Wodonga Council minutes for the Special meeting of the council held in the Council Chamber – 104 Hovell St, Wodonga on November 25, 2019.

Present
Cr A Speedie (Mayor)
Cr B Mitchell (Deputy Mayor)
Cr K Bennett
Cr L Hall
Cr D Lowe
Cr R Mildren
Cr J Watson

In attendance
Mr M Dixon Chief Executive Officer
Ms N Klein Director Finance and Systems
Mr R Lamb Acting Director Planning and Infrastructure
1. **Calling to order**

   The meeting was called to order at 9am by the Mayor.

2. **Statement of acknowledgement**

   The Mayor read the following:
   
   *We acknowledge the traditional owners of this land on which we are meeting and pay our respects to their Elders past, present and emerging, and to those from other communities who are here with us today, for they hold the memories, the tradition and the culture of all Aboriginal and Torres Strait Islander People.*

3. **Apologies and requests for leave of absence**

   There were no apologies or requests for leave of absence.

4. **Declaration under Acts, Regulations, Codes or Local Laws**

   The Mayor advised that the submitters had requested that the presentation not be live streamed or video recorded.

   In accordance with the *Live Streaming, Recording and Publishing of Council Meetings Policy* the Mayor directed that the recording cease for the duration of the presentation during item 6.1.

5. **Declaration by councillors of any conflict of interest**

   There were no conflict of interest disclosures.

6. **Officers reports for determination**

   6.1    Section 223 submission hearing

7. **Urgent business**

8. **Confidential urgent business**

9. **Close of meeting**
Live streaming and video recording of meeting

The council meeting will be live streamed on the internet and video recorded.

The video recording of the meeting will be uploaded online within 48 hours of the conclusion of the meeting, and be capable of repeated viewing.

The voices and images of those participating in the meeting, and in the gallery, may be captured as part of this recording.

Every care is taken to maintain the privacy of persons in the public gallery with the camera focussed on the Mayor, Councillors and Executive Officers.

However, persons in attendance at a public council meeting are advised that incidental capture of an image or sound of persons in the public gallery may occur. By remaining at the meeting persons give their consent to being filmed and the possible use of images and sound recordings in a live streaming or published video of the public council meeting.
<table>
<thead>
<tr>
<th>Environment</th>
<th>Minor (4)</th>
<th>Moderate (3)</th>
<th>Major (2)</th>
<th>Catastrophic (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Financial</td>
<td>Little to no impact on revenue or expenditure</td>
<td>Moderate impact on revenue or expenditure</td>
<td>Major impact on revenue or expenditure that will result in a council budget revision</td>
<td>Total impact on revenue or expenditure that may lead to the organization being placed into administration</td>
</tr>
<tr>
<td>Service Delivery</td>
<td>Disruption to program, project or service with no downtime. May be dealt with by routine operations or management action and have limited impact on objectives</td>
<td>Require management initiated review and have some impact on the business unit's program, project or service, or on the strategic objectives. Temporary loss of key data.</td>
<td>Would threaten the continuation of a business unit's program, project or critical service. Impact adversely on the business unit's strategic objectives. Unrecoverable loss of key data.</td>
<td>Would threaten the organisation's viability or would not allow the organisation to achieve its objectives</td>
</tr>
<tr>
<td>Reputation</td>
<td>Limited political/community sensitivity to No reputational damage. Resolved in normal operational management.</td>
<td>Some political/community sensitivity and local media scrutiny and/or requires external audit.</td>
<td>Results in significant political community sensitivity and media scrutiny and/or parliamentary questions.</td>
<td>Results in extreme political/community sensitivity and media scrutiny or may result in a commission of inquiry or request.</td>
</tr>
<tr>
<td>Safety</td>
<td>May result in minor injury or reversible health damage which may be dealt with through primary First Aid.</td>
<td>Result in injury or health impacts that are reversible, but may require medical attention but limited ongoing treatment.</td>
<td>Results in life-threatening or serious injury which is irreversible requiring medical attention and ongoing treatment.</td>
<td>Results in death or permanent disability of one or more people.</td>
</tr>
<tr>
<td>Legislative Compliance</td>
<td>Minor technical breach but no damages.</td>
<td>Minor technical non-compliance and breaches of regulations or laws with potential for minor damage or monetary penalty.</td>
<td>Major compliance breach with potential exposure to large damages or awards.</td>
<td>Sanction compliance breach with potential prosecution with maximum penalty imposed.</td>
</tr>
</tbody>
</table>

### Likelihood

- **Almost Certain (A):** Can be expected to occur in most circumstances (i.e. weekly).
- **Likely (B):** Will probably occur in most circumstances in the future (i.e. monthly).
- **Possible (C):** May occur in some circumstances in the future (i.e. yearly).
- **Unlikely (D):** Could occur at some time in the future, but doubtful (i.e. every 2-10 years).
- **Rare (E):** Expected to occur in exceptional circumstances (i.e. 10 years).

### Consequence

- **Low:** Can be treated by standard preventive measures or existing controls.
- **Medium:** Could require additional or alternative controls.
- **Significant:** Requires immediate action or significant investment to mitigate or prevent the consequence.
- **Extreme:** Council/CEO's attention required. Possibly avoid undertaking the activity OR implement new controls.

### Response based on risk score

- Extreme - Council/CEO's attention immediately required. Possibly avoid undertaking the activity OR implement new controls.
- High - Director's attention required. Consider suspending or ending activity OR implement additional controls.
- Significant - Manager's attention required. Ensure that controls are in place and operating and management responsibility is agreed.
- Medium - Manage through usual procedures and accountabilities.
- Low - Add treatments where appropriate.
6.1 - Section 223 submission hearing

Purpose of report

This Special Council Meeting is being held to hear from persons who have requested to be heard in support of a written submission under section 223 of the Local Government Act 1989 (the Act) on the intention to sell land known as CBD West. This report explains the process to be followed.

Background

At its meeting of August 19, 2019 the council resolved to give public notice of the intention to sell land parcels known as CBD West.

The public notice (copy included with the attachments) was given on Saturday, October 12 and the period for submissions closed on Monday, November 11, 2019.

The section 223 process provides that a person making a submission is entitled to request that they be heard in support of their written submission. One submission was received from Rescom - Brad Matthews, Managing Director and Lisa Matthews, Executive Director. The submitters have requested to be heard. Separately a copy of the Rescom submission has been provided to all councillors.

The submitters have been advised that:

- All councillors will receive a copy of your written submission.
- You will have up to 15 minutes to speak to your written submission. The Chairperson may extend the time if there is a high level of complexity to the submission.
- Your comments should be in support of your written submission.
- Your comments, or a summary of them, may be included in a report to the subsequent Council meeting of 9 December 2019.
- Other than to clarify procedural matters through the Chairperson, there will be no opportunity to ask questions of the Council.
- There will be no questions directed at you while you are speaking. The Chairperson or councillors may ask questions once you have finished speaking in order to clarify or explore matters raised.
- You are requested to observe any directions that the Chairperson may give.
6.1 - Section 223 submission hearing (cont’d)

Council Plan

<table>
<thead>
<tr>
<th>Strategic objective</th>
<th>Strategy areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide strong leadership and governance, demonstrating excellence in the way we do business by being innovative, responsive and transparent. We will be accountable and steward the organisation with the highest regard.</td>
<td>Good governance and customer experience.</td>
</tr>
</tbody>
</table>

Council policy / strategy implications

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

Risk management implications

<table>
<thead>
<tr>
<th>Risk description</th>
<th>C’quence</th>
<th>L’hood</th>
<th>Rating</th>
<th>Controls &amp; treatments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 223 hearing is not held and council is in breach of the Act.</td>
<td>1</td>
<td>E</td>
<td>S</td>
<td>Conduct the hearing in accordance with the requirements in the Act.</td>
</tr>
</tbody>
</table>

Financial implications

There are no financial implications with holding this hearing, with all costs covered in the Council’s operational budget for 2019-2020.

Environmental implications

There are no environmental implications associated with holding this hearing.

Sustainability implications

There are no sustainability implications associated with holding this hearing.

Social / cultural implications

There are no social / cultural implications associated with holding this hearing.

Legislative implications

This hearing is part of the legislative process by which council considers submissions received under section 223 of the Act.
Community engagement and internal consultation

This Special Council Meeting is a part of the legislated process involving a public call for submissions, and an opportunity to be heard.

Options for consideration

The Council is required by legislation to provide for submitters to be heard in support of section 223 submissions. This process complies with the resolution of the Council of August 19, 2019.

Conclusion

The request to be heard is a right for any submitter who responds to a section 223 public notice on a proposed action by Council. This meeting will provide the opportunity for this to occur.

Attachments

The following documents are attached to this report:
- Attachment A: Public notice

Tabled papers

The following documents will be tabled at the meeting:
- Document A: Rescom section 223 written submission

Declaration of conflict of interests

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

Deputy Chief Executive Officer - Debra Mudra
In providing this advice, 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.
**6.1 - Section 223 submission hearing (cont’d)**

### Recommendation

That the presentation made in support of the section 223 submission from representatives of Rescom be noted, and a summary of the presentation be included in a report on the section 223 process for the intention to sell land parcels known as CBD West, to the ordinary meeting of the Council scheduled for Monday, December 9, 2019.

### Motion

Crs Kat Bennett / Brian Mitchell

That the recommendation be adopted.  
**Carried unanimously**

**Presentation from Rescom**

Mr Brad Matthews, Managing Director, Rescom and James Pearce of Fender Katsilidis spoke to the written submission from Rescom.

Mr Matthews highlighted:

- Correspondence of 14 August from Rescom to the Council (pp. 7 to 9 of tabled papers) in which the company’s vision for the land was explained; and
- Correspondence of 11 November from Rescom to Council (p. 4 of tabled papers) in which further detail on the use of the land was given.

Mr Katsilidis worked through the preliminary master planning documents, in particular highlighting the plans on pages 19 to 31 of the tabled papers, being:

- Precinct 4 – CBD West – map, objectives, requirements and guidelines
- Concept plan
- Sketch plan
- Ground floor plan
- Typical upper level plans
- 3D views

The presentation concluded with Mr Matthews referring to the comparison table on page 10 of the tabled papers which set out the Rescom offer against the Criterion offer.
NOTICE OF INTENTION TO SELL LAND

Wodonga City Council (Council) gives notice under Section 29.6 of the Local Government Act 1993 (Act) that it intends to:

sell the land described below, and

create a 6.5 metre wide carriageway easement over the part of the land contained in certificate of title volumes 11, 285 folio 70, known as 37-39 Elgin Road, Wodonga, in favour of 41-43 Elgin Boulevard, Wodonga (shown on the plan below (Carriageway Easement)),

5. Together Proposal:
The land hereby is the subject of the Proposal (Land) to:

sell the land shown hatched on the plan below, comprising the land contained in certificate of title volumes 11, 285 folio 70, known as 37-39 Elgin Road, Wodonga; and

create a 6.5 metre wide carriageway easement over the part of the land contained in certificate of title volumes 11, 285 folio 70, known as 37-39 Elgin Road, Wodonga, in favour of 41-43 Elgin Boulevard, Wodonga (shown on the plan below (Carriageway Easement)),

6. Officers reports for determination

Item 6.1 - Attachment A

Please be aware that copies of objections received must be made available to any persons for the purpose of knowing a copy of the plan is a part of the planning process. The Responsible Authority will not decide on the application before Monday, October 28, 2019. If you lodge an objection, Council will determine your objection. For further information please phone Wodonga Council or on (03) 6033 6100.
Clause 24 of the Council's Meeting Procedure Local Law (no. 1 of 2019) states:

If the agenda for an Ordinary meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if it:

a) relates to or arises out of a matter which has arisen since distribution of the agenda; or

b) cannot safely or conveniently be deferred until the next Ordinary meeting or involves a matter of urgent community concern.

There was no urgent business.
Clause 24 of the Council's *Meeting Procedure Local Law* (no. 1 of 2019) states:

If the agenda for an Ordinary meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if it:

a) relates to or arises out of a matter which has arisen since distribution of the agenda; or

b) cannot safely or conveniently be deferred until the next Ordinary meeting or involves a matter of urgent community concern.

A confidential urgent business item also needs to stipulate the reason for the matter being considered as confidential in accordance with section 89 (2) and section 89 (3) of the *Local Government Act 1989*.

There was no confidential urgent business.
9 – Close of meeting

- Chairperson to close the meeting.

There being no further business the meeting closed at 9.25am.

Minutes confirmed this ................. day of .................................. 2019.

........................................
Chairperson