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# **MINUTES**

## **Ordinary Council Meeting**

**19 February 2019**



**Order Of Business**

<b>1</b>	<b>Apologies .....</b>	<b>5</b>
<b>2</b>	<b>Opening Prayer .....</b>	<b>5</b>
<b>3</b>	<b>Late Items / Urgent Business .....</b>	<b>5</b>
<b>4</b>	<b>Disclosure of Interests .....</b>	<b>5</b>
<b>5</b>	<b>Presentations .....</b>	<b>5</b>
	Nil	
<b>6</b>	<b>Public Forum / Addresses to Council.....</b>	<b>5</b>
<b>7</b>	<b>Confirmation of Minutes.....</b>	<b>6</b>
	7.1 Minutes of the Ordinary Meeting of Council held on 5 February 2019 .....	6
<b>8</b>	<b>Matters Arising.....</b>	<b>6</b>
	8.1 Matters Arising from Council Meeting Minutes from the 5 February 2019.....	6
	8.2 Outstanding Task List from All Previous Meetings.....	6
<b>9</b>	<b>Notice of Motion.....</b>	<b>6</b>
	Nil	
<b>10</b>	<b>Notice of Rescission.....</b>	<b>6</b>
	Nil	
<b>11</b>	<b>Mayoral Minute.....</b>	<b>6</b>
	Nil	
<b>12</b>	<b>Items for Determination.....</b>	<b>6</b>
	12.1 Planning Proposal to Rezone and Reclassify Council Land at Dossie Street Goulburn .....	7
	12.2 1819T0005 Seiffert Oval Lighting Tender Report .....	7
	12.3 Water Mains Renewal Tender 1819T0004 .....	8
	12.4 Draft Youth Services Policy .....	8
	12.5 Air Quality Monitoring Station - Leggett Park - Cnr Howard Boulevard & McDermott Drive, Goulburn.....	9
	12.6 Workers Compensation Quarterly Report.....	9
	12.7 Water Outstanding Report.....	10
	12.8 Quarterly Budget Review .....	10
	12.9 Monthly Financial Report.....	10
	12.10 Statement of Investments and Bank Balances .....	10
	12.11 Planning and Environment Directorate Report - December 2018 & January 2019.....	11
	12.12 Utilities Departmental Report - November 2018 .....	11
	12.13 Corporate & Community Services Directorate Report December 2018 & January 2019 .....	11
	12.14 Operations Departmental Report - December 2018 and January 2019 .....	11
	12.15 Minutes of the Traffic Committee Meeting held on 7 February 2019.....	12

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12.16	External Meeting Minutes.....	12
12.17	Councillor Briefing Session Summary .....	12
<b>13</b>	<b>Closed Session .....</b>	<b>13</b>
13.1	Veolia Host Fees.....	14
13.2	Al-Mabarar Benevolent Society Limited .....	14
13.3	Debt Recovery / Sale of Land for Unpaid Rates .....	15
13.4	Minutes of the General Manager Performance Review Meeting held on 6 February 2019.....	15

**MINUTES OF GOULBURN MULWAREE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,  
GOULBURN  
ON TUESDAY, 19 FEBRUARY 2019 AT 6PM**

**PRESENT:** Cr Bob Kirk (Mayor), Cr Peter Walker (Deputy Mayor), Cr Andrew Banfield, Cr Margaret O'Neill, Cr Carol James, Cr Denzil Sturgiss

**IN ATTENDANCE:** Warwick L. Bennett (General Manager), Marina Hollands (Director Utilities), Scott Martin (Director Planning and Environment), Matt O'Rourke (Director Operations), Brendan Hollands (Director Business Services) and Amy Croker (Executive Officer)

## **1 APOLOGIES**

### **RESOLUTION 2019/22**

**Moved:** Cr Denzil Sturgiss

**Seconded:** Cr Carol James

**That the apologies be received from Cr Leah Ferrara, Cr Sam Rowland & Cr Alfie Walker be accepted and leave of absence granted.**

**CARRIED**

## **2 OPENING PRAYER**

The opening prayer was read by Deputy Mayor Peter Walker.

## **3 LATE ITEMS / URGENT BUSINESS**

### **WITHDRAWAL OF ITEM**

### **RESOLUTION 2019/23**

**Moved:** Cr Peter Walker

**Seconded:** Cr Margaret O'Neill

**That Item 12.2 1819T0005 Seiffert Oval Lighting Tender Report to be withdrawn from the Business Paper.**

**CARRIED**

## **4 DISCLOSURE OF INTERESTS**

Cr 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.

## **5 PRESENTATIONS**

Nil

## **6 PUBLIC FORUM / ADDRESSES TO COUNCIL**

Nil

**7 CONFIRMATION OF MINUTES**

**7.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 5 FEBRUARY 2019**

**RESOLUTION 2019/24**

**Moved: Cr Carol James**

**Seconded: Cr Denzil Sturgiss**

**That the Council minutes from Tuesday 5 February 2019 and contained in Minutes Pages No 1 to 12 inclusive and in Minute Nos 2019/01 to 2019/21 inclusive be confirmed.**

**CARRIED**

**8 MATTERS ARISING**

**8.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 5 FEBRUARY 2019**

Nil

**8.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS**

**RESOLUTION 2019/25**

**Moved: Cr Margaret O'Neill**

**Seconded: Cr Carol James**

**That Council notes the Matters Arising and authorises the deletion of completed tasks.**

**CARRIED**

**9 Notice of Motion**

Nil

**10 NOTICE OF RESCISSION**

Nil

**11 MAYORAL MINUTE**

Nil

**12 ITEMS FOR DETERMINATION**

**12.1 PLANNING PROPOSAL TO REZONE AND RECLASSIFY COUNCIL LAND AT DOSSIE STREET GOULBURN****RESOLUTION 2019/26****Moved: Cr Andrew Banfield****Seconded: Cr Margaret O'Neill****That:**

- 1. The report of the Senior Strategic Planner regarding the rezoning of land at Dossie Street Goulburn be received.**
- 2. Council resolve to rezone the following land from RU2 Rural Landscape to IN1 General Industrial and delete the 100 Hectare Minimum Lot Size under *Goulburn Mulwaree Local Environmental Plan 2009 (GM LEP 2009)*:**
  - (a) Lot 1 DP 1034565**
  - (b) Lot 3 DP 1008818**
  - (c) Part Lot 2 PPN DP 1238214 subject to registration (STR)**
- 3. Council resolve to rezone the following land (Site B) from RU2 Rural Landscape to RE1 Public Recreation and delete the 100 ha minimum lot size under *Goulburn Mulwaree Local Environmental Plan 2009*:**
  - Lot 3 PPN DP 1238214 subject to registration (STR).**
- 4. Council prepare a Planning Proposal in accordance with the resolution and forward this to the Department of Planning and Environment (DPE) to issue a Gateway Determination.**
- 5. Council waive Planning Proposal fees that would be paid for lodgement of the documentation in support of the Planning Proposal to rezone Part Lot 2 PPN DP 1238214 (STR).**
- 6. The proponent for the privately owned land be requested to provide a Preliminary Site Investigation/ Phase 1 Assessment in accordance with *State Environmental Planning Policy – Remediation of Land*) to address the contamination identified on their site.**

**CARRIED****12.2 1819T0005 SEIFFERT OVAL LIGHTING TENDER REPORT**

This item was withdrawn from the business paper

**12.3 WATER MAINS RENEWAL TENDER 1819T0004****RESOLUTION 2019/27****Moved: Cr Andrew Banfield****Seconded: Cr Denzil Sturgiss****That**

- 1. The report from the Director Utilities be received on the Tender 1819T0004 Water Main Renewal.**
- 2. The Tender from Killard Excavation Pty Ltd is accepted for the Water Mains Renewal Contract in accordance with the specification and documents for Tender No 1819T0004. This acceptance is based on their lump sum price of \$2,490,336 (incl.GST).**
- 3. The General Manager be given a delegated authority for variations up to 10% of the contract lump sum. This being \$249,033.60 (incl.GST).**

**CARRIED****12.4 DRAFT YOUTH SERVICES POLICY****RESOLUTION 2019/28****Moved: Cr Carol James****Seconded: Cr Peter Walker****That;**

- 1. The report from the Youth Services Coordinator on the draft Youth Services Policy be received.**
- 2. The draft Youth Services policy be placed on exhibition for a period of 28 days and be adopted subject to no further input/submissions being received.**

**CARRIED**



**12.5 AIR QUALITY MONITORING STATION - LEGGETT PARK - CNR HOWARD BOULEVARD & MCDERMOTT DRIVE, GOULBURN****RESOLUTION 2019/29****Moved: Cr Denzil Sturgiss****Seconded: Cr Peter Walker****That:**

- 1. The report from the Business Manager Property & Community Services on a proposed Air Quality Monitoring Station in Leggett Park on the Corner of Howard Boulevard and McDermott Drive, Goulburn be received.**
- 2. In accordance with s47 and s47A of the *Local Government Act 1993*, Council give public notice of this proposal and exhibit a notice of this proposal on the land to which the proposal relates in the manner prescribed by s47 of the Act.**
- 3. Council enters into a five year lease (with one x five-year option) with the Office of Environment and Heritage for use of part Leggett Park on terms referred to in this report.**
- 4. The Office of Environment and Heritage pay an annual Lease of \$2,500 per annum (ex GST) plus CPI each year over the term of the Lease and any option period.**
- 5. The Office of Environment and Heritage pay for relocation and replacement of the existing park table and benches with a new table and benches and also construct a permanent shelter over these new assets.**
- 6. The Council Seal be affixed to any document necessary to complete this matter.**

**CARRIED****12.6 WORKERS COMPENSATION QUARTERLY REPORT****RESOLUTION 2019/30****Moved: Cr Carol James****Seconded: Cr Denzil Sturgiss**

**That the report from the General Manager on Workers Compensation be noted and that a vote of thanks be passed on to all staff for their due diligent towards safety in the workplace.**

**CARRIED**

**12.7 WATER OUTSTANDING REPORT****RESOLUTION 2019/31**

**Moved: Cr Andrew Banfield**  
**Seconded: Cr Margaret O'Neill**

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

**CARRIED**

**12.8 QUARTERLY BUDGET REVIEW****RESOLUTION 2019/32**

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

**That:**

- 1. The report of the Director Corporate & Community Services and Senior Accountant on the December 2018 Quarterly Budget Review be noted.**
- 2. The requested budget variations contained within the December 2018 Quarterly Review be approved.**

**CARRIED**

**12.9 MONTHLY FINANCIAL REPORT****RESOLUTION 2019/33**

**Moved: Cr Denzil Sturgiss**  
**Seconded: Cr Andrew Banfield**

**That the report by the Director Corporate & Community Services and the Business Manager Finance & Customer Service on the Financial Statements to 31 January 2019 be received and noted for information.**

**CARRIED**

**12.10 STATEMENT OF INVESTMENTS AND BANK BALANCES****RESOLUTION 2019/34**

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

**That the report by the Director Corporate & Community Services and the Business Manager Finance & Customer Service on the Statement of Investments and Bank Balances report for the month of January 2018 be received.**

**CARRIED**

**12.11 PLANNING AND ENVIRONMENT DIRECTORATE REPORT - DECEMBER 2018 & JANUARY 2019**

**RESOLUTION 2019/35**

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

**That the activities report from the Director Planning and Environment be received and noted for information.**

**CARRIED**

**12.12 UTILITIES DEPARTMENTAL REPORT – DECEMBER 2018 & JANUARY 2019**

**RESOLUTION 2019/36**

**Moved: Cr Andrew Banfield  
Seconded: Cr Denzil Sturgiss**

**That the report from the Director Utilities regarding the operational and capital performance of the Utilities Department be received**

**CARRIED**

**12.13 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT DECEMBER 2018 & JANUARY 2019**

**RESOLUTION 2019/37**

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

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

**CARRIED**

**12.14 OPERATIONS DEPARTMENTAL REPORT - DECEMBER 2018 AND JANUARY 2019**

**RESOLUTION 2019/38**

**Moved: Cr Peter Walker  
Seconded: Cr Denzil Sturgiss**

**That the activities report by the Director Operations be received and noted for information**

**CARRIED**

**12.15 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 7 FEBRUARY 2019**

**RESOLUTION 2019/39**

**Moved: Cr Andrew Banfield  
Seconded: Cr Margaret O'Neill**

**That the report from Director of Operations in regards to the Traffic Committee minutes from Thursday 7 February 2019 be received.**

**CARRIED**

**12.16 EXTERNAL MEETING MINUTES**

**RESOLUTION 2019/40**

**Moved: Cr Carol James  
Seconded: Cr Denzil Sturgiss**

**That the report from the General Manger on the minutes from the following meeting be noted:**

- 1. Goulburn Mulwaree Youth Council Meeting Minutes 25 January 2019**

**CARRIED**

**12.17 COUNCILLOR BRIEFING SESSION SUMMARY**

**RESOLUTION 2019/41**

**Moved: Cr Denzil Sturgiss  
Seconded: Cr Peter Walker**

**That the report from the General Manager on Councillor Briefing Session Summary be received.**

**CARRIED**

**13 CLOSED SESSION**

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

**RESOLUTION 2019/42**

**Moved: Cr Denzil Sturgiss**

**Seconded: Cr Peter Walker**

**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:**

**13.1 Veolia Host Fees**

**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.**

**13.2 Al-Mabarot Benevolent Society Limited**

**This matter is considered to be confidential under Section 10A(2) - g 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 advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.**

**13.3 Debt Recovery / Sale of Land for Unpaid Rates**

**This matter is considered to be confidential under Section 10A(2) - b 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 discussion in relation to the personal hardship of a resident or ratepayer.**

**13.4 Minutes of the General Manager Performance Review Meeting held on 6 February 2019**

**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 6.52pm.

Council resolved into Open Council at 7.35pm.

**RESOLUTION 2019/43**

**Moved: Cr Peter Walker**

**Seconded: Cr Andrew Banfield**

- 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**

**13.1 VEOLIA HOST FEES****RESOLUTION 2019/44****Moved: Cr Peter Walker****Seconded: Cr Denzil Sturgiss****That:**

- 1. The report from the General Manager on Veolia Host Fees be received**
- 2. The Mayor and the General Manager be given delegated authority to negotiate with Veolia Australia for a new draft Host Fee Agreement based on the following principles:**
  - (a) Any agreement be for the life of the Woodlawn Facility**
  - (b) Council accept the capping of the Host Fee but require annual financial adjustments of 5%.**
  - (c) The new agreement be effective from 1 July 2019**
  - (d) The host fee to include a payment to directly benefit Tarago and the surrounding district as that community have the most significant impact of this facility.**
  - (e) If a significant increase or decrease in the quantity of waste being received by Woodlawn occurs then Veolia and Council to enter into meaningful negotiations to increase or reduce the quantity of the host fee if indications are that those quantities are likely to be ongoing.**
  - (f) Maintain any waste generated from the Goulburn Mulwaree area to be disposed at Woodlawn at no charge.**
- 3. The Mayor and General Manager to report back to Council on the draft Host Fee agreement once the negotiations with Veolia have reached a stage where a firm recommendation can be made to enter into such an agreement.**
- 4. The Mayor writes to Veolia thanking them for their generosity to the Goulburn Mulwaree community to date and for their generous capital contribution of \$2.5 Million over 5 years to the Goulburn Performing Arts Centre.**

**CARRIED****13.2 AL-MABARAT BENEVOLENT SOCIETY LIMITED****RESOLUTION 2019/45****Moved: Cr Peter Walker****Seconded: Cr Denzil Sturgiss****That**

- 1. The report from the General Manager on Al-Mabarats Benevolent Society Limited be received.**
- 2. Council endorse the actions of the General Manager to lodge proceedings in the Supreme Court to recover the throw away costs from Al-Mabarats Benevolent Society Limited in regard to the development application to establish a cemetery at Marulan.**

**CARRIED**

**13.3 DEBT RECOVERY / SALE OF LAND FOR UNPAID RATES**

**RESOLUTION 2019/46**

**Moved: Cr Carol James  
Seconded: Cr Margaret O'Neill**

**That**

- 1. The report from the Revenue Coordinator on the Debt Recovery/Sale of Land for Unpaid Rates be received.**
- 2. Council proceeds with the sale of land for unpaid rates on the following properties:**
  - (i) 44 Goulburn Street, Marulan**
  - (ii) 25 Brendas Drive, Goulburn**
- 3. The General Manager be authorised to sign the General Managers Certificate to enable the sale of land process to commence.**
- 4. All rates and charges accrued, including arrears and all current amounts (ie an account balance of nil), are to be paid in full in order for the property(s) to be removed from the sale of land for unpaid rates.**
- 5. Council reserves the right to withdraw the property from sale for technical or legal reasons.**

**CARRIED**

**13.4 MINUTES OF THE GENERAL MANAGER PERFORMANCE REVIEW MEETING HELD ON 6 FEBRUARY 2019**

Brendan Hollands, Matt O'Rourke, Scott Martin and Marina Hollands left the meeting at 7.22pm.

**RESOLUTION 2019/47**

**Moved: Cr Bob Kirk  
Seconded: Cr Denzil Sturgiss**

**That:**

- 1. The General Manager Performance Review minutes from Wednesday 6 February 2019 and contained in Minutes Pages No 1 to 5 inclusive and in Minute Nos 2019/01 to 2019/02 inclusive be confirmed.**
- 2. Comments in minutes number 2019/02 – point B.2&3 be addressed by Councillors at the next Councillor Briefing when discussing the Code of Meeting Practice**
- 3. The interim performance review of the General Manager is assessed as satisfactory and met the expected requirements**

**CARRIED**

**The Meeting closed at 7.37pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 5 March 2019.**

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**Cr Bob Kirk  
Mayor**

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**Warwick Bennett  
General Manager**