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MINUTES

Ordinary Council Meeting

7 April 2020

Order Of Business

1	Opening Meeting	5
2	Acknowledgement of Country	5
3	Councillors Declaration and/or Prayer	5
4	Apologies	5
5	Applications for a Leave of Absence by Councillors	5
6	Late Items / Urgent Business	6
7	Disclosure of Interests	6
8	Presentations	6
	Nil	
9	Public Forum	6
10	Confirmation of Minutes	6
	10.1 Minutes of the Ordinary Meeting of Council held on 17 March 2020	6
11	Matters Arising	6
	11.1 Matters Arising from Council Meeting Minutes from the 17 March 2020	6
	11.2 Outstanding Task List from All Previous Meetings	7
12	Mayoral Minute(s)	7
	Nil	
13	Notice of Motion(s)	7
	Nil	
14	Notice of Rescission(s)	7
	Nil	
15	Reports to Council for Determination	7
	15.1 COVID-19 Update.....	7
	15.2 Highway and Rural Signage Development Control Plan 2009 Provisions - Post Public Exhibition Report.....	8
	15.3 DA/0116/1920, Dwelling House use at Lot 2 DP 515942, Lot 154, 155, & 266 DP 750045, 555 Forest Siding Road Middle Arm	8
	15.4 VP163063 Rear Garbage Compactor Replacement Recommendation	10
	15.5 Goulburn Performing Arts Centre - Monthly Status Report	10
	15.6 Goulburn Aquatic Centre Redevelopment Stage 1 Construction - Monthly Status Report.....	10
	15.7 Operational Plan 2020 - 2021	11
	15.8 Surplus Funds - Financial Assistance Budget	11
	15.9 Canberra Region Joint Organisation Board Minutes - 27 February 2020.....	11
	15.10 Meeting Minutes from Extraordinary Meeting of the Local Emergency Management Committee 24 March 2020	12
	15.11 External Meeting Minutes	12
	15.12 Request to defer payment of S7.12 Levy Development Contribution, 1 Vincent Avenue, Goulburn (DA/0255/1920)	12

16 Closed Session12
There were no closed session reports for determination.

17 Conclusion of the Meeting.....12

**MINUTES OF GOULBURN MULWAREE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,
GOULBURN
ON TUESDAY, 7 APRIL 2020 AT 6PM**

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

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) and 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 declaration was read by Cr Sam Rowland.

4 APOLOGIES

RESOLUTION 2020/98

Moved: Cr Sam Rowland

Seconded: Cr Alfie Walker

That apologies received from Cr Denzil Sturgiss and Deputy Mayor Peter Walker be accepted.

CARRIED

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

RESOLUTION 2020/99

Moved: Cr Alfie Walker

Seconded: Cr Carol James

That:

- 1. Council grants leave of absence to Cr Denzil Sturgiss for this meeting and any other meeting until the 9th April 2020.**
- 2. Council grant leave of absence to and Deputy Mayor Peter Walker for this meeting.**

CARRIED

6 LATE ITEMS / URGENT BUSINESS**RESOLUTION 2020/100**

Moved: Cr Margaret O'Neill
Seconded: Cr Carol James

That Item 15.12 in relation to Item Request to defer payment of \$7.12 Levy Development Contribution, 1 Vincent Avenue, Goulburn (DA/0255/1920) be accepted into the meeting as late information as the applicant has requested this matter be dealt with to allow them to adhere to contractual conditions and obtain a Construction Certificate.

CARRIED

7 DISCLOSURE OF INTERESTS

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.

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

Nil

10 CONFIRMATION OF MINUTES**10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 17 MARCH 2020****RESOLUTION 2020/101**

Moved: Cr Carol James
Seconded: Cr Leah Ferrara

That the Council minutes from Tuesday 17 March 2020 and contained in Minutes Pages No 1 to 21 inclusive and in Minute Nos 2020/62 to 2020/97 inclusive be confirmed.

CARRIED

11 MATTERS ARISING**11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 17 MARCH 2020**

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2020/102

Moved: Cr Sam Rowland

Seconded:Cr Leah Ferrara

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

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 COVID-19 UPDATE

RESOLUTION 2020/103

Moved: Cr Alfie Walker

Seconded:Cr Leah Ferrara

That the report from the General Manager on COVID-19 Update be received.

CARRIED

15.2 HIGHWAY AND RURAL SIGNAGE DEVELOPMENT CONTROL PLAN 2009 PROVISIONS - POST PUBLIC EXHIBITION REPORT**RESOLUTION 2020/104****Moved: Cr Andrew Banfield****Seconded: Cr Margaret O'Neill****That**

- 1. The post public exhibition report from the Strategic Planner regarding proposed highway and rural signage provisions in the *Goulburn Mulwaree Development Control Plan 2009* be received.**
- 2. The amendment to the *Goulburn Mulwaree Development Control Plan 2009* attached to this report be adopted by Council, with the following changes being incorporated:**
 - (a) The inclusion of an exemption for sponsorship signs, such as for sports grounds and local events, provided that they are only intended to be visible upon entry to the grounds or within the grounds;**
 - (b) Clarification that signage erected by Transport for NSW does not count towards the signage limit per entry to each settlement; and**
 - (c) Correction of various inconsequential spelling and formatting errors.**

CARRIED**15.3 DA/0116/1920, DWELLING HOUSE USE AT LOT 2 DP 515942, LOT 154, 155, & 266 DP 750045, 555 FOREST SIDING ROAD MIDDLE ARM****RESOLUTION 2020/105****Moved: Cr Sam Rowland****Seconded: Cr Margaret O'Neill****That:**

- 1. The staff assessment report for Development Application DA/0116/1920 for the use of the existing structure as a dwelling house at Lot 2 DP 515942, Lot 154, 155, & 266 DP 750045, 555 Forest Siding Road, Middle Arm be received.**
- 2. Council refuse DA/0116/1920 for the use of the existing structure as a dwelling house at Lot 2 DP 515942, Lot 154, 155, & 266 DP 750045, 555 Forest Siding Road Middle Arm, for the following reasons:**
 - a) The proposal does not satisfy Part 1 Section 1.3(g) of Environmental Planning & Assessment Act "the Act" as it does not promote good design and amenity of the built environment.**
 - b) The proposal does not satisfy Part 1 Section 1.3(h) of "the Act" as it does not promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.**
 - c) The proposal does not satisfy Part 4 Section 4.14 of "the Act" as it does not meet the requirements of Planning for Bushfire Protection 2006, in regard to provision of legal and practical alternative property access, and location of dedicated fire-fighting water storage.**
 - d) The proposal does not demonstrate compliance with Part 6 of the Biodiversity Conservation Act 2016.**
 - e) The proposed Waste Water Management System does not demonstrate**

compliance with Part 2 of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. An application has not been made for the installation and operation of an on-site sewerage management facility.

- f) The proposal does not demonstrate compliance with the structural provisions of Part B1 of the National Construction Code 2018.
 - g) The proposal has not adequately demonstrated compliance with the objectives of the RU2 Rural Landscape zone within the Goulburn Mulwaree Local Environmental Plan 2009.
 - h) The proposal has not demonstrated compliance with the requirements of clause 4.6(4) of the Goulburn Mulwaree Local Environmental Plan 2009 (Exceptions to Development Standards).
 - i) The proposal has not demonstrated compliance with clause 7.1A of the Goulburn Mulwaree Local Environmental Plan 2009 (Earthworks).
 - j) The proposal has not demonstrated compliance with clause 7.2 of the Goulburn Mulwaree Local Environmental Plan 2009 (Terrestrial Biodiversity).
 - k) The proposal does not satisfy Part 1 Section 1.8 of the Goulburn Mulwaree Development Control plan 2009 Goulburn Mulwaree Local Environmental Plan 2009 (Variations to Controls).
 - l) The proposal does not satisfy Part 5 Section 5.3.1.1 to 5.3.1.3 and 5.3.1.5 of the Goulburn Mulwaree Development Control plan 2009 (Rural Dwellings).
 - m) 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.
3. Council proceed with a Demolish Works Order (No. 3) and Restore Works Order (No. 10) issued in accordance with Schedule 5 of the Environmental Planning & Assessment Act 1979. The Restore Works Order shall specify that the premises is restored to its physical condition before the commencement of unauthorised works (as far as practicable taking into account the extent of excavation, but not excluding the area subjected to cut and fill) but must include a rehabilitation plan to assist with the revegetation of the site and its ongoing management and maintenance.
 4. Council commence investigation of the additional structure and wastewater system that has also been identified during the above development application process. Compliance action, including further Penalty Infringement Notices and Orders, will commence if works are confirmed to be unauthorised. The outcome of the investigation to be reported back to Council.

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

The motion was put in accordance with Section 375A and all Councillors present voted in favour of the resolution.

15.4 VP163063 REAR GARBAGE COMPACTOR REPLACEMENT RECOMMENDATION

RESOLUTION 2020/106

Moved: Cr Leah Ferrara

Seconded: Cr Carol James

That

- 1. The report of the Business Manager of Works on the replacement of Plant No 93 – Rear Garbage Compactor be received**
- 2. Council approve the purchase of the Volvo FE Eu6 6x4 Rigid B-Ride with Bucher UrBin 20 at a cost of \$339,395.25 (excl. GST) from Volvo Trucks, Unanderra NSW 2526.**
- 3. The expenditure for this purchase be carried over to the 20/21 budget to align with the delivery date of January 2021.**

CARRIED

15.5 GOULBURN PERFORMING ARTS CENTRE - MONTHLY STATUS REPORT

RESOLUTION 2020/107

Moved: Cr Leah Ferrara

Seconded: Cr Carol James

That the report from the Business Manager Projects on the status of the Goulburn Performing Arts Centre construction be received.

CARRIED

15.6 GOULBURN AQUATIC CENTRE REDEVELOPMENT STAGE 1 CONSTRUCTION - MONTHLY STATUS REPORT

RESOLUTION 2020/108

Moved: Cr Alfie Walker

Seconded: Cr Margaret O'Neill

That the report from the Director of Operations on the status of the Goulburn Aquatic Centre Redevelopment Stage 1 construction works be received.

CARRIED

15.7 OPERATIONAL PLAN 2020 - 2021**RESOLUTION 2020/109****Moved: Cr Carol James****Seconded: Cr Leah Ferrara****That**

- 1. The report of the Director of Business Services on the Draft Operational Plan 2020/21 be received**
- 2. The Draft Operational Plan 2020/21 and budget be approved for public exhibition**
- 3. The Draft Operational Plan 2020/21 and budget placed on public exhibition from Thursday 9 April until Friday 15 May 2020 for wider community comment.**
- 4. Invitations be extended to any submitters wishing to speak to their submission be by way of audio conference (for a maximum of 5 minutes) at the Public Forum of the Council meeting on 2 June 2020 as part of the submission consideration process.**
- 5. Council acknowledge that significant changes may need to be made to the budget as the ongoing impacts of the COVID-19 crisis become clearer.**

CARRIED**15.8 SURPLUS FUNDS - FINANCIAL ASSISTANCE BUDGET****RESOLUTION 2020/110****Moved: Cr Andrew Banfield****Seconded: Cr Margaret O'Neill****That**

- 1. The report from the Director Corporate & Community Services on Surplus Funds – Financial Assistance Budget be received.**
- 2. Any surplus funds in the Financial Assistance/Mayoral Discretionary fund budget in any given financial year be transferred to the Mayoral Disaster Relief Trust Fund**

CARRIED**15.9 CANBERRA REGION JOINT ORGANISATION BOARD MINUTES - 27 FEBRUARY 2020****RESOLUTION 2020/111****Moved: Cr Margaret O'Neill****Seconded: Cr Alfie Walker****That the minutes from the Canberra Region Joint Organisation Board meeting of the 27 February 2020 be noted.****CARRIED**

15.10 MEETING MINUTES FROM EXTRAORDINARY MEETING OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE 24 MARCH 2020

RESOLUTION 2020/112

**Moved: Cr Sam Rowland
Seconded: Cr Andrew Banfield**

That the report from the Director Operations on the minutes from the Extraordinary Local Emergency Management Meeting held on Tuesday 24th March 2020 be received.

CARRIED

15.11 EXTERNAL MEETING MINUTES

RESOLUTION 2020/113

**Moved: Cr Margaret O'Neill
Seconded: Cr Sam Rowland**

That the report from the General Manger on the SEATS Ordinary Minutes 20 & 21 February 2020 be received.

CARRIED

15.12 REQUEST TO DEFER PAYMENT OF S7.12 LEVY DEVELOPMENT CONTRIBUTION, 1 VINCENT AVENUE, GOULBURN (DA/0255/1920)

RESOLUTION 2020/114

**Moved: Cr Leah Ferrara
Seconded: Cr Margaret O'Neill**

That:

- 1. The report of the Director Planning and Environment be received.**
- 2. Council accept the request to defer payment of the s7.12 levy applicable to DA/0255/1920 for the purposes of obtaining a Construction Certificate, but require payment of the levy prior to the issuing of an Occupation Certificate (including an Interim Occupation Certificate). The total levy payable will be \$4202.96, adjusted according to the latest quarterly index (Sydney – All Groups) using the March 2020 index as a base.**

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 7.12pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 April 2020.

.....
Cr Bob Kirk
Mayor

.....
Warwick Bennett
General Manager