Council Meeting
MINUTES

Council Meeting held on Monday 27 March 2017 at 6.01pm

Present	Crs K Mack (Chairperson), D Cameron, A Cohn, G Docksey, A Glachan, M King, J Stuchbery, D Thurley and H van de Ven
Apologies	General Manager
Staff	Director Economic Development & Tourism, Director Engineering, Director Community & Recreation, Director Planning & Environment, Chief Financial Officer, Group Leader Communications, Team Leader Town Planning, IT Systems Administrator, IT Database Administrator, Governance Officer

The Agenda for this meeting and Minutes of Committees included therein form part of these Minutes.

THE MEETING OPENED WITH THE PRAYER & ACKNOWLEDGMENT OF ORIGINAL CUSTODIANS OF OUR LAND

CM 2 RECORDING AND WEBCASTING OF MEETING

The Chairperson advised those present that the meeting is being webcast and recorded. An audio recording will be made for administrative purposes.

CM 3 CONFLICT OF INTEREST DECLARATIONS RECEIVED BY THE CHAIR AND DISCLOSURE OF POLITICAL DONATIONS

3.1 Conflict of Interest Declarations

The Chairperson received the following Conflict of Interest Declarations:

- Cr King declared a Pecuniary Conflict of Interest in relation to items CM14.1 Reconstruction of Yambla Place Albury Contract No. 17/00251 and CM14.2 Construction of Travelstop Way Roundabout Contract No. 16/02199 due to professional association, and advised he would leave the Chamber when these items are discussed.
- Mr James Jenkins declared a Less than Significant Non-Pecuniary Conflict of Interest in relation to item CM14.3 Development Application 26 Lot Torrens Title Subdivision – 47 Table Top Road Thurgoona, as he is a Public Officer to a company which had made submissions to two planning matters. He advised he would leave the Chamber when the item is discussed.

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

The Director Economic Development & Tourism advised those present, of the legislative requirement for Disclosure of Political Donations:

Advice to the Council Meeting

The Environmental Planning and Assessment Act 1979, Section 147 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 79C(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 or a council committee.

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 2A of Part 6 of that Act.

Matters appearing in the Planning and Development Committee Meeting minutes which require a planning decision to be made will be dealt with separately and immediately following the motion for the adoption of the Planning and Development Committee Meeting minutes. In respect to these matters, motions for a planning decision put before council will be considered a division and recorded in accordance with section 375A of the Local Government Act 1993.

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

CM 4 APOLOGIES

There were no Apologies received by the Chairperson.

CM 5 MAYORAL MINUTE

There was no Mayoral Minute.

CM 6 ACTION PLANS

6.1 Actions Complete – For Noting Only

6.2 Actions Awaiting Response from External Parties

6.3 Actions in Progress

6.4 Long Term Issues (more than three months)

Cr Thurley Moved, Cr Cohn Seconded
That Council receive, note and accept the Actions in Progress as listed in the Agenda.

CARRIED

CM 7 CONFIRMATION OF THE COUNCIL MINUTES

7.1 Minutes of the Council Meeting held on Monday 27 February 2017 at 6.00pm

Cr Docksey Moved, Cr Thurley Seconded
That the Minutes of the Council Meeting held on Monday 27 February 2017, at 6.00pm, be confirmed.

CARRIED

CM 8 REPORTS FROM COUNCIL COMMITTEES

8.1 Report from the Planning & Development Committee Meeting held on Monday 13 March 2017 at 6.00pm

Cr Glachan Moved, Cr Thurley Seconded
That the recommendations included in the report from the Planning & Development Committee Meeting held on Monday 13 March 2017, at 6.00pm, be adopted.

CARRIED

8.2 Report from the Engineering & Works Committee Meeting held on Monday 13 March 2017 at 6.15pm

Cr van de Ven Moved, Cr Docksey Seconded
That the recommendations included in the report from the Engineering & Works Committee Meeting held on Monday 13 March 2017, at 6.15pm, be adopted.

CARRIED

8.3 Report from the Community & Cultural Committee Meeting held on Monday 20 March at 6.00pm

Cr Cohn Moved, Cr Stuchbery Seconded
That the recommendations included in the report from the Community & Cultural Committee Meeting held on Monday 20 March 2017, at 6.00pm, be adopted.

CARRIED

8.4 Report from the Finance & Administration Committee Meeting held on Monday 20 March 2017 at 6.10pm

Cr Thurley Moved, Cr van de Ven Seconded
That the recommendations included in the report from the Finance & Administration Committee Meeting held on Monday 20 March 2017, at 6.10pm, be adopted.

CARRIED

CM 9 REPORT FROM THE COMMUNITY FORUM

There was no Community Forum.

CM 10 NOTICES OF MOTION/NOTICES OF RESCISSION

There were no Notices of Motion/Notices of Rescission.

CM 11 PRESENTATIONS & DEPUTATIONS

There were no Presentations or Deputations.

CM 12 REPORTS/MINUTES OF COMMITTEES & WORKING PARTIES

12.1 Minutes of the Wonga Wetlands Conservation Association Annual General Meeting held on Tuesday 25 October 2016, at 1.00pm

12.2 Minutes of the Wonga Wetlands Conservation Association Ordinary Meeting held on Tuesday 25 October 2016, at 1.08pm

Cr Glachan Moved, Cr Docksey Seconded
That the Minutes/Recommendations of the following Committees and Working Parties be received and noted:

1. Minutes of the Wonga Wetlands Conservation Association Annual General Meeting held on Tuesday 25 October 2016, at 1.00pm; and
2. Minutes of the Wonga Wetlands Conservation Association Ordinary Meeting held on Tuesday 25 October 2016, at 1.08pm.

CARRIED

CM 13 DOCUMENTS FOR SEALING

Cr Thurley 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 Use of the Council Seal Policy:

A. AlburyCity lease to National Rugby League Limited – Suite 4, 3rd Floor, 553 Kiewa Street, Albury. One year option commencing 7 March 2017.
B. Certificate of Authority under the Swimming Pools Act 1992 for new starter – Timothy Steer.

CARRIED

CM 14 OFFICERS REPORTS FOR CONSIDERATION

Cr King left the Chamber at 6.10pm.

14.1 Reconstruction of Yambla Place Albury Contract No. 17/00251

Cr Glachan Moved, Cr Docksey Seconded

That Council accepts the tender from Excell Gray Bruni Pty Ltd for Contract No.17/00251 – Reconstruction of Yambla Place, in the lump sum amount of $322,982 including GST.

CARRIED

14.2 Construction of Travelstop Way Roundabout Contract No. 16/02199

Cr Thurley Moved, Cr Stuchbery Seconded

That Council accepts the tender from AP Delaney & Co Pty Ltd for Contract No. 16/02199 - Travelstop Way Roundabout, in the lump sum amount of $1,165,543.50 including GST.

CARRIED

Cr King returned to the Chamber at 6.21pm.

James Jenkins left the Chamber at 6.22pm.

14.3 Development Application 26 Lot Torrens Title Subdivision – 47 Table Top Road Thurgoona

Cr van de Ven Moved, Cr Stuchbery Seconded

That Council:

a. Receive and note the contents of this report; and
b. Grant consent to Development Application 10.2016.34950.1 proposing a subdivision to create 26 residential lots and three (3) public reserves at 47 Table Top Road Thurgoona, subject to the conditions contained in the Draft Determination shown as Attachment 4 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 Stuchbery	Cr Cohn
Cr Docksey	
Cr Cameron	
Cr Mack	
Cr Thurley	
Cr King	
Cr Glachan	
Cr van de Ven	

CARRIED

Disclosure of Political Donations

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

James Jenkins returned to the Chamber at 6.40pm.

14.4 2017 National General Assembly of Local Government Call for Motions

Cr van de Ven Moved, Cr Glachan Seconded

That Council:

a. Approve the Mayor and General Manager's (or delegate) attendance at the 2017 National General Assembly of Local Government and the Regional Development Forum in Canberra from Sunday 18 to Wednesday 21 June 2017; and
b. Submit the draft motions relating to the supply of domestic energy and City Deals as outlined in the report.

CARRIED

14.5 Planning Legislation Changes

Cr Docksey Moved, Cr Thurley Seconded

That Council:

a. Notes the content of this report; and
b. Endorse the attached draft AlburyCity Submission to the draft Environmental Planning and Assessment Act Amendment Bill 2017.

CARRIED

14.6 Hume Passenger Rail Research Project

Cr Glachan Moved, Cr Docksey Seconded

That Council:

a. Endorse the Hume Corridor Passenger Rail Study Report; and
b. Continue participation in the collaboration and active advocacy on behalf of the community.

CARRIED

CM 15 OFFICERS REPORTS FOR NOTING

There were no Officers Reports for Noting.

CM 16 DELEGATES REPORTS FOR NOTING

There were no Delegates Reports for Noting.

CM 17 NOTICE OF URGENT BUSINESS

NUB 1 Cr Cameron sought an explanation of the decision not to allow Howlong Community Committee Inc to present to the April Council Meeting regarding concerns about the proposed Cleanaway Facility, and the Deputy Mayor's involvement in this decision. The Mayor confirmed the decision was made by him on the basis of consistency with Council's previous response to a Gerogery group with similar concerns about a proposed facility in that area, and that the Howlong Community Committee Inc would be invited to hold an informal meeting with relevant staff and interested Councillors.

CM 18 CONFIDENTIAL ITEMS

There were no Confidential Items.

The Meeting closed at 7.01pm.