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MINUTES

Ordinary Council Meeting

3 September 2019

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**MINUTES OF GOULBURN MULWAREE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,
GOULBURN
ON TUESDAY, 3 SEPTEMBER 2019 AT 6PM**

PRESENT: Cr Bob Kirk (Mayor), Cr Peter Walker (Deputy Mayor), Cr Andrew Banfield, Cr Leah Ferrara, Cr Carol James, Cr Denzil Sturgiss

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

1 OPENING MEETING

Mayor Bob Kirk opened the meeting 6pm. The Mayor advised that the meeting would be webcast live.

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor Bob Kirk made the following acknowledgement.

"I would like to Acknowledge and pay our respects to the Aboriginal elders both past and present as well as emerging leaders, and Acknowledge the traditional custodians of the Land on which we meet today."

3 COUNCILLORS DECLARATION AND/OR PRAYER

The opening prayer was read by Cr Denzil Sturgiss.

4 APOLOGIES

RESOLUTION 2019/334

Moved: Cr Denzil Sturgiss

Seconded: Cr Carol James

That an apology from Cr Sam Rowland, Cr Margaret O'Neill and Cr Alfie Walker be received and leave of absence granted.

CARRIED

5 APPLICATION FOR A LEAVE OF ABSENCE BY COUNCILLORS**RESOLUTION 2019/335****Moved: Cr Denzil Sturgiss****Seconded: Cr Carol James****That:**

- 1. The report of the General Manager on Leave of Absence be received.**
- 2. Council grants leave of absence to Cr Sam Rowland & Cr Alfie Walker for this meeting and the next Council meeting being the 17 September 2019.**
- 3. Council grants leave of absence to Cr Margaret O'Neill for this meeting for health reasons**

CARRIED**6 LATE ITEMS / URGENT BUSINESS**

Nil

7 DISCLOSURE OF INTERESTS

Cr Andrew Banfield declared a non-pecuniary/non-significant conflict of interest in Item 15.6 "1819T0011 Hydro Vacuum Excavation Truck" as his employer Denrith Pty Limited owns a similar vehicle. As the disclosure was not of a significant nature Cr Andrew Banfield remained in the meeting while discussion take place.

Cr Andrew Banfield made a statement in relation to the rest of the Business Paper. He has assessed the other Business Paper items and does not perceive any declaration of interest is required to be declared in relation to his employment with Denrith Group of Companies other than stated above.

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

Robert Mowle addressed the meeting on Item 15.2 MODDA/0010/1819 - amend development site layout - 966 Towrang Road, Towrang and Item 15.3 Lot 10 Lansdowne Street Planning Proposal and Development Control Plan Amendment

EXTENSION OF TIME**RESOLUTION 2019/336****Moved: Cr Peter Walker****Seconded: Cr Denzil Sturgiss****That Robert Mowle receive an extension of time to address Council as part of Public Forum.****CARRIED**

10 CONFIRMATION OF MINUTES

10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 20 AUGUST 2019

RESOLUTION 2019/337

Moved: Cr Carol James

Seconded: Cr Denzil Sturgiss

That the Council minutes from Tuesday 20 August 2019 and contained in Minutes Pages No 1 to 23 inclusive and in Minute Nos 2019/299 to 2019/333 inclusive be confirmed.

CARRIED

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 20 AUGUST 2019

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2019/338

Moved: Cr Denzil Sturgiss

Seconded: Cr Peter Walker

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

CARRIED

12 MAYORAL MINUTE(S)

Nil

13 NOTICE OF MOTION(S)

13.1 NOTICE OF MOTION - LEASE AND RENTAL AGREEMENTS FOR COMMUNITY GROUP TENANTS

RESOLUTION 2019/339

Moved: Cr Peter Walker

Seconded: Cr Denzil Sturgiss

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 6:30pm.

CARRIED

RESOLUTION 2019/340

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

That Council move back into Open Council.

Council moved back into Open Council at 6:37pm.

CARRIED

RESOLUTION 2019/341

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

That all matters relating to the lease and rental agreements for Community Group tenants in the Community Centres premises in Auburn Street and Bourke Street be submitted to the Community Centre Working Party for consideration and then recommendation to Council for Council to determine the terms, conditions and ongoing implementation of those lease and rental agreements

CARRIED

14 NOTICE OF RESCISSION(S)

Nil

15 REPORTS TO COUNCIL FOR DETERMINATION

15.1 LEAVE OF ABSENCE - CR SAM ROWLAND & CR ALFIE WALKER

This item was addressed in Item 5 above.

15.2 MODDA/0010/1819 - AMEND DEVELOPMENT SITE LAYOUT - 966 TOWRANG ROAD, TOWRANG

RESOLUTION 2019/342

**Moved: Cr Leah Ferrara
Seconded: Cr Denzil Sturgiss**

That:

- 1. The staff assessment report for development application MODDA/0010/1819 for the proposed amended development site layout to an Intensive Agriculture (Horticulture) be received.**
- 2. Consent be granted for MODDA/0010/1819 for the proposed amended development site layout to an Intensive Agriculture (Horticulture) located at 966 Towrang Road, Towrang subject to the following conditions.**

GENERAL CONDITIONS

1. Revised Condition

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 the modified application or any of the following conditions.

Reference No	Title/Description	Prepared By	Date
	Statement of Environmental Effects	Laterals Planning	March 2018
1805	Statement of Environmental Effects – Modification Application	Laterals Planning	April 2019
1805	Plan of Management	Laterals Planning	May 2018
0319 – 2001-A00, A01, A02 & A03 Rev D	Site Development Plans	Tim Lee Architect	25/06/2019
18000088 Sheet 1- 5 Rev 4	Water Cycle Management Study and associated MUSIC stormwater quality modelling	Strategic Environmental & Engineering Consulting	01/04/2018
	Additional Information Letter	Laterals Planning	10/09/2018
	Additional Information Letter	Laterals Planning	07/08/2018
1805	Modification Cover letter	Laterals Planning	23/04/2019
1805	Additional Information Letter	Laterals Planning	02/07/2019
1805	Additional Information Letter	Laterals Planning	29/07/2019

In the event of any inconsistency between conditions of this approval and the plans and documentation referred to above, the new plans and details shall prevail over the older plans and details and the conditions of this approval prevail over the plans.

Approval is granted for construction of:

- 7 growing structures and 1 handling structure (each 40m x 48m x 4.8m high) and each with an area of 1,920 m²;
- New internal road;
- Maximum disturbance footprint area 18,156 m²;
- Total building floor area 15,360 m²;
- Fruits and vegetables are to be grown hydroponically in raised beds in pre-packaged soil medium that sits on metal racks;
- Staging as follows:
 - Stage 1 comprising the northern four greenhouses, road and water infrastructure; and
 - Stage 2 comprising the southern four greenhouses.

2. Revised Condition

There shall be no more than five employees (full-time or part-time) on the site at any one time. If there is to an increase in employees at the site, then other wastewater management facilities shall be provided (such as portable toilets). All appropriate approvals must first be obtained from Council and WaterNSW.

Reason for Condition - To ensure that all wastewater is managed in a manner that has a sustainable neutral or beneficial effect on water quality over the longer term.

2a. New Condition

The growing and handling structures must be relocated to ensure a minimum setback of 30m from the southern boundary is achieved.

Reason: To ensure the buildings setback is not reduced more than originally approved

and not increase any potential impact on the neighbour.

3. Revised Condition

Water from the bore shall not be used to supply the dwelling.

Reason for Condition - To ensure that all wastewater is managed in a manner that has a sustainable neutral or beneficial effect on water quality over the longer term.

4. Revised Condition

The site layout, staging and works shall be as specified in the Statement of Environmental Effects for modification application prepared by Laterals Planning (dated April 2019), and shown on the proposed Site Plan (Drawing Identification Number: 0319-2001-A01 of 4; Amendment D; dated 25.06.19) prepared by Tim Lee Architects. No revised site layout, staging or external works that may 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.

5. Revised Condition

All water management measures shall be implemented as specified in the Water Cycle Management Plan (Project No. 18000088; Sheets 1 to 4; Rev 04; dated 01/04/2018) prepared by Strategic Environmental & Engineering Consulting.

6. No variation to water management that will impact on water quality shall be permitted without the agreement of Water NSW.

Reason for Conditions 5 & 6 - To ensure the water management measures are appropriately designed and implemented so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

7. Revised Condition

Water from the bore must not be used to supply the greenhouses. Separate approval from Water NSW (and any other necessary approval authority) must be obtained prior to use of the bore water for the Intensive Agriculture (Horticulture) operation.

Reason for Condition – a licence is required for the intensification of the use from domestic consumption and stock watering to intensive agriculture (horticulture).

8. 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.

9. In accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* compliance with the following prescribed conditions are 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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE FOR EACH STAGE (UNLESS OTHERWISE STATED)

10. Revised Condition

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.

11. Hydraulic Engineers details of the stormwater drainage which show 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.

12. Revised condition

An Erosion and Sediment Plan for each stage shall be prepared by a person with knowledge and experience in the preparation of such plans for all works 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),
- be prepared prior to Council issue a Construction Certificate for each stage and be to the satisfaction of Council, and
- incorporate controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.

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, and to ensure the water management measures are appropriately designed, implemented and maintained so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

13. Deleted condition

~~All water management measures shall be implemented as specified in the Water Cycle Management Plan (Project No. 18000088; Sheets 1 to 4; Rev 03; dated 04/09/2018) prepared by Strategic Environmental & Engineering Consulting, except where varied by these conditions.~~

14. Revised Condition

Prior to issue of the Construction Certificate, plans and details must demonstrate compliance with Water NSW conditions of concurrence for each stage and Council’s *Standards For Engineering Works* for proposed road and access works for Stage 1.

15. Revised Condition

In accordance with the provision of Section 4.17 and Section 7.12 of the *Environmental Planning and Assessment Act 1979* contributions are required towards 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 (2019/2020) 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.

For Staged construction works a detailed summary cost of construction report is

required for the whole development, with costs allocated against the two (2) stages. Payment will be required relative to the cost of construction for each stage and the value of the works are cumulative for each stage.

16. The Applicant shall ensure that all external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to the surrounding environment, properties and roadway. The lighting shall be the minimum level of illumination necessary and shall comply with *AS 4252 (as amended) Control of Obtrusive Effects of Outdoor Lighting*.

16a. New Condition

Written evidence of approval of any “controlled activities” as defined under *ISSC-20 Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure* must be obtained from Essential Energy prior to issue of any Construction Certificate. The Applicant must comply with the requirements of Essential Energy as outlined in their response dated 16 May 2019.

16b. New Condition

The water pump must be located, designed and/or acoustically attenuated so that noise emitted does not exceed a sound pressure level of 5dB LAeq (15 minute) above the ambient background level when measured on or within any other residential property boundary. Details to be provided to the Private Certifying Authority for review with the application for a Construction Certificate.

PRIOR TO THE COMMENCEMENT OF WORK

17. Revised Condition

The Erosion and Sediment Plan shall be implemented for each stage of the development and effective erosion and sediment controls shall be installed prior to any construction activity. Erosion and sediment controls shall be regularly inspected, maintained and retained until works have been completed and groundcover established.

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.

18. 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.

DURING CONSTRUCTION

19. In accordance with Section 6.5 of the *Environmental Planning and Assessment Act 1979* and Clause 162A of the Regulations 2000 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.

- a) After excavation for, and prior to the placement of any footings; and
- b) Prior to pouring any in-situ reinforced concrete building element; and
- c) Prior to covering of the framework for any floor, wall, roof or other building element (truss and bracing details required prior to inspection); and
- d) Prior to covering waterproofing in any wet areas; and
- e) Prior to covering any stormwater drainage connections; and
- f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

20. 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.

21. All construction and demolition work shall be carried out in accordance with the '*Noise Guide for Local Government*' published by the NSW EPA as amended from time to time. That all construction and demolition work shall be carried out only between the hours of 7.00am and 6.00pm Mondays to Fridays inclusive and on Saturdays between 7.00am and 1.00pm if inaudible on residential premises, otherwise 8.00am to 1.00pm. No construction or demolition work shall take place on Sundays or Public Holidays.

22. Revised Condition

Any proposed fencing must to be on existing ground level. Cutting and filling is restricted to that shown on the Modified Development Consent approved plans. Any further cutting or filling will require separate approval.

23. In the erection or demolition of a building, if the soil conditions require it, retaining walls or other approved methods of preventing movement of the soil must be provided and adequate provision for drainage must be made. Approval is required for any retaining walls over 600mm in height or within 1000mm of the boundary.

24. Activities occurring at the site must be carried out in a manner that will minimise emissions of dust from the premises. Trucks entering and leaving the premises that are carrying excavated dusty materials, including clays, sands and soils, must be covered at all times, except during loading and unloading.

25. 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*.

26. 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.

27. Rainwater tanks must be installed in accordance with the Goulburn Mulwaree Councils Development Control Plan 2009, Stormwater Drainage & Rain Water Collection Systems Policy and Water NSW Requirements.

28. Revised Condition

The gateway entrance off Towrang Road to the lot shall be bitumen sealed from the edge of the bitumen road to the property gate.

A site distance of 181m is required in each direction as required by *safe intersection site distance of Austroads Guide to Road Design*. Should the site distance need to be increased a separate section 138 application under the Roads Act will be required for vegetation removal. A vegetation Assessment shall be submitted with the s138 Application.

29. Revised Condition

The access way to the green house site shall:

- be constructed with compacted roadbase (aggregate) as a minimum

- be located so as to minimise drainage line crossings, cut and fill, and length
- have vegetated swales or a grassed buffer on both sides of its entire length, which:
 - include appropriately spaced level spreaders, sills and mitre drains
 - divert water onto a stable surface capable of accepting concentrated water flow and providing efficient sediment trapping and energy dissipation, and
 - are stabilised by an energy dissipater where outlets of swales discharge near drainage lines, and
- have swales, batters and verges that are vegetated and stabilised with bitumen and jute matting or similar as soon as possible after construction.

Reason for Condition - To ensure the access and associated drainage works and water quality control measures are appropriately managed and maintained so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

30. If any previously undetected Aboriginal site or relic is uncovered or unearthed during any activity, work at that location must cease immediately and advice on appropriate action be obtained from the Pejar LALC in conjunction with NSW Office of Environment and Heritage.

If there are any changes to the design or plan, then Pejar will need to be contacted, and further investigation will need to be carried out

PRIOR TO OCCUPATION (FOR EACH STAGE)

31. 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.
32. 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.
33. 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.
34. Prior to the issuing of any Occupation Certificate, the applicant must demonstrate that the drinking water supplied to the site will consistently meet the Australian Drinking Water Guideline requirements through the development and submission of a Quality Assurance Program to NSW Health, prepared in accordance with the requirements of the *Public Health Act 2010*, and the *Public Health Regulations 2012*. (NSW Health). Further information can be obtained at: <http://www.health.nsw.gov.au/environment/water/Pages/private-supplies.aspx>
35. 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.
36. Revised condition
- The proposed landscaping approved in this development consent shall be installed prior to the issue of any Occupation Certificate.
37. Revised Condition

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

38. Revised Condition

A suitably qualified consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of any Occupation Certificate for Stage 1 of the development that all water management structures have been installed as per these conditions of consent and are in a functional state.

Reason for Condition - To ensure the water management measures are appropriately designed and implemented so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

39. Revised Condition

An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with and to the satisfaction of Water NSW by a person with knowledge and experience in the preparation of such plans. The Plan shall:

- be prepared prior to the issuance of an Occupation Certificate for Stage 1 of the development
- identify the location of, and provide details about:
 - all water management structures such as pits, pipes, irrigation system, rainwater tanks, swales, absorption trenches and storage dam
 - chemical management and storage, and
 - the management of waste, including waste vegetation matter
- identify the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all water management structures, including the frequency of such activities
- identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
- include checklists for recording inspections and maintenance activities.

Reason for Condition – To ensure the water management measures are appropriately designed, implemented and maintained so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

40. Revised Condition

The OEPM prepared for Stage 1 shall also include the following:

- a) frequency of review in consultation with WNSW and Goulburn Mulwaree Council;
- b) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to the operation of the development, including all consents, licences, approvals and consultations;
- c) a description of the roles and responsibilities for all relevant employees involved in the operation of the development;
- d) overall environmental policies and principles to be applied to the operation of the development;
- e) staff and visitor requirements;
- f) hours of operation and activities;
- g) notification protocol to Council of any non-compliance or complaints received;
- h) complaint receipt and management protocol;
- i) biosecurity requirements defined and roles and responsibilities the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy;
- j) compliance with the requirements of DPI Food Transport Vehicle;
- k) dust control;

- l) noise minimisation and control including traffic, staff, water pump and the like;
- m) traffic and vehicular movements;
- n) visual impact including lighting and vegetative screening and their management;
- o) odour;
- p) include strategies and measures for managing pest infestations and contingency actions for pest problems that may arise. Pest management shall incorporate controls other than pesticides, where possible, and minimise the use of chemicals. Examples include the use of insect screening if feasible, quarantine and hygiene protocols, biological and/or biorational controls and develop co-operative pest management programs in the local area for key pests;
- q) identify design requirements that demonstrate that the pump facility, access, power supply and equipment are capable of withstanding the 1% Average Recurrence Interval (ARI) flood;
- r) identify design requirements that comply with the *Planning for Bushfire Protection 2006*.

The development shall comply with NSW Rural Fire Service document *Planning for Bushfire Prone Areas, 2006* including:

- i. Water, electricity and gas are to comply with section 4.1.3 of *Planning for Bushfire Protection 2006*;
- ii. The onus will be on the property owner to provide suitable water supply arrangements, maintained at a minimum volume of 20,000 litres capacity for firefighting purposes;
- iii. A suitable connection for firefighting purposes is to be made available. This water supply is to be provided with a 65mm Storz fitting and ball valve for firefighting purposes;
- iv. Above ground tanks are to be manufactured of concrete or metal and raised tanks have their stands protected. Plastic tanks are not to be used;
- v. Access from the road boundary to the development shall be constructed and maintained in accordance with section 4.1.3 of *Planning for Bushfire Protection 2006*;
- s) incorporate a flood and/or fire emergency evacuation plan and staff responsibilities
- t) Details of the results from the computerised water management system shall be monitored and logged;
- u) Requires for record keeping purposes the ongoing retention of receipts for disposal of waste at licenced waste facilities;
- v) Vegetation screening planting and management including:
 - all screened landscaping to be protected from frost and animals; and
 - all failed plantings must be replaced by the same species of plants as approved to the similar height as existing adjacent plantings (unless otherwise agreed to by Council);
- w) Weed management;
- x) Repair and maintenance to the structures including disposal of the structure cover/sheeting;
- y) Any staging of works and conditions of approval; and
- z) Requirements of decommissioning including removal of all structures within 3 months of closing (unless otherwise agreed to by Council).

40a. New Condition

Prior to the occupation of the development or the issue of an Occupation Certificate the water pump equipment must be installed in accordance with the manufacturer's specification and all required noise attenuation measures implemented to ensure that the equipment complies so that noise emitted does not exceed a sound pressure level of 5dB LAeq (15 minute) above the ambient background level when measured on or within any other residential property boundary. Certification must be provided by a qualified acoustic engineer that all work associated with the installation of the acoustic measures has been carried out so that noise emitted does not exceed a sound pressure level of 5dB LAeq (15 minute) above the ambient background level when measured on or within

any other residential property boundary.

ONGOING OPERATION

41. 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.

42. All water management structures and processes including management of hydroponic wastewater shall be monitored, maintained and managed as per the Operational Environmental Management Plan referred in Condition 39 above.

Reason for Condition 42 – To ensure the water management measures are appropriately designed, implemented and maintained so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

43. The Applicant shall commission an independent audit and pay the full cost of an Independent Environmental Auditor within twelve months of the date of Occupation Certificate for each stage.

The audit must:

- be conducted by a suitably qualified, experienced and independent environmental auditor endorsed by Water NSW and Council
- assess whether it is complying with the requirements of Water NSW's conditions in this consent (including any assessment, plan or program)
- review the adequacy of requirements by Water NSW's conditions in this consent, and
- as appropriate, recommend measures or actions to improve the environmental performance of the development.

44. Within six weeks of the completion of the audit, or as otherwise agreed by Water NSW and Council, the Applicant shall submit a copy of the audit report to Water NSW and Council.

Reason for Conditions 43 & 44 – To ensure the water management measures are appropriately designed, implemented and maintained so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

45. Revised Condition

The audit must also assess compliance against the Council applied conditions. Should there be any issues of non-compliance or near non-compliance, a revised audit will be required for the following 12 month period for each stage and subsequently annually where non-compliance or near non-compliance is achieved.

46. Revised Condition

The Applicant must not install or operate an incinerator or burn waste product on site for the purposes of disposal of waste without the authorised approval of Council. The Applicant must not dry waste material on site prior to disposal. All plant waste and soil

waste material must be removed off site, unless separately approved by Council.

47. Revised condition

The owner of the building must ensure that the approved landscaping is maintained in accordance with the maintenance schedule required by this consent for the life of the development.

48. Revised Condition

To protect the amenity of the area, hours of operation of fruit and vegetable picking shall be limited generally to 7.00am – 1.00pm and 4.00pm – 5.00pm Monday to Friday and where longer period required 7.00am – 5.00pm Monday to Friday, 7.00am – 1.00pm Saturday with no work on Sunday or Public Holidays.

49. Revised condition

Noise associated with the operation of any activities on the site, shall not give rise to transmission of “offensive noise” as defined in the Protection of the Environment Operations Act 1997 to any place of different occupancy.

The Applicant shall design, construct, operate and maintain the development to ensure that the noise contributions from the development to the background acoustic environment do not exceed the maximum allowable noise contributions as specified in and in accordance with *Noise Policy for Industry (2017)* and *Noise Guide for Local Government*.

50. Revised Condition

The storage of any goods, articles or materials must only occur within the buildings to maintain a suitable streetscape impact and to avoid any adverse visual impact or potential for pollution.

51. All waste shall be stored only within the waste enclosures and be regularly removed in accordance with the approved and reviewed OEMP.

52. There shall be no heavy vehicle movement (including 12.5m ridged truck) to or from the site during school bus pick up or drop off hours.

52a. New Condition

The water pump must be located, designed and/or acoustically attenuated so that noise emitted does not exceed a sound pressure level of 5dB LAeq (15 minute) above the ambient background level when measured on or within any other residential property boundary. Ongoing - All equipment must be operated and maintained in accordance with ‘A’ above.

For the water pump: At all times between the hours of 8.00pm and 8.00am on weekends and public holidays and 8.00pm and 7.00am any other day, noise emitted must not be heard within any residence with its windows and/or doors open or closed.

Receipt of a noise complaint from the operation of this equipment will result in the requirement for certification from an acoustic engineer that the equipment is operating in accordance with the requirements of this condition. If the acoustic assessment reveals that the equipment is not operating in accordance with the consent it must make recommendations on what remediation measures are required to bring the equipment into compliance.

Note: The method of measurement of sound must be carried out in accordance with Australian Standard 1055.1.

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

For the motion: Crs Kirk, Sturgiss, James, P Walker, Ferrara & Banfield

Against the motion: Nil

15.3 LOT 10 LANSDOWNE STREET PLANNING PROPOSAL AND DEVELOPMENT CONTROL PLAN AMENDMENT**RESOLUTION 2019/343****Moved: Cr Denzil Sturgiss****Seconded: Cr Peter Walker****That Council Move into Committee of the Whole.**

Council moved into Committee of the whole at 6:45pm.

CARRIED**RESOLUTION 2019/344****Moved: Cr Denzil Sturgiss****Seconded: Cr Carol James****That Council move back into Open Council.**

Council moved back into Open Council at 6:54pm.

CARRIED**RESOLUTION 2019/345****Moved: Cr Leah Ferrara****Seconded: Cr Carol James****That**

- 1. The report from the Graduate Strategic Planner regarding the planning proposal at Lot 10 Lansdowne Street be received.**
- 2. Council endorse the planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* to rezone Lot 10 DP1247119 from B6 Enterprise Corridor with a floor space ratio of 0.8:1 to R5 Large Lot Residential with no floor space ratio and a minimum lot size of 1000m².**
- 3. Council forward the planning proposal to the Department of Planning, Industry and Environment for a gateway determination.**
- 4. In the event that the NSW Department of Planning, Industry 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.**
- 5. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for this planning proposal.**
- 6. Council refund the \$2,600 lodgement fee paid and waive any future planning proposal fees applicable.**
- 7. The site specific amendment to the *Goulburn Mulwaree Development Control Plan 2009* attached to this report be discussed at a Council Briefing before being placed on public exhibition.**

CARRIED

15.4 DRAFT COMMUNITY PARTICIPATION PLAN**RESOLUTION 2019/346****Moved: Cr Carol James****Seconded: Cr Peter Walker****That**

1. The report from the Graduate Strategic Planner regarding the *Draft Community Participation Plan* be received.
2. Council place the *Draft Community Participation Plan* on public exhibition for a period of no less than 28 days.
3. Council place the amendment to the public exhibition requirements of the *Goulburn Mulwaree Development Control Plan 2009* attached to this report on public exhibition for 28 days alongside the *Draft Community Participation Plan*.
4. Council publicly exhibit its proposed repeal of the *Publication of Public Notices Policy* alongside the *Draft Community Participation Plan*.
5. A report be put back to Council following the public exhibition period detailing the outcomes of the public exhibition period.

CARRIED**15.5 HERON WOODLAWN TRAFFIC UPDATE****RESOLUTION 2019/347****Moved: Cr Denzil Sturgiss****Seconded: Cr Andrew Banfield****That**

1. The report from the Director of Operations on the final Heron-Woodlawn traffic impact assessment report be received.
2. The final Heron-Woodlawn traffic impact assessment report be presented to the Heron CCC on 25 September 2019.
3. The final Heron-Woodlawn traffic impact assessment report be presented to the Roads and Maritime Services for review and action.

CARRIED**15.6 1819T0011 HYDRO VACUUM EXCAVATION TRUCK****RESOLUTION 2019/348****Moved: Cr Carol James****Seconded: Cr Leah Ferrara****That**

1. The report of the Business Manager of Woks on the purchase of Hydro Vacuum Excavation Truck be received
2. Council approve the purchase of Hydro Vacuum Excavation Truck from Vacvator Pty Ltd at a cost of \$351,803 excluding GST

CARRIED

15.7 DETERMINATION OF NUMBER OF COUNCILLORS FOR 2020 ORDINARY COUNCILLOR ELECTION**RESOLUTION 2019/349****Moved: Cr Carol James****Seconded: Cr Peter Walker****That**

- 1. The report by the Business Manager Governance on the Determination of the number of Councillors for the 2020 Ordinary Councillor Election be received.**
- 2. Council confirm that the Local Government Election in 2020 will be for a total of nine (9) Councillors.**

CARRIED**15.8 DRAFT ANNUAL FINANCIAL STATEMENTS AND SPECIAL PURPOSE STATEMENTS FOR 2018/19****RESOLUTION 2019/350****Moved: Cr Leah Ferrara****Seconded: Cr Andrew Banfield****That**

- 1. The report from the Director Business Services on the Draft Financial Statements and Special Purpose Statements be received.**
- 2. The Annual Financial Statements and Special Purpose Statements for Goulburn Mulwaree Council for the year ending 30 June 2019 be referred to Audit.**
- 3. The Statements under s413(2) Local Government Act 1993 be endorsed and signed off by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to allow the Audit to proceed.**

CARRIED**15.9 FLOODPLAIN RISK MANAGEMENT WORKING PARTY ACTION LIST - 21 AUGUST 2019****RESOLUTION 2019/351****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara****That the report from the Director Utilities in relation to the Floodplain Risk Management Working Party Action List 21 August 2019 be received.****CARRIED**

15.10 EXTERNAL MEETING MINUTES

RESOLUTION 2019/352

Moved: Cr Peter Walker
Seconded: Cr Denzil Sturgiss

That the report from the General Manger on the minutes below be noted:

- 1. Heron Woodlawn Community Consultative Committee meeting held on the 17 July 2019**
- 2. Southern Tablelands Zone Bush Fire Management Committee meeting held on the 6 March 2019**

CARRIED

16 CLOSED SESSION

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

There were no closed session reports for determination.

17 CONCLUSION OF THE MEETING

The Meeting closed at 7.03pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 September 2019.

.....
Cr Bob Kirk
Mayor

.....
Warwick Bennett
General Manager