



LATROBE CITY COUNCIL

MINUTES FOR THE COUNCIL MEETING

HELD VIA AUDIO-VISUAL LINK
AT 6:00PM ON 04 SEPTEMBER 2023
CM595

PRESENT:

Councillors:	Cr Kellie O'Callaghan, Mayor	East Ward
	Cr Dan Clancey, Deputy Mayor	East Ward
	Cr Darren Howe	East Ward
	Cr Dale Harriman	East Ward
	Cr Tracie Lund	Central Ward
	Cr Graeme Middlemiss	Central Ward
	Cr Melissa Ferguson	South Ward
	Cr Brad Law	West Ward
	Cr Sharon Gibson	West Ward
Officers:	Steven Piasente	Chief Executive Officer
	Georgia Hills	General Manager Community Health & Wellbeing
	Jody Riordan	General Manager Regional City Planning & Assets
	Tim Ellis	General Manager Regional City Strategy & Transition
	James Rouse	Executive Manager Commonwealth Games
	William Macpherson	Acting General Manager Organisational Performance
	Paul Howard	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 04 September 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 7 August 2023.
CARRIED UNANIMOUSLY

4. DECLARATION OF INTERESTS

Nil

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 no public questions answered at the meeting.

Public Speakers

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

- Carolyn Deppeler spoke to Item 6.1
- Glenn Grady spoke to Item 6.2
- Scott Price spoke to Item 7.1
- Sandra Rennie spoke to Item 7.1

STRATEGIC ITEMS FOR DECISION

6. STRATEGIC ITEMS FOR DECISION

Item Number 6.1 04 September 2023

Regional City Planning and Assets

DRAFT PUBLIC TOILET PLAN 2023-2033

OFFICER'S RECOMMENDATION

That Council endorse the Public Toilet Plan 2023-2033 and release to the public via Council's website.

MOTION

Moved: Cr Ferguson

Seconded: Cr Gibson

MOTION

That Council endorse the Public Toilet Plan 2023-2033 and release it to the public via Council's website subject to the following changes being incorporated:

- a. The retention of the toilet at the Albert Deppeler Memorial Tennis Courts, Yinnar South, with the demolition of the current facility only taking place when funds are available to construct a new compliant facility at the Albert Deppeler reserve;**
- b. That the details of the cost of such a facility and its timing to be identified prior to publicly publishing the plan;**
- c. That prior to the removal of any toilet facilities, that a further report is provided to Council.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Public Toilet Plan 2023-2033
2. Changes Recommended
3. Changes Not Recommended

The Mayor called an adjournment of the meeting at 7.19pm.

The meeting resumed at 7.35pm.

PETITION FOR THE REOPENING OF CHESTNUT AVENUE, MORWELL

OFFICER'S RECOMMENDATION

That Council:

1. **Notes the report and that no further work be undertaken in relation to the reopening of Chestnut Avenue, Morwell; and**
2. **Advises the head petitioner of this resolution.**

MOTION

Moved: Cr Ferguson

Seconded: Cr Harriman

That Council:

1. **Undertake consultation with the owners and occupiers of Chestnut Avenue, Morwell, in regards to the reopening of the western end of Chestnut Avenue to restore vehicular access to The Boulevard in Morwell;**
2. **Receive a future report providing the results of the consultation; and**
3. **Advise the head petitioner of this resolution.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. 2023 Petition - Reopening Of Chestnut Avenue Morwell (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 signatories.

2. May 1984 - Council Meeting Minutes and Objections for the Closure of Chestnut Avenue, Morwell (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.

TOURISM & MAJOR EVENTS ADVISORY COMMITTEE RECOMMENDATIONS, AUGUST 2023

MOTION

Moved: Cr Howe

Seconded: Cr Harriman

That Council approve the \$25,000 contribution for the 2023 National Basketball league (NBL) in-season match.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Event Assessment - 2023 National Basketball League Match

2022/23 END OF YEAR RESULT AND ACCUMULATED CASH SURPLUS

OFFICER'S RECOMMENDATION

That Council:

1. **Notes at the conclusion of the 2022/23 financial year Council generated a net cash surplus of \$6.592M (unaudited); and**
2. **Allocates the 2022/23 net cash surplus of \$6.592M to the Accumulated Unallocated Cash Reserve, or if different the amount following the completion of the audit; and**
3. **Allocates from the Accumulated Unallocated Cash Reserve \$4.381M to fund the following projects:**
 - **Traralgon CBD Parking Overlay Waiver \$194,000**
 - **Gaskin Park Oval 2 – Surface Upgrade \$100,000**
 - **Old Methodist Church EOI Process \$86,000**
 - **Planning Panel Report Works – Amendment C127 \$36,000**
 - **Maintenance Grant – Morwell Baseball Club \$10,569**
 - **Maintenance Grant – Morwell Tennis Club \$2,500**
 - **Environmental Audit Works – Dunbar Road, Traralgon \$227,000**
 - **Latrobe Regional Airport Safety Upgrades \$20,000**
 - **Marshalls Road Intersection \$750,000**
 - **Kernot Hall Upgrade \$412,000**
 - **Traralgon Court House \$150,000**
 - **Morwell Depot Building Works \$838,000**
 - **Footpath/Paths – Renewal & Missing Links \$200,000**
 - **Council Chamber – Detailed Design Works \$200,000**
 - **Open Space Maintenance Equipment (Wing Mowers x 2) \$170,000**
 - **Crossing Point – Cross's Road, Traralgon \$150,000**
 - **Gaskin Park, Churchill – Cricket Pitches \$150,000**
 - **Public BBQ – New & Renewal Works \$100,000**
 - **Tyers Soccer Pitch – Drainage & Irrigation \$100,000**
 - **Latrobe Regional Gallery Digital Screen \$60,000**
 - **Pedestrian Crossing – Old Sale Road, Newborough \$55,000**
 - **Place Brand Project \$350,000**
 - **Old Gippsdown Maintenance Grant (One-Off) \$20,000**

MOTION

Moved: Cr Howe

Seconded: Cr Gibson

PART A

That Council:

- 1. Notes at the conclusion of the 2022/23 financial year Council generated a net cash surplus of \$6.592M (unaudited); and**
- 2. Allocates the 2022/23 net cash surplus of \$6.592M to the Accumulated Unallocated Cash Reserve, or if different the amount following the completion of the audit; and**
- 3. Allocates from the Accumulated Unallocated Cash Reserve \$4.381M to fund the following projects:**
 - Traralgon CBD Parking Overlay Waiver \$194,000**
 - Gaskin Park Oval 2 – Surface Upgrade \$100,000**
 - Old Methodist Church EOI Process \$86,000**
 - Planning Panel Report Works – Amendment C127 \$36,000**
 - Maintenance Grant – Morwell Baseball Club \$10,569**
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 - Latrobe Regional Gallery Digital Screen \$60,000**
 - Pedestrian Crossing – Old Sale Road, Newborough \$55,000**
 - Place Brand Project \$350,000**
 - Old Gippsdown Maintenance Grant (One-Off) \$20,000**

Leaving a residual Accumulated Unallocated Cash Reserve of \$2.215 million.

CARRIED UNANIMOUSLY

MOTION

Moved: Cr Howe

Seconded: Cr Gibson

PART B

That Council provisionally set aside from the residual Accumulated Unallocated Cash Reserve of \$2.215 million, the amount of \$0.2 million to be used as a contribution towards the Traralgon Men's Shed project at Glenview Park to design and construct a standalone building. The allocation of the funding is subject to attracting State and/or Federal Government funding to deliver the project. Leaving a residual Accumulated Unallocated Cash Reserve of \$2.015 million.

CARRIED UNANIMOUSLY

MOTION

Moved: Cr Gibson

Seconded: Cr Harriman

PART C

That Council allocates from the remaining residual Accumulated Unallocated Cash Reserve of \$2.015 million, the amount of \$0.21 million to be used to fund the following project:

- **Public Lighting along the footpath to the west of the oval at Burrage Reserve, Newborough.**

Leaving a balance Accumulated Unallocated Cash Reserve of \$1.805 million.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Summary of Projects

STATUTORY PLANNING

7. STATUTORY PLANNING

Item Number 7.1

04 September 2023

Regional City Planning and Assets

PLANNING PERMIT APPLICATION 2022/361 MULTI LOT SUBDIVISION OF LAND IN STAGES, REMOVAL OF CARRIAGEWAY EASEMENT, REMOVAL OF NATIVE VEGETATION, AND ASSOCIATED WORKS AT 18 LEEANDALE DRIVE, YINNAR

MOTION

Moved: Cr Harriman

Seconded: Cr Howe

That Council issues a Notice of Decision to Grant a Permit for a multi-lot subdivision of land in stages, removal of carriageway easement, removal of native vegetation, and associated work at 18 Leeandale Drive, Yinnar, subject to conditions at Attachment 1 to this report.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Attachment 1 Draft Permit Conditions
2. Attachment 2 Plans of the proposal
3. Attachment 3 Copy of 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. Personal identifying information contained in submissions.

4. Attachment 4 Location of objectors (Published Separately)

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5. Attachment 5 Planning Policy Assessment
6. Attachment 6 Clause 56 Assessment

Councillor Ferguson left the meeting at 7.48pm.

Councillor Ferguson returned to the meeting at 7.50pm.

The Mayor called an adjournment of the meeting at 7.49pm.

The meeting resumed at 7.55pm.

APPLICATION TO AMEND PLANNING 2018/128 FOR THE USE AND DEVELOPMENT OF LAND FOR AN EMERGENCY SERVICES FACILITY (FIRE STATION), ALTERATION OF ACCESS AND REMOVAL AND CREATION OF AN EASEMENT AT 167-171 AND 173-177 PRINCES DRIVE, MORWELL

OFFICER'S RECOMMENDATION

That Council issues a Notice of Decision to grant an amended Permit for the the use and development of land for an emergency services facility (fire station) in the Activity Centre Zone alteration of access onto Transport Zone 2 and removal and creation of an easment at 167-171 and 173-177 Princes Drive Morwell, subject to the conditions at Attachment 3 to this report.

MOTION

Moved: Cr Lund

Seconded: Cr Gibson

MOTION

That Council issues a Notice of Decision to grant an amended Permit for the use and development of land for an emergency services facility (fire station) in the Activity Centre Zone, alteration of access onto Transport Zone 2 and removal and creation of an easement at 167-171 and 173 Princes Drive, Morwell, subject to the following permit conditions:

Amended Plans:

- 1. Within thirty (30) days of the date of amendment of this permit, or by such later date as is approved by the Responsible Authority in writing, amended plans must be submitted to and approved by the Responsible Authority. The plans must be consistent with those provided but modified to show:**
 - a) An acoustic barrier at a height of 3.6m to be provided to the norther and western boundary in accordance with the recommendations in the Watson Moss Growcott Acoustic report dated 17 September 2019 at page 27. A section of the acoustic barrier at least 1 metre above the 2.4 metre fence should be constructed in 6mm clear glass.**
 - b) Additional landscaping to be provided in front of the acoustic barrier ensuring sight lines are retained.**
 - c) Location of all mechanical services equipment.**

- d) Location of sensor lighting along the rear fence line at the back of 24-28 Buckley Street, Morwell.
- e) Location of an additional drop bolt along easements E-1 and E-3 to secure the access gate when open.

Endorsed Plans Condition:

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Maintenance Condition

- 3. The maintenance of all buildings and works approved by this permit (including fencing, lighting, gates and road surface treatments) that is associated with the Carriageway Easement E-1 & E-3 of land consolidation 37734T, is to be maintained at the expense of the owner of land of mentioned consolidation, unless with the prior consent of the Responsible Authority.

Environmental Conditions:

- 4. Before the use or buildings and works associated with the use starts (or the certification or issue of a statement of compliance under the Subdivision Act 1988) the applicant must provide an independent review of the Environmental Site Assessment (Completed by Senversa, dated 9 October 2018, Ref:m16539_rpt_004_rev0), undertaken by a suitably qualified person to the satisfaction of the Responsible Authority. This review should confirm the Environmental Site Assessment was undertaken in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 and either:
 - a) Confirm the suitability of the land for the proposed use and/or development, including any conditions or limitations associated with that use and/or development; or
 - b) Recommend an environmental audit in accordance with Section 53X of the Environment Protection Act 1970 be undertaken.
- 5. If recommended by the independent review of the Environmental Site Assessment as outlined in Condition 4. Prior to the commencement of the use or buildings and works associated with the use (or the certification or issue of a statement of compliance under the Subdivision Act 1988) the applicant must provide:
 - a) A Certificate of Environmental Audit in accordance with Section 53Y of the Environment Protection Act 1970; or
 - b) A Statement of Environmental Audit under Section 53Z of the Environment Protection Act 1970. A Statement must state that the site is suitable for the use and development allowed by this permit.

All the conditions of the Statement of Environmental Audit must be complied with to the satisfaction of the responsible authority, prior to commencement of use of the site. Written confirmation of compliance must be provided by a suitably qualified environmental professional or other suitable person acceptable to the responsible authority. In addition, sign off must be in accordance with any requirements in the Statement conditions regarding verification of works.

Development Conditions:

- 6. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.

- 7. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.**
- 8. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.**
- 9. Within ninety (90) days of the date of the amendment to this permit, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the Satisfaction of the Responsible Authority:**
 - a) Sensor lighting along the rear fence line at the back of 24-28 Buckley Street, Morwell.**
 - b) Additional drop bolt along easements E-1 and E-3 to secure the access gate when open.**

Operational Amenity Conditions:

- 10. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a) transport of materials, goods or commodities to or from the land;**
 - b) appearance of any building, works or materials;**
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;**
 - d) presence of vermin;**

or otherwise, to the satisfaction of the Responsible Authority.
- 11. Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**
- 12. Provision must be made on site for storage of trade wastes and garbage and such areas must be screened from public view to the satisfaction of the Responsible Authority.**
- 13. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.**
- 14. The public address system must not be utilised external to the building during the night time period between 10:00pm and 7.00am.**
- 15. Vehicle testing as much as possible is to be carried out during the periods 8:00am to 8:30am and 6:00pm to 6:30pm.**
- 16. Training activities are to be undertaken only during EPA defined 'day' and 'evening' periods. No training activities to be undertaken during the 'night' period.**
- 17. A maximum of only two emergency vehicles are to be in operation within the external yard area forming part of training/testing activities at any one time.**
- 18. During times when sirens are tested as part of the emergency vehicle testing, the duration of the test must be as short as possible to satisfy the tester that the equipment is functioning correctly (nominally less than 1 second).**
- 19. The location and design of all mechanical services equipment is to be undertaken by an acoustic consultant to ensure compliance with NIRV**

RNML's and the project design objectives at the nearby residential receptors.

Landscaping Conditions:

- 20. Prior to the occupancy of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
- 21. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.**

Subdivision Conditions:

- 22. Before the use starts, all existing and proposed easements and sites for existing and required utility services roads or accessways must be set aside in favour of the relevant authorities and landowners for whom the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.**
- 23. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 24. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 25. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with section 8 of that Act.**

Engineering Conditions:

- 26. Prior to the commencement of any works hereby permitted, all titles of the land to which this amendment applies must be consolidated to ensure that the land comprising all buildings, car parking and vehicle access ways in the proposed development are contained within a single title.**
- 27. Before the commencement of any works hereby permitted, a site drainage plan, including levels or contours of the land and all hydraulic computations, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and an electronic copy in PDF format must be provided. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:**
 - a) How the land including all buildings, open space and paved areas will be drained to the legal point of discharge for a 1 in 10 year ARI storm event.**
 - b) An underground pipe drainage system conveying stormwater discharge to the legal point of discharge.**
 - c) An underground pipe drainage system conveying stormwater from the legal point of discharge and connecting into Latrobe City Council's stormwater drainage system.**
- 28. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or**

- other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority
29. Before the use commences of the building hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:
- a) All drainage works must be constructed in accordance with the site drainage plan approved by the Responsible Authority.
 - b) The areas shown on the endorsed plans for vehicle access and car parking must be constructed to such levels that they can be used in accordance with the approved plans including surfacing with an all-weather sealed surface, drainage and line marking to indicate each car space.
 - c) The proposed vehicle crossings must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with:
 - i. the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307, and
 - ii. the requirements of any service authority having existing assets proposed to be incorporated into the vehicle crossings or located within one metre of the vehicle crossings.
 - d) All redundant vehicle crossings must be removed and kerb and channel, footpath and naturestrip reinstated.
30. Where proposed, all lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles), so as to prevent the emission of direct and indirect light onto adjoining roadways, land and premises to the satisfaction of the Responsible Authority.
31. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit and must not disrupt the circulation and parking of vehicles on the land or adjacent roads. Delivery vehicles larger than that nominated on the approved and endorsed site layout plan shall not be permitted to enter the property.
32. Car spaces, vehicle access lanes, vehicle turn around areas and driveways must be kept available for these purposes at all times.
33. The areas set aside for car parking and vehicle access lanes must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
- Gippsland Water Conditions:**
34. Prior to the construction of any building works commencing on site the owner of the land must enter into a formal agreement with the Central Gippsland Region Water Corporation, under the Corporation's Land Development system, for the complete works necessary to re-align the existing 150mm sewer mains around the proposed development. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.
35. The owner must also enter into a separate Deed of Agreement for the transfer and decommissioning of the section of the existing sewer mains which details the terms for transferring the ownership of the decommissioned sewer main from Gippsland Water to the County Fire

- Authority. Pay to Gippsland Water any fees and contributions and satisfy all conditions pertaining to the aforementioned agreement.
36. The applicant will need to verify the depth of water mains adjacent to site in Princes Drive and Collins Street via Non Destructive Digging technique. A Gippsland Water representative may need to be on site during digging.
 37. The owner/applicant must lodge a Building Over or Near Assets application and have written approval given by Gippsland Water prior to the commencement of any building works associated with the development.

Please refer to Gippsland Water website:

<https://www.gippswater.com.au/developers/property-connections/buildover-easements>

38. Provide water and sewer service layout plan (Hydraulic Plans) showing how the proposed site will be serviced.
39. The existing 50mm Fire Service is to be disconnected via a quote request in conjunction with all other Water and Sewer connection works.
40. The following existing metered water services will need to be capped at the main and the meters returned to Gippsland Water for a final read:
 - 05BF000786 – 25mm – 167 Princes Hwy
 - 14AF001176 - 20mm – 173-77 Princes Hwy
 - 11AF006280 - 20mm – 30 Buckley St
41. All unused existing sewer connection points, must be capped as part of the sewer re-alignment works.
42. As constructed details showing the location of the installed internal sewer services are required to be submitted to Casey Services via facsimile on 9835 5515 and a copy to Gippsland Water on facsimile 5174 5174.

VicRoad Conditions:

43. The access, kerbing and emergency signals must generally be in accordance with the recommendations and plans associated with the Trafficworks, traffic impact assessment no 170451 dated 17/10/2018.
44. Prior to the design beginning, a pre-design meeting between VicRoads and the applicant's consultants must be conducted.
45. Prior to the construction works beginning, functional layout plans of the access must be submitted and approved by VicRoads.
46. All plans must be in accordance with VicRoads Eastern Region Developer funded works checklists.
47. Prior to the building works beginning, detailed plans of the access, kerbing, lighting and emergency signals must be provided and approved by VicRoads.
48. The installation of the new emergency signals, upgrade or re-programming of existing signals must be to the satisfaction of and at no cost to VicRoads.
49. Prior to works commencing within the road reserve, a plan demonstrating the roadway lighting and demonstrated relocation of lighting must be submitted and approved by VicRoads.
50. Any security boom, barrier, gate or similar device controlling vehicular access to the premises must be located a minimum of 11m inside the property to allow vehicles to store clear of Princes Drive pavement and footpath.

51. The luminance of any sign must be such that it does not give a veiling luminance to the driver, of greater than 0.25 cd/m², throughout the driver's approach.
52. Prior to the commencement of the use or the occupation of the buildings hereby approved, the access, crossovers and associated works must be provided and available for use.
53. All works must be completed at no cost and to the satisfaction of VicRoads.

Expiry of Use and Development:

54. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit;
- b) The development is not completed and the use has not commenced within four years of the date of this permit;

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit. An extension of time to complete the development or a stage of the development may be requested if—

- the request for an extension of time is made within 12 months after the permit expires; and
- the development or stage started lawfully before the permit expired.

Expiry of Subdivision:

55. This permit will expire if:

- a) the plan of subdivision is not certified within 2 years of the date of this permit; or
- b) the registration of the subdivision is not completed within 5 years of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months of expiry of permit.

Note: The commencement of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of the plan, and completion is regarded as the registration of the plan.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Attachment 1 - 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. Personal identifying information of objectors.

2. Attachment 2 - Copies Of 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. Personal identifying information of objectors.

3. Attachment 3 - Draft Permit Conditions

4. Attachment 4 - Existing Planning Permit 2018/128

5. Attachment 5 - Policy Response

6. Attachment 6 - Amended Plans

CORPORATE ITEMS FOR DECISION

8. CORPORATE ITEMS FOR DECISION

Item Number 8.1 04 September 2023

Organisational Performance

CUSTOMER BEHAVIOUR POLICY

MOTION

Moved: Cr Lund

Seconded: Cr Clancey

That Council adopt the Customer Behaviour Policy 2023 and make the policy available on Council's website.

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

Against: Crs Harriman and Ferguson

CARRIED

MOTION

Moved: Cr Harriman

Seconded: Cr Ferguson

ALTERNATE MOTION

That Council:

- 1. Defer consideration of the draft Customer Behaviour Policy 2023;**
- 2. Request the draft Customer Behaviour Policy 2023 be amended to remove references to Councillors and a separate policy be prepared to manage unreasonable or unacceptable behaviour between Councillors and Customers. With both policies to be presented to Council no later than the December Council Meeting.**

For Crs Harriman and Ferguson

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

LOST

Attachments - Refer to Council Meeting Agenda

1. Customer Behaviour Policy 2023

DELEGATION TO JAPAN FOR HYDROGEN ADVOCACY AND SISTER CITY MEETINGS

MOTION

Moved: Cr Middlemiss

Seconded: Cr Howe

That Council:

- 1. Approve the Mayor, CEO and/or delegate to attend meetings with J-Power in Japan, and any relevant businesses to advocate for the Hydrogen Energy Supply Chain project; and**
- 2. Approve the Mayor, CEO and/or delegate to visit Council's Sister City Takasago; and**
- 3. Receive a report detailing the outcomes of the delegation to Japan.**

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

Against: Cr Gibson

CARRIED

Attachments

Nil

URGENT BUSINESS

9. URGENT BUSINESS

Nil

REPORTS FOR NOTING

10. REPORTS FOR NOTING

Item Number 10.1 04 September 2023

Community Health and Wellbeing

REVIEW OF DOG ATTACK PROCESSES UPDATE

MOTION

Moved: Cr Harriman

Seconded: Cr Lund

That Council note this report.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Advocacy letter to Gayle Tierney MP Minister for Agriculture
2. Pet Ownership and Attacks - Communications Plan

11. QUESTIONS ON NOTICE

Nil reports

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

NOTICES OF MOTION

12. NOTICES OF MOTION

12.1 2023/15 REMOVAL OF STREET FURNITURE FROM COMMERCIAL ROAD, MORWELL

Cr Dale Harriman

That Council remove the seating and tables from in front of Manny's Market in Commercial Road, Morwell, as soon as practicable due to unacceptable behaviour from some of those who congregate there and the negative impact this is having on local businesses and customers.

MOTION

Moved: Cr Middlemiss

Seconded: Cr Lund

MOTION

That consideration of this matter be deferred and a report provided to the December 2023 Council meeting.

CARRIED UNANIMOUSLY

Attachments

Nil

**12.2 2023/16 APPOINTMENT OF INDEPENDENT PERSON REGARDING
PROFESSIONAL DEVELOPMENT OPPORTUNITIES FOR COUNCILLORS**

Cr Sharon Gibson

MOTION

Moved: Cr Gibson

Seconded: Cr Harriman

That the CEO write to Local Government Victoria requesting advice in relation to the appointment of an independent person who could.

- 1. Provide advice to Council regarding the identification and implementation of professional development opportunities to ensure Councillors.
 - a) Can continue to work together as a cohesive Council.**
 - b) Can effectively meet their governance, transparency and leadership obligations.****

For Crs Harriman, Ferguson and Gibson

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

LOST

Attachments

Nil

ITEMS FOR TABLING

13. ITEMS FOR TABLING

Item Number 13.1 04 September 2023

Regional City Strategy & Transition

INTERNAL ARBITRATION PROCESS (IAP 2023-8)

MOTION

Moved: Cr Middlemiss

Seconded: Cr Howe

That Council, in accordance with Section 168(2) of the Local Government Act 2020, note the tabling of the attached Internal Arbitration Report (IAP 2023-8) for Latrobe City Council in the matter of Councillor Tracie Lund and Councillor Melissa Ferguson as attached to this report and that the decision be recorded in the minutes of the meeting.

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

Against: Crs Harriman, Ferguson and Gibson

CARRIED

Attachments - Refer to Council Meeting Agenda

1. Internal Arbitration Report (IAP 2023-8)

14. ACKNOWLEDGEMENTS

Cr Clancey acknowledged the Latrobe Theatre Company Inc. on their recent two week season of Shrek The Musical.

Cr Gibson acknowledged the Latrobe Theatre Company Inc. for Shrek The Musical and Moartz Inc. for Mr Bailey's Minder.

**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 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:

- 15.1 Gippsland Logistics Precinct - Construction Phase - CEO Delegation Increase**
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 Information regarding State Government funding that is not yet public.

CARRIED UNANIMOUSLY

The Meeting closed to the public at 9.41pm.

There being no further business the meeting was declared closed at 9.44pm.

I certify that these minutes have been confirmed.

Mayor: _____

Date: _____