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# **MINUTES**

## **Ordinary Council Meeting**

**3 March 2020**



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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, 3 MARCH 2020 AT 6PM**

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

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

**1 OPENING MEETING**

Mayor Bob Kirk opened the meeting 6.00pm. The Mayor advised that the meeting would be webcast live.

**2 ACKNOWLEDGEMENT OF COUNTRY**

Mayor Bob Kirk 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 Peter Walker.

**4 APOLOGIES**

**RESOLUTION 2020/37**

**Moved:** Cr Leah Ferrara  
**Seconded:** Cr Carol James

**That the apology received from Cr Alfie Walker be accepted.**

**CARRIED**

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

Nil

**6 LATE ITEMS / URGENT BUSINESS**

**RESOLUTION 2020/38**

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

**That Item 15.12 'Request for Financial Assistance - Goulburn A P & H Society' be accepted into the meeting as late information as the Goulburn 2020 Show is on this weekend (7 & 8 March 2020) and a decision is required prior to the event occurring.**

**CARRIED**

**RESOLUTION 2020/39**

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

That Item 16.1 'Rail Siding Contamination Tarago' in the General Managers Report as redacted be determined by Council in open meeting as the information contained in the report does not meet any provisions of the *Local Government Act 1993* warranting discussions in Closed Session and be considered as Item 15.11.

**CARRIED**

**RESOLUTION 2020/40**

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

That the additional report distributed by the General Manager on Monday 2 March 2020 titled 'Rail Siding Contamination Tarago – Additional Information' and the email from the General Manager to Councillors dated Tuesday 3 March at 9.44am (with private information redacted) in relation to Rail Siding Contamination Tarago be accepted into the meeting as late information to be included in discussions on Item 15.11 'Rail Siding Contamination Tarago'.

**CARRIED**

**7 DISCLOSURE OF INTERESTS**

Cr Andrew Banfield declared a pecuniary conflict of interest in Item 15.2 "VP175915 Crookwell Road - Shared User Path" as his brother in law is a Director of Denrith Pty Limited who are one of the tenderers for this tender. Cr Andrew Banfield also works as an employee for Denrith Group of Companies. Cr Andrew Banfield will leave the meeting while discussion on this item takes place.

Cr Sam Rowland declared a pecuniary conflict of interest in Item 15.11 "Rail Siding Contamination Tarago" as one of the companies amalgamated to form Transport NSW is a client of his law firm and he is a partner of that firm. Cr Sam Rowland will leave the meeting while discussion on this item takes place.

**8 PRESENTATIONS**

Nil

**9 PUBLIC FORUM**

Nil

**10 CONFIRMATION OF MINUTES****10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 18 FEBRUARY 2020****RESOLUTION 2020/41**

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

That the Council minutes from Tuesday 18 February 2020 and contained in Minutes Pages No 1 to 13 inclusive and in Minute Nos 2020/16 to 2020/36 inclusive be confirmed.

**CARRIED**

**11 MATTERS ARISING**

**11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 18 FEBRUARY 2020**

Nil

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

**RESOLUTION 2020/42**

**Moved: Cr Denzil Sturgiss**

**Seconded: Cr Leah Ferrara**

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

**CARRIED**

**12 MAYORAL MINUTE(S)**

**12.1 MAYORAL MINUTE - GOULBURN 2020 CELEBRATIONS**

**RESOLUTION 2020/43**

**Moved: Cr Bob Kirk**

**That:**

- 1. The Mayoral Minutes from Mayor Bob Kirk on Goulburn 2020 Celebrations be received.**
- 2. Council approve the expenditure of \$12,010 by the Goulburn 2020 Group for promotion and a talk symposium.**
- 3. Council requests from Goulburn 2020 Group a list or projects and events they propose for the Goulburn 200 year's celebration and an indication of the expenditure of those projects or events that may come from Councils budget allocation.**

**CARRIED**

**13 NOTICE OF MOTION(S)**

Nil

**14 NOTICE OF RESCISSION(S)**

Nil

**15      REPORTS TO COUNCIL FOR DETERMINATION**

**MOVE AN ITEM**

**RESOLUTION 2020/44**

**Moved:    Cr Peter Walker**

**Seconded: Cr Denzil Sturgiss**

**That Item 15.11 be dealt with at this stage of the meeting because of the significant public interest in this matter.**

**CARRIED**

**15.11 RAIL SIDING CONTAMINATION TARAGO - ADDITIONAL INFORMATION****RESOLUTION 2020/45****Moved: Cr Andrew Banfield****Seconded: Cr Margaret O'Neill****That Council Move into Committee of the Whole.**

Council moved into Committee of the whole at 6:21pm.

**CARRIED**

Cr Sam Rowland declared an interest in this item and took no part on the voting on the matter. At 6:37 pm, Cr Sam Rowland left the meeting.

**RESOLUTION 2020/46****Moved: Cr Denzil Sturgiss****Seconded: Cr Peter Walker****That Council move back into Open Council.**

Council moved back into Open Council at 6:48 pm.

**CARRIED****RESOLUTION 2020/47****Moved: Cr Denzil Sturgiss****Seconded: Cr Peter Walker****That:**

1. The two reports from the General Manager on the rail siding contamination at Tarago be received.
2. Council makes a submission to the EPA in relation to the draft Declaration of Significantly Contaminated Land and seek that the declaration be made immediately.
3. Council requires Transport NSW to conduct public briefings at Tarago on the implication of this potential significant health issue as a matter of urgency.
4. Council requires feedback from Transport NSW as to why Council and the Local Member of Parliament, Mrs Wendy Tuckerman MP were not informed about the contamination earlier when it is understood that Transport NSW have known about this contamination since at least July 2019.
5. Council requires as a matter of urgency details on what works have been done to date to contain and remediate the current known areas of contamination.
6. Council requires as a matter of urgency details on proposed future remediation works that will be required to remove or remediate all contamination on lands within the contamination area.
7. Council requires as a matter of urgency that all residents of Tarago and other potentially affected parties be given the opportunity for free blood testing to ascertain if any further people are affected by the contamination.
8. Council requires that Transport NSW undertake independent testing of all occupied buildings (excluding outbuildings) and private water supplies in the village of Tarago to establish the extent of the contamination.

**CARRIED**

At 6:50 pm, Cr Sam Rowland returned to the meeting.



**15.1 1920T0007 - ST CLAIR CONSERVATION WORKS TENDER EVALUATION****RESOLUTION 2020/48****Moved: Cr Carol James****Seconded: Cr Denzil Sturgiss****That:**

- 1. The report from the Business Manager Marketing, Events & Culture on 1920T0007 – St Clair Conservation Works be received.**
- 2. Council decline to accept the tender from Longstone Pty Ltd.**
- 3. Council review the scope of the St Clair Conservation Works project with the project architect and heritage architect, with the objective of reducing the capital costs, on the understanding that it will result in additional areas of the building being inaccessible to the public.**
- 4. Council resolve not to invite new fresh tenders or applications as referred to in Clause 178 (3) (e) (Local Government Regulation) due to:**
  - i. Limited interest from the market during the initial tender phase**
  - ii. Time and cost implications to Council required to undertake another tender process, and the risks associated with further delays to grant funding for aspects of these works.**
- 5. Council resolve to enter into negotiations with Longstone Pty Ltd on an amended scope and budget.**
- 6. The outcomes of the negotiations with Longstone Pty Ltd be presented back to a later Council meeting for Council's consideration.**

**CARRIED**

**15.2 VP175915 CROOKWELL ROAD - SHARED USER PATH**

Cr Andrew Banfield declared an interest in this item and took no part in the discussion or voting on the matter. At 6:54 pm, Cr Andrew Banfield left the meeting.

**RESOLUTION 2020/49**

**Moved: Cr Margaret O'Neill**

**Seconded: Cr Leah Ferrara**

**That:**

1. The report from the Business Manager Projects on VP175915 Crookwell Road – Shared User Path received.
2. The Request for Quotation from Planet Civil Pty Ltd be accepted for the construction of the VP175915 Crookwell Road – Shared User Path at a tender price of \$499,871.35 (GST inclusive) as outlined in the specification and documents in VP175915.
3. The General Manager is authorised to approve variations of up to 10% (\$49,987.14 GST Inc) for this project.
4. The balance of the grant being \$223,471.65 (GST Inclusive) be allocated to other works associated with the Crookwell Road shared User Path including handrails, landscaping and additional concrete works to ensure the most effective use of the grant funding

**CARRIED**

At 6:55 pm, Cr Andrew Banfield returned to the meeting.

**15.3 STREET LIGHTING LED UPGRADE****RESOLUTION 2020/50**

**Moved: Cr Margaret O'Neill**

**Seconded: Cr Carol James**

**That**

1. The report from the Director of Operations on the Street Lighting LED Upgrade be received.
2. Council enter into an agreement with Essential Energy for Essential Energy to fund the replacement of the street light network with LED lights and Goulburn Mulwaree Council pay this back over a ten year period via annual operating charges.

**CARRIED**

**15.4 BUSHFIRE COMMUNITY RESILIENCE AND ECONOMIC RECOVERY FUNDS: PHASE 1****RESOLUTION 2020/51****Moved: Cr Andrew Banfield****Seconded: Cr Leah Ferrara****That:**

- 1. The report of the General Manger on the Bushfire Community Resilience and Economic Recovery Funds be received.**
- 2. Council support the \$100,000 allocated from the Bushfire Community Resilience and Economic Recovery Funds to be used as follows;**
  - (a) Tallong Community Thank You Event including the 100 year anniversary of the Tallong Hall – up to \$40,000.**
  - (b) The upgrade of the sculpture garden on the Council reserve behind the Tallong Hall – up to \$40,000.**
  - (c) Business Resilience Workshops be held for all small businesses in the Goulburn Mulwaree area – up to \$20,000.**

**CARRIED****15.5 BUSH FIRE ASSISTANCE - TO MAKE IT HAPPEN****RESOLUTION 2020/52****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara****That**

- 1. The report of the General Manager on bushfire assistance be received.**
- 2. Council support the decision of the General Manager to write off development application fees for the replacement of fire damaged buildings damaged or destroyed in the recent bushfires.**
- 3. Council support the actions of staff to ensure that processes and procedures remain flexible and “easy to do business with” for:**
  - a. The disposal of bulk waste into privately operated waste management facilities in this Council area that is transported from fire devastated communities in this region, specifically the relaxation of weight and time restrictions on transport routes.**
  - b. The relaxation of weight restrictions on transport routes, and hours of operation and throughput for forestry related intermodal activities.**

**CARRIED**

**15.6 WORKERS COMPENSATION QUARTERLY REPORT**

**RESOLUTION 2020/53**

**Moved: Cr Peter Walker**

**Seconded: Cr Carol James**

**That the report from the General Manager on Workers Compensation be noted.**

**CARRIED**

**15.7 FLOODPLAIN RISK MANAGEMENT WORKING PARTY ACTION LIST - 5 FEBRUARY 2020**

**RESOLUTION 2020/54**

**Moved: Cr Denzil Sturgiss**

**Seconded: Cr Carol James**

**That the report from the Director Utilities in relation to the Floodplain Risk Management Working Party Action List 5 February 2020 be received.**

**CARRIED**

**15.8 MINUTES OF THE RECREATION AREA COMMITTEE MEETING HELD ON 5 FEBRUARY 2020**

**RESOLUTION 2020/55**

**Moved: Cr Margaret O'Neill**

**Seconded: Cr Denzil Sturgiss**

**That the report from the Business Manager Community Facilities in regards to the Recreation Area Committee minutes from Wednesday 5 February 2020 be received.**

**CARRIED**

**15.9 MINUTES OF THE SPORTS COUNCIL MEETING HELD ON 10 FEBRUARY 2020**

**RESOLUTION 2020/56**

**Moved: Cr Margaret O'Neill**

**Seconded: Cr Peter Walker**

**That the report from Business Manager Community Facilities in regards to the Sports Council minutes from Monday 10 February 2020 be received.**

**CARRIED**

**15.10 EXTERNAL MEETING MINUTES****RESOLUTION 2020/57****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara****That the report from the General Manger on the minutes below be received:**

- 1. Heron Resources Community Consultative Committee Meeting Minutes 22 January 2020.**
- 2. Local Emergency Management Committee meeting held 4 February 2020.**
- 3. Goulburn Liquor Accord meeting held 12 February 2020.**

**CARRIED****15.12 REQUEST FOR FINANCIAL ASSISTANCE - GOULBURN A P & H SOCIETY****RESOLUTION 2020/58****Moved: Cr Andrew Banfield****Seconded: Cr Margaret O'Neill****That:**

- 1. The report of the Director Utilities on the request by the Goulburn A P & H Society for a fee waiver for waste management charges for the Goulburn Show be received.**
- 2. That due to the late application being received Council decline to make a full grant and make a grant to the Goulburn A, P & H Society for financial assistance towards waste management at the Goulburn 2020 Show of \$1,500.**

**CARRIED****16 CLOSED SESSION**

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

**RESOLUTION 2020/59****Moved: Cr Peter Walker****Seconded: Cr Carol James****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 Sealing Mogo Road - Hi-Quality**

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 7.15pm.

Council resolved into Open Council at 7.36pm.

**RESOLUTION 2020/60**

**Moved: Cr Peter Walker**  
**Seconded: Cr Sam Rowland**

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 SEALING MOGO ROAD - HI-QUALITY**

**RESOLUTION 2020/61**

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

**That**

1. The report from the General Manager on the sealing of Mogo Road be received.
2. The General Manager to research which development application approval is currently active and commence immediate discussions with Hi-Quality to ensure that the conditions of their active consent are implemented as soon as practicable.
3. The General Manager report back to Council on the timeframe for any works to be undertaken and the mechanism for payment of those works.

**CARRIED**

**17 CONCLUSION OF THE MEETING**

The Meeting closed at 7.39pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 March 2020.

.....  
**Cr Bob Kirk**  
**Mayor**

.....  
**Warwick Bennett**  
**General Manager**