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BUSINESS PAPER

Ordinary Council Meeting

2 April 2019

Warwick Bennett
General Manager

We hereby give notice that an Ordinary Meeting of Council will be held on:

Tuesday, 2 April 2019 at 6pm
in the Council Chambers, Civic Centre
184 - 194 Bourke Street, Goulburn

Order Of Business

1	Apologies	5
2	Opening Prayer	5
3	Late Items / Urgent Business	5
4	Disclosure of Interests	5
5	Presentations	5
	Nil	
6	Public Forum / Addresses to Council.....	5
7	Confirmation of Minutes	6
	7.1 Minutes of the Ordinary Meeting of Council held on 19 March 2019.....	6
8	Matters Arising.....	43
	8.1 Matters Arising from Council Meeting Minutes from the 19 March 2019	43
	8.2 Outstanding Task List from All Previous Meetings	44
9	Notice of Motion.....	49
	Nil	
10	Notice of Rescission	49
	Nil	
11	Mayoral Minute.....	49
	Nil	
12	Items for Determination	50
	12.1 Goulburn Barefoot Waterski Club Proposal.....	50
	12.2 DA/0175/1617 - 253-255 Auburn Street - Reuse of State Bank Building to a 26 room Motel and Cafe	64
	12.3 VPA and Land Dedication Policy	152
	12.4 Draft Recreational Needs Strategy	195
	12.5 CBD Enhancement - the consultation Feedback.....	197
	12.6 Workspace2580 Partnership Update.....	237
	12.7 Operational Plan 2019 - 2020.....	239
	12.8 Goulburn Base Hospital Update	243
	12.9 'My Community Project' NSW State Government Grant Program.....	244
	12.10 External Meeting Minutes	246
13	Closed Session.....	268
	13.1 Sale of Council Properties	268

Cr Bob Kirk
Mayor

Warwick Bennett
General Manager

1 APOLOGIES

The Mayor will call for any apologies.

Council may resolve that the apologies be received and leave of absence granted.

2 OPENING PRAYER

The Mayor will call upon one of the Councillors to recite the Prayer.

3 LATE ITEMS / URGENT BUSINESS

The Mayor will call for any Late Items, Information or Urgent Business.

Council may resolve to accept the late item, information or urgent business into the Meeting.

4 DISCLOSURE OF INTERESTS

With reference to Chapter 14 Local Government Act 1993, and Council's Code of Conduct, Councillors are required to declare any conflicts of interest in the matters under consideration by Council at this meeting.

5 PRESENTATIONS

Nil

6 PUBLIC FORUM / ADDRESSES TO COUNCIL

- (1) In accordance with Council's Public Forum Guideline, Council permits members of the public to address Council meetings in open forum at every Ordinary Council meeting. The maximum time to be set aside for this will be 30 minutes.
- (2) A person wishing to address a meeting must contact staff in Council's Executive Section by 5.00pm on the day of the meeting and provide their name, their contact details and summary details of the item they wish to speak about.
- (3) The Mayor or Chairperson will call members of the public to address the meeting in accordance with the order of business. The address should be for no more than 5 minutes duration.
- (4) Members of the public addressing Council must abide by similar standards that apply to Councillors under the Council's Code of Conduct and this Code of Meeting Practice.
- (5) If a member of the public addressing the meeting fails to comply with the Mayor or Chairperson's call to order, the Mayor or Chairperson may withdraw that person's right to address the meeting.
- (6) In making the address, Councillors must be addressed as 'Councillor X'. If the chairperson is the Mayor he or she should be addressed as 'Mr. Mayor' or 'Madam Mayor'. When the chairperson is not the Mayor they should be addressed as Mr. or Madam Chair or Mr. or Madam Chairperson. Officers must be addressed as Mr. or Madam [job title or surname] e.g Mr. General Manager. The general standards that apply in Council's Code of Conduct and Code of Meeting Practice are applicable to addresses made by the public in Public Forum.

7 CONFIRMATION OF MINUTES

7.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 19 MARCH 2019

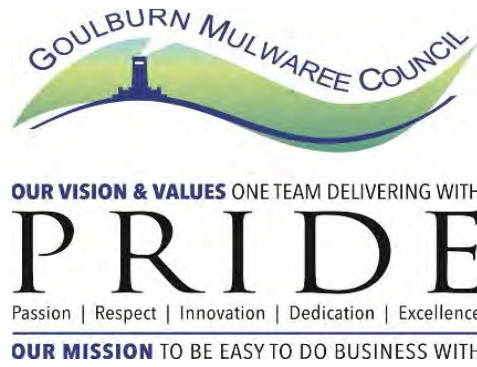
Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Minutes of the Ordinary Meeting of Council held on 19 March 2019

RECOMMENDATION

That the Council minutes from Tuesday 19 March 2019 and contained in Minutes Pages No 1 to 37 inclusive and in Minute Nos 2019/62 to 2019/98 inclusive be confirmed.



MINUTES

Ordinary Council Meeting

19 March 2019

Order Of Business

1	Apologies	5
2	Opening Prayer	5
3	Late Items / Urgent Business	5
4	Disclosure of Interests	6
5	Presentations	6
5.1	Peter Mylonas - Certificate of Appreciation - Carols of Hope	6
6	Public Forum / Addresses to Council	6
7	Confirmation of Minutes	7
7.1	Minutes of the Ordinary Meeting of Council held on 5 March 2019	7
8	Matters Arising	7
8.1	Matters Arising from Council Meeting Minutes from the 5 March 2019	7
8.2	Outstanding Task List from All Previous Meetings	7
9	Notice of Motion	7
	Nil	
10	Notice of Rescission	7
	Nil	
11	Mayoral Minute	7
	Nil	
12	Items for Determination	8
12.1	DA/0281/1718 - 25 Braidwood Road, Goulburn - Concrete Batching Plant	8
12.2	Review of the B2 Local Centre Zoning in Marulan and Mistful Park	23
12.3	Amendment to the 2018/19 Capital Works Program	25
12.4	Reallocation of Capital Works Budget 2018/19 - 2019/20	25
12.5	contract variation to VP129895 Stabilised heavy patching	26
12.6	Proposed Road Realignment - Oallen Ford Road	26
12.7	Requests for Financial Assistance	27
12.8	Code of Meeting Practice	28
12.9	Model Code of Conduct	29
12.10	29 Clinton Street Goulburn Developer Contributions and Footpath Treatment	30
12.11	Australian Blues Music Festival	33
12.12	Business Development Update	33
12.13	Monthly Financial Report	33
12.14	Statement of Investments and Bank Balances	34
12.15	Utilities Departmental Report - February 2019	34
12.16	Corporate & Community Services Directorate Report February 2019	34
12.17	Operations Departmental Report - February 2019	34
12.18	Planning and Environment Directorate Report - February 2019	35

12.19	Councillor Briefing Session Summary	35
12.20	External Meeting Minutes	35
12.21	Planning Proposal to amend Zoning of North East Goulburn Enterprise Corridor Precinct.....	36
13	Closed Session	36
13.1	Update on Legal Matters	37

**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

8 MATTERS ARISING

8.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 19 MARCH 2019

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

8.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Matters Arising - 2 April 2019 [↓](#) 

RECOMMENDATION

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

Item/Task	Responsible Officer	Status
<p><u>Ducks Lane and Run-O-Waters Traffic Management Plan</u></p> <p>1. The General Manager to commence without prejudice to the determination by the Council of their development application to commence discussions with developers in the Shannon Drive area to determine their intended dates to commence physical works and seek if there is any appetite for the developers to enter into a voluntary planning agreement (VPA) that would allow Council to undertake the physical works generally known as Shannon Drive extension in the 2018/19 financial year.</p> <p>2. Future intersection improvement works along Hume Street be undertaken in consultation with RMS.</p>	<p>General Manager and Director of Operations</p>	<p>The DA for this subdivision will be presented to Council for determination when NSW Water issues have been addressed by the applicant.</p> <p>Discussions continue with RMS</p>
<p><u>Community Centre</u></p> <p>The General Manager undertake further investigations and draft design into this site being used for community centre and community workshop.</p>	<p>General Manager</p>	<p>Council Briefing held to give direction on policy.</p>
<p><u>Racecourse Drive</u></p> <p>Council undertakes a consultation process with the affected land owners to determine how the individual connections to the 375mm storm water drainage pipe will occur and the timeframe for the works</p>	<p>Director Operations</p>	<p>Design completed and negotiations commencing with land owners. Work should be completed by 30 June 2019</p>
<p><u>Recreation Area</u></p> <p>Investigate promotional sign at VIC Centre and flyer be included in the rates notice</p>	<p>Director Corporate and Community Services</p>	<p>Report will be presented in April 2019</p>
<p><u>Lansdowne Street Development</u></p> <p>The decision on any zoning matter for Lot 10 DP 1247119 be deferred at this time.</p> <p>A development control plan be prepared that is consistent with the planning proposal</p> <p>That the applicant be requested to consider a proposed alternate access to this subdivision directly on to both Cathcart and Robinson Streets and to consider proposing the closure of Theatre Drive access onto Lansdowne Street.</p>	<p>Director Planning & Environment</p>	<p>Documentation being prepared.</p> <p>Discussions being held with proponent</p>

Item/Task	Responsible Officer	Status
<p><u>Goulburn Barefoot Waterski Club</u></p> <p>Council is to undertake a public consultation process on the barefoot water ski clubs proposal</p>	<p>Director Utilities</p>	<p>Report included in this Business Paper RECOMMEND COMPLETION</p>
<p><u>Weeds Management Plan</u></p> <p>Council endorse the Draft Local Weed Management Plan to be placed on public exhibition for a period of 28 days during late January and February 2019. The submissions and any recommended amendments as a result of the submission process be report back to Council for the adoption of the final Local Weed Management Plan.</p> <p>A Biosecurity Enforcement Policy be developed and presented to Council for endorsement and public consultation that has the purpose to guide the enforcement process operationally under the Local Plan.</p>	<p>Director Planning & Environment</p>	<p>The policy will be presented to Council at the 16 April Council Meeting</p>
<p><u>Draft Urban and Fringe Housing Strategy</u></p> <p>That Council endorse the Draft Urban and Fringe Housing Strategy for public exhibition subject to:</p> <ul style="list-style-type: none"> (a) Further document editing/corrections; (b) The inclusion of the irrigation area for the decommissioned sewer treatment plant on Gorman Road for rezoning recommendations, including potential for residential development; (c) Inclusion of Water NSW constraint mapping; and (d) Further assessment of the planning proposal for E4 section of Mistful Park, including potential for residential development. <p>That Council resolve to place the Draft Urban and Fringe Housing Strategy on Public Exhibition from 10 January 2019 to 22 February 2019.</p> <p>Council refer the Draft Strategy to relevant government and statutory agencies for comment.</p>	<p>Director Planning & Environment</p>	<p>Discussions with Council at Briefing Sessions will commence in March and April</p>

Item/Task	Responsible Officer	Status
<p><u>Hospital Parking</u></p> <p>Council generally support the proposed temporary timed parking arrangements in the Goulburn Base Hospital precinct for the duration of the construction period only with the following amendment:-</p> <ol style="list-style-type: none"> a. Areas outlined in yellow be removed from the proposed timed parking arrangements and remain untimed. b. Prell Oval entrance road and car park areas (currently in blue) be restricted to two hours timed parking <p>All parking restrictions be limited to Monday to Friday between 8am and 6pm.</p> <p>Any changes needed to infrastructure to implement this process such as signage and road markings be funded by Health Infrastructure</p> <p>Council and Health Infrastructure jointly develop a community consultation plan for the proposed temporary timed parking arrangements in the Goulburn Base Hospital precinct.</p>	<p>Director Operations</p>	<p>Awaiting final report from Health Infrastructure on the public consultation process</p>
<p><u>MultiQuip VPA</u></p> <p>The draft Voluntary Planning Agreement be placed on public exhibition for a period of four weeks.</p>	<p>Director Operations</p>	<p>Public exhibition closed 22 February 2019. A report will come to Council in April 2019</p>
<p><u>Draft VPA and Land Dedication Policy</u></p> <p>The Draft VPA and Land Dedication Policy be publicly exhibited for 21 days commencing in late January and all submissions reported back to Council</p>	<p>Director Planning & Environment</p>	<p>Report included in this Business Paper RECOMMEND COMPLETION</p>
<p><u>Community Plus and Workspace2580</u></p> <p>The General Manager to report to Council in February 2019 to outline the outcome of all the negotiations and transfers of lease agreements and how the debt has been offset.</p>	<p>Director Corporate and Community Services</p>	<p>Report included in this Business Paper RECOMMEND COMPLETION</p>
<p><u>Goulburn Pigeon Problem</u></p> <p>Council to prepare a draft strategy to deal with the pigeon problem in Goulburn</p>	<p>General Manager</p>	<p>A timeframe for the preparation of this Strategy is not known as yet pending internal discussions on available resources</p>

Item/Task	Responsible Officer	Status
<p><u>Draft Youth Services Policy</u></p> <p>The draft Youth Services policy be placed on exhibition for a period of 28 days and be adopted subject to no further input/submissions being received</p>	<p>Director Corporate and Community</p>	<p>Currently on public exhibition until 27 March 2019</p>
<p><u>Veolia Host Fee</u></p> <p>The Mayor and the General Manager be given delegated authority to negotiate with Veolia Australia. The Mayor and General Manager to report back to Council on the draft Host Fee agreement once the negotiations with Veolia have reached a stage where a firm recommendation can be made to enter into such an agreement.</p>	<p>General Manager</p>	<p>First round of discussions with Veolia have occurred. The feedback is very positive in terms of what Council has requested. Awaiting written response from Veolia.</p>
<p><u>Review of the B2 Local Centre Zoning in Marulan and Mistful Park</u></p> <p>Council draft a planning proposal to amend the <i>Goulburn Mulwaree Local Environmental Plan 2009</i> be forwarded to the Department of Planning and then placed on public exhibition</p>	<p>Director Planning & Environment</p>	<p>Planning proposal currently being drafted.</p>
<p><u>Model Code of Meeting Practice</u></p> <p>Council adopts the attached draft Model Code of Meeting Practice and places the draft document on public exhibition for 28 days</p>	<p>General Manager</p>	<p>Currently on public exhibition</p>
<p><u>Code of Conduct</u></p> <p>Council adopts the attached draft Code of Conduct and places the draft document on public exhibition for 28 days</p>	<p>General Manager</p>	<p>Currently on public exhibition</p>
<p><u>Australian Blues Music Festival</u></p> <p>Council undertake an Expression of Interest process requesting respondents to outline what could be achieved within a \$30,000 plus GST</p>	<p>Director Corporate and Community Service</p>	<p>EOI Process has commenced</p>

9 NOTICE OF MOTION

Nil

10 NOTICE OF RESCISSION

Nil

11 MAYORAL MINUTE

Nil

12 ITEMS FOR DETERMINATION

12.1 GOULBURN BAREFOOT WATERSKI CLUB PROPOSAL

Author: Marina Hollands, Director Utilities

Authoriser: Warwick Bennett, General Manager

Attachments: 1. **Goulburn Barefoot Waterski Club Public Consultation Submissions**
 

Link to Community Strategic Plan:	EN3 Protect and rehabilitate waterways and catchments
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The report from the Director Utilities on the Goulburn Barefoot Water Ski Club proposal be received.
2. Council notes the submissions received through the public consultation process for the Goulburn Barefoot skiing proposal.
3. Council does not provide approval for the use of the Copford Reach reserve by the Goulburn Water Ski Club.

BACKGROUND

Council has considered three separate reports in regards to the Goulburn Barefoot Water Ski proposal at Copford Reach. These reports were dated 7 November 2018, 18 December 2018 and 5 February 2019. These reports were following an Expression of Interest advertised by Council in July 2018, seeking community group and businesses that were interested in using land adjacent to the river for recreational purposes.

The Goulburn Barefoot Waterski group are seeking to lease the Council land adjacent to the river at Copford Reach in order to apply to DPI Crown Lands for approval under the *Crown Lands Management Act 2016* to establish a barefoot ski facility at Copford Reach on the Wollondilly River. This will required integration with other agencies including Water NSW and Department of Industry (DOI) – Water and Road Maritime Services. This process is detailed and will require the preparation of a review of Environmental Factors by the Goulburn Barefoot Water Ski Club to accompany their application for the activity. Further community consultation will be completed as part of the process by DOI – Crown Lands prior to any final approval.

REPORT

At the Council meeting on 5 February 2019, Council resolved to undertake a 28 day public consultation process on the Barefoot Water Ski proposal. This was to include a trial of barefoot skiing on different days and times of the week at Copford Reach.

The public consultation process commenced on 14 February 2019 and concluded on 15 March 2019. The public consultation process was advertised weekly on the Council page in the Post Weekly, featured in the Mayors column, Council Facebook notices, Council’s website and the Goulburn post reported the consultation process on 12 February 2019. Forty three individual letters were sent to the owners of residential properties in close proximity to the river including Gorman Road, Wollondilly Avenue and Copford estate.

Council received 7 formal submissions during the consultation process and one late submission. One other informal verbal submission was received voicing concern about a family of platypus that lives near the former boat shed and the impact that skiing may have on the platypus. A copy of the submissions is attached.

Four submissions were in support of the barefoot skiing for the following reasons:

- Excellent opportunity to utilise this area enjoying what Goulburn has available
- Anything that brings life to our town is a good thing
- This will bring another sport to Goulburn that is good for children and the whole family
- The club will tidy up the banks that will provide benefits to the Goulburn Barefoot Waterski club as well as swimmers, fishermen, kayakers, spectators and the community in regards to picnic locations
- Benefit to local businesses through competitions bringing extra business to Goulburn
- Utilises a beautiful part of Goulburn
- Using an area bounded by the railway line and the industrial area limiting impacts to the community
- Impacts to future residents at Josephs Gate can be limited through conditions imposed on the types of boats permitted, operating hours and the Goulburn climate.

Four submissions were not supportive of the proposal for the following reasons:

- Power boats cause turbidity that impacts on birdlife and water animals.
- Noise pollution that can be irritating and heard for large distances interrupting the amenity in the evenings and weekends.
- Boats emit oil and fuels.
- Boats at speed cause erosion of banks.
- Only a few people will benefit from this activity
- Disturbs and destroys the river environment
- Causes environmental damage to Copford Reach impacting natural habitats and food systems of native fauna. Removal of snag and debris (if performed) impacts on wildlife habitat.
- The river is known to have some sensitive fauna including platypus and silver perch. Platypus are vulnerable to the effects of pollution through oil and fuel leaks from the boats. This is also a silver perch spawning area that requires still conditions to provide the ideal conditions for reproduction. This is currently provided however the ski proposal will impact on these requirements and compromise the silver perch populations.
- Copford Reach is the best section of the river for Kayak fishing as the access ramp allows easy access to the river and the current usage have zero effect on the river way.
- Safety concerns as RMS require a 60 meter distance for boats travelling at speed to swimmers or human powered craft. How will this section of the river be closed to swimmers or kayakers during ski times?
- Will the barefoot ski club be the sole user of the area
- Will the barefoot ski club be required to undertake an ecological study on their impacts on the fauna in this section of the river as this has not been completed?
- There is a subdivision of over 100 lots that will not have a say in this consultation

The Goulburn Barefoot ski club trial occurred on nine occasions over the four weeks period on a range of days including:

Sunday 17 February	2:30pm to 4pm
Wednesday 20 February	4:30pm to 7pm
Saturday 23 February	1pm to 6pm
Wednesday 27 February	4pm to 7pm
Friday 1 March	4pm to 7pm
Sunday 3 March	2pm to 5pm
Thursday 7 March	4pm to 7pm
Sunday 10 March	11:30am to 5:30pm
Friday 15 March	4pm to 7pm

No feedback has been received by Council staff with respect to noise complaints or other issues in regards to this trial.

In the report to the 18 December 2019 meeting, a number of conditions that could be imposed on the Goulburn Barefoot Waterski Club were suggested at the request of Council. These were:

- Limit the number of skiing afternoons during the week to 1 afternoon only per week
- Reduce the hours for skiing on the weekend to 4 hours each day to reduce the noise impacts to nearby residents
- Permit skiing for only one or two weekends per month for skiing at these reduced hours
- Permit one large event per year
- Place a limit on the speed of boats through the area
- Restrict the type of motors that can be used on the ski boats
- The club submit a plan as to how the site will managed including to vehicle movements, parking on site and toilet management.

Whilst no feedback, positive or negative was received regarding the trial, there are still impacts of this activity that need careful consideration. These are:

1. Location in close proximity to residential areas and the related noise impacts.
2. The localised environmental impacts through fuel/oil leaks, erosion and impacts to fauna and their habitat.
3. Amenities available for larger events in regards parking, rubbish collection, toilets as well as traffic control and parking management.
4. Management of competing activities in this stretch of the river including fishing and human powered boating.
5. Location immediately downstream of the new discharge point of the Wastewater Treatment Plant.

It is still recommended that Council decline this request based on these reasons. Noise impacts are subjective based on the user group. While some residents may enjoy the sound of a boat on the river, others may find it annoying. The environmental impacts are also real with the timeframe for impact dependent upon level of usage. While the boat we saw in their demonstration may generate limited wave action, there are still small waves that will slowly wash away the banks that overtime causes erosion of the banks.

21st November 2018

The General Manager,
The Mayor, Bob Kirk,
All Councillors of Goulburn Mulwaree Council
Email: council@goulburn.nsw.gov.au

Re: Proposed water-skiing and speedboat activity at Copford Reach on the Wollondilly River

As residents of Gorman Road and the greater Goulburn City, we object to this proposal for the following reasons:-

1. **Speedboat noise** will carry to all Goulburn residences (and future proposed residences) West and Southwest of Copford Reach, On moderately prevailing westerly weather the noise will disturb the amenity of Gorman residents.
2. These activities will interfere with resident amenity in the **evenings**, and on **weekends**.
3. Disturb and destroy the peaceful river environment. The Wollondilly River is a major **Environmental asset for the city of Goulburn** and an extreme activity such as this within the city prescient would be an environmental disaster.
4. Cause environmental damage to the **Copford Reach river eco-system** such as the native habitats and food systems of native animals that live in and on the edge of the river edge.

Please do not let this activity destroy our special river environment that runs through our city.
***Noise levels** would also be amplified due to the high ridge to the East of Copford Reach.

We request that all **GMC Councillors and Management** reject this proposal for water skiing and speed/power boat activity on Goulburn city waterways.

Yours Sincerely,

Jim Hoskins

Reference: Goulburn Barefoot Waterski Club Proposal

To the General Manager

Dear Warwick

I write to you in regards to the Barefoot Waterski proposal, I am against this proposal as an avid fisherman and kayaker. I believe there to be a wider group of Goulburn Mulwaree residents that currently benefit from this section of river that pose no risk or threat to the waterway, the ecology and the wider residential area.

This proposal will damage the river and its current ecology, the wash from these boats will erode and damage the already steep and unsteady banks. The river currently holds some sensitive native fauna being

1. Platypus (*Ornithorhynchus anatinus*) which are vulnerable to the effects of pollution, The petrol outboard engines of these boats can leak and cause oil and fuel spills that can disrupt the natural habitat of these animals, The erosion of the banks will also destroy the animals shelter.
2. Silver perch (*Bidyanus bidyanus*) which are under Australian national environmental law as a critically endangered species, Spawning occurs at the surface at dusk or the first few hours of night. The female sheds the eggs and the male fertilizes them in a few seconds of vigorous thrashing. The eggs are semi-buoyant and will sink without significant current, and take 24 to 36 hours to hatch. With the operating hours for the water park reaching into these times and having a violent direct effect on the surface future spawning of these endangered fish will be compromised and Copford Reach being the only site I'm aware of in the Goulburn LGA that these fish thrive and are able to be caught and released by recreational fishers I believe is an environmental disaster.

Currently Copford Reach is the best section of the river to use kayaks for recreational fishing the access ramp allows easy entry which is why the waterski club is also interested, However the current users have zero effect on the waterway and its wider ecology and pose no noise or pollution threat. There unfortunately is no room for both, RMS law for boating in NSW states that 60 meters is to be the distance while travelling at speed from a swimmer or a human powered craft i.e Kayak or anyone engaged in fishing activities.

Taking all this into account I have some questions I would like council to answer on behalf of the community.

1. Will the barefoot water ski club have to undertake an ecological study on the impacts of their recreational activities on the sensitive fauna in the section of river in question?

2. Taking RMS boating Law into account how does council propose to close off the section of river during those times so no swimmer or kayaker can enter the water park from the northern boat shed end or the boat ramp?
3. Will Council supply signage to instruct Kayakers, Fisherman and paddle boarders that it is a closed water ski park during these hours?
4. Will the waterski park pay any fees to be the sole user of a public area?

Thank you for the opportunity to present my opinions and questions to council on this matter.

Kind Regards

Ben Croker

To The General Manager
Locked Bag 22, Goulburn NSW 2580
submissions@goulburn.nsw.gov.au

12th March 2019

COMMUNITY CONSULTATION - Barefoot Water Skiing at Copford Reach

Dear Sir

In our view this 28-day consultation process is utterly flawed in the sense that it would be too easy for the results to be manipulated by the Barefoot Water Skiing Club in the following ways

1. by simply not actually operating at all during the trial

2. merely operating for very short periods each time

and thereby potentially not generating community responses from nearby residents (especially negative responses) as quite clearly virtually no-one would be disturbed by or even be aware of the operation taking place.

Is Goulburn Mulwaree Council able to provide a table of operations undertaken by the club during this trial period?

Additional shortcomings of this community consultation:

- There will be a large number of new residents with more than 100 new houses to be built in the near future at the St. Joseph's subdivision that currently do not have a voice in this consultation process.
- Self-evidently these future residents would be affected by the proposed water skiing activity as also highlighted in the Marina Hollands' recommendation to reject the proposal.
- We believe that GMC did not seek permission from DPI Crown Lands for the trial to be executed.
- As far as we are aware no study of the adverse environmental effects on the river system has been conducted by GMC or the Barefoot Water Skiing Club.
- There appear to be considerable safety concerns for other river users such as kayakers and people engaging in recreational fishing. For instance, are other river users to be prohibited from using the river while speedboats operate on the river?
- It seems that a necessary exclusion of other activities during the club's operation would be prudent. However, the river is there for the public's enjoyment and should be accessible to everyone at any time. Copford Reach is not private property and excluding others seems unfair towards the remainder of the Goulburn community and visitors/tourists.

In closing, we are opposed to the approval to lease the Council land adjacent to Copford Reach to the Barefoot Water Skiing Club.

Yours sincerely,

Noel and Renate Johnson-Barrett

From:
Sent: Monday, 11 March 2019 8:39 PM
To: Council
Subject: Barefoot Waterski Club Proposal

To the General Manager,

Last week we heard about the Barefoot Waterski Club's application to utilise a long stretch of the Wollondilly river for barefoot waterskiing.

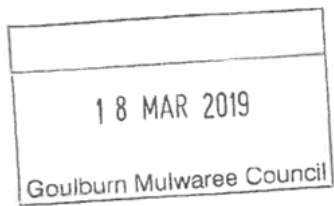
We wandered down to the river on Sunday morning to see if anyone was skiing. We met Leon- among others- who welcomed us to stick around and watch the skiing.

Over the next few hours we sat on the bank of the river and watched the skiing and chatted with the group.

This is an excellent opportunity for Goulburn to utilise this area by getting people out and enjoying what we have available.

Kind regards,
Sarah Hogan

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15.03.19

The General Manager

Goulburn Mulwaree Council

Locked Bag 22

Goulburn NSW 2580

Dear Sir,

I am writing to you to voice some concerns I have regarding the Goulburn Waterski Club Proposal.

*power boats cause turbidity which surely will impact negatively on nesting birdlife and all the animals that live in these waters.

*power boats are a source of noise pollution with constant revving of engines being an irritant and which can be heard from a great distance.

*power boats emit oil and fuel pollution.

*power boats going at speed cause erosion of banks.

*Is Council going to remove snags and natural debris from the water for safety reasons which surely will impact on homes for all wildlife?

*I am surprised that Water NSW could have given permission for this proposal when all residents and users of the water and its surrounds are asked to be thoughtful and respectful of those downstream and not pollute waterways.

*there is a perception that this decision is elitist as only a few people would benefit.

*Even at nearby Pejar Dam with it's very large dimensions, power boats are not allowed. This, being a very good decision leading to fairness for all, seems incongruous with the possibility of skiing on a small body of water in an increasingly built up area.

Instead of trials of this proposal, perhaps an environmental impact report may be more appropriate.

Thank you for your consideration of my concerns.

Yours sincerely,

Rosanne Norcott

From:
Sent: Saturday, 16 February 2019 10:07 AM
To: Submissions
Subject: Barefoot waterski park submission

Hi,
I think this is a great idea. Anything that brings life to our town is a good thing. I am not a skier but would love to see this waterway better utilised.
Cheers
Jamie

From:
Sent: Wednesday, 13 March 2019 12:51 PM
To: Submissions
Subject: Goulburn Barefoot Waterski Club

Dear Mr Bennett,

We are writing to you in favour of the Goulburn Barefoot Waterski Club, we believe the club will be great for Goulburn and its district as it will bring another sport to the area. The sport of waterskiing is not only for the kids it is a sport the whole family can enjoy together. With this club and the tidying up of the banks along the river we think it will hold a great deal of potential for people in the Goulburn area, not only for the Goulburn Barefoot Waterski Club but for swimmers, fishermen, kayakers, spectators or even just somewhere nice for people to have a picnic. There is also potential for local businesses to benefit in the event that a competition may be held here. It's a beautiful part of Goulburn and it's wonderful to see that these people have taken the time to find out just how great it is.

Thank you Dave and Tanya Handley

Sent from [Mail](#) for Windows 10

20/3/19
General Manager
Goulburn Mulwaree Council

Subject: Barefoot Skiing Copford Reach

Let me start by saying I have no connection with the Barefoot Water skiing Club and do not know any of its members.

I consider this stretch of river one of Goulburn's hidden gems that should be opened up to the public. For almost a decade I used to use this stretch of water with family and friends to swim, canoe and water ski regularly. During this time I was never questioned or had complaints made against me. It was only after I had access to a private dam that I changed locations.

The site is bounded by a railway line and an industrial area it is also very low below the banks during normal weather conditions. This is a perfect location to carry out the sport with out effecting ratepayers.

St Josphe's Gate would be the nearest neighbours but it is downstream a little from the main body of water. Any possible noise concerns could quite easily be conditioned by the type of watercraft allowed to be used and the hours of operation. The Goulburn climate alone would also limit operating times. Its also worth noting that people down the coast pay more for their properties to be close to the water to participate and watch water sports being carried out.

The Molongalo River in the ACT offers a similar waterskiing facility that works well. It has a similar climate, and a small body of water surrounded by an industrial area and a highway.

The aim of the walking track was to open the river up to the public lets take this opportunity to allow this club to open the water up to the public as well.

The location is ideal.

The access is good.



The sewer treatment facility has just been upgraded.

There is already a boat ramp in place.

This is an opportunity for council to support another sport for the people of Goulburn and also attract visitors to spend money in our local economy. This would also be a great case study to one day may be opening up Pejar Dam. Opening up this body of water and possibly a caravan park on council land would be a massive boost to our local economy.

Kind Regards
Phillip Toparis

12.2 DA/0175/1617 - 253-255 AUBURN STREET - REUSE OF STATE BANK BUILDING TO A 26 ROOM MOTEL AND CAFE

Author: Ellie Varga, Senior Development Assessment Officer
Authoriser: Stephanie Mowle, Business Manager Planning & Development
Attachments: 1. Supporting Documentation  

DA Number:	DA/0175/1617
Address:	253-255 Auburn Street, Goulburn
Proposal Description:	Reuse of State Bank building to a 26 room motel and cafe
Type of Development:	Local Development
Zone:	B3 Commercial Core
Variations to Policy:	3.4 Vehicular access and parking
Submissions:	One
Key Issues:	Car parking, Traffic Report, Voluntary Planning Agreement

RECOMMENDATION

That:

1. The staff assessment report for development application DA/0175/1617 for the proposed reuse of the State Bank building to a 26 room motel and cafe be received.
2. DA/0175/1617 for the reuse of the State Bank building to a 26 room motel and cafe located at 253-255 Auburn Street, Goulburn be refused for the reasons as follows:
 - (a) Insufficient information has been provided to enable an assessment against clause 5.10 of the Goulburn Mulwaree Local Environmental Plan 2009, pursuant to section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*
 - (b) Insufficient information has been provided to enable an assessment against the Goulburn Mulwaree Development Control Plan 2009, particularly in terms of section 3.5 Vehicular Access and Parking, pursuant to section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*.
 - (c) Insufficient information has been provided to enable an assessment of the likely impacts of the development, pursuant to section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.
 - (d) Insufficient information has been provided to adequately assess the application and therefore it is not in the public interest to determine the application favourably, pursuant to section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*.
3. A letter be sent to the applicant advising Council does not wish to enter into the Letter of Offer submitted for consideration with DA/0175/1617.

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.

BACKGROUND

On 15 December 2016, a development application (DA/0175/1617) for the reuse of the State Bank building for the purpose of a 26 room motel and café at 235-255 Auburn Street, Goulburn was lodged with Council. The application is described in more detail later in this report.

A preliminary review of the information submitted found the application deficient in important matters necessary to adequately determine the application. Consequently, a letter requesting additional information was sent to the applicant on 13 January 2017. The assessment of the application was suspended from this date, pending the provision of additional information (an extract from the letter is provided below):

1. *Please find attached the comments of Louise Thom [Council's Heritage Advisor] and provide revised plans reflecting her advice;*
2. *Streetscape elevations detailing the colours and material of both the existing building and the additions;*
3. *The proposed caretakers unit shall be marked on the floor plan;*
4. *Define all the proposed uses and nominate any ancillary uses in the Statement of Environmental Effects in accordance with the Goulburn Mulwaree Local Environmental Plan;*
5. *The Development Application requires the concurrence of WaterNSW. Documentation shall be provided to satisfy the requirements of WaterNSW [detailed in an email to the applicant dated 18 January 2017];*
6. *A Clause 1.8 Variation request for the variation to section 3.4 of the Goulburn Mulwaree Development Control Plan, Vehicular access and parking shall be provided. The request shall be supported by plans detailing a drop off zone and parking availability. Should the proposal rely on off-site private car parking, the written consent of the third party shall be provided.*

On 28 May 2018 (16½ months later), a follow-up letter was sent to the applicant advising that the requested information was still outstanding. The letter gave the applicant 21 days to respond to the matters addressed in 13 January 2017 letter, or the option of withdrawing the application. This option was given in light of the time that had passed with no contact or response from the applicant.

On 15 June 2018, the applicant provided direction that the developer wishes to continue with the proposal. It was advised that sorting out car parking (point 6 above) was what had delayed the provision of additional information to date. The applicant requested at this stage that a dollar figure be nominated for the value of a car parking space for the Goulburn CBD so as to give options to the developer in terms of a way forward to resolve parking (options including purchasing land around, lease agreements, voluntary planning agreements, scaling back the building etc). Whilst Council does not have a Section 7.11 (previously section 94) Contributions Plan for parking in Goulburn, anecdotally Council advised the applicant that a car park would cost in the vicinity of approximately \$15,000 - 17,000 per space.

On 21 August 2018, a phone conversation was made between the applicant, Director Planning & Environment and Business Manager Planning and Development. During this conversation:

- it was strongly recommended to the applicant that the application be withdrawn considering the significant timeframe which had passed with little response or action.
- the applicant was advised that if no request to withdraw the application was received by the end of the week, Council would be looking to determine the application by way of refusal in light of the insufficient information initially provided and that the applicant had had ample time to improve the quality of information to date.
- the applicant was advised that the notification of the application had been held pending receipt of the outstanding information so as to give the public the details necessary to make an opinion of the proposed development.
- the applicant was advised that the car parking deficiencies is a complicated issue to resolve and that perhaps engaging a consultant to assist in preparing a car parking needs analysis may be beneficial.

On 24 August 2018, the applicant sent an email to all Councillors, the General Manager, the Director Planning & Environment and the Business Manager Planning and Development. The email raised strong concerns with not being provided with a decisive dollar value for a car space in the Goulburn CBD. The applicant advised they did not wish to have the application withdrawn so as to not lose their rights of appeal with the Land and Environment Court, nor did they wish to have the application refused, as that wasn't considered fair or reasonable.

A response to the above email was sent to the applicant on 31 August 2018. This response advised that the dollar value the applicant has hinged the progression of the application on was not important or necessary in terms of addressing the car parking deficiencies in the application. Other options suggested to the applicant in lieu of not having a car parking dollar figure included purchasing adjoining land to accommodate additional parking or undertaking a car parking needs analysis to identify the actual needs specifically associated with this development (and subsequently requesting to vary the DCP). It advised that the dollar value was based on Council's own internal research. Notwithstanding, the applicant was also advised that a car parking contributions plan was on the strategic planning program for 2018/2019.

On 5 September 2018, a meeting between the applicant, Director of Planning & Environment and Business Manager Planning and Development was held. A Plan of Action was agreed upon as follows:

1. Engage a traffic consultant to do a full traffic analysis of the submitted proposal.
2. Prepare a draft Voluntary Planning Agreement based on the findings of the traffic consultant.
3. Complete all the required additional information requested by Council in light of the above.
4. Submit to Council within 3 months i.e. 5 December 2018.

On 5 December 2018 additional information was received towards the application. The application was duly notified to neighbours and advertised in the local newspaper between 20 December 2018 and 31 January 2019. The length of the notification period was longer than usual to ensure the community had sufficient time to review the documentation over the Christmas, New Year, and school holiday period. One submission was received during the notification period. Essentially, this submission raised concerns with privacy and overshadowing. The submission can be found in the Attachment to this report.

On 9 January 2019, the information submitted to Council on 5 December 2019 was reviewed by the assessing officer for adequacy. The following issues and questions were raised:

Landowners Consent

- *Plans indicated that 257 Auburn Street may be used for parking. In which case, landowner's consent of this property would be required.*

Planning Agreement

- *The application proposed to enter into a Voluntary Planning Agreement (VPA) with Council. However, the request was potentially flawed as the Traffic Report used superseded plans, furthermore, the planning agreement was rudimentary in content and required more detail.*

Plans

- *There were minor errors throughout the plans i.e. parking shown on 257 Auburn Street, missing plans, incorrectly numbered plans, some rooms incorrectly numbered etc.*

Statement of Environmental Effects/Heritage Report

- *The Statement of Environmental Effects (SEE) had the heading Heritage Impact Statement. The content of the document however was a Statement of Environmental Effects.*
- *No explanation was provided in the SEE of the proposal to stage the development, however, the VPA talked about staging. This needed to be clarified.*

Traffic Report

- *The Traffic Report considered the original plans, not the amended plans and therefore, needed to be rectified.*
- *The report made a number of assumptions about patron behaviour, their arrival and departure times as well as their length of stay. It assumed most patrons would arrive post 4pm and leave before 9.30am, staying only one night and therefore not adversely impact on car parking within the vicinity.*

Heritage Advice

- *Generally, advice given was not addressed:*
 - *Balustrades to caretakers residence were still glass*
 - *Staircase on the ground floor near the bar area had a wall dividing the front windows from the room. This was advised to be amended.*
 - *No information was provided as to how the new building would about the brick barn at the rear of 257 or how it would be conserved during and after construction.*

Consequently, a meeting was arranged for 11 January 2019 to discuss these outstanding matters. At this meeting, the applicant was advised by the assessing officer that the quality of information was deficient and inadequate for a favourable determination. The applicant also advised that 257 Auburn Street was not intended to be used for car parking as part of these amended plans however that could be explored by the developer. Council sent the above matters in another request for additional information letter on 11 January 2019 which gave the applicant six weeks to provide information. This was considered a fair and reasonable time period to provide the detailed content required to ensure the application could be considered professionally and favourably. Additional information was to be submitted by 22 February 2019.

On 1 February 2019, a courtesy follow up email was sent to the applicant to see how they were progressing with providing the additional information. No response was received by the assessing officer.

On 14 February 2019, the applicant was requested to provide a response to the submission received during the notification period. The applicant approached the content of the submission by deciding to redesign the addition slightly and consequently requested a two week extension of time to provide the additional information still outstanding from 11 January 2019. The request was granted to ensure the applicant could respond to the submission in the manner they wanted and the new date the applicant was required to provide additional information was 8 March 2019.

On 7 March 2019, an email was received from the Applicant with draft amended plans requesting council comment before formal lodgement. The applicant advised in this email that they would not make the following days' deadline. In response to this Council advised that an extension would not be granted, that a Council report would be prepared on the information at hand and that the right to withdraw the application was still available. This was considered reasonable given timeframes incurred since lodgement of the application in December 2016.

On 8 March 2019, as a consequence of the applicant advising he had been sick, another extension was granted to provide the additional information, til 5pm, 12 March 2019.

On 12 March 2019 at 4.40pm, Council received an email containing additional information towards the application. A Statement of Environmental Effects, plans, Traffic Report, Carpark and driveway Certification Letter and Letter of Offer were submitted. Whilst the email provided the information, it again requested more time. A reply was provided to the applicant the following day advising that the assessing officer would review the submitted information by the end of the week.

Since lodgement of the application, it is clear from the above chronology of events and correspondence that, staff have patiently and consistently worked with the applicant to ensure sufficient and satisfactory information is provided to determine the application.

A fair, and more than reasonable, timeframe has been given to the applicant on more than one occasion to provide the requested information. At each date information has been due, reasons for being unable to provide the information have been given and Council have compassionately granted extensions.

Council sees the benefits in having the site occupied and is therefore very supportive of an adaptive reuse proposal of this nature; this is clearly demonstrated in the number of opportunities Council has given the applicant to prepare content supporting the requested information, rework the design, engage expert consultants (traffic, planning) etc. Providing continuous extensions to the applicant also demonstrates Council actively working with the applicant to get the application determined favourably.

However, the information provided to date has never been satisfactory enough to enable Council staff to make a professional and informed determination on the application. In light of the history of the application and the quality of the additional information most recently provided, this application is now presented to Council for consideration.

REPORT

Proposed Development

On 15 December 2016, a development application (DA/0175/1617) for the reuse of the State Bank building for the purpose of a 26 room motel and café at 235-255 Auburn Street, Goulburn was lodged with Council. A copy of the relevant plans have been provided within the Attachment. The application is described in more detail below.

Reuse of the State Bank building to a 26 room motel and café, with:

- a two bedroom caretakers residence;
- two of the 26 rooms to be accessible rooms (ground floor);
- all rooms to be double/queen/king beds i.e. maximum two people per room;
- demolition of rear concrete slabs;
- construction of a three storey addition to the south eastern façade of the building comprising reception lobby, accessible toilet and elevator access. The addition would be 260sqm;
- landscaping to ground level and landscaping to a rooftop terrace on the south eastern facade;
- provision of one drop off zone and one car parking space on site; and
- three parking spaces and turning areas provided on 257 Auburn Street (no landowners consent has been provided for this component).

Other components of the development include:

- No clear explanation has been provided with respect to staging of the development in any documents submitted with the application. The Statement of Environmental Effects (SEE), plans and Letter of Offer to enter into a Voluntary Planning Agreement (VPA) all discuss something different or are silent on the matter. However, it is discussed in the car parking analysis component of the Letter of Offer that the development proposes to be staged as follows:

Stage 1: Refurbishment of existing building (13 rooms) plus establishment of café

Stage 2: Construction of extension (8 rooms plus caretakers residence)

This explanation doesn't equate to the total number of rooms proposed (21 instead of 26) and there are 15 rooms, not 13 rooms within the shell of the existing building. Further, the plans

are unclear as to what constitutes Stages 1 & 2 which is ordinarily differentiated in an application proposing to undertake the development in stages.

- A Letter of Offer requesting Council to enter into a Voluntary Planning Agreement (VPA) with the developer was submitted with the additional information provided on 12 March 2019. The Letter proposes:
 - the provision of one new on street parking space (to be an accessible space) fronting the development on Goldsmith Street for Stage 1 of the development, and
 - a \$65,142 monetary contribution to be used towards the provision of car parking facilities within the useable vicinity of the site for Stage 2 of the development.
- In terms of building setbacks, it is unclear from the submitted plans what these would be. The SEE does not nominate the setbacks and the plans are inconsistent with each other. Some plans show a southern setback of 1.215m (Dwg 3c) with the rooftop terrace on Level 2 having a zero setback, whilst other plans (Dwg 4c) show a zero setback for the southern boundary. It is understood there would be a zero east and western boundary.
- The motel reception would operate from 7.00am – 10.00pm Monday to Sunday, with the café proposed to also have hours of 7.00am – 10.00pm Monday to Sunday. The café would be for the use of the patrons of the motel and open to the public.
- There would be four staff employed for the purpose of the motel and café. One staff member would be the caretaker and live in the two bedroom caretakers residence on Level 2.
- The development proposes one drop off zone 6.2m x 2.2m and a car parking space (6.2m x 2.2m – which is a non compliant width) located on the site of the development. The development then proposes provision of three parking spaces and turning areas on the adjacent property, not associated with the development, known as 257 Auburn Street. No landowners consent has been provided to utilise this space, nor has this been explained in the SEE. The plans submitted do not show the car parking spaces on 257 Auburn in proximity to that property's boundary or the buildings upon it.
- No discussion regarding loading/unloading of deliveries has been provided, however it is assumed the drop off zone would be used for this.
- The building addition would consist of glass, aluminium and steel materials. The existing State Bank building façade is to be cleaned and repainted with cream and black finishes.
- No signage is proposed as part of this application.
- A 27.93sqm landscaping area is proposed between the building extension and residential dwellings to the south east of the site along Goldsmith Street. A rooftop garden 8.31sqm is also proposed on Level 2 on the south eastern façade of the additions. The landscaping plan indicates the planting of pencil pines, mondo grass and sweet fern however the plan doesn't provide any detail of the rooftop garden landscaping.

Background

The site is known as the State Bank building and was originally occupied by the State Bank of NSW in the 1920s. Generally the site has been used for a variety of retail functions since its construction. A two storey rear addition to the building was constructed in the 1980s.

Council records indicate the following applications have been lodged towards the site:

- 480/84 – Alterations and additions, Approved 3 January 1985
- 45/85 – Additions, Approved 19 February 1985

Site Context

The site is known as 253-255 Auburn Street, Goulburn (Lot 1 DP86199) and addresses both Auburn and Goldsmith Streets. The site is 448.9sqm and is rectangular in shape. The site has a building with zero setbacks to each street frontage and has a pedestrian entrance facing the street traffic lights intersection. The existing building has a total floor area of 566sqm.

The building has two storeys at the Auburn Street frontage. The site falls away from Auburn Street, enabling three stories towards the rear of the site. Vehicular access to the site is from Goldsmith Street. The site has no significant vegetation, aside from some grass beyond the concrete parking area at the rear of the site.

Surrounding uses range from commercial and retail businesses within Auburn Street (NRMA, barber, KFC), Goulburn Square loading dock and parking on the southern side of Goldsmith Street and residential dwellings to the east in Goldsmith Street. There is one established street tree near the vehicular entrance to the site in Goldsmith Street and street landscaping at the intersection of Auburn and Goldsmith Streets.

A locality plan of the development site and plans of the proposal are included within the Attachment.

Consultation and Submissions made in accordance with Act or Regulations s4.15(1)(d)

Public Submissions

The proposed development was notified to 21 adjoining and nearby residents. It was also advertised in the local paper and on Council’s website. Public exhibition of the proposal resulted in one submission being received (refer to the Attachment for the submission). The amended plans provided on 12 March 2019 have not been notified to the community. The following is a summary of the issues raised in the submission and the planning response:

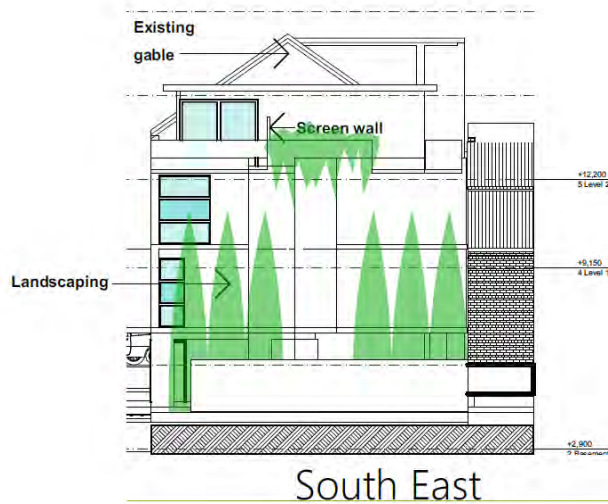
Issue	Response
Overshadowing	<p>The submitter feels the development would block out afternoon sunlight.</p> <p><u>Comment:</u> The application was supported with shadow diagrams which demonstrate the backyard of the submitter would not be affected by the winter solstice (3pm) (See Shadow diagrams in the Attachment).</p>
Property values	<p>The perceived reduction in privacy raises concerns with the submitter with respect to ‘on-sale values’.</p> <p><u>Comment:</u> Property values are not a consideration under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
Heritage Impact	<p>The submitter thought the site was within a heritage zoned area and implies that the design of the development is not in keeping with the heritage significance of the Goulburn City Conservation Area.</p> <p><u>Comment:</u> The development is within the Goulburn City Conservation Area and proposes alterations and additions to a locally listed heritage item. Consequently, the application was forwarded to Council’s Heritage Advisor. The advice from Council’s Heritage Advisor was to design the infill additions in a contemporary and subdued design so as to not imitate or offend the existing heritage item. Whilst the site is within the conservation area, development additions and alterations do not always necessarily have to replicate what is in existence.</p>
Privacy	<p>The submitter feels the proposal would result in a complete lack of privacy for their backyard. The additions are closer than the existing building and the submitter feels it appears quite contemporary with lots of glass/windows which face the submitter’s property, reducing their privacy.</p>

Comment – The development proposes a three storey addition to the rear of the existing building off Goldsmith Street. The submitter is not a direct neighbour to the site. The backyard of the submitter is to the east of the site, with a single storey dwelling in-between it and the development site. There is approximately 16m from the proposed extensions to the submitters backyard and is offset slightly, resulting in a reduced opportunity for privacy impacts.

The applicant chose to redesign the development from the following:



to the below design in response to the submissions.



As a consequence of this amendment, it is not envisaged there would be an adverse privacy impact to the submitter’s rear yard in light of the above observations.

<p>Structural damage</p>	<p>The submitter is concerned that the proposed development would cause possible structural damage to their dwelling. They advise they have spent lots of time and money renovating their home.</p> <p><u>Comment:</u> It is unlikely that damage would occur to the submitters’ property as a consequence of construction works to the property given there is a dwelling between it and the development and that there are no deep excavation works proposed.</p>
<p>Construction</p>	<p>The submitter is concerned about where the construction vehicles associated with the</p>

impacts	<p>development would park, considering car parking in Goldsmith Street is timed and not always readily available. Concerns have also been raised with respect to noise levels during construction and construction hours.</p> <p><i>Comment:</i> The application does not discuss construction management. Management of parking and other construction implications can be addressed and considered as part of a Construction Management Plan.</p>
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External Referrals

Agency	Comments
NSW Roads and Maritime Services	<p>The application was referred to NSW Roads and Maritime Service on 20 December 2018. A response was provided that same day advising no objection to the development:</p> <p><i>RMS has completed an assessment of the development, based on the information provided and focussing on the impact to the State Road Network. For this development, the key state road is Auburn Street.</i></p> <p><i>RMS notes the following:</i></p> <ul style="list-style-type: none"> • <i>The access to the carpark is located at the south eastern end of the site, thereby maximising the distance between the access and the carpark.</i> • <i>The development is unlikely to impact on the operation Auburn Street.</i> • <i>Contrary to the statements made on page of the Statement of Environmental Effects, the modifications to the rear lane do not required RMS approval under Section 138 of the Roads Act, 1993 as they do not impact Auburn Street (but they would require consent from Council under Section 138).</i> <p><i>Given the above, RMS does not object to the DA.</i></p>
Water NSW	<p>The application was referred to Water NSW on 20 December 2018. A response was provided on 10 January 2019 advising the development can achieve a neutral or beneficial effect on water quality. No other issues were raised.</p>

Assessment against Legislation and Policies

s4.15(1)(a)

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 aims to promote the remediation of land for the purpose of reducing risk to human health or any other aspects of the environment. Clause 7 of SEPP 55 states that a consent authority must not consent to any development on land unless it has considered whether it is contaminated. If the land is contaminated, the consent authority must be satisfied that the land will be suitable in its contaminated state, or will be suitable after remediation, for the purpose for which development is proposed. If the land requires remediation, it must be satisfied that the land will be remediated prior to being used for that purpose.

The likelihood of encountering contaminated soils on the Site is low given the following:

- The site and adjoining properties are not subject to a legal notice for a matter listed under Section 59(2) of the *Contaminated Land Management Act 1997*.
- The proposal involves minimal excavation for the development and there will be limited opportunities for access to soil.
- A review of Council property information indicates no previous potentially contaminating uses.

Given the above factors, no further investigation of land contamination is warranted in this instance. The site is suitable in its present state for the proposed development. Therefore, pursuant to the provisions of SEPP 55, Council can consent to the carrying out of development on the land.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is located within the Warragamba drinking water catchment. Compliance with the provisions of the Drinking Water SEPP and the NorBE (Neutral or Beneficial Effect) Guidelines is therefore required to consider water quality. The application is considered to be a Module 1 development under the NorBE Guidelines.

The development was forwarded to Water NSW for their comments however the NorBE Tool was used to determine the development would result in a neutral or beneficial effect on water quality.

Goulburn Mulwaree Local Environmental Plan 2009

The relevant provisions of the Goulburn Mulwaree Local Environmental Plan 2009 (the LEP) are discussed as follows:

LEP Clause	Assessment
<p>2.3 Zone objectives and land use table</p>	<p>The site is zoned B3 Commercial Core and in this zone, a 'hotel or motel accommodation' and a 'restaurant or café' are uses permissible with development consent. The objectives of the B3 zone are:</p> <ul style="list-style-type: none"> • To provide a wide range of retail, business, office, entertainment, community and other suitable land uses which serve the needs of the local and wider community. • To encourage appropriate employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling. • To reinforce the status of Goulburn as a regional centre. • To ensure the scale and density of development complements the desired future character of the commercial core. • To protect the historic importance of Goulburn and protect heritage integrity of its historic built form. <p>The proposed development would not be inconsistent with the objectives as it proposes to contribute to diversifying the uses within the Goulburn CBD, generate jobs (construction and operational) and provide accommodation for tourists and visitors within the CBD encouraging day and night time activation.</p>
<p>4.3 Height of buildings</p>	<p>The LEP nominates a maximum height of 15m for the site. The height of the existing building fronting Auburn Street is 12.2m. The proposed additions fronting Goldsmith Street would be 11.1m and therefore the development complies with this clause.</p>
<p>4.4 Floor space ratio</p>	<p>The LEP nominates a floor space ratio of 2:1 for the site. The proposed additions and existing floor area of the site equates to 800sqm and the total site area is 448.254sqm which results in a FSR calculation of 1.76:1. The development therefore complies with this clause.</p>
<p>5.10 Heritage conservation</p>	<p>The site is located within the Goulburn City Conservation Area and is nominated as an item of local environmental heritage in the LEP. Consequently, development consent is required for the proposed works pursuant to clause 5.10(2)(a) & (e). Consideration of clause 5.10(4) of the LEP is also required:</p> <p>(4) Effect of proposed development on heritage significance</p> <p><i>The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).</i></p> <p>The application proposes a contemporary design for the proposed addition, with materials consisting of concrete (roof), aluminium (window frames), glazed</p>

balustrades, spandrel panelling to the majority of the southern façade (glazed front, solid behind) and face brick masonry wall (colour unknown) to the eastern facade. The proposal is therefore significantly different from the existing heritage building on the site. Advice to the applicant from Council's Heritage Advisor prior to lodgement was to not design something that imitates or replicates (faux) the heritage significance of the building. Consequently, the proposed design was lodged.

The application was forwarded to Council's Heritage Advisor for comment and the following assessment was provided on 11 January 2017. These comments were on the original design:

"Ground Floor

The proposed alterations are acceptable as they retain the significant fabric. None of the windows to goldsmith or Auburn Street are to be altered. Two windows facing 257 Auburn Street will be closed for the reconfiguration of new rooms, this is acceptable as the windows are only visible from inside the ground floor of the subject building. The open nature of the bank service area will be retained in the café dining area.

First Floor

Every effort has been made to retain the existing configuration of rooms with as little alteration as possible. The biggest impact on the first floor will be the introduction of new ensuite bathrooms.

Introduction of ensuites between the rooms will impact original fabric such as ceilings, cornices, skirting boards, door joinery and doorways. During the inspection options were discussed to ensure as little fabric is lost as possible. It was also noted that the layout in the drawings did not match one of the rooms and needed to be revised. The architect will revise the drawings and resubmit with more details on retention of the fabric.

The other part of the layout that will have a negative heritage impact will be the proposed wall around the stair in the northern corner of the front room facing Auburn Street that divides this room into another bedroom. This room plays an important role in the significance of the building by providing a visual connection with the street front. Its original large windows emphasise the role of this room. Currently the overall interior layout of the proposed hotel lacks a sense of the original building and its connection to its setting. By retaining this room as a public room the hotel would retain this aspect of its heritage significance.

Addition – new infill building

The new building will abut the brick barn at 257 Auburn Street. No information has been provided as to how this structure will be conserved during and after construction. It is also unclear how the new building physically connects with the original barn wall or if there is a setback.

The addition will extend into the roof space of the 1950s addition but the attic addition will not be visible from Goldsmith Street.

The garage and driveway from Goldsmith Street is proposed to be left open – this will create an unsympathetic opening in the street wall. It should be gated with a tall gate structure that is sympathetic with the character of its context.

The south eastern façade has been stepped in order to create a transition to the smaller houses next door. It has not been well resolved architecturally in the same way the existing building has with its fine degree of detail. The façade if it is face brick should have string courses and other decorative detail to visually connect it to the existing building. The handrail shown on drawings to the roof terrace is frameless glass. In order to make the balustrade less intrusive it should be stepped back from the edge and a different material chosen that is not reflective.

Conclusion

Overall the proposed development is positive and will revitalise a heritage item that is under threat due to a lack of suitable use. The contemporary design of the infill addition is acceptable although it needs refinement."

In response to this advice, the applicant was requested to amend their design to

	<p>reduce the impact on internal fabric, redesign the wall around the staircase in the northern corner of the front room facing Auburn Street, conserve the existing building during construction and demolition, provide discussion as to how the original barn on 257 Auburn Street would be affected by the development, refine the design with reference to decorative face brick detail, and setback the balustrade and change its material.</p> <p>The information submitted on 12 March 2019 did not address or respond to these recommendations on the plans or in the SEE. In light of the deficient and inadequate nature of the application submitted on 12 March 2019, the application was not forwarded to Council's Heritage Advisor for further comment.</p>
7.1A Earthworks	<p>Earthworks are proposed for the purposes of footings, driveways and landscaping at the location of the additions. The earthworks are not considered minor, nor would the works be considered as exempt under Pt 2 Div 1 Sub 15 of <i>State Environmental Planning Policy (Exempt and Complying Development Code) 2008</i>. The proposed earthworks would not result in impacts on drainage lines, stormwater or watercourses. Earthworks would not result in an adverse effect on the proposed development and the amenity of adjoining properties would not be affected due to the nature of the earthworks being primarily for footings for the building additions.</p>
7.5 Active street frontages	<p>The frontage to Auburn Street is nominated on the Active Street Frontages Map in the LEP. The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B3 Commercial Core and Zone B4 Mixed Use. As the site is within the B3 zone, consideration of this clause is required in the assessment of the application.</p> <p>Development consent must not be granted for the erection of a building, or a change of use of a building, on land to which this clause applies unless Council is satisfied that the building will have an active street frontage after its erection or change of use.</p> <p>The development proposes a restaurant/café on the ground floor which would have access from the corner of Goldsmith and Auburn Streets. Both the location of the access and the use satisfy this clause in terms of achieving an active street frontage.</p>

Goulburn Mulwaree Development Control Plan 2009

The relevant provisions of the Goulburn Mulwaree Development Control Plan 2009 (the DCP) are discussed as follows:

DCP Control	Assessment
Part 1 Preliminary	
1.8 Variations to controls	The application proposes to vary clause 3.5 Vehicular access and parking. Insufficient, incorrect and deficient information has been provided to professionally and adequately determine whether a variation to this clause of the DCP can be supported.
Part 2 Plan Objectives	
2.1 General development objectives	<p>The development would achieve the following general objectives of the DCP.</p> <ul style="list-style-type: none"> Commercial land uses shall be clustered to minimise car trips and promote focus on pedestrian and cycle ways.
Part 3 General Development Controls	
3.3 General Heritage Item and Conservation Area Controls	<p><i>3.3.1.1 Context</i></p> <p><i>F. New developments must respect the existing significance of the streetscape and the vicinity.</i></p> <p>The proposed development would have the most impact on the Goldsmith Streetscape. The existing significance of the Goldsmith Street streetscape is varied with the southern side of the street dominated by a loading dock and a two storey</p>

	<p>carpark for the Goulburn Square Shopping Centre. The northern side of Goldsmith Street has industrial uses in the east with three residential dwellings before the subject site and the intersection with Auburn Street. From a streetscape perspective, the significant and aesthetic features are the established trees within the road reserve and three residential dwellings which contribute to the heritage significance of the Goulburn City Conservation Area. Given the varied nature of the streetscape and the architectural merit of the development, it is not envisaged the development would adversely impact the significance of the streetscape.</p> <p><i>G. Use design elements that exist in the streetscape to guide the design of new structures.</i></p> <p>The proposed development is contemporary and modern in design which is different to surrounding developments in the streetscape. There are no structures/buildings within Goldsmith Street that utilise the design features proposed in the subject development. However this isn't considered adverse in terms of the heritage significance of the State Bank building or the streetscape. Additions to heritage buildings are generally encouraged to not mock or imitate heritage buildings, rather to remain subdued, muted and modest so as to not detract from the associated heritage building. Council's Heritage Advisor also considers the design appropriate.</p> <p><u>3.3.1.2 Alterations and Additions</u></p> <p><i>C. The original roof line or characteristic roof elements are to remain identifiable and not be dwarfed by the new works.</i></p> <p>The proposed development does not go above the existing roof line and therefore does not dwarf the existing building.</p> <p><i>E. Ensure that the new work is recognisable as new, "blending in" with the original building without unnecessarily mimicking or copying</i></p> <p>As discussed previously, the design of the proposed additions are contemporary and modern in design and would appear as the newer component of the building. Additions to heritage buildings are generally encouraged to not mock or imitate heritage buildings, rather to remain subdued, muted and modest so as to not detract from the associated heritage building. Council's Heritage Advisor also considers the design appropriate.</p> <p><i>F. Complement the details and materials of the original roof including ridge height and slopes without compromising the ability to interpret the original form.</i></p> <p>The ridge height has been retained and used to cap the building at the existing roof height. No other details or materials have been reused. The roof of the extension is a flat concrete panel extending out towards Goldsmith Street beyond the slope of the existing roof.</p> <p>The roof above rooms 10 and 26 is not nominated on the plans however it would require removal of the existing roof and replacement with a new (unsloped) roof to achieve the minimum roof height for habitable rooms (2.4m).</p> <p><u>3.3.1.3 Adaptation of Heritage Buildings or Sites</u></p> <p><i>A. The adaptive reuse of a heritage item should minimise alterations or interference with significant fabric. The changes are to enable the continued interpretation of the original use.</i></p> <p>Council's Heritage Advisor requested the plans be revised to reduce the amount of impact on the existing fabric. The plans submitted on 12 March 2019 didn't change with respect to maintaining significant internal fabric (internal walls and fireplaces on upper levels).</p> <p><u>3.3.1.7 Corner Allotments</u></p> <p><i>F. Car parking must be located to the rear of the secondary street frontage. Double garages forward of the building line are not acceptable;</i></p> <p>The car parking that is proposed would be located off the secondary street frontage, being Goldsmith Street.</p> <p><i>I. New development must be located to minimise impact on existing prominent trees.</i></p> <p>No prominent trees exist on the site. However there is a street tree fronting the development in Goldsmith Street which contributes to the overall character of the streetscape. The Letter of Offer proposes the provision of an accessible space</p>
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	<p>between the street tree and vehicular access for the site. No information has been provided as to how this proposed parking space would impact on the tree.</p>
<p>3.4 Landscaping</p>	<p>A Landscape Plan was submitted with the application.</p> <p>27.93sqm landscaping area is proposed between the building extension and residential dwellings to the south east of the site along Goldsmith Street. A rooftop garden 8.31sqm is also proposed on Level 2 on the south eastern façade of the additions. The landscaping plan indicates the planting of pencil pines, mondo grass and sweet fern however the plan doesn't provide any detail of the rooftop garden landscaping. More information is required regarding drainage, structural integrity, plant species to consider the landscaping plan.</p>
<p>3.5 Vehicular Access and Parking</p>	<p>This policy aims to provide sufficient and convenient parking for residents, visitors and service vehicles; to ensure vehicular and pedestrian safety and to encourage access design to form part of the overall landscape design.</p> <p>The SEE advises the development proposes four parking spaces to the rear/underneath the development. However, three of the four parking spaces are proposed to be located on land not associated with the development, being 257 Auburn Street. No landowners consent has been provided for this component of the development nor has this been explained in the SEE. The development also proposes one drop off zone 6.2m x 2.2m located on the development site.</p> <p><u>3.5.1 Parking layout, servicing and manoeuvring</u></p> <p>The objectives of this clause are:</p> <ul style="list-style-type: none"> • Where on-site car parking or service areas are required, ensure that the layout and design does not detract from the amenity of adjoining areas. • Ensure the design of parking and servicing areas is efficient, safe, convenient, discrete and suitably landscaped. • Minimise nuisance caused by traffic movement, generation and servicing <p>Council does not consider the design of the parking area as being efficient or safe. The provision of one parking space onsite and three on a separate site is deficient by 26 spaces (discussed later in this report) which is unsuitable for the proposed operations. This does not result in convenient parking for patrons of the motel. The applicant proposes one space to be used by the caretakers residence.</p> <p>The development does not propose a loading dock or service area for vehicles. The drop off zone is intended for patrons to check in at reception then leave the site and park elsewhere (if none of the four spaces provided are available), not as a permanent parking space. Not having a dedicated loading zone forces vehicles who require a loading zone to use Goldsmith Street. Considering the development is adjacent to residential dwellings, this has the potential to adversely impact their amenity and cause a nuisance to the locality.</p> <p>Council considers the development to be inconsistent with the objectives of this clause.</p> <p>The controls of this clause are as follows:</p> <ul style="list-style-type: none"> • <i>The layout and design of access, parking and service areas should address the needs of the site occupants and visitors as well as respecting the amenity of the area. Account should be taken of potential noise disturbance, pollution and light spillage. Car parking areas can have a significant impact on the streetscape and should therefore be carefully designed having regard to landscaping, layout and location to ensure that parking and service areas are integrated sympathetically with the development and locality.</i> <p>The provision of one parking space onsite and three on a separate site, does not address the needs of the site occupants and visitors. A patron of a motel would expect to be provided with parking onsite. Not providing parking onsite would result in patrons parking within Goldsmith and Auburn Streets. This has the potential to adversely impact the amenity of the locality, particularly on the residential dwellings to the south east of the site in terms of light spillage from vehicles at night and associated noise from patrons arriving and leaving.</p> <ul style="list-style-type: none"> • <i>Provision should be made for various modes of transport for employees and visitors to the site. Where parking is provided it must be in a safe and efficient</i>

manner, allowing for easy access for occupants, visitors and service vehicles, whilst ensuring the safety of pedestrians and other road users.

The application does not propose to provide any parking for employees or patrons onsite (aside from the caretaker) nor encourage any other modes of transport i.e. bicycle parking. The parking spaces proposed are not considered safe or efficient for the intended use (refer in the Attachment to turning circle plans).

The turning circles show that a vehicle that enters the site but then realises no parking spaces is available, needs to do a three point turn before exiting the site; and this manoeuvre results in the car hitting the barn building on 257 Auburn Street and potentially parked cars. Further, when a car enters the site whilst a car is looking to exit, there is no location for the entering car to go other than to reverse back onto Goldsmith Street as the drive through is not wide enough for two vehicles. These examples are not considered safe or efficient. Insufficient and inadequate information has been provided to determine whether vehicles can enter and exit the site in a safe and efficient manner.

Insufficient and inadequate information has been provided with respect to pedestrian safety within the proposed car parking layout.

Service vehicles haven't been addressed or considered by the applicant with respect to the proposed car parking layout. The use of the drop off zone has been identified for patron use only, therefore no identified area for service vehicles has been nominated in the application. No information on what kind/size of service vehicle would attend the site has been provided. Inadequate and insufficient information has been provided to consider service vehicular safety.

- *Where non-residential development is within or adjoining a residential zone, locate and design parking areas, servicing areas and the means of access/egress to:

 - *minimise conflict between non-residential, residential and pedestrian traffic;*
 - *provide off-street parking and servicing of premises;*
 - *respect the character of the existing residential areas and streetscape character by means of siting, design and landscaping.**

Whilst the proposed development isn't within a residential zone, it is adjacent to residential development and therefore consideration of this clause is required. Whilst the development does propose landscaping between the parking area and the adjacent residential dwelling, the development does not comply with the above control in that the development does not provide off street parking and servicing.

- *Surface parking should be visually articulated by the use of soft and hard landscaping and the use of different surface treatments.*

No detail has been provided with respect to what the proposed car parking surface treatment would be.

- *Parking areas and accessways should be designed, surfaced and graded to reduce run-off and allow stormwater to drain into the site.*

Insufficient information has been provided to determine whether the proposed parking areas would be designed to permit stormwater to be discharged to Goldsmith Street.

3.5.2 Specific land use requirements.

This section of the DCP enables calculation of the required parking spaces for the proposed development.

The Motel requires one space for each unit, plus one space for each two employees, plus one space per 40sqm of restaurant gross floor area. This calculates to:

- 2 spaces for the café (applicant advises café is 80sqm)
- 26 spaces for the units (excluding the caretakers unit)
- 2 spaces for staff (4 staff - including the caretakers unit)
- = 30 spaces

Whilst the development requires 30 parking spaces, the applicant proposes to provide

	<p>no parking spaces as part of stage one on the site of the development (but one accessible space to Goldsmith Street as part of the Letter of Offer), and one parking space onsite and three on 257 Auburn Street as part of Stage 2. The development is therefore, severely deficient in parking spaces. In response to this variation, the application provides the following justification (taken from the Traffic Report):</p> <p><i>“...it is noted that the existing commercial building has a Gross Floor Area of 565.5m² and Council’s Development Control Plan stipulates that 15 car spaces would be required with the rate of 1 car space per 40m² for commercial premises. Given that the existing site only provides two car spaces, there is a shortfall of twelve [13] car spaces. Adopting the shortfall of car spaces of the existing development, the proposed motel is thirteen car spaces short of meeting Council’s requirement.</i></p> <p><i>It is also noted that the development is located in the town centre/commercial area where there are on street parking opportunities nearby street.</i></p> <p><i>Guests staying overnight at the motel can easily find a vacant car space on-street after 6pm where many of the nearby retail and able to park without a fine to 9:30am on the following day (for one hour parking restrictions beginning from 8:30am).</i></p> <p><i>Short term parking can be found during business hours but a driver will need to circulate.</i></p> <p><i>Most motel tenants will only need to park overnight before travelling onwards to other areas (such as Sydney or Canberra).</i></p> <p><i>During the day there would be low parking demand as most other motels show with about ten percent of tenant car spaces occupied between 9am and 4pm and hence there would be low reliance of public parking spaces during business hours.”</i></p> <p>It is difficult to follow the application’s justification because the calculation of car parking is slightly different (typos, different number outcomes) between the Letter of Offer, the SEE and the Traffic Report. With such inconsistencies, Council is not in a position to effectively, correctly or professionally consider this clause of the DCP (see Attachment for above referred documents).</p>
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Draft Voluntary Planning Agreement and Land Dedication Policy

Clause 2.2 of the Draft Policy advises when Council may consider negotiating a Planning Agreement with the developer. These activities include:

- a) *the provision of (or the recoupment of the cost of providing) public amenities or public services;*
- b) *the provision of (or the recoupment of the cost of providing) affordable housing;*
- c) *the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land;*
- d) *the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;*
- e) *the monitoring of the planning impacts of development;*
- f) *the conservation or enhancement of the natural environment.*

The Letter of Offer proposes:

- the provision of one new on-street parking space (to be an accessible space) fronting the development on Goldsmith Street for Stage 1 of the development, and
- a \$65,142 monetary contribution to be used towards the provision of car parking facilities within the useable vicinity of the site for Stage 2 of the development (calculation of this figure is provided in the Letter of Offer in the Attachment to this report).

The applicant has nominated that the proposed VPA would satisfy (c) for the purposes of car parking.

Notwithstanding, Council does not have any projects nominated with respect to parking in its Section 7.12 (former section 94A) Development Contributions Plan, and a contributions plan for car parking has not been prepared. As such, Council is legally unable to accept the proposed monetary contribution as an offset to the car parking shortfall proposed by this development.

Clause 2.3 of the Draft Policy provides an Acceptability Test for proposed Planning Agreements, as follows:

- a) *Is the Planning Agreement created for legitimate planning purpose relating specifically to the impacts of the Associated Development or as a result of an Instrument Change, policy or a plan?*
- b) *Does the Planning Agreement result in a Public Benefit?*
- c) *Does the Planning Agreement provide for a reasonable means of achieving its objectives?*
- d) *Can the Planning Agreement be taken into consideration in the assessment of the relevant rezoning application or development application?*
- e) *Will the Planning Agreement produce outcomes that meet the general values and expectations of the community and protect the overall public interest?*
- f) *Does the Planning Agreement align with Council’s other plans and policies or address a shortfall or deficiency in Council’s plans and policies?*
- g) *Does the Planning Agreement conform to other requirements set forth in this Policy?*
- g) *Are there any circumstances that may prevent the Council from entering into the proposed Planning Agreement?*

The Letter of Offer is poorly prepared, has typing errors, refers to clause 4.6 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) incorrectly and unnecessarily, is not orderly, clear or concise, does not adequately address clause 7.4(3) of the EP&A Act and is misleading and inconsistent with respect to its car parking calculation on which the monetary value to be contributed to Council is based on. As an example, the Letter of Offer has used clause 4.6 of the EP&A Act (the clause used to vary LEP controls) to request a variation to a parking control in the DCP. This is incorrect and highlights poor planning legislation knowledge. It is reminded that the applicant was strongly advised to engage a consultant town planner to assist in the preparation of documents for this development.

Ordinarily, a Letter of Offer provides a development overview, a scope of the proposed works, a timeline of when the works expect to be delivered, whether any required planning pathway for the proposed works is required, it should request Council to consider and review the contents of the Letter and request confirmation of acceptance of the letter to inform the VPAs finalisation and legal drafting. Typically by this stage of a development (i.e. before determination), a draft VPA has been prepared by solicitors, the draft adopted by Council and it has been exhibited for comment to the community with the final version adopted by Council (sometimes after determination of the development). The submitted Letter of Offer does not address what typically is included, as is evident in the Attachment.

The NSW Department of Planning and Environment has published a Planning Agreements Draft Practice Note which advises that a Letter of Offer should:

<i>be in writing;</i>	Complies
<i>be addressed to the planning authority to whom it is made;</i>	Complies
<i>be signed by or on behalf of all parties to the planning agreement other than the planning authority to whom the offer is made;</i>	Does not comply - the Letter of Offer was not signed by all parties to the planning agreement
<i>outline in sufficient detail to allow proper</i>	Does not comply - the Letter of Offer does not

<i>consideration by the planning authority the matters required to be included in a planning agreement as specified in section 93F(3) [7.4]of the EP&A Act;</i>	provide sufficient information with respect to consider this clause of the EP&A Act.
<i>address in sufficient detail to allow proper consideration by the planning authority any relevant matters required to be included in an offer as specified in any applicable planning agreements policy published by the planning authority to whom the offer is made; and</i>	Does not comply – the Letter of Offer does not provide sufficient information to appropriately consider it against the Acceptability Test under Council’s Draft VPA Policy.
<i>outline in sufficient detail to allow proper consideration by the planning authority all other key terms and conditions proposed to be contained in the planning agreement.</i>	Does not comply – as discussed above, the Letter of Offer is inadequate.

Unfortunately, the submitted Letter of Offer is not accepted as a legitimate or professional attempt at requesting to enter into a VPA with Council. Therefore, the offer should not be accepted. To do so would breach the EP&A Act.

Likely Impacts of Proposed Development

s4.15(1)(b)

Insufficient, misleading, incorrect and inadequate information has been provided to Council for consideration with respect to the likely impacts of the development as discussed throughout this report.

Suitability of the Site for the Proposed Development

s4.15(1)(c)

The development does fit in the locality given the commercial nature of the proposal and the surrounding commercial precinct. Council has worked with the applicant on numerous occasions because of its suitability for the proposed use. There are no constraints posed by adjacent developments that would prohibit this proposal. There are adequate utilities and services available to the proposed development. There are no hazardous land uses or activities nearby that would impact on the proposed development.

The site is not subject to natural hazards such as flooding, slip, mass movement or bushfires. There are no critical habitats, or threatened species, populations, ecological communities or habitats on the site, and there are no known mineral or extractive resources on the site.

The Public Interest

s4.15(1)(e)

The development does fit in the locality given the commercial nature of the proposal and the surrounding commercial precinct. Council has worked with the applicant on numerous occasions because of the potential suitability for the proposed use.

Conclusion and Recommendation

The development application (DA/0175/1617) has been assessed in accordance with the matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*, and all relevant environmental planning instruments and Council policies. The proposal to adaptively reuse the former State Bank Building for the purposes of a 26 room hotel and café is considered a suitable active use for this precinct of town and for the benefit of opening this building to the community. The site is seen as a suitable and pivotal location for commercial activation within this precinct of Auburn Street. However, in the manner submitted, the application cannot be appropriately considered or supported. The key issues preventing this application from a favourable determination are:

- the shortfall of car parking spaces required for the development and the inadequate justification to consider varying the parking controls in the DCP;

- the inadequate and deficient information provided to enable Council staff to make an informed, professional and legal assessment of the application, being
 - the manner, form and content of the Letter of Offer;
 - the quality and misleading nature of the plans;
 - the difference in information provided between the submitted documents;
- the unexplained proposal to provide parking on the neighbouring property (257 Auburn Street) without provision of their landowners consent before determination is made.

In essence, the application has been unable to demonstrate that as a consequence of not providing parking there would be no negative impacts on the locality. This is because it has not been adequately considered in the information submitted to Council; therefore, the application as submitted has neglected to properly interpret and consider the likely impacts of the development on the locality. As such, the proposal cannot be supported in its current form.

Council cannot determine the application by way of approval as the proposal has not been notified in its current form. The amended proposal includes land (257 Auburn Street) which has not been included in the exhibition of the application to the community. To determine the application by way of approval would expose the consent to a third party appeal and consequently invalidate the consent.

The information provided to date has never been satisfactory standard to enable Council staff to make a professional and informed determination on the application. On balance, the applicant has had more than a reasonable amount time to provide the necessary information to Council. Consequently, it is recommended this application be refused for the reasons nominated in the Recommendations section of this report.

FINANCIAL IMPLICATIONS

The financial implications that may arise as a result of Council's decision in this matter are directly related to the legal implications. The possibilities are detailed as follows:

- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court, the question of cost with regard to Council's legal representation would be determined at the appropriate time.
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court, the question of cost with regard to Council's legal representation would be calculated at the appropriate time;
- Should the applicant make no appeal, or proceedings not be taken out by another party, to the Land and Environment Court regardless of the determination, the application would result in no further financial implication to Council.

LEGAL IMPLICATIONS

The determination of the application gives rise to certain rights under the Environmental Planning & assessment Act 1979 to either request a review of the determination or to lodge an appeal to the Land and Environment Court, timeframes exist in which such matters must be considered, actioned and completed.

DIRECTOR'S COMMENT

Council strongly support the adaptive reuse of items of heritage significance as well as projects that aim to revitalise the CBD. This project seeks to satisfy both criteria. However whilst these

criteria are important, they should not detract from the importance of other matters for consideration, which in this instance primarily concerns car parking and traffic management.

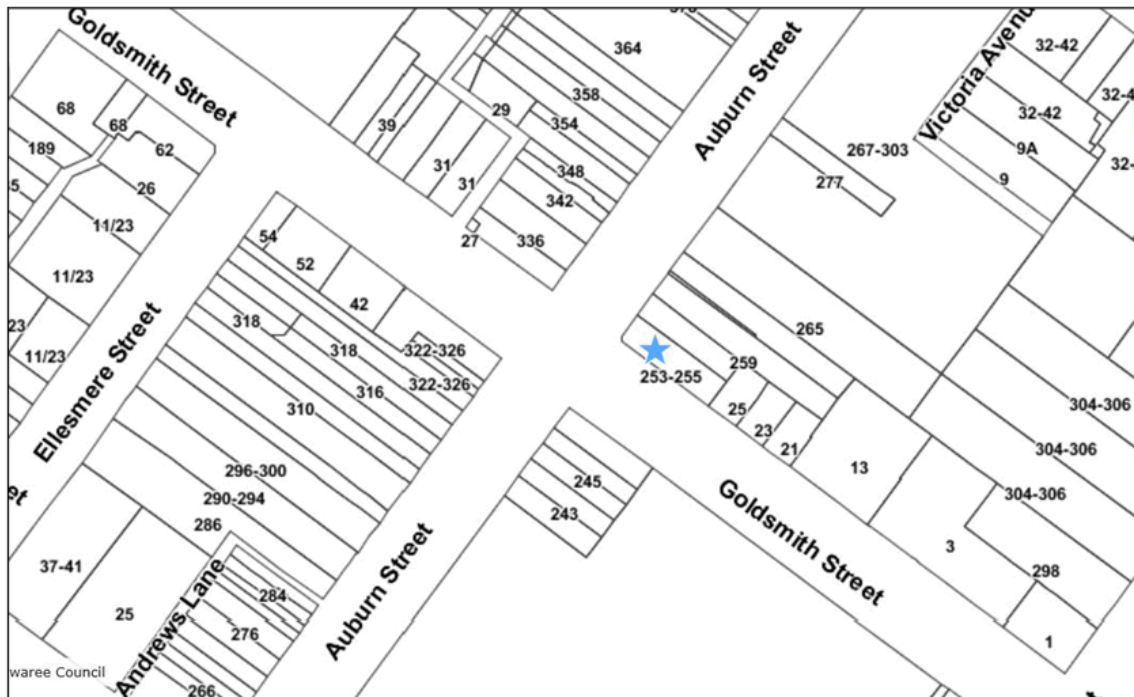
As demonstrated within the report, the applicant has been provided with numerous opportunities to provide planning staff with the information required to carry out a thorough and meaningful assessment however the suitability of the information that has been forthcoming consistently falls short of enabling such as assessment.

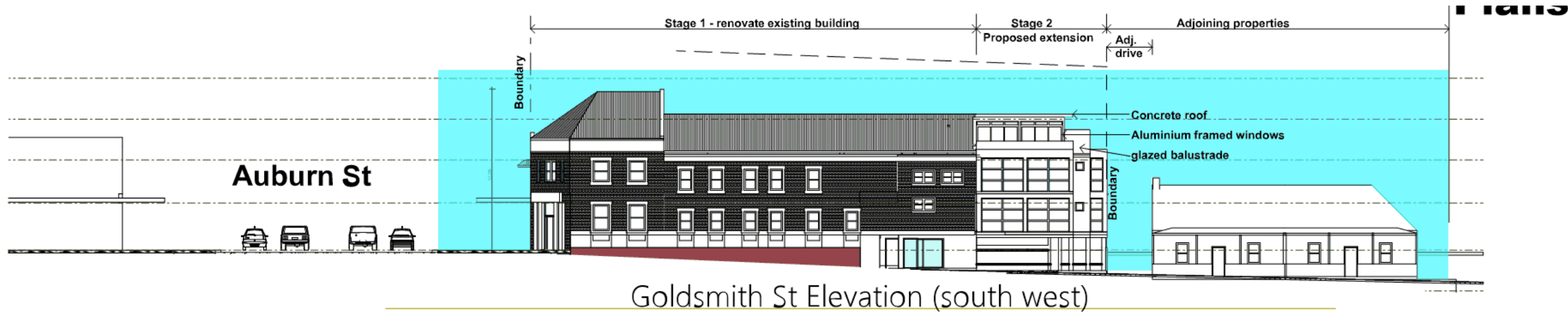
To this end, if the required information was forthcoming staff would be able to carry out an assessment and seek to make a determination. Staff do not wish to discourage the applicant from proceeding with the project, but rather seek that all information sought is provided and done so in a timely manner. The applicant was encouraged to present a draft Voluntary Planning Agreement (VPA) to address a number of the issues that could not be addressed on the constrained site. This would allow the issues to be addressed by Council to have funds to address such issues into the future. However the applicant's VPA fell short of being able to address the issue and address a broader public benefit. It was made clear that any funds received by way of VPA would need to be spent on the targeted service and generally within five years.

Attachment

DA No.	DA/0175/1617
Location	253-255 Auburn Street, Goulburn
Proposed Development	Reuse of State Bank building to a 26 room motel and cafe
Attached documents	<ul style="list-style-type: none"> • Submitted Plans • Submission (1) • VPA Letter of Offer • Statement of Environmental Effects • Traffic Report

Locality Plan





Goldsmith St Elevation (south west)



Locality & Site Analysis Plan



Auburn St Elevation (North West)

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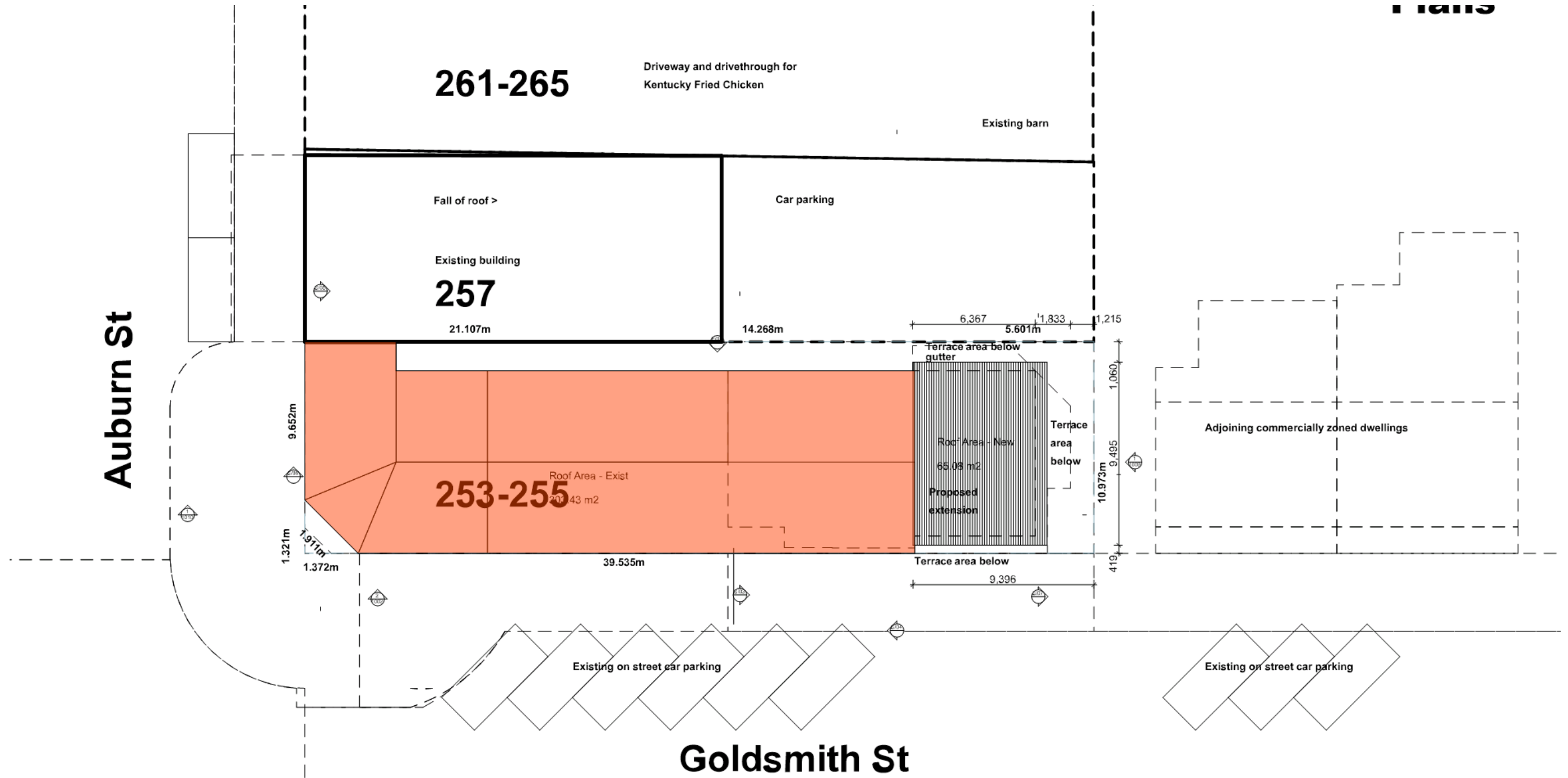
Locality Plan

Development Application

253-255 Auburn St, Goulburn NSW 2580

Dwg
2c/15

Date;
12th Mar 1



Site & Roof Plan
Scale 1:200

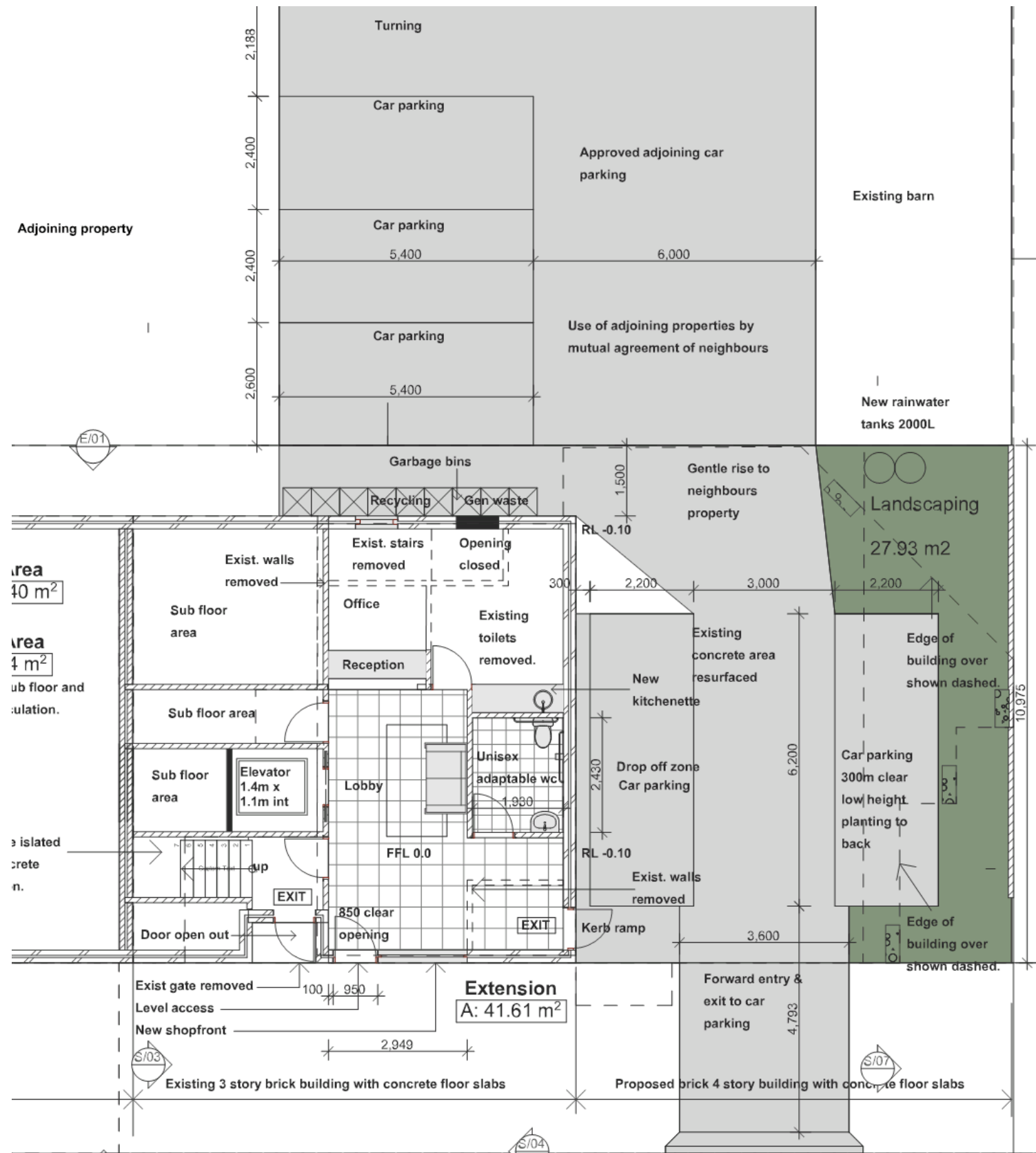
Site Area 448.4m²
 Existing building footprint 566m²
 Proposed extension footprint 277m²
 Total footprint 843m²
 Existing landscaping 0m²
 Proposed landscaping 35m²

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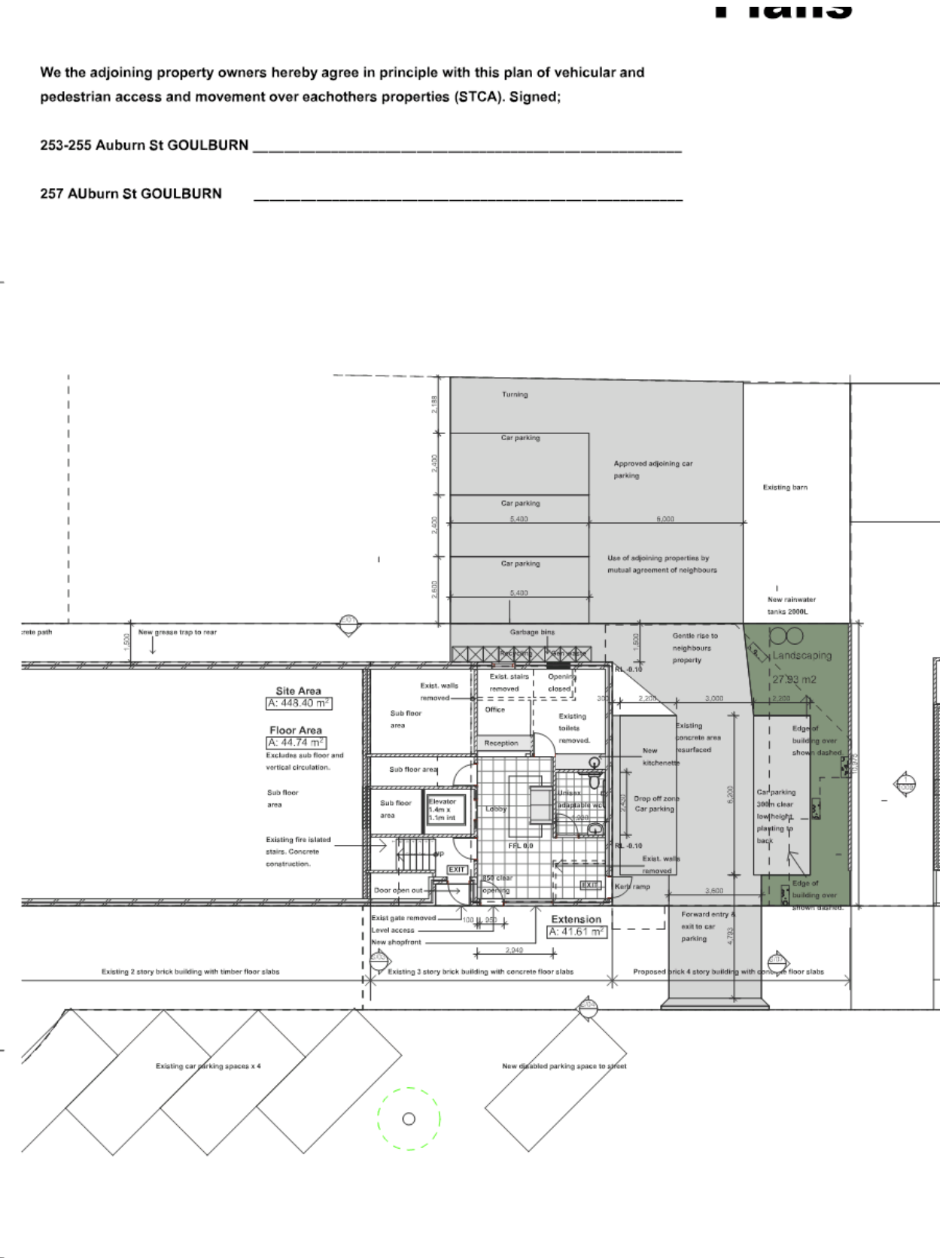
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Site Plan
 Dwg **3c/15**
 Date; **12th Mar 1**
Development Application
 252-255 Auburn St, Goulburn NSW 2580



Street level parking 1:100



Street level parking 1:200

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New disabled parking space to street

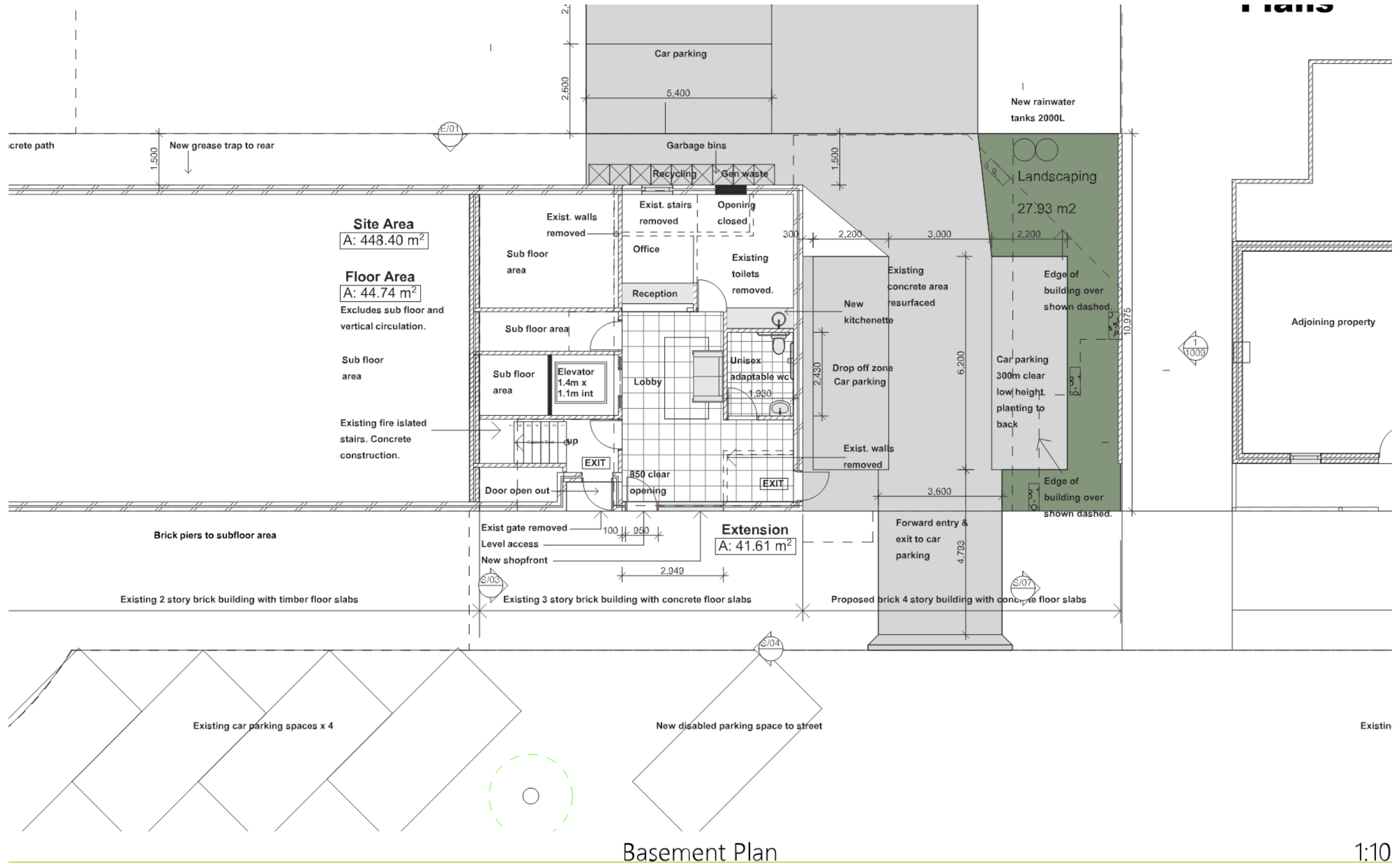
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253-255 Auburn St Goulburn NSW 2580
Date: 12th Mar 19

Dwg
4c/15

Date: 12th Mar 19



Basement Plan

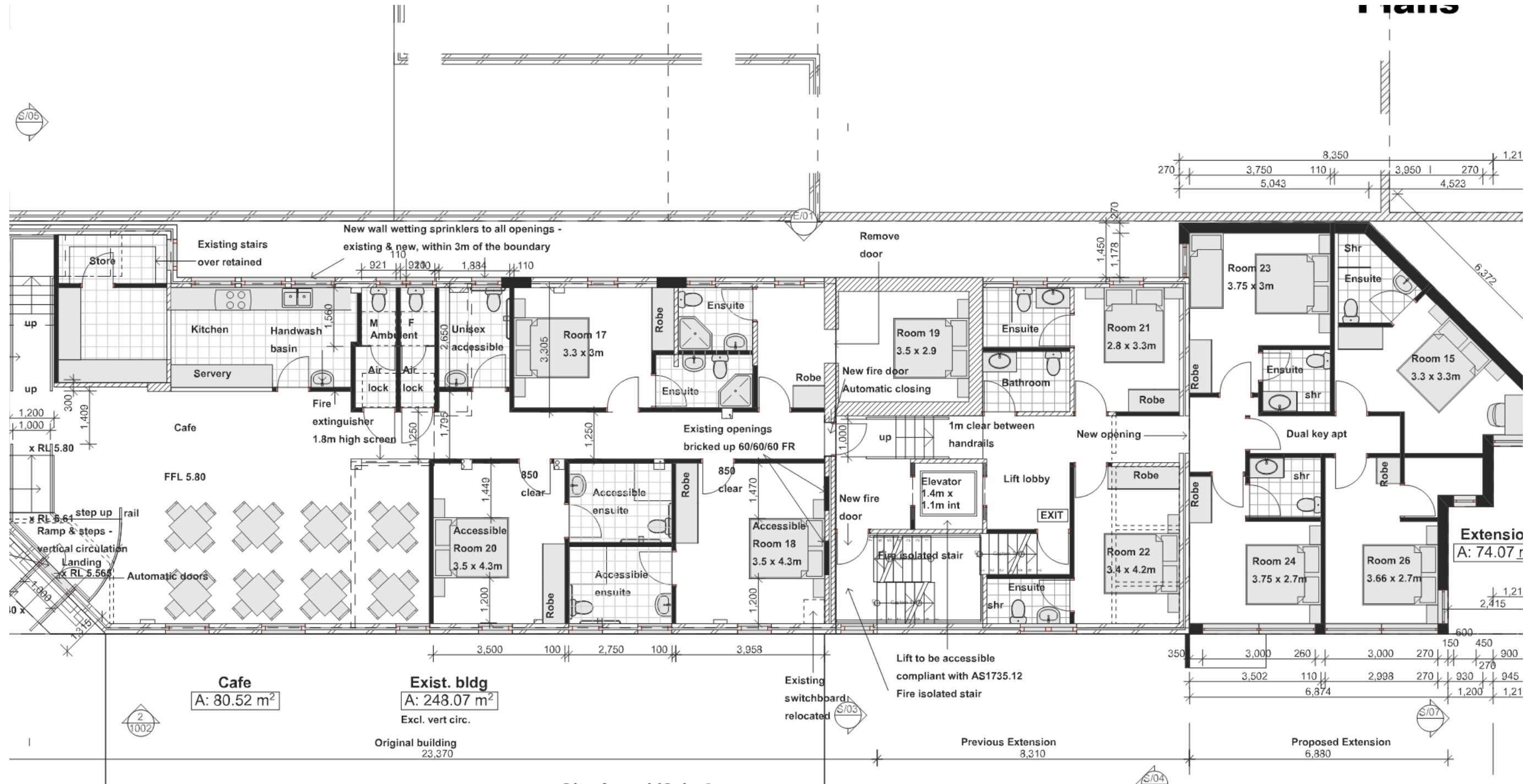
1:10

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Basement Plan		Dwg 5c/15
Development Application		Date; 12th Mar 1
252-255 Auburn St, Goulburn NSW 2580		



Cafe
A: 80.52 m²

Exist. bldg
A: 248.07 m²
Excl. vert circ.

Extension A
A: 74.07 m²

Site Area 448.4m²
Existing building 566m²
Proposed extensions 277m²
Total Floor Area 843m²
FSR allowed 2:1 Proposed 1.88:1

Ground (1)

1:10

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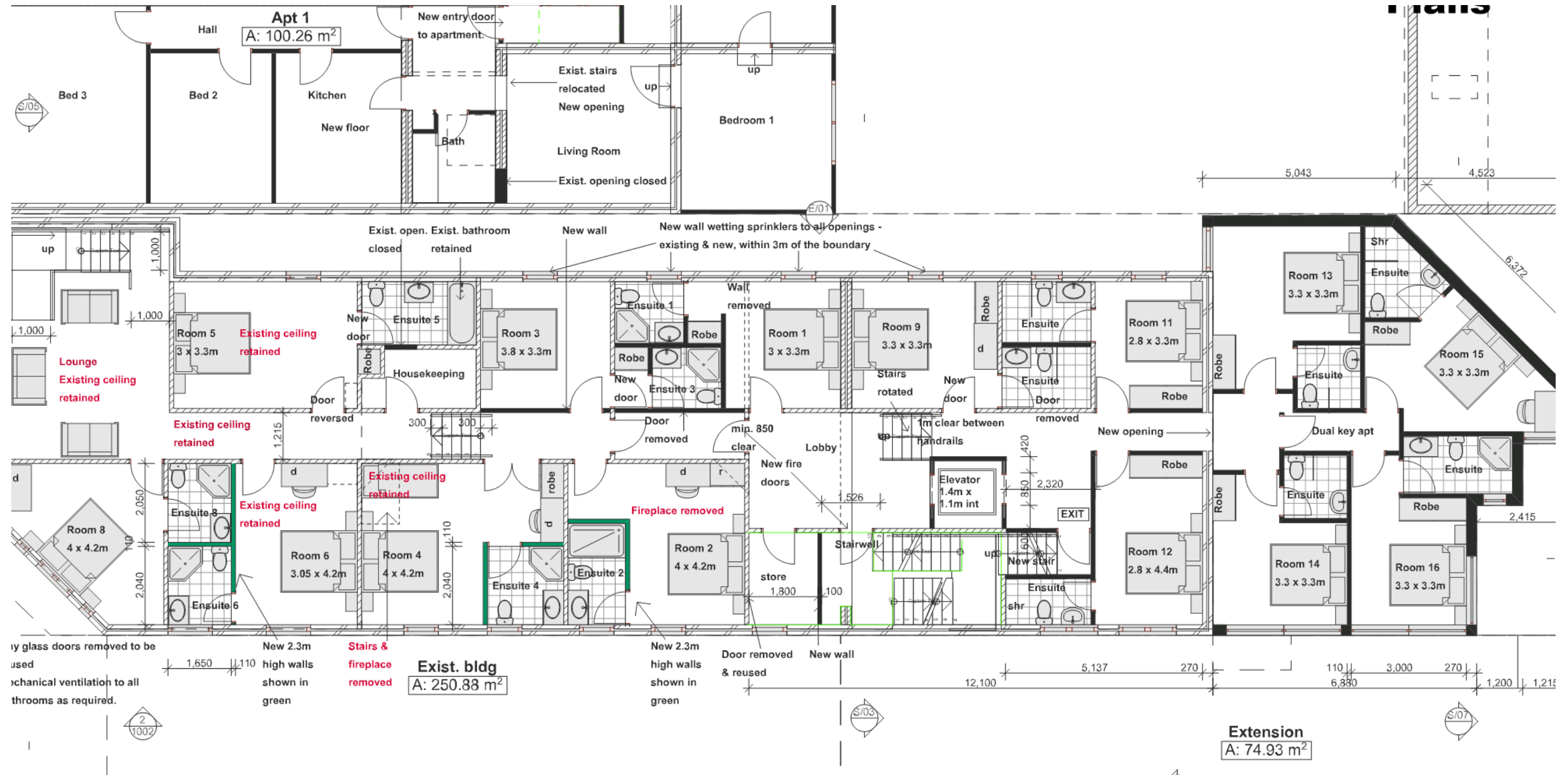
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Ground Floor Plan

Dwg
6c/15

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Date:
12th Mar 1



Level 1 (1)

1:10

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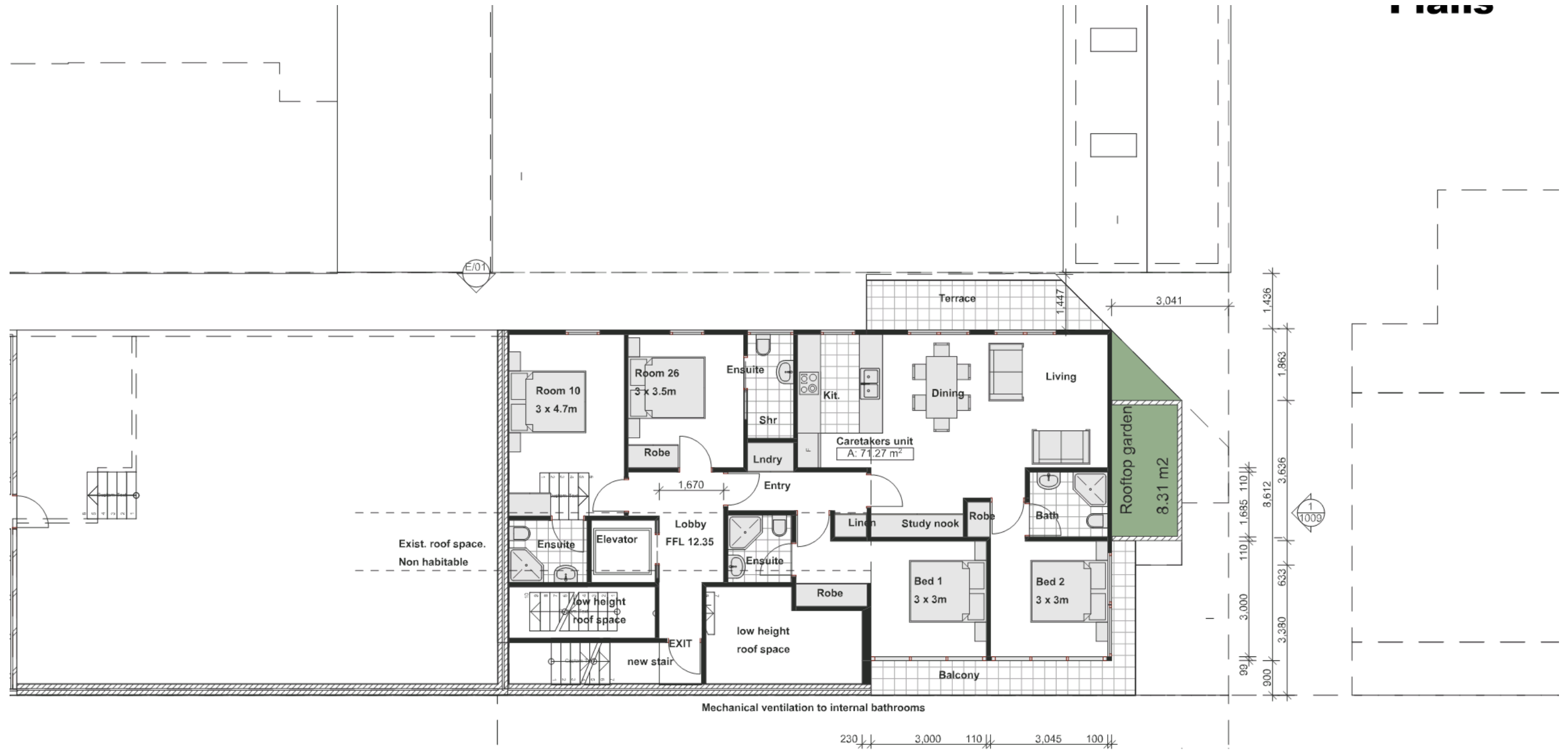
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First Floor Plan

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 252-255 Auburn St, Goulburn NSW 2580

Dwg
7c/15
 Date;
12th Mar 1



Level 2 (1)

1:10

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Second Floor Plan

Dwg
8c/15

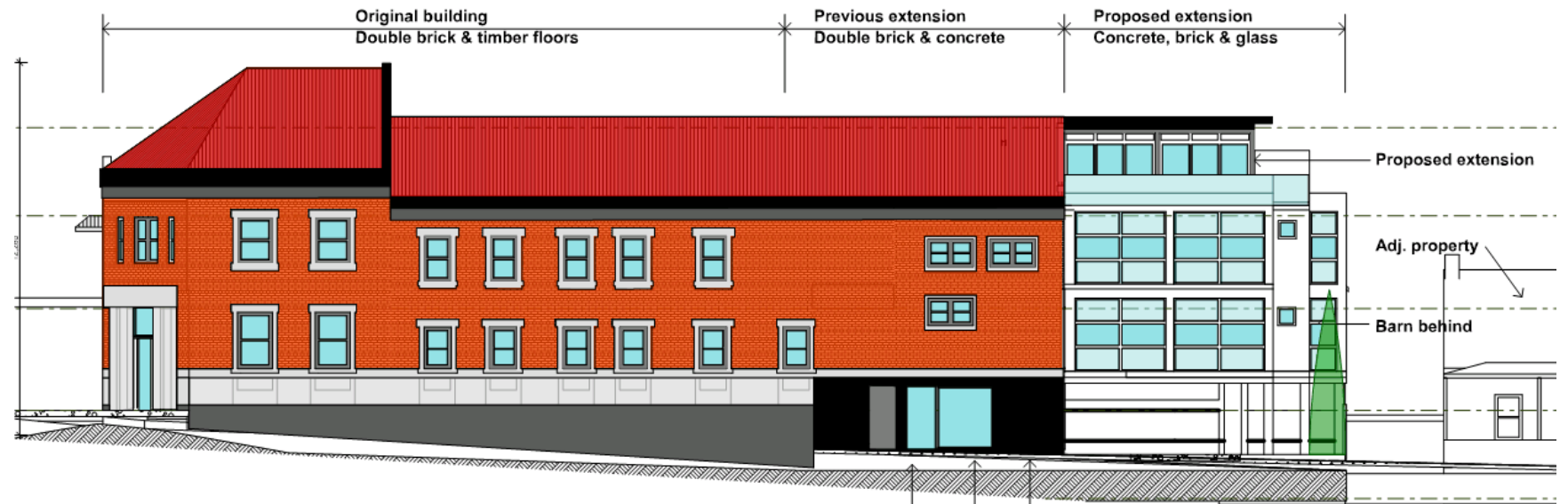
Development Application

252-255 Auburn St, Goulburn NSW 2580

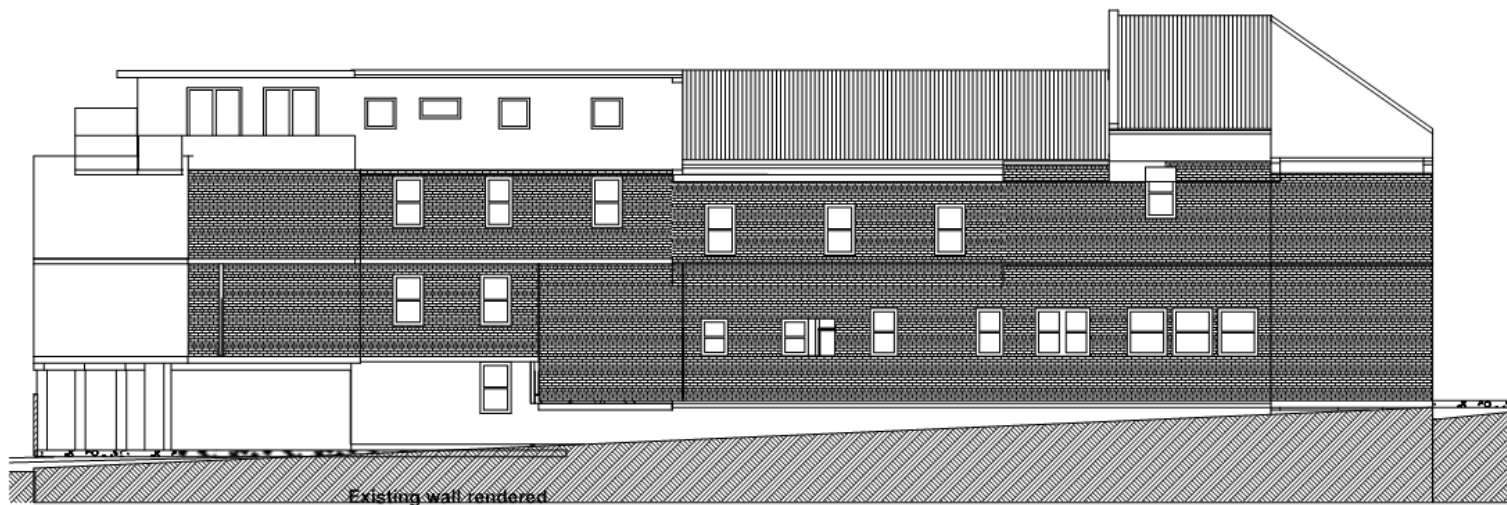
Date;
12th Mar 1



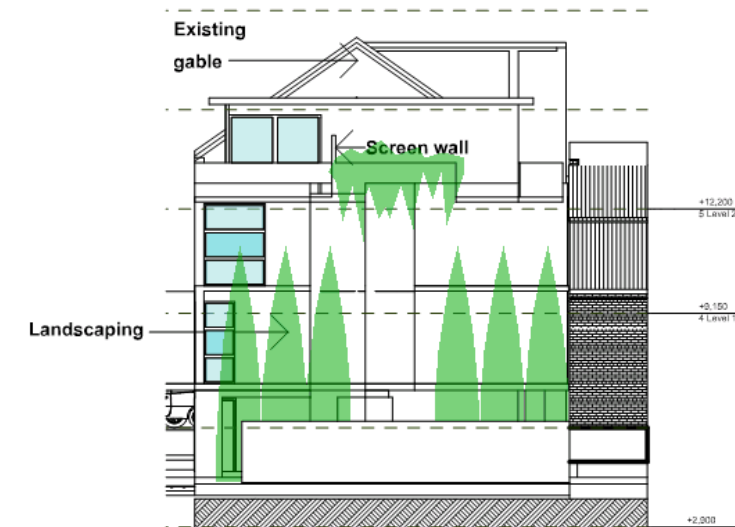
North West



South West



North East



South East

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External Elevations		Dwg 9c/15
Development Application		Date; 12th Mar 1
252-255 Auburn St, Goulburn NSW 2580		

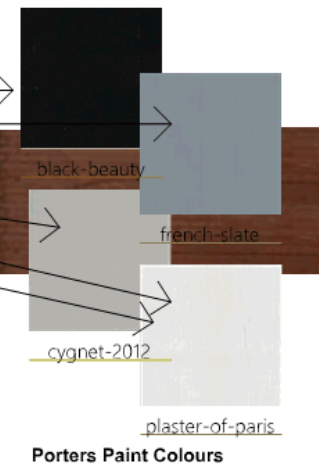
Sensory overload caused by the clutter and bright colours ... of the previous generation was sometimes given as the main reason for the preference of straight lines and quiet pale colours of the 1930s. P271 The anatomy of colour. Patrick Baty



- Concrete roof
- Aluminium framed windows
- Aluminium framed windows
- glazed balustrade
- Face brick masonry wall
- Spandrel panel, glazed to front solid behind & fire rated
- Spandrel panel, glazed to front solid behind & fire rated
- Off form concrete
- Open garage

- Existing colour scheme;
- Terracotta roof tiles
 - Guttering - Brunswick green
 - Fascia - Mustard
 - Face brickwork - Red
 - Timber window frames - White
 - Render surrounds to windows - Cream
 - Render base to building - Cream
 - Details - Brunswick green
 - Stone base - grey

- Proposed colour scheme
- Terracotta roof tiles - cleaned.
 - Guttering - black
 - Fascia - dark grey
 - Face brickwork - cleaned
 - Timber windows - Light grey
 - Rendered surrounds to windows - White
 - Rendered base to building - White
 - Details - black
 - Stone base - retained



Goldsmith St Elevation (south west)

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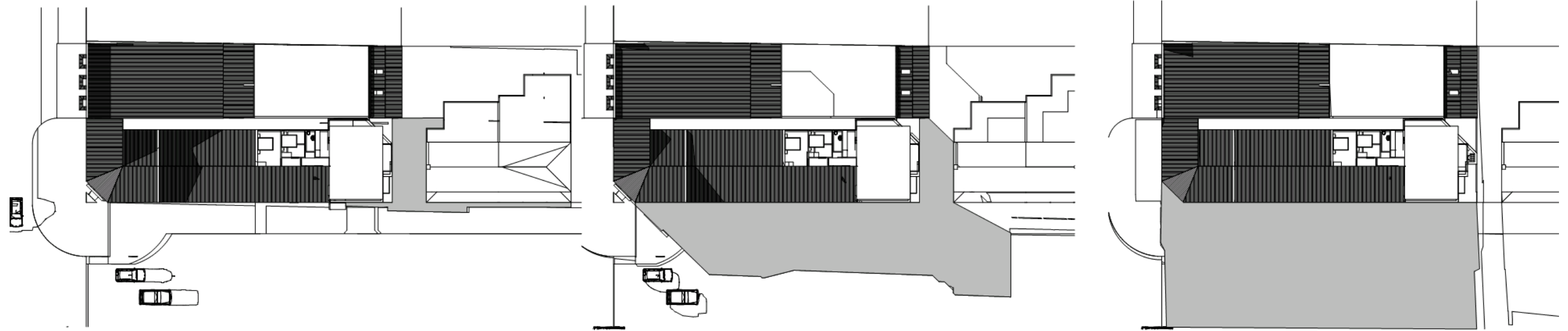
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Finishes

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11c/15
Date;
12th Mar 1

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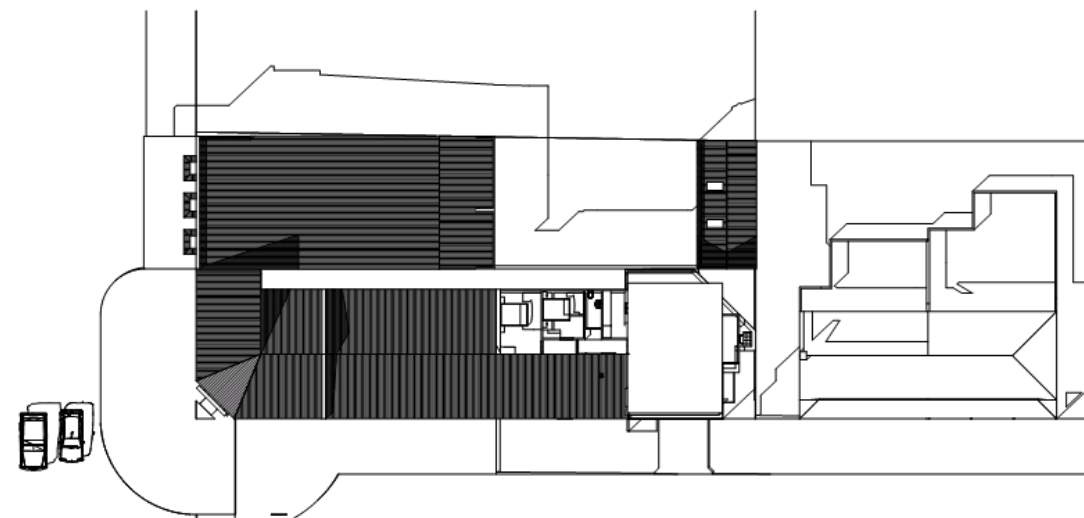


3pm Winter Solstice

1:500

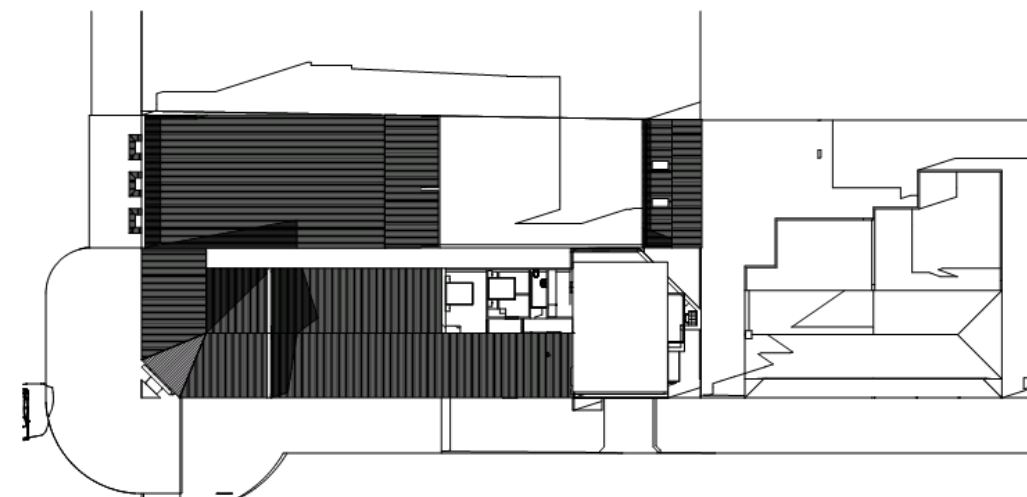
12 Noon Winter Solstice

9am Winter Solstice



3pm Summer Solstice

1:500



3pm Spring & Autumn Equinox 1:500

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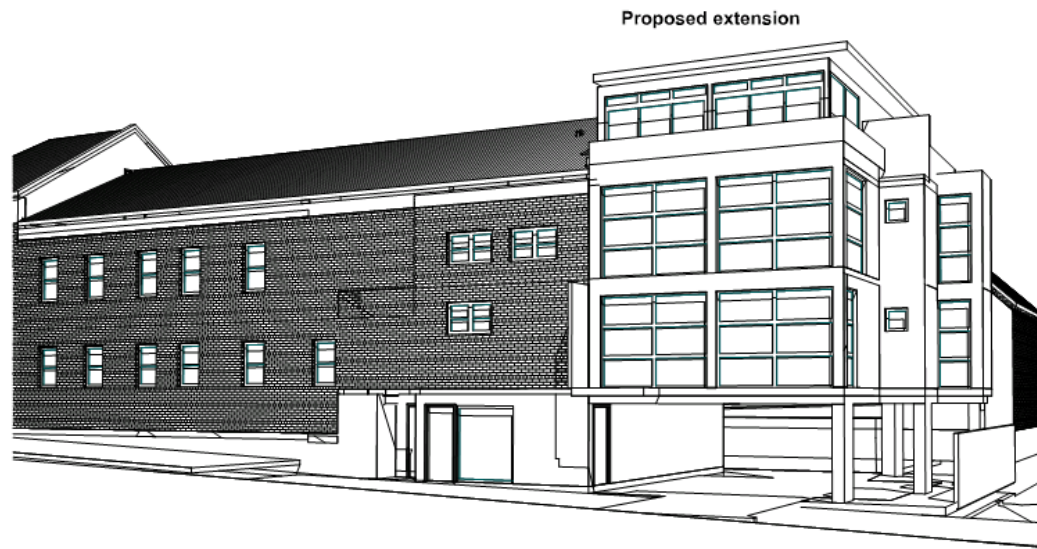
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Shadow diagrams

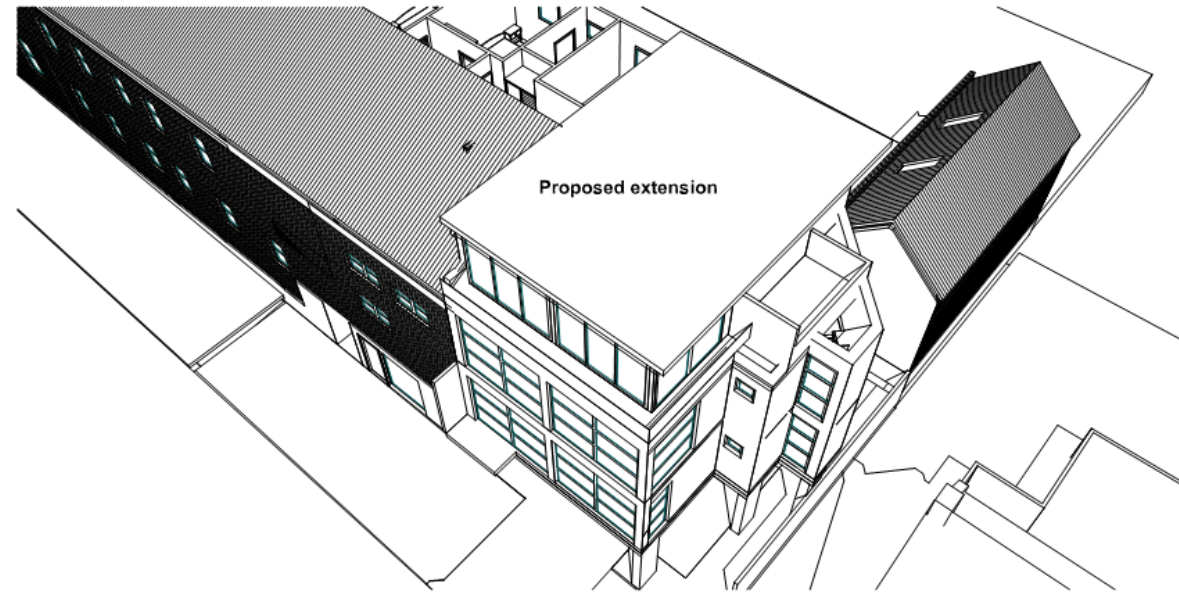
Development Application
 252-255 Auburn St, Goulburn NSW 2580

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Date;	12th Mar 1

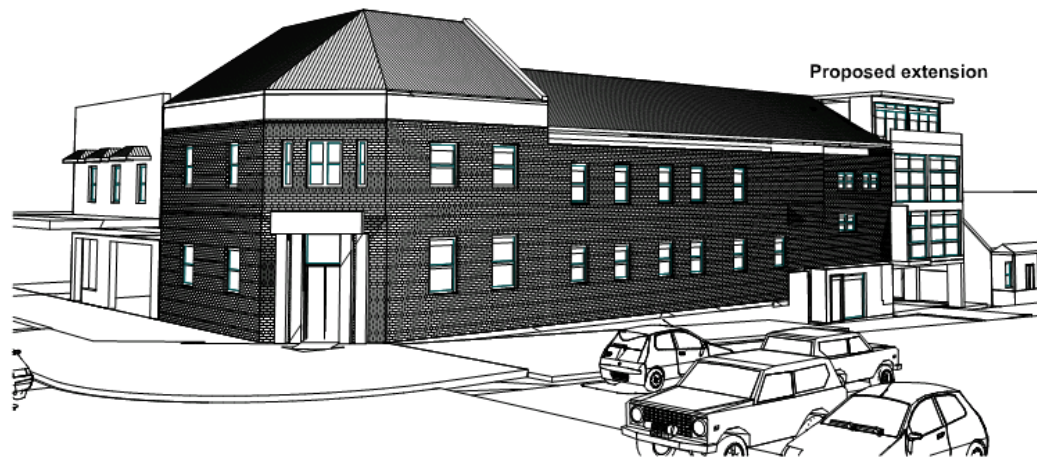
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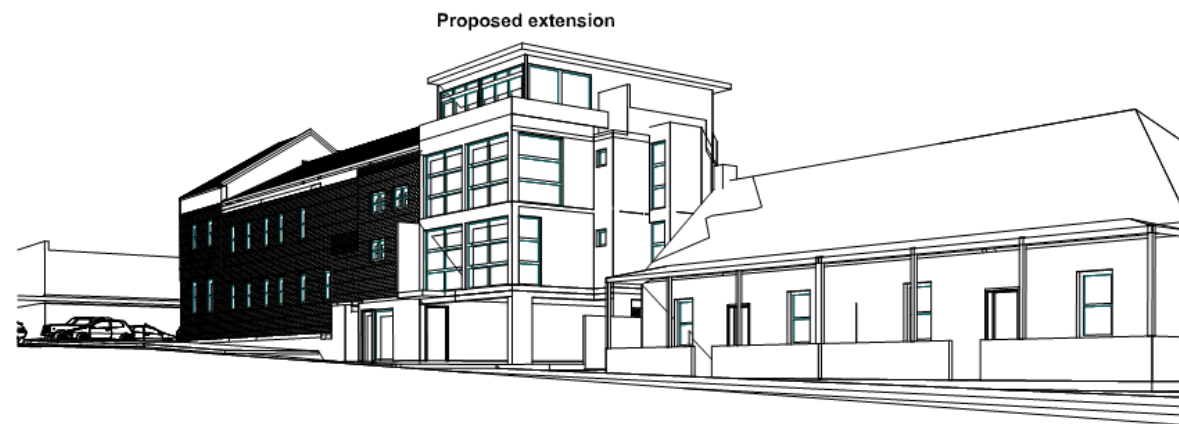
View from down Goldsmith St



Aerial view of extension



View from corner



View from down Goldsmith St

Artists impressions

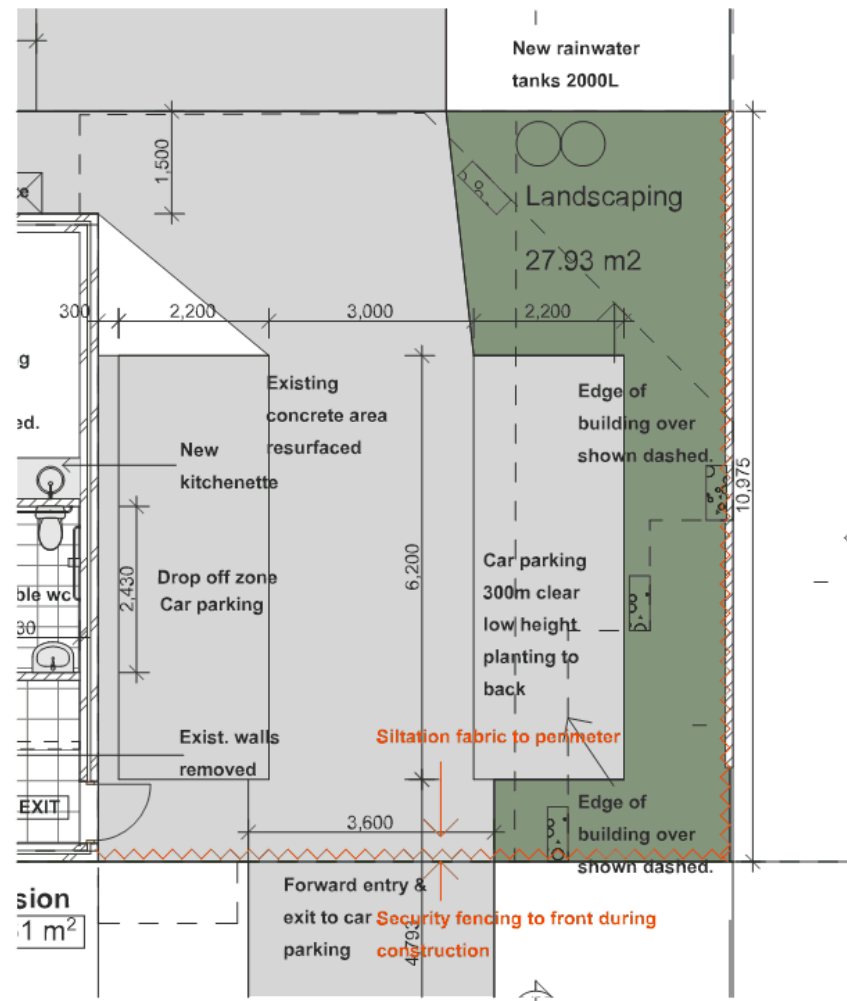
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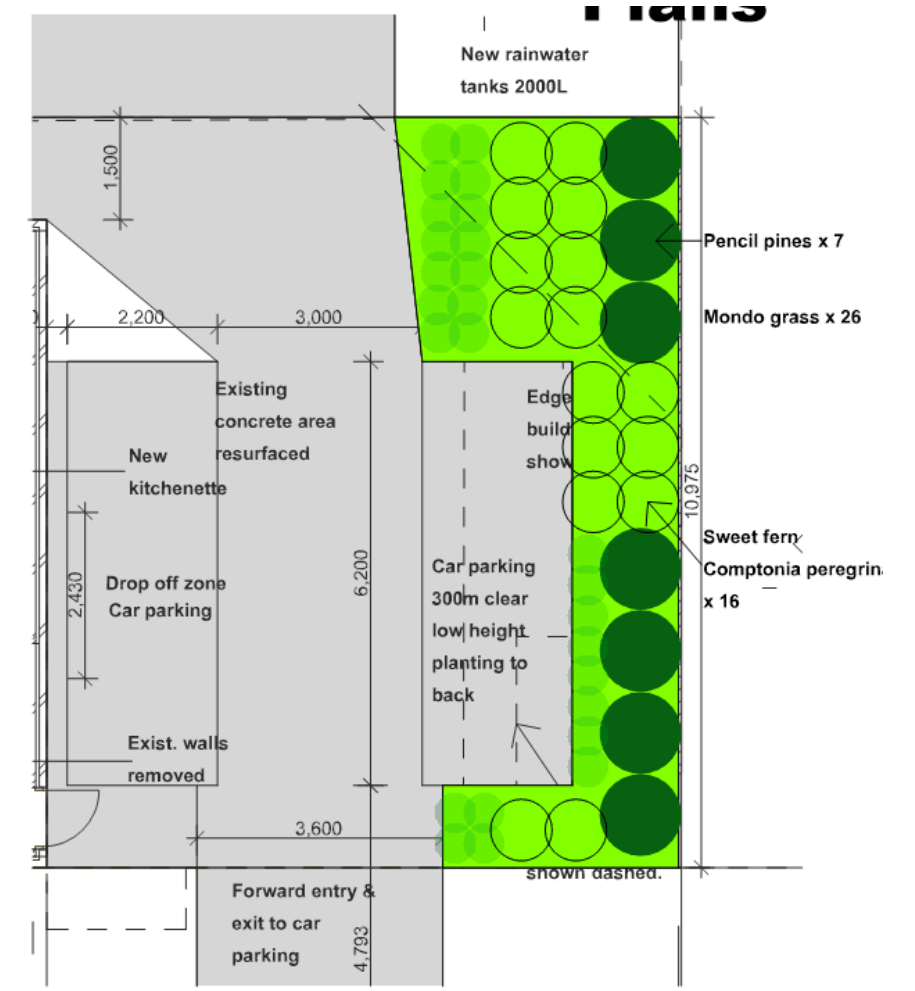
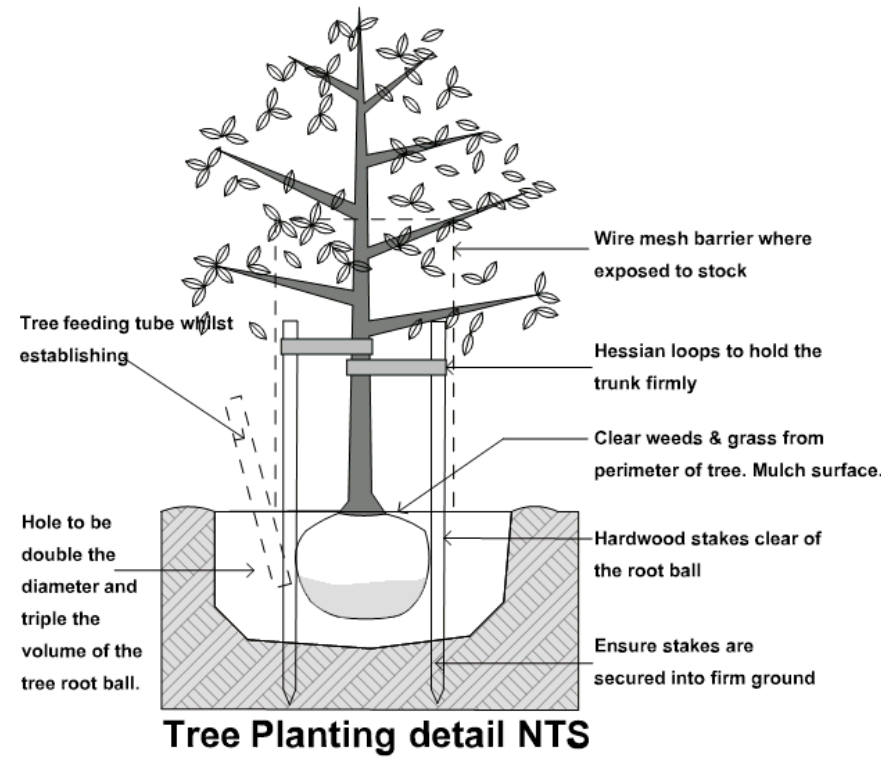
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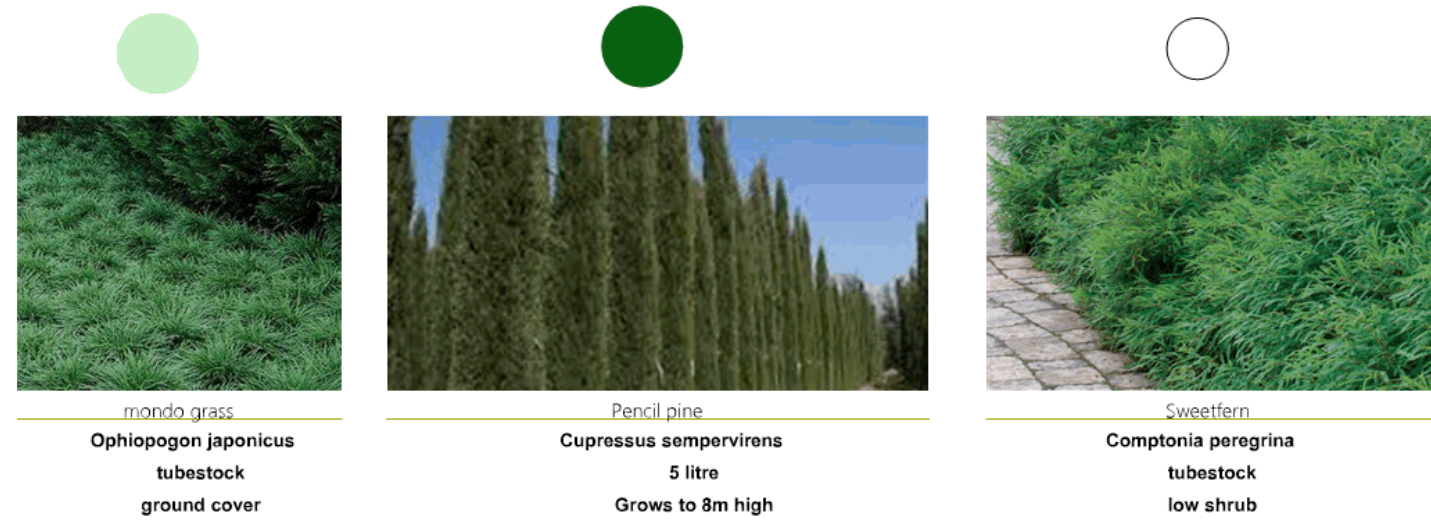
Dwg 1c/15
Date; 12th Mar 1



Sedimentation & Erosion Control plan



Landscaping Plan 1:100
Planting area to be mulched with pinebark



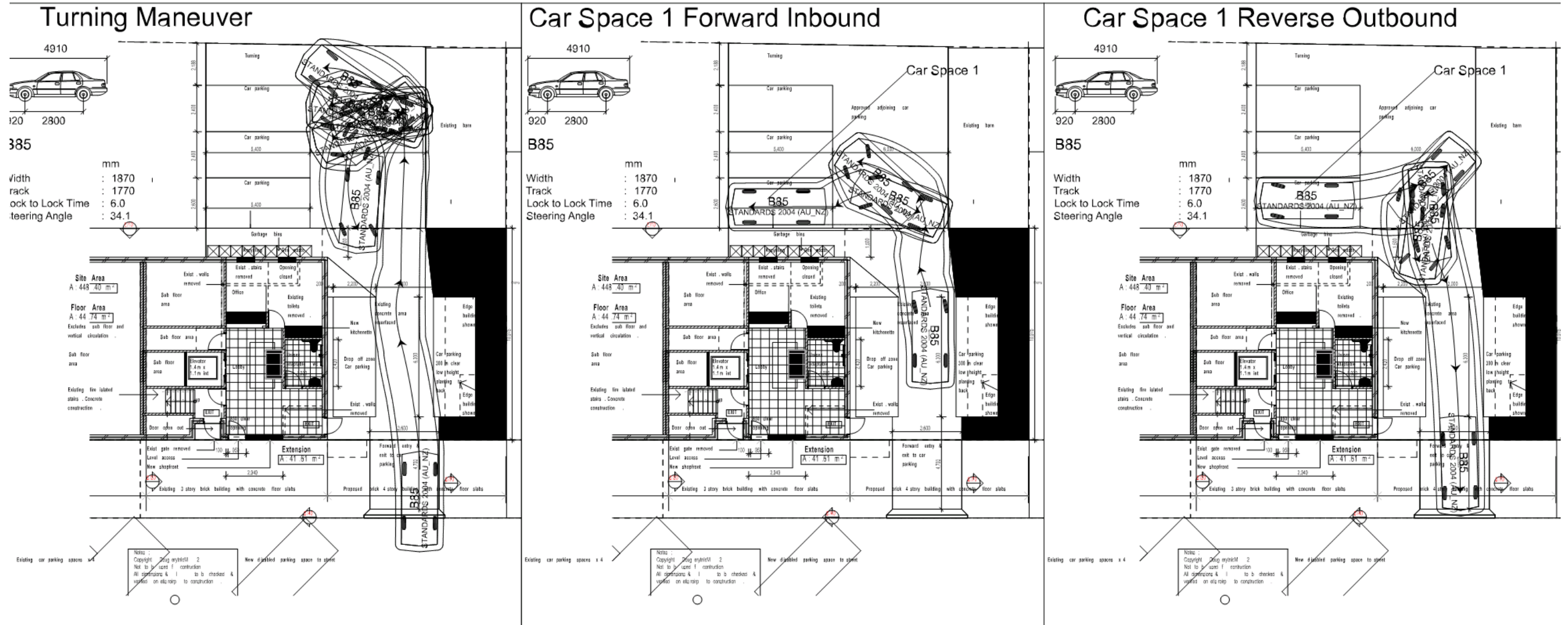
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Dwg	14c/15
Date;	12th Mar 1
Development Application	
252-255 Auburn St, Goulburn NSW 2580	

SUBMISSION

19 Jan. 2019.

To Dear Sir/Madam,

I am writing to you to lodge a submission regarding a D.A. sought by D. McIntyre for a development of 253-255 Auburn St.

As a business owner myself, I am certainly not against Goulburn's growth and advancement as this is a positive sign for our city. As a nearby property owner to the said development (being at 23 Goldsmith St.) I have a few concerns about the proposed annexed building on the site. I did go online and view the plans and was somewhat disappointed to find that it will no doubt create a complete lack of privacy for my backyard, as well as probably blocking out afternoon sunlight from our westerly aspect. I do have windows already facing my yard from the 'old state bank building', which is of no great concern, but the 'proposed annexed building' is closer and appears to be a quite contemporary design featuring lots of glass or 'windows' which face my property. I am concerned about on-sale value of my property due to this. I thought this was a 'heritage zoned' area? Another concern is, possible structural damage to my building caused by heavy construction as I share a wall with the building next door, which is adjacent to the site. I have spent lots of time and money as you can appreciate to start renovations on my building. Where would construction workers park? This end of Goldsmith St is already quite congested, and parking is not always easy to find. Would there be regulations on noise levels and construction times? Could changes be made to this annexe to accommodate concerns?

Thankyou for allowing me to express my concerns, and I look forward to your response.

Yours Sincerely

(KERYN ZUREK.)

Voluntary Planning Agreement

**253-255 Auburn St GOULBURN Motel redevelopment.
DA/0175/1617**

4th March 2019 2018

The proposed motel redevelopment will have a shortfall in car parking spaces (see SEE & traffic report) for stage 2 of its proposal. As such a VPA is requested for that stage, contributions to be paid with the commencement of works for that stage, and to be used for the purposes of car parking within the immediate vicinity of the proposal in a manner that benefits the proposal and mitigates car parking loads for the immediate vicinity.

- a) A planning decision is not sought to be bought or sold through Planning Agreements;
- b) It is requested that Council negotiate Planning Agreements without prejudice;
- c) Council have previously repeatedly indicated that the Development is considered acceptable on planning grounds
- d) It is not sought that Council would allow Planning Agreements to improperly fetter the exercise of its functions under the Act, Regulation or any other Act or law;
- e) It is requested that Council will not use Planning Agreements for any purpose other than a proper planning purpose;
- f) It is requested that Council will not seek benefits under a Planning Agreement that are unrelated to the Associated Development; to this end it is requested that the contributions paid contribute to car parking within the immediate vicinity of the proposal so that it would benefit the proposal and those immediately affected by it.
- g) It is requested that Council does not allow the interests of individuals or interest groups to outweigh the public interest when considering a proposed Planning Agreement;
- h) It is requested that Council does not improperly rely on its statutory position in order to extract unreasonable Public Benefits from developers under Planning Agreements;
- i) It is understood that Council does not have a commercial stake in development that is the subject of a Planning Agreement.
- j) The Planning Agreement is associated with a development application DA/0175/1617 Aat 253-255 Auburn Street Goulburn

Council is requested to consider negotiating a Planning Agreement with the developer to undertake the following activities in accordance with s7.4 of the Act; namely ;

- c) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land; in particular – car parking.

2.3 Acceptability Test

Council will assess all proposed Planning Agreements using the following test:

- a) The Planning Agreement is created for legitimate planning purpose relating specifically to the impacts of the Associated Development, namely shortfall in on site car parking for stage 2.
- b) The Planning Agreement results in a Public Benefit in that parking impacts of the proposal are mitigated.
- c) The Planning Agreement provides funding to Council as a reasonable means of achieving its objectives.
- d) The Planning Agreement can be taken into consideration in the assessment of the development application.
- e) The Planning Agreement produce outcomes – namely funding of a shortfall in car parking within the useable vicinity of the site that meets the general values and expectations of the community and in so doing protects the overall public interest

- f) The Planning Agreement aligns with Council's DCP in order to address a shortfall or deficiency in on site car parking
- g) As notated the Planning Agreement conforms to other requirements set forth in this Policy.
- h) There there no known circumstances that prevents the Council from entering into the proposed Planning Agreement.

Planning Shortfall

The on site car parking shortfall according to code requirements are as follows;

Stage 1 – refurbishment of existing building 13 rooms plus café = 19 spaces less 15 credit for existing building = 0 spaces required.

Stage 2 - proposed extension = 9 spaces required (8 rooms plus caretakers residence).

The impact of this shortfall on the current street system is only seen during weekday hours (10am-4pm) when 10% of the occupants are on site. Otherwise there is ample street parking around the site to cater for overnight visitors. Impacts on local roads are well within capacity.

In order to cater for this demand a VPA is proposed as follows;

1. Stage 1 Increase in the number of on street spaces by 1 in Goldsmith space outside the proposal to be an accessible parking space.
2. Stage 2 A monetary contribution for the provisions of car parking facilities within the useable vicinity of the site.

7.4 Monetary Contributions

The Developer must make the Monetary Contributions to Council in accordance with the following;

7.5 Indexation

a) The amount of each Monetary Contribution will be indexed in accordance with the following formula:

Qty of spaces required – 9

Area required per space - 35m²

At grade car parking – open bitumen, drainage, line marking \$88/m² (Albury Council 2018)

Land cost \$100/m² (subject to confirmation by Council).

Total \$88/m² + \$100/m² = \$188/m² x 35m² = \$6,580/space + GST = \$7,238 incl. GST

Stage 2 - x 9 spaces = \$65,142.

The VPA will be an acceptable tool for the developer of community infrastructure or public benefit;

The use or otherwise of Clause 4.6 Standard LEP (exceptions to development standards);

If the VPA is accepted then no exception to development standards is required as the contributions are taken in lieu of the shortfall.

4.6 Exceptions to development standards

The objectives of this clause are as follows:

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

The applicant Doug McIntyre hereby requests in writing that the contravention in the development standard is justified based on;

That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, which are that an existing heritage building occupies most of the site and that for adaptive reuse purposes required car parking cannot be provided on site,

That there are sufficient environmental planning grounds to justify contravening the development standard, namely being insufficient site area to accommodate even a fraction of the required car parking.

Development consent must not be granted for development that contravenes a development standard unless:

the consent authority is satisfied that:

the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

the proposed development will be in the public interest because a significant heritage building is able to be adaptively re-used in a manner that contributes to its restoration, contributes to the local economy and provides jobs and accommodation for residents and visitors to Goulburn.

in consistency with the objectives of the particular standard car parking will be provided around the site out of hours and in the public car parks nearby when required during the day, in this way the objectives for development within the zone in which the development is proposed to be carried out is consistent with good planning practice (also see the Traffic report on these issues). Council in it's own car parking studies and strategies has identified that they are at maximum (often less than this) only 80% full allowing for surplus car parking when required.

Contributions provided as part of this VPA will further fund car parking numbers and improvements within the vicinity of the site.

After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

Statement of Environmental Effects – 253-255 Auburn St, Goulburn NSW
Alterations & Additions & rear extension.

253 - 255 Auburn St, Goulburn NSW 2580

Alterations & additions to existing building with new extension to rear. Change of use to hotel/motel accommodation.

12th March 2019

(1) Introduction/Executive Summary

This Statement of Environmental Effects (SEE) is submitted to Goulburn Mulwaree Council (Council) in support of a Development Application (DA) for proposed alterations & additions to existing building and construction of a new addition to the rear on Lot 1 DP 86199 at 253-255 Auburn Street, Goulburn NSW 2580.

A Construction Certificate for the development will be sought separately to this application.

History of the Site

The site is currently empty but was originally the State Bank of NSW. After the State Bank it has been used for a variety of retail function.

Consultation with Council

Preliminary discussions with Councils Planner Dianne James. I also met Council's Heritage adviser Louise Thom met on site briefly after discussing the adjoining property at 257 Auburn St, Goulburn.

(2) Site Analysis

Site Location and Context

253 - 257 Auburn St is located on the corner of Goldsmith St & Auburn St at a major intersection within the commercial core. The existing heritage building gives a proud presence to both streets and articulates and attenuates the corner.

The building has been substantially renovated internally but externally has remained in original condition.

The building stands alone and is not part of any collection of buildings. To the rear along Goldsmith St are single story cottages with high roofs then a collection of factories. Across Goldsmith St is the Centro shopping centre carpark and loading bays.

Site Description

One 2-3 story building is located on the site. Fronting Auburn St it is 2 stories and increases to 3 stories down Goldsmith St. There is a small car parking area for 2 cars at the rear in Goldsmith St.

Figure 1 – Site



Aerial view of site

Surrounding Development

The proposal is located within the mixed use area of the CBD comprising mainly of residential and commercial premises. These premises are a mix of 1 & 2 stories, some of heritage value, others not.

Adjoining in Auburn St is a 2 story building with retail premises to the ground floor and shop top housing over.

Adjoining in Goldsmith St are cottages used for a mix of residential and business purposes.

(3) Description of Proposed Development

Elements of the Proposed Development

The proposal is for alteration & additions to the existing building as well as rear additions;

- 1 Conversion of the existing bank building into a hotel/motel with cafe
- 2 Lift access to all levels.
- 3 Construction of a new 4 story extension to the rear comprising additional rooms for the hotel motel and a flexible dual key caretakers apartment with car parking for 4 cars underneath.

Building Materials

The nominated materials and finishes are identified on the Architectural plans included at Appendix A and include glass, aluminium and steel extension. The existing building and facades will be retained intact, repainted and preserved.

Operational Details

The proposed hours of operation will be as follows;

Statement of Environmental Effects – 253-255 Auburn St, Goulburn NSW
Alterations & Additions & rear extension.

Motel	24 hour
Motel reception	7am – 10pm
Motel café	7am – 10pm

Vehicular Access and Parking

The proposed vehicular access will consist of 4 car spaces to the rear fronting Goldsmith St. Car parking will be in accordance with the requirements of AS 2890.1 – 2004 and also AS 2890.2 – 2002. It is requested that an accessible space be located on the street as to do so on site would negate most of the minimal parking.

Signage

No signage is proposed as part of this application.

Landscaping and Tree Removal

There is no landscaping on site as the site is totally covered in either building or hard surfaces.

Demolition

It is proposed to demolish the existing concrete car parking area and redo. There will be some minor demolition of internal walls to the existing building to open up spaces & make them more useable.

Stormwater Management

The stormwater catchment off the proposed store roof will be drained to a 5kL rainwater tank where it will be used for toilet flushing.

Construction Management

A Construction Management Plan and Sediment Erosion Control Plan will be prepared and submitted to the Certifier for approval prior to the issue of a Construction Certificate.

(4) Relevant Legislation and Planning Controls

The proposed development is compliant with the planning controls applicable to the site.

The following Environmental Planning Instruments (EPI's) and Development Control Plans (DCP's) are relevant to the proposed development:

- Environmental Planning and Assessment Act 1979;
- Roads Act 1993;
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011;
- Goulburn Mulwaree Local Environmental Plan 2009; and
- Goulburn Mulwaree Development Control Plan 2009.

Environmental Planning and Assessment Act 1979

The proposal, as with all development applications, is subject to the provisions of the Environmental Planning and Assessment Act 1979 (EP& Act 1979).

Roads Act

As per Section 138 of the Roads Act, consent is requested from the Goulburn Council to:

- (b) dig up or disturb the surface of a public road as required for services connctions
- (e) connect private car parking to a public road,

Therefore, approval is required under Section 138 from the RMS for the modified access to the rear lane.

Local Government Act 1993

Under Section 68 of the Local Government Act, consent is required from Council for the following:

Part A Structures or places of public entertainment

Part B Water supply, sewerage and stormwater drainage work

- 1 Carry out water supply work
- 2 Draw water from a council water supply or a standpipe or sell water so drawn
- 3 Install, alter, disconnect or remove a meter connected to a service pipe
- 4 Carry out sewerage work
- 5 Carry out stormwater drainage work
- 6 Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

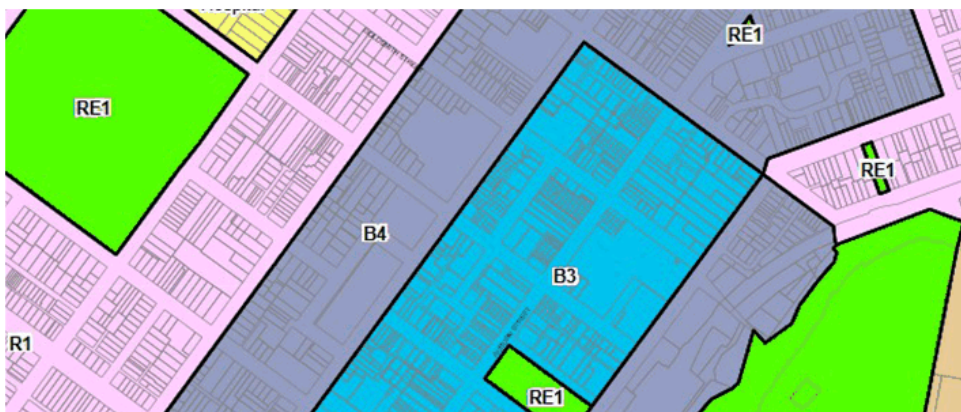
The subject site is located within the Sydney Drinking Water Catchment Area.

Local Environmental Plan**Goulburn Mulwaree Local Environmental Plan 2009****Zoning**

The site is zoned B3 Commercial Core under the Goulburn Mulwaree Local Environmental Plan 2009 (LEP) (refer to Figure 4).

Figure 2 – Zoning Map extract (Map LZN_001D)

Statement of Environmental Effects – 253-255 Auburn St, Goulburn NSW
 Alterations & Additions & rear extension.



The objectives of this zone are:

To provide a wide range of retail, business, office, entertainment, community and other suitable land uses which serve the needs of the local and wider community.

- To encourage appropriate employment opportunities in accessible locations. The central location of the site allows for viable hotel motel premises fronting a central area of the main street.
- To maximise public transport patronage and encourage walking and cycling. The site is well located for access for all three as well as being centrally located for shopping, dining, arts & crafts facilities, gardens etc.
- To reinforce the status of Goulburn as a regional centre. The redevelopment of the site maximises its potential and minimises sterilising the land area. The proposed useage and extension provides much needed additional rooms to Goulburn which is frequently booked out with visitors having to access sub standard accommodation.
- To ensure the scale and density of development complements the desired future character of the commercial core. The proposed development does not impact on the Auburn St streetscape. The redevelopment to the rear utilises valuable land in the core with a modern and vibrant extension.
- To protect the historic importance of Goulburn and protect heritage integrity of its historic built form. The proposal retains the heritage façade to the Auburn St & Goldsmith St streetscapes, retains the existing building and proposing a modern extension of a similar bulk and scale.

The proposed use of the site is consistent with the relevant zoning objectives and will provide a compatible use with other business, office, residential and retail land uses.

The proposed use as defined in the LEP is;

Hotel/Motel accomodation is a permissible use within the B3 Commercial core zone with consent from Council.

Commercial Premises is a permissible use within the B3 Commercial core zone with consent from Council.

Height of Buildings

The maximum height permissible on the site is 15m. The proposed building is approx.11m to the ridge of the roof of the existing building fronting Auburn St & approx.. 11m max to the ridge of the proposed extension fronting Goldsmith St.

This means the maximum height is still around 4m or just over a story lower than the maximum allowed.

Floor Space Ratio

The maximum Floor Space Ratio (FSR) for the site is 2:1.

The site area is 448.254m². The permissible allowable maximum floor space on the site is 896.5m².

The proposed GFA of the building is 800m² resulting in a FSR of 1.76:1, much less than what is permitted.

The GFA is made up of the following components;

	Existing	Addition	Total
Second Floor		110 m ²	110 m ²
First Floor	250m ²	75 m ²	325 m ²
Ground Floor	250 m ²	75 m ²	325 m ²
Basement	40 m ²	0 m ²	40 m ²
Total	540 m²	260 m²	800 m²
FSR	1.2:1	0.56:1	1.76:1

Note internal vertical circulation, plant areas and car parking are not included in gross floor areas.

Minimum lot size

There is no minimum lot size for this location in the LEP.

Heritage Conservation

The existing building on the site is identified as a heritage item.

There are no alterations and additions proposed to the front of the building facing Auburn St.

There are no alterations proposed to the façade facing Goldsmith St.

The only alterations to the existing heritage building are top floor extension to the rear of the roof along Goldsmith St. This extension will not be visible from the street.

The rear addition to Goldsmith St will follow through with a similar bulk and scale of the building and a modern articulation and fenestration of the building that is compatible and in scale with the existing structure whilst differentiation itself from it.

In this way the extension proudly proclaims itself as such rather than trying to disguise itself as part of the original building.

Statement of Environmental Effects – 253-255 Auburn St, Goulburn NSW
Alterations & Additions & rear extension.

Clause 4.6 Variation

No variation to any Clause of the LEP is proposed, Subclause (3), Clause 4.6 - Exceptions to development standards..

Biodiversity

The site has not been identified as containing terrestrial biodiversity as per the relevant planning maps. However, the proposal will not compromise the diversity of the native vegetation considering:

No significant trees or vegetation require removal;

No habitat of any threatened species, population or ecological community will be impacted.

Goulburn CBD Plan 2009

The site is located within the Goulburn City Business District (CBD) as identified within the Goulburn CBD Plan 2009. The proposal is consistent with the relevant principles of the CBD Plan and will help to achieve its vision to develop Goulburn as a vibrant urban place providing a variety of services and a high level of amenity to residents, workers and visitors.

The proposal seeks to maximize the development potential of the site in a sensitive manner by preserving the existing building and creating a sympathetic modern addition to it. The building has been vacant for around a year now so having it reworked with adaptive reuse will invigorate this neglected corner.

With the sites close proximity to food outlets, shopping, administrative functions and public transport it is an ideal location for what is proposed.

Development Control Plan**Goulburn Mulwaree Development Control Plan 2009**

The Goulburn Mulwaree Development Control Plan 2009 (DCP) controls relevant to the proposed development are:

- 2 Plan Objectives
 - 2.1 General Development Objectives

Density

In the Commercial Core C3 hotel/motels are permissible. The DCP requires that the site be walking to public transport which it is.

- 2.2 Local Objectives – Goulburn City
- 3 General Development Controls
 - 3.1 European (non-indigenous) heritage conservation is to be retained as mentioned above.

- 3.3 Landscaping is non existent.
- **3.4 Vehicular access and parking.**

Car parking is available in Auburn St & Goldsmith St but this is timed, typically being 1-2 hours.

This primarily services the meal crowd for the café. On site there will be 2 car spaces – being a drop off zone. A drop off zone enables ...

Councils DCP stipulates that the commercial areas should have 1 car space/40m² floor area.

The existing building at 565.5m² would generate 15 car spaces with 2 car spaces provided on site.

The proposed change of use would generate useage as follows;

Café 1/40m² x 80m² = 2 spaces, though as a lot of the patrons will be from the motel the actual useage would likely be less.

Hotel/motel accommodation

Stage 1 17 rooms x 1 space/room = 17 spaces

Stage 2 9 rooms x 1 space per room = 9 spaces

Caretakers apartment (Stage 2) 1 space.

It is anticipated staff numbers would be a maximum of 4 = 2 spaces. Though as the caretaker would be part of the staff then at least 1 of those spaces would be covered already.

This means that Stage 1 a total of 20 spaces would be likely for stage 1.

If the previous usage generated 15 spaces with 2 on site then there would be a credit of 13 spaces. With the new proposal if there are 20 spaces required with 2 provided on site, an additional 1 to the street with a credit of 14 spaces then this means that there would only be an additional 2 spaces required. As the site is in the central business district and close to public transport with most visitors arriving after 4 (typical check-in time) and leaving at the latest by 10am (typical checkout time) then ample on street parking would be used at a time when it is typically mostly empty.

The above is based on a 100% occupancy rate. It is worth noting that the NSW guide to traffic generating developments says a reasonable guide for motels is 85% occupancy. Based on this 0.85 x 20 spaces = 17 spaces, less 4 on site = 13 spaces which is equal to the current building quota meaning it is quite likely that most of the time there will not be an increase in demand over previous uses.

Statement of Environmental Effects – 253-255 Auburn St, Goulburn NSW
Alterations & Additions & rear extension.

With stage 2 an additional 9 spaces would be required and with this stage then additional parking solutions could be explored.

Also the net leasable area NLA is less again.

It is significant that there are no late night venues in Goldsmith St, from Auburn St down to Sloane St and that most pubs are at the other end of town. This means on street parking in Goldsmith St along this section, especially across the road, at night is mostly vacant, of which there are around 30 spaces.

Across Goldsmith St there is ample public/Council car parking in Centro (around 300 spaces) which is untimed and typically vacant at night and is therefore possibly useable subject to negotiation with the owners of Centro by those who stay in the hotel motel.

Most occupants typically stay for a night meaning arriving late and leaving early reducing impacts on local roads and parking. Those that stay longer contribute more to the financial viability of the commercial core spending time and money with local shops and services.

We request that contributions be paid on a per stage constructed basis.

This would mean as per stage 1 no contributions would be required.

With stage 2 contributions for 9 spaces would be required. As stage 2 would likely be commenced later then this would give the owner time to find an agreement or close site for car parking. Alternatively under a VPA agreement with Council the owner could pay a monetary contribution to Council.

Advice has been sought from a high level planner in Sydney who has advised the following regarding the VPA;

1. As the current public car parking in Goulburn is not full (only 80% capacity) as per Council's own documents then it is questionable as to whether Council can charge a contribution.
2. Even if a contribution is charged then the land cost is based on the cost of land in Council at the time that they purchased land for public car parks, plus CPI. This is because the contribution is based on the cost of recouping existing facilities. This means the land cost of the contribution would not be dependent on current land costs. In order to work out a value, Council needs to advise of the land costs plus CPI for their public car parks in order accurately quantify the contribution cost. This is why as previously stated it is preferable for Council to calculate their own contributions rather than getting each applicant to do it.
3. If one was to look at a rate per car parking space he advised contributions should only be in the order of \$7.5k top \$8k per space. For stage 1 we do not need to pay contributions, stage 2 it would be as per the VPA. He also advised the simpler solution would be by monetary contribution to Council allowing Council to use it for the purposes of car parking in CBD (around the site) where it saw fit.
4. He also advised that as there are no contributions for stage 1 then it would be better that contributions for stage 2 be assessed when it is commenced as that would be a more

accurate especially if there was a significant time delay between stages. A VPA for stage 2 could easily be conditioned in the consent.

5. A VPA is attached.

- **3.5 Disability standards for access**

Through the installation of ramps and a loft disabled access will be available to as much of the building as is financially feasible, including reception, café and the majority of rooms including accessible rooms and accessible facilities.

- **3.6 Crime prevention through environmental design.**

Commercial areas can typically be desolate and vacant at night giving rise to crime. Changes in planning laws in cities have identified the need for a residential mix to provide for casual surveillance of commercial areas. With Goulburn an increase in residential population in the commercial core would assist this. Increasing the short term residential population on site helps with casual surveillance of Auburn & Goldsmith Streets.

- **3.8 Tree and vegetation preservation**

There are no significant trees on site that will be removed.

- **3.11 Groundwater**

No significant excavation is proposed on site. There will be no basement only excavation for footings.

- **3.14 Stormwater pollution**

With the redevelopment on site drainage will be improved and there will be less ground level runoff. Drainage from the new roof areas of the proposal (stage 2) will be piped to the proposed rainwater tanks and the existing stormwater system in the street.

- **3.15 Impacts on drinking water catchments**

With less dirty runoff from the ground and more clean runoff from the roofs there will be an improvement on water discharged into the drinking water catchment.

- **4 Principle Development Controls – Urban**

- 4.2 Non-residential development – Retail, Commercial and Industrial

- **6 Special Development Types**

- 6.4 Advertising and signage – No advertising or signage is proposed at this time.

- **7 Engineering Requirements**

- 7.1 Utility Services

Statement of Environmental Effects – 253-255 Auburn St, Goulburn NSW
Alterations & Additions & rear extension.

Electricity, water and gas services are available on site.

- **7.2 Roads**

- The site fronts the main commercial strip of Auburn St as well as Goldsmith St. Its frontage is shopfront only and access to the motel/retail above.
- Vehicular access is to Goldsmith St on the side.

- **7.3 Drainage and Soil and Water Management**

The site is fairly level with access to drainage to the rear. During construction the site will be protected to the perimeter by geofabric to prevent soil runoff onto other sites and into the drainage system. A site management plan will be provided at construction certificate stage,

- **8 Site Specific Provisions**

- **8.6 Goulburn City Business District**

Being within the commercial core the proposal increases the tourist population to the area. This provides more patronage and vibrancy to local services and the city as well as employment for locals.

(5) Assessment of Planning Issues

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this report. The assessment considers only those matters under Section 79C (1) of the EP&A Act 1979 that are relevant to the proposal.

Compliance with Planning Instruments and Controls

- The NSW Government technical note on traffic generation provides the following guide;
- Daily vehicle trips = 3 trips per motel room at 100% occupancy
- Typical occupancy should be assessed at 85% meaning 2.55 vehicular trips per motel room/day.
- Typically this means arriving and leaving.
- This means in stage 1 - 17 apartments x 2.55 = 43.35 trips per day
- As previously discussed this would be similar to the buildings previous use as a bank so there would be no increase in traffic volume for stage 1. Therefore no contributions required.
- In stage 2 – 9 x 2.55 – an additional 22.95 trip per day.
- Typically these trips are done at non peak periods.

- The proposal is a permissible use, under the definition of a Commercial & hotel/motel, within the B3 Commercial core zone under the Goulburn Mulwaree LEP 2009.
- The proposal is consistent & compliant with the relevant sections of Goulburn Mulwaree DCP 2009 and relevant Council Plans and Strategies.

Traffic, Access and Parking

Minimal impacts are expected to result from the proposal relating to traffic in that being in the CBD, adjoining the main commercial strip, near the bus stop, close to the station and walking distance to most facilities then car use is not expected to be high.

Whilst there are limits to on site parking due to the narrow nature of the site and undeveloped portion to the rear.

Visual Impact

The proposed works will have a modernising impact on the historical streetscape of Goldsmith St and no impact on the Auburn St streetscape.

Goldsmith St between Auburn St & Sloane St is not the most attractive street being dominated by the Centro car park and loading facilities as well as numerous non descript factories.

The proposed extension hopes to bring a modern upmarket extension to start revitalizing and upgrading the streetscape whilst retaining the existing heritage building it adjoins.

Amenity

Access will be improved to the building with ramped & disabled access as well as lift access to the building. The motel entrance will be kept down Goldsmith St to provide a separate entrance to the café and bring some commercial usage to a strip that is quite inactive.

Noise

It is not proposed that there will be any noise generation that would not be atypical of the area. Commercial ground floor with motel over will mean typically no significant noise sources would be generated. Change of use applications for the commercial tenancies will be subject to future applications.

Privacy

The proposal is located within the mixed use area of the CBD comprising mainly of commercial premises with some shop top housing.

The site adjoins a commercial premises along the north eastern boundary with rear car parking with a barn to the rear. There is no private open space overlooked.

To the south east in Goldsmith St is a single story building used it seem at the moment as a residence. A driveway abuts the site between the proposal and the adjoining property.

Statement of Environmental Effects – 253-255 Auburn St, Goulburn NSW
Alterations & Additions & rear extension.

Overlooking is kept to a minimum with windows from bedrooms only directly overlooking. To the top floor there is a balcony off the caretakers apartment.

Additional screening can be put to this balcony if required.

Overshadowing

The proposal will cause overshadowing to the south which is across Goldsmith St. So from morning to mid afternoon this is where the shadows project swinging around to overshadow the adjoining property in Goldsmith St later on in the afternoon. This property would enjoy the morning sun and not be impacted from the proposed additions till at least midday.

Water Management

Town water will be used for all aspects of the proposal as currently exists. Stormwater drainage will be to the Council system.

Sediment and Erosion Control

Sediment and erosion controls shall be installed and maintained at all times during the construction works in accordance with NSW guidelines.

Temporary contractors vehicular access to the site will be restricted to a single point with a vehicle shaker grid and stabilised site access so as to reduce the likelihood of sediment being trafficked offsite. A waste Management Plan will be submitted with the Construction Certificate.

Social and Economic Impacts

An analysis of the social and economic impacts associated with the development of the site is detailed in this section to ensure that, where relevant, social and economic considerations are an integral part of the development assessment process.

The proposed development on the site is anticipated to have an ongoing positive social and economic impact on the local Goulburn area, the commercial core and the broader community. This is because as the proposal is of a tourist nature it increases the available stock of motel rooms in the commercial core of Goulburn and provides additional employment at the same time.

The new motel will be to the latest standards & compliance providing much needed up to date accommodation in the central core.

The motel will provide good central accommodation within walking distance to most facilities and public transport.

The construction of the proposal will provide employment opportunities to contractors in the area.

Occupants at the motel will spend money in the local area and support local businesses.

Heritage Impact/Aboriginal Object

A Heritage Impact Statement is as follows. The HIS assessed the potential impacts from the proposal as negligible, in particular it considers:

1. The proposed works will have minimal impact on the identified heritage significance of the building. This is because the streetscape to Auburn St will remain unaltered. The building elevation to Goldsmith St will also remain unaltered. The rear of the property will have an addition to a higher level of accommodation and amenity. Internally the building, through adaptive re-use will be upgraded to current standards.
;
2. Retention of the historic façade unaltered in Auburn St ensures any negative impacts are negated.
3. This is the most sympathetic solutions with no alteration to the streetscape facades.
4. Heritage value is preserved.
5. There is no known Aboriginal significance of the site.
6. Whilst originally it was proposed to take the extensions to the boundary upon recommendation of the heritage advisor it was stepped back to be more sensitive to the smaller buildings adjoin along Goldsmith St.

Demolition

There is very little demolition simply being some existing concrete and steel gates to the car parking area.

Utilities and Services

Adequate provision of essential services will be made in accordance with the requirements of local utility service providers including provision of reticulated water and sewerage; underground electricity; and underground telecommunications.

All services where required will be disconnected in accordance with the relevant authority's requirements prior to demolition works. Please note existing uses to be retained (eg Retail) will not be disconnected.

(6) Conclusion

In conclusion the proposal aims to strengthen the vibrancy and vitality of the commercial core in Goulburn through increased adaptive reuse of a heritage building to provide motel accommodation in the centre.

The buildings for these uses will be compliant and up to date with all required services.

Statement of Environmental Effects – 253-255 Auburn St, Goulburn NSW
Alterations & Additions & rear extension.

The proposal is centrally located and within easy walking distance of shopping, services & public transport.

The bulk and scale of the proposal is less than what is allowed, works with the existing bulk and scale but still seeks to optimize the potential of the site rather than under developing and sterilizing valuable land.

The proposal complies in all respects with the LEP and all respects with the DCP except car parking. Considering the central location, easy walking distance to all facilities and an underutilized council car park to the rear it is felt that this is not a significant issue and it is fair and reasonable to approve it in light of this.

The proposal will improve the amenity of the area through increased casual surveillance, lighting and security to the rear whilst improving the existing building stock and adding beneficially to it.

Given the merit of the design of the proposal and the absence of any significant adverse environmental impacts, the DA is considered to be in the public's interest and worthy of Council's support.

Appendix A – Compliance Table

Table 1 – Goulburn Mulwaree Development Control Plan 2009

Control	Requirement	Comment	Compliance
1 Preliminary			
1.7 Variations to controls	Car parking 4 additional spaces required above what is proposed	Rear underutilized public carpark facilitates	N
2 Plan Objectives			
2.1 General Development Objectives	Streetscape	Retains	Y
	Bulk & Scale	Within constraints	Y
	Density	Under maximum	Y
	Heights	Below maximum	Y
	Amenity	Improves	Y
2.2 Locality Objectives – Goulburn City	Economic viability	Increased floor space	Y
	Social values	Increased socio economic active	Y
	Heritage values	Retained & reinforced	Y
	Urban structure	Strengthened & improved	Y
	Views & vistas	No significant ones from site	Y
	Built form	Similar to surrounding	Y
	Public domain	Improved & enhanced	Y
	Access & movement	Improved & enhanced	Y
3 General Development Controls			

Control	Requirement	Comment	Compliance
3.1 European (non-indigenous heritage conservation)			
3.1.3.3 Heritage requirements for development applications	Streetscape Preservation	Retained intact	Y
3.3 Landscaping			
3.3.1 Landscape Plan Design Requirements	Development proposals over \$250,000 value are to be accompanied by landscape plans prepared by a qualified landscape architect, designer or other suitable qualified person.	No landscaping required or proposed	N/A
3.3.3 Non-Residential development	All major non-residential developments require a landscape plan	No landscaping required or proposed	N/A
3.3.4 Streetscape (Urban)	For infill development that abuts an existing public street, the application should demonstrate how the development fits in with the existing streetscape and makes efficient use of the site.	No change to Auburn St streetscape or Goldsmith St façade. Modern extension of similar bulk & scale.	Y
3.3.5 Fences and gates (Urban)	Design fences to complement the architectural styles of the building and the local area.	Existing fencing removed as no longer necessary as building abuts boundary at basement level.	Y
3.3.6 Set backs	All setbacks are to be landscaped. No parking will be permitted within setback areas. In front setbacks for developments facing a classified road or a public place plant trees with a mature height of a least 8 metres. Trees must be a least 3 metres in height at the time of planting.	C3 Commercial Core No setbacks required No landscaping proposed	N/A
3.4 Vehicular access and parking			

Statement of Environmental Effects – 253-255 Auburn St, Goulburn NSW
Alterations & Additions & rear extension.

Control	Requirement	Comment	Compliance
3.4.1 Parking layout, servicing and manoeuvring	The layout and design of access, parking and service areas should address the needs of the site occupants and visitors as well as respecting the amenity of the area. Account should be taken of potential noise disturbance, pollution and light spillage.	Non compliances addressed as detailed in the statement	N
3.4.2 Specific land use requirements			
3.5 Disability standards for access			
3.5 Disability standards for access	To provide equitable access within all new developments and ensure that substantial building work carried out on or intensified use of existing buildings provides upgraded levels of access and facilities for all people.	New accessible parking requested to street. Existing entries upgraded to accessible requirements. New lift installed in building.	Y
3.6 Crime prevention through environmental design			
3.6 Crime prevention through environmental design	-Enhance and improve community safety within the Goulburn Mulwaree local government area; -create a physical environment that encourages a feeling of safety; -address community concerns with regard to issues of community safety and crime prevention; -reduce the level of crime within the Goulburn Mulwaree local government area; -prevent the opportunity for criminal activity; and -ensure that new developments promote CPTED	No change to Auburn St frontage Increased passive surveillance of street with residential uses. Increase in lighting and active street frontage to rear.	Y
3.8 Tree and vegetation preservation			

Control	Requirement	Comment	Compliance
3.8 Tree and vegetation preservation	The objective of these provisions is to preserve the amenity, biodiversity and ecology of the area through the preservation of trees and other vegetation.	No trees of significance on site.	Y
3.11 Groundwater			
3.11 Groundwater		No significant excavation proposed. Footing only no excavated basement.	Y
3.14 Stormwater Pollution			
3.14 Stormwater Pollution		Site runoff reduced.	Y
3.15 Impacts on drinking water catchments			
3.15 Impacts on drinking water catchments		Runoff water quality improved. Less sedimentation.	Y
4 Principal development controls – Urban			
4.2 Non-residential development – Retail, Commercial and Industrial			
4.2.1 Retail and Commercial (General)		Motel & café to upgrade existing building and provide needed uses within the commercial core.	Y
4.2.7 Noise and vibration – general requirements		Commercial & Motel uses permissible & compatible with surrounding area	Y
6 Special development types			
6.4 Advertising and signage			
6.4.1 Amenity		No signage proposed as part of this application.	N/A
6.4.2 Design			
6.4.4 Design Assessment Criteria – SEPP 64 Advertising and Signage			
7 Engineering requirements			
7.1 Utility services		All services existing & available on site.	Y
7.3 Drainage and Soil and Water management		Available and connected	Y

Statement of Environmental Effects – 253-255 Auburn St, Goulburn NSW
Alterations & Additions & rear extension.

Control	Requirement	Comment	Compliance
7.3.2 Water Sensitive Urban Design (Urban)			
7.3.3 Soil and water management			
7.4 Site Specific Provisions			
8.6 Goulburn City Business District			
8.6.2 Background context material			

**TRAFFIC AND PARKING IMPACT
ASSESSMENT OF A PROPOSED MOTEL
DEVELOPMENT**

253-255 Auburn Street in Goulburn

Traffic and Parking Impact Report

Prepared for: Peak Architecture

A1815972A (Version 1c)

March 2019

1. INTRODUCTION

Motion Traffic Engineers was commissioned by Peak Architecture to undertake a traffic and parking impact assessment of a proposed motel development at 253-255 Auburn Street in Goulburn. The site is at the corner of Auburn Street with Goldsmith Street and is currently an empty commercial dwelling.

This traffic report focuses on the proposed motel site and changes in car usage and car park utilisation and additional trips from the proposed development.

In the course of preparing this assessment, the subject site and its environs have been inspected, plans of the development examined, and all relevant traffic and parking data collected and analysed.

2. BACKGROUND AND EXISTING CONDITIONS OF THE PROPOSED LOCATION

2.1 Location and Land Use

The proposed motel is in the Goulburn Town Centre on Auburn Street. The immediate surrounding land uses are primarily commercial with residential land uses located in the north and the west.

Figures 1 and 2 show the location of the proposed motel from an aerial and street map perspective respectively.

Figure 3a and 3b show a photograph of the site from Auburn Street and Goldsmith Street respectively.



Figure 1: Location of the Subject Site on Aerial

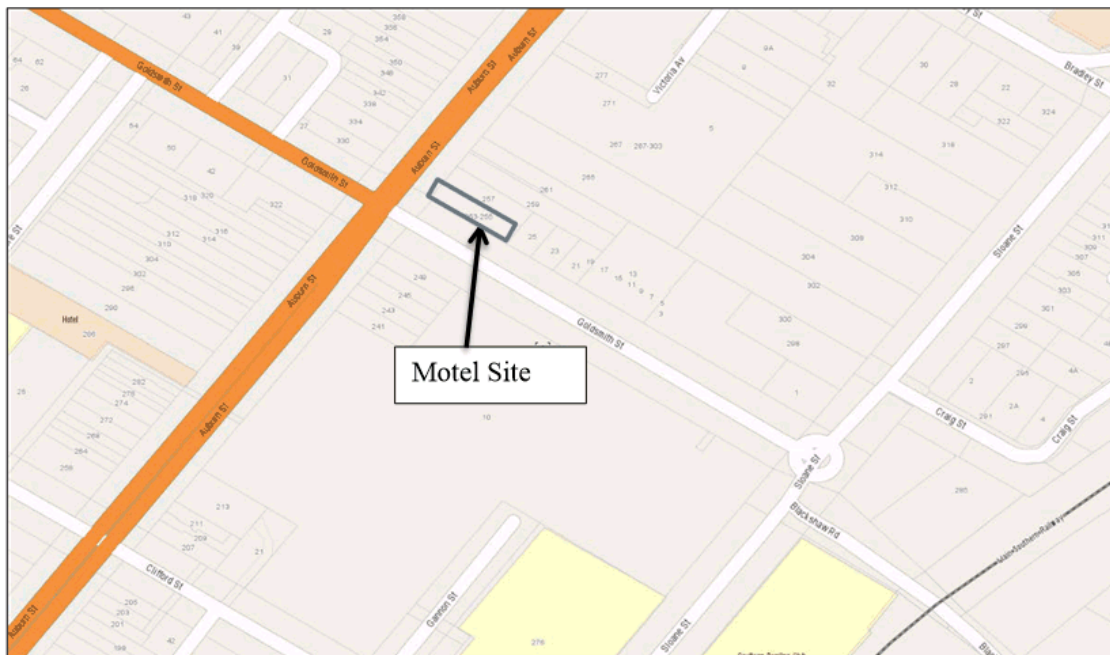


Figure 2: Street Map of the Location of the Proposed Development



Figure 3a: Photograph of the site from Auburn Street



Figure 3b: Photograph of the site from Goldsmith Street

2.2 Road Network

This section describes the roads near the proposed motel site.

Goldsmith Street is a collector road with one lane each way on a divided carriageway and a sign posted speed limit of 50km/hr. School zone is in effect north of Bourke Street from 8am to 9:30am and from 2:30pm to 4pm on school days which restricts the speed limit to 40km/hr. Time restricted (during business hours) on-street parking is permitted on both sides of the road near the development and time-unrestricted on street parking is permitted north of Bourke Street. Figure 4a shows a photograph of Goldsmith Street.

Auburn Street is a town centre road with one lane each way and a default speed limit of 40km/hr. Time restricted (during business hours) on-street parking is permitted on both sides of the road. There are high number of parking manoeuvres and pedestrians (across and along the footpath) during business hours. Figure 4b shows a photograph of Auburn Street.

Sloane Street is a collector road with one lane each way and a default speed limit of 50km/hr. Unrestricted on-street parking is permitted on both sides of the road. Figure 4c shows a photograph of Sloane Street.



Figure 4a: Goldsmith Street facing northwest



Figure 4b: Auburn Street facing northeast



Figure 4c: Sloane Street facing northeast

2.3 Public Parking Opportunities

The proposed motel is located in the Commercial Core land zone with time restricted (during business hours) on-street parking opportunities on Auburn Street and Goldsmith Street as well as unrestricted on street parking opportunities on Sloane Street.

There are a small number of vacant on street car spaces during the core business hours. A driver will need to circulate to find a vacant car space. This is typical of town centres during the core business hours.

There is a larger number of vacant car spaces outside of business hours where time restrictions do not apply to the on street car spaces and where many of the retail businesses with Goulburn Town Centre are closed.

2.4 Intersection Description

As part of the traffic assessment, two intersections are assessed:

- Signalised intersection of Auburn Street with Goldsmith Street
- Roundabout intersection of Sloane Street with Goldsmith Street

External traffic travelling to and from the proposed motel site will most likely need to travel through one of the above intersections.

The signalised intersection of Auburn Street with Goldsmith Street is a four-leg intersection with all turn movements permitted. Pedestrian crossings are provided on all approaches. Figure 5 presents the layout of this intersection using SIDRA – an industry standard intersection assessment software. The numbers on the short lanes indicate the length of the lanes in metres.

The roundabout intersection of Sloane Street with Goldsmith Street is a three-leg intersection with all turn movements permitted. The roundabout has one circulating lane. Figure 6 presents the layout of this intersection using SIDRA. The numbers on the island represent the diameter of the island in metres.

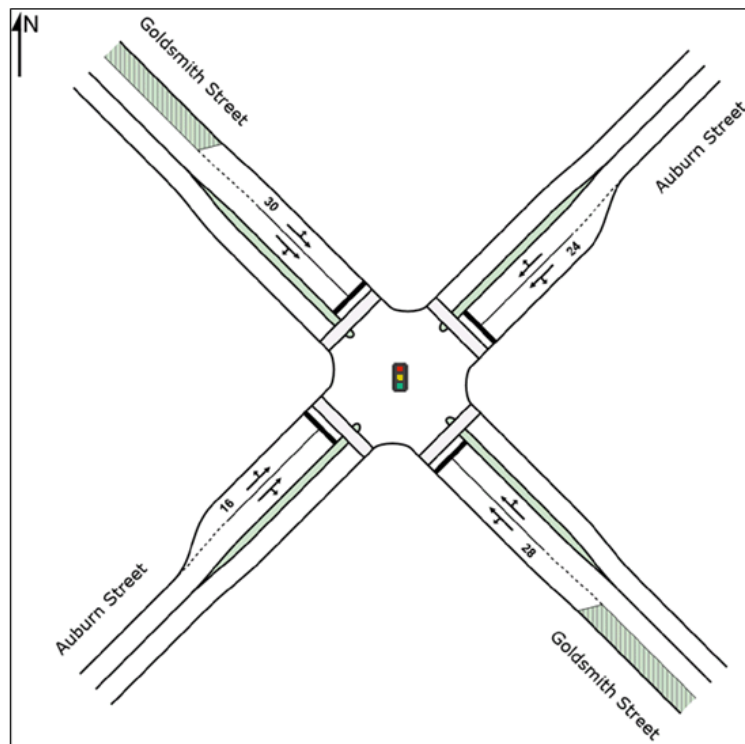


Figure 5: Signalised intersection of Auburn Street with Goldsmith Street (SIDRA)

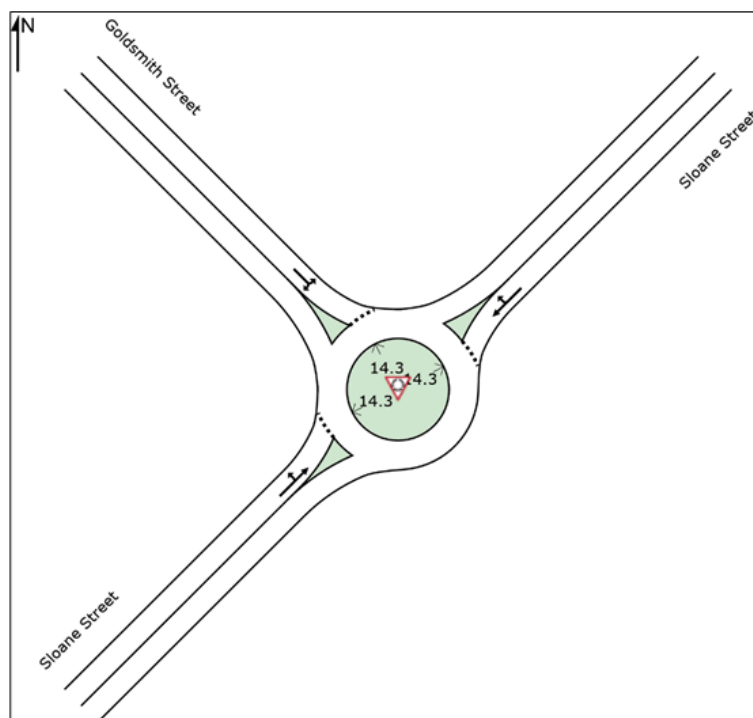


Figure 6: Roundabout intersection of Sloane Street with Goldsmith Street (SIDRA)

2.5 Existing Traffic Volumes

As part of the traffic assessment, traffic counts have been undertaken at the two intersections for the weekday AM and PM peak hours. The weekday AM and PM peak hours are from 8am to 9am and 4pm to 5pm respectively. The traffic surveys were undertaken on a weekday in November 2018.

The following figures present the traffic volumes in vehicles for the weekday AM and PM peak hours.

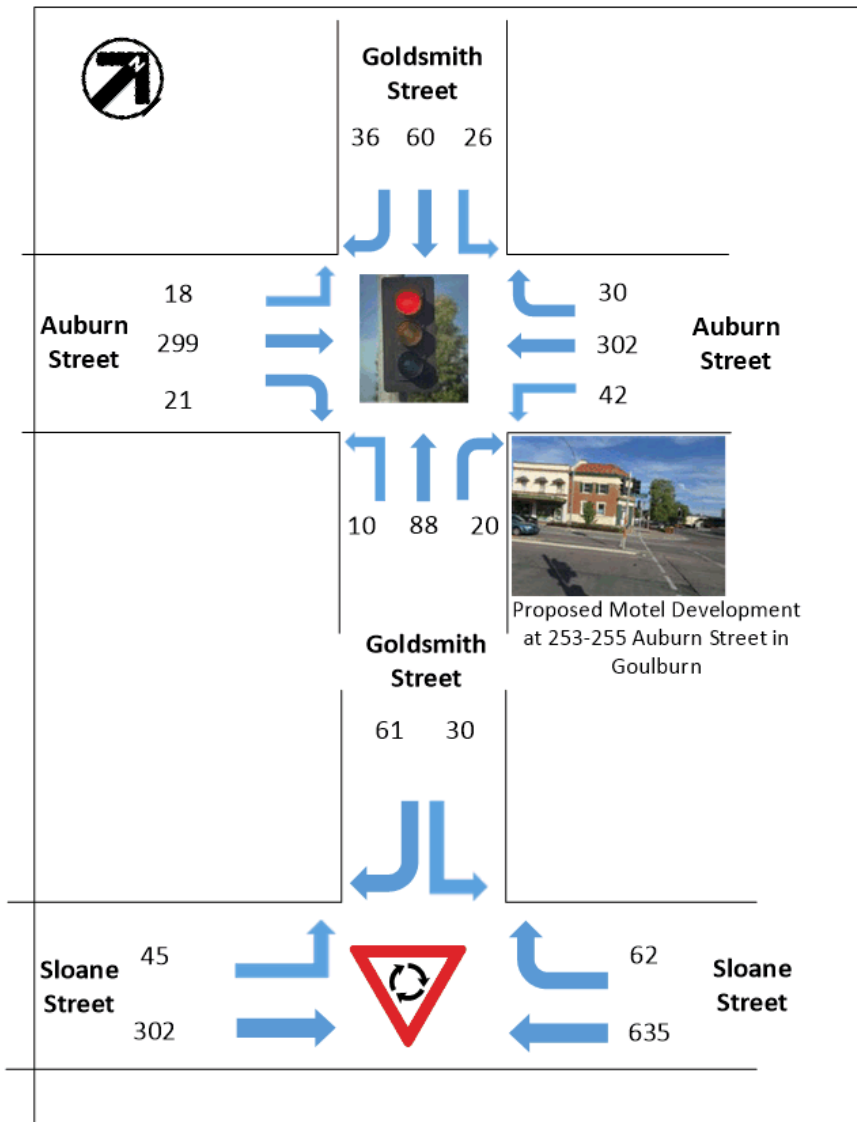


Figure 7: Existing Weekday Traffic Volumes AM Peak Hour

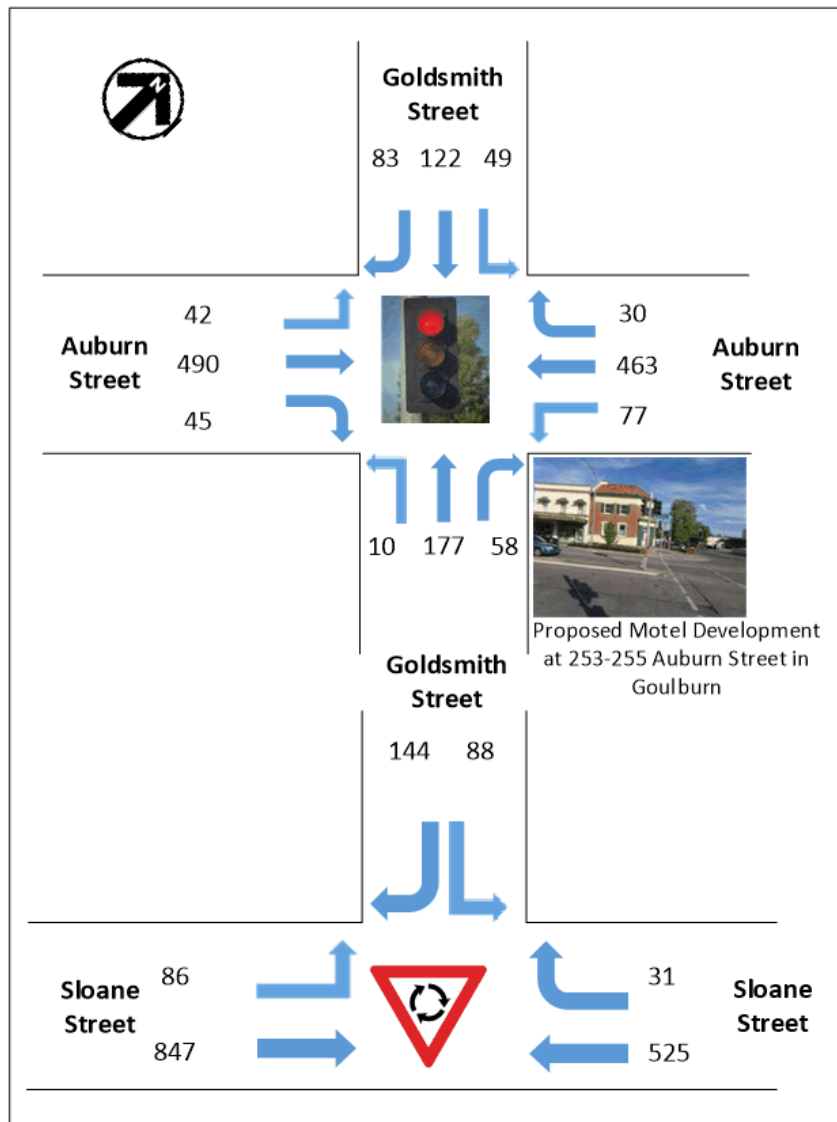


Figure 8: Existing Weekday Traffic Volumes PM Peak Hour

2.6 Intersection Assessment

An intersection assessment has been undertaken for the two surveyed intersections:

- Signalised intersection of Auburn Street with Goldsmith Street
- Roundabout intersection of Sloane Street with Goldsmith Street

The existing intersection operating performance was assessed using the SIDRA software package (version 8) to determine the Degree of Saturation (DS), Average Delay (AVD in seconds) and Level of Service (LoS) at each intersection. The SIDRA program provides Level of Service Criteria Tables for various intersection types. The key indicator of intersection performance is Level of Service, where results are placed on a continuum from ‘A’ to ‘F’, as shown in Table 1.

LoS	Traffic Signal / Roundabout	Give Way / Stop Sign / T-Junction control
A	Good operation	Good operation
B	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	Satisfactory	Satisfactory, but accident study required
D	Operating near capacity	Near capacity & accident study required
E	At capacity, at signals incidents will cause excessive delays.	At capacity, requires other control mode
F	Unsatisfactory and requires additional capacity, Roundabouts require other control mode	At capacity, requires other control mode

Table 1: Intersection Level of Service

The Average Vehicle Delay (AVD) provides a measure of the operational performance of an intersection as indicated below, which relates AVD to LoS. The AVD’s should be taken as a guide only as longer delays could be tolerated in some locations (i.e. inner-city conditions) and on some roads (i.e. minor side street intersecting with a major arterial route). For traffic signals, the average delay over all movements should be taken. For roundabouts and priority control intersections (sign control) the critical movement for level of service assessment should be that movement with the highest average delay.

LoS	Average Delay per Vehicles (seconds/vehicle)
A	Less than 14
B	15 to 28
C	29 to 42
D	43 to 56
E	57 to 70
F	>70

Table 2: Intersection Average Delay (AVD)

The degree of saturation (DS) is another measure of the operational performance of individual intersections. For intersections controlled by traffic signals both queue length and delay increase rapidly as DS approaches 1. It is usual to attempt to keep DS to less than 0.9. Degrees of Saturation in the order of 0.7 generally represent satisfactory intersection operation. When DS exceed 0.9 queues can be anticipated.

The results of the intersection analysis are as follows:

Signalised intersection of Auburn Street with Goldsmith Street

- The intersection has an overall LoS C for both AM and PM peak hours
- There is spare capacity at this intersection

Roundabout intersection of Sloane Street with Goldsmith Street

- The overall intersection LoS is A for both peak hours
- There is spare capacity at this intersection

The full SIDRA results are presented in Appendix A.

2.7 Public Transport

The nearest bus stop to the development is 56 metres away on Auburn Street. This bus stop is serviced by bus routes 821A and 821B. These provide access to nearby suburbs including Ifield, Crestwood, Kenmore, Bradfordville, and North Goulburn. Figure 9 shows the public transport services map with reference to the site.

For visitor travelling to and from Sydney and Canberra, there are coach services as well as trains at the Goulburn Station which is located at 930 metres away.

Overall the site has good access to public transport.



Figure 9: Bus Routes 821A and 821B Map with reference to the site

2.8 Conclusions on the Existing Conditions

The proposed motel site is located in the commercial core area where there are car parking opportunities on a weekday on Sloane Street nearby.

The nearby intersections perform well with sufficient spare capacity to accommodate additional traffic.

The site has good access to public transport.

3. PROPOSED MOTEL DEVELOPMENT

The proposed motel development has details as follows:

- Three two-bedroom apartments
- 23 rooms with ensuite including two accessible rooms
- A total of 26 units with 29 rooms
- A café with a Gross Floor Area (GFA) of 79.37 m²
- The development has a Gross Floor Area of 839.49 m²

Car parking is provided on the basement level with vehicle access and egress via Goldsmith Street.

The car parking areas have the following details:

- Two parallel car spaces
- One tandem parking for two car spaces
- Three 90-degree car spaces
- A total of seven car spaces
- A drop off zone

A full scaled plan of the proposed motel development is provided as part of the Development Application. Scaled measurements should use these plans.

4. CAR PARKING CONSIDERATIONS

4.1 Goulburn Mulwaree Council’s Planning Scheme

The car parking requirements for a motel are presented in *Goulburn Mulwaree Council’s Development Control Plan 2009* with the car parking rates as follows as it applies to the proposed development:

Motel

- One car space for each unit
- One car space per two employees
- One car space per 40m² of restaurant’s Gross Floor Area

It is assumed that the motel will employ four staffs. Table 3 summaries that car parking requirement and provision for the proposed motel development:

Land Use	Number of Units	Car Parking Rate	Car Spaces Required	Car Spaces Provided
Motel	26	1	26	5
	Number of Staffs	Car Parking Rate	Car Spaces Required	
	4	0.5	2	
Land Use	GFA (m ²)	Car Parking Rate	Car Spaces Required	
Café	79.37	1 space per 40m ² GFA	2	
		Total	30	5

Table 3: Car Parking Requirement Versus Provision

4.2 Adequacy of Car Parking Requirement

The proposed motel provides five car spaces (including a proposed on-street disabled space) versus thirty spaces required. Therefore, the proposed motel does not comply with Council’s car parking requirement.

However, it is noted that the existing commercial building has a Gross Floor Area of 565.5 m² and Council’s Development Control Plan stipulates that 15 car spaces would be required with the rate of 1 car space per 40 m² for commercial premises. Given that the existing site only provides two car spaces, there is a shortfall of twelve car spaces. Adopting the shortfall of car spaces of the existing development, the proposed motel is thirteen car spaces short of meeting Council’s requirement.

It is also noted that the development is located in the town centre/commercial area where there are on street parking opportunities nearby street.

Guests staying overnight at the motel can easily find a vacant car space on-street after 6pm where many of the nearby retail and able to park without a fine to 9:30am on the following day (for one hour parking restrictions beginning from 8:30am).

Short term parking can be found during business hours but a driver will need to circulate.

Most motel tenants will only need to park overnight before travelling onwards to other areas (such as Sydney or Canberra).

During the day there would be low parking demand as most other motels show with about ten percent of tenant car spaces occupied between 9am and 4pm and hence there would be low reliance of public parking spaces during business hours.

5. VEHICLE TRAFFIC IMPACT CONSIDERATIONS

5.1 Traffic Generation

“The NSW RTA Guide to Traffic Generating Development” publishes trip generation rates for motels as follows:

- 0.4 trips during weekday peak hours

Table 4 presents the estimated weekday peak hour trips.

Peak Hour	Use	Number of Units	Trip Generation Rate	Trip Generated
AM	Motel	26	0.4	11
PM			0.4	11

Table 4: Trips Generated by the Proposed Motel Development in the Weekday Peak Hours

The existing dwelling is currently empty and does not generate any traffic.

Table 5 presents the trip distribution for the proposed motel. The generated trips in the peak hours are modest.

Peak Hour	Origin	Destination	Total
AM	9	2	11
PM	2	9	11

Table 5: Trip Distributions in the Weekday Peak Hours

5.2 Traffic Volumes

The additional development trips are assigned onto the local traffic network. The following figures present the existing with the development trips (in red for origin trips and blue for destination trips) for the weekday AM and PM peak hours respectively.

The additional development trips represent a small proportion of the existing traffic volumes.

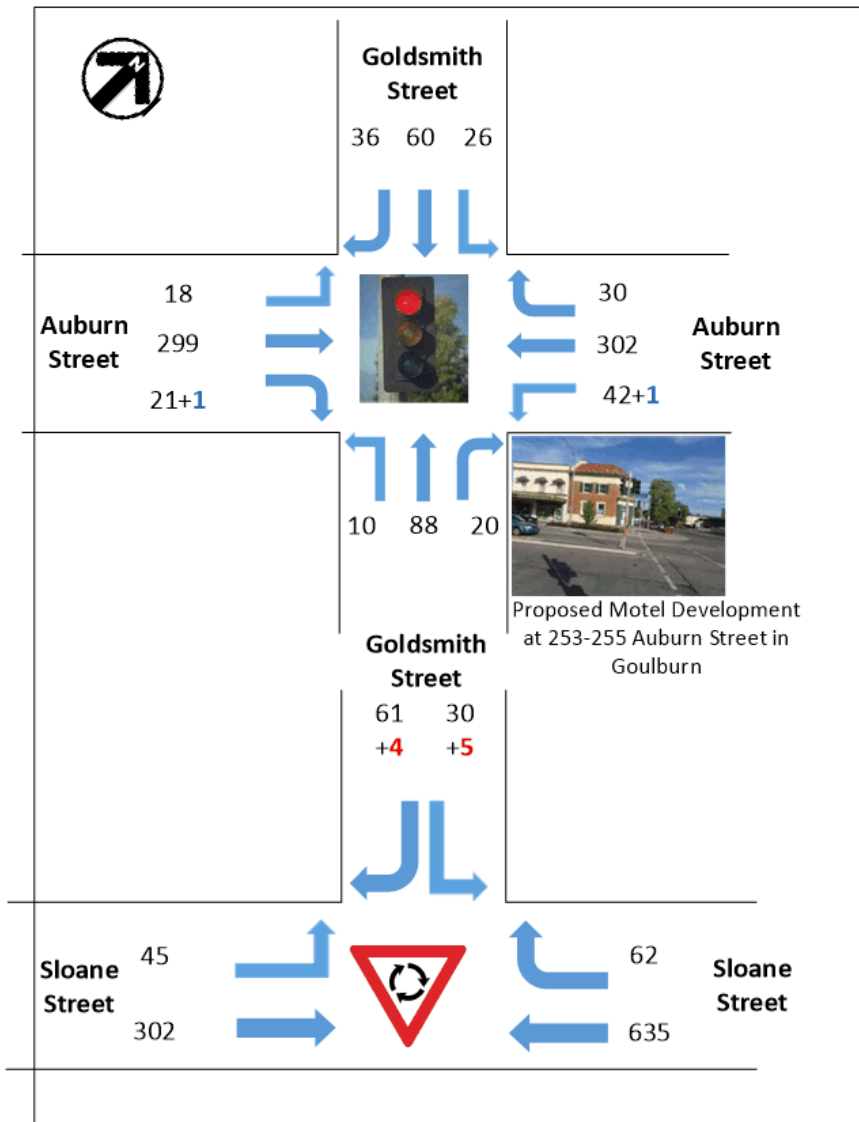


Figure 10: Weekday AM Peak Hour Traffic Volumes (Development Origin Trips in Red and Destination Trips in Blue)

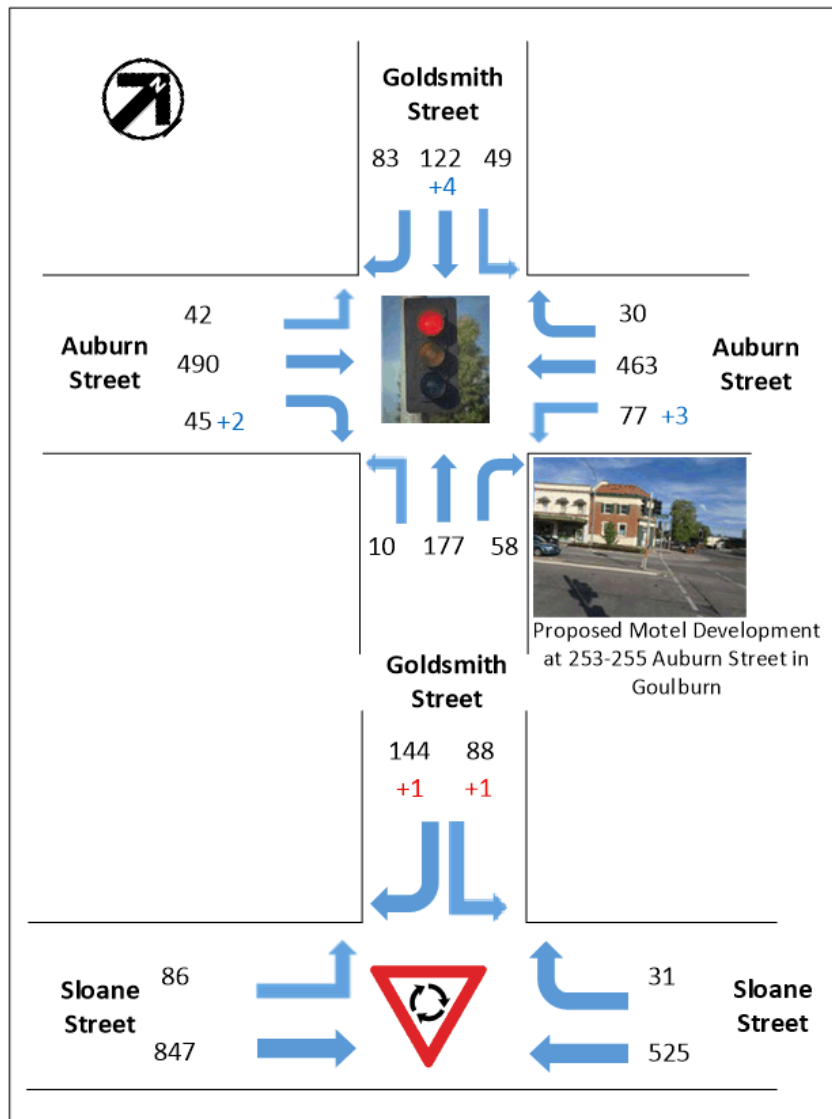


Figure 11: Weekday PM Peak Hour Traffic Volumes (Development Origin Trips in Red and Destination Trips in Blue)

5.3 Intersection Assessment

An intersection assessment has been undertaken for the two nearby intersections.

The results of the intersection analysis are as follows for the weekday AM and PM peak hours:

Signalised intersection of Auburn Street with Goldsmith Street

- The intersection has an overall LoS C for both AM and PM peak hours.
- The additional trips do not change the LoS of any turn movements or the overall intersection

Roundabout intersection of Sloane Street with Goldsmith Street

- The overall intersection LoS is A for both peak hours
- The additional trips do not change the LoS of any turn movements or the overall intersection

The full SIDRA results with the Motel Traffic are presented in Appendix B. The existing conditions are presented in Appendix A.

6. CONCLUSIONS

Based on the considerations presented in this report, it is considered that:

Parking

However, it is noted that the existing commercial building has a Gross Floor Area of 565.5 m² and Council's Development Control Plan stipulates that 15 car spaces would be required with the rate of 1 car space per 40 m² for commercial premises. Given that the existing site only provides two car spaces, there is a shortfall of twelve car spaces. Adopting the shortfall of car spaces of the existing development, the proposed motel is thirteen car spaces short of meeting Council's requirement.

Guests staying overnight at the motel can easily find a vacant car space on street after 6pm where many of the nearby retail and able to park without a fine to 9:30am on the following day (for one-hour parking restrictions beginning from 8:30am).

Short term parking can be found during business hours but a driver will need to circulate.

Most motel tenants will only need to park overnight before travelling onwards to other areas (such as Sydney or Canberra).

During the day there would be low parking demand as most other motels show with about ten percent of tenant car spaces occupied between 9am and 4pm and hence there would be low reliance of public parking spaces during business hours.

Traffic

- The proposed motel is a low trip generator for the weekday AM and PM peak hours.
- The additional trips from the proposed motel can be accommodated at the nearby intersections and road network without noticeably affecting intersection performance, delays or queues.
- There are no traffic engineering reasons why a planning consent for the proposed motel development at 253-255 Auburn Street in Goulburn, should be refused.

APPENDIX A

SIDRA Intersection Results for Existing Traffic Conditions

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total	HV %				Vehicles	Distance				
		veh/h	%	v/c	sec		veh	m				km/h
SouthEast: Goldsmith Street												
1	L2	11	0.0	0.077	20.1	LOS B	0.4	2.8	0.89	0.65	0.89	26.9
2	T1	93	0.0	0.387	17.9	LOS B	2.0	13.8	0.94	0.73	0.94	26.8
3	R2	21	0.0	0.387	21.5	LOS B	2.0	13.8	0.94	0.74	0.94	26.9
Approach		124	0.0	0.387	18.7	LOS B	2.0	13.8	0.93	0.72	0.93	26.8
NorthEast: Auburn Street												
4	L2	44	0.0	0.114	13.9	LOS A	1.0	6.9	0.73	0.64	0.73	30.3
5	T1	318	0.0	0.568	12.5	LOS A	5.5	38.6	0.87	0.74	0.87	29.6
6	R2	32	0.0	0.568	16.1	LOS B	5.5	38.6	0.88	0.75	0.88	29.8
Approach		394	0.0	0.568	13.0	LOS A	5.5	38.6	0.85	0.73	0.85	29.7
NorthWest: Goldsmith Street												
7	L2	27	0.0	0.098	20.3	LOS B	0.5	3.4	0.89	0.69	0.89	26.3
8	T1	63	0.0	0.409	18.2	LOS B	2.0	13.7	0.95	0.74	0.95	26.4
9	R2	38	0.0	0.409	21.7	LOS B	2.0	13.7	0.95	0.74	0.95	26.1
Approach		128	0.0	0.409	19.7	LOS B	2.0	13.7	0.93	0.73	0.93	26.3
SouthWest: Auburn Street												
10	L2	19	0.0	0.103	13.9	LOS A	0.9	6.3	0.73	0.59	0.73	30.7
11	T1	315	0.0	0.517	12.1	LOS A	4.8	33.8	0.84	0.70	0.84	29.9
12	R2	22	0.0	0.517	15.8	LOS B	4.8	33.8	0.85	0.72	0.85	29.8
Approach		356	0.0	0.517	12.4	LOS A	4.8	33.8	0.83	0.70	0.83	30.0
All Vehicles		1002	0.0	0.568	14.3	LOS A	5.5	38.6	0.87	0.72	0.87	28.9

Table A1: Signalised Intersection Performance of Auburn Street with Goldsmith Street Weekday AM Peak Hour Existing Conditions

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total	HV %				Vehicles	Distance				
		veh/h	%	v/c	sec		veh	m				km/h
NorthEast: Sloane Street												
5	T1	563	0.0	0.444	3.6	LOS A	3.6	25.2	0.30	0.42	0.30	43.9
6	R2	65	0.0	0.444	7.5	LOS A	3.6	25.2	0.30	0.42	0.30	44.0
Approach		628	0.0	0.444	4.0	LOS A	3.6	25.2	0.30	0.42	0.30	43.9
NorthWest: Goldsmith Street												
7	L2	32	0.0	0.095	4.9	LOS A	0.5	3.4	0.47	0.63	0.47	39.9
9	R2	64	0.0	0.095	8.7	LOS A	0.5	3.4	0.47	0.63	0.47	41.0
Approach		96	0.0	0.095	7.4	LOS A	0.5	3.4	0.47	0.63	0.47	40.6
SouthWest: Sloane Street												
10	L2	47	0.0	0.267	3.6	LOS A	1.6	11.5	0.24	0.40	0.24	42.8
11	T1	318	0.0	0.267	3.6	LOS A	1.6	11.5	0.24	0.40	0.24	44.7
Approach		365	0.0	0.267	3.6	LOS A	1.6	11.5	0.24	0.40	0.24	44.5
All Vehicles		1089	0.0	0.444	4.2	LOS A	3.6	25.2	0.29	0.43	0.29	43.8

Table A2: Roundabout Intersection Performance of Sloane Street with Goldsmith Street Weekday AM Peak Hour Existing Conditions

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total	HV %				Vehicles	Distance				
		veh/h	%	v/c	sec		veh	m				km/h
SouthEast: Goldsmith Street												
1	L2	11	0.0	0.172	23.0	LOS B	1.3	9.1	0.88	0.67	0.88	26.0
2	T1	186	0.0	0.861	27.8	LOS B	5.9	41.3	0.97	1.01	1.41	22.8
3	R2	61	0.0	0.861	34.2	LOS C	5.9	41.3	1.00	1.13	1.61	21.9
Approach		258	0.0	0.861	29.1	LOS C	5.9	41.3	0.97	1.02	1.44	22.7
NorthEast: Auburn Street												
4	L2	81	0.0	0.172	14.7	LOS B	2.0	14.2	0.70	0.65	0.70	29.8
5	T1	487	0.0	0.858	23.5	LOS B	13.6	94.9	0.93	1.08	1.28	24.3
6	R2	32	0.0	0.858	28.1	LOS B	13.6	94.9	0.95	1.12	1.34	24.2
Approach		600	0.0	0.858	22.6	LOS B	13.6	94.9	0.90	1.02	1.21	24.9
NorthWest: Goldsmith Street												
7	L2	52	0.0	0.202	23.2	LOS B	1.5	10.5	0.89	0.71	0.89	25.4
8	T1	128	0.0	1.011	58.4	LOS E	9.0	63.2	0.99	1.49	2.40	15.5
9	R2	87	0.0	1.011	67.7	LOS E	9.0	63.2	1.00	1.60	2.63	14.2
Approach		267	0.0	1.011	54.7	LOS D	9.0	63.2	0.97	1.38	2.18	16.3
SouthWest: Auburn Street												
10	L2	44	0.0	0.194	14.8	LOS B	2.4	16.5	0.70	0.61	0.70	30.1
11	T1	516	0.0	0.969	41.8	LOS C	19.1	133.8	0.93	1.40	1.76	18.7
12	R2	47	0.0	0.969	52.3	LOS D	19.1	133.8	0.98	1.58	2.01	17.1
Approach		607	0.0	0.969	40.6	LOS C	19.1	133.8	0.92	1.35	1.70	19.1
All Vehicles		1733	0.0	1.011	34.8	LOS C	19.1	133.8	0.93	1.19	1.57	20.7

Table A3: Signalised Intersection Performance of Auburn Street with Goldsmith Street Weekday PM Peak Hour Existing Conditions

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
		Total veh/h	HV %				Vehicles veh	Distance m				
NorthEast: Sloane Street												
5	T1	553	0.0	0.486	4.3	LOS A	4.2	29.6	0.53	0.51	0.53	42.6
6	R2	33	0.0	0.486	8.2	LOS A	4.2	29.6	0.53	0.51	0.53	42.8
Approach		585	0.0	0.486	4.5	LOS A	4.2	29.6	0.53	0.51	0.53	42.6
NorthWest: Goldsmith Street												
7	L2	93	0.0	0.406	11.7	LOS A	2.9	20.4	0.87	0.97	0.95	34.2
9	R2	152	0.0	0.406	15.5	LOS B	2.9	20.4	0.87	0.97	0.95	34.8
Approach		244	0.0	0.406	14.0	LOS A	2.9	20.4	0.87	0.97	0.95	34.6
SouthWest: Sloane Street												
10	L2	91	0.0	0.634	3.5	LOS A	7.5	52.5	0.28	0.37	0.28	42.5
11	T1	892	0.0	0.634	3.5	LOS A	7.5	52.5	0.28	0.37	0.28	44.4
Approach		982	0.0	0.634	3.5	LOS A	7.5	52.5	0.28	0.37	0.28	44.2
All Vehicles		1812	0.0	0.634	5.3	LOS A	7.5	52.5	0.44	0.50	0.45	42.1

Table A4: Roundabout Intersection Performance of Sloane Street with Goldsmith Street Weekday PM Peak Hour Existing Conditions

APPENDIX B

SIDRA Intersection Results for Existing and Motel Traffic Conditions

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
		Total veh/h	HV %				Vehicles veh	Distance m				
SouthEast: Goldsmith Street												
1	L2	11	0.0	0.077	20.1	LOS B	0.4	2.8	0.89	0.65	0.89	26.9
2	T1	93	0.0	0.387	17.9	LOS B	2.0	13.8	0.94	0.73	0.94	26.8
3	R2	21	0.0	0.387	21.5	LOS B	2.0	13.8	0.94	0.74	0.94	26.9
Approach		124	0.0	0.387	18.7	LOS B	2.0	13.8	0.93	0.72	0.93	26.8
NorthEast: Auburn Street												
4	L2	45	0.0	0.114	13.9	LOS A	1.0	6.9	0.73	0.64	0.73	30.3
5	T1	318	0.0	0.569	12.5	LOS A	5.5	38.7	0.87	0.74	0.87	29.6
6	R2	32	0.0	0.569	16.2	LOS B	5.5	38.7	0.88	0.75	0.88	29.8
Approach		395	0.0	0.569	13.0	LOS A	5.5	38.7	0.85	0.73	0.85	29.7
NorthWest: Goldsmith Street												
7	L2	27	0.0	0.098	20.3	LOS B	0.5	3.4	0.89	0.69	0.89	26.3
8	T1	63	0.0	0.409	18.2	LOS B	2.0	13.7	0.95	0.74	0.95	26.4
9	R2	38	0.0	0.409	21.7	LOS B	2.0	13.7	0.95	0.74	0.95	26.1
Approach		128	0.0	0.409	19.7	LOS B	2.0	13.7	0.93	0.73	0.93	26.3
SouthWest: Auburn Street												
10	L2	19	0.0	0.104	13.9	LOS A	0.9	6.4	0.73	0.59	0.73	30.7
11	T1	315	0.0	0.520	12.1	LOS A	4.8	33.9	0.84	0.70	0.84	29.9
12	R2	23	0.0	0.520	15.8	LOS B	4.8	33.9	0.86	0.72	0.86	29.8
Approach		357	0.0	0.520	12.4	LOS A	4.8	33.9	0.83	0.70	0.83	30.0
All Vehicles		1004	0.0	0.569	14.3	LOS A	5.5	38.7	0.87	0.72	0.87	28.9

Table B1: Signalised Intersection Performance of Auburn Street with Goldsmith Street Weekday AM Peak Hour Existing Conditions with Motel Traffic

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
		Total veh/h	HV %				Vehicles veh	Distance m				
NorthEast: Sloane Street												
5	T1	668	0.0	0.518	3.7	LOS A	4.7	32.7	0.34	0.42	0.34	43.6
6	R2	65	0.0	0.518	7.5	LOS A	4.7	32.7	0.34	0.42	0.34	43.8
Approach		734	0.0	0.518	4.1	LOS A	4.7	32.7	0.34	0.42	0.34	43.7
NorthWest: Goldsmith Street												
7	L2	37	0.0	0.104	4.9	LOS A	0.5	3.8	0.47	0.63	0.47	40.0
9	R2	68	0.0	0.104	8.7	LOS A	0.5	3.8	0.47	0.63	0.47	41.0
Approach		105	0.0	0.104	7.4	LOS A	0.5	3.8	0.47	0.63	0.47	40.6
SouthWest: Sloane Street												
10	L2	47	0.0	0.267	3.6	LOS A	1.7	11.6	0.24	0.40	0.24	42.8
11	T1	318	0.0	0.267	3.6	LOS A	1.7	11.6	0.24	0.40	0.24	44.7
Approach		365	0.0	0.267	3.6	LOS A	1.7	11.6	0.24	0.40	0.24	44.4
All Vehicles		1204	0.0	0.518	4.2	LOS A	4.7	32.7	0.32	0.43	0.32	43.6

Table B2: Roundabout Intersection Performance of Sloane Street with Goldsmith Street Weekday AM Peak Hour Existing Conditions with Motel Traffic

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Satn v/c	Average Delay sec	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed km/h
		Total veh/h	HV %				Vehicles veh	Distance m				
SouthEast: Goldsmith Street												
1	L2	11	0.0	0.164	25.5	LOS B	1.6	11.1	0.86	0.67	0.86	24.9
2	T1	186	0.0	0.821	30.1	LOS C	6.6	45.9	0.96	0.94	1.25	22.0
3	R2	61	0.0	0.821	36.8	LOS C	6.6	45.9	1.00	1.05	1.41	21.1
Approach		258	0.0	0.821	31.5	LOS C	6.6	45.9	0.97	0.95	1.27	21.9
NorthEast: Auburn Street												
4	L2	84	0.0	0.171	16.0	LOS B	2.5	17.2	0.68	0.64	0.68	29.1
5	T1	487	0.0	0.857	26.3	LOS B	15.6	108.9	0.92	1.03	1.21	23.2
6	R2	32	0.0	0.857	31.2	LOS C	15.6	108.9	0.94	1.07	1.27	23.1
Approach		603	0.0	0.857	25.1	LOS B	15.6	108.9	0.89	0.98	1.14	23.9
NorthWest: Goldsmith Street												
7	L2	52	0.0	0.190	25.7	LOS B	1.8	12.6	0.87	0.71	0.87	24.5
8	T1	133	0.0	0.948	44.4	LOS D	8.3	58.4	0.98	1.25	1.80	18.1
9	R2	87	0.0	0.948	51.8	LOS D	8.3	58.4	1.00	1.34	1.97	16.9
Approach		272	0.0	0.948	43.2	LOS D	8.3	58.4	0.97	1.17	1.68	18.6
SouthWest: Auburn Street												
10	L2	44	0.0	0.195	16.1	LOS B	2.9	20.2	0.69	0.60	0.69	29.3
11	T1	516	0.0	0.974	47.0	LOS D	21.8	152.4	0.92	1.35	1.65	17.5
12	R2	49	0.0	0.974	59.3	LOS E	21.8	152.4	0.98	1.55	1.90	15.8
Approach		609	0.0	0.974	45.8	LOS D	21.8	152.4	0.91	1.32	1.60	17.9
All Vehicles		1742	0.0	0.974	36.1	LOS C	21.8	152.4	0.92	1.12	1.41	20.3

Table B3: Signalised Intersection Performance of Auburn Street with Goldsmith Street Weekday PM Peak Hour Existing Conditions with Motel Traffic

Movement Performance - Vehicles												
Mov ID	Turn	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Aver. No. Cycles	Average Speed
		Total	HV				Vehicles	Distance				
		veh/h	%	v/c	sec		veh	m				km/h
NorthEast: Sloane Street												
5	T1	553	0.0	0.486	4.3	LOS A	4.2	29.6	0.53	0.51	0.53	42.6
6	R2	33	0.0	0.486	8.2	LOS A	4.2	29.6	0.53	0.51	0.53	42.8
Approach		585	0.0	0.486	4.5	LOS A	4.2	29.6	0.53	0.51	0.53	42.6
NorthWest: Goldsmith Street												
7	L2	94	0.0	0.410	11.8	LOS A	3.0	20.7	0.87	0.97	0.96	34.2
9	R2	153	0.0	0.410	15.6	LOS B	3.0	20.7	0.87	0.97	0.96	34.7
Approach		246	0.0	0.410	14.1	LOS A	3.0	20.7	0.87	0.97	0.96	34.5
SouthWest: Sloane Street												
10	L2	91	0.0	0.634	3.5	LOS A	7.5	52.5	0.28	0.37	0.28	42.5
11	T1	892	0.0	0.634	3.5	LOS A	7.5	52.5	0.28	0.37	0.28	44.4
Approach		982	0.0	0.634	3.5	LOS A	7.5	52.5	0.28	0.37	0.28	44.2
All Vehicles		1814	0.0	0.634	5.3	LOS A	7.5	52.5	0.44	0.50	0.45	42.1

Table B4: Roundabout Intersection Performance of Sloane Street with Goldsmith Street Weekday PM Peak Hour Existing Conditions with Motel Traffic

12.3 VPA AND LAND DEDICATION POLICY

Author: Nick Thistleton, Graduate Strategic Planner

Authoriser: Warwick Bennett, General Manager

Attachments: 1. **VPA and Land Dedication Policy** [↓](#) 
 2. **Submission** [↓](#) 

Link to Community Strategic Plan:	Strategy IN4 Maintain and update existing community facilities, and support the development of new community infrastructure as needed.
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The report by the Graduate Strategic Planner on the VPA and Land Dedication Policy be received.
2. The VPA and Land Dedication Policy be adopted inclusive of the following amendments:
 - (a) Clarification that it does not contain any engineering requirements or specific requirements for road reserves;
 - (b) Provision of additional flexibility to Council when seeking cost recovery for drainage reserves and stormwater treatment facilities; and
 - (c) Correction of minor spelling and formatting errors.

BACKGROUND

The Draft VPA and Land Dedication Policy was reported to Council on 18 December 2018 and was placed on public exhibition between 17 January 2019 and 7 February 2019.

The draft policy attracted one (1) submission. The submission received is considered to be of a significant nature and informed an amendment to the draft policy as discussed in this report. A copy of this amended policy is attached.

The VPA and Land Dedication Policy therefore requires another Council resolution to be adopted.

REPORT

The Draft VPA and Land Dedication Policy was placed on public exhibition between 17 January 2019 and 7 February 2019 after being advertised weekly in the local newspaper, on Council’s website and via email notice to local planning consultants.

Only one (1) submission was received in relation to this draft policy (Attachment 2). For the purposes of this report each numbered component of the submission is addressed separately in the table below (**Table 1**).

Table 1 Submission Comment and Response

No.	Comment & Response
1	<p>Comment</p> <p><i>The POLICY STATEMENT has the following: ‘This policy also applies when the dedication of land occurs separately to a VPA.’ This policy obviously doesn’t set out the requirements for the dedication of road reserves for example as part of the development of subdivisions and hence this should be stated somewhere in this policy document.</i></p> <p>Response</p> <p>The policy statement has been amended to clarify that it does not contain any engineering requirements or any specific requirements relating to road reserves.</p>
2	<p>Comment</p> <p><i>Under 2.1 Governing Principles should there not be a clause that also states that Council will not use a VPA to recover any shortfall in the costs of any infrastructure where s94 contributions have been applied and found to be insufficient. Item 2.3 f) doesn’t quite cover this sufficiently.</i></p> <p>Response</p> <p>It is unreasonable to expect that Council will not seek full cost recovery for infrastructure that only benefits the commercial interests of a particular development and where there is little to no direct or indirect benefit to the community. Where proposed infrastructure does provide a broader public benefit, then this would need to be considered during the negotiation stage and in accordance with the policy.</p> <p>It is also worth noting that Council cannot legally force anyone into a Voluntary Planning Agreement. Additionally, the governing principles below are quite clear in that they do not allow for Council to abuse the use of VPA’s to produce unreasonable outcomes for the community and extract unreasonable benefits from the developer:</p> <ul style="list-style-type: none"> a) <i>Planning decisions cannot be bought or sold through Planning Agreements;</i> b) <i>Council will negotiate Planning Agreements without prejudice;</i> c) <i>Development that is considered unacceptable on planning grounds will not be permitted regardless of any benefit that may be attained from a Planning Agreement;</i> d) <i>Council will not allow Planning Agreements to improperly fetter the exercise of its functions under the Act, Regulation or any other Act or law;</i> e) <i>Council will not use Planning Agreements for any purpose other than a proper planning purpose;</i> f) <i>Council will not seek benefits under a Planning Agreement that are unrelated to the Associated Development;</i> g) <i>Council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a proposed Planning Agreement;</i> h) <i>Council will not improperly rely on its statutory position in order to extract unreasonable Public Benefits from developers under Planning Agreements;</i> i) <i>Where the Council has a commercial stake in development that is the subject of a Planning Agreement, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its interest in the development; and</i> j) <i>The Planning Agreement must be associated with a development application.</i>
3	<p>Comment</p> <p><i>Item 2.3 Acceptability Test. Item b) Does the Planning Agreement result in a Public Benefit?</i></p> <p><i>This can be abused by both parties. The Public Benefit could be something as minor as installing a bench seat in a public reserve for a couple of hundred dollars or it could be the requirement to construct a concrete footpath that extends for many kilometres imposed on a development where total development costs are less than \$50K. Is there a way to set a minimum and maximum cost benefit as a percentage of the development costs? This would give greater certainty to a potential developer and restrict the possible abuse by either party.</i></p>

	<p>Response</p> <p>The governing principles of the policy protect both parties from abusing VPA's or any following statement under the plan.</p> <p>Unfortunately there can be no set way for determining what a public benefit is for the purposes of this policy as VPA's by nature are designed to act as an alternative way of providing development contributions, separate to prescribed contributions plans.</p> <p>VPA's often eventuate when Council has either not anticipated a certain kind of development occurring or has not allowed for the most efficient or fair way of obtaining development contributions.</p> <p>Section 7.5 of the <i>NSW Environmental Planning and Assessment Act, 1979</i> (the Act) provides that a public purpose includes (without limitation) any of the following:</p> <ul style="list-style-type: none"> a) <i>the provision of (or the recoupment of the cost of providing) public amenities or public services,</i> b) <i>the provision of (or the recoupment of the cost of providing) affordable housing,</i> c) <i>the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,</i> d) <i>the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,</i> e) <i>the monitoring of the planning impacts of development,</i> f) <i>the conservation or enhancement of the natural environment.</i> <p>The Act provides for transparency in the process by requiring a period of public inspection of the agreement.</p>
<p>4</p>	<p>Comment</p> <p><i>Item 2.7 b) and elsewhere in the draft policy states that a Quantity Surveyor (QS) must be used to determine costs. Why can this function only be performed by a QS. In my experience a QS doesn't necessarily have proven knowledge of civil works costs in this locality. This is particularly relevant in subdivisions where this policy will be implemented on a frequent basis due to the need for stormwater quality facilities. Can this not also include someone of proven experience such as myself where I have some 15 years in the costing and managing of subdivisions in just Goulburn?</i></p> <p>Response</p> <p>The ability for a quantity surveyor to accurately calculate costs of development is only part of the reason why they are required. They also provide independent input into the negotiation process, preventing either Council or the developer from fraudulently doctoring the costs of a development. Nothing in the policy prevents dispute over the quantity surveyors findings, nor consultation with local experts to provide input as to local conditions and costs.</p>
<p>5</p>	<p>Comment</p> <p><i>Item 2.10 Provision of Financial Security. A limit should be set for this as a maximum of say 10% of the expected/calculated costs for the item to be bonded. Also why can't a cash bond be lodged in lieu of a bank guarantee particularly for minor items?</i></p> <p>Response</p> <p>The purpose of providing a bank guarantee is to provide at least some certainty that the developer is able to meet their obligations under the VPA. Council also acknowledges that there may be some circumstances where a bank guarantee is not required at all (where the sum involved is too small to warrant a bond). This is why item 2.10 Provision of Financial Security does not prescribe a fixed limit or proportion that is to be guaranteed whilst also being quite strict on what must be provided if required.</p>
<p>6</p>	<p>Comment</p> <p><i>Item 3.4 Stormwater Treatment Facilities. It should be noted that current Water NSW policies require that only the roads created/constructed as part of a subdivision requires stormwater treatment facilities constructed as part of the subdivision works. What this means is that these treatment facilities will only treat the runoff from public areas. These facilities should therefore NOT be a burden on a private owner.</i></p>

	<p><i>Council accepts the dedication of the roads and therefore should also accept the responsibility of the treatment of the runoff. How can this not be subject to the application of rates? In the past Council has prepared studies of how and where stormwater treatment facilities should be installed for all of the developed areas of Goulburn and these were to be funded by the public purse.</i></p> <p><i>Why should the burden of maintaining these facilities for new subdivisions where roads are dedicated remain with the developer? Council's previous policy 'Stormwater Treatment Facilities on Council Property Policy' (that was deleted for some as yet to be revealed reason) contained a methodology for calculating the contribution costs to be paid by the developer. This methodology, as I understand it, were never in question and hence why should they not be implemented as part of this policy?</i></p> <p>Response</p> <p>The clause has been reworded to state that Council will 'generally' seek cost recovery for drainage reserves and stormwater treatment facilities. This allows Council enough flexibility to write off the maintenance costs when they are considered to be negligible or routine (eg: maintaining a drainage line adjacent to road).</p> <p>However it must be noted that it is Council's view that substantially large drainage reserves or stormwater treatment facilities that impose an additional maintenance burden should be paid for by the developer benefiting from them, irrespective of Water NSW's policy.</p> <p>This is because their maintenance cost is often disproportionate to the rate revenue received in the area and can therefore not be covered without amendments to Council's ongoing operating budget.</p> <p>They also provide little public benefit for the community outside of the proposed development.</p> <p>Council's '<i>Stormwater Treatment Facilities on Council Property Policy</i>' was rescinded by Council as part of a broader departmental policy review on 18 July 2017 by the then director of Growth, Strategy and Culture. The reasoning given was that the policy was rarely use and dedications of such infrastructure can be dealt with on a case by case basis. It is not known if there was any other reason. It should also be noted that the review of Council's s94 contributions plan forms part of the Strategic Planning Program, where there will be an opportunity to assess if provisions in that policy can be included into that plan.</p>
<p>7</p>	<p>Comment</p> <p><i>Has Council consulted Water NSW in regards to this policy?</i></p> <p>Response</p> <p>Consultation with Water NSW was not considered necessary for this policy as the only items relating to water quality infrastructure simply re-affirm Council's view that we are not willing to accept more land than is required for drainage reserves or bare the sole financial burden for the land that only services the associated development.</p> <p>Consultation with Water NSW will be undertaken on a case-by-case basis depending on the scale and nature of the VPA.</p>
	<p>Additional enquiry</p> <p>The submitter also enquired as to the inclusion of a policy or s94 contributions plan similar to the rescinded '<i>Stormwater Treatment Facilities on Council Property Policy</i>'. This has been addressed in response to item 6.</p>

CONCLUSION

A number of minor spelling and grammatical corrections were made to the policy. It is now recommended that the VPA and Land Dedication policy be adopted as amended.



VPA and Land Dedication Policy



GOULBURN MULWAREE COUNCIL VPA AND LAND DEDICATION POLICY

POLICY OBJECTIVE

The objective of this policy is to establish what the requirements for entering into a Planning Agreement with Goulburn Mulwaree Council are, and to establish what the process is for doing so.

LEGISLATIVE PROVISIONS

Environmental Planning and Assessment Act 1979 (NSW)

Environmental Planning and Assessment Regulation 2000 (NSW)

Other references

Goulburn Mulwaree Section 94 Development Contributions Plan 2009

POLICY STATEMENT

Goulburn Mulwaree Council recognises that Planning Agreements, otherwise known as voluntary planning agreements or VPA's, under Subdivision 2 of the *Environmental Planning and Assessment Act 1979* allows developers to achieve a mutually beneficial environmental planning outcome for themselves and the community when not otherwise provided or allowed for under Council's existing planning controls and contribution plans.

This policy also applies when the dedication of land occurs separately to a VPA. This policy does not contain any engineering requirements or any specific requirements relating to road reserves.

1. Introduction

1.1 Overview

This policy includes:

- Council's fundamental principles governing the use of Planning Agreements;
- Circumstances in which Council will consider negotiating a Planning Agreement;
- General requirements and conditions for preparing Planning Agreements;
- Council's policy for the dedication of land;
- An overview on how to approach Council for a Planning Agreement; and
- A standard template for Planning Agreements.



GOULBURN MULWAREE COUNCIL VPA AND LAND DEDICATION POLICY

1.2 Disclaimer

Any advice given by Council at any stage when negotiating or submitting a Planning Agreement is considered to be provided without prejudice. Council accepts no responsibility for the misinterpretation or accuracy of any advice given it is the applicant's sole responsibility to seek clarification.

1.3 Terminology

The following terminology will be used throughout this policy:

Act means the *Environmental Planning and Assessment Act 1979*;

Associated Development means the development that is associated with a Planning Agreement;

Council means Goulburn Mulwaree Council;

Development Contribution means the kind of provision made by a developer under a Planning Agreement, being a monetary contribution, the dedication of land free of cost or the provision of a material Public Benefit;

Instrument Change means a change to an environmental planning instrument to enable a development application to be made to carry out development the subject of a Planning Agreement;

Planning Agreement has the same meaning as in the Act. They have also been referred to as Voluntary Planning Agreements or VPA's;

Public Benefit means a Development Contribution that provides amenity or services to the broader community;

Public Facilities means public infrastructure, facilities, amenities and services; and

Regulation means the Environmental Planning and Assessment Regulation 2000.

Surplus Value means the value of the developer's provision under a Planning Agreement less the sum of the value of public works required to be carried out by the developer under a condition imposed under s4.17 of the Act and the value of Development Contributions that are or could have been required to be made under s7.11 or s7.12 of the Act in respect of the development the subject of the Planning Agreement.



2. General Requirements

2.1 Governing Principles

In assessing Planning Agreements, Council will adhere to the following governing principles:

- a) Planning decisions cannot be bought or sold through Planning Agreements;
- b) Council will negotiate Planning Agreements without prejudice;
- c) Development that is considered unacceptable on planning grounds will not be permitted regardless of any benefit that may be attained from a Planning Agreement;
- d) Council will not allow Planning Agreements to improperly fetter the exercise of its functions under the Act, Regulation or any other Act or law;
- e) Council will not use Planning Agreements for any purpose other than a proper planning purpose;
- f) Council will not seek benefits under a Planning Agreement that are unrelated to the Associated Development;
- g) Council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a proposed Planning Agreement;
- h) Council will not improperly rely on its statutory position in order to extract unreasonable Public Benefits from developers under Planning Agreements;
- i) Where the Council has a commercial stake in development that is the subject of a Planning Agreement, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its interest in the development; and
- j) The Planning Agreement must be associated with a development application.

2.2 When to Consider a Planning Agreement

Council may consider negotiating a Planning Agreement with the developer to undertake the following activities in accordance with s7.4 of the Act;

- a) the provision of (or the recoupment of the cost of providing) public amenities or public services;
- b) the provision of (or the recoupment of the cost of providing) affordable housing;
- c) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land;
- d) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure;
- e) the monitoring of the planning impacts of development;
- f) the conservation or enhancement of the natural environment.



2.3 Acceptability Test

Council will assess all proposed Planning Agreements using the following test:

- a) Is the Planning Agreement created for legitimate planning purpose relating specifically to the impacts of the Associated Development or as a result of an Instrument Change, policy or a plan?
- b) Does the Planning Agreement result in a Public Benefit?
- c) Does the Planning Agreement provide for a reasonable means of achieving its objectives?
- d) Can the Planning Agreement be taken into consideration in the assessment of the relevant rezoning application or development application?
- e) Will the Planning Agreement produce outcomes that meet the general values and expectations of the community and protect the overall public interest?
- f) Does the Planning Agreement align with Council's other plans and policies or address a shortfall or deficiency in Council's plans and policies?
- g) Does the Planning Agreement conform to other requirements set forth in this Policy?
- h) Are there any circumstances that may prevent the Council from entering into the proposed Planning Agreement?

2.4 Standard Planning Agreement Template

Council has prepared a Standard Planning Agreement Template (Appendix). This template is to assist developers in preparing a Planning Agreement and contains clauses that Council considers to be mandatory inclusions in all Planning Agreements. Any variation to the clauses contained within it will need to be agreed upon by Council.

2.5 Clause 4.6 of the *Goulburn Mulwaree Local Environmental Plan 2009*

Planning agreements cannot be used to justify the application of clause 4.6 of the *Goulburn Mulwaree Local Environmental Plan 2009*.

2.6 Relation to Existing Contributions Schemes

Planning agreements do not necessarily exclude the application of Development Contributions under the *Goulburn Mulwaree Section 94 Development Contributions Plan 2009* and the *Section 94A Levy Development Contributions Plan 2009*. The level to which these contributions apply will be discussed as a part of the negotiation process. Council will insist these contributions apply if the proposed



GOULBURN MULWAREE COUNCIL VPA AND LAND DEDICATION POLICY

Planning Agreement is not considered to provide the equivalent Public Benefit or are not considered to produce a Surplus Value.

2.7 Calculation of Contributions

Council will insist that the calculation of all contributions are:

- a) Consistent with the calculations used in the *Goulburn Mulwaree Section 94 Development Contributions Plan 2009*;
- b) Confirmed by a quantity surveyor when no cost can be attained from the *Goulburn Mulwaree Section 94 Development Contributions Plan 2009*;
- c) In the case of acquiring or dedicating land, the estimated amount of compensation to which the developer would be entitled to under the *Land Acquisition (Just Terms Compensation) Act 1991*; and
- d) Agreed upon by Council.

2.8 Collection and Distribution of Monetary Contributions

The following items relate to the collection and distribution of monetary contributions:

- a) Council does not support deferred payments for contributions that can be implemented immediately;
- b) Council may seek to include a provision permitting any money paid under the agreement to be pooled with money paid under other Planning Agreements or developer contributions. Pooling may be appropriate to stage expenditure and allow Public Benefits, particularly essential infrastructure, to be provided in a fair, equitable and timely way; and
- c) Council may request the inclusion of a provision to make regular Development Contributions towards the recurrent costs of Public Facilities if provided for in the Planning Agreement.

2.9 Credits and Refunds

Council will not consider giving any additional credit or refunds for any contributions considered to have a Surplus Value when compared to what could have been attained under the conditions of development consent or Councils other Development Contribution plans.



GOULBURN MULWAREE COUNCIL VPA AND LAND DEDICATION POLICY

2.10 Provision of Financial Security

Council may require the developer to furnish Council with an unconditional Australian Bank Guarantee with no maturity date, with an amount to be determined by Council. This will depend on the nature and scale of capital works being proposed. The Bank Guarantee must also state the development application number for the Associated Development where possible.

2.11 Fees and Charges

Lodgement, processing, legal fees and any fees associated with maintaining the VPA may be applicable under Council's fees and charges. Where not already provided for under Council's fees and charges, Council reserves the right to seek full cost recovery for any planning agreement.

2.12 Plans to be Provided

Whenever plans are to be provided with the Planning Agreement, these plans must:

- a) Be consistent with the plans approved for the Associated Development; and
- b) Be drawn and documented in such a way that any stage or component of the Planning Agreement can be clearly identified and be referred to.

2.13 Implementation

Where it is inappropriate for Council to determine practical completion of works, Council will insist upon the appointment of an independent certifier at the developer's expense. This will require a clause to be created in the Planning Agreement.

2.14 Separation of Roles

The assessing officer of the Associated Development application is not permitted to also be the assessing officer of the Planning Agreement. This is to avoid a conflict of interest between Council's role as a statutory planning authority and Council's status as an asset owner and manager.

2.15 Dispute Resolution

Council will exhaust all means it deems necessary to ensure that disputes are resolved prior to any legal proceedings or challenges. The Standard Planning Agreement Template contains several mandatory clauses to this effect.



3. Land Dedication

3.1 Relation to Development

Any and all land dedicated must be demonstrated to have a functional relationship with the proposed development. Council will not accept land that serves no functional purpose, including land that adjoins land that does serve a functional purpose.

3.2 Relation to the Recreational Needs Strategy

Council will generally not accept any dedication of land for the purpose of open or recreational space unless it can be considered to fulfil a need or recommendation identified in a Recreational Needs Strategy adopted by Council.

3.3 Asset Protection Zone Land

Council will not accept the dedication of land that serves no other functional purpose than being land that functions as an asset protection zone against fire.

3.4 Stormwater Treatment Facilities

The following items relate to the dedication of stormwater treatment facilities and drainage reserves:

- a) Council will generally seek full cost recovery for the dedication of all drainage reserves and stormwater treatment facilities based on the value of land determined under clause 2.7 of this policy;
- b) The dedication of drainage reserves or stormwater treatment facilities will not be considered unless they cannot reasonably be vested in private ownership in the opinion of Council; and
- c) Any land to be dedicated as a drainage reserve or stormwater treatment facility is to be restricted to the minimum amount of land that is reasonably required in order to perform its function as a drainage reserve, stormwater treatment facility or any other functional use in accordance with this policy and in the opinion of Council.

3.5 Sewer Pumping Stations

Council is supportive of the dedication of the land on which sewer pumping stations are located and would prefer this land to be dedicated in all instances. This land dedicated must be restricted to no more than the minimum amount of land required to carry out maintenance works and provide direct vehicular access, as determined by Council's Utilities staff.



4. Application Process

4.1 Relationship to Lodging a Development Application

Planning Agreements can be lodged either during or after the lodgement of the Associated Development application. However it is recommended that all Planning Agreements be negotiated prior to this happening, as each Planning Agreement requires a resolution at a Council meeting and a mandatory 28 day exhibition period. The development application and Planning Agreement should be publicly exhibited together where possible.

Council will generally issue the Associated Development with a deferred commencement condition in accordance with s.7.7(3) of the Act, requiring the Planning Agreement to be entered into before works can commence

4.2 Who Negotiates?

Council will nominate a person or persons to negotiate Planning Agreements on behalf of Council, in close consultation with the executive team and other directorates within the organisation. All Planning Agreements will require a Council resolution to be entered into.

4.3 Summary of Process

The steps below detail the process for negotiating a Planning Agreement. This process has been designed to encourage preliminary consultation with Council in order to avoid costly planning disputes later in the process.

1. Submit a Summary of the Proposed Planning Agreement

Email Council at Council@goulburn.nsw.gov.au with a brief summary of what you intend to achieve with the Planning Agreement prior to submitting a Letter of Offer. Council's planning team will advise if it is appropriate to submit a Letter of Offer or if further discussions should take place first.

2. Submit the Letter of Offer

The Letter of Offer is the formal request by the applicant to enter into a Planning Agreement with Council. This letter should detail all of the proposed terms of the Planning Agreement, including the costs of the development contributions, confirmed by a quantity surveyor where applicable.

3. Submit the Draft Planning Agreement

After Council has reviewed the Letter of Offer, Council will advise if a Planning Agreement should be pursued in accordance with the Letter of Offer and any additional amendments to it. The draft Planning Agreement must be lodged during or after the lodgement of the development application.



GOULBURN MULWAREE COUNCIL
VPA AND LAND DEDICATION POLICY

This draft Planning Agreement will be reviewed by Council prior to endorsement, with any changes made as necessary.



Appendix - Standard Planning Agreement Template



Deed

[Street Address, Suburb/City of development]

Planning Agreement

Under s7.4 of the *Environmental Planning and
Assessment Act 1979*

Goulburn Mulwaree Council

[Insert Developer Name]



BACKGROUND

1. The Developer is the registered proprietor of the Land.
2. The Developer has made a [Planning Proposal/Development Application] with Council.
3. The Developer has offered to provide the Contributions if the Development is undertaken.

OPERATIVE PROVISIONS

1. DEFINITIONS

The following definitions apply unless the context otherwise requires:

Act means the *Environmental Planning and Assessment Act 1979 (NSW)*.

Acquisition Act means the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)*.

Assign as the context requires refers to any assignment, sale, transfer, disposition, declaration of trust over or other assignment of a legal and/or beneficial interest.

Authority means (as appropriate) any:

- a) federal, state or local government;
- b) department of any federal, state or local government;
- c) any court or administrative tribunal; or
- d) statutory corporation or regulatory body.

Bank Guarantee means the bank guarantee(s) from an Australian bank required to be provided to Council by the Developer under this agreement.

Business Day means between 9am and 5pm Sydney time on a day other than a Saturday, Sunday, any other local, state or federal public holiday and any day between 20 December and 10 January inclusive.

Claim against any person any allegation, action, demand, cause of action, suit, proceeding, judgement, debt, damage, loss, cost, expense or liability howsoever arising and whether present or future, fixed or unascertained, actual or contingent whether at law, in equity, under statute or otherwise.

Complete, Completed, Completion means completed in accordance with the requirements of this document.

Contribution Value means:

- a) with respect to Designated Land, the amount specified in [Insert in the column headed "contribution value" for each item of Designated Land]; and
- b) with respect to each Item of Work, the Development Cost of that Item of Work determined in accordance with clause 5.

Contributions means the provision of the Works, the making of the Monetary Contributions and the dedication of the Designated Lands by the Developer in accordance with this document.

Contributions Plan means the [Insert], or such other replacement plan adopted by Council from time to time.

Compliance Certificate has the same meaning as in the Act.

Council means Goulburn Mulwaree Council

Day means any given day that commences at 12:00am and ends at 11:59pm Sydney time.



**GOULBURN MULWAREE COUNCIL
VPA AND LAND DEDICATION POLICY**

Defects Liability Period means [insert a period agreed upon by Council]

Designated Land means that part of the Land identified on the plan attached as Schedule 3.

Developer means [Insert]

Development means [Insert].

Development Application means a Development Application lodged by the Developer with Council for the Development Consent.

Development Consent means a development consent issued under the Act with respect to the Development.

Development Cost means in relation to an Item of Work:

- a) the construction costs of that item;
- b) any costs incurred under a building contract in relation to that item; or
- c) any costs or expenses payable to an Authority in relation to that item.

Encumbrance means an interest or power:

- a) reserved in or over an interest in any asset;
- b) created or otherwise arising in or over any interest in any asset under any mortgage, charge (whether fixed or floating), pledge, lien, hypothecation, title retention, conditional sale agreement, hire or hire purchase agreement, option, restriction as to transfer, use or possession, easement, subordination to any right of any other person and any other encumbrance or security interest, trust or bill of sale; or
- c) by way of security for the payment of a debt or other monetary obligation or the performance of any obligation.

EPA means the NSW Environment Protection Authority.

Force Majeure Event means an earthquake, cyclone, fire, civil commotion, sabotage, act of a public enemy, war, contamination, flood or a severe weather event that inflicts damage or harm that could not have otherwise been prevented by taking reasonable and prudent action.

GST Law means *A New Tax System (Goods and Services Tax) Act 1999* (Commonwealth) and any other Act or regulation relating to the imposition or administration of the goods and services tax.

Item of Work means an individual item of the Works as set out in Schedule 3.

Land means the whole of the land contained in [Insert].

Law means all legislation, regulations, by-laws, common law and other binding order made by any Authority.

Maintenance Liability Period means two (2) years.

Monetary Contributions means the monetary contributions set out in Schedule 1.

Occupation Certificate means an occupation certificate as defined in section 6.4(c) of the Act.

Planning Legislation means the Act, the *Local Government Act 1993* (NSW) and the *Roads Act 1993* (NSW).

Planning Proposal means an application made to Council seeking to amend a Local Environmental Plan



GOULBURN MULWAREE COUNCIL VPA AND LAND DEDICATION POLICY

Quantity Surveyor means someone selected and appointed by Council from a list of Quantity Surveyors all of whom must be members of Panels for the NSW Department of Commerce or Local Government Procurement.

Residential Lot means a single lot created on the registration of a plan of subdivision as part of the Development intended to not be further subdivided and to be used for the purpose of the construction of one (1) or more residential dwellings.

Subdivision Certificate means a subdivision certificate as defined in section 6.4(d) of the Act.

Works means the works specified or described in Schedule 3.

Works as Executed Plan means a plan that shows that construction has been completed in accordance with the engineering plans and specifications.

WSUD Infrastructure Means water sensitive urban design infrastructure associated with the Works on dedicated lands in Schedule 3 being the range of measures that are designed to avoid or minimise the environmental impacts of urbanisation in terms of the demand for water and the potential pollution threat to natural waterways.

2. INTERPRETATION

The following rules of interpretation apply unless the context requires otherwise:

- a) Any reference to **a clause, annexures and schedules** refers to a clause in, or annexure or schedule to this document.
- b) Any reference to a **statute** refers to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.
- c) the singular includes the plural and vice versa.
- d) a reference to a **person** includes an individual, a firm, a body corporate, a partnership, joint venture, an unincorporated body or association or any government agency.
- e) A reference to **executors, administrators or successors** refers to a particular person that includes their executors, administrators, successors, substitutes (including persons taking by novation) and assigns.
- f) **Dollars, Australian dollars, dollars, \$, AUS\$ or A\$** is a reference to the lawful currency of Australia.
- g) Where any period of time is calculated from the given day or day of an act or event, it is to be calculated exclusive of that day
- h) a **day** is to be interpreted as the period of time commencing at midnight and ending 24 hours later.
- i) a **group of persons or things** is a reference to any two or more of them jointly and to each of them individually.
- j) the words **include, including, for example or such as** are not used as, nor are they to be interpreted as, words of limitation, and, when introducing an example, do not limit the meaning of the words to which the example relates to that example or examples of a similar kind.
- k) if an act under this document to be done by a party on or by a given day is done after 4.30pm on that day, it is taken to be done on the next day.
- l) if an event must occur on a stipulated day which is not a Business Day then the stipulated day will be taken to be the next Business Day.
- m) Any time of day referenced in this agreement is a reference to Sydney time.
- n) headings (including those in brackets at the beginning of paragraphs) are for convenience only and do not affect the interpretation of this document.
- o) agreement a reference to any agreement, Agreement or instrument includes the same as varied, supplemented, novated or replaced from time to time.
- p) a reference to one gender extends and applies to the other.



3. STATUS

3.1 Planning Agreement

This document is a Planning Agreement:

- a) Within the meaning set out in section 7.4 of the Act; and
- b) Governed by Subdivision 2 of Division 7.1 of Part 7 of the Act.

3.2 Application

This document applies to both the Land and the Development.

3.3 Operation of document

- a) Subject to paragraph (b), this document operates from the date it is executed by both parties.
- b) The following clauses of this document will only operate if and when Council grants Development Consent.

4. APPLICATION OF SECTION 7.11 AND SECTION 7.12

4.1 Application

This document does not exclude the application of section 7.11 or section 7.12 of the Act to the Development.

4.2 Consideration of Benefits

Section 7.11(6) of the Act does not apply to the Contributions that are to be carried out or provided pursuant to this document.

5. SATISFACTION OF CONTRIBUTION CONDITION

5.1 Determination of Development Cost

- a) Upon completion of any Item of Work the Developer must provide Council with a certificate from a Quantity Surveyor in favour of both Council and the Developer as to the Development Cost of the relevant Item of Work.
- b) The determination of the Quantity Surveyor as to the Development Cost of an Item of Work is conclusive and binding on the parties except in the case of manifest error.

5.2 Calculating Contribution Values

The parties acknowledge that for where an Item of Work is identified in Schedule 3 as having a Contribution Value, the following mechanism will apply:

- a) The amount of the Contribution Value will be calculated based on the actual cost of an Item of Work or the agreed cost estimate, whichever is the lesser.
- b) The agreed cost estimate can be amended by submission of a variation request which will be reviewed and certified by the Quantity Surveyor.
- c) The actual cost of Works is required to be evidenced and verified by a registered Quantity Surveyor.
- d) The Quantity Surveyor costs are to be borne by the Developer.

5.3 Credit for Contribution Values

- a) Once determined in accordance with clause 5.2, the Contribution Value of an Item of Work will generate a credit equal to the amount of that Contribution Value.



GOULBURN MULWAREE COUNCIL VPA AND LAND DEDICATION POLICY

- b) The Developer, by letter in writing to Council, may then elect to use any credit generated under paragraph 5.2 to reduce any:
 - i. monetary Section 7.11 or Section 7.12 contribution required pursuant to a condition of Development Consent; or
 - ii. monetary contribution required to be made under this document.

6. REGISTRATION OF THIS DOCUMENT

6.1 Registration

This document must be registered on the title of the Land pursuant to section 7.6 of the Act.

6.2 Obligations of the Developer

The Developer must:

- a) do all things necessary to allow the registration of this document to occur, including but not limited to obtaining the consent of any mortgagee registered on the title of the Land; and
- b) pay any reasonable costs incurred by Council in undertaking that registration.

6.3 Removal from Title of the Land

- a) Council will do all things necessary to allow the Developer to remove the registration of this document from the title of the Land where the Developer has:
 - i. provided all Monetary Contributions;
 - ii. Completed the Works; and
 - iii. Dedicated the Designated Land.
- b) The Developer must pay any reasonable costs incurred by Council in undertaking that discharge.

7. PROVISION OF CONTRIBUTIONS

7.1 Designated Land

- a) The Developer must dedicate the Designated Lands to Council:
 - i. free of any trusts, estates, interests, covenants and Encumbrances;
 - ii. by the times specified in Schedule 2; and
 - iii. at no cost to Council.
- b) The Developer must meet all costs associated with the dedication of the Designated Lands in accordance with paragraph a), including any costs incurred by Council in relation to that dedication.
- c) Council must do all things reasonably necessary to enable the Developer to comply with paragraph a).

7.2 Works

The Developer, at its cost, must:

- a) if necessary, obtain any consents, approvals or permits required by a relevant Authority, for the conduct of the Works;
- b) carry out and complete each Item of Work by the time specified in Schedule 3; and
- c) carry out and complete the Works:



**GOULBURN MULWAREE COUNCIL
VPA AND LAND DEDICATION POLICY**

- i. in accordance with the requirements of, or consents issued, by any Authority;
- ii. in accordance with the reasonable requirements of Council and any applicable Development Consent; and
- iii. in a proper and workmanlike manner complying with current industry practice and standards, including applicable Australian standards.

7.3 Protection of People And Property

The Developer is to use all reasonable endeavours in relation to the performance of its obligations under this agreement to ensure that:

- a) all necessary measures are taken to protect people and property;
- b) unnecessary interference with the passage of people and vehicles is avoided; and
- c) nuisances and unreasonable noise and disturbances are prevented.

7.4 Monetary Contributions

The Developer must make the Monetary Contributions to Council in accordance with Schedule 5.

7.5 Indexation

- a) The amount of each Monetary Contribution will be indexed in accordance with the following formula:

$$\frac{A = B \times C}{D}$$

where:

- A** = the indexed amount;
- B** = the relevant amount as set out in this agreement;
- C** = the Index most recently published before the date that the relevant item is provided, completed or paid as the case may be; and
- D** = the Index current as at the date the Planning Agreement comes into effect.

If **A** is less than **B** then the amount of the relevant amount will not change.

- b) For the purposes of paragraph (a):
 - i. a each component of the Monetary Contribution is indexed as at the date it is paid; and
 - ii. b the Index means the *Consumer Price Index (All Groups) for Sydney* or such other index which replaces it from time to time.

8. COMPLETION OF WORKS

8.1 Issue of Completion Notice

- a) No later than fourteen (14) Business Days after the Completion of Works, the Developer is to submit to Council a full Works as Executed Plan as the completion notice for the Works completed;
- b) The Developer, being the copyright owner in the Works as Executed Plan, assigns the copyright in the Works as Executed Plan to Council free of Cost to the Council;
- c) If the Developer is not the copyright owner of the Work as Executed Plan, the Developer is to promptly procure the assignment of the copyright of the Works as Executed Plan at the Developers expense; and



**GOULBURN MULWAREE COUNCIL
VPA AND LAND DEDICATION POLICY**

- d) Council may require, at its absolute discretion, the provision of an Occupation Certificate, Subdivision Certificate or Compliance Certificate to accompany the Completion Notice in order to accept.

8.2 Notice of Completion

Council must provide notice in writing to the Developer with fourteen (14) Business Days that the relevant Item of Work:

- a) has been Completed;
- b) will need to be inspected, tested or assessed prior to issuing a Completion Notice; or
- c) has not been Completed, in which case the notice must also detail:
 - i. those aspects of the Item of Work which have not been Completed; and
 - ii. the work Council requires the Developer to carry out in order to rectify those deficiencies.

8.3 Deemed Completion

If Council does not provide the Developer with notice within the time specified in clause 8.2, the Item of Work subject of a Completion Notice will be deemed to have been Completed on the date nominated in the Completion Notice.

8.4 Effect of Council Notice

- a) Where Council serves notice on the Developer pursuant to clause 8.2, the Developer must:
 - i. rectify the deficiencies in that item in accordance with that notice within a reasonable time (not being less than fourteen (14) days from the date it is issued by Council); or
 - ii. serve a notice on Council that it disputes the matters set out in the notice.
- b) Where the Developer:
 - i. serves notice on Council in accordance with paragraph 8.4(a)(ii) the dispute resolution provisions of this document apply; or
 - ii. rectifies the Works in accordance with paragraph 8.4(a)(i) it must serve upon Council a new Completion Notice for the Works it has rectified (**New Completion Notice**).

8.5 New Completion Notice

The provisions of clauses 8.1 to 8.5 (inclusive) apply to any New Completion Notice issued by the Developer.

9. DEFECTS LIABILITY

9.1 Defects Notice

- a) Where any Item of Work is Complete but that item contains a defect which:
 - i. adversely affects the ordinary use and/or enjoyment of that item; or
 - ii. will require maintenance or rectification works to be performed on it at some time in the future as a result of the existence of the defect;

Council may issue a notice to the Developer (**Defects Notice**) concerning that Item of Work but only during the Defects Liability Period.

- b) A Defects Notice must contain the following information:
 - i. the nature and extent of the Defect;
 - ii. the work Council requires the Developer to carry out in order to rectify the Defect; and



**GOULBURN MULWAREE COUNCIL
VPA AND LAND DEDICATION POLICY**

- iii. the time within which the Defect must be rectified by the Developer (which must be a reasonable time and not less than fourteen (14) days).

9.2 Developer to Rectify Defects

- a) The Developer must rectify the Defects contained within a Defects Notice prior to the date specified in that notice.
- b) The Developer must follow the procedure set out in clause 8 in respect of the completion of the rectification of any Defect as if a reference in that clause to an Item of Work is a reference to the relevant Defect.

9.3 Access to Designated Land

If the Developer is required to access, use and occupy any part of the Designated Land for the purpose of discharging its obligations under this clause 8 or 9 after the relevant land has been dedicated or transferred to Council, Council will grant a fee free licence to the Developer:

- a) with respect to so much of the relevant Designated Land; and
- b) for such period;

that is reasonably necessary to allow the Developer to properly discharge those obligations.

9.4 Inspection

- a) Council may undertake an audit, inspection or testing of developer work under suspicion of non-compliance of this agreement or any legislation with or without giving reasonable notice in accordance with the relevant legislative requirements.
- b) The Developer is to provide Council with any assistance that is reasonably required by Council to enable Council to undertake any audit, inspection or test of the Works.

9.5 Right of Council to Step-in

Council may, at its absolute discretion, enter upon the Land for the purpose of rectifying a Defect set out in the Defects Notice where the Developer has failed to comply with a Defects Notice, but only after giving the Developer seven (7) days written notice of its intention to do so.

9.6 Consequence of Step-in

If Council elects to exercise the step-in rights granted to it under clause 9.5 then:

- a) Council may:
 - i. enter upon any part of the Land reasonably required to exercise those step-in rights; and
 - ii. rectify the relevant Defects in accordance with the Defects Notice;
- b) the Developer must not impede or interfere with Council in exercising those rights; and
- c) Council may claim any costs incurred by it in doing so from the Developer as a liquidated debt.

9.7 Costs of Council

Where Council exercises its step-in rights under clause 9.6, it may:

- a) call upon the Bank Guarantees provided by the Developer pursuant to clause 14 to meet any costs for which the Developer is liable under clause 9.6; and
- b) recover as a debt due in a court of competent jurisdiction any difference between the amount of the Bank Guarantees and the costs incurred by Council in rectifying the Defects.

9.8 Security During Maintenance Liability Period



GOULBURN MULWAREE COUNCIL VPA AND LAND DEDICATION POLICY

Upon the commencement of the Maintenance Liability Period the Developer must provide Council with a Bank Guarantee for an amount equal to [Security amount to be inserted].

9.9 Council May Call on Bank Guarantee

- a) If the Developer does not comply with the terms of this clause, Council may issue the Developer with a notice requiring the Developer to rectify the relevant default within twenty (20) business days from the date of that notice.
- b) If the Developer fails to comply with a notice issued under paragraph a) above, Council, without limiting any other avenues available to it, may call on the relevant Bank Guarantee to the extent necessary to reimburse Council for any costs incurred by it in rectifying the relevant default of the Developer.

9.10 Indemnity

The Developer indemnifies Council against any Claim to the extent that the Claim arises as a direct result of a breach of this clause by the Developer.

9.11 Maintenance for WSUD Infrastructure

- a) The Developer must commence stormwater quality monitoring at [agreed point in time], at which time the Maintenance Liability Period will commence.
- b) Prior to the handover of the WSUD Infrastructure to Council, the Developer must undertake sufficient water sampling and analysis to prove statistically that the WSUD treatment train is functional and achieving the targeted improvement in water quality.

9.12 Return of the Bank Guarantee

- a) Council must return the remaining Bank Guarantee provided under this clause (if any) to the bank at the expiration of the Maintenance Liability Period.
- b) Council will notify the Developer when a Bank Guarantee is released.

10. WARRANTIES AND INDEMNITIES

10.1 Warranties

The Developer warrants to Council that:

- a) it is able to fully comply with its obligations under this document;
- b) it has full capacity to enter into this document; and
- c) there is no legal impediment to it entering into this document, or performing the obligations imposed under it.

10.2 Indemnity

The Developer indemnifies Council in respect of any Claim that may arise as a result of the conduct of the Works, but only to the extent that any such Claim does not arise as a result of the negligent acts or omissions of Council.

11. CONTAMINATION

11.1 Definitions

For the purpose of this clause:

Contamination: means any material, gas, substance, liquid, chemical or biological mineral or other physical matter which would, if present on the Land:



**GOULBURN MULWAREE COUNCIL
VPA AND LAND DEDICATION POLICY**

- a) result in an Authority issuing a notice, direction or order under an
- b) Environmental Law; or
- c) which would constitute a violation of any Environmental Law.

Contaminated: means subject to Contamination.

Environmental Law: means all planning, environmental or pollution laws and any regulations, orders, directions, ordinances or requirements, permissions, permits, licences issued under those laws or instruments.

11.2 Warranty and Indemnity

The Developer warrants that:

- a) as far as it is aware, and other than as disclosed in writing to Council prior to the formation of this document, the Designated Land is not Contaminated; and
- b) in relation to any notices or orders issued pursuant to the Contaminated Land Management Act 1997, and the requirements of the EPA and any other relevant Authority, the Developer indemnifies and must keep indemnified Council against all liability for and associated with all Contamination present in, on or under the Designated Land as at the date of dedication or transfer of the Designated Land to Council in accordance with this document.

12. DETERMINATION OF THIS DOCUMENT

12.1 Determination

This document will determine upon the Developer satisfying all of its obligations under the document.

12.2 Effect of Determination

Upon the determination of this document Council will do all things necessary to allow the Developer to remove this document from the title of the whole or any part of the Land as quickly as possible.

13. SECURITY

13.1 Prohibition

Neither party may Assign their rights under this document without the prior written consent of the other party.

13.2 Assignment of Land

The Developer must not Assign its interest in the Land, other than a single residential lot approved pursuant to a Development Consent and created by the registration of a plan of subdivision, unless:

- a) Council consents to the Assignment; and
- b) the proposed assignee enters into an agreement to the satisfaction of Council under which the assignee agrees to be bound by the terms of this document with respect to the relevant part of the Land being Assigned.

13.3 Compulsory Acquisition of the Designated Land

- a) The Developer consents to the compulsory acquisition of the Designated Land:
 - i. in accordance with the Acquisition Act; and
 - ii. on the terms set out in this clause 14.
- b) Council may only acquire the Designated Land compulsorily in accordance with the Acquisition Act if the Developer has committed an Event of Default with respect to the dedication of that land under this document.



GOULBURN MULWAREE COUNCIL VPA AND LAND DEDICATION POLICY

- c) If Council acquires the Designated Land compulsorily in accordance with the Acquisition Act:
 - i. the Developer agrees that the compensation payable to it on account of that acquisition under the Acquisition Act is \$1.00; and
 - ii. Council must complete that acquisition within twelve (12) months of the relevant Event of Default.
- d) The parties agree that the provisions of this clause 14 are an agreement with respect to the compulsory acquisition of the Designated Land for the purpose of section 30 of the Acquisition Act.

13.4 Delivery to Council of Bank Guarantee

- a) Prior to the issue of a Construction Certificate for the Development, the Developer must deliver to Council an unconditional bank guarantee from an Australian bank (Bank Guarantee):
 - i. in a form acceptable to Council;
 - ii. for an amount equal to the sum of the Security Values for the Works; and
 - iii. without an expiry date.

13.5 Council May Call on Bank Guarantee

- a) If the Developer does not comply with the terms of this document with respect to the provision of the Works, Council may issue the Developer with a notice requiring the Developer to rectify the relevant default within seven (7) days from the date of that notice.
- b) If the Developer fails to comply with a notice issued under paragraph (a) to the reasonable satisfaction of Council, Council may, without limiting any other avenues available to it, call on the relevant Bank Guarantee to the extent necessary to reimburse Council for any costs incurred by it in rectifying the relevant default of the Developer.

13.6 Top Up of Bank Guarantee

Within fourteen (14) days of being requested to do so by Council the Developer must ensure that the amount secured by any Bank Guarantee is returned to the relevant level set out in clause 14.4.

13.7 Security during Defects Liability Period

- a) Upon the completion of an Item of Work and the commencement of the Defects Liability Period, Council must return any Bank Guarantees held by it with respect to the relevant Item of Work.
- b) In exchange, the Developer must provide Council with one (1) or more Bank Guarantees in a form acceptable to Council for an amount equal to five per cent (5%) of the sum of the Security Value for that Item of Work.

13.8 Return of Bank Guarantee

Council must return the remaining Bank Guarantees (if any) to the bank within 30 days from the expiration of the Defects Liability Period for the last Item of Work that is Completed.

13.9 Bank Guarantee Not Required for Certain Contributions

A Bank Guarantee under this clause 14 is not required to be provided with respect to the Contribution Value of the Designated Lands.



14. DISPUTE RESOLUTION

14.1 Notice of Dispute

- a) If a dispute between the parties arises in connection with this document or its subject matter (**Dispute**), then either party (**First Party**) must give to the other (**Second Party**) a notice which:
 - i. is in writing;
 - ii. adequately identifies and provides details of the Dispute;
 - iii. stipulates what the First Party believes will resolve the Dispute; and
 - iv. designates its representative (**Representative**) with the necessary authority to negotiate and resolve the Dispute.
- b) The Second Party must, within five (5) Business Days of service of the notice of dispute, provide a notice to the First Party designating as its representative a person with the necessary authority to negotiate and settle the Dispute (the representatives designated by the parties being together, the **Representatives**).

14.2 Conduct Pending Resolution

The parties must continue to perform their respective obligations under this document if there is a Dispute but will not be required to complete the matter the subject of the Dispute, unless the appropriate party indemnifies the other parties against costs, damages and all losses suffered in completing the disputed matter if the Dispute is not resolved in favour of the indemnifying party.

14.3 Further Steps Required before Proceedings

Subject to clause 15.12 and except as otherwise expressly provided in this document, any Dispute must, as a condition precedent to the commencement of litigation, mediation under clause 15.5 or determination by an expert under clause 15.6, first be referred to the Representatives. The Representatives must endeavour to resolve the dispute within five (5) Business Days of the date a notice under clause 15.1 is served.

14.4 Disputes for Mediation or Expert Determination

If the Representatives have not been able to resolve the Dispute, then the parties must agree within five (5) Business Days to either refer the matter to mediation under clause 15.5 or expert resolution under clause 15.6.

14.5 Disputes for Mediation

- a) If the parties agree in accordance with clause 15.4 to refer the Dispute to mediation, the mediation must be conducted by a mediator agreed by the parties and, if the parties cannot agree within five (5) Business Days, then by a mediator appointed by the President of the Law Society of New South Wales for the time being.
- b) If the mediation referred to in paragraph (a) has not resulted in settlement of the Dispute and has been terminated, the parties may agree to have the matter determined by expert determination under clause 15.6.

14.6 Choice of Expert

- a) If the Dispute is to be determined by expert determination, this clause 15.6 applies.
- b) The Dispute must be determined by an independent expert in the relevant field:
 - i. a agreed between and appointed jointly by the parties; or
 - ii. b in the absence of agreement within five (5) Business Days after the date that the matter is required to be determined by expert determination, appointed by the President of the Law Society of New South Wales for the time being.
- c) If the parties fail to agree as to the relevant field within five (5) Business Days after the date that the matter is required to be determined by expert determination, either party may refer the



**GOULBURN MULWAREE COUNCIL
VPA AND LAND DEDICATION POLICY**

matter to the President of the Law Society of New South Wales for the time being whose decision as to the relevant field is final and binding on the parties.

- d) The expert appointed to determine a Dispute:
 - i. must have a technical understanding of the issues in dispute;
 - ii. must not have a significantly greater understanding of one party's business, functions or operations which might allow the other side to construe this greater understanding as a bias; and
 - iii. must inform the parties before being appointed of the extent of the expert's understanding of each party's business or operations and, if that information indicates a possible bias, then that expert must not be appointed except with the written approval of the parties.
- e) The parties must promptly enter into an agreement with the expert appointed under this clause setting out the terms of the expert's determination and the fees payable to the expert.

14.7 Directions to Expert

- a) In reaching a determination in respect of a dispute under clause 15.6, the independent expert must give effect to the intent of the parties entering into this document and the purposes of this document.
- b) The expert must:
 - i. act as an expert and not as an arbitrator;
 - ii. not accept verbal submissions unless both parties are present;
 - iii. on receipt of a written submission from one party, ensure that a copy of that submission is given promptly to the other party;
 - iv. take into consideration all documents, information and other material which the parties give the expert which the expert in its absolute discretion considers relevant to the determination of the Dispute;
 - v. not be expected or required to obtain or refer to any other documents, information or material (but may do so if the expert so wishes);
 - vi. issue a draft certificate stating the expert's intended determination (together with written reasons), giving each party ten (10) Business Days to make further submissions;
 - vii. issue a final certificate stating the expert's determination (together with written reasons); and
 - viii. act with expedition with a view to issuing the final certificate as soon as practicable.
- c) The parties must comply with all directions given by the expert in relation to the resolution of the Dispute and must within the time period specified by the expert, give the expert:
 - i. a short statement of facts;
 - ii. a description of the Dispute; and
 - iii. any other documents, records or information which the expert requests.

14.8 Expert May Convene Meetings

- a) The expert must hold a meeting with all of the parties present to discuss the Dispute. The meeting must be conducted in a manner which the expert considers appropriate. The meeting may be adjourned to, and resumed at, a later time in the expert's discretion.
- b) The parties agree that a meeting under paragraph (i) is not a hearing and is not an arbitration.

14.9 Other Courses of Action

- If:
- a) the parties cannot agree in accordance with clause 15.3 to refer the matter to mediation or determination by an expert; or
 - b) the mediation referred to in clause 15.5 has not resulted in settlement of the dispute, the mediation has been terminated and the parties have not agreed to refer the matter to expert determination within five (5) Business Days after termination of the mediation;



**GOULBURN MULWAREE COUNCIL
VPA AND LAND DEDICATION POLICY**

then either party may take whatever course of action it deems appropriate for the purpose of resolving the Dispute.

14.10 Final Determination of Expert

The parties agree that the final determination by an expert will be final and binding upon them except in the case of fraud or misfeasance by the expert.

14.11 Costs

If any independent expert does not award costs, each party must contribute equally to the expert's costs in making the determination.

14.12 Remedies Available under the Act

This clause 15 does not operate to limit the availability of any remedies available to Council under sections 9.45 and 9.46 and Division 9.6 of the Act.

14.13 Urgent Relief

This clause 15 does not prevent a party from seeking urgent injunctive or declaratory relief concerning any matter arising out of this document.

15. POSITION OF COUNCIL

15.1 Consent Authority

The parties acknowledge that Council is a consent authority with statutory rights and obligations pursuant to the terms of the Planning Legislation.

15.2 Document does not Fetter Discretion

This document is not intended to operate to fetter:

- a) the power of Council to make any Law; or
- b) the exercise by Council of any statutory power or discretion (**Discretion**).

15.3 Severance of Provisions

- a) No provision of this document is intended to, or does, constitute any unlawful fetter on any Discretion. If, contrary to the operation of this clause, any provision of this document is held by a court of competent jurisdiction to constitute an unlawful fetter on any Discretion, the parties agree:
 - i. they will take all practical steps, including the execution of any further documents, to ensure the objective of this clause 16 is substantially satisfied;
 - ii. in the event that paragraph (a) cannot be achieved without giving rise to an unlawful fetter on a Discretion, the relevant provision is to be severed and the remainder of this document has full force and effect; and
 - iii. to endeavour to satisfy the common objectives of the parties on relation to the provision of this document which is held to be an unlawful fetter to the extent that it is possible having regard to the relevant court judgment.
- b) Where the Law permits Council to contract out of a provision of that Law or gives Council power to exercise a Discretion, then if Council has in this document contracted out of a provision or exercised a Discretion under this document, then to the extent of this document is not to be taken to be inconsistent with the Law.



GOULBURN MULWAREE COUNCIL VPA AND LAND DEDICATION POLICY

15.4 No Obligations

Nothing in this document will be deemed to impose any obligation on Council to exercise any of its functions under the Act in relation to the Development Consent, the Land or the Development in a certain manner.

16. CONFIDENTIALITY

16.1 Document not Confidential

The terms of this document are not confidential and this document may be treated as a public document and exhibited or reported without restriction by any party.

17. GST

17.1 Definitions

In this clause:

Taxable Supply, GST, Tax Invoice and Input Tax Credit have the same meaning given to them in GST Law.

17.2 Non-monetary Supplies

- a) The parties agree that any non-monetary supplies made by one party to the other pursuant to this agreement (including Works and the dedication of land) will be exempt from GST pursuant to Division 82 of the GST Law.
- b) In the event that one party reasonably believes that the non-monetary supply it makes to the other is a Taxable Supply then the parties agree to negotiate in good faith to agree to the GST inclusive market value of that Taxable Supply as follows:
 - i. The party making the Taxable Supply will issue a Tax Invoice to the other as soon as practicable after agreeing to the GST inclusive market value and will disclose the amount of GST included in the GST inclusive market value.
 - ii. The recipient of the Taxable Supply will pay to the other party the amount of the included GST within fifteen (15) days of receiving the Tax Invoice.
- c) In the event that both parties reasonably believe that each make a non-monetary Taxable Supply to the other, any GST payable by one party to the other will be off-set against each other and any net difference will be paid by the party with the greater obligation.

17.3 Supply Expressed in Terms of Money

If any party reasonably believes that it is liable to pay GST on a supply expressed in terms of money (or where the consideration for the supply is expressed in terms of money) and made to the other party under this document and the supply was not expressed to include GST, then:

- a) the recipient of the supply must pay an amount equal to the GST on that supply to the other party;
- b) the party making the supply will issue a Tax Invoice to the other party; and
- c) the recipient of the supply will pay the amount of the GST to the supplier within fifteen (15) days of receiving the Tax Invoice.

17.4 Expenses and Costs Incurred

If any expenses or costs incurred by one party are required to be reimbursed by the other party under this document, then the amount of the reimbursement will be calculated as follows:

- a) The amount of the cost or expense incurred by the party seeking reimbursement will be initially calculated excluding any Input Tax Credit to which that party is entitled to claim.



**GOULBURN MULWAREE COUNCIL
VPA AND LAND DEDICATION POLICY**

- b) This amount initially calculated will be increased by the applicable rate of GST to equal a GST inclusive reimbursement amount and this amount will be paid by the party liable to make the reimbursement.
- c) The party being reimbursed will issue a Tax Invoice to the other at the GST inclusive reimbursement amount prior to being reimbursed.

17.5 Survival of Clause

This clause 18 continues to apply after the expiration or termination of this agreement.

18. ACCESS TO LAND

18.1 Application of Clause

This clause applies if the Developer accesses, uses and/or occupies any land owned by Council in performing its obligations or exercising its rights under this document (**Necessary Access**).

18.2 Terms of Licence

The terms of Schedule 2 apply to any Necessary Access.

19. LEGAL COSTS

[Insert the responsibility of paying legal costs, to be determined in accordance with 2.11 of this policy]

20. ADMINISTRATIVE PROVISIONS

20.1 Notices

- a) Any notice, consent or other communication under this document must be in writing and signed by or on behalf of the person giving it, addressed to the person to whom it is to be given and:
 - i. delivered to that person's address;
 - ii. sent by pre-paid mail to that person's address; or
 - iii. sent by email to that person's email address.
- b) A notice given to a person in accordance with this clause is treated as having been given and received:
 - i. if delivered to a person's address, on the day of delivery if a Business Day, otherwise on the next Business Day;
 - ii. if sent by pre-paid mail, on the third Business Day after posting; and
 - iii. if sent by email to a person's email address and a conformation of receipt can be retrieved, on the day it was sent if a Business Day, otherwise on the next Business Day.
- c) For the purpose of this clause the address of a person is the address set out in this document or another address of which that person may from time to time give notice to each other person.

20.2 Entire Agreement

This document is the entire agreement of the parties on the subject matter. All representations, communications and prior agreements in relation to the subject matter are merged in and superseded by this document.

20.3 Waiver

- a) The non-exercise of or delay in exercising any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other or further



GOULBURN MULWAREE COUNCIL VPA AND LAND DEDICATION POLICY

exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the parties to be bound by the waiver.

- b) Without limitation, a waiver may be expressed to be conditional on the happening of an event, including the doing of a thing by the Party to whom the waiver is given.
- c) A waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given, and is not to be taken as an implied waiver of any other obligation or breach in any other circumstance or instance.

20.4 Counterparts

This document may be executed in any number of counterparts and all of those counterparts taken together constitute one and the same instrument.

20.5 Unenforceability

Any provision of this document which is invalid or unenforceable in any jurisdiction is to be read down for the purposes of that jurisdiction, if possible, so as to be valid or enforceable, and is otherwise capable of being severed to the extent of the invalidity or enforceability, without affecting the remaining provisions of this document or affecting the validity or enforceability of that provision in any other jurisdiction.

20.6 Power of Attorney

Each attorney who executes this document on behalf of a party declares that the attorney has no notice of:

- a) the revocation or suspension of the power of attorney by the grantor; or
- b) the death of the grantor.

20.7 Governing Law

The law in force in the State of New South Wales governs this document. The parties:

- a) submit to the exclusive jurisdiction of the courts of New South Wales and any courts that may hear appeal from those courts in respect of any proceedings in connection with this document; and
- b) may not seek to have any proceedings removed from the jurisdiction of New South Wales on the grounds of *forum non conveniens*.

20.8 Review Requirements

- a) The Parties agree to review during the event that either party believes that a change in circumstance has or will occur that will affect the operation and carrying out of this agreement.
- b) Review of this agreement is required if any Legislation is introduced or changed to the affect that it would limit, stop, substantially change or otherwise hinder the operation or implementation of this agreement in the opinion of either Party.
- c) The Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this agreement should reasonable and necessary amendments be identified.
- d) If this agreement becomes illegal, unenforceable or invalid as a result of any change to Legislation, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Deed is entered into.

20.9 Further Agreements

This document does not restrict further agreements between the Parties that are not inconsistent with this document.



GOULBURN MULWAREE COUNCIL VPA AND LAND DEDICATION POLICY

20.10 Variations

- a) The design or specification of Works may be varied by agreement in writing between the Parties without the need to amend this document.
- b) Council may reasonably require the Developer, at Council's Cost, to vary the design or specification of Works unless the variation is required under a change in an Authority's, other than Council, controls, rules, regulations or requirements.
- c) The Developer is to promptly comply with a request by Council to vary the design or specification of Works.

20.11 Force Majeure

- a) If a Party is affected, or likely to be affected, by a Force Majeure Event, that Party must promptly notify the other Party, giving:
 - i. full details of the event;
 - ii. an estimate of its duration;
 - iii. the obligations under this agreement it affects and how much it will affect them; and
 - iv. the steps either taken or planned to manage its effects.

20.12 Suspension of Obligations under a Force Majeure

- a) A Party's obligations under this agreement are suspended if those obligations are affected by a Force Majeure Event for as long as the event continues.
- b) A Party affected by a Force Majeure Event must do all it reasonably can to remove, overcome or minimise the effects of the event as quickly as possible.

20.13 Surrender of Right of Appeal

The Developer is not to commence or maintain any proceedings in any court, tribunal or similar appealing against or questioning the validity of this agreement or an Approval relating to the Development in so far as the subject-matter of the proceedings relates to this document.

20.14 Notations Under s10.7(5) of the Act

Council May, at its absolute discretion, make a notation on a planning certificate issued under s10.7(5) of the Act detailing the application or affect the planning agreement has on the Land.



**GOULBURN MULWAREE COUNCIL
VPA AND LAND DEDICATION POLICY**

EXECUTED AS AN AGREEMENT

[insert execution page, note that the execution page must include the following wording when executed under delegation pursuant to s377 of the *Local Government Act 1993* :

EXECUTED by and on behalf of **GOULBURN MULWAREE COUNCIL ABN 84 049 849 319** by its authorised delegate pursuant to section 377 of the *Local Government Act 1993* in the presence of

Or

When executed using the common seal of Goulburn Mulwaree Council:

THE COMMON SEAL OF THE GOULBURN MULWAREE COUNCIL WAS AFFIXED PURSUANT TO AUTHORITY OF A RESOLUTION OF THE COUNCIL PASSED THE DAY OF (insert date of Council Meeting).

A resolution by Council will determine what means shall be used to execute this agreement]



SCHEDULE 1: REQUIREMENTS UNDER SECTION 7.4 OF THE ACT

REQUIREMENT UNDER THE ACT	THIS PLANNING AGREEMENT
<p>Planning instrument and/or Development Application – (Section 7.4(1)) The Developer has:</p> <ul style="list-style-type: none"> a) sought a change to an environmental planning instrument. b) made, or proposes to make, a Development Application. c) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies. 	<ul style="list-style-type: none"> a) [insert] b) [insert] c) [insert]
<p>Description of land to which this agreement applies (Section 7.4(3)(a))</p>	
<p>Description of change to the environmental planning instrument to which this agreement applies – (Section 7.4(3)(b))</p>	
<p>Application of section 7.11 of the Act – (Section 7.4(3)(d))</p>	<p>Refer to clause 4.1 of the Planning Agreement.</p>
<p>Applicability of section 7.12 of the Act – (Section 7.4(3)(d))</p>	<p>Refer to clause 4.1 of the Planning Agreement.</p>
<p>Consideration of benefits under this agreement if section 7.11 applies – (Section 7.4(3)(e))</p>	<p>Refer to clause 4.2 of the Planning Agreement.</p>
<p>Mechanism for Dispute resolution – (Section 7.4(3)(f))</p>	<p>Refer to clause 15 of the Planning Agreement.</p>
<p>Enforcement of this agreement (Section 7.4(3)(g))</p>	<p>Refer to clauses 6 and 14 of the Planning Agreement.</p>
<p>No obligation to grant consent or exercise functions – (Section 7.4(3)(9))</p>	<p>Refer to clause 16 of the Planning Agreement.</p>



SCHEDULE 2: TERMS OF LICENCE

1. DEFINITIONS

For the purposes of this Schedule 2:

- a) the **Land** is the land being accessed under the Licence;
- b) the **Licence** means the licence of the Land to which this Schedule applies;
- c) the **Licensee** is the party accessing the Land; and
- d) the **Licensor** is the owner of the Land.

2. LICENCE

2.1 Personal Rights

- a) The Licence is personal to the Licensee.
- b) The Licensee may not encumber, assign or transfer (either directly or indirectly) the Licence without the prior written consent of the Licensor.
- c) The Licensor may refuse the granting of consent under paragraph (ii) without reason and at its absolute discretion.

2.2 Leasehold Interest

- a) This deed does not grant to the Licensee a leasehold interest in the Land. The parties agree that:
 - i. the Licence does not confer exclusive possession of the Land on the Licensee;
 - ii. the Licensee may not exclude the Licensor, its officers, employees and invitees from:
 - I. entry onto the Land; and/or
 - II. the performance of any works on the Land;

provided that such entry onto and/or performance of work on the Land does not unreasonably interfere with the activities being carried out on the Land by the Licensee;

- b) the Licensee does not have any right to quiet enjoyment of the Land; and
- c) the Licensee will not at any time seek to enforce an interest in the Land in competition with the interest held by the Licensor.

3. COMPLIANCE WITH AUTHORITIES

3.1 No Warranty as to Suitability for Use

The Licensee acknowledges and agrees that the Licensor has not made any representation or warranty to the Licensee regarding the suitability of the Land for the purposes of the Licensee.

3.2 Compliance with the Terms of the Consents

The Licensee must comply with the requirements of all Authorities in relation to its access to the Land and the conduct of any activities on it by the Licensee.

3.3 Compliance with Directions from Authorities

The Licensee must comply with all notices, directions, orders or other requests served upon itself or the Licensor and which arise from the conduct of any activities on the Land by the Licensee.

3.4 Obtaining Further Consents

- a) If the Licensee requires further consents to conduct activities on the Land it must:



GOULBURN MULWAREE COUNCIL VPA AND LAND DEDICATION POLICY

- i. make such applications itself; and
 - ii. bear all costs incurred by it in relation to obtaining the relevant consent.
- b) The Licensor agrees that it will, where required, sign all authorities reasonably required by the Licensee to make any application to any Authority.

4. LIMITATION OF THE LICENSOR'S LIABILITY

4.1 Insurances

- a) The Licensee must effect and keep current and in force the following policies of insurance:
- i. a Broadform Public Liability Insurance policy with a reputable insurance company approved by the Licensor in an amount of \$20,000,000 for any one occurrence in respect of any liability for:
 - I. personal injury or death of any person; and
 - II. loss or damage to property;
 - ii. Workers compensation insurance under the *Workers Compensation Act 1987* covering all persons employed or deemed to be employed by the Licensee in connection with the conduct of the activities on the Land by the Licensee;
 - iii. A comprehensive policy of motor vehicle insurance or an unlimited third party property insurance policy in respect of all motor vehicles used in the performance of the activities on the Land by the Licensee; and
 - iv. A contractor's risk policy of insurance in respect of all plant and equipment (including unregistered motor vehicles) used in the conduct of the activities on the Land by the Licensee.
- b) The policies referred to in paragraphs (a)(i), (a)(iii) and (a)(iv) must note the interest of the Licensor as principal.

4.2 Inspection of Insurance

- a) The Licensee must produce at the renewal of each policy a certificate of currency issued by the insurer establishing that the policy is valid.
- b) The licensor may carry out random audits to verify insurances held by the Licensee. The Licensee will assist in any audit and provide evidence of the terms and currency of the insurance policies wherever requested by the Licensor.

4.3 Cancellation of Insurance

If any policy is cancelled either by the Licensee or the insurer the Licensor must notify the Licensor immediately.

4.4 Risk

The Licensee uses and occupies the Land at its own risk.

4.5 Indemnity

The Licensee indemnifies the Licensor against any Claim (of whatever nature) made in respect of the Licensee's use and/or occupation of the Land.



GOULBURN MULWAREE COUNCIL
VPA AND LAND DEDICATION POLICY

SCHEDULE 3

[insert schedule of works and dedications relevant to this Agreement, including all relevant plans and attachments]



GOULBURN MULWAREE COUNCIL
VPA AND LAND DEDICATION POLICY

Appendix A

[Insert Explanatory Note as per Clause 25E of the *Environmental Planning and Assessment Regulation 2000***]**

[Note: To be completed upon finalisation of the Planning Agreement and be signed and dated by all Parties**]**



GOULBURN MULWAREE COUNCIL
VPA AND LAND DEDICATION POLICY

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	2 April 2019	[Number]	[Date]	[Date]
All policies can be reviewed or revoked by resolution of Council at anytime.				

DIRECTORATE: Planning and Environment

BUSINESS UNIT: Strategic Planning

From: Greg Todd
Sent: Thursday, 7 February 2019 11:10 AM
To: Council; PlanningEnquiries
Cc: Nick Thistleton
Subject: Doc 1122886 Goulburn Mulwaree Council Draft VPA and Land Dedication Policy

Please find below comments in regards to Council's draft VPA.

1. The **POLICY STATEMENT** has the following: 'This policy also applies when the dedication of land occurs separately to a VPA.' This policy obviously doesn't set out the requirements for the dedication of road reserves for example as part of the development of subdivisions and hence this should be stated somewhere in this policy document.
2. Under **2.1 Governing Principles** should there not be a clause that also states that Council will not use a VPA to recover any shortfall in the costs of any infrastructure where s94 contributions have been applied and found to be insufficient. Item **2.3 f)** doesn't quite cover this sufficiently.
3. Item **2.3 Acceptability Test. Item b) Does the Planning Agreement result in a Public Benefit?** This can be abused by both parties. The Public Benefit could be something as minor as installing a bench seat in a public reserve for a couple of hundred dollars or it could be the requirement to construct a concrete footpath that extends for many kilometres imposed on a development where total development costs are less than \$50K. Is there a way to set a minimum and maximum cost benefit as a percentage of the development costs? This would give greater certainty to a potential developer and restrict the possible abuse by either party.
4. Item **2.7 b)** and elsewhere in the draft policy states that a Quantity Surveyor (QS) must be used to determine costs. Why can this function only be performed by a QS. In my experience a QS doesn't necessarily have proven knowledge of civil works costs in this locality. This is particularly relevant in subdivisions where this policy will be implemented on a frequent basis due to the need for stormwater quality facilities. Can this not also include someone of proven experience such as myself where I have some 15 years in the costing and managing of subdivisions in just Goulburn?
5. Item **2.10 Provision of Financial Security.** A limit should be set for this as a maximum of say 10% of the expected/calculated costs for the item to be bonded. Also why can't a cash bond be lodged in lieu of a bank guarantee particularly for minor items?
6. Item **3.4 Stormwater Treatment Facilities.** It should be noted that current Water NSW policies require that only the roads created/constructed as part of a subdivision requires stormwater treatment facilities constructed as part of the subdivision works. What this means is that these treatment facilities will only treat the runoff from public areas. These facilities should therefore NOT be a burden on a private owner. Council accepts the dedication of the roads and therefore should also accept the responsibility of the treatment of the runoff. How can this not be subject to the application of rates? In the past Council has prepared studies of how and where stormwater treatment facilities should be installed for all of the developed areas of Goulburn and these were to be funded by the public purse. Why should the burden of maintaining these facilities for new subdivisions where roads are dedicated remain with the developer? Council's previous policy '*Stormwater Treatment Facilities on Council Property Policy*' (that was deleted for some as yet to be revealed reason) contained a methodology for calculating the contribution costs to be paid by the developer. This methodology, as I understand it, were never in question and hence why should they not be implemented as part of this policy?
7. Has Council consulted Water NSW in regards to this policy?

I would also query whether council is still considering the application of the implementation of a s94 contribution to define what payments are required for the dedication of stormwater treatment facilities so that this laborious system of requiring a VPA isn't necessary for nearly every future subdivision? Again this would also give some certainty to potential developments. Below is an extract from Council's previous policy:

Contributions Required from the Developer

Due to the use of public land, and future operation and maintenance costs to be incurred by Council, the developer contributions listed below apply. These contributions are payable at Subdivision Certificate stage and are separate and additional to other s94, s94A and s64 contributions.

□ Compensation for Use of Land

The developer shall pay to Council compensation of \$20/m² (CPI adjusted) of the land to be used. If the developer wishes to dispute this figure, a valuation (by agreed certified valuer) shall be carried out at the developer's cost.

□ Capitalised Operation and Maintenance Costs

The developer shall contribute the present value of future operation and maintenance costs for the facility over a period of 40 years (subsequent to the initial maintenance period) at the discount rate of the 10 year Treasury bond rate (as at June 2012, this was 3.04%).

□ Capitalised Renewal Costs

The developer shall contribute the present value of the future renewal of the facility after an assumed life of 40 year at the discount rate as above.

Example

By way of example, a bioretention pond of 100m², with an estimated operational and maintenance cost of \$1,000 per year, an estimated renewal cost of \$20,000, an assumed life of 40 years and a discount rate of 3.4%, would incur the following costs:

- Land value: 100m² @ \$20/m² = \$2,000
- Capitalised Operation and Maintenance Costs: The discount rate of 3.04% gives a present value of future annual costs factor of 23.7. Therefore the operation and maintenance cost of \$1,000 per year results in a capitalised cost of \$23,700
- Capitalised Renewal Costs: The discount rate of 3.04% gives a present value of expenditure in the future factor of 0.335. Therefore the estimated renewal cost of \$20,000 results in a capitalised cost of \$6,700
- Total: \$2,000 + \$23,700 + \$6,700 = \$32,400

Regards

Greg Todd

Southern Region Land Engineering (SRLE)

12.4 DRAFT RECREATIONAL NEEDS STRATEGY

Author: Nick Thistleton, Graduate Strategic Planner

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Draft Recreational Needs Strategy (separately enclosed) 

Link to Community Strategic Plan:	Strategy CO2 Encourage and facilitate active and creative participation in community life. Strategy IN4 Maintain and update existing community facilities, and support the development of new community infrastructure as needed.
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The report from the Graduate Strategic Planner on the Draft Recreational Needs Strategy be received.
2. The Draft Recreational Needs Strategy be placed on public exhibition for a minimum period of 28 days.
3. The Draft Recreational Needs Strategy, and all submissions received be reported back to Council with any amendments included.

BACKGROUND

The preparation of a Recreational Needs Strategy was added to the Strategic Planning works program on 6 February 2018 (Council Resolution 2018/6).

REPORT

Scope of the Strategy

The preparation of the Draft Recreational Needs Strategy (refer Attachment) was the result of an identified need to ensure that there is strategic guidance in the provision of recreational land and open space for new residential subdivisions, principally in Goulburn. The scope of the project was subsequently expanded to identify an investment and policy framework for the overall recreational needs of the local government area (LGA). Key tasks included the identification of:

- Opportunities for improving recreational facilities for each major sport, to either a local, regional or state level standard.
- Recreational facilities and spaces that require improvement.
- Recreational facilities and spaces that are surplus to the needs of the community and could be rationalised via sale to fund improvements to more intensive recreational facilities or areas.
- Opportunities for improving pedestrian and cycling infrastructure and linkages.
- Suitable development controls for ensuring that new, large residential subdivisions provide adequate recreational facilities and open space.

Key Recommendations

The executive summary of the Draft Recreational Needs Strategy details the key recommendations and findings including:

- The LGA should focus on the development of regional or state level facilities for sports with high levels of membership as they attract many visitors and support weekend long events. National level facilities may not have the same benefit as they typically only support single matches rather than events. Therefore many visitors from Sydney and Canberra may simply go home afterwards, as opposed to staying in Goulburn for a few days.
- Council should explore the opportunity of co-locating athletics, cricket, AFL and cycling in Victoria Park with upgraded facilities to be funded through the sale of their current land.
- Council should continue work on the Riverside Walk and associated parks along it.
- Council should work to maintain and improve a contiguous network of recreational open space.
- Gibson Street Park, Buffalo Crescent Park, Hovell Street Reserve and Thoroughgood Park have been identified as underutilised and could be reduced in size or disposed of to fund and improve more intensive (highly utilised) recreational facilities such as the Goulburn aquatic centre.
- New controls should be included in the *Goulburn Mulwaree Development Control Plan 2009* to require large residential subdivisions to provide adequate recreational open space and maintain green corridors.

Consultation

Preliminary community consultation was undertaken by the consultants prior to the creation of this strategy. This included telephone and face-to-face meetings with various sports groups and an on-line community survey. The findings of this are included in Chapter 9 of the Draft Strategy.









It is recommended that the exhibition of the Draft Recreational Needs Strategy be undertaken for a minimum period of 28 days and be advertised through a variety of means including Council's website, the local newspaper, Council's "Your Say" page and Council's social media in addition to directly notifying key stakeholders.

It should be noted that it is expected that many of the actions recommended in this Draft Strategy are expected to have their own individual community consultations when they are to be implemented. This includes the disposal of Council assets that require reclassification and/or rezoning as they will require their own separate community consultations.

12.5 CBD ENHANCEMENT - THE CONSULTATION FEEDBACK

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. **CBD Consultation Survey results** [↓](#) 
 2. **Goulburn Heritage Group submission to CBD Enhancement Consultation** [↓](#) 
 3. **Graeme Dally CBD Enhancement Submission** [↓](#) 
 4. **Annette Larcombe CBD Enhancement Submission No 1** [↓](#) 
 5. **Annette Larcombe CBD Enhancement Submission No 2** [↓](#) 
 6. **Geoff Thrower CBD Enhancement Submission** [↓](#) 
 7. **Roger & Beryl Casey CBD Enhancement Submission** [↓](#) 
 8. **Charles Foley CBD Enhancement Submission** [↓](#) 

Link to Community Strategic Plan:	CO2 Encourage and facilitate active and creative participation in community life
Cost to Council:	Council has allocated \$500,000 in the draft budget in 2019/20 and a further \$300,000 in the following two years for the CBD enhancement projects
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The report from the General Manager on the CBD Enhancement – Consultation Feedback be received.
2. Council proceed in the 2019/20 financial year with the introduction of parallel parking in Clinton Street between Sloane and Auburn Street to cater for cars and trailers
3. Council proceed with the necessary regulatory steps to reduce the speed limit in Auburn Street from Clinton Street to Bradley Street to 40kph
4. Council not proceed with the closure of the Market Street and Auburn Street intersection.
5. The General Manager prepare design plans and cost estimates to remove the concrete median strip in Auburn Street between Montague and Clifford Streets including irrigation and drainage needs required to ensure the landscaping remains viable
6. The General Manager to provide plans costs and locations recommendations for street furniture.
7. Council prioritise \$30,000 per annum for the next four years from the CBD enhancement funding for a maximum of 50% cost of painting facades of heritage buildings in the CBD. The process for the allocation of this funding be the same as current heritage funding promoted annually by Council
8. Council not proceed with reducing the number of controlled access points into Belmore Park.
9. Council remove the taxi rank on Clinton Street (between Auburn and Sloane Streets)
10. Council reduce all taxi ranks in the CBD to a maximum capacity of two car lengths parked in a parallel position.
11. Council remove the Bus stop outside of the courthouse and request that the regional service use the Cartwright Place facility for drop off and pick-up. This area be remarked for car parking at 45 degrees.

12. The General Manager prepare a report to Council setting out all the cost implications of the CBD enhancement initiatives and prioritise those initiatives over the next three years within the budget allocation available.
13. General Manager prepare a report on the number, location and need for loading zones in and around the streets of the CBD.

BACKGROUND

Last year Council considered the future proposed plans for the enhancement of the CBD. A number of those proposals were placed on public exhibition and the feedback was very positive and extensive. This report summarises that community feedback and give recommendations for Councils consideration for the future works in the CBD

REPORT

In November Council resolved to undertake a public consultation process on a number of issues raised in the CBD enhancement strategy. That consultation concluded on the 8th March 2019 and included permanent displays in the Civic Centre, open days at the community centre, Facebook and newspaper promotion, a public survey and some commentary on the local radio.

Please find attached the results of the survey held on the CBD Enhancement Consultation

I now wish to comment on the individual resolutions from the November meeting:-

1. Cartwright Place Car park

Resolution That the General Manager be authorised to enter into without prejudice negotiations for Councils consideration for the lease and/or purchase of private land adjacent to the Cartwright Place car park. Any financial commitment to be negotiated for inclusion in the 2019/20 financial year

Comment – at this time we have written to the property owners in recent weeks but no response has been received

2. Sloane Street Car parking

Resolution - That the General Manager be authorised to commence discussions with the owners of land off Sloane Street and Blackshaw Road adjacent to the railway line to determine if land is available for sale or long term lease for car parking purposes

Comment - at this time we have written to the property owners in recent weeks but no response has been received

3. Other Parking requirements

Resolution - That Council determines as a policy statement that it will not introduce parallel parking into areas of the CBD where 45 degree parking currently exists with the exception of the area of Clinton Street between Auburn Street and Sloane Street which is to be investigated and reported back to Council. It is also noted that parallel parking may be introduced in Bourke Street adjacent to the proposed new ambulance station

Comment – This Council resolution relating to parallel parking in Clinton Street will be implemented in the 2019/20 financial year. Some comments have been made that trailer parking provision also be allowed in the centre of the Clinton Street. This is not to be promoted or recommended as staff are firmly of the opinion it will cause traffic control issues especially on the entrance and exit to the service station and Market Place

The parking in Bourke Street needs to be further discussed with Health Infrastructure when they complete the design and traffic plan on the proposed new Ambulance Centre.

4. Disabled Car parking

Resolution - That Council include in the 2019/20 budget for consideration the introduction of two additional disabled parks in each block in Auburn Street – one each side of the road.

Comment – This Council proceed with this initiative in the 2019/20 financial year

5. Speed Limits

Resolution - That Council reduce the speed limit in Auburn Street between Clinton and Bradley Streets to 40kph

Comment – This matter was subject to community consultation and the majority of feedback supported the reduced speed restriction. The majority of written feedback stated that you can't do more than 40kph anyway. The recommendation in this report is to reduce the speed limit in Auburn Street to 40kph.

6. Market and Auburn Street Intersection

Council initially resolved in November 2018 the intersection of Market and Auburn Street to make this area a pedestrian friendly area and conversation area adjacent to Belmore Park. In February Council then withdrew that part of the enhancement from the public consultation and resolved that any community input into this project would occur at a separate date. Although management believe that this project would enhance the pedestrian friendliness of the CBD and would receive widespread community support, it is considered not to be politically acceptable. Interesting to note that prior to the consultation on this matter being stopped some 40% of the feedback supported this initiative. However the recommendation in this report is not to proceed with the concept

7. Concrete Median Strip

Resolution - That Council approve in principle the removal of the concrete median strip in Auburn Street between Montague and Clifford Streets and introduce permanent planting and landscaping. This matter to be discussed with RMS for their approval. A report be presented to Council on the final design with costs.

Comment – the community feedback is virtually 50/50 split on this initiative. Management are of the opinion that this initiative will considerable enhance the visual and aesthetic appearance of our CBD.

In a recent visit to Wagga Wagga it was clear that a landscaped centre of the road creates a very pleasant environment.



This report recommends that we now present a further report to Council with the cost estimate of removing the concrete median strip in Auburn Street between Montague and Clifford Streets. The report to include design, implementation of drainage and irrigation and any effect on traffic movements.

8. Street Furniture

Resolution - That Council continue to include in future budgets the implementation of street furniture and conduct a public consultation process calling for designs and options

Comment - Council resolved in November that we prepare costs, designs and recommendations for further consultation. This will occur once we get the cost estimates. There was no opposition to this initiative during the consultation process.

9. Heritage Buildings

Resolution - That Council include in the 2019/20 budget for consideration an amount to be given as grant funding to owners of buildings in Auburn Street with heritage values to encourage them to upgrade their facades.

Comment – This is an initiative that needs to be a priority to improve the look and preservation of a heritage values of buildings in Goulburn CBD. It's disappointing that property owners do not have the pride in the city to undertake this work without financial incentives, but that is the reality we face.

10. Access to Belmore Park

Resolution - That Council agree in principle to introduce controlled access points to Belmore Park from the Market and Montague Streets sides and the General Manager be requested to bring back a report with designs and costs for consideration in the 2019/20 budget.

Comment – there is insufficient support in the community for this initiative and thus the recommendation in this report is not to proceed with the implementation of further controlled accesses to Belmore Park.

14. Street Art

Resolutions - That Council include in future budgets an amount for street art and the General Manager present a report with recommended designs and locations.

Comments – This information will be supplied with the final report to Council on costs and priority of works that will be presented in the next few months

15. Laneways

Resolutions - That Council to include the upgrade of laneways in its budget with the introduction of planter boxes in the same style as in Auburn Street

Comments – This works will be prioritise with the final cost estimate report to be presented

16. Russell Lane

Resolutions - That Council commence a road closure procedure for the closure of Russel Lane as a road reserve and declare the land community land

Comments – This road closure is about to commence

17. GPS Routes

Resolutions - That Council request the GPS operators to replace Auburn Street with Sloane Street as the notifiable detour of Goulburn CBD.

Comments – we have discuss this matter with RMS and they have direct contacts into Google and will promote this change for this Council.

18. Taxi Ranks and Bus Stops

Resolutions - That Council undertake consultation with the bus companies and taxi operators that operate in Goulburn to discuss the potential reduction in the number of taxi and bus stops, the introduction of 45 degree angle parking for taxi stands and the opportunity of combining taxi stands and bus stops

Comments – We have met with both the Taxi operators (Steve Canty & Brett Simpson - Goulburn Radio Cabs) and the local bus operators (Stacey Scott and Hamish - PBC Bus Company). The discussions with both organisation focused on the number of available spaces in the CBD - taxi stands 11 and Bus stops 11, the opportunity to share spaces and the timing of the use of these spaces provided.

Taxi ranks – there are 28 taxis (24 operators) in Goulburn. This is the largest number of taxis per head of population for a regional centre in NSW. We discussed with the taxi operators if some of the ranks that have minimum use could be made into angle parking. However they have stated that 45 degree parking is too dangerous for taxis. They do not believe that sharing taxi ranks with bus operators has merit as the taxi operators do park-up for periods of time waiting on clients and that can cause frustration when the buses arrive.

The taxi operators have stated that the taxi ranks in Clifford, Montague and Verner Streets can be reduced in size and the taxi ranks on Clinton Street east of Auburn Street can be removed. All other but all others are appropriate size and location. The have also asked for some space outside of the mall

It is acknowledge by the taxi operators that the importance of taxi ranks is less now than it used to be because of the use of mobile phones and Apps.

Bus Operators – they operate 1 bus for the town service and 1 bus for a 3 X daily service to Crookwell. The town service runs from the Kenmore area and stops at all the bus stops in Auburn Street on the east side and then travels to south Goulburn and returns stopping at all the bus stops on the west side of Auburn Street. Each round trip takes one hour – commencing at 8.00am and finishes 6.00pm Monday to Friday. The same service also operates on Saturday from 8.00am to 3.00pm. The Crookwell service has approximately up to 20 passengers per day and parks in the Cartwright Place car parking area.

PCB Bus Operators do not believe that the Montague bus stop adjacent to the Court House is required as it is only used for the regional service from Wollongong and for lunch breaks. These services could adequately use the Cartwright Place facility.

The recommendation in this report will be as follows

- Council remove the taxi ranks on Clinton Street (between Auburn and Sloane Streets)
- Council reduce all taxi ranks in the CBD to a maximum capacity of two car lengths parked in a parallel position.
- Council remove the Bus stop outside of the courthouse and request that the regional service use the Cartwright Place facility for drop off and pick-up. This area be remarked for car-parking at 45 degrees.

19. Signage Strategy

Resolutions - That the General Manager to prepare a report for Council recommending a draft signage strategy for the CBD

Comments – This work will be undertaken as part of the strategic planning programme but not considered a priority when compared with the other planning work required

20. Roundabouts

Resolutions - That the General Manager continue discussions and negotiations with State Government and the RMS to develop roundabouts at the intersections of Clinton/Sloane Streets and Bradley/Sloane Streets

Comments – We have commenced these discussions with the RMS but they see the roundabout on Hume Street namely Findlay Road, Combermere and Mary Streets as priority. We will continue with these discussions with RMS. Our first priority will be to obtain some funds for design and investigation from the RMS

21. Submissions

Resolutions - That on completion of the public consultation stipulated in clauses above the General Manager report all submissions to Council and a priority list of works that can happen within the budget provided for the next four years

The online survey (attached)

This survey attracted over 150 participants. Council will note that staff have inputted a lot of these surveys as they were originally paper returns from the open days.

Question 1 – Speed limited – Overwhelmingly supported reduction in speed limit in CBD.

Question 2 – Comments on Speed Limit –

Question 3 – This was a question in regard to closure of Market/Auburn Street intersection and was removed from the public consultation process.

Question 4 – Was the comments relating to question 3

Question 5 – We kept the public landscaping gathering area separate and because Council agreed to withdraw the intersection closure this question now becomes irrelevant as well.

Question 6 – Remove medium strip – responses very much equal

Question 7 – Written responses to question 6

Question 8 – relates to the intersection closure and is now irrelevant

Question 9 – Close access point to Belmore Park – Not supported

Question 10 – Comments received in regards to question 9

Written Submissions attached

A number of submission have been received and I address them separately

- Goulburn Heritage Group – Generally supportive of the strategies promoted as part of the CBD Enhancement Program
- Graeme Dally – Raises a number of issues
 - Trailer parking – This report recommends additional parking in Clinton Street and management believe adequate trailer parking exists in Sloane Street.
 - Laneways – This is seeking more security lighting and should be supported when budget permits

- Trolley Bays in Ellesmere Street – This is not supported by Management as we believe it up to the supermarkets to control their own trolley stock.
- Tree Planting in Auburn Street – Supported as long as adequate crossings are included and visibility is paramount.
- Parking – Include half hour and one hour parking in Auburn Street. The current parking time limits is supported by Management.
- Disabled Long Vehicle Parking – Management are of the opinion that allocating a specific spot for this initiative would be very difficult thus don't support it.
- Additional Car Parking – Mr Dally believes more detailed information on available car parking should be made available.
- Annette Larcombe – (2) supports the initiatives being promoted in the CBD Enhancement Plan with the exception of reducing the access to Belmore Park. Annette also wants us to introduce park and ride to reduce parking requirements. Management believes this is not affordable.
- Charles Foley – Raises a number of issues
 - Reduce Speed limits – Supported
 - Closure of Market and Auburn Street – Supported
 - Removal of concrete medium strip – Supported
 - Controlled access to Belmore Park – Supported
- Geoff Thrower – Was concerned in regard to emergency access if Market and Auburn Streets were closed.
- Roger and Beryl Casey – Consideration be reviewed in regard to the medium strip.

22. Car Parking Plan

Resolutions - That Council develop a Section 94 Plan for the provision of future car parking facilities in the CBD.

Comments – This is programmed in the strategic planning programme to be completed this calendar year

23. Other Issues

One of the issue raised during the consultation process was the use of loading zones. The one that received some comment was in Goldsmith Street close to the Auburn Street intersection. This report recommends that the General Manager presents a report to Council on the location of and need to retain loading zones in the CBD area.

Survey Report

10 March 2017 - 14 March 2019

CBD Enhancement Consultation

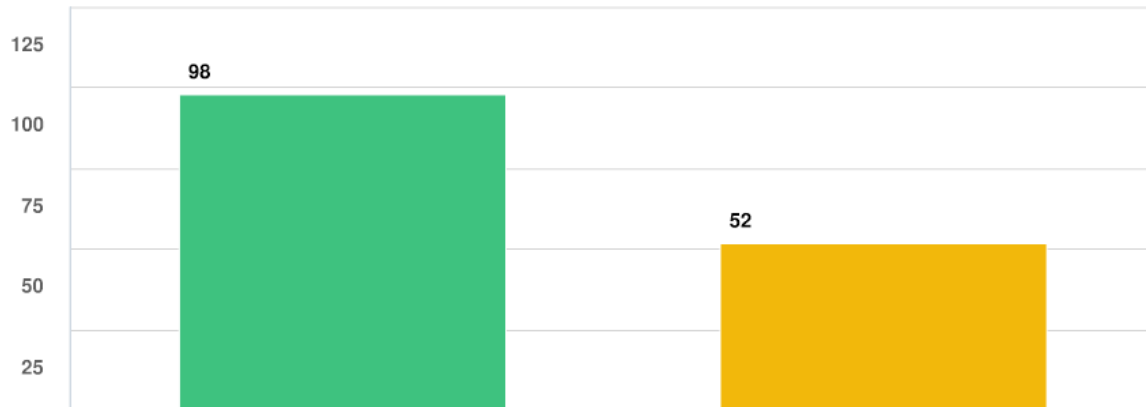
PROJECT: CBD Enhancement Consultation

Your Say Goulburn



CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

Q1 Do you agree with reducing the speed limit in Auburn Street (between Clinton and Bradley Streets) to 40km/h?



Question options

- Yes
- No

(150 responses, 0 skipped)

Q2 Would you like to provide further feedback regarding reducing the speed limit to 40km/h? You can do so below.

<p>Buddy 1/31/2019 01:19 PM</p>	<p>Its vary rare that you can actually reach 40kmph anyway</p>
<p>Michael J 1/31/2019 01:22 PM</p>	<p>Too slow</p>
<p>Cynthia nicholson 1/31/2019 01:45 PM</p>	<p>It takes long enough now with heavy traffic</p>
<p>Jeanne 1/31/2019 02:15 PM</p>	<p>Not often you do more than 40km/h down Auburn Street as it is.</p>
<p>sue 1/31/2019 02:53 PM</p>	<p>Generally cannot go any faster now</p>
<p>Hailee 1/31/2019 03:14 PM</p>	<p>Its a stupid idea</p>
<p>A Bum 1/31/2019 03:44 PM</p>	<p>The traffic doesn't allow that fast of a speed so why bother</p>
<p>Jessie 1/31/2019 04:18 PM</p>	<p>I rarely even reach 40km/h on the Main Street but I think it just causes more confusion. Other towns don't have a restricted speed limit in the main streets so why change it.</p>
<p>Heritage Goulburn 1/31/2019 04:28 PM</p>	<p>I believe it would be a great idea if the whole main part of Auburn street wouod be closed off. Make it all pedestrian friendly, with coffees and sitting areas, seating and so on. No one is dying if they have to walk some metres to shops.</p>
<p>Shez 1/31/2019 06:39 PM</p>	<p>Good idea, you can barely reach over 40km\h in this area anyway, but some idiots definitely try to.</p>
<p>Tim Geyer 1/31/2019 07:45 PM</p>	<p>Sensible speed given number of pedestrians</p>
<p>sam 1/31/2019 08:38 PM</p>	<p>everyone got a drivers licence so they could get somewhere FASTER than walking. 40km STUPID IDEA</p>
<p>HRT Industries 1/31/2019 08:42 PM</p>	<p>People should be responsible for themselves, why do drivers have to be accountable if someone walks out in front of a car without looking.</p>
<p>bdenton 1/31/2019 08:52 PM</p>	<p>well, this question is first out of all the questions, it should have been last so we knew why?</p>
<p>Jo Anna 1/31/2019 11:01 PM</p>	<p>No need to. It usually is that speed anyway during business hours.</p>
<p>A</p>	<p>I believe most cars are already doing this</p>

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

2/01/2019 07:29 AM

Brian Fitzsimmons Why. No need. Slow enough as it is

2/01/2019 08:18 AM

David murphy Simple safety

2/01/2019 08:37 AM

Tez People drive too fast down the main street as it is and I find it to be careless for us not to be concerned with the possibility of accidents to pedestrians so I am 100% agreeable to a slower speed!

2/01/2019 04:35 PM

JulieE Not only needed there. Reduce speed in grafton/Sloane sts

2/01/2019 05:25 PM

Kate I don't think it is necessary as it usually busy enough to keep traffic slow, but not a bad idea to slow down the late night lappers!

2/02/2019 08:54 AM

rjc There is already a high level of pedestrian traffic and traffic already goes 40 when there are people around

2/03/2019 04:36 PM

Pwl Current traffic volumes and flows mean that actual speeds are probably lower than this in any case. Lowering the speed would serve no real purpose or provide benefit to traffic or pedestrian flows.

2/05/2019 04:26 PM

Pauline Smith We can't drive much faster than that now. I think it would be safer at 40km/h.

2/06/2019 05:09 PM

Royce I would also like to see auburn street closed to vehicle traffic between Clifford and goldsmith st and make it a pedestrian mall and gathering space. Expanded seating, la dacapi g and alfresco eating options would be brilliant. Good for safety of pedestrians in this area. Those who want to go faster at quiet times can use Sloane and Bourke sts

2/06/2019 06:50 PM

-

2/13/2019 06:36 PM

Famouslocal Safety - people go a-b in shortest distance. This means crossing the road not at lights.

2/14/2019 04:31 PM

Geoff The traffic in Auburn is incredibly slow as it is. lowering the speed limit will make it even more difficult.

2/14/2019 05:39 PM

Sal Safety reasons

2/15/2019 05:35 PM

Elizabeth Regardless of the speed limit, you never get above 40 anyway

2/18/2019 12:30 PM

Anonymous Auburn St traffic is painfully slow enough as it is. There are ample opportunities for pedestrians to cross the road safely, even if the speed limit was to increase to 60kph

2/20/2019 04:15 PM

Anonymous Not needed

2/20/2019 04:16 PM

Anonymous Sensible

2/20/2019 04:16 PM

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

<p>Anonymous 2/20/2019 04:18 PM</p>	<p>It is a rare occasion that you can get up to 50 as it is. Slower speed will help with cars reversing and should also be put on Bourke Street</p>
<p>Anonymous 2/21/2019 09:26 PM</p>	<p>The speed limit should remain the same as it is.</p>
<p>Anonymous 2/21/2019 10:00 PM</p>	<p>Easier to look for a parking space if driving a little slower anyway</p>
<p>Anonymous 2/22/2019 09:43 AM</p>	<p>Changing speed limit would mean more signs. It is very difficult to reach even 40klms already without introducing more changes</p>
<p>Anonymous 2/26/2019 11:23 PM</p>	<p>As Auburn Sreet is very busy with both traffic and pedestrians this would be an excellent decision</p>
<p>Anonymous 2/28/2019 11:08 AM</p>	<p>Don't see the need to reduce the speed limit if there is no additional pedestrian access</p>
<p>Anonymous 2/28/2019 06:29 PM</p>	<p>Many people cross mid block and this can be hard with the current speed especially for elderly and parents with you children. Slowing the speed will make it safer for pedestrians</p>
<p>Anonymous 3/01/2019 01:51 AM</p>	<p>What benefit will it have?</p>
<p>Anonymous 3/07/2019 02:08 PM</p>	<p>Speeding seems to be a huge issue in this town. I do agree with a lower speed limit though enforcement needs to happen too. As I stick to the limit, it gets old being tail-gated constantly and harassed for sticking to the limit.</p>
<p>GMCJacksonr 3/14/2019 03:11 PM</p>	<p>Safety</p>
<p>GMCJacksonr 3/14/2019 03:11 PM</p>	<p>Great Idea - Make it slower and safer</p>
<p>GMCJacksonr 3/14/2019 03:15 PM</p>	<p>Can't do it (40) now</p>
<p>GMCJacksonr 3/14/2019 03:15 PM</p>	<p>Auburn Street to be more people friendly, less car focused. Safety with angle parking</p>
<p>GMCJacksonr 3/14/2019 03:16 PM</p>	<p>Should be 20km</p>
<p>GMCJacksonr 3/14/2019 03:19 PM</p>	<p>Its hard to do more than 30kph during the day already</p>
<p>GMCJacksonr 3/14/2019 03:20 PM</p>	<p>No need because most times the traffic is only doing 20km or less, do something about the refuge in front of the mall , people walk out the front of traffic when the lights are green</p>
<p>GMCJacksonr 3/14/2019 03:23 PM</p>	<p>Would stop young ones speeding up and down Auburn Street late at night</p>

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

<p>GMCJacksonr 3/14/2019 03:23 PM</p>	<p>Because it would make it easier for people crossing as well as for parking</p>
<p>GMCJacksonr 3/14/2019 03:26 PM</p>	<p>Vehicle traffic is currently controlled by 4 sets of traffic lights. Is pedestrian crossings needed?</p>
<p>GMCJacksonr 3/14/2019 03:27 PM</p>	<p>I think it should be 20kph</p>
<p>GMCJacksonr 3/14/2019 03:29 PM</p>	<p>high pedestrian area so would be good to slow speed limit</p>
<p>GMCJacksonr 3/14/2019 03:34 PM</p>	<p>Yes. At 50km more sever accidents and injure pedestrians than driving at 40km</p>
<p>GMCJacksonr 3/14/2019 03:34 PM</p>	<p>Would become a target area for police</p>
<p>GMCJacksonr 3/14/2019 03:36 PM</p>	<p>Most of the traffic travels at this speed for most of the business day anyway</p>
<p>GMCJacksonr 3/14/2019 03:37 PM</p>	<p>I prefer to use Auburn st rather than Bourke St because of the roundabouts. Please keep it at 50km</p>
<p>GMCJacksonr 3/14/2019 03:45 PM</p>	<p>All around Hospital</p>
<p>GMCJacksonr 3/14/2019 03:48 PM</p>	<p>I think its a fantastic idea. I only ever do 40 in the main street</p>
<p>GMCJacksonr 3/14/2019 03:52 PM</p>	<p>Just leave it as the standard 50km for urban speed limits. Dont confuse motorists by varying from 50km. Most traffic travels slow anyway so it's not an issue</p>
<p>GMCJacksonr 3/14/2019 03:54 PM</p>	<p>I did not know that the current speed limit is 50km/h. 50km/h seems about right as everyone normal drives slowly in high/peak traffic periods</p>
<p>GMCJacksonr 3/14/2019 04:00 PM</p>	<p>I would like to be able to do 40km/h. To put in a 40km limit would involve traffic controlling measures to would further reduce parking spaces and place pedestrian traffic in more harm from vehicles</p>
<p>GMCJacksonr 3/14/2019 04:20 PM</p>	<p>They are already doing 40. Concern is tha tyou reduce the limit to 40, some people will go along at 30 or less. Remove trucks from main street - no signage to say they should use bourke as sloan street</p>
<p>GMCJacksonr 3/14/2019 04:28 PM</p>	<p>the traffic is controlled by lights and by the way people wander accross the road. Also when a car backs out of its parking spot other passing traffic is forced to slow down therefore reducing speeds is done for you!</p>
<p>GMCJacksonr 3/14/2019 04:32 PM</p>	<p>Makes the main street people friendly and encourage pedestrians to feel safer walking/crossing Auburn St</p>
<p>GMCJacksonr 3/14/2019 04:35 PM</p>	<p>Yes 40km on Main street</p>
<p>GMCJacksonr</p>	<p>Not necessary as speed doesnt come into it. traffic keeps speed slow. Have</p>

CBD Enhancement Consultation : Survey Report for **10 March 2017** to **14 March 2019**

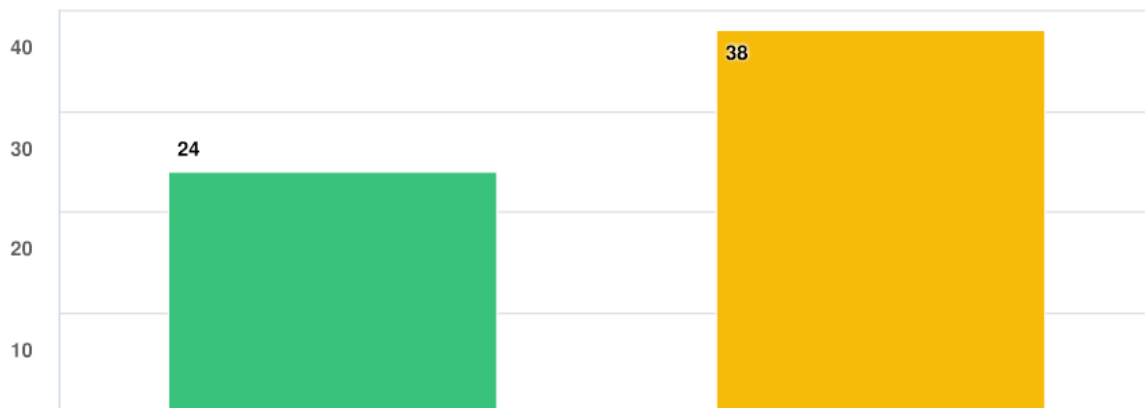
3/14/2019 04:54 PM

you considered traffic in lower MOnague st if PAC is built with reversing trucks disturbing Roses customers beeb beeb beeb - customers gone

Optional question (68 responses, 82 skipped)

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

Q5 Do you agree with closing access to Market Street from Auburn Street to create a public landscaped gathering area?

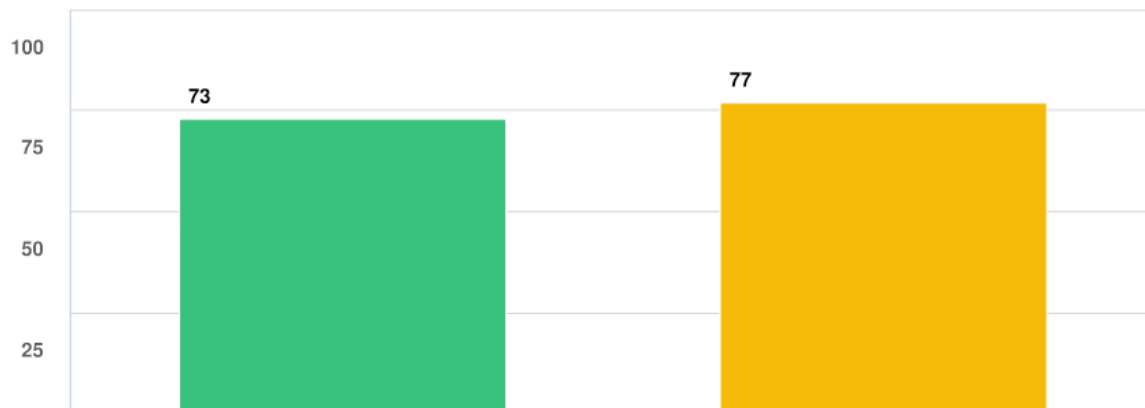


Question options

- Yes
- No

This question was deleted, so it would have lesser number of responses (62 responses, 88 skipped)

Q6 Do you agree with replacing the concrete median strip in Auburn Street between Montague and Clifford Streets with permanent...



Question options

- Yes
- No

(150 responses, 0 skipped)

Q7 | Would you like to provide further feedback regarding removal of the concrete median strip in Auburn Street? You can do so below.

Michael J 1/31/2019 01:22 PM	Great idea
Cynthia nicholson 1/31/2019 01:45 PM	Not needed
Jeanne 1/31/2019 02:15 PM	Trees don't belong in the middle of the road. Plant them and maybe kill or maim more people. Plus the upkeep of the road surface will increase out of sight.
sue 1/31/2019 02:53 PM	Visibility issues
A Bum 1/31/2019 03:44 PM	Why spend ratepayer's money on a state controlled road when ALL other roads in the council area are falling apart?
Jessie 1/31/2019 04:18 PM	I don't see why we can't do this along the whole Main Street. I've noticed other trees being removed around the area so I think they should be replaced to add some life to the town
Birdman 1/31/2019 04:24 PM	As long as it is considered safe no further parking spaces are impacted and it does detract from the heritage look of the Main Street.
Heritage Goulburn 1/31/2019 04:28 PM	Absolutely. The inner city of Goulburn is still extremely ugly. Greening it will make it look more classy. Also the facades of some beautiful old houses should be restored or at least painted. Beautiful heritage buildings there. Why not show them off.
Anastasia kontos 1/31/2019 04:59 PM	Again it will be wasting money undoing previous works. There are perfectly good planters with shrubbery on the current medium strips. Add more planters. it's a cheaper option and won't affect the public and businesses as you again disturb businesses digging up the Main Street. I have questions: will it still be raised? How wide will it be? Is this in an effort to make the road narrower and as a result decrease the number of parking spots?
Tim Croker 1/31/2019 05:27 PM	Depending on tree species of course. No one wants a repeat of how bad Bradley street got because of tree roots
Shez 1/31/2019 06:39 PM	It will soften the look of the area, the concrete strips are a bit ugly.
Dwhiley 1/31/2019 06:54 PM	Again there is not enough parking. Tourists aren't going to stop if they can't park.
Danni 1/31/2019 07:04 PM	I've seen so many council gardens etc that are neglected/overgrown over the years that this will probably happen again. The water that builds up against the median strip when it rains heavily and I don't think a garden washing out all over the road is the safest idea
Cyran	Yes promoting long living rare/endangered trees a place within the community

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

<p>1/31/2019 07:20 PM</p> <p>Tim Geyer</p> <p>1/31/2019 07:45 PM</p>	<p>could afford Goulburn future heritage tree listings if specific species are utilised.</p> <p>Again, trees and greening the CBD will cool the streets and improve our city.</p>
<p>sam</p> <p>1/31/2019 08:38 PM</p>	<p>people need to be able to see the road.. both sides of road.. not just trees & shrubs. it's the same as stupid dangerous trees in middle of roundabouts..</p> <p>Lawsuits waiting to happen</p>
<p>HRT Industries</p> <p>1/31/2019 08:42 PM</p>	<p>Need more room for Parking in Auburn Street, maybe put in timed parking..</p>
<p>bdenton</p> <p>1/31/2019 08:52 PM</p>	<p>drive down argyle street at night, youve planted trees along the side of the road (but actually on the road, meters in from the curb) without any reflectors on them, so cars can conveniently plow straight into them at night. why do that? what kind of idiot recommends that? after seeing this after moving here, i just cant trust you to plant trees anywhere in Goulburn. again, whoever thought of that - sack that person.</p>
<p>Jo Anna</p> <p>1/31/2019 11:01 PM</p>	<p>Dangerous. Maybe some planter boxes instead.</p>
<p>DarkAndStormy</p> <p>2/01/2019 12:09 AM</p>	<p>Trees and shrubs in place of the median strip would more than likely be trampled and vandalized. It could also pose a hazard to vehicles seeing pedestrians, as the magnolias in the planter boxes currently on median strip do.</p>
<p>Brian Fitzsimmons</p> <p>2/01/2019 08:18 AM</p>	<p>Why ?.</p>
<p>Tez</p> <p>2/01/2019 04:35 PM</p>	<p>Definitely! Again more greenery required in the main part of town and this part can only occur IF the speed limit is reduced!</p>
<p>Kate</p> <p>2/02/2019 08:54 AM</p>	<p>Although I agree that it would look beautiful, I don't think the people of Goulburn will respect this, it will get trampled and will end up a waste of money.</p>
<p>Leigh</p> <p>2/02/2019 08:25 PM</p>	<p>There is a risk of pedestrians cutting across and not being visible to cars on either side.</p>
<p>rjc</p> <p>2/03/2019 04:36 PM</p>	<p>I was extremely saddened and angry when Council cut down the trees on Auburn street a few years ago. It turned a beautiful street into a glaring, unpleasant and extremely hot concrete jungle. This wrong must be addressed.</p>
<p>David</p> <p>2/04/2019 11:12 PM</p>	<p>Idiots will only kill them</p>
<p>Stefan</p> <p>2/05/2019 07:50 AM</p>	<p>If RMS approval the proposal, Council should consider applying tgis treatment throughout the wholkeof Auburn Street to soften the main street but also provide consistency throughout the Auburn Street</p>
<p>Pwl</p> <p>2/05/2019 04:26 PM</p>	<p>In isolation no. As part of a wider strategy which would include proper drainage design and pavement investigation then it would be beneficial. Current Council resources would not be able to keep up with the establishment and maintenance of increased vegetation. Typically, the</p>

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

	inclusion of vegetation in road pavements is a disaster due to the damage caused by root systems and the addition of increased moisture into the pavement.
Nina 2/06/2019 03:22 PM	Pedestrian safety is more the issue . The concrete median strip is more likely to provide a refuge for pedestrians than shrubs and trees.. Shrubs and trees on side of road is more appropriate
PennyJ 2/06/2019 06:22 PM	People cross Auburn Street wherever they feel like it. They will just trample though any shrubs you place there, meaning they will need to be replaced on a regular basis.
Royce 2/06/2019 06:50 PM	I find the medium strip opposite the Belmore Park section useful in crossing the road especially if I'm not near an intersection
Gerard 2/07/2019 10:57 AM	Re-surface Auburn Street from Clinton St through to Bradley to make it safer for cyclists and wheelchairs. Also, ensure there are sufficient number of pedestrian refuges in the middle of Auburn St - and that they are wide enough from long prams.
CF 2/09/2019 03:27 PM	Would definitely support extending this concept all the way from Bradley Street to Clinton St. This would - greatly enhance the beauty of the city - reduce heat and enhance comfort in hot days - encourage / attract investment and tourism
Chloe 2/10/2019 07:43 AM	This would reduce people's ability to cross the road, we have the park right there which is beautiful. I think money needs to be put into a car park then make that pretty!
allan walcott 2/13/2019 05:32 PM	there are enough trees in Auburn St establishment , ongoing costs, are costs our community cannot sustain ,how about spending some money on rural roads
- 2/13/2019 06:36 PM	People like to cross the road where they wish, and will likely continue to do so in spite of the planting. The plants will be killed and the earth impacted, making it unsightly instead of the nice paving at present
Famouslocal 2/14/2019 04:31 PM	Lack of vision. Children will cross the road through the trees and not be seen by oncoming traffic. At the moment there is unobstructed vision.
Murmur 2/14/2019 06:04 PM	No because of safety, the street is just right.
N. COULING 2/15/2019 10:07 AM	The concrete should remain as planted flowers would only be trampled. Why spend money on unnecessary projects? Spend heaps of money concreting Gbn streets, like 3yr olds building Lego - change your mind and rip it up.....silly idea.
Sal 2/15/2019 05:35 PM	At the moment it appears to be making it safer. Trees and plants although they look great, too much a risk as far as damage/vandalism/dying goes.
Anonymous 2/20/2019 04:15 PM	From a heritage perspective there never was trees and shrubs in the middle of the main street of Goulburn. The aesthetic of Auburn St is all about its shop fronts, which are brick and stone. Trees in the mainstreet are a very new addition
Anonymous 2/20/2019 04:16 PM	As long as we don't lose parking

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

<p>Anonymous 2/20/2019 04:18 PM</p>	<p>I would go one further and remove concrete between Goldsmith and Verner St</p>
<p>Anonymous 2/21/2019 09:26 PM</p>	<p>planting trees in the pavement is beyond belief. As the roots have to go somewhere it would lead to the pavement getting damaged. There are pipes under the pavement some are in use some are not. There is also electrical wire under the pavement. The cost of replacing the pavement would be expensive as the pavement would be 12 to 18 inches thick and have to be left to cure for 7 to 14 days due to the thickness of the slabs.. Also it would lead to branches growing over the lanes and damage to vehicles. Also would lead to reduced visibility. Why not leave Auburn St as it is there is no reason the change the medium strip and planter boxes. It is the residents who would have to pay for the repairs to the slabs when they become damaged. Has the council checked what is under the slab.</p>
<p>Anonymous 2/21/2019 10:00 PM</p>	<p>Would further enhance the street with more trees.</p>
<p>Anonymous 2/22/2019 09:43 AM</p>	<p>This should have been discussed before the planters were bought. The planters are every stylish and continuity to the main street.</p>
<p>Anonymous 2/26/2019 11:23 PM</p>	<p>As long as the pedestrian access remains on corner of Market and Auburn. However it will restrict the many people (including older people) who cross to the median strip until traffic from the opposite direction allows completion of safe crossing</p>
<p>Anonymous 2/28/2019 11:08 AM</p>	<p>Based on suitable trees and resources are allocated for complete maintenance</p>
<p>Anonymous 2/28/2019 11:41 AM</p>	<p>Currently pedestrians are accustomed to crossing Auburn St in between the intersection pedestrian crossing lights. If the concrete median strip was to be replaced with trees and shrubs (a good idea), pedestrians may still be tempted to take a short cut through the garden beds, thus trampling them. This behaviour may change once we get used to where we should cross Auburn St.</p>
<p>Anonymous 2/28/2019 11:58 AM</p>	<p>There are too many unknowns with this re: price, safety, ongoing maintenance.</p>
<p>Anonymous 2/28/2019 06:29 PM</p>	<p>Trees and shrubs will reduce driver and pedestrian vision making it more dangerous. The planter boxes already reduce driver vision of pedestrians crossing and on coming cars when turning</p>
<p>Anonymous 3/01/2019 01:51 AM</p>	<p>Council have just spent money on centre medium strip planter box's. Will council keep the plants alive?</p>
<p>Anonymous 3/06/2019 02:08 PM</p>	<p>The concrete planters are not suitable for our climate, the plants require intensive maintenance and many of the magnolia trees have died and needed replacing at some expense. Please lobby for control of our main street and implement some decent plantings in the ground which provide shade and ambience when using Auburn Street. Tamworth has this and the atmosphere is beautiful.</p>
<p>Anonymous</p>	<p>This will impede access for people like myself with a mobility issue. The</p>

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

3/07/2019 02:08 PM	current median is in good condition and could be "dressed up" easily without loading money in to it which could be better spent elsewhere. Sympathetic planting with some nice big arty planters or something similar, especially done by youth could really jazz up the CBD and give it life.
GMCJacksonr 3/14/2019 03:07 PM	Drainage would be an issue Trees will block vision to businesses on both sides of the street. Cost involved with plant maintenance water etc
GMCJacksonr 3/14/2019 03:11 PM	Calming effect
GMCJacksonr 3/14/2019 03:11 PM	Use mid block crossings
GMCJacksonr 3/14/2019 03:15 PM	Should never have been put in ruining our lovely street
GMCJacksonr 3/14/2019 03:15 PM	Qualified support more for shrubs. Heritage street lighting in centre of Auburn Street. Throwing more light onto footpath and shopfronts. More important than 'roadway' lighting. Better looking lighting than current 'ordinary' lighting
GMCJacksonr 3/14/2019 03:15 PM	Too dangerous, plus limits vehicle visibility
GMCJacksonr 3/14/2019 03:16 PM	As long as there is a crossing point
GMCJacksonr 3/14/2019 03:16 PM	Due to visibility of pedestrians, children and cars
GMCJacksonr 3/14/2019 03:19 PM	Mainly because of the cost. That there is clay under the slabs in the main Street which could lift when they get wet causing more problems. I don't see how it will bring more people into town?
GMCJacksonr 3/14/2019 03:19 PM	Waste of money
GMCJacksonr 3/14/2019 03:20 PM	It is unnecessary, if it is not broke do not fix it
GMCJacksonr 3/14/2019 03:23 PM	Should have just road because the road isn't wide enough when there are big trucks and vans
GMCJacksonr 3/14/2019 03:23 PM	Because you never plant the appropriate trees or shrubs - think of all the fumes etc the median strip could come out. Just make it a widr street for TRAFFIC
GMCJacksonr 3/14/2019 03:23 PM	As long as the trees don't root down to far so it won't destroy the roads
GMCJacksonr 3/14/2019 03:26 PM	The view along Auburn Street is good clear and open space. Why change it? Trees and shrubs in such areas would need continual maintenance.
GMCJacksonr	If shrubs ok. But no because of cost

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

3/14/2019 03:28 PM

GMCJacksonr As long as trees, shrubs etc don't decrease visibility on the road

3/14/2019 03:29 PM

GMCJacksonr I agree as long as the trees that are planted have water into the earth at least 2 times a week.

3/14/2019 03:34 PM

GMCJacksonr Greening the main street and making it more pedestrian friendly is such a great, positive step forward for the town

3/14/2019 03:36 PM

GMCJacksonr Leave it as is! Stop changing things for the sake of it and wasting money

3/14/2019 03:38 PM

GMCJacksonr Tree roots grow and lift the roads

3/14/2019 03:39 PM

GMCJacksonr NO

3/14/2019 03:40 PM

GMCJacksonr Have a look at Orange CBD - Street scape is beautiful

3/14/2019 03:42 PM

GMCJacksonr Trees with no low branches

3/14/2019 03:45 PM

GMCJacksonr Although I thought the widening the main street and the proposed new culdesac on Market St was a fantastic idea

3/14/2019 03:48 PM

GMCJacksonr Suspicious this is a forerunner to closing Auburn Street between Clifford and Montague? Nothing wrong with leaving median strip as is.

3/14/2019 03:52 PM

GMCJacksonr ABSOLUTELY! This would look outstanding

3/14/2019 03:54 PM

GMCJacksonr This would only be the thin edge of a wedge to close these blocks to traffic flow. The amount of people traffic would decrease and create further hazards for vehicles

3/14/2019 04:00 PM

GMCJacksonr Easier to see if no trees (re traffic) less pidgeon poo if no trees. Tree roots would damage roots

3/14/2019 04:07 PM

GMCJacksonr The median strip is supposed to be a safe harbour. In Queanbeyan I find crossing the main street very scary, all pedestrians are limited to a narrow opening - if someone comes from the other side you get stuck on the road. Would rather have spreading shade trees to provide shade for parked cars rather along the centre median strip. When the shade is only for cars driving along or queued at the lights

3/14/2019 04:20 PM

GMCJacksonr The Council is good at planting trees but hopeless at looking after them once planted. trees should be shaped to a certain height

3/14/2019 04:28 PM

GMCJacksonr Improve the amenity of the street. love idea of pedestrian crossing, love idea of trees down the main street - will improve amenity, encourage pedestrian

3/14/2019 04:32 PM

CBD Enhancement Consultation : Survey Report for **10 March 2017** to **14 March 2019**

GMCJacksonr

3/14/2019 04:35 PM

movement in auburn st please bring back the Market st closure option - think about how to resolve traffic movement on Sloane St
So long as the trees stay

GMCJacksonr

3/14/2019 04:54 PM

Council has just spent all those \$\$ planter boxes, I believe between \$1200 - \$1800 These are attractive and provide continuity along the main street.
People would still cross road and walk in garden and destroy

Optional question (88 responses, 62 skipped)

Q8 Would you like to provide further feedback regarding closing access to Market Street from Auburn Street to create a landscaped gathering area? You can do so below.

<p>Michael J 1/31/2019 01:22 PM</p>	<p>No it's a thoughafare for visitors and residents accessing the city's RSL club the CBD has lost way too many parking spots already!</p>
<p>Alex 1/31/2019 01:32 PM</p>	<p>Dumbest idea, Main Street businesses are already struggling as is</p>
<p>Cynthia nicholson 1/31/2019 01:45 PM</p>	<p>No one will gather ...it to hot or cold ...businesses will suffer in that street and Auburn street And only drug users will gather ...possibly And is this because of the cafe on corner being a government body People will have to do lots of u turns to get out .. If a caravan goes up ???? Good luck there</p>
<p>Amie 1/31/2019 01:46 PM</p>	<p>As long as it doesnt reduce any parking spaces, goulburn is a growing town espically with all the new housing developments and we need to keep as much parking as possible, so elderly and disabled don't have to park a block or more away from a shop they need to get to.</p>
<p>Jeanne 1/31/2019 02:15 PM</p>	<p>You already have Belmore Park there so why do you need another meeting place???</p>
<p>Dan 1/31/2019 03:06 PM</p>	<p>What us belmore park for, if not for gathering???</p>
<p>A Bum 1/31/2019 03:44 PM</p>	<p>How would traffic in Market street turn around to go back to Sloane St?</p>
<p>Jessie 1/31/2019 04:18 PM</p>	<p>Although belmore park is large and would have a plenty of room to accommodate this space without closing a street I figure this might allow there to be more car spots as market street will probably not be used as much.</p>
<p>Birdman 1/31/2019 04:24 PM</p>	<p>With a beautiful park next to it I don't see the necessity of this. This is also a high traffic area with traffic flow from the rsl day and night.</p>
<p>Heritage Goulburn 1/31/2019 04:28 PM</p>	<p>Same as above</p>
<p>Anastasia kontos 1/31/2019 04:59 PM</p>	<p>There is a perfectly good park for people to meet in. There is no need to lose all the current spots in market stree in order to make more space that also won't be used. Money could be spent a lot more constructively.</p>
<p>Tim Croker 1/31/2019 05:27 PM</p>	<p>The mock-ups look beautiful.</p>
<p>Tampabay88 1/31/2019 05:38 PM</p>	<p>There will not be enough parking, there already isn't enough spaces with all the new trees that have been planted</p>
<p>Shez 1/31/2019 06:39 PM</p>	<p>Yes I think it's a nice idea, we don't have anything like this in Goulburn's CBD.</p>
<p>Dwhiley</p>	<p>Despite what the council tells us there is not enough parking as it is -</p>

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

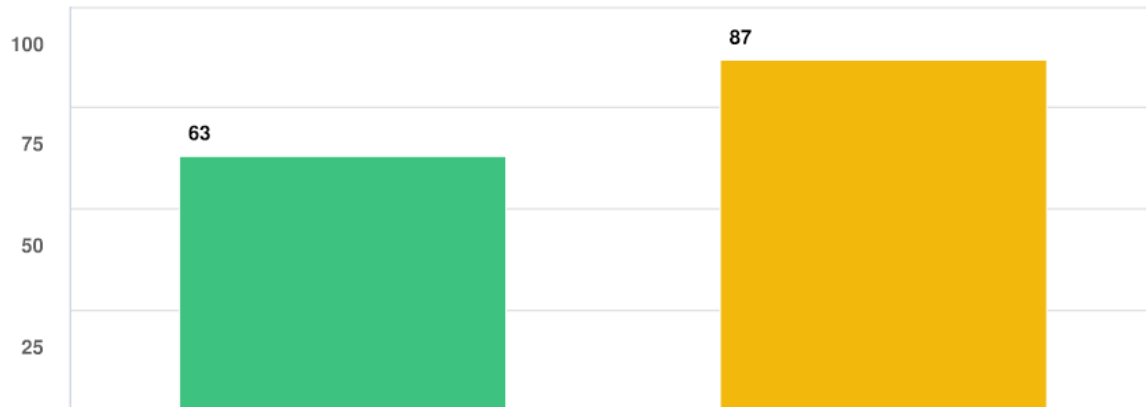
1/31/2019 06:54 PM	especially for disabled people. Blocking off Market Street will make it worse.
Danni 1/31/2019 07:04 PM	I'm assuming it will take away parking and will make the street a cul-de-sac/no thru road resulting in tourists etc avoiding market street and probably avoiding the whole block, making the small businesses lose prospective customers
Cyran 1/31/2019 07:20 PM	Its a wonderful idea to spread a little quiet and civility and create that "space" within a thoroughfare.
Tim Geyer 1/31/2019 07:45 PM	Enhanced urban spaces and improved pedestrian access helps make the CBD a more liveable place.
sam 1/31/2019 08:38 PM	closed off streets for landscaping.. dumb. it is CBD not a park in that spot
HRT Industries 1/31/2019 08:42 PM	Add more Parking instead.
bdenton 1/31/2019 08:52 PM	youve fucked the parking in Goulburn enough by planting trees in car spots while the town population and therefore the number of vehicles on the streets grows. whoever thought of that - sack them.
Jo Anna 1/31/2019 11:01 PM	Sounds lovely but you are blocking access to the centre of the town. Too many events are on there.
DarkAndStormy 2/01/2019 12:09 AM	Access to and from Auburn & Market St's should remain as is. There is already not enough parking in the CBD. Some people can't manage even a short walk. Leave it alone.
A 2/01/2019 07:29 AM	Would there then be a turn bay created? Would we lose yet more parking?
Brian Fitzsimmons 2/01/2019 08:18 AM	Create difficulty when looking for parking . Everyone who can't find a spot would have to do u turn. Stupid idea.
Tez 2/01/2019 04:35 PM	YES YES YES!!!! This town needs more greenery and outside eateries in the heart of the CBD, this will create more sociable activity in the street and hopefully will attract more business's to the town to fill up those empty shops! BUT if you are thinking of closing off Market St altogether, that is a lot of lost parking.
JulieE 2/01/2019 05:25 PM	
Kate 2/02/2019 08:54 AM	There is plenty of space to "gather" in our beautiful park! No streets should be closed, this stops traffic flow and will hurt business
Drielle Stearman Baty 2/02/2019 03:21 PM	I personally think it's a ridiculous idea. Closing off car parks when it's already extremely hard to get one due to the stupid trees planted in them. There's other better things you could be spending the money on. Like fixing the children's playground at Belmore or giving something for young adults to do. Not wasting money on reducing car parks and spending it on something no one will use.
Kath Watson 2/02/2019 06:05 PM	Not enough parking spaces now! Its a STUPID idea to Remove more!

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

<p>Leigh 2/02/2019 08:25 PM</p>	<p>How long would it be before businesses in the area think the seating is theirs. Providing more seating and shade in Belmore park would be of greater value, to local families and travellers, to close of a street in the central town area is ridiculously thoughtless to the needs of the population of Goulburn.</p>
<p>rjc 2/03/2019 04:36 PM</p>	<p>The current number of car parking spaces (or more) that will be removed on Market and Auburn Sts must be replicated elsewhere. It is already very difficult to park in this area during business hours.</p>
<p>Pwl 2/05/2019 04:26 PM</p>	<p>In isolation no. As part of a wider parking and traffic flow strategy this would be beneficial. Traffic flows from the feeder streets of Auburn/Sloane/Bourke and Clinton into the link streets or Montague, Verner, Goldsmith, Market is poor, particularly right hand turns. Improvements to flow in these locations would be necessary. "Off main Street" parking areas would need to be developed initially. Also, Heavy vehicles would need to be removed from Auburn Street. Left hand turns from Auburn to Market and Montague are currently important in terms of circuitous traffic flow around the CBD, closing these in isolation is a poor idea. Creation of a small gathering area in that location now is a "half idea".</p>
<p>BazHB 2/06/2019 02:12 PM</p>	<p>What impact to car parking spaces will this have</p>
<p>Nina 2/06/2019 03:22 PM</p>	<p>The main main street and CBD parking is already very limited - so losing 15-20 more car parking spaces would be very detrimental to local shopping. It is also an area where many travellers park to visit our park and shopping centres. I strongly oppose the closure</p>

This question was deleted, so it would have lesser number of responses(35 responses, 115 skipped)

Q9 Do you agree with introduction of controlled access points to Belmore Park from the Market and Montague Street sides?



Question options

- Yes
- No

(150 responses, 0 skipped)

Q10 | Would you like to provide further feedback regarding introduction of controlled access points to Belmore Park.

Michael J 1/31/2019 01:22 PM	Nil
Cynthia nicholson 1/31/2019 01:45 PM	Why do you need control
Jeanne 1/31/2019 02:15 PM	Why???
A Bum 1/31/2019 03:44 PM	That would mean putting paved footpaths on the street to get access to the park. Again another waste of money.
Jessie 1/31/2019 04:18 PM	With having young children I like to be able to park and my kids can easily get into the park rather than waiting for me to lock the car and chance of them running onto the road instead of into the park
Birdman 1/31/2019 04:24 PM	Why do you want controlled access points??? For pay for events???? Keep the park free for everyone to use.
Anastasia kontos 1/31/2019 04:59 PM	Yes please. Please explain how these access points will be designed and their benefits to the community
Tim Croker 1/31/2019 05:27 PM	The open nature of the park is part of it's beauty
Shez 1/31/2019 06:39 PM	Not 100% sure what this means, but sure!
Tim Geyer 1/31/2019 07:45 PM	Belmore park has long been a gathering place with easy access. The open, accessible feel links the park to the streets either side which form part of the event space, car sheds, Markets etc
bdenton 1/31/2019 08:52 PM	controlled access points? you and berejiklian going to put sniffer dogs on the controlled access points too? actually im in two minds about this, if it means the access points weed out people wearing crocs or linen tie died clothes, dreadlocks, etc then yeah sure id vote for that.
Jo Anna 1/31/2019 11:01 PM	Why?
DarkAndStormy 2/01/2019 12:09 AM	I see no reason at all to restrict access to Belmore Park. I can't see at all why current access is an issue, or why it should be changed. Leave it alone.
A 2/01/2019 07:29 AM	I would much prefer the park to be open
Brian Fitzsimmons 2/01/2019 08:18 AM	Leave it as it is.

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

Tez 2/01/2019 04:35 PM	I don't really know too much about this one but I think anything to draw more user friendly access in town is always positive.
Kate 2/02/2019 08:54 AM	Although it would make it safer for kids to have controlled access, I can't see a great need for this. At the moment those streets add to our main st parking because you can easily cut through the park. It would make access harder then they will be tempted to do another lap to get a main st park instead of walking through the park. Why not add some more nice seating to the park, like what your proposing for market st and the main st? The meeting area idea should be transferred into the park.
Leigh 2/02/2019 08:25 PM	Parklands should have open access, at all times around the perimeters.
rjc 2/03/2019 04:36 PM	What is the point of doing this? Is the park to be closed at nights? It will make it less inviting if extra fencing is erected.
David 2/04/2019 11:12 PM	Leave it the way it is why fence off a buitifull part of goulburn
Pwl 2/05/2019 04:26 PM	As part of a wider strategy similar to the one mentioned above, that has been planned and and has a proper staged construction. Otherwise it will be a halfarsed vanity project implemented to satisfy ego.
PennyJ 2/06/2019 06:22 PM	You have not explained what "controlled access points" are. I can only assume that this means that Belmore Park will be fenced off in some way, and the only access will be through gateways or something similar. This is totally ridiculous. If there are limited access points, whenever there are major functions in the park, and people are leaving at the same time, there will be delays when leaving. In the event of an emergency, it would be difficult for everyone to be evacuated quickly. Part of the beauty of the park is that it is open and inviting. Closing it off in any way takes away from that beauty.
Royce 2/06/2019 06:50 PM	I like to town square nature of Belmore Park and don't see the advantage of controlled access points
Gerard 2/07/2019 10:57 AM	Just Montague Street. Essentially closing off the two streets is excessive.
CF 2/09/2019 03:27 PM	Would like further details on this. No plans included on web site. Is the master plan and other more detailed plans and visuals included in the council web site. I couldn't find them?
Chloe 2/10/2019 07:43 AM	I dont fully understand what this means the park is great as it is, that is the purpose of these controlled access points?
Jason Shepherd 2/13/2019 01:20 PM	The park should remain open and free to access. If controlled access points means fencing the park in, it will greatly reduce the amenity of Goulburn Mulwaree Residents and visitors alike. The question needs to be why fence the park in? At present everyone has full access and it is part of our local culture. This is a needless restriction that will achieve very little apart from dead areas and unsafe blind spots that will reduce the safety of park users.
allan walcott	the park should be accessible from any point

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

2/13/2019 05:32 PM

-

2/13/2019 06:36 PM

I don't understand what benefit this would bring. It would make getting in to the park harder, as it would mean you'd have to walk to the access point. For people with young kids this means more time exposed to the road side. For elderly people and the disabled this extra distance may put them off using the park altogether

Redver

2/14/2019 05:07 PM

No rope for some reason people don't see it and it's a trip hazard

Murmur

2/14/2019 06:04 PM

No because you need every parking spot in the two streets.

N. COULING

2/15/2019 10:07 AM

It is very inviting the way it is. Let's not get to the 'don't walk on the grass' scenario. Why change a system that it working well.

Sal

2/15/2019 05:35 PM

I think there should be more fencing around the children playground for safety reasons for the children, but to fence the whole park would detract from the beauty of it.

Anonymous

2/20/2019 04:15 PM

If this serves to make controlling events in the park easier, then yes.

Anonymous

2/20/2019 04:18 PM

Less access points the better

Anonymous

2/21/2019 09:26 PM

Access to Belmore Park should remain as it is. Why change something the is not broke. It allows people to enter the park from any where. If access was limited to entering at certain areas it could lead to less people entering. People park near the picnic benches for convenience . Having the park as open space is inviting, fencing it off could mean it is a closed enviornment. Major events in the park would lead to ques to exit. Carols in the park is an example. Anzac Day is another example.

Anonymous

2/21/2019 10:00 PM

Assist with keeping the plants and grass growing uniformly rather than being trampled

Anonymous

2/22/2019 09:43 AM

Imagine the rubbish people could leave behind with hedges around park. Spend more on workers to weed gardens. Carols by Candlelight highlighted weeds in gardens galore so why be concerned about the lawn. it looks fine. The weeds are appalling

Anonymous

2/26/2019 11:23 PM

The closing off of streets is usually undesirable (except for the noisy few who stopped the closing of a section of Verner Street some years ago and drove away a major shopping complex including BigW - now shoppers go to Mittagong or Canberra). Any action that will reduce parking within the CBD would be a major backward step. Finding suitable parking now is near impossible a lot of the time. Good to see a full time ranger dedicated to this function

Anonymous

2/28/2019 11:41 AM

I am disappointed that the proposed closure to the Auburn St end of Market St has been shelved. It would have further enhanced the streetscape of Auburn St. I can only assume there was intense lobbying to Council by the

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

<p>Anonymous 2/28/2019 11:58 AM</p>	<p>Soldiers' Club. I think the concept shows the closed end as a turn-around point for cars parking in and accessing the businesses in Market St, not a parking space. This is good. It would make Belmore Park look so much nicer from the "cafe" end without parked cars blocking the vista. Seems completely unnecessary. The park has worked in its current state for such a long time. What is the actual benefit of doing this?</p>
<p>Anonymous 2/28/2019 02:44 PM</p>	<p>how about more parking in cbd- no mention is made of this</p>
<p>Anonymous 2/28/2019 06:29 PM</p>	<p>I cannot understand what this entails so I cannot support at this time.</p>
<p>Anonymous 3/07/2019 02:08 PM</p>	<p>To have a more pedestrian friendly area would potentially great for tourists.</p>
<p>GMCJacksonr 3/14/2019 03:07 PM</p>	<p>What is the goal from doing this? Can't restrict access for emergency vehicles. Parks should be open. Could block visions into the park area either by fence or hedge</p>
<p>GMCJacksonr 3/14/2019 03:11 PM</p>	<p>Open access for everyone and maybe more tables</p>
<p>GMCJacksonr 3/14/2019 03:11 PM</p>	<p>Yes - looks nice too</p>
<p>GMCJacksonr 3/14/2019 03:15 PM</p>	<p>Alright as is (Anzac day?)</p>
<p>GMCJacksonr 3/14/2019 03:15 PM</p>	<p>Not fenced but better definition and saving 'short cuts' across grass. Would also like to see the closure of Market Street revisited and have benefits defined</p>
<p>GMCJacksonr 3/14/2019 03:15 PM</p>	<p>A BIG NO!</p>
<p>GMCJacksonr 3/14/2019 03:16 PM</p>	<p>Why? We are not cattle that need to be herded.</p>
<p>GMCJacksonr 3/14/2019 03:19 PM</p>	<p>I think it would be a better place for the markets and other events</p>
<p>GMCJacksonr 3/14/2019 03:20 PM</p>	<p>Yes place fences on grass so people will use the paths</p>
<p>GMCJacksonr 3/14/2019 03:23 PM</p>	<p>Would be easier when they having a street march and any other function to access the park</p>
<p>GMCJacksonr 3/14/2019 03:23 PM</p>	<p>Actually dont know what you mean by controlled access. I would like you to take away parking police from the park so people can enjoy the park</p>
<p>GMCJacksonr 3/14/2019 03:26 PM</p>	<p>Belmore Park is a wonderful place for people to walk through and enjoy. Do not restrict access from Auburn Street.</p>

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

GMCJacksonr 3/14/2019 03:34 PM	Definitely no fences. Most unfriendly, also it is very nice to be able to walk across the park from any direction. Why not put "keep off grass" signs up and the public in general would walk across the paths that are provided
GMCJacksonr 3/14/2019 03:38 PM	Glad this was withdrawn!
GMCJacksonr 3/14/2019 03:39 PM	ANZAC Day???
GMCJacksonr 3/14/2019 03:40 PM	NO
GMCJacksonr 3/14/2019 03:41 PM	This is a ridiculous idea. People enjoy parking and walking directly into the park. A fence would be a complete waste of money not including the long term upkeep.
GMCJacksonr 3/14/2019 03:48 PM	if they are aesthetic and help the park be a stronger community facility
GMCJacksonr 3/14/2019 03:52 PM	Nothing wrong with free and open access from Market and Montague that currently exists. Just leave it as is. Use fence funds for something worthwhile. Extra comment: Agree with Council's efforts to get RMS to swap Sloane for Auburn as main route for heavy vehicles
GMCJacksonr 3/14/2019 03:54 PM	ABSOLUTELY!! This would create a fantastic point of difference for the main street. DO IT! DO IT!
GMCJacksonr 3/14/2019 04:00 PM	Fencing the park would make it look like it's only available to the LUCKY ones. This is only a way to lock the park up! LEAVE IT OPEN
GMCJacksonr 3/14/2019 04:07 PM	1. Auburn St kerbs (plus Bourke) not friendly access to points to get walker frames onto footpaths - kerbs too high for getting walkers over 2. sloping footpaths hopeless for walkers and rolleys 3. 2 lge disabled parks in Bourke St outside pathology 127 so no access point to get up onto kerb for walking frames
GMCJacksonr 3/14/2019 04:20 PM	Why enclose and restrict access to our beautiful centrepiece, Belmore Park. It is safer to have open access particularly for elderly or parents with children We have just returned from a trip to Swan Hill, the towns out there where it gets very hot, particularly Griffith, have excellent shade trees for parked cars and those sitting at the side of the road
GMCJacksonr 3/14/2019 04:28 PM	Have you asked the Leider Theatre or the Chinese restaurant or the RSL their opinion?
GMCJacksonr 3/14/2019 04:32 PM	Its important that the design of a fence/barrier needs to contribute to overall quality/amenity
GMCJacksonr 3/14/2019 04:35 PM	No like to walk to the park without control
GMCJacksonr 3/14/2019 04:54 PM	Sounds like a good idea. Why not plants/flowers, planting lilac flowers for lilac time festival. keep mostly pink. When is the pink time festival? Pansy's in Belmore Park presently white predominantly.

CBD Enhancement Consultation : Survey Report for 10 March 2017 to 14 March 2019

Optional question (71 responses, 79 skipped)

GMC DEVELOPMENT PROPOSALS

Goulburn Heritage Group members would like to support ALL strategies and policies currently on display for Goulburn.

With so many slight overlapping ideas being promoted, it is difficult to see a co-ordinated successful result linking each one - but we certainly hope that this is achieved.

CBD Beautification: Although two items have been withdrawn, GHG members would have supported all four - particularly that involving cutting off Market St. entry and replacing it with a pedestrian pathway.

At some stage GMC must face seriously the growing traffic needs of the CBD - attractive walking spaces and large parking arrangements (whether underground or multi-storey above). Shuffling around 3 car parking spaces here, gaining 2 more somewhere else is simply not heading for a long term solution - a large problem common to the current **CBD MasterPlan** as well as the Elton **Draft Urban and Fringe Housing Strategy**.

Members admit that there are no simple solutions - but *what is lacking, is an inspiring vision for this very important heritage city in 20 years time...*

Our GHG response to the Housing Strategy is attached separately.

Goulburn Heritage Group

Amy Croker

From: graeme dally <[REDACTED]>
Sent: Wednesday, 20 February 2019 10:28 PM
To: Warwick L Bennett; Bob Kirk; Andrew Banfield; Carol James; Margaret O'Neill; denzil.sturgiss@nsw.gov.au; Peter Walker; Leah Ferrara; Sam Rowland; Alfie Walker
Cc: [REDACTED]; Louise Thrower
Subject: Doc 1115006 CBD Enhancement Plan

Sent from my iPad

Councilors and General Manager,
Re CBD Enhancement Plan

I again write to you in the hope that my correspondence on this matter is actually read and understood. (Councillor Banfield was the only one to acknowledge my previous email.) The major points in my previous correspondence have obviously been largely ignored or not considered as they were not even mentioned, or given token mention in the council briefing notes that were used by the councilors to make their decisions re parking in the CBD.

1. As a rural resident of the G-M council area, I often come into Goulburn towing a trailer or caravan. Like most rural residents I do more than one thing when I come into town eg. waste management Centre, shopping, appointments, medical etc. the only designated long vehicle parking space is behind the visitors Centre, if available. Do you consider that these few Parking spaces are sufficient? Am I supposed to carry my weekly food shopping from Aldi, Woolworths or Coles back there, if I am actually able to park there.? Parallel parking spaces are mostly not available near the supermarkets as any vehicle can park there. There has been many times that I am not able to park with my trailer so I have parked across angle parking spaces. Although I can reverse a trailer/ van, I am unable to reverse park one. Maybe I should try and consequently block the street while I try to do it.

Rural residents need designated long vehicle parking areas so that we can access the CBD like all the other residents. Places like Cooma can do it, why can't Goulburn? Parallel parking spaces are not designated long vehicle parking spaces.

2. If the laneways are to be used more to access Auburn Street then they need adequate security lighting and be covered- the reasons are obvious.

3. Trolley bays need to be placed in Ellsmere St. to encourage parking there.

4. The tree planting along Auburn St. should improve the appearance BUT they are already blocking the vision of people crossing, with obvious potential consequences. The median strip needs to have a barrier so that pedestrians can only cross at the lights or mid block crossing areas.

5. To increase the number of parking spaces there could be a combination of 1/2 hour and 1 hour parking in Auburn St.

6. There needs to be an increase in Mobility parking spaces throughout the CBD. Dare I even suggest designated long vehicle mobility parking spaces as well. My wife is a prime example of this as she has a mobility parking permit. Or are rural disabled residents not worth worrying about?

7. How has council determined that it will progressively add parking spaces in the CBD? As a member of the CBD Parking Committee I have repeatedly pointed out that the claim that we have excess parking spaces is wrong, flawed, without any valid foundation. This claim was pushed by the one council employee on the committee. Despite my and others disagreement it was included in the final report written by this employee, and then submitted to council months later, as part of a bigger report.

We have no concrete data to make a claim that we have too little, enough or an excess of parking spaces. How can council justify perpetuating this false claim? Has anybody ever surveyed / consulted city and rural residents re parking to see what they need? What a novel idea, ask people their opinion. The committee decided to undertake a survey but this then was basically stopped when Spacelab was engaged and then approval sought from the committee.

If you read my previous email you will see that these points were raised, but most were not included in the council briefing notes, why not? We're there comments from other people omitted as well from the briefing notes? Was there a direction already decided upon and those suggestions not along those lines being conveniently ignored?

Maybe this email might at last generate some meaningful discussions, which is needed.

I hope that you seriously consider the points that I have again raised.

I would be available to discuss any of these points.

Regards

Graeme Dally

Amy Croker

From: Annette Larcombe <[REDACTED]>
Sent: Wednesday, 13 February 2019 2:29 PM
To: Submissions
Subject: CBD enhancement

Hi Goulburn Mulwaree Council

I am just sending in a quick email to say I am in support of the plan, with the exception of the fencing in of Belmore Park. Whilst I feel there is no harm in adding in additional fencing to encourage greater use of paths in the park to enter and leave. I would hope that we could include some additional entry and exit points on each side.

Otherwise please reduce the speed in auburn st, put in permanent gardens, reduce the parking. I voice no objection.

I am also agree in of closing off market street, and using this space for community use. Preferably and extension of an outdoor eatery in the space or community cafe as a few suggestions.

Thanks
Annette

Sent from my iPhone

Amy Croker

From: Annette Larcombe <[REDACTED]>
Sent: Wednesday, 13 February 2019 2:33 PM
To: Submissions
Subject: Goulburn Mulwaree housing expansion

Hi council

Another quick email to support the community consultation.

Is there room in future planning to incorporate, park and ride to encourage people to park out of the cbd? Or a park and pool, to encourage people to park 3-4 cars and just take 1 car into the CBD?

While we are not at that point yet, with a growing city there may come a time.

With thanks and support
Annette

Sent from my iPhone

Amy Croker

From: GEOFF THROWER <[REDACTED]>
Sent: Friday, 1 February 2019 9:37 AM
To: Submissions
Subject: Market Street Closure

Dear Sir/Madam

In relation to the proposed closure of the Auburn St Access to Market St has the impact of emergency access been taken into consideration.

Market St has a number of older buildings, restaurants and a major club that at some time may require emergency response. Closing the access from Auburn St could result in a delayed response by emergency services especially if the entry from Sloane St was blocked.

I believe this proposal requires further investigation to fully understand the impact of this closure.

Geoff Thrower
[REDACTED]

Amy Croker

From: Roger Casey <[REDACTED]>
Sent: Wednesday, 6 February 2019 10:43 AM
To: Submissions
Subject: CBD Enhancements

Dear Sir With the changes being put forward seems to be going down the same track we changed to this style now to upgrade the street not to go back to be where we were before if you go ahead with change people will be doing U-Turns again and create carouse again in the street we have to do uniformity from Clinton Street to Lagoon Street not change from block to block or Street to Street especially with the ageing population we have in Goulburn.

Cheers Roger & Beryl Casey

Amy Croker

From: Charles Foley [REDACTED]
Sent: Saturday, 9 February 2019 3:50 PM
To: Submissions
Subject: CBD Enhancement

- Reducing the speed limit in Auburn Street between Clinton and Bradley Streets to 40km/h. *We support this - have completed survey.*
- Close access to Market Street from Auburn Street, and create a public landscaped conversation and gathering area that is sympathetic to Belmore Park. *We know this has now been excluded from the survey, however we would like our support noted. This proposal is a significant improvement to the streetscape and liveability if the CBD. Would also consider extending this to Montague Street also, although note logistics issues. The city needs more parklands, shading, seating areas, landscaping etc. So we applaud recent and proposed initiatives in this regard. More opportunities to extend should be prioritised*
- Removal of the concrete median strip in Auburn Street between Montague and Clifford Streets and introduce permanent planting and landscaping (note this would need to be discussed with RMS for their approval)*We support this - have completed survey.*
- Introduction of controlled access points to Belmore Park from the Market and Montague Street sides.*We support this - have completed survey. But would like to have more information- couldn't find details on the council web site. Can these be posted. Ditto details of the overall master plan and drawings / visuals of currently considered projects.*

Sent from my iPhone

12.6 WORKSPACE2580 PARTNERSHIP UPDATE

Author: Brendan Hollands, Director Corporate & Community Services

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

Link to Community Strategic Plan:	CO2 Encourage and facilitate participation in community life
Cost to Council:	Income to be written off will be covered by the value of assets transferred to Council at the Clinton Street facility
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The report by the Director Corporate & Community Services on the Workspace2580 Partnership Update be received.
2. Council agree to write off the amount outstanding of \$32,915 from the Workspace2580 partnership due to their being adequate assets to be transferred from Community Plus to offset the debt.

BACKGROUND

At its meeting on 18 December 2018, Council considered a report on the future of the Workspace2580 partnership between Council and Community Plus.

At the meeting Council resolved:

That:

1. *The report of the General Manager on Community Plus – Workspace2580 be received.*
2. *Council approve an early exit from the lease agreement of 56 Clinton Street Goulburn with Community Plus at 28 February 2019 or any earlier date if that can be managed with the transition arrangements for lease agreements being transferred to Council.*
3. *Council dissolve the partnership agreement on the same date as the lease agreement is terminated.*
4. *The General Manager be delegated authority to negotiate the transfer of the existing obligations that Community Plus Inc (Workspace 2580) have in relation to the current lease agreements to Council’s management, including all individual tenancy agreements.*
5. *The General Manager to negotiate with Community Plus transfer of assets to Council to ensure the ongoing tenancy arrangements can continue without interruption.*
6. *Council agree in principle to write off any existing of debt at the time of the dissolution of the agreement on the condition that adequate assets from Community Plus are transferred to Council to offset that debt.*
7. *The General Manager to report to Council in February 2019 to outline the outcome of all the negotiations and transfers of lease agreements and how the debt has been offset.*

REPORT

In the time subsequent to this resolution, Council staff have worked on taking on the management of the facility and have worked with the existing tenants to ensure that the changeover has been as

seamless as possible. The changeover is now complete with Council issuing the invoices to the building's tenants from 1 March 2019.

During this time Community Plus have undertaken an extensive audit of the accounts of the partnership and, at the same time developed an inventory of assets.

As at 28 February, the outstanding debt incurred by the partnership was \$34,965.84. This amount needs to be reduced by \$2,050.84 which is the proportion of annual rates charged on the building that relates to the post partnership period, leaving a balance of \$32,915.

Council has received the inventory of the assets provided by Community Plus that have been left in the Workspace building to enable it to continue functioning.

Included in the inventory are technological based assets (Computer Server, Computers, printers, WiFi repeater ports, security cameras, telephones and a security network system), furniture (lounge chairs in the common areas, office chairs, bar fridges, round tables with chairs) and other building improvements (LED Lights, wall murals and a new letter box at the front of the building). In accordance with the inventory provided, these assets have a value of \$47,050.

The major items included in this amount are:

- Enterprise level server - \$9,000
- Printers - \$5,000
- WiFi Repeater Ports - \$2,000
- Security Cameras and security network system - \$2,000
- Lounge Chairs, Office Chairs and Tables - \$7,450
- Flat Panel LED Lights - \$15,000

Council staff (including our Information Services staff) have reviewed the inventory and are of the view that, although some of the values provided as part of the inventory may be slightly inflated, the cost of providing the assets listed (should they have been taken from the building) would exceed the amount outstanding, particularly taking into consideration the cost of the installation of LED lighting.

In taking all of this into consideration, it is recommended that, in accordance with part 6 of its resolution from December 2018, Council agree to write off the remainder of the partnership's debt due to the existence of adequate and relevant assets to be transferred from Community Plus to offset the debt.

12.7 OPERATIONAL PLAN 2019 - 2020

Author: Brendan Hollands, Director Corporate & Community Services

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Draft Operational Plan 2019 - 2020 (separately enclosed) 
 2. Draft Appendices 2019 - 2020 (separately enclosed) 

Link to Community Strategic Plan:	Delivery Plan Action CL1.2 - Ensure the long term financial sustainability of Council through effective and prudent financial management (CSP Strategy CL1 - Effect resourceful and respectful leadership and attentive representation of the community)
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The report of the Director of Business Services on the Draft Operational Plan 2019/20 be received
2. The Draft Operational Plan 2019/20 and budget be approved for public exhibition
3. The Draft Operational Plan 2019/20 and budget placed on public exhibition from Thursday 11 April until Friday 17 May 2019 for wider community comment.
4. Invitations be extended to any submitters to speak to their submission (for a maximum of 5 minutes) at the Public Forum of the Council meeting on 4 June 2019 as part of the submission consideration process.

BACKGROUND

To present the Draft Operational Plan 2019/20 for consideration to be placed on public exhibition.

REPORT

Staff have now completed the preparation of the Operational Plan for consideration. The Draft plans have been prepared in accordance with s402-406 *Local Government Act 1993*.

Information on various aspects of the document have been distributed and discussed at recent Councillor workshops/briefing sessions, including:

- Operational Budget and Capital Works – 26 February 2019
- Borrowings & Capital Works – 5 March 2019
- Fees & Charges, Capital Works & Operational Plan words - 12 March 2019
- Rates & Annual Charges – 26 March 2019

Background

The Operational Plan is one of the key plans in the suite of Integrated Planning and Reporting documents.

The intended purpose of the Operational Plan is to detail the activities engaged in by Council during the year in question (in this case 2019/20) as part of the Delivery Plan covering that year. Similar to the former Management Plan, the Operational Plan also includes the budget, capital works program, fees and charges and the statement of revenue policy for 2019/20.

Budget Philosophy

The Budget philosophy is based on taking a conservative approach to income generation to ensure that incomes are not optimistically overstated, which could result in an adverse effect if they are not received to the level expected. Grant incomes are also not included unless there is a reasonable degree of certainty for their receipt. Expenditure has been included at realistic levels based on the best available professional and technical assessment. As always, factors throughout the year may result in variations to both income and expenditure that will be dealt with as part of the quarterly review process.

The budget and forward projections have also been set to ensure the ongoing sustainability of future budgets.

Asset Management

While the Capital Works Programs have not been based on a full asset management planning approach in the current Budget, Council continues in its task of preparing comprehensive Asset Management Plans for each class of assets. One of the major Asset Management Plans, that of the transportation assets (roads, bridges, etc), will be completed by 30 June 2019. It is anticipated that the finalisation of this plan and the resultant revaluation of the asset class will lead to a significant reduction in Council's depreciation expense.

Capital Works Program

The Capital Works Program is presented for the current year plus three forward years. A detailed 2019/20 works program has also been included.

The original Draft Capital Works Program was provided to Council prior to the Councillor workshop on 26 February 2019. The capital works program was further discussed at the Councillor workshops on 5 March and 12 March 2019.

The program includes a number of major and exciting projects that have been proposed for 2019/20 including:

- Continuation of the Wollondilly Walking Track
- Construction of the Performing Arts Centre
- Replacement of the May Street Bridge deck
- Thornford Road Bridge replacement
- Japanese Garden
- Implementation of the CBD Masterplan
- Continuation of St Clair restoration works
- Aquatic Centre Upgrade
- Development of a Hockey Complex
- Improvements to infrastructure in the North Goulburn Industrial Precinct
- Development of Riverside Park
- Upgrade works at the Goulburn Waste Management Centre
- Commencement of the Effluent Reuse Irrigation Scheme
- Goulburn Water Treatment Plant augmentation works
- Solar Panels at the Goulburn Waste Water Treatment Plant
- Ongoing major renewal works on both Water and Sewer reticulation assets.

Sewer Charges

An increase of 0.25% is proposed to the Sewerage Availability Charges for 2019/20.

The Sewer User Charge is also proposed to increase by 0.25%.

Water Charges

Water Availability Charges are proposed to increase by 0.25% in 2019/20.

Water Usage Charges for Goulburn are also proposed to increase by 0.25%.

Domestic Waste Charge

The Domestic Waste charge is proposed to increase by 7.5% in 2019/20 to \$355 per property. The rural waste fee is proposed to be set at \$135 which represents an increase of 12.5% (\$15) on the 2018/19 fee. To accompany this increase in fees, the rules surrounding the rural waste card will be changed to enable more flexibility in the type of waste being disposed of. An electronic waste card will also be introduced to keep track of visits and enable more efficient replacement of lost cards.

Waste Management Charges

Waste Management Centre fees and charges have the following changes:

- Commercial waste collection charges have increased by 4%-6.5%.
- All tipping fees have increased by approximately 7.5%

These fees have been reviewed to ensure that the Waste Business unit is self-funding, particularly in light of the large value works that need to be undertaken at the Waste Management Centres over the coming four years. It is currently planned that the increases to these fees will be of a similar level until 2020/21.

Stormwater Levy

There is no intent to formally charge a Stormwater Levy for 2019/20.

Financial Constraints

The task of preparing the Budget has been undertaken in the context of the following constraints:

- **Rate pegging limit** – IPART has set the rate pegging limit for 2019/20 at 2.7%. While higher than previous years, this amount continues to be short of the real cost increases which Council is faced within this Budget and, despite the work done to ensure that Council meets the fit for the future criteria throughout this plan, is unsustainable in the long term.

Despite these documents being prepared to ensure that the Council remains fit for the future into the future, Council may need to consider applying for a Special Rate Variation (SRV) at some stage in the not too distant future. At this stage, no SRV has been incorporated into the plan.

The potential for the requirement of an SRV has been highlighted in the Foreword of the document to notify the community that it could be a possibility in the next year or two.

- **Financial Assistance Grant** – in 2017/18 the Federal Government removed its “freeze” on the indexation of the Financial Assistance Grant. While the level of funding from this grant will never catch up to where it would have been without the non-indexation period, it is expected that the amount from this grant will now increase at an annual rate of between 2% and 2.5%.
- **Other Grants** – A number of the major projects in this plan have been included contingent upon the confirmation/obtaining of grant or other external funding. Projects such as the Aquatic Centre Upgrade, Hockey Complex and the Goulburn-Crookwell Rail Trail are heavily dependent upon external funding and unless the funding is obtained (or confirmed in the case of the Aquatic Centre) may not proceed or may need a reduction in the scope of the project.
- **Loan Borrowings/Debt Service ratios** – The following borrowings are proposed for 2019/20:
 - Performing Arts Centre - \$6,300,000
 - Waste Management Centre Upgrade - \$4,280,000
 - Aquatic Centre Upgrade - \$8,900,000

Further borrowings are proposed in the forward capital works program. Council's Debt Service Ratio and Debt Service Cover Ratio will both remain well within accepted limits despite these proposed borrowings

- **Other Constraints** – other constraints include
 - Increasing contribution to pensioner rebates due to the ageing population
 - Limited ability to access new income sources
 - Traditional expectation for Council to subsidise recreational, cultural and heritage services and the limited community contributions to them

Plant & Equipment

Plant and Equipment will be replaced in accordance Council's 10 year replacement program. It is anticipated that this program will be reviewed in the coming weeks and if significant changes are identified, they will be reported to Council as an internal submission to the Plans.

Salaries & Wages

We are heading into the last year of the current version of the Local Government (State) Award with the increase at 1 July 2019 set at 2.5%. As a result an annual increase of 3.5% has been allowed for wages and other employee on-costs. This increase will cover, not only the award increase, but the progression of staff through Council's salary grading system as they gain the required competencies.

A new award will be negotiated during the new financial year. It should be finalised by the time Council prepares the 2020/21 Operational Plan.

Fees and Charges

Discretionary fees & charges have generally increased between 3-5%. Where fees & charges are set by statutory means and no advice has been received from the relevant statutory body, it has been assumed that no change will be applied to the particular fee(s) involved. If advice to the contrary is received, it will be reported to Council as an internal submission following the public exhibition period.

12.8 GOULBURN BASE HOSPITAL UPDATE

Author: Matthew O'Rourke, Director Operations

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

Link to Community Strategic Plan:	IN8.1 Lobby State Government to provide adequate health and medical facilities within the LGA. IN8.2 Support the development of community health services and infrastructure that is accessible to residents living in remote areas and to less mobile residents.
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The report on the Goulburn Base Hospital Upgrade Parking Proposal consultation period be received.

BACKGROUND

To provide a brief update to Council on the status of the consultation period outlining the proposed temporary parking arrangements for the Goulburn Base Hospital precinct during upgrade works.

REPORT

The five week consultation period outlining the proposed temporary parking arrangements for the Goulburn Base Hospital Upgrade has concluded. Information gathered during the consultation period will be used to develop a project consultation plan. The consultation period included two community drop in sessions where representatives from Health Infrastructure were available to meet with members of the community to discuss any questions they had around the hospital redevelopment. The first sessions was on 18 February 2019 and the second session was on 7 March 2019.

A brief summary of the drop in sessions follows:

- Approximately 20 residents attended each drop in session.
- Approximately 45 documented responses were received during the consultation period including email and written submissions.
- Comments were generally supportive of the hospital redevelopment, with some concerns as to how the timed parking restrictions would apply.
- There were comments regarding the amount of signage necessary for the precinct.

Health Infrastructure are currently reviewing the documented responses and will prepare a draft consultation plan with recommendations for ongoing community consultation. This draft plan will be shared with relevant project stakeholders, including Council. A further report will be submitted to Council when the draft consultation plan is available.

12.9 'MY COMMUNITY PROJECT' NSW STATE GOVERNMENT GRANT PROGRAM

Author: Rebecca Noonan, Senior Grants Officer

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

Link to Community Strategic Plan:	Strategy CL4 - Actively investigate and communicate funding sources and collaboration opportunities that can strengthen the region.
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The report of the Senior Grants Officer on the My Community Project NSW State Government Grant Program be received.
2. Council selects following two of the proposed projects to be submitted to the My Community Project grant funding program on behalf of Goulburn Mulwaree Council promotes the My Community Project grant funding opportunity to local community groups with which they are in contact.

-
-

BACKGROUND

The NSW State Government has announced the My Community Project grant program, which provides \$260,000 for each NSW State Government electorate, for projects proposed and voted on by members of the public.

The program has two aspects of relevance for Council:

1. Council may be asked to act as a project sponsor for individuals who propose projects involving assets under our ownership or management;
2. Council may wish to put forward eligible projects to be voted on.

Eligible projects must have a grant request value of between \$20,000 and \$200,000 and align with one of the following categories:

- Accessible Communities (inclusivity)
- Cultural Communities (increase opportunities for arts and cultural participation)
- Healthy Communities (enabling healthy and active lifestyles)
- Liveable Communities (improve local amenity and environment)
- Revitalising Communities (encourage social engagement and participation in public programs)
- Safe Communities

Applications open on 2 April and close on **15 May**; and voting will be open from 15 July – 15 August.

The projects receiving the most community votes will be allocated funding, which will be a minimum of two projects across the NSW State Government electorate.

REPORT

Council projects which meet the eligibility requirements and have the necessary community appeal to poll competitively in the voting process. These projects are listed below:

- Public Art at the Wollondilly Walking Track – commissioning and installation of two pieces of public art, cost estimate \$100,000;
- Disabled Access at Bourke St Community Centre – cost estimate \$80,000;
- Tony Onions Park Upgrade – new play equipment, cost estimate \$140,000;
- Apex Park Upgrade – new play equipment, cost estimate \$140,000;
- Community Bus – additional bus with increased capacity to meet the requirements of Council's community support programs, cost estimate \$120,000;
- Cricket Nets or Rage Cage at Leggett Park – cost estimate \$80,000 for cricket nets (2 practice wickets) or \$200,000 for a rage cage;
- Victoria Park – the Shibetsu Gardens – a \$500,000 project – seeking \$200,000 contribution
- Car Park Sealing Veolia Arena – cost estimate \$130,000.

It is proposed that Council identifies the two projects from the list above that it feels will generate the strongest community support, for which Goulburn Mulwaree Council My Community Project grant applications will be submitted.

It is recommended Councillors also promote this funding opportunity to local community groups with which they are in contact. Community groups including schools, events and sporting groups may independently submit applications for projects involving programs, or assets they own or manage, or may approach Council to sponsor projects where Council is the relevant asset owner or manager.

12.10 EXTERNAL MEETING MINUTES

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Minutes Ardmore Park CCC - 1 March 2019  

Link to Community Strategic Plan:	CL3 We actively collaborate with others in the region
Cost to Council:	There are no financial implications for this report
Use of Reserve Funds:	Nil

RECOMMENDATION

That the report from the General Manger on the minutes from Ardmore Park Community Consultative Committee Meeting on the 1 March 2019 be received.

REPORT

Please find attached the minutes from the Ardmore Park Community Consultative Committee Meeting Minutes 1 March 2019.

Ardmore Park Community Consultative Committee**Minutes of Meeting held at Bungonia Community Hall at 2:30pm on Friday 01 March 2019**

Present: Don Elder (Chairman)
Jason Mikosic (MQ Representative)
Mick Rodgers (MQ Representative – Community Liaison)
Alexander Cox (MQ Representative – Environmental Officer)
Phil Broadhead (Community Member)
Joanne Macey (Community Member)
Scott Martin (Goulburn Mulwaree Council)
Robert James (Community Member)
Michael Ireland (Community Member)
Bill Dobbie (Community Member)
Damien Cole (Community Member)

Observers: Steve Wall (MQ)
Rosalind Dobbie
Peter Andrews

1. **Welcome:** The meeting was declared open at 2.33pm. There were no objections to the meeting being recorded.
Robert James and Bill Dobbie were welcomed by the Chairman.
The Chairman advised that all available community positions on the CCC had been filled.
2. **Apologies:** Steve Mikosic (MQ) and Michael Cox (MQ)
3. **Declaration of Pecuniary or Other interests:**
Chairman has increased his fees from 01 February 2019.
No other pecuniary or other interests were declared.
4. **Minutes of the meeting** held 02 November 2018 were confirmed.
5. **Business arising from the minutes:**
 - a) Alexander Cox advised that the independent study into the bore and any association with the decline in Phils Spring had been completed. Copies of this study had been provided to Mr and Mrs Broadhead and the DPE. This study ruled out extraction as a contributing cause but argued the production bore BHAP6 may be related. The study recommended further observation and monitoring be undertaken.
 - b) Phil Broadhead tabled a report (attached with the minutes).
 - c) A discussion was had regarding noise levels and how noise levels were assessed. Steve Wall advised that the important measure of noise was a weighted 15-minute average, not instantaneous noise peaks. Scott Martin also discussed the averaging of total noise levels over a 15-minute period.
With respect to noise, Robert James advised the Committee that on some days, noise transmission to residences down Inverary Road can be significant.

- d) Alexander Cox advised the committee that all aspects of the Response to Submissions associated with the modification had been completed. The Department of Planning issued detailed feedback on the Social Impact Assessment (SIA). This had required significant revisions to the SIA. It is expected that this work will be completed and submitted to the Department by the end of the following week (08 March 2019).
 - e) The Chairman requested that any reports from members be sent to him at least seven (7) days before a meeting, and he will circulate them to members.
6. **Correspondence:** The Chairman received confirmation from DPE of the appointment of both Bill Dobbie and Robert James to the Committee.
7. **Chairman's Report:** The Chairman read his report to the Department of Planning for the period January 2018 to December 2018.
A copy of this report is attached to the Minutes.
8. **Company report:** Alexander Cox presented the Company's report which is attached with the minutes.

Bill Dobbie sought confirmation of the community grant scheme as a private arrangement. He discussed a possible model including a committee to determine successful applications consisting of community and MQ representatives.

Alexander Cox advised that at the moment the community fund would not involve public funds. Council has indicated it does not want to be involved in the selection of successful applicants or the distribution of money. Alexander Cox advised that as a private fund, the guidelines of the fund would be privately in control of Multiquip and would be able to be changed over time if necessary.

9. **General business:**
- a) Damien Cole asked about the legal status of the stop sign at the entrance of Ardmore Park. Mick Rogers advised this it was not a legally binding RMS sign but that it had been installed by Multiquip as a safety precaution.
 - b) Mick Rogers reiterated that he was always available and happy to field complaints or questions by members of the community.
 - c) It was asked if a tour of the quarry could be organised during the next committee meeting. Multiquip representatives advised that this would not be an issue.
10. **Next Meeting:** The next meeting will commence at 2.15pm on 16 August 2019 at the Bungonia Progress Association Hall, from where members will travel to Ardmore Park for an inspection and then return to the Hall for the meeting.

The meeting was declared closed at 3:15pm.

Confirmed

Chairman

INVERARY PARK - NEIGHBOURS REPORT – CCC MEETING 1/3/2019

DUST - No complaints over the last 3 months.

NOISE – Noise has not been too bad over the last 3 months due to easterly winds being dominant. However on a number of days when it was still or a slight westerly wind, the noise was significant. Particularly in the mornings from 7.00am until around 10.00am. The constant droning noise is mainly generated by the crusher (more noticeable since January), but the excavator buckets scraping, banging & clanging while loading trucks & digging and also trucks gearing in and out of the quarry are the loudest, often over 45db. (Note: some of these noise levels have been recorded previously in the June Noise Report) - **Report No: 181023-02_Noise_Rev3 August 2018 (Released: 6 August 2018) Benbow Environmental.** Excavator, scraping < 51 dB(A) Truck revving < 43 dB(A) Reverse alarm < 42 dB(A). This Report was organised by Multiquip Quarries.

This noise needs to be mitigated and we would like to see your Environmental Officer come over when the noise is at these levels to see for himself. Multiquip made this proposal in their response to the Submissions (2.11.3 Noise Management and Mitigation – Response to Submissions) but they have yet to attend when complaints are made or when they are asked to come over and record it.

The other thing Multiquip could do is to build the bund walls where they have proposed and where they will do some good, rather than building one along our boundary fence which achieves nothing. It does not even help with visual pollution, as its in a low area.

Planting of trees etc as proposed previously, would also help mitigate visual pollution. This commitment has been in place since the inception (14 + years) and yet still no vegetation has been planted to screen from neighbours.

WATER – After reading the report prepared by an independent consultant “Australasian Groundwater & Environmental Consultants Pty Ltd” (AGE) it seemed conclusive that the extraction operations at Ardmore Park Quarries (Sand & Hard Rock) is not the reason for the decline in flow rates at Phils Spring.

As I read the report, it appears that the reason for water decline is because of the underground water level in the alluvium (aquifer) in Ardmore Park, which has dropped approximately 3.5 meters since 2003. Although not conclusive, there is evidence that the

aquifer could be connected to Phils Spring, impacting by lowering the pressure & reducing flow.

The reason for the groundwater level to decline is not clear, but the Production Bore (BHAP6) is a suspect. It is possible it is draining the upper aquifers causing the drop in Ground water levels of 3.5 metres. The production bore itself has dropped 7.38 metres from 2003 to 2018.

The lack of water level data from Ardmore Park bores, from 2003-2018 has also not helped in determining the cause. It has been recommended that there be further study's done to determine if BHAP6 is responsible.

Our spring flow continues to decline and is now at an historical low recorded on 19.2.19 of 6,850 Litres/Day.

We are awaiting the Planning Departments comments.

Phillip & Diane Broadhead

ARMORE PARK COMMUNITY CONSULTATIVE COMMITTEE

CHAIRMAN'S REPORT JANUARY 2018 TO DECEMBER 2018

At the commencement of this period the CCC comprised Phillip Broadhead, Joanne Macey, Damian Cole, Mick Heppleston and Mick Ireland as, community members. Jason Mikosic, Mike Rogers and Alexander Cox as company members, Scott Martin as the representative of Goulburn Mulwaree Council and Don Elder as independent chairman. Occasionally the company members changed. During the year Bill Dobbie and Robert James were added as community members.

The CCC met on three occasions during the year.

The community interest in the CCC has been high and all meetings have been held in the Bungonia Community Hall and are open to the public. We now have the permitted number of community members and there was one other community applicant who was not successful.

Meetings throughout the year have, on occasions, been lively. There have been many discussions about noise, truck movements and water usage and some of the issues raised are ongoing. There was a formal complaint about the conduct of one community member of the CCC which I adjudicated and determined no action would be taken and that acoustics at meetings were to be improved. I also reminded all members of the provisions of the Code of Conduct. There was also a motion of no confidence in the CCC minute taker (a representative of the company) which was lost. Despite these matters I consider the CCC has fulfilled its' purpose and information is received from, and given to, the community. On occasions debate has become heated but never out of control.

Information provide by the company has improved and become more detailed during the year and I thank the company representatives who have contributed to this. The concerns of the community are brought to meetings and I thank the community members for their efforts. The Goulburn Mulwaree Council, through its representative has kept the CCC well informed of its activities.

All in all, the CCC is a lively, interested organisation where information is sought and generally provided and members respect others' views. It has been both a challenge and a pleasure to act as chairman. It has certainly never been dull.



D.J.Elder

Chairman



Community Consultative Committee

Ardmore Park Quarry

Meeting held on 1st March 2019



Topics

- Current activities
- Environmental performance
- Modification 3 update
- Roadworks update
- VPA update



Current activities

- Extraction has continued consistently since the last CCC meeting.
- Dispatch is typically 25 to 30 trucks per day.
- Product transported yearly total of 300,000 T/pa (approximately).
- Product mix: 95% sand or sand derived products such as pebbles, 5% rock products.
- Customer mix includes cement plants, landscape suppliers, racetracks and sports venues.
- Destination: 95% of product is transported to Sydney, 5% to Canberra and regional markets.



Main sand wash plant





The “sand pit” (looking west)





Incidents

- No WHS incidents took place at the quarry.
- No compliance issues have arisen since the previous meeting.

Complaints

- Multiquip received 3 complaints regarding noise emissions from the quarry.



Environmental performance

- Water sampling – 2 rounds of water quality sampling were undertaken in October and January.
 - Samples at laboratory in Sydney now.
- Water depth testing occurs monthly. Most monitoring bores are continuously monitored.
- Deposited dust samples collected monthly.
 - Waiting on results for January.



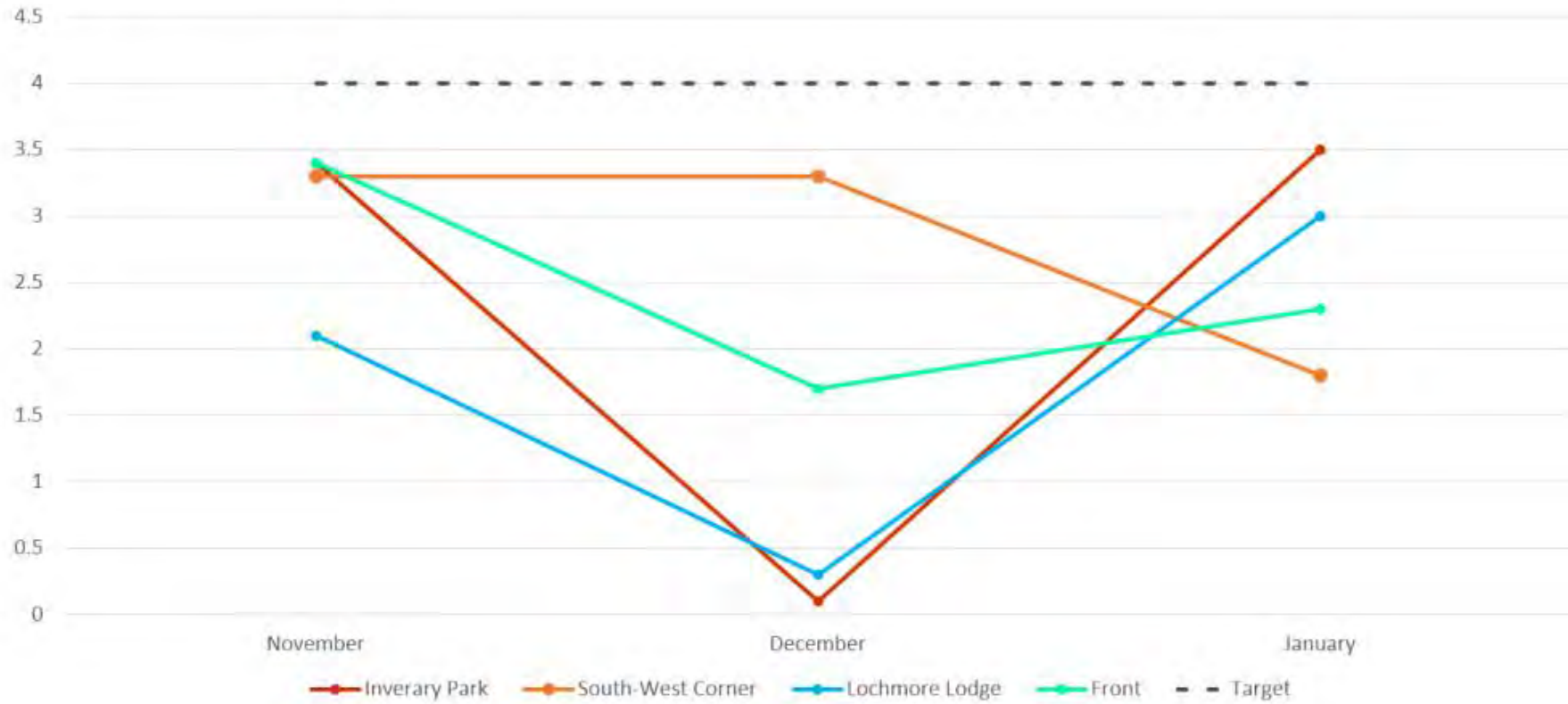
Water depth levels

- BHAP6 (pumping bore 66.3m below ground level).





Deposited dust





Modification 3 update

- All parts of the modification submissions had been completed and lodged to the Department of Planning at the time of the previous CCC meeting.
- We received detailed feedback on the Social Impact Assessment from the Department of Planning.
- As a result of this, Multiquip is making significant revisions to the SIA, including adding information gained from interviews and conversations with people in the local area.
- The revised SIA will be submitted next week.



Roadworks update

- Council inspection of roadworks in 2018 identified 1500m² of road pavement which required rectification.
- More than double this area has been repaired by contractors between December 2018-January 2019.
 - This has the added benefit of moving the 'join' of the road from out under the axle path of traffic.
- Main remaining section of road prior to completing required roadworks is the 350m of full width reconstruction. This is being conducted at the southern end of Jerrara Road.
- Council has generously agreed to match this length of road so 700m of road will be reconstructed completely.
- Council is planning to re-sheet the entire haul road this April.



Start point FWR





End point FWR





Council VPA update

- Council voted on the Multiquip VPA on the meeting on the 5th February.
- The heads of agreement were affirmed by Council on the recommendation of the executive.
- The VPA no longer on public exhibition. It remains to be put to council.
- Submissions will be reviewed by the executive and Council will make a final determination later this year. If affirmed, then formal terms will be drafted and implemented.

VPA terms

- Key points:

- Council and Multiquip to jointly fund the re-sheeting of the road (pending determination of modification 3).
- Multiquip to complete final remediation works needed, conduct bridge assessments and implement findings of a Road Safety Audit, once completed by Council.





By next meeting...

- Update on the determination on Modification 3 (possible determination).
- Update on the VPA with Council.
- Commenced final elements of roadworks.
- Update on ongoing quarry production.
- Update on ongoing environmental performance.

13 CLOSED SESSION

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

RECOMMENDATION

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 Sale of Council Properties

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.