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MINUTES

Ordinary Council Meeting

19 March 2019

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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 MARCH 2019 AT 6PM**

PRESENT: Cr Bob Kirk (Mayor), Cr Peter Walker (Deputy Mayor), Cr Andrew Banfield, Cr Sam Rowland (arrived at 6.01pm), Cr Leah Ferrara, Cr Margaret O'Neill, Cr Carol James, Cr Denzil Sturgiss

IN ATTENDANCE: Warwick 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 2019/62

Moved: Cr Denzil Sturgiss

Seconded: Cr Leah Ferrara

That the apology received from Cr Alfie Walker be accepted and leave of absence granted.

CARRIED

2 OPENING PRAYER

The opening prayer was read by Cr Carol James.

Council undertook a minutes silence for the people how lost their lives in the Christchurch New Zealand tragedy that occur on Friday.

3 LATE ITEMS / URGENT BUSINESS

Nil

4 DISCLOSURE OF INTERESTS

Cr Andrew Banfield declared a pecuniary/significant conflict of interest in Item 12.1 "DA/0281/1718 - 25 Braidwood Road, Goulburn - Concrete Batching Plant" as his Brother-in-law is the director of Denrith Group of companies that are in direct competition to this proposed new business. Also Cr Andrew Banfield works for Concrete for Goulburn which is a company of Denrith Group of Companies. Cr Andrew Banfield will leave the meeting during the public forum and while discussion and determination on this item takes place.

Cr Andrew Banfield declared a non-pecuniary/significant conflict of interest in Item 12.10 "29 Clinton Street Goulburn Developer Contribution and Footpath Treatment" as he works for Concrete for Goulburn who have been a supplier of product to this development. Cr Andrew Banfield will leave the meeting while discussion and determination on this item takes place.

Cr Carol James declared a non-pecuniary/non-significant conflict of interest in Item 12.7 "Requests for Financial Assistance" being given to the Rotary Club of Goulburn Mulwaree as she is a member of the Rotary Club of Goulburn. As the disclosure was not of a significant nature Cr Carol James will remain in the meeting while discussion took place

Cr Peter Walker declared a non-pecuniary/non-significant conflict of interest in Item 12.7 "Requests for Financial Assistance" being given to the Rotary Club of Goulburn Mulwaree as he is a member of the Rotary Club of Goulburn Mulwaree. As the disclosure was not of a significant nature Cr Peter Walker will remain in the meeting while discussion took place

5 PRESENTATIONS

5.1 PETER MYLONAS - CERTIFICATE OF APPRECIATION - CAROLS OF HOPE PRESENTATION

Mayor Bob Kirk made a presentation of a certificate of appreciation to Peter Mylonas for his 27 years of service coordinating Goulburn's annual Carols of Hope held in Belmore Park.

6 PUBLIC FORUM / ADDRESSES TO COUNCIL

Cr Andrew Banfield declared an interest in this item and took no part in the discussion or voting on the matter. At 6.11pm, Cr Andrew Banfield left the meeting.

Tempe Hornibrooke will address the meeting on Item 12.1 DA/0281/1718 - 25 Braidwood Road, Goulburn - Concrete Batching Plant

Ted Philpott will address the meeting on Item 12.1 DA/0281/1718 - 25 Braidwood Road, Goulburn - Concrete Batching Plant

An extension of time was granted by Council to Ted Philpott.

Cynthia Clark will address the meeting on Item 12.1 DA/0281/1718 - 25 Braidwood Road, Goulburn - Concrete Batching Plant

Jason Mikosic will address the meeting on Item 12.1 DA/0281/1718 - 25 Braidwood Road, Goulburn - Concrete Batching Plant

An extension of time was granted by Council to Jason Mikosic.

At 6.56pm, Cr Andrew Banfield returned to the meeting.

7 CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 5 MARCH 2019

RESOLUTION 2019/63

Moved: Cr Denzil Sturgiss

Seconded: Cr Carol James

That the Council minutes from Tuesday 5 March 2019 and contained in Minutes Pages No 1 to 10 inclusive and in Minute Nos 2019/48 to 2019/61 inclusive be confirmed.

CARRIED

8 MATTERS ARISING

8.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 5 MARCH 2019

Nil

8.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2019/64

Moved: Cr Leah Ferrara

Seconded: Cr Denzil Sturgiss

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 DA/0281/1718 - 25 BRAIDWOOD ROAD, GOULBURN - CONCRETE BATCHING PLANT

Cr Andrew Banfield declared an interest in this item and took no part in the discussion or voting on the matter. At 7:01 pm, Cr Andrew Banfield left the meeting.

RESOLUTION 2019/65

Moved: Cr Margaret O'Neill

Seconded: Cr Peter Walker

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 7:01pm.

CARRIED

RESOLUTION 2019/66

Moved: Cr Margaret O'Neill

Seconded: Cr Sam Rowland

That Council move back into Open Council.

Council moved back into Open Council at 7:29pm.

CARRIED

RESOLUTION 2019/67

Moved: Cr Margaret O'Neill

Seconded: Cr Sam Rowland

That:

1. The staff assessment report for development application DA/0281/1718 for the proposed Concrete Batching Plant, Concrete Works, and Retail Sand and Soil Sale Yard be received.
2. Consent be granted for DA/0281/1718 for a Concrete Batching Plant, Concrete Works, and Retail Sand and Soil Sale Yard located at 25 Braidwood Road, Goulburn subject to the following conditions.

SCHEDULE OF CONDITIONS

GENERAL CONDITIONS

1. The development shall be carried out substantially in accordance with the approved stamped and signed plans and/or documentation listed below except where modified by any following condition.

Reference/Dwg No	Title/Description	Prepared By	Date
Environmental Impact Statement	Environmental Impact Statement and All Appendixes including Detailed Site Layout and Designs (Appendix 3) and a conceptual Surface Water Cycle Management Plan	R. W. Corkery & Co Pty Limited	26 February 2018
SWMP01 -02 Rev	Water Cycle Management	Strategic	22 February

00	Study and Water Quality Modelling Outputs and associated MUSIC stormwater quality modelling - Appendix 10 of the EIS	Environmenta I & Engineering Consulting	2018
1815770/7979	Letter- Acoustic Response to EPA Queries – DA/028(1)/1718 25 Braidwood Road, Goulburn	Spectrum Acoustics Noise and Vibration Consultants	12 September 2018
1887 V3.5 Final	Aboriginal Cultural Heritage Assessment Report: Goulburn concrete plant. 25 Braidwood Road Goulburn, NSW.	ozArk Environmenta I & Heritage Management Pty Ltd	December 2018
985/03	Response to submissions	R. W. Corkery & Co Pty Limited	June 2018

In the event of any inconsistency between conditions of this approval and the plans and documentation referred to above, the conditions of this approval prevail, to the extent of the inconsistency.

2. In accordance with clause 145 of the *Environmental Planning and Assessment Regulation 2000*, the plans and specifications submitted with a Construction Certificate must not be inconsistent with this consent.
3. In accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* compliance with the following prescribed conditions is required:
 - Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
 - Clause 98A Erection of signs
 - Clause 98B Notification of *Home Building Act 1989* requirements
 - Clause 98E Condition relating to shoring and adequacy of adjoining property
4. All imported fill to be utilised within the site shall be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and free from contaminants. Evidence shall be retained to demonstrate compliance.
5. The site layout and works shall generally be as specified in the Environmental Impact Statement (Ref: 985/01, dated 26 February 2018) and the Detailed Site Layout and Designs (Appendix 3 of the Environmental Impact Statement) prepared by R. W. Corkery & Co Pty Limited. No revised site layout, staging or external works that will impact on water quality, shall be permitted without the agreement of Water NSW.
Reason for Condition - Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.
6. No variation to stormwater treatment or management shall be permitted without prior agreement of Water NSW.
Reason for Condition – To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.
7. The swale shall discharge to the Mulwaree River via an armoured discharge point such that discharge does not cause erosion. The discharge point shall also be consistent with any requirements for Controlled Activities Approval under the *Water Management*

Act, 2000 issued by Natural Resources Access Regulator (NRAR).

Reason for Condition – To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

8. The proponent must implement erosion and sediment control measures to prevent pollution of waters in accordance with *Soils and Construction: Managing Urban Stormwater (2004)*.
9. Prior to any works commencing on-site the proponent shall incorporate the recommendations of the *Aboriginal Cultural Heritage Assessment Report* prepared by OzArk Environmental Heritage Management including:
 - Unanticipated finds protocol (Appendix 3)
 - Aboriginal Heritage Management Plan (AHMP) (Section 7.3)
 - Where ground disturbing impacts occur within 50m of the eastern boundary of the lot special care should be taken to note any angular stone fragments (Appendix 4). Should any such types of stone of potential ACH be identified, excavation shall cease in the locality and the opinion be sought of an archaeologist before proceeding with the works in that area.
 - Protocols regarding the induction of workers to help protect ACH during ground-breaking activities associated with the proposal and protocols to manage the chance find of ACH during the construction of the proposal should be detailed in the AHMP.
10. All works and activities undertaken at the premises must be undertaken in a manner that will minimise noise and vibration impacts at sensitive receivers.
11. At all times the proponent/occupant/owner must assess, classify and manage any liquid and/or non-liquid waste generated and/or stored at the premises in accordance with the EPA's Waste Classification Guidelines as in force from time to time.
12. At all times the proponent/occupant/owner must ensure the collection, storage and disposal of waste at the premises does not pollute waters.
13. The development shall comply with Clause 5.4 of *Goulburn Mulwaree Local Environmental Plan 2009* controls relating to miscellaneous permissible uses and the controls for industrial retail outlets.

The development shall be designed, constructed and managed to ensure that the retail floor (sales) area must not exceed:

- (a) 67% of the gross floor area of the industry located on the same land as the retail outlet, or
 - (b) 400 square metres,
- whichever is the lesser

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

14. A Construction Certificate pursuant to Section 6.3 of the *Environmental Planning and Assessment Act 1979*, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the *Building Code of Australia* is required prior to any works commencing.
15. Prior to issue of a Construction Certificate a Phase 2 Potential for Contamination Assessment is required in accordance with Appendix 4 to EIS and prior to any further earth works commencing.

In accordance with the *Contaminated Land Planning Guidelines* and *SEPP 55 Remediation of Land* prior to issue of the Construction Certificate and prior to any earth works commencing further investigation and reporting is required due to

previous land uses included wool scour, railway lines and potential for fill and rubble and adjacent fuel storage. A report shall be prepared by a suitably qualified and experience consultant stating that:

- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
16. Prior to the issue of a Construction Certificate confirmation that the site does not require remediation or has been suitably remediated for the intended use prepared by a suitably qualified person. Documentary evidence shall be submitted to the Principal Certifying Authority and Council.
17. Hydraulic Engineers details of the sewer, water service including backflow prevention and any proposed fire service connection to Council mains which has been approved by Council as the Water and Sewer Authority shall be submitted with the application for a Construction Certificate. The following must be included:
- It is noted that Council's sewer mains transverse the property, therefore the Construction Certificate plans must demonstrate compliance with Councils "Clearance & Easements" policy.
 - Careful consideration is required regarding Finished Floor Levels to ensure gravitational connection to sewer is possible in accordance with the Australian Standards.
 - A separate 150mm sewer junction is required. Council will provide a quotation upon application
18. Hydraulic Engineers details of the stormwater drainage which shows compliance with conditions of consent and Goulburn Mulwaree Councils *Stormwater Drainage & Rain Water Collection Systems Policy* are to be submitted to and approved by the Principal Certifying Authority prior to issue of a Construction Certificate.
19. The design of the buildings, fencing and structures shall be design to withstand the 1% AEP flood event as identified in *Wollondilly and Mulwaree Rivers Flood Study (2016)* prepared by WMA Water. The Construction Certificate plans shall be certified by a suitably experienced structural engineer demonstrating compliance with the 2016 Flood Study.
20. Consent for this development is conditional upon satisfactory arrangements with the Goulburn Mulwaree Council for the provision of adequate facilities for water supply, the removal or disposal of sewage and the disposal of stormwater. An Application under Section 305 of the Water Management Act 2000 is required and a Section 306 Notice of Requirements received prior to issue of a Construction Certificate. Note: the Section 306 notice of requirements may require works to be undertaken, payments to be made or plans submitted prior to a Construction Certificate being issued.
21. Prior to issue of a Construction Certificate plans and details shall be submitted to Council for approval demonstrating compliance with the following engineering requirements.

The entrance and exit driveways shall have concrete laybacks and heavy-duty concrete vehicular footway crossings. The footway crossings shall be to Council's standards to a heavy duty standard and shall have radii to suit the largest vehicle expected to use the site. The crossing shall joint smoothly to the carriageway.

The road reserve along the frontage of the lot shall incorporate the following works:

- Sealed road shoulder
- Pervious surround to tree
- Stormwater drainage

- **Graded and grassed / landscaped verge**

The applicant has advised that the following works shall be carried out to reduce local impacts which is incorporated into the consent.

- **Provide for a sealed entry to the Project Site from Braidwood Road. The sealed surface would include a taper to allow for the swept path of the largest vehicles to enter and exit the Project Site.**
- **Provide for a hold line for exiting vehicles set-back approximately 10m from the centre of Braidwood Road.**
- **Provide line markings on Braidwood Road on approach to the Project Site.**
- **Install and maintain intersection and truck turning signs on Braidwood Road approach to the Project Site.**

The internal driveways and parking areas shall be constructed in accordance with Council standards, including sealing the car park and manoeuvring areas and vehicular parking shall comply with the Australian Standard AS2890.1. Braidwood Road north of Bungonia Road intersection shall be upgraded to B-Double standard.

The approved Construction Certificate plans shall demonstrate compliance with this condition and prior to the commencement of construction of proposed works within the road reserve as per the approved plans under Section 138 issued by Council.

22. **There is to be no discharge of liquid trade waste to sewer from the property.**

The development is classified as a high backflow hazard and appropriate backflow prevention devices must be installed at the property as per the requirements of the *Plumbing Code of Australia, Australian/New Zealand Standard AS/NZS 3500*, and Council's *Cross Connection Control and Backflow Prevention Policy*.

As a minimum this will require the installation of a Reduced Pressure Zone Device (RPZD) immediately downstream of the water meter for boundary containment. If a dedicated fire service is provided to the property a Double Check Detector Assembly (DCDA) must also be installed for boundary containment as close as possible to the property boundary and upstream of any fire hydrant booster sets or take off points.

Additional internal zone and or individual devices must also be installed where required.

Details showing compliance shall be submitted to Council for approval prior to issue of the Construction Certificate.

23. **Section 7.12 Development Contributions**

In accordance with the provision of Section 4.17 and Section 7.12 of the Environmental Planning and Assessment Act 1979 contributions are required toward the provision of community facilities and infrastructure in accordance with the Section 94A Levy Development Contributions Plan 2009. The contributions are to be paid prior to the release of the Construction Certificate.

The current contributions (2018/2019) under the Section 94A Levy Development Contributions Plan 2009 are based on the cost of construction of the development as follows:

Cost of construction	Rate of levy
\$0 - \$100,000	0%
\$100,001 - \$200,000	0.5%
In excess of \$200,000	1%

Details of the cost of the construction of the development shall be submitted with the application for a Construction Certificate. A cost summary report must be completed for works with a value no greater than \$200,000. Where the value of the work is greater than \$200,000 the cost shall be certified by a Quantity Surveyor or an equivalent or

acceptable alternative agreed to by Council. Refer to Appendix A of the Goulburn Mulwaree Section 94A Levy Development Contributions Plan 2009 for further details.

These contributions are reviewed annually and the contribution rates are to be confirmed prior to payment.

24. All stormwater treatment and management measures shall be implemented as specified in the Concept Surface Water Management Plan (Proj. No. 18000003; Drawing SWMP01; Rev 00; dated 22/02/18) prepared by Strategic Environmental & Engineering Consulting, except where varied by these conditions. The stormwater management measures as a minimum shall include:
- pits, pipes and clean water diversion bund
 - water storage tank
 - water holding/recycling pond, and
 - a grassed swale with minimum dimensions of:
 - depth of 0.5
 - top width 6.5 metres, and
 - base width 2.5 metres.

Prior to issue of a Construction Certificate plans and details shall be submitted to Council for approval demonstrating compliance with these requirements.

Reason for Condition – To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

25. The recommendations of the Preliminary Contamination Investigation (Ref: R9300c, dated 21 February 2018) prepared by Envirowest Pty Ltd contained in Appendix 4 of the Environmental Impact Statement shall be carried out prior to the issuance of a Construction Certificate.

Reason for Condition – To ensure there is an overall and sustainable neutral or beneficial impact on water quality during all stages of the proposed development.

26. A Soil and Water Management Plan, based on Soil and Water Management Plan contained in Appendix 9 of the Environmental Impact Statement (ref: 985/01, dated 26/2/2018) prepared by R. W. Corkery & Co Pty Limited, shall be prepared by a person with knowledge and experience in the preparation of such plans for all works proposed or required as part of the development.

The Plan shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book"; shall be prepared prior to the issuance of a Construction Certificate and be to the satisfaction of Council.

Reason for Condition - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

27. A *Construction and Operational Environmental Management Plan* shall be prepared in consultation with Council and Water NSW and include but not be limited to:
- Noise and Traffic Management details incorporating:
 - Best Practice Management Practices for the control of noise from industry
 - Traffic route in accordance with the revised route via south Goulburn interchanger, Hume Street, Garoorigang Road, Sloane Street, Bungonia road and Braidwood Road. Auburn Street shall not be used.
 - Driver Code of Conduct
 - An Acoustic Report and measures to reduce the noise including (a) cladding of the batching plant (b) noise barriers at the site (c) on-site enclosures which

are based on the inclusion of these measures.

- Air quality controls
- Landscape, lighting, fence and site maintenance requirements
- WaterNSW conditions of concurrence dated 28 September 2018
- EPA recommended conditions dated 23 October 2018
- Comply with Industrial Noise Policy and related requirements
- Driver Code of Conduct
- Waste minimisation and management
- Material and chemical transport, storage and handling (including dangerous goods)
- Landscaping will need to be managed to ensure plants to the street frontage cannot be used for hiding or encourage use of clean trucks
- The storage of any goods, articles or materials shall only occur within the buildings to maintain a suitable streetscape impact and to avoid internal site congestion.
- Construction and operational hours shall be limited to:
The development shall be limited to the following hours unless otherwise specified:

<u>Construction hours (estimated 6 month period)</u>	<u>Operational hours</u>
7.00am - 6.00pm Monday to Friday	6.00am - 6.00pm Monday to Friday
8.00am - 1.00pm Saturday	6.00am - 4.00pm Saturday
No construction Sunday or Public Holidays	No operation Sunday or Public Holidays

- Flood emergency evacuation plan and flood protocol management plan to ensure the safe evacuation of staff and occupants and the removal of raw material in the aggregate storage areas to minimise the impact on the environment.
- Record keeping and investigation and reporting of complaints and non-compliance
- Neighbour and community engagement
- Notification procedures including works outside principle operating hours and non-compliance with the OEMP and audit reports
- Review and amendments of the OEMP

The plans shall be approved by Goulburn Mulwaree Council and Water NSW prior to issue of a Construction Certificate.

28. A revised fencing, landscaping and lighting plan shall be submitted to Council for approval prior to issue of the Construction Certificate. The amended plan shall be amended to include the following additional matters:

- Planting details are required to be outlined on the plans e.g. soil preparation, mulching, plant species and pot sizes
- The planting areas are to be separated from grassed areas by a solid edge constructed from long lasting materials such as brick, concrete or hardwood or treated pine
- Details of the landscape maintenance period plan/schedule including but not limited to the following details:
 - Pest, weed and plant disease control
 - Hedging and pruning as required
 - Irrigation and lighting system and maintenance
 - Lawn mowing and edging
 - Mulch renewal of garden beds

- Replacement of dead plants
- Management of the buffer grassland located between the development site and the Mulwaree River
- Landscaping proposes Kerrawang formerly identified as *Rulingia daysphylla* and now known as *Commersonia daysphylla*. Further information is required to confirm whether the species is Goulburn frost tolerant (ie -10 degrees Celsius) and if not frost or drought tolerant as suitable alternative shall be identified.
- Green shade cloth is to be attached to the mesh fence along the north and south boundary to provide additional screening of the concrete Plant and Silos. The shade cloth should be continuous but have openings at regular intervals to prevent tearing in wind. The shade cloth is to be reinstated when damaged.

Reason: To ensure landscaping is maintained and to mitigate the impact of the development on views from the Goulburn Brewery site and to protect neighbouring food business.

- Lighting is required to provide security to the facility. Details of the proposed external lighting. For the purpose of residential amenity any external lighting is not to adversely impact adjacent properties by way of excessive light. The intensity of the lighting shall be able to be redirected if excessive to adjacent properties.

29. Prior to issue of the Construction Certificate and before commencing any construction works or contamination investigation work, the Applicant must obtain a Pre-Construction Dilapidation Report detailing the current structural condition of any part of a building that is within 2m of the proposed boundary. The Report shall be prepared by a qualified structural engineer and include clear labelled images/photographs and a summary report detailing any apparent existing defects. If the person preparing the report is denied access to the building for the purpose of an inspection, the report may be prepared from an external inspection. A copy of the report is to be forwarded to the Council and each of the affected property owners for the purposes of a record of existing building condition and to ensure that the neighbour and the Builder are protected in the unlikely case of damage.

The Report shall include written confirmation, issued with the authority of both the applicant and Report author that Goulburn Mulwaree Council is granted a perpetual non-exclusive license to make use of the copyright in all images and documentation supplied, including the right to make copies available to third parties as though they were Council images and document. The signatures of both the applicant and the author (including photographer) must be included in the Report.

Reason: Concern was raised with regards to the effect of works adjacent to the existing adjacent building/s

PRIOR TO COMMENCEMENT OF BUILDING WORK

30. The Soil and Water Management Plan shall be implemented and effective erosion and sediment controls shall be installed prior to any construction activity including site access. The controls shall prevent sediment or polluted water leaving the site or entering any stormwater drain or Mulwaree River and shall be regularly maintained and retained until works have been completed and ground surface stabilised or groundcover re-established.

Reason for Conditions - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

31. Nominate a Principal Certifying Authority (PCA) and the PCA is to notify the consent authority and Council of their appointment, two (2) days prior to commencing work.
32. Prior to the commencement of any construction works, an appropriately qualified person must prepare a detailed Construction Environment Management Plan (CEMP)

which includes, but is not limited to:

- a) Dust (air quality) management strategy;
- b) Procedures for validation of imported fill material and the proposed means of disposing of overburden;
- c) Waste and materials re-use on site;
- d) Community response and management procedure outlining the course of action to be undertaken following receipt of a complaint;
- e) Chemical handling and Dangerous Goods Management Plan;
- f) Pollution Incident Response Management Plan;
- g) Noise Management Plan; and
- h) Air Quality Management Plan.

DURING CONSTRUCTION

33. In accordance with Section 6.5 of the *Environmental Planning and Assessment Act 1979* and Clause 162A of the Regulations the following Mandatory, Critical Stage Inspections need to be carried out by the Principal Certifying Authority. (PCA)
Forty-eight (48) hours' notice is required prior to these inspections.
 - After excavation for, and prior to the placement of any footings; and
 - Prior to pouring any in-situ reinforced concrete building element; and
 - Prior to covering of the framework for any floor, wall, roof or other building element (truss and bracing details required prior to inspection); and
 - Prior to covering waterproofing in any wet areas; and
 - Prior to covering any stormwater drainage connections; and
 - After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.
34. The hours of construction and noise generation/mitigation shall be in accordance with the approved Construction and Operational Environmental Management Plan.
35. The water supply is to be connected after a water meter. If the water meter is damaged or removed, the applicant will be responsible for cost to have Council install or repair the meter.
36. The proposal is to be set out by a Registered Surveyor and a Survey Report is to be submitted to the Principal Certifying Authority to ensure compliance with the Development Application. No part of the building including eaves or guttering and any proposed retaining walls are to encroach over the boundaries or easements. If the Principal Certifying Authority has concerns with the set out of the building a Survey Report may be requested prior to pouring of the slab or once the outer wall location is determined.
37. Any person demolishing the building must upon identifying or suspecting that asbestos is present in the building, immediately notify the SafeWork NSW the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.
38. Any asbestos removal to be carried out in accordance with the current SafeWork NSW requirements and in accordance with the NSW Government guidelines which can be found on their webpage at <http://www.safework.nsw.gov.au/health-and-safety/safety-topics-a-z/asbestos>
39. Documentation verifying the lawful disposal of all waste and asbestos is to be kept by the applicant and provided to Council on request.
40. Any contaminated material shall be disposed of at an appropriately licensed facility as soon as possible after identification.
Reason for Condition – To ensure there is an overall and sustainable neutral or beneficial impact on water quality during all stages of the proposed development.
41. Cutting and filling is to be restricted to that shown on the Development Consent

approved plans. Any further cutting or filling will require separate Council approval.

42. The proponent must minimise the emission of dust from the premises at all times, including during the construction phase.
43. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them being dangerous to life or property in accordance with WorkCover requirements. It will necessary to ensure that the excavation is not within the zone of influence on the footings of buildings on the adjoining properties.
44. In accordance with the *Plumbing and Drainage Act 2011*, a plumbing and drainage *Notice of Work (NoW)* must be completed and returned to Council for its records, no later than 2 business days before the work concerned is carried out. The *Notice of Work* is to identify what plumbing and drainage work is carried out by a particular plumber/drainer.

On completion of the plumbing and drainage work and prior to Council's Final Inspection of the plumbing and drainage work, the plumber/drainer is to submit to Council a *Certificate of Compliance (CoC)* and a *Sewer Service Diagram*.

45. A backflow prevention device inspection and maintenance report must be submitted to Council within five working days of the devices being installed. The inspection report must be completed in full and include the serial numbers of all backflow devices installed and the meter number of the water meter installed upstream of the devices.
46. All sanitary drainage, plumbing and backflow prevention is to be carried out in accordance with AS 3500 and the *Plumbing and Drainage Act 2011* and the following stages of construction are to be inspected by Council as the Water and Sewer Authority.

Forty-eight (48) hours notice is required prior to these inspections.

- Plumbing and Drainage before backfilling.
- Pressure testing or waterpipes within the building prior to fixing of linings.
- Final inspection of water plumbing and sewer drainage.

Inspection fees for plumbing and sanitary are to be paid to Council prior to commencing plumbing and drainage work.

47. Rainwater tanks must be installed in accordance with the Goulburn Mulwaree Councils Development Control Plan 2009 and *Stormwater Drainage & Rain Water Collection Systems Policy*.
48. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

49. Should any Aboriginal 'objects' be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage is to be informed in accordance with section 89A of the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal 'objects' on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal 'objects' must be managed in accordance with the National Parks and Wildlife Act 1974.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

50. All stormwater quality management controls installed at the premises, during both construction and operation, must be inspected:
 - Regularly during normal construction hours;

- Daily during rainfall events; and
- Within 24 hours of the cessation of a rainfall event causing runoff to occur from the premises.

51. The proponent must keep written records of all observations and actions made in relation to stormwater quality management control inspections, including any works undertaken to repair and/or maintain stormwater management controls.

PRIOR TO OCCUPATION

52. The applicant must obtain an Occupation Certificate, pursuant to Section 6.3 of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority, prior to occupation of the building/commencement of the use.

53. A final inspection of water plumbing and sewer drainage must be conducted by Council as the Water and Sewer Authority. Only after advice that the final water and sewer inspection has been completed in a satisfactory manner may an Occupation Certificate be issued.

54. A Compliance Certificate under Section 307 of the *Water Management Act 2000* is to be obtained from Council prior to issue of the Occupation Certificate.

55. A *Certificate of Compliance (CoC)* and a *Sewer Service Diagram* prepared by the plumber(s) who submitted the *Notice of Work* must be issued to Council prior to issue of the Occupation Certificate.

56. All the proposed landscaping approved in this development consent shall be installed prior to the issue of any Occupation Certificate.

57. Prior to the issue of any Occupation Certificate, all work indicated on the approved plans and all requirements of this development consent shall be completed/satisfied.

58. A street number "25" shall be displayed on the site. Street identification numbers at least 7 centimetres in height is to be displayed in a prominent location clearly visible from the street frontage, prior to the issue of an Occupation Certificate.

59. Prior to the issue of an Occupation Certificate it will be necessary to submit to the Principal Certifying Authority, a Fire Safety Certificate in respect of the fire safety measures installed within the building.

A Fire Safety Certificate is to state, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated that the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so, and that, as at the date of the assessment, the measure was found to be capable of performing to a standard not less than that required by the schedule to the relevant approval.

60. All security measures required by this consent such as lighting, access control and security cameras shall be installed prior to the issue of any Occupation Certificate.

61. To ensure the earthworks and landscape works comply with the approved Construction Certificate Plans, Works as Executed plans for stormwater and earthworks shall be prepared and certified by the Stormwater consultant for the works and surveyor for the levels as complying prior to issue of an Occupation Certificate.

Reason: To ensure earth works and stormwater management works comply with the conditions of consent.

62. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of any Occupation Certificate that all stormwater management measures have been installed as per these conditions of consent and are in a functional state.

63. An Operational Environmental Management Plan (OEMP), based on information

contained in the Soil and Water Management Plan contained in Appendix 9 of the Environmental Impact Statement (ref: 985/01, dated 26/2/2018) prepared by R. W. Corkery & Co Pty Limited, shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans prior to the issuance of any Occupation Certificate. The OEMP shall be implemented and shall include but not be limited to:

- measures to deal with spills of hydrocarbons and concrete additives
- details on the location, description and nature of stormwater management structures such as bunds, pits, pipes, first flush pit, holding recycling pond, swale and discharge point
- an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
- the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and procedures for managing and notification of water quality emergencies, and
- checklists for recording inspections and maintenance activities.

Reason for Conditions 52 - 54– To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

64. Prior to issue of any Occupation Certificate, the Applicant shall engage a suitably qualified person to prepare a Post-Construction Dilapidation Report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.

The Report is to be submitted to the PCA (and a copy provided to Council if Council is not the PCA) and each affected owner. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads the author must compare the Post-Construction Report to the Pre-Construction Dilapidation Report required by this consent.

Should any damage be recorded in the Post-Construction Dilapidation Report as a result of the development at 25 Braidwood Road, then the damage to the building shall be rectified under the guidance of a suitably qualified Heritage Professional prior to issue of an Occupation Certificate. Any damage identified in Post-Construction Dilapidation Report shall be repaired within 3-6 months of the completion of the Post-Construction Dilapidation Report unless otherwise agreed to by Council and the affected property owner.

65. Prior to issue of an Occupation Certificate, the creation of an easement over Council's sewer mains is required, at the developer's expense.
66. Prior to issue of an Occupation Certificate, Braidwood Road north of Bungonia Road intersection shall be upgraded to comply with the B-Double standards nominated by Austroads (2016) for designated heavy haulage routes.
67. The maintenance period for Braidwood Road upgrade works is 24 months and commences on the date of issue of the Occupation Certificate.

The maintenance bond is an amount of 5% of the value of the total engineering works (minimum amount \$1,000). This bond is held by Council to cover any defects or omissions which may arise or become apparent in the maintenance period. The maintenance bond is to be paid to Goulburn Mulwaree Council prior to the issue of the Occupation Certificate.

During the maintenance period Council may direct the developer to rectify any omission or defect in the work which existed at the time of Notification of Completion or becomes apparent prior to the expiration of the maintenance period. If defects or

omissions are not rectified within one month, Council may rectify the omission or defect and apply the maintenance bond as payment of the cost for the rectification.

The maintenance period of any rectification work will be extended a further 24 months, however, at the expiration of the original 24 month maintenance period, the amount of the maintenance bond will be reduced in accordance with the value of the work under maintenance.

Upon expiration of the maintenance period, it will be the developer's responsibility to request Council to release the maintenance bond.

The requirement for the developer to rectify defects and omissions in accordance with this clause holds true after the expiration of the maintenance period in the case that such defects and omissions are undiscoverable by normal means but come to light at a subsequent time.

ONGOING OPERATION

68. To protect the amenity of the area, the development shall be managed in accordance with the approved Construction and Operational Environmental Management Plan.
69. The hours of construction and noise generation/mitigation shall be in accordance with the approved Construction and Operational Environmental Management Plan.
70. All stormwater quality management controls installed at the premises, during both construction and operation, must be inspected:
 - Regularly during normal construction hours;
 - Daily during rainfall events; and
 - Within 24 hours of the cessation of a rainfall event causing runoff to occur from the premises.
71. The proponent must keep written records of all observations and actions made in relation to stormwater quality management control inspections, including any works undertaken to repair and/or maintain stormwater management controls.
72. Within three months of the date of Occupation Certificate, and each year thereafter, for the first five years of operation unless Water NSW agrees otherwise, the Applicant shall provide an annual report to Water NSW on the environmental performances of the development regarding Water NSW's conditions in this consent. This requirement shall be reviewed after five years to reassess the timeframes. The annual report and review must:
 - include a comprehensive review of the monitoring results, based on the checklists in the OEMP required in Condition 6 above, over the past calendar year, which includes a comparison of these results against the relevant performance trigger levels
 - identify any non-compliance over the past year, and describe what actions were (or are being) taken to ensure compliance, and
 - describe what measures will be implemented over the next year to improve the environmental performance of the development (if considered necessary).

Reason for Condition – To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

73. The owner of the building shall:
 - Furnish to the Council an Annual Fire Safety Statement in respect to each essential service installed in the building;
 - Ensure that essential services installed within the building are performing to a standard no less than to which the measure was originally designed;

- Ensure the safety of fire exits;
- Ensure doorways and paths of travel are not obstructed;
- Ensure that offences relating to fire exits do not occur within the building.

The owner of the building shall:

- cause a copy of the certificate to be furnished to Fire and Rescue NSW it is preferred this is done electronically via the following email address afss@fire.nsw.gov.au; and
- cause a further copy of the certificate to be kept at the building.

74. Following installation, testable backflow prevention devices must be re-tested by a licensed plumber at intervals not exceeding every 12 months. Copies of the test reports for each device to be provided to Council’s Utility Services.
75. Operational noise generated by the development must not exceed the criteria in the table below at any residential receiver. The criteria are defined in Table 2 of the ‘*Noise and Vibration Impact Assessment*’ prepared by Spectrum Acoustics (Project number 1815700, February 2018) and presented in the table below:

Location	Day	Evening	Night
Residential receivers* to the east of the premises	42	42	38
Residential receivers* to the west of the premises	42	42	41

*The limits in the table above do not apply to residential receivers located in land zoned “General Industrial”, surrounding the proposal site.

76. If noise emissions exceed the identified limits, the proponent must investigate the cause of the exceedance and implement all reasonable and feasible measures to avoid a repeat of the exceedance.
77. A post-commissioning report produced by an independent organisation that is eligible for membership with the Association of Australian Acoustic Consultants must be provided to the NSW EPA within 3 months of the premises commencing full operations. The report should validate whether the site is operating within the established noise goals in the Noise and Vibration Impact Assessment, and if not, provide a pathway to ensuring compliance with those goals.
78. The proponent/operator of the premises must provide written notification of at least 3 working days to the residential receivers on Braidwood Road, north of Bungonia Road, of any upcoming campaigns which will require concrete batching and dispatch prior to 6.30am, Monday to Saturday.
79. As the noise modelling has assumed several noise control mechanisms, the proponent must ensure these are installed prior to commencing operations. These include but are not limited to:
- cladding of the batching plant;
 - acoustic barriers around the slump stand; and
 - installation of on-site enclosures.
80. The proponent must install broadband reversing alarms where possible on mobile plant used on site.
81. The proponent must minimise the emission of dust from the premises at all times.
82. The proponent must arrange for particulate monitoring to be undertaken at the premises for the first year of operation to validate the modelled air impacts.
- The proponent should prepare an Air Quality Management Plan (AQMP) that details an appropriate air monitoring and reporting regime, with reference to Ambient Air-NEPM

(NEPC, 2003) advisory reporting standards for particulate matter.

The AQMP should include an assessment of the need for site-specific meteorological monitoring, and should include a commitment to publish all monitoring results to the proponent's website as soon as possible.

83. The results of any air sampling undertaken as part of the air quality management plan must be recorded and produced to any authorised officer of the EPA on request.
84. The proponent must ensure that environmental risks associated with the storage, processing and handling of hazardous materials and dangerous goods are minimised. Storage and handling of any dangerous goods must be undertaken in accordance with the most up-to-date version of The Storage and Handling of Dangerous Goods Code of Practice. The current version as of the date of this letter is from 2005 and can be viewed online at:
http://www.safework.nsw.gov.au/_data/assets/pdf_file/0005/50729/storage-handling-dangerous-goods-1354.pdf
85. The type, quantity and location of all dangerous goods, chemicals and waste should be easily identified by site personnel and include in relevant environmental management plans/documentation for the premises.
86. The proponent must develop and implement effective controls for the storage, processing and handling of materials at the premises. These controls should include operating and maintaining bunds or spill containment systems where necessary to minimise the risk of pollution from potential spills and leaks. Information on bunding and spill management can be found online at: <https://www.epa.nsw.gov.au/licensing-and-regulation/licensing/environment-protection-licences/authorised-officers/resources-and-training/bunding-and-spill-management>
87. All written records must be:
 - a) In a legible form, or in a form that can be readily reduced to a legible form;
 - b) Kept for at least 4 years after the monitoring or event to which they relate took place; and
 - c) Produced in a legible form to any authorised officer of the EPA who asks to see them.
88. The proponent must establish a 24-hour complaints hotline to enable real-time responses to community complaints relating to the operation of any approved development. The proponent should establish a website that will:
 - i) Enable the community and local businesses to register queries/complaints;
 - ii) Enable the proponent to advise the community about environmental incidents at the premises in real time; and
 - iii) Enable the publication of environmental monitoring results.

AGENCY REQUIREMENTS

89. Water NSW

The Applicant is to comply with all the requirements of Water NSW as outlined in the attached letter of concurrence dated 28 September 2018 (and incorporated into the consent conditions for assistance).

90. EPA

The Applicant is to comply with the recommended conditions of EPA as outlined in the attached letter dated 23 October 2018 (and incorporated into the consent conditions for assistance).

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 Bob Kirk, Peter Walker, Sam Rowland and Margaret O'Neill

Against: Crs Leah Ferrara, Carol James and Denzil Sturgiss

At 7:36pm, Cr Andrew Banfield returned to the meeting.

12.2 REVIEW OF THE B2 LOCAL CENTRE ZONING IN MARULAN AND MISTFUL PARK

RESOLUTION 2019/68

Moved: Cr Peter Walker

Seconded: Cr Carol James

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 7:37pm.

CARRIED

RESOLUTION 2019/69

Moved: Cr Denzil Sturgiss

Seconded: Cr Carol James

That Council move back into Open Council.

Council moved back into Open Council at 7:45pm.

CARRIED

RESOLUTION 2019/70

Moved: Cr Leah Ferrara

Seconded: Cr Andrew Banfield

That:

1. The report from the Graduate Strategic Planner on the review of the B2 Local Centre zoning in Marulan and Mistful Park be received.
2. Council draft a planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* to:
 - (a) Rezone lots 6-8 DP 1220973 in the Mistful Park locality from B1 Neighbourhood Centre to R3 Medium Density Residential with a minimum lot size of 1500m²;
 - (b) Rezone the detention pond (Lot 9 DP 1220973) in the Mistful Park locality from B1 Neighbourhood Centre to RE1 Public Recreation;
 - (c) Rezone lots 1-5 DP 1220973 in the Mistful Park locality from B1 Neighbourhood Centre and part R5 Large Lot Residential to B2 Local Centre with a floor space ratio of 0.5:1;
 - (d) Add '*tourist and visitor accommodation*', '*camping ground*' and '*caravan park*' as an additional permitted use for Lot 6 DP 1220973 in the Mistful Park locality;
 - (e) Amend the floor space restriction for '*neighbourhood shops*' from 1000m² to a maximum of 250m².
 - (f) Rezone the land currently zoned B2 Local Centre with a floor space ratio of 1.2:1, north of the rail line in Marulan to B6 Enterprise Corridor with a floor space ratio of 0.8:1.
 - (g) Rezone lots 3-12 section 1 DP 3012 and lots E, F and G DP26410 in Marulan from B2 Local Centre with a floor space ratio of 1.2:1 to R1 General Residential with a 700m² minimum lot size and no floor space ratio.

3. **The planning proposal once drafted, be submitted to the Minister of NSW Planning and Environment for a gateway determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.**
4. **The Department of Planning and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the planning proposal.**
5. **In the event that NSW 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. **The amendment to the *Goulburn Mulwaree Development Control Plan 2009* attached to this report relating to commercial and medium density residential development at Mistful Park be placed on public exhibition for a minimum period of 28 days commencing the same day as the public exhibition period for the aforementioned planning proposal and a notice be placed in a local newspaper advising the period of exhibition and how submissions may be made.**
7. **Following the exhibition period of the draft amendment to the *Goulburn Mulwaree Development Control Plan 2009* and planning proposal, a report will be presented to Council advising of the outcomes of the consultation and any amendments made to the document as a result of consultation.**
8. **Council wave any standard lodgement and processing fee payable under Council's fees and charges in relation to the planning proposal and amendment to the *Goulburn Mulwaree Development Control Plan 2009*.**

CARRIED

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Leah Ferrara, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

Abstained: Cr Sam Rowland

12.3 AMENDMENT TO THE 2018/19 CAPITAL WORKS PROGRAM**RESOLUTION 2019/71**

Moved: Cr Leah Ferrara
Seconded: Cr Denzil Sturgiss

That

- 1. The report from the Business Manager of Works on the amendment to the 2018/19 Capital Works Program be received**
- 2. Council approve the following revised 2018/19 Capital Works program:**
 - a) Auburn Street (Citizen to Shepherd) – footpath replacement**
 - b) Auburn Street (Glebe to Walker) – footpath replacement**
 - c) Addison Street (Rhoda to Duke) – footpath replacement**
 - d) Auburn Street (Citizen to Shepherd) – kerb and gutter replacement**
 - e) Memorial Road – new kerb and gutter**
- 3. Council approval deferral of the following projects from the 2018/19 footpath replacement and kerb & gutter replacement projects to the 2019/20 financial year.**
 - a) Mulwaree Street (Bradley Street End) – kerb & gutter replacement**
 - b) Addison Street (Cooinda to Francis) – new footpath**
 - c) Rhoda Street (Combermere to Garfield) – new footpath**
 - d) Rhoda Street (Garfield to Addison) – new footpath**
- 4. Council approve the transfer of \$85,000 from Sanctuary Drive budget to offset the over-expenditure on the Gurrundah Road project.**

CARRIED

12.4 REALLOCATION OF CAPITAL WORKS BUDGET 2018/19 - 2019/20**RESOLUTION 2019/72**

Moved: Cr Peter Walker
Seconded: Cr Denzil Sturgiss

That

- 1) The report from the Business Manager of Works on the Tait /Lockyer Street link road be received**
- 2) Council approve the transfer of up to \$400,000 from the 2019/20 budget for Urban Road Construction Program for the Tait / Lockyer link road to the 2018/19 financial year.**

CARRIED

12.5 CONTRACT VARIATION TO VP129895 STABILISED HEAVY PATCHING**RESOLUTION 2019/73**

Moved: Cr Peter Walker
Seconded: Cr Andrew Banfield

That

- 1. The report from the Business Manager of Works on the variation of Stabilised Heavy Patching be received.**
- 2. Council approve \$40,929.08 (excl. GST) as the variation amount to be paid to Downer EDI Works Pty Ltd following the completion of the stabilised heavy patching contract VP129895 undertaken on the Gunlake haulage route.**

CARRIED

12.6 PROPOSED ROAD REALIGNMENT - OALLEN FORD ROAD**RESOLUTION 2019/74**

Moved: Cr Denzil Sturgiss
Seconded: Cr Peter Walker

That:

- 1. The report from the Business Manager Property & Community Services on a proposed road realignment of Oallen Ford Road, Oallen be received.**
- 2. Council acquire approximately 540m² of 2202 Oallen Ford Road, Oallen (Lot 5 in DP 776199) for \$1,000 (exempt GST) and have this land dedicated for road realignment purposes.**
- 3. Council meet all costs associated with preparing a Plan of Subdivision and registration fees with NSW LRS.**
- 4. Council meet all costs associated with reinstatement of fencing on the new property boundary.**
- 5. Council relocate any surplus landfill from this road project on to 2202 Oallen Ford Road, Oallen at the property owner's request.**
- 6. Council's seal be affixed to all documentation necessary to complete this land acquisition and road realignment.**

CARRIED

12.7 REQUESTS FOR FINANCIAL ASSISTANCE**RESOLUTION 2019/75****Moved: Cr Peter Walker****Seconded: Cr Carol James****That****The report of the Director of Business Services on Requests for Financial Assistance be received.**

- 1. Council make a cash donation of \$3,000 towards the 2019 Southern Tablelands Science and Engineering Challenge from the Financial Assistance budget.**
- 2. Council provide financial support totalling \$3,437 incl GST (\$3,129.72 excl GST) for the Rotary Club of Goulburn Mulwaree to fund the hire fees and associated costs for the Recreation Area for the annual Goulburn Swap Meeting with the amount being paid via a transfer from the financial assistance budget.**
- 3. Council fund the support to the Tallong Apple Day Festival to the value of \$3,650 from the Financial Assistance budget:**
- 4. Council fund the traffic control for the Tallong Apple Day Festival event out of the Operations – Events Support budget - estimated at \$850**

CARRIED

Council took an adjournment at 8.00pm for dinner and will reconvene at 8.30pm.

Council reconvened at 8.32pm

ITEM BOUGHT FORWARD**RESOLUTION 2019/76****Moved: Cr Leah Ferrara****Seconded: Cr Andrew Banfield****That Item 12.10 be bought forward to this part of the meeting.****CARRIED**

12.8 CODE OF MEETING PRACTICE

RESOLUTION 2019/77

Moved: Cr Peter Walker
Seconded: Cr Margaret O'Neill

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 9:30pm.

CARRIED

RESOLUTION 2019/78

Moved: Cr Sam Rowland
Seconded: Cr Carol James

That Council move back into Open Council.

Council moved back into Open Council at 9:39pm.

CARRIED

RESOLUTION 2019/79

Moved: Cr Bob Kirk
Seconded: Cr Sam Rowland

That:

1. Council include in clause 8.1 03 Councillors Declaration replacing the Prayer
2. Add new Clause 8.4 to read as follows:
 In accordance with clause 8.1 03 Councillors Declaration, the Mayor will ask at each meeting a Councillor to read the following declaration on behalf of the Councillors present:

***“On behalf of the elected Councillors present here tonight I solemnly and sincerely declare and affirm that we will undertake the duties of the office of Councillor in the best interests of the people of Goulburn Mulwaree and that we will faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act 1993 or any other act to the best of our ability and judgement.**”*

CARRIED

In Favour: Crs Bob Kirk, Peter Walker, Andrew Banfield, Sam Rowland, Leah Ferrara and Carol James

Against: Crs Margaret O'Neill and Denzil Sturgiss

RESOLUTION 2019/80**Moved: Cr Bob Kirk****Seconded: Cr Sam Rowland****That:**

- 1. The report from the General Manager on the adoption of the Code of Meeting Practice be received.**
- 2. Council adopts the attached draft Model Code of Meeting Practice and places the draft document on public exhibition for 28 days. The following changes were noted:**
 - Minor numbering changes**
 - Paragraph 4.20 Note added**
 - Paragraph 8.1 - 03 to include Councillor declaration**
 - Add Paragraph 8.4 in accordance with the previous resolution of Council.**
 - 7.3 Addition of Council first name**
 - Item 14.13 & 14.16 Clarification of wording**
- 3. If any submissions and/or comments are received during the public exhibition period then those submissions and/or comments be reported back to Council for discussion and determination. If no submissions are received then the Code of Meeting Practice becomes the endorse document effective from the 4 June 2019 Council meeting.**

CARRIED**12.9 MODEL CODE OF CONDUCT****RESOLUTION 2019/81****Moved: Cr Peter Walker****Seconded: Cr Carol James****That**

- 1. The report of the General Manager on the Model Code of Conduct be received**
- 2. Council endorse the draft Model Code of Conduct for Local Government and place the document on public exhibition for 28 days**
- 3. If no submissions or comments are received on the draft Model Code of Conduct during the public consultation process then it becomes adopted policy of Council. If any submission or comments are received then the matter be reported back to Council at a future meeting for determination.**

CARRIED

12.10 29 CLINTON STREET GOULBURN DEVELOPER CONTRIBUTIONS AND FOOTPATH TREATMENT

At 8:33 pm, Cr Andrew Banfield left the meeting.

RESOLUTION 2019/82

Moved: Cr Leah Ferrara

Seconded: Cr Margaret O'Neill

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 8:33pm.

CARRIED

RESOLUTION 2019/83

Moved: Cr Denzil Sturgiss

Seconded: Cr Peter Walker

That Council move back into Open Council.

Council moved back into Open Council at 8:54pm.

CARRIED

MOTION

Moved: Cr Sam Rowland

Seconded: Cr Margaret O'Neill

That:

1. The report from the Director Utilities and Director Planning and Environment on 29 Clinton Street Developer Contributions and Footpath Treatment be received.
2. The Section 64 Developer contribution for the development at 29 Clinton Street Goulburn be charged at the current development servicing rates for Water, Sewer and Stormwater for this development according to the Council resolution (Resolution 2017/462) and Council's current fees and Charges.
3. Council delegate the determination of the forthcoming modification which is to include the addition of a drop off zone to Clinton Street, landscaping changes, bathroom alterations and improved disabled pedestrian access from Clinton Street to the General Manager.
4. In delegating determination of the above mentioned modification for the footpath and landscaping on Council's footpath and road reserve to the General Manager the following guiding principles will be followed:
 - a) The attached plans as provided by Ochre Landscape Architects be generally endorsed.
 - b) The design and materials for the proposed paving on Clinton Street must be complimentary to the paving in Auburn Street.
 - c) The Clinton Street paving treatment be focused upon the frontage of the development between the south western boundary (underground car park entrance) and the existing convent driveway entrance.
 - d) Council endorse the retention and improvements to the existing grass verges in Bourke Street provided that a minimum of six established street trees are provided.
 - e) Satisfactory arrangements be put in place to ensure that the improved Bourke Street footpath area be protected throughout construction of the villas located at the rear of the development site.
 - f) The treatment on the footpath at the intersection of Bourke and Clinton Street be generally in line with other garden structures in the vicinity such as the structures at Bourke and Verner Streets intersections.
 - g) The footpath treatment along Clinton Street and Bourke Street, excluding driveways, be completed prior to the occupation of buildings A, B & C.

AMENDMENT**RESOLUTION 2019/84**

Moved: Cr Bob Kirk

Seconded: Cr Denzil Sturgiss

That:

1. **The report from the Director Utilities and Director Planning and Environment on 29 Clinton Street Developer Contributions and Footpath Treatment be received.**
2. **The Section 64 Developer contribution for the development at 29 Clinton Street Goulburn be charged at total amount of \$428,768.80 based on 30.29ET for water and 34.13ET for sewer on the fee that was applicable prior to the 8 November 2017 and 6.78ET for water and 11.14ET for sewer based on the current fee structure. These fees will be reviewed if a further modification is received.**
3. **Council delegate the determination of the forthcoming modification which is to include**

the addition of a drop off zone to Clinton Street, landscaping changes, bathroom alterations and improved disabled pedestrian access from Clinton Street to the General Manager.

4. In delegating determination of the above mentioned modification for the footpath and landscaping on Council's footpath and road reserve to the General Manager the following guiding principles will be followed:
- a) The attached plans as provided by Ochre Landscape Architects be generally endorsed.
 - b) The design and materials for the proposed paving on Clinton Street must be complimentary to the paving in Auburn Street.
 - c) The Clinton Street paving treatment be focused upon the frontage of the development between the south western boundary (underground car park entrance) and the existing convent driveway entrance.
 - d) Council endorse the retention and improvements to the existing grass verges in Bourke Street provided that a minimum of six established street trees are provided.
 - e) Satisfactory arrangements be put in place to ensure that the improved Bourke Street footpath area be protected throughout construction of the villas located at the rear of the development site.
 - f) The treatment on the footpath at the intersection of Bourke and Clinton Street be generally in line with other garden structures in the vicinity such as the structures at Bourke and Verner Streets intersections.
 - g) The footpath works required on Clinton Street be completed prior to the occupation of buildings A ,B & C. Staff be delegated authority to manage the completion of the Bourke Street footpath works in suitable timing to the completion of the balance of the development.

CARRIED

The amendment was put and carried with Councillors voting as follows:

In Favour: Crs Bob Kirk, Peter Walker, Leah Ferrara and Denzil Sturgiss

Against: Crs Sam Rowland, Margaret O'Neill and Carol James

The amendment then becomes the motion and the motion was put and carried with Councillors voting as follows:

In Favour: Crs Bob Kirk, Peter Walker, Leah Ferrara and Denzil Sturgiss

Against: Crs Sam Rowland, Margaret O'Neill and Carol James

CARRIED

At 9:23 pm, Cr Andrew Banfield returned to the meeting.

12.11 AUSTRALIAN BLUES MUSIC FESTIVAL**RESOLUTION 2019/85****Moved: Cr Peter Walker****Seconded: Cr Denzil Sturgiss**

1. That the report from the Business Manager Marketing, Events & Culture on the Australian Blues Music Festival be received and noted.
2. Council undertake an Expression of Interest process requesting respondents to outline what could be achieved within a \$30,000 plus GST and CPI budget per annum for the organisation, management and promotion of the Australian Blues Music Festival for a five year period.
3. In addition to the \$30,000 in clause 2 above Council remains committed to the 7 August 2018 resolution to fund the erection of street banners and \$1,000 towards television advertisements.
4. The General Manager adjust the draft 2019/20 budget to account for this resolution.

CARRIED**12.12 BUSINESS DEVELOPMENT UPDATE**

At 10:17 pm, Cr Sam Rowland left the meeting.

RESOLUTION 2019/86**Moved: Cr Andrew Banfield****Seconded: Cr Leah Ferrara**

That the report from the Communications & Business Development Officer be received and noted for information.

CARRIED**12.13 MONTHLY FINANCIAL REPORT****RESOLUTION 2019/87****Moved: Cr Margaret O'Neill****Seconded: Cr Leah Ferrara**

That the report by the Director Corporate & Community Services and the Business Manager Finance & Customer Service on the Financial Statements to 28 February 2019 be received and noted for information.

CARRIED

12.14 STATEMENT OF INVESTMENTS AND BANK BALANCES

RESOLUTION 2019/88

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

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 February 2019 be received.

CARRIED

12.15 UTILITIES DEPARTMENTAL REPORT - FEBRUARY 2019

RESOLUTION 2019/89

**Moved: Cr Margaret O'Neill
Seconded: Cr Denzil Sturgiss**

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

CARRIED

12.16 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT FEBRUARY 2019

RESOLUTION 2019/90

**Moved: Cr Margaret O'Neill
Seconded: Cr Peter Walker**

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

CARRIED

12.17 OPERATIONS DEPARTMENTAL REPORT - FEBRUARY 2019

At 10:20 pm, Cr Sam Rowland returned to the meeting.

RESOLUTION 2019/91

**Moved: Cr Denzil Sturgiss
Seconded: Cr Margaret O'Neill**

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

CARRIED

12.18 PLANNING AND ENVIRONMENT DIRECTORATE REPORT - FEBRUARY 2019**RESOLUTION 2019/92****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara**

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

CARRIED**12.19 COUNCILLOR BRIEFING SESSION SUMMARY****RESOLUTION 2019/93****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara**

That the report from the General Manager on Councillor Briefing Session Summary be received and it be noted that on the 26 February 2019 Cr Rowland was an apology but had a separate meet with the Director of Corporate Services at a later date.

CARRIED**12.20 EXTERNAL MEETING MINUTES****RESOLUTION 2019/94****Moved: Cr Margaret O'Neill****Seconded: Cr Denzil Sturgiss**

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

- 1. Southern Tablelands Zone Bush Fire Management Committee Meeting Minutes 5 September 2018**
- 2. Gunlake Community Consultative Committee Meeting Minutes 15 February 2019**
- 3. Local Emergency Management Meeting Minutes 5 February 2019**
- 4. Country Mayors Meeting Minutes 8 March 2019**

CARRIED

12.21 PLANNING PROPOSAL TO AMEND ZONING OF NORTH EAST GOULBURN ENTERPRISE CORRIDOR PRECINCT**RESOLUTION 2019/95****Moved: Cr Margaret O'Neill****Seconded: Cr Peter Walker**

1. That the report to amend the zoning of Part of the North East Goulburn Enterprise Corridor Precinct from the Senior Strategic Planner be received
2. That Council resolve to prepare a Planning Proposal on land identified in Figure 2 of this report to amend Goulburn Mulwaree Local Environmental Plan 2009 which will:
 - (a) Rezone land in the Common Street Sub-Precinct of the North East Goulburn Enterprise Corridor Precinct within the area bounded by Sinclair Street, Chiswick Street, the land in zone RU6 Transition and zone SP2 Infrastructure (Cemetery) on the eastern side of Long Street and Council's Waste Management Facility from B6 Enterprise Corridor to IN1 General Industrial under GM LEP 2009,
 - (b) Retain No Minimum Lot size on the subject lands, and
 - (c) The definition of "rural industry" be added to the land use table as a use permissible with consent under the IN1 – General Industrial Zone.
3. That when the Planning Proposal is prepared, a request for a Gateway Determination be forwarded to the Department of Planning and Environment.
4. That the Department of Planning and Environment be requested to issue delegations so that Council is the Relevant Planning Authority to process the subject Planning Proposal.

CARRIED**13 CLOSED SESSION**

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

RESOLUTION 2019/96**Moved: Cr Leah Ferrara****Seconded: Cr Denzil Sturgiss**

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 Update on Legal Matters

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.

CARRIED

Council resolved into Closed Session at 10.26pm.

Council resolved into Open Council at 10.30pm.

RESOLUTION 2019/97

Moved: Cr Margaret O'Neill
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 UPDATE ON LEGAL MATTERS

RESOLUTION 2019/98

Moved: Cr Margaret O'Neill
Seconded: Cr Leah Ferrara

That the report Update on Legal Matters by the General Manager be received and noted.

CARRIED

The Meeting closed at 10.30pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 2 April 2019.

.....
Cr Bob Kirk
Mayor

.....
Warwick Bennett
General Manager