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MINUTES

Ordinary Council Meeting

21 May 2019

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There were no closed session reports for determination.

**MINUTES OF GOULBURN MULWAREE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,
GOULBURN
ON TUESDAY, 21 MAY 2019 AT 6PM**

PRESENT: Cr Bob Kirk (Mayor), Cr Peter Walker (Deputy Mayor), Cr Andrew Banfield, Cr Sam Rowland, Cr Leah Ferrara, Cr Alfie Walker, Cr Margaret O'Neill, Cr Carol James, Cr Denzil Sturgiss

IN ATTENDANCE: Warwick Bennett (General Manager), Marina Hollands (Director Utilities), Scott Martin (Director Planning and Environment), Matt O'Rourke (Director Operations), Brendan Hollands (Director Business Services) and Amy Croker (Executive Officer)

1 APOLOGIES

Nil

2 OPENING PRAYER

The opening prayer was read by Cr Denzil Sturgiss.

3 LATE ITEMS / URGENT BUSINESS

Nil

4 DISCLOSURE OF INTERESTS

Alfie Walker declared a non-pecuniary conflict of interest in Item 12.3 "Gunlake Quarry Extension Project - Modification 1 (LEC Consent 108663 of 2017)" as Pejar Aboriginal Lands Council of which he is a Board Member has done work for Gunlake Quarry. Alfie Walker will leave the meeting while discussion and determination on this item takes place.

Cr Andrew Banfield made a statement in relation to the Business Paper. He has assessed the Business Paper and does not perceive any declaration of interest is required to be declared in relation to his employment with Denrith Group of Companies.

5 PRESENTATIONS

Nil

6 PUBLIC FORUM / ADDRESSES TO COUNCIL

Jacki Waugh addressed Council on Item 12.5 Goulburn Performing Arts Centre Request for Tender for Construction

Kim Gann addressed Council on Item 12.5 Goulburn Performing Arts Centre Request for Tender for Construction.

Tempe Hornibrook addressed Council on Item 12.5 Goulburn Performing Arts Centre Request for Tender for Construction.

Chris Gordon addressed Council on Item 12.5 Goulburn Performing Arts Centre Request for Tender for Construction.

7 CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 7 MAY 2019

RESOLUTION 2019/142

Moved: Cr Carol James

Seconded: Cr Denzil Sturgiss

That the Council minutes from Tuesday 7 May 2019 and contained in Minutes Pages No 1 to 16 inclusive and in Minute Nos 2019/121 to 2019/141 inclusive be confirmed.

CARRIED

8 MATTERS ARISING

8.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 7 MAY 2019

Nil

8.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2019/143

Moved: Cr Peter Walker

Seconded: Cr Alfie Walker

That Council notes the Matters Arising and authorises the deletion of completed tasks.

CARRIED

9 NOTICE OF MOTION

Nil

10 NOTICE OF RESCISSION

Nil

11 MAYORAL MINUTE

Nil

12 ITEMS FOR DETERMINATION

12.1 MOD/0029/1819 - 203 AUBURN STREET - MINOR AMENDMENTS TO GROUND FLOOR LAYOUT

RESOLUTION 2019/144

Moved: Cr Andrew Banfield

Seconded: Cr Sam Rowland

That:

- 1. The staff assessment report for development application MOD/0029/1819 for the proposed amendments to the ground floor be received.**
- 2. Consent be refused for MOD/0029/1819 for minor amendments to the ground floor located at 203 Auburn Street, Goulburn for the following reasons:-**
 - a) The proposal does not satisfy Part 1 Section 1.3(g) of the *Environmental Planning and Assessment Act 1979* “the Act” as it does not to promote good design and amenity of the built environment.**
 - b) The proposal does not satisfy Part 4 Section 4.2.7 of the Goulburn Mulwaree Development Control Plan 2009 “GMC DCP 2009”.**
 - c) The proposal is not in the public interest as:**
 - It has not considered the likely impacts of the development on the locality.**
 - It promotes unsatisfactory pedestrian and vehicle conflict.**
 - It has not demonstrated that all owners of land on which the development is to occur have provided consent.**
 - d) The proposal having regard to the provisions of Section 4.15 of “the Act”, is considered to be unsatisfactory and therefore, is not in the public interest.**

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Sam Rowland, Leah Ferrara, Alfie Walker, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

12.2 DA/0188/1819 - 203 AUBURN STREET - ALTERATIONS & ADDITIONS AND CHANGE OF USE**RESOLUTION 2019/145****Moved: Cr Andrew Banfield****Seconded: Cr Carol James****That:**

1. The staff assessment report for development application DA/0188/1819 for the proposed façade painting, installation of business signage, and change of use to first floor from residential to retail premises, internal alterations and addition of two car parking spaces at 203 Auburn Street, Goulburn be received.
2. Consent be refused for DA/0188/1819 for the following reasons:-
 - (a) The proposal does not satisfy Part 1 Section 1.3(g) of the *Environmental Planning and Assessment Act 1979 "the Act"* as it does not to promote good design and amenity of the built environment.
 - (b) The proposal does not satisfy the following sections of the Goulburn Mulwaree Development Control Plan 2009:
 - Part 1 Section 1.8
 - Part 3 Section 3.5
 - Part 3 Section 3.6
 - Part 4 Section 4.2.7
 - (c) The proposal is not in the public interest as:
 - It has not considered the likely impacts of the development on the locality.
 - It promotes unsatisfactory pedestrians and vehicle conflict.
 - It has not demonstrated that all owners of land on which the development is to occur have provided consent.
 - (d) The proposal having regard to the provisions of *Section 4.15 of "the Act"*, is considered to be unsatisfactory and therefore, is not in the public interest.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Sam Rowland, Leah Ferrara, Alfie Walker, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

12.3 GUNLAKE QUARRY EXTENSION PROJECT - MODIFICATION 1 (LEC CONSENT 108663 OF 2017)

Cr Alfie Walker declared an interest in this item and took no part in the discussion or voting on the matter. At 6:45 pm, Cr Alfie Walker left the meeting.

RESOLUTION 2019/146

Moved: Cr Margaret O'Neill

Seconded: Cr Peter Walker

That

1. The report from the Team Leader Development Assessment in regard to the Gunlake Quarry Extension Project – Modification 1 be received.
2. A submission be made to the Department of Planning & Environment advising that Goulburn Mulwaree Council does not object to the proposed Gunlake Quarry Extension Project (Modification 1) application currently on public exhibition. This is subject to the supporting calculations being verified as being in accordance with legislative requirements, best practice guidelines and concurrence of the Office of Environment and Heritage.

CARRIED

At 6:46 pm, Cr Alfie Walker returned to the meeting.

12.4 PLANNING PROPOSAL FOR 745 CROOKWELL ROAD, KINGSDALE - POST EXHIBITION REPORT**RESOLUTION 2019/147**

Moved: Cr Peter Walker

Seconded: Cr Margaret O'Neill

That

1. The post exhibition report from the Graduate Strategic Planner for the planning proposal at 745 Crookwell Road, Kingsdale be received.
2. Council endorse the current planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* to add a *restaurant or café* as an additional permitted use under Schedule 1 for Lot 16 DP1069310.
3. A Draft Instrument be prepared that is consistent with the above amendment.
4. The planning proposal and relevant documentation be forwarded to the Department of Planning and Environment for making as soon as possible.

CARRIED

12.5 GOULBURN PERFORMING ARTS CENTRE REQUEST FOR TENDER FOR CONSTRUCTION

RESOLUTION 2019/148

**Moved: Cr Sam Rowland
Seconded: Cr Peter Walker**

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 6:48pm.

CARRIED

RESOLUTION 2019/149

**Moved: Cr Carol James
Seconded: Cr Andrew Banfield**

That Council move back into Open Council.

Council moved back into Open Council at 7:50pm.

CARRIED

RESOLUTION 2019/150

**Moved: Cr Bob Kirk
Seconded: Cr Alfie Walker**

That:

1. **The report from the Director Operations be received on the Request For Tender Evaluation for Construction of the Performing Arts Centre be received.**
2. **Council proceeds with the construction of the Goulburn Performing Arts Centre at a cost of \$18,500,000 subject to the successful negotiations being completed as outlined in paragraph 3 of this resolution and noting the intent of Clause 5.**
3. **Council authorises the General Manager to enter into negotiations with Zauner Constructions Pty Ltd to reduce the construction tender price of Goulburn Performing Arts Centre to \$16,265,000 to include following value engineering options:**
 - (a) **The initial value engineering options proposed by Zauner Construction Pty Ltd in Schedule D of their tender submission dated 2 April 2019.**
 - (b) **Other value engineering options included in Zauner Construction Pty Ltd tender submission but not priced.**
4. **Council enter into negotiations with Zauner Construction Pty Ltd rather than calling fresh tenders due to:**
 - (a) **Two Request For Tender process have been run with both exceeding construction cost expectations.**
 - (b) **The length of time required to call fresh tenders would exceed grant funding milestones.**
 - (c) **Zauner Construction Pty Ltd submission of a conforming tender plus value engineering options achieved the highest value for money ranking from the second Request For Tender process.**
5. **Subject to finalisation of the negotiations to achieve an amended scope and achieve a tender price in accordance with this resolution the General Manager provide a further report back to Council with recommendations including the scope change and approval or otherwise of contract arrangements.**

6. In conjunction with consultation with the industry expert as outline in clause 10 the re-scoping as per paragraph 3 of this recommendation be undertaken in liaison with the project architect and Zauner Constructions Pty Ltd.
7. The cost of the Goulburn Performing Arts Centre be finalised at \$18,500,000 being as follows:
 - (a) Tendered amount from Zauner Constructions Pty Ltd with approved value engineering options \$16,265,000
 - Plus Council incurred costs as follows:
 - (b) Electrical \$400,000
 - (c) Demolition \$200,000
 - (d) Bulk Excavation \$ 50,000
 - (e) Archaeological \$ 50,000
 - (f) S94 fees \$160,000
 - (g) VE prompted redesign \$200,000
 - (h) Site supervision \$250,000
 - (i) Café fit out \$125,000
 - (j) Contingency (5%) \$800,000
8. The cost of the Goulburn Performing Arts Centre at \$18,500,000 be funded as follows:
 - (a) General Fund Revenue \$1,000,000
 - (b) Grant Funding \$7,500,000
 - (c) Reserve Fund \$1,252,081 (Lilac Time Hall)
 - (d) Reserve Fund \$ 488,123 (Multi-Purpose Venue)
 - (e) Reserve Fund \$ 459,796 (S94A)
 - (f) Loan Funding \$6,300,000
 - (g) Land Sales \$1,500,000
 - \$18,500,000
9. Council decline the tenders from Brodyn Pty Ltd t/as TCQ CONSTRUCTION, Edwards Construction Pty Ltd, Lahey Constructions Pty Ltd and Project Coordination (Aust.) Pty Ltd for Construction of the Goulburn Performing Arts Centre.
10. Council engage a performing arts industry specialist to review the existing theatre configuration with the view to simplify the configuration.
11. The outcomes of the negotiations with Zauner Constructions Pty Ltd be presented back a later Council meeting for Council's information.
12. Council proceed with the demolition and foundation earth works of the rear part of the facility (1937 portion) separate from the Zauner Constructions Pty Ltd contract subject to the final successful negotiations being completed with Zauner Constructions Pty Ltd.
13. The General Manager to present a monthly status report on the negotiations and construction of the Goulburn Performing Arts Centre.

CARRIED

AMENDMENT

Moved: Cr Sam Rowland

Seconded: Cr Margaret O'Neill

That any decision on the Goulburn Performing Arts Centre be deferred for one month and during that period a public consultation process on cost only be undertaken.

The amendment was put and lost.

The motion was then put and carried to become a resolution of Council.

VOTING

The amendment voting was as follows

In Favour: Crs Sam Rowland and Margaret O'Neill

Against: Crs Bob Kirk, Peter Walker, Andrew Banfield, Leah Ferrara, Alfie Walker, Carol James and Denzil Sturgiss

The motion voting was as follows

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Leah Ferrara, Alfie Walker, Carol James and Denzil Sturgiss

Against: Crs Sam Rowland and Margaret O'Neill

The meeting took a 30 minute recess for dinner at 8.19pm.

Council returned to the meeting at 8.53pm.

12.6 GOULBURN AQUATIC CENTRE REDEVELOPMENT REQUEST FOR TENDER**RESOLUTION 2019/151****Moved: Cr Andrew Banfield****Seconded: Cr Margaret O'Neill****That**

- 1. The report from the Director of Operations for the Goulburn Aquatic Centre Redevelopment Stage 1 Construction Request for Tender be received.**
- 2. The scope for Stage 1 works of the Goulburn Aquatic Centre Redevelopment includes:**
 - New 8 lane 25m pool.**
 - Refurbish the existing 25m indoor pool and convert to program pool**
 - New indoor leisure pool.**
 - Warm water pool.**
 - New plant room (including power supply).**
 - New change rooms.**
 - New entrance foyer, reception, administration area, staff office, storage and crèche.**
 - New pool hall including all indoor aquatics and facilities.**
 - Café linking into Victoria Park.**
 - Entrance plaza and expanded car park.**
 - Landscaping.**
 - Repair expansion joints in the existing outdoor 50m pool and refurbish the wet deck.**
 - Gymnasium (to be priced as an optional inclusion).**
 - New 10 lane pool (to be priced as an alternative to the 8 lane pool.)**
- 3. Council commence the procurement process for construction works for Stage 1 works of the Goulburn Aquatic Centre Redevelopment adopting and Expression of Interest phase to identify Select Tenders for a Request For Tender.**
- 4. The General Manager be delegated to approve selection of preferred Expression of Interest respondents to progress to the Value Engineering and Request For Tender phase of the procurement process.**

CARRIED

12.7 1819T0017 SEIFFERT OVAL LIGHTING TENDER EVALUATION**RESOLUTION 2019/152**

Moved: Cr Peter Walker
Seconded: Cr Denzil Sturgiss

That:

- 1. The report from the Business Manager Community Facilities on 1819T0017 Seiffert Oval Lighting Tender Report be received.**
- 2. The tender from JRW Trading Pty Ltd T/AS Jaydub Electrical Services is accepted for the design and installation in accordance with the specification and documents for Tender No 1819T0017. This acceptance is based on their lump sum price of \$480,090.00 (GST excl.)**
- 3. The General Manager is authorised to approve a variation of up to ten percent (\$48,000) for this project.**
- 4. Any residue amount for this project budget after any approved variations be allocated to the completion of the power upgrade investigation and required works resulting from this upgrade.**

CARRIED

12.8 DESLUDGING AND INTERNAL CLEANING OF ANAEROBIC DIGESTORS TENDER 1819T0012**RESOLUTION 2019/153**

Moved: Cr Alfie Walker
Seconded: Cr Andrew Banfield

That:

- 1. The report from the Director Utilities be received on Tender 1819T0012 Desludging and Internal Cleaning of Anaerobic Digestors.**
- 2. The Tender from Conhur Pty Ltd is accepted for the Desludging and Internal Cleaning of Anaerobic Digestors Contract in accordance with the specification and documents for Tender 1819T0012. This acceptance is based on their lump sum price of \$448,700 (incl.GST).**
- 3. The General Manager be given a delegated authority for variations up to 10% of the contract lump sum. This being \$44,870 (incl.GST).**
- 4. That Council approve the transfer of the remaining Dewatering Budget (\$127,133) and sewer telemetry budget (\$109,519) to the decommissioning budget allocation to complete this contract.**

CARRIED

12.9 UPDATE OF HAULAGE ROUTE SEALING**RESOLUTION 2019/154****Moved: Cr Peter Walker****Seconded: Cr Denzil Sturgiss**

1. That the report from the Business Manager of Works on the update of the haulage route sealing be received.
2. The allocated budget of \$500,000 for Brayton and Ambrose Roads be carried forward to the 2019/20 financial year, funded from Gunlake s94 Reserve 38154
3. The allocated budget of \$1,000,000.00 for Jerrara and Oallen Ford Roads be carried forward to the 2019/20 financial year, funded from Multiquip s94 Reserve 38155 & 38156

CARRIED**12.10 NORTH PARK MASTER PLAN WORKING PARTY****RESOLUTION 2019/155****Moved: Cr Margaret O'Neill****Seconded: Cr Sam Rowland****That:**

1. The report from the Business Manager Community Facilities for the North Park Master Plan Working Party be received.
2. Council forms a North Park Master Plan working party to prepare a Plan of Management for North Park.
3. The working party consists of three Councillors, two members from the Junior Rugby League Association, one member from the Goulburn Cricket Association, one member from the Sports Council, and one Council staff member appointed by the General Manager.
4. The three Councillors will be:
 - Mayor Bob Kirk
 - Councillor Margaret O'Neill
 - Deputy Mayor Peter Walker
5. That expressions of interest be sought for representation from the community, Junior Rugby League, Goulburn Cricket and the Sports Council.

CARRIED

12.11 NAMING OF SEIFFERT OVAL PAVILION**RESOLUTION 2019/156****Moved: Cr Peter Walker****Seconded: Cr Carol James****That**

- 1. The report from the General Manager on the naming of Seiffert Oval Pavilion be received**
- 2. Council calls for recommendations from the community for the naming of the new Seiffert Oval Pavilion. The recommended name(s) should reflect a person(s) that has contributed significantly to sport in the Goulburn Mulwaree area or any other name that the community are of the opinion should be used to reflect the importance of the new pavilion to the Goulburn Mulwaree area.**
- 3. The final decision of naming of the pavilion be determined by full Council from a report from Council staff with all of these community recommendations attached.**

CARRIED**12.12 LEASE TO ANGLICARE - 38 GEORGE STREET, MARULAN****RESOLUTION 2019/157****Moved: Cr Andrew Banfield****Seconded: Cr Denzil Sturgiss****That;**

- 1. The report from the Business Manager Property & Community Services on the Lease to Anglicare for operation of a preschool at 38 George Street, Marulan be received.**
- 2. The Lease to Anglicare be increased by 5% (back dated to 19 April 2019) and continue on a month to month basis until the end of 2019.**
- 3. A further report be presented to Council before the end of 2019 to allow Anglicare time to confirm its position in terms of renewing their Lease (at an agreed new rental) or making an offer to purchase this property from Council.**

CARRIED**12.13 COUNCIL COMMUNITY SERVICES NDIS PROGRAMS****RESOLUTION 2019/158****Moved: Cr Margaret O'Neill****Seconded: Cr Alfie Walker****That;**

- 1. That the Business Manager Property & Community Services report on Council's Community Services NDIS programs be received.**
- 2. Council continue the provision of NDIS service on a permanent basis and the General Manager ensure that the appropriate staffing arrangements are in place to enable this to happen.**

CARRIED

12.14 AIR QUALITY MONITORING STATION - LEGGETT PARK - CNR HOWARD BOULEVARD & MCDERMOTT DRIVE, GOULBURN**RESOLUTION 2019/159****Moved: Cr Andrew Banfield****Seconded: Cr Carol James****That**

- 1. The report from the Business Manager Property & Community Services on the proposed Air Quality Monitoring Station at Leggett Park, Goulburn be received.**
- 2. The outcome of discussions with OEH and the NSW Bureau of Meteorology to consider relocating the Automatic Weather Station from the Goulburn Airport to the Air Quality Monitoring Station at Leggett Park be reported to Council.**

CARRIED**12.15 QUARTERLY BUDGET REVIEW****RESOLUTION 2019/160****Moved: Cr Margaret O'Neill****Seconded: Cr Alfie Walker****That:**

- 1. The report of the Director Corporate & Community Services and Senior Accountant on the 31 March 2019 Quarterly Budget Review be noted.**
- 2. The requested budgeted variations contained within the March 2019 Quarterly Review be approved.**

CARRIED**12.16 MONTHLY FINANCIAL REPORT****RESOLUTION 2019/161****Moved: Cr Margaret O'Neill****Seconded: Cr Peter Walker**

That the report by the Director Corporate & Community Services and the Business Manager Finance & Customer Service on the Financial Statements to 30 April 2019 be received and noted for information.

CARRIED

12.17 STATEMENT OF INVESTMENTS AND BANK BALANCES

RESOLUTION 2019/162

Moved: Cr Denzil Sturgiss

Seconded: Cr Leah Ferrara

That the report by the Director Corporate & Community Services and the Business Manager Finance & Customer Service on the Statement of Investments and Bank Balances report for the month of April 2019 be received.

CARRIED

12.18 OPERATIONS DEPARTMENTAL REPORT - APRIL 2019

RESOLUTION 2019/163

Moved: Cr Margaret O'Neill

Seconded: Cr Carol James

That the activities report by the Director Operations be received and noted for information

CARRIED

12.19 UTILITIES DEPARTMENTAL REPORT - APRIL 2019

RESOLUTION 2019/164

Moved: Cr Peter Walker

Seconded: Cr Denzil Sturgiss

That the report from the Director Utilities regarding the operational and capital performance of the Utilities Department be received.

CARRIED

12.20 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT APRIL 2019

RESOLUTION 2019/165

Moved: Cr Alfie Walker

Seconded: Cr Leah Ferrara

That the activities report by the Director Corporate & Community Services be received and noted for information.

CARRIED

12.21 PLANNING AND ENVIRONMENT DIRECTORATE REPORT - APRIL 2019

RESOLUTION 2019/166

Moved: Cr Margaret O'Neill

Seconded: Cr Peter Walker

That the activities report from the Director Planning and Environment be received and noted for information.

CARRIED

12.22 GOULBURN MULWAREE YOUTH COUNCIL MEETING NOTES - 26 APRIL 2019

RESOLUTION 2019/167

Moved: Cr Carol James

Seconded: Cr Alfie Walker

That the report from Cr Carol James in relation to the Goulburn Mulwaree Youth Council Meeting Notes held on the 26 April 2019 be received.

CARRIED

12.23 EXTERNAL MEETING MINUTES

RESOLUTION 2019/168

Moved: Cr Denzil Sturgiss

Seconded: Cr Leah Ferrara

That the report from the General Manager on the minutes from the Holcim Lynwood Community Consultative Committee meeting held on the 26 April 2019 be received.

CARRIED

12.24 COUNCILLOR BRIEFING SESSION SUMMARY

RESOLUTION 2019/169

Moved: Cr Margaret O'Neill

Seconded: Cr Denzil Sturgiss

That the report from the General Manager on Councillor Briefing Session Summary be received.

CARRIED

13 CLOSED SESSION

Council must resolve to move into Closed Session to deal with any items under s10 *Local Government Act 1993*.

There were no closed session reports for determination.

The Meeting closed at 9.24pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 4 June 2019.

.....
Cr Bob Kirk
Mayor

.....
Warwick Bennett
General Manager