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MINUTES

Ordinary Council Meeting

21 September 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 & VIA ZOOM
ON TUESDAY, 21 SEPTEMBER 2021 AT 6PM**

PRESENT: Cr Bob Kirk (Mayor).

PRESENT VIA ZOOM:

Cr Peter Walker (Deputy Mayor), Cr Carol James, Cr Andrew Banfield,
Cr Leah Ferrara, Cr Alfie Walker, Cr Margaret O'Neill & Cr Denzil Sturgiss.

IN ATTENDANCE: Warwick Bennett (General Manager), Amy Croker (Office Manager) & Kathryn Croker (IT Support) (Present).

IN ATTENDANCE VIA ZOOM:

Brendan Hollands (Director Corporate and Community Services), Marina Hollands (Director Utilities), Scott Martin (Director Planning & Environment, Matt O'Rourke (Director Operations)

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 Council prayer was read by Cr Margaret O'Neill.

4 APOLOGIES

RESOLUTION 2021/415

Moved: Cr Alfie 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 2021/416

Moved: Cr Andrew Banfield
Seconded: Cr Alfie Walker

That the leave of absence be granted to Cr Sam Rowland due to work commitments.

CARRIED

6 LATE ITEMS / URGENT BUSINESS

Nil

7 DISCLOSURE OF INTERESTS

Cr Alfie Walker declared a pecuniary conflict of interest in Item 15.1 “DA/0569/2021 Internal Fit out for a Medical Centre at 152 Auburn Street, Goulburn” as his wife is employed by the architect who is the applicant for this proposal. Cr Alfie Walker will leave the meeting (placed in Zoom waiting room) while discussion and determination on this item takes place.

Cr Margaret O'Neill declared a non-pecuniary/non-significant conflict of interest in Item 15.1 “DA/0569/2021 Internal Fit out for a Medical Centre at 152 Auburn Street, Goulburn” as the architect for this development is the same architect being used by her employer The Challenge Foundation Goulburn development. Cr Margaret O'Neill will leave the meeting (placed in Zoom waiting room) while discussion and determination on this item takes place.

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

Cr Alfie Walker & Cr Margaret O'Neill declared an interest in this item and took no part in the discussion or voting on the matter. Cr Alfie Walker & Cr Margaret O'Neill went into the Zoom waiting room at 6.08pm.

Tim Lee from Tim Lee Architects addressed Council on Item 15.1 DA/0569/2021 Internal Fit out for a Medical Centre at 152 Auburn Street, Goulburn.

Cr Alfie Walker & Cr Margaret O'Neill returned to the meeting from the Zoom waiting room at 6.18pm.

The following people addressed Council via Zoom on Item 15.2 NSW Government Energy from Waste Infrastructure Plan:

1. Rod Thiele
2. Damian Poulter
3. Leisha Cox-Barlow
4. Bob Philipson
5. James Reynolds
6. Paige Davis
7. Fiona Jeffery
8. Cid Riley
9. Jenni Cole
10. Austin McLennan
11. Jeffrey Hardman
12. Duncan Bullock
13. Daniel Ciccarone
14. Amber Standley
15. Alex Mortensen
16. Stuart Rendell

10 CONFIRMATION OF MINUTES

10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 7 SEPTEMBER 2021

RESOLUTION 2021/417

Moved: Cr Margaret O'Neill

Seconded: Cr Denzil Sturgiss

That the Council minutes from Tuesday 7 September 2021 and contained in Minutes Pages No 1 to 18 inclusive and in Minute Nos 2021/394 to 2021/414 inclusive be confirmed.

CARRIED

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 7 SEPTEMBER 2021

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2021/418

Moved: Cr Alfie Walker

Seconded: Cr Leah Ferrara

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

Council took a recess at 7.52pm for a 10 minute break.

Council resumed at 8.02pm.

15 REPORTS TO COUNCIL FOR DETERMINATION

15.1 DA/0569/2021 INTERNAL FIT OUT FOR A MEDICAL CENTRE AT 152 AUBURN STREET, GOULBURN

Cr Alfie Walker & Cr Margaret O'Neill declared an interest in this item and took no part in the discussion or voting on the matter. At 8:03 pm, Cr Alfie Walker & Cr Margaret O'Neill left the meeting.

RESOLUTION 2021/419

Moved: Cr Peter Walker

Seconded: Cr Carol James

That:

1. The staff assessment report for development application DA/0569/2021 for the proposed change of use and internal fit out for a Medical Centre be received.
2. Consent be granted for DA/0569/2021 for a change of use and internal fit out for a Medical Centre located at 152 Auburn Street, Goulburn subject to the following conditions.

SECTION A: GENERAL CONDITIONS

1. Approved Development and Use

Development consent has been granted in accordance with this Notice of Determination for the purposes of Medical Centre under the *Goulburn Mulwaree Local Environmental Plan 2009*.

(Reason: To confirm the components of the approval)

2. Development in Accordance with Documentation

The development must only be carried out:

- a) in compliance with the conditions of this Notice of Determination; and
- b) in accordance with the approved plans and documentation listed in the table below.

Architectural plans prepared by Tim Lee Architects

DRAWING NO.	R E V	TITLE OF PLAN OR DOCUMENT	DATE
0718-1019-001-Med	A	Site Plan (Existing) and Elevation - Construction	June 2021
0718-1019 - 002 – Med	A	Floor Plan – Construction and Elevation - Construction	June 2021

Documentation prepared by Tim Lee Architects -

DRAWING NO.	R E V	TITLE OF PLAN OR DOCUMENT	DATE
0718-1019	-	Statement of Environmental Effects	June 2021

Documentation prepared by Quantum Traffic

DOCUMENT REF.	R E	TITLE OF PLAN OR DOCUMENT	DATE
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	V	
	F	
21-0252	in	Car Parking Assessment Report
	a	
	l	
		26/07/2021

(Reason: To ensure that the development is undertaken in accordance with the submitted plans and documents as amended)

3. Documentation Inconsistency

In the event of any inconsistency between the conditions of this Notice of Determination, the drawings and any accompanying documentation referred to above, the conditions of this Notice of Determination prevail, to the extent of the inconsistency.

(Reason: To ensure that the development is undertaken in accordance with the submitted plans and documents as amended)

4. Compliance with Disability Discrimination Act 1992

This approval does not protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the person having the benefit of this Notice of Determination is advised to investigate their liability under this Act.

Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

(Reason: To inform of relevant access requirements for persons with a disability.

5. Surrender of Consent

The person entitled to act upon this consent must surrender the Notice of Determination relating to DA No. DA/0205/1819 for Commercial Renovation of Existing Building, Including Office Fit out with Kitchen and Toilet Facilities. Change of Use from Retail to Office at 152 Auburn Street by submitting an application for surrender of a consent to 'Council' in accordance with s.4.63 of 'the Act,' prior to the issue of any Construction Certificate.

Written documentation as issued by 'Council' confirming that this condition has been satisfied must be provided to the 'Certifier' prior to the issue of any Construction Certificate.

(Reason: To ensure that there is certainty as to the consent applying to the land)

SECTION B: PRESCRIBED CONDITIONS IMPOSED UNDER EP&A ACT, THE REGULATION, AND OTHER RELEVANT LEGISLATION

6. Building Code of Australia Compliance

All building work must be carried out in accordance with the provisions of the National Construction Code Series.

(Reason: Prescribed by cl. 98 of 'the Regulation')

7. Construction Certificate Requirements

Building work, demolition or excavation in accordance with the Notice of Determination must not be commenced until a Construction Certificate required by s.6.3 of 'the Act' for the relevant part of the works has been issued in accordance with the provisions of 'the Act' and 'the Regulation'.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

8. Issue of a Construction Certificate

In accordance with cl.145 of the *Environmental Planning and Assessment Regulation 2000*, the plans and specifications submitted with a Construction Certificate must not be inconsistent with this Notice of Determination.

(Reason: Prescribed by legislation)

9. **Occupation Certificate Requirements**

A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate required by s.6.3 of *'the Act'* for the relevant part of the works has been issued in accordance with the provisions of *'the Act'* and *'the Regulation'*.

(Reason: Prescribed by legislation)

10. **Critical Stage Inspections**

Building work must be inspected by the *'Principal Certifier'* at the critical stage occasions prescribed by *'the Act'*, *'the Regulation'* and as directed by the appointed *'Principal Certifier'*.

Critical stage inspections are defined as: -

- 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.

(Reason: Prescribed by legislation)

11. **s.306 Compliance Certificate**

A s.306 Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained from *'Council'* as the sewer and water authority prior to the issue of any Construction Certificate.

Note: s.64 of the Local Government Act 1993 authorises 'Council' to issue Certificates of Compliance under s.306 of the Water Management Act 2000 and to impose pre-conditions to the issuing of Certificates of Compliance.

To obtain a s.306, a s.305 application must be lodged with 'Council'.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)

12. **s.138 Roads Act Requirements**

Where works are proposed within the road reserve, the developer must obtain approval from *'Council'* (as the Roads Authority and/or as required under s.138 of the *Roads Act 1993*) before any *'Works'* are undertaken. *'Works'* within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the *Roads Act 1993*.

The following details must be submitted to *'Council'* in order to obtain the s.138 approval: -

- a copy of the endorsed approved plans related to the development and proposed works to be undertaken,
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of

AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, and

- insurance details - Public Liability Insurance to an amount of no less than \$20 million, to be held by applicant / contractor undertaking the works.

Advice: *Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under s.138 of the Roads Act 1993.*

(Reason: To ensure the necessary approvals are obtained from the roads authority)

13. Constructional Environmental Management Plan

A Construction Environmental Management Plan must be prepared and submitted to, and approved in writing by 'Council' prior to the issue of any Construction Certificate. The plan must include, but not be limited to, the following: -

a) Details of:

- 24-hour contact details of site manager
- the proposed phases of construction 'works' on the 'site', and the expected duration of each construction phase;
- the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- the proposed areas within the 'site' to be used for the storage of excavated materials, construction materials and waste containers during the construction period;

All 'works' must be undertaken in accordance with the approved Construction Environmental Management Plan and any conditions attached to the approved plan. A copy of the approved Construction Environmental Management Plan must be kept on the 'site' at all times and made available to any officer of 'Council' upon request.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

SECTION C: SUBSIDIARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

14. Long Service Levy Payments

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, is required, proof that the levy has been paid, is to be submitted to 'Council' prior to the issue of any Construction Certificate. 'Council' acts as an agent for the Long Services Payment Corporation and the levy may be paid at 'Council' office.

(Reason: Statutory requirement)

15. Car Park Design

The car park must be designed to accommodate the turning movements of the largest vehicle servicing the development. The car park design must comply with AS.2890 and satisfy the following minimum criteria: -

- the 'site' must accommodate the turning movements of a 7.5m service vehicle;
- service vehicles must manoeuvre into and out of the 'site' in a forward direction without impacting other car parking;
- the front overhang, and swept path made by the service vehicle must not obstruct car park traffic or encroach into parking spaces;
- the vehicle swept path analysis must be reflected on the engineering design plans;
- loading and unloading of service vehicles must be able to be undertaken on

'site' with no intrusion onto the road network;

- f) provide a minimum fourteen(14) onsite car parking spaces;
- g) Include designated pedestrian walkway (minimum 1200mm wide) demarcated on the car park surface to provide a safe pedestrian point of access to the building entrance from the footpath of Cartwright Place;
- h) The disabled car parking areas are to meet AS.2890 in terms of slope;
- i) Include an open style barrier to the parking bays along Cartwright Place that prevents vehicles doors from opening onto the footpath; and
- j) Remove all redundant crossovers and reinstate with kerb, gutter and footpath.

Plans demonstrating compliance with this condition must be submitted to, and approved by the *'Certifier'* prior to the issue of any Construction Certificate.

(Reason: To ensure that the car parking area is constructed to Council requirements)

16. **Accessible Car Parking Provisions**

A minimum of two (2) of the onsite car parking spaces provided as part of the total requirement must be accessible spaces.

These spaces must be constructed, line marked and identified in accordance with the *'NCC'*, AS.1428 and AS/NZS.2890 - Parking Facilities; Off-street parking for people with disabilities.

Detailed plans demonstrating compliance with this condition must be submitted to, and approved by the *'Certifier'* prior to the issue of a Construction Certificate.

(Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation)

17. **s.7.12 Contributions**

Prior to the issue of a Construction Certificate the person having the benefit of this Notice of Determination must pay a total contribution of \$2,100 as calculated at the date of this consent to *'Council'* under section 7.12 of *'the Act'* in accordance with the Goulburn Mulwaree Local Infrastructure Contributions Plan 2021.

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the plan.

Documentation as issued by *'Council'* demonstrating that the contribution has been paid must be submitted to, and approved by the *'Certifier'* prior to the issue of a Construction Certificate.

Note: Copies of the Contributions Plans can be downloaded from 'Council's' website.

Payment is to be accompanied by the attached sheet entitled "Summary of Charges". If payment is by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e. a minimum of 10 days).

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

18. **Trade Waste Agreement**

A Trade Waste approval and trade waste agreement must be obtained from *'Council'* as the sewer and water authority. Documentary evidence demonstrating compliance with this condition must be submitted to, and approved by the *'Certifier'* prior to the issue of the Construction Certificate.

(Reason: To protect the environment from contamination)

SECTION D: PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION, BUILDING OR SUBDIVISION WORKS

19. **Prior to Commencement**

'Works' must not commence on *'site'* in connection with this Notice of Determination

until:

- a) a Construction Certificate (where required) for the building work has been issued by:
 - i. the consent authority; or
 - ii. an 'Accredited Certifier'; and
- b) the person having the benefit of the development consent has:
 - i. appointed a 'Principal Certifier' for the building work, and
 - ii. notified the 'Principal Certifier' that the person will carry out the building work as an owner-builder, if that is the case, and
- c) the 'Principal Certifier' has, no later than two (2) days before the building work commences:
 - i. notified the 'Council' of his or her appointment, and
 - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) the person having the benefit of this Notice of Determination, if not carrying out the work as an owner builder, has:
 - i. appointed a 'Principal Contractor' for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the 'Principal Certifier' of such appointment, and
 - iii. unless that person is the 'Principal Contractor' notified the 'Principal Contractor' of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- e) the person having the benefit of this Notice of Determination has given at least two (2) days' notice to the 'Council' of the person's intention to commence building work.

Documentary evidence confirming the above statutory requirements have been satisfied must be submitted to 'Council' not less than two (2) days before any commencement of 'works'.

(Reason: Statutory; to ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

20. Damage to Public Infrastructure

A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant/person which details the pre-developed condition of the existing public infrastructure in the vicinity of the development 'site'. Attention must be paid to accurately recording any pre-development damage so that 'Council' is informed when assessing any future damage to public infrastructure caused as a result of the development. The dilapidation survey and report must be submitted to, and approved in writing by 'Council' prior to commencement of works.

The person entitled to act upon this Notice of Determination will be held liable for all damage to public infrastructure in the vicinity of the development 'site' where such damage is not accurately recorded and demonstrated as pre-existing under documentation provided by this condition.

Note: Vicinity is defined as all public infrastructure immediately adjacent to the 'site' (full road reserve width) and to a distance of 20m beyond the 'site' boundaries.

(Reason: To record the condition of public infrastructure prior to the commencement of construction to the consent authority's satisfaction)

21. Temporary Site Fences

A temporary timber hoarding or temporary construction 'site' fence must be erected between the work 'site' and adjoining lands before any commencement of works and must be maintained and be kept in place until after the completion of the works if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

The installation is to be confirmed by the *'Principal Certifier'* prior to any further commencement of *'site' 'works'*.

(Reason: To ensure that the safety of the public is not compromised)

22. **Damage Bond General**

A public infrastructure damage deposit of \$4780 for a single Lot frontage must be paid to *'Council'*.

The damage bond will only be eligible for refund upon satisfactory completion of all *'works'* and following the issue of the final Occupation Certificate. All costs associated with any reinstatement works required to be carried out by *'Council'* to rectify any damage caused by the *'works'*, shall be deducted from the damage deposit.

Documentation demonstrating compliance with this condition must be submitted to, and approved by the *'Private Certifier'* prior works commencing on site.

Note: A bond administration fees applies to the lodgement of this bond. Bond values and administration fees are calculated at time of actual lodgement in accordance with Council's adopted Fees and Charges and may differ from the above.

All required damage to Council property, however caused, by undertaking the 'works' must be reinstated on a like for like basis and in accordance with 'Council's' engineering standards prevailing at the time to the satisfaction of 'Council' as the roads authority and prior to the issue of an Occupation Certificate.

(Reason: Protection of Council infrastructure and to ensure any damage to public infrastructure is rectified)

23. **Site Facilities**

'Site' facilities must be provided as follow;

- a) if the development involves building work or demolition work the *'site'* must be fully enclosed by a temporary security fence (or hoarding) before *'works'* commence. Any such hoarding or fence is to be removed when the *'works'* have been completed;
- b) a minimum width of 1.5m must be provided between the *'site'* and the edge of the roadway so as to facilitate the safe movement of pedestrians. If trees are present in the footpath the minimum width must be provided to one side of the trees;
- c) a garbage receptacle fitted with a tight-fitting windproof lid for the reception of all putrescible and all waste capable of being windblown from the work *'site'* must be provided prior to *'works'* commencing and must be maintained and serviced for the duration of the *'works'*; and
- d) adequate toilet facilities must be provided on the work *'site'*. Each toilet provided must be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the *'Council'*, or an approved temporary chemical closet. The provision of toilet facilities must be completed before any other *'works'* are commenced.

The installation of the site facilities must be approved by the *'Principal Certifier'* prior to any further commencement of *'site' 'works'* and prior to the first inspection.

(Reason: To ensure the health and safety of the community and workers on the site)

24. Site Sign

A sign must be erected in a prominent position on any 'site' on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the 'site' is prohibited;
- b) showing the name of the '*Principal Contractor*' (or person in charge of the 'site'), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the '*Principal Certifier*' for the work.

Any such sign must be maintained while the 'works' are being carried out and must be removed when the 'works' have been completed.

The installation is to be approved by the '*Principal Certifier*' prior to any further commencement of 'site' 'works'.

(Reason: Statutory requirement)

25. Parking Restrictions

Existing public parking provisions in the vicinity of the 'site' must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is strictly prohibited without the prior written consent of 'Council'. Changes to existing public parking facilities/restrictions must be approved by the 'Council's Traffic Committee. The person having the benefit of this Notice of Determination will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by 'Council' regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

SECTION E: CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION, BUILDING OR SUBDIVISION WORKS**26. Dust Emissions and Air Quality**

Any person acting on this Notice of Determination must ensure that:-

- a) materials must not be burnt on the 'site';
- b) vehicles entering and leaving the 'site' with soil or fill material must be covered;
- c) dust suppression measures as required must be carried out throughout the undertaking of the 'works' to minimise wind-borne emissions;
- d) exposed surfaces and stockpiles are suppressed by regular watering or hydro mulching;
- e) odour suppression measures must be carried out where appropriate so as to prevent nuisance occurring at adjoining properties;
- f) public roads used by these trucks are kept clean; and
- g) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

(Reason: To protect the environment and the amenity of the surrounding area)

27. Use of Road Reserve

All 'works', processes, storage of materials, loading and unloading associated with the development must occur entirely within the property. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from 'Council' as the Roads Authority.

Note: *Works and /or activities required to be undertaken within the road reserve are controlled through the issue of an approval/permit under s.138 Roads Act 1993.*

(Reason: To ensure public safety and amenity on public land)

28. **Construction Hours**

All 'works' must be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works must be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only.

All builders, excavators must display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

Note: Demolition work means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.

Excavation work means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

29. **Retaining Walls and Drainage**

Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must: -

- a) ensure that all retaining walls to be constructed are wholly within the boundaries of the subject allotment including all associated drainage zones and earthworks.
- b) have adequate provision for drainage in accordance with the provisions of AS.3500; and
- c) obtain approval from 'Council' for all walls over 600mm in height and within 1000mm to 'site' boundaries.
- d) be constructed immediately after the 'site' has been cut and filled;

(Reason: To ensure the safety and amenity of the site and adjoining properties)

30. **Demolition and Removal of Buildings**

Any person acting on this Notice of Determination must ensure that: -

- a) demolition must be carried out in accordance with AS.2601-1991, *Demolition of structures*.
- b) demolition materials shall not be burnt or buried on the work site.
- c) a person having the benefit of this certificate must ensure that all vehicles leaving the work site carrying demolition materials have their loads covered and do not track soil or waste material onto the road.
- d) if demolition work obstructs or inconveniences pedestrians or vehicular traffic on an adjoining public road or reserve, a separate application must be made to 'Council' to enclose the public place with a hoarding or fence.
- e) erosion and sediment controls be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the 'site' and must be maintained in a functional condition throughout the construction activities until the 'site' is fully stabilised.
- f) the 'site' must be left free of waste and debris when 'works' have been completed.

(Reason: To ensure that work is undertaken in a professional and responsible manner and to protect adjoining property and persons from potential

damage)

31. **Plumbing and Drainage Work**

In accordance with the *Plumbing and Drainage Act 2011*, a plumbing and drainage Notice of Work must be completed and returned to 'Council' for its records, no later than two (2) business days before the work concerned is undertaken. The Notice of Work is to identify what plumbing and drainage work is to be carried out and must provide the details of the particular plumber/drainer.

(Reason: To ensure compliance with the statutory requirements)

32. **Sanitary Drainage Inspections**

All sanitary drainage, plumbing and backflow prevention is to be carried out in accordance with AS.3500 and the *Plumbing and Drainage Act 2011*. The following stages of construction are to be inspected by 'Council' as the Water and Sewer Authority.

- 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.

Inspections can be booked in person at Customer Service or by phone on 02 4823 4444. Please note inspection fees apply and a minimum 48 hours' notice is required.

(Reason: To ensure compliance with the statutory requirements)

SECTION F: CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

33. **Compliance with Conditions of Consent**

Prior to the issue of any Occupation Certificate the person having the benefit of this Notice of Determination must demonstrate to the 'Principal Certifier' that all works have been completed and conditions required to be complied with, either at or before the occupation stage, including conditions identified as at all times have been complied with. An Occupation Certificate must not be issued where the development undertaken is in breach of this Notice of Determination.

(Reason: To ensure compliance with the terms of this Notice of Determination)

34. **Water Management Act**

A Compliance Certificate issued under s.307 of the *Water Management Act 2000* must be obtained from the Utilities Division of 'Council' prior to the release of any Occupation Certificate.

Documentary evidence issued by 'Council' confirming that the final inspection was satisfactory must be provided to the 'Principal Certifier' prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with the statutory requirements)

35. **Plumbing and Drainage Finalisation**

A final inspection of water plumbing and sewer drainage must be conducted by 'Council' as the Water and Sewer Authority.

Documentary evidence issued by 'Council' confirming that the final inspection was satisfactory must be provided to the 'Principal Certifier' prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with the statutory requirements)

SECTION G: CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

36. **Hours of Operation**

At all times the Medical Centre must only operate within the following hours:-

- Monday – Friday - 08:30 – 18:00
- Saturday - 09:00 – 13:30
- Sunday – No Trading

Emergencies are excluded from the above times.

All required deliveries and operation of the 'site' must be conducted and concluded within the hours set out above.

(Reason: Information to ensure that amenity of the surrounding locality is maintained)

37. Liquid Trade Waste

At all times the trade wastewater must be disposed of in accordance with the requirements of the trade waste agreement between the Owner/operator and 'Council'.

(Reason: To ensure compliance with 'Council's requirements and to protect the environment)

38. Maintenance of car park

At all times the car parking area shall be maintained including, any barrier, all line markings and any delineation required to ensure safe operation of pedestrian and vehicular movements.

(Reason: To ensure appropriate levels of public safety are maintained throughout the life of the development)

39. No Illumination of Signage

At all times no consent is given or implied for any form of illumination or floodlighting to any sign.

(Reason: To ensure appropriate forms of signage that are consistent with the development controls and those that are desired for the locality)

40. Impact on Amenity of Locality

At all times the implementation and intensity of this development must not adversely affect the amenity of the locality by reason of excessive levels of illumination (internal or external), solar glare arising from the building materials utilised in any construction processes or fit-out, the emission of noises, noxious fumes, odours and waste.

(Reason: To ensure that the amenity of the surrounding locality is not adversely affected by the nature of the approved activity)

SECTION H: CONCURRENCE AGENCY CONDITIONS

41. Erosion and Sediment Controls

The applicant is to submit, to the satisfaction of 'Council', an Erosion and Sediment Control Plan in accordance with Chapter 2 of the NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual – the 'Blue Book', outlining the controls that will be used to prevent sediment entering dams, drainage depressions and watercourses and/or street stormwater drainage systems.

(Reason: To ensure the development has a neutral or beneficial effect on water quality)

SECTION I: ADVISORY INFORMATION

- a) Prior to commencing any building, subdivision or associated constructions works, the following provisions of 'the Act' are to be complied with:
 - i. A Construction Certificate is to be obtained in accordance with Section 6.3 of 'the Act'.
 - ii. A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.

iii. Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.

- b) Changes to the layout of the subdivision configuration may require the submission of a further modification under Section 4.55 of *'the Act'*.

Discussion with Council Development Liaison Team would assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of *'the Act'*.

- c) Prior to any *'Work'* commencing on *'site'* all services should be clearly located and identified by contacting "Dial before you Dig" by telephoning 1100 or utilising www.1100.com.au
- d) *'Council's'* fees and charges are adjusted annually on the 1st July, all fees are calculated at the time of payment this may mean that amounts required to be paid increase.
- e) The mailbox erected to service the property must not encroach on the footpath or kerb area.

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, Carol James and Denzil Sturgiss

Against: Nil

At 8:06 pm, Cr Alfie Walker & Cr Margaret O'Neill returned to the meeting.

15.2 NSW GOVERNMENT ENERGY FROM WASTE INFRASTRUCTURE PLAN**RESOLUTION 2021/420****Moved: Cr Peter Walker****Seconded: Cr Leah Ferrara****That Council Move into Committee of the Whole.**

Council moved into Committee of the whole at 8:08pm.

CARRIED**RESOLUTION 2021/421****Moved: Cr Alfie Walker****Seconded: Cr Andrew Banfield****That Council move back into Open Council.**

Council moved back into Open Council at 8:59pm.

CARRIED**RESOLUTION 2021/422****Moved: Cr Alfie Walker****Seconded: Cr Andrew Banfield****That:**

1. The report by the General Manager on the NSW Government Energy from Waste Infrastructure Plan be received.
2. Council states its total opposition to waste to energy or waste incineration facilities in the Goulburn Mulwaree Local Government area. Councils position is to ensure that environmental and public health outcomes are the number one priority.
3. The Council places on public record that, regardless of the inclusion of the Southern Goulburn Mulwaree Precinct, it did not have any direct input into the development of the NSW Government Energy from Waste Infrastructure Plan.
4. Council requests the State Government to undertake an immediate review of the Chief Scientists Report on Energy from Waste dated May 2020 (as reviewed November 2020).
5. Further to Councils policy statement made at the ordinary Council meeting on 15th June 2021 and the recently released Energy from Waste Infrastructure Plan, Council undertakes the following action:
 - a. Council writes to both the Minister of Environment and Minister of Planning requesting that prior to any EIS relating to the Veolia Advanced Recovery Centre (i.e. Waste to Energy) proposal finalised, that the SEARs be amended to include a requirement to address the review of the Chief Scientists report dated May 2020 (as reviewed November 2020) that has established more stringent conditions than other leading jurisdictions in the world in terms of environmental and public health outcomes.
 - b. Council strongly requests that if the proposal does proceed to public exhibition that the consultation process be a minimum of 3 months (90 days) on the following basis:
 - The technology and type of development is new and untested in Australia;
 - Much of the required information, particularly in relation to site specific requirements and studies, will be contained in the EIS, therefore Council,

the community and any relevant Stage Agencies will need time to digest the information, carry out their own reviews and prepare a comprehensive submission; and

- **The development, if approved, will have a lifespan of many decades. In comparison, a 3 month exhibition/submission period is minor and should be facilitated in order to provide certainty to the community and demonstrate the transparency of the process.**

c. Council requests that any forthcoming EIS relating to the Veolia Advanced Recovery Centre proposal must contain all technical reports that will be relied upon by both Veolia and the Department of Planning, Industry and Environment in the assessment and determination of the proposal in order to promote transparency and demonstrate to the community that the proposal will meet the anticipated new worldwide environmental and public health benchmarks.

d. The Department of Planning requires Veolia to provide an independent review of Veolia’s stated reference plant, being the Waste to Energy Plant in Staffordshire, United Kingdom built in 2014. The review to cover plant inputs, emission outputs and the effect those emissions have had, and projected to have, on the environment, public health and the surrounding community.

- 6. The General Manager prepare a paid advertisement for the Tarago Times setting out Council’s position on the Veolia Advanced Recovery Centre project proposal.**
- 7. The General Manager commence discussions with neighbouring Councils and the ACT Government seeking their support in opposing the establishment of waste to energy facilities in the region.**

CARRIED

The meeting took a short adjournment at 9.08pm

The meeting reconvened at 9.10pm.

15.3 SERVICE NSW FOR BUSINESS

RESOLUTION 2021/423

Moved: Cr Carol James

Seconded: Cr Alfie Walker

That:

- 1. The report of the Business Development Manager on Service NSW for Business be received.**
- 2. Council delegates authority to the General Manager to enter into an agreement with Service NSW**

CARRIED

15.4 AUSTRALIAN LIVEABILITY CENSUS 2021

RESOLUTION 2021/424

Moved: Cr Alfie Walker

Seconded: Cr Carol James

That the report from the Communications & Business Development Officer be received.

CARRIED

15.5 MONTHLY FINANCIAL REPORT

RESOLUTION 2021/425

Moved: Cr Margaret O'Neill

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

15.6 STATEMENT OF INVESTMENTS & BANK BALANCES

RESOLUTION 2021/426

Moved: Cr Peter Walker

Seconded: Cr Alfie Walker

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

15.7 ST CLAIR CONSERVATION WORKS - STATUS REPORT

RESOLUTION 2021/427

Moved: Cr Margaret O'Neill

Seconded: Cr Carol James

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

CARRIED

15.8 REUSE SCHEME GOULBURN - AUGUST 2021 STATUS REPORT

RESOLUTION 2021/428

Moved: Cr Denzil Sturgiss

Seconded: Cr Margaret O'Neill

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

CARRIED

15.9 COOKBUNDOON PAVILION UPGRADE - AUGUST 2021 STATUS REPORT

RESOLUTION 2021/429

Moved: Cr Alfie Walker

Seconded: Cr Peter Walker

That the report from the Business Manager Community Facilities on the Cookbundoon Pavilion Upgrade – August 2021 Status Report.

CARRIED

15.10 RUG GOULBURN - AUGUST 2021 STATUS REPORT

RESOLUTION 2021/430

Moved: Cr Leah Ferrara

Seconded: Cr Carol James

That the report from the Business Manager Infrastructure on the RUG Goulburn status update be received.

CARRIED

15.11 GROWING LOCAL ECONOMIES COMMON STREET - AUGUST 2021 STATUS REPORT

RESOLUTION 2021/431

Moved: Cr Peter Walker

Seconded: Cr Denzil Sturgiss

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

CARRIED

15.12 GOULBURN AQUATIC CENTRE REDEVELOPMENT STAGE 1 CONSTRUCTION - AUGUST 2021 STATUS REPORT

RESOLUTION 2021/432

Moved: Cr Andrew Banfield

Seconded: Cr Carol James

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

CARRIED

15.13 GOULBURN PERFORMING ARTS CENTRE - AUGUST 2021 STATUS REPORT

RESOLUTION 2021/433

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

15.14 GOULBURN REGIONAL HOCKEY FACILITY - AUGUST 2021 STATUS REPORT

RESOLUTION 2021/434

Moved: Cr Andrew Banfield

Seconded: Cr Alfie Walker

That the report from the Business Manager Projects on the status of the Goulburn Regional Hockey Facility be received.

CARRIED

15.15 NATURAL DISASTER ESSENTIAL PUBLIC ASSET RESTORATION PROJECT - AUGUST 2021 STATUS REPORT

RESOLUTION 2021/435

Moved: Cr Peter Walker

Seconded: Cr Alfie Walker

That the report on the status of the Natural Disaster Essential Public Asset Restoration Project from the Business Manager Projects be received.

CARRIED

15.16 MULTIQUIP HAULAGE ROUTE REPAIRS - STATUS UPDATE

RESOLUTION 2021/436

Moved: Cr Alfie Walker

Seconded: Cr Denzil Sturgiss

That the report from the Director of Operations of the status of repairs for the Multiquip Haulage Route be received.

CARRIED

15.17 MOUNTAIN ASH ROAD FIXING LOCAL ROADS PROJECT - AUGUST 2021 STATUS REPORT

RESOLUTION 2021/437

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

That the report from the Business Manager of Works on the Mountain Ash Road Fixing Local Roads Project status updated be received.

CARRIED

15.18 CARRICK ROAD FIXING LOCAL ROADS PROJECT - AUGUST 2021 STATUS REPORT

RESOLUTION 2021/438

**Moved: Cr Alfie Walker
Seconded:Cr Andrew Banfield**

That the report from the Business Manager of Works on the Carrick Road Fixing Local Roads Project status updated be received.

CARRIED

15.19 WINDELLAMA ROAD FIXING LOCAL ROADS PROJECT - AUGUST 2021 STATUS REPORT

RESOLUTION 2021/439

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

That the report from the Business Manager of Works on the Windellama Road Fixing Local Roads Project status updated be received.

CARRIED

15.20 PLANNING & ENVIRONMENT DIRECTORATE REPORT AUGUST 2021

RESOLUTION 2021/440

**Moved: Cr Peter Walker
Seconded:Cr Carol James**

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

CARRIED

15.21 OPERATIONS DIRECTORATE REPORT - AUGUST 2021

RESOLUTION 2021/441

Moved: Cr Margaret O'Neill

Seconded: Cr Denzil Sturgiss

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

CARRIED

15.22 UTILITIES DIRECTORATE REPORT - AUGUST 2021

RESOLUTION 2021/442

Moved: Cr Carol James

Seconded: Cr Denzil Sturgiss

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

CARRIED

15.23 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT AUGUST 2021

RESOLUTION 2021/443

Moved: Cr Alfie Walker

Seconded: Cr Denzil Sturgiss

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

CARRIED

15.24 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 5 AUGUST 2021**RESOLUTION 2021/444****Moved: Cr Andrew Banfield****Seconded: Cr Peter Walker****That:**

1. The report from the Director Operations in regards to the Traffic Committee minutes from Thursday 5 August 2021 be received.
2. The Traffic Committee minutes from Thursday 1 April 2021 be confirmed.
3. Items marked as completed will be removed from the talks list.
4. The report from the Road Safety and Traffic Officer on programs and activities be received.
5. The Traffic Control Plan for Convoy for Kids be amended to limit vehicles entering the parade route from side streets. The final traffic control plan to comply with the traffic control work site manual and the NSW Road Rules and;
6. The Traffic Management Plan for Convoy for Kids include the above amendments and be forwarded to TfNSW for review.
7. The Traffic Control Plan for the Lilac Festival event 2021 planned for 1 to 4 October 2021, be approved in accordance with the traffic control work site manual and the NSW Road Rules
8. That the Traffic Control Plan for The Goulburn Car and Motorcycle Show planned for 27 November 2021 be approved in accordance with the traffic control work site manual and the NSW Road Rules
9. The request for a pedestrian crossing be declined on Mulwaree Drive, Tallong Estate
10. The draft plans for the Proposed Roundabout at the Intersection of Bourke and Addison Streets be noted.
11. The request for Council to install No Stopping sign 20m either side of the driveway entry to 11 Lockyer Street be endorsed.
12. The Montague Street and Sloane Street Intersection kerb and crossing redesign concept be noted.

CARRIED**15.25 COUNCILLOR BRIEFING SESSION SUMMARY****RESOLUTION 2021/445****Moved: Cr Carol James****Seconded: Cr Denzil Sturgiss****That the report from the General Manager on Councillor Briefing Session Summary be received.****CARRIED**

15.26 EXTERNAL MEETING MINUTES**RESOLUTION 2021/446****Moved: Cr Alfie Walker****Seconded: Cr Margaret O'Neill**

That the report from the General Manager on the following external Committee meeting minutes be received:

- 1. Jerrara Power Community Reference Group 26 August 2021**

CARRIED**16 CLOSED SESSION**

Council must resolve to move into Closed Session to deal with any items under s10 *Local Government Act 1993*.

RESOLUTION 2021/447**Moved: Cr Alfie Walker****Seconded: Cr Andrew Banfield**

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 Mayoral Minute - General Managers Contract

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

Council resolved into Closed Session at 10.00pm.

Council resolved into Open Council at 10.49pm.

RESOLUTION 2021/448**Moved: Cr Andrew Banfield****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 MAYORAL MINUTE - GENERAL MANAGERS CONTRACT

RESOLUTION 2021/449

Moved: Cr Bob Kirk

That

- 1. The Mayor Minute on the General Manager Contract of Employment be received.**
- 2. Council enter into Contract of Employment with Warwick L Bennett as General Manager for a 18 month period commencing on the 1st October 2021 and concluding on the 31st March 2023.**
- 3. The Contract of Employment be in the Standard Format as determined by the Office of Local Government for General Managers for Local Councils in New South Wales on the same terms and conditions as the current contract of employment.**

CARRIED

In Favour: Crs Bob Kirk, Andrew Banfield, Leah Ferrara, Alfie Walker, Carol James and Denzil Sturgiss

Against: Crs Peter Walker and Margaret O'Neill

17 CONCLUSION OF THE MEETING

The Meeting closed at 10.52pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 5 October 2021.

.....
Cr Bob Kirk
Mayor

.....
Warwick Bennett
General Manager