



LATROBE CITY COUNCIL

MINUTES FOR THE COUNCIL MEETING

**HELD IN THE MEETING ROOMS AT GIPPSLAND
PERFORMING ARTS CENTRE, TRARALGON AND VIA
AUDIO-VISUAL LINK
AT 6:00PM ON 01 MAY 2023
CM590**

PRESENT:

Councillors:	Cr Kellie O'Callaghan, Mayor	East Ward
	Cr Dan Clancey, Deputy Mayor	East Ward
	Cr Darren Howe	East Ward
	Cr Dale Harriman	East Ward
	Cr Tracie Lund	Central Ward
	Cr Graeme Middlemiss	Central Ward
	Cr Melissa Ferguson	South Ward
	Cr Brad Law	West Ward
Officers:	Steven Piasente	Chief Executive Officer
	Georgia Hills	General Manager Community Health & Wellbeing
	Jody Riordan	General Manager Regional City Planning & Assets
	Tim Ellis	General Manager Regional City Strategy & Transition
	James Rouse	Executive Manager Commonwealth Games
	Nathan Kearsley	General Manager Organisational Performance
	Hanna Steevens	Manager Governance
	Peter Schulz	Coordinator Council Business
	Kaitlyn Boram	Governance Officer
Apologies:	Cr Darren Howe	East Ward
	Cr Sharon Gibson	West Ward

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Resolutions in this minutes document should be read in conjunction with the published agenda for the 01 May 2023 Council Meeting.

COUNCILLOR AND PUBLIC ATTENDANCE

PLEASE NOTE

The Victorian Government's *COVID-19 Omnibus (Emergency Measures) Act 2020* has introduced into the Local Government Act 2020 new mechanisms that allow for virtual Council Meetings to ensure local government decision-making can continue during the coronavirus pandemic.

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 the attendance by members of the public by making available access to a live stream of the Meeting on the Council's internet site.

1. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

The Mayor read the acknowledgement of the traditional owners of the land.

2. THE PRAYER

The Mayor provided a moment of silent reflection for those in attendance.

3. APOLOGIES AND LEAVE OF ABSENCE

Cr Darren Howe, Cr Sharon Gibson

4. ADOPTION OF MINUTES

MOTION

Moved: Cr Lund

Seconded: Cr Clancey

That Council confirm the minutes of the Council Meeting held on 3 April 2023.

CARRIED UNANIMOUSLY

5. DECLARATION OF INTERESTS

Mr Steven Piasente declared an interest in Item 7.5 (Petition for No B-Double Trucks to be Allowed in Areas of Residential Traralgon).

6. 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 12 noon on the Friday before the day of the Council meeting in order for the question to be answered at the meeting. There were two public questions on notice.

- From:** Anne Wilson

Topic: Update on Proposed Skate Park in Traralgon

Question: Due to concerns raised by some of the members and the Executive Committee of Traralgon Community Development Assn Inc, we request a full update on the status of the proposed Skate Park in Traralgon. We were informed by a Council officer in March 2022, that information would be forthcoming by June 2022. Could this be addressed as soon as possible?

Response: I provide the following response in relation to the question raised. In March 2021, Council resolved to do further investigation on potential locations for Traralgon Youth Activity Precinct which also includes a skatepark. As a result of the June 2021 flood event the focus of the Recreation and Open Space team has been the Traralgon Flood Recovery Project, amongst other important strategies and plans.

Now, with the flood recovery project being partially funded and moving into detailed design phase, officers are returning to work on the Youth Precinct/Skatepark for Traralgon and aim to present a further report to Council towards the end of the financial year regarding the future actions to be undertaken.

2. **From:** Sean Mulcahy
- Topic:** Complaint Processes
- Question:** What processes does Council have in place to manage complaints from the community about Councillors and to provide a pathway for complaints from the community to be referred to a Councillor, group of Councillors, or the Council, to consider if an application for internal arbitration should be initiated in accordance with page 5 of the *Victorian Ombudsman's Good Practice Guide for Councils and Complaints 2021*?
- Response:** Council has in place a variety of public facing documents that deal with complaints, reporting of improper conduct and customer interactions. These include our Complaints Handling Policy, Public Interest Disclosure Procedures and Customer Experience Strategy. We also have in place the legislated requirements pertaining to Councillors such as the Councillor Code of Conduct and Councillor and Staff Interactions Policy.
- Council also has a number of internal procedures, protocols and workflows that guide officers in the day-to-day management of complaints.
- Councils position in relation to Councillor conduct is that it will be managed in accordance with the Councillor Code of Conduct and the *Local Government Act 2020* and related legislation. This includes utilising external avenues where appropriate to make complaints to the Local Government Inspectorate, Independent Broad-Based Anti-Corruption Commission and the Victoria Ombudsman.

Public Speakers

Members of the public who registered before 12 noon were invited to speak to an item on the agenda. There were seven public speakers.

- Jenny Hammett spoke to Item 7.3
- Helen Vaughn spoke to Item 7.3
- Trevor Graham, Traralgon & District Historical Society spoke to Item 7.3
- Christopher Constantine, Millar Merrigan spoke to Item 8.1
- David Somerville spoke to Item 8.1
- Dr Cameron Hogan spoke to Item 13.1
- Caitlyn Grigsby, Gippsland Pride Initiative Inc. spoke to Item 13.1

STRATEGIC ITEMS FOR DECISION

7. STRATEGIC ITEMS FOR DECISION

Item Number 7.1 01 May 2023

Regional City Planning and Assets

TRARALGON FLOOD RECOVERY PROJECT STAGE 1 PROJECT REFERENCE GROUP

MOTION

Moved: Cr Clancey

Seconded: Cr Harriman

That Council:

- 1. Adopts the Traralgon Flood Recovery Project Stage 1 PRG Terms of Reference (Attachment 1); and**
- 2. Appoints Cr Darren Howe (Chair), Cr Dan Clancey and Cr Dale Harriman to the Traralgon Flood Recovery Project Stage 1 PRG.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. TRFP Stage 1 Terms of Reference

RELEASE OF THE DRAFT FENCED DOG PARK IMPLEMENTATION PLAN FOR PUBLIC CONSULTATION

MOTION

Moved: Cr Harriman

Seconded: Cr Clancey

That Council:

- 1. Releases the Draft Fenced Dog Park Implementation Plan for public consultation; and**
- 2. Is provided a future report detailing submissions received following the consultation phase.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

- 1. Dog Park Implementation Plan**

OLD METHODIST CHURCH, TRARALGON - EXPRESSION OF INTEREST FOR FUTURE LOCATION AND USE

OFFICER'S RECOMMENDATION

That Council:

1. **Allocates \$86,000 (plus GST) from the 2022/23 full year forecast surplus to be utilised in relation to the future of the old Methodist Church.**
2. **Undertake an expression of Interest seeking proposals for the future use and location of the Old Methodist Church as generally outlined in Attachment 1.**

MOTION

Moved: Cr Clancey

Seconded: Cr Harriman

That Council:

1. **Allocates \$86,000 (plus GST) from the 2022/23 full year forecast surplus to be utilised in relation to the future of the old Methodist Church.**
2. **Undertakes further community consultation seeking proposals for the future use and location of the Old Methodist Church as generally outlined in Attachment 1.**
3. **The Chief Executive Officer approves a community and stakeholder engagement plan prior to commencement of further community consultation.**
4. **Is provided a future report detailing the outcomes of the submissions received following the consultation phase.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Heritage Report
2. Old Methodist Church Cost Estimate
3. Structural Assessment
4. Attachment 1 Draft Expression of Interest Criteria

ADDITIONAL CAR PARKING - MOE (BUILD A CASE FOR VICTRACK AND INVITE BUSINESS PROPOSALS)

MOTION

Moved: Cr Law

Seconded: Cr Middlemiss

That Council:

- 1. Notes the previous 1 April 2019 resolution to prepare a business case for car parking in Moe**
- 2. That Council write to the Minister for Transport and Infrastructure requesting the reinstatement of public car parking access to Lot 11 (VicTrack owned land) and that it is developed in line with the Moe Rail Precinct Revitalisation Project Master Plan.**
- 3. Notes that no further business proposals for additional car parking solutions in Moe will be sought at this time.**

CARRIED UNANIMOUSLY

Attachments

Nil

PETITION - FOR NO B-DOUBLE TRUCKS TO BE ALLOWED IN RESIDENTIAL AREAS OF TRARALGON

The Chief Executive Officer, Steven Piasente left the room at 7.16pm due to a conflict of interest with Item 7.5.

The General Manager Regional City Planning and Assets took the chair.

MOTION

Moved: Cr Harriman

Seconded: Cr Clancey

That Council:

- 1. Requests the General Manager Regional City Planning and Assets write to the Department of Transport and Planning to request the investigation, development and implementation of a suitable curfew for heavy vehicles along Grey Street, Traralgon, that is:
 - a) not detrimental to existing local industry and heavy vehicle operators; and**
 - b) allows emergency and waste services vehicles the use of the road at all times.****
- 2. Undertakes no further action along Kay Street, Traralgon; and**
- 3. Advises the head petitioner of this resolution.**

CARRIED UNANIMOUSLY

The Chief Executive Officer, Steven Piasente returned to the room at 7.19pm.

Attachments - Refer to Council Meeting Agenda

1. Petition Submission (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 petition contains personal information and details.

2. Traffic Counter Vehicle Classifications
3. Kay Street Speed Analysis
4. NHVR Vehicle Classifications

STATUTORY PLANNING

8. STATUTORY PLANNING

Agenda Item: 8.1

**Agenda Item: Amendment C127 (Bushfire and Rural Rezonings) -
Consideration of Planning Panel Report**

Sponsor: General Manager, Regional City Planning and Assets

The Mayor moved an adjournment which was seconded by the Deputy Mayor at 7.20pm.

Meeting resumed at 7.32pm.

OFFICERS RECOMMENDATION

That Council:

- 1. Allocate \$36,000+GST from the 2022/23 full year forecast surplus position for a co-contribution towards the work required by the Planning Panel.**
- 2. Having considered the Interim Planning Panel report and the Panel recommendations for Amendment C127, request consultants be appointed to undertake further work as recommended, including:**
 - a. Prepare a bushfire risk assessment that responds to Clause 13.02-1S (Bushfire Planning);**
 - b. Based on the findings of the bushfire risk assessment, make consequential changes to update the Latrobe City Rural Living Strategy 2020; and**
 - c. Based on the findings of the bushfire risk assessment and updated Latrobe City Rural Living Strategy, make consequential changes to Planning Scheme Amendment C127, including (as relevant) planning policy, proposed rezoning's and overlay controls.**
- 3. Apply to the Regional Planning Hubs program for funding to complete the further work as recommended by the Planning Panel.**
- 4. Advise those persons who made written submissions to Amendment C127 of Council's decision**

MOTION

Moved: Cr Harriman

Seconded: Cr Law

That Council:

- 1. Allocate \$36,000+GST from the 2022/23 full year forecast surplus position for a co-contribution towards the work required by the Planning Panel.**
- 2. Having considered the Interim Planning Panel report and the Panel recommendations for Amendment C127, request consultants be appointed to undertake further work as recommended, including:**
 - a. Prepare a bushfire risk assessment that responds to Clause 13.02-1S (Bushfire Planning) and that improves interfaces of existing communities;**

- b. Based on the findings of the bushfire risk assessment, make consequential changes to update the Latrobe City Rural Living Strategy 2020; and
 - c. Based on the findings of the bushfire risk assessment and updated Latrobe City Rural Living Strategy, make consequential changes to Planning Scheme Amendment C127, including (as relevant) planning policy, proposed rezoning's and overlay controls.
3. Apply to the Regional Planning Hubs program for funding to complete the further work as recommended by the Planning Panel.
 4. Advise those persons who made written submissions to Amendment C127 of Council's decision

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Planning Panel Report

CORPORATE ITEMS FOR DECISION

9. CORPORATE ITEMS FOR DECISION

Item Number 9.1 01 May 2023

Regional City Planning and Assets

REVIEW OF CAPITAL WORKS POLICY

OFFICER'S RECOMMENDATION

That Council:

1. **Adopts the Capital Works Policy;**
2. **Notes that with the adoption of the Capital Works Policy, that any previous versions are revoked; and**
3. **Makes the Capital Works Policy available on Council's website.**

MOTION

Moved: Cr Harriman

Seconded: Cr Middlemiss

That Council defers consideration of the draft Capital Works Policy until at least the July Council Meeting to allow time for further work to take place including that the draft policy has greater consideration of Council's Recreation Needs Assessment and has an increased focus of providing necessary changing facilities for female sporting teams.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Capital Works Policy
2. Summary of Key Changes

REQUEST TO EXECUTE UPDATED LATROBE CITY TRUST DEED

MOTION

Moved: Cr Clancey

Seconded: Cr Law

That Council:

- 1. Adopts the revised Deed of Appointment for the Latrobe City Trust and reaffirms the appointment of the following individuals as Trustees:**
 - a) The Mayor of the Day**
 - b) The CEO of the Day**
 - c) Cr Dan Clancey**
 - d) Cr Sharon Gibson**
 - e) Cr Melissa Ferguson; and**
- 2. Authorises the Chief Executive Officer to sign and seal the revised Deed of Appointment for the Latrobe City Trust.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Draft Latrobe City Trust Deed of Appointment
2. Latrobe Shire Deed - Latrobe City Trust

REVIEW OF COUNCIL DELEGATIONS

MOTION

Moved: Cr Clancey

Seconded: Cr Middlemiss

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 Instrument 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 in 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.**

For Crs Clancey, O'Callaghan, Law, Middlemiss and Lund

Against: Crs Harriman and Ferguson

CARRIED

Attachments - Refer to Council Meeting Agenda

1. Instrument of Delegation to Chief Executive Officer 2023 (S5)
2. Instrument of Delegation to Members of Council Staff 2023 (S6) (Published Separately)

RELOCATION OF COUNCIL MEETINGS

MOTION

Moved: Cr Clancey

Seconded: Cr Law

That Council:

- 1. resolves to hold scheduled monthly Council meetings at the Gippsland Performing Arts Centre in Kay Street, Traralgon, for the remainder of 2023;**
- 2. publishes information regarding the change of Council Meeting location for 2023 on the Council's website; and**
- 3. Authorises the Chief Executive Officer, in consultation with the Mayor, to change the location of any meeting which has been fixed for 2023 and subject to giving reasonable notice of the change to the public**

For Crs Clancey, O'Callaghan, Law and Lund

Against: Crs Middlemiss, Harriman and Ferguson

CARRIED

Attachments

Nil

URGENT BUSINESS

10. URGENT BUSINESS

Nil

REPORTS FOR NOTING

11. REPORTS FOR NOTING

Item Number 11.1 01 May 2023

Organisational Performance

QUARTERLY BUDGET REPORT - MARCH 2023

MOTION

Moved: Cr Law

Seconded: Cr Clancey

That Council receives and notes the Budget Report for the Quarter ended 31 March 2023, prepared in accordance with the requirements of the Local Government Act 2020.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Quarterly Budget Report March 2023

QUESTIONS ON NOTICE

12. QUESTIONS ON NOTICE

Nil

NOTICES OF MOTION

13. NOTICES OF MOTION

13.1 2023/06 LATROBE CITY COUNCIL SUPPORT FOR LGBTIQA+ COMMUNITY

Cr Tracie Lund

The Mayor moved an adjournment which was seconded by Cr Harriman at 8.08pm.

Meeting resumed at 8.28pm.

MOTION

Moved: Cr Lund

Seconded: Cr Clancey

That Council:

1. **Release a public statement of commitment for the inclusion of trans and gender diverse people in the municipality and opposition to transphobia and transmisogyny.**
2. **Notes existing initiatives that support people who are lesbian, gay, bisexual, trans and gender diverse, intersex, and queer and/or questioning (LGBTIQA+) including**
 - a) **Gippsland Pride Festival that provides a safe and welcoming place to trans and gender people in the municipality.**
 - b) **Strategic Objective 3.8 of Living Well Latrobe to ensure Council recognises and values the rights and social needs of the LGBTIQA+ community, which also aims to address discrimination and access to Council services and events.**
3. **Officers present a report to Council that considers and responds to**
 - a) **The recommendations of the Rainbow Brick Road Report (the voices of LGBTIQA+ Gippslanders & specifically Latrobe City Residents) following its release noting that it is proposed to be launched on IDAHOBIT Day May 17th 2023.**
 - b) **The Victorian State Government whole-of-government LGBTIQ+ strategy, Pride in our future: Victoria's LGBTIQ+ strategy 2022-3**

For Crs Clancey, O'Callaghan, Law, Middlemiss and Lund

Against*: Crs Harriman (abstain) and Ferguson (abstain)

CARRIED

** Pursuant to sub-section 61(5)(e) of the Local Government Act 2020 for the purpose of determining the result of a vote, a Councillor present at the meeting who does not vote is to be taken to have voted against the question.*

Attachments

Nil

ITEMS FOR TABLING

14. ITEMS FOR TABLING

Nil

15. ACKNOWLEDGEMENTS

Cr Harriman acknowledged the Moe Under 14 Girls who won the State Basketball Championship, Traralgon Under 12 Girls who were runner ups and Under 12 Boys who won the State Basketball Championship.

Cr Middlemiss acknowledged the passing of John Guy (OAM) (JP).

Cr Clancey acknowledged the local RSL Clubs and community associations for ANZAC day services.

Cr Clancey acknowledged the passing of Les Hunt.

Cr O'Callaghan acknowledged the passing of James Connaghan.

Cr O'Callaghan acknowledged Georgia Zammit and Sienna Blair for being selected for the national team of Malta to compete in the European netball championships.

**MEETING CLOSED TO
THE PUBLIC TO
CONSIDER
CONFIDENTIAL
INFORMATION**

16. 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.

MOTION

Moved: Cr Middlemiss

Seconded: Cr Lund

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:

16.1 LCC-784 Construction of Leachate Pond - Hyland Highway Landfill

This item is confidential as it contains private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage (section 3(1)(g)). This ground applies because Releasing this information publicly and/or prematurely may prejudice the undertaking of this process.

CARRIED UNANIMOUSLY

The Meeting closed to the public at 8.49pm.

There being no further business the meeting was declared closed at 8.53pm.

I certify that these minutes have been confirmed.

Mayor: _____

Date: _____