

# 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

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## 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

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**7. Urgent business**

**8. Confidential urgent business**

**9. Close of meeting**

	Minor (4)	Moderate (3)	Major (2)	Outstanding (1)
<b>Opportunities</b>	<ul style="list-style-type: none"> <li>may change attitude or contribute to a change in attitude of small section of the community or organisation OR</li> <li>small reduction in expenditure/no impact on budget or minimal/no increase in income for the business units' project or program OR</li> <li>may improve or contribute to the improvement of capacity and/or efficiency of some business units OR</li> <li>may enhance or contribute to the enhancement of reputation with small section of the community OR</li> <li>may improve or contribute to the improvement of health/wellbeing of staff and/or sections of the community</li> </ul>	<ul style="list-style-type: none"> <li>change in small section of the community and/or organisational behaviours OR</li> <li>moderate reduction in expenditure or increase in income for the business unit project or program (by 15% to 30%) OR</li> <li>improvement of capacity and/or efficiency of some business units OR</li> <li>enhancement of reputation with a small section of the community OR</li> <li>some improvement in health/wellbeing of staff and/or sections of the community</li> </ul>	<ul style="list-style-type: none"> <li>significant changes in sections of the community or organisational behaviours OR</li> <li>significant reduction in expenditure for the business units' project or program (by 30% or more) OR</li> <li>significant improvement in capacity and/or efficiency of multiple business units OR</li> <li>significant enhancement of reputation with sections of the community OR</li> <li>significant improvement in health/wellbeing of staff and/or sections of the community</li> </ul>	<ul style="list-style-type: none"> <li>significant change in community and organisational behaviours OR</li> <li>significant improvement in organisational financial position OR</li> <li>significant improvement in organisational capacity and/or efficiency OR</li> <li>significant enhancement of reputation with all/most of the community OR</li> <li>significant improvement in health, wellbeing of all/most community members or staff</li> </ul>
<b>Risks</b>	<ul style="list-style-type: none"> <li>could require action to offset the impact on some aspect of a business units' program or project OR</li> <li>consequence may be dealt with by routine operations or management action OR</li> <li>limited impact on the business units' operational objectives OR</li> <li>limited political/community sensitivity OR</li> <li>management reporting required OR</li> <li>may result in minor injury or reversible health damage which may be dealt with through primary first aid OR</li> <li>no reputational damage</li> </ul>	<ul style="list-style-type: none"> <li>would not threaten a business units' program or project, but could result in a significant review OR</li> <li>some political/community sensitivity and local media scrutiny OR</li> <li>parliamentary questions OR</li> <li>require management initiated review OR</li> <li>some impact on the business units' objectives OR</li> <li>result in injury or health impacts that are reversible, but may require medical attention but limited on-going treatment</li> </ul>	<ul style="list-style-type: none"> <li>would threaten the continuation of a business units' program or project OR</li> <li>impact adversely on the achievement of a business units' strategic objectives OR</li> <li>result in significant political community sensitivity and media scrutiny OR</li> <li>ministerial intervention OR require external audit</li> <li>result in life-threatening or serious injury which is irreversible requiring medical attention and on-going treatment OR</li> <li>may significantly impact one or more of the organisations' objectives as outlined in the Council Plan</li> </ul>	<ul style="list-style-type: none"> <li>would threaten the organisations' viability OR</li> <li>result in extreme political/community sensitivity and national media scrutiny OR</li> <li>result in a commission of inquiry or request OR</li> <li>result in death or permanent disability OR</li> <li>would not allow the organisation to achieve its objectives according to the Council Plan</li> </ul>
<b>Likelihood</b>	<b>Minor (4)</b>	<b>Moderate (3)</b>	<b>Major (2)</b>	<b>Catastrophic (1)</b>
<b>Almost Certain (A)</b> Can be expected to occur in most circumstances (i.e. weekly)	<b>Significant</b>	<b>High</b>	<b>Extreme</b>	<b>Extreme</b>
<b>Likely (B)</b> Will probably occur in most circumstances in the future (i.e. monthly)	<b>Medium</b>	<b>Significant</b>	<b>High</b>	<b>Extreme</b>
<b>Possible (C)</b> May occur in some circumstances in the future (i.e. yearly)	<b>Medium</b>	<b>Significant</b>	<b>High</b>	<b>High</b>
<b>Unlikely (D)</b> Could occur at some time in the future, but doubtful (i.e. every 2-10 years)	<b>Low</b>	<b>Medium</b>	<b>Significant</b>	<b>High</b>
<b>Rare (E)</b> Expected to occur only in the most exceptional circumstances (i.e. 10 years)	<b>Low</b>	<b>Low</b>	<b>Medium</b>	<b>Significant</b>

E – Council/CEO's attention immediately required. Possibly avoid undertaking the activity OR implement new controls  
 controls S – Manager's attention required. Ensure that controls are in place and operating and management responsibility is agreed. M - Manage through usual procedures and accountabilities L – Add treatments where appropriate

**Risk management legend**  
 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.*

## 6.1 - Request to be heard - budget and council plan (cont'd)

### Council Plan

Strategic objective	Strategy	Key priority activity
We are innovative, responsive and responsible in the way we conduct business.	Practice good governance, act with transparency and integrity in our decision-making.	Not applicable

### 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

Risk description	C'quence	L'hood	Rating	Controls & treatments
Section 223 hearing is not held and council is in breach of the Act	1	E	Significant	Conduct the hearing in accordance with the requirements in the Act

### 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.



<b>7 – Urgent business</b>	
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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:

- 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.

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There was no urgent business.

**8 – Confidential 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*.

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There was no confidential urgent business.

<b>9 – Close of meeting</b>	
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- **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