Council Meeting
Minutes

Minutes of the Council Meeting held on Monday 25 October 2021 at 6.21pm

Present Crs K Mack (Chairperson), A Cohn, D Cameron, G Docksey, A Glachan (via Zoom), M King, J Stuchbery, D Thurley and H van de Ven

Staff Acting Chief Executive Officer, Deputy CEO Infrastructure, Planning and Environment, Service Leader Community and Place (via Zoom), Service Leader Strategy and Performance, Service Leader Business and Lifestyle, Service Leader Assets, Sustainability and Environment, Service Leader City Development, Service Leader Water and Wastewater (via Zoom), Team Leader Communities, Team Leader Development, Media and Communications Officer, IT Systems Administrator, Executive Assistant and Executive Support/Governance Officer.

Apologies

THE MEETING OPENED WITH THE PRAYER & ACKNOWLEDGMENT 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

There were no Conflict of Interest Declarations received by the Chair.

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

There were no Apologies received by the Chairperson.

CM5. MAYORAL MINUTE

There was no Mayoral Minute.

CM6. ACTION PLANS

MOTION
Cr Thurley Moved, Cr Stuchbery 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 11 October 2021 at 6.58pm

MOTION
Cr van de Ven Moved, Cr Cameron Seconded

That the Minutes of the Council Meeting held on Monday 11 October 2021 at 6.58pm 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 - Applying the Principles of Water Sensitive Urban Design (WSUD) to Future Urban Subdivisions in the Albury Local Government Area

MOTION
Cr Thurley Moved, Cr Cohn Seconded

That Council staff prepare a report by March 2022 which explores the possibility of applying the principles of Water Sensitive Urban Design (WSUD), in full or in part, to future urban subdivisions in the Albury Local Government area.

CARRIED

CM9.2. Notice of Motion - Moving to a Ward Based System for Elections and Representation in Albury City LGA

MOTION
Cr Cameron Moved, Cr Stuchbery Seconded

That Council considers, and subsequently determines, if there is support for moving to a ward based system for elections and representation in Albury City LGA.

LOST

CM10. PRESENTATIONS AND DEPUTATIONS

There were no Presentations and Deputations.

CM11. REPORTS/MINUTES OF COMMITTEES AND WORKING PARTIES

There were no Reports/Minutes of Committees and Working Parties.

CM12. DOCUMENTS FOR SEALING

CM12.1. Documents for Sealing

MOTION
Cr Thurley Moved, Cr Glachan Seconded

That Council authorises its Seal to be affixed to the document 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. AlburyCity Crown Lands Licence to Albury Auskick Centre Incorporated – Part Lot 701 DP 1023466 361 David Street (Cnr David and Hovell Streets) Commencing 1 March 2022 to 30 August 2026 (FIL09/01767).

CARRIED

CM13. OFFICERS REPORTS FOR CONSIDERATION

CM13.1. Development Application 10.2020.37625.1 at 46 Tweed Court Thurgoona Multi Dwelling Housing - Three (3) Residences & Garages, Retaining Wall, Three (3) lot subdivision

MOTION
Cr Thurley Moved, Cr Glachan Seconded

That Council:

a. Receives and notes the contents of this report; and

b. Refuses Development Application 10.2020.37625.1 proposing three (3) lot Torrens freehold title subdivision and the construction of a dwelling on each of the proposed allotments on Lot 117 in DP1222202 at 46 Tweed Court, Thurgoona for the following reasons:

   i. The development is not consistent with existing character as outlined in Part 10, Division B, Objective (d) or passive solar design and climate management as outlined in Objective (i) of Albury DCP 2010 and therefore is contrary to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979;*
   ii. The development is not consistent with the design guidelines as outlined in Part 10, Division E Clause 3(c)(i) – Minimum primary street setback, Clause 3(d)(i) – Character and Clause 3(e)(i) – Sunlight access of Albury DCP 2010, and does not satisfy the associated Performance Criteria and therefore is contrary to the provisions of Section 4.15(1)(a)(iii) of the *Environmental planning and Assessment Act 1979;*

iii. The development will have an unacceptable impact on the locality in terms of impact to established built environment of the locality and therefore is contrary to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979;
iv. The site, owing to its location, orientation, and topography, is not suited to the development and therefore is contrary to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979; and
v. The development is contrary to the provisions of Section 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979* as it will have an unacceptable impact on the amenity of the adjoining property owners in the locality.

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 Docksey	Cr Stuchbery
Cr Cameron	Cr Mack
Cr Cohn	Cr King
Cr Glachan	Cr van de Ven
Cr Thurley	

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

CARRIED

CM13.2. Albury Development Control Plan - Draft Part 5 (Vegetation Protection)

MOTION
Cr Cohn Moved, Cr Stuchbery Seconded

That Council:

a. Endorses the draft Amendment to Part 5 – Vegetation Protection of the Albury Development Control Plan 2010 for public exhibition purposes, with the removal of Control 5.2 (iv)(e) for public exhibition purposes; and

b. Places the draft Amendment and any supporting material on public exhibition for a minimum of 28 days in accordance with the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*.

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 Stuchbery	Cr Cameron
Cr Docksey	
Cr Mack	
Cr Cohn	
Cr King	
Cr Glachan	
Cr Thurley	
Cr van de Ven	

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

CARRIED

CM13.3. Brooklyn Fields Trunk Sewer (Stage 3 to Woolshed Creek) and Lipsett Gravity Main Contract No. 20/02694

MOTION
Cr van de Ven Moved, Cr Glachan Seconded

That Council accepts the tender from Longford Civil Pty Ltd for Contract No. 20/02694– Brooklyn Fields Sewer (Stage 3 to Woolshed Creek) & Lipsett Gravity Main for the lump sum amount of $2,437,886.00 (including GST).

CARRIED

CM13.4. Provision of Cleaning Services, Albury Airport and Administration Building Contract No. 21/02006

MOTION
Cr King Moved, Cr Glachan Seconded

That Council accepts the tender from HACCP International Property Services Pty Ltd for the Schedule of Rates Contract No. 21/02006 for Cleaning Services – Albury Airport and Administration Building for a three-year period commencing 12 January 2022, with a contract value of $503,600 (including GST).

CARRIED

CM13.5. Provision of Security Patrol Services Contract No. 21/01030

MOTION
Cr Stuchbery Moved, Cr King Seconded

That Council accepts the tender from Jeff Clarke Security Pty Ltd for the Schedule of Rates Contract No 21/01030 for provision of Security Patrol Services to AlburyCity for a two-year period commencing 1 December 2021, for the contract value of $446,823.68 including GST.

LOST

MOTION
Cr van de Ven Moved, Cr Docksey Seconded

That Council accepts the tender from Backup Security Pty Ltd for the Schedule of Rates Contract No 21/01030 for provision of Security Patrol Services to AlburyCity for a two-year period commencing 1 December 2021, for the contract value of $474,090.76 including GST.

CARRIED

Cr Cameron left the Chamber at 7.51pm.

Cr Cameron returned to the Chamber at 7.53pm.

CM13.6. Draft Climate Change Adaptation Strategy

MOTION
Cr Thurley Moved, Cr Cohn Seconded

That Council:

a. Receives and notes the report on Council's actions relating to climate change mitigation and adaptation and legal and financial risks; and

b. Endorses the AlburyCity Climate Change Adaptation Strategy.

CARRIED

CM13.7. Albury Gold Cup Application for Local Half Day Holiday - Stakeholder Consultation Report

MOTION
Cr van de Ven Moved, Cr Docksey Seconded

That Council supports the half day public holiday for the 2022 and 2023 Albury Gold Cup.

CARRIED

Crs Stuchbery, Cohn and King requested that their votes AGAINST the MOTION be recorded.

CM13.8. Albury Retail Sector Action Plan

MOTION
Cr Thurley Moved, Cr Docksey Seconded

That Council endorses the Retail Sector Action Plan - Stakeholder Engagement Plan.

CARRIED

CM13.9. Community and Cultural Grants - Round One 2021/2022

MOTION
Cr Cohn Moved, Cr Thurley Seconded

That Council:

a. Receives and notes the report; and

b. Endorses the recommended 2021/2022 Community and Cultural Grant Program (Round One) allocations as follows:

1.	Rachel McNamara – A Land of Snow and Ice – Touring Set	$3,000
2.	Woolshed Thurgoona Landcare Group	$3,000
3.	Westside Community Centre Inc.	$4,800
4.	Michelle Fracaro – The Liminal Collective	$3,000
5.	Albury Wodonga Creatives	$3,000
6.	Border Trust – Community Foundation for Albury Wodonga Region	$2,440
7.	Global Sisters	$1,470
	Total	**$20,710**

CARRIED

CM13.10. Alcohol Free Zones and Alcohol Prohibited Areas Re-Establishment

MOTION
Cr van de Ven Moved, Cr Thurley Seconded

That Council:

a. Re-establishes an Alcohol-Free Zone in the following areas until December 2022:
   i. Albury Central Business Districts; and
   ii. Lavington Central Business Districts;

b. Re-establishes an Alcohol Prohibited Area in the following areas until December 2022:
   i. QEII Square; and
   ii. Botanic Gardens;

c. Re-establishes an Alcohol Prohibited Area in Noreuil Park on Australia Day from 9.00am to 9.00pm;

d. Proceeds to provide notice of the proposal to the community, the NSW Police and each holder of a liquor licence bordering or adjacent to the zones and areas; and

e. Provides a further report to Council reviewing all areas and zones beyond December 2022.

CARRIED

CM14. OFFICERS REPORTS FOR NOTING

CM14.1. Infrastructure Contributions Reform and Council Submission

MOTION
Cr Thurley Moved, Cr van de Ven Seconded

That Council receives and notes the report on infrastructure contributions reform and Council's submission to the Hon Rob Stokes MP, Minister for Planning and Public Spaces.

CARRIED

CM14.2. Investment Balances - September 2021

MOTION
Cr van de Ven Moved, Cr Docksey Seconded

That Council receives and notes the Investment Balances Report for the month of September 2021.

CARRIED

CM14.3. June Quarter Budget Review

MOTION
Cr Thurley Moved, Cr Cameron Seconded

That Council receives and notes the analysis of AlburyCity's financial performance for the 2020/21 financial year compared to forecast.

CARRIED

CM14.4. AlburyCity Our Future Strategy

MOTION
Cr van de Ven Moved, Cr Thurley Seconded

That Council receives and notes the draft AlburyCity Our Future Strategy 2031.

CARRIED

CM14.5. Youth Council Update - July to September 2021

MOTION
Cr Cohn Moved, Cr Cameron Seconded

That Council receives and notes the Youth Council's achievements as outlined in the July 2021 – September 2021 Youth Council Summary Report.

CARRIED

CM15. DELEGATES REPORTS FOR NOTING

CM15.1. Murray Darling Association Delegate's Report - October 2021

MOTION
Cr Thurley Moved, Cr Cameron Seconded

That Council receives and notes the Murray Darling Association Delegate's Report for Tabling at Council – October 2021.

CARRIED

CM16. NOTICE OF URGENT BUSINESS

CM16.1. G Docksey

Cr Docksey congratulated the Team Leader Events, Ros Walls, and her team for their work in organising the Music in the Gardens event that took place on Sunday 24 October 2021. The event was a success, with attendance reaching the quota for the maximum number of participants allowed.

CM17. CONFIDENTIAL MATTERS

There were no Confidential Matters.

The meeting closed at 8.46pm.