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# Council Meeting MINUTES



## Minutes of the Council Meeting held on Monday 28 February 2011 at 6.01pm

**Present** Crs A Glachan (Chairperson), R Angus, D Betteridge, A Duncan-Strelec, P Gould, N Hull and P Sawyer.

**Leave of  
Absence** Cr P Wareham.

**Apologies** Cr van de Ven.

**Staff** General Manager, Director Corporate Services, Director Community & Recreation, Director Economic Development & Tourism, Director Engineering, Acting Director Planning & Environment, Group Leader Finance, Group Leader Human Resources, Team Leader Governance, IT Officer and Governance Officer.

**Guests**

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

The Mayor announced this meeting is being recorded.

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

**CM 2 CONFLICT OF INTEREST DECLARATIONS RECEIVED BY THE  
CHAIR AND DISCLOSURE OF POLITICAL DONATIONS**

**2A Conflict of Interest Declarations**

Conflict of Interest Declarations were received from the following Councillors:

- *Cr Betteridge declared a Non-Pecuniary Conflict of Interest in relation to item CM10B, as he is a member of the Joint Regional Planning Panel. Cr Betteridge advised that he would leave the Chambers and take no part in discussion or voting in relation to item CM10B.*
- *Cr Gould declared a Non-Pecuniary Conflict of Interest in relation to item CM10B, as she is a member of the Joint Regional Planning Panel. Cr Gould advised that she would leave the Chambers and take no part in discussion or voting in relation to item CM10B.*

**2B Disclosure of Political Donations**

*The General Manager advised those present, of the legislative requirement for Disclosure of Political Donations:*

***Advice to the Council Meeting***

*The Environmental Planning Assessment Act 1979, Section 147(4) requires people submitting planning applications and/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 and gifts include those of, or above, \$1,000 in value.*

*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.*

*There were no Disclosure of Political Donations received by the Chair.*

**CM 3 APOLOGIES**

**Cr Sawyer Moved, Cr Hull Seconded**

21/2011 That Council receive, note, accept the apology of Cr van de Ven, and grant leave of absence for the meeting.

**CARRIED**

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## **CM 4 ACTION PLAN (30/60/0001)**

**4A Actions Complete – For Noting Only**

**4B Actions Awaiting Response from External Parties**

**4C Actions in Progress**

**4D Long Term Issues (more than three months)**

### **Cr Sawyer Moved, Cr Duncan-Strelec Seconded**

22/2011 That the following Action Plans be received and noted:

- A. Actions Complete – For Noting Only,
- B. Actions Awaiting Response from External Parties,
- C. Actions in Progress, and
- D. Long Term Issues (more than three months).

**CARRIED**

## **CM 5 CONFIRMATION OF THE COUNCIL MINUTES (30/60/0002)**

**5A Minutes of the Council Meeting held on Monday 31 January 2011 at 6.01pm**

### **Cr Sawyer Moved, Cr Gould Seconded**

23/2011 That the Minutes of the Council Meeting held on Monday 31 January 2011 at 6.01pm, be confirmed.

**CARRIED**

## **CM 6 REPORTS FROM COUNCIL COMMITTEES (30/60/0002)**

**6A Report from the Planning & Development Committee Meeting held on Monday 14 February 2011 at 6.00pm**

### **Cr Angus Moved, Cr Duncan-Strelec Seconded**

24/2011 That the recommendations included in the report from the Planning & Development Committee Meeting held on Monday 14 February 2011 at 6.00pm, be adopted.

**CARRIED**

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**6B Report from the Engineering & Works Committee Meeting held on Monday 14 February 2011 at 6.32pm**

**Cr Duncan-Strelec Moved, Cr Gould Seconded**

25/2011 That the recommendations included in the report from the Engineering & Works Committee Meeting held on Monday 14 February 2011 at 6.32pm, be adopted.

**CARRIED**

**6C Report from the Community & Cultural Committee Meeting**

*There was no Community & Cultural Committee Meeting held in February 2011.*

**6D Report from the Finance & Administration Committee Meeting**

*There was no Finance & Administration Committee Meeting held in February 2011.*

**CM 7 REPORT FROM THE COMMUNITY FORUM (30/60/0002)**

*There was no Community Forum held in February 2011.*

**CM 8 MINUTES OF OTHER COMMITTEES & WORKING PARTIES**

**8A Minutes of the Audit Committee Meeting held on Thursday 10 February 2011 at 12.00pm**

**Cr Betteridge Moved, Cr Angus Seconded**

26/2011 That the Minutes of the following Committees and Working Parties be received and noted:

- A. Minutes of the Audit Committee Meeting held on Thursday 10 February 2011, at 12.00pm.

**CARRIED**

**CM 9 DOCUMENTS FOR SEALING**

**Cr Sawyer Moved, Cr Gould Seconded**

27/2011 That Council resolves that the following documents are approved as being affixed with the Seal of the Council of the City of Albury and entered onto the Register of Sealed Documents.

- A. Shuter Avenue Contributions Deed between AlburyCity Council and Thurgoona Plaza Pty Ltd on a 60/40 split for works and the reallocation of \$60k from the rehabilitation budget to Shuter Avenue upgrade project.
- B. Plan defining the boundaries of the Albury Sports Ground (Lot 662 DP753326) in support of Council taking title to this land.  
In 1957 the Minister for Lands vested ownership of Council. However, this vesting did not flow through to the titles office system of land ownership registration. The Seal has been applied to a plan defining the boundary of the Albury Sports Ground. This plan forms one of the documents required for Council to take title of this land.
- C. AlburyCity Agistment Agreement of Doctors Point Lot 36 DP827198, Parcel 28831, with Denise Tink for two years commencing 1 January 2011.
- D. Loan agreement between AlburyCity Council and the Thurgoona Rural Fire Brigade for the completion of the Thurgoona Rural Fire Brigade facilities. (The purpose of the facility is to provide the borrower with working capital and to assist with the completion of the capital works on the land, by the borrower, or other approved purposes as the lender may from time to time approve.)
- E. Partial Deed of Waiver of Development Agreement between AlburyCity Council, Hillington Valley Pty Ltd and the Grange Retirement Village (Albury) Pty Ltd.
- F. New Development Deed between AlburyCity Council and the Grange Retirement Village (Albury) Pty Ltd.

**CARRIED**

**CM 10 OFFICERS' REPORTS FOR CONSIDERATION**

**10A Two (2) Lot Torrens Title Subdivision – 667 Gerogery Road, Table Top - DA 10.2010.30459.1 (AF10/01684)**

**Cr Duncan-Strelec Moved, Cr Hull Seconded**

28/2011 That Council:

- a. note the contents of this report; and
- b. refuse consent for Development Application 10.2010.30459.1 for the following reasons:
  1. The proposed development does not satisfy the objectives of the RU4 – Rural Small Holdings Zone of the then Draft Albury Local Environmental Plan 2010 and thus does not satisfy Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.
  2. The proposed development is inconsistent with the minimum lot size identified for the site in the Draft Albury Local Environmental Plan 2010 and thus does not satisfy Section 79C(1)(a)(ii) of the Environmental Planning and Assessment Act 1979.
  3. The proposed development does not satisfy the requirements of Part 9 of the Draft Albury Development Control Plan 2010, with particular reference to 9.2.1 and therefore is inconsistent with the provisions of Albury Development Control Plan 2010 and thus does not satisfy Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
  4. The proposed development is contrary to the public interest and therefore is not satisfactory in relation to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*.

**CARRIED**

**FOR**

Cr Angus  
Cr Betteridge  
Cr Duncan-Strelec  
Cr Glachan  
Cr Gould  
Cr Hull  
Cr Sawyer

**AGAINST**

Nil.

**Disclosures of Political Donations**

There were no disclosures of political donations and/or gifts by an applicant, objector or Councillor at the time of determination of this Development Application.

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*Cr Betteridge and Cr Gould left the Chambers at 6.13pm and took no part in discussion or voting.*

**10B Southern Region Joint Regional Planning Panel - Development Application 10.2010.30748.1 – Six Storey Commercial and Retail Development and Associated Car parking at 360-368 Griffith Road and 353-355 Wagga Road, Lavington (AF10/01777)**

**Cr Duncan-Strelec Moved, Cr Hull Seconded**

29/2011

That Council:

- a. receive and note the report; and
- b. make no further submission to the JRPP Panel.

**CARRIED**

**FOR**

Cr Angus  
Cr Duncan-Strelec  
Cr Glachan  
Cr Hull  
Cr Sawyer

**AGAINST**

Nil.

**Disclosures of Political Donations**

There were no disclosures of political donations and/or gifts by an applicant, objector or Councillor at the time of determination of this Development Application.

*Cr Betteridge and Cr Gould returned to the Chambers at 6.16pm.*

**10C Operational Plan Quarterly Budget Review Statement – December 2010 (FIL11/00281)**

**Cr Duncan-Strelec Moved, Cr Betteridge Seconded**

30/2011

That Council:

- a. adopt the review of the Financial Plan for the quarter ending December 2010, and
- b. approve the variations to the 2010-2011 Financial Plan as outlined in this report.

**CARRIED**

**10D Special Variation to Rate Income Application to IPART (FIL10/00787)**

**Cr Duncan-Strelec Moved, Cr Angus Seconded**

31/2011

That Council reaffirm its strategy regarding the special variation to rate income for 2011-2012 to 2013-2014 as outlined in this report and in the Four Year Delivery Program adopted in June 2010.

**CARRIED**

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**10E Forthcoming Conferences – Attendance by Councillors –  
Australian Regional Women Leaders Convention 2011  
(FIL10/01999)**

**Cr Sawyer Moved, Cr Gould Seconded**

32/2011 That Cr Sawyer attend the Australian Regional Women Leaders Convention 2011,  
Thursday 7 to Friday 8 April 2011, if available.

**CARRIED**

**CM 11 OFFICERS REPORTS FOR NOTING**

**11A Delivery Program Six Monthly Progress Report – December 2010  
(FIL11/00281)**

**Cr Hull Moved, Cr Betteridge Seconded**

33/2011 That Council receive and note the report.

**CARRIED**

**11B Corporate Health Indicator Report – December 2010 (FIL09/01658)**

**Cr Gould Moved, Cr Duncan-Strelec Seconded**

34/2011 That Council receive and note the report.

**CARRIED**

**Action Item**

*Cr Gould requested a report come to Council on the current Trainees within the organisation.*

**11C Investment Balances for the Month of December 2010  
(FIL10/01975)**

**11D Investment Balances for the Month of January 2011 (FIL11/00231)**

**Cr Duncan-Strelec Moved, Cr Betteridge Seconded**

35/2011 That Council receive and note the Investment Balances reports for the months of  
December and January.

**CARRIED**



**11E Australian Local Government Women's Association Incorporated  
National Conference Report (FIL10/01999)**

**Cr Sawyer Moved, Cr Duncan-Strelec Seconded**

36/2011 That Council receive and note the Australian Local Government Women's Association Conference 2010 Report, by Cr Philomena Sawyer.

**CARRIED**

**Cr Duncan-Strelec Moved, Cr Gould Seconded**

37/2011 That Council pay and/or reimburse individual membership fees for Australian Local Government Women's Association.

**CARRIED**

**Action Item**

*Director Corporate Services, Judy Charlton to advise Councillors on the details of the corporate membership to the Australian Local Government Women's Association.*

**CM 12 MATTERS WITHOUT NOTICE**

**MWN 1 Cr Glachan Moved, Cr Sawyer Seconded**

38/2011 That Council prepare a list of Local Government issues to be sent to the local candidates at the upcoming New South Wales State Elections in March. Councillors to provide information to Executive Staff to submit on their behalf, by 12.00pm Friday 4 March 2011.

**CARRIED**

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## CM 13 CONFIDENTIAL ITEMS

### CM13A General Manager's Six Month Performance Review (FIL09/00619)

#### Cr Glachan Moved, Cr Sawyer Seconded

37/2011 That Council move into Confidential to discuss Item CM13A as this is a confidential item, exclusive of press and public, on the grounds that the matter relates to personnel matters concerning particular individuals [LG Act, Section 10A, Section (2)(a)].

The report contains personnel information relating to the General Manager.

*The Chairperson, Cr Glachan asked if there were any statements or submissions from the public regarding the reasons as identified for this Confidential Item CM 13A.*

*There were no submissions received from the public.*

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

**The MOTION was PUT and**

**CARRIED**

*Members of the public and staff in attendance left the Chambers at 7.01pm. Group Leader Human Resources, Murray Watson remained in the Chambers.*

#### Cr Gould Moved, Cr Sawyer Seconded

##### Recommendation

That Council endorse the results of the General Manager's 2010-2011 Six Month Performance Review.

**CARRIED**

#### Resumption of Open Council (7.09pm)

#### Cr Duncan-Strelec Moved, Cr Angus Seconded

That Council move back into Open Council.

**CARRIED**

*Members of the public and staff in attendance returned to the Chambers at 7.09pm.*

#### Cr Gould Moved, Cr Sawyer Seconded

38/2011 That Council endorse the results of the General Manager's 2010-2011 Six Month Performance Review.

**CARRIED**

*The Meeting closed at 7.10pm.*

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