



LATROBE CITY COUNCIL

MINUTES FOR THE COUNCIL MEETING

HELD VIA AUDIO-VISUAL LINK
AT 6.00PM ON 03 OCTOBER 2022
CM583

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 Graeme Middlemiss	Central Ward
	Cr Brad Law	West Ward
	Cr Sharon Gibson	West Ward
	Officers:	Steven Piasente
Shay Ferguson		Acting General Manager Community Health & Wellbeing
Josh Wilson		Acting General Manager City Planning & Assets
Kendrea Pope		Executive Manager Office of the CEO
Tim Ellis		General Manager Regional City Strategy & Transition
Kate Kerslake		Acting General Manager Organisational Performance
Peter Schulz		Coordinator Council Business
Julene Blunden	Governance Officer	
Apologies:	Cr Melissa Ferguson	South Ward

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Resolutions in this minutes document should be read in conjunction with the published agenda for the 03 October 2022 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 read the opening prayer.

3. APOLOGIES AND LEAVE OF ABSENCE

Cr Ferguson

Cr Lund requested a leave of absence from 6 September for the Victorian state election.

Cr Harriman requested a leave of absence from 2 November for the Victorian state election.

4. DECLARATION OF INTERESTS

Cr Harriman declared a material interest in Item 7.1

Cr Clancey declared a material interest in Item 7.1

5. ADOPTION OF MINUTES

MOTION

Moved: Cr Harriman

Seconded: Cr Middlemiss

That Council confirm the minutes of the Council Meeting held on 5 September 2022.

CARRIED UNANIMOUSLY

6. 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 before 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 were invited to speak to an item on the agenda. There was one public speaker.

- Item 8.1 - Rob Zwierlein, Director of Zwierlein Constructions

STRATEGIC ITEMS FOR DECISION

7. STRATEGIC ITEMS FOR DECISION

Item Number 7.1

03 October 2022

Community Health & Wellbeing

2022/23 COMMUNITY GRANTS AND SPONSORSHIP PROGRAM - ROUND 1

MOTION

Moved: Cr Middlemiss

Seconded: Cr Gibson

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 – 2022/23 Community Grants Program, Round One - Final Recommendations in the Community Wellbeing, Community Events Minor, Community Events Significant, Minor Equipment and Minor Capital Works categories of the 2022/23 Community Grants Program, Round One**
- 2. Approves two applications in the amount stated as set out in in the Attachment B and releases publicly a list of the successful applicants – 2022/23 Community Sponsorship Program – Final Recommendations –in the Community Sponsorship Major category of the Community Sponsorship Program, Round One;**
- 3. Notes the unsuccessful applications as set out in Attachment C – 2022/23 Community Grants Program – Unsuccessful Applications – in the Community Wellbeing, Community Events Minor, Community Events Major, Minor Equipment and Minor Capital Works categories of the 2022/23 Community Grants Program, Round One; and**
- 4. Notes the unsuccessful application as set out in Attachment D – 2022/23 Community Sponsorship Program – Unsuccessful Application – in the Community Sponsorship Major category of the Community Sponsorship Program, Round One.**

OFFICER'S RECOMMENDATION 2

That Council:

- 1. Approves five applications in the amounts stated as set out in the Attachment E and releases publicly a list of the successful applicants – 2022/23 Community Grants Program - Final Recommendations – Conflict of Interest in the Community Events Significant and Events Minor categories of the 2022/23 Community Grants Program, Round One.**

OFFICER'S RECOMMENDATION 3

That Council:

- 1. Approves one application in the amounts stated as set out in the Attachment F and releases publicly a list of the successful applicants – 2022/23 Community Sponsorship Program - Final Recommendations –**

Conflict of Interest in the Community Sponsorship Major categories of the 2022/23 Community Sponsorship Program, Round One.

CARRIED

Attachments - Refer to Council Meeting Agenda

1. Attachment A - 2022-23 Community Grants Program Round One - 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). Community Grants Recommendations

2. Attachment B - 2022-23 Community Sponsorship Program Round One - 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). Community Sponsorship Recommendations

3. Attachment C - 2022-23 Community Grants Program Round One - 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). Unsuccessful Applications

4. Attachment D - 2022-23 Community Sponsorship Program Round One - 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). Unsuccessful Applications

5. Attachment E - 2022-23 Community Grants Program Round One - 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). Community Grants Recommendations - Conflicts of Interest

6. Attachment F - 2022-23 Community Sponsorship Program Round One - Conflicts of Interest (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. Community Sponsorship Recommendations - Conflicts of Interest

PETITION FOR ADDITIONAL CAR PARKING AT MORWELL PARK PRIMARY SCHOOL

MOTION

Moved: Cr Middlemiss

Seconded: Cr Harriman

That Council:

- 1. Notes the petition requesting additional car parking at Morwell Park Primary School;**
- 2. Requests the Mayor write to the Victorian Minister for Education requesting a meeting to discuss this and similar issues, and that future development of State Government schools give proper consideration to parking and traffic impacts; and**
- 3. Advises the head petitioner that there is sufficient car parking provided at Morwell Park Primary School, and that additional parking measures will be implemented in consultation with the school.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

Nil

PENSIONER RATE FOR LATROBE CITY

OFFICER'S RECOMMENDATION

That Council:

1. notes the report into a pensioner rate for Latrobe City;
2. requires the Chief Executive Officer to implement a communication program to increase the visibility of the Municipal Rates Concession within Latrobe City; and
3. resolves that the Mayor write to the Premier, Treasurer, the Minister for Disability, Ageing and Caring and the Minister for Local Government advocating for an increase in the Municipal Rates Concession.

ALTERNATE MOTION

Moved: Cr Gibson

Seconded: Cr Harriman

That Council:

1. Notes the report into a pensioner rate for Latrobe City;
2. Requires the Chief Executive Officer to implement a communication program to increase the visibility of the Municipal Rates Concession within Latrobe City;
3. Resolves that the Mayor write to the Premier, Treasurer, the Minister for Disability, Ageing and Caring and the Minister for Local Government advocating for an increase in the Municipal Rates Concession.
4. Receives a further report in October 2023 providing an update on the number of Municipal Rate Concessions applied and hardship applications received in the 2022/23 rating year.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

Nil

STATUTORY PLANNING

8. STATUTORY PLANNING

Agenda Item: 8.1

Agenda Item: Development of land with six dwellings at 24 Peterkin Street, Traralgon

Sponsor: General Manager, Regional City Planning and Assets

MOTION

Moved: Cr Clancey

Seconded: Cr Howe

That Council decides to issue a Notice of Decision to Refuse to Grant a Permit for the development of land with six (6) dwellings at 24 Peterkin Street, Traralgon (L 1 LP 48185), on the following grounds:

1. The proposal is inconsistent with the following clauses of the Municipal Planning Strategy and Planning Policy Framework of the Latrobe Planning Scheme in relation to urban design, neighbourhood character and energy efficiency:
 - a) Clause 02.03-5 Built Environment and Heritage
 - b) Clause 02.03-6 Housing
 - c) Clause 11.01-1L Latrobe Settlement Patterns
 - d) Clause 15.01-1S Urban Design
 - e) Clause 15.01-1L Urban Design
 - f) Clause 15.01-2S Building Design
 - g) Clause 15.01-2L Energy and Resource Efficiency
 - h) Clause 15.01-5S Neighbourhood Character
 - i) Clause 15.01-5L Neighbourhood Character
 - j) Clause 16.01-1S Housing Supply
 - k) Clause 16.01-1L Housing Supply
 - l) Clause 16.01-2S Housing affordability
2. The proposal does not satisfactorily address the *Latrobe City Council Urban Design Guidelines* (Latrobe City, 2019) with regard to:
 - a) Street setback and presentation
 - b) Vehicle access and car parking
 - c) Private open space

- d) **Landscape**
- e) **Services and maintenance**
- 3. **The proposal is inconsistent with the purpose and decision guidelines of the Residential Growth Zone Schedule 2 which seeks to encourage development that respects the neighbourhood character of an area that has been identified to have special character.**
- 4. **The proposal does not satisfactorily meet the following clauses of Clauses 55 of the Latrobe Planning Scheme:**
 - a) **Clause 55.03-1 Street setback objective**
 - b) **Clause 55.03-9 Access objective**
 - c) **Clause 55.04-1 Side and rear setbacks objective**
 - d) **Clause 55.05-5 Solar access to open space objective**
 - e) **Clause 55.07-1 Energy efficiency objectives**
 - f) **Clause 55.07-4 Landscaping objective**
 - g) **Clause 55.07-9 Private open space objective**
- 5. **The proposal does not comply with the decision guidelines of Clause 65 (Decision Guidelines) of the Latrobe Planning Scheme, including the purpose of the zone, the orderly planning of the area, and the effect on the amenity of the area.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

- 1. Site context plans and development plans
- 2. Aerial photos of the site & locality and site photos
- 3. Municipal Planning Strategy and Planning Policy Framework

CORPORATE ITEMS FOR DECISION

9. CORPORATE ITEMS FOR DECISION

Item Number 9.1

03 October 2022

Regional City Planning & Assets

REVIEW OF PARKING OVERLAY WAIVER

OFFICER'S RECOMMENDATION

That Council:

1. Offers a deferral of payment of the financial contribution for waiving of car park spaces, throughout the next 12 months with the following criteria:
 - That there is a relevant planning permit in place with the condition to collect the financial contribution;
 - That a formal request be made detailing why the deferral of payment is required;
 - That this only applies to the development of an existing vacant premise where they do not benefit from a parking credit or an extension of an existing building where they do not benefit from a parking credit;
 - That the deferral of the financial contribution is for 2 years; and
 - That a Section 173 Agreement must be entered into outlining the deferral and indicating when the financial contribution will be made.
2. Advises any current planning permit applicant of Council's decision.

ALTERNATE MOTION

Moved: Cr Howe

Seconded: Cr Harriman

That Council:

1. Offers a waiver for the payment of the Traralgon Central Business District (CBD) Parking Overlay financial contribution to eligible small business planning permit applications for a further 24 month period which meets the following criteria:
 - That the planning permit is for a small business (including not for profit):
 - of fewer than 10 full time equivalent employees; and
 - has an Annual Victorian Payroll of less than \$10 million.
 - That this only applies to the development of an existing vacant premise where they do not benefit from a parking credit or an extension of an existing building where they do not benefit from a parking credit;
 - That an application is made requesting a waiver from Council and includes the following:
 - Details of how they meet the above criteria, including:
 - Number of full-time equivalent employees;
 - Relevant planning permit; and

- **Clear financial documents reporting on Annual Victorian Payroll.**
 - **A building occupancy permit (if required) for the development.**
 - **Whether the application is for a full or partial waiver of the parking overlay financial contributions and reasons why.**
2. **Allocates funds from the Accumulated Unallocated Cash Reserve to fund the waiver to the payment of the Traralgon CBD Parking Overlay financial contribution; and**
 3. **Requests a review be undertaken following the completion of the 24-month waiver period and a report be presented to Council on the outcomes of the program.**

CARRIED

Attachments - Refer to Council Meeting Agenda

Nil

2021/22 END OF YEAR RESULT AND ACCUMULATED CASH SURPLUS

OFFICER'S RECOMMENDATION

That Council:

1. Notes at the conclusion of the 2021/22 financial year Council generated a net cash surplus of \$4.174M; and
2. Allocates the 2021/22 net cash surplus of \$4.174M to the Accumulated Unallocated Cash Reserve; and
3. Allocates from the Accumulated Unallocated Cash Reserve \$2.615M to fund for the following projects

• Place Brand Campaign	\$450,000
• Online Engagement Platform	\$35,000
• Landslip Rectification Works – High Priority	\$650,000
• Landslip Rectification Works – Medium Priority	\$300,000
• Reconstruction of Lake Narracan Retaining Wall	\$500,000
• Streetscape Strategy	\$150,000
• Hazelwood Mine Rehabilitation Environmental Effects Statement advice and representation	\$100,000
• Bus Shelter at Riggall Road	\$30,000
• Installation of water fountains	\$20,000
• Operating cost increases Performing Arts	\$300,000
• Commonwealth Games Project Officer	\$80,000

ALTERNATE MOTION

Moved: Cr Clancey

Seconded: Cr Harriman

That Council:

1. Notes at the conclusion of the 2021/22 financial year Council generated a net cash surplus of \$4.174M; and
2. Allocates the 2021/22 net cash surplus of \$4.174M to the Accumulated Unallocated Cash Reserve; and
3. Allocates from the Accumulated Unallocated Cash Reserve \$2.615M to fund for the following projects

• Place Brand Campaign	\$450,000
• Online Engagement Platform	\$35,000

- **Landslip Rectification Works – High Priority** **\$650,000**
 - **Landslip Rectification Works – Medium Priority** **\$300,000**
 - **Reconstruction of Lake Narracan Retaining Wall** **\$500,000**
 - **Streetscape Strategy** **\$150,000**
 - **Hazelwood Mine Rehabilitation Environmental Effects Statement advice and representation** **\$100,000**
 - **Bus Shelter at Riggall Road** **\$30,000**
 - **Installation of water fountains** **\$20,000**
 - **Operating cost increases Performing Arts** **\$300,000**
 - **Commonwealth Games Project Officer** **\$80,000**
- 4. Provisionally sets aside from the \$2.450 million uncommitted funds that are to remain in the unallocated cash reserve, \$1.5 million towards the Lake Narracan Waste Treatment System Connection and \$0.5 million for Emergency Preparedness, leaving \$0.450 million unallocated for use in the current or future financial years.**
- CARRIED UNANIMOUSLY**

Attachments - Refer to Council Meeting Agenda

Nil

AUTHORISATION OF COUNCILLORS FOR CERTIFICATION OF THE 2021/22 FINANCIAL 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 2022 as attached to this report; and**
- 2. Authorises Councillors Ferguson and Gibson to certify the performance statement and financial statements in their final form on behalf of Council for the year ended 30 June 2022.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Draft Financial Statements 2021/22
2. Draft Performance Statement 2021/22

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

MOTION

Moved: Cr Gibson

Seconded: Cr Middlemiss

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

- 1. Jenna Weir Smith be appointed and authorised as set out in the instrument;**
- 2. The instrument comes into force immediately, the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it; and**
- 3. The instrument be sealed.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

Nil

URGENT BUSINESS

10. URGENT BUSINESS

Nil

REPORTS FOR NOTING

11. REPORTS FOR NOTING

Nil reports

12. QUESTIONS ON NOTICE

Nil reports

NOTICES OF MOTION

13. NOTICES OF MOTION

Nil

ITEMS FOR TABLING

14. ITEMS FOR TABLING

Item Number 14.1

03 October 2022

Chief Executive Office

PRESENTATION OF THE AUDIT AND RISK COMMITTEE MINUTES - 25 AUGUST 2022

MOTION

Moved: Cr Gibson

Seconded: Cr Law

That Council:

- 1. Receives and notes the attached Audit and Risk Committee Minutes for the 25 August 2022 Meeting.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

- 1. Audit & Risk Committee Meeting Minutes - August 2022**

15. ACKNOWLEDGEMENTS

Cr Gibson acknowledged the community service of Tony Buhagiar

Cr Harriman acknowledged the community service of Tony Buhagiar

Cr Harriman acknowledged the passing of Colleen Docherty

Cr Clancey acknowledged the contributions of all involved in the recent Latrobe Valley Eisteddfod

Cr O'Callaghan acknowledged the work of the Latrobe Health Assembly and the Pelvic Pain Foundation of Australia

**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 Gibson

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 Gippswide Kerbside Collaborative Tender - Organics Processing**
Agenda item 19.1 *Gippswide Kerbside Collaborative Tender - Organics Processing* is designated as confidential under subsection (g) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to 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. Contractual matters**

CARRIED UNANIMOUSLY

The Meeting closed to the public at 7.42pm.

There being no further business the meeting was declared closed at 7.52pm.

I certify that these minutes have been confirmed.

Mayor: _____

Date: _____