Minutes

Wodonga Council minutes for the Special meeting of the council held in the Council Chamber – 104 Hovell St, Wodonga on June 19, 2017.

Present
Cr K Bennett
Cr L Hall
Cr D Lowe
Cr R Mildren
Cr T Quilty
Cr J Watson

In attendance
Mr T Ierino Director Business Services
Ms D Mudra Director Community Development
Mr L Schultz Director Planning and Infrastructure
Ms N Klein Manager Finance
1. Calling to order

The meeting was called to order at 9am by Mr Trevor Ierino, Director Business Services.

Mr Ierino advised that he was the CEO’s delegate for the meeting and that in the absence of the Mayor it was necessary for the councillors to elect a chairperson. The election process would be undertaken at item four.

2. Statement of acknowledgement

Mr Ierino 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 the Mayor, Cr Anna Speedie.

The CEO was also absent on council business.

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

Recording of council meeting

Mr Ierino 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.

Election of Chairperson

Mr Ierino invited nominations for the position of Chairperson. Cr Watson nominated Cr Danny Lowe. The nomination was seconded by Cr Quilty, and the nomination was accepted.

There were no other nominations. In the absence of any other nominations Cr Lowe was declared Chairperson and assumed the chair.

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 - budget and council plan
7. Urgent business

8. Confidential urgent business

9. Close of meeting
### Risk Management Table

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Minor (4)</th>
<th>Moderate (3)</th>
<th>Major (2)</th>
<th>Outstanding (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Opportunities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>May change attitude or contribute to a change in attitude of small section of the community or organization.</td>
<td>May change in small section of the community and/or organizational behaviors.</td>
<td>May change in sections of the community and/or organizational behaviors.</td>
<td>May change in sections of the community and/or organizational behaviors.</td>
<td></td>
</tr>
<tr>
<td>May improve or contribute to the improvement of reputation with small section of the community.</td>
<td>May improve or contribute to the enhancement of reputation with small sections of the community.</td>
<td>May improve or contribute to the enhancement of reputation with sections of the community.</td>
<td>May improve or contribute to the enhancement of reputation with all most of the community.</td>
<td></td>
</tr>
<tr>
<td><strong>Risks</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Could require action to offset the impact on some aspect of a business unit's program or project.</td>
<td>Would not threaten a business unit’s program or project.</td>
<td>Would threaten the continuation of a business unit’s program or project.</td>
<td>Would threaten the continuation of a business unit’s program or project.</td>
<td></td>
</tr>
<tr>
<td>May result in minor injury or reversible health damage.</td>
<td>May result in minor injury or reversible health damage.</td>
<td>May result in major injury or irreversible health damage.</td>
<td>May result in major injury or irreversible health damage.</td>
<td></td>
</tr>
</tbody>
</table>

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

**Risk Management Legend**

- **C** - Council/CEO's attention immediately required. Possibly avoid undertaking the activity OR implement new controls.
- **M** - Director's attention required. Consider suspending or ending activity OR implement additional controls.
- **S** - Manager's attention required. Ensure that controls are in place and operating and management responsibility is agreed.
- **L** - Add treatments where appropriate.

**NB:** This table shows the legend to the codes used in some agenda reports.
6.1 - Request to be heard - budget and council plan

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 2017-2018 budget and the draft 2017-2021 council plan. This report explains the process to be followed.

Background

At its meeting of May 15, 2017 the council resolved to give public notice of the draft 2017-2018 budget and the draft 2017-2021 council plan. The public notice was given on Wednesday, May 17 and the period for submissions closed on Wednesday, June 14, 2017.

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. Six submissions were received, four of whom have asked to be heard:

1. Telemark Nordic Ski Club, in partnership with Australian Biathlon Association and Sporting Shooters’ Association of Australia Wodonga Branch – submission on the draft budget.
2. Michael Fraser – this submission was for both the draft budget and the draft council plan.
3. Wodonga Men’s Shed – submission on the draft budget.
4. Border BMX Club - submission on the draft budget.

The submitters have been advised that:

- All councillors have received a copy of the submission.
- You will have up to 15 minutes to speak to the submission. The Chairperson may extend the period if it appears that the time allowed is insufficient where there is complexity in the submission.
- The comments, or a summary of them, may be included in a report to a future Council meeting at which a report on the section 223 process will be considered.
- Your comments should be in support of the written submission.
- Other than to clarify procedural matters through the Chairperson, there will be no opportunity to ask questions of the councillors.
- There will be no questions directed at you while you speak to the submission. The Chair or other councillors may ask questions once you have finished speaking to the submission 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>
<th>Key priority activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>We are innovative, responsive and responsible in the way we conduct business.</td>
<td>Practice good governance, act with transparency and integrity in our decision-making.</td>
<td>Not applicable</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 council’s operational budget for 2016-2017.

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.
6.1 - Request to be heard - budget and council plan (cont’d)

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 15, 2017.

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 Telemark Nordic Ski Club, in partnership with Australian Biathlon Association and Sporting Shooters’ Association of Australia Wodonga Branch
- Document B: Submission from Michael Fraser
- Document C: Submission from Wodonga Men’s Shed
- Document D: Submission from Border BMX Club Committee

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 - Trevor Ierino
In providing this advice, I have no interests to disclose in this report.

Governance Officer - Kevin Scully
In providing this advice as the report author, I have no interests to disclose in this report.
6.1 - Request to be heard - budget and council plan (cont’d)

**Recommendation**

That the presentations made in support of the section 223 submissions from:

1. Telemark Nordic Ski Club, in partnership with Australian Biathlon Association and Sporting Shooters’ Association of Australia Wodonga Branch;
2. Michael Fraser,
3. Wodonga Men’s Shed, and
4. Border BMX Club

be noted, and a summary of the presentations be included in a report on the section 223 process for the draft 2017-2018 budget and the draft 2017-2021 council plan to the ordinary meeting of the council scheduled for June 26, 2017.

**Motion**

Crs Kat Bennett / Ron Mildren

That the recommendation be adopted.

Carried

The presentations were made by:

- Bob Cranage on behalf of the Telemark Nordic Ski Club;
- Michael Fraser;
- Alton Butt on behalf of the Wodonga Men’s Shed; and
- Brent McFarlane, Shane Ziebell, and Michael Clark on behalf of the Border BMX Club.
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 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.
9 – Close of meeting

- Chairperson to close the meeting.

There being no further business the meeting closed at 10am.

Minutes confirmed this ....................... day of ................................. 2017.

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Chairperson