Wodonga Council minutes for the Ordinary meeting of the council held in the The Cube Wodonga – 118 Hovell St, Wodonga on May 13, 2019.

Present

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

In attendance

Mr M Dixon    Chief Executive Officer
Ms N Klein    Director Business Services
Ms D Mudra    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

An apology was received from Cr Hall.

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 Mildren disclosed a conflict of interest, being being an indirect interest because of conflicting duty (section 78B of the *Local Government Act, 1989*), for item 8.8 193/2018 - Whytes Road, Baranduda - Use and Development of a Contractors Depot and Materials Recycling Facility. The nature of the interest is that Cr Mildren’s business undertook work in the past for the owner of the company who lodged the permit application.

Cr Mildren disclosed a conflict of interest, being being an indirect interest because of conflicting duty (section 78B of the *Local Government Act, 1989*), for item 16.2 Proposed CBA land exchange. Details of the nature of the interest is included with the confidential minutes.
6. Confirmation of minutes of previous meeting

**Recommendation**

That the minutes of the ordinary meeting of council held on April 15, 2019, as circulated, be confirmed.

**Motion**

Crs Brian Mitchell / John Watson

That the recommendation be adopted.

Carried

7. Delegates reports

Nil 7

8. Officers reports for determination

8.1 Council Plan and Budget items where councillors have a conflict of interest 8
8.2 Council Plan adjustment 12
8.3 Draft 2019-2020 Budget 16
8.4 Meeting Procedure Local Law 22
8.5 Review of the Instruments of Delegation 58
8.6 Waste Management Reserve Policy 68
8.7 Planning Scheme Amendment C129 - Introduction of the Specific Controls Overlay to facilitate the development of the Baranduda Village Convenience Centre 74
8.8 193/2018 - Whytes Road, Baranduda - Use and Development of a Contractors Depot and Materials Recycling Facility 95

9. Officers reports for noting

9.1 Audit Committee Meeting April 4, 2019 - summary of minutes 145

10. Officers reports for information

10.1 Finance Report for April 2019 150
10.2 Planning Report for April 2019 162
10.3 Competitive Services Report for April 2019 165
10.4 Council Plan progress report 168
10.5 Assemblies of councillors 186
10.6 Decisions register 191

11. Notices of motion

Nil 197

12. Petitions

Nil 198

13. Council seal

13.1 Appointment of authorised officer 199

14. Urgent business

15. Question time

16. Confidential business

16.1 Confirmation of confidential minutes 206
16.2 Proposed CBA land exchange 207

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></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>Irreversible damage to the environment</td>
</tr>
<tr>
<td>Financial</td>
<td>Little to no impact on revenue or expenditure</td>
<td>Moderate impact on revenue or expenditure</td>
<td>Major impact on revenue or expenditure that will result in a council budget variation</td>
<td>Total impact on revenue or expenditure that may lead to the organisation being placed into administration</td>
</tr>
<tr>
<td>Service Delivery</td>
<td>Disruption to program, project or service with no downtime. May be dealt with by routine operations or management action and have limited impact on objectives</td>
<td>Require management initiated review and have some impact on the business unit's program, project or service, or on the strategic objectives. Temporary loss of key data</td>
<td>Would threaten the continuation of a business unit's program, project or critical service. Impact adversely on the business unit's strategic objectives. Unrecoverable loss of key data</td>
<td>Would threaten the organisation's viability or would not allow the organisation to achieve its objectives</td>
</tr>
<tr>
<td>Reputation</td>
<td>Limited political/community sensitivity No reputational damage. Resolved in normal operational management</td>
<td>Some political/community sensitivity and local media scrutiny and/or requires external audit</td>
<td>Results in significant political community sensitivity and media scrutiny and/or parliamentary questions</td>
<td>Results in extreme political/community sensitivity and media scrutiny or may result in a commission of inquiry or request for inquiries</td>
</tr>
<tr>
<td>Safety</td>
<td>May result in minor injury or reversible health damage which may be dealt with through primary First Aid</td>
<td>Result in injury or health impacts that are reversible, but may require medical attention but limited ongoing treatment</td>
<td>Results in life-threatening or serious injury which is irreversible requiring medical attention and on-going 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>Sanction compliance breach with potential prosecution with maximum penalty imposed</td>
</tr>
</tbody>
</table>

**Consequence**

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Almost Certain (A) Can be expected to occur in most circumstances (i.e. weekly)</th>
<th>Likely (B) Will probably occur in most circumstances in the future (i.e. monthly)</th>
<th>Possible (C) May occur in some circumstances in the future (i.e. yearly)</th>
<th>Unlikely (D) Could occur at some time in the future, but doubtful (i.e. every 2-10 years)</th>
<th>Rare (E) Expected to occur in exceptional circumstances (i.e. 10 years)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Significant</td>
<td>Medium</td>
<td>Medium</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td></td>
<td>High</td>
<td>Significant</td>
<td>Significant</td>
<td>Medium</td>
<td>Significant</td>
</tr>
<tr>
<td></td>
<td>Extreme</td>
<td>High</td>
<td>High</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td></td>
<td>Extreme</td>
<td>High</td>
<td>High</td>
<td>High</td>
<td>High</td>
</tr>
<tr>
<td>Response based on risk score</td>
<td>Extream - Council/CEO's attention immediately required. Possibly avoid undertaking the activity OR implement new controls</td>
<td>High - Director's attention required. Consider suspending or ending activity OR implement additional controls</td>
<td>Significant - Manager's attention required. Ensure that controls are in place and operating and management responsibility is agreed</td>
<td>Low - Manage through usual procedures and accountabilities</td>
<td>Low - Add treatments where appropriate</td>
</tr>
</tbody>
</table>
Council has not received any Delegates reports for this meeting.
Purpose of report

The aim of this report is to provide council with the opportunity to resolve on any items listed in the draft Council Plan, or the draft Budget where councillors have a conflict of interest and the matter has not previously been dealt with.

Background

The Local Government Act 1989 (the Act) exempts a councillor from a conflict of interest in certain circumstances relating to the consideration of the Council Plan, Budget or revised Budget.

The provision, section 79C, provides that a councillor does not have a conflict if the matter was previously dealt with by council and the conflict disclosed at that time.

Section 79C of the Act reads:

(2) If a budget or revised budget to be approved by a Council includes funding for a matter in respect of which a Councillor has a conflict of interest the Councillor is taken to not have a conflict of interest for the purposes of approving the budget or revised budget if—
(a) the Council previously approved the matter and the proposed funding for the matter for inclusion in the budget or revised budget; and
(b) the Councillor disclosed the nature of the conflict of interest under section 79 when the decision in respect of the matter and the proposed funding for the matter was previously considered and made.

(3) If a Council Plan to be approved by a Council includes a matter in respect of which a Councillor has a conflict of interest, the Councillor is taken to not have a conflict of interest for the purposes of approving the Council Plan if—
(a) the Council previously approved the matter for inclusion in the Council Plan; and
(b) the Councillor disclosed the nature of the conflict of interest under section 79 when the decision in respect of the matter was previously considered and made.

(4) If a Councillor with a conflict of interest referred to in subsection (2) or (3) notifies the Mayor or Chairperson prior to the consideration of the budget, revised budget or Council Plan of the conflict of interest, the Mayor or Chairperson must allow a prior motion to be put that the matter or funding be considered for inclusion in the budget, revised budget or Council Plan.

Therefore, any items proposed for inclusion in the Council Plan or Budget in which a councillor may have a conflict of interest are proposed to be dealt with by separate resolution.

Once all declarations have been made and the items which are the subject of any declaration are determined by council, all councillors are able to vote on the "draft
8.1 - Council Plan and Budget items where councillors have a conflict of interest (cont’d)


Councillors with a conflict of interest in matters pertaining to the council plan or budget can be dealt with at this item.

Council Plan

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

Council policy / strategy implications

The action outlined in this report supports good governance and transparency in the consideration of the Council Plan and Budget.

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>If separate resolutions are not made one or more councillors could be absent from voting on one or both of these items.</td>
<td>4</td>
<td>C</td>
<td>Medium</td>
<td>Separate items out where councillors have a conflict of interest.</td>
</tr>
</tbody>
</table>

Financial implications

This is a procedural process with no financial implications.

Environmental implications

This is a procedural process with no environmental implications.

Social / cultural implications

This is a procedural process with no social / cultural implications.

Legislative implications

The basis for this report is section 79C(2) to 79C(4) of the Act.
Community engagement and internal consultation

This is a procedural process and has not been subject to any community engagement or internal consultation.

Options for consideration

1. Do nothing. Not recommended for the reasons outlined in this report.

2. Where councillors have a conflict of interest in a Council Plan or Budget item, deal with those items through separate resolutions prior to the consideration of the substantive reports. Recommended for the reasons outlined in this report.

Conclusion

The process outlined in this report allows councillors with conflicts of interest in the draft Council Plan, adjusted 2019 or the draft 2019-2020 Budget to declare those prior to the consideration of the Council Plan and the Budget.

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.

Governance Officer - Kevin Scully
In providing this advice as the report author, I have no interests to disclose in this report.
8.1 - Council Plan and Budget items where councillors have a conflict of interest (cont’d)

For consideration by councillors

Councillors to determine if any Council Plan or Budget items need to be dealt with separately prior to the consideration of the draft Council Plan, adjusted 2019 and the draft 2019-2020 Budget.

Councillors did not disclose any conflicts of interest with Council Plan or Budget items.
8.2 - Council Plan adjustment

Purpose of report

At its meeting of June 26, 2017 the Council adopted the *Council Plan 2017-2018 to 2020-2021*, including *Strategic Resource Plan (SRP)*, in accordance with the provisions of section 125(1) of the *Local Government Act 1989* (the Act).

The purpose of this report is to propose that the *Council Plan* be adjusted in 2019 and that public comment be sought on the adjusted plan.

Background

Section 125(2) of the Act stipulates that the *Council Plan* must contain:

- the strategic objectives of the council;
- strategies for achieving the objectives for at least the next 4 years;
- strategic indicators for monitoring the achievement of the objectives;
- a Strategic Resource Plan containing the matters specified in section 126;
- any other matters which are prescribed by the regulations.

The *Council Plan* also incorporates the *Municipal Public Health and Wellbeing Plan (MPHWP)* required under the *Public Health and Wellbeing Act 2008*.

The *Council Plan* details the direction and the targeted outcomes of the council over the term of this council. It describes the council’s mission, vision, objectives and strategies.

The *Council Plan 2017-2018 to 2020-2021* adopted in June 2016 sets out five key themes which have been derived from the community consultation. Each theme is supported by a strategic objective and a number of strategy areas for action. Actions are detailed under each strategy area in the annual action plan.

The five themes are:

- Health, safe and resilient community;
- Connected and engaged community;
- Sustainable and forward-thinking;
- Thriving and vibrant city; and,
- Strong, responsive and sound organisation.

A review of the *Council Plan 2017-2018 to 2020-2021* has been undertaken. This is the third year of the plan, and the following changes are proposed:

- There is one change to the strategy areas with an additional area – Regional partnerships and collaboration – added to the fifth key focus area, Strong, Responsible and Sound Organisation.
- Organisational changes have also been reflected and updated in the plan.
Ordinary meeting – May 13, 2019

8 - Officers reports for determination

Community Development

8.2 - Council Plan adjustment (cont’d)

The SRP, which is a component of the plan will be updated, along with the draft Year 3 Action Plan.

Council Plan

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

Council policy / strategy implications

The draft Council Plan 2017-2018 to 2020-2021, as adjusted 2019, details the direction and the targeted outcomes of the Council over the term of this Council. It describes the Council’s mission, vision, objectives and strategies.

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>Council does not adjust the plan.</td>
<td>3</td>
<td>C</td>
<td>M</td>
<td>Adopt an adjusted Plan to reflect the proposed changes to the SRP.</td>
</tr>
</tbody>
</table>

Financial implications

The financial implications for the various objective and strategies in the Council Plan are included in the draft 2019-2020 Budget.

The cost of producing the Council Plan, and undertaking the public consultation, are included in the current Budget.

Environmental implications

As detailed in the Council Plan.

Social / cultural implications

As detailed in the Council Plan.

Legislative implications

Sections 125(7) (8) and (9) of the Act provide that the Council must:

- at least once in each financial year consider whether the Council Plan requires any adjustment;
- make such adjustment as it considers necessary; and
- allow for persons to make a submission under section 223 of the Act on the adjusted Council Plan.
Community engagement and internal consultation

Early in 2017, the Council undertook an extensive community consultation - The Wodonga We All Want to Live In - to inform the Council Plan.

Councillors and staff met and spoke with the community through:

- Six breakfast roundtables with community, business and stakeholder groups;
- 12 Seats on the Streets sessions with councillors around the city;
- Five neighbourhood forums;
- A two-day community forum;
- Visits to 10 schools;
- A preschool activity across council-run centres; and,
- Meetings with Westmont residents and the Senior Citizens group.

Through the two months, the council received more than 1000 pieces of feedback.

In addition, the Council heard from more than 1400 people through the youth snapshot survey, the consultation for the MPHWP, physical activity survey and recreation planning and the Wodonga 2033 Revisited.

The Council Plan has also been informed by what the community told us through the Wodonga 2033 vision about what their priorities were for our city.

The annual action plan is informed by ongoing community consultation undertaken for various strategies and plans throughout the year as well as through other feedback tools including surveys and the council’s consultation portals.

The Act prescribes the process for public consultation and this is reflected in the recommendation.

Options for consideration

1. Do nothing.


Conclusion

This is the third year of the Council Plan, and there is only one change proposed to the strategic objectives, strategies, or strategic indicators listed in the plan. The changes proposed are within the SRP, and the draft Year 3 Action Plan.

Attachments

Nil
Tabled papers

The following documents will be tabled at the meeting:
- Document A: Draft Council Plan 2017-18 to 2020-21, year three adjusted

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 Community Development - Debra Mudra
In providing this advice, I have no interests to disclose in this report.

Manager Communications and Marketing - Kellie Davies
In providing this advice as the report author, I have no interests to disclose in this report.

Recommendation

That:

1. in accordance with Section 125(9) and Section 223 of the Local Government Act, 1989, the draft Council Plan 2017-2018 to 2020-2021, as adjusted 2019 (as tabled), be made available for the purposes of public notice, inviting comment from Wednesday, May 15 to Wednesday, June 12, 2019;

2. a Special Meeting of the Council be convened, if required, to hear from persons who wish to be heard in support of their written submission, the meeting to be scheduled for 9am on Monday, June 17, 2019 at the Cube Wodonga, Hovell Street, Wodonga;

3. the Chief Executive Officer be appointed to administer the section 223 process; and

4. a report on the draft Council Plan 2017-2018 to 2020-2021, as adjusted 2019, along with a summary of the public submission process, be presented to the Ordinary Meeting of the Council scheduled for 6pm on Monday, June 24, 2019.

Motion

Crs John Watson / Danny Lowe
That the recommendation be adopted.

Carried
**8.3 - Draft 2019-2020 Budget**

**Purpose of report**

To consider the draft 2019-2020 Budget and if appropriate authorise the Chief Executive Officer to commence a public consultation process with a view to Council adopting a final 2019-2020 Budget at the ordinary meeting scheduled for June 24, 2019.

**Background**

A draft Budget for 2019-2020 has been prepared and distributed to Councillors. The tabled budget papers need to be read in conjunction with the Council Plan which contains the Strategic Resource Plan.

The Strategic Resource Plan provides a comprehensive review of the council financial position. It contains a number of strategic activities that council will be undertaking in the next 12 months and beyond.

Whilst the proposed rate increase is 2.5 per cent, in line with the Victorian Government rate cap, there is a proposed drop in the waste management levy of $112, which means an overall decrease in rates and charges of 2.8 per cent for the average residential ratepayer.

**Council Plan**

<table>
<thead>
<tr>
<th>Strategic objective</th>
<th>Strategy</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>Undertake fiscally responsible management and budgeting to ensure sustainability and a balance between financial accountability and community outcomes.</td>
</tr>
</tbody>
</table>

**Council policy / strategy implications**

N/A

**Risk and opportunity 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>Estimates for supplementary rates (growth from new assessments) not achieved.</td>
<td>3</td>
<td>C</td>
<td>M</td>
<td>Closely monitor and if necessary adjust budgets.</td>
</tr>
<tr>
<td>Rate increases cause financial difficulties for some.</td>
<td>3</td>
<td>C</td>
<td>M</td>
<td>Flexible payment options. Provide assistance through payment plans. Hardship Policy available.</td>
</tr>
<tr>
<td>External financial factors impacting Council’s ability to deliver its budget.</td>
<td>3</td>
<td>C</td>
<td>M</td>
<td>No reliance on unrealised land sales. Borrowings at fixed interest rates.</td>
</tr>
</tbody>
</table>
Financial implications

The council’s rates and charges revenue from 2019-2020 is $46.1 million based on a 2.50 per cent increase in rates, a 3.27 per cent increase in kerbside garbage charges and a 55.45 per cent reduction in the Waste Management Levy over the 2018-2019 year.

As noted above the 2.50 per cent rate rise, when combined with the 55.45 per cent drop in the waste management charge, effectively means an overall reduction of 2.8 per cent for the average residential ratepayer.

The strategic resource plan provides further details in regard to the future rating strategy for Wodonga Council.

Operating result

The expected operating result for 2019-2020 is a surplus of $5.9 million. The underlying result when contributions and capital grants are excluded is a $2.1 million surplus.

Services

The net cost of services delivered to the Wodonga community for the 2019-2020 year is expected to be $50.93 million which compares with $48.16 million in 2018-2019.

Financial position and financial sustainability

A high-level Strategic Resource Plan has been developed for the years 2019-2020 to 2028-2029. This will assist council in adopting budgets which provide for predictable rate increases, prudent expenditure and income-raising to assist in council’s goals relating to financial sustainability.

Financial indicators

Selected financial indicators for forecast to 2029 ($ million):

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Rates ($m)</td>
<td>46.1</td>
<td>46.1</td>
<td>47.7</td>
<td>49.3</td>
<td>51.0</td>
<td>52.7</td>
<td>54.5</td>
<td>56.3</td>
<td>58.1</td>
<td>59.9</td>
<td>61.9</td>
</tr>
<tr>
<td>Borrowings</td>
<td>20.4</td>
<td>18.5</td>
<td>16.6</td>
<td>14.5</td>
<td>12.3</td>
<td>11.1</td>
<td>9.8</td>
<td>8.3</td>
<td>6.9</td>
<td>5.3</td>
<td>3.7</td>
</tr>
<tr>
<td>Operating contribution</td>
<td>9.1</td>
<td>5.9</td>
<td>1.1</td>
<td>3.4</td>
<td>2.5</td>
<td>2.5</td>
<td>2.1</td>
<td>1.8</td>
<td>1.4</td>
<td>1.1</td>
<td>0.9</td>
</tr>
<tr>
<td>Capital expenditure</td>
<td>25.2</td>
<td>19.0</td>
<td>12.6</td>
<td>11.8</td>
<td>11.1</td>
<td>10.5</td>
<td>11.3</td>
<td>10.4</td>
<td>8.9</td>
<td>11.1</td>
<td>9.1</td>
</tr>
</tbody>
</table>

Borrowings

No new borrowings are proposed for 2019-2020.
Capital works

The capital works program for the 2019-2020 year is expected to be $19 million. It is anticipated that several capital projects will not be completed by June 20, 2019. These projects will be rolled into the 2019-2020 capital program after the end of the financial year when re-budgets are prepared for adoption. They are estimated to total approximately $2.3 million, as disclosed in the budget report. All projects which are re-budgeted will be able to be funded from matching surpluses experienced in the 2018-2019 year.

The proposed capital works program has been developed to best utilise the scarce financial resources available from all sources to provide something for all cross sections of the community.

Significant items included in the Draft 2019-2020 Budget are:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gallery / Library</td>
<td>$5.6 million*</td>
</tr>
<tr>
<td>Road - Resealing and renewals of existing roads</td>
<td>$3.1 million*</td>
</tr>
<tr>
<td>Baranduda Boulevard / John Shubert Drive intersection works</td>
<td>$1.9 million*</td>
</tr>
<tr>
<td>Building facilities renewal</td>
<td>$1.3 million</td>
</tr>
<tr>
<td>Lawrence street roads and budget works</td>
<td>$2.0 million*</td>
</tr>
<tr>
<td>Bonegilla development</td>
<td>$367k</td>
</tr>
<tr>
<td>Whytes Road / Murray Valley Highway intersection works</td>
<td>$300k*</td>
</tr>
<tr>
<td>Information technology investment</td>
<td>$250k</td>
</tr>
<tr>
<td>Playground renewal</td>
<td>$200k</td>
</tr>
<tr>
<td>Baranduda paths connection</td>
<td>$200k*</td>
</tr>
<tr>
<td>Motor vehicles and plant renewals</td>
<td>$555k*</td>
</tr>
<tr>
<td>Footpath renewal</td>
<td>$331k</td>
</tr>
<tr>
<td>Park equipment renewal</td>
<td>$161k</td>
</tr>
<tr>
<td>Belvior Park playground works – stage 2</td>
<td>$300k</td>
</tr>
<tr>
<td>Refurbishment of Council Offices Stage 3 &amp; 4B</td>
<td>$500k</td>
</tr>
<tr>
<td>Toilet facilities upgrade program</td>
<td>$200k*</td>
</tr>
<tr>
<td>Gateway Village Masterplan</td>
<td>$200k</td>
</tr>
<tr>
<td>Willow Park Pedestrian bridge</td>
<td>$150k</td>
</tr>
<tr>
<td>Emerald Oval carpark redevelopment</td>
<td>$150k</td>
</tr>
<tr>
<td>Wodonga Sports &amp; Leisure centre court resurfacing</td>
<td>$150k</td>
</tr>
</tbody>
</table>

* Grant funding, developer contributions or other income sources have been secured, or is being sought, to assist with funding these items.

Major grant funding

This budget is not reliant on major grant funding, however several minor grant applications have been submitted and are relied upon for a number of capital projects.
Future rate assumption

This budget proposes to accept the rate cap of 2.5% for the 2019-2020 year. No rate cap variations are proposed to be sought from the Essential Services Commission for the 10-year period covered by the Strategic Resource Plan.

Environmental implications

N/A

Social / cultural implications

Many outcomes of the budget have wide ranging social and cultural implications, and which have been considered in the development of this budget.

Legislative implications

Council is required to comply with the Local Government (Planning and Reporting) Regulations 2014 which lists a number of requirements (these and other requirements are included in the budget document):

a. A description of the activities and initiatives to be funded in the budget.

b. A statement as to how the activities and initiatives described above will contribute to achieving the strategic objectives in the Council Plan.

c. Separately identified Key Strategic Activities to be undertaken during the financial year and performance targets and measures in relation to each Key Strategic Activity.

Community engagement and internal consultation

<table>
<thead>
<tr>
<th>Public participation</th>
<th>Promises to the public/stakeholders</th>
<th>Example of techniques to use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inform</td>
<td>Keep informed</td>
<td>• Make Wodonga Yours website</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Hard copy available for viewing at various Council offices</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Foyer screens</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Static display at the Council Office</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Social media campaign</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• CityLife June edition</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Website marketing scroll</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Media release and media conferences</td>
</tr>
<tr>
<td>Consult</td>
<td>Informed, listen, acknowledge</td>
<td>• Wodonga Ratepayers Association and general public consultation session</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Online consultation tools</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Statutory Section 223 process applies</td>
</tr>
</tbody>
</table>
The *Local Government Act 1989* (the Act) requires council to call for written submissions regarding the proposed annual budget.

On Wednesday, May 15 statutory public notices will be placed in local newspapers advising that documents are available for inspection and that written submissions are being sought in accordance with Section 223 of the Act.

Wednesday, June 12: Submissions close at 5pm.

Council to hear submissions (if required) – Monday June 17, 9am.

Monday, June 24: Budget adopted with or without amendment by the council.

**Options for consideration**

Option 1 - Do nothing – not recommended – the council has a statutory obligation to develop an annual budget.

Option 2 - Accept the draft 2019-2020 Budget as proposed – recommended.

Option 3 - Accept the draft 2019-2020 Budget, with amendments.

**Attachments**

Nil

**Tabled papers**

The following documents will be tabled at the meeting:

- Document B: Strategic Resource Plan 2019-2020 to 2028-2029
- Document C: Draft Budget 2019-2020: Operating Budget by Business Unit

**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 as the report author, I have no interests to disclose in this report.
Recommendation

That:

1. the Draft 2019-2020 Budget, as tabled, and initialed by the Chairperson for identification be the Budget prepared by Council for the purposes of Section 127(1) of the Local Government Act 1989 ("the Act") be endorsed for public exhibition as required by section 129(1) of the Act;

2. the Fees and Charges Schedule be included as part of the draft 2019-2020 Budget;

3. the public notice be given in the Border Mail and it stipulate that persons may make a submission on the draft 2019-2020 budget in accordance with Section 223 of the Act and that written submissions must be received on a date that is at least 28 days after the publication of the notice;

4. the public notice include the information required to be made available in accordance with the section 9 of the Local Government (Planning and Reporting) Regulations 2014;

5. the Chief Executive Officer be authorised to undertake the administrative procedures necessary to enable the council to carry out its functions under section 223 of the Act in relation to this matter;

6. if submissions are received under section 223 of the Act and persons request to be heard in support of a written submission, a special meeting of council be convened for that purpose at 9am on Monday, June 17, 2019; and

7. a report on the section 223 process for the draft 2019-2020 budget, including a summary of any hearings held, be submitted to the ordinary council meeting of June 24, 2019.

Motion

Crs Kat Bennett / Danny Lowe

That the recommendation be adopted.

Carried
8.4 - Meeting Procedure Local Law

Purpose of report

The purpose of this report is to:

1. Consider public submissions on the proposed Meeting Procedure Local Law no. 1 of 2019 (proposed Local Law); and


Background

At its meeting of March 18, 2019 Council resolved to give notice of its intention to make a new local law for the conduct of its meetings. In accordance with section 223 of the Local Government Act 1989 (the Act) Council invited submissions on the proposed Local Law.

The period for submissions closed on 23 April 2019.

Council received four online submissions, with a copy of each submission provided to councillors. The table below details each submission, and includes an officer comment and recommendation.

<table>
<thead>
<tr>
<th>Submitter one</th>
<th>Officer comment and recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>“I believe young people in Wodonga should have a voice to speak about local issues, contribute to decision making and be included in the development of policies and procedures. Young people contribute to a large percentage of Wodonga's population which is enough of a reason to allow them to speak”.</td>
<td>The proposed Local Law does not contain any age restriction in relation to petitions or any other aspect of public participation. The submitter supports the position adopted by council with respect to the participation by young people. <strong>Recommendation</strong>: no change to the proposed Local Law because of this submission.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Submitter two</th>
<th>Officer comment and recommendation</th>
</tr>
</thead>
</table>
| “I wish to voice my opinion re: an inappropriate and ageist local law that Wodonga Council has previously endorsed concerning petitions.

It is nothing short of a disgrace to literally delete the voices of those who want to engage in their community politically, fighting for matters that are significant to them.

I propose you reduce the age limit to at least 14 years. If a young person is old enough to pay taxes, then they're old enough to sign a petition.

I work with many young activists who compassionately, intelligently and with much | The document placed on public exhibition sought comment around the proposed Local Law. The current Local Law, which ceases on June 30, was not out for public comment. The proposed Local Law does not contain any age restriction in relation to petitions or any other aspect of public participation. This largely supports the view of the submitter, although the submitter possibly supports a restriction to age 14. An age restriction based on the employment age is just as arbitrary as a voting age restriction. **Recommendation**: no change to the proposed Local Law because of this submission. |
enthusiasm advocate on behalf of young members in their community.

I only hope the adults in charge to lead the way have the same good sense to overturn this archaic local law”.

Submitter three

“In the draft document I cannot see that it specifically states the age that a person must be to sign a petition to be submitted to council. I think it is vital that this information is transparent for Young People to see. I work as a social worker in Wodonga and believe that it is important that the voices of our Young People be heard. I think that the age Young People should be able to sign petitions in our local government should be 16 years of age. At this age they are legally able to pay taxes and consent to sexual relationships, I therefore strongly believe that it only makes sense that their opinions should be acknowledged by our local council at this age to ensure that we have a community that promotes inclusivity for our Young People”.

Submitter four

“I work with young people and believe that altering the law to enable young people to have a voice would be beneficial”.

The proposed Local Law does not contain any age restriction in relation to petitions or any other aspect of public participation. The submitter supports a restriction to age 16. An age restriction based on taxation liability and the age of consent is just as arbitrary as a voting age restriction. Recommendation: no change to the proposed Local Law because of this submission.

Officer recommendation

Notwithstanding the above, one minor change is proposed to the proposed Local Law.

Clause 11 of the proposed Local Law includes an explanatory note that reads:

If a Council meeting is scheduled for a Monday evening, the agenda and any related material must be delivered electronically to each councillor and appear on Council's website by close of business on the immediately preceding Wednesday. Hard copies of the agenda and any related material must be available for councillors and for public inspection or collection from the Friday morning immediately preceding the Monday evening meeting.

It is recommended that the Explanatory note be amended by excluding the words “or collection” from the second sentence. While hard copies of all documentation will be available to councillors and for public inspection, there may be occasions
when because of the size of the attachments and / or tabled papers, these are not provided in hard copy to the public.

The attached Local Law incorporates this change.

**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**

A meeting procedure local law plays an integral part in council governance. The proposed Local Law builds upon the “review of processes and procedures at Council meetings and councillor briefings” that was undertaken by Council at its February ordinary meeting. This report on the section 223 process ensures that council is transparent and accountable with its processes.

**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>Council does not adopt the proposed Local Law.</td>
<td>1</td>
<td>C</td>
<td>H</td>
<td>Approve the officer recommendation</td>
</tr>
</tbody>
</table>

**Financial implications**

Costs associated with the development of the proposed Local Law, and the consultation process, are included in the 2018-2019 budget.

**Environmental implications**

The proposed Local Law is important in achieving accountability and transparency with the decision making process. Good governance will help ensure positive environmental outcomes.

**Social / cultural implications**

The proposed Local Law is important in achieving accountability and transparency with the decision making process. Good governance will help ensure positive social / cultural outcomes.
Legislative implications

This report is based upon the requirements under the *Local Government Act 1989*, including sections 5(3)(c), 91(1), 119(2), and 223.

Community engagement and internal consultation

The Council gave notice of its intention to make the local law in the Victorian Government Gazette of Thursday, March 21 and the Border Mail of Saturday, March 23.

As required by section 223 of the Act this report has described the submissions received, and presented them for the consideration of Council.

Options for consideration

1. Make the *Meeting Procedure Local Law no. 1 of 2019*, with the one minor change from the proposed Local Law that was on public exhibition, and as outlined in this report. This is the attached document.

2. Make the Meeting Procedure Local Law with such amendments as council supports.

Conclusion

This report proposes that Council make a new Local Law to govern the conduct of its meetings. It follows on from the resolution of council at its March meeting to give public notice of its intention to make the local law, consider the public feedback, and recommends the making of the Local Law, as attached.

Attachments

The following documents are attached to this report:

- Attachment A: Meeting Procedure Local Law no.1 of 2019

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.
8.4 - Meeting Procedure Local Law (cont’d)

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

That:

1. The attached *Meeting Procedure Local Law no. 1 of 2019* (the Local Law) be made, and be signed and sealed;

2. In accordance with Section 119(3) of the *Local Government Act, 1989* notice be given in the Government Gazette and public notice in the Border Mail of the title, purpose and purport of the amended local law, and a copy of the Local Law be forwarded to the Minister for Local Government; and

3. In accordance with section 223 of the Act, Council write to persons who made a submission on the proposed Local Law, detailing the Council decision, along with the reasons for it, and which are set out in this report.

Motion

Crs Kat Bennett / John Watson

That the recommendation be adopted.  

*Carried*
Meeting Procedure Local Law (No. 1 of 2019)
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PART 1 - PRELIMINARY PROVISIONS

1. **Title**
   This is the *Meeting Procedure Local Law (No.1 of 2019)*.

2. **Purpose**
   The objectives of this Local Law are to:
   a) regulate and control the procedures governing the conduct of meetings of the Council and of Special committees appointed by the Council;
   b) regulate and control the election of the Mayor, the Deputy Mayor (if one is appointed by Council), and the chairpersons of any Special committees;
   c) regulate and control the use of the Council’s seal;
   d) promote and encourage community participation in the local government system;
   e) provide a mechanism through its formal meeting procedure to ensure effective and efficient Council decisions are made in a manner which acknowledges the role of local government within the Australian system of Government;
   f) provide for the administration of the Council’s powers and functions; and
   g) provide generally for the peace, order and good government of the municipal district.

3. **Authorising provision**
   This Local Law is made in accordance with the provisions of sections 5, 91 and 111 of the *Local Government Act 1989* (“the Act”).

4. **Commencement, revocation and areas of operation**
   This Local Law:
   a) commences operation on the day following the day on which notice of the making of this Local Law is published in the *Victoria Government Gazette*; and
   b) unless sooner revoked this Local Law ceases to operate on the 10th anniversary of its commencement; and
   c) applies to all meetings of the Council including the meetings of any Special committees appointed by the Council; and
   d) From the date of operation of this Local Law the *Meeting Procedure Local Law (No. 1 of 2009)* is revoked.

5. **Definitions**
   ‘*Act*’ means the *Local Government Act 1989*.
   ‘*Agenda*’ means the notice of a meeting setting out the business to be transacted at the meeting.
   ‘*Authorised officer*’ means a person appointed by Council under section 224 of the Act.
‘Chairperson’ means the person who chairs a meeting of the Council or Special committee of the Council, and includes an acting, a temporary and a substitute Chairperson.

‘Chief Executive Officer’ means the Chief Executive Officer of Council or any person acting in that position during his or her absence.

‘Common seal’ means the common seal of the Council.

‘Council’ means the Wodonga City Council.

‘Councillor’ means a person who is an elected member of the Council.

‘Council meeting’ means an Ordinary or Special meeting of the Council.

‘Deputy Mayor’ means the Deputy Mayor of the Council.

‘Division’ means a formal count and record taken of those for and against a motion.

‘Formal motion’ means a motion which relates to a procedural matter only and which is not designed to produce any substantive result but merely used as a formal procedural measure.

‘Mayor’ means the Mayor of Council or any person acting in that position during his or her absence.

‘Meeting’ means an Ordinary meeting, Special meeting of Council, or a Special committee meeting.

‘Minister’ means the Minister responsible for administering the Act.

‘Motion’ means a proposal framed in a way that will result in the opinion of Council being expressed or a Council decision being made.

‘Municipal district’ means the municipal district of Council.

‘Offence’ means an act or default contrary to this Local Law.

‘Ordinary meeting’ means any meeting of Council which is not a special meeting.

‘Penalty unit’ has the meaning ascribed to it by section 110 (2) of the Sentencing Act 1991.
‘Petition’ means a formal written application requesting some action by Council. The petition must be typed or printed without erasure, and be received from at least ten persons, signed by those persons whose name and physical address also appears and on which each page of the petition bears the formal petition prayer of the whole of the petition.

‘Quorum’ means the minimum number of members required by this Local Law to be present in order to constitute a valid meeting of the Council or a Special committee.

‘Resolution’ means a motion moved, seconded and carried by a vote of a meeting.

‘Schedule’ means a schedule to this Local Law.

‘Special committee’ means a Special committee established by Council under section 86 of the Act.

‘Special committee meeting’ means a meeting of a Special committee.

‘Special meeting’ means a Special meeting of Council convened and held in accordance with section 84 of the Act.

‘Suspension of standing orders’ means the suspension of the provisions of this Local Law to facilitate full discussion of an issue without formal constraints.
PART 2 – ELECTION OF MAYOR AND OTHER CHAIRPERSONS

6. Election of Mayor

At any meeting to elect the Mayor, the Chief Executive Officer or delegate will preside over the meeting until a Mayor is elected. As temporary chair, the Chief Executive Officer or delegate will deal with the receipt of nominations for the election to the position of Mayor and conduct the election of the Mayor in accordance with the provisions of this Local Law.

7. Method of voting

The election of the Mayor will be carried out by a show of hands.

8. Determining the election of the Mayor

8.1 In determining the election of the Mayor, the following process will apply:

a) The Chief Executive Officer or delegate must invite nominations for the office of Mayor.

b) All nominations must be seconded, and the nominee must consent to his or her nomination.

c) If there is only one nomination, the candidate nominated is deemed to be elected.

d) If there is more than one nomination, a vote must be taken to elect one of the candidates.

e) In the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected.

f) In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. A further vote will then be taken for the remaining candidates.

g) If one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected.

h) In the event of two or more candidates having an equality of votes and one of them having to be declared:

   i) a defeated candidate; or

   ii) duly elected

   the declaration will be determined by lot.

i) If a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:

   i) each candidate will draw one lot;

   ii) the order of drawing lots will be determined by the alphabetical order of the surnames of the councillors who received an equal number of votes except that if two or more such councillors’ surnames are identical, the order will be determined by the alphabetical order of the councillors’ first names; and

   iii) as many identical pieces of paper as there are councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine which is a
defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates). If the lot is being conducted to determine which candidate is to be duly elected, the word "Elected" must be written on one of the pieces of paper, and the councillor who draws the paper with the word "Elected" written on it must be declared to have been duly elected.

8.2 Any election for the appointment of a Deputy Mayor or an acting Chairperson of a meeting of the Council or of a Chairperson of a Special committee will follow the same procedure as that for an election of Mayor with such adaptations as necessary.

8.3 If the Mayor is unable to attend or remain at a Council Meeting for any reason; or is required to declare a conflict of interest:
   a) The Deputy Mayor will act as Chairperson;
   b) or if a Deputy Mayor has not been appointed or the Deputy Mayor is not present, then an acting Chairperson is to be elected.
PART 3 – COUNCIL MEETINGS

Division 1 – Notices of Meetings and Agendas

9. Date, time and place of meetings
9.1. The date, time and place of all Council meetings are to be fixed by the Council and reasonable notice of the meetings, being at least seven days, must be provided to the public.
9.2. The Council may change the date, time and place of any Council meeting which has been fixed and must provide reasonable notice of the changes, being at least seven days, to the public.

10. Special Council meetings
10.1 The Council may by a resolution call a Special meeting, or the Mayor or at least three councillors may by a written notice call a Special meeting.
10.2 The resolution or notice must specify the date and time of the Special meeting and the business to be transacted.
10.3 The Chief Executive Officer must convene the Special meeting as specified in the resolution or notice.
10.4 Unless all councillors are present and unanimously agree to deal with any other matter, only the business specified in the resolution or notice is to be transacted.
10.5 Subject to any resolution providing otherwise, the order of business of any Special meeting must be the order in which such business stands in the agenda for the meeting.
10.6 The Chief Executive Officer may also summon a Special meeting of the Council, but only within 14 days following a general election for the purpose of the first meeting of the new Council.

11. Notice of meeting
11.1 A notice of meeting, incorporating or accompanied by an agenda of the business to be dealt with, must be served on every councillor:
   a) for an Ordinary meeting, at least five days before the meeting; and
   b) for a Special meeting, at least five days before the meeting, unless urgent circumstances require less notice; and
   c) for a Special committee meeting, at least five days before the meeting.
11.2 The notice of agenda for any meeting must:
   a) state the date, time and place of the meeting; and
   b) the business to be dealt with; and
   c) be sent by electronic means or be otherwise delivered to each councillor’s place of residence or usual place of business (if applicable) or as otherwise specified by the councillor.
   d) be published on the Council website and a hard copy available for public inspection.

Explanatory note
If a Council meeting is scheduled for a Monday evening, the agenda and any related material must be delivered electronically to each councillor and appear on Council’s website by close of business on the immediately preceding Wednesday. Hard copies of the agenda and any related material must be available for
councillors and for public inspection from the Friday morning immediately preceding the Monday evening meeting.

12. Leave of absence
It will not be necessary to forward a notice of meeting to any councillor who has been granted leave of absence, unless the councillor has made a written request to the Chief Executive Officer to continue to give notice of any meeting to be held during the period of his or her absence.

13. Convening a meeting due to urgent or extraordinary circumstances
13.1 In the case of urgent or extraordinary circumstances, the Chief Executive Officer may call a meeting of the Council, without the necessity to comply with clause 9 provided reasonable attempts are made to notify every councillor.
13.2 The Chief Executive Officer must specify in the minutes of the meeting the urgent or extraordinary circumstances which prevented Council from complying with clause 9.

Division 2 - Quorums

14. Ordinary Council meetings
The quorum required for Council meetings or Special committee meetings is a majority of the members of the Council or the Special committee.

15. Inability to obtain or maintain a quorum
15.1 Those councillors present, or if there are no councillors present, the Chief Executive Officer must adjourn the meeting if there is insufficient numbers of councillors present to form a quorum within 30 minutes of the scheduled starting time of the meeting; or
15.2 The meeting may be adjourned until another time and place is determined and written notice of the adjournment must be provided by the Chief Executive Officer to all councillors unless the meeting is adjourned to a later time on the same day, in which case, any form of notice may be given to councillors.

16. Inability to achieve or maintain a quorum due to conflicts of interest
If during any meeting a quorum cannot be achieved or maintained due to the number of declarations of a conflict of interest by councillors, the Chief Executive Officer may adjourn the meeting for a length of time sufficient to enable an exemption for the affected councillors to be obtained from the Minister in accordance with section 80 of the Act.

Division 3 - Minutes

17. Keeping of minutes
The Chief Executive Officer or his or her delegate must record in the minutes of each meeting:
a) the date, time and place of each meeting; and
b) the names of the councillors present and the names of those councillors who tendered an apology and the names of those councillors who have been given leave of absence; and

c) the names of Council officers present and their titles; and

d) the arrival and departure times of councillors, including any temporary departures during the course of the meeting; and

e) all declarations of a conflict of interest of a councillor; and

f) every motion and amendment moved, including the mover (and seconder) of any motion or amendment; and

g) the outcome of every motion put to the vote, including if it was carried unanimously; and

h) procedural motions; and

i) the vote cast by each councillor on each division called and the way their vote was cast; and

j) when requested by a councillor, a record of that councillor’s support or opposition for any motion; and

k) the failure of a quorum; and

l) any adjournment of the meeting and the reasons for that adjournment; and

m) the time at which standing orders were suspended and resumed; and

n) closure and reopening of the meeting to members of the public; and

o) any other matter that the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or reading of the minutes.

18. Confirmation of minutes

18.1 The minutes of Ordinary meetings must be presented for confirmation to the next Ordinary meeting of the Council.

18.2 The minutes of Special meetings must be presented for confirmation to the next Ordinary meeting of the Council or as otherwise determined by the Chief Executive Officer.

18.3 The Chief Executive Officer must cause a copy of the Minutes of each Council meeting to be circulated to all councillors within twenty-one days of the meeting.

18.4 After the Minutes are confirmed, they must be signed by the Chairperson of the meeting at which they are confirmed.

18.5 The Council may defer the confirmation of the minutes until later in the meeting or until the next meeting as appropriate.

19. No debate on confirmation of minutes

No debate or discussion on the confirmation of the minutes will be permitted except where the accuracy as a record of the proceedings of the meeting to which they relate is questioned.

20. Objection to confirmation of minutes

If a councillor is dissatisfied with the accuracy of the minutes, then he or she must:

a) state the item or items with which he or she is dissatisfied; and

b) propose a motion clearly outlining the alternative wording to amend the minutes.
Division 4 – Business of Meetings

21. The order of business

21.1 The order and content of business of any Meeting will be determined by the Chief Executive Officer in order to facilitate and maintain open, efficient and effective processes of government.

Explanatory note
As a guide, for an ordinary meeting the business order might be:

a) Calling to order
b) Statement of acknowledgment
c) Apologies and requests for leave of absence
d) Declaration under acts, regulations, codes or local laws
e) Declaration by councillors of any conflict of interest
f) Confirmation of minutes of previous meetings of Council
g) Delegates’ reports
h) Officer reports for determination
i) Officer reports for information
j) Notices of motion
k) Petitions
l) Council seal
m) General business
n) Urgent business
o) Question time
p) Confidential business
q) Confidential urgent business
r) Close of meeting

21.2 Once the agenda has been sent to councillors or members of a Committee, the order of business for that meeting, including the addition or deletion of items from the order of business, may only be altered by resolution.

21.3 The Chief Executive Officer may include any matter on an agenda that he or she thinks should be considered at the meeting.

22. Delegates’ reports

22.1 At an Ordinary meeting, the Mayor and councillors who are delegates or representatives of the Council on other bodies may report to the meeting on issues of importance to the Council, notwithstanding that the report is not listed on the agenda.

22.2 No motion (except to receive any such report) can be accepted by the Chairperson unless there is a matter raised in it which is resolved in the manner prescribed for dealing with urgent business.

23. General business

23.1 The purpose of general business is to provide councillors with an opportunity to provide an update on their duties and meetings attended and to raise matters such as:

a) A note of thanks or congratulations
b) Advise of attendance at event / meeting
c) Recognition
d) Tributes

23.2 A General Business item is for information only. Matters requiring a council resolution should be raised under urgent business.

24. **Urgent business**

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.

**Division 5 - Voting**

25. **Voting**

Voting shall be by show of hands.

26. **How determined**

To determine a motion before a meeting, the Chairperson must:

a) first call for those in favour of the motion; and

b) then call for those opposed to the motion; and

c) if required, identify any councillor who has abstained from voting, and must then declare the result to the meeting. The Chairperson will announce when the vote is carried unanimously.

27. **Recount**

The Chairperson may direct that a vote be recounted to satisfy him or herself of the result.

28. **Divisions**

28.1 A division may be requested by any councillor on any matter.

28.2 The request must be made to the Chairperson immediately after any question is put to a meeting and before the next item of business has commenced.

28.3 Once a division has been requested, the Chairperson will call for those councillors voting for the motion to raise their hand and the Chairperson will duly name those councillors. The Chairperson will then call for those councillors voting against the motion to raise their hand and the Chairperson will duly name those councillors. The Chairperson will then call for those councillors abstaining to raise their hand and the Chairperson will duly name those councillors.

28.4 Councillors who were absent from the original vote, but who may have returned to the meeting in time for voting on the division, may cast a vote.

28.5 The Chairperson must announce the result of the vote immediately after the division is taken. The result of the division supersedes the result of the original vote.

28.6 The Chairperson shall state, and the Chief Executive Officer must record the names of those councillors voting in the affirmative, those voting in the negative, and those abstaining.
28.7 A division may be requested at Council and Special committee meetings that are composed solely of councillors.

29. **Casting vote**

In the event of a tied vote, the Chairperson has a second, or casting, vote and must exercise it in accordance with the Act.

30. **No discussion once declared**

Once a vote on a question has been taken no further discussion relating to the question is allowed unless the discussion involves a councillor:

30.1 requesting, before the Council meeting moves to the next item of business, that his or her opposition to a resolution be recorded in the minutes of the Council meeting;

30.2 calling for a division under clause 28; or

30.3 foreshadowing a notice of motion to rescind or amend a resolution where it has just been made, or a positive motion where a resolution has just been rescinded.

**Division 6 – Procedure at meetings**

31. **Addressing the meeting**

31.1 Any councillor wishing to speak at a Council meeting must first obtain the permission of the Chairperson.

31.2 Any councillor or person who addresses the meeting at an Ordinary or Special meeting of the Council may remain seated and must direct all remarks through the Chair.

31.3 Despite clause 31.2, the Chairperson may permit a councillor or person to stand while addressing the meeting.

31.4 any person addressing the Chair must refer to the Chairperson as:
   a) Madam Mayor; or
   b) Mr Mayor; or
   c) Madam Chair; or
   d) Mr Chair

   as the case may be;

31.5 all councillors, other than the Mayor, must be addressed as Cr _____________ (name).

31.6 all members of Council staff, must be addressed as Mr or Ms _____________ (name) as appropriate or by their official title.

32. **Chairperson may speak**

The Chairperson may address a Meeting upon any matter under discussion, and is not deemed to have left the Chair on such occasions. However, such address should only take place after all other councillors have had the opportunity to address the Meeting.

33. **Questions for the purpose of clarification**

A councillor may, when no other councillor is speaking, ask any question concerning or arising out of a motion or amendment for the purposes of clarification. The Chairperson has the right to limit questions and direct that debate be commenced or resumed. A councillor asking a question is not deemed to be speaking to the motion or amendment before the meeting.
34. **No interruption**

34.1 Councillors addressing the Chairperson must not be interrupted except by the Chairperson or upon a point of order.

34.2 If a councillor is interrupted by the Chairperson or upon a point of order the councillor must remain silent until the Chairperson has ceased speaking or the point of order has been disposed of.

35. **Chairperson’s duty**

35.1 In addition to the duties and discretions otherwise provided by this Local Law, the Chairperson will have the following duties and discretions:

a) The Chairperson must not accept or entertain any motion, question or statement which:
   i) is objectionable in language or nature; or
   ii) appears to be derogatory, defamatory or embarrassing to any councillor, member of Council staff, ratepayer or member of the public; or
   iii) relates to a matter outside the duties, functions and powers of Council; or
   iv) is not relevant to an item of business on the agenda and has not been admitted as urgent business; or
   v) relates to personnel matters; or
   vi) purports to be an amendment but is not.

b) The Chairperson must call to order any person, including any councillor, who is disruptive or unruly during any meeting and any person who, having been so called to order fails to comply with the Chairperson’s call will be guilty of an offence under clause 68.1.

c) The Chairperson may without resolution adjourn, for a period not exceeding five minutes, any meeting which has, in the opinion of the Chairperson, become unruly to the extent that the business of the meeting cannot be reasonably continued; and

d) The Chairperson may remain seated during all or any part of any meeting.

35.2 Any person who upon being requested by the Chairperson to leave a meeting does not do so forthwith will be guilty of a further offence under clause 68.3.

35.3 The Chairperson has absolute discretion to terminate the use of an audio, video or still image recording device, or a combination of such devices, notwithstanding that its use may have been previously authorised under clause 72.2, where in the opinion of the Chair such conduct is unnecessarily impacting on the meeting.

35.4 Any person who upon being requested by the Chairperson to cease the use of an audio, video or still image recording device, or a combination of such devices, does not do so may be forthwith removed from the meeting.

35.5 Any person in attendance at a Council or committee meeting must ensure that his or her mobile telephone or audible pager is switched to, and remains, in silent mode so that the device does not make an audible sound for the duration of that meeting.

**Explanatory note**

The use of mobile devices by councillors and staff should be limited to viewing the agenda papers, note taking and assisting with running the meeting. It is
inappropriate for mobile devices to be used for phone calls, text messages, social media posts, and other online communication.

**Division 7 - Motions**

**36. Moving a motion**
The procedure for any motion is:

a) the mover must state the motion without speaking to it;

b) unless the motion is a formal motion it must be seconded by a councillor other than the mover;

c) if a motion is not seconded it shall lapse for want of a seconder;

d) if the motion is seconded, the Chairperson must ask whether the motion is opposed or if any councillor wishes to address a particular aspect of the motion;

e) if there is no opposition or no councillor has indicated they want to speak to the motion it must be declared to be carried unanimously without the need for a vote;

f) if a councillor indicates opposition, then the Chairperson must permit all councillors to address the motion in the following sequence:
   i) invite the mover to address the Council on the motion; and
   ii) after the mover has exercised his or her option to address the meeting invite the seconder to address the meeting (the seconder may reserve their right to speak until later in the debate)
   iii) invite any other councillors for and against the motion to speak until all councillors wishing to speak have spoken;

g) the mover of an original motion, which has not been amended, may, once debate has been exhausted, exercise a right of reply to matters raised during debate; and

h) after the right of reply has been taken, the motion must be immediately put to the vote without any further discussion or debate.

**37. Agreed alterations to a Motion**

At the discretion of the Chairperson, both the mover and seconder of a motion may agree to an alteration to the original motion proposed by any other councillor. This does not necessitate the recording of an amendment into the minutes of the meeting as the alteration would then form part of the substantive motion.

**38. Moving an amendment**

38.1 A motion having been moved and seconded may be amended by leaving out or inserting words, which must be relevant to the original motion, and framed so as to complement it as an intelligible and consistent whole.

38.2 An amendment may be proposed or seconded by any councillor, other than the mover or seconder of the original motion.

38.3 An amendment cannot be moved once the right of reply to the original motion has been exercised.

38.4 A councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion but debate must be confined to the terms of the amendment.

38.5 Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chair at any one time. No second or...
subsequent amendment, whether to the original motion or an amendment of it, can be taken into consideration until the previous amendment has been dealt with.

38.6 No right of reply is available to the mover of an amendment.

38.7 If the amended motion is carried, it then becomes the question before the Chair.

38.8 The original mover of the motion shall retain the right of reply to the amended motion.

39. **Foreshadowing motions**

39.1 At any time during debate, a councillor may foreshadow a motion to inform the Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any rights to the foreshadowed motion.

39.2 A motion foreshadowed may be prefaced with a statement that, in the event that a particular motion before the Chairperson is resolved in a certain way, a councillor intends to move an alternative or additional motion.

39.3 A foreshadowed motion has no procedural standing and is merely a means to assist the flow of the meeting.

39.4 The Chief Executive Officer is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved, but may do so if thought appropriate.

40. **Withdrawal of motions**

40.1 Before any motion or amendment is put to the vote, it may be withdrawn by the mover and seconder with leave of Council.

40.2 If the majority of councillors object to the withdrawal of the motion or amendment, it may not be withdrawn.

41. **Separation of motions**

41.1 Where a motion contains more than one part, a councillor may request the Chairperson to put the motion to the vote in separate parts.

41.2 The Chairperson may decide to put any motion to the vote in separate parts.

42. **Motions in writing**

The Chairperson may require any motion to be submitted in writing where it is lengthy, unclear or for any other reason and may suspend the meeting while the motion is being written or Council may defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

43. **Debate must be relevant to the motion**

43.1 Debate must always be relevant to the question before the Chairperson, and if not, the Chairperson may request the speaker to confine the debate to the subject motion.

43.2 If after being requested to confine debate to the motion before the Chairperson, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to be seated and not speak further in respect of the matter before the Chairperson.
44. Speaking times
44.1 Unless a motion for extension of time has been carried the maximum speaking times will be:
   a) the mover of the motion - five minutes;
   b) the mover of the motion when exercising his or her right of reply - two minutes;
   c) any other councillor - three minutes.
44.2 One extension only of up to two minutes may be permitted by resolution of the Council meeting.
44.3 Any councillor, except the councillor speaking, may move or second a motion for an extension of time.
44.4 Committees may set time limits for Members.

Division 8 – Formal Motions

45. Formal motions
45.1 Unless otherwise prohibited, a formal motion may be moved at any time and must be dealt with immediately by the Chairperson.
45.2 Formal motions are not required to be seconded.
45.3 The mover of a formal motion must not have moved, seconded or spoken to the question before the Chairperson or any amendment of it.
45.4 A formal motion cannot be moved by the Chairperson.
45.5 Unless otherwise provided, debate on a formal motion is not permitted and the mover does not have a right of reply.
45.6 Unless otherwise provided, a formal motion cannot be amended.

46. Laying the question on the table
46.1 A motion may be moved – “that the (question, letter, document, report, etc) lay on the table”.
46.2 The motion in clause 46.1:
   a) is a formal motion which may be debated and, if carried, has the effect of adjourning any further debate on the matter currently before the Council until such time (if any) as the Council resolves to take the question from the table; and
   b) if carried in respect to an amendment, has the effect that both the original motion and the amendment will be adjourned; and
   c) prevents debate on the matter currently before the Council proceeding until a motion to take the question from the table is passed.

47. Proceeding to the next business
47.1 A motion may be moved “That the meeting proceed to the next business”.
47.2 The motion in clause 47.1:
   a) is a formal motion which cannot be moved during the election of the Chairperson; and
   b) if carried in respect to an original motion, requires the Chairperson to direct the meeting to the next item of business; and
   c) if carried in respect to a formal motion, disposes of the formal motion immediately and permits debate upon the original motion to resume; and
   d) if carried in respect to an amendment, disposes of the amendment immediately and permits debate upon the original motion to proceed
but no similar amendment may be moved at that meeting or any adjournment of it.

48. **The previous question**

48.1 A motion may be moved “That the question be NOT put” –

48.2 The motion in clause 48.1:
   a) is a formal motion which cannot be moved while there is an amendment before the Chairperson or during the election of a Mayor; and
   b) if carried, prevents the original motion to which it relates being dealt with at that meeting or any adjournment of it; and
   c) if lost, requires that the original or substantive motion to which it relates be put to the vote immediately without any further debate or amendment.

48.3 The Chairperson has the discretion to reject a motion for the previous question if the matter is contentious by nature or has not been adequately debated.

48.4 Adequate debate arises when every councillor who wishes to put a view has had an opportunity to do so.

49. **The closure**

49.1 A motion may be moved “That the motion be now put” –

49.2 The motion in clause 49.1:
   a) is a formal motion which if carried in respect of an original motion requires that the original motion must be put to the vote immediately without any further debate, discussion or amendment: and
   b) if carried in respect to an amendment, requires that the amendment be put to the vote immediately without any further debate or discussion and allows debate on the original motion to continue; and
   c) if lost, allows debate to continue unaffected.

49.3 The Chairperson has the discretion to reject such a motion for closure if the motion upon which it is proposed has not been sufficiently debated.

49.4 Sufficient debate arises when those possessing different views have been given an opportunity to state them.

50. **Adjourning the debate**

50.1 A motion may be moved “That the motion and amendment now before the meeting be adjourned until …………..” –

50.2 The motion in clause 50.1:
   a) is a formal motion which cannot be moved while any person is speaking or during the election of the Mayor; and
   b) may be debated but may only be amended in relation to time, date and place of the proposed adjournment.

50.3 If the time, date or place is not included in a motion carried under clause 50.1, the matter may be re-listed at the discretion of the Chief Executive Officer or upon a subsequent resolution of the Council.

**Division 9 – Points of Order**

51. **Valid points of order**

51.1 A point of order may be raised in relation to anything which is:
   a) a question of procedure;
   b) contrary to this Local Law;
c) outside Council’s power; or
d) any act of disorder.

51.2 Rising to express a mere difference of opinion or to contradict a speaker will not be treated as a point of order.

52. Procedure for points of order
A councillor raising a point of order must:
a) state the point of order; and
b) state the clause, paragraph, provision, rule, practice or precedent constituting the point of order.

53. Chairperson to decide
53.1 The Chairperson will decide all points of order, including points of order against the Chairperson, by stating the provision, rule, practice or precedent he or she considers applicable to the point raised without entering into any discussion or comment.
53.2 The Chairperson may adjourn the meeting to consider a point of order. Otherwise he or she must rule on it as soon as it is raised and all matters before the Council are to be suspended until the point of order is decided.

54. Final ruling on a point of order
54.1 The decision of the Chairperson in respect to a point of order raised will not be open for discussion and will be final and conclusive unless the majority of the councillors present adopt a motion of dissent.
54.2 A motion of dissent on a point of order must contain the rule, provision, practice or precedent in substitution for the Chairperson’s ruling
54.3 When a motion of dissent is moved and is seconded the following procedures must be followed:
a) The Chairperson asks the mover, then the seconder, to speak to their motion and the matter is then further debated as required.
b) A motion of dissent on a point of order is not a motion of no confidence in the Chairperson who must at all times remain in the chair and he or she shall maintain his or her right to a second vote.
c) The matter is put to the vote and the Chairperson announces the result.
d) A motion of dissent on a point of order will take precedence over all other business and if carried must be acted upon instead of the ruling given by the Chairperson.

55. Adjournment and resumption of meeting
55.1 The Chairperson or the Council may adjourn any meeting to a time, date and place to be fixed at the time of the adjournment.
55.2 For the purpose of stating the time to which a meeting is adjourned, that time may be indicated as the adjournment or conclusion of another meeting or event.
Division 10 – Notice of Motion

56. Must be listed on agenda
56.1 A notice of motion cannot be accepted by the Chairperson unless it has been listed on the agenda for the meeting at which it is proposed to be moved.
56.2 Councillors may ensure that an issue is listed on an agenda by completing a “Notice of Motion” form included at schedule 1.
56.3 All notices of motion must be in writing, dated and signed by one or more councillors and given to the Chief Executive Officer not less than seven days prior to the Council meeting at which one of the councillors who signed the notice of motion proposes to move the motion.

57. Rejection of a notice of motion
The Chief Executive Officer:
   a) may reject any notice of motion that he or she considers is too vague, but must before rejecting it give the councillor or councillors who signed the notice the opportunity to amend it; and
   b) must notify the relevant councillor or councillors of any notice of motion which has been rejected and give the reasons for such rejection.

58. Listing notice of motion on agenda
Unless the notice of motion specified a particular meeting date, the Chief Executive Officer must list the notice of motion and if more than one, in the order they were received, on the next appropriate meeting agenda.

59. Register of notice of motion
The Chief Executive Officer must cause every notice of motion received to be sequentially numbered and maintained in a register established for that purpose.

60. May be moved by a councillor and amended
60.1 A notice of motion listed on a meeting agenda may be moved by any councillor present and may be amended.
60.2 A notice of motion which has been lost, or a similar motion, must not be put before the Council for at least three months from the date it was lost.
60.3 If a notice of motion is not moved at the meeting at which it is listed, it lapses.
60.4 If the motion is moved but not seconded, it will lapse

Division 11 – Notice of Alteration or Rescission

61. Procedure
61.1 A councillor may propose a notice of motion to alter or rescind a decision of the Council provided:
   a) the decision has not been acted upon; and
   b) a written notice which has been dated and signed by at least three councillors is delivered to the Chief Executive Officer not less than seven days prior to the meeting outlining:
      i) the decision proposed to be altered or rescinded; and
      ii) the date and place when the decision was made.
61.2 A decision will be deemed to have been acted upon once its details have been formally communicated to persons affected by or reliant on the decision, or where a statutory procedure has been carried out as a result of that decision.

61.3 The Chief Executive Officer, or delegate, must defer implementing a resolution which:
   a) has not been acted on; and
   b) is the subject of a Notice of Rescission which has been delivered to the Chief Executive Officer in accordance with part b) of clause 61.1; unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy.

### Explanatory note

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Monday. Assume also that, immediately after that resolution is made, a councillor lodges a notice of motion to rescind that resolution. Finally, assume that the Notice of Rescission would not be dealt with until the next Monday evening (being the evening of the day on which the planning appeal is to be heard). In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the Notice of Rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the Notice of Rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost. Clause 61.3 would, in such circumstances, justify the Chief Executive Officer, or delegate, actioning the resolution rather than deferring implementation of it.

62. **Listing notice on agenda**

Unless the notice specifies a particular meeting date, the Chief Executive Officer must list the notice of alteration or rescission, and if more than one, in the order they were received, on the next appropriate meeting agenda, together with a brief report outlining the criteria required for the decision to be altered or rescinded.

63. **Criteria to alter or rescind a motion**

63.1 For a decision of the Council to be altered or rescinded, the motion for alteration or rescission must be carried by the majority of the votes cast.

63.2 Unless the Council resolves to re-list at a future meeting a notice to alter or rescind a motion which has been lost, a similar motion must not be put before the Council for three months from the date it was last considered.

63.3 If a notice of alteration or rescission is not moved at the meeting for which it is listed on the agenda, it will lapse.

63.4 A notice of alteration or rescission listed on a meeting agenda may be moved and amended by any councillor present.

64. **When not required**

A notice of alteration or rescission is not required where the Council wishes to change the effect of a previous decision relating to a policy of the Council.
65. **Register of notices of alteration or rescission**

The Chief Executive Officer must cause every notice of alteration or rescission received to be sequentially numbered and maintained in a register established for that purpose.

**Division 12 – Public Participation**

66. **Question time**

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

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

66.3 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.

66.4 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.

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

66.6 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.

66.7 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 legal advice;

   k) relates to matters affecting the security of Council property; or

   l) relates to any other matter which Council considers would prejudice Council or any person.

66.8 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.

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

66.10 Clause 66.1 does not apply during a local government election caretaker period.

67. **Directions given by Chairperson**

Any member of the public addressing the Council must extend due courtesy and respect to the Council and the processes under which it operates and must take direction from the Chairperson whenever called upon to do so.
68. Chairperson may remove
68.1 Any person who has been called to order, including any councillor, who fails to comply with the Chairperson’s direction, shall be guilty of an offence.
68.2 The Chairperson has the discretion to cause the removal of any person, including any councillor, who disrupts any meeting or fails to comply with a lawful direction.
68.3 Any person who fails to leave a meeting after being directed to do so by the Chairperson shall be guilty of an offence.

69. Petitions
69.1 A petition is defined as a formal written application requesting some action by Council and must be in the prescribed form as set out in Schedule 2.
69.2 Notwithstanding clause 69.1 an e-petition will be accepted, with such modifications as necessary, subject to the adoption by council of E-petition Guidelines.
69.3 Every petition presented to Council shall:
   a) Be in writing (other than pencil), type or print.
   b) Contain the request of the petitioners.
   c) Be signed by the person whose names are appended to it by their names or marks and except in cases of incapacity or sickness by no one else.
   d) Clearly state the address of every signatory to the petition.
   e) Be signed by at least ten persons who are residents or ratepayers of the Wodonga municipal district.
69.4 Any signature appearing on a page which does not bear the wording of the whole of the petition shall not be considered by the Council.
69.5 Every page of a petition shall be a single piece of paper and shall not be pasted, stapled or pinned or otherwise affixed to any piece of paper other than another page of the petition.
69.6 Any person who fraudulently signs a petition which is presented to the Council shall be guilty of an offence.
69.7 Unless clauses 69.8 or 69.9 apply, the only motions that may be considered on any petition are:
   a) that the petition be received;
   b) that the petition be referred to the Chief Executive Officer for consideration and response; or
   c) that the petition be referred to the Chief Executive Officer for report to a future Council Meeting.
69.8 If a petition relates to:
   a) a ‘planning matter’ which is the subject of a public notification process under the Planning and Environment Act 1987; or
   b) a ‘statutory matter’ which is the subject of a public submissions process under section 223 of the Act,
   the petition will be treated as a joint submission in relation to the ‘planning matter’ or the ‘statutory matter’ (as the case may be).
69.9 Where a petition presented to a Council meeting relates to an item of business on the agenda, the petition is to be considered by Council as part of its deliberations on the item.
69.10 A petition will not be presented to Council if, in the opinion of the Chief Executive Officer, it is:
   a) derogatory or defamatory; or
   b) aimed at embarrassing a councillor or a member of Council staff; or
c) relates to personnel matters; or

d) relates to the personal hardship of any resident or ratepayer.

70. **Public Submissions**

70.1 Council, or a committee appointed by Council for the purpose, shall at such time as is allocated by it, hear any person wishing to be heard in respect of their submission to Council under section 223 of the Act.

70.2 Councillors may through the Chairperson question any submitter in relation to their submission.

70.3 After hearing submissions Council may immediately consider them and any submissions made to it in writing or may adjourn its consideration of any such submissions.

**Division 13 – Other Procedural Matters**

71. **Suspension of standing orders**

71.1 To expedite the business of a meeting, Council may suspend standing orders.

71.2 The suspension of standing orders should not be used purely to dispense with the processes and protocol of the government of Council. An appropriate motion would be:

"That standing orders be suspended to enable discussion on ...."

71.3 Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

72. **Use of recording devices at meetings**

72.1 If Council resolves that the proceedings of a Council Meeting be recorded, either as a live stream, video or audio recording, the Chief Executive Officer (or other person authorised by the Chief Executive Officer) must record all the proceedings of the Council Meeting.

72.2 Subject to clause 72.1, a person must not operate an audio, video or still image recording device, or a combination of such devices, at any Council meeting without first obtaining the consent of Council or the Chairperson (as the case may be). Such consent may at any time during the course of such meeting be revoked by Council or the Chairperson (as the case may be).

72.3 Any person who contravenes the provisions of clause 72.2 shall be guilty of an offence.

72.4 Where the use of an audio, video or still image recording device, or a combination of such devices, has been permitted in accordance with this Local Law, the Chairperson shall at the commencement of the meeting, inform the meeting accordingly.

72.5 Security cameras are excluded from the provisions of clause 72.2 to the extent that they are required for security purposes.
73. Criticism of members of Council staff
73.1 The Chief Executive Officer may make a brief statement at a Council meeting in respect of any statement by a councillor made at the Council meeting criticising him or her or any member of Council staff.
73.2 Such a statement must be made by the Chief Executive Officer, through the Chairperson, as soon as it is practicable after the councillor who made the statement has finished speaking.

74. Special Committees
74.1 If Council establishes a Special Committee, all of the provisions of part 3 of this Local Law shall apply with any necessary modification or adaptations.
74.2 Notwithstanding clause 74.1 if Council establishes a Special Committee, Council may, or the Special Committee may, with the approval of Council resolve that any provision(s) of part 3 is or are (as appropriate) not to apply, whereupon that provision or those provisions shall not apply until Council resolves, or the Special Committee with the approval of Council resolves, otherwise.

75. Matters not provided for
Where a situation has not been provided for under the provisions of this Local Law, the Council may determine the matter by resolution.
PART 4 – COMMON SEAL

76. The Council’s common seal

76.1 The Chief Executive Officer must ensure the security of the Council’s common seal at all times.

76.2 The Council’s common seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be attested to by the signatures of any two councillors and the Chief Executive Officer, or some other officer he or she has authorised in writing.

76.3 Any person who uses or causes to be used the Council’s common seal without authority shall be guilty of an offence.

76.4 Any person who uses or causes to be used a replica of the Council’s common seal shall be guilty of an offence.

77. Common seal clause

The Council’s sealing clause must be as follows:

"The common seal of the Wodonga City Council was affixed hereto by authority of the Council on the …..day of ……..20... in the presence of:

........................................... Councillor

........................................... Councillor

........................................... Chief Executive Officer"
PART 5 – ENFORCEMENT AND PENALTIES

78. Offences
78.1 A person who contravenes or fails to comply with any provision of this Local Law is guilty of an offence and is liable to:
   a) a maximum penalty of 20 penalty units, unless stated otherwise in this Local Law; and
   b) a further penalty of one penalty unit for each day after conviction during which the contravention continues; and
   c) upon conviction for a second or subsequent offences, 40 penalty units.
78.2 As an alternative to prosecution for an offence, a person may be served with an infringement notice under this Local Law.

79. Infringement notices
79.1 An authorised officer may issue an infringement notice for an offence.
79.2 The penalty fixed for an infringement notice is as listed in Schedule 3 of this Local Law, unless otherwise specified.

80. Payment of penalty
80.1 Payment of the fixed penalty for an infringement notice may be made to Chief Executive Office, Wodonga City Council, PO Box 923 Wodonga VIC 3689 or to a member of Council’s staff authorised for this purpose at the Council offices.
80.2 To avoid prosecution, the penalty indicated in an infringement notice must be paid within 42 days from the date of the issue of the infringement notice.
80.3 The form of an infringement notice shall be in the form as set out in section 13 of the Infringements Act 2006.
SCHEDULE ONE

NOTICE OF MOTION

In accordance with Clause 56.2 of the *Meeting Procedure Local Law (no. 1 of 2019)* the following Notice of Motion is submitted.

Subject: ____________________________________________________________

Notice of motion

I hereby give notice of my intention to move at the next meeting of Council, the following motion:

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

Rationale (brief explanation to assist councillors to fully consider the notice)

_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________
_________________________________________________________________

Councillor: _________________________________________________________

Signed: ___________________________________________________________
SCHEDULE TWO

PETITION

The residents and ratepayers of Wodonga Council draw to the attention of the Council:

-----------------------------------------------------------------------------------------
-----------------------------------------------------------------------------------------

(give the circumstances of the case)

We therefore request that: __________________________________________________________

-----------------------------------------------------------------------------------------
-----------------------------------------------------------------------------------------

(outline the action sought)

NOTE: Every page of this petition must contain the above information.

The contact person for this petition is:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
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<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Name (please print name)</th>
<th>Address (please write full address)</th>
<th>Signature</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

On presentation to the Council this petition will become a public document.
SCHEDULE THREE

PENALTIES FIXED FOR INFRINGEMENTS

<table>
<thead>
<tr>
<th>Clause No.</th>
<th>Offence</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>68.1</td>
<td>Failing to comply with the Chairpersons direction.</td>
<td>2 penalty units</td>
</tr>
<tr>
<td>68.3</td>
<td>Fail to leave meeting after being directed to do so by Chairperson.</td>
<td>2 penalty units</td>
</tr>
<tr>
<td>69.6</td>
<td>Fraudulently sign a petition.</td>
<td>2 penalty units</td>
</tr>
<tr>
<td>72.3</td>
<td>Use a recording device during any Ordinary or Special meeting of Council.</td>
<td>2 penalty units</td>
</tr>
<tr>
<td>76.3</td>
<td>Use or cause the use of the common seal without proper authority.</td>
<td>2 penalty units</td>
</tr>
<tr>
<td>76.4</td>
<td>Use or cause the use of a replica common seal.</td>
<td>2 penalty units</td>
</tr>
</tbody>
</table>

The Common Seal of the Wodonga City Council was hereunto affixed, in accordance with a resolution of Council of ........................., in the presence of: 

............................................................ Councillor

............................................................ Councillor

............................................................ Chief Executive Officer
Purpose of report

The purpose of this report is for the Council to review the instruments of delegation.

Background

Council operates a system of delegations to officers to enable the effective operation of the organisation. These delegations are updated periodically as legislation is amended, or new legislation introduced which impacts upon the operations of the Council.

This report proposes the first update for 2019. The Council last updated the instruments in December 2018, and the CEO reviewed and updated the instrument of sub-delegation at the same time.

The system of delegations the Council operates has been developed by the legal firm, Maddocks. The Maddocks templates are a starting point for the Council’s instruments of delegation. For instance, the Council may decide that it wants to retain certain powers rather than delegate them to members of staff, or that it wishes to impose additional conditions or limitations on the exercise of delegated powers by the relevant delegate.

Importantly, the Council has in place guidelines for reporting back on the exercise of the delegations.

The following information is extracted, in part, from explanatory notes issued by Maddocks:

Most council decisions are not made at council meetings. Effective functioning of local government would not be possible if they were. Instead, most decision-making power is allocated by formal delegations.

The council is a legal entity composed of its members (i.e.: the councillors or commissioners). Because it is not a "natural" person, it can act in only one of two ways: by resolution, or through others acting on its behalf.

The power of a council to act by resolution is set out in section 3(5) of the Act:

"Where a Council is empowered to do any act, matter or thing, the decision to do the act, matter or thing is to be made by a resolution of the Council."

Alternatively, a council can act through others. Where this is to occur, it is recommended that the appointment be formalised through written "instruments of delegation" wherever practicable.
The Act, as well as other legislation, makes express provision for the appointment of delegates to act on behalf of councils. Section 98 of the Act provides that council may delegate its powers, duties, or functions. The section reads:

(1) A Council may by instrument of delegation delegate to a member of its staff any power, duty or function of a Council under this Act or any other Act other than:
   (a) this power of delegation; and
   (b) the power to declare a rate or charge; and
   (c) the power to borrow money; and
   (d) the power to approve any expenditure not contained in a budget approved by the Council; and
   (e) any power, duty or function of the Council under section 223; and
   (f) any prescribed power.

(2) The Chief Executive Officer may by instrument of delegation delegate to a member of the Council staff any power, duty or function of his or her office other than this power of delegation unless subsection (3) applies.

(3) The instrument of delegation to the Chief Executive Officer may empower the Chief Executive Officer to delegate a power, duty or function of the Council other than the power of delegation to a member of the Council staff.

(4) The Council must keep a register of delegations to members of Council staff.

(5) A delegation under this section to a member of Council staff may be made to:
   (a) a person named in the delegation; or
   (b) the holder of an office or position specified in the delegation.

(6) A Council must review within the period of 12 months after a general election all delegations which are in force and have been made by the Council under subsection (1).

The instruments of delegation

There are five instruments recommended by Maddocks:

1. Instrument of Delegation from the Council to the CEO.

   This delegates all of the Council's powers, duties and functions which are capable of delegation, subject to some exceptions and limitations as determined by the Council, to the CEO.

2. Instrument of Delegation from the Council to members of staff relating to Council powers, duties and functions within various Acts and Regulations (or specific parts of those Acts or Regulations), which contain a specific power of delegation.
This delegates certain powers directly from the Council to staff due to the legislation referred to containing specific powers of delegation (see further below).

3. Instrument of Sub-Delegation from the CEO to Council staff.

This sub-delegates the Council’s powers, duties or functions contained in Acts or Regulations which do not include a specific power of delegation.


This instrument allows the CEO to delegate his or her powers, duties and functions existing under all Victorian legislation. This differs to the Sub-Delegation Instrument (above) in that it does not relate to Council powers, duties and functions, but those vested in the CEO personally.

5. Instrument of Delegation from CEO to staff (VicSmart).

This provides for the CEO to delegate his or her powers as a responsible authority under the Planning and Environment Act 1987 in relation to VicSmart planning applications.

Section 98(1) of the Act provides that a council may, by instrument of delegation, delegate to a member of its staff any power, duty or function of a council under the Act or any other legislation, other than certain specified powers.

Section 98(2) provides that the Chief Executive Officer (CEO) may, by instrument of delegation, delegate to a member of the council staff any power, duty or function of his or her office other than the power of delegation itself.

Other Acts also empower a council to delegate certain powers, duties or functions. For example, sec. 188 of the Planning and Environment Act 1987 and section 58A of the Food Act 1984, empower councils to delegate their powers under those Acts to members of council staff.

There is a presumption that a power of delegation cannot be sub-delegated in the absence of express authority to do so.

The Planning and Environment Act, the Food Act, Part 9B of the Environment Protection Act and Part III of the Health Act contain specific powers of delegation, but do not contain an express power of sub-delegation. Therefore, it is assumed that the power of delegation cannot be sub-delegated. This means it is necessary for the delegation to come from the council to the staff members directly.

By contrast the Act provides that the powers of delegation under that Act can be either delegated to its staff members or to the CEO, who may then sub-delegate his or her powers (provided that the delegation to the CEO specifically authorises him or her to sub-delegate). Therefore, the CEO is able to sub-delegate to council staff without infringing the presumption.
While it could be argued that councils could simply rely on the general delegation powers in the Act to delegate matters under these other Acts and ignore the specific delegation powers in these other Acts, there is an appreciable risk in so doing. This would be to ignore a rule of statutory interpretation which dictates that the specific takes priority over the general.

All delegations are reviewed concurrently
To ensure certainty the instruments of delegation are reviewed and updated concurrently. This is due to a change in Commonwealth legislation which now differs from Victorian legislation and raises the possibility of delegations made at different times being open to legal challenge.

Changes recommended in this update
A copy of all five proposed instruments are tabled. The different instruments of delegation have been updated to take account of recent legislative changes identified by Council’s lawyers, Maddocks. In addition a review of the planning delegations have identified a number of changes which have been incorporated into the various instruments.

The Maddocks changes with this update are summarised below:

**Instrument one: Delegation by the Council to the CEO**

Maddocks has not identified any changes to this instrument. It is recommended that the instrument be adopted without change.

This document is attached as tabled document A.

**Instrument two: Delegation by the Council to staff other than the CEO**

The legislative review has identified the following changes:

1. The conditions and limitations relating to sec. 181H of the *Local Government Act 1989* (Vic) (LGA) has been modified; and

2. Sec. 46AS of the *Planning and Environment Act 1987* (Vic) (P&E Act) was replaced on 30 May 2018, as a consequence of the *Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018* (Vic). The new sec. 46AS does not contain a council power, duty or function and, therefore, has been removed from the template.

This document is attached as tabled document B.

**Instrument three: Sub-Delegation by the CEO to staff**

This instrument is approved by the CEO, and presented to the Council with a recommendation that it be received and noted. The Maddocks updates include:
8.5 - Review of the Instruments of Delegation (cont’d)

1. Sec. 138(5) of the Building Act 1993 (Vic) (Building Act) has been inserted, as has sch 2 cl 4A(2)(b);

2. A number of powers, duties and functions have been included under the Child Wellbeing and Safety Act 2005 (Vic) (CWS Act) because of the Child Wellbeing and Safety (Information Sharing) Regulations 2018 (Vic) (CWS Regulations). Regulation 5 of the CWS Regulations prescribes ‘a council to the extent that it provides maternal and child health programs’ as being an information sharing entity under the CWS Act;

3. Sec. 108(1)(d)(ii) of the Electoral Act 2002 (Vic) (Electoral Act) has been included because of an amendment to r 27(2) of the Electoral Regulations 2012 (Vic) (attached), which now prescribes councils to be service providers for the purposes of sec. 108(1)(d)(ii) of the Electoral Act;

4. The Family Violence Protection Act 2008 (Vic) (FVP Act) has been inserted because of the Family Violence Protection (Information Sharing) Amendment (Risk Management) Regulations 2018 (Vic) (FVP Risk Management Regulations). Regulation 9 of the FVP Risk Management Regulations amends r 5 of the Family Violence Protection (Information Sharing) Regulations 2018 (Vic) (FVP Information Sharing Regulations) to prescribe ‘a Council to the extent it provides maternal and child health programs’ as an ‘information sharing entity’ under the FVP Act. The FVP Risk Management Regulations also insert a new r 17 into the FVP Information Sharing Regulations which prescribes ‘a Council to the extent that it provides maternal and child health programs’ as a ‘framework organisation’ under the FVP Act;

5. Freedom of Information Act - these relate to powers of a council as an agency under Parts II, VI and VIA of the FOI Act; and

6. Some powers, duties and functions have been included under the LGA regarding cladding rectification agreements. It is noted that, under sec. 185L of the LGA, the duty to declare a cladding rectification charge can be delegated to a council’s CEO. However, this has not been included in this instrument because it cannot be sub-delegated.

This document is attached as tabled document C.

Instrument four: Delegation by the CEO of CEO’s powers, duties and functions to staff

This instrument is approved by the CEO, and is included as a tabled document for the information of council. The Maddocks updates are:

1. The powers of the CEO as ‘principal officers’ under the FOI Act have been included; and

2. Sec. 181H of the LGA is a power that can only be delegated to council’s CEO and it is accurately reflected in the Delegations to Staff Other than the CEO
8.5 - Review of the Instruments of Delegation (cont’d)

template. Maddocks advises that the previous reference in this instrument was included in error, and has now been removed.

This document is attached as tabled document D.

Instrument five: Delegation by the CEO to staff (VicSmart)

This instrument is approved by the CEO, and is included as a tabled document for the information of council. The Maddocks updates are:

There are two changes to the conditions and limitations of sec 54(1) and sec 54(1A) of the Planning and Environment Act 1987. This reflects Amendment VC148, which was gazetted on 31 July 2018, and has implemented changes to the Victoria Planning Provisions and planning schemes.

This document is attached as tabled document E.

The Staff Delegation Guidelines

No changes are proposed at this time. It is recommended that the Guidelines be adopted without change.

This document is attached as tabled document F.

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</td>
<td>Good governance and customer experience</td>
</tr>
<tr>
<td>business by being innovative, responsive and transparent. We will be accountable and</td>
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<tr>
<td>steward the organisation with the highest regard.</td>
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</table>

Council policy / strategy implications

Maddocks is contracted to provide six monthly updates to the instruments of delegation.

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>If delegations are not updated the legality of a decision or an action</td>
<td>C</td>
<td>4</td>
<td>High</td>
<td>Adopt the revised instruments.</td>
</tr>
<tr>
<td>purportedly made on behalf of the Council could be questioned.</td>
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</tbody>
</table>
Financial implications

The cost of the templates provided by Maddocks is fully funded in the budget. There are no other financial implications.

Environmental implications

There are no environmental implications associated with this report.

Social / cultural implications

There are no social / cultural implications associated with this report.

Legislative implications


Community engagement and internal consultation

The instruments have been reviewed by the directors and relevant managers and the proposed delegations reflect departmental advice.

Options for consideration

1. Do nothing. This is not recommended for the reasons outlined in this report.
2. Adopt the revised instruments of delegation, as tabled.

Conclusion

The Council should regularly review and update the instruments of delegation to ensure they are compliant with legislation and reflect the organisational structure. The Council has the opportunity to delegate responsibilities under various Acts, or it may choose to retain some responsibilities. It is timely to again conduct a review in-line with the latest legislative changes.
8.5 - Review of the Instruments of Delegation (cont’d)

Attachments
Nil

Tabled papers
The following documents will be tabled at the meeting:
- Document A: Instrument of Delegation to the CEO
- Document B: Instrument of Delegation to Staff other than the CEO
- Document C: Instrument of sub-delegation by the CEO
- Document D: Instrument of Delegation of CEO Powers
- Document E: Instrument of Delegation by CEO (VicSmart)
- Document F: Delegation guidelines

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

That:

1. In the exercise of the powers conferred by section 98(1) of the Local Government Act 1989 (the Act) and the other legislation referred to in the Instrument of Delegation to the Chief Executive Officer, as tabled:

   a. The person holding the position or acting in the duties of Chief Executive Officer be delegated the powers, duties and functions set out in the Instrument of Delegation to the Chief Executive Officer, as tabled, subject to the conditions and limitations specified in that instrument.
   
   b. The instrument come into force immediately the common seal of the Council is affixed to the instrument.
   
   c. On the coming into force of the instrument all previous delegations to the Chief Executive Officer be revoked.
   
   d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of the Council that it may from time to time adopt.
   
   e. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.

2. In the exercise of the powers conferred by section 98(1) of the Act and the other legislation referred to in the Instrument of Delegation by the Council to members of Council staff (other than the CEO), as tabled:

   a. The members of Council staff holding or acting in the offices or positions referred to in the instrument, as tabled, be delegated the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.
   
   b. The instrument come into force immediately the common seal of Council is affixed to the instrument.
   
   c. On the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) be revoked.
   
   d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

3. The Wodonga Council Staff Delegation Guidelines, as tabled, be adopted.

4. The Instrument of Sub-Delegation by the CEO to other staff, as tabled, be received and noted.
Motion

Crs John Watson / Danny Lowe

That the recommendation be adopted.

Carried
8.6 - Waste Management Reserve Policy

Purpose of report

The purpose of this report is to present a Waste Management Reserve Policy for consideration. The policy provides direction as to how Council will approach the management of any net surplus or deficit between waste charges collected from ratepayers and the actual waste costs incurred by Council over a financial year.

Background

Council was subject to an investigation by the Victorian Ombudsman that indicated that council was budgeting to make a surplus from the provision of waste management services to the ratepayer of the municipality. The Ombudsman recommended that Council should not budget to make a profit from the provision of waste management services and that council should rectify this situation within three years.

Council determined that it would rectify this situation within two years. This process commenced last year and will be achieved on adoption of the 2019-2020 budget, which includes a break-even budget for the provision of waste management services.

It is rare that a budget aligns perfectly with the actual result achieved or incurred. As a result, the budgeted break-even result is unlikely to reflect the actual result returned by council at the end of each financial year.

In the interests of being transparent and accountable to the community, the fundamental principles and calculations used in arriving at the budgeted waste management levy position for 2019-2020 will be subject to an internal audit review. The review will be undertaken by Council’s independent internal audit provider and reported to Council, prior to the adoption of the final 2019-2020 budget in June.

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>Maintain accountable and transparent financial practices</td>
</tr>
</tbody>
</table>

Council policy / strategy implications

To ensure transparency and good governance practices are in place, it would be appropriate for waste related surpluses generated to be set aside for waste related purposes. This could become a precedent for surpluses generated by other fees and charges collected by Council.
Risk management implications

<table>
<thead>
<tr>
<th>Risk/Opportunity description</th>
<th>C’quence</th>
<th>L’hood</th>
<th>Rating</th>
<th>Controls &amp; treatments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste services business units actually generate a surplus even though were budgeted to break-even.</td>
<td>3</td>
<td>B</td>
<td>S</td>
<td>Adopt a policy to determine how that surplus will be used for waste related purposes.</td>
</tr>
</tbody>
</table>

Financial implications

Previously, surpluses generated from Waste Management formed part of general revenue, and were used to support other activities of Council.

The Ombudsman’s report concluded that waste related charges should only be used for waste related purposes, and not be used to cross subsidise other activities of Council. From the 2019-2020 year, Council’s budget for waste related services is break-even, in that budgeted revenue equals budgeted expenses.

Accordingly, any actual surplus or deficit that is generated during the financial year can be isolated in a waste management reserve, to be used for future waste related purposes, such as a waste related capital project or to reduce future years annual waste charges.

The operation of the waste management reserve would be subject to annual scrutiny as part of the financial statement preparation and audit process.

Environmental implications

Any waste related capital projects funded from a waste reserve should have a positive environmental impact for the Wodonga community.

Social / cultural implications

This will ensure that all waste service charges collected from ratepayers will be used for waste related services or infrastructure.

Legislative implications

This is not currently a legislative requirement under the *Local Government Act 1989*. It is anticipated that the Bill for the new Local Government Act, likely to be reintroduced into Parliament, will include a legislative requirement to not budget to make a surplus from the waste and other service charge levies. It is not anticipated that there will be a legislative requirement that a surplus generated from waste charges will need to be isolated and only used for future waste related purposes.

Community engagement and internal consultation

None.
8.6 - Waste Management Reserve Policy (cont’d)

Options for consideration

Option 1 – do nothing, any surplus generated from waste service charges will form part of general revenue. This will not result in a breach of the Act, however may not be fully transparent as to where the waste related funds have been expended.

Option 2 – adopt the policy, any surplus generated from waste service charges will be isolated in a waste reserve, for future waste related use. This will provide transparency for the community to ensure their waste related services charges are only used for waste related purposes and not used to cross subsidise other services.

Conclusion

The Waste Management Reserve Policy indicates the appropriate treatment for any actual surplus or deficit generated from Council’s waste related service charges. The policy will ensure that Council is transparent to the community about what the waste related service charges are spent on and that they are not used to cross subsidise any other council services. This is in line with the Ombudsman’s position that charges should reasonably reflect the services provided, and that the community can be confident about how their money is spent.

Attachments

The following documents are attached to this report:

- Attachment A: Waste Management Reserve 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 Finance - Stephen Byrns
In providing this advice as the report author, I have no interests to disclose in this report.
**8.6 - Waste Management Reserve Policy (cont’d)**

<table>
<thead>
<tr>
<th><strong>Recommendation</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>That the Waste Management Reserve Policy be adopted.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Motion</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Crs Kat Bennett / Danny Lowe</td>
<td></td>
</tr>
<tr>
<td>That the recommendation be adopted.</td>
<td><strong>Carried</strong></td>
</tr>
</tbody>
</table>
Waste Management Reserve Policy

PURPOSE

The purpose of this Policy Statement is to outline the objectives and approach that council will adopt in the management of any net surplus or deficit between waste charges collected from ratepayers and the actual waste costs incurred by Council over a financial year.

OBJECTIVE

The objective of this policy is to articulate Council’s intent that all funds raised for the provision of waste management services, will only be used for a waste related purpose.

Council has determined this objective as a result of the opinion expressed in the Victorian Ombudsman’s report regarding Council’s overcharging of a waste management levy. The opinion included that raising funds for the collection and disposal of refuse and then using those funds for other purposes is inconsistent with the intent of the levy.

SCOPE

This policy applies to the actual annual financial result returned by Council relating to the delivery of waste management activities undertaken by Council.

POLICY

Council will budget for a cost neutral outcome for the provision of waste management services across the municipality, ie a break even result.

Where there is a variation to the budgeted result, a surplus or deficit, Council will maintain a waste management service reserve to quarantine the result. The reserve will be clearly disclosed in the annual financial statements of Council and will accordingly form part of the annual financial statement external audit.

The reserve will only be available to be used in the following manner:

- When in surplus, part or all can be applied to a subsequent period’s budgeted position for provision of waste management services to reduce ratepayer’s annual waste management charges for that subsequent period.

- When in surplus, part or all can be allocated to a current or future capital project that is specifically related to the provision of waste management services.

- When in surplus, part or all can be carried forward to offset against a future deficit.

- When in deficit, all should be carried forward to offset against a future surplus.
Council will determine how the reserve will be utilised annually as part of each year’s budget process, which will be subject to community consultation in line with normal budget processes.

ATTACHMENTS

N/A

RELATED POLICIES

N/A

RELATED LEGISLATION

Local Government Act 1989

REVIEW

The council may review this policy at any time but unless otherwise requested at least every four years from the 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 of name of a related policy, or a change to the name of the legislation.
8.7 - Planning Scheme Amendment C129 - Introduction of the Specific Controls Overlay to facilitate the development of the Baranduda Village Convenience Centre

Purpose of report

To seek a Council resolution to enable officers to request authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment C129 to the Wodonga Planning Scheme.

Amendment C129 seeks to introduce the Specific Controls Overlay (and the associated incorporated document) into the Wodonga Planning Scheme to facilitate the development and use of a neighbourhood convenience centre at Baranduda Village.

Background

**The applicant:** Habitat Planning on behalf of: Next 1 Pty Ltd.

**Land:** The Amendment applies to land in Baranduda, Lot 128 on PS 733790 at the corner of Verbena Street and Arnica Circuit - refer to Map 1.

Map 1: Lot 128 on PS 733790 at the corner of Verbena Street and Arnica Circuit

**The proposal:** Council has received an application to amend the Wodonga Planning Scheme to facilitate the development of a neighbourhood convenience centre (the Centre) in Baranduda Village located within the General Residential Zone.

The proposal consists of approx. 1,300 square metres of retail floorspace to accommodate a small supermarket, car park and associated facilities.

The proposed amendment introduces Clause 45.12 ‘Specific Controls Overlay’ into the Wodonga Planning Scheme and applies it to the subject site. The overlay (along
with the associated incorporated document and the control conditions) ensure that the proposed development (which would otherwise be prohibited under the General Residential Zone), will be achievable and is in-line with the preferred strategic direction.

The Amendment specifically proposes to:

- Insert Clause 45.12 *Specific Controls Overlay* and associated Schedule into the Wodonga Planning Scheme
- Amend Schedule to Clause 72.04, *Documents Incorporated into this Planning Scheme*, to include the Incorporated Document ‘Baranduda Village Neighbourhood Convenience Centre’
- Amend Schedule to Clause 72.03, *What Does this Planning Scheme Consist Of?* to insert a new Map 16SCO
- Apply the *Specific Controls Overlay* (SCO1) to Lot 128 on PS 733790 corner of Verbena Street and Arnica Circuit Baranduda
- Amend Wodonga Planning Scheme, Map 16

The draft Explanatory Report and Incorporated Document are available in attachment A and attachment B respectively.

**Strategic planning context:**

According to Wodonga Growth Strategy and Clause 21.03-1 ‘Activity centres’ in the Wodonga Planning Scheme, Convenience Centre (which Baranduda Village is categorised as) has a retail floorspace allocation of 500 – 1,500 square metres.

The Amendment facilitates the development of a Neighbourhood Convenience Centre at Baranduda Village. The outcome of the proposed amendment maintains a timely and tiered hierarchy of activity and retail centres across the municipality in line with growth, while maintaining the primacy of the Wodonga Central Business Area.

The Amendment will result in a net community benefit by reducing private vehicle use for convenience shopping needs and by greatly enhancing the role of *community hub* the site will contribute to in this location. The amendment will facilitate the local community to "shop locally".

Baranduda Village is connected into the wider cycle and pedestrian network; the proposal encourages the use of active transport modes and healthier lifestyle outcomes for the local community.

From a planning policy perspective, the introduction of the Specific Controls Overlay enables the proposed development to occur with the site remaining as General Residential 1 Zone (GR1Z). Should the proposed use not eventuate, the land then
reverts to its underlying zone provisions, and the control (limited by a time envelope) can be remove later.

### Council Plan

<table>
<thead>
<tr>
<th>Strategic objective</th>
<th>Strategy areas</th>
<th>Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advance our position as a leading regional city, fostering opportunities for development and jobs, and building a destination that offers a variety of experiences, recognising our rich and diverse history and culture.</td>
<td>Business and investment</td>
<td>Develop a Wodonga Retail Strategy to ensure clarity around the shopping centres and precincts and how they are connected.</td>
</tr>
</tbody>
</table>

### Council policy / strategy implications

Adopted by Council in 2016, the Wodonga Growth Strategy (WGS) is Wodonga Council’s long-term strategic planning document.

It was prepared, in part, as a response to the State Government’s Hume Regional Growth Plan. In supporting the development of a clear retail hierarchy, the WGS has developed the Activity Centre Hierarchy.

Since the adoption of the WGS, the Wodonga Planning Scheme Amendment C125 formally adopted the Activity Centres Hierarchy at Clause 21.03-1 of the Municipal Strategic Statement.

### 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>
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</thead>
<tbody>
<tr>
<td>Continue to defer the planning scheme amendment, which will require local residents to make multiple vehicle trips for daily convenience shopping needs.</td>
<td>4</td>
<td>C</td>
<td>M</td>
<td>Amend the planning scheme in the manner outlined to facilitate the development of the convenience centre.</td>
</tr>
<tr>
<td>Non-compliance with the strategic work and outcomes of long term strategy formation and review.</td>
<td>3</td>
<td>C</td>
<td>S</td>
<td>Seek the Minister for Planning authorisation to prepare and exhibit the amendment.</td>
</tr>
</tbody>
</table>

### Financial implications

Prescribed fees for consideration of amending the Planning Scheme:

<table>
<thead>
<tr>
<th></th>
<th>2017-2018 approved budget $</th>
<th>This proposal $</th>
<th>Variance to approved budget $</th>
<th>Comments</th>
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<tr>
<td>Revenue</td>
<td>$2929.30</td>
<td>$2929.30</td>
<td>$2929.30</td>
<td>Prescribed fee for responsible authority to consider amending its planning scheme</td>
</tr>
<tr>
<td>Expense</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Net result</td>
<td></td>
<td></td>
<td>$2929.30</td>
<td></td>
</tr>
</tbody>
</table>
Environmental implications

The Amendment will facilitate convenience retail and grocery shopping at Baranduda Village. Potential environmental impacts include promotion of use of active transport modes for local shopping, which will result in less consumption of resources (reduced fossil fuel use, which provides positive economic impact on household expenditure), and a potential for healthier lifestyle, resulting in a net community (social) benefit.

Social / cultural implications

The Amendment will facilitate convenience retail and grocery shopping at Baranduda Village, and will serve as an important retail outlet for the current and future stages of development in the precinct. Despite the relative small scale of the convenience centre, there will be positive social impacts to the local community, including the uplift in the profile of the site, and the adjoining facilities, as the community hub. More people in and around the facility will mean that increased activities in conjunction with the Baranduda Community Centre adjoining the site.

Legislative implications

The Amendment implements the objectives of planning in Victoria (sections 4(1) and 12(1)(a) of the Planning and Environment Act 1987 (the Act) by aligning land use planning with strategic objectives as stated in the WGS (objective 13) and the Wodonga Municipal Strategic Statement Clause 21.03-1.

Community engagement and internal consultation

The Act stipulates exhibition and process requirements, for planning scheme amendments. These must be complied with.

Options for consideration

Option 1: Do nothing – council declines the request to amend the planning scheme and does not proceed with the planning scheme amendment process for Amendment C129.

Option 2: Proceed with the amendment C129 – council resolve to allow officers to seek authorisation from the Minister for Planning to prepare and exhibit the planning scheme amendment. Officers consider that the application is in accordance with council’s strategic work. This is the recommended option.

Conclusion

Amendment C129 proposes to introduce the Specific Controls Overlay (and the associated incorporated document) into the Wodonga Planning Scheme to facilitate
the development and use of a neighbourhood convenience centre at Baranduda Village.

The amendment enables the development of a convenience centre at Baranduda Village, which is in-line with council’s strategic documents, the Wodonga Growth Strategy, and Clause 21.03-1 of Wodonga Planning Scheme.

The amendment request is strategically sound and supported by the justifications provided in the application council received.

Attachments

The following documents are attached to this report:
- Attachment A: Draft Explanatory Report
- Attachment B: Draft Incorporated Document

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.

Team Leader Strategic Planning - Kenneth Chan
In providing this advice, I have no interests to disclose in this report.

Strategic Planner - Timothy Cheetham
In providing this advice as the report author, I have no interests to disclose in this report.
8.7 - Planning Scheme Amendment C129 - Introduction of the Specific Controls Overlay to facilitate the development of the Baranduda Village Convenience Centre (cont’d)

Recommendation

That Council:

1. Authorises officers to seek authorisation from the Minister for Planning to prepare Amendment C129 to the Wodonga Planning Scheme. The Amendment seeks to facilitate the development and use of a neighbourhood convenience centre at Baranduda.

2. Authorises officers to undertake the preparation and exhibition of the planning scheme amendment in accordance with the requirements of section 19 of the Planning and Environment Act 1987 once authorisation has been received.

Motion

Crs Kat Bennett / John Watson

That the recommendation be adopted.

Division

A division was called for.
Councillors Lowe, Watson, Speedie, and Bennett voted for the motion.
Councillors Mitchell and Mildren voted against the motion.

Carried
Who is the planning authority?

This amendment has been prepared by the Wodonga City Council who is the planning authority for this amendment.

The Amendment has been made at the request of [Next 1 Pty Ltd].

Land affected by the Amendment

The Amendment applies to land in Baranduda, Lot 128 on PS 733790 at the corner of Verbena Street and Arnica Circuit - refer to Map 1.

Map 1: Land affected by the Amendment

What the amendment does

The Amendment seeks to facilitate the development of a Neighbourhood Convenience Centre supermarket at Baranduda, in accordance with the Wodonga Growth Strategy (WGS), the Wodonga Municipal Strategic and the draft Wodonga Activity Centre Retail Hierarchy Strategy.

The Amendment:

- Inserts Clause 45.12 *Specific Controls Overlay* and associated Schedule into the Wodonga Planning Scheme
- Amends Schedule to Clause 72.04, *Documents Incorporated into this Planning Scheme*, to include the Incorporated Document ‘Baranduda Village Neighbourhood Convenience Centre"
Ordinary meeting – May 13, 2019

8 - Officers reports for determination

Item 8.7 - Attachment A

- Amends Schedule to Clause 72.03, What Does this Planning Scheme Consist Of? to insert Map 16SCO

- Applies the Specific Controls Overlay and associated schedule 1(SCO1) to Lot 128 on PS 733790 corner of Verbena Street and Arnica Circuit Baranduda

- Amends Wodonga Planning Scheme Map 16

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to facilitate the appropriate development of a Neighbourhood Convenience Centre supermarket, in Baranduda that is in accordance with Clause 21.03-1 Activity Centre, of the Wodonga Planning Scheme, and the WGS. These strategic documents seek to ensure that a tiered hierarchy of activity and retail centres across the municipality is achieved, that is commensurate with residential and population growth whilst maintaining the primacy of larger population catchments and centres. The proposed amendment will ensure any development of the affected land is in accordance with these strategic objectives.

The amendment introduces Clause 45.12 Specific Controls Overlay into the Wodonga Planning Scheme, for a site within the settlement of Baranduda. The specific controls overlay, along with the associate incorporated document and the control conditions applied to the development ensure that the supermarket, otherwise prohibited under the General Residential 1 Zone, will be developed in-line with preferred strategic direction.

Adopted by Council in 2016, the WGS is Wodonga Council’s long-term strategic planning document. It was prepared, in part, as a response to the State Government’s Hume Regional Growth Plan. In supporting the development of a clear retail hierarchy strategy, the WGS has set specific objectives and actions:

Objective 13: “Establish a coherent and tiered retail hierarchy that recognises and reinforces the primacy of the central business area in order to meet the needs of both its regional and local catchments”.

Action A21: “Prepare a Retail Strategy that includes a capacity analysis of the CBA and local activity centres and confirms floor space allocations for each centre.”

Since the adoption of the WGS, the Wodonga Planning Scheme Amendment C123 formally adopted the hierarchy, established within that document, and inserted the hierarchy at Clause 21.03-1 of the Municipal Strategic Statement (MSS). In accordance with the stated actions of the WGS Council has continued to refine and confirm the retail hierarchy, by undertaking further analysis via the draft Wodonga Activity Centre Retail Hierarchy Strategy, which has confirmed the hierarchy, location and retail allowances.

The Planning Scheme is considered the most suitable and efficient tool to ensure that appropriate land use and development is achieved in a timely and strategic manner. The use of the overlay (SCO1) enables the land to be developed in accordance with the strategic direction while maintaining the underlying zone, saving the need for future rezoning of land and use of Council’s resources.

The amendment will facilitate locals and the immediate adjoining community to “shop locally” and may assist in reducing private vehicle use for convenience shopping needs and reducing unnecessary multiple car trips.

The amendment does not repeat other provisions within the scheme.

How does the Amendment implement the objectives of planning in Victoria?
The amendment implements the objectives of planning in Victoria (sections 4(1) and 12(1)(a) of the *Planning and Environment Act* 1987 (the Act) by aligning land use planning with strategic objectives as stated in the WGS (objective 13) and the Wodonga Municipal Strategic Statement Clause 21.03-1.

**How does the Amendment address any environmental, social and economic effects?**

Baranduda is located on the southern boundary of Wodonga’s Growth Area Corridor. As such, it is recognised that residential growth in the immediate area has the potential to continue over time, in particular the pending approval of the Leneva Baranduda Growth Area Precinct Structure Plan (PSP), will set the desired guidelines and planning framework for growth.

The amendment will facilitate appropriate retail and grocery shopping at Baranduda, and will serve as an important and ongoing retail outlet at the initial stages of development, within the PSP. Despite the limited size of the retail allowance at the centre, economic, environmental and social impacts include the potential to retain in the order of 16% of the total retail expenditure of the combined main trade area population (Economic Impact Assessment MacroPlan Dimasi), the potential for increased use of alternative methods of transport in accordance with Wodonga’s Integrated Transport Strategy. Such use may result in less consumption of resources (economic impact on household expenditure on fuel and motor vehicle maintenance) and a potential for a healthier lifestyle.

In addition, development of the site, which is located adjoining the existing Baranduda Community Centre, may lead to increase use of the area as the “Community Hub” for community services, events and meetings, in conjunction with the adjoining Baranduda Community centre and local primary school.

Overall the positive impact on air quality may be small however, it is desirable to facilitate the development of good habits for healthy communities by less reliance on private vehicle use.

**Does the Amendment address relevant bushfire risk?**

The land affected by the Amendment is subject to the provisions of the Bushfire Management Overlay (BMO). As this amendment is combined with a Planning Permit application for a supermarket, a Bushfire Management Statement (BMS) has been prepared for the development.

The BMS concludes that:

*The recommendations of this report acknowledge that the building will be constructed to a BAL 29 level of construction given the modified nature of adjoining WREN vegetation located to the north, which will achieve the relevant bushfire protection requirements in accordance with the provisions of clause 53.02. The building is a substantial concrete tilt panel building covering about 25% of the site and the car park will provide enhanced access and area for management of a bushfire incident in the adjacent WREN land.*

*The required BAL can be achieved through the application and ongoing maintenance of the required defendable space identified within this Bushfire Management Statement and the enclosed Bushfire Management Plan.*

The Amendment also gives effect to the objective for Bushfire planning within the planning policy framework of the planning scheme by assessing the proposed development against the risks of bushfire.

The Country Fire Authority (CFA) was consulted in preparing the Amendment and planning permit application and advised on their requirements for the proposed development.

Having regard for the BMS and the advice of the CFA, the bushfire risk is adequately addressed by the Amendment.

**Does the Amendment comply with the requirements of any Minister’s Direction applicable to the amendment?**
The Amendment has been prepared having regard to Ministerial Direction No 11 – Strategic Assessment of Amendments. The amendment is consistent with the requirements of the Ministerial Direction -The Form and Content of Planning Schemes (section 7(5) of the Act) and Section 12(2) of the Act

**How does the Amendment support or implement the Planning Policy Framework and any adopted State policy?**

The Planning Policy Framework (PPF) provides policy guidance relevant to the proposed planning scheme amendment.

The objectives of clause 11 Settlement and in particular Clause 11.01-1S is to “promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements” and in particular major regional centres such as Wodonga.

The strategy for the above objective identifies Wodonga as one of the ten major regional centres on Victoria, with a significant focus on investment and growth.

The objective of clause 11.03-1S Planning Policy Framework (PPF) encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Strategies include the building up of activity centres as a focus for high quality development, activity and living by developing a network of activity centres that comprise a range of centres that differ in size and function.

The objective of clause 13.02-1S is “to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.” This objective is achieved through the preparation of a Bushfire Management Statement (BMS) relating to the development of a supermarket on the land identified in the site control. This BMS undertakes an analysis of the risk of the development from bushfire.

The PPF Clause 17.02-1S Business, provides an objective for the “provision of development that meets the community’s needs for retail…” strategies include: the provision of small-scale shopping opportunities that meet the needs of local residents and workers in convenient locations.

**How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The amendment is strategically supported by the following objectives and strategies of the Municipal Strategic Statement (MSS):

Clause 21.03 Activity centres, recognises the established retail hierarchy and acknowledges that as Wodonga grows, additional floor space will be required to serve the needs of a growing community. New communities within the growth areas in particular the Leneva – Baranduda will require access to new or expanded retail floor space. The need and delivery of this increased economic activity must have regard to their place in the overall hierarchy.

The Clause 21.03-1 Activity centres – sets out the desired retail hierarchy for Wodonga. Table 1 of that clause, clearly recognises the affected land (Baranduda) as the site for a convenience centre supermarket of a designated floor space.

The objective of the clause is to provide a coherent and tiered retail hierarchy in order to meet the needs of its regional and local catchments. The Strategy of this clause states: “Support a small supermarket within the Baranduda village to service the convenience retail needs of the community”

Clause 21.03-2 Design of activity centres Support the delivery of mixed use, walkable local town centres which maximise opportunities for multiple trips and reduced reliance on car based travel.

Clause 21.03-3 Urban growth: Achieve sustainable urban growth and ensure equitable access to services and facilities.
Clause 21.03-5 *Implementation*, further strategic work: “Prepare a Retail Strategy that includes analysis of the activity centres… and confirms the capacity, timing and appropriate floor space allocations for each centre”

The *draft* Wodonga Activity Centre Retail Hierarchy Strategy (the Strategy) confirms the retail assessment undertaken, as part of the WGS (2016).

Clause 21.13 *Local areas* considers the long-term growth of Wodonga will be directed to the Leneva Baranduda Growth corridor. While recognising that there will be three larger activity centres within the Leneva Baranduda Precinct a number of smaller activity centre(s) are acknowledged—such as Baranduda Village.

**Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment makes proper use of the Victorian Planning Provisions, by utilising the provisions of the Specific Controls Overlay to introduce an Incorporated Document into the Planning Scheme that applies specific controls designed to achieve a particular land use and development outcome in extraordinary circumstances.

At the time of preparing this amendment, no translation has been undertaken for the Wodonga Planning Scheme.

**How does the Amendment address the views of any relevant agency?**

The views of relevant agencies have been sought. In particular, the Country Fire Authority have been consulted, prior to preparation of the amendment. Their pre-assessment information requirements have been considered and addressed in the Amendment.

Consultation with the local Department of Land Water and Planning have been undertaken and the amendment is proposed in line with discussions and advice with local officers.

**Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The purpose of the Transport Integration Act 2010 is to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible state.

The proposed combined amendment/application will impact on the transport system at a local level, and no upgrades are expected to be required to the nearby parts of the road network to accommodate the proposal. The proposal will facilitate safe vehicular access to and from the site as well providing safe and accessible pedestrian access via the proposed pathways and links to existing pedestrian routes.

Accordingly, it is considered that the proposal is appropriate in the context of the requirements of the Transport Integration Act 2010.

**Resource and administrative costs**

- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The Amendment facilitates the implementation of the objectives of the WGS, the draft Wodonga Activity Centre Retail Hierarchy Strategy, as well as the Municipal Strategic Statement in an effective and resource responsible manner. It is not expected to have unnecessary impact on the current or future resources or administrative costs for the responsible authority.

**Where you may inspect this Amendment**
The Amendment is available for public inspection, free of charge, during office hours at the following places:

Wodonga City Council
104 Hovell Street,
Wodonga, VIC 3690


Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by [TO BE CONFIRMED].

A submission must be sent to:

The Chief Executive Officer,
Wodonga City Council
PO Box 923,
Wodonga VIC 3689.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: [TO BE CONFIRMED]
- panel hearing: [TO BE CONFIRMED]
ATTACHMENT X - Mapping reference table

<table>
<thead>
<tr>
<th>Location</th>
<th>Land /Area Affected</th>
<th>Mapping Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example</td>
<td>Land bounded by Gumnut Road and Cupid Lane, Gumnut</td>
<td>Gumnut C001 001vpoMap37 Exhibition</td>
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<tr>
<td>Example</td>
<td></td>
<td>Gumnut C001 002vpoMap38 Exhibition</td>
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Baranduda Village
Neighbourhood Convenience Centre

Incorporated Document
Specific Control Overlay Schedule 1

Wodonga Planning Scheme Amendment C129

April 2019
1.0 INTRODUCTION
This document is an incorporated document in the Wodonga Planning Scheme pursuant to section 6(2)(j) of the Planning and Environment Act (1987).
It consist of the written provisions of this document (clauses 1-5).

2.0 PURPOSE
The purpose of this document is to facilitate the development of a neighbourhood convenience centre (The Neighbourhood Convenience Centre) of no more than 1,500 square m of gross retail floor space.

3.0 LAND
The subject site, Lot 128 PS 733790 is located at the corner of Verbena Street and Arnica Circuit as shown in figure 1

4.0 APPLICATION OF PLANNING SCHEME PROVISION
Despite any provision to the contrary or any inconsistent provision in the Wodonga Planning Scheme, no planning permit is required for, and nothing in the planning scheme operates to prohibit, control or restrict the use and development of the Land for the purpose of the Neighbourhood Convenience Centre. The use and development of the Land for the purpose of the Neighbourhood Convenience Centre includes but is not limited to:

- Building and works associated with the neighbourhood convenience centre
- Car parking
• Outdoor advertising (category 3)
• Food and drink premises (the leasable floor area must not exceed 150 square metres)
• Shop (not including: Restricted Retail Premises, Department store, Adult sex product, Bottle shop)

This control is subject to the conditions at Clause 5 of this document

If there is any inconsistency between the specific controls in this document and the general provisions of the Wodonga Planning Scheme, the specific controls in this document will prevail.

Where a use is not specified in this Incorporated Document, the relevant zone provisions apply.

5.0 CONDITIONS
The use and development of the Land permitted by this document must be carried out in accordance with the following conditions.

Prior to building and works being carried out, the following plans must be prepared and submitted for approval to the satisfaction of the responsible authority.

Amended Plans
1. Before development starts, amended plans 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 this planning control. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application being plans TP01 Rev P8, TP02 Rev P8, and TP04 Rev P8 prepared by +trg dated September 2018, but modified to show:

   a) A screening wall, a minimum 1.2 metres in height, along the length of the Arnica Circuit boundary, to prevent headlight glare to residential properties.

Endorsed Plans
2. The use and development must be generally in accordance with the endorsed plans forming part of this control and must not be altered without the prior written consent of the responsible authority.

Colours and Materials
3. Before development starts, a schedule of colours and materials to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the control.
Engineering Plans & Construction

4. Before development starts, detailed engineering construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. 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. Stormwater from all roofs, gutters, downpipes and paved areas shall be drained to a legal point of discharge;
   iii. Prevention of stormwater discharge onto adjoining public and or private land up to a 1 in 20 year ARI, with overland escape routes for larger storm events;
   iv. Incorporation of gross pollutant trap(s) to any and/or all outlets to the satisfaction of the responsible authority.

b) Any existing, new, additional or extensions to existing roadways, carparks & hardstands, must be finished with a fully 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 control conditions, each parking bay is to be clearly delineated (line marked and/or signed) as required. The removal of any existing parking bays must be offset by new bays;

d) A minimum of 2 car spaces must be provided for the exclusive use of disabled persons. The car spaces must be provided as close as practicable to suitable entrances of buildings and must be clearly marked with a sign to indicate that the spaces must only be utilised by disabled persons.

e) 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;

f) Vehicular crossing and driveway crossovers shall be constructed to the Council’s standard. A maximum crossing width must be the minimum required to accommodate the design turning template of the anticipated service vehicles. A Road Reserve Works Permit is to be obtained from the relevant authority;

g) Incorporate safe pedestrian walks and (line marked) crossing within the proposed carpark;

h) Provision of bicycle facilities in accordance with Wodonga Planning Scheme Clause 52.34.

i) 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.

5. New footpath construction and associated crossing(s) must be provided along the full frontage of the development along Verbena Street and Arnica Circuit. New connections and strategic links must be provided to the existing reserve path (north of the proposed development) and to the existing paths in Sage Court;

Construction Management Plan
6. Before development starts, a construction management plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plan must address:
   a) Fencing to contain all litter, restrict vehicle access and deter unauthorised access to the site;
   b) Temporary fencing of the site during construction;
   c) Construction vehicle access point to the site during construction;
   d) Parking facilities for construction workers;
   e) Erosion and sediment control during construction.
   f) Control of mud on roads during construction;
   g) Control of dust generation during construction;
   h) Details including contact details of a liaison officer for contact the event of relevant queries or problems experienced during construction.

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

Waste Management Plan
7. Prior to the commencement of the use, a Waste Management Plan for the collection and disposal of garbage and recyclables for all uses on the site must be submitted to and approved by the responsible authority. The Waste Management Plan must provide for:
   a) The method of collection of garbage and recyclables;
   b) Designation of methods of collection;
   c) Appropriate areas of bin storage on site and areas for bin storage on collection days; and
   d) Litter management.

Landscaping Plan
8. Before development starts, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. Once endorsed this plan will form part of the control. The plan must include details of:
   a) Proposed buildings and other structural features that influence the landscape design;
8 - Officers reports for determination

Item 8.7 - Attachment B

- b) Any natural features that influence the landscape design;
- c) Planting within and around the perimeter of the site comprising trees and shrubs, including using appropriate native species for areas adjoining the WREN reserve;
- d) Shade trees;
- e) The proposed design features such as any paths, paving, 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) Hard and soft landscape treatments at the interface between the subject land and the WREN reserve;
- h) A pedestrian connection between the carpark and the existing unsealed trail within the WREN Reserve;
- i) Means of watering the landscaped area.

9. Before the use allowed by this control commences, the site must be landscaped in accordance with the endorsed plan and shall be thereafter maintained to the satisfaction of the responsible authority.

Construction Phase

10. All activities associated with the construction of the development permitted by this control must be carried out to the satisfaction of the responsible authority and all care must be taken to minimise the effect of such activities on the amenity of the locality.

Native Vegetation

11. Before development starts, the common boundary between the subject land and WREN land (identified as Category 3 land in the Leneva Valley and Baranduda Native Vegetation Precinct Plan) must be established. This boundary must be:
   - a) Marked with a highly visible and secure vegetation protection fence; and
   - b) Signed to indicate these vegetation protection areas must be erected and maintained until works are complete.

   Vehicles, machinery, earthworks, placement of fill and storage of materials is prohibited within the WREN land.

12. A Tree Protection Zone (TPZ) with a radius of 12 x the trunk diameter (measured at a height of 1.3m) must be implemented around all WREN Reserve trees for the duration of construction activities, unless with the prior written consent of the responsible authority. The TPZ is applied from the base of the tree trunk and should be no less than 2 m and no greater than 15 m.

13. Any construction stockpiles, fill, storage and machinery must be placed away from WREN reserve and drainage lines to the satisfaction of the responsible authority.
Sediment Control


Specifically, the applicant must ensure:

a) Grading, excavation and construction must not proceed during periods of heavy or forecast 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.

General Amenity

15. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:

e) transport of materials, goods or commodities to or from the land;

f) appearance of any building, works or materials;

g) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and

h) presence of vermin.

Lighting Baffles

16. All lighting used to externally illuminate buildings, works and uses shall be fitted with cut-off luminaries (baffles), to prevent the emission of direct and indirect light onto adjoining roadways, land and premises.

Hours of Operation

17. The hours of operation for all uses are 6.00am to 11.00pm on all days including public holidays.

Regulation of Delivery Times

18. Deliveries to and from the site (including waste collection, but with the exception of bakery and dairy deliveries) must only take place between: 7.00am and 7.00pm Monday to Friday, and 8.30am and 4.00pm Saturday, Sunday and public holidays.

Vehicle Access Lanes and Car Park Construction

19. Before the use starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

a) constructed and properly formed to such levels that they can be used in accordance with the plans;

b) surfaced with an all-weather-seal coat;

c) drained;
d) line marked to indicate each car space and all access lanes clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the responsible authority;

e) Designed to be compliant with Australian Standard AS/NZ 2890.1:2004;

f) Comply with disabled parking bays - Australian Standard AS/NZ 2890.6:2009;

g) Provided with public lighting in accordance with AS/NZ 1158.0-2005/Amendment 2-2010 minimum light category P11/P12 and the fitting are to minimize spill lighting on to neighbouring properties (including road reserves) in accordance with AS/NZ 4282-1997;

h) Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Parking Signs
20. Signs to the satisfaction of the responsible authority must be provided directing drivers to the areas set aside for car parking and must be located and maintained to the satisfaction of the responsible authority.

Security Alarms
21. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

Food Act Premises
22. The premises must be registered with Council under the provisions of the Food Act 1984 and must be constructed and maintained in accordance with the Australia New Zealand Food Standards Code and AS 4674-2004 Design, Construction and Fit-out of Food Premises as adopted by Council. A plan of the proposed food premises must be provided to and approved by Council prior to the commencement of construction and/or fit-out. Operation of the business shall not commence until Food Act registration has been granted by Council.

Mandatory Bushfire Management Overlay Condition
23. The bushfire protection measures forming part of this control or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this control has been completed.

Country Fire Authority Requirements
24. The Bushfire Management Plan prepared by Habitat Planning, Appendix D from the Bushfire Management Statement (dated 11 October 2018), must be endorsed to form part of the control conditions and must not be altered unless otherwise agreed in writing by the CFA and the responsible authority.
8.8 - 193/2018 - Whytes Road, Baranduda - Use and Development of a Contractors Depot and Materials Recycling Facility

Purpose of report

To seek a Council determination to issue a Notice of Decision to grant a Planning Permit (PP193/2018) for the “Use and development of a contractor’s depot and materials recycling facility (Construction and demolition materials recycling)” at Lots 31 and 32 on Plan of Subdivision 549593 (the subject site).

The application is reported to Council for determination as it has attracted more than five objections.

Background

Site History

The subject site forms part of the Baranduda Industrial Estate, which was created as part of a joint project between the Albury – Wodonga Development Corporation and Wodonga City Council. The estate has been developed for a range of industrial uses. The subject site is located on the western side of Whytes Road, a short distance to the south of Baranduda Drive.

Figure 1: Site context Plan

Council sold the subject site in late January 2019 to the current landowner who is the applicant for the permit.

Planning Context
The subject site is located within the Industrial 1 Zone (IN1Z) and the Environmental Significance Overlay Schedule 5 (ESO5) and Bushfire Management Overlay (BMO) apply to the site. The site is also located within a declared Bushfire Prone Area.

Proposal
The proposal seeks the use of land for a contractor’s depot, materials recycling, and buildings and works. No construction materials, other than those waiting to be recycled, will be stored on site.

A contractor’s depot is not defined in the Wodonga Planning Scheme. However, the proposal includes the processing of waste construction materials which falls within the definition of materials recycling identified in the Wodonga Planning Scheme; ‘land used to collect, dismantle, treat, process, store, recycle, or sell, used or surplus materials.’

The main purpose of the proposal is crushing waste material, enabling the material to be re-used in other construction projects. The applicant intends to do this only a few times each year. Total processed volume is expected to be 7000 cubic metres per annum.

Alternative classifications, such as transfer station, have been considered as part of the application process. While other definitions could conceivably cover the proposal, the definition of materials recycling, ‘Land used to collect, dismantle, treat, process, store, recycle, or sell, used or surplus materials’ best describes the proposed use.

The proposed buildings and works on the site include:
- Earthworks to level and prepare the site;
- Construction of internal accessways, as well as a new crossover to Whytes Road;
- Construction of a new building, containing facilities for staff working on site, a guard room, and parking spaces for high value machinery; and
- Other minor works.

A copy of the proposed layout is provided at Attachment A.

Referrals
In accordance with the Wodonga Planning Scheme and the Planning and Environment Act 1987, the application was referred to the CFA, AusNet, EPA and North East Water on 21st December 2018.

North East Water initially objected to the application on the basis that the proposal included a caretaker’s residence. In consultation with North East Water, this component of the proposal was removed, and North East Water subsequently withdrew its objection.
The CFA requested further information. All other referral authorities consented to the application, some subject to conditions.

**Further information (FI)**
Council requested further information on the 17th January 2019. The required information was for:
- Amended plans;
- More details of the proposed recycling processes;
- Responses to clauses 52.06 (car parking), 53.10 (uses with adverse amenity potential), and 53.14 (resource recovery);
- Justification for the caretaker’s residence; and
- Amended bushfire documents.

The caretaker’s residence was subsequently removed. The FI response was otherwise satisfactory to council officers, with the exception of the CFA, whose response is outstanding.

**Notification and Objections**
The application was advertised on the 7th March 2019 via letter and an on-site sign. Letters were sent to all properties within a 500m radius of the site, as council officers estimate this to be the limit of the area that could be affected (based on a more offensive use in Clause 53.10 (abattoir), having the same 500m setback).

Following problems with the on-site notice being blown over, the notice was attached to a real estate sign on site on 21st March, with the advertising period restarting from that date. The advertising period concluded on the 4th April 2019 without any further incident. Eight objections have been received at the time of preparing this report.

**Figure 2: Location of objectors**

The objections received contain the following broad themes:
Suitability of the site for a caretaker’s residence;
Asbestos and other dangerous chemicals;
Dust emissions;
Works commencing before a planning permit has been issued;
Land values;
Fears the site will turn into a junk yard;
Insufficient notice;
Road safety and traffic; and
Runoff, tree removal and environmental impacts.

A summary of objections is provided at Attachment B.

A mediation meeting was held on the 16th April 2019, with approximately 10 objectors attending, as well as the applicant and their representatives. Objectors had an opportunity to expand upon their written grounds, and the opportunity for the applicant to persuade objectors of his proposal. No specific changes to the proposal resulted from this meeting.

Development Assessment

A copy of the draft delegates report can be found at Attachment C.

Key Planning Issues

The proposal is generally supported by state and local policies.

State policies related to economic development strongly support the application. Policies relating to environmental and amenity protection can be addressed by appropriate conditions.

Local policies contained in the Municipal Strategic Statement related to economic development and locations and design for industrial development offer strong support to the proposal. The proposal is compatible with the most specific policy relating to the site located at Clause 21.13-7.

Industrial 1 Zone

The proposal is supported by the purpose of the zone. The decision guidelines have been considered in the recommendation of this report.

Bushfire Management Overlay

The CFA, as a determining referral authority, consented to the application, subject to one condition, which has been included in the recommended conditions.

Environmental Significance Overlay Schedule 5

The ESO 5 in this location is generally focused protecting the operations of the nearby N.E.W. treatment plant.

In this matter, council officers have high regard to the opinions of North East Water who have consented to the amended approval without conditions.
The application has suitably responded to the requirements of this overlay.

**Clause 52.06 Car Parking**
The subject site has sufficient space for car parking and permit conditions will relate to planning and construction of car parking.

**Clause 53.02 Planning for bushfire**
The subject site is within the BMO. The CFA is satisfied that the bushfire documents provided appropriately respond to the threat to the site and permit conditions will require adherence to this information.

**Clause 53.10 Uses with adverse amenity potential**
The primary purpose of this clause is to outline required separation distances for uses that threaten amenity. The proposal falls under the categorisation of ‘construction and demolition materials recycling’, which appears with a note 1 next to it. This means that the required setbacks will vary according to the proposal and be determined by Council.

Noise impacts from the proposal relate primarily to the operation of the recycling machinery. The proposal is required to comply with EPA requirements listed in *Noise from Industry in Regional Victoria (NIRV)*, in accordance with the conditions required by the EPA for the permit.

The application was referred to the EPA, who did not express any concerns relating to compliance with NIRV. Council can rely on the expertise of the EPA in assessing this part of the application, as the EPA would have objected or required additional information if they had concerns.

In terms of vibration, an EPA document referring to pile driving indicates impacts are unlikely beyond 50m of the operation. The current proposal is considered less intense than pile driving, and has a setback of 700m setback to the nearest dwelling.

The proposal is 435m from the nearest land zoned for residential use, which is a Low Density Residential Zone lot to the south-east. This lot is partially covered by the ESOS5, and North East Water would be unlikely to allow a dwelling to be constructed in this area. The nearest location where a dwelling could be built without planning permission is approximately 460m to the south east.
The EPA did not specify a greater distance in their referral response than is currently proposed.

**Clause 53.14 Resource recovery**
This provision applies to the use of land for materials recycling. It is focused at larger, more general sites, and the guidelines included in the reference documents have limited applicability to the proposal. The current proposal has responded to the relevant parts of these documents.

**Clause 65.01 Approval of an application or plan**
This clause contains the decision guidelines relevant to the proposal. These have been considered in making this recommendation and found to be supportive. A detailed assessment is located in the officer’s delegate report attached as Appendix C.

**Other matters**
Some concerns have been raised relating to the potential enforcement of the planning permit, particularly relating to landscape plans. These plans are required to be provided by a condition and must be to the satisfaction of Council. Permit compliance can be enforced by Council in accordance with the Planning and...
Environment Act 1987 and Council can also enforce the conditions imposed by the CFA or EPA if required.

Council Plan

<table>
<thead>
<tr>
<th>Strategic objective</th>
<th>Strategy areas</th>
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<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

The application is reported to Council for deliberation in accordance with Council’s Instrument of Delegation retaining the power, duty and responsibility to determine applications that receive more than 5 objections.

Council adopted the Wodonga Industrial Land Strategy in July 2018. This policy highlights the importance of construction and other industry to Wodonga’s employment base. The strategy also highlights the following objectives:

**Objective 1:** Strengthen Wodonga’s role as a strategic national intermodal logistics and distribution centre.

**Officer Response:** The current proposal does not prejudice industrial development of the type.

**Objective 2:** Ensure the availability of land for industrial business that have a range of land use requirements, infrastructure needs and skillset requirements.

**Officer Response:** The current proposal has been located on this site to take advantage of the land previously set aside by this objective.

**Objective 3:** Develop Wodonga as a location for high-tech modern industrial businesses.

**Officer Response:** The current proposal involves a modern form of materials recycling, using modern equipment and processes. This process is not particularly high-tech but resource recovery supports Council’s environmental ambitions.

**Objective 4:** Support the retention and growth of existing industrial and related businesses in Wodonga and facilitate new industrial and related business investment in Wodonga.

**Officer Response:** The proposal represents new industrial development in Wodonga, and is supported by this objective.

**Objective 5:** Ensure the needs of industrial and employment lands are served by road and rail infrastructure upgrades.

**Officer Response:** The subject site is suitably served by transport infrastructure, considering no manufacturing or assembling is occurring on-site. The proposed contracts depot is a business servicing the local and regional area, rather than the
wider state and country. Access to the major transport corridors of the city is acceptable for a business of this type.

**Objective 6**: Enable appropriate employment generating land uses by supporting the transition of industrial areas where appropriate.  
**Officer Response**: N/A, no transitions proposed for this area.

**Objective 7**: Provide planning certainty to guide long term business investment decisions in Wodonga.  
**Officer Response**: The applicant has relied on the industrial zoning of the site in making the current proposal, as well as the buffers offered by the nearby treatment plant and parks.

The adopted *Wodonga Growth Strategy 2016* is the other primary Council policy regarding growth. While generally focusing on residential growth, objective 16 is relevant to the current application.

**Risk management implications**

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<thead>
<tr>
<th>Risk description</th>
<th>C'quence</th>
<th>L'hood</th>
<th>Rating</th>
<th>Controls &amp; treatments</th>
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</thead>
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<tr>
<td>VCAT Appeal: Officers recommend the issue of a Notice of Decision. The objectors</td>
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<td>C</td>
<td>S</td>
<td>A detailed in-depth analysis has been undertaken by the assessing officer.</td>
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<td>VCAT Appeal: If Council determines to refuse the application, the applicant may</td>
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<td>B</td>
<td>S</td>
<td>A revised in-depth analysis will need to be undertaken by the officers.</td>
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<td>VCAT Appeal: If Council determines to refuse the application, the applicant may</td>
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<td>A</td>
<td>S</td>
<td>The assessing officer has undertaken a detailed in-depth analysis.</td>
</tr>
<tr>
<td>Reputational damage. If a permit is granted, there is a risk that objectors will</td>
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<tr>
<td>Financial implications</td>
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Environmental implications

The Environmental Significance Overlay applying to the site has the primary purpose of protecting the operation of the nearby NEW treatment plant. The current proposal does not threaten the viability of that operation.

The proposal includes some environmental risks, relating to:
- Dust emissions;
- Sediment control; and
- Noise.

These risks can be adequately addressed through the recommended permit conditions. Various EPA guidelines also apply to the site. The proposed materials recycling represents a positive environmental outcome, as it reduces the demands for new materials, and the negative environmental outcomes that arise in their creation.

Social / cultural implications

Approval of the development, may result in some social impacts on nearby residents. These include:
- A sense of loss of rural character associated with the expansion of urban development;
- Anxiety due to potential adverse amenity impacts, such as an increase in traffic on local roads; and
- Perceived loss of land values in the area.

The underlying matters of concern are addressed as part of the recommended permit conditions, however these may not address perceived losses relating to the proposal.

Legislative implications

The primary legislation applying to this application is the Planning and Environment Act 1987. Section 58(1) requires Council to consider every application for a permit. Section 60 list the matters Council needs to consider.

Community engagement and internal consultation

Community engagement has been dealt with elsewhere in this report.

The application was referred internally to Engineering, Strategic Planning, Environmental Health, and the Natural Resources Planner. 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 grant a permit within 60 days.

Option 2. Approve the planning permit application with conditions. (Recommended option)

Officers have assessed the proposed development and believe it represents a development outcome that meets the relevant requirements of the Wodonga Planning Scheme. Objectors may seek a review of Council’s 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 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. As such, it is recommended that council determine to issue a Notice of Decision to grant a planning permit in this instance.

Attachments

The following documents are attached to this report:

- Attachment A: Proposed layout
- Attachment B: Summary of objections
- Attachment C: An updated Delegates Report was tabled at the meeting and is included as an attachment with these minutes.

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.

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

Statutory Planner - Steven 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 (PP193/2018) for the Use and development of a contractor’s depot and materials recycling (Construction and demolition materials recycling) at lots 31 and 32 on PS549593.

Subject to the following conditions:

PROPOSED CONDITIONS

Amended Plans – Use and Development

1. Before the use commences, amended plans 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 with dimensions must be provided electronically in PDF format. The plans must be generally in accordance with the plans identified as revision G, drawn by ‘BF’ and dated 1/3/19 but modified to show:
   a) The location of CCTV cameras to record the loads of incoming materials;
   b) An area set aside for overflow parking;
   c) The location of any and all soil/fill/gravel storage locations. Such storage must be in appropriately dimensioned bunker constructed of concrete and painted or surfaced to blend in with the surrounding landscape;
   d) Location of 1 bicycle parking space, designed in accordance with Clause 52.34-6; and
   e) All areas to be used for the storage of material before and after reprocessing surfaced with concrete, asphalt, or a similar material.
   f) All areas of hardstand and the proposed surfacing.

Endorsed Plan – Use and Development

2. The use and development undertaken 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.

Amenity

3. The amenity of the area must not be detrimentally affected by the use or development through the:-
   a) transport of materials, goods and commodities to or from the land
   b) appearance of any buildings, works or materials
   c) emission of noise, artificial light, vibration, smell, fumes, smoke,
### Closed Circuit Television (CCTV) Cameras

4. The entrance to the facility must be fitted with CCTV Cameras capable of recording the incoming and outgoing loads of materials and the number plates of all vehicles entering and exiting the site. The recording of all images or videos must be retained for 90 days to allow for the scrutiny of the images or footage by Authorised Officers of the Wodonga City Council, staff of the EPA or any authority permitted by law to view such images or footage.

### Height and Volume of Fill

5. The total height of the materials stockpiles must not exceed 3m. The total volume of processed material and material awaiting processing stored on site at any one time must not exceed 3,500 cubic metres.

### Hours of operation

6. The proposed use of the site for materials recycling must only take place between the hours of 8am and 6pm, Monday to Sunday, except with the written consent of the responsible authority.

### Drainage Plan - Works

7. Before any of the works allowed by this permit can be started, a properly prepared drainage plan with computations must be submitted to and approved by the Responsible Authority. The plan must give details of how the works on the land are to be drained. An endorsed copy of the plan and computations will form part of this permit.

### Drainage Construction Plans

8. Prior to the commencement of construction, all underground or surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with plans and computations to be provided by the developer and approved by the Responsible Authority. Such drainage works shall be designed and installed to transport stormwater runoff from the subject land and surrounding or adjoining road(s) to an approved point of discharge. No stormwater shall drain or discharge from the land to adjoining properties without the prior approval of the Responsible Authority. All works shall be completed to the satisfaction to the Responsible Authority prior to the commencement of the use.

vapour, steam, soot, ash, waste water, waste products, grit or oil
To the satisfaction of the Responsible Authority.
## No Polluted Drainage

9. Effluent or polluted drainage must not be allowed to discharge into the soil or beyond the boundaries of the subject land or directly or indirectly into any watercourse to the satisfaction of the Responsible Authority.

## Site not to be open to the general public

10. The proposed materials recycling facility can only be used in conjunction with the contractor's depot, except with the written consent of the responsible authority. The materials recycling facility must not be made available to the general public, including by the establishment of any transfer station on the land.

## Soil and fill to be stored in bunkers

11. No soil, fill, aggregate or similar material is to be stored outside of the bunkers identified on the endorsed plans.

## No Asbestos

12. The applicant must not allow asbestos or asbestos containing materials to be delivered, processed, or stored on site. The applicant must erect signs clearly indicating asbestos will not be accepted on site.

## Endorsed Site Management Plan

13. Before any materials recycling commences on the site, the applicant must prepare a Site Management Plan to the satisfaction of the responsible authority detailing the specific recycling processes and materials to be recycled. This document, when approved, shall be endorsed as forming part of the Permit and the applicant will undertake all materials recycling processes in accordance with this document, to the satisfaction of the Responsible Authority.

## No Litter Beyond Site

14. The applicant shall ensure no foreign material is carried from the site and deposited on the surrounding public roads by vehicles leaving the site, or by any other means, to the satisfaction of the Responsible Authority. A two metre high chain mesh fence shall be required to be erected surrounding the operational area of the land and appropriate remedial action must be undertaken to ensure that accumulated litter intercepted by the fence is frequently and regularly removed to ensure that the site does not become unsightly. Should any litter escape the site, immediate (within 2 hours) remedial action is required by the operator to gather the litter so that it does not cause the area to become unsightly and to prevent further litter discharge from the site.
Baffled Lighting

15. 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.

Preparation of Landscaping Plan for Development

16. 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) Screen 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.

Landscaping Maintenance

17. The landscaped areas shown on the endorsed plans must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.

Erosion and Sediment Control Plan

18. Prior to the commencement of works an Erosion & Sediment Control Plan prepared in accordance with the EPA document Construction Techniques for Sediment Pollution Control, Environment Protection Authority May 1991 must be submitted and approved by the Responsible Authority.
### Tobacco Workplace

19. Smoking is prohibited in all enclosed workplaces including licensed premises.

### Mandatory Bushfire Condition

20. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

### Bushfire emergency plan

21. Before the approved use commences, the applicant must prepare a bushfire emergency plan in accordance with AS3745-2010 ‘Planning for Emergencies in facilities’, to the satisfaction of the responsible authority. The plan must address the following matters:

22. Trigger points for actions (for example, code red fire risk day);
23. Actions to be taken in response to the relevant triggers;
24. Measures to be taken to monitor risks; and
25. Responsibilities for various personnel.

The plan, once endorsed, will form part of the permit, and must be followed to the satisfaction of the responsible authority.

### CFA Conditions

26. The Bushfire Management Plan (prepared by Habitat Planning, drawing Ref. Bushfire Management Plan VC, dated 23/04/19) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

### EPA Conditions

27. Nuisance dust and/or airborne particles must not be discharged beyond the boundaries of the premises.
28. The stockpile of material must be maintained so that no dust is emitted from the stockpiles beyond the boundary of the premises.
29. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
30. Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises.
31. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in
accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.

32. Prescribed industrial wastes as defined by the Environment Protection (Industrial Waste Resource) Regulations 2009, must not be accepted at the premises.

33. Combustible recyclable and waste material, as defined in the guideline Management and Storage of Combustible Recyclable and Waste Materials, EPA publication 1667 or as amended, must only be stored for transfer, sale, sorting, reuse, recycling, reprocessing or energy recovery.

34. All recyclable and waste material must be managed and stored on site in a manner that minimises risks to human health and environment from fire and in accordance with the guideline Management and Storage of Combustible Recyclable and Waste Materials, EPA publication 1667, or as amended.

Time for Starting - Use and Development

35. This permit will expire if one of the following circumstances applies:
   a) The development is not commenced within two years of the date of this permit.
   b) The development is not completed within four years of the date of this permit.
   c) The use is not commenced within two years of the development being completed.
   d) If commenced within two years, the use is then discontinued for a period of two years.

The Responsible Authority may extend the time for the completion of the development, 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.

END CONDITIONS

Motion

Crs John Watson / Kat Bennett

That the recommendation be adopted. 

Carried
Conflict of interest disclosure

Prior to the commencement of item 8.8 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 6.46pm. Cr Mildren returned to the meeting room at 6.53pm after the resolution for item 8.8 was carried.
Suitability of the site for a caretaker’s residence

**Officer Response:** As the caretaker’s residence component has been removed from the proposal, this ground does not apply to the application. The guard house will not be able to be used as a dwelling, and a permit condition is recommended prohibiting occupation of the building as a dwelling.

Asbestos and other dangerous chemicals

**Officer Response:** Correct management of asbestos and other dangerous chemicals is the role of the EPA. The EPA has provided conditions to address this concern, and Council officers have recommended an additional condition specifically prohibiting asbestos. These conditions should be sufficient to reduce any risk from dangerous chemicals to an acceptable level.

Dust emissions

**Officer Response:** EPA conditions also address dust, preventing emissions from the site. Should any dust emissions occur, Council will be able to take enforcement actions.

Works commencing before a planning permit has been issued

**Officer Response:** Council officers became aware of soil being stockpiled on site around the 21st March 2019. The applicant was directed to stop any more soil being delivered to the site, as no permit had yet been issued. Council officers reached the conclusion that, as the works would fall within the permissions applied for, there was no immediate need to undertake enforcement action. Were this permit to be refused, this position would need to be revisited.

Land values

**Officer Response:** VCAT has consistently held that land values are not a valid planning matter, and should not enter into planning decisions.

Fears the site will turn into a junk yard

**Officer Response:** This concern can be addressed through planning permit conditions.

The first relates to amended plans, requiring more detail, the erection of bunkers to hold soils and aggregates, and limits on materials permitted to be stockpiled.

The second is a more general condition, requiring the applicant to maintain the site in a neat and tidy manner at all times.

Insufficient notice
Officer Response: Notice has been provided in accordance with the Planning and Environment Act 1987.

Road safety and traffic

Officer Response: There are two related concerns here, one regarding the entry and exit of the site, and the other is the impact on the wider road network, particularly the intersections of Baranduda Drive with the Kiewa Valley Highway, and Whytes Road and Murray Valley Highway.

In terms of entry and exit from the site, the application was referred to Council’s engineering department, who expressed no concerns relating to this matter.

The local road network can absorb the additional traffic generated by this proposal. The two intersections of concern are controlled by VicRoads, and Council’s role would be limited to advocating for their improvement. There is no reason to expect the current proposal would have any major impacts on these intersections.

Runoff, tree removal and environmental impacts.

Officer Response: The application was referred to Council’s Natural Resource Planner, who advised no further permission was required to remove the vegetation on site.

The native vegetation and watercourse in the reserve to the south will be protected, through an exclusion zone for works along that boundary, and a permit condition requiring a sediment control plan. The EPA conditions also address these matters.
DELEGATE REPORT ON PLANNING APPLICATION

Application No: 193/2018

Date received: 20-Dec-2018

APPLICATION DETAILS

Applicant: COMPLETE CIVIL CONSTRUCTION SERVICES PTY LTD

Owner: COMPLETE CIVIL CONSTRUCTION SERVICES PTY LTD
(Changed since application was lodged)

Proposal: Use and development of the land for a depot and materials recycling

Background: The current application was lodged in December 2018. The original permission requested included a caretaker’s residence. As a result of an objection by North East Water, as a determining referral authority, the applicant amended their application to remove this part of the proposal. North East Water subsequently withdrew their objection, and consented subject to conditions.

Around 15 March 2019, it became apparent during a site visit that the site was being used to stockpile dirt/fill. The applicant was advised to cease any such activity, but final resolution of the matter would be dealt with if a permit were to issue.

Consideration was given to alternative classification of uses, or if the proposed materials recycling could be ancillary to the use for a contractors depot. The size and scale of the stored materials, as a percentage of the site, was considered to be too great to be considered ancillary. The only alternative classification thought to potentially apply was ‘transfer station’, which has the following definition: Land used to collect, consolidate, temporarily store, sort or recover refuse or used materials before transfer for disposal or use elsewhere.

While this definition could conceivably apply, the definition of ‘materials recycling’, Land used to collect, dismantle, treat, process, store, recycle, or sell, used or surplus materials, better describes the proposed use.
LAND DETAILS

Address: WHYTES ROAD, BARANDUDA VIC 3691

Land Area: 2.74 hectares across two lots.

Copy of Title received? Yes.

173 or covenant? No.

Easements? No.

CHMP required? No.

Previous permits None, since the original subdivision.

PLANNING CONTROLS

Zoning: Industrial 1 Zone (IN1Z)

Overlay/s: Bushfire Management Overlay (BMO)
Environmental Significance Overlay – Schedule 5 (ESO5)

Permit ‘trigger’: IN1Z
33.01-1 Table of uses
Contractors deport is an innominate use, and falls into section 2, permit required.
Materials recycling, subject to conditions this application meets, falls into section 2, permit required.
33.01-4 Buildings and works
A permit is required to construct a building or construct or carry out works.
BMO
A permit is required to construct a building or construct or carry out works associated with the following uses:

- Industry

ES05
Clause 42.01-2 Permit requirement
A permit is required to:
- Construct a building or construct or carry out works.
  This does not apply if a schedule to this overlay specifically states that a permit is not required

The schedule does not contain any relevant exemptions.

FURTHER INFORMATION

Additional Information Required? Yes.

What Information is Required?

1. Amended plans, including dimensions, showing:
   a. The proposed areas set aside for parking;
   b. Details of the proposed processing plant, including elevations;
   c. Areas of the site proposed to be concreted or sealed into a hardstand;
   d. Proposed internal storage areas;
   e. Loading and unloading areas and internal roads/accessways; and
   f. The area of the site excluded from the 60% requirement of Clause 21.09-2 and mentioned on page 14 of the planning report; and the proposed landscaping/treatment of the remaining 40%.

2. Specific details of the proposed recycling process, with a focus on any potential off-site impacts.


4. Details of the correct classification of the use under Clause 53.10.

5. A response to Clause 52.06.

6. Detailed justification for the proposed caretaker’s
residence, and its proposed design.

The CFA also requested the following information:

1. CFA seeks additional information from the applicant as it has not correctly addressed the approved measures (AM) within the Bushfire Management Statement for the proposed Caretakers residence.

A Caretakers Residence falls under Accommodation and therefore AM 3.2 & AM 4.2 will need to be addressed.

2. It is also recommended that a bushfire Emergency Management Plan be developed for the site due to its use.

The request was sent on 17 January 2019.

An acceptable response was received from Council’s perspective on 8 February 2019. The response was forwarded to the CFA, and additional further information was requested by the CFA. Ultimately, the CFA indicated the response was acceptable.

Further changes to the documents were requested by North East Water on 1 March 2019, withdrawing any and all references to caretaker’s residences and occupancy.

After this information was received, North East Water conditionally consented to the grant of a permit.

REFERRALS

Internal Engineering
No response received.

Environmental Health
Consented and recommended conditions

Strategic Planning
Made comments regarding:

- Need/justification for caretakers residence, particularly with regard to the ESO and BMO;
- Impact of the operation on adjoining land owners, particularly VitaSoy to the south; and
- More details about the potential for off-site impacts.

A number of these issues were addressed in the further information response, and the remaining matters have been considered in this decision.

Natural Resources Planner
Initial comments were received, indicating the vegetation on site could be removed under the provisions of a native vegetation precinct plan.

Subsequently, the planner requested a condition separating the proposal from the reserve to the south-east, to protect the trees, and interim sediment control
measures after the stockpiling had been brought to the planner’s attention on 15 March 2019.

**External**

The application was referred twice, once under section 55 of the *Planning and Environment Act 1987*, and once the application was amended, under section 57C of the same act.

**North East Water**

North East Water is a determining referral authority in areas covered by the Environmental Significance Overlay Schedule 5, according to Clause 66.04 of the planning scheme.

Initially, North East Water objected, on the basis that sensitive uses such as accommodation are incompatible with the purpose of the ESO, to protect North East Water's treatment assets.

In response, and after several meetings, the applicant modified the proposal to remove the caretaker’s residence. Some further feedback was provided relating to inconsistencies in the application documents. After further changes, North East Water consented, without conditions.

**CFA**

The application was required to be referred as the subject site is in the BMO.

In response to the original referral, the CFA requested further information. This was provided on 15 February 2019. The CFA ultimately consented to the application, subject to a single condition.

**AusNet**

Preliminary information from AusNet indicated the proposal was within 60m of a transmission line of 22kV or more, and as a result a referral was required.

AusNet consented without condition, to both the section 55 and section 57C referrals.

**EPA**

As the proposed appears with ‘note 1’ in Clause 53.10, a referral to the EPA was required. The EPA consented with conditions, and indicated they maintained this position after the re-referral under section 57C.

**NOTIFICATION**

<table>
<thead>
<tr>
<th>Advertising Required:</th>
<th>Yes.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What sort of Advertising?</strong></td>
<td>Letters and sign on site.</td>
</tr>
<tr>
<td>There were some complications, as the sign was displayed, and appears to have blown down or been knocked down on two occasions. As a result, the advertising period was taken to commence on 19 March 2019, despite the sign having been initially displayed on 9 March 2019.</td>
<td></td>
</tr>
<tr>
<td><strong>Affected Properties:</strong></td>
<td>All properties within 500m of the subject site.</td>
</tr>
<tr>
<td><strong>Objections:</strong></td>
<td>Objections were received from 8 parties.</td>
</tr>
</tbody>
</table>
Concerns raised include:

- Impacts on traffic, particularly access to and from the site and from Whytes Road to Murray Valley Highway;
- Reduction in land values;
- Dust and odours from the site;
- Visual amenity, particularly fears the site will look like a dump;
- Vegetation loss; and
- Noise

Most of these are legitimate concerns, which have been considered in decision making. Issues relating to land values have not been considered, as they are not related to planning.

**REPORT – PLANNING CONSIDERATION**

**State Planning Policy Framework (SPPF):**

11.01-1S Settlement

The objective of this policy is:

*To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

The strategies of the clause highlight the importance of locating jobs near people, and focusing growth in major regional centres, such as Wodonga. It also provides strategic direction in encouraging appropriate plans to be prepared for specific areas.

The current proposal helps achieve the objective, by allowing a new use in a suitably zoned area, and increasing the employment base of Wodonga in an area with convenient access.

11.01-1R Settlement – Hume

This clause provides further strategies to support Clause 11.01-1S, including:

- Encouraging growth in Wodonga; and
- Increasing employment opportunities in Wodonga.

The current proposal is supported by these strategies.

11.03-6 Regional and local places

The objective of this clause is *to facilitate integrated place-based planning.*

In effect, the clause provides a basis for applying local policies to relevant locations, and requires decision makers to take to rural and regional context of sites.

The current application supports this objective, by achieving a development which complies with the local policies discussed later in this report.

13.02-1S Bushfire planning

This policy applies to all applications within the Bushfire Management Overlay, including the current application.
The objective of this clause is:

*To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

The applicant has submitted appropriate bushfire management documents, in accordance with the BMO and Clause 53.02. These documents adequately describe the bushfire risk on the site.

Council officers agree that a site emergency plan, which includes provision for bushfire, should be required by permit condition.

The clause otherwise addresses matters considered by the CFA under the BMO.

13.05-1S Noise abatement

The objective of this policy is *to assist the control of noise effects on sensitive land uses.*

The nearest sensitive land use, a dwelling, is 710m to the south-east.

The proposal does not include any specific noise levels. Conditions required by the EPA, and supported by Council officers, would require the application to comply with the levels specified in the EPA document “Noise from Industry in Regional Victoria”, as amended. This would adequately address the potential impacts from noise on the surrounding areas.

13.06-1S Air quality management

This clause contains the following objective:

*To assist the protection and improvement of air quality.*

The proposal’s greatest risk to air quality relates to dust and particle emissions. Similarly to matters of noise, the conditions required by the EPA adequately address the issues, as they require no dust or airborne particles be discharged beyond the boundaries of the site.
Clause 13.07-1S Land use compatibility

The objective of this policy is to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.

The current proposal does present some risk of amenity and other negative of site impacts. The zoning of the site, Industrial 1, is suitable for uses such as those proposed, the more important consideration is the distance from the nearest sensitive uses, or potential development of sensitive uses.

To the north, the nearest sensitive use is 1.5km away, in Killara. To the east, the nearest is 710m, and to the south the nearest is 795m. Areas to the west are already developed industrially.

There are no defined setback distances defined in the scheme for the proposed use. In the absence of such defined distances, the application is required to be forwarded to the EPA. The EPA, whose role includes assessing suitable setback distances, has consented to the application, subject to conditions, indicating the existing setback are adequate.

Additionally, suitable operating hours are also important, as sound carries differently at night. Operating hours will be restricted to daylight hours for this reason for the materials recycling component of the application.

The proposed contractor’s depot will not present any land compatibility issues, as the impacts will be limited to adjoining blocks, which are either industrial or parkland.

Clause 15.01-2S Building design

The objective of this clause is to achieve building design outcomes that contribute positively to the local context and enhance the public realm.

The strategies of this clause focus on site specific design, and new buildings responding appropriately to their context.

The single building proposed on site, a shed to be used for housing vehicles, is a single storey building, open on three sides, and to be constructed of Colorbond® or similar material.

The location of the building is screened by retained vegetation, and further vegetation will be required by permit condition.

Overall, the proposed building represents a suitable response to the industrial context, and the rural areas to the east and south.

Clause 15.02-1S Energy and resource efficiency

The objective of this clause is:

To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.

The proposal does not include any ESD measures or designs. The applicant does not appear to have considered this as part of the application.

While not ideal, for an application like this, more detailed measures are would not be justified.

17.01-01S Diversified economy

The objective of this policy is to strengthen and diversify the economy.

The current application supports this objective, as it increases employment density in a developing industrial estate. The proposed use as a contractor's
depot will increase the number of jobs in the Wodonga area, strengthening the local economy.

17.01-1R Diversified Economy - Hume
This clause provides a broad addition to Clause 17.01-1S, by highlighting the importance of new and developing forms of industry. The current development, although not a new type of industry, is new for this estate, and is supported by this strategy.

17.03-1S Industrial land supply
This policy has the following objective:
To ensure availability of land for industry.
The most relevant of the strategies is:
Protect and carefully plan existing industrial areas to, where possible, facilitate further industrial development.

This clause highlights concerns relating to how a materials recycling facility might impact future development, particularly manufacturing, given the potential impacts of dust and noise.
Appropriate conditions, provided by the EPA and expanded upon by Council, should limit amenity impacts to a level where future industrial development will not be prejudiced.

17.03-2S Industrial development siting
This policy has the objective to facilitate the sustainable development and operation of industry.

This clause also contains a number of relevant strategies:
Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.
Minimise inter-industry conflict and encourage like industries to locate within the same area.

Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.

These strategies present some challenges to the current application. The proposal does include an activity that has the potential to require significant threshold distances, materials recycling. The proposed use has no prescribed setback in the planning scheme, however given the limited scope of this component of the application, and appropriate permit conditions, off site impacts will be limited, and not prevent further industrial development.

Council has received applications for some adjoining lots, and if approved, none of these surrounding uses will be unduly impacted by the proposal.
While not supportive of the proposal, this policy does not justify a refusal.

18.02-3S Road system
This policy is relevant because of the increase demand placed on Whytes Road, and concerns raised by objectors relating to the intersection with Murray Valley Highway and Baranduda Drive and the Kiewa Valley Highway.

The objective of this policy is:
To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure.

In the longer term, due to the wider development of the Baranduda Industrial Estate, there will be a requirement to upgrade both intersections. As both roads are controlled by VicRoads, the ultimate responsibility for their upgrade rests with them. The question for the current application is whether the resulting increase in traffic justifies a refusal to grant a permit.

The increase in traffic, in even a worst case scenario, can be accommodated by the road network. Any delays at the relevant intersections will be indistinguishable from the current arrangements. It is also notable that as a result of the two road accesses, it is possible to both enter and leave the area towards Wodonga using only left turns, meaning there is no requirement to cross traffic. This will further reduce any delays.

Will the existing intersections are not ideal, they do not justify the refusal of a permit on traffic grounds.

18.02-4S Car parking
The application is required to, and does, comply with Clause 52.06 of the planning scheme, which adequately addresses the objective of this clause, to ensure an adequate supply of car parking that is appropriately designed and located.

Municipal Strategic Statement (MSS):

21.02 Vision and Strategic Framework
The following visions are relevant to the application:

A diverse and vibrant economy which capitalises on a revitalised central business area, attracts new and emerging industries and supports existing businesses.

The current proposal will result in an increase of economic activity in the municipality, helping to achieve this vision.

Clause 21.05-3 Bushfire
This clause is relevant, given the location of the site in the Bushfire Management Overlay.

The objective of the clause is:
To minimise the bushfire risk to life and property.

Provided the Bushfire Management Plan endorsed with this application is implemented, the proposal responds appropriately to the risk to life and property.

Clause 21.07-4 Sustainable development
The objective of this clause is:
To encourage new development to be energy, water and waste efficient and minimise resource consumption.

As discussed at Clause 15.02-1S, the current proposal does not appear to have taken any ESD measures into account, however given the nature of the building and proposed uses, the lack of such measures does not justify a refusal.

Clause 21.09-1 Economic development
The policy has the following objective:
To promote growth, productivity and diversification of employment opportunities within Wodonga.

The current proposal supports this, and appropriately considers the listed policies, by:

- Facilitating an increase in employment density;
- Being located in an identified industrial growth area in figure 3 of this clause; and
- Increases the productivity of the relevant business by encouraging material reuse.

Clause 21.09-2 Design of industrial development

The objective of this clause is to ensure that industrial use and development is well planned and presented.

This policy also contains application requirements and guidance for the exercise of discretion. The application requirement is:

An application for industrial development must be accompanied by a site analysis explaining how the proposed development responds to the site and its context.

Such an analysis is provided within the application documents.

The guidelines for discretion are:

- Buildings and open storage areas should not exceed 60 per cent of the site.

The proposed building easily complies. Detailed plans will be required as a permit condition relating to the storage of materials.

- The external finishes for walls of buildings should be of brick, stone, concrete, coloured metal or similar material.

Coloured metal, Colorbond® or similar will be used for the building.

- Buildings are designed and articulated to address the street frontages.

For the proposed use and development of this site, such a requirement would be an excessive imposition, especially considering the retention of significant areas of vegetation.

- Buildings at zero setback should provide 50 per cent glazed frontage with wall cladding of masonry or similar construction.

N/A.

- Buildings set back at least 6 metres from the street frontage should be clad with materials other than a masonry finish.

Complies, as the building is setback more than 6m.

- Where the site abuts land in a residential zone, buildings will have an acoustic treatment such as a solid concrete wall to buffer the impact of potential noise on existing dwellings.

N/A.
8 - Officers reports for determination

Item 8.8 - Attachment C

- Storage areas are located at the rear of lots or otherwise screened with powder coated black mesh fencing to prevent being viewed from the street or adjoining public areas.

This requirement will be imposed by permit condition, in the context of any retained or proposed vegetation in a required landscape plan.

- Goods or materials (apart from sales displays) are not stored or displayed in locations visible from the street.

Appropriate screening or landscaping will be required by permit condition.

Overall, the proposal complies, or can be required to comply, with this permit.

Clause 21.10-5 Road network

This policy is relevant in regards to some issues raised by objectors. The objective of the policy is:

To ensure that the road network considers the safety of all road users and that improvement and upgrading of transport infrastructure is commensurate with the expected impacts of use and development.

The proposal will inevitably result in an increase in traffic, and further demand on the intersections at the Kiewa Valley Highway and the Murray Valley Highway. Nevertheless, the responsibility for these upgrades could not reasonably be imposed on the applicant, and the increase in traffic from this development could not justify refusal of this permit.

21.13-7 Baranduda Industrial Precinct

This clause includes the following vision:

To encourage industrial development and investment in Baranduda industrial precinct.

It encourages planners to support industrial development in this precinct. Although succinct, this policy supports this development.

Local Policies:

None relevant.

Zone provisions:

Industrial 1 Zone (IN1Z)

The IN1Z has the following purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.

The proposal is generally supported by the MPS and PPF, as discussed earlier in this report.

- To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.

The proposed use of the land as a material recycling facility and contractors deport accords with this purpose. Amenity impacts can be ameliorated by appropriate permit conditions.

Each of the proposed uses falls within section 2 of the table of uses.
Industry, which includes materials recycling, falls within section 1, unless the proposed use appears with a note 1 or note 2 in Clause 53.10. As the proposed use appears with a note 1, it cascades to a section 2 use.

Contractor’s depot is not defined in the planning scheme, although repeated reference to such a use has been made by VCAT. As it is not defined, it is “Any other use not in section 1 or 3”, and therefore also falls in section 2.

Clause 33.01-2 addresses use of land. It contains a number of application requirements:

- **The purpose of the use and the types of processes to be utilised.**
- **The type and quantity of goods to be stored, processed or produced.**

Appropriate details have been provided.

- **How land not required for immediate use is to be maintained.**

All land is proposed to be used.

- **Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.**

Details of the required approvals have been provided.

- **Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the Dangerous Goods Act 1985 is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.**

No such notification is required.

- **The likely effects, if any, on the neighbourhood, including:**
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

The applicant has identified and responded to the relevant matters.

This clause also lists relevant decision guidelines:

- **The Municipal Planning Strategy and the Planning Policy Framework.**

Discussed in detail earlier in this report.

- **The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.**

The nearest residentially zoned areas are 465m to the south-east. The nearest residential use is 700m to the east. No rezoning are currently proposed in the areas. The proposal has the potential to impact these areas, with noise or dust,
however the conditions required by the EPA, and augmented by Council, will sufficiently address this potential.

- The effect that nearby industries may have on the proposed use.

No nearby industries will have any impact on the proposed use.

- The drainage of the land.

Suitable conditions will be imposed to ensure sediment is controlled, and that all drainage is directed to a suitable discharge point.

- The availability of and connection to services.

All required services are present and will be required to be connected.

- The effect of traffic to be generated on roads.

The proposal will generate additional traffic. The greatest impact will be at the Kiewa Valley Highway and the Murray Valley Highway intersections. The additional traffic is within the capacity of the road and the intersections. Council’s engineering department did not identify any concerns.

- The interim use of those parts of the land not required for the proposed use.

The entire site will be used.

Clause 33.01-4 relate to buildings and works, and specifies a permit is required.

The application requirements under this clause are:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - Driveways and vehicle parking and loading areas.
  - Proposed landscape areas.
  - External storage and waste treatment areas.

Suitable plans have been provided.

- Elevation drawings to scale which show the colour and materials of all buildings and works.

Suitable plans have been provided.

- Construction details of all drainage works, driveways and vehicle parking and loading areas.

A detailed construction plan is not required for planning decision making, but will be required by permit condition.

- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, a site works specification and the method of preparing, draining, watering and maintaining the landscape area.

A detailed landscaping plan will be provided by condition.

The same clause also contains the relevant decision guidelines:

Ordinary meeting – May 13, 2019

8 - Officers reports for determination  Item 8.8 - Attachment C

Discussed in detail earlier in this report.

- *Any natural or cultural values on or near the land.*

The WRENS land running to the south of the subject site has been identified as having high natural values. A condition will require that no works be undertaken within a sufficient setback to ensure the reserve is protected. Suitable measure will also be taken to ensure adequate sediment control.

- *Streetscape character.*

The proposed building is compatible with the industrial nature of the site.

- *Built form.*

The built form is of a size, scale, and colour that is appropriate for the site and the neighbourhood.

- *Landscape treatment.*

A detailed landscaping plan will be required by condition.

- *Interface with non-industrial areas.*

The WRENS site to the south is the only non-industrial area abutting the site. Suitable measures will be taken to ensure its protection.

- *Parking and site access.*

Suitable arrangements have been made,

- *Loading and service areas.*

This matter will be clarified with detailed plans, required by condition.

- *Outdoor storage.*

The nature of the site is such that all materials will be stored outdoors. This is a suitable outcome in this location.

- *Lighting.*

No details provided. Can be addressed by permit condition.

- *Stormwater discharge.*

Appropriate sediment control measure will be required.

Overall, the proposal represents a suitable response to the zone.

**Overlay provisions:**

44.06 Bushfire Management Overlay (BMO)

The purpose of the BMO is

- To implement the Municipal Planning Strategy and the Planning Policy Framework.

Discussed in detail earlier in this report, and is generally supported.

- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

The proposal, and the relevant bushfire protection documents, support this purpose. The CFA response reinforces this.

- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

Strategic direction, not applicable to the current application.
• To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level
Provided the applicant complies with the relevant bushfire documents, the hazards from bushfire are reduced to an acceptable level.

44.06-2 Permit Requirement
The proposal includes accommodation and industry, so a permit is required.
Clause 44.06-3 contains the relevant application requirements. The application contains the required information, after suitable further information has been provided.
The relevant requirements of Clause 53.02, as required by Clause 44.06-4, are implemented in the proposed bushfire management statement.
The mandatory condition required by Clause 44.06-5 has been included in the permit.
At Clause 44.06-7, the application is exempted from the requirements for notice and review.
The only matters outlines in the decision guidelines are:
• The Municipal Planning Strategy and the Planning Policy Framework.
Discussed earlier in this report.
• Any other matters specified in a schedule to this overlay.
No schedule applies to this application.
Finally, the CFA provided its consent to the application conditional on certain permit conditions, which have been included.

Clause 44.02 Environmental Significance Overlay – Schedule 5 (ESO5)
Purpose
• To implement the Municipal Planning Strategy and the Planning Policy Framework.
Discussed in detail earlier in this report.
• To identify areas where the development of land may be affected by environmental constraints.
Strategic direction, not relevant to the current application.
• To ensure that development is compatible with identified environmental values.
With the removal of the caretakers residence, the application is compatible with the operation of the nearby waste treatment facility.
In summary, the statement of environmental significance highlights the importance of the Baranduda and West Wodonga treatment plants, and preventing their operation being compromised through incompatible land uses.
As indicated in North East Water’s response, the amended proposal does not pose any such risk to the operation of the treatment plant.
The schedule to the overlay identifies the objective to be achieved as:
To protect the Plants from encroachment of development and associated uses which may adversely impact on the ongoing operation of the Plants.
The current proposal will not have any impact on the operation of the plant. As part of the requirements of this overlay, the application was referred to North East Water, who consented subject to conditions.

Clause 42.02-2 contains the permit requirement. A permit is required to carry out works, and remove or destroy vegetation, and none of the exemption in the zone or schedule apply.

No relevant application requirements are identified in the overlay or schedule.

The overlay contains the following decision guidelines:

- **The Municipal Planning Strategy and Planning Policy Framework.**

  Discussed in detail earlier in this report.

- **The statement of environmental significance and the environmental objective contained in a schedule to this overlay.**

  Discussed above, and the proposal is compatible.

- **The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.**

  N/A, all vegetation on site can be removed without requiring a permit.

- **Any other matters specified in a schedule to this overlay.**

  The schedule outlines the following additional decision guidelines:

  - **The views of the North East Region Water Corporation in accordance with clause 66.04.**

    The views of the Corporation have been considered.

  - **The avoidance of development (particularly residential development) and associated odour sensitive uses which may adversely impact on the ongoing operation of the Plants.**

    The proposed buildings and works, and associated use, will not adversely affect the operation of the plants.

  - **The proximity of the site to the Plants.**

    The subject site is located 450m from the treatment plants.

  - **The sensitivity of the proposed use of the development to odour that may be generated from the Plants.**

    The proposed use is not sensitive to odour.

  - **The number of people likely to use the proposed development, including the length and frequency of stay.**

    The site will generally be occupied during business hours. A single nightwatchman man monitor the site overnight. The site is not open to the general public.

  - **The potential for the proposed development to expand and attract additional people.**

    The proposal utilising the entirety of the subject site. Any expansion to the west will be outside the ESO5 area.

  - **The degree of choice a person has to remain on the site associated with the development.**
As the people occupying the site will be employees of the business, their choice to leave will be limited.

- **Whether the siting, layout and built form of the development is designed to minimise odour sensitivity, including:**
  - Siting and layout of buildings to maximise the separation distance to the Plants;
  - Building design to isolate the internal air environment for occupied rooms (such as offices) during upset conditions;
  - Building design to ensure that openings (such as roller doors) are orientated away from the Plants; and
  - Landscaping (including appropriate vegetation) which provides a windbreak and improves air flow turbulence.

The building has been sited to minimise odour impacts. Retained vegetation and the landscaping plan required by condition will also ensure odour impacts are minimised.

- **Whether the development replaces an existing development, particularly an existing dwelling or other odour sensitive development.**

The current development is not a replacement development.

- **Whether the odour sensitive development can reasonably be sited in an alternative location, outside the overlay area.**

Industrial locations suitable for material recycling are limited in Wodonga. The West Wodonga Enterprise Park is too close to residential uses, as are the industrial areas to the north of the Wodonga CBA. No other areas in the Baranduda Industrial Precinct are available, and would raise issues of amenity impacts from the proposed materials recycling. Logic is unsuitable, given its logistics bias and design guidelines. It is unlikely an application for this use would be approved in any other part of the City of Wodonga.

Overall, although not ideal, the proposal and its location represent an acceptable outcome under the ESO5.

**Particular Provisions:**

**Clause 52.05 Signs**

No detail of any signs has been provided. It is assumed that any signs will comply with the planning scheme,

**Clause 52.06 Car parking**

The proposed uses have the following car parking requirements:

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractors Depot</td>
<td>To Council’s satisfaction</td>
</tr>
<tr>
<td>Materials Recycling</td>
<td>10 per cent of site area.</td>
</tr>
</tbody>
</table>

Specific parking is provided for 12 cars. Some parking is provided for machinery in the proposed shed, but this is not appropriate to count towards overall parking, given such machinery will not be used for commuting.

In this case, more designated car parking is not required. The applicant has indicated they will provide an area for overflow parking, to bring the provided
number of to the required 10%. A condition requiring amended plans showing
the location of the car parking area will be required.
As the proposal complies with the parking rates required, no permit or decision
is required under this clause.

Clause 52.16 Native Vegetation Precinct Plan
The subject site is within the Leneva Valley and Baranduda Native Vegetation
Precinct Plan, which removes the application of Clause 52.17. No permit is
required to remove the vegetation from this site.
The ESO would normally require a permit for native vegetation removal,
however it contains the following permit requirement:
Remove, destroy or lop any vegetation, including dead vegetation. This does not
apply:

- To the removal, destruction or lopping of native vegetation in accordance
  with a native vegetation precinct plan specified in the schedule to Clause
  52.16.

As a result of the application complying with the requirements of this clause, the
decision guidelines are not required to be considered.

52.34 Bicycle facilities
No bicycle parking detail is provided in the application. The required rates are:

<table>
<thead>
<tr>
<th>Use</th>
<th>Employee Requirement</th>
<th>Visitor Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractors Depot</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Materials Recycling</td>
<td>1 per 1000sqm of net floor area</td>
<td>None</td>
</tr>
</tbody>
</table>

The total floor area of all buildings on site is 710m², resulting in requirement of
1 space.
An amended plan showing the location of 1 bicycle space, designed in
accordance with Clause 52.34-4 is required.
Table 2 does not require any showers to be provided. Table 3 also does not
require any change rooms or facilities to be provided.
Provided the amended plans are provided, no permit is required under this
clause.

53.02 Bushfire Planning
The applicant has provided a suitable response to the requirements of this clause
in their bushfire management plan. The CFA has indicated the plan is
satisfactory. The application has meets the relevant approved measures. As a
result, Council is not required to make a decision requiring consideration of the
decision guidelines.

53.10 Uses with adverse amenity potential
The proposal falls within the category of ‘construction and demolition materials
recycling’, which has no listed threshold distance and is subject to note 1.
Clause 53.10 does not impose any specific requirements on this application. It
only identifies that the proposed use may have adverse amenity impacts.
Concerns have been raised relating to vibration. The EPA documents *Environmental Guidelines for Major Construction Sites* states the following:

*The magnitude of the nuisance created by vibrations depends on the nature of soils transmitting the vibration and the distance to the nearest building.*

*A British study has found that nuisance from ground vibration and building damage is unlikely to occur if the operation is conducted at distances greater than 50 metres.*

This is referring to pile driving, a use with much greater vibration impacts compared to the current proposal.

**53.14 Resource Recovery**

This provision applies to all applications for use of the land for materials recycling.

The purpose of the provision is:

- *To facilitate the establishment and expansion of a Transfer station and/or a Materials recycling facility in appropriate locations with minimal impact on the environment and amenity of the area.*

As discussed throughout this report, the subject site is a suitable location for materials recycling, and the relevant amenity impacts can be appropriately managed.

Clause 53.14-2 contains application requirements, which mirror those contained elsewhere in the scheme. All required information has been provided.

The provision contains the following decision guidelines:

- *The contribution of the proposal to achieving resource recovery targets established by the Victorian Government.*

No relevant targets have been identified, after considering the *Statewide Waste and Resource Recovery Infrastructure Plan 2018* (Sustainability Victoria).

- *The impact of the proposal on the amenity of the surrounding area.*

The proposal’s amenity impacts have been identified as primarily noise and dust, and appropriate measure are proposed or will be required by condition to address these matters. Amenity impacts associated with organics recovery, such as odour, do not apply to this proposal.

- *The Statewide Waste and Resource Recovery Infrastructure Plan (Sustainability Victoria, 2015).*

The plan has been considered in the application, as well as the more recent update.

- *Any Regional Waste and Resource Recovery Implementation Plan including the Metropolitan Waste and Resource Recovery Implementation Plan (Metropolitan Waste and Resource Recovery Group, 2016).*

The *North East Waste and Resource Recovery Implementation Plan 2017* has been considered. The plans does not contain any specific guidance relating to this style of materials recycling, other than to note that such materials have a high recycling rate in the north-east.

- *Relevant guidelines applicable to the application including the guideline for Designing, Constructing and Operating Composting Facilities*
(Environmental Protection Authority, 2015), the Guide to Best Practice for Organics Recovery (Sustainability Victoria, 2009) and the Guide to Best Practice at Resource Recovery Centres (Sustainability Victoria, 2009).

As the proposal does not include any organic waste or composting, the relevant document is the guide to best practice. As the proposal is for processing up to 7000m³ per annum, it falls within category 2 a defined in the document. Most of the requirements in this document relate to general facilities, capable of accepting a wide range of materials. The current proposal does not fit this classification. There remain a number of relevant considerations, which have resulted in additional permit conditions.

**General Provisions:**

66.02 Use and Development referrals

Appropriate referrals were made under this clause, and the feedback taken into account.

66.03 Referral of permit applications under other state standard provisions

This provision required the referral of the application to the CFA, which was duly undertaken, as discussed earlier in this report.

66.04 & schedule - Referral of permit applications under local provisions

The ESO5 requires referral to North East Water under this provision as a determining referral authority. The application was duly referred, as discussed earlier in this report.

**Clause 65 - Decision Guidelines**

<table>
<thead>
<tr>
<th>Guideline</th>
<th>Assessment</th>
</tr>
</thead>
</table>
| The matters set out in Section 60 of the Act | The relevant matters have been considered, and found supportive. The relevant matters raised are:  
1(a): The planning scheme has been considered as part of this application.  
1(b): The proposal supports the objectives of planning in Victoria, as outlined in section 4 of the Act.  
1(c): All objections have been considered.  
1(d): The comments of the referral authorities have been discussed earlier in this report.  
1(e): The proposal will have potential noise and dust impacts on the environment. EPA and Council conditions adequately address these risks.  
1(f): The proposal will have perceived negative social impacts, |
### Guideline | Assessment
--- | ---
| however these do not justify the refusal to grant a permit. 1A(b): No relevant strategy plans. 1A(c): N/A 1A(d): N/A, applies only to land near Melbourne airport. 1A(e): N/A. 1A(ea): N/A, applies to Williamstown Shipyards site. 1A(f): Considered as part of the EPA conditions on the permit. 1A(g): No other relevant adopted documents have been identified. 1A(h): No relevant amendments. 1A(i): No agreements apply to the site. 1A(j): No other relevant matters identified. 1B: The number of objectors to this application is relatively modest, however the numbers have been considered in assessing major social impacts. The remaining subsections of the act refer to covenant removals and are not relevant to the current application. | The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies | Discussed earlier in this report.  
The purpose of the zone, overlay or other provision | Discussed earlier in this report.  
Any matter required to be considered in the zone, overlay or other provision | All relevant matters have been considered.  
The orderly planning of the area | The proposal represent orderly planning.  
The effect on the amenity of the area | The amenity impacts of the proposal have been appropriately addressed, or can be managed by permit condition.  
The proximity of the land to any public land | The public reserve to the south of the site will be protected by |
### Guideline
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site
- The extent and character of native vegetation and the likelihood of its destruction
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard

### Assessment
- Appropriate conditions related to sediment control and stormwater.
- All relevant factors have been considered.
- The proposal can improve the quality of stormwater, and suitable permit conditions will ensure this.
- Native vegetation can be removed from the site without a permit under a native vegetation precinct plan. Some native vegetation has been identified for removal.
- A landscape plan requiring Council approval will ensure native vegetation plantings.
- The fire risk of the site has been suitably addressed. The site has no elevated risk of erosion or flooding, and the current proposal won’t change that risk.

### CONCLUSION
The application complies with the requirements of the Wodonga Planning Scheme, and despite the objections received, should be supported.

### RECOMMENDATION
That, having considered all the matters required by section 60 of the Planning and Environment Act 1987, a permit should be granted, allowing:

**Use and development of a contractors depot and materials recycling (Construction and demolition materials recycling)**

**Subject to the following conditions:**

**Amended Plans – Use and Development**

1. Before the use commences, amended plans 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 with dimensions must be provided electronically in PDF format. The plans must be generally in accordance with the plans identified as revision G, drawn by ‘BF’ and dated 1/3/19 but modified to show:
a) The location of CCTV cameras to record the loads of incoming materials;
b) An area set aside for overflow parking;
c) The location of any and all soil/fill/gravel storage locations. Such storage must be in appropriately dimensioned bunker constructed of concrete and painted or surfaced to blend in with the surrounding landscape.
d) Location of 1 bicycle parking space, designed in accordance with Clause 52.34-6.
e) All areas to be used for the storage of material before and after reprocessing surfaced with concrete, asphalt, or a similar material.
f) All areas of hardstand and the proposed surfacing.

**Endorsed Plan - Use and Development**

2. The use and development undertaken 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.

**Endorsed Plan - Use and Development**

3. The use and development undertaken 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.

**Closed Circuit Television (CCTV) Cameras**

4. The entrance to the facility must be fitted with CCT Cameras capable of recording the incoming and outgoing loads of materials and the number plates of all vehicles entering and existing the site. The recording of all images or videos must be retained for 90 days to allow for the scrutiny of the images or footage by Authorised Officers of the Wodonga City Council, staff of the EPA or any authority permitted by law to view such images or footage.

**Height and Volume of Fill**

5. The total height of the materials stockpiles must not exceed 3m. The total volume of processed material and material awaiting processing stored on site at any one time must not exceed 3500 cubic metres.

**Hours of operation**

6. The proposed use of the site for materials recycling must not take place outside the hours of 8am to 6pm, Monday to Sunday, except with the written consent of the responsible authority.

**Drainage Plan - Works**

7. Before any of the works allowed by this permit can be started, a properly prepared drainage plan with computations must be submitted to and approved by the Responsible Authority. The plan must give details of how the works on the land are to be drained. An endorsed copy of the plan and computations will form part of this permit.
Drainage Construction Plans

8. Prior to the commencement of construction, all underground or surface drainage works that are considered necessary by the Responsible Authority shall be constructed in accordance with plans and computations to be provided by the developer and approved by the Responsible Authority. Such drainage works shall be designed and installed to transport stormwater runoff from the subject land and surrounding or adjoining road(s) to an approved point of discharge. No stormwater shall drain or discharge from the land to adjoining properties without the prior approval of the Responsible Authority. All works shall be completed to the satisfaction to the Responsible Authority prior to the commencement of the use.

No Polluted Drainage

9. Effluent or polluted drainage must not be allowed to discharge into the soil or beyond the boundaries of the subject land or directly or indirectly into any watercourse to the satisfaction of the Responsible Authority.

Site not to be open to the general public

10. The proposed material recycling facility can only be used in conjunction with the contractor’s depot, except with the written consent of the responsible authority. The materials recycling facility must not be made available to the general public, including by the establishment of any transfer station on the land.

Soil and fill to be stored in bunkers

11. No soil, fill, aggregate or similar material is to be stored outside of the bunkers identified on the endorsed plans.

No Asbestos

12. The applicant must not allow asbestos or asbestos containing materials to be delivered, processed, or stored on site. The applicant must erect signs clearly indicating asbestos will not be accepted on site.

Endorsed Site Management Plan

13. Before any materials recycling commences on the site, the applicant must prepare a Site Management Plan to the satisfaction of the responsible authority detailing the specific recycling processes and materials to be recycled. This document, when approved, shall be endorsed as forming part of the Permit and the applicant will undertake all materials recycling processes in accordance with this document, to the satisfaction of the Responsible Authority.

No Litter Beyond Site

14. The applicant shall ensure no foreign material is carried from the site and deposited on the surrounding public roads by vehicles leaving the site, or by any other means, to the satisfaction of the Responsible Authority. A 2 metre high chain mesh fence shall be required to be erected surrounding the operational area of the land and appropriate
remedial action must be undertaken to ensure that accumulated litter intercepted by the fence is frequently and regularly removed to ensure that the site does not become unsightly. Should any litter escape the site, immediate (within 2 hours) remedial action is required by the operator to gather the litter so that it does not cause the area to become unsightly and to prevent further litter discharge from the site.

**Baffled Lighting**

15. 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.

**Preparation of Landscaping Plan for Development**

16. 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) Screen 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.

**Landscaping Maintenance**

17. The landscaped areas shown on the endorsed plans must be maintained in a proper, tidy and healthy condition to the satisfaction of the Responsible Authority. Should any tree or shrub be removed or destroyed it must be replaced by a tree or shrub of similar size and variety to the satisfaction of the Responsible Authority.

**Erosion and Sediment Control Plan**

18. Prior to the commencement of works an Erosion & Sediment Control Plan prepared in accordance with the EPA document Construction Techniques for Sediment Pollution Control, Environment Protection Authority May 1991 must be submitted and approved by the Responsible Authority.
Tobacco Workplace

19. Smoking is prohibited in all enclosed workplaces including licensed premises.

Mandatory Bushfire Condition

20. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Bushfire emergency plan

21. Before the approved use commences, the applicant must prepare a bushfire emergency plan in accordance with AS3745-2010 ‘Planning for Emergencies in facilities’, to the satisfaction of the responsible authority. The plan must address the following matters:

- Trigger points for actions (for example, code red fire risk day);
- Actions to be taken in response to the relevant triggers;
- Measures to be taken to monitor risks; and
- Responsibilities for various personnel.

The plan, once endorsed, will form part of the permit, and must be followed to the satisfaction of the responsible authority.

CFA Conditions

22. The Bushfire Management Plan (prepared by Habitat Planning, drawing Ref. Bushfire Management Plan VC, dated 23/04/19) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

EPA Conditions

23. Nuisance dust and/or airborne particles must not be discharged beyond the boundaries of the premises.

24. The stockpile of material must be maintained so that no dust is emitted from the stockpiles beyond the boundary of the premises.

25. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.

26. Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises.

27. A secondary containment system must be provided for liquids which if spilt are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.

29. Combustible recyclable and waste material, as defined in the guideline Management and Storage of Combustible Recyclable and Waste Materials, EPA publication 1667 or as amended, must only be stored for transfer, sale, sorting, reuse, recycling, reprocessing or energy recovery.

30. All recyclable and waste material must be managed and stored on site in a manner that minimises risks to human health and environment from fire and in accordance with the guideline Management and Storage of Combustible Recyclable and Waste Materials, EPA publication 1667, or as amended.

**Time for Starting - Use and Development**

31. This permit will expire if one of the following circumstances applies:
   a) The development is not commenced within two years of the date of this permit.
   b) The development is not completed within four years of the date of this permit.
   c) The use is not commenced within two years of the development being completed.
   d) If commenced within two years, the use is then discontinued for a period of two years.

The Responsible Authority may extend the time for the completion of the development, 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.

**END CONDITIONS**

**Assessing Officer: Steven Hawkins, Acting Statutory Planner**

**Date:** 7 May 2019
9.1 - Audit Committee Meeting April 4, 2019 - summary of minutes

Pursuant to Section 139 of the Local Government Act 1989 and the Wodonga Council Audit Committee Charter, the Audit Committee met on April 4, 2019.

Attachments

The following documents are attached to this report:
- Attachment A: Audit Committee Meeting - April 2019 - summary of minutes

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

Recommendation

That the summary of the minutes of the Audit Committee, as attached, be received and noted.

Motion

Crs Brian Mitchell / Kat Bennett
That the recommendation be adopted.

Carried
Summary of Minutes

Audit Committee - April 4, 2019

<table>
<thead>
<tr>
<th>Meeting items</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.1 Previous minutes</strong></td>
</tr>
<tr>
<td>Minutes of the meeting held November 29, 2018 were confirmed.</td>
</tr>
<tr>
<td>The committee requested feedback on the response time of alarm testing identified in the Cash Security and Receipting Review. It was agreed that this information would be advised to the committee at the next meeting.</td>
</tr>
<tr>
<td>The committee requested that an action table be added to the minutes to enable the tracking of outstanding action items.</td>
</tr>
<tr>
<td><strong>2.2 Draft VAGO Audit Strategy - 30 June 2019</strong></td>
</tr>
<tr>
<td>The audit strategy outlines VAGO’s audit approach to the council’s financial report and performance statement.</td>
</tr>
<tr>
<td>Key risks and areas of audit focus identified in the strategy include:</td>
</tr>
<tr>
<td>• Valuation of property, plant and equipment</td>
</tr>
<tr>
<td>• Application of AASB 1052 Disaggregated Disclosures</td>
</tr>
<tr>
<td>• Landfill remediation provision and Wodonga retained environmental network provision</td>
</tr>
<tr>
<td>• The performance statement may not be prepared in accordance with applicable legislative requirements.</td>
</tr>
<tr>
<td>The committee made enquiries regarding the statement that the VAGO would assess the suitability or otherwise of the methodology used in valuations, noting the recent interest of VAGO in the valuation of Land Under Roads.</td>
</tr>
<tr>
<td><strong>3.3 Arborist Operations Review</strong></td>
</tr>
<tr>
<td>Ryan Schischka from Johnsons MME presented the findings from the Arborist Operations Review.</td>
</tr>
<tr>
<td>The review identified moderate to low rated risks in the areas of:</td>
</tr>
<tr>
<td>• Strategic management plan;</td>
</tr>
<tr>
<td>• Reporting and monitoring process;</td>
</tr>
<tr>
<td>• Management of priority ratings;</td>
</tr>
<tr>
<td>• Monitoring of KPI’s within the electric line clearance plan;</td>
</tr>
<tr>
<td>• Communication between the arborist and planning team;</td>
</tr>
<tr>
<td>• Lack of procedure documentation;</td>
</tr>
<tr>
<td>• Budget analysis</td>
</tr>
<tr>
<td>The committee enquired about the longer timeframes set by management to action some of the recommendations.</td>
</tr>
<tr>
<td>These longer timeframes are to allow for software development to support arborist operations.</td>
</tr>
<tr>
<td>The committee also suggested that the council and its tree management would benefit from improved communication lines (as highlighted in the report) between the arborists (who plant the trees) and the landscape designers as the committee noted that the landscape designers would be better placed to advise on the suitability or otherwise of tree species in appropriate locations.</td>
</tr>
</tbody>
</table>
Management advised that the Outstanding Audit Items Register will be updated to detail software development and strategic plan development timeframes.

4.4 **Internal Audit Scope and Objectives – Human Resource Management**

Ryan Schischka presented the scope and objectives of the proposed Human Resource Management Review to the Audit Committee.

The committee discussed opportunities for the high level review to address the following areas:

- Recruitment and retention;
- Work force planning;
- Employment contracts;
- Job descriptions;
- Induction processes;
- Employee Health & Wellbeing;
- Employee conduct documentation;
- Employee complaint processes;
- Employee remuneration;
- Performance monitoring;
- Equal Opportunity;
- Grievance management;
- Training learning and development;
- Exit of staff;
- Identification and reporting of key HR metrics.

Discussion on the scope (by the committee) with the auditors confirmed that some areas could be considered an audit subject in their own right, further noting that some elements may benefit from greater analysis post this activity. The scope was endorsed by the committee.

5.5 **Internal Audit Scope and Objectives – Waste Management Levy Review**

Ryan Schischka presented the scope and objectives of the proposed Waste Management Levy Review requested by the council CEO, to the Audit Committee.

The objective of the internal audit is to review the waste management levy calculations applied to the draft 2019 – 2020 budget and corresponding costs to which this levy has been raised to fund, to assess whether Council has adequately addressed the Ombudsman recommendation.

The committee requested clarification in the determination of what was considered a reasonable cost for waste management, with the auditors advising that other councils would be considered for comparison in the audit approach. The committee support the commencement of the audit activity.

6.6 **Procurement Exemptions Register Review**

Spencer Rich presented the Procurement Exemptions Register to give the Audit Committee visibility on an annual basis of vendors, who for various acceptable reasons, have an aggregate spend greater than $100,000.

The Procurement Exemptions Register Report was received and noted by the committee.

7.7 **Review of the Investment Policy**

Stephen Byrns presented the annual review of council’s Investment Policy.

The Investment Policy has worked well over the period since implementation with the average rate of responsible investments February 2018 to February 2019 was 68%.

An exemption is recommended for the Investment Policy to allow for some investment in local institutions that have not attained the minimum long term credit ratings detailed in the Policy.
The committee reviewed the Investment Policy and support the recommended changes, further noting that investment in foreign banking should not be considered due to regulatory concerns from offshore entities, and that the investment policy should advise accordingly.

The Investment Policy will be presented to council for endorsement.

### 8.8 Treasury Report

As at 28 February 2019 investments totalled $36,695,000 ($35,304,000 – 31 October 2018).

Since the last Audit Committee meeting:

- One (1) new term deposit ($2.0 million with Bendigo) was invested.
- Two (2) investments were redeemed and reinvested ($2.0 million with Rural Bank was redeemed and invested with Bank of Queensland, $1.5 million with MyState for WRENS was redeemed and invested in ME Bank).
- Four (4) investments were rolled over ($2.0 million with Bendigo, $3.0 million with Bank of Queensland, $2.0 million with MyState, $3.0 million with MyState).
- All investments in this period are held in Responsible Investment Association of Australasia endorsed or fossil fuel free financial institutions, with the exception of our Westpac Maxi account and $5.0 million with Bank of Queensland.

The report was received and noted by the committee.

### 9.9 Finance Report


The committee noted the variances contained in the report and sought clarification on two commercial and two industrial properties identified as non-ratable as they are not for profit organisations and one council facility. The committee noted the variances in the capital spend (lower than expected to date) noting that timing with invoices overdue to be a contributing factor.

The report was received and noted by the Audit Committee.

### 10.10 Risk Management Quarterly Report

Spencer Rich presented the Risk Management Quarterly Report to the committee.

Highlights included:

- Loss limit validation assessment;
- Control effectiveness review;
- Code Red Day Directive;
- OVIC Data Protection Plan;
- Commencement of 2019-20 insurance renewals.

The report was received and noted by the committee

### 11.11 Forward Planner / Outstanding Items Register

The committee reviewed the forward planner and outstanding items register.

The *Outstanding Items Register* has seen eight new audit items added to the register, and 15 audit items completed since the previous Audit Committee meeting.

The report was received and noted by the committee

### General Business
<table>
<thead>
<tr>
<th>No items</th>
</tr>
</thead>
</table>

**Committee members to meet without staff present**

Meeting Closed 3.30 pm

**Next Meeting Date**

Is scheduled for Thursday May 30, 2019, 1:00pm.
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>
**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 April 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 – April 2019</th>
<th>Full Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Actual</td>
<td>Revised Budget</td>
</tr>
<tr>
<td>Recurrent Income</td>
<td>58,056,518</td>
<td>57,547,434</td>
</tr>
<tr>
<td>Total Expenditure</td>
<td>42,880,189</td>
<td>46,819,402</td>
</tr>
<tr>
<td>Net Operating Surplus/(Deficit)</td>
<td>15,176,329</td>
<td>10,728,032</td>
</tr>
<tr>
<td>Capital Works</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Expenditure</td>
<td>12,809,690</td>
<td>20,705,667</td>
</tr>
<tr>
<td>Closing cash &amp; investments</td>
<td>31,901,442</td>
<td>23,284,526</td>
</tr>
</tbody>
</table>

*Refer Section D – Treasury for explanation*
## 10.1 - Finance Report for April 2019 (cont’d)

### Income Statement

<table>
<thead>
<tr>
<th>Category</th>
<th>Note</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><strong>Income</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rates</td>
<td></td>
<td>46,050,133</td>
<td>46,050,851</td>
<td>(718)</td>
<td>46,050,851</td>
<td>45,981,534</td>
</tr>
<tr>
<td>User Charges</td>
<td>1</td>
<td>4,970,984</td>
<td>4,869,017</td>
<td>101,967</td>
<td>5,851,476</td>
<td>5,674,558</td>
</tr>
<tr>
<td>Interest Income</td>
<td></td>
<td>471,890</td>
<td>468,750</td>
<td>3,140</td>
<td>650,000</td>
<td>437,500</td>
</tr>
<tr>
<td>Grants</td>
<td>2</td>
<td>6,271,184</td>
<td>5,897,846</td>
<td>373,338</td>
<td>7,108,404</td>
<td>6,742,992</td>
</tr>
<tr>
<td>Other Income</td>
<td></td>
<td>292,327</td>
<td>260,970</td>
<td>31,357</td>
<td>724,381</td>
<td>652,031</td>
</tr>
<tr>
<td><strong>Total Income</strong></td>
<td></td>
<td>58,056,518</td>
<td>57,547,434</td>
<td>509,084</td>
<td>60,385,112</td>
<td>59,488,615</td>
</tr>
<tr>
<td><strong>Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Employee Costs</td>
<td>3</td>
<td>18,991,722</td>
<td>19,918,601</td>
<td>(926,879)</td>
<td>24,881,228</td>
<td>25,210,691</td>
</tr>
<tr>
<td>Materials</td>
<td>4</td>
<td>14,527,554</td>
<td>17,543,499</td>
<td>(3,015,945)</td>
<td>21,401,044</td>
<td>19,828,615</td>
</tr>
<tr>
<td>Interest Exp.</td>
<td></td>
<td>769,265</td>
<td>769,039</td>
<td>226</td>
<td>1,338,114</td>
<td>1,459,272</td>
</tr>
<tr>
<td>Depreciation</td>
<td>5</td>
<td>7,966,244</td>
<td>7,829,170</td>
<td>137,074</td>
<td>9,395,000</td>
<td>9,395,000</td>
</tr>
<tr>
<td>Other Expenses</td>
<td>6</td>
<td>625,404</td>
<td>759,093</td>
<td>(133,689)</td>
<td>965,893</td>
<td>976,393</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td></td>
<td>42,880,189</td>
<td>46,819,402</td>
<td>(3,939,213)</td>
<td>57,981,279</td>
<td>56,869,971</td>
</tr>
</tbody>
</table>

### Surplus/(Deficit)

<p>| | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Surplus/(Deficit)</td>
<td></td>
<td>15,176,329</td>
<td>10,728,032</td>
<td>4,448,297</td>
<td>2,403,833</td>
<td>2,618,644</td>
</tr>
</tbody>
</table>

**Note:**

b. Includes approved 1st, 2nd and 3rd quarter adjustments and rebudgets and unapproved 4th quarter adjustments.
### Balance Sheet

#### Assets

<table>
<thead>
<tr>
<th>Category</th>
<th>Note</th>
<th>Apr 2019</th>
<th>June 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current Assets</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cash assets</td>
<td></td>
<td>31,901,442</td>
<td>29,123,840</td>
</tr>
<tr>
<td>Receivables</td>
<td>7</td>
<td>12,410,932</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></td>
<td>688,651</td>
</tr>
<tr>
<td><strong>Total Current Assets</strong></td>
<td></td>
<td>44,340,320</td>
<td>32,868,848</td>
</tr>
</tbody>
</table>

| **Non-Current Assets** | | |
| Fixed assets        | 555,489,953| 551,861,418|
| **Total Non-Current Assets** | | 555,489,953| 551,861,418|

| **Total Assets** | | 599,830,273| 584,730,266|

#### Liabilities

<table>
<thead>
<tr>
<th>Category</th>
<th>Note</th>
<th>Apr 2019</th>
<th>June 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current Liabilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Payables &amp; provisions</td>
<td></td>
<td>3,312,930</td>
<td>4,350,747</td>
</tr>
<tr>
<td>Employee benefits</td>
<td></td>
<td>4,245,126</td>
<td>4,432,037</td>
</tr>
<tr>
<td>Interest bearing liabilities</td>
<td></td>
<td>594,741</td>
<td>1,853,344</td>
</tr>
<tr>
<td>Trust deposits</td>
<td></td>
<td>1,186,205</td>
<td>1,088,623</td>
</tr>
<tr>
<td><strong>Total Current Liabilities</strong></td>
<td></td>
<td>9,339,002</td>
<td>11,724,752</td>
</tr>
</tbody>
</table>

| **Non-Current Liabilities** | | |
| Employee benefits |      | 511,808    | 571,918    |
| Interest bearing liabilities | | 20,367,894 | 20,367,894 |
| Other |      | 1,213,091  | 2,804,725  |
| **Total Non-Current Liabilities** | | 22,092,793 | 23,744,536 |

| **Total Liabilities** | | 31,431,795| 35,469,288|

| **Net Assets** | | 568,398,479| 549,260,978|

| **Represented by:** | | |
| Accumulated surplus | | 339,737,092| 339,588,168|
| Reserves | | 209,672,810| 209,672,810|
| Current year earnings | | 18,988,577 | - |

| **Equity** | | 568,398,479| 549,260,978|
## 10.1 - Finance Report for April 2019 (cont’d)

c. **Variance Explanations**

<table>
<thead>
<tr>
<th>Note</th>
<th>Category</th>
<th>Explanation Year to Date Actual v Year to Date Budget</th>
<th>Expected variance (P)ermanent (T)iming</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>User charges $102k</td>
<td><strong>Income – higher than budget:</strong> Predominantly due to timing of council rent and lease income.</td>
<td>T</td>
</tr>
<tr>
<td>2</td>
<td>Grants $373k</td>
<td><strong>Income – higher than budget:</strong> Predominantly due to timing of receipt of $168k Preschool grants, $40K Maternal and Child Health grants and $54k Early Home Learning Study grant and $65k Economic Development grant not budgeted for.</td>
<td>T</td>
</tr>
</tbody>
</table>
| 3    | Employee Costs ($927k) | **Expenditure – lower than budget:**  
- Salary and wages are ($623k) favourable to budget due to staff vacancies in Project and Design, Economic Development, Youth Services, Works – Parks and Gardens and Roads Maintenance, and Outdoor Operations Management.  
- ($128k) favourable year to date in WorkCover premium and claims. Timing of actual claims is unknown, estimate only.  
- ($117k) favourable staff training, timing of training undertaken.  
- Staff Travel and accommodation is ($55k) favourable across council. | P/T |
| 4    | Materials ($3,016k) | **Expenditure – lower than budget:**  
- ($604k) contract payments external less than budget, due to timing of payment for Projects and Design, building maintenance, the aquatics contract for Recreation, Civic Services for the pound and Waste Management contractor payments for service collection.  
- ($1,114k) timing of consultancy work for Strategic Planning, Asset Management, Recreation, Sustainability, Exec Services, Economic Development, and Arts Development.  
- ($142k) marketing and promotion, for Two Cities One Community work, Tourism and timing of invoices for Marketing.  
- ($469k) timing of strategy, plans and programs work for Economic Development, Early Home Learning, Youth Services and Preschools.  
- Maintenance costs are ($163k) lower than budget, predominantly due to timing of works at Bonegilla Migrant Experience and Gateway Village.  
- Materials are ($261k) lower than budget, predominantly due to timing of programs for Maternal and Child Health, Preschools, Building Maintenance, and Works.  
- Events and festivals are ($104k) lower than budget, timing of invoices for Events Program and Arts Space. | T |
5. Depreciation $137k

**Expenditure – higher than budget:**
Capitalisation of assets at the end of 2017/18, post budget setting, has led to higher depreciation in Office Furniture and Equipment, and Buildings.

6. Other expense ($134k)

**Expenditure – lower than budget:**
- Contributions are ($70k) lower than budget due to community grants funding timing and applications received.
- Memberships are ($65k) lower than budget.

---

**Balance sheet (differences with June 2018)**

<table>
<thead>
<tr>
<th>Note</th>
<th>Category</th>
<th>Explanation</th>
<th>Year to Date Actual v June 2018</th>
<th>Expected variance (P)ermanent (T)iming</th>
</tr>
</thead>
</table>
| 7    | Receivables $9.4m | **Current Assets – Higher than June 2018:**
- The annual rates and fire service levy charges were raised in August 2018. | T |
| 8    | Other Current Assets ($689k) | **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. | T |
10.1 - Finance Report for April 2019 (cont’d)

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>31,641</td>
</tr>
<tr>
<td>Cash Held - Not Invested (Council &amp; WREN)</td>
<td>260</td>
</tr>
<tr>
<td>Cash as per Balance Sheet (Graph 1 below)</td>
<td>31,901</td>
</tr>
<tr>
<td>Cash as per Revised Budget (Graph 1 below)</td>
<td>23,285</td>
</tr>
<tr>
<td>Variance</td>
<td>8,616</td>
</tr>
</tbody>
</table>

Variance comprises:

- Actual v Revised Budget YTD – Operating (excludes non-cash dep., asset sales) | 4,448 |
- Actual v Revised Budget YTD - Capital | 7,830 |
- Other (net movement in debtors/creditors/deposits etc.) | (3,662) |

Variance as above | 8,616 |

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>0.8</td>
</tr>
<tr>
<td>Rates income received in advance of expenditure</td>
<td>-</td>
</tr>
<tr>
<td>Working capital</td>
<td>23.6</td>
</tr>
<tr>
<td>Cash commitments</td>
<td>31.9</td>
</tr>
</tbody>
</table>
10.1 - Finance Report for April 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>9.5%</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>6.3%</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>6.3%</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>6.3%</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>9.5%</td>
</tr>
<tr>
<td>ME Bank-WREN</td>
<td>Bank</td>
<td>TD</td>
<td>25-02-19</td>
<td>26-08-19</td>
<td>2.65%</td>
<td>1,500,000</td>
<td>4.7%</td>
</tr>
<tr>
<td>Australian Unity</td>
<td>Bank</td>
<td>TD</td>
<td>30-04-19</td>
<td>30-10-19</td>
<td>2.45%</td>
<td>2,000,000</td>
<td>6.3%</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>6.3%</td>
</tr>
<tr>
<td>Bank of Queensland</td>
<td>Bank</td>
<td>TD</td>
<td>25-02-19</td>
<td>26-08-19</td>
<td>2.65%</td>
<td>3,000,000</td>
<td>9.5%</td>
</tr>
<tr>
<td>BankVic</td>
<td>Bank</td>
<td>TD</td>
<td>03-04-19</td>
<td>04-09-19</td>
<td>2.60%</td>
<td>3,500,000</td>
<td>11.1%</td>
</tr>
<tr>
<td>Bendigo Bank</td>
<td>Bank</td>
<td>Maxi</td>
<td>At Call</td>
<td>15.5%</td>
<td>5,641,000</td>
<td>17.9%</td>
<td></td>
</tr>
<tr>
<td>Westpac</td>
<td>Bank</td>
<td>Maxi</td>
<td>At Call</td>
<td>15.5%</td>
<td>5,641,000</td>
<td>17.9%</td>
<td></td>
</tr>
<tr>
<td><strong>Total Invested</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>31,641,000</strong></td>
<td><strong>100%</strong></td>
</tr>
<tr>
<td><strong>Responsible Investments</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>66.3%</strong></td>
<td></td>
</tr>
</tbody>
</table>

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>10,522,653</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>6,594,976</td>
<td>31%</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>3,845,006</td>
<td>19%</td>
</tr>
</tbody>
</table>

**Total Loans** | **20,962,635** | **100%** |

Reconciliation to balance sheet

Current Interest bearing liabilities | 594,741
Non-Current Interest bearing liabilities | 20,367,894
Total | **20,962,635**
Ordinary meeting – May 13, 2019

Officers reports for information

10.1 - Finance Report for April 2019 (cont’d)

Treasury (cont.)

Table 5 - Notional reserves and provisions

<table>
<thead>
<tr>
<th>Categories</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trust funds and deposits</td>
<td></td>
</tr>
<tr>
<td>Refundable roads/drains deposits</td>
<td>269,059</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>138,610</td>
</tr>
<tr>
<td>Landscaping / VOMP deposits</td>
<td>322,561</td>
</tr>
<tr>
<td>Other refundable deposits</td>
<td>369,839</td>
</tr>
<tr>
<td>Sub-total trust funds and deposits</td>
<td>1,186,205</td>
</tr>
</tbody>
</table>

Notional reserves

<table>
<thead>
<tr>
<th>Categories</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental land (WREN)</td>
<td>1,497,103</td>
</tr>
<tr>
<td>Reserves for community facilities, open space, car parking, roads and drainage</td>
<td>1,831,837</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>Total Reserves</td>
<td>7,538,236</td>
</tr>
</tbody>
</table>

Graph 1 – Cash Held
### e. Capital Program summary

<table>
<thead>
<tr>
<th>Revenue / Expenditure</th>
<th>Apr 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>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Bridges</td>
<td>-</td>
<td>-</td>
<td>-</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>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Footpaths</td>
<td>144,878</td>
<td>594,550</td>
<td>594,550</td>
</tr>
<tr>
<td>Landscaping</td>
<td>52,512</td>
<td>45,077</td>
<td>25,000</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>194,465</td>
<td>158,165</td>
<td>-</td>
</tr>
<tr>
<td>Plant</td>
<td>82,187</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>608,545</td>
<td>1,123,633</td>
<td>253,333</td>
</tr>
<tr>
<td>Roads</td>
<td>746,242</td>
<td>674,742</td>
<td>508,278</td>
</tr>
<tr>
<td>Street Lighting</td>
<td>36,470</td>
<td>49,706</td>
<td>-</td>
</tr>
<tr>
<td>Traffic Management</td>
<td>40,725</td>
<td>65,000</td>
<td>30,000</td>
</tr>
<tr>
<td>Community Facilities</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>LOGIC</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Baranduda Industrial Estate</td>
<td>499,464</td>
<td>499,464</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td>4,051,928</td>
<td>7,897,837</td>
<td>8,098,661</td>
</tr>
<tr>
<td><strong>Expenditure</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building</td>
<td>1,101,193</td>
<td>2,669,662</td>
<td>1,815,000</td>
</tr>
<tr>
<td>Bridges</td>
<td>52,628</td>
<td>75,000</td>
<td>77,000</td>
</tr>
<tr>
<td>Car Parking</td>
<td>210,861</td>
<td>293,250</td>
<td>293,000</td>
</tr>
<tr>
<td>CBD</td>
<td>3,714,611</td>
<td>8,809,921</td>
<td>7,401,400</td>
</tr>
<tr>
<td>Drainage</td>
<td>27,534</td>
<td>277,703</td>
<td>128,559</td>
</tr>
<tr>
<td>Footpath</td>
<td>778,117</td>
<td>1,925,500</td>
<td>1,940,500</td>
</tr>
<tr>
<td>I.T.</td>
<td>275,593</td>
<td>698,779</td>
<td>572,500</td>
</tr>
<tr>
<td>Kerb &amp; Channel</td>
<td>81,310</td>
<td>169,000</td>
<td>179,000</td>
</tr>
<tr>
<td>Landscaping</td>
<td>632,965</td>
<td>728,838</td>
<td>705,000</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>373,347</td>
<td>904,984</td>
<td>754,235</td>
</tr>
<tr>
<td>Plant</td>
<td>378,551</td>
<td>658,269</td>
<td>610,000</td>
</tr>
<tr>
<td>Playgrounds</td>
<td>112,692</td>
<td>615,000</td>
<td>626,000</td>
</tr>
<tr>
<td>Recreation Reserves</td>
<td>941,853</td>
<td>3,068,701</td>
<td>827,000</td>
</tr>
<tr>
<td>Roads</td>
<td>2,196,331</td>
<td>2,299,000</td>
<td>2,594,000</td>
</tr>
<tr>
<td>WSLC</td>
<td>103,105</td>
<td>450,402</td>
<td>250,000</td>
</tr>
<tr>
<td>Street Lighting</td>
<td>197,930</td>
<td>197,094</td>
<td>40,000</td>
</tr>
<tr>
<td>Traffic Management</td>
<td>271,258</td>
<td>682,632</td>
<td>325,000</td>
</tr>
<tr>
<td>Debt Servicing</td>
<td>1,163,698</td>
<td>1,758,439</td>
<td>1,646,439</td>
</tr>
<tr>
<td>Community Facilities</td>
<td>185,580</td>
<td>523,603</td>
<td>345,000</td>
</tr>
<tr>
<td>LOGIC</td>
<td>-</td>
<td>-</td>
<td>4,900,000</td>
</tr>
<tr>
<td>Baranduda Industrial Estate</td>
<td>11,397</td>
<td>10,977</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Expenditure</strong></td>
<td>12,809,690</td>
<td>26,816,754</td>
<td>26,029,633</td>
</tr>
<tr>
<td><strong>Net Capital Income / (Expenditure)</strong></td>
<td>(8,757,762)</td>
<td>(18,918,917)</td>
<td>(17,930,972)</td>
</tr>
</tbody>
</table>

**Note:**


b. Includes approved 1st, 2nd and 3rd quarter adjustments and rebudgets and unapproved 4th quarter adjustments.

c. Refer Graph 2.
10.1 - Finance Report for April 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 April 2019

Between April 1 and April 30 2019, the statutory planning unit determined 15 planning permits under delegation.

<table>
<thead>
<tr>
<th>Permit No</th>
<th>Use / Development</th>
<th>Site address</th>
</tr>
</thead>
<tbody>
<tr>
<td>98/2017</td>
<td>Buildings and Works for the construction of two (2) dwellings, the subdivision of land into two (2) lots (within the Bushfire Management Overlay) and variation to the Easement E1. VCAT upheld the Notice of Decision to grant a permit issued by the Council.</td>
<td>17 Krueger St, Baranduda</td>
</tr>
<tr>
<td>19/2018</td>
<td>Subdivide the land into three (3) lots and buildings and works to construct two (2) new dwellings within the Farming Zone and Bushfire Management Overlay.</td>
<td>Ryans Road, Bonegilla</td>
</tr>
<tr>
<td>128/2018</td>
<td>Buildings and works in the Heritage Overlay and for Alteration of the Access to a Category 1 Road.</td>
<td>392 Wodonga-Yackandandah Rd, Staghorn Flat</td>
</tr>
<tr>
<td>190/2018</td>
<td>Buildings and works to extend a Utility Installation in the Industrial 1 Zone and Environmental Significance Overlay 5</td>
<td>Whytes Road, Baranduda</td>
</tr>
<tr>
<td>191/2018</td>
<td>Buildings and works to construct 10 sheds associated with the use of the land for a Store and a reduction of car parking to zero.</td>
<td>Bonegilla Road, Bonegilla</td>
</tr>
<tr>
<td>15/2019</td>
<td>Buildings and Works for a Dwelling in the Floodway Overlay</td>
<td>10 Hearst Court, Wodonga</td>
</tr>
<tr>
<td>20/2019</td>
<td>Subdivide the land into two lots in the General Residential Zone and Design and Development Overlay.</td>
<td>44 Rogers Avenue, Wodonga</td>
</tr>
<tr>
<td>21/2019</td>
<td>Buildings and Works for Informal Outdoor Recreation (Walking and Cycling Trail) and associated Car Parking in the Environmental Significance Overlay 5 and Floodway Overlay</td>
<td>Whytes Road, Bandiana</td>
</tr>
<tr>
<td>26/2019</td>
<td>Buildings and Works for Alterations to Existing Industrial Facility (Canopy Extension and Awnning Extension) and reduction of car parking.</td>
<td>4 Turner Court, Wodonga</td>
</tr>
<tr>
<td>28/2019</td>
<td>Buildings and Works (Carport) in the Commercial 1 Zone</td>
<td>19 Dunstans Lane, Wodonga</td>
</tr>
<tr>
<td>30/2019</td>
<td>Buildings and Works (warehouse) in the Industrial 1 Zone</td>
<td>2 Mores Court, Wodonga</td>
</tr>
</tbody>
</table>
10 - Officers reports for information

Planning and Infrastructure

10.2 - Planning Report for April 2019 (cont’d)

<table>
<thead>
<tr>
<th>Permit No</th>
<th>Use / Development</th>
<th>Site address</th>
</tr>
</thead>
<tbody>
<tr>
<td>31/2019</td>
<td>Subdivision of land into two lots in the General</td>
<td>11 Hampshire Boulevard,</td>
</tr>
<tr>
<td></td>
<td>Residential Zone 1</td>
<td>Leneva</td>
</tr>
<tr>
<td>34/2019</td>
<td>Subdivision of land into two lots in the General</td>
<td>45 Firmstone Road, Leneva</td>
</tr>
<tr>
<td></td>
<td>Residential Zone 1</td>
<td></td>
</tr>
<tr>
<td>40/2019</td>
<td>Buildings and works (shade sails) in the Activity</td>
<td>7 Elgin Boulevard, Wodonga</td>
</tr>
<tr>
<td></td>
<td>Centre Zone 1</td>
<td></td>
</tr>
<tr>
<td>42/2019</td>
<td>Buildings and works (shed) in the LSIO</td>
<td>1 Henry Close, Killara</td>
</tr>
</tbody>
</table>

Attachments
Nil

Tabled papers
Nil
10.2 - Planning Report for April 2019 (cont’d)

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.

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.
10.3 - Competitive Services Report for April 2019

<table>
<thead>
<tr>
<th>Quotation / tenders issued</th>
<th>April</th>
<th>YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracts awarded to local suppliers</td>
<td>11</td>
<td>91</td>
</tr>
<tr>
<td>Value of contracts awarded</td>
<td>$1,609,870.63</td>
<td>$14,678,757.15</td>
</tr>
</tbody>
</table>

**Tenders advertised / quotations issued**

<table>
<thead>
<tr>
<th>Tender Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>W1602-19</td>
<td>Wodonga Business Innovation Hub Feasibility Study</td>
</tr>
<tr>
<td>W1603-19Q</td>
<td>Supply and Delivery Truck SWB 4500GVM 7000GCM with attached central locking service pack body</td>
</tr>
<tr>
<td>W1608-19</td>
<td>Baranduda Boulevard footpath construction - Westmont to Pro Hart Drive (stage 1)</td>
</tr>
<tr>
<td>W1618-19Q</td>
<td>Supply and delivery of one LWB truck 7500 GVM 10,500 GCM with attached tipping body</td>
</tr>
<tr>
<td>W1619-19Q</td>
<td>Supply and delivery of one LWB truck 8500 GVM 12,500 GCM with attached split tipping body and crane</td>
</tr>
<tr>
<td>W1620-19Q</td>
<td>Emerald Oval Pavilion - concrete and earthworks</td>
</tr>
<tr>
<td>W1622-19Q</td>
<td>Emerald Oval Pavilion - plumbing</td>
</tr>
<tr>
<td>W1624-19Q</td>
<td>Emerald Oval Pavilion - roofing and cladding</td>
</tr>
<tr>
<td>W1625-19Q</td>
<td>Emerald Oval Pavilion - carpentry and glazing</td>
</tr>
<tr>
<td>W1626-19Q</td>
<td>Emerald Oval Pavilion - electrical</td>
</tr>
<tr>
<td>W1627-19Q</td>
<td>Emerald Oval Pavilion - mechanical</td>
</tr>
<tr>
<td>W1628-19Q</td>
<td>Emerald Oval Pavilion - internal lining</td>
</tr>
<tr>
<td>W1629-19Q</td>
<td>Emerald Oval Pavilion - tiling</td>
</tr>
<tr>
<td>W1630-19Q</td>
<td>Emerald Oval Pavilion - painting</td>
</tr>
<tr>
<td>W1646-19Q</td>
<td>Supply and delivery of one 18” towable horizontal wood chipper machine</td>
</tr>
<tr>
<td>W1651-19Q</td>
<td>Emerald Oval Pavilion - joinery and cabinetry</td>
</tr>
<tr>
<td>W1666-19Q</td>
<td>Supply of plant and machinery</td>
</tr>
<tr>
<td>W1668-19Q</td>
<td>Provision of an Employee Assistance Program</td>
</tr>
</tbody>
</table>

**Tenders / quotations under evaluation**

<table>
<thead>
<tr>
<th>Tender Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>W1560-18Q</td>
<td>Wodonga 18/19 Playground renewals - play equipment supply and install</td>
</tr>
<tr>
<td>W1580-19Q</td>
<td>Fabrication and delivery of five bus shelters</td>
</tr>
<tr>
<td>W1596-19Q</td>
<td>Panel of providers for the provision of road maintenance services</td>
</tr>
<tr>
<td>W1609-19Q</td>
<td>Design of elevated Lawrence Street Bridge over House Creek - V2</td>
</tr>
<tr>
<td>W1611-19Q</td>
<td>Provision of spraying various sites around Wodonga</td>
</tr>
<tr>
<td>W1616-19Q</td>
<td>Supply and provision of parks and reserves chemicals</td>
</tr>
<tr>
<td>W1621-19Q</td>
<td>Provision of a schedule of rates for additional mowing and other horticulture / environmental lands services for Wodonga Council</td>
</tr>
<tr>
<td>W1631-19Q</td>
<td>Willow Park Pavilion - demolition</td>
</tr>
<tr>
<td>W1632-19Q</td>
<td>Willow Park Pavilion - concrete and earthworks</td>
</tr>
<tr>
<td>W1633-19Q</td>
<td>Willow Park Pavilion – Plumbing</td>
</tr>
<tr>
<td>W1634-19Q</td>
<td>Willow Park Pavilion - carpentry and glazing</td>
</tr>
<tr>
<td>W1635-19Q</td>
<td>Willow Park Pavilion - roofing and cladding</td>
</tr>
</tbody>
</table>
10.3 - Competitive Services Report for April 2019 (cont’d)

<table>
<thead>
<tr>
<th>Contract Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>W1636-19Q</td>
<td>Willow Park Pavilion - electrical</td>
</tr>
<tr>
<td>W1637-19Q</td>
<td>Willow Park Pavilion - mechanical</td>
</tr>
<tr>
<td>W1638-19Q</td>
<td>Willow Park Pavilion - internal lining</td>
</tr>
<tr>
<td>W1639-19Q</td>
<td>Willow Park Pavilion - tiling</td>
</tr>
<tr>
<td>W1640-19Q</td>
<td>Willow Park Pavilion - painting</td>
</tr>
<tr>
<td>W1644-19Q</td>
<td>Willow Park Pavilion - joinery and cabinetry</td>
</tr>
<tr>
<td>W1661-19Q</td>
<td>Community Centre Business Service Review</td>
</tr>
</tbody>
</table>

**Contracts awarded**

<table>
<thead>
<tr>
<th>Contract Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>W1368-19Q</td>
<td>Division 6 Asbestos Materials Survey of Wodonga Library and Art Space</td>
</tr>
<tr>
<td>W1590-19</td>
<td>Supply and delivery of outdoor uniforms</td>
</tr>
<tr>
<td>W1593-19Q</td>
<td>Jack Maher Park footpath and seating/skate block construction</td>
</tr>
<tr>
<td>W1594-19Q</td>
<td>Felltimber Community Centre barbecue shelter electrical works</td>
</tr>
<tr>
<td>W1595-19Q</td>
<td>Felltimber Community Centre barbecue shelter concrete works</td>
</tr>
<tr>
<td>W1600-19Q</td>
<td>Performance lighting, The Cube - supply, initial set up and training</td>
</tr>
<tr>
<td>W1610-19Q</td>
<td>Gordon Craig Park playground renewal - civil and landscaping works</td>
</tr>
<tr>
<td>W1612-19Q</td>
<td>Planning and Building Service Review</td>
</tr>
<tr>
<td>W1613-19Q</td>
<td>The Cube Wodonga fire pump replacement</td>
</tr>
<tr>
<td>W1643-19</td>
<td>Birallee Park indoor cricket training facility project - single contractor package</td>
</tr>
<tr>
<td>W1648-19Q</td>
<td>Land Valuation at Lincoln Causeway, Wodonga</td>
</tr>
<tr>
<td>W1654-19Q</td>
<td>Supply and install bollards across Church Street</td>
</tr>
</tbody>
</table>

**Contracts not awarded**

<table>
<thead>
<tr>
<th>Contract Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>W1527-19</td>
<td>Birallee Park indoor cricket training facility - structural steel works</td>
</tr>
<tr>
<td>W1528-19</td>
<td>Birallee Park indoor cricket training facility - civil and pre-cast concrete panel works</td>
</tr>
<tr>
<td>W1529-19Q</td>
<td>Birallee Park indoor cricket training facility - brick masonry works</td>
</tr>
<tr>
<td>W1530-19</td>
<td>Birallee Park indoor cricket training facility - metal and poly-carb sheeting, roof plumbing and fall arrest equipment works</td>
</tr>
<tr>
<td>W1531-19</td>
<td>Birallee Park indoor cricket training facility - hydraulics &amp; gas works</td>
</tr>
<tr>
<td>W1532-19Q</td>
<td>Birallee Park indoor cricket training facility - carpentry, fibre cement linings, windows, doors and glazing works</td>
</tr>
<tr>
<td>W1533-19Q</td>
<td>Birallee Park indoor cricket training facility - internal lining works</td>
</tr>
<tr>
<td>W1534-19Q</td>
<td>Birallee Park indoor cricket training facility - floor covering works</td>
</tr>
<tr>
<td>W1549-19Q</td>
<td>Birallee Park indoor cricket training facility - ceramic tiling works</td>
</tr>
<tr>
<td>W1550-19Q</td>
<td>Birallee Park indoor cricket training facility - painting works</td>
</tr>
<tr>
<td>W1583-19</td>
<td>Birallee Park indoor cricket training facility - mechanical services</td>
</tr>
<tr>
<td>W1584-19Q</td>
<td>Birallee Park indoor cricket training facility - synthetic turf, netting and sporting requirements</td>
</tr>
<tr>
<td>W1585-19</td>
<td>Birallee Park indoor cricket training facility - electrical, lighting &amp; data services</td>
</tr>
<tr>
<td>W1586-19Q</td>
<td>Birallee Park indoor cricket training facility - joinery and cabinetry works</td>
</tr>
</tbody>
</table>
Ordinary meeting – May 13, 2019

10 - Officers reports for information

Business Services

10.3 - Competitive Services Report for April 2019 (cont’d)

Contracts awarded to local suppliers

<table>
<thead>
<tr>
<th>Month</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>May-18</td>
<td>75%</td>
</tr>
<tr>
<td>Jun-18</td>
<td>66%</td>
</tr>
<tr>
<td>Jul-18</td>
<td>85%</td>
</tr>
<tr>
<td>Aug-18</td>
<td>76%</td>
</tr>
<tr>
<td>Sep-18</td>
<td>90%</td>
</tr>
<tr>
<td>Oct-18</td>
<td>63%</td>
</tr>
<tr>
<td>Nov-18</td>
<td>80%</td>
</tr>
<tr>
<td>Dec-18</td>
<td>100%</td>
</tr>
<tr>
<td>Jan-19</td>
<td>82%</td>
</tr>
<tr>
<td>Feb-19</td>
<td>75%</td>
</tr>
<tr>
<td>Mar-19</td>
<td>50%</td>
</tr>
<tr>
<td>Apr-19</td>
<td>100%</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.
10.4 - Council Plan progress report

Purpose of report

The purpose of this report is to present the March 2019 quarterly Council Plan progress report.

Background

The tabled report provides detailed reporting on the performance against the council plan actions.

The provision of this report is in accordance with the council’s legislative responsibilities under sections 137 and 138 of the *Local Government Act 1989*.

The information included in the quarterly report allows for an assessment of the council’s performance across a range of indices, concluding at the end of the year with the annual report.

Attachments

The following documents are attached to this report:

- Attachment A: Quarterly Council Plan progress report

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.

Governance Officer - Kevin Scully
In providing this advice as the report author, I have no interests to disclose in this report.

For information only.
## Council Plan actions progress report – third quarter - March 2019

<table>
<thead>
<tr>
<th>Action</th>
<th>%</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1.1.1 Ensure young people are consulted and considered in matters that directly impact them.</td>
<td>85</td>
<td>Consultation undertaken with young people from schools (Primary, Middle Years and Senior college as well as St. Augustine's) to inform priorities for the Wodonga youth Strategy. A draft project plan has been collated which aims to form project-base learning groups together in which young people from ages 9-24 will have an opportunity to voice their ideas, develop skills and have professional support to assist bring their ideas to life.</td>
</tr>
<tr>
<td>1.1.1.2 Continue to recognise the efforts of young people through youth awards including Red Carpet youth awards, the Young Achiever Scheme and the annual Young Citizen of the Year award.</td>
<td>85</td>
<td>Red Carpet Youth Awards young people committee are planning the event for 2019. Reviewed categories and sponsorship. Young Achiever Scheme awards continue to be awarded at Council meetings.</td>
</tr>
<tr>
<td>1.1.3.1 Provide accessible options and connections to promote and encourage the community to participate in walking and cycling across the city.</td>
<td>93</td>
<td>Completed an update and promotion of pathway brochure and Walk Wodonga Brochure. Recently completed path upgrades and several walk/cycling crossing points across throughout our path networks. The Wodonga CBD to Bonegilla Rail Trail project including a surface upgrade and improved pedestrian and cycle safety elements has commence and is scheduled for completion by June 2019.</td>
</tr>
<tr>
<td>1.1.1.4 Deliver high quality services that support, educate and improve the health and wellbeing of children and their families subject to federal and state government policies and funding arrangements.</td>
<td>75</td>
<td>Continuing to provide Maternal and child health services including enhanced home visiting, supported playgroups, access to early learning, preschool and child care for DET and integrated family services for DHHS</td>
</tr>
<tr>
<td>1.1.3.2 Plan and deliver appropriate, well-planned and sustainable infrastructure and improvements to sporting and recreation precincts across the city.</td>
<td>100</td>
<td>Several well planned, sustainable infrastructure sport and recreation projects have been completed in 2018/19. Belvoir Park solar lighting project; Wodonga Parks and reserves solar lighting Baranduda Cricket net/multiuse facility upgrade; Wodonga Athletics change room and public toilet upgrade; Willow Park sports field lighting upgrade; The Wodonga Netball court redevelopment and lighting upgrade.</td>
</tr>
<tr>
<td>1.1.2.4 Meet regularly with partner organisations to understand local needs and define the council’s position in relation to mental health priorities.</td>
<td>84</td>
<td>Mental Health as a key priority for community, in particular evident for young people through consultation with sector and youth. Continue to meet with Gateway/Headspace to share knowledge and initiatives.</td>
</tr>
<tr>
<td>Action</td>
<td>%</td>
<td>Comments</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
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<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1.1.5.10 Assist our sporting clubs and community organisations address key health and social issues through dedicated programs and campaigns.</td>
<td>80</td>
<td>Reviewed 'A Fair Game' resource, a campaign which seeks to make our sporting clubs more inclusive. - Project officer working to update the resource by June 2019</td>
</tr>
<tr>
<td>1.1.4.2 Work in partnership with key agencies and the wider community to increase breastfeeding rates in Wodonga.</td>
<td>75</td>
<td>Attending Ovens Murray alliance, Compact, Regional implementation group and Child youth area partnership</td>
</tr>
<tr>
<td>1.1.4.3 Support key settings and stakeholders to increase access to healthy food options by creating a supportive built and social environment.</td>
<td>86</td>
<td>Council representative works with the Local Food Network to support healthy eating initiatives. Council early years preschools have achieved Healthy Eating benchmark for the Achievement program.</td>
</tr>
<tr>
<td>1.1.1.6 Participate in relevant networks at the local, state and regional level that support all our children and families and particularly the vulnerable.</td>
<td>75</td>
<td>Attending local, state and regional network meetings.</td>
</tr>
<tr>
<td>1.1.2.5 Advocate to other levels of government for local mental health priorities.</td>
<td>83</td>
<td>Met with VicHealth about youth mental health as well as the Office of Youth Affairs. Mental health is a key concern for our young people. Funding available in future through Vic Health.</td>
</tr>
<tr>
<td>1.1.5.2 Participate in preventative programs and awareness campaigns to build community capacity in responding to family violence including elder abuse and promoting gender equity.</td>
<td>75</td>
<td>16 days of activism against gender based violence - Wodonga Council participated in the 16 days of activism campaign through a calendar of events, hosting an event with Albury City Council and showcasing local stories on gender equity through social media. Council was successful in obtaining a grant through the Free from Violence funding program, with a focus on workplaces. Council is participating in a working group with other key agencies on developing a youth campaign based on the recently launched Reflect Respect campaign which will be focused on youth key issues relating to respect and equality. Council has engaged with over 20 local workplaces with the aim of securing commitment from 4-6 in the participation of the Balance for Better: Business program that Council is delivering with the aim of supporting these workplaces to develop Action Plans that will guide their organisation towards gender equality.</td>
</tr>
<tr>
<td>1.1.4.4 Support initiatives that aim to increase access to affordable and healthy food for all people in Wodonga.</td>
<td>85</td>
<td>Supporting sustainable living fair that aims to increase access to healthy foods through clean food production.</td>
</tr>
<tr>
<td>Action</td>
<td>%</td>
<td>Comments</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>----</td>
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</tr>
<tr>
<td>1.1.5.3 Implement the alcohol culture research project to reduce alcohol-related harm among identified sub-populations.</td>
<td>85</td>
<td>Woolworths, Visy Board and Council depot involved in workplace program to reduce alcohol consumption. Documentary launched on 29 Nov 2018. Final outcome and evaluation report underway.</td>
</tr>
<tr>
<td>1.1.3.5 Participate in key campaigns to promote physical activity including Walk to School month, Ride to Work Day, Active April and Wodonga Children’s Fair.</td>
<td>97</td>
<td>Successfully supported the delivery of the Walk to School program October 2018, were increased our school participation from 7 to 8 schools. Hosted Ride to Work day in October 2018, with over 30 participants. Currently providing and participating in range of Active April activities for staff and the community.</td>
</tr>
<tr>
<td>1.1.2.6 Promote and participate in community wide youth anti-bullying and mental wellbeing campaigns.</td>
<td>85</td>
<td>Collaborating with AWYN and Headspace.</td>
</tr>
<tr>
<td>1.1.1.7 Build partnerships across the youth sector and strategically plan and advocate for required infrastructure, services and funding.</td>
<td>85</td>
<td>Chairing the Albury Wodonga Youth network. Consulting with the sector to create new partnerships for implementation of Youth strategy objectives and actions.</td>
</tr>
<tr>
<td>1.1.6.2 Ensure available information on emergency preparation and assistance is relevant and up-to-date.</td>
<td>100</td>
<td>General information on a range of health and safety issues are included in Citylife including pool fencing, asbestos, fire prevention etc.</td>
</tr>
<tr>
<td>1.1.6.3 Participate in key campaigns to promote awareness and safety.</td>
<td>80</td>
<td></td>
</tr>
</tbody>
</table>
| 1.1.3.6 Engage and work with AlburyCity and other neighbouring councils and state sporting associations to increase regional sport and recreation planning. | 86 | Albury City and Wodonga Council is currently working on the following 2CIC actions to be implemented in 2019/20  
  - Develop cycling strategy  
  - Investigate a consolidated Sports and recreation Strategy  
Albury City Council has also been a key stakeholder in the Regional Cricket facility project. |
<p>| 1.1.5.4 Work with key stakeholders to align local efforts, strengthen the service system and raise community awareness of the risks of alcohol and other drugs. | 86 | The Wodonga Local Drug Action Team developing a strategic plan to address alcohol and other drug misuse across Wodonga to reduce AOD related harm. plan includes developing a social media campaign and event to increase social connectedness amongst disengaged youth, as well as attracting funding for a peer-to-peer support program for a local school. |</p>
<table>
<thead>
<tr>
<th>Action</th>
<th>%</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1.5.5 Maintain a healthy community through promotion and delivery of environmental health services including immunisation.</td>
<td>90</td>
<td>Five sessions provided per month. Good attendances to date</td>
</tr>
<tr>
<td>1.1.6.4 Continue to progressively update bushfire management plans for environmental land, to be incorporated into the Municipal Fire Management Plan.</td>
<td>65</td>
<td>Currently four high priority bushfire management plans have been completed, out of the eight high priority clusters of reserves identified by the 'Wodonga Environmental Lands Bushfire Management Strategy'. It is envisaged that an additional one or two (budget dependent) high priority plans will be completed within the 2018/2019 financial year. GHD have been appointed and are currently working to complete Environmental lands high priority bushfire management plans for Baranduda East, Baranduda West, and Mahers Hill</td>
</tr>
<tr>
<td>1.1.3.7 Explore the options for the development of another competition oval to service the city’s current sporting demands.</td>
<td>75</td>
<td>A stakeholder group has been formed to discuss the development of another competition oval. Meetings have commenced; representatives from recreation, planning and projects have held initial discussions. Further options are now being discussed and explored. Looking at possibly conducting an environmental scan of our recreational facilities; including current demand, limitations and opportunities.</td>
</tr>
<tr>
<td>1.1.5.6 Plan and install improved lighting along pathways and in public spaces.</td>
<td>100</td>
<td>Works are complete.</td>
</tr>
<tr>
<td>2.1.1.1 Redevelop the council website for an improved experience that is easily navigated, accessible, mobile responsive and user focused.</td>
<td>75</td>
<td>Design approved and project presently in build phase.</td>
</tr>
<tr>
<td>1.1.5.8 Increase awareness of local laws and legislative requirements to reduce non-compliance and increase a feeling of safety and security.</td>
<td>90</td>
<td>Articles are provided for each edition of Citylife</td>
</tr>
<tr>
<td>2.1.2.1 Implement cycling and pathway improvements promoting linkages to the central business area.</td>
<td>90</td>
<td>These works are under construction and progressing well. Completion is anticipated with the next month or two.</td>
</tr>
<tr>
<td>Action</td>
<td>%</td>
<td>Comments</td>
</tr>
<tr>
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</tr>
<tr>
<td>2.1.1.2 Inform the community about the council’s events and activities through a broad range of communications channels.</td>
<td>75</td>
<td>Activities include Senior Celebrations, Children's Fair and FOMM, rates notice information, works updates including Richardson Park, and various community centres and library activities.</td>
</tr>
<tr>
<td>2.1.1.3 Continue to run consultation activities to ensure the community has a say on issues that affect or are of importance to them.</td>
<td>75</td>
<td>Activities include draft Gateway Island masterplan, rating strategy reference group, environmental health services, place names committee, housing strategy, waste management strategy and rating strategy.</td>
</tr>
<tr>
<td>2.1.3.1 Deliver a range of events and public programs in diverse locations and facilities that allow the community to engage, connect and express themselves.</td>
<td>75</td>
<td>In the 2018/19 year to date (July - March 2019) the council has delivered at total of 39 community events with an estimated attendance of 19,593 people. In the 2018/19 year to date (March 2019) the four venues; Bonegilla Migrant Experience, Arts Space Wodonga, The Wodonga Library and The Cube Wodonga; hosted a total of 1,096 events with 71,789 participants and over 225,828 visitors across all of the sites.</td>
</tr>
<tr>
<td>2.1.2.2 Install key pedestrian crossings and infrastructure at identified locations to improve safety and connections.</td>
<td>40</td>
<td>Melrose Drive crossings at Lawrence Street and Brockley Street are awaiting the connection of power prior to the finalisation of the installation of the pedestrian operated signals. Work has commenced on the signals for Felltimber Creek Road and the zebra crossing for Thomas Mitchell Drive at Southside Terrace.</td>
</tr>
<tr>
<td>2.1.3.11 Work with agencies and service providers to promote a range of quality and accessible services and programs to older people.</td>
<td>75</td>
<td>Continue to meet regularly with aged care providers and the senior citizens - Regularly utilise councils communications channels to promote services and events for older people - Currently seeking funding for increasing senior participation in the community</td>
</tr>
<tr>
<td>2.1.3.12 Engage with the NDIS local co-ordination service on initiatives that increase the inclusion of people with a disability in community life.</td>
<td>30</td>
<td>Continue to sit on steering committee for Capability Albury Wodonga - Continue to share NDIS information with networks</td>
</tr>
<tr>
<td>2.1.3.13 Work with community agencies and committees towards the creation of a sustainable built and natural environment that enhances and supports accessibility and mobility.</td>
<td>85</td>
<td>CBA Plan, CBA Design Guide and CBA public domain master plan's actions to improve accessibility are in progress as part of the Stronger Regions Fund project to date to reconstruct High Street to be more accessibility friendly. Improve accessibility is one of the main features in the Leneva Baranduda Precinct Structure Plan, which is adopted by council (Sep 2018). Reconstruction of the last section of High Street is underway which implements the objective of CBA Plan and CBA Public Domain Master Plan to enhance accessibility (Mar 2019)</td>
</tr>
<tr>
<td>Action</td>
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<td>Comments</td>
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<td>-----------------------------------------------------------------------</td>
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</tr>
<tr>
<td>2.1.2.3 Investigate and present options for improving child travel</td>
<td>80</td>
<td>Recreation officers will conducted active travel surveying with local schools involved in the Walk to School program. This information and feedback has been collated and provided to serval council departments for consideration in planning, management, project and budget allocation consideration. Council staff will attend a VicHealth/ Active Travel seminar in May 2019 with learnings to be included in future recreational planning and programs.</td>
</tr>
<tr>
<td>safety to schools and other key destination points from</td>
<td></td>
<td></td>
</tr>
<tr>
<td>neighbourhoods across the city.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1.3.2 Offer and promote a range of volunteering opportunities.</td>
<td>89</td>
<td>The offer and promotion of a range of volunteering opportunities is done on a regular basis through our Volunteer co-ordinator and via council website and quarterly newsletter. Planning for the 2019 Volunteer Awards Fair on May 25th is on track.</td>
</tr>
<tr>
<td>2.1.3.3 Support local organisations through the provision of a</td>
<td>75</td>
<td>February 2019 grants round completed.</td>
</tr>
<tr>
<td>community grants program to assist groups to meet identified</td>
<td></td>
<td></td>
</tr>
<tr>
<td>community needs.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1.1.5 Develop a key positional statement to promote Wodonga as a</td>
<td>100</td>
<td>Statement finalised and collateral files delivered for imminent roll out.</td>
</tr>
<tr>
<td>key destination to live, work and invest.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1.3.5 Support the inclusion and participation in community life</td>
<td>75</td>
<td>Access advisory group meetings facilitated regularly -International Day for People with Disabilities planned to be in Wodonga, December 2019.</td>
</tr>
<tr>
<td>for vulnerable population groups.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1.3.6 Facilitate and encourage collaborative relationships and</td>
<td>85</td>
<td>MOU established between key Aboriginal organisations. Staff involved in working groups and networks relating to Aboriginal health, education and well being outcomes. Relationship with WAN progressing with quarterly meetings with Mayor CEO and senior staff. Reconciliation Action Plan progressing well. Aboriginal Traditional Owners and Elders involved in Gateway Island master plan.</td>
</tr>
<tr>
<td>partnerships with the Aboriginal and Torres Strait Islander</td>
<td></td>
<td></td>
</tr>
<tr>
<td>community to address issues impacting their quality of life and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>create greater cultural connection.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1.3.7 Continue to work with the ethnic community to increase</td>
<td>85</td>
<td>Continue to work with AWECC to support our CALD communities. Reviewing AWECC community profile to identify opportunities to improve outcomes.</td>
</tr>
<tr>
<td>connection and inclusion and support opportunities for all people to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>be involved in community life.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.1.3.8 Encourage and support Wodonga businesses to be more</td>
<td>75</td>
<td>Access advisory group meetings facilitated and action plan implemented - ‘Access at a glance’ training complete and ‘train the trainer’ scheduled with access advisory group - Have formed a business accessibility working group to work with Access at a Glance.</td>
</tr>
<tr>
<td>accessible and more inclusive of people with disability.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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**Note:** The table entries are based on the information provided in the document. The comments include specific details about the actions taken and the outcomes achieved.
### Action

<table>
<thead>
<tr>
<th>Action</th>
<th>%</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1.1.1 Deliver a strategic program to renew, upgrade and build community assets that is informed by data analysis and good service planning to meet the current and future needs of the community.</td>
<td>75</td>
<td>Works are progressing on improvements to the Asset Management system, with data now imported into the system. Renewals modelling for the preparation of the 2019-2020 capital budget has been completed. Infrastructure asset valuations and condition assessments are currently in progress and will be incorporated into the 2019 financial results.</td>
</tr>
<tr>
<td>2.1.3.9 Continue strategic planning work to deliver council’s priorities and actions from the Age-Friendly City strategy.</td>
<td>85</td>
<td>Continue to deliver actions across council departments, held meetings with DHHS and Boronia Place to get feedback from senior residents about key concerns, as well applied for a Senior’s Participation grant for $75k from State government.</td>
</tr>
<tr>
<td>3.1.1.2 Enhance green streetscapes, road reserves and public places that are clean, attractive and improve public safety and community wellbeing.</td>
<td>70</td>
<td>Street tree planting is completed. Several other landscape projects are underway, along with further upgrades to the central irrigation system. Bandiana link round about landscaping including the addition of a concrete apron 75% completed.</td>
</tr>
<tr>
<td>3.1.3.10 Implement priority projects from the Two Cities One Community Action Plan.</td>
<td>74</td>
<td>Progress report on 2C1C submitted to the ordinary council meetings 6 monthly. Priority action plan has been updated for 19/20 as well as the draft budget.</td>
</tr>
<tr>
<td>3.1.1.3 Deliver a well-planned program of playground renewals, upgrades and new infrastructure across the city.</td>
<td>75</td>
<td>Ongoing renewal program. See corresponding child project. PR-19 18/19 Jack Maher and Arthur Dunstan playgrounds complete; High priority replacement works in progress; Playground tree renewal in progress; Gordon Craig renewal in progress; Design development for Daintree underway; Planning and procurement for playground renewal in progress.</td>
</tr>
<tr>
<td>3.1.3.12 Identify and define the library's position as a community hub within the planning for the cultural precinct.</td>
<td>75</td>
<td>Gallery Library feasibility study complete, state funding secured, tender for architectural planning services awarded, architectural concept planning complete and design development in progress. Alternate CBA site for the library during the upgrade secured for late 2019 relocation. Working with key gallery library stakeholders on interim and long term models.</td>
</tr>
<tr>
<td>3.1.3.13 Work with relevant agencies to develop strategies to deal with potential incidents of violence and abuse during heatwaves and emergency events.</td>
<td>100</td>
<td>Liaised stakeholders and embedded response in the Emergency Management Plan.</td>
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<tr>
<td>3.1.2.3 Facilitate future land development and subdivisions to meet the needs of tourism, retail and small lot industrial precincts and ensuring ample land availability.</td>
<td>75</td>
<td>Industrial Land Strategy approved by council (July 2018) West Wodonga Framework Plan is being updated that will reflect the needs for smaller industrial lots in the precinct (March 2019)</td>
</tr>
<tr>
<td>3.1.5.1 Develop a significant tree register for the municipality.</td>
<td>30</td>
<td>Discussion have started with Spencer Rich in developing the tree register - have made contact with a consultant to look at undertaking the works.</td>
</tr>
<tr>
<td>3.1.6.1 Increase participation of commercial waste streams into the 3-bin system to reduce waste volumes and increase recycling.</td>
<td>60</td>
<td>80 commercial properties out of 1200 have opted to participate in the domestic kerbside collection service which gives them the use of an organics bin. The region now has a waste and recycling service provider that offers a commercial organics service, which is being included in household organics processing system.</td>
</tr>
<tr>
<td>3.1.4.3 Ensure appropriate levels of usable and suitable open space that is fit for purpose is allocated in new developments that will contribute to the liveability of the city.</td>
<td>40</td>
<td>Open space strategy tender process completed (Sep 2018) Open space strategy underway. Draft Background report completed (Mar 2019)</td>
</tr>
<tr>
<td>3.1.2.6 Implement actions from the Gateway Island Master Plan.</td>
<td>50</td>
<td>The Gateway Island Mater Plan is scheduled to be adopted at either the November or December 2018 council meetings. The adoption of the GIMP Priority Setting will enable priority actions to be commenced. The Gateway Island Master Plan was adopted by the Council at the December 2018 meeting. The Priority Setting Table has been completed and will inform the projects for the coming years, including the 2019/2020 capital investment program.</td>
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<tr>
<td>3.1.5.3 Promote public use and responsible management of the natural environment.</td>
<td>70</td>
<td>Council in partnership with WULN has held stalls at the Wodonga farmers market and volunteer fair to promote natural environment. We also held a stand alone session at the SAC. Since July 2018 WULN, with support from council has established 3 new 'Friends of' groups, all working on council's environmental lands - Friends of Federation Hill - Friends of Whby Grange - Friends of WREN's Baranduda Bush Kinder Program run at Belgrade Avenue Preschool. Grant funding obtained to expand the program to another two preschools. Council continues to work with community groups to promote use of and responsible management of our natural environment. Council officers are planning a letter drop around new estates to promote and generate understanding of our WREN reserves and environmental awareness in general. The natural resource team continues to work with the communications and marketing team to promote environmental responsibility and raise awareness of current environmental issues, e.g. currently working on some communications around illegal firewood collection, and promotion of the work being done along the creek lines to remove woody weeds (Willows).</td>
</tr>
<tr>
<td>3.1.2.7 Implement actions from Wodonga Industrial Land Strategy.</td>
<td>70</td>
<td>In the process of forming the implementation working group to undertake the actions. West Wodonga Framework Plan is being updated that will reflect the needs for smaller industrial lots in the precinct (March 2019).</td>
</tr>
<tr>
<td>3.1.6.3 Further investigate ways for the council to reduce its carbon footprint through energy efficient programs.</td>
<td>94</td>
<td>An energy audit of all council buildings has been conducted and a priority listing developed. Over a number of years, when budgets permit, investing in upgrades will produce savings over the long term. Electric vehicles are also being investigated.</td>
</tr>
<tr>
<td>3.1.4.5 Prepare an Open Space strategy for the municipality.</td>
<td>50</td>
<td>Tender process completed (Sep 2018), inception meeting tentatively in Oct 2018. Open space strategy underway. Draft Background report completed (Mar 2019)</td>
</tr>
<tr>
<td>3.1.3.7 Participate in the emergency relief providers network and support community organisations working directly with people at risk of homelessness to reduce housing stress.</td>
<td>75</td>
<td>Attend ERPN meeting regularly</td>
</tr>
<tr>
<td>3.1.4.6 Review the Belvoir Park Master Plan and identify priority projects.</td>
<td>75</td>
<td>Actions within the current master plan are being implemented as they are funded through the capital program. A complete review will be undertaken in 2020.</td>
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<tr>
<td>3.1.6.4 Investigate and determine the viability of waste to energy technologies to attract such industries to Wodonga.</td>
<td>60</td>
<td>The manager attended a workshop hosted by Ballarat Council. There are options available. A number of companies with an interest in Waste to Energy have approached council staff. We are working with all units, planning, investment attraction, sustainability etc to determine site suitability. This is very much driven by private enterprise.</td>
</tr>
<tr>
<td>3.1.2.8 Implement actions from Wodonga Activity Centre Retail Hierarchy Strategy.</td>
<td>60</td>
<td>Draft final report completed (Sep 2018). Additional work done based on council’s feedback. To seek council endorsement for public exhibition at April 2019 meeting.</td>
</tr>
<tr>
<td>3.1.6.5 Increase public place recycling options.</td>
<td>100</td>
<td>Public placed recycling bins are constantly being installed with every new estate that is developed or upgrade to a Wodonga open space/park etc. No infrastructure grants have been made available this financial year from the State Government pertaining to the purchase of recycling bins.</td>
</tr>
<tr>
<td>3.1.2.9 Implement actions from Wodonga Central Business Area Car Parking Plan.</td>
<td>90</td>
<td>The CBA Car Parking plan has recently been adopted. No actions have yet been started. C98, being the amendment to the Wodonga Planning Scheme is currently with the Minister for Planning for approval. Once approved, the actions and controls set out within the documents may be implemented.</td>
</tr>
<tr>
<td>3.1.5.6 Collaborate with partners and stakeholders and the community in the planning for urban waterways.</td>
<td>75</td>
<td>Draft plan completed and has been presented to Exec</td>
</tr>
<tr>
<td>3.1.3.8 Work with Albury Wodonga Health to develop a strategy that responds to future growth and to changing social and health needs to maximise positive outcomes for Wodonga.</td>
<td>75</td>
<td>Attending primary care and population health network. vulnerable children's meeting and breastfeeding network meetings</td>
</tr>
<tr>
<td>3.1.6.56 Implement actions from Environmentally Sustainable Design for Subdivision in Regional Victoria.</td>
<td>40</td>
<td>ESD for subdivisions in Regional Victoria (proof of concept and cost benefit analysis) is a background document and appendix to the draft Wodonga Housing Strategy and informs the Sustainability Chapter of the draft strategy. Communications materials informed by the ESD for subdivisions in Regional Victoria have been developed including best practice ESD subdivision case studies and an information sheet for sustainability. A webinar for information sharing on the project will be held in late 2018. Preparation of educational materials for buyers and builders are in the preliminary stages.</td>
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<tr>
<td>3.1.6.57 Investigate sustainable options for future proofing the city</td>
<td>85</td>
<td>Waste options are well covered. Recycling needs are being addressed after the recent introduction of the China bans. The recent energy audit of council buildings provides a way forward to implement energy savings and work being undertaken with North East Water, shall address some water resourcing issues. The development of a solar farm at Logic will provide a source of locally produced renewable energy but will not be commissioned until at least 2020. An alternate is the use of a waste to energy plant, which staff will pursue.</td>
</tr>
<tr>
<td>3.1.6.6 Continue to participate in programs that embed waste management practices that increase rates of recycling, reuse and waste reduction.</td>
<td>90</td>
<td>Heavily involved in the development of programs with the Halve Waste team to ensure a consistent waste message is portrayed across both cities.</td>
</tr>
<tr>
<td>3.1.3.9 Implement the actions of the Wodonga Housing Strategy to support diverse and affordable housing choices for all of the community.</td>
<td>85</td>
<td>Strategy adopted. Working group established for the Affordable Housing chapter. Implementation underway. Secured funding to develop a local model for voluntary inclusion of AH in development sites in Wodonga.</td>
</tr>
<tr>
<td>4.1.2.1 Develop a new business plan which includes sponsorship and fundraising for Bonegilla Migrant Experience to improve the sustainability of the site.</td>
<td>50</td>
<td>Service planning complete, service review nearing completion, Cultural Services strategic plan in draft.</td>
</tr>
<tr>
<td>4.1.1.3 Investigate the repositioning and rebranding of Arts Space Wodonga.</td>
<td>0</td>
<td>This will be deferred for to align with the new gallery library development coming on line.</td>
</tr>
<tr>
<td>4.1.3.10 Host or support a range of community, cultural and sporting events that showcase the city and celebrate diversity and achievement.</td>
<td>75</td>
<td>Council continues to support major events through the Event Attraction Contribution Program, including: - Chryslers on the Murray 2019; - Red Hot Summer Tour 2019; - Jaguar National Rally; - Pontiac National Rally; - Country Week Tennis 2020; - Professional Bull Riders 2019; - Over 70's Cricket Champs 2019; - VIC Dragon Boat Champs 2020; - MG Nationals 2020; - NSW Cricket Champs 2020; and - Australian Country Junior Basketball Cup 2020.</td>
</tr>
<tr>
<td>4.1.3.1 Support and grow a major event initiative that profiles the regional food industry.</td>
<td>100</td>
<td>Council continues to support the North East Food and Wine Festival as a major food event for the region.</td>
</tr>
<tr>
<td>3.1.6.8 Develop a business case for a Wodonga community solar farm.</td>
<td>100</td>
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<tr>
<td>4.1.2.2 Implement the actions of the Wodonga Aboriginal Reconciliation Action Plan.</td>
<td>85</td>
<td>Reconciliation Action Plan progressing well. Some actions are being reviewed and out for consultation. Document will be updated following data collation and community feedback.</td>
</tr>
<tr>
<td>4.1.4.1 Continue to attract new and diverse industry to Logic Wodonga.</td>
<td>75</td>
<td>Significant interest in land price at Logic since the announcement of the Inland Rail route. A grant funding application has been submitted to Victorian Government and awaiting Minister approval for a business case to develop Logic as an inland port. The outcome of this report may provide new opportunities for private investment at Logic.</td>
</tr>
<tr>
<td>4.1.2.3 Develop and implement opportunities to celebrate and preserve the council’s culture and heritage assets - indigenous, cultural and environmental.</td>
<td>75</td>
<td>Council has entered into a new MOU with Wodonga Historical Society for three years, providing support towards the delivery of strategic priorities. Bonegilla Migrant Experience hosted the 'Bonegilla Reunion' in November 2018; an annual back to Bonegilla Migrant Camp gathering. Daily activities included: tours, film screenings, author and genealogy talks, dinner, displays, exhibitions, food and music. Approximately 600 people attended. Capital and interpretation works are in presently in development at Bonegilla Migrant Experience, with the support of the Building Better Regions Fund. Funds have been secured for an Aboriginal art mural in the CBA. Research for heritage interpretation panels complete, sites identified, interpretive panels for Richardson park in progress, further panels subject to future funding opportunities.</td>
</tr>
<tr>
<td>4.1.1.4 Activate the city through culture venue programs, events and space activation that encourage community access and participation.</td>
<td>75</td>
<td>In the 2018/19 year to date (March 2019) the four venues; Bonegilla Migrant Experience, Arts Space Wodonga, The Wodonga Library and The Cube Wodonga; hosted a total of 1,096 events with 71,789 participants and over 225,828 visitors across all of the sites. Four space activation programs have been hosted across the CBA to date engaging diverse audience.</td>
</tr>
<tr>
<td>4.1.3.3 Work with tourism stakeholders to position their services and products in key markets, with a focus on the food industry.</td>
<td>25</td>
<td>The Farm to Plate program is in its first of three years. The Drfat Murray Esat Cluster plan has been developed and will be presented to the Murray Regional Tourism Board on 17 October 2018 at the AGM which will coincide with the Murray Fram to Plate Strategy launch in Echuca. Ongoing work with tourism operators continue through workshops and webinars delivered locally and via Murray Regional Tourism. The 2019-2020 Tourism Partner Program is well underway with an increase in participants from 2017-2018.</td>
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<tr>
<td>4.1.2.4 Explore options for the establishment of a dedicated museum space in the city.</td>
<td>66</td>
<td>Council has entered into a new MOU with the Wodonga Historical Society; improvements have been made to their present location to support tenure; WHS are presently auditing their collection, future exhibition opportunities explored.</td>
</tr>
<tr>
<td>4.1.5.1 Work in partnership with community organisations to improve opportunities for people with disabilities, Aboriginal people, youth and culturally and linguistically diverse communities to participate in education, employment and training.</td>
<td>80</td>
<td>-In partnership with NELLAN (lead) and NDCO scoping project to increase pathways into education, training and employment for vulnerable population groups. -Workplace Diversity Project currently underway for City of Wodonga - Project officer brought on board -Project officer on Albury-Wodonga NAIDOC steering committee</td>
</tr>
<tr>
<td>4.1.6.1 Complete the reconstruction of South, Bond and High streets as part of the City Heart project.</td>
<td>95</td>
<td>Major civil works are completed. Conversion to underground power of residences in South Street is ongoing.</td>
</tr>
<tr>
<td>4.1.5.2 Review how the existing transport network can be improved to support equitable access to education, employment and training.</td>
<td>75</td>
<td>CBA Car Parking Plan (adopted May 2018) include actions to improve equitable access. Implementation working group to be established in Nov 2018. Planning scheme amendment C98 to implement the CBA car parking plan is approved by council, and is awaiting Minister for Planning’s approval (Mar 2019)</td>
</tr>
<tr>
<td>4.1.6.2 Encourage support of local business through shop local campaigns and promotion of the City Heart website and app.</td>
<td>75</td>
<td>Comms plan being rolled out with regular updates, activities and an advertising campaign presently running.</td>
</tr>
<tr>
<td>4.1.4.4 Seek investment in council-owned development sites including the former Stanley St pool site (CBD West).</td>
<td>25</td>
<td>An Expression of Interest (EOI) process is complete with a preferred proponent chosen. Council will negotiate with the proponent on settlement terms, design guidelines and development timelines.</td>
</tr>
<tr>
<td>4.1.4.5 Continue to work with the Wodonga Chamber of Commerce to actively investigate opportunities for business growth and promotion.</td>
<td>75</td>
<td>Council continues to work with Wodonga Chamber now their new MOU is in place. We have noticed the inclusion of some different events from Business Wodonga that created as a result to engage members as part of the new MOU. We have also been in discussion regarding efforts to collaborate with Albury Northside Chamber along with plans to re-open High Street at the completion of road works in 2019.</td>
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<tr>
<td>4.1.6.3 Enhance the city’s laneways to promote activation and vibrancy that contribute to the amenity and public realm of the city heart.</td>
<td>60</td>
<td>Bennetts Lane (connecting Acacia Car Park and High Street) is completed with artwork and new lighting installed providing interest and security to community using the access walkway. Designs and landlord confirmation of Sesame Lane is underway with final approval being sought before December 2018.</td>
</tr>
<tr>
<td>4.1.6.4 Support and develop a range of social, space activation and event programs across the CBA.</td>
<td>75</td>
<td>Activation projects across the city to date include: - Open Gallery exhibitions; - Tree Installations - Milk Bottle Blossoms - Pink Bellied Moth artwork on the Cube Courtyard piano. - Christmas Craft at the Plaza - Soak City water play for young children and families; - Plant Swap - Playtime Picnic</td>
</tr>
<tr>
<td>4.1.4.6 Continue to develop required infrastructure at Logic Wodonga to support new investments.</td>
<td>0</td>
<td>There are currently no planned infrastructure extension for the Logic development. Discussions have commenced with the gas distributor in relation to the provision of a gas gate.</td>
</tr>
<tr>
<td>4.1.5.5 Work with the education sector to identify gaps and opportunities to strengthen pathways into the local employment sector for our community.</td>
<td>75</td>
<td>Council is collaborating with Wodonga Senior and Middle Years College, Wodonga Tafe, La Trobe University and industry to identify skill gaps and entrepreneurial learning within our community. Council is represented in a North East Victorian Manufacturing Cluster to address some of these skill gap issues. A proposed Innovation Hub will encourage entrepreneurial thinking.</td>
</tr>
<tr>
<td>4.1.3.8 Plan, review and upgrade track and trail networks including rail trail and linkages to neighbouring councils to enhance tourism opportunities and cycle tourism initiatives.</td>
<td>25</td>
<td>Tenders for the construction of rail trail works between Havelock Street and Whytes Road have been advertised. Anticipated that tenders will be awarded at the December meeting of council.</td>
</tr>
<tr>
<td>4.1.5.6 Continue to implement the council’s Procurement Policy as a lever for improving employment opportunities for people with a disability.</td>
<td>75</td>
<td>Next review of the policy is underway and will be presented to council in the fourth quarter of 2018-2019. Social outcomes through council procurement continues to be monitored and reported.</td>
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<tr>
<td>4.1.6.5 Ensure businesses and community are well-informed and updated during major works in the CBA.</td>
<td>33</td>
<td>Council has informed and updated CBA businesses regarding the final stage of High Street construction in 2019. This includes face to face discussions with traders from the effected zone on the following: • Finalisation of tender process. • Effective use of a deploying a parking map strategy. • Effective usage of available widow / wall space for directional signage. • Timelines surrounding starting of work and how businesses will be impacted. During this stage of communication the following was also completed: • An Information session held with COW staff with the purpose to field questions and answers from the business community. • Discussion with major commercial real-estate agents for the purpose of any questions they may field from tenants on the subject. • Team training with the Library staff on timing of works. This includes common questions and answers for Library staff when the community engage with them on the subject. • Planning session held by Phil Badura (Action Business Coach) regarding upcoming road works. This included Phil walking High Street talking to businesses on the issue and how they can plan for any disruption.</td>
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<tr>
<td>5.1.1.1 Ensure outcomes of council meetings are readily accessible to members of the community.</td>
<td>75</td>
<td>Minutes are uploaded on the web, and placed in the library. Meetings are live streamed and video recorded for later viewing through council's YouTube page. Media releases are issued for items of public interest. Question time questions and answers are provided on council web page.</td>
</tr>
<tr>
<td>5.1.2.1 Provide council services and projects with a strong financial planning framework.</td>
<td>75</td>
<td>Working with business unit and project managers to ensure accurate financial planning and reporting. 2019-2020 budget setting process is well advanced, with councillor workshops completed.</td>
</tr>
<tr>
<td>4.1.6.7 Continue to attract new and diverse retail businesses to our city centre.</td>
<td>75</td>
<td>Wodonga Council is regularly cold calling retail businesses to consider Wodonga’s central business area. Understanding the major brands are already represented in Wodonga Plaza and Albury, Council is specifically targeting higher end retail to compliment the High Street redevelopment</td>
</tr>
<tr>
<td>4.1.5.8 Develop a model for a innovation hub or incubator space for the city.</td>
<td>10</td>
<td>Wodonga Council has submitted a $300,000 grant application to the Victorian Government for a feasibility study to develop an Innovation Hub/Accelerator in Wodonga’s CBA. The grant is awaiting Minister approval.</td>
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<tr>
<td>5.1.3.1 Continue to lobby state and federal governments for funding towards projects of regional significance such as the Baranduda Fields sporting precinct.</td>
<td>85</td>
<td>The masterplan for Baranduda Fields has now been updated which has placed the council in a strong position where it now has a $10 million commitment as part of the federal elections. Council has $10 m in it's forward budget. Lobbying continues now at a State level for additional funds to deliver on more components in the plan.</td>
</tr>
<tr>
<td>4.1.6.8 Review and update the CBA Revitalisation Plan.</td>
<td>50</td>
<td>Initial discussions commenced with exec team for the scope of the CBA Plan review. Actions are being reviewed by the working group (Mar 2019).</td>
</tr>
<tr>
<td>5.1.2.2 Maintain accountable and transparent financial practices.</td>
<td>75</td>
<td>Financial statement preparation for the 2017-2018 year has been completed and audited. Audit recommendations are being actioned. Monthly and quarterly reporting is on track. A Rating Strategy Reference Group was established and included 7 community members and 2 Councillors. The group reviewed Council's rating strategy and prepared a report of recommendations to Council, which was subsequently adopted as the updated strategy.</td>
</tr>
<tr>
<td>5.1.2.3 Review and enhance our financial management and reporting system to ensure relevant and timely financial advice.</td>
<td>75</td>
<td>Implementing latest upgrade to Finance1 general ledger system. Once completed, a number of other system enhancements will be implemented, including improved budget preparation software. An Enterprise Budgeting model implementation is in progress with completion expected by 30 June 2019.</td>
</tr>
<tr>
<td>5.1.3.2 Meet with regional and neighbouring councils on a regular basis to discuss shared goals and outcomes.</td>
<td>75</td>
<td>Regular meetings held with Albury Council, and also meetings of the Alliance of Councils and Shires of the Upper Murray. Outcomes reported to councillor briefings.</td>
</tr>
<tr>
<td>5.1.3.3 Continue participation in Regional Cities Victoria and Regional Capitals Australia to keep both State and Federal governments’ focus on regional cities.</td>
<td>75</td>
<td>Mayor and CEO participate in fortnightly RCV teleconference and also attend annual meetings in Melbourne and other meetings as required. Outcomes reported to councillor briefings.</td>
</tr>
<tr>
<td>5.1.1.5 Implement Wodonga Council’s Gender Equity Strategy to promote and embed an organisational culture that embraces gender equality.</td>
<td>85</td>
<td>Gender equity team is responsible for the stewardship of the strategy across the organisation. A range of activities including data collection, gender pay equity audits, training and awareness raising has been undertaken across the organisation. At a more strategic level there are strong correlations between the gender equity strategy and the violence against women work that is being funded by the State government. The strategy is currently being reviewed and updated.</td>
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<tr>
<td>5.1.3.4 Lobby state and federal governments on a case by case basis on services cost-shifting to local government.</td>
<td>75</td>
<td>Mayor and CEO involved in regular meetings with State and Federal Government ministers, opposition representatives, and department heads to lobby on behalf of Wodonga. Outcomes reported to councillor briefings.</td>
</tr>
<tr>
<td>5.1.1.66 Continue to implement the council's social inclusion and human rights policies.</td>
<td>85</td>
<td>Council continues to adhere to and apply council's social inclusion and human rights policy.</td>
</tr>
<tr>
<td>5.1.1.67 Continue to undertake a program of service review to assess the appropriateness, effectiveness and efficiency of services while ensuring equity and access.</td>
<td>75</td>
<td>Several service reviews are currently underway or being finalized, in line with the five year schedule of planned reviews. Outcomes being reviewed and implemented. Service planning is nearing completion which will provide a framework and data for future service reviews.</td>
</tr>
<tr>
<td>5.1.3.5 Continue to lobby for appropriate levels of grant funding from other tiers of government to deliver priority projects, infrastructure and service needs to the community.</td>
<td>75</td>
<td>Successful grant funding announcement - State Government - with the $4m grant to the library and art gallery project. Other lobbying continues for a variety of projects/initiatives. Outcomes reported to councillor briefings.</td>
</tr>
<tr>
<td>5.1.3.7 Lobby the state and federal governments for key improvements to the passenger rail on the North East rail line and train rolling stock.</td>
<td>75</td>
<td>Recent announcements from the Federal Government on extra ARTC funding and inland rail.</td>
</tr>
<tr>
<td>5.1.3.8 Lobby and advocate for better transport options for the community through improvements to faster and more regular train and bus services.</td>
<td>75</td>
<td>The Mayor and CEO are working closely with both major parties at a Federal and State level to secure better outcomes for rail and bus transport. Also forms part of the 2C1C advocacy. Outcomes reported to councillor briefings.</td>
</tr>
<tr>
<td>5.1.3.9 Advocate and co-ordinate with state and federal governments to identify future infrastructure and facilities that will need to be planned to meet the growth of Wodonga and the region.</td>
<td>75</td>
<td>The Mayor and CEO have advocated for gasgate at Logic and Baranduda Fields. Work undertaken with Albury Wodonga Health on future hospital sites. Outcomes reported to councillor briefings.</td>
</tr>
<tr>
<td>4.1.2.5 Implement stage 2 of the Bonegilla Migrant Experience master plan subject to funding arrangements.</td>
<td>66</td>
<td>Funding secured through Building Better Regions Fund, agreement is in place, approvals being sought, select works in progress.</td>
</tr>
</tbody>
</table>
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 shown below.
## 10.5 - Assemblies of councillors (cont’d)

Councillor briefing of Monday, April 15, 2019, commencing at 10am and concluding at 11.40am.

<table>
<thead>
<tr>
<th>Venue</th>
<th>Tafe Space, Board Room, level one, 1/158 Lawrence St, Wodonga.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>In attendance</strong></td>
<td></td>
</tr>
<tr>
<td>Anna Speedie</td>
<td>Mayor and councillor All items</td>
</tr>
<tr>
<td>Kat Bennett</td>
<td>Councillor Leave of absence</td>
</tr>
<tr>
<td>Libby Hall</td>
<td>Councillor All items</td>
</tr>
<tr>
<td>Danny Lowe</td>
<td>Councillor All items</td>
</tr>
<tr>
<td>Ron Mildren</td>
<td>Councillor All items, except part of item 1 and part of item 3.</td>
</tr>
<tr>
<td>Brian Mitchell</td>
<td>Councillor All items</td>
</tr>
<tr>
<td>John Watson</td>
<td>Councillor All items</td>
</tr>
<tr>
<td>Debra Mudra</td>
<td>Acting Chief Executive Officer All items</td>
</tr>
<tr>
<td>Narelle Klein</td>
<td>Director Business Services All items</td>
</tr>
<tr>
<td>Kellie Davies</td>
<td>Acting Director Community Development All items</td>
</tr>
<tr>
<td>Leon Schultz</td>
<td>Director Planning &amp; Infrastructure All items</td>
</tr>
<tr>
<td>Kevin Scully</td>
<td>Governance Officer All items</td>
</tr>
<tr>
<td><strong>Conflict of interest disclosures</strong></td>
<td></td>
</tr>
<tr>
<td>Councillor Item</td>
<td>Did the councillor leave the meeting?</td>
</tr>
<tr>
<td>Ron Mildren Item 1 – that part of the item</td>
<td>Yes</td>
</tr>
<tr>
<td>relating to Central Place.</td>
<td></td>
</tr>
<tr>
<td>Ron Mildren Item 3 – that part of the item</td>
<td>Yes</td>
</tr>
<tr>
<td>relating to community impact and partnership grants.</td>
<td></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. Review of agenda for ordinary council meeting
4. Briefing reports were provided on the following:
   a) Website update
   b) Reconfiguration of Lawrence Street Melrose Drive to Morrison Street
### Councillor briefing of Monday, April 29, 2019, commencing at 8.30am and concluding at 10.45am.

**Venue**  
Tafe Space, Board Room, level one, 1/158 Lawrence St, Wodonga.

**In attendance**

<table>
<thead>
<tr>
<th>Councillor</th>
<th>Position</th>
<th>Items Discussed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anna Speedie</td>
<td>Mayor and councillor</td>
<td>All items</td>
</tr>
<tr>
<td>Kat Bennett</td>
<td>Councillor</td>
<td>All items</td>
</tr>
<tr>
<td>Libby Hall</td>
<td>Councillor</td>
<td>All items</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</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>Mark Dixon</td>
<td>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>Debra Mudra</td>
<td>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>Kellie Davies</td>
<td>Manager Communications &amp; Marketing</td>
<td>Items 3d and 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>Ron Mildren</td>
<td>3a – Waste Management Strategy</td>
<td>Yes</td>
</tr>
<tr>
<td>Ron Mildren</td>
<td>3f - Amendment to Planning Permit – town houses</td>
<td>Yes</td>
</tr>
<tr>
<td>Ron Mildren</td>
<td>3g - Possible CBA land swap</td>
<td>Yes</td>
</tr>
<tr>
<td>John Watson</td>
<td>Part of item 3b considering Huon Hill land associated with lease of Telstra Telecommunications Tower.</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) Waste Management Strategy
   b) Hill Strategy Priority List
   c) Review of the Instruments of Delegation
   d) Council Plan adjustment
   e) Draft Budget Communications Plan
   f) Amendment to Planning Permit – town houses
   g) Possible CBA land swap
### Councillor briefing of Monday, May 6, 2019, commencing at 9.30am and concluding at 11.45am.

**Venue**  
Tafe Space, Board Room, level one, 1/158 Lawrence St, Wodonga.

<table>
<thead>
<tr>
<th>In attendance</th>
<th></th>
<th>All items</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Anna Speedie</td>
<td>Mayor and councillor</td>
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<tr>
<td>Kat Bennett</td>
<td>Councillor</td>
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<tr>
<td>Libby Hall</td>
<td>Councillor</td>
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<tr>
<td>Danny Lowe</td>
<td>Councillor</td>
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<tr>
<td>Ron Mildren</td>
<td>Councillor</td>
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<tr>
<td>Brian Mitchell</td>
<td>Councillor</td>
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<tr>
<td>John Watson</td>
<td>Councillor</td>
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<tr>
<td>Mark Dixon</td>
<td>Chief Executive Officer</td>
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<tr>
<td>Narelle Klein</td>
<td>Director Business Services</td>
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<tr>
<td>Debra Mudra</td>
<td>Director Community Development</td>
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<tr>
<td>Leon Schultz</td>
<td>Director Planning &amp; Infrastructure</td>
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<tr>
<td>Kevin Scully</td>
<td>Governance Officer</td>
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<tr>
<td>Simon Maughan</td>
<td>Team Leader Statutory Planning</td>
<td>Item 4a</td>
<td></td>
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</tr>
<tr>
<td>Steven Hawkins</td>
<td>Statutory Planner</td>
<td></td>
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<tr>
<td>Ken Chan</td>
<td>Team Leader Strategic Planning</td>
<td>Item 4b</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Timothy Cheetham</td>
<td>Senior Strategic Planner</td>
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</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>Item 4g - Amendment to planning permit - town house development</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. Review of draft council meeting agenda.
4. Briefing reports were provided on the following:
   a) Planning permit 193/2018 - Whytes Road, Baranduda - Use and Development of a Contractors Depot and Materials Recycling Facility (Construction and Demolition Materials Recycling)
   b) Planning Scheme Amendment C129 - Introduction of the Specific Controls Overlay to facilitate the development of the Baranduda Village Convenience Centre
   c) Holiday park- Deeds of options
   d) Waste Management Reserve policy
   e) Submission into the Parliamentary Inquiry into recycling and waste management
   f) Hills advisory group report
   g) Amendment to planning permit - town house development
10 - Officers reports for information

Business Services

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.

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.

For information only.
### 10.6 - Decisions register

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>
</table>
| Resolution | 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. |
| Status | In progress. Subject to further consideration as a part of the 2019-2020 budget process. |

<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>
</table>
| Resolution | 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. |
| Status | Request sent to Minister. |

<table>
<thead>
<tr>
<th>Item</th>
<th>Intention to enter into lease - Hockey Albury Wodonga Incorporated (20/08/2018)</th>
</tr>
</thead>
</table>
| Resolution | 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 |
### 10.6 - Decisions register (cont’d)

<table>
<thead>
<tr>
<th>Item</th>
<th>Speed limit review - various locations (20/08/2018)</th>
</tr>
</thead>
</table>
| Resolution | 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 Moorefield 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. |
| Status | In progress. Application for speed variation sent to VicRoads. |

<table>
<thead>
<tr>
<th>Item</th>
<th>Wodonga Historical Society (17/09/2018)</th>
</tr>
</thead>
</table>
| 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 | 1. Completed. 2. In progress – to be considered as part of the new library / gallery. |

<table>
<thead>
<tr>
<th>Item</th>
<th>Wodonga Planning Scheme Review 2018 (10/12/2018)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolution</td>
<td>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</td>
</tr>
</tbody>
</table>

---

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 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.
### 10.6 - Decisions register (cont’d)

<table>
<thead>
<tr>
<th>Item</th>
<th>Resolution</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environment Act 1987.</td>
<td></td>
<td>Request sent to DELWP.</td>
</tr>
<tr>
<td>Wodonga Planning Scheme Amendment C98 Central Business Area Parking Overlay - for adoption (10/12/2018)</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Petition - Golf Cart access to the Wodonga Golf Course (10/12/2018)</td>
<td>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.</td>
<td>In progress.</td>
</tr>
<tr>
<td>Waste Management Strategy (21/01/2019)</td>
<td>That the draft Waste Management Strategy 2019 -2023, as tabled, be endorsed for public exhibition and comment</td>
<td>In progress.</td>
</tr>
<tr>
<td>Chapples Rd, Baranduda - river access (21/01/2019)</td>
<td>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</td>
<td>In progress.</td>
</tr>
<tr>
<td>Meeting Procedure Local Law (18/03/2019)</td>
<td>That: 1. In accordance with sections 119 and 223 of the Local Government Act 1989 (the Act) notice be given in the Government Gazette and a public notice in the Border Mail of the intention to revoke the existing Meeting Procedure Local Law, No. 1 of 2009, and to make a new local law, Meeting Procedure Local Law, No. 1 of 2019 (proposed Local Law); 2. The proposed Local Law, as attached, be endorsed for the purposes of</td>
<td></td>
</tr>
</tbody>
</table>
community consultation under section 223 of the Act;
3. The public notice stipulate that persons may make a submission on the proposed Local Law in accordance with Section 223 of the Act and that written submissions must be received on a date that is at least 28 days after the publication of the notice;
4. The Chief Executive Officer be authorised to undertake the administrative procedures necessary to enable the council to carry out its functions under section 223 of the Act in relation to this matter;
5. If submissions are received under section 223 of the Act a special meeting of the 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; and
6. A further report be provided to a future Council meeting on the results of the section 223 process to enable Council to consider making the proposed Local Law.

**Status**
Section 223 consultation is underway. In progress.

<table>
<thead>
<tr>
<th>Item</th>
<th>Master Plan Update - Birallee Park and Kelly Park (18/03/2019)</th>
</tr>
</thead>
</table>
| **Resolution** | That:
1. The draft *Birallee Park Master Plan and Kelly Park Master Plan* be placed on public exhibition for at least 28 days with a further report to be presented to a council meeting for final consideration; and
2. Prior to public exhibition the option to sell the vacant land at Birallee Park be removed from the Master Plan. |
| **Status** | Advertised on 4 April. In progress. |

<table>
<thead>
<tr>
<th>Item</th>
<th>Petition - parking restrictions in Church Street (18/03/2019)</th>
</tr>
</thead>
</table>
| **Resolution** | That:
1. Option 5, Close Church St to through traffic at the Goods Shed, be implemented in the short term.
2. Full closure be considered at the termination of the final lease, and any renegotiated leases to be in the knowledge of a full closure of Church St in future. |
| **Status** | Quotes received for works. Commencement date for works to be negotiated. |

<table>
<thead>
<tr>
<th>Item</th>
<th>Rating Strategy Review 2019 (16/04/2019)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Resolution</strong></td>
<td>That the 2019 Rating Strategy, as tabled, be adopted.</td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Completed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>March 2019 Quarterly and Monthly Finance Report (16/04/2019)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Resolution</strong></td>
<td>That the March 2019 Quarterly and Monthly Finance Report be approved.</td>
</tr>
<tr>
<td><strong>Status</strong></td>
<td>Completed.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Item</th>
<th>Birallee Park indoor cricket training facility project - Single Contractor works package (16/04/2019)</th>
</tr>
</thead>
</table>
| **Resolution** | That:
1. The tender from Southern Cross Developers Pty Ltd be accepted as the successful tenderer for contract W1643 - 19, Birallee Park indoor cricket training facility project- single package including all advertised 14 |
Components as listed in this report.
2. Southern Cross Developers Pty Ltd be appointed as a principal contractor.
3. The contract sum be $1,269,599.30 (excl. GST) as per the schedule of rates submitted.
4. An additional $211,000 be allocated to the project from savings in the current capital program.

### Status
Completed.

|------|--------------------------------------------------------------------------------------------------|
| Resolution | That:  
1. The community impact grants be approved in accordance with the recommendations of the assessment panel, excluding applicant 00163; and  
2. The community partnership grants be approved in accordance with the recommendations of the assessment panel. |
| Status | Completed. |

### Item
Donation and Sponsorship Requests (16/04/2019)

### Resolution
That:  
1. A donation of $3,000 be approved for Restart Albury Wodonga; and  
2. Sponsorship of $1,500 be approved for GO Local Media Group.

### Status
Completed.

### Item
Draft Wodonga Activity Centre Hierarchy Strategy (16/04/2019)

### Resolution
That the Draft Wodonga Activity Centre Hierarchy Strategy be endorsed for public exhibition and community consultation for a period of four weeks with a further report to be submitted to council for consideration once public exhibition has been completed.

### Status
In progress.

### Item
Planning for the Wodonga Hills - Wodonga Hills Advisory Group interim report (16/04/2019)

### Resolution
That:  
1. The Wodonga Hills Advisory Group’s interim report of April 2019 be received.  
2. This report be circulated to all nominated stakeholder agencies of the Wodonga Hills Advisory Group for 21 days.  
3. The Advisory Group call an additional meeting, comprising a quorum, to vote on ratification of the report.  
4. The Advisory Group provide an updated report to the council at its ordinary meeting in June.

### Status
In progress.

### 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.

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 received for this meeting.
12 - Petitions

There were no petitions received for this meeting.
13.1 - Appointment of authorised officer

Purpose of report

This report is for the purpose of appointing a council officer as an authorised officer under the Planning and Environment Act 1987.

Background

Section 224(1) of the Local Government Act 1989 provides that “a council may appoint any person other than a councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the council”.

There is a basic distinction between a delegation and an appointment. A delegate acts on behalf of the council, exercising the council's powers. A person who is appointed to a position has the powers of that position.

Planning and compliance officers are required to act as authorised officers under a number of Acts and Regulations. The Chief Executive Officer has the delegated authority to make these appointments for all Acts and Regulations, with the exception of the Planning and Environment Act (the Act). The legal position is that s.188(2)(c) of the Act provides that councils cannot delegate the power to authorise officers for the purpose of enforcing the Act, and that limitation does not apply to any other Act.

It is important that Len McGaffin, Civic Services Officer (Compliance), be able to act as an authorised officer under the Act to ensure good governance and effective enforcement of the Act.

A copy of the instrument of appointment is attached to this report.

Attachments

The following documents are attached to this report:

- Attachment A: Instrument of appointment and authorisation

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.
Governance Officer - Kevin Scully
In providing this advice as the report author, I have no interests to disclose in this report.

**Recommendation**

In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the *Planning and Environment Act 1987* Council resolves that:

1. Len McGaffin be appointed and authorised as set out in the attached instrument.

2. The instrument come into force immediately the Common Seal of Council is affixed to the instrument, and remains in force until the Council determines to vary or revoke it, and is taken to be revoked upon the officer ceasing employment at Wodonga City Council.

3. The instrument be sealed.

**Motion**

Crs Kat Bennett / John Watson

That the recommendation be adopted.  

*Carried*
Instrument of appointment and authorisation by council

May 13, 2019

Len McGaffin
Instrument of appointment and authorisation

In this instrument "officer" means -

Len McGaffin

By this instrument of appointment and authorisation Wodonga City Council -

1. under section 147(4) of the Planning and Environment Act 1987 - appoints the officer to be an authorised officer for the purposes of the Planning and Environment Act 1987 and the regulations made under that Act; and

2. under section 232 of the Local Government Act 1989 authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument -

(a) comes into force immediately upon its execution;
(b) remains in force until varied or revoked, and is taken to be revoked upon the officer ceasing employment at Wodonga City Council.

This instrument is authorised by a resolution of the Wodonga City Council on May 13, 2019.

The Common Seal of the Wodonga City Council was affixed hereto on May 13, 2019 in the presence of

Chief Executive Officer Councillor Councillor
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;
   k) relates to matters affecting the security of Council property; or
   l) relates to legal advice;
   m) 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.

One question was received from Beverley Zuber regarding Wodonga Croquet Club. Ms Zuber was advised that a written response would be provided within seven days.
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 Brian Mitchell / Kat Bennett

That the recommendation be adopted.  

Carried

*The Meeting was adjourned from 7.03pm to 7.04pm.*
16 - Confidential business

16.1 - Confirmation of confidential minutes

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*. 
16 - Confidential business

### 16.2 - Proposed CBA land exchange

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*:

- (d) contractual matters;
- (e) proposed developments.
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 Ron Mildren / Kat Bennett
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 Brian Mitchell / Kat Bennett
That the recommendation be adopted.  
Carried

• Chairperson to close the meeting.

There being no further business the meeting closed at 7.10pm.

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

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