



# LATROBE CITY COUNCIL

## MINUTES FOR THE COUNCIL MEETING

HELD VIA AUDIO-VISUAL LINK  
AT 6PM ON  
08 NOVEMBER 2021

CM571

**PRESENT:**

**Councillors:**

|                              |              |
|------------------------------|--------------|
| Cr Sharon Gibson, Mayor      | West Ward    |
| Cr Darren Howe, Deputy Mayor | East Ward    |
| Cr Tracie Lund               | Central Ward |
| Cr Graeme Middlemiss         | Central Ward |
| Cr Dan Clancey               | East Ward    |
| Cr Dale Harriman             | East Ward    |
| Cr Kellie O'Callaghan        | East Ward    |
| Cr Melissa Ferguson          | South Ward   |
| Cr Brad Law                  | West Ward    |

**Officers:**

|                 |  |
|-----------------|--|
| Steven Piasente | Chief Executive Officer                        |
| Kendrea Pope    | A/Executive Manager Office of the CEO          |
| Gail Gatt       | A/General Manager Community Health & Wellbeing |
| Greg Drumm      | General Manager Organisational Performance     |
| Jody Riordan    | A/General Manager Assets & Presentation        |
| Hanna Steevens  | Manager Governance                             |
| Kaitlyn Boram   | Governance Officer                             |

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Resolutions in this minutes document should be read in conjunction with the published agenda for the 08 November 2021 Council Meeting.

## **COUNCILLOR AND PUBLIC ATTENDANCE**

### **PLEASE NOTE**

The Victorian Government's *COVID-19 Omnibus (Emergency Measures) Act 2020* has introduced into the *Local Government Act 2020* new mechanisms that allow for virtual Council Meetings to ensure local government decision-making can continue during the coronavirus pandemic.

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 the attendance by members of the public by making available access to a live stream of the Meeting on the Council's internet site.

### **1. OPENING PRAYER**

The Mayor read the opening prayer.

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

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

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

Nil.

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

Nil.

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

#### **MOTION**

**Moved:** Cr O'Callaghan

**Seconded:** Cr Middlemiss

**That Council confirm the minutes of the Council Meeting held on 4 October 2021 and Unscheduled Council Meeting held on 25 October 2021.**

**CARRIED UNANIMOUSLY**

**6. ACKNOWLEDGEMENTS**

Cr Harriman acknowledged the recent work of the local Returned and Services League of Australia and their poppy sellers for the upcoming Remembrance Day.

**7. PUBLIC PARTICIPATION TIME**

**Attend as an observer**

The Victorian Government's *COVID-19 Omnibus (Emergency Measures) Act 2020* has introduced into the *Local Government Act 2020* new mechanisms that allow for virtual Council Meetings and allow for Council Meetings to be closed to the public.

**Public Questions on Notice**

In accordance with the *Governance Rules*, members of the public were able to lodge a question on notice before 12 noon in order for the question to be answered at the meeting. There were no questions on notice.

**Public Speakers**

Members of the public who registered before 12 noon were invited to speak to an item on the agenda. There were no public speakers registered to speak.

**8. QUESTIONS ON NOTICE**

The following provides a response to questions that were taken on notice at the Council Meeting on 4 October 2021.

|   |
|---|
| Question  |
| What is the status of the planning permit for 39 Queens Parade?   |
| Response  |
| The planning permit expired on 14 December 2017 as the development had not commenced by that date and the site is currently vacant. |

# **NOTICES OF MOTION**

**9. NOTICES OF MOTION**

Nil.



**ITEMS REFERRED BY  
THE COUNCIL TO THIS  
MEETING FOR  
CONSIDERATION**

**10. ITEMS REFERRED BY THE COUNCIL TO THIS MEETING FOR  
CONSIDERATION**

**Agenda Item: 10.1**

**Agenda Item: Financial Support for Gippsland Employment Skills  
Training Inc**

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

**Council Plan Objective: CREATIVE**

**Status: For Decision**

**Proposed Resolution:**

**That Council notes the report, with no further action required.**

**MOTION**

**Moved: Cr Harriman**

**Seconded: Cr Ferguson**

**That Council:**

- 1. Reimburse Gippsland Employment Skills Training, the difference in lease costs from the maximum estimated lease cost for their former site, 32 Kirk Street, Moe and 44 Albert Street, Moe, to their new leased site 1 Hoyle Street, Morwell, for the 2021-22 and 2022-23 financial years, up to a maximum amount of \$5,000 per year.**
- 2. Reimburse Gippsland Employment Skills Training the costs associated with moving from 32 Kirk Street, Moe and 44 Albert Street, Moe, to their new leased site 1 Hoyle Street, Morwell, to a maximum amount of \$2,000, upon presentation of satisfactory invoices.**
- 3. Funded out of unallocated cash reserves.**

**For Crs Middlemiss, Harriman, Ferguson and Gibson**

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

**Lost**

**MOTION**

**Moved: Cr Law**

**Seconded: Cr Howe**

**That Council notes the report, with no further action required.**

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

**Against:** Crs Harriman and Ferguson

**Carried**

**Attachments - Refer to Council meeting agenda**

Nil

# **CORRESPONDENCE**

**11. CORRESPONDENCE**

Nil reports

# **PRESENTATION OF PETITIONS**

**12. PRESENTATION OF PETITIONS**

Nil reports

# **CHIEF EXECUTIVE OFFICE**



**13. CHIEF EXECUTIVE OFFICE**

**Agenda Item: 13.1**

**Agenda Item: Presentation of the 2020/2021 Annual Report**

**Sponsor: Chief Executive Office**

**Council Plan Objective: CONNECTED**

**Status: For Decision**

**MOTION**

**Moved: Cr Howe**

**Seconded: Cr Law**

**That Council receives and notes the Latrobe City Council Annual Report 2020/21, in accordance with Section 134 of the Local Government Act 1989 (as it continues to apply under section 329 of the Local Government Act 2020).**

**CARRIED UNANIMOUSLY**

**Attachments – Refer to Council meeting agenda**

**1. LCC – Annual Report 2020-21 – Draft**

**Agenda Item: 13.2**

**Agenda Item: Authorisation of Council Officers under the Planning & Environment Act 1987**

**Sponsor: Chief Executive Office**

**Council Plan Objective: SMART**

**Status: For Decision**

**MOTION**

**Moved:** Cr Middlemiss

**Seconded:** Cr Lund

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

- 1. Jacqueline Hartford and Jemma O’Keeffe be appointed and authorised as set out in the instrument;**
- 2. The instrument comes into force either immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it; and**
- 3. The instrument be sealed.**

**CARRIED UNANIMOUSLY /**

**Attachments- Refer to Council meeting agenda**

- 1. S11A Authorisation - Jacqueline Hartford**
- 2. S11A Authorisation - Jemma O’Keeffe**

**Agenda Item: 13.3**

**Agenda Item: Working Group Membership - Former Moe Service  
Centre Expression of Interest**

**Sponsor: Chief Executive Office**

**Council Plan Objective: HEALTHY**

**Status: For Decision**

**MOTION**

**Moved: Cr Middlemiss**

**Seconded: Cr Law**

**That Council:**

- 1. Endorse the Mayor, Cr Gibson, Cr Law, Cr Harriman and Chief Executive officer as members on the Former Moe Service Centre Expression of Interest Working Group; and**
- 2. Note that the Working Group will be administratively supported by council officers and the recommendations of the Working Group will be presented to Council for a future decision regarding the use of Former Moe Service Centre.**

**CARRIED UNANIMOUSLY /**

**Attachments- Refer to Council meeting agenda**

**Nil**

# **ASSETS AND PRESENTATION**

**14. ASSETS AND PRESENTATION**

**Agenda Item: 14.1**

**Agenda Item: Significant Tree Register of Trees on Private Land**

**Sponsor: General Manager, Assets and Presentation**

**Council Plan Objective: SUSTAINABLE**

**Status: For Decision**

**MOTION**

**Moved: Cr Middlemiss**

**Seconded: Cr Lund**

**That Council:**

- 1. Call for submissions from the public and interested groups for nominations of trees on private land to be placed on a Significant Tree Register (Private Land);**
- 2. Undertake an assessment of all submissions received by a suitably qualified arborist, to determine if trees are to be included in a Significant Tree Register (Private Land); and**
- 3. A budget submission of \$23,000, to engage a contract Arborist to undertake assessment of submissions for inclusion of trees on a Significant Tree Register (Private Land), is referred to the draft 2022/23 budget for consideration.**

**CARRIED UNANIMOUSLY**

**Attachments- Refer to Council meeting agenda**

- 1. Benchmarking comparisons with Victorian Councils**

**Agenda Item: 14.2**

**Agenda Item: Amendment C134 - South East Traralgon Precinct Structure Plan, Development Contributions Plan and Native Vegetation Precinct Plan**

**Sponsor: General Manager, Assets and Presentation**

**Council Plan Objective: CONNECTED**

**Status: For Decision**

**MOTION**

**Moved:** Cr Howe

**Seconded:** Cr Harriman

**That Council**

- 1. Endorses the draft South East Traralgon Precinct Structure Plan, Development Contributions Plan and Native Vegetation Precinct Plan, provided at Attachment 1, 2 and 3 for public exhibition as part of Amendment C134;**
- 2. Requests authorisation from the Minister for Planning to prepare and exhibit Amendment C134 to the Latrobe Planning Scheme, in accordance with section 8A of the *Planning and Environment Act 1987*;**
- 3. Prepares Amendment C134 to the Latrobe Planning Scheme to introduce the South East Traralgon Precinct Structure Plan, Development Contributions Plan, Native Vegetation Precinct Plan, and associated changes, generally in accordance with the documentation provided at Attachment 1, 2 and 3, subject to Ministerial Authorisation; and**
- 4. Places Amendment C134 on exhibition in accordance with the requirements of section 19 of the *Planning and Environment Act 1987*, subject to Ministerial Authorisation.**

**CARRIED UNANIMOUSLY**

**Attachments- Refer to Council meeting agenda and separate attachments**

- 1. South East Traralgon Precinct Structure Plan (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. A formal planning or

exhibition process has not yet commenced, and if released prior to a formal process perceptions of the affected land may be altered which may affect land value. The appropriate time for all matters to be considered is when the formal exhibition process commences at which time the document will be made publically available.

**2. South East Traralgon Development Contributions Plan (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. A formal planning or exhibition process has not yet commenced, and if released prior to a formal process perceptions of the affected land may be altered which may affect land value. The appropriate time for all matters to be considered is when the formal exhibition process commences at which time the document will be made publically available.

**3. South East Traralgon Native Vegetation Precinct Plan (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. A formal planning or exhibition process has not yet commenced, and if released prior to a formal process perceptions of the affected land may be altered which may affect land value. The appropriate time for all matters to be considered is when the formal exhibition process commences at which time the document will be made publically available.

**4. Amendment C134 Explanatory Report (Published Separately)**

This attachment is designated as confidential under subsection (c) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to land use planning information, being information that if prematurely released is likely to encourage speculation in land values. A formal planning or exhibition process has not yet commenced, and if released prior to a formal process perceptions of the affected land may be altered which may affect land value. The appropriate time for all matters to be considered is when the formal exhibition process commences at which time the document will be made publically available.

**5. Properties with restrictive covenants proposed to be exempt from permit requirement for removal (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. A formal planning or exhibition process has not yet commenced, and if released prior to a formal process perceptions of the affected land may be altered which may affect land value. The appropriate time for all matters to be considered is when the formal exhibition process commences at which time the document will be made publically available.

**6. Minister for Resources letter to CEO 14.09.2021 (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. This document relates to a proposed amendment for which a formal planning or exhibition process has not yet commenced. If released prior to a formal process perceptions of the affected land may be altered which may affect land value. The appropriate time for all matters to be considered is when the formal exhibition process commences at which time the document will be made publically available.

7. Mine buffer considerations



**Agenda Item: 14.3**

**Agenda Item: Traralgon Recreation Reserve - Flood Recovery Project**

**Sponsor: General Manager, Assets and Presentation**

**Council Plan Objective: HEALTHY**

**Status: For Decision**

**MOTION**

**Moved:** Cr Howe

**Seconded:** Cr Harriman

**That Council:**

- 1. Allocates \$2 million to the Traralgon Flood Recovery Project from the cash reserve;**
- 2. Receive a further report on receipt of the insurance settlement associated with Councils flood impacted buildings at the Traralgon Recreation Reserve; and**
- 3. Authorises public exhibition for a period of at least two weeks when the draft project plans are complete.**

**CARRIED UNANIMOUSLY**

**Attachments- Refer to Council meeting agenda**

- 1. Project Timeline - Flood Recovery Project**

**Agenda Item: 14.4**

**Agenda Item: Strzelecki Range Landslips Remediation Update**

**Sponsor: General Manager, Assets and Presentation**

**Council Plan Objective: SUSTAINABLE**

**Status: For Decision**

**MOTION**

**Moved: Cr Ferguson**

**Seconded: Cr Middlemiss**

**That Council delegates to the Chief Executive Officer (CEO) the power to award contracts up to \$1,500,000 including GST associated with landslip remediation as a result of June 2021 storm event at locations where a Natural Disaster Funding Agreement claim is in place.**

**CARRIED UNANIMOUSLY /**

**Attachments- Refer to Council meeting agenda**

1. Attachment 1 - Landslip List
2. Attachment 2 - Landslip Photos
3. Attachment 3 - Contributing Factors to Landslips

**Agenda Item: 14.5**

**Agenda Item: Amendment C131 - Update the Floodway Overlay and Land Subject to Inundation Overlay - Request for Authorisation**

**Sponsor: General Manager, Assets and Presentation**

**Council Plan Objective: HEALTHY**

**Status: For Decision**

**MOTION**

**Moved:** Cr Middlemiss

**Seconded:** Cr Ferguson

**That Council:**

- 1. Endorses the draft *Latrobe River Flood Study (2015)* and the draft *Traralgon Flood Study (2016)*, provided at Attachment 1 and 2 for public exhibition as part of Amendment C131;**
- 2. Requests authorisation from the Minister for Planning to prepare and exhibit Amendment C131 – Flood Overlays to the Latrobe Planning Scheme, in accordance with section 8A of the *Planning and Environment Act 1987*.**
- 3. Prepares Amendment C131 to the Latrobe Planning Scheme to update flood overlays within Latrobe, generally in accordance with the documentation provided at Attachment 3, subject to Ministerial Authorisation; and**
- 4. Places Amendment C131 on exhibition in accordance with the requirements of section 19 of the *Planning and Environment Act 1987*, subject to Ministerial Authorisation.**

**CARRIED UNANIMOUSLY**

**Attachments- Refer to Council meeting agenda**

1. Attachment 1 - Latrobe River Flood Study (2015) (Published Separately)
2. Attachment 2 - Traralgon Flood Study (2016) (Published Separately)
3. Attachment 3 - Amendment Package (Published Separately)
4. Attachment 4 - Maps (Published Separately)

# **COMMUNITY HEALTH AND WELLBEING**

**15. COMMUNITY HEALTH AND WELLBEING**

**Agenda Item: 15.1**

**Agenda Item: Domestic Animal Management Plan 2021-2025  
consideration of community submissions**

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

**Council Plan Objective: HEALTHY**

**Status: For Decision**

**MOTION**

**Moved: Cr O'Callaghan**

**Seconded: Cr Middlemiss**

**That Council:**

- 1. Considers submissions received during the community engagement period;**
- 2. Adopts the Domestic Animal Management Plan 2021-2025;**
- 3. Forwards the adopted Plan to the Secretary of the Department of Agriculture; and**
- 4. Releases the Plan to the community.**

**CARRIED UNANIMOUSLY**

**Attachments- Refer to Council meeting agenda**

- 1. Domestic Animal Management Plan submissions table**
- 2. Domestic Animal Management Plan 2021-2025**

**Agenda Item: 15.2**

**Agenda Item: Visitor Information Centre Building**

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

**Council Plan Objective: CREATIVE**

**Status: For Decision**

**MOTION**

**Moved:** Cr Howe

**Seconded:** Cr Harriman

**That Council:**

- 1. Give delegation to the Chief Executive Officer to engage a contractor to demolish the Visitor Information Centre building (the Old Church) at 41 Princes Street, Traralgon;**
- 2. Recover salvageable items with social or cultural value from the building; and**
- 3. Run a community expression of interest and information process and report back to Council with recommendations for locations to display the items within Latrobe City.**

**CARRIED UNANIMOUSLY**

**Attachments- Refer to Council meeting agenda**

- 1. Stakeholder Feedback - Historical Society**
- 2. Stakeholder Feedback - TCDA**

# **ORGANISATIONAL PERFORMANCE**

**16. ORGANISATIONAL PERFORMANCE**

**Agenda Item: 16.1**

**Agenda Item: Quarterly Budget Report - September 2021**

**Sponsor: General Manager, Organisational Performance**

**Council Plan Objective: SUSTAINABLE**

**Status: For Information**

**MOTION**

**Moved: Cr Law**

**Seconded: Cr Harriman**

**That Council receives and notes the Quarterly Budget Report for the three months ended 30 September 2021, prepared in accordance with the requirements of the Local Government Act 2020.**

**CARRIED UNANIMOUSLY**

**Attachments- Refer to Council meeting agenda**

**1. Quarterly Budget Report - September 2021**



**Agenda Item: 16.2**

**Agenda Item: Latrobe City Council Submission to the Victorian  
Parliamentary Inquiry into Renewable Energy**

**Sponsor: General Manager, Organisational Performance**

**Council Plan Objective: SMART**

**Status: For Decision**

**MOTION**

**Moved:** Cr Middlemiss

**Seconded:** Cr Clancey

**That Council endorses the draft Latrobe City Council submission to the  
Victorian Parliamentary Inquiry into Renewable Energy.**

**CARRIED UNANIMOUSLY**

**Attachments- Refer to Council meeting agenda**

1. Draft Latrobe City Council Submission to the Victorian Parliamentary Inquiry into Renewable Energy
2. Terms of Reference

# **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**

The information in this section was declared to be confidential information under section 77 of the Local Government Act 1989 and as a result this information is also confidential information under the Local Government Act 2020.

For the avoidance of doubt, section 66 of the *Local Government Act 2020* (which came into effect on 01 May 2020) also enables the Council to close the meeting to the public to consider confidential information as this term is defined under the *Local Government Act 2020*.

**MOTION**

**Moved:** Cr Middlemiss

**Seconded:** Cr Harriman

**That Council closes this Ordinary Meeting of Council to the public to consider confidential information on the following grounds:**

**(a) the information to be considered has been declared to be confidential information under section 77 of the Local Government Act 1989 and as a result this information is also confidential information under the Local Government Act 2020; and**

**(b) pursuant to section 66 of the *Local Government Act 2020* on the following grounds:**

**18.1 LCC-727 Reconstruction of Nuttals Road and Speargrass Road, Yinnar**

**Agenda item 18.1 *LCC-727 Reconstruction of Nuttals Road and Speargrass Road, Yinnar* 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. Releasing this information publicly and/or prematurely may prejudice the undertaking of this process**

**18.2 LCC-726 Reconstruction of Switchback Road Hazelwood**

**Agenda item 18.2 *LCC-726 Reconstruction of Switchback Road Hazelwood* is designated as confidential under subsection (e)**

and (g) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to legal privileged information, being information to which legal professional privilege or client legal privilege applies; 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. Releasing this information publicly and/or prematurely may prejudice the undertaking of this process.

- 18.3 Social & Affordable Housing Strategy - Stage 1**  
Agenda item 18.3 *Social & Affordable Housing Strategy - Stage 1* 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. Land value speculation may occur if prematurely released
- 18.4 Centre for Australian Automotive Futures Business Case**  
Agenda item 18.4 *Centre for Australian Automotive Futures Business Case* 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. Publication at this time may prejudice consideration of a grant application

**CARRIED UNANIMOUSLY**

**The Meeting closed to the public at 7.44 PM.**

**There being no further business the meeting was declared closed at 7.53 PM.**

**I certify that these minutes have been confirmed.**

**Mayor:** \_\_\_\_\_

**Date:** \_\_\_\_\_