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MINUTES

Ordinary Council Meeting

19 December 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, 19 DECEMBER 2023 AT 6PM**

PRESENT: Mayor Peter Walker, Deputy Mayor Cr Steven Ruddell, Cr Andrew Banfield, Cr Carol James OAM, Cr Daniel Strickland, Cr Jason Shepherd & Cr Andy Wood

IN ATTENDANCE: Brendan Hollands (Director Corporate and Community Services), Scott Martin (Director Planning and Environment), Marina Hollands (Director Utilities), George Angelis (Director Operations), Shae Aliffi (Executive Support 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

RESOLUTION 2023/281

**Moved: Cr Andy Wood
Seconded: Cr Carol James OAM**

That the apologies from Cr Bob Kirk & Cr Michael Prevedello be accepted.

CARRIED

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

RESOLUTION 2023/282

**Moved: Cr Carol James OAM
Seconded: Cr Andy Wood**

That the application for leave of absence from Cr Michael Prevedello be accepted due to family commitments.

CARRIED

6 ATTENDANCE BY AUDIO VISUAL LINK

Nil

7 LATE ITEMS / URGENT BUSINESS

Nil

8 DISCLOSURE OF INTERESTS

Cr Andrew Banfield made a statement in relation to the Business Paper. He has assessed the Business Paper and does not perceive any declaration of interest is required to be declared in relation to his employment with Denrith Group of Companies.

Cr Jason Shepherd declared a non-pecuniary/non-significant conflict of interest in Item "16.23" Councils Operation Update November 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 Jason Shepherd remained in the meeting while discussion took place.

9 PRESENTATIONS

Nil

10 PUBLIC FORUM

Heather Pratt, addressed Council on item 16.1 Public Hearing - Proposed Council Land Reclassification of Lot 164 DP 250803, cnr Gibson Street and Howard Boulevard, Goulburn.

Peter Brackenreg, Executive Director Southern, Land and Housing Corporation addressed Council on Item 16.1 Public Hearing - Proposed Council Land Reclassification of Lot 164 DP 250803, cnr Gibson Street and Howard Boulevard, Goulburn.

11 CONFIRMATION OF MINUTES**11.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 21 NOVEMBER 2023****RESOLUTION 2023/283**

Moved: Cr Steven Ruddell
Seconded: Cr Jason Shepherd

That the Council minutes from Tuesday 21 November 2023 and contained in Minutes Pages No 1 to 10 inclusive and in Minute Nos 2023/260 to 2023/272 inclusive be confirmed.

CARRIED**11.2 MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON 28 NOVEMBER 2023****RESOLUTION 2023/284**

Moved: Cr Andy Wood
Seconded: Cr Steven Ruddell

That the Council minutes from Tuesday 28 November 2023 and contained in Minutes Pages No 1 to 5 inclusive and in Minute Nos 2023/273 to 2023/275 inclusive be confirmed.

CARRIED

12 MATTERS ARISING

Nil

13 MAYORAL MINUTE(S)

Nil

14 NOTICE OF MOTION(S)

Nil

15 NOTICE OF RESCISSION(S)

Nil

16 REPORTS TO COUNCIL FOR DETERMINATION**16.1 PUBLIC HEARING - PROPOSED COUNCIL LAND RECLASSIFICATION OF LOT 164 DP 250803, CNR GIBSON STREET AND HOWARD BOULEVARD, GOULBURN****RESOLUTION 2023/285**

Moved: Cr Daniel Strickland

Seconded: Cr Carol James OAM

That:

1. The report of the Business Manager Property & Community Services on the Public Hearing – Proposed Council Land Reclassification of Lot 164 DP 250803, corner Gibson Street and Howard Boulevard be received.
2. 36 Howard Boulevard, Goulburn (Lot 164 DP 250803) be re-classified from 'Community' to 'Operational' land under the *Local Government Act 1993*.
3. A public notice be advertised informing of Council's decision to reclassify the land referred to in point 2 above as 'Operational' land.
4. All submitters to the Public Hearing on 14 September 2023 be advised of Council's decision and thanked for their interest in this matter.
5. Arrangements commence for 36 Howard Boulevard, Goulburn (Lot 164 DP 250803) to be re-zoned from RE1 – Public Recreation to R1 – General Residential.
6. Council accepts the NSW Land and Housing Corporation offer made in its letter dated 3 November, 2023 of \$170,000 for recreation improvements to be undertaken in the vicinity of 29 Gibson Street, Goulburn (Lot 257 DP 749419), subject to 36 Howard Boulevard (Lot 164 DP 250803) being rezoned and swapped for 29 Gibson Street, Goulburn (Lot 257 DP 749419). Any improvements would only be undertaken following consultation with local residents.
7. NSW Land and Housing Corporation also cover Council's professional legal fees and disbursements (capped at \$3,500 inclusive of GST) for the transfer of 36 Howard Boulevard (Lot 164 DP 250803).

CARRIEDIn Favour: Crs Carol James OAM, Daniel Strickland, Jason Shepherd and Peter WalkerAgainst: Crs Andrew Banfield, Steven Ruddell and Andy Wood

16.2 GOULBURN CBD HEALTH CHECK 2023**RESOLUTION 2023/286****Moved: Cr Carol James OAM****Seconded: Cr Steven Ruddell****That:**

- 1. The Goulburn CBD Health Check 2023 report from the Senior Strategic Planner be received.**
- 2. The Goulburn CBD Health Check 2023 be adopted.**
- 3. Council endorses the development of the CBD Health Check 2025.**

CARRIED**16.3 PLANNING PROPOSAL- 129 MARYS MOUNT ROAD AND 110-118 MIDDLE ARM ROAD, GOULBURN****RESOLUTION 2023/287****Moved: Cr Andrew Banfield****Seconded: Cr Steven Ruddell****That:**

- 1. The staff assessment report on the planning proposal to rezone parts of 129 Marys Mount Road (Lots 1/2 DP 1290900) and parts 110-118 Middle Arm Road (Lots 2/3 DP 1290193), Goulburn be received.**
- 2. Council prepares a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 by rezoning land located at 129 Marys Mount Road and 110-118 Middle Arm Road as follows:**
 - a) Land zoned R2 Low Density Residential or RU6 Transition which contains significant biodiversity to be avoided to C2 Conservation with no minimum lot size.**
 - b) Land zoned RU6 Transition which does not contain significant biodiversity to be avoided to R2 Low Density Residential with a minimum lot size of 700m2.**
- 3. The planning proposal, once prepared, be submitted to the NSW Department of Planning and Environment for a gateway determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act, 1979*.**
- 4. The NSW Department of Planning and Environment be advised that Council wishes to be identified in the gateway determination as the delegated plan making authority for this planning proposal.**
- 5. If the Department of Planning and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.**

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

Against: Nil

16.4 PLANNING PROPOSAL - 44 MIDDLE ARM ROAD, GOULBURN**RESOLUTION 2023/288****Moved: Cr Andrew Banfield****Seconded: Cr Jason Shepherd****That:**

1. The staff assessment report on the planning proposal to rezone 44 Middle Arm Road, Goulburn be received.
2. Council prepares a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 by rezoning land located at 44 Middle Arm Road (lot 2 DP 569505) from RU6 Transition to R2 Low Density Residential (and 700m² minimum lot size) and RE1 Public Recreation (where overland flow areas are identified), with no minimum lot size. The planning proposal will also include an amendment to the land use table for the RE1 Public Recreation Zone by adding “drainage” as a permissible use subject to consent within Part 3.
3. The planning proposal, once prepared, be submitted to the NSW Department of Planning and Environment for a gateway determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act, 1979*.
4. The NSW Department of Planning and Environment be advised that Council wishes to be identified in the gateway determination as the delegated plan making authority for this planning proposal.
5. If the Department of planning and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.
6. Council prepares and exhibits an amendment to the Goulburn Mulwaree Development Control Plan 2009 to incorporate this 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 Andrew Banfield, Carol James OAM, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

16.5 2022/23 STATUTORY ANNUAL REPORT**RESOLUTION 2023/289****Moved: Cr Andy Wood****Seconded: Cr Daniel Strickland****That:**

- 1. The report by the Director Corporate & Community Services on the 2022/23 Statutory Annual Report be received.**
- 2. Council endorse the 2022/23 Statutory Annual Report as required by the Local Government Act 1993.**
- 3. Upon receipt of the independent Auditors report, the Audited Financial Statements be included alongside the Annual Report on Council's website.**

CARRIED**16.6 HERITAGE STRATEGY****RESOLUTION 2023/290****Moved: Cr Steven Ruddell****Seconded: Cr Carol James OAM****That:**

- 1. The report from the Landscape & Heritage Planner on the Heritage Strategy be received.**
- 2. The amended Heritage Strategy 2023-2025 be adopted and published on Council's website.**

CARRIED**16.7 AMENDMENT TO DEVELOPEMENT APPLICATION ADVERTISING FEES****RESOLUTION 2023/291****Moved: Cr Andrew Banfield****Seconded: Cr Carol James OAM****That**

- 1. The report from the Director Planning & Environment on the amendment of development application advertising fees be received.**
- 2. Council amends its fees and charges for the advertising of a development application where a notice in the newspaper is required from \$325.00 to \$800.00.**
- 3. The amended fee structure be placed on public exhibition for a period of 28 days, and should no submissions be made in relation to the amended structure, the amended fee be incorporated into Council's Fees and Charges.**

CARRIED

16.8 ASSET MANAGEMENT STRATEGY AND ASSET MANAGEMENT PLANS**RESOLUTION 2023/292****Moved: Cr Andy Wood****Seconded: Cr Carol James OAM****That:**

- 1. The report on the Asset Management Strategy and Plans be noted.**
- 2. Council adopt the Asset Management Strategy and associated plans as detailed in this report.**
- 3. The Asset Strategy and Plans be submitted as part of the Special Rate Variation application.**

CARRIED**16.9 TENDER 2324T0001 DESIGN AND CONSTRUCTION CARR CONFOY PAVILION****RESOLUTION 2023/293****Moved: Cr Andrew Banfield****Seconded: Cr Steven Ruddell****That:**

- 1. The report from the Business Manager Community Facilities on Tender 2324T0001 Design and Construction of Carr Confoy Pavilion be received.**
- 2. Council decline to accept tenders from the respondents for Tender 2324T0001 Design and Construction of Carr Confoy Pavilion, under Clause 178.3 (a) of the Local Government (General) Regulation 2021.**
- 3. Council note the reasons for declining to invite tenders or fresh applications are: that doing so would not attract additional suitable service providers over and above those that have submitted a tender;**
- 4. Council cancel the proposal for the contract for Tender 2324T0001 Design and Construction of Carr Confoy Pavilion, under Clause 178.3 (a) of the Local Government (General) Regulation 21, due to current market conditions.**
- 5. Council, under Clause 178.3 (e) of the Local Government (General) Regulation 2021 enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender;**
- 6. The Chief Executive Officer be given delegated authority to award the contract after negotiations have been finalised.**

CARRIED

16.10 VP360213 RFQ PLANT 881/882 & 1023/1024 TRUCK AND DOG COMBINATIONS**RESOLUTION 2023/294****Moved: Cr Jason Shepherd****Seconded: Cr Daniel Strickland****That**

- 1. The report of the Operations Centre Manager is received.**
- 2. Council decline to accept any of the offers for the current Request for Quote for two truck and dog trailer combinations under VP360213 under Clause 178.3 (a) of the Local Government (General) Regulation 2021.**
- 3. Council will undertake a new tender process with a modified specification through a revised Request for Quote process for truck and trailer configuration, to best optimise operational efficiencies over the useful life of assets purchased.**
- 4. A further report be provided to Council once the revised Request for Quote process is finalised.**

CARRIED**16.11 VP358621 RFQ PLANT 0085 SPRAY SEAL TRUCK****RESOLUTION 2023/295****Moved: Cr Daniel Strickland****Seconded: Cr Steven Ruddell****That**

- 1. The report of the Operations Centre Manager for the replacement of Plant 0085 Spray Seal Truck be received.**
- 2. Council approves the purchase from Ausroad Manufacturing Pty Ltd for a Hino FE 1426 Truck with an Ausroad Road Maintenance Body at a cost of \$376,175.00 (excl. GST).**
- 3. Unexpended funds be carried forward to 2024-2025 financial year budget and additional funds are allocated from the Plant Replacement Reserve to fund the budget shortfall.**
- 4. Funds be allocated from Plant Reserve within the 2024/25 Budget to fund additional \$126,175.00 excl. GST from original 2023/24 Heavy Fleet Replacement Program Budget.**

CARRIED

16.12 COUNCIL'S VISION AND MISSION STATEMENT**RESOLUTION 2023/296****Moved: Cr Steven Ruddell****Seconded: Cr Carol James OAM****That:**

- 1. The report from the Chief Executive Officer on Council's Vision and Mission Statement be noted.**
- 2. Council endorse the following new Vision and Mission Statements:**
 - Vision Statement – 'A resilient, vibrant and connected community'**
 - Mission Statement – 'Provide infrastructure and services that meet the changing needs of our community'.**

CARRIED**16.13 POLICY REVIEW - INTERNAL REPORTING POLICY****RESOLUTION 2023/297****Moved: Cr Andy Wood****Seconded: Cr Steven Ruddell****That**

- 1. The report Policy Review Internal Reporting Policy by the Business Manager Governance be received.**
- 2. Council places the Public Interest Disclosure Policy on public exhibition until 29 January 2024 and if no submissions are received, be adopted.**

CARRIED**16.14 COMMUNITY SAFETY WORKING PARTY TERMS OF REFERENCE****RESOLUTION 2023/298****Moved: Cr Steven Ruddell****Seconded: Cr Daniel Strickland****That**

- 1. The report from the Chief Executive Officer on the Community Safety Working Party Terms of Reference be received.**
- 2. Council endorse the Community Safety Working Party Terms of Reference.**

CARRIED

16.15 ACTING CHIEF EXECUTIVE OFFICER**RESOLUTION 2023/299****Moved: Cr Jason Shepherd****Seconded: Cr Daniel Strickland****That**

- 1. The report of the Chief Executive Officer to appoint an Acting Chief Executive Officer be received.**
- 2. In accordance with Section 377 and 378 of the *Local Government Act 1993*, Council appoints the current Director Planning and Environment Scott Martin to Acting Chief Executive Officer for the period of leave from the 18 March 2024 to 5 April 2024 (incl.) and delegates to that officer the powers authorities, duties and functions of the Chief Executive Officer.**

CARRIED**16.16 LONG TERM FINANCIAL PLAN****RESOLUTION 2023/300****Moved: Cr Steven Ruddell****Seconded: Cr Carol James OAM****That**

- 1. The report of the Director Corporate & Community Services on the Long Term Financial Report be received.**
- 2. The updated draft Long Term Financial Plan be adopted as presented with the changes noted in this report.**
- 3. The Long Term Financial Plan be further reviewed as part of the 2024/25 budget preparations and following the outcome of Council's application to the Independent Pricing and Regulatory Pricing Tribunal.**

CARRIED**16.17 MONTHLY FINANCIAL REPORT****RESOLUTION 2023/301****Moved: Cr Daniel Strickland****Seconded: Cr Andrew Banfield****That the report by the Director Corporate & Community Services on the Monthly Financial Report be received.****CARRIED**

16.18 STATEMENT OF INVESTMENTS & BANK BALANCES

RESOLUTION 2023/302

**Moved: Cr Andy Wood
Seconded: Cr Steven Ruddell**

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

CARRIED

16.19 DELIVERY PROGRAM 2022 - 2026 PROGRESS REPORT

RESOLUTION 2023/303

**Moved: Cr Andrew Banfield
Seconded: Cr Carol James OAM**

That the report by the Director Corporate & Community Services on the Delivery Program 2022-2026 Progress Report be noted.

CARRIED

16.20 REQUESTS FOR FINANCIAL ASSISTANCE - GOULBURN A P & H SOCIETY

RESOLUTION 2023/304

**Moved: Cr Daniel Strickland
Seconded: Cr Carol James OAM**

That

- 1. The report of the Director of Corporate & Community Services on Requests for Financial Assistance – Goulburn A P & H Society be received.**
- 2. Council provide support to the Goulburn A P & H Society in the form of a cash contribution of \$2,000 and a fee waiver of \$1,500 towards waste removal for the annual Goulburn Show. The amounts to be funded from the Financial Assistance budget.**

CARRIED

16.21 REQUEST FOR FINANCIAL ASSISTANCE - THE LIEDER THEATRE COMPANY

RESOLUTION 2023/305

**Moved: Cr Carol James OAM
Seconded: Cr Jason Shepherd**

That:

- 1. The report of the Director of Corporate & Community Services on Requests for Financial Assistance – Lieder Theatre Company be received.**
- 2. Council approves a cash contribution of \$5,000 to the Lieder Theatre funded from the Financial Assistance budget.**

CARRIED

16.22 CORPORATE & COMMUNITY SERVICES POLICY REVIEW**RESOLUTION 2023/306**

Moved: Cr Steven Ruddell
Seconded: Cr Carol James OAM

That

- 1. The report from the Director Corporate & Community Services on the Corporate & Community Services Policy Review be received.**
- 2. Council places the following revised policies on public exhibition until 29 January 2024 and, if no submissions are received, they be adopted as Council's policies:**
 - (i) Library Membership & Access Policy**
 - (ii) Library Collection Policy**
- 3. Any submissions received are to be considered and reported to Council prior to final adoption of the policy(s).**

CARRIED

16.23 COUNCIL'S OPERATIONAL UPDATE - NOVEMBER 2023**RESOLUTION 2023/307**

Moved: Cr Steven Ruddell
Seconded: Cr Carol James OAM

That the report from the Chief Executive Officer on the Council's Operational Update for November 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 2023/308

Moved: Cr Steven Ruddell
Seconded: Cr Carol James OAM

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 Land Acquisition - Part 84 Bonnett Drive, Goulburn

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.

CARRIED

Council resolved into Closed Session at 7.40pm.

RESOLUTION 2023/309

**Moved: Cr Jason Shepherd
 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

Council resolved into Open Council at 7.45pm.

17.1 LAND ACQUISITION - PART 84 BONNETT DRIVE, GOULBURN

RESOLUTION 2023/310

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

That:

1. The report from the Business Manager Property & Community Services on the land acquisition - part 84 Bonnett Drive, Goulburn be received.
2. The CEO be given delegated authority to finalise acquisition of approximately 1,820m² of land from the owners of 84 Bonnett Drive, Goulburn in accordance with provisions under the *Land Acquisition (Just Terms Compensation) Act 1991* to dedicate as Road Widening under the *Roads Act 1993*.
3. A further report will be presented to Council in early 2024 providing an update on negotiations for the Run-O-Waters Second Access project in terms of connecting Mary Street and Pockley Road.

CARRIED

18 CONCLUSION OF THE MEETING

The Meeting closed at 7.48pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 23 January 2024.

.....
Cr Peter Walker
 Mayor

.....
Brendan Hollands
 Director Corporate and Community Services