MINUTES

Wodonga Council minutes for the meeting of the council held in the Council Chamber at 104 Hovell St, Wodonga on June 19, 2023.

Present

Cr R Mildren, Mayor

Cr L Hall, Deputy Mayor

Cr D Chamberlain

Cr K Poulton

Cr O Quilty

Cr G Simpfendorfer – attendance by MS Teams

In attendance

Mr M Hyde	Chief Executive Officer
Ms D Mudra	Deputy Chief Executive Officer, and Director Community Development
Ms D Vlekkert	Director Corporate Services
Mr L Schultz	Director Planning, Development & Infrastructure



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1 Welcome and acknowledgment of country

The meeting was called to order at 6pm by the Mayor, Cr Mildren.

The Mayor read the acknowledgment of country.

2 Apologies, leave of absence, and attendance by electronic means

It was noted that Cr Lowe had been granted leave of absence for this meeting.

There were no other apologies or requests for leave of absence.

MOTION

Cr Danny Chamberlain / Cr Olga Quilty

That the request from Cr Simpfendorfer to attend by electronic means be approved.

CARRIED UNANIMOUSLY 6 / 0

For:	Cr Danny Chamberlain, Cr Libby Hall, Cr Ron Mildren, Cr Kev Poulton, Cr Olga Quilty and Cr Graeme Simpfendorfer
Against:	Nil

3 Declaration of conflict of interest

Cr Kev Poulton disclosed a conflict of interest, being a general conflict of interest for item 7.1: *Investment Policy*. The nature of the interest is that Cr Poulton will be conducting consultancy work with the executive officers of one of the local institutions mentioned in the policy.

Cr Kev Poulton disclosed a conflict of interest, being a material conflict of interest for item 7.3: *Intention to enter into lease - Wodonga Hockey Club*. The nature of the interest is that Cr Poulton's wife is an employee of Hockey ACT.

PROCEDURAL MOTION

Cr Danny Chamberlain

That item 7.3 *Intention to enter into lease - Wodonga Hockey Club* be brought forward and considered immediately after item 7.1.

CARRIED UNANIMOUSLY 6 / 0

For:	Cr Danny Chamberlain, Cr Libby Hall, Cr Ron Mildren, Cr Kev Poulton, Cr Olga Quilty and Cr Graeme Simpfendorfer
Against:	Nil

4 Confirmation of minutes from previous meeting

MOTION

Cr Libby Hall / Cr Kev Poulton

That the minutes for the Ordinary Council meeting held on May 15 and May 22, 2023, as attached, be received and confirmed as an accurate record.

CARRIED UNANIMOUSLY 6 / 0

For:	Cr Danny Chamberlain, Cr Libby Hall, Cr Ron Mildren, Cr Kev Poulton, Cr Olga Quilty and Cr Graeme Simpfendorfer
Against:	Nil

5 Question time

One question was received about councillors responding to enquiries from the community.

The question, along with the response, is included with the minutes on the council web page.

6 Delegates reports

There were no delegate's reports.

7 Reports for determination

7.1 Investment Policy

Conflict of interest disclosure

Prior to the commencement of item 7.1 Cr Poulton disclosed a conflict of interest in that item, the details of which are recorded in these minutes at item 3.

Cr Poulton also disclosed a conflict of interest for item 7.3 the details of which are recorded in these minutes at item 3.

Subsequently council resolved to consider item 7.3 immediately following item 7.1.

As Cr Poulton had conflicts of interest for consecutive items, he remained outside the meeting room for both items.

Cr Poulton left the meeting room at 6.08pm prior to consideration of item 7.1, and returned to the meeting room at 6.23pm after the resolutions for items 7.1 and 7.3 had been carried.

MOTION

Cr Olga Quilty / Cr Libby Hall

That the *Investment Policy*, as attached, be adopted.

CARRIED UNANIMOUSLY 5 / 0

For:	Cr Danny Chamberlain, Cr Libby Hall, Cr Ron Mildren, Cr Olga Quilty and Cr Graeme Simpfendorfer
Against:	Nil

7.3 Intention to enter into lease - Wodonga Hockey Club

MOTION

Cr Danny Chamberlain / Cr Olga Quilty

That:

1. Following the consultation period and in accordance with Section 115 of the *Local Government Act 2020* ("the Act") the Council grants a lease to Wodonga Hockey Club Incorporated for the premises contained in Certificate of Title Volume 10362 Folio 364 known as the 'Wodonga Hockey Pavilion' on the following terms:

    a. A termed lease, to be aligned with the existing field lease for Hockey Albury Wodonga at Birallee Park Sports Precinct;

    b. A rent-free period for the initial 10-year term (equating to a total fee reduction of $1,680.51); and,

    c. A rental charge of $150 plus GST per annum in the first year of the first 5-year option, with a fixed increase of 2.5% per annum on each commencement date during the term and any further term.

2. The Chief Executive Officer is authorised to undertake the administrative procedures necessary to enable council to carry out its functions under Section 115 of the Act in relation to this matter.

3. The submitters be advised of the Council decision.

CARRIED 4 / 1

For: Cr Danny Chamberlain, Cr Libby Hall, Cr Olga Quilty and Cr Graeme Simpfendorfer

Against: Cr Ron Mildren

Conflict of interest disclosure

Cr Poulton returned to the meeting room at 6.23pm after the resolutions for items 7.1 and 7.3 had been carried.

7.2 Public consultation feedback on proposed new park - Butko Park

MOTION

Cr Libby Hall / Cr Danny Chamberlain

1. That the name Butko Park be allocated to the reserve located at Riverside Estate; and

2. Advice be forwarded to the Registrar of Geographic Names Victoria to undertake the gazettal procedure.

CARRIED UNANIMOUSLY 6 / 0

For: Cr Danny Chamberlain, Cr Libby Hall, Cr Ron Mildren, Cr Kev Poulton, Cr Olga Quilty and Cr Graeme Simpfendorfer

Against: Nil

7.4 Appointment of authorised officers

MOTION

Cr Danny Chamberlain / Cr Graeme Simpfendorfer

In the exercise of the powers conferred by s.147(4) of the *Planning and Environment Act 1987*, Council resolves that –

1. Belinda Jenkins be appointed and authorised as set out in the attached instrument.
2. The instrument comes into force immediately it is signed by Council's Chief Executive Officer and remains in force until Council determines to vary or revoke it and is taken to be revoked upon the officer ceasing employment at Council.

CARRIED UNANIMOUSLY 6 / 0

For:	Cr Danny Chamberlain, Cr Libby Hall, Cr Ron Mildren, Cr Kev Poulton, Cr Olga Quilty and Cr Graeme Simpfendorfer
Against:	Nil

7.5 Hospital advocacy

MOTION

Cr Danny Chamberlain / Cr Kev Poulton

That the council:

1. Continue to advocate for a new purpose-built single campus hospital;

2. Endorse the advocacy guiding principles as outlined in this report;

3. Makes another formal request to the Victorian Minister for Health, for a meeting to seek clarification on key outstanding issues as identified in the correspondence previously sent to the Minister;

4. Have two representatives of the community leaders who attended the advocacy workshop accompany the Mayor and CEO if a meeting can be secured with the Minister of Health;

5. Continues to progress FOI requests to access relevant documents relating to the redevelopment of the Albury hospital if they are not forthcoming through proactive release of information in the State's commitment to transparency;

6. Partner with interested groups to commission a report to evaluate current and future health and hospital needs for the Albury Wodonga region and broader catchment region should access to documents under FOI be refused, which in turn can act as evidence for the position of a new single site hospital; and,

7. Develop an advocacy plan brand and positioning. This campaign to be part of a broader community engagement program relating to delivery of an appropriate hospital and health service for our Albury Wodonga Community.
8. That the council send an invitation to all Mayors of Councils in the 300,000 catchment (including specialist care) to discuss working towards the provision of a health services provision of specialist care appropriate for the current and future needs of the Albury Wodonga Region. The Councils to include:

- Albury City
- Alpine Shire
- Benalla Rural City
- Berrigan Shire
- Edward River
- Federation
- Greater Hume
- Indigo

- Lockhart
- Mansfield
- Moira
- Murray River
- Murrumbidgee
- Snowy Valleys
- Towong
- Wangaratta Rural City
- Wodonga City

CARRIED UNANIMOUSLY 6 / 0

For: Cr Danny Chamberlain, Cr Libby Hall, Cr Ron Mildren, Cr Kev Poulton, Cr Olga Quilty and Cr Graeme Simpfendorfer

Against: Nil

7.6 Response to the Municipal Monitors report

MOTION

Cr Libby Hall / Cr Danny Chamberlain

That Council respond to the Minister for Local Government, the Hon Melissa Horne as per the attached letter drafted by the Mayor following discussions at Councillor Briefings.

PROCEDURAL MOTION

Cr Kev Poulton

That the meeting adjourn for five minutes to consider governance advice on whether to have the CEO or the Mayor sign the letter to the Minister, the time being 6.52pm.

CARRIED 4 / 2

For:	Cr Ron Mildren, Cr Kev Poulton, Cr Olga Quilty and Cr Graeme Simpfendorfer
Against:	Cr Danny Chamberlain and Cr Libby Hall

PROCEDURAL MOTION

Cr Kev Poulton

That the meeting resume, the time being 7pm.

CARRIED UNANIMOUSLY 6 / 0

For:	Cr Danny Chamberlain, Cr Libby Hall, Cr Ron Mildren, Cr Kev Poulton, Cr Olga Quilty and Cr Graeme Simpfendorfer
Against:	Nil

MOTION

Cr Libby Hall / Cr Danny Chamberlain

1. That Council respond to the Minister for Local Government, the Hon Melissa Horne as per the attached letter drafted by the Mayor following discussions at Councillor Briefings.
2. That the letter be signed by the Mayor on behalf of the Wodonga Council.

CARRIED 4 / 2

For:	Cr Danny Chamberlain, Cr Libby Hall, Cr Ron Mildren and Cr Olga Quilty
Against:	Cr Kev Poulton and Cr Graeme Simpfendorfer

Following the adjournment, the mover and seconder agreed to the inclusion of a part two of the motion, requiring that the letter be signed by the Mayor.

7.7 Wodonga Hills Strategy - Re-prioritisation of actions

MOTION

Cr Libby Hall / Cr Olga Quilty

That council delay the decision on the re-prioritisation of the actions for the Wodonga Hills strategy until a council workshop has been completed and information provided to councillors around the reasoning for the changes to the priority list of actions put forward in the report.

CARRIED 4 / 2

For:	Cr Danny Chamberlain, Cr Libby Hall, Cr Ron Mildren and Cr Olga Quilty
Against:	Cr Kev Poulton and Cr Graeme Simpfendorfer

8 Reports for noting

Nil

9 Reports for information

9.1 Audit and Risk Committee Meetings Summary of Minutes - May 25, 2023

FOR INFORMATION ONLY.

9.2 Audit and Risk Committee mid-year Report 2022-2023

FOR INFORMATION ONLY.

9.3 Place Names Advisory Committee - Minutes of 8 February 2023 and 31 May 2023

FOR INFORMATION ONLY.

9.4 Record of councillor meetings

FOR INFORMATION ONLY.

9.5 Decisions register

FOR INFORMATION ONLY.

10 Notices of motion

There were no Notices of Motion submitted.

11 Petitions

There were no Petitions submitted.

12 General business

Cr Chamberlain and Cr Mildren spoke about their attendance at the National Local Government Conference in Canberra.

Cr Mildren also spoke about his attendance at the Australian Council of local Government on June 16, 2023.

13 Urgent business

There was no urgent business.

14 Confidential business

Closure of meeting to the public

MOTION

Cr Kev Poulton / Cr Libby Hall

That the meeting be closed to members of the public in order to consider matters pursuant to section 3(1) of the Local Government Act 2020, and that the meeting be adjourned for two minutes to allow the public to leave the Chamber.

CARRIED UNANIMOUSLY 6 / 0

For:	Cr Danny Chamberlain, Cr Libby Hall, Cr Ron Mildren, Cr Kev Poulton, Cr Olga Quilty and Cr Graeme Simpfendorfer
Against:	Nil

14.1 Confirmation of minutes from previous confidential meeting

Consideration of this item will be closed to members of the public as it contains matters listed under section 3(1) of the *Local Government Act 2020*:

(h) Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

14.2 Logic land sale

Consideration of this item will be closed to members of the public as it contains matters listed under section 3(1) of the *Local Government Act 2020*:

(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.
(g) Private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

An explanation of why this report is being considered in confidential.

This report will consider information relating to land sale prices and associated negotiations between Council and the business.

15 Confidential urgent business

There was one item of urgent business, included in the confidential agenda as item 15.1.

16 Close of meeting

16.1 Return to open council

MOTION

Cr Danny Chamberlain / Cr Libby Hall

That the ordinary meeting of the council be resumed.

CARRIED UNANIMOUSLY 6 / 0

For:	Cr Danny Chamberlain, Cr Libby Hall, Cr Ron Mildren, Cr Kev Poulton, Cr Olga Quilty and Cr Graeme Simpfendorfer
Against:	Nil

16.2 Adopt the in-camera recommendations

MOTION

Cr Kev Poulton / Cr Libby Hall

That the recommendations of the closed meeting of the council be adopted.

CARRIED UNANIMOUSLY 6 / 0

For:	Cr Danny Chamberlain, Cr Libby Hall, Cr Ron Mildren, Cr Kev Poulton, Cr Olga Quilty and Cr Graeme Simpfendorfer
Against:	Nil

The CEO read out the public components of the motions adopted in confidential session.

PUBLIC RESOLUTION - Logic land sale

1) That subject to a Heads of Agreement being entered into and generally in accordance with the Key Terms below, Wodonga Council gives notice under Section 114 of the *Local Government Act 2020* that it intends to sell 0.5 hectares of the land described as Lot 7 on draft Plan of Subdivision PS901713N that is located adjacent to the power station on Baxter-Whelans Road, LOGIC;
2) The land will be surveyed to enable best fit between the existing power station and the new detention basin and a title created;
3) That the public notice stipulates that persons may make a submission in respect of the proposal in accordance with the Council's Community Engagement Policy and that written submissions must be received no later than at date that is at least 21 days after publication of the Public Notice;
4) That the Council receives a further report upon the completion of the public consultation period to determine whether to proceed with the sale or not;
5) That Council's authorises the CEO to enter into a Heads of Agreement with GloBird Energy or a related entity (Purchaser), for the sale of the land located adjacent to the power station on Baxter-Whelans Road, Barnawartha North VIC 3691 (Land) and described in Sections 1 and 2 above and outlined in the section labelled **Proposed Land Sale** below.

6) The proposed sale shall be subject to Council complying with its statutory obligations pursuant to section 114 of the Local Government Act 2020 (Vic) and resolving to sell the Land to the Purchaser; and
7) Subject to Paragraph 1 (above), the Land is proposed to be sold on the following **Key Terms**:

a. a purchase price of $55/m^2 plus GST per square metre, being $275,000 plus GST based on a land area of 0.5ha;
b. payment of a deposit equal to 10% of the price;
c. the sale will be conditional on:
i. Council creating a title for the proposed parcel of land in Lot 7;
ii. The Purchaser being satisfied with its due diligence investigations in respect of the Land, within 60 days after the day of sale; and
iii. Council procuring registration of the Plan, within 12 months after the day of sale;
d. settlement will be due on the date which is later of:
i. 18 August 2023 (TBC); and
ii. 30 days after the date on which Council notifies the Purchaser of registration of the Plan; and
e. as a condition of sale, the Purchaser must enter into an agreement with Council pursuant to section 173 of the Planning and Environment Act 1987, which provides that:
i. the Purchaser must only use the Land for an energy generation facility; and
ii. if the Purchaser has not practically completed the development of the Land as an energy generation facility within 5 years from settlement date, then the Purchaser must at Council's election re-transfer the Land to Council for the same price as purchased by the Purchaser, less any costs incurred by Council in completing the re-transfer of the Land.

PUBLIC RESOLUTION - CBD West - proposal to extend the settlement date Lot 1, 41-43
Elgin Boulevard, or to rescind the contract

That:
1. The Council grants a final extension to the timelines within the Contract of Sale for Lot 1, 41-43 Elgin Boulevard for the full and final settlement to be effected by no later than 4:00pm on Friday, 14 July 2023;
2. The Council authorises the Chief Executive Officer to instruct council's solicitors to rescind the contract should settlement not occur on or by 14 July 2023

16.3 Chairperson to close the meeting

Next scheduled meeting of council: 6pm on Monday June 26, 2023.

There being no further business the meeting closed at 8.02pm.

Minutes confirmed this …… day of …….. 2023.

…….
Chairperson