



# MINUTES

## Ordinary Council Meeting

**2 March 2021**



**Order Of Business**

|           |   |          |
|-----------|---|----------|
| <b>1</b>  | <b>Opening Meeting.....</b>   | <b>5</b> |
| <b>2</b>  | <b>Acknowledgement of Country.....</b>  | <b>5</b> |
| <b>3</b>  | <b>Councillors Declaration and/or Prayer .....</b>  | <b>5</b> |
| <b>4</b>  | <b>Apologies .....</b>  | <b>5</b> |
| <b>5</b>  | <b>Applications for a Leave of Absence by Councillors.....</b>  | <b>5</b> |
| <b>6</b>  | <b>Late Items / Urgent Business .....</b>   | <b>6</b> |
| <b>7</b>  | <b>Disclosure of Interests .....</b>  | <b>6</b> |
| <b>8</b>  | <b>Presentations.....</b>   | <b>6</b> |
|           | Nil   |          |
| <b>9</b>  | <b>Public Forum.....</b>  | <b>6</b> |
| <b>10</b> | <b>Confirmation of Minutes .....</b>  | <b>7</b> |
| 10.1      | Minutes of the Ordinary Meeting of Council held on 16 February 2021 .....   | 7        |
| <b>11</b> | <b>Matters Arising.....</b>   | <b>7</b> |
| 11.1      | Matters Arising from Council Meeting Minutes from the 2 March 2021 .....  | 7        |
| 11.2      | Outstanding Task List from All Previous Meetings .....  | 7        |
| <b>12</b> | <b>Mayoral Minute(s) .....</b>  | <b>7</b> |
|           | Nil   |          |
| <b>13</b> | <b>Notice of Motion(s) .....</b>  | <b>7</b> |
| 13.1      | Notice of Motion - Public Consultation for New Police Station.....  | 7        |
| <b>14</b> | <b>Notice of Rescission(s) .....</b>  | <b>8</b> |
|           | Nil   |          |
| <b>15</b> | <b>Reports to Council for Determination.....</b>  | <b>8</b> |
| 15.1      | DA/0137/2021 - 22 Hurst Street, Goulburn - Demolition of existing dwelling and construction of new two storey dwelling with basement garage ..... | 8        |
| 15.2      | Planning Agreement - 94 Wilson Drive, Marulan .....   | 10       |
| 15.3      | DA/0038/2021, Boundary Adjustment and 29 lot residential subdivision, 49-57 & 59-61 Hovell Street Goulburn .....                                  | 10       |
| 15.4      | Planning Proposal - Amendments to exempt development within Schedule 2 of the LEP and to the Goulburn Mulwaree DCP for private events .....       | 37       |
| 15.5      | Mogo Road Update.....   | 38       |
| 15.6      | Request for SEARs - Gunlake Continuation Project.....   | 39       |
| 15.7      | Short Term Lease of the Council Irrigation Farm.....  | 40       |
| 15.8      | Request for Tender 2021T0008 - Wollondilly Walking Track - Lower Stern Street to Cemetery.....  | 40       |
| 15.9      | Proposed Road Widening/Closing - 754 Taralga Road, Tarlo.....   | 40       |
| 15.10     | Acquisition of Part of Lots 4 and 5, Sec 13, DP 758653 Portland Avenue, Marulan.....  | 41       |
| 15.11     | Proposed Road Upgrades - Common & Sinclair Streets, Goulburn .....  | 42       |
| 15.12     | Internal Borrowing - Performing Arts Centre.....  | 42       |

|           |  |           |
|-----------|--|-----------|
| 15.13     | Parking Restrictions Cowper Street.....  | 43        |
| 15.14     | Quarterly Workers Compensation .....   | 44        |
| 15.15     | Minutes of the Sports Council Meeting held on 1 February 2021 .....            | 44        |
| 15.16     | Local Emergency Management Meeting - Minutes 2 February 2021 .....             | 45        |
| 15.17     | Minutes of the Recreation Area Committee Meeting held on 3 February 2021 ..... | 45        |
| 15.18     | External Meeting Minutes .....   | 45        |
| 15.19     | Councillor Briefing Session Summary .....                                      | 45        |
| 15.20     | Army Training Exercise in Goulburn .....                                       | 46        |
| <b>16</b> | <b>Closed Session .....</b>  | <b>46</b> |
| <b>17</b> | <b>Conclusion of the Meeting.....</b>  | <b>49</b> |

**MINUTES OF GOULBURN MULWAREE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,  
GOULBURN  
ON TUESDAY, 2 MARCH 2021 AT 6PM**

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

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

**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 declaration was read by Cr Leah Ferrara.

**4 APOLOGIES**

**RESOLUTION 2021/64**

**Moved:** Cr Alfie Walker

**Seconded:** Cr Margaret O'Neill

**That the apology received from Cr Sam Rowland be accepted.**

**CARRIED**

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

**RESOLUTION 2021/65**

**Moved:** Cr Andrew Banfield

**Seconded:** Cr Margaret O'Neill

**That the leave of absence be granted to Cr Sam Rowland due to being out of the region on leave.**

**CARRIED**

## **6 LATE ITEMS / URGENT BUSINESS**

The General Manager noted that there were two additional items to the originally circulated agenda and a number of emails distributed in regard to the Gunlake Continuation Project and the Parking Restrictions Cowper Street.

## **7 DISCLOSURE OF INTERESTS**

Cr Andrew Banfield declared a pecuniary conflict of interest in Item 15.7 "Short Term Lease of the Council Irrigation Farm" as his brother in law is a Director of Denrith Group of Companies who are one of the submitters for this lease. Cr Andrew Banfield will leave the meeting while discussion and determination on this item takes place.

Cr Andrew Banfield declared pecuniary conflict of interest in Item 15.8 "Request for Tender 2021T0008 - Wollondilly Walking Track - Lower Stern Street to Cemetery" as his brother in law is a Director of Denrith Group of Companies who are one of the tenderers for this tender. Cr Andrew Banfield will leave the meeting while discussion and determination on this item takes place.

Cr Carol James declared a significant non-pecuniary conflict of interest in Item 15.1 DA/0137/2021 - 22 Hurst Street, Goulburn - Demolition of existing dwelling and construction of new two storey dwelling with basement garage" as she is a resident of Hurst Street Goulburn. Cr Carol James will leave the meeting during the public forum and while discussion and determination on this item takes place.

Cr Margaret O'Neill declared a significant non-pecuniary conflict of interest in Item 15.13 "Parking Restrictions Cowper Street" as she is employed in a property on Cowper Street and parks in Cowper Street. Cr Margaret O'Neill will leave the meeting during the public forum and while discussion and determination on this item takes place.

Matt O'Rourke, Director of Operations lives in Hurst Street Goulburn and will leave the meeting during the public forum and while discussion and determination on Item 15.1 DA/0137/2021 - 22 Hurst Street, Goulburn - Demolition of existing dwelling and construction of new two storey dwelling with basement garage takes place.

## **8 PRESENTATIONS**

Nil

## **9 PUBLIC FORUM**

Cr Carol James declared an interest in this item and at 6:07 pm, Cr Carol James left the meeting.

Matt O'Rourke left the meeting at 6.07pm.

Margaret Kearns addressed Council on Item 15.1 DA/0137/2021 - 22 Hurst Street, Goulburn - Demolition of existing dwelling and construction of new two storey dwelling with basement garage.

Adrian and Serena Beresford – Wylie addressed Council on Item 15.1 DA/0137/2021 - 22 Hurst Street, Goulburn - Demolition of existing dwelling and construction of new two storey dwelling with basement garage.

At 6:17pm, Cr Carol James returned to the meeting.

Matt O'Rourke returned to the meeting at 6.17pm.

Cr Andrew Banfield declared an interest in this item and at 6:17pm, Cr Andrew Banfield left the meeting.

Julia McKay addressed Council on Item 15.7 Short Term Lease of the Council Irrigation Farm.

At 6:22 pm, Cr Andrew Banfield returned to the meeting.

## **10 CONFIRMATION OF MINUTES**

### **10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 16 FEBRUARY 2021**

#### **RESOLUTION 2021/66**

**Moved: Cr Carol James**

**Seconded: Cr Denzil Sturgiss**

**That the Council minutes from Tuesday 16 February 2021 and contained in Minutes Pages No 1 to 17 inclusive and in Minute Nos 2021/30 to 2021/63 inclusive be confirmed.**

**CARRIED**

## **11 MATTERS ARISING**

### **11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 2 MARCH 2021**

Nil

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

#### **RESOLUTION 2021/67**

**Moved: Cr Denzil Sturgiss**

**Seconded: Cr Peter Walker**

**That Council notes the Task List and authorises the deletion of completed tasks with the exception of the Mogo Road Hi Quality task.**

**CARRIED**

## **12 MAYORAL MINUTE(S)**

Nil

## **13 NOTICE OF MOTION(S)**

### **13.1 NOTICE OF MOTION - PUBLIC CONSULTATION FOR NEW POLICE STATION**

#### **MOTION**

**Moved: Cr Peter Walker**

**Seconded: Cr Margaret O'Neill**

**That Council undertake a 28 day public consultation process including a formal community public meeting to receive community feedback on Council potential disposing of its property at 2 Bourke Street Goulburn to be potentially sold to NSW Police for a new Police Station in Goulburn.**

The motion was put and lost.

**14 NOTICE OF RESCISSION(S)**

Nil

**15 REPORTS TO COUNCIL FOR DETERMINATION**



**15.1 DA/0137/2021 - 22 HURST STREET, GOULBURN - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF NEW TWO STOREY DWELLING WITH BASEMENT GARAGE**

Cr Carol James declared an interest in this item and took no part in the discussion or voting on the matter. At 7:07 pm, Cr Carol James left the meeting.

Matt O'Rourke left the meeting at 7.07pm.

**RESOLUTION 2021/68**

**Moved:** Cr Peter Walker

**Seconded:** Cr Alfie Walker

**That:**

1. The staff assessment report for development application DA/0137/2021 for the proposed demolition of the existing dwelling and construction of a new two storey dwelling with basement garage be received.
2. Council refuse DA/0137/2021 for demolition of the existing dwelling and construction of a new two storey dwelling with basement garage located at 22 Hurst Street, Goulburn for the following reasons:
  - a) The proposal does not satisfy Part 1 Section 1.3(g) of *Environmental Planning and Assessment Act 1979* as it does not to promote good design and amenity of the built environment;
  - b) The proposal does not meet the requirements of Clause 1.2 (2)(a) of the *Goulburn Mulwaree Local Environmental Plan 2009* as it does not promote the orderly and economic use and development of the land in the area;
  - c) The proposal does not meet the requirements of Clause 5.10 (1) & (4) of the *Goulburn Mulwaree Local Environmental Plan 2009* as it does not address the effects the proposed development will have in respect of heritage conservation.
  - d) The proposal does not meet the requirements of Clause 7.1A of the *Goulburn Mulwaree Local Environmental Plan 2009* as it does not address the effects the earthworks will have on the surrounding area and natural environment.
  - e) The proposal does not meet the requirements of Section 3.2 and Section 3.3 of the *Goulburn Mulwaree Development Control Plan 2009* as it does not address the effect the proposed development will have on heritage significance of the site and locality.
  - f) The proposal does not meet the requirements of Section 4.1.3 of the *Goulburn Mulwaree Development Control Plan 2009* as it does not address the effect the proposed development will have on solar access.
  - g) The proposal having regard to the provision of Section 4.15 of the *Environmental Planning and Assessment Act 1979* is considered not be in the public interest as it has not fully demonstrated that impacts on the heritage, bulk and scale, adjacent dwellings, natural environment and streetscape will not have a negative impact on the locality.

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

**CARRIED**

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

Against: Nil

At 7:13 pm, Cr Carol James & Matt O'Rourke returned to the meeting.

## **15.2 PLANNING AGREEMENT - 94 WILSON DRIVE, MARULAN**

### **RECOMMENDATION**

This report has been withdrawn from the Business Paper.

## **15.3 DA/0038/2021, BOUNDARY ADJUSTMENT AND 29 LOT RESIDENTIAL SUBDIVISION, 49-57 & 59-61 HOVELL STREET GOULBURN**

### **RESOLUTION 2021/69**

Moved: Cr Denzil Sturgiss

Seconded: Cr Carol James

That:

1. The staff assessment report for development application DA/0038/2021 for the proposed Boundary adjustment and 29 lot residential subdivision be received.
2. Consent be granted for DA/0038/2021 for a boundary adjustment and 29 lot residential subdivision located at 49-57 Hovell Street Goulburn (Lot 9 DP 832816), 59-61 Hovell Street Goulburn (Lot 8 DP 832816), 30a Sloane Street Goulburn (Lot 1 DP 1099324), 2 Sloane Street Goulburn (Lot 1 DP 883613), subject to the following conditions.

### **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 a boundary adjustment and twenty nine (29) Lot residential subdivision, two public reserves and stormwater quality management infrastructure under the Goulburn Mulwaree Local Environmental Plan 2009, to be carried out in two stages as follows:

- ☐ Stage 1: boundary adjustment between Lots 8 & 9 DP 832816 and Lot 1 DP 1099324, including provision for a right of carriageway.
- ☐ Stage 2: balance of development, being a 29 lot residential subdivision, two public reserves and stormwater quality management infrastructure.

Each condition of this development consent is applicable to Stage 2, unless specifically indicated applicable to Stage 1.

(Reason: To confirm the components of the approval and ensure the proposal does not have unreasonable water quality impacts)

#### **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 Land Team |     |                                       |            |
|---|-----|---------------------------------------|------------|
| drawing no.                               | rev | title of plan or document             | date       |
| 212776-DA01-                              | I   | Plan of land for proposed subdivision | 16/11/2020 |

|                       |          |   |                    |
|-----------------------|----------|---|--------------------|
| <b>01</b>             |          |   |                    |
| <b>212776-DA01-02</b> | <b>H</b> | <b>Plan of land for proposed subdivision</b>            | <b>03/08/2020</b>  |
| <b>212776 E01</b>     | <b>E</b> | <b>Overall Development Layout Plan</b>                  | <b>14/12/2020</b>  |
| <b>212776 E02</b>     | <b>E</b> | <b>Tree Removal and landscaping planting plan</b>       | <b>14/12/2020</b>  |
| <b>212776 E03</b>     | <b>E</b> | <b>Road Dimensions and easement Plan</b>                | <b>14/12/2020</b>  |
| <b>212776 E04</b>     | <b>E</b> | <b>Hovell Street and Road 01 Typical Cross Sections</b> | <b>14/12/02020</b> |
| <b>212776 E05</b>     | <b>E</b> | <b>Road 01 Long Section</b>                             | <b>14/12/2020</b>  |
| <b>212776 E06</b>     | <b>E</b> | <b>Road 02 Typical Cross Section and Long Section</b>   | <b>14/12/2020</b>  |
| <b>212776 E07</b>     | <b>E</b> | <b>Bulk Earthworks Plan</b>                             | <b>14/12/2020</b>  |
| <b>212776 E08</b>     | <b>E</b> | <b>Concept Stormwater and Sewer Alignment Plan</b>      | <b>14/12/2020</b>  |
| <b>212776 E09</b>     | <b>E</b> | <b>Stormwater Catchments Plan</b>                       | <b>14/12/2020</b>  |
| <b>212776 E10</b>     | <b>E</b> | <b>Stormwater Basin Details</b>                         | <b>14/12/2020</b>  |
| <b>212776 E11</b>     | <b>E</b> | <b>Erosion and Sediment Control Plan</b>                | <b>14/12/2020</b>  |
| <b>212776 E12</b>     | <b>E</b> | <b>Erosion and Sediment Control Details</b>             | <b>14/12/2020</b>  |
| <b>212776-MS01-01</b> | <b>A</b> | <b>Vegetation Removal and Retention Plan</b>            | <b>03/12/2020</b>  |

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

**3. Northern access in public reserve**

The proposed northernmost access at Hovell Street, and internal access to Lot 31 is not approved and shall be removed.

(Reason: The proposed southernmost access at Lot 31 can be utilised, thereby reducing the extent of environmental impact and removing potential for rear access to proposed Lots 17-30)

**4. Southern access in public reserve**

A gate at the property boundary to proposed Lot 31, shall be installed at the proposed southernmost access of Hovell Street.

(Reason: To ensure that a physical barrier is installed to prevent unauthorised vehicular access to proposed Lots 17-30)

**5. Water NSW General**

The lot layout, staging and works of the subdivision shall be as specified in Statement of Environmental Effects (dated July 2020) and shown on the Overall Development Layout Plan (Drawing No 212776 E01; Issue E; dated 14/12/2020) prepared by LandTeam Australia 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)

**6. 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**

**7. 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)

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

**8. Subdivision Works Certificate compliance**

The Subdivision Works Certificate application must be accompanied by a statement that includes details as to how each condition of consent, required to be satisfied prior to the issuing of the Subdivision Works Certificate, has been satisfied.

(Reason: to ensure that the development proponent addresses compliance in relation to each condition that is required to be satisfied prior to the issuing of the Subdivision Works Certificate)

**9. 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)

**10. 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 be prepared by a suitably qualified or experienced person(s), and must include, but not be limited to, the following: -

**a) 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;**

- i. be prepared in consultation with Council and Transport NSW if the road is a classified road;
  - ii. 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;
  - iii. detail heavy vehicle routes, access and parking arrangements;
  - iv. 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';
  - v. detail procedures for notifying adjoining and nearby residents and the community of any potential disruption to routes; and
  - vi. include a program to monitor the effectiveness of these measures
- c) **Construction Noise and Vibration Management;**
  - i. describe procedures for achieving the noise management levels in EPA's Interim construction Noise Guideline;
  - ii. 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;
  - iii. include strategies that have been developed with the community for managing high noise generating activities;
  - iv. describe the community consultation undertaken to develop the strategies to be employed; and
  - v. include a complaints management system that would be implemented for the duration of the 'works'.
- d) **Construction Soil and Water Management;**
  - i. be undertaken in consultation with Water NSW and 'Council';
  - ii. describe all erosion and sediment controls to be implemented during the works;
  - iii. 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);
  - iv. 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';
  - v. details all off site flows from the site and how they will be managed;
  - vi. 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;
  - vii. demonstrate how compliance with Water NSW conditions will be addressed and maintained; and
  - viii. include a program to monitor and review the effectiveness of the soil and water management measures required by this condition.
  - ix. Describe the measures that must be implemented to manage dust during construction.
- e) **Construction Waste Management;**
  - i. details the quantities of each waste type generated during the 'works' including all forms of green waste, and any proposed reuse, recycling and disposal locations; and
  - ii. removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards, and guidelines.

- f) **Unexpected Contamination Procedure** to ensure that any potentially contaminated material is appropriately managed. The procedure must provide for all disposal locations, quantities and test results to be submitted to 'Council' and the 'Certifier' 48 hours prior to removal from 'site'.

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)

#### 11. **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)

#### 12. **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) A copy of the endorsed approved plans related to the development and proposed works to be undertaken,
- b) 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

- c) **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)

**13. Water NSW – Subdivision Road**

The subdivision roads shall be located and constructed as shown on the Road Dimensions and Easement Plan (Drawing No 212776 E03; Issue E; dated 14/12/2020), Hovell Street and Road 01 Typical Cross Sections (Drawing No 212776 E04; Issue E; dated 14/12/2020) and Road 02 Typical Cross Section and Long Section (Drawing No 212776 E06; Issue E; dated 14/12/2020) all prepared by LandTeam Australia Pty Ltd. The subdivision roads shall:

- ☐ Be sealed and otherwise constructed in accordance with Council's engineering standards;
- ☐ Incorporate a two-way crossfall with runoff to be collected via a series of pits and pipes and directed to the 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)

**14. Water NSW – Subdivision Road**

All stormwater structures and drainage works associated with the proposed subdivision road and access 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 access 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**

The proposed maintenance tracks as shown on the Overall Development Layout Plan (Drawing No 212776 E01; Issue E; dated 14/12/2020) prepared by LandTeam Australia Pty Ltd shall:

- ☐ Have vegetated swales or grassed buffer, as appropriate, for their entire length with appropriately spaced cross drains, level spreaders, sills, and mitre drains that divert water onto a stable surface capable of accepting concentrated water flow and provide for efficient sediment trapping and energy dissipation. Where the outlets of swales discharge near drainage depressions or watercourses they shall be stabilised by an energy dissipater, and
- ☐ Ensure all swales, batters and verges associated with the proposed maintenance

tracks are vegetated and stabilised with bitumen and jute matting or equivalent as soon as possible after construction. In steeper areas where the slope is in excess of 10 percent, the swales shall be armoured with boulders and cobbles.

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 maintenance tracks will have sustainable neutral or beneficial impacts on water quality during the operational phase of the development)

#### 16. Water NSW – Stormwater Management

All stormwater management measures as specified in the MUSIC Model Assessment Report (Reference 212776; Revision 2; dated 02/09/2020) and shown on the Concept Stormwater and Sewer Alignment Plan (Drawing No 212776 E08; Issue E; dated 14/12/2020) and Stormwater Basin Details (Drawing No. 212776 E10; Issue E; dated 14/12/2020) all prepared by LandTeam Australia Pty Ltd, shall be incorporated in the final stormwater drainage plan and be approved by Council.

The final approved stormwater drainage plans 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 also:

- ☐ be designed in consultation with Water NSW;
- ☐ Be configured as a sediment basin until 80% of the housing construction on the proposed lots is completed;
- ☐ Have the filter media installed as shown on Stormwater Basin Details (Drawing No 212776 E10; Issue E; dated 14/12/2020) prepared by LandTeam Australia Pty Ltd, when 80% of the houses are constructed on the proposed lots;
- ☐ 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);
- ☐ be accessible from the road by machinery to facilitate cleaning, monitoring and maintenance of the structures;
- ☐ 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 – Construction Activities**

A Soil and Water Management Plan, based on the Erosion and Sediment Control Plan (Drawing No. 212776 E11; dated 14/12/2020) prepared by LandTeam Australia Pty Ltd shall be prepared in consultation with Water NSW for all works required as part of the subdivision by a person with knowledge and experience in the preparation of such plans. The Plan shall:

- ☐ Configure the OSD basin to act as a sediment basin with capacity to manage the sediment for 75% of housing construction on the proposed lots;
- ☐ Meet the requirements outlines in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
- ☐ Be prepared prior to the issuance of a Construction Certificate, and be to the satisfaction of Council
- ☐ Include controls to prevent:
  - o Clearing of ground cover on areas where no works are required, and
  - o 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 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 D: SUBSIDIARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE UNLESS OTHERWISE SPECIFIED**

**19. 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. To ensure that lighting does not result in any detrimental amenity impacts to future residential property occupiers)

**20. Bollards to public reserve**

Bollards must be installed at the Hovell Street frontage of proposed Lot 31, at the property boundary (not including southern proposed access). The Bollards must be installed at 1 metre centres.

Details demonstrating compliance with the above requirements shall be submitted to, and approved by, the 'Certifier' prior to the issue of any Subdivision Works Certificate.

(Reason: To ensure that vehicular access is restricted to authorised maintenance vehicles for proposed Lot 31 and Lot 2 DP 832816)

**21. Earthworks**

The extent of all proposed earthworks must be detailed on the proposed plans.

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 the extent of earthworks is quantified and that the sediment and erosion control measures account for proposed excavation)

**22. Bio-retention basin access**

Access to the proposed bio-retention basin for maintenance purposes must be achieved by Council's largest vehicle that will be required to service the site.

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 'Council' prior to the issue of any Subdivision Works Certificate.

(Reason: To ensure that the extent of earthworks is quantified and that the sediment and erosion control measures account for proposed excavation)

**23. Retaining wall**

Structural design shall be provided for the retaining wall to be located on the western boundary of proposed Lot 7.

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

(Reason: To ensure that the proposed retaining wall is appropriately designed)

**24. Public Reserve**

The proposed public reserve situated on Proposed Lot 7 is required to be provided with facilities that encourage use by the public, i.e. lighting, seating and footpaths.

Details demonstrating compliance with the above requirements shall be submitted to, and approved by 'Council' prior to the issue of any Subdivision Works Certificate.

(Reason: To encourage the use of the public reserves by the public and residential property dwellers in the vicinity of the proposed development, to enable opportunities for natural surveillance and greater site ownership)

**25. 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, roads and adjacent catchments etc., 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 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) hydrology and hydraulic assessment is required to substantiate the minor and major system stormwater designs (modelling and calculations required). The assessment shall be based on the ultimate development of the lots and include external flows into the site. For the major system, assessment shall include consideration of the following:
  - i. Assessment of the flow regime to ensure capacity of the open channels

**to safely convey flows;**

- ii. Hydraulic assessments to ensure the velocities within a channel are within acceptable limits to minimise erosive forces;**
- iii. Floor levels of future buildings shall be a minimum of 0.3 metres above the 100 Year Annual Recurrence Interval (ARI).**

- d) plans must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels, overland in lateral flow direction and proposed diameter and length of all pipelines;**
- e) the proposed development and stormwater drainage systems shall be designed to ensure that stormwater runoff is conveyed through the site by gravity to the proposed bio basin without adverse impact on the development or adjoining properties. In this regard, easements for stormwater overland flow in private property shall be sufficiently wide for the 100 year ARI.**
- f) the peak discharge from the 'site' must be no greater than the pre-developed peak discharge;**
- g) any proposed fence to be constructed must be permeable, so as not to impede the natural overland flow along the line of the easement and /or natural drainage line;**

**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)**

## **26. Road Work Requirements**

**The person having the benefit of this consent must:**

- a) Construct the proposed new road carriageway in accordance with the approved plans;**
- b) all elements of the works within the road reserve must as a minimum be constructed in accordance with 'Council' engineering guidelines;**
- c) be designed by a qualified geotechnical or civil engineer and certified to be satisfactory for the expected traffic loadings, ground conditions and structural capacity based on the pavement design recommendations and modelling;**
- d) all elements of the 'works' must be designed in conjunction with a full geotechnical analysis of the soils;**
- e) the sight distance design drawings must be provided under AUSTROADS "Guide to Road Design" requirements for all horizontal and vertical alignments of all streets and intersections within the development;**
- f) kerb and gutter, including pavement and seal to the existing sealed pavement, shall be installed along the Hovell Street frontage of the development. The kerb and gutter shall align and join smoothly to the existing kerb and gutter to the north.**
- g) footpaths must be installed along both sides of all proposed new roads;**
- h) footpaths must be installed along the Hovell Street frontage of the development, including kerb ramps for the Road 01 crossing;**
- i) 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;

- j) 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
- k) 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.
- l) A layback and footway crossing at Hovell Street are required for each proposed maintenance access track.

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)

## 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 trees shall be Eucalyptus mannifera Little Spotty (Red Spotted Gum).
- b) the nature strip throughout the subdivision and to Hovell Street shall be grassed where not paved;
- c) weed control management to ground cover;
- d) pot size at planting out size min 1.5m in height, and three stakes including methods to secure each tree;
- e) soil treatment prior to planting out, and
- f) minimum twenty four (24) month fertilizing and water maintenance and replacement schedule;

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)

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

### 28. 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)

## 29. 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)

## 30. 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)

**31. 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)

**32. s.68 Local Government Act Requirements**

Prior to the issue of any Subdivision Works Certificate for Stage 2, an application under s.68 of the Local Government Act 1993 must be made to, and an approval issued by, 'Council' for the following works, if in the event that any of the existing building's internal drainage lines are not wholly within proposed lot 32:

- ☐ Stormwater works;
- ☐ Sewerage plumbing; and
- ☐ Hot and cold-water reticulation.

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

(Reason: To ensure approvals under the provisions of the Local Government Act 1993 are obtained before 'works' commence)

**33. Water NSW- Construction Activities**

The Soil and Water Management Plan shall be implemented and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained and retained until works have been completed and groundcover established.

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

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

**34. 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)

### 35. 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)

### 36. 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)

### 37. Alterations to Utility Services

Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the 'Council' or the relevant public authority.

(Reason: To ensure costs associated with the development are not transferred to the public)

### 38. 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)**

**39. 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 metres 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)**

**40. 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)**

**41. Engineering Construction**

All engineering construction work shall be supervised on a weekly basis by a suitably qualified practicing Chartered Professional Civil Engineer. The supervising engineer must ensure that the construction complies with the requirements of the approved Subdivision Works Certificate plans.

Documentation demonstrating compliance with the above must be submitted to, and approved by the 'Certifier' prior to the release of a Subdivision Certificate.

**(Reason: To ensure that the construction work is in compliance with the approved Subdivision Works Certificate Plans and that the construction work is being inspected by a competent person)**

**42. Earthworks**

Excess fill shall be conveyed to an approved waste management facility or otherwise utilised in accordance with a lawful Development approval. Evidence of lawful disposal shall be kept by the development proponent.

**(Reason: To ensure that excess fill is lawfully managed)**

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



**43. Release of Subdivision Certificate- Stage 1 & 2**

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)

**44. Subdivision Certification- Stage 1 & 2**

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)

**45. Proposed Right of Carriageway- Stage 1**

Prior to the issue of the subdivision certificate for Stage 1, the proposed right of carriageway to benefit proposed Lot 1 must be created.

(Reason: to ensure proposed Lot 1 is provided with legal and practical access whilst the proposal remains undeveloped)

**46. Extinguish Right of Carriageway- Stage 2**

Prior to the issue of the subdivision certificate for Stage 2, the right of carriageway to benefit proposed Lot 32 (formerly Lot 1) must be extinguished.

Documentary evidence provided in the form of an instrument proposing the release of this dealing 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 proposed Lot 1 will utilise the proposed new road via Hovell Street, and does not have any legal access to Sloane Street.

**47. 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)**

**48. 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)**

**49. 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)**

**50. 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)**

**51. 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. Easements for stormwater overland flow in private property shall be sufficiently wide for the 100 year ARI flow. Fencing within the easement must provide for free flow of stormwater.**
- b) To ensure that natural surveillance is maintained to the proposed public reserve at the rear of proposed Lots 17-30, a restriction, as to user to prevent the erection of solid fencing. All fencing must be permeable, incorporating openings with a minimum aperture of 80mm to at least 70% of the fencing. The height of the fencing shall not exceed 1.5 metres– Lots 17-30.**
- c) To ensure that vehicular access is prohibited to the rear of proposed lots 17-30, a restriction as to user requiring that vehicular access is restricted to the rear of these lots. No rear fencing must incorporate openable elements such as gates, unless narrow for pedestrian access- Lots 17-30.**

**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)

**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 proposed Lots 1 to 30 requiring that future dwellings have a rainwater collection and reuse system that:

- ☐ Have rainwater tanks with a minimum total capacity of 5,000 litres above any volume requires 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 that 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 the longer term.

**53. 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 proposed Lots 1 to 30 requiring that future dwellings have a raingarden. The raingarden shall:

- ☐ Be located to capture all runoff from the lot including 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 5 square metres;
- ☐ Incorporate litter trap at the inlet;
- ☐ Have an extended detention depth of 200 mm;
- ☐ Have a filter depth (excluding transition layers) of 500 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 drainage system;
- ☐ 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 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 the longer term.

**54. Water NSW – Future Dwellings**

An owner's Operational Environmental Management Plan, detailing the location and nature of 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 for Stage 2 of the subdivision and provided to each future owner of the lot for implementation.

(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 the longer term.

**55. Final Geotechnical Report**

A Geotechnical report shall be prepared by a suitably qualified and experienced Geotechnical Consultant at the completion of works and submitted to 'Council'. The report shall include:

- a) A classification for each proposed Lot 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.

- b) Certification that all earthworks within the site have complied with the approved Subdivision Works certificate plans; and
- c) The exact extent of any restricted building zones or any other restrictions affecting any of the allotments.

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)

**56. 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, Subdivision Works Certificate and the provisions of the applicable Australian Standard;
- b) that the road infrastructure has been constructed in accordance with this Notice of Determination, Subdivision Works Certificate and the provisions of the applicable Australian Standard;
- c) that the footpath infrastructure has been constructed in accordance with this Notice of Determination, Subdivision Works Certificate and the provisions of the applicable Australian Standard;
- d) that all vehicular crossings and associated internal road works have been constructed in accordance with this Notice of Determination, Subdivision

**Works Certificate 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 has been constructed in accordance with this Notice of Determination, Subdivision Works Certificate and the provisions of the applicable Australian Standard.**

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

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

**57. Disposal Information**

**Prior to the issue of any Subdivision Certificate the person having the benefit of this Notice of determination must provide to the 'Principal Certifier' copies of all waste disposal receipts and documentation demonstrating that all demolition and construction waste has been lawfully disposed in accordance with the Waste Management Plan.**

**The 'Principal Certifier' must be satisfied that quantity of waste disposed of or recycle is commensurate to the quantity of waste actually generated by the 'works'.**

**(Reason: To ensure waste material is appropriately recycled and lawfully disposed)**

**58. 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 as relevant to each stage of the subdivision 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)**

**59. 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 provided to Council when the management and maintenance of the bioretention basin is handed over to Council. The OEMP shall be prepared prior to the issuance of the Subdivision Certificate for Stage 2 of the subdivision. The OEMP shall:**

- ☐ **Include details on the location, description and function of stormwater management structures such as pits, pipes, inlet filters, bioretention basin, 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 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 heirarchy, 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)

#### 60. 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) must 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)

#### 61. 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)

#### 62. Road Naming

The submission of a name(s) for the new road/s must be made to 'Council', prior to the issue of any Subdivision Certificate. The approved road name/s are to be written on the plan of subdivision. The applicant is to pay for the supply and erection of all the necessary signs to 'Council' prior to the issue of a Subdivision Certificate. Alternatively, the developer must carry out the works in accordance with AS.1742.

The proposed road name for the new road(s) will need to be submitted to Council for approval in accordance with 'Council's' Approved Names for Road and Public Place Naming Policy and the Geographical Names Board of NSW Guidelines for the Naming of Roads. The number of signs is to be determined in consultation with Council's Engineering Services.

The person having the benefit of this Notice of Determination can make a written application to 'Council' for a quote for the supply and installation of road signs in accordance with AS.1742.

For proposed street names that are not on the approved list, development proponents must follow the process within the above policy and first obtain approval before the Subdivision Certificate application is made. Fees will apply for any advertising required for proposed new street names.

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 note 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)

### 63. 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)

### 64. Street Numbering- Stage 1

**A Subdivision Certificate must not be issued until the approved street numbering has been notated upon the Deposited Plan Administration Sheet. The street numbering has been allocated as follows:-**

| Lot No. | Address             |
|---------|---------------------|
| 1       | 30a Sloane Street   |
| 2       | 49-61 Hovell Street |

**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)

### 65. Street Numbering- Stage 2

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

| Lot No | Address                 | Lot No. | Address    |
|--------|-------------------------|---------|------------|
| 1      | 1 Road 01               | 19      | 24 Road 01 |
| 2      | 3 Road 01               | 20      | 22 Road 01 |
| 3      | 5 Road 01               | 21      | 20 Road 01 |
| 4      | 7 Road 01               | 22      | 18 Road 01 |
| 5      | 9 Road 01               | 23      | 16 Road 01 |
| 6      | 11 Road 01<br>1 Road 02 | 24      | 14 Road 01 |
| 7      | 13 Road 01              | 25      | 12 Road 01 |
| 8      | 15 Road 01              | 26      | 10 Road 01 |
| 9      | 17 Road 01              | 27      | 8 Road 01  |
| 10     | 19 Road 01              | 28      | 6 Road 01  |
| 11     | 21 Road 01              | 29      | 4 Road 01  |
| 12     | 23 Road 01              | 30      | 2 Road 01  |
| 13     | 25 Road 01              | 31      | 30 Road 01 |
| 14     | 27 Road 01              | 32      | 3 Road 02  |
| 15     | 29 Road 01              |         |            |
| 16     | 31 Road 01              |         |            |
| 17     | 28 Road 01              |         |            |
| 18     | 26 Road 01              |         |            |

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)

**66. 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)

**67. 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.

A street tree maintenance bond (per tree) and administration fee shall be paid prior to the issue of the Subdivision Certificate.

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)

**68. 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)

#### 69. 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)

#### 70. 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.**

**The requirement for the developer to rectify defects and omissions in accordance with this clause is applicable after the expiration of the maintenance period in the case that such defects and omissions are undiscoverable by normal means but are discovered at a later time.**

**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)**

#### **71. 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, earthworks, 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)**

#### **72. 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)**

### **73. 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 Works 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 H: CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

##### **74. Security**

At all times, the gate at the Hovell Street frontage of proposed Lot 31 shall remain locked.

(Reason: To ensure that unauthorised vehicular access to proposed Lots 17-30 is prevented)

##### **75. Water NSW – Stormwater Management**

All 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)

#### **SECTION I: CONCURRENCE AGENCY CONDITIONS**

##### **76. Water NSW Concurrence**

Water NSW concurs with Council granting consent to the application, subject to the conditions within the concurrence letter dated 23 December 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](http://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
  - ☐ APPLICATION NUMBER\_DOCUMENT TITLE\_PROPERTY ADDRESS\_AUTHOR
  - ☐ 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.
- d) 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, Andrew Banfield, Leah Ferrara, Alfie Walker, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

#### 15.4 PLANNING PROPOSAL - AMENDMENTS TO EXEMPT DEVELOPMENT WITHIN SCHEDULE 2 OF THE LEP AND TO THE GOULBURN MULWAREE DCP FOR PRIVATE EVENTS

##### RESOLUTION 2021/70

Moved: Cr Alfie Walker

Seconded: Cr Andrew Banfield

That:

1. The report from the Senior Strategic Planner regarding proposed changes and additions to Schedule 2 of the Goulburn Mulwaree Local Environmental Plan 2009 in relation to exempt development and amendment to the Goulburn Mulwaree Development Control Plan 2009 in relation to events on private land be received.
2. A planning proposal be prepared to amend Schedule 2: Exempt Development of the Goulburn Mulwaree Local Environmental Plan 2009.
3. The planning proposal, once drafted, be forwarded to the Department of Planning, Industry and Environment for a gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.
4. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for this proposal.
5. In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.
6. Subject to (3) above, Council place the draft amendment to the '*Public Entertainment in rural zones*' Chapter of Development Control Plan 2009 in Attachment 2 on public exhibition with the planning proposal for a minimum of 28 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, Alfie Walker, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

#### 15.5 MOGO ROAD UPDATE

##### RESOLUTION 2021/71

Moved: Cr Denzil Sturgiss

Seconded: Cr Peter Walker

That

1. The Mogo Road Update report from the Director Planning & Environment and Director Operations be received.
2. The General Manager continue negotiation with Hi Quality to ensure the maximum upgrade of Mogo Road that can be achieved with the funds available and the work in kind being offered by Hi Quality.

**CARRIED****15.6 REQUEST FOR SEARS - GUNLAKE CONTINUATION PROJECT****RESOLUTION 2021/72****Moved: Cr Bob Kirk****Seconded: Cr Andrew Banfield****That:**

- 1. The report of the Director Planning and Environment be received.**
- 2. That a submission be made to the NSW Department of Planning Industry and Environment seeking to include the following matters as Council's input into the SEAR's for the proposed Gunlake Continuation Project:**
  - a) An independent structural assessment of the haulage route pavement be carried out to determine the expected service life of the pavement, with Council endorsing the scoping brief and selection of an appropriately qualified consultant to produce a structural assessment report.**
  - b) The independent structural report is to examine the centre of the travel lanes and the fog lines to identify areas which may be currently below a minimum 10 year service life expectancy, and detail the works required in order to achieve 10 year service life.**
  - c) An independent road safety audit be carried out by a registered road safety auditors to assess the current and existing haulage route under current and proposed heavy vehicle volumes.**
  - d) Removal of the fixed annual tonnage limit be further justified in order to provide clarity as to the full extent of site operations, and to enable the application of appropriate environmental compliance measures.**
  - e) Consideration be made with regards to Council's recently adopted Urban and Fringe Housing Strategy, with justification required as to how additional site operations and haulage traffic will not have a detrimental effect on the amenity of both the established areas of Marulan, and areas that have been identified for future residential development.**
  - f) That further investigation be undertaken in relation to the cumulative impact of an expanded State Significant-scale development will have on the Marulan and its surrounding district, and that any findings be presented as part of the Social Impact Assessment.**
- 3. Council commence a review of the current s7.11 contribution rate for heavy vehicle movements in order to ensure its adequacy in terms of ongoing maintenance and rehabilitation for extractive industry haulage routes.**

**CARRIED**

Council took a recess for dinner at 7.39pm.

Council resumed at 8.15pm.

**15.7 SHORT TERM LEASE OF THE COUNCIL IRRIGATION FARM**

Cr Andrew Banfield declared an interest in this item and Item 15.8 and took no part in the discussion or voting on these matter. At 8:15 pm, Cr Andrew Banfield left the meeting.

**RESOLUTION 2021/73**

**Moved:** Cr Margaret O'Neill

**Seconded:** Cr Carol James

**That**

1. The report from the Director of Utilities on the Short Term Lease of the Council Irrigation Farm be received.
2. ARW Multigroup Pty Ltd be awarded the short term lease of the site commencing 1 May 2021 at the lease amount of \$71,500 per annum for the whole site. This lease being for 5 years for the land east of the Railway line; a month to month lease of the flood prone land between the River and the Railway line until the land has been sold; and an annual lease of the land at 534 Taralga Road Goulburn. The lease of all these properties is without access to effluent and Council reserves the right to cancel the lease with six months' notice.
3. The other expression of Interest applicants be thanked for their proposals.
4. In regards to the additional commercial proposal for the site received, staff have further discussions with this company in regards to their proposal to consider further details including State Government deliberations before granting any site investigation work. Any investigation is at the owners determination and Council gives no assurance of future sale.

**CARRIED**

**15.8 REQUEST FOR TENDER 2021T0008 - MULWAREE WALKING TRACK - LOWER STERNE STREET TO CEMETERY****RESOLUTION 2021/74**

**Moved:** Cr Margaret O'Neill

**Seconded:** Cr Carol James

**That:**

1. The report from the Business Manager Community Facilities on 2021T0008 Mulwaree Walking Track Lower Sterne Street Section be received;
2. The tender from Denrith Pty Ltd for \$352,177.15 (GST Exclusive) is accepted in accordance with the specification and documents for Tender No 2021T0008;
3. The General Manager is authorised to approve a variation of up to ten (10) percent (\$35,217.72) for this project; and
4. Unexpended funds from the 2020/21 budget allocation be carried forward to 2021/22.

**CARRIED**

At 8:21 pm, Cr Andrew Banfield returned to the meeting.



## 15.9 PROPOSED ROAD WIDENING/CLOSING - 754 TARALGA ROAD, TARLO

### RESOLUTION 2021/75

Moved: Cr Margaret O'Neill

Seconded: Cr Denzil Sturgiss

That

1. The report from the Business Manager Property & Community Services on proposed road widening/closing in front of 754 Taralga Road, Tarlo be received.
2. Council acquires approximately 3,188m<sup>2</sup> of 754 Taralga Road, Tarlo for road widening purposes in exchange for closing approximately 1,466m<sup>2</sup> of redundant road reserve in Taralga Road and transfer this land to the owner of 754 Taralga Road, Tarlo subject to no financial consideration payable to the owner of 754 Taralga Road for the difference in land areas.
3. The owner of 754 Taralga Road, Tarlo meet all costs associated with;
  - Council's Road Closure Application fees
  - Survey work including registration of Plan of Subdivision reflecting proposal in point 2 above.
  - Re-establishing boundary fencing affected by the 1,466m<sup>2</sup> section of road closure.
4. Council's seal be affixed to all documentation necessary to complete this land acquisition and road widening dedication.

CARRIED

## 15.10 ACQUISITION OF PART OF LOTS 4 AND 5, SEC 13, DP 758653 PORTLAND AVENUE, MARULAN

### RESOLUTION 2021/76

Moved: Cr Andrew Banfield

Seconded: Cr Peter Walker

That;

1. The report from the Business Manager Property & Community Services on acquisition of part of Lots 4 and 5, Sec 13, DP 758653 Portland Avenue, Marulan be received.
2. An application be made to the Minister for Local Government and the Governor for Council to compulsory acquire part of Lots 4 and 5, Sec 13, DP 758653 Portland Avenue, Marulan (i.e. proposed Lot 102 DP 1270895 – representing 433.1m<sup>2</sup>) in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* to construct a new sewer pumping station.
3. Council meet all costs associated with;
  - The Plan of Acquisition and registration fees with NSW Land Registry Services
  - Management and administration fees payable to the Just Terms Compensation unit of Property NSW Valuation Services
  - Compensation payable to DPIE – Crown Land (amount yet to be determined)
  - Government Gazette publication fees
  - Constructing a secure compound around the new sewer pumping station

CARRIED

# **15.11 PROPOSED ROAD UPGRADES - COMMON & SINCLAIR STREETS, GOULBURN**

## **RESOLUTION 2021/77**

**Moved: Cr Peter Walker**

**Seconded: Cr Alfie Walker**

**That:**

- 1. The report from the Business Manager Property & Community Services on the proposed road upgrades in Common and Sinclair Streets, Goulburn be received.**
- 2. Council acquires the following parcels of land (subject to final survey) to be dedicated for road widening purposes:**
  - Approximately 220m<sup>2</sup> of 54 Sinclair Street (Lot 1 DP700467) for \$26,400 (excluding GST) to construct a splay at corner of Common / Sinclair Streets.**
  - Approximately 200m<sup>2</sup> of 5 Common Street (Lot 48 DP750050) for \$6,000 (excluding GST) to construct a splay at corner of Common / Sinclair Streets.**
  - Approximately 660m<sup>2</sup> of 7 Common Street (Lot 267 DP750050) for \$16,500 (excluding GST) to construct a turning head at corner of Common / Chiswick Streets.**
- 3. Council meets all costs associated with survey work including preparation and registration of individual Plans of Subdivision dedicating these parcels of land as public road.**

**In addition, Council will be responsible for re-establishing all boundary fencing affected by these road upgrades, meeting the property owner's legal fees if they seek independent legal advice, Mortgagee Consent fees (i.e. two Mortgage Consents will be required) and legal fees for arranging production of titles at NSW Land Registry Services.**
- 4. Council's seal be affixed to all documentation necessary to complete these land acquisitions and road dedications.**

**CARRIED**

**15.12 INTERNAL BORROWING - PERFORMING ARTS CENTRE****RESOLUTION 2021/78****Moved: Cr Alfie Walker****Seconded: Cr Denzil Sturgiss****That**

- 1. The report from the Director Corporate & Community Services on Internal Borrowings – Performing Arts Centre be received.**
- 2. Council apply to the Minister for Local Government for approval to borrow \$6.3 Million internally and equally (50% from each) from the unrestricted Water Fund & Sewer Fund Reserves.**
- 3. The loan is to be repaid from the General Fund to the Water & Sewer Funds by way of quarterly instalments over a term of 15 years at an interest rate of 1.25%.**
- 4. The loan principal is to be transferred to the General Fund on 30 June 2021 with the quarterly repayments to be made to the Water & Sewer Funds on 30 September, 31 December, 31 March and 30 June of each financial year until the loan matures on 30 June 2036.**
- 5. All transactions in relation to the borrowings be accounted for in specific accounts in Council's ledgers to maintain transparency with the internal borrowing.**

**CARRIED**

### **15.13 PARKING RESTRICTIONS COWPER STREET**

Cr Margaret O'Neill declared an interest in this item and took no part in the discussion or voting on the matter. At 8:28 pm, Cr Margaret O'Neill left the meeting.

#### **RESOLUTION 2021/79**

**Moved: Cr Peter Walker**

**Seconded: Cr Carol James**

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

Council moved into Committee of the whole at 8:29pm.

**CARRIED**

#### **RESOLUTION 2021/80**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Carol James**

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

Council moved back into Open Council at 8:38pm.

**CARRIED**

#### **RESOLUTION 2021/81**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Leah Ferrara**

**That**

- 1. The report from the General Manager on Parking Restrictions in Cowper Street be received.**
- 2. No timed parking restrictions be imposed in Cowper Street.**

**CARRIED**

At 8:39 pm, Cr Margaret O'Neill returned to the meeting.

### **15.14 QUARTERLY WORKERS COMPENSATION**

#### **RESOLUTION 2021/82**

**Moved: Cr Denzil Sturgiss**

**Seconded: Cr Carol James**

**That the report from the Recovery at Work and Wellbeing Officer on Quarterly Workers Compensation be noted.**

**CARRIED**

# **15.15 MINUTES OF THE SPORTS COUNCIL MEETING HELD ON 1 FEBRUARY 2021**

## **RESOLUTION 2021/83**

**Moved:** Cr Margaret O'Neill

**Seconded:** Cr Andrew Banfield

**That the report from Manager Community Facilities in regards to the Sports Council minutes from Monday 1 February 2021 be received.**

**CARRIED**

# **15.16 LOCAL EMERGENCY MANAGEMENT MEETING - MINUTES 2 FEBRUARY 2021**

## **RESOLUTION 2021/84**

**Moved:** Cr Peter Walker

**Seconded:** Cr Alfie Walker

**That:**

- 1. The report from the Director Operations on the minutes from the Local Emergency Management Committee meeting held 2 February 2021 be received.**
- 2. Council endorse establishment of a shared Local Emergency Management Committee between Goulburn Mulwaree Council and Upper Lachlan Shire Council.**

**CARRIED**

# **15.17 MINUTES OF THE RECREATION AREA COMMITTEE MEETING HELD ON 3 FEBRUARY 2021**

## **RESOLUTION 2021/85**

**Moved:** Cr Margaret O'Neill

**Seconded:** Cr Denzil Sturgiss

**That the report from Business Manager Community Facilities in regards to the Recreation Area Committee minutes from Wednesday 3 February 2021 be received.**

**CARRIED**

# **15.18 EXTERNAL MEETING MINUTES**

## **RESOLUTION 2021/86**

**Moved:** Cr Andrew Banfield

**Seconded:** Cr Denzil Sturgiss

**That the report from the General Manger on the Woodlawn Veolia Community Consultative Committee meeting held on 12 November 2020 be received.**

**CARRIED**

**15.19 COUNCILLOR BRIEFING SESSION SUMMARY****RESOLUTION 2021/87****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara**

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

**CARRIED****15.20 ARMY TRAINING EXERCISE IN GOULBURN****RESOLUTION 2021/88****Moved: Cr Peter Walker****Seconded: Cr Carol James****That:**

- 1. The report from the General Manager in regard to an Army Training Exercise in Goulburn be received.**
- 2. Council support and give approval for the Royal Military College to undertake complex army training exercises for an urban environment in Goulburn between the 12 April 2021 and the 6 May 2021.**

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

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

**RESOLUTION 2021/89****Moved: Cr Andrew Banfield****Seconded: Cr Alfie Walker**

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

**16.1 New Police Station - Potential Use of Council site**

**This matter is considered to be confidential under Section 10A(2) - di of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.**

**CARRIED**

Council resolved into Closed Session at 8.58pm.

Council resolved into Open Council at 10.07pm.

**RESOLUTION 2021/90**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Alfie Walker**

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

**CARRIED**

## ITEM 16.1 NEW POLICE STATION - POTENTIAL USE OF COUNCIL SITE

### MOTION

Moved: Cr Andrew Banfield

Seconded: Cr Margaret O'Neill

That:

1. The General Manager's report on the New Police Station – Potential Use of Council Site be received.
2. Council places this property on the open market and calls for expressions of interests for a sale price.
3. The General Manager proceed with a publically advertised expression of interest process and all expressions of interest be presented to Council with a recommendation by the last meeting in June 2021.

The motion was put and lost.

### RESOLUTION 2021/91

Moved: Cr Alfie Walker

Seconded: Cr Carol James

That:

1. The General Manager's report on the New Police Station – Potential Use of Council Site be received.
2. Council advise NSW Police that subject to a due diligence period, Council agrees in principle to sell its property at 2 Bourke Street Goulburn 'as is' for the market value as determined in the 2 February 2021 valuation plus \$50,000 plus GST with the objective of achieving fair market value for the property and net nil cost to the community.
3. The cost of relocation of services (if required) would need to be undertaken as a development cost and will not be the responsibility of Council.
4. The Mayor and General Manager continue with the negotiations and consultation with the current Bourke Street tenants as stipulated in the 16 February 2021 Council resolution.
5. The General Manager report to Council at the 19 April 2021 Council Meeting with the following information:
  - a. The result of the detailed negotiations on all parts of the sale and purchase agreement.
  - b. Details of proposed lease agreement with ARTC for the Railway Administrative Buildings in Sloane Street Goulburn.
  - c. The results of the consultation and proposed allocation of space at the ARTC premise in Sloane Street for the current tenants located at 2 Bourke Street Goulburn.
  - d. A recommendation to proceed or otherwise with the sale and purchase agreement.

**CARRIED**

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

Against: Crs Peter Walker, Andrew Banfield and Margaret O'Neill



## **17 CONCLUSION OF THE MEETING**

**The Meeting closed at 10.11pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 March 2021.**

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

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