

# MINUTES

for the Ordinary Meeting of Council held in the Council Chambers on 15 September 2008 commencing at 6:00pm.

The Mayor opened the meeting with the Statement of Acknowledgement of the traditional land owners.

## Present

Cr R Wangman (Mayor)

Cr B Wicks (Deputy Mayor)

Cr J De Kruiff

Cr J Hanuska\*

Cr J Mahony

Cr L Mahood

Cr A Speedie

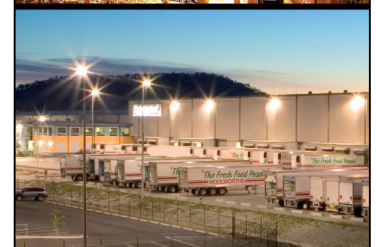
## Apologies

Nil

## In Attendance

Mr G Cator	Chief Executive Officer and
Mr T Ierino	Director Business Services
Mr R Henderson	Director City Infrastructure
Mr M Gobel	Director Investment Attraction
Mr J Low	Director Sustainable Development
Ms D Mudra	Manager Early Years

\* Cr Hanuska arrived at the meeting at 6.01 pm.



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**1. Documents to be Tabled**

- 1.1 Minutes of the Ordinary Meeting of Council held on Monday 18 August 2008***
- 1.2 Minutes of the Special Meeting of Council held on Monday 1 September 2008***
- 1.3 Petition - Willoughby Avenue Parkland***
- 1.4 2007/2008 Financial Statements and Performance Statement***
- 1.5 Environment and Community Protection Local Law***
- 1.6 Policy Document – Standards and Guidelines Applicable to Local Law No.3 - Environment and Community Protection Local Law***
- 1.7 Submissions on Amendment C54 Wodonga Planning Scheme***
- 1.8 Section 173 Agreement (revised) - White Box Rise***
- 1.9 Section 173 Agreement – 25 Hensley Court (305803)***
- 1.10 Transfer of Land – Aquatic Centre Site at White Box Rise***

**2. Declarations of Interest or Conflict of Interest**

Nil.

### 3. Confirmation of Minutes

#### RECOMMENDATION

That:

1. The Minutes of the ordinary meeting of council held on Monday, 18 August 2008, copies of which were circulated to all councillors, be taken as read and confirmed.
2. The Minutes of the special meeting of council held on Monday, 1 September 2008, copies of which were circulated to all councillors, be taken as read and confirmed.

#### **Councillors Mahony/Speedie**

That:

1. The Minutes of the ordinary meeting of council held on Monday, 18 August 2008, copies of which were circulated to all councillors, be taken as read and confirmed.
2. The Minutes of the special meeting of council held on Monday, 1 September 2008, copies of which were circulated to all councillors, be taken as read and confirmed.

**CARRIED 2008-120**

## 4. Petitions

### 4.1 *Saleyards (No. 1)*

A petition containing 646 signatures and opposed to the relocation of the Wodonga Livestock Exchange was tabled at the Ordinary Council Meeting of 18 August 2008.

This matter is subject to ongoing investigations as reported to the Special Council meeting of 1 September 2008. An additional ordinary meeting of Council will be held on 29 September at which a report will be included on the Saleyards. This report will consider the findings from the GHD report. It is recommended that the petition be considered by Council as part of its determination of the 29 September report.

#### **RECOMMENDATION**

That the petition received from persons opposed to the relocation of the Wodonga Livestock Exchange be referred to Council officers and to GHD for incorporation into the reports on the Wodonga Livestock Exchange to be presented to the Council meeting of 29 September 2008.

#### **Councillors De Kruiff/Wicks**

That the petition received from persons opposed to the relocation of the Wodonga Livestock Exchange, including the additional pages of the petition as tabled, be referred to Council officers and to GHD for incorporation into the reports on the Wodonga Livestock Exchange to be presented to the Council meeting of 29 September 2008.

**CARRIED 2008-121**

## 4.2 *Saleyards (No. 2)*

A petition containing 803 signatures and requesting action be deferred in relation to the disposal of the Wodonga Livestock Exchange was tabled at the Ordinary Council Meeting of 18 August 2008.

This matter is subject to ongoing investigations as reported to the Special Council meeting of 1 September 2008. An additional ordinary meeting of Council will be held on 29 September at which a report will be included on the Saleyards. This report will consider the findings from the GHD report. It is recommended that the petition be considered by Council as part of its determination of the 29 September report.

### **RECOMMENDATION**

That the petition received from persons requesting action be deferred in relation to the disposal of the Wodonga Livestock Exchange be referred to Council officers and to GHD for incorporation into the reports on the Wodonga Livestock Exchange to be presented to the Council meeting of 29 September 2008.

#### **Councillors Wicks/Speedie**

That the petition received from persons requesting action be deferred in relation to the disposal of the Wodonga Livestock Exchange, including the additional pages of the petition as tabled, be referred to Council officers and to GHD for incorporation into the reports on the Wodonga Livestock Exchange to be presented to the Council meeting of 29 September 2008.

**CARRIED 2008-122**

### 4.3 Willoughby Avenue Parkland

A petition has been received signed by 216 persons opposed to a development application seeking to replace parkland in Willoughby Avenue with a road and more residential allotments. The petition states:

*We, the undersigned, petition the Wodonga City Council in reference to: - The amendment to development plan (ref T50.0535R) altering the designated parkland on Willoughby Avenue to a road and more residential allotments. We strongly object to losing our parkland on Willoughby Avenue. We do not accept the proposed park on Brewer Drive (a busier road and further away) as adequate compensation. In addition we do not believe there is a need for an extra road leading into Willoughby that this amendment will provide. We believe this amendment will lessen the quality of our home life. Furthermore, those that have purchased houses under the belief that they would have a park on Willoughby Avenue object to the possible loss in monetary value of their properties that this amendment will likely cause.*

A copy of the petition will be tabled at the meeting, and separately has been forwarded to councillors.

This petition relates to a development plan, Western Park stages 14-18. In such cases, Council's local law notes that if the petition is objecting to a planning application, once it has been presented to Council it will then be processed in accordance with the relevant planning legislation. The organiser of the petition, or first named signatory, is registered as the objector to the specific application and is dealt with through the planning application consultation process.

#### RECOMMENDATION

That the petition objecting to a proposed development to replace parkland in Willoughby Avenue with a road and more residential allotments (Western Park Stages 14-18) be considered as an objection to the planning application and be processed in accordance with the requirements of the Planning and Environment Act and associated regulations.

#### **Councillors Mahood/De Kruiff**

That the petition objecting to a proposed development to replace parkland in Willoughby Avenue with a road and more residential allotments (Western Park Stages 14-18) be considered as an objection to the planning application and be processed in accordance with the requirements of the Planning and Environment Act and associated regulations.

**CARRIED 2008-123**



## 5. Chief Executive Officer's Report

### 5.1 *Pre-Election Caretaker Policy*

The *Local Government Act 1989* (the Act) requires councils to comply with certain “caretaker” requirements during an election period.

These requirements are similar to arrangements that apply at State and Federal Government levels, where there are long-standing caretaker conventions that are documented and well understood by people involved in the political and administrative processes of government.

Caretaker arrangements aim to provide a degree of assurance for the community that their elected representatives will not use public resources inappropriately during an election or make decisions that inappropriately bind a future governing body.

While Council's Code of Conduct includes clauses that reflect the legislation governing the caretaker period, a more detailed policy has been developed to assist councillors and staff at an operational level. The policy is attached as Appendix A. The policy will help ensure that both councillors and candidates are treated fairly, as well as enhancing the transparency and accountability of councillors and Council staff during the Election Period.

The main caretaker requirements of the Act are:

- A restriction on Councils publishing or distributing electoral matter during the election period unless it is only about the election process (s 55D), and
- A prohibition on making certain specifically defined major policy decisions during the election period (s 93A).

#### Election Period

The caretaker provisions apply during the “election period”. Section 3(1) of the Act defines the “election period” as starting on the last day for nominations and ending at 6pm on the election day. The last day for nominations is the day that is 32 days before the election day. (The commencement date for the “election period” was changed by the Local Government Amendment (Elections) Act 2008) The election period for the 2008 local government elections will therefore commence at midnight on 28 October 2008 and end at 6:00 pm on 29 November 2008.

#### **RECOMMENDATION**

That the caretaker policy, attached as Appendix A, be approved.

#### **Councillors Wicks/Hanuska**

That the caretaker policy, attached as Appendix A, be approved.

**CARRIED 2008-124**

## **6. Business Services Director's Report**

### **6.1 Finance Report**

The Finance Report is submitted for council's information (attached as Appendix B).

#### **RECOMMENDATION**

For information only.

### **6.2 Certification of Financial Statements 2007/08**

As part of the process for submission of the Annual Report to the Minister for Local Government, Council is required to adopt the Financial Statements and Performance Statement for the year ended 30 June 2008 in principle prior to their submission to the Auditor-General.

Council is also required to nominate two Councillors who will sign the Financial Statements following the Auditor General's review and completion of any alterations recommended by the Auditor General or his contract auditors, WHK (formerly known as KPMG).

The Statements have been submitted and endorsed by Council's Audit Committee. Copies of the Financial Statements and the Performance Statement are tabled.

A detailed reconciliation between the final actual amounts to that of the budget is currently being carried out and will form the basis of any necessary budget variances for 2008/09.

Following approval of the Statements in principle, a copy of Council's resolution is forwarded to the Auditor General. The nominated Councillors and Principal Accounting Officer sign off the Statements and return them to the Auditor General. The Auditor General then issues his report so that the complete Annual Report may be forwarded to the Minister.

#### **RECOMMENDATION**

That the 2007/08 Annual Financial Statements and the 2007/08 Performance Statement be approved in principle and that Councillors Wangman and Wicks be the designated Councillors for the purpose of formally signing off the 2007/08 Annual Financial Statements and the 2007/08 Performance Statement in conjunction with Council's Principal Accounting Officer.

**Councillors Mahony/De Kruiff**

That the 2007/08 Annual Financial Statements and the 2007/08 Performance Statement be approved in principle and that Councillors Wangman and Wicks be the designated Councillors for the purpose of formally signing off the 2007/08 Annual Financial Statements and the 2007/08 Performance Statement in conjunction with Council's Principal Accounting Officer.

**CARRIED 2008-125**

### **6.3 *Management Wodonga Sports and Leisure Centre and White Box Rise Aquatic Centre***

Following endorsement of the Expression of Interest and Tender process for the Management of the Wodonga Sports and Leisure Centre (WSLC) and White Box Rise Aquatic Centre at the July Council meeting, tenders were invited from two selected tenderers in August 2008 and closed on the 22 August 2008.

Council received tenders from both selected tenderers.

Subsequent to the receipt of the proposals:

- An evaluation panel was established to evaluate the proposals received based on the evaluation criteria established within the Expression of Interest and Tender documents.
- The evaluation panel invited the two tenderers to an interview with the Evaluation Panel, and presentation to stakeholder groups, including existing WSLC staff.

The evaluation panel has given careful consideration of all the information, data, and material presented during the EOI and Tender process. This information, data and material has been further examined and scrutinised during recent interviews with the tenderers.

The members of the evaluation panel believe that although both tenderers have particular strengths which would be of benefit to the Wodonga community and to the management of the WSLC, and White Box Rise Aquatic Centre, it was considered that one particular tenderer would provide a higher and more broad level of management of the two facilities.

The evaluation panel recommends the Victorian YMCA as the preferred tenderer, which subject to detailed negotiations and further discussion, will bring strength to the management of both facilities, in areas such as:

- Community engagement
- Enhancing participation and access to the facilities
- Program development
- Industry networking
- Staff development and support
- Asset management
- Connecting to community organisations and programs
- Community satisfaction
- Financial performance

It is proposed that Council request the preferred tenderer to sign a Terms of Negotiation Agreement before formal negotiations commence relating to the development of a detailed Management Agreement

### **RECOMMENDATION**

That Council

1. Select the Victorian YMCA as the preferred tenderer for the provision of management of the Wodonga Sports and Leisure Centre and the White Box Rise Aquatic Centre
2. Enter into a Terms of Negotiation agreement with the Victorian YMCA, from which a detailed management agreement be developed to be approved by both parties.

### **Councillors Mahood/Wicks**

That Council

1. Select the Victorian YMCA as the preferred tenderer for the provision of management of the Wodonga Sports and Leisure Centre and the White Box Rise Aquatic Centre
2. Enter into a Terms of Negotiation agreement with the Victorian YMCA, from which a detailed management agreement be developed to be approved by both parties.

**CARRIED 2008-126**

## 7. City Infrastructure Director's Report

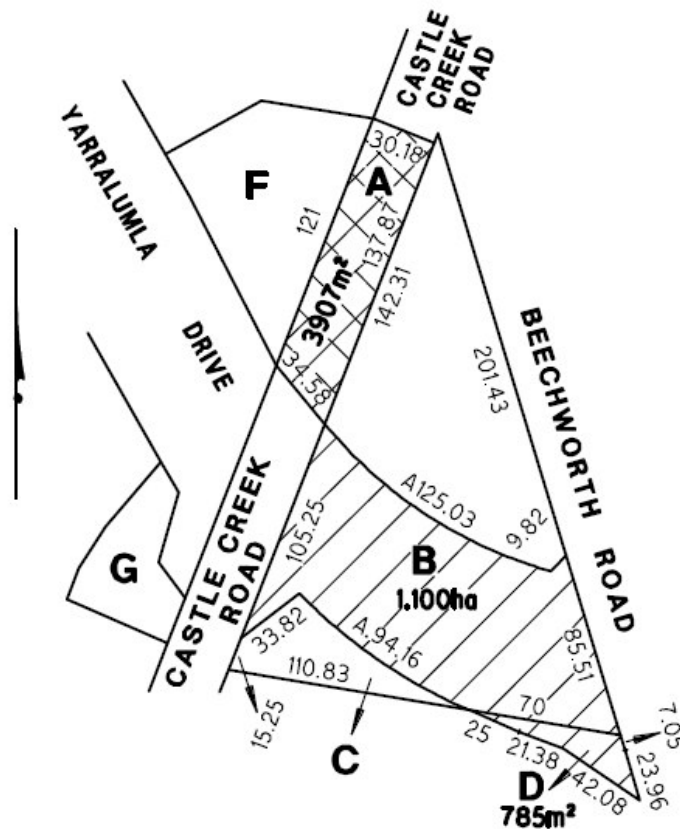
### 7.1 *Yarralumla Drive proposed road deviation and closure of section of Castle Creek Road between Yarralumla Drive and Beechworth Road*

#### Introduction

Council at its August 2008 meeting agreed to consider submissions on the proposed Yarralumla Drive road deviation and closure of a section of Castle Creek Road between Yarralumla Drive and Beechworth Road.

At the ordinary meeting of council on 18<sup>th</sup> August Council resolved to:

1. *In accordance with the Local Government Act 1989 any Section 223 submissions received on the Yarralumla Drive road deviation and closure of a section of Castle Creek Road between Yarralumla Drive and Beechworth Road be considered at the next ordinary meeting of Council on Monday, 15 September 2008.*
2. *If no Section 223 submissions are received that the Chief Executive Officer be authorised to execute the necessary documents to allow the road deviation to proceed in accordance with the Local Government Act 1989.*



### Current Status

The road deviation was advertised in the *Border Mail* on 23 August 2008 seeking written submissions within 14 days.

One written submission was received from Esler & Associates on behalf of the adjoining owner to the west, Castle Creek Estate Pty Ltd, advising that their client had no objection to the road deviation.

### **RECOMMENDATION**

That Council continue the legal road deviation process under the *Local Government Act 1989* and advertise in the Government Gazette to vest the closed section of Castle Creek Road in Council, and that the Chief Executive Officer be authorised to execute all associated documents.

#### **Councillors Hanuska/De Kruiff**

That Council continue the legal road deviation process under the *Local Government Act 1989* and advertise in the Government Gazette to vest the closed section of Castle Creek Road in Council, and that the Chief Executive Officer be authorised to execute all associated documents.

**CARRIED 2008-127**

## 8. Community Development Director's Report

### 8.1 *Wodonga Local Safety Committee Liquor Report*

The aim of the Wodonga Local Safety Committee Liquor Report (Appendix C) is to provide information in regard to the four criteria identified for further investigation by Council at its Ordinary meeting in March, being:

- The current trends in alcohol consumption within this community
- The current rate of alcohol-related crime including drink-driving, domestic violence, property damaged fuelled by alcohol and child abuse in this community;
- The availability of “things to do” for the group most at risk of being affected by alcohol consumption, and
- The current level of health within this community in regard to alcohol related illness

The report also identifies local government's role in regulating liquor venues and licences. It examines data from a number of local, regional and state reports and studies and includes information gained from interviews with key local service providers.

In summary the reports finds that there is a significantly lower rate of licensed premises per 10,000 people in Wodonga than in Victoria as a whole. Wodonga has a significantly higher rate of alcohol-related family incidents than Victoria and significantly lower rates of alcohol-related medical hospital admissions, external cause hospital admissions and deaths than Victoria.

The culture of alcohol consumption in Wodonga closely mirrors that across the nation. Local workers in the Alcohol and Other Drug sector are seriously concerned in regard to current changes in drinking patterns, in particular the prevalence of binge drinking and the increasing popularity of pre-packaged liquor outlets. Police report few concerns with the operation of local on site liquor venues, with responsible management of service and behaviours. Concern rests mainly with alcohol consumed in homes and public areas, with nearly all domestic disputes involving alcohol.

Local sector workers believe that underage drinking is an urgent priority issue across the Hume region, and this needs to be tackled through long term social change. The DHS Alcohol, Tobacco and Other Drugs Strategy 2007 is a region wide plan to integrate and target service provision.

This report will inform the development of the Wodonga Community Safety Plan 2008-2011.

### **RECOMMENDATION**

That the findings of the Wodonga Local Safety Committee Liquor Report be incorporated as appropriate into the Wodonga Community Safety Plan 2008-2011.

#### **Councillors Hanuska/Speedie**

That the findings of the Wodonga Local Safety Committee Liquor Report be incorporated as appropriate into the Wodonga Community Safety Plan 2008-2011.

**CARRIED 2008-128**



## 9. Investment Attraction Director's Report

### 9.1 *Festival and Event Contribution Program*

The City of Wodonga values Festivals and Events, recognising the contribution they make to a dynamic, diverse and holistic community.

Events are an extremely popular and traditional way for the community to own, design and execute diverse and relevant opportunities for celebration, engagement and participation; and often offer meaningful avenues for volunteers to give back to the community and expand their skills in event management, project planning, marketing and risk management.

By supporting people to devise and direct their own initiatives, the Festival and Events Contribution Program will assist in fostering self determination and capacity building amongst community members.

The program encourages:

- the development of events across the community by the community, in turn increasing their capacity in providing engagement and entertainment
- accountability for funds provided, via a formal requirement of a basic acquittal
- consolidation of varied forms of financial support presently provided by Council to community events, ensuring all requests are put through a formal funding process
- events to be delivered to standards that consider safety and the calibre of public experience

#### Scope

Funding is available to community organisations towards the costs of events based within Wodonga that fall into one of three categories:

#### *Major Events*

- State or nationally significant events with established benefits that meet the key objectives (see below)
- Attendance figures greater than 3000 people throughout the duration of the event
- Events which occur annually or bi-annually
- Duration of the event is one or more days
- Event has been in operation for more than 2 years

#### *Minor Events*

- Events of small to medium size with established benefits that meet the key objectives (see below)
- Attendance figures of up to 3000 people throughout the duration of the event
- Events which occur infrequently, annually or bi-annually

- Duration of the event is either one day or a series of events over a set period

#### *New & One off Events*

- Seeding grant for new community events or special one off community events that cater for residents from across the City of Wodonga
- An event with benefits that meet the key objectives (see below)
- Duration of the event ranges from a few hours to a few days

#### Eligibility

Funding is open to all community organisations that facilitate activities based within Wodonga's municipal boundary. Organisations must be incorporated and not for profit operating in accordance with a Statement of Purpose or Charter. Upon negotiation, funding may be based on a three year agreement with selected organisations.

#### Objectives

Organisations and projects funded through the Festival and Events Contributions Program must meet the Main Objective and at least three of the following objectives.

#### *Main Objective*

Organisations seeking funds through this program must clearly demonstrate they can provide opportunities for a maximum number of Wodonga residents to engage and tap into events and festivals within the municipal boundary of Wodonga where they live, work and play.

#### *Key Objectives*

- Provide opportunities for engagement in cultural, leisure, arts or physical activity
- Offer innovative elements within their event and cater for diverse audience sectors of the community
- Showcase local talent and celebrate the diversity within the city
- Nurture a sense of community identity & civic pride
- Promote cultural, economic and social vitality for the community
- Contribute positively to the profile of the city
- Promote and develop the skills and activities of community groups, individuals and audiences
- Foster volunteer participation and skill development opportunities
- Attract and secure funds from other regional, state & federal partners
- Attract visitors from outside of the region to the city
- Contribute to economic growth of the city

## **RECOMMENDATION**

That the Festival and Event Contribution Program be adopted and implemented.

**Councillors Wicks/Speedie**

That the Festival and Event Contribution Program be adopted and implemented.

**CARRIED 2008-129**

## 10. Sustainable Development Director's Report

### 10.1 Delegated Planning Permits

The Manager Statutory Planning has approved 23 permits including 3 permit amendments by delegation from 1<sup>st</sup> August 2008 to 31<sup>st</sup> August 2008. Significant applications considered in the last month include:

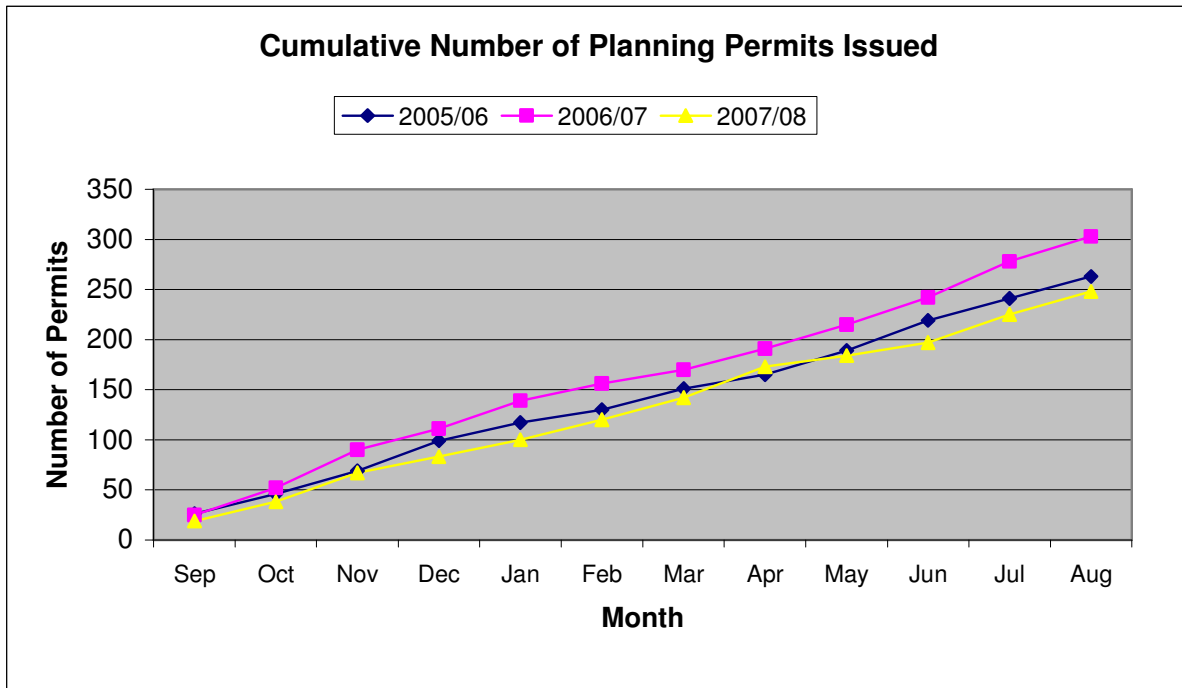
#### Permits approved in August 2008

Permit No	Use/Development	Applicant	Site Address
2008/26	Construction of 15 commercial warehouse/industry and office units	Mr R W Howell	17 & 19 Sanyo Drive, Wodonga
2008/64	Use and development of a motor vehicle sales and motor repairs showroom and workshop with associated car parking, buildings and works, and removal of Albury Wodonga Agreement Act Covenant P440615Y applying to the title of Lot 92 PS143102	Mr C J Brooks	2A Trafalgar Street, West Wodonga
2007/85	Silky Oak Estate - Staged residential subdivision, removal of native vegetation and access to a Road Zone Category 1	The Tangey Group Pty Ltd	4380 Anzac Parade, Wodonga

#### Permits refused in August 2008

Permit No	Use/Development	Applicant	Site Address
2004/189/B	Extension of time for permit 2004/189. Two lot subdivision and development and use of dwelling	Bortolot Holdings Pty Ltd	103 Spring Gully Road, Huon Creek
2008/47	Valley Views Estate - 3 lot subdivision	EDM Group	54 Kingston Road, Baranduda
2008/90	Valley Views Estate - 5 lot subdivision	EDM Group	29 Kingston Road, Baranduda

*Comparison of monthly permits/amendments issued for previous years*



**RECOMMENDATION**

For information only.

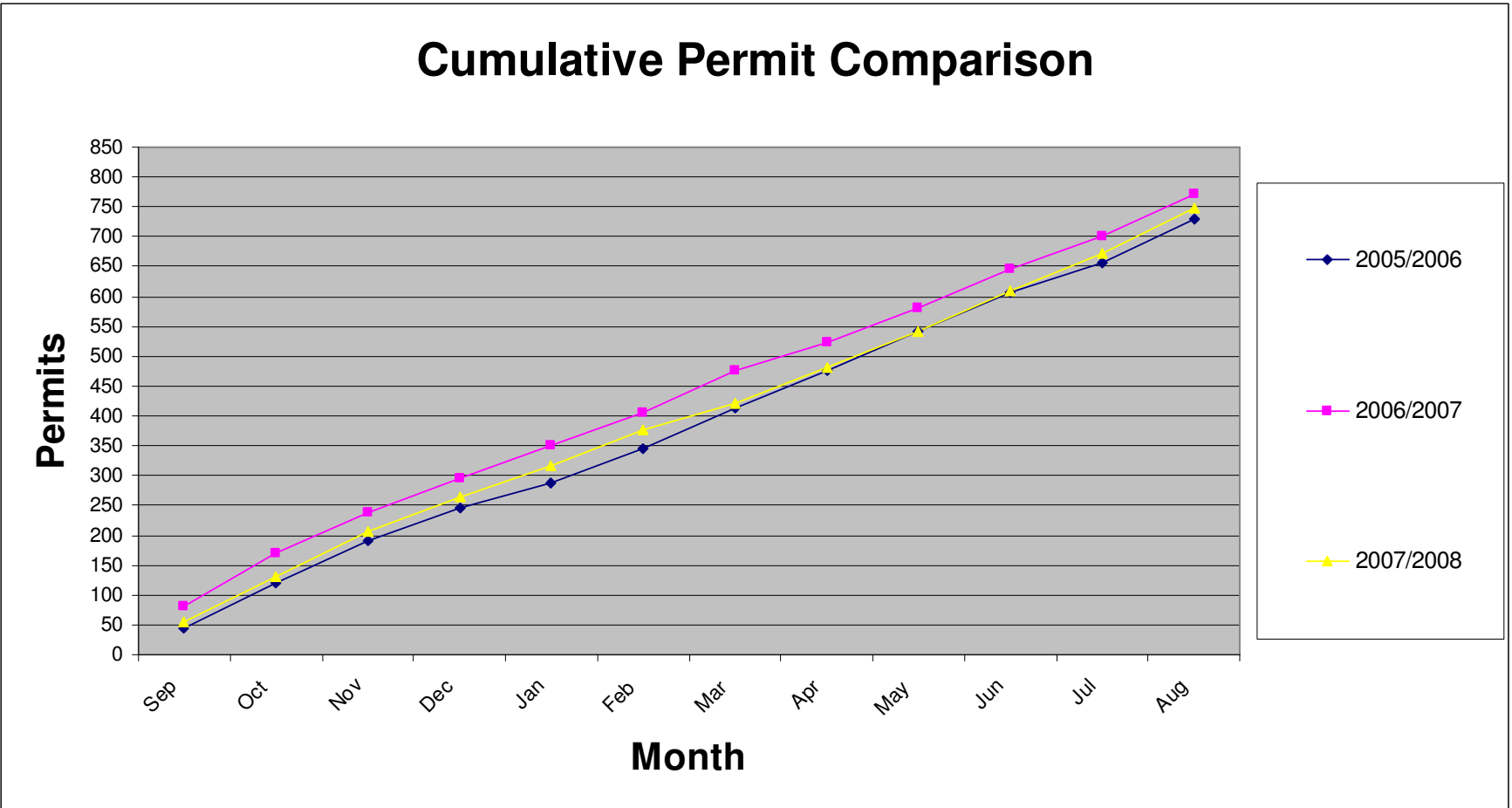
## 10.2 Building Report for August 2008

The value of building permits issued in Wodonga from 1 August 2008 to the 31 August 2008 is \$7,000,171. Details of the building approvals in excess of \$100,000 are as follows

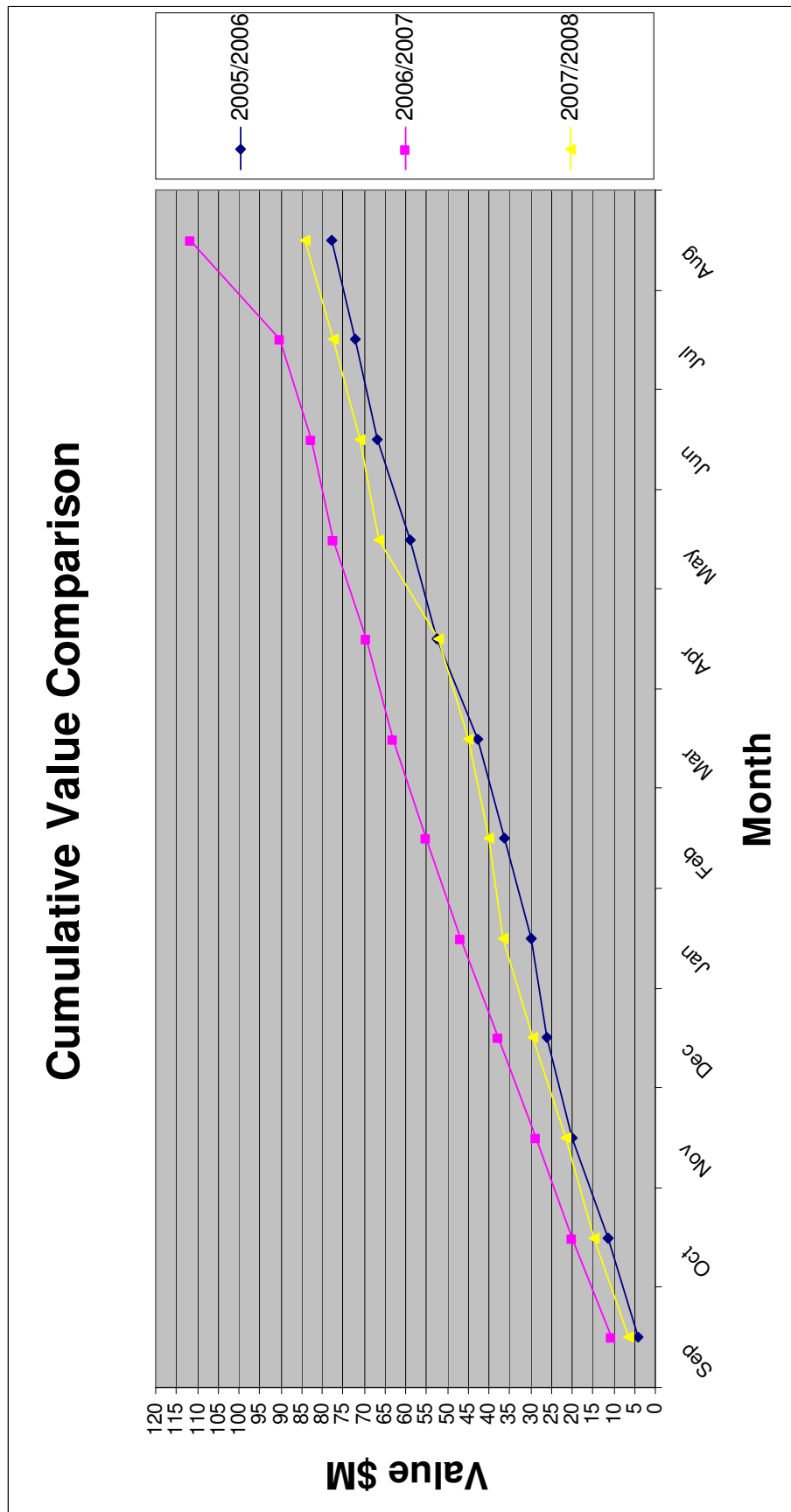
Permit No	Value \$	Construction	Address
2007/311/COM	528,000	ADDITIONS TO SHOWROOM / OFFICE & CARPORT	175 - 179 MELBOURNE ROAD WODONGA
2008/243/DWELL	356,169	DWELLING	22 STABLEFORD PLACE WEST WODONGA
2008/257/DWELL	210,817	DWELLING	14 WATTLEBIRD DRIVE BANDIANA
2008/238/IND	360,000	EXTENSION TO WATER TREATMENT PLANT	4358 ANZAC PARADE WODONGA
2008/139/PBSADD	154,819	ALTERATIONS & ADDITIONS TO DWELLING	20 PROSPER COURT WEST WODONGA
2008/157/PBSADD	220,400	ALTERATIONS & ADDITIONS TO DWELLING	2 KIRRIBILLI COURT WODONGA
2008/210/PNSCOA	582,750	KENNELS & OFFICE	75 THOMAS MITCHELL DRIVE WODONGA
2008/170/PBSCOM	1,750,000	LIQUOR OUTLET	4 WATSON STREET WODONGA
2008/119/PBSDWL	325,000	DWELLING	25 GORDON STREET WODONGA
2008/148/PBSDWL	190,000	DWELLING	48 STREETS ROAD LENEVA
2008/150/PBSDWL	188,000	DWELLING	141 DE KERILLEAU DRIVE WODONGA
2008/169/PBSDWL	200,201	DWELLING & RETAINING WALL	16 THORNBILL TERRACE BANDIANA
2008/182/PBSDWL	206,354	DWELLING	15 SWIFT COURT WEST WODONGA
2008/201/PBSDWL	143,797	DWELLING	28 CHERVIL PLACE BARANDUDA
2008/202/PBSDWL	280,293	DWELLING	12 CHERVIL PLACE BARANDUDA
2008/203/PBSDWL	144,616	DWELLING	27 CHERVIL PLACE BARANDUDA
2008/211/PBSDWL	253,703	DWELLING	6 CONDAMINE STREET WEST WODONGA
2008/159/PBSIND	260,000	WAREHOUSE	61 WIG STREET WODONGA
2008/111/PBXOUT	118,789	VERANDAH & GARAGE	4 KIRRIBILLI COURT WODONGA

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<b>Building activity</b>	<b>August 08</b>	<b>(July 08)</b>
• Total number of building permits issued in Wodonga.	73	(64)
• Total number of dwellings approved in Wodonga (Dwellings & Units).	13/0	(17/2)
• Total number of permits relating to commercial & industrial works in Wodonga.	23	(6)
• Percentage of work approved by Council	50.68%	(45.31%)
• Number of permits approved outside Wodonga - Victoria	2	(1)
• Number of permits approved outside Wodonga - NSW	1	(2)







**RECOMMENDATION**

For information only.

### 10.3 Local Law Review

The City of Wodonga's Environment and Community Protection Local Law (No 3 of 2007) was adopted by Council on 18 June 2007 and on 21<sup>st</sup> July 2008 Council resolved to commence the process of a formal amendment. The Environment and Community Protection (Amendment) Local Law (no. 1 of 2008) was advertised in the Government Gazette of 31 July and in the Border Mail. Submissions closed on Friday, 15 August. At the close of the public exhibition period three submissions had been received.

Contact was made with each submitter to ensure clarity of the issues raised. The table below explains the concerns of the submitter and a suggested response from Council.

#### Comments Received

<b>Section</b>	<b>Comments</b>	<b>Response</b>
19	<i>Alter a nature strip</i>	
	This requirement should apply to council tree planting and pruning	Agreed. Council staff are aware of these controls. No changes proposed.
28	<i>Significant trees</i>	
28.4	There should not be a need for a permit to prune dangerous limbs.	Agreed. The policy document will reflect that pruning is not classified as destruction or damage.
	We should only introduce a tree preservation order on Australian trees that are not environmental weeds.	Not included in this review. Subject to further investigation.
	We should include constraints on planting trees that attract fruit flies.	Not included in this review. Subject to further investigation.
	Should we expand these controls to trees on public land.	Other sections of the local law deal with willful damage to council property and assets.
32	<i>Caravans on private property</i>	
32.4	Could the section be reworded to specifically address hiring out caravans for occupation?	Difficult to prove a transfer of money. No change proposed.
	Is there a total ban on more than one caravan onsite?	No. Permits can be granted if suited conditions are met.

33	<i>Abandoned vehicles</i>	
33.1 - 33.3	Should this be a police matter?	The Local Government Act specifically designates local government and not Police.
	Query of the definition of vehicle.	The Road Safety Act definition includes trailers and caravans. No change proposed.
34	<i>Residential and Commercial Parking</i>	
	Should the word “give” be included?	Not required as it is quite appropriate for a householder to give their permit to a visitor.
44	<i>Dilapidated Buildings</i>	
	Considered heavy handed if persons are evicted from a dwelling.	The issue was previously dealt with by councils under delegation from the Building Commission. Now removed due to the privatisation of building surveyors.  There are numerous formal steps to ensure adequate representations can be made.
	Should a formal definition of the word “dilapidated” be provided?	The word is not specifically defined to permit a wide range of options, whether that is flooring, roofing or any relevant issue. No changes proposed.
46	<i>Mobile billboards</i>	
	The electronic signs are a distraction.	Supportive of our changes.

### Comment

All comments were evaluated and some changes are now included. It is important that these changes be communicated to the public. This will occur in future editions of Council’s newsletter to residents, *CityLife*. In addition, we shall also amend and/or develop brochures that communicate these changes.

## Conclusion

It is important that local laws remain current and reflect community expectations. Protection of our environment including visual pollution, avoiding damage to significant trees and reducing alcohol consumption in public places are all deemed sufficiently important to be protected.

## **RECOMMENDATION**

That:

1. The Environment and Community Protection (Amendment) Local Law (No. 1 of 2008), as tabled, be adopted effective from Monday, 22 September 2008, and be signed and sealed.
2. In accordance with Section 119 of the Local Government Act notice be given in the Government Gazette and the Border Mail of the title, purpose and purport of the amended local law, and a copy of the local law be forwarded to the Minister for Local Government.
3. The Policy Document – *Standards and Guidelines Applicable to Local Law No.3*, as tabled, be approved.

### **Councillors De Kruiff/Wicks**

That:

1. The Environment and Community Protection (Amendment) Local Law (No. 1 of 2008), as tabled, be adopted effective from Monday, 22 September 2008, and be signed and sealed.
2. In accordance with Section 119 of the Local Government Act notice be given in the Government Gazette and the Border Mail of the title, purpose and purport of the amended local law, and a copy of the local law be forwarded to the Minister for Local Government.
3. The Policy Document – Standards and Guidelines Applicable to Local Law No.3, as tabled, be approved.

**CARRIED 2008-130**

## ***10.4 Domestic Wastewater Management Plan***

The State Environment Protection Policy (Waters of Victoria) requires all councils to prepare a Domestic Wastewater Management Plan (DWMP). This requirement has been in place for 5 years but only in the past 2 years has the Municipal Association of Victoria (MAV), Department of Sustainability and Environment (DSE) and Environmental Protection Authority (EPA) actively pursued this requirement. The Council introduced a plan some 4 years ago and this plan has been forwarded to numerous councils over time and forms the basis of their plans. Recently DSE and MAV developed a model plan for councils to ensure some state wide consistency is attained and that issues are not omitted at a local level.

Councils DWMP has been amended in accordance with the model plan and cover all relevant issues.

### Background

Waste water disposal can readily (and often does) impact negatively on the receiving lands and waters, albeit, via ground water or surface over-run. For some 100 years, Councils have been responsible for overseeing waste water disposal. Over recent years the emphasis on environment protection has increased standards and revealed numerous problems state-wide. We are fortunate that with smaller numbers of systems, and our vigilance over more recent years, that most septic tank systems are in reasonable condition. Unfortunately, there are still a number of systems that pollute the environment and will require major enhancements, at the owners cost in the near future.

Re-writing of the plan to generally match the model has also provided a timely review of our monitoring program. Some notable features of our review include:

- There are 642 septic tank systems in the municipality.
- Each premise has been visited and the system inspected and/or logged.
- Since commencement of the three year house visitation/monitoring program, 130 properties were added to the listing.
- 70 new septic tank systems were installed and added to the listing.
- 330 systems do not have a formal “permit” from the council (no council or owner records available).
- Of all premises, 8 occupiers were totally unaware they had a septic tank system.
- Five property owners failed to respond to call cards, phone calls or letters in any form.

- 72 properties are serviced by a mechanical waste water treatment system that requires quarterly maintenance checks by a contractor.
- Approximately 5% of property owners refused to participate in an inspection and thus an authorised officer was required to enforce entry provisions.
- Up to 30% of all systems will require attention with issues ranging from the tank requiring a pump out to the system failing completely and raw effluent escaping.
- More than 20% of owners were unaware that the septic system must be pumped out and cared for properly to ensure proper operation.

This review has thus highlighted a number of actions for the Environmental Health unit over the coming 3 years.

It is important that the Council as the responsible agency has in place processes and a policy to ensure the risks associated with this activity do not impact on Council. Furthermore, the Environment Protection Act clearly mandates that local government is responsible for septic tank systems and thus our desire to transfer this function to water boards, who should be responsible for all waste water, including the some 250,000 households not connected to reticulated sewerage in Victoria.

It is also very important that property owners and occupiers know and understand the operation of their systems, and maintain them to ensure longevity and proper functioning.

#### Comment

The plan places controls over future development areas and includes a number of mandatory state controls e.g. dwellings on land adjoining, abutting or within 300m of the high water mark in Lake Hume or 100m of a declared water course, may not be able to develop those lands for residential purposes.

There are major risk management implications with the failure of councils to implement suited plans or implement suited controls over septic tank systems. Councils have been held responsible and financially accountable on a number of occasions, with the most notable case being in NSW, relating to Wallis Lakes, which resulted in council costs of some \$100K's.

#### Conclusion

The plan documents our relevant policies and practices. It is premised on the view that responsible property owners will recognise that maintaining their waste water systems in good condition, will extend the life of the system, reduce replacement costs and most importantly, protect the environment. The transfer of responsibilities to regional water boards is a logical step but will take a number of years. This will only occur with a collective drive from local government.

## RECOMMENDATION

That Council:-

1. adopt the attached plan;
2. pursue the transfer of monitoring of septic tanks from Council to North East Water at or near current rates; and
3. actively lobby in partnership with North East Water for the transfer of the responsibility of monitoring of septic tanks from municipal councils to water boards across the State.

### **Councillors Wicks/Speedie**

That Council:-

1. adopt the attached plan;
2. pursue the transfer of monitoring of septic tanks from Council to North East Water at or near current rates; and
3. actively lobby in partnership with North East Water for the transfer of the responsibility of monitoring of septic tanks from municipal councils to water boards across the State.

**CARRIED 2008-131**

## ***10.5 Amendment C54 Wodonga Planning Scheme – Rezoning land at Whytes Road, Baranduda***

Amendment C54 proposes to rezone land on the east side of Whytes Road, Baranduda (opposite the Valley Views Estate) to a Rural Living Zone. The amendment proposes to rezone approximately 88 hectares of land from a Residential 1 Zone and approximately 35 hectares of land from a Farming Zone to a Rural Living Zone. The amendment also ensures the protection of significant native vegetation and waterways with the application of a Vegetation Protection Overlay (VPO) and an Environment Significant Overlay (ESO). A copy of the proposed planning scheme map changes are attached as Appendix D.

In accordance with the Council resolution of the 17<sup>th</sup> September 2007 the Minister's authorisation to prepare amendment C54 was sought and was granted on the 16<sup>th</sup> June 2008. The amendment was prepared and placed on exhibition from the 5<sup>th</sup> July to the 11 August 2008. As a result of the exhibition process, submissions were received from:

- North East Water Corporation (NERWC) ;
- Department of Sustainability and Environment (DSE);
- Environment Protection Agency (EPA);
- A private land owner from the affected land.

In accordance with the Planning and Environment Act (1987) the Council must either agree with and make changes as requested in the submissions or otherwise seek the appointment of a panel to provide an independent review of both the amendment and the submissions received. As stated in the supporting report two of the submissions request changes that cannot be agreed to and will require further consideration by an independent panel.

Copies of the submissions will be tabled at the Council meeting for the Council's reference. A summary of the key points from the submissions is outlined as follows:

### The North East Region Water Corporation (NERWC)

- The Corporation wants to ensure buffers are retained for the Wastewater (facultative) Ponds at Baranduda in line with EPA requirements.
- The Corporation want the buffers applied in the planning scheme.
- The buffers impact on the two northern most properties.
- Officers have spoken to both of the property owners affected and both owners prefer to see their land as part of the rezoning proposal.



### Comments on submission

Advice has been sought from the Department of Planning and Community Development on how to deal with this submission. The Council is unable to agree to the submission as it would require significant changes to be made to the amendment. To agree to this submission the Council would need to change and then re-exhibit the planning scheme amendment.

### The Environmental Protection Agency (EPA)

- The EPA has supported the position of North East Water and highlighted the need to consider the buffer distances from wastewater (facultative) ponds.

### Comments on submission

The application of buffer zones is provided under the *Environmental Protection Act* 1970, and is not corresponded with any planning scheme or the *Planning and Environment Act* 1987. Any acknowledgement of the buffer zones in the planning scheme therefore needs to be introduced by the State, as previous State policy has put the onus of protecting wastewater assets on the Water Authority and not on local councils through the planning scheme process.

### The Department of Sustainability and Environment

- Have sought to have the Vegetation Protection Overlay along Whytes Road increased from 10 to 20 metres either side of the Whytes Road.

### Comments on submission

Officers have gained the agreement of DSE to have this proposal included as part of a broader planning scheme amendment to implement the WREN strategy. They have also agreed to the application of an exemption for planning permission for vegetation removal within the Vegetation Protection Overlays, for works and maintenance to their infrastructure.

### Land Owner of 485 Whytes Road Baranduda:

- The rezoning from Residential 1 Zone to a Rural Living Zone is opposed on the basis that it removes the opportunity to subdivide their 4.3 hectares lot into lots of approximately 1000m<sup>2</sup>.

### Comments on submission

This request is contrary to the MSS directions and character of the area and should not be supported.

Due to the fact that a number of submissions require the amendment to be either substantially changed or abandoned, it is considered necessary to seek the appointment of a Panel to further consider the submissions received. Under the provisions of the Planning & Environment Act, the Council is obliged to have the planning scheme amendment reviewed by a

Panel where it is not in a position to agree to the content of submissions. A Panel is appointed under delegation through Planning Panels Victoria, a division of the Department of Planning and Community Development.

Given that amendment C54 implements key directions from the Council's Municipal Strategic Statement, it is important that the planning scheme amendment is further progressed.

## RECOMMENDATION

That Council

1. In accordance with Section 23 of the Planning and Environment Act (1987), and having considered each submission received in respect of Amendment C54 to the Wodonga Planning Scheme, seek the appointment of a Panel to consider the submissions received.
2. Delegate to the Manager Strategic Planning the power to consider any late submissions made in respect of amendment C54 and to refer these to the Panel for further consideration.

### Councillors De Kruiff/Hanuska

That Council

1. In accordance with Section 23 of the Planning and Environment Act (1987), and having considered each submission received in respect of Amendment C54 to the Wodonga Planning Scheme, seek the appointment of a Panel to consider the submissions received.
2. Delegate to the Manager Strategic Planning the power to consider any late submissions made in respect of amendment C54 and to refer these to the Panel for further consideration.

**CARRIED 2008-132**

## 11. Documents to be Signed and Sealed

### ***11.1 Minutes of the Ordinary Meeting of Council held on Monday, 18 August 2008***

#### **RECOMMENDATION**

That the Minutes of the Ordinary Meeting of Council held on Monday, 18 August 2008, be signed and sealed

### ***11.2 Minutes of the Special Meeting of Council held on Monday, 1 September 2008***

#### **RECOMMENDATION**

That the Minutes of the Special meeting of Council held on Monday, 1 September 2008, be signed and sealed

#### **Councillors Wicks/Speedie**

That the recommendations contained in Items 11.1 and 11.2 inclusive be adopted.

**CARRIED 2008-133**

### ***11.3 Section 173 Agreement (revised) - White Box Rise***

Council resolution 2007-78, dated 16 July 2007, selected a site within the White Box Rise Estate as the preferred site for the construction of a new Aquatic Centre.

Council's solicitors have drafted a revised Section 173 agreement for the White Box Rise estate, incorporating the following key provisions:

- Amendments to the masterplan of the estate to include a site for an aquatic centre;
- Re-zoning of land to facilitate the development of an aquatic centre;
- Construction of a four lane divided road, now known as Victoria Cross Parade.

#### **RECOMMENDATION**

That the revised Section 173 agreement for the White Box Rise Estate, as tabled, be signed and sealed.

**Councillors Wicks/Mahony**

That the revised Section 173 agreement for the White Box Rise Estate, as tabled, be signed and sealed.

**CARRIED 2008-134**

***11.4 Section 173 Agreement – 25 Hensley Court (305803)***

On 23 November 2007, planning permit 2006/120 was issued for the construction of a second dwelling and a two lot subdivision at 25 Hensley Court Wodonga.

Condition 14 of the planning permit required that, where a Statement of Compliance for the subdivision is required prior to the completion of the buildings and works, the land owner must enter into an Agreement pursuant to Section 173 of the Planning & Environment Act 1987 with Council. The agreement will require that any successive owner of a lot created will construct the development and works in accordance with Planning Permit Number 2006/120.

This requirement is to ensure that development corresponds with and does not jeopardise the approved subdivision layout.

The owner requires the issuing of a Statement of Compliance prior to the completion of the development and therefore the Section 173 Agreement has been prepared by the Council's solicitor, signed by the owner and submitted for execution by Council.

**RECOMMENDATION**

That the Section 173 Agreement relating to land known as 25 Hensley Court Wodonga, in accordance with the requirements of condition 14 on planning permit 2006/120, as tabled, be signed and sealed.

**Councillors Wicks/De Kruiff**

That the Section 173 Agreement relating to land known as 25 Hensley Court Wodonga, in accordance with the requirements of condition 14 on planning permit 2006/120, as tabled, be signed and sealed

**CARRIED 2008-135**

## ***11.5 Transfer of Land – Aquatic Centre Site at White Box Rise***

Solicitors for the Developer of the White Box Rise Estate have prepared the documents for the Contract of Sale to facilitate the transfer of the site to Council. Settlement is scheduled to occur on 24 September 2008.

### **RECOMMENDATION**

That the Transfer of Land document for the acquisition of the Aquatic Centre site at White Box Rise, as tabled, be signed and sealed.

#### **Councillors Wicks/De Kruiff**

That the Transfer of Land document for the acquisition of the Aquatic Centre site at White Box Rise, as tabled, be signed and sealed.

**CARRIED 2008-136**

## 12. Competitive Tendering Report

Key Competitive Tendering activities for the month of August 2008

### **Tenders advertised / quotations issued**

- 081102 - Installation of Pipe for use of Recycled Water in Lawrence Street
- 081124 - Construction of service road and turning lanes on the Murray Valley Highway at Bonegilla
- 081127 - Hume Corridor Transport Strategy Consultancy Services
- 081131 - Construction of Right Turning Lane Intersection Upgrade Murray Valley Hwy & Military St Killara
- 081132 - Supply & delivery of a Mower out front

### **Tenders / Quotations Under Evaluation**

- 081093 - Wodonga Aquatic Centre - Construction
- 081096 - Construction of Fishing Jetties - Streets Road & Brockley Street
- 081106 - Design & Construction of Sandy Creek Pedestrian/Cyclepath Bridge
- 081123 - Management & Operation of Wodonga Sports & Leisure Centre & the new Aquatics & Leisure Centre, Wodonga
- 081126 - Logic Centre Landscaping Works 2008
- 081130 - Belgrade Avenue Pre-School & Community Centre Redevelopment
- EOI - Wodonga Livestock Exchange

### **Contracts Awarded (by Delegate)**

#### **Council**

Nil

#### **CEO**

- 081121 - Installation of Adshell Bus Shelter to various locations

#### **Manager Financial Services**

- 081109 - Stanley Street Flood Works
- 081128 - Supply Fertilizers & Insecticides
- 081132 - Supply & Delivery of a Mower out front

### **Tenders / Quotations Cancelled or Not Awarded**

- 081100 - Construction of Carpark at 2 Havelock Street, Wodonga
- 081115 - Fabrication & Installation of Bus Shelters

### **Variations / Extensions**

- 050937 - Supply & Delivery of Uniforms
- 060961 - Real Estate Commercial Services
- 060967 - Management & Operation of the Wodonga Outdoor Pool Complex

## **RECOMMENDATION**

For information only.

Cr Mahood left the meeting at 7.28 PM and returned to the meeting at 7.29 PM.

Cr Hanuska left the meeting at 7.29 PM and returned to the meeting at 7.30 PM.

**Councillors Mahony/De Kruiff**

That standing orders be suspended for the purpose of question time, the time being 7.29 PM.

**CARRIED 2008-137**

### **13. Question Time**

1. One question was received from Pat Kindellan regarding the GHD consultancy on the Wodonga Livestock Exchange.
2. One question was received from Marie Elliot regarding public opposition to the proposed sale of the Wodonga Livestock Exchange.
3. One question was received from Ross Gardner regarding the book value of Logic and questions on Council's solvency if the Wodonga Livestock Exchange and Logic were not sold.
4. One question was received from John Edney regarding the Huefner report into the Wodonga Livestock Exchange.
5. One question was received from Stuart Gadd regarding selling the Wodonga Livestock Exchange as an operating business.
6. One question was received from Dawn and Graeme MacAulay requesting Council defer making a decision on the sale of the Wodonga Livestock Exchange.
7. One question was received from Jean Whitla requesting Council defer making a decision on the sale of the Wodonga Livestock Exchange.
8. One question was received from Jean Whitla regarding the cost of High Street works, and the petitions on the Wodonga Livestock Exchange.

All of the above questions were received on the night of the meeting and related to agenda items 4.1 and 4.2. The Mayor gave a verbal response in each instance and advised that a formal written response would follow.

**Presentation of Eagle Award**

At this point the Mayor made a presentation to Michael Herzina being the Eagle Award winner for September 2008.

**Councillors De Kruiff/Wicks**

That standing orders be resumed, the time being 7.54 PM.

**CARRIED 2008-138**

**Meeting Closed at 7.54 pm.**

**Chairperson**

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**Date**

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