



**OUR VISION & VALUES** ONE TEAM DELIVERING WITH

**PRIDE**

Passion | Respect | Innovation | Dedication | Excellence

**OUR MISSION** TO BE EASY TO DO BUSINESS WITH

# **BUSINESS PAPER**

## **Ordinary Council Meeting**

### **3 December 2019**

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



We hereby give notice that an Ordinary Meeting of Council will be held on:  
 Tuesday, 3 December 2019 at 6pm  
 in the Council Chambers, Civic Centre  
 184 - 194 Bourke Street, Goulburn

**Order Of Business**

<b>1</b>	<b>Opening Meeting</b> .....	<b>5</b>
<b>2</b>	<b>Acknowledgement of Country</b> .....	<b>5</b>
<b>3</b>	<b>Councillors Declaration and/or Prayer</b> .....	<b>5</b>
<b>4</b>	<b>Apologies</b> .....	<b>5</b>
<b>5</b>	<b>Applications for a Leave of Absence by Councillors</b> .....	<b>5</b>
	Nil	
<b>6</b>	<b>Late Items / Urgent Business</b> .....	<b>5</b>
<b>7</b>	<b>Disclosure of Interests</b> .....	<b>5</b>
<b>8</b>	<b>Presentations</b> .....	<b>6</b>
	Nil	
<b>9</b>	<b>Public Forum</b> .....	<b>6</b>
<b>10</b>	<b>Confirmation of Minutes</b> .....	<b>7</b>
	10.1 Minutes of the Ordinary Meeting of Council held on 19 November 2019 .....	7
<b>11</b>	<b>Matters Arising</b> .....	<b>31</b>
	11.1 Matters Arising from Council Meeting Minutes from the 19 November 2019.....	31
	11.2 Outstanding Task List from All Previous Meetings.....	32
<b>12</b>	<b>Mayoral Minute(s)</b> .....	<b>35</b>
	Nil	
<b>13</b>	<b>Notice of Motion(s)</b> .....	<b>35</b>
	Nil	
<b>14</b>	<b>Notice of Rescission(s)</b> .....	<b>35</b>
	Nil	
<b>15</b>	<b>Reports to Council for Determination</b> .....	<b>36</b>
	15.1 DA/0030/1920 - Dwelling and Removal of 9 trees - 9 Anembo Close, Goulburn.....	36
	15.2 Post Exhibition Report - Amendment to include RU6 Zone in Clauses 4.1AA and 4.2B.....	66
	15.3 1920T0005 Concrete Services Panel .....	173
	15.4 2020 Australian Blues Music Festival .....	177
	15.5 Renewal of Anglicare Lease - Marulan Preschool .....	180
	15.6 Requests for Financial Assistance - Community Carols of Hope .....	257
	15.7 Workers Compensation and WHS Report .....	278
	15.8 Goulburn Mulwaree Youth Council Meeting Notes - 25 October 2019.....	293

---

15.9	South East Australian Transport Strategy Meeting Minutes 7 & 8 November 2019.....	295
15.10	Canberra Region Joint Organisation Board Extraordinary Minutes - 20 November 2019.....	344
15.11	Councillor Briefing Session Summary .....	348
<b>16</b>	<b>Closed Session .....</b>	<b>349</b>
	There were no closed session reports for determination.	
<b>17</b>	<b>Conclusion of the Meeting .....</b>	<b>349</b>

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

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

**1 OPENING MEETING**

The Mayor will open the meeting and notify that this meeting is webcast live on the Council’s website.

**2 ACKNOWLEDGEMENT OF COUNTRY**

The following acknowledgement will be made by the Mayor or General Manager.

“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 Mayor will ask a Councillor to read either the following Declaration or Prayer on behalf of the Councillors present.

Declaration

“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 to the best of our ability and judgement.”

OR

Prayer

“We thank thee, Lord, for this position of honour and trust. Give us the courage to serve our Council and community with honesty and integrity; and to discharge the duties entrusted to us for the common good of all mankind.”

**4 APOLOGIES**

The Mayor will call for any apologies.

Council will resolve to accept any apology.

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

Nil

**6 LATE ITEMS / URGENT BUSINESS**

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

Council may resolve to accept any late item, information or urgent business to be discussed and/or determined at this meeting.

**7 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.

**8 PRESENTATIONS**

Nil

**9 PUBLIC FORUM**

- (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.
- (2) A person wishing to address a meeting must contact staff in Council's Executive Section by 5.00pm [either in writing or via telephone call] 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:
  - a. If the chairperson is the Mayor he or she should be addressed as 'Mr Mayor' or 'Madam Mayor' or 'Mayor Surname' or 'Mayor First Name'.
  - b. When the chairperson is not the Mayor they should be addressed as Mr. or Madam Chair or Mr. or Madam Chairperson.
  - c. Councillors must be addressed as 'Councillor Surname or Councillor First Name'.
  - d. 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 (Section 4) are applicable to addresses made by the public in Public Forum.

**10 CONFIRMATION OF MINUTES**

**10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 19 NOVEMBER 2019**

**Author:** Warwick Bennett, General Manager

**Authoriser:** Warwick Bennett, General Manager

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

**RECOMMENDATION**

That the Council minutes from Tuesday 19 November 2019 and contained in Minutes Pages No 1 to 23 inclusive and in Minute Nos 2019/450 to 2019/491 inclusive be confirmed.



**OUR VISION & VALUES** ONE TEAM DELIVERING WITH

**PRIDE**

Passion | Respect | Innovation | Dedication | Excellence

**OUR MISSION** TO BE EASY TO DO BUSINESS WITH

# MINUTES

## Ordinary Council Meeting

**19 November 2019**

**Order Of Business**

<b>1</b>	<b>Opening Meeting</b> .....	<b>5</b>
<b>2</b>	<b>Acknowledgement of Country</b> .....	<b>5</b>
<b>3</b>	<b>Councillors Declaration and/or Prayer</b> .....	<b>5</b>
<b>4</b>	<b>Apologies</b> .....	<b>5</b>
<b>5</b>	<b>Applications for a Leave of Absence by Councillors</b> .....	<b>5</b>
<b>6</b>	<b>Late Items / Urgent Business</b> .....	<b>6</b>
<b>7</b>	<b>Disclosure of Interests</b> .....	<b>6</b>
<b>8</b>	<b>Presentations</b> .....	<b>6</b>
	Nil	
<b>9</b>	<b>Public Forum</b> .....	<b>6</b>
<b>10</b>	<b>Confirmation of Minutes</b> .....	<b>6</b>
	10.1 Minutes of the Ordinary Meeting of Council held on 5 November 2019 .....	6
<b>11</b>	<b>Matters Arising</b> .....	<b>7</b>
	11.1 Matters Arising from Council Meeting Minutes from the 5 November 2019.....	7
	11.2 Outstanding Task List from All Previous Meetings.....	7
<b>12</b>	<b>Mayoral Minute(s)</b> .....	<b>7</b>
	Nil	
<b>13</b>	<b>Notice of Motion(s)</b> .....	<b>7</b>
	Nil	
<b>14</b>	<b>Notice of Rescission(s)</b> .....	<b>7</b>
<b>15</b>	<b>Reports to Council for Determination</b> .....	<b>9</b>
	15.1 Highway and Rural Signage .....	9
	15.2 Draft Social Sustainability Strategy and Action Plan .....	10
	15.3 Goulburn Place Plan Safety Audits.....	11
	15.4 Acquisition of Part 23 Bungonia Road, Goulburn (Walking Track) .....	12
	15.5 Future Use of Council Irrigation Farm Land.....	13
	15.6 Financial Adjustment for Resealing of Multiquip's Primary Haulage Route .....	14
	15.7 CBD 40km/hr High Pedestrian Activity Area .....	15
	15.8 Financial Adjustments for Sanctuary Drive Bio-Retention Basin.....	16
	15.9 Roads Grant Funding Applications .....	16
	15.10 Financial Adjustments for Bungonia Road Rehabilitation .....	17
	15.11 Tender No 1617T0020 – Trainee and Apprentice Employment Services.....	17
	15.12 Local Government Remuneration Tribunal - Determination .....	17
	15.13 2020 Council Meeting Dates .....	18
	15.14 Review of Closed Circuit (CCTV) Code of Practice .....	18
	15.15 Request for Financial Assistance - Tanya Dunstan .....	19
	15.16 2018/19 Statutory Annual Report .....	19

15.17	Quarterly Budget Review .....	19
15.18	Monthly Financial Report.....	20
15.19	Statement of Investments and Bank Balances .....	20
15.20	Renew Our Libraries .....	20
15.21	Towrang Discretionary Fund Allocation Working Party - Replacement Community Representative .....	21
15.22	Corporate & Community Services Directorate Report October 2019 .....	21
15.23	Operations Directorate Report October 2019 .....	21
15.24	Utilities Directorate Report - October 2019.....	21
15.25	Planning and Environment Directorate Report - October 2019.....	22
15.26	External Meeting Minutes.....	22
<b>16</b>	<b>Closed Session .....</b>	<b>22</b>
16.1	Sale of Council Properties.....	23
<b>17</b>	<b>Conclusion of the Meeting .....</b>	<b>23</b>

**MINUTES OF GOULBURN MULWAREE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,  
GOULBURN  
ON TUESDAY, 19 NOVEMBER 2019 AT 6PM**

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

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

**1 OPENING MEETING**

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

**2 ACKNOWLEDGEMENT OF COUNTRY**

Mayor Bob Kirk made the following acknowledgement.

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

**3 COUNCILLORS DECLARATION AND/OR PRAYER**

The declaration was read by Cr Sam Rowland.

**4 APOLOGIES**

**RESOLUTION 2019/450**

**Moved: Cr Sam Rowland**

**Seconded: Cr Carol James**

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

**CARRIED**

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

**RESOLUTION 2019/451**

**Moved: Cr Sam Rowland**

**Seconded: Cr Leah Ferrara**

**That Council grants leave of absence to Cr Alfie Walker for this as he is absent from the region for business reasons.**

**CARRIED**

**6 LATE ITEMS / URGENT BUSINESS****ACCEPT LATE ITEM****RESOLUTION 2019/452****Moved: Cr Denzil Sturgiss****Seconded: Cr Peter Walker**

That the Council accepts a rescission motion from Mayor Bob Kirk, Deputy Mayor Peter Walker & Cr Denzil Sturgiss to be considered under Item 14. This matter is in relation to Item 15.1 from the 5 November 2019 Council Meeting – ‘MODDA/0013/1819 - Modification to Hours of Operation at the Pistol Firing Range, 593 Taralga Road, Goulburn’ be accepted into the meeting as a late item because part of the resolution had a 21 day time limit which will expire prior to the next Council meeting and the applicant wishes to amend the modification to better align with one of the submitters.

**CARRIED****7 DISCLOSURE OF INTERESTS**

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

**8 PRESENTATIONS**

Nil

**9 PUBLIC FORUM**

Barry McDonald addressed the meeting regarding Item 15.7 CBD 40km/hr High Pedestrian Activity Area

Graeme Dally addressed the meeting on Item 15.25 Planning and Environment Directorate Report, specifically the Quarry at Windfarthing Road.

**10 CONFIRMATION OF MINUTES****10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 5 NOVEMBER 2019****RESOLUTION 2019/453****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara**

That the Council minutes from Tuesday 5 November 2019 and contained in Minutes Pages No 1 to 17 inclusive and in Minute Nos 2019/422 to 2019/449 inclusive be confirmed.

**CARRIED**

**11 MATTERS ARISING**

**11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 5 NOVEMBER 2019**

**RESOLUTION 2019/454**

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

**That additional to the resolution of 15.13 – Southern Phone Shareholder Sale Council delegate to the General Manager to execute any relevant documentation necessary in relation to the sale of Southern Phone Company to AGL Energy.**

**CARRIED**

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

**RESOLUTION 2019/455**

**Moved: Cr Sam Rowland  
Seconded: Cr Margaret O'Neill**

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

**CARRIED**

**12 MAYORAL MINUTE(S)**

Nil

**13 NOTICE OF MOTION(S)**

Nil

**14 NOTICE OF RESCISSION(S)**

**RESOLUTION 2019/456**

**Moved: Cr Margaret O'Neill  
Seconded: Cr Andrew Banfield**

**That Council Move into Committee of the Whole.**

**CARRIED**

Council moved into Committee of the whole at 6:33pm.

**RESOLUTION 2019/457**

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

**That Council move back into Open Council.**

Council moved back into Open Council at 6:36pm.

**CARRIED**

**RESOLUTION 2019/458****Moved: Cr Denzil Sturgiss****Seconded: Cr Peter Walker****That**

1. **The following resolution 2019/428 titled MODDA/0013/1819 - Modification to Hours of Operation at the Pistol Firing Range, 593 Taralga Road, Goulburn that was passed on 5 November 2019 Council meeting be rescinded.**

***That:***

1. ***The staff assessment report for development application MODDA/0013/1819 for the proposed modification be received.***
2. ***Council arrange to meet with both parties to endeavour to negotiate an agreeable solution on the hours of operation for the pistol firing range. Failure to reach a satisfactory agreement within 21 days then part three of this resolution be enacted.***
3. ***Council obtain the Minister of Planning's approval through the Joint Regional Planning Panel, pursuant of Section 4.33 of the Environmental Protection and Assessment Act to support Council's refusal of MODDA/0013/1819 for a modification to operation hours of the pistol firing range located at 593 Taralga Road, Goulburn for the following reason:***
  - (a) ***The proposed modification to operation hours of the pistol firing range would adversely impact upon the operations of the nearby Goulburn and District Racing Club, in particular the safety of horses, jockeys and track workers, and is therefore considered to not be in the public interest***
  - (b) ***Part Condition 26 of the original development consent states that "pistol firing range shall not negatively impact on the activities or keeping of horses ..." and thus extending the hours of operation must be contrary to this condition if the shooting occurs while horses are still training.***
  - (c) ***The original development consent was subject to negotiations between the applicant and the Goulburn & District Racing Club and Council has not been satisfied that the risks for that original negotiated agreement warrants a change to the development consent.***
  - (d) ***Council is satisfied from the presentation made by the Goulburn District Racing Club that approval of this modification will have a significant financial impact and have an ongoing operation viability issues on the race club facility..***

**CARRIED**

**15 REPORTS TO COUNCIL FOR DETERMINATION****15.1 HIGHWAY AND RURAL SIGNAGE****RESOLUTION 2019/459****Moved: Cr Peter Walker****Seconded: Cr Carol James****That**

- 1. The report from the Strategic Planner regarding highway and rural signage be received.**
- 2. The amendment to the *Goulburn Mulwaree Development Control Plan 2009* attached to this report relating to highway and rural signage be placed on public exhibition for a minimum period of 28 days.**
- 3. Council place a moratorium on all highway and rural signage compliance activities from 19 November 2019 until 31 January 2020. Council write to all those property owners that Council believe have unlawful signs and advise them they have until 1 February 2020 to provide evidence that they have the appropriate approvals in place to retain the sign.**
- 4. As of 1 April 2020, any signage that has been unlawfully erected, and no proof to the contrary has been provided, will be ordered to be removed immediately in accordance with Schedule 5 of the *Environmental Planning & Assessment Act 1979*. A failure to comply with these directions will result in Council commencing compliance actions through the appropriate legal channels.**

**CARRIED**

**15.2 DRAFT SOCIAL SUSTAINABILITY STRATEGY AND ACTION PLAN****RESOLUTION 2019/460****Moved: Cr Andrew Banfield****Seconded: Cr Leah Ferrara****That**

- 1. The report from the Business Manager Strategic Planning regarding the *Draft Social Sustainability Strategy and Action Plan* be received.**
- 2. Council endorse the *Draft Social Sustainability Strategy and Action Plan* for public exhibition with the following amendments:**
  - a) Include the Mayors Forward**
  - b) Page 11 under Framework 3 change to – ‘Council will take into account, when prioritising the delivery of community facilities and public places, that they are’**
  - c) Page 24 under actions Pejar LALC to be in capital letters and GM to be deleted and replaced with Goulburn Mulwaree**
  - d) Page 30 under the heading why this is important to Social Sustainability – fourth word to read aren’t**
  - e) Page 17 of the Background Report under the heading ‘1185 Aboriginal and Torre Strait Islander People live in Goulburn Mulwaree’ the date should read 2016.**
  - f) Page 17 of the Background Report under the heading ‘A strong Aboriginal community’ second line the word ‘on’ be replaced with the word ‘one’.**
  - g) Page 18 of the Background Report under the heading ‘Connectivity’ second paragraph the word lower be deleted and replaced with the word higher.**
  - h) Page 27 of the Background Report under the heading page 27 under the heading ‘draft urban and Fringe Housing Strategy second bullet point replace the work ‘indicted’ with the word ‘indicated’.**
  - i) Page 28 of the Background Report under the heading page 27 under the heading ‘Aquatic Centre Redevelopment’ first bullet point should read ‘8 lane’**
  - j) Page 28 of the Background Report under the heading page 27 under the heading ‘Goulburn Performing Arts Centre’ delete the words ‘and upper dress circle’**
  - k) Page 28 of the Background Report under the heading page 27 under the heading the ‘Carr Confoy redevelopment’ first line to read ‘Carr Confoy in Eastgrove is being considered for a new regional hockey facility’**
  - l) Under the document ‘Servicing the community’ (Page 96 of the agenda) under education and learning facilities add ‘the Country University Centre’**
  - m) Page 36 of the Background Report middle column 5th paragraph delete Spyfest and replace with Lilac Time (October).**
  - n) Page 36 of the Background Report middle column 7th paragraph replace the words ‘two advisory groups’ to ‘two community groups’**
  - o) Page 42 of the Background Report the words ‘income inequality’ is mentioned twice. One to be deleted**
  - p) Page 46 of the Background Report third column second bullet point replace the word ‘stocicism’ with ‘stoicism’.**
  - q) Page 49 of the Background Report heading in the middle column to read ‘what can Council do to respond to the social needs from climate impacts’**
- 3. Council resolve to place the *Draft Social Sustainability Strategy and Action Plan* on Public Exhibition until the 31<sup>st</sup> January 2020 including:**
  - (a) Placement of a weekly advertisement in a local newspaper and community newsletters inviting the public to make a submissions during the exhibition period;**
  - (b) A notice on Council’s web and Facebook page inviting the community to make a submission in writing or via Council’s ‘yoursaygoulburn’ website; and**

- (c) Direct email notice to all participants and stakeholders involved in the initial community engagement phase.
- 4. Council refer the *Draft Social Sustainability Strategy and Action Plan* to relevant government and statutory agencies and stakeholders for comment.

**CARRIED**

### **15.3 GOULBURN PLACE PLAN SAFETY AUDITS**

#### **RESOLUTION 2019/461**

**Moved: Cr Leah Ferrara**

**Seconded: Cr Andrew Banfield**

**That:**

1. The report of the Director Planning & Environment in relation to the Goulburn Place Plan Safety Audits be received.
2. Council endorse the Goulburn Place Plan Safety Audits for Marys Mount and Bradfordville.

**CARRIED**

**15.4 ACQUISITION OF PART 23 BUNGONIA ROAD, GOULBURN (WALKING TRACK)****RESOLUTION 2019/462****Moved: Cr Andrew Banfield****Seconded: Cr Peter Walker****That:**

- 1. The report from the Business Manager Property & Community Services on the acquisition of part 23 Bungonia Road, Goulburn for the Walking Track project be received.**
- 2. Council approve in-principle acquisition of 82.47m<sup>2</sup> of 23 Bungonia Road, Goulburn (subject to final survey) as Road Widening pending outcome of negotiations with the land owner and/or their legal representative.**
- 3. Council meets all costs associated with this land acquisition including,**
  - i) Survey work, including preparation and registration of a Plan of Road Widening**
  - ii) Any legal fees incurred by the land owner for independent advice, including arranging production of Certificate of Title at NSW Land Registry Services (LRS).**
  - iii) Re-establishing existing two sets of fencing, being boundary fence and internal fence, in similar profile to existing fencing as to separations and type, together with access gates**
  - iv) Obtaining the necessary approvals for this work to be carried out in accordance with the requirements of the Permanent Conservation Order that applies to this property under the *NSW Heritage Act 1977***
  - v) Indemnifying the land owner against any claim that might otherwise be made**
  - vi) Payment of \$330 compensation to the land owner.**
- 4. The General Manager be delegated authority to finalise this land acquisition negotiation.**
- 5. Council's seal be affixed to all documentation necessary to complete this land acquisition and registration of the Road Widening Plan.**

**CARRIED**

**15.5 FUTURE USE OF COUNCIL IRRIGATION FARM LAND****RESOLUTION 2019/463****Moved: Cr Margaret O'Neill****Seconded: Cr Denzil Sturgiss****That Council Move into Committee of the Whole.**

Council moved into Committee of the whole at 6:50pm.

**CARRIED**

At 6:58 pm, Cr Leah Ferrara left the meeting.

At 7:00 pm, Cr Leah Ferrara returned to the meeting.

**RESOLUTION 2019/464****Moved: Cr Andrew Banfield****Seconded: Cr Margaret O'Neill****That Council move back into Open Council.**

Council moved back into Open Council at 7:13 pm.

**CARRIED****RESOLUTION 2019/465****Moved: Cr Bob Kirk****Seconded: Cr Andrew Banfield****That:**

- 1. The report from the Director Utilities on the Future Use of Council Irrigation Farm Land be received.**
- 2. Council look at options for Lot 2 DP 1043955 at 632 Taralga Road to separate the biobank from the remaining land for the sale of this land to any of the adjoining neighbours. The sale process be by way of expressions of interest to the adjoining land owners.**
- 3. Council commence rezoning to appropriate residential zone and subdivision process for Lots 1 and 2 DP 1003261 at 534 Taralga Road retaining the biobank and paupers cemetery.**
- 4. Council retains Part lot 2 DP 1008449 at 273 Gorman Road as an option for a future cemetery for Goulburn. This land be leased until future cemetery requirements are needed, with this block included in the Expression of Interest for potential lease.**
- 5. Council undertake investigations with the ARTC on how to achieve safe access over the railway line at Gorman Road.**
- 6. Council commence a rezoning process to allow other use of the land other than Council infrastructure.**
- 7. Councils preferred option is to retain ownership of the remaining land at Gorman Road and seeks expressions of interest for a public private partnership from business or industry groups to undertaken an activity on this land that will have long term economic, social and environmental benefits to the Goulburn Mulwaree community.**
- 8. Until such time as Clause 6 of this resolution is considered the Council authorises the General Manager to advertise for Expression of Interest for agistment on the remaining land.**

**CARRIED**

**15.6 FINANCIAL ADJUSTMENT FOR RESEALING OF MULTQUIP'S PRIMARY HAULAGE ROUTE**

**RESOLUTION 2019/466**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Denzil Sturgiss**

**That:**

- 1. The report from the Business Manager of Works on financial adjustments for Resealing of Multiquip's Primary Haulage Route be received.**
- 2. Council allocate and additional \$150,000 to complete the re sealing and line marking of Multiquip's primary transport route from Multiquip's Hard Rock s94 Reserve (38155).**
- 3. Council makes the adjustment to the budget from this resolution in the December quarterly budget review**

**CARRIED**

**15.7 CBD 40KM/HR HIGH PEDESTRIAN ACTIVITY AREA**

**RESOLUTION 2019/467**

**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 7:18pm.

**CARRIED**

**RESOLUTION 2019/468**

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

**That Council move back into Open Council.**

Council moved back into Open Council at 7:32pm.

**CARRIED**

**RESOLUTION 2019/469**

**Moved: Cr Leah Ferrara**  
**Seconded: Cr Andrew Banfield**

**That:**

1. **The report from the Director of Operations on the CBD 40 km/hr High Pedestrian Activity Area (HPAA) be received.**
2. **Formal application be made to RMS to reduce speed limits in Auburn Street only between Clinton Street and Bradley Street to 40 km/hr to establish a High Pedestrian Activity Area**
3. **Staff scope and estimate threshold treatments, line marking and signage for Auburn Street for inclusion in future budgets.**
4. **Grant funding applications be prepared under the Active Transport grant funding program to establish a High Pedestrian Activity Area for Auburn Street only in the CBD.**
5. **All recommendations in the Bitzios Consultants report be included in a future briefing session of Council.**

**CARRIED**

Council adjourned at 7.38pm for a 30 minute dinner recess.

Council resumed at 8.11pm

**15.8 FINANCIAL ADJUSTMENTS FOR SANCTUARY DRIVE BIO-RETENTION BASIN****RESOLUTION 2019/470****Moved: Cr Leah Ferrara****Seconded: Cr Peter Walker****That;**

- 1. The report from the Business Manager of Works on financial adjustments for Sanctuary Drive Bio-Retention Basin be received.**
- 2. Council allocate \$150,000 to undertake necessary storm water works at Sanctuary Drive from City Wide Storm Water s94 Reserve (38104)**

**CARRIED****15.9 ROADS GRANT FUNDING APPLICATIONS****RESOLUTION 2019/471****Moved: Cr Denzil Sturgiss****Seconded: Cr Peter Walker****That**

- 1. The report from the Director of Operations of roads grant funding application be received.**
- 2. Council endorse the following project applications for the Fixing Country Roads grant programme being:**
  - Nerriga to Tarago Road Upgrade**
  - Chinamans Lane Upgrade**
- 3. Council endorse the following project applications for the Fixing Local Roads grant programme being:**
  - Carrick Road Sealing**
  - Mountain Ash Road Pavement Rehabilitation**

**CARRIED**

**15.10 FINANCIAL ADJUSTMENTS FOR BUNGONIA ROAD REHABILITATION****RESOLUTION 2019/472****Moved: Cr Denzil Sturgiss****Seconded:Cr Leah Ferrara****That**

- 1. The report from the Business Manager of Works on financial adjustment for Bungonia Road Rehabilitation be received.**
- 2. Council retain the Isuzu tipper and the Cat 12M grader and the Heavy Vehicle programme budget be reduced by \$430,000**
- 3. Council allocate \$280,000 from the 2019/20 Heavy Plant Replacement Program to cover the Bungonia Road over expenditure**
- 4. The balance of heavy plant replacement funds being \$150,000 (\$430,000 less \$280,000) be returned to the Plant Reserve.**
- 5. Council makes the adjustments from this resolution as part of the December quarterly budget review**

**CARRIED****15.11 TENDER NO 1617T0020 – TRAINEE AND APPRENTICE EMPLOYMENT SERVICES****RESOLUTION 2019/473****Moved: Cr Carol James****Seconded:Cr Peter Walker****That**

- 1. The report regarding Tender No 1617T0020 – Trainee and Apprentice Employment Services from the Business Manager Human Resources be received.**
- 2. The contract with Hunter Valley Training Company be extended for a 12 month period with the option of a further 12 month extension at the discretion of the General Manager in accordance with the contract.**

**CARRIED****15.12 LOCAL GOVERNMENT REMUNERATION TRIBUNAL - DETERMINATION****RESOLUTION 2019/474****Moved: Cr Andrew Banfield****Seconded:Cr Denzil Sturgiss****That**

- 1. The report from the General Manager on the Local Government Remuneration Tribunal – Determination be received.**
- 2. Council endorse the amended submission under the signatory of Mayor Bob Kirk, contained within this report.**

**CARRIED**

**15.13 2020 COUNCIL MEETING DATES****RESOLUTION 2019/475****Moved: Cr Carol James****Seconded: Cr Leah Ferrara****That:**

- 1. The report from the General Manager on 2020 Council Meeting Dates be received.**
- 2. The 2020 Council Meetings be held at 6pm in the Council Chambers on the first and third Tuesdays of each month except for January 2020 where no meetings will be held and in July only one meeting be held on the third Tuesday of July 2020.**
- 3. As the Local Government elections on the 12 September 2020 there will be no 15 September 2020 Council meeting but a further meeting held towards the end of September to be determined by the General Manager once the election counting process is completed.**

**CARRIED****15.14 REVIEW OF CLOSED CIRCUIT (CCTV) CODE OF PRACTICE****RESOLUTION 2019/476****Moved: Cr Margaret O'Neill****Seconded: Cr Denzil Sturgiss****That**

- 1. The report Review of Closed Circuit (CCTV) Code of Practice by the Business Manager Governance be received.**
- 2. Council adopt the draft CCTV Code of Practice to be placed on public exhibition**
- 3. The revised Closed Circuit (CCTV) Code of Practice be placed on public exhibition for a period of 28 days and if no objections are received be adopted.**
- 4. A Community Safety and Social Infrastructure Plan Working Party be formed consisting of:**
  - Councillor Banfield**
  - Deputy Mayor Peter Walker as an alternative if Cr Banfield is unavailable.**
  - A NSW Police Local Area Command representative**
  - The General Manager or his representative**
  - 2 community representatives**
- 5. Expressions of interest be called for the community representatives and an invitation be sent to the NSW Police Local Area Command to nominate its representative.**

**CARRIED**

**15.15 REQUEST FOR FINANCIAL ASSISTANCE - TANYA DUNSTAN****RESOLUTION 2019/477****Moved: Cr Andrew Banfield****Seconded: Cr Leah Ferrara****That**

- 1. The report of the Director of Corporate & Community Services on Requests for Financial Assistance – Tanya Dunstan.**
- 2. Council decline the application for funding due to it not meeting the criteria set under the Financial Assistance Policy**

**CARRIED****15.16 2018/19 STATUTORY ANNUAL REPORT****RESOLUTION 2019/478****Moved: Cr Denzil Sturgiss****Seconded: Cr Carol James****That**

- 1. The report by the Director Corporate & Community Services on the 2018/19 Statutory Annual Report be received.**
- 2. Council endorse the 2018/19 Statutory Annual Report as required by the Local Government Act 1993.**

**CARRIED****15.17 QUARTERLY BUDGET REVIEW****RESOLUTION 2019/479****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara****That:**

- 1. The report of the Director Corporate & Community Services and Senior Accountant on the September 2019 Quarterly Budget Review be noted.**
- 2. The budgeted variations contained within the September 2019 Quarterly Review be approved with the following amendments:**
  - The \$30,000 allocated to 190069-8025-60302 Civic Centre Furniture & Fittings accompanied by the comment “Q1.81 Account for Emergency Evacuation Plans funded from additional Financial Assistance Grant” be re-allocated to Account No 100170-1001-60302 Building Maintenance – General.**
  - The \$237,533 allocated to 190156-8000-60302 Goulburn Hockey Fields – Design accompanied by the comment “Q1.74 Account for Grant funds and expenditure in 19/20 re Seiffert Oval Pavilion” be reallocated to account No 1900063-8015-60302 Seiffert Oval Pavilion.**

**CARRIED**

**15.18 MONTHLY FINANCIAL REPORT****RESOLUTION 2019/480****Moved: Cr Andrew Banfield****Seconded: Cr Sam Rowland**

**That the report by the Director Corporate & Community Services and the Acting Business Manager Finance & Customer Service on the Monthly Financial Report to 31 October 2019 be received and noted for information.**

**CARRIED****15.19 STATEMENT OF INVESTMENTS AND BANK BALANCES****RESOLUTION 2019/481****Moved: Cr Andrew Banfield****Seconded: Cr Leah Ferrara**

**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 October 2019 be received.**

**CARRIED****15.20 RENEW OUR LIBRARIES****RESOLUTION 2019/482****Moved: Cr Sam Rowland****Seconded: Cr Carol James****That**

- 1. The report from the General Manager on the Renew Our Libraries Campaign be received**
- 2 Council make representation to the local State Member Mrs Wendy Tuckerman in relation to the need for a sustainable state funding model for the ongoing provision of public library services.**
- 3. Council write to the Hon. Don Harwin, Minister for the Arts and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for Consumer Price Index (CPI) indexation of state funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2022-23 NSW state funding model.**
- 4. Council take a leading role in lobbying for sustainable state government funding for libraries.**
- 4. Council endorse the distribution of the NSW Public Libraries Association NSW library sustainable funding advocacy information in Council libraries, as well as involvement in any actions proposed by the Association.**

**CARRIED**

**15.21 TOWRANG DISCRETIONARY FUND ALLOCATION WORKING PARTY - REPLACEMENT COMMUNITY REPRESENTATIVE**

**RESOLUTION 2019/483**

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

**That**

- 1. The report from the Director Corporate & Community Services on Towrang Discretionary Fund Allocation Working Party – Replacement Community Representative.**
- 2. Council accept the expression of interest from Mr Alan Burman to fill the vacant community representative position on the working party.**

**CARRIED**

**15.22 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT OCTOBER 2019**

**RESOLUTION 2019/484**

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

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

**CARRIED**

**15.23 OPERATIONS DIRECTORATE REPORT OCTOBER 2019**

**RESOLUTION 2019/485**

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

**That the activities reported by the Director Operations be received and noted for information.**

**CARRIED**

**15.24 UTILITIES DIRECTORATE REPORT - OCTOBER 2019**

**RESOLUTION 2019/486**

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

**That the report from the Director Utilities be received and noted for information.**

**CARRIED**

**15.25 PLANNING AND ENVIRONMENT DIRECTORATE REPORT - OCTOBER 2019****RESOLUTION 2019/487****Moved: Cr Peter Walker****Seconded: Cr Carol James**

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

**CARRIED****15.26 EXTERNAL MEETING MINUTES****RESOLUTION 2019/488****Moved: Cr Andrew Banfield****Seconded: Cr Sam Rowland**

**That the report from the General Manger on the minutes below be received:**

- 1. Holcim Lynwood Quarry Community Consultative Committee held on the 25 October 2019**
- 2. Liquor Accord Meeting Minutes 30 October 2019**
- 3. Country Mayors Association Meeting AGM held 1 November 2019**
- 4. Country Mayors Association Meeting held 1 November 2019**

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

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

**RESOLUTION 2019/489****Moved: Cr Denzil Sturgiss****Seconded: Cr Andrew Banfield**

**That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:**

**16.1 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.**

**CARRIED**

Council resolved into Closed Session at 8.59pm.

Council resolved into Open Council at 9.04pm.

**RESOLUTION 2019/490**

**Moved: Cr Sam Rowland  
Seconded: Cr Denzil Sturgiss**

2. That Council moves out of Closed Council into Open Council.
3. That the resolutions of the Closed Session meeting which were submitted to Closed Session in accordance with s10A Local Government Act 1993 be adopted.

**CARRIED**

**16.1 SALE OF COUNCIL PROPERTIES**

**RESOLUTION 2019/491**

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

**That:**

1. The report from the Business Manager Property & Community Services on the proposed sale of Council properties be received.
2. The Reserve Prices for the following properties be set at the prices indicated in this report for:
  - 1/1 Dossie Street, Goulburn
  - 43 Finlay Road, Goulburn
  - 23 Hercules Street, Goulburn
3. The General Manager be authorised to negotiate a 5% discount on any of the respective Reserve Prices if the bidding fails to reach these prices.
4. All other offers post auction be reported back to Council for consideration if any of these properties fail to sell.
5. The Council seal be affixed to all documentation necessary to complete these sales.

**CARRIED**

**17 CONCLUSION OF THE MEETING**

The Meeting closed at 9.04pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 3 December 2019.

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

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



**11 MATTERS ARISING**

**11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 19 NOVEMBER 2019**

**Author:** Warwick Bennett, General Manager

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** Nil

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

**Author:** Warwick Bennett, General Manager

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. Matters Arising - 3 December 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 and RFS issues have been addressed by the applicant and approved by those Government agencies.</p> <p>Discussions continue with RMS</p>
<p><u>Recreation Area</u></p> <p>Investigate promotional sign at VIC Centre</p>	<p>Director Corporate and Community Services</p>	<p>Report will be presented at next Council Meeting</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>Meeting with Veolia to occur in December 2019</p>
<p><u>Draft Recreation Needs Strategy</u></p> <p>Council adopts the attached draft Recreation Needs Strategy and places the draft document on public exhibition for 28 days</p>	<p>Director Planning and Environment</p>	<p>Report will be presented to Briefing Session in 2020</p>
<p><u>Lansdowne Street</u></p> <p>Council forward the planning proposal to the Department of Planning, Industry and Environment for a gateway determination.</p> <p>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.</p>	<p>Director Planning &amp; Environment</p>	<p>Report will be presented to Council at next meeting</p>

Item/Task	Responsible Officer	Status
<p><u>Aquatic Centre Repairs</u> The General Manager to report back to Council when final costs are known with recommendation of how these emergency works can be funded.</p>	General Manager	Repair timeframe currently being negotiated with insurance company
<p><u>Draft Urban and Fringe Housing Strategy</u> Strategy on public exhibition to 18 December 2019</p>	Director Planning & Environment	Public consultation has commenced.
<p><u>Goulburn Hockey Facilities</u> The Mayor and General Manager to negotiate the purchase of the land at Finlay Road currently used by hockey and report back to Council</p>	General Manager	Positive discussions with the Workers Club have commenced. Draft site plan has been prepared and currently obtaining a valuation.
<p><u>Pistol Firing Range</u> Council arrange to meet with both parties to endeavour to negotiate an agreeable solution on the hours of operation for the pistol firing range.</p>	General Manager	Modification has been withdrawn. <b>RECOMMEND COMPLETION</b>
<p><u>Highway and Rural Signage</u> Amendment to DCP on public exhibition for 28 days</p>	Director Planning & Environment	Public exhibition underway
<p><u>Draft Social Plan</u> The draft Social Plan is on public exhibition</p>	Director Planning & Environment	Public exhibition underway
<p><u>Future use of Irrigation Farm Land</u></p> <ol style="list-style-type: none"> <li>1. Sale of Lot 2 DP1043955 To adjoining land owner</li> <li>2. Rezone Lot 1 &amp; 2 DP1003261 To residential</li> <li>3. Discuss with ARTC Safe access across rail line</li> <li>4. Commence rezoning from Council infrastructure zoning</li> <li>5. EOI for public/private partnerships on farm land</li> <li>6. EOIs in short term for agistment</li> </ol>	Director Utilities	No action to date
<p><u>Closed Circuit Working Party</u> EOI for community representative on Working Party</p>	Director Corporate and Community Services	No action to date

**12 MAYORAL MINUTE(S)**

Nil

**13 NOTICE OF MOTION(S)**

Nil

**14 NOTICE OF RESCISSION(S)**

Nil

**15 REPORTS TO COUNCIL FOR DETERMINATION**

**15.1 DA/0030/1920 - DWELLING AND REMOVAL OF 9 TREES - 9 ANEMBO CLOSE, GOULBURN**

**Author:** Alana Harmer, Senior Building Surveyor

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. **Plan B from Southern Cross Consulting Surveyors**    
 2. **Supporting Documents**  

<b>DA Number:</b>	DA/0030/1920
<b>Address:</b>	9 Anembo Close, Goulburn
<b>Proposal Description:</b>	Proposed single storey dwelling, retaining walls and removal of 9 trees
<b>Type of Development:</b>	Local
<b>Zone:</b>	R1 General Residential
<b>Variations to Policy:</b>	No variations sought
<b>Submissions:</b>	Nil
<b>Key Issues:</b>	Removal of vegetation, location of vegetation in relation to building footprint and the safety of the building and its occupants.

**RECOMMENDATION**

That:

1. The staff assessment report for development application DA/0030/1920 for the single storey dwelling, retaining walls and the removal of nine (9) trees be received.
2. Consent be granted for DA/0030/1920 for a single story dwelling, retaining walls and the removal of nine (9) trees located at 9 Anembo Close, Goulburn subject to the following 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
--	Statement of Environmental Effects	wedraft	17 May 2019
--	Proposed Site Plan	wedraft	24 July 2019
--	Proposed Site Analysis Plan	wedraft	24 July 2019
--	Proposed Site Works Plan	wedraft	24 July 2019
--	Floor Plan	wedraft	24 July 2019
--	Elevations	wedraft	24 July 2019
--	Section 01	wedraft	24 July 2019
--	Section 02 - 04	wedraft	24 July 2019
Certificate No. 1012624S	BASIX Certificate	wedraft	14 May 2019
--	Landscape Plan	Chris Rowlands	--

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.

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. Pursuant to clause 97A of the *Environmental Planning and Assessment Regulation 2000* the commitments of the BASIX Certificates shall be fulfilled.
4. 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**

5. 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.
6. 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 under the *Goulburn Mulwaree 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 prior to 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.

**PRIOR TO THE COMMENCEMENT OF WORK**

7. Nominate the Principal Certifying Authority (PCA) and ensure the PCA notifies the Consent Authority and Council of their appointment at least two (2) days prior to commencing work on the site.
8. Work must not be carried out unless the Principal Certifying Authority for the development:
  - Has been informed in writing of the licensee's name and contractor licence number; and
  - Is satisfied that the licensee has complied with the insurance requirements of the Home Building Act.
  - In the case of work to be done by an owner-builder, the Principal Certifying Authority must be notified in writing of the person's name and owner-builder permit number.
9. A sign is to be erected on the development site, which shows the builders name and contact details, the details of the PCA and must include the words "Unauthorised entry to the work site is prohibited".
10. Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out.
11. Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land as follows:
  - Divert uncontaminated run-off around cleared or disturbed areas, and
  - Erect a silt fence to prevent debris escaping into drainage systems or waterways, and
  - Prevent tracking of sediment by vehicles onto roads, and

- Stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

12. Prior to the commencement of work, a damage bond of \$3,000 shall be paid to Council for the cost of repairing any damage caused to Council property (including the footpath, verge, street trees, kerb, gutter, road pavement or the like) during and/or immediately after construction. Repair of damage to Council property, however caused, during the works is to be undertaken prior to the issue of an Occupation Certificate. Repair shall be undertaken on a like for like basis and in accordance with Council's engineering standards prevailing at the time.

#### **DURING CONSTRUCTION**

13. All building work must be carried out in accordance with the provisions of the Building Code of Australia and the Basix Certificate.

14. 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; 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.

15. The stormwater overflow and rainwater tanks must be installed in accordance with the *Goulburn Mulwaree Development Control Plan 2009*, the Stormwater Drainage and Rainwater Collection Systems Policy, and must also comply with the Basix Certificates.

16. All construction 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 work shall take place on Sundays or Public Holidays.

17. In the event that any Aboriginal artefacts/objects are identified on the subject land during the carrying out of works, the Applicant/Owner/Builder shall cease work immediately in the vicinity of the artefact/s or object/s and contact the Office of Environment & Heritage at Queanbeyan (Country, Culture & Heritage) and Pejar Local Aboriginal Land Council to arrange for the assessment of the artefacts. Council is to be notified of the outcome of the inspection.

18. No fill permitted to change existing ground levels at the property boundary. Any proposed fencing is to be on existing ground level. Cutting and filling is to be restricted to that shown on the Development Consent approved plans. Any further cutting or filling will require approval.

19. 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.

20. The applicant or developer will be required to pay the full cost of restoration to the kerb and gutter, concrete footpath and/or street trees, should any damage occur during construction.

21. No part of the dwelling including eaves or guttering and any proposed retaining walls are to encroach over the boundaries or easements. 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. 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.

22. 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.

23. 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 of 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.

#### **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

24. 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.
25. Prior to the issue of an Occupation Certificate, a works as executed drawing of all stormwater drainage work shall be submitted to Council as the Water and Sewer Authority at final inspection stage.
26. 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.
27. 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.
28. A street number is to be displayed on the site and kerb for each lot. The number shall be in place prior to the issue of an Occupation Certificate.
29. Upon completion of the works covered by this consent, all damage caused to Council infrastructure within the road reserve must be reinstated in accordance with Council's engineering standards to the satisfaction of Council. All required works are to be undertaken at no cost to Council. Prior to the issue of an Occupation Certificate written documentary evidence must be provided to the Principal Certifying Authority from Goulburn Mulwaree Council demonstrating that the requirements of this condition have been satisfied.

#### **ONGOING MANAGEMENT**

30. Landscaping shall be completed in accordance with the approved Landscape plan within six months of the issue of the Occupation Certificate and maintained for the life of the property.

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**

A development application DA/0030/1920 for a dwelling (including the removal of 9 trees) was lodged on 25 July 2019. The lot subject to the application was created as a result of DA/0309/1415, approved by Council on 18 August 2015 and allowed for a 20 lot subdivision. The subdivision is complete and other dwellings have already been constructed, with several occupied.

The subdivision site contained three tree species present on the subdivision site which are part of the Box-Gum Woodland Endangered Ecological Community. The determination was conditioned so that all native trees that had been specifically identified were to be retained and maintenance programs put in place prior to the construction of the subdivision.

Following on from this condition, a restriction was placed on the lots resulting from this subdivision by way of inclusion on the 88B instrument (i.e. the title).

The restriction on the 88B instrument applying to the land is that each lot containing vegetation shall retain such vegetation and no trees or native vegetation shall be removed, damaged, ringbarked, topped, lopped or trimmed or the like without the prior written consent of Goulburn Mulwaree Council. The aforementioned trees are shown on Plan 'B' prepared by Southern Cross Consulting Surveyors dated 11 November 2017 (refer Attachment).

As inferred by the 88B, the authority empowered to release or modify the above restrictions is Council. The proposal at hand is a significant departure from the existing restriction, therefore staff do not have the appropriate delegation to make a determination. The development proposal has therefore been referred to Council for determination.

## **REPORT**

### **Proposed Development**

DA/0300/1920 proposes to construct a single storey dwelling, retaining walls and the removal of nine trees. The application was not required to be notified, therefore no submissions have been considered.

After an initial assessment, the application was placed on hold at the request of the applicant to allow them time to either justify the proposed removal of 9 trees. Prior to this, a discussion was held with the applicant asking them to consider redesigning the proposal to reduce the number of trees proposed to be removed. The applicant advised that a redesign was not going to be a viable option, considering any design on this lot was going to result in significant tree removal.

The applicant discussed how the trees pose a serious and very real risk to the proposed dwelling, the family and visitors, and were therefore considered a liability. The applicant submitted a proposed landscape plan to offset the removal of the trees.

The application was referred to Council's Landscape Planner, who inspected the site on 24 October 2019. The Landscape Planner supported the removal of eight trees and recommended that the small tree furthest from the proposed dwelling in the south east corner be retained. The support for the removal of the eight trees is given due to the limited size of the lot and the proximity of the trees to the proposed dwelling.

The number and size of the trees indicted on Plan 'B' prepared by Southern Cross Consulting Surveyors dated 11 November 2017 for this lot don't allow for both the safe retention of the trees and the erection of a dwelling. Any works within the drip line of the trees including excavation works is likely to affect the health and stability of the tree and the trees have the potential to grow significantly larger and be a safety concern which is another factor associated with the recommendation. These factors don't allow the trees to be safely retained. The recommendation included that a minimum of 50% of native species be included in the landscape plan as a means of offsetting the native vegetation that would be lost.

Although the intention at subdivision stage was to retain the large trees mark on Plan 'B' prepared by Southern Cross Consulting Surveyors dated 11 November 2017 re-evaluation is necessary upon receipt of individual development applications. Council needs to consider the reasonableness and the liability associated with the retention of trees when considering the individual development applications.

From this experience and a similar one at Ivy Lea Place it has been demonstrated that subdivisions that have relatively small residential lots cannot safely support the long term retention of large trees.

As per previous applications within the subdivision, Council's Landscape Planner was consulted to ensure that a balanced and consistent approach to the application was maintained and that a desirable outcome was achieved, together with consideration for the long term safety of the proposed dwelling and its occupants.

A consistent and reasonable approach has been and will be applied to future development applications within this subdivision in relation to tree removal based on safety, liability and environmental factors.

A revised landscape plan was subsequently submitted and assessed by the Landscape Planner for compliance with his recommendations. In this regard it has been determined that the loss of the established trees will be offset by suitable plantings in a more appropriate location.

### **Site Context**

The site is identified as Lot 7 DP 1236865 and is known as 9 Anembo Close, Goulburn. The site is 1378m<sup>2</sup> and is square in shape with a battle-axe handle being the access.

A site inspection was carried out on 29 August 2019 and it was observed that the existing vegetation on site comprised of mainly native species of trees, shrubs as well as managed and unmanaged grassed areas. Surrounding land uses are predominantly residential in nature.

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

### **Assessment against Legislation and Policies**

- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*

The site is located within the Sydney Drinking Water Catchment. The proposal has been assessed as having a neutral or beneficial impact on water quality.

- *Goulburn Mulwaree Local Environmental Plan 2009*

#### Land Use Table – R1 General Residential

Objectives of zone:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain the economic strength of commercial centres by limiting the retailing of food and clothing.*

The proposed development is defined as a 'dwelling house' which is identified as permitted with consent in the land use table, as such the proposal is permissible within the zone of the land legally described as lot 7 DP 1236865. Having consideration of the zone objectives the proposed development addresses the potential impacts on the environment and locality.

#### 4.4 Floor Space Ratio

The land does not have a floor space ratio control under the LEP. The bulk and scale of development does not have an unacceptable impact on the streetscape and character of the area in which the development is located.

#### 7.1A - Earthworks

The proposed development involves earthworks such as excavation and associated retaining walls which have been illustrated on the submitted architectural plans. The site will have a significant cut in the north west corner of approximately 1.5m. Where the largest part of the cut is required, the retaining wall is proposed to be terraced into two walls, therefore reducing the required heights.

The proposed development has been designed to minimise the required earthworks as best as possible to ensure there will be no adverse impacts to the environment or adjoining properties. It is considered that the design together with the proposed conditions of consent will suitably protect the:

- existing drainage patterns and soil stability;
- likely future use or redevelopment of the land;
- extent of cut and fill on site;
- amenity of the area;
- any potential Aboriginal cultural heritage; and
- the nearby watercourse and Sydney Drinking Water Catchment.

The proposed development is not likely to have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land.

### 7.2 Terrestrial Biodiversity

The site is not identified within the Terrestrial Biodiversity Map as “Biodiversity”.

- Goulburn Mulwaree Development Control Plan 2009

### 3.3.2 – Landscaping

A landscape plan was provided by the proponent to offset the proposed removal of the trees.

The proposal is not likely to impact existing landscape features, existing vegetation both native and exotic, streetscape character, land capability, micro-climate, views and vistas; and is not mapped as biodiversity.

### 4.1.2 – Character and Appearance

The proposal achieves a coherent site layout that provides a pleasant, attractive, manageable, resource efficient and sustainable living environment.

The bulk and scale does not have an unacceptable impact on the streetscape and the character of the locality.

### 4.1.7 – Setbacks

Setbacks for a battle-axe block are achieved.

## **Likely Impact of Proposed Development**

### *Context and Setting:*

Although the dwelling is located on a battle axe allotment, the façade has been designed to ensure that it is in keeping with the current character of the area.

The dwelling has been stepped to follow the site’s natural topography to reduce the visual bulk and scale and also to reduce the required excavation that is needed.

The proposal includes the construction of retaining walls in close proximity to the east and west boundaries. These walls are approximately 1.5m in height and will be of mass stone construction.

The construction of these walls will reduce the extent of cut and fill required for the construction of the dwelling.

The proposed dwelling, including the landscape design, has resulted in a development of higher quality that will contribute positively to the built form of the locality. It also successfully addresses the shape and slope of the site.

*Access, Transport and Traffic:*

The access, transport and traffic impacts of the proposal are considered satisfactory.

*Visual Amenity:*

The development is compatible with the:

- Scenic qualities and features of the landscape,
- Character and amenity of the locality and streetscape,
- Scale, character, density and design of the proposed development in the locality,
- Previous and existing land uses and activities in the locality.

*Noise & Acoustic Amenity:*

Noise generated during construction of the proposed development shall comply with the provisions of the Protection of the Environment Operations Act, 1997.

*Natural Hazards:*

At the time of lodgement the land was not included on the Goulburn Mulwaree Bushfire Prone Land maps. The Council maps were recently revised by the NSW Rural Fire Services and the site is now mapped as Bushfire Prone. As a consequence the development is required to be assessed against the current NSW Planning for Bushfire Protection 2006 document. It is noted that a new Planning for Bushfire Protection 2018 document is yet to be adopted and the 2006 Planning for Bushfire Protection will continue to be in force until the adoption of Planning for Bushfire Protection 2018.

In accordance with s4.14 of the Environmental Planning and Assessment Act, Council has considered the PBP 2006 and is satisfied that the development, as it is proposed to be conditioned, conforms with Planning for Bushfire Protection 2006. Consultation with the NSW Rural Fire Service was not required for this development category.

There is no impact in terms of flooding. The proposed development as recommended with conditions is considered satisfactory in this regard.

*Safety, Security and Crime Prevention:*

The proposed development incorporates a minimum amount of safer by design measures, including:

- Provision of a clearly visible entry point which is visible from the internal driveway;
- Passive surveillance treatment of the driveway has been provided through the provision of habitable room window openings which face the driveway;
- Suitable landscaping will produce a defensible open space at the front resulting in some interaction with the public domain beyond; and
- Boundary fencing and gates will be provided to prevent intruders from accessing the private open space areas of each dwelling.

*Social Impact on the Locality:*

The proposed development will not have any adverse social impact.

*Economic Impact on the Locality:*

A positive economic impact on the locality is anticipated as a result of the development.

*Site Design and Internal Design:*

The proposal achieves a coherent site layout that provides a pleasant, attractive, manageable, resource efficient and sustainable living environment.

The bulk and scale does not have an unacceptable impact on the streetscape and the character of the locality.

**Suitability of the Site for the Proposed Development**

The proposal fits within the locality and the site is conducive to the proposed development. The proposal complies with planning requirements and objectives.

**Policy Considerations**

- Goulburn Mulwaree LEP 2009 (as amended)
- Goulburn Mulwaree DCP 2009 (as amended)
- Goulburn Mulwaree Section 94A Levy Plan 2009

**Conclusion and Recommendation**

From the assessment of the application and relevant policies, it is recommended that a conditional development consent be issued.

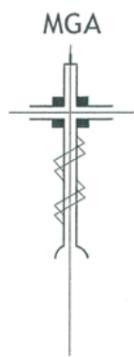
**FINANCIAL IMPLICATIONS**

Nil

**LEGAL IMPLICATIONS**

The applicant is entitled to appeal the Council endorsed recommendation to the Land and Environment Court within 6 months after the determination date of the Development Application.

**PLAN 'B'**



TREE RETAINED

**NOTES:**  
 1. This plan has been prepared to accompany a Subdivision Certificate application lodged with Goulburn Mulwaree Council (Council Ref: DA/0309/1415) and should not be used for any other purpose.  
 2. Trees have been removed for either of two reasons:  
 (i) Conflict with construction of services for the subject subdivision; and/or  
 (ii) Suitability of trees to complement future residential development from a tree health and safety perspective - removal of trees in this category was undertaken with regular field consultation with Council environmental officers.

0 10 20 30 40 50 100  
 Dimensions are in metres

SCALE - 1:1000  
 AZIMUTH -  
 CONTOUR INTERVAL -  
 DATUM -  
 DATE - 11/11/2017  
 REF - 22555

**PLAN SHOWING TREES - POST-CONSTRUCTION**  
 SITE ADDRESS: 56 CATHCART STREET, GOULBURN  
 TITLE DETAILS: LOT 24 DP622174  
 LGA: GOULBURN MULWAREE COUNCIL (COUNCIL REF: DA/0309/1415)

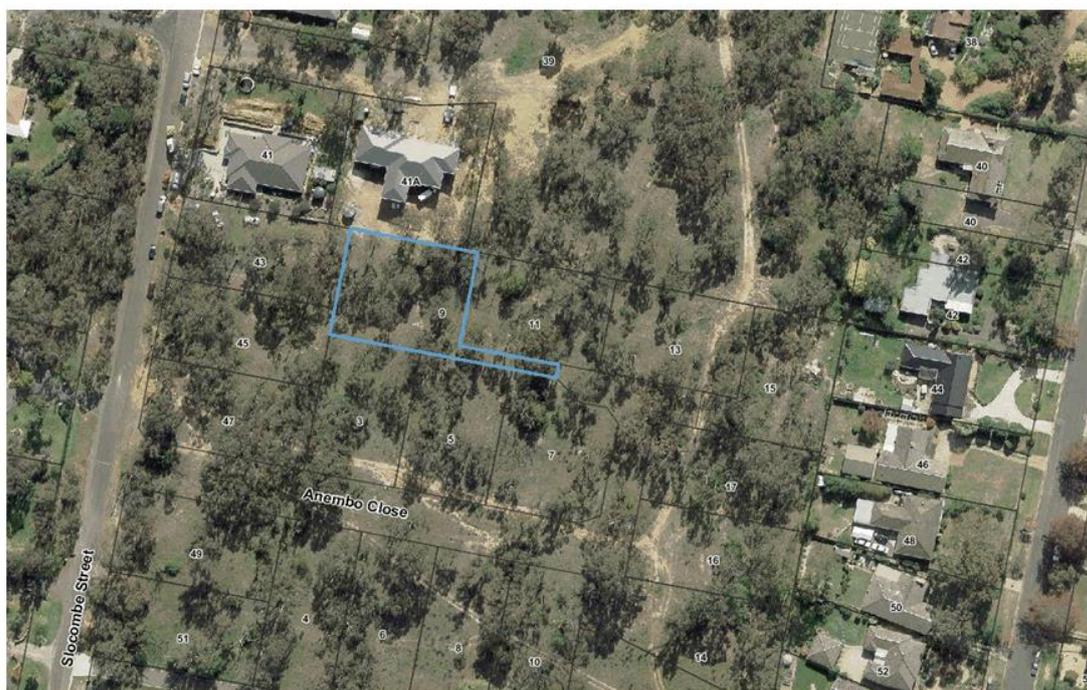
20 Clifford Street  
 PO Box 142  
 GOULBURN NSW 2580  
 T: 02 4822 1366  
 F: 02 4822 1365  
 Email : admin@scsurveyors.com.au



### Attachment

<b>DA No.</b>	DA/0030/1920
<b>Location</b>	9 Anembo Close, Goulburn NSW 2580
<b>Proposed Development</b>	Construction of a dwelling and removal of 9 trees
<b>Attached documents</b>	<ul style="list-style-type: none"> <li>• Architectural Plans</li> <li>• Statement of Environmental Effects</li> <li>• Additional Information Request</li> <li>• Justification on Removal of Vegetation</li> <li>• Revised Landscape Plan</li> </ul>

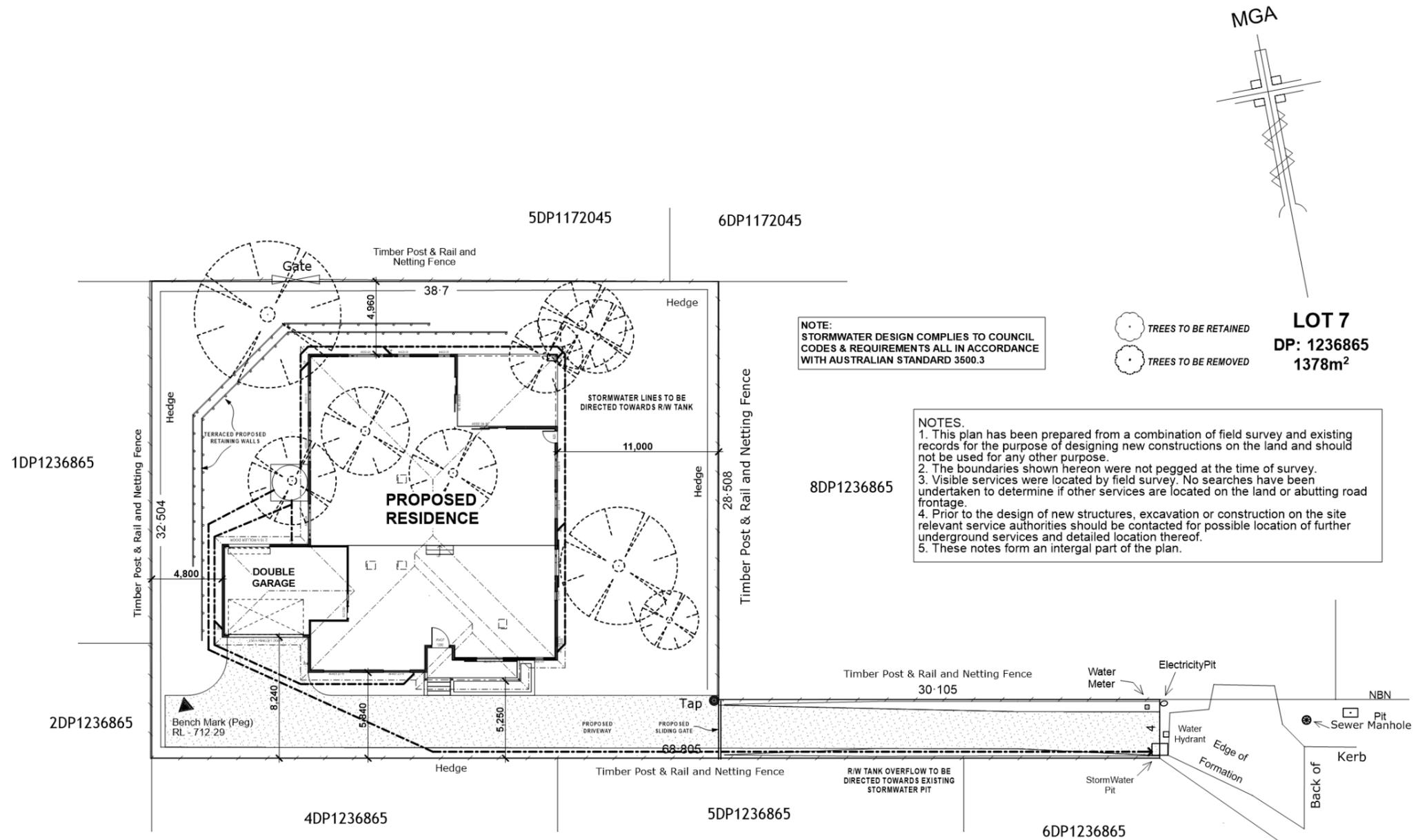
**Locality Plan**





Plans

Proposed Site Plan  
SCALE 1:200



Certificate no.: 0003858123  
 Assessor Name: Thomas Ruck  
 Accreditation no.: VIC/BDAV/12/1456  
 Certificate date: 14 May 2019

**5.7**  
**NATIONWIDE HOUSE**  
 DESIGNER-BUILDER-SELLER  
 180.9 MUM  
 www.nathers.gov.au

Figured dimensions to be used in preference to scaling this drawing.  
 Do not assume - if in doubt ASK.

**wedraft**

ABN: 78 159 301 121  
 Phone: 0414 971 828  
 Email: info@wedraft.com.au  
 Website: www.wedraft.com.au

<b>Soil Classification:</b>	TBC	
<b>Slab Classification:</b>	TBC	
<b>Wind Speed Class:</b>	TBC	
Rev	Date	Amendment
E	24.07.19	R/W TANK ADJUSTMENTS
D	16.05.19	DA PLANS
C	08.03.19	DESIGN CHANGES
B	07.02.19	CONCEPT PLANS
A	20.09.17	INITIAL DESIGN PLANS

**Copyright. ©**  
 This plan is the property of wedraft pty ltd and may not be used in whole or part. Legal action will be taken against any person who infringes the copyright.

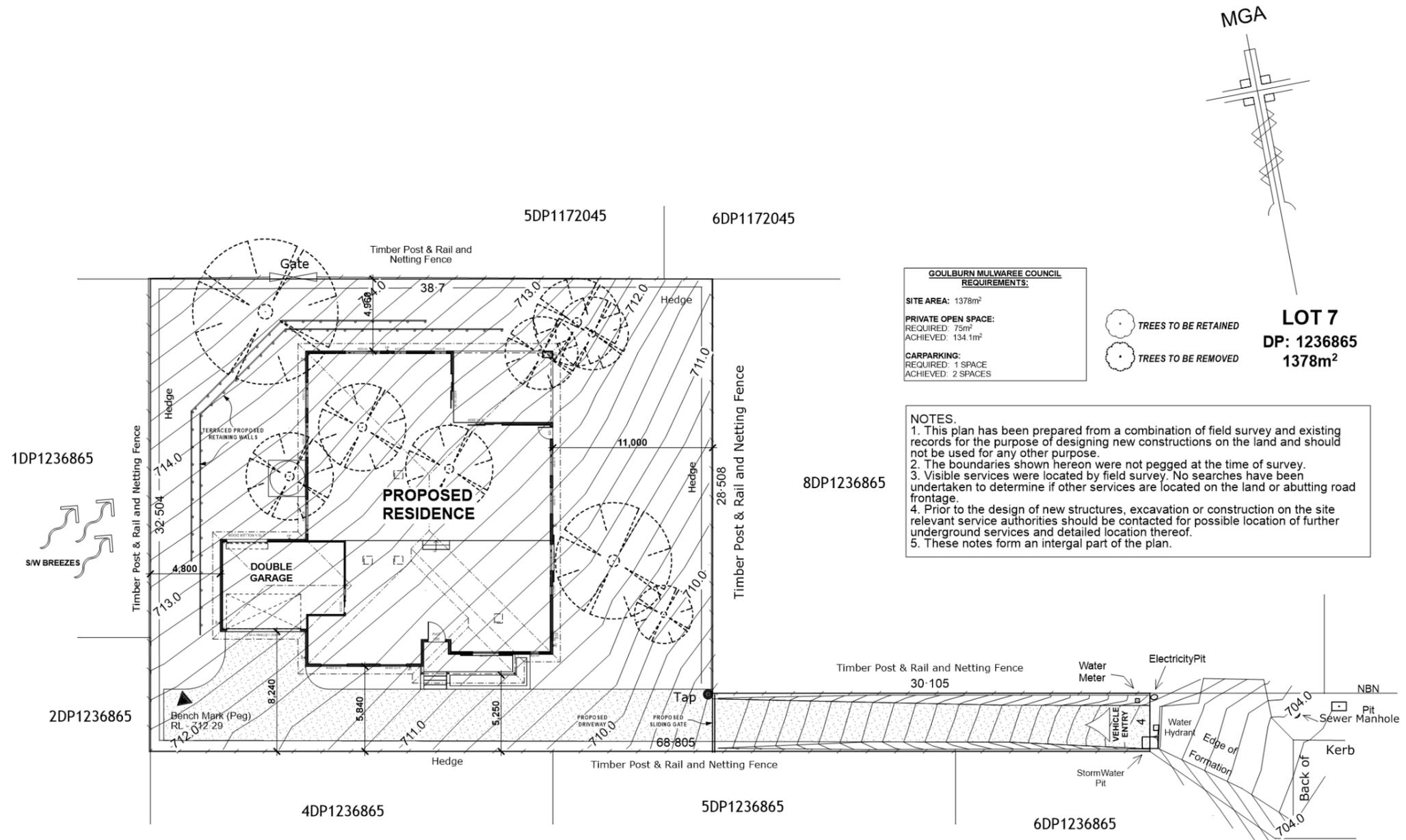
<b>Proposed:</b> Single Storey Dwelling
Lot:7 DP:1236865 No.9 Anembo Close Goulburn, NSW 2580

<b>Client :</b> James Rowlands & Karina Edwards	
LGA: Goulburn Mulwaree	Date: 20.09.17
Design : Custom Design	
Job No: TBA	Sheet Size: A2
Sheet No: 1 of 10	

Plot Date: Wednesday, July 24, 2019

Plans

Proposed Site Analysis Plan  
SCALE 1:200



**GOULBURN MULWAREE COUNCIL REQUIREMENTS:**  
**SITE AREA:** 1378m<sup>2</sup>  
**PRIVATE OPEN SPACE:** REQUIRED: 75m<sup>2</sup> ACHIEVED: 134.1m<sup>2</sup>  
**CARPARKING:** REQUIRED: 1 SPACE ACHIEVED: 2 SPACES

- TREES TO BE RETAINED
- TREES TO BE REMOVED

**LOT 7**  
**DP: 1236865**  
**1378m<sup>2</sup>**

**NOTES.**  
 1. This plan has been prepared from a combination of field survey and existing records for the purpose of designing new constructions on the land and should not be used for any other purpose.  
 2. The boundaries shown hereon were not pegged at the time of survey.  
 3. Visible services were located by field survey. No searches have been undertaken to determine if other services are located on the land or abutting road frontage.  
 4. Prior to the design of new structures, excavation or construction on the site relevant service authorities should be contacted for possible location of further underground services and detailed location thereof.  
 5. These notes form an integral part of the plan.



**NATIONWIDE HOUSE**  
 5.7  
 180.9 MUM  
 www.nathers.gov.au

Certificate no.: 0003858123  
 Assessor Name: Thomas Ruck  
 Accreditation no.: VIC/BDAV/12/1456  
 Certificate date: 14 May 2019  
 Dwelling Address: 9 Anembo close Goulburn, NSW 2580

Figured dimensions to be used in preference to scaling this drawing. Do not assume - if in doubt ASK.

**wedraft**  
 ABN: 78 159 301 121  
 Phone: 0414 971 828  
 Email: info@wedraft.com.au  
 Website: www.wedraft.com.au

<b>Soil Classification:</b>	TBC
<b>Slab Classification:</b>	TBC
<b>Wind Speed Class:</b>	TBC
Rev	Date
E	24.07.19
D	16.05.19
C	08.03.19
B	07.02.19
A	20.09.17

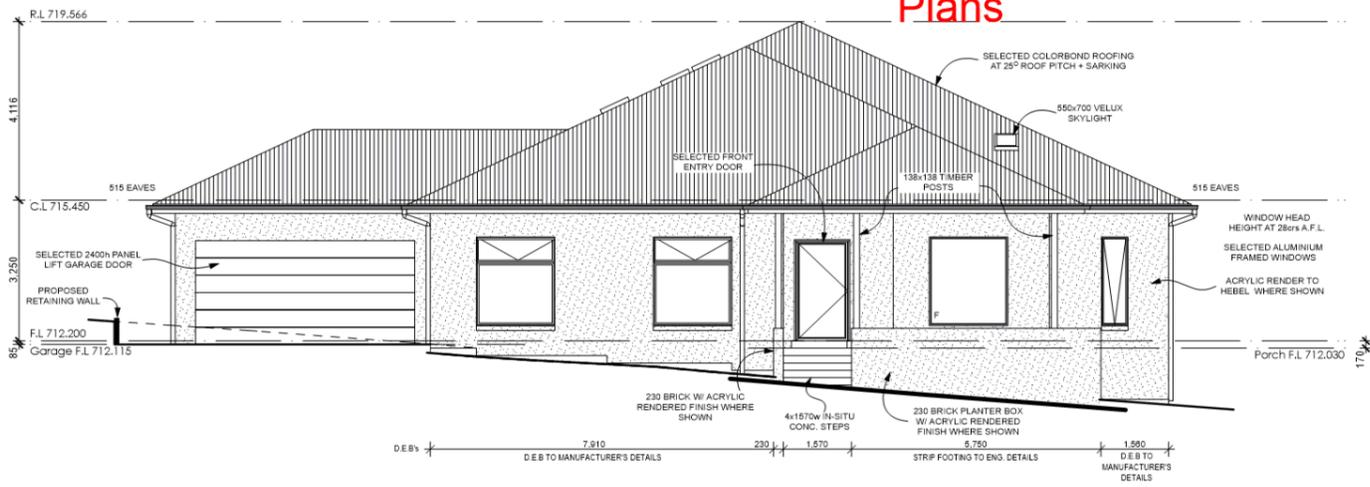
**Copyright. ©**  
 This plan is the property of wedraft pty ltd and may not be used in whole or part. Legal action will be taken against any person who infringes the copyright.

**Proposed: Single Storey Dwelling**  
 Lot:7 DP:1236865  
 No.9 Anembo Close  
 Goulburn, NSW 2580

<b>Client :</b> James Rowlands & Karina Edwards	
LGA: Goulburn Mulwaree	Date: 20.09.17
Design : Custom Design	
Job No: TBA	Sheet Size: A2
	Sheet No: 2 of 10

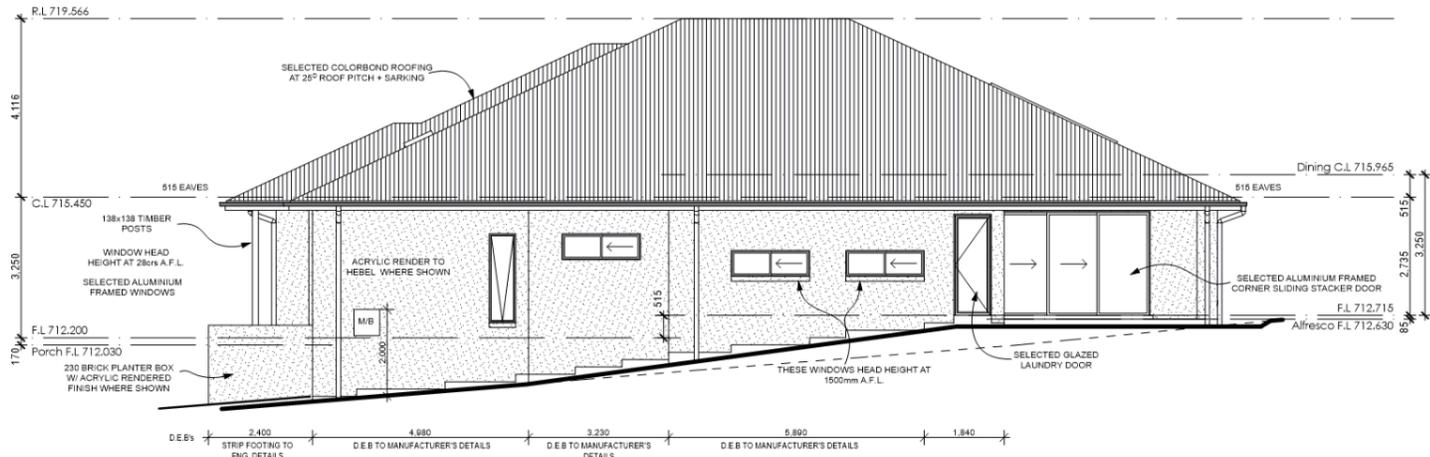
Plot Date: Wednesday, July 24, 2019

Plans



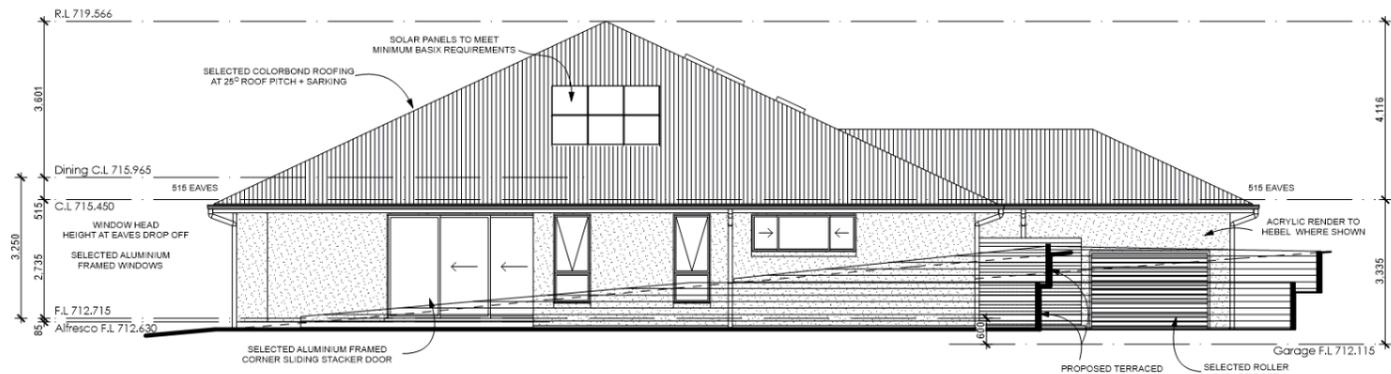
**Southern Elevation**

SCALE 1:100



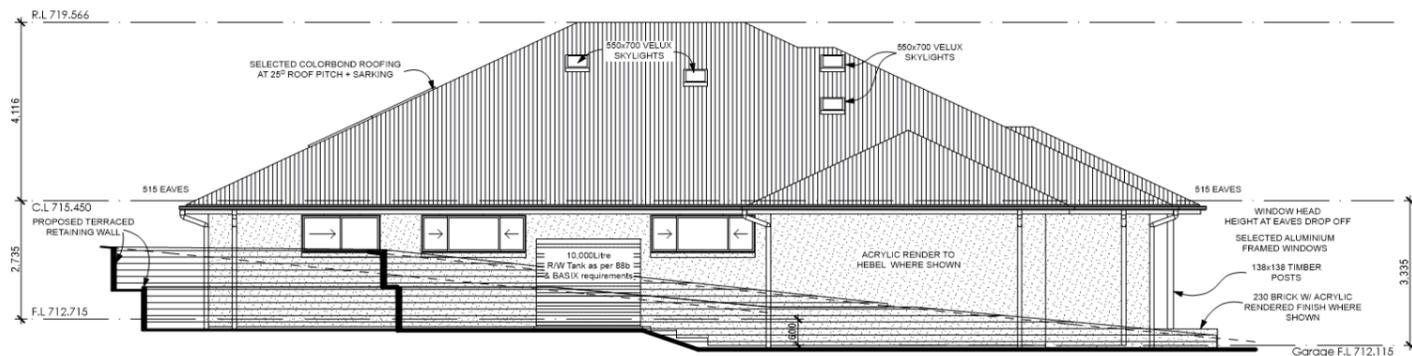
**Eastern Elevation**

SCALE 1:100



**Northern Elevation**

SCALE 1:100



**Western Elevation**

SCALE 1:100


 Certificate no.: 0003858123  
 Assessor Name: Thomas Ruck  
 Accreditation no.: VIC/BDV/12/1456  
 Certificate date: 14 May 2019  
 Dwelling Address: 9 Anembo close Goulburn, NSW 2580  
 www.natthers.gov.au

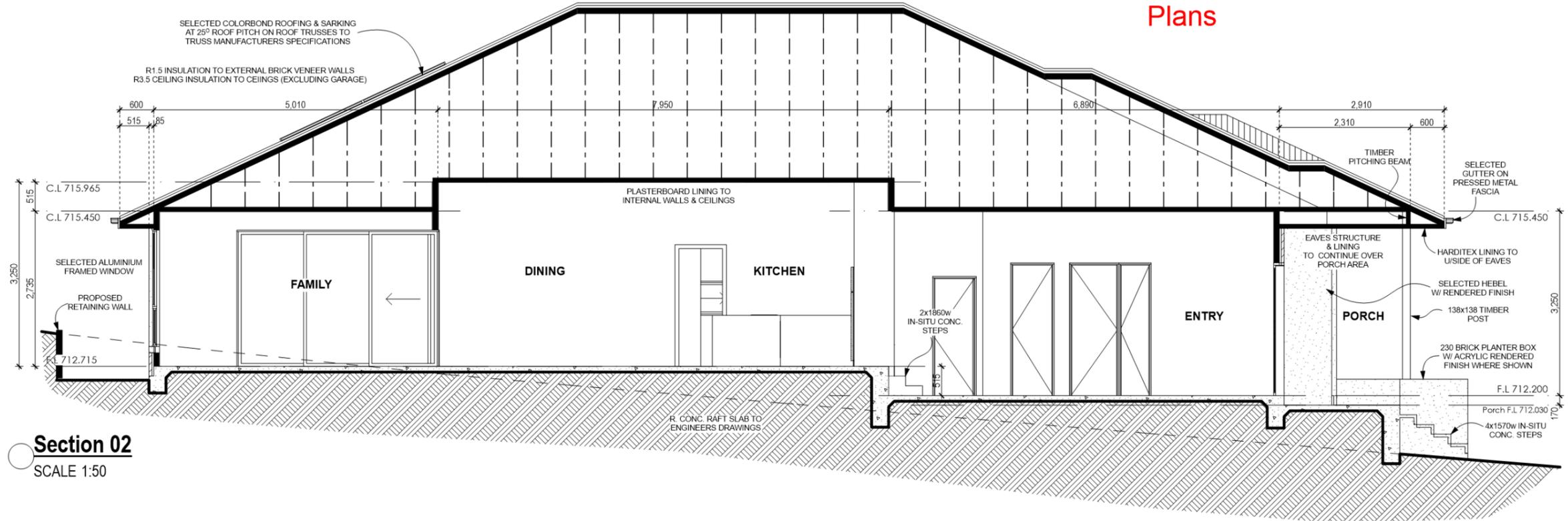
Plot Date: Wednesday, July 24, 2019



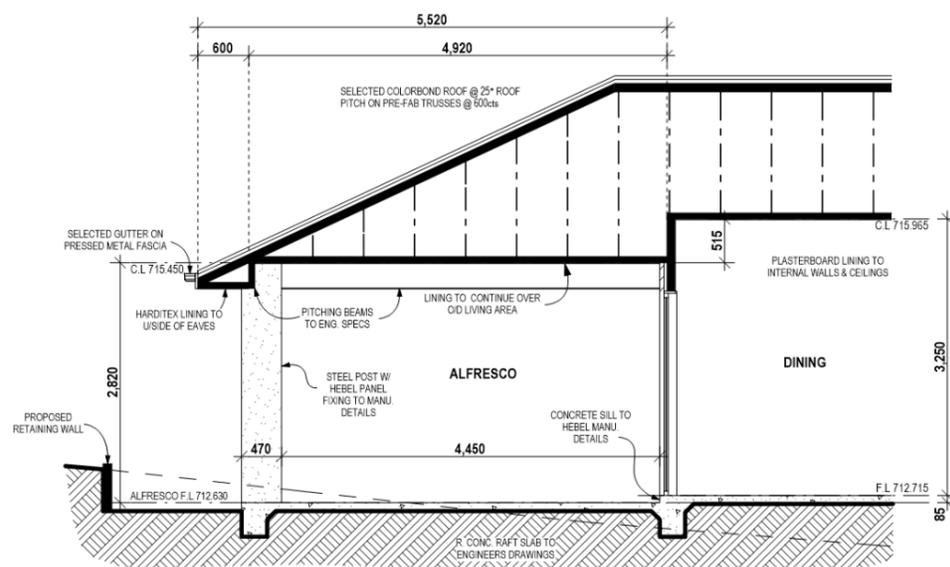
Figured dimensions to be used in preference to scaling this drawing. Do not assume - if in doubt ASK.

 ABN: 78 159 301 121 Phone: 0414 971 828 Email: info@wedraft.com.au Website: www.wedraft.com.au	Soil Classification: TBC	Copyright © This plan is the property of wedraft Pty Ltd and may not be used in whole or part. Legal action will be taken against any person who infringes the copyright.	Proposed: Single Storey Dwelling  Lot:7 DP:1236865 No.9 Anembo Close Goulburn, NSW 2580	Client: <b>James Rowlands &amp; Karina Edwards</b>																	
	Slab Classification: TBC			LGA: Goulburn Mulwaree Date: 20.09.17																	
Wind Speed Class: TBC	<table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Amendment</th> </tr> </thead> <tbody> <tr> <td>E</td> <td>24.07.19</td> <td>R/W TANK ADJUSTMENTS</td> </tr> <tr> <td>D</td> <td>19.05.19</td> <td>DA PLANS</td> </tr> <tr> <td>C</td> <td>08.03.19</td> <td>DESIGN CHANGES</td> </tr> <tr> <td>B</td> <td>07.02.19</td> <td>CONCEPT PLANS</td> </tr> <tr> <td>A</td> <td>20.06.17</td> <td>INITIAL DESIGN PLANS</td> </tr> </tbody> </table>	Rev	Date	Amendment	E	24.07.19	R/W TANK ADJUSTMENTS	D	19.05.19	DA PLANS	C	08.03.19	DESIGN CHANGES	B	07.02.19	CONCEPT PLANS	A	20.06.17	INITIAL DESIGN PLANS	Design: <b>Custom Design</b>	Job No: TBA Sheet Size: A2 Sheet No: 7 of 10
Rev	Date	Amendment																			
E	24.07.19	R/W TANK ADJUSTMENTS																			
D	19.05.19	DA PLANS																			
C	08.03.19	DESIGN CHANGES																			
B	07.02.19	CONCEPT PLANS																			
A	20.06.17	INITIAL DESIGN PLANS																			

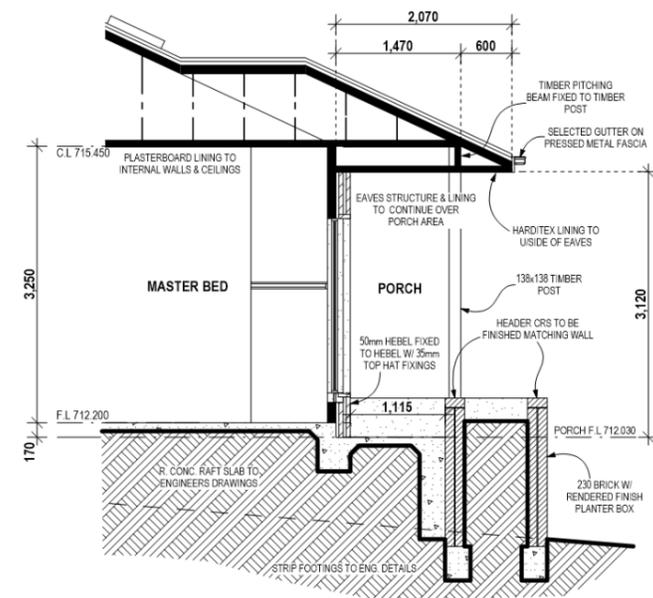
Plans



**Section 02**  
SCALE 1:50



**Section 04**  
SCALE 1:50



**Section 03**  
SCALE 1:50



**NATIONWIDE HOUSE**  
5.7  
180.9 MJ/m<sup>2</sup>  
www.nathers.gov.au

Certificate no.: 0003858123  
Assessor Name: Thomas Ruck  
Accreditation no.: VIC/BDV/12/1456  
Certificate date: 14 May 2019  
Dwelling Address: 9 Anembo close  
Goulburn, NSW 2580  
www.nathers.gov.au

Figured dimensions to be used in preference to scaling this drawing.  
Do not assume - if in doubt ASK.

**wedraft**  
ABN: 78 159 301 121  
Phone: 0414 971 828  
Email: info@wedraft.com.au  
Website: www.wedraft.com.au

<b>Soil Classification:</b>	TBC	
<b>Slab Classification:</b>	TBC	
<b>Wind Speed Class:</b>	TBC	
Rev	Date	Amendment
E	24.07.18	R/W TANK ADJUSTMENTS
D	18.05.18	DA PLANS
C	08.03.18	DESIGN CHANGES
B	07.02.18	CONCEPT PLANS
A	20.06.17	INITIAL DESIGN PLANS

**Copyright. ©**  
This plan is the property of wedraft pty ltd and may not be used in whole or part. Legal action will be taken against any person who infringes the copyright.

**Proposed: Single Storey Dwelling**  
  
Lot:7 DP:1236865  
No.9 Anembo Close  
Goulburn, NSW 2580

Plot Date: Wednesday, July 24, 2019

<b>Client:</b> James Rowlands & Karina Edwards	
LGA: Goulburn Mulwaree	Date: 20.09.17
<b>Design: Custom Design</b>	
Job No: TBA	Sheet Size: A2
Sheet No: 9 of 10	

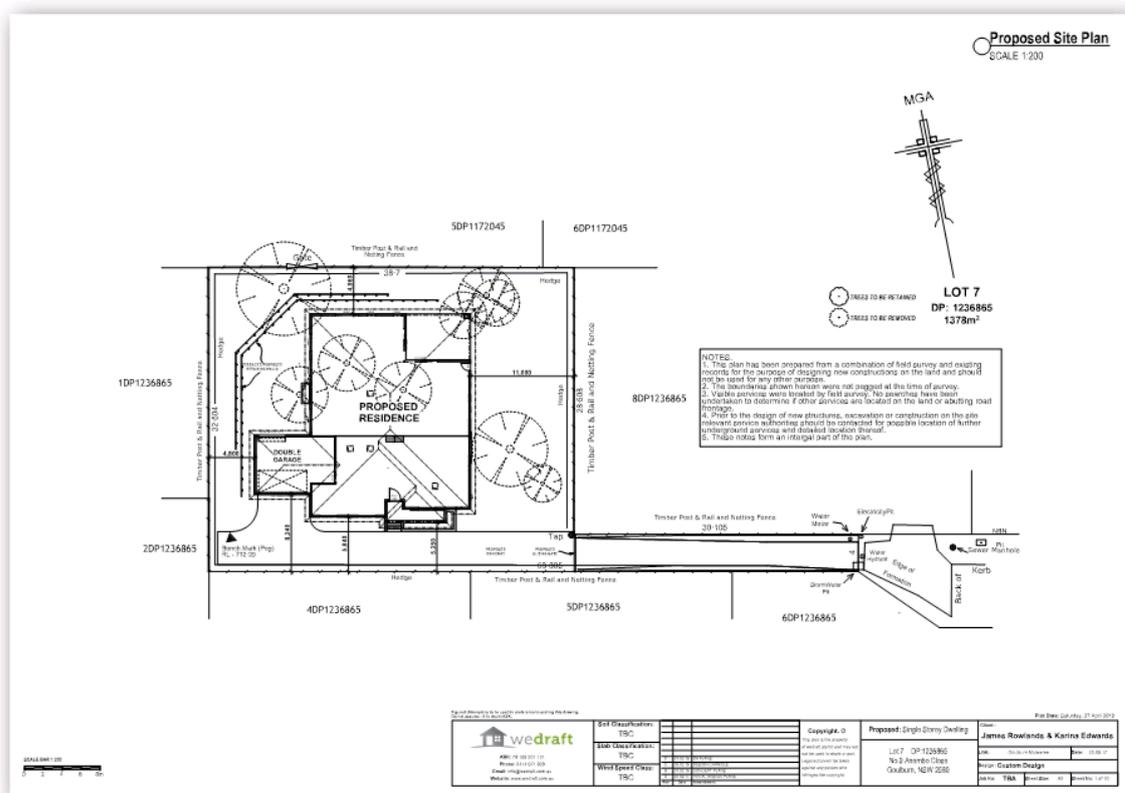
# Statement of Environmental Effects



Prepared on the 17th, May 2019

## Statement of Environmental Effects

No.9 Anembo Close, Goulburn, NSW 2580 (Lot:7 DP:1236865)



## Statement of Environmental Effects

### Table of Contents:

<b>1</b>	<b>Executive Summary</b> .....	<b>1</b>
<b>2</b>	<b>Site / Locality</b> .....	<b>1</b>
<b>3</b>	<b>The Proposal</b> .....	<b>2</b>
<b>4</b>	<b>Relevant Planning Controls</b> .....	<b>2</b>
4.1	Goulburn Mulwaree Local Environmental Plan 2009 .....	2
	Land Zoning .....	2
	Height of buildings (Clause 4.3) .....	3
	Floor space ratio (Clause 4.4) .....	3
	Heritage conservation (Clause 5.10).....	3
	Flood planning (Clause 7.1) .....	3
	Earthworks (Clause 7.1A).....	3
	Terrestrial biodiversity (Clause 7.2).....	3
4.2	Goulburn Mulwaree Development Control Plan 2009 .....	3
	Landscaping .....	3
	Vehicular access and parking.....	3
	Crime prevention through environmental design.....	4
	Tree and vegetation preservation .....	4
	Bushfire risk management.....	4
	Site planning, bulk, scale and density .....	4
	Number of storeys .....	4
	Solar access .....	4
	Privacy .....	4
	Private open space .....	5
	Setbacks .....	5
	Views .....	5
	Car parking and driveways .....	5
	Energy efficient siting and layout.....	5
4.3	Other Requirements .....	6
	Basix Certificate.....	6
<b>5</b>	<b>Conclusion</b> .....	<b>6</b>

## Statement of Environmental Effects

### 1 EXECUTIVE SUMMARY

This Statement of Environmental Effects relates to a development application seeking Council's consent to build a single storey dwelling at No.9 Anembo Close, Goulburn (Lot: 7 DP: 1236865).

This Statement:

- Describes the site and locality,
- Details the nature of the proposal,
- Undertakes an assessment of the proposal regarding compliance with relevant planning controls.

The conclusion reached is that the proposal is acceptable with regard to all relevant planning issues.

### 2 SITE / LOCALITY

The site forms part of a recent residential subdivision development and is known as No.9 Anembo Close, Goulburn (Lot: 7 DP: 1236865), It is located at the end of the street and is accessed via a 4m wide / 30.105m long access handle. The main section of the site has a width of 38.7m, a depth of 32.504m and an overall site area of 1378m<sup>2</sup>

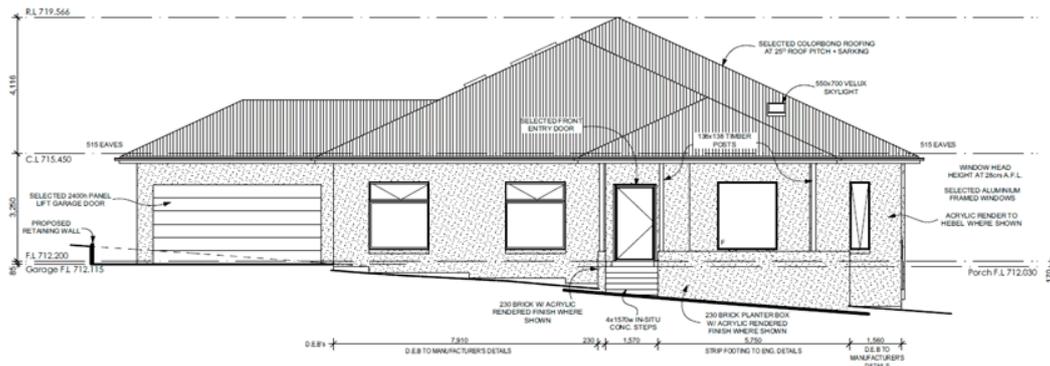


## Statement of Environmental Effects

### 3 THE PROPOSAL

The proposal is to construct a single storey dwelling on a vacant allotment.

The proposed dwelling will be constructed using timber framed walls internally and externally, it will be constructed on a concrete slab base and the external walls will be clad with hebel panels with a rendered and painted finish.



### 4 RELEVANT PLANNING CONTROLS

#### 4.1 GOULBURN MULWAREE LOCAL ENVIRONMENTAL PLAN 2009

##### Land Zoning

The subject site is within the Zone R1 – General Residential under Goulburn Mulwaree Local Environmental Plan 2009.

The objectives of the zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain the economic strength of commercial centres by limiting the retailing of food and clothing.

It is considered that the proposed development satisfies all relevant zone objectives contained in the LEP as follows:

- A permissible form of development is being provided that meets the housing needs of the community.
- Consideration has been given to the existing amenity and character of the area and it is considered that the proposed development is sympathetic and harmonious with the adjoining developments and will complement the existing character of the locality.
- The proposed development will enhance the amenity of the residential area by the provision of a new housing stock and new landscaped areas

**Height of buildings (Clause 4.3) Statement of Environmental Effects**

The site has not been restricted with a maximum building height.

**Floor space ratio (Clause 4.4)**

The site has not been restricted with a maximum floor space ratio.

**Heritage conservation (Clause 5.10)**

The site is not listed as a heritage item nor is it in the vicinity of a heritage item or conservation area.

**Flood planning (Clause 7.1)**

The site has not been identified as being flood affected.

**Earthworks (Clause 7.1A)**

The proposed development involves earthworks such as excavation and associated retaining walls which has been illustrated on the submitted Architectural Plans. The proposed development has been designed to minimise the required earthworks as best as possible to ensure that there will be no adverse impacts to the environment or adjoining properties.

**Terrestrial biodiversity (Clause 7.2)**

The site has not been identified as being "Biodiversity" affect.

**4.2 GOULBURN MULWAREE DEVELOPMENT CONTROL PLAN 2009****Landscaping**

As the proposed development will consist of less than 2 residential dwellings, a proposed landscape plan has not been prepared as it is not required as per clause 3.4.2.

Although a landscape plan is not required, the owner has indicated that they will be completing landscape works that will complement the new proposed dwelling and will be consisted with the visual character of the area.

**Vehicular access and parking**

The proposed dwelling has been provided with 2 off street parking spaces which complies with the minimum requirement of 1 space as outlined in table 3-2.

The garage and driveway gradient have been designed in accordance with Australian Standard 2890.1 – 2004.

## Statement of Environmental Effects

### **Crime prevention through environmental design**

Design guidelines outlined in the Crime Prevention through Environmental Design (CPTED) were considered and incorporated as follows:

- Provision of a clearly visible entry point which is visible from the internal driveway;
- Passive surveillance treatment of the driveway has been provided through the provision of habitable room window openings which face the driveway;
- Suitable landscaping will produce a defensible open space at the front resulting in some interaction with the public domain beyond; and
- Boundary fencing and gates will be provided to prevent intruders from accessing the private open space areas of each dwelling.

### **Tree and vegetation preservation**

The proposed development seeks council consent to remove a total of 9 trees which have been identified on the submitted Architectural Plans.

### **Bushfire risk management**

The site has not been identified as being bush fire affected.

### **Site planning, bulk, scale and density**

The proposed dwelling has been designed to meet the objectives and controls of this clause as follows:

- Although the dwelling is located on a battle axe allotment, the façade has been designed to ensure that it is in keeping with the current character of the area.
- The dwelling has been stepped to follow the sites natural topography to reduce the visual bulk and scale and also to reduce the required excavation that is needed.

### **Number of storeys**

The proposed dwelling will consist of 1 storey which complies with the recommended maximum allowed amount of 2 storeys

### **Solar access**

The proposed dwelling has been design to meet the objectives and controls of this clause as follows:

- It has been orientated to ensure that it and the neighbouring properties will achieve the required 4 hours solar access on June 21<sup>st</sup>.
- It has been provided with eaves to all walls to ensure that the windows are shaded during the summer time but will allow sunlight during the winter months.

### **Privacy**

The proposed dwelling will not cause any privacy concerns to the adjoining properties.

## Statement of Environmental Effects

### Private open space

The proposed dwelling has an achieved private open space area of 134m<sup>2</sup> which complies with the recommended amount of 75m<sup>2</sup>.

The private open space area has been provided on the northern side of the site and is located directly adjacent to the internal living areas.

### Setbacks

#### Side and Rear:

- The proposed dwelling has a minimum side setback of 4.8m and a rear setback of 4.96. It is considered that these setbacks are acceptable as they ensure that the proposal will not cause any privacy or overshadowing concerns to the adjoining properties.

#### Front Setback (building Line)

- The proposed dwelling is located on a battle axe allotment and no specific front setback control for these types of sites could be located in the council's DCP. As such the proposed front setback of 5.25m and garage setback of 8.24m are considered to be acceptable as they not only ensure that the proposal will not cause any privacy or overshadowing concerns to the adjoining properties, they provide the required distance for the proposed vehicle access to be achieved and comply with the requirements of Australian Standard 2890.1 – 2004 including a turning bay so that the vehicles can enter and exit in a forward direction.

### Views

The proposed dwelling has been designed and stepped to follow the slope of the land to minimise any potential impacts of the views from adjoining buildings or public places.

### Car parking and driveways

Although the proposed dwelling is located on a battle axe allotment, the garage has still been setback behind the front façade to ensure it is not a dominant feature.

As discussed earlier, all parking spaces and driveways have been designed to comply with Australian Standard 2890.1 – 2004.

### Energy efficient siting and layout

The proposed dwelling has been design in a way to improve its energy efficiency. This has been achieved with the use of the following:

- Site orientation ensuring that principal living areas are located on the northern side so that they will receive greater solar access.
- Window shading through the use of eaves which will keep the hot summer sun out but will allow the lower angled winter sun in to warm the dwelling naturally through the cooler months.
- Window positioning to allow natural breezes to flow throughout the dwelling.
- Insulated will be used to help protect the dwelling from the external environment.

## Statement of Environmental Effects

### 4.3 OTHER REQUIREMENTS

#### Basix Certificate

The following table summarises compliance with BASIX Certificate Number: 1012624S

Control	Requirements	Development Proposal	Compliance
Water	40	40	Yes
Thermal Comfort	Pass	Pass	Yes
Energy	40	50	Yes

## 5 CONCLUSION

Through the use of Council's design requirements and good planning principals, the proposal has resulted in a high quality development that will contribute positively to the built form of the locality and successfully addresses the shape and slope of the site.

Consideration has been given to matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979, concluding that the development warrants approval.

## Additional Information Request



Goulburn Mulwaree Council  
 Locked Bag 22  
 Goulburn NSW 2580

Civic Centre  
 184 - 194 Bourke Street  
 Goulburn NSW 2580  
 t (02) 4823 4444  
 e council@goulburn.nsw.gov.au  
 www.goulburn.nsw.gov.au

14 October 2019

Contact: Planning & Environment  
 Reference: DA/0030/1920

J R J Rowlands, K D Edwards  
 86 Clifford Street  
 GOULBURN NSW 2580

Dear Sir/Madam

**SUBJECT: DEVELOPMENT APPLICATION NO. DA/0030/1920  
 LOCATION: 9 ANEMBO CLOSE GOULBURN NSW 2580  
 PROPOSAL: CONSTRUCTION OF A SINGLE STOREY DWELLING AND  
 THE REMOVAL OF 9 TREES**

Further information in connection with the above development application lodged with Council was requested some time ago via a phone conversation. To date satisfactory additional information has not been received by Council to enable assessment of the aforementioned application.

The 88b restricts the removal, damage, trimming etc of any vegetation shown on Plan B prepared by Southern Cross Consulting Surveyors. Justification is required as to why all nine (9) trees located on the property should be approved to be removed.

Pursuant to *Clause 54 of Environmental Planning & Assessment Regulation 2000* the request for information was made because either the information submitted as part of the original application is incomplete, misleading or not sufficiently detailed to enable a proper assessment of the application to occur. To facilitate the request for additional information, the application will be held for a further period of twenty-one (21) days pending receipt of information of a sufficient quality and content to discharge the request. Regrettably, no further assessment will take place.

In accordance with *Clause 109 Environmental Planning & Assessment Regulation 2000* the period for Council to determine your application is stopped from 14<sup>th</sup> October 2019 until after you have provided the information in accordance with the above or advised in writing that the information will not be provided.

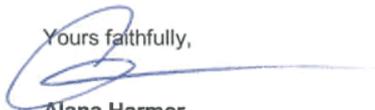
The requested information shall be submitted to Council in one single package that communicates the additional details in a logical and clear manner by 4<sup>th</sup> November 2019. The information is to be submitted to Council either in person, by mail or email on [council@goulburn.nsw.gov.au](mailto:council@goulburn.nsw.gov.au)

It is advised that should the requested information not be received by this date Council will proceed to determine the development application based on the information already submitted. This may mean that the application is determined by refusal.

Finally, as the applicant a right to withdraw the development application exists under *Clause 52 of the Environmental Planning and Assessment Regulation 2000*, this may be a more appropriate course of action should the above timeframes not be able to be met.

For any further enquiries, please contact Planning & Environment during business hours on (02) 4823 4444.

Yours faithfully,



**Alana Harmer**  
Senior Building Surveyor

## Justification of Tree Removal



15<sup>th</sup> October, 2019.

Attention: Alana Harmer  
Senior Building Surveyor  
Goulburn Mulwaree Council  
Locked Bag 22  
GOULBURN. NSW. 2580

Dear Alana,

RE: DEVELOPMENT APPLICATION NO. DA/0030/1920  
LOCATION: 9 ANEMBO CLOSE GOULBURN. NSW. 2580  
PROPOSAL: CONSTRUCTION OF A SINGLE STOREY DWELLING AND THE REMOVAL OF 9 TREES.

On behalf of my clients James Rowlands and Karina Edwards, I am writing to seek removal of the 9 x Eucalyptus trees located on the abovementioned property as part of the DA/0030/1920.

It has been noted that since the purchase of the property in 2017 a great number of significant branches and a large amount of debris has fallen from all the existing trees located on this property. The tree species are brittle by nature and unsafe to have near a home and more importantly within a garden where young children will be using as a play area.

As a professional and fully qualified horticulturalist and landscaper of 40 years and having lived and worked in the Goulburn district, I am very familiar with the two species of eucalypts located in this area and existing on the property, 9 Anembo Close, Goulburn.

The trees pose a serious and very real risk to the house, the family and visitors, therefore are a liability. I propose that they be removed as part of the above development application.

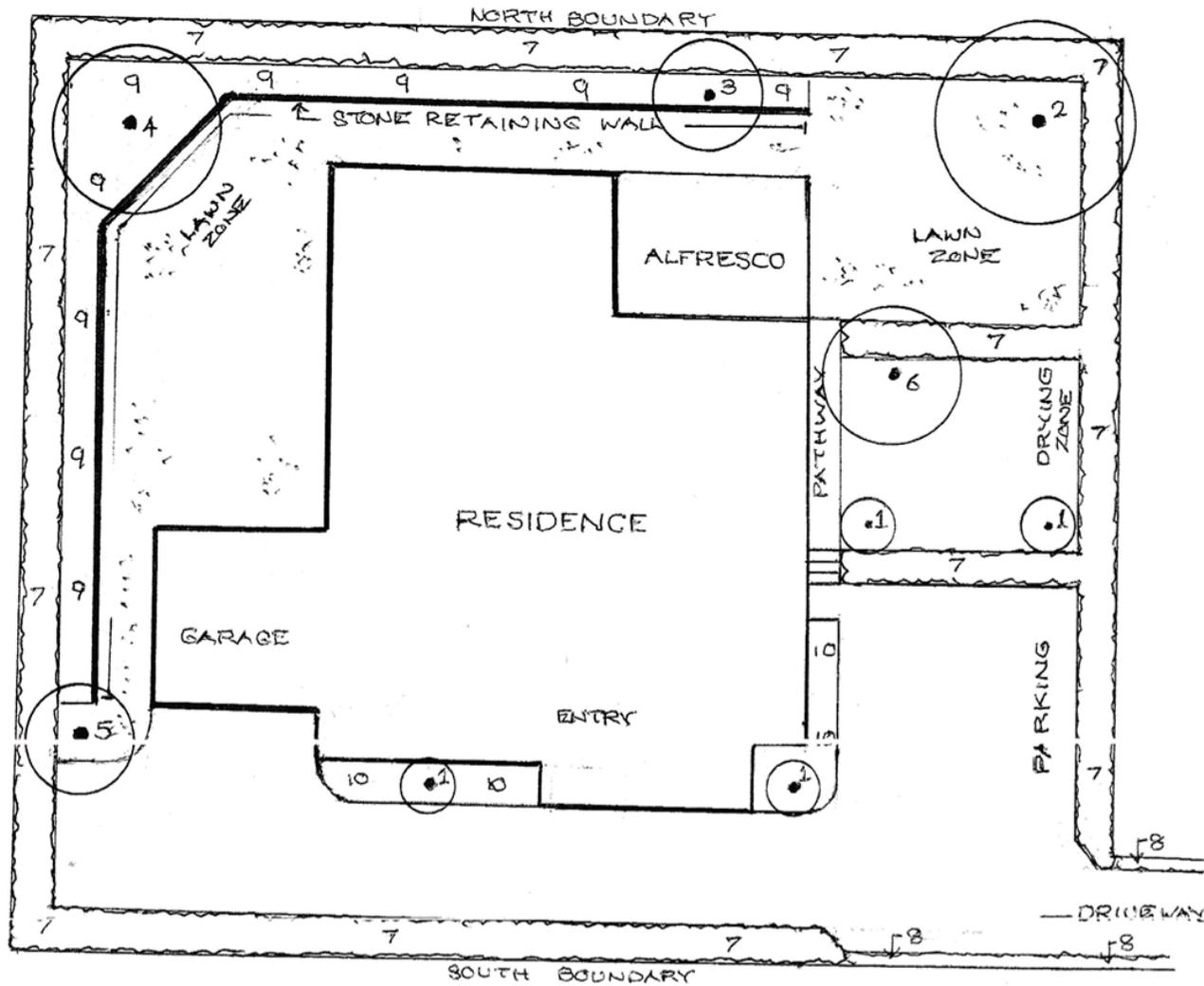
In lieu of the 9 x eucalypts I suggest the following trees:-

4 x Magnolia "Teddy Bears", 1 x Nyssa sylvatica, 1 x Cercis "Forest Pansy", 1 x Malus floribunda, 1 x Pyrus "Chanticleer" and 1 x Magnolia soulangiana "Alba" as per landscape plan/planting schedule. (See attached).

Kind regards,



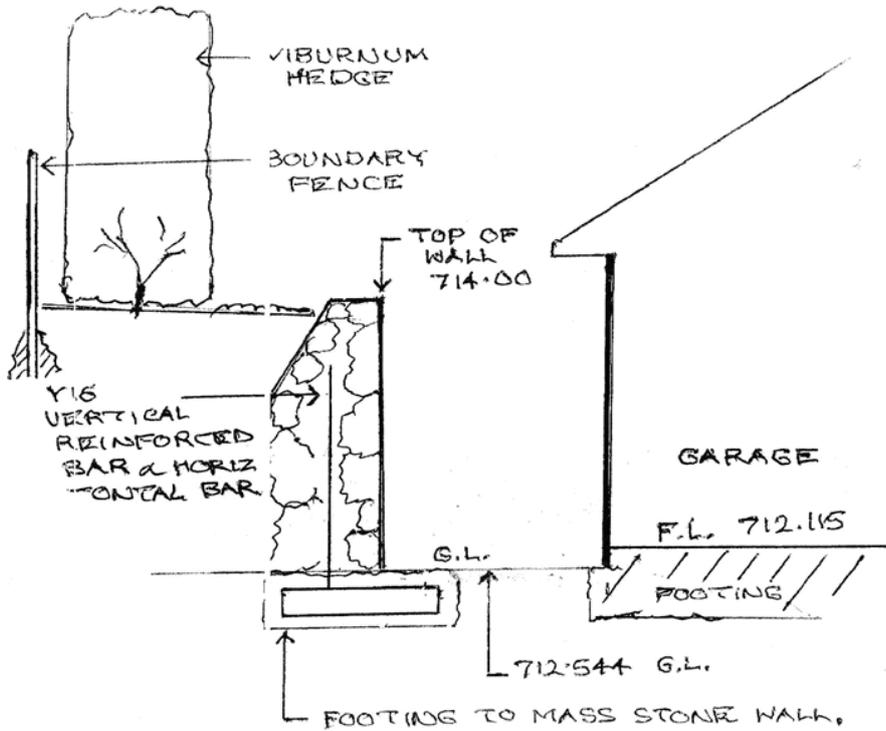
Chris Rowlands



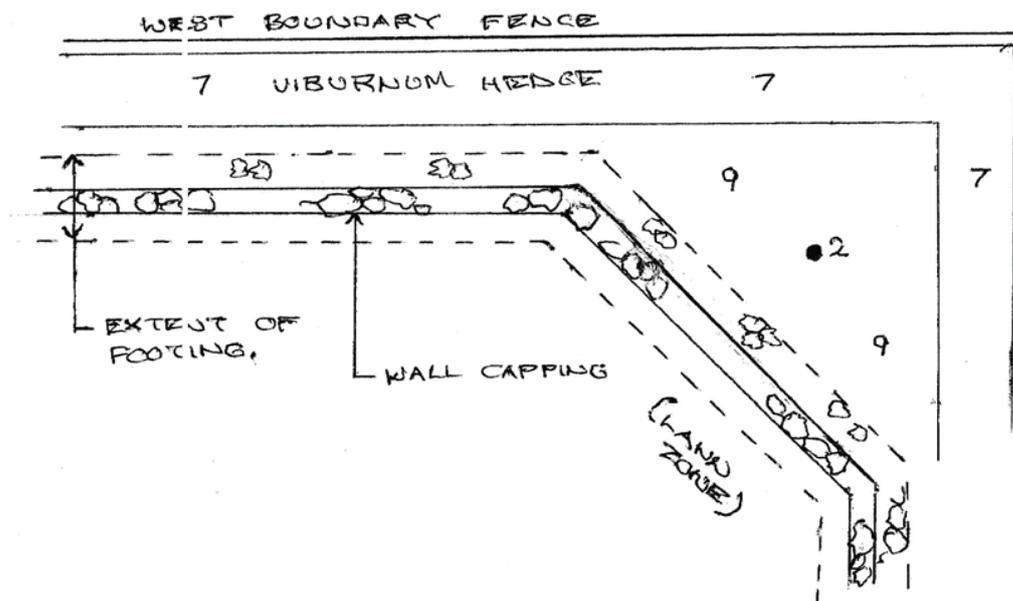
LEGEND	
●	PROPOSED TREE
⊕	SHRUB OR HERBACIOUS PLANTING
⊞	LAWN / GRASS ZONE
PLANTING SCHEDULE	
CODE	PLANTING
1	MAGNOLIA 'TEDDY BEAR' (4m)
2	NYSSA SYLVATICA (8m)
3	CERCIS 'FOREST PANSY' (4m)
4	MALUS FLORIBUNDA (5m)
5	PYRUS CHANTICLEAR (8m)
6	MAGNOLIA SOULANGIANA 'ALBA' (5m)
7	VIBURNUM ODORATISSIMUM (2.5m)
8	TRACHELOSPERMUM BASMINOIDES (1.2)
9	VINCA MINOR (100mm)
10	RAPHIOLEPIS INDICA 'SNOW MAIDEN' (1.0m)
SCALE 1:200	

RETAINING WALL DETAILS - MASS STONE CONSTRUCTION  
ON REINFORCED CONCRETE  
FOOTING, ENGAGED DEFORMED  
BAR, VERTICAL & HORIZONTAL STEEL.

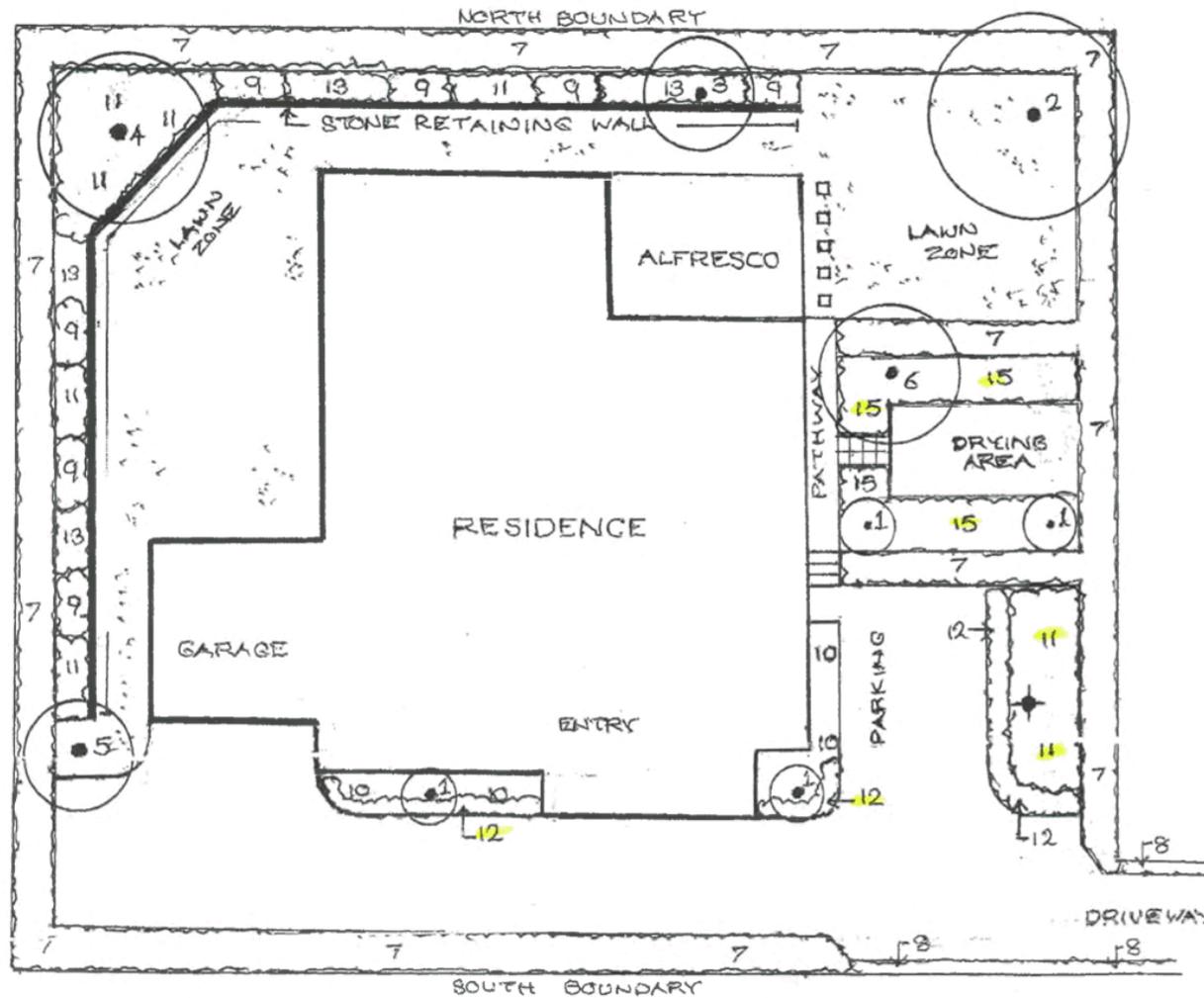
END ELEVATION - (SECTION) SCALE 1:50



PLAN VIEW - (SECTION) SCALE 1:100



Revised Landscape Plan



LEGEND	
●	PROPOSED TREE
★	EXISTING TREE
○	SHRUB OR HERBAC
○	POOL PLANTING
□	STEP STONES
⊞	LAWN / GRASS ZONE

PLANTING SCHEDULE	
CODE	PLANTING
1	MAGNOLIA 'TEDDY BEAR' (4m)
2	NYSSA SILVATICA (8m)
3	CERCIS 'FOREST PANSY' (4m)
4	MALUS FLORIB... 'UNDA' (5m)
5	PERUS CHANTI 'CLEAR' (8m)
6	MAGNOLIA SOULANG 'IANA ALBA' (5m)
7	VIBURNUM ODOR 'ATISSIMUM' (2.5m)
8	TRACHELOSPERMUM JASMINEIDES (1.2)
9	VINCA MINOR (100mm)
10	RAPHIOLEPS INDICA 'SNOW MAIDEN' (1.0m)
11	LOMANDORA 'TANIKA'
12	BRACHYCOME MULTIFIDA
13	GREVILLEA 'BRONZE RAMBLER'
14	EUCALYPT (EXISTING)
15	CORONIA 'EDNA WALKING'

■ = natives

SCALE 1:200

**15.2 POST EXHIBITION REPORT - AMENDMENT TO INCLUDE RU6 ZONE IN CLAUSES 4.1AA AND 4.2B.**

**Author:** Bennett Kennedy, Senior Strategic Planner

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. Submissions  

<b>Link to Community Strategic Plan:</b>	Strategy EN4 – Maintain a balance between growth, development and environmental protection through sensible planning
<b>Cost to Council:</b>	Nil
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That:

1. The post exhibition report from the Senior Strategic Planner regarding the inclusion of the RU6 Transition zone in Clause 4.1AA and 4.2B be received.
2. Council endorse the current Planning Proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* to include the RU6 Transition Zone in Clause 4.1AA (2) and Clause 4.2B (2) as a zone to which these Clauses apply.
3. A Draft Instrument be prepared that is consistent with the above amendment.
4. The Planning Proposal and relevant documentation be forwarded to the Department of Planning, Industry and Environment for making as soon as possible.
5. Council advise those who made a submission of the resolution and thank them for their submission.

**BACKGROUND**

Council at its meeting of 5 March 2019 resolved to prepare a planning proposal, to include the RU6 Transition zone as a zone whereupon Clauses 4.1AA and 4.2B would apply, as follows:

*That:*

1. *The report to amend the provisions of Clause 4.1AA and 4.2B of the Goulburn Mulwaree Local Environmental Plan 2009 in relation to the RU6 – Transition Zone by the Business Manager Strategic Planning be received.*
2. *Council resolve to prepare a Planning Proposal to amend Clause 4.1AA (2) and Clause 4.2B (2) of the Goulburn Mulwaree Local Environmental Plan 2009 to include RU6 Transition Zone.*
3. *When the Planning Proposal is prepared, a request for a Gateway Determination be forwarded to the Department of Planning and Environment.*
4. *The Department of Planning be requested to issue delegations so that Council is the Relevant Planning Authority to process the subject Planning Proposal.*

This report responds to submissions received during the exhibition of the proposed amendment.

To recap, the following Clauses are those the subject of the proposed Amendment to the *Goulburn Mulwaree Local Environmental Plan 2009* which intends to include the RU6 Transition zone in subsection (2). The proposed amendment will ensure that any lot created from a subdivision approved in the RU6 Transition zone will be greater than or equal to the existing applicable

Minimum Lot Size identified on the Lot Size map appended to the *Goulburn Mulwaree Local Environmental Plan 2009*. The existing Clauses are as follows:

**4.1AA Minimum subdivision lot size for community title schemes**

(1) *The objectives of this clause are as follows:*

(a) *to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.*

(2) *This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 1989 of land in any of the following zones:*

(a) *Zone RU1 Primary Production,*

(b) *Zone RU2 Rural Landscape,*

(c) *Zone R5 Large Lot Residential,*

(d) *Zone E2 Environmental Conservation,*

(e) *Zone E3 Environmental Management,*

(f) *Zone E4 Environmental Living,*

*but does not apply to a subdivision by the registration of a strata plan.*

(3) *The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 1989) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

(4) *This clause applies despite clause 4.1.*

**4.2B Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones**

(1) *The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.*

(2) *This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation:*

(a) *Zone RU1 Primary Production,*

(b) *Zone RU2 Rural Landscape,*

(c) *Zone R5 Large Lot Residential,*

(d) *Zone E2 Environmental Conservation,*

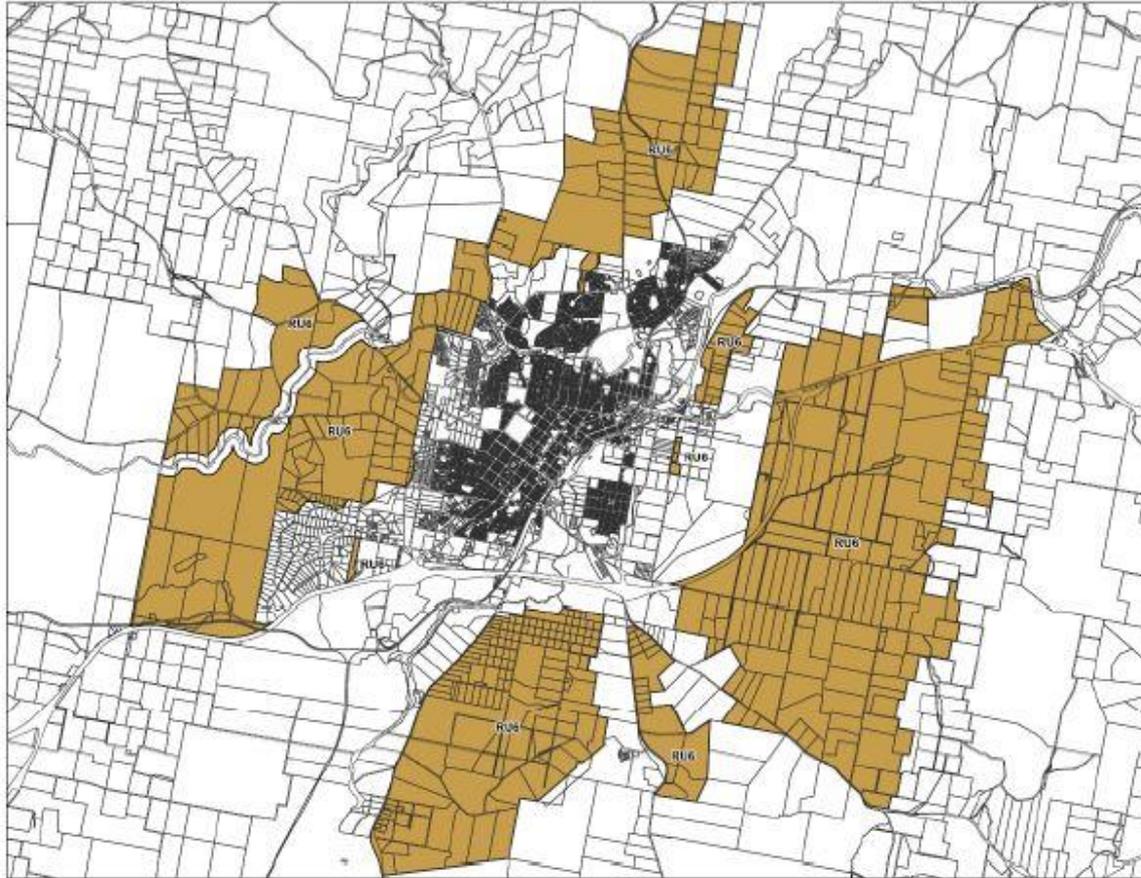
(e) *Zone E3 Environmental Management,*

(f) *Zone E4 Environmental Living.*

(3) *Development consent must not be granted for the subdivision of a lot to which this clause applies under a strata plan that would create lots below the minimum size shown on the Lot Size Map for that land.*

The following maps identify the location of RU6 Transition zone in the Goulburn Mulwaree local government area that will be affected by the proposed amendment.

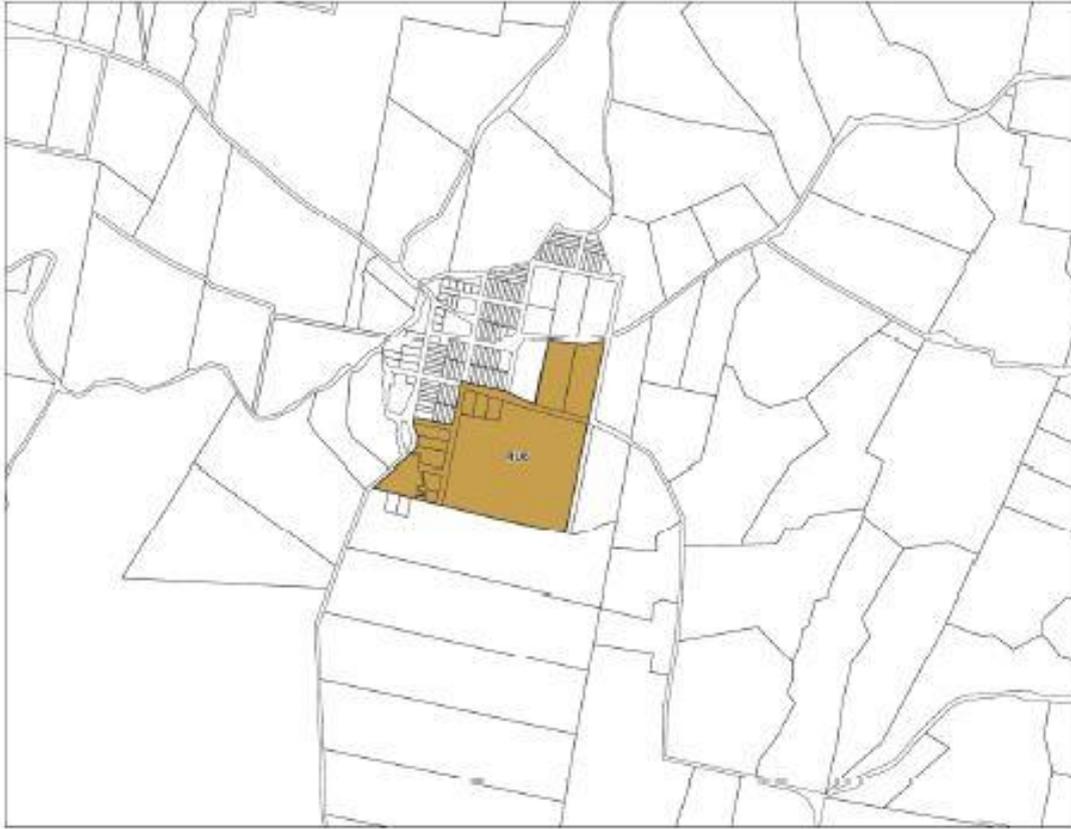
**Map 1** Location of RU6 Transition Zone – Goulburn Locality.



**Map 2** Location of RU6 Transition Zone – Marulan and Tallong Locality.



**Map 3** Location of RU6 Transition Zone – Bungonia Locality.



**Map 4** Location of RU6 Transition Zone – Tarago Locality.



**REPORT**

This post exhibition report is necessary for two reasons: To ensure that the Gateway process, under which statutory instruments may be amended has been followed, and to ensure that submissions from government agencies and/or public submissions received have been considered and appropriately addressed.

This report will firstly outline the Gateway process, then respond to written submissions received from the public.

**Gateway Determination**

In response to the request for a Gateway Determination (Council Resolution 5 March 2019 – Part 3), the then *Department of Planning and Environment* issued a Gateway Determination on 1 May 2019.

The Gateway Determination included six (6) conditions to be addressed:

No.	Condition	Response
(1)	Sections of the Planning Proposal to be revised prior to public exhibition.	The Planning Proposal was revised accordingly prior to public exhibition.
(2)	Public Exhibition is required as follows: a) As a low impact amendment, public exhibition is required for a minimum of <b>14 Days</b> b) Public exhibition must be in accordance with the Department of Planning and Environment’s guidelines	a) The Planning Proposal was exhibited for a period of <b>29 days</b> from <b>6 June 2019</b> until close of business <b>5 July 2019</b> . An advertisement was placed in a local newspaper giving Notice of the exhibition period and where the relevant documents can be viewed. Following representation to Executive staff and the Mayor from private landowners, the exhibition period was extended to <b>5 August 2019</b> (a further 29 days) to permit further written submission. b) In accordance with the Department’s guidelines, all documentation including the Planning Proposal, the Gateway Determination and Council’s Report and Resolution of 5 March 2019 were posted on Council’s website on 6 June 2019 and copies placed at the front counter for public inspection during this period.
(3)	Consultation with the following public agencies was required: a) <i>NSW Rural Fire Service</i> b) <i>Water NSW</i>	a) <i>NSW Rural Fire Service</i> was advised of the application on 2 May 2019. The response from the NSW RFS received on 24 May 2019 raised no objections to the proposed amendment subject to any future subdivision complying with <i>Planning for Bushfire Protection guidelines</i> . b) <i>Water NSW</i> was provided the opportunity to provide preliminary advice on 6 March 2019 (as per the Gateway Process relevant to the Sydney Drinking Water Catchment) on 6 March 2019. <i>Water NSW’s</i> response to this preliminary referral advised on 6 March 2019 that they supported the proposed amendment. As per the Gateway Determination (see condition 1), the revised Planning Proposal was referred to Water NSW on 2 May 2019. The response received from <i>Water NSW</i> noted that much

		<p>of the 9,500 hectares of the RU6 Transition zone land is characterised by rural residential development and is not serviced by reticulated water and sewer infrastructure. <i>Water NSW</i> considered that the introduction of this amendment would reduce the risk of ad-hoc residential development occurring in fringe areas where sewer is likely to be absent. They further note that the proposal supports the Urban and Fringe Housing Strategy and aligns well with the <i>Department of Planning, Industry and Environment's</i> Directions.</p> <p>In summary, <i>Water NSW</i> supports the proposed amendment to the Goulburn Mulwaree Local Environmental Plan 2009.</p>
(4)	A public Hearing is not required to be held into this matter.	No Public Hearing was held or requested in submissions in accordance with the then <i>Department of Planning, Industry and Environment's</i> guidelines.
(5)	<p>The planning proposal authority is authorised as the local-plan making authority to exercise its functions subject to the following:</p> <p>a) The planning proposal authority has satisfied all the conditions of the Gateway Determination.</p> <p>b) the planning proposal is consistent with the <i>Department of Planning, Industry and Environment's</i> Directions or the Secretary has agreed that any inconsistencies are justified; and</p> <p>c) There are no outstanding written objections from public authorities.</p>	<p>a) All of the conditions of the Gateway Determination have been satisfied</p> <p>b) The Planning Proposal is consistent with the <i>Department of Planning, Industry and Environment's</i> Directions, and</p> <p>c) There are no outstanding written objections from public authorities.</p>
(6)	The timeframe for completing the Amendment to the <i>Goulburn Mulwaree Local Environmental Plan 2009</i> is to be <b>6 months</b> following the date of the Gateway Determination.	The timeframe for this Planning Proposal would lapse on 1 November 2019. When it was clear that this timeframe could not be met, an extension was requested, and granted on 14 October 2019 from the <i>Department of Planning, Industry and Environment</i> until 1 May 2020.

**PUBLIC EXHIBITION**

In response to the formal public exhibition of the Planning Proposal from 6 June to 5 July 2019, and subsequent extension to 5 August 2019, six (6) written submissions were received. Full copies of each of the submissions are provided in **Attachment 1**.

No.	Name/Locality	Comments Summary	Response
1	Wallis (Run'O'Waters)	This submission supports the proposed amendment.	This submission is supportive of the proposal as exhibited.
2	Marama Superannuation Fund (between Gurrundah Road and Shannon Drive Run'O'Waters)	The Marama Superannuation Fund submission, dated 5 July 2019, requests that certain lands, owned by Marama Superannuation Fund, be excluded from the proposed amendment.	Because the proposed Amendment to the subject Clauses refers to zoning, it is impractical to exclude certain lands from the application of these statutory controls. Council has reviewed these Clauses previously as part of Amendment 8 and does not support this view. The reason is that the objective of the clauses is to ensure that

		<p><i>Marama Superannuation fund considers that the subject clauses should be retained because they would be more sustainable and allow for more flexible land uses.</i></p> <p><i>The ecological values of the site could be retained with development for Community title or Strata Subdivision and enhanced while enabling the land to be developed, with any adverse impacts appropriately managed.</i></p> <p>The submission notes that Council is currently preparing an Urban and Fringe Housing Strategy to meet future housing needs and that permitting additional dwellings in the RU6 Transition zone by way of the Community Title Subdivision would assist in meeting future housing demand.</p>	<p><i>additional dwelling</i> entitlements are not created where they are not appropriately serviced.</p> <p>The flexibility of land uses is retained in the schedule of permissible land uses under the RU6 Transition zone.</p> <p>The ecological sustainability of any site for any purpose other than dwellings, would be retained by promoting development that would be consistent with the objectives of the RU6 Transition zone. It is noted that while ecological integrity and amenity of any site may be retained with delineation of these areas appropriately, any proposed lot not serviced by reticulated sewer, requires a minimum lot size of 2,500 sqm (Water NSW standard) with 1,500 sqm required for On-Site Waste Water treatment. The reduction of the minimum lot size via Community Title or Strata Subdivision will intensify the residential development of the land and necessitate the provision of an appropriate area (or infrastructure) to ensure effluent is appropriately treated in the Sydney Drinking Water Catchment. In addition to the visual impact of any measures to treat On Site Waste Water, locating this infrastructure in this area would still present a risk in terms of offsite impacts of odour and the risk to environmental integrity. Further, it is unlikely to meet the objectives of the RU6 Transition zone and present too great a risk to the Sydney Drinking Water Catchment if not appropriately addressed.</p> <p>Council's revised Housing Strategy identifies the constraints which impact on the ability of each site to house future population growth. The current Draft Housing Strategy identifies the land as an opportunity area for serviced residential land (with a high priority). Following a more strategic process such as the implementation of the Strategy, will allow for structure plans (provision of access, open space, water/sewer infrastructure, drainage infrastructure) and contributions planning to occur for the precinct.</p> <p>Community title subdivision may still be a valid option for this site if rezoned residential as a result of the Strategy.</p>
<p><b>3</b></p>	<p><b>Guduguntla (General)</b></p>	<p>The submission from Guduguntla recommends Council reconsider (not proceed with) amending Clauses 4.1AA and Clause 4.2B in order maintain flexibility beyond the Draft Housing Strategy. Furthermore, that the forecast growth rate in the Draft Housing Strategy may not be sufficient to meet future housing demand.</p>	<p>It is considered that the issues raised in this submission have been taken in to account in developing Council's Draft Housing Strategy. In addition, periodic reviews of the Draft Housing Strategy will ensure housing needs are being met.</p> <p>This submission provides insufficient justification to prevent a reconsideration of the proposed amendment.</p>

<p>4</p>	<p>Taylor (Brisbane Grove locality)</p>	<p>This submission strongly objects to the proposed amendment. It objects to the perceived stagnation of development and existing fragmentation of rural lands and the difficulty of succession planning.</p> <p>The submission suggests there is a demand for lifestyle lots.</p>	<p>This area has been considered in the Draft Housing Strategy for rural residential potential. The demand and supply of rural residential also being a general consideration in the Draft Housing Strategy.</p> <p>The Strategy is considered to be the appropriate strategic document for identifying land for housing. It is noted that this Planning Proposal is a generic to all land zoned RU6 Transition. The Strategy is the means to identify specific locations suitable for further development.</p>
<p>5</p>	<p>Weir (Gurrundah Road locality)</p>	<p>The identified land that is the subject of this submission is 10.16 hectares in size and is currently zoned RU6 Transition zone.</p> <p>This submission suggests reviewing the appropriateness of the RU6 Transition zone. The Planning Proposal will not address the lack of strategic direction.</p> <p>This submission states that there is a mistake in the subject Planning Proposal in that there is no strategy in place for rural land and that some sites have reticulated water.</p> <p>Other options were not provided to Council for consideration instead of amending Clause 4.1AA and Clause 4.2B.</p> <p>Objects to level of consultation undertaken (being insufficient).</p>	<p>It is agreed that a review of the RU6 Transition zone is necessary. The zone is considered to be too extensive and not fit for purpose. The Housing Strategy is the appropriate mechanism to determine location/supply of suitable land for residential. However, a review of rural lands and zoning is required and is an item on the adopted Strategic Planning Program.</p> <p>Only a very small percentage of properties zoned RU6 Transition located on the fringe of Goulburn have a water service. As Council is located in the Sydney Drinking Water Catchment, there is a pressing need to ensure that the risk to water quality is minimised. The connection of reticulated water in conjunction with on-site sewer treatment increases the risk of untreated run-off from these systems into the catchment, particularly during high rainfall events.</p> <p>Other options on addressing this issue were not provided in the original Council report. This is primarily due to the fact that the clearest way of addressing this issue is to do so via amending the relevant clauses of the Goulburn Mulwaree Local Environmental Plan. If a Development Control Plan amendment were undertaken there would be an implication that Council supports this type of development. Given the vastness of the area covered (9500ha) it is simply not a form of development which is to be encouraged as it is fundamentally inconsistent with the zone objectives.</p> <p>Consultation timeframes for this Planning Proposal were specified by the Department of Planning, Industry and Environment as 14 days as it was largely considered to be an administrative amendment. Upon representation from landowners to Council the exhibition period was extended. Given the large area affected individual letters to landowners was not considered feasible.</p> <p>The Weir's property is identified in the Baw Baw Precinct of the Draft Housing Strategy as</p>

			being a potential urban expansion area post 2036.
6	Burton (Gurrundah Road and Pockley Drive locality)	<p>This submission does not support the proposed amendment to Clauses 4.1AA and Clause 4.2B of the Goulburn Mulwaree Local Environment Plan 2009 to include the RU6 Transition zone in these Clauses.</p> <p>This submission makes the point that the Development Control Plan should be amended to cater for Community Title developments, which can be shared and environmentally sustainable.</p> <p><u>See also comments/responses made in Submission 2 above.</u></p>	<p>The subject site is identified in the Draft Housing Strategy for future development.</p> <p>It is agreed that sustainability and environmental considerations are critical in maintaining healthy land and lifestyles into the future, however, maintaining the status quo concerning residential development in environmentally sensitive areas would be counter-productive to the achievement of environmental sustainability.</p> <p>A Development Control Plan is not the ideal means of addressing this issue as the permissibility of undersized lots will be maintained, without being located as a result of any strategic consideration.</p> <p>If rezoned to residential following the adoption of the Draft Housing Strategy, site specific Development Control Plan provisions addressing sustainability can be considered.</p>

**Summary**

The Planning Proposal has been processed in accordance with the Gateway Determination process.

The two (2) submissions from government agencies, Water NSW and the NSW Rural Fire Service support the proposed amendment to include the RU6 Transition zone in Clause’s 4.1AA and 4.2B of the *Goulburn Mulwaree Local Environmental Plan 2009*.

Five (5) of the six (6) written submissions from the public do not support the proposed amendment, while one (1) supports the amendment. Of the submissions which object to the proposal each submission demonstrated a clear understanding of the potential impact of the proposal on their respective properties

What has been missed however from the five (5) written submissions objecting to the proposed amendment is that it only affects the Community Title (Clause 4.1AA) and Strata (Clause 4.2B) Subdivision of *residential development* (and *tourist and visitor accommodation* in Cl 4.2B). In this context each submission has made an attempt to address the impact restricting only *residential*, and *tourist and visitor accommodation*, will have on their respective properties. Furthermore, the proposed amendment only prevents the subdivision of this land for the purpose of *Community Land Development Act 1989* or a Strata Plan (both being the creation of individual lots) where a lot proposed is below the minimum allotment size specified in the Clause 4.1 map in the Goulburn Mulwaree Local Environmental Plan.

It is the impact of residential development on undersized allotments that Council has sought to rectify to ensure that land is not further *fragmented by subdivisions that would create additional dwelling entitlements*. In addition, increasing the density of residential development, particularly in the majority of the 9,500 hectares of land not serviced by reticulated sewer, would require intensive and substantial sewer treatment facilities to service this development. This has a significant potential to create an unacceptable risk to water quality in the Sydney Drinking Water Catchment.

Unplanned concentrations of residential development outside town centres has a number of negative outcomes such as:

- Additional pressure on emergency services
- Greater reliance on private transport to access town facilities
- Developer contributions planning cannot be properly undertaken for areas that have been identified as primarily rural for future development instead of residential.
- Development patterns may not be conducive to the orderly and economic development of an area.
- The community does not have the opportunity to be involved with the strategic decision making associated with extensions of residential areas.

Fundamentally the RU6 Transition zone is not a residential zone but a rural zone.

Council has been working towards developing the current Draft Housing Strategy. The Draft Housing Strategy will both address issues and constraints to residential development that are apparent and those which may present themselves in future including, but not limited to a greater or lesser population growth than will limit the potential of environmentally constrained land.

### **Conclusion**

The proposed amendment has been assessed in accordance with the Gateway process and there is no impediment to the amendment being supported on these grounds.

Both government agencies consulted (Water NSW and NSW Rural Fire Service) raised no objection to the proposed amendment and have indicated their support for the amendment due to its consistency with their respective guidelines and objectives for development in the Goulburn Mulwaree local government area.

No submissions have provided sufficient justification to overturn Council's support, as the Relevant Planning Authority, for the amendment to include the RU6 Transition zone as a relevant zone to which Clause 4.1AA and 4.2B of the *Goulburn Mulwaree Local Environmental Plan 2009* should apply.

It is recommended that the proposed amendment proceed as exhibited.

**Submission 1**

The General Manager,  
Goulburn Mulwaree Council,  
Goulburn 2580.

3 / 7 / 2019

Dear Sir,

Re: Planning Proposal REZ/0004/1819.

I refer to your recent Notice in relation to the proposed amendments to the Goulburn Mulwaree L.E. P. 2009 concerning Community Title and Strata Title Subdivisions in RU6 zones.

May I offer my support to your proposal as offering Council greater opportunity to ensure consistency of outcomes in this zone , by reference to other zones and ensuring direction for any potential development in the zone.

The particular zone has a degree of sensitivity as is evidenced by its objectives. The present proposal should assist Council in dealing with those objectives.

Yours faithfully,

Campbell Wallis

Submission Goulburn Mulwaree Council

**Submission 2**  
5<sup>th</sup> July 2019.

Planning Proposal – (REZ/0004/1718)

Council are requested, to exclude part of the lands owned by Marama Superannuation Fund from the planning proposal placed on exhibition on the 6th June 2019. The intent of the planning Proposal is to ensure that Strata and Community Title subdivision of land zoned RU6 Transition meets the minimum lot size requirements for land on the lot size maps in Goulburn Mulwaree LEP 2009.

The exclusion of these lands from the planning proposal will positively contribute towards a well-considered community development proposal, that offers a number of Community Wellbeing measures including;

- Use of renewable energy and community heating in the development.
- Providing facilities and services not available in standard Torrens Title residential developments., such as storage facilities for RV Vehicles and Boats, Golf driving Range, Equestrian infrastructure, including dressage arena & horse paddocks.
- Providing a mechanism and ongoing resources to sensitively manage environmental assets held as community open spaces, in perpetuity.

The use of community title in this instance will help meet future housing demands. It will enable efficient development of the land and reinforce the surrounding land uses and allow effective management of existing natural assets. The land has convenient road access and nearby infrastructure to enable efficient development of the land which is recommended to be excluded from the planning proposal.

Lands proposed to be excluded from the planning proposal include

a) Lot 1 of the proposed 2 lot Subdivision of lot 10 DP 625626 Approximately 40 Hectares of a 110 hectare site, (DA/0368/1819/) and

b) those parts of adjoining portions, not affected by Biodiversity constraints as identified in Terrestrial Biodiversity Map Sheet BIO-001\*.

Lot 268 DP 750015	1.7 Hectares (Total Area)
Lot 337 DP 750015	21.9 Hectares (Total Area)
Lot 338 DP 750015	9.1 Hectares (Total Area)

Council may also consider, excluding parts of Lot 4 DP 835933 that are not affected by Biodiversity constraints. This is an adjoining lot to the south of our lands, that would benefit by the proposed sewer main to be installed under DA/0368/1819.

*The lands recommended to be excluded from the Planning Proposal represent less than 10% of the total area of the affected RU6 Zone and will not adversely affect the strategic direction of fringe housing.*

\*[https://www.legislation.nsw.gov.au/maps/e829735a-38f6-4b72-8f7d-32049dc93c31/3310\\_COM\\_BIO\\_001\\_160\\_20180209.pdf](https://www.legislation.nsw.gov.au/maps/e829735a-38f6-4b72-8f7d-32049dc93c31/3310_COM_BIO_001_160_20180209.pdf)

**Submission REZ/0004/1718** MARAMA SUPERANNUATION FUND

Goulburn Mulwaree Council  
 Date Received: ..... 5/7/19 .....  
 Signature: ..... Sue ..... 2:33pm

**SCANNED**



**Submission 2****BACKGROUND****1) Lodgement of Development Application 3<sup>rd</sup> June 2019**

The Marama Superannuation Fund, lodged a Development Application form with Council, on Monday 3<sup>rd</sup> June 2019 by email. This email included a request for a fees quote, which Council did not provide. Making it impossible to comply with the Division 1, Clause 50 of the EP&A Regs.

The planning proposal to make Amendments to Clauses 4.1AA & 4.2B (RU6 – Transition Zone) in the Local Environmental Plan 2009 was placed on exhibition on the Thursday 6th June 2019.

**2) Development Proposal DA/0378/1819 <sup>1</sup>**

Marama Superannuation Fund. Sought consent for the subdivision of Lot 10 DP625626 into 2 Torrens title lots and “Concept Approval” for the subdivision of proposed Lot 1, (approximately 40 Hectares), into 93 Community title lots with Lot 1 being Community Association property, pursuant to Part 4, Div. 4.4 of the EP&A Act which allows for concept development applications.

No works were proposed under this DA and detailed proposals for the Community title subdivision of proposed Lot 1 will be the subject of a subsequent DA(s).

**3) Merit of the Development Proposal**

The proposal was consistent with the controls in both the LEP and DCP at 3<sup>rd</sup> June 2019.

The ecological values of the site can be retained and enhanced while enabling the land to be redeveloped, and any adverse impacts can be appropriately managed.

The technical studies which accompanied the DA established that the environmental impacts of the proposed concept are generally positive and, where appropriate, make recommendations for the detailed design phase of the project which will provide certainty and clarity to guide the development.

The proposed development is in the public interest and will have a range of positive social and economic benefits, namely:

- Provides a mechanism and ongoing resources to sensitively manage environmental assets held as community open spaces. in perpetuity.
- Incorporates 16 hectares of managed community open spaces and the potential to benefit from community owned renewable energy and heating.
- Provides additional land for housing that is in high demand and within close proximity to existing services in Goulburn Town centre
- Facilitates urban development in the areas that allow urban infrastructure services to be provided in a cost-efficient manner as it can be easily augmented

*We conclude that the proposal represents a sound development outcome and will not adversely affect the strategic direction of fringe housing if excluded from REZ/0004/1718.*

<sup>1</sup> (<https://www.dropbox.com/sh/kcmo3zwcun88rnd/AADgu7xGsoc9zYqI9yjeVLCca?dl=0>)

**Submission 2**

4) Urban and Fringe Housing Strategy

Council is currently preparing an Urban and Fringe Housing Strategy, a draft of which was publicly exhibited in January/February 2019. One of the intentions of the Draft Strategy is to provide criteria for the consideration of Planning Proposals in future for land located on the fringe of the towns, specifically Goulburn and Marulan.

a) Our Submission in May 2018 responded to the Pre-strategy Consultation at Stage 2 of the project. As council was looking to sustainably house 5700 more people over the next 20 years. This submission contented by allowing large residential lots to be developed in this location it would reinforce the surrounding land uses and allow effective management of existing natural and cultural assets. The land has convenient road access and nearby infrastructure to enable efficient development of the land. (see Attachment 1)

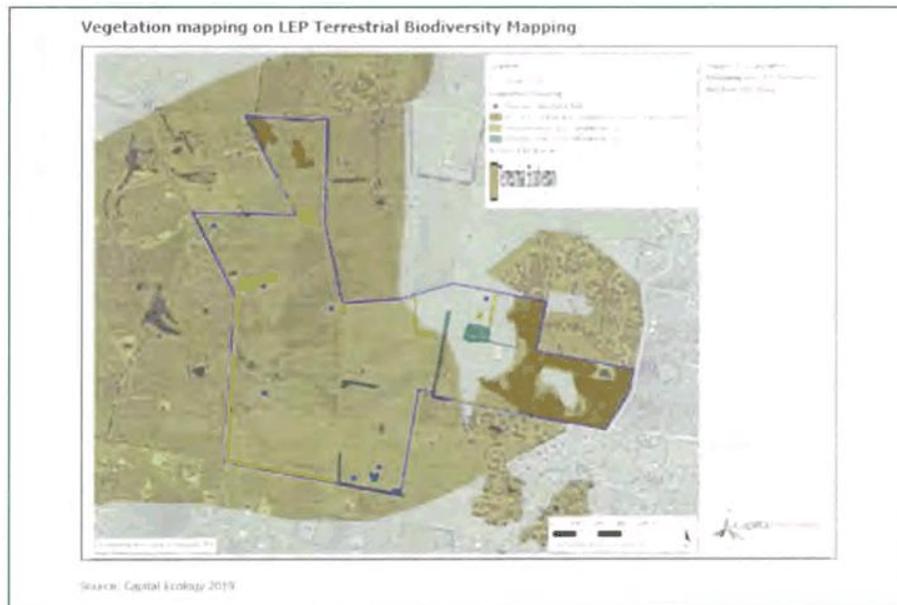
b) The draft housing strategy identified the site as No. 4 and part of Run O’ Waters area in west Goulburn. This area was not recommended for any land use changes due to significant ecological constraints. This decision was based on a desktop review.

c) Response to Draft Strategy.

Elton Consulting (Sydney) provided an evidenced based response on our behalf to the draft housing strategy. (Refer attachment 2)

A detailed Ecological Values and Constraints Assessment by Capital Ecology, demonstrated that:

- The majority of the site has little or no conservation value, given the land has been used pastoral purposes for several decades.
- The small areas of high conservation value are limited to areas containing remnant Box Gum Woodland (the northern paddock and areas in the eastern areas of the site), all of which are recommended to be protected.



A Draft Concept Plan and subdivision layout plan had been prepared to demonstrate what can be achieved at the sites (see figures below).

**Submission 2**



*Our submission demonstrated the site presents an opportunity to address the issue of housing supply in the region and should be included as a future investigation area as there are no significant constraints that would preclude the site from further residential development.*

- The site is directly adjacent to Goulburn’s existing urban area and will form a contiguous and logical expansion
- The site access to a range of commercial, retail, education, medical and community facilities as well as public transport given its close proximity to Goulburn urban area.
- The site has the potential to deliver a significant volume of residential lots (40–80 residential lots)
- Protecting and retaining the areas of high conservation value and enhancing these areas through replanting and reserving under a titling system or legal equivalent
- Infrastructure can be easily augmented to service the site and there is capacity to accommodate future development
- The surrounding road network has the capacity to accommodate future residential development
- The proposal is not inconsistent with local and state strategic framework including the objectives in the Draft Goulburn-Mulwaree Urban and Fringe Housing Strategy.

**Submission 2****5) Planning amendment on Public exhibition REZ/0004/1718**

The Planning amendment on Public exhibition, proposes to change the minimum lot sizes for community titled subdivisions in the (RU6 – Transition Zone). The intent of the planning Proposal is to ensure that Strata and Community Title subdivision of land zoned RU6 Transition meets the minimum lot size requirements for land on the lot size maps in Goulburn Mulwaree LEP 2009.

We understand that Department of Planning and Environment, were satisfied that minimal community consultation was required for this proposal. Being a 14-day exhibition and notification of the exhibited Planning Proposal in the following media:

1. A newspaper advertisement that circulates in the area affected by the Planning Proposal; and
2. The website of Goulburn Mulwaree Council and the Department of Planning and Environment.

There was no advice to affected landholders proposed in Council's Community Consultations.

Representations were made to Council senior management in December 2017 by Christopher & Rebekah Burton, to establish an equestrian facility and community title development on Lot 10 DP 625626. Their concept plan proposed that the 50% of the total site would be open space (65 hectares), 15% of the site will be managed for conservation of Grassy Box Woodland (25 hectares) and 35% will be set aside for residential development. Those representations reflected terrestrial biodiversity mapping of the site at the time. The development proposed in their representations provided for the protection and enhancement of the natural environment through establishing and maintaining dedicated environmental areas and open spaces, that would be managed as a community lot.

Council's advise at that time, was to engage a consultant to further develop their proposal and to participate in a proposed Urban & Fringe Housing project.

The trustees of the land, submitted a submission to Council's Urban & Fringe Housing project, suggesting that the site offered an alternative residential development product to the main development front at Mary's Mount and reinforcing a transition in land use from rural to urban.

A Development Application, DA/0368/1819 has been lodged with Council, seeking consent for the subdivision of Lot 10 DP625626 into 2 Torrens title lots and "Concept Approval" for the subdivision of proposed Lot 1, (approximately 40 Hectares), into 93 Community title lots with Lot 1 being Community Association property, pursuant to Part 4, Div. 4.4 of the EP&A Act which allows for concept development applications.

No works were proposed under that DA and detailed proposals for the Community title subdivision of proposed Lot 1 would be the subject of a subsequent DA(s).

*The timing and limited consultation associated with the current RU6 Planning Proposal, took place after a substantial body of work had been undertaken on the drafting and lodging of a DA /0368/1819 that sought concept approval for a community title subdivision.*

*The submitted development proposal over part of lot 10 DP 625626 represents a sound development outcome, that has been based on a number of technical assessments*

**Submission 2**

*supporting its case for concept approval in its current form and will not adversely affect the strategic direction of fringe housing if excluded from REZ/0004/1718.*

*Our submission to the exhibited Housing Strategy demonstrated the site presents an opportunity to address the issue of housing supply in the region and should be included as a future investigation area in the housing strategy as there are no significant constraints that would preclude the site from further residential development.*

*The lands recommended to be excluded from the Planning Proposal represent less than 10% of the total area of the affected RU6 Zone and will not adversely affect the strategic direction of fringe housing if excluded from REZ/0004/1718.*

Lands proposed to be excluded from the planning proposal

- a) Lot 1 of the proposed 2 lot Subdivision of lot 10 DP 625626 Approximately 40 Hectares of a 110 hectare site, (see details of that DA below) and
- b) those parts of adjoining portions, not affected by Bio- Diversity constraints as identified in Terrestrial Biodiversity Map Sheet BIO-001.

Lot 268 DP 750015	1.7 Hectares
Lot 337 DP 750015	21.9 Hectares
Lot 338 DP 750015	9.1 Hectares

---

The Trustees  
 Marama Superannuation Fund.  
 C/- Dawson & Partners  
 PO BOX 201,  
 Cootamundra NSW 2590

Contact James Thompson

**Submission 2**Attachment 1 REZ/0004/1718

Mr Warwick Bennett  
General Manager  
Goulburn Mulwaree Council  
Locked Bag 22,  
Goulburn NSW 2580  
Via email: council@goulburn.nsw.gov.au

Dear Mr Bennett

**Goulburn-Mulwaree Urban and Fringe Housing Strategy Consultation Submission**

Thank you for the opportunity to make this submission associated with the development of the Goulburn Mulwaree Council Housing Strategy for Goulburn and Marulan. This submission relates primarily to the western urban fringe of Goulburn in the Run-O-Waters locality in particular Lot 337/750015 and Lot 10/625626, 65 Foord Road, Goulburn. We would like to propose our land for future consideration for use as large lot residential.

We have considered the strategic context and the physical characteristics of our land and believe that, if developed in an appropriate manner, it could provide a high-quality residential estate as an addition to the existing urban footprint of Goulburn. The surrounding area has been progressively urbanised over the past few years. The subject land offers a logical and contiguous extension to the development of Goulburn Mulwaree's fringe lands and could potentially contribute to satisfying the growing demand for housing.

The Goulburn Mulwaree Strategy 2030 identified the area to the west of Goulburn as an appropriate area to accommodate large lot residential development, providing an alternative residential development product to the main development front at Mary's Mount and reinforcing a transition in land use from rural to urban. The strategy recommended the following minimum lot size – 2000m<sup>2</sup> for allotments comprising water and sewer and 10 hectares for allotments without water and sewer.

This submission responds to the Pre-strategy Consultation at Stage 2 of the project. As council is looking to sustainably house 5700 more people over the next 20 years, our site offers a logical and appropriate location.

**Description of the site**

The land is located west of the Goulburn Urban Core Area and is defined as Lot 268 337/750015 and Lot 10/625626. The total area of three sites is 120 hectares. Access to the site is via Gurrundah Road to the north and Mary Street to the east and Pockley road to the south. The site is gently sloping and connected to sewer, water, electricity and gas. (figure 1 and 2).

The land is currently used for Extensive Agriculture (beef cattle and some cereal grain production) and a detached residence. The arable portions of the land have been fully pastured improved and fertilised regularly to improve carrying capacity and provide competition to weeds. The full productive potential of the site is constrained by the adjacent residential development and large lot residential lots. The risks arising from the presence of dogs on these lots, makes the breeding & grazing of sheep not economic, and some day to day management activities more difficult.

The grazing activities on this land, provide an important aid to managing bush fire loads, that can pose a threat to the periphery of the city.

There are significant challenges in generating sufficient income from a parcel of this size to meet the increasing costs of beef production, as well as Environmental stewardship costs of enhancing and restoring the Grassy Box Woodland on the site.

**Submission 2**

Attachment 1 REZ/0004/1718

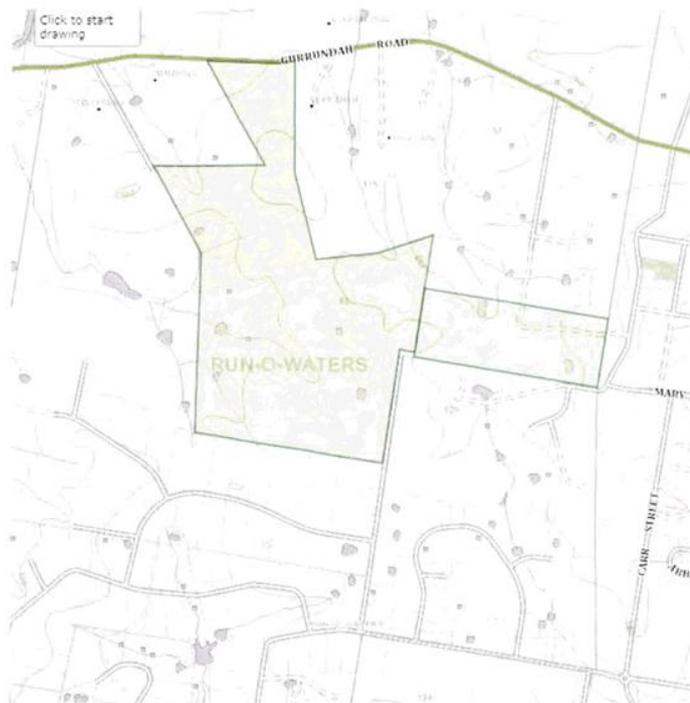


Figure 1 Location of subject site showing contours and surrounding subdivision pattern

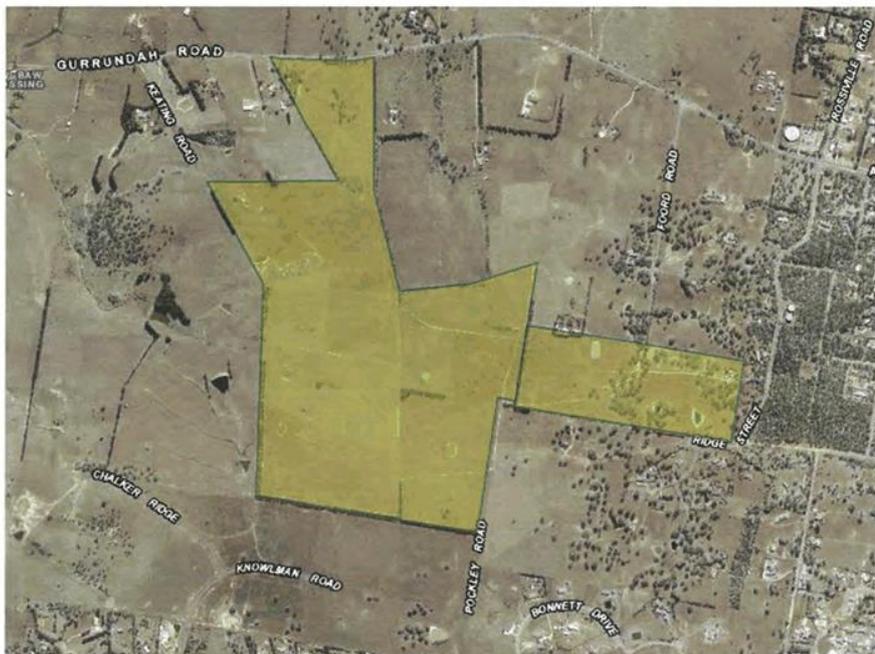


Figure 2 Subject site- road access and vegetation coverage

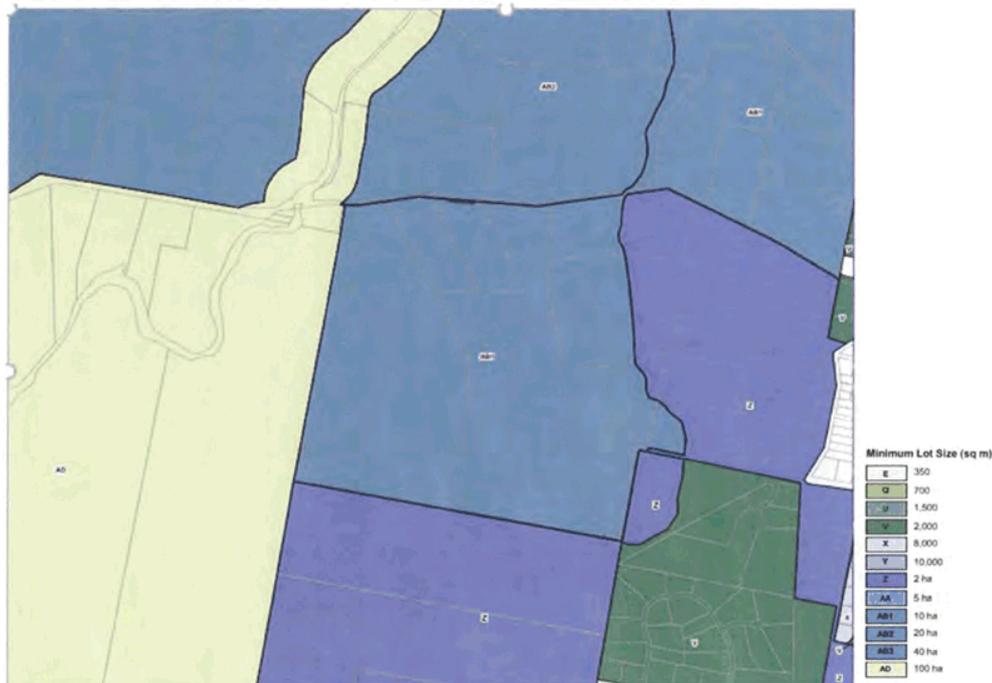
**Submission 2**

Attachment 1 REZ/0004/1718

**Current statutory planning provisions**

The site is subject to the provisions of the *Goulburn Mulwaree Local Environmental Plan 2009* and is zoned RU6 Transition Zone.

The sites are subject to two minimum lot sizes (MLS) of AB1 (10ha) for the western portion and Z (2ha) for the eastern parcel. The submission seeks an opportunity to undertake a rural residential subdivision of the land as part of the proposed determination of the Goulburn Mulwaree Urban & Fringe Housing Strategy, to be followed by a subsequent amendment to the Goulburn Mulwaree LEP.



**Figure 3 Current Minimum Lot Size**  
Goulburn Mulwaree LEP 2009 Lot Size Map - Sheet LSZ- 001A

**Proposal**

A summary of the key elements of our proposal are provided below.

- 268/337/750015 and 10/625626 to be considered under the Goulburn Mulwaree Housing Strategy as a site for future residential development (large lot residential). While the proposed allotment sizes would be subject to further land capability and infrastructure capacity analyses we propose the amendment of the Minimum Lot Size for Lot 10/625626 to MLS Z (2ha) and consideration of part of the residual land for residential allotments of area between 1000-2000m<sup>2</sup>.

The following strategic planning documents have been considered in developing and understanding the suitability of our proposal. These include:

- » *Goulburn Mulwaree Local Environmental Plan*  
*Terrestrial Biodiversity, Urban Release, Land Zoning and Minimum Lot Size Maps*
- » *South East and Tablelands Regional Plan 2036*
- » *Goulburn-Mulwaree Strategy 2020*
- » *Goulburn-Mulwaree Urban & Fringe Housing Strategy*

**Submission 2**Attachment 1 REZ/0004/1718

These documents have provided a preliminary understanding of the housing, environmental and social impacts of the subject proposal.

The proposal in its completed form will have considered the desired character and urban structure of Goulburn. The location of the land is considered to be suitable for a contiguous development of large residential lots (1000-2000m<sup>2</sup>). Such development would provide highly desirable housing to the market and help to provide a more diverse range of housing options available to the market.

The proposed amendment to the LEP that would be required to facilitate the subdivision of the land into smaller lots is consistent with minimum lot sizes prescribed for land to the south of the site. Adjacent blocks have a minimum lot size of 2,000m<sup>2</sup>.

Goulburn is generally characterised by an urban core with a minimum lot size of 700m<sup>2</sup> and an outer core with a minimum lot size of 2000m<sup>2</sup>. The outer core transitions into 2-10-100 hectare rural holdings. The proposed rezoning of the subject land is unlikely to detract from the town's urban density or structure but rather, would complete the outer core and provide a transition from large, productive rural land to a more intensive urban setting.

The subject site is located adjacent to an approved Urban Release Area under the *Goulburn-Mulwaree Local Environmental Plan 2009*. There is a clear and logical opportunity for the extension of the Urban Release Area to include our land. The proposed subdivision could provide new and affordable residential land at the fringe; an increased choice in housing options, and a desirable product with good access to infrastructure, services, jobs and transport. Our subdivision proposal will provide a transition from rural to residential development, on land with limited agricultural productivity, but also close to the existing urban boundary with infrastructure and services.

The proposed development site is consistent with a number of directives outlined within the *Goulburn-Mulwaree Strategy 2020* - specifically, those relating to accommodating sustainable growth. These include:

- » Facilitating urban development in the areas that allow urban infrastructure services to be provided in a cost-efficient manner.
- » Accommodating rural residential living opportunities on less productive rural lands and in locations which would not detract from the cost-effective provision of services and utilities.

Settlement Planning Principles, as outlined within the *Southeast and Tablelands Regional Plan* developed by the NSW Government, include a number of considerations for desirable housing outcomes. Outcomes that directly relate to, and have been considered for this proposal include:

- » Protecting areas with high environmental value and/or cultural heritage value and important biodiversity corridors.

The majority of the site is contained within a terrestrial biodiversity zone. Our concept plan proposes that the 50% of the site will be open space (65 hectares), 15% of the site will be managed for conservation of Grassy Box Woodland (25 hectares) and 35% will be set aside for residential development. Accordingly, the proposed development would protect and enhance the natural environment through establishing and maintaining dedicated environmental areas and open spaces.

- » Identifying a sustainable water supply;

The site has 2 existing connections to town water and 2 licensed bores. One of these bores provides sufficient water for over 150 head of cattle. We propose to acquire an irrigation licence to use an existing easement from Wollondilly River. This would increase water security for the future development area and ensure environmental quality.

The *Goulburn Mulwaree Strategy 2020* includes a planning principle to protect biodiversity by locating development areas where they would not endanger threatened species or critical habitat and minimise modification to natural ecosystems, habitat loss and fragmentation. As stated previously the site contains environmentally significant vegetation that is protected under State legislation. This has been accounted for and included in concept design layouts within the development area. Areas in which Grassy Box Woodland has been identified will be preserved and managed to avoid intense development, thus ensuring environmental protection and maintaining the existing character of the area. Opportunities to strengthen habitat corridors have also been identified.

**Submission 2**Attachment 1 REZ/0004/1718

The *Goulburn-Mulwaree Strategy 2020* outlines a number of approaches to accommodating sustainable growth. The social approaches to promoting this have been considered in the proposal and are facilitated through the following outcomes:

- » New urban areas with a sense of 'community' with key services available locally.

The proposed subdivision and residential development is immediately contiguous with existing residential development and is a short distance from the broad range of services available in Goulburn including health, education and retail services. We are also hoping that the design of our subdivision will lead to both a sense of community and increased community resilience amongst new residents.

- » Safeguarding important heritage and ecological assets in any land use and development decisions overall, to ensure that development of land is carried out in an orderly and efficient manner.

Aboriginal and European heritage assessments will be carried out prior to any development taking place. This is to ensure no significant heritage items would be affected by the residential development, with any identified heritage elements being managed and retained as historically significant features of the area.

**Conclusion**

We consider this preliminary proposal to have merit in terms of its alignment with existing growth and development strategies for the Goulburn Mulwaree Local Government Area. The land represents an ideal location to accommodate the increasing number of people moving to Goulburn-Mulwaree. There are low numbers of large residential lots available, yet there is a high level of interest and apparent demand from "tree changers" looking for parcels of land larger than traditional metropolitan lots to meet their housing and lifestyle needs. Allowing large residential lots to be developed in this location would reinforce the surrounding land uses and allow effective management of existing natural and cultural assets. The land has convenient road access and nearby infrastructure to enable efficient development of the land.

We would welcome the opportunity to discuss the merits of our proposal with Council staff and the consultants appointed to prepare the Goulburn-Mulwaree Urban and Fringe Housing Strategy. We can be contacted on 0428 480 512 after the 12<sup>th</sup> July 2018.

Yours sincerely

Stewart Thompson

As Trustee Marama Superannuation Fund.

ATTACHMENT # 2. REZ/0004/1718 Submission 2



---

## 65 Foord Road, Run'O Waters

Submission Draft Goulburn Mulwaree Housing Strategy

---

**Client:** Stewart Thompson

**Date:** 22 February 2019

A Veris Company



**Submission 2**

**Contact:**

Vasiliki (Vas) Andrews  
 vas.andrews@elton.com.au  
 02 9387 2600

**SYDNEY  
 02 9387 2600**

Level 6, 332 - 342 Oxford Street  
 Bondi Junction NSW 2022

www.elton.com.au  
 consulting@elton.com.au  
 Sydney | Brisbane | Canberra | Darwin | Melbourne | Perth  
 ABN 56 003 853 101

<b>Prepared by</b>	Vasiliki (Vas) Andrews
<b>Reviewed by</b>	Robert Bennett
<b>Date</b>	22 February 2019
<b>Version</b>	FINAL

**Submission 2**

ELTON CONSULTING

# Contents

<b>EXECUTIVE SUMMARY</b>	<b>4</b>
<b>1 INTRODUCTION</b>	<b>7</b>
<b>2 THE SITE</b>	<b>8</b>
2.1 Context	8
2.2 Site description	9
2.3 Surrounding development	11
2.4 Development proposals in the area	14
Planning Proposals (LEP Amendments)	14
Major Projects	14
Local Development Applications	15
2.5 Current planning controls	16
<b>3 SUBMISSION</b>	<b>20</b>
3.1 Site assessment – constraints analysis	22
3.1.1 Issues/concerns	25
3.1.2 Recommendation	30
3.2 Consultation	30
<b>4 PROPOSAL</b>	<b>31</b>
4.1 Objectives and intended outcomes	31
4.2 Proposed amendments	33
4.3 Justification for proposal	34
4.3.1 Strategic merit	34
4.3.2 Site specific merit	35
<b>5 CONCLUSION</b>	<b>38</b>
<b>FIGURES</b>	
Figure 1 Site context	8
Figure 2 Aerial view of the site	9
Figure 3 Local context	12
Figure 4 Proposed subdivision Shannon Drive DA/0090/1718	15
Figure 5 Excerpt existing zoning	17
Figure 6 Excerpt Lot size map	17
Figure 7 Excerpt Heritage Map	18
Figure 8 Excerpt Terrestrial Biodiversity Map	18
Figure 9 Existing Bushfire Prone Land Map	19
Figure 10 Goulburn Sites	21
Figure 11 Goulburn West Opportunity Sites	22
Figure 12 Ecological values map	23
Figure 13 Riparian buffers	24

**Submission 2**

ELTON CONSULTING

---

Figure 14	Vegetation mapping on LEP Terrestrial Biodiversity Mapping	26
Figure 15	Draft Concept Plan	32
Figure 16	Draft Subdivision Layout	32
Figure 17	Potential servicing of the site	37

**TABLES**

Table 1	Site details	9
Table 2	Key characteristics of the site	10
Table 3	Adjoining properties zoning and uses	13
Table 4	Assessment against Criteria of identification of greenfield sites	28
Table 5	Additional Criteria for Large Lot Residential Land (2-10ha)	29

**APPENDICES**

A	Site photos	39
B	Submission No. 1	40
C	Preliminary Ecological Values and Constraints Assessment	41
D	Engineering Advice	42
E	Salinity testing	43

**Submission 2**

ELTON CONSULTING

## Executive summary

This submission has been prepared on behalf of Mr Stewart Thompson in respect of his property at 65 Foord Road, Run O' Waters (the site).

We welcome the opportunity to provide comment as part of the second round of consultation on the Goulburn-Mulwaree Urban and Fringe Housing Strategy.

The draft housing strategy identifies the site as No. 4 and forms part of Run O' Waters area in west Goulburn. This area is not recommended for any land use changes due to significant ecological constraints which has been based on a desktop review.

The key objective of this submission is for Goulburn Mulwaree Council to reconsider the inclusion of the site as an investigation area based on the outcomes of a more detailed Ecological Values and Constraints Assessment by Capital Ecology, which demonstrates that:

- » The majority of the site has little or no conservation value, given the land has been used pastoral purposes for several decades
- » The small areas of high conservation value are limited to areas containing remnant Box Gum Woodland (the northern paddock and areas in the eastern areas of the site), all of which are recommended to be protected.

The figure below highlights the ecological values of the site.

A Draft Concept Plan and subdivision layout plan has also been prepared to demonstrate what can be achieved at the sites (see figures below).

Our submission demonstrates the site presents an opportunity to address the issue of housing supply in the region and should be included as a future investigation area as:

- » The site is directly adjacent to Goulburn's existing urban area and will form a contiguous and logical expansion
- » Has access to a range of commercial, retail, education, medical and community facilities as well as public transport given its close proximity to Goulburn urban area
- » The site has the potential to deliver a significant volume of residential lots (40-80 residential lots)
- » Our initial analysis suggests that the site can accommodate up to 40-80 residential lots at 1-2 hectares (ha) lots, as well as a couple five ha lots and a 10ha lot
- » Protecting and retaining the areas of high conservation value and enhancing these areas through replanting and reserving under a titling system or legal equivalent
- » There are no other significant constraints that would preclude the site from further residential development and issues such as bush fire which can be managed through the DA process
- » Infrastructure can be easily augmented to service the site and there is capacity to accommodate future development
- » There is capacity in the surrounding road network to accommodate future residential development
- » The proposal is not inconsistent with local and state strategic framework including the objectives in the Draft Goulburn-Mulwaree Urban and Fringe Housing Strategy.

We therefore consider this to be an ideal site for future residential development and recommend that Council:

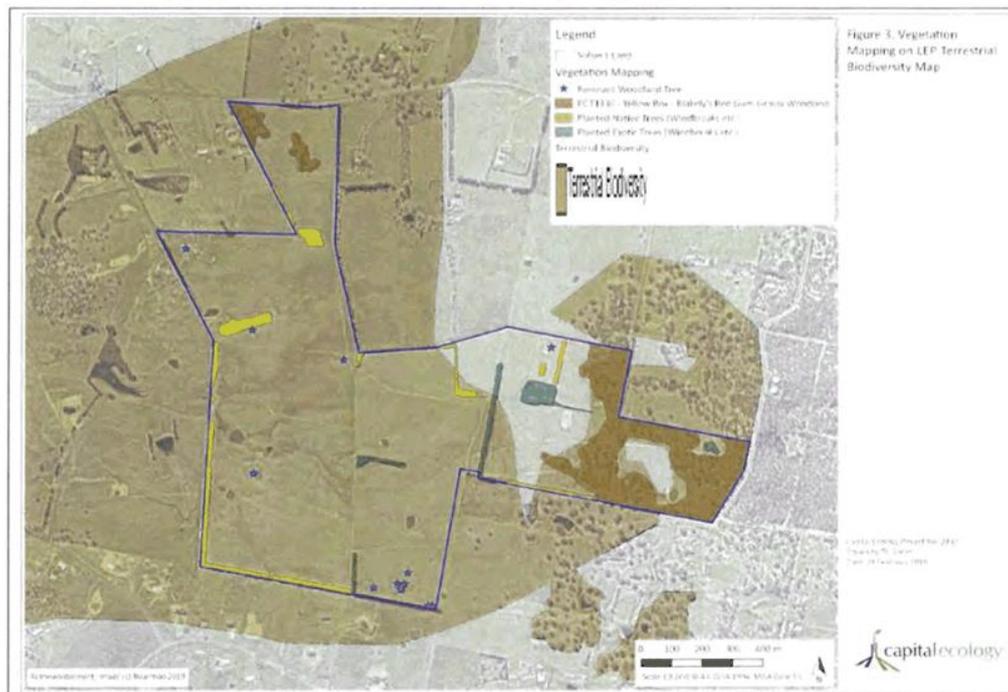
1. Consider our proposal for the site (Section 4) as illustrated below
2. Identify the site under the Goulburn Mulwaree Housing Strategy for future investigation (large lot residential and standard residential)

**Submission 2**

ELTON CONSULTING

- 3. Include the land in the Council led planning proposal to amend Goulburn Mulwaree LEP 2009 to facilitate the site's redevelopment as follows:
  - > Land Zoning Map amended from RU5 Rural Transition to R5 Large Lot Residential and/or E2 Environmental Living
  - > Lot size map - Lot 10 DP 625626 and part Lot 337 DP750015 from 10,000sqm to 1000sqm - 2000sqm depending on infrastructure servicing
  - > Terrestrial Biodiversity Map - amend to more accurately reflect the ecological/biodiversity values of the site and adjoining properties.

**Vegetation mapping on LEP Terrestrial Biodiversity Mapping**



Source: Capital Ecology 2019

Submission 2

ELTON CONSULTING

Draft Concept Plan



Source: Elton Consulting October 2018

Draft Subdivision Layout



Source: Southern Cross Consulting Surveyors October 2018

**Submission 2**ELTON CONSULTING

---

# 1 Introduction

This submission has been prepared on behalf of Mr Stewart Thompson in respect of his property at 65 Foord Road, Run O'Waters (the site).

We welcome the opportunity to provide comment as part of the second round of consultation on the Goulburn-Mulwaree Urban and Fringe Housing Strategy.

We support an evidence based approach to investigating and identifying areas suitable for housing to assist Goulburn Mulwaree Council in meeting the housing demands generated by the expected continued population growth.

The key objective of this submission is for Goulburn Mulwaree Council is for Council to take advantage of this unique opportunity and consider the site for future residential development.

The submission is set out as follows:

- » **Section 2** provides an overview of the site's location and context and key planning controls that apply to the site
- » **Section 3** details our submission to the Draft Goulburn Mulwaree Housing Strategy. It identifies: the key aspects of the Draft Strategy that relate to the site, issues of contention and recommendations
- » **Section 4** Details our proposal for the site and justification
- » **Section 5** provides a summary of the recommendations and the conclusion.

This submission is supported by the following documents:

- » Concept Master Plan
- » Preliminary Ecological Values and Constraints Assessment
- » Preliminary Subdivision Plan for land in the south western corner.
- » Sewerage System Analysis advice prepared by Southern Region Land Engineering
- » Salinity Testing results.

Submission 2

ELTON CONSULTING

## 2 The site

### 2.1 Context

The site is located within the suburb of Run O' Waters, 3km west of the Goulburn Urban Core Area within the Goulburn Mulwaree Local Government Area (LGA). The site is strategically located being 78 kilometres (km) (an hour and ten minutes) to Canberra CBD, 159km to Wollongong (about two hours) and 197km to Sydney (about two and a half hours).

As such, the site is in an ideal location with access to a range of:

- » Educational establishments
- » Retail and commercial opportunities
- » Medical facilities
- » Recreational and community facilities and services.

While public transport is not a major consideration for rural townships, the site is in close proximity to Goulburn town centre, train services and coach are available to major centres and towns including Sydney, Canberra and Melbourne.

Figure 1 Site context



Source: Nearmap 2019

65 Foord Road, Run'O Waters

8

**Submission 2**

ELTON CONSULTING

**2.2 Site description**

The site is located at 65 Foord Road, Run O' Waters, 3km west of the Goulburn Urban Core Area. The site covers an area of approximately 130 hectares and includes four parcels of land detailed in **Table 1**.

Key characteristics of the site and landform features of the site as well as opportunities and constraints are summarised in **Table 2**.

**Figure 2** and corresponding images in **Appendix A** illustrate existing development and characteristics of the site.

**Table 1 Site details**

Legal Description	Area (Hectares ha)
Lot 10 DP625626	98.5
Lot 268 DP750015	1.7
Lot 337 DP750015	21.9
Lot 338 DP750015	9.1
<b>Total</b>	<b>131.20</b>

**Figure 2 Aerial view of the site**



Source: Elton Consulting 2018

**Submission 2**

ELTON CONSULTING

**Table 2 Key characteristics of the site**

Item	Description
<b>Current conditions</b>	<p>The site is currently utilised for residential and grazing for beef cattle and some cereal grain production. The site contains:</p> <ul style="list-style-type: none"> <li>» Two detached dwelling houses, a main farm dwelling located on Lot 338 DP750015 and a smaller cottage located on Lot 268 DP750015</li> <li>» Farm sheds and associated structures</li> <li>» Dirt access tracks</li> <li>» 23 Paddocks used for grazing and cereal grain production</li> <li>» Area of Remnant Box Woodland (limited mainly in the eastern sections and northern portion of Lot 10), which have been fenced out, to encourage regeneration, and quarantined from fertiliser applications</li> </ul>
<b>Bushfire</b>	<p>The site not currently identified as being bushfire prone on the current map (<b>Figure 9</b>) however the site is bordered by Category 2 Vegetation at the Eastern boundary. However, the Bushfire Prone map is currently in the process of being amended. A draft map has been prepared, considered by Council and sent to the Rural Fire Service for approval. The draft map identifies the site as being medium bush fire risk vegetation category 3.</p> <p>This does not preclude development at the site but will require that any development (including minor works) will require an assessment under Planning for Bushfire Protection Guidelines and relevant construction standards.</p>
<b>Contamination</b>	<p>It is understood that the site has been utilised for agricultural purposes since early 1800s. The owners claim, that there is no evidence of former sheep dips or horticultural uses on the site that would be sources of potential for contamination.</p>
<b>Ecology</b>	<p>The majority of the site is cleared and pasture improved for farm land use, the vegetation that does exist consists of:</p> <ul style="list-style-type: none"> <li>» Patches of Box Gum woodland located in the eastern area of the site on Lot 337 and northern area of lot 338, Boxgum woodland is located in the area with a lower minimum lot size. It is also the area closest to the existing urban lands of Goulburn and therefore most desirable for subdivision.</li> <li>» A few remnant trees sparsely scattered across the site.</li> <li>» Perimeter plantings and windbreak plantings some of which were planted under grant funding as part of the Remnant Links Project.</li> </ul> <p>Refer <b>Section 3.1</b> of this report and accompanying Ecological advice for further information.</p>
<b>Watercourses</b>	<p>The site has four drainage paths (<b>Figure 13</b>) each of these drain in either a westerly or northern direction towards the Wollondilly River. These drainage paths consist of grassy swales, and undulating grass landscapes, Overland flows are reduced by draining into farm dams, with peak flows slowed through the use of contour banks.</p>
<b>Heritage</b>	<p>The site is not identified as a heritage item is located within a heritage conservation area however a local Item No. 003, Baw Baw "Cole Park" Homestead located at 115 Gurrundah Road (Lot 1 DP 790767) borders the site to the north of Lot 10 DP 625626.</p>
<b>Topography</b>	<p>The site is gently undulating.</p>

**Submission 2**

ELTON CONSULTING

Item	Description
<b>Traffic &amp; access</b>	Access to the site is via Gurrundah and Foord Roads to the north, Keating Drive to north west, Mary / Ridge-Streets to the east and Pockley Road to the south.

### 2.3 Surrounding development

The site is bordered by:

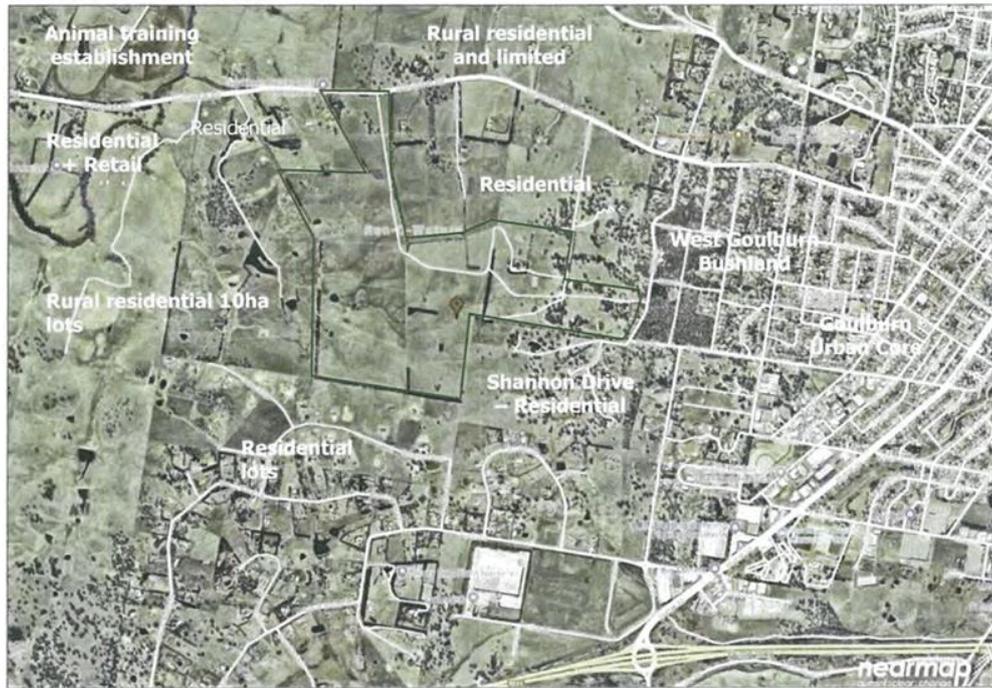
- » Gurrundah Road to the north with rural residential, grazing land and supporting agricultural uses further north
- » Southern Tableland wholesaler located to the west of northern portion of the Lot 10 DP625626
- » 10-hectare residential subdivision to the west
- » Rural residential development on two hectare lots to the south bordering Lot 10 DP625626 known as Run Waters Subdivision
- » Rural residential development on lots to the south-east bordering Lot 337 DP750015 known as Shannon Drive (see below for further information)
- » Heavily vegetated area to the east which includes Crown land and land acquired by Council for open space known as the West Goulburn Bushland Reserve.

**Figure 3** below illustrates surrounding development in the vicinity of the site a further analysis of use of adjoining land has also been undertaken by the Mr Thompson and summarised **Table 3**. As it is evident land adjoining the site is principally as residential lots, with some very limited grazing undertaken.

Submission 2

ELTON CONSULTING

Figure 3 Local context



Source: Nearmap 2019

**Submission 2**

ELTON CONSULTING

**Table 3 Adjoining properties zoning and uses**

Address	Site area (hectares)	Current zoning	Observations/comments
115 Gurrundah Road, Mummel	30.8	RU6	Residence No Stock, not grazed, limited livestock water. Land locked parcel, development potential limited due to lack of suitable access
137 Gurrundah Road, Run' O Waters	10.34	RU6	Residence + Retail Outlet – Southern Tablelands No Stock, not grazed, limited livestock and water- identified as Site 37 in the housing strategy
213 Gurrundah Road, Run' O Waters	10.12	RU6	Residence + sheep grazed on non-commercial scale
51 Keating Road, Run' O Waters	10	RU6	Residence + Alpacas grazed
Bowerman Road, Run' O Waters	10	RU6	Vacant land (shed), no stock, not grazed,
6 Bowerman Road, Run' O Waters	9	RU6	Residence, no stock, not grazed,
55 Knowlman Road, Run' O Waters	2	R5	Residence
63 Knowlman Road, Run' O Waters	2	R5	Residence
63 Knowlman Road, Run' O Waters	2	R5	Residence
73 Knowlman Road, Run' O Waters	2	R5	Residence
79 Knowlman Road, Run' O Waters	2	R5	Residence
95 Knowlman Road, Run' O Waters	2	R5	Residence
97 Knowlman Road, Run' O Waters	2	R5	Residence
61 Pockley Road, Run' O Waters	2	R5	Vacant land

65 Foord Road, Run'O Waters

13

**Submission 2**

ELTON CONSULTING

Address	Site area (hectares)	Current zoning	Observations/comments
129 Shannon Drive, Run O Waters	19.64	R5	Residence + horse agistment DA with Council for 103 lots adjoining (6 Lots) ranging from 1.4 to 19.4 eectares Identified as Site 3 in the housing strategy
66 Ridge St, Goulburn	1	RU6	Residence - Dual occupancy
59 Foord St, Run O' Waters	9.38	RU6	Residence + cattle grazed on non-commercial scale
48 Foord St, Run O' Waters	9.31	RU6	Residence, no stock, not grazed, limited livestock water

Source: Stewart Thompson 2019

## 2.4 Development proposals in the area

### Planning Proposals (LEP Amendments)

There are no major rezoning proposals currently being considered by the Department of planning and Environment.

It is noted that Shannon Drive (currently subject of a DA described below) was subject of a Council led planning proposal (2016) that sought to delete the West Goulburn Urban Release Area from the LEP to make to easier for the land to be subdivided for rural residential purposes.

According to the Department of Planning's Assessment 19 October 2016 report, it was not originally proposed to amend the Terrestrial Biodiversity map however out of this process it was recommended that this be updated to include areas of high conservation value native vegetation/Box-Gum Woodland Endangered Ecological Community (EEC) in response to concerns raised by Council and Office of Environment and Heritage (OEH) about the need to protect areas of high conservation.

The DPE recommended:

*That Council update the applicable Terrestrial Biodiversity Map to include areas of high conservation value native vegetation/Box-Gum Woodland EEC that have been verified and mapped by OEH, notably on Shannon Drive site, as part of the planning proposal process. This will ensure these environmental attributes are considered in future DAs.*

The planning proposal was amended to include the amendments to the Terrestrial Biodiversity Map and was subsequently exhibited and approved on the 18 May 2018.

### Major Projects

No large-scale residential projects were identified in the Major Projects register or Joint Regional Planning Panel website. Projects identified were infrastructure related such as roads, wind/solar farms, mining, water supply, waste transfer and the like.

**Submission 2**

ELTON CONSULTING

**Local Development Applications**

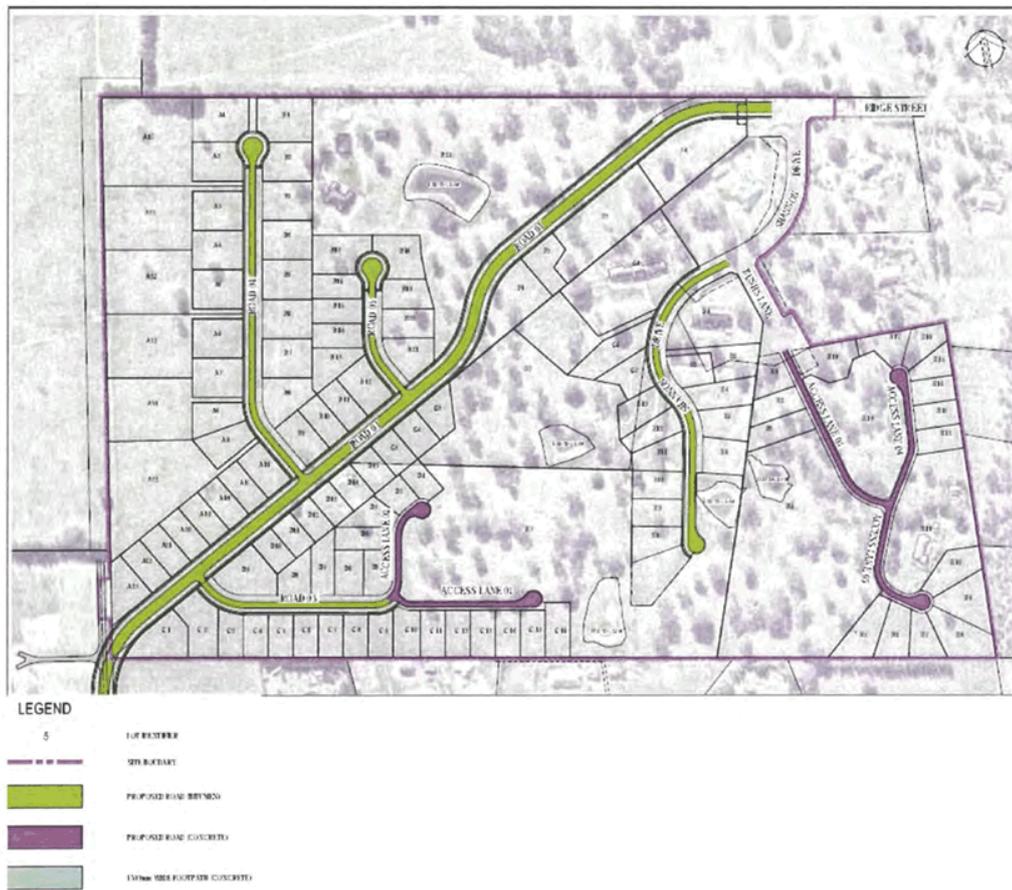
A review of Planning Alerts websites to identify recent development applications (DAs) lodged within the surrounding area. The search revealed that the recent DAs are small scale and include: alterations and additions to existing dwellings, small subdivisions (2 lot), construction of garages or shed, installation of sewerage reticulation, and construction of new dwellings.

Shannon Drive located to the south of Lot 337 is subject of a current DA/0090/1718 that was lodged by SpaceLab on behalf of the owners in 2017 that is yet to be approved. A summary of the details of this DA is set out below.

Shannon Drive is a 40 -hectare area of land located north of Ducks Lane including Bonnet Drive, Park Close, and Shannon Drive, West Goulburn).

DA/0090/1718 sought approval to subdivide the land to create 117 Residential Lots, two Vegetation Conservation Lots, and associated civil and landscaping works. This DA is still under consideration by Council and it is understood that it is yet to be determined due to issues associated with the impacts to the ecological values of the site.

**Figure 4 Proposed subdivision Shannon Drive DA/0090/1718**



Source: SpaceLab June 2017

---

**Submission 2**ELTON CONSULTING

---

## 2.5 Current planning controls

A summary of the key planning controls under the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 are detailed below:

- » Zoned RU5 Rural Transition (**Figure 5**)
- » Minimum lot size controls vary across the site from 10ha (Lot 10 DP 625626 and portion on Lot 3367 DP 750015) to 2ha (Lot 338 DP750015, majority of lot 337 DP 750015) (**Figure 6**)
- » There are no height controls or floor space ratio controls for the site
- » There are no identified heritage items located at the site however a local Item No. 003, Baw Baw "Cole Park" Homestead located at 115 Gurrundah Road (Lot 1 DP 790767) borders the site to the north of Lot 10 DP 625626 (**Figure 7**)
- » A large portion of the site is identified as biodiversity on the Terrestrial Biodiversity Map (**Figure 8**). Any future DA is required to consider the provisions of Clause 7.2 which seeks to:
  - > protect biological diversity of native flora and fauna, and
  - > protect the ecological processes necessary for their continued existence, and
  - > encourage the recovery of threatened species, communities or populations and their habitats.
- » The site is **not** identified:
  - > For acquisition on the Land Reservation Acquisition map, however land adjacent to the east is identified for acquisition by Council for a park and zoned RE1 Public Recreation
  - > As an urban release area
  - > As flood prone land or an area that contains mineral resources
  - > As being bushfire prone on the current map however the site is bordered by Category 2 Vegetation at the Eastern boundary (**Figure 9**). A new map is currently in the process of being prepared. Refer **Section 2.2**.

Submission 2

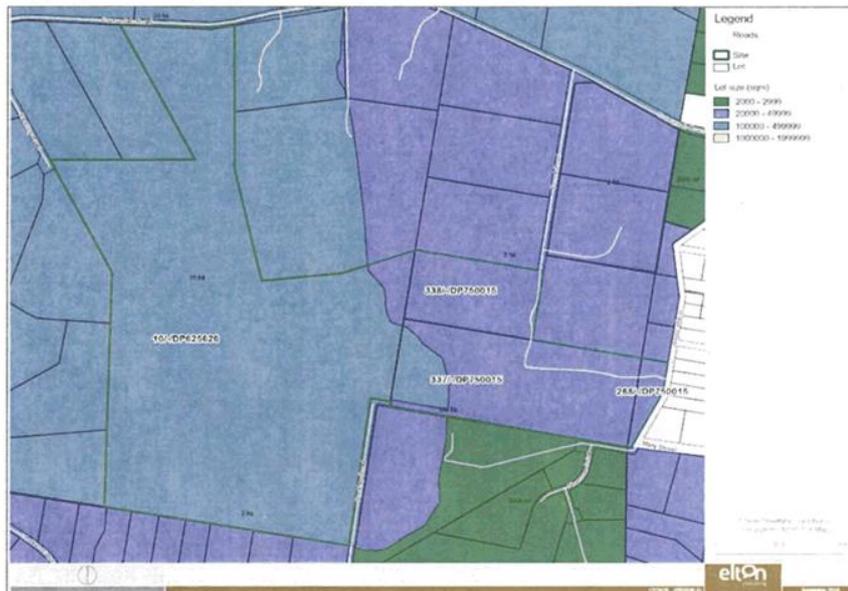
ELTON CONSULTING

Figure 5 Excerpt existing zoning



Source: Goulburn Mulwaree LEP 2009, <https://www.legislation.nsw.gov.au/#/view/EPI/2009/56>

Figure 6 Excerpt Lot size map



Source: Goulburn Mulwaree LEP 2009, <https://www.legislation.nsw.gov.au/#/view/EPI/2009/56>

Submission 2

ELTON CONSULTING

Figure 7 Excerpt Heritage Map



Source: Goulburn Mulwaree LEP 2009, <https://www.legislation.nsw.gov.au/#/view/EPI/2009/56>

Figure 8 Excerpt Terrestrial Biodiversity Map



Source: Goulburn Mulwaree LEP 2009, <https://www.legislation.nsw.gov.au/#/view/EPI/2009/56>

Submission 2

ELTON CONSULTING

Figure 9 Existing Bushfire Prone Land Map



Source: Goulburn Mulwaree Council 2018 <https://www.goulburn.nsw.gov.au/Planning-Information/Bushfire-Map.aspx>

**Submission 2**ELTON CONSULTING

---

### 3 Submission

The Urban and Fringe Housing Strategy (Strategy) has been prepared in response to continuing pressure from residential growth and an increasing shortage of available, zoned residential land, particularly in Goulburn.

The Strategy seeks to identify the future housing needs for Goulburn and Marulan and provide recommendations to guide land use decisions and local policy.

The Strategy has been developed in two phases with the first phase being the initial community and stakeholder engagement undertaken by Council in April and May 2018. Our client's submission to this first phase to the strategy is attached (**Appendix B**).

This Phase of the project seeks to establish the issues and test these with stakeholders and the community. The Strategy provides an assessment of the 39 sites which Council has received requests for planning controls to be amended since 2009 on the fringe of Goulburn (**Figure 10**) and provides an assessment in the context of the broader review of housing in Goulburn and Marulan.

Sites were assessed by of the following criteria:

- » Development principles for both urban and non-urban land
- » Criteria for Large Lot Residential Land
- » Environmental and physical constraints analysis including:
  - > Topography
  - > Flooding
  - > Bushfire
  - > Biodiversity
  - > Agricultural Land
  - > Sydney Water Catchment
  - > Land Suitability.

In addition, to the environmental constraints listed above, Ecological Australia were engaged to provide a specific assessment as to the biodiversity conservation value of the sites.

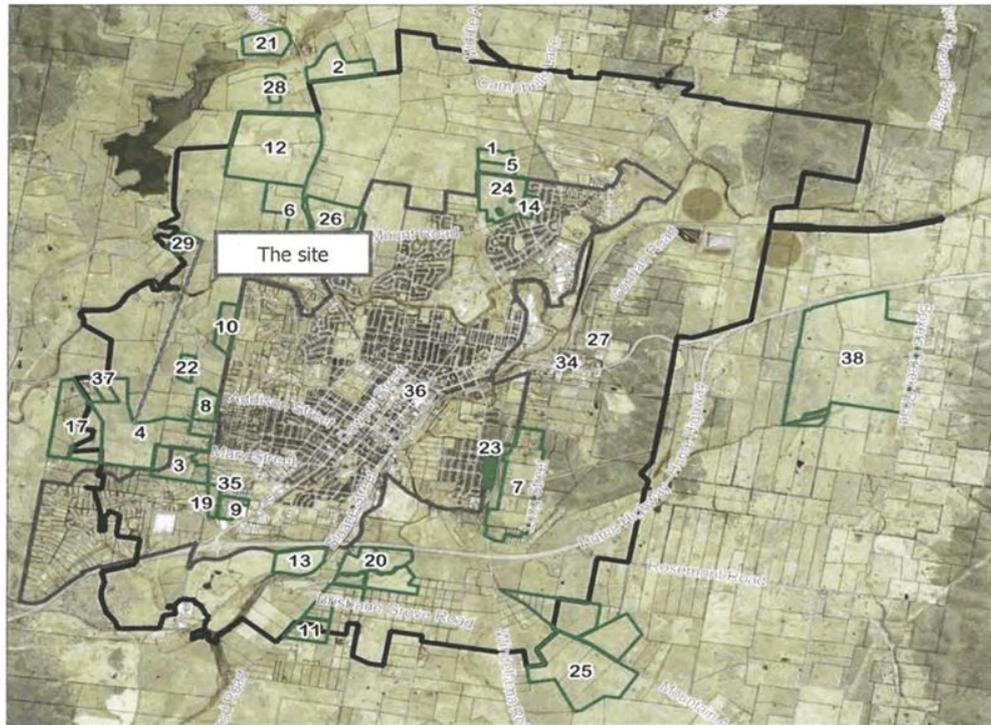
The strategy states that assessment undertaken was at a strategic level and while it provides initial recommendations for the sites, nothing prevents individual landowners or applicants from lodging site specific Planning Proposals for consideration by Council.

Our submission to this latest draft of the Housing Strategy is set out below.

Submission 2

ELTON CONSULTING

Figure 10 Goulburn Sites



Source: Goulburn Mulwaree Urban Fringe and Housing Strategy - Site Assessment - Opportunity Sites

**Submission 2**

ELTON CONSULTING

### 3.1 Site assessment – constraints analysis

Our client’s property is identified as No. 4 and forms part of Run O’ Waters area in west Goulburn. This area is not recommended for any land use changes (**Figure 11**) due to significant ecological constraints (discussed in below).

Other constraints identified in the strategy include:

- » Not being connected to sewer or water - noting however that a water main runs along the southern boundary of the site in the eastern portion and an extension of the sewer system is possible refer **Section 4.3.2**
- » Affected by salinity ranging from:
  - > Moderate to severe limitations for the majority of the site
  - > Severe limitations lower portion of the site
  - > Very severe in a small patch in the eastern corner of the site.

Noting, that recent and historical soil tests do not indicate any salinity refer **Section 4.3.2**

**Figure 11 Goulburn West Opportunity Sites**

<b>Area/s Number</b>	3, 4, 8, 9, 10, 17, 19, 22, 35 and 37
<b>Area Name</b>	West Goulburn – Run-O-Waters area
<b>Constraints</b>	This area was initially considered suitable to provide an extension of the large lot residential development already supported in the area. Current MLS allow subdivision to 2,000m <sup>2</sup> to 2ha and lot averaging also applies or lots in this area are as small as 1ha. However, the assessment by Ecological confirms significant environmental constraints to future subdivision and development. Further, Site 9 currently acts as a buffer to the B6 enterprise Corridor zone
<b>Current Zoning</b>	Mix of E4 + B6, RU6 and E4 + R5
<b>Minimum Lot Size</b>	Variable 10ha, 2ha, 2000m <sup>2</sup>
<b>Recommendations</b>	No Change

Source: Goulburn Mulwaree Urban Fringe and Housing Strategy – Site Assessment – Opportunity Sites

#### Ecological values

Ecological constraints mapping prepared by Elton Consulting and included in the strategy identifies the site as being subject of the following:

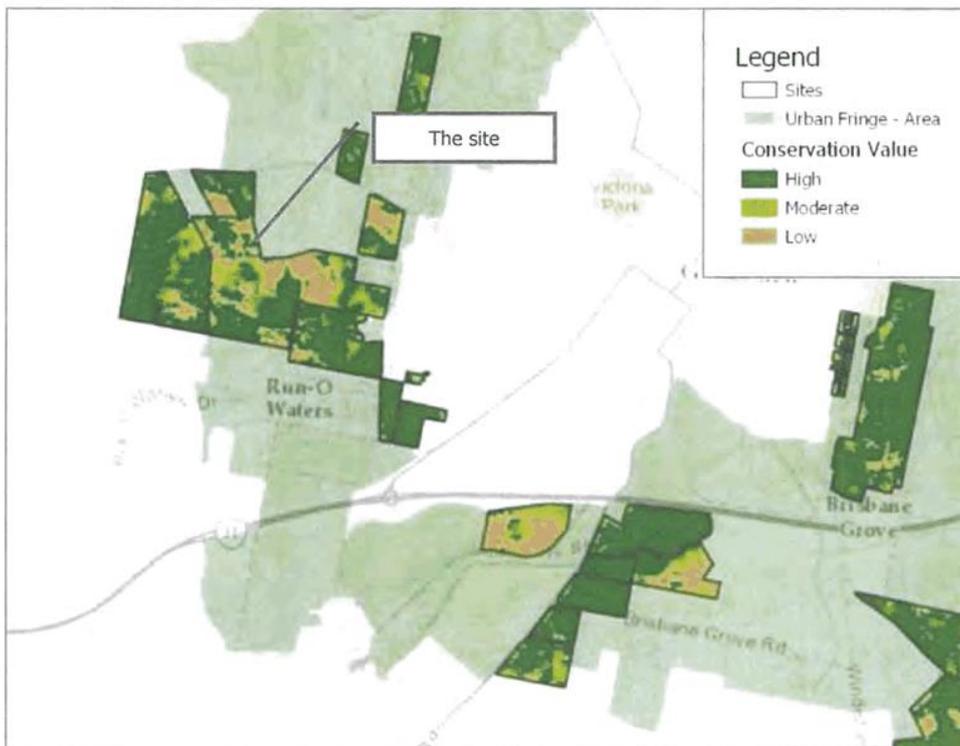
- » Biodiversity map as per the LEP been included in the document which identifies that the majority of the site contains high biodiversity (**Figure 8**)
- » Vegetation Communities map (page 22) identifies the following being located at the site: Grassland-Woodland Mosaic and Secondary Grassland (lower probability of occurrence)
- » Vegetation Communities map (page 25) identifies the following communities being located at the site:
  - > None
  - > Secondary Grassland (higher probability of occurrence)
  - > Secondary Grassland (lower probability of occurrence)
  - > Western Tablelands Dry Forest.

**Submission 2**

ELTON CONSULTING

- » Small portion in the eastern corner of the site as being of high environmental value.
- Key findings of the study by Ecological related to the site are summarised below:
- » Less than one percent of the site contains Threatened Ecological Communities (TECs)
    - > White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland
    - > Natural Temperate Grasslands of the Southern Tablelands of NSW and the ACT.
  - » There are no threatened species recorded at the site or in nearby site
  - » No threatened flora species have been recorded within the study area sites, however seven flora species listed under the BC Act, including 5 species listed under the EPBC Act were identified within 5km of the study area sites
  - » A number of matters of National Environmental Significance (MNES) have been identified as being likely to occur or known to occur in the proximity of the study area sites
  - » Conservation values of the site as being a mix of low, medium and high (**Figure 12**). Sixty-one percent of the site is affected by higher conservation values (high and moderate) and make up core habitat. The study notes this mapping has been prepared by Council and was obtained via Elton.
  - » There are four Hectares of first order stream (10m buffer) and 1.5 Hectares of second order stream (20m buffer) at the site making up 4% of the site (**Figure 13**).

**Figure 12 Ecological values map**

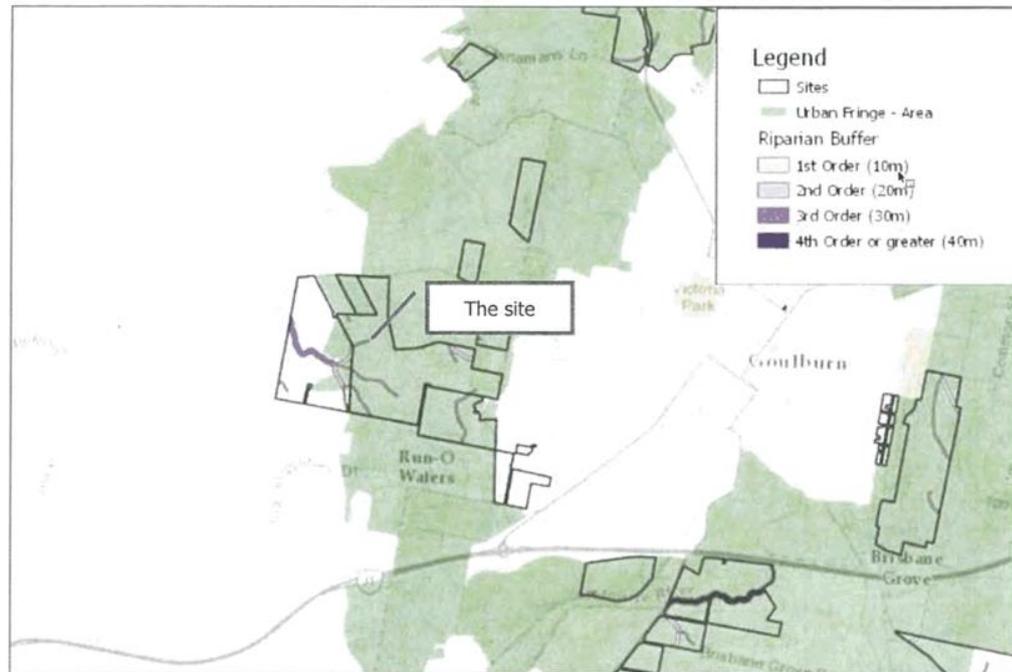


Source: Goulburn Mulwaree Urban Fringe and Housing Strategy - Site Assessment - Opportunity Sites

Submission 2

ELTON CONSULTING

Figure 13 Riparian buffers



Source: Goulburn Mulwaree Urban Fringe and Housing Strategy - Site Assessment - Opportunity Sites

## Submission 2

ELTON CONSULTING

## 3.1.1 Issues/concerns

**Ecological values and constraints**

We raise concerns about the exclusion of their site for further urban expansion based on ecological values given the study undertaken by Ecological is only based on a desktop review.

Our client has since engaged Capital Ecology to prepare a Preliminary Ecological Values and Assessment which is attached at **Appendix C**.

The assessment has been based on:

- ✦ A desktop review of available information
- ✦ A brief inspection of the site on 10 August 2018, completed to preliminarily record and assess the ecological values of the subject land
- ✦ The knowledge of the author regarding the biota of the locality, specifically the threatened ecological communities, flora, and fauna (and associated habitat) with the potential to occur in the lowland ecosystems of the Goulburn region.

The key findings, conclusion and recommendations are detailed below.

Key findings of the assessment are as follows:

- ✦ While a full structural and floristic assessment would be required in spring-summer to determine the extent of the remnant woodland patches which meet the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) listing criteria, it is highly likely that a proportion of these patches is in good enough condition to constitute EPBC Act Box-Gum Woodland. The patches of remnant woodland would also meet the definition of Biodiversity Conservation Act 2016 (BC Act) listed Box-Gum Woodland. It is also probable that the BC Act (and potentially the EPBC Act) listed community occurs as derived native grassland where native grass dominance extends outwards for a short distance from the woodland patches
- ✦ The remainder of the subject land comprises pasture improved paddocks upon which the only assemblance that remains of the former natural vegetation are the few scattered eucalypt trees
- ✦ Numerous EPBC Act listed and/or BC Act listed threatened flora and fauna species are known or occur, or have the potential to occur, in the locality. Of the identified flora species, only Hoary Sunray has any real potential for occurrence on the subject land, and this potential is limited to the remnant woodland patches. Similarly, the remnant woodland patches are also likely to be the only portions of the subject land of potential habitat value to threatened woodland bird and insectivorous bat species. Targeted surveys would be required to determine the actual utilisation and potential significance of these patches to listed birds and bats
- ✦ The small farm dam and drainage lines on the subject land are likely to support several common frogs and reptiles however the subject land does not support potential habitat for any listed reptile, amphibian, or ground dwelling mammals
- ✦ Whilst the planted native and exotic windbreaks are likely of value to common woodland birds moving through the landscape, they do not have the potential to reinstate the former natural woody vegetation and are of limited habitat value to threatened bird species
- ✦ The Box-Gum Woodland in the eastern portion of the subject land is largely contiguous with the expanses of the community occurring on the adjoining properties (north and south), and well connected to the remnant dry sclerophyll forest in the reserve to the east. This characteristic further increases the conservation value of the patch in the subject land as it increases the fauna habitat functionality of the patch (i.e. provides habitat connectivity for native woodland fauna, decreases edge-to-core ratio, etc.)
- ✦ The ecological/biodiversity values of the subject land are not accurately reflected in the LEP Terrestrial Biodiversity Map. While the eastern portion of the subject land supports substantial patches of Box-Gum Woodland consistent with the BC Act definition and likely to meet the EPBC Act listing criteria, the remainder of the subject land is of little or no biodiversity conservation value.

**Submission 2**

ELTON CONSULTING

Refer to **Figure 14** for mapping of Vegetation at the site overlaid with the LEP Terrestrial Biodiversity Mapping. The assessment concluded that:

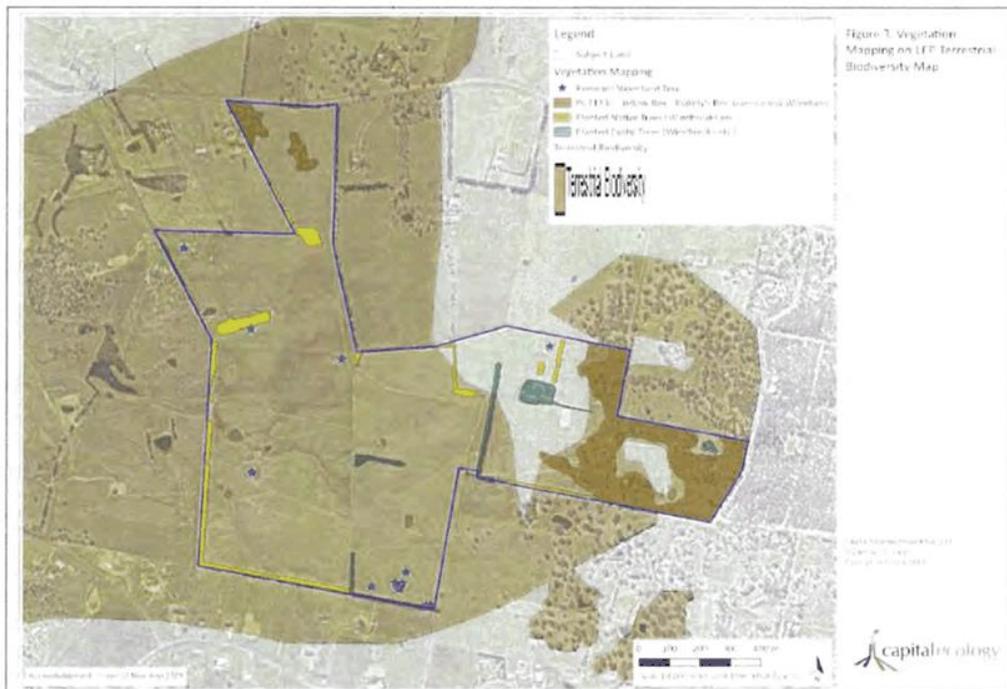
*The remnant Box-Gum Woodland occurring on the subject land, including the two smaller patches in the northern paddock, is of high biodiversity conservation value. These patches are of recognised conservation significance as a TEC and are also likely to be of conservation significance as habitat for listed threatened flora and fauna species. The remainder of the subject land is of little or no biodiversity conservation value.*

Recommendations were as follows:

- » Any proposed subdivision or other development on the subject land should avoid, or minimise the fullest extent practicable, impacts to the Box-Gum Woodland patches. If impacts to the Box-Gum Woodland patches are avoided then it is unlikely that full assessment, approval, and potentially offsets will be required under the EPBC Act and/or the BC Act
- » Establishment of the Box-Gum Woodland patches in the east of the subject land as a Biodiversity Stewardship Site under a formal Biodiversity Stewardship Agreement (BSA) should be considered. A BSA would provide permanent protection for the Box-Gum Woodland and provide upfront and ongoing payments to the landholder to undertake conservation-focused management actions
- » A request should be made to Goulburn Mulwaree Council for the LEP Terrestrial Biodiversity Map to be amended to accurately reflect the ecological/biodiversity values of the subject land and adjoining properties.

It is planned that these areas of higher biodiversity and watercourses to be retained and protected should the land be developed in the future. **Section 4** details our client’s vision and proposal for the site.

**Figure 14 Vegetation mapping on LEP Terrestrial Biodiversity Mapping**



Source: Capital Ecology 2019

**Submission 2**ELTON CONSULTING

---

**Assessment of other constraints**

We do not consider that the site is constrained by any other significant issues that would prevent further intensification of land use changes at the site as:

- » The site is not affected by flooding, heritage or significant slope
- » Issues such as bush fire, contamination and salinity can be addressed at the DA stage
- » The site can be connected to sewer and water and other utilities as detailed in **Section 4.3.2**
- » While the site is currently used for extensive Agriculture (beef cattle and some cereal grain production) and a detached residence. The arable portions of the land have been fully pastured improved and fertilised regularly to improve carrying capacity and provide competition to weeds. The full productive potential of the site is constrained by the adjacent residential development and large lot residential lots.

Concerns are also raised about land in the north (Sites 12, 6 and 26) which is recommended further urban expansion given:

- » Parts of this land Lot No. 26 are as of high environmental value being Box Gum Woodland
- » The site is further from Canberra and does not have direct road access to the Hume Highway – concern is raised about the capacity of the transport infrastructure to accommodate further intensification of this land
- » Similar to our site the land is not connected to sewer or water
- » This site is affected by similar levels of salinity to our site as is the majority of the sites investigated.

Lastly an assessment of our site against the criteria in the strategy *Identification of Greenfield Sites* (**Table 4**) and *Additional Criteria for Large Lot Residential Land* (**Table 5**) demonstrates that our site is suitable for further residential development.

**Submission 2**

ELTON CONSULTING

**Table 4 Assessment against Criteria of identification of greenfield sites**

Criteria	Assessment
<b>Location</b>	
The site is within the area identified for urban expansion in the Housing Strategy adopted by Council	The site is currently being investigated for urban development.
The site location supports a logical and contiguous development with the existing settlements of Goulburn and Marulan.	The site is directly adjacent to Goulburn's existing urban area and will form a contiguous and logical expansion.
The site is within the urban fringe identified by the Housing Strategy	The site is located in the urban fringe area in the strategy.
The site can be connected to water and sewer infrastructure	The site can be connected to water and sewer infrastructure. Refer <b>Section 4.3.2</b> .
The site has minimal or limited impact on matters of biodiversity or heritage	The site is not affected by any heritage. However Aboriginal and European heritage assessments will be carried out prior to any development taking place. This is to ensure no significant heritage items would be affected by the residential development, with any identified heritage elements being managed and retained as historically significant features of the area.  The site is not significantly constrained by ecological issues and any areas of high biodiversity will be protected as part of the future redevelopment of the site.
The site will not result in the fragmentation of biodiversity corridors	Areas of high biodiversity and existing wildlife corridors or vegetation are planned to be protected and enhanced as part of area future development of the land by way of community title or other mechanism. This will ensure protection in perpetuity.
The sites is not identified as being subject to flooding	The site is not flood affected.
The proposal will preserve and enhance riparian corridors as open space networks and utilise for active travel connections. Development around riparian corridors is to be in accordance with the guidelines for waterfront land defined by the NSW Office of Water DPI	It is intended to preserve and enhance riparian corridors as open space networks and utilise for active travel connections. Refer <b>Section 4</b> .
Avoid residential development on the southern/eastern side of the Hume Highway	The site is north of the Hume Highway.
The proposal will satisfy the requirements of rural planning and subdivision principles (Rural Lands SEPP)	The site is not identified as state significant agricultural land.  Any future development for dwellings at the site would be required to consider the matters in Clause 10 depending on the future zoning of the site.

**Submission 2**

ELTON CONSULTING

Criteria	Assessment
<b>Housing</b>	
Housing contributes the required demand identified in the Housing Strategy for the Goulburn Mulwaree LGA	The proposal will contribute to housing supply and address demand in the area.
The proposal delivers appropriate housing to meet the demographic needs of the region	The site has the potential to contribute to supply and deliver a range of dwellings to meet the different needs, budgets and lifestyles of the Goulburn community.
Development reinforces and enhances any existing residential character	The proposed development will be given consideration to the topography, environmental values and surrounding context.
Development will contribute housing affordability, choice and diversity appropriate for the anticipated demographic profile of the LGA.	The site has the potential to contribute to supply and deliver a range of dwellings to meet the different needs, budgets and lifestyles of the Goulburn community.
<b>Use</b>	
Development will not result in land use conflicts particularly with agriculture and primary industries	<p>The site is surrounded by rural residential development south of Gurrundah Road with the exception of Southern Tableland wholesaler located to the west of the northern portion of the Lot 10 DP625626.</p> <p>Land to the north of Gurundah Road comprises rural residential, grazing and supporting agricultural uses. The proposal will not cause land use conflict but complement surrounding uses. It is noted that adjacent residential uses makes existing agricultural activities and day to day management activities more difficult.</p>
Minimise disturbance or conflict with State Significant Quarry Areas	The site is not in proximity to any State Significant Quarry Areas.

**Table 5 Additional Criteria for Large Lot Residential Land (2-10ha)**

Criteria	Assessment
The development can be managed to avoid land use conflict Rural residential development should have regard to the surrounding agricultural land use and must provide a buffer to agricultural land.	As per the response above regarding land use conflict and surrounding land uses.
The site is unconstrained by flooding, as it is above the flood planning level of the 1 in 100 ARI The area is not affected by flooding and has unconstrained flood free access out of the property and/or locality.	The site is not flood affected.
The lots can be connected to the existing road network by sealed road access The area can be connected to the existing sealed road network by sealed road access and is fully serviced by a sealed road.	Pockley Drive provides a direct access to Ducks lane and the Hume Highway.

**Submission 2**

ELTON CONSULTING

Criteria	Assessment
The development will not undermine future residential land opportunities. It should be located on land that is not, or unlikely to be suitable for general residential land at some point in the future.	Large residential will preserve the rural character and environmental qualities of the area.
The resulting residential development will not adversely impact on the groundwater system. Any development, and in particular un-serviced development, needs to demonstrate that it will not adversely impact on the groundwater system.	It is expected that the site will be serviced and that ground water system will be protected through appropriate integrated water cycle management system.
The need for the additional lots can be justified in terms of supply and demand	The Strategy has been prepared in response to residential growth and an increasing shortage of available, zoned residential land, in Goulburn.
The site be managed to reduce bushfire hazard	This can be managed though the DA process.
The development should avoid class I-III agricultural land and avoid Important Agricultural Land (subject to mapping being completed for the LGA)	The land is not mapped as high agricultural land
The development will have access to a sustainable water supply. The proposed lot must demonstrate the provision of a sustainable water supply. A sustainable water supply can be achieved by various means including the provision of reticulated water, roof water catchment or accessing water from a river, lake or aquifer in accordance with the <i>Water Management Act 2000</i> . Department of Primary Industries – Water 'How much water do I need for my rural property' provides one methodology to calculate a required supply.	A sustainable water supply will be provided. <b>Section 4.3.2.</b>

**3.1.2 Recommendation**

Based on the above and our justification below, we recommend that Council:

- » Consider our proposal for the site detailed in **Section 4**
- » Identify the site under the Goulburn Mulwaree Housing Strategy future residential development
- » Include the site in the Council led Planning Proposal to amend Goulburn Mulwaree LEP 2009 to facilitate the site's redevelopment.

**3.2 Consultation**

Please note we understand that our client did not receive any correspondence notifying him of the exhibition of the strategy and only found out about the process through his diligence. This may have been an oversight by Council.

We would ask that Council ensure that our client and any other land owners affected by any future land use changes be properly notified of any the exhibition of any plans, policies and strategies that may affect the development potential of their land as well as the outcomes of these processes.

---

**Submission 2**ELTON CONSULTING

---

## 4 Proposal

### 4.1 Objectives and intended outcomes

To assist Council in progressing the redevelopment of the site, a high-level Concept Plan (**Figure 15**) and draft Subdivision Layout for southern portion of Lot 10 DP 625626 (**Figure 16**) has been prepared to demonstrate what may be achievable at the site.

The Concept Plan and draft subdivision plan has been informed by site analysis, desktop review, preliminary ecological assessment by Capital Ecology and advice from Southern Land Engineers.

The client's vision for the site is to retain areas of high biodiversity areas and provide large tracts of open space, while providing a new sustainable residential community in proximity to the Goulburn Urban Core that can be easily serviced.

Our preliminary concept plan provides for:

- » A 10-hectare portion of Lot 10 DP 625626 in the north that is subject of an approved subdivision (Development consent No. DA/0437/0607)
- » Land identified in yellow (remaining portion of Lot 10 DP 625626) to facilitate a new residential community with residential lots ranging from 1- 2 hectares depending on the infrastructure servicing combined with areas of open space and preservation of the existing wildlife corridors/existing vegetation along the southern and eastern boundaries. It is proposed that this land would be subdivided by way of community title so that open space areas are protected and managed by way of the community with little or no expense to Council
- » Lot 338 DP 750015 to be subdivided to create a number of two hectare lots which is already permissible under the current controls
- » Lot 268 DP750015 and Lot 337 DP750015 to comprise a couple of 5-hectare residential lots that will enable the protection of areas of higher biodiversity.

Accordingly, areas of high environmental value will be retained and protected providing numerous recreational and environmental benefits including important wildlife corridors and connections to land to the east and west.



**Submission 2**ELTON CONSULTING

---

## 4.2 Proposed amendments

To facilitate the proposed redevelopment of the site, we proposed that the Goulburn Mulwaree LEP 2009 is amended as follows:

- » Land Zoning Map amended from RU5 Rural Transition to R5 Large Lot Residential and/or E2 Environmental Living
- » Lot size map - Lot 10 DP 625626 and part Lot 337 DP750015 from 10,000sqm to 1000sqm - 2000sqm depending on infrastructure servicing
- » Terrestrial Biodiversity Map - amend to more accurately reflect the ecological/biodiversity values of the site and adjoining properties.

No changes are proposed to the lot size controls (minimum of 2000sqm) for Lot 268 DP750015, eastern part of Lot 337 DP750015 and Lot 338 DP 750015.

It is considered that the proposed development to either R5 or E2 would be consistent with the objectives of the respective zones (excerpt below).

### ***Zone R5 Large Lot Residential***

- » *To provide residential housing in a rural setting while preserving environmentally sensitive locations and scenic quality.*
- » *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- » *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- » *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- » *To facilitate and promote an increased range of residential opportunities by providing for low intensity residential development compatible with the rural characteristics of the locality.*

### ***E2 Environmental Living***

- » *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- » *To ensure that residential development does not have an adverse effect on those values.*
- » *To avoid or minimise impacts on the natural environment and to protect environmentally sensitive land.*

**Submission 2**ELTON CONSULTING

---

### 4.3 Justification for proposal

Our justification for the proposal is assessed against the strategic and site-specific merit test criteria as detailed in Guide to Rezoning Reviews prepared by the DPE.

Each of these criteria are addressed below.

#### 4.3.1 Strategic merit

We consider that the proposal has strategic merit in that it aligns with existing strategies for the Goulburn Mulwaree LGA summarised below.

The proposal is consistent with:

- » The South East and Tablelands Regional Plan 2036 in that it will address growing housing needs while protecting areas with high environmental value and/or cultural heritage value and important biodiversity corridors
- » A number of directives outlined within the Goulburn-Mulwaree Strategy 2020 - specifically, those relating to accommodating sustainable growth. These include:
  - > Facilitating urban development in the areas that allow urban infrastructure services to be provided in a cost-efficient manner
  - > Accommodating rural residential living opportunities on less productive rural lands and in locations which would not detract from the cost-effective provision of services and utilities.
- » The vision of the LGA that has been adopted in the Regional Community Plan to: *"To build and maintain sustainable communities while retaining the region's natural beauty"*
- » The objectives in the draft Housing Strategy in that:
  - > The site will provide a continuous and logical extension of the Goulburn Urban Core
  - > Infrastructure can be easily augmented to service the site
  - > Development will complement surrounding land uses
  - > Areas of high environmental significance will be protected and enhanced
- » Biodiversity Strategy in that high value conservation will be protected and enhanced.

The proposal also responds to demographic trends in that there are low numbers of large residential lots available, yet there is a high level of interest and apparent demand from "tree changers" looking for parcels of land larger than traditional metropolitan lots to meet their housing and lifestyle needs.

**Submission 2**

ELTON CONSULTING

**4.3.2 Site specific merit**

As demonstrated above the site is not constrained by any significant constraints. Further discussion of site specific issues is detailed below.

**The natural environment****Environmental values**

As detailed in the preceding sections, the concept plan seeks to protect the areas of high biodiversity as well as riparian areas, with the areas of little or no conservation value to be developed.

The patches of Box Gum woodland could be protected by way of a stewardship agreement and riparian corridors and open space as part of a community title or legal equivalent.

More detailed ecological assessment can be undertaken as part of any future DA that will ensure mechanisms are in place to protect and enhance areas with important environmental values.

**Hazards**

Any potential hazards such as bushfire, salinity, contamination and salinity can be managed through the DA process.

**Heritage**

Aboriginal and European heritage assessments will be carried out prior to any development taking place. This is to ensure no significant heritage items would be affected by the residential development, with any identified heritage elements being managed and retained as historically significant features of the area.

**The existing uses, approved uses and likely future uses of land in the vicinity**

As demonstrated in this report surrounding land uses are primarily residential. The land is currently used for Extensive Agriculture (beef cattle and some cereal grain production) and a detached residence. The arable portions of the land have been fully pastured improved and fertilised regularly to improve carrying capacity and provide competition to weeds. The full productive potential of the site is constrained by the adjacent residential development and large lot residential lots. The risks arising from the presence of dogs on these lots, makes the breeding & grazing of sheep not economic, and some day to day management activities more difficult. The client has also indicated that there are significant challenges in generating sufficient income from a parcel of this size to meet the increasing costs of beef production.

Therefore, based on existing residential uses in the area, size of the site and proximity to the Goulburn urban core as well as Canberra we consider that the site is suited for more intense residential development.

**Availability of services and infrastructure and any proposed financial arrangements for infrastructure provision****Road and public transport**

The land has convenient road access being located in proximity to the Hume Highway and Goulburn urban centre. Pockley Road would provide a convenient connection to the Hume Highway.

Train services run from Goulburn to Sydney and to Melbourne.

Based on a Traffic Study prepared by GTA Consultants for Ducks Lane/Bonnet Park/ Run O' Waters Precinct there appears to be sufficient capacity in the surrounding road network noting however that further studies would need to be undertaken to support the development at the site.

---

**Submission 2**ELTON CONSULTING

---

**Water**

The Housing Strategy identified that there are no capacity constraints to the supply of water for the development but the key issue being the cost of servicing new release areas is dependent on the proximity to existing mains.

As illustrated in the constraints mapping of the Housing Strategy an existing water main runs along Mary Street and Pockley Road which could easily be extended to service the site.

Further site has two existing connections to town water and two licensed bores. One of these bores provides sufficient water for over 150 head of cattle. An irrigation licence to use an existing easement from Wollondilly River could be applied for to increase water security for the future development area that could be utilised for irrigation purposes.

Further any future residential development would be required to implement sustainability measures such as rainwater tanks where water could be utilised for irrigation purposes.

**Sewer**

Advice was sought from Southern Land Engineering with respect to sewerage servicing of the site.

The advice identified that:

- » Currently this western area of Goulburn does not contain a connection to a gravity sewerage system. There is a north to south ridge line along the approximate alignments of Ridge and Carr Streets that prevents flows from the west Goulburn and Run-O-Waters areas to be connected by gravity to the reticulation system that eventually discharges to the sewerage treatment facility located at Ross Street to the north east of Goulburn City. There is a catchment area to the south east of the site which falls to the Duck's Lane sewerage pumping system but this cannot be accessed by a gravity sewerage pipe from this development.
- » The preferred option to service the site would be to construct a sewerage pumping station (SPS) and to connect the rising main to a receiving manhole to be connected to the existing sewerage system on the eastern side of the ridge line. There are number of locations where this can be achieved the most logical of which is the sewer system in Mary Street just south of the intersection with Slocombe Street. The SPS could be sized for any future contributing areas such as the additional lots created through the development of Lots 337 & 268 of DP750015 and a portion of Lot 4 DP835933. **Figure 17** shows the approximate area that could be serviced by a gravity pipe system to the suggested SPS location.
- » An alternate option to an SPS would be the installation of a Sewerage Treatment Plant (STP) incorporating a secondary wastewater treatment system. This would require an effluent management area which could be located within an area as shown in **Figure 17**. Alternatively, the treated effluent could be pumped to a storage tank located at the high point of the development area and reused as a secondary non-potable water supply system for the lots within the development. This would effectively reduce the water supply demand of the lots serviced by the non-potable. The whole of this system could be managed under a Community Titled subdivision.

Further it is noted that Council has recently upgraded the Goulburn STP to accommodate up to 30,000 equivalent person (ep) with capacity to accommodate 40,000 ep with augmentation and therefore a SPS would be viable option.

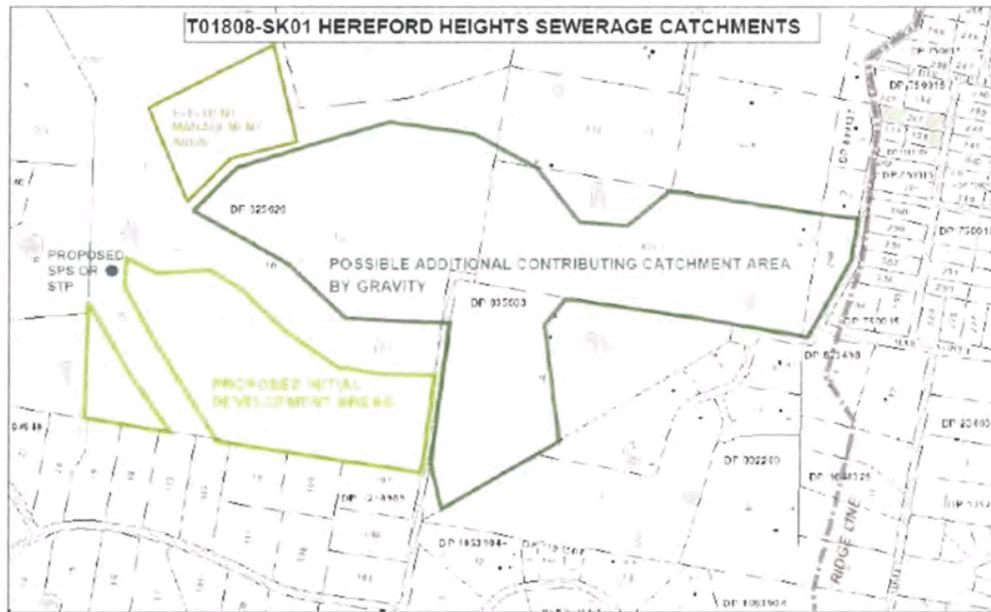
**Other utilities**

Other utilities (electricity and telecommunication etc.) are expected to be provided through augmentation of existing systems.

Submission 2

ELTON CONSULTING

Figure 17 Potential servicing of the site



Source: Southern Region Land Engineering 2018

**Proposed financial arrangements for additional infrastructure provision**

Arrangements for infrastructure provision in support of the proposed development will be addressed as part of a planning proposal. Options include local contributions under a 7.11 Plan or voluntary planning agreements.

**Submission 2**ELTON CONSULTING

---

## 5 Conclusion

We appreciate Goulburn Mulwaree Council's consideration of our submission.

We consider that the site presents an opportunity to address the issue of housing supply in the region while protecting and enhancing the most important environmental features of the site.

We therefore recommend that Council:

1. Consider our proposal for the site as detailed in Section 4
2. Identify the site under the Goulburn Mulwaree Housing Strategy for future investigation (large lot residential and standard residential)
3. Include the land in the Council led planning proposal to amend Goulburn Mulwaree LEP 2009 to facilitate the site's redevelopment as follows:
  - > Land Zoning Map amended from RUS Rural Transition to R5 Large Lot Residential and/or E2 Environmental Living
  - > Lot size map - Lot 10 DP 625626 and part Lot 337 DP750015 from 10,000sqm to 1000sqm - 2000sqm depending on infrastructure servicing
  - > Terrestrial Biodiversity Map - amend to more accurately reflect the ecological/biodiversity values of the site and adjoining properties.

**Submission 2**

ELTON CONSULTING

# A Site photos



**Submission 2**

ELTON CONSULTING

---

**B Submission No. 1**

**Submission 2**

Mr Warwick Bennett  
General Manager  
Goulburn Mulwaree Council  
Locked Bag 22,  
Goulburn NSW 2580  
Via email: council@goulburn.nsw.gov.au

Dear Mr Bennett

**Goulburn-Mulwaree Urban and Fringe Housing Strategy Consultation Submission**

Thank you for the opportunity to make this submission associated with the development of the Goulburn Mulwaree Council Housing Strategy for Goulburn and Marulan. This submission relates primarily to the western urban fringe of Goulburn in the Run-O-Waters locality in particular Lot 337/750015 and Lot 10/625626, 65 Foord Road, Goulburn. We would like to propose our land for future consideration for use as large lot residential.

We have considered the strategic context and the physical characteristics of our land and believe that, if developed in an appropriate manner, it could provide a high-quality residential estate as an addition to the existing urban footprint of Goulburn. The surrounding area has been progressively urbanised over the past few years. The subject land offers a logical and contiguous extension to the development of Goulburn Mulwaree's fringe lands and could potentially contribute to satisfying the growing demand for housing.

The Goulburn Mulwaree Strategy 2030 identified the area to the west of Goulburn as an appropriate area to accommodate large lot residential development, providing an alternative residential development product to the main development front at Mary's Mount and reinforcing a transition in land use from rural to urban. The strategy recommended the following minimum lot size – 2000m<sup>2</sup> for allotments comprising water and sewer and 10 hectares for allotments without water and sewer.

This submission responds to the Pre-strategy Consultation at Stage 2 of the project. As council is looking to sustainably house 5700 more people over the next 20 years, our site offers a logical and appropriate location.

**Description of the site**

The land is located west of the Goulburn Urban Core Area and is defined as Lot 268 337/750015 and Lot 10/625626. The total area of three sites is 120 hectares. Access to the site is via Gurrundah Road to the north and Mary Street to the east and Pockley road to the south. The site is gently sloping and connected to sewer, water, electricity and gas. (figure 1 and 2).

The land is currently used for Extensive Agriculture (beef cattle and some cereal grain production) and a detached residence. The arable portions of the land have been fully pastured improved and fertilised regularly to improve carrying capacity and provide competition to weeds. The full productive potential of the site is constrained by the adjacent residential development and large lot residential lots. The risks arising from the presence of dogs on these lots, makes the breeding & grazing of sheep not economic, and some day to day management activities more difficult.

The grazing activities on this land, provide an important aid to managing bush fire loads, that can pose a threat to the periphery of the city.

There are significant challenges in generating sufficient income from a parcel of this size to meet the increasing costs of beef production, as well as Environmental stewardship costs of enhancing and restoring the Grassy Box Woodland on the site.

Submission 2

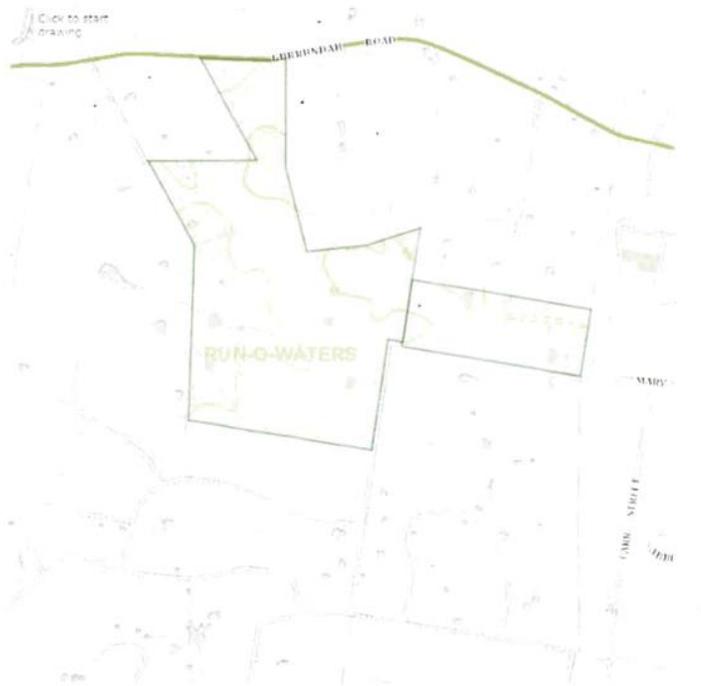


Figure 1 Location of subject site showing contours and surrounding subdivision pattern

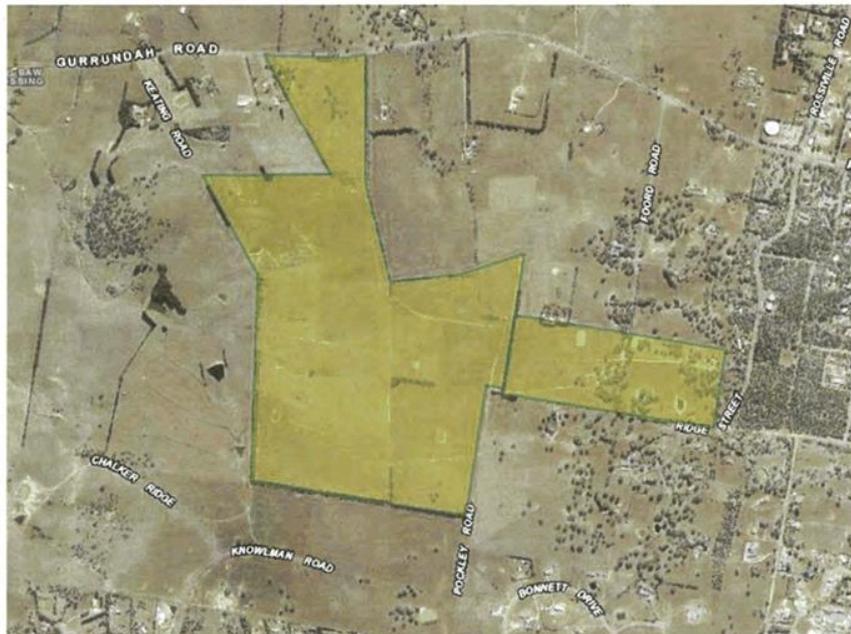


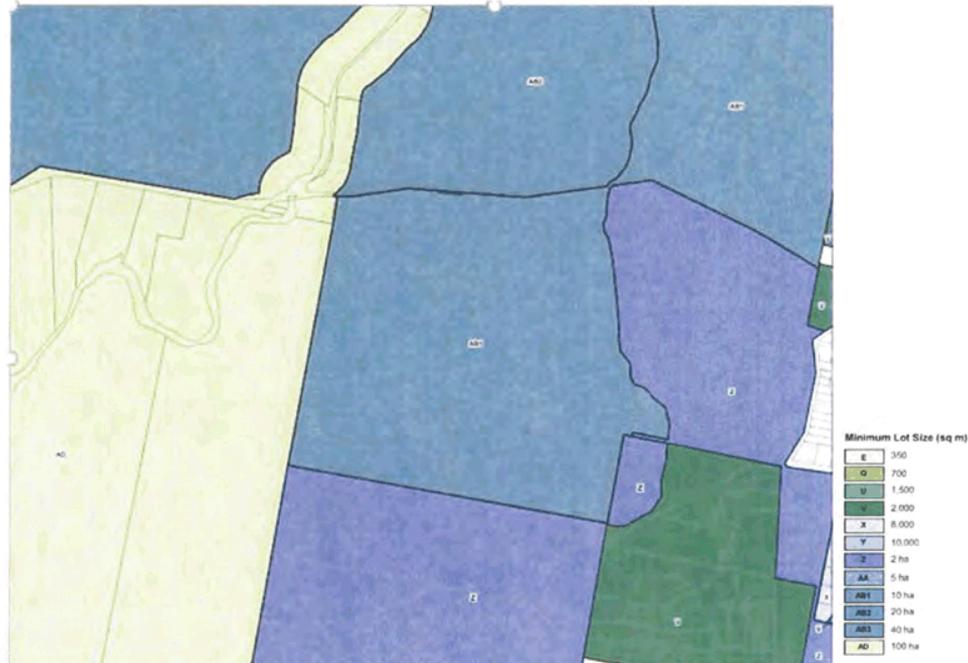
Figure 2 Subject site- road access and vegetation coverage

**Submission 2**

**Current statutory planning provisions**

The site is subject to the provisions of the *Goulburn Mulwaree Local Environmental Plan 2009* and is zoned RU6 Transition Zone.

The sites are subject to two minimum lot sizes (MLS) of AB1 (10ha) for the western portion and Z (2ha) for the eastern parcel. The submission seeks an opportunity to undertake a rural residential subdivision of the land as part of the proposed determination of the Goulburn Mulwaree Urban & Fringe Housing Strategy, to be followed by a subsequent amendment to the Goulburn Mulwaree LEP.



**Figure 3 Current Minimum Lot Size**  
Goulburn Mulwaree LEP 2009 Lot Size Map - Sheet LSZ- 001A

**Proposal**

A summary of the key elements of our proposal are provided below.

- 268/337/750015 and 10/625626 to be considered under the Goulburn Mulwaree Housing Strategy as a site for future residential development (large lot residential). While the proposed allotment sizes would be subject to further land capability and infrastructure capacity analyses we propose the amendment of the Minimum Lot Size for Lot 10/625626 to MLS Z (2ha) and consideration of part of the residual land for residential allotments of area between 1000-2000m<sup>2</sup>.

The following strategic planning documents have been considered in developing and understanding the suitability of our proposal. These include:

- » *Goulburn Mulwaree Local Environmental Plan*
- » *Terrestrial Biodiversity, Urban Release, Land Zoning and Minimum Lot Size Maps*
- » *South East and Tablelands Regional Plan 2036*
- » *Goulburn-Mulwaree Strategy 2020*
- » *Goulburn-Mulwaree Urban & Fringe Housing Strategy*

**Submission 2**

These documents have provided a preliminary understanding of the housing, environmental and social impacts of the subject proposal.

The proposal in its completed form will have considered the desired character and urban structure of Goulburn. The location of the land is considered to be suitable for a contiguous development of large residential lots (1000-2000m<sup>2</sup>). Such development would provide highly desirable housing to the market and help to provide a more diverse range of housing options available to the market.

The proposed amendment to the LEP that would be required to facilitate the subdivision of the land into smaller lots is consistent with minimum lot sizes prescribed for land to the south of the site. Adjacent blocks have a minimum lot size of 2,000m<sup>2</sup>.

Goulburn is generally characterised by an urban core with a minimum lot size of 700m<sup>2</sup> and an outer core with a minimum lot size of 2000m<sup>2</sup>. The outer core transitions into 2-10-100 hectare rural holdings. The proposed rezoning of the subject land is unlikely to detract from the town's urban density or structure but rather, would complete the outer core and provide a transition from large, productive rural land to a more intensive urban setting.

The subject site is located adjacent to an approved Urban Release Area under the *Goulburn-Mulwaree Local Environmental Plan 2009*. There is a clear and logical opportunity for the extension of the Urban Release Area to include our land. The proposed subdivision could provide new and affordable residential land at the fringe; an increased choice in housing options, and a desirable product with good access to infrastructure, services, jobs and transport. Our subdivision proposal will provide a transition from rural to residential development, on land with limited agricultural productivity, but also close to the existing urban boundary with infrastructure and services.

The proposed development site is consistent with a number of directives outlined within the *Goulburn-Mulwaree Strategy 2020* - specifically, those relating to accommodating sustainable growth. These include:

- » Facilitating urban development in the areas that allow urban infrastructure services to be provided in a cost-efficient manner.
- » Accommodating rural residential living opportunities on less productive rural lands and in locations which would not detract from the cost-effective provision of services and utilities.

Settlement Planning Principles, as outlined within the *Southeast and Tablelands Regional Plan* developed by the NSW Government, include a number of considerations for desirable housing outcomes. Outcomes that directly relate to, and have been considered for this proposal include:

- » Protecting areas with high environmental value and/or cultural heritage value and important biodiversity corridors.

The majority of the site is contained within a terrestrial biodiversity zone. Our concept plan proposes that the 50% of the site will be open space (65 hectares), 15% of the site will be managed for conservation of Grassy Box Woodland (25 hectares) and 35% will be set aside for residential development. Accordingly, the proposed development would protect and enhance the natural environment through establishing and maintaining dedicated environmental areas and open spaces.

- » Identifying a sustainable water supply;

The site has 2 existing connections to town water and 2 licensed bores. One of these bores provides sufficient water for over 150 head of cattle. We propose to acquire an irrigation licence to use an existing easement from Wollondilly River. This would increase water security for the future development area and ensure environmental quality.

The *Goulburn Mulwaree Strategy 2020* includes a planning principle to protect biodiversity by locating development areas where they would not endanger threatened species or critical habitat and minimise modification to natural ecosystems, habitat loss and fragmentation. As stated previously the site contains environmentally significant vegetation that is protected under State legislation. This has been accounted for and included in concept design layouts within the development area. Areas in which Grassy Box Woodland has been identified will be preserved and managed to avoid intense development, thus ensuring environmental protection and maintaining the existing character of the area. Opportunities to strengthen habitat corridors have also been identified.

**Submission 2**

The *Goulburn-Mulwaree Strategy 2020* outlines a number of approaches to accommodating sustainable growth. The social approaches to promoting this have been considered in the proposal and are facilitated through the following outcomes:

- » New urban areas with a sense of 'community' with key services available locally.

The proposed subdivision and residential development is immediately contiguous with existing residential development and is a short distance from the broad range of services available in Goulburn including health, education and retail services. We are also hoping that the design of our subdivision will lead to both a sense of community and increased community resilience amongst new residents.

- » Safeguarding important heritage and ecological assets in any land use and development decisions overall, to ensure that development of land is carried out in an orderly and efficient manner.

Aboriginal and European heritage assessments will be carried out prior to any development taking place. This is to ensure no significant heritage items would be affected by the residential development, with any identified heritage elements being managed and retained as historically significant features of the area.

**Conclusion**

We consider this preliminary proposal to have merit in terms of its alignment with existing growth and development strategies for the Goulburn Mulwaree Local Government Area. The land represents an ideal location to accommodate the increasing number of people moving to Goulburn-Mulwaree. There are low numbers of large residential lots available, yet there is a high level of interest and apparent demand from "tree changers" looking for parcels of land larger than traditional metropolitan lots to meet their housing and lifestyle needs. Allowing large residential lots to be developed in this location would reinforce the surrounding land uses and allow effective management of existing natural and cultural assets. The land has convenient road access and nearby infrastructure to enable efficient development of the land.

We would welcome the opportunity to discuss the merits of our proposal with Council staff and the consultants appointed to prepare the Goulburn-Mulwaree Urban and Fringe Housing Strategy. We can be contacted on 0428 480 512 after the 12<sup>th</sup> July 2018.

Yours sincerely

Stewart Thompson

As Trustee Marama Superannuation Fund.

Email contact [stewart\\_t@tpg.com.au](mailto:stewart_t@tpg.com.au)

**Submission 2**

ELTON CONSULTING

---

**C Preliminary Ecological Values and Constraints Assessment**

## Submission 2



21 February 2019

Stewart Thompson  
65 Foord Road  
Run-O-Waters  
Goulburn, NSW, 2580  
M: 0428 480 512  
E: [inhousevaluation@gmail.com](mailto:inhousevaluation@gmail.com)

**Preliminary Ecological Values and Constraints Assessment for 65  
Foord Road, Run-O-Waters, NSW**  
Capital Ecology project no. 2837

Dear Mr Thompson,

This letter provides a preliminary Ecological Values and Constraints Assessment (EVCA) for 65 Foord Road, Run-O-Waters, NSW (formally known as Lot 10 DP625626 and Lots 268,337,338 DP750015) (the 'subject land', refer Figure 1). The subject land encompasses 131.20 ha located on the western fringe of Goulburn. It is understood that this EVCA will inform the submission being prepared by Elton Consulting (2019<sup>1</sup>) regarding Goulburn Mulwaree Council's development of the Goulburn-Mulwaree Urban and Fringe Housing Strategy (in prep).

This EVCA provides preliminary identification and assessment of the potential values of recognised biodiversity conservation significance occurring on the subject land, specifically those currently listed pursuant to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and/or the NSW *Biodiversity Conservation Act 2016* (BC Act).

This EVCA has been prepared based on:

- information provided by Elton Consulting;
- the results of database searches for the subject land, including the EPBC Act Protected Matters Search Tool (PMST) and the NSW Wildlife Atlas (BioNet);

<sup>1</sup> Elton Consulting (2019). *Submission on the Goulburn-Mulwaree Urban and Fringe Housing Strategy for 65 Foord Road, Run-O-Waters*. Draft 18/02/2019.

Capital Ecology Pty Ltd

PO Box 854  
Gungahlin ACT 2912

ACN: 607 364 358  
ABN: 50 607 364 358

Phone: 0412 474 445  
Email: [admin@capitalecology.com.au](mailto:admin@capitalecology.com.au)

[www.capitalecology.com.au](http://www.capitalecology.com.au)

**Submission 2**

- a review of the relevant *Goulburn Mulwaree Local Environment Plan 2009* (LEP) overlays as they relate to the biodiversity values of the subject land and locality;
- a review of relevant ecological studies and other background information, including the surveys and sources referenced herein;
- a brief inspection of the subject land on 10 August 2018, completed to preliminarily record and assess the ecological values of the subject land; and
- the knowledge of the author regarding the biota of the locality, specifically the threatened ecological communities, flora, and fauna (and associated habitat) with the potential to occur in the lowland ecosystems of the Goulburn region.

Figure 1 shows the location of the subject land in the Goulburn locality, and Figure 2 shows the subject land and biodiversity values as discussed in this EVCA on recent aerial imagery.

## 1. Background and Database Results

### *Goulburn Mulwaree Local Environment Plan 2009*

Presented as an overlay on Figure 3, the majority of the subject land is identified on the LEP Terrestrial Biodiversity Map (Sheet BIO\_001) as 'Biodiversity'. A development application that effects land identified as 'Biodiversity' is required to consider the provisions of Clause 7.2, the objectives of which are to –

*protect, maintain or improve the diversity of the native vegetation, including:*

- (a) protecting biological diversity of native flora and fauna, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the recovery of threatened species, communities or populations and their habitats.*

This LEP Terrestrial Biodiversity Map appears to be the primary driver behind the majority of the subject land being identified as either 'High' (66.55 ha) or 'Moderate' (13.46 ha) conservation value in Figure 7 of Ecological Australia (2018).

### *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 – Matters of National Environmental Significance (MNES)*

An EPBC Act Protected Matters Search Tool report generated on 19 February 2019 with a search radius of 5 km of the subject land identified the following MNES as potentially occurring within the locality of the subject land:

- 2 listed threatened ecological communities;
- 21 listed threatened fauna species;
- 11 listed threatened flora species; and
- 12 listed migratory species.

**Submission 2**



**NSW Biodiversity Conservation Act 2016**

Table 1 provides a summary of the results of a search of the NSW Wildlife Atlas (BioNet) conducted on 19 February 2019. As detailed in Table 1:

- Five threatened flora species, two of which (Few-seeded Bossiaea and Delicate Pomaderris) are very old records with an accuracy of 25 km; and
- Four threatened fauna species.

**Table 1. NSW Wildlife Online (BioNet) records within 5 km of the subject land.**

Scientific Name	Common Name	EPBC Act Status	NSW BC Act Status	Date	Accuracy (m)
<b>Plants</b>					
<i>Bossiaea oligosperma</i>	Few-seeded Bossiaea	Vulnerable	Vulnerable	5/09/1964	25000
<i>Diuris aequalis</i>	Buttercup Doubletail	Vulnerable	Endangered	1/01/1998	10
<i>Leucochrysum albicans</i> var. <i>tricolor</i>	Hoary Sunray	Endangered		8/04/2009	10
<i>Pomaderris delicata</i>	Delicate Pomaderris		Critically Endangered	20/10/1953	25000
<i>Rutidosia leptorrhynchoides</i>	Button Wrinklewort	Endangered	Endangered	3/11/2009	10
<b>Animals</b>					
<i>Ephippiorhynchus asiaticus</i>	Black-necked Stork		Endangered	26/04/1998	1000
<i>Haliaeetus leucogaster</i>	White-bellied Sea-Eagle	CAMBA	Vulnerable	11/12/1985	100
<i>Litoria aurea</i>	Green and Golden Bell Frog	Vulnerable	Endangered	1/01/1975	1000
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	Vulnerable	Vulnerable	26/01/2017	50

**2. Site Observations**

**Vegetation**

The Plant Community Type (PCT) (i.e. the pre-1750 vegetation community) as per NSW Vegetation Information System of the subject land is 'PCT 1330 Yellow Box - Blakely's Red Gum grassy woodland on the tablelands, South Eastern Highlands Bioregion'. This determination is based on the landscape position, the species of the remnant canopy trees which have been retained as small patches and scattered paddock trees on the subject land and adjoining paddocks, together with the dominant soil type and other geophysical characteristics of the land.

Commonly known as Box-Gum Woodland, in its climax form PCT1330 would have been characterised by an open canopy, sparse or absent mid and shrubstorey, together with a defined grassy groundstorey supporting a high diversity of native forbs.

## Submission 2



The subject land has been used primarily for pastoral purposes for several decades. This land use has involved the clearance of the most of the natural overstorey, midstorey and shrubstorey strata of PCT1330 across the majority of the subject land. The areas cleared of woody vegetation have been continually actively managed (i.e. via cultivation, sowing and superphosphate application) as improved pasture dominated by pastorally productive species such as *Phalaris aquatica*, Cocksfoot *Dactylis glomerata*, and various Clover species *Trifolium* spp.

As shown in Figure 2 and Plate 1, the remnant canopy of PCT1330 has been retained across much of the easternmost paddocks of the subject land. Two other smaller patches have been retained in the northernmost extent of the subject land. The midstorey and shrubstorey are sparse or absent throughout these patches due to stock grazing removing shrub species and preventing eucalypt regeneration. Pasture improvement has not occurred to the same extent in and around the woodland patches and this has permitted the persistence of native grasses such as Tall Speargrass *Austrostipa bigeniculata*, Corkscrew *A. scabra*, Wallaby Grasses *Rytidosperma* spp., and Kangaroo Grass *Themeda triandra*. The native forb diversity was observed to be low to moderate in these remnant woodland patches, however this can be partially attributed to the seasonal timing (i.e. August) and the exceptionally dry winter.

As shown in Figure 2 and Plate 2, the only other natural vegetation retained on the subject land is the few scattered remnant woodland trees.

As shown in Figure 2 and Plates 3 and 4, numerous substantial windbreaks have been planted on the subject land, notably around the boundaries. These windbreaks comprise either native species (generally Wattles *Acacia* spp. and various eucalypts) or exotic species (primarily Radiata Pine *Pinus radiata*).



Photo Plate 1. Patch of remnant Box-Gum Woodland in the eastern portion of the subject land. Mature Yellow Box and Blakely's Red Gum trees over low diversity native grass dominant groundstorey.

**Submission 2**



Photo Plate 2. Scattered mature Yellow Box and Blakely's Red Gum trees over exotic pasture.



Photo Plate 3. Planted windbreak of native species (generally Wattles *Acacia* spp. and various eucalypts).

## Submission 2



Photo Plate 4. Planted windbreak of Radiata Pine *Pinus radiata*.

#### Threatened Ecological Communities (TECs)

##### *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*

Two EPBC Act listed threatened ecological communities (TECs) have the potential to occur on the subject land, both listed as critically endangered under the EPBC Act: 'Natural Temperate Grassland of the South Eastern Highlands', and 'White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland' (Box-Gum Woodland).

##### **Natural Temperate Grassland of the South Eastern Highlands – listed as critically endangered pursuant to the EPBC Act**

**Description** – As detailed in Commonwealth of Australia (2016<sup>2</sup>), the NTG-SEH TEC is characterised by grassy vegetation dominated by moderately tall (25–50cm) to tall (50–100cm), dense to open tussock grasses in the genera *Austrodanthonia* (note: now *Rytidosperma*), *Austrostipa*, *Bothriochloa*, *Poa* and *Themeda*. Up to 70% of all plant species may be forbs. The community may be treeless or contain up to 10% cover of trees, shrubs or sedges. Natural Temperate Grassland occurs within the biogeographical region of the South Eastern Highlands in valleys influenced by cold air drainage and in broad plains.

**Presence in the subject land** – Absent – The entirety of the subject land would have supported PCT1330 (Box-Gum Woodland) pre-1750. Accordingly, the subject land does not support this TEC.

<sup>2</sup> Commonwealth of Australia (2016). *Approved conservation advice for the Natural Temperate Grassland of the South Eastern Highlands (NTG-SEH) ecological community.*

## Submission 2



**White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland – listed as critically endangered pursuant to the EPBC Act**

Description – The White Box – Yellow Box – Blakely's Red Gum Grassy Woodland and Derived Native Grassland TEC is characterised by a species-rich understorey of native tussock grasses, herbs and scattered shrubs (where shrub cover comprises less than 30% cover), and a dominance or prior dominance of White Box and/or Yellow Box and/or Blakely's Red Gum trees. This TEC occurs along the western slopes and tablelands of the Great Dividing Range from southern Queensland through New South Wales and the Australian Capital Territory to Victoria.

Presence in the subject land – Highly likely – As discussed above, the entirety of the subject land would have once supported one of the climax communities of this TEC (i.e. PCT1330). Whilst a full structural and floristic assessment would be required in spring-summer to determine the extent of the remnant woodland patches (refer Figure 2) which meet the EPBC Act listing criteria (Commonwealth of Australia 2006<sup>3</sup>), it is highly likely that a proportion of these patches is in good enough condition to constitute EPBC Act Box-Gum Woodland.

**Biodiversity Conservation Act 2016 (NSW)**

Two BC Act listed ecological communities have the potential to occur in the site:

- 'White Box – Yellow Box – Blakely's Red Gum Woodland' (BC Act Box-Gum Woodland); and
- 'Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions'.

**BC Act Box-Gum Woodland**

This community, listed as endangered in NSW, is described below, together with an assessment of likelihood of occurrence on the subject land.

The below description is extracted from the NSW *Final Determination for the TSC Act endangered listed ecological community White Box – Yellow Box – Blakely's Red Gum Woodland* (NSW Scientific Committee 2002, gazetted 15 March 2002<sup>4</sup>).

*White Box Yellow Box Blakely's Red Gum Woodland is found on relatively fertile soils on the tablelands and western slopes of NSW and generally occurs between the 400 and 800 mm isohyets extending from the western slopes, at an altitude of c. 170 m to c. 1200 m, on the northern tablelands (Beadle 1981). The community occurs within the NSW North Coast, New England Tableland, Nandewar, Brigalow Belt South, Sydney Basin, South Eastern Highlands and NSW South Western Slopes Bioregions.*

*White Box Yellow Box Blakely's Red Gum Woodland includes those woodlands where the characteristic tree species include one or more of the following species in varying proportions and combinations – Eucalyptus albens (White Box), Eucalyptus melliodora (Yellow Box) or Eucalyptus*

<sup>3</sup> Commonwealth of Australia (2006). *Policy Statement 3.5: White Box – Yellow Box – Blakely's Red Gum grassy woodlands and derived native grasslands. Environment Protection and Biodiversity Conservation Act 1999.* Commonwealth Department of Environment and Heritage.

<sup>4</sup> NSW Scientific Committee (2002). *Final Determination for the TSC Act endangered listed ecological community White Box – Yellow Box – Blakely's Red Gum Woodland.* Gazetted 15 March 2002.

## Submission 2



*blakelyi* (Blakely's Red Gum). Grass and herbaceous species generally characterise the ground layer. In some locations, the tree overstorey may be absent as a result of past clearing or thinning and at these locations only an understorey may be present. Shrubs are generally sparse or absent, though they may be locally common.

Although the final determination does not provide specific listing criteria against which to assess a patch of vegetation, a useful key is provided in *Identification Guidelines for Endangered Ecological Communities – White Box Yellow Box Blakely's Red Gum Woodland (Box-Gum Woodland)* (NPWS 2002<sup>5</sup>), which draws its information from the final determination. As described in the final determination and the associated key, the definition for the BC Act Box-Gum Woodland TEC is extremely broad. In effect, any land for which the climax community is Box-Gum Woodland that has not been cultivated, become a stock camp, or otherwise been entirely modified, is likely to meet the minimum definition of the BC Act listed TEC.

**Presence in the subject land** – Confirmed – As discussed above, the entirety of the subject land would have once supported one of the climax communities of this TEC (i.e. PCT1330). The patches of remnant woodland certainly meet the definition of BC Act listed Box-Gum Woodland. It is also probable that the listed community occurs as derived native grassland where native grass dominance extends outwards for a short distance from the woodland patches.

#### **BC Act Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland**

This community, listed as endangered in NSW, is described below, together with an assessment of likelihood of occurrence on the subject land.

The below description is extracted from the NSW *Final Determination for the TSC Act endangered listed ecological community Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions* (NSW Scientific Committee 2011, gazetted 10 June 2011<sup>6</sup>).

*Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland typically forms an open-forest, woodland or open woodland that transitions into grassland at low tree cover. The canopy is dominated by Eucalyptus pauciflora (Snow Gum), E. rubida (Candlebark), E. stellulata (Black Sallee) and E. viminalis (Ribbon Gum), either as single species or in combinations. A shrub layer may be present and sub-shrubs are often a component of the ground stratum; characteristic species include Hymenanthera dentata and Melichrus urceolatus. The ground layer is dominated by grasses and other herbaceous species including Themeda australis, Poa spp., Austrostipa spp., Austrodanthonia spp., Leptorhynchus squamatus, Chrysocephalum apiculatum, and Asperula conferta. This community may also occur as secondary grassland where the dominant trees have been removed but the ground stratum remains.*

*The ecological community mainly occurs on valley floors, margins of frost hollows, footslopes and undulating hills between approximately 600 and 1400 m in altitude. It occurs on a variety of*

<sup>5</sup> NSW NPWS (2002). *Identification Guidelines for Endangered Ecological Communities - White Box Yellow Box Blakely's Red Gum Woodland (Box-Gum Woodland)*. NSW National Parks and Wildlife Service.

<sup>6</sup> NSW Scientific Committee (2011). *Final Determination for the TSC Act endangered listed ecological community Tablelands Snow Gum, Black Sallee, Candlebark and Ribbon Gum Grassy Woodland in the South Eastern Highlands, Sydney Basin, South East Corner and NSW South Western Slopes Bioregions*. Gazetted 10 June 2011.

## Submission 2



*substrates including granite, basalt, metasediments and Quaternary alluvium. The ecological community occurs as a part of a mosaic of native vegetation communities including swamps, bogs, wetlands, grasslands and sclerophyll forests.*

The final determination does not provide specific listing criteria against which to assess a patch of vegetation, however the presence of the key canopy eucalypts and a native dominated ground stratum are described as the key characteristics of the community. The final determination also states that the community may also occur as secondary grassland. In this regard, based on the final determination, a logical interpretation of the minimum criteria for a patch to constitute the listed community is that the patch must:

1. support a canopy which is dominated by the key eucalypt species and occurs in at least moderately intact condition; or
2. where the canopy has been cleared, the ground stratum remains in at least moderately intact condition (i.e. native dominated with moderate to high diversity).

Presence in the subject land – Absent – As discussed above, the entirety of the subject land would have supported PCT1330 (Box-Gum Woodland) pre-1750. Accordingly, the subject land does not support this TEC.

#### Conclusion

Whilst a full structural and floristic assessment would be required in spring-summer to determine the extent of the remnant woodland patches which meet the EPBC Act listing criteria, it is highly likely that a proportion of these patches is in good enough condition to constitute EPBC Act Box-Gum Woodland. The patches of remnant woodland would also meet the definition of BC Act listed Box-Gum Woodland. It is also probable that the BC Act (and potentially the EPBC Act) listed community occurs as derived native grassland where native grass dominance extends outwards for a short distance from the woodland patches.

The remainder of the subject land comprises pasture improved paddocks upon which the only semblance that remains of the former natural vegetation are the few scattered eucalypt trees.

#### Threatened Fauna Habitat

As detailed in Section 1, numerous EPBC Act listed and/or BC Act listed threatened flora and fauna species are known or occur, or have the potential to occur, in the locality.

Of the identified flora species, only Hoary Sunray *Leucochrysum albicans* var. *tricolor* has any real potential for occurrence on the subject land, and this potential is limited to the remnant woodland patches. Similarly, the remnant woodland patches are also likely to be the only portions of the subject land of potential habitat value to threatened woodland bird and insectivorous bat species. Targeted surveys would be required to determine the actual utilisation and potential significance of these patches to listed birds and bats.

The small farm dam and drainage lines on the subject land are likely to support several common frogs (e.g. Spotted Marsh Frog *Limnodynastes tasmaniensis*, Common Froglet *Crinia signifera*) and reptiles (e.g. Eastern Long-necked Turtle *Chelodina longicollis*, Red-bellied Black-snake *Pseudechis porphyriacus*).

**Submission 2**

however the subject land does not support potential habitat for any listed reptile, amphibian, or ground dwelling mammals.

Whilst the planted native and exotic windbreaks are likely of value to common woodland birds moving through the landscape, they do not have the potential to reinstate the former natural woody vegetation and are of limited habitat value to threatened bird species.

**3. Evaluation of LEP Terrestrial Biodiversity Mapping**

As shown in Figure 2, the Box-Gum Woodland in the eastern portion of the subject land is largely contiguous with the expanses of the community occurring on the adjoining properties (north and south), and well connected to the remnant dry sclerophyll forest in the reserve to the east. This characteristic further increases the conservation value of the patch in the subject land as it increases the fauna habitat functionality of the patch (i.e. provides habitat connectivity for native woodland fauna, decreases edge-to-core ratio, etc.).

As discussed herein and illustrated in Figure 3, the ecological/biodiversity values of the subject land are not accurately reflected in the LEP Terrestrial Biodiversity Map. Whilst the eastern portion of the subject land supports substantial patches of Box-Gum Woodland consistent with the BC Act definition and likely to meet the EPBC Act listing criteria, the remainder of the subject land is of little or no biodiversity conservation value.

I assume that the inaccuracy in the LEP Terrestrial Biodiversity Map is also the primary driver behind EcoLogical Australia's incorrect mapping of the majority of the subject land as either 'High' (66.55 ha) or 'Moderate' (13.46 ha) conservation value.

**Conclusion and Recommendations**

Informed by my desktop review and on-ground observations, I believe that the remnant Box-Gum Woodland occurring on the subject land, including the two smaller patches in the northern paddock, is of high biodiversity conservation value. These patches are of recognised conservation significance as a TEC and are also likely to be of conservation significance as habitat for listed threatened flora and fauna species. The remainder of the subject land is of little or no biodiversity conservation value.

In light of the above, I recommend the following.

- Any proposed subdivision or other development on the subject land should avoid, or minimise the fullest extent practicable, impacts to the Box-Gum Woodland patches. If impacts to the Box-Gum Woodland patches are avoided then it is unlikely that full assessment, approval, and potentially offsets will be required under the EPBC Act and/or the BC Act.
- Establishment of the Box-Gum Woodland patches in the east of the subject land as a Biodiversity Stewardship Site under a formal Biodiversity Stewardship Agreement (BSA) should be considered. A BSA would provide permanent protection for the Box-Gum Woodland and provide upfront and ongoing payments to the landholder to undertake conservation-focused management actions.

**Submission 2**



- A request should be made to Goulburn Mulwaree Council for the LEP Terrestrial Biodiversity Map to be amended to accurately reflect the ecological/biodiversity values of the subject land and adjoining properties.

I trust that this preliminary EVCA provides the review and advice required. If, however, you should have any questions relating to any of the matters discussed herein, please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Robert Speirs".

Robert Speirs

Director / Principal Ecologist

Accredited BAM Assessor No: BAAS17089

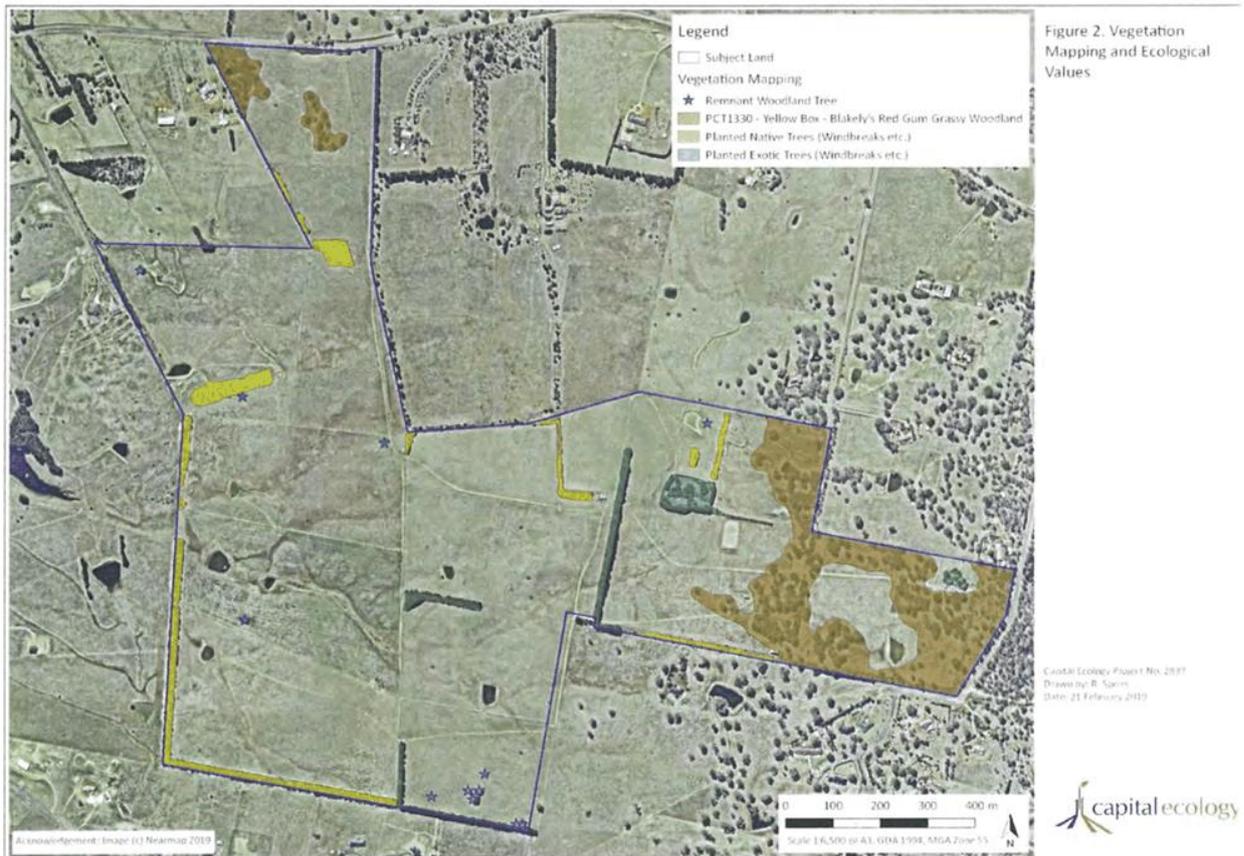
**Attachments:**

Figure 1. Locality Plan

Figure 2. Vegetation Mapping and Ecological Values

Figure 3. Vegetation Mapping on LEP Terrestrial Biodiversity Map

Submission 2



Submission 2

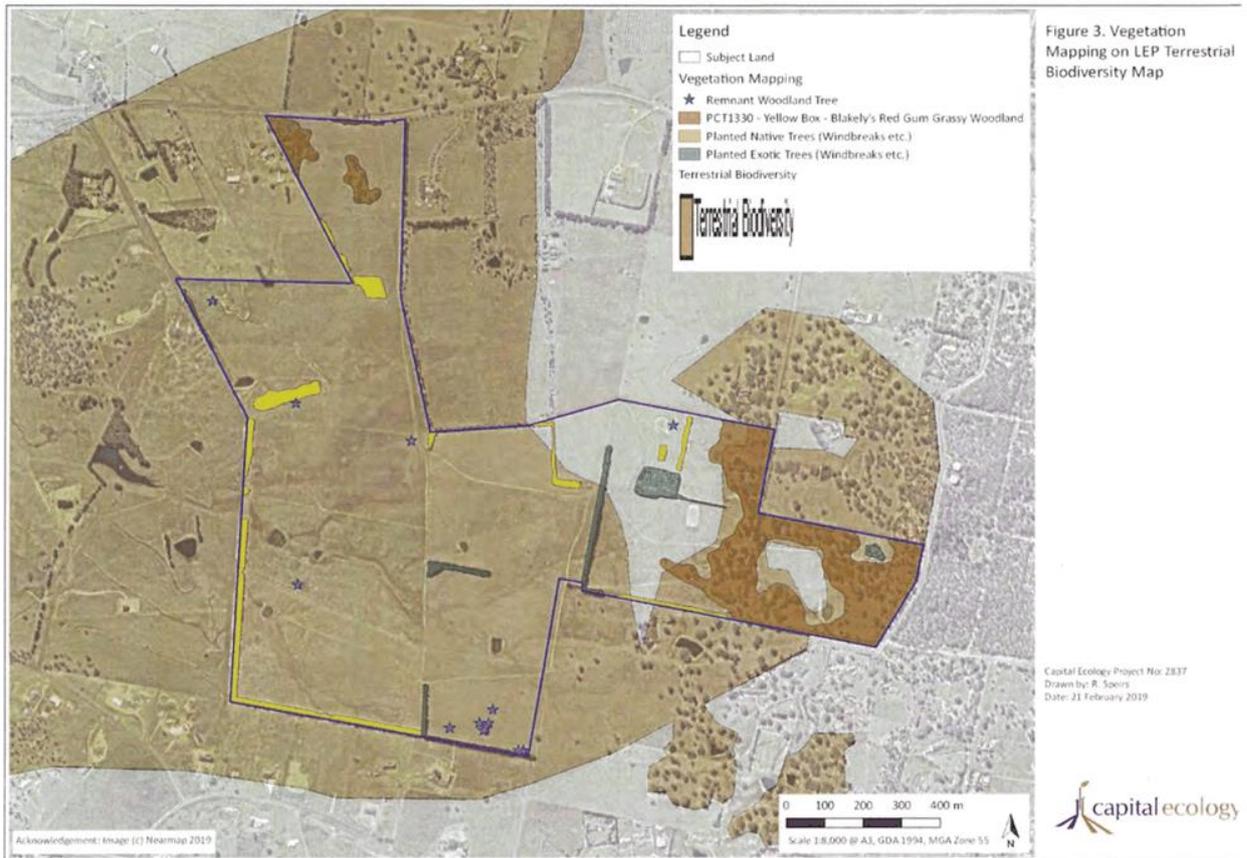


Figure 3. Vegetation Mapping on LEP Terrestrial Biodiversity Map

**Submission 2**

ELTON CONSULTING

---

## **D Engineering Advice**



167 Bourke Street Goulburn NSW 2580

PO Box 111 Thirroul NSW 2515

ABN: 55 583 029 605

**Submission 2**

Telephone: 02 48235577

Fax: 02 48235578

Mobile: 0417 235415

Email: gregtodd.srle@gmail.com

24 January 2019

Ref: T01818

Stewart Thompson  
65 Foord Road  
Run-O-Waters NSW2580

Dear Stewart,

**RE: Proposed Residential Development Hereford Heights - Sewage System Analysis**

The proposed development incorporates an initial rezoning of a portion of Lot 10 DP 625626 to a minimum lot size of 2 hectares to achieve a permitted density through lot averaging. At a later stage the proposal will include sections of Lots 337 & 268 of DP750015 to also be rezoned for minimum lot sizes of 2,000m<sup>2</sup>. This letter addresses the issues relating to implementing a suitable sewerage system to service the proposed development.

Currently this western area of Goulburn does not contain a connection to a gravity sewerage system. There is a north to south ridge line along the approximate alignments of Ridge and Carr Streets that prevents flows from the west Goulburn and Run-O-Waters areas to be connected by gravity to the reticulation system that eventually discharges to the sewerage treatment facility located at Ross Street to the north east of Goulburn City. There is a catchment area to the south east of the site which falls to the Duck's Lane sewerage pumping system but this cannot be accessed by a gravity sewerage pipe from this development. Also it is understood that the current sewerage pipe infrastructure at the southern end of Goulburn City is at or near capacity.

The preferred option to service the proposed development would be to construct a sewerage pumping station and to connect the rising main to a receiving manhole to be connected to the existing sewerage system on the eastern side of the ridge line. There are number of locations where this can be achieved the most logical of which is the sewer system in Mary Street just south of the intersection with Slocombe Street. The existing sewer in Carr Street may be unsuitable due to new development at the southern end of Goulburn City that would have an impact on the capacity of the existing sewer in this locality. An analysis of the existing sewerage system would be required to determine whether there was sufficient capacity for the additional flows.

As with all new Sewerage Pump Station/s (SPS), a suitably sized storage tank will be required to be installed. The storage tank in this case could also be used to store flows for discharging during non-peak periods. A suggested location for the new SPS is shown on the attached sketch 'T01808-SK01 Hereford Heights Sewerage Catchments' below the area being considered for the initial development.

The SPS could be sized for any future contributing areas such as the additional lots created through the development of Lots 337 & 268 of DP750015 and a portion of Lot 4 DP835933. The attached sketch T01808-SK01 shows the approximate area that could be serviced by a gravity pipe system to the suggested SPS location. Whilst the volume of the SPS wet well and storage tank would be designed to cater for any additional contributing areas, the initial installation of pumps etc would be sized for the initial lot yield within Lot 10 DP625626 and subsequently upsized when the additional areas are developed. The rising main would be designed to suit the expected eventual lot yield.

The SPS could be either dedicated to Council otherwise it could be included as part of the common property in a Community Titled subdivision where all of the benefitting lots would pay for the maintenance and running costs of the SPS. The rising main, however, should be dedicated to Council as part of the infrastructure costs.

An alternate option to an SPS would be the installation of a Sewerage Treatment Plant (STP) incorporating a secondary wastewater treatment system. This would require an effluent management area which could be located within an area as shown on the attached sketch. Alternatively the treated effluent could be pumped to a storage tank located at the high point of the development area and reused as a secondary non-potable water supply system for the lots within the development. This would effectively reduce the water supply demand of the lots serviced by the non-potable system. The whole of this system could be managed under a Community Titled subdivision.

Please contact the undersigned for any clarification of the above.

Southern Region Land Engineering

Page 1 of 1



**Submission 2**

ELTON CONSULTING

---

## **E Salinity testing**

Submission 2



# Nutrient Advantage®

## Nutrient Advantage Advice® Recommendation Report

Adrian Keith  
  
Taralga  
2580

Report Print Date: 18/05/2018  
Agent/Dealer: Goulburn Produce & Rural Supply  
Advisor/Contact: Kathryn Pengilly  
Phone: 02 4821 3655  
Purchase Order No: 52694

Grower Name: Adrian Keith      Nearest Town: TARALGA  
Sample No: 021704497      Test Code: E22  
Paddock Name: ST OATS      Sample Type: Soil  
Sample Name:      Sampling Date: 30/04/2018  
Sample Depth (cm) 0 To 10

Analyte / Assay	Unit	Value	Very Low	Marginal	Optimum	High	Excess	Optimal
Soil Colour		Brown						
Soil Texture		Clay						
pH (1:5 Water)		5.3						
pH (1:5 CaCl2)		4.7	Strongly acidic					4.8 - 6.5
Electrical Conductivity (1:5 water)	dS/m	0.15	Not saline.					< 0.4
Electrical Conductivity (Sat. Ext.)	dS/m	0.9						
Chloride	mg/kg	25	Low and harmless to plant growth.					< 300
Organic Carbon (W&B)	%	2.1	[Bar chart: 2.1% is below the 1.6-2.4% range]					1.6 - 2.4
Nitrate Nitrogen	mg/kg	38						
Ammonium Nitrogen	mg/kg	6						
Phosphorus (Olsen)	mg/kg	28						
Phosphorus (Colwell)	mg/kg	65	[Bar chart: 65 mg/kg is above the 31-40 mg/kg range]					31 - 40
Phosphorus Buffer Index		65	Low phosphorus fixation capacity					
Phosphorus Environmental Risk Index		1.00	Possible risk of P loss to environment					
Potassium (Colwell)	mg/kg	270	[Bar chart: 270 mg/kg is above the 190-245 mg/kg range]					190 - 245
Sulphur (KCl40)	mg/kg	24	[Bar chart: 24 mg/kg is above the 10-15 mg/kg range]					10-15
Cation Exch. Cap. (CEC)	cmol(+)/kg	6.8						
Calcium (Amm-acet.)	cmol(+)/kg	4.1	[Bar chart: 4.1 cmol(+)/kg is above the 3-5 cmol(+)/kg range]					3 - 5
Magnesium (Amm-acet.)	cmol(+)/kg	1.9	[Bar chart: 1.9 cmol(+)/kg is above the 1-2 cmol(+)/kg range]					1 - 2
Sodium (Amm-acet.)	cmol(+)/kg	0.08	Low risk of being harmful to plant growth					< 0.7
Potassium (Amm-acet.)	cmol(+)/kg	0.48						
Aluminium (KCl)	cmol(+)/kg	0.2						
Aluminium % of Cations	%	2.9	There are no problems with Aluminium toxicity					<5
Grass Tetany Risk Index		0.08						



Analyses conducted by **Nutrient Advantage Laboratory Services**  
For a copy of Laboratory Methods of Analysis please go to [www.nutrientadvantage.com.au](http://www.nutrientadvantage.com.au)  
8 South Road, Werribee VIC 3030  
NATA Accreditation No: 11958      Tel: 1800 803 453  
Certificate of Analysis is available upon request.      Email: [lab.feedback@incitecpivot.com.au](mailto:lab.feedback@incitecpivot.com.au)



**Submission 2**



# Nutrient Advantage®

## Nutrient Advantage Advice® Recommendation Report

<b>Grower Name:</b>	Adrian Keith	<b>Nearest Town:</b>	TARALGA
<b>Sample No:</b>	021704497	<b>Test Code:</b>	E22
<b>Paddock Name:</b>	ST OATS	<b>Sample Type:</b>	Soil
<b>Sample Name:</b>		<b>Sampling Date:</b>	30/04/2018
<b>Sample Depth (cm)</b>	0 To 10		

Analyte / Assay	Unit	Value	Very Low	Marginal	Optimum	High	Excess	Optimal	
Calcium % of Cations	%	61.0	Satisfactory for soil structure, check sodici						60 - 85
Magnesium % of Cations	%	28.0	May affect dispersion in cultivated soils						< 25
Sodium % of Cations (ESP)	%	1.20	Non sodic soil, stable soil structure likely						< 6.0
Potassium % of Cations	%	7.00							
Calcium/Magnesium Ratio		2.2	Stable soil structure likely, check sodicity						> 2.0

The results reported pertain only to the sample submitted.  
 Analyses performed on soil dried at 40 degrees Celsius and ground to <2mm (excluding moisture assay)  
 \* One or more components of this test are below their detection limit. The value used is indicative only.



**Submission 2**



# Nutrient Advantage®

## Nutrient Advantage Advice® Recommendation Report

<b>Grower Name:</b> Adrian Keith	<b>Nearest Town:</b> TARALGA
<b>Sample No:</b> 021704497	<b>Test Code:</b> E22
<b>Paddock Name:</b> ST OATS	<b>Sample Type:</b> Soil
<b>Sample Name:</b>	<b>Sampling Date:</b> 30/04/2018
<b>Sample Depth (cm)</b> 0 To 10	

<b>Sample Details:</b>	
<b>Enterprise (Crop):</b> PASTURE	<b>Activity (enterprise):</b> Beef/Sheep
<b>Pasture:</b> Existing	<b>Lucerne:</b>
<b>Proposed Sowing Method:</b>	<b>Time of Sowing:</b>
<b>Dairy Stocking Rate (cows/ha):</b>	<b>Beef/sheep Stocking Rate (dse/ha):</b> 8.00
<b>Other Stock Type:</b>	<b>Other Stocking Rate (dse/ha):</b>
<b>Cuts per year:</b>	<b>Yield per Cut (t/ha) :</b>
<b>Seed Production Type:</b>	<b>Fodder Crop Type:</b>
<b>Sample Depth (cm) From:</b> 0	<b>To:</b> 10

### Recommendations

Product Recommendation	Application Rate (kg/ha) (Unless Stated)	Timing	Application Method	N kg/ha	P kg/ha	K kg/ha	S kg/ha
<b>Total Nutrient Applied</b>							

This Recommendation has been done by: Kathryn Pengilley (273)

Other Elements in recommendation	Ca kg/ha	Mg kg/ha	Cu kg/ha	Zn kg/ha	Mo gm/ha	Co gm/ha	B kg/ha	Fe kg/ha	Mn kg/ha	Si kg/ha
<b>Total Nutrient Applied</b>										

<b>Legend:</b>	N : Nitrogen	P : Phosphorus	K : Potassium	S : Sulphur	Ca : Calcium
	Mg : Magnesium	Cu : Copper	Zn : Zinc	Mo : Molybdenum	Co : Cobalt
	B : Boron	Fe : Iron	Mn : Manganese	Si : Silicon	



Submission 2



# Nutrient Advantage®

## Nutrient Advantage Advice® Recommendation Report

<b>Grower Name:</b>	Adrian Keith	<b>Nearest Town:</b>	TARALGA
<b>Sample No:</b>	021704497	<b>Test Code:</b>	E22
<b>Paddock Name:</b>	ST OATS	<b>Sample Type:</b>	Soil
<b>Sample Name:</b>		<b>Sampling Date:</b>	30/04/2018
<b>Sample Depth (cm)</b>	0 To 10		

### Comments

What is the soil "Phosphorus Environmental Risk Index"?

The Phosphorus Environmental Risk Index (PERI) is defined as the ratio between the amount of P present in the soil (Colwell P) and the capacity of that soil to retain P (PBI). As a soil becomes increasingly "saturated" with P two things will occur. First, the quantity of soluble P that can be lost from soils by surface runoff and by leaching through internal drainage into shallow groundwaters increases. Second, eroding soil particles are increasingly enriched in biologically available P and thus more likely to release P into waters when they are deposited as sediments in creeks, rivers, dams, and lakes.

PERI - (Phosphorus Environmental Risk Index): This interpretation is based on early research findings for a limited range of soils and climates and should be used as a guide only. Losses of water soluble P from this soil via internal drainage or runoff could negatively impact the environment. To minimise the risks of this occurring precautions need to be taken to prevent soil water draining directly into farm water bodies such as creeks, rivers, dams and lakes. Phosphorus application, including materials such as manures, composts, bio-solids and organic by-products containing phosphorus should be reviewed to prevent the PERI rising above 0.0. Monitor the situation through a routine soil sampling program.

Guideline Consideration for Nitrogen Use on Pastures

1. **Grazing Management (mature pasture)** is critical in maintaining a good grass density - graze to a minimum of 1200kgDM/ha (or 5cm in height) - over grazing will cause ryegrass decline, lax grazing will cause shading, tiller death, lower feed quality and density decline. The optimal time for nitrogen application is immediately following a grazing. Ryegrass should be grazed at 2.5-3 leaf stage (spring graze at 2.5 leaf stage) which corresponds with optimal white clover grazing. Phalaris grazing is set at 4-5 leaf stage.

Following a nitrogen application stock should be excluded from the paddock for a 3 week period to avoid nitrate poisoning.

**Grazing Management (establishing pasture).** Phosphorus should be applied close to the seed at sow, maximum nitrogen safe seed rate is 10kgN/ha with the seed. Lightly graze pasture 4-6 weeks post emergence (or when seedlings won't pull from soil) and then apply an application of nitrogen to encourage tillering.

2. **Pasture Composition** plays a part in determining nitrogen responses - generally pastures with a high composition of improved grasses ie. ryegrass and low to moderate composition of clover (up to 30%) will provide the better pasture response, as will pastures with minimal weeds, disease and insect pest activity.

3. **Paddock fertility** is very important in supporting a healthy pasture - ensure major nutrients, trace elements and soil ameliorates are addressed to improve dry matter responses to nitrogen applications.

4. **Moisture** is probably the major limiting factor to nitrogen responses - ensure the soil has adequate soil moisture to sustain production and following a broadcast nitrogen application at least 5mm (light soil) or 10mm (heavy soil) rainfall event or irrigation follows within 2 days of application. Green Urea can be considered if volatilisation is considered to be an issue.

5. **Application Rates** should be in a range of 30-50kgN/ha.

6. **Time of year (season)** causes variation in responses to nitrogen. Responses to perennial ryegrass can be as low as 5 kgDM/ha/kgN in the winter and up to 25 kgDM/ha/kgN in the spring. Italian type ryegrasses tend to be more responsive to nitrogen than perennials. Forward thinking in predicting future gaps will allow nitrogen applications to be used to maximum efficiency ie. Aug 15 calving herd should have nitrogen applied on 1st July assuming leaf emergence every 15 days.

Don't apply nitrogen if soil temperatures are below 5°C as ryegrass has stopped growing.

7. **Cost of Dry Matter** is the key consideration in determining whether nitrogen should be applied or not. Estimates on expected dry matter responses and utilisation coupled with the cost of nitrogen will provide a dry matter cost, this can then be compared to other feed alternative to see the value (or not) in using nitrogen. These costs will vary during the year with winter feed the most expensive.

8. **Environment** can be negatively impacted by poor nitrogen management. Don't apply close to waterways, or to paddocks that are waterlogged and grasses are not growing.

9. **Utilisation** - If the additional pasture Dry Matter grown as a result of applying Nitrogen can not be utilised, do not apply Nitrogen.

Follow the points listed above for best practice management.

*Disclaimer: Laboratory analyses and fertiliser recommendations are made in good faith, based on the best technical information available as at the date of this report. Incitec Pivot Limited, its officers, employees, consultants, Agents and Dealers do not accept any liability whatsoever arising from or in connection with the analytical results, interpretations and recommendations provided, and the client takes the analytical results, interpretations and recommendations on these terms. In respect of liability which cannot be excluded by law, Incitec Pivot's liability is restricted to the re-supply of the laboratory analysis or the cost of having the analysis re-supplied.*



**Submission 2**



# Nutrient Advantage®

## Nutrient Advantage Advice® Recommendation Report

Adrian Keith  
  
Taralga  
2580

Report Print Date: 18/05/2018  
Agent/Dealer: Goulburn Produce & Rural Supplies  
Advisor/Contact: Kathryn Pengilley  
Phone: 02 4821 3655  
Purchase Order No: 52694

Grower Name: Adrian Keith      Nearest Town: TARALGA  
Sample No: 021704496      Test Code: E22  
Paddock Name: ST BORE      Sample Type: Soil  
Sample Name:      Sampling Date: 30/04/2018  
Sample Depth (cm) 0 To 10

Analyte / Assay	Unit	Value	Very Low	Marginal	Optimum	High	Excess	Optimal
Soil Colour		Brown						
Soil Texture		Clay Loam						
pH (1:5 Water)		5.2						
pH (1:5 CaCl <sub>2</sub> )		4.4	Strongly acidic					4.8 - 6.5
Electrical Conductivity (1:5 water)	dS/m	0.08	Not saline.					< 0.29
Electrical Conductivity (Sat. Ext.)	dS/m	0.6						
Chloride	mg/kg	12	Low and harmless to plant growth.					< 180
Organic Carbon (W&B)	%	1.8						1.6 - 2.4
Nitrate Nitrogen	mg/kg	18						
Ammonium Nitrogen	mg/kg	5						
Phosphorus (Olsen)	mg/kg	13						
Phosphorus (Colwell)	mg/kg	37						30 - 39
Phosphorus Buffer Index		62	Low phosphorus fixation capacity					
Phosphorus Environmental Risk Index		0.60	Low risk of P loss to the environment					
Potassium (Colwell)	mg/kg	260						170 - 220
Sulphur (KCl40)	mg/kg	9						10-15
Cation Exch. Cap. (CEC)	cmol(+)/kg	3.8						
Calcium (Amm-acet.)	cmol(+)/kg	2.2						3 - 5
Magnesium (Amm-acet.)	cmol(+)/kg	0.7						1 - 2
Sodium (Amm-acet.)	cmol(+)/kg	0.07	Low risk of being harmful to plant growth					< 0.7
Potassium (Amm-acet.)	cmol(+)/kg	0.45						
Aluminium (KCl)	cmol(+)/kg	0.4						
Aluminium % of Cations	%	10.0	Aluminium toxicity may become a problem					<5
Grass Tetany Risk Index		0.15						



Analyses conducted by Nutrient Advantage Laboratory Services  
For a copy of Laboratory Methods of Analysis please go to [www.nutrientadvantage.com.au](http://www.nutrientadvantage.com.au)  
8 South Road, Werribee VIC 3030  
NATA Accreditation No: 11958      Tel: 1800 803 453  
Certificate of Analysis is available upon request.      Email: [lab.feedback@incitecpivot.com.au](mailto:lab.feedback@incitecpivot.com.au)



**Submission 2**



**Nutrient Advantage®**

**Nutrient Advantage Advice® Recommendation Report**

<b>Grower Name:</b> Adrian Keith	<b>Nearest Town:</b> TARALGA
<b>Sample No:</b> 021704496	<b>Test Code:</b> E22
<b>Paddock Name:</b> ST BORE	<b>Sample Type:</b> Soil
<b>Sample Name:</b>	<b>Sampling Date:</b> 30/04/2018
<b>Sample Depth (cm)</b> 0 To 10	

Analyte / Assay	Unit	Value	Very Low	Marginal	Optimum	High	Excess	Optimal
Calcium % of Cations	%	57.0		Marginal for soil structure, check sodicity				60 - 85
Magnesium % of Cations	%	19.0		Stable soil structure likely, check sodicity				< 25
Sodium % of Cations (ESP)	%	1.90		Non sodic soil, stable soil structure likely				< 6.0
Potassium % of Cations	%	12.00						
Calcium/Magnesium Ratio		3.1		Stable soil structure likely, check sodicity				> 2.0

The results reported pertain only to the sample submitted.  
 Analyses performed on soil dried at 40 degrees Celsius and ground to <2mm (excluding moisture assay)  
 \* One or more components of this test are below their detection limit. The value used is indicative only.



**Submission 2**



# Nutrient Advantage®

## Nutrient Advantage Advice® Recommendation Report

<b>Grower Name:</b> Adrian Keith	<b>Nearest Town:</b> TARALGA
<b>Sample No:</b> 021704496	<b>Test Code:</b> E22
<b>Paddock Name:</b> ST BORE	<b>Sample Type:</b> Soil
<b>Sample Name:</b>	<b>Sampling Date:</b> 30/04/2018
<b>Sample Depth (cm)</b> 0 To 10	

<b>Sample Details:</b>	
<b>Enterprise (Crop):</b> PASTURE	<b>Activity (enterprise):</b> Beef/Sheep
<b>Pasture:</b> Existing	<b>Lucerne:</b>
<b>Proposed Sowing Method:</b>	<b>Time of Sowing:</b>
<b>Dairy Stocking Rate (cows/ha):</b>	<b>Beef/sheep Stocking Rate (dse/ha):</b> 8.00
<b>Other Stock Type:</b>	<b>Other Stocking Rate (dse/ha):</b>
<b>Cuts per year:</b>	<b>Yield per Cut (t/ha) :</b>
<b>Seed Production Type:</b>	<b>Fodder Crop Type:</b>
<b>Sample Depth (cm) From:</b> 0	<b>To:</b> 10

### Recommendations

Product Recommendation	Application Rate (kg/ha) (Unless Stated)	Timing	Application Method	N kg/ha	P kg/ha	K kg/ha	S kg/ha
<b>Total Nutrient Applied</b>							

This Recommendation has been done by: Kathryn Pengilley (273)

Other Elements in recommendation	Ca kg/ha	Mg kg/ha	Cu kg/ha	Zn kg/ha	Mo gm/ha	Co gm/ha	B kg/ha	Fe kg/ha	Mn kg/ha	Si kg/ha
<b>Total Nutrient Applied</b>										

<b>Legend:</b>	N : Nitrogen	P : Phosphorus	K : Potassium	S : Sulphur	Ca : Calcium
	Mg : Magnesium	Cu : Copper	Zn : Zinc	Mo : Molybdenum	Co : Cobalt
	B : Boron	Fe : Iron	Mn : Manganese	Si : Silicon	



Submission 2



# Nutrient Advantage®

## Nutrient Advantage Advice® Recommendation Report

<b>Grower Name:</b>	Adrian Keith	<b>Nearest Town:</b>	TARALGA
<b>Sample No:</b>	021704496	<b>Test Code:</b>	E22
<b>Paddock Name:</b>	ST BORE	<b>Sample Type:</b>	Soil
<b>Sample Name:</b>		<b>Sampling Date:</b>	30/04/2018
<b>Sample Depth (cm)</b>	0 To 10		

### Comments

What is the soil "Phosphorus Environmental Risk Index"?

The Phosphorus Environmental Risk Index (PERI) is defined as the ratio between the amount of P present in the soil (Colwell P) and the capacity of that soil to retain P (PBI). As a soil becomes increasingly "saturated" with P two things will occur. First, the quantity of soluble P that can be lost from soils by surface runoff and by leaching through internal drainage into shallow groundwaters increases. Second, eroding soil particles are increasingly enriched in biologically available P and thus more likely to release P into waters when they are deposited as sediments in creeks, rivers, dams, and lakes.

PERI - (Phosphorus Environmental Risk Index): This information is based on early research findings for a limited range of soils and climates and should be used as a guide only. Soil solution losses of P from this soil via internal drainage or run-off are not likely to negatively impact the environment. However, precautions need to be taken to prevent soil water draining directly to water bodies such as creeks, rivers, dams and lakes. If the Phosphorus Environmental Risk Index is approaching 0.65, monitor by soil testing again after 2 - 3 more P applications particularly if P applied is significantly greater than P removed in produce. Extra care should be taken on soils with a PBI of less than 15.

Guideline Consideration for Nitrogen Use on Pastures

1. **Grazing Management (mature pasture)** is critical in maintaining a good grass density - graze to a minimum of 1200kgDM/ha (or 5cm in height) - over grazing will cause ryegrass decline, lax grazing will cause shading, tiller death, lower feed quality and density decline. The optimal time for nitrogen application is immediately following a grazing. Ryegrass should be grazed at 2.5-3 leaf stage (spring graze at 2.5 leaf stage) which corresponds with optimal white clover grazing. Phalaris grazing is set at 4-5 leaf stage.

Following a nitrogen application stock should be excluded from the paddock for a 3 week period to avoid nitrate poisoning.

**Grazing Management (establishing pasture).** Phosphorus should be applied close to the seed at sow, maximum nitrogen safe seed rate is 10kgN/ha with the seed. Lightly graze pasture 4-6 weeks post emergence (or when seedlings won't pull from soil) and then apply an application of nitrogen to encourage tillering.

2. **Pasture Composition** plays a part in determining nitrogen responses - generally pastures with a high composition of improved grasses ie.ryegrass and low to moderate composition of clover (up to 30%) will provide the better pasture response, as will pastures with minimal weeds, disease and insect pest activity.

3. **Paddock fertility** is very important in supporting a healthy pasture - ensure major nutrients, trace elements and soil ameliorates are addressed to improve dry matter responses to nitrogen applications.

4. **Moisture** is probably the major limiting factor to nitrogen responses - ensure the soil has adequate soil moisture to sustain production and following a broadcast nitrogen application at least 5mm (light soil) or 10mm (heavy soil) rainfall event or irrigation follows within 2 days of application. Green Urea can be consider if volatilisation is considered to be an issue.

5. **Application Rates** should be in a range of 30-50kgN/ha.

6. **Time of year (season)** causes variation in responses to nitrogen. Responses to perennial ryegrass can be as low as 5 kgDM/ha/kgN in the winter and up to 25 kgDM/ha/kgN in the spring. Italian type ryegrasses tend to be more responsive to nitrogen than perennials. Forward thinking in predicting future gaps will allow nitrogen applications to be used to maximum efficiency ie. Aug 15 calving herd should have nitrogen applied on 1st July assuming leaf emergence every 15 days.

7. **Cost of Dry Matter** is the key consideration in determining whether nitrogen should be applied or not. Estimates on expected dry matter responses and utilisation coupled with the cost of nitrogen will provide a dry matter cost, this can then be compared to other feed alternative to see the value (or not) in using nitrogen. These costs will vary during the year with winter feed the most expensive.

8. **Environment** can be negatively impacted by poor nitrogen management. Don't apply close to waterways, or to paddocks that are waterlogged and grasses are not growing.

9. **Utilisation** - If the additional pasture Dry Matter grown as a result of applying Nitrogen can not be utilised, do not apply Nitrogen.

Follow the points listed above for best practice management.

*Disclaimer: Laboratory analyses and fertiliser recommendations are made in good faith, based on the best technical information available as at the date of this report. Incitec Pivot Limited, its officers, employees, consultants, Agents and Dealers do not accept any liability whatsoever arising from or in connection with the analytical results, interpretations and recommendations provided, and the client takes the analytical results, interpretations and recommendations on these terms. In respect of liability which cannot be excluded by law, Incitec Pivot's liability is restricted to the re-supply of the laboratory analysis or the cost of having the analysis re-supplied.*



**Submission 3**

03 August 2019

General Manager  
Goulburn Mulwaree Council  
Locked Bag 22,  
GOULBURN NSN 2580

Dear Sir,

**Planning Proposal (REZ/0004/1819) - Local Environmental Plan 2009  
Amendments to Clauses 4.1AA & 4.2B (RU6 Transition Zone)**

Reference is made in relation to the Goulburn Mulwaree Council Planning Proposal currently on Public Exhibition to amend LEP 2009 clauses 4.1AA & 4.2B to include RU6 Transition zone in relation to the application of minimum allotment sizes.

The draft Urban and Fringe Housing Strategy that is yet to be finalized looks at expected LGA wide housing demand due to continued population growth of only 3500 dwellings over the next 18 years to 2036 which equates to around 8000 to 9000 people i.e. only 450 to 500 people per year. These estimates could be based on historical data over the last 10 to 15 years and the housing demand for the Goulburn Mulwaree LGA could be much more over the next 10 to 20 years and could be 3 to 4 times higher than historical average based on the below factors.

Economic indicators and Government's immigration and refugee resettlement policies suggest that the population growth over next 20 years will be much more than the last 5 years average because of Western Sydney Airport, settling migrants and refugees in regional areas and people moving from both Sydney and Canberra because of affordability issue.

Also, Economic indicators suggest that there will be growing demand for affordable large lots residential and rural residential lots from people living in Sydney as Goulburn is only 90mins away from Campbelltown / Camden areas and the lot sizes are getting smaller and expensive in Sydney and its fringes.

News Paper reports suggest one of the Federal Government's priority is looking at ways to redirect the migrants from Sydney to settle in regional areas and regions which were identified included Goulburn. Also, State Government's refugee resettlement strategy is to settle refugees in regional NSW.

Based on the above factors, request Council to reconsider not to amend the LEP 2009 clauses 4.1AA & 4.2B to include RU6 Transition zone in relation to the application of minimum allotment sizes to have the flexibility and assess it on case by case depending on the location and demand at that time rather than completely removing the flexibility.

If you have any queries or require further information, please contact me on 0414 537269.

Yours Sincerely,

Suresh Guduguntla

**Submission 4**

HARD COPY OF E-MAILED SUBMISSION.

SCANNED

2<sup>ND</sup> August 2019

The General Manger  
Goulburn Mulwaree Council  
Civic Centre  
Bourke Street  
GOULBURN NSW 2580

Goulburn Mulwaree Council

Date Received: .....5/8/19.....

Signature: .....*J. Askv*.....

**ATTACHED SUBMISSION FOR PROPOSED CHANGES**

**TO RU6 TRANSITION CLAUSES**

**Proposal Number (REZ/0004/1819)**

Dear Sir,

Please find attached above mentioned submission for consideration of this matter.

The history and previous processes relating to the RU6 Transitional Zoning implication are advised in the attached proposal, of which my family have been a part of for the last decade.

I await Councils finding in relation to this matter.

Yours faithfully

Annette R Taylor

**Submission 4**

**SUBMISSION RELATING TO PROPOSED AMENDMENT TO**

*Goulburn Mulwaree Local Environmental Plan 2009*

*Including zone RU6 Transition in Clauses 4.1AA & Clause 4.28*

**Proposal Number (REZ/0004/1819)**

Submission presented by **Annette Taylor**

General Objection

&

REVELENCE TO BRISBANE GROVE AREA

Relative to existing Land Rated RU6 Transitional

Advising that I Annette Taylor have never made a Political donation  
and therefore not in the last 2 years.

1.

**Submission 4****SUMMARY:**

As we are all aware the people of the RU6 Transitional Zoning wish to have the ability to make decisions relating to their life style choices.

We are also aware where current developments are happening .eg. Mary,s Mount housing area.

We also know that 10ha ( 25 acres to smaller 2.2ha ( 5 acres) Life Style blocks are popular but scarce.

**BUT**

There are many other areas that have marked time for a decade or more to be able to Plan & Process existing lands, with simple planning processes from supporting Councils.

**SO**

If the RU6 Transitional Zone loophole (as you call it) is closed.

What Zoning does the various areas change to.

What costings are the land holders going to have applied.

What comfort & Confidence do the land holders receive in development of their lands from Councils.

**NB: MY RELEVANT AREA – BRISBANE GROVE – GUNDARY AREA.**

Over the last decade with many discussions with council, the major issue that has always been applied, is that Councils reluctance in providing costs for infrastructure, e.g. water, electricity, sewerage etc, are not available.

This argument is not co-operative.

When people buy Life Style blocks, they the **Purchasers** have factored in the Infrastructure costings themselves, which has proved to be successful.

**THEREFORE THERE IS NO COSTS TO COUNCIL:**

**Thank you.**

3.

Submission 4

REF: - WESTON  
242 BRISBANE GROVE RD.  
GOULBURN NSW 2580 PROPERTY NO. 1016271



4.

**Submission 4****SUBMISSION REFERENCE RU6 TRANSITIONAL  
ZONING CHANGES (REZ/0004/1819)**

Hello, my name is Annette Taylor and my family and I own property on the Brisbane Grove Rd .

Specifically 242 Brisbane Grove Rd shows the RU6 Transition part of the Property as per attached map.

**We wish to have noted that we Strongly Object to any change of this zoning.**

We have been part of the previous Discussions, Submissions, Meeting in **2008** through to **2011** relating to land zonings that helped implemented the **RU6 Transitional Zone**, for land surrounding the City and Towns in the Goulburn Mulwaree Council.

The reasoning for **RU6 Transitional Zoning** still exists today.

1. The area is already fragmented with small farms, lots, etc which are not viable income producing business any more.
2. These are areas falling into neglect & stagnation due to the age of the owners fitness issues.
3. Therefore creates ongoing issues of **Current and Succession Planning** for these families – some up to 7 generations.

**ORIGINAL IMPLICATION OF RU6 TRANSITIONAL ZONE.**

As previously stated many hours, meeting, submissions, partitions went into giving the land holders some certainness, easier transitions and future options.

This can be verified by Goulburn Mulwaree Councillors, many that are still part of the Council today, and the documentations with Council

e.g. **EXTRAORDINARY COUNCIL MEETING – Thursday 7 April 2011 .**

2.

## Submission 4 – Planning Proposal

This Notice advises that Goulburn Mulwaree Council is the Relevant Planning Authority for the purpose of a proposed Amendment to *Goulburn Mulwaree Local Environmental Plan 2009* to include zone RU6 Transition in Clauses 4.1AA (Community Title Subdivision) and Clause 4.2B (Strata Title Subdivision). The subject amendment is intended to provide strategic direction in relation to minimum allotment sizes applying to Community Title and Strata Title Subdivisions within the RU6 Transition zone.

### Exhibition details:

The planning proposal and supporting information will be on public exhibition from **Thursday 6 June 2019 until close of business Monday 5th August 2019** (it is noted that the public exhibition period has been extended from the original closing date of 5th July, 2019). It will be available to view at the Civic Centre (184 Bourke Street Goulburn), the Goulburn Mulwaree Library or at [www.goulburn.nsw.gov.au](http://www.goulburn.nsw.gov.au)

Submissions shall be made in writing addressed to the General Manager, including the planning proposal number **(REZ/0004/1819)**, in person at the Civic Centre, via post to Locked Bag 22 Goulburn, NSW, 2580 or emailed to [submissions@goulburn.nsw.gov.au](mailto:submissions@goulburn.nsw.gov.au)

Please note, submissions may be made public in accordance with the *Government Information (Public Access) Act 2009* including both the substance and the identity of the author. Submissions may be provided or published in Council reports and correspondence, on Council's website, to government agencies, in court proceedings or to any person seeking a copy. The onus is on anyone making a submission to advise if they have made any political donations within the last two (2) years.

### Contact Details:

If you would like to speak with a Council officer about the proposed amendment, please contact Council's Strategic Planning Team on (02) 4823 4444 during business hours.

**Urban Fringe Housing Strategy Submission  
Goulburn Mulwaree Council****Submission 5**

23 October 2019

Mr &amp; Ms Weir

By email: [submissions@goulburn.nsw.gov.au](mailto:submissions@goulburn.nsw.gov.au)

Warwick Bennett  
General Manager  
Goulburn Mulwaree Council  
184-194 Burke Street  
Goulburn NSW 2580

Dear Mr Bennett

**Goulburn Mulwaree Planning Proposal (REZ/004/1819) - Submission**

We are the owners of 70 Gurrundah Road, Goulburn (the land). We are writing in response to the Goulburn Mulwaree Council's (the Council) Planning Proposal for an Amendment to the 'Goulburn Mulwaree Local Environmental Plan 2009' to include the RU6 Transition Zone in Clauses 4.1AA (Community Title Subdivision) and Clause 4.2B (Strata Title Subdivision).

**The Land**

The land is 10.16ha in size and is currently zoned RU6 (Transition) under the *Goulburn Mulwaree Local Environmental Plan 2009*.

**The Planning Proposal - Rationale**

At its meeting on 5 March 2019, the Council resolved to proceed with a Planning Proposal on the basis that such an action would address expressed concerns in relation to the probability of Development Applications (DAs) being lodged resulting in "ad-hoc residential development" on the fringe of Goulburn and Marulan.

Such concerns were based on the recent receipt of a specific DA for a 'Community Title' subdivision plus enquiries for potential residential development that emanated from the exhibition of the 'Draft Urban and Fringe Housing Strategy' (the Strategy) in February 2019 which had received a very high level of interest and subsequently had an extension of its exhibition period to 1 March 2019.

The Strategy resulted in forty-seven (47) "high level submissions" according to a Council statement. Given the number of submissions received, the Strategic Planning area within the Council, identified a need for the Council's urgent decision and action, on the basis that there was deemed to be, a "substantial risk that a DA will be presented ... Refusal of applications could lead to appeals against Council decisions in the NSW Land and Environment Court".

The initial Planning Proposal was prepared and lodged with NSW Department of Planning, requesting a 'Gateway Determination' on 25 March 2019. A qualified approval was initially received by the Council and on submission of a revised version, the Council received a Determination on 2 May 2019. The Council exhibited the Planning Proposal on 6 June 2019 and following our request, the exhibition period was extended to 5 August 2019.

**The Planning Proposal – in more detail**

The Council cites within its Planning Proposal, the need to amend the Local Environmental Plan 2009 (LEP 2009) due to "lack of strategic direction provided for the location of Community Title and Strata Title subdivisions within the RU6 Transition zone which covers extensive areas around towns and villages"

190369\_003.docx

Goulburn Mulwaree Council  
184-194 Burke Street  
Goulburn NSW 2580

2.

**Submission 5**

23 October 2019

Such a statement implies that the Council has determined that the proposed changes to the LEP 2009 are going to remedy an identified "lack of strategic direction" in terms of planning. It is suggested that the Council would benefit from some further research into the methodologies employed by many other regional Councils to manage development in urban fringe locations. Our research has identified that a minority of regional NSW Councils do NOT use RU6 Transition zoning. The majority of Councils use additional rural zones supported by additional (locally specific) clauses that enable transparency around the staging of development and its associated opportunities and benefits for the local community.

Some of the existing RU6 zoned land that will be impacted by the Planning proposal is currently impacted by a Section 94 Development Contribution Plan. Given the purpose of a designated Contribution Plan area, this now creates confusion and ambiguity for affected landowners

The Planning Proposal format poses specific questions to planning proponents. The Council has responded inaccurately to some of these questions, for example:

*3.1. Is the Planning Proposal a result of any strategic study or report?*

The Council responds to this question in the negative but references the draft Strategy and its purpose; however, the Council also states, "the area is dominated by rural residential development and is currently un-serviced by town reticulated water and sewer". This statement is **incorrect** as although most lots use septic systems, many lots have reticulated water.

*3.2 Is the Planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

This question implies that a planning proposal proponent has completed their due diligence and assessed all other feasible options; However, Council responds "it is the best means of addressing orderly development". This statement clearly identifies that Council has not undertaken due diligence as there are a number of options available that were not researched or investigated. This was confirmed in our meeting with the Director of Planning (Mr Scott Martin) and the Mayor (Mr Bob Kirk).

It would appear from the Council meeting records, that Councillors accepted the one and only option provided to them as a solution to address this issue.. Given the impact of this decision on hundreds of people within our community, it is suggested that in future, a new "**standard**" be introduced to all briefing/reports for meetings. Such a "standard" would require the provision of an outline of all possible options to a planning/development issue.

*4.3 Section 9.1 ministerial Directions  
2.3 Residential Zones*

The Council have enabled the Regional Planning Panel to have an understanding that the proposal does not affect land in an existing locality in which significant residential development is or is proposed to be permitted.

Given that (Council supported development) areas of proposed medium density development within very close (60 meters) proximity to RU6 transition zoned land, have already been identified within the draft Strategy, this is an extremely inaccurate perception currently held by the Regional Planning Panel that the Council have not taken any action to correct.

Furthermore, it is apparent that the Council have also enabled a misconception to prevail in relation to the average size of RU6 lots that will be impacted by this planning proposal. The Regional Planning Panel has a stated understanding that the subject land is "namely 20ha to 40ha for Goulburn" when, in fact, the large majority of lots are 10 ha for Goulburn. This is a serious misconception, given that there is a general perception around the size of a lot that can sustain an agricultural based income. The Council, it is suggested, has allowed this inaccuracy to be sustained in order to strengthen the view that the majority of impacted land is capable of supporting primary production which is definitely not the case.

*5.1 Social (Impact) and 5.3 Economic (Impact)*

190369\_003.docx

Goulburn Mulwaree Council  
184-194 Burke Street  
Goulburn NSW 2580

3.

## Submission 5

23 October 2019

The Council have stated to the Regional Planning Panel that there are negligible social and economic impacts which essentially disregard the very significant impact on existing landowners who have procured land on the basis of future economic returns.

In addition, some areas of existing RU6 zoned land are located within metres of similarly RU6 zoned land that has already achieved Council support/approval for low and medium density development. Some of these development sites have already been commenced despite environmental issues identified within the draft Strategy. This raises the question, how can a draft Strategy be considered "draft" when areas identified being considered for future development possibility have already commenced development?

### Consultation

The consultation associated with the Planning Proposal has been negligible, and Council has been, it is suggested, totally ingenuous in the manner and commitment to consult with the impacted landowners.

For example, all those who provided submissions to the draft Strategy were NOT informed about the outcomes of their submissions and the Council decision to proceed with this Planning Proposal.

In fact, the Council's first communication to those who lodged submissions to the Strategy was a letter distributed on the same day that the Planning Proposal was uploaded for public exhibition on the Council's website. However, the letter from the Council did NOT mention the Planning Proposal and its possible ramifications for affected landowners.

A few impacted landowners have met with relevant personnel from the Council and this merely resulted in an extension of the exhibition period. The majority of people in our community do not have any reason to monitor the Council's website for news and neither do they have an understanding or even basic knowledge about the meaning of 'Planning Proposal' etc.

The technical language constantly employed by the Council in relation to planning matters is a huge barrier to engaging the community and the poor selection and use of appropriate media to convey such important messages is critical to achieving the trust and respect of the community.

### Summary

For the above reasons and others associated with the non-alignment with numerous and relevant strategic documents, the Planning Proposal as exhibited by the Council is considered to be an inappropriate and ill-considered solution to a land development issue that has previously been addressed so successfully by many other NSW Councils.

We therefore request that the Council reconsider its options and undertake the necessary due diligence around researching all options and genuinely consulting with the community.

Please do not hesitate to contact us on  
aspect of our submission.

if you would like to discuss any

Yours sincerely

Jan and Alex Weir

190369\_003.docx

**Submission 6**

**General Manager,**  
**Goulburn Mulwaree Council,**  
[submissions@goulburn.nsw.gov.au](mailto:submissions@goulburn.nsw.gov.au)

**Submission Planning Proposal REZ\_0004\_1819**

Dear Sir,

Having read through the amended planning proposal and Council's rationale for the proposed LEP amendments, to "ensure that Community Title subdivision will occur without any adverse impact on environmental or rural values" in the RU6 Zone.

**Council may be better to consider, not amending Clause 4.1AA in the current planning proposal and instead amend control plans that will facilitate the use of Community Title in areas of the RU6 zone to manage areas with environmental, cultural and heritage significance.**

We would make the argument than there is nothing more environmentally sustainable than a Community Title development. The environmental benefits of a Community Title development is the ability to fund and manage environmental assets in perpetuity in a community lot and provide large amounts of open space. This is particularly so where special ecological, and aesthetic values are present and enjoyed beyond the bounds of a subdivision.

Part of the environmental benefits of a Community Title development is the pooling of resources, particularly where the majority of the services can be drawn from the environment, eg solar power, ground source heating, environmentally conscious design of buildings, water recycling. All areas that go above and beyond any of the requirements placed by Council on recent and current developments.

To adopt a standard minimum lot size, in line with typical Torren's title subdivisions across the zone, will squander those opportunities.

We understand that the Planning Proposal was a broad approach to prevent inappropriate residential subdivision within a rural zone. In particular the RU6 Transition Zone. The objectives of the zone include the protection and maintenance of land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities and to minimise conflict between land uses within this zone and land uses within adjoining zones.

The Justification of the planning proposal includes the avoidance of fragmenting productive agricultural land and making sure developments doesn't conflict with current land use. Our observations would indicate that this has already been allowed to occur in the Run-O-Waters locality using the current minimum lot sizes.

**Submission 6**

The family farm has run a beef cattle and cereal cropping enterprise at 65 Foord Road, Run-O-Waters for over 30 years. In recent years the business has suffered increasing management difficulties as a result of the surrounding developments. Almost every boundary of our land has been developed or approved for residential development.

This residential growth in the immediate area has negatively impacted farming operations. We have lost cattle as a result of them ingesting rubbish blown across the paddocks from neighbouring building works. Notwithstanding the suffering felt by the particular animals, this was both financially and emotionally distressing. Grazing activities may be restricted in the future because it won't be safe to spray the necessary chemicals to plant crops with people now living so close. We have had a number of straying dogs on our property and had comments on both noise and odour. It is becoming increasingly clear that as a result of surrounding developments it will soon be impossible to carry on a profitable agricultural enterprise on the land.

**Council may be better to consider, not amending Clause 4.1AA in the current planning proposal and instead amend control plans that will facilitate the use of Community Title in areas of the RU6 zone to manage areas with environmental, cultural and heritage significance.** This could be achieved by insisting that the Community Title lot is used to achieve environmental and community well being outcomes and is equal to or greater in area than the aggregate of the total lots developed in the subdivision. By only allowing community title development in areas where existing urban infrastructure services can be easily augmented, will ensure orderly development in the immediate locality.

In December 2017 my husband, Christopher Burton, and I sat with the Mayor and General Manager to discuss the concept of a Community Title-based development on land off Gurrundah Road and Pockley Drives (lot10 DP 625626). This was a very positive conversation met with great enthusiasm for the idea of an environmentally driven development involving pooled community resources and a new and exciting housing option not currently available in our area. We have invested a huge amount of time and resources to develop plans for an equestrian facility on part of lot 10. (DA/0437/0607, modified by MOD/066/1718). We made those decisions to make our investment on the basis of the positivity displayed at that meeting.

We love the Goulburn area and look forward to relocating once our business has finished here in the UK, and a clearer strategic framework for community title development is in place.

Rebekah Burton.

**15.3 1920T0005 CONCRETE SERVICES PANEL**

**Author:** Andrew Cartwright, Business Manager Works

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. 1920T0005 - Evaluation Sheets (signed).pdf - Confidential

<b>Link to Community Strategic Plan:</b>	IN 3.2 – Implement Road Infrastructure Capital Works and Maintenance Programs
<b>Cost to Council:</b>	To be funded from allocated Capital Works and Maintenance Budgets
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That:

1. The report from the Business Manager of Works on the establishment of the Concreting Services panel be received.
2. Council approve to establish a panel of seven (7) suitably qualified and equipped concreting contractors to assist with the delivery of maintenance and capital works programs on an as required basis and in accordance with 1920T0005. The 7 contractors are:  
 Denrith Pty Ltd,  
 South Syd Concrete Pty Ltd,  
 Rok Solid Concreting Pty Ltd, Planet Civil Pty Ltd,  
 Mack Civil Pty Ltd,  
 Innovative Concrete Pty Ltd and  
 Form and Pour Constructions.
3. Council delegate authority to the General Manager to extended these contracts by up to two (2) one (1) year extensions subject to satisfactory performance.

**BACKGROUND**

Council have ongoing annual maintenance programs to replace aged and damaged concrete infrastructure. Also, new infrastructure such as roundabouts, building slabs, footpaths and kerb and gutter is installed as part of capital works projects.

Concreting works are integral to capital works and maintenance programs across Council. Replacement of existing concrete assets plus creation new concrete assets is an ongoing task and requires ready access to suitably experienced and skilled resources. While Council does have works crews that perform concrete works, the volume of concrete works that is carried out requires access to concrete contractors.

Recent difficulty with securing suitable contractors to undertake concrete works has prompted the decision to expand the current panel arrangements from three (3) contractors to seven (7) contractors to assist with availability at all times throughout the year.

**REPORT**

To achieve Council’s level of service in creating and maintaining concrete infrastructure, it is proposed to establish an expended panel of suitably qualified and experienced concrete contractors to assist in undertaking concreting works throughout the LGA on an as required basis. Due to the extent of concrete works required, the existing concrete services panel of three (3)



Price was kept separate from the evaluation of the non-price criteria to avoid bias in evaluation.

Evaluation of the tenders received against the price and non-priced criteria established an overall Value for Money ranking as shown in the following table:

- 1 Denrith Pty Ltd
- 2 South Syd Concrete Pty Ltd
- 3 Planet Civil Pty Ltd
- 4 Form and Pour Constructions
- 5 Mack Civil Pty Ltd
- 6 Innovative Concrete Pty Ltd
- 7 Rok Solid Concrete Pty Ltd

**Denrith Pty Ltd** submitted a conforming tender that satisfied all of the qualitative criteria. The company provided details of company experience & referees, capability and resourcing and provided evidence of a comprehensive management system. Their priced submission indicates that the company could provide Council with a value for money outcome when engaged to undertake works as per the pricing schedule. Denrith Pty Ltd have performed numerous concrete works for Council over recent years although the quality of some recent works has been variable and will be monitored for improvement.

**South Syd Concrete Pty Ltd** submitted a conforming tender that satisfied all of the qualitative criteria. The company provided details of company experience & referees, capability and resourcing and provided evidence of a management system. Their priced submission indicates that they could provide a value for money option to Council for some items listed in the pricing schedule. South Syd Concrete Pty Ltd have performed numerous concrete works for Council to a satisfactory standard over recent years.

**Planet Civil Pty Ltd** submitted a conforming tender that satisfied all of the qualitative criteria. The Company provided details of experience & referees, capability and resourcing and provided evidence of a Management system. The Management system provided was viewed as poor, however was considered acceptable based on the small size of the company. Their priced submission indicates that they could provide a value for money option to Council for some items listed in the pricing schedule. Planet Civil Pty Ltd have not undertaken works for Goulburn Mulwaree Council previously.

**Form and Pour Constructions** submitted a conforming tender that satisfied all of the qualitative criteria. The Company provided details of experience & referees, capability and resourcing and provided evidence of a Management system. Their priced submission indicates that they could provide a value for money option to Council for some items listed in the pricing schedule. Form and Pour Constructions have not undertaken works for Goulburn Mulwaree Council previously.

**Mack Civil Pty Ltd** submitted a conforming tender that satisfied all of the qualitative criteria. The company provided details of company experience & referees, capability and resourcing and provided evidence of a comprehensive management system. Their priced submission indicates that the company could provide Council with a value for money outcome when engaged to undertake works as per the pricing schedule. Mack Civil Pty Ltd have not undertaken works for Goulburn Mulwaree Council previously.

**Innovative Concrete Pty Ltd** submitted a conforming tender that satisfied all of the qualitative criteria. The Company provided details of experience & referees, capability and resourcing and provided some evidence of a Management system. The Management system provided was viewed as poor, however was considered acceptable based on the small size of the company. Their priced submission indicates that they could provide a value for money option to Council for some items listed in the pricing schedule. Innovative Concrete Pty Ltd have been engaged as a subcontractor on Council concrete works and performed to a satisfactory standard in recent years.

**Rok Solid Concrete Pty Ltd** submitted a conforming tender that satisfied all of the qualitative criteria. The Company provided details of experience & referees, capability and resourcing and provided evidence of a Management system. The Management system provided was viewed as poor, however was considered acceptable based on the small size of the company. Their priced submission indicates that they could provide a value for money option to Council for some items listed in the pricing schedule. Rok Solid Concrete Pty Ltd have performed some concrete works for Council to a satisfactory standard over recent years.

Based on the evaluation report, the Evaluation Panel recommends that:

- Denrith Pty Ltd,
- Form and Pour Constructions,
- Innovative Concrete Pty Ltd.
- Mack Civil Pty Ltd,
- Planet Civil Pty Ltd,
- Rok Solid Concrete Pty Ltd,
- South Syd Concrete Pty Ltd,

be the approved contractors to undertake concreting works on behalf of Council under the 1920T0005 Concrete Services Panel Tender as all submitted conforming offers and offer value for money options to Council.

**15.4 2020 AUSTRALIAN BLUES MUSIC FESTIVAL**

**Author:** Sarah Ruberto, Business Manager Marketing Events & Culture

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** Nil

<b>Link to Community Strategic Plan:</b>	Strategy EC2 – Jointly develop appropriate tourism opportunities and promote the region as a destination. Strategy CO2 – Encourage and facilitate active and creative participation in community life. Strategy CO4 – Recognise and celebrate our diverse cultural identities, and protect and maintain our community’s natural and built cultural heritage.
<b>Cost to Council:</b>	\$1,720.00 to be funded from the Event Development Budget, with funds to be transferred to the appropriate internal cost centre for waste and park hire fees
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

1. That the report on the 2020 Australian Blues Music Festival by the Business Manager Marketing, Events & Culture be received and noted.
2. Council allocate an addition \$1,720 for the Australian Blues Musical Festival with the hire and use of Seiffert Oval, along with the associated waste fees to be funded from the 2019/20 Event Development budget.
3. These costs be factored into the Deed of Agreement with Australian National Events for the duration of their five year Agreement (2020-2024 Festivals), and the forward budgets amended to reflect these amendments.

**BACKGROUND**

At the 16 July 2019 Council Meeting, Council resolved to engage Australian National Events (ANE) for the management and delivery of the Australian Blues Music Festival for a five year period, 2020-2024.

This report seeks to address some anomalies in the Agreement between Council and ANE, and provide clarity around the funding agreement and provision of services under this Agreement.

**REPORT**

At the 19 March 2019 Council Meeting, Council resolved:

*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**

Additionally, at the 16 July 2019 Council Meeting, Council resolved:

**15.27 AUSTRALIAN BLUES MUSIC FESTIVAL 2020-2024  
RESOLUTION 2019/267**

*Moved: Cr Peter Walker*

*Seconded: Cr Alfie Walker*

*That:*

*1. The report from the Business Manager Marketing, Events and Culture in regard to the Australian Blues Music Festival 2020 to 2024 be received*

*2. Council engage Australian National Events for the management and delivery of the Australian Blues Music Festival 2020-2024.*

*3. Council enters into a Deed of Agreement with Australian National Events, and the Council seal be affixed.*

*4. Requests for in-kind support by Australian National Events for the running of the festival be considered by Council on an annual basis.*

**CARRIED**

Since that time, Council staff have been working with ANE to resolve the finer details of the 2020 Festival, including their venue requirements. In doing so, it highlighted that the Deed of Agreement and Council resolution are silent in relation to the use and hire of Council facilities i.e. Seiffert Oval and/or Belmore Park. Under the Agreement with the previous organisers, park hire, cleaning and waste removal fees were waived by Council. Whilst this does set a precedent for the Festival, this needs to be clarified through a decision of Council and in turn as an Addendum to the Deed of Agreement.

Quotes have been prepared to reflect the costs of both Belmore Park and Seiffert Oval for the sake of cost comparisons. It is noted that at this stage ANE do not plan to use Belmore Park for the Festival, however it provides Council with an indication of the costs absorbed by Council for the last ten years of the Festival.

<b>Booking details</b>	<b>Seiffert Oval Charges inc. GST</b>	<b>Belmore Park Charges inc. GST</b>
Oval/Park Hire	\$1,396.00	\$2,589.44
Cleaning	\$334.00	\$334.00
Waste (hire, delivery, pick up & empty)	\$1,324.00	\$1,324.00
<b>TOTAL</b>	<b>\$2,720.00</b>	<b>\$3,913.44</b>

It is noted that ANE will provide their own cleaning services for the event, and as such the \$334.00 has been removed from the totals above.

As per the 19 March 2019 Council Resolution, the erection of street banners is being funded by Council. ANE have requested that the \$1,000 resolved to be used for TV advertising, be used to offset the venue hire costs, bringing the total down to \$1,720.00.

As a Council owned event, until now, the costs of waste removal for the Australian Blues Music Festival have been absorbed by Council. In an effort to capture the true costs of the event, it is proposed that the additional funds be sourced from the Event Development budget to reimburse

the relevant waste and operations budgets to account for the cost of the associated hire and waste fees. The Deed of Agreement and future Council budgets should be amended accordingly to reflect these changes.

ANE are working hard to deliver a brand new element to the Australian Blues Music Festival, which will see Seiffert Oval used as the centrepiece and main stage area for the Festival, with the CBD venues to be used to compliment these activities at night. The support of Council is requested to give ANE the opportunity to deliver a new and elevated event experience for this long term Festival.

**15.5 RENEWAL OF ANGLICARE LEASE - MARULAN PRESCHOOL**

**Author:** Ken Wheeldon, Business Manager Property & Community Services

**Authoriser:** Warwick Bennett, General Manager

- Attachments:**
1. Letter - Anglicare - Sale of Pre-school [↓](#) 
  2. Market Valuation Report - 38 George Street, Marulan [↓](#) 
  3. Market Rental - 38 George Street, Marulan [↓](#) 

<b>Link to Community Strategic Plan:</b>	CL4 Actively investigate and communicate funding sources and collaboration opportunities that can strengthen the region.
<b>Cost to Council:</b>	<ol style="list-style-type: none"> <li>1. \$1,160 - Current Market Valuation</li> <li>2. \$850 - Current Market Rental Assessment</li> <li>3. \$220 - Pest Report and;</li> <li>4. Costs associated with preparing and registering the lease with NSW Land Registry Services to be met by Anglicare</li> </ol>
<b>Use of Reserve Funds:</b>	Nil.

**RECOMMENDATION**

That:

1. The report from the Business Manager Property & Community Services on considerations for renewal of the lease to Anglicare for their continued operation of Marulan Preschool at 38 George Street, Marulan be received.
2. A new 2 year lease be entered into with Anglicare at an annual rental of \$4,400 per annum (inclusive of GST) plus a CPI adjustment at the first anniversary.
3. Work required to address the white ant activity in terms of remediation be included in the 2020/21 Building Maintenance budget.
4. The Council seal be affixed to the new lease for registration purposes with NSW Land Registry Services.

**BACKGROUND**

At its meeting held on 20 November 2018, Council considered a report on property sales and resolved to commence discussions with Anglicare to determine whether they wish to pursue ownership of 38 George Street, Marulan (Lot 1 DP 23030 – Marulan Preschool) and, if so, Council undertake a public consultation process before any sale process commences.

At its meeting held on 21 May 2019, Council considered a report on the lease to Anglicare for continued operation of the preschool and resolved that;

1. The Lease to Anglicare be increased by 5% (back dated to 19 April 2019) and continue on a month to month basis until the end of 2019 and;
2. A further report be presented to Council before the end of 2019 to allow Anglicare time to confirm its position in terms of renewing their Lease (at an agreed new rental) or making an offer to purchase this property from Council.

This report provides an update on the outcome of Anglicare’s deliberations.

**REPORT**

Council property services staff have been in communications with Anglicare since Council resolved to commence discussions with them to determine whether they wish to pursue ownership of 38 George Street, Marulan (Lot 1 DP 23030 – Marulan Preschool). Subsequently Council is now in receipt of a letter from Anglicare advising of their position on this proposal (refer attached letter).

Unfortunately Anglicare are not in a position to consider purchasing this property at this time however they would like to renew their lease for a further 2 years.

Canberra & Goulburn, Youth and Family Services (Anglicare), a not-for-profit organisation that in this case, supports the community and families who are classed as disadvantaged by providing reduced daily fees to assist with preparing children for kindergarten.

The property at 38 George Street, Marulan is therefore important to the social needs of Marulan however it does not necessarily need to be retained in Council's long term ownership and should be explored within the next 2 years in further consultation with Anglicare.

This property has been leased to Anglicare since 2006. The current lease matured on 19 April 2019 and has continued on a month to month basis pending a response from Anglicare on their future intentions for use of this property.

The current rental of \$4,185.71 per annum (inclusive of GST) includes a 5% increase on the previous rental since Council's agreement earlier this year to continue the current lease on a month to month basis until the end of 2019. This decision was made in order to give Anglicare's Board sufficient time to consider a number of options for the future way of operation of the Marulan Preschool. Anglicare also pay in excess of \$2,700 in rates per annum. The market rental for the property is assessed at \$14,600 but that is considered not to be affordable for this organisation.

A Market Valuation Report and Market Rental Assessment was provided to Anglicare's Board to assist them with their considerations of;

- a) Making an offer to Council to purchase the preschool and grounds
- b) Relocating to a new purpose-built facility or;
- c) Exiting this service entirely

however they have confirmed they would like to renew the lease for a further 2 years and request Council to attend to remedial work associated with previous white ant activity.

Copies of the Market Valuation Report and Market Rental Assessment are attached to this report for information.

Council's Building Maintenance section are currently arranging to have the building re-sprayed and will include funds in the 2020/2021 Building Maintenance budget to attend to well overdue remedial works as a result of the white ant activity i.e. patching holes in walls, replastering etc.

Anglicare has invested in excess of \$60,000 in this property since 2006. In regards to maintenance and upkeep of the preschool, Anglicare have arranged and paid for;

1. Anglicare's maintenance worker to attend the preschool one day per fortnight to:
  - mow
  - maintain grounds and building
  - remove fallen gum tree debris
  - replace lights
  - fix door handles
  - paint
  - repair and straighten fence
  - organise trades when required and any other jobs logged by their service coordinator
2. Pest spray inside and outside of building and within grounds undertaken every 3 months
3. Plumbing undertaken on a number of occasions
4. New hot water service (2017/18)
5. New turf laid in outside areas
6. Landcare attended and planted natives at the back of playground
7. Staff working bee occurs regular (last working bee in October where 8 staff from other services attended to clean inside an outside premises)

Please note, points 1, 2 and 7 are ongoing.

It is recommended a new 2 year lease be entered into with Anglicare, effective 1 January 2020, at an annual rental of \$4,400 (inclusive of GST) per annum plus a CPI adjustment at the first anniversary having regard to;

- The Market Valuation Report and Market Rental Assessment
- Improvements carried out to the property, mostly at Anglicare's expense
- The current amount of rent per annum
- Anglicare being responsible for all costs associated with ongoing maintenance and repair of the building and payment of the rates
- Anglicare's considerable expenditure on maintenance and improvements to date
- Evidence of serious white ant activity damage in rear of building requiring remedial work which may disrupt preschool operations when this work is programed
- This being a small preschool within a rural community (currently operating five days per week but most likely to reduce to four days per week, effective 2020) with approximately 32 enrolments from 28 families.

Council, as the lessor, must maintain in a state of good condition and serviceable repair the roof, ceiling, external walls and external doors and associated door jambs, and the floors of the property and must fix structural defects. Council is also required to maintain the property in a structurally sound condition and maintain essential services. The lessee must otherwise maintain the property in its condition at the commencement date and promptly do repairs needed to keep it in that condition but the lessee does not have to:

- Alter or improve the property
- Fix structural defects
- Repair fair wear and tear

In conclusion, this property has been generally well maintained since 2006 and most of the improvements have been at no cost to Council.

[www.anglicare.com.au](http://www.anglicare.com.au)

30<sup>th</sup> October 2019

Mr. Ken Wheeldon  
Goulburn Mulwaree Council  
Locked Bag 22  
GOULBURN NSW 2580

Dear Mr. Wheeldon,

**RE: Marulan Preschool – Sale by Council**

Thank you for allowing time for Anglicare and its Board to consider options for the future operation of Marulan Preschool, and for providing an extension on our current lease on a month by month basis until December 2019. I also appreciate the effort you have made to find a mutually agreeable solution with our Executive Manager, Simon Bennett.

As Council may be aware, the Marulan Preschool commenced operation as a community preschool managed by a parent committee in September 1986. About 15 years ago, the preschool committee approached Anglicare to take over the management of the centre due to changes in legislation requiring a stronger focus on the legal aspect of operations, and financial difficulties, so Anglicare saw this as a potential opportunity to assist the local community and took over the operation in 2006.

The preschool is licensed to provide Early Childhood Education and Care services to 20 children per day. Currently, four permanent part-time educators are employed to care for 32 children from 28 families. A number of the children come from disadvantaged backgrounds and, with the support of the NSW Government, Anglicare offers subsidised fees to these families. There is no alternative service for these families in Marulan. The model of the neighbouring long day care centre allows for fees at a higher price point.

The Anglicare Board considered a number of options for the future way of operation of the Marulan Preschool at its recent meeting, including purchase of the preschool and grounds from Goulburn Mulwaree Council, relocation to a new purpose-built facility and exiting the service entirely.



130 Cowper Street  
Goulburn NSW 2580

**P** 02 4823 4000  
**F** 02 4823 4001  
**W** [www.anglicare.com.au](http://www.anglicare.com.au)

ABN 69 198 255 076  
\*ARBN 067 887 156  
Registered in NSW, Ltd Liability

Due to the small size of the preschool and number of children enrolled, neither purchase of the preschool nor relocation to a purpose-built centre at another location are considered by the Anglicare Board to be financially viable at this stage.

Instead, we request that Goulburn Mulwaree Council consider extending the lease for a further 24 months to allow Anglicare to continue to operate under the current lease arrangement and provide a much-valued service to local families, including the children from disadvantaged backgrounds.

It may be that in future, as the town of Marulan increases its population, the preschool might have the potential to build additional rooms to cater for extra places. This could result in the preschool operating in a more positive financial position that would enable the Board to consider the purchase of the land and building.

Please be assured that Anglicare continues its focus on supporting the families of Marulan now and into the future, and we hope that Goulburn Mulwaree Council will agree to the use of the land and building continuing under the current lease arrangements.

I look forward to hearing from Council regarding our request. If you have any questions, please contact Simon Bennett on 0427 493 365.

Yours sincerely



Jeremy Halcrow  
Chief Executive Officer

Specialised  
Valuation  
Services

## VALUATION REPORT



**Property known as:** Commercial day care premises situated at  
38 George Street  
Marulan NSW 2579

**Prepared for:** The Goulburn Mulwaree Council

**Purpose :** To provide a current market value of the freehold interest for the purpose  
of a potential sale.

**Date of Report:** 23 January 2019

Commercial Day Care Centre situated at  
 38 George Street, Marulan NSW  
 23 January 2019

---

**Contents**

	Page
1. EXECUTIVE SUMMARY.....	3
2. INTRODUCTION .....	4
3. LAND DETAILS.....	5
4. TOWN PLANNING .....	6
5. SITE DETAILS .....	7
6. IMPROVEMENT DETAILS.....	8
7. MARKET OVERVIEW .....	9
8. VALUATION APPROACH.....	12
10 Contact Details .....	13
Assumptions, Disclaimers, Limitations & Qualifications.....	14

**Appendices**

- Annexure 1 Instruction
- Annexure 2 Certificate of Title
- Annexure 3 Location Map
- Annexure 4 Photographs
- Annexure 5 Aerial Photograph
- Annexure 6 Deposited Plan.

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

**1. EXECUTIVE SUMMARY**

**Instructing Party:** Goulburn Mulwaree Council  
Locked Bag 22  
Goulburn NSW 2580  
Attention: Ken Wheeldon

**Client:** Goulburn Mulwaree Council

**Address:** 38 George Street, Marulan. NSW

**Legal Description:** Lot 1 DP23030

**Property Description:** Commercial Day Care Centre situated in Marulan. Land is zoned B2 Local Centre. Leased by Anglicare at a less than market rent. Property has been extensively developed by the tenant.

**Area:** 2,371 square metres

**Significant issues:**

- Basic cottage extensively renovated by the tenant.
- Central location in township
- White ant damaged

**Date of Inspection:** 23 January 2019

**Valuation Approach:** Direct comparison with sales.

**Date of Assessment:** 23 January 2019

**Valuation:** \$300,000 (Three Hundred Thousand Dollars) excluding GST

Denis.P.Lovell  
F.A.P.I. Certified Practising Valuer, BA B.Bus.

*Specialised Valuation Services Pty Ltd ACN 138601279  
PO Box 206 Hall ACT 2618 Tel: 0408624020  
"Liability limited by a scheme approved under Professional Standards Legislation"*

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

---

## 2. INTRODUCTION

### 2.1 Instructions

We refer to instructions received from Ken Wheeldon on behalf of Goulburn Mulwaree Council dated 14 January 2019 to provide a current market valuation of the Council's freehold interest in the property known as 38 George Street, Marulan NSW. The valuation is for the purpose of a potential sale of the property.

We enclose herewith a copy of the Instruction (Annexure I).

We confirm that Specialised Valuation Services has undertaken the assessment based on the assumptions outlined and our inspection of the property.

### 2.2 Date of Inspection:

23 January 2019

### 2.3 Market value definition

Market Value is defined by the International Valuation Standards Council as follows:

*"Market value is the estimated amount for which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion."*

This is the definition adopted by the Australian Property Institute.

### 2.4 Valuers Certification

The Valuer undertaking this valuation certifies that they are authorised under law to do so and further confirms that they have no past or present interest in the property which would conflict with its proper assessment in the terms of the instructions.

### 2.5 Assumptions, Disclaimers, Limitations and Qualifications

Specialised Valuation Services are not experts in many of the fields mentioned in this report. We therefore add Assumptions, Disclaimers, Limitations and Qualifications where necessary. All of these matters are addressed at the end of this report. We advise any person relying on the report's contents to refer particularly to this section and where there is any doubt, to seek independent advice from a suitably qualified expert in the field.

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

---

### 3. LAND DETAILS

#### 3.1 Legal Details

All that piece or parcel of freehold land situated in the Parish of Marulan, County of Argyle, Local Government Area of Goulburn Mulwaree described as Lot1 Deposited Plan 23030 having frontage of 40.23 metres to George Street and a site area of 2371 square metres, the said dimension and area a little more or less.

We have obtained a title search for the property and have also relied upon information supplied by Goulburn Mulwaree Council and sourced from proprietary property databases.

#### 3.2 Encumbrances

The following notations appear on the Title as at search date:

##### Lot 1 DP23030

1. *Land excludes minerals and is subject to reservations and conditions in favour of the Crown - see Crown Grant(s);*
2. *F464845 Covenant;*
3. *G880284 Covenant;*
4. *AK719010 Lease to Anglicare NSW West and ACT. Expires 19/04/2019; Option of renewal: 3 years.*

Our valuation ignores any mortgages or other financial charges which may affect the land. To the extent that any leases, easements or covenants impact on the land they have been considered in the valuation.

We are advised that the option under the lease has not been exercised by the Tenant.

The covenants are over 60 years old and are probably no longer applicable. We recommend action be taken to have them removed prior to sale.

*A copy of the Certificate of Title is included at Annexure 2. A copy of the Deposited Plan is included at Annexure 6.*

#### 3.3 Registered Proprietor

Goulburn Mulwaree Council.

#### 3.4 Statutory Assessment

Land Value as at 1 July 2016: \$81,900.

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

## 4. TOWN PLANNING

### 4.1 Zoning

Subject to the issue of a Certificate in accordance with section 149 of the NSW Environmental Planning and Assessment Act the zoning of the subject land is B2 Local Centre under the Goulburn Mulwaree Local Environmental Plan 2009 (as amended)

In respect of this zoning the LEP provides as follows:

#### 1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

#### 2 Permitted without consent

*Home occupations; Roads*

#### 3 Permitted with consent

*Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4*

#### 4 Prohibited

*Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Group homes; Heavy industrial storage establishments; Helipads; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Residential flat buildings; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Transport depots; Truck depots; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities*

The LEP provides for a floor space ratio of 1.2:1.

### 4.2 Highest and Best Use

The notional highest and best use of the land is for commercial/business uses in accordance with the LEP 2009. It is currently used as a licenced child care centre licenced for 20 children.

We have adopted the highest and best use of the property to be for centre based child care facilities as developed.

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

---

## 5. SITE DETAILS

### 5.1 Location

The subject property is situated in the centre of the Village of Marulan. Canberra, the National Capital, is approximately 120 kilometres to the south and Sydney 170 km to the north.

Marulan is a small township situated between Goulburn (30 kms) and Sydney and supports a population of around 1,200.

The surrounding development comprises a former service station, churches, school and residential premises. The subject site is considered to be average for the location.

A location Map is attached at Annexure 3.

### 5.2 Description

Subject to a geophysical report to the contrary, the land appears to be good building land suitable for development in accordance with the requirements of the Local Authorities. Our inspection did not reveal any obvious drainage or water run-off problems on the site and from our enquiries with the local Council, the site is not situated in a flood prone area.

The site is of regular shape with a 40.23 metre frontage to George Street a bitumen seal road with concrete kerbing and guttering..

### 5.3 Topography

The property is below the road and has a gentle fall to the rear. It has a predominantly easterly aspect.

### 5.4 Contamination

On instruction we were not provided with any reports in respect of the property in relation to soils, pollution, contamination, or compliance with Environment Protection and Regulation requirements.

Our valuation is therefore subject to there being no surface or subsurface problems including, but not limited to, instability, toxic or hazardous waste, building material hazards, in or on the property that would adversely affect its existing or potential use and/or its marketability for sale. Should any matter further arise or be known, we request that this valuation be referred back to us for comment and alteration if necessary.

We note the construction of the property which is likely to contain "bonded" asbestos. We also identified termite damage to part of the building.

### 5.5 Services

Main municipal services available include water, electricity, garbage collection and telephone. A septic system is connected to the building which we are advised is also linked to the town sewer system. No other municipal services are available to the land.

### 5.6 Area of Property

2,371 square metres

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

---

## 6. IMPROVEMENT DETAILS

### 6.1 Property Description

The subject property comprises a detached former residence (c1955) which has been adapted for use as a children's day care centre. Externally the property has been extensively developed by the current users for this purpose.

### 6.2 Main Building

The residence is constructed to the following specifications:

- Timber frame construction
- Timber and concrete floors, ceramic tiling to wet areas, vinyl and carpets to balance;
- Fibrous Cement sheet external cladding;
- Internal linings of fibrous cement sheet and plasterboard
- Corrugated galvanised iron clad roof;
- Timber frame windows;
- Concrete ramp access front and rear;
- Partly upgraded P.C. and hardware fit off with basically original kitchen, gas heating, split system air conditioning (by tenant). Security system (by tenant).

Accommodation comprises: Front patio, entry to open plan playroom, childrens locker area (by tenant), office, kitchen with adjoining storeroom, corner "home" room, combined bathroom/wc, hallway with built in cupboard, laundry, childrens toilet and enclosed rear verandah with a built in chemicals cupboard.

Areas: Main: 160 sqm; Patio: 4 sqm.

Other improvements include timber frame covered lunch shelter (12 sqm), treated pine garden beds, colorbond and steel mesh childproof fencing.

External improvements by the tenant not included in this assessment include: colorbond clad shed with roller door access (13 sqm), Sail structure over sandpit, playground equipment and rubber matting.

### 6.3 Condition of Improvements

On inspection the building was presented in good condition commensurate with age and use. Apart from the improvements noted we understand that the tenant may also have altered the internal layout of the premises to adapt the building to its current use.

On inspection the tenant pointed out an area of white ant damage at the rear of the premises which appears to be minor. We recommend a pest report be obtained and referred to us for comment.

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

## 7. MARKET OVERVIEW

### 7.1 Market Review - Goulburn

Our research indicates that the market for property in Marulan has been steadily improving over the past 3 years. The market is underpinned by the surrounding rural areas and a resident population who live locally and work in nearby major centres.

Increasing residential development has sparked new commercial developments with a major new commercial shopping development currently being built in the centre of town.

The rural market has been buoyant with rapidly improving prices on the back of improved Commodity prices and good seasons. The Sydney market is also becoming a major influence in the township and the surrounding rural sector.

Major factors influencing the market for residential property over the period include:

- Increased supply of residential land in Marulan and new projects being developed.
- Continuing low interest rates from major lending institutions but combined with more stringent lending policies, particularly for fringe locations.
- Adequate supply of established residential housing for sale in the town.

### 7.2 Subject Property

The subject property is a modest residence that has been converted to a child care centre. The building appears to have been the subject of some white ant activity in the past and whilst it appears minor we recommend a report be obtained prior to sale. The block at 2371 square metres is large for the town and provides good outdoor play areas for its current use.

### 7.3 Sales Evidence

In assessing the value of the subject property, we have had regard to sales of comparable properties in Marulan. We have listed below the sales considered to be most comparable and have analysed each to derive levels of value applicable to the subject land.

Sale No: 1				
ADDRESS	DATE	PRICE	AREA (m <sup>2</sup> )	Anal. LV
95 George Street, Marulan	18/10/17	\$420,000	1808	\$190,000
<b>DESCRIPTION:</b> Federation style Brick residence (c.1920, 204 sqm) comprising 6 bedrooms and 4 bathrooms. In very poor condition at sale and subsequently extensively renovated and developed for a Bed and Breakfast use. Car accommodation includes 10 carports. Situated in the B2 Local Centre zone.				
<b>COMPARISON:</b> Superior property compared to the subject.				

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

Sale No: 2				
ADDRESS	DATE	PRICE	AREA (m <sup>2</sup> )	Anal. LV
5 Austin Street, Marulan	10/01/2018	\$385,000	1214	\$165,000
<b>DESCRIPTION:</b> Modern hardiplank clad residence (c.1990, 160 sqm) comprising 4 bedrooms and 2 bathrooms. No car accommodation. Situated in the B2 Local Centre zone.				
<b>COMPARISON:</b> Superior property compared to the subject.				

Sale No: 3				
ADDRESS	DATE	PRICE	AREA (m <sup>2</sup> )	Anal. LV
7 Austin Street, Marulan	10/01/17	\$275,000	1214	\$155,000
<b>DESCRIPTION:</b> Older style Weatherboard clad and Metal roofed cottage (c.1940, 108 sqm) comprising 2 bedrooms and 1 bathroom, plus a single carport and detached metal clad garage. Situated in the B2 Local Centre zone but in a side street location which limits potential.				
<b>COMPARISON:</b> Inferior property compared to the subject, smaller and with inferior potentials..				

Sale No: 4				
ADDRESS	DATE	PRICE	AREA (m <sup>2</sup> )	Anal. LV
109 George Street, Marulan	23/11/16	\$250,000	4094	\$120,000
<b>DESCRIPTION:</b> Two storey brick residence with a flat metal roof (c.1965, 165 sqm) comprising 4 bedrooms and 2 bathrooms. No car accommodation. Situated in the B2 Local Centre zone at the front and the RU2 zone at the rear. Inferior block to the subject.				
<b>COMPARISON:</b> Inferior property compared to the subject notwithstanding the larger block.				

Sale No: 5				
ADDRESS	DATE	PRICE	AREA (m <sup>2</sup> )	Anal. LV
45 George Street, Marulan	16/11/18	\$336,000	834.7	\$195,000
<b>DESCRIPTION:</b> Plain 3 bedroom 1 bathroom hardiplank clad cottage (c.2000, 100 sqm) with covered rear patio and detached single garage and attached carport. Basic landscaping and a garden shed., Zoned R1 General Residential. Smaller more modern house than the subject.				
<b>COMPARISON:</b> Superior property compared to the subject.				

We are also aware of recent sales of modern brick veneer residences in close proximity to the subject which provide an underlying level of residential values in the area. These include:

- 33 George Street Sold March 2018 \$330,000. Basic 3 bedroom brick veneer with a single garage. Site 935 sqm.
- 34 George Street Sold August 2017 \$460,000. Conventional 4 bedroom brick veneer with a double garage. Site 847 sqm.
- 26 George Street Sold November 2016 \$252,000. Basic 2 bedroom Hardiplank clad with a detached single garage. Site 835 sqm.

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

Currently on the market and not sold are the following properties:

- 40 George Street, listed for sale at \$285,000. This is a fibro clad 3 bedroom 1 bathroom residence smaller than the subject. It has a double metal garage with an attached single carport. Block area 730 sqm. Far inferior to the subject.
- 121 George Street, listed for sale at \$385,000. This is a brick/tile residence of 3 bedroom 1 bathroom design. It has a single garage and is situated on a 1619 sqm block. It is presented in only fair condition. Agents advise most interest at around \$360,000 but no sale as yet.

We have also researched sales of vacant blocks within the town over the past 2 years. The majority of sales occur in the new developing areas of north Marulan which is an inferior location compared to the subject.

We summarise the sales in the table below:

Address	Sale Date	Price	Area(sqm)
129 George St	30/10/18	\$157,500	1690
20 Morris Pl	14/8/18	\$225,000	1036
16 Morris Pl	5/9/18	\$210,000	995.7
15 Morris Pl	18/5/18	\$228,000	1135
17 Morris Pl	5/12/17	\$224,000	1117
75 Brayton Rd	19/12/17	\$235,000	1000
93 Brayton Rd	21/12/17	\$200,000	1005
30 Morris Pl	22/9/17	\$122,500	970.5
10 Stoney Creek Rd	10/7/17	\$180,000	965
2 Morris Pl	22/5/17	\$165,000	1449
18 George Street	16/12/15	\$115,000	857.3

Most of the above sales are on the north western fringe of the township whilst the first and last sales are in the main street at opposite ends.

These sales support the demand for vacant fully serviced land in Marulan. We note that sales in the new Equinox subdivision of smaller developed blocks on the south western edge of the township are being offered at \$145,000 to \$160,000 for 720 sqm – 850 sqm sites.

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

---

## 8. VALUATION APPROACH

### 8.1 Direct Comparison with sales

The primary valuation approach to the valuation of the subject property is by the direct comparison of the land with sales of similar properties in the town. As previously mentioned there are a limited number of similar sites available in the central area of Marulan.

From the sales, we consider that the value of the subject land lies in the range \$175,000 - \$200,000 assuming the land was vacant. We consider that because of its location to the central area a value towards the higher end of the range is appropriate so we have adopted \$190,000.

We therefore set out our calculations of value as follows:

Land	2,371 square metres - Block Value	= \$190,000
Plus:	Added value of Buildings & Ground Impts	= <u>\$110,000</u>
	Indicated value "As is"	= \$300,000

### 8.2 Valuation

We have assessed the current market value of the Freehold interest of the subject land as at 21 January 2019 to be **\$300,000 (THREE HUNDRED THOUSAND DOLLARS) excluding GST.**



Denis Lovell

F.A.P.I. Certified Practising Valuer BA B.Bus.

*Specialised Valuation Services Pty Ltd ACN 138601279  
PO Box 206 Hall ACT 2618 Tel: 0408624020*

*"Liability limited by a scheme approved under Professional Standards Legislation"*

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

---

**10 Contact Details**

Denis Lovell  
M 0408 624020

*Specialised Valuation Services Pty Ltd ACN 138601279  
PO Box 206 Hall ACT 2618 Tel: 0408624020  
Email: [denis@specialisedvaluations.com.au](mailto:denis@specialisedvaluations.com.au)  
"Liability limited by a scheme approved under Professional Standards Legislation"*

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

## Assumptions, Disclaimers, Limitations & Qualifications

Valuation Subject To Change:	Real Estate markets vary from time to time in response to changing market circumstances and it should, therefore, be noted that this valuation is based on available information as at the date of assessment. No warranty can be given as to the maintenance of this assessment into the future. It is, therefore, recommended that the assessment be reviewed as necessary.
Our Investigations:	This assessment is conducted on the basis that we are not engaged to carry out all possible investigations in relation to the property. We have identified certain limitations to our investigations to enable you to instruct further investigations if you consider this appropriate. Specialised Valuation Services is not liable for any loss occasioned by a decision not to instruct further investigations.
Assumptions:	Specialised Valuation Services adopts assumptions because some matters are not capable of accurate calculation or fall outside the scope of our expertise, or our instructions. Assumptions adopted by Specialised Valuation Services will be formulated on the basis that they could reasonably be expected from a professional and experienced valuer undertaking a similar assessment. However the risk that any of the assumptions adopted in this document may be incorrect should be taken into account.
Information Supplied By Others:	This document contains information which is derived from other sources. Unless otherwise specifically instructed by you, we have only independently verified that information to the extent that such verification would be reasonably expected from a professional and experienced valuer undertaking a similar assessment.
Site Details:	A current survey has not been provided. This assessment is made on the basis that there are no encroachments by or upon the property and this should be confirmed by obtaining a current survey report and/or advice from a registered surveyor. If any encroachments are noted by the survey report, we should be consulted to reassess any effect on the costs stated.
Property Title:	We have assumed the property to be unencumbered. On instruction we were provided with copies of title searches for the property. We have assumed no further encumbrances or easements not disclosed by these searches. If such further searches reveal other encumbrances we reserve the right to review our assessment and change if necessary.
Environmental Conditions:	In the absence of an environmental site assessment relating to the subject property, we have assumed that the site is free of elevated levels of contaminants. Our visual inspections of the subject property and immediately surrounding properties revealed no obvious signs of site contamination. Furthermore, we have made no allowance in our valuation for site remediation works. However, it is important to point out that our visual inspection is an inconclusive indicator of the actual condition of the site. We make no representation as to the actual environmental status of the subject property. We have also assumed that there are no existing or potential orders on the site by statutory authorities in relation to noxious weeds, or communicable stock diseases. If a test is undertaken at some time in the future to assess the degree, if any, of contamination of the site and this is found to be positive, we reserve the right to review our assessment.
Inclusions & Exclusions:	Our assessment includes those items that form part of the building service installations such as heating and cooling equipment, lifts, sprinklers, lighting, etc., that would normally affix to the property, but excludes all items of plant, machinery, equipment, stock, crops, furniture and other such items which may be removable.
Floor Areas:	We have calculated the floor areas in accordance with standard practice and they are a little more or less. Should a survey be undertaken to determine the areas and there is a material variance, we reserve the right to review our assessment.
Condition & Repair:	We have inspected the buildings, however we advise that we have not carried out a structural survey nor tested any of the services or facilities and are therefore unable to state that these are free from defect. We advise that we have not inspected unexposed or inaccessible portions of the building and are therefore unable to state that these are free from rot, infestation, asbestos or other hazardous material. We have, however, viewed the general state of repair of the property. Furthermore, the property appears to be in reasonable condition having regard to its age and use unless otherwise stated. Our assessment assumes that a detailed report of the structure and service installations of the building would not reveal any defects requiring significant expenditure. Additionally, we assume that the building complies with all relevant statutory requirements in respect of matters such as health, building and fire safety regulations.
Valuation Methodology:	The primary valuation methodology used by Specialised Valuation Services in assessing the value of the subject property is the Direct Comparison with sales approach. The result is the best estimate of value SVS can produce, but it is not a guarantee or a prediction. A cross section of reviewed transactions are included in this report however other materials may have been used in the overall assessment.
Liability Disclaimer:	Liability limited by a scheme approved under Professional Standards Legislation.
Extension of Liability:	This report is only for the party to whom it is addressed and for the purpose outlined in the instruction. Use or reliance on the report by third parties is not authorised and Specialised Valuation Services is not liable for any loss arising from such unauthorised use or reliance. Under no circumstances is the report to be used for mortgage security purposes.

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

---

## ANNEXURES

15

SVS

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

---

ANNEXURE 1      INSTRUCTION



Goulburn Mulwaree Council  
Locked Bag 22  
Goulburn NSW 2580

Civic Centre  
184 - 194 Bourke Street  
Goulburn NSW 2580  
t (02) 4823 4444  
e council@goulburn.nsw.gov.au  
www.goulburn.nsw.gov.au

14 January 2019

Contact: Ken Wheeldon  
Reference: 1109026

Denis Lovell  
Specialised Valuation Services Pty Ltd  
PO Box 206  
HALL ACT 2618

Dear Denis

Re: Market Valuation of Council Properties

I wish to advise your quotation to provide market valuation reports for the following properties has been successful.

- 10 Ben Bullen Place, Goulburn
- 8 Lanigan Lane, Goulburn
- 23 Hercules Street, Goulburn
- 163-167 Hume Street, Goulburn
- 38 George Street, Marulan
- 1 Portland Avenue, Marulan

Council would appreciate receiving these reports by mid February please.

Please do not hesitate to contact me on 4823 4484 if you require any information to assist with finalising these reports.

Yours faithfully

A handwritten signature in black ink, appearing to be "Ken Wheeldon", with a long horizontal line extending to the right.

Ken Wheeldon  
**Business Manager Property & Community Services**

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

---

ANNEXURE 2 CERTIFICATE OF TITLE



**LAND  
REGISTRY  
SERVICES** **Title Search**

Information Provided Through  
Estate Agents Co-Operative  
Limited  
Ph. 1300 137 161 Fax.

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 1/23030

SEARCH DATE	TIME	EDITION NO	DATE
19/1/2019	12:51 PM	6	2/9/2016

LAND

LOT 1 IN DEPOSITED PLAN 23030  
AT MARULAN  
LOCAL GOVERNMENT AREA GOULBURN MULWAREE  
PARISH OF MARULAN COUNTY OF ARGYLE  
TITLE DIAGRAM DP23030

FIRST SCHEDULE

GOULBURN MULWAREE COUNCIL (CN AI134656)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 F464845 COVENANT
- 3 G880284 COVENANT
- 4 AK719010 LEASE TO ANGLICARE NSW SOUTH NSW WEST AND ACT EXPIRES: 19/4/2019. OPTION OF RENEWAL: 3 YEARS.

NOTATIONS

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

gmc

PRINTED ON 19/1/2019

\* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

ANNEXURE 3

LOCATION MAP



Subject indicated by arrow

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

ANNEXURE 4 PHOTOGRAPHS



Front elevation



Rear Elevation

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019



Kitchen



Childrens toilets

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019



White ant damage in rear lobby



Yard improvements by Lessee

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019



Sail, yard improvements and shed by Lessee.



Existing septic tank

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

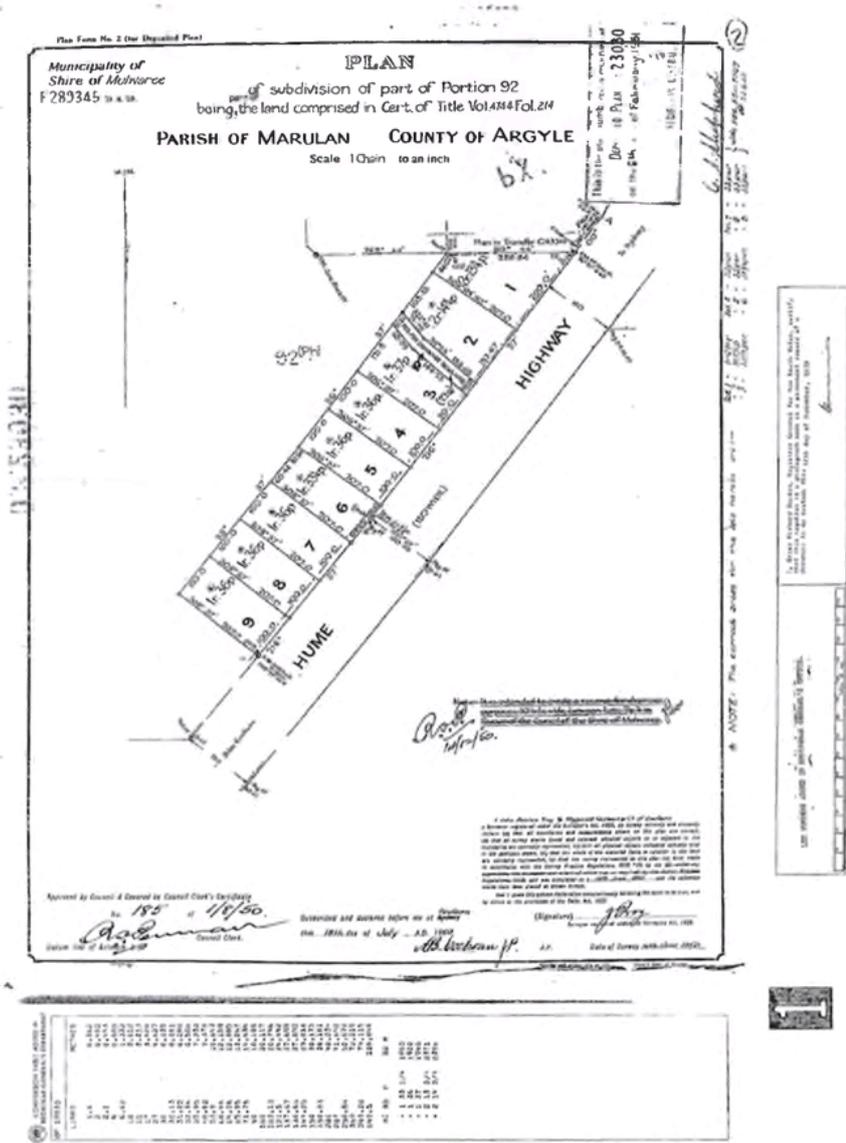
AERIAL PHOTOGRAPH OF SITE



Subject edged blue and marked "1".

Commercial Day Care Centre situated at  
38 George Street, Marulan NSW  
23 January 2019

ANNEXURE 6 DEPOSITED PLAN



24

SVS



## BRIEF VALUATION REPORT



**Property known as:** Marulan & District Pre School  
38 George Street,  
Marulan. NSW. 2579

**Prepared for:** GOULBURN MULWAREE COUNCIL

**Purpose:** Evidence of current market rental value.

**Date of Report:** 2 April 2019

2 April 2019

Goulburn Mulwaree Council  
Locked Bag 22  
Goulburn NSW 2580

Attention: Ken Wheeldon

Dear Ken

RE: Marulan Pre School - 38 George Street Marulan. - Market Rental Valuation

#### Instructions

Further to your office's email instructions of the 26<sup>th</sup> March 2019, we confirm that we have undertaken a current market rental valuation of the property described below. We advise that the property was previously inspected on 23 January 2019 and we have assumed it to be unchanged from that inspection.

#### Market Rental Value definition.

Market Rent is defined by the International Valuation Standards Committee (IVSC) as follows:

*The estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and a willing lessee on appropriate lease terms in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.*

This is the definition adopted by the Australian Property Institute.

In addition to the above, it is necessary to have regard to additional Lessee costs under the lease, including but not limited to liability for outgoings, repairs and maintenance and other charges. This is the Market Rental Value, otherwise known as effective rent, and is defined as follows:

*Market Rental Value: The sum arrived at after making proper allowance for all collateral advantages and disadvantages ascertained upon proper examination of all the arrangements made between the lessor and lessee including the various rights and obligations under the terms of the lease which reflects the net consideration passing to the lessor from the lessee under the lease and associated collateral arrangements.*

#### Legal Details

All that piece or parcel of Freehold land situated in the Parish of Marulan, County of Argyle, Local Government Area of Goulburn Mulwaree Council and described as Lot 1 in Deposited Plan 23030, a regular shaped block, having frontage of 40.23 metres to George Street and a site area of 2,371 square metres.

We have undertaken a full title search of the property and have also relied upon information supplied by the instructing party and sourced from commercial databases.

We note that the property is currently leased by Anglicare NSW West expiring on 19/04/2019. We are advised that the 3 year option under the lease was exercised on the 14<sup>th</sup> February 2019.

*A copy of the Certificate of Title and Lease are attached.*

*Specialised Valuation Services Pty Ltd ACN 138601279  
PO Box 206 Hall ACT 2618 Tel: 0408624020 Fax: 0262302003  
Email: denis@specialisedvaluations.com.au*

**Registered Proprietor**

Goulburn Mulwaree Council

**Zoning**

Subject to the issue of a Certificate in accordance with section 149 of the NSW Environmental Planning and Assessment Act the zoning of the subject land is B2 Local Centre under the Goulburn Mulwaree Local Environmental Plan 2009 (as amended)

In respect of this zoning the LEP provides as follows:

**1 Objectives of zone**

- To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

**2 Permitted without consent**

*Home occupations; Roads*

**3 Permitted with consent**

*Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Service stations; Shop top housing; Tourist and visitor accommodation; Any other development not specified in item 2 or 4*

**4 Prohibited**

*Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Group homes; Heavy industrial storage establishments; Helipads; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Residential flat buildings; Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Transport depots; Truck depots; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities*

The LEP provides for a floor space ratio of 1.2:1.

The notional highest and best use of the land is for commercial/business uses in accordance with the LEP 2009. It is currently used as a licenced child care centre licenced for 20 children. We have adopted the highest and best use of the property to be for centre based child care facilities as currently developed.

**Location**

The subject property is situated in the centre of the Village of Marulan. Canberra, the National Capital, is approximately 120 kilometres to the south and Sydney 170 km to the north. Marulan is a small township situated between Goulburn (30 kms) and Sydney and supports a population of around 1,200.

*Specialised Valuation Services Pty Ltd ACN 138601279  
PO Box 206 Hall ACT 2618 Tel: 0408624020 Fax: 0262302003  
Email: denis@specialisedvaluations.com.au*

The surrounding development comprises a former service station, churches, school and residential premises. The subject site is considered to be average for the location.

#### Description

Subject to a geophysical report to the contrary, the land appears to be good building land suitable for development in accordance with the requirements of the Local Authorities. Our inspection did not reveal any obvious drainage or water run-off problems on the site.

The site is situated slightly below the road and has a gentle fall to the rear.

#### Contamination

On instruction we were not provided with any reports in respect of the property in relation to soils, pollution, contamination, or compliance with Environment Protection and Regulation requirements.

Our valuation is therefore subject to there being no surface or subsurface problems including, but not limited to, instability, toxic or hazardous waste, building material hazards, in or on the property that would adversely affect its existing or potential use and/or its marketability for sale. Should any matter further arise or be known, we request that this valuation be referred back to us for comment and alteration if necessary.

We note the construction of the property which is likely to contain "bonded" asbestos. We also identified termite damage to part of the building.

#### Services

Main municipal services available include water, electricity, garbage collection and telephone. A septic system is connected to the building which we are advised is also linked to the town sewer system. No other municipal services are available to the land. George Street is bitumen seal 2 lane with concrete kerb and guttering.

#### Property Description

The subject property comprises a detached former residence (c1955) which has been adapted for use as a children's day care centre. Externally the property has been extensively developed by the current users for this purpose.

The residence is constructed to the following specifications:

- Timber frame construction
- Timber and concrete floors, ceramic tiling to wet areas, vinyl and carpets to balance;
- Fibrous Cement sheet external cladding;
- Internal linings of fibrous cement sheet and plasterboard
- Corrugated galvanised iron clad roof;
- Timber frame windows;
- Concrete ramp access front and rear;
- Partly upgraded P.C. and hardware fit off with basically original kitchen, gas heating, split system air conditioning (by tenant). Security system (by tenant).

*Specialised Valuation Services Pty Ltd ACN 138601279  
PO Box 206 Hall ACT 2618 Tel: 0408624020 Fax: 0262302003  
Email: denis@specialisedvaluations.com.au*

Accommodation comprises: Front patio, entry to open plan playroom, children's locker area (by tenant), office, kitchen with adjoining storeroom, corner "home" room, combined bathroom/wc, hallway with built in cupboard, laundry, children's toilet and enclosed rear verandah with a built in chemicals cupboard.

Areas: Main: 160 sqm; Patio: 4 sqm.

Other improvements include timber frame covered lunch shelter (12 sqm), treated pine garden beds, colorbond and steel mesh childproof fencing.

External improvements by the tenant not included in this assessment include: colorbond clad shed with roller door access (13 sqm), Sail structure over sandpit, playground equipment and rubber matting.

#### Condition of Improvements

On inspection the building was presented in good condition commensurate with age and use. Apart from the improvements noted we understand that the tenant may also have altered the internal layout of the premises to adapt the building to its current use.

On inspection the tenant pointed out an area of white ant damage at the rear of the premises which appears to be minor. We recommend a pest report be obtained and referred to us for comment.

#### Market Review

Our research indicates that the market for property in Marulan has been steadily improving over the past 3 years. The market is underpinned by the surrounding rural areas and a resident population who live locally and work in nearby major centres.

Increasing residential development has sparked new commercial developments with a major new commercial shopping development currently being built in the centre of town.

The rural market has been buoyant with rapidly improving prices on the back of improved Commodity prices and good seasons. The Sydney market is also becoming a major influence in the township and the surrounding rural sector.

Major factors influencing the market for residential property over the period include:

- Increased supply of residential land in Marulan and new projects being developed.
- Continuing low interest rates from major lending institutions but combined with more stringent lending policies, particularly for fringe locations.
- Adequate supply of established residential housing for sale in the town.

#### Subject Property

The subject property is a modest residence that has been converted to a child care centre. The building appears to have been the subject of some white ant activity in the past and whilst it appears minor we recommend a report be obtained prior to sale. The block at 2,371 square metres is large for the town and provides good outdoor play areas for its current use.

*Specialised Valuation Services Pty Ltd ACN 138601279  
PO Box 206 Hall ACT 2618 Tel: 0408624020 Fax: 0262302003  
Email: denis@specialisedvaluations.com.au*

**Valuation Approach**

In assessing the current market rental value, we have had regard to the conditions contained within the existing lease document. We are advised that the option was exercised on 14 February 2019 and this action has been accepted by the Lessor. We summarise the lease conditions below:

Commencing: 20 April 2019;  
 Term; 3 years;  
 Option: Nil;  
 Reviews: Annual CPI (Sydney All Groups);  
 Outgoings: Lessor is liable for all outgoings;  
 Building R & M: Tenant internal. Landlord external based on fair wear and tear;  
 Energy: Tenant liable for all energy and R&M of air conditioning.

We have excluded tenant improvements from our assessment including:

- Playground equipment and landscaping
- Air conditioning units;
- Internal fit out and modifications;
- Garden Shed;
- Sail over play area and rubber matting;

We have assumed the children’s toilet arrangements within the building were made by the landlord. We also note that the lease is terminable by either party with 3 months notice.

**Market Rental Evidence/Valuation**

Our approach to the assessment of the current market rental has been to consider the property firstly as a residence ignoring all the improvements undertaken by the tenant. We have then considered what, if any, premium exists for the potential to use the premises as a child care centre. We note that the only other child care centre in Marulan, “Little Treasures” at 29 George Street, is owner operated from a standard residence, on an 834 sqm block.

In assessing the market rental value of the subject property we have researched recent rents for residences in Marulan. We have listed these in the table and consider these to be the most comparable.

ADDRESS	RENT pw	BEDS	COMM.	COMMENT
437 BRAYTON RD	\$380	3	17/09/18	Hardiplank cottage 4 kms west of town.
21 STATION ST	\$400	3	24/09/18	Older style Brick with I/G pool & D/garage.
22 COLLINS ST	\$360	2	17/09/18	Modern B/V with carport and garage.
10 LOSEBY AVE	\$320	3	10/09/18	Basic B/V . No Car accomodation.
23 LOSEBY AVE	\$420	3	5/10/18	Colonial style B/V with D/Garage
25 ELIZA POWER DR	\$470	4	19/10/18	Modern B/V with D/Garage.
10B GOULBURN ST	\$350	2	25/10/18	Older style W/board cottage.
30 GEORGE ST	\$430	4	17/10/18	1970's style B/V plain with single garage.
21 PORTLAND AVE	\$360	3	10/12/18	Colonial B/V with double garage.
81A GEORGE STREET	\$400	3	On market	Hardiplank cottage. Asking rent.

Overall the rental evidence supports a rental value for the subject property of \$275 - \$300/week (gross).

**Child Care Industry Market**

*Specialised Valuation Services Pty Ltd ACN 138601279  
 PO Box 206 Hall ACT 2618 Tel: 0408624020 Fax: 0262302003  
 Email: denis@specialisedvaluations.com.au*

We have also researched the market for day care centres within the region. The market has evolved over the past several years towards a larger scale model where centres typically require 75+ children capacity to break even. New centres routinely have a capacity greater than 100.

In addition, there is a trend towards oversupply in the sector which has kept a lid on incomes and made smaller niche centres less viable.

We are aware of rentals for purpose built child care centres in larger urban locations at between \$2,500 and \$4,000/child per annum. In the main these are high capacity centres (ie greater than 80 children) and operate at 100% capacity. This rental is for a fully equipped modern centre. If these numbers were applied to the subject property, based on 20 child licence, the indicative rental would be between \$50,000 and \$80,000 per annum. In our view this is far in excess of the market value for a small centre such as the subject. Our research further suggests that small centres are becoming less viable with a 46 child centre in Queanbeyan recently closing due to lack of viability.

We are also aware of a modern day care centre on a 1051 sqm site in Taree licenced for 55 children and having a 20 year lease in place. It is currently leased for \$132,000 pa net (\$2,400/child) and has a 94% occupancy.

The trading occupancy of the subject centre is unknown but given the existence of a competing centre in Marulan coupled with the relatively small local population it is likely to be less than the 20 places it is licenced for. It is also rented as a "bare shell" with all equipment and fittings supplied by the tenant. At a rate of \$1,000/child per annum, allowing for the quality of premises, number of children and tenant improvements, the indicated annual rental would be \$20,000 p.a.

Overall we consider that there is no premium to the landlord for the existing use of the premises by the Tenant as a day care centre. On this basis the market rent more closely resembles that of a residence, albeit an aged one, on a large block. We have adopted a rent at the lower end of the scale i.e. \$275/week or \$14,300 per annum (gross).

This represents a "gross rental" and needs to be adjusted to reflect the tenant responsibility for all outgoings. We are advised that in addition to the current rent of \$3986.39 pa, the Lessee pays all Council rates and charges for water and sewer. We note that this is not a requirement of the Lease (See Item 14.A in Annexure A). In that circumstance the annual cost needs to be deducted from the Market Rent assessed to reflect the true Market rental value.

## VALUATION

We assess the current market rental value of the property known as 38 George Street, Marulan NS, as at 2 April 2019, assuming a lease as outlined, and subject to the assumptions and conditions contained in this report to be: **\$14,300 per annum**. NB: The assessment excludes GST.



DENIS.P.LOVELL  
F.A.P.I. Certified Practising Valuer, B.A. B.Bus.

Liability Limited by a Scheme approved under Professional Standards Legislation.

*Specialised Valuation Services Pty Ltd ACN 138601279  
PO Box 206 Hall ACT 2618 Tel: 0408624020 Fax: 0262302003  
Email: denis@specialisedvaluations.com.au*

## Assumptions, Disclaimers, Limitations & Qualifications

Valuation Subject To Change:	Real Estate markets vary from time to time in response to changing market circumstances and it should, therefore, be noted that this valuation is based on available information as at the date of assessment. No warranty can be given as to the maintenance of this assessment into the future. It is, therefore, recommended that the assessment be reviewed as necessary.
Our Investigations:	This assessment is conducted on the basis that we are not engaged to carry out all possible investigations in relation to the property. We have identified certain limitations to our investigations to enable you to instruct further investigations if you consider this appropriate. Specialised Valuation Services is not liable for any loss occasioned by a decision not to instruct further investigations.
Assumptions:	<b>Specialised Valuation Services</b> adopts assumptions because some matters are not capable of accurate calculation or fall outside the scope of our expertise, or our instructions. Assumptions adopted by Specialised Valuation Services will be formulated on the basis that they could reasonably be expected from a professional and experienced valuer undertaking a similar assessment. However the risk that any of the assumptions adopted in this document may be incorrect should be taken into account.
Information Supplied By Others:	This document contains information which is derived from other sources. Unless otherwise specifically instructed by you, we have only independently verified that information to the extent that such verification would be reasonably expected from a professional and experienced valuer undertaking a similar assessment.
Site Details:	A current survey has not been provided. This assessment is made on the basis that there are no encroachments by or upon the property and this should be confirmed by obtaining a current survey report and/or advice from a registered surveyor. If any encroachments are noted by the survey report, we should be consulted to reassess any effect on the costs stated.
Property Title:	We have assumed the property to be unencumbered. On instruction we were provided with copies of title searches for the property. We have assumed no further encumbrances or easements not disclosed by these searches. If such further searches reveal other encumbrances we reserve the right to review our assessment and change if necessary.
Environmental Conditions:	In the absence of an environmental site assessment relating to the subject property, we have assumed that the site is free of elevated levels of contaminants. Our visual inspections of the subject property and immediately surrounding properties revealed no obvious signs of site contamination. Furthermore, we have made no allowance in our valuation for site remediation works. However, it is important to point out that our visual inspection is an inconclusive indicator of the actual condition of the site. We make no representation as to the actual environmental status of the subject property. We have also assumed that there are no existing or potential orders on the site by statutory authorities in relation to noxious weeds, or communicable stock diseases. If a test is undertaken at some time in the future to assess the degree, if any, of contamination of the site and this is found to be positive, we reserve the right to review our assessment.
Goods and Services Tax:	Our assessment is GST exclusive. Sales quoted exclude GST and are as reported on retail databases. Should reported sales prove to include a GST component we reserve the right to review our assessment.
Inclusions & Exclusions:	Our assessment includes those items that form part of the building service installations such as heating and cooling equipment, lifts, sprinklers, lighting, etc., that would normally affix to the property, but excludes all items of plant, machinery, equipment, stock, crops, furniture and other such items which may be removable.
Floor Areas:	We have calculated the floor areas in accordance with standard practice and they are a little more or less. Should a survey be undertaken to determine the areas and there is a material variance, we reserve the right to review our assessment.
Condition & Repair:	This valuation report is not a building condition survey. We have inspected the buildings, however we advise that we have not carried out a structural survey nor tested any of the services or facilities and are therefore unable to state that these are free from defect. We advise that we have not inspected unexposed or inaccessible portions of the building and are therefore unable to state that these are free from rot, infestation, asbestos or other hazardous material. We have, however, viewed the general state of repair of the property. Furthermore, the property appears to be in reasonable condition having regard to its age and use unless otherwise stated. Our assessment assumes that a detailed report of the structure and service installations of the building would not reveal any defects requiring significant expenditure. Additionally, we assume that the building complies with all relevant statutory requirements in respect of matters such as health, building and fire safety regulations.
Valuation Methodology:	The primary valuation methodology used by Specialised Valuation Services in assessing the value of the subject property is the Direct Comparison with sales approach. The result is the best estimate of value SVS can produce, but it is not a guarantee or a prediction. A cross section of reviewed transactions are included in this report however other materials may have been used in the overall assessment
Liability Disclaimer:	Liability limited by a scheme approved under Professional Standards Legislation
Extension of Liability:	This report is only for the party to whom it is addressed and for the purpose outlined in the instruction. Use or reliance on the report by third parties is not authorised and Specialised Valuation Services is not liable for any loss arising from such unauthorised use or reliance. Under no circumstances is the report to be used for mortgage security purposes

*Specialised Valuation Services Pty Ltd ACN 138601279  
PO Box 206 Hall ACT 2618 Tel: 0408624020 Fax: 0262302003  
Email: denis@specialisedvaluations.com.au*

## INSTRUCTIONS

*Specialised Valuation Services Pty Ltd ACN 138601279  
PO Box 206 Hall ACT 2618 Tel: 0408624020 Fax: 0262302003  
Email: [denis@specialisedvaluations.com.au](mailto:denis@specialisedvaluations.com.au)*



Goulburn Mulwaree Council  
Locked Bag 22  
Goulburn NSW 2580

Civic Centre  
184 - 194 Bourke Street  
Goulburn NSW 2580  
t (02) 4823 4444  
e council@goulburn.nsw.gov.au  
www.goulburn.nsw.gov.au

12 March 2019

Contact: Ken Wheeldon  
Reference: 1128336

Specialised Valuation Services Pty Ltd  
PO Box 206  
HALL ACT 2618

Dear Denis

**Subject: Brief Valuation Report**  
**Property Address: 38 George Street, Marulan**

---

I refer to the recent market valuation you provided for the Marulan Pre-School at 38 George Street, Marulan and a rental assessment report prepared by Douglas Walker and Associates in 2013 (see attached).

Council is currently negotiating either the sale of this property or renewal of the lease with Anglicare and would appreciate receiving a quotation for the provision of brief current market rental assessment report.

For further information, please contact Ken Wheeldon – Business Manager Property & Community Services 4823 4484.

Yours faithfully

*for* 

Ken Wheeldon  
**Business Manager Property & Community Services**

## LEASE

*Specialised Valuation Services Pty Ltd ACN 138601279  
PO Box 206 Hall ACT 2618 Tel: 0408624020 Fax: 0262302003  
Email: [denis@specialisedvaluations.com.au](mailto:denis@specialisedvaluations.com.au)*

Form: 07L  
Release: 4-4

**LEASE**  
New South Wales  
Real Property Act 1900

Leave this space clear. Affix additional pages to the top left-hand corner.

**PRIVACY NOTE:** Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

STAMP DUTY

Office of State Revenue use only
----------------------------------

(A) TORRENS TITLE

Property leased 1/23030
----------------------------

(B) LODGED BY

Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any  Reference: DB:TD:160421	CODE  L
-------------------------	---	---------------

(C) LESSOR

GOULBURN MULWAREE COUNCIL ABN 84 049 849 319
--

The lessor leases to the lessee the property referred to above.

(D) Encumbrances (if applicable):

(E) LESSEE

ANGLICARE NSW SOUTH NSW WEST AND ACT ABN 69 198 255 076
---

(F) TENANCY:

- (G)
1. TERM Three (3) years
  2. COMMENCING DATE 20 April 2016
  3. TERMINATING DATE 19 April 2019
  4. With an OPTION TO RENEW for a period of Three (3) years set out in clause item 12 of Annexure A
  5. With an OPTION TO PURCHASE set out in clause N.A. of N.A.
  6. Together with and reserving the RIGHTS set out in clause N.A. of N.A.
  7. Incorporates the provisions or additional material set out in ANNEXURE(S) A and B hereto.
  8. Incorporates the provisions set out in N.A. No. N.A.
  9. The RENT is set out in item No. 13 of Annexure A



DATE .....

(H) I certify that I am an eligible witness and that an authorised officer of the lessor signed this dealing in my presence. [See note\* below].

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness:

Signature of authorised officer:

Name of witness:  
Address of witness:

Authorised officer's name:  
Authority of officer:  
Signing on behalf of:

I certify that I am an eligible witness and that an authorised officer of the lessee signed this dealing in my presence. [See note\* below].

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness:



Signature of authorised officer:



Name of witness:  
Address of witness:

**JEREMY HALCROW  
CHIEF EXECUTIVE OFFICER**

Authorised officer's name:  
Authority of officer:  
Signing on behalf of:

(I) STATUTORY DECLARATION\*

I .....  
solemnly and sincerely declare that—

- 1. The time for the exercise of option to ..... in expired lease No. .... has ended; and
- 2. The lessee under that lease has not exercised the option.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1900.

Made and subscribed at ..... in the State of New South Wales on .....

in the presence of ..... of .....

Justice of the Peace (J.P. Number: ..... )  Practising Solicitor

Other qualified witness [specify] .....

# who certifies the following matters concerning the making of this statutory declaration by the person who made it:

- 1. I saw the face of the person OR I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering; and
- 2. I have known the person for at least 12 months OR I have confirmed the person's identity using an identification document and the document I relied on was a ..... [Omit ID No.]

Signature of witness:

Signature of applicant: .....

\* As the services of a qualified witness cannot be provided at lodgment, the declaration should be signed and witnessed prior to lodgment. # If made outside NSW, cross out the witness certification. If made in NSW, cross out the text which does not apply.

**ANNEXURE A**

**ANNEXURE A**  
*SEE A SOLICITOR ABOUT THIS LEASE*

**Lessor: GOULBURN MULWAREE COUNCIL ABN 84 049 849 319**

**Lessee: ANGLICARE NSW SOUTH NSW WEST AND ACT ABN 69 198 255 076**

This annexure consists of 2 pages.

**NOTE:** Any alterations and additions to Lease Covenants in Annexure B **must** be made by additional clauses in Annexure A. The printed clauses in Annexure B are to remain in their copyright form without alteration.

**SCHEDULE OF ITEMS** (continued)

- Item 10 (cls 2.3, 13.1) (cl 13.7)
  - A. **The guarantor:** Not applicable
  - B. **Limit of guarantor's liability:** Not applicable

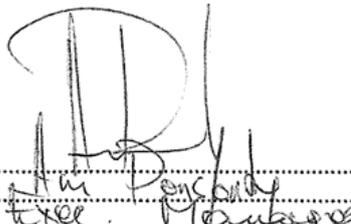
Item 11 (cl 3) **Additional leased property:** None not applicable

- Item 12 (cl 4) **Option to renew**
  - A. Further period of 3 years from 20/04/19 to 19/04/22
  - B. Further period of N/A years
  - C. Maximum period of tenancy under this lease and permitted renewals: 6 years.
  - D. First day option for renewal can be exercised: 20/10/18
  - E. Last day option for renewal can be exercised: 19/01/19

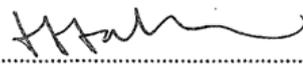
- Item 13 (cl 5) **A. Rent**
  - For the lease period:
 

From the commencement date to the first rent review date:	\$3,812.70 a year inclusive of GST
Afterwards:	At the new yearly rent beginning on each review date by monthly instalments of one twelfth of the new yearly rent.
  - For the further period in item 12A:
 

From the commencement date to the first rent review date: (for example: Current market rent)	Current Market Rent
Afterwards:	At the new yearly rent beginning on each review date by monthly instalments of one twelfth of the new yearly rent.



.....  
 Ann Penfold  
 Chief Executive Officer



.....  
 JEREMY HALCROW  
 CHIEF EXECUTIVE OFFICER



ANNEXURE B

PAGE 1 OF 13 PAGES

SEE A SOLICITOR ABOUT THIS LEASE

ANNEXURE B

Lessor: GOULBURN MULWAREE COUNCIL ABN 84 049 849 319

Lessee: ANGLICARE NSW SOUTH NSW WEST AND ACT ABN 69 198 255 076

This annexure consists of 13 pages.

©2007 COPYRIGHT of the Law Society of New South Wales which has approved this annexure as printed to clause 18. WARNING: Unauthorised reproduction in whole or in part is an infringement of copyright.

NOTE: Any alterations and additions to Lease Covenants in Annexure B must be made by additional clauses in Annexure A. The printed clauses in Annexure B are to remain in their copyright form without alteration.

CONTENTS

Table with 6 columns: CLAUSE, SUBJECT, PAGE, CLAUSE, SUBJECT, PAGE. Lists clauses 1-18 and their corresponding page numbers.

RETAIL LEASE CERTIFICATE

If section 16 of the Retail Leases Act 1994 applies to this lease, and the term plus any further terms are less than 5 years (subject to section 16(4)), the term will be extended unless a section 16(3) certificate is given. Sections 16(1) and (2) provide –

- 16(1) The term for which a retail shop lease is entered into, together with any further term or terms provided for by any agreement or option for the acquisition by the lessee of a further term as an extension or renewal of the lease, must not be less than 5 years.
16(2) If a lease is entered into in contravention of this section, the validity of the lease is not thereby affected but the term of the lease is extended by such period as may be necessary to prevent the lease contravening this section.

I certify that:

- I am a solicitor not acting for the lessor;
Before (or within 6 months after) the lessee entered into this lease –
- the lessee requested me to give this certificate; and
- I explained to the lessee the effect of sections 16(1) and (2), and that the giving of this certificate would result in section 16 not applying to this lease.

Date

Signature

JEREMY HALCROW
CHIEF EXECUTIVE OFFICER
NAME (BLOCK LETTERS)

**CLAUSE 1 FORM OF THIS LEASE****What are the parts to this lease?**

- 1.1 There are three parts to this lease – a lease form, Annexure A and this annexure.
- 1.2 This lease is a deed even if it is not registered.
- 1.3 A reference in this deed to the schedule is to the schedule of items commencing at item 1 on the lease form and ending with item 20 in Annexure A.

**CLAUSE 2 PARTIES****Who are the parties to this lease?**

- 2.1 The lessor is named on page 1 of this lease.
- 2.2 The lessee is named on page 1 of this lease.
- 2.3 The guarantor is named in item 10 in the schedule, if there is a guarantor.
- 2.4 If a party consists of two or more persons, obligations of that party can be enforced against any one or more of them.

**CLAUSE 3 THE PROPERTY****What property is leased?**

- 3.1 The property leased is described on page 1 of this lease.
- 3.2 The lessor's fixtures are included in the property leased.
- 3.3 If anything else is leased (such as furniture belonging to the lessor) and is described in item 11 in the schedule it is included in the property.
- 3.4 If the property has facilities and services shared in common with other persons in the same building as the property, clause 11.3.2 applies to those common facilities. The lessee shares the common facilities with the lessor, and with other lessees of the lessor. The lessor can set reasonable rules for sharing these common facilities.

**CLAUSE 4 LEASE PERIOD****How long is this lease for?**

- 4.1 This lease is for the period stated in item 1 in the schedule, commences on the date stated in item 2 in the schedule and ends on the date stated in item 3 in the schedule.
- 4.2 If a further period, commencing when this lease ends, is stated in item 12A in the schedule then the lessee has the option to renew this lease for that period.
- 4.3 The lessee can renew this lease more than once if that is stated in item 12B in the schedule. However the period of tenancy under this lease and under any renewal(s) is, in total, not longer than the maximum period stated in item 12C in the schedule.
- 4.4 The lessee can exercise the option only if –
  - 4.4.1 the lessee serves on the lessor a notice of exercise of option not earlier than the first day stated in item 12D in the schedule and not later than the last day stated in item 12E in the schedule;
  - 4.4.2 there is at the time of service no rent or outgoing that is overdue for payment; and
  - 4.4.3 at the time of service all the other obligations of the lessee have been complied with or fully remedied in accordance with the terms of any notice to remedy given by the lessor.If this lease is extended by legislation, items 12D and 12E in the schedule are adjusted accordingly.
- 4.5 After exercising the option the lessee must continue to pay all rents and outgoings on time and continue to comply with all of the lessee's obligations under this lease. If the lessee does not do so, the lessor may treat any breach as being a breach of the new lease as well as of this lease.

## ANNEXURE B

PAGE 3 OF 13 PAGES

- 4.6 A new lease will be the same as this lease except for –
- 4.6.1 the new rent;
  - 4.6.2 the commencement date and the termination date;
  - 4.6.3 the omission of clauses 4.2, 4.3, 4.4, 4.5 and 4.6 and items 12A and 12B in the schedule in the last lease allowed in item 12 in the schedule;
  - 4.6.4 item 12B becoming item 12A;
  - 4.6.5 adjustment of item 12C in the schedule; and
  - 4.6.6 adjustment of items 12D and 12E in the schedule. The number of days between the dates stated in items 12D and 12E in the schedule of the new lease and the termination date of the new lease and the number of days between each date stated in items 12D and 12E in the schedule of this lease and the termination date of this lease are to correspond.

If the new rent is to be current market rent it will be decided in the same way that current market rent is to be decided under Method 3 stated in clause 5 assuming that this lease and the new lease were one continuous lease and the commencement date of the new lease was a rent review date.

**CLAUSE 5 MONEY****What money must the lessee pay?**

- 5.1 The lessee must pay to the lessor or as the lessor directs –
- 5.1.1 the rent stated in item 13A in the schedule;
  - 5.1.2 the share stated in item 14A in the schedule of those outgoing payments stated in item 14B in the schedule;
  - 5.1.3 the reasonable cost to the lessor of remedying a default by the lessee;
  - 5.1.4 the reasonable cost to the lessor of dealing with any application by the lessee for the lessor's consent under this lease (whether or not it is given);
  - 5.1.5 interest on these moneys at the rate stated in item 15 in the schedule when payment is more than 14 days overdue, calculated from the due date to the date of payment;
  - 5.1.6 registration fee for registration of this lease at Land and Property Information NSW (payable on delivery to the lessor's solicitor of the executed lease);
  - 5.1.7 stamp duty on this lease (payable on delivery to the lessor's solicitor of the executed lease) if not previously paid by the lessee to the Office of State Revenue;
  - 5.1.8 if the lessee defaults, the lessor's reasonable legal costs relating to the default;
  - 5.1.9 the lessor's reasonable costs and expenses in connection with the preparation of this lease but only that part of those costs and expenses which are permitted to be recovered by a lessor under section 14 and section 45 of the *Retail Leases Act, 1994*; and
  - 5.1.10 GST as provided for in clause 15.
- 5.2 The first month's instalment of rent is to be paid by the commencement date. Each later month's instalment of rent is to be paid in advance.
- 5.3 A payment under clause 5.1.2 must be paid on the next rent day after a request for payment is made by the lessor.
- A request for payment can be made –
- 5.3.1 after the lessor has paid an outgoing; or
  - 5.3.2 after the lessor has received an assessment or account for payment of an outgoing.
- If item 14B in the schedule refers to land tax –
- if the property is a strata lot, the relevant land tax is land tax on that lot;
  - if the property is not a strata lot but is part of a building, the relevant land tax is land tax on the land on which the building is situated, plus any land of the lessor used or available for use by or for the benefit of lessees conducting business in the building or in connection with trading in the building; and
  - in either case, the land tax must be calculated as if the land was the only land owned by the lessor and there was no special trust or non-concessional company involved.

**When and how is the rent to be reviewed?**

- 5.4 The rent is to be reviewed on the rent review dates stated in item 16 in the schedule.  
If this lease is extended by legislation, the rent review dates include each anniversary of the latest rent review date stated in item 16 in the schedule (or if none is stated each anniversary of the commencement date) which falls during the extension.
- 5.5 The lessee must continue to pay rent at the old rate until the new rate is known. After that, the lessee is to pay the new rent from the next rent day. By that rent day the lessee is also to pay any shortfall between the old and new rate for the period since the rent review date. Alternatively, the lessor is to refund to the lessee any overpayment of rent.
- 5.6 There are three different methods described here for fixing the new rent on a rent review date. The method agreed by the lessor and the lessee is stated at item 16 in the schedule. The lessee is entitled to a reduction if the method produces a rent lower than the rent current just before the review date.

**Method 1. By a fixed amount or percentage.**

- 5.7 In this case the rent beginning on each review date will be increased by the percentage or amount stated in item 16 in the schedule.

**Method 2. By reference to Consumer Price Index.**

- 5.8 In this case –
  - take the yearly rent as of the last review date or if none, the rent at the commencement date (\$X),
  - divide that rent by the Consumer Price Index Number for Sydney (All Groups) for the quarter ended just before that date (CPI 1),
  - multiply the result by the Consumer Price Index Number for Sydney (All Groups) for the quarter ended just before the review date (CPI 2).

The product is the new rent for the year beginning on the review date (\$Y), written as a formula –

$$\frac{\$X}{\text{CPI 1}} \times \text{CPI 2} = \$Y$$

- 5.9 The lessor must calculate the new rent after each review date and give the lessee written notice of the new rent.
- 5.10 If the Australian Bureau of Statistics makes a change in the reference base of the index and there is a published co-relation between the old and new base then the published co-relation is to be applied to convert the CPI 1 figure to the new reference base. If there is none then the lessor and the lessee agree to accept the calculations of the lessor’s solicitor who must be retained to determine a fair co-relation between the old and the new series of numbers.
- 5.11 If the index used to calculate the new rent is discontinued the lessor may substitute another index that, as nearly as practicable, serves the same purpose and, if there is no such index, then the rent will be fixed by Method 3.

**Method 3. By reference to current market rent.**

- 5.12 In this case the rent is to be the current market rent. This can be higher or lower than the rent payable at the rent review date and is the rent that would reasonably be expected to be paid for the property, determined on an effective rent basis, having regard to the following matters –
  - 5.12.1 the provisions of this lease;
  - 5.12.2 the rent that would reasonably be expected to be paid for the property if it were unoccupied and offered for renting for the same or a substantially similar use to which the property may be put under this lease;
  - 5.12.3 the gross rent, less the lessor’s outgoings payable by the lessee;
  - 5.12.4 where the property is a retail shop, rent concessions and other benefits that are frequently or generally offered to prospective lessees of unoccupied retail shops; and
  - 5.12.5 the value of goodwill created by the lessee’s occupation and the value of lessee’s fixtures and fittings are to be ignored.

**ANNEXURE B**

PAGE 5 OF 13 PAGES

- 5.13 The lessor or the lessee can inform the other in writing at least 60 days before the rent review date of the rent that the lessor or lessee thinks will be the current market rent at the review date.
- 5.14 If the lessor and the lessee agree on a new rent then that rent will be the new rent beginning on the rent review date and the lessor and the lessee must sign a statement saying so.
- 5.15 If the lessor and the lessee do not agree on the amount of the new rent 30 days before the rent review date, the current market rent will be decided by a valuer appointed under clause 5.16.
- 5.16
- 5.16.1 Unless 5.16.2 applies the lessor and the lessee can either agree upon a valuer or can ask the President of the Law Society of New South Wales to nominate a person who is a licensed valuer to decide the current market rent.
- 5.16.2 Where the property is a retail shop, the valuer appointed must be a specialist retail valuer appointed by agreement of the parties or, failing agreement, by the Administrative Decisions Tribunal.
- 5.17 The valuer will act as an expert not an arbitrator. The lessor and the lessee can each make submissions in writing to the valuer within 14 days after they receive notice of the valuer's appointment but not later unless the valuer agrees.
- 5.18 The valuer's decision is final and binding. The valuer must state how the decision was reached.
- 5.19 If the valuer
- 5.19.1 does not accept the nomination to act; or
- 5.19.2 does not decide the current market rent within 1 month after accepting the nomination; or
- 5.19.3 becomes incapacitated or dies; or
- 5.19.4 resigns,
- then another valuer is to be appointed in the same way.
- 5.20 The lessor and lessee must each pay half the valuer's costs.
- 5.21 If the lessor and lessee do not agree upon a valuer and neither asks for a valuer to be nominated before –
- 5.21.1 the next rent review date passes; or
- 5.21.2 this lease ends without the lessee renewing it; or
- 5.21.3 this lease is transferred after the rent review date with the lessor's consent; or
- 5.21.4 the property is transferred after the rent review date
- then the rent will not change on that rent review date.

**CLAUSE 6 USE****How must the property be used?**

- 6.1 The lessee must –
- 6.1.1 use the property for the purpose stated in item 17 in the schedule and not for any other purpose;
- 6.1.2 open for business at times usual for a business of the kind conducted by the lessee;
- 6.1.3 keep the property clean and dispose of waste properly; and
- 6.1.4 comply with all laws relating to strata schemes and all other laws regulating how the property is used, obtain any consents or licences needed, comply with any conditions of consent, and keep current any licences or registrations needed for the use of the property or for the conduct of the lessee's business there.
- 6.1.5 where the property is a lot in a strata scheme:
- 6.1.5.1 use the lessor's common property only in connection with the use of the property;
- 6.1.5.2 co-operate with all other permitted users of the common property;
- 6.1.5.3 comply with so many of the provisions of the *Strata Schemes Management Act 1996* and the *Strata Schemes (Freehold Development) Act 1973* and the by-laws and all lawful orders, motions and directives under these Acts as may be applicable to the exercise of the lessee's rights and obligations under this lease.

**ANNEXURE B**

PAGE 6 OF 13 PAGES

- 6.2 The lessor can consent to a change of use and cannot withhold consent unreasonably.
- 6.3 The lessee must not –
- 6.3.1 do anything that might invalidate any insurance policy covering the property or that might increase the premium unless the lessor consents in which case the lessee must pay the increased premium; or
  - 6.3.2 use the property as a residence or for any activity that is dangerous, offensive, noxious, illegal or immoral or that is or may become a nuisance or annoyance to the lessor or to the owner or occupier of any neighbouring property; or
  - 6.3.3 hold any auction, bankrupt or fire sale in the property; or
  - 6.3.4 display signs or advertisements on the outside of the property, or that can be seen from the outside, unless the lessor consents (but the lessor cannot withhold consent unreasonably);
  - 6.3.5 overload the floors or walls of the property; or
  - 6.3.6 without the prior written consent of the lessor and/or the owners corporation, use the common property for any purpose other than for access to and egress from the property.

**CLAUSE 7 CONDITION AND REPAIRS****Who is to repair the property?**

- 7.1 The lessor must –
- 7.1.1 maintain in a state of good condition and serviceable repair the roof, the ceiling, the external walls and external doors and associated door jambs, and the floors of the property and must fix structural defects;
  - 7.1.2 maintain the property in a structurally sound condition; and
  - 7.1.3 maintain essential services.
- 7.2 The lessee must otherwise maintain the property in its condition at the commencement date and promptly do repairs needed to keep it in that condition but the lessee does not have to –
- 7.2.1 alter or improve the property; or
  - 7.2.2 fix structural defects; or
  - 7.2.3 repair fair wear and tear.
- 7.3 The lessee must also –
- 7.3.1 reimburse the lessor for the cost of fixing structural damage caused by the lessee, apart from fair wear and tear;
  - 7.3.2 maintain and decorate the shop front if the property has one;
  - 7.3.3 decorate the inside of the property in the last 3 months of the lease period (however it ends) – ‘decorate’ here means restoring the surfaces of the property in a style and to a standard of finish originally used e.g. by repainting;
  - 7.3.4 where the property is a lot in a strata scheme:
    - 7.3.4.1 meet the cost of all damage to the common property occasioned by the lessee or any invitee or licensee of the lessee; and
    - 7.3.4.2 permit the owners corporation, temporarily, to close any part of the common property for the purpose of making and effecting repairs to it.
- 7.4 If an authority requires work to be done on the property and it is structural work or work needed to make the property safe to use then the lessor must do the work unless it is required only because of the way the lessee uses the property. But if it is any other work or is required only because of the way the lessee uses the property then the lessee must do the work.
- 7.5 If the lessee fails to do any work that the lessee must do the lessor can give the lessee a notice in writing stating what the lessee has failed to do. After the notice is given the lessee must –
- 7.5.1 do the work immediately if there is an emergency; and
  - 7.5.2 do the work promptly and diligently in any other case.
- If the lessee does not do the work, the lessor can do it and the lessee must reimburse the lessor for the cost of the work.

**ANNEXURE B**

PAGE 7 OF 13 PAGES

- 7.6 The lessee must not make any structural alterations to the property. Any other alterations require the lessor's consent in writing (but the lessor cannot withhold consent unreasonably).

**CLAUSE 8 INSURANCE AND DAMAGE**

**What insurances must the lessee take out?**

- 8.1 The lessee must keep current an insurance policy covering –
  - 8.1.1 liability to the public in an amount not less than the amount stated in item 18 in the schedule (for each accident or event); and
  - 8.1.2 damage or destruction from any cause to all plate glass in the windows and other portions of the property and must produce to the lessor, upon request, the policy and the receipt for the last premium. .

**What happens if the property is damaged?**

- 8.2 If the property or the building of which it is part is damaged (a term which includes destroyed) –
  - 8.2.1 the lessee is not liable to pay rent, or any amount payable to the lessor in respect of outgoing and other charges, that is attributable to any period during which the property cannot be used under this lease or is inaccessible due to that damage;
  - 8.2.2 if the property is still useable under this lease but its useability is diminished due to the damage, the lessee's liability for rent and any amount in respect of outgoing attributable to any period during which useability is diminished is reduced in proportion to the reduction in useability caused by the damage;
  - 8.2.3 if the lessor notifies the lessee in writing that the lessor considers that the damage is such as to make its repair impracticable or undesirable, the lessor or the lessee can terminate this lease by giving not less than 7 days notice in writing of termination to the other and no compensation is payable in respect of that termination;
  - 8.2.4 if the lessor fails to repair the damage within a reasonable time after the lessee requests the lessor to do so the lessee can terminate this lease by giving not less than 7 days notice in writing of termination to the lessor; and
  - 8.2.5 nothing in clause 8.2 affects any right of the lessor to recover damages from the lessee in respect of any damage or destruction to which the clause applies.

**CLAUSE 9 ACCESS**

**What are the lessor's rights of access to the property?**

- 9.1 The lessee must give the lessor (or anyone authorised in writing by the lessor) access to the property at any reasonable time for the purpose of –
  - 9.1.1 inspecting the condition of the property, or how it is being used; or
  - 9.1.2 doing anything that the lessor can or must do under this lease or must do by law; or
  - 9.1.3 viewing the property as a valuer, prospective buyer or mortgagee; or
  - 9.1.4 fixing a notice in a reasonable position on the outside of the property saying that it is for sale; or
  - 9.1.5 viewing the property as a prospective lessee not earlier than 6 months before the lease period ends; or
  - 9.1.6 fixing a notice not earlier than 6 months before the lease period ends in a reasonable position on the outside of the property saying that it is to let; or
  - 9.1.7 inspecting, cleaning or repairing another property or any services to another property.
- 9.2 The lessor must give the lessee at least 2 days written notice for access (except in an emergency). The day of the giving of the notice and any Saturday, Sunday or public holiday on which the property is not open for business are not counted.
- 9.3 The lessor must promptly make good any damage caused to the property and to any of the lessee's belongings which results from exercising these rights.
- 9.4 The lessee must give to the lessor a copy of any notice relating to the property or relating to any neighbouring property immediately after receiving the notice.

**CLAUSE 10 TRANSFER AND SUB-LEASE****Can this lease be transferred or the property shared or sub-let?**

- 10.1 The lessee must not transfer this lease without consent.
- 10.2 The lessor can withhold consent only if –
- 10.2.1 the proposed transferee proposes to change the use to which the property is put; or
- 10.2.2 where the property is a retail shop, the proposed transferee has financial resources or retailing skills inferior to those of the proposed transferor and otherwise the proposed transferee has financial resources or business experience inferior to those of the proposed transferor; or
- 10.2.3 the lessee has not complied with clause 10.3 and, where the property is a retail shop, clause 10.4.
- 10.3 A request for the lessor's consent to a transfer of lease must be made in writing and the lessee must provide the lessor with such information as the lessor may reasonably require concerning the financial standing and business experience of the proposed transferee.
- 10.4 Where the property is a retail shop, before requesting the consent of the lessor to a proposed transfer of this lease, the lessee must furnish the proposed transferee with a copy of any disclosure statement given to the lessee in respect of this lease, together with details of any changes that have occurred in respect of the information contained in the disclosure statement (being changes of which the lessee was aware or could reasonably be expected to be aware). For the purpose of enabling the lessee to comply with this obligation, the lessee can request the lessor to provide the lessee with a copy of the disclosure statement concerned and, if the lessor is unable or unwilling to comply with such a request within 14 days after it is made, this clause 10.4 does not apply.
- 10.5 Where the lessee has complied with clause 10.3 and where required to do so clause 10.4, and the lessor has not within 42 days or where the *Retail Leases Act 1994* applies 28 days after the request was made or the lessee has complied with paragraphs 41(a) and 41(b) of that Act, whichever is the later, given notice in writing to the lessee either consenting or withholding consent, the lessor is taken to have consented.
- 10.6 The lessee has to pay in connection with any consent the lessor's reasonable legal costs, the reasonable costs of obtaining any mortgagee's consent, the stamp duty and the registration fee for the transfer.
- 10.7 Where the property is a retail shop, the lessee can sub-let, grant a licence or concession, share or part with the possession of the whole or any part of the property or mortgage or otherwise charge or encumber the lessee's estate or interest in this lease only with the written consent of the lessor which can be refused in the lessor's absolute discretion. Otherwise, the lessee cannot do any of these things.

**CLAUSE 11 LESSOR'S OTHER OBLIGATIONS****What are the lessor's other obligations?**

- 11.1 So long as the lessee does all the things that must be done by the lessee under this lease the lessor must allow the lessee to possess and use the property in any way permitted under this lease without interference from the lessor, or any person claiming under the lessor or having superior title to the title of the lessor.
- 11.2 The lessor must pay all outgoing for the land or the building of which the property is part when they fall due.
- 11.3 If the property is part of a building owned or controlled by the lessor –
- 11.3.1 the lessor must maintain in reasonable structural condition all parts of the building that the lessee can use under this lease; and
- 11.3.2 if the property has facilities and service connections shared in common with other persons the lessor must –
- 11.3.2.1 allow reasonable use of the facilities and service connections including –
- the right for the lessee and other persons to come and go to and from the property over the areas provided for access;
  - access by the lessee to service connections; and
  - the right for the lessee's customers to park vehicles in any area set aside for customer parking, subject to any reasonable rules made by the lessor.
- 11.3.2.2 maintain the facilities and service connections in reasonable condition.

- 11.4 Where registration is necessary for the validity of this lease, the lessor must ensure that this lease is registered.
- 11.5 If a consent is needed for this lease, from someone such as a mortgagee or head lessor of the property, then the lessor must get the consent.

**CLAUSE 12 FORFEITURE AND END OF LEASE**

**When does this lease end?**

- 12.1 This lease ends –
  - 12.1.1 on the date stated in item 3 in the schedule; or
  - 12.1.2 if the lessor lawfully enters and takes possession of any part of the property; or
  - 12.1.3 if the lessor lawfully demands possession of the property; or
  - 12.1.4 *in accordance with clause 12.8.*
- 12.2 The lessor can enter and take possession of the property or demand possession of the property if –
  - 12.2.1 the lessee has repudiated this lease; or
  - 12.2.2 rent or any other money due under this lease is 14 days overdue for payment; or
  - 12.2.3 the lessee has failed to comply with a lessor’s notice under section 129 of the *Conveyancing Act 1919*; or
  - 12.2.4 the lessee has not complied with any term of this lease where a lessor’s notice is not required under section 129 of the *Conveyancing Act 1919* and the lessor has given at least 14 days written notice of the lessor’s intention to end this lease.
- 12.3 When this lease ends, unless the lessee becomes a lessee of the property under a new lease the lessee must –
  - 12.3.1 return the property to the lessor in the state and condition that this lease requires the lessee to keep it in; and
  - 12.3.2 have removed any goods and anything that the lessee fixed to the property and have made good any damage caused by the removal.

Anything not removed becomes the property of the lessor who can keep it or remove and dispose of it and charge to the lessee the cost of removal, making good and disposal.
- 12.4 If the lessor allows the lessee to continue to occupy the property after the end of the lease period (other than under a new lease) then –
  - 12.4.1 the lessee becomes a monthly lessee and must go on paying the same rent and other money in the same way that the lessee had to do under this lease just before the lease period ended (apportioned and payable monthly);
  - 12.4.2 the monthly tenancy will be on the same terms as this lease, except for –
    - clause 4;
    - clauses 5.4 to 5.21 inclusive; and
    - clause 6.2 unless consent has previously been given;
  - 12.4.3 either the lessor or the lessee can end the monthly tenancy by giving, at any time, 1 month written notice to the other expiring on any date; and
  - 12.4.4 anything that the lessee must do by the end of this lease must be done by the end of the monthly tenancy.
- 12.5 Essential terms of this lease include –
  - 12.5.1 the obligation to pay rent not later than 14 days after the due date for payment of each periodic instalment (and this obligation stays essential even if the lessor, from time to time, accepted late payment);
  - 12.5.2 the obligations of the lessee in clause 5.1.2 (dealing with outgoings);
  - 12.5.3 the obligations of the lessee in clause 6.1 (dealing with use);
  - 12.5.4 the obligations of the lessee in clause 7 (dealing with repairs);
  - 12.5.5 the obligations of the lessee in clause 10 (dealing with transfer and sub-lease); and
  - 12.5.6 the obligations of the lessee in clause 15 (dealing with GST).

**ANNEXURE B**

PAGE 10 OF 13 PAGES

- 12.6 If there is a breach of an essential term the lessor can recover damages for losses over the entire period of this lease but must do every reasonable thing to mitigate those losses and try to lease the property to another lessee on reasonable terms.
- 12.7 The lessor can recover damages even if –
  - 12.7.1 the lessor accepts the lessee’s repudiation of this lease; or
  - 12.7.2 the lessor ends this lease by entering and taking possession of any part of the property or by demanding possession of the property; or
  - 12.7.3 the lessee abandons possession of the property; or
  - 12.7.4 a surrender of this lease occurs.

**CLAUSE 13 GUARANTEE** *12.8 This lease may be terminated by three months' notice in writing by either party to this lease and in the event of Council exercising its right under this clause; the lessee shall give peaceful possession of the said to the Council*

- 13.1 This clause applies if a guarantor of the lessee is named in item 10A in the schedule and has signed or executed this lease or, if this lease is a renewal of an earlier lease, the earlier lease.
- 13.2 The guarantor guarantees to the lessor the performance by the lessee of all the lessee’s obligations (including any obligation to pay rent, outgoings or damages) under this lease, under every extension of it or under any renewal of it or under any tenancy and including obligations that are later changed or created.
- 13.3 If the lessee does not pay any money due under this lease, under any extension of it or under any renewal of it or under any tenancy the guarantor must pay that money to the lessor on demand even if the lessor has not tried to recover payment from the lessee.
- 13.4 If the lessee does not perform any of the lessee’s obligations under this lease, under any extension of it or under any renewal of it or under any tenancy the guarantor must compensate the lessor even if the lessor has not tried to recover compensation from the lessee.
- 13.5 If the lessee is insolvent and this lease or any extension or renewal of it is disclaimed the guarantor is liable to the lessor for any damage suffered by the lessor because of the disclaimer. The lessor can recover damages for losses over the entire period of this lease or any extension or renewal but must do every reasonable thing to mitigate those losses and try to lease the property to another lessee on reasonable terms.
- 13.6 Even if the lessor gives the lessee extra time to comply with an obligation under this lease, under any extension of it or under any renewal of it or under any tenancy, or does not insist on strict compliance with the terms of this lease or any extension of it or renewal of it or of any tenancy, the guarantor’s obligations are not affected.
- 13.7 If an amount is stated in item 10B in the schedule the guarantor’s liability under this clause is limited to that amount.
- 13.8 The terms of this guarantee apply even if this lease is not registered, even if any obligation of the lessee is only an equitable one, and even if this lease is extended by legislation.

**CLAUSE 14 EXCLUSIONS, NOTICES AND SPECIAL CLAUSES**

- 14.1 No covenant or power is implied in this lease by section 84 or 85 of the *Conveyancing Act 1919*.
- 14.2 A document under or relating to this lease is –
  - 14.2.1 served if it is served in any manner provided in section 170 of the *Conveyancing Act 1919*; and
  - 14.2.2 served on the lessee if it is left at the property.
- 14.3 This lease is subject to any legislation that cannot be excluded (for example, the *Retail Leases Act 1994*).
- 14.4 In this lease, ‘retail shop’ means premises to which the *Retail Leases Act 1994* applies.
- 14.5 In this lease ‘Director General’ has the same meaning as in the *Retail Leases Act 1994*.

**CLAUSE 15 GOODS AND SERVICES TAX**

Unless item 13B in the schedule has been completed in a way that indicates that this clause is not to apply:

- 15.1 As consideration in whole or in part for a taxable supply the person receiving the supply must pay to the party making the supply an additional amount equal to the amount of GST payable on the supply.
- 15.2 To the extent that the lessee is required to reimburse the lessor in whole or in part for outgoings incurred by the lessor, for the purposes of this lease the amount of the outgoings must be reduced by the amount of any credit or refund of GST to which the lessor is entitled as a result of incurring outgoings.
- 15.3 Outgoings in item 14B in the schedule are to be calculated after deducting any input tax credit to which the lessor is entitled.
- 15.4 For the purposes of this lease GST means a tax in the nature of a supply of goods and services tax levied or imposed by the Commonwealth of Australia.

**CLAUSE 16 BANK GUARANTEE**

- 16.1 If a number of months appears in item 19 in the schedule, clauses 16.2 to 16.5 apply.
- 16.2 On or before the commencement date of this lease the lessee will deliver to the lessor a guarantee by a bank trading in the State of New South Wales in the form of an unconditional and irrevocable undertaking to pay drawn in favour of the lessor (unlimited as to time) in a form acceptable to the lessor and for an amount equivalent to the number of months referred to in item 19 in the schedule.
- 16.3 The lessor is entitled to claim under the guarantee an amount equal to any moneys due but unpaid by the lessee to the lessor under this lease.
- 16.4 The lessee agrees to vary the amount of the guarantee immediately upon each rent review so that the amount at all times represents the equivalent of the number of months referred to in the schedule.
- 16.5 The lessor will deliver the guarantee (or so much of it as is then held by the lessor) to the lessee on the last of:
  - 16.5.1 the terminating date of this lease;
  - 16.5.2 the expiry date of any holding over under this lease; and
  - 16.5.3 the date that the lessee has no further obligations under this lease or at law.

**CLAUSE 17 SECURITY DEPOSIT**

- 17.1 If an amount or a number of months appears in item 20 in the schedule, clauses 17.2 to 17.6 apply.
- 17.2 On or before the commencement date of this lease the lessee will deliver the security deposit to the lessor.
- 17.3 The lessor is entitled to deduct from the security deposit an amount equal to any monies due but unpaid by the lessee to the lessor under this lease.
- 17.4 Where the property is a retail shop, the security deposit will be held in accordance with Section 16C of the *Retail Leases Act 1994*. The lessee will not make an application to the Director General seeking the return of the security deposit (or so much of it as is then held by the Director General) until the later of:
  - 17.4.1 the terminating date of this lease;
  - 17.4.2 the expiry date of any holding over under this lease; and
  - 17.4.3 the date that the lessee has no further obligations under this lease or at law.
- 17.5 Where the property is other than a retail shop the security deposit (or so much of it as is then held by the lessor) will be returned to the lessee on the later of the dates as specified in clause 17.4.
- 17.6 The lessee agrees to vary the amount of the security deposit immediately upon each rent review so that it represents the equivalent of the number of months referred to in the schedule.

**CLAUSE 18 STRATA CONVERSION**

- 18.1 "Owners corporation", "owner", "strata scheme", "lot" and "parcel" where used in this lease have the meanings given under the *Strata Schemes Management Act 1996* and the *Strata Schemes (Freehold Development) Act 1973*.

## ANNEXURE B

PAGE 12 OF 13 PAGES

- 18.2 "Strata Acts" means the *Strata Schemes Management Act 1996* and the *Strata Schemes (Freehold Development) Act 1973*, and includes any amending Acts, rules, regulations, ordinances, by-laws, statutory instruments, orders or notices now or hereafter made under those Acts.
- 18.3 "Strata conversion" means a subdivision of the property under the *Strata Schemes (Freehold Development) Act 1973* or the *Community Land Development Act 1989* or the *Community Land Management Act 1989* or other legislation permitting such subdivision.
- 18.4 Strata Titles
- 18.4.1 Lessee consents to registration of strata plan
- 18.4.1.1 By its entry into this lease the lessee acknowledges that the lessor can register a strata plan, a strata schemes plan, a strata plan of subdivision, a strata plan of consolidation or a building alteration plan insofar as any of these may relate to the property, the Building or the land. The lessor will provide the lessee with copies of the proposed strata plan and associated documentation for the lessee's approval, which approval will not be unreasonably withheld.
- 18.4.1.2 Provided the lessee consents to the strata conversion as per clause 18.4.1.1 then within 7 days of written request by the lessor the lessee will sign and return to the lessor any consents or other documents necessary to enable the lessor to carry out the strata conversion and will make no objection or claim for compensation in relation to the strata conversion.
- 18.4.2 Compliance with the Strata Acts and by-laws:
- 18.4.2.1 **(Covenant):** The lessee and any and all persons acting by, through or under it or with its authority express or implied shall comply with so many of the provisions of the Strata Acts and the by-laws and all lawful orders, motions and directives under the Strata Acts as may be applicable to the exercise of the lessee's rights and obligations under the provisions elsewhere contained in this lease.
- 18.4.2.2 **Not to prejudice interests of owners corporation.** Without the prior written consent of the owners corporation, the lessee shall not do any act, matter or thing under the exercise of its rights and obligations elsewhere contained in this lease or permit or allow any act, matter or thing to be done which shall or may:
- increase the rate of premium payable by the owners corporation under any policy of insurance taken out by the owners corporation; or
  - invalidate, avoid or suspend the operation of any such policy of insurance or otherwise prejudice the owners corporation rights under any such policy.
- 18.4.2.3 Upon the occurrence of any of the matters previously referred to the lessee shall:
- pay to the lessor or such other person responsible for payment any amounts payable to the owners corporation as a consequence of any such matters;
  - pay to the lessor for and on behalf of the owners corporation any amounts payable by the owners corporation as a consequence of any such matters and not the subject of clause 18.4.2.2; and
  - pay to the lessor for and on behalf of the owners corporation the amount of any and all losses and damages arising from the occurrence of any such matters.
- 18.4.2.4 **(Indemnity):** The lessee shall indemnify the lessor for any loss or damage suffered by the lessor if the lessee or the lessee's employees fail to comply with the obligations as to conduct imposed upon the lessee or the lessee's employees by this lease or by reason of the Strata Acts.
- 18.4.3 If the strata conversion occurs:
- 18.4.3.1 any reference in this lease will be deemed to be a reference to the buildings comprised in the registered plan or plans of which the property forms part;
- 18.4.3.2 any levies or other monies payable to the owners corporation will be payable by the lessee with the exception of any contribution to a sinking fund or special levy; and
- 18.4.3.3 this lease will be deemed to be amended in any respect that is necessary to ensure that this lease reflects that the strata conversion has been carried out.



Form: 07L  
Release: 4-4

**LEASE**  
New South Wales  
Real Property Act 1900

Leave this space clear. Affix additional pages to the top left-hand corner.

**PRIVACY NOTE:** Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

STAMP DUTY

Office of State Revenue use only
----------------------------------

(A) TORRENS TITLE

Property leased 1/23030
----------------------------

(B) LODGED BY

Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any  Reference: DB:TD:160421	CODE  L
-------------------------	---	---------------

(C) LESSOR

GOULBURN MULWAREE COUNCIL ABN 84 049 849 319
--

The lessor leases to the lessee the property referred to above.

(D) Encumbrances (if applicable):

(E) LESSEE

ANGLICARE NSW SOUTH NSW WEST AND ACT ABN 69 198 255 076
TENANCY:

(G) 1. TERM Three (3) years  
 2. COMMENCING DATE 20 April 2016  
 3. TERMINATING DATE 19 April 2019  
 4. With an OPTION TO RENEW for a period of Three (3) years set out in clause item 12 of Annexure A  
 5. With an OPTION TO PURCHASE set out in clause N.A. of N.A.  
 6. Together with and reserving the RIGHTS set out in clause N.A. of N.A.  
 7. Incorporates the provisions or additional material set out in ANNEXURE(S) A and B hereto.  
 8. Incorporates the provisions set out in N.A. No. N.A.  
 9. The RENT is set out in item No. 13 of Annexure A



DATE .....

(H) I certify that I am an eligible witness and that an authorised officer of the lessor signed this dealing in my presence. [See note\* below].

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness:

Signature of authorised officer:

Name of witness:  
Address of witness:

Authorised officer's name:  
Authority of officer:  
Signing on behalf of:

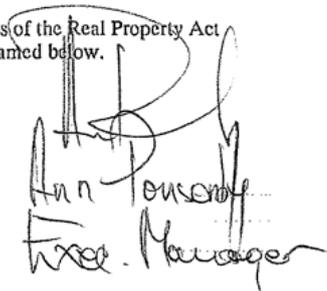
I certify that I am an eligible witness and that an authorised officer of the lessee signed this dealing in my presence. [See note\* below].

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness:



Signature of authorised officer:



Name of witness:  
Address of witness:

**JEREMY HALCROW**  
**CHIEF EXECUTIVE OFFICER**

Authorised officer's name:  
Authority of officer:  
Signing on behalf of:

(I) STATUTORY DECLARATION\*

I .....  
solemnly and sincerely declare that—

1. The time for the exercise of option to ..... in expired lease No. .... has ended; and
2. The lessee under that lease has not exercised the option.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1900.

Made and subscribed at ..... in the State of New South Wales on .....

in the presence of ..... of .....

Justice of the Peace (J.P. Number: ..... )  Practising Solicitor

Other qualified witness [specify] .....

# who certifies the following matters concerning the making of this statutory declaration by the person who made it:

1. I saw the face of the person OR I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering; and
2. I have known the person for at least 12 months OR I have confirmed the person's identity using an identification document and the document I relied on was a ..... [Omit ID No.]

Signature of witness:

Signature of applicant:

\* As the services of a qualified witness cannot be provided at lodgment, the declaration should be signed and witnessed prior to lodgment. # If made outside NSW, cross out the witness certification. If made in NSW, cross out the text which does not apply.

**ANNEXURE A**

**ANNEXURE A**  
SEE A SOLICITOR ABOUT THIS LEASE

**Lessor: GOULBURN MULWAREE COUNCIL ABN 84 049 849 319**

**Lessee: ANGLICARE NSW SOUTH NSW WEST AND ACT ABN 69 198 255 076**

This annexure consists of 2 pages.

**NOTE:** Any alterations and additions to Lease Covenants in Annexure B **must** be made by additional clauses in Annexure A. The printed clauses in Annexure B are to remain in their copyright form without alteration.

**SCHEDULE OF ITEMS (continued)**

- Item 10 (cls 2.3, 13.1) (cl 13.7)
  - A. **The guarantor:** Not applicable
  - B. **Limit of guarantor's liability:** Not applicable

Item 11 (cl 3) **Additional leased property:** None not applicable

- Item 12 (cl 4) **Option to renew**
  - A. Further period of 3 years from 20/04/19 to 19/04/22
  - B. Further period of N/A years
  - C. Maximum period of tenancy under this lease and permitted renewals: 6 years.
  - D. First day option for renewal can be exercised: 20/10/18
  - E. Last day option for renewal can be exercised: 19/01/19

- Item 13 (cl 5) **A. Rent**
  - For the lease period:
    - From the commencement date to the first rent review date: \$3,812.70 a year inclusive of GST
    - Afterwards: At the new yearly rent beginning on each review date by monthly instalments of one twelfth of the new yearly rent.
  - For the further period in item 12A:
    - From the commencement date to the first rent review date: Current Market Rent
    - (for example: Current market rent)
    - Afterwards: At the new yearly rent beginning on each review date by monthly instalments of one twelfth of the new yearly rent.



.....  
 .....  
 .....



.....  
**JEREMY HALCROW**  
 CHIEF EXECUTIVE OFFICER  
 .....



ANNEXURE B

PAGE 1 OF 13 PAGES

SEE A SOLICITOR ABOUT THIS LEASE

ANNEXURE B

Lessor: GOULBURN MULWAREE COUNCIL ABN 84 049 849 319

Lessee: ANGLICARE NSW SOUTH NSW WEST AND ACT ABN 69 198 255 076

This annexure consists of 13 pages.

©2007 COPYRIGHT of the Law Society of New South Wales which has approved this annexure as printed to clause 18. WARNING: Unauthorised reproduction in whole or in part is an infringement of copyright.
NOTE: Any alterations and additions to Lease Covenants in Annexure B must be made by additional clauses in Annexure A. The printed clauses in Annexure B are to remain in their copyright form without alteration.

CONTENTS

Table with 6 columns: CLAUSE, SUBJECT, PAGE, CLAUSE, SUBJECT, PAGE. Lists clauses 1-18 and their corresponding page numbers.

RETAIL LEASE CERTIFICATE

If section 16 of the Retail Leases Act 1994 applies to this lease, and the term plus any further terms are less than 5 years (subject to section 16(4)), the term will be extended unless a section 16(3) certificate is given. Sections 16(1) and (2) provide –

- 16(1) The term for which a retail shop lease is entered into, together with any further term or terms provided for by any agreement or option for the acquisition by the lessee of a further term as an extension or renewal of the lease, must not be less than 5 years.
16(2) If a lease is entered into in contravention of this section, the validity of the lease is not thereby affected but the term of the lease is extended by such period as may be necessary to prevent the lease contravening this section.

I certify that:

- I am a solicitor not acting for the lessor;
Before (or within 6 months after) the lessee entered into this lease –
- the lessee requested me to give this certificate; and
- I explained to the lessee the effect of sections 16(1) and (2), and that the giving of this certificate would result in section 16 not applying to this lease.

Date

Handwritten signature and date on a dotted line.

Signature

Handwritten signature of Jeremy Halcrow.

JEREMY HALCROW
NAME (BLOCK LETTERS)
SOLICITOR

**CLAUSE 1 FORM OF THIS LEASE****What are the parts to this lease?**

- 1.1 There are three parts to this lease – a lease form, Annexure A and this annexure.
- 1.2 This lease is a deed even if it is not registered.
- 1.3 A reference in this deed to the schedule is to the schedule of items commencing at item 1 on the lease form and ending with item 20 in Annexure A.

**CLAUSE 2 PARTIES****Who are the parties to this lease?**

- 2.1 The lessor is named on page 1 of this lease.
- 2.2 The lessee is named on page 1 of this lease.
- 2.3 The guarantor is named in item 10 in the schedule, if there is a guarantor.
- 2.4 If a party consists of two or more persons, obligations of that party can be enforced against any one or more of them.

**CLAUSE 3 THE PROPERTY****What property is leased?**

- 3.1 The property leased is described on page 1 of this lease.
- 3.2 The lessor's fixtures are included in the property leased.
- 3.3 If anything else is leased (such as furniture belonging to the lessor) and is described in item 11 in the schedule it is included in the property.
- 3.4 If the property has facilities and services shared in common with other persons in the same building as the property, clause 11.3.2 applies to those common facilities. The lessee shares the common facilities with the lessor, and with other lessees of the lessor. The lessor can set reasonable rules for sharing these common facilities.

**CLAUSE 4 LEASE PERIOD****How long is this lease for?**

- 4.1 This lease is for the period stated in item 1 in the schedule, commences on the date stated in item 2 in the schedule and ends on the date stated in item 3 in the schedule.
- 4.2 If a further period, commencing when this lease ends, is stated in item 12A in the schedule then the lessee has the option to renew this lease for that period.
- 4.3 The lessee can renew this lease more than once if that is stated in item 12B in the schedule. However the period of tenancy under this lease and under any renewal(s) is, in total, not longer than the maximum period stated in item 12C in the schedule.
- 4.4 The lessee can exercise the option only if –
  - 4.4.1 the lessee serves on the lessor a notice of exercise of option not earlier than the first day stated in item 12D in the schedule and not later than the last day stated in item 12E in the schedule;
  - 4.4.2 there is at the time of service no rent or outgoing that is overdue for payment; and
  - 4.4.3 at the time of service all the other obligations of the lessee have been complied with or fully remedied in accordance with the terms of any notice to remedy given by the lessor.If this lease is extended by legislation, items 12D and 12E in the schedule are adjusted accordingly.
- 4.5 After exercising the option the lessee must continue to pay all rents and outgoing on time and continue to comply with all of the lessee's obligations under this lease. If the lessee does not do so, the lessor may treat any breach as being a breach of the new lease as well as of this lease.

## ANNEXURE B

PAGE 3 OF 13 PAGES

- 4.6 A new lease will be the same as this lease except for –
- 4.6.1 the new rent;
  - 4.6.2 the commencement date and the termination date;
  - 4.6.3 the omission of clauses 4.2, 4.3, 4.4, 4.5 and 4.6 and items 12A and 12B in the schedule in the last lease allowed in item 12 in the schedule;
  - 4.6.4 item 12B becoming item 12A;
  - 4.6.5 adjustment of item 12C in the schedule; and
  - 4.6.6 adjustment of items 12D and 12E in the schedule. The number of days between the dates stated in items 12D and 12E in the schedule of the new lease and the termination date of the new lease and the number of days between each date stated in items 12D and 12E in the schedule of this lease and the termination date of this lease are to correspond.

If the new rent is to be current market rent it will be decided in the same way that current market rent is to be decided under Method 3 stated in clause 5 assuming that this lease and the new lease were one continuous lease and the commencement date of the new lease was a rent review date.

**CLAUSE 5 MONEY****What money must the lessee pay?**

- 5.1 The lessee must pay to the lessor or as the lessor directs –
- 5.1.1 the rent stated in item 13A in the schedule;
  - 5.1.2 the share stated in item 14A in the schedule of those outgoing payments stated in item 14B in the schedule;
  - 5.1.3 the reasonable cost to the lessor of remedying a default by the lessee;
  - 5.1.4 the reasonable cost to the lessor of dealing with any application by the lessee for the lessor's consent under this lease (whether or not it is given);
  - 5.1.5 interest on these moneys at the rate stated in item 15 in the schedule when payment is more than 14 days overdue, calculated from the due date to the date of payment;
  - 5.1.6 registration fee for registration of this lease at Land and Property Information NSW (payable on delivery to the lessor's solicitor of the executed lease);
  - 5.1.7 stamp duty on this lease (payable on delivery to the lessor's solicitor of the executed lease) if not previously paid by the lessee to the Office of State Revenue;
  - 5.1.8 if the lessee defaults, the lessor's reasonable legal costs relating to the default;
  - 5.1.9 the lessor's reasonable costs and expenses in connection with the preparation of this lease but only that part of those costs and expenses which are permitted to be recovered by a lessor under section 14 and section 45 of the *Retail Leases Act, 1994*; and
  - 5.1.10 GST as provided for in clause 15.
- 5.2 The first month's instalment of rent is to be paid by the commencement date. Each later month's instalment of rent is to be paid in advance.
- 5.3 A payment under clause 5.1.2 must be paid on the next rent day after a request for payment is made by the lessor.
- A request for payment can be made –
- 5.3.1 after the lessor has paid an outgoing; or
  - 5.3.2 after the lessor has received an assessment or account for payment of an outgoing.
- If item 14B in the schedule refers to land tax –
- if the property is a strata lot, the relevant land tax is land tax on that lot;
  - if the property is not a strata lot but is part of a building, the relevant land tax is land tax on the land on which the building is situated, plus any land of the lessor used or available for use by or for the benefit of lessees conducting business in the building or in connection with trading in the building; and
  - in either case, the land tax must be calculated as if the land was the only land owned by the lessor and there was no special trust or non-concessional company involved.

**When and how is the rent to be reviewed?**

- 5.4 The rent is to be reviewed on the rent review dates stated in item 16 in the schedule.  
If this lease is extended by legislation, the rent review dates include each anniversary of the latest rent review date stated in item 16 in the schedule (or if none is stated each anniversary of the commencement date) which falls during the extension.
- 5.5 The lessee must continue to pay rent at the old rate until the new rate is known. After that, the lessee is to pay the new rent from the next rent day. By that rent day the lessee is also to pay any shortfall between the old and new rate for the period since the rent review date. Alternatively, the lessor is to refund to the lessee any overpayment of rent.
- 5.6 There are three different methods described here for fixing the new rent on a rent review date. The method agreed by the lessor and the lessee is stated at item 16 in the schedule. The lessee is entitled to a reduction if the method produces a rent lower than the rent current just before the review date.

**Method 1. By a fixed amount or percentage.**

- 5.7 In this case the rent beginning on each review date will be increased by the percentage or amount stated in item 16 in the schedule.

**Method 2. By reference to Consumer Price Index.**

- 5.8 In this case –
  - take the yearly rent as of the last review date or if none, the rent at the commencement date (\$X),
  - divide that rent by the Consumer Price Index Number for Sydney (All Groups) for the quarter ended just before that date (CPI 1),
  - multiply the result by the Consumer Price Index Number for Sydney (All Groups) for the quarter ended just before the review date (CPI 2).

The product is the new rent for the year beginning on the review date (\$Y), written as a formula –

$$\frac{\$X}{\text{CPI 1}} \times \text{CPI 2} = \$Y$$

- 5.9 The lessor must calculate the new rent after each review date and give the lessee written notice of the new rent.
- 5.10 If the Australian Bureau of Statistics makes a change in the reference base of the index and there is a published co-relation between the old and new base then the published co-relation is to be applied to convert the CPI 1 figure to the new reference base. If there is none then the lessor and the lessee agree to accept the calculations of the lessor’s solicitor who must be retained to determine a fair co-relation between the old and the new series of numbers.
- 5.11 If the index used to calculate the new rent is discontinued the lessor may substitute another index that, as nearly as practicable, serves the same purpose and, if there is no such index, then the rent will be fixed by Method 3.

**Method 3. By reference to current market rent.**

- 5.12 In this case the rent is to be the current market rent. This can be higher or lower than the rent payable at the rent review date and is the rent that would reasonably be expected to be paid for the property, determined on an effective rent basis, having regard to the following matters –
  - 5.12.1 the provisions of this lease;
  - 5.12.2 the rent that would reasonably be expected to be paid for the property if it were unoccupied and offered for renting for the same or a substantially similar use to which the property may be put under this lease;
  - 5.12.3 the gross rent, less the lessor’s outgoings payable by the lessee;
  - 5.12.4 where the property is a retail shop, rent concessions and other benefits that are frequently or generally offered to prospective lessees of unoccupied retail shops; and
  - 5.12.5 the value of goodwill created by the lessee’s occupation and the value of lessee’s fixtures and fittings are to be ignored.

## ANNEXURE B

PAGE 5 OF 13 PAGES

- 5.13 The lessor or the lessee can inform the other in writing at least 60 days before the rent review date of the rent that the lessor or lessee thinks will be the current market rent at the review date.
- 5.14 If the lessor and the lessee agree on a new rent then that rent will be the new rent beginning on the rent review date and the lessor and the lessee must sign a statement saying so.
- 5.15 If the lessor and the lessee do not agree on the amount of the new rent 30 days before the rent review date, the current market rent will be decided by a valuer appointed under clause 5.16.
- 5.16
- 5.16.1 Unless 5.16.2 applies the lessor and the lessee can either agree upon a valuer or can ask the President of the Law Society of New South Wales to nominate a person who is a licensed valuer to decide the current market rent.
- 5.16.2 Where the property is a retail shop, the valuer appointed must be a specialist retail valuer appointed by agreement of the parties or, failing agreement, by the Administrative Decisions Tribunal.
- 5.17 The valuer will act as an expert not an arbitrator. The lessor and the lessee can each make submissions in writing to the valuer within 14 days after they receive notice of the valuer's appointment but not later unless the valuer agrees.
- 5.18 The valuer's decision is final and binding. The valuer must state how the decision was reached.
- 5.19 If the valuer
- 5.19.1 does not accept the nomination to act; or
- 5.19.2 does not decide the current market rent within 1 month after accepting the nomination; or
- 5.19.3 becomes incapacitated or dies; or
- 5.19.4 resigns,
- then another valuer is to be appointed in the same way.
- 5.20 The lessor and lessee must each pay half the valuer's costs.
- 5.21 If the lessor and lessee do not agree upon a valuer and neither asks for a valuer to be nominated before –
- 5.21.1 the next rent review date passes; or
- 5.21.2 this lease ends without the lessee renewing it; or
- 5.21.3 this lease is transferred after the rent review date with the lessor's consent; or
- 5.21.4 the property is transferred after the rent review date
- then the rent will not change on that rent review date.

**CLAUSE 6 USE****How must the property be used?**

- 6.1 The lessee must –
- 6.1.1 use the property for the purpose stated in item 17 in the schedule and not for any other purpose;
- 6.1.2 open for business at times usual for a business of the kind conducted by the lessee;
- 6.1.3 keep the property clean and dispose of waste properly; and
- 6.1.4 comply with all laws relating to strata schemes and all other laws regulating how the property is used, obtain any consents or licences needed, comply with any conditions of consent, and keep current any licences or registrations needed for the use of the property or for the conduct of the lessee's business there.
- 6.1.5 where the property is a lot in a strata scheme:
- 6.1.5.1 use the lessor's common property only in connection with the use of the property;
- 6.1.5.2 co-operate with all other permitted users of the common property;
- 6.1.5.3 comply with so many of the provisions of the *Strata Schemes Management Act 1996* and the *Strata Schemes (Freehold Development) Act 1973* and the by-laws and all lawful orders, motions and directives under these Acts as may be applicable to the exercise of the lessee's rights and obligations under this lease.

## ANNEXURE B

PAGE 6 OF 13 PAGES

- 6.2 The lessor can consent to a change of use and cannot withhold consent unreasonably.
- 6.3 The lessee must not –
- 6.3.1 do anything that might invalidate any insurance policy covering the property or that might increase the premium unless the lessor consents in which case the lessee must pay the increased premium; or
  - 6.3.2 use the property as a residence or for any activity that is dangerous, offensive, noxious, illegal or immoral or that is or may become a nuisance or annoyance to the lessor or to the owner or occupier of any neighbouring property; or
  - 6.3.3 hold any auction, bankrupt or fire sale in the property; or
  - 6.3.4 display signs or advertisements on the outside of the property, or that can be seen from the outside, unless the lessor consents (but the lessor cannot withhold consent unreasonably);
  - 6.3.5 overload the floors or walls of the property; or
  - 6.3.6 without the prior written consent of the lessor and/or the owners corporation, use the common property for any purpose other than for access to and egress from the property.

**CLAUSE 7 CONDITION AND REPAIRS****Who is to repair the property?**

- 7.1 The lessor must –
- 7.1.1 maintain in a state of good condition and serviceable repair the roof, the ceiling, the external walls and external doors and associated door jambs, and the floors of the property and must fix structural defects;
  - 7.1.2 maintain the property in a structurally sound condition; and
  - 7.1.3 maintain essential services.
- 7.2 The lessee must otherwise maintain the property in its condition at the commencement date and promptly do repairs needed to keep it in that condition but the lessee does not have to –
- 7.2.1 alter or improve the property; or
  - 7.2.2 fix structural defects; or
  - 7.2.3 repair fair wear and tear.
- 7.3 The lessee must also –
- 7.3.1 reimburse the lessor for the cost of fixing structural damage caused by the lessee, apart from fair wear and tear;
  - 7.3.2 maintain and decorate the shop front if the property has one;
  - 7.3.3 decorate the inside of the property in the last 3 months of the lease period (however it ends) – ‘decorate’ here means restoring the surfaces of the property in a style and to a standard of finish originally used e.g. by repainting;
  - 7.3.4 where the property is a lot in a strata scheme:
    - 7.3.4.1 meet the cost of all damage to the common property occasioned by the lessee or any invitee or licensee of the lessee; and
    - 7.3.4.2 permit the owners corporation, temporarily, to close any part of the common property for the purpose of making and effecting repairs to it.
- 7.4 If an authority requires work to be done on the property and it is structural work or work needed to make the property safe to use then the lessor must do the work unless it is required only because of the way the lessee uses the property. But if it is any other work or is required only because of the way the lessee uses the property then the lessee must do the work.
- 7.5 If the lessee fails to do any work that the lessee must do the lessor can give the lessee a notice in writing stating what the lessee has failed to do. After the notice is given the lessee must –
- 7.5.1 do the work immediately if there is an emergency; and
  - 7.5.2 do the work promptly and diligently in any other case.
- If the lessee does not do the work, the lessor can do it and the lessee must reimburse the lessor for the cost of the work.

**ANNEXURE B**

PAGE 7 OF 13 PAGES

- 7.6 The lessee must not make any structural alterations to the property. Any other alterations require the lessor's consent in writing (but the lessor cannot withhold consent unreasonably).

**CLAUSE 8 INSURANCE AND DAMAGE**

**What insurances must the lessee take out?**

- 8.1 The lessee must keep current an insurance policy covering –
  - 8.1.1 liability to the public in an amount not less than the amount stated in item 18 in the schedule (for each accident or event); and
  - 8.1.2 damage or destruction from any cause to all plate glass in the windows and other portions of the property and must produce to the lessor, upon request, the policy and the receipt for the last premium.

**What happens if the property is damaged?**

- 8.2 If the property or the building of which it is part is damaged (a term which includes destroyed) –
  - 8.2.1 the lessee is not liable to pay rent, or any amount payable to the lessor in respect of outgoings and other charges, that is attributable to any period during which the property cannot be used under this lease or is inaccessible due to that damage;
  - 8.2.2 if the property is still useable under this lease but its useability is diminished due to the damage, the lessee's liability for rent and any amount in respect of outgoings attributable to any period during which useability is diminished is reduced in proportion to the reduction in useability caused by the damage;
  - 8.2.3 if the lessor notifies the lessee in writing that the lessor considers that the damage is such as to make its repair impracticable or undesirable, the lessor or the lessee can terminate this lease by giving not less than 7 days notice in writing of termination to the other and no compensation is payable in respect of that termination;
  - 8.2.4 if the lessor fails to repair the damage within a reasonable time after the lessee requests the lessor to do so the lessee can terminate this lease by giving not less than 7 days notice in writing of termination to the lessor; and
  - 8.2.5 nothing in clause 8.2 affects any right of the lessor to recover damages from the lessee in respect of any damage or destruction to which the clause applies.

**CLAUSE 9 ACCESS**

**What are the lessor's rights of access to the property?**

- 9.1 The lessee must give the lessor (or anyone authorised in writing by the lessor) access to the property at any reasonable time for the purpose of –
  - 9.1.1 inspecting the condition of the property, or how it is being used; or
  - 9.1.2 doing anything that the lessor can or must do under this lease or must do by law; or
  - 9.1.3 viewing the property as a valuer, prospective buyer or mortgagee; or
  - 9.1.4 fixing a notice in a reasonable position on the outside of the property saying that it is for sale; or
  - 9.1.5 viewing the property as a prospective lessee not earlier than 6 months before the lease period ends; or
  - 9.1.6 fixing a notice not earlier than 6 months before the lease period ends in a reasonable position on the outside of the property saying that it is to let; or
  - 9.1.7 inspecting, cleaning or repairing another property or any services to another property.
- 9.2 The lessor must give the lessee at least 2 days written notice for access (except in an emergency). The day of the giving of the notice and any Saturday, Sunday or public holiday on which the property is not open for business are not counted.
- 9.3 The lessor must promptly make good any damage caused to the property and to any of the lessee's belongings which results from exercising these rights.
- 9.4 The lessee must give to the lessor a copy of any notice relating to the property or relating to any neighbouring property immediately after receiving the notice.

**CLAUSE 10 TRANSFER AND SUB-LEASE**

**Can this lease be transferred or the property shared or sub-let?**

- 10.1 The lessee must not transfer this lease without consent.
- 10.2 The lessor can withhold consent only if –
  - 10.2.1 the proposed transferee proposes to change the use to which the property is put; or
  - 10.2.2 where the property is a retail shop, the proposed transferee has financial resources or retailing skills inferior to those of the proposed transferor and otherwise the proposed transferee has financial resources or business experience inferior to those of the proposed transferor; or
  - 10.2.3 the lessee has not complied with clause 10.3 and, where the property is a retail shop, clause 10.4.
- 10.3 A request for the lessor’s consent to a transfer of lease must be made in writing and the lessee must provide the lessor with such information as the lessor may reasonably require concerning the financial standing and business experience of the proposed transferee.
- 10.4 Where the property is a retail shop, before requesting the consent of the lessor to a proposed transfer of this lease, the lessee must furnish the proposed transferee with a copy of any disclosure statement given to the lessee in respect of this lease, together with details of any changes that have occurred in respect of the information contained in the disclosure statement (being changes of which the lessee was aware or could reasonably be expected to be aware). For the purpose of enabling the lessee to comply with this obligation, the lessee can request the lessor to provide the lessee with a copy of the disclosure statement concerned and, if the lessor is unable or unwilling to comply with such a request within 14 days after it is made, this clause 10.4 does not apply.
- 10.5 Where the lessee has complied with clause 10.3 and where required to do so clause 10.4, and the lessor has not within 42 days or where the *Retail Leases Act 1994* applies 28 days after the request was made or the lessee has complied with paragraphs 41(a) and 41(b) of that Act, whichever is the later, given notice in writing to the lessee either consenting or withholding consent, the lessor is taken to have consented.
- 10.6 The lessee has to pay in connection with any consent the lessor’s reasonable legal costs, the reasonable costs of obtaining any mortgagee’s consent, the stamp duty and the registration fee for the transfer.
- 10.7 Where the property is a retail shop, the lessee can sub-let, grant a licence or concession, share or part with the possession of the whole or any part of the property or mortgage or otherwise charge or encumber the lessee’s estate or interest in this lease only with the written consent of the lessor which can be refused in the lessor’s absolute discretion. Otherwise, the lessee cannot do any of these things.

**CLAUSE 11 LESSOR’S OTHER OBLIGATIONS**

**What are the lessor’s other obligations?**

- 11.1 So long as the lessee does all the things that must be done by the lessee under this lease the lessor must allow the lessee to possess and use the property in any way permitted under this lease without interference from the lessor, or any person claiming under the lessor or having superior title to the title of the lessor.
- 11.2 The lessor must pay all outgoings for the land or the building of which the property is part when they fall due.
- 11.3 If the property is part of a building owned or controlled by the lessor –
  - 11.3.1 the lessor must maintain in reasonable structural condition all parts of the building that the lessee can use under this lease; and
  - 11.3.2 if the property has facilities and service connections shared in common with other persons the lessor must –
    - 11.3.2.1 allow reasonable use of the facilities and service connections including –
      - the right for the lessee and other persons to come and go to and from the property over the areas provided for access;
      - access by the lessee to service connections; and
      - the right for the lessee’s customers to park vehicles in any area set aside for customer parking, subject to any reasonable rules made by the lessor.
    - 11.3.2.2 maintain the facilities and service connections in reasonable condition.

- 11.4 Where registration is necessary for the validity of this lease, the lessor must ensure that this lease is registered.
- 11.5 If a consent is needed for this lease, from someone such as a mortgagee or head lessor of the property, then the lessor must get the consent.

**CLAUSE 12 FORFEITURE AND END OF LEASE**

**When does this lease end?**

- 12.1 This lease ends –
  - 12.1.1 on the date stated in item 3 in the schedule; or
  - 12.1.2 if the lessor lawfully enters and takes possession of any part of the property; or
  - 12.1.3 if the lessor lawfully demands possession of the property; or
  - 12.1.4 *in accordance with clause 12.8.*
- 12.2 The lessor can enter and take possession of the property or demand possession of the property if –
  - 12.2.1 the lessee has repudiated this lease; or
  - 12.2.2 rent or any other money due under this lease is 14 days overdue for payment; or
  - 12.2.3 the lessee has failed to comply with a lessor’s notice under section 129 of the *Conveyancing Act 1919*; or
  - 12.2.4 the lessee has not complied with any term of this lease where a lessor’s notice is not required under section 129 of the *Conveyancing Act 1919* and the lessor has given at least 14 days written notice of the lessor’s intention to end this lease.
- 12.3 When this lease ends, unless the lessee becomes a lessee of the property under a new lease the lessee must –
  - 12.3.1 return the property to the lessor in the state and condition that this lease requires the lessee to keep it in; and
  - 12.3.2 have removed any goods and anything that the lessee fixed to the property and have made good any damage caused by the removal.

Anything not removed becomes the property of the lessor who can keep it or remove and dispose of it and charge to the lessee the cost of removal, making good and disposal.
- 12.4 If the lessor allows the lessee to continue to occupy the property after the end of the lease period (other than under a new lease) then –
  - 12.4.1 the lessee becomes a monthly lessee and must go on paying the same rent and other money in the same way that the lessee had to do under this lease just before the lease period ended (apportioned and payable monthly);
  - 12.4.2 the monthly tenancy will be on the same terms as this lease, except for –
    - clause 4;
    - clauses 5.4 to 5.21 inclusive; and
    - clause 6.2 unless consent has previously been given;
  - 12.4.3 either the lessor or the lessee can end the monthly tenancy by giving, at any time, 1 month written notice to the other expiring on any date; and
  - 12.4.4 anything that the lessee must do by the end of this lease must be done by the end of the monthly tenancy.
- 12.5 Essential terms of this lease include –
  - 12.5.1 the obligation to pay rent not later than 14 days after the due date for payment of each periodic instalment (and this obligation stays essential even if the lessor, from time to time, accepted late payment);
  - 12.5.2 the obligations of the lessee in clause 5.1.2 (dealing with outgoings);
  - 12.5.3 the obligations of the lessee in clause 6.1 (dealing with use);
  - 12.5.4 the obligations of the lessee in clause 7 (dealing with repairs);
  - 12.5.5 the obligations of the lessee in clause 10 (dealing with transfer and sub-lease); and
  - 12.5.6 the obligations of the lessee in clause 15 (dealing with GST).

**ANNEXURE B**

PAGE 10 OF 13 PAGES

- 12.6 If there is a breach of an essential term the lessor can recover damages for losses over the entire period of this lease but must do every reasonable thing to mitigate those losses and try to lease the property to another lessee on reasonable terms.
- 12.7 The lessor can recover damages even if –
  - 12.7.1 the lessor accepts the lessee’s repudiation of this lease; or
  - 12.7.2 the lessor ends this lease by entering and taking possession of any part of the property or by demanding possession of the property; or
  - 12.7.3 the lessee abandons possession of the property; or
  - 12.7.4 a surrender of this lease occurs.

12.8 This lease may be terminated by three months' notice in writing by either party to this lease and in the event of Council exercising its right

**CLAUSE 13 GUARANTEE** What are the obligations of a guarantor? Under this clause, the lessee shall give peace possession of the said to the Council.

- 13.1 This clause applies if a guarantor of the lessee is named in item 10A in the schedule and has signed or executed this lease or, if this lease is a renewal of an earlier lease, the earlier lease.
- 13.2 The guarantor guarantees to the lessor the performance by the lessee of all the lessee’s obligations (including any obligation to pay rent, outgoings or damages) under this lease, under every extension of it or under any renewal of it or under any tenancy and including obligations that are later changed or created.
- 13.3 If the lessee does not pay any money due under this lease, under any extension of it or under any renewal of it or under any tenancy the guarantor must pay that money to the lessor on demand even if the lessor has not tried to recover payment from the lessee.
- 13.4 If the lessee does not perform any of the lessee’s obligations under this lease, under any extension of it or under any renewal of it or under any tenancy the guarantor must compensate the lessor even if the lessor has not tried to recover compensation from the lessee.
- 13.5 If the lessee is insolvent and this lease or any extension or renewal of it is disclaimed the guarantor is liable to the lessor for any damage suffered by the lessor because of the disclaimer. The lessor can recover damages for losses over the entire period of this lease or any extension or renewal but must do every reasonable thing to mitigate those losses and try to lease the property to another lessee on reasonable terms.
- 13.6 Even if the lessor gives the lessee extra time to comply with an obligation under this lease, under any extension of it or under any renewal of it or under any tenancy, or does not insist on strict compliance with the terms of this lease or any extension of it or renewal of it or of any tenancy, the guarantor’s obligations are not affected.
- 13.7 If an amount is stated in item 10B in the schedule the guarantor’s liability under this clause is limited to that amount.
- 13.8 The terms of this guarantee apply even if this lease is not registered, even if any obligation of the lessee is only an equitable one, and even if this lease is extended by legislation.

**CLAUSE 14 EXCLUSIONS, NOTICES AND SPECIAL CLAUSES**

- 14.1 No covenant or power is implied in this lease by section 84 or 85 of the *Conveyancing Act 1919*.
- 14.2 A document under or relating to this lease is –
  - 14.2.1 served if it is served in any manner provided in section 170 of the *Conveyancing Act 1919*; and
  - 14.2.2 served on the lessee if it is left at the property.
- 14.3 This lease is subject to any legislation that cannot be excluded (for example, the *Retail Leases Act 1994*).
- 14.4 In this lease, ‘retail shop’ means premises to which the *Retail Leases Act 1994* applies.
- 14.5 In this lease ‘Director General’ has the same meaning as in the *Retail Leases Act 1994*.

**CLAUSE 15 GOODS AND SERVICES TAX**

Unless item 13B in the schedule has been completed in a way that indicates that this clause is not to apply:

- 15.1 As consideration in whole or in part for a taxable supply the person receiving the supply must pay to the party making the supply an additional amount equal to the amount of GST payable on the supply.
- 15.2 To the extent that the lessee is required to reimburse the lessor in whole or in part for outgoings incurred by the lessor, for the purposes of this lease the amount of the outgoings must be reduced by the amount of any credit or refund of GST to which the lessor is entitled as a result of incurring outgoings.
- 15.3 Outgoings in item 14B in the schedule are to be calculated after deducting any input tax credit to which the lessor is entitled.
- 15.4 For the purposes of this lease GST means a tax in the nature of a supply of goods and services tax levied or imposed by the Commonwealth of Australia.

**CLAUSE 16 BANK GUARANTEE**

- 16.1 If a number of months appears in item 19 in the schedule, clauses 16.2 to 16.5 apply.
- 16.2 On or before the commencement date of this lease the lessee will deliver to the lessor a guarantee by a bank trading in the State of New South Wales in the form of an unconditional and irrevocable undertaking to pay drawn in favour of the lessor (unlimited as to time) in a form acceptable to the lessor and for an amount equivalent to the number of months referred to in item 19 in the schedule.
- 16.3 The lessor is entitled to claim under the guarantee an amount equal to any moneys due but unpaid by the lessee to the lessor under this lease.
- 16.4 The lessee agrees to vary the amount of the guarantee immediately upon each rent review so that the amount at all times represents the equivalent of the number of months referred to in the schedule.
- 16.5 The lessor will deliver the guarantee (or so much of it as is then held by the lessor) to the lessee on the last of:
  - 16.5.1 the terminating date of this lease;
  - 16.5.2 the expiry date of any holding over under this lease; and
  - 16.5.3 the date that the lessee has no further obligations under this lease or at law.

**CLAUSE 17 SECURITY DEPOSIT**

- 17.1 If an amount or a number of months appears in item 20 in the schedule, clauses 17.2 to 17.6 apply.
- 17.2 On or before the commencement date of this lease the lessee will deliver the security deposit to the lessor.
- 17.3 The lessor is entitled to deduct from the security deposit an amount equal to any monies due but unpaid by the lessee to the lessor under this lease.
- 17.4 Where the property is a retail shop, the security deposit will be held in accordance with Section 16C of the *Retail Leases Act 1994*. The lessee will not make an application to the Director General seeking the return of the security deposit (or so much of it as is then held by the Director General) until the later of:
  - 17.4.1 the terminating date of this lease;
  - 17.4.2 the expiry date of any holding over under this lease; and
  - 17.4.3 the date that the lessee has no further obligations under this lease or at law.
- 17.5 Where the property is other than a retail shop the security deposit (or so much of it as is then held by the lessor) will be returned to the lessee on the later of the dates as specified in clause 17.4.
- 17.6 The lessee agrees to vary the amount of the security deposit immediately upon each rent review so that it represents the equivalent of the number of months referred to in the schedule.

**CLAUSE 18 STRATA CONVERSION**

- 18.1 "Owners corporation", "owner", "strata scheme", "lot" and "parcel" where used in this lease have the meanings given under the *Strata Schemes Management Act 1996* and the *Strata Schemes (Freehold Development) Act 1973*.

## ANNEXURE B

PAGE 12 OF 13 PAGES

- 18.2 "Strata Acts" means the *Strata Schemes Management Act 1996* and the *Strata Schemes (Freehold Development) Act 1973*, and includes any amending Acts, rules, regulations, ordinances, by-laws, statutory instruments, orders or notices now or hereafter made under those Acts.
- 18.3 "Strata conversion" means a subdivision of the property under the *Strata Schemes (Freehold Development) Act 1973* or the *Community Land Development Act 1989* or the *Community Land Management Act 1989* or other legislation permitting such subdivision.
- 18.4 Strata Titles
- 18.4.1 Lessee consents to registration of strata plan
- 18.4.1.1 By its entry into this lease the lessee acknowledges that the lessor can register a strata plan, a strata schemes plan, a strata plan of subdivision, a strata plan of consolidation or a building alteration plan insofar as any of these may relate to the property, the Building or the land. The lessor will provide the lessee with copies of the proposed strata plan and associated documentation for the lessee's approval, which approval will not be unreasonably withheld.
- 18.4.1.2 Provided the lessee consents to the strata conversion as per clause 18.4.1.1 then within 7 days of written request by the lessor the lessee will sign and return to the lessor any consents or other documents necessary to enable the lessor to carry out the strata conversion and will make no objection or claim for compensation in relation to the strata conversion.
- 18.4.2 Compliance with the Strata Acts and by-laws:
- 18.4.2.1 **(Covenant):** The lessee and any and all persons acting by, through or under it or with its authority express or implied shall comply with so many of the provisions of the Strata Acts and the by-laws and all lawful orders, motions and directives under the Strata Acts as may be applicable to the exercise of the lessee's rights and obligations under the provisions elsewhere contained in this lease.
- 18.4.2.2 **Not to prejudice interests of owners corporation.** Without the prior written consent of the owners corporation, the lessee shall not do any act, matter or thing under the exercise of its rights and obligations elsewhere contained in this lease or permit or allow any act, matter or thing to be done which shall or may:
- increase the rate of premium payable by the owners corporation under any policy of insurance taken out by the owners corporation; or
  - invalidate, avoid or suspend the operation of any such policy of insurance or otherwise prejudice the owners corporation rights under any such policy.
- 18.4.2.3 Upon the occurrence of any of the matters previously referred to the lessee shall:
- pay to the lessor or such other person responsible for payment any amounts payable to the owners corporation as a consequence of any such matters;
  - pay to the lessor for and on behalf of the owners corporation any amounts payable by the owners corporation as a consequence of any such matters and not the subject of clause 18.4.2.2; and
  - pay to the lessor for and on behalf of the owners corporation the amount of any and all losses and damages arising from the occurrence of any such matters.
- 18.4.2.4 **(Indemnity):** The lessee shall indemnify the lessor for any loss or damage suffered by the lessor if the lessee or the lessee's employees fail to comply with the obligations as to conduct imposed upon the lessee or the lessee's employees by this lease or by reason of the Strata Acts.
- 18.4.3 If the strata conversion occurs:
- 18.4.3.1 any reference in this lease will be deemed to be a reference to the buildings comprised in the registered plan or plans of which the property forms part;
- 18.4.3.2 any levies or other monies payable to the owners corporation will be payable by the lessee with the exception of any contribution to a sinking fund or special levy; and
- 18.4.3.3 this lease will be deemed to be amended in any respect that is necessary to ensure that this lease reflects that the strata conversion has been carried out.

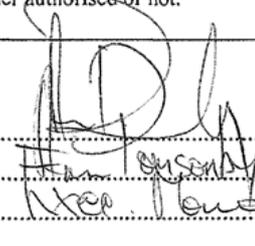
**IMPORTANT NOTES**

The following notes are for guidance and do not form part of this lease.

If you are a lessor, a solicitor will prepare this lease for you.

If you are a lessee, a solicitor can advise you about it.

1. This document creates legal rights and legal obligations.
2. Failure to register a lease can have serious consequences.
3. If an option for renewal is not exercised at the right time it will be lost.
4. The lessee can exercise an option for renewal even if there has been a breach of this lease in a case where section 133E of the *Conveyancing Act 1919* applies. The lessor must give a prescribed notice within 14 days after the option is exercised if the lessor wants to rely on the breach to prevent the exercise of the option.
5. The Law Society of New South Wales is not to be responsible for any loss resulting from the use of this lease as printed whether authorised or not.



.....  
 Alan Gussard  
 Alan Gussard



.....  
 JEREMY HALCROW  
 CHIEF EXECUTIVE OFFICER  
 .....

I certify that this and the preceding twelve pages are in exactly the same wording as Annexure B of the copyright Law Society Lease.

.....  
Solicitor for the lessor

**15.6 REQUESTS FOR FINANCIAL ASSISTANCE - COMMUNITY CAROLS OF HOPE**

**Author:** Brendan Hollands, Director Corporate & Community Services

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. Application - Community Carols of Hope [↓](#) 

<b>Link to Community Strategic Plan:</b>	CSP Strategy C02 – Encourage and facilitate active and creative participation in community life.
<b>Cost to Council:</b>	Funds are available in the budget for donations made under the Financial Assistance Policy. There is a budget of \$80,000 for grants issued under this policy in the 2019/20 financial year. Approval of the recommendations contained within this meeting’s agenda would leave a remaining amount of \$50,085 for future contributions.
<b>Use of Reserve Funds:</b>	Not Applicable. Budgeted amount funded from revenue.

**RECOMMENDATION**

That

1. The report of the Director of Corporate & Community Services on the request for Financial Assistance from Community Carols of Hope be received.
2. Council contributes \$5,000 toward the 2019 Community Carols of Hope under the Financial Assistance Policy.

**BACKGROUND**

At its meeting on 19 September 2017, Council adopted the new Financial Assistance Policy. Under this Policy, applications seeking funding for amounts greater than \$1,000 are reported to Council for approval.

**REPORT**

An application for financial assistance have been received from Community Carols of Hope.

The organisers of the annual Community Carols of Hope are seeking a contribution of \$5,000 for their event to be held in December 2019.

The Community Carols of Hope has been a significant event on the Goulburn Mulwaree Council calendar for in excess of 20 years and has recently attracted crowds of 5,000 to 7,000 people. This has been a long-standing event and is extremely popular within the community. The organisers of the event will be seeking contributions from other organisations/businesses to assist with the expenses of the event.

It is recommended that Council contribute \$5,000 toward this event in line with contributions made to the previous years’ events. A copy of the application is attached for consideration.



**SCANNED**

**Application for Financial Assistance**

Applicant / Organisation Details	
<b>Name:</b>	COMMUNITY CAROLS OF HOPE
<b>Address:</b>	42 CLINTON ST GOULBURN
<b>Contact Person:</b>	PETER MYLONAS
<b>Telephone:</b>	0408 161628 - 48211044
<b>Email Address:</b>	peter.o.Mylonas.com.au

Amount Applied for (Including GST if Applicable)
\$ 5,000

**Which Funding Stream are you applying under? (Please tick one):**

Financial Assistance for Community Events  
(See below)

Mayor's Discretionary Fund  
(See below)



**Funding Principles:**

Funding is available under the following funding streams:

- **Financial Assistance for Community Events, Projects and Representation**  
*Financial contribution to assist with the cost of a community event and/or project or to assist individuals/groups representing their community.*

This stream is made available for:

- Funding requested by community and/or charitable organisations for events that do not satisfy the criteria under the *Event Development Funding Policy*.
- Funding requested by community and/or charitable organisations for projects that add value to the community.
- Financial support requested by members of the community to represent or participate in events (both sporting and cultural) at a national or international level.

Funding under this stream will be capped at \$10,000 and may be in the form of financial contribution, in-kind support or up to 50% fee waiver for Council venue hire.

Application for Financial Assistance  
Effective from 1 July 2018 to 30 June 2020

Civic Centre 184-194 Bourke Street Goulburn NSW Telephone 4823 4444 [www.goulburn.nsw.gov.au](http://www.goulburn.nsw.gov.au)  
Correspondence to: Goulburn Mulwaree Council Locked Bag 22 Goulburn NSW 2580

- Mayor's Discretionary Fund**  
*Financial assistance available at the discretion of the Mayor and Deputy Mayor to assist with small projects and community initiatives.*

This stream will be reserved for donations to charitable and "not for profit" organisations.

(Refer to the Policy Document for information on funding criteria)

Priority will be given to –

- Projects/events which support welfare activities
- Projects/events which support the priorities of the various plans adopted by Council
- Projects/events which have not previously received funding
- Areas where there is an obvious and documented community/local need
- Areas where the need is considered greatest

Other Grant Funding
Please provide details of funding received from other sources either approved or pending
<p>IN THE PAST YEAR 2018                      Money Received From Different                      Sponsors. eg. Divalls \$3,000, Poregen                      \$2,000, Soldiers Club \$2,000, Barrymore                      Credit Union \$2,000 and Numerous                      other Donations Ranging from \$100                      to \$500</p>

Application for Financial Assistance  
 Effective from 1 July 2018 to 30 June 2020

Civic Centre 184-194 Bourke Street Goulburn NSW Telephone 4823 4444 [www.goulburn.nsw.gov.au](http://www.goulburn.nsw.gov.au)  
 Correspondence to: Goulburn Mulwaree Council Locked Bag 22 Goulburn NSW 2580

Application for Financial Assistance

**Description of the Project, Service or Event** (attach additional pages if space is insufficient)

When completing this section please provide as much information as possible including details on the following where applicable:

- (1) What identified community need does this project seek to fulfil?
- (2) If an event, what are the benefits to the Goulburn Mulwaree area e.g. number of visitors
- (3) Who will benefit from the project/event (include target groups and/or users & attach letters of support if applicable)

- (1) The Community Carols for the last 27 years has brought the community <sup>together</sup> to celebrate a Christmas Concert Plus Carols. This event has filled a vacuum in our community. People travel from the Central Coast, Bowral, Bradwood & Canberra. The event has something for all age groups. The ~~audience~~ <sup>crowd</sup> can be between 3,000 to 6,000 people.

Application for Financial Assistance  
Effective from 1 July 2018 to 30 June 2020

Civic Centre 184-194 Bourke Street Goulburn NSW Telephone 4823 4444 [www.goulburn.nsw.gov.au](http://www.goulburn.nsw.gov.au)  
Correspondence to: Goulburn Mulwaree Council Locked Bag 22 Goulburn NSW 2580

Application for Financial Assistance

<b>Financial Information</b>
For applications seeking funding of \$5,000 and above, the application <b>must</b> be accompanied by financial statements.

✓	<b>Application checklists – Please complete before signing the Declaration</b>
<input type="checkbox"/>	Have you read and understood the guidelines?
<input type="checkbox"/>	Have you completed <b>all</b> sections of the application form?
<input type="checkbox"/>	Have you attached all relevant support materials and letters of support?
<input type="checkbox"/>	Have you included all necessary documentation (e.g. Financial Information if applicable)
<input type="checkbox"/>	Has the application been signed?
<input type="checkbox"/>	Have you kept a copy of your application for your own records?

<b>Declaration</b>			
I/We certify that, to the best of my/our knowledge, the information of this application is true and correct			
Signature	<i>P Mylonas</i>	Signature	
Name	PETER MYLONAS	Name	
Position	ORGANIZER	Position	

<b>NOTES</b>
<ul style="list-style-type: none"> <li>▪ All applications are to be returned to Goulburn Mulwaree Council, Locked Bag 22 Goulburn NSW 2580</li> <li>▪ <b>Incomplete applications or applications with insufficient information will not be accepted.</b></li> </ul>

*Council collects personal information only for a lawful purpose that is directly related to Council's functions and activities. Council is required under the Privacy and Personal Information Protection Act 1998 (PPIA) to collect, maintain and use your personal information in accordance with the Privacy Principles and other relevant requirements of the PPIA. For further information or clarification please contact Council's Governance Office or refer to Council's Privacy Management Policy at [www.goulburn.nsw.gov.au](http://www.goulburn.nsw.gov.au)*

Application for Financial Assistance  
Effective from 1 July 2018 to 30 June 2020

Civic Centre 184-194 Bourke Street Goulburn NSW Telephone 4823 4444 [www.goulburn.nsw.gov.au](http://www.goulburn.nsw.gov.au)  
Correspondence to: Goulburn Mulwaree Council Locked Bag 22 Goulburn NSW 2580

**COMMUNITY CAROLS OF HOPE**

**FINANCIAL STATEMENTS**

**For the Year Ended 30 June 2018**

**WILLIAM GROVES**

**3 CHADLEY COURT**

**CHERRYBROOK NSW 2126**



**COMMUNITY CAROLS OF HOPE**

**STATEMENT OF INCOME**  
**For the Year ended 30 June 2018**

	30 Jun 2018	30 Jun 2017
<b>Income</b>		
Sales	6,194.60	8,977.80
	<u>6,194.60</u>	<u>8,977.80</u>
<b>Cost of Sales</b>		
Purchases	4,253.84	5,427.50
	<u>4,253.84</u>	<u>5,427.50</u>
<b>Cost of Goods Sold</b>	<u>4,253.84</u>	<u>5,427.50</u>
<b>Total Income</b>	<u><u>1,940.76</u></u>	<u><u>3,550.30</u></u>



COMMUNITY CAROLS OF HOPE

STATEMENT OF COMPREHENSIVE INCOME

For the Year ended 30 June 2018

	30 Jun 2018	30 Jun 2017
<b>Total Income</b>	6,194.60	8,977.80
<b>Cost of Sales</b>	(4,253.84)	(5,427.50)
	<u>1,940.76</u>	<u>3,550.30</u>
<b>INCOME FROM PRIMARY PRODUCTION</b>		
Receipts - Sponsors	23,300.00	55,569.90
<b>Total Primary Production Income</b>	<u>23,300.00</u>	<u>55,569.90</u>
<b>Other Income</b>		
Interest Received	0.68	2.44
Trust Distribution <i>→ Peter MYLONAS</i>	23,800.00	7,529.06
<b>Total Income</b>	<u>23,800.68</u>	<u>7,531.50</u>
<b>Less Expenses Incurred</b>		
Artists Fees	42,700.00	60,204.00
Candles	2,111.53	--
Hire	2,013.00	5,347.50
Insurance - Public Liability	1,249.05	1,189.05
Sundry Expenses	1,050.00	215.70
<b>Total Expenses Incurred</b>	<u>(49,123.58)</u>	<u>(66,956.25)</u>
<b>Profit (Loss) From Ordinary Activities Before Tax</b>	<u><u>(82.14)</u></u>	<u><u>(304.55)</u></u>



COMMUNITY CAROLS OF HOPE

STATEMENT OF COMPREHENSIVE INCOME

For the Year ended 30 June 2018

	Note	30 Jun 2018	30 Jun 2017
Operating Loss	2	(82.14)	(304.55)
Add Retained Profits B/Fwd at The Beginning Of Year		(82.14) 159.71	(304.55) 464.26
<b>Net Profit Attributable to Members of the Entity</b>		<u>159.71</u> <u>77.57</u>	<u>464.26</u> <u>159.71</u>



**COMMUNITY CAROLS OF HOPE**

**STATEMENT OF FINANCIAL POSITION**

As at 30 June 2018

	Note	30 Jun 2018	30 Jun 2017
<b>CURRENT ASSETS</b>			
Cash and Cash Equivalents	3	77.57	159.71
<b>TOTAL CURRENT ASSETS</b>		<u>77.57</u>	<u>159.71</u>
<b>TOTAL ASSETS</b>		<u>77.57</u>	<u>159.71</u>
<b>NET ASSETS</b>		<u>77.57</u>	<u>159.71</u>
<b>EQUITY</b>			
Retained Profits		77.57	159.71
<b>TOTAL EQUITY</b>		<u>77.57</u>	<u>159.71</u>



COMMUNITY CAROLS OF HOPE

NOTES TO THE FINANCIAL STATEMENTS

For the Year ended 30 June 2018

	30 Jun 2018	30 Jun 2017
NOTE 2. OPERATING LOSS		
Operating Profit (Loss)	(82.14)	(304.55)
	<u>(82.14)</u>	<u>(304.55)</u>
<p>The above Operating Profit/Loss before Income Tax is arrived at after charging and crediting the following specific items:</p>		
Crediting As Income:		
Interest Received	0.88	2.44
	<u>0.68</u>	<u>2.44</u>
NOTE 3. CASH AND CASH EQUIVALENTS		
Cash at Bank Account	77.57	159.71
	<u>77.57</u>	<u>159.71</u>



COMMUNITY CAROLS OF HOPE

**COMPILATION REPORT  
TO: COMMUNITY CAROLS OF HOPE**

We have compiled the accompanying general purpose financial statements of COMMUNITY CAROLS OF HOPE, which comprise the statement of financial position as at 30 June 2018, statement of comprehensive income/statement of financial performance and statement of changes in equity for the year then ended, and explanatory notes. These have been prepared in accordance with the financial reporting framework.

**The Responsibility of the Directors**

The Member of COMMUNITY CAROLS OF HOPE is solely responsible for the information contained in the general purpose financial statements and have determined that the financial reporting framework used is appropriate to meet their needs and for the purpose that the financial statements were prepared.

**Our Responsibility**

On the basis of information provided by the member, we have compiled the accompanying general purpose financial statement in accordance with financial reporting framework: Compilation of Financial Information.

Our procedures use accounting expertise to collect, classify and summarise the financial information, which the member provided, in compiling the financial statements.

Our procedures do not include verification or validation procedures. No audit or review has been performed and accordingly no assurance is expressed.

The general purpose financial statements was compiled exclusively for the benefit of the association. We do not accept responsibility to any other person for the contents of the general purpose financial statements.

.....  
WILLIAM GROVES

3 CHADLEY COURT

Dated: ...../...../.....



**COMMUNITY CAROLS OF HOPE**

**MEMBER'S DECLARATION**

The member of the association declares that:

1. The financial statements and notes, are in accordance with Associations Incorporations Act 2009 and:
  - a. comply with Accounting Standards.
  - b. give a true and fair view of the financial position as at 30 June 2018 and of the performance for the year ended on that date of the association.
2. In the member's opinion there are reasonable grounds to believe that the association will be able to pay its debt as and when they become due and payable.

Director: .....  
Peter Mylonas

Director: .....

Dated: ...../...../.....



**15.7 WORKERS COMPENSATION AND WHS REPORT**

**Author:** Elise Jackson, Business Manager Human Resources

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. **General Managers Workers Compensation and WHS report**  

<b>Link to Community Strategic Plan:</b>	CL1 Effect resourceful and respectful leadership and attentive representation of the community
<b>Cost to Council:</b>	Nil
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That the report from the General Manager on the annual Workers Compensation and WHS report be noted.

**BACKGROUND**

Council’s workers compensation insurer, StateCover provides an annual report to the General Manager on the effectiveness of our Recover at Work and Work Health and Safety frameworks and systems.

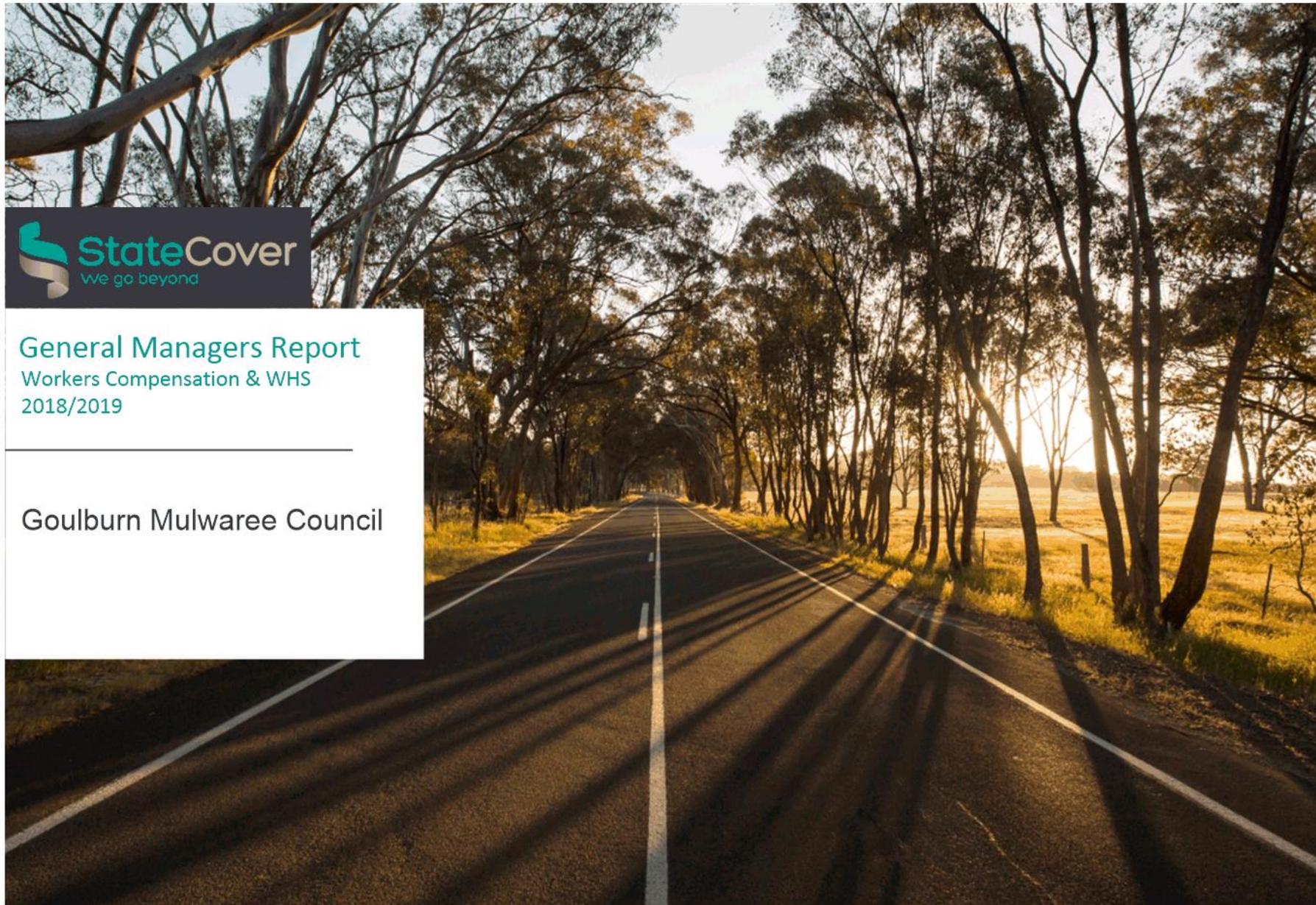
**REPORT**

The annual report for 2019 has been received with outstanding results for Council in a number of areas. These most notably include:

- Council’s WHS audit received a 95.7% rating of our management system. This result was higher than all other industry averages with the region average being 75.3%;
- Council’s average claims for the year were lower than all other industry areas at \$8,339 with the region average being \$15,559;
- Council’s injury reporting timeframes were higher than all other industry averages at 84%;

This year, Council’s premium is slightly higher than the industry averages due to the three year premium cycle which includes 2016/17, 2017/18 and 2018/19. At this point, our premium calculation still includes some expensive claims from this cycle period. It is predicted that the premium will be dramatically reduced next year as the 2016/17 year will be excluded from the calculations at that point.

The Council staff that facilitate the Recover at Work programs and the WHS management Systems have made a huge impact in this area and due to their dedication and professionalism, the results speak for themselves.



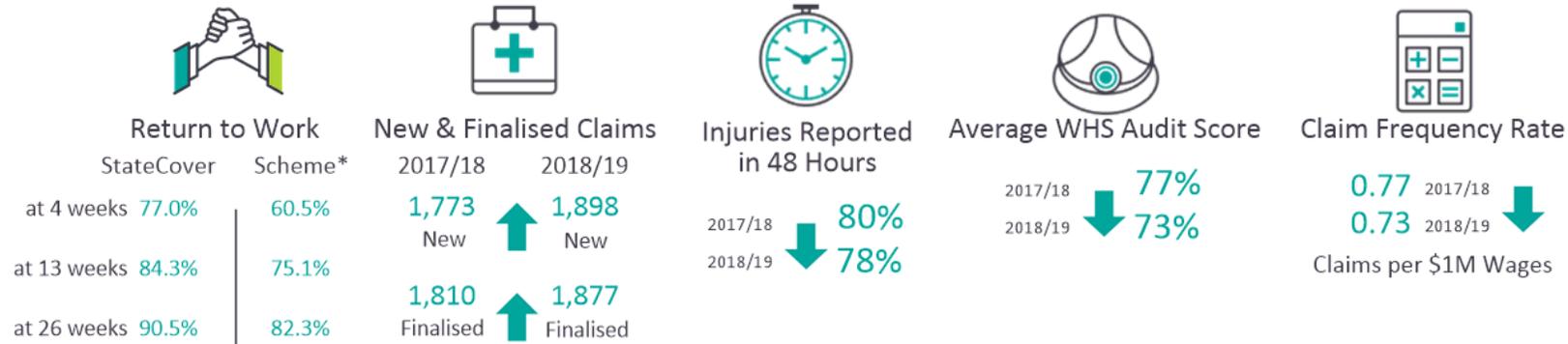
**General Managers Report**  
Workers Compensation & WHS  
2018/2019

Goulburn Mulwaree Council



# 2018/2019 Mutual Highlights

## Performance



## Mutual Value

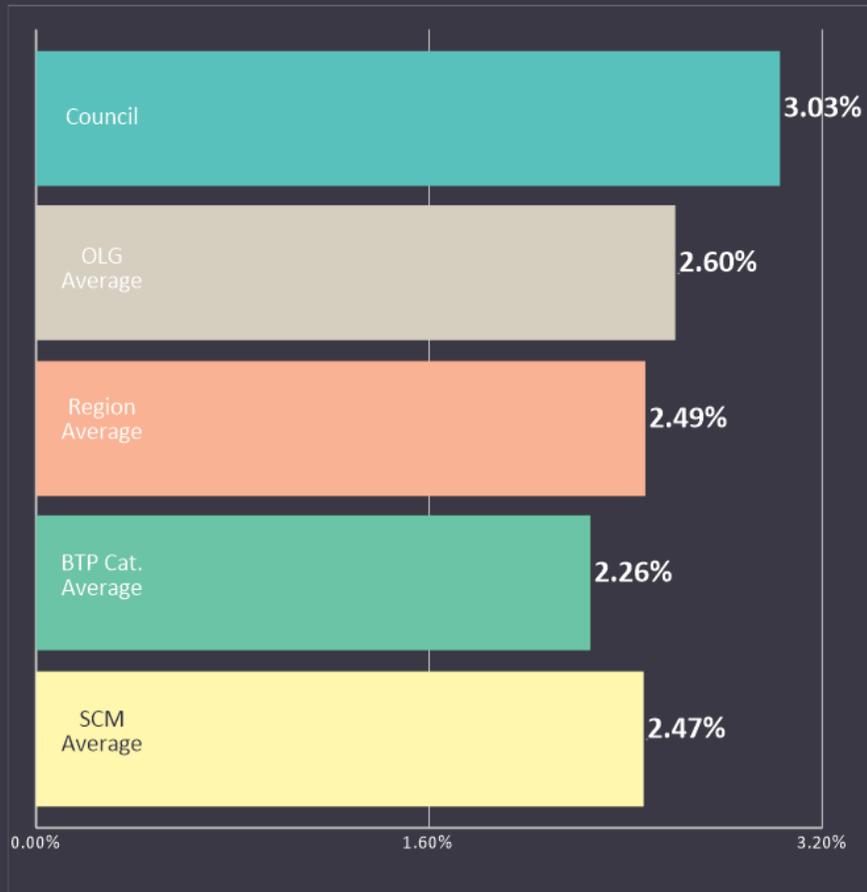


\* SIRA workers compensation system monthly dashboard June 2019 report

# Contents

Foreword	Page 2
The Highlights	Page 3
Contents	Page 4
Premium Rate	Page 5
Claim Frequency	Page 6
Claim Frequency - History	Page 7
Injury Types	Page 8
Cause of Injury	Page 9
Claims Cost	Page 10
Injury Reporting	Page 11
WHS Self Audit Result	Page 12
Wellbeing with StateCover	Page 13

### Premium Rate



### What This Tells You

The premium rate is a measure of the underlying risk profile of the Local Government industry, the broader scheme and Council's WHS and return to work performance.

Council's premium is experience rated with the cost of claims for the past 3-years directly impacting the premium payable – the better the experience the lower the premium. Councils can control their premium through providing a safe workplace and, when a worker is injured, proactively assisting them to recover at work.

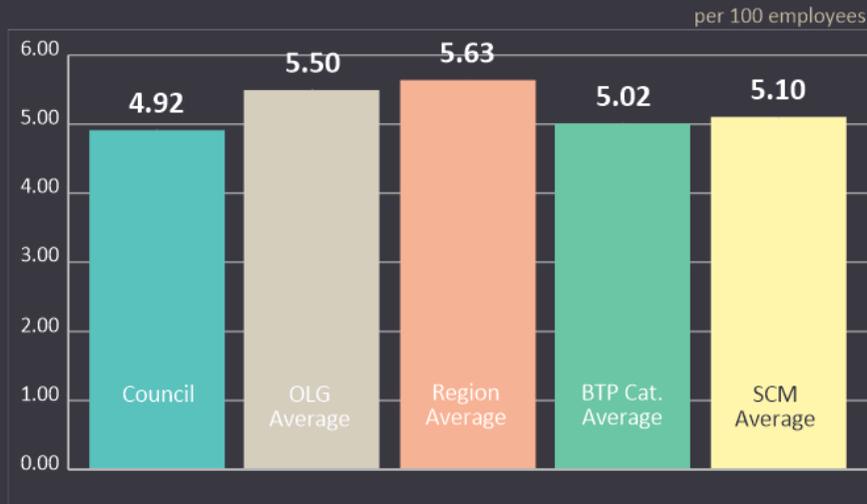
StateCover actively supports Councils to manage the costs of workplace risk through reinvesting surplus funds in:

- Injury prevention programs
- WHS incentives and funding
- Benchmarking and performance data
- Performance improvement programs

### Council Cohorts

- OLG** Office of Local Government group, parameters can be found at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)
- Region** Cohort of Councils in the same geographical location
- BTP Cat.** Group determined by Council's Basic Tariff Premium within ranges defined in the IPO
- SCM** Overall average of all StateCover Members

### Claim Frequency



### What This Tells You

Claim frequency is a measure of Council's WHS performance. Although it is highlighted that frequency should also be considered in conjunction with injury severity and claim cost.

These graphs show two (2) different methods for monitoring claim frequency. Firstly using employee numbers and secondly, using Council wages, as declared by Council on the annual wages declaration. For comparison purposes, the frequency rates of various Council cohorts are included in the graph.

Not all claims will directly impact Council's premium – those that do not incur any time lost from work are excluded from the experience rated element of the premium.

### Claim Frequency

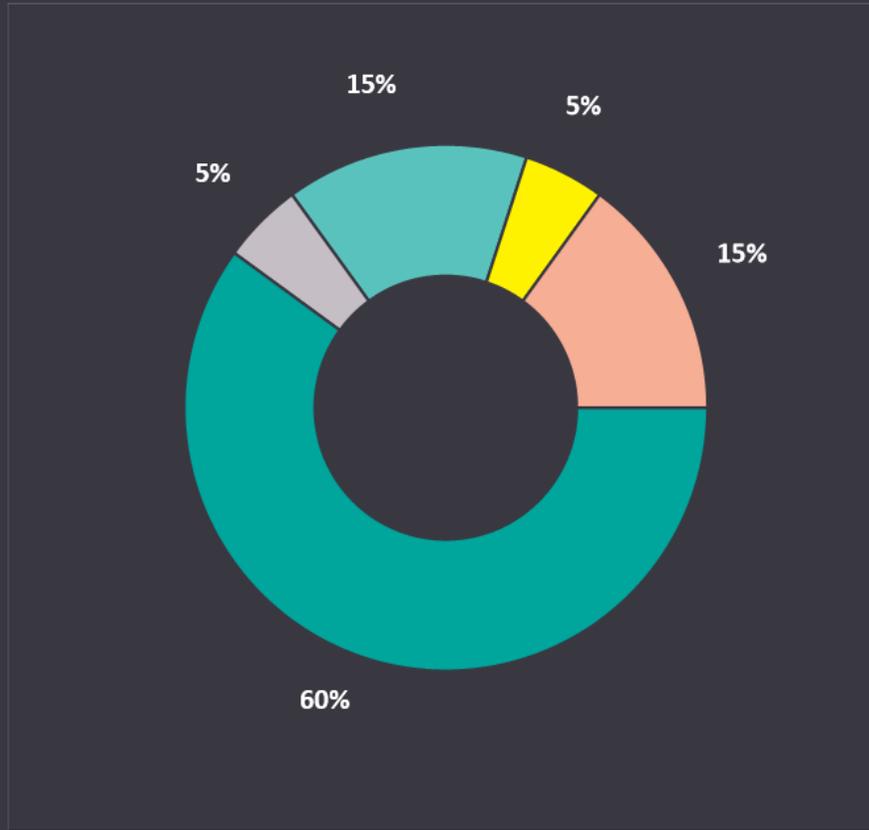


### What This Tells You

These graphs show Council's claims frequency on both the measures discussed on the previous page over the past 5 years. The graphs illustrate the effectiveness of Council's WHS efforts over time.

It is noted that there has been a year on year reduction in injury frequency across StateCover's portfolio over the past 5 years.

### Injury Types

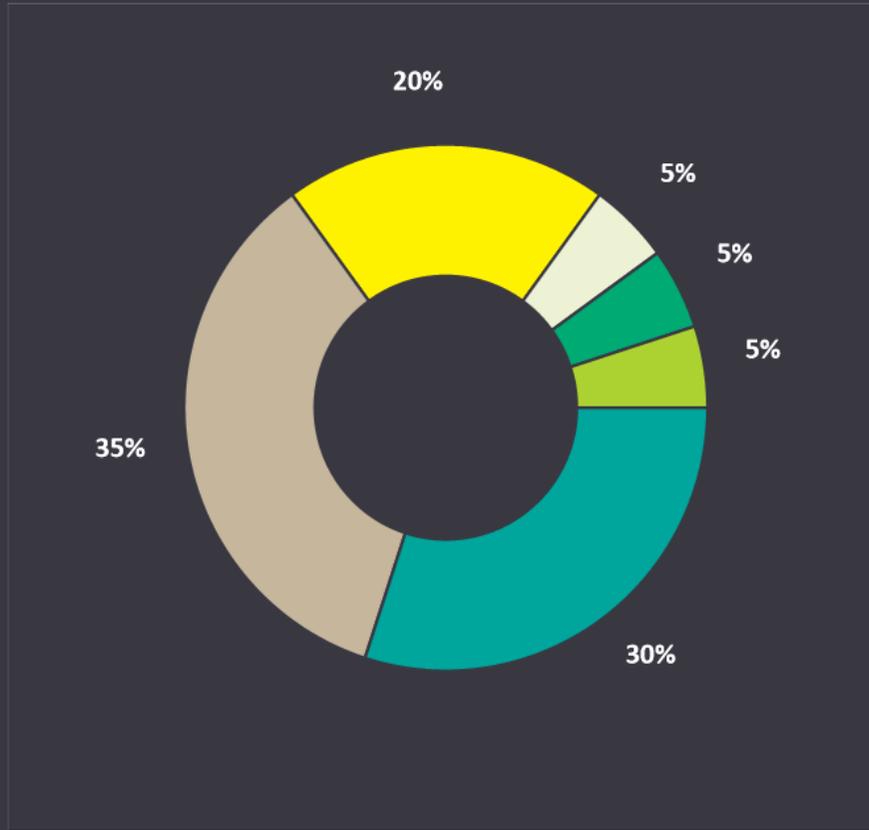


- Sprains/Strains
- Psychological
- Open Wound
- Other
- Disease
- Deafness
- Contusion/Crush
- Respiratory
- Abdominal/Hernia
- Cancer
- Fractures

### What This Tells You

Understanding the type and proportion of injuries occurring will assist Councils to target WHS efforts. Typically, sprains and strains represent the highest proportion of claims for most councils.

Cause of Injury

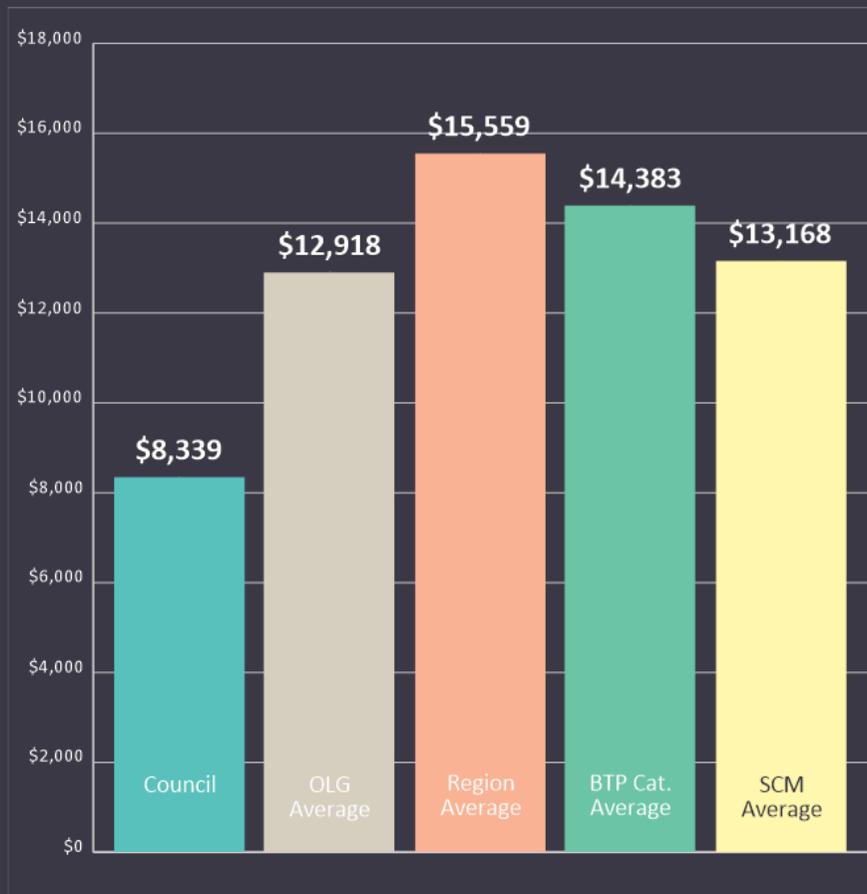


- Body Stressing
- Hit by Moving Objects
- Vehicle Incidents
- Sound and Pressure
- Mental Stress
- Hitting Objects with Body
- Falls, Trips and Slips
- Chemicals and Other Substances
- Biological Factors
- Heat, Electricity and Environmental Factors

What This Tells You

This graph illustrates the proportion of Council's claims by cause of injury over the past year. Understanding the cause of injury can assist Council target their injury prevention efforts to improve the overall safety of their workplace. Although it is noted that many injury types and their cause relate to historic WHS practices rather than those that are in place today e.g. industrial deafness.

Average Claims Cost

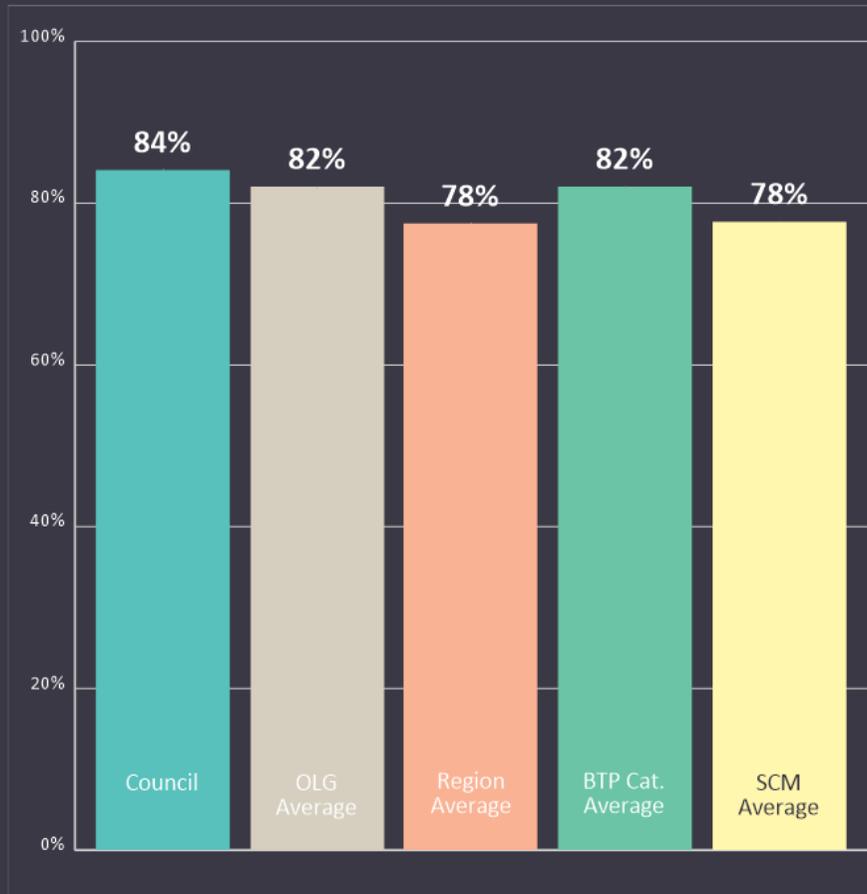


What This Tells You

This graph provides a comparison of Council’s average incurred claims costs over the past 3 years, with the costs of other Council cohorts. It should be noted that these costs are on an “incurred” basis i.e. actual paid plus future estimated cost. The incurred cost is as at 30 June 2019 and does not represent the ultimate expected cost. Claim costs may increase over time as further entitlements are paid, for example, whole person impairment lump sums or common law damages.

What is paid on a claim will either directly or indirectly impact Council’s premium. The most effective way to minimise either type of impact, is to return the injured worker to work in suitable employment.

### Injury Reporting Timeframe



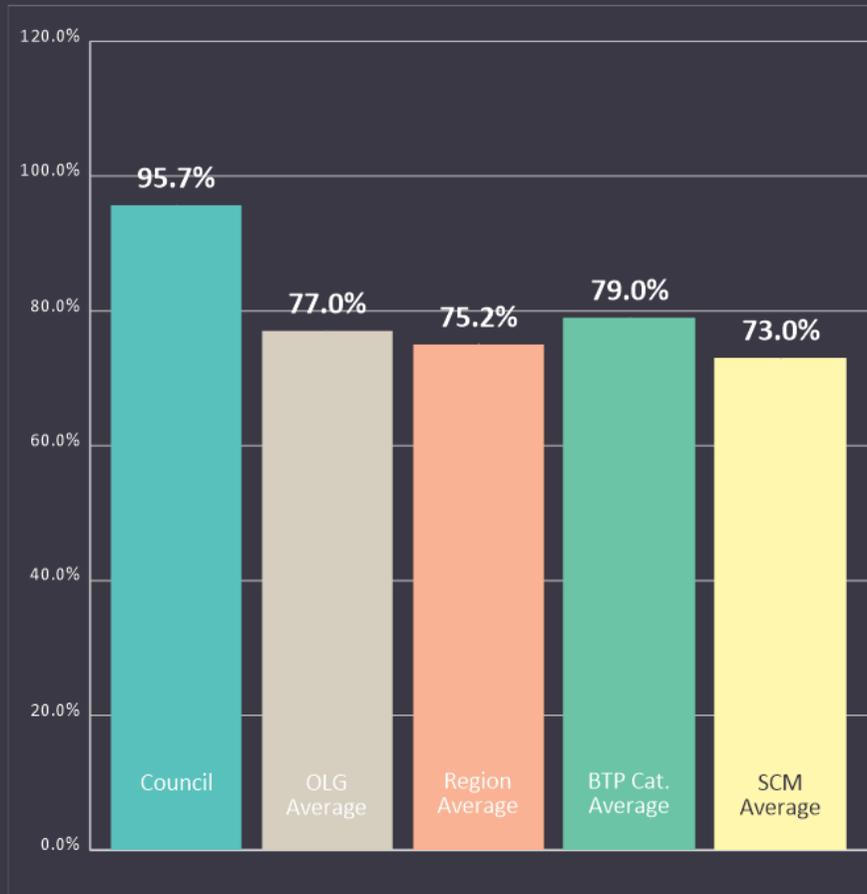
### What This Tells You

Reporting injuries to StateCover within 48 hours of Council becoming aware of the injury is a legislative requirement. Prompt reporting also allows for early intervention to assist with prompt recovery and return to work.

This chart shows the percentage of claims reported by Council to StateCover within the 48 hours compared to various Council cohorts.

For those Councils wishing to improve their performance in this area, StateCover provides an Injury Management Systems Audit service that can assist to identify opportunities for improvement and recommend appropriate remedial actions.

### WHS Self Audit Result



### What This Tells You

StateCover provides Member Councils with an annual WHS self-audit tool to assist them in assessing their WHS performance. After analysing the completed audits, StateCover provides a comprehensive feedback report which identifies WHS strengths and weaknesses and recommendations to support improvement. A customised action plan is also provided to assist in addressing any areas of weakness.

The graph shows the overall audit score for your Council, and benchmarking information.

# Wellbeing

This year we have gone beyond workers compensation to proactively invest in the mental and physical wellbeing of every Council worker across the State. We've done the hard work in finding the best providers who will meet a range of needs and priorities from indoor to outdoor workers, metro to rural Councils.

Our goal is to support local councils with health and wellbeing through innovative services and programs for injury and illness prevention and improved worker wellbeing.

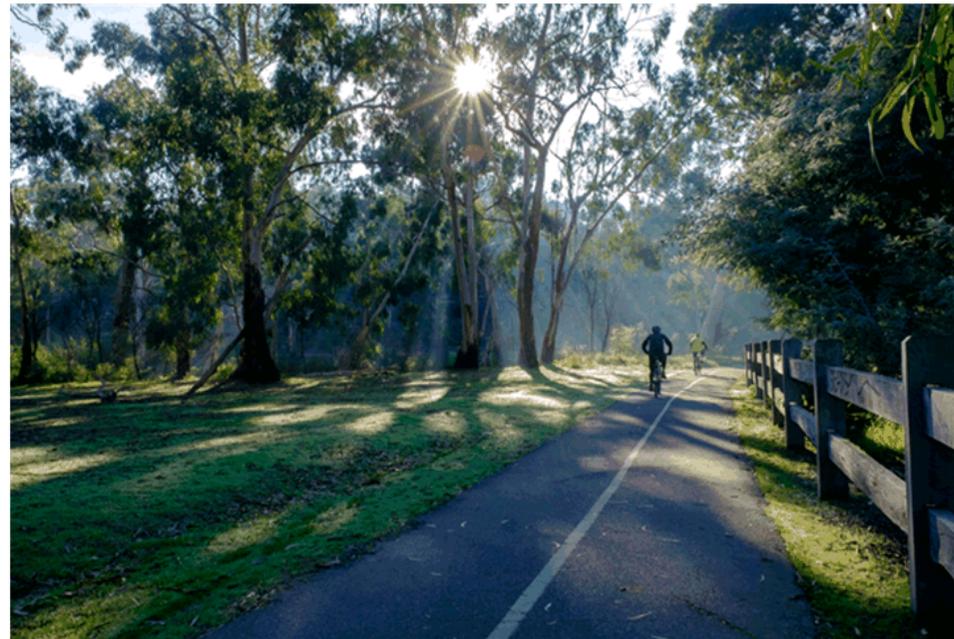
While the individual health benefits speak for themselves, there are also business benefits to investing in wellbeing. Wellbeing in the workplace has been shown to drive employee effectiveness and engagement, boost business performance and help to attract and retain top talent. We know the healthiest Australian employees are almost three times more productive and more effective than their unhealthy colleagues.

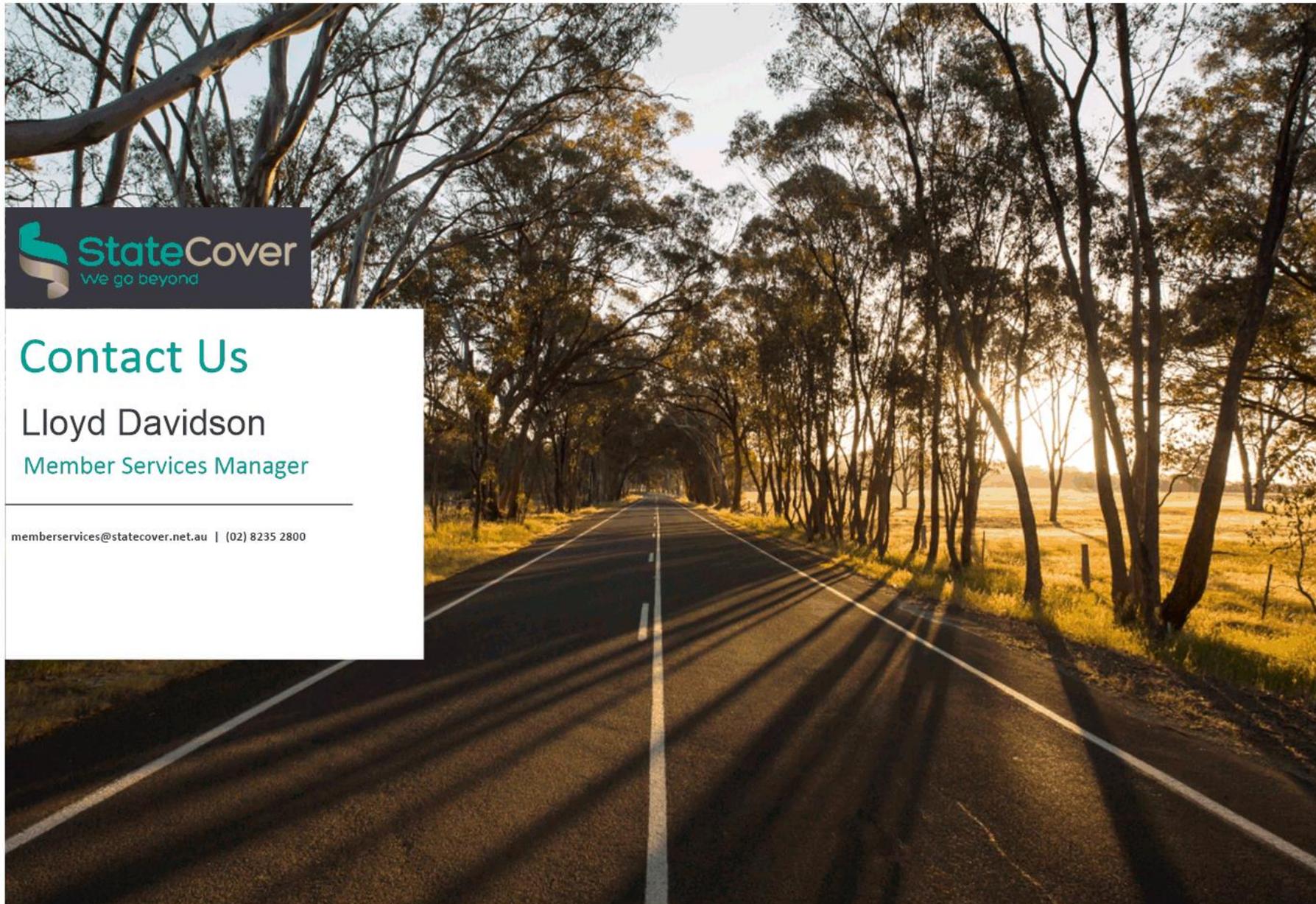
Our programs and services have been designed to support both the physical and mental wellbeing of your workers.

Our programs and services include;

- Mental Health programs
- Skin Checks
- Health Checks
- Sleep Assessment
- Audiometric testing
- Nutrition programs
- Physical activity programs
- Counselling

We also have a range of resources online to help support program development and worker engagement. Wellbeing launches November 2019





## Contact Us

Lloyd Davidson

Member Services Manager

---

[memberservices@statecover.net.au](mailto:memberservices@statecover.net.au) | (02) 8235 2800

**15.8 GOULBURN MULWAREE YOUTH COUNCIL MEETING NOTES - 25 OCTOBER 2019**

**Author:** Carol James, Councillor

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. Goulburn Mulwaree Youth Council Meeting Notes held on the 25 October 2019 [↓](#) 

<b>Link to Community Strategic Plan:</b>	CO2 – Encourage and facilitate active and creative participation in community life.
<b>Cost to Council:</b>	Nil
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That the report from Cr Carol James in relation to the Goulburn Mulwaree Youth Council Meeting Notes held on the 25 October 2019 be received.

**BACKGROUND**

A meeting of the Goulburn Mulwaree Youth Council Meeting Notes held on the 25 October 2019.

Please find attached the notes from this meeting. There are no recommendations from this meeting that require a resolution from Council.



**Goulburn Mulwaree Youth Council  
Discussion Items & Action List**

**Meeting Details**

Friday, 25 October 2019  
Council Chambers

**Attendees**

Not noted

**Apology**

Note noted

**Discussion Items**

- Relay for Life is on 2 & 3 November. Organise and run the Jigsaw Cup. There is also a competition between the three high schools on the laps walked.
- Our Defibrillator Project – Continue to add sites where defibrillators can be found within the city on Pulse Point App. Check venues in need and consider a Veolia Mulwaree Trust grant if on Council land.
- Totem Skating Event 16 November. Youth Council doing this event now. BBQ 12pm to 3pm
- Discussion about VibeFest. Ideas about talented local artists
- Great Debate. Charlotte to contact The Hon Angus Taylor MP, Member for Hume
- Ignite Youth Forum, invitations to all school youth leaders at School Captains Reception 27 November 2019

Dates to Remember:

- 16 November – Totem Skating at Skate Park 11.30am to 3pm
- 29 November – Ignite Youth Forum 5-7pm
- 11 December – Volunteer Christmas Party St Saviours Hall
- 18 December – PCYC Christmas Party , organise bubble soccer and games
- 26 January - Australia Day at Victoria Park, do activities

**Action List**

No	Description	Responsible Person	Target Date	Completion Date
1	Prepare Song for Volunteers Christmas Party	All		
2	Social Media – Talk to Caitlin Muddiman	Cole and Charlotte		

**15.9 SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY MEETING MINUTES 7 & 8 NOVEMBER 2019**

**Author:** Warwick Bennett, General Manager

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. **South East Australian Transport Strategy Meeting Minutes 7\_8 November 2019** [↓](#) 

<b>Link to Community Strategic Plan:</b>	CL3 We actively collaborate with others in the region
<b>Cost to Council:</b>	There are no financial implications for this report
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That the report from the General Manger on the South East Australian Transport Strategy Meeting Minutes held 7 & 8 November 2019.

**REPORT**

Please find attached the minutes from the South East Australian Transport Strategy Meeting held 7 & 8 November 2019

These minutes are attached for your information and no Council decision is required other than noting the minutes.



## ORDINARY MEETING MINUTES

Thursday 7<sup>th</sup> and Friday 8<sup>th</sup> November 2019  
 Mollymook Golf Club, Mollymook, NSW

Meeting Opened: 1.02pm

### Contents

1. Welcome and Attendance.....	2
Shoalhaven Economy and Economic Development Office – Greg Pullen.....	4
2. Minutes of Previous Meeting .....	7
3. Business Arising from the Previous Minutes.....	7
4. Executive Officer’s Report – Sue Whelan OAM.....	7
5. Chair’s Report – Cr Marianne Pelz.....	10
6. Introduction to Andrew Martin.....	11
7. Financial Report – Cr Graeme Middlemiss (Apology) .....	11
8. Priority projects update – Greg Pullen .....	11
9. Member for Gilmore – Fiona Phillips.....	13
10. Member Reports .....	14
Shellharbour City Council – Trevor James.....	14
Baw Baw Shire Council – Alison Leighton and Cr Keith Cook .....	15
Bass Coast Shire Council - Clare Le Serve .....	19
Goulburn Mulwaree Shire Council – Cr Denzil Sturgiss and Cr Peter Walker...	24
East Gippsland Shire Council – Cr Marianne Pelz .....	25
Eurobodalla Shire Council – Cr Anthony Mayne.....	27
Fiona Phillips – Federal Member for Gilmore.....	33
Eurobodalla Shire Council – Tony Swallow .....	33
Queanbeyan Palerang Regional Council – Cr Pete Harrison and Phil Hanson	34
Shoalhaven City Council – Greg Pullen .....	34
11. Members Reports continued .....	37
Department of Transport-Transport for Victoria – Laurie Jeramiah.....	37
NSW RMS - Paul Vecovski.....	38



NAME ATTENDING	ORGANISATION
Alison Leighton	Baw Baw Shire Council
Andrew Martin	Executive Officer
Cr Anthony Mayne	Eurobodalla Shire Council
Cr Clare Le Serve	Bass Coast Shire Council
Cr Denzil Sturgiss	Goulburn Mulwaree Shire Council
Cr Jo Gash	Shoalhaven City Council
Cr Keith Cook	Baw Baw Shire Council
Cr Marianne Saliba	Shellharbour City Council
Cr Mark Kitchener	Shoalhaven City Council
Cr Patricia White	Shoalhaven City Council
Cr Pete Harrison	Queanbeyan Palerang Regional Council
Cr Peter Walker	Goulburn Mulwaree Shire Council
Greg Pullen	Shoalhaven City Council
Laurie Jeramiah	Victorian Department of Transport
Paul Vecovski	RMS
Phil Hanson	Queanbeyan Palerang Regional Council
Stuart Clark	GHD
Sue Whelan OAM	Executive Officer
Tony Swallow	Eurobodalla Shire Council
Trevor James	Shellharbour City Council
Fiona Phillips MP	Member for Gilmore – Day 1 only
Grant Shultz	Day 2 only

Apologies:

NAME	ORGANISATION
Anna Watson MP	Member for Shellharbour
Bruce Connolly	La Trobe City Council
Cr Don Figliomeni	Wollongong City Council
Cr Graeme Middlemiss	Latrobe City Council
Harvey Dinelli	Transport for Victoria
Ken Fraser	South Gippsland Shire Council
Mike Dowd	Wollongong Shire Council
Noel McCann	Canberra Airport
Pas Monacella	Regional Roads Victoria
Sara Rhodes-Ward	Regional Roads Victoria
Sharon Bird MP	Deputy Chair of Standing Committee on Industry, Innovation, Science and Resources
Shelley Hancock MP	Minister for Local Government
Stan Robb	Yass Valley Shire Council
Tony Sheldon	Senator for NSW
Vanessa Wilson	RMS
Warren Sharpe OAM	Eurobodalla Shire Council



**MOTION:**

That the apologies be accepted.

Moved: Cr Clare Le Serve

Seconded: Cr Patricia White

Carried



## 1. WELCOME AND ATTENDANCE

Chair Marianne Pelz welcomed the attendees to Mollymook to the last SEATS in 2019. The next SEATS meeting will be in February 2020.

Deputy Mayor Patricia White, Shoalhaven City Council, welcomed attendees to the Shoalhaven. Cr Patricia White acknowledged the traditional owners and paid respects to Elders past, present and emerging.

- Thanked Greg, Sally and Marianne for organising meeting.
- Thanked the attendees for coming from all areas to Mollymook.

### **Shoalhaven Economy and Economic Development Office – Greg Pullen**

- Greg Pullen has been the Economic Development Manager since 1985
- Provided an overview of the economic performance of the Shoalhaven
- There are transport issues for freight in the Shoalhaven
- Have created a one-page flyer with statistics on the Shoalhaven
- Have been creating jobs faster than immigration to the area
- GRP per worker has been growing quite rapidly
- Some point in the next 15 years we should the GRP per worker will be higher than the NSW average.
- Economic output per sector
  - Construction was the largest sector but is slowing down nationally and in Shoalhaven
  - Public administration consists of a majority of defence
- Major capital expenditure
  - Demonstrated the influence on employment in LGA with major capital expenditure
  - Is important to show the trough between investment from government expenditure and impact on regional economies
- Unemployment vs employment
  - Always regarded as a high unemployment area
  - Did increase to 23% at one point. 1 in 4 unemployed was a big drain on the economy
  - Despite this spike unemployment has been relatively level over the last 30 years
- Changes in employment
  - Are plotted each quarter
  - Shows increasing number of jobs over time
  - Includes some statistical glitches related to high drops in employment
- Number of hours worked in our economy
  - Under 15 hours in accommodation and food services
  - Under 20 in retail
  - 40 hours plus in manufacturing
    - Stimulates the economy



- Good wages
- Looking after tourism doesn't influence the economy as much as supporting freight movement and the industries that they support
- Scenario of creating 100 jobs per industry sector
  - Analysis of each employment sector and benefits is the base of our economic development strategy
  - Chasing the high value industry sectors
- Transport issues in the Shoalhaven
  - Restricted access
    - South bound bridge
    - Fully laden HML vehicle can't get past the bridge or onto Batemans Bay
    - Trains – working on program on key issues on rail freight to lobby Sydney trains but they are passenger train focused.
- Overview of cargo
  - Rail
    - In - wheat and flour
    - Out – containerised food ingredients bound for Europe, USA and Asia
  - Road
    - In – coal, fuel, avgas etc
- Manildra is the biggest freight generator in the Shoalhaven

**Action 19.7: Shoalhaven presentation to uploaded to SEATS website.**

Questions:

Cr Anthony Mayne

What role has SEATS had in the success of the region?

- We have worked closely with the RMS and work with the agencies at both state and federal level
- It would be good if defence played greater role in stating what they need in terms of transport
- Manildra is a big player and the largest single user of rail transport in NSW
- SEATS has had a role in lobbying

Cr Marianne Pelz

The statistics about winding down of jobs; is there any way of buffering the impact on the economy?

- There was an impact of the first trough. The State and Federal governments were in election mode and parties changed at this time. We need to work on letting government know about the impacts of peaks and troughs in investment



- Working to keep it flat and even going forward.
- Hospital, roads are big investments. New roads projects (Berry to Bomaderry – Downer Seymour Whyte and RMS). There are big skills shortages but are now working with disadvantaged groups to build the skills in our community.

Cr Marianne Pelz

Do you put regional impact into the equation? E.g. Purchasing?

- State government have preferred contractors that they approach and are interested in quality of contractors
- Council will give local preferences to an extent and engage maybe 60% or more local contractors.



## 2. MINUTES OF PREVIOUS MEETING

### MOTION:

That the minutes of the Ordinary Meeting held on Thursday 15<sup>th</sup> and Friday 16<sup>th</sup> August 2019 Mallacoota Golf Club, Mallacoota, Victoria be accepted as true and accurate record.

Moved: Cr Marianne Saliba

Seconded: Greg Pullen

Carried

## 3. BUSINESS ARISING FROM THE PREVIOUS MINUTES

None

## 4. EXECUTIVE OFFICER'S REPORT – SUE WHELAN OAM

As submitted

Executive Officers Report  
7th and 8th November 2019  
Mollymook  
New South Wales

This will be my final report as Executive Officer for SEATS and I will report on the work done recently as well as an overview of my time as the Executive Officer.

The website has been the major focus of my time recently. I have had a number of meetings with the website designer and the website should be completed soon. Due to some technicalities the information on our current website cannot be imported to our new website and I have spent time writing up information to be incorporated into our new website. Thank you to everyone who provided information as I requested it.

Priority Projects are well on the way to being finalised and we will have a session on them at this meeting. The work that has gone into these projects is appreciated and I thank members for their input, especially Greg Pullen and his team at Shoalhaven. These projects are vital to our advocacy role with Governments and are an integral part of our credibility.

I have continued work on strengthening SEATS relationship with Government. All local members both State and Federal were invited to attend the business sessions and/or the dinner for this meeting. I have had contact from all of them and hope to see one of our local Federal members attend one of our business sessions.



SEATS Strategic document needs to be reviewed and updated as SEATS use this document to base its work on.

I have also attended to the administration work of phone calls and emails.

When I commenced work with SEATS there were a number of issues outstanding: Election policies had not been prepared and with elections in NSW, Victoria set and the possibility of a Federal Election being called it was important to get this policy prepared and distributed. This was done with the support of the Executive and the Chair. The policy was prepared and distributed to all candidates both lower and upper houses for all three election campaigns.

As a result of preparing for the Election Policy I discovered that no work had been ongoing with SEATS Priority Projects. These Projects are vital for our advocacy as they form the basis of the information when we lobby Governments. This work is now well on its way to completion. Promotional banners had been approved but nothing had been done to acquire them. SEATS now have three promotional banners for use at meetings and any promotions that occur.

State meetings in NSW and Victoria were held last year to discuss the Priority Projects and worked well to bring a smaller group together to discuss important issues in a less formal manner than a full meeting.

The website needed to be updated and initially we contracted a website designer in Victoria do undertake the work. After a lot of work with him doing a branding exercise he indicated that he could not finalise his contract with SEATS. A web designer in Canberra has been contracted and the website is now well advanced. I would like to thank the Executive members who worked with me on the initial branding exercise.

Meetings were organised with Federal Ministers as well as with Local State and Federal members. Meetings were held with the Hon Darren Chester, The Hon Michael McCormack, the Hon John Barilaro, the Hon Melinda Pavey, Sharon Bird and Fiona Phillips. WE also had candidates for the Victorian election attend a panel session held at our meeting in Warragul.

As a result of our meetings with Darren Chester the Federal Government initiated the Princes Highway Strategic Study which will inform future work on the Princes Highway. SEATS members have been involved in the consultations on this study and a presentation was made to our last meeting by GHD who are the consultants for the Federal Government.

Meetings have been re formatted so members have more time to discuss issues important to them and to exchange information. Guest speakers have been informative and relevant to members.

Finances – there were a number of members who had not renewed their membership, this has now been sorted out and our finances look healthy. Thank you to La Trobe Council staff and to Graeme Middlemiss for working to achieve this.



Meetings have also been held with CRJO and Premiers Department in NSW to start to reconnect with these organisations. Illawarra JO is now a member as are the NSW RDA's in the SEATS region. It is important to nurture these relationships as everyone has limited resources and working together gets the best value from these resources.

I would ask any Members who would like to host a meeting next year to let Andrew know as we need both NSW and Victorian venues. Hosting involves arranging a meeting with power point presentation facilities, light lunch and afternoon tea on the Thursday, host a dinner on Thursday evening for between 30-40 guests and a Guest Speaker, arranging two or three Speakers on Transport Infrastructure on the Friday morning (not more than ½ hour per presentation), on the Friday morning with arrangements for morning tea and a light lunch. The host Council may organise a virtual tour or a guided bus tour of their area with particular reference to a transport infrastructure issue. Finally, I would like to thank everyone for their support and friendship during my time as Executive Officer. Most especially I would like to thank the Executive team and the two Chairs I have worked with for their support as we moved SEATS forward. I have enjoyed my work for SEATS and leave it in better shape than I found it.

Sue Whelan. OAM  
Executive Officer. SEATS

#### Key Points

- Website is on the way and almost finished
- Strategic plan needs to be updated and reviewed

Sue Whelan OAM thanked the membership for the last 18 months of friendship and support as Executive Officer.

- Have built up a productive organisation and ready to pass on to Andy

Sue Whelan OAM thanked Crs Patricia White, Marianne Pelz and Marianne Saliba for their support.

#### Cr Marianne Saliba

It was fortunate that Sue Whelan could step in put SEATS back on track and this is something to be admired. The decision to take on Andrew Martin will see SEATS move in a bit of a different direction and we hope these new connections from Andrew Martin, with Sue Whelan's previous work, will keep SEATS on track for a long time to come.

#### Cr Anthony Mayne

It can't be underestimated the situation that you came into. It was beneficial as a new councillor to watch SEATS transform through Sue Whelan's Executive leadership.

**MOTION:**

That SEATS write a letter of thanks to Sue Whelan OAM for her work as Executive Officer.

Moved: Cr Marianne Saliba

Seconded: Cr Anthony Mayne

Carried unanimously

## 5. CHAIR'S REPORT – CR MARIANNE PELZ

Cr Marianne Pelz has been with SEATS for over 10 years.

Cr Marianne Pelz thanked the membership for your support and for being renominated as the Chair.

- There are many great transporting investments in the SEATS region and the identified Priority Projects have played a major part on attracting this funding
- SEATS contains a lot of skills – professionals, experts, engineers, ex-politicians, economic development – provides SEATS with avenues to explore, develop and push our cause
- Next 2 years – need to campaign – with the work that Sue has done we are in a much better position that we were 2 years ago.
- SEATS contribution to the GHD Princes Highway Corridor Strategy - it was clear that SEATS has a lot of value to offer.
- Many SEATS members contributed to GHD workshops. Harvey Dinelli, Pas Monacella, Warren Sharp OAM, Cr Patricia White and Greg Pullen all contributed.
- The final report will be valuable to SEATS
  - Will be able to hone into on the specific works that are needed and can put these on our Priority Projects
- Darren Chester MP requested this piece of work and SEATS took it the next step further
- SEATS Cross Border Study has been the basis of many reports
  - Used in many departments as a base
  - The study was considered important at the time and the Victorian government appointed a Cross Border Commissioner. This was a good initiative that came out of the study.
- Bridge Replacement Project – Greg Pullen formulated a mechanism to identify bridges that needed funding
  - East Gippsland has received money for many bridges and that was based on the Bridge study
  - Councils need to get their projects on these strategies to attract funding
- Simplifying road and bridges – having some kind of structured base for construction and design concepts. Looking forward to some type of unified construction manual
- Resolving the Gippsland rail service would be a bonus



- Thank you for your contributions

## **6. INTRODUCTION TO ANDREW MARTIN**

- Live in Melbourne
- Has been involved in logistics and transport for most of working life
- Worked for DHL
  - Started with them and worked in Middle East, India, Asia, Europe
- Worked for a company which was part of the TOLL group and worked in intermodal division
  - Set up coastal shipping (Liner) with TOLL and learnt and understand about the difficulties of regional transport both road and rail. Australia is a big country and supply chain costs an enormous amount of money.
- Worked for the Australian Chamber of Commerce and Industry and developed an Export Strategy for South Australia
  - Encouraged member associations to develop their own export strategies
  - Chair of the Ministerial Advisory Export Council
- Coming to SEATS is a privilege
- Have been looking at the SEATS projects
- Am across the supply chains of larger organisations and would like to bring big industry focus to SEATS
- SEATS have a unique proposition in that it is a local government source of power with a logistics and freight focus
- Aggregated thinking from local government
- Intention is to visit Councils regularly and meet with Councillors and Economic Development, Assets and Works staff.
- The history of SEATS has been remarkable.

## **7. FINANCIAL REPORT – CR GRAEME MIDDLEMISS (APOLOGY)**

Cr Graeme Middlemiss is a late apology for this meeting. SEATS has not received the latest financial report. A Financial Report will be circulated to the membership as soon as it becomes available.

## **8. PRIORITY PROJECTS UPDATE – GREG PULLEN**

At the May 2019 meeting it was agreed that we were going to review the Priority Projects.

- Projects to be assessed against 7 criteria.
- Information was put in a drop box files and members were provided with the link
- 11 Council members have returned Project Nomination forms
- Only 6 member Councils have returned their scores (votes).
- It takes about 5 hours to complete the voting. This is an extensive task.

Fiona Phillips MP, Member for Gilmore joined the meeting.



- 64 generally high-quality projects
- All Councils got two votes
- In the Shoalhaven Greg Pullen and Cr Patricia White voted providing a technical and a political answer.
- The final list will be in some sort of order – geographic – alphabetical – not priority list
- SEATS need to keep the pressure on otherwise there are projects elsewhere in the State that could attract funding.
- SEATS need to show a robust method.
- Had wanted the projects to be endorsed at this meeting but we are not there yet.
- Next 2 weeks would like for this to happen.
- The instructions were clear. Please go back to Councils and get them to do vote. It is an arduous process but it is important – next year with elections we need this list backed by robust methodology.

Upper Lachlan Shire Council is in the process of having a change in management. Yass Valley Council are also going through a change of management. Snowy Valley is undergoing change.

**Action 19.8: Recirculate the SEATS scoring information to Councils seeking an urgent response.**

Alison Leighton

Project list - South Gippsland haven't voted but some of their projects are in the top twenty.

- SEATS members vote for projects that are valuable because other members see the merit in these projects.
- This shows that SEATS are balanced
- Generally, our list will align with government agencies or government agencies will take notice of them.

Trevor James

It is important to vote. The fact that we can say that there is a priority list shows the power that this group has.

Sue Whelan

- During the election I went looking for a priority list and this wasn't available. Many of those projects that were on the list previously were supplied to the politicians.
- We need a short sharp list.
- All projects will move through the list
- On website we need to see priority projects, projects to come and what has been achieved.
- Priority projects need to be regularly reviewed



Andrew Martin

- It is key area as this is SEATS IP
- Depth of thinking and the quality of the projects. They are well thought out because it is supported by the constituency
- Involvement drives integrity of priority project
- This is what we will be talking about

Cr Marianne Pelz

Beauty about SEATS is that we have a group of skilled people – engineers and economic development- and the face of the community through the councillors. We can drive these projects directly from the community.

Cr Marianne Saliba

Would like to thank Greg and Marianne for their work on this.  
This is important to finish and know what we are supporting for the future.

Cr Clare Le Serve

Would the list be an item on the agenda at each meeting?

**MOTION:**

That the report be noted and that SEATS members have until the end of the month to finalise the assessments.

Moved: Cr Marianne Saliba

Seconded: Cr Anthony Mayne

Carried

**9. MEMBER FOR GILMORE – FIONA PHILLIPS**

Great to see everyone here. I met with Sue Whelan OAM and Cr Patricia White at Parliament House. It nice to be here and see how SEATS works. Clearly a group effort.



## 10. MEMBER REPORTS

### Shellharbour City Council – Trevor James

As submitted

#### Albion Park Rail Bypass

- The construction of the Albion Park Rail Bypass (M1 Extension) is progressing with completion expected in 2022;
- Council continues planning of an extension of Tripoli Way which will provide a further east-west road option for residents and travellers to ease traffic congestion on the Illawarra Highway through Albion Park after the bypass is opened, although the state government has not agreed for these two important pieces of infrastructure to meet up. Shellharbour City Council continues to lobby for this to occur.
- It is now proposed that Calderwood Road will be reconstructed to provide only two travelling lanes, one in each direction. Not the four that were originally proposed; and
- Council is continuing its efforts to attract assistance from the NSW Government to provide this essential piece of transport infrastructure.

#### Maritime

- Construction of the Shell Cove Harbour and The Waterfront land precincts are continuing;
- Harbour Boulevard provides the main connection between Shellharbour City Centre, the new Town Centre and onto Bass Point Reserve;
- The breakwater and groyne are almost completed with the links into the harbour edges well underway. The sand plug across the entrance channel will remain until all harbour works are completed;
- Shellharbour Marina marine piling continuing;
- The Harbour and Marina are planned to be opened in May 2021, when the associated land-based services and facilities are ready;
- Planning continues for the provision of infrastructure to enable the location of a full range of marine-related industries at the Harbour; and
- The Waterfront, Harbour and Marina will be significant additions to tourism related infrastructure that will drive growth in the industry both within and beyond the region and is highlighted in the recently launched NSW South Coast Marine Tourism Strategy.

#### Illawarra Regional Airport

- The Illawarra Regional Airport has been renamed to Shellharbour Airport;
- Return flights for Shellharbour to and from Melbourne and Brisbane continue to operate successfully;
- Council is currently considering a report from specialist aviation consultants on options for the future strategic development of the airport – both airspace and land-use issues;



- The terminal, taxiway expansion, new aircraft parking apron and aviation Business Park (stage 1) is on track with the overall project completed by February 2021; and
- Demand for commercial space at the airport remains constant.
  
- Not much change in our report from last meeting.
- Tripoli Way
  - Council has been working on this project for quite some time. The project has been on our books for many years. It will alleviate pressure on western area of our city. We have tried to have it link up with the bypass of Albion Park Rail but there is no opportunity to be a part of that. Tripoli Way is left floundering. The road doesn't need to be built until 2028 per developers obligations.
  - Working on plans of the road so that council can start construction on this important piece of infrastructure.
  - West Dapto land release – there will be many people that will be travelling this way and the need for this road will be here a lot sooner that many people think
- Shell Cove
  - The breakwall is completed
  - Marine piling is continuing
  - Urge you all to have a look before the water is in the harbour
  - Expecting it to be opened in May 2021.
- Airport
  - Renamed Shellharbour Airport
  - Works on the terminal – planning is completed and works will go out to tender soon
  - There is increasing demand by businesses looking to relocate to the business aviation park

### **Baw Baw Shire Council – Alison Leighton and Cr Keith Cook**

As submitted

#### **2019/20 Capital Works Program**

The 2019/20 capital works program is \$29.6M, comprising of 100 projects and programs, including:

- \$12.2M for infrastructure renewal (primarily working on replacing existing assets),
- \$7.3M for progressing key strategic projects, and
- \$10.1M for general infrastructure works.

#### **Roads**

- Over 100,000 sq m of gravel road resheets (\$1.1M)
- Over 235,000 sq m of roads resealed (\$1.3M)
- Five roads in poor condition fully reconstructed (\$2.0M)
- Over 20,000 sq m of road repairs (\$1.2M)
- Over 500 metres of kerb and channel replaced
- Extensive re-linemarking, guardrail and signage replacement
- Stage 2 of sealing the unsealed section of Shillinglaw Road in Drouin (\$0.7M)



- Funding commitment towards the Fixing Country Roads Program, which would see over \$2.2M of road upgrade works occur in Shady Creek and Neerim North
- Continuation of Warragul CBD streetscape works, with the upgrade of Victoria Street between Queen Street and Napier Street (\$0.8M)
- Road safety improvements (\$0.4M)
- New or improved township entry, parking and traffic signs (\$0.1M)

**Carparks**

- Accessible parking space improvements, the implementation of key parking study actions for Drouin and Warragul, as well as four carpark reconstructions (\$0.3M)

**Paths**

- Gravel and sealed path replacements, trip hazard rectifications, DDA upgrades and pram ramp replacements (\$0.5M)
- New footpaths across the municipality (\$0.8M)

**Bridges and Major Culverts**

- Standfields Road bridge replacement in Poowong East as well as two major culvert rehabilitations (\$0.8M)

**Drainage**

- Retarding basins in Trafalgar and Warragul (\$1.3M)
- Piped drainage renewal (\$0.3M)
- Open drain cleaning and roadside works (\$0.4M)
- Dam safety and wetland establishment works (\$0.1M)

**Roads to Recovery (R2R) Funding Program**

Overall allocation 2014/19 \$11.5M, 59 nominations to date

- 2018/19 – Balance of \$216K R2R funding additional allocation on Labertouche North Road
  - Reconstruction complete at Labertouche North Road, Labertouche - \$1.55M.
  - Reconstruction of Bowen Street, Warragul - \$456K. (carry over to 18/19, tenders received) Works have commenced, working with APA regarding lowering of gas lines. Following delays due to the gas line work and inclement weather, works have recommenced on-site at Bowen Street. Stabilisation of the underlying clay is required which will result in some delays on site.
  - Reconstruction of Rollo Street, Yarragon - \$320K. (carry over to 18/19, tenders received) work completed in February 2019.

**Infrastructure Investment Blackspot Funding Program**

2019/20

- Following the recent announcements, Council is implementing the following projects
  - Lardners Road - \$220k
    - Replace non-standard safety barrier, delineation improvements and speed reduction
  - Mountain Glen Drive - \$309k



- Upgrade existing safety barriers and improve intersection delineation
- Lardners Track - \$168k
  - W-beam safety barrier and delineation improvements.

#### **Bridge Renewal Funding Program**

- Round 4 funding of \$260K has successfully been obtained for the replacement of the Standfields Road bridge in Poowong East, working in partnership with South Gippsland Shire Council. This package has been advertised as a design and construction project. Council expects to award the contract in late November 2019 and works are expected to commence on-site during March 2020.

#### **Fixing Country Roads Program**

Round 2 Yarragon Shady Creek Road – Sheehan Road to Araluen Road, Shady Creek

- The application was successful for the reconstruction of 2km of Yarragon Shady Creek Road, \$500K to be funded by Regional Roads Victoria (Total project cost \$1.5M). Works are currently out to tender and work is expected to commence on-site during February 2020.

Round 2 Neerim North Road, Neerim North

- The application was successful for the reconstruction of 2.2km over various lengths of Neerim North Road, \$513K to be funded by Regional Roads Victoria (Total project cost \$770K). Works have been completed on the first section of Neerim North Road (approximately 250m). The remainder of the works on this road is currently out to tender and work is expected to commence on-site during February 2020.

#### **Gippsland Regional Road Group (GRRG)**

- No meetings have taken place.

#### **Baw Baw Truck Safety Network**

- Inaugural meeting held in June 2018 and second meeting held in November 2018 were attended by approximately 20 heavy vehicle operators, Council staff and Victoria Police. The third meeting was held on 21 March 2019 with the intention to continue meeting quarterly into the future.
- At the meeting held on 19 September the issue of traffic congestion in the centre of Drouin and the need to advocate for an alternative route for heavy vehicle traffic was discussed. It was proposed that a working group be set up to consider practical options for routing heavy vehicles around the town centre and to present these options to the State Government and Regional Roads Victoria for consideration. This was supported by all the attendees at the meeting and Council representatives agreed to nominate an officer to sit on the working group.

#### **\$4M Warragul Streetscape Project**

- Project intended to support the future growth of the town.
- Precinct involves both VicRoads and local Council Roads.
- Works will improve pedestrian safety, improve traffic flow and enhance the "greening" of CBD precinct.



- Smith Street streetscape works between Albert and Palmerston Street including pedestrian crossings and street improvement works such as asphalt resurfacing, and landscaping - complete
- Roundabout construction at Mason and Albert Street intersection and Mason and Palmerston Street intersection with landscape works - complete.
- Palmerston Street streetscape works between Victoria Street and Smith Street, including the conversion to one-way traffic flow eastbound - complete.
- Smith Street Streetscape works including the conversion to one-way traffic flow southbound – complete.
- Queen Street/Napier Street intersection – installation of traffic signals – works now complete.
- Victoria Street between Smith Street and Napier Street – streetscape works design – survey complete, design complete. Works have been tendered and it is anticipated that works will commence in February 2020.

#### **“Future Transport Planning Warragul and Drouin” Project**

- \$500K funding allocated to Regional Roads Victoria for one-year road network planning for Drouin and Warragul to address and plan for the future growth of Warragul and Drouin. The population is expected to triple by the completion of the PSP development.
- In early 2018, RRV carried out extensive community stakeholder engagement which resulted in receiving 725 comments from the community. A list of nine priority projects was compiled by RRV:
  1. Drouin Town Centre – duplication of the traffic lanes considered however to address congestion issues, other alternatives are being investigated
  2. Consider redesign of the roundabout at Howitt Street/ Warragul Korumburra Road/Bona Vista Road/ Landsborough Road and also consider signalised intersection at Howitt Street and Burke Street (cost of TEI \$7.5M)
  3. Balfour Road connection to Princes Way to be investigated for improvement
  4. Colman Road level crossing has been improved with better signal phasing during school times. Intersection design may be considered for future planning.
  5. Highvale Rise/ Crole Drive – Princes Way in this area will need to be duplicated and future investigations/ planning will take place
  6. Drouin Longwarry Road intersection with Princes Way has been investigated with a proposal with a TEI of \$8M for a two-lane roundabout has been submitted to state Government.
  7. Longwarry Road intersection with Princes Way with one main entrance/ exit instead of the existing multiple slip lanes
  8. Brandy Creek Road at the north entrance into the Warragul township – considerations for speed limit reductions to keep up with the urbanisation and development in the area
  9. Queen Street (Normanby Place to Nilma) - investigations and traffic modelling completed for intersections. Future planning to include potential duplication of Queen Street.

#### **Alison Leighton – CEO**

- Lots happening at Baw Baw Shire
- Significant residential growth
- Population is expected to double in next 15 years
- 20000 lots to be released in Drouin and Warragul
- Transport planning and working with Regional Roads Victoria



- Truck safety network
  - Meeting with road freight operators as users of the network and to discuss issues safety and productivity
- Out to tender for new road maintenance contract
  - Tripling amount of road maintenance
  - Doubling open drain clearing
  - Engaging industry early as part of procurement process and are expecting some competitive tenders

Cr Marianne Pelz

A lot of your roads don't have shoulders on main arterials.

- Yes, this is an issue
- The bigger issue is single vehicle run-off road incidents and these often occur on the unsealed shoulders.
- We will concentrate on shoulder sealings and seek funding through the next round of black spot funding.

### Bass Coast Shire Council - Clare Le Serve

As submitted (including highlighted text)

Project	Status
Fixing Country Roads Round 2	
1. Loch Wonthaggi Road Flood Mitigation and Safety Improvements 2. Grantville Glen Alvie Road Upgrades	<b>Fully Funded 19/20</b>
Bass Highway Anderson to Leongatha Upgrade	<b>RRV Progressing Priority Projects</b>
Phillip Island Road and San Remo Upgrades	<b>RRV Progressing Priority Projects</b>
Wonthaggi Alternative Heavy Vehicle Route	<b>Progressing planning</b>
Kernot Bridge replacement over Bass River	<b>Awaiting funding opportunities</b>
Cowes to Stony Point Car Ferry	<b>Bass Coast Budgeted \$120,000 in 19/20 Seeking additional funding</b>
Melbourne South East Region Freight Strategy	<b>Priority List Under Review</b>

### Fixing Country Roads Round 2 –

#### Loch Wonthaggi Road

Bass Coast Shire Council successfully applied for funding to undertake a major renewal project along a section of Loch Wonthaggi Road, West Creek. Investigations



have indicated that the pavement will be required to be raised by 300mm in order to minimise the impact of flooding in the Powlett River Catchment. As Loch Wonthaggi Road is one of Bass Coast Shire's Key Strategic Links (and previously a VicRoads Road), it provides an important link for dairy, agriculture and extractive industry. Road closures, which occur most years for a number of days at a time, due to heavy rainfall poses a significant risk for emergency services accessing the farming communities' in the Bass Hills. To ensure that the impact of flooding is minimised the installation of additional culverts is required to address a number of issues identified in extensive modelling already undertaken. It is anticipated that this project will cost in the order of \$1.5M predominantly to facilitate the culvert installation and lifting the pavement.

#### Grantville Glen Alvie Road

In addition to the Loch Wonthaggi Road project, Bass Coast Shire Council successfully applied for a second project along Grantville Glen Alvie Road. This project, like Loch Wonthaggi Road, is a key rural link which was previously a VicRoads Road. This link provides an important link for Dairy, Agriculture and sits as a main access road for key natural gravel and sand deposits. Currently the western section of this road is a gazetted B-Double route and the remaining sections are intended to be considered for gazettal once all the linkages are complete.

#### **Bass Highway, Anderson to Leongatha upgrade**

\$500,000 of State funding has been allocated to examine potential upgrades along the Bass Highway between Anderson and Leongatha to boost traffic flow, local road access and safety. Council and VicRoads have worked to identify key priorities along the network and Investment Logic Mapping (ILM) has been undertaken to prioritise these actions. RRV has now finished the engagement phase and is working to develop project designs for key priorities.

#### Kilcunda upgrades

Pedestrian safety and parking improvements in Kilcunda which was identified as a key priority in the RRV engagement. This is considered a critical to Bass Coast Shire Council and the Local Community. The upgrades will address access across the highway between the beach/caravan park and the residential/business precinct. This project is anticipated to be included in Bass Coast's Advocacy Priorities which is currently under review.

#### Background

The Bass Highway provides access for local agriculture and forms part of the Melbourne/Sydney coastal tourist route. It also provides connectivity between the towns of Leongatha, Inverloch, Wonthaggi and other small towns to the Anderson turnoff to Phillip Island.

The duplication of the Bass Highway between Lang Lang and Anderson is now complete with Stage 7, the final stage, opened to traffic in late December 2013. The balance of the highway from Anderson to Leongatha is proposed as 2 lanes with improvements to, road pavement, widening to B road standard, sealed shoulders at some locations, provision of overtaking opportunities and safety improvements including upgrade to narrow alignment at Powlett River culverts at Dalyston.



### Extractive industries

The Victorian State Government have developed the *Extractive Resources in Victoria — Demand and Supply Study 2015 —2050* (Published March 2019) to identify future resources required to cater for the future growth and construction within Victoria. Bass Highway has been identified as an Extractive Resource Road within the study. The demand in Melbourne's south east is expected to generate up to 5000 additional truck movements per day from the Bass Coast and South Gippsland region.

This is also supported by the '*Extractive Resources Strategy - Helping Grow Victoria*' which identified that key short term priorities were to:

1. Recognise critical extractive resource transport networks in Victorian Government transport and infrastructure plans.
2. Improve data collection and sharing.
3. Conduct an initial study into transport impacts and network development needs.
4. Encourage development of dedicated quarries close to new major regional infrastructure projects.

### **Phillip Island Road and San Remo Upgrades**

Council has worked in partnership with Regional Roads Victoria and the Phillip Island Integrated Transport Study (PIITS) Community Reference Group with relation to key intersection upgrades and community engagement.

Key intersection upgrades at Woolamai Beach Rd and Back Beach Rd have been funded, and projects are underway. It is expected that construction works are due to commence late 2019/early 2020. The projects have been identified through the \$3.2M in funding from the State Government. This funding has provided for community engagement and extensive investigations. This is being conducted by Regional Roads Victoria around projects at Newhaven, Surf Beach/Sunderland Bay and San Remo. It is expected to be completed by June 2020

This has led to a much greater understanding of the impediments along the network and a list of key projects. Preliminary traffic modelling has been undertaken to assess the impact of the proposed treatments.

### San Remo – Back Beach Road Intersection Upgrade

Upgrades at Back Beach Road and Bergin Grove in San Remo have been identified by the community as essential improvements to tackle significant safety and equity of access issues onto Phillip Island Road. This project is anticipated to be included in Bass Coast's Advocacy Priorities which is currently under review.

A related project that Council has completed in 2014 is Phillip Island and San Remo Visitor Economy Strategy 2035. Information shows that Phillip Island can expect an additional 4,300 visitors per day by 2035. 35% of international visitors that come to Victoria visit Phillip Island, and Phillip Island is the second most visitor reliant economy in Australia behind Uluru.

### **Wonthaggi Alternative Heavy Vehicle Route**



Regional Roads Victoria have been undertaken extensive planning along the Bass Highway Corridor between Anderson and Leongatha. Council will work with RRV on determining the alignment.

#### Background

The Bass Highway is the main highway that passes through the Wonthaggi region. It connects Wonthaggi with other regional centres including Phillip Island, Inverloch and Leongatha. During the peak holiday periods this highway experiences significantly higher traffic volumes resulting in large queue lengths through Wonthaggi. The Bass Highway has been identified as an 'Extractive Resource Road' in the *Extractive industries in South Gippsland – Supply Chain Study*. In 2011 Bass Coast Shire Council commissioned The Wonthaggi CBD Traffic Impact Study which found that if no action is taken the existing road network will soon be operating at capacity with unacceptable queue lengths.

#### **Kernot Bridge replacement over Bass River**

Council has to project advanced to the point where funding submissions can be made. This planning was completed in late 2017. This project will require multiple funding sources in order to deliver. Further local community consultation will be undertaken in future as funding opportunities become available.

#### Background

Construct a new 75m bridge over the Bass River at Kernot. The current bridge at Stewarts Road spans the Bass River. It is a one lane aging timber composite structure that is load limited to 20 tons. The bridge services local traffic although is no longer able to service local industry requiring heavy vehicle access. Higher productivity vehicles are increasingly utilising the local network.

The current bridge is a pinch point in the local road network for the dairy, agriculture and extraction industries. A new bridge would allow for economic benefit through freight efficiencies gained and access for high productivity vehicles. A feasibility study conducted by Council has determined that realigning the existing road and locating a new bridge at an alternative crossing point would also service land that is currently accessed by the Schier Road Bridge which is limited to 12 tons and in poor condition. By utilising this alignment two older bridges could be decommissioned from current service and maintained for future pedestrian and cyclist links.

#### **Cowes Stony Point Car Ferry**

Council, along with Mornington Peninsula Shire Council and the Victorian State Government prepared a Business Case to determine the cost, requirements and viability of a car ferry between Cowes and Stony Point.

The Full Business Case was presented at the Ordinary Council Meeting in Cowes on 18 April, 2018. Council supported a car ferry in principle as per the Phillip Island and San Remo Visitor Economy Strategy 2035, Growing Tourism. Council deferred consideration of the Full Business Case, based on community feedback throughout the consultation process, until a comprehensive investigation is undertaken as to whether



the Cowes Jetty is a more suitable location for a car ferry terminal than the Mussel Rocks location proposed in the Business Case. The additional work will include an assessment of the impact of a car ferry terminal on the Jetty Triangle and a detailed traffic and parking impact assessment.

We have committed \$120,000 in the 2019/20 Budget and will seek additional funding from the Victorian State Government to undertake this work.

### **Melbourne South East Region Freight Strategy**

The South East Metropolitan Transport Group recently completed a Freight Strategy. Bass Coast Shire Council is a member of the Group and provided input to the Freight Strategy. The Key Directions and initiatives of the strategy were to:

- Upgrade first and 'last mile' connections to key industrial locations
- Promote longer term network connections
- Improve data feedback links with the NHVR
- Promote rail links to the Port of Melbourne & local intermodal terminals
- Support ongoing grade separations
- Promote greater awareness of freight costs & potential savings measures for local manufacturers

Priority road projects were identified as key transport network initiatives needed to support freight in the SE Melbourne Region. For Bass Coast Shire the initiatives identified included, Phillip Island Road upgrade, Kernot Bridge Replacement, Bass Highway Anderson to Inverloch upgrade and Wonthaggi Alternative Heavy Vehicle Route. A review of this priorities is currently underway.

- Bass Highway, Anderson to Leongatha upgrade was on the VicRoads list
- Phillip Island still has bottlenecks. Sometimes there is a wait time of 5 hours or more.
- Cross over point (part of Bass Highway Anderson to Leongatha) is another priority
- Interim Chair of the Sand Extraction committee as part of the Environmental Review Committee.
  - Highlight the amount of sand and new pits
  - There will be an additional 5000 truck movements per day just for the sand industry
  - This will have an impact on Bass road network as some are council roads and others are regional
  - New pits that they are opening they need to make Stanley Road first.
  - See highlighted points in report
  - There are maybe 6 pits in that are operating and have extended hours – big industry
  - There are 6 community representatives on committee
  - There sand extraction industry are being asked what are they doing for the environment but are leaving pits in a lot better condition that when they found them

Laurie Jeremiah



Sand and quarry supplies for Melbourne will run out of material in the next 10 years. This will have come from outside the area. Bass Coast is one of the areas that will supply demand. Demand is progressing higher than highest forecast. Demand is significant.

### **Goulburn Mulwaree Shire Council – Cr Denzil Sturgiss and Cr Peter Walker**

As submitted

1. Update on Lansdowne Bridge
  - a. After four years of frustration and detours this bridge is now open.
2. East West Freight Link
  - a. Our Council is still of the belief that the East West Freight Link should take a direct line to the Hume Highway from Nerriga / Tarago / Goulburn. We are delighted that the Minister of Transport the Hon Andrew Constance has announced that he will undertake a feasibility study on the East West Freight Link.
3. RMS Issues
  - a. We continue to have a number of discussions with RMS on the swapping of Auburn Street with Sloane Street in the Goulburn CBD area. All heavy traffic bypassing the CBD tend to use Sloane Street which is a local road. Auburn Street is not used as it traverses through the main shopping area and has a number of traffic lights. We are also requesting RMS to ensure that the vehicle maps direct vehicle down Sloane Street to avoid the main shopping area.
4. May Street and Thornton Road Bridge
  - a. We are currently out for tender for the replacement of these two bridges. May Street is totally funded by Council with no subsidy and Thornton Road is receiving a 50% subsidy under the Timber Bridge Replacement Program.
5. Road Widening
  - a. We are having good success with the State Government under the Fixing Country Roads Program to widen our country roads to an 8 metre width which will better handle the mix of traffic which includes cyclists, b doubles and cars.
6. Fixing Local Roads Program
  - a. The State Government has recently announced a grant program for fixing local roads which will help Local Government attend to some upgrade capital works which have been deferred for a number of years because of affordability.
7. Crookwell Road / Mary's Mount Intersection
  - a. This intersection is on a State road between Goulburn and Crookwell and is the main entrance way to the residential growth development of Goulburn. Even though it is on a State Road and currently dangerous because of the high traffic volume the RMS is reluctant to contribute financially to this upgrade. Because of the road safety risk Goulburn



Mulwaree Council will likely fund it themselves to eliminate the risk of road accidents.

- Goulburn needs a transport hub – rail, airport, road
- It is the junction between Canberra, South Coast, Yass
- Freight transport via Nowra to Tarago to Goulburn picks up freight from Eurobodalla, freight from Canberra Airport, provides access to Woodlawn mine, waste facility of Veolia, and a link into Goulburn.

#### Issues

- The highway that goes through to Goulburn is also the main street and it is owned by rms
- Would like to congratulate the RMS for the work on Lansdowne Bridge. The work is sensational and the finished product outweighed the expectation. This is integral through Windellama Road and then onto the highway and hopefully in future, to the interchange.
- Goulburn Mulwaree Shire Council, through SEATS, would like to thank RMS for their work
- Bridges
  - Timber bridges – this is a good initiative and have been undertaking these replacements through government funding
- Working hard on road widening.
  - Roadways have been widened through funding from the government.
- Three new quarries are on the table
  - Tarago is increasing extraction which means more traffic – but they can also contribute to the road
  - Many roads have been upgraded through industry financial input (quarries)
- Dilemma
  - A chicken processing business wants to come to Goulburn that will employ 200 people.
  - Will build on alignment with old highway
  - The business will use a massive amount of water
- The Urban and Fringe Housing Strategy is on exhibition. Looking at the Crookwell side of Goulburn for residential development and at Marulan and how to build a ring road from Boxers Creek (8km out of Goulburn) across Murrays creek which would open up an industrial park and truck and transport hub
- Truck wash
  - Require a truck wash
  - The number of quarries makes it necessary
  - Did receive \$700K from government. The site was to be near the abattoir and then they changed their mind and so had to hand the money back to the government.

#### **East Gippsland Shire Council – Cr Marianne Pelz**

As submitted



1. Works for the replacement of the Timbarra Rd bridge No 1 are progressing. Pile driving is complete and construction of the abutment headstocks has commenced. The new 4 span concrete bridge will replace the existing load limited 5 span timber bridge. The project is being 50/50 co-funded between Council and the Federal Governments, Bridges Renewal Program Round 4.
2. Timbarra Road Bridge No 2 upgrade funded wholly by Council is programmed to commence in December this year.
3. Stage 2 of the Orbost Streetscape is now practically complete. The project has replaced aging streetscape infrastructure on the east side of the shopping strip.
4. The upgrade of the Lakes Entrance Esplanade streetscape consisting of two raise pavement signalised pedestrian crossings with associated kerb outstands, new angled parking bays in the vicinity of the Ocean Rescue Building on the south side of the highway, replacement of the old block paver footpath with new concrete shared user path and boardwalk, is now practically complete.
5. Preconstruction planning is continuing on the Barkes Avenue/Marine intersection upgrade. Two concept designs have been prepared and these will soon go out to community/stakeholder consultation.
6. EGSC has been working with Regional Roads Victoria on a safety treatment project for the Princes Highway through the township of Johnsonville. Works are nearing completion with only soft landscaping remaining. Similar safety treatment projects were recently completed in the townships of Nicholson and Swan Reach.
7. Fernbank/Glenaladale Road widening project, being constructed under the Local Roads to Market Program is approx. 70% complete. The project will widen both sides of the existing road pavement for a distance of 2.9km and includes new linemarking, signage and guard rail.
8. EGSC was successful in 2 of the 3 bids for round 2 of the Fixing Country Roads Program. The projects submitted were:
  - Scriveners Road widening, sealing and road safety furniture – Successful – Works are approx. 90% complete overall, with only the installation of guard railing and signage remaining.
  - Pearson Street drainage and pavement upgrade including new road furniture – Successful – Tenders have closed and are about to be evaluated. Intention is that construction will commence early 2020.
  - Lake Tyers Beach Road drainage and pavement upgrade including new road furniture – Unsuccessful
9. Stage 2 of the East Bairnsdale industrial estate roads upgrade, McMillan Street and Phillips Lane has commenced with bulk excavation of the downstream drainage detention basins and associated mounding to the east of Phillips Lane.

Mark Burnett sent through a report and take it has been read.

#### Sea walls

- Huge expenditure that we are dealing with
- They have not upgraded for many years



- This work has been handballed to Council – estimated \$30M to replace the sea walls
- A lot of council regions are finding the same thing
- Many council assets haven't been audited and this is showing up a number of issues – assets haven't been managed properly for a very long time

## **Eurobodalla Shire Council – Cr Anthony Mayne**

As submitted

### **1. Batemans Bay Bridge replacement project**

This project is being delivered by Transport for NSW (previously the RMS).

Major work on the Batemans Bay Bridge replacement continues, with over 150 working on the project. Work planned between 1 October and 31 December 2019 includes:

- Complete marine and land-based piling
- Start transporting the bridge segments from the pre-cast facility in Mogo to the project area and placing them to make the land-based spans
- Continue stabilising the ground on the southern side of the river using over drilled 300 concrete columns
- Complete earthwork
- Continue work to upgrade the Princes and Kings Highway intersection
- Start work on the southern retaining wall on the new bridge.

Recent work includes the start of land and marine-based piling, start of installing pile caps onto the piles, the arrival of two 3000 tonne barges and start of manufacturing the 166 concrete bridge segments at the pre-cast facility south of Mogo.

When complete, the \$274 million project will deliver safer and more reliable connections in and around Batemans Bay for motorists, freight, river users, pedestrians and cyclists. Major work is planned to be complete in early 2023.

Council continues to work closely with T4NSW and JH on the finalisation of plans and specifications for the foreshore component of the works.

<https://www.rms.nsw.gov.au/projects/batemans-bay-bridge/index.html>

### **2. South Batemans Bay Link Road**

This project is being delivered by Transport for NSW (previously the RMS). SEATS has been a significant partner to Council in advocating for the \$30m in funding announced earlier this year by the Premier Gladys Berejiklian MP and Minister for Transport and Roads Andrew Constance MP.

The project includes a new section of road and a new intersection with the Princes Highway to complete the Link Road connecting George Bass Drive and the Princes Highway south of Batemans Bay depot.

Key benefits include:



- Provide a safe and efficient connection between the Princes Highway and south Batemans Bay villages for residents, visitors and freight
- Help ease congestion in the Batemans Bay central business district.
- Reduce severity of crashes on Princes Highway between Cranbrook Road and Lattas Point Road.

Latest work includes investigation and assessment of four intersection options which has identified a roundabout as the preferred option for the highway connection.

<https://www.rms.nsw.gov.au/projects/south-batemans-bay-link-road/index.html>

### **3. Moruya Airport**

This project will see redevelopment of the Moruya Airport with terminal and runway upgrades, increased passenger and aircraft parking and expanded commercial and tourism spaces.

Latest work includes:

- Specialist crews are finishing up installing the new taxiway lighting
- Planning is underway for an access point from George Bass Drive to service the new western 11-lot subdivision.

<http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/moruya-airport>

### **4. Beach Road upgrade**

With the support of our local Federal member Ann Sudmalis MP, Council secured \$3 million for the upgrade of Beach Road in Batemans Bay CBD, funded by the Australian Government's Building Our Future program.

Work on the Princes Highway and Beach Road intersection has been completed with a new left turn lane out of Beach Road significantly improving capacity and reducing wait times.

Council is now working to widen the road to add the extra right-hand turn lane from Beach Road into Orient Street south following a delay in obtaining NSW Government concurrence for works impacting the courthouse land.

Major asphaltting works were completed 31 December 2019. The project will be completed prior to Christmas 2019. These road safety works also facilitate development of south Batemans Bay CBD by overcoming an significant traffic capacity issue on Beach Road.

<http://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/beach-road,-batemans-bay-cbd-upgrade>

### **5. Garlandtown Bridge widening**

Council received \$691,708 under Restart NSW, and contributed \$400,000 to this project upgrading the existing bridge to accommodate larger transport vehicles and improve road safety.



The proposed upgrade involves widening the existing bridge to provide two 3.5-metre wide lanes with a 2-metre wide shoulder on both sides. Additionally, the bridge approaches will be realigned and widened to meet current standards for a regional road.

Design work for the bridge component required additional structure renewal of the existing bridge. Tenders are also higher than anticipated and a further approach to the NSW Government will be made regarding available grant funding. The report on the bridge tenders will go to the Council meeting in November 2019, with works to commence in 2020.

The project forms part of Council's Asset Management Strategy and long term financial plan for the management and improvement of Council's transport assets. It will contribute to a safe, efficient and integrated transport network.

<https://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/garlandtown-bridge-widening>



## 6. Dunns Creek Road reconstruction

Council received \$1,228,800 in funding under the NSW Government Safer Roads – Saving Lives on Country Roads program to upgrade 4.35 km of Dunns Creek Road from The Ridge Road, Malua Bay to Woodlands Road, Woodlands.

The project will improve road safety for vehicles and cyclists on sections of this crash affected road and is part of our ongoing road reconstruction program to improve and maintain the road network for current and future generations.

Dunns Creek Road connects George Bass Drive and Tomakin Road in the hinterland behind the coastal suburbs from Batemans Bay to Broulee. The road is a rural distributor that has experienced a significant increase in traffic over the past ten years.



Subsequently, vehicle crashes have risen.

The road will be improved by:

- realigning the curves north of Dunns Creek Bridge
- widening the road to provide 3.25m lanes and 1.25m shoulders
- marking road edge lines
- installing retro reflective pavement markers on centre and edge lines
- installing curve alignment markers and new curve advisory speed signs
- improving drainage
- installing guardrail.

<https://www.esc.nsw.gov.au/inside-council/project-and-exhibitions/major-projects-and-works/dunns-creek-road,-road-reconstruction>



## 7. Princes Highway planning

Eurobodalla is supportive of the NSW and Australian Government commitment to duplicate the Princes Highway south of Nowra.

Our Council has written seeking a direct combined meeting with the Minister for Transport and Roads, Hon Andrew Constance MP and Minister for Regional Roads, Hon Paul Toole MP to discuss the future planning of the Princes Highway.

## 8. Eurobodalla Road Safety Plan

Eurobodalla has finalized a draft Road Safety Plan 2019-21 (to be reviewed by Council shortly). The base work has been feeding into our transport and grant programs for 2018-19 and 2019-20 onwards. Council is actively pursuing road safety grants to support the findings of the RSP.

Our RSP aligns to the NSW Road Safety Plan 2019-21 and adopts the internationally recognized Safe Systems approach.



Eurobodalla would be happy to present the findings of the Eurobodalla RSP 2019-21 to a future SEATS meeting.

A copy of the draft Eurobodalla at a Glance from our RSP is attached (ATTACHMENT 1) for the information of SEATS members, along with two graphs giving the NSW picture from our RSP.

#### **9. Road Safety in NSW Local Government – IPWEA NSW**

IPWEA NSW has worked closely with T4NSW with the following action plan underway to work toward zero. Councils look after approximately 90% of the road network in NSW.

Actions by IPWEA NSW:

- i. Free training Road Safety Auditors in Councils across NSW (122 out of 128 Councils participated by 30 June 2019) funded by Transport for NSW.
- ii. Finalist in the NSW Training Awards for the collaboration with Transport for NSW on road safety.
- iii. Development of guidelines for the preparation of Council Road Safety Plans (now complete and co-endorsed by the NSW Centre for Road Safety)
- iv. Free training of Council staff in preparation of a Council Road Safety Plans, delivered by IPWEA NSW and funded by Transport for NSW (C4RS)

All training provided by IPWEA NSW is ASQA accredited. IPWEA NSW has delivered the Road Safety Audit training into other States.

IPWEA NSW is currently investigating extending this suite of training to a National accredited micro-credential in traffic engineering and safety with the aim of further building skills and capacity in Local Government.

Victorian Councils can access this training through our partner IPWEA Vic.

Extract from the Eurobodalla Road Safety Plan 2019-21

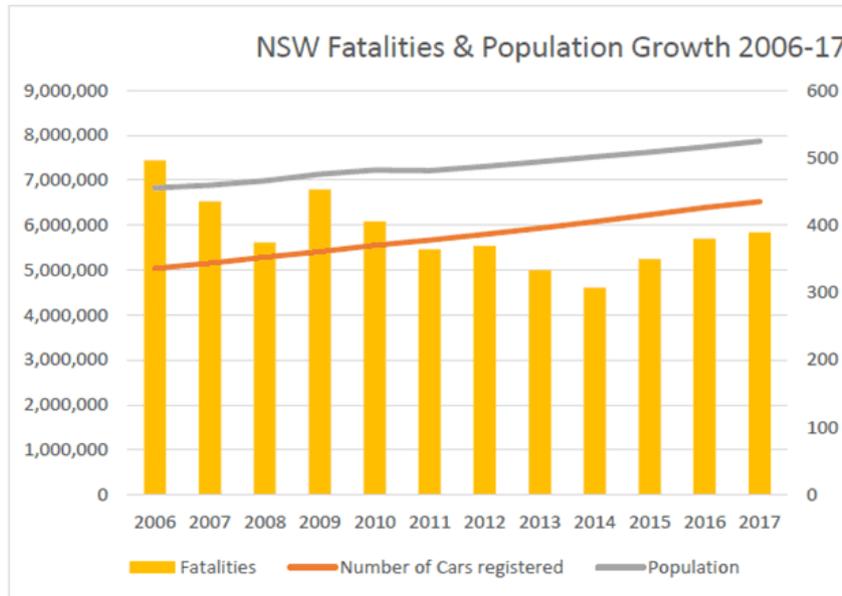


Figure 1.1 – Fatalities across NSW compared to Vehicle Registration & Population 2006-17. Two thirds of fatalities occur in regional NSW.

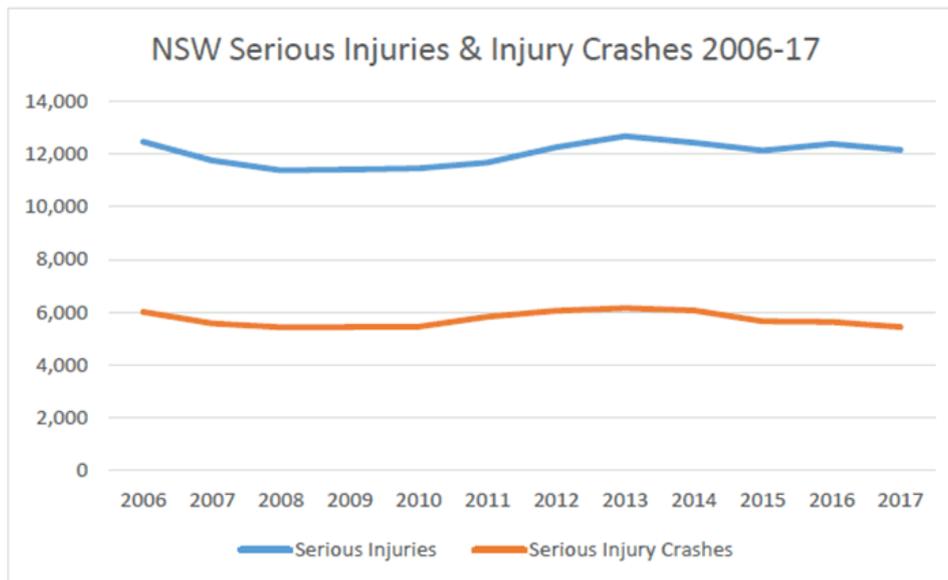


Figure 1.2 – Serious Injury Crashes & Serious Injuries\* across NSW 2006-17. Two thirds of serious injuries occur in major city centres.

- Narooma bypass is getting a little bit of attention



- This is part of the Bridge Strategy
- Can't have a truck and car pass on that bridge
- Have a big bypass area that was dedicated years ago
- Work on the Nelligen Bridge is about to start.
- Batemans Bay bridge
  - The left hand slip way heading north at the roundabout just past the bridge caused a big traffic jam
- More advice on Moruya Bypass
  - Wasn't on any priority list but we are told that we are getting one
- Kings Highway
  - Pleased that this is on the list
- The Link Road
  - Will open up real estate and industrial area
  - The desired outcome is to link to highway
  - The roundabout design is exciting and incorporates a north bound slip lane
- Working with the RMS regarding electronic signage
  - Cyclists and education about cyclists is working

#### **Fiona Phillips – Federal Member for Gilmore**

Introduced herself and is committed to fighting for federal funding for the region.

#### **Eurobodalla Shire Council – Tony Swallow**

- There are 150 employed in working on the Batemans Bay Bridge
- Works planned until Christmas include piling works and bringing the precast poles from Mogo.
- Working with the RMS on improving safety for pedestrians and cyclists on the intersection with the Kings Highway
- SEATS is a significant partner in getting \$30M in funding and working with the RMS
  - Would like to see the deliver the preferred option of roundabout as soon as possible
- Moruya Airport is an important project in the area
- Road Safety Plan
  - Finalising a draft Safety Plan
  - Warren Sharpe OAM will present finer details at the next meeting
  - 50% of crashes in the region are on the Kings and Princes Highways and the rest are on the Eurobodalla road network.
  - 9% of roads account for 46% of crashes – George Bass Drive, Tomakin Road – identify key roads for investment
    - Beach Road – have received \$3M from previous Federal member Ann Sudmalis
      - Will widening roads to have a right turn lane
      - Tenders that have come in are more than anticipated
    - Dunns Creek Road – \$1.2M for a whole segment of road to be upgraded
    - Princes Highway planning – support of NSW and Australian government for duplication



- IPWEA
  - Warren Sharpe OAM attended the State conference.
  - Working with traffic for NSW Toward Zero Road Safety Plan
  - Councils look after 90% of roads
  - Free Road Safety Auditor training
- Victorian councils can also access training through IPWEA Victoria

### **Queanbeyan Palerang Regional Council – Cr Pete Harrison and Phil Hanson**

As submitted

#### **Ellerton Drive Extension**

- 90 % of earthworks are complete
- Pavement layer construction is well underway
- Bridge launching is going well with about 80% of the bridge completed.
- Project due for completion early 2020.

#### **Old Cooma Road**

- Earthworks and drainage work progressing well and about 60% complete
- All service relocation are complete
- Project due for completion early 2020.

#### **Nerriga Road (MR 92)**

- About 50% of the work has been completed and sealed
- Earthworks have commenced on the next section and will continue till complete
- The work on the approaches to the Charleyong Bridge is going well and due to be completed by the end of the year.
- The full completion of the sealing of the Nerriga Road is due for completion by the mid to end 2020.

Cr Pete Harrison

- We have a Dunns Creek Road as well
- Thanked Cr Denzil Sturgiss for lobbying for the road in our shire

Phil Hanson

- Submitted an update on roads
- Major work around Queanbeyan
  - With works expected to be completed early in 2020
- Ellerton Drive – there will be a couple more launches and nearly full width. This will allow more flexibility in travel
- There is a commitment to spend more money on Captains Flat Road
- Other development work on Dunns Creek Road – might be a \$300-\$400M answer

### **Shoalhaven City Council – Greg Pullen**

As submitted

Infrastructure Australia



- Shoalhaven Council submitted 3 projects to IA for consideration in their 2020 project list:
  - Railway upgrades of line from Moss Vale to Unanderra, a siding at Unanderra and Unanderra to Bomaderry
  - Beyond Nerriga – upgrade of 55km (including bridges) to have route from Nowra to Hume Highway at Goulburn capable for HML vehicles
  - Nowra Congestion – to upgrade state and local roads in and around Nowra to alleviate daily congestion on Princes Hwy corridor
  - All 3 projects have been nominated for SEATS priority Projects

#### NSW Fixing Country Roads Program

- Shoalhaven Council is working on 2 submissions for funding from Fixing Country Roads
  - Beyond Nerriga – upgrade of 55km (including bridges) to have route from Nowra to Hume Highway at Goulburn capable for HML vehicles. This is a joint project with Goulburn Mulwaree Council and Queanbeyan-Palerang Regional Council. Estimated value of works - \$100m
- The project team seeks a letter of support from SEATS as a long standing Priority Project
  - Central Ave Sth Nowra a first mile access link to a new industrial area of 80 hectares – estimated value of works is \$17m

#### Infrastructure works

- RMS is working ahead on Princes Hwy projects
- NSW Health has just completed a 3 level carpark; advancement is happening on a major upgrade to Shoalhaven Hospital
- South Coast Correction Centre has complete the \$300m extension for an additional 300 inmates
- Council's new Sewage Treatment Plant at Nowra is now operating in a commissioning Phase \$120m

#### Industrial landscape

- Air Affairs, a local defence contractor is looking at around 50 new staff with contract expansions
  - Lockheed Martin/Sikorsky has announced 50 jobs to be relocated from Brisbane to centralise aircraft maintenance in Nowra in early 2020
  - Works on creating 60 new industrial lots have commenced with assistance from NSW Govt - \$19.5m
- Reported that Shoalhaven had made submission to Infrastructure Australia
    - Rail projects being Moss Vale to Unanderra and Unanderra to Bomaderry
    - Beyond Nerriga – 55km
    - When the works on the Nowra Bridge commence there will be congestion in and around Nowra. Need some ring roads to take the pressure of the highway.
  - Fixing Country Roads
    - Will submit two projects being MR92 and Central Ave South Nowra
      - Central Ave - First mile issue to a new industrial area to 80ha – estimated \$70M worth of works
    - Beyond Nerriga – we would like to seek a letter of support from SEATS



**Action 19.9: Greg Pullen to draft a letter of support for the Beyond Nerriga project and send to SEATS for endorsement**

Infrastructure works

- Princes Highway projects mostly north of Nowra

Health infrastructure

- Construction of hospital carpark
- Extension to hospital

Jail

- Extension of jail to cater for additional 300 inmates

REMS (Reclaimed Effluent Management System)

- \$120M REMS Stage 1b is now in commissioning phase

Sikorsky

- 50 jobs to be relocated to Nowra

Shoalhaven City Council

- 60 new industrial lots across 4 subdivisions - \$19.5M in construction costs

NSW government could be looking at reclassification of roads and taking some of them back from councils (NSW)

The Shoalhaven want to change the alignment of road at Kalandar Street and move route back through Flinders estate. Urge you to have a look at things that might need to be considered prior to hand back

Cr Peter Walker

How much was the construction costs of the hospital carpark?

- \$8M
- Part of the costs included the need to have a major sewer line relocated

Cr Peter Walker

We were quoted \$20M for a similar project

- Shoalhaven was quoted \$14M for another council project (multi-level carpark)

Meeting closed



## Day 2 Meeting opened – 8.38am

Chair Cr Marianne Pelz welcomed the attendees to Day 2.

### 11. MEMBERS REPORTS CONTINUED

#### Department of Transport-Transport for Victoria – Laurie Jeramiah

Refer to Attachment 2 for submitted report by Transport for Victoria

On the 1<sup>st</sup> July 2019 the government created the Department of Transport and is incorporated all the other statutory authorities and other bodies

- Restructure hasn't finished yet
- Regional Roads Victoria and VicRoads are names that are still in use
  - RR Vic – road management
  - VicRoads – licencing part

Most recent elections and promises

- There were a lot of promises made and completing the work is a challenge
- Trying to work out how to roll out the program of works
- Victorian house and property sales have dropped
- Federal government commitments included
  - \$60M to improve safety from Rosedale, Victoria, to NSW border on Princes Highway
  - Will roll into Princes Highway strategy work with the Commonwealth

Victoria has a Zero by 2050 target

- Showed a chart that with key safety initiatives plotted with road toll. Demonstrated impact of actions and improvement on road safety – safety belts, drink driving legislation etc
- What is the next thing to do to drive a big drop? Safety barriers is what we are looking at.
  - Eg safety barriers will help in single vehicle run off road crashes, cars will bounce of fences not run off road.

Another Federal election promise is to seal the last 12km of the Bonang Road with a 50% funding split with the State government. The State government has to find money.

Princes Highway Corridor Strategy

- The document that was released is only a summary and we are waiting on the full document
- Piece together what our first funding submission will be

Mining

- Coal mines are closing and leaving large holes in the ground.
- Traralgon is trying to find route between Loy Yang mine
- Mines have mined into buffer area
- 3-4 major collapses with mine voids – e.g. Morwell River, Latrobe River



- Concerned with block shift
- There was a report last week where the Mining Rehabilitation Commissioner – will fill the three mines with water but that this could take 70-100 years to fill with water which leaves the bypass in limbo
- Water is to rehabilitate mine void – counter balance with water in mine – water will hold bank in place.
- Can imagine that new mines will have to have a rehabilitation plan prior to commencement and one that won't include water

#### Rail

- Avon River Bridge – construction to start within weeks
- Contract due to be awarded in May 2020 with works to finish in early 2021
- First package of works

SEATS need to provide advocacy for what you need when the government is looking into the next package of works.

Traralgon – Morwell and Warragul – Drouin are both sister cities where the old highway is forming the main transport between the two. We need to do some local transport work to work out routes in the next 20-40 years. Try to keep these roads at 80km and not become local roads so that they don't have to join the freeway.

#### Cr Keith Cook

Single lane in places – 24,000 vehicles move between the two towns.

Warragul is seeing queues up to 1km. This is a significant concern in our area.

- Existing road is hard up against the rail corridor so need to take land from residential. We need to act now before houses are built.

#### Alison Leighton

Serous congestion now between Drouin and Warragul and encourage a shorter window than 20 years

- We will need look at east west movements including Dollarburn Road in future

#### **NSW RMS - Paul Vecovski**

Report has been submitted and is attached as Attachment 3

#### Key highlights

- Nowra Bridge
  - Making good process with tender assessment
  - Hoping to announce before Christmas the preferred tenderer
- Nelligen Bridge
  - Preconstruction activities
  - Preparing site
  - Eurobodalla helped prepare the approaches
  - Utility relocation about to commence
- Link Road will open up southern suburbs of Batemans Bay and better connect to Batehaven and get traffic off of Beach Road
  - Consultation underway
  - Mid next year for environmental assessment
- Construction works



- Weather has been good for road building – not for farmers
- Good progress on jobs
- Berry to Bomo upgrade
  - First section of traffic open between Strongs Road and Wileys Creek
  - Now we can build the other carriage way
  - Completion due 2022
- Albion Park Rail bypass
  - Opening of a small link – Croome Road to Woollybutt Drive – this will be a council road
  - Might be able to complete ahead of target of 2022
- Batemans Bay Bridge
  - Activity in river
  - Marine and land based pilings should be complete by end of this calendar year
  - We have a precast facility in Mogo and segments are starting to be constructed
  - Princes Highway and Kings Highway intersection will be upgraded
- Ellerton Drive
  - 8 of 9 segments have been poured and moved for the bridge
  - Hoping to complete pouring segments by end of the year
  - Then focus on completion of construction and landscaping
  - Would like to thank Queanbeyan Palerang Regional Council for cooperation in project
- Charleyong Bridge
  - Partner with Queanbeyan Palerang with approaches of bridges
  - Achieve big milestone in having all girders completed before the Macquarie Perch spawning season
- Lansdowne Bridge
  - Opened with a community day on the 27<sup>th</sup> August 2019
  - Would like to thank Goulburn Mulwaree Council and the community supporting this job
  - The community has embraced the project
  - Thanks for cooperation

Greg Pullen

What about an interchange at bottom of Mount Ousley? Do you need a budget allocation? Do you need SEATS and the ISJO to lobby? An incident on that road will close south coast.

- RMS have got an approval and need to have funds allocated to the project

Greg Pullen

We need to write to Treasurer and Minister. If road closes there is no connectivity to Sydney



**MOTION:**

That SEATS write to the NSW Minister for Transport and Roads the NSW Treasurer and the Federal Minister for Infrastructure, Transport and Regional Development to allocate funding toward the construction of an interchange at the bottom of Mount Ousley, NSW.

Moved: Greg Pullen

Seconded: Cr Marianne Saliba

Carried

Greg Pullen

Figtree egress off of motorway - are you looking at this as a project?

- o We are looking at that section which is about 17km in length in terms of existing performance impacts with West Dapto and Calderwood
- o Recognise that Wollongong Council have the extension of Fowlers Creek Road will also change the function of the M1

**12.RMS SKILLS LEGACY PROGRAM OVERVIEW – PAUL VECOVSKI**

- o There is a focus by NSW State Government to improve employment opportunities on state government projects
  - o The Berry to Bomaderry have training hubs
  - o There is a focus around working with local communities in road jobs
- o There has been experiences in the past where contractors have come with their own people and moved on. Now we have asked them to contribute and work with local communities. Key cohorts include:
  - o Under 25
  - o Women
  - o Long term unemployed
  - o Aboriginal participants
- o It is a 13 week program and get participants gain experience onsite
- o There is take up by contractors to use those trainees on work site
  - o E.g. On one construction site have used 30% trainees
- o This program has achieved a number of positive outcomes. Have involved Aboriginal Elders to mentor and guide the trainees through the program.
- o Looking to roll out on other projects such as the Nowra Bridge
- o And all major upgrade projects on the Princes Highway are expecting to do a similar thing.
- o We will try to improve on the program – positive program
- o There is a skills shortage in NSW – skill them and up and provide them with

Greg Pullen

The first experience was when they built the jail. They went out of their way to engage the local Aboriginal community in the build. Subsequently have made in mandatory to have a percentage of the workforce dedicated Aboriginal employment. State health will implement a similar program. Now thinking about this at a local government level.

Cr Marianne Pelz



Councils could almost implement a similar approach in our programs

Paul Vecovski

Contractors have it written into contracts and are incentivised to exceed targets and keeping them at that level.

- Albion Park – 20% are learning or graduate workers and 76% workers are from local community
- Batemans Bay – 35% workforce in training, 10% Aboriginal community and 17% long term unemployed
- Berry to Bomaderry – 43% local and 10% aboriginal and 10% under 25 – targeted youth demographic

We have established training centres on site to get hands on experience. It is a great initiate and RMS are proud of it and encouraged by positive results Most participants are completing Cert II traineeship in Civil Construction and backed up with work/field experience.

Still early days but we are hoping that the contractors will bring these people on the next project.

[https://www.industry.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0009/91278/Infrastructure-Skills-Legacy-Program.pdf](https://www.industry.nsw.gov.au/__data/assets/pdf_file/0009/91278/Infrastructure-Skills-Legacy-Program.pdf)

Greg Pullen

- At the Townsville Conference
- Government are pushing unemployed people to be self employed
- There is a responsibility on government agencies to push out smaller packages of works targeting new start-up businesses to give them a kick start in a contract as most have never tendered or won a contract.

### **13. GHD PRINCES HIGHWAY CORRIDOR STRATEGY DISCUSSION**

See <https://www.infrastructure.gov.au/roads/princes-highway/index.aspx>

Cr Marianne Pelz

- Not too much difference in the report than what we learned at workshops and at Mallacoota
- Objectives and section approach to Princes Highway
- Situational awareness
- Consultation process
- Then asked questions of each segment
- SEATS area covers a large part of the study area
  - Then lists initiatives
  - And lists areas with issues as per initiative.

SEATS cumulative effect of working in area shows in how there is a focus on the area.

Laurie Jeramiah

- Stronger focus on Place allows us to access government funding for placemaking not just road construction



Cr Clare Le Serve

- Eden to Sale has been a neglected area

Cr Marianne Pelz

There has not been a lot of funding in our region for 15 years – roads need resurfacing and shoulders addresses and this is why we are involved in SEATS

Greg Pullen

Would regard Mount Ousley as more important than the Milton Ulladulla bypass

Cr Marianne Saliba

Local traffic is going on the Princes Highway at Port Kembla to get off of Wollongong instead of using local roads.

Cr Marianne Pelz

Found the report fairly general. SEATS has a duty to identify projects and be more specific. Eg At Mt Drummer the Princes Highway should be dual lanes the whole way and we shouldn't settle for anything less

Sue Whelan OAM

Should SEATS write to them and say thanks for the report but this is our take out and we think you should focus on priority projects and how they align with the strategy. There is an opportunity for SEATS to get in there and our responsibility to push that. This is what we should be looking as group.

Cr Marianne Pelz

Darren Chester MP stated that there is going to be money on the table for major upgrades and we need to be shelf ready.

Cr Keith Cook

We do need to get back to them but need to be direct

Greg Pullen

SEATS want to be at the table to provide advice and we should work toward achieving that before Christmas. Action Andrew to write to ministers.

Cr Keith Cook

Trafalgar bypass is a Baw Baw nominated project not on highway but is related to Princes Highway bypass project.

#### **14. PRIORITY PROJECTS DISCUSSION**

Greg Pullen

We will keep submissions open until the end of the month and do an analysis then. Tripoli Way on a different spreadsheet.

Alison Leighton

- It would be good if the process of calculating the score could be more transparent.



- Not sure how the top twenty have been selected.
- Council is putting pressure on to see if we remain members of SEATS
- Facing significant challenges to freight transport and growth and we need to see some traction. Or do we look at a level of geographical equity.
- What will resonate with state and federal MP's and how do we socialise these projects?
- Maybe expand beyond the top twenty.
- How can we expand benefit across the SEATS region.

Cr Marianne Pelz

We can map the projects on the SEATS maps and show specifically where the projects are.

Alison Leighton

And supported by x number of councils

Greg Pullen

We will reveal some of the scoring and have lists that relate to different regions and forms of transport.

Alison Leighton

Should be something that we are all able to see.

Cr Marianne Pelz

Shoalhaven City Council gets paid to be the secretariat in the region. Greg Pullen has done a lot of the priority project work and has been through this a few times.

Phil Hanson

- We have had great success with the Priority Projects.
- Out of the jobs that we have – if you spend \$XM you can get these jobs to shovel ready and so are quite happy to spread it around.
- Got to be honest about readiness of projects. Not shovel ready is not attractive for a political term. Not many that are shovel ready.

Cr Peter Walker

SEATS we have had some councillors saying why be part of SEATS when it is all about the Princes Highway. The last couple of SEATS meetings the Princes Highway has had a focus because of the timing but now expanding to other projects and other areas.

Sue Whelan OAM

It is about the interconnecting links onto the Princes Highway. We need the feeder roads to work or we are not serving our communities. If you are talking to your colleagues it is about talking about the transport links. Takes a while to see those changes. You need to give them the bigger picture about how it all fits in together.

Cr Clare Le Serve



Princes Highway Strategy - Councils that are not in SEATS that need to be approached again. Eg Cardinia. We will invite them to the next meeting. Many of the roads run through that area.

Greg Pullen

There is no weighting on the categories. In the early days of SEATS we never spoke about the Princes Highway. We spoke about Cann River. On that link there are no narrow bridges anymore and we lobbied hard for this to happen. It is a much better road today thanks to SEATS involvement. That was where the Victorian produce is coming from.

Cr Marianne Pelz

And the timber.

Cr Peter Walker

Priorities have shifted. The focus is back on the highway and is about tourism.

Cr Marianne Saliba

- Have been coming to SEATS for over 8 years.
- Have learnt a lot about the transport routes
- This is the Federal Government plan for the Princes Highway– not ours. We still need to get our priorities onto that list.
- Tripoli Way – this road has an impact on the local community and those passing through the region. We have Shellharbour and Shoalhaven talking about important Mount Ousley is even though it is outside our region.
  - Not just about a road. This is about economic development and transport modes. Need to remain focused on who we are and what we are achieving.
  - A lot of other little councils around that aren't members but still get the benefits.

Trevor James

You are conspicuous by your absence.

Without SEATS working over a long period of time, working together for the greater good there would be a big vacuum.

Cr Marianne Pelz

SEATS is the longest running organisation in Australia that advocates for roads.

Cr Keith Cook

Talking about tourism and safety.... Darren Chester MP allude to using these aspects as tools to upgrade the roads which would benefit heavy transport. SEATS strengths are that we are cross border and the majority of our members are local government.

Stuart Clark

There is a whole lot of background information that was made available to the Federal Government. There is a lot more behind the strategy.



## 15. GENERAL BUSINESS

### Website

Cr Keith Cook

- We could have an interactive map and click on location with pop up of priority projects and then have a two page flyer for each project
- The information is accessible and easy to understand geographically

Greg Pullen

A two page flyer can be created from the returned Priority Project nomination forms.

Cr Keith Cook

There is an opportunity for us to do our own artwork and doing a promotional type document.

Cr Marianne Saliba

Could create a link from the SEATS page to the council page.

Cr Clare Le Serve

VicRoads website had Anderson to Leongatha and there was a map with the issues. There are ways to make your site interactive.

Andrew Martin

Anything is possible but depends on budget

Cr Clare Le Serve

Is there a budget?

Cr Marianne Saliba

Yes but no a lot

Greg Pullen

We need links to RMS projects.

Cr Marianne Saliba

Links are really important

Cr Peter Walker

It is probably time again to try and get something out to all the councillors of every council that is a paying member showcasing this is what your money is doing for you. SEATS needs to work hard to get the action back into this organisation. Its not too hard to do. Some councillors need to know what SEATS does.

Cr Clare Le Serve

Andrew Martin can do an introduction highlighting your skillsets and SEATS direction

Greg Pullen



I made some comments last night about \$1.2B in funding through SEATS for the Shoalhaven. We need to put this out.

Cr Marianne Pelz

Newsletter – we used to do one but haven't done one for a long time. I sent this onto the other councillors at East Gippsland to let them know what we are doing and what is happening in this space.

Greg Pullen

We can have a two pager with key things out of this meeting and they top and tail that and it becomes a council report. We need to let councillors know.

Cr Peter Walker

Goulburn Mulwaree Shire Council gets everything that comes out of this meeting and this goes to one of our council meetings. Council formally accepts it.

Cr Clare Le Serve

Distributes the agenda to councillors and asks for comments.

Cr Denzil Sturgiss

Can we identify key issues and tailor the report for each council?

Greg Pullen

You only have time to create one.

Cr Marianne Pelz

Newsletter - who is going to produce it?

Cr Marianne Saliba

It would be good to get a report of what was presented at the meeting and meeting highlights. Then councillors can put something on the top and/or bottom to report back to council.

Cr Keith Cook

And pictures.

Stuart Clark

TfNSW –the transition and how does that effect Paul Vecovski's role?

- Similar situation with Victoria
- TfNSW covers all forms of transport and looks for multi-modal solutions
- We are working our way through the reform process
- Work that we have to deliver doesn't change.
- Aligns with SEATS objectives
- Need to consider all forms of transport.
- Big issue now is movement and place. We have the same mandate as SEATS and are looking at how we can better provide services to those people that live in those areas.

Andrew Martin



Plans for over the next three months

- Read and review the strategic plans
- Review membership and finalise fee structures
  - SEATS is a local government entity
  - The power of SEATS is that it is a local government entity
  - There is a requirement to bring industry closer to us
  - Membership and how to approach industry?
  - IP of SEATS is the project list – we want to finalise it quickly – lets finish process.
    - How do we represent this information? Branding? Website? Do we create a specialised document that will form the content for linkedin messaging and branding.
    - Newsletters – edm’s, content for linkedin messaging.
    - Format can be anything you want – could have a feature on each member
    - All incorporated in overarching strategic plan.
  - Want to be active in visiting councils on a regular basis
    - Have discussions about projects with stakeholders
    - Needs assistance with content – would like the services of a content manager
  - Cr Marianne Pelz mentioned that we should have a SEATS infrastructure project document – might have something by February.
    - Then we need to focus on how to market and feature

Cr Marianne Pelz

This would be part of the political campaign.

Sue Whelan OAM

Would like to reiterate my thanks over the last 18 months and look forward to continuing with SEATS in another capacity.

Cr Marianne Saliba

NSW elections for local government are in September 2020. Are mindful that we need to campaign the for the State and Federal elections.

Cr Clare Le Serve

Will SEATS send a delegation to Canberra?

Cr Marianne Pelz

Yes – we will have to do this

Sue Whelan OAM

Will hand over the website to Andrew Martin this week. Hopefully by the end of this month the website should be up.

Cr Pete Harrison

Endorse whoever suggested that we plug into the ACT. We need them in the membership. Got them into SERROC and had discussions about roads.



Cr Marianna Saliba

Suggest maybe we use our political connections to get us a contact (in the ACT government).

Cr Pete Harrison

They are talking about Canberra regions and transport links

Cr Peter Walker

They (ACT government) should be members and contribute to SEATS because they are benefiting.

Grant Schultz

- Here as an observer
- Previously been to one of the other meetings.
- Impressed that SEATS membership are aligned on issues
- Also here in capacity for local residents and ratepayers association for Milton Ulladulla bypass
- More than happy to chat
- Thank you for the invitation.

Greg Pullen

Would like to thank everybody for coming to the Shoalhaven. Sally organised the meeting and was thanked her for her work.

Cr Clare Le Serve

- Would like to host the meeting in Bass Coast.
- Next meeting dates are the Feb 20<sup>th</sup> and 21<sup>st</sup> 2020

And the areas is busy for this reason – tourism

Meeting closed. 11.29am

**15.10 CANBERRA REGION JOINT ORGANISATION BOARD EXTRAORDINARY MINUTES - 20 NOVEMBER 2019**

**Author:** Warwick Bennett, General Manager

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. **Canberra Region Joint Organisation Extraordinary Board Meeting Minutes 20 November 2019** [↓](#) 

<b>Link to Community Strategic Plan:</b>	CL4 Actively investigating and communicate funding sources and collaboration opportunities that can strengthen the region
<b>Cost to Council:</b>	The cost of attending these meetings is covered in the Operational cost
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That the minutes from the Canberra Region Joint Organisation Board Extraordinary meeting of the 20 November 2019 be noted.

**REPORT**

Please find attached the minutes of the Canberra Region Joint Organisation (CRJO) from their extraordinary meeting held on the 20 November 2019. These minutes are presented to Council for information.

# CRJO BOARD MEETING MINUTES WEDNESDAY, 20 NOVEMBER 2019



## 1. MEETING OPENED

The CRJO Chair opened the meeting at 10:05am.

## 2. WELCOME & INTRODUCTIONS

MEMBERS	
Bega Valley Shire Council	Cr Kristy McBain – Deputy Chair Ms Leanne Barnes OAM
Eurobodalla Shire Council	Cr Liz Innes
Goulburn Mulwaree Council	Cr Bob Kirk
Hilltops Council	Cr Brian Ingram
Queanbeyan-Palerang Regional Council	Cr Tim Overall Mr Peter Tegart
Snowy Monaro Regional Council	Cr Peter Beer
Snowy Valleys Council	Cr James Hayes OAM
Wingecarribee Shire Council	Cr Duncan Gair Ms Ann Prendergast
Yass Valley Council	Cr Rowena Abbey – Chair
Canberra Region Joint Organisation	Ms Gabrielle Cusack Ms Nikolina Marinovic

## 3. APOLOGIES

### RESOLVED

*That the apologies of Dr Catherine Dale, Mr Warwick Bennett, Dr Edwina Marks, Mr Peter Bascomb, Mr Matthew Hyde, Cr John Stafford, Mr Andrew Croke and Mr Chris Berry be accepted.*

**Moved Cr T. Overall / Cr B. Ingram**

**Carried**



#### 4. JOINT ORGANISATION SUPPLEMENT TO LOCAL GOVERNMENT CODE OF ACCOUNT PRACTICE AND FINANCIAL REPORTING FROM 1 JULY 2018 TO 30 JUNE 2019

##### RESOLVED

*That the Board*

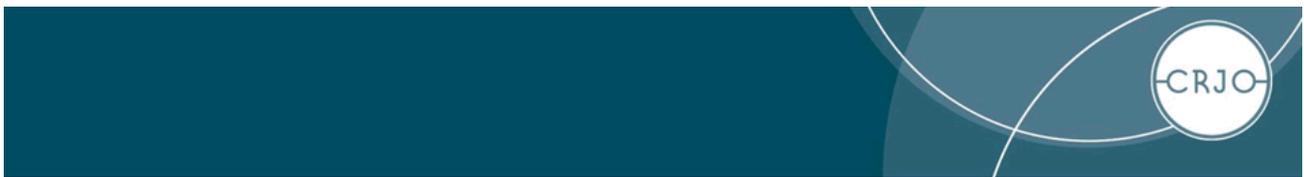
1. *Accept the General Purpose Financial Statements for the period 9 May 2018 to 30 June 2019, and:*
  - i. *Adopts the 2018-2019 Financial Report for the period ending 30 June 2019, and that the Financial Report presents fairly the Joint Organisation operating result and financial position for the year.*
  - ii. *Accepts that the reports have been prepared in accordance with the Local Government Act 1993, (as amended) and Regulations made thereafter; the Australian Accounting Standards and professional pronouncements; and the Joint Organisation Code of Accounting Practice and Financial Reporting.*
  - iii. *Section 413(2)(c) requires the Financial Report be signed by the Chairperson, Executive Officer, and the Deputy Chairperson and they recognise that the signatories are not aware of anything that would make the Financial Report false or misleading in any way.*
2. *Agree that the General Purpose Financial Statements and Statement by Members of the Board be signed and provided to the NSW Audit Office in order to release the official audit report; and*
3. *That the General Purpose Financial Statements, Statement by Members of the Board and official audit report be supplied to the Office of Local Government by 6 December 2019.*

**Moved Cr B. Kirk / Cr T. Overall**

**Carried**

##### ACKNOWLEDGEMENT

The CRJO Chair recognised and acknowledged the hard work of CRJO staff over the past two months in managing the audit process, establishing a financial system that is efficient and concise. The Chair also acknowledged the contribution of Goulburn Mulwaree Council and Upper Lachlan Shire Council in regards to the financial governance oversight. This was reaffirmed by Cr Liz Innes.



#### 4. CRJO ANNUAL PERFORMANCE STATEMENTS

**RESOLVED**

*That the Board approve the draft CRJO Annual Performance Statement and that the approved version be provided to the Office of Local Government before 30 November 2019 to meet legislation.*

**Moved Cr D. Gair / Cr K. McBain**

**Carried**

#### ACKNOWLEDGEMENT

Cr Liz Innes congratulated the CRJO Chair Cr Abbey on becoming the Chair of Chairs of the Regional NSW Joint Organisation Network.

#### 5. MEETING CLOSE

The CRJO Chair closed the meeting at 10:13am

DRAFT

**15.11 COUNCILLOR BRIEFING SESSION SUMMARY**

**Author:** Warwick Bennett, General Manager  
**Authoriser:** Warwick Bennett, General Manager  
**Attachments:** Nil

<b>Link to Community Strategic Plan:</b>	Civic Leadership
<b>Cost to Council:</b>	Cost of Councillor Briefings is funded from Councils operation budget
<b>Use of Reserve Funds:</b>	Not applicable

**RECOMMENDATION**

That the report from the General Manager on Councillor Briefing Session Summary be received.

**REPORT**

The following is a summary of the issues discussed at Councillor Briefing Sessions and the attendance of Councillors at these Briefing Sessions for the past month.

Monday 28 October 2019 6pm

Issue discussed was the Social Sustainability Strategy and Action Plan with Cred Consulting

Councillor Name	Attendance	
Mayor Bob Kirk	Yes	
Cr Alfie Walker		Nil
Cr Andrew Banfield		Apology
Cr Leah Ferrara	Yes	
Cr Carol James	Yes	
Cr Margaret O'Neill	Yes	
Cr Sam Rowland		Nil
Cr Denzil Sturgiss	Yes	
Deputy Mayor Peter Walker	Yes	

**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 Mayor will close the meeting.