

Minutes

for the Special Meeting of Council held in the Council Chamber – 104 Hovell Street, Wodonga on Thursday, December 4, 2014

Present

Cr R Wangman (Mayor)

Cr M Fraser

Cr E Kerr, from 9.03am

Cr A Speedie

Cr J Watson

In attendance

Ms D Mudra Acting Chief Executive Officer

Mr T Ierino Director Business Services

Ms S Hogg Acting Director Community Development

Mr T Panagopoulos Acting Director Planning and Infrastructure



OUR PEOPLE OUR CITY OUR FUTURE

PO Box 923, Wodonga, VIC 3689

Phone: (02) 6022 9300 Fax: (02) 6022 9322

info@wodonga.vic.gov.au wodonga.vic.gov.au

1. Calling to order

The meeting was called to order at 9am by the Mayor, Cr Rodney Wangman.

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

Apologies were received from Cr Mark Byatt and Cr Lisa Mahood.

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

Recording of council meeting

The Acting CEO advised that 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.

Period of public notice for this special meeting

The Acting CEO read the following:

"Section 89(4) of the Local Government Act requires that council must, at least seven days before the holding of a special meeting, give public notice of the meeting.

However section 89(4A) of the Act states that if urgent or extraordinary circumstances prevent a council from complying with the period of notice under subsection (4), the council must:

- give such public notice as is practicable; and
- specify the urgent or extraordinary circumstances which prevented the Council from complying with subsection (4) in the minutes.

This special meeting of council was called by the Mayor on Tuesday, December 2, 2014.

A public notice for the special meeting was published in the Border Mail of Wednesday, December 3, 2014.

In calling the special meeting the Mayor wrote:

While there is an ordinary meeting of council scheduled for December 15, I consider this offer to purchase land to be an urgent matter. If council subsequently resolves to advise of its intention to sell the land a section 223 process will be required. Given the Christmas / New Year period it would be prudent to commence this process as soon as possible, and to allow extra time for the section 223 process. This will ensure that the public process is conspicuous and there is no undue delay with formally responding to the offer. Both of these points would be at risk if consideration of the matter was to be delayed until the December 15 ordinary meeting.

The reasons specified by the Mayor in calling for the special meeting will be specified in the minutes”.

At this time, being 9.03am, Cr Kerr arrived at the meeting.

5. Declaration by councillors of any conflict of interest

There were no conflicts of interest disclosed.

6. Officers reports for determination

6.1 Proposed land sale at Logic Wodonga 4

7. Confidential business

Nil.

8. Close of meeting

There being no further business the meeting closed at 9.08pm.

Minutes confirmed this day of 2014.

.....
Chairperson

Proposed land sale at Logic Wodonga**Purpose of report**

Wodonga Council has received an offer from Blanalko Pty Ltd to purchase a parcel of land at Logic Wodonga, and to hold an option over two other land parcels, for the development of an intermodal rail terminal.

The purpose of this report is for the council to give public notice in accordance with sections 189 and 223 of the *Local Government Act 1989* (the Act), of its intention to sell land, and to grant options over land, to Blanalko Pty Ltd (ACN 005 822 926).

Background

The development of a rail terminal at Logic Wodonga was part of the original concept for the estate when it was established in 2004.

In agreeing to develop Logic Wodonga the council of the day planned its development around four key pillars, being an anchor tenant, an educational and training facility, a service centre, and a rail terminal.

In subsequent years the establishment of the Woolworths Distribution Centre, the Wodonga TAFE Driver Trainer Centre, and the Service and Fatigue Management Centre has meant that three of the four pillars have been achieved.

Throughout that time the development of a rail terminal at Logic Wodonga has featured as a key strategy within all of the council plans adopted by the councils of the day.

The offer from Blanalko Pty Ltd addresses the fourth pillar for Logic Wodonga.

The land sought is:

1. Lot A on proposed plan of subdivision no. PS726959D, Logic Boulevard, Barnawartha North 3688, being part of the land in certificates of title volume 11222 folios 052 and 054, volume 11077 folios 380, 381 and 382, volume 11000 folio 523, volume 10909 folio 337 and volume 11388 folio 372;
 2. Lot A on proposed plan of subdivision no. PS726961S, Tom Tanners Road, Barnawartha North 3688, being part of the land in certificates of title volume 10962 folio 729 and volume 11125 folio 320;
 3. Crown land (Government Road), Shire of Indigo, being part of Lady Franklin Road; and
 4. Crown Land (Government Road), City of Wodonga, being part of Lady Franklin Road,
- along with options to purchase the following land:
- Lot 1 on proposed plan of subdivision no. PS726960U Logic Industrial Park, Roche Drive, Barnawartha North; and
 - Lot 2 on proposed plan of subdivision no. PS726959D Logic Industrial Park, Logic Boulevard, Barnawartha North.

Proposed land sale at Logic Wodonga (cont'd)

Council plan

Strategic objective	Strategy	Key priority activity
Wodonga is a prosperous regional city, alive with opportunity and thriving on growth and investment	Create employment opportunities to support Wodonga's growing population.	Continue the development of the Logic Wodonga rail siding.

Council policy / strategy implications

The development of an intermodal terminal at Logic Wodonga is something that has been well canvassed in the community, state and federal government departments and the logistics sector. It has been a key action in the council plans developed by the councils elected in 2003, 2005, 2008 and 2012.

The 2012-13 strategic resource plan noted:

Council has completed a business case for the development of a bimodal terminal at LOGIC. Council is discussing the business case with the department of transport. In addition a Strategic Reference Group has been established to assist in guiding Logic in terms of its continued development into a Freight Activity Centre. The Department of Transport, Regional Development Victoria, VicRoads, Council and the Federal Governments Department of Transport and Regional Development are all participants in the Strategic Reference Group.

Risk and opportunity management implications

Risk description	C'quence	L'hood	Rating	Controls & Treatments
Council does not adhere to the requirements of section 189 of the Act.	1	C	H	Adhere to the requirements of the section 189 process as specified in this report.

Financial implications

The financial implications are not disclosed, beyond those included with the public notice, for commercial in confidence reasons.

Proposed land sale at Logic Wodonga (cont'd)

Environmental implications

There are no environmental implications associated with the section 189 process.

Social / cultural implications

There are no social / cultural implications associated with the section 189 process.

Legislative implications

The process set out in this report is legislated by sections 189 and 223 of the Act.

Consultation proposed / undertaken

The adoption of the recommendation will commence the public notice process required under section 189, and conducted in accordance with section 223 of the Act.

Options for consideration

1. Do nothing. This is not recommended as council must undertake a section 189 and 223 process as a part of determining whether to sell the land to Blanalko Pty Ltd.
2. Issue a public notice of council's intention to sell the land and grant options for land to Blanalko Pty Ltd.

Conclusion

This report has outlined the process to be followed by council if it wishes to consider the offer from Blanalko Pty Ltd to purchase land at Logic Wodonga for the development of a rail terminal.

Attachments

A copy of the public notice will be tabled at the meeting as attachment A.

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 as director, 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.

Proposed land sale at Logic Wodonga (cont'd)**Recommendation**

1. That Council authorises the Chief Executive Officer to give public notice under sections 189 and 223 of the Local Government Act 1989 of Council's intention to:
 - sell the following land:
 - Lot A on proposed plan of subdivision no. PS726959D, Logic Boulevard, Barnawartha North 3688;
 - Lot A on proposed plan of subdivision no. PS726961S, Tom Tanners Road, Barnawartha North 3688;
 - Crown land (Government Road), Shire of Indigo, being part of Lady Franklin Road; and
 - Crown Land (Government Road), City of Wodonga, being part of Lady Franklin Road
 - (**Sale Land**); and
 - grant options to sell and to sell the following land:
 - Lot 1 on proposed plan of subdivision no. PS726960U Logic Industrial Park, Roche Drive, Barnawartha North; and
 - Lot 2 on proposed plan of subdivision no. PS726959D Logic Industrial Park, Logic Boulevard, Barnawartha North,
 - (**Option Land**),

in accordance with the terms of the public notice, being Attachment A, as tabled.

2. That the public notice stipulate that persons may make a submission in respect of the proposal in accordance with Section 223 of the Local Government Act 1989 and that written submissions must be received by no later than noon on Friday, January 16, 2015.
3. That the Chief Executive Officer be 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 Council hold a Special Meeting of Council to hear from any persons who ask to be heard in support of their written submission at a meeting to be held at 9am on Monday, January 19, 2015 in Council's offices, 104 Hovell Street, Wodonga in relation to the proposed sale of the Sale Land and the proposed grant of options to sell and proposed sale of the Option Land.
5. That Council receives a further report following the completion of the procedures required under section 223 of the Act at a special meeting of council scheduled for 9am on Wednesday, January 28, 2015.

Proposed land sale at Logic Wodonga (cont'd)

Motion

Crs. Rodney Wangman / Anna Speedie

That the recommendation be adopted.

(Carried)

Proposed land sale at Logic Wodonga (cont'd)

Tabled document - Attachment A

NOTICE OF INTENTION TO SELL LAND AND TO GRANT OPTIONS TO SELL AND TO SELL OTHER LAND

Wodonga City Council (**Council**) gives notice under Sections 189 and 223 of the *Local Government Act 1989 (Act)* that it intends to sell its land, and grant options to sell and sell other land, as described below (**proposal**).

The land to be sold is:

1. Lot A on proposed plan of subdivision no. PS726959D (**Plan A**), being part of the land in certificates of title volume 11222 folios 052 and 054, volume 11077 folios 380, 381 and 382, volume 11000 folio 523, volume 10909 folio 337 and volume 11388 folio 372 known as Lot A, PS726959D, Logic Boulevard, Barnawartha North 3688;
2. Lot A on proposed plan of subdivision no. PS726961S (**Plan B**), being part of the land in certificates of title volume 10962 folio 729 and volume 11125 folio 320 known as Lot A, PS726961S, Tom Tanners Road, Barnawartha North 3688;
3. Crown land (Government Road) within the Shire of Indigo, shown on Plan C below; and
4. Crown Land (Government Road) within the City of Wodonga, shown on Plan C below.

(Land).

The proposal is that the Land be sold by private treaty to Blanalko Pty Ltd ACN 005 822 926 (**Purchaser**).

The principal terms of the Contract of Sale will be:-

1. A purchase price at valuation.
2. Payment of a deposit of 10% of the price on exchange of contracts.
3. The contract is subject to a terms agreement, ending in 2023.
4. The Purchaser will be entitled to possession of the Land 7 days after the last to occur of the following:
 - the issue of a planning permit for a rail terminal on the Land;
 - the Purchaser securing government funding for the rail terminal;
 - registration of Plan A and Plan B; and
 - payment of further instalment of the price,

(Preliminary Settlement Date).

5. The Purchaser entering into a section 173 agreement with Council on the Preliminary Settlement Date in respect of the Land to be registered on title (if required), imposing obligations upon the Purchaser as follows:

Proposed land sale at Logic Wodonga (cont'd)

- to construct a rail terminal in accordance with the relevant planning permit; and
 - to construct the rail terminal within agreed timeframes.
6. The grant by Council to the Purchaser on the Preliminary Settlement Date of options to sell the following land:
- Lot 1 on proposed plan of subdivision no. PS726960U (Plan D), being part of the land in certificates of title volume 11222 folios 052 and 054, volume 11077 folios 380, 381 and 382, volume 11000 folio 523, volume 10909 folio 337 and volume 11388 folio 372 known as Lot 1, PS726960U, Logic Industrial Park, Roche Drive, Barnawartha North; and
 - Lot 2 on Plan A, being part of the land in certificates of title volume 11222 folios 052 and 054, volume 11077 folios 380, 381 and 382, volume 11000 folio 523, volume 10909 folio 337 and volume 11388 folio 372 known as Lot 2, PS726959D, Logic Industrial Park, Logic Boulevard, Barnawartha North,

(collectively referred to as **Option Land**).

The terms of each option are as follows:

- exercisable within 5 years of the Preliminary Settlement Date;
- a purchase price at or above valuation;
- payment of a deposit of 10% of the price on exchange of contracts; and
- settlement is 60 days after registration of Plan D or Plan A (as the case may be).

If the options for the Option Land are exercised, the proposal is that the Option Land be sold.

7. Council to partially fund agreed infrastructure.
8. The parties entering into a rate concession deed.

A person may make a submission on the proposal.

Please note that copies of submissions (including submitters' names and addresses) will be made available at the Council meeting at which the above proposal will be considered. The Council is also required to make submissions available for public inspection for a period of twelve months.

Any person proposing to make a submission under section 223 of the Act must do so by noon on Friday, January 16, 2015.

All submissions will be considered in accordance with section 223 of the Act.

Submissions should be addressed to the Chief Executive Officer, and can be hand delivered to Council's Office at 104 Hovell Street, Wodonga, VIC 3690 or posted to the following address:

The Chief Executive Officer
Wodonga City Council

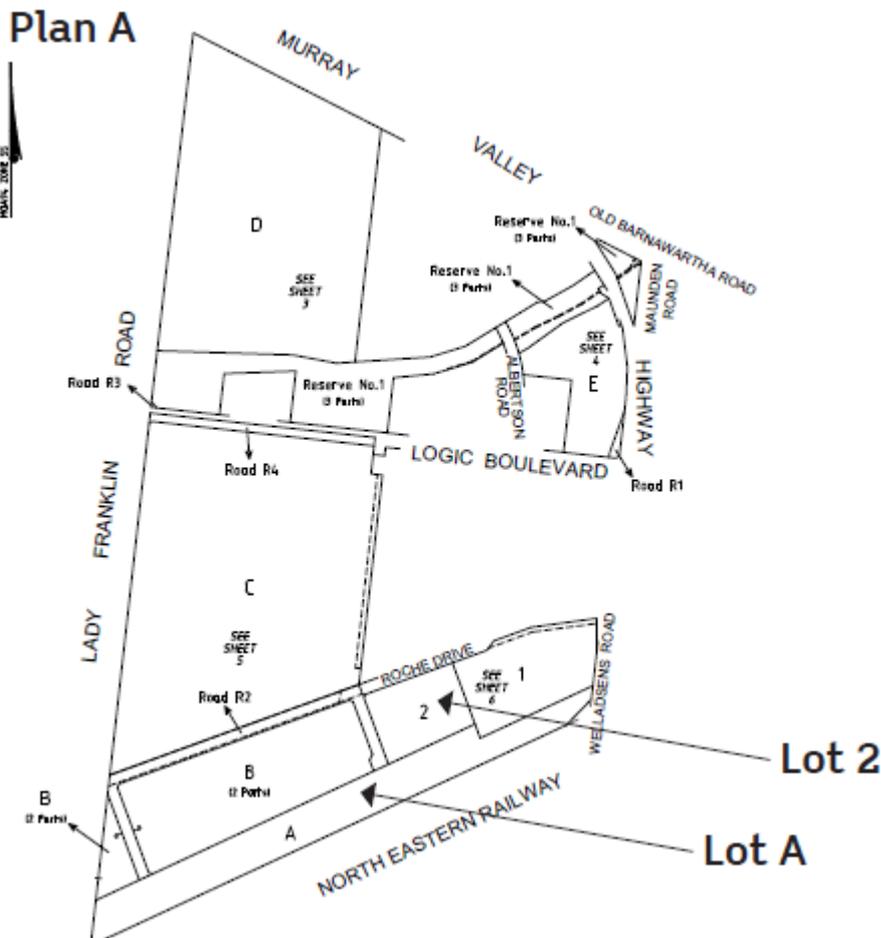
Proposed land sale at Logic Wodonga (cont'd)

P O Box 923
WODONGA VIC 3689

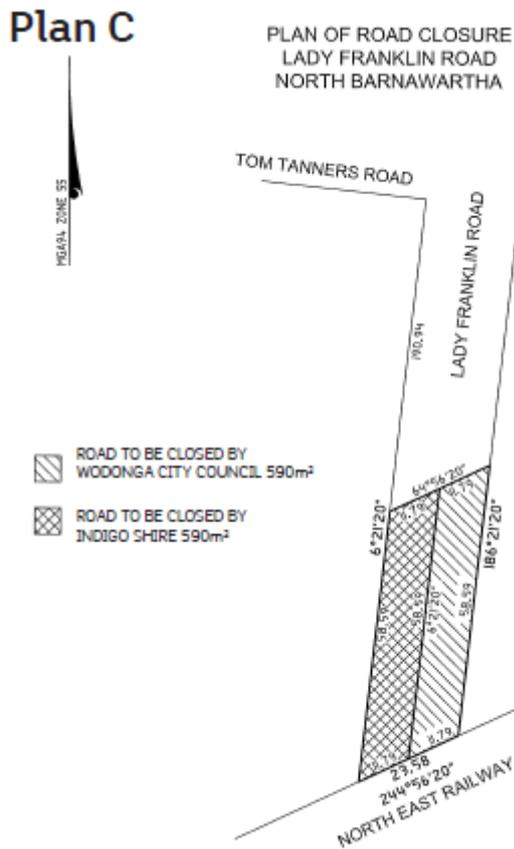
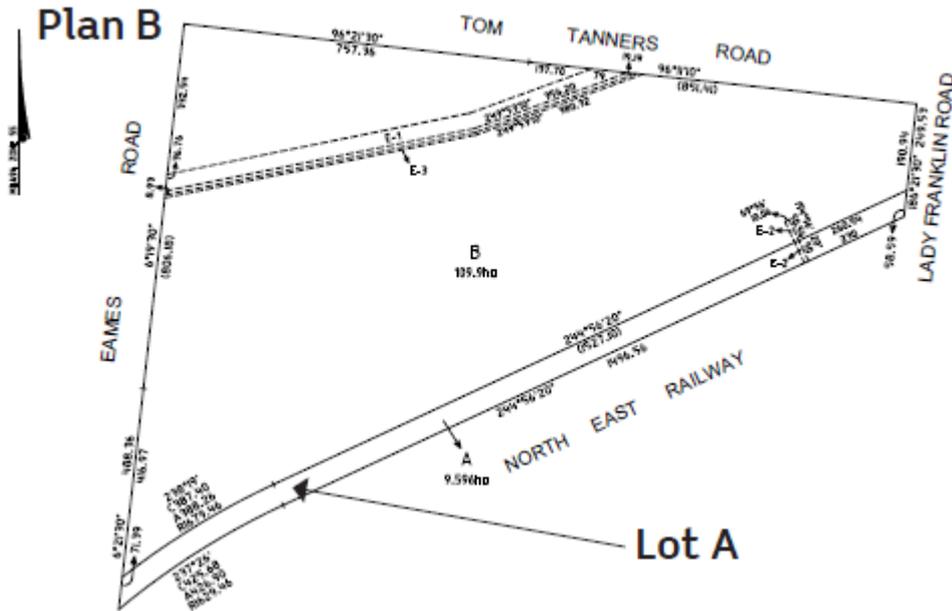
Any person requesting to be heard in support of his or her submission is entitled to be heard before Council (or a Committee established by Council for this purpose) or be represented by a person acting on his or her behalf. A special meeting of Council will be held at 9am on Monday, January 19, 2015 in the Council Chambers, Council Offices, Level 2, Hovell Street, Wodonga to hear from any person.

A special meeting of Council will be held at 9am on Wednesday, January 28, 2015 to consider a report on the section 223 process.

Debra Mudra
(Acting Chief Executive Officer)



Proposed land sale at Logic Wodonga (cont'd)



Proposed land sale at Logic Wodonga (cont'd)

