



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

6 October 2020

Warwick Bennett
General Manager

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

Tuesday, 6 October 2020 at 6pm
in the Council Chambers, Civic Centre
184 - 194 Bourke Street, Goulburn

Order Of Business

1	Opening Meeting	5
2	Acknowledgement of Country	5
3	Councillors Declaration and/or Prayer	5
4	Apologies	5
5	Applications for a Leave of Absence by Councillors	5
	Nil	
6	Late Items / Urgent Business	5
7	Disclosure of Interests	5
8	Presentations	6
	Nil	
9	Public Forum	6
10	Confirmation of Minutes	7
	10.1 Minutes of the Ordinary Meeting of Council held on 15 September 2020	7
11	Matters Arising	29
	11.1 Matters Arising from Council Meeting Minutes from the 15 September 2020.....	29
	11.2 Outstanding Task List from All Previous Meetings.....	30
12	Mayoral Minute(s)	33
	12.1 Mayoral Minute - General Managers Performance Review	33
	12.2 Mayoral Minute - Waste Water Farm Expression of Interest Applicants.....	34
13	Notice of Motion(s)	35
	Nil	
14	Notice of Rescission(s)	35
	Nil	
15	Reports to Council for Determination	36
	15.1 DA/0169/1920, 8 lot residential subdivision, 30 Dorsett Road Marulan.....	36
	15.2 Signature Care Request for Reduced Section 64 and Section 7.11 Fees.....	66
	15.3 Ongoing Compliance Matters	79
	15.4 Development Service Plan - Goulburn Stormwater	107
	15.5 Goulburn Mulwaree Local Infrastructure Contributions Plan 2020	109
	15.6 Policy - Strategic Planning Fees and Charges	120
	15.7 Updated Strategic Planning Program	135
	15.8 Draft Goulburn Recreation Area Crown Reserve Plan of Management	147

15.9	VP186059 Riverside Park Playground	149
15.10	Tender 1920T0012 - Legal Services Panel	153
15.11	Code of Conduct	157
15.12	325 (City of Goulburn) Squadron - Australian Air Force Cadets	159
15.13	Outreach Meeting 2021	168
15.14	Community Safety & Social Infrastructure Plan Working Party	170
15.15	Business Development Update	171
15.16	Goulburn Mulwaree Youth Council Meeting Notes - 24 September 2020	175
15.17	External Meeting Minutes	177
15.18	Councillor Briefing Session Summary	196
16	Closed Session	199
16.1	Update on Legal Matters	199
17	Conclusion of the Meeting	200

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 15 SEPTEMBER 2020

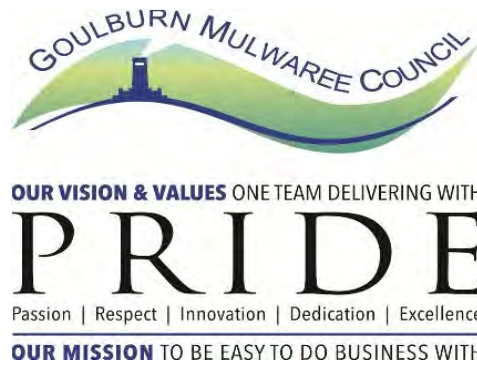
Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Minutes of the Ordinary Meeting of Council held on 15 September 2020

RECOMMENDATION

That the Council minutes from Tuesday 15 September 2020 and contained in Minutes Pages No 1 to 22 inclusive and in Minute Nos 2020/352 to 2020/384 inclusive be confirmed.



MINUTES

Ordinary Council Meeting

15 September 2020

Order Of Business

1	Opening Meeting	5
2	Acknowledgement of Country	5
3	Councillors Declaration and/or Prayer	5
4	Apologies	5
5	Applications for a Leave of Absence by Councillors	5
6	Late Items / Urgent Business	5
7	Disclosure of Interests	6
8	Presentations	6
	Nil	
9	Public Forum	6
10	Confirmation of Minutes	6
	10.1 Minutes of the Ordinary Meeting of Council held on 1 September 2020	6
11	Matters Arising	7
	11.1 Matters Arising from Council Meeting Minutes from the 1 September 2020.....	7
	11.2 Outstanding Task List from All Previous Meetings.....	7
12	Mayoral Minute(s)	7
	Nil	
13	Notice of Motion(s)	7
	Nil	
14	Notice of Rescission(s)	7
	Nil	
15	Reports to Council for Determination	8
	15.1 Hovell Street Development Control Plan Amendment - Post Public Exhibition Report	8
	15.2 Planning Proposal to Rezone 'Mistful Park' to Residential.....	9
	15.3 Lansdowne Street Planning Proposal and Site Specific Development Control Plan Amendment - Post Public Exhibition Report	10
	15.4 Expression of Interests for the Council Irrigation Farm - 1920E2005 (Public Private Partnership) and 1920E2006 - (Sale of part of Lot 2 DP 1043955) and Progress Update	12
	15.5 2020/2021 Local Heritage Grant Program	13
	15.6 2020/2021 Goulburn Central Business District (CBD) Grants.....	15
	15.7 1920T0010 Plant & Equipment Hire Panel Tender Request.....	15
	15.8 Tender 1920T0012 - Legal Services Panel	16
	15.9 Copford Reach - Upgrade	17
	15.10 Marulan South Road - Upgrade.....	18
	15.11 Disclosures by Councillors and Designated Persons Return 2019-2020	18
	15.12 Monthly Financial Report.....	18

15.13	Statement of Investments & Bank Balances.....	18
15.14	St Clair Conservation Works - Status Report.....	19
15.15	Goulburn Aquatic Centre Redevelopment Stage 1 Construction - August 2020 Status Report.....	19
15.16	Goulburn Performing Arts Centre - August 2020 Status Report.....	19
15.17	Operations Directorate Report August 2020.....	19
15.18	Utilities Directorate Report - August 2020.....	20
15.19	Planning & Environment Directorate Report August 2020	20
15.20	Corporate & Community Services Directorate Report August 2020.....	20
15.21	Goulburn Mulwaree Youth Council Meeting Notes - 28 August 2020	20
15.22	External Meeting Minutes.....	20
16	Closed Session	21
16.1	Veolia - Host Fee	21
17	Conclusion of the Meeting	22

**MINUTES OF GOULBURN MULWAREE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,
GOULBURN
ON TUESDAY, 15 SEPTEMBER 2020 AT 6PM**

PRESENT: Cr Bob Kirk (Mayor), Cr Peter Walker (Deputy Mayor), Cr Andrew Banfield, Cr Leah Ferrara, Cr Alfie Walker, 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 & Environment, Matt O'Rourke (Director Operations) & Amy Croker (Executive Officer).

1 OPENING MEETING

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

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor Bob Kirk made the following acknowledgement.

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

3 COUNCILLORS DECLARATION AND/OR PRAYER

The opening prayer was read by Cr Andrew Banfield.

4 APOLOGIES

RESOLUTION 2020/352

Moved: Cr Denzil Sturgiss

Seconded: Cr Alfie Walker

That the apology received from Cr Sam Rowland be accepted.

CARRIED

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

RESOLUTION 2020/353

Moved: Cr Andrew Banfield

Seconded: Cr Alfie Walker

That the application for leave of absence be received from Cr Sam Rowland and leave of absence granted.

CARRIED

6 LATE ITEMS / URGENT BUSINESS

Nil

7 DISCLOSURE OF INTERESTS

Cr Andrew Banfield declared a pecuniary conflict of interest in Item 15.4 "Expression of Interests for the Council Irrigation Farm - 1920E2005 (Public Private Partnership) and 1920E2006 - (Sale of part of Lot 2 DP 1043955) and Progress Update" as his Brother-in-law is one of the Directors of Narambulla Pty Ltd who have placed an EOI in this item. Cr Andrew Banfield will leave the meeting while discussion on this item takes place.

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

Rachael Snape of Boral Resources (Country) Pty Ltd addressed Council on Item 15.3 Lansdowne Street Planning Proposal and Site Specific Development Control Plan Amendment - Post Public Exhibition Report.

Peter Granger of Grangers Freight addressed Council on Item 15.3 Lansdowne Street Planning Proposal and Site Specific Development Control Plan Amendment - Post Public Exhibition Report.

Robert Mowle addressed Council on Item 15.3 Lansdowne Street Planning Proposal and Site Specific Development Control Plan Amendment - Post Public Exhibition Report

Cr Andrew Banfield declared an interest in this item and took no part in the discussion or voting on the matter. At 6:30 pm, Cr Andrew Banfield left the meeting.

Campbell Boileau of Goulburn Campdraft and representing Riding for the Disabled addressed Council on Item 15.4 Expression of Interests for the Council Irrigation Farm - 1920E2005 (Public Private Partnership) and 1920E2006 - (Sale of part of Lot 2 DP 1043955) and Progress Update.

Jessica Guignouard on behalf of John and Stuart Harris addressed Council on Item 15.4 Expression of Interests for the Council Irrigation Farm - 1920E2005 (Public Private Partnership) and 1920E2006 - (Sale of part of Lot 2 DP 1043955) and Progress Update.

Julia McKay addressed Council on Item 15.4 Expression of Interests for the Council Irrigation Farm - 1920E2005 (Public Private Partnership) and 1920E2006 - (Sale of part of Lot 2 DP 1043955) and Progress Update.

At 6:50 pm, Cr Andrew Banfield returned to the meeting.

10 CONFIRMATION OF MINUTES

10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 1 SEPTEMBER 2020

RESOLUTION 2020/354

Moved: Cr Leah Ferrara

Seconded: Cr Denzil Sturgiss

That the Council minutes from Tuesday 1 September 2020 and contained in Minutes Pages No 1 to 15 inclusive and in Minute Nos 2020/333 to 2020/353 inclusive be confirmed.

CARRIED

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 1 SEPTEMBER 2020

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2020/355

Moved: Cr Peter Walker

Seconded: Cr Denzil Sturgiss

That Council notes the Task List and authorises the deletion of completed tasks.

CARRIED

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 HOVELL STREET DEVELOPMENT CONTROL PLAN AMENDMENT - POST PUBLIC EXHIBITION REPORT****RESOLUTION 2020/356****Moved: Cr Andrew Banfield****Seconded: Cr Carol James****That:**

- 1. The post public exhibition report from the Senior Strategic Planner on the proposed Hovell Street Precinct Site Specific amendment to the Goulburn Mulwaree Development Control Plan 2009 be received.**
- 2. The additional Hovell Street Precinct Site Specific Provisions to the Goulburn Mulwaree Development Control Plan 2009 attached to this report be adopted by Council, and to become effective following the finalisation of the planning proposal for this precinct.**

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

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

Against: Nil

15.2 PLANNING PROPOSAL TO REZONE 'MISTFUL PARK' TO RESIDENTIAL**RESOLUTION 2020/357****Moved: Cr Peter Walker****Seconded: Cr Margaret O'Neill****That**

- 1. The report from the Business Manager Strategic Planning regarding the Planning Proposal to rezone Mistful Park (Lot 1 & 4 DP 1223269 and Lot 214 DP 1231260) be received.**
- 2. Council resolve to prepare a Planning Proposal to amend *Goulburn Mulwaree Local Environmental Plan (GMLEP) 2009* which will:**
 - (a) Rezone land being Lot 1 & 4 DP 1223269 and Lot 214 DP 1231260 from E4 Environmental Living to R2 Low Density Residential under GM LEP 2009, and**
 - (b) Amend the minimum lot size map on the subject lands to 700m².**
- 3. When the Planning Proposal is prepared, a request for a Gateway Determination be forwarded to the Department of Planning, Industry and Environment.**
- 4. The proposed R2 Low Density Residential Zoning and 700m² minimum allotment size are to be further assessed following the outcome of site specific investigations/studies identified in this report following a Gateway Determination, which in this case, may significantly impact development yields. The Planning Proposal is to be updated prior to public exhibition following the outcome of various site specific assessments, in particular the Biodiversity Assessment Method and Biodiversity Assessment Report.**
- 5. The Department of Planning, Industry and Environment be requested to issue delegations so that Council is the Relevant Planning Authority to process the subject Planning Proposal.**
- 6. The Council fees for the processing of this planning proposal be applied at the rates applicable when the planning proposal was originally submitted in the 17/18 financial year.**

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

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

Against: Nil

15.3 LANSDOWNE STREET PLANNING PROPOSAL AND SITE SPECIFIC DEVELOPMENT CONTROL PLAN AMENDMENT - POST PUBLIC EXHIBITION REPORT

RESOLUTION 2020/358

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 7:04pm.

CARRIED

RESOLUTION 2020/359

Moved: Cr Andrew Banfield
Seconded: Cr Alfie Walker

That Council move back into Open Council.

Council moved back into Open Council at 7:16pm.

CARRIED

RESOLUTION 2020/360

Moved: Cr Andrew Banfield
Seconded: Cr Peter Walker

That

1. **The post public exhibition report by the Senior Strategic Planner regarding the zoning and site specific development controls relating to land on Lansdowne Street, Goulburn be received.**
2. **Council only proceed in rezoning the portion of Lot 10 DP 1247119 fronting Robinson Street, Goulburn indicated in red in paragraph 4 of this resolution to R5 Large Lot Residential with a minimum lot size of 1,000m² and no floor space ratio under the *Goulburn Mulwaree Local Environmental Plan 2009*.**
3. **Council not proceed in making any amendment to the *Goulburn Mulwaree Local Environmental Plan 2009* for any portion of Lot 10 DP 1247119 fronting Lansdowne Street, Goulburn, as indicated in blue in paragraph 4 of this resolution.**
4. **The zonings as discussed in paragraph 2 and 3 of this resolution be in accordance with this plan.**



5. The General Manager use Council's delegated plan-making authority to implement the proposed amendment to the *Goulburn Mulwaree Local Environmental Plan 2009* above as soon as practicable.
6. The draft site specific amendment to the *Goulburn Mulwaree Development Control Plan 2009* attached to this report be adopted, with the following changes being incorporated to address submissions received and the recommendation to only partially endorse the planning proposal:
 - (a) Removal of the requirement to relocate the Lansdowne Street and Theatre Drive intersection.
 - (b) Introduction of controls to limit operational hours to between 7am and 6pm for the remaining B6 Enterprise Corridor zone on Lot 10 DP 1247119 and restrict noise generation.
 - (c) Insertion of a new control to require a footpath to be constructed along Robinson Street.
 - (d) Prohibition of any residential driveway access onto Lansdowne Street.
 - (e) Inclusion of height limit for land on Lot 10 DP1247119 to remain as B6 Enterprise Corridor.
 - (f) Correction of any inconsequential spelling, formatting or grammatical errors.
7. Council consider the rezoning of 170 Lansdowne Street back to B6 Enterprise Corridor as part of its next overarching or miscellaneous amendment to the *Goulburn Mulwaree Local Environmental Plan 2009*.
8. Council investigate existing industrial traffic congestion, intersection design and on-street parking issues raised in relation to Lansdowne Street (west of Hume Street) and refer this matter to the Traffic Committee.
9. The General Manager, as a separate outcome to this planning proposal, investigate opportunities with the proponent to relocate Theatre Drive to have direct access to Robinson Street and close off access to Lansdowne Street.

Section 375A of the *Local Government Act 1993* requires General Managers to record which Councillors vote for and against each planning decision of the Council, and to make this information publicly available.

CARRIED

In Favour: Crs Peter Walker, Andrew Banfield, Alfie Walker, Margaret O'Neill and Carol James

Against: Crs Bob Kirk, Leah Ferrara and Denzil Sturgiss

15.4 EXPRESSION OF INTERESTS FOR THE COUNCIL IRRIGATION FARM - 1920E2005 (PUBLIC PRIVATE PARTNERSHIP) AND 1920E2006 - (SALE OF PART OF LOT 2 DP 1043955) AND PROGRESS UPDATE

Cr Andrew Banfield declared an interest in this item and took no part in the discussion or voting on the matter. At 7:41 pm, Cr Andrew Banfield left the meeting.

RESOLUTION 2020/361

Moved: Cr Peter Walker

Seconded: Cr Alfie Walker

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 7:41pm.

CARRIED

RESOLUTION 2020/362

Moved: Cr Alfie Walker

Seconded: Cr Carol James

That Council move back into Open Council.

Council moved back into Open Council at 8:00 pm.

CARRIED

RESOLUTION 2020/363

Moved: Cr Peter Walker

Seconded: Cr Denzil Sturgiss

That:

- 1. The report from the Director Utilities on the Expressions of Interest for the Council Irrigation Farm 1920E2005 (Public Private Partnership) and 1920E2006 (Sale of Part of Lot 2 DP 1043955) and progress update be received.**
- 2. Council does not accept either of the Expressions of Interest received for the purchase of part of Lot 2 DP 1043955, 632 Taralga Road and that this land remain in Council ownership.**
- 3. Council negotiate a lease of Lot 2 DP 1043955, 632 Taralga Road to Goulburn Campdraft Association (NSW) and Riding for the Disabled (NSW) Goulburn Centre, at a minimal lease charge of \$496 each per year for a period of 15 years.**
- 4. Goulburn Campdraft Association (NSW) and Riding for the Disabled (NSW) Goulburn Centre be informed that they would be responsible for all costs associated with the drafting and lodging of the development application and all works as a result of that development application and the establishment and operations of their facilities to ensure maintenance of their site in accordance with their lease.**
- 5. Council develop a concept for the establishment of an environmental reserve around the immediate ponds area on Gorman Road.**
- 6. Council not proceed with a cemetery on the Gorman Road site and the General Manager investigate opportunities for a cemetery adjacent to Kenmore (St Patrick's) Cemetery.**
- 7. Council continues preparing the subdivision of Lots 1 and 2 DP 1003261 and that the following conditions be placed as a covenant on the title: home grown produce be less than 10% of the daily fruit and vegetable intake; no consumption of home grown poultry, eggs, milk or meat from stock on the site; and reticulated water and or**

rainwater tanks will provide drinking water for the site and the use of groundwater will not be permitted.

8. In view of the changes proposed in this resolution the General Manager contact the three submitters for the EOIs for the public/private partnership for the use of the former irrigation farm and seek an update on their proposals with the following time frames:
 - The reviewed proposal to be with the General Manager by the 6 October 2020
 - Council ask the applicants to consider a short term lease on the property known as 532 Taralga Road without irrigation.
 - The Proponents be invited to present their proposals to Council at a Briefing on Tuesday 13 October
9. Council undertake investigations with ARTC on how to achieve safe access over the railway line at Gorman Road.

CARRIED

At 8:04 pm, Cr Andrew Banfield returned to the meeting.

Council took a recess at 8.04pm for a dinner break.

Council resumed at 8.37pm.

15.5 2020/2021 LOCAL HERITAGE GRANT PROGRAM

RESOLUTION 2020/364

Moved: Cr Margaret O'Neill

Seconded: Cr Carol James

That:

1. The report from the Landscape & Heritage Planner on the 2020/2021 Local Heritage Grant Program be received.
2. The following grant applicants be offered heritage funding in the amounts shown with conditions where relevant:

Application	Location	Payment to be Offered	Condition
1/2020-2021	47 Combermere Street	Offer \$4,800 grant	<i>Galvanised iron to be used for the roof sheeting, guttering etc.</i>
3/2020-2021	246 Cowper Street	Offer \$2,500 grant	
9/2020-2021	96 Grafton Street	Offer \$2,500 grant	<i>Exterior grade timber to be used for verandah posts</i>
10/2020-2021	324 Sloane Street	Offer \$2,500 grant	<i>Galvanised iron to be used for the roof sheeting, guttering etc.</i>
11/2020-2021	8 Ben Street	Offer \$2,500 grant	
12/2020-2021	83 Grafton Street	Offer \$2,000 grant	
13/2020-2021	9 Bradley Street	Offer \$2,500 grant	
16/2020-	4 Grafton Street	Offer \$1,250	

2021		grant	
18/2020-2021	19 Market Street	Offer grant \$1,250	<i>S138 required to work in road reserve; Exterior grade timer to be used</i>
19/2020-2021	34 King Street, Bungonia	Offer grant \$2,500	
21/2020-2021	336 Auburn Street	Offer grant \$2,500	<i>Galvanised iron to be used for the roof sheeting, guttering etc.; windows to be made of timber in the style of the original existing windows</i>
22/2020-2021	177 Bourke Street	Offer grant \$2,500	<i>Exterior grade timber to be used to construct fence</i>
25/2020-2021	78 Queen Street	Offer grant \$2,500	

3. The following applications be placed on the reserve list in the priority order shown:

- o 6/2020-2021, 4 Church Street, 1st Reserve
- o 23/2020-2021, McCallum Graves, 2nd Reserve
- o 15/2020-2021, Knowlman Grave, 3rd Reserve
- o 2/2020-2021, 68 Mundy Street, 4th Reserve
- o 20/2020-2021, 1 Ballina Street, 5th Reserve
- o 14/2020-2021, 292 Merilla Lane, Parkesbourne, 6th Reserve
- o 7/2020-2021, 209 Braidwood Road, 7th Reserve
- o 8/2020-2021, 21 Hay Street, Bungonia, 8th Reserve

General Condition: All paint colour schemes to be approved by Council prior to commencement.

4. A grant is not offered to:

- o 4/2020-2021, 164 Bourke Street (Refer applicant to Council’s Community Grants Scheme).
- o 17/2020-2021, St Saviour’s Cemetery (Refer applicant to Council’s Community Grants Scheme).
- o 24/2020-2021, 207 Auburn Street.

CARRIED

15.6 2020/2021 GOULBURN CENTRAL BUSINESS DISTRICT (CBD) GRANTS

At 8:43 pm, Cr Denzil Sturgiss left the meeting and did not return.

RESOLUTION 2020/365

Moved: Cr Margaret O'Neill

Seconded: Cr Peter Walker

That:

- 1. The report from the Landscape & Heritage Planner on the 2020/2021 CBD Grants be received.**
- 2. The following grant applications be offered funding in the amounts shown:**
 - o 1/2020-2021, 324 Sloane Street - Offer \$2,775 grant**
 - o 2/2020-2021, 131 Auburn Street - Offer \$1,150 grant**
 - o 3/2020-2021, 213 Auburn Street - Offer \$3,850 grant**
 - o 4/2020-2021, 2 Montague Street - Offer \$2,500 grant**
 - o 5/2020-2021, 199 Auburn Street - Offer \$2,500 grant**
 - o 6/2020-2021, 25 Market Street - Offer \$2,500 grant**
 - o 7/2020-2021, 19 Market Street - Offer \$2,500 grant**
 - o 8/2020-2021, 336 Auburn Street - Offer \$2,500 grant**
 - o 9/2020-2021, 78 Bradley Street - Offer \$2,500 grant**
 - o 10/2020-2021, 97 Bourke Street - Offer \$2,225 grant**
 - o 11/2020-2021, Auburn Street – No grant offer**
- 3. For all applications the colour scheme to be approved by Council prior to commencement of the work**

CARRIED

15.7 1920T0010 PLANT & EQUIPMENT HIRE PANEL TENDER REQUEST**RESOLUTION 2020/366**

Moved: Cr Andrew Banfield

Seconded: Cr Leah Ferrara

That

- 1. The report of the Business Manager of Works on the process of inclusion for Roadworx Surfacing Pty Ltd onto the Plant & Equipment Hire panel be received.**
- 2. Council delegate authority to the General Manager to approve Roadworx Surfacing Pty Ltd onto the Plant & Equipment Hire panel if the submission conforms with the Tender requirements**

CARRIED

15.8 TENDER 1920T0012 - LEGAL SERVICES PANEL

RESOLUTION 2020/367

Moved: Cr Margaret O'Neill

Seconded: Cr Peter Walker

That the report from the Business Manager Governance on Tender 1920T0012 Legal Services Panel be received and deferred pending discussions at a future Councillor Briefing.

CARRIED

15.9 COPFORD REACH - UPGRADE**RESOLUTION 2020/368****Moved: Cr Margaret O'Neill****Seconded: Cr Andrew Banfield****That**

1. The report from the General Manager on the Copford Reach Upgrade be received
2. Council establishes a Copford Reach Upgrade Working Party as follows

Membership: Two Councillors**General Manager or his delegate****Two Members of the Community****One representative from the Goulburn Barefoot Waterski Club
The Working Party to have the authority from time to time to
second any other member that in the Working Party opinion will
add value to the brief****Brief****To present a report to Council through a briefing session on the
options and opportunities for the redevelopment of the Copford
Reach reserve and waterway that will cater for a variety of
community organisations and the wider community. The
working party to have significant regard to protecting the
natural environment in the recommendations they make.****Budget****There is no budget allocation for this Working Party but the
working party can make representations to the General Manager
for funding if any financial assistance for external supplier is
required****Timeframe****The Working Party to have their final report to Council prior to
the 28th February 2021 to allow for any budget implications from
the working party agreed by Council to be addressed as part of
the next four year Delivery Plan.**

3. The two Council representatives on the Copford Reach Upgrade Working Party be Cr Andrew Banfield and Cr Peter Walker.
4. The General Manager to write to the Goulburn Barefoot Waterski Club seeking a representative from that Club to be a member of the Working Party
5. The General Manager call for Expression of Interest for two (2) Community representatives on the Copford Reach Upgrade Working Party. This advertisements for this Expression of Interest process be through the normal Council public advertising process and social media.
6. The General Manager to report back to Council the nominations for the community representatives for the Council to make the final decision.

CARRIED

15.10 MARULAN SOUTH ROAD - UPGRADE**RESOLUTION 2020/369****Moved: Cr Leah Ferrara****Seconded: Cr Carol James****That**

- 1. The report of the General Manager on the Marulan South Road – upgrade be received**
- 2. Council endorse the Heads of Agreement with Boral Cement Limited for the upgrade of the Marulan South Road upgrade and authorise the General Manager to sign this agreement on behalf of Council**

CARRIED**15.11 DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS RETURN 2019-2020****RESOLUTION 2020/370****Moved: Cr Margaret O'Neill****Seconded: Cr Andrew Banfield****That**

- 1. The report from the Business Manager Governance on Disclosures by Councillors and Designated Persons Return 2019-2020 be received.**
- 2. The Register of Disclosures by Councillors and Designated Persons Return 2019-2020, as tabled, be noted.**

CARRIED**15.12 MONTHLY FINANCIAL REPORT****RESOLUTION 2020/371****Moved: Cr Alfie Walker****Seconded: Cr Margaret O'Neill****That the report by the Director Corporate & Community Services and the Business Manager Finance & Customer Service on the Monthly Financial Report be received and noted for information.****CARRIED****15.13 STATEMENT OF INVESTMENTS & BANK BALANCES****RESOLUTION 2020/372****Moved: Cr Peter Walker****Seconded: Cr Alfie Walker****That the report by the Director Corporate & Community Services and the Business Manager Finance & Customer Service on the Statement of Investments and Bank Balances be received.****CARRIED**

15.14 ST CLAIR CONSERVATION WORKS - STATUS REPORT

RESOLUTION 2020/373

Moved: Cr Andrew Banfield

Seconded: Cr Carol James

That the report from the Business Manager Marketing, Events & Culture on the status of the St Clair Conservation Works be received.

CARRIED

15.15 GOULBURN AQUATIC CENTRE REDEVELOPMENT STAGE 1 CONSTRUCTION - AUGUST 2020 STATUS REPORT

RESOLUTION 2020/374

Moved: Cr Alfie Walker

Seconded: Cr Peter Walker

That the report from the Director of Operations on the status of the Goulburn Aquatic Centre Redevelopment Stage 1 construction works be received.

CARRIED

15.16 GOULBURN PERFORMING ARTS CENTRE - AUGUST 2020 STATUS REPORT

RESOLUTION 2020/375

Moved: Cr Leah Ferrara

Seconded: Cr Carol James

That the report from the Director of Operations on the status of the Goulburn Performing Arts Centre construction be received.

CARRIED

15.17 OPERATIONS DIRECTORATE REPORT AUGUST 2020

RESOLUTION 2020/376

Moved: Cr Margaret O'Neill

Seconded: Cr Carol James

That the activities reported for August 2020 by the Director Operations be received and noted for information.

CARRIED

15.18 UTILITIES DIRECTORATE REPORT - AUGUST 2020

RESOLUTION 2020/377

Moved: Cr Andrew Banfield

Seconded: Cr Carol James

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

CARRIED

15.19 PLANNING & ENVIRONMENT DIRECTORATE REPORT AUGUST 2020

RESOLUTION 2020/378

Moved: Cr Peter Walker

Seconded: Cr Andrew Banfield

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

CARRIED

15.20 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT AUGUST 2020

RESOLUTION 2020/379

Moved: Cr Peter Walker

Seconded: Cr Andrew Banfield

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

CARRIED

15.21 GOULBURN MULWAREE YOUTH COUNCIL MEETING NOTES - 28 AUGUST 2020

RESOLUTION 2020/380

Moved: Cr Carol James

Seconded: Cr Peter Walker

That the report from Cr Carol James in relation to the Goulburn Mulwaree Youth Council Meeting Notes held on the 28 August 2020 be received.

CARRIED

15.22 EXTERNAL MEETING MINUTES

RESOLUTION 2020/381

Moved: Cr Leah Ferrara

Seconded: Cr Alfie Walker

That the report from the General Manger on the Southern Tablelands Zone Bush Fire Management Committee Meeting Minutes held on the 4 September 2019 be received.

CARRIED

16 CLOSED SESSION

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

RESOLUTION 2020/382

Moved: Cr Peter Walker

Seconded: Cr Alfie Walker

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 Veolia - Host Fee

This matter is considered to be confidential under Section 10A(2) - di 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

CARRIED

Council resolved into Closed Session at 9.18pm.

Council resolved into Open Council at 9.49pm.

RESOLUTION 2020/383

Moved: Cr Alfie Walker

Seconded: Cr Peter Walker

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

CARRIED

16.1 VEOLIA - HOST FEE**RESOLUTION 2020/384**

Moved: Cr Alfie Walker

Seconded: Cr Andrew Banfield

That:

- 1. The report from the General Manager on the Veolia Host Fees be received.**
- 2. Council acknowledges the generous and valued financial contributions provided by Veolia to the wider Goulburn Mulwaree community as negotiated and agreed when the Woodlawn facility was established. Council also acknowledges that the original intent of the Host Fee agreement was for the life of the Woodlawn facility.**
- 3. Council agree in principle that the Mayor and General Manager continuing discussions on the renegotiating of the Host Fee arrangement with Veolia for their Woodlawn facility.**

CARRIED

17 CONCLUSION OF THE MEETING

The Meeting closed at 9.50pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 6 October 2020.

.....
Cr Bob Kirk
Mayor

.....
Warwick Bennett
General Manager

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 15 SEPTEMBER 2020

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. Task List - 6 October 2020 [↓](#) 

RECOMMENDATION

That Council notes the Task List and authorises the deletion of completed tasks.

REPORT

Please find attached the Task List for matters resolved at previous Council meetings that are still currently under action.

OUTSTANDING TASK LIST



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>General Manager</p>	<p>No response from applicants so this report will be placed before Council on the 20 October 2020 for a determination</p>
<p><u>B6 Enterprise Corridor Planning Proposal</u></p> <p>Seeking Department of Planning approval and then be placed on public exhibition</p>	<p>Director Planning & Environment</p>	<p>Pre Gateway Referral to Water NSW undertaken, amended Planning Proposal being prepared for submission to DPIE.</p>
<p><u>Mogo Road Hi Quality</u></p> <p>General Manager to report back on works to be undertaken to fully implement development application</p>	<p>General Manager</p>	<p>Consultation occurring with Hi Quality</p>
<p><u>Community Safety & Social Infrastructure Plan Working Party</u></p> <p>Councillors to notify Director of Corporate and Community Services names suitable for this working party</p>	<p>Director Corporate and Community Services</p>	<p>Report include in this Business Paper</p> <p>RECOMMEND COMPLETION</p>
<p><u>Hockey Facility</u></p> <p>The General Manager to continue negotiating with Goulburn Workers Club over the purchase of 3.28 hectares of land at the Goulburn Workers Arena</p> <p>The General Manager to commence discussion with hockey on lease agreement</p>	<p>General Manager</p>	<p>Delays have occurred with receiving draft agreement. Now programmed for 20 October 2020 meeting.</p> <p>Discussions with hockey have commenced and lease agreement negotiations underway</p>
<p><u>Community Centre Options</u></p> <p>Location of Community Centre deferred 18 months</p>	<p>General Manager</p>	<p>Will be referred to Council in December 2021.</p>

OUTSTANDING TASK LIST



Item/Task	Responsible Officer	Status
<p><u>Library Membership and Access Policy</u></p> <p>On public exhibition 28 day</p>	Director Corporate and Community Services	<p>Public consultation concluded. No submissions received therefore policy adopted.</p> <p>RECOMMEND COMPLETION</p>
<p><u>Residential Care Facility at Run-O-Waters</u></p> <p>Preparing Planning Proposal for consideration by Department of Planning</p>	Director Planning and Environment	Planning Proposal being prepared
<p><u>Strategic Planning Fees and Charges Policy</u></p> <p>On public exhibition</p>	Director Planning and Environment	<p>Report include in this Business Paper</p> <p>RECOMMEND COMPLETION</p>
<p><u>Challenge Foundation Goulburn Inc</u></p> <p>Request for financial assistance</p>	General Manager	Awaiting further information to support the request for financial assistance
<p><u>Waste Water Farm Expressions of Interest</u></p> <p>The three applicants for the expressions of interest have been invited to present additional information and to attend a Council Briefing on the 27 October 2020</p>	Director Utilities	Invitations have been extended
<p><u>Veolia Host Fees</u></p> <p>The Mayor and General Manager to continue discussions with Veolia</p>	General Manager	Awaiting responses from Veolia

12 MAYORAL MINUTE(S)**12.1 MAYORAL MINUTE - GENERAL MANAGERS PERFORMANCE REVIEW****Author:** Bob Kirk, Mayor**Authoriser:** Warwick Bennett, General Manager**Attachments:** Nil**RECOMMENDATION**

That:

1. The Mayoral Minute on the General Managers Performance Review be received.
2. Council delete strategic goal 1.11 titled 'Council Briefings' from the General Managers Performance Assessment.

REPORT

At the 1 September 2020 Council Meeting Council approved the General Managers Performance Agreement for the 2020/21 financial year. As part of that Performance Assessment the following strategic goal was included.

1.11 Councillor Briefings

Provide a summary of discussions from Councillor Briefings, including PowerPoint Presentations to all Councillors within two days of the Briefing.

After discussions with the General Manager I propose that this strategic goal be removed from his performance agreement.

Briefing notes/PowerPoint Presentations are usually provided by presenters. In instances where this is not provided it can be subjective to determine what aspects need to be noted. It is also subjective as to how assessment of this strategic goal can be measured and fairly assessed.

Recording of the Briefings would provide a complete solution to capture all discussions including questions, answers and comments.

The General Manager has given me advice that this recording may prohibit robust and frank discussions which is the intent as determined by the Office of Local Government.

I am thus recommending in this Mayoral Minute that that strategic goal be removed.

12.2 MAYORAL MINUTE - WASTE WATER FARM EXPRESSION OF INTEREST APPLICANTS

Author: Bob Kirk, Mayor
Authoriser: Warwick Bennett, General Manager
Attachments: Nil

RECOMMENDATION

That:

1. That the Mayoral Minute on the Waste Water Farm Expression of Interest Applicants be received.
2. Council change the date to invite all three applicants who lodged an expression of interest for the Waste Water Farm from Tuesday 13 October 2020 to Tuesday 27 October 2020.

REPORT

At the Council Meeting of the 15 September 2020 it was resolved that Council invite the three applicants who lodged an expression of interest for the use of the Waste Water Farm to meet with Council at a Councillor Briefing on Tuesday 13 October 2020.

Not all Councillors are able to attend that Councillor Briefing on the 13 October 2020 so I am recommending that it be moved to Tuesday 27 October 2020.

The General Manager has advised me that a Rescission Motion is not required as this Mayoral Minute is only to change the date of the Councillor Briefing and not the intent of the original resolution.

13 NOTICE OF MOTION(S)

Nil

14 NOTICE OF RESCISSION(S)







Nil

15 REPORTS TO COUNCIL FOR DETERMINATION

15.1 DA/0169/1920, 8 LOT RESIDENTIAL SUBDIVISION, 30 DORSETT ROAD MARULAN

Author: Dialina Day, Senior Development Assessment Officer

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. **Locality Plan (separately enclosed)** 
 2. **Proposed Plan of Subdivision (separately enclosed)** 
 3. **Draft Planning Agreement (separately enclosed)** 
 4. **Submissions (separately enclosed)** 
 5. **Response to Submissions from Applicant (separately enclosed)** 
 6. **Flood Plan Study (separately enclosed)** 

DA Number:	DA/0169/1920
Address:	Lot 29 DP 1112491, 30 Dorsett Road Marulan
Proposal Description:	8 Lot Residential Subdivision
Type of Development:	Integrated
Zone:	R5 Large Lot Residential
Variations to Policy:	N/A
Submissions:	Six (6)
Key Issues:	Flora and Fauna, Flooding

RECOMMENDATION

That:

1. The staff assessment report for development application DA/0169/1920 for the proposed 8 Lot Residential Subdivision be received.
2. Consent be granted for DA/0169/1920 for an 8 Lot Residential Subdivision located at Lot 29 DP 1112491, 30 Dorsett Road Marulan, subject to the following conditions.
3. The draft Planning Agreement associated with DA/0169/1920 for an 8 Lot Residential Subdivision be placed on public exhibition for a period of 28 days, in accordance with section 7.5(1) of the *Environmental Planning and Assessment Act 1979*.

DEFERRED COMMENCEMENT

This is a deferred commencement consent under Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*. This deferred commencement consent does not become operative until the applicant has satisfied the requirements listed in Schedule 'A' of this consent. All issues must be satisfactorily resolved within a period of **twelve (12) months** from the 'Determination Date' that is shown on this Notice of Determination or the consent will lapse in accordance with Section 95 of the *Environmental Planning and Assessment Regulation 2000*.

Upon compliance with the issues under Schedule 'A', and written confirmation from '**Council**' to that effect, then the consent shall become operative from a 'Date of Endorsement' (to be included on the written notification) subject to the conditions listed in Schedule 'B' and any additional conditions arising from the requirement of Schedule 'A'.

SCHEDULE A

A The Planning Agreement offered by the developer in respect of the development proponent is required to be entered into in accordance with the draft Planning Agreement submitted by the development proponent received by Council on 03 August 2020.

The Planning Agreement must incorporate the following requirements:

- An access ramp shall be provided at the gateway entrance to the basin that is large enough to cater for a backhoe or similar piece of equipment for maintenance purposes.

- Landscaping located in front of the proposed access gate shall be deleted so as to ensure access by machinery can be facilitated into the basin.
- Any retaining walls to be used shall be reinforced concrete with a design life of 40 years, to ensure longevity.
- The landscaping proposed to the north of the basin shall be contained within a mulched landscape bed and edged, and not planted within turf.
- Melaleuca styphelioides shall be used instead of Melaleuca Linarifolia as the former is better suited to the local weather conditions.

B The class and number of ecosystem credits detailed in the table below must be retired to offset the residual biodiversity impacts of the development.

The requirement to retire credits may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the BAM Credit Calculator (BAM-C).

Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to **'Council'**

Impacted plant community type	Number of ecosystems credits	IBRA subregion	Plant community type(s) that can be used to offset the impacts from development
PCT287 Zone 1	36	Bungonia	PCT287

SCHEDULE B

SECTION A: GENERAL CONDITIONS

1. Approved Development and Use
Development consent has been granted in accordance with this Notice of Determination for the purposes of an eight (8) Lot residential subdivision, drainage reserve Lot and public infrastructure under the *Goulburn Mulwaree Local Environmental Plan 2009*.

(Reason: *To confirm the components of the approval)*

2. Development in Accordance with Documentation

The development must only be carried out:

- a) in compliance with the conditions of this Notice of Determination; and
- b) in accordance with the approved plans and documentation listed in the table below.

Architectural plans prepared by SEEC PTY LTD			
DRAWING NO.	REV	TITLE OF PLAN OR DOCUMENT	DATE
DA01	3	Concept Stormwater Drainage Plan	24/07/2020
DA02	3	Concept Stormwater Catchment Plan & 'Drains' Model Layout	24/07/2020
DA03	3	Concept Stormwater Drainage Details & Sections	24/07/2020
DA04	3	Bioretention Basin/OSD Detailed Design	24/07/2020
DA05	3	Bioretention Basin Landscape Plan	24/07/2020
19000163-FS-01	B	Preliminary Flood Assessment for proposed subdivision at 30 Dorsett Road Marulan	12/03/2020
Architectural plans prepared by Laterals Planning			
DOCUMENT REF.	REV	TITLE OF PLAN OR DOCUMENT	DATE
SHEET NO 3 plan 1837		Plan showing proposed subdivision Lot 29 DP 1112491 Dorsett Road Marulan	27/03/2020
Documentation prepared by Capital Ecology PTY LTD			
DOCUMENT REF.	REV	TITLE OF PLAN OR DOCUMENT	DATE
Project No. 2886		Biodiversity Development Assessment Report Subdivision of Lot 29 Dorsett Road Marulan	19/09/2019

(Reason: *To ensure that the development is undertaken in accordance with the submitted plans and documents as amended)*

3. Water NSW General

The lot layout and works shall be as per the Statement of Environmental Effects (dated November 2019) and shown on the proposed Subdivision Plan (Plan No: 1837; Sheet 3; dated 27/3/2020), both prepared by Laterals

Planning Pty Ltd. No revisions to lot layout, works or staging of the subdivision that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

(Reason: *Water NSW has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the subdivision)*

4. Water NSW Stormwater Management

No changes to stormwater treatment and management that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

(Reason: *To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term)*

SECTION B: PRESCRIBED CONDITIONS IMPOSED UNDER EP&A ACT, THE REGULATION, AND OTHER RELEVANT LEGISLATION

5. Issue of a Subdivision Works Certificate Requirements

In accordance with cl.148F of the *Environmental Planning and Assessment Regulation 2000*, the plans and specifications submitted with a Subdivision Works Certificate must not be inconsistent with this Notice of Determination.

(Reason: *Prescribed by legislation)*

6. s.138 Roads Act Requirements

Where works are proposed within the road reserve, the developer must obtain approval from **'Council'** (as the Roads Authority and/or as required under s.138 of the *Roads Act 1993*) before any **'Works'** are undertaken. **'Works'** within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the *Roads Act 1993*.

The following details must be submitted to **'Council'** in order to obtain the s.138 approval: -

- a copy of the endorsed approved plans related to the development and proposed works to be undertaken,
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, and
- insurance details - Public Liability Insurance to an amount of no less than \$20 million, to be held by applicant / contractor undertaking the works.

Advice: *Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under s.138 of the Roads Act 1993.*

(Reason: *To ensure the necessary approvals are obtained from the roads authority)*

SECTION C: MATTERS REQUIRING COUNCIL'S SATISFACTION PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

7. s.306 Compliance Certificate

A s.306 Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained from **'Council'** as the Sewer and Water Authority prior to the issue of any Subdivision Works Certificate.

Note: *s.64 of the Local Government Act 1993 authorises 'Council' to issue Certificates of Compliance under s.306 of the Water Management Act 2000 and to impose pre-conditions to the issuing of Certificates of Compliance.*

(Reason: *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments)*

8. Constructional Environmental Management Plan

A Construction Environmental Management Plan must be prepared and submitted to, and approved in writing by **'Council'** prior to the issue of any Subdivision Works Certificate. The plan must include, but not be limited to, the following: -

- a) Details of:
 - i. 24-hour contact details of site manager;
 - ii. the proposed phases of construction **'works'** on the **'site'**, and the expected duration of each construction phase;

- iii. the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process; and
- iv. the proposed areas within the **'site'** to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- b) Construction Traffic and Pedestrian Management Sub-Plan;
- c) Construction Noise and Vibration Management Sub-Plan;
- d) Construction Soil and Water Management Sub-Plan; and

All work, excavation, demolition or construction activities must be undertaken in accordance with the approved Construction Environmental Management Plan and any conditions attached to the approved plan. A copy of the approved Construction Environmental Management Plan must be kept on the **'site'** at all times and made available to any officer of **'Council'** upon request.

(Reason: *To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)*

9. Construction Traffic and Pedestrian Management Sub-Plan

The Construction Traffic and Pedestrian Management Sub-Plan must be prepared and submitted to, and approved in writing by **'Council'** prior to the issue of any Subdivision Works Certificate. The plan must include, but not be limited to, the following: -

- a) be prepared by a suitably qualified and experienced person(s);
- b) be prepared in consultation with Council and Transport NSW if the road is a classified road;
- c) detail the measures that are to be implemented to ensure road safety and network efficiency during the **'works'** in consideration of all potential impacts on general traffic, cyclists, pedestrians and bus services;
- d) detail heavy vehicle routes, access and parking arrangements;
- e) the proposed methods of loading and unloading excavation and construction machinery, excavation and building materials, formwork etc. and the erection of any part of the structure within the **'site'**;
- f) detail procedures for notifying adjoining and nearby residents and the community of any potential disruption to routes; and
- g) include a program to monitor the effectiveness of these measures

(Reason: *To ensure the development is undertaken in a manner that is safe and does not cause unreasonable inconvenience to the community)*

10. Construction Noise and Vibration Sub-Plan

The Construction Noise and Vibration Management Sub-Plan must be prepared and submitted to, and approved in writing by **'Council'** prior to the issue of any Subdivision Works Certificate. The plan must include, but not be limited to, the following: -

- a) be prepared by a suitably qualified and experienced noise expert(s);
- b) describe procedures for achieving the noise management levels in EPA's Interim construction Noise Guideline;
- c) describe the measures to be implemented to manage high noise generating activities such as piling, jack hammering etc., in close proximity to sensitive noise receivers;
- d) include strategies that have been developed with the community for managing high noise generating activities;
- e) describe the community consultation undertaken to develop the strategies to be employed; and
- f) include a complaints management system that would be implemented for the duration of the **'works'**.

(Reason: *To ensure the development is undertaken in a manner that does not cause unreasonable inconvenience to the community)*

11. Construction Soil and Water Management Plan

The Construction Soil and Water Management Sub-Plan must be prepared and submitted to, and approved in writing by **'Council'** prior to the issue of any Subdivision Works Certificate. The plan must include, but not be limited to, the following: -

- a) be prepared by a suitably qualified and experienced person(s);
- b) be undertaken in consultation with Water NSW and **'Council'**;
- c) describe all erosion and sediment controls to be implemented during the works;
- d) provide plans and details of how the works will be managed in wet weather (i.e. storage of equipment, stabilisation of the site, inundation threats);
- e) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles must be directed to the sediment control system within the **'site'**;
- f) details all off site flows from the site and how they will be managed;
- g) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI;
- h) demonstrate how compliance with Water NSW conditions will be addressed and maintained; and

- i) include a program to monitor and review the effectiveness of the soil and water management measures required by this condition.
(Reason: *To ensure the development is undertaken in a responsible manner that minimises the use of raw materials)*

12. Native Fauna Removal

The person having the benefit of this Notice of Determination must compile in consultation with **'Council'** and the Biodiversity and Conservation Division of Department of Planning, Industry and Environment a pre-clearance survey procedure and plan for the management, care and relocation of wombats and other native fauna present on the **'site'**.

Documentary evidence demonstrating compliance with this condition must be submitted to, and approved by **'Council'** prior to the issue of any Subdivision Works Certificate.

Note: *The Goulburn LGA is covered by the Southeast region of the Department of Planning, Industry and Environment contact email rog.southeast@environment.nsw.gov.au and website www.dppe.nsw.gov.au*

(Reason: *To ensure the appropriate management of native fauna)*

13. Damage to Public Infrastructure

A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant/person which details the pre-developed condition of the existing public infrastructure in the vicinity of the development **'site'**. Attention must be paid to accurately recording any pre-development damage so that **'Council'** is informed when assessing any future damage to public infrastructure caused as a result of the development. The dilapidation survey and report must be submitted to, and approved in writing by **'Council'** prior to the issue of any Subdivision Works Certificate.

The person entitled to act upon this Notice of Determination will be held liable for all damage to public infrastructure in the vicinity of the development **'site'** where such damage is not accurately recorded and demonstrated as pre-existing under documentation provided by this condition.

Note: *Vicinity is defined as all public infrastructure immediately adjacent to the **'site'** (full road reserve width) and to a minimum distance of 50m beyond the **'site'** boundaries.*

(Reason: *To record the condition of public infrastructure prior to the commencement of construction to the consent authority's satisfaction)*

14. Water NSW – Subdivision Road

The subdivision road shall be located and constructed as shown on the proposed Subdivision Plan (Plan No: 1837; Sheet 3; dated 27/3/2020) prepared by Laterals Planning Pty Ltd. The subdivision road shall:

- be sealed and otherwise constructed in accordance with Council's engineering standards;
- collect runoff via a series of pits and pipes and direct to various water quality treatment measures; and
- incorporate inlet filters (Enviropod 200 or Water NSW endorsed equivalent) on all inlet pits.

Documentary evidence demonstrating compliance with this condition must be submitted to, and approved by **'Council'** prior to the issue of any Subdivision Works Certificate.

(Reason: *To ensure that the proposed subdivision road and associated infrastructure will have a sustainable neutral or beneficial impact on water quality during the operational phase of the development)*

15. Water NSW – Subdivision Road

All stormwater structures and drainage works associated with the proposed subdivision road shall be wholly included in the road or drainage reserve or within suitably defined easements.

Documentary evidence demonstrating compliance with this condition must be submitted to, and approved by **'Council'** prior to the issue of any Subdivision Works Certificate.

(Reason: *To ensure that the proposed subdivision road and associated infrastructure will have a sustainable neutral or beneficial impact on water quality during the operational phase of the development)*

16. Water NSW – Stormwater Management

All stormwater management measures as specified and shown on the Concept Stormwater Drainage Plan (Project No 19000163, Drawings DA00 – DA05; Rev 03; dated 24/07/20) prepared by SEEC shall be incorporated in the final stormwater drainage plan to be approved by Council. The final approved stormwater management plan shall be implemented.

Documentary evidence demonstrating compliance with this condition must be submitted to, and approved by **'Council'** prior to the issue of any Subdivision Works Certificate.

(Reason: *To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term)*

17. Water NSW – Stormwater Management

The bioretention basin shall be designed and located as shown on the Concept Stormwater Drainage Plan (Project No 19000163, Drawings DA00 – DA05; Rev 03; dated 24/07/20) prepared by SEEC to capture and treat all runoff from the subdivision road and residential areas. The bioretention basin shall:

- be located offline along the edge of the riparian zone of the adjacent watercourse but above the 2% Annual Exceedance Probability (1 in 50 year) flood level
- be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities)
- be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
- direct all discharge and overflow to the adjacent watercourse via an armoured discharge point such that discharge does not cause erosion
- be accessible from the driveway by machinery to facilitate cleaning, monitoring and maintenance of the structures
- ensure the discharge outlet is consistent with the requirements of any Controlled Activity Approval under the *Water Management Act (2000)* from the Natural Resources Access Regulator (NRAR).
- be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
- be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.

Documentary evidence demonstrating compliance with this condition must be submitted to, and approved by **'Council'** prior to the issue of any Subdivision Works Certificate.

(Reason: *To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term)*

18. Water NSW – Stormwater Management

Confirmation shall be provided to **'Council'** that concentrated stormwater flows can be discharged onto the land abutting to the north prior to the issuance of any Subdivision Works Certificate.

Documentary evidence demonstrating compliance with this condition must be submitted to, and approved by **'Council'** prior to the issue of any Subdivision Works Certificate.

(Reason: *To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term)*

19. Water NSW – Construction Activities

A Soil and Water Management Plan shall be prepared in consultation with Water NSW for all works required as part of the subdivision including the subdivision road by a person with knowledge and experience in the preparation of such plans. The Plan shall:

- meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004);
- be prepared prior to the issuance of a Subdivision Works Certificate; and
- include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.

Documentary evidence demonstrating compliance with this condition must be submitted to, and approved by **'Council'** prior to the issue of any Subdivision Works Certificate.

(Reason: *To manage adverse environmental and water quality impacts during the construction phase of the development to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase)*

SECTION D: SUBSIDIARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

20. Street Lighting Requirements

All areas within the development must comply with AS/NZS 1158.3.1:2010 (as amended) Lighting for roads and

public spaces – Pedestrian area (Category P) lighting – Performance and design requirements. Where required, lighting must be upgraded/provided in accordance with AS/NZS 1158.3.1:2010.

Details of the proposed lighting to the standard P5 Category and compliance with AS/NZS 1158.3.1:2010 (as amended) must be submitted to, and approved by the **'Certifier'** prior to the issue of any Subdivision Works Certificate.

(Reason: *To ensure street lighting is provided in accordance with the applicable Australian Standards)*

21. Initial Geotechnical Report

A geotechnical report, prepared by a suitably qualified and experienced geotechnical engineer, that as a minimum but is not be limited to the following:

- a) extent and stability of proposed embankments including those acting as retarding basins;
- b) recommended Geotechnical testing requirements;
- c) level of geotechnical supervision for each part of the works as defined under AS 3798 - *Guidelines on Earthworks for Commercial and Residential Developments*;
- d) recommended treatment of any unstable areas within privately owned allotments
- e) requirement for subsurface drainage lines;
- f) overall assessment of the engineering plans for the proposed subdivision development;
- g) the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
- h) geotechnical recommendation;

Details demonstrating compliance with the above requirements and certified by an appropriately qualified and practising civil engineer shall be submitted to, and approved by, the **'Certifier'** prior to the issue of any Subdivision Works Certificate.

(Reason: *To ensure that infrastructure is designed in consideration of site constraints)*

22. Engineered Stormwater Subdivision

Plans and certification indicating all engineering details relevant to the **'site'** regarding the collection and disposal of stormwater from the **'site'**, buildings and adjacent catchments, must be procured and be in accordance with the following minimum specifications: -

- a) engineering Stormwater Management plans and supporting calculations for the on-site detention system are to be prepared by a suitably qualified practicing Chartered Professional Engineer;
- b) all civil and drainage works must be designed and built in accordance with **'Council's'** Engineering Standards, relevant Australian Standards, in conjunction with a geotechnical analysis of the **'site'** soils;
- c) road and drainage plans must be submitted to the Certifying Authority for approval prior to the release of the Subdivision Works Certificate. All road and drainage work must then be constructed in accordance with Council's construction standards and approval.
- d) all stormwater pipes within the road reserves and within drainage easements intended to be dedicated to Council must be installed generally to the HS3 standard in accordance with the current edition of AS.3725 - Design for Installation of Buried Concrete Pipe.
- e) conveyed by gravity to the bio basin in Lot 9. If a direct connection to kerb inlet pits is implemented then the pipeline within the footpath area shall have a minimum cover of 300mm.
- f) overland flow must be provided in the form of a flood analysis and approved by, **'Council'**. The required flood analysis must demonstrate the effect of the proposed development on downstream properties and proposed measures to ensure downstream properties are not subject to additional flooding as a result of the development. The flood analysis must reflect the upstream catchment contribution flow velocities together with the extent of the development area inundated by the 1 in 100 year ARI flood, how the flow can be safely passed through the site and how newly created lots are to be located above the Flood Planning Level (FPL = 1 in 100 year ARI flood level + 0.5 m);
- g) the proposed development and stormwater drainage systems shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties;
- h) the stormwater lateral network must be designed for an average recurrence interval (A.R.I.) of 1 in 5 years for minor and 1 in 100 for major storm pickup considering;
- i) the peak discharge from the **'site'** must be no greater than the pre-developed peak discharge;
- j) roof runoff pipelines from the Lot boundary to the kerb within the footpath area shall be hot dipped galvanised steel hollow section with a minimum wall thickness of 4.0 millimetres and a section height of 100 millimetres;
- k) sedimentation basins, retarding basins shall be located at suitable locations to capture and manage all piped and surface road drainage. Basin design is to include controlled and erosion-protected outfall devices to natural drainage lines, ensuring that the downstream effects are no greater than pre-construction;
- l) any proposed fence is to be constructed must not impede the natural overland flow along the line of the easement and /or natural drainage line;
- m) all pits larger than 600mm x 600mm must be grated with flush fitting galvanised steel grid hinges and

- n) be heavy duty type where traffic loading is expected; and
- n) all pits deeper than 0.8 metres must be designed by a certified structural engineer and be in accordance with AS.3600, where depth exceeds 1.3 metres must have galvanised steel step irons and where depth exceeds 1.8 metres are to be reinforced concrete with step irons at 300mm interval spacing from bottom of pit.

Details demonstrating compliance with the above requirements and certified by an appropriately qualified and practising civil or hydraulic engineer shall be submitted to, and approved by, the **'Certifier'** prior to the issue of any Subdivision Works Certificate.

(Reason: *To ensure that stormwater drainage is of an appropriate standard and capacity to serve the proposed development, without adverse effect to properties or the environment)*

23. Road Work Requirements

The person having the benefit of this consent must construct the carriageway to be 6000mm in width between internal kerb edges and provided with 4500mm wide verges. The works must be designed and constructed in compliance with the following: -

- a) all elements of the works within the road reserve must as a minimum be constructed in accordance with **'Council'** engineering guidelines;
- b) all elements of the works within the road reserve must be designed in conjunction with a full geotechnical analysis of the soils;
- c) cul-de-sac head to have a minimum turning radius of 12m at kerb line;
- d) the footpath pavement and grass verge shall be placed on a single straight grade of 3.0% falling to the top of kerb. The footpath pavement shall be 1200mm in width and placed adjacent to the kerb boundary;
- e) footpath pavement transition works are required to ensure gentle changes in grade, drainage and no 'trip' hazards between the existing ground levels and the proposed pavement; and
- f) kerb/gutter transition works are required to ensure gentle changes in grade and longitudinal drainage between the existing ground level and proposed kerb and gutter.

A certificate and detailed drawings prepared by an appropriately qualified and practising Civil Engineer, must be submitted to, and approved by the **'Certifier'** prior to the issue of any Subdivision Works Certificate

(Reason: *To facilitate suitable vehicular access to private sites, without disruption to pedestrian and vehicular traffic and to ensure appropriate access and infrastructure protection that is integral with infrastructure on surrounding sites)*

24. Access- Public Roads

The public road access shall comply with section 5.3.2 of 'Planning for Bush Fire Protection 2019'.

Documentary evidence demonstrating compliance with this condition must be submitted to, and approved by **'Certifier'** prior to the issue of any Subdivision Works Certificate.

(Reason: *The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area)*

25. Water and Utility Services

The provision of water, electricity and gas shall comply with section 5.3.3 of 'Planning for Bush Fire Protection 2019', including street hydrants to be installed in accordance with AS 2419.1:2005.

Documentary evidence demonstrating compliance with this condition must be submitted to, and approved by **'Certifier'** prior to the issue of any Subdivision Works Certificate.

(Reason: *The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.*

26. Vehicular Access to Lot 9

The person entitled to act upon this Notice of Determination must design the internal access road to Lot 9 in accordance with **'Council's'** Engineering Standards for sealed gravel roads and incorporate the following requirements: -

- a) vegetated swales or grassed buffer, as appropriate, on both sides of their entire length with appropriately spaced level spreaders, sills and mitre drains that divert water onto a stable surface capable of accepting concentrated water flow and providing efficient sediment trapping and energy dissipation. Where outlets of swales or mitre drains discharge near drainage depression or watercourses they shall be stabilised by an energy dissipater;
- b) all swales, grassed buffer, mitres drains, batters and verges associated with the internal access road shall be vegetated and stabilised with bitumen and jute matting or similar as soon as possible after construction;
- c) the internal access road shall be constructed to the standard in that vehicles up to the weight of 15 tonnes are able to access the road;
- d) have a minimum carriageway width of 4m with and must comprise a minimum compacted depth of

200mm of road base material and be sealed;

Plans demonstrating compliance with the above must be submitted to, and approved by the **'Certifier'** prior to the release of any Subdivision Works Certificate.

(Reason: *To facilitate appropriate vehicular access to residential sites, without adverse disruption to environmental factors)*

27. Landscape Plan

A landscape plan prepared by a suitably qualified professional to a scale of 1:100 or 1:200, with details at 1:20 & 1:50 conforming to all relevant conditions contained within this Notice of Determination and include the following information where required: -

- a) provision of street trees at a rate of no less than one tree per Lot. Corner Lots shall have a tree per frontage. The species of tree shall be Pyrus Calleryana Chanticleer;
- b) the nature strip throughout the subdivision and to Dorsett Road shall be grassed where not paved;
- c) provision of no less than two native trees within each Lot planted away from any future area of disturbance,
- d) pot size at planting out size min 1.5m in height, and staking requirements;
- e) soil treatment prior to planting out, and
- f) minimum twelve (24) month fertilizing and water maintenance and replacement schedule;
- g) provision of rural post and wire (four number) fencing to all new Lot boundaries excluding frontage to new road; and
- h) provision of rural galvanised access gate to the proposed right of carriageway servicing Lot 9.

Plans demonstrating compliance with the above must be submitted to, and approved by the **'Certifier'** prior to the release of any Subdivision Works Certificate.

Note: *Appropriate plant species for the Goulburn Mulwaree region are set out within the 'GM DCP 2009'*

(Reason: *To ensure appropriate landscaping treatments are applied to facilitate amenity)*

28. Noxious Weed Eradication

The person having the benefit of this Notice of Determination must compile a weed management program for the **'site'** to control any species listed in the NSW WeedWise Priority Weeds for the South East region. The weed management program must be implemented, and control measures undertaken on the **'site'** immediately after the sediment and erosion measures have been installed, throughout the development and during the maintenance period.

Details demonstrating compliance with this condition must be submitted to, and approved by the **'Certifier'** prior to the issue of any Subdivision Works Certificate.

Note: *The priority weeds list is available from <https://weeds.dpi.nsw.gov.au>*

(Reason: *To ensure the appropriate weed management and control)*

SECTION E: PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION, BUILDING OR SUBDIVISION WORKS

29. Prior to Commencement

'Works' must not commence on **'site'** in connection with this Notice of Determination until:

- a) a Subdivision Works Certificate for the subdivision work has been issued by:
 - i. the consent authority; or
 - ii. an **'Accredited Certifier'**; and
- b) the person having the benefit of this Notice of Determination has:
 - i. appointed a **'Principal Certifier'** for the subdivision work, and
- c) the **'Principal Certifier'** has, no later than two (2) days before the subdivision work commences:
 - i. notified the **'Council'** of his or her appointment, and
 - ii. notified the person having the benefit of the development consent of any inspections that are to be carried out in respect of the subdivision work, and
- d) the person having the benefit of this Notice of Determination has given at least two (2) days' notice to the **'Council'** and the **'Principal Certifier'** if not **'Council'** of the person's intention to commence subdivision work.

Documentary evidence confirming the above statutory requirements have been satisfied must be submitted to **'Council'** not less than two (2) days before any commencement of **'works'**.

(Reason: *Statutory; to ensure appropriate safeguarding measures are in place prior to the commencement of any subdivision work)*

30. Native Fauna Removal

Prior to the any physical disturbance of the **'site'** including the installation of any required site facility the native fauna pre-clearance plan must be implemented, undertaken, completed and verification provided.

Finally written verification confirming that all native fauna have been relocated from the **'site'** in accordance with

the plan must be submitted to and be approved by the **'Principal Certifier'** prior to any further commencement of **'site' 'works'**

(Reason: *To ensure the appropriate removal of native fauna occurs before works commence)*

31. Public Liability Insurance

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within **'Council's'** road reserve or public land, as approved by this Notice of Determination. The Policy is to note, and provide protection/full indemnification for Goulburn Mulwaree Council, as an interested party. A copy of the Policy must be submitted to **'Council'** prior to the commencement of any works. The Policy must be valid for the entire period that the works will be undertaken.

Note: *Applications for hoarding permits, vehicular crossings etc. will require evidence of insurance upon lodgement of the application.)*

(Reason: *To ensure the community is protected from the cost of any claim for damages arising from works on public land)*

32. Site Facilities

'Site' facilities must be provided as follow;

- a) if the development involves building work or demolition work the **'site'** must be fully enclosed by a temporary security fence (or hoarding) before **'works'** commence. Any such hoarding or fence is to be removed when the **'works'** have been completed;
- b) a minimum width of 1.5m must be provided between the **'site'** and the edge of the roadway so as to facilitate the safe movement of pedestrians. If trees are present in the footpath the minimum width must be provided to one side of the trees;
- c) a garbage receptacle fitted with a tight-fitting windproof lid for the reception of all putrescible and all waste capable of being windblown from the work **'site'** must be provided prior to **'works'** commencing and must be maintained and serviced for the duration of the **'works'**; and
- d) adequate toilet facilities must be provided on the work **'site'**. Each toilet provided must be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the **'Council'**, or an approved temporary chemical closet. The provision of toilet facilities must be completed before any other **'works'** are commenced.

The installation of the site facilities must be approved by the **'Principal Certifier'** prior to any further commencement of **'site' 'works'** and prior to the first inspection.

(Reason: *To ensure the health and safety of the community and workers on the site)*

33. Site Sign

A sign must be erected in a prominent position on any **'site'** on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the **'site'** is prohibited;
- b) showing the name of the **'Principal Contractor'** (or person in charge of the **'site'**), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- c) showing the name, address and telephone number of the **'Principal Certifier'** for the work.

Any such sign must be maintained while the **'works'** are being carried out and must be removed when the **'works'** have been completed.

The installation is to be approved by the **'Principal Certifier'** prior to any further commencement of **'site' 'works'**.

(Reason: *Statutory requirement)*

34. Sediment and Erosion Control

All required erosion and sedimentation techniques must be properly installed prior to the commencement of any **'site' 'works'** and be maintained in a functional and effective condition throughout the construction activities until the **'site'** is stabilised.

The installation is to be approved by the **'Principal Certifier'** prior to further commencement of **'site' 'works'**.

(Reason: *To protect the environment from the effects of sedimentation and erosion from development sites)*

35. Water NSW – Construction Activities

A suitably qualified and certified professional shall:

- oversee the implementation of the Soil and Water Management Plan and effective erosion and sediment controls at the site prior to and during any construction activity including for works within waterways, and
- certify in writing to Water NSW and Council that:
 - the erosion and sediment controls have been installed and maintained at the site in accordance with the Soil and Water Management Plan, and
 - the controls have been regularly inspected, maintained and retained until works were completed and ground surface stabilised or groundcover re-established.

(Reason: *To manage adverse environmental and water quality impacts during the construction phase of the development to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase)*

SECTION F: CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION, BUILDING OR SUBDIVISION WORKS

36. Dust Emissions and Air Quality

Any person acting on this Notice of Determination must ensure that:-

- a) materials must not be burnt on the **'site'**;
- b) vehicles entering and leaving the **'site'** with soil or fill material must be covered;
- c) dust suppression measures as required must be carried out throughout the undertaking of the **'works'** to minimise wind-borne emissions;
- d) exposed surfaces and stockpiles are suppressed by regular watering or hydro mulching;
- e) odour suppression measures must be carried out where appropriate so as to prevent nuisance occurring at adjoining properties;
- f) public roads used by these trucks are kept clean; and
- g) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

(Reason: *To protect the environment and the amenity of the surrounding area)*

37. Construction Hours

All **'works'** must be restricted to within the hours of 7.00 am to 6.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works must be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only.

All builders, excavators must display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

Note: *Demolition work means any physical activity to tear down or break up a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.*

Excavation work means the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders, or the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site and includes the unloading of plant or machinery associated with excavation work.

(Reason: *To ensure that works do not interfere with reasonable amenity expectations of residents and the community)*

38. Sediment and Erosion Control Signage

Durable signs must be erected during the **'works'** in a prominent location on **'site'** warning of penalties should appropriate erosion and sedimentation control devices not be utilised or maintained.

(Reason: *To protect the environment from the effects of sedimentation and erosion from development sites)*

39. Use of Road Reserve

All **'works'**, processes, storage of materials, loading and unloading associated with the development must occur entirely within the property. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from **'Council'** as the Roads Authority.

Note: *Works and /or activities required to be undertaken within the road reserve are controlled through the issue of an approval/permit under s.138 Roads Act 1993.*

(Reason: *To ensure public safety and amenity on public land)*

40. Unexpected Finds Protocol – Aboriginal Heritage

In the event that surface disturbance identifies a new Aboriginal object, all **'works'** on **'site'** must halt in the immediate area and to an outer radius of no less than twenty meters to prevent any further impacts of the object(s). A suitably qualified archaeologist and the registered Aboriginal Land Council representatives must be contacted to determine the significance of the object(s). The **'site'** if required is to be registered in the Aboriginal Heritage Information Management System (AHIMS) along with the management outcome for the **'site'**.

The person having the benefit of this Notice of Determination must consult with the Aboriginal land Council community representatives, the archaeologist and Heritage NSW to develop and implement management strategies for all objects/sites. **'Works'** must only recommence with the written approval of Heritage NSW and only after a copy of that approval has been forwarded to the **'Certifier'** and **'Council'**.

(Reason: *To ensure the correct preservation and respect of aboriginal heritage)*

41. Waste Derived Fill Material

The only waste derived fill material that may be received at the development **'site'** is:

- a) Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997*; and
- b) Any other waste derived material the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material.

Any waste derived material the subject of a resource recovery exemption received at the development **'site'** must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the **'Principal Certifier'**.

(Reason: *To ensure that imported fill that is of an acceptable standard for environmental protection purposes)*

SECTION G: CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

42. Water NSW – Stormwater Management

At all times all the stormwater treatment devices shall be monitored, maintained and managed as per the Operational Environmental Management Plan.

(Reason: *To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term)*

43. Asset Protection Zones

At the issue of a Subdivision Certificate, and in perpetuity, the entire property shall be managed as an inner protection area (IPA) as outlined within section 5.3.1 and Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

(Reason: *To provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building)*

SECTION H: CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

44. Release of Subdivision Certificate

Prior to the issue of any Subdivision Certificate the person having the benefit of this Notice of Determination must demonstrate to **'Council'** that all conditions set out within this Notice of Determination have been complied with and all works completed. A Subdivision Certificate must not be issued where the development undertaken is in breach of this Notice of Determination.

(Reason: *To ensure that the development is completed to an acceptable standard prior to registration)*

45. Subdivision Certification

A Subdivision Certificate that authorises the registration of a plan of subdivision at the NSW Land Registry Services must be obtained. The following must be submitted to **'Council'** with any application for a Subdivision Certificate:

- a) the original plans of subdivision and administration sheets plus two (2) copies of each, and any original s.88B instrument to be endorsed, all enclosed in a protective sleeve (to prevent damage during transfer);
- b) an electronic version of all files being submitted including Word documents of all s.88 instruments;
- c) application for Subdivision Certificate form duly completed with payment of fees current at lodgement;
- d) written evidence in the form of a full condition compliance table that demonstrates how all the conditions contained within this Notice of Determination have been satisfied (including submission of all required certificates and/or information where required); and
- e) all other information required by the **'the Act'** and **'the Regulation'**.

Notes: *'Council' will check the consent conditions on the relevant subdivision consent. Failure to*

submit the required information will delay endorsement of the plan of subdivision and may require payment of rechecking fees or refusing the certificate.

'Council' will not accept bonds in lieu of completing subdivision works.

(Reason: To ensure compliance with relevant legislative requirements and maintenance of up to date Council records)

46. Water Management Act

A Compliance Certificate issued under s.307 of the *Water Management Act 2000* must be obtained from the Utilities Division of **'Council'** prior to the issue of any Subdivision Certificate.

(Reason: To ensure compliance with the statutory requirements)

47. Gas Service Provision

Prior to the issue of the Subdivision Certificate, written evidence including works as executed plan(s) from the gas supply authority (i.e. Jemena) must be supplied to **'Council'** to confirm that the gas network has been extended into and throughout the subdivision to service each new allotment.

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to **'Council'**.

(Reason: To ensure adequate servicing of the development)

48. Electrical Supply Services

Prior to the issue of any Subdivision Certificate a Notification of Arrangements from the electricity supply authority (i.e. Essential Energy) must be supplied to **'Council'** confirming that electrical infrastructure has been installed and that satisfactory arrangements have been made for the supply of low voltage reticulated electricity to each proposed Lot.

All adjustments to existing utility services made necessary by the development are to be undertaken at no cost to **'Council'**.

(Reason: To ensure adequate servicing of the development)

49. NBN Services within Lots

Prior to the issue of the Subdivision Certificate, a letter of practical completion from the telecommunications infrastructure provider (i.e. NBN) must be provided to **'Council'** confirming that arrangements have been made for the provision of underground telecommunications at the front boundary of each allotment in the subdivision.

(Reason: To ensure adequate servicing of the development)

50. Easements, Rights of Way and Restrictions as to User

All easements, rights-of-way, right-of-carriageway, and restrictions-as-to-user as indicated on the plans submitted with the application for a Subdivision Certificate, together with the following additional easements/rights-of-way/restrictions, naming Goulburn Mulwaree Council as the sole authority empowered to release or modify the same are to be prepared for registration on the title of the relevant Lots:

- a) All **'Council'** sewer and stormwater infrastructure.
- b) To ensure that there is adequate water for fire fighting a dedicated fire-fighting water supply tank of 10,000 litres fitted with a storz outlet must be provided to any future dwelling – **All Lots**.
- c) The minimum floor level of any future dwelling must be 651.92 AHD being 0.5m above the predicted 1% AEP flood level – **Lot 4**
- d) The minimum floor level of any future dwelling must be 650.38 AHD being 0.5m above the predicted 1% AEP flood level – **Lot 5**
- e) A right of carriageway minimum 4m wide and variable over **Lot 5** benefiting **Lot 9** as denoted on subdivision plan.
- f) All fencing must be rural style post (metal or timber) and wire or timber post and rail – **All Lots**.
- g) Each Lot shall be managed as an inner protection area (IPA) as outlined within section 5.3.1 and Appendix 4 of 'Planning for Bush Fire Protection 2019' and the NSW Rural Fire Service's document 'Standards for asset protection zones' – **All Lots**.
- h) The perimeter fencing and all landscaping contained within the right of carriageway must be maintained at all in times in full repair and not overgrown – **Lot 5**

Documentary evidence in the form of an endorsed instrument for registration by **'Council'** under section 88 of the *Conveyancing Act 1919* must be provided to the **'Certifier'** prior to the issue of any Subdivision Certificate.

Note: Any reference to a plan must include the details of the title, author, drawing number, revision number and date of issue.

(Reason: To ensure proper management of land)

51. Water NSW – Future Dwellings

There shall be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed

authority being Water NSW, placed over all proposed lots requiring that future dwellings have a rainwater collection and reuse system that:

- have rainwater tanks with a minimum total capacity of 10,000 litres above any volume required for mains top-up
- ensure roofs and gutters are designed to maximise the capture of rainwater in the tanks
- ensure that the tanks are plumbed to toilets, laundry and other areas for non-potable use including use for gardens, and
- ensure rainwater tank overflow is directed to a raingarden located on the lot.

Documentary evidence in the form of an endorsed instrument for registration by **'Council'** under section 88 of the *Conveyancing Act 1919* must be provided to the 'Certifier' prior to the issue of any Subdivision Certificate.

(Reason: *To ensure stormwater runoff from the future dwellings and associated infrastructure is appropriately managed and maintained to ensure an overall and sustainable neutral or beneficial impact on water quality over)*

52. Water NSW – Future Dwellings

There shall be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being Water NSW, placed over all proposed lots requiring that future dwellings have a raingarden. The raingarden shall:

- be located to capture a majority of runoff from the lot including runoff from impervious surfaces and any rainwater tank overflow
- be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities)
- have a minimum surface and filter area of 20 square metres
- incorporate litter trap at the inlet
- have an extended detention depth of 300 mm
- have a filter depth (excluding transition layers) of 300 mm above the underdrain
- have a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
- be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation, and organic mulch is not suitable)
- direct discharge and overflow to the inter-allotment drainage system or the road
- be protected from vehicular or other damage by fences, posts, slotted kerbs or similar permanent structures
- be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised, and
- be retained, protected and maintained in accordance with the Operational Environmental Management Plan required in the following condition and that no development take place within one metre of the structure once constructed.

Documentary evidence in the form of an endorsed instrument for registration by **'Council'** under section 88 of the *Conveyancing Act 1919* must be provided to the 'Certifier' prior to the issue of any Subdivision Certificate.

(Reason: *To ensure stormwater runoff from the future dwellings and associated infrastructure is appropriately managed and maintained to ensure an overall and sustainable neutral or beneficial impact on water quality over)*

53. Water NSW – Future Dwellings

An owner's Operational Environmental Management Plan (OEMP), addressing each lot's stormwater collection, reuse and treatment system, including gutters, rainwater tanks and raingarden, shall be developed in consultation with Water NSW prior to the issuance of a Subdivision Certificate and provided to each future owner of the lot. The OEMP shall also outline inspection, monitoring and maintenance requirements and include checklists for recording inspections and maintenance activities.

Documentary evidence in the form of an endorsed instrument for registration by **'Council'** under section 88 of the *Conveyancing Act 1919* must be provided to the 'Certifier' prior to the issue of any Subdivision Certificate.

(Reason: *To ensure stormwater runoff from the future dwellings and associated infrastructure is appropriately managed and maintained to ensure an overall and sustainable neutral or beneficial impact on water quality over)*

54. Geotechnical Classification

At the conclusion of all earthworks, Lots within each stage must be classified for residential building construction

in accordance with AS.2870-1996 (as amended) at the cost of the developer.

Lot classifications must be based on test locations within each Lot. If cut and fill is carried out as part of the construction of the subdivision, this must be clearly documented on the works as executed plans.

Lot classification tests must be carried out after all cut and fill and compaction has been completed. Classification test results demonstrating compliance with the above must be provided to **'Council'** prior to the issue of any Subdivision Certificate for each construction stage.

Documentary evidence from **'Council'** confirming that this condition has been satisfied must be provided to the **'Certifier'** prior to the issue of any Subdivision Certificate.

(Reason: *To ensure each allotment is capable of development for residential development in accordance with accepted Australian Standards)*

55. Certification of Civil Works

An appropriately qualified and practising accredited Civil Engineer must certify to the **'Principal Certifier'**:

- a) that the stormwater drainage system has been constructed in accordance with this Notice of Determination and the provisions of the applicable Australian Standard;
- b) that the road infrastructure has been constructed in accordance with this Notice of Determination and the provisions of the applicable Australian Standard;
- c) that the footpath infrastructure has been constructed in accordance with this Notice of Determination and the provisions of the applicable Australian Standard;
- d) that any vehicular crossing and associated road works have been constructed in accordance with this Notice of Determination and any approval for **'works'** in the road reserve issued by the **'Council'** where those works by agreement of **'Council'** have not been inspected by **'Council'**; and
- e) that the internal driveway access and onsite parking areas have been constructed in accordance with this Notice of Determination and the provisions of the applicable Australian Standard.

A copy of the certificate(s) must be submitted to **'Council'** upon completion of the **'works'** and prior to the issue of any Subdivision Certificate.

Documentary evidence confirming that the above requirements have been fulfilled must be provided to the **'Principal Certifier'** prior to the issuing of any Subdivision Certificate.

(Reason: *To ensure compliance with the conditions of consent)*

56. Water NSW – Stormwater Management

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

Documentary evidence demonstrating compliance with this condition must be submitted to, and approved by **'Principal Certifier'** prior to the issue of any Subdivision Certificate.

(Reason: *To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term)*

57. Water NSW – Stormwater Management

An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with Water NSW and Council by a person with knowledge and experience in the preparation of such plans. The OEMP shall be prepared prior to the issuance of a Subdivision Certificate for the subdivision. The OEMP shall be provided to Council for maintenance and management of bioretention basin. The OEMP shall:

- include details on the location, description and function of stormwater management structures such as pits, pipes, inlet filters, swale, bioretention basin, armoured discharge structure and any other stormwater structures and drainage works;
- outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, before and after handing over to Council, including the frequency of such activities;
- identify the individuals or positions responsible for inspection and maintenance activities, before and after handing over to Council, including a reporting protocol and hierarchy; and
- include checklists for recording inspections and maintenance activities.

Documentary evidence demonstrating compliance with this condition must be submitted to, and approved by **'Principal Certifier'** prior to the issue of any Subdivision Certificate.

(Reason: *To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term)*

58. Infrastructure Repair Prior to Completion of Works
Prior to the issue of a Subdivision Certificate all damage caused by the **'works'** -
- in the road reserve must be fully completed;
 - to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired; and
 - must be made good in accordance with **'Council's'** engineering standards and at no cost to **'Council'**.
- Documentary evidence from **'Council'** as the roads authority confirming that this condition has been satisfied must be provided to the **'Certifier'** prior to the issue of any Subdivision Certificate.
- (Reason: To ensure damage caused by the works is repaired at no cost to the public)**
59. Vegetation Cover
Upon completion, all exposed and unvegetated areas throughout the site must be treated with a grass seed based emulsion (hydro seeding) for the purpose of establishing a vegetation cover over the site and must be completed prior to the issue of any Subdivision Certificate.
- (Reason: To ensure vegetation growth post-development and to protect the environment)**
60. Synopsis Plan
Prior to the release of any Subdivision Certificate, the provision of a plan that is approximately A4 size showing the subdivision layout, road names, lot numbers, gateways, lot sizes, rural address numbers, perennial and intermittent waterways and the On-Site Sewage Management Facility area, being the area outside stream buffers and road setbacks.
- The plan and any required statements are to be incorporated into a subdivision synopsis providing details of the subdivision and on-site waste disposal. The synopsis is to be made available to any person making an enquiry to **'Council'**, to agents and any person involved in the marketing and sale of the lots in the subdivision. A copy is to be attached to any contract of sale.
- Documentary evidence from **'Council'** confirming that this condition has been satisfied must be provided to the **'Certifier'** prior to the issue of any Subdivision Certificate.
- (Reason: To ensure future buyers are notified of the On-Site Sewage Management Areas within the subdivision)**
61. Road Naming
The submission of a name(s) for the new road/s must be made to **'Council'**, prior to the issue of any Subdivision Certificate. The approved road name/s are to be written on the plan of subdivision. The applicant is to pay for the supply and erection of all the necessary signs to **'Council'** prior to the issue of a Subdivision Certificate. Alternatively, the developer must carry out the works in accordance with AS.1742.
- The proposed road name for the new road(s) will need to be submitted to Council for approval in accordance with **'Council's'** Approved Names for Road and Public Place Naming Policy and the Geographical Names Board of NSW Guidelines for the Naming of Roads. The number of signs is to be determined in consultation with Council's Engineering Services.
- The person having the benefit of this Notice of Determination can make a written application to **'Council'** for a quote for the supply and installation of road signs in accordance with AS.1742.
- For proposed street names that are not on the approved list, development proponents must follow the process within the above policy and first obtain approval before the Subdivision Certificate application is made.
- Documentary evidence from **'Council'** confirming that this condition has been satisfied must be provided to the **'Certifier'** prior to the issue of any Subdivision Certificate.
- Note: Please not the process of selecting and having a road name approved can take up to six (6) months.**
- (Reason: To ensure that road names are to Council's standards)**
62. Street Name Signs and Posts
Street name signage must be provided and installed prior to the issue of any Subdivision Certificate in accordance with **Council's Standards for Engineering Works**.
- Note: Street name signage blades must not overhang the kerb edge.**
- (Reason: To ensure that 'Council' records are accurate, and that individual lot numbering complies with the requirements of the NSW)**

63. Street Numbering

A Subdivision Certificate must not be issued until the approved street numbering has been installed on each Lot. The street numbering has been allocated as follows:-

Lot No.	Street Address	Lot No.	Street Address
1	1 New Road	6	6 New Road
2	3 New Road	7	4 New Road
3	5 New Road	8	2 New Road
4	7 New Road	9	9 New Road
5	8 New Road		

Documentary evidence from confirming that this condition has been satisfied must be provided to the ‘**Certifier**’ prior to the issue of any Subdivision Certificate.

(Reason: *To ensure that that each proposed Lot is addressed in accordance with NSW addressing standards)*

64. Landscaping Finalisation

At the conclusion of all subdivision ‘**works**’ within each stage all landscaping ‘**works**’ that are to revert to the care and control of ‘**Council**’ must be offered up free from weeds, large rocks and stones and other foreign items, ground cover be fully established, be presented in a healthy condition and all trees supported by no less than two 50mm square hardwood stakes.

Documentary evidence from ‘**Council**’ as the roads authority confirming that this condition has been satisfied must be provided to the ‘**Certifier**’ prior to the issue of any Subdivision Certificate.

(Reason: *To ensure works reverting to the care and control of ‘Council’ have been finalised appropriately)*

65. Landscaping Maintenance Period

The person acting upon this Notice of Determination must maintain all soft landscaping ‘**works**’ and landscaping features that are nominated to revert to the care and control of ‘**Council**’ for a minimum period of 24-months following the issue of a Subdivision Certificate.

A comprehensive landscape maintenance plan must be prepared or where previously approved by this Notice of Determination be updated and revised by a suitably qualified person in consultation with ‘**Council**’. The agreed landscape maintenance plan must be accompanied by an unencumbered undertaking by the person having the benefit of this Notice of Determination to carry out the requirements of the maintenance plan for the duration of the maintenance period whether extended or not.

Documentation satisfying the requirements of this condition including evidence from ‘**Council**’ agreeing to the maintenance plan and copies of the maintenance plan must be provided to the ‘**Certifier**’ prior to the issue of any Subdivision Certificate.

Note: *Landscaping includes all soft landscaping and other items such as but not limited to, timber stakes, fencing, edging, benches, signs, tables.*

(Reason: *To ensure that landscaping works have been undertake to an acceptable standard and allow for remedying of any defects that arise within 24-months after the work is completed)*

66. Landscaping Maintenance Period Obligations

The person having the benefit of this Notice of Determination must maintain all landscaping ‘**works**’ dedicated to ‘**Council**’ during the maintenance period in accordance with the approved landscaping maintenance plan. An inspection of all landscaping ‘**works**’ dedicated to ‘**Council**’ including the procurement of a written report that identifies, current health, damage, defects, omissions, proposed remedial works and timing of those works must be provided to ‘**Council**’ at the following periods.

- a) Eight (8) months from issue of the Subdivision Certificate, the report must be supplied to ‘**Council**’ by the expiry of the eighth month;
- b) Sixteen (16) months from issue of the Subdivision Certificate, the report must be supplied to ‘**Council**’ by the expiry of the sixteenth month; and
- c) Twenty-three (23) months from issue of the Subdivision Certificate, the report must be supplied to ‘**Council**’ by the expiry of the twenty-third month.

‘**Council**’ may issue rectification notice(s) for any omission or defect in the work that existed at the time the notice was issued or at any time during the maintenance period or extension of that period.

Where the costs incurred by ‘**Council**’ for any works required to make good defects or compliance with the

person having the benefit of this Notice of Determination must reimburse **'Council'** in full.

Note: *The inspection and report must be undertaken and prepared by a suitably qualified person having regards to the nature of the dedicated works.*

*Where rectification works are required, they must be undertaken and completed within two (2) months of the report being submitted to **'Council'**.*

(Reason: *To ensure that **'Council'** infrastructure has been constructed to an acceptable standard)*

67. Defects Engineering Bond

Prior to the release of the Subdivision Certificate the person acting upon this Notice of Determination is to lodge with **'Council'** a Defects Bond for all **'works'** that are nominated to revert to the care and control of **'Council'**, being a minimum of \$10,000 or 5% of the total cost of subdivision construction **'works'** for each stage of the development, whichever is the greater. The bond must be in place prior to the release of any Subdivision Certificate and must remain in place for the required period of six (6) months from the date of endorsement of the Subdivision Certificate.

'Council' will accept a bank guarantee for the purpose of any bond required, however, the bank guarantee must be in a form acceptable to **'Council'** and be unconstrained by time.

Where the costs incurred by **'Council'** for any works required to make good defects exceeds the value of any bond held by **'Council'** the person having the benefit of the consent will reimburse **'Council'** the difference.

Note: *Upon the expiration of the 6-month bond period, the applicant may apply for release of the bond. **'Council'** may deduct from the bonded amount the cost of any maintenance work required to be undertaken by **'Council'** as a result of incomplete or substandard works or the like.*

(Reason: *To ensure that works have been constructed to an acceptable standard and allow for remedying any defects in any such public work that arise within 6-months after the work is completed)*

68. Defects Period and Obligations

The person having the benefit of this Notice of Determination must maintain the public infrastructure and **'works'** dedicated to **'Council'** for a minimum period of twenty-four (24) months. An inspection of all public infrastructure and **'works'** dedicated to **'Council'** including the procurement of a written report that identifies all damage, defects, omissions, proposed remedial works and timing of those works must be provided to **'Council'** at the following periods.

- a) Five (5) months from issue of the Subdivision Certificate, the report must be supplied to **'Council'** by the expiry of the fifth month;
- b) Fourteen (14) months from issue of the Subdivision Certificate, the report must be supplied to **'Council'** by the expiry of the fourteenth month; and
- c) Twenty-three (23) months from issue of the Subdivision Certificate, the report must be supplied to **'Council'** by the expiry of the twenty-third month.

'Council' may issue rectification notice(s) for any omission or defect in the work that existed at the time the notice was issued or at any time during the maintenance period or extension of that period.

Where the costs incurred by **'Council'** for any works required to make good defects or compliance with the person having the benefit of this Notice of Determination must reimburse **'Council'** in full.

Note: *The inspection and report must be undertaken and prepared by a suitably qualified person having regards to the nature of the bonded works.*

*Where rectification works are required, they must be undertaken and completed within two (2) months of the report being submitted to **'Council'**.*

(Reason: *To ensure that **'Council'** infrastructure has been constructed to an acceptable standard)*

69. Works As Executed Drawings

The Developer must provide a copy of the Work As Executed (WAE) information on disk (PDF and DWG format) prior to the issue of the Subdivision Certificate.

The WAE plans are generally the design plans amended to indicate the as-built nature of the work and must include the following: -

- any departure from the approved plans;
- any additional work that has been undertaken;
- the location of council conduits, subsoil drains associated with road pavements;
- stop valves, hydrants, sewer manholes, sewer junctions, interlot drainage inlet junctions and stormwater drainage pits;
- all other details of works to be handed over to Council; and
- certification by the developer's registered surveyor that the WAE drawings are a full and accurate

representation of the constructed works. This may be achieved by the stamping and signing of each plan.

Documentation demonstrating compliance with the requirements of this condition must be submitted to, and approved by the **'Certifier'** prior to the issue of any Subdivision Certificate.

(Reason: *To ensure Council has an accurate record of public infrastructure)*

70. Provision of GIS Data

The GPS electronic data below is required to be provided to **'Council'**. The provider must certify that the data provided complies with this clause.

- **Survey Type/Standard** - Real Time Kinematic (RTK) by registered surveyor
- **Projection** - GDA94 (MGA55)
- **Position quality** - Within 20mm horizontal, 30mm vertical
- **File format** - Co-ordinates to be provided in Excel *.xls spreadsheet or comma delimited *.txt or .csv; and line data to be provided in either MapInfo Tab or DWG formats
- **Data required** - Co-ordinates, AHD height, point codes and unique ID's, distinct lines connecting individual coordinate points clearly differentiated in colour for discrete assets. Levels in MGA (AHD)
- **Code legend** - Code legend to be provided

The following points, line and related tables are required: -

- **Property** - Individual lot boundary points;
- **Roads** - Kerb and gutter at invert to show line and length, including at tangent points. Footpaths on both edges to show line and length. Traffic island around the outside edge to show size and shape;
- **Water Supply** - Water mains at T-junctions and length. Hydrants at the centre of the cover. Stop valves at the centre of the cover. Meter boxes at the centre of the box;
- **Sewer** - Manholes at centre of lid. Property connections at the intersection point with the main and at the end of the junction;
- **Stormwater** - Pits at the centre of the lid. Headwalls at the centre of the headwall. Property connections at the intersection point with the main and at the end of the junction. Water quality devices e.g. swales, bio-detention basins, at relevant points to provide the outline; and
- **Other** - Other significant infrastructure features.

Documentary evidence from **'Council'** confirming that this condition has been satisfied must be provided to the **'Certifier'** prior to the issue of any Subdivision Certificate.

(Reason: *To ensure that GIS records are accurately maintained)*

71. s.7.12 Contributions

Under s.7.12 of **'the Act'** **'Council'** has determined that development contributions are applicable to this development, as the development is likely to require the provision of, or increase the demand for, public amenities and public services within the Goulburn Mulwaree local government area.

The following Goulburn Mulwaree Council developer contributions plans are applicable to the development:

- Section 94a Contribution Plan

The contributions in accordance with **'Council's'** Fees and Charges at the time of payment must be paid prior to the issue of any Subdivision Certificate.

The level of contributions is calculated on the cost of carrying out the works and in accordance with cl.25I of **'the Regulation'** and **'Council's'** contribution plans at the time of payment.

A cost summary report must be completed for works under \$200,000. Where the value of the work exceeds \$200,000 the cost shall be certified by a Quantity Surveyor or an equivalent or acceptable alternative agreed to by Council.

Where staging of the **'works'** occurs the value of the **'works'** for each stage is to be calculated as a cumulative total.

Documentation as issued by **'Council'** demonstrating that the contribution has been paid must be submitted to, and approved by the **'Certifier'** prior to the issue of a Subdivision Certificate.

Note: *Copies of the Contributions Plans are available from 'Council' or alternatively, they can be downloaded from 'Council's' website.*

Payment is to be accompanied by the attached sheet entitled "Summary of Charges". If payment is by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e. a minimum of 10 days).

(Reason: *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)*

SECTION I: CONCURRENCE AGENCY CONDITIONS

72. Water NSW Concurrence

Water NSW concurs with Council granting consent to the application, subject to the conditions within the concurrence letter dated 9 September 2020, which must be satisfied during the relevant stage of the development and prior to the issue of the Subdivision Certificate (or at a time as otherwise stated in the condition).

(Reason: *To ensure the development has a neutral or beneficial effect on water quality)*

SECTION J: ADVISORY INFORMATION

- a) Prior to commencing any building, subdivision or associated constructions works, the following provisions of **'the Act'** are to be complied with:
- (i) A Subdivision Works Certificate is to be obtained in accordance with Section 6.3 of **'the Act'**.
 - (ii) A Principal Certifier is to be appointed and 'Council' is to be notified of the appointment in accordance with Section 6.12 of 'the Act'.
 - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.12(2)(a) of 'the Act'.
- b) Changes to the layout of the subdivision configuration may require the submission of a further modification under Section 4.55 of **'the Act'**.
Discussion with Council Development Liaison Team would assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of **'the Act'**.
- c) Prior to any **'Work'** commencing on **'site'** all services should be clearly located and identified by contacting "Dial before you Dig" by telephoning 1100 or utilising www.1100.com.au
- d) **'Council's'** fees and charges are adjusted annually on the 1st July, all fees are calculated at the time of payment this may mean that amounts required to be paid increase.
- e) Requirements for the submission of any electronic file or email to **'Council'**
- a) file formats for general documents should be .pdf, docx, .xlsx, jpeg.
 - b) where s.88b instruments are provided these should be submitted in both .pdf and .docx formats.
 - c) all files must be named in accordance with the following naming standard examples
 - **DA_0058_2021_Proposed plans Rev A_184 Bourke Street Goulburn_Goulburn Architects**
 - DA should be replaced where applicable with MODDA, CC, MODCC, SWC, SUB depending on what application the file relates to.
- The subject title of any email sent to **'Council'** should be prefaced with the application number and address in the format noted above.

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

DA/0169/1920 was lodged with Council on 28 November 2019. The assessment of the application has been delayed due to additional information requests and negotiations for a Planning Agreement, in regard to land proposed to be dedicated for the required stormwater management system.

REPORT

Proposed Development

DA/0169/1920 is for an 8 Lot Residential Subdivision at Lot 29 DP 1112491, 30 Dorsett Road Marulan. A proposed cul-de-sac road will provide access to each proposed Lot. An additional Lot is to be dedicated to Council, and will contain the proposed stormwater management facility. The proposed plan of subdivision is included in the attachment.

A Planning Agreement has been prepared by the applicant and its general terms have been supported by the executive. The details of the Planning Agreement are in its final stages of negotiation with Council. The terms of the Planning Agreement are as follows:

- Proposed Lot 9 is to be dedicated to Council, which will contain the stormwater management facility that services the entire development. This lot will be a drainage reserve. Proposed Lot 9 is in the order to 342m² in size.
- The developer is to pay Council as a monetary contribution, \$35,000 (treasury bond rate 0.62%) for the capitalised operation and maintenance cost of the stormwater management facility, for an assumed life of 40 years.
- The developer is to pay Council as a monetary contribution, \$12,000 (treasury bond rate 0.62%) for the capitalised renewal cost of the stormwater management facility, for an assumed life of 40 years.
- The developer is to pay Council as a monetary contribution, \$17,324 towards the bitumen sealing of the Meridian Park car park internal access and car park, as public benefit works to the Marulan Community. This work has been identified as a priority for Meridian Park.
- The above payments are to be paid prior to the issue of the Subdivision Certificate.

The proposed Draft Planning Agreement is included in the Attachment.

Background

The site is vacant and has not been previously developed, having been heavily vegetated, although in recent times some land clearing has occurred.

The land is relatively flat, with a slight slope downwards to the south.

The land to the north has an approval for a 53 lot residential subdivision which is currently under construction.

Site Context

The proposed development site is to the north west of the centre of Marulan. The land is zoned R5 Large Lot Residential serviced by mains sewer and water and is characterised by detached large residential dwellings. Lots in the immediate locality have an area around 2 hectares which enables further potential for subdivision.

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

Consultation and Submissions made in accordance with Act or Regulations

Public Submissions

The proposed development was notified to eight (8) adjoining and nearby residents. It was also advertised in the local newspaper and on Council’s website for a period of 14 days. Public exhibition of the proposal resulted in six (6) submissions being received (refer Attachment). The Applicant’s response to the issues raised is also included in the Attachment.

The following is a summary of the issues raised in the submissions and the planning response:

Issue	Response
Stormwater and erosion management, including impact	<p>Issue: Concerns are raised in regard to how the future dwellings will adequately manage stormwater.</p> <p>Response: The development proponent has submitted details demonstrating that stormwater impacts will be adequately managed. All future dwellings will be required</p>

<p>from earthworks</p>	<p>to have 10,000L rainwater tanks and an on-site detention basin is to be provided to treat stormwater from the road. This will limit peak stormwater discharge.</p> <p>There is a culvert crossing Dorsett Road which discharges to the subject lot. Water will be directed to a swale that will run along the eastern side of lots 1- 4. The swale has been sized to suit the major flow, thereby alleviating any adverse stormwater impact to adjoining land.</p> <p>Surface flows from finished land levels are not considered to have an adverse impact in regard to future stormwater management from significant rainfall events.</p> <p>The stormwater design has been considered by Council’s Development Engineer and is considered appropriate.</p> <p>This issue is considered resolved.</p>
<p>Flooding of watercourse and impacting overland flow</p>	<p>Issue: The subject lot is prone to flooding during significant rain events, from the existing watercourse north of the lot.</p> <p>Response: The development proponent has submitted a Flood Assessment that indicates that there is a small encroachment of the 20 year and 100 year Annual Recurrence Interval (ARI) into proposed lot 5 and 9. The Flood Assessment recommends that future proposed minimum floor levels for proposed lot 4 & 5 are set to 0.5 metres above the 100 year ARI level which is considered satisfactory to preclude inundation. The minimum floor levels will be imposed on the Section 88 Instrument of Lots 4 & 5.</p> <p>This issue is considered resolved.</p>
<p>Fauna habitat impacts</p>	<p>Issue: There is an active wombat burrow on the land. Other fauna have been observed on the land including echidnas, kangaroos and goannas.</p> <p>Response: Council has considered the potential habitat and has consulted with NSW Planning Industry and Environment. If the development is granted consent, the development proponent will be required to undertake preclearance surveys prior to ground disturbance to demonstrate that the burrow is empty of wombats, including joeys. If the surveys indicate that wombats are using the burrows, then appropriate measures must be taken to ensure that that burrow is vacated. Appropriate conditions have been included in the draft conditions.</p> <p>It is considered that the proposed development will not have any detrimental impact on kangaroos, echidnas and goannas. Echidnas are ‘solitary wanderers’ and are known to utilise home ranges of up to 50 hectares. Goannas (Lace Monitors) also have extensive home ranges and may travel up to 3km daily when foraging. Eastern Grey Kangaroos usually associate in groups and each group have a home range of 25 or more hectares.</p> <p>This issue is considered resolved.</p>
<p>Minimum lot size for subdivision</p>	<p>Issue: Considerable objection was raised in regard to the minimum lot size of 2,000m². The objectors believe that they were not consulted in regard to the change of minimum lot size to a smaller lot size.</p> <p>Response: The change in minimum lot size has been in effect for at least the last 5 years and has no bearing on this proposal. The current minimum lot size of 2,000m² is permissible.</p> <p>This issue is considered resolved.</p>
<p>Removal of native vegetation</p>	<p>Issue: Tree removal has occurred, allegedly without prior development consent.</p> <p>Response: The development proponent has submitted a Biodiversity Development Assessment Report which has been considered by Council. This report considers the site before it was cleared and applies an ecosystem credit obligation of 36 ecosystem credits. This means that ecosystem credits will need to be purchased (if they are available) or a payment made to the Biodiversity Conservation Fund.</p> <p>Appropriate conditions have been included in the draft conditions.</p> <p>This issue is considered resolved.</p>
<p>Impacts to scenic</p>	<p>Issue: Objectors consider that the proposal will have impacts on the amenity of the</p>

<p>quality and privacy, amenity and character</p>	<p>area, such as privacy and noise.</p> <p>Concerns over street lighting and light spillage were raised.</p> <p>Response: Given the size of each proposed lot, it is considered that the proposal will not have any adverse amenity impacts. Future dwellings will be sufficiently separated from existing dwellings. It is considered that there will be non-detrimental noise impacts. The construction phase of the development will be required to work within suitable hours so as to ensure that construction noise impacts are alleviated. Street lighting is appropriate and considered necessary given the large lot residential context of the land.</p> <p>This issue is considered resolved.</p>
<p>Localised air pollution from possible future solid fuel heaters in future dwellings</p>	<p>Issue: Future dwellings potentially containing solid fuel heaters (fire places), resulting in air pollution.</p> <p>Response: The <i>Local Government Act 1993</i> allows the installation of a solid fuel heater, with consideration to relevant Australian Standards.</p> <p>This issue is considered resolved.</p>
<p>Bush fire risk to future buildings</p>	<p>Issue: Concerns over the future lots not being compliant with NSW Rural Fire Service (RFS) Document <i>Planning for Bushfire Protection</i>.</p> <p>Response: The proposal has been considered by NSW RFS, as a Bush Fire Safety Authority is required. Conditional consent is recommended. If consent is granted to the development, the recommended conditions must be imposed.</p> <p>This issue is considered resolved.</p>
<p>Adjoining property costs will be impacted</p>	<p>Issue: Property prices will be impacted by the proposed development.</p> <p>Response: The impact of a proposed development on the potential price of a property cannot be considered in the assessment of the development application. The proposal has been considered against section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> which are the matters that must be considered in a development application.</p> <p>The proposal has been assessed against the heads of consideration and is suitable for the site with no detrimental impacts expected to the environment.</p> <p>This issue is considered resolved.</p>
<p>Dust and rubbish control during construction</p>	<p>Issue: Dust and rubbish concerns disturbing the amenity of nearby residential property occupiers, particularly during dry and/or windy times.</p> <p>Response: If consent is granted to the proposal, conditions are recommended that ensure that any potential dust nuisance is alleviated during the construction phase of the development. The proposal will also be required to contain any waste on the site during construction.</p> <p>This issue is considered resolved.</p>
<p>Water pressure issues and capacity for future development</p>	<p>Issue: The proposal will increase the demand on the existing water main. The pressure is currently low.</p> <p>Response: The issue was considered by Council's Utilities section who concluded that the proposal will have adequate water pressure, and that water pressure to existing properties will not be adversely impacted. Each proposed lot will be required to provide rainwater tanks for non-potable use (10,000L capacity). This will limit demand on the main.</p> <p>In addition, each future dwelling will be required to provide a dedicated fire-fighting water supply to a minimum storage volume of 10,000L with a storz fitting and accessible to fire-fighting vehicles, in accordance with current Planning for Bushfire Protection Guidelines</p> <p>This issue is considered resolved.</p>
<p>Sewer system capacity</p>	<p>Issue: There is concern that the existing sewer network will not have capacity to cater for the proposed development.</p>

	<p>Response: The application has been considered sufficient by Council's Utilities section and it is considered that the sewer system will have capacity to accommodate the proposed development.</p> <p>This issue is considered resolved.</p>
Fencing for future development	<p>Issue: Concerns over what future fencing will be and how this will integrate with existing fencing.</p> <p>Response: The development proponent has not stipulated what fencing is to be used, however, given the context of the site, it is considered appropriate that any future fencing incorporate open style elements. If Council grants consent to the development, it is recommended that a condition be imposed that requires open rural style fencing.</p> <p>This issue is considered resolved.</p>
Safety risk from additional traffic	<p>Issue: Additional dwellings from new lots will result in additional traffic movements. Headlights at night will be directed onto adjoining properties. There is only one road into and out of the subdivision and this is onto a 100km speed limit. Safety will be compromised to young pedestrians using the bus stop.</p> <p>Response: It is considered that the proposal will not result in any detrimental impacts on traffic safety. Merino Road can cater for the additional traffic demand from the proposed development.</p> <p>This issue is considered resolved.</p>
Construction hours and amenity impacts	<p>Issue: Concerns regarding construction hours, given there are shift workers in the immediate locality.</p> <p>Response: If consent is granted to the development, conditions of consent are recommended in regard to suitable hours of construction, so as to ensure that there are no unreasonable amenity impacts to nearby residential property occupiers.</p>
Damage to local road from heavy vehicles	<p>Issue: Concern over compliance with heavy vehicle limits being met.</p> <p>Response: Council is a member of the south east weight of loads group which has compliance officers checking heavy vehicle weights.</p> <p>This issue is considered resolved.</p>
Integration of kerb and gutter with existing infrastructure	<p>Issue: Dorsett Road does not have kerb and gutter, limited details as to how the proposed kerb and gutter for the new road integrate.</p> <p>Response: The kerb and gutter of the new road will be tapered to join smoothly with Dorsett Road.</p> <p>This issue is considered resolved.</p>

External Referrals

Water NSW: concurrence is required from Water NSW under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* as the proposed development is for the creation of more than 4 lots. Water NSW have provided conditional concurrence and their conditions are included in the recommended conditions of consent.

NSW Planning Industry and Environment: no formal approvals are required, however advice was sought in regard to the potential wombat habitat that exists on the land. A referral response was obtained with recommendations which will be included in the recommended conditions of consent.

NSW Rural Fire Service (RFS): the proposal requires a Bush Fire Safety Authority under section 100B of the *Rural Fires Act 1997*. A conditional authority has been obtained and is included in the recommended conditions of consent.

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.

- Rural Fires Act 1997

A Bush Fire Safety Authority under section 100B of the *Rural Fires Act 1997* has been issued by NSW Rural Fire Service.

- Environmental Planning and Assessment Act 1979

Council's Community Participation Plan required the proposal to be advertised on Council's website and the local newspaper. A site notice was also required to be placed on the site and notification letters sent to adjoining/adjacent property owners. Eight (8) property owners were notified and six (6) submissions were received. These have been considered above.

- Goulburn Mulwaree Local Environmental Plan 2009

Land Use Table – R5 Large Lot Residential

The proposed subdivision will accommodate future residential development and this is permissible in the zone. The proposal meets the zone objectives, providing for future housing in a rural setting, whilst ensuring the environmental values of the land are not detrimentally impacted. The proposal will not have detrimental impacts on existing services. Potential land use conflict will not be exacerbated.

Clause 1.9A – Suspension of Covenants, agreements and instruments

An existing sewer main exists that runs parallel to the north western boundary of the land and is covered by an easement 3 wide and variable.

Clause 4.1 – Minimum Subdivision Lot Size

Each proposed lot incorporates a minimum lot size of 2,000m² and demonstrates compliance with the minimum lot size requirement of 2,000m².

Clause 5.16 – Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

The proposal is for the subdivision of land within the R5 Large Lot Residential zone. The locality consists predominantly of large lots with larger dwellings. Agricultural activity is very limited.

The subdivision proposal is destined for larger residential dwellings. The preferred land uses are large lot residential as opposed to agricultural. Therefore, the proposal is not likely to have any detrimental impacts in regard to potential land use conflict. The proposal meets the aims of the zone and will be compatible with uses in the locality.

Clause 7.1A- Earthworks

The proposal will require earthworks as ancillary development to the proposed subdivision, for the purposes of installation of infrastructure and services. If approval is granted to the proposal, it is recommended that, prior to the issue of the Subdivision Works Certificate, the development proponent submit plans to the certifying authority indicating the extent of cut and fill proposed. This is to ensure that the design accounts for effective stormwater design and appropriate conditions have been included in the draft conditions.

Clause 7.3- Subdivision for residential purposes in Zones RU5 and R5

Council is satisfied that there is sufficient public utilities to service each proposed lot. The water quality impact of the proposal has been considered by Water NSW and the proposal is considered to have a neutral or beneficial impact on water quality. The lots will be serviced by mains sewer.

Stormwater management is considered suitable and will ultimately drain to the watercourse adjoining the lot to the north, through a series of rain garden filtration devices.

Mains water supply is available to the land. Concerns were raised in regard to water pressure, however it is considered following further investigation that there will be sufficient water pressure for potable purposes.

The water pressure for fire-fighting purposes is not considered adequate. Therefore, if the proposal is granted consent, a condition is recommended that requires the provision of a dedicated water supply for fire-fighting purposes via a tank, for a future *dwelling*.

- *Goulburn Mulwaree Development Control Plan 2009*

2.1 – General Development Objectives

The proposed subdivision will not have any detrimental impacts on the objectives of the Development Control Plan (DCP). The proposal will not have any potential land use conflicts considering development in the immediate locality. The development does not pose any unreasonable water quality impacts and there is adequate capacity for existing services to cater for the future residential development. The potential for flooding has been considered and the proposal has no unreasonable impacts.

3.1 – Indigenous Heritage and Archaeology

The development proponent has submitted a Cultural Heritage Report prepared by Pejar Local Aboriginal Land Council. The report did not identify any areas or physical features that would have any Aboriginal significance on the land (only on adjacent sites). A recommendation was made in regard to carrying out works with caution and to implement an unexpected finds protocol in the case where any Aboriginal heritage is unearthed during the construction phase of development. These will be included as recommended conditions, if consent is granted to the proposal.

3.7 – Crime Prevention through environmental design

The proposed subdivision layout is suitable from a safer by design perspective. The proposed cul-de-sac road provides a single ingress and egress point and will enable clear sight lines.

3.8 – Flood affected lands

The land is not within an area where flood analysis has been undertaken, however the land is known to be subject to some inundation during a significant rainfall event. The development proponent has submitted a flood study and it has been considered by Council. The extent of inundation is minimal, with a small portion of proposed lot 4, 5 & 9 being within the 1% and 20% ARI. The plan is included in the Attachment.

Should consent be granted to the proposal, a condition is recommended that requires the minimum floor levels of any future dwelling within proposed lots 4 & 5 to be 0.5 metres above the 1 in 100 year ARI, and not cut into the existing land surface (i.e. 651.92 AHD and 650.38 AHD respectively).

3.15 – Biodiversity Management

The proposal includes the removal of all vegetation within the site.

The land contains areas of High Conservation Value and Low Conservation Value. The areas of High Conservation Value are located to the north and south west portions of the site.

The development proponent has submitted a Biodiversity Development Assessment Report (BDAR) which considers the impacts the proposed development will have on native flora and fauna. The Plant Community Type identified is PCT 287- Long Leaved Box- Red Box- Red Stringybark mixed open forest on hills and hillslopes in the NSW South Western Slopes Bioregion.

The land was referred to Council's Casual Native Vegetation Officer for consideration. It is concluded that the land does not support any *Environment Protection & Biodiversity Conservation Act 1999* or *NSW Biodiversity Conservation Act 2016* listed threatened species or communities.

The land does not provide significant habitat for any species credit species and there will not be a species credit obligation.

The report identifies that the development proposal will generate an ecosystem credit obligation of 36 ecosystem credits. If consent is granted to the development proposal conditions are recommended to ensure that the ecosystem credits are purchased (if available) or utilisation of the Biodiversity Payment Calculator to calculate the value of the required credits and paying this figure to the Biodiversity Conservation Fund.

The Biodiversity Development Assessment report also covers issues regarding potential fauna habitat including wombats, goannas, kangaroos and echidnas. As mentioned above, the proposed development will not have any detrimental impact on kangaroos, echidnas and goannas. Echidnas a 'solitary wanderers' and are known to utilise home ranges of up to 50 hectares. Goannas (Lace Monitors) also have extensive home ranges and may travel up to 3km daily when foraging. Eastern Grey Kangaroos usually associate in groups and each group have a home range of 25 or more hectares.

In regard to the potential wombat habitat, Council has consulted with NSW Planning Industry and Environment. Measures must be taken prior to the commencement of any work, if consent is granted to the development. This involves carrying out preclearance surveys prior to site disturbance to demonstrate that the burrow is empty of wombats (including joeys). If surveys indicate that wombats are using the burrows, then measures must be taken to ensure that that burrow is vacated. If consent is granted to the development, conditions will be recommended to ensure these obligations are met.

Weed control measures are recommended to ensure that weed control on site is appropriately managed during construction and at the completion of the development.

3.16 – Stormwater Pollution

The proposal has been considered by Water NSW and is considered to have a neutral or beneficial impact on water quality. Conditional concurrence is recommended.

3.17 – Bushfire Risk Management

The land is identified as bushfire prone. An approval is required from the NSW Rural Fire Service (RFS) under section 100B of the *Rural Fires Act 1997*.

The proposal has been considered by NSW RFS who have provided conditional approval. If consent is granted to the development, the conditions must be included.

4.1.15 – Subdivision

The proposed development includes a suitable layout that enables energy efficient dwelling design. The design takes into consideration the constraints of the land, such as potential flooding and bush fire risk, and each proposed lot offers suitable dwelling sites.

Each proposed lot meets the minimum lot size requirements and there is sufficient area within each proposed lot to enable a suitable building envelope whilst also meeting setback requirements. Lots are of sufficient width to allow private open space to be oriented to the north and therefore suitable solar access to be provided.

Street trees are required to be planted, to the proposed new road and to the frontage of the development. The application was referred to Council's Landscape Planner who recommends an exotic species which are less of a fire hazard than natives. *Pyrus calleryana Chanticleer* is recommended as a suitable species.

6.8 – Large Lot Residential- zone R5

The proposal demonstrates adequate lot design that will allow for sustainable dwelling design and not be out of character with the zone objectives. Privacy impacts to adjoining residential property is not considered detrimental. The lot does not offer any significant development constraints. All potential impacts including impacts to flora and fauna and flooding have been considered and conditions of consent are recommended to ensure that the development is suitable for the site.

Future dwellings can be sensitively designed without the need for significant earthworks, and are capable of complying with NSW Rural Fire Services *Planning for Bushfire Protection 2019* guidelines. The lots will be fully serviced and existing services are adequate to cater for the additional dwellings expected as a result of the proposed subdivision. Hydrant coverage is to be supplemented by dedicated water storage for fire-fighting purposes with appropriate fittings to ensure that emergency personnel are able to access the additional water resource.

As indicated earlier in this report, fencing requirements are to be complementary to the large lot residential character of the locality.

Footpaths are a requirement for R5 zoned land. It is acknowledged that footpaths are not currently situated in the locality of the proposed subdivision. However, those existing lots offer subdivision potential and the proposed subdivision exhausts the subdivision potential. It is prudent of Council to ensure that footpath provision is made as land is progressively developed, to enable pedestrian connection.

7.1- Utility services

If Council choose to grant development consent, conditions of consent are recommended to ensure that the future lots are adequately serviced. Compliance certification will be required from the electricity, gas, telecommunications, and Council (for water, sewer, stormwater) prior to the issue of a Subdivision Certificate.

7.2 – Roads

The proposed public road is required to meet Council's construction standards for an urban road. Appropriate conditions in this regard have been included in the draft conditions.

7.3 – Drainage and soil and water management

The proposal's stormwater management measures have been considered by Water NSW and Council's Development Engineer, and are considered adequate for the proposed development. Erosion and sediment controls are required during the course of construction with specific details to be supplied prior to the issue of the Subdivision Works Certificate.

Earthworks carried out must be ground stabilised prior to the issue of the Subdivision Certificate to prevent the movement of soil onto other property.

7.4 – Easements

The proposal will require the registration of several easements to make future property owners aware of constraints located on the land. Appropriate conditions have been included in the draft conditions.

Likely Impact of Proposed Development

Context and Setting: the proposal is not strictly compatible with the surrounding streetscape, mainly because surrounding lots are larger than the minimum 2,000m² lot size prescribed and have not been further subdivided since the lots were originally created. However, the proposed development is compatible with the desired future character of the area and the objectives of the R5 Large Lot Residential zone. Therefore it is prudent that requirements such as street lighting are incorporated into the development.

Access, Transport and Traffic: the development incorporates the proposed new road that is of suitable width to accommodate future residential development. The existing road network can accommodate the additional demand generated by this development proposal.

Visual Amenity: the proposal is considered to have suitable impacts. Conditions are recommended to ensure that future fencing is of a semi-rural style to complement the character of the locality.

Noise & Acoustic Amenity: the proposal is not considered to have any detrimental noise/acoustic impact, once dwellings and ancillary development are constructed. Each proposed lot will be in the order of 2,000m². The potential for adverse noise impacts is alleviated and will be similar to an urban residential context.

Natural Hazards: the land is bushfire prone and the potential impacts of the proposal have been considered by NSW Rural Fire Service (RFS). Conditional support is given to the proposal.

Part of the land is considered to be flood prone. A Flood report has been submitted by the development proponent and has been considered by Council. It is considered the proposal will not have any detrimental flooding impacts to potential future residential development. Conditions are recommended to ensure that future dwellings constructed within proposed lots 4 & 5 incorporate a minimum floor level to prevent habitable parts of the dwelling from being subjected to flood inundation.

Safety, Security and Crime Prevention: the proposal has positive impacts on Crime Prevention through Environmental Design principles. The proposed cul-de-sac road offers limited entrapment points and it not a thoroughfare thereby alleviating potential for anti-social impacts. Future dwelling developments are likely to face the street and this potential design, along with permeable fencing to be incorporated in the future, will allow for natural surveillance and territorial reinforcement.

Social Impact on the Locality: the proposal will have positive impacts, with an increase in the number of future residential occupiers in the future promoting local site ownership and offering increased surveillance.

Economic Impact on the Locality: the provision of future residential land will provide opportunity for future building works and opportunities for additional residents to occupy land in Marulan and invest in the area.

Site Design and Internal Design: the proposed subdivision design is suitable. The proposed lot orientation will allow for sustainable dwelling design whilst also ensuring positive social impacts.

Suitability of the Site for the Proposed Development

The proposed subdivision is suitable for the site concerned. The constraints of the site have been considered and assessed. As a result, the impacts of the proposal are considered appropriate.

Policy Considerations

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

Conclusion and Recommendation

The proposal has been considered against relevant Legislation and Policy. Each submission has been duly considered in the development assessment. It is considered that all potential impacts of the proposal can be adequately managed through conditions of development consent.

Conditional consent is recommended to the development proposal.

FINANCIAL IMPLICATIONS

Financial implications are likely to Council if the applicant of the development proposal chooses to appeal the recommended approval conditions to the Land and Environment Court.

LEGAL IMPLICATIONS

Council may be in a position where it may be required to defend an appeal made by the Applicant to the Land and Environment Court.

15.2 SIGNATURE CARE REQUEST FOR REDUCED SECTION 64 AND SECTION 7.11 FEES

Authors: Jackson Reardon, Communications & Business Development Officer
 Marina Hollands, Director Utilities
 Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: 1. **Signature Care Infrastructure Reduction Request**  

Link to Community Strategic Plan:	EC3.2 Our Economy – Support and foster conditions that enable businesses to grow IN5.1 Operational Plan – Operate, maintain and upgrade water systems to provide high quality water to our customers. IN6.1 Operational Plan – Operate, maintain and upgrade the sewer systems to maximise performance and minimise environmental, operational and capital projects risks.
Cost to Council:	Potential delayed payment of a portion of the section 64 contributions.
Use of Reserve Funds:	This income will be allocated to the various development reserves.

RECOMMENDATION

That

1. The report from the General Manager, Director of Utilities and Communications and Business Development Officer on the Signature Care Request for Reduced Section 64 and Section 7.11 fees be received.
2. Council does not provide reduced Section 64 or Section 7.11 fees for this development.
3. Council offer Signature Care a financial agreement that would allow the Section 64 fees equivalent \$1,204,398 to be paid on the release of the occupation certificate and the balance of \$626,964 to be paid in two equal annual instalments on the anniversary date of the first instalment payment. Any such legal instrument to be prepared at Signature Care’s cost. The figures above to be adjusted in accordance with Councils fees and charges if the payments are made after 1 July 2021.

BACKGROUND

Signature Care is proposing the development of a 144 bed aged care facility at 134 Lillkar Road, Goulburn. The Commonwealth Government has provided licensing for 144 aged care places in Goulburn and this proposed facility has been issued all these places. Under this licence, this facility would receive annual recurrent funding of approximately \$75,000 per place which is \$10.8 million per year.

REPORT

It was announced in April 2019 that the Federal Government would fund 144 new aged care places in a new facility to be built in Goulburn by Signature Care Pty Ltd. The 144 places for Goulburn were announced for recurrent funding under the Australian Government’s Aged Care Approvals Round (ACAR) for 2018/19. The facility will be focused on high-care with 24 hour nursing staff along with a dementia wing and other high-care wings.

Signature Care did not receive funding for the capital project, but will receive recurrent funding of approximately \$75,000 per space or around \$10.8 million annually from the Federal Government.

Signature Care investigated a number of different sites for the facility within Goulburn over a 9 to 12 month period before selecting the proposed land at 134 Lillkar Road. The site is zoned RU6 Transition Zone but is currently subject to a planning proposal to permit a Residential Care Facility as per Council resolution 15.3 from the meeting held 21st July 2020 which is as follows:

That:

- 1. The report from the Strategic Planner regarding the Residential Care Facility Planning Proposal at Ducks Lane and Lillkar Road, Goulburn be received.*
- 2. Council draft a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to: (a) Permit a Residential care facility with development consent under Schedule 1 for the portion of Lot 14 DP 1102589 identified in this report; (b) Introduce a Schedule 1 land application map for all items under Schedule 1; and (c) Introduce a minimum lot size of between 1 and 4 hectares for all parts of Lot 14 DP 1102589 zoned RU6 Transition subject to further investigation.*
- 3. The planning proposal once drafted, be submitted to the Department of Planning, Industry and Environment for a gateway determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.*
- 4. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the planning proposal. 5. In the event that NSW Planning and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.*

A development application pre-lodgement meeting was held with Signature Care on 15 July 2020. Following this meeting Council provided Signature Care with the indicative infrastructure charges as per our policies which are:

Section 64 Water	\$420,552
Section 64 Sewer	\$1,149,180
Section 64 Stormwater	\$146,647
Section 7.11 Roads and Traffic	\$106,335
Section 7.11 Administration	\$9,648
Total	\$1,831,362

It is important to note that the site selected by Signature Care at 134 Lillkar Road is currently an unserviced residential lot. A credit of 1ET for sewer and 1.2ET for water has been applied to the fees.

Signature Care are currently building similar aged care facilities in Wagga Wagga and Grafton that are also 144 bed facilities. They are at similar points in the development of these two facilities, beginning construction on both of these facilities shortly.

From the attached email you will see that Signature Care have requested that the total cost of infrastructure charges for this project be calculated as an average of the fees charged at Grafton (Clarence Valley Council) and Wagga Wagga (Wagga Wagga City Council). Breakdown of these fees are as follows – you will note that the attachment does not include the water fees for the Wagga Wagga facility, or the S7.11 fees for the Grafton facility. In Wagga Wagga, section 64 water fees are payable to Riverina Water, as the water utility of Wagga Wagga. This is a separate entity to Wagga Wagga Council that manages the sewer system. This fee has been added below.

Based on their DA, and discussions with staff at Wagga Wagga City Council, Riverina Water and Clarence Valley Council both of these Councils calculate their Section 64 developer fees using the same process as Goulburn Mulwaree Council, based on the water directorate guidelines. Using these guidelines, nursing homes/special care homes are charged 0.5ET (equivalent tenement) for water per bed, and 0.75ET for sewer per bed. Riverina Water calculates their water charges the same way but applies a local factor of 0.7 for their calculation, therefore their ET rate for water for nursing homes at 0.35ET per bed.

Fees	Goulburn Mulwaree	Clarence Valley	Wagga Wagga
Water (S64)	\$420,552	\$352,656	\$254,671 (Riverina Water)
Sewer (S64)	\$1,148,180	\$723,600	\$455,217
Stormwater (S64)	\$146,647	Not detailed	\$59,274
Section 7.11 Fees	\$115,983	Not detailed	\$563,379
Total	\$1,831,362	\$1,076,256	\$1,332,541

A further breakdown of the water and sewer charges for each council per equivalent tenement (ET) can be found below:

	Goulburn Mulwaree	Clarence Valley	Wagga Wagga
Water per ET (S64)	\$5,940	\$4,898	\$5,053 (Riverina Water)
Sewer per ET (S64)	\$10,740	\$6,700	\$4,122

These charges per ET for water, sewer and stormwater were calculated through a rigorous process detailed in the 2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater specifically for our systems based on the capital works required to service the developed within the areas covered by the plans. While these our rates are higher than both Clarence Valley and Wagga Wagga, previous comparisons have our rates similar to other Councils in our region.

As mentioned, Signature Care have requested the adoption of a fair and reasonable charge. Specifically they have requested the average of the fees for charged by Wagga Wagga and Clarence Valley. This would equate to \$1,204,398, and a discount of \$626,964. As justification for this discount, Signature Care have listed economic benefits of their development being including the \$10.8 million per annum in Government recurrent funding and an estimated \$6.4 million in additional employment activity along and the creation of 144 full time jobs directly at this facility and traineeship opportunities for younger people. This discount was requested for the total of the development fees, not only the section 64 charges.

In 2018, Council supported Tribe Brewery to establish in Goulburn by providing a discount to their developer charges. They were a large water and subsequent sewer user that continue to pay for their large water use and their sewer and tradewaste discharges. That discount was also conditional on Tribe Brewery creating local employment opportunities with the persons employed having a Goulburn Mulwaree address.

This development by Signature Care has significant social and economic benefits to Goulburn Mulwaree delivering Federal Government aged care allocated places for Goulburn and creating at least 140 jobs as well as other indirect employment opportunities. The difference between Signature Care and Tribe Brewery is the substantial operational public money being allocated to the business with an ongoing annual commitment. Signature Care will not use the same volume of water as Tribe Brewery so therefore the opportunity of continued scale of income will not be available to Council

Signature care, in delivering this facility, will be entitled to annual Commonwealth funding of \$10.8M once operational. All development in Goulburn is required to pay section 64 fees for development. This is a large development that will use the equivalent of 72 houses for Water and 108 houses for sewer. The development is an important development for the community however all developments are charged these fees based on our Servicing Plan using the Water Directorate water directorate guidelines for Equivalent Tenements and this development is significant being equivalent to 72 houses for water and 108 houses for sewer. This development should be changed the actual rate based on the scale of the development and the impacts this has on the Council systems.

It is recommended that the calculated development charges be charged to this development based on the rate specified in Council's Operational Plan. This development is significant and equivalent to many other developments that pay development charges to Council. This will maintain equity to other developments in the LGA.

The recommendation in this report is for Council not to offer discounted fees but to offer Signature Care a financial agreement that would allow the Section 64 fees equivalent \$1,204,398 to be paid on the release of the occupation certificate and the balance of \$626,964 to be paid in two equal annual instalments on the anniversary date of the first instalment payment. Any such legal instrument to be prepared at Signature Care's cost. The figures above to be adjusted in accordance with Council's fees and charges if the payments are made after 1 July 2021.

If Council was of the opinion to offer discounted fees for Sewer in line with say the Wagga Wagga and Clarence Valley charges then the resolution could read:-

"That Council could charge Section 64 development fees for the sewer reduced to the average of the Wagga Wagga and Clarence Valley Council areas. Council notes that the fee would be \$1,204,398, providing a discount of \$626,964. Any payment under this regime to be paid prior to the Occupation Certificate being issued."



September 4 2020

Warwick Bennett
Chief Executive Officer
Goulburn Mulwaree Council
184 Bourke St
Goulburn NSW 2580

Dear Mr Bennett,

RE: Proposed Aged Care Facility, 134 Lillkar Rd Goulburn

I am writing to Council to seek formal approval for a reduction in Sect 64 water, sewer, storm water, and s7.11 contribution fees for the proposed 144 bed aged care facility.

DA Pre Lodgement Minutes Dated 15/7/2020 noted :

Water: \$420552 (Sect 64: Based on \$5940 ET)

Sewer: \$1,148,180 (Sect 64: Based on \$10740 ET)

Stormwater: \$146,647 (Sect 64)

Traffic: \$106,335 (s7.11)

Administration \$ 9648 (s7.11)

Total Charges: \$1,831,362

Background:

I wrote to council by way of email dated August 5 2020. Subsequent advice from Jackson Reardon's email dated August 18 2020 indicated a meeting between yourself and Signature Care may be helpful to discover ways in which this reduction may be assessed by Council in light of benefits of the proposal to the community of Goulburn more generally.

The 2.00pm Zoom meeting occurred yesterday between Council and Signature Care, and the following items were agreed may be considered by Council, with submission by Signature Care:

1. Infrastructure of need for Community
2. Reasons for Reductions – Comparisons of other Municipalities

3. Adoption of Fair & Reasonable Charge
4. Economic Benefits to Community
5. Opportunity for Local Employment
6. Training opportunities to combat youth unemployment.

Signature Care has a track record of delivering 100% of all homes/places issued to us by the Department of Health. We also focus on the continual development of the organisation to ensure we have the operational skill to deliver on behalf of the Department of Health and setting new standards of facility design, function, working environment and liveability for residents. We back our commitment with private capital to provide high quality homes and care.

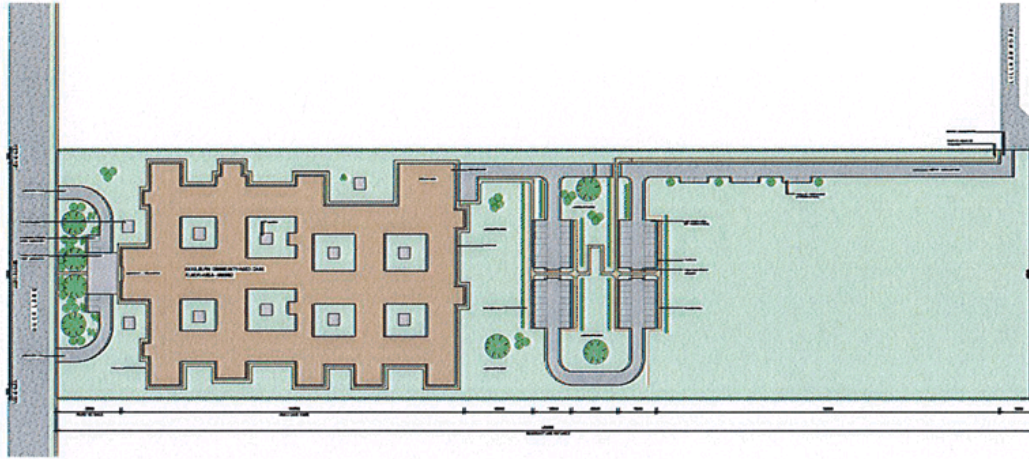
Description of the Development:

The current proposed land for consideration by Council is located on Ducks Lane Goulburn (but known as 134 Lillkar Road Goulburn) which has a Zoning RU6 with a transition overlay which is under contract. It is proposed the lot be divided into two with the northern section being purchased for aged care. The block size would consist of roughly 4 hectares with a building area of circa 9,100m2.



Please see the below plan which illustrates a basic outline of the proposal. The key features being a residential entrance at the front for residents and their families. At the rear the staff parking and deliveries keeping traffic movements with residents and associated families limited. This would also minimise traffic movements at staff changes to the industrial area; away from houses. The layout/location of the building is to utilise the flattest part of the site with the gum trees at the rear

to be retained as garden area to provide a treed aspect for rooms at the rear of the building. Boundaries of the property would be landscaped.



Description of Need for Aged Care Infrastructure:

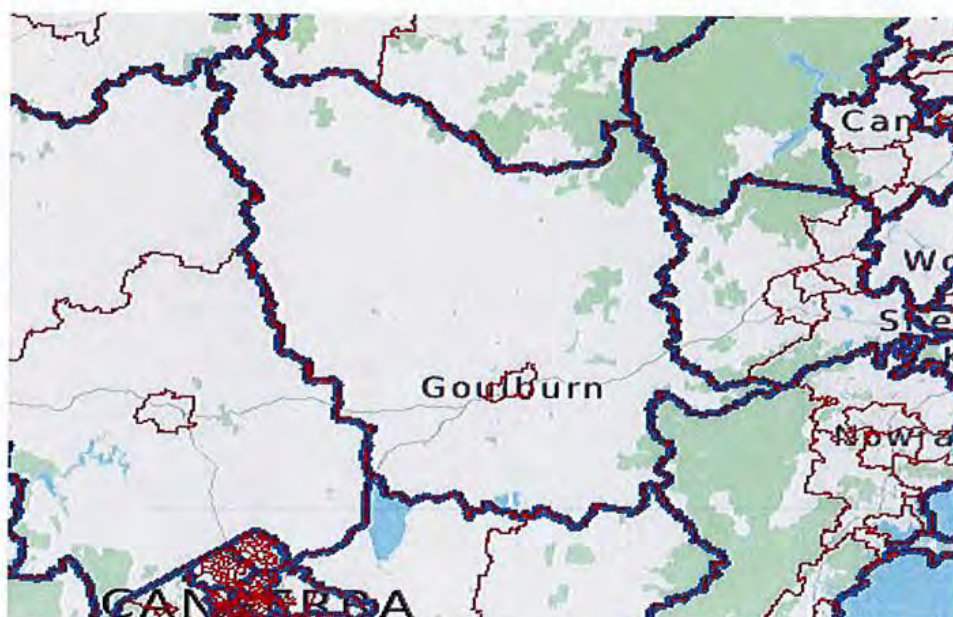
The Commonwealth Government and the Aged Care Act 1997, provides a licensing system to ensure an adequate supply of Residential Aged Care Places and supports those places with Annual Recurrent funding of approximately \$75,000 per place or over \$10m annually for this Goulburn project.

Signature Care holds Provisional Approval for 144 Aged Care Places for Goulburn issued by the Commonwealth. If Signature decides this development cannot be provided in Goulburn on the basis of cost or viability the funding may be switched to other regions with consent from the Commonwealth.

Statistical Area 3 Goulburn – has a population in 2016 Census of 36,182, and over 70 population of 4,812 people. By 2028 the over 70 population will increase to 6,868, and the over 80 population will increase by 41% from 1,778 in 2016 to 2,987 people in 2032. **This SA3 has 404 operational places and only 144 Provisionally Allocated places which has been allocated to us. With the projected growth there are insufficient aged care places to cater for the required places needed.** Please note the SA3 breakdown is different from the 2011 breakdown (as opposed to the 2016 breakdown) which originally included the SA3 of Yass into the statistical area.

SA4 Capital Region	SA3 Goulburn	Population Data 2016 Census	ABS Estimates (Over 70's)				ABS Estimates (Over 80's)				ABS Estimates (Over 85's)			
			ABS 2016	2020 Est.	2023 Est.	2032 Est.	2016 Census	2020 Est.	2023 Est.	2032 Est.	2016 Census	2020 Est.	2023 Est.	2032 Est.
110051539	Goulburn	23,320	3,079	3,362	3,569	4,384	1,234	1,296	1,330	1,756	654	663	648	831
110051540	Goulburn Region	12,862	1,733	2,145	2,453	3,150	544	622	761	1,230	218	257	304	523
		36,182	4,812	5,527	6,022	7,534	1,778	1,918	2,091	2,986	872	920	952	1,354

The local SA3 boundaries and surrounding statistical areas can be seen on the below table:



The Goulburn (2016 SA3 distribution) regions are made up in the below table:

SA4 Capital Region	SA3 Goulburn - Yass	SA2	Population Data 2016 Census	Over 70'sn Data 2016 Census	Allocated	AIP	Pre 1997 Inactive/Offline Places	Total Places
11001	Goulburn - Yass		23,320	3,079	336	144	0	480
11002	Goulburn Region		12,862	1,733	68	0	0	68
	Total SA3		36,182	4,812	404	144	0	548

Other Aged Care Homes & Places

The current number of allocation and operational places can be seen on the below table. This allocation does not include the Provisionally Allocated places of 144 issued to ourselves.

Service Name	Street Address	Suburb	Post Code	Places	Owner
Gill Waminda Aged Care Services	4 Mary Street	GOULBURN	2580	103	The Salvation Army (NSW) Property Trust
RFBI Goulburn Masonic Village	10 Long Street	GOULBURN	2580	43	Royal Freemasons Benevolent Institution of NSW Nominees Ltd
Warrigal Care Goulburn	7 St Aubyn Road	GOULBURN	2580	160	Warrigal Care
Southern Cross Tenison Apartments - Goulburn	19 Upper Sterne Street	GOULBURN	2580	30	Southern Cross Care (NSW & ACT) Inc
Philip R H Chalker Sunset Lodge	49-53 Bunneby Street	TARALGA	2580	23	Crookwell/Taralga Aged Care Ltd
Viewhaven Lodge	71 Laggan Road	CROOKWELL	2583	45	Crookwell Frail Aged Association Inc
				404	Total Allocated Places

Facility Standards

Our residents will enjoy the privacy of their own large fully air-conditioned bedroom with sliding door access to outside areas from each room. All rooms have ensuite bathroom, giving security and a sense of belonging, much valued during times when friends and family visit. All homes have flexible care arrangements to accommodate couples requiring different levels of care. In addition to providing ageing in place and accommodation for singles and couples, all homes have a dedicated dementia specific wing which meets the specialized needs of residents with dementia. Scattered through our homes are libraries, games areas and multi-purpose areas such as chapel and cafe.

Each home is personally designed with respect to the land and surrounding environment, creating the most liveable surroundings for aged residents. Each building is built with specialised safety and fire equipment, sprinklers and smoke detectors and fully equipped with independence devices such as hand rails and non-slip surfaces to assist in the care for our most vulnerable residents. Our homes are equipped with overhead lifting tracks to minimise manual handling.

Each home is built with the concept of residents belonging to a group of between thirty and thirty six other residents with similar care needs. Dementia specific areas are separated, again making an area of between 15 & 18 places in each pod. The home is designed to draw residents to a central dining area typical of a family home, having meals with between two and six other residents at each table depending on friendships and preferences. There are spacious lounges in each wing and tea and coffee making areas for residents and their families.

Key features of the aged care facility include:

- All single bedrooms with en suite bathrooms.
- Generous communal and utility facilities including central cafe.
- Split system air conditioning with automatic energy saving systems.
- High quality offices.
- Fixtures, fittings, floor coverings and furnishings are of the highest industry standard.
- Full Nurse Call, CCTV security system and fully networked computer system.
- In house catering with home style meals served to dining rooms.
- In house laundry service.

- Library with internet access.
- All bedrooms have King Single Electric Hi/Low beds and quality furnishings.
- Over-bed tracking system for resident lifting system to all bedrooms.
- Extensive external areas with appropriate shading and some gazebos.
- Doctors consulting suite.
- Hair-dressing room.
- Café.

Signature Care homes comply with all State and Federal government regulations including Aged Care Accreditation, as required for its operation under the Aged Care Act 1997.

Reasons for Reduction in Infrastructure Charges

Like all infrastructure projects, each must be cost competitive, as capital can be directed to other regions and local economies. We have determined the Goulburn Council's Infrastructure charges are significantly more expensive than other municipal councils, for no apparent benefit, which we would like Council to address:

Signature Care has two other NSW projects, that have DA's issued recently, each of 144 beds:

- Clarence Valley Council – Grafton DA2018/0567 - \$1,076,256
- City of Wagga Wagga – Wagga Wagga DA 19/0001 - \$1,067,871.49

Copies of each of these DA's have been supplied.

Adoption of Fair & Reasonable Infrastructure Charges

Signature Care propose that a total cost of Council Infrastructure charges for our Goulburn Aged Care project be calculated as an average of the Grafton and Wagga DA assessed being : \$1,072,063, such charges fixed for the project commencing within 12 months of DA approval or CPI indexation thereafter.

Community Benefits

The construction and commissioning of the Goulburn Aged Care home would require a circa **\$20+ million capital investment** into the local community.

Once operational, the home would provide **residential care services to 144 residents**.

Residents would receive **professional nursing care 24 hours, 7 days** per week supplemented with General Practitioner services from the local GP's as required. The home will be permanently staffed around the clock with Registered Nurses and care staff.

The home would provide nursing care to residents with differing care needs (i.e. catering for residents requiring high level care) including **dementia** specific residents. We can providing a safe and secure environment for residents to age in place as their care requirements change over time.

The home is designed around all **single rooms with ensuite**s built to high standards of finishes and infrastructure to last many years of community service.

Economic Benefits:

The build and basic infrastructure will require approximately \$20m spend on building materials, contractors and suppliers, the majority sourced from local suppliers, EG Concrete, Bricks, Timber Frames, Trusses, with local contractors expected to receive the majority of labour based contracts.

The home, once full, will generate approximately **\$10m Per Annum in Government Recurrent subsidies** with \$6.481 million spent per annum in direct additional employment activity in the local community.

The economic benefit flow on from economic activity generated from services to the home such as food supplies, general contractors, pharmacy, physiotherapy and GP and medical services are significant, and importantly provide sustainable services to the local economy.

Local Employment

The employment opportunities will typically include about 70% female positions at the home, given majority of positions are nursing-related, and expected to reside in the Goulburn and local areas.

The breakdown of the direct employment would extend to 164 full and part time direct staff (a Full Time Equivalent [FTE] of 144) which would include the following professions:

Residential Manager	1
Admissions Manager	1
Care Manager	2
Registered Nurses	18
Physiotherapists	5
Endorsed Nurses	18
Administration	5

Management Secretary	1
Lifestyle Co-ordinators	4
Maintenance Manager	1
Maintenance & Gardener	3
Chef	1
Cooks	5
Food Assistants	11
Laundry Staff	3
Cleaning Services	16
Personal Carer	69
Total	164

Even though there is a substantial benefit in direct employment, the economic benefit to the local community through the additional local staffing will be far higher as these wages are expended in the local area and regenerated many times over.

Training Opportunities.

A viable workforce is a significant component in providing continuity of care to our residents. In previous locations we have partnered with Registered Training Organisations to deliver Certificate 3 and Cert 4 in Aged Care Training (Personal Care Assistant) as a pathway to a Diploma in Nursing (Enrolled Nurses) that leads to a pathway of training to Bachelor of Nursing leading to employment as a Registered Nurse, the majority of these traineeships are under the age of 25 years of age, although the training can commence at any age.

From the types of employees you will note there are other unskilled positions in Cleaning, Laundry and Food Service Assistants. Our on-site training provides employees with the necessary skills in this area.

Summary:

Residential Aged Care homes are an integral part of the health requirements of a modern community, where Acute Health Services focus on those requiring medical care, whilst directing those requiring long term nursing care to appropriate services so that Acute Health Services can focus on primary care to the wider community.

We have been strongly supported by the Mayor Bob Kirk, and Development Manager, Jackson Reardon, in finding a suitable site, and that task has not been easy!

We are keen to progress this development, and seek support from local Council in reductions in infrastructure charges that are commensurate with other regional communities in NSW.

Yours sincerely,

Graeme Croft
Executive Director

15.3 ONGOING COMPLIANCE MATTERS

Author: Scott Martin, Director Planning & Environment

Authoriser: Warwick Bennett, General Manager

Attachments: 1. **Unlawfully Erected Dwellings Letter dated 23 June 2020**  
 2. **Unlawfully Erected Dwellings Letter dated 12 August 2020**  

Link to Community Strategic Plan:	Strategy EN1 - Protect and enhance the existing natural environment, including flora and fauna native to the region. Strategy EN3 - Protect and rehabilitate waterways and catchments. Strategy EN4 - Maintain a balance between growth, development and environmental protection through sensible planning. Strategy CO3 - Foster and encourage positive social behaviours to maintain our safe, healthy, and connected community. Strategy CO5 - Maintain our rural lifestyle Strategy CL1 - Effect resourceful and respectful leadership and attentive representation of the community.
Cost to Council:	No specific cost implications as a result of this report at this time. However we will report separately to Council on the need to engage additional resources (contract or staff) that can assist in these compliance matters
Use of Reserve Funds:	N/A

RECOMMENDATION

That:

1. The report from the Director, Planning & Environment in relation to ongoing compliance matters be received.
2. Council write to all real estate agents operating locally advising that “weekenders” are not a recognised or permissible use, and that planning advice should be sought from Council prior to any form of development taking place.
3. Council create an additional appendix for use on rural s10.7 Planning Certificates to highlight to prospective purchasers of rural land their obligations in relation to obtain the appropriate consents prior to works being carried out.

INTRODUCTION

In recent times a number of high profile unauthorised developments have come to the attention of Council. No.111 Knowlman Rd, Run-o-Waters and 555 Forest Siding Rd, Middle Arm are two such developments that required a determination by Council and received significant media coverage in the process.

More recently Council’s Environment & Health team have been dealing with an increased workload, managing a significant number of unauthorised developments. This has resulted in resources being redirected away from statutory functions, such as food safety inspections and parking, in an attempt to deal with the growing issue.

The following report attempts to demonstrate the nature of work currently being undertaken by the Environment & Health team, provide an insight as to why these tasks consume many hours and staff resources, provide some options moving forward in an effort to suitably resource what appears to be a growing issue, and finally provide disincentive to landholders who are considering carry out works without consent.

BACKGROUND

In NSW, Councils are responsible for administering many pieces of legislation. Legislation is enacted by Parliament to ensure the betterment of the community. This is achieved by enforcing laws to keep the community safe, ensuring that development is undertaken in an appropriate manner to ensure land is appropriately serviced, and to ensure that the community is not financially burdened into the future. Accordingly, there is a community expectation that Council upholds the law and keeps the playing field fair and equal for everybody.

It has been observed in many forums that the Goulburn Mulwaree Council area is still considered affordable compared to the likes of Sydney, the Southern Highlands and Canberra. Accordingly, the Goulburn region remains popular amongst those seeking a rural lifestyle change, or simply land for recreational purposes in order to escape the confines of the cities.

This has seemingly created a market that is being exploited by landholders and the real estate industry generally. It is common for many rural lots to not have a dwelling entitlement, and this is often reflected in the price of land. A recent example saw several 15 hectare (40 acre) lots sell for approximately \$250,000 each. The attractive prices are often accompanied by some long standing marketing techniques, such as referring to rural sheds as “weekenders”.

Unfortunately “weekender” is not a defined land use term in accordance with either the Environmental Planning & Assessment Act 1979, any of the State Environmental Planning Policies, or the Goulburn Mulwaree Local Environmental Plan 2009.

Since late-June 2020, Council have written to at least two local real estate agents advising of this, and requesting in good faith that their advertising methods be changed to reflect Council’s advice. **A copy of each letter is attached.** It is recommended that a similar approach be taken with all real estate agents to ensure a consistent message is being delivered.

It is important to note that the matter is not just confined to the rural area. Some matters are occurring within urban areas, which in some cases intensifies the impact upon the community.

REPORT

As Council would be aware, several high profile unauthorised developments have generated significant community interest in recent times. Unfortunately the profile and media coverage of these matters does not seem to have deterred other landholders from carrying out further unauthorised works.

When unauthorised works or activities are identified, Council are required to adhere to legislated procedures to ensure that any investigation is conducted fairly and reasonably, and that natural justice is allowed to take its course. Council also have to consider its Enforcement Policy, the latest version of which was recently adopted by Council. This Policy is adapted from the Model Enforcement Policy generated by the NSW Office of Local Government and ensures that Council’s across NSW adopt a consistent and fair approach to compliance actions.

This can include the need to put any enforcement action on hold whilst the landholder/developer is given the opportunity to seek retrospective approval (where available). Put simply, following through a compliance matter can be a slow and time consuming process.

At the time of writing this report, a total of 94 matters are either under investigation, currently subject to enforcement actions (such as Orders and Notices), or are subject to ongoing monitoring. The nature and type of these matters vary significantly, and include:

- An abandoned vehicle parked on a road verge;
- Lack of erosion and sediment control measures on a construction site;
- Unauthorised signage;
- Overgrown land;
- Illegal dumping and pollution incidents;
- Conversion of existing premises into an unauthorised use; or
- Large scale and unauthorised vegetation clearing, earthworks, construction and/or habitation.

Since 2017, the number of Orders (such as Stop Work, Cease Use, Demolish Works, Restore Works) being issued under the Environmental Planning & Assessment Act 1979 has increased in line with the following:


2017	3
2018	3
2019	11
2020	45 (to date)

The increase can partially be attributed to Council Officers having to use a more formalised process to achieve an acceptable compliance outcome, noting that historically the preference has been to achieve “cooperative compliance” as opposed to the use of formal directions.

Unfortunately the cooperative compliance pathway has become less effective (to the point of being ineffective), and has therefore created the need for Council to become more direct and formal in its approach. Anecdotally, it has been relayed to Council Officers that one of the key reasons for this trend has been due to Council’s willingness in the past to negotiate a solution where clear breaches have occurred. This approach invariably favoured those who broke the law to the detriment of the community, and penalised those who sought to play by the rules.

It is important to note that not all complaints received by Council result in enforcement action. This can occur for many reasons, but often it can be found that a breach has in fact not been made, that Council is not the appropriate regulatory authority, and/or relates to a civil matter such as a neighbourly dispute. Regardless, Council has a duty of care to follow up the majority of such complaints which ultimately takes time and expends the limited staff resources that are available.

The following tables provide an insight into many of the matters currently under investigation or undergoing enforcement action at this point in time.

Address/Locality	Description
555 Forest Siding Rd, Middle Arm	Unauthorised clearing of native vegetation, earthworks, construction of shed/dwelling, conversion of garage to dwelling, non-compliant wastewater system, pollution of waters.
<p>Current Status</p> <ul style="list-style-type: none"> • Council have resolved to prosecute the landowner in the Land & Environment Court. • Council have issued the landowner with notices to provide information under Section 9.22 of the Environmental Planning & Assessment Act 1979 to assist in the prosecution. • Stop Work and Stop Use Orders served. • Draft Demolition Order and Draft Restore Works Order served. 	
<p>Photos</p> 	

Address/Locality	Description
540 Marble Hill Rd, Kingsdale	Unauthorised clearing of native vegetation, earthworks, construction of road, partial construction of buildings, various other unauthorised structures present.

Current Status

- Multiple Parish Portion lots appear to have recently been disaggregated, resulting in Council pursuing numerous landowners, including a previous landowner.
- Multiple Stop Work Orders served.
- Information being sought from previous landowner.

Photos





Address/Locality	Description
265 Inverary Rd, Bungonia	Unauthorised "Olive Storage" Shed

Current Status

- Compliance action was paused to give owner an opportunity to lodge a DA and BIC.
- Insufficient information provided with required applications, therefore compliance action to recommence.

Photos




Address/Locality	Description
1100 Kooringaroo Rd, Gundry	Camping Grounds (use only, no known structures or facilities at this stage)
Current Status <ul style="list-style-type: none"> • Notice of Proposed Order served. • Awaiting statutory response period to lapse prior to issuing Order. 	
Photos No Photo available.	


Address/Locality	Description
206 McLaughlin Rd, Gundry	Noise complaints (amenity), use of site
Current Status <ul style="list-style-type: none"> • Investigation underway. • Establishing permissibility of use and the extent of Council’s authority. 	
Photos No Photo available.	

Address/Locality	Description
14729 Hume Highway, Marulan	Earthworks, unauthorised structures
Current Status <ul style="list-style-type: none"> • Stop work Order served. • Under investigation. 	
Photos <div style="display: flex; justify-content: space-around;">   </div>	

Address/Locality	Description
16197 Hume Highway, Marulan	Earthworks, potential use of site as landfill
Current Status <ul style="list-style-type: none"> Under investigation. 	
Photos No Photo available.	

Address/Locality	Description
137 Styles Rd, Bungonia	Unauthorised building, plumbing and drainage works including wastewater system, use of building (potential dwelling), land clearing,
Current Status <ul style="list-style-type: none"> Stop Work, Demolish & Clean-Up Orders/Directions served. Wastewater system removed and rehabilitated. Ongoing negotiations regarding remainder of works. DA intending to be lodged. Penalty Infringement Notice issued for unauthorised development (\$3000). 	
Photos <div style="display: flex; flex-wrap: wrap;">    </div>	

Address/Locality	Description
150 Minshull Road, Windellama	Unauthorised buildings and use of land
<p>Current Status</p> <ul style="list-style-type: none"> • Concerns raised by representative of Windellama RFS • Highly bushfire prone and being used as a ‘weekender’ • No approval for any element of the development. Wastewater being disposed of on the ground. • Stop Use Order, Clean-up Direction and Demolish Works Order Issued. 	
<p>Photos</p> 	

Address/Locality	Description
18 Church Street, Goulburn	Unauthorised works, lack of consideration to the Heritage Conservation Area.
<p>Current Status</p> <ul style="list-style-type: none"> • Stop Work Order issued. • Compliance actions paused as landowner has indicated that a DA will be lodged. Still awaiting lodgement. 	
<p>Photos</p> 	

Address/Locality	Description
89 Mary Street, Goulburn	Accumulation of waste, odour and pet ownership concerns (numerous cats)
Current Status <ul style="list-style-type: none"> • Stop Work Order issued 	
Photos No photo available.	

Address/Locality	Description
102 Cowper Street	Hoarding of vehicles, stormwater run-off, possible structural concerns, and impediments to public space.
Current Status <ul style="list-style-type: none"> • Ongoing for many years. • Council constantly impounding vehicles, trailers and boats. • Impeding access to neighbouring properties. • Neighbours concerned about lack of downpipes and gutters, causing runoff to enter adjoining properties. • Legal representation received from neighbours. • Multiple rectification Orders served. 	

Photos



The image is an aerial satellite view of a residential street in Goulburn, NSW, Australia. It shows a dense cluster of houses with various roof colors (grey, blue, red). A prominent feature is a large area on the side of the road where numerous vehicles, including cars, trailers, and boats, are parked or stored, illustrating the 'hoarding of vehicles' mentioned in the text. The street is narrow, and the accumulation of vehicles appears to impede access to the properties. There are some trees and green spaces interspersed among the buildings.

Address/Locality	Description
15 Avoca Street, Goulburn	Unauthorised conversion of underfloor car parking spaces to habitable accommodation

Current Status

- Demolish Works Order issued.
- Owner has challenged via Class 1 Proceedings in Land & Environment Court.
- Converted habitable spaces in flood liable area.
- Further Orders likely.

Photos




Address/Locality	Description
1596 Oallen Ford Road	Unauthorised construction of dwelling, wastewater system
<p>Current Status</p> <ul style="list-style-type: none"> • Demolish Works Order issued. • Premises has recently exchanged ownership. • Order extended by 60 days to allow new owner to lodge DA. 	
<p>Photos</p> 	

Address/Locality	Description
104 Silverstream Road, Lower Boro	Multiple unauthorised structures and accumulation of vehicle bodies
<p>Current Status</p> <ul style="list-style-type: none"> • Under investigation. 	
<p>Photos</p>  <p>The photos show a gravel lot with several unauthorised structures, including a large green water tank, a tall metal tower, and various sheds. A white truck is parked on the left, and several cars and vans are parked in the background. A person is standing in the foreground of the bottom-left photo for scale.</p>	

Address/Locality	Description
202 Silverstream Road, Lower Boro	Unauthorised composite non-compliant building (part caravan, part structure), wastewater system
<p>Current Status</p> <ul style="list-style-type: none"> • Located on edge of property boundary. Adjoins dense bushland, high fire risk to any occupant. • Recently purchased in current state. • Demolish Works Order issued. 	
<p>Photos</p> 	

Address/Locality	Description
204 Silverstream Road, Lower Boro	Unauthorised construction of dwelling, wastewater system
<p>Current Status</p> <ul style="list-style-type: none"> • Stop Use Order issued. • Records indicates previous compliance on past owner. Past owner appears to have reinstated plumbing, drainage and wastewater system before selling. • Premises has recently exchanged ownership. • Investigations underway. 	
<p>Photos</p> <p>No photo available.</p>	

Address/Locality	Description
53 Dorsett Road, Marulan	Hoarding of vehicles, unsightly premises
<p>Current Status</p> <ul style="list-style-type: none"> • Investigations ongoing. • Cleanup Orders being prepared. 	
<p>Photos</p> 	

Address/Locality	Description
570 Boxers Creek Road, Boxers Creek	Burning of tyres in watercourse
<p>Current Status</p> <ul style="list-style-type: none"> • Investigations underway. • Cleanup Notice issued. • Landowner currently undertaking water samples for analysis to determine extent of water pollution. 	
<p>Photos</p> <p>No photo available.</p>	


Address/Locality	Description
70 Stockade Lane, Boxers Creek	Accumulation of chemical containers, unauthorised dwelling and structures, wastewater system

Current Status

- Investigations underway.
- Initial complaint relating to chemical containers. Inspection found unauthorised structures, including dwelling and wastewater system.
- Cease Use Order.


Photos



Address/Locality	Description
1270 Towrang Road, Greenwich Park	Unauthorised conversion of farm shed to dwelling
Current Status <ul style="list-style-type: none"> • Notice served on landowner. Awaiting 	
Photos 	

Address/Locality	Description
36 Mulwaree Street, Tarago	Occupation of caravan in shed, no wastewater, unhealthy conditions
Current Status <ul style="list-style-type: none"> • Occupant advised to vacate. • Approvals to be sought and obtained prior to any further occupation of site. 	
Photos No Photo available.	

Address/Locality	Description
168 Verner Street, Goulburn	Operation of vehicle repair garage without consent in residential area
Current Status <ul style="list-style-type: none"> • Under investigation and monitoring 	
Photos No Photo available.	

Address/Locality	Description
84-86 George Street, Marulan	Unauthorised changes and internal configuration to commercial building
<p>Current Status</p> <ul style="list-style-type: none"> • Stop Work Order issued. • Landowner seeking to lodge DA and BIC. 	
<p>Photos</p> 	

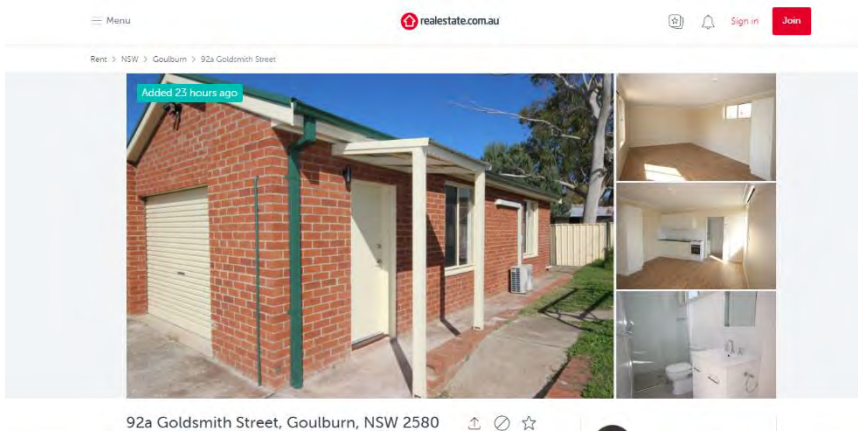
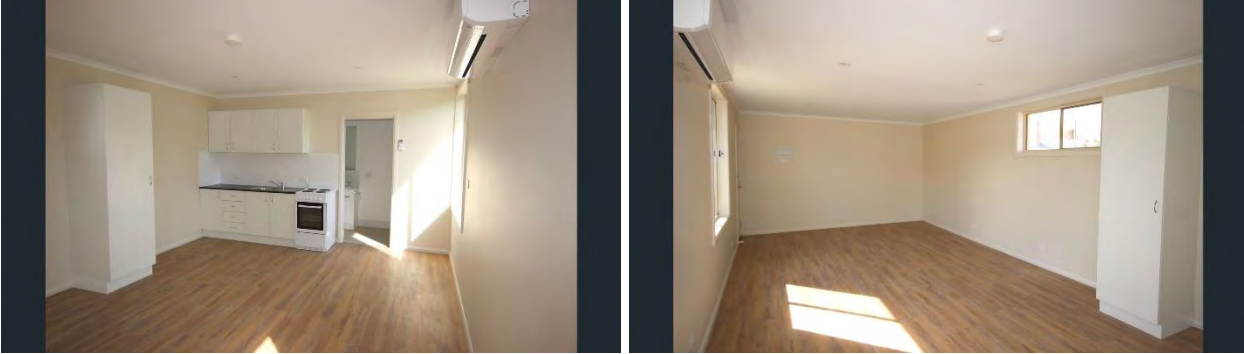
Address/Locality	Description
7 Prell Street, Goulburn	Unauthorised conversion of a garage to a granny flat, and a large unauthorised verandah

Current Status

- Demolish Works Orders issued
- Landowner has lodged DA and BIC. Currently under assessment.

Photos



Address/Locality	Description
92 Goldsmith Street, Goulburn	Unauthorised conversion of a garage to a granny flat
<p>Current Status</p> <ul style="list-style-type: none"> • Demolish Works Order issued • Landowner to lodge DA and BIC. 	
<p>Photos</p>  <p>92a Goldsmith Street, Goulburn, NSW 2580</p> 	

Address/Locality	Description
12 Wran Street, Goulburn	Unauthorised conversion of a garage to a granny flat
<p>Current Status</p> <ul style="list-style-type: none"> • Demolish Works Order issued • Premises currently for sale • Landowner currently unwilling to carry out required works – wishes to pass over to new owner. 	
<p>Photos</p> <p>No Photo available.</p>	

Address/Locality	Description
2 Chantry Street, Goulburn	Unauthorised shed located upon land considered a Local Heritage Item and Heritage Conservation Area.

Current Status

- Demolish Works Order issued
- Landowner currently wanting to defer demolition for 12 months in order to store personal effects.

Photos



Address/Locality	Description
158 Nicholson Street, Goulburn	Unauthorised enclosure of verandah and laundry

Current Status

- Demolish Works Order issued
- Landowner has lodged DA and BIC. Currently under assessment.

Photos



Address/Locality	Description
396 Canyonleigh Rd, Brayton	Unauthorised dwelling and wastewater
Current Status	
<ul style="list-style-type: none"> • Demolish Works Order issued • Premises currently vacated voluntarily • Landowner to lodge DA and BIC. 	
Photos	
	

Address/Locality	Description
31 Lockyer Street, Goulburn	Unauthorised truck depot
Current Status	
<ul style="list-style-type: none"> • Stop Use Order issued. • Landowner has lodged DA for continued. 	
Photos	
No Photo available.	

ENFORCEMENT OPTIONS

A wide and vast array of enforcement options are available given the various legislated activities that are regulated by Council. These can vary from Penalty Infringement Notices in instances where an offence can be proven, through to prosecution via the Courts. Other alternatives are also available depending on the seriousness of the matter, the risk posed to the community or the environment and whether the actions will deter further breaches of a similar nature. The correct enforcement pathway is guided by Council’s *Enforcement Policy*.

In addition to the enforcement mechanisms listed described throughout this report, such as Orders and Notices, Council does have the ability to issue Penalty Infringement Notices (PIN’s). Some of the more common PIN’s are listed below:

Act	Offence	Penalty Value
Environmental Planning & Assessment Act 1979	Development without consent	\$3000 (Individual) \$6000 (Corporation)
	Development without consent – Class 1 & 10 Buildings	\$1500 (Individual) \$3000 (Corporation)
	Occupy or use building without occupation	\$3000 (Individual)

	certificate	\$6000 (Corporation)
Protection of the Environment Operations Act 1997	Pollute Waters	\$4000 (Individual) \$8000 (Corporation)
	Pollute Land	\$4000 (Individual) \$8000 (Corporation)
	Unlawfully use etc place as waste facility	\$4000 (Individual) \$8000 (Corporation)
Local Government Act 1993	Operate sewage management system without approval	\$330
Plumbing and Drainage Act 2011	Plumbing and drainage work not comply with standards	\$1100
	Not notify plumbing regulator when ready for inspection	\$1100
Impounding Act 1993	Abandon a motor vehicle in a public place	\$550

As can be seen, there are a number of PIN's that can be issued for various offences. In many circumstances, multiple PIN's can be issued if the various offences can be proven. For example, in the majority of circumstances where an unauthorised dwelling has been constructed, the following PIN's could be applied:

- Development without consent: \$3000 (\$6000 if developer is a company)
- Pollute waters(no erosion/sediment control): \$4000 (\$8000 if developer is a company)
- Not notify plumbing regulator: \$1100
- Occupy without occupation certificate: \$3000 (\$6000 if developer is a company)

TOTAL: \$11100 (\$21100 for developer)

Given the increasing volume of unauthorised development currently under investigation, and continuing to take place across the LGA, it will be recommended in a future report that Council consider adding an additional resources to assist in dealing with the required compliance and enforcement actions. Based on the available penalties that can be applied, the position could be funded entirely from penalty revenue.

CONCLUSION

The volume of unauthorised development across the LGA appears to be at an all-time high. There is a community and legislated expectation that unauthorised works be dealt with in accordance with the relevant laws and processes.

This is creating additional work for not only Council's compliance staff, but also Council's Planning and Building teams, as additional pressure is often applied by the landowner/developer to have works regularised. It is recognised that a multi-pronged approach is required to address the matter, and it is therefore recommended that the following be endorsed by Council in order to address the expectations of the community:

1. Council write to all real estate agents operating locally advising that "weekenders" are not a recognised or permissible use, and that planning advice should be sought from Council prior to any form of development taking place.
2. Council create an additional appendix for use on rural s10.7 Planning Certificates to highlight to prospective purchasers of rural land their obligations in relation to obtain the appropriate consents prior to works being carried out.



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

23 June 2020

Contact: Planning & Environment
Reference: 1270561

Dear

Subject: Unlawfully Erected Dwellings ("Weekenders")

Council wishes to bring to your attention the recent advertisement for the sale of land at an undisclosed address, located within the Local Government Area currently advertised for sale on realestate.com.au, advertisement number 700079974.

The land sale advertises "no dwelling entitlement, suitable for a shed/weekender" and is listed by

The definition of a "weekender" is not an approved use within NSW as per the *Standard Instrument (Local Environmental Plans) Order 2006*, and therefore is not an approved use under the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009*. Accordingly, a "weekender" is not a legitimate building or land use classification.

Council advises that "weekender/s" are an unlawful structure, often resulting from the unauthorised conversion of a non-habitable building (Class 10a as per the *Building Code of Australia*) into a Class 1 habitable building. In essence any form of habitation requires a dwelling entitlement.

In instances where Council is notified of the presence of an unauthorised structure, Council has a duty of care to the community and potential property buyers to ensure that the appropriate compliance pathway is actioned. In other words properties that do not attract dwelling entitlement and are found to have an illegal structure on the land will be subject to compliance and enforcement action from Council. This may result in the need to remove the structure and any associated infrastructure.

In good faith, Council is asking you to reconsider the methods in which rural properties are advertised so as to ensure that property owners and prospective purchasers are not misled and create future liability issues for both Council and yourself. Specifically Council is requesting that property sales that advertise "weekenders" as a potential land use to prospective buyers be ceased.

For any further enquiries please contact Council's Development Liaison Team during business hours on (02) 4823 4444.

Yours faithfully

A handwritten signature in black ink, appearing to read "S. Martin".

Scott Martin
Director Planning & Environment



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 August 2020

Contact: Planning & Environment
Reference: 1289718

Dear

Subject: Unlawfully Erected Dwellings (“Weekenders”)

Council wishes to bring to your attention the recent advertisement for the sale of land at 202 Silverstream Road, Lower Boro.

The land sale advertises “Due to the access the property does not have an entitlement to live permanently” and promotes the property with land improvements consisting of a mobile home with amenities and ancillary structures, listed by

The erection of a mobile home on land that does not attract dwelling entitlement under clause 4.2A of the *Goulburn Mulwaree Local Environmental Plan 2009*, is an unlawfully erected dwelling. These are sometimes referred to as a “weekender” and/or advertised as “the property does not have an entitlement to live permanently” as indicated within the property advertisement.

The definition of a “weekender” is not an approved use within NSW as per the *Standard Instrument (Local Environmental Plans) Order 2006*, and therefore is not an approved use under the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009*. Accordingly, a “weekender” is not a legitimate building or land use classification.

Council advises that “weekender/s” are an unlawful structure, often resulting from the unauthorised conversion of a non-habitable building (Class 10a as per the *Building Code of Australia*) into a Class 1 habitable building. In essence any form of habitation requires a dwelling entitlement.

In instances where Council is notified of the presence of an unauthorised structure, Council has a duty of care to the community and potential property buyers to ensure that the appropriate compliance pathway is actioned. In other words properties that do not attract dwelling entitlement and are found to have an illegal structure on the land will be subject to compliance and enforcement action from Council. This may result in the need to remove the structure and any associated infrastructure.

Further to the above, and due to the compliance action required to be investigated by Council, the current land owner has made complaints to Council regarding the misrepresentations made to them by the Real Estate Agent.

In good faith, Council is asking you to reconsider the methods in which rural properties are advertised so as to ensure that property owners and prospective purchasers are not misled and create future liability issues for both Council and yourself. Specifically Council is

requesting that property sales that advertise “the property does not have an entitlement to live permanently” and/or are advertised with homes or weekenders (where no dwelling entitlement is legally permissible) as a potential land use to prospective buyers be ceased.

For any further enquiries please contact Council’s Development Liaison Team during business hours on (02) 4823 4444.

Yours faithfully

Scott Martin
Director Planning & Environment

15.4 DEVELOPMENT SERVICE PLAN - GOULBURN STORMWATER

Author: Stephanie Mowle, Business Manager Planning & Development

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Draft Development Service Plan (separately enclosed)  

Link to Community Strategic Plan:	Strategy EN4 - Maintain a balance between growth, development and environmental protection through sensible planning.
Cost to Council:	This project was been budgeted from within Council's adopted Operational Plan. Should Council not adopt the proposed Plan, funding for critical infrastructure will need to be sourced through other mechanisms such as Council's General Fund.
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The report on the Draft Development Service Plan, Goulburn Stormwater prepared by Council's Development Engineer be received.
2. The Draft Development Service Plan, Goulburn Stormwater is independently audited as per the Guidelines prior to being placed on public exhibition.
3. Upon completion of an independent audit Council publicly exhibit the Draft Development Service Plan, Goulburn Stormwater in accordance with the 2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater issued by the Minister for Lands for a minimum of thirty working days.

BACKGROUND

Cardno have been engaged by Council to prepare a Development Servicing Plan (referred to as the 'Draft DSP') covering stormwater developer charges in regards to the City Wide, Clyde Street and Marys Mount development areas. The DSP has been prepared in accordance with the 2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater issued by the Minister for Lands (referred to as the 'Guidelines') and Water, pursuant to Section 306 (3) of *the Water Management Act, 2000*.

The intended outcomes of the Draft DSP were presented to a Councillor Briefing session in June 2020. The purpose of this report is to outline the main components of the Draft DSP and recommends that the Draft DSP be publicly exhibited following an independent audit as per the Guidelines.

REPORT

S64 Stormwater Developer Contribution Rates

In 2017, consulting company Hunterh2O prepared for Council a Development Servicing Plan (referred to as the 'DSP') for Water Supply, Sewerage and Stormwater. The stormwater section of this plan was found to be unsatisfactory due to reduced developer contributions as below:

Table 1 – DSP Comparison of rates

Area	Pre-existing rate	Hunterh20 rate	Reduction
------	-------------------	----------------	-----------

Clyde St	\$14,499	\$2,541	82%
Marys Mount	\$3,345	\$1,325	60%

These marked reductions had the effect of Council not being able to fund the necessary stormwater works involved in these development areas.

To address this situation Council engaged consulting company, Cardno to review the stormwater section of the Hunterh2O report. Council staff had close contact with Cardno during this process to ensure appropriate data was provided. The resulting developer contributions were calculated as follows:

Table 2 – Draft DSP rates

Area	Cardno
Clyde St	\$9,363
Marys Mount (and City Wide)	\$3,613

These new figures restore the ability for Council to fund the necessary stormwater works in these precincts.

Stormwater Works on Council Land

In addition to the above, the draft DSP includes a method that recoups from developers the capitalised cost of the maintenance and renewal of stormwater treatment basins dedicate to Council as part of development.

Due to WaterNSW requirements, subdivisions invariably require bio-basins to treat stormwater quality. Council previously had a policy on this matter, however it was rescinded in 2017 because the placement of stormwater treatment facilities on public land is uncommon and can be dealt with on a case by case basis. Since its withdrawal, planning agreements have been used as the mechanism for developers to dedicate land and stormwater treatment basins to Council.

With regard to these basins, the draft DSP clarifies the process and costs, including:

- Permissibility
- Construction costs borne by the developer
- Maintenance period of 2 years
- Developer contributions for land use, maintenance and renewal
- A Planning Agreement is still the preferred document to formalise the agreement.

The inclusion of this section in the draft DSP should clarify and simplify the process of approving stormwater works on Council land.

15.5 GOULBURN MULWAREE LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020

Author: Kate Wooll, Business Manager Strategic Planning

Authoriser: Warwick Bennett, General Manager

Attachments: 1. **Draft LICP for Exhibition 22 September 2020 (separately enclosed)**



Reference to LSPS:	Planning Priority 1: Infrastructure - Vision 2040 – Infrastructure meets the needs of a growing community
Cost to Council:	Approximately \$53M in revenue is expected from the Draft Plan if adopted.
Use of Reserve Funds:	Reserve Funds will be required to fund shortfalls for infrastructure should the Draft Plan not proceed.

RECOMMENDATION

That:

1. The report on the Draft Local Infrastructure Contributions Plan prepared by Council’s Business Manager Strategic Planning be received.
2. Council endorse the Draft Local Infrastructure Contributions Plan in accordance with the *NSW Environmental Planning and Assessment Act Regulations, 2000*.
3. Council notes that the Draft Local Infrastructure Contributions Plan contains the following 7.11 and 7.12 fees.

	Per resident in a group home or hostel	Per secondary dwelling, 1 bedroom dwelling, boarding house room, or self-contained seniors housing dwelling	Per 2 bedroom dwelling	Per 3 or more bedroom dwelling, dwelling house, or lot with a dwelling entitlement
Goulburn Catchment				
Community facilities	\$707	\$919	\$1,131	\$1,696
Open space and recreation facilities	\$1,786	\$2,322	\$2,857	\$4,286
Roads and active transport facilities	\$5,045	\$6,558	\$8,072	\$12,108
Plan administration and management	\$113	\$147	\$181	\$271
Total	\$7,651	\$9,946	\$12,241	\$18,361
Rural Catchment				
Community facilities	\$707	\$919	\$1,131	\$1,696
Open space and recreation facilities	\$1,786	\$2,322	\$2,857	\$4,286
Roads and active transport facilities	\$2,260	\$2,938	\$3,616	\$5,424
Plan administration and management	\$71	\$93	\$114	\$171
Total	\$4,824	\$6,272	\$7,718	\$11,577

Section 7.12 levy rates

Development type	Levy rate
Development that has a proposed cost of carrying out the development:	
• up to and including \$100,000	Nil
• more than \$100,000 and up to and including \$200,000	0.5% of that cost
• more than \$200,000	1% of that cost

4. Prior to public exhibition the Works Schedule in Appendix 2 of the Draft Local Infrastructure

Contributions Plan be updated to include all project timeframes.

5. Council publicly exhibit the Draft Local Infrastructure Contributions Plan in accordance with the *NSW Environmental Planning and Assessment Act Regulations, 2000* and Council's *Community Participation Plan* for a minimum of twenty eight days.

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.

INTRODUCTION

Council has engaged GLN Planning to prepare a new Developer Contributions Plan (Local Infrastructure Contributions Plan (referred to as the '**Draft Plan**')) under Section 7.11 and 7.12 (former s94 and s94A) of the *NSW Environmental Planning and Assessment Act, 1979*. The purpose of this report is to outline the main components of the Draft Plan and recommends that the Draft Plan be publicly exhibited.

BACKGROUND

The existing Developer Contributions Plans were prepared in 2009, with the inclusion of the heavy vehicle haulage provisions occurring in 2016. This is a significant problem as prior to 2009 the population of the LGA was in decline. Since contributions plans are based on growth, this made it difficult in 2009 to find a nexus between new development and contributions (except where the new subdivisions were proposed at the time in Marys Mount, Ducks Lane and Clyde Street). The existing plans therefore adopted a section 94A levy (now section 7.12) for development which only charges 1% of the total construction cost.

This type of charge (1% levy) is considerably lower than a standard Section 7.11 contribution per lot/dwelling. Ideally the plan should have been reviewed when a pattern of growth rather than decline became apparent. Such a review would likely have resulted in a return to 7.11 contributions instead of the lower levy.

This has not occurred which has resulted in a situation where there is an 11 year gap (over a period which has seen on average 1.37% residential growth per annum) and therefore a major shortfall between what the current rates are and ideally what they should be for a growing area.

The recently adopted Goulburn Mulwaree *Local Strategic Planning Statement* identifies the review of infrastructure funding within developer contributions plans as a high/short term priority.

REPORT

Draft Local Infrastructure Contributions Plan

The Draft Plan combines both section 7.11 and 7.12 plans into the one plan with the one works schedule.

Currently for residential development Section 7.11 contributions are limited to North Goulburn (Marys Mount), Ducks Lane and Clyde Street. The remaining parts of the LGA levies a section 7.12 (1%) contribution for residential development and subdivisions resulting in residential/rural residential development.

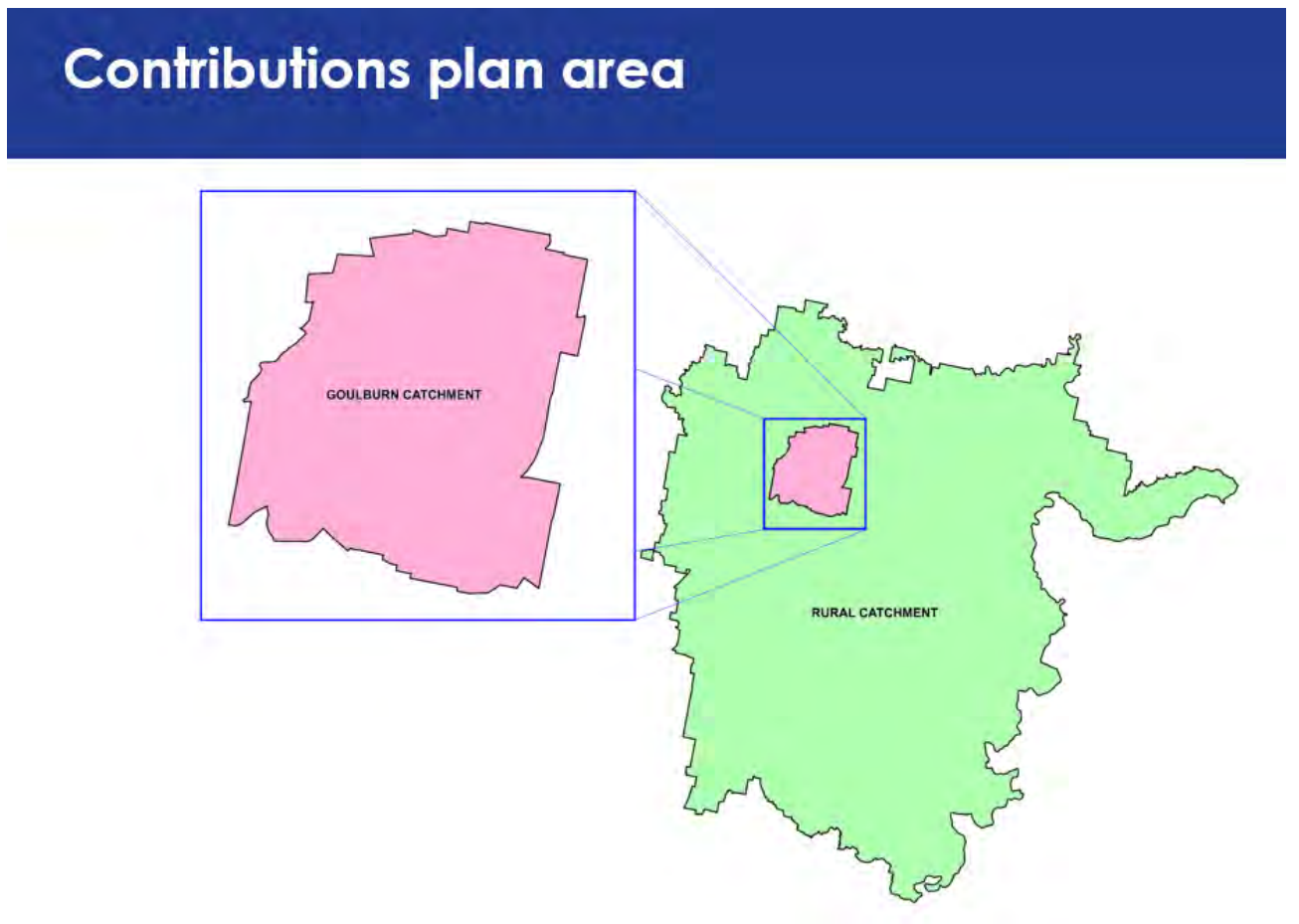
The Draft Plan (**Attachment 1**) will apply to the whole LGA and differs from the current plans by requiring a Section 7.11 charge for most residential development as per the table below.

Table 1 - Section 7.11 contribution rates for Type (a) developments.

	Per resident in a group home or hostel	Per secondary dwelling, 1 bedroom dwelling, boarding house room, or self-contained seniors housing dwelling	Per 2 bedroom dwelling	Per 3 or more bedroom dwelling, dwelling house, or lot with a dwelling entitlement
Goulburn Catchment				
Community facilities	\$707	\$919	\$1,131	\$1,696
Open space and recreation facilities	\$1,786	\$2,322	\$2,857	\$4,286
Roads and active transport facilities	\$5,045	\$6,558	\$8,072	\$12,108
Plan administration and management	\$113	\$147	\$181	\$271
Total	\$7,651	\$9,946	\$12,241	\$18,361
Rural Catchment				
Community facilities	\$707	\$919	\$1,131	\$1,696
Open space and recreation facilities	\$1,786	\$2,322	\$2,857	\$4,286
Roads and active transport facilities	\$2,260	\$2,938	\$3,616	\$5,424
Plan administration and management	\$71	\$93	\$114	\$171
Total	\$4,824	\$6,272	\$7,718	\$11,577

The draft identifies two catchments for contributions being the “Goulburn Catchment” and the “Rural Catchment” as identified in the map below.

Map 1 - Draft Plan Catchments



The two catchments levy the same amounts for community, open space and recreation facilities on the basis that these facilities are centralised as regional facilities in Goulburn i.e. Performing Arts Centre, Aquatic Centre and Community Centre. The main point of difference between the catchments is the amount levied for roads and active transport facilities. The Draft Plan identifies new collector/link roads which would be funded to support growth as identified in the *Urban and Fringe Housing Strategy*. Additionally, cycle ways, intersection upgrades, street lighting, bus stops etc are also identified.

As per the current plan (as revised in 2016) heavy vehicle haulage will be charged a 7.11 contribution as per the table below.

Table 2

Section 7.11 contribution rate for extractive industries, mines and other heavy vehicle haulage uses

Basis of levying*	Contribution rates
Amount of material hauled	4.92 cents per tonne of material over the total length of road
Length of haul road used	\$0.246 per ESA per kilometre of haul road used

* Either method may be applied to a development consent

All commercial, industrial, private recreational and other development will continue to pay a section 7.12 levy as shown in the table below.

Table 3

Section 7.12 levy rates

Development type	Levy rate
Development that has a proposed cost of carrying out the development:	
• up to and including \$100,000	Nil
• more than \$100,000 and up to and including \$200,000	0.5% of that cost
• more than \$200,000	1% of that cost

Where mixed use development occurs such as shop top housing, either the section 7.11 contribution will be applied or the section 7.12 levy (not both) whichever is the higher amount.

Matters for Consideration

Increased Contributions

The Draft Plan will generally increase the amount of contributions levied from residential development but does not alter the existing levy for commercial, industrial or other uses. The contributions from non-residential development under the levy will be pooled and used towards the funding of works in the Draft Plan’s works schedule.

Current contributions vary depending upon location, as some areas such as Marys Mount, Clyde Street and Ducks Lane are charged a Section 7.11 contribution whilst the remaining area is charged a section 7.12 contribution. The following table provides an approximate outline of the changes to the overall charges when the fees associated with water/sewer and stormwater are also factored in.

Table 4 – Difference Between Existing and Proposed Charges (Including Developer Servicing Plan Charges)

	Current Charge (approx.)	Proposed Charge (approx.)	Difference
Clyde Street (North Ring Rd Area)	\$38,800	\$37,284	-\$1516
Marys Mount	\$23,100	\$35,474	+\$12,374
Ducks Lane Nth & Clyde St Sth	\$24,300	\$37,284	+\$12,984
Goulburn City (remainder)	\$23,600	\$37,284	+13,684
Marulan	\$22,300	\$29,248	+\$6,948

Whilst new development associated with the *Urban and Fringe Housing Strategy* will increase Council’s rate base, **this will not recover all the costs associated with residential expansion.** This is particularly obvious where the use of facilities have a regional benefit and are used broadly by both current and future residents.

Facilities such as the new Aquatic Centre, Performing Arts Centre and Wollondilly Walking Track are being expanded to cater for both existing and future demand. Based upon occupation and growth rates, the contributions only fund a portion of these costs (that being the portion which can be directly attributed to population growth). The existing plans are only collecting funds for roads and traffic facilities and open space facilities in and around the Marys Mount, Ducks Lane and Clyde Street areas. In the broader LGA works are currently limited to mainly road and traffic facility maintenance and upgrades.

Currently, the cost of residential expansion outside current Section 7.11 areas has been subsidised by the existing community rather than by the development industry. This is also exacerbated due to Council's income effectively being in decline for 20 years due to the rates cap. A new contributions plan is required to accompany future expansion. The following table provides a summary of identified infrastructure costs and the potential funding from the Draft Plan.

Table 5 -

Summary of proposed infrastructure costs

Type of local infrastructure	Total cost of works	Cost attributable to new development*
Community facilities	\$27,958,480	\$5,292,301
Open space and recreation facilities	\$75,090,00	\$13,372,192
Roads and active transport facilities	\$100,498,000	\$33,833,255
Plan administration and management	\$787,466	\$787,466
Total	\$204,333,946	\$53,285,213

As can be seen from the table above the proposed revenue from developer contributions will not cover the entirety of the costs for future infrastructure development but would provide a substantial contribution, which would otherwise need to be found from existing revenue sources.

Exceptions to 7.11 Contributions

Rural or residential subdivision approved since 2009 and some existing vacant lots which predate environmental planning instruments would under the proposed plan be charged a contribution. For example, in the case of Joseph's Gate subdivision, a Section 7.12 charge and Voluntary Planning Agreement (VPA) was applied. Since the Section 7.12 fee is based only on construction costs, no contribution has been paid on the dwellings yet to be constructed. Under the current plan they would pay a 1% levy on the cost of the building (i.e. a \$450,000 dwelling would pay a \$4,500 levy). Under the new plan, since no 7.11 or 7.12 levy or contribution or dwelling component has been paid, the new contribution rate of \$19,279 would be applied for a 3 bedroom dwelling. Most prospective home builders do not anticipate either the existing 7.12 levy nor will anticipate the higher contribution as proposed.

With the Joseph's Gate scenario in mind, an exception has been included in the plan for subdivisions approved with 7.12 contributions, to provide that future dwellings (excluding further development such as re-subdivision, dual occupancies, secondary dwellings etc.) may continue to pay a 7.12 levy rather than a 7.11 contribution.

Residential development for seniors housing such as aged care facilities or hostels is also included as an exception and would be subject to a section 7.12 levy if privately operated. There is an exemption for seniors housing if operated by a registered community housing provider or social housing provider (refer exemptions below).

Exemptions

A number of exemptions are proposed, being:

- Development for the purpose of the adaptive re-use of an item of environmental heritage contained in Council's Heritage Schedule in the LEP. The exemption does not apply to new structures on the same site.
- Development for the sole purpose of providing affordable housing when the development is carried out by a registered community housing provider or social housing provider as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- Dwelling houses that replace an existing dwelling house, or a dwelling house that existed on the land at the date this plan commenced.
- Dwelling houses (including alterations and additions) on land that was the subject of a section 7.11 contribution on the initial subdivision of that land.
- Development proposed to be carried out by a social housing provider for the purposes of seniors housing as defined in State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- Alterations and additions to a residential dwelling where the cost of works is less than \$200,000.
- Development exempted from section 7.11 contributions or section 7.12 levies by way of a direction made by the Minister for Planning. Copies of the current directions are available to download from the Department of Planning, Industry and Environment website. These can change periodically.
- Public amenities, services and facilities provided by the Council, including any works contained in the works schedule of this Plan.
- Development that involves rebuilding or repair of damage resulting from declared natural disasters (such as flooding or bushfires) by the NSW State Government.

Cost Summary Reports (7.12 levies)

The threshold for requiring a Quantity Surveyors Report has been increased from \$200,000 to \$1 million. The problem with the \$200,000 threshold is that the cost of a Quantity Surveyors report would almost be equal to the \$2,000 contribution (for a \$200k development). Quantity Surveyors are not readily available in Goulburn and are relatively expensive. The provision of a Quantity Surveyors Report is often a point of dispute between a Council assessment officer and an applicant that is unnecessary. Effectively a copy of the contract or quote from a builder/designer/architect/engineer etc should be enough for most dwellings and commercial development under \$1 million. Council can also check estimated costs against recognised industry publications, such as Cordell's and Rawlinson's cost guides for building and construction, if amounts appear to be under estimated (as this affects DA fees also).

Stormwater Drainage, Water & Sewer Services

This report does not propose any changes to contributions proposed for future stormwater drainage, sewer and water upgrades. It is intended that this will continue to be included in a separate Developer Servicing Plan under s64 of the *Local Government Act, 1993*. Changes in this regard will be reported to Council separately.

Relationship to Other Contributions Plans

The Draft Local Infrastructure Contributions Plan is intended to repeal the current contributions plans.

Section 32 of the Environmental Planning and Assessment Act Regulations 2000 provides for the repeal of contributions plans as follows:

32 Amendment or repeal of contributions plan
(cf clause 31 of EP&A Regulation 1994)

- (1) A council may amend a contributions plan by a subsequent contributions plan.
- (2) A council may repeal a contributions plan—
 - (a) by a subsequent contributions plan, or
 - (b) by publishing notice of the decision to repeal the plan on its website.
 - (2A) At least 14 days before repealing a contributions plan under subclause (2)(b), the council must publish notice of its intention to repeal the plan, and its reasons for the repeal, on its website.
 - (2B) The repeal of a contributions plan under subclause (2)(b) takes effect on the date on which the notice is published on the council's website.
- (3) A council may make the following kinds of amendments to a contributions plan without the need to prepare a new contributions plan—
 - (a) minor typographical corrections,
 - (b) changes to the rates of section 7.11 monetary contributions set out in the plan to reflect quarterly or annual variations to—
 - (i) readily accessible index figures adopted by the plan (such as a Consumer Price Index), or
 - (ii) index figures prepared by or on behalf of the council from time to time that are specifically adopted by the plan,
 - (c) the omission of details concerning works that have been completed.

The majority of works in the current contributions plan have been completed. There are some outstanding works in Marys Mount including:

- Middle Arm Road upgrade 2 x roundabouts – (this is covered in the generic intersection upgrades)
- 1 turn treatment - (this is covered in the generic intersection upgrades)

In the Clyde Street precinct the remaining section of the link road and some other intersection traffic management measures are outstanding.

The more significant works are rolled over in the new works schedule in the Draft Plan. There are a number of generic items added to the schedule that also pick up smaller outstanding items such as intersection upgrades, traffic improvements and road upgrades.

A separate report to Council will be prepared detailing how the funds from the repealed plans will be applied.

Comparison to other LGAs

The following table provides a comparison of section 7.11 charges with other LGA's. It is also worth noting that Developer Servicing Plans (DSPs) otherwise known as section 64 charges (under the Local Government Act) also apply to development, adding to the overall cost.

A comparison of these charges between the LGAs is in the table below. The charges are approximate only as rates vary within catchments within each of the surrounding areas.

Table 6 - Comparison with Other Regional Centres

	Albury (pop. 49,172) (GR: 0.71% - 1.24%)	Griffith (pop. 20,251) (GR: 0.72%)	Wagga Wagga (pop. 56,442) (GR: 0.59%-1.23%)	GMC (pop. 31,132) (GR: 1.37%)
s.7.11	\$10,463	\$8,647	\$18,573	\$18,361
DSP	\$7,691	\$17,556	\$6,585	\$17,111
TOTAL	\$18,154	\$26,203	\$25,158	\$35,472

Table 7- Comparison with Adjoining LGAs

	Yass Valley	QPRC	Wingecarribee	GMC
s.7.11	\$19,000	\$25,830 - \$31,800	\$7,000	\$18,361
DSP	\$31,000	\$9,000	\$25,750	\$17,111
TOTAL	\$50,000	\$34,830 - \$40,800	\$32,750	\$35,472

Notes:

GR = Growth Rate

GMC example based on typical Marys Mt single lot/dwelling

Existing DSP (or s64 Contributions) are for water, sewer & stormwater

Upper Lachlan not included as demand for infrastructure not comparable

Please note that a separate report is being prepared for Council consideration in relation to an amendment to Council’s existing Stormwater Developer Servicing Plan (DSP), which if adopted will result in increased DSP charges for **stormwater.*

The proposed contributions will be higher than those of some surrounding areas but this reflects the extensive capital works program and expansion proposed combined with a relatively high growth rate.

Corrections / Amendments Prior to Public Exhibition

A few minor corrections and amendments will be made to the document prior to public exhibition. These corrections will be in relation to any typographical errors and additions to the timeframes in the works schedule in Appendix B of the Draft Plan (Attachment 1). These changes will not affect the intent or outcomes of the report, but will be made to ensure completeness.

Public Exhibition

The *NSW Environment and Planning Act Regulations 2000* specifies the following requirements for the public exhibition of draft contributions plans.

- 28 *Public exhibition of draft contributions plans*
Following the preparation of a draft contributions plan, the council must publish the following on its website—
- (a) the draft contributions plan and any supporting documents,*
 - (b) the period during which submissions about the draft plan may be made to the council.*

Council's *Community Participation Plan* specifies a minimum period of twenty eight days for the exhibition of a draft contributions plan.

CONCLUSION

In conclusion, the existing Contributions Plans are nearly completed in relation to the works schedules and are relatively narrow in scope of works. The previous approach to Contributions Planning with widespread application of a Section 7.12 (former 94A) levy was based on a no growth or negative growth scenario prior to 2009. Since 2009 there has been a decade of continual growth at an average rate of 1.37% per annum. The current contributions plan has not kept pace with this development and growing community expectations for regional class community and open space facilities.

With the proposed expansion of residential development under the *Urban and Fringe Housing Strategy*, further strain will be placed on existing revenue sources if the developer contributions are not increased. The Draft Plan identifies approximately \$204 million in future infrastructure and provides for approximately \$53 million in funding from developer contributions. It is, therefore, an appropriate time for a new local infrastructure contributions plan to be introduced to capture both new development and planned capital works projects. It is recommended that the Draft Plan be publicly exhibited for a minimum of 28 days.

15.6 POLICY - STRATEGIC PLANNING FEES AND CHARGES

Author: Nick Thistleton, Senior Strategic Planner

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. **Reduction or Waiver of Council Fees and Charges Policy** [↓](#) 
 2. **Draft Strategic Planning Fees and Charges Policy** [↓](#) 
 3. **Fees and Charges Amendment** [↓](#) 

Link to Community Strategic Plan:	CL4 – Actively investigate and communicate funding sources and collaboration opportunities that can strengthen the region.
Cost to Council:	NIL
Use of Reserve Funds:	NIL

RECOMMENDATION

That

1. The report from the Senior Strategic Planner on the *Strategic Planning Fees and Charges Policy* be received.
2. The *Strategic Planning Fees and Charges Policy* not be adopted as the existing *Reduction or Waiver of Council Fees & Charges Policy* provides an adequate mechanism for assessment of any fee waivers or reductions.
3. Council amend its Fees and Charges to include the following notation under Amendments to the Local Environmental Plan:

Note: In circumstances where it is unclear which category a planning proposal belongs in, Council will exercise its discretion in applying the appropriate fee.
4. Council not proceed in making any additional amendment to its Fees and Charges for Amendments to the Local Environmental Plan at this time.

BACKGROUND

Council previously considered the need for a *Strategic Planning Fees and Charges Policy* at the Council Meeting held on 19 May 2020 and 4 August 2020.

On 19 May 2020, Council adopted a significant change to Council's fees and charges for planning proposals and development control plan amendments, resolving (2020/168):

That:

1. **The post exhibition report on Strategic Planning Unit fees and charges by Council's Business Manager Strategic Planning be received.**
2. **The planning proposal/rezoning fees as follows be adopted:**

Fee Name	Amount (GST exclusive)
Planning Proposal Commencement (covers pre lodgement meetings, assessment and report to Council)	
Anomalies & Minor Amendments/Minor Planning Proposal	\$1,800
Major Planning Proposal /Land Release	\$4,500
Planning Proposal Fee - Anomalies and minor amendments , no specialist studies required) e.g. adding or removing a heritage item or other matter not requiring complex assessment. <i>Note - proposals will be combined and processed on a 6 monthly basis (not as</i>	\$2,100

<i>individual LEP amendments).</i>	
Planning Proposal Fee – Minor Planning Proposal (1 lot and less than 1ha) <i>Note – does not include specialist studies and public hearings (if required) which are at the cost of the proponent.</i>	\$6,312
Planning Proposal Fee – Major (More than 1 lot and greater than 1 ha) <i>Note – does not include specialist studies and public hearings (if required) which are at the cost of the proponent.</i>	\$22,100
Planning Proposal Fee – Land Release (Area greater than 10 ha where a residential, rural residential or industrial zoning is proposed). <i>Note – does not include specialist studies and public hearings (if required) which are at the cost of the proponent.</i>	\$42,000

3. The Development Control Plan fees as follows be adopted:

Development Control Plan Amendment – Anomaly or minor amendment	\$1,800
Development Control Plan Amendment	\$5,250
Preparation of site specific Development Control Plan or Development Control Plan Chapter (i.e. for new land release)	\$15,000 – this fee may be waived by Council if the proponent prepares and submits a site specific DCP chapter in consultation with Council and in accordance with a master plan for the release area.

4. The General Manager to implement a procedure that ensures actual time is noted against each application and a refund or additional costs be made to ensure the final fee reflects the actual time in processing the planning proposal. Council notes that the fees in paragraph 2 & 3 above are indicative costs.

5. The General Manager prepare a Policy for Councils consideration which sets out the criteria that Council will consider for reviewing planning proposal /rezoning fees.

Points 4 and 5 were added to the recommendation and resolved by Council based on concerns that the fees and charges did not adequately consider the contributions of private consultancies to the planning proposal process.

It was later clarified at the meeting of 4 August 2020 that the proposed fees and charges had in fact incorporated the contributions of private consultancies, as it was reasoned that the contributions of private consultancies on the planning proposal process had very little bearing on the overall amount of time or cost to Council on the processing of planning proposal. This is because almost all of the time spent on processing a planning proposal involves liaising with and preparing reports for other Council staff, the elected Council and various state government agencies (e.g. WaterNSW, Transport for NSW, Department of Planning, Industry and Environment etc.).

Additionally, Strategic Planning had recently removed the requirement to provide fully completed planning proposals, as it was observed that Strategic Planning spent a similar amount of time preparing the planning proposal internally as it was liaising between the proponent, consultant and other government agencies to get an external planning proposal amended.

It was also clarified on 4 August 2020 that Council can continue to rely on the existing *Reduction or Waiver of Council Fees & Charges Policy (Attachment 1)*, if it chose not to proceed with a standalone *Strategic Planning Fees and Charges Policy (Attachment 2)*. This would offer Council the flexibility to issue fee reductions or refunds on a case by case basis.

The recommendation to Council on 4 August 2020 was to publicly exhibit the *Draft Strategic Planning Fees and Charges Policy* in order to give effect to points 4 and 5 of the Council resolution from the 19 May 2020 meeting. Council considered this additional information and resolved on 4 August 2020 (2020/301):

That

1. ***The report from the Strategic Planner on the Draft Strategic Fee and Charges Policy be received and noted.***
2. ***The Draft Strategic Planning Fees and Charges Policy and amendment to Council fee and charges be placed on public exhibition for a minimum of 28 days***
3. ***Any submissions or recommended amendments as a result of the public exhibition process be reported back to Council including a need to proceed with the policy taking into consideration existing policies.***

Point 3 of the resolution above was amended from the recommendation to merely report the draft policy back to Council after public exhibition to also include an assessment of whether or not the policy was needed, taking into consideration existing policies. It is understood that the intention of point 3 was to avoid generating the expectation that Council had already determined that it was seeking to adopt the policy.

REPORT

Introduction

This report considers the need to adopt the *Strategic Planning Fees and Charges Policy* taking into consideration existing Council policies, in accordance with point 3 of the resolution above. The recommendation of this report is to not adopt the *Strategic Planning Fees and Charges Policy* and associated amendment to Council's fees and charges, with the exception of a small amendment included to clarify that Council will use its discretion in determining which fee should apply if the planning proposal does not clearly fit in one fee category or another.

In support of the recommendation of this report, consideration is given to Council's existing *Reduction or Waiver of Council Fees & Charges Policy* and the comparative difficulties of implementing the *Strategic Planning Fees and Charges Policy* in a fair and equitable manner.

Summary of Draft Strategic Planning Fees and Charges Policy and Amendment to Fees and Charges

The *Draft Strategic Planning Fees and Charges Policy* was prepared to provide a simple methodology for determining refunds of Council's planning proposal fees and charges in addition to providing a background and justification for the fees. Under the draft policy, the proponent would be eligible for a refund of the processing fees if:

1. The planning proposal is a major or land release planning proposal; AND
2. The planning proposal submitted is "Gateway-ready"; AND
3. Staff assessment and processing costs incurred have not exceeded the applicable fee;

In which case, the refund would be equal to the processing fee, minus staff assessment and processing costs incurred at the hourly rate of \$150, recorded against the application.

For the purposes of the draft policy, a "Gateway-ready" planning proposal is a planning proposal submitted with Council that has been substantially completed to such a degree that Council is not required to amend or alter the document itself prior to submitting it to the Department of Planning, Industry and Environment for a Gateway Determination.

This also requires that any outstanding matters raised by Council or NSW Government agencies is addressed by the proponent as well.

If the planning proposal submitted does not meet the requirements above, then the full fee would be applied and Council would not record any hours spent processing the proposal. This is because the processing fees already accurately reflect the average processing costs. It is also noted in the draft policy that there is considered to be no significant difference in the time taken to process a 'minor' planning proposal submitted and the time to prepare such a planning proposal internally, given that they are generally not technically complex or lengthy documents.

An associated amendment to Council's Fees and Charges was also proposed. This is an administrative amendment to provide a cross reference to the draft policy and establish the hourly processing cost, which may be reviewed in future financial years independently to the draft policy (**Attachment 3**). The proposed amendment also includes an unrelated notation allowing Council to use its discretion in applying the fees in the unlikely event that a planning proposal is submitted that does not clearly fit in one planning proposal category or another.

Public Exhibition

The *Draft Strategic Planning Fees and Charges Policy* and associated amendment to the Council's fees and charges were publicly exhibited simultaneously from 19 August 2020 to 19 September 2020. Public exhibition included weekly notices in the Goulburn Post and on Council's website, with exhibition material being available both online and at the Civic Centre.

It was made clear in the advertisement for the amendment to Council's fees and charges that any change was subject to Council's endorsement of the *Draft Strategic Planning Fees and Charges Policy*.

No submissions were received at any point during the public exhibition period.

Suitability of the Reduction or Waiver of Council Fees & Charges Policy

In support of the recommendation of this report, it is noted that Council has an existing *Reduction or Waiver of Council Fees & Charges Policy* (**Attachment 1**). The advantage of this policy over the *Strategic Planning Fees and Charges Policy*, is that it offers Council the flexibility to determine any fee reductions or waivers on a case by case basis, in consideration of the merits of the request. This is also consistent with the current practice of Strategic Planning seeking any fee waiver or reduction by way of a direct recommendation to Council, a report justifying any such fee waiver and a copy of the proponent's request.

This contrasts with the *Strategic Planning Fees and Charges Policy*, which is designed to automatically issue or deny refund requests based on hourly processing costs alone, irrespective of the merits of any additional refund request. Any additional request for a refund would be directly inconsistent with the *Strategic Planning Fees and Charges Policy*.

Suitability of the Strategic Planning Fees and Charges Policy

The *Strategic Planning Fees and Charges Policy* was designed to provide a simple automatic system for refunding planning proposals in response to the Council resolution of 19 May 2020. In isolation, this policy is suitable as a means of enforcing Council's fees and charges for planning proposals. However, when compared to Council's *Reduction or Waiver of Council Fees & Charges Policy*, this policy may not be best placed to ensure the fair and equitable refund of planning proposal fees.

Additionally, the strict eligibility and reporting requirements in the *Strategic Planning Fees and Charges Policy* also presents the following considerations that would not be required under Council's existing *Reduction or Waiver of Council Fees & Charges Policy*:

- The *Strategic Planning Fees and Charges Policy* provides simple but strict eligibility requirements for reductions or refunds. As mentioned previously, any additional refunds requested would be directly inconsistent with this policy, irrespective of the merits of the request.
- The requirement to record hours for eligible planning proposals presents a significant administrative burden and risk to the accuracy of the fee calculation costs. Other organisations that record hourly processing costs, such as legal firms, generally record hours for only one person or a small team of people who deliver the service. This contrasts with the planning proposal process for Council, where dozens of people from every directorate in Council could be required to provide input. This represents a serious risk of misreporting the true cost of a planning proposal to Council. Accurately recording hours for a planning proposal would require, for example:
 - Recording the hours of the Strategic Planner working on the project.
 - Recording the hours of other Strategic Planners, who may peer review the proposal.
 - Recording the hours of the Business Manager of Strategic Planning, when peer reviewing the proposal and authorising reports to Council or the Department of Planning, Industry and Environment.
 - Recording the hours of the Director of Planning and Environment, when peer reviewing the proposal and authorising reports to Council or the Department of Planning, Industry and Environment.
 - Recording the hours of Council's Utilities Directorate staff, when they are providing advice on sewer or water servicing. This task alone would perhaps require the comments and time recorded from two (2) other Business Managers, Council engineers and the Director of Utilities.
 - Recording the hours of Council's Operations Directorate staff, when they are providing advice on the creation of new public spaces, roads or community facilities. This task alone would perhaps require the comments and time recorded from three (3) other Business Managers, Council engineers and the Director of Operations.
 - Recording the hours of Council's Corporate and Community Services staff, when they are providing advice on grant applications applicable to the planning proposal or revenue available for Council to utilise during the planning proposal process. This task would perhaps require the comments and time recorded from another Business Manager, a Grants Officer and the Director of Corporate and Community Services.
 - Recording the hours of Council's Executive staff, when booking Council chambers, organising public advertisement or reporting matters relevant to economic development. This task can involve conferring with up to three (3) different staff members in Executive.
 - Recording the hours of Council's General Manager, Director of Corporate and Community Services, Director of Utilities, Director of Planning and Environment and Director of Operations whenever the planning proposal is reported to the Executive Team for discussion, to a Councillor briefing session or to a meeting of Council.
 - Recording the hours of Development Assessment staff, when they confer with Strategic Planning on the impacts of a planning proposal on future development assessment or current development applications. This task may involve both the assessing officers and the Team Leader of Development Assessment.
 - Recording the hours of Environment and Health staff when seeking advice about the potential for future land use conflict. This task could involve the Business Manager for Environment and Health, the Ranger Services Coordinator and the Health and Compliance Coordinator.
 - Recording the hours of any additional staff whose work will be affected by a planning proposal, when advising of a new or completed planning proposal.

- The fee for 'land release' planning proposals (for land 10HA or larger) is based on the processing time of such a planning proposal taking around 280 hours of staff time, with a 'major' planning proposal taking roughly half that time. Both fees are calculated on a cost recovery basis only. Given that consultation with most of the people listed on the previous point may be required for these planning proposals, it is highly unlikely that anyone will be eligible for a refund against this policy if all hours are accurately recorded against everyone that contributes to the process.
- As discussed in the background component of this report, additional input provided by private planning consultants can have very little bearing on the total cost and time taken to process a planning proposal. This is because almost all of the time spent on processing a planning proposal involves liaising with and preparing reports for other Council staff, the elected Council and various state government agencies (e.g. WaterNSW, Transport for NSW, Department of Planning, Industry and Environment etc.).

Conclusion

The recommendation of this report is to not proceed in adopting the *Strategic Planning Fees and Charges Policy* and instead rely of Council's existing *Reduction or Waiver of Council Fees & Charges Policy*. This will allow Council to consider any future requests for fee reductions or waivers on a case by case basis in consideration of the merits of each request, as opposed to relying on a standalone *Strategic Planning Fees and Charges Policy*, which will only allow refunds based on the amount of hours recorded against the planning proposal.

This report also recommends that the associated amendment to Council's fees and charges also not be adopted, with the exception of a small notation which clarifies that Council will use its discretion when determining which planning proposal fee is applicable, if a planning proposal does not fit clearly into one category or another.



Reduction or Waiver of Council Fees & Charges Policy



GOULBURN MULWAREE COUNCIL REDUCTION OR WAIVER OF COUNCIL FEES & CHARGES POLICY

POLICY OBJECTIVE

To provide a framework for the consistent and equitable assessment of requests for the reduction or waiver of Council fees and charges for the use of Council facilities and / or services provided by Council.

LEGISLATIVE PROVISIONS

Local Government Act 1993

POLICY STATEMENT

This policy deals only with the reduction or waiver of Council fees and charges associated with the use of Council facilities and / or services provided, and seeks to ensure:

- A standard process for applicants to follow
- Equitable assessment of each requests received
- Transparency and accountability to the community
- Effective reporting mechanisms

Assessment procedures

- All requests to waive or reduce Council fees must be in writing and addressed to the General Manager or delegated staff
- Eligibility and assessment criteria must be provided to applicants upon request or on receipt of applications
- A written assessment should be provided to the applicant
- Applications that do not exceed \$2,000 will be determined by the General Manager in consultation with the Mayor.

Upon request the applicant may be asked to:

- Demonstrate a substantial degree of community support and representation
- Explain the nature of the event or activity
- Explain the perceived benefit of the event or activity to the local community
- Explain the ability of the event or activity to complement existing community services
- Detail alternative funding sources available and accessed by the organisation
- Detail previous funding assistance provided by the Council
- Detail information regarding the organisation to include:
 - a) Organisation profile
 - b) Membership information
 - c) Funding profile and non profit status
 - d) Marketing intentions and acknowledgement of Council's contribution

Eligibility Criteria

To be eligible for funding the applicant must be considered in at least one of the following categories:

- Charitable organisation
- Be a non profit organisation and dependant upon amount requested, may be asked to provide audited financial accounts
- Pensioner groups
- Community groups
- Schools and any group/organisation as determined from time to time by Council



GOULBURN MULWAREE COUNCIL
REDUCTION OR WAIVER OF COUNCIL FEES & CHARGES POLICY

- Demonstrate special circumstances as determined by the General Manager or Council's delegated staff

Council **will not** consider applications to waive fees and charges for:

- Any profit making ventures for commercial entities
- Any activity, event or program that contravenes Council's existing policies
- The bond associated with the use of Council facilities, (only the waiver of fees for an activity, event or function will be considered)
- Retrospective applications, including refunds

Special Conditions

1. Recurrent requests to waive Council fees and charges will be assessed as per the criteria outlined in this policy.
2. Organisations receiving funding under Council's *Community Grants & Donations Policy* **may be ineligible** for a reduction or waiver of Council fees and charges. All requests will be assessed against this policy
3. A report of each application determined by the General Manager will be forwarded to Council for information.
4. If an application for waiver does not meet the evaluation criteria but is assessed by the General Manager as a case warranting further consideration, it will be forwarded to Council for determination.

Approval to waive Council fees does not imply Council's endorsement of the applicant's event or project or of the applicant's philosophy or objectives.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	19 May 2009	09/264	6 July 2009	6 July 2009
2	19 March 2013	13/81	10 May 2013	10 May 2013
3	6 June 2017	17/228	6 June 2017	7 July 2017
All policies can be reviewed or revoked by resolution of Council at anytime.				

DIRECTORATE: Executive Services

BUSINESS UNIT: Executive Services



DRAFT Strategic Planning Fees & Charges Policy

The Draft Strategic Planning Fees and Charges Policy is currently on public exhibition.

Submissions will be received until close of business **Wednesday 16 September 2020**.

Submissions must be addressed to:
Business Manager Governance,
Goulburn Mulwaree Council,
Locked Bag 22,
Goulburn NSW 2580



GOULBURN MULWAREE COUNCIL DRAFT STRATEGIC PLANNING FEES AND CHARGES POLICY

POLICY OBJECTIVE

The Objective of this policy is to establish clear and consistent guidance for the implementation of the Strategic Planning Fees and Charges.

LEGISLATIVE PROVISIONS

Local Government Act 1993

Environmental Planning and Assessment Act 1979

POLICY STATEMENT

Goulburn Mulwaree Council endorsed a fees and charges regime in May 2020 for the preparation and implementation of planning proposals that seek to amend the *Goulburn Mulwaree Local Environmental Plan 2009*.

The fees and charges proposed at this time were considered necessary so as to ensure the logical and practical implementation of a number of strategy documents, including but not limited to the *Employment Land Strategy* and the *Urban and Fringe Housing Strategy*. To implement such strategies requires several bodies of intensive planning work to be undertaken including master/precinct planning and contributions planning. More often than not in rural and regional areas, this work is carried out by Council.

The calculation of the endorsed fees and charges was based on the typical timeframes associated with Council staff preparing a planning proposal and the subsequent strategic documents, allowing for full cost recovery of staff time and Council resources. In effect, the broad principle of the charging regime is to ensure that Council is appropriately and financially compensated for the work involved in the preparation of the planning proposal.

Notwithstanding the above, Council is often required to engage external consultants or temporarily engage additional staff to ensure that the required planning is carried out in a timely manner. The fees and charges should therefore also cover these costs.

Applicants may however engage the services of a suitably qualified, experienced and practising planning consultant to prepare a planning proposal on their behalf. It is recognised that in instances such as this, there may be a reduction in the amount of time and resources expended by Council, and therefore the applicant may be entitled to a partial refund of their application fees. It could also be the case where the landowner has already prepared and lodged with Council reports that are required to be considered as part of a planning proposal and thus would not consume the same amount of staff time as a new report. Such reporting may also attract a discount on the fee structure.

It is noted that many aspects of the planning proposal pathway require tasks to be completed by Council alone, and therefore would not attract any form of fee relief. Such tasks include, but are not limited to, preparation of Council Business Paper reports, community consultation, and liaison with various government agencies such as the Department of Planning, Industry & Environment and Parliamentary Counsel's Office.

As such, it is Council's position that an applicant must prepare a "Gateway-ready" planning proposal to be eligible for a partial refund on fees and charges.

This Policy is made in accordance with Council's fees and charges, allowing Council to issue refunds independently of the requirements of any other policy, provided that the prescribed conditions are met.



GOULBURN MULWAREE COUNCIL
DRAFT STRATEGIC PLANNING FEES AND CHARGES POLICY

Application of Fees and Charges

The table below outlines how and when fees and charges will be applied to new planning proposals:

(Refer to the adopted Fees and Charges for specific monetary amounts)

Fee Name	Application
Planning Proposal Commencement Fee	<p>Payment of this fee will be required upon receipt of a planning proposal or a formal letter requesting a rezoning. Council will exercise its discretion as to what constitutes a formal letter to request a planning proposal, and will always require payment of this commencement fee prior to the matter being reported to Council.</p> <p>As per Council’s fees and charges, the commencement fee varies in size depending on whether or not it is considered to be an anomalous, minor, major or land release planning proposal.</p>
Planning Proposal Fee Anomalies, Administrative etc.	<p>This fee is applicable for any planning proposal to correct anomalies (e.g. removing heritage items).</p> <p>In these circumstances planning proposals will generally be undertaken by Council on a six-monthly basis. If the applicant wishes to pursue their own planning proposal, it will be considered a minor planning proposal for the purposes of fees and charges.</p>
Additional Assessment & Processing Fee – Minor	<p>This fee is applicable for minor planning proposals that apply to 1 lot or less than 1 hectare of land.</p> <p>This fee is payable if Council resolves to proceed with the planning proposal.</p>
Additional Assessment & Processing Fee – Major*	<p>This fee is applicable for major planning proposals that apply to more than 1 lot or more than 1 hectare of land. This fee is not applicable to land release planning proposals, as defined in the next category.</p> <p>This fee is payable if Council resolves to proceed with the planning proposal.</p>
Additional Assessment & Processing Fee – Land Release*	<p>This fee is applicable to land release planning proposals for more than 10 hectares of land, where residential, rural residential, business/industrial other zoning intensification is proposed.</p> <p>This fee is payable if Council resolves to proceed with the planning proposal.</p>
<p>Note: In circumstances where it is unclear which category a planning proposal belongs in, Council will exercise its discretion in applying the appropriate fee.</p>	
<p>*Denotes fees that may be subject to partial refunds in this policy if prescribed conditions are met.</p>	



**GOULBURN MULWAREE COUNCIL
DRAFT STRATEGIC PLANNING FEES AND CHARGES POLICY**

Partial Refunds for “Gateway-Ready” Planning Proposals

A partial refund may be granted if the planning proposal submitted is a “Gateway-ready” major or land release planning proposal. For the purposes of this policy, a “Gateway-ready” planning proposal has addressed all outstanding matters to such a degree that it is able to be provided to the Department of Planning, Industry and Environment for a Gateway Determination without requiring Council to amend the document. This requires that any matter raised by Council or a NSW Government agency be addressed by the applicant prior to the planning proposal being reported to Council. This includes any requirement to produce specialist studies or assessments (e.g. a flora and fauna assessment, bushfire, water cycle management, heritage, etc.).

Planning proposals that are considered “Gateway-ready” will have all staff hours logged against the application. The actual refund amount in this instance will vary depending on staff assessment and processing costs occurred up to this date, with the difference between staff hourly assessment costs and the full fee for the planning proposal being the refund amount. No amount will be refunded if the assessment and processing costs are equal to or greater than the assessment and processing fee.

In the event that the planning proposal is not “Gateway-ready” or is considered a minor planning proposal, staff hours will not be recorded and the full fee will apply in all instances. This is because all planning proposal fees equate to the average cost imposed on Council to develop planning proposals internally. Council also notes that there is no significant difference in time loss or cost imposed between preparing a minor planning proposal and assessing a minor planning proposal that has been submitted.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	4 August 2020	2020/301		
All policies can be reviewed or revoked by resolution of Council at anytime.				

DIRECTORATE: Planning & Environment

BUSINESS UNIT: Strategic Planning

CURRENT Fees and Charges Schedule (Extract)

Note: Changes only applicable to 2020/2021 fee for the fee categories below

Fee Name	Fee Notes	Units	Price Policy	2019/20 GST Inclusive	GST	2020/21 GST Inclusive
Amendments to the Local Environmental Plan						
Additional Assessment & Processing Fee - Major	Additional fee payable after a Council meeting where Council has resolved to support the planning proposal, whether partly or wholly, for major planning proposals (applying to more than 1 Lot or more than 1ha of land). This fee does not apply to planning proposals initiated by the Strategic Planning Unit. Fee is a minimum - may increase due to need to cover additional specialist reports/consultation	Per assessment	Development Fee	13,750.00	GST Free	22,100.00
Additional Assessment & Processing Fee – Land Release	Additional fee payable after a Council meeting where Council has resolved to support the planning proposal, whether partly or wholly, for land releases on greenfield sites (more than 10ha of land where a residential, rural residential or business/industrial zoning or other intensification is proposed). Fee is a minimum – may increase due to need to cover additional specialist reports/consultation.	Per assessment	Development Fee	42,000.00	GST Free	42,000.00

PROPOSED NEW Fees and Charges Schedule

Note: Changes only applicable to 2020/2021 fee for the fee categories below

Note: Proposed changes in RED

Fee Name	Fee Notes	Units	Price Policy	2019/20 GST Inclusive	GST	2020/21 GST Inclusive
Amendments to the Local Environmental Plan						
Note: In circumstances where it is unclear which category a planning proposal belongs in, Council will exercise its discretion in applying the appropriate fee.						
Additional Assessment & Processing Fee - Major	Additional fee payable after a Council meeting where Council has resolved to support the planning proposal, whether partly or wholly, for major planning proposals (applying to more than 1 Lot or more than 1ha of land). This fee does not apply to planning proposals initiated by the Strategic Planning Unit. Fee is a minimum - may increase due to need to cover additional specialist reports/consultation <i>Fee may be partially refunded in accordance with Council's Strategic Planning Fees and Charges Policy based on hourly processing costs incurred.</i>	Per assessment	Development Fee	13,750.00	GST Free	22,100.00 <i>(150.00 hourly processing cost)</i>
Additional Assessment & Processing Fee – Land Release	Additional fee payable after a Council meeting where Council has resolved to support the planning proposal, whether partly or wholly, for land releases on greenfield sites (more than 10ha of land where a residential, rural residential or business/industrial zoning or other intensification is proposed). Fee is a minimum – may increase due to need to cover additional specialist reports/consultation. <i>Fee may be partially refunded in accordance with Council's Strategic Planning Fees and Charges Policy based on hourly processing costs incurred.</i>	Per assessment	Development Fee	42,000.00	GST Free	42,000.00 <i>(150.00 hourly processing cost)</i>

15.7 UPDATED STRATEGIC PLANNING PROGRAM

Author: Kate Wooll, Business Manager Strategic Planning

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Strategic Planning Program 2020-2021 [↓](#) 

Link to Community Strategic Plan:	<p>Strategy EN4 Maintain a balance between growth, development and environmental protection through sensible planning.</p> <p>Strategy CO4 Recognise and celebrate our diverse cultural identities, and protect and maintain our community’s natural and built cultural heritage.</p> <p>Strategy CL2 Encourage and facilitate open and respectful communication between the community, the private sector, Council, and other government agencies.</p>
Cost to Council:	Within current budgets including carry forwards
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The report from the Business Manager Strategic Planning on the updated Strategic Planning Program be received.
2. Council endorse the revised Strategic Planning Program attached to this report acknowledging that the time frames for completion of projects are indicative and will vary from time to time depending upon public consultation, Government Department input, the responsiveness of applicants and the most effective use of funding and other resources.

BACKGROUND

At its meeting held 17 December 2019, Council adopted a revised Strategic Planning Program to ensure that effective strategic land use planning is undertaken in a timely manner.

This report provides an updated Strategic Planning Program (**Attachment 1**) following on from progress made during the year which included completion of the following key projects in 2020:

- Local Strategic Planning Statement
- Urban and Fringe Housing Strategy
- Social Sustainability Strategy and Action Plan
- Common Street Planning Proposal.
- Hovell Street Planning Proposal (submitted to DPIE - publication to occur either 25 September or 2 October 2020).
- Lansdowne Street Planning Proposal (deferred area) currently going through finalisation phase (likely to be finalised in 2020).

REPORT

Updated Strategic Planning Program

An updated version of the Strategic Planning Program is provided in **Attachment 1**. The program listed is in priority order, with projects being undertaken throughout the remainder of 2020 and into 2021.

As we have realised over the past 2 years, strategic projects can be extended due to additional consultation, involvement of State agencies (with their own timeframes), and subject to grants. Some projects need to occur before others so as to provide necessary baseline data in order to inform strategic decision making.

Legislated Strategic Plans

There are currently no legislated strategic plans to be prepared under this program, following the completion of both the *Local Strategic Planning Statement* and *Community Participation Plan*.

Local Strategic Planning Statement (LSPS)

The intention of the *Local Strategic Planning Statement* is partly to identify opportunities and gaps in our strategic planning for Goulburn Mulwaree. The Statement includes a vision and a number of prioritised land use planning actions to achieve this vision, some of these actions fall within the Strategic Planning Branch’s responsibility or will potentially require input from the Branch. The Updated Strategic Planning Program has been prepared in consideration of the Local Strategic Planning Statement. Priorities in the Statement are set in timeframes - short term being projects to be undertake within the next 1- 3 years) and include those in the table below which are related to the updated Program:

LSPS Actions (Short Term)	Relationship - Strategic Planning Program
<p>Action 1.1: Review of infrastructure funding within Developer Contributions Plan (Section 7.11 and 7.12 plans under the <i>Environmental Planning and Assessment Act, 1979</i>, and Section 64/Developer Servicing Plans under the <i>Local Government Act, 1993</i>.</p>	<p>Separate reports are being presented to this Council Meeting on a <i>Draft Local Infrastructure Contributions Plan</i> (section 7.11 and section 7.12 plan) and on an amendment to the <i>Stormwater Developer Servicing Plan</i> (DSP). It is understood that Council’s Utilities Directorate is separately working on updates to Water/Sewer DSPs.</p> <p>The <i>Draft Local Infrastructure Contributions Plan</i> is currently the highest priority item of the Strategic Planning Program.</p> <p>This is a cross organisational responsibility and is also partly covered in item 2 on the Updated Strategic Planning Program under “Infrastructure Structure Plans” (Urban Release Areas).</p>
<p>Action 2.4: Review Council’s Development Control Plan, to include character precincts to emphasize individual character areas</p>	<p>This is identified as item 3 in the updated Strategic Planning Program.</p>
<p>Action 3.1: Adopt, implement and monitor a Recreational Needs Strategy and its actions</p>	<p>This is item 10 in the updated Strategic Planning Program. The adoption of the UFHS and other projects flowing from this has required the focus and priority of a number of projects, and has exhausted the existing staff resource.</p>

<p>Action 3.2: Implement and monitor a Social Sustainability Strategy and its actions.</p>	<p>Council has adopted the Social Sustainability Strategy and Action Plan. The actions are spread over various Council Departments and Business Units. This item will no longer appear as a specific project on the Strategic Program, although actions will inform strategic decision making in the planning process where applicable.</p>
<p>Action 3.3: Review and update Plans of Management.</p>	<p>The responsibility for Plans of Management currently sits with the Council' Property and Community Services Branch - Strategic Planning will liaise to provide advice in relation to strategic planning matters (heritage, landscape planning, biodiversity etc).</p>
<p>Action 3.5: Update Council's Bicycle Strategy 2008 – 2018</p>	<p>This project is currently being undertaken by Council's Operations Directorate.</p>
<p>Action 3.6: Update developer contributions plans to ensure appropriate funding of open space and consider options such as differential rating of properties in new urban release areas to fund additional open space maintenance</p>	<p>This action will occur with the consideration of the planning proposals and structure planning for precincts associated with the <i>Urban and Fringe Housing Strategy</i>. This is a cross organisational responsibility but appears as item 2 on the Updated Strategic Planning Program under "Infrastructure Structure Plans" (Urban Release Areas).</p>
<p>Action 4.1: Implement and monitor an Urban and Fringe Housing Strategy</p>	<p>The <i>Urban and Fringe Housing Strategy</i> has been adopted by Council but is awaiting endorsement by the Department of Planning, Industry and Environment. The actions from the Strategy will inform a number of other projects on the list including the LEP and DCP review.</p>
<p>Action 5.1: Prepare an Agriculture and Resource Lands Strategy</p>	<p>This is item 8 in the Strategic Planning Program, but is dependent on the release of the Department of Primary Industries (Agriculture) - Important Agricultural Lands Mapping project which is currently being undertaken for this region.</p>
<p>Action 5.3: Identify and protect extractive resources, haulage and freight routes in LEP or DCP as areas where residential development/access is to be avoided.</p>	<p>As per Action 5.1 above.</p>
<p>Action 6.3: Develop a health precinct around Ross Street, Goulburn</p>	<p>Council is currently processing a Planning proposal for this matter. Delays have occurred in relation to flood constraints resulting in a significant revision of the planning proposal.</p>
<p>Action 7.3: Advocate that the State Government to increase the requirements of the Building Sustainability Index (BASIX) and Part J requirements under the Building Code of Australia.</p>	<p>This project need not be a specific item in the Strategic Planning Program but can be an ongoing action.</p>
<p>Action 8.2: Update planning provisions for flooding both within identified flood study areas and generic provisions for areas without flood studies</p>	<p>This is to occur following the public exhibition and adoption of the <i>Flood Plain Risk Management Study and Management Plan</i> for Goulburn, as the management plan will include recommendations for planning provisions. On this basis the Strategic Planning Program does not include this project at this stage.</p>
<p>Action 8.3: Prepare a flood model for the LGA to assist and inform planning outside the urban areas.</p>	<p>Council has applied for grant funding for a Flood/overland Flow Study for Marulan to include the proposed urban release areas, this is item 6 in the program. There may be potential for this project (if grant funding is achieved) to include a broad model for non-urban areas in the LGA.</p>

<p>Action 8.4: Identify shortfalls in infrastructure for urban drainage where affected by localised flooding</p>	<p>A separate report to Council on an interim amendment to the Stormwater Developer Servicing Plan is being presented on the Agenda for this meeting.</p>
<p>Action 8.5: Maintain updated developer contributions/developer servicing plans (DSPs) for urban drainage</p>	<p>Council has engaged GRC Hydro to prepare a Floodplain Risk Management Study and Management Plan for Goulburn. A part of this work has involved extending the study to include overland flows in both existing and proposed urban areas. This work will inform a future developer contributions/developer servicing plans (DSPs) for urban drainage. This project is therefore not included as yet on the program.</p>
<p>Action 8.6: Prepare a Bushfire Management Strategy as a part of the planning for urban growth</p>	<p>This is item 7 in the Strategic Planning Program. This project will necessitate input from the NSW Rural Fire Service and depending on final scope some specialist bushfire consultancy input. The budget for Strategic Planning will largely be spent on the flood study work if the grant is successful, if not then this project may become a higher priority.</p>
<p>Action 9.4: Review local environmental plan (LEP) and development control plan (DCP) provisions to ensure sufficient incentives available to encourage the adaptive reuse of heritage items</p>	<p>Given the range of projects and potential planning proposals over the next 12 months, this review is to be considered in the next Strategic Planning Program. This is primarily an LEP provision review.</p>
<p>Action 9.5: Prepare a Cultural Heritage Landscape Strategy (to identify and protect both Aboriginal and non-Aboriginal cultural landscapes).</p>	<p>Given the amount of work involved in the update of the LEP Schedule for heritage items, this matter is being considered for the next update of the Strategic Planning Program.</p>
<p>Action 10.3: Review local environmental plan (LEP) provisions relating to management of watercourses</p>	<p>Whilst this is a short term priority, given other competing priorities and the need to undertake further flood/overland flow mapping, this project may need to wait until the next Strategic Program is prepared.</p>
<p>Action 10.4: Develop an Integrated Water Management Strategy in partnership with Water NSW for Goulburn Mulwaree to inform local environmental plan (LEP) and development control plan (DCP) provisions and Council capital works projects.</p>	<p>Discussions with Water NSW have already occurred on this matter. Until the partnership has been formally agreed to with Water NSW this project can potentially be put back to the next iteration of the Strategic Planning Program.</p>
<p>Action 10.6: Update Council's Development Control Plan (DCP) provisions for vegetation management to reflect changes to legislation.</p>	<p>A Councillor Briefing session was held regarding an update to the DCP Vegetation Chapter on 22 September. This project is considered to be urgent and is currently underway with a Draft Vegetation Chapter Amendment to be presented to an upcoming Council Meeting in October/November 2020.</p>
<p>Action 10.7: Update Plans of Management for natural areas, parks and areas of cultural significance.</p>	<p>The responsibility for Plans of Management currently sits with the Council' Property and Community Services Branch - Strategic Planning will liaise to provide advice in relation to strategic planning matters (heritage, landscape planning, biodiversity etc).</p>

Urban and Fringe Housing Strategy & Structure Plans (Infrastructure)

The *Urban and Fringe Housing Strategy* was adopted by Council on 21 July, 2020, and is currently waiting on the endorsement of the Department of Planning Industry and Environment (DPIE). The Strategy identifies a number of opportunity areas for either urban residential or rural residential release. It is hard to predict what the demand will be for urban release given the current economic conditions.

The Strategy also foreshadows amendments to existing residential development controls in the local environmental plan (LEP) and development control plan (DCP). A review of residential controls relating to the Goulburn CBD is an action in the Strategy also.

The adoption of the Strategy is likely to instigate an influx of planning proposals for rezoning of rural land to residential, thereby generating increased workloads for the Strategic Planning team and may affect timing of larger strategic projects on the program. The Strategy will have implications for Council's planning in a variety of areas, as new development beyond existing urban areas will necessitate a review of:

- Water and sewer DSP's (s.64 plans), expansion of the plans and forward planning of additional infrastructure, planning around capacity.
- Stormwater DSP's (s.64).
- Roads, link roads.
- Open space, links to cycle ways.

Structure plans for each release area need to be prepared as an organisational priority. Consideration of road locations (link roads particularly), open space, treatment of drainage lines, suggested staging of infrastructure in relation to existing capacity together form an infrastructure structure plan. This planning has already been initiated by Council staff in anticipation of planning proposal applications.

The focus of the program and its prioritisation is largely based on addressing the supporting strategic work required to ensure the appropriate planning around urban release areas and includes:

- Local Infrastructure Contributions Plan
- Urban and Fringe Housing Strategy & Structure Plans (Infrastructure)
- Development Control Plan (Comprehensive Review)
- Residential LEP control review (including Goulburn CBD)
- Biodiversity Strategy Update
- Bushfire Strategy
- Review of Flood Controls and additional flood/overland flow mapping (subject to successful grants for Marulan and broader LGA).

Other Strategic Plans

The other strategic plans currently underway are the:

- Local Infrastructure Contributions Plans Review

GLN Planning have provided a Draft Local Infrastructure Contributions Plan which has been internally circulated for comment and input and has been the subject of various Councillor

Briefings. The Draft Local Infrastructure Contributions Plan is being presented separately on this Agenda to Council for endorsement prior to public exhibition.

- Comprehensive Development Control Plan Review

Some changes have needed to be made to the existing document in association with current Planning Proposals or with issues which are of a higher priority such as Vegetation Management. As a result of this, progress on the document has been slower than expected.

Initial chapters on generic matters such as the overall chapter and residential chapter have been prepared. It should be noted however, that some other chapters have had recent updates (such as the site specific chapter, heritage chapter and signage chapter) and only need conversion to the new format.

- Biodiversity Strategy Review

Council has recently appointed an Environment and Biodiversity Assessment Officer who is undertaking the review as a part of the position duties.

- Draft Recreational Needs Strategy

The adoption of the UFHS and other projects flowing from this has required the focus and priority of a number of projects, and has exhausted the existing staff resource.

Upcoming Strategies and Studies

There are a number of items on the Program which have a lesser priority due to waiting on the finalisation of another project, being subject to grant funding, or being dependant on staff resources. These projects include:

- Rural and Resource Lands Strategy

Linked to Department of Primary Industries (DPI) (Agriculture) important agricultural mapping which has yet to be completed

- Bushfire Strategy

This project is dependent on staff resources being available and on the input from the NSW Rural Fire Service. It is a timely Strategy to undertake but has not been scoped as yet.

- Marulan Flood Study/LGA Overland Flow Model

This project is subject to a grant application being successful as it will involve the engagement of a consultant to undertake the model/study.

- Villages Strategy

Ideally the overland flow mapping for the LGA, Biodiversity Strategy and Bushfire Strategies should be undertaken prior to this Strategy to provide a solid database for strategic planning of the villages.

Planning Proposals

The following **major** or **land release** planning proposals currently underway are:

- Dossie Street, Goulburn

This precinct of Council owned and privately owned RU2 Rural Landscape land was identified for potential industrial land use in the *Employment Lands Strategy*.

Subsequent to further consultation with Water NSW and site specific investigation, it was found that the site constraints made some areas suitable for industrial and other areas more suited for large lot residential or environmental living zones.

A revised Planning Proposal has been prepared following additional site investigations for potential contamination and native vegetation. The precinct is complicated with a series of contamination assessments required for a portion of the area. The planning Proposal has yet to be exhibited.

- Aged Care Facility, 134 Lilikar Road, Goulburn

Council has resolved to prepare a Planning Proposal for this site. Council is currently liaising with the consultants. A separate report to Council is on the agenda for this Council Meeting regarding Signature Care.

- Ross Street/Health Hub

This planning proposal has encountered delays due to the flood affectation of the site and required changes to the proposal.

- Mistful Park

This Planning Proposal was supported in principle in 2018 and deferred pending the outcome of the *Urban and Fringe Housing Strategy*. Council resolved to proceed with the planning proposal on 15 September pending site specific study outcomes particularly around biodiversity issues.

Native Vegetation Offset Policy

There are legal and technical issues around the introduction of this policy (as there is already State offset requirements in place). These issues are being explored to ensure that this is the best means of Council achieving the desired outcome.

Rural Living Handbook

The Local Land Services has recently updated its Rural Living Handbook, and with changes to biodiversity and biosecurity legislation, it is considered that an update of the current handbook is required.

Heritage Program

There are a number of ongoing projects and specific projects in heritage planning being:

- Heritage Advisory service.
- Planning Proposal – Wingello Park
- Review of LEP heritage schedule
- Local Heritage Grant program
- CBD Grant Program

Conclusion

In conclusion, the revised Strategic Planning program reflects progress made on various projects particularly the *Urban Fringe Housing Strategy* and *Local Strategic Planning Statement*. A large body of work will flow from the endorsement of the Strategy in relation to infrastructure and structure planning, planning proposal applications and a need to update supporting plans such as contributions plans, the local environmental plan (LEP) and development control plan (DCP). Other supporting studies to provide baseline data or strategic direction such as the Biodiversity Strategy review, Bushfire Strategy and LGA overland flow modelling are also important to underpin next steps for urban release areas and villages.

Strategic Planning Program 2020 - 2021

Priority	Project	Relationship to LSPS or Other Strategies
1.	Contributions Plan (Section 7.11 and 7.12) Review	<ul style="list-style-type: none"> ▪ LSPS – short term action ▪ Urban and Fringe Housing Strategy – urban release areas ▪ Organisational significance due to income required for infrastructure projects
2.	Infrastructure Structure Plans – Urban Release Areas	<ul style="list-style-type: none"> ▪ LSPS – short term action ▪ Urban and Fringe Housing Strategy – urban release areas ▪ Organisational significance
3.	Goulburn Mulwaree Development Control Plan (DCP) 2009 (Comprehensive Review to create Goulburn Mulwaree DCP 2020/21)	<ul style="list-style-type: none"> ▪ LSPS – short term action ▪ Urban and Fringe Housing Strategy – urban release areas
4.	CBD Renewal Study (incorporate Car Parking*, signage, FSR, height limits, residential provisions and relevant LEP/DCP amendments) <i>*UFHS Action</i> <i>*CBD Car Parking Study & Action Plan</i>	<ul style="list-style-type: none"> ▪ LSPS – short term action ▪ Urban and Fringe Housing Strategy – CBD actions and residential LEP/DCP provision review actions
5.	Biodiversity Strategy	<ul style="list-style-type: none"> ▪ LSPS – short term action ▪ Urban and Fringe Housing Strategy – urban release areas ▪ Required for Resource Lands Strategy ▪ Villages Strategy
6.	Marulan Flood Study /LGA Overland Flow Model* *Subject to grant application being successful	<ul style="list-style-type: none"> ▪ LSPS – short term action ▪ Urban and Fringe Housing Strategy – urban release areas ▪ Villages Strategy ▪ Organisational significance for infrastructure planning
7.	Bushfire Strategy	<ul style="list-style-type: none"> ▪ Yet to be scoped. LSPS – short term action ▪ Urban and Fringe Housing Strategy – urban release areas ▪ Required for Villages Strategy

Priority	Project	Relationship to LSPS or Other Strategies
8.	Resource Lands (Agriculture and Extractive Industries) Strategy	<ul style="list-style-type: none"> ▪ LSPS – short term action ▪ Urban and Fringe Housing Strategy – urban release areas ▪ Biodiversity Strategy (for review of environmental zones)
9.	Native Vegetation Offset Policy	Council initiative
10	Recreational Needs Strategy	▪ LSPS – short term action.
11.	Villages Strategy	<ul style="list-style-type: none"> ▪ LSPS – medium term action (as other work required before this strategy to provide baseline data) ▪ Urban and Fringe Housing Strategy – urban release areas
12.	Rural Living Handbook Update	▪ Council initiative

Ongoing Commitments for Strategic Planning

Strategic Commitments - Ongoing	Relationship to the Act, LSPS or Other Strategies
LEP Review – as required and ongoing	<ul style="list-style-type: none"> • Act • LSPS • Various strategies
Planning Proposals (see table below for current list)	<ul style="list-style-type: none"> • Act • LSPS • Various strategies
DCP Review – as required	<ul style="list-style-type: none"> • Act • LSPS • Various strategies
Local Heritage Grants	<ul style="list-style-type: none"> • LSPS
Main Street Grants	<ul style="list-style-type: none"> • LSPS • Organisational commitment
DA Referrals	<ul style="list-style-type: none"> • Organisational commitment
Internal and external heritage advice	<ul style="list-style-type: none"> • Act • LSPS • Organisational commitment
Biodiversity advice internal and external	<ul style="list-style-type: none"> • Act • LSPS • Organisational commitment
Input into Plans of Management, land reclassifications etc	<ul style="list-style-type: none"> • Act • LSPS • Organisational commitment
Preparation of Review of Environmental Factors	<ul style="list-style-type: none"> • Act • Organisational commitment
Landscape architecture	<ul style="list-style-type: none"> • Organisational commitment
Planning Certificates (10.7 Certificates)	<ul style="list-style-type: none"> • Act




Current Planning Proposals

Proposal No.	Location	Proposal
REZ/0001/1415 PRIVATE	35 Ross Street, Bradfordville	Proposed rezoning for the Goulburn Health Hub (rezoning from IN1 General Industrial to SP2 Special Purpose)
REZ/0001/1718 PRIVATE	Mistful Park	Rezone land zoned E4 Environmental Living to R2 Low Density Residential
REZ/0002/1819 COUNCIL – EMPLOYMENT LANDS STRATEGY	Goulburn Motorcycle and Speedway Club	Rezone land from RU6 Transition to RE2 Private Recreation. Currently on hold.
REZ/0004/1819 COUNCIL	LGA wide Amendment (RU6 Zone)	Include RU6 Transition zone in provisions of clauses 4.1AA and 4.2B (Community and Strata title subdivision provisions) in GMLEP 2009.
REZ/0005/1819 COUNCIL – LAND SALES	Hovell Street and land reclassifications	To rezone certain properties including 59 – 61 Hovell Street identified for disposal and update the LEP with land re-classifications. Near completion.
REZ/0007/1819 COUNCIL – LAND SALES	Dossie Street	Council resolved to proceed with a Planning Proposal to rezone and reclassify land at Dossie St Goulburn to IN1 General industrial.
REZ/0008/1819 COUNCIL – EMPLOYMENT LANDS STRATEGY	Lansdowne St (Deferred Lot 10)	Proposal to rezone deferred Lot 10 from B6 Enterprise Corridor to R5 Residential. Near completion.
REZ/0001/1920 COUNCIL – EMPLOYMENT LANDS STRATEGY / ANOMALY CORRECTION	B6 Enterprise Corridor and Currawang Road	Proposal to: <ol style="list-style-type: none"> 1. Apply either the RU1 Primary Production or E3 Environmental Management zone to currently unzoned land. Consultation with DPIE will confirm the exact zoning of the land, with the RU1 Primary Production zone being the preferred zone. 2. Include the rezoning of certain land zoned B6 in Goulburn and Marulan to a zone which reflects the current and likely future use of the identified sites.
REZ/0002/1920 COUNCIL	Heritage Schedule Update - Shirewide	Proposal to update the property descriptions of heritage items in the LEP schedule following subdivisions etc.
REZ/0003/1920 COUNCIL	Wingello Park	Amend Schedule 5 of GMLEP 2009 to include Wingello Park as a heritage item.
REZ/0001/2021 PRIVATE	Signature Care	Amend Schedule 1 of the GM LEP 2009 to permit aged care facilities at land at Lillkar Road and Ducks Lane.

15.8 DRAFT GOULBURN RECREATION AREA CROWN RESERVE PLAN OF MANAGEMENT

Author: Ken Wheeldon, Business Manager Property & Community Services

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. Draft Goulburn Recreation Area Crown Reserve Plan of Management (separately enclosed) 
 2. Native Title Manager Advice (separately enclosed) 
 3. Plans of Management for Crown Reserves - Form B (separately enclosed) 

Link to Community Strategic Plan:	CO2.3 - Planning for public spaces undertaken to reflect the growing community's needs. IN4.1 - Operate community facilities to maximum use.
Cost to Council:	\$22,000 in consultancy fees, including data requirements/audit, community and stakeholder engagement, Native Title Management Advice, presentation of draft Plan to Councillor Briefing and preparation of final draft Plan.
Use of Reserve Funds:	\$30,000 from NSW State Government to assist with preparing Plans of Management.

RECOMMENDATION

That:

1. The report from the Business Manager Property & Community Services on the draft Goulburn Recreation Area Crown Reserve Plan of Management be received.
2. Council endorse the additional category of Natural Area - Watercourse in accordance with s36 of the *Local Government Act 1993*.
3. Council also endorse the draft Goulburn Recreation Area Crown Reserve Plan of Management and the completed Plans of Management for Crown reserves 'Form B' for referral to the landowner, the Minister administering the *Crown Land Management Act 2016* as a representative of the State of NSW for approval of the additional category, re-categorisation and draft Plan.
4. Council delegate authority to the General Manager to sign the completed Plans of Management for Crown reserves 'Form B' under s377 of the *Local Government Act 1993*.
5. Following approval of the draft Goulburn Recreation Area Crown Reserve Plan of Management by the Minister, the draft Plan be placed on public exhibition for 42 days with all submissions reported back to Council.

BACKGROUND

A staff Crown Reserve Plan of Management Working Party has been working closely with consultants since late May this year to prepare a new Plan of Management (PoM) for the Goulburn Recreation Area (GRA) to comply with the new *Crown Land Management Act 2016* which became effective 1 July 2018. This report provides a summary of this draft PoM and recommends a course of action for its adoption by Council.

REPORT

In accordance with the *Crown Land Management Act 2016*, all parcels of Crown Land where Councils are the appointed Crown Land Manager are required to have new PoM's adopted by 30 June 2021 to comply with this legislation.

At its meeting held on 18 June 2019, Council resolved to request approval from the Minister Administering the *Crown Lands Management Act 2016* to categorise and classify all Crown Reserves under Council's management as 'Community' Land to be administered under the *Local Government Act 1993*. Crown Reserve 72794 – Goulburn Recreation Area has the categories of Sportsground, General Community Use and Park.

In correspondence dated 17 February 2020, Council received confirmation from the Minister's delegate that Council has assigned categories that most closely align with the purpose of all Crown Reserves under Council's management.

Goulburn Mulwaree Council is Crown Land Manager of many Crown Reserves in the Local Government Area. A Crown Reserve Plan of Management Working Party established to review all Crown Reserves that fall under Council's management identified the GRA as the highest priority Reserve requiring a new PoM considering the diversity of its multiple users and wide range of Licensed occupants.

A considerable amount of staff time has been invested in working with the consultants to prepare the draft PoM for Goulburn Recreation Area. In the course of preparing this PoM it was determined that a fourth category be added to address the Mulwaree River which is the south eastern border of the GRA. This additional category is identified as Natural Area / Watercourse in accordance with s36 of the *Local Government Act 1993*. This additional category and re-categorisation of the reserve through the draft PoM, will be highlighted for the Minister's attention when submitting the draft PoM for approval.

Attached are copies of the following documents:

- Draft Goulburn Recreation Area Plan of Management
- Native Title Management Advice and;
- Plans of Management for Crown Reserves 'Form B'

The Native Title Management report is a compulsory requirement in support of the PoM and concludes that:


"Council may have confidence that in the event of any native title claim over the Crown Land in R72794 that the Act of Crown Grant for freehold ownership will be regarded for the purposes of the Native Title Act (Cth) and the Native Title Act (NSW) as having extinguished native title rights over the land."

The Plans of Management for Crown reserves 'Form B' must be referred to the landowner, the Minister administering the *Crown Land Management Act 2016* as a representative of the State of NSW for approval of the additional category, re-categorisation and draft PoM.

15.9 VP186059 RIVERSIDE PARK PLAYGROUND

Author: Adam Kiss, Business Manager Projects

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. VP186059 - Riverside Park Playground Evaluation Report.pdf - Confidential
 2. Attachment 1. Riverside Park Playground Response Evaluations.pdf - Confidential
 3. Concept design [↓](#) 

Link to Community Strategic Plan:	IN4.2 Upgrade facilities to improve service provision
Cost to Council:	The total budget for this project is \$400,000 (GST excl), grant funding is \$200,000 (GST excl) from Everyone Can Play Fund and Council Contribution is \$200,000 (GST excl), no expenditure has been allocated to the project to date. The total amount of engagement is \$299,917 (GST excl). The balance of funds for these works will be spent seating and landscaping.
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The report from the Business Manager Projects on VP186059 Riverside Park Playground be received.
2. The Request for Quotation from Proludic Pty Ltd be accepted for the design and construction of the VP186059 Riverside Park Playground at a tender price of \$299,917.00 (GST excl) as outlined in the specification and documents in VP186059.
3. The General Manager is authorised to approve variations of up to 10% (\$29,991.00 GST excl) for this project.
4. The balance of the grant being \$100,083.00 (GST excl) be allocated to providing additional seating, shade areas and additional landscaping to ensure the most effective use of the grant funding.

BACKGROUND

Council received grant funding through Department of Planning, Industry and Environment – Everyone Can Play Fund for the design and construction of a Playground that caters for everyone – young and old, families and carers, and people of all abilities and backgrounds. The playground applied for is at the recently developed Riverside Park which includes approximately 3km of shared path, pedestrian bridges, dog park and an outdoor gym. The Park is now connected via Crookwell Road shared path and into to the Wollondilly Walking Track.

REPORT

This report is to summarise the responses received for the design and construction of the Riverside Park Playground and recommend a successful contractor to undertake the proposed works.

Request For Quotations (RFQ) were called for on 4th August, 2020 through VP186059 Riverside Park Playground. RFQ documentation was sent to four (4) members of the Prescribed Panel via LPG (LGP308-3 Playground, Open Space, Recreation and Associated Infrastructure).

The RFQ closed on 1st September, 2020 and four (4) submissions were received from the following companies:

Company	Address
Austek Play	45 Neumann Road Capalaba QLD 4157
Moduplay Group Pty Ltd	17-19 Waverley Drive Unanderra NSW 2526
Play By Design Pty Ltd	25 Bent Street Greenwich NSW 2065
Proludic Pty Ltd	16-18 Tepko Road Terry Hills NSW 2084

An evaluation panel was established comprising of:

- Project Officer – Grants (Chair);
- Project Engineer Operations; and
- Team Leader Community Assets.

The evaluation process was carried out by the panel following the process as outlined in the Evaluation Plan. The Evaluation Plan was completed, reviewed and signed by all members of the Evaluation Panel and approved by authorised executive officers.

The final Evaluation Report is attached to this Council report as a confidential attachment due to the commercial in confidence nature of the information.

The panel met to determine whether the tenders were conforming to mandatory submission requirements. For this evaluation all four (4) tenders were deemed conforming. The panel then completed the detailed evaluation of all criteria in accordance with the following weightings:

- | | |
|---|-----------|
| • Concept Design – Layout, line of sight, seating, fits with theme | 30% |
| • Play Equipment - Number of items, varied, inclusive play, challenging, all ages | 30% |
| • Surfacing – Areas suitable for all abilities | 20% |
| • Schedule – Completed by 31 March 2021 | 10% |
| • Warranty Terms - | 10% |
| • Budget within \$330,000 (GST incl) | Mandatory |

The overall Value For Money (VFM) was assessed and the overall ranking were determined as follows:

Ranking	Tenderer
1	Proludic Pty Ltd
2	Austek Play
3	Moduplay Group Pty Ltd

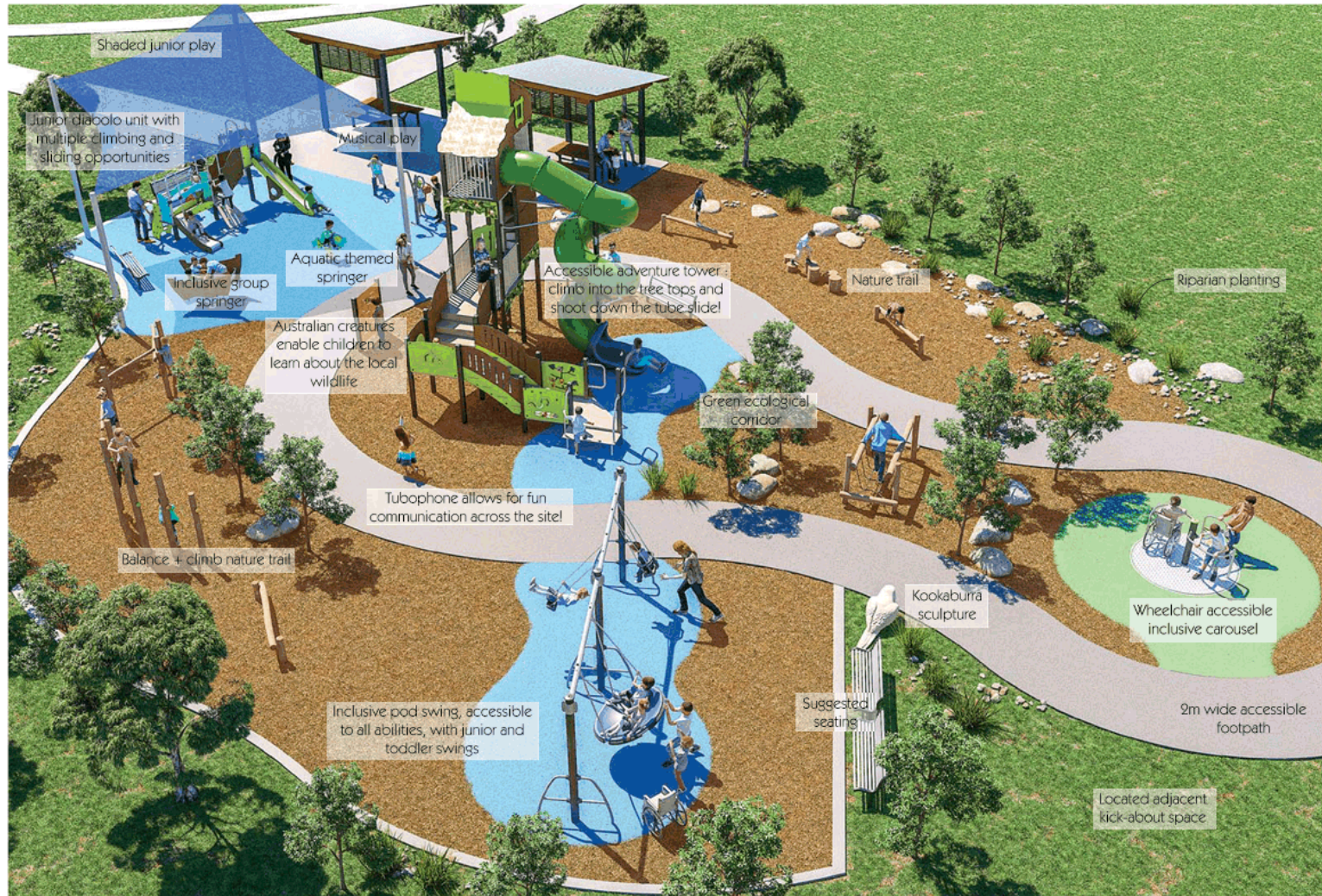
4	Play By Design Pty Ltd
---	------------------------

Following the completion of the evaluation process the Evaluation Panel recommends Proludic Pty Ltd as the preferred contractor in accordance with the documentation for VP186059. This recommendation is based on Proludic Pty Ltd having the highest VFM ranking proponent at the completion of the evaluation process.

Proludic Pty Ltd have undertaken similar works within many Councils and have testimonials to support their work. As the RFQ was conducted via Vendor Panel all organisations have been prequalified.

The Evaluation Report is included with the Closed Session reports in accordance with s10A(2)(d) *Local Government Act 1993* as it contains commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it. It is not appropriate for this to be provided in an Open Session as it relates to tender information.

Riverside Park - Concept Design



PROJECT
RIVERSIDE PARK
 Ioulburn - Mulwaree Council

DRAWING TITLE
 CONCEPT DESIGN
DRAWING NO.
 0392202_001

DATE
 31.08.2020
DRAWN
 RG

PROPRIETARY & CONFIDENTIAL
 The information contained in this drawing is the sole property of Proludic Pty Ltd. Any reproduction in parts or as a whole without the written permission of Proludic Pty Ltd is prohibited.

CONCEPTUAL ONLY - NOT FOR CONSTRUCTION
 Play equipment designed and installed in accordance with Australian Standards AS/NZS 4685 : 2014.

CONTACT
 Lana Davies
 Play & Sport Consultant
 E-mail: ldavies@proludic.com.au
 Mobile: 0427 420 448

FOR EQUIPMENT LAYOUT REFER
 Dwg 0392202_002

15.10 TENDER 1920T0012 - LEGAL SERVICES PANEL**Author:** Maria Timothy, Business Manager Governance**Authoriser:** Warwick Bennett, General Manager**Attachments:** 1. Tender 1920T0012 Legal Services Panel Evaluation Report.pdf - Confidential

Link to Community Strategic Plan:	CL.1.1 Actively promote sound governance practices and procedures within the organisation
Cost to Council:	Funded from legal services budget within Council's annual budget
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The report from the Business Manager Governance on Tender 1920T0012 Legal Services Panel be received.
2. The tenderers Maddocks, Lindsay Taylor Lawyers, HWL Ebsworth Lawyers and Wilshire Webb Staunton Beatties are appointed as members of Council's Legal Services Panel.
3. The General Manager be given delegation to include Pikes & Verekers Lawyers on the Legal Services Panel at a later time when and if the discovered conflict of interest can be resolved.
4. The appointment as members of Council's Legal Services Panel be for a period of 2 years with 2 options to extend the term by 1 year and that the decision to extend will be based on provider performance and at the sole discretion of Council.

BACKGROUND

On 7 July 2015 Council appointed a panel of legal providers for a period of 3 years with the option to extend with two one year options. The panel has been extended by two one year options and is due for renewal.

REPORT

Tenders were called for 1920T0012 Legal Panel Services on 7 July 2020. The tender process was conducted consistent with the requirements of the *Local Government Act 1993, Local Government (General) Regulation 2005* and the *Tendering Guidelines of NSW Local Government (General) Regulation 2009*.

Tenders closed on 4 August 2020 and submissions were received from the following companies:

Company	Address
Baker Deane & Nutt Lawyers	260 Crawford Street, Queanbeyan NSW 2620
Bartier Perry Pty Limited	77 Castlereagh Street, Sydney NSW 2000
Bradley Allen Love	9 th Floor Canberra House, 40 Marcus Clarke Street, Canberra ACT 2601
Coutts Solicitors & Conveyancers	5/338 Camden Valley Way, Narellan NSW 2567
Elringtons Pty Ltd	Level 7, 221 London Circuit, Canberra ACT 2601
Hall & Wilcox	Level 11, Rialto South Tower, Melbourne VIC 3000

Holding Redlich Partnership	PO Box 4118, Sydney NSW 2000
HWL Ebsworth Lawyers	Level 14, Australia Square, 264-278 George Street, Sydney NSW 2000
Lindsay Taylor Lawyers	Level 9 Suite 3, 420 George Street, Sydney NSW 2000
Maddocks	Level 26, Angel Place, 123 Pitt Street, Sydney NSW 2000
Marsdens Law Group	49 Dumaresq Street, Campbelltown NSW 2560
No Borders Legal Advocates Pty Ltd	Level 1, 20 Park Road, Milton QLD 4064
Pikes & Verekers Lawyers	Level 2, 50 King Street, Sydney NSW 2000
Redenbach Lee Lawyers Pty Ltd	Level 29, Chifley Tower, 2 Chifley Square, Sydney NSW 2000
RMB Lawyers	Level 3, 110-114 Crown Street, Wollongong NSW 2500
Sparke Helmore Lawyers	Level 29, MLC Centre, 19 Martin Place, Sydney NSW 2000
Wilshire Webb Staunton Beattie	Level 9/60 York Street, Sydney NSW 2000

Tender Evaluation Panel was established and included:

- Maria Timothy (Chair) Business Manager Governance
- Sarah Ruberto Business Manager Marketing, Events & Culture
- Stephanie Mowle Business Manager Planning & Development

The evaluation process was carried out by The Panel following the process outlined in the Evaluation Plan. The Evaluation Plan and Tender Plan were completed and signed prior to advertisement. The final Evaluation Report is attached to this Council report.

The evaluation process was undertaken in two (2) phases (Refer to the evaluation report for further details).

Phase 1: Preliminary Evaluation

The panel met to determine whether the tenders were conforming to the mandatory submission requirements. The tenderers Baker Dean & Nutt Lawyers and No Borders Legal Advocates Pty Ltd did not conform to mandatory requirements and did not proceed to Phase 2 Detailed Evaluation of Non-Price Evaluation Criteria.

Phase 2: Detailed Evaluation of Non-Price Evaluation Criteria

The panel completed the detailed evaluation of Non-Price criteria in accordance with the following weightings:

- Experience / References 70%
- Responsiveness 20%
- Quality Management System 10%

Price schedules were reviewed to determine they complied with the mandatory submission requirements and combined with the non-price criteria. The weightings for this were:

- Non-price criteria 100 %

- Price criteria* 0 %

* Due to similarity with pricing, criteria was set to ensure that that pricing was provided for all key personnel who would be dealing with Council’s legal matters.

The overall ranking was determined to be:

Ranking	Tenderer
1	Maddocks
2	Lindsay Taylor Lawyers
3	Pikes & Verekers Lawyers
4	HWL Ebsworth Lawyers
5	Wilshire Webb Staunton Beattie
6	Marsdens Law Group
7	Bartier Perry Pty Ltd
8	Hall & Wilcox
9	Holding Redlich Partnership
10	Bradley Allen Love Lawyers
11	RMB Lawyers
12	Elringtons
13	Sparke Helmore Lawyers
14	Redenbach Lee Lawyers
15	Coutts Solicitors & Conveyancers

The Request for Tender Specification indicated that the number of providers appointed as members of the Legal Services Panel was not expected to exceed four providers. Due to the close scores of the fourth and fifth ranked tenderers, it is recommended that the number be extended to five members to include both of these tenderers.

Following the completion of the tender evaluation process, the Panel recommends Maddocks, Lindsay Taylor Lawyers, Pikes & Verekers Lawyers, HWL Ebsworth Lawyers and Wilshire Webb Staunton Beattie as the preferred Tenderers for the Provision of 1920T0012 Legal Services Panel for a period of 2 years with 2 options to extend the term by 1 year. The decision to extend will be based on provider performance and at the sole discretion of Council.

Since the completion of the evaluation process, it has been discovered that Pikes & Verekers Lawyers have an existing conflict of interest due to a case they have accepted against Council. It is recommended that they not be immediately included on the panel but the General Manager be given delegation to include them once the existing conflict of interest can be resolved.

It should be noted that the tender specifications contained the provision to enable Council to engage a local consultant for shorter timeframed transactions on an as needed basis for any of the legal categories for which the panel has been formed to provide legal services.

This recommendation is based on the preferred tenderers being the 5 highest ranking proponents at the completion of the evaluation process.




The Evaluation Report is included with the Closed Session reports in accordance with s10A(2)(d) *Local Government Act 1993* as it contains commercial information that would, if disclosed,

prejudice the commercial position of the person who supplied it. It is not appropriate for this to be provided in an Open Session as it relates to tender information.

15.11 CODE OF CONDUCT

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. **Model Code of Conduct 2020 (separately enclosed)** 
 2. **Procedures for the Administration of the Model Code of Conduct 2020 (separately enclosed)** 
 3. **OLG Circular Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures (separately enclosed)** 

Link to Community Strategic Plan:	CL2 Encourage and facilitate open and respectful communication between the community, the private sector, Council, and other Government agencies.
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The report from the General Manager on the Code of Conduct be received.
2. Council endorses the Code of Conduct 2020 and the associated procedures and notes that the changes are mandated by State Government thus no public consultation is required

BACKGROUND

The State Government has made amendments to the Code of Conduct and the associated procedures follow a recent Supreme Court Decision

REPORT

Please find attached the Model Code of Conduct and the Procedures that must be ready with the Code itself. Following a recent Supreme Court decision changes have been made to both the Code and the associated procedure. These changes have been made to further improve the integrity, transparency and accountability of the local government sector.

The changes include strengthening investigation processes and penalties for councillor misconduct to target the small minority engaging in bad behaviour and protect the good reputation of the majority of councillors in NSW. The new Model Code of Conduct and Procedures should take effect immediately because the amendments to the Procedures largely reflect existing practice following the Supreme Court’s decision and the amendments to the Model Code of Conduct are minor in nature.

The changes include:





- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator’s findings and determination and any other grounds that the council considers may be relevant or appropriate.

- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.
- The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.
- Providing councils with the option to increase the \$50 cap on gifts and benefits to \$100 so it does not capture items of relatively low value. The changes also clarify application of the cap in certain circumstances such as at council events.

15.12 325 (CITY OF GOULBURN) SQUADRON - AUSTRALIAN AIR FORCE CADETS

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. **325 (City of Goulburn) Squadron Australian Air Force Cadets Request** [↓](#) 
 2. **325 (City of Goulburn) Squadron Australian Air Force Cadets Logo (1)** [↓](#) 
 3. **325 (City of Goulburn) Squadron Australian Air Force Cadets Logo (2)** [↓](#) 
 4. **Freedom to the City - Corrective Services_Navy_NSW Police Academy** [↓](#) 

Link to Community Strategic Plan:	CL1 Effect resourceful and respectful leadership and attentive representation of the community
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The report from the General Manager on the 325 (City of Goulburn) Squadron Australian Air Force Cadets be received.
2. Council approves “Freedom of Entry Status to the City of Goulburn” for the 325 (City of Goulburn) Squadron Australian Air Force Cadets
3. Council grant approval to the 325 (City of Goulburn) Squadron Australian Air Force Cadets to use the title ‘City of Goulburn’ in their name and all associated documentation.
4. Council celebrates this Freedom of Entry Status with an official welcome and Civic Reception to be organised on a mutually agreed time and date

BACKGROUND

Councils have the authority to approve Freedom of Entry Status to certain military squadron.

REPORT

Please find attached a letter from the **325 (City of Goulburn) Squadron, Australian Air Force Cadets** who are seeking from Council the freedom of entry status to the City of Goulburn

So what is the definition of Freedom of Entry (according to Dr Google?)

During medieval times, in Continental Europe and the British Isles, fortress walls afforded cities protection from incursions by outlaw bands and attacks by feudal lords. The citizens of those walled cities wisely refused to allow entry to armed groups, including troops, unless they were absolutely sure that those arms would not be used against them. Bitter experience had taught them that armed men were, as often as not, neither respecters of persons or property and that they were liable to take any and every opportunity to plunder both.

As cities and towns were invariably situated on main roads and at principal road junctions, denial of entry imposed great hardship on troops ‘on the march’. Food and arms could not be replenished and it became necessary to take long detours over difficult terrain to reach a given destination or objective. Troops soon saw the merit in establishing good relations with

the Corporations and citizens of walled cities and by good conduct earned the privilege of entry and passage. This privilege, not readily won and highly prized, was known as Freedom of Entry.

Hence the granting of permission to a formed body of armed men to enter a city became the mark of trust and confidence in which that body was held by its citizens.

The granting of Freedom of Entry is the highest accolade a town or city can bestow upon a group or individual and it is no less readily won or lightly given today than it was centuries ago.

The ceremony of granting Freedom of Entry to an RAN unit is centred on a procession that begins at a suitable staging point within the town or city involved. The unit concerned is formed up and marches to the staging point, where it awaits the arrival of the official party and the Lord Mayor.

On arrival of the Lord Mayor the parade is inspected before being addressed by him/her and an ornate scroll authorising the granting of Freedom of Entry read out and presented. On receiving the scroll the Commanding Officer of the unit involved traditionally delivers a short acceptance address. A scroll party then takes custody of the scroll and the Australian White Ensign is escorted by a Colour Party into the staging area where it is ceremonially uncased. The unit then exercises its right of Freedom of Entry into the town or city, armed, with swords drawn, bayonets fixed, colours flying, drums beating and band playing.

According to the attached correspondence on the 15th November 1954, the **325 (City of Goulburn) Squadron, Australian Air Force Cadets** was re-branded 25 (City of Goulburn) Flight, Air Training Corp (AIRC). Since this date they have continued to challenge and educate young people with a curriculum of activities designed to instil discipline, leadership and a desire towards the aerospace industry.

The **325 (City of Goulburn) Squadron, Australian Air Force Cadets** are to re-design the banner and patch, they have been unable to locate any written record of their freedom of entry status to the City of Goulburn which is reflected in their title. Thus they are seeking from Council the granting of "Freedom of Entry to Goulburn City". The recommendation in this report is supporting that request.

Amy Croker

From: FLTLT(AAFC) Brad Lochrin <Brad.Lochrin@airforcecadets.gov.au>
Sent: Thursday, 3 September 2020 7:57 PM
To: Council
Cc: Bob Kirk; FLTLT(AAFC) Stephen Fry
Subject: 325 (City of Goulburn) Squadron Australian Air Force Cadets [SEC=OFFICIAL]
Attachments: 302509 AAF 325 Banner[2063].pdf; 325 SQN Composite-2.pdf

Categories: Suzi

To Whom It May Concern,

The Australian Air Force Cadets (AAFC) have been parading in Goulburn since forming as 46 Squadron, Air Training Corp (Royal Australian Air Force) on the 24th March 1942. On the 15th November 1954, we were re-branded 25 (City of Goulburn) Flight, Air Training Corp (AIRTC). Since this date we have continued to challenge and educate young people with a curriculum of activities designed to instill discipline, leadership and a desire towards the aerospace industry.

Today we are known as 325 (City of Goulburn) Squadron, Australian Air Force Cadets and continue to evolve into one of Australia's best youth development organisation's supported and administered by the Royal Australian Air Force. As part of our identity, we are revamping our unit banner which we parade on official occasions (ANZAC day etc.) and our squadron patch (worn by cadets on their uniform).

During our submission for approval to re-design the banner and patch, we have been unable to locate any written record of our freedom of entry status to the City of Goulburn which is reflected in our title. We do not have any personnel associated with our squadron with living memory of when our freedom of entry was granted.

In order to proceed with approval of our design by the Chief of Air Force, we are seeking written approval from Goulburn Mulwaree Council to continue to title ourselves as 325 (City of Goulburn) Squadron.

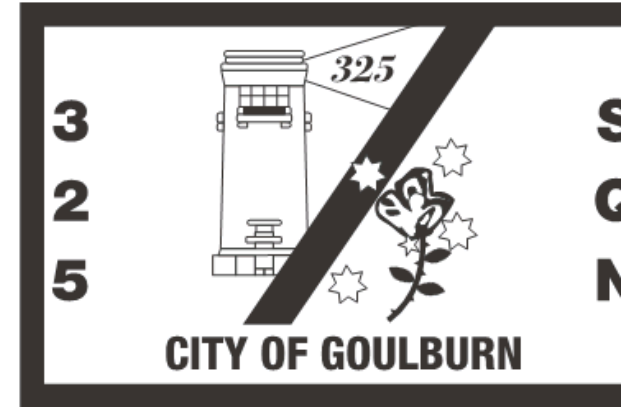
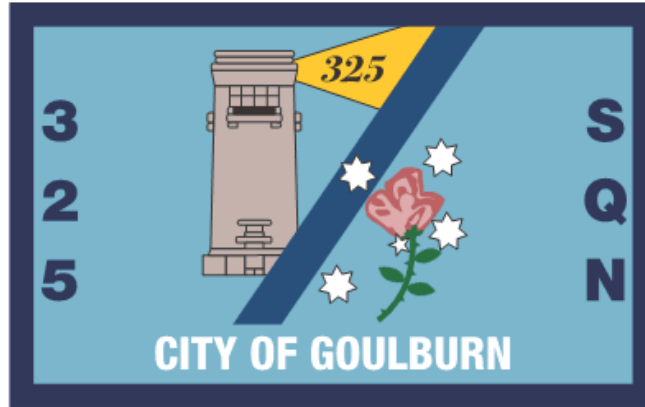
For your information, I have attached the proposed design of our banner and patch. Could you please forward a letter from Council approving our continued use of the term City of Goulburn in our title either to myself as per below or to Flight Lieutenant (AAFC) Stephen Fry, Commanding Officer at Stephen.fry@airforcecadets.gov.au.

Yours sincerely

Brad Lochrin
Flight Lieutenant (AAFC)
Administration Officer
325 (City of Goulburn) Squadron

0429 102 001
Bradley.lochrin@airforcecadets.gov.au

AIR FORCE CADETS TOMORROW'S LEADERS TODAY
www.airforcecadets.gov.au

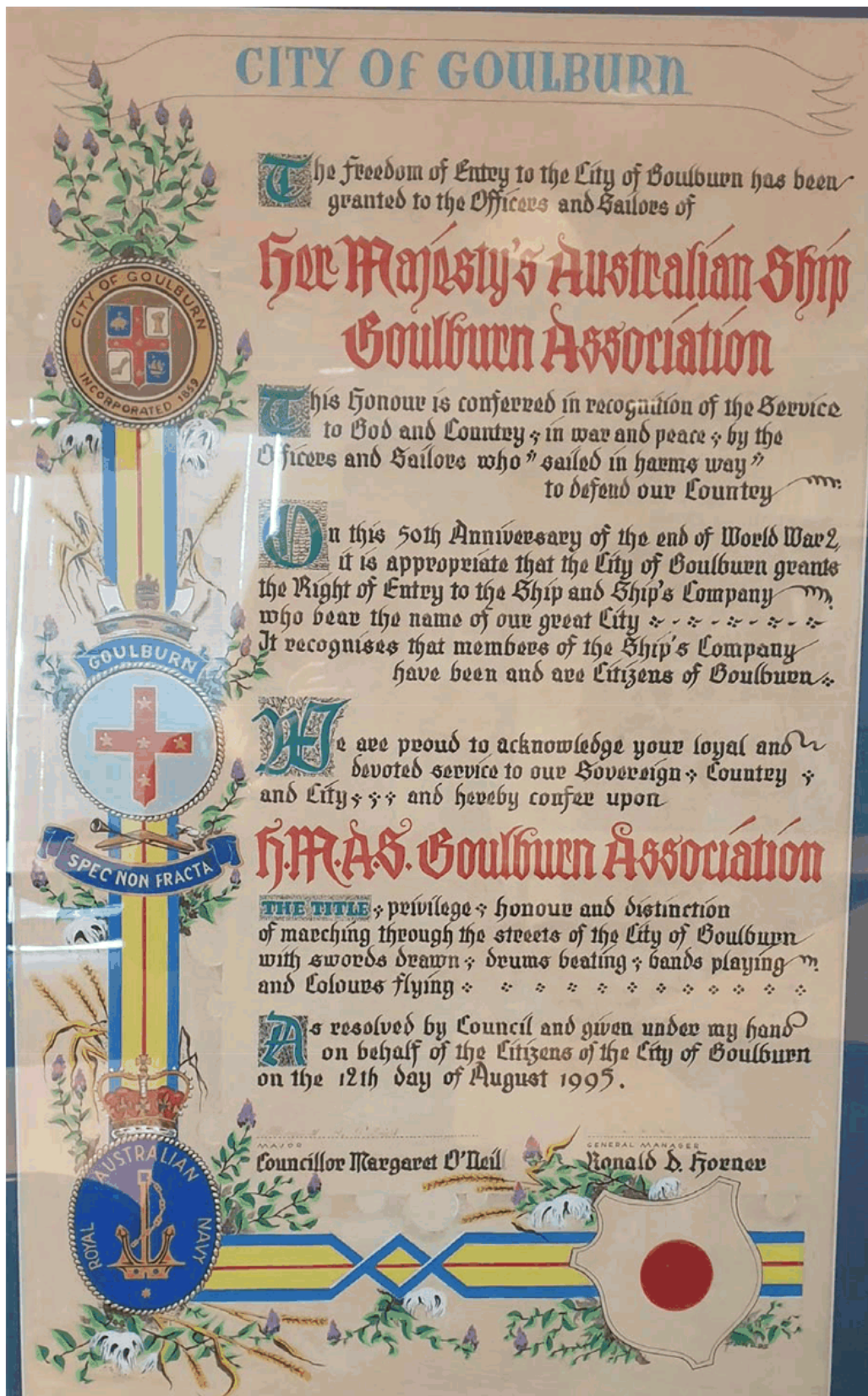












15.13 OUTREACH MEETING 2021

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

Link to Community Strategic Plan:	CL2 Encourage and facilitate open and respectful communication between the community, the private sector, Council, and other government agencies
Cost to Council:	The cost of the outreach meetings is covered in Councils operational budget
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The report from the General Manager on the Outreach Meetings 2021 be received.
2. Because of the uncertainties associated with the COVID-19 Pandemic, Outreach Meetings be cancelled until such time as those uncertainties and restrictions are addressed at a State level.

BACKGROUND

A request has been received from a Councillor that we have Outreach Meetings in early 2021.

REPORT

The following email message has been received requesting that we discuss at this meeting the conducting of Outreach Meetings in January and February 2021. The email stated:

Could you put to the next council meeting that we conduct outreach meeting nextlate January to early February.

It is very necessary that we continue with the communication program that has been developed with the villages.

It will also let us discuss the \$\$\$\$ in the discretionary fund and as it will also be the last opportunity before the September election.

On the 4 August 2020 Council passed the following resolution:

That:

1. *The report from the General Manager on the 2020 Community Outreach Meetings be received.*
2. *The 2020 Outreach Meetings be cancelled due to COVID-19 restrictions and the State Government guidelines that indicate only essential public meetings should be conducted.*
3. *Council issues a newsletter to all residents containing the following information:*
 - a) *Advising that the Outreach Meetings are cancelled for 2020*
 - b) *Inviting individuals and community groups in small numbers to meet with the Mayor, the Councillor allocated to that village and General Manager if they have specific concerns.*

- c) *Encourage the community to raise questions via Customer Service*
- d) *Providing highlights of the capital and operational works undertaken by Council in the 2019/20 financial year and the forward works program for 2020/21.*

The Council at the August Meeting resolved not to proceed with Outreach Meetings in late 2020 because of the restrictions imposed by State and Federal Government on Public Meetings. The reasoning in that report was focused on the vulnerable participants, the State Government directive restricting non-essential meetings and that a newsletter be distributed to all village communities advising of Council projects. The newsletter, in support of the Council resolution also indicated that if any member of a village community or individual sought a time with the Mayor, Councillors and General Manager then that be encouraged outside of the Outreach Meeting format. At the time of writing this report no request has been made for any such meetings. The community were encouraged to forward their requests through Customer Service using the customer request system.

We have also written to all of the Discretionary Fund Working Parties and advised them that they need to cease the accumulation of the discretionary fund allocations and spend that money in the community to meet the intent of why the money has been allocated. Most Village Discretionary Fund balances are being addressed by their working parties after a deadline of Christmas 2020 was indicated.

This report is recommending that Council does not proceed with Outreach Meetings in early 2021 for the following reasons:

1. There is no indication that the COVID-19 pandemic guidelines on non-essential meetings will change or are likely to change until a vaccine is developed.
2. Because these meetings are conducted in non-Council owned facilities it is difficult to control the number of participants to ensure social distancing
3. The participants at these meetings are predominantly in the over 50 age bracket which is classed by the State and Federal Government as vulnerable people
4. These meetings are normally contain a light supper and that would not be able to happen and thus reducing the opportunity for informal interaction.

If Council was of the mind to proceed with these Outreach Meetings in 2021 in accordance with the request above then it is strongly recommended that participation at the meetings be restricted to 20 people including Council representatives. This would mean only 5 Council representatives attend (say 4 Councillors and the General Manager) and controls be placed at the entrance to the halls to restrict the community representatives to 15 people. There would be no food supplied at these Outreach Meetings.

15.14 COMMUNITY SAFETY & SOCIAL INFRASTRUCTURE PLAN WORKING PARTY

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

Link to Community Strategic Plan:	CL2 Encourage and facilitate open and respectful communication between the community, the private sector, Council, and other government agencies.
Cost to Council:	N/A
Use of Reserve Funds:	N/A

RECOMMENDATION

That

1. The report Community Safety and Infrastructure Plan Working Party by the General Manager be received.
2. That Council appoint Mr Daniel Strickland and Mr Mark Bradbury as community representatives on the Community Safety and Infrastructure Plan Working Party.

BACKGROUND

The report Review of Closed Circuit (CCTV) Code of Practice was received for the Council Meeting held on 19 November 2019. As per paragraph 5 of the resolution in the minutes, expressions of interest were called for two community representatives to form part of a Community Safety and Infrastructure Plan Working Party. An invitation was sent to the NSW Police Local Area Command asking them to nominate their representative. The other members of the working party include a Cr Banfield (Cr P Walker as an alternative) and the General Manager or his representative.

REPORT

The expressions of interest for the working party closed on 28 February 2020. No expressions of interest were received from members of the community. Council resolved to approach community members and make direct appointments.

The NSW Police Local Area Command has nominated a representative to form part of the working party meaning that, once the community members are selected, the working party can be initiated.

We have approached Mr Daniel Strickland and Mr Mark Bradbury and both have agreed to participate in the Working Party as the Council chosen community representatives. This report is recommending that Mr Strickland and Mr Bradbury be appointed to the Community Safety and Infrastructure Plan Working Party and that the working party commences its brief.

15.15 BUSINESS DEVELOPMENT UPDATE

Author: Jackson Reardon, Communications & Business Development Officer

Authoriser: Warwick Bennett, General Manager

Attachments: 1. **Business Development Update - October 2020.pdf**  

Link to Community Strategic Plan:	Strategy EC1: Captilise on the region’s close proximity to Canberra and its position as a convenient location to attract industry and investment
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

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

BACKGROUND

The purpose of this report is to provide an update on Business Development activities across the July - September 2020 quarter.

REPORT

Small Business Month - October

We were recently successful with an application to NSW Small Business Month for funding to host events in October. Staff are working in partnership with the Goulburn Chamber of Commerce and Industry to deliver three events in October on consecutive Thursday evenings (8th, 15th and 22nd).

The events have been appropriately named Talent2580 with a strong focus around attracting, motivating and retaining good employees. This came out as a key area of difficulty in a recent survey of Chamber of Commerce members.

Each event will feature a panel discussions led by a facilitator, and will include experts within the topics which are: Attracting Talent, Motivating Employees, and Employing people with a disability.

Due to COVID-19 registrations will be essential, and the number of people able to attend in person will be limited, however we will be live streaming the events by Zoom and Facebook to ensure we can reach as many people as possible. The recordings will also be saved so that they can be viewed again at a later date.

Business Resilience Workshops

In late July and early August we were able to host our Business Resilience Workshops, which were funded through a grant received from the NSW Government Bushfire Community Resilience and Economic Recovery Fund.

The workshops were designed to help companies see opportunities to expand or improve their business in order to increase resilience. Two workshops were held, and unfortunately one workshop was cancelled due to lack of numbers. The funds allocated towards this workshop were instead utilised to provide follow up one-on-one coaching and mentoring to participants, which has proven very successful. Six participants chose to utilise the ongoing coaching.

Participants were asked to provide feedback and ratings on the value of the workshops, and I am pleased to advice Council that an average score of 4.1 out of 5 was achieved for overall impact.

Economy ID Statistics – Goulburn Mulwaree

At the beginning of September it was announced that Australia is in its first recession in nearly 30 years, as we suffer the economic effects of COVID-19. GDP (Gross Domestic Product) shrank 7% in the April to June quarter in comparison with January to March quarter in which GDP fell 0.3%.

In Goulburn there is no doubt we are also feeling the effects of a tumultuous year which has included bushfires, drought and now the pandemic, however there are also a number of extremely positive signs for our local economy.

Id. have put together a COVID-19 Economic Outlook Tool to examine economic and industry impacts at the LGA level, drawing on the national effects and then analysing each regional economy in detail to make estimates.

They have estimated a fall of Gross Regional Product for Goulburn Mulwaree in the June Quarter 2020 of 9.3% - there is no doubt this is a huge hit to our economy, but it is positive to note that this is lower than the NSW average. Local jobs were estimated to fall by 6% (806 jobs) in the June Quarter for Goulburn Mulwaree, and this again is lower than the average of Regional NSW, NSW in general and Australia as a whole.

The total building approval value for the financial year of 2019/20 has also now been calculated and shows how resilient our local economy is. Residential building approvals totalled just over \$70 million, which is only slightly below the 2018/19 figure of \$74 million which was an all-time high. As councillors would be aware we are seeing a record investment in non-residential projects (commercial or government infrastructure), with over \$158 million injected into our economy in the 19/20 year.

Development applications slowed slightly in July to begin the new financial year, however have increased significantly in August. At this stage we expect to see similar residential building approval value this financial year, as Goulburn Mulwaree continues to attract new residents from Sydney in particular.

Sky Metals

Sky Metals is an ASX listed public company focused on the exploration and development of mineral resources in Australia. They are currently undertaking gold exploration work in NSW which includes a site 25km west of Goulburn.

Council staff have been working with Sky Metals staff recently in assisting them to find a 500 – 1000 sqm space to store and process their drill core samples, on a 12 month term. They have been successful in securing a location off Finlay Road that suits their needs.

Work at Cullarin is employing a number of local staff, with the exploration phase of the project expected to at least run until the end of the 2020/21 financial year.

NSW Government Opportunities

Staff continue to work closely with the Regional Development Team within the Department of Regional NSW (NSW Government). We liaise on a regular basis regarding grant funding, business assistance and also relocation/new establishment opportunities.

Despite the difficulties facing the economy at the moment, it is interesting to note that a number of opportunities have come through the department recently, which we have responded to.

- **Major Tourism Proposal:** In July staff put together a significant amount of information to respond to a major tourism proposal which would be undertaken in two stages. The project would generate hundreds of full time jobs, and need significant land within 1.5 – 2 hours from major airports. The company is looking at locations right across the east coast of Australia. As of late August we were advised that the proponent gave positive feedback on our response but is still considering proposals right across the Country. Staff provided a number of sites as options which were positively received. Any updates will be reported to Council.
- **Relocatable Home Builder:** In August staff responded to an enquiry seeking a suitable site for a manufacturer of relocatable homes who produce 250 homes per year mainly for over

55s communities. It is expected that this would generate 130 jobs and be at capacity within two years. Again we provided multiple options, with quick access to the Hume Highway, appropriate land zoning and the amount of land needed. Any updates will be reported to Council.

New businesses

Important to note that during the quarter we had a number of new businesses open their doors including HIIT Republic (gym) and Open Mobility (sellers of mobility/accessibility equipment) who both opened in South Goulburn, and Made by Me (ladies clothing) in Russell Lane.

It is fantastic to see new and expanding businesses having success in our region during difficult economic times for the wider country.

Regional Disaster Preparedness

A Regional Disaster Preparedness Officer has been appointed for the Canberra Region Joint Organisation, to work on a number of projects that will help improve our resilience to natural disasters as a community.

One of the key projects is a 'one stop shop' emergency management website that works as a dashboard. This site will display all information in relation to bushfires, flood, road and bridge alerts, water outages, power outages and more. It also includes a wealth of information for individuals, families and business to take advantage of in preparation for emergencies through the 'Get Ready' portal, whilst also having a 'Recovery' tab which can be utilised following a natural disaster.

The Emergency Dashboard will be easily accessible through the front page of Council's website, and is expected to launch in the first week of October, with an extensive media campaign.

Other activities

Over the past three months there have been a number of other activities undertaken which are described in the attachment as they contain *Commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

15.16 GOULBURN MULWAREE YOUTH COUNCIL MEETING NOTES - 24 SEPTEMBER 2020

Author: Carol James, Councillor

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Youth Council Meeting Minutes 24 September 2020 [↓](#) 

Link to Community Strategic Plan:	Our Civic Leadership
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That the report from Cr Carol James in relation to the Goulburn Mulwaree Youth Council Meeting Notes held on the 24 September 2020 be received.

BACKGROUND

A meeting of the Goulburn Mulwaree Youth Council Meeting Notes held on the 24 September 2020.

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, 24 September
Council Chambers

Attendees

Charlotte, Ben, Cole, Brayden, Molly, Asha Millie & Blake.

Apology

Nil

Discussion Items

- NSW Youth Conference
 - o Logo and Design
 - o Entertainment
 - o Speakers
- Wellness Garden
 - o Carol to put in a \$1,000 grant application to Yates Seeds
- Lilac Time Fun Run and Canoe Race
- Youth Parliament – Zoe White will represent our region
- Caitlin Muddiman from Youth Services presented ‘Save-a-mate’ and provided education on drug types, dangers and safety measures.

Action List





1. See Chris-John Hancock – Carol
2. Lilac City Canoe Race - All

Next Meeting: 5pm, 30 October 2020, Council Chambers

15.17 EXTERNAL MEETING MINUTES

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. Heron Resources Community Consultation Committee Meeting Minutes 5 August 2020 [↓](#) 
 2. Veolia Woodlawn Community Consultative Committee Meeting Minutes 13 August 2020 [↓](#) 
 3. Marulan Quarry Community Consultation Committee Meeting Minutes 27 August 2020 [↓](#) 
 4. Wakefield Park Raceway Community Consultation Committee Meeting Minutes 24 August 2020 [↓](#) 

Link to Community Strategic Plan:	CL3 We actively collaborate with others in the region
Cost to Council:	There are no financial implications for this report
Use of Reserve Funds:	Nil

RECOMMENDATION

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

1. Heron Resources Community Consultation Committee Meeting Minutes from the 5 August 2020
2. Veolia Woodlawn Community Consultative Committee Meeting Minutes from the 13 August 2020
3. Marulan Quarry Community Committee Meeting Minutes from the 27 August 2020.
4. Wakefield Park Raceway Community Consultation Committee Meeting Minutes from the 24 August 2020.

REPORT

Please find attached the minutes for

1. The Heron Resources Community Consultation Committee Meeting Minutes held on the 5 August 2020.
2. Veolia Woodlawn Community Consultative Committee Meeting Minutes held on the 13 August 2020
3. Marulan Quarry Community Committee meeting held on the 27 August 2020.
4. Wakefield Park Raceway Community Consultation Committee Meeting Minutes held on the 24 August 2020

These minutes are attached for your information and no Council decision is required other than noting the minutes.



**WOODLAWN PROJECT
Community Consultation Committee**

MEETING MINUTES

Wednesday 5 August 2020
By Zoom teleconference

Item	Minutes	Follow Up By
Meeting Opened:	6.33pm	Meeting Closed: 7.10pm
<p>Attendees</p> <ol style="list-style-type: none"> 1. David Johnson (Chair) 2. Cr Peter Walker (Goulburn Mulwaree Council) 3. Gill Shepherd – apologised & left before end. 4. Adrian Ellson 5. Tim Dobson (CEO, Heron) 7. Denzil Sturgiss 6. Henry Gundry (Veolia) <p>Invited Observers</p> <p>Scott Martin (Goulburn Mulwaree Council)</p>	<p>Apologies</p> <p>Matt O'Rourke (Goulburn Mulwaree Council) Simon Smith (Heron) Colin Dennett</p> <p>Absent</p> <p>Tim Dobson advised the meeting that he would attempt to record the meeting through Zoom. (This was successful)</p>	
<p>Pecuniary or non-pecuniary interests</p> <p>Denzil Sturgiss reported during the meeting that he has acquired shares in Heron Resources subsequent to completing the original declaration of pecuniary interests. This was noted by David as the Chair, who thanked him and requested that Denzil advise him formally by email. (This has been done).</p>		
<p>Previous Minutes</p> <p>Minutes from the previous meeting on 22 April 2020 were accepted with no changes.</p>		
<p>Matters Arising from previous minutes</p> <p>No issues were noted.</p>		
<p>Project update</p> <p>Tim Dobson, who is the CEO of Heron Resources, gave an update on the current status of operations at Woodlawn mine.</p> <p>The mine is continuing in a 'care & maintenance' situation, and transport of concentrate finished in May. Total workforce is 12 at the moment with 5 of those being part-time. The Resources Regulator visited recently and the operation is declared Covid safe. Full time 24 hour security is currently provided at the site.</p> <p>Heron Resources have been in complex negotiations recently with their funding partners and focussed on finding new investors. In terms of creditors, 'Secured' creditors are the top tier, followed by 2 or 3 'unsecured' investors, who rank alongside trade creditors which includes 4 major ones (including Pybar). A number of other minor trade creditors are also affected and some have been quite vocal and in one case taking it to the</p>		



<p>local press.</p> <p>Heron is expecting to make an announcement (within days) to the stock exchange about a strategic process that will include an injection of funds to continue the current holding pattern until major investors are on board and also to pay minor unsecured trade creditors. Heron is currently in a voluntary trading suspension and this is expected to be lifted once the announcement is made. It is likely to be a period of 12 to 24 months before the mine is in production again. Once funds are secured, the re-start period is expected to take 6 months or so.</p> <p>Also on the positive side, base metal prices have been recovering from lows experienced earlier in the year, which will help support the attraction of new investors. Tim will be able to provide the Goulburn Post an update on the Company's situation after the coming announcement has been made.</p>	
<p>Community complaints/reports and company response None</p>	
<p>General business / Other matters</p> <p>Henry and Tim reported that there has been liaison and a good working relationship between the Veolia team and Heron personnel in dealing with the matters at Woodlawn that affect both companies' operations.</p> <p>Peter Walker noted that recent roadworks have improved the Tarago Road, and there have also been improvements to Bungendore Road. Adrian Ellson noted that the turning circle for trucks at the Tarago Road intersection is still a bit of a problem, though the stop sign has helped. Peter replied that it is much improved on the previous situation.</p> <p>It was agreed by the committee that we should plan to meet again in approximately 3 or 4 months, preferably face-to-face at the mine site, if possible. Peter Walker stated that it would be possible to have a meeting at the Council Chambers in Goulburn where appropriate spacing and Covid precautions could be applied.</p>	
<p>Next meeting Wednesday <u>25 November 2020</u> (to be confirmed), 6.30pm, Woodlawn Mine Office if Covid restrictions allow.</p>	

Note: all CCC, community and associated documents are located on the company website:
<http://www.heronresources.com.au/woodlawn-community.php>



Woodlawn Eco-Precinct

Community Liaison Committee Meeting Minutes

Date	Thursday 13th August, 2020	Time	5:00 pm
Coordinated by	Henry Gundry	Location	Woodlawn Conference Room

Committee List ✓

Name	Present	Absent	Name	Present	Absent
Henry Gundry (Veolia)	✓		Sandra Ellson (Community)		✓
Cr Denzil Sturgiss (GMC Councillor)	✓		Scott Martin (GMC Designated Officer)	✓	
Simon Reynolds (Community)	✓		Cid Riley (Community)		✓
Adrian Ellson (Community)	✓		Owen Manley (Chair)	✓	
Cr Mark Schweikert (QPRC Councillor)		✓	Richard Kirkwood (Community)		✓

Guest List ✓

Name	Present	Absent	Name	Present	Absent
Marea Rakete (Minutes)	✓		Tobias Stanley		✓

Minutes

1	Welcome
	The Chair opened the meeting and welcomed members.
2	Present / Apologies
	Cr Mark Schweikert (QPRC Councillor), Cid Riley (Community Rep)
3	Approval of Previous Minutes
	The minutes of the previous meeting were accepted with no changes.
4	Matters Arising from Minutes
	The Chair expressed appreciation to all present at the previous lengthy meeting. Details of the Tarago Local Waste Collection have been passed on to Goulburn Mulwaree Council. Council has requested more information from Transport NSW regarding the Tarago Lead Contamination issue.
5	Community Liaison Committee Charter Review
	Acceptance of the 2020 CLC Charter was moved and agreed. The Charter will generally be reviewed every 12 months but can be amended as required.
6	Woodlawn Eco-Precinct Operational Update
	Recent significant rain events have impacted the operation the capacity to capture gas and could have contributed to odour generation. Henry spoke about the requirement for monitoring airborne contaminants as part of the

Woodlawn Eco-Precinct
 619 Collector Road, Tarago NSW 2580
 tél. +61 (02) 8588 1360 • email. woodlawn@veolia.com
<https://www.veolia.com/anz/>

Veolia Community Liaison Committee Minutes

	<p>Bushfire/Asbestos waste acceptance and advised that there are strict requirements to manage the disposal of asbestos contaminated materials.</p> <p>There has been a delay in receiving the final Independent Odour Audit report from The Odour Unit. Veolia was chasing the final report. Also Veolia was asked to provide at the next meeting a record of Odour Complaints. Henry stated that this is public knowledge and available on Veolia's website. This will be tabled at the next meeting.</p> <p>Veolia personnel have attended properties of recent odour complaints in an attempt to identify the source of odour and discuss the challenges around the significant rainfall events. The site experienced a weekend event of 180mm.</p>
7	General Business
	<p>Tarago Lead Contamination Veolia's has had no direct contact with Transport NSW in regards to the disposal of approx 1500m³ of contaminated material from the siding. Veolia was aware that Heron Resources had been in contact, however based on their current operational capacity, access to their site is limited. Transport for NSW still has stockpiles of contaminated materials on its land at Tarago. All queries are now being directed to the information available on the Transport NSW website.</p> <p>Bungendore/Tarago Road Maintenance Discussion was about the report tabled by Cr Mark Schweikert. The report advised councils current status and planned upgrade works to commence near the Mount Fairy turnoff in November 2020 or latest January 2021. Owen queried if the slip lane proposed some time ago at the Mount Fairy turnoff was included. Henry stated that the road design was a matter for Council not Veolia. Committee recommended that this updated information from QPRC be included in the next issue of the Tarago Times.</p> <p>Tarago Village General Waste Collection Rollout The draft letter to residents was shared and discussed. Agreed contact details for Goulburn Mulwaree Council waste management services will be included in the letter to residents and waste collection flyers.</p> <p>Veolia ANZ - Leadership Change The committee was advised of the standing down of Danny Conlon, and introduction to New CEO Richard Kirkman. Henry to pass on thanks and best regards to Danny on behalf of the committee.</p>
8	Other Business
	<p>Traffic and Waste inputs Discussion about the variable speeds of the trucks on the Crisps Creek incline. The 2013 Road Traffic study showed that a climbing lane was not required. Veolia is reviewing traffic data again as part of its regional waste volume review.</p> <p>Waste via Rail from Fyshwick. Adrian discussed recent information brought to him about a waste processing facility in Fyshwick and the ACT plans to bring 250ktpa of waste via Rail to Woodlawn. Henry stated although technically possible, this can only happen if Veolia sought approval from the NSW Department of Planning. Veolia does not have an application in with the Department. Conversation focussed on the potential impact at the rail siding and extra trucks on the road. Agreed at this stage this should be followed up via TADPAI in the community interest.</p>
8	Meeting Closed by Chairperson
	<p>Meeting closed by the Chair at 6.30pm. The next meeting will be held on Thursday 12th November at 5pm.</p>

Woodlawn Eco-Precinct
 619 Collector Road, Tarago NSW 2580
 tél. +61 (02) 8588 1360 • email. woodlawn@veolia.com
<https://www.veolia.com/anz/>

Marulan Quarry Project
Community Consultative Committee
Fifth Meeting, Thursday 27 August, 2020
6.30pm-8.15pm Marulan Community Hall

Minutes of the meeting - FINAL DRAFT

Attendees

Present

Ian Colley (Independent Chair)

Vergilio Serra (Global Quarries)

Justin Flaherty (Global Quarries - Minute taker)

Karl Rosen (GHD)

Graeme Dally

Wendy Dally

Shane Hill

George Emerzidis

Darryl Pearson (via Teams online)

Don Angelosante

Stephanie Mowle – GM Council

Apologies

Bill Kenchington

Graeme Edwards (GQ)

Welcome and Introductions

Ian welcomed everyone and invited them to introduce themselves for Karl's benefit (attending via online Teams broadcast). Darryl joined the meeting via Teams as well (but the connection dropped out).

Wendy read an Acknowledgement to Country.

Minutes of the Last Meeting

Graeme D asked for a number of revisions to the minutes of the last meeting, and supplied a document with the revisions marked up. Ian acknowledged most changes. The minutes will be revised as such and approved.

Don asked if the proceedings could be video recorded to avoid these kinds of revisions. Ian noted that it would be unusual in that the minutes were not meant to be a verbatim transcript of proceedings, and that there are possible privacy and confidentiality issues with video and audio recordings. However, he would consider the option.

Vergilio provided a handout outlining GQ answers to the CCC questions, and a preliminary design map of the proposed quarry.

Actions and Business Arising from the Minutes

- George – did you find out about drilling? VS - we obtained timesheets that say they didn't work on the weekend.
- Shane – are you happy for us to ring you if there is work done outside hours. VS – yes
- Ian – how will community meetings be advised? – VS will advise.
- Graeme – (repeat) have you checked timesheets for drilling? VS – again I saw timesheets that said they weren't working on weekend and public holiday following. We will notify if there are weekend works planned. VS – we had our Geotech there also.
- Wendy – you must build trust with us, it's not happening. IC – VS said you can call him
- Wendy – can we go to Council? SM - Council would be required to investigate. Shane – Council said call the police.
- Ian – People expectations about works on the site need to be managed, and prior notification is appropriate.
- Graeme – VS said he would provide the amended SEARS in January and was not aware of the undertaking.

(Daryl joined the meeting via teams at this point)

- Graeme – the website was down, I checked my journal it was down November last year and advised state planning that it was down in January. Wendy - there were texts from other people saying this also. These contradictions need to be resolved
- Graeme – we all agreed to have a meeting we all need to say we won't have it. VS – we agreed for 8 weeks but became aware we didn't have anything more to present. Wendy – we pushed for the meeting as we were advised to because we could put questions forward. Ian told us not to bring things up. Ian – What I said was that new questions are fine but we don't need to repeat the same questions once an answer has been provided. Wendy – it was insulting that Ian said we couldn't ask more meetings. Ian – No, I have said that more questions are fine. VS – we gave our opinion as to whether the meeting went ahead. Wendy – we are frustrated and feel we can't bring things up. Ian – I think your perspective has been heard.
- Shane – thanks for answering the questions (referring to GQ's handout provided this evening).

GQ update presentation

- VS - we have compiled all major questions, and attempted to respond to these.
- VS – preliminary pit design plan has been circulated and is circulated in print once again

Justin read the first four pages of the document into the minutes. These are appended below (at A).

Don – what is the rest of the document? VS – we have attempted to provide detailed answers to all questions raised by community members so far.

Don – there was 37mm of rain in the creek during the week, it will make the water rise higher than the roof. VS – we will note this. Karl – detailed water plan to be developed, and aiming to recycle as much as possible. Recognise its within Sydney's water catchment there are further regulatory requirement regarding quality. Much of the water will flow down the creek, I have seen this myself (from the Highway). Modelling of run off will be developed (within a range of conditions) and the pit will be designed to be above those levels.

Wendy – there is quick rising water in our creeks, it becomes full and cover paddocks in a fall overnight. We don't want you to be unaware of this.

Don – what will be done about my own water and possible silica contamination? Karl – understand there is silica in the resource we are analysing this (for crystalline silica) and dispersion of finer particles. Modelling will be undertaken (along contours) and will show a specific result. For Silicosis risk, we have a specialist risk consultant on board looking at deposition of dust.

Don – how will you make sure my house won't be damaged by blasting? Do I need to document its current state? Will you compensate me for damage? Karl – you can request a pre-condition assessment from GQ. Will be taken into consideration in the plan.

Graeme – thanks for providing the questions and answers, this is really good

Graeme – will Winfarthing road be blocked off by blasting? What are the signs for? VS – signs may be precautionary (good neighbour policy). Karl - we would like everyone to know when blasting is happening. There will be a notification procedure determined (may be included on the website). Karl – the road is not expected to be in the exclusion zone. Blasting won't be in the evening.

George – is road in the exclusion zone? What is the zone? Karl – larger mines and quarries with no residents can have larger exclusion zone. If a small quarry with nearer residents then the blast plan has to tailored to meet that requirement.

Wendy – concerned quarry proposed in area with indigenous artefacts/sites relevant to current indigenous issues. Rio Tinto has made this mistake in the past. A number of residents have had aboriginals identify burial sites on their land. Not confident that GQ will take into account these issues. GHD have been putting reports together. World issues must be taken into account. Bushfires have destroyed flora and fauna – you people from Sydney don't have any idea. Fauna corridor is larger than you acknowledge. Members of land for wildlife, this are is important. Ian – are you asking about whether the wildlife corridor is being considered? WS – I hope you are planning trees. Karl – On your first point about aboriginal assessment, it is being addressed with dept of planning e.g. OEH people with interest in the land. There will be a site survey (for archaeological significance). Its been held up because the mine plan is being finalised. The answer re a road crossing corridor was in response to a specific question raised earlier. We understand it is a larger corridor.

Wendy – bushfires mean animals are coming into our area as their habitat has been burned out. Are you taking into account current circumstances? Karl – yes, it is being into account. The Biodiversity

study is prescriptive and will take this into account. Not only taken into account what is there but what could be there.

Action 1 – Karl to check on whether the studies are up to date, given this year’s bushfire events.

Wendy – we have had major snowfalls and rising waters due to climate change. Is this being taken into account? Karl – climate variables (such as run off etc) are taken into account. Meteorology is taken into account (eg temperature inversions that make worst case conditions).

Wendy – is all this stuff desktop (or direct field study)? Karl – air and noise modelling is done on computer based on topography and measured conditions. It uses a combination of on-site and desktop methods.

Don – do you know there are 5 different indigenous meeting places on quarry site? Ian – Karl has answered this in terms of how they will proceed with studies.

Shane – has GQ considered signage saying a quarry is planned? Not everyone is on the internet, if they go to Naramboola to inquire, they are met with a locked gate. VS – this will be considered.

Shane – What about Koala habitat, Koalas haven’t been present in 2-3 years but were recently sighted in Tallong. They have been pushed into their old habitat. Can this fact be taken into account? Can animal crossings be considered?

Graeme – looking at the figures of tonnage extracted over years 1-3, aren’t you limited to 500,00 tons. VS – the figures includes overburden, such as sandstone, so in fact there is not 500,000 tonnes of material going off site per year. 500k is a target, but with no guarantees we will reach that.

Shane – will you go longer if you don’t achieve the 500k? VS – there will be less extraction in final years and more rehabilitation. Karl agreed with this.

Shane – what’s the leeway if you go over time. Karl – it would need an amended consent.

George – Will there be backloads from Sydney, and if so, when? Karl – these will come from construction projects in Sydney or locally – wherever available.

George - who will monitor material coming from Sydney? Karl – needs to be done in accordance with an ENM order. The supplier must sample them and keep records for 7 years subject to audit. George – what will stop dodgy behaviour? VS – we won’t consider putting our operations at risk. George – ENM must be monitored by someone independent. There is a lot of dodgy business in this industry and no one has been prosecuted.

Graeme – there are other quarries that support the local community, through some kind of community contribution. VS – this hasn’t been discussed yet. Graeme – I’d like to make a number of suggestions of items that could be considered for GQ contributions:

1. All properties have a first flush and filter system installed onto their tank water supply.
2. All properties have tanks emptied, cleaned and refilled each year, for the life of the quarry.
3. A bus shelter for school students erected and maintained.
4. A footpath constructed for the length of Winfarthing Rd and Faviel Cl.
5. A fire shed, truck, water supply and equipment.

6. The fire shed to be accessible to locals after the quarry has closed. To include a meeting room, kitchen, showers and toilets,

7. All ongoing costs for the fire shed, including maintenance of equipment and training.

8. An alternative access road for the Winfarthing & Faviel residents.

Graeme – Karl do you have a professional relations with Monteith & Powys (Newcastle). Karl – no. Graeme noted that an application for quarry at Singleton had plagiarised parts of a scoping report. Karl – it's a new process (with new guidelines) so it's no wonder it was copied. Graeme has notified state planning who's website it appears on.

Ian – what's the timeline for the EIS and next steps? VS – will get most reports lodged on January next year. Karl – public exhibition of EIS 30 days, and it is generally not able to be done over holiday period.

Ian – how will we meet between now and then? VS - detailed layout of machinery and stockpiles may be available. Karl – the layout is the key step and will be presented. Social impact assessment team will do phone interviews with affected stakeholders (1-1.5 hour interview). Let VS know if you would like to be involved. VS – I will email out about social study.

Action 2 – VS to email invitations for the social impact study

Ian – Then should we hold the next meeting when refined layout is available. VS – can't comment on timeframe as it is uncertain. Ian – What about a November meeting (when layout is done) assuming this will need to be done before the EIS is finalised.

(This was agreed to by all. Ian will send out a notional date for this next meeting – see below)

George – is Graeme Edwards part of GHD. VS – no. George – how many quarries have GHD worked on that have close proximity to neighbours. Karl – there are 7-8 with residents in about 500m.

George – how many have been approved? Karl – I know of one that was rejected by the JRPP last year (on road access issues).

Don – will there be another community meeting? VS – we may have one in November.

Graeme – will you have a discussion with NoW group? Shane – will you come and talk to the meeting? VS – concerns over Covid may make this impossible, but GQ will consider this.

Action 3 – VS to consider meeting with NOW Inc, subject to Covid advice.

Shane – thanks to Karl for being available.

Proposed Next Meeting date is November 12th, subject to additional information being available at that time.

Actions Arising

Fifth Meeting

Action 1 – VS to consider meeting with NOW Inc, subject to Covid advice.

Action 2– VS to email invitations for the social impact study

Action 3 – Karl to check on whether the studies are up to date, given this year’s bushfire events.

Third Meeting

Action 1: GQ to decide a suitable time for early notice of information to CCC before formal submission of the EIS

First Meeting

Action 1 For documents sent out to members to be sent out as editable PDFs so members can comment.

Action 2 A clearer map of the traffic options will be made available

Action 4 GQ will make sure that no one is on the land shooting.

Action 5 GQ will not lock the neighbours’ access gates moving forward. But noting that various utilities such as Telstra, electricity and gas companies may be locking the access.

Action 6 The EIS report will be made available when completed.

Action 8 GQ will clarify power source to members

Action 9 GQ to provide details of insurance once approval is granted.

SUMMARY OF QUESTIONS PRESENTED TO GLOBAL QUARRIES FROM COMMUNITY MEMBERS

Blasting - noise, pollution, vibration

Effect on domestic animals, native wildlife, People, Structures, Traffic,

Warning methods and the impact

Exclusion Zones & Fly rock

It is mandatory for quarry operators to have in place appropriate systems to review and audit the explosives control plan and blasting work practices to ensure that all aspects of blasting activities are enforced. Limits for noise, dust and vibration emissions will be established and continually monitored throughout the life of the quarry to ensure the limits are not exceeded. The blasting design determines the exclusion zone. No persons should remain within exclusion zones during blasting activities. Modelling, design, and monitoring will be used to minimise the effects of all blasting activities covering noise, dust, and vibration

Recommended criteria for the assessment of noise and vibration from blasting are provided by the Australian and New Zealand Environment and Conservation Council (ANZECC) in its publication entitled Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration.

These criteria apply to minimise human annoyance and discomfort and were not developed to control possible structural damage. However, if ground vibration peak particle velocities comply with criteria for minimising human annoyance and discomfort, they would also be below levels that may cause structural damage to buildings and would be considered for effects on domestic animals.

Dust-from blasting

Questions with regards to

Dust Suppression & Silica Dust

Effect on domestic animals, native wildlife, People, Structures, Traffic, water,

Selection of equipment, methodology and processes shall be adopted to minimise dust emissions from the quarry operations. Sampling, modelling, and monitoring is ongoing to ensure compliance throughout the duration of the quarry life. Further analysis will be undertaken to confirm silica content and health risk assessment undertaken to consider risk based upon the results of the dust dispersion modelling for fine particles. Health risk assessment will be undertaken based upon analysis of the resource and dust dispersion.

Dust modelling will be undertaken and assess nearby receiver against EPA criteria outlined in the Approved Methods for Assessment and Modelling of Air Quality. Criteria includes annual average and 24 hour criteria

With regards to vehicle traveling on winfarthing rd If deemed necessary temporary signs shall be strategically placed prior to each blast and removed after the blast has been completed

Water Source

Water source, Wastewater , Rainwater/Flooding

Likely construct an off stream/turkey nest dam that would be replenished by recycling water, site run-off, ground water from the quarry and bore water , a detailed water balance will be prepared to assess availability of water for the life of the project. Wastewater will be directed to settling ponds prior to being transferred to the water supply dam for being recycled. With regards to Flooding of the site should not be an issue. All developed areas of the site will be graded to catch drains and discharge through silt ponds .All extraction and processing activities will be considerably above flood levels for Narambulla Creek

Visibility

Visibility from Winfarthing rd and Hume Highway

at times mobile plant will be visible for short periods during the initial development of the quarry, year 1 of Stage 1. A Visual impact assessment Is currently underway and will be finalised once a more detailed quarry design is complete .Visibility impact may be minimised by mounding and planting

Design

final plan

A preliminary map has been issued out to CCC members, there will be more detailed maps to come and are currently being worked on., Quarry development plan will require formal approval

Native Wildlife

Impacts and effects for native wildlife and Wildlife Corridor

Detailed biodiversity assessment being undertaken in accordance with the Biodiversity Assessment Methodology under the Biodiversity Conservation Act. Dislocation of wildlife will be considered as part of the detailed assessment; Field investigations are ongoing to ensure the entire impact area is appropriately captured. With regards to the wildlife corridor an existing gap in the vegetated medium strip in the centre of the Hume Highway will be widened to accommodate the new intersection. This is not predicted to restrict wildlife movement. The nature of the extractive operations means that vegetation clearance will be required, The impact of the project upon the wildlife corridor will be considered.

Traffic

Concerns of Congestion, Site Entry, Traffic Flow, Safety

Global Quarries is working closely with RMS to ensure that all roads to and from the Proposed Quarry will be up to RMS Standards. Safety is a key priority for Global Quarries. RMS has indicated that they are willing to consider a new intersection as part of the DA and has requested more detailed design which is currently underway.

Winfarthing Rd will no longer be used as a entry of exist point for the Proposed Quarry , Design is currently underway which will use an entry and exist point from Hume Highway approx. 860 me east of Winfarthing Road.

The new intersection will eliminate use of Winfarthing Road for all quarry related haulage, staff and contractor traffic entering the site. The intersection will provide a left-in / left-out / right-out only treatment with the following characteristics:

Rehabilitation

Concerns with funding for Rehabilitation

Concerns with source of Fill , VENM & ENM

Compliance

Stockpiling

The project involves progressive rehabilitation of the pit with emplacement of clean fill material. The need for any rehabilitation bond or funding for rehabilitation will be contemplated as part of the determination of the project. All emplacement material will meet the definition of virgin excavated natural material (VENM), excavated natural material (ENM) and other clean fill material (subject to specific resource recovery exemptions) sourced from earthworks projects across Sydney and the local regional area.

The ENM Order has strict requirement for sampling of ENM at the site of supply prior to transfer to site. Records must be maintained for seven years and can be audited by EPA; Records of the emplacement material will need to maintain in accordance with the ENM Order.

Any long-term stockpiles of either VENM / ENM or overburden material will be appropriately stabilised to prevent dust or erosion

Uranium

Concerns of Uranium on site

There is no knowledge of Uranium within the resource on site

Crown Lands & Trig Station

Concerns over Area Usage, Heritage, Historical Significance

Currently Global Quarries is in discussion with Crown lands and looking to Purchase or Place a long term lease on the Crown lands , Consultation with Registered Aboriginal Parties has commenced in accordance with OEH Consultation guidelines. As the Crown lands in located with in the pit boundary this will mean that the trig station will be removed

Bush Fire

Concerns of extreme fire days and excavation plans

A bushfire risk plan is being prepared and will consider operational requirements during high risk fire periods

Aboriginal Heritage

Concerns over aboriginal heritage and significance to site location

Aboriginal heritage investigations are being completed as part of the EIS in accordance with relevant guidelines. Site surveys with RAPs will be undertaken once the final disturbance area and footprint of the operations is determined.

END OF SUMMARY

Wakefield Park Raceway
Community Consultative Committee

Wakefield Park Raceway CCC Minutes

Title	Wakefield Park Raceway Community Consultative Committee (CCC) Meeting #01																					
Meeting Date	24 August 2020 @ 6pm																					
Venue	Goulburn Mulwaree Council Chambers Bourke Street, Goulburn																					
Chair	David Johnson	Independent Chairperson*																				
Meeting Attendees	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Jane Reardon</td> <td>Community Representative/Resident</td> </tr> <tr> <td>Gerard Reardon</td> <td>Community Representative Alternate</td> </tr> <tr> <td>Richard Cardew</td> <td>WPR Nominee</td> </tr> <tr> <td>John Boston</td> <td>WPR Nominee</td> </tr> <tr> <td colspan="2"> </td> </tr> <tr> <td>Scott Martin</td> <td>Goulburn Mulwaree Council, Director Planning & Environment</td> </tr> <tr> <td>Bob Kirk</td> <td>Goulburn Mulwaree Council, Mayor</td> </tr> <tr> <td colspan="2"> </td> </tr> <tr> <td>Dean Chapman</td> <td>WPR Representative Alternate</td> </tr> <tr> <td>Chris Lewis-Williams</td> <td>WPR Representative (by video)</td> </tr> </table>		Jane Reardon	Community Representative/Resident	Gerard Reardon	Community Representative Alternate	Richard Cardew	WPR Nominee	John Boston	WPR Nominee			Scott Martin	Goulburn Mulwaree Council, Director Planning & Environment	Bob Kirk	Goulburn Mulwaree Council, Mayor			Dean Chapman	WPR Representative Alternate	Chris Lewis-Williams	WPR Representative (by video)
Jane Reardon	Community Representative/Resident																					
Gerard Reardon	Community Representative Alternate																					
Richard Cardew	WPR Nominee																					
John Boston	WPR Nominee																					
Scott Martin	Goulburn Mulwaree Council, Director Planning & Environment																					
Bob Kirk	Goulburn Mulwaree Council, Mayor																					
Dean Chapman	WPR Representative Alternate																					
Chris Lewis-Williams	WPR Representative (by video)																					
Apologies	Phillip Sykes	Community Representative/Resident																				
Next Meeting	7 October 2020 @ 4.00pm Goulburn Mulwaree Council 184 Bourke Street, Goulburn NSW																					

Wakefield Park Raceway
Community Consultative Committee

MEETING WELCOME AND INTRODUCTIONS - David Johnson

Meeting opened at 6:05pm

David Johnson introduced himself as the Independent Chair of the committee and welcomed everyone.

Each person gave a brief outline of their background as well as their interest and role on the committee.

David spoke on the purpose and role of the committee, and explained how the committee should operate generally in accordance with the NSW Dept of Planning, Industry & Environment's *Community Consultative Committee Guidelines (2019)*, though in this case the functions and operation of the committee will be overseen by Goulburn Mulwaree Council (GMC).

Scott Martin gave a brief outline of Council's responsibilities and expectations regarding the committee, and noted that it's establishment is in accordance with Schedule 1 of the Prevention Notice dated 8 January 2020 which was the agreed outcome of a conciliation conference in the NSW Land & Environment Court in October 2019 between GMC and BAC WMR Holdings Pty Ltd, the operators of Wakefield Park Raceway. Scott noted that he is involved in other CCCs in the Goulburn area, and Council have found them very successful in allowing dialogue and consultation between various operating companies and the local communities.

David explained that he also Chairs four other CCCs in regional NSW and his experience indicates that the committees encourage communication and exchange of information between local residents and communities and the operators of facilities, to the benefit of both.

APOLOGY for the meeting tendered for **Phillip Sykes** (Community Rep)

DECLARATIONS OF INTEREST & CODE OF CONDUCT

David, as the Chair, explained the obligations on all members of CCCs in relation to conduct and behavior. Copies of the *Code of Conduct Agreement* from the DPIE Guidelines were circulated for all members of the CCC to sign. Also, all members were given copies of the *Declaration of Pecuniary & Non-Pecuniary Interests* to also sign and declare where appropriate.

RACEWAY UPDATE & CURRENT STATUS

Dean Chapman and Chris Lewis-Williams provided a summary of current and up-coming activities at Wakefield Park:

Dean Chapman highlighted that clauses in the Prevention notice had been met which included the appointment of a full time sound officer, additional hardware through the investment in an additional noise meter which was located at 30m from the track edge; Wakefield Park have now organised a CCC, static noise testing of a sample of vehicles at each event now occurs, weather and calendar data is now accessible from Wakefield Park's Website and at the time of booking, competitors and promoters are informed of noise compliance requirements.

*Wakefield Park Raceway
Community Consultative Committee*

The reduction in the number of events mid-week and on weekends has occurred due to the noise restrictions. Some days now have no activity due to WPR not being able to attract certain customers which are able to achieve these sound levels. Effort is being focused on trying to find customers to fill days in which Wakefield can't operate, due to not having that customer base.

A team has been formed to produce the DA for submission to GM Council by the newly agreed date of the 15th September. All indications would see WPR being able to achieve this.

Scott Martin noted that Council has had its own peer review of Renzo Tonin's acoustic report and modelling, carried out by Stephen Cooper, also a prominent and respected acoustic expert.

The Chair noted that the DA and supporting statement of environmental effects and various consultant's reports will be on public exhibition for at least 3 weeks and available for any members of the public to examine and make submissions. Jane asked if the DA exhibit would include the Tonin noise model and noted that residents had not seen it despite requests.

A number of questions were asked by members, particularly relating to noise impacts and the level of compliance with the provisions and noise limits imposed by the Prevention Notice. Dean noted that the managers of the track are adhering to the requirements of the Prevention Notice and applying the noise limit restrictions which are imposed. This includes disallowing any vehicles that don't satisfy the static noise testing prior to using the track, and also removing any vehicle that fails to satisfy the drive-by limit of 95dB(A) at 30m, after one warning.

Jane and Gerard Reardon believe that the noise levels affecting their property are well in excess of the normally acceptable level of background plus 5dB(A) and are not satisfied that enough effort is being applied to reduce noise impacts at their property and others in the area. There was considerable discussion regarding noise emissions from the track and the impacts resulting at neighbours' houses. It was noted by the Chair and agreed that as the Company's principal noise consultant, Renzo Tonin, would be attending the next CCC meeting, any further discussion relating to noise emissions, modelling and impacts should be held over for that meeting.

Dean said the track had to be closed on some weekends with loss of income to the raceway. Jane said that residents had not asked for the raceway to be closed for any period, only that it abides by the noise limits set out in the DA conditions.

Gerard asked if the residents' noise expert be allowed to attend any meeting where Mr Tonin was present. The Chair said this was not appropriate at the next meeting which was for just the committee to hear from Mr Tonin

Dean made the point that he and the track operators are making every effort both to comply with the noise limits and requirements of the Prevention Notice, and to ensure that residents such as the Reardons are not subjected to unacceptable noise impacts at their properties.

Jane asked if residents could have access to the raceway's web-based sound monitoring and offered to provide the web-based sound level data from their noise monitor on their property if WPR are prepared to provide their data to her. Gerard R invited Mayor Bob Kirk to visit their property and listen to the noise from the racetrack.

Wakefield Park Raceway
Community Consultative Committee

COMMUNITY COMPLAINTS

Jane noted that she was aware of more than 20 noise complaints this year and said that she had only received one response.

Scott Martin requested that any complaints be phoned to Council's complaints number and the details will then be relayed to WPR. Scott agreed that for future CCC meetings, he will provide a summary of complaints received during the preceding period, and what rectification actions have been made.

Dean noted that in some cases WPR staff members have been abused by complainants (not by persons present today), and that this practice is unfair and complaints should be made via the correct channels.

GENERAL BUSINESS

The Chair noted that there is still a vacancy on the CCC for a community member. Scott M said Council would shortly advertise again for someone who satisfies the criteria dictated in the Prevention Notice – ie. a person who resides within 5 km of the racetrack. The Chair said that 5km was an appropriate criterion.

Dean Chapman noted that WPR have made a number of changes to their operations in recent months (and as per the Prevention Notice) to reduce impacts on the local community, and this includes foregoing 25% of the previously allowed weekend race days, which has resulted in a significant reduction in business revenue. John Boston also noted that his business (which relies on access and availability of the racetrack for his corporate and 'track day' events) has seen a decline in revenue.

Gerard R asked why 'drifting' of race cars had been allowed to re-start at WPR after being previously banned. Chris L-W stated that WPR had been approved to allow 'drifting' by Council.

Gerard claimed that there has been an increasing level of mis-trust between WPR and several members of the local community in recent times, and that this is unfortunate.

It was agreed by all present that WPR's principal acoustic consultant, Renzo Tonin, should be requested to attend the next meeting of the CCC to present and answer questions relating to noise modelling and impacts. It was further agreed that the date of the next meeting should be based on his availability, and that where possible specific questions for him be submitted to the Chair by email, at least a week in advance of that meeting. The meeting is planned for early October during the period when the DA and its supporting reports will be on public exhibition.

MEETING CLOSED

Meeting closed at 8.30pm

NEXT MEETING

To be held on Wednesday 7 October 2020 at 4pm at the Goulburn Mulwaree Council Chambers, 184 Bourke Street, Goulburn.

15.18 COUNCILLOR BRIEFING SESSION SUMMARY

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

Link to Community Strategic Plan:	Civic Leadership
Cost to Council:	Cost of Councillor Briefings is funded from Councils operation budget
Use of Reserve Funds:	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.

Tuesday 25 August 2020 4.00pm

- Performing Arts Centre Tour

Councillor Name	Attendance
Mayor Bob Kirk	Present
Cr Alfie Walker	No
Cr Andrew Banfield	Apology
Cr Leah Ferrara	Present
Cr Carol James	Apology
Cr Margaret O'Neill	Apology
Cr Sam Rowland	No
Cr Denzil Sturgiss	Present
Deputy Mayor Peter Walker	Present

Tuesday 25 August 2020 5.30pm

- Veolia Host Fee Agreement – Danny Conlon from Veolia Present
- Goulburn Rec Area Draft Plan of Management
- Section 7.11 Fees
- Public Interest Test – Cr Sam Rowland

Councillor Name	Attendance
Mayor Bob Kirk	Present
Cr Alfie Walker	No
Cr Andrew Banfield	Apology
Cr Leah Ferrara	Present
Cr Carol James	Present
Cr Margaret O'Neill	Apology
Cr Sam Rowland	Present
Cr Denzil Sturgiss	Present
Deputy Mayor Peter Walker	Present

Tuesday 8 September 2020 5.30pm

- Note Taking
- Sale of Water
- Expressions of Interest Waste Water Farm
- Section 7.11 Fee
- Draft Financial Statements
- Heritage Grant Applications
- Aquatic Centre Contaminated Material

Councillor Name	Attendance
Mayor Bob Kirk	Present
Cr Alfie Walker	Present
Cr Andrew Banfield	Present
Cr Leah Ferrara	Present (from 6pm)
Cr Carol James	Present
Cr Margaret O'Neill	Apology
Cr Sam Rowland	Apology
Cr Denzil Sturgiss	Present
Deputy Mayor Peter Walker	Present

Tuesday 22 September 2020 5.30pm

- Strategic Planning Issues:
 - DCP Vegetation Provisions
 - Community Events as Exempt Development in LEP
- Consideration of Public Interest under Section 4.15(1)(e) of the EPA Act
- Horne Square and Clinton Street Landscaping – plans
- Goulburn Mulwaree Recognition ‘Gong’
- Goulburn Colours for Goulburn Sporting Teams
- Tender 1920T0012 - Legal Services Panel
- Councillors visions and ideas for next 12 months
- Briefing on Crime Rates
- Fees charged for private certifiers

Councillor Name	Attendance
Mayor Bob Kirk	Present
Cr Alfie Walker	Present
Cr Andrew Banfield	Present
Cr Leah Ferrara	Present
Cr Carol James	Present
Cr Margaret O'Neill	Present
Cr Sam Rowland	Present
Cr Denzil Sturgiss	Present
Deputy Mayor Peter Walker	Present

16 CLOSED SESSION

Government Act 1993.

RECOMMENDATION

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

16.1 Update on Legal Matters

This matter is considered to be confidential under Section 10A(2) - g of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

17 CONCLUSION OF THE MEETING

The Mayor will close the meeting.