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MINUTES

Ordinary Council Meeting

20 December 2022

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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, 20 DECEMBER 2022 AT 6PM**

PRESENT: Mayor Peter Walker, Deputy Mayor Steven Ruddell, Cr Andrew Banfield, Cr Carol James, Cr Bob Kirk, Cr Michael Prevedello, Cr Daniel Strickland, Cr Jason Shepherd, Cr Andy Wood.

IN ATTENDANCE: Aaron Johansson (Chief Executive Officer), Sarah Ruberto (Acting Director Corporate and Community Services), Scott Martin (Director Planning and Environment), Mat Jones (Acting Director Utilities), 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 opening prayer was read by Cr Jason Shepherd.

4 APOLOGIES

Nil

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

6 LATE ITEMS / URGENT BUSINESS

Nil

7 DISCLOSURE OF INTERESTS

Cr Andrew Banfield declared a pecuniary conflict of interest in Item 15.5 “VP331751 - Kinghorne Street & Albert Street Roundabout”, Item 15.6 “VP292750 - Deccan St Rehabilitation Project” and Item 15.7 “Mogo Road Intersection and Road Rehabilitation Works” as his brother-in-law is a Director of Denrith Pty Ltd. Cr Andrew Banfield is also an employee of the Denrith group of companies. Cr Andrew Banfield will leave the meeting while discussion on these items takes place.

Cr Bob Kirk declared a non-pecuniary/non-significant conflict of interest in Item 15.2 “DA/0070/2021 Child Care Facility 24 Quiberon Way, Goulburn Request for reduction in contributions” as his daughter lives in the vicinity of the proposed development. As the disclosure was not of a significant nature Cr Bob Kirk remained in the meeting while discussion took place.

Cr Jason Shepherd declared a non-pecuniary/pecuniary conflict of interest in Item 15.16 “Councils Operational Update - November 2022” as the report mentions Marulan Quarry who have engaged his employer GHD to undertake consultancy work for them. However Cr Shepherd is not involved in the project and the Marulan Quarry is not the focus of the report. As the disclosure was not of a significant nature Cr Jason Shepherd remained in the meeting while discussion took place.

8 PRESENTATIONS

Tina Milson presented to Council in relation to her Belmore Park ‘Portraits on Main’ exhibition.

9 PUBLIC FORUM

Katrina Laing addressed Council on Item 15.1 ‘REV/001/2223 - 77 Corridale Drive, Marulan’

10 CONFIRMATION OF MINUTES

10.1 MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON 28 NOVEMBER 2022

RESOLUTION 2022/438

Moved: Cr Steven Ruddell

Seconded: Cr Bob Kirk

That the Council minutes from Monday 28 November 2022 and contained in Minutes Pages No 1 to 6 inclusive and in Minute Nos 2022/418 to 2022/421 inclusive be confirmed.

CARRIED

10.2 MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON 29 NOVEMBER 2022

RESOLUTION 2022/439

Moved: Cr Jason Shepherd

Seconded: Cr Carol James

That the Council minutes from Tuesday 29 November 2022 and contained in Minutes Pages No 1 to 11 inclusive and in Minute Nos 2022/418 to 2022/420 inclusive be confirmed.

CARRIED

10.3 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 6 DECEMBER 2022

RESOLUTION 2022/440

Moved: Cr Andy Wood

Seconded: Cr Carol James

That the Council minutes from Tuesday 6 December 2022 and contained in Minutes Pages No 1 to 14 inclusive and in Minute Nos 2022/421 to 2022/441 inclusive be confirmed.

CARRIED

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 28 NOVEMBER, 29 NOVEMBER AND 6 DECEMBER 2022

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2022/441

Moved: Cr Andy Wood

Seconded: Cr Steven Ruddell

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

CARRIED

12 MAYORAL MINUTE(S)

12.1 MAYORAL MINUTE - MAYORS DISCRETIONARY FUND FINANCIAL ASSISTANCE - NSW POLICE ACADEMY STUDENT

MOTION

Moved: Cr Peter Walker

That:

1. The Mayoral Minute Mayors Discretionary Fund Financial Assistance - NSW Police Academy Student be received.
2. \$200 worth of Goulburn 2580 vouchers be donated to the NSW Police Academy for one of their students impacted by a house fire on the 8 November 2022.

The motion was put and lost.

13 NOTICE OF MOTION(S)

Nil

14 NOTICE OF RESCISSION(S)

Nil

15 REPORTS TO COUNCIL FOR DETERMINATION

15.1 REV/001/2223 - 77 CORRIDALE DRIVE, MARULAN

RESOLUTION 2022/442

Moved: Cr Andrew Banfield

Seconded: Cr Steven Ruddell

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 6:52 pm.

CARRIED

RESOLUTION 2022/443

Moved: Cr Andrew Banfield

Seconded: Cr Michael Prevedello

That Council move back into Open Council.

Council moved back into Open Council at 7:12pm.

CARRIED

RESOLUTION 2022/444

Moved: Cr Bob Kirk

Seconded: Cr Andy Wood

That:

- 1. The staff assessment report for Review Application REV/0001/2223 submitted for the consideration of the refusal of DA/0449/2122 be received.**
- 2. The decision to determine DA/0449/2122 on 04 August 2022 be deferred to an Extraordinary Meeting of Council on Tuesday 31 January 2023 subject to the provision of information from the applicant that addresses the reasons for refusal as outlined in the report.**

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, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

15.2 DA/0070/2021 CHILD CARE FACILITY 24 QUIBERON WAY, GOULBURN REQUEST FOR REDUCTION IN CONTRIBUTIONS**RESOLUTION 2022/445****Moved: Cr Andrew Banfield****Seconded: Cr Steven Ruddell****That:**

- 1. The report of the Business Manager Planning & Development and Business Manager Infrastructure be received.**
- 2. Council decline the request to reduce the contributions payable applicable to DA/0070/2021.**

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, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

15.3 129 MARYS MOUNT ROAD PLANNING AGREEMENT**RESOLUTION 2022/446****Moved: Cr Carol James****Seconded: Cr Michael Prevedello****That:**

- 1. The report for the draft Planning Agreement associated with DA/0311/1617 for a 205 Lot Residential subdivision at 129 Marys Mount Road, Goulburn be received.**
- 2. The draft Planning Agreement associated with DA/0311/1617 for a 205 Lot Residential subdivision be placed on public exhibition for a minimum period of 28 days, in accordance with section 7.5(1) of the *Environmental Planning and Assessment Act 1979*.**
- 3. Subject to no submissions being received the Chief Executive Officer be given delegation to execute the Planning Agreement.**
- 4. Upon receipt of any submissions following the exhibition period the matter be reported back to Council to consider.**

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, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

15.4 GOULBURN CENTRAL BUSINESS DISTRICT PARKING SURVEYS - PUBLICATION**RESOLUTION 2022/447****Moved: Cr Michael Prevedello****Seconded: Cr Carol James****That:**

- 1. The report from the Senior Strategic Planner on the Goulburn Central Business District Parking Survey December 2020 and Goulburn Central Business District Parking Survey- Interim Update June 2022 be received.**
- 2. Council endorse the Goulburn Central Business District Parking Survey December 2020 and Goulburn Central Business District Parking Survey- Interim Update June 2022 for publication on the Council's website.**

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, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

15.5 VP331751 - KINGHORNE STREET & ALBERT STREET ROUNDABOUT

Cr Andrew Banfield declared an interest in item no 15.5, 15.6 & 15.7 and took no part in the discussion or voting on these matters. At 7:27 pm, Cr Andrew Banfield left the meeting.

RESOLUTION 2022/448

Moved: Cr Jason Shepherd

Seconded: Cr Andy Wood

That

- 1. The report from Acting Director Operations on VP331751 for the Construction of Kinghorne Street & Albert Street Roundabout be received.**
- 2. Council decline to accept the tenders from both respondents, Denrith Pty Ltd and Form and Pour Constructions for the construction of Kinghorne Street & Albert Street Roundabout.**
- 3. Council to review the scope of the Kinghorne Street & Albert Street Roundabout Project with the funding partners, with the objective of reducing the capital costs.**
- 4. Council resolve not to invite new fresh tenders or applications as referred to in Clause 178 (3) (e) (Local Government Regulation) due to:**
 - Limited interest from the market during the initial tender phase.**
 - Time and cost implications to Council required to undertake another tender process.**
- 5. Council resolve to enter into negotiations with Form and Pour Constructions on an amended scope with a view to recommending a preferred option: Due to:**
 - Form and Pour ranked highest in the overall value for money evaluation**
- 6. If negotiations are unsuccessful with Form and Pour Constructions then Council invite fresh tenders.**
- 7. The outcome of the negotiations with Form and Pour Constructions be presented back to Council at later Council meeting for Council's consideration**

CARRIED

15.6 VP292750 - DECCAN ST REHABILITATION PROJECT**RESOLUTION 2022/449**

Moved: Cr Bob Kirk

Seconded: Cr Andy Wood

That:

- 1. The report from the Acting Director Operations be received on the Request for Quotation VP292750 Deccan St Rehabilitation be received.**
- 2. Council decline to accept the tender from Denrith Pty Ltd for the Deccan St Rehabilitation Project.**
- 3. Council to review the scope of the Deccan St Rehabilitation Project with the funding partners, with the objective of reducing the capital costs.**
- 4. Council resolve to invite, in accordance with clause 167,168 or 169, fresh tenders based on the same or different details.**

CARRIED

15.7 MOGO ROAD INTERSECTION AND ROAD REHABILITATION WORKS**RESOLUTION 2022/450****Moved: Cr Andy Wood****Seconded: Cr Michael Prevedello****That:**

- 1. The report from Acting Director Operations on VP278793 Mogo Road Intersection and Road Rehabilitation Works RFQ Evaluation be received.**
- 2. Council accepts the quotation of Coopers Earthmoving & Haulage Pty Ltd as a preferred respondent for the quoted price of \$332,229.27 (Excl. GST) for the reconstruction of the intersection of Oallen Ford Road and Mogo Road.**
- 3. The Chief Executive Officer is authorised to approve variations of up to the available budget of \$23,770.73 (Excl. GST).**

CARRIED

At 7:33 pm, Cr Andrew Banfield returned to the meeting.

Council took a recess for at 7.34pm

Open Council resumed at 8.01pm.

15.8 DRAFT PLAN OF MANAGEMENT - VICTORIA PARK**RESOLUTION 2022/451****Moved: Cr Andrew Banfield****Seconded: Cr Steven Ruddell****That:**

- 1. The report from the Business Manager Property & Community Services on the Draft Plan of Management - Victoria Park be received.**
- 2. Letters be sent to the submitters thanking them for their submissions to the draft Plan of Management – Victoria Park.**
- 3. The draft Plan of Management – Victoria Park be adopted under Section 39 of the *Local Government Act 1993*, Section 3.23 of the *Crown Land Management Act 2016* and clause 70B of the *Crown Land Management Regulation 2018*, and a copy forwarded to the Department of Planning, Industry and Environment – Crown Lands via council.clm@crowland.nsw.gov.au. and made available on Council's website.**
- 4. Council ensures any activities planned to be undertaken on the Victoria Park Crown Reserve must be expressly authorised in the adopted Plan of Management and Native Title obligations are met prior to implementation.**

CARRIED

15.9 2021/22 AUDITED FINANCIAL STATEMENTS

RESOLUTION 2022/452

Moved: Cr Michael Prevedello

Seconded: Cr Bob Kirk

That

- 1. The report from the Director Corporate & Community Services on the 2021/22 Audited Financial Reports be received.**
- 2. The Audited Financial Statements for the year ending 30 June 2022 be received and the Financial Position of Council be noted.**

CARRIED

15.10 2021/22 STATUTORY ANNUAL REPORT

RESOLUTION 2022/453

Moved: Cr Michael Prevedello

Seconded: Cr Jason Shepherd

That

- 1. The report by the Director Corporate & Community Services on the 2021/22 Statutory Annual Report be received.**
- 2. Council endorse the 2021/22 Statutory Annual Report as required by the Local Government Act 1993.**

CARRIED

15.11 2022 HOLCIM MAYORAL CHARITY GOLF DAY

RESOLUTION 2022/454

Moved: Cr Bob Kirk

Seconded: Cr Steven Ruddell

That

- 1. The report by the Director Corporate & Community Services on the 2022 Holcim Mayoral Charity Golf Day be received and noted.**
- 2. The 2023 Holcim Mayoral Charity Golf Day be held on Friday 24th November 2023.**

CARRIED

15.12 REQUEST FOR FINANCIAL ASSISTANCE - BEN AND JAKE STAINES**RESOLUTION 2022/455****Moved: Cr Andrew Banfield****Seconded:Cr Peter Walker****That**

- 1. The report of the Director of Corporate & Community Services on Request for Financial Assistance – Ben and Jake Staines be received.**
- 2. Council provide support to both Ben Staines and Jake Staines in the form of a cash donation of \$2,500 (each) towards their travel costs to represent Australia in the Open Men's Indoor Hockey Team competing in South Africa in January 2023. The amounts to be funded from the Financial Assistance budget.**

CARRIED**15.13 MONTHLY FINANCIAL REPORT****RESOLUTION 2022/456****Moved: Cr Andy Wood****Seconded:Cr Steven Ruddell****That the report by the Director Corporate & Community Services on the Monthly Financial Report be received.****CARRIED****15.14 STATEMENT OF INVESTMENTS & BANK BALANCES****RESOLUTION 2022/457****Moved: Cr Bob Kirk****Seconded:Cr Steven Ruddell****That the report by the Director Corporate & Community Services on the Statement of Investments and Bank Balances be received.****CARRIED****15.15 ORGANISATIONAL DEVELOPMENT PLAN****RESOLUTION 2022/458****Moved: Cr Jason Shepherd****Seconded:Cr Michael Prevedello****That Council endorse the Organisational Development Plan.****CARRIED**

15.16 COUNCILS OPERATIONAL UPDATE - NOVEMBER 2022**RESOLUTION 2022/459****Moved: Cr Andy Wood****Seconded: Cr Carol James**

That the report from the Chief Executive Officer on the Council's Operational Update for November 2022 be received and noted.

CARRIED**15.17 MINUTES OF THE SPORTS COUNCIL MEETING HELD ON 7 NOVEMBER 2022****RESOLUTION 2022/460****Moved: Cr Bob Kirk****Seconded: Cr Steven Ruddell**

That the report from Acting Director Operations in regard to the Sports Council minutes from Monday 7 November 2022 be received.

CARRIED**15.18 EXTERNAL MEETING MINUTES****RESOLUTION 2022/461****Moved: Cr Steven Ruddell****Seconded: Cr Andy Wood**

That the report from the Chief Executive Officer on the following external Committee meeting minutes be received:

- 1. Woodlawn Community Liaison Committee Meeting held 29 September 2022**
- 2. Ardmore Park Community Consultative Committee Meeting Minutes 11 November 2022**
- 3. Goulburn Community Centre Working Party held 28 November 2022**
- 4. Goulburn Liquor Accord Meeting held 23 November 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 2022/462

Moved: Cr Bob Kirk

Seconded: Cr Jason Shepherd

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 Collaboration Agreement - Goulburn Mulwaree Council and NSW Land and Housing Corporation

This matter is considered to be confidential under Section 10A(2) - di 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

CARRIED

Council resolved into Closed Session at 8.18pm.

Council resolved into Open Council at 8.33pm.

RESOLUTION 2022/463

Moved: Cr Andrew Banfield

Seconded: Cr Daniel Strickland

- 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 COLLABORATION AGREEMENT - GOULBURN MULWAREE COUNCIL AND NSW LAND AND HOUSING CORPORATION**RESOLUTION 2022/464**

Moved: Cr Andrew Banfield

Seconded: Cr Daniel Strickland

That:

- 1. The report of the Director Planning and Environment be received.**
- 2. Council enter into a Collaboration Agreement with NSW Land and Housing Corporation, with the Chief Executive Officer given delegation to sign the instrument of agreement on behalf of Council.**
- 3. The Chief Executive Officer be authorised to endorse any minor changes to the instrument of agreement.**

CARRIED

17 CONCLUSION OF THE MEETING

The Meeting closed at 8.33am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 7 February 2023.

.....
Cr Peter Walker
Mayor

.....
Aaron Johansson
Chief Executive Officer