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MINUTES

Ordinary Council Meeting

5 November 2019

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**MINUTES OF GOULBURN MULWAREE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,
GOULBURN
ON TUESDAY, 5 NOVEMBER 2019 AT 6PM**

PRESENT: Cr Bob Kirk (Mayor), Cr Peter Walker (Deputy Mayor), Cr Andrew Banfield, Cr Leah Ferrara, , Cr Carol James & Cr Denzil Sturgiss

IN ATTENDANCE: Warwick L Bennett (General Manager), Brendan Hollands (Director Corporate and Community Services), Marina Hollands (Director Utilities), Scott Martin (Director Planning and Environment), Matt O'Rourke (Director Operations), Amy Croker (Executive Officer) & Hannah Read (Executive Assistant Utilities).

1 OPENING MEETING

Mayor Bob Kirk opened the meeting 6pm. The Mayor advised that the meeting would be webcast live.

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor Bob Kirk made the following acknowledgement.

"I would like to Acknowledge and pay our respects to the Aboriginal elders both past and present as well as emerging leaders, and Acknowledge the traditional custodians of the Land on which we meet today."

3 COUNCILLORS DECLARATION AND/OR PRAYER

The declaration was read by Cr Leah Ferrara.

4 APOLOGIES

RESOLUTION 2019/422

Moved: Cr Denzil Sturgiss
Seconded: Cr Carol James

That the apologies from Cr Alfie Walker, Cr Margaret O'Neill & Cr Sam Rowland be received.

CARRIED

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

RESOLUTION 2019/423

Moved: Cr Leah Ferrara
Seconded: Cr Carol James

That Council grants leave of absence for this meeting to:

- 1. Cr Alfie Walker due to family reasons**
- 2. Cr Sam Rowland due to work commitments**
- 3. Cr Margaret O'Neill for health reasons.**

CARRIED

6 LATE ITEMS / URGENT BUSINESS

Nil

7 DISCLOSURE OF INTERESTS

Cr Andrew Banfield declared a pecuniary/significant conflict of interest in Item 15.5 “Tender 1920T0002 Capital Works – Sewer Infrastructure” as he is an employee of Denrith Pty Ltd who are one of the tenderers. His brother in-law is also the Director of Denrith Pty Ltd. Cr Andrew Banfield will leave the meeting while discussion and determination on this item takes place.

8 PRESENTATIONS

A presentation was made by Stewart Thompson Deloitte and JR Uyanguren from the Office of the Auditor General on the 2018/19 Audited Financial Statements.

9 PUBLIC FORUM

Robyn Fife addressed the Council on Item 15.1 MODDA/0013/1819 - Modification to Hours of Operation at the Pistol Firing Range, 593 Taralga Road, Goulburn

10 CONFIRMATION OF MINUTES**10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15 OCTOBER 2019****RESOLUTION 2019/424**

Moved: Cr Carol James
Seconded: Cr Peter Walker

That the Council minutes from Tuesday 15 October 2019 and contained in Minutes Pages No 1 to 17 inclusive and in Minute Nos 2019/393 to 2019/421 inclusive be confirmed.

CARRIED

11 MATTERS ARISING**11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 15 OCTOBER 2019**

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS**RESOLUTION 2019/425**

Moved: Cr Denzil Sturgiss
Seconded: Cr Leah Ferrara

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

CARRIED

12 MAYORAL MINUTE(S)

Nil

13 NOTICE OF MOTION(S)

Nil

14 NOTICE OF RESCISSION(S)

Nil

15 REPORTS TO COUNCIL FOR DETERMINATION**15.1 MODDA/0013/1819 - MODIFICATION TO HOURS OF OPERATION AT THE PISTOL FIRING RANGE, 593 TARALGA ROAD, GOULBURN****RESOLUTION 2019/426**

Moved: Cr Denzil Sturgiss
Seconded: Cr Peter Walker

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 6:24pm.

CARRIED

RESOLUTION 2019/427

Moved: Cr Denzil Sturgiss
Seconded: Cr Carol James

That Council move back into Open Council.

Council moved back into Open Council at 6:56pm.

CARRIED

RESOLUTION 2019/428

Moved: Cr Denzil Sturgiss
Seconded: Cr Carol James

That:

- 1. The staff assessment report for development application MODDA/0013/1819 for the proposed modification be received.**
- 2. Council arrange to meet with both parties to endeavour to negotiate an agreeable solution on the hours of operation for the pistol firing range. Failure to reach a satisfactory agreement within 21 days then part three of this resolution be enacted.**
- 3. Council obtain the Minister of Planning's approval through the Joint Regional Planning Panel, pursuant of Section 4.33 of the Environmental Protection and Assessment Act to support Council's refusal of MODDA/0013/1819 for a modification to operation hours of the pistol firing range located at 593 Taralga Road, Goulburn for the following reason:**
 - The proposed modification to operation hours of the pistol firing range would adversely impact upon the operations of the nearby Goulburn and District Racing Club, in particular the safety of horses, jockeys and track workers, and is therefore considered to not be in the public interest**
 - Part Condition 26 of the original development consent states that "pistol firing range shall not negatively impact on the activities or keeping of horses ..." and thus extending the hours of operation must be contrary to this condition if the shooting occurs while horses are still training.**
 - The original development consent was subject to negotiations between the applicant and the Goulburn & District Racing Club and Council has not been satisfied that the risks for that original negotiated agreement warrants a change to the development consent.**
 - Council is satisfied from the presentation made by the Goulburn District Racing Club that approval of this modification will have a significant financial impact and have an ongoing operation viability issues on the race club facility.**

each planning decision of the Council, and to make this information publicly available.

CARRIED

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

Against: Nil

CARRIED

15.2 GOULBURN STATISTICAL TOWN BOUNDARIES

RESOLUTION 2019/429

Moved: Cr Carol James

Seconded: Cr Leah Ferrara

That the report by the Business Manager Strategic Planning concerning the boundaries for statistical data used by the Australian Bureau Statistics (ABS) for the City of Goulburn be noted.

CARRIED

15.3 HOUSEKEEPING REVIEW OF HERITAGE ITEMS IN SCHEDULE 5 OF GM LEP 2009

RESOLUTION 2019/430

Moved: Cr Leah Ferrara

Seconded: Cr Peter Walker

That

1. The report of the Senior Strategic Planner regarding the revision of Schedule 5 Environmental Heritage of the Goulburn Mulwaree Local Environmental Plan 2009 be received.
2. A Planning Proposal be prepared and forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.
3. The proposed Revision of Schedule 5 Environmental Heritage be advertised for a period of fourteen (14) days.
4. Council request delegation to be the Relevant Planning Authority for the purpose of this Planning Proposal.

CARRIED

15.4 DRAFT COMMUNITY PARTICIPATION PLAN POST EXHIBITION REPORT**RESOLUTION 2019/431****Moved: Cr Carol James****Seconded: Cr Denzil Sturgiss****That**

- 1. The report from the Strategic Planner regarding the *Draft Community Participation Plan* be received.**
- 2. Council adopt the *Draft Community Participation Plan* attached to this report with the following post exhibition changes:**
 - (a) The inclusion of a reference to Council's obligations to fairly assess planning matters under its code of conduct.**
 - (b) Removal of any reference to planning functions that are not the responsibility of Council.**
 - (c) Clarification as to when assessing officers can make discretionary choices as to the length of the public exhibition period and the advertising and notification activities undertaken.**
 - (d) Corrections to various inconsequential spelling, grammatical or formatting errors.**
- 3. Council adopt the proposed amendment to the *Goulburn Mulwaree Development Control Plan 2009* attached to this report.**
- 4. Council repeal its *Publication of Notices Policy*.**

CARRIED**15.5 TENDER 1920T0002 CAPITAL WORKS – SEWER INFRASTRUCTURE**

Cr Andrew Banfield declared an interest in this item and took no part in the discussion or voting on the matter.

At 7:00 pm, Cr Andrew Banfield left the meeting.

RESOLUTION 2019/432**Moved: Cr Peter Walker****Seconded: Cr Denzil Sturgiss****That**

- 1. The report from the Director Utilities be received on the Tender 1920T0002 Capital Works – Sewer Infrastructure.**
- 2. The Tender from Interflow Pty Ltd is accepted for the Capital Works – Sewer Infrastructure Contract in accordance with the specification and documents for Tender No 1920T0002. This acceptance is based on the unit rates tendered.**
- 3. The General Manager be delegated to approve any extension of the contract at the conclusion of the three year contract as per the conditions of contract.**

CARRIED

At 7:01 pm, Cr Andrew Banfield returned to the meeting.

15.6 IPART GREATER SYDNEY WATER PRICE DETERMINATION SUBMISSION

RESOLUTION 2019/433

Moved: Cr Andrew Banfield

Seconded:Cr Leah Ferrara

That the report from the Director Utilities on the IPART Greater Sydney Water Price Determination Submission be received.

CARRIED

15.7 STATUS UPDATE OF AQUATIC CENTRE REDEVELOPMENT PROCUREMENT PROCESS

RESOLUTION 2019/434

Moved: Cr Carol James

Seconded:Cr Denzil Sturgiss

That the report from the Project Manager (Grants) on the status update for the Aquatic Centre Redevelopment Request For Tender Process be received.

CARRIED

15.8 SUMMER MAINTENANCE PROGRAM AND CHRISTMAS CLOSEDOWN

RESOLUTION 2019/435

Moved: Cr Carol James

Seconded:Cr Peter Walker

That the report form the Director Operations on the Summer Maintenance Program be received and the information noted and that Operations re-opens on the 6 January 2020.

CARRIED

15.9 2018/19 AUDITED FINANCIAL STATEMENTS

At 7:15 pm, Cr Peter Walker left the meeting.

RESOLUTION 2019/436

Moved: Cr Leah Ferrara

Seconded: Cr Carol James

That

- 1. The report from the Director Corporate & Community Services on the 2018/19 Audited Financial Reports be received.**
- 2. The Audited Financial Statements for the year ending 30 June 2019 be received and the Financial Position of Council be noted.**
- 3. Council acknowledges the Auditor General report that Council has achieved a clean audit opinion and also has met all six performance benchmarks set by the State Government.**
- 4. Council congratulates the Director of Corporate and Community Services and his staff on an excellent audit opinion.**

CARRIED

At 7:17 pm, Cr Peter Walker returned to the meeting.

15.10 COUNCIL INVESTMENT POLICY**RESOLUTION 2019/437**

Moved: Cr Leah Ferrara

Seconded: Cr Denzil Sturgiss

That

- 1. The report from the Director Corporate & Community Services on the Council Investment Policy be received.**
- 2. The draft Revised Council Investment Policy be placed on public exhibition for a period of 28 days and, if no significant submissions are received during this period, the Policy be adopted.**

CARRIED

15.11 ACCESS TO 30A SLOANE STREET DEVELOPMENT THROUGH COUNCIL OWNED LAND**RESOLUTION 2019/438****Moved: Cr Peter Walker****Seconded: Cr Leah Ferrara****That:**

- 1. The report from the General Manager on the access to 30A Sloane Street Goulburn development through Council owned land be received.**
- 2. Council authorises the General Manager to negotiate but not finalise a Voluntary Planning Agreement with the owner of Lot 1 DP1099324 to include the following:**
 - A land swap of part Lot 1 DP1099324 (access way to Sloane Street) being 931sqm with an equivalent parcel of land adjacent to proposed lot 6 of the Council development.**
 - The owner of Lot 1 DP1099324 to pay Council the sum of \$87,500 for the construction of the small portion of road from the spine road to the applicant's development.**
- 3. It be made clear that all negotiations are without prejudice and will not be effective until such time as Council has obtained all regulatory approvals for the rezoning of all the land contained in Lot 8 & 9 DP832816 to residential land and that all approvals are gained for the proposed subdivision on the same land.**
- 4. The cost of entering into a voluntary planning agreement to be funded equally between both Council and the owner of 30A Sloane Street Goulburn.**
- 5. When the Voluntary Planning Agreement has been negotiated the document to be confirmed by Council before being placed on public exhibition.**

CARRIED**15.12 PARLIAMENTARY INQUIRY INTO DROUGHT AFFECTED COMMUNITIES****RESOLUTION 2019/439****Moved: Cr Denzil Sturgiss****Seconded: Cr Peter Walker****That**

- 1. The report of the General Manager on the Parliamentary Inquiry into Drought affected Communities be received**
- 2. The Council endorse the submission to the Legislative Assembly Committee on Investment, Industry and Regional Development for drought affected communities in NSW that is included in this report under the signatory of Mayor Bob Kirk**

CARRIED

15.13 SOUTHERN PHONE - SHAREHOLDER SALE

RESOLUTION 2019/440

Moved: Cr Andrew Banfield

Seconded:Cr Leah Ferrara

That:

- 1. The report of the General Manager on the Southern Phone – Shareholder Sale be received.**
- 2. Council notifies the Directors of Southern Phone Company that it supports the Directors recommendation for the sale of Southern Phone Company to AGL Energy.**
- 3. Council appoints Mr Bill Hilzinger (Chairperson) and Mr Andrew Riley (Deputy Chairperson) as agent and representative for Goulburn Mulwaree Council to sign and lodge a proxy vote in favour of the sale of Southern Phones Company to AGL Energy.**
- 4. Council authorise the proceeds from the sale of the Southern Phone Company to be placed in the Council Special Projects Reserve Account and be used for Councils Community Facilities Capital development.**

CARRIED

15.14 WATER OUTSTANDING REPORT

RESOLUTION 2019/441

Moved: Cr Leah Ferrara

Seconded:Cr Carol James

That the report from the Administration Team Leader on Water Outstanding be received.

CARRIED

15.15 MINUTES OF THE RECREATION AREA COMMITTEE MEETING HELD ON 2 OCTOBER 2019

RESOLUTION 2019/442

Moved: Cr Denzil Sturgiss

Seconded:Cr Leah Ferrara

That the report from the Business Manager Community Facilities in regards to the Recreation Area Committee minutes from Wednesday 2 October 2019 be received.

CARRIED

15.16 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 3 OCTOBER 2019

RESOLUTION 2019/443

Moved: Cr Leah Ferrara

Seconded:Cr Denzil Sturgiss

That the report from the Director Operations in regards to the Traffic Committee minutes from Thursday 3 October 2019 be received.

CARRIED

15.17 MINUTES OF THE RAY HARVEY SPORTS FOUNDATION COMMITTEE MEETING HELD ON 14 OCTOBER 2019**RESOLUTION 2019/444****Moved: Cr Peter Walker****Seconded: Cr Carol James****That:**

- 1. That the report from the Business Manager Community Facilities in regards to the Ray Harvey Sports Foundation Committee minutes from Monday 14 October 2019 be received and the decisions of the Committee become the decisions of Council.**
- 2. A total of \$2,950.00 be allocated to 13 recipients – Dylan Biles (\$200.00); Jordan Gregory (\$200.00); Heidi Staples (\$200.00); Katelyn Staples (\$200.00); James Quade (\$200.00); Sophie Pagett (\$200.00); Ella Pagett (\$200.00); Charlotte Kalozi (\$250.00); Joshua Kalozi (\$500.00); Merrin Eagles (\$200.00), Emilee Skelly (\$200.00); Alyssa Gregory (\$200.00) and Callum Smith (\$200.00).**
- 3. A cheque presentation to the successful recipients of Ray Harvey to be held on the 19 November at 5.30pm prior to the Ordinary Council Meeting.**
- 4. Letters to be sent to the successful recipients of Ray Harvey Sports Foundation Grant.**

CARRIED**15.18 MINUTES OF THE SPORTS COUNCIL MEETING HELD ON 14 OCTOBER 2019****RESOLUTION 2019/445****Moved: Cr Denzil Sturgiss****Seconded: Cr Peter Walker****That the report from Business Manager Community Facilities in regards to the Sports Council minutes from Monday 14 October 2019 be received.****CARRIED****15.19 CANBERRA REGION JOINT ORGANISATION MINUTES - 17 OCTOBER 2019****RESOLUTION 2019/446****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara****That the minutes from the Canberra Region Joint Organisation of the 17 October 2019 be noted.****CARRIED**

15.20 COMMUNITY CENTRE WORKING PARTY NOTES - 22 OCTOBER 2019**RESOLUTION 2019/447****Moved: Cr Andrew Banfield****Seconded: Cr Denzil Sturgiss****That:**

- 1. The report from the General Manager in relation to the Community Centre Working Party Meeting Notes held on the 22 October 2019 be received.**
- 2. The lease agreement attached to the minutes of the Working Party for U3A be forwarded to the tenants as the formal Council position for the leasing of 246 sqm at the Bourke Street Community Centre site at \$10 per sqm being an annual rental of \$2,460.**
- 3. The General Manager be given authority to negotiate the level of capital works required to meet the Goulburn and District Art Society requirements and meet the development Assessment conditions and for the General Manager to report back to the Working Party to make recommendations to Council on who should fund those capital works.**
- 4. Council give approval in principle of the leasing of storage space at the Bourke Street Community Centre to the History Goulburn (Goulburn District Historical and Genealogical Society Inc).
Council authorises the General Manager to commence negotiations with History Goulburn (Goulburn District Historical and Genealogical Society Inc) and determine the type and quantity of material to be stored. The General Manager to recommend to the Community Centre Working Party an appropriate area for this storage material and a lease agreement that would address the Council policy.
Once that recommended lease agreement is approved by the Community Centre Working Party and the following meeting of Council then the History Goulburn (Goulburn District Historical and Genealogical Society Inc) be requested to seek additional rental assistance (if needed) in accordance with the Council policy.**
- 5. The Council pursue lease agreements to the following organisations:**
 - **Grandparents & Family Foster Carers**
 - **Pollie Pedal**
 - **Wires**
 - **St Johns Ambulance**
 - **Rotary Club**
 - **Lions Club**
 - **Goulburn Spinners and Weavers**
 - **Windellama CWA****Council gives the General Manager authority to contact the organisations set out in this part of the resolution to see if they were still in need to lease space at the Bourke Street Community Centre. The General Manager to prepare recommended lease agreements to report back to the Community Centre Working Party for recommendation to Council on the contents of those lease agreements before those lease agreements are negotiated with the individual organisations.**
- 6. Council give approval in principle of the leasing of storage space at the Bourke Street Community Centre Premise to Rocky Hill Musical Theatre Company. Council to authorise the General Manager to write to the Rocky Hill Musical Theatre Company seeking further information in regard to financial and community support information as required by the adopted Council policy. The General Manager also be given authority to discuss with the Rocky Hill Musical Theatre Company how they would determine that the upgrade of the roller door, electrical outlets and lighting**

being funded.

CARRIED

15.21 EXTERNAL MEETING MINUTES

RESOLUTION 2019/448

Moved: Cr Denzil Sturgiss

Seconded:Cr Leah Ferrara

That the report from the General Manger on the minutes below be noted:

- 1. Heron Resources Community Consultative Committee meeting held 25 September 2019**
- 2. Gunlake Quarry Community Consultative Committee meeting held 11 October 2019**

CARRIED

15.22 COUNCILLOR BRIEFING SESSION SUMMARY

RESOLUTION 2019/449

Moved: Cr Denzil Sturgiss

Seconded:Cr Carol James

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

CARRIED

16 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.

17 CONCLUSION OF THE MEETING

The Meeting closed at 7:29pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 November 2019.

.....
Cr Bob Kirk
Mayor

.....
Warwick Bennett
General Manager