Minutes

Wodonga Council minutes for the Ordinary meeting of the council held in the Council Chamber – 104 Hovell St, Wodonga on February 18, 2019.

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

In attendance
Ms D Mudra  Acting Chief Executive Officer
Ms N Klein  Director Business Services
Ms K Davies  Acting Director Community Development
Mr L Schultz  Director Planning and Infrastructure
1. **Calling to order**

   The meeting was called to order at 6pm by the Mayor.

2. **Statement of acknowledgement**

   The 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**

   There were no apologies or requests for leave of absence.

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

   **Recording of council meeting**

   The CEO advised that the council’s Meeting Procedure Local Law states that audio, video, or still image recording devices are not to be used, unless prior approval has been given by the chairperson or by council. Members of the public gallery were requested to observe this requirement.

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

   Cr Bennett disclosed a conflict of interest, being an indirect interest by close association (section 78 of the Local Government Act, 1989), for item 8.4 - 160/2018 - 14-18 Havelock street, Wodonga - 20 unit development and subdivision. The nature of the interest is that Cr Bennett’s family live in the immediate area.

   Cr Hall disclosed a conflict of interest, being an indirect interest due to impact on residential amenity (section 78E of the Local Government Act, 1989), for item 16.2 - 115 Kinchington Road, Leneva - Requests to vary existing section 173 agreement. The nature of the interest is that Cr Hall owns two blocks of land in Kinchington Estate.

   Cr Mildren disclosed a conflict of interest, being an indirect interest because of conflicting duty (section 78B of the Local Government Act, 1989), for item 12.1 - Petition - parking restrictions in Church Street. The nature of the interest is that Cr Mildren’s business has been engaged by at least one of the businesses at Junction Place connected to the proposed motion.

   Cr Mildren disclosed a conflict of interest, being an indirect interest because of conflicting duty (section 78B of the Local Government Act, 1989), for item 16.2 - 115 Kinchington Road, Leneva - Requests to vary existing section 173 agreement. The nature of the interest is that Cr Mildren’s business has previously worked for the applicants in respect to the variation to the section 173 agreement.
Cr Speedie disclosed a conflict of interest, being an indirect interest by close association (section 78 of the Local Government Act, 1989), for item 16.2 - 115 Kinchington Road, Leneva - Requests to vary existing section 173 agreement. The nature of the interest is that Cr Speedie’s previous partner has a section 173 agreement that would be impacted.

6. Confirmation of minutes of previous meeting

<table>
<thead>
<tr>
<th>Recommendation</th>
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</thead>
<tbody>
<tr>
<td>That the minutes of the ordinary meeting of council held on January 21, 2019, as circulated, be confirmed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Motion</th>
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<tbody>
<tr>
<td>Crs Kat Bennett / Danny Lowe</td>
</tr>
<tr>
<td>That the recommendation be adopted.</td>
</tr>
</tbody>
</table>

Carried

7. Delegates reports

Nil

8. Officers reports for determination

8.1 Processes and procedures at Council meetings and councillor briefings
8.2 Use of council land for a circus with exotic animals
8.3 Albury Wodonga Aquatics Advisory Committee

9. Officers reports for noting

Nil

10. Officers reports for information

10.1 Finance Report for January 2019
10.2 Planning Report for January 2019
10.3 Building report for January 2019
10.4 Competitive Services Report for January 2019
11. Notices of motion

Nil

12. Petitions

12.1 Petition - parking restrictions in Church Street

13. Council seal

Nil

14. Urgent business

15. Question time

16. Confidential business

16.1 Confirmation of confidential minutes of January 21, 2019

16.2 115 Kinchington Road, Leneva - Requests to vary existing section 173 agreement

17. Confidential urgent business

18. 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>Brief, non-hazardous, or contained temporary pollution</td>
<td>Residual pollution requiring cleanup</td>
<td>Significant harm to the environment requiring restorative work</td>
<td>Inversible damage to the environment</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 a 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</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>Limited political/community sensitivity</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 law with potential for minor damage or monetary penalty.</td>
<td>Major compliance breach with potential exposure to large damages or awards.</td>
<td>Sancious compliance breach with potential prosecution with maximum penalty imposed.</td>
</tr>
</tbody>
</table>

**Consequence**

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Almost Certain (A)</th>
<th>Likely (B)</th>
<th>Possible (C)</th>
<th>Unlikely (D)</th>
<th>Rare (E)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Environment</strong></td>
<td></td>
<td></td>
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</tbody>
</table>

**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
Verbal report from Cr Kat Bennett

Council’s representative on the Goulburn Broken Greenhouse Alliance, Cr Bennett advised that the Alliance was continuing to support member councils with initiatives to reduce energy and greenhouse emissions. In this respect members councils had agreed to approach the State Government for funding for energy efficient lighting. Cr Bennett would write on behalf of Wodonga Council to seek the funding.

Reported for the information of council.
Purpose of report

To further discuss how the council conducts its processes and procedures at both Council meetings and councillor briefings, and to confirm the timeline for the review of the Meeting Procedure Local Law (the Local Law).

Background

At its meeting of July 16, 2018 the council resolved that:

1. The CEO and councillors conduct a comprehensive review of how the council conducts its processes and procedures at both council meetings and councillor briefings to improve their transparency, efficiency and effectiveness for informing the community;

2. The review include consideration of:
   a. A draft policy for councillor briefings;
   b. The provision of all information, including timeframes, to councillors and the public;
   c. Models of debate permitted under the Meeting Procedure Local Law;
   d. Best practice within the local government sector to make council more transparent with its practices at council meetings and councillor briefings, including options for public participation; and
   e. A timeline for either the adoption of a new Meeting Procedure Local Law under the Local Government Act 1989 (the Act), or adoption of a Governance Rule as prescribed by the Local Government Bill 2018 and which is currently before State Parliament; and

An interim report was provided in November 2018, where council determined that a report be submitted to the February council meeting, and which is also to commence the adoption of a new Local Law.

As a part of the review the Municipal Association of Victoria (MAV) conducted an all day workshop in Wodonga on Monday, November 26. The workshop was attended by all councillors and addressed:

- Meeting procedure and debate in the Chamber;
- Councillor Code of Conduct; and
- Best practice decision-making.

Best practice review

In December 2016 the Victorian Ombudsman published a report *Investigation into the transparency of local government decision making*. The findings from the
Ombudsman’s investigation have been used in this report to formulate a best practice model for council to consider.

While council is compliant with many of the transparency indicators in the Ombudsman’s report there are nonetheless several opportunities for improvement. These are highlighted in attachment A, and are the basis for the officer recommendations.

It is also noted that the Local Government Bill 2018 proposed the adoption of a Public Transparency Policy, incorporating public transparency principles. Please note that this Bill has now lapsed, however it is expected to be reintroduced into parliament in the coming months.

This officer report on how the council conducts its processes and procedures at both Council meetings and councillor briefings is timely as it audits existing practices and identifies opportunities for improvement which will be valuable for any future Public Transparency Policy.

**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**

An objective under section 3c of the Local Government Act is “to ensure transparency and accountability in Council decision making”. This legislative requirement, together with the strategic objective under the Council Plan, emphasises the importance of examining processes and procedures at council meetings and councillor briefings.

The goals of transparency, efficiency and effectiveness for informing the community are dependent upon the Local Law, community engagement policies, and councillors commitment to the Councillor Code of Conduct.

**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>Processes and procedures are not reviewed regularly.</td>
<td>2</td>
<td>D</td>
<td>S</td>
<td>Determine processes and practices that will improve transparency, efficiency and effectiveness for informing the community.</td>
</tr>
</tbody>
</table>
Ordinary meeting – February 18, 2019

8.1 - Processes and procedures at Council meetings and councillor briefings (cont’d)

Financial implications
It is expected that any costs associated with a change to processes and procedures would be manageable within the current approved budget.

Environmental implications
There are no environmental implications associated with this report.

Social / cultural implications
A commitment to review and improve council transparency should provide positive social and cultural outcomes.

Legislative implications
This report has been written to ensure compliance with current legislative provisions, being the Local Government Act 1989 and Regulations, and the Meeting Procedure Local Law.

It has also taken account of the Local Government Bill 2018, and the 2016 Victorian Ombudsman report, Investigation into the transparency of local government decision making.

The Councillor Code of Conduct is also a very important component of how council meetings and councillor briefings are conducted.

Community engagement and internal consultation
The development of a new Local Law in 2019 is subject to community consultation.

Options for consideration

1. Option one

A series of recommendations have been developed which assess current council practice against the 2016 Victorian Ombudsman report, Investigation into the transparency of local government decision making.

Recommendation A
That a new Meeting Procedure Local Law be developed, discussed at councillor briefings in February and March, and presented to the March council meeting for public exhibition, and gazetted by no later than June 30, 2019.

Recommendation B
That:
• Councillor briefing papers be provided to councillors at least four days before the councillor briefing;
8.1 - Processes and procedures at Council meetings and councillor briefings (cont’d)

- The agenda for ordinary council meetings be issued to councillors and the public at least five days in advance; and
- The agenda for special council meetings be issued to councillors and the public at least five days in advance, unless urgent circumstances apply, in which case the agenda should be provided as soon as possible.

Recommendation C
That the questions and answers from public question time at ordinary council meetings be listed in a separate link on council’s web page.

Recommendation D
That information about the processes and procedures with council meetings and decision making at council be included in the council’s web page.

Recommendation E
That the ‘in camera’ part of council meetings be audio recorded.

Recommendation F
That the subject matter listed in the council meeting agenda for confidential items include sufficient information about the item so that the community is aware of the subject and type of issue being discussed.

Recommendation G
That confidential resolutions include a timeline for the public release of the council decision and associated officer report, or a date or event which will ‘sunset’ confidentiality of the information.

Recommendation H
That the Councillor Briefing Policy, as attached, be adopted.

Recommendation I
That the Staff Delegation Guidelines be reviewed on each occasion that the delegations are updated, to ensure maximum transparency with staff delegated decisions.

2. Option two
The council is committed to conducting a review of its practices and procedures. It could determine to amend any or all of the above officer recommendations.

Conclusion
This report follows the decision by council to conduct a review of its processes and procedures at both Council meetings and councillor briefings. It has considered the Ombudsman’s report as the basis for improving processes and procedures at council meetings and councillor briefings. Finally, the report recommends a timeline for the adoption of a new Local Law.
Ordinary meeting – February 18, 2019

Officers reports for determination

Business Services

8.1 - Processes and procedures at Council meetings and councillor briefings (cont’d)

Attachments

The following documents are attached to this report:
- Attachment A: Assessment of council practice against Ombudsman's recommendations
- Attachment B: Councillor Briefing Policy

Tabled papers

Nil

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.

Director Business Services - Narelle Klein
In providing this advice, I have no interests to disclose in this report.

Manager Governance and Customer Focus - Spencer Rich
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.

Recommendation A
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Recommendation B
That:
- Councillor briefing papers be provided to councillors at least four days before the councillor briefing;
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### Motion
Crs Kat Bennett / John Watson

a) That a new Meeting Procedure Local Law be developed, discussed at councillor briefings in February and March, and presented to the March council meeting for public exhibition, and gazetted by no later than June 30, 2019.

b) That:
   - Councillor briefing papers be provided to councillors at least four days before the councillor briefing;
   - The agenda for ordinary council meetings be issued to councillors and the public at least five days in advance; and
   - The agenda for special council meetings be issued to councillors and the public at least five days in advance, unless urgent circumstances apply, in which case the agenda should be provided as soon as possible.

c) That the questions and answers from public question time at ordinary council meetings be listed in a separate link on council’s web page.

d) That information about the processes and procedures with council meetings and decision making at council be included in the council’s web page.
8.1 - Processes and procedures at Council meetings and councillor briefings (cont’d)

e) That the ‘in camera’ part of council meetings be audio recorded.

f) That the subject matter listed in the council meeting agenda for confidential items include sufficient information about the item so that the community is aware of the subject and type of issue being discussed.

g) That confidential resolutions include a timeline for the public release of the council decision and associated officer report, or a date or event which will ‘sunset’ confidentiality of the information.

h) That the Councillor Briefing Policy, as attached, be adopted.

i) That the Staff Delegation Guidelines be reviewed on each occasion that the delegations are updated, to ensure maximum transparency with staff delegated decisions.

j) That officers investigate the display of agenda information, including motions, on a TV screen for viewing by the public gallery, and subject to 2018-2019 budget constraints, the CEO be authorised to implement it as appropriate.

Carried
**Ordinary meeting – February 18, 2019**

**8 - Officers reports for determination**

**Item 8.1 - Attachment A**

**Transparency in local government - best practice indicators**

**Source:** Victorian Ombudsman Investigation into the transparency of local government decision making – Dec. 2016

**Recommendations to councils (p. 149)**

<table>
<thead>
<tr>
<th>Recommendations for councils</th>
<th>Officer comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review governance and meeting procedure local laws to ensure consistency with the requirements of the Local Government Act.</td>
<td>Council’s Meeting Procedure Local Law complies with the requirements of the Local Government Act (the Act). To comply with the Act the Local Law regulates proceedings and administration at Council meetings; provides for the election of the Mayor; and regulates the use of the common seal. In addition, Council’s Local Law provides an opportunity for members of the public to ask questions. The Meeting Procedure Local Law expires in June 2019. <strong>Recommendation A</strong> That a new Meeting Procedure Local Law be drafted, placed on public exhibition, and gazetted by no later than June 30, 2019.</td>
</tr>
<tr>
<td>Review special committees to determine their level of compliance with the requirements of the Local Government Act and whether the special committee structure is fit for the committee’s purpose.</td>
<td>Not applicable as council does not have any special committees.</td>
</tr>
<tr>
<td>Maintain an up to date special committee page on their website listing all special committees, with links to their delegations, meeting notices, minutes of meetings and any other relevant materials.</td>
<td>Not applicable as council does not have any special committees.</td>
</tr>
</tbody>
</table>
## Best practice transparency indicators – Victorian Ombudsman

**Source:** Victorian Ombudsman Investigation into the transparency of local government decision making – Dec. 2016

What does a transparent council look like? (pp. 150-151)

<table>
<thead>
<tr>
<th>Ombudsman’s list for a transparent council</th>
<th>Officer comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>A transparent council provides meeting agendas to the public and councillors at least five days in advance of an ordinary meeting (longer if agenda papers particularly complex).</td>
<td>Does not comply. Current practice is four days in advance for councillor briefings and three days in advance for council meetings. It is recommended that there be no change to the councillor briefing timeline but that the period for council meeting be five days.</td>
</tr>
</tbody>
</table>

**Recommendation B**

That:
- Councillor briefing papers be provided to councillors at least four days before the councillor briefing;
- The agenda for ordinary council meetings be issued to councillors and the public at least five days in advance; and
- The agenda for special council meetings be issued to councillors and the public at least five days in advance, unless urgent circumstances apply, in which case the agenda should be provided as soon as possible.

<p>| | |</p>
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</table>
| A transparent council advertises meetings a variety of ways, including prominent display on the website, social media and newspapers. Links to agenda or key matters to be decided at a meeting should be included with the post, to catch the interest of the public. | • Complies with advertising requirements. Meetings are advertised in the Border Mail, CityLife, and across various social media platforms.  
• Partially complies – there has been an inconsistent approach with providing agenda links. In future council will consistently link to the agenda and key matters. |

<p>| | |</p>
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<thead>
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<tbody>
<tr>
<td>A transparent council live streams its council meetings and provides access to the recordings of meetings on its website after the meeting.</td>
<td>Complies.</td>
</tr>
</tbody>
</table>
### Ombudsman’s list for a transparent council

<table>
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</thead>
<tbody>
<tr>
<td>A transparent council engages with the community to find out what type of meeting participation processes will suit its needs and implements these (balanced with efficiency).</td>
<td>Council will comply with this requirement in developing a new <em>Meeting Procedure Local Law.</em></td>
</tr>
</tbody>
</table>
| A transparent council engages in debate during meetings which assists the public in understanding the reasons for council decisions. | Complies. Councillors attended an all day workshop in Wodonga run by the MAV which provided training in:  
- Meeting procedure and debate in the Chamber;  
- Councillor Code of Conduct; and  
- Best practice decision-making.                                                                 |
| A transparent council records public questions and answers in minutes of meetings.                          | Partially complies. Questions are listed by topic, but not detailed in full. A response is not included in the minutes. Inserting the questions and responses in the minutes could delay the release of the draft minutes. An alternative would be to place the information on the website, with a link through from the Minutes page.  
**Recommendation C**  
That the questions and answers from public question time at ordinary council meetings be listed in a separate link on council’s web page. |
<p>| A transparent council does not vote en bloc.                                                                | Complies.                                                                                                                                          |
| A transparent council promptly creates media releases for website and social media summarising key decisions made at each council meeting and providing links to relevant records. | Complies.                                                                                                                                          |</p>
<table>
<thead>
<tr>
<th><strong>Ombudsman’s list for a transparent council</strong></th>
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</tr>
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</table>
| A transparent council has local laws in place with respect to meeting procedures which are consistent with the Local Government Act and provides additional guidance to staff, councillors and members of the public on meeting procedures. | Complies.  
- The council’s Meeting Procedure Local Law expires on June 30, 2019. A new Meeting Procedure Local Law will be adopted in 2019 – refer recommendation A.  
- Training has been provided to councillors in accordance as outlined above.  
Council’s web page has recently been upgraded with additional information about its processes and procedures at council meetings.  
- **Recommendation D**  
  That information about the processes and procedures with council meetings and decision making at council be included in the council’s web page. |
| A transparent council provides a list of specific items proposed to be discussed in closed session in the publically available meeting agenda. | Complies. Council includes in the agenda sufficient report titling of the confidential item so that the community is aware of the subject or type of issue being discussed. |
| A transparent council critically considers every meeting closure to discuss a particular item, with a view to minimising the number of matters dealt with in closed meetings. | Complies. Council only closes a meeting if the Council is discussing a matter that is specifically referred to in section 89 (2) (a) – (i) of the Act. Any other matter is considered in open Council. |
| A transparent council considers public interests and any harms that may be caused by discussing a matter in public when deciding whether to close a meeting. | Complies. Council only closes a meeting if they are discussing a matter that is specifically referred to in section 89 (2) (a) – (i) of the Act. For example, Council would not discuss matters in open Council that relate to personnel matters; personal hardship of a resident or ratepayer or any matter that may prejudice the Council or any person. |
| A transparent council does not give consideration to matters such as embarrassment or reputational damage to council when deciding whether to close a meeting. | Complies. Council only closes a meeting if they are discussing a matter that is specifically referred to in section 89 (2) (a) – (i) of the Act. Personal embarrassment or reputational damage are not matters listed in the Act as reasons to close a meeting. |
## Ombudsman’s list for a transparent council

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>A transparent council deals with closed meeting items in the same meeting as open meeting items (rather than at a different location/time).</td>
</tr>
<tr>
<td>A transparent council audio records closed meetings. Reasons given by Ombudsman: • assisting with the preparation of minutes • creating records available to external oversight agencies and councillors • encouraging the same level of professionalism to be adopted in closed, as in open, meetings.</td>
</tr>
<tr>
<td>A transparent council provides detailed reasons for closure of a meeting in the public minutes of the meeting, including: • reference to the specific provision of section 89(2) relied on in relation to each item • reasoning as to why the closure of the meeting was appropriate which goes beyond subject matter alone.</td>
</tr>
<tr>
<td>Releases all information possible from each closed item immediately after closed meeting. Where this is not possible, specifies a date or event which will ‘sunset’ confidentiality of the information.</td>
</tr>
<tr>
<td>Ombudsman’s list for a transparent council</td>
</tr>
<tr>
<td>------------------------------------------</td>
</tr>
<tr>
<td>A transparent council has policies in place to deter councillors from reaching agreements outside council meetings or allowing non-transparent influences to impact their decision making.</td>
</tr>
<tr>
<td>A transparent council provides training to councillors to assist them in understanding the importance of not reaching agreements outside council meetings or allowing non-transparent influences to impact their decision making.</td>
</tr>
<tr>
<td>A transparent council assists councillors to understand that they must act in the best interests of the whole municipality, not just their ward.</td>
</tr>
<tr>
<td>A transparent council discourages factions and bloc voting, potentially through audio-visual recording of meetings.</td>
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<tr>
<td>A transparent council is where officers provide frank and fearless advice and do not seek inappropriate direction from councillors to guide advice and recommendations in officer reports.</td>
</tr>
<tr>
<td>A transparent council provides a list of advisory committees and members on its website.</td>
</tr>
<tr>
<td>A transparent council has policies in place requiring all advisory committee members to declare and record conflicts.</td>
</tr>
<tr>
<td>A transparent council makes its register of delegations available on its website.</td>
</tr>
</tbody>
</table>
## Ombudsman’s list for a transparent council

<table>
<thead>
<tr>
<th>Ombudsman’s list for a transparent council</th>
<th>Officer comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>A transparent council regularly gives consideration and implements practices to maximise transparency around staff delegated decisions.</td>
<td>Complies. The CEO reports to monthly council meetings on delegates decisions with respect to planning, building and competitive services. A monthly report is also provided with respect to finance and each quarter a report is provided measuring performance against the Council Plan.</td>
</tr>
<tr>
<td>A transparent council has an up to date list of special committees and membership on its website with links to meeting notices, minutes and other relevant documents.</td>
<td>Not applicable as council does not have any special committees.</td>
</tr>
<tr>
<td>A transparent council provides contact, training, support and guidance materials to special committee members to assist them in understanding and keeping up with legislative governance requirements.</td>
<td>Not applicable as council does not have any special committees.</td>
</tr>
<tr>
<td>A transparent council ensures all special committees are maintaining compliance with legislative transparency requirements.</td>
<td>Not applicable as council does not have any special committees.</td>
</tr>
<tr>
<td>A transparent council regularly reviews its special committees to ensure special committee structure is still appropriate for each committee.</td>
<td>Not applicable as council does not have any special committees.</td>
</tr>
</tbody>
</table>

**Recommendation I**

That the *Staff Delegation Guidelines* be reviewed on each occasion that the delegations are updated, to ensure maximum transparency with staff delegated decisions.
Councillor Briefing Policy

1. Purpose

The purpose of this policy is to provide a clear process for the operation of councillor briefings.

2. Scope

2.1 The policy applies to:

   2.1.1 All councillors, and operates in conjunction with Council's Councillor Code of Conduct; and

   2.1.2 Council staff who attend a councillor briefing, and operates in conjunction with Council's Staff Code of Conduct.

The policy is to be applied during all councillor briefings.

3. Legislative framework

Assembly of councillors

3.1 Where a majority of councillors and at least one staff member are present, a councillor briefing may constitute an 'assembly of councillors' under the Local Government Act 1989 (the Act) and, as such, councillors may be bound by the relevant provisions of the Act.

Conflicts of interest and confidential information

3.2 Without limiting the generality of paragraph 3.1 above, councillors must:

   3.2.1 Disclose any conflict of interest in a matter before the councillor briefing and leave the councillor briefing, in accordance with section 80A(3) and (4) of the Act; and

   3.2.2 Respect and maintain the confidentiality of any confidential information (as designated under section 77 of the Act) before and after a councillor briefing.

4. Policy

4.1 Attendance

Councillor briefings are open to all councillors on a voluntary basis.

Generally, the Chief Executive Officer (CEO), directors and any other members of Council staff who may be required due to their involvement in a matter which is listed on the agenda will attend.
Persons external to the Council may be invited to attend from time to time. Their attendance will be noted on the agenda for the relevant councillor briefing.

4.2 Administration

Councillor briefings will be scheduled by the CEO as required. The CEO will determine the schedule in consultation with the Mayor and councillors.

The preferred time for briefings is on a Monday between 8.30am and 12noon.

The CEO will determine the agenda in consultation with the Mayor and councillors.

A copy of the agenda and any officer reports will be circulated to councillors at least four days prior to a briefing. Documents which require a significant amount of reading will be provided at least 10 days prior to a briefing.

Officer reports are not public documents and will not be published.

Where the councillor briefing constitutes an Assembly of Councillors a written record will be submitted to the next council meeting.

Minutes will not be taken at councillor briefings as no decisions are made. Officers may choose to take notes to assist with subsequent report writing.

4.3 Purpose

The purpose of councillor briefings is to provide:

- Councillors with information on matters coming to Council for resolution, and to allow them to request further information or additional research.

- Councillors with information about complex or controversial issues that will be dealt with by officers under the powers delegated by the Council.

- An opportunity for councillors and the CEO to discuss strategic issues, particularly with respect to political advocacy and business development.

- An opportunity for councillors to raise community issues, where it is not appropriate for these to be dealt with through the Council’s customer request system.

There are no formal decisions made at councillor briefings nor are they to be used to endorse the actions of staff.

Matters are listed on the agenda for discussion only and not for the purpose of debating or building consensus.

Any matter requiring a Council decision (i.e. those that are not to be dealt with by a member of Council staff with the appropriate delegated authority) will be presented to a meeting of the Council.
4.4 Conduct

Councillors will:

- Treat other councillors, members of Council staff and external persons invited to attend a councillor briefing with courtesy and respect at all times; and
- Adhere to the Councillor Code of Conduct, to the extent that its terms are relevant, and can be applied to councillor briefings.

Council staff will:

- Treat councillors, other members of Council staff and external persons invited to attend a councillor briefing with courtesy and respect at all times; and
- Adhere to the Staff Code of Conduct.

All discussion and questions are to be directed through the Chair.

4.5 Meeting procedure

Councillor briefings will be chaired by the Mayor, or in the absence of the Mayor, the Deputy Mayor or other councillor by agreement.

Councillor briefings are not subject to Council's Meeting Procedure Local Law.

This means that councillor briefings offer a less formal environment in which councillors can:

- Be provided with more detailed information about matters for determination without the time constraints that apply to an ordinary Council meeting;
- Ask more general questions of Council staff and others in relation to matters coming up for a Council decision; and
- Discuss matters with other councillors and Council staff without the formality associated with a Council meeting.

While councillor briefings are not subject to the Local Law, it is important that they are conducted in an orderly and timely fashion.

The Chair will:

- Ensure that the timeframes specified in the agenda are adhered to;
- Call on councillors, who indicate that they have a question, to ask it;
- Direct that questions or comments that are irrelevant to the matter being considered are to be disregarded;
8 - Officers reports for determination

Item 8.1 - Attachment B

- Direct that the councillor briefing move to the next item on the agenda;

- Ask that councillors refrain from behaviour that might contradict the Councillor Code of Conduct; and

- Reduce or extend the time allocated for agenda items, if he / she considers it appropriate to do so.

5. Attachments

Nil.

6. Related policies

Councillor Code of Conduct

Human Rights Policy

Privacy Policy

Staff Code of Conduct

7. Related legislation

Freedom of Information Act 1982

Local Government Act 1989

Meeting Procedures Local Law (no. 1 of 2009)

Privacy and Data Protection Act 2014

Public Records Act 1973

8. References

Nil.

9. Review

Council may review this policy at any time but unless otherwise requested at least every four years from date of adoption. Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy eg: typographical errors, a change to the name of a related policy, or a change to the name of legislation.
8.2 - Use of council land for a circus with exotic animals

Purpose

The purpose of this report is to respond to the rescission motion of Council dated November 22, 2018 as described below.

"That the resolution of the council meeting of 19 November 2018 – that council owned land not be available for hire by circuses and carnivals that involve the performance and display of exotic animals” – be rescinded.

That the CEO prepare a further report on the availability of council land for circuses and carnivals, the report to address:

1. Definitions of key terms, including but not limited to, circuses and carnivals, and exotic animals
2. The scope of council owned land and crown land that may be impacted by any hire restriction
3. Whether any restriction should involve the use of council land rather than hire of council land.

The report to be submitted no later than the February 2019 ordinary meeting of council."

Background

In Australia there remains only two circuses that have exotic animals as part of their display and acts. They are Lennon Brothers and Stardust Circuses which are operated by the same proprietor.

Wodonga Council granted a permit to ‘Lennon Bros Circus’ which has exotic animals (lions) for the use of council land on the Lincoln Causeway.

Animal welfare in these types of circuses has been raised as a concern and questions were asked whether Council should restrict access to public land for them to operate on. The matter was investigated with a report presented to Council in November 2018. That report provided advice on the following:

- Number of councils with a ban in Victoria;
- Number of councils without a ban in Victoria;
- Welfare legislation which details no legal action has been undertaken in regard to welfare issues;
- The need to develop policy if a ban is to be introduced which details the rationale for the policy;
- Defined the word “circus”. (This definition will need to be clearly detailed in the policy to prevent including other events not proposed to be affected, eg carnivals, petting shows, etc).
- Defined the words of “exotic animals”. (This definition will need to be clearly detailed in the policy to prevent including animals not proposed to be directly impacted or affected, eg horses, dogs etc).
- The possible implications set by precedent should a ban be introduced;
8.2 - Use of council land for a circus with exotic animals (cont’d)

- Possible movement of the circus onto private land, effectively negating the intent of the proposed ban;
- The retirement of the existing lions within the next five years.

This report addresses all three issues raised in the rescission motion and clarifies other relevant issues.

Comment

In direct response to the rescission motion, legal advice was obtained to ensure a detailed response is provided, including the likely legal implications and possible unintended consequences. This legal advice in attachment A forms the basis of this report.

Definitions

As noted in the attached legal advice, the safest way to ensure words are not misrepresented or that words or meanings are not accidently included, is to define them within a policy. The definitions provided in the legal advice meet this outcome and are as follows:

- **Carnival**
  A festival, often in tribute of a particular religious, historical or cultural figure, wherein amusements rides, stalls and entertainment are offered simultaneously and visitors walk around and choose their entertainment.

- **Circus**
  A mobile show performed by a group of professional entertainers such as jugglers, acrobats and clowns; often holding and exhibiting animals performing behaviours at the behest of human handlers/trainers for the entertainment and/or education of the public.

- **Domestic animals**
  Animals which have been tamed for many generations by man, so as to live, breed, depend on and thrive in human care such as dogs, cats (excluding hybrid cats), pigs, cattle, goats, horses, mules, sheep, rabbits, mice, rats, deer and camels.

- **Exotic animals**
  Animals that have not been domesticated by man for many generations. The RSPCA define exotic animals as a non-companion, wild species of animal that is non-native to Australia and has either been taken from its natural habitat or bred in captivity. These include, but are not limited to, big cats, elephants, bears and primates.

Legal means to ban the use of council land for certain activities

Currently Council’s local law does not stop the hosting of a circus with exotic animals on council land, nor is there a council policy regarding this in place. In order to prohibit the booking of council land for a circus, Council would need to either change the local law or adopt a policy stating that a circus with exotic
animals will not be allowed to operate on council land. In either circumstance, this would reference the rationale that supports the decision.

Local law requirements and implications

Amending council’s *Environment and Community Protection Local Law 2014* is subject to the provisions of the *Local Government Act 1989*, which details the process for changes. The Local Government Best Practice Guide for making Local Laws requires a Community Impact Statement, which is similar to a regulatory impact statement for planning decisions, and is listed as tabled document A. A formal consultation and display period of 28 days is required to ensure views of the whole community are sought. The current local law is due for review by June 23, 2024 and work will commence on that review during 2023, unless brought forward. Accordingly, it is not recommended that the local law be utilised for this issue.

Policy development

Council can adopt a policy to indicate to the community how it wishes to implement certain actions, usually at a strategic level, with the relevant detailed processes being placed into procedural guidelines. As advised by our legal counsel, this course of action is recommended should a ban be introduced.

Use or hire of land

The inclusion of the word “hire” complicates the issue as some parts of council land (e.g. part of the racecourse) may be available without a charge/hire. Should a ban be adopted, the use of the word “hire” is not supported as advised by our legal counsel. This course of action is recommended should a ban be introduced.

Scope of council and crown land which may be affected

Removing the word “hire” will simplify the areas of council and crown land likely to be affected. This would expand the breadth of a policy to all council land and crown land under council control. However, an unintended consequence of placing all council land under a ban, places any other activities involving animals at a greater risk, e.g. dog training on a sporting oval etc. Should a ban on exotic animals be an ultimate outcome, set parcels of council land and council controlled land, should be specified as being available for use by a circus. Then Council should declare those areas that any type of circus can perform on and then list those areas where a restriction, due to the type of animal, is in place. E.g. a circus may be suited to the showgrounds when Gateway Lakes is sold and/or developed, or may be deemed suitable for an oval in Baranduda, but not an oval in Wodonga central.

Animal Welfare Standards

Exotic animals are subjected to regular inspection by various State and Federal agencies to ensure compliance. No evidence can be found in Australia of any successful legal action being taken against a circus regarding their treatment of exotic animals. Whilst the RSCPA and others do not support the use of exotic animals in a circus setting due to constant travelling and confinement, any stance
taken by Council on welfare grounds is unlikely to be able to be sustained or supported.

Animal Rights

The Oxford Dictionary defines animal rights as “the rights of animals to live free from human exploitation and abuse.” This broad interpretation readily includes nearly every activity relating to the use of animals.

In view of the comments in the previous section regarding animal welfare, an alternate option may be to develop a policy based on animal rights, as animal welfare standards are being met by the circus. If Council determines to take a stance on animal rights, albeit at this stage only exotic animals, a precedent will have been set and thus other activities that include the use of animals will also (over time) be at risk.

What is occurring in other Victorian councils

Staff undertook a survey of all Victorian councils asking eight questions. Responses were received from 70 out of 78, a response rate of 90%. In short:

- 54 councils do not have a ban in place,
- 16 councils have a ban in place.

Adam St James of Lennon Brothers Circus advises that their circus with exotic animals currently visits numerous local government areas, see attachment C, in Victoria on a cyclic basis. In short:

- 27 regional and rural council areas, and
- 14 metropolitan and fringe council areas.

Community consultation

There has been no formal community consultation on this issue.

Council received three items of correspondence in relation to the most recent Lennon Brothers Circus visit to our area. All three writers did not support the proposed ban.

Following the rescission motion, Council received a letter from the RSPCA in support of a ban. This letter restates their opposition to circuses with exotic animals as previously reported to councillors and includes a comment that some 30 councils out of 546 in Australia, have a ban (ie 5.5%).

These comments re-enforce that this issue should be determined at a state government level for uniformity as it is beyond usual local government business.

Council staff are aware that Councillors have received emails and comments directly from the community, which have not been forwarded on to staff and have therefore not been commented upon.
Ordinary meeting – February 18, 2019

Officers reports for determination

8.2 - Use of council land for a circus with exotic animals (cont’d)

Council has not received a petition in any form. Council is, however, aware of an international web based lobby group that provides an online forum for representation on various issues, and via that medium, has seen an online petition started by a Wodonga resident which is in circulation requesting a ban. The veracity of this petition has not been tested, i.e. Council cannot verify whether the approximately 1,900 petitioners are residents of the Wodonga municipality. Further details are provided in attachment C. https://www.change.org/p/wodonga-council-help-end-circus-cruelty-towards-exotic-animals

With in-excess of 10,000 attendees at the most recent circus events in Wodonga, the local community has shown (in part) its support of the circus in its current form.

With the media coverage of the proposed ban there is another online petition on the same online forum, which was commenced by another Wodonga resident that is against the introduction of a ban. There are over 500 petitioners on that site requesting council to cease involvement in the issue. Further details are provided in attachment D. https://www.change.org/p/wodonga-council-wodonga-council-overturn-the-circus-ban-b7acfa9d-0c72-436c-abef-cd8e112e1450

Legislative implications

There are no strict local government requirements in relation to this issue. As a landlord, Council can place certain controls on the use of its land, notwithstanding that national competition policy and fair trading rules apply (e.g. council should not place undue restraints or controls on legal activity, etc). There is also no legislative requirement for councils to take a formal stance on this issue.

Setting of a precedent

The introduction of a ban based on animal rights will set a precedent that will ultimately affect or impact on similar or like activity. This could include a drive to further control animal education shows, petting zoos and other forms of animal activity such as rodeos, horseracing, pony club etc.

Comment

The rescission motion means that council at this stage does not have any formal stance on exotic animals, similar to 54 other Victorian councils and 94.5% of councils across Australia. There is current precedent that the site on Lincoln Causeway can be used for a circus with exotic animals. Council can now review all the information provided to determine if a policy on exotic animals is necessary. In summary:

- There have been no external formal requests made to council to introduce a ban on exotic animals on council land;
- There is no petition (as defined by the Local Government Act 1989) before council;
8.2 - Use of council land for a circus with exotic animals (cont’d)

- There is a web based petition to Wodonga Council and Premier Daniel Andrews with over 500 petitioners requesting council to overturn the circus ban;
- There is a web based petition to Wodonga Council with over 1,900 petitioners requesting council to help end circus cruelty towards exotic animals;
- Neither web based petition referred to above can be verified as to whether the petitioners are residents of the Wodonga Council municipality or over the age of 18 as required by Councils formal petition requirements;
- Community attendance at the circus in its current form increased at the last visit to over 10,000 people;
- Any stance taken by Council on animal welfare grounds is unlikely to be able to be legally sustained or supported if challenged in a Court;
- Adoption of a policy on animal rights grounds will set a precedent which is likely to ultimately affect other animal activities such as petting zoos, rodeos and the like;
- Amending the local law is not an easy way to deal with a proposed ban;
- Suitable policy wording and definitions can be selected to avoid misrepresentation;
- Developing a formal policy requires a full community consultation process; and
- There is no legislative requirement for councils to take a formal stance on this issue.

In view of the above summary, three options are presented.

Options

Option one - Do nothing, the Status Quo remains.
Note the contents of the report and do not introduce new controls.

Option two – Request officers to include proposed amendments to the Local Law during the next formal review of the Local Law. This timeframe can be brought forward if necessary and will involve a community consultation phase to ensure the views of the community are sought.

Option three – Pursue the development of a formal policy to ban the use of council land for a circus that involves the performance and/or display of exotic animals. This will require a community consultation phase to ensure the views of the community are sought.

Conclusion

The above report addresses the issues listed in the rescission motion. As noted, the rescission motion means that council at this stage does not have any formal stance on exotic animals, similar to over 500 councils in Australia.

Definitions for the key terms such as circus, carnival, domestic animals and exotic animals, as provided above can be agreed upon if defined in a formal policy to avoid unintended consequences. The use of the word “hire” of land is not
Ordinary meeting – February 18, 2019

Officers reports for determination

Business Services

8.2 - Use of council land for a circus with exotic animals (cont’d)

recommended as it is too limiting. A policy should detail sites where a circus can attend and furthermore, list sites with a restriction, e.g. bans on exotic animals.

Should Council wish to implement a ban, our legal advice is that suitable wording should be incorporated in a draft council policy document for public exhibition as part of the usual formal community consultation phase.

However, whilst the RSCPA and others do not support the use of exotic animals in a circus setting due to constant travelling and confinement, any stance taken by Council on animal welfare grounds is unlikely to be able to be sustained if legally challenged due to the lack of evidence or prosecutions. Any stance taken would therefore need to be on animal rights grounds, which would set a new precedent and be very likely to result in future, pressure being applied to other activities that involve the use of animals.

Accordingly, it is recommended that restrictions on the use of council land for a circus not be pursued.

Attachments

The following documents are attached to this report:
- Attachment A: Legal advice by Kell Moore
- Attachment B: Circus sites in Victoria
- Attachment C: Local petition asking to end circus cruelty towards exotic animals
- Attachment D: Local petition against the introduction of a ban

Tabled papers

The following documents will be tabled at the meeting:
- Document A: Guidelines for Local Laws

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.

Director Business Services - Narelle Klein
In providing this advice, I have no interests to disclose in this report.

Manager Environment and Community Protection - Mark Verbaken
In providing this advice as the report author, I have no interests to disclose in this report.
8.2 - Use of council land for a circus with exotic animals (cont’d)

<table>
<thead>
<tr>
<th>Recommendation</th>
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<tr>
<td>That the status quo remain, namely that council does not introduce policy to restrict circus activity on council land.</td>
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<tr>
<th>Motion</th>
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<tr>
<td>Crs Brian Mitchell / John Watson</td>
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<tr>
<td>That the status quo remain.</td>
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<tr>
<th>Division</th>
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<tbody>
<tr>
<td>A division was called for.</td>
</tr>
<tr>
<td>Councillors Hall, Mitchell, Watson and Mildren voted for the motion.</td>
</tr>
<tr>
<td>Councillors Bennett, Speedie and Lowe voted against the motion.</td>
</tr>
</tbody>
</table>
20 December 2018

Attention: Mr M Verbaken
City of Wodonga
PO Box 923
WODONGA, VIC 3689

By Email only: mverbaken@wodonga.vic.gov.au

Dear Sir

Use of Council Land for Circus

We refer to your instructions received by email transmission on 17 December 2018 and your attendance upon the writer on 18 December 2018.

1. Background and Instructions

1.1 At the Council meeting held on 16 July 2018, the following resolution was passed by Council:

"1. That council officers prepare a report that provides policy options for the use of Council owned land for the performance and display of exotic animals in circuses and carnivals.

2. The scope of this piece of work:

a) Only applies to circuses and carnivals requesting permission to operate on council owned land and does not apply to circuses operating on privately owned land; and

b) Does not apply to mobile petting farms or mobile animal rides such as pony rides."

1.2 We have been provided with a copy of your Officer’s Report presented to the Council meeting on 19 November 2018.

1.3 Council passed a resolution on 19 November 2018 as follows:

“That council owned land not be available for hire by circuses and carnivals that involve the performance and display of exotic animals.”

1.4 Subsequent to the passing of the above resolution, a rescission motion was passed by Council as follows:
20 December, 2018

"That the resolution of the council meeting of 19 November 2018 – “that council owned land not be available for hire by circuses and carnivals that involve the performance and display of exotic animals” – be rescinded.

That the CEO prepare a further report on the availability of council land for circuses and carnivals, the report to address:

1. Definitions of key terms, including but not limited to, circuses and carnivals, and exotic animals

2. The scope of council owned land and crown land that may be impacted by any hire restriction

3. Whether any restriction should involve the use of council land rather than hire of council land

The report to be submitted no later than the February 2019 ordinary meeting of council."

2. Instructions

2.1 You have instructed us to advise Council in relation to points 1 to 3 in the above resolution.

3. Preliminary Observation

3.1 Prior to responding to points 1 to 3 above, we make the preliminary observation that the resolution passed on 19 November 2018 was in its drafting likely to lead to confusion and subjective interpretation. Accordingly, we concur with the approach taken by Council to rescind that motion and reconsider its options.

4. Response to points 1 to 3

4.1 (1) Definitions of key terms, including but not limited to, circuses and carnivals, and exotic animals

In order to assist the CEO in the preparation of a further report on the availability of Council land for circuses and carnivals, we note that it is difficult to provide a definitive opinion in relation to the key definitions, the subject of the report.

The Officer’s Report presented to the meeting on 19 November 2018 relied upon Wikipedia for its definitions. With respect to the authors of the report, Wikipedia is easily amended or adapted by users of the internet and in those circumstances is not a reliable or recognised resource.

Whilst the adoption of dictionary definitions is another approach commonly utilised in circumstances such as this, it is often the case that subtle differences in dictionary definitions can also lead to unintended consequences.
We have also considered the Interpretation of Legislation Act 1984 in accordance with your email instructions. This legislation does not provide any assistance to the present scenario.

In our view, the most appropriate solution is for Council to create its own definitions of the key terms and document same in an adopted policy.

Whilst guidance may be taken from existing recognised dictionaries and/or other resources (for example, existing policies utilised by other councils), ultimately by adopting definitions within a policy Council is eliminating subjective interpretation and future arguments that may arise in relation to the intent of the resolution.

Whilst not prescribed in the Local Government Act or its regulations, it is common practice that the introduction of a Council adopted policy should first be exhibited to the public. In most instances, this is for a minimum 28 day period to enable reasonable time for the public to comment on the introduction of a policy. We note that exhibition of draft policies is considered to be good practice in the interests of both transparency and probity. In the present instance, we recommend that Council adopt this approach, rather than merely relying upon a resolution of Council and the creation of ‘policy on the run’.

4.2 (2) The scope of Council owned land and Crown Land that may be impacted by any hire restriction

We consider this question is best dealt with by Council staff within its further report to Council, however, it would be our recommendation that the policy extend to “the use of any Council owned land or any land under the control or management of Council.”

4.3 (3) Whether any restriction should involve the use of Council land rather than hire of Council land

In our view, limiting the scope of any restriction to the “hiring” of Council owned land or any land under the control or management of Council is likely to lead to confusion and provide a loop hole for subsequent parties or individuals to manipulate the intention of Council.

Accordingly, we recommend that any policy refer to the term “use” as opposed to the more narrow term of “hiring”.

5. Further Observations

5.1 As Council staff are aware, there are numerous online policy precedents created by other councils across Australia that achieve the intent of Council’s resolution of 19 November 2018. Based upon the versions that we have reviewed to date, we note that the Canterbury Bankstown Council policy is one of the more recent and appropriate policies to review. We note that it is obviously based upon NSW legislation and references, however, the definitions contained within that policy are well drafted to suit this scenario (as opposed to extracting more generic definitions from a dictionary).

5.2 Specifically, the key terms of carnival, circus, domestic animals and exotica animals are all covered in the policy. For your convenience, we note the definitions are as follows:
“Carnival”

A festival, often in tribute of a particular religious, historical or cultural figure, wherein amusement rides, stalls and entertainment are offered simultaneously and visitors walk around and choose their entertainment.

Circus

A mobile show performed by a group of professional entertainers such as jugglers, acrobats and clowns; often holding and exhibiting animals performing behaviours at the behest of human handlers/trainers for the entertainment and/or education of the public.

Domestic animals

Animals which have been tamed for many generations by man, so as to live, breed, depend on and thrive in human care such as dogs, cats (excluding hybrid cats), pigs, cattle, goats, horses, males, sheep, rabbits, mice, rats, deer and camels.

Exotic animals

Animals that have not been domesticated by man for many generations. The RSPCA define exotic animals as a non-companion, wild species of animal that is non-native to Australia and has either been taken from its natural habitat or bred in captivity. These include, but are not limited to, big cats, elephants, bears and primates.”

5.3 In the event that the further report presented to the Councillors results in the Councillors agreeing to the preparation of a policy, we would be happy to assist you in the preparation of the policy and/or the settling of a policy prepared by Council staff to ensure there are no unforeseen implications arising from the adoption of the policy.

5.4 We note that the introduction of a policy will not in its own right limit a circus from acting within the municipality. As is clearly understood by Council, there is nothing to restrain the operators of the circus from dealing directly with private land holders, subject to appropriate permits being in place.

5.5 We have not been asked to advise in relation to any options relating to the adoption or amendment of existing local laws, but note that this alternative would also require public consultation and government gazetted if it was to be considered as an alternate option.

If you require any further advice or clarification of the above advice, please contact the writer.

Yours faithfully

KELL MOORE

Per:

Matthew Rogers
Principal
Acc. Spec in Local Govt and Planning
Email: mrogers@kellmoore.com.au
The circus operates in 41 local government areas (LGAs) in Victoria as listed below:

**Melbourne Metro**

Altona (City of Hobsons Bay)
Mooroolbark (Shire of Yarra Ranges)
Bayswater & Stud Park (City of Knox)
Cranbourne & Fountain Gate (City of Casey)
Deer Park, Watergardens & Sunshine (City of Brimbank)
Roxburgh Park, Broadmeadows, Sunbury & Craigieburn (City of Hume)
Greensborough (City of Banyule)
Dingley & Patterson Lakes (City of Kingston)
Plenty Valley (City of Whittlesea)
Williams Landing, Point Cook & Tarneit (City of Wyndham)
Melton (City of Melton)
Geelong & Lara (City of Greater Geelong)
Pakenham (Shire of Cardinia)
Bacchus Marsh (Moorabool Shire Council) \{14 LGAs\}

**Victorian Country**

Phillip Island & Wonthaggi (Bass Coast Shire)
Warragul (Baw Baw Shire Council)
Morwell & Moe (Latrobe City Council)
Wodonga (City of Wodonga)
Bendigo (City of Bendigo)
Ballarat (City of Ballarat)
Shepparton (Greater Shepparton City Council)
Wangaratta (Rural City of Wangaratta)
Mildura & Ouyen (Rural City of Mildura)
Swan Hill (Rural City of Swan Hill)
Echuca (City of Echuca)
Charlton (Buloke Shire Council)
Seymour (Rural City of Seymour)
Avoca (Pyrenees Shire Council)
Hamilton (Shire of Southern Grampians)
Stawell (Shire of Northern Grampians)
Horsham (Horsham Rural City Council)
Warracknabeal (Shire of Yarriambiack)
Kilmore (Shire of Mitchell)
Heywood & Portland (Shire of Glenelg)
Bairnsdale & Lakes Entrance (East Gippsland Shire Council)
Warrnambool (City of Warrnambool)
Sale (Wellington Shire Council)
Colac (Colac Otway Shire)
Yarrawonga (Moira Shire)
Kyabram (Campaspe Shire Council)
Leongatha (South Gippsland Shire) \{27 LGAs\}

**Total LGAs = 41**

Source - Adams St James, operator of Lennon Bros and Stardust Circuses.
Locally driven web based “petition”

Help End Circus Cruelty Towards Exotic Animals

Around the world, the plight of animals in circuses is increasingly heard. National, regional and local governments in at least 30 countries have already banned the use of exotic or all animals in circuses. An increasing number of Australian councils are taking part in this trend, but the Australian Federal and State Governments policies are failing these animals.

The requirements in the — mostly voluntary — guidelines for the keeping of animals in circuses in Australia are far below what is generally required for the same species kept in zoos and are totally inadequate to protect their welfare. Lions in New South Wales for example are granted an enclosure of at least 300 m² if they live in a zoo, in a circus they are only entitled to 6 hours a day in an ‘exercise area’ of 20 m². For the remaining 18 hours they can be locked away in beast wagons.

Despite claims to the contrary, trainers frequently use excessive and abusive training methods to establish and maintain the control necessary to make animals perform tricks. Although positive reinforcement is indeed part of a trainer’s repertoire, it is by no means his/her only tool, and is not enough to guarantee control of a four-ton elephant in the circus ring. Wild animals used in circuses are routinely subjected to months on the road confined to small, barren cages, often in extreme temperatures. This, of course, does not allow the animals to exhibit any natural or instinctual behaviour. After the show the animals are locked back in their small cages, barely able to turn around, and shipped to the next town.

We would like to see our local council in future participate in the boycott of circus that use exotic animals as part of their show.
Locally driven web based “petition”

Wodonga Council Overturn The Circus Ban

528 have signed. Let’s get to 1,000!

First name
Last name
Email
Wodonga, 3690
Australia

By signing, you accept Change.org’s Terms of Service and Privacy Policy, and agree to receive occasional emails about campaigns on Change.org. You can unsubscribe at any time.

Problem

Wodonga Council have banned circuses with animals from our town!
The councillors have stated, the ban wasn’t based on the issue of the animals welfare, (as they are well looked after), but based on the “overwhelming” number of residents who supported the ban. Over 12,000 residents voted with their feet, and brought a ticket to the circus last time it was in town, these “opinions” council voted on, have come from outside our town, even outside our state, with animal rights groups sharing the email addresses or
Ordinary meeting – February 18, 2019

8 - Officers reports for determination

Item 8.2 - Attachment D

**Problem**

Wodonga Council have banned circuses with animals from our town!

The councillors have stated, the ban wasn’t based on the issue of the animals welfare, (as they are well looked after), but based on the “overwhelming” number of residents who supported the ban. Over 12,000 residents voted with their feet, and brought a ticket to the circus last time it was in town, these “opinions” council voted on, have come from outside our town, even outside our state, with animal rights groups sharing the email addresses or councillors online across the country, begging supporters to pose as residents of wodonga, and email them asking for the ban.

Council have listened to an angry online lynch mob with an agenda to push, instead of the residents that pay their wages, AGAIN

WE HAVE BEEN UNFAIRLY REPRESENTED BY COUNCIL AGAIN. THESE VIEWS ARE NOT THE VIEW SHARED BY US RESIDENTS.

**Solution**

Council needs to lift the poorly put together, ban, they have rushed through their system, and allow the circuses to come to our small town again.

Council also needs to find new ways of collecting the opinions of residents, so it can more accurately represent us, and eliminate the potential of people outside our town, influencing our decisions.

**Personal story**

I have lived in wodonga for 22 years, I have attended the circus every time it has come. I hav eno doubt in my mind the animals are well cared for, as anyone that attended the show will agree.
8.3 - Albury Wodonga Aquatics Advisory Committee

Purpose of report

The purpose of this report is to present to the council information relating to an invitation from AlburyCity for Wodonga Council to be involved in the Albury Wodonga Aquatic Facility Advisory Committee.

Background

AlburyCity resolved the following at its meeting on October 29, 2018. That:

1. Their General Manager prepare a report for Council, with all possible alacrity on the proposal to have a single Cross Border Aquatic Facility Advisory Committee with a view to replacing the current Albury Aquatics Facilities Advisory Committee. This committee is to ideally include representation from each pool user group, elected Councillors from Albury and Wodonga and, if possible, a representative from Albury and Wodonga of casual pool users.

2. Regular meetings of Albury Aquatics Facilities Advisory Committee are to resume as soon as possible while the report in (1) is being prepared.

Following an investigation a report was presented at the AlburyCity council meeting on November 29, 2018, at the ordinary council meeting held on December 10, 2018 the following motion was carried:

a. Proceed with the establishment of a Cross Border Aquatics Facilities Advisory Committee including:
   - Adopting the Draft Terms of Reference for the Albury Wodonga Aquatics Facilities Advisory Committee;
   - Seek formal agreement from the City of Wodonga to be involved in the Committee; and,
   - Pending approval from the City of Wodonga, commence the process to appoint all committee members.

b. Formally thank the existing members of the Aquatics Facilities Advisory Committee for their time and effort.

Council Plan

<table>
<thead>
<tr>
<th>Strategic objective</th>
<th>Strategy areas</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improve the health and social outcomes for all people in Wodonga to create a healthy, safe, equitable and inclusive community</td>
<td>Being active</td>
<td>Engage and work with neighbouring councils and state sporting associations to increase regional sport and recreation planning</td>
</tr>
</tbody>
</table>
8.3 - Albury Wodonga Aquatics Advisory Committee (cont’d)

Council policy / strategy implications

The Two Cities One Community Action Plan identified two actions under goal 4.1 - *Regional priorities and cross-border issues are addressed by an integrated approach.*

1. Aquatic management – joint contract investigations;

In April 2018, AlburyCity and Wodonga Council committed to a joint management contract for the four aquatic facilities in Albury and Wodonga.

2. Investigating the establishment of a Regional Aquatic Facility.

This action is listed as a 2019-2020 action.

Cross border advisory committee

The proposed cross border ‘terms of reference’ point to the committee discussing policy, strategic and management matters relating to the aquatic facilities across the two cities.

There are currently formal contract meetings in place with the contractor to discuss *management* issues relating to the operations of the pool. Part of the contractor’s role is to meet with user groups to address any issues that may arise and to engage with users around future opportunities.

Wodonga Council has identified its *strategic* priorities relating to capital improvements for its aquatics facilities through the development and adoption of masterplans. This involved consultations with stakeholders and community during the development of these documents.

Investigating a Regional Aquatics facility is a key action between both councils through the Two Cities, One Community (2C1C) action plan. This is the forum for discussions to be held between both councils for a position to be determined on a *future joint aquatic facility and any future aquatic investment*, whether that be for new infrastructure or renewal. The extensive consultation processes, in addition to the analysis and feasibility undertaken by AlburyCity to date, can inform this discussion.

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>Committee becomes operational in nature</td>
<td>4</td>
<td>C</td>
<td>M</td>
<td>Ensure agenda items pertain to strategic matters</td>
</tr>
<tr>
<td>Expectations set by participating in the committee when the work has not been done that enables the two cities to determine their positions.</td>
<td>4</td>
<td>C</td>
<td>M</td>
<td>Undertake the action of investigating a regional aquatic facility through the 2C1C working group until a position is established between the two cities.</td>
</tr>
<tr>
<td>Unfavourable commentary surrounding decision</td>
<td>4</td>
<td>C</td>
<td>M</td>
<td>Prepare full communications plan outlining the decision and reasoning.</td>
</tr>
</tbody>
</table>
8.3 - Albury Wodonga Aquatics Advisory Committee (cont’d)

Financial implications

There are no direct costs anticipated in the establishment of the committee, which will be undertaken by AlburyCity. There would be councillor time and/or staff resources by way of attendance of meetings and following up any actions coming out of those meetings if the council decides to become an official member of the committee.

Environmental implications

There are no environmental implications associated with this committee.

Social / cultural implications

The council has appointed a contractor to manage its aquatic facilities and carry out the daily operations of these facilities. Any matters pertaining to the running of the facilities is the responsibility of the contractor in the first instance. Management issues raised with the advisory group rather than to the contractor could have a detrimental effect on the relationships between the contractor and council, result in inefficiencies and present complications in accountability and responsibility lines.

Legislative implications

There are no legislative implications.

Community engagement and internal consultation

Wodonga Council’s approach has been to involve stakeholders and community when looking at changes, future developments or proposals at a policy and strategic level. This has worked well when developing and updating sporting master plans and applying for funding opportunities.

There was extensive consultation undertaken around pool locations with the closing of the Stanley St pool and this has informed the master plan for WAVES, which has scope for further expansion as budget allows. It was communicated to the community that the investigation of a regional aquatic centre form part of the actions for the 2C1C.

Options for consideration

Option 1 - Decline the invitation to sit on the Albury Wodonga Aquatic Facility Advisory Committee and use the Two Cities One Community working group as the platform for cross-border discussions.

Option 2 - Accept the invitation and nominate a councillor representative to join the nominated staff representative on the committee.
Conclusion

The strategic investigation of aquatic facilities across two cities forms part of the 2C1C action plan and it is through this process that Wodonga Council can define its position on any future investment in aquatic facilities.

The awarding of the aquatics management contract across the two cities places the responsibility of dealing with management and operational issues with the contractor. Regular contract meetings between the Councils and the contractor allows issues to be discussed if needed.

Attachments

The following documents are attached to this report:
- Attachment A: Albury City Letter - Formal Request
- Attachment B: Cross Border Aquatics Facilities Advisory Committee Terms of Reference

Tabled papers

Nil

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.

Acting Chief Executive Officer - Debra Mudra
In providing this advice, I have no interests to disclose in this report.

Acting Director Community Development - Kellie Davies
In providing this advice, I have no interests to disclose in this report.

Manager of Sport and Recreation - Liona Edwards
In providing this advice as the report author, I have no interests to disclose in this report.
Recommendation

That the council:

1. Decline the invitation to sit on the Albury Wodonga Aquatic Facility Advisory Committee at this stage;
2. Notify AlburyCity of the decision by council; and
3. Continue work through the Two Cities One Community working group as the platform for cross-border discussions on aquatic facilities.

Motion

Crs Brian Mitchell / Ron Mildren

That the Council decline the offer to be involved on the proposed cross border Albury Wodonga Aquatic Facility Advisory Committee.  

Carried
12 December 2018

Patience Harrington
Chief Executive Officer
City of Wodonga
PO Box 523
Wodonga VIC 3689

Dear Patience

Cross Border Aquatic Facilities Advisory Committee

Council at its Ordinary meeting held on Monday 10 December 2018 considered a report on the establishment of a Cross Border Aquatic Facilities Advisory Committee and resolved as follows:

That Council:

a. Proceed with the establishment of a Cross Border Aquatic Facilities Advisory Committee including:
   - Adopting the Draft Terms of Reference for the Albury Wodonga Aquatic Facilities Advisory Committee;
   - Seeking formal agreement from the City of Wodonga to be involved in the Committee; and
   - Pending approval from the City of Wodonga, commence the process to appoint all committee members.

b. Formally thank the existing members of the Aquatic Facilities Advisory Committee for their time and effort.

Please find attached a copy of the report and the Terms of Reference for the Committee.

We welcome your participation and seek your confirmation of your Councillor representative and staff representative to participate in the Albury Wodonga Aquatic Facilities Advisory Committee.
Please do not hesitate to contact Simona Coad, Acting Director Community & Recreation or myself if you would like to discuss this further.

Yours faithfully

Frank Zalknich
General Manager

Enc.
Introduction

This document outlines the terms of reference for the Albury Wodonga Aquatics Facilities Advisory Committee.

Name of the Committee

The committee shall be known as the Albury Wodonga Aquatics Facilities Advisory Committee (AWAFAC).

Aim of the Committee

The committee shall work with both Councils on strategic facility, management and policy matters for the four aquatics facilities in Albury Wodonga, including any future aquatic proposals.

Extent of the Committee's Role

The Committee shall limit itself to providing advice and recommendations upon policy and strategic facility and management matters relating to the Aquatic Facilities. These shall not include staff matters or day to day operational or management issues which can be referred to contracted management of the facilities and/or through regular user group meetings that management will coordinate.

All recommendations made by the committee shall be submitted to both Council’s through their meeting agenda’s for consideration and approval.

A key role for organisation and community representatives is not only to represent their groups but also to ensure that they communicate the information and recommendations from the Committee to their organisations and the wider community where possible.

Membership of the Committee

The committee shall be made up of members from the following Groups:

- Albury City Councillor
- City of Wodonga Councillor
- Ovens & Murray Swimming Association
- Ovens & Murray Water Polo Association
- Community representative of Albury facilities (two representatives)
- Community representative of Wodonga facilities (two representatives)
- Albury City Youth Council Representative
- City of Wodonga Youth Representative

Additional representation from other user groups as required and/or approved by the Committee.
Term of the Committee

Organisations will be asked to nominate a delegate to the AWAFAC from their own executive committee and also a substitute (proxy) delegate. These organisations are to confirm their delegate and proxy delegate each year.

The community representatives (two representatives for Albury facilities and two for the Wodonga facilities) are to be elected by an Expression of Interest process every two years.

Chairperson

The Councillors represented on the Committee shall act as Chairperson on an alternate basis. The frequency and schedule to be determined by the Committee.

Staff

The following staff or their representatives shall attend the meetings:

- AlburyCity, Team Leader Leisure Facilities
- City of Wodonga, Manager Sport and Recreation

These staff members shall not be entitled to a vote at the meeting.

Staff shall provide adequate administrative support to ensure the accurate recording of the minutes.

Guests

Guests will occasionally be invited to attend and or present to the Committee in line with the aim and extent of the Committee’s role.

Quorum

A quorum for a meeting shall be a minimum of six (6) representatives including two (2) Councillors.

Absenteeism

Council staff shall write to a committee representative organisation who has not attended two (2) consecutive meetings asking whether the current representative wished to continue on the committee. If there is no reply within two weeks, Council staff group outlying that the representative has not attended the meetings and requesting the group nominate a new representative.

Resignation

Upon receipt of the resignation of any representative, Council staff shall write to the representative’s group requesting the nomination of the new representative.
Meeting Procedure

The meetings shall be conducted in accordance with standard meeting procedures.

Voting shall be by a show of hands. The chairperson is entitled to a vote. In the event of a tied vote the chairperson shall have casting vote.

Location of Meetings

Meetings shall alternate between AlburyCity and City of Wodonga Administration Offices.

Meeting Dates and Times

Meetings are to be held on the 1st Wednesday of February, May and September each year. The normal meeting time shall be at 6.00pm Wednesday.

Additional or extraordinary meetings can be called in between the above meetings for a specific agenda item(s).

Notification of Meetings

Council staff shall send each representative notification of the next meeting two weeks prior to the date of the meeting, and an agenda and copy of the previous meetings minutes will be sent to each committee representative one week prior to the date of the meeting.

Agendas shall specify the meeting date, time, location and business to be discussed at the meeting.

Requests for items to be included in the agenda should be forwarded to Council staff at least two weeks prior to the nominated date of the next meeting.

Minutes

Council staff shall arrange for the minutes of all the meetings to be prepared and distributed to the representatives within two weeks after the last meeting.

The minutes of the AWAFAC meetings shall be submitted to both Council’s through their meeting agenda’s for consideration and approval seeking formal endorsement.
Purpose of report

To seek a council resolution to grant a Notice of Decision to Grant a Planning Permit (PP160/2018) 14-18 Havelock Street, Wodonga.

The application seeks approval for “... development of the land for 20 dwellings; subdivision of the land into 20 residential lots and 1 common property lot; waiver of 4 visitor car parks and construction of a front fence which exceeds the maximum height specified in clause 55.06-2”.

This application is referred to council for determination as council has received more than five objections to the proposal.

Background

The subject land is 14-18 Havelock Street, Wodonga and is more formally known as Crown Allotments 20, 21 and 22, Section Z Township of Wodonga Parish of Wodonga.

Site context

The development addresses both Havelock Street to the West and Ethel Lane to the East. On the western side, the subject land abuts the Activity Centre Zone and sits opposite council offices, the Cube, TAFE Space and the Wodonga Library (to be redeveloped). To the east, the site sits opposite predominantly single detached dwellings (2-6 Ethel Lane, and 5 Ethel Street) and some duplex style housing at 8 and 10 Ethel Lane.
Single detached dwellings at 12 Havelock Street and 1 Ethel Lane, as well as a four unit, single story development at 1-4/9-11 Ethel Street, bound the site to the north.

The Lutheran Church currently uses the site for a Place of Assembly. The Church is no longer required by the church and as such, the site is proposed to be redeveloped for higher density residential development.

The subject land is strategically located on the fringe of the Activity Centre Zone and forms part of the “City Heart” as identified in the Wodonga CBA Revitalisation Plan.

The CBA and surrounds have undergone major growth and change in the past five to 10 years with the removal of the train line and the redevelopment of the Mann’s, Woolworths and Junction Place sites. The revitalisation of the city has encouraged an increased demand for strategic infill and redevelopment opportunities.

Proposal

The planning application was lodged with council 24th September 2018 and comprises the following:

- 20 x two storey townhouses (16 x three bedroom, 4 x two bedroom)
- Subdivision of the land into 21 lots (20 residential lots, 1 common property)

The submitted development plans by Alatalo Bros are included at tabled document A.

Request for further information

Council sent the applicant a request for further information to provide a car parking demand assessment to justify the consideration of the waiver of four visitor car parks.

The applicant provided a satisfactory response on 6th November 2018. This response included a car parking demand assessment undertaken by Spotto Consulting (tabled document A).

Permit Triggers

- **Clause 32.08-3 Subdivision**
  A permit is required to subdivide land.

- **Clause 32.08-6 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**
  A permit is required to construct two or more dwellings on a lot.

- **Clause 32.08-6 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**
  A permit is required to construct or extend a front fence within 3 metres of a street if:
8.4 - 160/2018 - 14-18 Havelock street, Wodonga - 20 unit development and subdivision. (cont’d)

- The fence is associated with 2 or more dwellings on a lot or residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

- **Clause 52.03 Permit requirement**
  A permit is required to reduce the number of car parking spaces required under Clause 52.06-5.

**Zoning and overlays**

The subject land is located within the General Residential Zone. A full assessment of the proposal against the provisions of the General Residential Zone, including the relevant decision guidelines has been undertaken. The proposal is supported by the provisions of these Clauses.

The subject land is not affected by any overlays.

**Public notice and statutory referrals**

In accordance with the provisions of Clause 66 of the Wodonga Planning Scheme, the application was referred to North East Water (NEW), the relevant electricity supply or distribution authority (AusNet) and the relevant gas supply authority (APA). All of the authorities responded advising that they did not object to the grant of a permit subject to permit conditions.

In accordance with the provisions of Clause 67.02 (Notice requirements), public notice was given to the owners and occupiers of adjoining land. Notice was also given to properties located within Ethel St, Ethel Lane, Lawrence Street and Havelock Street as it was considered that the development may have impact beyond the adjoining properties.

Further to this, a notification sign was placed on both the Havelock Street frontage and Ethel Lane frontage of the subject land, and the application was placed on council’s website for public review.

Council has received 17 objections to the proposed development. As the application has received more than five (5) objections, it is referred to Council for determination.

These objections consist primarily of the same document with each objector attaching their own cover letter although some individualised objections were received (separately copies have been provided to councillors). The objections can be summarised as follows:

- The proposal does not respond appropriately to the Heritage value of the surrounding neighbourhood.
- The proposal does not respect the existing neighbourhood character.
- That the development does not comply with Clause 55, or, where the proposal is deemed compliant, that the provisions of Clause 55 are inadequate.
• That the waiver of four visitor car parks will cause detrimental amenity impact to the neighbourhood.
• The lack of pedestrian infrastructure in Ethel Lane will cause detrimental impact.
• Traffic generation will cause detrimental amenity impact.

A summarised response to each of these objections is provided in Table 1.

### Table 1 – Consideration of objections

<table>
<thead>
<tr>
<th>Objection</th>
<th>Relevant Policy/Guidance</th>
<th>Officers Consideration</th>
</tr>
</thead>
</table>
| The proposal does not respond appropriately to the heritage value of the surrounding neighbourhood | City of Wodonga Heritage Place Permit Exemptions (2013)                                  | The subject site is not affected by the heritage overlay and therefore is not subject to Heritage controls.\[2013\] VCAT 1108  
A detailed explanation of the Heritage Precinct, and consideration of these matters was undertaken as part of the application.\[2013\] VCAT 1108  
The proposed development has been considered within the context of its proximity to the Heritage Precinct and on balance, when weighed against the other objectives in the planning scheme (in accordance with the VCAT & Supreme Court decision), produces an acceptable outcome. |
| The proposal does not respect the existing neighbourhood character        | Planning Practice Note 43 – Understanding Neighbourhood Character                      | The proposed development responds to the scale and form of the preferred character.\[2013\] VCAT 1108  
Neighbourhood character has been considered in detail, including photographic examples of the area and proposed development.\[2013\] VCAT 1108  
This preferred character is |
### 8.4 - 160/2018 - 14-18 Havelock street, Wodonga - 20 unit development and subdivision. (cont’d)

| State and Local Policy relating to Settlement, Growth, Activity Centres, Built Environment and Heritage, Building Design, Healthy Neighbourhoods, neighbourhood Character, Housing, Residential Development, Subdivision, Neighbourhood Character and Housing Diversity. Clause 55 - Two or more dwellings on a lot and Residential Buildings | established in the WHS, WGS and WCBARS. The preferred character is supported by the relevant State and Local Policies. The proposal respects elements of both the existing and preferred character with regard to architectural style. Detailed Clause 55 and Clause 56 Assessments have been provided in hard copy form in the councillor lounge. See below for Officers Consideration. |
| That the development does not comply with Clause 55, or, where the proposal is deemed compliant, that the provisions of Clause 55 are inadequate | Clause 55 – Two or more dwellings on a lot and Residential Buildings Clause 56 – Residential Subdivision The proposed development meets all of the relevant objectives of Clause 55. The proposed development does require variation to standards B2, B5 and B6; however, as the objectives are met the application complies with the requirements of Clause 55. The proposed development meets all of the relevant objectives and standards of Clause 56. It is not appropriate for council to consider the adequacy of these provisions as part of this application as they are mandatory considerations and applied consistently across the State. |
| That the waiver of 4 visitor car parks will cause detrimental amenity | Clause 52.06 Car parking Car Parking Demand The proposed development is generally consistent with the |
### 8.4 - 160/2018 - 14-18 Havelock street, Wodonga - 20 unit development and subdivision. (cont’d)

<table>
<thead>
<tr>
<th>Impact to the neighbourhood</th>
<th>Assessment (submitted by the applicant)</th>
<th>Provisions of Clause 52.06.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A car parking demand assessment was provided by the applicant and was reviewed by Council’s Infrastructure department. This document is available in hard copy form in the councillor lounge.</td>
<td>Although the Infrastructure Department challenged some of the assumptions of the Car Parking Demand Assessment, they ultimately agreed with the conclusion that the waiver of 4 visitor car parks was acceptable and could be absorbed by the available public parking in the vicinity.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The lack of pedestrian infrastructure in Ethel Lane will cause detrimental impact</th>
<th>Planning and Environment Act 1987 - Section 62(5)(c)</th>
<th>Council’s Infrastructure department were consulted and advised that it was preferable not to construct a footpath as it would remove all space between the lot boundary and the road edge on the Ethel Lane side of the development.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>State and Local Policies relating to Urban Design and Healthy Neighbourhoods</td>
<td>Council may require an applicant to make a contribution to specified works if deemed necessary.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Traffic generation will cause detrimental amenity impact</th>
<th>Local and State Policies relating to Settlement, Managing Growth, Activity Centres, Healthy Neighbourhoods, Energy and Resource efficiency,</th>
<th>Council’s Infrastructure department were consulted and advised that the development was not considered likely to produce an unacceptable</th>
</tr>
</thead>
</table>
Development Assessment

**Economic development**

The proposed development will provide some economic benefit to Wodonga in the form of supporting the construction and development industries; however the benefits are not considered to be far reaching or influential in this decision making process.

**Council Plan**

<table>
<thead>
<tr>
<th>Strategic objective</th>
<th>Strategy areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protect, enhance and manage our unique natural and built environments, planning for growth, demonstrating leadership and stewardship now and into the future.</td>
<td>Land use planning</td>
</tr>
</tbody>
</table>

**Council policy / strategy implications**

<table>
<thead>
<tr>
<th>Relevant Policy</th>
<th>Officers Consideration</th>
</tr>
</thead>
</table>
| *The Wodonga Growth Strategy* | The *Wodonga Growth Strategy* outlines the visions for the growth of Wodonga:  
  - *To strengthen the role of Wodonga as one of the largest inland cities in regional Victoria*, and  
  - *To progressively enhance the liveability and prosperity of the city of Wodonga for the benefit of existing and future generations.* |
This policy recognises that the older established suburbs of Wodonga have capacity to support intensification.

It is policy to:
- take practical action to encourage an increased proportion of new development to be infill
- prioritise support for intensification of development within the CBA and immediate surrounds, where development is less constrained by existing urban character sensitivities
- Support well designed and incremental infill within the existing neighbourhoods in the form of medium density housing that is respectful of the neighbourhood character
- Promote redevelopment of strategic development sites for medium density housing that will contribute to activation of the CBA and will contribute to a diverse supply of housing types
- Incentivise residential intensification within the CBA (including immediate surrounds) by investigating opportunities to reduce car parking requirements where it can be demonstrated that there is access to public transport and other community services within walking distance

| The Wodonga Housing Strategy | The Wodonga Housing Strategy was adopted at the December 2018 Council meeting. The strategy identifies the subject site as a Current Strategic Development Site. The strategy specifically identifies the site as having capacity to support increased density residential development that will contribute to the vitality and vibrancy of the neighbourhood. The strategy also identifies the preferred neighbourhood character types for key areas of Wodonga. The subject site is identified as Urban 1 and is designated in precinct A which has direct access to services and facilities and that the subject site is suitable for infill development. |
| The Wodonga CBA Revitalisation Strategy | This policy encourages the concentration of major residential developments into activity centres and encourages a diversity of housing types at higher densities in and around the CBA Heart and |
Ordinary meeting – February 18, 2019

Officers reports for determination Planning and Infrastructure

8.4 - 160/2018 - 14-18 Havelock street, Wodonga - 20 unit development and subdivision. (cont’d)

| **State policies** | The objectives and strategies of the various relevant state policies have been considered in depth. These policies support the proposed development and relate to:
| - Settlement
| - Managing Growth
| - Activity Centres
| - Built Environment and Heritage
| - Urban Design
| - Subdivision Design
| - Healthy Neighbourhoods
| - Neighbourhood Character
| - Sustainable Development
| - Housing
| - Residential Development
| - Integrated Transport
| - Movement Networks, and
| - Public Transport

| **Municipal Planning Strategies** | The objectives and strategies of the various relevant state policies have been considered in depth. These policies support the proposed development and relate to:
| - Vision and Strategic Framework
| - Settlement
| - Activity Centres
| - Built Environment and Heritage
| - Sustainable Neighbourhoods
| - Heritage
| - Housing
| - Integrated Transport
| - Walking
| - Cycling
| - Urban Design Along Main Roads

The application is placed before council for determination in accordance with Council’s Instrument of Delegation to determine applications, which receive more than five objections.

**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>VCAT Appeal</td>
<td>3</td>
<td>B</td>
<td>S</td>
<td>A detailed in-depth analysis has been undertaken by the assessing officer and the proposal is considered to be supported by the Wodonga Planning Scheme.</td>
</tr>
</tbody>
</table>
VCAT Appeal

| Refusal of the permit would be inconsistent with current council CBA policy – may result in council reputational damage and set a precedent, which discourages future residential infill development. | 3 | B | S |

A detailed in-depth analysis has been undertaken by the assessing officer and it is considered that the application is supported by the Wodonga Planning Scheme.

Financial implications

If an appeal was lodged at VCAT for a review of Council’s decision it is anticipated that Council’s own planning staff would be capable of presenting the matter at VCAT; however, additional fees may be incurred in the form of expert witnesses such as a traffic consultant. It is probable that this will be necessary irrespective of whether the application is approved or refused.

Environmental implications

Permit conditions relating to Stormwater, drainage and sediment should be sufficient to prevent any negative natural environmental implications. The built environment will change through increasing density, however this is considered a good outcome as it will reduce dependence of private vehicles.

Social / cultural implications

The proposed development will:
- Provide new well serviced housing stock
- Contribute to health and well-being by encouraging residents to walk
- Be inclusive, as many of the dwellings are capable of supporting people at different stages of their lives and with a wide range of mobility levels.
- Improve the visual appearance of the city, and better link the civic buildings adjoining the site with the residential buildings on the other side
- Not have a detrimental impact upon the heritage value of the nearby Lawrence Street heritage precinct.

Legislative implications

Not applicable.
Community engagement and internal consultation

Community engagement has been dealt with elsewhere in this report.

The application was referred internally to Engineering, Strategic Planning and Urban Design, Landscape Architect & Street Addressing. Some permit conditions were requested and no internal objections were received.

Options for consideration

Option 1. Do nothing – fail to make a determination. Council has a legislative requirement to consider and determine the planning application. As the application has progressed beyond 60 statutory days, the applicant may apply to VCAT to determine the application due to council’s failure to determine within 60 days.

Option 2. Approve the planning permit application with conditions. (Recommended option)
Officers have assessed the proposed development and believe it represents an outcome that meets the relevant requirements of the Wodonga Planning Scheme.

Objectors may seek a review of Council’s decision to Grant a Notice of Decision to grant a permit at VCAT.

Option 3. Refuse the planning permit application.
Council will have to provide grounds for refusing the application with sound justification based on the Wodonga Planning Scheme. The applicant may seek a review of Council’s decision to refuse to grant a permit, at VCAT. Officers have assessed the current proposal and are satisfied that it meets the relevant requirements of the Wodonga Planning Scheme and is supported by its strategic planning policies.

Conclusion

The proposed development is consistent with the provisions and policies of the Wodonga Planning Scheme and represents orderly planning of the area.

Objections have been considered in great detail. Any perceived impact upon these parties is not considered to outweigh the net community benefit presented by the development. The grounds for objection are not considered sufficient to refuse the application.

Having considered all of the relevant matters at Section 60 of the Planning and Environment Act, and the Decision Guidelines of Clause 65 of the Wodonga Planning Scheme it is the assessing officers recommendation that a Notice of Decision to issue a planning permit be granted.
Ordinary meeting – February 18, 2019

Officers reports for determination
Planning and Infrastructure

8.4 - 160/2018 - 14-18 Havelock street, Wodonga - 20 unit development and subdivision. (cont’d)

Attachments
Nil

Tabled papers
The following documents will be tabled at the meeting:
- Document A: Development plans
- Document B: Car parking demand assessment

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.

Senior Statutory planner - Lou Hawkins
In providing this advice as the report author, I have no interests to disclose in this report.
Recommendation

That Council resolve to grant a Notice of Decision to Grant a Planning Permit (PP160/2018) for the development of the land for 20 dwellings, subdivision of the land into 20 residential lots and 1 common property lot, waiver of 4 visitor car parks and construction of a front fence which exceeds the maximum height specified in clause 55.06-2 at Crown Allotments 20, 21 and 22 Section Z Township of Wodonga Parish of Wodonga.

Subject to the following conditions:

PROPOSED CONDITIONS

Endorsed Plan - Development

1. The development must be generally in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.

Layout in Accordance with Endorsed Plan

2. The subdivision must be in accordance with the endorsed plans forming part of this permit and must not be altered without the prior written consent of the Responsible Authority.

Section 173 Agreement

3. Should the subdivision of the land be undertaken before the development approved by this permit, prior to the issue of a Statement of Compliance, an Agreement under section 173 of the Planning and Environment Act 1987 must be entered into with the Responsible Authority.

The 173 Agreement must provide for the following matters:

a) Development of all lots to be generally in accordance with the endorsed plans forming part of this planning permit

The agreement may be ended wholly or in part or as to any part of the land by the Responsible Authority and all persons who are bound by any covenant in the agreement.

The agreement will bind the applicant as the owner and must run with the land so that all successors in title are bound by the agreement. The agreement will be prepared at the applicant’s cost and to the satisfaction of the Responsible Authority, and must be registered on the title in accordance with Section 181 of the Planning and Environment Act 1987.
Engineering Conditions

4. Before any works associated with the development commence, detailed engineering construction plans must be prepared to the satisfaction of the Responsible Authority. Once submitted to and approved by Council’s Infrastructure Services Unit, all works constructed or carried out must be in accordance with those plans. The construction plans must incorporate the following requirements;

a. Stormwater drainage and management including;
   i. Identification of any existing and/or proposed stormwater infrastructure, including proposed legal point of discharge
   ii. A new drainage connection to the existing main. Drainage connections to the kerbing within the road network will not be permitted. All connection to existing services to be done under Council supervision and this should be noted on all plans
   iii. Provide for a stormwater discharge rate restricted to a nominal developed runoff rate \( c=0.6 \) for the 1 in 10 year ARI storm event, with the design to include provision for detention/retention where the discharge exceeds this rate.
   iv. Prevention of stormwater discharge onto adjoining public and or private land up to a 1 in 10 year ARI, with overland escape routes for larger storm events.

b. Any existing, new, additional or extensions to existing roadways, carparks & hardstands, must be finished with a sealed all weather surface, drained in accordance with an approved drainage plan. Details of proposed pavements and surfacing treatments must be provided.

c. Parking shall be provided in accordance with the planning permit conditions, each parking bay is to be clearly delineated (line marked or signed) as required. The removal of any existing parking bays must be offset by new bays one for one.

d. Measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road(s) other than by a vehicle crossing.

e. Vehicular crossing and driveway crossovers shall be constructed to the Council’s standard. A maximum crossing width of 6m is permitted at the property boundary and the crossing width at the edge of road must be the minimum required to accommodate the design turning template. A Road Reserve Works Permit is to be obtained from the relevant authority.

f. Any existing footpaths, vehicular crossings and/or driveways, signage and/or line marking conflicting with, not required or deemed obsolete shall be relocated and/or removed and the kerb & channel, roadway, paths and nature strip shall be reinstated to the satisfaction of the Responsible Authority.
**Ordinary meeting – February 18, 2019**

**Officers reports for determination**

**Planning and Infrastructure**

**8.4 - 160/2018 - 14-18 Havelock street, Wodonga - 20 unit development and subdivision. (cont’d)**

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**Construction Management Plan**

5. Prior to the commencement of any works on site, a construction management plan must be submitted to and approved by the Responsible Authority. The plan must address but is not limited to:
   a. Construction timeframes.
   b. Details of hours of operation.
   c. Site security. Temporary fencing of the site during construction. Restricted vehicle access and deter unauthorized access to the site.
   d. Location of any temporary construction works office and site facilities (toilets etc.).
   e. Location of a machinery and plant storage, maintenance and/or wash down areas.
   f. Location and management of litter, construction wastes and/or storage.
   g. Construction vehicle access point to the site during construction.
   h. Parking facilities for construction workers.
   i. Erosion and sediment control during construction.
   j. Control of mud on adjoining roads during construction.
   k. Control of dust generation during construction.
   l. Details including contact details of a liaison officer for contact by adjacent business owners and the Responsible Authority in the event of relevant queries or problems experienced during construction.

Once approved the Construction Management Plan will be endorsed and form part of this permit.

---

**Construction to follow sediment control principles**

6. Construction must follow sediment control principles outlined in ‘Construction Techniques for Sediment Pollution Control’ (EPA, 1991). Specifically, the applicant must ensure:
   a. Grading, excavation and construction must not proceed during periods of heavy rainfall.
   b. Sediment traps must be designed, installed and maintained to maximise the volume of sediment trapped from the site during development and construction.
   c. Disturbed areas must be stabilised and revegetated following the completion of works.

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**Preparation of Landscaping Plan for Development**

7. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.
When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and three copies must be provided. The plans must show:

a. Buildings, outbuildings and other structural features on the land that influence the landscape design
b. Natural features that influence the landscape design
c. Planting within and around the perimeter of the site comprising trees and shrubs.
d. Canopy trees.
e. The proposed design features such as paths, paving, lawn and finished surfaces.
f. A schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, pot size, mature size and total quantities of each plant.
g. Means of watering the landscaped area.

Landscaping in accordance with this approved plan and schedule shall be completed before the building is occupied or the use commences and thereafter maintained to the satisfaction of the Responsible Authority.

Payment in Lieu of Open Space

8. Prior to the issue of a Statement of Compliance a sum of money equal to 5% of the value of the land must be paid to the Responsible Authority for Public Open Space purposes under Section 18 of the Subdivision Act 1988, unless the applicant can satisfy Council that a contribution for open space has already been made. This payment may be varied under Section 19 of the above Act.

Rubbish Storage

9. All goods, refuse and packaging material associated with the development shall be stored within the subject land at all times except when being collected.

Baffled Lighting

10. Outdoor lighting, where provided, must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.

Refrigeration & Air-conditioning Equipment

11. Any equipment required for refrigeration, air-conditioning, heating and the like must be located on the subject land and/or must be suitably insulated for the purpose of reducing noise emissions, to the satisfaction of the Responsible Authority.
Direction Signage
12. A sign(s) to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority.

Dust Control
13. All works under this permit must be undertaken so as to prevent dust being blown onto nearby land to the satisfaction of the Responsible Authority.

North East Water Conditions
14. That prior to works commencing pursuant to the permit, the applicant enters into a Developer Works Agreement with North East Water that requires it to construct, at the applicant’s cost, works necessary to provide sewerage and a water supply service to the proposed subdivision to the satisfaction of North East Water, in accordance with its policies and requirements applicable from time to time.
15. That the applicant pays a new customer contribution determined in accordance with North East Water’s policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
16. That the applicant pays a new customer contribution determined in accordance with North East Water's policy for development charges applicable from time to time towards North East Water's sewerage and disposal systems servicing the area to which the permit applies.
17. Easements must be provided over sewerage infrastructure to the satisfaction of North East Water.
18. The applicant must enter into an agreement with North East Water for any proposed structures or works over or near a North East Water easement or asset in accordance with North East Water requirements. Please note that the current proposed building design plan would not meet North East Water’s build over easement requirements. Therefore North East Water would not be prepared to enter into an agreement for the proposed structures.
19. That in constructing any private water services, the applicant ensures that such services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
20. That the plan of subdivision be referred to North East Water when submitted for certification pursuant to Section 8 of the Subdivision Act 1988.
21. That North East Water's consent is sought by the Responsible Authority prior to issuing a Statement of Compliance under the Subdivision Act 1988.

AusNet Conditions
22. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.
23. The applicant must –
   a) Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be
b) Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

NECMA Conditions

24. Prior to commencing any works on site (Stage 1), the requirements of the Victorian Planning Provisions Clause 56.07 Standard C25 are demonstrated to be met by the proposal.

25. Prior to certification of plans (Stage 2) all stormwater treatment works are designed and constructed in accordance with the requirements of Standard C25 and to the satisfaction of the relevant drainage authority.

Agreements with Relevant Authorities

26. The owner of the land must enter into agreements with the relevant authorities for the provision of gas services to each lot shown on the endorsed plan in accordance with the authority’s requirements and relevant legislation at the time.

Mandatory Subdivision Conditions

27. The owner of the land must enter into an agreement with:
   a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and
   b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

28. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
   a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider’s requirements and relevant legislation at the time; and
   b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority,
unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

### Time for completing Development

29. This permit will expire if one of the following circumstances applies:

- a) The development is not started within two years of the date of this permit.
- b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards.

The Responsible Authority may extend the time for the completion of the permit, if an application is received within 12 months after the permit expired and the permit was lawfully commenced prior to the expiry of the permit.

### Time for completing Subdivision

30. This permit will expire if one of the following circumstances applies:

- a) The plan of subdivision is not certified within two years of the date of this permit.
- b) The subdivision is not completed within five years of the date of certification of the plan of subdivision.

The Responsible Authority may extend the period by which the subdivision may be certified if a request is made in writing before the permit expires or within six months afterwards.

### Motion

Crs Danny Lowe / Brian Mitchell

That the recommendation be adopted.  

**Carried**

### Conflict of interest disclosure

*Prior to the commencement of item 8.4 Cr Bennett disclosed a conflict of interest in that item, the details of which are recorded in these minutes at item 5.*

*Cr Bennett left the meeting at 6.37pm. Cr Bennett returned to the meeting room at 6.51pm after the resolution for item 8.4 was carried.*
Council has not received any Officers reports for noting for this meeting.
10.1 - Finance Report for January 2019

Purpose of report

The finance report provides a monthly update to the council on the performance of its business operations.

Background

This report is provided on a monthly basis. It provides financial information including comparison with budgets with regards to:

- Income Statement
- Capital Works
- Balance Sheet
- Treasury (cash management)

Council Plan

<table>
<thead>
<tr>
<th>Strategic objective</th>
<th>Strategy areas</th>
<th>Actions</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>Financial management</td>
<td>Review and enhance our financial management and reporting system to ensure relevant and timely financial advice.</td>
</tr>
</tbody>
</table>

Council policy / strategy implications

The finance report is part of the council’s practice of openness and transparency in its provision of information to the community.

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>Inability to achieve current budget due to tight budgets and unforeseen events and needs being higher than budgeted.</td>
<td>3</td>
<td>C</td>
<td>S</td>
<td>Conservative financial management.</td>
</tr>
<tr>
<td>Inability of cash funds to cover mandatory reserves and deposits.</td>
<td>3</td>
<td>C</td>
<td>S</td>
<td>Regularly review budget. Take corrective action for unbudgeted expenditure.</td>
</tr>
<tr>
<td>Inability of council to deliver the adopted capital budget and re-budget items.</td>
<td>3</td>
<td>C</td>
<td>S</td>
<td>Regularly review the capital budget status against target dates.</td>
</tr>
</tbody>
</table>
10.1 - Finance Report for January 2019 (cont’d)

Financial implications
This is contained in the body of the report.

Environmental implications
Within the parameters of the council’s investment policy and directive a proportion of funds invested are held in investments with Responsible Investment Association Australia members and/or investment products in organisations with no exposure to the fossil fuel industry. See Table 3 – Funds Invested below for percentage of Responsible Investments.

Social / cultural implications
Not applicable

Legislative implications
Under section 138 of the Local Government Act 1989 the CEO at least every three (3) months must ensure quarterly statements comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date are presented to the council. This report, being developed on a monthly basis, more than ensures this legislative requirement is satisfied.

Community engagement and internal consultation
No consultation has been held separately on this report, although items within the budget will have included their own level of consultation on a case by case basis.

Options for consideration
Not applicable

Conclusion
Not applicable
10.1 - Finance Report for January 2019 (cont’d)

Contents
1. Financial Statements
   a. Income Statement
   b. Balance Sheet
   c. Variance Explanations
   d. Treasury Report
   e. Capital Program Summary

1. Financial Statements

Key financial highlights and overview

Key Points

- The income from rates and federal funding via the Grants Commission is received in large tranches at specified times during the year. The council manages this cash flow by investing and recalling surplus funds in term deposits, as required by the budgeted expenditure in the operating and capital programs.

- The council has a focus on ensuring that actual expenditure does not exceed the budgeted allocations. To this end, the expenditure in both the operating and capital programs are analysed monthly and where discrepancies are identified appropriate remedial actions are taken.

<table>
<thead>
<tr>
<th>Key financial summary</th>
<th>Year to Date – January 2019</th>
<th>Full Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Actual</td>
<td>Revised Budget</td>
</tr>
<tr>
<td>Total Expenditure</td>
<td>30,429,316</td>
<td>33,328,098</td>
</tr>
<tr>
<td>Net Operating Surplus/(Deficit)</td>
<td>23,675,327</td>
<td>20,611,238</td>
</tr>
<tr>
<td>Capital Works</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Expenditure</td>
<td>6,734,091</td>
<td>13,828,409</td>
</tr>
<tr>
<td>Closing cash &amp; investments</td>
<td>34,674,402</td>
<td>25,413,712</td>
</tr>
</tbody>
</table>

*Refer Section D – Treasury for explanation
### a. Income Statement

<table>
<thead>
<tr>
<th>Category</th>
<th>Note</th>
<th>Year to Date – Jan 2019</th>
<th>Full Year</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Income</strong></td>
<td></td>
<td>Actual</td>
<td>Revised Budget(b)</td>
</tr>
<tr>
<td>Rates</td>
<td>1</td>
<td>45,856,913</td>
<td>46,152,191</td>
</tr>
<tr>
<td>User Charges</td>
<td>2</td>
<td>3,395,069</td>
<td>3,173,621</td>
</tr>
<tr>
<td>Interest Income</td>
<td></td>
<td>256,144</td>
<td>219,375</td>
</tr>
<tr>
<td>Grants</td>
<td>3</td>
<td>4,481,878</td>
<td>4,224,616</td>
</tr>
<tr>
<td>Other Income</td>
<td></td>
<td>114,639</td>
<td>169,533</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td></td>
<td>54,104,643</td>
<td>53,939,336</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditure</th>
<th></th>
<th>Actual</th>
<th>Revised Budget(b)</th>
<th>Variance</th>
<th>Revised Budget(b)</th>
<th>Adopted Budget(a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Costs</td>
<td>4</td>
<td>13,480,992</td>
<td>14,507,645</td>
<td>(1,026,653)</td>
<td>25,166,969</td>
<td>25,210,691</td>
</tr>
<tr>
<td>Materials</td>
<td>5</td>
<td>10,257,329</td>
<td>12,167,307</td>
<td>(1,909,977)</td>
<td>21,776,714</td>
<td>19,828,615</td>
</tr>
<tr>
<td>Interest Exp.</td>
<td>6</td>
<td>610,022</td>
<td>612,560</td>
<td>(2,538)</td>
<td>1,342,799</td>
<td>1,459,272</td>
</tr>
<tr>
<td>Depreciation</td>
<td></td>
<td>5,590,546</td>
<td>5,480,419</td>
<td>110,127</td>
<td>9,395,000</td>
<td>9,395,000</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>6</td>
<td>490,427</td>
<td>560,167</td>
<td>(69,740)</td>
<td>966,393</td>
<td>976,393</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td></td>
<td>30,429,316</td>
<td>33,328,098</td>
<td>(2,898,781)</td>
<td>58,647,875</td>
<td>56,869,971</td>
</tr>
</tbody>
</table>

| Surplus/(Deficit) |      | 23,675,327 | 20,611,238 | 3,064,088 | 1,340,075 | 2,618,644 |

Note:
- b. Includes approved 1st and 2nd quarter adjustments and rebudgets, and unapproved 3rd quarter adjustments.
### 10.1 - Finance Report for January 2019 (cont’d)

#### b. Balance Sheet

<table>
<thead>
<tr>
<th>Category</th>
<th>Note</th>
<th>Jan 2019</th>
<th>June 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assets</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Current Assets</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash assets</td>
<td></td>
<td>34,674,402</td>
<td>29,123,840</td>
</tr>
<tr>
<td>Receivables</td>
<td>7</td>
<td>21,774,857</td>
<td>3,028,411</td>
</tr>
<tr>
<td>Inventories</td>
<td></td>
<td>27,946</td>
<td>27,946</td>
</tr>
<tr>
<td>Other</td>
<td>8</td>
<td>0</td>
<td>688,651</td>
</tr>
<tr>
<td><strong>Total Current Assets</strong></td>
<td></td>
<td>56,477,205</td>
<td>32,868,848</td>
</tr>
<tr>
<td><strong>Non-Current Assets</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fixed assets</td>
<td></td>
<td>552,125,581</td>
<td>551,861,418</td>
</tr>
<tr>
<td><strong>Total Non-Current Assets</strong></td>
<td></td>
<td>552,125,581</td>
<td>551,861,418</td>
</tr>
<tr>
<td><strong>Total Assets</strong></td>
<td></td>
<td>608,602,786</td>
<td>584,730,266</td>
</tr>
<tr>
<td><strong>Liabilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Current Liabilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payables &amp; provisions</td>
<td></td>
<td>4,188,035</td>
<td>4,350,747</td>
</tr>
<tr>
<td>Employee benefits</td>
<td></td>
<td>4,196,128</td>
<td>4,432,037</td>
</tr>
<tr>
<td>Interest bearing liabilities</td>
<td></td>
<td>890,951</td>
<td>1,853,344</td>
</tr>
<tr>
<td>Trust deposits</td>
<td></td>
<td>1,110,021</td>
<td>1,088,623</td>
</tr>
<tr>
<td><strong>Total Current Liabilities</strong></td>
<td></td>
<td>10,385,135</td>
<td>11,724,752</td>
</tr>
<tr>
<td><strong>Non-Current Liabilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee benefits</td>
<td></td>
<td>476,125</td>
<td>571,918</td>
</tr>
<tr>
<td>Interest bearing liabilities</td>
<td></td>
<td>20,367,894</td>
<td>20,367,894</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td>1,213,091</td>
<td>2,804,725</td>
</tr>
<tr>
<td><strong>Total Non-Current Liabilities</strong></td>
<td></td>
<td>22,057,110</td>
<td>23,744,536</td>
</tr>
<tr>
<td><strong>Total Liabilities</strong></td>
<td></td>
<td>32,442,245</td>
<td>35,469,288</td>
</tr>
<tr>
<td><strong>Net Assets</strong></td>
<td></td>
<td>576,160,541</td>
<td>549,260,978</td>
</tr>
<tr>
<td><strong>Represented by:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accumulated surplus</td>
<td></td>
<td>339,588,168</td>
<td>339,588,168</td>
</tr>
<tr>
<td>Reserves</td>
<td></td>
<td>209,672,810</td>
<td>209,672,810</td>
</tr>
<tr>
<td>Current year earnings</td>
<td></td>
<td>26,899,563</td>
<td>0</td>
</tr>
<tr>
<td><strong>Equity</strong></td>
<td></td>
<td>576,160,541</td>
<td>549,260,978</td>
</tr>
</tbody>
</table>
### c. Variance Explanations

<table>
<thead>
<tr>
<th>Note</th>
<th>Category</th>
<th>Explanation</th>
<th>Expected variance (P)ermanent (T)iming</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Operating program</strong></td>
<td></td>
</tr>
</tbody>
</table>

#### 1. Rates ($295k)

**Income – lower than budget:**
- Rates for the year are budgeted on known base rates charged for the year plus an estimate for supplementary rates. Supplementary rates are variable year on year but are based on new developments and changes to existing properties changing this base rate amount. Total rates are ($295k) unfavourable year to date as the supplementary rates for July (before the rates were struck for the year) were lower than the budget estimate. Determined to be a timing variance at this stage, as subsequent supplementary rates have been ahead of budget, but this will be monitored going forward and a budget variation put through if later supplementary rates for the year do not improve.

#### 2. User Charges $221k

**Income – higher than budget:**
- Fees Permits, Fees Inspections, and Fees Lodgements are $129k greater than budget, timing of building services and planning activity.
- Rent is $41k more than budget. Timing related - some rents raised in advance for the full year.
- Sale of Goods is $29k higher than budget due to activity at Bonegilla Migrant Experience and the Waste Transfer Station.

#### 3. Grants $257k

**Income – higher than budget:**
- $39k Preschools grants, timing of grants received.
- $107k Funded Community Projects – additional grants awarded.
- $85k Youth Services grants due to additional grants awarded and timing of budgeted grants.

#### 4. Employee Costs ($1,026k)

**Expenditure – lower than budget:**
- Salary and wages are ($700k) favourable to budget due to staff vacancies in Project and Design, Statutory Planning, Corporate Governance, Youth Services, Works – Parks and Gardens and Roads Maintenance, and Outdoor Operations Management.
- ($75k) favourable year to date in WorkCover claims. Timing of actual claims is unknown, estimate only.
- ($107k) favourable staff training, timing of training undertaken.
- Staff Travel and accommodation is ($45k) favourable across council.
10.1 - Finance Report for January 2019 (cont’d)

<table>
<thead>
<tr>
<th></th>
<th>Materials ($1,910k)</th>
<th>Expenditure – lower than budget:</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td></td>
<td>($369k) contract payments external less than budget, due to timing of payment for building maintenance, statutory planning, sustainability, and civic services.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>($455k) timing of consultancy work for Strategic Planning, Recreation, Exec Services, Economic Development, and Two Cities One Community.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>($152k) marketing and promotion, for Two Cities One Community work, Executive Services, and timing of invoices for Marketing.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>($455k) timing of strategy, plans and programs work for Economic Development, Funded Community Projects, Early Home Learning/ Early Years, Youth Services and Preschools.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maintenance costs are ($129k) lower than budget, predominantly due to timing of works at Bonegilla Migrant Experience and Gateway Village.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Materials are ($165k) lower than budget, predominantly due to timing of programs for Maternal and Child Health, Preschools, Building Maintenance, and Works.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Events and festivals are ($98k) lower than budget, timing of invoices for Events Program and Youth Services.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Depreciation $110k</th>
<th>Expenditure – higher than budget:</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td></td>
<td>Office furniture and land and buildings depreciation is higher than budget due to assets capitalised at 30 June higher than expected when the budget depreciation was set.</td>
</tr>
</tbody>
</table>

Balance sheet (differences with June 2018)

<table>
<thead>
<tr>
<th>Note</th>
<th>Category</th>
<th>Explanation Year to Date Actual v June 2018</th>
<th>Expected variance (P)ermanent (T)iming</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Receivables $18.7m</td>
<td>Current Assets – Higher than June 2018: The annual rates and fire service levy charges were raised in August 2018.</td>
<td>T</td>
</tr>
<tr>
<td>8</td>
<td>Other Current Assets ($689k)</td>
<td>Current Assets – Lower than June 2018: This reduction relates to the year-end prepayments accrued at the end of June 2018 being expensed in 2018/19.</td>
<td>T</td>
</tr>
</tbody>
</table>
d. Treasury

The following table details the variances between the Cash Held and the Revised Budget.

Table 1 – Cash Held reconciliation

<table>
<thead>
<tr>
<th>Item</th>
<th>$'000's</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash Held - Invested (Table 3 below)</td>
<td>34,620</td>
</tr>
<tr>
<td>Cash Held - Not Invested (Council &amp; WREN)</td>
<td>54</td>
</tr>
<tr>
<td>Cash as per Balance Sheet (Graph 1 below)</td>
<td>34,674</td>
</tr>
<tr>
<td>Cash as per Revised Budget (Graph 1 below)</td>
<td>25,414</td>
</tr>
<tr>
<td><strong>Variance</strong></td>
<td><strong>9,260</strong></td>
</tr>
</tbody>
</table>

Variance comprises:
- Actual v Revised Budget YTD – Operating (excludes non-cash dep., asset sales) 3,064
- Actual v Revised Budget YTD - Capital 7,094
- Other (net movement in debtors/creditors/deposits etc.) (898)

Variance as above 9,260

The following table details the main components of the current Cash as per Balance Sheet.

Table 2 – Cash Commitments

<table>
<thead>
<tr>
<th>Item</th>
<th>$ millions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notional reserves and deposits (Table 5 below)</td>
<td>7.5</td>
</tr>
<tr>
<td>Grants received in advance of expenditure</td>
<td>0.5</td>
</tr>
<tr>
<td>Rates income received in advance of expenditure</td>
<td>0</td>
</tr>
<tr>
<td>Working capital</td>
<td>26.7</td>
</tr>
<tr>
<td><strong>Cash commitments</strong></td>
<td><strong>34.7</strong></td>
</tr>
</tbody>
</table>
**10.1 - Finance Report for January 2019 (cont’d)**

**Treasury (cont.)**

Table 3 – Funds Invested

<table>
<thead>
<tr>
<th>Institution</th>
<th>Type</th>
<th>Product</th>
<th>Lodged</th>
<th>Maturing</th>
<th>Yield</th>
<th>$</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mystate Bank</td>
<td>Bank</td>
<td>TD</td>
<td>16-10-18</td>
<td>17-06-19</td>
<td>2.70%</td>
<td>3,000,000</td>
<td>8.7%</td>
</tr>
<tr>
<td>Bendigo Bank</td>
<td>Bank</td>
<td>TD</td>
<td>04-12-18</td>
<td>04-06-19</td>
<td>2.70%</td>
<td>2,000,000</td>
<td>5.8%</td>
</tr>
<tr>
<td>Mystate Bank</td>
<td>Bank</td>
<td>TD</td>
<td>05-12-18</td>
<td>05-09-19</td>
<td>2.75%</td>
<td>2,000,000</td>
<td>5.8%</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>Bank</td>
<td>TD</td>
<td>16-01-19</td>
<td>17-07-19</td>
<td>2.75%</td>
<td>2,000,000</td>
<td>5.8%</td>
</tr>
<tr>
<td>Mystate Bank</td>
<td>Bank</td>
<td>TD</td>
<td>23-01-19</td>
<td>25-07-19</td>
<td>2.83%</td>
<td>3,000,000</td>
<td>8.7%</td>
</tr>
<tr>
<td>MyState Bank-WREN</td>
<td>Bank</td>
<td>TD</td>
<td>22-05-18</td>
<td>22-02-19</td>
<td>2.75%</td>
<td>1,500,000</td>
<td>4.3%</td>
</tr>
<tr>
<td>Beyond Bank</td>
<td>Bank</td>
<td>TD</td>
<td>13-07-18</td>
<td>09-04-19</td>
<td>2.80%</td>
<td>2,000,000</td>
<td>5.8%</td>
</tr>
<tr>
<td>ME Bank</td>
<td>Bank</td>
<td>TD</td>
<td>13-08-18</td>
<td>10-05-19</td>
<td>2.75%</td>
<td>2,000,000</td>
<td>5.8%</td>
</tr>
<tr>
<td>ME Bank</td>
<td>Bank</td>
<td>TD</td>
<td>05-09-18</td>
<td>04-03-19</td>
<td>2.65%</td>
<td>2,000,000</td>
<td>5.8%</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>Bank</td>
<td>TD</td>
<td>27-08-18</td>
<td>25-02-19</td>
<td>2.70%</td>
<td>3,000,000</td>
<td>8.7%</td>
</tr>
<tr>
<td>ME Bank</td>
<td>Bank</td>
<td>TD</td>
<td>05-10-18</td>
<td>03-04-19</td>
<td>2.60%</td>
<td>3,500,000</td>
<td>10.0%</td>
</tr>
<tr>
<td>Bendigo Bank</td>
<td>Bank</td>
<td>TD</td>
<td>29-11-18</td>
<td>28-05-19</td>
<td>2.65%</td>
<td>2,000,000</td>
<td>5.8%</td>
</tr>
<tr>
<td>Westpac</td>
<td>Bank</td>
<td>Maxi</td>
<td>At Call</td>
<td></td>
<td>1.55%</td>
<td>6,620,000</td>
<td>19.0%</td>
</tr>
</tbody>
</table>

**Total Invested**

34,620,000 100%

**Responsible Investments**

66.4%

Table 4 - Loans

<table>
<thead>
<tr>
<th>Institution</th>
<th>Date Borrowed</th>
<th>Original Value $</th>
<th>Term Years</th>
<th>Maturing</th>
<th>% Rate</th>
<th>Balance Owing $</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Westpac</td>
<td>21-Dec-05</td>
<td>15,668,624</td>
<td>25</td>
<td>21/12/30</td>
<td>6.50%</td>
<td>10,809,531</td>
<td>50%</td>
</tr>
<tr>
<td>BNY Trust</td>
<td>30-Aug-07</td>
<td>14,800,000</td>
<td>25</td>
<td>30/08/32</td>
<td>Float</td>
<td>6,688,816</td>
<td>30%</td>
</tr>
<tr>
<td>NAB</td>
<td>20-Jun-13</td>
<td>7,900,000</td>
<td>10</td>
<td>20/06/23</td>
<td>5.06%</td>
<td>4,246,672</td>
<td>20%</td>
</tr>
</tbody>
</table>

**Total Loans**

21,745,020 100%
Treasury (cont.)

Table 5 - Notional reserves and provisions

<table>
<thead>
<tr>
<th>Categories</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trust funds and deposits</strong></td>
<td></td>
</tr>
<tr>
<td>Refundable roads/drains deposits</td>
<td>264,803</td>
</tr>
<tr>
<td>Refundable footpaths deposits</td>
<td>22,536</td>
</tr>
<tr>
<td>Refundable soil and water deposits</td>
<td>63,600</td>
</tr>
<tr>
<td>Road reserve permit deposits</td>
<td>133,210</td>
</tr>
<tr>
<td>Landscaping / VOMP deposits</td>
<td>305,161</td>
</tr>
<tr>
<td>Other refundable deposits</td>
<td>320,710</td>
</tr>
<tr>
<td><strong>Sub-total trust funds and deposits</strong></td>
<td><strong>1,110,020</strong></td>
</tr>
</tbody>
</table>

**Notional reserves**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental land (WREN)</td>
<td>1,701,509</td>
</tr>
<tr>
<td>Reserves for community facilities, open space, car parking, roads and drainage</td>
<td>1,682,914</td>
</tr>
<tr>
<td>Landfill provision</td>
<td>1,323,091</td>
</tr>
<tr>
<td>Defined Benefits Superannuation call reserve</td>
<td>1,700,000</td>
</tr>
<tr>
<td><strong>Total Reserves</strong></td>
<td><strong>7,517,534</strong></td>
</tr>
</tbody>
</table>

Graph 1 – Cash Held
10.1 - Finance Report for January 2019 (cont’d)

e. Capital Program summary

<table>
<thead>
<tr>
<th>Revenue / Expenditure</th>
<th>Jan 2019 YTD Actual</th>
<th>Full Year Revised Budget(b)</th>
<th>Full Year Adopted Budget(a)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buildings</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Bridges</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>CBD</td>
<td>1,639,040</td>
<td>4,367,500</td>
<td>6,367,500</td>
</tr>
<tr>
<td>Drainage</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Footpaths</td>
<td>0</td>
<td>594,550</td>
<td>594,550</td>
</tr>
<tr>
<td>Landscaping</td>
<td>35,387</td>
<td>35,077</td>
<td>25,000</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>164,765</td>
<td>132,860</td>
<td>0</td>
</tr>
<tr>
<td>Plant</td>
<td>19,542</td>
<td>120,000</td>
<td>120,000</td>
</tr>
<tr>
<td>Playgrounds</td>
<td>7,400</td>
<td>200,000</td>
<td>200,000</td>
</tr>
<tr>
<td>Recreation Reserves</td>
<td>813,545</td>
<td>1,051,833</td>
<td>233,333</td>
</tr>
<tr>
<td>Roads</td>
<td>219,000</td>
<td>146,468</td>
<td>508,278</td>
</tr>
<tr>
<td>Street Lighting</td>
<td>10,000</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Traffic Management</td>
<td>35,000</td>
<td>65,000</td>
<td>30,000</td>
</tr>
<tr>
<td>Community Facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>LOGIC</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Baranduda Industrial Estate</td>
<td>301,200</td>
<td>181,200</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td>3,244,879</td>
<td>6,894,488</td>
<td>8,098,661</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditure</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Buildings</td>
<td>646,946</td>
<td>2,742,057</td>
<td>1,815,000</td>
</tr>
<tr>
<td>Bridges</td>
<td>43,443</td>
<td>75,000</td>
<td>77,000</td>
</tr>
<tr>
<td>Car Parking</td>
<td>83,335</td>
<td>293,250</td>
<td>293,000</td>
</tr>
<tr>
<td>CBD</td>
<td>1,757,577</td>
<td>8,809,921</td>
<td>7,401,400</td>
</tr>
<tr>
<td>Drainage</td>
<td>17,465</td>
<td>277,703</td>
<td>128,559</td>
</tr>
<tr>
<td>Footpath</td>
<td>130,739</td>
<td>1,925,500</td>
<td>1,940,500</td>
</tr>
<tr>
<td>I.T.</td>
<td>171,161</td>
<td>751,391</td>
<td>572,500</td>
</tr>
<tr>
<td>Kerb &amp; Channel</td>
<td>15,920</td>
<td>169,000</td>
<td>179,000</td>
</tr>
<tr>
<td>Landscaping</td>
<td>530,732</td>
<td>726,838</td>
<td>705,000</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>370,689</td>
<td>906,484</td>
<td>754,235</td>
</tr>
<tr>
<td>Plant</td>
<td>146,092</td>
<td>658,269</td>
<td>610,000</td>
</tr>
<tr>
<td>Playgrounds</td>
<td>98,292</td>
<td>615,000</td>
<td>626,000</td>
</tr>
<tr>
<td>Recreation Reserves</td>
<td>1,035,240</td>
<td>3,171,423</td>
<td>827,000</td>
</tr>
<tr>
<td>Roads</td>
<td>516,982</td>
<td>2,299,000</td>
<td>2,594,000</td>
</tr>
<tr>
<td>WSLC</td>
<td>65,284</td>
<td>450,402</td>
<td>250,000</td>
</tr>
<tr>
<td>Street Lighting</td>
<td>2,340</td>
<td>132,646</td>
<td>40,000</td>
</tr>
<tr>
<td>Traffic Management</td>
<td>124,839</td>
<td>697,374</td>
<td>325,000</td>
</tr>
<tr>
<td>Debt Servicing</td>
<td>867,487</td>
<td>1,762,912</td>
<td>1,646,439</td>
</tr>
<tr>
<td>Community Facilities</td>
<td>105,417</td>
<td>474,503</td>
<td>345,000</td>
</tr>
<tr>
<td>LOGIC</td>
<td>0</td>
<td>4,900,000</td>
<td>4,900,000</td>
</tr>
<tr>
<td>Baranduda Industrial Estate</td>
<td>4,111</td>
<td>1,667</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td>6,734,091</td>
<td>31,840,340</td>
<td>26,029,633</td>
</tr>
</tbody>
</table>

| Net Capital Income / (Expenditure) | (3,489,212) | (24,945,852) | (17,930,972) |

Note:

b. Includes approved 1st and 2nd quarter adjustments and rebudgets and unapproved 3rd quarter adjustments.
c. Refer Graph 2.
10.1 - Finance Report for January 2019 (cont’d)

Graph 2 – Capital Works (expenditure only) compared to Budget and Prior Year

Attachments
Nil

Tabled papers
Nil

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.

Director Business Services - Narelle Klein
In providing this advice, I have no interests to disclose in this report.

Manager Finance - Stephen Byrns
In providing this advice, I have no interests to disclose in this report.

Team Leader Financial Accounting - Nicola Gleeson Coopes
In providing this advice as the report author, I have no interests to disclose in this report.

For information only.
10.2 - Planning Report for January 2019

Between January 1 and January 31, 2019, the statutory planning unit determined 8 planning permits under delegation and the strategic planning unit approved 1 development plan.

### STATUTORY PLANNING APPLICATIONS DETERMINED FOR THE MONTH OF JANUARY 2019

<table>
<thead>
<tr>
<th>Permit No</th>
<th>Use / Development</th>
<th>Site address</th>
</tr>
</thead>
<tbody>
<tr>
<td>114/2018</td>
<td>Subdivision of land into 13 lots and 1 balance lot in the MUZ and DDO</td>
<td>167 McKoy St, Wodonga</td>
</tr>
<tr>
<td>150/2018</td>
<td>The alteration of covenant AC949651 to amend the building envelope in accordance with the endorsed plans</td>
<td>28 Innisfree Drive, West Wodonga</td>
</tr>
<tr>
<td>155/2018</td>
<td>Subdivide the land into three lots in the General Residential zone</td>
<td>110 Brewer Drive, West Wodonga</td>
</tr>
<tr>
<td>177/2018</td>
<td>Buildings and Works for Motor Vehicle Sales in the Mixed Use Zone</td>
<td>221 McKoy St, West Wodonga</td>
</tr>
<tr>
<td>183/2018</td>
<td>Buildings and Works (Education Centre) in the Urban Growth Zone and waiver of 8 car parking spaces</td>
<td>214 Baranduda Boulevard, Baranduda</td>
</tr>
<tr>
<td>184/2018</td>
<td>Buildings and Works to construct a single dwelling in the BMO</td>
<td>19 Lexcen St, Baranduda</td>
</tr>
<tr>
<td>186/2018</td>
<td>Electronic Promotional Sign</td>
<td>77 South St Wodonga</td>
</tr>
<tr>
<td>6/2019</td>
<td>Subdivide the land into two lots in the INIZ</td>
<td>28 Hovell St Wodonga</td>
</tr>
</tbody>
</table>

### DEVELOPMENT PLANS APPROVED FOR THE MONTH OF JANUARY 2019

<table>
<thead>
<tr>
<th>Address</th>
<th>Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>83-85 Brewer Drive, West Wodonga</td>
<td>27 Lots in the Low Density Residential Zone approved on 16/01/2019</td>
</tr>
</tbody>
</table>
Attachments
Nil

Tabled papers
Nil

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.

Director Planning and Infrastructure - Leon Schultz
In providing this advice, I have no interests to disclose in this report.

Manager Planning and Building - John Sidgwick
In providing this advice, I have no interests to disclose in this report.
10.2 - Planning Report for January 2019 (cont’d)

Team Leader Statutory Planning - Simon Maughan
In providing this advice, I have no interests to disclose in this report.

Subdivision Planner - Antonia Wiltjer
In providing this advice as the report author, I have no interests to disclose in this report.

For information only.
10 - Officers reports for information

Planning and Infrastructure

10.3 - Building report for January 2019

The value of building permits issued in Wodonga from 1 January to 31 January 2019 was $6,622,756. Details of the building approvals in excess of $100,000 are:

<table>
<thead>
<tr>
<th>Permit No</th>
<th>Value</th>
<th>Construction</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/645/Add</td>
<td>$239,554</td>
<td>Dwelling alteration &amp; addition</td>
<td>26 Brockley St. Wodonga</td>
</tr>
<tr>
<td>2018/682/Add</td>
<td>$344,000</td>
<td>Dwelling addition &amp; carport</td>
<td>1/18 Brockley St. Wodonga</td>
</tr>
<tr>
<td>2018/666/Dwell</td>
<td>$220,826</td>
<td>Dwelling</td>
<td>12 Ashburton C’cuit Wodonga</td>
</tr>
<tr>
<td>2018/680/Dwell</td>
<td>$302,475</td>
<td>Dwelling</td>
<td>34 Sargeant St. Killara</td>
</tr>
<tr>
<td>2018/684/Dwell</td>
<td>$259,920</td>
<td>Dwelling</td>
<td>14 Ashburton C’cuit Wodonga</td>
</tr>
<tr>
<td>2018/685/Dwell</td>
<td>$225,000</td>
<td>Dwelling</td>
<td>4 Ponting Way Baranduda</td>
</tr>
<tr>
<td>2018/686/Dwell</td>
<td>$280,625</td>
<td>Dwelling</td>
<td>19 Esposito St. Killara</td>
</tr>
<tr>
<td>2019/3/Dwell</td>
<td>$352,227</td>
<td>Dwelling</td>
<td>2 Trimble Lane Wodonga</td>
</tr>
<tr>
<td>2019/7/Dwell</td>
<td>$215,000</td>
<td>Dwelling</td>
<td>9 Hampshire Blvd Leneva</td>
</tr>
<tr>
<td>2019/8/Dwell</td>
<td>$240,000</td>
<td>Dwelling</td>
<td>1 Chatham Rd Leneva</td>
</tr>
<tr>
<td>2019/9/Dwell</td>
<td>$389,980</td>
<td>Dwelling</td>
<td>14 Strickland St. Killara</td>
</tr>
<tr>
<td>2019/12/Dwell</td>
<td>$270,550</td>
<td>Dwelling</td>
<td>12 Bertrand St. Baranduda</td>
</tr>
<tr>
<td>2019/16/Dwell</td>
<td>$249,115</td>
<td>Dwelling</td>
<td>34 Jensen Cres. Wodonga</td>
</tr>
<tr>
<td>2019/34/Dwell</td>
<td>$223,290</td>
<td>Dwelling</td>
<td>16 Throssell Cres. Wodonga</td>
</tr>
<tr>
<td>2019/38/Dwell</td>
<td>$232,514</td>
<td>Dwelling</td>
<td>32 Sargeant St. Killara</td>
</tr>
<tr>
<td>2018/373/Pbsadd</td>
<td>$308,356</td>
<td>Dwelling alteration &amp; addition</td>
<td>30 Lambourn Dv Wodonga</td>
</tr>
<tr>
<td>2018/339/Pbsdwl</td>
<td>$256,221</td>
<td>Dwelling</td>
<td>17 Ballock St. Baranduda</td>
</tr>
<tr>
<td>2018/367/Pbsdwl</td>
<td>$157,500</td>
<td>Dwelling</td>
<td>13 Grieve Way Wodonga</td>
</tr>
<tr>
<td>2018/381/Pbsdwl</td>
<td>$248,070</td>
<td>Dwelling</td>
<td>11 Canon St Leneva</td>
</tr>
<tr>
<td>2019/4/Pbsdwl</td>
<td>$268,890</td>
<td>Dwelling</td>
<td>14 Bertrand St. Baranduda</td>
</tr>
<tr>
<td>2019/13/Pbsdwl</td>
<td>$240,000</td>
<td>Dwelling</td>
<td>57 Firmstone Rd Leneva</td>
</tr>
<tr>
<td>2019/14/Pbsdwl</td>
<td>$284,884</td>
<td>Dwelling</td>
<td>4 Yarrow C’cuit Baranduda</td>
</tr>
<tr>
<td>2019/16/Pbscoa</td>
<td>$190,000</td>
<td>Shop fit-out Goldmark Jewellers</td>
<td>55-71 Elgin Blvd Wodonga</td>
</tr>
</tbody>
</table>

Building activity

<table>
<thead>
<tr>
<th>Jan 19 (Dec 18)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of building permits issued in Wodonga</td>
</tr>
<tr>
<td>Number of dwellings approved in Wodonga (dwellings &amp; units)</td>
</tr>
<tr>
<td>Number of permits relating to commercial &amp; industrial works in Wodonga</td>
</tr>
<tr>
<td>Percentage of work approved by Council</td>
</tr>
<tr>
<td>Number of permits approved outside Wodonga – Victoria **</td>
</tr>
<tr>
<td>Number of permits approved outside Wodonga - NSW ##</td>
</tr>
</tbody>
</table>

** Registered Building Practitioner, Registration No: BS-U 1369

## Accredited Certifier, Registration No: BPB 0368, Building Professionals Board, Sydney
10.3 - Building report for January 2019 (cont’d)

Attachments
Nil

Tabled papers
Nil
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.

Director Planning and Infrastructure - Leon Schultz
In providing this advice, I have no interests to disclose in this report.

Manager Planning and Building - John Sidgwick
In providing this advice, I have no interests to disclose in this report.

Building Administrative Officer - Vicki Teschner
In providing this advice as the report author, I have no interests to disclose in this report.

For information only.
### 10.4 - Competitive Services Report for January 2019

<table>
<thead>
<tr>
<th></th>
<th>January</th>
<th>YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quotation / tenders issued</td>
<td>5</td>
<td>88</td>
</tr>
<tr>
<td>Contracts awarded to local suppliers</td>
<td>9</td>
<td>74</td>
</tr>
<tr>
<td>Value of contracts awarded</td>
<td>$2,182,626.00</td>
<td>$11,217,759.99</td>
</tr>
</tbody>
</table>

### Tenders advertised / quotations issued

<table>
<thead>
<tr>
<th>Tender Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>W1524-18</td>
<td>Refurbishment of council offices ground floor - Stage 2</td>
</tr>
<tr>
<td>W1554-18Q</td>
<td>Design and Construct E Waste Shed at the Waste Transfer Station</td>
</tr>
<tr>
<td>W1567-18Q</td>
<td>Supply and Deliver Lighting to The Cube</td>
</tr>
<tr>
<td>W1575-19Q</td>
<td>Building Maintenance and Condition Defect Survey</td>
</tr>
<tr>
<td>W1580-19Q</td>
<td>Fabrication and delivery of 5 bus shelters</td>
</tr>
</tbody>
</table>

### Tenders / quotations under evaluation

<table>
<thead>
<tr>
<th>Tender Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>W1488-18Q</td>
<td>Willow Park Pavilion reconstruction, provision of carpentry, windows, doors and glazing services</td>
</tr>
<tr>
<td>W1490-18Q</td>
<td>Willow Park Pavilion reconstruction – provision of demolition services</td>
</tr>
<tr>
<td>W1491-18Q</td>
<td>Willow Park Pavilion reconstruction, provision of electrical services</td>
</tr>
<tr>
<td>W1492-18Q</td>
<td>Willow Park Pavilion reconstruction, provision of internal lining services</td>
</tr>
<tr>
<td>W1493-18Q</td>
<td>Willow Park Pavilion reconstruction - mechanical services</td>
</tr>
<tr>
<td>W1494-18Q</td>
<td>Willow Park Pavilion reconstruction, provision of painting services</td>
</tr>
<tr>
<td>W1495-18Q</td>
<td>Willow Park Pavilion reconstruction, provision of plumbing services</td>
</tr>
<tr>
<td>W1496-18Q</td>
<td>Willow Park Pavilion reconstruction, provision of tiling services</td>
</tr>
<tr>
<td>W1513-18</td>
<td>Agreement with WCC Maternal Child and Health and Albury Wodonga Aboriginal Health</td>
</tr>
<tr>
<td>W1514-18</td>
<td>Wodonga Council and Albury Wodonga Aboriginal Health Service - Form of Agreement DET Department of Education and Training</td>
</tr>
<tr>
<td>W1535-18Q</td>
<td>Willow Park Pavilion reconstruction, provision of concreting services</td>
</tr>
<tr>
<td>W1536-18Q</td>
<td>Willow Park Pavilion reconstruction, provision of joinery &amp; cabinetry services</td>
</tr>
<tr>
<td>W1537-18Q</td>
<td>Willow Park Pavilion reconstruction, provision of roofing services</td>
</tr>
<tr>
<td>W1538-18</td>
<td>Design of elevated Lawrence Street Bridge over House Creek</td>
</tr>
<tr>
<td>W1551-18Q</td>
<td>Willow Park Pavilion reconstruction, provision of brickwork services</td>
</tr>
<tr>
<td>W1555-18Q</td>
<td>Unlocking Sloping Land</td>
</tr>
<tr>
<td>W1560-18Q</td>
<td>Wodonga 18/19 Playground Renewals - play equipment supply and install.</td>
</tr>
<tr>
<td>W1564-18Q</td>
<td>Wodonga Environmental Lands Bushfire Management Plans</td>
</tr>
</tbody>
</table>

### Contracts awarded

<table>
<thead>
<tr>
<th>Tender Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>W1450-18</td>
<td>Operation of the Re-use Retail Shop at the Wodonga Waste Transfer Station</td>
</tr>
<tr>
<td>W1467 - 18</td>
<td>Provision of Garden and Timber waste processing</td>
</tr>
<tr>
<td>W1468 - 18</td>
<td>Supply and installation of pedestrian operated traffic signals on Felltimber Creek Road east of Barton Street</td>
</tr>
<tr>
<td>W1471-18</td>
<td>Wodonga to Bonegilla High Country Rail Trail reconstruction &amp; surfacing works</td>
</tr>
<tr>
<td>W1476 - 18</td>
<td>Construction of Thomas Mitchell Drive - Zebra Crossing</td>
</tr>
</tbody>
</table>
## 10.4 - Competitive Services Report for January 2019 (cont’d)

<table>
<thead>
<tr>
<th>Service Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>W1522 - 18Q</td>
<td>Provision of Pre-employment Functional Assessments</td>
</tr>
<tr>
<td>W1552 - 18Q</td>
<td>Construction of new changing area at Southern Rise Preschool</td>
</tr>
<tr>
<td>W1553-18Q</td>
<td>Construction of Park Lane Levee</td>
</tr>
<tr>
<td>W1557 - 18</td>
<td>Spring Gully Road and Long Gully Road reconstruction</td>
</tr>
<tr>
<td>W1558-18Q</td>
<td>Provision of services for a Council Bridge Condition and Defect audit</td>
</tr>
<tr>
<td>W1587-19Q</td>
<td>Remove and Replace Cladding to Community Centre at White Box Rise</td>
</tr>
</tbody>
</table>

### Contracts not awarded

<table>
<thead>
<tr>
<th>Service Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>W1497-18</td>
<td>Birallee Park indoor cricket training facility project - steel works</td>
</tr>
<tr>
<td>W1499-18</td>
<td>Birallee Park indoor cricket training facility project - civil and pre-cast concrete panel works</td>
</tr>
<tr>
<td>W1500-18Q</td>
<td>Birallee Park indoor cricket training facility project - brick masonry works</td>
</tr>
<tr>
<td>W1501-18</td>
<td>Birallee Park indoor cricket training facility project - metal &amp; poly-carb sheeting, sarking, roof plumbing &amp; fall arrest equipment works</td>
</tr>
<tr>
<td>W1502-18</td>
<td>Birallee Park indoor cricket training facility project - hydraulics &amp; gas works</td>
</tr>
<tr>
<td>W1503-18</td>
<td>Birallee Park indoor cricket training facility project - carpentry, fibre cement linings, windows, doors and glazing works</td>
</tr>
<tr>
<td>W1504-18Q</td>
<td>Birallee Park indoor cricket training facility project - internal lining works</td>
</tr>
<tr>
<td>W1505-18Q</td>
<td>Birallee Park indoor cricket training facility project - floor covering works</td>
</tr>
<tr>
<td>W1506-18Q</td>
<td>Birallee Park indoor cricket training facility project - ceramic tiling works</td>
</tr>
<tr>
<td>W1507-18Q</td>
<td>Birallee Park indoor cricket training facility project - painting works</td>
</tr>
<tr>
<td>W1508-18</td>
<td>Birallee Park indoor cricket training facility project - mechanical services</td>
</tr>
<tr>
<td>W1509-18Q</td>
<td>Birallee Park indoor cricket training facility project - synthetic turf, netting and sporting requirements</td>
</tr>
<tr>
<td>W1510-18Q</td>
<td>Birallee Park indoor cricket training facility - electrical, lighting and data works</td>
</tr>
<tr>
<td>W1511-18Q</td>
<td>Birallee Park indoor cricket training facility - joinery &amp; cabinetry works</td>
</tr>
</tbody>
</table>
10.4 - Competitive Services Report for January 2019 (cont’d)

Contracts awarded to local suppliers

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Value</td>
<td>88%</td>
<td>92%</td>
<td>67%</td>
<td>75%</td>
<td>66%</td>
<td>85%</td>
<td>76%</td>
<td>90%</td>
<td>63%</td>
<td>80%</td>
<td>100%</td>
<td>82%</td>
<td></td>
</tr>
</tbody>
</table>

Attachments

Nil

Tabled papers

Nil

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.

Director Business Services - Narelle Klein
In providing this advice, I have no interests to disclose in this report.

Manager Governance and Customer Focus - Spencer Rich
In providing this advice, I have no interests to disclose in this report.

Contracts Officer - Melanie Simpson
In providing this advice as the report author, I have no interests to disclose in this report.

For information only.
10.5 - Assemblies of councillors

Under section 3 of the *Local Government Act 1989* an assembly of councillors (however titled) means a meeting of an advisory committee of the Council, if at least one councillor is present, or a planned or scheduled meeting of at least half of the councillors and one member of Council staff which considers matters that are intended or likely to be:

a. the subject of a decision of the Council; or

b. subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

An assembly of councillors does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.

The written record of each assembly is, as soon as possible, required to be incorporated in the minutes of the council meeting. The written records of the assemblies recently held are attached.
Councillor briefing of Monday, January 21, 2019, commencing at 8.30am and concluding at 11.10am.

Venue | Council Chamber, ground floor, Council Offices, Hovell Street, Wodonga.

In attendance

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Items discussed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anna Speedie</td>
<td>Mayor and councillor</td>
<td>No</td>
</tr>
<tr>
<td>Kat Bennett</td>
<td>Councillor</td>
<td>No</td>
</tr>
<tr>
<td>Libby Hall</td>
<td>Councillor</td>
<td>No</td>
</tr>
<tr>
<td>Ron Mildren</td>
<td>Councillor</td>
<td>No</td>
</tr>
<tr>
<td>Brian Mitchell</td>
<td>Councillor elect</td>
<td>No</td>
</tr>
<tr>
<td>John Watson</td>
<td>Councillor</td>
<td>No</td>
</tr>
<tr>
<td>Leon Schultz</td>
<td>Acting Chief Executive Officer</td>
<td>No</td>
</tr>
<tr>
<td>Narelle Klein</td>
<td>Director Business Services</td>
<td>No</td>
</tr>
<tr>
<td>Kellie Davies</td>
<td>Acting Director Community Development</td>
<td>No</td>
</tr>
<tr>
<td>Theo Panagopoulos</td>
<td>Acting Director Planning &amp; Infrastructure</td>
<td>No</td>
</tr>
<tr>
<td>Kevin Scully</td>
<td>Governance Officer</td>
<td>No</td>
</tr>
<tr>
<td>Liona Edwards</td>
<td>Manager Sport &amp; Recreation</td>
<td>Item 4a</td>
</tr>
</tbody>
</table>

Conflict of interest disclosures

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Item</th>
<th>Did the councillor leave the meeting?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ron Mildren</td>
<td>That part of item one dealing with Junction Place.</td>
<td>Yes</td>
</tr>
<tr>
<td>Ron Mildren</td>
<td>That part of item three dealing with the Waste Management Strategy.</td>
<td>Yes</td>
</tr>
<tr>
<td>Libby Hall</td>
<td>That part of item three dealing with the Chapples Road, Baranduda – river access.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Items discussed

1. The Mayor and councillors reported on matters relating to their roles as delegates, and other community issues.
2. The Acting CEO gave an update of strategic issues.
3. Review of agenda for ordinary council meeting
4. Briefing reports were provided on the following:
   a) Albury Wodonga Aquatics Advisory Committee
   b) Eagle Award Nomination
   c) December 2018 Quarterly and Monthly Finance Report
   d) Two Cities One Community: Regional City Deals - Potential Projects
   e) Planning day agenda
Councillor briefing of Monday, February 4, 2019, commencing at 8.30am and concluding at 12.40pm.

Venue | Council Chamber, ground floor, Council Offices, Hovell Street, Wodonga.

In attendance

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Items discussed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anna Speedie</td>
<td>Mayor and councillor</td>
<td>All items, except 3f</td>
</tr>
<tr>
<td>Kat Bennett</td>
<td>Deputy Mayor and councillor</td>
<td>Item 3f only</td>
</tr>
<tr>
<td>Libby Hall</td>
<td>Councillor</td>
<td>All items, except 3f</td>
</tr>
<tr>
<td>Danny Lowe</td>
<td>Councillor</td>
<td>All items</td>
</tr>
<tr>
<td>Ron Mildren</td>
<td>Councillor</td>
<td>All items, except 3f</td>
</tr>
<tr>
<td>Brian Mitchell</td>
<td>Councillor</td>
<td>All items</td>
</tr>
<tr>
<td>John Watson</td>
<td>Councillor</td>
<td>All items</td>
</tr>
<tr>
<td>Debra Mudra</td>
<td>Acting Chief Executive Officer</td>
<td>All items</td>
</tr>
<tr>
<td>Narelle Klein</td>
<td>Director Business Services</td>
<td>All items</td>
</tr>
<tr>
<td>Kellie Davies</td>
<td>Acting Director Community Development</td>
<td>All items</td>
</tr>
<tr>
<td>Leon Schultz</td>
<td>Director Planning &amp; Infrastructure</td>
<td>All items</td>
</tr>
<tr>
<td>Kevin Scully</td>
<td>Governance Officer</td>
<td>All items</td>
</tr>
<tr>
<td>Spencer Rich</td>
<td>Manager Governance &amp; Customer Focus</td>
<td>Items 3b and 3c</td>
</tr>
<tr>
<td>Peter Whitmarsh</td>
<td>Contracts Administrator</td>
<td>Item 3b</td>
</tr>
<tr>
<td>John Sidgwick</td>
<td>Manager Planning &amp; Building</td>
<td>Item 3d and 3f</td>
</tr>
<tr>
<td>Laura Hawkins</td>
<td>Senior Statutory Planner</td>
<td>Item 3d</td>
</tr>
<tr>
<td>Mark Verbaken</td>
<td>Manager Environment &amp; Community Protection</td>
<td>Item 3e</td>
</tr>
</tbody>
</table>

Conflict of interest disclosures

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Item</th>
<th>Did the councillor leave the meeting?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Libby Hall</td>
<td>Item 3f - 115 Kinchington Road, Leneva</td>
<td>Yes</td>
</tr>
<tr>
<td>Ron Mildren</td>
<td>Item 3f - 115 Kinchington Road, Leneva</td>
<td>Yes</td>
</tr>
<tr>
<td>Anna Speedie</td>
<td>Item 3f - 115 Kinchington Road, Leneva</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Items discussed

1. The Mayor and councillors reported on matters relating to their roles as delegates, and other community issues.
2. The CEO gave an update of strategic issues.
3. Briefing reports were provided on the following:
   a) Potential funding opportunities for Wodonga sporting facilities
   b) Contract Contingencies
   c) Processes and procedures at Council meetings and councillor briefings
   e) Use of council land for a circus with exotic animals
   f) 115 Kinchington Road, Leneva - Requests to vary existing section 173 agreement
### 10.5 - Assemblies of councillors (cont’d)

**Planning day of Sunday, February 10, 2019, commencing at 9am and concluding at 5.30pm.**

<table>
<thead>
<tr>
<th>Venue</th>
<th>The Cube Wodonga, 118 Hovell Street, Wodonga.</th>
</tr>
</thead>
<tbody>
<tr>
<td>In attendance</td>
<td></td>
</tr>
<tr>
<td>Anna Speedie</td>
<td>Mayor and councillor</td>
</tr>
<tr>
<td>Kat Bennett</td>
<td>Deputy Mayor and councillor</td>
</tr>
<tr>
<td>Libby Hall</td>
<td>Councillor</td>
</tr>
<tr>
<td>Danny Lowe</td>
<td>Councillor</td>
</tr>
<tr>
<td>Ron Mildren</td>
<td>Councillor</td>
</tr>
<tr>
<td>Brian Mitchell</td>
<td>Councillor</td>
</tr>
<tr>
<td>John Watson</td>
<td>Councillor</td>
</tr>
<tr>
<td>Debra Mudra</td>
<td>Acting Chief Executive Officer</td>
</tr>
<tr>
<td>Narelle Klein</td>
<td>Director Business Services</td>
</tr>
<tr>
<td>Kellie Davies</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>Leon Schultz</td>
<td>Director Planning &amp; Infrastructure</td>
</tr>
<tr>
<td><strong>Conflict of interest disclosures</strong></td>
<td></td>
</tr>
<tr>
<td>Ron Mildren</td>
<td>That part of the planning day when Junction Place was discussed. Yes</td>
</tr>
</tbody>
</table>

**Items discussed**

Councillors and executive met to review the 2017-2021 Council Plan and commence planning for the 2019-2020 council budget, and discussed a wide range of issues in relation to both matters.

---

**Planning day of Monday, February 11, 2019, commencing at 8.30am and concluding at 10.40am.**

<table>
<thead>
<tr>
<th>Venue</th>
<th>The Cube Wodonga, 118 Hovell Street, Wodonga.</th>
</tr>
</thead>
<tbody>
<tr>
<td>In attendance</td>
<td></td>
</tr>
<tr>
<td>Anna Speedie</td>
<td>Mayor and councillor</td>
</tr>
<tr>
<td>Kat Bennett</td>
<td>Deputy Mayor and councillor</td>
</tr>
<tr>
<td>Libby Hall</td>
<td>Councillor</td>
</tr>
<tr>
<td>Danny Lowe</td>
<td>Councillor</td>
</tr>
<tr>
<td>Ron Mildren</td>
<td>Councillor</td>
</tr>
<tr>
<td>Brian Mitchell</td>
<td>Councillor</td>
</tr>
<tr>
<td>John Watson</td>
<td>Councillor</td>
</tr>
<tr>
<td>Debra Mudra</td>
<td>Acting Chief Executive Officer</td>
</tr>
<tr>
<td>Narelle Klein</td>
<td>Director Business Services</td>
</tr>
<tr>
<td>Kellie Davies</td>
<td>Acting Director Community Development</td>
</tr>
<tr>
<td>Leon Schultz</td>
<td>Director Planning &amp; Infrastructure</td>
</tr>
<tr>
<td><strong>Conflict of interest disclosures</strong></td>
<td></td>
</tr>
<tr>
<td>Ron Mildren</td>
<td>That part of the planning day when Junction Place was discussed. Yes</td>
</tr>
</tbody>
</table>

**Items discussed**

Councillors and executive met to review the 2017-2021 Council Plan and commence planning for the 2019-2020 council budget, and discussed a wide range of issues in relation to both matters.
10 - Officers reports for information

10.5 - Assemblies of councillors (cont’d)

Attachments
Nil

Tabled papers
Nil

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.

Governance Officer - Kevin Scully
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.

For information only.
This report provides an update on decisions from previous council meetings.

<table>
<thead>
<tr>
<th>Item</th>
<th>Wodonga Recreation Facilities Governance Review (19/03/2018)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>That a 6 week public engagement process for the draft Wodonga Recreation Facilities Governance Review Report be undertaken with a further report on the results of the engagement process to be presented to a future ordinary meeting.</td>
</tr>
<tr>
<td>Status</td>
<td>Working on actions with a report to council in the first quarter of 2019.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Ombudsman’s Report (14/05/2018)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>That: 1. The Victorian Ombudsman’s Report Investigation into Wodonga City Council’s overcharging of a waste management levy, April 2018 be received and noted; 2. The Ombudsman’s recommendation relating to Wodonga’s waste management service charge be implemented within two years; 3. Council undertake preparatory work with the Essential Services Commission and Local Government Victoria to investigate the implications of the review of the Local Government Act and how the implementation of the Ombudsman’s Report will impact Wodonga; and 4. The Municipal Association of Victoria be requested to advocate for an amendment to the Local Government Act 1989 to implement recommendation two from the Ombudsman’s Report.</td>
</tr>
<tr>
<td>Status</td>
<td>In progress. Subject to further consideration as a part of the 2019-2020 budget process.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Wodonga CBA Car Parking Plan for approval and Wodonga Planning Scheme Amendment C98 Car Parking Plan &amp; Parking Overlay (14/05/2018)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>That: 1. The Wodonga CBA Car Parking Plan, as tabled be adopted; and 2. Officers seek authorisation from the Minister for Planning to prepare and exhibit the Planning Scheme Amendment C98 to the WPS.</td>
</tr>
<tr>
<td>Status</td>
<td>Request sent to Minister.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Intention to enter into lease - Hockey Albury Wodonga Incorporated (20/08/2018)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>That council resolves to enter into a new lease for a 20 year term made up of an initial ten year term and a further two by five year term options with Hockey Albury Wodonga Incorporated at a rental charge of $100.00 excluding GST per annum for the first year. The rent payable is to increase by a fixed amount of $10 per annum plus GST for each year thereafter for the duration of the lease. 1. In accordance with Section 190 and 223 of the Local Government Act 1989 (“the Act”) public notice be given in the Border Mail of the intention to grant the current Tenant, Hockey Albury Wodonga Incorporated a 20 year lease of Wodonga hockey facilities at Silva Drive within the Birallee Park sporting precinct on part of the land contained in Certificate of Title Volume 10362 Folio 364 which is council owned land. 2. The public notice shall stipulate that persons may make a submission on the proposed lease in accordance with Section 223 of the Act and that written submissions be received on a date that is at least 28 days after the publication of the notice. 3. The CEO is authorised to undertake the administrative procedures necessary to enable council to carry out its functions under section 223 of the Act in relation to this matter. 4. That if submissions are received under section 223 of the Act; a) A special meeting of council be convened on a date to be determined to hear from any person or persons who request to be heard in support of a section 223 written submission. b) A report on any section 223 submissions received by council along with a...</td>
</tr>
</tbody>
</table>
10.6 - Decisions register (cont’d)

| Item | Summary
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>summary of any hearings held, be provided to the next ordinary council meeting. 5. If no submissions are received within the prescribed period the council resolves to grant a new lease outlined in clause 1 without further resolution of council and that the CEO be authorised to sign any documents required to evidence the grant of the new lease.</td>
<td></td>
</tr>
</tbody>
</table>

**Status**

In progress – expected to be finalised in February.

<table>
<thead>
<tr>
<th>Item</th>
<th>Speed limit review - various locations (20/08/2018)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>That the CEO be authorised to make application to VicRoads to seek approval for the speed limit changes as set out within this report, being: 1. To extend the existing 60km/h speed limit 400m westwards on Huon Creek Road. This will also require the existing 80km/h speed limit to be moved an equal amount in a westerly direction 2. To extend the 70km/h speed limit on Felltimber Creek Rd, which currently terminates west of the McGaffins Rd intersection, a distance of approximately 800m to south of Coyles Rd. 3. To extend the existing 50km/h speed limit 300m past the new intersection of Hampshire Blvd. 4. To extend the existing permanent 60km/h speed limit 900m to the intersection with Boyes Rd. 5. To implement a timed 40km/h speed zone in Lawrence St from Campaspe St through to Drage Rd. Parkers Rd from 100m south of Lawrence St into Moorfield Park Drv to the intersection with Ambrose Court and Drage Rd from the roundabout to the existing 40km/h timed school speed zone east of Iron Way.</td>
</tr>
</tbody>
</table>

**Status**

In progress. Application for speed variation sent to VicRoads.

<table>
<thead>
<tr>
<th>Item</th>
<th>Council's intention to enter into a 15 year lease - La Maison (17/09/2018)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>That Council resolves to enter into a new 15 year lease made up of three five year terms with W &amp; M Saliba Pty Ltd for Shop 1&amp;2/40–42 Lincoln Causeway (restaurant), Shop 4/40–42 Lincoln Causeway (Bluestone Cottage), amenities (toilets semi-detached from the main restaurant), Shop 5/40–42 Lincoln Causeway (Byrne Cottage) and storage shed 2 at a starting rent of $44,755 in the first year plus GST and all outgoings. The lease is to increase in line with CPI per annum with a market rent review conducted at the end of each five year term, as per the current market rent valuation, and: 1. In accordance with sections 190 and 223 of the Local Government Act 1989 (“the Act”) public notice be given in the Border Mail of the intention to grant the current tenant, W &amp; M Saliba Pty Ltd a 15 year lease of Shop 1 &amp; 2/ 40–42 Lincoln Causeway (Restaurant), Shop 4/40–42 Lincoln Causeway (Bluestone Cottage), amenities (public toilets semi-detached from the main Restaurant), storage shed 2 being part of the land contained within Certificate of Title Volume 115810 Folio 808 and Shop 5/40–42 Lincoln Causeway (Byrne Cottage) being part of the land contained within Certificate of Title Volume 11580 Folio 807. 2. The public notice shall stipulate that persons may make a submission on the proposed lease in accordance with section 223 of the Act and that written submissions be received within 28 days after the publication of the notice. 3. The CEO is authorised to undertake the administrative procedures necessary to enable council to carry out its functions under section 223 of the Act in relation to this matter. 4. That if submissions are received under section 223 of the Act a) A special meeting of council be convened on a date to be determined to hear from any person or persons who request to be heard in support of a section 223 written submission. b) A report on any s.223 submissions received by council along with a summary of any hearings held, be provided to the next ordinary council meeting.</td>
</tr>
</tbody>
</table>

**Status**

In progress.
5. That if no submissions are received within the prescribed period the council resolve to grant a new lease outlined in clause 1 without further resolution of council and that the CEO be authorised to sign any documents required to evidence the grant of the new lease.

### Item Wodonga Historical Society (17/09/2018)

**Resolution**
- That council:
  1. Enter into a three year memorandum of understanding with the Wodonga Historical Society with a total annual contribution of $23,500 with $10,000 per year for three years being funded from the Community Impact Partnership grant program; and
  2. Lobby State Government for land, funding or a permanent premises, on behalf of Wodonga Historical Society.

**Status**
- Completed. 2. In progress – to be considered as part of the new library / gallery.

### Item Wodonga Planning Scheme Amendment C121 - Leneva Baranduda Precinct Structure Plan and Development Contribution Plan (17/09/2018)

**Resolution**
- Having considered the Planning Panel's report under s.27(1) of the Planning and Environment Act, Wodonga Planning Scheme Amendment C121 be adopted with changes under Sect 29(1) of the Planning and Environment Act; and
- Officers be authorised to seek the formal approval of Amendment C121 from the Minister for Planning under Section 31 of the Act.

**Status**
- Documentation submitted to the DELWP office.

### Item Wodonga to Bonegilla High Country Rail Trail reconstruction and surfacing works (19/11/2018)

**Resolution**
- That subject to a memorandum of understanding being reached with Parklands Albury Wodonga, the tender from Excell Gray Bruni Pty Ltd for W1471-18 Wodonga to Bonegilla High Country Rail Trail Reconstruction and Surfacing works for the contract sum of $1,017,722 (excluding GST) based on the schedule of rates tendered be accepted;
- This contract sum includes a provisional sum of $115,250 (excluding GST) for the extension of works from the Murray Valley Highway overpass of the rail trail to Ebden Reserve, should budget still be available, following completion of the deliverables for the project; and
- The contract period should be from December 1, 2018 and have practical completion by no later than March 30, 2019, or as otherwise negotiated with Excell Gray Bruni Pty Ltd.

**Status**
- All contract documentation complete. Completed.

### Item Review of council meeting procedures and processes (19/11/2018)

**Resolution**
- That:
  1. The update on the review of council processes and procedures at Council meetings and councillor briefings be received and noted; and
  2. A further report be submitted to the ordinary council meeting in February 2019 on this review, with the report to also commence the process for a new Meeting Procedure Local Law.

**Status**
- A report on this matter is included with this meeting agenda. Completed.

### Item Wodonga Planning Scheme Review 2018 (10/12/2018)

**Resolution**
- That the Wodonga Planning Scheme Review 2018 be adopted and submitted to the Minister for Planning in accordance with Section 12B of the Planning and Environment Act 1987.
10.6 - Decisions register (cont’d)

<table>
<thead>
<tr>
<th>Status</th>
<th>Request sent to DELWP.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Item</strong></td>
<td><strong>Wodonga Planning Scheme Amendment C98 Central Business Area Parking Overlay - for adoption (10/12/2018)</strong></td>
</tr>
</tbody>
</table>
| **Resolution** | That:  
1. The Amendment C98 be adopted without changes; and  
2. Officers be authorised to complete and submit the documentation required to seek the formal approval of Amendment C98 to the Minister for Planning under Section 31 of the Act. |
| **Status** | |

<table>
<thead>
<tr>
<th><strong>Item</strong></th>
<th><strong>Rescission motion - use of council land for a circus with exotic animals (10/12/2018)</strong></th>
</tr>
</thead>
</table>
| **Resolution** | 1. That the resolution of the council meeting of 19 November 2018 - “that council owned land not be available for hire by circuses and carnivals that involve the performance and display of exotic animals” - be rescinded.  
2. That the CEO prepare a further report on the availability of council land for circuses and carnivals, the report to address:  
   a. Definitions of key terms, including but not limited to, circuses and carnivals, and exotic animals.  
   b. The scope of council owned land and crown land that may be impacted by any hire restriction.  
   c. Whether any restriction should involve the use of council land rather than hire of council land.  
3. The report to be submitted no later than the February 2019 ordinary meeting of council. |
| **Status** | This is listed on the agenda for the February council meeting. Completed. |

<table>
<thead>
<tr>
<th><strong>Item</strong></th>
<th><strong>Petition - Golf Cart access to the Wodonga Golf Course (10/12/2018)</strong></th>
</tr>
</thead>
</table>
| **Resolution** | 1. That a full assessment of all access points from public land onto the Wodonga golf course be undertaken and that appropriate levels of consultation be included to fully appreciate the expectations of the impacted community;  
2. That a further report detailing the outcomes of the assessment be brought back to the Council for consideration within 6 months of this report;  
3. That no further action be taken at the Down Court access point until such time as the Council have considered the report as contemplated above; and  
4. The petitioners be advised of this outcome. |
| **Status** | In progress. |

<table>
<thead>
<tr>
<th><strong>Item</strong></th>
<th><strong>Draft Wodonga Rating Strategy 2019 (21/01/2019)</strong></th>
</tr>
</thead>
</table>
| **Resolution** | That:  
1. The report of the Rating Strategy Reference Group, as tabled, be received;  
2. Community feedback be sought on the Draft 2019 Rating Strategy, as tabled, with the consultation to extend for a minimum period of 28 days;  
3. A further report be submitted to council following the completion of the public consultation process for the purpose of adopting the 2019 Rating Strategy; and  
4. Items 9 and 10 in the officer report in the section Background – process, be noted, and further noted that these matters are not under consideration as a part of the draft Rating Strategy |
| **Status** | In progress. |

<table>
<thead>
<tr>
<th><strong>Item</strong></th>
<th><strong>Audit Committee Charter Review (21/01/2019)</strong></th>
</tr>
</thead>
</table>
| **Resolution** | That:  
1. The Audit Committee Charter, as tabled, be adopted; and |
10.6 - Decisions register (cont’d)

<table>
<thead>
<tr>
<th>Item</th>
<th>Waste Management Strategy (21/01/2019)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>That the draft Waste Management Strategy 2019 -2023, as tabled, be endorsed for public exhibition and comment</td>
</tr>
<tr>
<td>Status</td>
<td>In progress.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Proposed sale of land at Logic (21/01/2019)</th>
</tr>
</thead>
</table>
| Resolution | 1. That having followed all the required statutory procedures pursuant to sections 189 and 223 of the Local Government Act 1989, that Council:  
a) sell to Jessica Wild (Purchaser) Lots 5 and 6 on proposed plan of subdivision no. PS823624V (Plan), being part of the land contained in certificate of title volume 11607 folio 545; and  
b) grant to the Purchaser separate options to purchase Lots 2, 3 and 4 on the Plan, being part of the land contained in certificate of title volume 11607 folio 545, and sell such land;  
in accordance with the terms as outlined in the public notice as advertised in The Border Mail on Wednesday, December 12, 2018.  
2. The Chief Executive Officer be authorised to execute all necessary documentation pertaining to the sale of the land, on terms and conditions agreed between the council and the Purchaser, without further resolution of the Council. |
| Status | In progress. |

<table>
<thead>
<tr>
<th>Item</th>
<th>December 2018 Quarterly and Monthly Finance Report (21/01/2019)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>That the December 2018 Quarterly and Monthly Finance Report be approved.</td>
</tr>
<tr>
<td>Status</td>
<td>Completed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Spring Gully Road and Long Gully Road Reconstruction (21/01/2019)</th>
</tr>
</thead>
</table>
| Resolution | 1. That the tender from Jacksons Earthmoving Pty Ltd for W1557-18 Spring Gully and Long Gully Road reconstruction, for the contract sum of $524,130.00 (excluding GST) based on the schedule of rates provided, be awarded.  
2. The contract is to be completed by March 15, 2019 |
| Status | All contract documentation complete. Completed. |

<table>
<thead>
<tr>
<th>Item</th>
<th>Chapples Rd, Baranduda - river access (21/01/2019)</th>
</tr>
</thead>
</table>
| Resolution | That:  
1. Property owners along Chapples Road be notified of the requirement to remove any obstructions preventing public access to the Kiewa River;  
2. The council enforce the appropriate legislative provisions to ensure that Chapples Road, Baranduda is open for public use and free from obstruction; and  
3. The council liaise with Parklands Albury Wodonga to assist the organisation to gain approvals, including those under the Road Management Plan, and to undertake appropriate works to facilitate community access |
| Status | In progress. |
10.6 - Decisions register (cont’d)

Attachments
Nil

Tabled papers
Nil

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.

Governance Officer - Kevin Scully
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.

For information only.
There were no Notices of motion for this meeting.
12.1 - Petition - parking restrictions in Church Street

Purpose of report

A petition has been received, with 157 signatories, seeking action by the council in relation to parking restrictions in Church Street, Wodonga.

Separately, a copy of the petition has been forwarded to councillors and is tabled.

The petitioners have requested the following:

*The residents and ratepayers of the Wodonga City Council draw to the attention of the Council: the drastic change of parking conditions in Church Street – the parking restrictions applied to spaces directly adjacent to local businesses.*

*We therefore request that the parking restrictions be removed or at least the affected businesses consulted for a reasonable outcome.*

In accordance with the council’s Meeting Procedure Local Law, unless the council resolves to consider it as an item of urgent business, the petition must lay on the table until the next ordinary meeting of the council, at which time a further report will be provided.

Attachments

Nil

Tabled papers

The following documents will be tabled at the meeting:
- Document A: Petition on Church Street parking restrictions

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.

Director Business Services - Narelle Klein
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.
### 12.1 - Petition - parking restrictions in Church Street (cont’d)

#### Recommendation

That the petition seeking action by council in relation to the parking restrictions in Church Street, Wodonga be received and that it lay on the table until the next ordinary meeting of council in March 2019.

#### Motion

Crs Kat Bennett / Danny Lowe

That:

1. The petition seeking action by council in relation to the parking restrictions in Church St, Wodonga, be received; and

2. Council officers begin formal discussions with businesses in the Junction Place precinct as requested by the petitioners to inform the report to be presented to the March council meeting.

Carried

### Conflict of interest disclosure

*Prior to the commencement of item 12.1 Cr Mildren disclosed a conflict of interest in that item, the details of which are recorded in these minutes at item 5.*

*Cr Mildren left the meeting at 6.55pm. Cr Mildren returned to the meeting room at 6.59pm after the resolution for item 12.1 was carried.*
There were no documents requiring the attachment of the council seal.
Clause 23 of the council's Meeting Procedure Local Law (no. 1 of 2009) 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 61 of the council's Meeting Procedure Local Law (no. 1 of 2009) states:

61.1 There shall be a public question time at every Ordinary meeting to enable members of the public to submit written questions to Council.

61.2 Public Question Time will have a duration as determined by Council from time to time.

61.3 Questions submitted to Council must be prefaced by the name and address of the person submitting the question and generally be in a form approved or permitted by Council.

61.4 Persons submitting questions must be present in the gallery at the time the question is due to be read, or the question will not be addressed by Council.

61.5 No person may submit more than two questions at any one meeting.

61.6 If a person has submitted two questions to a meeting, the second question:
   a) may, at the discretion of the Chairperson, be deferred until all other persons who have asked a question have had their questions asked and answered; or
   b) may not be asked if the time allotted for public question time has expired.

61.7 A question may be disallowed by the Chairperson if the Chairperson determines that it:
   a) relates to a matter outside the duties, functions and powers of Council;
   b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
   c) deals with a subject matter already answered;
   d) is aimed at embarrassing a councillor or a member of Council staff;
   e) relates to personnel matters;
   f) relates to the personal hardship of any resident or ratepayer;
   g) relates to industrial matters;
   h) relates to contractual matters;
   i) relates to proposed developments;
   j) relates to matters affecting the security of Council property; or
   k) relates to legal advice;
   l) relates to any other matter which Council considers would prejudice Council or any person.

61.8 Questions will be answered either at the Council meeting or as soon as possible after the Council meeting, subject to such policy or guidelines that Council may adopt from time to time.

61.9 No debate on questions asked or answers given is permitted.

Question
A question was received relating to the Wodonga Hills Advisory Group, the Hills strategy, and the release of information to the public. As this question did not relate to an agenda item the acting CEO advised that a written response would be provided.

The question, along with the written response, will be included on the council web page.
Closure of meeting to the public

Section 89 (2) of the Local Government Act 1989 provides that a council may resolve that a meeting be closed to members of the public if the meeting is discussing any of the following:

(a) personnel matters;
(b) the personal hardship of any resident or ratepayer;
(c) industrial matters;
(d) contractual matters;
(e) proposed developments;
(f) legal advice;
(g) matters affecting the security of Council property;
(h) any other matter which the Council or special committee considers would prejudice the Council or any person;
(i) a resolution to close the meeting to members of the public.

The item/s listed at item 16 were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the Local Government Act 1989. In accordance with that Act, the council may resolve to consider these issues in open or closed session.

**Recommendation**

That the meeting be closed to members of the public in order to consider matters pursuant to section 89(2) of the Local Government Act, 1989, and that the meeting be adjourned for two minutes to allow the public to leave the Chamber.

**Motion**

Crs John Watson / Brian Mitchell

That the recommendation be adopted. Carried

The meeting was adjourned for two minutes at 7pm.
16 - Confidential business

16.1 - Confirmation of confidential minutes of January 21, 2019

Consideration of this item will be closed to members of the public as it contains matters listed under section 89(2) of the *Local Government Act 1989*. 
Consideration of this item will be closed to members of the public as it contains matters listed under section 89(2) of the *Local Government Act 1989*:

(e) proposed developments;
(f) legal advice.
Clause 23 of the council's Meeting Procedure Local Law (no. 1 of 2009) 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.
• **Return to open council**

**Recommendation**
That the ordinary meeting of the council be resumed.

**Motion**
Crs Danny Lowe / Libby Hall
That the recommendation be adopted.  
**Carried**

• **Adopt the 'in-camera' recommendations**

**Recommendation**
That the recommendations of the closed meeting of the council be adopted.

**Motion**
Crs Kat Bennett / Libby Hall
That the recommendation be adopted.  
**Carried**

• **Chairperson to close the meeting.**

There being no further business the meeting closed at 7.15pm.

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

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