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MINUTES

Ordinary Council Meeting

6 October 2020

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

PRESENT: Cr Bob Kirk (Mayor), Cr Peter Walker (Deputy Mayor), Cr Andrew Banfield, Cr Leah Ferrara, Cr Margaret O'Neill (arrived at the meeting at 6.14pm), 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, Robbie Hughes (Acting 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 Denzil Sturgiss.

4 APOLOGIES

RESOLUTION 2020/385

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

That the apologies received from Cr Alfie Walker and Cr Sam Rowland and Cr Margaret O'Neill for lateness be accepted.

CARRIED

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

RESOLUTION 2020/386

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

That the application for leave of absence be granted to Cr Alfie Walker and Cr Sam Rowland due to health reasons.

CARRIED

6 LATE ITEMS / URGENT BUSINESS

Nil

7 DISCLOSURE OF INTERESTS

CR BANFIELD MADE A STATEMENT IN RELATION TO THE BUSINESS PAPER. HE HAS ASSESSED THE BUSINESS PAPER AND DOES NOT PERCEIVE ANY DECLARATION OF INTEREST IS REQUIRED TO BE DECLARED IN RELATION TO HIS EMPLOYMENT WITH DENRITH GROUP OF COMPANIES.

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

Alan Mitchell addressed Council on Item 15.1 DA/0169/1920, 8 lot residential subdivision, Lot 29 DP 1112491, 30 Dorsett Road Marulan.

Cr Margaret O'Neill arrived at the meeting at 6.14pm.

Talya Farrell and Adrian Gray addressed Council on Item 15.1 DA/0169/1920, 8 lot residential subdivision, Lot 29 DP 1112491, 30 Dorsett Road Marulan.

10 CONFIRMATION OF MINUTES**10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 15 SEPTEMBER 2020****RESOLUTION 2020/387**

Moved: Cr Peter Walker

Seconded: Cr Carol James

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.

CARRIED

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

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS**RESOLUTION 2020/388**

Moved: Cr Peter Walker

Seconded: Cr Andrew Banfield

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

CARRIED

12 MAYORAL MINUTE(S)

12.1 MAYORAL MINUTE - GENERAL MANAGERS PERFORMANCE REVIEW

RESOLUTION 2020/389

Moved: Cr Bob Kirk

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.**

CARRIED

12.2 MAYORAL MINUTE - WASTE WATER FARM EXPRESSION OF INTEREST APPLICANTS

RESOLUTION 2020/390

Moved: Cr Bob Kirk

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.**

CARRIED

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****RESOLUTION 2020/391****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 6:34pm.

CARRIED**RESOLUTION 2020/392****Moved: Cr Andrew Banfield****Seconded: Cr Denzil Sturgiss****That Council move back into Open Council.**

Council moved back into Open Council at 7:01pm.

CARRIED**MOTION****Moved: Cr Andrew Banfield****Seconded: Cr Margaret O'Neill****That:**

1. The staff assessment report for development application DA/0169/1920 for the proposed 8 Lot Residential Subdivision be received.
2. Council refuse DA/0169/1920 for an 8 Lot Residential Subdivision located at Lot 29 DP 1112491, 30 Dorsett Road Marulan subject to the following reasons:
 - a. Flooding issues are not accurately addressed with the more intense development.
 - b. Because of the intent of the original development this subdivision is not in the public interest
 - c. Clearing of the land has not been adequately addressed.

The motion was put and lost.

In Favour: Crs Andrew Banfield and Margaret O'Neill**Against:** Crs Bob Kirk, Peter Walker, Leah Ferrara, Carol James and Denzil Sturgiss**RESOLUTION 2020/393****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara****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 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

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.dpie.nsw.gov.au

(Reason: To ensure the appropriate management of native faunal)

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 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)

28A. Fencing

All fencing in the development be of a rural and open style of post and wire construction. Details of the proposed fencing are to be provided to Council for approval prior to the issue of a Subdivision Works Certificate.

28B Landscaping

A landscaping plan for boundary plantings for each proposed allotment is to be provided to Council for approval prior to the issue of a subdivision works certificate to ensure privacy to the neighbours can be achieved.

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' -

- a) in the road reserve must be fully completed;
- b) 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
- c) 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 in accordance with Council Policy. 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
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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.

CARRIED

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

Against: Crs Andrew Banfield and Margaret O'Neill

15.2 SIGNATURE CARE REQUEST FOR REDUCED SECTION 64 AND SECTION 7.11 FEES**RESOLUTION 2020/394****Moved: Cr Andrew Banfield****Seconded: Cr Carol James****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.**

CARRIED

The meeting was adjourned for dinner at 7.29pm.

The meeting reconvened at 8.03pm.

15.3 ONGOING COMPLIANCE MATTERS

RESOLUTION 2020/395

Moved: Cr Peter Walker

Seconded: Cr Leah Ferrara

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 8:04pm.

CARRIED

RESOLUTION 2020/396

Moved: Cr Peter Walker

Seconded: Cr Carol James

That Council move back into Open Council.

Council moved back into Open Council at 8:29pm.

CARRIED

RESOLUTION 2020/397

Moved: Cr Peter Walker

Seconded: Cr Denzil Sturgiss

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, Property Conveyancers & Solicitors 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.**

CARRIED

15.4 DEVELOPMENT SERVICE PLAN - GOULBURN STORMWATER**RESOLUTION 2020/398****Moved: Cr Peter Walker****Seconded: Cr Andrew Banfield****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.**

CARRIED**15.5 GOULBURN MULWAREE LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2020****RESOLUTION 2020/399****Moved: Cr Andrew Banfield****Seconded: Cr Peter Walker****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.

CARRIED

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

Sturgiss

Against: Nil

Abstained: Cr Margaret O'Neill

15.6 POLICY - STRATEGIC PLANNING FEES AND CHARGES

At 8:42 pm, Cr Denzil Sturgiss left the meeting and did not return.

RESOLUTION 2020/400

Moved: Cr Andrew Banfield

Seconded: Cr Leah Ferrara

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.

CARRIED

15.7 UPDATED STRATEGIC PLANNING PROGRAM

RESOLUTION 2020/401

Moved: Cr Andrew Banfield

Seconded: Cr Carol James

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.

CARRIED

15.8 DRAFT GOULBURN RECREATION AREA CROWN RESERVE PLAN OF MANAGEMENT**RESOLUTION 2020/402****Moved: Cr Margaret O'Neill****Seconded: Cr Peter Walker****That Council Move into Committee of the Whole.**

Council moved into Committee of the whole at 8:44pm.

CARRIED**RESOLUTION 2020/403****Moved: Cr Peter Walker****Seconded: Cr Carol James****That Council move back into Open Council.**

Council moved back into Open Council at 8:56pm.

CARRIED**RESOLUTION 2020/404****Moved: Cr Leah Ferrara****Seconded: Cr Carol James****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.**

CARRIED

15.9 VP186059 RIVERSIDE PARK PLAYGROUND**RESOLUTION 2020/405****Moved: Cr Carol James****Seconded: Cr Leah Ferrara****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.**

CARRIED**15.10 TENDER 1920T0012 - LEGAL SERVICES PANEL****RESOLUTION 2020/406****Moved: Cr Andrew Banfield****Seconded: Cr Carol James****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.**
- 5. The General Manager ensure that smaller engagements be done via a quotation process from local solicitors in accordance with the Procurement Policy.**

CARRIED

15.11 CODE OF CONDUCT**RESOLUTION 2020/407**

Moved: Cr Peter Walker

Seconded: Cr Leah Ferrara

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

CARRIED

15.12 325 (CITY OF GOULBURN) SQUADRON - AUSTRALIAN AIR FORCE CADETS**RESOLUTION 2020/408**

Moved: Cr Margaret O'Neill

Seconded: Cr Carol James

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

CARRIED

15.13 OUTREACH MEETING 2021

Moved: Cr Peter Walker

Seconded: Cr Andrew Banfield

That:

1. The report from the General Manager on the Outreach Meetings 2021 be received.
2. Council conduct Outreach Meeting in February and March of 2021 and that the meeting be held in accordance with the COVID-19 safe plans for each village facility and in line with State Government Health Guidelines.

The motion was put and lost.

15.14 COMMUNITY SAFETY & SOCIAL INFRASTRUCTURE PLAN WORKING PARTY

RESOLUTION 2020/409

Moved: Cr Andrew Banfield

Seconded: Cr Carol James

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.**

CARRIED

15.15 BUSINESS DEVELOPMENT UPDATE

RESOLUTION 2020/410

Moved: Cr Carol James

Seconded: Cr Leah Ferrara

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

CARRIED

15.16 GOULBURN MULWAREE YOUTH COUNCIL MEETING NOTES - 24 SEPTEMBER 2020

RESOLUTION 2020/411

Moved: Cr Carol James

Seconded: Cr Leah Ferrara

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.

CARRIED

15.17 EXTERNAL MEETING MINUTES**RESOLUTION 2020/412**

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

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.**

CARRIED

15.18 COUNCILLOR BRIEFING SESSION SUMMARY**RESOLUTION 2020/413**

Moved: Cr Carol James
Seconded: Cr Leah Ferrara

That the report from the General Manager on Councillor Briefing Session Summary be received.

CARRIED

16 CLOSED SESSION

Government Act 1993.

RESOLUTION 2020/414

Moved: Cr Carol James
Seconded: Cr Margaret O'Neill

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.

CARRIED

Council resolved into Closed Session at 9.23pm.

Council resolved into Open Council at 9.51pm.

RESOLUTION 2020/415

Moved: Cr Andrew Banfield
Seconded: Cr Carol James

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 UPDATE ON LEGAL MATTERS

RESOLUTION 2020/416

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

That the report Update on Legal Matters by the Business Manager Governance and the verbal update on the purchase of the hockey facility from the Goulburn Workers Club by the General Manager be noted and received.

CARRIED

17 CONCLUSION OF THE MEETING

The Meeting closed at 9.51pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 October 2020.

.....
Cr Bob Kirk
Mayor

.....
Warwick Bennett
General Manager