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# **MINUTES**

## **Ordinary Council Meeting**

**16 March 2021**



**Order Of Business**

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	Nil	
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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, 16 MARCH 2021 AT 6PM**

**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 Cr Sam Rowland.

**4 APOLOGIES**

**RESOLUTION 2021/92**

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

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

**CARRIED**

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

**RESOLUTION 2021/93**

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

**That the leave of absence be granted to Cr Alfie Walker due to ill health.**

**CARRIED**

**6 LATE ITEMS / URGENT BUSINESS**

Nil

**7 DISCLOSURE OF INTERESTS**

Cr Andrew Banfield declared a pecuniary conflict of interest in Item 15.3 "2021T0016 Minor Civil Works Panel" as his brother in law is a Director of Denrith Group of Companies who are one of the tenderers for this tender. Cr Andrew Banfield will leave the meeting while discussion and determination on this item takes place.

**8 PRESENTATIONS**

Nil

**9 PUBLIC FORUM**

Nil

**10 CONFIRMATION OF MINUTES****10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 2 MARCH 2021****RESOLUTION 2021/94**

Moved: Cr Denzil Sturgiss

Seconded: Cr Leah Ferrara

That the Council minutes from Tuesday 2 March 2021 and contained in Minutes Pages No 1 to 49 inclusive and in Minute Nos 2021/64 to 2021/91 inclusive be confirmed.

**CARRIED**

**11 MATTERS ARISING****11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 2 MARCH 2021**

Nil

**11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS****RESOLUTION 2021/95**

Moved: Cr Carol James

Seconded: Cr Denzil Sturgiss

That Council notes the Task List 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 PLANNING AGREEMENT - 94 WILSON DRIVE, MARULAN**

**RESOLUTION 2021/96**

**Moved: Cr Peter Walker**

**Seconded: Cr Andrew Banfield**

**That:**

1. The staff report on the draft Planning Agreement associated with DA/0334/1819 for a 126 residential lot subdivision with two (2) drainage lots and one (1) residual lot be received.
2. The Planning Agreement between Marulan Estates Pty Ltd, Darraby Pty Ltd and Council be signed by the General Manager and Mayor.
3. Council provide the developer with additional written correspondence confirming its commitment to achieving the following agreement in relation to the provision of water and sewer services:
  - a) The developer to fully fund the supply and installation of a 200mm Water Main from Brayton Road intersection to the development site (in accordance with Council's water and sewer construction standards), but excluding any removal of contaminated waste or remediation works associated with contamination identified during works outside the boundary of the Land.
  - b) Council to fund 75% of the supply and installation of a 450mm sewer main from the existing sewer pump station to the dedicated location on the southbound side of the Hume Highway (in accordance with Council's water and sewer construction standards), but excluding any removal of contaminated waste or remediation works associated with contamination identified during works outside the boundary of the land.

The value of the sewer main work is calculated at \$490,110 (excluding GST).
4. Council's seal is affixed to all documents in relation to the 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, Sam Rowland, Leah Ferrara, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

**15.2 POST EXHIBITION REPORT - GOULBURN MULWAREE LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2021**

**RESOLUTION 2021/97**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Denzil Sturgiss**

**That:**

1. The post exhibition report on the Draft Local Infrastructure Contributions Plan prepared by Council’s Business Manager Strategic Planning be received.
2. Council adopt the *Goulburn Mulwaree Local Infrastructure Contributions Plan 2021*, as amended in Attachment 1 subject to a commencement date of 1 June 2021 under clause 31(4) of the *NSW Environmental Planning and Assessment Act Regulations 2000*. The following rates will apply:

<b>2020/21 s7.11 Rates for Type ‘A’ Developments</b>				
	<b>Per resident in a group home or hostel</b>	<b>Per 1 bedroom secondary dwelling, 1 bedroom dwelling, boarding house room, or self-contained seniors housing dwelling</b>	<b>Per 2 bedroom dwelling and 2 bedroom secondary dwelling</b> <b>Per 3 or more bedroom dwelling,</b>	<b>3 bedroom secondary dwelling, dwelling house, or lot with a dwelling entitlement</b>
<b>Goulburn Catchment</b>				
<b>Community facilities</b>	<b>\$707</b>	<b>\$919</b>	<b>\$1,131</b>	<b>\$1,696</b>
<b>Open space and recreation facilities</b>	<b>\$1,786</b>	<b>\$2,322</b>	<b>\$2,857</b>	<b>\$4,286</b>
<b>Roads and active transport facilities</b>	<b>\$4,776</b>	<b>\$6,209</b>	<b>\$7,641</b>	<b>\$11,462</b>
<b>Plan administration and management</b>	<b>\$109</b>	<b>\$142</b>	<b>\$174</b>	<b>\$262</b>
<b>Total</b>	<b>\$7,377</b>	<b>\$9,591</b>	<b>\$11,804</b>	<b>\$17,706</b>



<b>Rural Catchment</b>				
<b>Community facilities</b>	<b>\$707</b>	<b>\$919</b>	<b>\$1,131</b>	<b>\$1,696</b>
<b>Open space and recreation facilities</b>	<b>\$1,786</b>	<b>\$2,322</b>	<b>\$2,857</b>	<b>\$4,286</b>
<b>Roads and active transport facilities</b>	<b>\$2,260</b>	<b>\$2,938</b>	<b>\$3,616</b>	<b>\$5,424</b>
<b>Plan administration and management</b>	<b>\$71</b>	<b>\$93</b>	<b>\$114</b>	<b>\$171</b>
<b>Total</b>	<b>\$4,824</b>	<b>\$6,272</b>	<b>\$7,718</b>	<b>\$11,577</b>

<b>2020/21 s7.12 Rates for Type 'B' Developments</b>	
<b>Development Type</b>	<b>Levy Rate</b>
<b>Development that has a proposed cost of carrying out the development:</b>	
<ul style="list-style-type: none"> <li>Up to and including \$200,000</li> </ul>	<b>Nil</b>
<ul style="list-style-type: none"> <li>More than \$200,000</li> </ul>	<b>1% of that cost</b>

<b>2020/21 s7.11 Rates for Type 'C' Developments</b>	
<b>Basis of levying</b>	<b>Contribution Rates</b>
<b>Amount of material hauled</b>	<b>5.04 cents per tonne of material over the total length of road</b>
<b>Length of haul road used</b>	<b>\$0.252 per ESA per kilometre of haul road used</b>

- Council publish a notice on its web site within 28 days of Council's decision to adopt the Goulburn Mulwaree Local Infrastructure Contributions Plan 2021 under Clause 31 of the NSW Environmental *Planning and Assessment Act Regulations 2000*.
- Council repeal the existing *Goulburn Mulwaree Section 94 Contributions Plan 2009* and the *Goulburn Mulwaree 94A Levy Contributions Plan 2009* upon commencement of the Goulburn Mulwaree Contributions Plan; and that a public notice of intent to repeal these plans (including the reasons for doing so) be published on Council's web site at least 14 days before repealing the plans as per clause 32(2A) of the *NSW Environmental Planning and Assessment Act Regulations 2000*.

5. Council authorise the General Manager to make appropriate amendments to the Plan under clause 32(3) of the *NSW Environmental Planning and Assessment Act Regulations 2000* where required, to reflect ongoing changes in CPI, minor typographical errors, or to omit projects which have been completed.
6. Upon the repeal of the *Goulburn Mulwaree Section 94 Contributions Plan 2009* and the *Goulburn Mulwaree 94A Levy Contributions Plan 2009*, remaining contributions from the former/repealed plans (excluding funds collected for stormwater and Ducks Lane traffic) be transferred, periodically, to the appropriate accounts under *Goulburn Mulwaree Local Infrastructure Contributions Plan 2021* (the new plan), generally in accordance with this report.
7. All remaining balances in the reserves for the former (pre-2009 Infrastructure Contributions Plans), with the exception of stormwater, be transferred to offset some of the deficit in the Ducks Lane Traffic Reserve. Any further income from the former plans to be transferred to Council's unrestricted cash balances due to the expenditure requirements in these plans having been satisfied.
8. The deficit in the Ducks Lane Traffic Reserve be reimbursed over a 10 year period from Council's unrestricted cash reserve, or an earlier timeframe should other funding opportunities arise in the interim.

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 2021T0016 MINOR CIVIL WORKS PANEL**

Cr Andrew Banfield declared an interest in this item and took no part in the discussion or voting on the matter. At 6:10 pm, Cr Andrew Banfield left the meeting.

**RESOLUTION 2021/98**

**Moved: Cr Peter Walker**

**Seconded: Cr Carol James**

**That:**

1. The report from the Director Operations on the establishment of the Minor Civil Works Panel be received.
2. Council approve to establish a panel of nine (9) suitably qualified and equipped Minor Civil Works contractors to assist with the delivery of maintenance and capital works programs on an as required basis and in accordance with 2021T0016. The nine (9) contractors are:
  - A J Parsons Earthmoving Pty Ltd;
  - Coopers Earthmoving & Haulage Pty Ltd;
  - Denrith Pty Ltd;
  - Form and Pour Constructions;
  - Grassit Pty Ltd TA Recs Group;
  - HD Civil Pty Ltd;
  - Interflow Pty Ltd;
  - JCF Contracting;
  - Planet Civil Pty Ltd.
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 6:11 pm, Cr Andrew Banfield returned to the meeting.

**15.4 RFQ LANDFILL COMPACTOR****RESOLUTION 2021/99**

**Moved: Cr Denzil Sturgiss**

**Seconded: Cr Andrew Banfield**

**That:**

1. The report of the Operations Centre Manager on the replacement of Plant 9047 – Landfill Compactor be approved.
2. Council approve the purchase of TANA H260 from Liebherr Pty Ltd, at a cost of \$601,568.00 excluding GST.
3. Funds for the purchase of the landfill compactor be brought forward from the 2021/22 budget for the purchase.

**CARRIED**

**15.5 MEMBERSHIP - REGIONAL CITIES NSW****RESOLUTION 2021/100****Moved: Cr Leah Ferrara****Seconded: Cr Carol James****That**

- 1. The report of the General Manager on the membership of the Regional Cities New South Wales be received**
- 2. Goulburn Mulwaree Council endorse its application to become a member of Regional Cities New South Wales**

**CARRIED****15.6 MONTHLY FINANCIAL REPORT****RESOLUTION 2021/101****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****15.7 STATEMENT OF INVESTMENTS & BANK BALANCES****RESOLUTION 2021/102****Moved: Cr Carol James****Seconded: Cr Andrew Banfield**

**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****15.8 ST CLAIR CONSERVATION WORKS - STATUS REPORT****RESOLUTION 2021/103****Moved: Cr Leah Ferrara****Seconded: Cr Andrew Banfield**

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

**CARRIED**

**15.9 NATURAL DISASTER ESSENTIAL PUBLIC ASSET RESTORATION PROJECT - FEBRUARY 2021 STATUS REPORT**

**RESOLUTION 2021/104**

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

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

**CARRIED**

**15.10 COOKBUNDOON PAVILION UPGRADE - FEBRUARY 2021 STATUS REPORT**

**RESOLUTION 2021/105**

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

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

**CARRIED**

**15.11 GOULBURN AQUATIC CENTRE REDEVELOPMENT STAGE 1 CONSTRUCTION - FEBRUARY 2021 STATUS REPORT**

**RESOLUTION 2021/106**

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

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

**CARRIED**

**15.12 GOULBURN PERFORMING ARTS CENTRE - FEBRUARY 2021 STATUS REPORT**

**RESOLUTION 2021/107**

**Moved: Cr Peter Walker  
Seconded: Cr Leah Ferrara**

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

**CARRIED**

**15.13 GROWING LOCAL ECONOMIES COMMON STREET - FEBRUARY 2021 STATUS REPORT**

**RESOLUTION 2021/108**

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

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

**CARRIED**

**15.14 MOUNTAIN ASH ROAD BLACKSPOT PROJECT - FEBRUARY 2021 STATUS REPORT**

**RESOLUTION 2021/109**

**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**

**15.15 REUSE SCHEME GOULBURN - FEBRUARY 2021 STATUS REPORT**

**RESOLUTION 2021/110**

**Moved: Cr Andrew Banfield  
Seconded: Cr Carol James**

**That the report from the Business Manager Infrastructure on the Reuse Scheme Goulburn status update be received.**

**CARRIED**

**15.16 COPFORD REACH WORKING PARTY MINUTES - 25 FEBRUARY 2021****MOTION**

Moved: Cr Andrew Banfield

Seconded: Cr Sam Rowland

That

1. The Copford Reach Working Party Minutes dated 25 February 2021 report from the General Manager be noted.
2. Council not re-establish a separate working party to monitor the river reserves as no specific project is being advance or no outcome is required.

**RESOLUTION 2021/111**

Moved: Cr Peter Walker

Seconded: Cr Sam Rowland

**AMENDMENT**

Moved: Cr Peter Walker

Seconded: Cr Sam Rowland

That

1. The Copford Reach Working Party Minutes dated 25 February 2021 report from the General Manager be noted.
2. The Copford Reach Working Party continue to meet with their final report due at the 20 July 2021 Council Meeting and the focus to be on the Boatshed, access to that Boatshed and adjacent car park.

The amendment was put and became the motion.

The motion was then put and was carried.

**CARRIED**

**15.17 EXTERNAL MEETING MINUTES****RESOLUTION 2021/112**

Moved: Cr Carol James

Seconded: Cr Andrew Banfield

That the report from the General Manger on the Southern Tableland Zone Bush Fire Management Committee Meeting held on the 23 September 2020 and Country Mayors Meeting held on the 5 March 2021 be received.

**CARRIED**

**15.18 UTILITIES DIRECTORATE REPORT - FEBRUARY 2021**

**RESOLUTION 2021/113**

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

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

**CARRIED**

**15.19 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT FEBRUARY 2021**

**RESOLUTION 2021/114**

**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**

**15.20 PLANNING & ENVIRONMENT DIRECTORATE REPORT FEBRUARY 2021**

**RESOLUTION 2021/115**

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

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

**CARRIED**

**15.21 OPERATIONS DIRECTORATE REPORT - FEBRUARY 2021**

**RESOLUTION 2021/116**

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

**That the activities report for February 2021 by the Director Operations be received and noted for information.**

**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 6.54pm.**



**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 6 April 2021.**

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

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