



LATROBE CITY COUNCIL

MINUTES FOR THE COUNCIL MEETING

HELD IN KERNOT HALL, MORWELL, AND VIA
AUDIO-VISUAL LINK
AT 6:00PM ON 04 MARCH 2024
CM602

PRESENT:

Councillors:	Cr Graeme Middlemiss	Central Ward
	Cr Dan Clancey	East Ward (Virtual)
	Cr Dale Harriman	East Ward
	Cr Kellie O'Callaghan	East Ward
	Cr Melissa Ferguson	South Ward
	Cr Brad Law	West Ward
	Cr Sharon Gibson	West Ward
Officers:	Steven Piasente	Chief Executive Officer (Virtual)
	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
	Zoe Speck	Manager Governance
	Peter Schulz	Coordinator Council Business
	Kaitlyn Boram	Governance Officer

Apologies: Cr Darren Howe, Cr Tracie Lund

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Resolutions in this minutes document should be read in conjunction with the published agenda for the 04 March 2024 Council Meeting.

APPOINTMENT OF A TEMPORARY CHAIR

MOTION

Moved: Cr Middlemiss

Seconded: Cr Gibson

That Council, in accordance with section 61(3)(c) of the Local Government Act 2020, appoints Councillor O’Callaghan, to chair the Council Meeting in the absence of the Mayor and Deputy Mayor.

CARRIED UNANIMOUSLY

1. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

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

2. APOLOGIES AND LEAVE OF ABSENCE

Cr Howe, Cr Lund

3. ADOPTION OF MINUTES

MOTION

Moved: Cr Gibson

Seconded: Cr Ferguson

That Council confirm the minutes of the Council Meeting held on 5 February 2024.

CARRIED UNANIMOUSLY

4. DECLARATION OF INTERESTS

Cr Harriman declared a conflict of interest with Item 8.8 – Tourism and Major Events Advisory Committee Recommendations – February 2024

5. PUBLIC PARTICIPATION TIME

Public Questions on Notice

In accordance with the Governance Rules, 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: Mr Phillip Edwards

Topic: Immunisation in Latrobe City

Question:

How many children and adults benefit annually from Latrobe City's immunisation program?

Answer:

In 2023, 1,974 Children and adolescents and 475 adults were immunised through the Latrobe City Immunisation program. The immunisation rate in Latrobe City is 95.43% compared to a State average Immunisation rate of 95%, which I might add is a pleasing result.

Question 2:

From: Phillip Edwards

Topic: Immunisation in Latrobe City

Question:

How many jobs are contingent on the current and future council's continuing the program?

Answer:

The current immunisation program is staffed flexibly utilising 13 casual nursing staff, which equates to .414 EFT, supported by an Immunisation Officer and Administration Officer on a part time basis (.8 and .4 EFT respectively).

The Latrobe City Immunisation Program offers vaccines in accordance with the National Immunisation Program, as such future delivery of the program and subsequent staffing requirements is predominantly determined by this program.

Public Speakers

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

- Mr Ian Prigg spoke to Item 8.1 – Opening Statement for Council Meetings
- Mr Rob De Souza-Daw spoke to Item 8.7 – Road, Facility and Place Naming

STRATEGIC ITEMS FOR DECISION

6. STRATEGIC ITEMS FOR DECISION

Item Number 6.1 04 March 2024

Regional City Planning and Assets

DRAFT FAIR ACCESS AND USE POLICY - COMMUNITY SPORTS AND RECREATION FACILITIES

MOTION

Moved: Cr Gibson

Seconded: Cr Middlemiss

That Council endorse the Fair Access and Use Policy – Community Sports and Recreation Facilities and make the policy available to the public via Council’s website.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Draft Fair Access and Use Policy - Community Sports and Recreation Facilities
2. Draft Action Plan

STATUTORY PLANNING

7. STATUTORY PLANNING

Agenda Item: 7.1

Agenda Item: Proposed Planning Scheme Amendment C143 (Public Acquisition Overlay)

Sponsor: General Manager, Regional City Planning and Assets

Proposed Resolution:

That Council:

1. Endorse the draft Site Assessment Documents, provided at Attachment 6 for Public Exhibition as part of Amendment C143.
2. Request Authorisation from the Minister for Planning to prepare and Exhibit Amendment C143 to the Latrobe Planning Scheme, in accordance with section 8A of the *Planning and Environment Act 1987*;
3. Prepare Amendment C143 to the Latrobe Planning Scheme to apply the Public Acquisition Overlay in favour of Latrobe City Council to give effect to the Site Assessment Documents, generally in accordance with the documentation provided at Attachments 4, 5, 6, 7 and 8, subject to Ministerial Authorisation; and
4. Place Amendment C143 on Public Exhibition in accordance with the requirements of Section 19 of the *Planning and Environment Act 1987*, subject to Ministerial Authorisation.

MOTION

Moved: Cr Gibson

Seconded: Cr Ferguson

That Council:

1. Notify the 24 landowners affected by the Public Acquisition Overlay proposed in Planning Scheme Amendment C143, outlining the future Amendment process to consider their concerns.
2. Present a report to a future Council Meeting following the engagement with landowners to consider Authorisation for proposed Planning Scheme Amendment C143.

For Crs O'Callaghan, Middlemiss, Harriman, Ferguson and Gibson

Against: Crs Clancey and Law

CARRIED

Attachments - Refer to Council Meeting Agenda

1. Legal advice (Published Separately)

This attachment is designated as confidential under subsection (e) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it relates to legal privileged information, being information to which legal professional privilege or client legal privilege applies. Legal advice sought by Council.

2. List of properties affected and DCP property identifier maps (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. Long term outcome of the amendment will be the compulsory acquisition of land which requires determining land values for compensation.

3. Table of facilitated DCP projects and the cost recouped by the DCP (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. Long term outcome of the amendment will be the compulsory acquisition of land which requires determining land values for compensation.

4. Proposed ordinance for affected clauses (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. Long term outcome of the amendment will be the compulsory acquisition of land which requires determining land values for compensation.

5. Proposed planning scheme maps (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. Long term outcome of the amendment will be the compulsory acquisition of land which requires determining land values for compensation.

6. C143 Site Assessments for PAO2 and PAO3 (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. Long term outcome of the amendment will be the compulsory acquisition of land which requires determining land values for compensation.

7. Amendment C143 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. Long term outcome of the amendment will be the compulsory acquisition of land which requires determining land values for compensation.

8. Amendment C143 Instruction Sheet (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. Long term outcome of the amendment will be the compulsory acquisition of land which requires determining land values for compensation.

CORPORATE ITEMS FOR DECISION

8. CORPORATE ITEMS FOR DECISION

Item Number 8.1

04 March 2024

Regional City Strategy & Transition

OPENING STATEMENT FOR COUNCIL MEETINGS

OFFICER'S RECOMMENDATION

That Council:

1. **Resolve that the Mayor read a Councillor Statement of Commitment at the opening of Latrobe City Council Scheduled and Unscheduled Meetings**
2. **Adopt the following Councillor Statement of Commitment:**

“As Councillors we are committed to working towards a shared vision that supports the aspirations of the Latrobe City community. We pledge to uphold the principles of good governance in making informed decisions that serve the best interests of our community.”

MOTION

Moved: Cr Gibson

Seconded: Cr Harriman

That Council defer consideration of this matter to a future Council meeting to enable the inclusion of additional options as detailed in the original notice of motion that was endorsed by Council at July 2023 Council Meeting as follows.

That Council receives a report at a future Council meeting presenting information and options for the potential inclusion of a Councillor statement of commitment or a time of silent reflection in Council meetings.

The deferred report should present a proposal to undertake further community consultation on the options presented to Council.

CARRIED UNANIMOUSLY

Attachments

Nil

2023/2024 MID YEAR BUDGET REVIEW

MOTION

Moved: Cr Law

Seconded: Cr Ferguson

That Council note the mid-year budget review and approve the allocation of funding to the following projects and reserves.

- 1. Traralgon West Development Plan - \$500,000**
- 2. Footpath Rehabilitation Program - \$320,000**
- 3. Wing Mowers x 2 for Open Space Maintenance - \$180,000**
- 4. Council Plan 2025-2029 Development - \$150,000**
- 5. Morwell Depot Environmental Assessment - \$100,000**
- 6. Over Sowing Couch Sports Fields - \$65,000**
- 7. Community Grant Program - \$60,000**
- 8. Kernot Hall Lighting & Equipment - \$50,000**
- 9. Gippsland New Energy Conference - \$45,000**
- 10. Small Township Community Planning Support - \$30,000**
- 11. Transition Reserve - \$800,000**

For Crs Clancey, O'Callaghan, Law, Middlemiss, Ferguson and Gibson

Against: Cr Harriman

CARRIED

Attachments - Refer to Council Meeting Agenda

1. Income Allocation Statement
2. Project Description

CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS COMMITTEE - EXTENSION OF INDEPENDENT MEMBER & CHAIR APPOINTMENT

MOTION

Moved: Cr Gibson

Seconded: Cr Harriman

That Council extend the appointment of Mr Kelvin Spiller as independent member and chair of the Chief Executive Officer Employment Matters Committee for the period 1 March 2024 to 28 February 2025.

CARRIED UNANIMOUSLY

Attachments

Nil

REGIONAL COMMUNITY SPORTS INFRASTRUCTURE FUND APPLICATIONS

MOTION

Moved: Cr Ferguson

Seconded: Cr Law

That Council endorse the following applications being submitted to the Regional Community Sports Infrastructure Fund 2024, and allocate the financial contributions required if successful:

- 1. Multi-use Pavilion at Gaskin Park, Churchill with a financial contribution required of \$2,039,025;**
- 2. Cricket Changeroom Upgrades and Extension at Maryvale Reserve, Morwell with a financial contribution required of \$160,820;**
- 3. AFL and Netball Changeroom Upgrades at Baillie Reserve, Tyers with a financial contribution required of \$88,688; and**
- 4. Pavilion Lift at Ronald Reserve, Morwell with a financial contribution required of \$59,125.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Regional Community Sports Infrastructure Fund 2024 Guidelines
2. Photos of access to Social Rooms at Ronald Reserve Pavilion

JAPAN DELEGATION - OCTOBER 2023

MOTION

Moved: Cr Middlemiss

Seconded: Cr Clancey

That Council note the report provided by the Mayor and CEO on the outcomes from the delegation to Japan in October 2023

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Key Meetings
2. Presentation - Establishment of International Liquefied Hydrogen Supply Chain, Japan Susio Energy Ltd
3. Presentation - Kawasaki Heavy Industries Ltd - Hydrogen Supply Chain
4. News Release JOGMEC
5. Thank you letter Takasago
6. Presentation - Our Transition

ELECTION PERIOD POLICY REVIEW

MOTION

Moved: Cr Gibson

Seconded: Cr Law

That Council:

- 1. Adopt the Election Period Policy 2024, with any previous versions superseded.**
- 2. Make the Policy available on Council's website.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

- 1. Draft Election Period Policy 2024**

ROAD, FACILITY AND PLACE NAMING

OFFICER'S RECOMMENDATION

That Council:

1. **Approve the development of a Road, Facility and Place Naming Register (Register) for use in Latrobe City Council with the following categories:**
 - a) **Names of historical significance including significant events or moments in Gippsland, Victorian and Australian history**
 - b) **Names of indigenous flora and fauna with a focus on the region**
 - c) **Names of families who have a long association with the municipality.**
 - d) **Names of individuals from the Latrobe City area who have served Australia in conflicts.**
 - e) **Names of Latrobe City community members who have given considerable service to the community or served in wartime.**
 - f) **Names of councillors of former municipalities now part of Latrobe City**
 - g) **Other notable or eminent persons within the Latrobe City community, such as those assisting the development of cultural or sporting life of Latrobe City.**
 - h) **Traditional Owner names that are relevant to the area and of significance to the indigenous community of Latrobe City**
2. **Approve a community consultation campaign encouraging the public to submit names to be included in the Place Naming Register.**
3. **Authorise Officers to develop a new operational and governance process for naming roads, facilities and places in subdivisions that strengthens Council's role such that:**
 - a) **Council or Committee approves names to be added to the Place Naming Register.**
 - b) **Council or Committee approves names to be used in roads and subdivisions.**
 - c) **Delays to planning approval are avoided or minimised.**
4. **Approve that a report will be brought to a future Council Meeting that:**
 - a) **Provides an update on the Naming Register development and community engagement; and**
 - b) **presents updated versions of the Road, Facility and Place Name Policy and Road, Facility and Place Name Committee Terms of Reference that include the revised operational and governance process for place naming in subdivisions.**

MOTION

Moved: Cr Gibson

Seconded: Cr Ferguson

That Council defer consideration of this matter to a future Council meeting to enable consultation to be undertaken with the Latrobe Combined History Group regarding the development of a naming register for Latrobe City Council.

AMENDMENT MOVED

To change the wording of the motion from ‘a future Council meeting’ to ‘the next Council meeting’.

Moved: Cr Harriman

Seconded: Cr Law

For Crs O'Callaghan, Law, Harriman, Ferguson and Gibson

Against: Crs Clancey and Middlemiss

CARRIED

The Chair adjourned the meeting at 7.59pm

The meeting resumed at 8.20pm

AMENDED MOTION

Moved: Cr Harriman

Seconded: Cr Law

That Council defer consideration of this matter to the next Council meeting to enable consultation to be undertaken with the Latrobe Combined History Group regarding the development of a naming register for Latrobe City Council.

For Crs O'Callaghan, Law, Harriman, Ferguson and Gibson

Against: Crs Clancey and Middlemiss

CARRIED

Attachments

Nil

TOURISM & MAJOR EVENTS ADVISORY COMMITTEE RECOMMENDATIONS - FEBRUARY 2024

MOTION

Moved: Cr Law

Seconded: Cr Gibson

That Council approve the \$25,000 contribution per year for the 2024 – 2025 SEM Phoenix National Basketball league (NBL) in-season match and community engagement activities.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. 2024 - 2025 SEM Phoenix, Major Events Assessment

Cr Harriman left the meeting at 8.26pm

Cr Harriman returned to the meeting at 8.28pm

AUTHORISATION OF COUNCIL OFFICERS UNDER THE PLANNING & ENVIRONMENT ACT 1987

MOTION

Moved: Cr Middlemiss

Seconded: Cr Harriman

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

- 1. Damien Laing, Nidia Richardson and Tahlia Grimes be appointed and authorised as set out in the Instruments of Appointment and Authorisation attached to this report;**
- 2. The Instruments of Appointment and Authorisation come into force immediately after the common seal of Council is affixed and remain in force until Council determines to vary or revoke it; and**
- 3. The Instruments of Appointment and Authorisation be sealed.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. S11A Instrument of Appointment and Authorisation - Damien Laing
2. S11A Instrument of Appointment and Authorisation - Nidia Richardson
3. S11A Instrument of Appointment and Authorisation - Tahlia Grimes

LATROBE CITY LOCAL DEVELOPMENT STRATEGY FUND APPLICATION

MOTION

Moved: Cr Gibson

Seconded: Cr Middlemiss

That Council endorse a funding application to the Victorian State Government Timber Transition Program for \$1.8 million to implement the following projects:

- **Latrobe City Business Capability Grant Program**
- **Start-up Gippsland**
- **First Nations Entrepreneur Program / Early Ideas Kick Starter**
- **Workers of the Future: Innovative Training**
- **Hospitality Training – Serving the Valley**
- **First Nations Upskilling Program**
- **AAM Strategy Implementation: Launchpad**
- **Industry and Manufacturing Alliance: Incorporation and Development**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Project Plan
2. Project Implementation Schedule and Funding Breakdown
3. DJSIR Native Timber Industry Programs Presentation

INQUIRY INTO THE OPERATION OF THE FREEDOM OF INFORMATION ACT 1982 - LCC SUBMISSION

MOTION

Moved: Cr Middlemiss

Seconded: Cr Law

That Council endorse the attached Latrobe City Council submission to Victorian Parliament's Integrity and Oversight Committee inquiry into the operation of the *Freedom of Information Act 1982*.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Draft Latrobe City Council Submission to FOI Inquiry

URGENT BUSINESS

9. URGENT BUSINESS

Nil Reports

REPORTS FOR NOTING

10. REPORTS FOR NOTING

Nil reports

11. QUESTIONS ON NOTICE

Nil reports

NOTICES OF MOTION

12. NOTICES OF MOTION

Item Number 12.1 04 March 2024

Chief Executive Office

2024/01 REVIEW OF THE COAL PLANNING ZONE AND OVERLAYS OF THE LATROBE PLANNING SCHEME

Cr Graeme Middlemiss

MOTION

Moved: Cr Middlemiss

Seconded: Cr Gibson

That Council write to the Minister for Energy & Resources and request:

- 1. A review of outdated planning controls including the Special Use Zone Schedule 1, Environmental Significance Overlay Schedule 1 and State Resource Overlay be undertaken that are currently included in the Latrobe Planning Scheme;**
- 2. Representatives of Department of Environment, Energy and Climate Action meet with Council officers regarding the review process; and**
- 3. That, following the completion of the review, that a Planning Scheme Amendment is undertaken to remove obsolete coal related planning provisions where these provisions are no longer required to deliver coal related projects.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Brown Coal Zone and Overlays Map

ITEMS FOR TABLING

13. ITEMS FOR TABLING

Item Number 13.1 04 March 2024

Regional City Strategy & Transition

PETITION REQUESTING CHANGES TO THE GOVERNANCE RULES

MOTION

Moved: Cr Harriman

Seconded: Cr Ferguson

That Council:

- 1. In accordance with the Governance Rules, refer the petition requesting changes to the Governance Rules to the General Manager Regional City Strategy and Transition for assessment and analysis;**
- 2. Request that a report be prepared for the Council Meeting to be held on Monday, 08 April 2024 detailing, but not limited to, the implications, issues and options surrounding the matters raised in the petition; and**
- 3. Advise the head petitioner in writing of this decision in relation to the petition.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

- 1. Petition requesting change to Petition Governance Rules (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. petition includes personal information.

14. ACKNOWLEDGEMENTS

Nil

MOTION

Moved: Cr Middlemiss

Seconded: Cr Gibson

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

CARRIED UNANIMOUSLY

**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 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:

15.1 LCC-819 Provision of Plant Hire

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 tenderers that may cause disadvantage.

15.2 Request for Delegation to the Chief Executive Officer to sign Funding Agreements

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)). This ground applies because The funding agreements are currently embargoed by the State Government and therefore have been provided on the understanding that they remain confidential.

- 15.3 Energy from Waste – Landfill Transition**
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 The release of information prematurely could prejudice commercial negotiations associated with future waste management contracts..
- 15.4 Property and Rating System (Pathway) Agreement**
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)). This ground applies because , as commercial negotiations have not yet been finalised with Infor..

CARRIED UNANIMOUSLY

The Meeting closed to the public at 8.52pm.

There being no further business the meeting was declared closed at 8.58pm.

I certify that these minutes have been confirmed.

Mayor: _____

Date: _____