

LATROBE CITY COUNCIL

MINUTES FOR THE COUNCIL MEETING

HELD IN MEETING ROOMS AT GIPPSLAND PERFORMING ARTS CENTRE AND VIA AUDIO-VISUAL LINK AT 6:00PM ON 02 OCTOBER 2023 CM596

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 South Ward Cr Melissa Ferguson Cr Brad Law West Ward Cr Sharon Gibson West Ward

Officers: Steven Piasente Chief Executive Officer

Georgia Hills

Jody Riordan

Tim Ellis

General Manager Community Health & Wellbeing
General Manager Regional City Planning & Assets
General Manager Regional City Strategy & Transition

James Rouse Executive Manager Commonwealth Games
Nathan Kearsley General Manager Organisational Performance

Paul Howard Acting Manager Governance
Rebecca Obersby Acting Manager Governance
Peter Schulz Coordinator Council Business

Kaitlyn Boram Governance Officer

Apologies: Nil

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Resolutions in this minutes document should be read in conjunction with the published agenda for the 02 October 2023 Council Meeting.

1. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

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

2. APOLOGIES AND LEAVE OF ABSENCE

Nil

3. ADOPTION OF MINUTES

MOTION

Moved: Cr Gibson Seconded: Cr Lund

That Council confirm the minutes of the Council Meeting held on 4

September 2023.

CARRIED UNANIMOUSLY

4. DECLARATION OF INTERESTS

Cr Clancey declared an interest in Item 6.5 – Establishment of a Project Reference Group for Regional Car Park Fund at 2 Kay Street, Traralgon.

Cr Clancey declared an interest in Item 8.2 Part B – 2023/24 Community Grants and Sponsorship Program – Round 1.

Cr Lund declared an interest in Item 8.2 Part C – 2023/24 Community Grants and Sponsorship Program – Round 1.

Cr Howe declared an interest in Item 8.2 Part B – 2023/24 Community Grants and Sponsorship Program – Round 1.

Cr Harriman declared an interest in Item 8.2 Part B – 2023/24 Community Grants and Sponsorship Program – Round 1.

5. 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.

Question 1:

From: Taylah Ling

Topic: Moving Location of Council Meetings

Question:

I have inquired with GPAC and the auditorium has the capacity to hold 750 people and there is the opportunity for meetings to be moved here. In order to align with the commitment of "transparency and accessibility" will LCC commit to moving council meetings to the auditorium to facilitate maximum as possible public attendance.

Response:

The meeting rooms at GPAC have been determined to be the most appropriate location at that facility for Council Meetings to take place, based on a capacity that will support and facilitate a meeting environment conducive to effective decision making, as well as meet the technological requirements for conduct of the meeting.

Question 2:

From: Taylah Ling

Topic: Public Access to In-Person Council Meetings

Question:

Can the council make mandatory that the public always have access to in person council meetings and if some Councillors feel unsafe, those Councillors utilise the hybrid function which we have seen utilised by other councillors. We are a regional area, internet is unreliable and not everyone is computer literate therefore moving meetings online is in violation of section 66.

Response:

Section 66 of the *Local Government Act 2020* provides that Council Meetings must be open to the public unless it is considered necessary to close the meeting for any of the reasons listed in that section of the meeting. By way of an example, Council can close a meeting to the public, inclusive of closing a livestream, in order to consider contractual items.

The definition of a meeting open to the public provides for the community to observe the Council's decision making process. This includes recording the meeting for people to view online or at their convenience at a later date. The community can also access Council meetings by viewing them at one of our libraries where staff can assist with access following the meeting.

Section 66 confirms that a Council Meeting is considered open to the public through either of the options of in person public attendance or a live broadcast. The recent Supreme Court decision of *Dickson v Yarra Ranges Council* has confirmed that utilising the live broadcast option alone is fully compliant with section 66 of the Act and accordingly there would be no breach of that section where there is a live broadcast but in person attendance does not take place.

Council is committed to an open, transparent and accessible process while ensuring the provision of a safe and respectful meeting environment is maintained for everybody. Meetings arrangements will accord with these principles.

Public Speakers

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

There were three public speakers:

- Kelvin Granger spoke to Item 6.1
- Taylah Ling spoke to Item 6.1
- Keely Jennings Human Habitats spoke to Item 7.1

STRATEGIC ITEMS FOR DECISION

6. STRATEGIC ITEMS FOR DECISION

Item Number 6.1

02 October 2023

Regional City Strategy & Transition

REVIEW OF GOVERNANCE RULES

MOTION

Moved: Cr Howe Seconded: Cr Law

That Council:

- 1. Adopt the Governance Rules with an effective date of 3 October 2023;
- 2. Request a copy of the final Governance Rules be provided to all Councillors:
- 3. Note with the adoption of these Governance Rules, that any previous versions are now rescinded:
- 4. Make the Governance Rules available on Council's website and available for inspection at all Council Service Centres.

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

Against: Crs Harriman, Ferguson and Gibson

CARRIED

MOTION

Moved: Cr Harriman Seconded: Cr Gibson

That Council defer consideration of the draft Governance Rules until the December Council Meeting in order to:

- 1. Incorporate the feedback received through the public consultation process that is not in conflict with the Local Government Act 2020;
- 2. Present an alternative set of Governance Rules for Council consideration that includes one above.

For Crs Harriman, Ferguson and Gibson

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

LOST

Attachments - Refer to Council Meeting Agenda

1. Governance Rules - 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. Submissions containing personal information.

- 2. Governance Rules Submission Changes Summary
- 3. Draft Governance Rules Post Consultation

Item Number 6.2 02 October 2023 Chief Executive Office

ADOPTION OF PROJECT REFERENCE GROUP TERMS OF REFERENCE -GIPPSLAND SPORTS AND ENTERTAINMENT PARK, GIPPSLAND REGIONAL INDOOR SPORTS STADIUM, AND TED SUMMERTON RESERVE

MOTION

Moved: Cr Gibson Seconded: Cr Lund

That Council:

- 1. Adopts the Terms of Reference for the following Project Reference Groups:
 - Gippsland Sports and Entertainment Park Redevelopment Project (revised – Attachment 1);
 - Gippsland Regional Indoor Sports Stadium 2023 Upgrades (Attachment 2); and
 - Ted Summerton Reserve 2023 Upgrades (Attachment 3);
- 2. Confirms Cr Middlemiss (Chair), Cr Lund, and Cr O'Callaghan (alternate) as the Councillor representatives on the Gippsland Sports and Entertainment Park Project Reference Group;
- 3. Appoints Cr Clancey (chair), and Cr Lund to the Gippsland Regional Indoor Sports Stadium Project Reference Group; and
- 4. Appoints Cr Gibson (chair), and Cr Law to the Ted Summerton Reserve 2023 Upgrades Project Reference Group.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

- Gippsland Sports and Entertainment Park Project Reference Group Terms of Reference
- 2. Gippsland Regional Indoor Sports Stadium 2023 Upgrades Project Reference Group Terms of Reference
- 3. Ted Summerton Reserve 2023 Upgrades Project Reference Group Terms of Reference

LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM - PHASE 4 (PART B)

MOTION

Moved: Cr Gibson Seconded: Cr Howe

That Council:

- Endorses the list of projects in Attachment 1 List of LRCIP4 Part B
 Primary Projects of this report for submission for funding to the Local
 Road and Community Infrastructure Program – Phase 4 Part B; and
- 2. Endorses the list of projects in Attachment 2 List of LRCIP4 Part B Supplementary Projects of this report as replacement or supplementary projects to the Local Road and Community Infrastructure Program Phase 4 Part B, if a primary project in Attachment 1 cannot be delivered or if there is a surplus developed through the delivery of the program.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

- 1. List of LRCIP4 Part B Primary Projects
- 2. List of LRCIP4 Part B Supplementary Projects
- 3. LRCIP4 Grant Guidelines

NEW ENERGY PROJECTS INVESTMENT -INCREASE TO THE CEO APPROVAL **AMOUNT**

MOTION

Moved: Cr Gibson Seconded: Cr Howe

That Council:

- 1. Approves an increase of \$403,780 excluding GST for the delivery of New Energy projects to be allocated from cash holdings, with all savings, rebates and energy certificates received from or relating to the New Energy projects to be utilised firstly to repay the allocations from cash holdings for these projects; and
- 2. Delegates authority to the Chief Executive Officer to award individual contracts and approve expenditure up to the total value of \$4.86 million (GST exclusive) associated with the New Energy Projects.

CARRIED UNANIMOUSLY

Attachments

Nil

ESTABLISHMENT OF A PROJECT REFERENCE GROUP FOR REGIONAL CAR PARK FUND AT 2 KAY STREET TRARALGON

MOTION

Moved: Cr Howe

Seconded: Cr Middlemiss

That Council:

- 1. Adopts the Regional Car Park Fund (2 Kay Street, Traralgon) PRG Terms of Reference (Attachment 1); and
- 2. Appoints Cr Howe (Chair) and Cr Law to the Regional Car Park Fund (2) Kay Street, Traralgon) PRG; and
- 3. Receives a Councillor Briefing report detailing the results of the Expression of Interests received for the community, building owner and business owner membership.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

- 1. Terms of Reference
- 2. Expression of Interest form Draft

Cr Clancey left the meeting at 7.13pm.

Cr Clancey returned to the meeting at 7.16pm.

CEO DELEGATION TO AWARD CONSTRUCTION CONTRACTS FOR THE MARSHALLS ROAD PROJECTS

MOTION

Moved: Cr Law Seconded: Cr Clancey

That Council delegates authority to the Chief Executive Officer (CEO) to award individual contracts and approve expenditure associated with the Signalised Intersection Works at Marshalls Road and Traralgon-Maffra Road up to \$7.42 million excluding GST where the tenders are within budget and comply with the Procurement Policy.

CARRIED UNANIMOUSLY

Attachments

Nil

REVIEW OF THE MOE ACTIVITY CENTRE **PLAN**

MOTION

Moved: Cr Gibson Seconded: Cr Law

That Council:

1. Endorse the preparation of an updated Moe Activity Centre Plan; and

2. Seek funding from the Regional Planning Hub to prepare an Urban Analysis and Traffic, Movement and Car Parking Assessment for the update to the Moe Activity Centre Plan.

CARRIED UNANIMOUSLY

Attachments

Nil

STATUTORY PLANNING

7. STATUTORY PLANNING

Item Number 7.1

02 October 2023

Regional City Planning and Assets

2022/362 USE AND DEVELOPMENT OF LAND FOR A CHILDCARE CENTRE AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE AT 7,9 AND 11 BURNS STREET, TRARALGON

MOTION

Moved: Cr Howe Seconded: Cr Clancey

That Council issues a Notice of Decision to Grant a Permit for the use and development of land with a child care centre and display of business identification signage at 7, 9 and 11 Burns Street, Traralgon (Lots 2, 3 & 4 PS 832329) subject to conditions at Attachment 1 to this report.

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

CARRIED

Attachments - Refer to Council Meeting Agenda

- 1. Attachment 1 Draft Permit Conditions
- 2. Attachment 2 Development Plans
- 3. Attachment 3 Objections (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. Contains personal details of objectors.

4. Attachment 4 - Map 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. Contains personal details of objectors.

- Attachment 5 Response to Objections
- 6. Attachment 6 Relevant Policy and Assessment

The Mayor called an adjournment of the meeting at 7.40pm.
The meeting resumed at 7.50pm.

CORPORATE ITEMS FOR DECISION

CORPORATE ITEMS FOR DECISION

Item Number 8.1 02 October 2023

Organisational Performance

AUTHORISATION OF COUNCILLORS FOR CERTIFICATION OF THE 2022/23 FINANCE REPORT AND PERFORMANCE STATEMENT

MOTION

Moved: Cr Middlemiss Seconded: Cr Clancey

That Council:

- 1. Provides "in principle" approval to the performance and financial statements for the year ended 30 June 2023 as attached to this report; and
- 2. **Authorises Councillors Howe and Law to certify the performance** statement and financial statements in their final form on behalf of Council for the year ended 30 June 2023.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

- 1. Financial Statements 2022-23
- 2. Performance Statement 2022-23

2023/24 COMMUNITY GRANTS AND SPONSORSHIP PROGRAM - ROUND 1

MOTION

Moved: Cr Middlemiss

Seconded: Cr Gibson

Part A

That Council approves 87 applications in the amounts stated as set out in Attachment A and releases publicly a list of the successful applicants.

CARRIED UNANIMOUSLY

MOTION

Moved: Cr Middlemiss

Seconded: Cr Gibson

Part B

That Council approves four applications in the amount stated as set out in Attachment B and releases publicly a list of the successful applicants – East Ward.

CARRIED UNANIMOUSLY

MOTION

Moved: Cr Ferguson Seconded: Cr Harriman

Part C

That Council approves one application in the amount stated as set out in Attachment C and releases publicly a list of the successful applicant – Central Ward.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

 Attachment A - 2023-24 Community Grants and Sponsorship Program Round 1 -Recommended and Not Recommended (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). Recommendations for Council endorsement.

2. Attachment B - 2023-24 Community Grants and Sponsorship Program Round 1 - East Ward (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). Recommendations for Council endorsement.

3. Attachment C - 2023-24 Community Grants and Sponsorship Program Round 1 - Central Ward (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). Recommendations for Council endorsement.

Cr Clancey, Cr Harriman and Cr Howe left the meeting at 7.56pm.

Cr Clancey, Cr Harriman and Cr Howe returned to the meeting at 7.59pm.

Cr Lund left the meeting at 7.59pm.

Cr Lund returned to the meeting at 8.02pm.

FUNDING APPLICATION TO COUNTRY FOOTBALL AND NETBALL PROGRAM

MOTION

Moved: Cr Ferguson Seconded: Cr Gibson

That Council:

- 1. Endorse the CEO's application to the 2023/24 Country Football and Netball Program for Lighting Upgrades at Gaskin Park Oval 2; and
- 2. Allocate \$81,910 (plus GST) from the cash reserve account as Council's contribution towards the Lighting Upgrade at Gaskin Park Oval 2.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. 2023/24 Country Football and Netball Program Guidelines

LATROBE CITY INTERIM SOCIAL & AFFORDABLE HOUSING POLICY REVIEW

MOTION

Moved: Cr Middlemiss

Seconded: Cr Howe

That Council:

1. Revoke the Latrobe City Interim Social & Affordable Housing Policy 2021 at Attachment 1;

- 2. Adopt the Latrobe City Interim Social & Affordable Housing Policy 2023 at Attachment 2; and
- 3. Make the Latrobe City Interim Social & Affordable Housing Policy 2023 available on Council's Website.

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

Against: Crs Harriman, Ferguson and Gibson

CARRIED

Attachments - Refer to Council Meeting Agenda

- 1. Attachment 1 Current Latrobe City Interim Social & Affordable Housing Policy 2021
- 2. Attachment 2 Revised Latrobe City Interim Social & Affordable Housing Policy 2023

AUTHORISATION OF A COUNCIL OFFICER UNDER THE PLANNING & ENVIRONMENT **ACT 1987**

MOTION

Moved: Cr Harriman Seconded: Cr Lund

That Council, in the exercise of the powers conferred by section 147(4) of the Planning and Environment Act 1987, resolves that:

- Brendan Ward be appointed and authorised as set out in the Instruments 1. of Appointment and Authorisation;
- 2. The Instrument of Appointment and Authorisation comes into force immediately after the common seal of Council is affixed and remains in force until Council determines to vary or revoke it; and
- 3. The Instrument of Appointment and Authorisation be sealed.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. S11A Instrument of Appointment & Authorisation - Brendan Ward

URGENT BUSINESS

9.	URGENT BUSINESS Nil reports.

REPORTS FOR NOTING

Item Number 10.1 02 October 2023

Organisational Performance

CONTRACT VARIATIONS FOR THE PERIOD 1 JANUARY 2020 TO 30 JUNE 2023

OFFICER RECOMMENDATION

That Council receive and note the report on contract variations for the period 1 January 2020 to 30 June 2023.

MOTION

Moved: Cr Harriman Seconded: Cr Ferguson

That Council defer consideration of this matter until a future Council meeting.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

- 1. Summary of Contract Variations
- 2. Details of Contract Variations

The Mayor called an adjournment of the meeting at 8.21pm.

The meeting resumed at 8.40pm.

PENSION REBATES AND HARDSHIP APPLICATIONS 2022/23

MOTION

Moved: Cr Harriman Seconded: Cr Lund

That Council receive and note the report on Pension Rebates and Hardship Applications for the period 1 July 2022 to 30 June 2023.

CARRIED UNANIMOUSLY

Attachments

Nil

PRESENTATION OF THE AUDIT AND RISK COMMITTEE MINUTES - 24 AUGUST 2023

MOTION

Moved: Cr Law Seconded: Cr Howe

That Council receives and notes the attached Audit and Risk Committee

Minutes for the 24 August 2023 Meeting.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Audit & Risk Committee Meeting Minutes - 24 August 2023

11.	QUESTIONS ON NOTICE
	Nil reports

NOTICES OF MOTION

12.	NOTICES OF MOTION
	Nil Reports

ITEMS FOR TABLING

13.	ITEMS FOR TABLING Nil reports

14. ACKNOWLEDGEMENTS

Cr O'Callaghan acknowledged the passing of former Shire of Morwell Councillor Christopher James Jones.

Cr Howe acknowledged the centenary of Legacy, 1923 to 2023.

Cr Law acknowledged the work of the Moe Revitalisation Project Reference Group in completing Stage 2.

Cr Law acknowledged the passing of Graeme Freshwater.

Cr Ferguson acknowledged the success of the Collingwood Football Club in winning the AFL Premiership.

Cr Harriman acknowledged the success of the Traralgon Tyers United Football Netball Club in winning the North Gippsland Football-Netball League Premiership.

MEETING CLOSED TO THE PUBLIC TO CONSIDER CONFIDENTIAL INFORMATION

15. 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 Gibson Seconded: Cr Law

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 item containing confidential information as defined in section 3(1) of the Act:

- 15.1 LCC-762 Morwell Landfill Gas Management
 This item is confidential as it contains Council business
 information, being information that would prejudice the
 Council's position in commercial negotiations if prematurely
 released (section 3(1)(a)) and 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)). These grounds apply because Releasing this information publicly and/or prematurely may prejudice the undertaking of this process and would release private commercial information of the parties to the contract that may cause disadvantage.

CARRIED UNANIMOUSLY

MOTION

Moved: Cr Middlemiss Seconded: Cr Clancey

MOTION

That the meeting be extended until such time as all business on the agenda is dealt with.

CARRIED UNANIMOUSLY

The Meeting closed to the public at 8.56pm.
There being no further business the meeting was declared closed at 8.59pm.
I certify that these minutes have been confirmed.
Mayor:
Date: