

# MINUTES

for the Special Meeting of Council held in the COUNCIL CHAMBER - 104 HOVELL STREET WODONGA, VIC on MONDAY, 18 JUNE 2012

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## Present

Cr E Foulston (Acting Mayor)

Cr C Ferguson

Cr L Mahood

Cr A Speedie

Cr R Wangman

## In Attendance

Ms P Harrington

Chief Executive Officer

Mr T Ierino

Director Business Services

Ms D MacKinlay

Acting Director Community Development

Mr L Schultz

Director Planning and Infrastructure

Mr R Paruit

Director Investment Attraction



**LIVE  
WORK  
INVEST**

**1. Calling To Order**

The Acting Mayor called the meeting to order at 9am.

**2. Statement Of Acknowledgement**

The Acting Mayor read the following:

*We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.*

**3. Apologies And Requests For Leave Of Absence**

Apologies were received from the Mayor, Cr Byatt and Cr Collins.

**4. Declaration Under Acts, Regulations, Codes Or Local Laws  
Recording of council meeting**

The CEO advised that consent has been granted for representatives from the *Border Mail*, the *Xpress* newspaper, the *Albury Wodonga News Weekly*, *ABC Radio*, *WIN News*, and *Prime News* to use audio, video and still image recording equipment for the purposes of ensuring accuracy with their reports and for compiling news stories.

Consent is granted on the understanding that:

- a. the audio tapes will only be used for the purposes of ensuring accuracy with media reports and will not be made available to the public or disclosed to any third party;
- b. video tapes will only be used to transmit images of the meeting, and will not be used to transmit any audio of the council meetings;
- c. once their original purpose is served, the audio tapes will be destroyed; and
- d. in accordance with the local law this consent may be revoked at any time.

No other requests have been received and so other persons should not operate audio, video, or still image recording devices.

**5. Declaration By Councillors Of Any Conflict Of Interest**

There were none.

**6. Officer Reports For Determination**

- 6.1 DRAFT 2012-13 BUDGET - REQUEST TO BE HEARD ON SECTION 223 SUBMISSION 4

**7. Confidential Business**

There was no confidential business.

**8. Close Of Meeting**

There being no further business the meeting closed at 9.02am.

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**Chairperson**

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**Date**

## DRAFT 2012-13 BUDGET - REQUEST TO BE HEARD ON SECTION 223 SUBMISSION

### PURPOSE OF REPORT

This special meeting of Council is being held to hear from persons who have requested to be heard in support of a submission under section 223 of the *Local Government Act 1989* (the Act) on the draft 2012-13 budget. This report explains the process to be followed.

### BACKGROUND

At its meeting of May 14, 2012 Council resolved to give public notice of the draft budget.

Specifically council resolved that:

1. The 2012/13 Proposed Budget annexed to this Agenda and initialled by the Chairperson for identification be the Budget prepared by Council for the purposes of Section 127(1) of the Local Government Act 1989 ("the Act").
2. The Chief Executive Officer (CEO) be authorised to:
  - a. give public notice of the preparation of such Budget, in accordance with Section 129 (1) of the Local Government Act 1989;
  - b. make available for public inspection the information required to be made available in accordance with the Local Government (Finance and Reporting) Regulations 2004 No 30;
3. That Council consider any:-
  - a. Submission on any proposal contained in such budget made in accordance with sections 129 and 223 of the Act, with such submissions closing on June 13, 2012; and
  - b. Should any person wish to be heard in support of their submission to the proposed budget, that they be heard by Council at a special council meeting to be held at 9am on June 18, 2012; and
  - c. Recommendation or Notice of Motion to adopt such Budget at the ordinary meeting of Council to be held on June 25, 2012; and
  - d. That the Fees and Charges Schedule attached as Appendix 5 be included as part of the Proposed 2012/13 Budget.
4. That the CEO be authorised to administer the section 223 process.

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When the period for submissions closed four submissions had been received (and a copy of all submissions forwarded to councillors). One of the submitters, Peta McRae of Wodonga Dog Rescue, has asked to be heard in support of the written submission.

Ms McRae has been advised that:

- *All councillors have received a copy of the submission.*
- *You will have up to 15 minutes to speak to the submission. The Chairperson may extend the period if it appears that the time allowed is insufficient where there is complexity in the submission.*
- *The comments, or a summary of them, may be included in a report to a future Council meeting at which a report on the section 223 process will be considered.*
- *Your comments should be in support of the written submission.*
- *Other than to clarify procedural matters through the Chairperson, there will be no opportunity to ask questions of the Council.*

**DRAFT 2012-13 BUDGET - REQUEST TO BE HEARD ON SECTION 223 SUBMISSION (cont'd)**

- *There will be no questions directed at you while you speak to the submission. The Chair or councillors may ask questions once you have finished speaking to the submission in order to clarify or explore matters raised.*
- *You are requested to observe any directions that the Chairperson may give.*

**COUNCIL PLAN / KEY STRATEGIC ACTIVITY**

Pillar	Strategic Objective	Strategy or Priority and Action
Pillar Five A democratic and engaged community	Adherence to all legislative requirements and corporate compliance.	Continually review Wodonga City's governance protocols taking into account evolving governance best practice protocols.

**COUNCIL POLICY / STRATEGY IMPLICATIONS**

Council has issued Guidelines on the section 223 process and this special meeting is being conducted in accordance with those Guidelines.

**RISK MANAGEMENT IMPLICATIONS**

Risks	Likelihood	Consequence	Rating	Mitigation Action
Section 223 hearing is not held.	E	4	Moderate	Conduct the hearing in accordance with the requirements in the Act.

**FINANCIAL IMPLICATIONS**

There are no financial implications with holding this hearing, with all costs covered in council's budget.

**ENVIRONMENTAL IMPLICATIONS**

N/A.

**SOCIAL/CULTURAL IMPLICATIONS**

N/A.

**LEGISLATIVE IMPLICATIONS**

This hearing is part of the legislative process by which council considers submissions received under section 223 of the Act.

**CONSULTATION PROPOSED / UNDERTAKEN**

This special meeting is a part of the legislated process involving a public call for submissions, and an opportunity to be heard before council.

**DRAFT 2012-13 BUDGET - REQUEST TO BE HEARD ON SECTION 223 SUBMISSION (cont'd)**

**OPTIONS FOR CONSIDERATION**

Council is required by legislation to provide for submitters to be heard in support of any section 223 submission. This process complies with the resolution of council at its meeting of May 14, 2012.

**CONCLUSION**

The request to be heard is a right for any submitter who responds to a public notice on a proposed action by council. This special council meeting will provide the opportunity for this to occur.

**ATTACHMENTS**

Nil.

**DECLARATION OF CONFLICT OF INTERESTS**

Under section 80C of the *Local Government Act* 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Director Business Services - Trevor Ierino

In providing this advice as Director, I have no interests to disclose in this report.

Governance Officer - Kevin Scully

In providing this advice as the report author, I have no interests to disclose in this report.

**RECOMMENDATION**

That the presentation made in support of the section 223 submission by Peta McRae of Wodonga Dog Rescue be noted, and a summary of the presentation be included in a report on the section 223 process to the ordinary meeting of Council scheduled for June 25, 2012.

*Ms McRae did not attend the meeting and so council did not hear from her on the written submission. It was noted that Ms McRae's written submission would be considered by council at its meeting on June 25, 2012 as a part of the adoption of the 2012-13 budget.*