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MINUTES

Ordinary Council Meeting

3 December 2019

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There were no closed session reports for determination.

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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, 3 DECEMBER 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), 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)

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 opening prayer was read by Cr Margaret O'Neill.

4 APOLOGIES

Nil

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

6 LATE ITEMS / URGENT BUSINESS

Nil

7 DISCLOSURE OF INTERESTS

Mayor Bob Kirk declared a non-pecuniary/significant conflict of interest in Item 15.2 "Post Exhibition Report - Amendment to include RU6 Zone in Clauses 4.1AA and 4.2B" as his neighbour and social acquaintance is one of the submitters and is potentially affected by this policy change. Mayor Bob Kirk will leave the meeting while discussion and determination on this item takes place.

Cr Andrew Banfield declared a pecuniary conflict of interest in Item 15.3 "1920T0005 Concrete Services Panel" as his brother-in-law is a Director of and he is an employee of the Denrith Group of Companies who have tendered for this work. Cr Andrew Banfield will leave the meeting while discussion and determination on this item takes place.

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

Mayor Bob Kirk declared an interest in this item and left the meeting whilst the presentation took place. At 6:04 pm, Mayor Bob Kirk left the meeting.

Deputy Mayor Peter Walker took the Chair at 6.04pm.

Stewart Thompson will address Council on Item 15.2 Post Exhibition Report - Amendment to include RU6 Zone in Clauses 4.1AA and 4.2B.

RESOLUTION 2019/492

Moved: Cr Denzil Sturgiss

Seconded: Cr Margaret O'Neill

That Council suspend standing orders to allow Stewart Thompson to speak beyond the 5 minutes allocated time.

CARRIED

At 6:17 pm, Cr Bob Kirk returned to the meeting and resumed the Chair.

10 CONFIRMATION OF MINUTES**10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 19 NOVEMBER 2019****RESOLUTION 2019/493**

Moved: Cr Margaret O'Neill

Seconded: Cr Carol James

That the Council minutes from Tuesday 19 November 2019 and contained in Minutes Pages No 1 to 23 inclusive and in Minute Nos 2019/450 to 2019/491 inclusive be confirmed.

CARRIED

11 MATTERS ARISING**11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 19 NOVEMBER 2019**

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS**RESOLUTION 2019/494**

Moved: Cr Denzil Sturgiss

Seconded: Cr Margaret O'Neill

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 DA/0030/1920 - DWELLING AND REMOVAL OF 9 TREES - 9 ANEMBO CLOSE, GOULBURN

RESOLUTION 2019/495

Moved: Cr Peter Walker

Seconded: Cr Carol James

That:

1. The staff assessment report for development application DA/0030/1920 for the single storey dwelling, retaining walls and the removal of nine (9) trees be received.
2. Consent be granted for DA/0030/1920 for a single story dwelling, retaining walls and the removal of nine (9) trees located at 9 Anembo Close, Goulburn subject to the following conditions.

GENERAL CONDITIONS

1. The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below except where modified by any following condition.

Reference/Dwg No	Title/Description	Prepared By	Date
--	Statement of Environmental Effects	wedraft	17 May 2019
--	Proposed Site Plan	wedraft	24 July 2019
--	Proposed Site Analysis Plan	wedraft	24 July 2019
--	Proposed Site Works Plan	wedraft	24 July 2019
--	Floor Plan	wedraft	24 July 2019
--	Elevations	wedraft	24 July 2019
--	Section 01	wedraft	24 July 2019
--	Section 02 - 04	wedraft	24 July 2019
Certificate No. 1012624S	BASIX Certificate	wedraft	14 May 2019
--	Landscape Plan	Chris Rowlands	--

In the event of any inconsistency between conditions of this approval and the plans and documentation referred to above, the conditions of this approval prevail.

2. In accordance with clause 145 of the *Environmental Planning and Assessment Regulation 2000*, the plans and specifications submitted with a construction certificate must not be inconsistent with this consent.
3. Pursuant to clause 97A of the *Environmental Planning and Assessment Regulation 2000* the commitments of the BASIX Certificates shall be fulfilled.
4. In accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* compliance with the following prescribed conditions are required:
 - Clause 98 Compliance with Building Code of Australia and insurance requirements under the *Home Building Act 1989*
 - Clause 98A Erection of signs
 - Clause 98B Notification of *Home Building Act 1989* requirements
 - Clause 98E Condition relating to shoring and adequacy of adjoining property.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

5. A Construction Certificate pursuant to Section 6.3 of the *Environmental Planning and Assessment Act 1979*, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia is required prior to any works commencing.
6. In accordance with the provision of Section 4.17 and Section 7.12 of the *Environmental Planning and Assessment Act 1979* contributions are required toward the provision of community facilities and infrastructure in accordance with the Section 94A Levy Development Contributions Plan 2009. The contributions are to be paid prior to the release of the Construction Certificate.

The current contributions under the *Goulburn Mulwaree Section 94A Levy Development Contributions Plan 2009* are based on the cost of construction of the development as follows:

Cost of construction	Rate of levy
\$0 - \$100,000	0%
\$100,001 - \$200,000	0.5%
In excess of \$200,000	1%

Details of the cost of the construction of the development shall be submitted prior to the application for a Construction Certificate. A cost summary report must be completed for works with a value no greater than \$200,000. Where the value of the work is greater than \$200,000 the cost shall be certified by a Quantity Surveyor or an equivalent or acceptable alternative agreed to by Council. Refer to Appendix A of the *Goulburn Mulwaree Section 94A Levy Development Contributions Plan 2009* for further details.

These contributions are reviewed annually and the contribution rates are to be confirmed prior to payment.

PRIOR TO THE COMMENCEMENT OF WORK

7. Nominate the Principal Certifying Authority (PCA) and ensure the PCA notifies the Consent Authority and Council of their appointment at least two (2) days prior to commencing work on the site.
8. Work must not be carried out unless the Principal Certifying Authority for the development:
 - Has been informed in writing of the licensee's name and contractor licence number; and
 - Is satisfied that the licensee has complied with the insurance requirements of the Home Building Act.

- In the case of work to be done by an owner-builder, the Principal Certifying Authority must be notified in writing of the person's name and owner-builder permit number.
9. A sign is to be erected on the development site, which shows the builders name and contact details, the details of the PCA and must include the words "Unauthorised entry to the work site is prohibited".
 10. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.
 11. Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land as follows:
 - Divert uncontaminated run-off around cleared or disturbed areas, and
 - Erect a silt fence to prevent debris escaping into drainage systems or waterways, and
 - Prevent tracking of sediment by vehicles onto roads, and
 - Stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.
 12. Prior to the commencement of work, a damage bond of \$3,000 shall be paid to Council for the cost of repairing any damage caused to Council property (including the footpath, verge, street trees, kerb, gutter, road pavement or the like) during and/or immediately after construction. Repair of damage to Council property, however caused, during the works is to be undertaken prior to the issue of an Occupation Certificate. Repair shall be undertaken on a like for like basis and in accordance with Council's engineering standards prevailing at the time.

DURING CONSTRUCTION

13. All building work must be carried out in accordance with the provisions of the Building Code of Australia and the Basix Certificate.
14. In accordance with Section 6.5 of the *Environmental Planning and Assessment Act 1979* and Clause 162A of the Regulations 2000 the following Mandatory, Critical Stage Inspections need to be carried out by the Principal Certifying Authority (PCA.)
Forty-eight (48) hours' notice is required prior to these inspections.
 - a) After excavation for, and prior to the placement of any footings; and
 - b) Prior to pouring any in-situ reinforced concrete building element; and
 - c) Prior to covering of the framework for any floor, wall, roof or other building element; and
 - d) Prior to covering waterproofing in any wet areas; and
 - e) Prior to covering any stormwater drainage connections; and
 - f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
15. The stormwater overflow and rainwater tanks must be installed in accordance with the *Goulburn Mulwaree Development Control Plan 2009*, the Stormwater Drainage and Rainwater Collection Systems Policy, and must also comply with the Basix Certificates.
16. All construction work shall be carried out in accordance with the 'Noise Guide for Local Government' published by the NSW EPA as amended from time to time. That all construction and demolition work shall be carried out only between the hours of 7.00am and 6.00pm Mondays to Fridays inclusive and on Saturdays between 7.00am and 1.00pm if inaudible on residential premises, otherwise 8.00am to 1.00pm. No construction work shall take place on Sundays or Public Holidays.
17. In the event that any Aboriginal artefacts/objects are identified on the subject land during the carrying out of works, the Applicant/Owner/Builder shall cease work

immediately in the vicinity of the artefact/s or object/s and contact the Office of Environment & Heritage at Queanbeyan (Country, Culture & Heritage) and Pejar Local Aboriginal Land Council to arrange for the assessment of the artefacts. Council is to be notified of the outcome of the inspection.

18. No fill permitted to change existing ground levels at the property boundary. Any proposed fencing is to be on existing ground level. Cutting and filling is to be restricted to that shown on the Development Consent approved plans. Any further cutting or filling will require approval.
19. In the erection or demolition of a building, if the soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided and adequate provision for drainage must be made. Approval is required for any retaining walls over 600mm in height or within 1000mm of the boundary.
20. The applicant or developer will be required to pay the full cost of restoration to the kerb and gutter, concrete footpath and/or street trees, should any damage occur during construction.
21. No part of the dwelling including eaves or guttering and any proposed retaining walls are to encroach over the boundaries or easements. The proposal is to be set out by a Registered Surveyor and a Survey Report is to be submitted to the Principal Certifying Authority to ensure compliance with the Development Application. If the Principal Certifying Authority has concerns with the set out of the building a Survey Report may be requested prior to pouring of the slab or once the outer wall location is determined.
22. In accordance with the *Plumbing and Drainage Act 2011*, a plumbing and drainage Notice of Work (NoW) must be completed and returned to Council for its records, no later than 2 business days before the work concerned is carried out. The Notice of Work is to identify what plumbing and drainage work is carried out by a particular plumber/drainer. On completion of the plumbing and drainage work and prior to Council's Final Inspection of the plumbing and drainage work, the plumber/drainer is to submit to Council a Certificate of Compliance (CoC) and a Sewer Service Diagram.
23. All sanitary drainage, plumbing and backflow prevention is to be carried out in accordance with AS 3500 and the Plumbing and Drainage Act 2011 and the following stages of construction are to be inspected by Council as the Water and Sewer Authority.

Forty Eight (48) hours notice is required prior to these inspections.

- Plumbing and Drainage before backfilling.
- Pressure testing or waterpipes within the building prior to fixing of linings.
- Final inspection of water plumbing and sewer drainage.

Inspection fees for plumbing and sanitary are to be paid to Council prior to commencing plumbing and drainage work.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

24. The applicant must obtain an Occupation Certificate, pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building/commencement of the use.
25. Prior to the issue of an Occupation Certificate, a works as executed drawing of all stormwater drainage work shall be submitted to Council as the Water and Sewer Authority at final inspection stage.
26. A final inspection of water plumbing and sewer drainage must be conducted by Council as the Water and Sewer Authority. Only after advice that the final water and sewer inspection has been completed in a satisfactory manner may an Occupation Certificate be issued.
27. A Certificate of Compliance (CoC) and a Sewer Service Diagram prepared by the

plumber(s) who submitted the Notice of Work must be issued to Council prior to issue of the Occupation Certificate.

28. A street number is to be displayed on the site and kerb for each lot. The number shall be in place prior to the issue of an Occupation Certificate.
29. Upon completion of the works covered by this consent, all damage caused to Council infrastructure within the road reserve must be reinstated in accordance with Council's engineering standards to the satisfaction of Council. All required works are to be undertaken at no cost to Council. Prior to the issue of an Occupation Certificate written documentary evidence must be provided to the Principal Certifying Authority from Goulburn Mulwaree Council demonstrating that the requirements of this condition have been satisfied.

ONGOING MANAGEMENT

30. Landscaping shall be completed in accordance with the approved Landscape plan within six months of the issue of the Occupation Certificate and maintained for the life of the property.

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

15.2 POST EXHIBITION REPORT - AMENDMENT TO INCLUDE RU6 ZONE IN CLAUSES 4.1AA AND 4.2B.

Mayor Bob Kirk declared an interest in this item and took no part in the discussion or voting on the matter. At 6:22pm, Mayor Bob Kirk left the meeting.

Deputy Mayor Peter Walker took the Chair.

RESOLUTION 2019/496

Moved: Cr Margaret O'Neill

Seconded: Cr Sam Rowland

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 6:22pm.

CARRIED

RESOLUTION 2019/497

Moved: Cr Sam Rowland

Seconded: Cr Denzil Sturgiss

That Council move back into Open Council.

Council moved back into Open Council at 6:35pm.

CARRIED

RESOLUTION 2019/498

Moved: Cr Margaret O'Neill

Seconded: Cr Denzil Sturgiss

That:

- 1. The post exhibition report from the Senior Strategic Planner regarding the inclusion of the RU6 Transition zone in Clause 4.1AA and 4.2B be received.**
- 2. Council withdraw the Planning Proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* to include the RU6 Transition Zone in Clause 4.1AA (2) and Clause 4.2B (2) as a zone to which these Clauses apply.**
- 3. Council reconsider this planning proposal as part of the Housing Strategy endorsement.**
- 4. Council advise those who made a submission of the resolution and thank them for their submission.**

CARRIED

At 6:42 pm, Cr Bob Kirk returned to the meeting and resumed the Chair.

15.3 1920T0005 CONCRETE SERVICES PANEL

Cr Andrew Banfield declared an interest in this item and took no part in the discussion or voting on the matter. At 6:43 pm, Cr Andrew Banfield left the meeting.

RESOLUTION 2019/499

Moved: Cr Margaret O'Neill

Seconded: Cr Carol James

That:

- 1. The report from the Business Manager of Works on the establishment of the Concreting Services panel be received.**
- 2. Council approve to establish a panel of seven (7) suitably qualified and equipped concreting contractors to assist with the delivery of maintenance and capital works programs on an as required basis and in accordance with 1920T0005. The 7 contractors are:
Denrith Pty Ltd,
South Syd Concrete Pty Ltd,
Rok Solid Concreting Pty Ltd, Planet Civil Pty Ltd,
Mack Civil Pty Ltd,
Innovative Concrete Pty Ltd and
Form and Pour Constructions.**
- 3. Council delegate authority to the General Manager to extended these contracts by up to two (2) one (1) year extensions subject to satisfactory performance.**

CARRIED

At 6:44 pm, Cr Andrew Banfield returned to the meeting.

15.4 2020 AUSTRALIAN BLUES MUSIC FESTIVAL**RESOLUTION 2019/500**

Moved: Cr Denzil Sturgiss

Seconded: Cr Carol James

- 1. That the report on the 2020 Australian Blues Music Festival by the Business Manager Marketing, Events & Culture be received and noted.**
- 2. Council allocate an addition \$1,720 for the Australian Blues Musical Festival with the hire and use of Seiffert Oval, along with the associated waste fees to be funded from the 2019/20 Event Development budget.**
- 3. These costs be factored into the Deed of Agreement with Australian National Events for the duration of their five year Agreement (2020-2024 Festivals), and the forward budgets amended to reflect these amendments.**

CARRIED

15.5 RENEWAL OF ANGLICARE LEASE - MARULAN PRESCHOOL**RESOLUTION 2019/501****Moved: Cr Margaret O'Neill****Seconded: Cr Carol James****That:**

- 1. The report from the Business Manager Property & Community Services on considerations for renewal of the lease to Anglicare for their continued operation of Marulan Preschool at 38 George Street, Marulan be received.**
- 2. A new 2 year lease be entered into with Anglicare at an annual rental of \$4,400 per annum (inclusive of GST) plus a CPI adjustment at the first anniversary.**
- 3. Work required to address the white ant activity in terms of remediation be included in the 2020/21 Building Maintenance budget.**
- 4. The Council seal be affixed to the new lease for registration purposes with NSW Land Registry Services.**

CARRIED**15.6 REQUESTS FOR FINANCIAL ASSISTANCE - COMMUNITY CAROLS OF HOPE****RESOLUTION 2019/502****Moved: Cr Margaret O'Neill****Seconded: Cr Denzil Sturgiss****That**

- 1. The report of the Director of Corporate & Community Services on the request for Financial Assistance from Community Carols of Hope be received.**
- 2. Council contributes \$5,000 toward the 2019 Community Carols of Hope under the Financial Assistance Policy.**

CARRIED**15.7 WORKERS COMPENSATION AND WHS REPORT****RESOLUTION 2019/503****Moved: Cr Denzil Sturgiss****Seconded: Cr Margaret O'Neill****That the report from the General Manager on the annual Workers Compensation and WHS report be noted.****CARRIED**

15.8 GOULBURN MULWAREE YOUTH COUNCIL MEETING NOTES - 25 OCTOBER 2019

RESOLUTION 2019/504

**Moved: Cr Peter Walker
Seconded: Cr Denzil Sturgiss**

That the report from Cr Carol James in relation to the Goulburn Mulwaree Youth Council Meeting Notes held on the 25 October 2019 be received.

CARRIED

15.9 SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY MEETING MINUTES 7 & 8 NOVEMBER 2019

RESOLUTION 2019/505

**Moved: Cr Denzil Sturgiss
Seconded: Cr Leah Ferrara**

That the report from the General Manger on the South East Australian Transport Strategy Meeting Minutes held 7 & 8 November 2019.

CARRIED

15.10 CANBERRA REGION JOINT ORGANISATION BOARD EXTRAORDINARY MINUTES - 20 NOVEMBER 2019

RESOLUTION 2019/506

**Moved: Cr Denzil Sturgiss
Seconded: Cr Peter Walker**

That the minutes from the Canberra Region Joint Organisation Board Extraordinary meeting of the 20 November 2019 be noted.

CARRIED

15.11 COUNCILLOR BRIEFING SESSION SUMMARY

RESOLUTION 2019/507

**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 7.01pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 December 2019.

.....
Cr Bob Kirk
Mayor

.....
Warwick Bennett
General Manager