Council Meeting
Minutes

Council Meeting held on Monday 26 August 2019 at 6.55pm

Present	Crs K Mack (Chairperson), G Docksey, A Glachan, M King, J Stuchbery, D Thurley and H van de Ven
Staff	Chief Executive Officer, Deputy CEO Infrastructure, Planning and Environment, Deputy CEO Business, Growth and Community, Chief Financial Officer, Group Leader Water and Wastewater, Group Leader Communities, Team Leader Town Planning, Media and Communications Officer, IT Network Administrator and Executive Support Officer
Apologies	Cr D Cameron and A Cohn

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.

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 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 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

MOTION
Cr Docksey Moved, Cr Thurley Seconded

That Council receive, note and accept the apologies of Crs Darren Cameron and Amanda Cohn and grant leave of absence for the meeting.

CARRIED

CM5. MAYORAL MINUTE

There was no Mayoral Minute.

CM6. ACTION PLANS

MOTION
Cr van de Ven 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 12 August 2019 at 6.00pm

MOTION
Cr Thurley Moved, Cr Docksey Seconded

That the Minutes of the Council Meeting held on Monday 12 August 2019, 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

CM9.1. Uiver International Museum of Flight - Feasibility Study

MOVED
Cr Stuchbery Moved, Cr Thurley Seconded

a. That Council invite tenders from suitably qualified and experienced architectural firms to prepare a feasibility study for the development of a high-level Uiver International Museum of Flight in or about an area covered by Belbridges, the laneway between Belbridges and the Library Museum and the Retro Cafe, and specifically but not exclusively including the following:
   - Urban Site Analysis;
   - Design Narrative;
   - Concept Floor Plan;
   - Section Diagram;
   - Exploded Axonometric Diagram (if required);
   - Design Reference Images;
   - X2 Hero Renders;
   - Schedule of Areas; and
   - Interface between the existing LibraryMuseum and the northern boundary of the proposed museum.

b. The budget is anticipated to not exceed $15,500;
c. Minimal or no grass area of QE II square will be consumed; and
d. The Retro Cafe may be relocated to a point elsewhere within the museum.

CARRIED

CM10. PRESENTATIONS AND DEPUTATIONS

There were no Presentations and Deputations.

CM11.REPORTS/MINUTES OF COMMITTEES AND WORKING PARTIES

CM11.1. Minutes of the Sustainability Advisory Committee Meeting held on Tuesday 6 August 2019

MOTION
Cr Thurley Moved, Cr Docksey Seconded

That Council receive, note and accept the Minutes/Recommendations of the Sustainability Advisory Committee Meeting held on Tuesday 6 August 2019.

CARRIED

CM12.DOCUMENTS FOR SEALING

CM12.1. Documents for Sealing

MOTION
Cr van de Ven Moved, Cr Stuchbery 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. AlburyCity Lease to Greenwells Fly Fishing Club Inc at Greenfield Park – 5 year with 5 year option, commencing 1 June 2019 - FIL09/00358.
b. Community Fare Scheme Agreement between Albury City and Regional Express (REX) airlines on the Albury to Melbourne route for a three-year period, commencing 1 July 2019 – 30 June 2022 - FIL19/04194.

CARRIED

CM13.OFFICERS REPORTS FOR CONSIDERATION

CM13.1. Development Application - 10.2019.36754.1 - 124 Alexandra Way, Table Top - Two (2) Lot Torrens Title Subdivision

MOTION
Cr Glachan Moved, Cr Docksey Seconded

That Council:

a. Receive and note the contents of this report; and
b. Grant development consent to Development Application 10.2019.36754.1 subject to the conditions contained in the Draft Determination included in this report at Attachment 5.

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 Glachan	Cr Mack
Cr Thurley	Cr King
Cr van de Ven	

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

CARRIED

CM13.2. Development Application 10.2018.36436.1 - Child Care Facility at Fairway Gardens Road, Thurgoona

MOTION
Cr Glachan Moved, Cr Stuchbery Seconded

That Council:

a. Receive and note the contents of this report; and
b. Grant partial development consent (excluding signage component) to Development Application 10.2018.36436.1 for a centre-based child care facility at corner of Fairway Gardens and Thurgoona Drive, Thurgoona (western part of Lot 924 on DP1245055) subject to the conditions contained in the Draft Determination, included in this report at Attachment 10.

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 Mack
Cr Docksey	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. Leachate Discharge Pressure Pipeline in Mudge Street and Centaur Road Contract No. 19/03904

MOTION
Cr Thurley Moved, Cr Stuchbery Seconded

That Council accepts the tender from Longford Civil Pty Ltd for the Leachate Discharge Main on Mudge Street and Centaur Rd for the lump sum amount of $87,615.00 (including GST).

CARRIED

CM13.4. Albury Waste Management Centre Construction & Demolition Waste Material Recovery Facility Plant Contract No. 18/02784

MOTION
Cr Stuchbery Moved, Cr Docksey Seconded

That Council accepts the tender from Wastech Engineering Pty Ltd (ACN 059 404 152) for Contract No. 18/02784 'Design and Construction of the Albury Waste Management Centre Construction and Demolition Waste Material Recovery Facility Plant' for the lump sum amount of $1,119,800.00 (including GST).

CARRIED

CM13.5. Ettamogah Sewerage Augmentation Contract No. 17/01474

Mayor Mack advised this report be deferred until after Item CM16. Notice of Urgent Business, as it has components that are confidential, on the grounds that:

(2) The matters and information are the following:

(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

CM13.6. Proposed Jindera to Albury Recreational Path Working Party

MOTION
Cr van de Ven Moved, Cr Docksey Seconded

That Council:

a. Endorse Option 1 and accept Greater Hume Council's invitation to reconvene a working party for the Jindera to Albury Recreational Path; and
b. Nominate elected representatives - Cr Cohn and Cr van de Ven - to sit on this working party.

CARRIED

CM13.7. Lavington CBD Crime Safety Review

MOTION
Cr Stuchbery Moved, Cr Docksey Seconded

That Council:

a. Further investigate the development of a CCTV system in the Lavington CBD and allocate up to $25,000 at September budget review to engage a consultant to prepare concept plans and cost estimates;
b. Receive a further report on the consultant's findings;
c. Continue monitoring the release of the *Community and Small Business CCTV Fund* grants or similar which may provide organisations and business operators in the Lavington CBD opportunity to seek assistance for the supply and installation of CCTV systems on their premises; and
d. Not pursue the placement of mobile CCTV cameras at roundabouts in Lavington and North Albury.

CARRIED

CM13.8. MAMA Advisory Committee Change to Membership

MOTION
Cr Thurley Moved, Cr Stuchbery Seconded

That Council:

a. Endorse the appointment of Simon McMaster to the vacant position on the Committee; and
b. Endorse the DRAFT Committee Terms of Reference membership that:

i. Amends the Terms of Reference membership to clarify the number of voting positions on the committee;
ii. Removes moMAMA position (effective 1 September 2019); and
iii. Renames the Director Community and Recreation position to Deputy CEO – Business Growth and Community, (or nominated delegate).

CARRIED

CM13.9. Uiver Display and Interpretive Facility Feasibility Study

MOTION
Cr Stuchbery Moved, Cr Docksey Seconded

That Council:

a. Notes the Uiver Display and Interpretive Facility Feasibility Study: and
b. Continues to provide facilitation support to the UMCT to pursue its endorsed Option 1 - utilisation of the Bristol Court hangar to progress the Uiver Memorial Aircraft restoration.

CARRIED

CM13.10. AlburyCity Corporate Performance Reporting - Progress Update

MOTION
Cr van de Ven Moved, Cr Thurley Seconded

That Council:

a. Receive and note the AlburyCity Corporate Performance Reporting - Progress Update;
b. Endorse the Six Corporate Success Pillars; and
c. Receive a further report on finalisation of performance measures.

CARRIED

CM13.11. Draft Amendment to Albury Development Control Plan 2010 - Albury Airport Updated Noise Impact Provisions – Consider Submissions

MOTION
Cr Glachan Moved, Cr Thurley Seconded

That Council:

a. Note and receive the submission;
b. Adopt the draft updated Albury Airport – Noise Impact provisions as Part 18 – Albury Airport to the Albury Development Control Plan 2010 as amended;
c. Undertake those actions required under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000 to have the draft updated Albury Airport – Noise Impact provisions commenced.

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	Nil
Cr Docksey	
Cr Mack	
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

CM13.12. Albury Tigers Football and Netball Club - Request for Financial assistance to Upgrade Sportsfield Lighting

MOTION
Cr Thurley Moved, Cr Docksey Seconded

That Council:

a. Endorse an increase to the 2019/20 Community Fund Program to include an allocation of $50K towards the Albury Sports Ground lighting project; and
b. Make the necessary funding adjustments, as outlined within the report, as part of the September Quarterly Budget Review.

CARRIED

CM14. OFFICERS REPORTS FOR NOTING

CM14.1. Monthly Development Statistics – July 2019

MOTION
Cr Stuchbery Moved, Cr Thurley Seconded

That Council receive and note the information in the Monthly Development Statistics report for July 2019.

CARRIED

CM14.2. Service and Efficiency Review Program - Six Monthly update

MOTION
Cr Thurley Moved, Cr Glachan Seconded

That Council receive and note the six-month Service and Efficiency Review Program progress report.

CARRIED

CM14.3. Investment Balances - July 2019

MOTION
Cr van de Ven Moved, Cr Thurley Seconded

That Council receive and note the Investment Balances Report for the month of July 2019.

CARRIED

CM14.4. AlburyCity Operational Plan Six Monthly Progress Update 2019 - Albury 2030

Cr Thurley Moved, Cr Stuchbery Seconded

That Council receive and note the AlburyCity Operational Plan Six Monthly Progress Report for June 2019.

CARRIED

CM15. DELEGATES REPORTS FOR NOTING

There were no Delegates Reports for Noting.

CM16. NOTICE OF URGENT BUSINESS

There were no Notices of Urgent Business.

Deferred Item:

CM13.5. Ettamogah Sewerage Augmentation Contract No. 17/01474

MOTION
Cr van de Ven Moved, Cr Stuchbery Seconded

That Council accepts the tender from Longford Civil Pty Ltd for Contract No. 17/01474 – Ettamogah Sewerage Augmentation for the lump sum amount of $5,066,171.77 (including GST);

MOTION
Cr van de Ven Moved, Cr Stuchbery Seconded

That Council move into Confidential to discuss Item CM13.5 Ettamogah Sewerage Augmentation Contract No. 17/01474 as this is a confidential item, exclusive of press or public on the grounds that:

(2) The matters and information are the following:
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business..

[Local Government Act 1993 No 30.Section 10A(2)(c)]

The Chairperson, Cr Mack asked if there were any statements or submissions from the public regarding the reasons as identified for this Confidential Item CM13.5.

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 8.39 pm

Cr Docksey left the Chamber at 8.39pm

Cr Docksey returned to the Chamber at 8.41pm

MOTION
Cr Thurley Moved, Cr Stuchbery Seconded

That Council move back into Open Council.

CARRIED

Resumption of Open Council 8.53pm

CM13.5. Ettamogah Sewerage Augmentation Contract No. 17/01474

MOTION
Cr van de Ven Moved, Cr Stuchbery Seconded

a. That Council accepts the tender from Longford Civil Pty Ltd for Contract No. 17/01474 – Ettamogah Sewerage Augmentation for the lump sum amount of $5,066,171.77 (including GST);

CARRIED

CONFIDENTIAL MATTERS

ITEM NO.	NAME OF REPORT & REASON FOR CONFIDENTIALITY
CM17.1	**Land and Environment Court Appeal – Namany Pty Ltd v Albury City Council** *Confidential item, exclusive of press or public on the grounds that:* *(2) The matters and information are the following:* *(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.* *Local Government Act 1993 No 30.Section 10A(2)(g)*

MOTION
Cr Thurley Moved, Cr Docksey Seconded

That Council move into Confidential to discuss Item CM17.1 Land and Environment Court Appeal - Namany Pty Ltd v Albury City Council as this is a confidential item, exclusive of press or public on the grounds that:

(2) *The matters and information are the following:*
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

[Local Government Act 1993 No.30 Section 10A(2)(g)]

The Chairperson, Cr Mack asked if there were any statements or submissions from the public regarding the reason as identified for Confidential Item CM17.1.

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 Closed Council 9.03 pm **CARRIED**

MOTION
Cr Thurley Moved, Cr Docksey Seconded

That Council move back into Open Council.

CARRIED

Resumption of Open Council 9.06pm

The Chairperson advised the meeting of the Resolution as adopted in Confidential.

CM17.1 Land and Environment Court Appeal - Namany Pty Ltd v Albury City Council

MOTION
Cr Thurley Moved, Cr Docksey Seconded

That Council delegate the Chief Executive Officer to negotiate an outcome consistent with Option 1 in regard to the Land and Environment Court proceedings in Namany Pty Ltd v Albury City Council.

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	Nil
Cr Docksey	
Cr Mack	
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

Vale the Hon Tim Fischer AC

In closing, the Mayor acknowledged the service of the Hon Tim Fischer AC, Deputy Prime Minister of Australia, March 1996 – July 1999, Leader of the National Party of Australia, April 1990 – July 1999, and Member for Farrer, December 1984 – October 2001 who passed away on Thursday, 22 August 2019. Council extends their condolences to his wife, Judy Brewer and sons Dominic and Harrison.

The meeting closed at 9.06pm