Minutes

Wodonga Council minutes for the Special meeting of the council held in the Council Chamber – 104 Hovell St, Wodonga on June 22, 2020.

Present

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

In attendance

Mr M Dixon  Chief Executive Officer
Ms D Mudra  Deputy Chief Executive Officer
Ms N Klein  Director Finance and Systems
Ms S Hogg  Director Community Development
Mr L Schultz  Director Planning and Infrastructure
1. **Calling to order**

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

2. **Statement of acknowledgement**

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

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

   An apology was received from Cr Mildren.

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

   There were none.

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

   There were no conflict of interest disclosures.

6. **Officers reports for determination**

   6.1 Request to be heard - draft 2020-2021 Budget

7. **Urgent business**

8. **Confidential urgent business**

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

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

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

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

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

However, persons in attendance at a public council meeting are advised that incidental capture of an image or sound of persons in the public gallery may occur. By remaining at the meeting persons give their consent to being filmed and the possible use of images and sound recordings in a live streaming or published video of the public council meeting.
### Environmental Impact

<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>Brief, non-hazardous, or contained temporary pollution</td>
<td>Residual pollution requiring cleanup</td>
<td>Significant harm to the environment requiring restorative work</td>
<td>Inversible damage to the environment</td>
<td></td>
</tr>
<tr>
<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 surcharge</td>
<td>Total impact on revenue or expenditure that may lead to the organisation being placed into administration</td>
<td></td>
</tr>
</tbody>
</table>

### Service Delivery

- 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.
- 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.
- 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.
- Would threaten the organisation’s viability or would not allow the organisation to achieve its objectives.

### Reputation

- Limited political/community sensitivity. No reputational damage. Resolved in normal operational management.
- Some political/community sensitivity and local media scrutiny and/ or requires external audit.
- Results in significant political community sensitivity and media scrutiny and/or parliamentary questions.
- Results in extreme political/community sensitivity and media scrutiny or may result in a commission of inquiry or request.

### Safety

- May result in minor injury or reversible health damage which may be dealt with through primary First Aid.
- Result in injury or health impacts that are reversible, but may require medical attention but limited ongoing treatment.
- Result in life-threatening or serious injury which is irreversible requiring medical attention and ongoing treatment.
- Result in death or permanent disability of one or more people.

### Legislative Compliance

- Minor technical breach but no damages.
- Minor technical non-compliance and breaches of regulations or law with potential for minor damage or monetary penalty.
- Major compliance breach with potential exposure to large damages or awards.
- Susceptible compliance breach with potential prosecution with maximum penalty imposed.

### Consequence

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Almost Certain (A)</th>
<th>Likely (B)</th>
<th>Possible (C)</th>
<th>Unlikely (D)</th>
<th>Rare (E)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Significant</td>
<td>Medium</td>
<td>Significant</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td></td>
<td>High</td>
<td>Significant</td>
<td>High</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td></td>
<td>Extreme</td>
<td>High</td>
<td>High</td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td></td>
<td>Extreme</td>
<td>High</td>
<td>High</td>
<td>High</td>
<td>Significant</td>
</tr>
</tbody>
</table>

### Response based on risk score

- **Extreme** - Council/CEO’s attention immediately required. Possibly avoid undertaking the activity OR implement new controls.
- **High** - Director’s attention required. Consider suspending or ending activity OR implement additional controls.
- **Significant** - Manager’s attention required. Ensure all controls are in place and operating and management responsibility is clear.
- **Medium** - Manage through usual procedures and accountabilities.
- **Low** - Add treatments where appropriate.
6.1 - Request to be heard - draft 2020-2021 Budget

Purpose of report

This Special Council Meeting is being held to hear from persons who have requested to be heard in support of a written submission under section 223 of the Local Government Act 1989 (the Act) on the draft 2020-2021 Budget. This report explains the process for the hearings.

Background

At its meeting of May 18, 2020 the Council resolved to give public notice of the draft 2020-2021 Budget. The public notice was given on Wednesday, May 20 and the period for submissions closed on Wednesday, June 17, 2020.

The section 223 process provides that a person making a submission is entitled to request that they be heard in support of their written submission. Seven submissions were received, and two submitters have requested to be heard. A copy of the two submissions are tabled, being from:

1. Julia Boer
2. Erin Wimhurst – Julia Boer will speak on behalf of Erin Wimhurst.

The submitters have been advised that:

- All councillors will receive a copy of your written submission.
- You will have up to 15 minutes to speak to your written submission.
- Your comments should be in support of your written submission. In other words you shouldn’t introduce new information, but rather speak to what you have already mentioned / provided in your written submission to the Council.
- Your comments, or a summary of them, may be included in a report to the Council meeting of June 29, 2020.
- Other than to clarify procedural matters through the Chairperson, there will be no opportunity to ask questions of the Council.
- There will be no questions directed at you while you are speaking. The Chairperson or councillors may ask questions once you have finished speaking in order to clarify or explore matters raised.
- You are requested to observe any directions that the Chairperson may give.
Council Plan

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

Council policy / strategy implications

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

Risk 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>Section 223 hearing is not held and Council is in breach of the Act.</td>
<td>1</td>
<td>E</td>
<td>Significant</td>
<td>Conduct the hearing in accordance with the requirements in the Act.</td>
</tr>
</tbody>
</table>

Financial implications

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

Environmental implications

There are no environmental implications associated with this report.

Social / cultural implications

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

Legislative implications

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

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

Options for consideration

The Council is required by legislation to provide for submitters to be heard in support of section 223 submissions. This process complies with the resolution of the Council of May 18, 2020.

Conclusion

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

Attachments

Nil

Tabled papers

The following documents will be tabled at the meeting:

- Document A: Submission from Julia Boer
- Document B: Submission from Erin Wimhurst

Declaration of conflict of interests

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

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

Governance Officer - Kevin Scully
In providing this advice as the report author, I have no interests to disclose in this report.
Recommendation

That the presentations made by Julia Boer and Erin Wimhurst, be noted, and a summary of the presentations be included in a report on the section 223 process for the draft 2020-2021 Budget to the ordinary meeting of the Council scheduled for June 29, 2020.

Motion

Crs Kat Bennett / Brian Mitchell

That the presentation made by Julia Boer on behalf of herself and on behalf of Erin Wimhurst, be noted, and a summary of the presentation be included in a report on the section 223 process for the draft 2020-2021 Budget to the ordinary meeting of the Council scheduled for June 29, 2020.

Carried

Summary of section 223 presentation

Julia Indi spoke in support of her written submission and the written submission of Erin Wimhurst.

In her presentation she highlighted the following:

There is growing demand for:
- Progressing jumps and drop offs along the rock n Roller trail for intermediate and advanced riders
- Funding for first aid equipment, displayed at the junction points of the MTB trails
- Proper signage
- Picnic tables or some form of proper rest area
- Toilet

Ms Boer emphasised the role of the sport regionally, nationally and internationally, and its importance to the Wodonga economy. She said there was a great opportunity for Wodonga to link itself to the development of a new mountain bike track at Mitta Mitta. Further the presentation noted the importance of good facilities to support women in sport.
Clause 24 of the Council's *Meeting Procedure Local Law* (no. 1 of 2019) states:

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

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

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

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

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

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

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

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

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

- Chairperson to close the meeting.

There being no further business the meeting closed at 9.45am.

Minutes confirmed this ..................... day of .............................. 2020.

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Chairperson