



OUR VISION & VALUES ONE TEAM DELIVERING WITH

PRIDE

Passion | Respect | Innovation | Dedication | Excellence

OUR MISSION TO BE EASY TO DO BUSINESS WITH

MINUTES

Ordinary Council Meeting

4 October 2022

Order Of Business

1	Opening Meeting	5
2	Acknowledgement of Country	5
3	Councillors Declaration and/or Prayer	5
4	Apologies	5
5	Applications for a Leave of Absence by Councillors	5
6	Late Items / Urgent Business	6
Nil	6	
7	Disclosure of Interests	6
8	Presentations	6
	Nil	
9	Public Forum	6
10	Confirmation of Minutes	7
	10.1 Minutes of the Ordinary Meeting of Council held on 20 September 2022	7
11	Matters Arising	7
	11.1 Matters Arising from Council Meetings Minutes from the 20 September 2022	7
	11.2 Outstanding Task List from All Previous Meetings.....	7
12	Mayoral Minute(s)	7
	Nil	
13	Notice of Motion(s)	7
	Nil	
14	Notice of Rescission(s)	7
	Nil	
15	Reports to Council for Determination	8
	15.1 REV/0007/2122 – 22 Matchless Avenue Goulburn – Review of Determination – Two semi-detached dwellings and Torrens title subdivision.....	8
	15.2 REV/0008/2122 – 39 Matchless Avenue Goulburn – Review of Determination – Two semi-detached dwellings and Torrens title subdivision.....	9
	15.3 2223T0008 Faithfull Street Stormwater Diversion	10
	15.4 2223T0005 - Consultancy Services Panel.....	10
	15.5 VP312127 Jerrara Road Heavy Patching	11
	15.7 VP310613 - Windellama Road Rehabilitation Stage 3 (Fixing Local Roads)	12
	15.6 VP271768 Towrang Road Pavement Stabilisation Rehabilitation	12
	15.8 Request for Financial Assistance - Rotary Club of Goulburn	13
	15.9 Requests for Financial Assistance - Goulburn & District Art Society Inc.	13
	15.10 Disclosures by Councillors and Designated Persons Return 2021-2022	13
	15.11 Policy Review.....	14
	15.12 Goulburn Mulwaree Award Working Party Minutes - 12 September 2022	14
	15.13 External Meeting Minutes.....	15

16 Closed Session 15
 16.1 Shannon / Pockley Link Road Concept 16
 16.2 Chief Executive Officer 2022/23 Performance Agreement..... 16
17 Conclusion of the Meeting 16

**MINUTES OF GOULBURN MULWAREE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,
GOULBURN
ON TUESDAY, 4 OCTOBER 2022 AT 6PM**

PRESENT: Mayor Peter Walker, Deputy Mayor Steve Ruddell, Cr Andrew Banfield, Cr Carol James, Cr Bob Kirk, Cr Jason Shepherd & Cr Andy Wood

IN ATTENDANCE: Aaron Johansson (Chief Executive Officer), Brendan Hollands (Director Corporate and Community Services), Marina Hollands (Director Utilities), Scott Martin (Director Planning & Environment, Robbie Hughes (Acting Director Operations), & Amy Croker (Office Manager to Mayor and Chief Executive Officer).

1 OPENING MEETING

Mayor Peter Walker opened the meeting 6pm. The Mayor advised that the meeting would be webcast live.

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor Peter Walker made the following acknowledgement.

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

3 COUNCILLORS DECLARATION AND/OR PRAYER

The declaration was read by Deputy Mayor Steve Ruddell.

4 APOLOGIES

RESOLUTION 2022/347

Moved: Cr Andrew Banfield

Seconded: Cr Carol James

That apologies be received and accepted from Cr Daniel Strickland & Cr Michael Prevedello.

CARRIED

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

RESOLUTION 2022/348

Moved: Cr Jason Shepherd

Seconded: Cr Carol James

That:

- 1. A leave of absence be granted to Cr Michael Prevedello due to health reasons.**
- 2. A leave of absence be granted to Cr Daniel Strickland due to work commitments outside of the region.**

CARRIED

6 LATE ITEMS / URGENT BUSINESS

Nil

LILAC FESTIVAL COMMITTEE

The Mayor wished to note his thanks be passed on to the Lilac Festival Committee for the successful festival that was held on the weekend.

7 DISCLOSURE OF INTERESTS

Cr Andrew Banfield declared a pecuniary conflict of interest in Item 15.5 "VP312127 Jerrara Road Heavy Patching" & 15.7 VP310613 - Windellama Road Rehabilitation Stage 3 (Fixing Local Roads) as his brother-in-law is a Director of Denrith Group of Companies who are one of the tenderers. Cr Banfield is also an employee of Denrith Group of Companies. Cr Andrew Banfield will leave the meeting while discussion on this item takes place.

Cr Jason Shepherd declared a pecuniary conflict of interest in Item 15.4 "2223T0005 - Consultancy Services Panel" as he is an employee of GHD who are one of the tenderers. Cr Jason Shepherd will leave the meeting while discussion on this item takes place.

Cr Carol James declared a non-pecuniary/non-significant conflict of interest in Item 15.8 "Request for Financial Assistance - Rotary Club of Goulburn" as she is a member of the Rotary Club of Goulburn but does not hold an Executive position. As the disclosure was not of a significant nature Cr Carol James remained in the meeting while discussion took place.

Deputy Mayor Steven Ruddell declared a non-pecuniary/significant conflict of interest in Item 15.8 "Request for Financial Assistance - Rotary Club of Goulburn" as he is a member of the Rotary Club of Goulburn and holds an Executive position within the Club. Deputy Mayor Steve Ruddell will leave the meeting while discussion on this item takes place.

Mayor Peter Walker declared a non-pecuniary/non-significant conflict of interest in Item 15.8 "Request for Financial Assistance - Rotary Club of Goulburn" as he is a member of the Rotary Club of Goulburn but does not hold an Executive position. As the disclosure was not of a significant nature Mayor Peter Walker remained in the meeting while discussion took place.

Mayor Peter Walker declared a non-pecuniary/non-significant conflict of interest in Item 15.3 "2223T0008 Faithfull Street Stormwater Diversion" as his sister and brother-in-law own a house that backs onto this land which is involved in the major rehabilitation. As the disclosure was not of a significant nature Mayor Peter Walker remained in the meeting while discussion took place.

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

Nil

10 CONFIRMATION OF MINUTES

10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 20 SEPTEMBER 2022

RESOLUTION 2022/349

Moved: Cr Andy Wood

Seconded: Cr Steven Ruddell

That the Council minutes from Tuesday 20 September 2022 and contained in Minutes Pages No 1 to 22 inclusive and in Minute Nos 2022/320 to 2022/349 inclusive be confirmed.

CARRIED

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 20 SEPTEMBER 2022

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2022/350

Moved: Cr Steven Ruddell

Seconded: Cr Bob Kirk

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 REV/0007/2122 – 22 MATCHLESS AVENUE GOULBURN – REVIEW OF DETERMINATION – TWO SEMI-DETACHED DWELLINGS AND TORRENS TITLE SUBDIVISION

RESOLUTION 2022/351

Moved: Cr Bob Kirk

Seconded: Cr Andy Wood

That:

- 1. The staff assessment report for Review Application REV/0007/2122 submitted for consideration of the refusal of DA/0199/2122 be received.**
- 2. The decision to determine DA/0199/2122 on 3 December 2021 by way of refusal be upheld, with the removal of Reason 5 regarding privacy.**

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 Andrew Banfield, Carol James, Bob Kirk, Steven Ruddell, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

15.2 REV/0008/2122 – 39 MATCHLESS AVENUE GOULBURN – REVIEW OF DETERMINATION – TWO SEMI-DETACHED DWELLINGS AND TORRENS TITLE SUBDIVISION

RESOLUTION 2022/352

Moved: Cr Andy Wood

Seconded: Cr Steven Ruddell

That:

- 1. The staff assessment report for Review Application REV/0008/2122 submitted for the consideration of the refusal of DA/0072/2122 be received.**
- 2. The decision to determine DA/0072/2122 on 3 December 2021 by way of refusal be upheld, with the following revised reasons:**
 - 1. *The proposal does not satisfy Part 1 Section 1.3(g) of “the Act” as it does not to promote good design and amenity of the built environment.***
 - 2. *The proposal does not promote good residential amenity and therefore, does not meet the objective of Part 4 Section 4.1A of the Goulburn Mulwaree Local Environmental Plan 2009 “GM LEP 2009”.***
 - 3. *The proposal does not meet the principles of Crime Prevention Through Environmental Design as it has a front door located down a dark side ally and therefore, does not satisfy Part 3 Section 3.7 of the Goulburn Mulwaree Development Control plan 2009 “GM DCP 2009”.***
 - 4. *The proposed development has not satisfactorily demonstrated that the private open space area upon Lot 1 can achieve solar access and therefore, does not satisfy Part 4 Section 4.1.7 of the “GM DCP 2009”.***
 - 5. *The proposal does not have a compliant side setback to the northern boundary and therefore, does not satisfy Part 4 Section 4.1.10.2 of the “GM DCP 2009”.***
 - 6. *The proposal does not meet the minimum dimension for storage associated with the single garage and therefore, does not satisfy Part 4 Section 4.1.12 of the “GM DCP 2009”.***
 - 7. *The proposal does not include western window shading and therefore, does not satisfy Part 4 Section 4.1.13 of the “GM DCP 2009”.***
 - 8. *Insufficient shading is provided to the windows servicing the principal living areas resulting in excessive summer heat gain. Therefore, the proposal does not satisfy Part 4 Section 4.1.14 of the “GM DCP 2009”.***
 - 9. *The proposal does not provide sufficient private open space to Lot 1 and therefore, does not satisfy Part 4 Section 4.1.9 of the “GM DCP 2009”.***
 - 10. *The proposal having regard to the provisions of Section 4.15 of “the Act”, is considered to be unsatisfactory and therefore, is not in the public interest.***

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 Andrew Banfield, Carol James, Bob Kirk, Steven Ruddell, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

15.3 2223T0008 FAITHFULL STREET STORMWATER DIVERSION

RESOLUTION 2022/353

Moved: Cr Jason Shepherd

Seconded: Cr Steven Ruddell

That:

1. The report from the Director Operations on 2223T0008 Faithful Street Stormwater Diversion be received;
2. The tender submission from Form and Pour Constructions for \$621,639.09 (GST exclusive) is accepted in accordance with the Request For Tender documents 2223T0008;
3. The Chief Executive Officer is authorised to approve variations of up to ten (10) percent (\$62,163.91) for this project.

CARRIED

15.4 2223T0005 - CONSULTANCY SERVICES PANEL

Cr Jason Shepherd declared an interest in this item and took no part in the discussion or voting on the matter. At 6:18 pm, Cr Jason Shepherd left the meeting.

RESOLUTION 2022/354

Moved: Cr Bob Kirk

Seconded: Cr Steven Ruddell

That

1. The report from the Director Operations on the Consultancy Services Panel be received.
2. Council approves to establish a panel of seventy-two (72) consultants listed below to provide Council with Consultancy Services under the provisions of the 2223T0005 Consultancy Services Panel Tender.

1. 2MH Consulting	19. Conybeare Morrison	37. JHK & Associates	55. Rapid Map Global & Iconyx Division
2. 3D Concepts (Craig James)	20. CT Management Group	38. JJ Ryan Consulting	56. Reliance Engineering Services
3. ACT Geotechnical Engineers	21. D & N Geotechnical	39. John McAslan & Partners	57. Root Partnership
4. Adjic Group	22. DJ Gabriel Consulting	40. Jones Nicholson	58. Sala4D
5. Anditi	23. Douglas Partners	41. Kellogg Brown & Root	59. SEEC
6. ARRB Group	24. Dutailis Architects	42. Kyeart Architecture	60. Shelton Thomson
7. Barker Ryan Stewart	25. DWP	43. Land Team	61. SoCo Architecture
8. Bitzios Consulting	26. Ecology Consulting	44. Local Architect South Coast	62. SQC Group
9. BKA Architecture	27. Edmiston Jones	45. Macrozamia Environmental	63. Streetwise Road safety
10. Brewster	28. EDP	46. Makereng	64. Talis Consultants

Hjorth Architects	Consultants		
11. Built Environment Collective	29. Engeny Water Management	47. MBMPL	65. Tcubed Consulting
12. Caldis Cook Group Architects	30. Facility Design Group	48. Morrison Low Consultants	66. Public Works
13. Capital 2 Coast Management	31. Footprint	49. Muller Partnership	67. Trustees for Mayoh Family Trust
14. CK Architecture	32. Genium Civil Engineering	50. NGH	68. Tim Lee
15. Cleah Consulting	33. Geosyntec Consultants	51. OzArk Environment & Heritage	69. Tonkin Consulting
16. Clement & Reid	34. GHD	52. Pavement Management services	70. Traffic works
17. Collins & Turner	35. Highlands Design & Drafting	53. Premise Australia	71. Turner & Townsend Thinc
18. Complete Urban Design	36. Hunter H2O Holdings	54. Quantum Traffic	72. VG Project Group

3. Council delegate authority to the Chief Executive Officer to extend these contracts by up to two (2) one (1) year extensions subject to satisfactory performance.

CARRIED

At 6:19 pm, Cr Jason Shepherd returned to the meeting.

RESOLUTION 2022/355

Moved: Cr Bob Kirk
 Seconded: Cr Andy Wood

That Item 15.7 be dealt with directly after Item 15.5.

CARRIED

15.5 VP312127 JERRARA ROAD HEAVY PATCHING

Cr Andrew Banfield declared an interest in this item and took no part in the discussion or voting on the matter. At 6:20 pm, Cr Andrew Banfield left the meeting.

RESOLUTION 2022/356

Moved: Cr Steven Ruddell
 Seconded: Cr Jason Shepherd

That

1. The report from the Director of Operations be received for the Request for Quotation (RFQ) for Jerrara Rd Heavy Patching.
2. Council accepts the RFQ for Jerrara Rd Heavy Patching from the Pavement Stabilisation Panel VP271768 member Roadworx Surfacing for a lump sum price of \$2,425,558.00 (GST Incl).
3. The Chief Executive Officer be authorised to approve variations of up to 15% of the Contract Sum being \$ 363,833.70 (GST Incl).

CARRIED

15.7 VP310613 - WINDELLAMA ROAD REHABILITATION STAGE 3 (FIXING LOCAL ROADS)**RESOLUTION 2022/357****Moved: Cr Bob Kirk****Seconded: Cr Andy Wood****That:**

- 1. That the report from the Business Manager of Works on the VP310613 Windellama Road Rehabilitation Stage 3 (Fixing Local Roads) be received**
- 2. The Request for Quotation from Coopers Earthmoving Pty Ltd be accepted for the VP310613 Windellama Road Rehabilitation Stage 3 (Fixing Local Roads) Grant scope at a tender price of \$821,101 (Excl GST) as outlined in the specification and documents in VP310613.**
- 3. The Chief Executive Officer is authorised to approve variations of up to 10% (\$82,110) Excl GST for this project.**

CARRIED

At 6:22 pm, Cr Andrew Banfield returned to the meeting.

15.6 VP271768 TOWRANG ROAD PAVEMENT STABILISATION REHABILITATION**RESOLUTION 2022/358****Moved: Cr Jason Shepherd****Seconded: Cr Carol James****That**

- 1. The report from the Business Manager of Works on the pavement stabilisation of Towrang Road be received**
- 2. Council approve Roadworx Surfacing Pty Ltd to deliver the works on Towrang Road in accordance with VP271768 for a price of \$494,623.30 (excl GST)**
- 3. The Chief Executive Officer is authorised to approve variations up to five (5) percent of the contract amount being (\$24,731.00)**

CARRIED

15.8 REQUEST FOR FINANCIAL ASSISTANCE - ROTARY CLUB OF GOULBURN

Deputy Mayor Steve Ruddell declared an interest in this item and took no part in the discussion or voting on the matter. At 6:23 pm, Cr Steven Ruddell left the meeting.

RESOLUTION 2022/359

Moved: Cr Andrew Banfield

Seconded: Cr Andy Wood

That

- 1. The report from the Director Corporate & Community Services on the Request for Financial Assistance – Rotary Club of Goulburn be received.**
- 2. Council provides in-kind support of \$896.00 (inc. GST), representing 50% of the hire fees for the venue hire of Peden Pavilion at the Recreation Area, to be funded via transfer from the Financial Assistance and Reduction or Waiver of Council Fees & Charges Policy budget.**

CARRIED

At 6:23 pm, Cr Steven Ruddell returned to the meeting.

15.9 REQUESTS FOR FINANCIAL ASSISTANCE - GOULBURN & DISTRICT ART SOCIETY INC.**RESOLUTION 2022/360**

Moved: Cr Bob Kirk

Seconded: Cr Carol James

That

- 1. The report of the Director of Corporate & Community Services on Requests for Financial Assistance – Goulburn & District Art Society be received.**
- 2. Council provides a cash donation of \$2,500 toward the Goulburn & District Art Society Annual Art Prize event funded from the Financial Assistance budget.**

CARRIED

15.10 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN 2021-2022**RESOLUTION 2022/361**

Moved: Cr Carol James

Seconded: Cr Andy Wood

That

- 1. The report from the Business Manager Governance on Disclosures by Councillors and Designated Persons Return 2021-2022 be received.**
- 2. The Register of Disclosures by Councillors and Designated Persons Return 2021-2022, as tabled, be noted.**

CARRIED

15.11 POLICY REVIEW**RESOLUTION 2022/362****Moved: Cr Andrew Banfield****Seconded: Cr Steven Ruddell****That**

- 1. The report Policy Review from the Business Manager Governance and Director Utilities be received.**
- 2. The following policies be placed on public exhibition for 28 days and if no submissions are received, they be adopted as Council policies:**
 - (i) Closed Circuit Television (CCTV) Code of Practice**
 - (ii) Complaint Handling Policy**
 - (iii) Councillor and Staff Interaction Policy**
 - (iv) Fraud Control Policy**
 - (v) Internal Reporting Policy**
 - (vi) Motor Vehicle and Private Use Policy**
 - (vii) Naming of Roads and Public Places Policy**
 - (viii) Pigeon, Indian Myna and Pest Bird Policy**
 - (ix) Publication of Notices Policy**
 - (x) Records Management Policy**
 - (xi) Sister City and Friendship Region Relationship Policy**
 - (xii) Sponsorship Policy**
 - (xiii) Sustainability Policy**
 - (xiv) Unreasonable Complainant Conduct Policy**
 - (xv) Use of Council Brand Materials Policy**
- 3. Any submissions received are to be considered and reported to Council prior to final adoption of the policy(s).**

CARRIED**15.12 GOULBURN MULWAREE AWARD WORKING PARTY MINUTES - 12 SEPTEMBER 2022****RESOLUTION 2022/363****Moved: Cr Bob Kirk****Seconded: Cr Steven Ruddell****That the report from the Chief Executive Officer in relation to the Goulburn Mulwaree Award Working Party Meeting Minutes held on the 12 September 2022 be received.****CARRIED**

15.13 EXTERNAL MEETING MINUTES**RESOLUTION 2022/364****Moved: Cr Bob Kirk****Seconded: Cr Carol James**

That the report from the Chief Executive Officer on the following External Meeting Minutes be received:

1. Southern Tablelands Zone Bush Fire Management Committee Meeting Minutes 1 September 2022

CARRIED**16 CLOSED SESSION**

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

RESOLUTION 2022/365**Moved: Cr Jason Shepherd****Seconded: Cr Steven Ruddell**

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 Shannon / Pockley Link Road Concept

This matter is considered to be confidential under Section 10A(2) - c 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

16.2 Chief Executive Officer 2022/23 Performance Agreement

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 6.30pm.

Council resolved into Open Council at 6.53pm.

RESOLUTION 2022/366**Moved: Cr Bob Kirk****Seconded: Cr Jason Shepherd**

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 SHANNON / POCKLEY LINK ROAD CONCEPT

RESOLUTION 2022/367

Moved: Cr Peter Walker

Seconded: Cr Bob Kirk

That:

1. The report from the Director of Operations on the Shannon / Pockley Link Road concept be received.
2. The Shannon / Pockley Link Road concept be endorsed in-principle by Council.
3. Council commences negotiations with the respective landowners to acquire land from 23 Shannon Drive and 84 Bonnett Drive for the purpose of dedication as a public road.
4. Council acquires approximately 4,670m² from 23 Shannon Drive and 1,820m² from 84 Bonnett Drive in accordance with provisions under the *Land Acquisition (Just Terms Compensation) Act 1991* and NSW Government Property Acquisition Standards.
5. Council engages a registered surveyor to determine the final land acquisition areas and prepare draft Plans of Subdivision to establish a road corridor for the Shannon / Pockley Link Road.
6. A further report be presented to Council on the outcome of these land negotiations and proposed terms of purchase, and prior to Contracts of Sale being entered into and Plans of Subdivision being finalised. This report would also provide information on construction costs and an implementation schedule.

CARRIED

In Favour: Crs Andrew Banfield, Carol James, Bob Kirk, Steven Ruddell, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

Brendan Hollands (Director Corporate and Community Services), Marina Hollands (Director Utilities), Scott Martin (Director Planning & Environment, Robbie Hughes (Acting Director Operations) left the meeting at 6.42pm to allow Councillors to discuss Item 16.2 Chief Executive Officer 2022/23 Performance Agreement.

16.2 CHIEF EXECUTIVE OFFICER 2022/23 PERFORMANCE AGREEMENT

RESOLUTION 2022/368

Moved: Cr Jason Shepherd

Seconded: Cr Steven Ruddell

That:

1. The report from the Chief Executive Officer – Aaron Johansson on the Chief Executive Officer 2022/23 Performance Agreement be received.
2. Council endorse the Chief Executive Officer 2022/23 Performance Agreement.

CARRIED

Council staff returned to the meeting at 6.54pm.

17 CONCLUSION OF THE MEETING

The Meeting closed at 6.56pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 October 2022.

.....
Cr Peter Walker
Mayor

.....
Aaron Johansson
Chief Executive Officer