



LATROBE CITY COUNCIL

MINUTES FOR THE COUNCIL MEETING

**HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL AND
VIA AUDIO-VISUAL LINK
AT 6.00PM ON 02 MAY 2022
CM577**

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 (via virtual means) |
| | Cr Tracie Lund | Central Ward |
| | Cr Graeme Middlemiss | Central Ward |
| | Cr Melissa Ferguson | South Ward |
| | Cr Brad Law | West Ward |
| | Cr Sharon Gibson | West Ward |
| Officers: | Steven Piasente | Chief Executive Officer |
| | Gail Gatt | General Manager Community Health & Wellbeing |
| | Jody Riordan | General Manager City Planning & Assets |
| | Greg Drumm | General Manager Organisational Performance |
| | Tim Ellis | General Manager City Strategy and Transition |
| | Kendrea Pope | Acting Executive Manager Office of the CEO |
| | Kaitlyn Boram | Governance Officer |

TABLE OF CONTENTS

| | |
|--|-----------|
| 1. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND | 4 |
| 2. THE PRAYER | 4 |
| 3. APOLOGIES AND LEAVE OF ABSENCE | 4 |
| 4. DECLARATION OF INTERESTS | 4 |
| 5. ADOPTION OF MINUTES | 5 |
| 6. ACKNOWLEDGEMENTS | 5 |
| 7. PUBLIC PARTICIPATION TIME | 5 |
| 8. QUESTIONS ON NOTICE | 6 |
| 9. NOTICES OF MOTION | 7 |
| 9.1 2022/03 Councillor Briefing Procedure | 7 |
| 9.2 2022/04 Councillor Induction and Professional Development..... | 8 |
| 9.3 2022/05 Process for Reviewing the Code Of Conduct, Governance Rules and Induction For Professional Development | 9 |
| 10. ITEMS FOR TABLING AND ITEMS REFERRED | 10 |
| 10.1 Internal arbitration process for Latrobe City Council under section 143 of the Local Government Act 2020 | 10 |
| 10.2 CCP 2021-2 Councillor Conduct Panel Determination | 11 |
| 11. CORRESPONDENCE | 12 |
| 12. PRESENTATION OF PETITIONS | 13 |
| 12.1 Petition of support for a new public toilet on the north side of Morwell's Activity Centre..... | 13 |
| 13. CHIEF EXECUTIVE OFFICE | 14 |
| 13.1 Presentation of the Audit and Risk Committee Minutes - 03 March 2022..... | 14 |
| 13.2 Review of Council Delegations | 15 |
| 13.3 Council Policy Review - Privacy Policy | 17 |
| 14. REGIONAL CITY PLANNING AND ASSETS | 18 |
| 14.1 Fenced Dog Parks - Trial Review and Future | 18 |

| | |
|--|-----------|
| 14.2 Former Budgeree Primary School Heritage Status..... | 19 |
| 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 | 20 |
| 14.4 Proposed Amendment C137 - Morwell Activity Centre Plan..... | 26 |
| 15. COMMUNITY HEALTH AND WELLBEING | 28 |
| 15.1 2021/2022 Latrobe City Community Grants and Sponsorship Program Round Two - Recommendations..... | 28 |
| 16. ORGANISATIONAL PERFORMANCE | 31 |
| 16.1 Proposed Sale of Land - 9 Atherley Close, Traralgon..... | 31 |
| 16.2 Proposed Sale of Land - 60 Lafayette Street, Traralgon..... | 32 |
| 16.3 Quarterly Budget Report - March 2022..... | 33 |
| 17. URGENT BUSINESS..... | 34 |
| 18. MEETING CLOSED TO THE PUBLIC TO CONSIDER CONFIDENTIAL INFORMATION..... | 35 |
| 18.1 Minutes of the CEO Employment Matters Committee and advice for decision | 35 |

Resolutions in this minutes document should be read in conjunction with the published agenda for the 02 May 2022 Council Meeting.

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

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

2. THE PRAYER

The Mayor read the opening prayer.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil

4. DECLARATION OF INTERESTS

Cr Howe and Cr Harriman declared general conflicts in item 15.1 part 5

And Cr Clancey declared a general interest in item 15.1 part 6

Cr Middlemiss addressed the meeting highlighting that he had a long history working with community and advocating for economic development associated with the proposed quarry and in particular parallel development of rail. Cr Middlemiss is advised that this is not a conflict of interest and that he will be considering all the arguments put forward in relation to the proposed development.

5. ADOPTION OF MINUTES

RESOLUTION

Moved: Cr Gibson

Seconded: Cr Lund

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

CARRIED UNANIMOUSLY

6. ACKNOWLEDGEMENTS

Councillors Harriman, Clancey, Ferguson and Gibson all acknowledged the efforts of RSL, Rotary and other community groups and associations in their amazing efforts in commemorating the day's significance.

7. PUBLIC PARTICIPATION TIME

Public Questions on Notice

In accordance with the *Governance Rules*, members of the public were able to lodge a question on notice up until 12 noon the Friday before the day of the Council Meeting in order for the question to be answered at the meeting.

There were no questions on notice.

Public Speakers

Members of the public who registered before 12 noon on the day of the Council Meeting were invited to speak to an item on the agenda. There were 5 public speakers.

- Julie Rowley- CEO, Gippsland Employment Skills Training briefly addressed the meeting and requested that the record reflect GEST would like the community to be aware that a number of items in document 10.1 in relation to the community Hub at 44 Albert street & 32 Kirk street contained incorrect information in relation to GEST vacating the premises.
- David Hollis spoke to the importance of the item 12.1 the provision of a new public toilet on the north side of Morwell's activity centre
- Lisa Proctor raised questions regarding process and costs of the codes of conduct matters which have arisen. The Mayor clarified that questions are to be taken on notice and responded to at the next meeting.
- Leanne Potter spoke to the Budgeree school item in favour of further assessment of the property's heritage value
- Chris Blackwood- Manager & Partner, Latrobe Valley Sands PTY LTD spoke to the proposal at item 14.3

8. QUESTIONS ON NOTICE

Nil

9. NOTICES OF MOTION

9.1 2022/03 COUNCILLOR BRIEFING PROCEDURE

Cr Sharon Gibson

RESOLUTION

Moved: Cr Gibson

Seconded: Cr Harriman

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.

For Crs Middlemiss, Harriman, Ferguson and Gibson

Against: Crs Clancey, O'Callaghan, Law, Howe and Lund

Lost

Attachments

Nil

9.2 2022/04 COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT

Cr Sharon Gibson

RESOLUTION

Moved: Cr Gibson
Seconded: Cr Harriman

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.

For Crs Middlemiss, Harriman, Ferguson and Gibson
Against: Crs Clancey, O'Callaghan, Law, Howe and Lund

Lost

Attachments

Nil

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

Cr Melissa Ferguson

RESOLUTION

Moved: Cr Ferguson

Seconded: Cr Middlemiss

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.

For Crs Middlemiss, Harriman, Ferguson and Gibson

Against: Crs Clancey, O'Callaghan, Law, Howe and Lund

Lost

Attachments

Nil

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

A 5 minute adjournment was called at 8.25 pm.

Cr Middlemiss moved an amended motion and this was accepted by the seconder.

RESOLUTION

Moved: Cr Middlemiss

Seconded: Cr Lund

That Council:

1. Receives and notes 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; and
2. Notes the view of Cr Harriman that there are inaccuracies and incorrect inferences in the report; and
3. Notes Cr Clancey highlighted a number of typographical errors in the report which should be communicated to Local Government Victoria.

CARRIED UNANIMOUSLY

Attachments – Refer to Council Meeting Agenda

1. 27 April 2022 - Complete Reasons

Cr Gibson declared a general conflict and left the meeting at 8:32pm for the item.

Agenda Item: 10.2

Agenda Item: CCP 2021-2 Councillor Conduct Panel Determination

Sponsor: Chief Executive Office

Council Plan Objective: SMART

Status: For Information

Councillor Ferguson made an apology to the chamber for conduct noted in the Councillor Conduct Panel Determination Report.

Attachments

Nil

11. CORRESPONDENCE

Nil reports

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

Cr Middlemiss moved an alternate motion which was seconded by Cr Howe.

RESOLUTION

Moved: Cr Middlemiss

Seconded: Cr Howe

ALTERNATE MOTION

That Council:

- 1. Notes the petition and report;**
- 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; and**
- 3. That the matter is referred for consideration as part of the preparation of *Draft Public Toilet Plan*.**

CARRIED UNANIMOUSLY

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**

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

RESOLUTION

Moved: Cr Law

Seconded: Cr Ferguson

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

CARRIED UNANIMOUSLY

Attachments – Refer to Council Meeting Agenda

1. Audit and Risk Committee Minutes - 03 March 2022

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

RESOLUTION

Moved: Cr Howe

Seconded: Cr Lund

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.**

CARRIED UNANIMOUSLY

Attachments – Refer to Council Meeting Agenda & 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)

Agenda Item: 13.3

Agenda Item: Council Policy Review - Privacy Policy

Sponsor: Chief Executive Office

Council Plan Objective: SMART

Status: For Decision

RESOLUTION

Moved: Cr Clancey

Seconded: Cr Ferguson

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.**

CARRIED UNANIMOUSLY

Attachments – Refer to Council Meeting Agenda

- 1. DRAFT Privacy Policy 2022**

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

RESOLUTION

Moved: Cr Lund

Seconded: Cr Howe

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*.**

CARRIED UNANIMOUSLY

Attachments – Refer to Council Meeting Agenda

- 1. Attachment 1 - Trial Dog Park Location**
- 2. Attachment 2 - Trial Review**
- 3. Attachment 3 - Attendance Data**
- 4. Attachment 4 - Draft Fenced Dog Park Guidelines**

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

MOTION

Moved: Cr Ferguson

Seconded: Cr Lund

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**

CARRIED UNANIMOUSLY

Attachments – Refer to Council Meeting Agenda

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

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

RESOLUTION

Moved: Cr Middlemiss

Seconded: Cr Harriman

ALTERNATE MOTION

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 quarry trucks must use the following route to and from 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.

CARRIED UNANIMOUSLY

Attachments – Refer to Council Meeting Agenda

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

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

RESOLUTION

Moved: Cr Middlemiss

Seconded: Cr Ferguson

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.**

CARRIED UNANIMOUSLY

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

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

RESOLUTION

Moved: Cr Howe

Seconded: Cr Middlemiss

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**

CARRIED UNANIMOUSLY

Cr Howe and Cr Harriman temporarily left the room.

RESOLUTION

Moved: Cr Middlemiss

Seconded: Cr Law

- 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**

CARRIED UNANIMOUSLY

Cr Clancey left the room.

RESOLUTION

Moved: Cr Lund

Seconded: Cr Middlemiss

- 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).**

CARRIED UNANIMOUSLY

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).

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

RESOLUTION

Moved: Cr Middlemiss

Seconded: Cr Howe

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.**

CARRIED UNANIMOUSLY

Attachments – Refer to Council Meeting Agenda

- 1. 9 Atherley Close, Traralgon**
- 2. Vacant land**

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

RESOLUTION

Moved: Cr Clancey

Seconded: Cr Howe

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.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

- 1. 60 Lafayette Street, Traralgon**

Agenda Item: 16.3

Agenda Item: Quarterly Budget Report - March 2022

Sponsor: General Manager, Organisational Performance

Council Plan Objective: SUSTAINABLE

Status: For Information

RESOLUTION

Moved: Cr Clancey

Seconded: Cr Law

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.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Quarterly Budget Report - March 2022

17. URGENT BUSINESS

Nil

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.

MOTION

Moved: Cr Clancey

Seconded: Cr Middlemiss

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

CARRIED UNANIMOUSLY

The Meeting closed to the public at 9:20pm.

There being no further business the meeting was declared closed at 9:33pm.

I certify that these minutes have been confirmed.

Mayor: _____

Date: _____