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# **MINUTES**

## **Ordinary Council Meeting**

**16 May 2023**



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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, 16 MAY 2023 AT 6PM**

**PRESENT:** Cr Peter Walker - Mayor, Cr Steven Ruddell - Deputy Mayor, Cr Bob Kirk, Cr Michael Prevedello, Cr Carol James, Cr Daniel Strickland & Cr Andy Wood

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

**VIRTUAL ATTENDANCE:**

Cr Jason Shepherd

**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 Cr Carol James.

**4 APOLOGIES**

**RESOLUTION 2023/102**

**Moved:** Cr Bob Kirk

**Seconded:** Cr Michael Prevedello

**That the apology received from Cr Andrew Banfield be accepted.**

**CARRIED**

**5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

**RESOLUTION 2023/103**

**Moved:** Cr Carol James

**Seconded:** Cr Andy Wood

**That the application for leave of absence from Cr Andrew Banfield be accepted due to scheduled annual leave.**

**CARRIED**

**6 ATTENDANCE BY AUDIO VISUAL LINK****RESOLUTION 2023/104**

**Moved: Cr Steven Ruddell**  
**Seconded: Cr Michael Prevedello**

**That Cr Jason Shepherd attend the Council meeting virtually due to a family members ill health.**

**CARRIED**

**CONDOLENCE MOTION**

The Mayor passed on his condolences on behalf of Council to Cr Daniel Strickland on the passing of his grandfather.

**7 LATE ITEMS / URGENT BUSINESS**

Nil

**8 DISCLOSURE OF INTERESTS**

Cr Jason Shepherd declared a non-pecuniary/non-significant conflict of interest in Item 16.9 "Councils Operational Update - April 2023" 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.

**9 PRESENTATIONS**

Nil

**10 PUBLIC FORUM**

Barry McEntee addressed Council on Item 16.2 Cathcart Reserve Access Options Following the South Goulburn Threatened Species Management Plan Review.

**11 CONFIRMATION OF MINUTES****11.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 2 MAY 2023****RESOLUTION 2023/105**

**Moved: Cr Carol James**  
**Seconded: Cr Michael Prevedello**

**That the Council minutes from Tuesday 2 May 2023 and contained in Minutes Pages No 1 to 9 inclusive and in Minute Nos 2023/94 to 2023/101 inclusive be confirmed.**

**CARRIED**

**12 MATTERS ARISING****12.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 2 MAY 2023**

Nil

**12.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS****RESOLUTION 2023/106**

Moved: Cr Steven Ruddell

Seconded: Cr Andy Wood

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

**CARRIED**

**13 MAYORAL MINUTE(S)****13.1 MAYORAL MINUTE - DAMAGING INCREASE IN EMERGENCY SERVICES LEVY COSTS****RESOLUTION 2023/107**

Moved: Cr Peter Walker

That:

**1. Council writes to the following NSW Government Members of Parliament:**

- NSW Premier – The Hon Christopher Minns MP
  - NSW Treasurer - The Hon. Daniel Mookhey, MLC,
  - NSW Minister for Emergency Services – The Hon Jihad Dib MP
  - Minister for Local Government – The Hon Ron Hoenig MP
  - Member for Goulburn – Mrs Wendy Tuckerman MP
  - Opposition Leader – Mr Mark Speakman SC MP
- a. Expressing Council's strong opposition to the NSW Government's last minute decision to impose an enormous Emergency Services Levy (ESL) cost increase on councils for 2023/24 by scrapping the ESL subsidy for councils and at a time after Council has publicly advertised its Operational Plan and annual budget to the community;
  - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.7% rate increase to provide essential community services and infrastructure has been significantly eroded.
  - c. Advising that the Government's decision will lead to a reduction in important local services and potentially the cancellation of necessary infrastructure projects;

- d. **Calling on the NSW Government to take immediate action to:**
  - i. restore the ESL subsidy in 2023/24
  - ii. urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost
  - iii. develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
  
- 2. **Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council’s forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.**
  
- 3. **Council writes to the President of LGNSW seeking the Association’s ongoing advocacy to bring about a relief in the burden of Councils’ emergency services contribution.**

**CARRIED**

**14 NOTICE OF MOTION(S)**

Nil

**15 NOTICE OF RESCISSION(S)**

Nil

**16 REPORTS TO COUNCIL FOR DETERMINATION****16.1 REVIEW OF THE SOUTH GOULBURN THREATENED SPECIES MANAGEMENT PLAN****RESOLUTION 2023/108****Moved: Cr Bob Kirk****Seconded: Cr Michael Prevedello****That:**

- 1) The report on the review of the South Goulburn Threatened Species Management Plan by Council's Environment and Biodiversity Officer be received.
- 2) Council adopt the "South Goulburn Threatened Species Management Plan Review" April 2023, including the list of recommendations being to:
  - a) Implement measures to identify and protect remnant Box Gum Grassy Woodland in the South Goulburn area, as far as is reasonably practicable.
  - b) Develop and implement a management plan for remnant Box Gum Grassy Woodland on Council owned land.
  - c) Implement a program to raise community awareness of the conservation value and significance of remnant Box Gum Grassy Woodland in the South Goulburn area, and within the local government area (LGA).
  - d) Encourage the use of locally occurring native plant species representative of the Box Gum Grassy Woodland ecological community in landscaping projects in the local area.
  - e) Ensure that all decision makers involved in development of the area are advised of the presence of the Critically Endangered Ecological Community and the threatened species it sustains, and the legislative requirements to protect these.
  - f) Continue to liaise with and seek advice from NSW Department of Planning and Environment, Biodiversity and Conservation, about the protection and management of remnant Box Gum Grassy Woodland.
  - g) Continue to monitor extent and condition of remnant Box Gum Grassy Woodland in the South Goulburn area.
  - h) Ensure that this report is reviewed and updated regularly, and with no more than 5- year intervals between reviews.

**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 Carol James, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood**

**Against: Nil**



**16.2 CATHCART RESERVE ACCESS OPTIONS FOLLOWING THE SOUTH GOULBURN THREATENED SPECIES MANAGEMENT PLAN REVIEW****RESOLUTION 2023/109****Moved: Cr Peter Walker****Seconded: Cr Andy Wood****That:**

1. The report on the access options for the Cathcart Street reserve by Council's Environment and Biodiversity Officer be received.
2. Council endorse:
  - a) The closure of the reserve to vehicle traffic;
  - b) Formalisation of the pedestrian walking track, preferably by taking advantage of a Planning Agreement with the developer of nearby development;
  - c) Develop and implement a vegetation management plan for the site;
  - d) Make provision for temporary access by adjoining residents by way of a central key to be managed by Council. Each residential property will:
    - i. Be allowed access a maximum of 12 times per year (being an average of once per month).
    - ii. Only be loaned a key upon the resident signing a waiver that discharges Council from any liability resulting from personal injury, damage to property or damage to protected vegetation, and accepts any liability or penalty arising from injury, property damage or ecological damage.
    - iii. Be required to return the key on the next business day upon which it was loaned.
    - iv. Not be permitted to make a copy of the key or retain a key on a permanent basis.

**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 Carol James, Michael Prevedello, Steven Ruddell, Jason Shepherd, Peter Walker and Andy Wood

**Against:** Crs Bob Kirk and Daniel Strickland

**FORESHADOWED MOTION****Moved: Cr Bob Kirk**

That the item be deferred to seek further information on what impact the proposed intermittent access would have on Council in terms of legal liability, potential financial penalties, risk associated with any action and how it would comply with the South Goulburn Threatened Species Management Plan (2023).

The foreshadowed motion lapsed.

**16.3 TENDER 2223T0015 - COMMON STREET SEWER MAINS WORKS**

**RESOLUTION 2023/110**

**Moved: Cr Michael Prevedello**

**Seconded:Cr Steven Ruddell**

**That**

- 1. The report from the Director Utilities on Tender 2223T0015 Common Street Sewer Main Works be received.**
- 2. The Tender from Keane Civil and Construction is accepted for the Common Street Sewer Main Works Contract in accordance with the specification and documents for Tender 2223T0015 for the lump sum price of \$432,414.50.**
- 3. The Chief Executive Officer be given a delegated authority for variations up to 10% of the contract lump sum, this being \$43,242.**

**CARRIED**

**16.4 QUARTERLY BUDGET REVIEW**

**RESOLUTION 2023/111**

**Moved: Cr Steven Ruddell**

**Seconded:Cr Michael Prevedello**

**That:**

- 1. The report of the Director Corporate & Community Services on the March 2023 Quarterly Budget Review be noted.**
- 2. The budget variations contained within the March 2023 Quarterly Review be approved with the exception of item Q3.38 (Urban Asphalt Program).**

**CARRIED**

**16.5 MONTHLY FINANCIAL REPORT**

**RESOLUTION 2023/112**

**Moved: Cr Bob Kirk**

**Seconded:Cr Daniel Strickland**

**That the report by the Director Corporate & Community Services on the Monthly Financial Report be received.**

**CARRIED**

**16.6 STATEMENT OF INVESTMENTS & BANK BALANCES**

**RESOLUTION 2023/113**

**Moved: Cr Steven Ruddell**

**Seconded:Cr Bob Kirk**

**That the report on the Statement of Investments and Bank Balances be noted.**

**CARRIED**

**16.7 SUSTAINABILITY ADVISORY COMMITTEE MEETING MINUTES - 4 MAY 2023****RESOLUTION 2023/114****Moved: Cr Jason Shepherd****Seconded: Cr Steven Ruddell****That**

- 1. The Sustainability Advisory Committee meeting minutes held on the 4 May 2023 be received.**
- 2. That Council adopts the 5 cities power pledge items recommended by the Sustainability Advisory Committee. These include:**
  - (i) Install renewable energy (solar PV and battery storage) on council buildings;**
  - (ii) Set minimum renewable energy benchmarks for new developments;**
  - (iii) Adopt best practice energy efficiency measures across all council buildings, and support community facilities to adopt these measures;**
  - (iv) Provide incentives and/or remove barriers to encourage local businesses to take up solar power and battery storage;**
  - (v) Develop education and behaviour-change programs to support local residents and businesses to tackle climate change through clean energy efficiency and sustainable transport.**
- 3. That Council review the Driving the Nations funding program and consider applying for funding to install solar power charging stations.**

**CARRIED**

**16.8 EXTERNAL MEETING MINUTES****RESOLUTION 2023/115****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. Goulburn Liquor Accord Meeting Minutes 22 February 2023.**
- 2. Gunlake Quarry Community Consultative Committee Meeting 24 March 2023.**
- 3. Goulburn Mulwaree Youth Council Meeting Minutes 31 March 2023.**
- 4. ClubGRANTS Committee Meeting Minutes 2 May 2023.**

**CARRIED****16.9 COUNCILS OPERATIONAL UPDATE - APRIL 2023****RESOLUTION 2023/116****Moved: Cr Steven Ruddell****Seconded: Cr Daniel Strickland**

**That the report from the Chief Executive Officer on the Council's Operational Update for April 2023 be received and noted.**

**CARRIED****17 CLOSED SESSION**

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

**RESOLUTION 2023/117****Moved: Cr Andy Wood****Seconded: Cr Michael Prevedello**

**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:**

**17.1 Reuse Goulburn Concreting Works and Steel Supplier and Installation Works**

**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 7.25pm.

Council resolved into Open Council at 7.32pm.

#### **RESOLUTION 2023/118**

**Moved: Cr Bob Kirk**

**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**

#### **17.1 REUSE GOULBURN CONCRETING WORKS AND STEEL SUPPLIER AND INSTALLATION WORKS**

#### **RESOLUTION 2023/119**

**Moved: Cr Michael Prevedello**

**Seconded: Cr Andy Wood**

**That**

1. The report from the Director Utilities be received on the Reuse Goulburn Concreting Works and the Steel Supply and Installation Works.
2. Council approve Steel Corp Engineering, for the supply and installation of steel works as part of the Reuse Goulburn Project at the Goulburn Waste Management Centre for the estimated sum of \$463,000 ex GST, under the provisions of Section 55 (3)(i) of the *Local Government Act 1993* for extenuating circumstances due to Lloyd Group entering into Voluntary Administration, as tendering this work will not realise any savings in price for this work and will extend the time for completions and overhead costs for the project.
3. Council approve MAS Structures Pty Limited, for the supply and installation of concreting works as part of the Reuse Goulburn Project at the Goulburn Waste Management Centre for the sum of \$269,204.25 ex GST, under the provisions of Section 55 (3)(i) of the *Local Government Act 1993* for extenuating circumstances due to Lloyd Group entering Voluntary Administration, as the tendering of this partially completed work will not realise any savings in price for this work and will extend the time for completions and overhead costs for the project.
4. The Chief Executive Officer be given a delegated authority for variations up to 10% of the lump sum prices.

**CARRIED**

**18 CONCLUSION OF THE MEETING**

**The Meeting closed at 7.35pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 6 June 2023.**

.....  
**Cr Peter Walker**  
**Mayor**

.....  
**Aaron Johansson**  
**Chief Executive Officer**