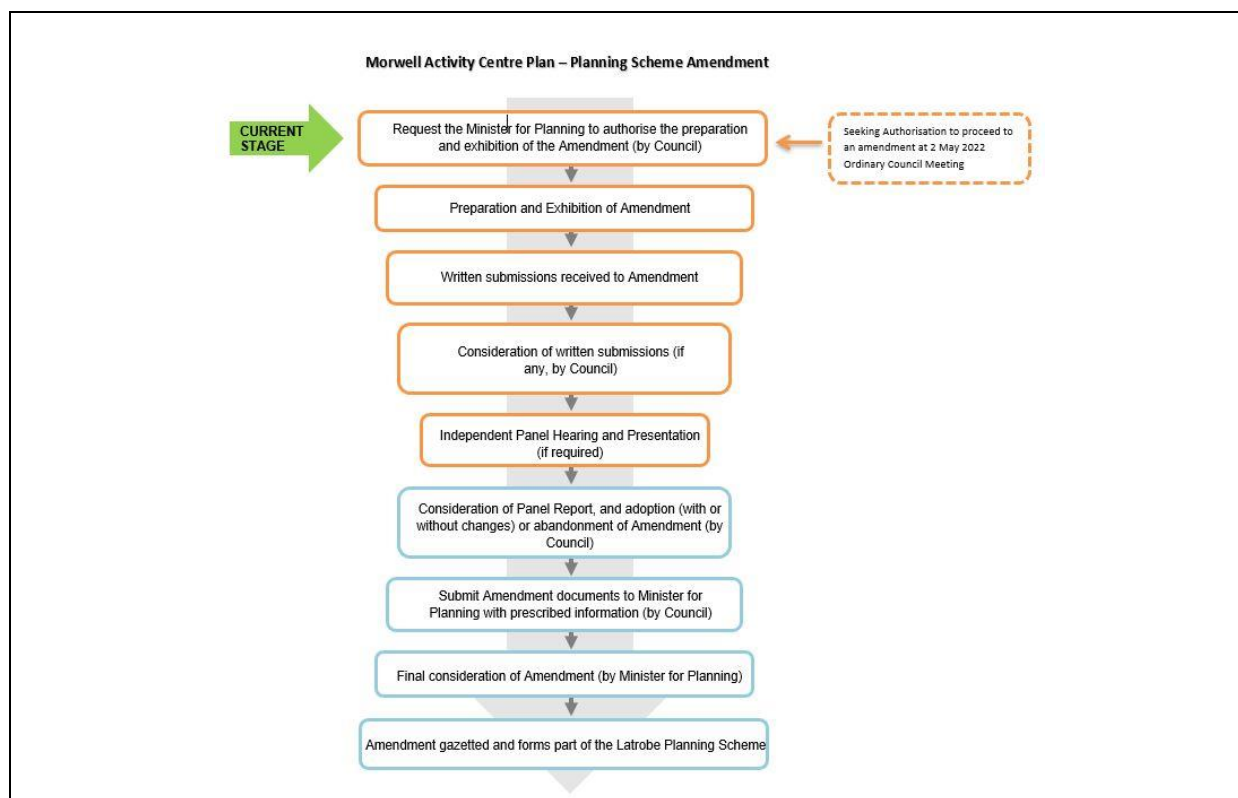
### *Risk Analysis*

Identified risk	Risk likelihood*	Controls to manage risk
Reputational Risk Notice of the proposed Planning Scheme Amendment not received by all landowners.	3 (Possible)	Development of an engagement strategy to ensure notice of the Planning Scheme Amendment is given to all relevant parties.

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

### *Legal and Compliance*

The planning scheme amendment process is shown in in Figure 1 below, which identifies the current stage Amendment C137 is at in the process:



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*Figure 1 – Amendment C137 Planning Scheme Amendment Process*

In accordance with section 8A of the Act, the Minister for Planning may authorise Council to prepare an amendment to State and local provisions of the Latrobe Planning Scheme.

Council, as the planning authority, has a number of duties and powers, which are listed at section 12 of the Act. Under section 12(2), in preparing a planning scheme amendment, Council must have regard to:

- The Minister's directions;
- The Victoria Planning Provisions;
- Any strategic plan, policy statement, code or guideline which forms part of 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 in the planning scheme amendment.
- Any social and economic effects.

Council has had regard to section 12(2) of the Act and considers Amendment C137 to be consistent with these requirements.

In addition each amendment must address the Department of Planning and Community Development (DPCD) publication *Strategic Assessment Guidelines for Planning Scheme Amendments, be consistent with the Planning Policy Framework and Municipal Strategic Statement (MSS)*. A response to these guidelines and assessment against policy is outlined in the attached Explanatory Report, (see Attachment 8).

*Community Implications*

The Plan is expected to have a positive social impact by improving the range of commercial, employment and housing opportunities available in the centre of Morwell. It promotes healthy lifestyle options and could reduce social isolation by increasing social interaction through increased foot traffic and increased public events/activities.

The Plan will assist in promoting economic growth by stimulating private and public investment in Morwell, increasing competitiveness in the retail environment and providing a range of direct and indirect employment opportunities.

The Plan will facilitate improvements to the public realm and access to public transport increasing pedestrian permeability and passive surveillance within the activity centre by offering more diverse housing, shopping, employment and recreational opportunities.

### *Health Implications*

The amendment is expected to have a positive social impact by improving the range of commercial, employment and housing opportunities available in the centre. It promotes healthy lifestyle options and could reduce social isolation by increasing social interaction through increased foot traffic and increased public events/activities.

### *Environmental Implications*

All known environmental implications have been identified through the preparation of the Planning Context Report (including potentially contaminated land within the study area).

The Plan and subsequent amendment will give statutory effect to the environmentally sustainable design objectives relating to new development. The amendment will assist in improving the built environment by ensuring integrated development that incorporates high quality design and energy efficiency within the centre. It will also increase active transport by facilitating greater walkability and better public transport access reducing the reliance on automobiles.

### **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*.

### **Supporting Documents:**

Nil

### **Attachments**

#### 1. Attachment 1 - Draft Morwell Activity Centre Plan (Published Separately)

This attachment is designated as confidential under subsection (c) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to land use planning information, being information that if prematurely released is likely to encourage speculation in land values. Attachments will be released to the public as part of a future planning scheme amendment process

#### 2. Attachment 2 - Draft MACP Planning Context Report (Published Separately)

This attachment is designated as confidential under subsection (c) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to land use planning information, being information that if prematurely released is likely to encourage speculation in land values. Attachments will be released to the public as part of a future planning scheme amendment process

#### 3. Attachment 3 - Draft MACP Economic Report (Published Separately)

This attachment is designated as confidential under subsection (c) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to land use planning information, being information that if prematurely released is likely to encourage speculation in land values. Attachments will be released to the public as part of a future planning scheme amendment process

4. Attachment 4 - Draft MACP Infrastructure Assessment (Published Separately)

This attachment is designated as confidential under subsection (c) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to land use planning information, being information that if prematurely released is likely to encourage speculation in land values. Attachments will be released to the public as part of a future planning scheme amendment process

5. Attachment 5 - Draft MACP Urban Design and Built Form Discussion Paper (Published Separately)

This attachment is designated as confidential under subsection (c) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to land use planning information, being information that if prematurely released is likely to encourage speculation in land values. Attachments will be released to the public as part of a future planning scheme amendment process

6. Attachment 6 - Draft MACP Urban Design and Built Form Plan (Published Separately)

This attachment is designated as confidential under subsection (c) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to land use planning information, being information that if prematurely released is likely to encourage speculation in land values. Attachments will be released to the public as part of a future planning scheme amendment process

7. Attachment 7 - Draft MACP Traffic Assessment and Car Parking Plan (Published Separately)

This attachment is designated as confidential under subsection (c) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to land use planning information, being information that if prematurely released is likely to encourage speculation in land values. Attachments will be released to the public as part of a future planning scheme amendment process

8. Attachment 8 - Amendment C137 Explanatory Report (Published Separately)

This attachment is designated as confidential under subsection (c) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to land use planning information, being information that if prematurely released is likely to encourage speculation in land values. Attachments will be released to the public as part of a future planning scheme amendment process



# **COMMUNITY HEALTH AND WELLBEING**

## **15. COMMUNITY HEALTH AND WELLBEING**

**Agenda Item: 15.1**

**Agenda Item: 2021/2022 Latrobe City Community Grants and  
Sponsorship Program Round Two -  
Recommendations**

**Sponsor: General Manager, Community Health and Wellbeing**

**Council Plan Objective: CONNECTED**

**Status: For Decision**

**Proposed Resolution:**

**That Council:**

- 1. Approves 72 applications in the amounts stated as set out in the Attachment A and releases publicly a list of the successful applicants – 2021/22 Community Grants Program - Final Recommendations in the Community Wellbeing, Community Events Minor, Community Events Major, Minor Equipment and Minor Capital Works categories of the 2021/22 Community Grants Program, Round Two;**
- 2. Approves one application in the amount stated as set out in in the Attachment B and releases publicly a list of the successful applicants – 2021/22 Community Sponsorship Program – Final Recommendations – in the Community Sponsorship Major category of the Community Sponsorship Program, Round Two;**
- 3. Notes the unsuccessful applications as set out in Attachment C – 2021/22 Community Grants Program – Unsuccessful Applications – in the Community Wellbeing, Community Events Minor, Community Events Major, Minor Equipment and Minor Capital Works categories of the 2021/22 Community Grants Program, Round Two;**
- 4. Notes the unsuccessful applications as set out in Attachment D – 2021/22 Community Sponsorship Program – Unsuccessful Application – in the Community Sponsorship Major category of the Community Sponsorship Program, Round Two; and**
- 5. Approves six applications in the amounts stated as set out in the Attachment E and releases publicly a list of the successful applicants – 2021/22 Community Grants Program - Final Recommendations – Conflict of Interest in the Community Minor Equipment categories of the**

**2021/22 Community Grants Program, Round Two; and**

- 6. Endorses Latrobe City Council being a category sponsor for the 2022 Federation University Gippsland Business Awards and provides financial support of \$3,300 (plus gst).**

**Executive Summary:**

- Applications for round two of the 2021/22 Community Grants and Sponsorship Programs were accepted from 4 January to 28 January 2022 for the following program categories: Minor Capital Works, Minor Equipment, Community Wellbeing, Community Events Minor, Community Events Significant and Community Sponsorship Major.
- Council received 116 applications. 73 applications have been recommended for funding. The total amount of funding applied for in the Community Grants Program was \$500,226.31. The total amount of funding applied for in the Community Sponsorship Program was \$40,000.00.
- The total budget for round two of the Community Grants Program is \$279,000. The total Budget for the Community Sponsorship Program is \$25,000.00.
- Assessment meetings were held with Councillors. The assessment panel comments were provided to Councillors to assist in making a final funding decision. Total funding recommended for the Community Grants Program is \$304,750.53 and the total amount of funding recommended for the Community Sponsorship program is \$20,000.00.
- The final remaining residual funds have been utilised from the Community Support and Recovery Package to cover the shortfall in funding of this round of grants, which was provided to aid the recovery of community groups after the COVID-19 pandemic.
- At the Ordinary Council meeting on 6 July 2020, Council adopted changes to how we provide sponsorship to economic development initiatives including the Economic Development Fund and Council's sponsorship of business-related events.
- Latrobe City Council has been long-standing sponsor of specific business-related events. To ensure greater transparency and broader understanding of these events and why Council sponsor them, this report has been prepared for Councillors consideration in deciding whether to support this application for sponsorship for the Federation University Gippsland Business Awards at the next Ordinary Council meeting. The financial request for sponsorship is for \$3,300.00 (plus GST)
- It is the officer's recommendation that Council continue to sponsor the Federation University Gippsland Business Awards. Given the ongoing

impacts of the COVID19 pandemic on the small business community, events such as the Awards are important to bring the community together to recognise, acknowledge and celebrate the service provided by our local businesses. As a category sponsor, Council will be at the forefront of this support and acknowledgement.

**Background:**

The Community Grants and Sponsorship Programs represent a significant contribution by Latrobe City Council to local projects. Grant funding is a way of acknowledging the contribution that individuals and groups make to the Latrobe City community life.

Applications for the 2021/22 Community Grants and Sponsorship Programs were accepted from 4 January to 28 January 2022 for the following program categories, Minor Capital Works, Minor Equipment, Community Wellbeing, Community Events Minor, Community Events Significant and Community Sponsorship Major.

The total annual budget for the Community Grants Program is \$514,000. The budget is divided into each program category:

- \$340,000 - Minor Capital Works
- \$30,000 - Minor Equipment
- \$39,000 - Community Wellbeing
- \$40,000 - Community Events Minor
- \$65,000 - Community Events Significant

The total budget for round two of the Community Grants Program is \$279,000. The budget is divided into each program category:

- \$140,000 - Minor Capital Works
- \$30,000 - Minor Equipment
- \$19,000 - Community Wellbeing
- \$40,000 - Community Events Minor
- \$25,000 - Community Events Significant

The total annual budget for Community Sponsorship Program is \$105,000. The budget is divided into each program category:

- \$70,000 - Community Sponsorship Major
- \$35,000 - Community Sponsorship Minor

The round two budget for Community Sponsorship Major is \$25,000. There were two applications for Community Sponsorship Minor.

Applications were assessed against a list of criteria that was provided to the applicants in each of the Community Grants and Sponsorship Program Guidelines. The following criteria was used for each program:

- The applicant's capacity of delivering the project - This includes any quotes, budget information and plans in support of the application. (30%)
- The application addresses a community need and describes how the community will benefit from the project/activity. (30%)
- The application demonstrates other contributions e.g. monetary, voluntary services or in-kind support as part of the proposal. (25%)
- The application is consistent with the Council Plan, Municipal Public Health and Wellbeing plan and other strategic documents. (15%)

Using the assessment criteria, panel members completed an individual assessment. The individual assessment comments and scoring was collated to provide overall commentary and a total assessment score for each application. These comments and scores formed the basis for discussion and forming of a final recommendation for each application.

In some cases, applications have been recommended for Part Funding or had additional funding conditions applied. Funding conditions will be supplementary to the Funding Agreement and compliance will be required to achieve a successful acquittal. Some applications have been identified as Ineligible due to outstanding acquittals from previous funding rounds.

The panel recommendations were then reviewed by Councillors to develop a final recommendation. Ward Councillors attended an assessment meeting with Council Officers.

### **Minor Capital Works Grant**

Financial assistance provided to community groups who wish to develop community facilities for accessibility improvements, renovations, repairs and built in or fixed equipment purchases.

There is \$140,000 available for round two of the Minor Capital Works Grant program in 2021/22.

Applications	Number of Applications	Total Funding
<b>Received</b>	49	\$ 306,128.66
<b>Recommended</b> (includes part funding)	30	\$194,858.03

<b>Not Recommended</b>	6	\$28,356.00
<b>Ineligible</b>	13	\$78,517.63

### **Minor Equipment**

Financial assistance provided to community groups who wish to purchase non fixed equipment.

There is \$30,000 available for round two of the Minor Equipment Grant program in 2021/22.

<b>Applications</b>	<b>Number of Applications</b>	<b>Total Funding</b>
<b>Received</b>	32	\$54,573.65
<b>Recommended</b> (includes part funding)	23	\$35,449.50
<b>Not Recommended</b>	3	\$54,000.00
<b>Ineligible</b>	6	\$9,955.00

### **Community Wellbeing**

Community Wellbeing grants are to provide assistance to community groups for a broad range of community development programs, services, and activities.

There is \$19,000 available for round two of the Community Wellbeing Grant program in 2021/22.

<b>Applications</b>	<b>Number of Applications</b>	<b>Total Funding</b>
<b>Received</b>	13	\$24,074.00
<b>Recommended</b> (includes part funding)	3	\$4,943.00
<b>Not Recommended</b>	4	\$8,000.00
<b>Ineligible</b>	6	\$11,131.00

### **Community Events Minor**

Assistance to conduct conferences, deliver special events of significance or to develop an existing event. Events must include local and regional participation. This could include carnivals, festivals and cultural events.

There is \$40,000 available for round two of the Community Events Minor Grant program in 2021/22.

Applications	Number of Applications	Total Funding
<b>Received</b>	11	\$34,950.00
<b>Recommended</b> (includes part funding)	6	\$19,500.00
<b>Not Recommended</b>	3	\$5,250.00
<b>Ineligible</b>	2	\$2,700.00

### Community Events Significant

Assistance to conduct larger conferences, deliver special events of significance or to develop an existing event. Events must include local and regional participation. This could include carnivals, festivals, and cultural events.

There is \$25,000 available for round two of the Community Events Significant Grant program in 2021/22.

Applications	Number of Applications	Total Funding
<b>Received</b>	9	\$80,500.00
<b>Recommended</b> (includes part funding)	9	\$50,000.00
<b>Not Recommended</b>	-	\$-
<b>Ineligible</b>	-	\$-

### Community Sponsorship Major

Community Sponsorship provides assistance to community groups for a broad range of community programs, services, and activities.

There is \$25,000 available for round two of the Community Sponsorship Major program in 2021/22.

Applications	Number of Applications	Total Funding
<b>Received</b>	2	\$40,000.00
<b>Recommended</b> (includes part funding)	1	\$20,000.00
<b>Not Recommended</b>	1	\$20,000.00

### Recommendations by Ward – Community Grants and Sponsorship

Ward	Recommended Amount
<b>Central</b>	\$105,741.99
<b>East</b>	\$102,187.85
<b>South</b>	\$54,260.00
<b>West</b>	\$42,560.53
<b>TOTAL</b>	<b>\$304,750.53</b>

### The Federation University Gippsland Business Awards – Sponsorship Request

The Federation University Gippsland Business Awards are the pinnacle business awards in our region, providing a unique opportunity to showcase the successful endeavours of Gippsland Businesses. Federation University have contacted Latrobe City Council requesting sponsorship (see attached letter).

For over 23 years the Gippsland Business Awards have been celebrating the achievements of local businesses, encouraging business operators to promote their success and to continue to grow and develop. The Federation University Gippsland Business Awards committee aim to celebrate the many success stories from throughout Gippsland that need to be shared and promoted to further encourage economic activity, investment and development.

After two very challenging years, it is critical that we continue to be seen to be supporting business in Gippsland. The grant application is seeking sponsorship funding of \$3,300, for Latrobe City Council to continue to be a category sponsor for the program. The category has not been allocated for sponsorship, this will be allocated upon agreeing to sponsorship.



**Sponsor Benefits include:**

- Being recognised at all Federation University Gippsland Business Awards events, including the Program Launch, Finalist Breakfast and Gala Award Presentation Dinner
- Two complimentary tickets to the Gala Award Presentation Dinner
- An invitation to the Telstra Federation University Gippsland Business Awards Finalist Breakfast
- High profile coverage at the Awards Presentation evening through:
  - Inclusion of your company profile and logo in the Order of Proceedings booklet
  - Inclusion of your logo displayed on screens during the evening.
  - Promotion of your Company logo on Federation University Gippsland Business Awards website as well as a link back to your company's website
- Being part of the television campaign for your sponsored category
- Being mentioned in press releases distributed throughout Gippsland
- Your company logo being included in television advertising pre and post event
- High profile coverage at the Awards Presentation evening through
  - The opportunity to present the award of your sponsored category
  - The opportunity to meet all finalists in your sponsored category at the Gala evening

The Council objectives which are being met by the Gippsland Business Awards are:

- Recognise, protect and promote the region's competitive advantages;
- Support existing industries
- Identify and Encourage new economic opportunities

The local business community has been negatively impacted over the last two years due to the Covid pandemic. The Gippsland Business Awards are viewed as uplifting and positive, bringing the community together to recognise, acknowledge and celebrate the service provided by our local businesses. As a category sponsor, Council will be at the forefront of this support and acknowledgement.

## **Issues:**

### *Strategy Implications*

Council strategic objective three of the Council Plan aims to improve the liveability and connectedness of Latrobe City.

### **SMART**

Continue to support our existing business community so they can prosper and grow.

### *Communication*

Following a decision from Council, applicants will be notified of their grant outcome by Wednesday 11 May 2022. Successful applicants will be provided an offer of funding and will be asked to enter into a Funding Agreement. Funding Agreements will be required to be completed and returned by Wednesday 29 June 2022.

Unsuccessful applicants will be provided with feedback and supported to prepare future submissions where possible.

A media release will be developed, promoting Council's financial contribution to community projects, demonstrating community support.

General communication has occurred between the Business Development Team and the Project Manager for the events, during the process of the application being submitted.

### *Financial Implications*

If the recommendations are endorsed, 72 Community Grant applications will be supported with a recommended total value of \$304,750.53 and one Community Sponsorship applications will be supported with a recommended total value of \$20,000.00.

Residual funds have been utilised from the Community Support and Recovery Package to fund the Minor Capital Works.

As a long-standing sponsor of the Awards, there is an allocation of \$3,300 in the 2022/2023 Business Development budget to cover the cost of funding this application.

### *Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<b>Financial Risk</b> Misuse of Council Funding	Unlikely	Acquittal and accountability process as set out in the Grants Governance Policy.

<p><b>Reputational Risk</b></p> <p>Should Council determine not to continue sponsoring this event.</p>	<p>Likely</p>	<p>There would be a negative impact should Council decide not to sponsor the Gippsland Business Awards. This could be managed by having detailed correspondence with the committee, with clear transparency as to why the decision not to sponsor the awards was made.</p>
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\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

The Grants Governance Policy (the Policy) addresses standardised governance arrangements for the conditions and management of Council's outgoing grants.

The Policy assists Councillors and Council employees to achieve consistency in the governance of the grants when developing, assessing, monitoring, acquitting and evaluating applications. Applicants have been assessed in line with the Policy

#### *Legal and Compliance*

Applications received as part of the 2021/22 funding round have been received and assessed against the grant program guidelines and Grant Governance Policy.

Assessments were completed by Subject Matter Expert staff from across the organisation who have formed funding recommendations to be considered by Council.

#### *Community Implications*

The community implications will vary on whether an application is successful or not. Officers will endeavour to minimise the negative community implications by working with the unsuccessful applicants to amend their applications to resubmit in round one of the 2022/23 Community Grant and Sponsorship Programs.

Should Council decide not to sponsor the Awards, there may be an impact on the ability of the organisers to conduct this event successfully (e.g. ability to cover all of the costs).

#### *Environmental Implications*

There are no environmental implications expected as an outcome of providing funding. Some projects support improved environmental sustainability at a minor local level.

### *Consultation*

Whilst the Community Grants and Sponsorships Programs were open, staff were available to provide one on one support to applicants to prepare a submission.

Public information sessions were held in online to provide applicants with an overview of the program and the requirements for completing a submission.

Consultation with the Project Manager for the Gippsland Business Awards took place prior to this report being drafted. The nature of this conversation was to advise on the new procedure for Sponsorship Grants being approved and provide information on the grant application form.

### **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 2020*.

### **Supporting Documents:**

2021/22 Community Grant Program Guidelines

2021/22 Community Sponsorship Program Guidelines

### **Attachments**

1. Attachment A - 2021/22 Community Grants Program Round Two Final Recommendations (Published Separately)

This attachment is designated as confidential under subsection (h) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

2. Attachment B - 2021/22 Community Sponsorship Program Round Two Final Recommendations (Published Separately)

This attachment is designated as confidential under subsection (h) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

3. Attachment C - 2021/22 Community Grants Program Round Two - Unsuccessful Applications (Published Separately)

This attachment is designated as confidential under subsection (h) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

4. Attachment D - 2021/22 Community Sponsorship Program Round Two - Unsuccessful Applications (Published Separately)

This attachment is designated as confidential under subsection (h) of the definition of

confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

5. Attachment E - 2021/22 Community Grants Program Round Two - Conflicts of Interests (Published Separately)

This attachment is designated as confidential under subsection (h) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

6. Attachment F - Letter from GBA committee requesting sponsorship. (Published Separately)

This attachment is designated as confidential under subsection (h) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

# **ORGANISATIONAL PERFORMANCE**

**16. ORGANISATIONAL PERFORMANCE****Agenda Item: 16.1****Agenda Item: Proposed Sale of Land - 9 Atherley Close, Traralgon****Sponsor: General Manager, Organisational Performance****Council Plan Objective: SUSTAINABLE****Status: For Decision****Proposed Resolution:****That Council:**

- 1. Gives public notice of the proposed sale of an estimated 195 square metres strip of vacant land (“the land”) within a Council reserve abutting 9 Atherley Close, Traralgon, by private treaty, and invites public comment on the proposal; and**
- 2. Considers any submissions received that are opposed to the proposed sale of the land at a future Council Meeting; or**
- 3. If no submissions opposed to the sale of the land are received, authorises the Chief Executive Officer to sell the land at no less than the current market value as assessed by independent valuation and to sign and seal any documents required to facilitate the transfer of land.**

**Executive Summary:**

- The owner (“the applicant”) of 9 Atherley Close, Traralgon (Attachment 1) has made an application to purchase part of the reserve abutting their property with the intent to extend their garden.
- The strip of land that the applicant proposes to acquire is vacant and is an estimated 195 square metres in size (Attachment 2).
- After internal referral and review, the proposed sale of the land is considered reasonable as the land is not required for current Council community purposes.
- Should Council decide to sell the land, it will be necessary for public notice to be given inviting comment on the proposal in accordance with the *Local Government Act 2020*.



**Background:**

Council has received a request from the owner of 9 Atherley Close, Traralgon (Attachment 1) to acquire part of the Council reserve, measuring approximately 195 square metres abutting their property (Attachment 2).

The land has been a Council reserve for some time as it was a known parcel that could be developed if the neighbouring Shakespeare Street required widening.

This land is described as part of Lot 1 on PS 311583N being the land contained in Certificate of Title Volume 10099 Folio 205.

As the land is currently zoned Neighbourhood Residential Zone (NRZ1) it will not present an issue or trigger the need for the land to be rezoned to consolidate with Lot 8 PS 323158 (9 Atherley Close, Traralgon). It should be noted a decision was made by the applicant to not attempt to acquire any additional square metres as this would trigger a rezoning process and a more complicated acquisition.

After internal referral and review, the proposed sale of the land is considered reasonable as the land is not required for current Council community purposes in the foreseeable future.

**Issues:***Strategy Implications*

Ensure Council operates openly, transparently and responsibly.

*Communication*

Should Council proceed with the process to sell this land it will be necessary for public notice to be given inviting comment on the proposal in accordance with the *Local Government Act 2020*.

As part of the application process all abutting and adjacent owners of the proposal have been notified and the applicant has provided a statutory declaration as part of their application confirming that this has been done.

*Financial Implications*

In accordance with section 114 of the *Local Government Act 2020* the land would be sold based upon an independent valuation that would be obtained by Council.

The applicant has agreed to meet all reasonable costs associated with the proposal including survey and legal fees.

*Risk Analysis*

There are not considered to be any risks associated with the proposed sale of land.

### *Legal and Compliance*

Section 114 of the *Local Government Act 2020* details the requirements for the sale or exchange of land as follows:

- Council must publish a notice of intention to sell land at least four weeks prior to the sale on Councils website.
- Council must undertake a community engagement process in accordance with its community engagement policy.
- Council must obtain an independent valuation from a licensed valuer not more than six months prior to the sale or exchange.

### *Community Implications*

There are not considered to be any community implications associated with the proposed sale of land.

### *Environmental Implications*

As there are sewerage assets contained within part of the land, these will likely need to be protected by an easement in favour of Gippsland Water.

### *Consultation*

Should the proposed sale of land proceed, public notice will be given in accordance with section 114 of the *Local Government Act 2020* and any submissions that are received would be considered at a future Council meeting.

As part of the statutory process that is to be undertaken, the proposed sale of land will be referred to Gippsland Water for clarification of any requirements that may have with regard to any assets contained within the land.

### *Other*

There are no other known issues identified.

### **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 2020*.

### **Supporting Documents:**

Nil

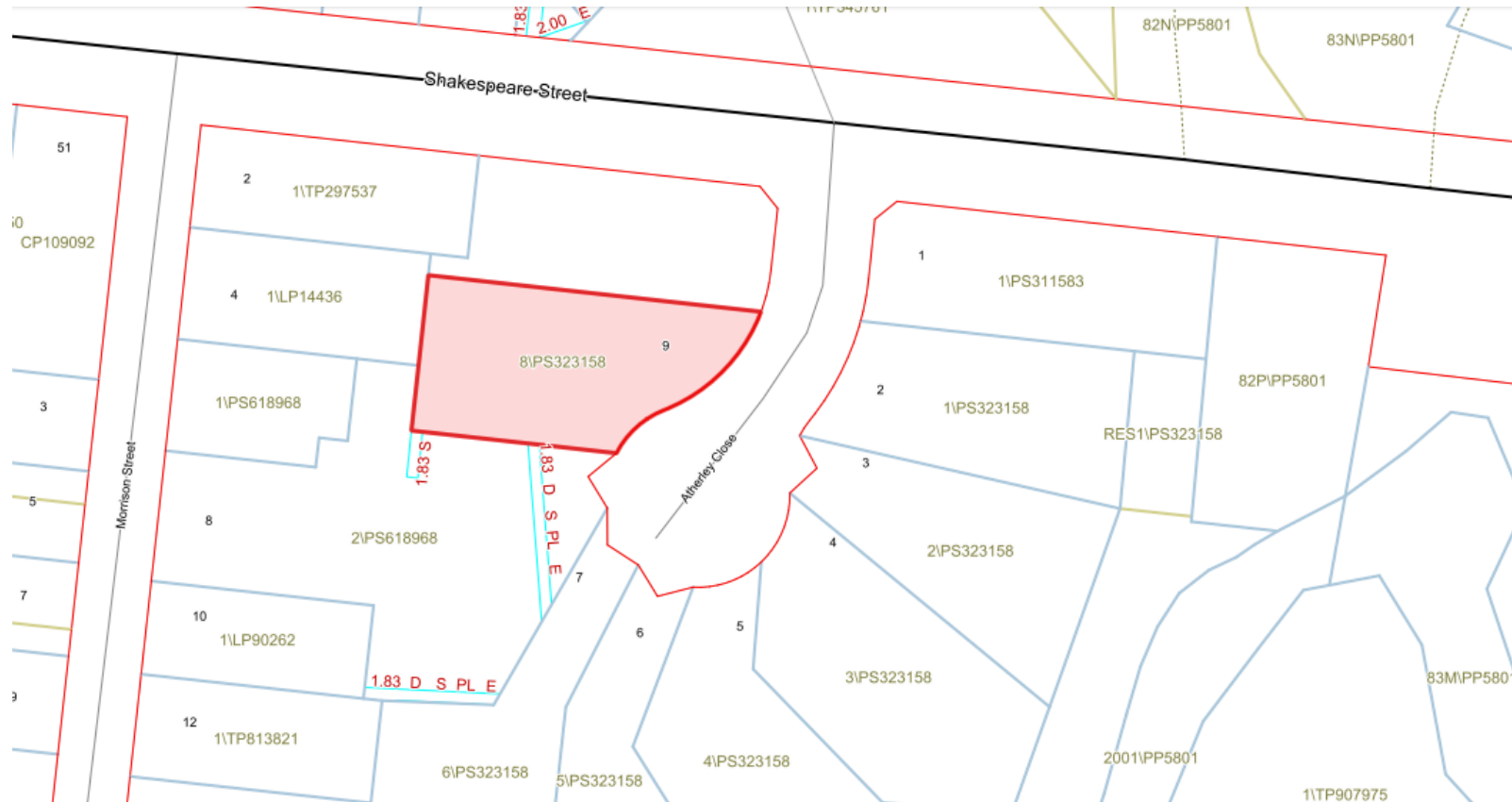
### **Attachments**

1.  9 Atherley Close, Traralgon
2.  Vacant land

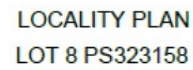
## **16.1**

### **Proposed Sale of Land - 9 Atherley Close, Traralgon**

- |          |  |            |
|----------|--|------------|
| <b>1</b> | <b>9 Atherley Close, Traralgon .....</b> | <b>245</b> |
| <b>2</b> | <b>Vacant land.....</b>                  | <b>246</b> |



**Above:** Subject property 9 Atherley Close, Traralgon



- Proposal to purchase 4m of land from Lot 1 PS311583 currently zoned Neighbourhood Residential Zone and consolidate with existing Lot 8 POS323158.
- Land area approx 195m<sup>2</sup>

RESIDENTIAL GROWTH ZONE (RGZ2)  
NEIGHBOURHOOD RESIDENTIAL ZONE (NRZ1)  
TRANSPORT ZONE 2 (TRZ2)



~~NBAgroup~~



1	Issued for comment	04.03.202
No.	Revision Description	Date



PROPOSED SUBD  
VEF  
9 Atherley Close, T  
LATROBE CITY C

**Agenda Item: 16.2****Agenda Item: Proposed Sale of Land - 60 Lafayette Street, Traralgon****Sponsor: General Manager, Organisational Performance****Council Plan Objective: SUSTAINABLE****Status: For Decision****Proposed Resolution:****That Council:**

- 1. Gives public notice of the proposed sale of an estimated 80 square metres of road reserve (“the land”) within part of the driveway at 60 Lafayette Street, Traralgon by private treaty, and invites public comment on the proposal; and**
- 2. Considers any submissions received that are opposed to the proposed sale of the land at a future Council Meeting; or**
- 3. If no submissions opposed to the sale of the land are received, authorises the Chief Executive Officer to sell the land at no less than the current market value as assessed by independent valuation and to sign and seal any documents required to facilitate the transfer of land.**

**Executive Summary:**

- The owner (“the applicant”) of 60 Lafayette Street, Traralgon has established that part of their driveway is a road reserve and has therefore made an application to acquire the section of the road reserve fenced into their property.
- The land that the applicant proposes to acquire is used as the property driveway and is an estimated 80 square metres in size (land shown in blue outline in Attachment 1).
- After internal referral and review, the proposed sale of the land is considered reasonable as the land is not required for current Council community purposes. Effectively this sale would re-align the residential site boundary correctly.
- It will be necessary for Council to undertake the statutory process to discontinue this section of the road reserve pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989* (this part of the *Local Government Act 1989* remains in force until further notice).
- Should Council decide to proceed with the discontinuance and sale of the



land, it will be necessary for public notice to be given inviting comment on the proposal in accordance with the *Local Government Act 2020*.

**Background:**

Council has received a request from the owner of 60 Lafayette Street, Traralgon to acquire part of a road reserve, measuring approximately 80 square metres (outlined in blue on Attachment 1).

This road reserve is the balance of an appurtenant easement of carriageway that was originally created on LP 17805 in 1947 contained in Certificate of Title Volume 7096 Folio 135 that remains in the name of the original owner of the land, Marion Grace Henderson.

The applicant has therefore made an application to purchase this section of the road reserve fenced into their property. According to aerial imagery and current property boundaries it appears a small portion of the dwelling (within 3 metres) has been built into the road reserve.

After internal referral and review, the proposed sale of the land is considered reasonable as the land is not required for current Council community purposes in the foreseeable future.

**Issues:***Strategy Implications*

Ensure Council operates openly, transparently and responsibly.

*Communication*

Should Council proceed with the process to sell this land it will be necessary for public notice to be given inviting comment on the proposal in accordance with the *Local Government Act 2020*.

As part of the application process all abutting and adjacent owners of the proposal have been notified and the applicant has provided a statutory declaration as part of their application confirming that this has been done.

*Financial Implications*

In accordance with section 114 of the *Local Government Act 2020* the land would be sold based upon an independent valuation that would be obtained by Council.

The applicant has agreed to meet all reasonable costs associated with the proposal including survey and legal fees.

*Risk Analysis*

There are not considered to be any risks associated with the proposed sale of land.



### *Legal and Compliance*

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

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

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

Section 114 of the *Local Government Act 2020* details the requirements for the sale or exchange of land as follows:

- Council must publish a notice of intention to sell land at least four weeks prior to the sale on Councils website.
- Council must undertake a community engagement process in accordance with its community engagement policy.
- Council must obtain an independent valuation from a licensed valuer not more than six months prior to the sale or exchange.

### *Community Implications*

There are not considered to be any community implications associated with the proposed sale of land.

### *Environmental Implications*

As the road reserve has been incorporated into 60 Lafayette Street since its creation and there are no assets contained within the land there are no environment implications.

### *Consultation*

Should Council proceed with the proposed road discontinuance and sale of land by private treaty, public notice will be given in accordance with section 114 of the *Local Government Act 2020* and any submissions that are received would be considered at a future Council meeting.

### *Other*

There are no other known issues identified.

### **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 2020*.

**Supporting Documents:**

Nil

**Attachments**

1   60 Lafayette Street, Traralgon

## **16.2**

### **Proposed Sale of Land - 60 Lafayette Street, Traralgon**

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**Agenda Item: 16.3****Agenda Item: Quarterly Budget Report - March 2022****Sponsor: General Manager, Organisational Performance****Council Plan Objective: SUSTAINABLE****Status: For Information****Proposed Resolution:**

**That Council receives and notes the Quarterly Budget Report for the nine months ended 31 March 2022, prepared in accordance with the requirements of the Local Government Act 2020.**

**Executive Summary:**

- This report meets the requirements of the Local Government Act 2020 (the Act) to present a quarterly budget report to Council as soon as practicable after the end of each quarter of the financial year.
- The report shows that Council overall is operating within the parameters of its adopted budget with most variances relating to carry forward funds from the previous year and the timing of revenue and expenditure within the current financial year.
- The report forecasts a surplus result for the full financial year of \$5.6M which is a favourable variance of \$9.5M to the original budget. It is important to note that surplus amounts shown in the Income Statement are required to be generated to enable Council to invest in new assets and to upgrade and expand existing assets along with enabling Council to repay its borrowings.
- The forecasted surplus result in 2021/22 is largely generated by additional Government grants for capital works \$14.4M for which the associated expenditure is not included in the "Comprehensive Income Statement" but is reported directly to the balance sheet and is also reflected in the Statements of Cash Flow and Capital Works.
- The report is provided for Council's information.

**Background:**

Under Section 97 (1) of the Act, as soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public. This report ensures compliance with this legislative requirement.

The attached report as at 31 March 2022 is provided for the information of Council and the community. The financial report compares budgeted income and expenditure with actual results as at the end of the third quarter of the financial year. The key issues of note are:

- The “Comprehensive Income Statement” report forecasts a surplus result for the full financial year of \$5.6M which is a favourable variance of \$9.5M to the original budget. The forecasted surplus result is largely generated by additional Government grants for capital works \$14.4M. In accordance with the requirements of the Australian Accounting Standards the expenditure associated with these grants (i.e. Capital expenditure) is not included in the “Comprehensive Income Statement” but is reported directly to the balance sheet under the “Property, Infrastructure, Plant and Equipment” assets classification and is also reflected in the Statements of Cash Flow and Capital Works. This has been largely offset by increased expenditure as a result of funds carried forward from previous financial years.
- The “Balance Sheet” shows that Council maintains a strong liquidity position with \$122.9M in current assets compared to \$23.7M current liabilities (a liquidity ratio of 5.2:1).
- The “Statement of Cash Flows” shows that Council has \$98.6M in Cash and Financial assets (i.e. investments). The level is higher than anticipated due to carry forward funds from previous financial years including capital works, reserves funds and government grants advanced earlier than expected.
- The “Capital Works Statement” shows a forecast expenditure of \$53.1M compared to the budget of \$31.3M. The variance is mainly due to funds carried forward from 2020/21 and additional government funding received for various programs e.g. Landslip remediation, Regional Car Parks Fund and Local Roads and Community Infrastructure program.
- The “Financial Performance Ratios” indicate that Council remains within the industry expected ranges.

Further details on these and other items are provided in the attached report including year to date and full year forecast income and expenditure variances and explanations, balance sheet and cash flow movements to date, capital works expenditure to date and full year forecasts, together with the financial performance ratios as per the Local Government Performance Reporting Framework (LGPRF).

**Issues:**

*Strategy Implications*

Council has a legislative requirement to report quarterly to the community on the financial progression against budget to ensure that Council continues to act in a financially sustainable manner.

*Communication*

No consultation required.

*Financial Implications*

The attached report provides details of budget variances for the year to date and the forecasted full financial year. The result indicates that Council remains in a strong financial position and has sufficient funds to meet current and forecast financial commitments.

*Risk Analysis*

This report ensures legislative requirements are met and informs Council as to whether it is acting within the parameters of its Adopted Budget.

*Legal and Compliance*

This report meets the requirements of Section 97 of the Act.

*Community Implications*

Not applicable

*Environmental Implications*

Not applicable

*Consultation*

Not applicable

*Other*

Not applicable

**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*.

**Supporting Documents:**

2021/22 Annual Budget



**Attachments**

1 [↓](#).  Quarterly Budget Report - March 2022

## **16.3**

### **Quarterly Budget Report - March 2022**

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# Quarterly Budget Report

## March 2022



*In 2026 the Latrobe Valley is a liveable and sustainable region with collaborative and inclusive community leadership.*

# Quarterly Budget Report

## March 2022



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## **March 2022 Quarterly Budget Report Summary**

### **KEY ISSUES**

The attached report provides the overall outcomes to the end of the third quarter of the 2021/22 financial year together with forecasted year end results compared to budget. The key issues of note are:

- The "Income Statement" report forecasts a surplus result for the full financial year of \$5.6M which is a favourable variance of \$9.5M to the original budget.
- The "Balance Sheet" shows that Council maintains a strong liquidity position with \$122.9M in current assets compared to \$23.7M current liabilities (a liquidity ratio of 5.2:1).
- The "Statement of Cash Flows" shows that Council has \$98.6M in Cash and Financial assets (i.e. investments). The level is higher than anticipated due to carry forward funds from previous financial years including capital works, reserves funds and government grants advanced earlier than expected.
- The "Capital Works Statement" shows a forecast expenditure of \$53.1M compared to the budget of \$31.3M. The increase is mainly due to funds carried forward from 2020/21 and additional government funding received for various programs e.g. Landslip remediation, Regional Car Parks Fund and Local Roads and Community Infrastructure program.
- The "Financial Performance Ratios" indicate that Council remains within the industry expected ranges.

### **BACKGROUND**

Under the provisions of the *Local Government Act 2020 Section 97 (1) (the Act)*, As soon as practicable after the end of each quarter of the financial year, the Chief Executive Officer must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public.

### **INCOME STATEMENT ANALYSIS**

#### **Overview**

The surplus and deficit amounts shown in the budgeted Income Statement are largely a result of capital grants and non-cash items with depreciation expense increasing as a result of major new assets being commissioned and revaluation of existing assets. Ideally a surplus result would be generated to enable Council to invest in new assets and to upgrade and expand existing assets. They also enable Council to repay its borrowings. On a cash basis Council budgets for a break even result, with any cash remaining at year end required to meet current and future liabilities together with current commitments. Therefore any variances to budget in the operating result are generally caused by changes in levels of grants and monetary contributions for capital works, and expenditure that is funded from revenue that has been received in a previous financial year together with variances in non-cash items (e.g. depreciation). At the end of the 2020/21 financial year Council held \$110.7M in cash and other financial assets (i.e. cash based investments with a maturity term greater than 90 days) which was \$35.7M favourable to budget largely due to funds generated/received that had not yet been spent for ongoing projects and commitments.

The "Income Statement" report forecasts a surplus result for the full financial year of \$5.6M which is favourable variance of \$9.5M to the original budget. This result is due to a number of variances with a forecast increase in income of \$23.2M and additional expenditure of \$13.6M. The increased income is mainly a result of capital and operating grants largely due to unbudgeted grants announced after the budget was developed together with timing variances related to the recognition of funds that were budgeted in the 2020/21 financial year. The forecasted additional expenditure is primarily a result of funding carried forward relating to works funded but not completed in 2020/21 together with unbudgeted government grants to be received in 2021/22 including additional expenditure associated with Council's response to the June 2021 flood and storm event.

#### **Year to date**

The year to date result shows an operating position of \$34.370M surplus which is \$14.144M favourable to budget. The key items that make up this variance are as follows;

- Grants - Capital - (\$9.800M favourable) mainly related to a number of unbudgeted capital grants as a result of the timing of recognition of grants received in previous financial years and funding that was not known when the budget was developed. E.g. Regional Car Parks Fund \$2.179M, Local Roads and Community Infrastructure Program \$1.966M, Free Public Wifi Services program \$1.350M, Hazelwood South Reserve Change Pavilion \$0.974M and Gippsland Logistic Precinct and Intermodal Freight Terminal Project \$0.535M, Rehabilitation of Traralgon Railway Reserve Large Dam \$0.496M, Safe Traffic in Local Streets Program \$0.448M together with a number of other grants.
- Grants - Operating - (\$4.951M favourable) mainly due to later than expected recognition of grants income as a

## **March 2022 Quarterly Budget Report Summary**

result of timing for projects carried over from prior years e.g. Drought Communities funding \$1.569M, sports lighting projects \$1.211M, Covid Safe Funding - Outdoor activation \$0.575M, Traralgon South tennis/netball courts \$0.337M, Working for Victoria \$0.289M, Moe CBD Safety improvements \$0.149M together with unbudgeted grants received for the June Storm/Flood event \$1.423M. Earlier than expected receipt of grants for aged care programs \$1.478M have also contributed to the variance. These have been partially offset by unfavourable variances of \$2.675M as a result of the State Government advancing \$5.933M of the 2021/22 Grants Commission funding to Council in the 2020/21 financial year.

- Rates & Charges - (\$1.013M favourable) due to higher than expected rates raised from supplementary valuations to date.
- Materials and Services - (\$4.504M unfavourable) mainly due to unbudgeted expenditure incurred as a result of the June 2021 flood/storm event, which will largely be recouped through Natural Disaster and other State Government funding streams \$3.389M with the balance being mainly attributable to projects carried forward from previous financial years and unbudgeted government grant funding.
- Employee costs - (\$1.333M favourable) later than expected payment of March superannuation \$0.215M, lower than expected workcover premium \$0.282M and staff vacancies.

### **Full year forecast**

The full year forecasted result shows an operating surplus of \$5.564M which is a \$9.544M favourable variance to the adopted budget. The key items that make up this variance are as follows;

- Grants – Capital (\$14.360M favourable) largely due to a number of unbudgeted capital grants as a result of the timing of recognition of grants received in previous financial years and funding that was not known when the budget was developed. E.g. Regional Car Parks Fund \$1.266M, Local Roads and Community Infrastructure Program \$3.668M, Gippsland Performing Arts Centre \$2.548M, Free Public Wifi Services program \$1.350M, Nation Building Blackspot Program \$1.112M, Hazelwood South Reserve Change Pavilion \$0.974M, Safe Traffic in Local Streets Program \$0.725M and Gippsland Logistic Precinct and Intermodal Freight Terminal Project \$0.944M.
- Grants – Operating (\$8.022M favourable) primarily due to later than expected recognition of grants income as a result of timing for projects carried over from prior years e.g. Drought Communities funding \$1.769M, sports lighting projects \$1.151M, Covid Safe Funding - Outdoor activation \$0.575M, Traralgon South tennis/netball courts \$0.341M, Working for Victoria \$0.196M, Moe CBD Safety improvements \$0.149M together with unbudgeted grants received for the June Storm/Flood event \$4.827M. Unbudgeted grants for the School Readiness program \$0.836M, aged care Flood Recovery Support \$0.450M have also contributed to the variance. These have been partially offset by unfavourable variances of \$4.934M as a result of the State Government advancing \$5.933M of the 2021/22 Grants Commission funding to Council in the 2020/21 financial year.
- User Fees (\$1.113M unfavourable) mainly due to COVID shutdowns and restrictions on council services. Latrobe Leisure programs \$0.721M, aged care \$0.230M and creative arts \$0.182M, together with lower than expected rates debt collection cost recovery \$0.200M. This has been partially offset by favourable variances to date in subdivisions \$0.171M and landfill gate fees \$0.182M.
- Materials and Services (\$14.013M unfavourable) mainly due to unbudgeted expenditure incurred as a result of the June 2021 flood/storm event, which will largely be recouped through Natural Disaster and other State Government funding streams \$3.525M with the balance being mainly attributable to projects carried forward from previous financial years and unbudgeted government grant funding.

### **BALANCE SHEET**

The significant movements in the balance sheet over the three quarters were as follows;

## **March 2022 Quarterly Budget Report Summary**

- Cash and Cash Equivalents together with Other Financial Assets (i.e. investments). The overall reduction of \$12.120M is mainly due to expenditure of funds carried over from prior financial years.
- Trade and Other receivables (\$15.092M increase) this is primarily due to the annual rates notices being raised in the first quarter and is part of the normal pattern. This amount will continue to reduce as rate payments are received over the remainder of the year in line with the quarterly instalment due dates.
- Other Assets (\$2.791M decrease) is primarily due to prepayments and accrued revenue as at 30 June 2021 having now been reversed/received in the current financial year.
- Property, Infrastructure, Plant and Equipment (\$9.473M increase) total capital expenditure has exceeded depreciation to date.
- Payables (\$22.390M decrease) is primarily due to amounts that were outstanding to suppliers and grants that were received in advance as at 30 June 2021. These amounts have now been paid/recognised in the current financial year.
- Trust funds and deposits (\$1.398M increase) relates to the collection of first three quarterly instalments of the Fire Services Property Levy.

### **STATEMENT OF CASH FLOWS**

The budgeted cash & cash equivalent investments at the beginning of the year was \$75.0 million, the actual opening balance was \$110.7 million. The additional \$35.7 million was largely the result of higher than anticipated surplus funds and carry forward funding for capital and operational projects and programs. Total Cash and financial assets (investments) as at the end of March stand at \$98.6M which represents a net outflow cash movement of \$12.1M from the start of the financial year.

### **STATEMENT OF CAPITAL WORKS**

The statement of capital works includes all expenditure that is expected to be capitalised during the financial year, it excludes some amounts which for "Accounting" purposes are not capitalised e.g. Landfill Rehabilitation which is a reduction in a provision liability and other items which are included in operating expenditure.

As at the 31 March 2022 Council had spent \$31.4M on capital works mostly on Property (land & buildings) \$14.5M and Infrastructure projects \$15.4M (including Roads projects \$9.0M). Full year forecasted capital expenditure is \$53.1M compared to the budget of \$31.3M. This increase is mainly due to funds carried forward from 2020/21 and additional government funding received for various programs e.g. Landslip remediation, Regional Car Parks Fund and Local Roads and Community Infrastructure program.

### **FINANCIAL PERFORMANCE RATIOS**

The final part of the report is the Financial Performance Ratios as per the *Local Government Performance Reporting Framework (LGPRF)*. The results of the financial year to date show that Council is expected to remain within the expected ranges by the end of the financial year. Some of the ratios when measured part way through the year will fall outside the ranges in the year to date figures purely because they are designed to look at an annual result.



**COMPREHENSIVE INCOME STATEMENT**

For The Quarter Ended 31 March 2022

		YTD Actual	YTD Budget	Variance YTD Act/Bud	Variance Type (P)ermanent/ (T)iming	Full Year Forecast	Annual Budget	Variance Annual Budget /Forecast
	NOTE	\$'000	\$'000	\$'000		\$'000	\$'000	\$'000
<b>INCOME</b>								
Rates and charges	1	84,726	83,713	1,013	P	84,623	83,713	910
Statutory fees and fines	2	2,138	1,776	363	P	2,837	2,545	292
User fees	3	7,870	8,551	(681)	P	10,553	11,666	(1,113)
Grants - operating	4	24,112	19,161	4,951	P	34,652	26,630	8,022
Grants - capital	5	11,200	1,400	9,800	P	16,060	1,700	14,360
Contributions - monetary	6	463	60	403	P	514	90	424
Contributions - non monetary	7	0	0	0	P	4,000	4,000	0
Net gain (loss) on disposal of property, infrastructure, plant and equipment	8	280	375	(95)	T	0	0	0
Other income	9	2,428	1,883	546	P	3,345	3,074	271
<b>TOTAL INCOME</b>		<b>133,217</b>	<b>116,918</b>	<b>16,298</b>		<b>156,584</b>	<b>133,418</b>	<b>23,166</b>
<b>EXPENSES</b>								
Employee costs	10	43,571	44,904	1,333	T	66,725	66,645	(80)
Materials and services	11	30,783	26,279	(4,504)	P	50,201	36,188	(14,013)
Bad and doubtful debts	12	0	5	4	T	11	11	(0)
Depreciation	13	21,793	22,670	876	P	29,612	30,226	614
Amortisation - intangible assets	14	93	92	(1)	T	93	93	(0)
Amortisation - right of use assets	15	30	28	(1)	T	38	38	(0)
Borrowing costs	16	250	426	175	P	306	562	256
Finance costs - leases	17	23	21	(2)	T	28	28	(0)
Other expenses	18	2,303	2,268	(34)	P	4,005	3,607	(398)
<b>TOTAL EXPENSES</b>		<b>98,847</b>	<b>96,693</b>	<b>(2,154)</b>		<b>151,020</b>	<b>137,398</b>	<b>(13,622)</b>
<b>SURPLUS (DEFICIT) FOR THE YEAR</b>		<b>34,370</b>	<b>20,226</b>	<b>14,144</b>		<b>5,564</b>	<b>(3,980)</b>	<b>9,544</b>

**NOTES TO THE COMPREHENSIVE INCOME STATEMENT - Year to Date and Full Year Variances****1. Rates and charges****Year to Date - \$1.013M Favourable**

Higher than expected rates raised from supplementary valuations to date.

**Full Year - \$0.910M Favourable**

Higher than expected rates raised from supplementary valuations.

**2. Statutory fees and fines****Year to Date - \$0.363M Favourable**

Favourable variances to date for planning permits \$0.229M, Council Election fines \$0.100M, building services \$0.104M. Works Permits \$0.092M and local laws animal registrations and fines \$0.081M partially offset by reduced parking fines income \$0.266M mainly due to the COVID-19 pandemic.

**Full Year - \$0.292M Favourable**

Favourable variances to date for planning permits \$0.216M, Council Election fines \$0.100M, building services \$0.080M. Works Permits \$0.100M and local laws animal registrations and fines \$0.019M partially offset by reduced parking fines income \$0.234M mainly due to the COVID-19 pandemic.

**3. User fees****Year to Date - (\$0.681M) Unfavourable**

Lower than expected fees &amp; charges mainly due to COVID shutdowns and restrictions on council services e.g. Latrobe Leisure programs \$0.681M and creative arts \$0.151M, together with lower than expected rates debt collection cost recovery \$0.176M which is offset by lower expense. This has been partially offset by favourable variances to date in subdivisions \$0.172M and landfill gate fees \$0.178M.

**Full Year - (\$1.113M) Unfavourable**

Lower than expected fees &amp; charges mainly due to COVID shutdowns and restrictions on council services e.g. Latrobe Leisure programs \$0.721M, aged care \$0.230M and creative arts \$0.182M, together with lower than expected rates debt collection cost recovery \$0.200M. This has been partially offset by favourable variances to date in subdivisions \$0.171M and landfill gate fees \$0.182M.

**4. Grants - operating****Year to Date - \$4.951M Favourable**

The favourable variance is mainly due to later than expected recognition of grants income as a result of timing for projects carried over from prior years e.g. Drought Communities funding \$1.569M, sports lighting projects \$1.211M, Covid Safe Funding - Outdoor activation \$0.575M, Traralgon South tennis/netball courts \$0.337M, Working for Victoria \$0.289M, Moe CBD Safety improvements \$0.149M together with unbudgeted grants received for the June Storm/Flood event \$1.423M. Earlier than expected receipt of grants for aged care programs \$1.478M have also contributed to the variance. These have been partially offset by unfavourable variances of \$2.675M as a result of the State Government advancing \$5.933M of the 2021/22 Grants Commission funding to Council in the 2020/21 financial year.

**Full Year - \$8.022M Favourable**

The favourable variance is mainly due to later than expected recognition of grants income as a result of timing for projects carried over from prior years e.g. Drought Communities funding \$1.769M, sports lighting projects \$1.151M, Covid Safe Funding - Outdoor activation \$0.575M, Traralgon South tennis/netball courts \$0.341M, Working for Victoria \$0.196M, Moe CBD Safety improvements \$0.149M together with unbudgeted grants received for the June Storm/Flood event \$4.827M. Unbudgeted grants for the School Readiness program \$0.836M, aged care Flood Recovery Support \$0.450M have also contributed to the variance. These have been partially offset by unfavourable variances of \$4.934M as a result of the State Government advancing \$5.933M of the 2021/22 Grants Commission funding to Council in the 2020/21 financial year.

**NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances****5. Grants - capital****Year to Date - \$9.800M Favourable**

The favourable variance is due to a number of unbudgeted capital grants as a result of the timing of recognition of grants received in previous financial years and funding that was not known when the budget was developed. E.g. Regional Car Parks Fund \$2.179M, Local Roads and Community Infrastructure Program \$1.966M, Free Public Wifi Services program \$1.350M, Hazelwood South Reserve Change Pavilion \$0.974M and Gippsland Logistic Precinct and Intermodal Freight Terminal Project \$0.535M.

**Full Year - \$14.360M Favourable**

The favourable variance is due to a number of unbudgeted capital grants as a result of the timing of recognition of grants received in previous financial years and funding that was not known when the budget was developed. E.g. Regional Car Parks Fund \$1.266M, Local Roads and Community Infrastructure Program \$3.668M, Gippsland Performing Arts Centre \$2.548M, Free Public Wifi Services program \$1.350M, Nation Building Blackspot Program \$1.112M, Hazelwood South Reserve Change Pavilion \$0.974M, Safe Traffic in Local Streets Program \$0.725M and Gippsland Logistic Precinct and Intermodal Freight Terminal Project \$0.944M.

**6. Contributions - monetary****Year to Date - \$0.403M Favourable**

The favourable variance mainly due to the higher than expected receipt of contributions for open space, street trees and future infrastructure works from property developers.

**Full Year - \$0.424M Favourable**

The favourable variance mainly due to the higher than expected receipt of contributions for open space, street trees and future infrastructure works from property developers.

**7. Contributions - non monetary****Year to Date - \$0.000M Nil Variance**

No variance.

**Full Year - \$0.000M Nil Variance**

No variance identified to date.

**8. Net gain (loss) on disposal of property, infrastructure, plant and equipment****Year to Date - (\$0.095M) Unfavourable**

Minor gain to date on disposal of plant and vehicles.

**Full Year - \$0.000M Nil Variance**

No full year variance identified to date.

**9. Other income****Year to Date - \$0.546M Favourable**

The favourable variance is primarily due to unbudgeted contributions including the Glengarry Hall refurbishment \$0.161M, together with higher than expected interest on investments and rates \$0.275M. These are partially offset by reduced kiosk sales and other income in Latrobe Leisure due to COVID closures \$0.186M.

**Full Year - \$0.271M Favourable**

The favourable variance is primarily due to unbudgeted reimbursements in relation to the June 2021 flood/storm event \$0.316M. together with higher than expected interest on investments and rates \$0.168M. These are partially offset by reduced kiosk sales and other income in Latrobe Leisure due to COVID closures \$0.229M.

**NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances****10. Employee costs****Year to Date - \$1.333M Favourable**

The variance to date mainly as a result of later than expected payment of March superannuation \$0.215M, lower than expected workcover premium \$0.282M and staff vacancies.

**Full Year - (\$0.080M) Unfavourable**

The additional expenditure is mainly as a result of the unbudgeted state government funded June Flood/Storm event response programs and funding carried over from previous years for family services programs largely offset by savings from staff vacancies and lower than expected workcover premium.

**11. Materials and services****Year to Date - (\$4.504M) Unfavourable**

The unfavourable variance is mainly due to unbudgeted expenditure incurred as a result of the June 2021 flood/storm event, which will largely be recouped through Natural Disaster and other State Government funding streams \$3.389M with the balance being mainly attributable to projects carried forward from previous financial years and unbudgeted government grant funding.

**Full Year - (\$14.013M) Unfavourable**

The unfavourable variance is mainly due to unbudgeted expenditure incurred as a result of the June 2021 flood/storm event, which will largely be recouped through Natural Disaster and other State Government funding streams \$3.525M with the balance being mainly attributable to projects carried forward from previous financial years and unbudgeted government grant funding.

**12. Bad and doubtful debts****Year to Date - \$0.004M Favourable**

Minor variance.

**Full Year - (\$0.000M) Unfavourable**

Minor variance.

**13. Depreciation****Year to Date - \$0.876M Favourable**

Variance mainly due to later than expected capitalisation of some new facilities including Gippsland Performing Arts Centre in Council's capital works program.

**Full Year - \$0.614M Favourable**

Variance mainly due to later than expected capitalisation of some new facilities including Gippsland Performing Arts Centre in Council's capital works program.

**14. Amortisation - intangible assets****Year to Date - (\$0.001M) Unfavourable**

Minor variance.

**Full Year - (\$0.000M) Unfavourable**

No variance.

**15. Amortisation - right of use assets****Year to Date - (\$0.001M) Unfavourable**

Minor variance.

**Full Year - (\$0.000M) Unfavourable**

No variance.

**NOTES TO THE INCOME STATEMENT - Year to Date and Full Year Variances****16. Borrowing costs****Year to Date - \$0.175M Favourable**

Reduced loan repayments due to later than expected and reduced drawdown of loan funds for major projects.

**Full Year - \$0.256M Favourable**

Reduced loan repayments due to later than expected and reduced drawdown of loan funds for major projects.

**17. Finance costs - leases****Year to Date - (\$0.002M) Unfavourable**

Minor variance.

**Full Year - (\$0.000M) Unfavourable**

No variance.

**18. Other expenses****Year to Date - (\$0.034M) Unfavourable**

The unfavourable variance is mainly due to higher than anticipated landfill levies payable to the EPA \$0.094M. Largely offset by timing variances in grants and internal audit costs.

**Full Year - (\$0.398M) Unfavourable**

The unfavourable variance is mainly due to unexpended community grants funds carried over from the 2020/21 financial year to be paid out in 2021/22, together with higher than anticipated landfill levies payable to the EPA \$0.084M.

**COMPARISON TO PREVIOUS FINANCIAL YEAR**  
For the corresponding March quarter

	YTD Actuals	2021/22 YTD Budgets	Variance YTD Act/Bud	YTD Actuals	2020/21 YTD Budgets	Variance YTD Act/Bud
<b>INCOME</b>						
Rates and charges	84,726	83,713	1,013	84,623	81,377	3,246
Statutory fees and fines	2,138	1,776	363	2,053	1,385	667
User fees	7,870	8,551	(681)	7,789	8,994	(1,205)
Grants - operating	24,112	19,161	4,951	24,165	21,110	3,055
Grants - capital	11,200	1,400	9,800	11,540	13,188	(1,648)
Contributions - monetary	463	60	403	467	60	407
Contributions - non monetary	0	0	0	0	0	0
Net gain (loss) on disposal of property, infrastructure, plant and equipment	280	375	(95)	302	0	302
Other income	2,428	1,883	546	2,279	2,829	(550)
<b>TOTAL INCOME</b>	<b>133,217</b>	<b>116,918</b>	<b>16,298</b>	<b>133,218</b>	<b>128,944</b>	<b>4,274</b>
<b>EXPENSES</b>						
Employee costs	43,571	44,904	1,333	43,991	43,309	(683)
Materials and services	30,783	26,279	(4,504)	32,013	26,108	(5,905)
Bad and doubtful debts	0	5	4	2	3	2
Depreciation	21,793	22,670	876	21,793	22,367	574
Amortisation - intangible assets	93	92	(1)	93	459	366
Amortisation - right of use assets	30	28	(1)	30	0	(30)
Borrowing costs	250	426	175	232	493	261
Finance costs - leases	23	21	(2)	22	0	(22)
Other expenses	2,303	2,268	(34)	2,342	2,749	407
<b>TOTAL EXPENSES</b>	<b>98,847</b>	<b>96,693</b>	<b>(2,154)</b>	<b>100,518</b>	<b>95,488</b>	<b>(5,030)</b>
<b>SURPLUS (DEFICIT) FOR THE YEAR</b>	<b>34,370</b>	<b>20,226</b>	<b>14,144</b>	<b>32,700</b>	<b>33,456</b>	<b>(756)</b>

**BALANCE SHEET**

As at 31 March 2022

	Current Balance \$'000s	Opening Balance 01/07/21 \$'000s	Movement for Year to Date \$'000s	Balance as at 31/03/21 \$'000s
<b>CURRENT ASSETS</b>				
Cash and Cash Equivalents	8,585	39,905	(31,320)	14,479
Other Financial Assets	90,000	70,800	19,200	85,800
Other Assets	3,660	6,451	(2,791)	1,484
Trade and Other Receivables	20,628	5,536	15,092	23,758
<b>Total Current Assets</b>	<b>122,873</b>	<b>122,692</b>	<b>180</b>	<b>125,521</b>
<b>NON CURRENT ASSETS</b>				
Property, Infrastructure, Plant and Equipment	1,285,397	1,275,923	9,473	1,245,042
Intangible Assets	0	93	(93)	250
Right-of-use assets	673	684	(11)	694
Trade and Other Receivables	5	5	0	9
Financial Assets	2	2	0	2
<b>Total Non-Current Assets</b>	<b>1,286,077</b>	<b>1,276,708</b>	<b>9,369</b>	<b>1,245,998</b>
<b>TOTAL ASSETS</b>	<b>1,408,950</b>	<b>1,399,401</b>	<b>9,549</b>	<b>1,371,519</b>
<b>CURRENT LIABILITIES</b>				
Payables	5,200	27,590	(22,390)	3,719
Interest-bearing Liabilities	310	1,459	(1,149)	1,984
Provisions - Employee Benefits	12,194	13,206	(1,012)	13,317
Provisions - Landfill	771	2,432	(1,661)	567
Trust Funds and Deposits	5,178	3,779	1,398	4,061
Lease Liabilities	4	27	(24)	4
<b>Total Current Liabilities</b>	<b>23,655</b>	<b>48,494</b>	<b>(24,839)</b>	<b>23,653</b>
<b>NON CURRENT LIABILITIES</b>				
Interest-bearing Liabilities	15,215	15,215	0	12,749
Provisions - Employee Benefits	1,111	1,111	0	1,553
Provisions - Landfill	14,421	14,421	0	15,342
Lease Liabilities	696	677	18	706
<b>Total Non-Current Liabilities</b>	<b>31,442</b>	<b>31,424</b>	<b>18</b>	<b>30,349</b>
<b>TOTAL LIABILITIES</b>	<b>55,097</b>	<b>79,918</b>	<b>(24,820)</b>	<b>54,002</b>
<b>NET ASSETS</b>	<b>1,353,853</b>	<b>1,319,483</b>	<b>34,370</b>	<b>1,317,517</b>
<b>EQUITY</b>				
Current Year Surplus/(Deficit)	34,370	25,239	9,130	43,681
Accumulated Surplus	809,550	784,772	24,777	784,215
Reserves	509,933	509,471	462	489,621
<b>TOTAL EQUITY</b>	<b>1,353,853</b>	<b>1,319,483</b>	<b>34,370</b>	<b>1,317,517</b>



## STATEMENT OF CASH FLOWS

For the Quarter ended 31 March 2022

	NOTE	YTD Cash Flow	Adopted Budget Annual Cashflow	Cash Flow 2020/21
		\$'000s	\$'000s	\$'000s
		Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Rates and charges		70,870	83,707	83,753
Statutory fees & fines		2,157	2,800	2,427
User fees		8,135	12,832	9,518
Grants - operating		21,892	26,630	36,690
Grants - capital		5,147	1,700	27,980
Contributions - monetary		463	90	698
Interest received		683	250	1,467
Trust funds and deposits taken/(repaid)		1,398	50	532
Other receipts		176	3,105	2,186
Net GST refund/(payment)		177	4,581	3,137
Employee costs		(46,297)	(67,518)	(59,466)
Materials & services		(42,145)	(41,290)	(45,915)
Short-term, low value and variable lease payments		(70)	(60)	(159)
Other payments		(2,232)	(8,303)	(3,909)
<b>Net cash from operating activities</b>		<b>20,354</b>	<b>18,574</b>	<b>58,939</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Proceeds from sale of property, plant & equipment		398	531	165
Proceeds from sale of investments		120,800	119,000	210,169
Payments for property, infrastructure, plant & equipment		(31,464)	(34,436)	(63,355)
Payments for investments		(140,000)	(100,000)	(210,800)
Loans and advances made		0	0	0
Payments of loans and advances		3	0	4
<b>Net Cash Flows used in investing activities</b>		<b>(50,264)</b>	<b>(14,905)</b>	<b>(63,817)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Finance costs		(214)	(562)	(288)
Proceeds from borrowings		0	0	7,125
Repayment of borrowings		(1,149)	(2,466)	(727)
Interest paid - lease liability		(23)	(28)	(29)
Repayment of lease liabilities		(24)	(29)	(29)
<b>Net Cash Flows from Financing Activities</b>		<b>(1,410)</b>	<b>(3,085)</b>	<b>6,052</b>
<b>Net Increase/(Decrease) in cash held</b>		<b>(31,320)</b>	<b>584</b>	<b>1,174</b>
<b>Cash &amp; cash equivalents at beginning of year</b>		<b>39,905</b>	<b>14,861</b>	<b>38,731</b>
<b>Cash &amp; cash equivalents at end of period</b>		<b>8,585</b>	<b>15,445</b>	<b>39,905</b>
<b>Summary of Cash &amp; Investments</b>				
		<b>Current Balance</b>	<b>Current year Movement</b>	<b>Opening Balance</b>
Cash & Cash Equivalents		8,585	(31,320)	39,905
Other Financial Assets (Investments)		90,000	19,200	70,800
<b>Total Cash &amp; Investments</b>	<b>1</b>	<b>98,585</b>	<b>(12,120)</b>	<b>110,705</b>
<b>Budgeted Opening Balance of Cash &amp; Investments</b>				<b>75,030</b>
<b>Variance in Opening Balance</b>				<b>35,675</b>

### NOTES

1. The budgeted cash & investments at the beginning of the year was \$75.0 million, the actual opening balance was \$110.7 million. The additional \$35.7 million was largely the result of higher than anticipated surplus funds and carry forward funding for capital and operational projects and programs.

## STATEMENT OF CAPITAL WORKS

For The Quarter Ended 31 March 2022

		YTD Actuals	Full Year Forecast	Annual Budget	Variance Annual Budget /Forecast
	NOTE	\$'000	\$'000	\$'000	\$'000
<b>Property</b>					
Land	1	255	255	0	(255)
Buildings	2	14,170	19,722	4,771	(14,951)
Heritage buildings	3	44	55	0	(55)
<b>Total Property</b>		<b>14,469</b>	<b>20,033</b>	<b>4,771</b>	<b>(15,262)</b>
<b>Plant and Equipment</b>					
Plant, machinery & equipment	4	1,052	2,083	2,605	522
Fixtures, fittings & furniture	5	4	149	10	(139)
Computers & telecommunications	6	408	1,869	600	(1,269)
Artwork collection	7	16	28	15	(13)
<b>Total Plant and Equipment</b>		<b>1,480</b>	<b>4,129</b>	<b>3,230</b>	<b>(899)</b>
<b>Infrastructure</b>					
Roads	8	8,993	16,807	10,206	(6,601)
Bridges & culverts	9	579	879	445	(434)
Footpaths & cycleways	10	875	1,827	1,208	(619)
Drainage	11	437	935	503	(432)
Waste management	12	2,994	4,043	2,530	(1,513)
Parks, open space and streetscapes	13	563	1,123	8,170	7,047
Recreational, leisure & community facilities	14	507	674	0	(674)
Aerodromes	15	0	0	0	0
Offstreet carparks	16	366	1,565	243	(1,322)
Other infrastructure	17	121	1,085	0	(1,085)
<b>Total Infrastructure</b>		<b>15,435</b>	<b>28,938</b>	<b>23,305</b>	<b>(5,633)</b>
<b>Total Capital Works expenditure</b>		<b>31,384</b>	<b>53,100</b>	<b>31,306</b>	<b>(21,794)</b>
<b>REPRESENTED BY;</b>					
New asset expenditure	18	13,696	20,394	7,945	(12,449)
Asset renewal expenditure	19	15,408	28,657	20,801	(7,856)
Asset expansion expenditure	20	74	190	0	(190)
Asset upgrade expenditure	21	2,206	3,859	2,560	(1,299)
<b>Total Capital Works expenditure</b>		<b>31,384</b>	<b>53,100</b>	<b>31,306</b>	<b>(21,794)</b>

### NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances

#### 1. Land (\$0.255M) Unfavourable

The unfavourable variance reflects the funds carried forward from 2020/21 associated with a land exchange in relation to the Churchill Central Activity Plan.

#### 2. Buildings (\$14.951M) Unfavourable

The forecast increased expenditure is due to expenditure that has carried over from budget allocations and grant funding received in previous financial years e.g. Gippsland Performing Arts Centre \$13.2M, Multi Purpose Facility Development Latrobe Leisure Moe Newborough \$0.4M together with unbudgeted projects as a result of government funding announcements not known when the budget was developed e.g. Hazelwood South Reserve Change Pavilion \$1.1M. Partially offsetting these variances is the Kernot Hall refurbishment project which is now expected to be mainly expended in 2022/23.

#### 3. Heritage buildings (\$0.055M) Unfavourable

The forecast additional expenditure reflects the funds carried forward from 2020/21 associated with the Traralgon Courthouse upgrades together with unbudgeted Local Roads & Community Infrastructure grants allocated to the Hare House stabilisation at Mathison Park project.

**NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances****4. Plant, machinery & equipment****\$0.522M Favourable**

The forecasted decrease in expenditure is mainly due to item of fleet and plant that were budgeted in the current year but with current delays in delivery times will not be received until the 2022/23 financial year. The funds will be carried forward to pay for these items.

**5. Fixtures, fittings & furniture****(\$0.139M) Unfavourable**

The additional expenditure relates to funding carried forward from the previous financial year to replace office furniture.

**6. Computers & telecommunications****(\$1.269M) Unfavourable**

The forecasted additional expenditure is funded from an unbudgeted government grant to upgrade free public WiFi services in the Latrobe Valley.

**7. Artwork Collection****(\$0.013M) Unfavourable**

Minor unfavourable variance reflecting funding carried over from the 2020/21 financial year.

**8. Roads****(\$6.601M) Unfavourable**

The forecast additional expenditure mainly relates to funds carried forward from 2020/21 and unbudgeted government funding e.g. Landslip Natural Disaster funding \$2.7M, Safe Traffic in Local Streets program (\$0.8M), National Blackspot program (\$1.1M) and Local Road and Community Infrastructure Program (\$1.2M).

**9. Bridges & culverts****(\$0.434M) Unfavourable**

The forecast additional expenditure is mainly due to funds carried forward from 2020/21 and unbudgeted government grant funding for the Downies Lane bridge (\$0.4M).

**10. Footpaths & cycleways****(\$0.619M) Unfavourable**

The forecast additional expenditure is mainly due to unbudgeted government grant funding for new footpaths under the Local Roads and Community Infrastructure program (\$0.5M).

**11. Drainage****(\$0.432M) Unfavourable**

The forecast additional expenditure is mainly due to unbudgeted government grant funding and funds carried forward for Gross Pollutant traps and rehabilitation of the Traralgon Railway Reserve dam.

**12. Waste management****(\$1.513M) Unfavourable**

The forecast additional expenditure is mainly due to funds carried forward to complete cell 6 at the Highland Highway landfill and the completion of the Biogas to energy project.

**13 Parks, open space and streetscapes****\$7.047M Favourable**

The forecast reduced expenditure mainly relates to the Moe Revitalisation Project Stage 2 \$7.3M which will span over multiple financial years, partially offset by expenditure on projects carried forward from 2020/21 and relating to unbudgeted government grants.

**14. Recreational, leisure & community facilities****(\$0.674M) Unfavourable**

The forecast additional expenditure is mainly due to funds carried forward to complete the pool deck renewal at Latrobe Leisure Morwell and works at Morwell Recreation Reserve and Monash Reserve Newborough.

**15. Aerodromes****\$0.000M Nil Variance**

No current year projects.

**16. Offstreet carparks****(\$1.322M) Unfavourable**

The additional expenditure is related to unbudgeted government grants for the Regional Car Parks fund \$1.3M.

**17. Other infrastructure****(\$1.085M) Unfavourable**

The forecast additional expenditure is mainly due to funds carried forward for the Gippsland Logistics Precinct and Intermodal Freight Terminal \$1.0M.

**NOTES TO THE CAPITAL WORKS STATEMENT - Full Year Forecast Variances****18. New asset expenditure (\$12.449M) Unfavourable**

The overall increase is due to the timing of project works spanning multiple financial years e.g. Gippsland Performing Arts Centre (\$13.2M) and Gippsland Logistics Precinct \$1.0M, together with expenditure related to unbudgeted government grants approved e.g. Regional Car Parks Fund \$1.3M, Free Public WiFi Services \$1.35M and Hazelwood South Reserve Change Pavilion \$1.1M. This is partially offset by a reduction in the amount forecast to be spent in the current year on the Moe Revitalisation Project Stage 2 which will be delivered over multiple years \$7.3M.

**19. Asset renewal expenditure (\$7.856M) Unfavourable**

The forecast additional expenditure is mainly due to unexpended funds carried over from the 2020/21 financial year and unbudgeted additional government funding e.g. Local Roads and Community Infrastructure program projects \$1.6M.

**20. Asset expansion expenditure (\$0.190M) Unfavourable**

The forecast additional expenditure is mainly due to unexpended funds carried over from the 2020/21 financial year for the Traralgon Sports Stadium & Catterick Crescent Pavilion.

**21. Asset upgrade expenditure (\$1.299M) Unfavourable**

The forecast additional expenditure is mainly due to unexpended funds carried over from the 2020/21 financial year and unbudgeted government grants e.g. Safe Traffic in Local Streets program \$0.8M, Multi Purpose Facility Development Latrobe Leisure Moe Newborough \$0.4M, National Blackspot program \$1.1M and Local Roads and Community Infrastructure program \$0.5M.

## LGPRF FINANCIAL PERFORMANCE RATIOS

As at 31 March 2022

	Year to Date Ratios					
	\$'000s	Ratio at 31/03/22	Ratio at 31/03/21	Forecast at 30/06/22	Budget at 30/06/22	Expected Range
<b><u>OPERATING POSITION</u></b>						
<b>Adjusted Underlying Result Indicator</b> (Indicator of the broad objective that an adjusted underlying surplus should be generated in the ordinary course of business. A surplus or increasing surplus suggests an improvement in the operating position)						
<b>Adjusted underlying surplus (or deficit)</b>						
<u>Adjusted net Surplus/(Deficit)</u>	22,707	18.7%	20.6%	(9.7%)	(6.2%)	-20% - +20%
Adjusted underlying revenue	121,554					
The ratio takes out the effect of once off capital grants & developer contributions.						
<b>Note:</b> The forecasted lower ratio of (13.4%) is mainly due to additional expenditure as a result of unspent 2020/2021 recurrent project and program expenditure which led to a greater than expected 'cash' surplus result at the end of the financial year together with government funding advanced to Council in 2020/21 that was budgeted in 2021/22.						
<b><u>LIQUIDITY</u></b>						
<b>Working Capital Indicator</b> (Indicator of the broad objective that sufficient working capital is available to pay bills as and when they fall due. High or increasing level of working capital suggests an improvement in liquidity)						
<b>Current assets compared to current liabilities</b>						
<u>Current Assets</u>	122,873	519.4%	530.7%	201.1%	181.0%	100% - 300%
Current Liabilities	23,655					
<b>Unrestricted Cash Indicator</b> (Indicator that sufficient cash which is free of restrictions is available to pay bills as and when they fall due. High or increasing level of cash suggests an improvement in liquidity )						
<u>Unrestricted Cash</u>	3,407	14.4%	44.0%	32.3%	32.1%	0.0% - 200%
Current Liabilities	23,655					
<b>Note:</b> Unrestricted cash does not include funds held in term deposits with a maturity term of greater than 90 days. These deposits are managed to ensure they mature in time for payment runs and are available to meet liabilities when they fall due.						

	Year to Date Ratios					
	\$'000s	Ratio at 31/03/22	Ratio at 31/03/21	Forecast at 30/06/22	Budget at 30/06/22	Expected Range
<b><u>OBLIGATIONS</u></b>						
<b>Loans and borrowings Indicator</b>						
(Indicator of the broad objective that the level of interest bearing loans and borrowings should be appropriate to the size and nature of a council's activities. Low or decreasing level of loans and borrowings suggests an improvement in the capacity to meet long term obligations)						
<b>Loans and borrowings compared to rates</b>						
<u>Interest Bearing loans and borrowings</u>	15,525	18.3%	18.0%	18.0%	28.0%	0% - 50%
Rate Revenue	84,726					
<b>Loans and borrowings repayments compared to rates</b>						
<u>Interest &amp; principal repayments</u>	1,400	1.7%	0.9%	3.3%	3.6%	0% - 10%
Rate Revenue	84,726					
<b>Indebtedness Indicator</b>						
(Indicator of the broad objective that the level of long term liabilities should be appropriate to the size and nature of a Council's activities. Low or decreasing level of long term liabilities suggests an improvement in the capacity to meet long term obligations)						
<b>Non-current liabilities compared to own source revenue</b>						
(to ensure Council has the ability to pay its long term debts & provisions)						
<u>Non Current Liabilities</u>	31,442	32.4%	32.9%	29.1%	29.2%	0% - 50%
Own Source Revenue	97,162					
Own Source Revenue is adjusted underlying revenue excluding revenue which is not under the control of council (including government grants)						
<b>Asset Renewal Indicator</b>						
(Indicator of the broad objective that assets should be renewed as planned. High or increasing level of planned asset renewal being met suggests an improvement in the capacity to meet long term obligations)						
<u>Asset Renewal &amp; Upgrade Expenditure</u>	17,614	80.8%	79.3%	109.8%	77.3%	50%-100%
Depreciation	21,793					
<b>Note:</b> The forecasted increase in this ratio is a result of renewal works carried forward from the previous financial works and funded from unbudgeted government grants.						

	Year to Date Ratios			Forecast at 30/06/22	Budget at 30/06/22	Expected Range
	\$'000s	Ratio at 31/03/22	Ratio at 31/03/21			
<b><u>STABILITY</u></b>						
<b>Rates Concentration Indicator</b>						
(Indicator of the broad objective that revenue should be generated from a range of sources. High or increasing range of revenue sources suggests an improvement in stability)						
<b>Rates compared to adjusted underlying revenue</b>						
<u>Rate Revenue</u>	84,726	69.7%	70.5%	61.4%	64.7%	40% - 80%
Adjusted underlying revenue	121,554					
<b>Rates Effort Indicator</b>						
(Indicator of the broad objective that the rating level should be set based on the community's capacity to pay. Low or decreasing level of rates suggests an improvement in the rating burden)						
<b>Rates compared to property values</b>						
<u>Rate Revenue</u>	84,726	0.6%	0.7%	0.6%	0.6%	0.2% to 0.7%
property values (CIV)	13,885,547					
<b><u>EFFICIENCY</u></b>						
<b>Expenditure Level Indicator</b>						
(Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of expenditure suggests an improvement in organisational efficiency)						
<b>Expenses per property assessment</b>						
<u>Total expenses</u>	98,847	\$ 2,505	\$ 2,365	\$ 3,828	\$ 3,483	\$2000 - \$4000
Number of property assessments	39					
Note: The forecasted increase in expenses per assessment is mainly related to employee costs and materials and services expenditure funded from additional government funding and carry forward funds.						
<b>Revenue Level Indicator</b>						
(Indicator of the broad objective that resources should be used efficiently in the delivery of services. Low or decreasing level of rates suggests an improvement in organisational efficiency)						
<b>Average general rate &amp; municipal charge per property assessment</b>						
<u>Total General Rates and Municipal Charges</u>	61,699	\$ 1,564	\$ 1,556	\$ 1,564	\$ 1,564	\$800 - \$1,800
Number of property assessments	39					



# **URGENT BUSINESS**

**17. URGENT BUSINESS**

**MEETING CLOSED TO  
THE PUBLIC TO  
CONSIDER  
CONFIDENTIAL  
INFORMATION**

**18. MEETING CLOSED TO THE PUBLIC TO CONSIDER CONFIDENTIAL INFORMATION**

Section 66 of the *Local Government Act 2020* enables Council to close the meeting to the public to consider *confidential information* as defined in that Act.

**Proposed Resolution:**

That Council pursuant to section 66(1) and 66(2)(a) of the *Local Government Act 2020* (the Act) close the Council Meeting to the public to consider the following items containing confidential information as defined in section 3(1) of the Act:

- 18.1 Minutes of the CEO Employment Matters Committee and advice for decision**  
This item is confidential as it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a). Contractual matters