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# **MINUTES**

## **Ordinary Council Meeting**

**16 February 2021**



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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, 16 FEBRUARY 2021 AT 6.00PM**

**PRESENT:** Cr Bob Kirk (Mayor), Cr Peter Walker (Deputy Mayor), Cr Andrew Banfield, Cr Sam Rowland, Cr Leah Ferrara, 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, Matt O'Rourke (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 Deputy Mayor Peter Walker.

**4 APOLOGIES**

**RESOLUTION 2021/30**

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

**That the apology received from Cr Alfie Walker be accepted.**

**CARRIED**

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

**RESOLUTION 2021/31**

**Moved: Cr Carol James  
Seconded: Cr Leah Ferrara**

**That the leave of absence be granted to Cr Alfie Walker due to work commitments out of the region.**

**CARRIED**

**6 LATE ITEMS / URGENT BUSINESS**

Nil

## **7 DISCLOSURE OF INTERESTS**

Cr Carol James declared a Significant non pecuniary conflict of interest in Item 15.1 "Request for 22 Hurst Street to be listed as a Heritage Item" as she is a resident of Hurst Street. Cr Carol James will leave the meeting while discussion on this item 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.

Matt O'Rourke Director of Operations also advised he resided in Hurst Street and would be leaving the room during discussions on item 15.1 "Request for 22 Hurst Street to be listed as a Heritage Item".

## **8 PRESENTATIONS**

Nil

## **9 PUBLIC FORUM**

Nil

## **10 CONFIRMATION OF MINUTES**

### **10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 2 FEBRUARY 2021**

#### **RESOLUTION 2021/32**

**Moved: Cr Carol James**

**Seconded: Cr Denzil Sturgiss**

**That the Council minutes from Tuesday 2 February 2021 and contained in Minutes Pages No 1 to 17 inclusive and in Minute Nos 2021/1 to 2021/29 inclusive be confirmed.**

**CARRIED**

## **11 MATTERS ARISING**

### **11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 2 FEBRUARY 2021**

Nil

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

#### **RESOLUTION 2021/33**

**Moved: Cr Peter Walker**

**Seconded: Cr Carol James**

**That Council notes the Task List and authorises the deletion of completed tasks with the exception of the Waste Water Farm which will be presented at the next Council Meeting.**

**CARRIED**

**12 MAYORAL MINUTE(S)**

The Mayor expressed condolences to Cr Andrew Banfield and his wife Gaye on the passing of his mother-in-law.

**13 NOTICE OF MOTION(S)**

Nil

**14 NOTICE OF RESCISSION(S)**

Nil

**15 REPORTS TO COUNCIL FOR DETERMINATION****15.1 REQUEST FOR 22 HURST STREET TO BE LISTED AS A HERITAGE ITEM**

At 6:11 pm, Cr Carol James & Director of Operations Matt O'Rourke left the meeting.

**RESOLUTION 2021/34**

**Moved: Cr Peter Walker**

**Seconded: Cr Andrew Banfield**

**That:**

- 1. The report of the Director Planning & Environment be received.**
- 2. That Council defer any consideration to list 22 Hurst Street Goulburn as an Item of Environmental Heritage under Schedule 5 of the Goulburn Mulwaree Local Environmental Plan because adequate protection is currently in place due to this property being located within the Heritage Conservation Area.**
- 3. The Heritage status will be reviewed after DA/0137/2021 has been determined, once an assessment has been carried out on the individual merits of the property's heritage significance.**

**CARRIED**

At 6:17 pm, Cr Carol James & Director of Operations Matt O'Rourke returned to the meeting.

**15.2 REQUEST FOR INPUT INTO SEARS FOR THE PROPOSED MARULAN SOLAR FARM****RESOLUTION 2021/35**

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

**That**

1. The report from the Director Planning & Environment in regard to the Department of Planning & Environment's request for input into the Secretary's Environmental Assessment Requirements (SEARs) for the proposed Marulan Solar Farm be received.
2. Council makes a submission to the Department of Planning & Environment (DPIE) on the proposed Marulan Solar Farm setting out the issues raised in the Director of Planning and Environments report to the 16<sup>th</sup> February Council meeting.

*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, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

**15.3 NSW AGRICULTURAL LAND USE PLANNING STRATEGY OPTIONS PAPER****RESOLUTION 2021/36**

**Moved:** Cr Denzil Sturgiss  
**Seconded:** Cr Carol James

**That:**

1. The report by the Senior Strategic Planner on the *Agricultural Land Use Planning Strategy Options Paper* be received.
2. Council make a submission to the NSW Agriculture Commissioner in response to the *Agricultural Land Use Planning Strategy Options Paper* that is substantially in accordance with the issues raised in this report, regarding the need to:
  - (a) Identify and protect important agricultural land.
  - (b) Provide clear policy advice on rural and environmental zoning.
  - (c) Provide alternative dispute resolution mechanisms.
  - (d) Clarify land use definitions and zoning restrictions for agricultural uses.
  - (e) Clarify acceptable buffer distances.
  - (f) Provide development certainty for common agricultural land use planning issues.

*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, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil



**15.4 ACQUISITION OF PART 4 MONTAGUE STREET, GOULBURN****RESOLUTION 2021/37****Moved: Cr Andrew Banfield****Seconded: Cr Carol James****That;**

- 1. The report from the Business Manager Property & Community Services on acquisition of Part 4 Montague Street, Goulburn be received.**
- 2. An application be made to the Minister for Local Government and the Governor of NSW to Council to compulsory acquire approximately 256.9m<sup>2</sup> of land at 4 Montague Street, Goulburn (Lot 2 in DP1103076) to widen Post Office Lane having regard to s377(1)(h) of the *Local Government Act 1993*.**
- 3. Council meets all costs associated with;**
  - Surveying fees**
  - NSW Land Registry Services fees**
  - DPIE – Crown Lands Application fees**
  - Publication of acquisition in the NSW Government Gazette**
  - Just Terms Compensation unit of Property NSW Valuation Services for their management and administration fees associated with this compulsory acquisition.**
  - Compensation payable to DPIE – Crown Lands**
- 4. Council affix the seal to any documentation necessary to complete this Crown Land acquisition.**

**CARRIED**

**15.5 LOCAL TRAFFIC COMMITTEE****MOTION**

Moved: Cr Peter Walker

Seconded: Cr Andrew Banfield

That

1. The report from the General Manager on the Local Traffic Committee be received
2. A shared Local Traffic Committee be established between Goulburn Mulwaree, Upper Lachlan Shire and Yass Valley Councils following the revision of the TfNSW administrative precincts
3. Council's representatives on the Local Traffic Committee be Councillor Andrew Banfield and Director of Operations or his nominee

Cr Peter Walker has withdrawn his moving of the motion. The motion lapsed.

**RESOLUTION 2021/38**

Moved: Cr Andrew Banfield

Seconded: Cr Sam Rowland

**That the report from the General Manager on the Local Traffic Committee be received and no further action be taken for a joint Committee.**

**CARRIED**

**15.6 SUBMISSION - LOCAL GOVERNMENT RATING REVIEW****RESOLUTION 2021/39**

Moved: Cr Andrew Banfield

Seconded: Cr Peter Walker

That

1. The report by the Director Corporate & Community Services on the Submission – Local Government Rating Review be received and noted.
2. Council endorse the contents of the submission.

**CARRIED**

**15.7 QUARTERLY BUDGET REVIEW****RESOLUTION 2021/40**

Moved: Cr Sam Rowland

Seconded: Cr Andrew Banfield

That:

1. The report of the Director Corporate & Community Services on the December 2020 Quarterly Budget Review be noted.
2. The budgeted variations contained within the December 2020 Quarterly Review be approved.

**CARRIED**

**15.8 MONTHLY FINANCIAL REPORT****RESOLUTION 2021/41****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****15.9 STATEMENT OF INVESTMENTS & BANK BALANCES****RESOLUTION 2021/42****Moved: Cr Carol James****Seconded: Cr Denzil Sturgiss**

**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****15.10 RATES OUTSTANDING REPORT****RESOLUTION 2021/43****Moved: Cr Sam Rowland****Seconded: Cr Peter Walker**

**That the report from the Revenue Coordinator on Rates Outstanding be received.**

**CARRIED****15.11 DEBTORS OUTSTANDING REPORT****RESOLUTION 2021/44****Moved: Cr Sam Rowland****Seconded: Cr Denzil Sturgiss**

**That the report from the Revenue Officer on Debtor Collections be received.**

**CARRIED****15.12 WATER CHARGES OUTSTANDING REPORT****RESOLUTION 2021/45****Moved: Cr Sam Rowland****Seconded: Cr Leah Ferrara**

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

**CARRIED**

**15.13 GROWING LOCAL ECONOMIES COMMON STREET - DECEMBER 2020 & JANUARY 2021 STATUS REPORT**

**RESOLUTION 2021/46**

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

**That the report from the Project Manager - Grants on the status of the Growing Local Economies Common Street construction be received**

**CARRIED**

**15.14 GOULBURN PERFORMING ARTS CENTRE - DECEMBER 2020 & JANUARY 2021 STATUS REPORT**

**RESOLUTION 2021/47**

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

**That the report from the Director of Operations on the status of the Goulburn Performing Arts Centre construction be received.**

**CARRIED**

**15.15 GOULBURN AQUATIC CENTRE REDEVELOPMENT STAGE 1 CONSTRUCTION - DECEMBER 2020 & JANUARY 2021 STATUS REPORT**

**RESOLUTION 2021/48**

**Moved: Cr Carol James  
Seconded: Cr Denzil Sturgiss**

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

**CARRIED**

**15.16 MOUNTAIN ASH ROAD BLACKSPOT PROJECT - DECEMBER 2020 & JANUARY 2021 STATUS REPORT**

**RESOLUTION 2021/49**

**Moved: Cr Sam Rowland  
Seconded: Cr Denzil Sturgiss**

**That the report from the Business Manager of Works on the Mountain Ash Road Blackspot Project status updated be received.**

**CARRIED**

**15.17 COOKBUNDOON PAVILION UPGRADE - DECEMBER 2020 & JANUARY 2021 STATUS REPORT**

**RESOLUTION 2021/50**

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

**That the report from the Business Manager Community Facilities on Cookbundoon Pavilion Upgrade status be received.**

**CARRIED**

**15.18 NATURAL DISASTER ESSENTIAL PUBLIC ASSET RESTORATION PROJECT - DECEMBER 2020 & JANUARY 2021 STATUS REPORT**

**RESOLUTION 2021/51**

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

**That the report from the Business Manager Works on the status for the Natural Disaster Essential Public Asset Restoration Project be received.**

**CARRIED**

**15.19 ST CLAIR CONSERVATION WORKS - STATUS REPORT**

**RESOLUTION 2021/52**

**Moved: Cr Carol James  
Seconded: Cr Sam Rowland**

**That the report from the Business Manager Marketing, Events & Culture on the status of the St Clair Conservation Works be received.**

**CARRIED**

**15.20 GOULBURN MULWAREE YOUTH COUNCIL MEETING NOTES - 29 JANUARY 2021**

**RESOLUTION 2021/53**

**Moved: Cr Carol James  
Seconded: Cr Denzil Sturgiss**

**That the report from Cr Carol James in relation to the Goulburn Mulwaree Youth Council Meeting Notes held on the 29 January 2021 be received.**

**CARRIED**

**15.21 UTILITIES DIRECTORATE REPORT - DECEMBER 2020 AND JANUARY 2021**

**RESOLUTION 2021/54**

**Moved: Cr Denzil Sturgiss**

**Seconded: Cr Sam Rowland**

**That the report from the Director Utilities be received and noted for information.**

**CARRIED**

**15.22 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT DECEMBER 2020 & JANUARY 2021**

**RESOLUTION 2021/55**

**Moved: Cr Sam Rowland**

**Seconded: Cr Carol James**

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

**CARRIED**

**15.23 OPERATIONS DIRECTORATE REPORT - DECEMBER 2020 & JANUARY 2021**

**RESOLUTION 2021/56**

**Moved: Cr Peter Walker**

**Seconded: Cr Denzil Sturgiss**

**That the activities report for December 2020 & January 2021 by the Director Operations be received and noted for information.**

**CARRIED**

**15.24 PLANNING & ENVIRONMENT DIRECTORATE REPORT DECEMBER 2020 AND JANUARY 2021**

**RESOLUTION 2021/57**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Leah Ferrara**

**That the activities report by the Director Planning & Environment be received and noted for information.**

**CARRIED**

**15.25 EXTERNAL MEETING MINUTES****RESOLUTION 2021/58****Moved: Cr Denzil Sturgiss****Seconded: Cr Peter Walker**

**That the report from the General Manger on the Goulburn Liquor Accord Committee meeting held on 27 January 2021 be received.**

**CARRIED****15.26 COUNCILLOR BRIEFING SESSION SUMMARY****RESOLUTION 2021/59****Moved: Cr Margaret O'Neill****Seconded: Cr Sam Rowland**

**That the report from the General Manager on Councillor Briefing Session Summary be received with the following amendments:**

- **Cr O'Neill attended the Ray Harvey Cheque presentation 15 December 2020**
- **Cr Rowland attend the Councillor Briefing on the 28 January 2021.**

**CARRIED****16 CLOSED SESSION**

*Government Act 1993.*

**RESOLUTION 2021/60****Moved: Cr Sam Rowland****Seconded: Cr Denzil Sturgiss**

**That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:**

**16.1 New Police Station for Goulburn**

**This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.**

**16.2 General Managers Performance Review Working Party**

**This matter is considered to be confidential under Section 10A(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).**

**CARRIED**

Cr Denzil Sturgiss left the meeting at 7.13pm and returned to the meeting at 7.16pm.

Council resolved into Closed Session at 7.14pm.

Council took at 30 minute recess at 7.37pm for dinner.

Council resumed at 8.13pm.

Cr Andrew Banfield did not return after the recess.

All staff left the meeting at 8.49pm

Warwick Bennett and Amy Croker returned to the meeting 9.43pm

Council resolved into Open Council at 9.47pm.

#### **RESOLUTION 2021/61**

**Moved: Cr Sam Rowland**

**Seconded: Cr Carol James**

- 1. That Council moves out of Closed Council into Open Council.**
- 2. That the resolutions of the Closed Session meeting which were submitted to Closed Session in accordance with s10A Local Government Act 1993 be adopted.**

**CARRIED**

#### **16.1 NEW POLICE STATION FOR GOULBURN**

#### **RESOLUTION 2021/62**

**Moved: Cr Carol James**

**Seconded: Cr Denzil Sturgiss**

**That:**

- 1. The General Manager's report on the New Police Station for Goulburn be received.**
- 2. Council rejects the current offer by NSW Police to purchase 2 Bourke Street Goulburn**
- 3. Council authorises the Mayor and General Manager to enter into negotiations without prejudice with the NSW Police in relation to 2 Bourke Street taking into account a fair market price and the cost of relocating the current tenants of 2 Bourke Street to a suitable other premise which does not negatively impact on their operations.**
- 4. Council advises NSW Police that if it proceeds with the sale the property will be sold as is.**
- 5. Council clearly notify the NSW Police that no firm decision on whether to sell 2 Bourke Street or not will be made until the 19 April 2021 by which time Council would have considered all options available in regard to the relocation of the existing tenants.**
- 6. As part of the investigation and research into options discussed above the General Manager to undertake consultation with the existing tenants.**

**CARRIED**



**16.2 GENERAL MANAGERS PERFORMANCE REVIEW WORKING PARTY**

**RESOLUTION 2021/63**

**Moved: Cr Margaret O'Neill**

**Seconded: Cr Sam Rowland**

**That:**

- A. The Report by the Mayor on the General Managers Interim Performance Appraisal for 2020/2021 be received.**
  
- B. The General Manager is congratulated on his work particularly in the areas of Finance, IT, WHS and Capital Works, with attention required to improve:-**
  - I. Planning processes**
  - II. Communications with Councillors and the public**
  
- C. The General Managers interim performance is assessed as satisfactory overall**

**CARRIED**

**17 CONCLUSION OF THE MEETING**

**The Meeting closed at 9.47pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 2 March 2021.**

.....  
**Cr Bob Kirk**  
**Mayor**

.....  
**Warwick Bennett**  
**General Manager**