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MINUTES

Ordinary Council Meeting

5 October 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, 5 OCTOBER 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 Margaret O'Neill Cr Sam Rowland & 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 opening prayer was read by Cr Andrew Banfield.

4 APOLOGIES

RESOLUTION 2021/450

Moved: Cr Andrew Banfield

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 2021/451

Moved: Cr Andrew Banfield

Seconded: Cr Carol James

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 15.11 "VP259871 Wollondilly Walking Track Cemetery St Phase 2" as one of the tenderer for this tender is Denrith Group of Companies in which his brother in law is a director of and he is also an employee of. Cr Andrew Banfield will leave the meeting (placed in the zoom meeting room) while discussion and determination on this item takes place.

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

Kate Cartwright of Plan and Co addressed Council on Item 15.1 MODDA/0112/2021 - Dwelling and Detached Storage Shed, 35 Theatre Drive Goulburn.

Mr Alex Kelly of Foundation Law Group addressed Council on Item 15.1 MODDA/0112/2021 - Dwelling and Detached Storage Shed, 35 Theatre Drive Goulburn.

10 CONFIRMATION OF MINUTES**10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 21 SEPTEMBER 2021****RESOLUTION 2021/452**

Moved: Cr Sam Rowland
Seconded: Cr Andrew Banfield

That the Council minutes from Tuesday 21 September 2021 and contained in Minutes Pages No 1 to 29 inclusive and in Minute Nos 2021/415 to 2021/449 inclusive be confirmed.

CARRIED**11 MATTERS ARISING****11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 21 SEPTEMBER 2021**

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS**RESOLUTION 2021/453**

Moved: Cr Carol James
Seconded: Cr Peter Walker

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 MODDA/0112/2021 - DWELLING AND DETACHED STORAGE SHED, 35 THEATRE DRIVE GOULBURN

RESOLUTION 2021/454

Moved: Cr Margaret O'Neill

Seconded: Cr Peter Walker

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 6:26pm.

CARRIED

RESOLUTION 2021/455

Moved: Cr Peter Walker

Seconded: Cr Carol James

That Council move back into Open Council.

Council moved back into Open Council at 7:02pm.

CARRIED

RESOLUTION 2021/456

Moved: Cr Peter Walker

Seconded: Cr Leah Ferrara

That:

1. The staff assessment report for modification application MODDA/0112/2021 for the deletion of conditions 32 and 33 be received.
2. The application be refused as the imposition of conditions 32 and 33 was for valid and justifiable reasons that prevailed at the time of assessment and have not changed.
3. Council initiate a road closure of this unformed section of Cathcart Street to preserve the critically endangered ecological community of White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland and a fence to prohibit vehicle access be installed at the end of Cathcart Street at Abbey Road.

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 & Carol James

Against: Crs Margaret O'Neill & Denzil Sturgiss

15.2 CBD 40KM/HR HIGH PEDESTRIAN ACTIVITY AREA AND LOAD LIMIT CONSULTATION

RESOLUTION 2021/457

Moved: Cr Peter Walker

Seconded: Cr Carol James

That

- 1. The report from the Director of Operations on the CBD 40km/hr High Pedestrian Activity Area and Load Limit Consultation be received.**
- 2. Council endorse establishment of a 40km/hr High Pedestrian Activity Area in Auburn Street between Bradley Street and Clinton Street.**
- 3. Council submit an application to Transport for New South Wales to establish a 15 tonne load limit along Lagoon Street and Auburn Street between Union Street and Clinton Street.**
- 4. Vehicles exceeding 15 tonnes are permitted to use Lagoon Street and Auburn Street for the purposes of conducting their business where there is no other alternate route or access for those vehicles**

CARRIED

15.3 POST EXHIBITION REPORT- PLANNING PROPOSAL FOR AMENDMENTS TO EXEMPT DEVELOPMENT WITHIN SCHEDULE 2 OF THE LEP AND DCP FOR PRIVATE EVENTS

RESOLUTION 2021/458

Moved: Cr Andrew Banfield

Seconded: Cr Leah Ferrara

That:

1. The post exhibition report from the Senior Strategic Planner for the planning proposal to amend LEP Schedule 2 (Exempt Development) and DCP Chapter Special Events on Private Land be received.
2. Council endorse the current planning proposal to amend Schedule 2: Exempt Development of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to amend existing exemptions on advertisements and displays and enable the following developments without development consent:
 - Community events to be held on Council owned/managed land
 - The erection of external lighting
 - The installation of letter boxes on local heritage items
 - The display of goods on footpaths in B3, B4 and neighbourhood shops in R3 zones.
3. The General Manager, using Council's delegated plan-making authority, prepare and finalise the LEP amendments as soon as practicable.
4. The *Public Entertainment in Rural Zones* chapter of the Goulburn Mulwaree Development Control Plan 2009 be replaced with the *Special Events on Private Land* Chapter in Attachment 2 of this report and be adopted by Council, to become effective upon the publication of a notice on Council's web site

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 COUNCIL SUBMISSION - RENEWABLE ENERGY & REGIONAL CITIES - DRAFT AMENDEMENT TO THE INFRASTRUCTURE SEPP**RESOLUTION 2021/459****Moved: Cr Andrew Banfield****Seconded: Cr Leah Ferrara****That:**

1. The report from the Business Manager Strategic Planning on the proposed changes to SEPP Infrastructure in relation to renewable energy and regional cities be received and noted.
2. Council prepare a submission to the public exhibition of the Proposed Infrastructure SEPP Amendments: Renewable Energy and Regional Cities seeking inclusion of Goulburn Mulwaree Council to the list of regional cities to be included in the application of additional considerations for utility scale renewable wind and solar projects.

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

15.5 DRAFT TARAGO VILLAGE STRATEGY**RESOLUTION 2021/460****Moved: Cr Denzil Sturgiss****Seconded: Cr Carol James****That:**

1. That the report from the Business Manager Strategic Planning on the Draft Tarago Village Strategy be received.
2. Council publicly exhibit the Draft Tarago Village Strategy for a minimum of twenty eight days.

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

15.6 2021/2022 LOCAL HERITAGE GRANT PROGRAM**RESOLUTION 2021/461****Moved: Cr Peter Walker**

Seconded: Cr Carol James

That:

1. The report from the Landscape & Heritage Planner on the 2021/2022 Local Heritage Grant Program be received.
2. The following grant applicants be offered heritage funding in the amounts shown with conditions where relevant:

Application	Location	Grant to be offered	Condition
1/2021-2022	105 Clifford St	\$2,500	No specific conditions
2/2021-2022	230 Bourke St	\$1,700	Exterior grade timber to be used
3/2021-2022	51 Addison St	\$2,500	No specific conditions
4/2021-2022	Mortis Street Cemetery	\$3,000	Agree conservation method with Council prior to start of work
5/2021-2022	16 Lorne Street	\$2,500	Colour scheme to be agreed with Council prior to start of work
6/2021-2022	40 Wollondilly	\$2,500	Colour scheme to be agreed with Council prior to start of work
7/2021-2022	20 Australia St	\$2,500	Use timber windows & wall cladding
8/2021-2022	172 Cowper St	\$2,500	No specific conditions
9/2021-2022	101 Lagoon St	\$4,800	Colour scheme to be agreed with Council prior to start of work
10/2021-2022	446 Auburn St	\$2,500	Colour scheme to be agreed with Council prior to start of work
11/2021-2022	93 Bourke St	\$2,500	No specific conditions
12/2021-2022	81 Goldsmith St	\$2,500	No specific conditions

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

15.7 2021/2022 GOULBURN CENTRAL BUSINESS DISTRICT GRANTS**RESOLUTION 2021/462**

Moved: Cr Peter Walker

Seconded: Cr Leah Ferrara

That:

1. The report from the Landscape & Heritage Planner on the 2021/2022 CBD Grants be received.
2. The following grant applications be offered funding in the amounts and conditions as shown:

Application	Location	Grant to be offered	Condition
1/2021-2022	322-326 Auburn Street	\$8,200	Colour scheme to be agreed with Council prior to start of work
2/2021-2022	19 Market Street	\$5,000	Colours to be as used elsewhere on the building
3/2021-2022	324 Sloane Street	\$2,310	The work is to include blocking the entry of birds to the roof space
4/2021-2022	268 Auburn Street	\$1,785	Colour scheme to be agreed with Council prior to start of work
5/2021-2022	160 Sloane Street	\$1,100	N/A
6/2021-2022	172 Sloane Street	\$3,275	Colour scheme to be agreed with Council prior to start of work

3. The unexpended grant funds be used at St Clair Museum.

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

15.8 DRAFT GOULBURN HISTORIC WATERWORKS & MARSDEN WEIR PARK PLAN OF MANAGEMENT**RESOLUTION 2021/463****Moved: Cr Andrew Banfield****Seconded: Cr Margaret O'Neill****That:**

- 1. The report from the Business Manager Property & Community Services on the draft Goulburn Historic Waterworks & Marsden Weir Park Plan of Management be received.**
- 2. Council write to all parties that lodged a submission thanking them for their interest and contributions to this draft Plan of Management.**
- 3. Council adopts the draft Goulburn Historic Waterworks & Marsden Weir Park Plan of Management with the amendments as listed in attachment 2.**
- 4. A copy of the Goulburn Historic Waterworks & Marsden Weir Park Plan of Management be forwarded to the Minister for Local Government for information.**

CARRIED**15.9 ACQUISITION OF CROWN LAND FOR NEW TOWRANG BRIDGE ROAD APPROACHES****RESOLUTION 2021/464****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara****That;**

- 1. The report from the Business Manager Property & Community Services on acquisition of Crown Land for the new Towrang Bridge road approaches be received.**
- 2. An application be made to the Minister for Local Government and the Governor of NSW for Council to compulsory acquire a combined area of approximately 2,596.7m² of Crown Land off Towrang Road, Towrang (Lot 7300 in DP1139736 and Lot 293 DP 1157650) for construction of the new Towrang Bridge road approaches.**
- 3. Council meets all costs associated with;**
 - Surveying fees and NSW Land Registry Services fees**
 - DPIE – Crown Lands Application fees + compensation payable (when determined)**
 - Publication of acquisition in the NSW Government Gazette**
 - Just Terms Compensation unit of Property NSW Valuation Services for management and administration fees associated with this compulsory acquisition.**
- 4. The General Manager sign all documentation necessary to complete the acquisition of this Crown Land as Council's authorised delegate under Section 377 of the *Local Government Act 1993*.**

CARRIED

15.10 TENDER 2122T0002 - REUSE SCHEME IRRIGATION CONSTRUCTION**RESOLUTION 2021/465****Moved: Cr Peter Walker****Seconded: Cr Andrew Banfield****That**

- 1. The report from the Director Utilities be received on Tender 2122T0002 - Reuse Scheme Irrigation Construction.**
- 2. The Tender from Killard Infrastructure Pty Ltd is accepted for the Reuse Scheme Irrigation Construction Contract in accordance with the specification and documents for Tender 2122T0002. This acceptance is based on the lump sum price of \$3,747,875.89 (incl. GST) and a provisional sum of \$70,218.72 (incl. GST) which totals to the contract of \$3,818,094.61 for contract price.**
- 3. The General Manager be given a delegated authority for variations up to 5% of the total contract price of \$3,818,094.61 (incl. GST)**

CARRIED**15.11 VP259871 WOLLONDILLY WALKING TRACK CEMETERY ST PHASE 2**

Cr Andrew Banfield declared an interest in this item and took no part in the discussion or voting on the matter and was placed in the zoom waiting room. At 7:40 pm, Cr Andrew Banfield left the meeting.

RESOLUTION 2021/466**Moved: Cr Carol James****Seconded: Cr Margaret O'Neill****That:**

- 1. The report from the Project Engineer Operations on VP259871 Wollondilly Walking Track Cemetery Street Phase 2 be received.**
- 2. The quote from Denrith Pty Ltd be accepted for \$607,978 excl. GST in accordance with the RFQ documents) for the continued development of the Wollondilly Walking Track from Cemetery Street to Joseph's gate subdivision.**
- 3. The General Manager is authorised to approve variations of up to ten (10) percent of the contract amount being \$60,797 (excl. GST)**

CARRIED

At 7:47 pm, Cr Andrew Banfield returned to the meeting.

15.12 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN 2020-2021

RESOLUTION 2021/467

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

That

- 1. The report from the Business Manager Governance on Disclosures by Councillors and Designated Persons Return 2020-2021 be received.**
- 2. The Register of Disclosures by Councillors and Designated Persons Return 2020-2021, as tabled, be noted.**

CARRIED

15.13 EXTERNAL MEETING MINUTES

RESOLUTION 2021/468

Moved: Cr Margaret O'Neill
Seconded: Cr Denzil Sturgiss

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

- 1. Boral Peppertree Quarry Community Consultative Committee held 22 June 2021.**
- 2. Gunlake Community Consultative Committee held 27 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*.

There were no closed session reports for determination.

17 CONCLUSION OF THE MEETING

The Meeting closed at 7.48pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 October 2021.

.....

Cr Bob Kirk
Mayor

.....

Warwick Bennett
General Manager