



# MINUTES

## Ordinary Council Meeting

**2 February 2021**



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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, 2 FEBRUARY 2021 AT 6.00PM**

**PRESENT:** Cr Bob Kirk (Mayor), Cr Peter Walker (Deputy Mayor), Cr Andrew Banfield, 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 & Environment, Robert Hughes (Acting Director Operations) & Amy Croker (Office Manager).

**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 Carol James.

**4 APOLOGIES**

**RESOLUTION 2021/1**

**Moved:** Cr Peter Walker

**Seconded:** Cr Carol James

**That the apology received from Cr Sam Rowland be accepted.**

**CARRIED**

**5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

**RESOLUTION 2021/2**

**Moved:** Cr Alfie Walker

**Seconded:** Cr Peter Walker

**That the leave of absence be granted to Cr Sam Rowland due to ill health.**

**CARRIED**

**6 LATE ITEMS / URGENT BUSINESS**

Nil

## **7 DISCLOSURE OF INTERESTS**

Cr Carol James declared a non-pecuniary/non-significant conflict of interest in Item 15.11 "Goulburn Lilac City Festival Markets" as she is the Chairperson of the Goulburn Lilac City Festival Inc. Cr Carol James will remain in the meeting while discussion and determination takes place.

Cr 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**

Geoff Kettle from Gunlake addressed Council on Item 15.1 Gunlake Quarry Extension Project - Modification 2 (LEC Consent 108663 of 2017).

DAVID KELLY FROM GUNLAKE ADDRESSED COUNCIL ON ITEM 15.1 GUNLAKE QUARRY EXTENSION PROJECT - MODIFICATION 2 (LEC CONSENT 108663 OF 2017).

DAVID MCTIERNAN FROM THE AUSTRALIAN ROAD RESEARCH BOARD (ARRB) REPRESENTING GUNLAKE ADDRESSED COUNCIL ON ITEM 15.1 GUNLAKE QUARRY EXTENSION PROJECT - MODIFICATION 2 (LEC CONSENT 108663 OF 2017).

NEIL PENNING FROM ROTARY ADDRESSED COUNCIL ON ITEM 15.11 GOULBURN LILAC CITY FESTIVAL MARKETS.

## **10 CONFIRMATION OF MINUTES**

### **10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15 DECEMBER 2020**

#### **RESOLUTION 2021/3**

Moved: Cr Alfie Walker  
Seconded: Cr Carol James

That the Council minutes from Tuesday 15 December 2020 and contained in Minutes Pages No 1 to 80 inclusive and in Minute Nos 2020/519 to 2020/564 inclusive be confirmed.

**CARRIED**

## **11 MATTERS ARISING**

### **11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 15 DECEMBER 2020**

Nil

**11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS**

**RESOLUTION 2021/4**

**Moved: Cr Peter Walker**

**Seconded: Cr Denzil Sturgiss**

**That Council notes the Task List.**

**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 GUNLAKE QUARRY EXTENSION PROJECT - MODIFICATION 2 (LEC CONSENT 108663 OF 2017)

#### RESOLUTION 2021/5

Moved: Cr Peter Walker

Seconded: Cr Andrew Banfield

That

1. The report from the Director Planning & Environment in regard to the Gunlake Quarry Extension Project – Modification 2 be received.
2. The following comments be made to the Department of Planning & Environment:
  - a) Goulburn Mulwaree Council are supportive of the Gunlake Quarry located at 715 Brayton Road, Brayton. Council acknowledges the efforts of Gunlake in terms of their relationship with the broader Marulan community, as well as efforts made to address past concerns held by Council and the community as part of the journey towards achieving the current overarching operational consent.
  - b) Council does not object to the proposed Gunlake Quarry Extension Project (Modification 2) application currently on public exhibition.
  - c) Council acknowledges the Gunlake Driver Code of Conduct and its requirement for drivers to adhere to an 80km/h speed limit. Council however wishes to see a permanent reduction in the speed limit along the haulage route to 80km/h for all traffic to ensure consistency and above all, a higher level of safety for all road users.
3. Council lobby Transport for NSW for a permanent reduction in speed limit across the Gunlake haulage route to 80km/h.

*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, Leah Ferrara, Alfie Walker, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

## 15.2 REQUESTED AMENDMENT TO THE TENERIFFE PLANNING AGREEMENT

### RESOLUTION 2021/6

Moved: Cr Bob Kirk

Seconded: Cr Andrew Banfield

That

1. The staff report on the request to amend the Planning Agreement for DA/0183/1718 for the staged residential subdivision of land at 133 Marys Mount Road, Goulburn be received.
2. Clause 3.4 of the Planning Agreement associated with DA/00183/1718 for the staged subdivision of land at 133 Marys Mount Road be amended to include the following:
  - a) *With the exception that the credit associated with the Site Works for Stage 2A can be applied to the Monetary Contribution payable by the Developer for Stage 2B1.*
3. The draft amended Planning Agreement associated with DA/00183/1718 for the staged subdivision of land at 133 Marys Mount Road, Goulburn be placed on public exhibition for a period of 28 days.
4. Following the exhibition period the matter be reported back to Council to consider any submissions, if received, and to consider the amended Planning Agreement.

*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, Leah Ferrara, Alfie Walker, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

## 15.3 SOCIAL SUSTAINABILITY STRATEGY AND ACTION PLAN IMPLEMENTATION UPDATE

### RESOLUTION 2021/7

Moved: Cr Leah Ferrara

Seconded: Cr Denzil Sturgiss

That the report on the Social Sustainability Strategy and Action Plan Implementation Update from Director Planning & Environment be received.

**CARRIED**

## 15.4 OPTIONS FOR MANAGING LONG-TERM DEVELOPMENT APPLICATIONS

### RESOLUTION 2021/8

**Moved:** Cr Andrew Banfield

**Seconded:** Cr Peter Walker

**That Council Move into Committee of the Whole.**

Council moved into Committee of the whole at 6:58 pm.

**CARRIED**

At 6:59 pm, Cr Denzil Sturgiss left the meeting.

At 7:01 pm, Cr Denzil Sturgiss returned to the meeting.

### RESOLUTION 2021/9

**Moved:** Cr Andrew Banfield

**Seconded:** Cr Alfie Walker

**That Council move back into Open Council.**

Council moved back into Open Council at 7:48 pm.

**CARRIED**

### RESOLUTION 2021/10

**Moved:** Cr Alfie Walker

**Seconded:** Cr Andrew Banfield

**That:**

1. The report from the Director Planning and Environment in relation to Options for Managing Long-term Development Applications be received.
2. Council utilise the following options for the management of development applications to ensure that statutory assessment timeframes can be met:
  - (a) Timeframe for requests for additional information to be specific to each request. This is generally a period ranging from 14-28 days, depending on the complexity of required information, taking into account a realistic timeframe required to prepare, study, document and present the required information. In some circumstances, time extensions may be granted if it can be demonstrated that the information can be provided within a reasonable timeframe.
  - (b) Utilise rejection components of legislation to ensure assessment ready applications. Under the *Environmental Planning & Assessment Regulation 2000*, Council can reject a development application within 14 days after receiving it if the application is unclear, incomplete, or the Applicant has failed to pay all fees required by Council or relevant concurrence authority.
  - (c) Utilise an additional information request letter which alerts the Applicant that the proposed development is not considered suitable for the site and recommends the application is withdrawn. For example, a knock-down and rebuild of a dwelling in a heritage conservation area when the proposal is not sympathetic to the established surrounds.
  - (d) Refuse applications that have not adhered to Council's reasonable timeframes to provide additional information, taking into account any previous extensions that may have been granted and not acted upon.
  - (e) Refuse applications that do not provide the required additional information needed to address the request for information, or that raise further issues of

non-compliance. For example, the provision of additional information has raised further issues of concern that had not previously been identified due to the lack of information originally submitted or design changes by the Applicant that cannot be mitigated.

- (f) Refuse applications where satisfactory arrangements for critical infrastructure have not been made. For example, where applications have not been accompanied by a previously negotiated draft Planning Agreement, or require the use of Council land for the location of infrastructure but permission has been not obtained.
- (g) Staff to develop matrix for guidelines on reasonable timeframes for the provision of information relating to the different types of development applications.

**CARRIED**

## **MOVE AN ITEM**

### **RESOLUTION 2021/11**

Moved: Cr Carol James

Seconded: Cr Leah Ferrara

That Item 15.11 be dealt with directly after Item 15.4.

**CARRIED**

## **15.11 GOULBURN LILAC CITY FESTIVAL MARKETS**

### **RESOLUTION 2021/12**

Moved: Cr Margaret O'Neill

Seconded: Cr Andrew Banfield

That

1. The report of the General Manager on the Goulburn Lilac City Festival Markets be received.
2. The item Goulburn Lilac City Festival Markets be deferred pending discussion between the Goulburn Rotary Club and the Goulburn Lilac City Festival Inc and the matter be brought back to Council when those discussions are concluded.
3. Council in principle supports the Goulburn Lilac City Festival Markets to be held in Montague Street to be able to raise funds for the Lilac City Festival.

**CARRIED**

The meeting was adjourned for dinner at 8.14pm.

The meeting resumed at 8.45pm.

## 15.5 COMPLIANCE UPDATE

### RESOLUTION 2021/13

**Moved:** Cr Peter Walker

**Seconded:** Cr Carol James

**That:**

1. The report of the Director Planning & Environment be received
2. Council continue to pursue compliance action in line with community expectations, including the issuing of Penalty Infringement Notices, when it can be demonstrated that development has been carried out without consent, and/or in a manner that is likely to cause environmental damage or harm.

**CARRIED**

## 15.6 PARKING RESTRICTIONS COWPER STREET

### RESOLUTION 2021/14

**Moved:** Cr Margaret O'Neill

**Seconded:** Cr Peter Walker

**That Council Move into Committee of the Whole.**

The motion was put and four votes for the motion and four votes against the motion. The Mayor used his casting vote to carry the motion.

Council moved into Committee of the whole at 8:57pm.

**CARRIED**

### RESOLUTION 2021/15

**Moved:** Cr Peter Walker

**Seconded:** Cr Leah Ferrara

**That Council move back into Open Council.**

Council moved back into Open Council at 9:20pm.

**CARRIED**

### RESOLUTION 2021/16

**Moved:** Cr Bob Kirk

**Seconded:** Cr Carol James

**That**

1. The report from the General Manager on Parking Restrictions in Cowper Street be received.
2. Staff be requested to further assess the parking in Cowper Street (in the Hospital precinct) in an attempt to identify why the vehicles are parked there.

**CARRIED**

**15.7 2021T0012 GOULBURN REGIONAL HOCKEY FACILITY LIGHTING UPGRADE  
TENDER EVALUATION**

**RESOLUTION 2021/17**

**Moved: Cr Peter Walker**

**Seconded: Cr Margaret O'Neill**

**That:**

- 1. The report form the Business Manager Projects on 2021T0012 Goulburn Regional Hockey Facility Lighting Upgrade Tender Evaluation be received;**
- 2. The tender from Power By Watts for \$344,971 (incl. GST) is accepted in accordance with the specification and documents for Tender No 2021T0012.**
- 3. The General Manager is authorised to approve a variation of up to ten (10) percent (\$34,497 incl. GST) for this project.**
- 4. Unexpended funds from the 2020/21 budget allocation be carried forward to 2021/22.**

**CARRIED**

**15.8 2021T0011 GOULBURN REGIONAL HOCKEY FACILITY FIELD REFURBISHMENT**

**RESOLUTION 2021/18**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Margaret O'Neill**

**That:**

- 1. The report form the Business Manager Projects on 2021T0011 Goulburn Regional Hockey Facility Field Refurbishment Tender Evaluation be received;**
- 2. The tender from Polytan Asia Pacific Pty Ltd for \$1,710,137.56 (incl. GST) is accepted in accordance with the specification and documents for Tender No 2021T0011.**
- 3. The General Manager is authorised to approve a variation of up to five (5) percent (\$85,507 incl. GST) for this project.**
- 4. Unexpended funds from the 2020/21 budget allocation be carried forward to 2021/22.**

**CARRIED**

## **15.9 VP201132 GARBAGE TRUCK AND SIDE COMPACTOR**

### **RESOLUTION 2021/19**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Alfie Walker**

**That**

- 1. The report of the Business Manager of Works on the replacement of Plant 9071 – Side Loading Garbage Compactor be received.**
- 2. Council approve the purchase of Volvo FE with Bucher side loading body from Southern Truck Centre (submission VP370319), at a cost of \$359,930.00 excluding GST.**
- 3. Any unexpended funds from this purchase be carried forward to 2021-22 if this purchase is not finalised by 30 June 2021.**

**CARRIED**

At 9:30 pm, Cr Denzil Sturgiss left the meeting and did not return.

## **15.10 PUBLIC GATES & BYPASS GRID POLICY**

### **RESOLUTION 2021/20**

**Moved: Cr Peter Walker**

**Seconded: Cr Carol James**

**That:**

- 1. The report on the Public Gates & Bypass Grid Policy from the Business Manager Design & Asset Management be received.**
- 2. The draft Public Gates & Bypass Grid Policy be placed on public exhibition for a period of 28 days.**
- 3. Any submissions or recommended amendments as a result of the exhibition process, be reported back to Council before the adoption of the Public Gates & Bypass Grid Policy.**

**CARRIED**

## **15.12 MONTHLY FINANCIAL REPORT**

### **RESOLUTION 2021/21**

**Moved: Cr Peter Walker**

**Seconded: Cr Carol James**

**That the report by the Director Corporate & Community Services and the Business Manager Finance & Customer Service on the Monthly Financial Report be received and noted for information.**

**CARRIED**

### **15.13 STATEMENT OF INVESTMENTS & BANK BALANCES**

#### **RESOLUTION 2021/22**

**Moved: Cr Peter Walker**

**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 be received.**

**CARRIED**

### **15.14 MINUTES OF THE SPORTS COUNCIL MEETING HELD ON 7 DECEMBER 2020**

#### **RESOLUTION 2021/23**

**Moved: Cr Margaret O'Neill**

**Seconded: Cr Leah Ferrara**

**That the report from Manager Community Facilities in regards to the Sports Council minutes from Monday 7 December 2020 be received.**

**CARRIED**

### **15.15 COPFORD REACH WORKING PARTY MINUTES - 14 JANUARY 2021**

#### **RESOLUTION 2021/24**

**Moved: Cr Peter Walker**

**Seconded: Cr Alfie Walker**

**That:**

- 1. The Copford Reach Working Party Minutes dated 14 January 2021 report from the General Manager be noted.**
- 2. An assessment of the structural integrity of the old Boat House Shed be undertaken.**

**CARRIED**

### **15.16 EXTERNAL MEETING MINUTES**

#### **RESOLUTION 2021/25**

**Moved: Cr Leah Ferrara**

**Seconded: Cr Alfie Walker**

**That the report from the General Manger on the minutes below be received:**

- 1. Ardmore Park Quarry Community Consultative Committee meeting held on 6 November 2020**
- 2. Gunlake Quarry Community Consultative Committee meeting held on 4 December 2020**
- 3. Heron Woodlawn Community Consultative Committee Meeting held on the 9 December 2020**

**CARRIED**

## **15.17 BUILDING BETTER REGIONS FUND**

### **RESOLUTION 2021/26**

**Moved: Cr Bob Kirk**

**Seconded: Cr Peter Walker**

**That Council Move into Committee of the Whole.**

Council moved into Committee of the whole at 9:46pm.

**CARRIED**

### **RESOLUTION 2021/27**

**Moved: Cr Peter Walker**

**Seconded: Cr Margaret O'Neill**

**That Council move back into Open Council.**

Council moved back into Open Council at 10:00pm.

**CARRIED**

### **RESOLUTION 2021/28**

**Moved: Cr Peter Walker**

**Seconded: Cr Margaret O'Neill**

**That:**

- 1. The report the report from the General Manager on the Building Better Region Fund be received**
- 2. Council makes the following application for the Building Better Regions Fund**
  - **Shibetsu Gardens – Victoria Park – for \$500,000 with Council acknowledging that a co-contribution of 50% (being \$250,000) will be required if the grant application is successful.**
  - **Community Centre – site to be determined – for \$4,000,000 with \$2,000,000 from the grant application and \$2,000,000 from Council by way of loan.**
  - **The Goulburn to Crookwell Rail Trail – a joint application with the Upper Lachlan Shire Council to the value of \$14.2 Million total cost and this grant application is for \$7.1 million with the co-contribution coming from State Government. Council to note at this time that no formal application has been sought from State Government and Council would be including in its application to this fund that any grant funding would be subject to receiving the balance of the 50% from the State Government as the Council contribution.**

**CARRIED**

## 15.18 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE GRANTS

### RESOLUTION 2021/29

Moved: Cr Peter Walker

Seconded: Cr Alfie Walker

That:

1. The report of the General Manager on the Local Roads and Community Infrastructure Grants be received
2. Council allocates the \$1,584,000 from this grant funding scheme as follows
  - Stage 1 – Waste Management Centre Renewal - \$1,084,000
  - Upgrade Landscaping at Roberts Park, Goulburn - \$100,000
  - Toilet Facilities on Wollondilly Walking Track – Kenmore Street - \$100,000
  - Footpaths in our villages - \$300,000
3. The General Manager undertakes consultation with the Village Community Groups to determine the priority list for footpath development in the villages.

**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 10.03pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 February 2021.

.....  
Cr Bob Kirk  
Mayor

.....  
Warwick Bennett  
General Manager