



LATROBE CITY COUNCIL

MINUTES FOR THE COUNCIL MEETING

HELD IN VIA AUDIO-VISUAL LINK
AT 6:00PM ON 07 AUGUST 2023
CM594

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
	Nathan Kearsley	General Manager Organisational Performance
	Paul Howard	Acting Manager Governance
	Peter Schulz	Coordinator Council Business
	Kaitlyn Boram	Governance Officer

Apologies: Nil

TABLE OF CONTENTS

1. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND	4
2. APOLOGIES AND LEAVE OF ABSENCE.....	4
3. ADOPTION OF MINUTES	4
4. DECLARATION OF INTERESTS	4
5. PUBLIC PARTICIPATION TIME	4
6. STRATEGIC ITEMS FOR DECISION.....	7
6.1 Draft Sustainability Action Plan for Public Consultation	7
6.2 Request to Name the Park at The Rise, Traralgon Maffra Road, Traralgon - Waite Park.....	8
6.3 Strzelecki Koala and Wildlife Rehabilitation Centre	9
6.4 Black Spot 21/22 Speed Reduction Consultation - Airfield Road, Vary Street and Monash Road.....	10
6.5 Growing Regions Program Round 1 - Funding Application	11
7. STATUTORY PLANNING.....	13
7.1 Application 2022/233 - Development of 52 dwellings, 52 Lot Subdivision, Reduction of 3 Visitor Car Parking Spaces and Creation and Removal of an Easement at 23 Dunbar Road, Traralgon	13
7.2 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	15
8. CORPORATE ITEMS FOR DECISION	18
8.1 Review of Plaques and Memorials Policies	18
8.2 Revocation of Outdated Policies.....	19
9. URGENT BUSINESS.....	21
10. REPORTS FOR NOTING	23
10.1 Consideration of on-going Lake Narracan Foreshore Security Patrols	23

10.2	Tabling of Audit and Risk Committee Bi-Annual Report	24
10.3	Update on Proposed Sale of Land - 23 Bunyip Court, Morwell.....	25
10.4	Petition for the Reopening of Chestnut Avenue, Morwell.....	26
11.	QUESTIONS ON NOTICE	27
12.	NOTICES OF MOTION	29
13.	ITEMS FOR TABLING.....	31
14.	ACKNOWLEDGEMENTS.....	32
15.	MEETING CLOSED TO THE PUBLIC TO CONSIDER CONFIDENTIAL INFORMATION.....	34
15.1	44 Albert Street, Moe - Expression of Interest	34
15.2	LCC-788 Provision of Plumbing and Gas Fitting Services & LCC-789 Provision of Electrical Services - Contract Award	34

Resolutions in this minutes document should be read in conjunction with the published agenda for the 07 August 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 Lund

Seconded: Cr Howe

That Council confirm the minutes of the Council Meeting held on 3 July 2023.

CARRIED UNANIMOUSLY

4. DECLARATION OF INTERESTS

Councillor Middlemiss declared an interest in Item 7.2 (Application to Amend Planning Permit 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) due to an existing relationship with a family member of the objector.

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 Christopher Kaczowski

Topic: Waiver by Application – Financial Hardship

Question: Has Latrobe City Council considered, or is considering, waiving or reducing Council rates for people and businesses that may be suffering, or who may suffer financial hardship, due to power station closures and ending of native timber harvesting?

Response: Latrobe City Council gave careful consideration to the impacts of financial hardship when adopting the current version of the *Financial Hardship Policy* in 2020. The policy is scheduled to be reviewed in 2024. The policy recognises that financial hardship may arise for many reasons, each case is therefore considered consistently, sensitively, and confidentially on its own merits within the bounds of the policy. Relief under this policy is limited to waiver of interest and legal fees on overdue payments, a deferment or agreeing upon a payment arrangement.

Question 2:

From: Kelvin Granger and Dean Hurlston, Council Watch Inc.

Topic: Cost Shifting

Question: Can Council please advise the dollar (\$) amount of “cost shifting from State Government” they estimate they incurred in 2022/23 Financial Year?

Response: In broad terms, although there is no agreed definition of cost shifting, it is generally accepted that cost shifting occurs when State and Federal Governments transfer program or service responsibilities to local government with insufficient funding or provide grants that don't keep pace with the actual delivery costs incurred by councils.

Council has not quantified the extent or financial impact of cost shifting.

Cost shifting challenges however are often associated with the following areas of Council:

- Library services
- School crossing supervision
- Emergency management (preparedness, response and recovery)
- Maintenance and upkeep of State-owned infrastructure and assets

We also acknowledge though the support the State and Federal Government does provide council through significant recurring and capital grants each financial year. Without these funding streams council's capacity to deliver many programs and projects for the community would not be achievable.

Public Speakers

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

- Christopher Constantine, Millar Merrigan spoke to Item 7.1
- Emma Materowski spoke to Item 7.1
- John Calabro spoke to Item 7.1
- Marietta Calabro, Southside Residents Group spoke to Item 7.1
- Suzanne Lewis spoke to Item 7.1
- Anthony Symonds spoke to Item 7.1
- Ashley McKay spoke to Item 7.1
- Michael Johnstone spoke to Item 7.1
- Bruce Keen, Keen Planning spoke to Item 7.2

The Mayor moved an adjournment which was seconded by the Deputy Mayor at 7.02pm.

The meeting resumed at 7.13pm.

STRATEGIC ITEMS FOR DECISION

6. STRATEGIC ITEMS FOR DECISION

Item Number 6.1 07 August 2023

Regional City Planning and Assets

DRAFT SUSTAINABILITY ACTION PLAN FOR PUBLIC CONSULTATION

MOTION

Moved: Cr Lund

Seconded: Cr Clancey

That Council:

- 1. Release the Draft Sustainability Action Plan for public consultation; and**
- 2. Receive a future report detailing submissions regarding the Draft Sustainability Action Plan received following the public consultation phase.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

- Draft Sustainability Action Plan

REQUEST TO NAME THE PARK AT THE RISE, TRARALGON MAFFRA ROAD, TRARALGON - WAITE PARK

MOTION

Moved: Cr Clancey

Seconded: Cr Ferguson

That Council:

- 1. Endorse the reserve located at The Rise Estate, Traralgon-Maffra Road, Traralgon, being named Waite Park;**
- 2. Authorise signage to be installed at the reserve reflecting its naming as Waite Park;**
- 3. Note that officers will return the matter to a future Council Meeting for a decision in relation to commencing a formal naming process.**

CARRIED UNANIMOUSLY

Attachments

Nil

STRZELECKI KOALA AND WILDLIFE REHABILITATION CENTRE

MOTION

Moved: Cr Ferguson

Seconded: Cr Harriman

That Council receives and notes this report in relation to the investigation of the feasibility of Council establishing a Strzelecki koala, wildlife, botany and entomology centre in the South Ward of Latrobe City.

CARRIED UNANIMOUSLY

Attachments

Nil

BLACK SPOT 21/22 SPEED REDUCTION CONSULTATION - AIRFIELD ROAD, VARY STREET AND MONASH ROAD

MOTION

Moved: Cr Middlemiss

Seconded: Cr Howe

That Council notes the report and that no further action be undertaken in relation to the speed limit on Airfield Road, Traralgon.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Attachment 1 - Monash Road Newborough - Collated Feedback
2. Attachment 2 - Vary Street Morwell - Collated Feedback

GROWING REGIONS PROGRAM ROUND 1 - FUNDING APPLICATION

MOTION

Moved: Cr Gibson

Seconded: Cr Law

That Council:

- 1. Endorse the lodgement of Expressions of Interest to the Growing Regions Program – Round 1 for the following projects:**
 - a. Marshalls Road Signalised Intersection**
 - b. Moe Revitalisation Project – Stage 3**
- 2. Endorse lodgement of an application for the Marshalls Road Signalised Intersection project, subject to the Expression of Interest being successful; and**
- 3. Receive a further report at the November 2023 Council Meeting regarding the Moe Revitalisation Stage 3 project and the financial implications prior to proceeding with an application, subject to the Expression of Interest being successful.**

CARRIED UNANIMOUSLY

Attachments

Nil

STATUTORY PLANNING

7. STATUTORY PLANNING

Item Number 7.1

07 August 2023

Regional City Planning and Assets

APPLICATION 2022/233 - DEVELOPMENT OF 52 DWELLINGS, 52 LOT SUBDIVISION, REDUCTION OF 3 VISITOR CAR PARKING SPACES AND CREATION AND REMOVAL OF AN EASEMENT AT 23 DUNBAR ROAD, TRARALGON

MOTION

Moved: Cr Harriman

Seconded: Cr Gibson

That Council issues a Notice of Refusal to Grant a Permit for the development of land with 52 dwellings on a lot, 52 lot subdivision of land, reduction of 3 visitor car parking spaces and the creation and removal of an easement at 23 Dunbar Road, Traralgon (Crown Allotment 79L Parish of Traralgon), on the following grounds:

- a) **The proposal is inconsistent with the Municipal Planning Strategy and the Planning Policy Framework, specifically Clauses 02.03-7 (Industry) 11.01-1L (Traralgon), 13.07-1S (Land use compatibility), 16.01-1S (Housing supply) and 16.01-1L (Housing supply), which seek to ensure that residential intensification does not prejudice the operation of the Graymont Lime Batching Plant and Janette Street Industrial Precinct.**
- b) **The proposal is inconsistent with the purpose and decision guidelines of the Mixed Use Zone, in that the proposal represents an unreasonable intensification of development that creates unacceptable risk of land use conflict to existing industry.**
- c) **The application is considered to be premature in the absence of strategic work that provides support to intensification of residential development adjacent to the Janette Street Industrial Precinct and Graymont Lime Batching Plant.**
- d) **The proposal fails to meet the following objectives of Clause 55 and 56 (ResCode):**
 - i. **Clause 55.02-2 – Residential policy**
 - ii. **Clause 55.03-9 – Access**
 - iii. **Clause 55.04-8 – Noise impacts**
 - iv. **Clause 56.03-4 – Built environment**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Attachment 1 - Proposed Plans
2. Attachment 2 - 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 within submissions.

3. Attachment 3 - Submissions in Support (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. Act: s3(1)

Code: f

Reason: Personal identifying information contained within submissions.

4. Attachment 4 - Dunbar Road Listening Post FAQ Sheet
5. Attachment 5 - Assessment against the Municipal Planning Strategy and Planning Policy Framework
6. Attachment 6 - Clause 55 Assessment
7. Attachment 7 - Clause 56 Assessment

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 Princess Drive Morwell, subject to the conditions at Attachment 3 to this report.

MOTION

Moved: Cr Lund

Seconded: Cr Gibson

That Council defers consideration of the Application to Amend Planning Permit 2018/128 until at least the September Council Meeting to allow further time to work through concerns raised by the objectors related to access, maintenance and lighting.

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

Councillor Gibson left the meeting at 7.47pm.

CORPORATE ITEMS FOR DECISION

8. CORPORATE ITEMS FOR DECISION

Item Number 8.1 07 August 2023

Regional City Planning and Assets

REVIEW OF PLAQUES AND MEMORIALS POLICIES

MOTION

Moved: Cr Harriman

Seconded: Cr Ferguson

That Council:

1. **Adopt the Plaques and Memorials Policy;**
2. **Note that with the adoption of the Plaques and Memorials Policy, that the following previous policies are revoked:**
 - a. **Plaques and Memorials on Public Infrastructure and Open Space Policy;**
 - b. **Roadside Fatality Memorials Policy; and**
3. **Make the Plaques and Memorials Policy available on Council's website.**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. DRAFT Plaques and Memorials Policy
2. Key Changes Table

REVOCACTION OF OUTDATED POLICIES

MOTION

Moved: Cr Middlemiss

Seconded: Cr Clancey

That Council revoke the following policies:

- **Biodiversity and Native Vegetation Policy**
- **Weeds Policy**
- **Public Open Space Policy**

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Biodiversity and Native Vegetation Policy
2. Weeds Policy
3. Public Open Space Policy

URGENT BUSINESS

9. URGENT BUSINESS

Nil

REPORTS FOR NOTING

10. REPORTS FOR NOTING

Item Number 10.1 07 August 2023

Community Health and Wellbeing

CONSIDERATION OF ON-GOING LAKE NARRACAN FORESHORE SECURITY PATROLS

MOTION

Moved: Cr Law

Seconded: Cr Clancey

That Council:

- 1. Continue the security patrols of the Lake Narracan foreshore area from November 2023 to May 2024, and**
- 2. Note that management arrangements post May 2024 will be operationalised based on identified need.**

CARRIED UNANIMOUSLY

Attachments

Nil

TABLING OF AUDIT AND RISK COMMITTEE BI-ANNUAL REPORT

MOTION

Moved: Cr Law

Seconded: Cr Middlemiss

That Council receives and notes the Bi-Annual Report prepared by the Audit and Risk Committee Chairperson.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. Audit and Risk Committee Bi-Annual Report H1 2023

UPDATE ON PROPOSED SALE OF LAND - 23 BUNYIP COURT, MORWELL

MOTION

Moved: Cr Middlemiss

Seconded: Cr Lund

That Council discontinues the sale process for the parcel of land adjacent to property located at 23 Bunyip Court, Morwell.

CARRIED UNANIMOUSLY

Attachments - Refer to Council Meeting Agenda

1. 23 Bunyip Court, Morwell - Aerial Imagery of Proposed Purchase
2. 23 Bunyip Court, Morwell - Title plan
3. Correspondence with interest party and Latrobe City Council (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 contact information of the applicant and staff member included in the correspondence.

PETITION FOR THE REOPENING OF CHESTNUT AVENUE, MORWELL

MOTION

Moved: Cr Middlemiss

Seconded: Cr Lund

That Council:

- 1. In accordance with the Governance Rules, refer the petition requesting the reopening of Chestnut Avenue, Morwell, to the General Manager Regional City Planning and Assets for assessment and analysis;**
- 2. Request a report be prepared for the Council Meeting to be held on Monday, 04 September 2023 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 - 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. Petition contains personal details of residents.

11. QUESTIONS ON NOTICE

Nil

NOTICES OF MOTION

12. NOTICES OF MOTION

Nil

ITEMS FOR TABLING

13. ITEMS FOR TABLING

Nil

14. ACKNOWLEDGEMENTS

Cr Harriman acknowledged the passing of Mr Terry May.

Cr Ferguson acknowledged the passing of Mr Ian Hardy.

Cr O'Callaghan acknowledged Ruth Harper, Manager Sustainability and Environment for her work on Items 6.1 and 6.3.

Cr O'Callaghan acknowledged Jody Riordan, General Manager Regional City Planning and Assets, and the Statutory Planning team for their work on Items 7.1 and 7.2.

**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 Howe

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 44 Albert Street, Moe - Expression of Interest**
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 Relates to an EOI process for the lease over a building.
- 15.2 LCC-788 Provision of Plumbing and Gas Fitting Services & LCC-789 Provision of Electrical Services - Contract Award**
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 Releasing this information publicly and/or prematurely may prejudice the undertaking of this process.

CARRIED UNANIMOUSLY

The Meeting closed to the public at 8.04pm.

There being no further business the meeting was declared closed at 8.08pm.

I certify that these minutes have been confirmed.

Mayor: _____

Date: _____