Council Meeting
Minutes

Minutes of the Council Meeting held on Monday 11 December 2023 at 6.26pm

Present Crs Kylie King (Chairperson), S Baker, S Bowen, D Betteridge, D Cameron (via Zoom), A Edwards, A Glachan, J Kellahan (via Zoom) and D Thurley.

Staff Chief Executive Officer, DCEO Business, Growth & Community, DCEO Infrastructure, Planning & Environment, Service Leader Community & Place, Service Leader People & Culture, Service Leader Engagement, Service Leader Strategy & Performance, Service Leader Business & Lifestyle, Service Leader Assets, Sustainability & Environment, Service Leader City Landscapes, Service Leader City Projects, Service Leader City Development, Acting Service Leader Water & Wastewater, Team Leader Communications & Engagement, Communications Officer Media, Town Planners, Facility Services Officer, IT and Executive Support Staff.

Apologies

THE MEETING OPENED WITH THE AFFIRMATION & ACKNOWLEDGEMENT OF ORIGINAL CUSTODIANS OF OUR LAND

CM2. RECORDING AND WEBCASTING OF MEETING

The Chairperson advised those present that the meeting is being webcast and recorded for administrative purposes.

CM3. CONFLICT OF INTEREST DECLARATIONS RECEIVED BY THE CHAIR AND DISCLOSURE OF POLITICAL DONATIONS

3.1 Conflict of Interest Declarations

Cr Thurley declared a Non-Pecuniary Conflict of Interest in relation to items 13.4 and 13.5 (Southern Regional Planning Panel Matters). Cr Thurley advised that he would leave the chamber when the matters were discussed.

Cr Glachan declared a Non-Pecuniary Conflict of Interest in relation to items 13.4 and 13.5 (Southern Regional Planning Panel matters). Cr Glachan advised that she would leave the chamber when the matters were discussed.

Ms Tracey Squire declared a Pecuniary Conflict of Interest in relation to item CM17.2. Senior Staff Contractual Matters. Ms Squire advised that she would leave the chamber when the matter was discussed.

Mr Brad Ferris declared a Pecuniary Conflict of Interest in relation to item CM17.2. Senior Staff Contractual Matters. Mr Ferris advised that he would leave the chamber when the matter was discussed.

3.2 Disclosure of Political Donations and Requirements of the *Environmental Planning & Assessment Act 1979*

Advice to the Council Meeting

The Environmental Planning and Assessment Act 1979, Section 10.4 requires a person submitting planning applications or submissions regarding a planning application, to disclose any reportable political donation and/or gifts to any local Councillor or employee of Council. Reportable political donations include those of, or above, $1,000.

The Disclosure Statement forms are available on Council's website or from the Customer Service Centre and must be lodged in accordance with the Act. The forms are also available at the back of the Chamber during meetings.

CM4. APOLOGIES

CM4.1. Apologies

There were no apologies for the meeting.

CM4.2. Attendance by Councillors at Meeting by Audio-Visual Link

Motion
Cr Betteridge Moved, Cr Thurley Seconded

That Council receive, note and accept the attendance of Cr Cameron & Cr Kellahan via Audio-Visual Link for the meeting.

CARRIED

CM5. MAYORAL MINUTE

There was no Mayoral minute.

CM6. ACTION PLANS

Motion
Cr Thurley Moved, Cr Bowen Seconded

That the following Action Plans be received and noted:

1. Actions Complete – For Noting Only;
2. Actions Awaiting Response from External Parties;
3. Actions in Progress; and
4. Long Term Issues (more than three months).

CARRIED

CM7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

CM7.1. Minutes of the Council Meeting held on 27 November 2023 at 6.54pm

Motion
Cr Betteridge Moved, Cr Glachan Seconded

That the Minutes of the Council Meeting held on 27 November 2023, at 6.54pm, be confirmed.

CARRIED

CM8. REPORTS FROM COMMUNITY FORUMS

There were no reports from Community Forums.

CM9. NOTICES OF MOTION/NOTICES OF RESCISSION

CM9.1. Notice of Motion - Australia Day 2024

Motion
Cr Cameron Moved, Cr Betteridge Seconded

That Council:

1. reaffirms its position to not hold citizenship ceremonies or the Albury Awards on Australia Day 2024.
2. reaffirms it will carry out extensive consultation throughout 2024 on the preferred format for Australia Day 2025.
3. notes that policy matters such as this are made by Council.
4. reaffirms that decisions on any matter are not made in briefing sessions.

Amendment
Moved Cr Glachan Seconded Cr Bowen

That Council:

1. reaffirms its position to hold the Albury Awards at an awards specific event on 19 January 2024.
2. holds a citizenship ceremony on 26 January 2024.
3. reaffirms the family-friendly activities to be held at Noreuil Park on 26 January 2024.
4. reaffirms community consultation with participants at the three events above, as well as with non-participants post the events, in 2024.

LOST

The ORIGINAL MOTION was PUT and **CARRIED**

Cr Cameron left the meeting and did not return.

CM10. PRESENTATIONS AND DEPUTATIONS

There were no Presentations or Deputations.

CM11. REPORTS/MINUTES OF COMMITTEES AND WORKING PARTIES

CM11.1. Minutes of the Audit Risk and Improvement Committee held on Wednesday 15 November 2023

Motion
Cr Thurley Moved, Cr Glachan Seconded

That Council receives, notes and accepts the Minutes of the Audit Risk and Improvement Committee Meeting held on Wednesday 15 November 2023 be confirmed.

CARRIED

CM11.2. Minutes of the Local Traffic Committee Meeting held on Thursday 16 November 2023

Motion
Cr Glachan Moved, Cr Thurley Seconded

That Council receives, notes and accepts the Minutes of the Local Traffic Committee Meeting held on Thursday 16 November be confirmed.

Cr Glachan noted and the Service Leader City Projects confirmed that page 4 of the minutes should read:

MWN 2 Windsor Road/Wagga Road Intersection (Ettamogah Rise)

- NSW Police raised concerns regarding the intersection of Windsor Road and Wagga Road (Ettamogah Rise) which currently has a stop line in place which has faded and **the stop sign** is quite a distance back and off to the side.
- Council officers to review the condition of the stop line at this intersection and review placement of the **stop sign**.

CARRIED

CM11.3. Minutes of Albury Airport Advisory Committee Meeting held on Wednesday 22 November 2023

Motion
Cr Glachan Moved, Cr Betteridge Seconded

That Council receives, notes and accepts the Minutes of the Albury Airport Advisory Committee Meeting held on Wednesday 22 November 2023 be confirmed.

CARRIED

CM12. DOCUMENTS FOR SEALING

There were no Documents for Sealing.

CM13. OFFICERS REPORTS FOR CONSIDERATION

CM13.1. Development Application 10.2023.40277.1 Two (2) Lot Torrens Title Subdivision, 1074 Table Top Road, Table Top.

Motion
Cr Thurley Moved, Cr Glachan Seconded

That Council:

a. receives the contents of this report; and
b. grants consent to Development Application 10.2023.40277.1 for a two lot Torrens Title subdivision of land situated at 1074 Table top Road Table Top (described as Lot 1 DP 1288422), subject to the conditions contained in the Draft Determination, included at Attachment 5 to this report.

In accordance with s.375A(2) of the Local Government Act 1993, a division was duly called. The following votes of the motion were recorded:

FOR	AGAINST
Cr Thurley	Nil.
Cr Kellahan	
Cr Edwards	
Cr Bowen	
Cr King	
Cr Glachan	
Cr Baker	
Cr Betteridge	

Disclosure of Political Donations
There were no Disclosures of Political Donations received by the Chairperson.

CARRIED

CM13.2. Development Application 10.2023.40248.1 Retail Premises – Supermarket and Three (3) Specialty Shops, Signage, Car Park and Retaining Wall – Coles Supermarket, 30 Diamond Drive, Thurgoona

Motion
Cr Glachan Moved, Cr Thurley Seconded

That Council:

a. receives the contents of this report; and
b. grants consent to Development Application 10.2023.40248.1 for retail premises – supermarket and three specialty shops, signage, car park and retaining wall at 30 Diamond Drive Thurgoona, subject to the conditions contained in the Draft Determination, included at Attachment 5 to this report.

In accordance with s.375A(2) of the Local Government Act 1993, a division was duly called. The following votes of the motion were recorded:

FOR	AGAINST
Cr Thurley	Nil.
Cr Kellahan	
Cr Edwards	
Cr Bowen	
Cr King	
Cr Glachan	
Cr Baker	
Cr Betteridge	

Disclosure of Political Donations
There were no Disclosures of Political Donations received by the Chairperson.

CARRIED

CM13.3. Development Application 10.2023.40424.1 Child Care Centre, Signage, Car Parking & Ancillary Structures, 785 Mate Street, North Albury

Motion
Cr Betteridge Moved, Cr Thurley Seconded

That Council:

a. receives the contents of this report; and
b. grants consent to Development Application 10.2023.40424.1 for a Child Care Centre, Car Parking, Signage, Storage Sheds, Shade Structures, and Boundary Fencing, subject to the conditions contained in the Draft Determination, included at Attachment 5 to this report.
c. requests that Council staff monitor vehicle behaviour in Muntz Lane and Smith Street and pedestrian behaviour on Mate Street post commencement of operation of the facility to determine if local area traffic management facilities are required.

In accordance with s.375A(2) of the Local Government Act 1993, a division was duly called. The following votes of the motion were recorded:

FOR	**AGAINST**
Cr Thurley	Nil.
Cr Kellahan	
Cr Edwards	
Cr Bowen	
Cr King	
Cr Glachan	
Cr Baker	
Cr Betteridge	

Disclosure of Political Donations
There were no Disclosures of Political Donations received by the Chairperson.

CARRIED

Crs Thurley and Glachan left the Council Chamber at 7.30pm.

CM13.4. Development Application 10.2023.40336.1 – 481-487 Swift Street, Albury - Seven (7) Storey Mixed Use Building - consideration of submission to Southern Regional Planning Panel

Cr Edwards Moved, Cr Baker Seconded

That Council:

a. receive the contents of this report; and
b. determines to make a separate submission to the Southern Regional Planning Panel in relation to Development Application 10.2023.40347.1 for a Seven Storey Mixed Use, Shop Top Housing Development - Comprising of Thirty Two Residences, Two Commercial Tenancies, Swimming Pool, Car park, Demolition of Three Residences (including Heritage Item 164 and 166) and Thirty Four Lot Strata Title Subdivision and Consolidation of Existing Titles at 481 Swift Street (Lot PT20 DP 780123), 485 Swift Street (Lot PT20 Sec 24 DP 780123), and 487 Swift Street (Lot 1 DP 912511), Albury. The submission is to support the application.

In accordance with s.375A(2) of the Local Government Act 1993, a division was duly called. The following votes of the motion were recorded:

FOR	**AGAINST**
Cr Kellahan	Nil.
Cr Edwards	
Cr Bowen	
Cr King	
Cr Baker	
Cr Betteridge	

Disclosure of Political Donations
There were no Disclosures of Political Donations received by the Chairperson.

CARRIED

CM13.5. Development Application 10.2023.40347.1 - 271 Bernhardt Street, East Albury - Group Home – Seven (7) Residences, Retaining Walls and Demolition of Buildings – consideration of submission to Southern Regional Planning Panel

Motion
Cr Edwards Moved, Cr Baker Seconded

That Council:

a. receives the contents of this report; and
b. determines to make a separate submission to the Southern Regional Planning Panel in relation to Development Application 10.2023.40347.1 for Group Home – Seven Residences, Retaining Walls, Car Parking, Front Fence, Vegetation Removal & Demolition at 271 Bernhardt Street, East Albury (Lot 1 DP38393). The submission is to support the application.

In accordance with s.375A(2) of the Local Government Act 1993, a division was duly called. The following votes of the motion were recorded:

FOR	AGAINST
Cr Kellahan	Nil.
Cr Edwards	
Cr Bowen	
Cr King	
Cr Baker	
Cr Betteridge	

Disclosure of Political Donations
There were no Disclosures of Political Donations received by the Chairperson.

CARRIED

Crs Thurley and Glachan returned to the Council Chamber at 7.45pm.

CM13.6. Plumbing, Drainage & Horizontal Boring Services - Council Wide Panel Contract No. 23/01479

Motion
Cr Betteridge Moved, Cr Glachan Seconded

That Council accepts the following tenders for the schedule of rates Council-wide Panel Contract No. 23/01479 – Plumbing, Drainage and Horizontal Boring Services, estimated contract spend is $2.36M (inclusive of GST) over a two-year period, commencing January 2024:

- Albury Wodonga Plumbing Service Pty Ltd;
- Benex Group Pty Ltd;
- Cleanaway Waste Management Limited;
- Fletcher Plumbing & Co Pty Ltd;
- K&L Bell-Chambers Plumbing Pty Ltd;
- Mitra Drilling & Construction Pty Ltd;
- Rangedale Drainage & Industrial Services Pty Ltd;
- Riverina Horizontal Boring Pty Ltd;
- Stein Plumbing Co; and
- Tonkin Plumbing Group Pty Ltd.

CARRIED

CM13.7. Building Maintenance Panel Contract No. 23/01897

Motion
Cr Glachan Moved, Cr Thurley Seconded

That Council accepts the following tenders for the establishment of a Schedule of Rates Panel Contract; 23/01897 – Provision of Building Maintenance Services – Council-wide Panel Contract, estimated at up to $1.3M (including GST) over a two-year period.

- ARC Facilities Pty Ltd;
- Haitch Constructions Pty Ltd; and
- MBS FM Pty Ltd.

CARRIED

CM13.8. Albury Airport North East Apron Rebuild Contract No. 22/00971

Motion
Cr Thurley Moved, Cr Glachan Seconded

That Council accepts the tender from A P Delaney & Co Pty Ltd for Contract No. 22/00971 - Albury Airport North East Apron Rebuild, for the lump sum price of $1,074,700 (including GST).

CARRIED

CM13.9. Draft MOVE: The Albury Wodonga Integrated Transport Strategy Public Exhibition Submissions

Motion
Cr Edwards Moved, Cr Glachan Seconded

That Council:

a. receives and notes the submissions received during the public exhibition period; and
b. endorses MOVE: The Albury Wodonga Integrated Transport Strategy (as per Attachment 4), with all the recommended changes post-exhibition.

CARRIED

CM13.10. Urban Forest Strategy Scope and Stakeholder Engagement Plan

Motion
Cr Glachan Moved, Cr Bowen Seconded

That Council endorses the Project Scope and Stakeholder Engagement Plan for developing an Urban Forest Strategy.

CARRIED

CM13.11. Murray River Experience Master Plan Review Stakeholder Engagement Plan

Motion
Cr Glachan Moved, Cr Betteridge Seconded

That Council receive and endorse the revised Murray River Experience Master Plan Review Stakeholder Engagement Plan.

CARRIED

CM13.12. Promotional Special Rate Levy Review for 2023-2024 - Consultation Outcomes

Motion
Cr Glachan Moved, Cr Betteridge Seconded

That Council:

a. Receive and note the findings of the 2023/24 Promotional Special Rate review;

b. Continue the Albury CBD Promotional Special Rate for four years (2024-2028) applying the rate peg increase each year; and

c. Receive and consider a further Report in 2024 to determine management of the Promotional Special Rate levy and delivery of Albury CBD promotional activities by Albury Business Connect for four years (2024-2028).

CARRIED

CM13.13. Financial Assistance Policy - Draft Program Guidelines

Motion
Cr Betteridge Moved, Cr Thurley Seconded

That Council endorses the draft Program Guidelines for Community and Cultural Grants, and the draft Guidelines for Sport and Recreation Grants.

CARRIED

CM14. OFFICERS REPORTS FOR NOTING

CM14.1. IPART Rate Peg Methodology Review Final Report

Motion
Cr Thurley Moved, Cr Glachan Seconded

That Council receives and notes the IPART rate peg methodology review final report.

CARRIED

CM14.2. Economic Indicators Report - November 2023

Motion
Cr Betteridge Moved, Cr Bowen Seconded

That Council receive and note the Albury Economic Indicators Report – November 2023.

CARRIED

CM15. DELEGATES REPORTS FOR NOTING

CM15.1. NSW Public Libraries Association Annual Conference - SWITCH - 16-17 November 2023 - Cr David Thurley

Motion
Cr Thurley Moved, Cr Glachan Seconded

That Council receives and notes the Delegates Report on the NSW Public libraries Association Annual Conference - Switch - 16-17 November 2023.

CARRIED

CM16. NOTICE OF URGENT BUSINESS

There was no Urgent Business

CONFIDENTIAL MATTERS

ITEM NO.	NAME OF REPORT & REASON FOR CONFIDENTIALITY
17.1	**Strategic Land Acquisition – Water Supply, Thurgoona** *Confidential item, exclusive of press or public on the grounds that:* *(2) The matters and information are the following:* *(d) commercial information of a confidential nature that would, if disclosed:* *(i) prejudice the commercial position of the person who supplied it.* *Local Government Act 1993 No. 30, Section 10A(2)(d)(i)*
17.2	**Senior Staff Contractual Matters** *Confidential item, exclusive of press or public on the grounds that:* (2) *The matters and information are the following:* *(a) personnel matters concerning particular individuals (other than councillors).* *Local Government Act 1993 No.30 Section 10A(2)(a).*

CM17. CONFIDENTIAL MATTERS

Motion
Cr Glachan Moved, Cr Betteridge Seconded

That Council move into Confidential to discuss Items CM 17.1 and CM17.2 as these are confidential items, exclusive of press or public on the grounds that the matters relate to:

CM17.1 Strategic Land Acquisition - Water Supply, Thurgoona

Confidential item, exclusive of press or public on the grounds that:

2. The matters and information are the following:
d. commercial information of a confidential nature that would, if disclosed:
i. prejudice the commercial position of the person who supplied it.

Local Government Act 1993 No. 30, Section 10A(2)(d)(i)

CM17.2 Senior Staff Contractual Matters

Confidential item, exclusive of press or public on the grounds that:

2. *The matters and information are the following:*
   a. *personnel matters concerning particular individuals (other than councillors).*

Local Government Act 1993 No.30 Section 10A(2)(a).

The Chairperson, Cr King asked if there were any statements or submissions from the public regarding the reasons as identified for these Confidential Items CM 17.1 and CM 17.2

There were no submissions received.

The Chair asked the Council if they wished to proceed with the MOTION to move into Confidential.

The MOTION was PUT and	**CARRIED**
Closed Council 8.15 pm	

Deputy CEO Business Growth & Community and Deputy CEO Infrastructure, Planning & Environment left the Council Chamber at 8.17pm

Motion
Cr Thurley Moved, Cr Glachan Seconded

That Council move back into Open Council.

Resumption of Open Council 8.26 pm

Deputy CEO Business Growth & Community and Deputy CEO Infrastructure, Planning & Environment returned to the Council Chamber at 8.26pm

The Chairperson Cr King advised the meeting of the Resolutions as adopted in Confidential.

CM17.1. Strategic Land Acquisition - Water Supply, Thurgoona

Motion
Cr Glachan Moved, Cr Betteridge Seconded

That Council:

a. authorise the Chief Executive Officer to commence negotiations for the strategic acquisition of land as outlined in this report; and

b. receive a further report detailing the outcome of those negotiations.

CARRIED

CM17.2. Senior Staff Contractual Matters

Motion
Cr Glachan Moved, Cr Thurley Seconded

That Council receives and notes the report on senior staff contractual matters.

CARRIED

The meeting closed at 8.28pm