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MINUTES

Ordinary Council Meeting

19 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 & VIA ZOOM
ON TUESDAY, 19 OCTOBER 2021 AT 6PM**

PRESENT: Cr Bob Kirk (Mayor), Cr Peter Walker (Deputy Mayor), Cr Andrew Banfield, Cr Leah Ferrara, Cr Alfie Walker, Cr Margaret O'Neill & Cr Carol James

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) & Kathryn Croker (IT Support).

1 OPENING MEETING

Mayor Bob Kirk opened the meeting 6pm. The Mayor advised that the meeting would be webcast live.

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor Bob Kirk made the following acknowledgement.

"I would like to Acknowledge and pay our respects to the Aboriginal elders both past and present as well as emerging leaders, and Acknowledge the traditional custodians of the Land on which we meet today."

3 COUNCILLORS DECLARATION AND/OR PRAYER

The declaration was read by Cr Carol James.

4 APOLOGIES

RESOLUTION 2021/469

Moved: Cr Alfie Walker
Seconded: Cr Carol James

That the apologies received from Cr Sam Rowland & Cr Denzil Sturgiss be accepted.

CARRIED

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

RESOLUTION 2021/470

Moved: Cr Alfie Walker
Seconded: Cr Carol James

That the leave of absence be granted to Cr Sam Rowland due to work commitments ad Cr Denzil Sturgiss due to a technology failure.

CARRIED

6 LATE ITEMS / URGENT BUSINESS

RESOLUTION 2021/471

Moved: Cr Bob Kirk
Seconded: Cr Andrew Banfield

That the additional information including the legal opinion from Maddox dated 12 October 2021 attached in the General Managers email from the 12 October 2021 be included in this meeting as part of the consideration of the rescission motion being Item 14.1 Notice of Rescission - MODDA/0112/2021 - Dwelling and Detached Storage Shed, 35 Theatre Drive Goulburn.

CARRIED

7 DISCLOSURE OF INTERESTS

Cr Andrew Banfield declared a pecuniary conflict of interest in Item 15.4 "Road Closure Application between 31-37 Braidwood Road, Goulburn" as the adjacent properties and proposed purchaser is Goulburn Sand and Soil which is a company owned but the Denrith Group of Companies in which his brother-in-law is a Director of. Cr Andrew Banfield will leave the meeting while discussion and determination on this item takes place.

Mayor Bob Kirk declared a non-pecuniary/non-significant conflict of interest in Item 15.2 "Veolia Host Fee and Performing Arts Centre Grant" as he is a Council appointed Board member on the Veolia Mulwaree Trust and each time a Goulburn Mulwaree Council application is discussed by the Trust he leaves the Trust meeting. As the disclosure was not of a significant nature Mayor Bob Kirk will remain in the meeting while discussion and determination takes place.

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

Paul Kuster & John Woodman addressed Council on Item 14.1 Notice of Rescission - MODDA/0112/2021 - Dwelling and Detached Storage Shed, 35 Theatre Drive Goulburn.

Troy Cook addressed Council on Item 14.1 Notice of Rescission - MODDA/0112/2021 - Dwelling and Detached Storage Shed, 35 Theatre Drive Goulburn.

Kate Cartwright addressed Council on Item 15.1 MODDA/0108/2021 - Modification to Multi-Unit Development, 17 Fenwick Crescent Goulburn.

RESOLUTION 2021/472

Moved: Cr Andrew Banfield
Seconded: Cr Peter Walker

That Council allow an extension of time to Kate Cartwright to address Council.

CARRIED

Rodney Thompson addressed Council on Item 15.1 MODDA/0108/2021 - Modification to Multi-Unit Development, 17 Fenwick Crescent Goulburn.

10 CONFIRMATION OF MINUTES

10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 5 OCTOBER 2021

RESOLUTION 2021/473

Moved: Cr Carol James

Seconded:Cr Andrew Banfield

That the Council minutes from Tuesday 5 October 2021 and contained in Minutes Pages No 1 to 15 inclusive and in Minute Nos 2021/450 to 2021/468 inclusive be confirmed.

CARRIED

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 5 OCTOBER 2021

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2021/474

Moved: Cr Leah Ferrara

Seconded:Cr Carol James

That Council notes the Task List and authorises the deletion of completed tasks.

CARRIED

12 MAYORAL MINUTE(S)

Nil

13 NOTICE OF MOTION(S)

13.1 NOTICE OF MOTION - STREET LIGHTING CLIFFORD STREET

RESOLUTION 2021/475

Moved: Cr Peter Walker

Seconded:Cr Margaret O'Neill

That Council investigate including funding the installation of street lights in Clifford Street (both sides) between Chisholm Ross building and Deccan Street for the purposes of community safety for hospital staff leaving after dark to get to their cars.

CARRIED

13.2 NOTICE OF MOTION - DISABLED CAR PARK IN AUBURN STREET

RESOLUTION 2021/476

Moved: Cr Peter Walker

Seconded: Cr Alfie Walker

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 6:57pm.

CARRIED

RESOLUTION 2021/477

Moved: Cr Peter Walker

Seconded: Cr Carol James

That Council move back into Open Council.

Council moved back into Open Council at 7:00pm.

CARRIED

RESOLUTION 2021/478

Moved: Cr Peter Walker

Seconded: Cr Margaret O'Neill

That:

- 1. Council install a second disabled car space on the southern side of Auburn Street between Montague and Verner Street on the western side of the mid-block adjacent to the existing disabled car space.**
- 2. Council investigate if additional disabled car spaces are required in the Central Business District.**

CARRIED

14 NOTICE OF RESCISSION(S)

14.1 NOTICE OF RESCISSION - MODDA/0112/2021 - DWELLING AND DETACHED STORAGE SHED, 35 THEATRE DRIVE GOULBURN

RESOLUTION 2021/479

**Moved: Cr Margaret O'Neill
Seconded: Cr Peter Walker**

That the Rescission Motion be withdrawn.

CARRIED

RESOLUTION 2021/480

**Moved: Cr Margaret O'Neill
Seconded: Cr Leah Ferrara**

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 7:03pm.

CARRIED

RESOLUTION 2021/481

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

That Council move back into Open Council.

Council moved back into Open Council at 7:41pm.

CARRIED

RESOLUTION 2021/482

**Moved: Cr Margaret O'Neill
Seconded: Cr Leah Ferrara**

That:

- 1. Council acknowledges that DA/0275/1819 at 35 Theatre Drive Goulburn cannot be modified as requested by MODDA/0112/2021.**
- 2. The applicant be advised that a new Development Application proposing a change of use and rectification of unauthorised works would be required.**
- 3. The applicant be advised that a new Development Application that proposes vehicular access from the unformed Cathcart Street would need to take into consideration Council's Engineering Standards relating to road construction, the South Goulburn Endangered/Threatened Species Management Plan, the NSW Biodiversity Conservation Act 2016 and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, noting the presence of the critically endangered Box Gum Woodland and derived grasslands within the reserve.**
- 4. Any new development application will be assessed on its merits against the applicable State and Commonwealth legislation and standards as well as Council's adopted policies and standards.**

CARRIED

RESOLUTION 2021/483

Moved: Cr Alfie Walker
Seconded: Cr Leah Ferrara

That Council undertake a comprehensive review of the South Goulburn Endangered/Threatened Species Management Plan adopted by Council in November 2004.

CARRIED

The Mayor adjourned the meeting at 7.49pm.

At 8:20 pm, Cr Alfie Walker left the meeting.

The meeting resumed at 8.20pm

15 REPORTS TO COUNCIL FOR DETERMINATION

15.1 MODDA/0108/2021 - MODIFICATION TO MULTI-UNIT DEVELOPMENT, 17 FENWICK CRESCENT GOULBURN

RESOLUTION 2021/484

**Moved: Cr Leah Ferrara
Seconded: Cr Margaret O'Neill**

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 8:20pm.

CARRIED

At 8:21 pm, Cr Alfie Walker returned to the meeting.

RESOLUTION 2021/485

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

That Council move back into Open Council.

Council moved back into Open Council at 8:42pm.

CARRIED

RESOLUTION 2021/486

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

That:

- 1. The staff assessment report for development application MODDA/0108/2021 for the proposed modification of approved multi-dwelling housing scheme to provide two (2) additional dwellings and alterations to the approved site layout and stormwater drainage be received.**
- 2. Consent be refused for MODDA/0108/2021 for a modification of approved multi-dwelling housing scheme to provide two (2) additional dwellings and alterations to the approved site layout and stormwater drainage located at 17 Fenwick Crescent, Goulburn because the modification will have a significant impact on neighbouring properties. Issues of noncompliance with the Development Control Plan 2009 include:**
 - Privacy**
 - Floor Area**
 - Private Open Space**
 - Over Shadowing**
 - Bulk, Scale and Density**
 - Setback**

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Leah Ferrara, Alfie Walker, Margaret O'Neill and Carol James

Against: Nil

CARRIED

15.2 VEOLIA HOST FEE AND PERFORMING ARTS CENTRE GRANT

Cr Bob Kirk declared an non-significant interest in this item and remained in the meeting during discussion and determination.

COMMITTEE OF THE WHOLE

Moved: Cr Leah Ferrara

Seconded: Cr Peter Walker

That Council Move into Committee of the Whole.

The motion was put and lost.

RESOLUTION 2021/487

Moved: Cr Leah Ferrara

Seconded: Cr Carol James

That

1. The report of the General Manager on the Veolia Host Fee and Performing Arts Centre Grant be received.
2. Council notes that the grant from Veolia to the Goulburn Performing Arts Centre approved in principle in 2017 has been withdrawn. Council further notes that the loan requirements for the Goulburn Performing Arts Centre be confirmed at \$8,300,000 to be internally funded from the Council Water and Wastewater Fund balances.
3. Council allocate \$500,000 from the sale proceeds of the Hovell Street development be used for the capital development of the Goulburn Performing Arts Centre and thus reducing the overall loan commitments. The General Manager be requested to include this loan adjustment in the September quarterly Budget review.
4. Council endorses the payments from the Veolia Host fee being for the loan commitments to the Goulburn Performing art Centre, part capital instalment for the Goulburn Regional Hockey Facility and infrastructure in Tarago and require the General Manager to adjust the forward estimates accordingly.
5. Council endorse that \$200,000 of the annual capital purchase payments for the Goulburn Regional Hockey Facility be funded from the special reserves fund and require the General Manager to adjust the forward estimates accordingly.
6. Council write to the Managing Director of Veolia Mr Richard Kirkman & the Veolia Mulwaree Trust Chairperson Mr Justin Houghton expressing Council extreme disappointment at the withdrawal of the financial promise of \$2 Million which was increased to \$2.5 Million by a former Managing Director and seeking an explanation as to why they changed their mind.

CARRIED

15.3 GOULBURN MULWAREE AWARD WORKING PARTY EXPRESSIONS OF INTEREST

RESOLUTION 2021/488

Moved: Cr Bob Kirk

Seconded: Cr Carol James

That:

- 1. The report from the General Manager on Goulburn Mulwaree Award Working Party Expressions of Interest be noted.**
- 2. Council appoints Danae Vitnell, Richard Ernest and Gary Lourigan to the Goulburn Mulwaree Award Working Party and the working party be authorised to appoint two further suitable community representatives at their discretion.**
- 3. The Council acknowledges that these appointments are at a time close to the elections of a new Council and thus authorises the appointment of this working party until the end of the next term of Council being September 2024.**

CARRIED

15.4 ROAD CLOSURE APPLICATION BETWEEN 31-37 BRAIDWOOD ROAD, GOULBURN

Cr Andrew Banfield declared an interest in this item and took no part in the discussion or voting on the matter. At 9:04 pm, Cr Andrew Banfield left the meeting.

RESOLUTION 2021/489

Moved: Cr Peter Walker

Seconded: Cr Alfie Walker

That

- 1. The report from the Business Manager Property & Community Services on a proposed Road Closure Application for an unused road reserve between Lot 1 DP 804332 and Lot 1 DP 1170504, 31-37 Braidwood Road, Goulburn be received.**
- 2. Council prepares a Road Closure Application in accordance with the requirements referred to in this report to close approximately 809.5m² of redundant road reserve located in between Lot 1 DP 804332 and Lot 1 DP 1170504 at 31-37 Braidwood Road, Goulburn.**
- 3. Subject to there being no objections to this Road Closure Application from any of the immediate surrounding land owners, government agencies and utility providers, the owner of 31-37 Braidwood Road, Goulburn meet all costs associated with;**
 - Council's Road Closure Application fees**
 - Surveying including preparation and registration of a Plan of Proposed Road Closure consistent with point 2 above.**
 - Consultant valuation fees to determine market value for compensation payable and;**
 - Re-establishing any boundary fencing affected by this Road Closure Application if applicable.**
- 4. The General Manager be delegated to sign all documentation necessary to complete the sale of this unused road reserve when a new title is created, ensuring that the market value determined by the valuation consultant is non-negotiable.**

CARRIED

At 9:06 pm, Cr Andrew Banfield returned to the meeting.

15.5 GENERAL PURPOSE FINANCIAL STATEMENTS AND SPECIAL PURPOSE STATEMENTS 2020/21

RESOLUTION 2021/490

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

That

- 1. The report from the Director Corporate & Community Services on the General Purpose Financial Statements and Special Purpose Statements 2020/21 be received.**
- 2. The Statements under s413(2) Local Government Act 1993 be endorsed and signed off by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to enable the Independent Auditors reports to be issued**
- 3. Council approve the Financial Statements for lodgement with the Office of Local Government**
- 4. Council approve the Financial Statements to be placed on public exhibition with the Audited Financial Statements to be presented to Council at its meeting on 16 November 2021**

CARRIED

15.6 DEMOGRAPHIC TRENDS - GOULBURN MULWAREE

RESOLUTION 2021/491

**Moved: Cr Margaret O'Neill
Seconded:Cr Alfie Walker**

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

CARRIED

15.7 GOULBURN PERFORMING ARTS CENTRE: OPERATIONAL UPDATE

RESOLUTION 2021/492

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

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

CARRIED

15.8 MONTHLY FINANCIAL REPORT

RESOLUTION 2021/493

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

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 2021/494

Moved: Cr Peter Walker

Seconded:Cr Alfie Walker

That the report by the Director Corporate & Community Services and the Accountant on the Statement of Investments and Bank Balances be received.

CARRIED

15.10 DEBTORS OUTSTANDING

RESOLUTION 2021/495

Moved: Cr Leah Ferrara

Seconded:Cr Alfie Walker

That the report from the Revenue Officer on debtor collections be received.

CARRIED

15.11 RATES OUTSTANDING REPORT

RESOLUTION 2021/496

Moved: Cr Leah Ferrara

Seconded:Cr Carol James

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

CARRIED

15.12 WATER CHARGES OUTSTANDING REPORT

RESOLUTION 2021/497

Moved: Cr Leah Ferrara

Seconded:Cr Andrew Banfield

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

CARRIED

15.13 QUARTERLY WORKERS COMPENSATION REPORT

RESOLUTION 2021/498

Moved: Cr Peter Walker

Seconded:Cr Leah Ferrara

That the report from the Recover at Work and Wellbeing Officer on quarterly workers compensation trends be noted.

CARRIED

15.14 GOULBURN PERFORMING ARTS CENTRE - SEPTEMBER 2021 STATUS REPORT

RESOLUTION 2021/499

Moved: Cr Alfie 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

15.15 ST CLAIR CONSERVATION WORKS - STATUS REPORT

RESOLUTION 2021/500

Moved: Cr Peter Walker

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

15.16 TOWRANG BRIDGE REPLACEMENT SEPTEMBER STATUS REPORT

RESOLUTION 2021/501

Moved: Cr Andrew Banfield

Seconded: Cr Leah Ferrara

That the report from the Project Engineer – Operations on the Towrang Road Bridge Replacement September Status be received.

CARRIED

15.17 SCHOOL ZONE SAFETY INFRASTRUCTURE - SEPTEMBER 2021 STATUS UPDATE

RESOLUTION 2021/502

Moved: Cr Peter Walker

Seconded: Cr Alfie Walker

That the September 2021 status report on the School Zone Safety Infrastructure project from the Project Manager Grants be received.

CARRIED

15.18 WINDELLAMA ROAD FIXING LOCAL ROADS PROJECT - SEPTEMBER 2021 STATUS REPORT

RESOLUTION 2021/503

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

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

CARRIED

15.19 CARRICK ROAD FIXING LOCAL ROADS PROJECT - SEPTEMBER 2021 STATUS REPORT

RESOLUTION 2021/504

**Moved: Cr Carol James
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

15.20 MOUNTAIN ASH ROAD FIXING LOCAL ROADS PROJECT - SEPTEMBER 2021 STATUS REPORT

RESOLUTION 2021/505

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

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

CARRIED

15.21 NATURAL DISASTER ESSENTIAL PUBLIC ASSET RESTORATION PROJECT - SEPTEMBER 2021 STATUS REPORT

RESOLUTION 2021/506

**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

15.22 GOULBURN REGIONAL HOCKEY FACILITY - SEPTEMBER 2021 STATUS REPORT

RESOLUTION 2021/507

Moved: Cr Andrew Banfield

Seconded: Cr Peter Walker

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

CARRIED

15.23 GOULBURN AQUATIC CENTRE REDEVELOPMENT STAGE 1 CONSTRUCTION - SEPTEMBER 2021 STATUS REPORT

RESOLUTION 2021/508

Moved: Cr Carol James

Seconded: Cr Leah Ferrara

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

CARRIED

15.24 GROWING LOCAL ECONOMIES COMMON STREET - SEPTEMBER 2021 STATUS REPORT

RESOLUTION 2021/509

Moved: Cr Peter Walker

Seconded: Cr Leah Ferrara

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

CARRIED

15.25 REUSE GOULBURN (RUG) CONSTRUCTION - SEPTEMBER 2021 STATUS REPORT

RESOLUTION 2021/510

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

15.26 REUSE SCHEME GOULBURN - SEPTEMBER 2021 STATUS REPORT

RESOLUTION 2021/511

Moved: Cr Peter Walker

Seconded: Cr Carol James

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

CARRIED

15.27 PLANNING & ENVIRONMENT DIRECTORATE REPORT SEPTEMBER 2021

RESOLUTION 2021/512

Moved: Cr Andrew Banfield

Seconded: Cr Alfie Walker

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

CARRIED

15.28 OPERATIONS DIRECTORATE REPORT - SEPTEMBER 2021

RESOLUTION 2021/513

Moved: Cr Peter Walker

Seconded: Cr Andrew Banfield

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

CARRIED

15.29 UTILITIES DIRECTORATE REPORT - SEPTEMBER 2021

RESOLUTION 2021/514

Moved: Cr Alfie Walker

Seconded: Cr Peter Walker

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

CARRIED

15.30 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT SEPTEMBER 2021

RESOLUTION 2021/515

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

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

CARRIED

15.31 MINUTES OF THE RECREATION AREA COMMITTEE MEETING HELD ON 6 OCTOBER 2021

RESOLUTION 2021/516

**Moved: Cr Margaret O'Neill
Seconded: Cr Peter Walker**

That the report from Community Facilities Manager in regards to the Recreation Area Committee minutes from Wednesday 6 October 2021 be received.

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 9.45pm.

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

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

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