



LATROBE CITY COUNCIL

MINUTES FOR THE COUNCIL MEETING

HELD IN KERNOT HALL, MORWELL, AND VIA
AUDIO-VISUAL LINK
AT 6:00PM ON 05 FEBRUARY 2024
CM601

PRESENT:

Councillors:	Cr Darren Howe, Mayor	East Ward
	Cr Graeme Middlemiss	Central Ward
	Cr Dan Clancey	East Ward
	Cr Dale Harriman	East Ward
	Cr Kellie O'Callaghan	East 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
	Nathan Kearsley	General Manager Organisational Performance
	Zoe Speck	Manager Governance
	Peter Schulz	Coordinator Council Business
	Kaitlyn Boram	Governance Officer
	Louise McKendry	Governance Officer
Apologies:	Cr Melissa Ferguson, Cr Tracie Lund	

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Resolutions in this minutes document should be read in conjunction with the published agenda for the 05 February 2024 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

MOTION

Moved: Cr O'Callaghan

Seconded: Cr Gibson

That a leave of absence be granted to Councillor Melissa Ferguson for the month of February 2024.

CARRIED UNANIMOUSLY

3. ADOPTION OF MINUTES

MOTION

Moved: Cr Gibson

Seconded: Cr Harriman

That Council confirm the minutes of the Council Meeting held on 04 December 2023 and 19 December 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 was one public question on notice.

Question 1:

From: Mr Gus Lambden

Topic: Business Attraction in Latrobe City

Question:

I would like to ask Council what measures have they put in place to attract small and large businesses to Morwell and the Latrobe Valley, not including support services? The Morwell CBD is almost empty. Banks are gone as are some cafes, furniture and homewares stores.

Answer:

The Business Development and the Investment Attraction teams are working to attract new businesses to Latrobe City. They are also working on revitalising the Central Business Districts (CBDs) and the following outlines some of the activities the team are undertaking:

- Officers are working with a number of businesses to establish a presence in the Morwell CBD.
- Council is in negotiations with eight organisations who are looking to buy or lease land to establish in Latrobe City. If all of these firms were to establish in Morwell, in excess of 800 new jobs will be created.
- Council is working with the new Latrobe Business Chamber to assist existing businesses.
- The Morwell CBD vacancy rate has reduced to 16.1%, a drop of 3.7%.
- Council provides a Business Concierge service to help businesses navigate the paperwork needed to establish in Victoria and Latrobe City.

In summary, Council Officers are currently working with a range of businesses, from large to small and across a number of different sectors, to secure their investment and jobs creation in Morwell. This work will take some time to come to fruition.

Council will continue to focus on attracting new businesses and it is expecting to see some results throughout this calendar year and beyond.

A more detailed, written response has been provided to Mr Lambden.

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.

- Teresa Gerrard spoke to Item 7.1
- Jim Lamb of KPG Developments spoke to Item 7.1
- Adam Ford spoke to Item 7.3

STRATEGIC ITEMS FOR DECISION

6. STRATEGIC ITEMS FOR DECISION

Item Number 6.1 05 February 2024

Regional City Strategy & Transition

CHINESE GARDEN IN MOE

OFFICER'S RECOMMENDATION

That Council discontinue the project to develop a Chinese Garden in Moe and the budget allocation of \$60,000 be removed from the capital works budget.

MOTION

Moved: Cr Gibson

Seconded: Cr O'Callaghan

That Council:

- 1. To reallocate the approved funds of \$60k for the Chinese Garden at the Moe Botanical Gardens to an Australian Native Garden recognising First Nations People, Pioneers, Migrants and Miners.**
- 2. Work with Make Moe Glow on the design.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Letter from Make Moe Glow
2. CEO letter to Make Moe Glow

URBAN RIVERS AND CATCHMENTS PROGRAM FUNDING APPLICATIONS

MOTION

Moved: Cr Gibson

Seconded: Cr Harriman

That Council endorse the following three applications being submitted to the Urban River and Catchments Program 2023:

- 1. Traralgon Railway Reservoir Conservation Reserve Dam De-silting**
- 2. Edward Hunter Heritage Bush Reserve Dam De-silting and Water Quality Improvements**
- 3. The Downs Reserve Waterway Re-naturalisation**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Grant Opportunity Guidelines

ENDORSEMENT OF COUNCIL SUPPORT PACKAGE FUNDING SUBMISSION

MOTION

Moved: Cr Clancey

Seconded: Cr Middlemiss

That Council endorse a funding submission to the State Government Council Support Package for \$5 million consisting of:

- a. **Stage One projects valued at \$4.105 million as per Attachment 1 to this report; and**
- b. **Stage Two projects valued at \$895,000 to be considered through a future Councillor Briefing and Council Meeting process.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Council Support Package - Stage One projects

STATUTORY PLANNING

7. STATUTORY PLANNING

Item Number 7.1

05 February 2024

Regional City Planning and Assets

PLANNING PERMIT 2023/245 USE AND DEVELOPMENT OF LAND FOR A SERVICE STATION AND SIGNAGE

MOTION

Moved: Cr Gibson

Seconded: Cr Harriman

That Council issue a Notice of Decision to Refuse to Grant a Planning Permit for the use and development of a service station, creation of access to Transport Zone 2 and the installation of business signage and internally illuminated signage at 182-186 Princes Street, Traralgon, on the following grounds:

- 1. The proposed use and development are inconsistent with the purpose and the decision guidelines of the Neighbourhood Residential Zone (Schedule 4), as it is not compatible with the existing residential uses through the scale and intensity of the proposal and will not predominantly service local community need.**
- 2. The proposal is inconsistent with the objectives and policy of Clause 13.07-1S (Land Use Compatibility) as the use and development of land for a 24-hour service station is not compatible with adjoining and nearby residential land uses.**
- 3. The proposal is inconsistent with the strategies within Clause 11.01-1L (Traralgon Town Structure Plan) as it proposes a use with significant economic impact that will be located outside of the Traralgon Primary Activity Centre (TTSP Area 3), Argyle Street (TTSP Area 4) and Princes Highway and Stammers Road (TTSP Area 5).**
- 4. The proposal is not consistent with Clause 65.01 (approval of an application or plan) as the proposed use and development has the potential to affect human health, the amenity of the area and the orderly planning of the area.**
- 5. The proposed panel sign is prohibited under Clause 52.05-13 (Category 3 – High Amenity Areas) for the panel sign, which exceeds 10 square metres of advertising area.**

For Crs O'Callaghan, Law, Middlemiss, Howe, Harriman and Gibson

Against: Cr Clancey

CARRIED

Attachments - Refer to Council Meeting Agenda

1. Set of plans for proposal
2. Map of objections to the subject site (Published Separately)

This attachment is designated as confidential under subsection (f) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. location of objectors shown on map.

3. All 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 emails contained and names and addresses of all objectors.

4. Officer response to grounds of objections
5. Location of existing service stations in Traralgon
6. Assessment against the Latrobe Planning Scheme

Agenda Item: 7.2

**Agenda Item: Amendment C131 (Updated Flood Overlays) -
Consideration of Submissions**

Sponsor: General Manager, Regional City Planning and Assets

MOTION

Moved: Cr Law

Seconded: Cr Gibson

That Council:

- 1. Note the recommendations of Amendment C131 – Land Subject to Inundation Overlay and Floodway Overlay Peer Review Report at Attachment 4;**
- 2. Note the nine flood studies shown in Attachments 5 to 13 for public re-exhibition as a part of Amendment C131;**
- 3. Place Amendment C131 on re-exhibition generally in accordance with the Attachments 14 to 17 and with the requirements of section 19 of the *Planning and Environment Act 1987*; and**
- 4. Advise those persons who made a written submission to Amendment C131 of Council’s decision.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Summary of Consultation Actions Undertaken with Outstanding Submitters (Published Separately)
2. Summary of Submissions Table (Published Separately)
3. Copy of Submissions (Published Separately)
4. Peer Review Report (Published Separately)
5. Latrobe River Flood Study 2015 (Published Separately)
6. Traralgon Flood Study 2016 (Published Separately)
7. Floodplain Mapping for Glengarry/Eaglehawk Creek 2023 (Published Separately)
8. Floodplain Mapping for Rintouls Creek 2015 (Published Separately)
9. Floodplain Mapping for Upper Traralgon Creek 2023 (Published Separately)
10. Morwell North-West DCP Drainage - WR04 2017 (Published Separately)
11. Morwell North-West DCP Drainage Report 2016 (Published Separately)
12. Monash Way, Scoping Study 2011 (Published Separately)
13. Floodplain Mapping for Tyers River 2015 (Published Separately)

14. Amendment C131 Explanatory Report (Published Separately)
15. Amendment C131 Instruction Sheet (Published Separately)
16. Amendment C131 Combined Policy (Published Separately)
17. Amendment C131 Combined Maps (Published Separately)

VARIATION OF SECTION 173 AGREEMENT - FRANCIS ROAD, GLENGARRY

OFFICER'S RECOMMENDATION

That Council advise the Applicant that it does not give in principle support to amend the Section 173 Agreement, AW043351Q, registered on Certificate of Title for Lot 2 on Plan of Subdivision 907205B, 106 Francis Road, Glengarry, in accordance with Section 178A (3) of the Planning and Environment Act 1987, for the following reasons:

- 1. The Section 173 Agreement is required to support Policy under Clause 14.01-1L - Protection of Agricultural Land of the Latrobe Planning Scheme and is consistent with Council's Live Work Latrobe Rural Land Use Strategy 2019.**
- 2. Other than the December 2023 gazettal of Amendment VC253 exempting the use of *small second dwellings* in the Farming Zone, there has been no change in Policy or controls under the Latrobe Planning Scheme applicable to the site since the Section 173 Agreement was entered into in September 2022.**
- 3. The ending of the Section 173 Agreement would not protect productive agricultural land from future potential land use conflicts.**

MOTION

Moved: Cr O'Callaghan

Seconded: Cr Clancey

That Council provides in principle support to amend the Section 173 Agreement, AW043351Q, registered on Certificate of Title for Lot 2 on Plan of Subdivision 907205B, 106 Francis Road, Glengarry, in accordance with Section 178A(3) of the Planning and Environment Act 1987 (the Act), progressing the application to public notification under part 1d of Section 178B of the Act, pursuant to Section 178C of the Act.

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

Against: Cr Harriman

CARRIED

Attachments - Refer to Council Meeting Agenda

1. Section 173 Agreement for variation (Published Separately)

This attachment 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. Individual landowners' full names, addresses and phone numbers appear in this Agreement.

2. Application information to vary Section 173 Agreement (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. contains private information of landowners.

CORPORATE ITEMS FOR DECISION

8. CORPORATE ITEMS FOR DECISION

Item Number 8.1 05 February 2024

Community Health and Wellbeing

TOURISM & MAJOR EVENTS ADVISORY COMMITTEE RECOMMENDATIONS DECEMBER 2023

MOTION

Moved: Cr Clancey

Seconded: Cr Gibson

That Council:

1. **Adopt the recommendations of the Tourism and Major Events Advisory Committee and authorises officers to enter into a suitable agreement to fund the following events through the annual Major Events Attraction budget:**
 - **2024/2025 Australian Esports League Latrobe Cup (date to be confirmed) for \$15,000.**
 - **2024 AFL Diversity Championships - Females (July 2024) for \$12,000 and the 2024 AFL Diversity Championships - Males (September 2024) for \$12,000.**
 - **2025 Table Tennis Australia Championships (5-13 July 2025) for \$10,000.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. 2024 AFL Diversity Championships, Major Events Assessment
2. 2024/25 Australian Esports League Latrobe Cup, Major Events Assessment
3. 2025 Table Tennis Australia Championships, Major Events Assessment

AUTHORISATION OF A COUNCIL OFFICER 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. Leigh Shaw and Kate Clarke be appointed and authorised as set out in the Instruments of Appointment and Authorisation attached to this report;**
- 2. Each Instrument of Appointment and Authorisation comes 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 Delegation & Authorisation - Leigh Shaw
2. S11A Instrument of Delegation & Authorisation - Kate Clarke

URGENT BUSINESS

9. URGENT BUSINESS

Nil Reports

REPORTS FOR NOTING

10. REPORTS FOR NOTING

Item Number 10.1 05 February 2024

Regional City Strategy & Transition

PRESENTATION OF THE AUDIT AND RISK COMMITTEE MINUTES - 21 SEPTEMBER 2023 (SPECIAL FINANCIAL MEETING) AND 23 NOVEMBER 2023

MOTION

Moved: Cr Law

Seconded: Cr Middlemiss

That Council receive and note the attached Audit and Risk Committee Minutes for the 21 September 2023 and 23 November 2023 meetings.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Audit & Risk Committee Meeting Minutes - 21 September 2023
2. Audit & Risk Committee Meeting Minutes - 23 November 2023

CONTRACT VARIATIONS FOR THE PERIOD 1 OCTOBER 2023 TO 31 DECEMBER 2023

MOTION

Moved: Cr Clancey

Seconded: Cr Law

That Council receive and note the report on contract variations for the period 1 October 2023 to 31 December 2023.

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

Against: Cr Gibson

CARRIED

Attachments - Refer to Council Meeting Agenda

1. Contract Variations - Summary
2. Contract Variations - Detailed
3. Contract Variations > 25%

QUARTERLY BUDGET REPORT - DECEMBER 2023

MOTION

Moved: Cr Middlemiss

Seconded: Cr Law

That Council receive and note the Budget Report for the Quarter ended 31 December 2023, prepared in accordance with the requirements of the Local Government Act 2020.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Quarterly Budget Report December 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 Dr Ash Gordon and sent condolences to his family.

Cr Clancey congratulated the members and volunteers of the Traralgon Tennis Association on the success of the 2024 AGL Loy Yang Traralgon Junior International Tournament. Cr Clancey also acknowledged the foresight of the former Committee who brought the tournament to Traralgon 31 years ago.

Cr Gibson congratulated the members and volunteers of the Moe Swimming Club on the success of the Don Coupe Memorial Meet.

Cr Harriman congratulated the members and volunteers of the Traralgon Swimming Club on the success of the 2024 Victorian Country Championships.

Cr Harriman congratulated Jade Melbourne on being named in the Australian Opals squad for the FIBA Olympic Qualifying Tournament.

**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-814 Hyland Highway Landfill - Construction of Landfill Cap Cells 4 and 5 (Stage 3)**
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 LCC-801 Cleaning of Public Conveniences**
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.

- 15.3 Microsoft Enterprise 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 as commercial negotiations have not yet been finalised with Microsoft.

CARRIED UNANIMOUSLY

The Meeting closed to the public at 8.14pm.

There being no further business the meeting was declared closed at 8.29pm.

I certify that these minutes have been confirmed.

Mayor: _____

Date: _____