Council Meeting
Minutes

Minutes of the Council Meeting held on Monday 12 December 2022 at 6.09pm

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

Staff Chief Executive Officer, Acting Deputy CEO Business, Growth & Community, Deputy CEO Infrastructure, Planning and Environment, Service Leader Community and Place, Service Leader Water & Wastewater, Service Leader Business & Lifestyle, Service Leader City Development, Service Leader City Projects, Service Leader City Landscapes, Service Leader People & Culture, Acting Service Leader Engagement, Team Leader Communities, Team Leader Development, Team Leader Financial Management, Communications Officer-Media, IT Support and Executive Support team.

Apologies Nil

THE MEETING OPENED WITH THE AFFIRMATION & ACKNOWLEDGEMENT OF COUNTRY

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 Ashley Edwards declared a Non-Pecuniary, less than significant Conflict of Interest in relation to item 13.1 Development Application 10.2022.39679.1 Child Care Centre, Fencing and Demolition of Existing Residences 399 and 403 Macauley Street South Albury, because she has perceived conflict as a nearby resident to the application. Cr Edwards advised that she would not participate in the discussion of the matter and leave the chamber.

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.

In dealing with Development Applications, Councillors need to take into account specific planning matters contained in the Environmental Planning & Assessment Act 1979.

Accordingly, the provisions of Section 4.15(1) of that Act are set out in the Council officers report detailing planning issues to be considered.

The Local Government Act 1993, Section 375A requires that a division be called whenever a motion for a planning decision is put at a meeting of the council.

Planning decision means a decision made in the exercise of a function of council under the Environmental Planning and Assessment Act 1979 including a decision relating to a development application, an environmental planning instrument, a development control plan or a development

contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act.

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 Thurley Moved, Cr Kellahan Seconded

That Council receive, note and accept the attendance by Crs Cameron and Glachan via audio-visual link (zoom) for the meeting.

CARRIED

CM5. MAYORAL MINUTE

There was no Mayoral minute

CM6. ACTION PLANS

MOTION
Cr Betteridge Moved, Cr Thurley 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 Monday 28 November 2022 at 6.00pm

MOTION
Cr Thurley Moved, Cr Bowen Seconded

That the Minutes of the Council Meeting held on Monday 28 November 2022 at 6.00pm be confirmed.

CARRIED

CM8. REPORTS FROM COMMUNITY FORUMS

There were no Reports from Community Forums

CM9. NOTICES OF MOTION/NOTICES OF RESCISSION

There were no Notices of Motion/Notices of Recission.

CM10. PRESENTATIONS AND DEPUTATIONS

There were no Presentation or Deputations.

CM11. REPORTS/MINUTES OF COMMITTEES AND WORKING PARTIES

CM11.1. Minutes of the Albury Floodplain Risk Management Committee Meeting held on Thursday 10 November 2022

MOTION
Cr Edwards Moved, Cr Kellahan Seconded

That Council receives, notes and accepts the Minutes/Recommendations of the Floodplain Risk Management Committee Meeting held on Thursday 10 November 2022.

CARRIED

CM11.2. Minutes of the Local Traffic Committee Meeting held on Thursday 17 November 2022

MOTION
Cr Glachan Moved, Cr Bowen Seconded

That Council receives, notes, and accepts the Minutes/Recommendations of the Local Traffic Committee Meeting held on Thursday 17 November 2022.

CARRIED

CM11.3. Crime Prevention Committee Meeting held on Wednesday 2 November 2022

MOTION
Cr Kellahan Moved, Cr Betteridge Seconded

That Council receives, notes and accepts the Minutes/Recommendations of the Crime Prevention Committee Meeting held on Wednesday 2 November 2022.

CARRIED

CM11.4. Minutes of the MAMA Interim Acquisitions Committee Meeting held on Wednesday 2 November 2022

MOTION
Cr Kellahan Moved, Cr Bowen Seconded

That Council receives, notes and accepts the Minutes/Recommendations of the MAMA Interim Acquisitions Committee Murray Art Museum Albury Collection Committee Meeting held on Wednesday 2 November 2022.

CARRIED

CM11.5. Minutes of the Audit Risk and Improvement Committee meeting held on Wednesday 16 November 2022

MOTION
Cr Thurley Moved, Cr Bowen Seconded

That Council receives, notes and accepts the Minutes/Recommendations of the Audit Risk and Improvement Committee Meeting held on Wednesday 16 November 2022.

CARRIED

CM12. DOCUMENTS FOR SEALING

CM12.1. Documents for Sealing

MOTION
Cr Betteridge Moved, Cr Bowen Seconded

That Council authorises its Seal to be affixed to the documents outlined below, in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the Local Government (General) Regulation 2005 and the Council Seal and Management of Legal Documents and Advice Procedure:

a. Deed of Comfort between The State of New South Wales by its Department of Education, Albury Pre School Incorporated and Albury City Council – Ongoing occupancy for Albury Pre School Incorporated at Council's property for a Ten year term with the school accepting Grant Funding for facility upgrades to 730 Alma Street, Albury.

b. AlburyCity Lease to Edge Data Centres Pty Ltd at Lot 44 Albury Airport – Lease of 12 years 7 months plus Option of 10 years. Commencing 1 November 2022 (FIL20/03189).

c. Deed of Assignment of lease between AlburyCity and Sharps & Taylors Pty Ltd to Charseb Pty Ltd in accordance with clause 39 (2) of the lease; and, sublease of the assigned lease from Charseb Pty Ltd to Sharps & Taylors Pty Ltd pursuant to clause 39 (2) of the lease. (River Deck Café – Albury).

CARRIED

CM13. OFFICERS REPORTS FOR CONSIDERATION

CM13.1. Development Application 10.2022.39679.1 Child Care Centre, Fencing and Demolition of Existing Residences 399 and 403 Macauley Street South Albury

Cr Edwards left the meeting at 6.21pm

MOTION
Cr Thurley Moved, Cr Kellahan Seconded

That Council:

a. receives the contents of this report; and

b. grants consent to Development Application 10.2022.39679.1 for the *demolition of existing residences, vegetation removal, construction of a centre-based child care facility, signage and fencing,* on land described as Lot 3 on DP784660 and Lot 1 on DP151345, and situated at 399

and 403 Macauley Street, Albury, subject to the conditions contained in the Draft Determination, included at Attachment 8 to this report.

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FOR	AGAINST
Cr King	Cr Cameron
Cr Bowen	
Cr Baker	
Cr Betteridge	
Cr Glachan	
Cr Kellahan	
Cr Thurley	

CARRIED

Cr Edwards returned to the meeting at 6.30pm

CM13.2. Albury Waste Management Centre Material Recovery Facility Construction Contract No. 20/02941

MOTION

Cr Thurley Moved, Cr Kellahan Seconded

That Council accepts the tender from Southern Cross Developers Pty Ltd, for Contract No. 20/02941 'AWMC Material Recovery Facility Construction', for the lump sum amount of $5,906,867.18 (including GST).

CARRIED

CM13.3. Nexus Stormwater Basin and Drainage Line Contract No. 22/01749

MOTION

Cr Bowen Moved, Cr Betteridge Seconded

That Council accepts the tender from A P Delaney & Co Pty Ltd for Contract No. 22/01749 Nexus Stormwater Basin and Drainage Line, for the lump sum price of $295,075.00 (including GST).

CARRIED

CM13.4. 16 Regional Cities Services Improvements Program - Albury

MOTION
Cr Kellahan Moved, Cr Bowen Seconded

That Council:

a. support the proposed bus zone changes as part of the 16 Regional Cities Services Improvements Program. This will provide additional travel modes within Albury and assist to reduce car dependency, resulting in reduced emissions and vehicle congestion within the road network;
b. support the actions and principles of Towards Albury 2050 and MOVE by creating a walkable city and responding to community demand for improved public transport services; and
c. review the effectiveness of the 16 Regional Cities Services Improvements Program in July 2023, including route destinations and bus zone functionality.

CARRIED

CM13.5. Draft Albury Wodonga Sport and Recreation Strategy

MOTION
Cr Betteridge Moved, Cr Thurley Seconded

That Council:

a. receives and endorses the draft Albury Wodonga Sport and Recreation Strategy;
b. endorses the draft Albury Wodonga Sport and Recreation Strategy to be placed on public exhibition for a minimum of 28 days; and
c. if no submissions are received through the public exhibition, adopts the draft Albury Wodonga Sport and Recreation Strategy as the final version.

CARRIED

CM13.6. Thurgoona Wirlinga Precinct Structure Plan Review Project Overview

MOTION
Cr Edwards Moved, Cr Betteridge Seconded

That Council endorses the project scope and Stakeholder Engagement Plan for the upcoming Thurgoona Wirlinga Precinct Structure Plan Review.

CARRIED

CM13.7. Minor Review of AlburyCity's Code of Conduct

MOTION
Cr Betteridge Moved, Cr Thurley Seconded

That Council

a. adopts the existing Code of Conduct and Procedures for the Administration of the Code of Conduct which have undergone a light review, and
b. notes a more thorough review will be undertaken once the NSW Government's review of the Councillor misconduct framework is complete.

CARRIED

CM13.8. AlburyCity Rating Structure Review Discussion Paper - Public Exhibition Results

MOTION
Cr Thurley Moved, Cr Betteridge Seconded

That Council:

a. acknowledges the submissions received as part of the public exhibition of the AlburyCity Rating Structure Review Discussion Paper; and
b. adopts the publicly exhibited AlburyCity Rating Structure Review Discussion Paper. This will inform the annual review and update of AlburyCity's Statement of Revenue Policy.

CARRIED

CM13.9. Proposed Naming of Lavington Sports Ground Grandstand

MOTION
Cr Bowen Moved, Cr Thurley Seconded

That Council:

a. Receives and notes the proposal to name the new section of the Lavington Sports Ground grandstand, the "C.T. Donnolley Stand".
b. Undertake a Public Consultation process to determine stakeholder and community support for the proposed naming; and
c. Provide a further report to Council with the outcome of the Public Consultation process.

CARRIED

CM13.10. Libraries and Museum Policy Review

MOTION
Cr Betteridge Moved, Cr Thurley Seconded

That Council:

a. rescind the following policies and procedures and endorse that the following policies and procedures be removed from the Public Policy and Procedure Register:
    - Cultural Services Delivery Policy
        - Housebound Library Service Procedure
        - Inter-Library Loans Procedure
        - Library Borrowing Procedure
        - Library Membership Procedure
    - Cultural Assets Development and Management Policy
        - Permanent Collections Acquisition and De-Accession Procedure
    - Cultural Exhibition Policy; and

b. endorse the following draft policies and procedures and place the following policies and procedures on public exhibition for 28 days. If no submissions are received the following draft policies and procedures be adopted as final and placed on the Public Policy and Procedure Register:
    - Draft Library Services Delivery Policy
        - Draft Libraries Membership and Loans Procedure
    - Draft Libraries Collection Policy
    - Draft Museum and Social History Collection Policy
        - Draft Museum and Social History Acquisition and De-accession Procedure
    - Draft Libraries and Museum Exhibition Policy.

CARRIED

CM13.11. Inland Waterways Drowning Prevention Strategy - Public Exhibition Results

MOTION
Cr Kellahan Moved, Cr Thurley Seconded

That Council:

a. receives and notes the submissions received during the Public Exhibition of the Inland Waterways Drowning Prevention Strategy 2022-2027; and
b. adopts the Inland Waterways Drowning Prevention Strategy 2022-2027.

CARRIED

CM13.12. Audit, Risk and Improvement Committee Independent Member Contract Extension

MOTION
Cr Thurley Moved, Cr Bowen Seconded

That Council extend existing independent Audit, Risk and Improvement Committee (ARIC) members contracts due to expire on 31 December 2022 by the following terms (should they accept):

a. Chris Gillard – 3-year extension which would expire on 31 December 2025;
b. Carolyn Rosetta-Walsh – 3-year extension which would expire on 31 December 2025; and
c. Stephen Coates - 4-year extension which would expire on 31 December 2026.

CARRIED

CM14. OFFICERS REPORTS FOR NOTING

CM14.1. 2022/23 Development Statistics - September Quarter

MOTION
Cr Edwards Moved, Cr Thurley Seconded

That Council receives and notes the information in the September Quarterly Development Statistics report for 2022.

CARRIED

CM14.2. Albury Economic Indicators

MOTION
Cr Betteridge Moved, Cr Thurley Seconded

That Council receives and notes the Albury Economic Indicators Report – November 2022.

CARRIED

CM14.3. Annual Code of Conduct Statistics Report to Office of Local Government

MOTION
Cr Thurley Moved, Cr Bowen Seconded

That Council receives and notes the statistics on Code of Conduct complaints about Councillors and the Chief Executive Officer.

CARRIED

CM14.4. Natural Burials

MOTION
Cr Thurley Moved, Cr Bowen Seconded

That Council

a. receives and notes the contents of the report; and
b. continue to monitor the demand for other types of burials in the Albury LGA, including natural burials, and develop a GMGC Business Plan by 30 June 2023, to promote greater understanding, awareness and education to the community and funeral industry of burial choices.

CARRIED

CM15. DELEGATES REPORTS FOR NOTING

There were no Delegates Reports for Noting.

CM16. NOTICE OF URGENT BUSINESS

CM16.1 Cr King

Acknowledged the outstanding students in the community after attending some school presentations and graduations. Cr King in particular acknowledged the Xavier High School presentations and wanted to share some achievements in particular.

AlburyCity Youth Mayor Lachie Carpenter and former AlburyCity Youth Deputy Mayor Isaac Street both received significant awards at the final assembly for the year at Xavier High School last week. Lachie won the John Exton Memorial Award which is in honor of the long-standing former staff member, which is given to a student who demonstrated a devoted interest and ability in the humanities area and has exceptional school spirit and skills.

Isaac won the Justin Clancy Citizenship award for demonstrating a positive attitude in caring for others and putting the wider Albury community at the forefront of his actions and leadership.

Both Lachie and Isaac also received the 5C's award which is awarded to students who embodied the school's 5C's in all that they do which are being challenged, compassionate, collaborative, courageous and Christ-like.

Lachie also received a Gold Rose Crest which is the most significant academic award presented to students at Xavier High School and recognises students who have maintained 5 years of high academic achievement in at least 3 subject areas.

There have also been several AlburyCity Citizenship Awards presented and there are still more to come as schools are yet to have their presentations.

Thank you for displaying community academic kindness and leadership qualities for those students who received those awards. Cr King acknowledged how very proud she was of our young students in this city.

As this is the last Council Meeting of the year, Cr King acknowledged and thanked the Councillors and also the AlburyCity staff and Executive team for everything they do, particularly with what's been a trying year with lots of challenges that our community has been confronted with this year. It has been a mighty effort from all and are thankful to be there to represent our community where we can.

On behalf of our community, we wish everyone a safe and Happy Christmas and New Year.

CM17. CONFIDENTIAL MATTERS

There were no Confidential Matters.

The meeting closed at 7.04pm