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MINUTES

Ordinary Council Meeting

15 August 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, 15 AUGUST 2023 AT 6PM**

PRESENT: Cr Peter Walker - Mayor, Cr Steven Ruddell - Deputy Mayor, Cr Andrew Banfield, Cr Bob Kirk, Cr Michael Prevedello, Cr Carol James, Cr Jason Shepherd, 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)

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 ATTENDANCE BY AUDIO VISUAL LINK

Nil

7 LATE ITEMS / URGENT BUSINESS

Nil

8 DISCLOSURE OF INTERESTS

Cr Jason Shepherd declared a non-pecuniary/non-significant conflict of interest in Item 16.16 "Councils Operational Update - July 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.

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.

9 PRESENTATIONS

Nil

10 PUBLIC FORUM

Mark Evans from WhiteAcre Legal will address Council regarding Item 16.1 Planning Agreement - 100 Cathcart Street, Goulburn.

11 CONFIRMATION OF MINUTES

11.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 18 JULY 2023

RESOLUTION 2023/168

Moved: Cr Jason Shepherd
Seconded: Cr Steven Ruddell

That the Council minutes from Tuesday 18 July 2023 and contained in Minutes Pages No 1 to 33 inclusive and in Minute Nos 2023/141 to 2023/167 inclusive be confirmed.

CARRIED

12 MATTERS ARISING

12.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 18 JULY 2023

Nil

12.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2023/169

Moved: Cr Andrew Banfield
Seconded: Cr Steven Ruddell

That Council notes that there are no outstanding tasks from previous Council Meetings.

CARRIED

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 PLANNING AGREEMENT - 100 CATHCART STREET, GOULBURN****RESOLUTION 2023/170****Moved: Cr Bob Kirk****Seconded: Cr Michael Prevedello****That:**

- 1. The staff report for the draft Planning Agreement associated with DA/0384/1920 for a 12 lot residential subdivision at 100 Cathcart Street, Goulburn be received.**
- 2. The draft Planning Agreement associated with DA/0384/1920 for a 12 lot residential subdivision including a drainage reserve 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 the 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

16.2 PROPERTY NSW OPTION TO RENEW LEASE - PART 56 CLINTON ST, GOULBURN**RESOLUTION 2023/171****Moved: Cr Andrew Banfield****Seconded: Cr Steven Ruddell****That:**

- 1. The report of the Business Manager Property & Community Services on the Property NSW Option to Renew Lease – Part 56 Clinton Street, Goulburn be received.**
- 2. Council notes the new terms and conditions associated with renewal of the Property NSW Lease for continued exclusive occupation of 500m² of office space on Ground Floor, 56 Clinton Street, Goulburn.**
- 3. The Chief Executive Officer be authorised to sign the new lease with Property NSW as Council’s authorised delegate under s377 of the *Local Government Act 1993*.**

CARRIED**16.3 BUDGET CARRY-OVERS****RESOLUTION 2023/172****Moved: Cr Bob Kirk****Seconded: Cr Andy Wood****That**

- 1. The report by the Director Corporate & Community Services on the Budget Carry-overs be received**
- 2. Council approve carry-overs of unspent project funds up to the maximum amounts (totalling \$8,096,938) reflected in the table in Attachment One.**
- 3. Council approve the adjustments to the 2022/23 budget as listed in Attachment Two required to account for the carrying overs of these projects and resulting in the following changes to the projected unrestricted cash at 30 June 2023:**
 - (a) General Fund – reduction \$274,546**
 - (b) DWM Fund – increase of \$459,643**
 - (c) Water Fund – no change**
 - (d) Sewer Fund – decrease of \$901,887**
- 4. Council approve the adjustments to the 2023/24 budget as listed in Attachment Three required to incorporate the carried over projects into the budget and resulting in the following changes to the projected unrestricted cash movements in 2023/24:**
 - (a) General Fund – increase (inflow) of \$274,546**
 - (b) DWM Fund – decrease (outflow) of \$459,643**
 - (c) Water Fund – no change**
 - (d) Sewer Fund – increase (inflow) of \$901,887**

CARRIED

16.4 GOULBURN RUG CONSTRUCTION BUDGET**RESOLUTION 2023/173****Moved: Cr Jason Shepherd****Seconded: Cr Carol James****That:**

- 1. The report from the Director Utilities be received on the Goulburn RUG Construction Budget.**
- 2. Council approves \$250,000 be transferred to the RUG project from Waste Reserves from higher than budgeted 2022/23 waste fees to cover additional costs incurred in this project.**
- 3. Council approves that the drilling mud project, at the Goulburn Waste Management Centre, be postponed and the budget of \$1,830,595 be transferred to the RUG project to cover the additional costs incurred in this project.**

CARRIED**16.5 TENDER 2223T0020 GOULBURN RUG CONSTRUCTION - ROOFING / CLADDING****RESOLUTION 2023/174****Moved: Cr Michael Prevedello****Seconded: Cr Steven Ruddell**

- 1. The report from the Director Utilities on Tender 2223T0020 Goulburn RUG Construction – Roofing / Cladding be received.**
- 2. The Tender from ARW Multigroup Pty Ltd is accepted for the Goulburn RUG Construction – Roofing/Cladding Contract in accordance with the specification and documents for Tender 2223T0020 for the lump sum price of \$677,231.25.**
- 3. The Chief Executive Officer be given a delegated authority for variations up to 10% of the contract lump sum. This being \$67,723.**

CARRIED**16.6 TENDER 2223T0019 GOULBURN RUG CONSTRUCTION - ELECTRICAL, MECHANICAL, COMMUNICATIONS, CCTV.****RESOLUTION 2023/175****Moved: Cr Michael Prevedello****Seconded: Cr Daniel Strickland**

- 1. The report from the Director Utilities on Tender 2223T0019 Goulburn RUG Construction – Electrical, Mechanical, Communications and CCTV be received.**
- 2. The Tender from Rodgers Electrical Pty Ltd is accepted for the Goulburn RUG Construction – Electrical, Mechanical, Communications and CCTV Contract in accordance with the specification and documents for Tender 2223T0019 for the lump sum price of \$676,907.**
- 3. The Chief Executive Officer be given a delegated authority for variations up to 10% of the contract lump sum. This being \$67,690.70.**

CARRIED

16.7 TENDER 2223T0017 JAPANESE GARDEN CONSTRUCTION STAGE 2**RESOLUTION 2023/176****Moved: Cr Bob Kirk****Seconded: Cr Carol James****That:**

- 1. The report from the Business Manager Community Facilities on Tender 2223T0017 Japanese Garden Construction Stage 2 be received.**
- 2. Council decline to accept tenders from the respondents for Tender 2223T0017 Japanese Garden Construction Stage 2, under Clause 178.3 (a) of the Local Government (General) Regulation 2021.**
- 3. Council cancel the proposal for the contract for Tender 2223T0017 Japanese Garden Construction Stage 2, under Clause 178.3 (a) of the Local Government (General) Regulation 21, due to current market conditions.**
- 4. Council note that because of extenuating circumstances a satisfactory result would not be achieved by inviting fresh tenders for the construction of the Japanese Garden Construction Stage 2.**
- 5. Council note the reasons why a satisfactory result would not be achieved by inviting tenders are:**
 - (i) given the lack of competitive tenderers available; and**
 - (ii) current market conditions,**
- 6. Council review the scope of works and delivery method for Tender 2223T0017 Japanese Garden Construction Stage 2 with a Landscape Architect with the objective of reducing capital costs.**

CARRIED**16.8 REQUESTS FOR FINANCIAL ASSISTANCE - GOULBURN & DISTRICT ART SOCIETY INC.****RESOLUTION 2023/177****Moved: Cr Andy Wood****Seconded: Cr Daniel Strickland****That**

- 1. The report of the Director of Corporate & Community Services on Requests for Financial Assistance – Goulburn & District Art Society be received.**
- 2. Council provides a cash donation of \$2,500 toward the Goulburn & District Art Society Annual Art Prize event funded from the Financial Assistance budget.**

CARRIED

16.9 REQUEST FOR FINANCIAL ASSISTANCE - LIONS CLUB OF MARULAN & DISTRICT INC.**RESOLUTION 2023/178****Moved: Cr Steven Ruddell****Seconded:Cr Carol James****That**

- 1. The report of the Director of Corporate & Community Services on a Request for Financial Assistance from the Lions Club of Marulan & District Inc. be received.**
- 2. Council approve a contribution of \$1,610.00 to Lions Club of Marulan & District Inc. in the form of a 50% fee waiver for the hire of Marulan Hall for their 2023/24 activities funded from the Financial Assistance budget.**

CARRIED**16.10 RISK MANAGEMENT POLICY & PLAN****RESOLUTION 2023/179****Moved: Cr Michael Prevedello****Seconded:Cr Steven Ruddell****That**

- 1. The report Risk Management Policy & Plan by the Business Manager Governance be received.**
- 2. The Risk Management Plan be endorsed by Council.**
- 3. The Risk Management Policy be placed on public exhibition for 28 days.**
- 4. The Risk Management Policy be adopted at the end of the public exhibition period if no submissions are received.**

CARRIED**16.11 RELATED PARTY DISCLOSURE POLICY****RESOLUTION 2023/180****Moved: Cr Steven Ruddell****Seconded:Cr Carol James****That**

- 1. That the report from the Director Corporate & Community Services on the Related Party Disclosure Policy be received.**
- 2. Council places the Related Party Disclosure Policy on public exhibition for 28 days and, if no comments are received, it be adopted as Council's policy:**
- 3. Any submissions received are to be considered and reported to Council for final adoption of the policy.**

CARRIED

16.12 LOCAL GOVERNMENT NSW (LGNSW) 2023 ANNUAL CONFERENCE

RESOLUTION 2023/181

Moved: Cr Daniel Strickland

Seconded: Cr Jason Shepherd

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 6:36 pm.

CARRIED

RESOLUTION 2023/182

Moved: Cr Jason Shepherd

Seconded: Cr Andrew Banfield

That Council move back into Open Council.

Council moved back into Open Council at 6:46 pm.

CARRIED

RESOLUTION 2023/183

Moved: Cr Andy Wood

Seconded: Cr Steven Ruddell

That

- 1. The report of the Chief Executive Officer on the Local Government NSW (LGNSW) Annual Conference be received.**
- 2. Council nominates the following three voting delegates and the Chief Executive Officer to attend the 2023 Annual Conference of LGNSW at Rosehill Gardens Racecourse:**
 - Mayor**
 - Deputy Mayor**
 - Cr Andy Wood**

CARRIED

16.13 STATEMENT OF INVESTMENTS & BANK BALANCES

RESOLUTION 2023/184

Moved: Cr Michael Prevedello

Seconded: Cr Steven Ruddell

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

CARRIED

16.14 MONTHLY FINANCIAL REPORT

RESOLUTION 2023/185

Moved: Cr Bob Kirk

Seconded: Cr Michael Prevedello

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

CARRIED

16.15 SUSTAINABILITY ADVISORY COMMITTEE MEETING MINUTES - 27 JULY 2023

RESOLUTION 2023/186

Moved: Cr Jason Shepherd

Seconded: Cr Steven Ruddell

That the Sustainability Advisory Committee Meeting minutes held on the 27 July 2023 be received.

CARRIED

16.16 COUNCIL'S OPERATIONAL UPDATE - JULY 2023

RESOLUTION 2023/187

Moved: Cr Steven Ruddell

Seconded: Cr Daniel Strickland

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

CARRIED

16.17 COMMUNITY CENTRE WORKING PARTY MEETING NOTES – 25 JULY 2023

RESOLUTION 2023/188

Moved: Cr Michael Prevedello

Seconded: Cr Carol James

That the report from the Director Corporate & Community Services in relation to the Goulburn Community Centre Working Party Meeting Notes for the meeting held on 25th July 2023 be received.

CARRIED

17 CLOSED SESSION

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

RESOLUTION 2023/189

Moved: Cr Steven Ruddell

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:

17.1 Minutes of the Chief Executive Officer Performance Review Panel Meeting held on 13 July 2023

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).

17.2 2023/24 Chief Executive Officer's Performance Agreement

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

Aaron Johansson, Brendan Hollands, Scott Martin, Marina Hollands, George Angelis & Amy Croker left the room at 7.15pm

Council resolved into Closed Session at 7.15pm.

Council resolved into Open Council at 8.12pm.

RESOLUTION 2023/190

Moved: Cr Bob Kirk

Seconded: Cr Michael Prevedello

- 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 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW PANEL MEETING HELD ON 13 JULY 2023

RESOLUTION 2023/191

**Moved: Cr Michael Prevedello
Seconded: Cr Daniel Strickland**

That the Chief Executive Officer Performance Review Panel minutes from Thursday 13 July 2023 be confirmed.

CARRIED

At 7.46pm, Cr Daniel Strickland left the meeting.

17.2 2023/24 CHIEF EXECUTIVE OFFICER'S PERFORMANCE AGREEMENT

RESOLUTION 2023/192

**Moved: Cr Bob Kirk
Seconded: Cr Michael Prevedello**

That the 2023/24 Chief Executive Officer's Performance Agreement be deferred until the next suitable Councillor Briefing Session.

CARRIED

18 CONCLUSION OF THE MEETING

The Meeting closed at 8.13pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 September 2023.

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

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