



# LATROBE CITY COUNCIL

**AGENDA FOR THE  
COUNCIL MEETING**

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM  
CORPORATE HEADQUARTERS, MORWELL AND  
VIA AUDIO-VISUAL LINK  
AT 6.00PM ON  
04 APRIL 2022**

**CM576**

***Please note:***

*Opinions expressed or statements made by participants are the opinions or statements of those individuals and do not imply any form of endorsement by Council.*

*By attending a Council Meeting via audio-visual link those present will be recorded or their image captured. When participating in the meeting, consent is automatically given for those participating to be recorded and have images captured.*

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## **COUNCILLOR AND PUBLIC ATTENDANCE**

### **PLEASE NOTE**

TO ENSURE LOCAL GOVERNMENT DECISION-MAKING CAN CONTINUE DURING THE CORONAVIRUS PANDEMIC, MECHANISMS FOR VIRTUAL COUNCIL MEETINGS HAVE BEEN INTRODUCED INTO THE *LOCAL GOVERNMENT ACT 2020*.

PURSUANT TO SECTION 394 OF THE *LOCAL GOVERNMENT ACT 2020*, A COUNCILLOR MAY ATTEND THIS COUNCIL MEETING REMOTELY BY ELECTRONIC MEANS OF COMMUNICATION; AND

PURSUANT TO SECTION 395 OF THE *LOCAL GOVERNMENT ACT 2020* THIS COUNCIL MEETING MAY BE CLOSED TO IN PERSON ATTENDANCE BY MEMBERS OF THE PUBLIC PROVIDED THE MEETING IS AVAILABLE THROUGH LIVE STREAM ON COUNCIL'S INTERNET SITE.

### **1. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**

*I WOULD LIKE TO ACKNOWLEDGE THAT WE ARE MEETING HERE TODAY ON THE TRADITIONAL LAND OF THE BRAIAKAULUNG PEOPLE OF THE GUNAIKURNAI NATION AND I PAY RESPECT TO THEIR ELDERS PAST AND PRESENT.*

*IF THERE ARE OTHER ELDERS PRESENT I WOULD ALSO LIKE TO ACKNOWLEDGE THEM.*

### **2. THE PRAYER**

*Our Father who art in Heaven, hallowed be thy name. Thy kingdom come, thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us, and lead us not into temptation but deliver us from evil. For the kingdom, the power, and the glory are yours now and forever. Amen.*

### **3. APOLOGIES AND LEAVE OF ABSENCE**

### **4. DECLARATION OF INTERESTS**

### **5. ADOPTION OF MINUTES**

#### **Proposed Resolution:**

**That Council confirm the minutes of the Council Meeting held on 7 March 2022.**

**6. ACKNOWLEDGEMENTS**

*Councillors may raise any formal acknowledgements that need to be made at this time, including congratulatory or condolences.*

**7. PUBLIC PARTICIPATION TIME**

**Attend as an observer**

This Council Meeting is livestreamed and can be viewed by using the link on Council's website or Facebook page.

**Public Questions on Notice**

In accordance with the Council Meeting Policy, members of the public can lodge a question on notice before 12noon on the day of the Council meeting in order for the question to be answered at the meeting.

**Public Speakers**

An opportunity for members of the public to speak to an item on the agenda will be made available by necessary means. To participate, members of the public must have registered before 12noon on the day of the Council meeting.

**8. QUESTIONS ON NOTICE**

Nil reports

# **NOTICES OF MOTION**

**9. NOTICES OF MOTION**

**9.1 2022/02 VISITOR INFORMATION**

**Cr Sharon Gibson**

I, Cr Gibson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on 4 April 2022:

**That Council receive a report at the June 2022 Council meeting which considers the benefits and disadvantages of:**

- 1. retaining only the (one) current visitor information service for the City;  
and**
- 2. managing the operation of a single visitor information centre at either the east or western end of the municipality; and**
- 3. the option of having two centres servicing visitors to the east and west of the municipality.**

Signed  
Cr Sharon Gibson  
29 March 2022

**Attachments**

Nil

# **ITEMS FOR TABLING**



## **10. ITEMS FOR TABLING**

**Agenda Item: 10.1**

**Agenda Item: CCP 2021-2 Councillor Conduct Panel Determination and Statement of Reasons for Decision**

**Sponsor: Chief Executive Office**

**Council Plan Objective: SMART**

**Status: For Information**

**Proposed Resolution:**

**That Council:**

**Receive and note the decision and statement of reasons presented in the Councillor Conduct Panel Report (CCP2021-2) of an application by Councillors Darren Howe, Brad Law, Tracie Lund and Dan Clancey concerning Councillor Melissa Ferguson.**

**Executive Summary:**


The application for a matter to be heard by a Councillor Conduct Panel was dated 25 August 2021 and the Conduct Panel's Report was provided to the parties on 31 March 2022.

The Panel comprised Mrs Jo-Anne Mazzeo (Chairperson) and Mrs Helen Buckingham OAM.

Local Government Act 2020 requires that a copy of the decision must be tabled in the next council meeting after it is received and recorded in the minutes.

It is therefore recommended that Council receive and note the report.

### **Attachments**

1.  Councillor Conduct Panel Determination and Statement of Reasons for Decision

## **10.1**

### **CCP 2021-2 Councillor Conduct Panel Determination and Statement of Reasons for Decision**

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# **CORRESPONDENCE**

**11. CORRESPONDENCE**

Nil reports

# **PRESENTATION OF PETITIONS**

## 12. PRESENTATION OF PETITIONS

Agenda Item: 12.1

Agenda Item: **Petition for Support for a Public Toilet in Morwell North CBD**

Sponsor: **General Manager, Regional City Planning and Assets**

Council Plan Objective: **CONNECTED**

Status: **For Information**

### Proposed Resolution:

#### That Council:

1. In accordance with the *Council Meetings Policy*, agrees to lay the petition requesting *Support for a Public Toilet in Morwell North CBD*, on the table until the Council Meeting to be held on 2 May 2022;
2. Requests a report be prepared for the 2 May 2022 Council Meeting detailing (but not limited to) the implications, issues and options surrounding the request and details of the petition; and
3. Advises the head petitioner of this decision in relation to the petition.

### Executive Summary:

- Latrobe City Council (Council) has been presented with a petition (Attachment 1) containing 50 submissions requesting Council construct a public toilet on the north side of the Morwell CBD.
- This report is being presented to Council in accordance with Section 4.5 of the *Council Meetings Policy*, requesting that the petition lay on the table.
- The purpose of laying the petition on the table is to bring to the Council's attention the petition, the terms of the petition and to allow time for a detailed report to be prepared for the consideration of Council.
- No debate or discussion will be entered into when the petition is tabled, however can occur when the petition is brought back to Council in a further report.

### Background:

Latrobe City Council (Council) has been presented with a petition (Attachment 1) containing 50 signatures requesting Council construct a public toilet on the north side of the Morwell CBD.

The petition statement outlines the following:

*We, the undersigned concerned citizens wish to inform the Latrobe City Council of the need for a public toilet on the north side of Morwell in the CBD. The toilets that were previously located on Church Street have been closed and for people with mobility issues, it is difficult to walk to Commercial Road to access toilets. We ask that Latrobe City Council construct a public toilet on the north side of Morwell CBD.*

This report is being presented to Council in accordance with Section 4.5 of the *Council Meetings Policy*, requesting that the petition lay on the table.

The purpose of laying the petition on the table is to bring to the Councils attention the petition, the terms of the petition and allow time for a detailed report to be prepared for the consideration of Council. No debate or discussion will be entered into when the petition is tabled, however it can occur when the petition is brought back to Council in a further report.

**Issues:**

*Strategy / Financial / Environmental / Risk Analysis / Legal and Compliance / Community / Consultation / Other*

All implications of the petition will be considered as part of a detailed Council report to be presented at the 2 May 2022 Council meeting.

*Communication*

The Head Petitioners have been advised that the petition will be presented at this Council meeting and of the process to be expected.

**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil

**Attachments**

1. Petition Submissions for Support for a public toilet in Morwell North CBD (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 contact details of individuals



# **REGIONAL CITY STRATEGY AND TRANSITION**

**13. REGIONAL CITY STRATEGY AND TRANSITION**

Nil reports

# **REGIONAL CITY PLANNING AND ASSETS**

## **14. REGIONAL CITY PLANNING AND ASSETS**

**Agenda Item: 14.1**

**Agenda Item: CEO Delegation to award contracts for Gippsland Logistics Precinct**

**Sponsor: General Manager, Regional City Planning and Assets**

**Council Plan Objective: CONNECTED**

**Status: For Decision**

### **Proposed Resolution:**

**That Council delegates to the Chief Executive Officer (CEO) the power to award contracts related to the Gippsland Logistic Precinct for up to \$1,600,000 including GST where the Tenders comply with the Procurement Policy and available grant funding.**

### **Executive Summary:**

#### Gippsland Logistic Precinct (GLP)

- As part of the GLP development by Council, service utility and other infrastructure works are required to enable the creation of fully serviced lots for the first stage of works.
- The works are fully funded by a Regional Development Victoria grant.
- Council has delegated the Chief Executive Officer (CEO) authority to award contract works up to \$1,000,000 including GST.
- In accordance with the Procurement Policy, Tenders for these works will commence in April. However, the procurement and evaluation process will not be completed before the May 2022 Council meeting.
- Should the preferred tenderer's submission exceed the CEO delegation a delay until the next available Council meeting would be required which impacts external grant funding milestones associated with the project.
- To avoid this delay CEO delegation of \$1,600,000 (including GST) is requested.
- Not delegating the authority would result in the contracts being reported to Council and delay the start of the works.

**Background:**

Where a tender is over the Chief Executive Officer's (CEO) delegated amount of \$1,000,000 (including GST) the tender must be referred to Council for approval, adding three to five weeks to the process dependent upon the timing of the tender closing and the timing of the tender evaluation against the Council report timetable.

A tender for these works will commence in April. However, the procurement and evaluation process will not be completed before the May 2022 Council meeting.

Council officers propose that Council delegates to the CEO the power to award a contract up to \$1,600,000 including GST. This will assist in delivering the project in a timely manner.

If Council does not delegate the authority to award the contracts to the CEO, the tenders will be brought to Council for approval at the next available Council meeting following the tender evaluation process.

Although award of the project may be delayed this would not jeopardise delivery of the works overall. However, it does impact on the last funding milestone within this financial year and this delegation is sought to mitigate that impact. It is not likely that a failure to meet this would result in a loss of funding.

**Issues:**

*Strategy Implications*

This report to the following strategies of the Council Plan:

Connected

- Facilitate appropriate urban growth, industry diversification, liveability and connectivity throughout Latrobe City.

Smart

- Activate the Gippsland Logistics Precinct with infrastructure and services to attract inward investment by industry and businesses.

*Communication*

In accordance with Council's Procurement Policy, Latrobe City Council's website will be updated to provide summary information relating to contracts entered into, with an estimated expenditure which exceed the compulsory tender threshold.

All contracts awarded by the CEO are reported to Council on a quarterly basis detailing the successful contractor.

*Financial Implications*

There are no financial implications. An existing external grant from Regional Development Victoria is fully funding the works for the GLP.

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*Risk Analysis*

Providing delegation to the CEO will reduce the risk of delays associated with the time to award contracts

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<b>Service Delivery Risk</b> Delay in awarding contracts	5 – Almost certain	Seek specific CEO delegation increase to fast-track award
<b>Service Delivery Risk</b> Milestone of the funding agreement not met	5 – Almost certain	Seek specific CEO delegation increase to fast-track award

\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

*Legal and Compliance*

All processes will comply with legal guidelines and policy

*Community Implications*

The proposed recommendation will have a positive impact on the community as it will allow these projects to commence earlier than if a report to Council is required.

*Environmental Implications*

There are no substantive environmental implications associated with this report.

*Consultation*

No engagement is proposed.

**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil

**Attachments**

1. Attachment 1 - Tenders applicable to requested CEO delegation (Published Separately)

This attachment is designated as confidential under subsection (a) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. Includes internal cost estimates for future public tenders.

# **COMMUNITY HEALTH AND WELLBEING**



**15. COMMUNITY HEALTH AND WELLBEING**

**Agenda Item: 15.1**

**Agenda Item: Tourism and Major Events Advisory Committee  
Recommendations December 2021 & February 2022**

**Sponsor: General Manager, Community Health and Wellbeing**

**Council Plan Objective: CREATIVE**

**Status: For Decision**

**Proposed Resolution:**

**That Council:**

**1. Adopts 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;**

- Victorian Open Lawn Bowls - \$25,000 for year 1 Date 25/03/23 to 2/04/23**
- Badminton Victoria U13 & U17 Silver Tournament - \$5,000 plus Venue In Kind (VIK) hire, for year 1 Date 03/09/22 to 04/09/22**

**Funding for subsequent years pending Council endorsement of the budget for those financial years.**

**2. Notes the decision to approve the recommendation of the Tourism and Major Events Advisory Committee, to fund the Inline Hockey Australasian Club Championship (15-18 April 2022) for \$10,000 through the Major Events Attraction budget (2021/22) allocation.**

**Executive Summary:**

At the Tourism and Major Events Advisory Committee (TAMEAC) Meetings of 01 December 2021 and 02 February 2022, the following major events were recommended for funding support. In accordance with the Major Events Selection Framework these are required to be presented to a Council meeting.

Event	Council Contribution	Economic Impact (estimated) for year 1
Victorian Open Lawn Bowls. Five year agreement starting 2022/23	\$25,000 per year \$125,000 over 5 years	\$4,083,114
Badminton Victoria Tournament. Three year agreement starting 2022/23	\$5,000 + VIK venue hire per year \$15,000 + VIK venue hire over 3 years	\$257,673
Inline Hockey Australasian Club Championship. One year contribution for event on 15/04/2022 - 18/04/2022	\$10,000	\$794,562

Note: the figures in the above table are exclusive of GST.

These major events have been reviewed and considered by TAMEAC based on assessments prepared outlining economic benefit, return on investment and benefit to the local community. Details of the assessments are provided in the attachments.

Given the timing required to give certainty to the event organisers Inline Hockey Australasian Club Championship officers accepted the recommendation of TAMEAC in advance of the Council meeting and this is presented to Council for noting.

The impacts of the pandemic and restrictions in place on major events are constantly monitored. Should any event be unable to proceed due to COVID restrictions, officers will work with the event organiser to determine if the event can be postponed and the funds utilised at a later date. If the event is cancelled, funds will be returned to the budget for allocation to other major event opportunities.

### **Background:**

#### **Victorian Open Lawn Bowls Tournament**

The Victorian Open Bowls tournament is the largest bowls event in Victoria. For the last 10 years this event has been held in Shepparton. The Morwell Bowls Club and Traralgon Bowls Club have committed to support this event for the next 5 years. The tournament will attract 2000 bowlers plus an additional 2000 spectators to our region for eight days. Accommodation and the use of bowling greens will extend to Wellington and Baw Baw Shires during the event.

### **Badminton Victoria U13 & U17 Silver Tournament**

The Badminton Victoria (BV) junior series are amongst the most prestigious events on the BV calendar each year. This event is mandatory for all BV Junior State Squad Performance Program which guarantees that the best of junior badminton will be on display, creating a fantastic opportunity for the local club to showcase top badminton in partnership with BV.

### **Inline Hockey Australasian Club Championship**

The Inline Hockey Australasian Club Championship is the only National Club Championship Tournament for Inline Hockey in Australia. With mixed gender participants, the event hosts athletes from all over Australia in a range of divisions. One of Skate Victoria and Stadium 34's main objectives is to provide a welcoming and inclusive environment for participants and spectators. The event offers free entry to the community to experience the action and excitement of inline hockey.

### **Tourism and Major Events Advisory Committee (TAMEAC)**

The Latrobe Tourism and Major Events Advisory Committee (TAMEAC) is a formally appointed Advisory Committee of Latrobe City Council.

The membership of this Committee and these Terms of Reference have been adopted by resolution of Latrobe City Council.

The Committee's role is to report to the Council and provide appropriate advice, recommendations and feedback on matters relevant to their Terms of Reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities. The Committee meets bi-monthly. The Committee is an advisory committee only and has no delegated decision making authority.

The Committee is established to:

- Provide advice to Council on policies and strategies for furthering the development of tourism within Latrobe City and an avenue for consultation and exchange between Council and the tourism industry regarding issues and maximising tourism opportunities;
- Consider proposals for major event selection and funding applications received and make recommendations to Council in relation to the selection and funding of such events;
- Provide advice in relation to the development and submission of event funding applications; and
- Provide advice to Council in relation to the planning and development of major events and major event infrastructure in Latrobe City.

In line with the Council approved Major Events Selection Framework, the following criteria will be considered during assessment:

- The alignment of the event in meeting the strategic goals of the Events and Tourism Strategy 2018-2022;
- Potential for strong returns, be those deemed at any given time to be financial, artistic, or community wellbeing;
- Time of year of the event, with strong consideration given to proposals scheduled during gaps in Council's events calendar;
- Rationale or need for the event;
- Context of the event in the current events/presentation program;
- Likelihood of high numbers of participants and observers/attendees, preferably with a significant number of participants and visitors coming from outside the region;
- Potential for positive media coverage and exposure within and outside the region.

**Issues:**

*Strategy Implications*

Support to attract new events that promote economic growth is a key focus of the Council Plan 2021-2025, with alignment to CREATIVE, CONNECTED, and HEALTHY strategic directions.

*Health Implications*

Not being able to host major events will remove opportunities for the local community to experience high profile events which could have an impact on overall community health and wellbeing.

*Communication*

All major events have marketing and community engagement activities associated with their delivery. These are managed in conjunction with officers from the Communications and Events team at Latrobe City Council.

*Financial Implications*

Event funding is covered under the annual Major Events Attraction budget and part of BAU budget preparations.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<p><b>Financial Risk</b></p> <p>Opportunity cost of lost economic benefit from these major events if not supported.</p>	3 (Possible)	Use of the major events assessment process and review by Council officers and TAMEAC.
<p><b>Financial Risk</b></p> <p>Events could be postponed or cancelled due to COVID restrictions.</p>	3 (Possible)	COVID restrictions constantly monitored. If postponed, funds still provided to support. If cancelled funds return to Council for allocation to other event opportunities.
<p><b>Reputational Risk</b></p> <p>Major event negatively impacts on the reputation of LCC as an events city.</p>	1 (Rare)	TAMEAC consideration of event proposal and assessment. Strict oversight of operations and arrangements by Council officers.
<p><b>Legal/Regulatory Risk</b></p> <p>Major event doesn't meet safety or regulatory requirements.</p>	2 (Unlikely)	All events supported by Council are required to submit, and have approved, an event permit.

\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

*Legal and Compliance*

All events supported by Council are required to submit, and have approved, an event permit.

*Community Implications*

Local community would be impacted by losing opportunities to experience major events.

*Environmental Implications*

Nil

*Consultation*

Where appropriate, consultation with both internal and external stakeholders and community organisations is undertaken to determine support of a major event. Major event proposals and assessments are presented to TAMEAC for consideration and recommendation.

*Other*

Nil

**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil

**Attachments**

1. Victorian Open Lawn Bowls Event Assessment (Published Separately)

This attachment is designated as confidential under subsection (a) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. The attached document provides information on Council's negotiations that could unfairly prejudice Council if released.

2. Badminton Victoria Event Assessment (Published Separately)

This attachment is designated as confidential under subsection (a) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. The attached document provides information on Council's negotiations that could unfairly prejudice Council if released.

3. Inline Hockey Australasian Club Championship (Published Separately)

This attachment is designated as confidential under subsection (a) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. The attached document provides information on Council's negotiations that could unfairly prejudice Council if released.



# **ORGANISATIONAL PERFORMANCE**



## **16. ORGANISATIONAL PERFORMANCE**

**Agenda Item: 16.1**

**Agenda Item: Proposed Sale of Land - Keegan Street Reserve, Morwell**

**Sponsor: General Manager, Organisational Performance**

**For Decision**

**Proposed Resolution:**

**That Council:**

- 1. Advises the Department of Environment, Land, Water and Planning (“DELWP”) of its consent to excise part of the Keegan Street Reserve Morwell measuring 760 square metres (“the land”) from the Reserve to enable it to be sold to Morwell Bowls Club & Recreation Centre Inc. (“MBC”); and**
- 2. Authorises the Chief Executive Officer to enter into a lease to MBC of the land on such terms as are agreeable to MBC and DELWP until such time as the sale of the land is completed.**

**Executive Summary:**

- Council is the appointed Committee of Management for the Keegan Street Reserve, Morwell, being part of Crown Allotment 11E4 in the Parish of Maryvale.
- MBC has made an application to DELWP to acquire part of the Reserve (“the proposal”) measuring 760 square metres.
- The proposal is supported by DELWP. DELWP has sought consent from Council as the Committee of Management to the proposal.
- Council withholding its consent to the proposal will require MBC to redesign their proposed redevelopment to provide an alternative location for water tanks and firefighting equipment that are intended to be placed on the land.
- Officers do not see any detriment to the community with the proposal.
- As the process to excise the land may take some time, in order to allow MBC to progress its intended use of the land, the Chief Executive Officer would be authorised to enter into a lease of the land to MBC on terms that are acceptable to MBC and DELWP.

**Supporting Information:**

Council is the appointed Committee of Management for the Keegan Street Reserve, Morwell, being part of Crown Allotment 11E4 in the Parish of Maryvale that was temporarily reserved for the purpose of public recreation via a notice in the Victoria Government Gazette on March 8, 1939.

MBC has made an application to DELWP to acquire part of the Reserve, measuring 760 square meters, with the intention of incorporating the land into the significant redevelopment of their facilities that is currently being undertaken.

DELWP support the application by MBC and have written to Council to determine if Council also supports this section of the Reserve to be excised to enable the land to be sold to MBC. (Attachment One).

Having considered this request, officers consider that the proposed sale of land will not have a detrimental effect on the Reserve as the land is not currently utilised and is not required for access. As a result, officers recommend to Council that Council support the land being excised from the Reserve to enable it to be sold to MBC.

As an interim measure to allow certainty for the development being undertaken by MBC, with the consent of DELWP, Council as Committee of Management and MBC would enter into a lease agreement that will allow the land to be occupied and utilised for the intended purpose until such time as the sale of land is completed.

**Issues:**

*Strategy Implications*

Ensure Council operates openly, transparently and responsibly.

*Communication*

DELWP has advised of the proposed sale of land to MBC and support for an interim short-term lease agreement.

*Financial Implications*

Should the land be sold, the sale process will be undertaken by DELWP and the Department of Treasury and Finance. There are therefore no financial implications for Council.

*Risk Analysis*

There are not considered to be any risks associated with the proposed sale of land.

### *Legal and Compliance*

Section 8 of the *Crown Land (Reserves) Act 1978* relates to the sale, lease or licence of reserved lands:

*Any land that has been reserved either temporarily or permanently under section 4 shall not (except as authorised by this or any other Act) be sold, leased or licenced unless the reservation thereof has been revoked and any purported sale, lease or licence of such land shall be absolutely void as well against Her Majesty as all other persons whomsoever.*

### *Community Implications*

There are not considered to be any community implications associated with the proposed sale of land.

If the land was to be retained, MBC would be required to redesign their proposed redevelopment to provide an alternative location for water tanks and firefighting equipment that is to be placed on the land.

### *Environmental Implications*

There are not considered to be any environmental implications associated with the proposed sale of land.

### *Consultation*

No community consultation has been undertaken regarding the proposed sale of land.

### **Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

### **Supporting Documents:**

Nil

### **Attachments**

1.  DELWP Request to Revoke

# **16.1**

## **Proposed Sale of Land - Keegan Street Reserve, Morwell**

- 1 DELWP Request to Revoke ..... 53**











**Agenda Item: 16.2**

**Agenda Item: Proposed Sale of Land - 23 Bunyip Court, Morwell**

**Sponsor: General Manager, Organisational Performance**

**Council Plan Objective: SUSTAINABLE**

**Status: For Decision**

**Proposed Resolution:**

**That Council:**

- 1. Gives public notice of the proposed sale of an estimated 190 square metres of vacant land (“the land”) within a Council reserve located between Nindoo Drive, Morwell and Airlie Bank Road, adjoining 23 Bunyip Court, Morwell, by private treaty, and invites public comment on the proposal; and**
- 2. Considers any submissions received that are opposed to the proposed sale of the land at a future Council Meeting; or**
- 3. If no submissions opposed to the sale of the land are received, authorised the Chief Executive Officer to sell the land at no less than the current market value as assessed by independent valuation and to sign and seal any documents required to facilitate the transfer of land.**

**Executive Summary:**

- The owner (“the applicant”) of 23 Bunyip Court, Morwell has made an application to purchase part of the reserve at the rear of his property with the intent to extend his backyard.
- The land that the applicant proposes to acquire is vacant and is an estimated 190 square metres in size (Attachment 1).
- Should Council decide to sell the land, it will be necessary for public notice to be given inviting comment on the proposal in accordance with the *Local Government Act 2020*.

**Background:**

Council has received a request from the owner of 23 Bunyip Court, Morwell to acquire part of the Council reserve, measuring approximately 190 square metres, at the rear of the property (Attachment 1).

This land is described as part of Reserve 1 on PS 427750Y being the land contained in Certificate of Title Volume 10477 Folio 240 (Attachment 2).

As this reserve is currently zoned Public Park and Recreation Zone (PPRZ) it will be necessary for the land to be sold to be rezoned to Neighbourhood Residential Zone Schedule 4 (NRZ4) as a condition of the proposed sale.

The applicant will be required to undertake this rezoning as part of the subdivision process, at their expense, and this will be included as a condition in the contract of sale should the sale of land proceed.

It should be noted that Council previously sold part of this reserve to the owners of 5 Giffard Court, Morwell, being the land shown as Lot 1 on PS 427750Y measuring 621 square metres, in 1999.

**Issues:**

*Strategy Implications*

Ensure Council operates openly, transparently and responsibly.

*Communication*

Should Council proceed with the process to sell this land it will be necessary for public notice to be given inviting comment on the proposal in accordance with the *Local Government Act 2020*.

As part of the application process all abutting and adjacent owners of the proposal have been notified and the applicant has provided a statutory declaration as part of their application confirming that this has been done.

*Financial Implications*

In accordance with section 114 of the *Local Government Act 2020* the land would be sold based upon an independent valuation that would be obtained by Council.

The applicant has agreed to meet all reasonable costs associated with the proposal including survey and legal fees. This will also include the necessary rezoning of the land.

As part of this application the applicant has made an initial offer of \$10,000 for the land however this is based on an appraisal obtained from a real estate agent and is unlikely to be consistent with the valuation once received.

### *Risk Analysis*

There are not considered to be any risks associated with the proposed sale of land.

### *Legal and Compliance*

Section 114 of the *Local Government Act 2020* details the requirements for the sale or exchange of land as follows:

- Council must publish a notice of intention to sell land at least four weeks prior to the sale on Councils website.
- Council must undertake a community engagement process in accordance with its community engagement policy.
- Council must obtain an independent valuation from a licensed valuer not more than six months prior to the sale or exchange.

### *Community Implications*

There are not considered to be any community implications associated with the proposed sale of land.

### *Environmental Implications*

There are not considered to be any environment implications associated with the proposed sale of land.

### *Consultation*

Should the proposed sale of land proceed, public notice will be given in accordance with section 114 of the *Local Government Act 2020* and any submissions that are received would be considered at a future Council meeting.

As the reserve is encumbered with an easement for drainage and sewerage on the plan of subdivision it will be necessary for the proposal to be referred to Gippsland Water for comment.

### *Other*

There are no other known issues identified.



### **Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

### **Supporting Documents:**

Nil

**Attachments**

1.  23 Bunyip Court, Morwell
2.  PS 427750Y

## **16.2**

### **Proposed Sale of Land - 23 Bunyip Court, Morwell**

<b>1</b>	<b>23 Bunyip Court, Morwell.....</b>	<b>62</b>
<b>2</b>	<b>PS 427750Y .....</b>	<b>63</b>









**Agenda Item: 16.3**

**Agenda Item: 2022/23 Draft Budget**

**Sponsor: General Manager, Organisational Performance**

**Council Plan Objective: SUSTAINABLE**

**Status: For Decision**

**Proposed Resolution:**

**That Council:**

- 1. Confirms the proposed 2022/2023 Budget (including proposed fees and charges) annexed to this report as being the budget prepared by Council for the purposes of section 94 of the *Local Government Act 2020* (“the Budget”);**
- 2. Authorises the Chief Executive Officer to:**
  - a. give public notice of the preparation of the draft Budget in accordance with Council’s Community Engagement Policy;**
  - b. make the draft Budget available for inspection at Council Headquarters, Service Centres and on Council’s website;**
- 3. Hears any submissions in relation to the draft Budget at an Unscheduled Meeting of Council to be held on Monday 16 May 2022; and**
- 4. Gives notice of its intention to adopt the Budget at the Meeting of Council to be held on Monday 6 June 2022 at the Corporate Headquarters, Morwell.**

**Executive Summary:**

This report seeks Council’s approval to release for community comment the draft 2022/2023 Budget (the draft budget).

This enables Council to meet its obligations under the Local Government Act 2020 (the Act) and the objectives of Council’s Community Engagement Plan.

The draft budget;

- Has been prepared on the basis of a 1.75% increase in overall rates and charges (excluding the waste charges and State Government EPA Landfill Levy) which is in line with the increase in rates permissible under State Government legislation and ensures Council remains financially sustainable into the future.

- Waste charges are set to rise by \$31.70 or 8.3% per standard set of 3 bins. The increase incorporates the increase in the State Government Landfill Levy imposed on council, increasing costs of waste processing, management of illegal dumping and an expansion of the existing waste coupon and kerbside hard waste collection service.
- Incorporates the first full year of operation of the Gippsland Performing Arts Centre (GPAC) and an increase in the three year old pre-school service, while Aged Care Services will cease being provided by Council.
- Includes a capital works program of \$40.041 million.
- No new borrowings in 2022/23 however \$7.8 million approved in the 2020/21 budget from the State Government's Community Infrastructure Loan program are proposed to be drawn down in the 2022/23 financial year.
- Has been developed in accordance with the Act, and it is recommended that the document be released for public submission, in line with the requirements of Council's Community Engagement Policy.

**Background:**

In accordance with Section 94 of the Act, Council must prepare a budget for each financial year and the subsequent three financial years by the 30 June each year.

This report forms part of the statutory process for the adoption of the 2022/2023 Budget and complies with Section 96 of the Act which states A Council must develop the budget and any revised budget in accordance with the financial management principles and its community engagement policy.

Copies of the proposed budget will be made available for inspection for 28 days from the date of publication of the public notice at Council Service Centres and on Council's website.

The community will be given the opportunity to make a submission on any proposal contained in the draft budget. A public notice will be made to specify the date that submissions will be received until, and state that any person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission.

The Act requires the budget to be adopted by the 30 June each year.

The draft budget has been prepared on the basis of a 1.75% increase in overall rates and charges (excluding the waste charges and State Government Landfill Levy) which is in accordance with the maximum increase in rates permissible under the Victorian Government's Fair Go Rates System (FGRS) for the 2022/23 financial year.

Waste charges are set to rise by \$31.70 or 8.3% per standard set of 3 bins. The increase incorporates the increase in the State Government Landfill Levy imposed on council, increasing costs of waste processing, management of illegal dumping and an expansion of the existing waste coupon and kerbside hard waste collection service.

The draft budget incorporates the first full year of operation of the Gippsland Performing Arts Centre (GPAC) and an increase in the three year old pre-school service, while Aged Care Services will cease being provided by Council.

The draft budget includes a capital works program of \$40.041 million. The program includes investment in renewing existing infrastructure of \$19.7M with \$15.5M of this being committed to the roading network. In addition \$5.1M will be spent on upgrading the Marshalls Road / Traralgon-Maffra Road intersection to a signalised intersection and \$3.6M to complete Stage 1a of the Gippsland Logistics Precinct.

No new borrowings are proposed in 2022/23 however \$7.8 million approved in the 2020/21 budget from the State Government's Community Infrastructure Loan program are proposed to be drawn down in the 2022/23 financial year to fund the Moe Rail Precinct Revitalisation Stage 2 (\$5.3M) and Kernot Hall Upgrade (\$2.5M) projects.

The COVID-19 pandemic had a significant impact across all sectors of our community during the past two financial years. The draft 2022/23 budget expects a return to pre-COVID service levels.

A four year budget has been developed in accordance with the requirements under the Local Government Act 2020. The key aim of the budget is to support the medium term goals of the Council Plan while ensuring the long term financial sustainability of the organisation.

The 2022/23 budget presented in this report has been developed through a rigorous process of consultation and review with Council and Council officers. It is Council's opinion that the budget is financially responsible and contributes to the achievement of the Council Plan objectives and strategic directions included in the 2021-2025 Council Plan.

The 2022/23 Operating Budget predicts an operating surplus of \$2.2 million, after raising rates and charges of \$87.6 million out of total revenue of \$134.7 million. When excluding non recurrent capital funding and developer contributions, an underlying operating deficit of \$7.3 million is projected for 2022/23. The underlying deficit primarily reflects the injection of over \$120M of new capital infrastructure in recent years which has increased depreciation expense by \$3M annually. The Financial Plan identifies the need for Council to review infrastructure, services and service levels in order to implement actions to alleviate the deficit position in the long term and to remain financially sustainable in a revenue capped environment.

It should be noted that on a cash basis Council budgets for a break even result, therefore any cash remaining at the end of the budget period is the result of a number of factors such as government grant funds received in advance, funds required to be carried forward to complete unfinished projects and funds required to

settle certain balance sheet liabilities e.g. Trade and other payables, Interest Bearing liabilities, Provisions and Trust funds and deposits.

Council's limited ability to increase revenue and the recent expansion of council's infrastructure base which includes the Gippsland Regional Aquatic Centre (GRAC) and the Gippsland Performing Arts Centre (GPAC), which will both be fully operational during the 2022/23 financial year amongst others, have presented some significant financial challenges in being able to maintain the current array of services at their existing levels. This will become even more difficult in the future as power generators, which contribute a significant proportion of council's rates revenue, begin to cease operations.

The 2022/23 budget has been prepared on the basis of constraint, Council will continue to review all services and capital infrastructure to ensure it is positioned to best meet the needs of the community into the future.

Council's ability to set (and rebate) rates is highly regulated by legislation. It is important to bear in mind that the rate cap increase is an average increase and applies to Council's total rate base meaning that individual properties may see increases varying from the advertised percentage. This is as a result of movements in property valuations relative to the value of other properties in the municipality.

In many cases, an individual's annual rates charges may increase or decrease by more (or less) than the average rate cap. This will happen where the value of the ratepayer's property has increased or decreased in relation to the value of other properties in the municipality.

The full range of issues considered within the budget, are detailed in the attached budget document.

**Issues:**

*Strategy Implications*

The draft budget supports the Council Plan objective 'Ensuring financial sustainability to ensure funding of council priorities and maintenance of community assets.'

*Communication*

The draft budget will be advertised in the Latrobe Valley Express, on council's website and through social media, with copies of the document available at council's Service Centres.

*Financial Implications*

Costs associated with this statutory process are officers' time and resources in the preparation of Council reports and the cost of public notices in the Latrobe Valley Express inviting submissions.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<p><b>Legal/Regulatory Risk</b></p> <p>Non-compliance with financial framework or legislative requirements is identified as a risk. This report begins the process to ensure Council meets the requirements of the Act.</p>	Unlikely	Adhere to budget timetable.

\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

*Legal and Compliance*

There are no other known legal and compliance issues with the adoption of the recommendations of this report.

*Community Implications*

There are no other known community implication issues with the adoption of the recommendations of this report.

*Environmental Implications*

There are no known environmental implications issues with the adoption of the recommendations of this report.

*Consultation*

Upon adoption of the report's recommendation, a public notice will be published in the Latrobe Valley Express on 6 April 2022 notifying the community that copies of the draft budget and rating strategy will be available for inspection at all Council Service Centres and via Council's website.

The community will also be invited to partake in a Facebook Live forum facilitated by the Mayor, Deputy Mayor and Chief Executive Officer to be held during the public notice period.

The community will have the opportunity to lodge submissions to the budget up until Tuesday 3 May 2022. Anyone who makes a submission will be provided the opportunity to speak to their submission at the Unscheduled Council Meeting to be held on Monday 16 May 2022.

*Other*

Not applicable.

**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil

**Attachments**

1 [↓](#).  2022/23 Draft Budget (fees & charges)

# 16.3

## 2022/23 Draft Budget

1	2022/23 Draft Budget (fees & charges) .....	72
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# **URGENT BUSINESS**

**17. URGENT BUSINESS**

Business may be admitted to the meeting as urgent business in accordance with clause 17 of the Governance Rules, by resolution of the Council and only then if it:

- 17.1 Relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 17.2 Cannot reasonably or conveniently be deferred until the next Council meeting.

**MEETING CLOSED TO  
THE PUBLIC TO  
CONSIDER  
CONFIDENTIAL  
INFORMATION**

**18. 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.

**Proposed Resolution:**

**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:**

**18.1 Social & Affordable Housing Strategy - Stage 1 - Potentially Surplus Council Land - Update of Organisations to be Provided List**

**This item is confidential as it contains land use planning information, being information that if prematurely released is likely to encourage speculation in land values (section 3 (1)(c)). This ground applies because the list of potentially surplus sites may lead to community speculation on land values**