

BUSINESS PAPER

Ordinary Council Meeting

2 March 2021

**Warwick Bennett
General Manager**

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

Tuesday, 2 March 2021 at 6pm
in the Council Chambers, Civic Centre
184 - 194 Bourke Street, Goulburn

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Cr Bob Kirk
Mayor

Warwick Bennett
General Manager

1 OPENING MEETING

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

2 ACKNOWLEDGEMENT OF COUNTRY

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

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

3 COUNCILLORS DECLARATION AND/OR PRAYER

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

Declaration

"On behalf of the elected Councillors present here tonight I solemnly and sincerely declare and affirm that we will undertake the duties of the office of Councillor in the best interests of the people of Goulburn Mulwaree and that we will faithfully and impartially carry out the functions, powers, authorities and discretions vested in us to the best of our ability and judgement."

OR

Prayer

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

4 APOLOGIES

The Mayor will call for any apologies.

Council will resolve to accept any apology.

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

6 LATE ITEMS / URGENT BUSINESS

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

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

7 DISCLOSURE OF INTERESTS

With reference to Chapter 14 Local Government Act 1993, and Council's Code of Conduct, Councillors are required to declare any conflicts of interest in the matters under consideration by Council at this meeting.

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

- (1) In accordance with Council's Public Forum Guideline, Council permits members of the public to address Council meetings in open forum at every Ordinary Council meeting.
- (2) A person wishing to address a meeting must contact staff in Council's Executive Section by 5.00pm [either in writing or via telephone call] on the day of the meeting and provide their name, their contact details and summary details of the item they wish to speak about.
- (3) The Mayor or Chairperson will call members of the public to address the meeting in accordance with the order of business. The address should be for no more than 5 minutes duration.
- (4) Members of the public addressing Council must abide by similar standards that apply to Councillors under the Council's Code of Conduct and this Code of Meeting Practice.
- (5) If a member of the public addressing the meeting fails to comply with the Mayor or Chairperson's call to order, the Mayor or Chairperson may withdraw that person's right to address the meeting.
- (6) In making the address:
 - a. If the chairperson is the Mayor he or she should be addressed as 'Mr Mayor' or 'Madam Mayor' or 'Mayor Surname' or 'Mayor First Name'.
 - b. When the chairperson is not the Mayor they should be addressed as Mr. or Madam Chair or Mr. or Madam Chairperson.
 - c. Councillors must be addressed as 'Councillor Surname or Councillor First Name'.
 - d. Officers must be addressed as Mr. or Madam [job title or surname] e.g Mr. General Manager.

The general standards that apply in Council's Code of Conduct and Code of Meeting Practice (Section 4) are applicable to addresses made by the public in Public Forum.

10 CONFIRMATION OF MINUTES

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

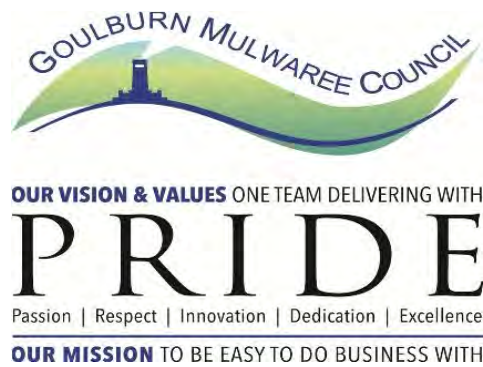
Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Minutes of the Ordinary Meeting of Council held on 16 February 2021

RECOMMENDATION

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.



MINUTES

Ordinary Council Meeting

16 February 2021

Order Of Business

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8	Presentations	6
	Nil	
9	Public Forum.....	6
10	Confirmation of Minutes.....	6
	10.1 Minutes of the Ordinary Meeting of Council held on 2 February 2021	6
11	Matters Arising.....	6
	11.1 Matters Arising from Council Meeting Minutes from the 2 February 2021	6
	11.2 Outstanding Task List from All Previous Meetings.....	6
12	Mayoral Minute(s)	7
	That	
13	Notice of Motion(s)	7
	Nil	
14	Notice of Rescission(s)	7
	Nil	
15	Reports to Council for Determination	7
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**MINUTES OF GOULBURN MULWAREE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,
GOULBURN
ON TUESDAY, 16 FEBRUARY 2021 AT 6.00PM**

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

IN ATTENDANCE: Warwick Bennett (General Manager), Brendan Hollands (Director Corporate and Community Services), Marina Hollands (Director Utilities), Scott Martin (Director Planning & 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 Deputy Mayor Peter Walker.

4 APOLOGIES

RESOLUTION 2021/30

Moved: Cr Leah Ferrara

Seconded: Cr Denzil Sturgiss

That the apology received from Cr Alfie Walker be accepted.

CARRIED

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

RESOLUTION 2021/31

Moved: Cr Carol James

Seconded: Cr Leah Ferrara

That the leave of absence be granted to Cr Alfie Walker due to work commitments out of the region.

CARRIED

6 LATE ITEMS / URGENT BUSINESS

Nil

7 DISCLOSURE OF INTERESTS

Cr Carol James declared a Significant non pecuniary conflict of interest in Item 15.1 "Request for 22 Hurst Street to be listed as a Heritage Item" as she is a resident of Hurst Street. Cr Carol James will leave the meeting while discussion on this item takes place.

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

Matt O'Rourke Director of Operations also advised he resided in Hurst Street and would be leaving the room during discussions on item 15.1 "Request for 22 Hurst Street to be listed as a Heritage Item".

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

Nil

10 CONFIRMATION OF MINUTES

10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 2 FEBRUARY 2021

RESOLUTION 2021/32

Moved: Cr Carol James

Seconded: Cr Denzil Sturgiss

That the Council minutes from Tuesday 2 February 2021 and contained in Minutes Pages No 1 to 17 inclusive and in Minute Nos 2021/1 to 2021/29 inclusive be confirmed.

CARRIED

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 2 FEBRUARY 2021

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2021/33

Moved: Cr Peter Walker

Seconded: Cr Carol James

That Council notes the Task List and authorises the deletion of completed tasks with the exception of the Waste Water Farm which will be presented at the next Council Meeting.

CARRIED

12 MAYORAL MINUTE(S)

The Mayor expressed condolences to Cr Andrew Banfield and his wife Gaye on the passing of his mother-in-law.

13 NOTICE OF MOTION(S)

Nil

14 NOTICE OF RESCISSION(S)

Nil

15 REPORTS TO COUNCIL FOR DETERMINATION**15.1 REQUEST FOR 22 HURST STREET TO BE LISTED AS A HERITAGE ITEM**

At 6:11 pm, Cr Carol James & Director of Operations Matt O'Rourke left the meeting.

RESOLUTION 2021/34

Moved: Cr Peter Walker

Seconded: Cr Andrew Banfield

That:

- 1. The report of the Director Planning & Environment be received.**
- 2. That Council defer any consideration to list 22 Hurst Street Goulburn as an Item of Environmental Heritage under Schedule 5 of the Goulburn Mulwaree Local Environmental Plan because adequate protection is currently in place due to this property being located within the Heritage Conservation Area.**
- 3. The Heritage status will be reviewed after DA/0137/2021 has been determined, once an assessment has been carried out on the individual merits of the property's heritage significance.**

CARRIED

At 6:17 pm, Cr Carol James & Director of Operations Matt O'Rourke returned to the meeting.

15.2 REQUEST FOR INPUT INTO SEARS FOR THE PROPOSED MARULAN SOLAR FARM

RESOLUTION 2021/35

Moved: Cr Sam Rowland

Seconded: Cr Andrew Banfield

That

1. The report from the Director Planning & Environment in regard to the Department of Planning & Environment's request for input into the Secretary's Environmental Assessment Requirements (SEARs) for the proposed Marulan Solar Farm be received.
2. Council makes a submission to the Department of Planning & Environment (DPIE) on the proposed Marulan Solar Farm setting out the issues raised in the Director of Planning and Environments report to the 16th February Council meeting.

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, Sam Rowland, Leah Ferrara, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

15.3 NSW AGRICULTURAL LAND USE PLANNING STRATEGY OPTIONS PAPER

RESOLUTION 2021/36

Moved: Cr Denzil Sturgiss

Seconded: Cr Carol James

That:

1. The report by the Senior Strategic Planner on the *Agricultural Land Use Planning Strategy Options Paper* be received.
2. Council make a submission to the NSW Agriculture Commissioner in response to the *Agricultural Land Use Planning Strategy Options Paper* that is substantially in accordance with the issues raised in this report, regarding the need to:
 - (a) Identify and protect important agricultural land.
 - (b) Provide clear policy advice on rural and environmental zoning.
 - (c) Provide alternative dispute resolution mechanisms.
 - (d) Clarify land use definitions and zoning restrictions for agricultural uses.
 - (e) Clarify acceptable buffer distances.
 - (f) Provide development certainty for common agricultural land use planning issues.

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, Sam Rowland, Leah Ferrara, Margaret O'Neill, Carol James and Denzil Sturgiss

Against: Nil

15.4 ACQUISITION OF PART 4 MONTAGUE STREET, GOULBURN**RESOLUTION 2021/37****Moved: Cr Andrew Banfield****Seconded: Cr Carol James****That;**

- 1. The report from the Business Manager Property & Community Services on acquisition of Part 4 Montague Street, Goulburn be received.**
- 2. An application be made to the Minister for Local Government and the Governor of NSW to Council to compulsory acquire approximately 256.9m² of land at 4 Montague Street, Goulburn (Lot 2 in DP1103076) to widen Post Office Lane having regard to s377(1)(h) of the *Local Government Act 1993*.**
- 3. Council meets all costs associated with;**
 - Surveying fees**
 - NSW Land Registry Services fees**
 - DPIE – Crown Lands Application fees**
 - Publication of acquisition in the NSW Government Gazette**
 - Just Terms Compensation unit of Property NSW Valuation Services for their management and administration fees associated with this compulsory acquisition.**
 - Compensation payable to DPIE – Crown Lands**
- 4. Council affix the seal to any documentation necessary to complete this Crown Land acquisition.**

CARRIED

15.5 LOCAL TRAFFIC COMMITTEE**MOTION**

Moved: Cr Peter Walker

Seconded: Cr Andrew Banfield

That

1. The report from the General Manager on the Local Traffic Committee be received
2. A shared Local Traffic Committee be established between Goulburn Mulwaree, Upper Lachlan Shire and Yass Valley Councils following the revision of the TfNSW administrative precincts
3. Council's representatives on the Local Traffic Committee be Councillor Andrew Banfield and Director of Operations or his nominee

Cr Peter Walker has withdrawn his moving of the motion. The motion lapsed.

RESOLUTION 2021/38

Moved: Cr Andrew Banfield

Seconded: Cr Sam Rowland

That the report from the General Manager on the Local Traffic Committee be received and no further action be taken for a joint Committee.

CARRIED

15.6 SUBMISSION - LOCAL GOVERNMENT RATING REVIEW**RESOLUTION 2021/39**

Moved: Cr Andrew Banfield

Seconded: Cr Peter Walker

That

1. The report by the Director Corporate & Community Services on the Submission – Local Government Rating Review be received and noted.
2. Council endorse the contents of the submission.

CARRIED

15.7 QUARTERLY BUDGET REVIEW**RESOLUTION 2021/40**

Moved: Cr Sam Rowland

Seconded: Cr Andrew Banfield

That:

1. The report of the Director Corporate & Community Services on the December 2020 Quarterly Budget Review be noted.
2. The budgeted variations contained within the December 2020 Quarterly Review be approved.

CARRIED

15.8 MONTHLY FINANCIAL REPORT

RESOLUTION 2021/41

Moved: Cr Peter Walker

Seconded: Cr Carol James

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

CARRIED

15.9 STATEMENT OF INVESTMENTS & BANK BALANCES

RESOLUTION 2021/42

Moved: Cr Carol James

Seconded: Cr Denzil Sturgiss

That the report by the Director Corporate & Community Services and the Business Manager Finance & Customer Service on the Statement of Investments and Bank Balances be received.

CARRIED

15.10 RATES OUTSTANDING REPORT

RESOLUTION 2021/43

Moved: Cr Sam Rowland

Seconded: Cr Peter Walker

That the report from the Revenue Coordinator on Rates Outstanding be received.

CARRIED

15.11 DEBTORS OUTSTANDING REPORT

RESOLUTION 2021/44

Moved: Cr Sam Rowland

Seconded: Cr Denzil Sturgiss

That the report from the Revenue Officer on Debtor Collections be received.

CARRIED

15.12 WATER CHARGES OUTSTANDING REPORT

RESOLUTION 2021/45

Moved: Cr Sam Rowland

Seconded: Cr Leah Ferrara

That the report from the Administration Team Leader on Water Outstanding be received.

CARRIED

15.13 GROWING LOCAL ECONOMIES COMMON STREET - DECEMBER 2020 & JANUARY 2021 STATUS REPORT

RESOLUTION 2021/46

Moved: Cr Sam Rowland

Seconded: Cr Andrew Banfield

That the report from the Project Manager - Grants on the status of the Growing Local Economies Common Street construction be received

CARRIED

15.14 GOULBURN PERFORMING ARTS CENTRE - DECEMBER 2020 & JANUARY 2021 STATUS REPORT

RESOLUTION 2021/47

Moved: Cr Peter Walker

Seconded: Cr Denzil Sturgiss

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

CARRIED

15.15 GOULBURN AQUATIC CENTRE REDEVELOPMENT STAGE 1 CONSTRUCTION - DECEMBER 2020 & JANUARY 2021 STATUS REPORT

RESOLUTION 2021/48

Moved: Cr Carol James

Seconded: Cr Denzil Sturgiss

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

CARRIED

15.16 MOUNTAIN ASH ROAD BLACKSPOT PROJECT - DECEMBER 2020 & JANUARY 2021 STATUS REPORT

RESOLUTION 2021/49

Moved: Cr Sam Rowland

Seconded: Cr Denzil Sturgiss

That the report from the Business Manager of Works on the Mountain Ash Road Blackspot Project status updated be received.

CARRIED

15.17 COOKBUNDOON PAVILION UPGRADE - DECEMBER 2020 & JANUARY 2021 STATUS REPORT

RESOLUTION 2021/50

Moved: Cr Peter Walker

Seconded: Cr Denzil Sturgiss

That the report from the Business Manager Community Facilities on Cookbundoon Pavilion Upgrade status be received.

CARRIED

15.18 NATURAL DISASTER ESSENTIAL PUBLIC ASSET RESTORATION PROJECT - DECEMBER 2020 & JANUARY 2021 STATUS REPORT

RESOLUTION 2021/51

Moved: Cr Peter Walker

Seconded: Cr Sam Rowland

That the report from the Business Manager Works on the status for the Natural Disaster Essential Public Asset Restoration Project be received.

CARRIED

15.19 ST CLAIR CONSERVATION WORKS - STATUS REPORT

RESOLUTION 2021/52

Moved: Cr Carol James

Seconded: Cr Sam Rowland

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

CARRIED

15.20 GOULBURN MULWAREE YOUTH COUNCIL MEETING NOTES - 29 JANUARY 2021

RESOLUTION 2021/53

Moved: Cr Carol James

Seconded: Cr Denzil Sturgiss

That the report from Cr Carol James in relation to the Goulburn Mulwaree Youth Council Meeting Notes held on the 29 January 2021 be received.

CARRIED

15.21 UTILITIES DIRECTORATE REPORT - DECEMBER 2020 AND JANUARY 2021

RESOLUTION 2021/54

Moved: Cr Denzil Sturgiss

Seconded: Cr Sam Rowland

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

CARRIED

15.22 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT DECEMBER 2020 & JANUARY 2021

RESOLUTION 2021/55

Moved: Cr Sam Rowland

Seconded: Cr Carol James

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

CARRIED

15.23 OPERATIONS DIRECTORATE REPORT - DECEMBER 2020 & JANUARY 2021

RESOLUTION 2021/56

Moved: Cr Peter Walker

Seconded: Cr Denzil Sturgiss

That the activities report for December 2020 & January 2021 by the Director Operations be received and noted for information.

CARRIED

15.24 PLANNING & ENVIRONMENT DIRECTORATE REPORT DECEMBER 2020 AND JANUARY 2021

RESOLUTION 2021/57

Moved: Cr Andrew Banfield

Seconded: Cr Leah Ferrara

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

CARRIED

15.25 EXTERNAL MEETING MINUTES

RESOLUTION 2021/58

Moved: Cr Denzil Sturgiss

Seconded: Cr Peter Walker

That the report from the General Manager on the Goulburn Liquor Accord Committee meeting held on 27 January 2021 be received.

CARRIED

15.26 COUNCILLOR BRIEFING SESSION SUMMARY

RESOLUTION 2021/59

Moved: Cr Margaret O'Neill

Seconded: Cr Sam Rowland

That the report from the General Manager on Councillor Briefing Session Summary be received with the following amendments:

- Cr O'Neill attended the Ray Harvey Cheque presentation 15 December 2020
- Cr Rowland attend the Councillor Briefing on the 28 January 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 2021/60

Moved: Cr Sam Rowland

Seconded: Cr Denzil Sturgiss

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 for Goulburn

This matter is considered to be confidential under Section 10A(2) - d) 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.

16.2 General Managers Performance Review Working Party

This matter is considered to be confidential under Section 10A(2) - a) 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 personnel matters concerning particular individuals (other than councillors).

CARRIED

Cr Denzil Sturgiss left the meeting at 7.13pm and returned to the meeting at 7.16pm.

Council resolved into Closed Session at 7.14pm.

Council took at 30 minute recess at 7.37pm for dinner.

Council resumed at 8.13pm.

Cr Andrew Banfield did not return after the recess.

All staff left the meeting at 8.49pm

Warwick Bennett and Amy Croker returned to the meeting 9.43pm

Council resolved into Open Council at 9.47pm.

RESOLUTION 2021/61

Moved: Cr Sam Rowland

Seconded: Cr Carol James

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

CARRIED

16.1 NEW POLICE STATION FOR GOULBURN

RESOLUTION 2021/62

Moved: Cr Carol James

Seconded: Cr Denzil Sturgiss

That:

- 1. The General Manager's report on the New Police Station for Goulburn be received.**
- 2. Council rejects the current offer by NSW Police to purchase 2 Bourke Street Goulburn**
- 3. Council authorises the Mayor and General Manager to enter into negotiations without prejudice with the NSW Police in relation to 2 Bourke Street taking into account a fair market price and the cost of relocating the current tenants of 2 Bourke Street to a suitable other premise which does not negatively impact on their operations.**
- 4. Council advises NSW Police that if it proceeds with the sale the property will be sold as is.**
- 5. Council clearly notify the NSW Police that no firm decision on whether to sell 2 Bourke Street or not will be made until the 19 April 2021 by which time Council would have considered all options available in regard to the relocation of the existing tenants.**
- 6. As part of the investigation and research into options discussed above the General Manager to undertake consultation with the existing tenants.**

CARRIED

16.2 GENERAL MANAGERS PERFORMANCE REVIEW WORKING PARTY

RESOLUTION 2021/63

Moved: Cr Margaret O'Neill

Seconded: Cr Sam Rowland

That:

- A. The Report by the Mayor on the General Managers Interim Performance Appraisal for 2020/2021 be received.**
- B. The General Manager is congratulated on his work particularly in the areas of Finance, IT, WHS and Capital Works, with attention required to improve:-**
 - I. Planning processes**
 - II. Communications with Councillors and the public**
- C. The General Managers interim performance is assessed as satisfactory overall**

CARRIED

17 CONCLUSION OF THE MEETING

The Meeting closed at 9.47pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 2 March 2021.

.....
Cr Bob Kirk
Mayor

.....
Warwick Bennett
General Manager

11 MATTERS ARISING

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

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Task List - 2 March 2021 [!\[\]\(d66ff64371a51729ac8c1cdaa685ba6f_img.jpg\)](#) 

RECOMMENDATION

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

REPORT

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

OUTSTANDING TASK LIST



Item/Task	Responsible Officer	Status
<p><u>Ducks Lane and Run-O-Waters Traffic Management Plan</u></p> <p>1. The General Manager to commence without prejudice to the determination by the Council of their development application to commence discussions with developers in the Shannon Drive area to determine their intended dates to commence physical works and seek if there is any appetite for the developers to enter into a voluntary planning agreement (VPA) that would allow Council to undertake the physical works generally known as Shannon Drive extension in the 2018/19 financial year.</p>	General Manager	This matter has been deferred pending feedback from the applicants
<p><u>B6 Enterprise Corridor Planning Proposal</u></p> <p>This application refers to the B6 zone land on Long Street and northern side of Sydney Road that is being rezoned to residential</p>	Director Planning & Environment	Public exhibition complete – We have been in consultation with Government Departments and a number of their requests and expectations are unreasonable and we are continuing discussions with them to try and make this Planning Proposal more realistic
<p><u>Mogo Road Hi Quality</u></p> <p>General Manager to report back on works to be undertaken to fully implement development application</p>	General Manager	Report included in this Council Agenda RECOMMEND COMPLETION
<p><u>Community Centre Options</u></p> <p>Location of Community Centre deferred 18 months</p>	General Manager	Will be referred to Council in December 2021.
<p><u>Veolia Host Fees</u></p> <p>The Mayor and General Manager to continue discussions with Veolia</p>	General Manager	Discussion continue. We are awaiting response from Veolia

OUTSTANDING TASK LIST



Item/Task	Responsible Officer	Status
<u>Development Service Plan – Goulburn Stormwater</u> To be placed on public exhibition for 30 working days	Director Planning & Environment	We are currently undertaking an audit of the storm water plan which is a requirement of the legislation. That is expected in the next two weeks and then the matter will be placed on public exhibition.
<u>Goulburn Mulwaree Local Infrastructure Contributions Plan</u> To be placed on public exhibition for 28 days	Director Planning & Environment	Public exhibition period finished. No submissions received. Finalising Council report for 16 March 2021 Council Meeting.
<u>Gifts and Benefits Policy</u> To be placed on public exhibition for 56 days	Director Corporate and Community Services	No submissions received. Council resolution stated that if no submissions were received policy adopted. RECOMMEND COMPLETION
<u>Review of Heavy Haulage routes in the Goulburn Mulwaree area</u> A structural assessment is carried out on bridge and drainage structures on Currawang Road, Taralga Road, and Cullerin Road as part of the 2021/222 budget with the outcome reported back to Council on the suitability of these road as future B-Double routes.	Director Operations	Assessment being undertaken
<u>Planning Agreement Wilson Drive Marulan</u> Planning agreement for 126 lot subdivision.	Director Planning & Environment	Report included in this Business Paper RECOMMEND COMPLETION
<u>Development Control Plan – Health Hub</u> DCP to be advertised with Planning Proposal	Director Planning & Environment	Public exhibition closed. No submissions received. Report to 2 March 2021 Council Meeting
<u>Truck Depot – 31 Lockyer Street</u> DA deferred pending negotiations with applicant	Director Planning & Environment	First meeting has occurred and the applicant is investigating other options. A further meeting is planned for late February 2021.
<u>Waste Irrigation Farm</u> Discussing with three EOI Applicants for lease of this property	Director Utilities	Report included in this Business Paper RECOMMEND COMPLETION

OUTSTANDING TASK LIST



Item/Task	Responsible Officer	Status
<u>Parking Restrictions Cowper Street</u> Staff be requested to further assess the parking in Cowper Street (in the Hospital precinct) in an attempt to identify why the vehicles are parked there	Director Planning & Environment	Report included in this Business Paper RECOMMEND COMPLETION
<u>Goulburn Lilac City Festival Markets</u> Consultation between Goulburn Rotary and the Goulburn Lilac City Festival is taking place.	General Manager	Awaiting feedback from the parties involved.
<u>Public Gates and Bypass Grid Policy</u> Placed on public exhibition	Director of Operations	Public exhibition commenced
<u>New Police Station</u> Ongoing negotiations with NSW Police and consultation with tenants	General Manager	Decision of Council forwarded to NSW Police and we are awaiting their response.

12 MAYORAL MINUTE(S)

Nil

13 NOTICE OF MOTION(S)**13.1 NOTICE OF MOTION - PUBLIC CONSULTATION FOR NEW POLICE STATION****Attachments: Nil**

I, Deputy Mayor Peter Walker, give notice that at the next Ordinary Meeting of Council be held on 2 March 2021, I intend to move the following motion:-

MOTION

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.

RATIONALE

Any decision to sell the 2 Bourke Street property needs to be put to a formal public consultation process including a formal public community meeting. All negotiations for the sale of 2 Bourke Street must include the option of a long term lease for the current Police Station which can be used as the Community Centre.

If this notice of rescission motion is successful we are seeking a similar resolution plus the inclusion of a public consultation process including a public community meeting.

I commend this Notice of Motion to Council.





Deputy Mayor Peter Walker

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****Author:** Ryan Gill, Development Assessment Officer**Authoriser:** Warwick Bennett, General Manager

Attachments:

1. Plans (separately enclosed) 
2. Heritage Impact Statement (separately enclosed) 
3. Heritage Advice (separately enclosed) 
4. Submissions (separately enclosed) 

Reference to LSPS:	Planning Priority 9: Heritage – Vision 2040 – Goulburn Mulwaree’s cultural heritage is conserved, actively adapted for use (where appropriate) and celebrated.
DA Number:	DA/0137/2021
Address:	Lot 1 DP 745776, Lot 16 DP 604145, Lot 1 DP 510869 22 Hurst Street, Goulburn
Proposal Description:	Demolition of existing dwelling and construction of new two storey dwelling and basement garage
Type of Development:	Local
Zone:	R1 General Residential
Variations to Policy:	Nil
Submissions:	Thirty-eight (38)
Key Issues:	Heritage conservation and curtilage, bulk and scale, impact on adjacent dwellings, impact on the natural environment and impacts on the streetscape of the locality.

RECOMMENDATION

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.

BACKGROUND

DA/0137/2021 was lodged with Council on 1 October 2020 proposing the demolition of the existing dwelling and construction of a new two storey dwelling with basement garage. The proposal was notified to five (5) surrounding properties and was advertised on Council's website. A number of submissions beyond the original notification period were received. The notification period was extended until the first week of December to allow submitters additional time to review the plans and make a submission to the proposal.

The proposal was reviewed by Council planning staff which identified a number of planning, heritage and environmental concerns. A site visit was conducted on 3 December 2020 with Council's Heritage Advisor who advised that he did not support the demolition of the existing building and further that the design was not sympathetic of the architectural character of the Hurst Street precinct.

A meeting with the applicant was arranged on 17 December 2020 at Council's Civic Centre to which the applicant was verbally advised that Council did not support the application and a full redesign will be required that better reflect the streetscape and heritage values. An additional information letter with a copy of the submissions was hand delivered to the applicant's office on 18 December 2020 due to the quantity of submissions.

The planning and heritage matters of concern in relation to the application are:

1. Bulk and scale of the proposal having a confrontational appearance to the streetscape of Hurst Street;
2. The heritage impact report does not demonstrate the reasoning for the demolition of the dwelling;
3. The heritage impact report does not address clause 5.10 (1) and (4) of the *Goulburn Mulwaree Local Environmental Plan 2009*;
4. The heritage impact report not addressing how the cost of rectification works to the existing building impose an unacceptable burden on the owner, considering that the proposed estimated cost of works will be in excess of one million dollars;
5. A geotechnical assessment in regards to the significant earthworks and impacts was not submitted with the application;

6. The Statement of Environmental Effects does not address how the existing dwelling has lost the original fabric of the building and lacks information on the full impacts of the proposed dwelling;
7. The design is unsympathetic with the heritage conservation area; and
8. A detailed cost summary of the proposed development costs was not provided. The value of the proposed development given is not supported.

The applicant was provided time to respond to the additional information letter until 2 February 2021. Council has not received the required information to enable it to continue its assessment.

At the 16 February 2021 meeting, Council considered a report in relation to listing 22 Hurst Street, Goulburn as an Item of Environmental Heritage. At this meeting Council resolved:

2. ***That Council defer any consideration to list 22 Hurst Street Goulburn as an Item of Environmental Heritage under Schedule 5 of the Goulburn Mulwaree Local Environmental Plan because adequate protection is currently in place due to this property being located within the Heritage Conservation Area.***
3. ***The Heritage status will be reviewed after DA/0137/2021 has been determined, once an assessment has been carried out on the individual merits of the property's heritage significance.***

REPORT

Proposed Development

The proposal known as DA/0137/2021 is for demolition of the existing dwelling and construction of a new two storey dwelling with a basement garage at 22 Hurst Street Goulburn (Lot 1 DP 745776, Lot 1 DP 510869 and Lot 16 DP 604145).

The proposal seeks to demolish the existing dwelling known as 'Banksia' and replace it with a two (2) storey modern dwelling with a basement garage for four light vehicles, gym and cellar. The new dwelling comprises of seven (7) bedrooms, all with an ensuite, alfresco and balcony. The dwelling appearance will have a cement render finish and aluminium windows. An additional driveway crossover is proposed providing access to Hurst Street.

In addition, the development proposal will involve landscaping, stormwater works and internal driveway works. Plans of the proposal are included in the **Attachment**.

Background

The site at 22 Hurst Street, Goulburn is part of an existing urban subdivision that dates back to the early 20th century. The dwelling is one of the first dwellings constructed in the street and limited records show that the dwelling was as part of the Hurstville Park subdivision which was divided into 70 residential lots. Council's Heritage Advisor David Hobbes explains that:

"the original dwelling was likely a simple four roomed double fronted cottage with east facing front verandah looking down the slope of Hurst St with lean-to structures at the rear (west side). The front door and window to its right survive from this time. Subsequent additions were made in the form of projecting bays to the north and east with a return verandah connecting the two. The service rooms were extended to the south. Later additions extended the house even further to the south." (Hobbes, 2020) **Refer Attachment.**

Council's records do not indicate when the original dwelling was constructed. However, an application for a building permit for alterations and additions to the dwelling was lodged with the former Municipality of Goulburn on 2 January 1926 and is identified as application number 7/26.

The alterations included a new verandah, expansion of the dining room, addition of two bedrooms, new kitchen/pantry, laundry and WC. It is important to note that the application form mentions that the surrounding lands are vacant, therefore indicating the construction of this dwelling was one of the first in the street.

Since 1926, five (5) approvals have been issued for alterations to the dwelling:

- a) Brick garage - application number 7/69 (dated 29 January 1969).
- b) Internal alterations – application number 312/78 (dated 9 October 1978).
- c) Weatherboard additions – application number 184/79 (dated 19 July 1979).
- d) Alterations – application number 320/90 – dated 12 November 1990.
- e) Construct additions – application number 218/2004/DA – dated 28 June 2004.

These additions are to the rear of the existing dwelling and are not dominant in the street.

Site Context

The proposed development site is north-north west of the Goulburn CBD and is dominated by historic residential dwellings from different architectural periods with a number of lots being larger than normal for the surrounding area which reflects the historical subdivision pattern at the time. The zoning is R1 General Residential with B4 Mixed Use located to the south east of the site. The site is located on the high side of the slope that falls to the east at a slope of approx. 5.6%.

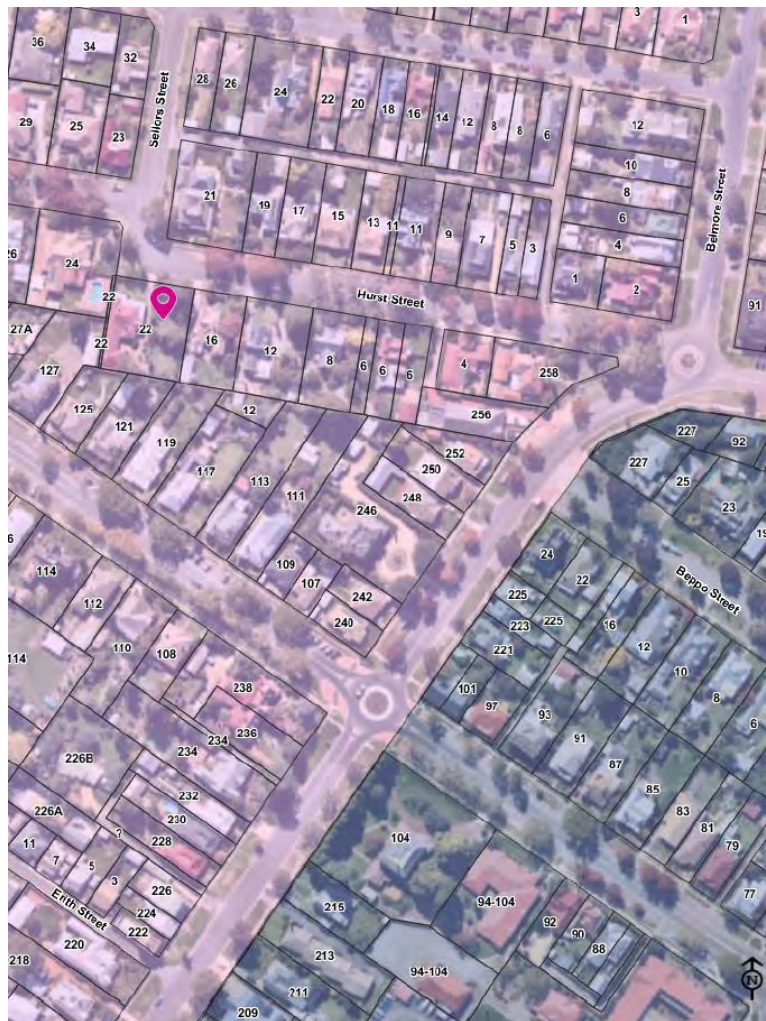


Image 1 – Site in relation to land use zoning.
R1 General Residential in Pink, B4 Mixed Use in Blue.

Consultation and Submissions made in accordance with Act or Regulations

Public Submissions

The proposal was notified to five (5) adjoining and nearby residents. It was also advertised on Council's website. Public exhibition of the proposal resulted in 38 submissions being received (**refer Attachment**). The Applicant has not provided a response to the issues raised by the submissions.

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

Issue	Response
Heritage	<p>Issue: The removal of the existing dwelling will be highly detrimental to the heritage setting of Hurst Street.</p> <p>Response: The proposal does not fully demonstrate that the removal will not have a negative impact on the heritage value of the conservation area. Council's Heritage Advisor has provided comments that the existing dwelling while not in its original form, still makes a worthwhile contribution and the threshold for the demolition of the existing dwelling due to poor condition has not been met. Therefore, removal of the existing dwelling cannot be supported.</p> <p>Council does not support the removal of the existing dwelling and will recommend a refusal of the proposal.</p>
Style and design of the proposed dwelling	<p>Issue: The proposed design is out of character in the locality.</p> <p>Response: Council agrees with the statement that the proposed style is out of character. The surrounding dwellings are of a modest design and make use of face brick to bring character to the dwelling and street. The bulk and scale of the proposed dwelling is out of character with the street and will become a dominant item in the streetscape. The style proposes the use of cement render finish which is out of character with the existing dwellings in the street.</p>
Loss of gardens	<p>Issue: Reduction of and removal of gardens.</p> <p>Response: The proposed private open space is in compliance with the controls of the Goulburn Mulwaree Development Control Plan. However, the amount of soft landscaping in front of the building line does not meet the requirements of 3.3.20.1 <i>Gardens</i> of the Development Control Plan. The amount of hardstand forward of the building line is approx. 45%. Which results in soft landscaping being around 55%. Hard surface areas are to be kept to a minimum. The Development Control Plan recommends that 70% of the area in front of the building line be soft landscaping. This is not in keeping with the majority of the surrounding locality and will be out of character.</p>
Demolition of the existing dwelling	<p>Issue: Removal of the dwelling that is contributory to the streetscape</p> <p>Response: The proposal has not fully demonstrated the reasoning for the demolition with sufficient supporting documentation. The assessment of the proposal required a review of the case and planning principle of <i>Helou v Strathfield Municipal Council [2006] NSWLEC 66</i> which addresses the matter about whether a demolition proposal of a contributory item should be permitted. The proposal in its current form does not meet the threshold of the planning principle. The proposal does not address the costs of repair, how the cost places an unacceptable burden of the repair on the owner, if the building is structurally unsound and does not consider the significance of the building. Finally, the replacement building does not fit into the pattern and style of the Goulburn City conservation area. In this case, Council cannot support the demolition of the existing dwelling.</p>
Impact on adjoining buildings	<p>Issue: Overshadowing of the adjoining properties.</p> <p>Response: The proposal will result in overshadowing onto neighbouring properties.</p>

(solar)	At 125 Bradley Street the landscaped area will be overshadowed from 9 am to 12 pm. There will be overshadowing on 127 Bradley Street and 121 Bradley Street, however overshadowing will mostly impact the sheds on the property. The proposal as designed does not meet the objectives and controls of the clause 4.1.3.
Impact on adjoining buildings (privacy)	<p>Issue: Overlooking into adjoining properties</p> <p>Response: The second storey has a number of windows that face towards the south and will overlook the rear private open space of the properties on Bradley Street. The southern windows are large in size and these windows relate to bedrooms. In terms of impact, these are lower risk than if the windows relate to living areas. The balcony on the eastern elevation of the dwelling will create opportunities for overlooking into 16 Hurst Street. This is exasperated as a result of the removal of the large tree between the proposed dwelling and 16 Hurst Street. The sightline to the private open space will be limited as there is a shed along the western boundary of 16 Hurst Street. Nevertheless, the elevated position of the balcony will have a view towards the western side of the dwelling at 16 Hurst Street. The proposal as proposed is not supported and requires a redesign to the proposed dwelling.</p>
Impact on adjoining buildings (structural integrity)	<p>Issue: Structural issues on adjoining properties due to the quantity of earthworks for the basement.</p> <p>Response: The proposal has not been supported by a geotechnical report that has fully considered the risks and impacts on the quantity of the earthworks proposed. A full assessment was not able to be undertaken as the applicant was required to submit a geotechnical report. No report has been provided.</p>
Setting a precedent	<p>Issue: An approval will set a precedent</p> <p>Response: Each development proposal is assessed on its own merits. As with any site, there are a number of individual constraints that each development is required to mitigate. However, the perception can be seen that the approval of such a development within a heritage conservation area can result in the public starting to have little faith in the planning system and approval process.</p>
What the building will be used for	<p>Issue: Concern with what the future use will be due to number of rooms.</p> <p>Response: The Macquarie Concise Dictionary defines a dwelling as a place of residence or abode; a house. The proposal is for a dwelling, there are no restrictions in the number of bedroom one dwelling can have, so long as the planning controls have been satisfied such as Floor Space Ratio, building heights etc. The zoning of the land is R1 General Residential, and does not allow for commercial premises or tourist and visitor accommodation but allows for community facilities and places of public worship. The application is for a dwelling and any approval would restrict the use to only a single occupancy dwelling.</p>

Assessment against Legislation and Policies

▪ State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

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

▪ Goulburn Mulwaree Local Environmental Plan 2009

Land Use Table – R1 General Residential

The proposal is permissible with Council consent. The objectives of the R1 General Residential zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

- *To maintain the economic strength of commercial centres by limiting the retailing of food and clothing.*

The proposal meets the requirements of the zone objectives as it provides housing to the Goulburn community.

Clause 1.9A – Suspension of Covenants, agreements and instruments

The land is not burdened by an existing covenant that would restrict the construction of a dwelling.

Clause 4.3 – Height of Buildings

The height of the building is restricted to eight (8) metres for the R1 General Residential area to which the proposed dwelling is 7.78m. The matter of bulk and scale, setting and massing has already been addressed in this report.

Clause 5.10 – Heritage Conservation

The proposal is located within the Goulburn City Heritage Conservation Area and is required to address clause 5.10 of the Goulburn Mulwaree Local Environmental Plan 2009. A Statement of Heritage Impact report was submitted to Council as required under clause 5.10 (5). The report mentions that as the dwelling has been extended numerous times in its lifetime, there is little left of its original fabric and has, therefore, lost much of its original heritage character.

The report addresses clause 5.10 (1) with minimal detail on how the character of the dwelling contributes to the streetscape and does not fully address how the additions have resulted in the heritage value being lost. The report mentions that the new dwelling borrows elements from buildings of a similar era to the existing dwellings and being designed to be in the same scale.

However, the plans as submitted to Council do not support this argument and the proposal is confrontational in appearance. The applicant was required to address these concerns in the additional information letter dated 18 December 2020. No response has been received by Council in relation to the additional information requested.

The report does not address the impacts to the streetscape nor how the new dwelling will manage adverse impacts on the adjoining dwellings as a result of the significant earthworks required for the basement garage, with the most concern being 24 Hurst Street which is a heritage item.

The report seeks to address the justification for demolition by claiming that “significant cracking” in the external brickwork is due to the shift in the foundations and will be too costly to repair.

However, there is no justification on how the repair works will “be too costly” being relative to the cost associated with the construction cost of the new dwelling, considering that the new dwelling has a cost of works in excess of one million. A site visit conducted with Council’s Heritage Advisor confirms that while there are cracks to the external brickwork, it is what would be considered normal for its age.

If demolition was to be approved on the basis of the extent and quantity of cracking detailed in the report, then it will likely create a domino effect in allowing older buildings of heritage conservation value to be demolished in the Goulburn area which is not be in the public interest.

Clause 7.1A – Earthworks

The proposal will require excavations to a depth exceeding three (3) metres to allow for the basement garage structures to be constructed. This equates to soil removal in excess of 1,208 cubic metres. The proposal is not supported by a geotechnical report that addresses the impacts of the proposed earthworks on surrounding properties. Due to the extent of earthworks proposed and

the absence of supporting information, the earthworks for the basement structure cannot be supported, therefore this clause has not been met.

▪ Goulburn Mulwaree Development Control Plan 2009

3.2 – European Heritage Conservation

The objectives of 3.2 European Heritage Conservation are as follows:

1. *To conserve and enhance the heritage significance and qualities of heritage items conservation areas and archaeological remains and relics.*
2. *To ensure that alterations, additions and new infill development are sympathetic, well designed and appropriate to the values of the heritage item or streetscape context in which it is located.*
3. *To preserve and maintain trees and other vegetation that contributes to the significance of heritage items and heritage conservation areas.*
4. *To ensure a thorough assessment process is applied for any proposed demolition or removal of a heritage item or building located within a heritage conservation area including the archival recording of these buildings where required.*
5. *To promote public awareness and education on heritage conservation.*

The proposal for the complete demolition of a dwelling that has high contributory value to the heritage conservation area does not meet the above objectives of the clause. The Statement of Environment Effects provides a single sentence to address the objectives and lacks significant detail to allow for assessment of the impacts to take place.

3.3 General Heritage Item and Conservation Area Controls

3.3.5 Demolition

The objectives of the clause are as follows:

To conserve both individually listed Heritage Items and the general building stock which contributes to the significance of the Heritage Conservation Area and to ensure that replacement development enhances the significance of the Heritage Conservation Area.

The clause requires that demolition be considered as a last resort for heritage items and contributory items within heritage conservation areas. The Heritage Impact Statement addresses this by saying that:

“other options were considered in the early design phase but were quickly discounted due to the requirements of the client’s brief ... The other consideration was the cost to rectify significant structural faults in the existing dwelling.”

The proposal does not provide detail costing for the works to repair the dwelling and the report does not consider the full extent of the heritage value of the existing dwelling with the justification for demolition lacking sufficient merit, only that it is not in the clients brief. Therefore, clause 3.3.5 Demolition has not been satisfactorily met.

3.3.8 Development in the Vicinity of a Heritage Item

The main objective of the clause in relation to the proposal is that any new development achieves a sympathetic relationship with nearby heritage items in terms of scale, massing, character, setback, orientation, materials and detailing. The proposal documentation addresses

overshadowing which is not acceptable in regards to the Development Control Plan. Additionally, the report addresses the proposed scale in it being similar to the surrounding dwellings and is sympathetic to the streetscape.

The letter provided by Council's Heritage Adviser however, does not support this argument as the character of Hurst Street is of predominantly face brick walls, mostly single storey or modestly scaled two storey buildings and modest, articulated proportions. The proposed dwelling design is large and bulky with features that would mostly be observed in newer homes on larger lots in new greenfield sites. The cohesion of the streetscape style is disturbed by this proposal and will visually dominate the form of the adjoining heritage item. The assessment concludes that the proposed dwelling design is significantly at odds with the existing street character therefore, in its current form the proposal does not warrant approval.

3.3.12 Building Materials, Colours and Finishes

The proposed dwelling design is for cement render finish of the external walls that will be painted in a light grey colour (Dulux 'paving stone'). This is not in keeping with the colour and finishes of the surrounding dwellings which are typically face brick and use period heritage colours such as browns and greens. The proposed design is not harmonious with the streetscape and does not complement the heritage fabric of the area. The assessment concludes that the proposed dwelling design is significantly at odds with the existing street character therefore, in its current form the proposal does not warrant approval.

3.3.13 Building Form, Scale and Style

The proposed dwelling design does not respect the mass and form of the surrounding buildings and will visually dominate the street with the original scale of the surrounding buildings. As discussed already in this report, the character of Hurst Street is mostly single storey and modestly scaled two storey buildings. The design does not follow the existing pattern, rhythm and form of the street. The assessment concludes that the proposed dwelling design is significantly at odds with the existing street character therefore, in its current form the proposal does not warrant approval.

3.3.17 Facades

The proposed dwelling design does not take into consideration the design of the verandahs and façades in the locality. The common design for verandahs are wrap around and covered. The proposed new dwelling does not include a covered verandah and will stand out to the streetscape. In regards to the façade and the relationship of the scale to the locality. The proposed dwelling does not respect the existing patterns. The Figure 3.14 of the DCP provides a visual control of the DCP requirements in regards to façades.



Figure 3.14: Example of new development not respecting pattern of existing façades

The design therefore, does not meet the requirements of clause 3.3.17 and cannot be supported.

3.3.20.1 Gardens

In the heritage conservation areas hard surfaces are to be kept to a minimum with the recommendation being that 70% of the area in front of the building line be soft landscaping. The amount of hardstand forward of the building line is approximately 45%, which results in soft landscaping being reduced to 55%. This is not in keeping with the majority of the surrounding locality. However, screening of the hard surfaced area is provided in terms of hedges and trees which will assist in providing a greening effect to the streetscape.

Nonetheless, the assessment concludes that the proposed dwelling design is significantly at odds with the existing street character, therefore in its current form the proposal does not warrant approval.

3.3.24 - Goulburn Residential Heritage Conservation Areas

The proposal is located in the North Heritage conservation area and is characterised by having a mix of residential and commercial development. This has resulted in a small number of two storey inns and shops. The character of the area is small scale simple Georgian and Victorian cottages and terraces and semi-detached dwellings. The proposed design will create conflict with the cottage design of the area and will be incompatible. The assessment concludes that the proposed dwelling design is significantly at odds with the existing street character, therefore in its current form the proposal does not warrant approval.

3.3.5 – Fences and gates – (urban)

The proposed fencing is modern in design and is of a pier and infill design which is from the inter-war period (1920-1940). The street has a mixture of different fence styles that reflect the dwelling period at the time of construction. These include picket fences which are mostly associated with timber cottages and small houses, post and rail, freestanding wall and paling fences. A number of more modern dwellings in the street use a mixture of fences which include the pier and infill design. The photos below show an example of a number of fences used in Hurst Street.



Image 2 – Looking west towards Belmore Street. The image shows an example of freestanding wall fencing.



Image 3 – Example of a picket fence - notice the decorative profiles on the top of each picket



Image 4 – Example of a modern federation style build using a pier and infill fence. The use of the same bricks and white follows the colour scheme of the dwelling.

The proposed fencing appears to be higher than the fencing of the adjoining properties. Detailed heights of the fencing have not been provided. If an approval was to be granted, then the fencing will be required to be in keeping with the existing heights of the street. The fencing design is not supported as the design is significantly at odds with the existing street character.

3.6 - Vehicular access and parking

The basement garage provides four (4) car parking spaces for residents which is above the minimal requirement for residential developments, being one (1) space per dwelling. The use of soft landscaping screens the garage from the street and will have limited views to the street. In terms of outside vehicular parking, there are two (2) spaces provided. All vehicles are able to enter and exit in a forward motion.

4.1.1 – Site planning, bulk, scale and density

The proposal does not fit into the streetscape and is considered out of character with the surrounding neighbourhood character. As already addressed in this report, the bulk and scale will have an undesirable impact on the existing character of Hurst Street. The assessment concludes that the proposed dwelling design is significantly at odds with the existing street character therefore, in its current form the proposal does not warrant approval.

4.1.3 – Solar access

The lounge and dining room on the ground floor will have limited solar access during 21 June winter solstice. Due to the second storey creating a large amount of shade an internal redesign will be required to allow solar access to the living areas. The living area will be able to receive a small amount of sunlight from approximately 2pm. The overshadowing onto neighbouring properties will be on 125 Bradley Street which the landscaped area will be overshadowed from 9 am to 12 noon. There will be overshadowing on 127 Bradley Street and 121 Bradley Street, however

overshadowing will mostly impact the sheds on these properties. The proposal as currently designed does not meet the objectives and controls of the clause and cannot be supported.

4.1.4 – Privacy

The second storey has a number of windows that face south and have a risk of overlooking into the rear private open space of the properties on Bradley Street. The southern windows are large and are 1.3m x 1.8m in size. These windows relate to bedrooms and in terms of impact are lower risk than if the windows relate to living areas. The balcony on the eastern elevation of the dwelling will create opportunities for overlooking into 16 Hurst Street. This is the result of the proposed removal of the large tree between the proposed dwelling and 16 Hurst Street. (It is important to note that Council's Heritage and Landscape Planner does not support the removal of the Deodar cedar tree). The sightline to the private open space will be limited as there is a shed to along the western boundary of 16 Hurst Street. Nevertheless, the elevated position of the balcony will have a sight line towards the western side of the dwelling at 16 Hurst Street. The proposal as currently designed will have adverse impacts on privacy and cannot be supported.

Likely Impact of Proposed Development

Heritage:

The removal of a valuable contributory item will create an impact on the heritage significance of Hurst Street in terms of the importance as being one of the first dwellings in Hurst Street. 22 Hurst Street has evidence that the dwelling was one of the first cottages constructed as part of the Hurstville Park subdivision. Past persons to live at the property include Albert Sach and Mary Mackay with Mr Sach being a Master in charge of the Goulburn Technical College and Mrs Mackay being the president of the Goulburn Women's Suffrage League. Other people of importance include Edward Thomas and wife Esther Cripps. Mr Thomas was a solicitor for the former Mulwaree Shire Council, the legal advisor to the Pastures Protection Board and was the Deputy Coroner for the Goulburn district.

The past extensions has resulted in the building not being in its original form. However, the extensions do show the development of the dwelling throughout time and indicate the periods when changes occurred.

Nevertheless, these are removable and the existing original dwelling can be retained. The threshold for the complete demolition of a dwelling that is a valuable contributory item to the streetscape is high and the proposal has not demonstrated how this threshold has been met.

There are a number of past cases in the Land and Environment Court that address heritage matters and the complete removal of buildings that are contributory to a heritage item and/or area and are used in the court as a planning principle. *Helou v Strathfield Municipal Council [2006] NSWLEC 66* addresses the matter about whether a demolition proposal of a contributory item should be permitted. There are a number of questions that need to be asked when assessing any proposal for contributory. These are:

1. *What is the heritage significance of the conservation area?*
2. *What contribution does the individual building make to the significance of the conservation area? The starting point for these questions is the Statement of Significance of the conservation area. This may be in the relevant LEP or in the heritage study that led to its designation. If the contributory value of the building is not evident from these sources, expert opinion should be sought.*
3. *Is the building structurally unsafe? Although lack of structural safety will give weight to permitting demolition, there is still a need to consider the extent of the contribution the building makes to the heritage significance of the conservation area.*
4. *If the building is or can be rendered structurally safe, is there any scope for extending or altering it to achieve the development aspirations of the applicant in a way that would have a*

lesser effect on the integrity of the conservation area than demolition? If the answer is yes, the cost of the necessary remediation/rectification works should be considered.

5. *Are these costs so high that they impose an unacceptable burden on the owner of the building? Is the cost of altering or extending or incorporating the contributory building into a development of the site (that is within the reasonable expectations for the use of the site under the applicable statutes and controls) so unreasonable that demolition should be permitted? If these costs are reasonable, then remediation/rectification (whether accompanied by alteration and/or extension or not) should be preferred to demolition and rebuilding.*
6. *Is the replacement of such quality that it will fit into the conservation area? If the replacement does not fit, the building should be retained until a proposal of suitable quality is approved.*

The assessment of the proposal concludes that the proposal in its current form does not meet the planning principle. The proposal does not address the costs of repair, how the cost place an unacceptable burden of the repair on the owner, if the building is structurally unsound and does not consider the significance of the building. Finally, the replacement building does not fit into the pattern and style of the Goulburn City conservation area.

Moore SC of the Court reaffirms that “A contributory item in a conservation area is a building that is not individually listed as a heritage item, but by virtue of age, scale, materials, details, design style or intactness is consistent with the conservation area, and therefore reinforces its heritage significance.” The removal of the dwelling will result in the loss of heritage significance to the street and area. The dwelling at 22 Hurst Street contributes by the style, scale, materials, and age which is consistent of the progression of Hurst Street and the reason for the area to be included in the conservation area.

In conclusion, the proposal as designed does not complement nor is in keeping with the streetscape or the conservation area and will result in the loss of a valuable contributory heritage item. The application was not supported by the necessary reports for council to conduct a full assessment of the impacts of the proposal. Given that the necessary documentation was not included to support the proposal, Council is unable to determine the proposal favourably.

Context and Setting:

The character of Hurst Street is comprised of large street trees that line the street and provide shade with dwellings that were constructed in the early 20th century. The dwellings are modest with the majority being single storey. There are approximately three (3) dwellings with two storeys which are also modest in scale with narrow front elevations. The bulk and scale of the proposal is large and complex, not in keeping with the locality, has a modern design with different building materials and will result in conflict with the existing dwellings surrounding the site. The proposal will overshadow a number of private open spaces at the rear of the property, will create overlooking issues to the adjoining properties and impact the amenity of the surrounding properties.

Social Impact on the Locality:

The proposal will have an adverse social impact as it will create a loss of a contributory item to the Goulburn City Conservation Area. The development will create conflict with the locality in terms of building style and theme.

Site Design and Internal Design:

The bulk and scale of the proposal is out of character with the streetscape. As addressed in the report, the appearance will be stark and creates a large amount of hardstand on the site. The dwelling and driveway will cover 49.5% of the lot and will create a total floor area of 638.9m². The façade will be of a rendered cement finish and will be of a paving stone colour.

The design is incompatible with the streetscape and the site and location are assessed as not being suitable for the proposed dwelling design.

Suitability of the Site for the Proposed Development

The proposal for the demolition of existing dwelling and construction of new dwelling and basement garage is not suitable for the site. The matters of heritage and streetscape have not been fully addressed by the application because the application has not adequately considered those matters.

Policy Considerations

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

Conclusion and Recommendation

The proposal has been considered against relevant Legislation and Policy. Each submission has been duly considered in the development assessment. It is considered that the impacts of the proposal will not result in a positive outcome to the locality and heritage conservation values. Furthermore, any approval in its current form will not be in the public interest. The application has failed to properly consider and interpret the controls of the *Goulburn Mulwaree Local Environmental Plan 2009* and *Goulburn Mulwaree Development Control Plan 2009*. Any approval of the proposal will result in the loss of community trust in Council applying and managing the development controls in relation to contributory items and heritage conservation.

Conditional consent is not recommended as the design is so far removed from the planning controls. Further, the application has failed to demonstrate that the proposal will not have a negative impact on the locality because a thorough and conclusive assessment has not been undertaken by the applicant. Therefore, refusal of DA/0137/2021 is recommended.

FINANCIAL IMPLICATIONS

Financial implications to Council are likely if the applicant of the development proposal chooses to appeal the refusal through the Land and Environment Court.

LEGAL IMPLICATIONS

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

15.2 PLANNING AGREEMENT - 94 WILSON DRIVE, MARULAN

Author: Stephanie Mowle, Business Manager Planning & Development

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

RECOMMENDATION

This report has been withdrawn from the Business Paper.

REPORT

Nil

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

Author: Dialina Day, Senior Development Assessment Officer

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Proposed Subdivision Plans [↓](#) 

Reference to LSPS:	Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan.
DA Number:	DA/0038/2021
Address:	<ul style="list-style-type: none"> • 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)
Proposal Description:	Boundary Adjustment and 29 Lot Residential Subdivision
Type of Development:	Local
Zone:	R1 General Residential
Variations to Policy:	Nil
Submissions:	Nil
Key Issues:	Stormwater management, Flora and Fauna.

RECOMMENDATION

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-DA01-01	I	Plan of land for proposed subdivision	16/11/2020
212776-DA01-02	H	Plan of land for proposed subdivision	03/08/2020
212776 E01	E	Overall Development Layout Plan	14/12/2020
212776 E02	E	Tree Removal and landscaping planting plan	14/12/2020
212776 E03	E	Road Dimensions and easement Plan	14/12/2020
212776 E04	E	Hovell Street and Road 01 Typical Cross Sections	14/12/2020
212776 E05	E	Road 01 Long Section	14/12/2020
212776 E06	E	Road 02 Typical Cross Section and Long Section	14/12/2020
212776 E07	E	Bulk Earthworks Plan	14/12/2020
212776 E08	E	Concept Stormwater and Sewer Alignment Plan	14/12/2020
212776 E09	E	Stormwater Catchments Plan	14/12/2020
212776 E10	E	Stormwater Basin Details	14/12/2020
212776 E11	E	Erosion and Sediment Control Plan	14/12/2020
212776 E12	E	Erosion and Sediment Control Details	14/12/2020
212776-MS01-01	A	Vegetation Removal and Retention Plan	03/12/2020

(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:
 - Clearing of ground cover on areas where no works are required, and
 - 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 reserves are 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 hierarchy, and
- Include checklists for recording inspections and maintenance activities.

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

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

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 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
- 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.

REPORT

Proposed Development

DA/0038/2021 is for a 31 Lot Residential Subdivision at Lot 8 & 9 DP 832816, Lot 1 DP 1099324 and Lot 1 DP 883613, involving the following addresses:

- 49-57 Hovell Street Goulburn (main development site)
- 59-61 Hovell Street Goulburn (main development site)
- 30a Sloane Street Goulburn (northern adjoining site boundary adjustment will impact)
- 2 Sloane Street Goulburn (stormwater infrastructure to traverse this lot)

The proposal is to be carried out in two stages as follows:

- Stage 1: A boundary adjustment between Lot 8 & 9 DP 832816, Lot 1 DP 1099324 to form two lots. The boundary adjustment will include the access handle that is currently located within the lot to the north, to within the larger of the two lots. A legal Right of Carriageway will be created to maintain access to the occupants of the property to the north, via the existing access handle.
- Stage 2: A 31 lot subdivision incorporating two new roads and two public reserves (i.e. Lot 7 & 31). These proposed public reserves will accommodate existing native vegetation. Proposed Lot 31 will accommodate the required stormwater quality infrastructure for all future residential lots.

The proposed plan of subdivision which also shows the locality of the site is included in the **Attachment**.

As the proposal is for a Council owned development, a Planning Agreement is not required as the development is to be completed by Council.

Background

The principal development site is currently vacant and contains bands of mature native vegetation. The proposal aims to minimise impacts to this vegetation.

The northern adjoining site accommodates a dwelling house and ancillary development. These will not be impacted by the development proposal.

The lane that runs along the eastern boundary of the main development site is a public Lane. However, the junction of the Lane with Finlay Road to a length of approximately 20 metres is privately owned and is incorporated with land at 2 Sloane Street. Owners consent to lodge the Development Application has been obtained from the property owner.

The land slopes downward, from west to east becoming steeper towards the east, incorporating a site slope of up to 20%.

The proposal is for infill development. The surrounding land is developed with predominantly detached residential development.

Site Context

The proposed development site is to the south of the centre of Goulburn. The land is zoned R1 General Residential serviced by mains sewer and water. The area predominantly consists of detached residential dwellings on lots averaging around 740m².

Consultation and Submissions made in accordance with Act or RegulationsPublic Submissions

The proposed development was notified to 31 adjoining and nearby residents for a period of 21 days. It was also advertised on Council's website and in the local newspaper for the same period. The notification of the proposal resulted in no submissions being received.

External Referrals

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

Assessment against Legislation and Policies

- Environmental Planning & Assessment Act 1979

Subdivision 2 – Planning Agreements

Developments of this nature where infrastructure is necessary to ensure long term environmental impacts are maintained, and that such infrastructure is dedicated to Council, requires the matter to be considered and agreed to through a formal planning agreement. As Council is the land owner, applicant and subsequent developer there is no requirement to enter into a planning agreement with itself. In this instance the matters ordinarily required to be the subject of a planning agreement can be managed through Council's operational processes.

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

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

- Goulburn Mulwaree Local Environmental Plan 2009

Land Use Table – R1 General Residential

The proposal is permissible with Council's consent. The proposed subdivision will meet the zone objectives. The future residential housing needs of the community will be accommodated and will enable the potential for varied housing types to be developed. The proposed subdivision will provide residential land within close proximity to the Goulburn CBD. Proposed residential lot sizes range from 1,000 to 1,202m².

The proposal allows for a variety of housing types and development densities.

Clause 4.1 – Minimum Subdivision Lot Size

Lot 9 DP 832816 requires a minimum lot size of 700m². Lot 8 DP 832816 requires a minimum lot size of 1,000m². Each proposed lot incorporates a minimum lot size of 1,000m² and subsequently meets the requirements of this clause.

Clause 7.1A- Earthworks

The proposal will require earthworks as ancillary development to the proposed subdivision, for the purposes of installation of infrastructure and services and ensure compliance with Engineering Standards. A condition is recommended prior to the issue of the subdivision works certificate that requires the extent of cut and fill, and any treatment methods to be detailed on the plans.

- *Goulburn Mulwaree Development Control Plan 2009*

1.7 – Public Participation

As required under the Goulburn Mulwaree Council Community Participation Plan (CPP), the proposal was notified to adjoining/adjacent property occupiers for a period of 21 days and placed on Council's website and in the local newspaper for the same period. A public notice was displayed on the site for 21 days. No submissions were received during the notification period.

2.1 – General Development Objectives

The proposed subdivision will not have any detrimental impacts on the objectives of the Development Control Plan (DCP). The proposal is an infill development and will integrate with surrounding residential development and create road connections to lots that have further subdivision potential. The development does not pose any unreasonable water quality impacts and there is adequate capacity for existing services to cater for the future residential development. Potential stormwater impacts have been considered and conditions of consent will be recommended to ensure that there will be non-detrimental stormwater impacts to adjoining/adjacent property.

3.1 – Indigenous Heritage and Archaeology

The land has been identified as containing potential Aboriginal heritage. Council commissioned Pejar Local Aboriginal Land Council to provide a Cultural Heritage Report, which accompanies the Development Application. The report indicates that no items/places of aboriginal heritage exist on the site. No specific recommendations were made. It is recommended that, if consent is granted to the Development Application, a condition is imposed that requires the implementation of an unexpected finds protocol in the case where any Aboriginal heritage is unearthed during the construction phase of development.

3.7 – Crime Prevention through environmental design

The proposed subdivision layout is suitable from a safer by design perspective. The subdivision design enables lots to face public areas and this will enable good passive surveillance. The proposed cul-de-sac road provides a single ingress and egress point and will enable clear sight lines for passive surveillance. Additional opportunity for future residential development will improve site ownership and natural surveillance opportunities.

To maintain good natural surveillance to the reserve within proposed Lot 31, to the rear of proposed lots 17-30, a condition is recommended that requires any southern fencing to be installed to incorporate permeable elements to promote natural surveillance. No solid pre-coloured steel or other solid fencing will be permitted.

Street lighting will be beneficial in providing night time visibility.

3.15 – Biodiversity Management

The proposal includes the removal of native vegetation. A total of 0.24 hectares is proposed to be removed. A Flora and Fauna report has been submitted which includes a test of significance which concludes that the development proposal will not incur significant impacts to the predominant Plant Community Type (PCT), being Yellow Box Grassy Woodland of the Northern Monaro and Upper Shoalhaven area, South Eastern Highlands Bioregion.

The report also concludes that the development proposal will not incur significant impacts to any fauna.

3.16 – Stormwater Pollution

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

4.1.15 – Subdivision

The proposed development includes a suitable layout that is capable of ensuring energy efficient dwelling design. For the south facing lots, careful design will need to be considered to ensure that future dwellings can meet the required solar access requirements.

Each proposed vacant lot meets the minimum lot size requirements and there is sufficient area within each proposed lot to enable a suitable building envelope whilst also meeting setback requirements.

Street trees are required to be planted, to the proposed new roads. The application was referred to Council's Landscape Planner who recommends *Eucalyptus mannifera* Little Spotty (Red Spotted Gum).

7.1- Utility services

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

In Stage 2 of the development, work may be required to ensure that all internal services that serve the existing dwelling within proposed Lot 32, shall be located wholly within proposed Lot 32.

7.2 – Roads

The proposed public roads meet Council's construction standards for an urban road. Conditions have been imposed to ensure compliance with all elements of Council's Engineering Standards.

7.3 – Drainage and soil and water management

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

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

7.4 – Easements

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

Likely Impact of Proposed Development

Context and Setting: the proposal is compatible with the surrounding streetscape and desired future character of the area and the objectives of the R1 General Residential zone. The proposed in-fill development will integrate with existing infrastructure and will provide improved amenity to future residential property occupiers as well as existing residential property occupiers in the vicinity of the site.

Access, Transport and Traffic: the development incorporates the proposed new road that is of suitable width to accommodate future residential development.

Visual Amenity: the proposal is considered to have suitable impacts. The subdivision design will integrate with the surrounding developed land and will connect to the northern adjoining lot that has further subdivision potential.

Noise & Acoustic Amenity: the proposal is not considered to have any detrimental noise/acoustic impact. Each proposed vacant lot will be in the order of 1,000-1,202m². The potential for adverse noise impacts is alleviated.

The construction phase of the development will be required to employ suitable hours of work to ensure no detrimental impacts on the amenity of nearby residential property occupiers.

Natural Hazards: parts of the land have a steep site slope. The recommended conditions of consent will incorporate geotechnical requirements to ensure the subdivision design adequately accounts for the site slope.

Safety, Security and Crime Prevention: the proposal has positive impacts on Crime Prevention through Environmental Design principles. The proposed cul-de-sac road is desirable as it is not a through road, thereby alleviating potential for anti-social impacts. Future dwelling developments are likely to face the street and this potential design, will allow for natural surveillance and territorial reinforcement.

Social Impact on the Locality: the proposal will have positive impacts, with an increase in the number of residential occupiers in the future promoting local site ownership and offering increased surveillance. The in-fill nature of the development will promote site ownership and improved maintenance of the immediate locality.

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

Site Design and Internal Design: the proposed subdivision design is suitable. The proposed lot orientation provides opportunity for sustainable dwelling design whilst also ensuring positive social impacts. Due to the sloping nature of the site, there may be future challenges in regard to overlooking and overshadowing. However, careful dwelling design can alleviate these impacts.

The proposed subdivision adequately caters for the topographical constraints of the site.

Suitability of the Site for the Proposed Development

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

Policy Considerations

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

Conclusion and Recommendation

The proposal has been considered against relevant Legislation and Policy. It is considered that all potential impacts of the proposal can be adequately managed through conditions of development consent. Conditions that require the provision of detailed engineering design will be required to be submitted and considered by Council or an accredited certifier prior to the issue of a Subdivision Works Certificate.

Conditional consent is recommended to the development proposal

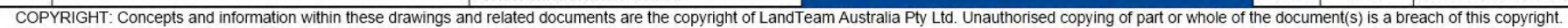
FINANCIAL IMPLICATIONS

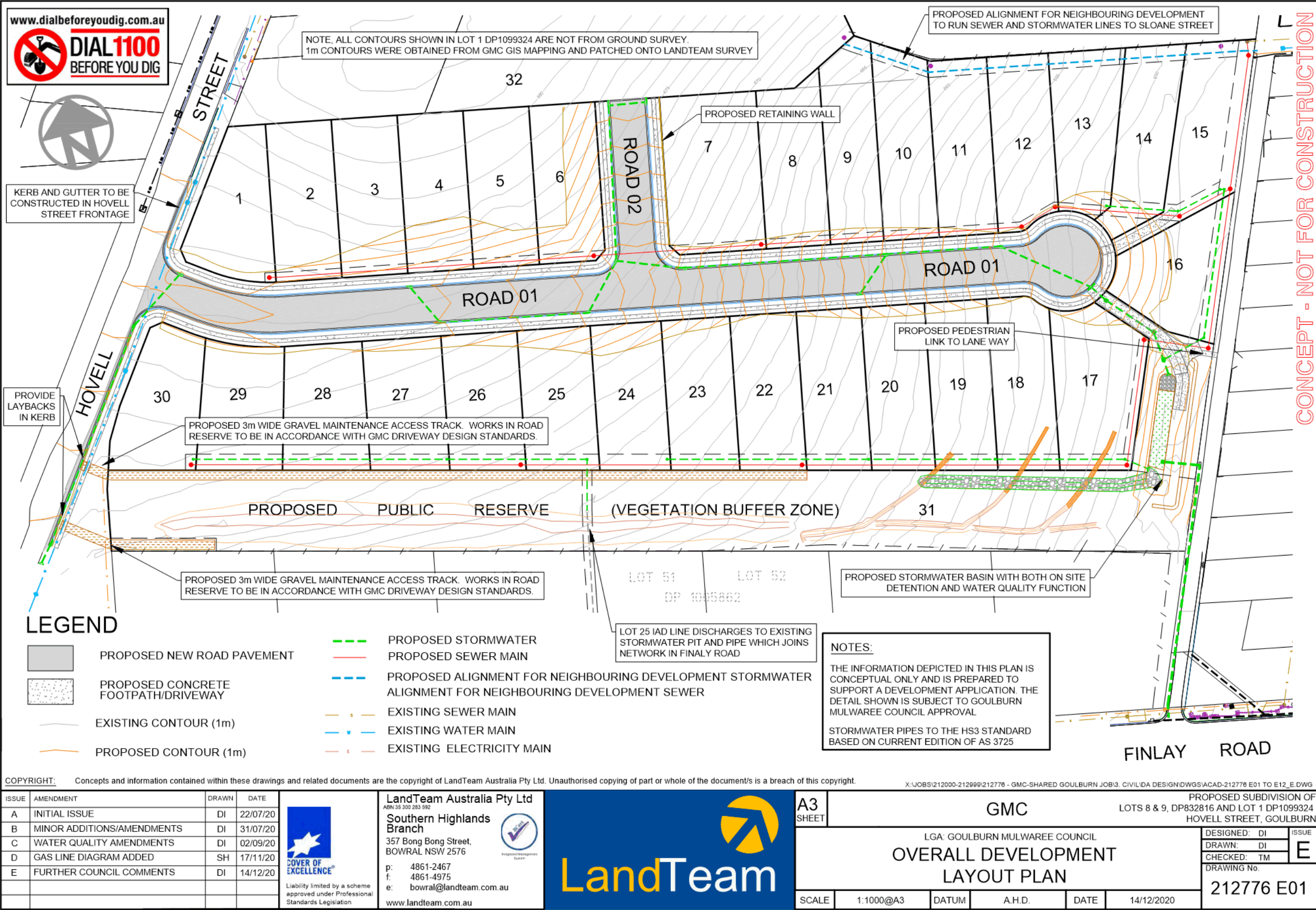
Financial implications are likely to Council if the applicant of the development proposal chooses to appeal the recommended approval conditions to the Land and Environment Court.

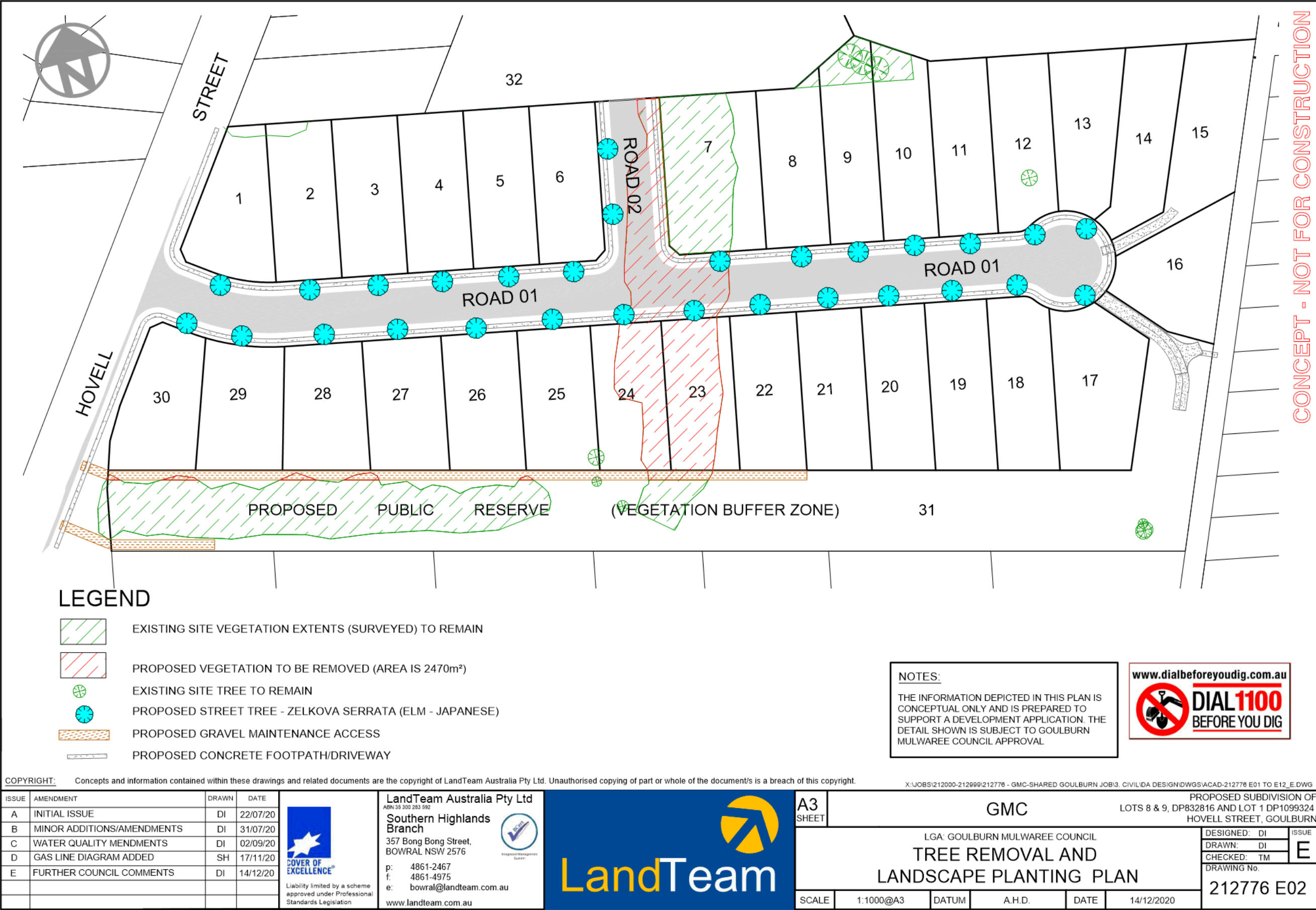
LEGAL IMPLICATIONS

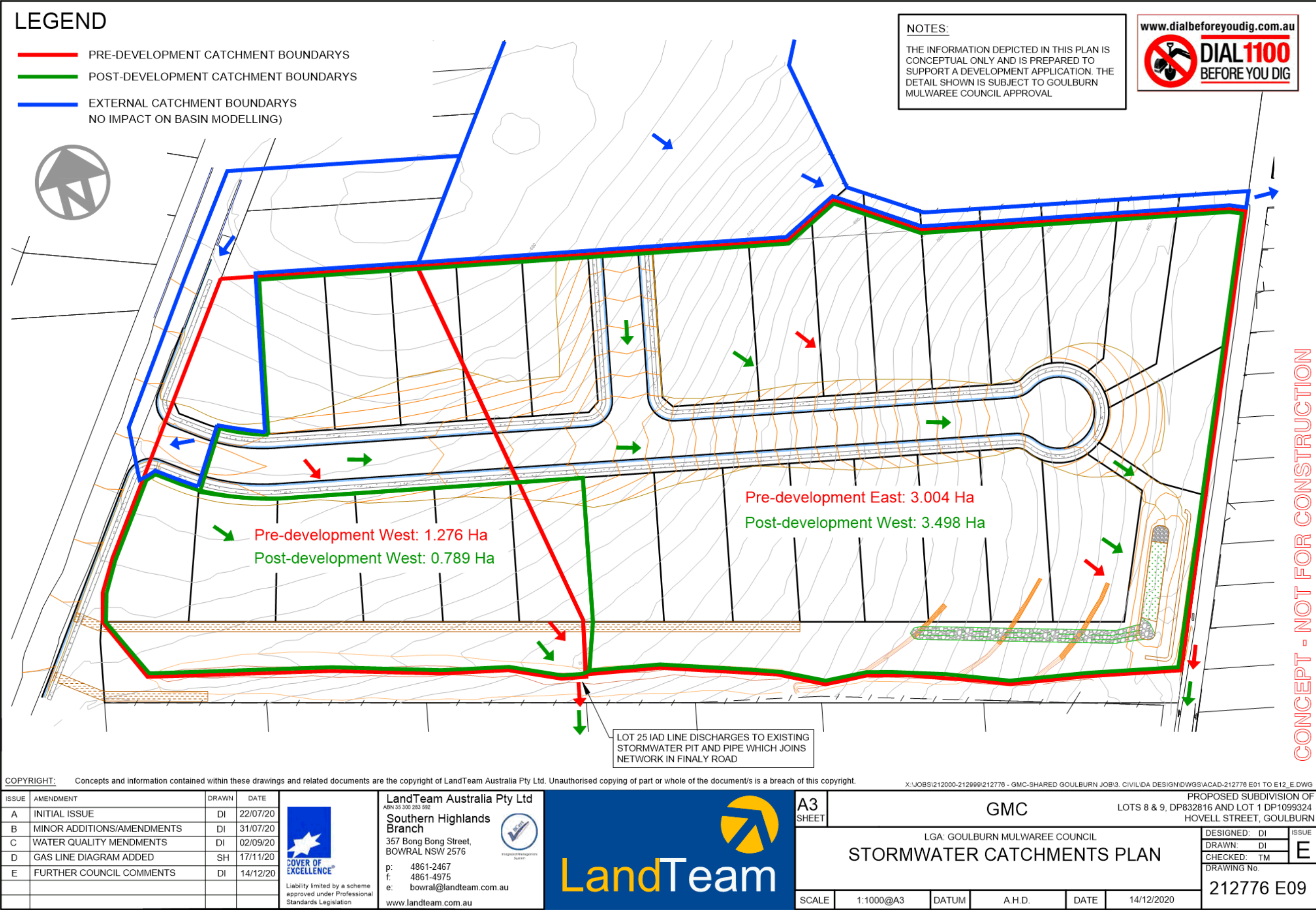
Council may be in a position where it may be required to defend an appeal made by the Applicant to the Land and Environment Court.

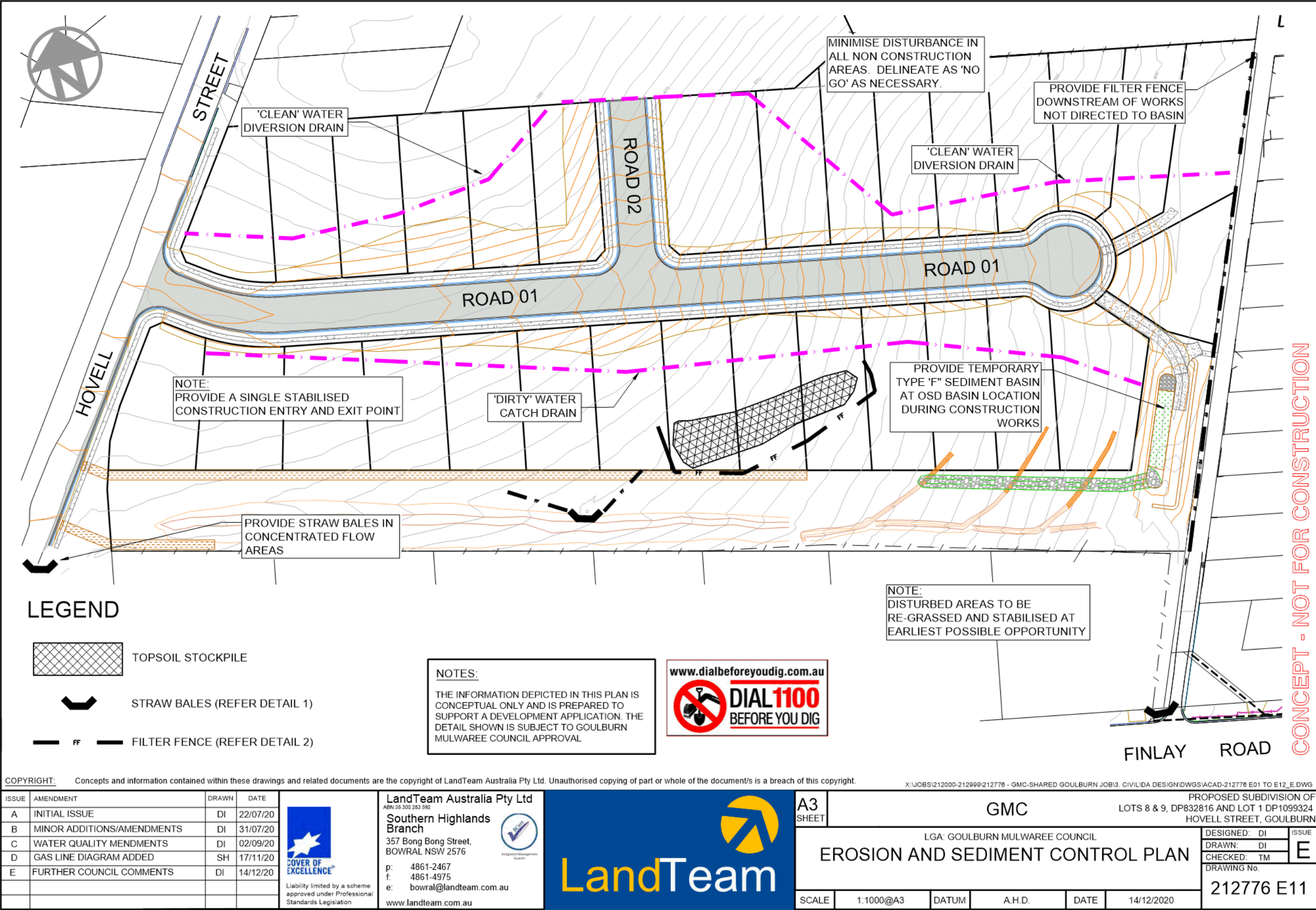












15.4 PLANNING PROPOSAL - AMENDMENTS TO EXEMPT DEVELOPMENT WITHIN SCHEDULE 2 OF THE LEP AND TO THE GOULBURN MULWAREE DCP FOR PRIVATE EVENTS

Author: David Kiernan, Senior Strategic Planner

Authoriser: Warwick Bennett, General Manager

Attachments:

1. Proposed wording for Schedule 2 Exemptions in the LEP [↓](#) 
2. Special Events on Private Land [↓](#) 
3. Events on Private land DCP differences [↓](#) 

Reference to LSPS:	Planning Priority 3: Community Facilities, Open Space and Recreation – Vision 2040 - Physical, social and cultural activity is supported by a range of facilities and shared spaces.
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RECOMMENDATION

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.

BACKGROUND

This matter has not previously been reported to Council.

REPORT

Events within the local government area (LGA), are in most instances, conducted on Council owned or operated land, on the grounds of schools or in a minority of cases held on private land. Currently the State has introduced temporary amendments to *State Environmental planning Policy (SEPP) (Exempt and Complying Development Codes)* which includes outdoor events on Council owned land as exempt development until April 2021.

This report considers amendments to the exempt provisions of *Goulburn Mulwaree Local Environmental Plan (LEP) 2009* which will reduce the duplication of assessment/management processes required for events on Council land and will allow for the temporary amendments in the SEPP to permanently apply.

The report also clarifies the exemption of events associated with educational facilities and suggests further exemptions which can be added to the LEP for minor development types.

The following is an assessment of these development types and suggested changes to the LEP or Development Control Plan (DCP) and identification of other approval pathways (such as under a State Environmental Planning Policy exemption):

Proposed Amendments to 'Exempt Development' - Schedule 2 of the LEP

- Community Events on Council Land

Goulburn Mulwaree Council hosts a number of temporary events on community land which it owns or manages, including (but not limited to):

Table 1: Temporary Events on Community Land in Goulburn Mulwaree LGA

Temporary Events on Community Land in Goulburn Mulwaree LGA		
• Lilac Festival	• Steampunk	• Swap Meets
• Rotary Parkside Markets	• Pictures and Popcorn	• Goulburn Show
• Carols	• Youth events	• Blues Festival
• Vibefest	• Multicultural Festival	• Comic Con
• Australia Day		

The use of land for the above events is classified as development and usually requires development consent. A recent amendment to *SEPP (Exempt and Complying Development Codes)* has included outdoor events on Council owned land as exempt development up until 18 April 2021. The proposed amendments to LEP exemptions in this report would ensure that benefit is continued in perpetuity.

The *Local Government Act 1993* also requires such events to be operated in accordance with an adopted Plan of Management and does not allow for a simple delegated approval process. These Plans of Management should be in place for the land on which the event is being held before a development application can be approved on land classified as 'community'.

In addition to Plans of Management, Council events are required to have thorough risk management assessments for each event. Non Council events must also be consistent with the Plan of Management for the site and, pursuant to the *Local Government Act*, have a licence or agreement for the exclusive use of land classified for "community" use. In Goulburn Mulwaree this licence or agreement for exclusive use is currently managed through the booking process.

Council is currently revising and updating its Plans of Management, the first of which is for the Goulburn Recreation Area which is authorised by the Minister for Local Government for public exhibition.

The process of regularising the use of community land for events can be simplified by including this development type within Schedule 2 of the LEP to make them exempt from the requirement to submit a development application. This does not avoid the requirement for a Plan of Management to be in place for the events land, nor for a licencing agreement etc to be in place.

The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report.

Plans of Management are still required to be in place for the land events are being held on, even when the development is exempt from requiring a development application. As such most of the detailed operational requirements for such events are prescribed through either the sites' Plan of Management or through the licensing/hire agreement.

As Council is the land owner/ manager, ultimately the decision as to whether to grant the use of the site for any given event rests with the Council. There is no form of appeal against a Council decision using this process to refuse an event should the Council find through the application process that the event is unsuitable for the site or has had previous management issues etc.

- Events on School Grounds

Another common event type are events held on school sites which were considered as a part of this review on exemptions.

State Environmental Planning Policy (SEPP) (Educational Establishments and Child Care Facilities) 2017 provides a list of exemptions for different types of development and uses within the grounds of existing schools.

Part 4, section 38 of this SEPP enables the '*use of existing school facilities or buildings for the physical, social, cultural or intellectual development or welfare the community (whether or not it is a commercial use of the establishment)*'.

This is a broad definition which is considered to cover most events on school grounds. Due to this exemption, it is not necessary to include school grounds within the exemptions proposed to be added to Schedule 2 of the LEP.

- External Lighting

External lighting is a widespread type of development which is often ancillary to the operation of a business or dwelling. This type of development does not currently fall under *State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes)* (referred to as the Exempt and Complying Development SEPP) or Schedule 2 of the LEP, and would therefore require a development application.

In the significant majority of instances such installations do not create a nuisance to local amenity and the requirement for a development application is considered disproportionate to the scale of most external lighting proposals and their impacts.

The inclusion of external lighting into Schedule 2 of the LEP enables business and residents to install external lighting within prescribed limits without the need for a development application. This exemption does not apply to the lighting of tennis courts or sports fields due to their potential adverse effects on local amenity and general light spillage. A development application is still required for such lighting, unless the site is a public reserve.

The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report.

- Display of goods on footpaths

The display of goods is a common occurrence on footpaths outside existing retail premises along Auburn Street and within the Goulburn Central Business District (CBD). It is proposed to include the display of goods on footpaths as exempt development within Schedule 2 of the LEP.

This would regularise this activity and provide clear limits and controls on what is acceptable. This enables conformity and fairness between businesses (i.e. one retail premises can't take more of the footpath than another retail business) and enables appropriate enforcement where limits have been exceeded.

The proposed exemption is limited to the CBD, ensures unobstructed pedestrians flows and requires the removal of the materials exhibited and equipment at the end of each business day.

The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report.

This exemption assists in making sure the Council is easy to do business with by limiting red tape and/or ambiguity of permissibility and making the LGA an easier place to operate a business in. It also seeks to enliven the CBD by making it easier and clearer for businesses to bring goods out into the public domain.

This new exemption relates only to retail and does not apply to outdoor dining areas on footpaths. Subdivision 20A of the Exempt and Complying Development SEPP already provides this exemption when carried out in accordance with approvals under the *Roads Act 1993* and the Section 68 of the *Local Government Act 1993*.

- Letterboxes relating to local heritage items

Letterboxes are minor development types with very little overall impact on street scape character or local amenity. Letterboxes both free-standing and in banks are currently exempt under the Exempt and Complying Development SEPP for all properties with the exception of heritage items.

Goulburn Mulwaree LGA currently has over 300 heritage items which must seek development approval for the installation of this minor and common development type.

This proposal seeks to provide local heritage items with the ability to erect a freestanding letterbox without the need for development consent. The proposed exemption only applies to local heritage items and unlike standard letterbox exemptions for standard property types, does not include banks of letterboxes. Banks of letterboxes are of a more permanent construction and generally have a more significant impact on the street scene than freestanding letterboxes. To ensure any potential impact on the significance of heritage items is further reduced the exemption includes controls on design and appearance, height and siting.

The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report.

- Signage, Advertising Structures and Displays

Advertising structures and displays are the only set of exemptions currently within Schedule 2 of the LEP. However these exemptions are generic to all types of signage and do not seek to provide specific detail and controls for different types of signage and adverts.

The proposed exemptions for signage and adverts rewrites the existing LEP Schedule 2 and breaks the exemptions down by signage type with an overall general requirement which all types must adhere to.

Not all signs and adverts are the same with each having its own particular requirements, constraints and impacts. The revised controls seek to more effectively and accurately reflect these within the exemption controls.

If signage exceeds these limits they will require development consent for the signage/adverts. The wording of the proposed amendment to Schedule 2 of the LEP is provided in **Attachment 1** of this report. **Table 2** below highlights the amendments and additions which the proposed exemptions seek to make to existing signage and advert exempt controls.

Table 2: Amendments & Additions to Schedule 2 Advert Exemptions

Signage/Advert category in proposed exemptions	Difference with existing Schedule 2 Advert Exemptions
General Requirements	Makes clear the exemptions do not apply to state significant heritage items or restricted premises.
	Ensure adverts and signage are not only non-illuminated but they also do not include live recording, animation, flashing and are not moving.
	Tightens the permissibility of replacement signs to include a requirement for the signage to stand in the same position as existing and be of the same or smaller dimensions.
	Requires the consent of the owner of the property on which the sign is located.
Wall signs	Restricts the number of wall signs to 1 sign per premises.
	Sets a maximum projection of the sign from the façade.
Fascia Signs	Sets a maximum projection of the sign from the façade.
	Applies a maximum fascia sign area in all zones.
Under Awning Signs	Restricts the number to 1 under awning sign per premises.
	Applies a maximum under awning sign area applicable to all zones, providing a better relationship with zones in the CBD.
	Prescribes a minimum distance from the awning edge.
Top Hamper Sign	Excludes exemptions for local heritage items.
	Applies a maximum Top Hamper Sign area applicable to all zones, providing a better relationship with zones in the CBD.
	Restricts the number of top hamper signs to 1 sign per premises.
	Sets a maximum projection of the sign from the façade.
Window Signs	Reduces the maximum surface area of a window sign and applies to the window area rather than the elevation.
	Restricts the number of window signs to 1 sign per tenancy.
	Restricts the siting of the window sign to the front, road facing façade.
Projecting Wall Signs	Excludes exemptions for local heritage items and within the Heritage Conservation Area.
	Sets a maximum projection of the sign from the façade.
	Restricts the number of projecting wall signs to 1 sign per premises.
	Applies a maximum projecting sign area in all zones.
Temporary Signage	
Real Estate Signs	Restricts real estate signs from being affixed to a heritage item.
	Requires removal of the real estate sign 14 days after the sale or lease of the property.
	Prevents real estate signs from impeding pedestrian or vehicular movement.
A-Frame Signs	A-frame signs are not currently exempt under Schedule 2 of the LEP.

- Temporary Structure Associated with Events

A number of development types associated with the use of land for events such as tents, marquees, stages and platforms are often classified as exempt development and do not require a development application depending on size, location etc.

Proposed Amendments to the DCP

- Special Events on Private Land

The above mentioned exemptions proposed for community events on council owned land, coupled with existing exemptions for events on school grounds, is considered to cover a large majority of special and temporary events held within the Goulburn Mulwaree LGA.

These exemptions do not apply to similar events held on private land which will still require the submission and approval of a development application.

The requirement for a development application for events on private land is considered an important one to ensure a range of requirements are met and impacts/constraints are appropriately addressed or mitigated. This includes matters such as:

- Ensuring site suitability
- Provision of adequate toilet facilities
- Maintaining public safety (i.e. consideration of bushfire hazard, road access/suitability etc.)
- Consideration of impacts on amenity of surrounding locality (such as noise).
- Gaining Water NSW concurrence on water quality impacts
- Managing traffic and parking
- Ensuring an adequate emergency response plan
- Ensuring a suitable level of insurance cover
- Mobile Food Premises registration

These issues are addressed through the requirements for Plans of Management or licencing agreement on Council owned land and through the DCP for similar events on privately owned land.

The DCP currently includes a chapter titled '*Public Entertainment in rural zones*' which seeks to provide a number of controls for festivals in rural areas. These controls are relatively narrow in that they apply to rural areas only and not the wider LGA and the term festival is poorly defined.

In light of the proposed exemptions for community events on council land it is timely and appropriate to revise the existing public entertainment in rural zones chapter to mirror the requirements to be met on events on council land prescribed through Plans of Management or licencing.

The updated draft DCP chapter is titled '*Special Events on Private Land*' and is presented in **Attachment 2** of this report. The main differences between the existing DCP chapter and the newly drafted special events on private land chapter are presented in **Table 3 below**.

Table 3: Differences between existing and proposed DCP Chapter

Old: Public entertainment in Rural Zones	New: Special Events on Private Land
Applies only to rural zones	Applies LGA wide on private land (land not operated or owned by Council or an educational establishment).
The term festival is poorly defined	Guidance on what a special event is and is not and when it applies.
Requires noise level mitigations regardless of location or impact	Requires a noise impact assessment depending on the scope, timescale and location of the event.

Limits events duration to a maximum of 30 days in any 12 month period	Restricts the approval of the event to the specified dates for the events operation. Current provision not consistent with Clause 2.8 of LEP which allows events for up to 52 days within a 12 month period.
Requires provision of toilet facilities	Specific toilet standards set relating to expected attendance of event.
Requires insurance arrangements	Specific requirements regarding minimum liability insurance cover and guidance on additional potential insurance requirements.
	Includes a requirement for application submission at least 3 months in advance of the event.
	Highlights additional potential licensing requirements.

Conclusion and Recommendation

In conclusion it is recommended that Council proceed prepare a planning proposal to amend the Schedule 2 exempt provisions of the LEP and to amend the DCP in relation to events on private land. The amendments align with current temporary State exemptions for events on public land which are intended to reduce red tape. The proposed amend to the LEP will make the temporary State provisions permanent.

The Plans of Management for community classified land are a requirement under the *Local Government Act, 1993* regardless of the proposed changes to the LEP for events, in addition to this licencing or hire agreements can also be used to manage detail. However, the exemptions suggested in this report for Council land will require these plans to potentially be updated to identify event areas etc.

FINANCIAL IMPLICATIONS

The Plans of Management for community classified land are a requirement under the *Local Government Act, 1993* regardless of the proposed changes to the LEP for events. However, the exemptions suggested in this report for Council land will require these plans to potentially be updated to identify event areas etc. The introduction of the amended exempt provisions will remove the requirement for DA fees for events on Council owned/managed land.

Attachment 1: Proposed wording for Schedule 2 Exemptions in the LEP**Community Events on Council Land**

- (1) For the purposes of development specified for this clause –

Development for the purposes of temporary uses (including, without limitation, events such as ceremonies, cultural celebrations, exhibitions, fetes, fairs, gatherings, markets or sporting events) that would, but for this clause, require development consent.

- (2) Must take place on land owned by the Council or for which the Council has care, control and management (including Crown land) or a public road for which the Council is the roads authority under the Roads Act 1993
- (3) Must allow and maintain egress for pedestrians and emergency vehicles
- (4) All vehicular parking requirements must occur on the subject land, or within on-street designated parking.
- (5) Must not involve any permanent physical change to any land including the erection of a permanent structure on the road or land
- (6) Must be consistent with any applicable Plan of Management under the [Local Government Act 1993](#) for the land.
- (7) Must be carried out in accordance with a licence or hire agreement granted by the Council.

Note—

The proposed event may involve activities that require approvals under the Local Government Act 1993 and other legislation. Such activities include the closure of public roads, the erection of temporary structures and activities on public land. Consultation with the Council will assist in identifying any requirements before organising such activities.

Lighting External

- (1) Must not be for the lighting of tennis courts or sports fields
- (2) Must not cause glare to adjoining properties or streets
- (3) Must not be directed onto a classified road under the Roads Act 1993
- (4) The light fixture must not exceed a height of 3.6 metres above existing ground level
- (5) Must not be fixed to a heritage item
- (6) Must comply with AS 4282-2019, Control of the Obtrusive Effects of Outdoor Lighting

Display of goods on footpath

- (1) Must be associated with a lawfully established business carried out on land used for the purpose of retail and:
- (i) Located on land in Zone B3 Commercial Core or Zone B4 Mixed Use, or
 - (ii) A neighbourhood shop in Zone R3 Medium Density Residential
- (2) Must be located within a road reserve for which the Council is the roads authority under the Roads Act 1993
- (3) Must be on part of the footpath which is directly adjacent the retail frontage
- (4) Must maintain continuous pedestrian paths of travel along the footpath and not obstruct access to the premises or adjoining properties.
- (5) All materials and equipment must be temporary and removed from the footpath at the close of each business day.

Note—

An approval or authorisation to use the footway may be required under Part 9 of the *Roads Act 1993* or, if on public land, under Division 2 of Part 2 of Chapter 6 of the *Local Government Act 1993*. Part 5 of the *Crown Land Management Act 2016* may also apply.

Letterboxes

1. The construction or installation of a free-standing letterbox must comply with the following:
 - (a) Must not relate to a Heritage Item listed under the NSW Heritage Act 1977
 - (b) Stand within the lot boundary for the property the letterbox serves
 - (c) Stand no higher than 1.2 metres above ground level (existing)
 - (d) Be situated on the properties primary elevation
 - (e) Be of a design, appearance and materials which complement the character of the property

Signage, advertising structures and displays

1. General requirements for all advertising structures and display of an advertisement on it, or the display of an advertisement that is not on an advertising structure must comply with the following:
 - (a) Not to be carried out on or in relation to a building being used as restricted premises
 - (b) Not relate to a Heritage Item listed under the NSW Heritage Act 1977
 - (c) Must not cover mechanical ventilation
 - (d) Not include any live recording
 - (e) Must not be animated, flashing, illuminated or moving
 - (f) Must be 600mm from the kerb of any public road
 - (g) Must not obstruct the sight line of vehicular or pedestrian traffic
 - (h) Must relate to the lawful use of the building or place upon which it stands
 - (i) Must have consent of the owner of the property on which the sign is located
 - (j) The sign replaces an existing sign lawfully displayed on the same structure and
 - i. The replacement sign stands in the same position as the existing
 - ii. The dimensions of the replacement are the same or smaller than the existing sign

Wall Signs

2. A sign attached to the wall of a building (other than the transom of a doorway or display window) must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Not result in more than 1 wall sign per premises
 - (c) Not project more than 300mm from the wall
 - (d) Be located below the level of the awning
 - (e) Where the property comprises a heritage item or is within a Heritage Conservation Area the following also apply:
 - (i) Must not extend over any architectural decorative features on the building or structure
 - (ii) Must not use primary colours as background colours
 - (iii) Must not relate to signage directly painted onto a wall
 - (iv) Must not be affixed directly on to face brickwork (but may be fixed to the mortar joints)
 - (v) Must not amend, damage or demolish any part of the building or structure to accommodate the sign

Fascia Signs

3. Signs attached to a building fascia or return of the awning must comply with the following:
 - (a) Meet the general signage requirements
 - (b) Not project more than 300mm from the fascia or return end of the awning to which it is attached

- (c) Have a maximum area of 2.5m²

Under Awning Signs

4. Signs attached to the underside of an awning other than a fascia must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Restricted to 1 sign per ground floor premises with a street frontage
 - (c) Stand at least 2.6m above a public footpath
 - (d) Have a maximum sign area of 1.5m²
 - (e) Have a minimum distance from the outer awning edge of 300mm

Top Hamper Sign

5. A sign attached to the transom of a doorway or display window of a building must comply with the following:
 - (a) Meet the general signage requirements
 - (b) Does not relate to a Local Heritage Item
 - (c) Have a maximum area not exceeding 2.5m²
 - (d) Comprise of no more than 1 sign per ground floor tenancy
 - (e) Must not extend below the top of a doorway or window
 - (f) Must not project more than 300mm from the façade of the building
 - (g) Must stand at least 2.6 metres above the footpath

Window Signs

6. A sign affixed and or displayed inside or outside a window of any existing building must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Must not occupy more than 20% of the window area of the ground floor building frontage or 6m², whichever is the lesser
 - (c) Must be located on the façade fronting the primary street address on the ground floor
 - (d) Limited to 1 sign per ground floor tenancy

Projecting Wall Signs

7. A sign attached to the wall of a building and projecting more than 300mm must comply with the following:
 - (a) Meet the general requirements for signage
 - (b) Must be attached to wall of building to which the sign relates
 - (c) Must not be located on a Local Heritage Item or within a Heritage Conservation Area
 - (d) Must be at least 2.6m above ground level (existing)
 - (e) Must be erected at right angles to the wall of the building to which it is attached
 - (f) Have a maximum sign area of 1.5m²
 - (g) Project no further from the building than 1.5m
 - (h) Restricted to 1 sign per premise or 1 per street frontage, whichever is greater

Temporary Signage

1. Real Estate Signs

A temporary sign which advertises the sale or lease of a property must comply with the following:

- (a) Must not be affixed to a Heritage Item
- (b) Should not exceed a maximum area for the sign of 2.5m² in Zones E1, E2, E3 and E4 or 3.5m² within all other zones
- (c) Should not stand more than 3m above existing ground level
- (d) Must not be animated, flashing, illuminated or moving

- (e) Must be removed within 14 days of sale or lease of the property
- (f) Must not impede pedestrian or vehicular access or movement

2. A-Frame Signs on private land

An A-frame sign on private land used in conjunction with an existing premise for which consent has been granted on land that is in Zone B2, B3, B4, B6, IN1, IN2 zones must comply with the following:-

- (a) Only 1 A-frame sign per property
- (b) Not exceed a maximum display area of 500mm area (on each side)
- (c) Must not involve any live recorded entertainment, including music, broadcast programmes and flashing lights
- (d) Must not obstruct access to the land or any adjacent land or obstruct the free flow of pedestrians
- (e) Must not involve construction work
- (f) Must be temporary and removed at the close of each business day

Attachment 2: Special Events on Private Land DCP Chapter

5.10 Special Events on Private Land

These controls apply to all special/temporary events (such as ceremonies, cultural celebrations, exhibitions, fetes, fairs, gatherings, markets or sporting events) and commercial events that are held on private land.

This chapter does not require the lodgement of a development application for regular use of approved entertainment venues or for events on land owned and/or operated by Council. In most instances the policy will apply to the use of existing indoor or outdoor facilities and/or land where the approved use of the premises is not primarily for public entertainment purposes.

Some zones under *Goulburn Mulwaree Local Environmental Plan (LEP) 2009* permit the use of land for function centres (which includes events), however, in zones which do not permit function centres, Clause 2.8 of the LEP may be applied in relation to the temporary use of land for an event. Refer to Clause 2.8 of the LEP for further details in relation to the requirements of this clause.

Objectives

- (a) To provide applicants with adequate information to submit a detailed submission with a development application
- (b) To provide guidelines to ensure best practice for the appropriate location and management of events
- (c) To maximise public health and safety
- (d) Ensure that an unacceptable impact does not occur to the community or the local environment

5.10.1 General Provisions

- (a) Applications should be submitted at least 3 months in advance of the event to ensure timely determination and ensure a decision can be secured prior to the event opening date;
- (b) The event should not require any permanent changes to the land or premises;
- (c) The event should not result in any clearing of on-site vegetation;
- (d) The duration of any approval will be restricted to the specific dates for the event established through the Development Application consent;
- (e) Evidence of prior consultation with service providers as listed in clause 5.10.2 must be submitted with the application;
- (f) A Noise Impact Assessment maybe required depending on the scope, timescale and location of the event, and
- (g) External lighting should be installed and operated in line with AS/NZ 4282:2019 Control of the obtrusive effects of outdoor lighting.

Note: Failure to submit the application within the necessary timeframe may result in the application not being determined prior to the proposed event, in which case the event will need to be postponed or cancelled.

5.10.2 Consultation

Consultation may be required with the following service providers:

- Transport for NSW

- Council
- NSW Police
- NSW Rural Fire Service
- NSW Ambulance Service and/or St John Ambulance Service

5.10.3 Insurance requirements

- The applicant is to hold current and valid insurance for the event that covers the dates of the event, and are to submit evidence of this with the application or placed as a condition of consent, and
- As a minimum insurance cover should include suitable public liability insurance cover at a minimum of \$20,000,000.

Note: Consideration should be given to other potential insurance requirements such as:

- Public Liability insurance of any sub-contractor
- Volunteers insurance
- Workers Compensation
- Professional Indemnity Insurance

5.10.4 Emergency Response Plan

- An Emergency Response Plan must be prepared in accordance with the requirements of the local area command for NSW Police Service, NSW Fire Brigades, NSW Ambulance Service, NSW WorkCover Authority and the Council which includes the following:
 - Contact details of both the event organiser and the on-site organiser responsible for decision-making;
 - The chain of command identifying which staff are responsible for various components of the event;
 - Location of main emergency response area;
 - Proposed means of access for all emergency vehicles including fire brigade truck access to the event;
 - Proposed evacuation procedures;
 - Proposed security management and procedures plan, and
 - Proposed crowd management procedures.

Note: The emergency response plan should, where applicable, include crowd management measures, crowded places self-assessment, relate to bushfire emergency management and evacuation and a flood emergency response plan.

5.10.5 Toilet Facilities

- Adequate toilet facilities must be provided for the duration of the event including adequate facilities for those with disabilities, in line with Table 1 below:

Table 1: Required Toilet Facilities

Patron number	Wheelchair accessible		Females		Males		
	WC	Hand Basins	WC	Hand Basins	WC	Urinals	Hand Basins
<500	2	1	10	2	2	8	2
500-1000	4	2	15	4	5	10	3
1000-2000	6	3	20	8	7	15	5

2000-3000	8	4	25	10	9	20	7
3000-5000	10	5	30	14	12	25	10

- (b) Sites unconnected to the town sewer should provide portable toilets and wash facilities as per the numbers specified by the manufacturer for the number of patrons.

5.10.6 Traffic Management Plan

A Traffic Management Plan should be submitted with a development application and should include the following components:

- **Proposed Route** which sets out an easy and safe access to the site;
- **Traffic Control Plan** which details how the route is to be protected with signs, barriers, cones etc.;
- **Contingency Plan** for adverse weather conditions, attendance exceeding expectations, accidents etc.;
- **Advertise traffic changes** for a minimum period of seven days prior to the event;
- **Traffic Marshals** locations detailed;
- **Parking**;
- **Heavy Vehicle alternate route** for arrival and departure of coaches and equipment trucks;
- **Special conditions**;
- **Pedestrian access and safety**, and
- **Loading Zones**.

Note: "Guide to Traffic and Transport Management for Special Events- 2006" provides a comprehensive guide to the requirements of various agencies involved in traffic and transport management and provides assistance in the preparation of a Transport Management Plan.

5.10.7 Information to be submitted with a Development Application

A Development Application should include the following:

- (a) The Development Application form signed by the site(s) owner(s);
- (b) Traffic Management Plan which includes a Traffic Control Plan in line with Clause 5.10.6;
- (c) An Emergency Response Plan in line with clause 5.10.4;
- (d) A Statement of Environmental Effects which should include:
 - (i) Full details of the type and scale of the proposed event;
 - (ii) The anticipated number of people attending the event;
 - (iii) Dates and hours of operation including set-up and dismantle times (bump in/bump out);
 - (iv) The number and types of stalls;
 - (v) Waste and recycling measures to be implemented;
 - (vi) Car parking and access arrangements;
 - (vii) Details of proposed outdoor entertainment acts as part of the event which may necessitate a noise impact assessment, and
 - (viii) A Water Quality Impact Assessment.

- (e) A Site Plan which includes proposed:
- (i) Seating arrangements, whether indoor or outdoor
 - (ii) Lighting arrangement and location
 - (iii) Location of any marque or tent
 - (iv) Location and number of toilets which meets the requirements in Clause 5.10.5
 - (v) Location of firefighting equipment
 - (vi) Location of security, parking/traffic associated with the event
 - (vii) Location of first aid and other emergency service areas
 - (viii) Emergency access arrangements within the site and through the local road system
 - (ix) Vehicular and pedestrian access arrangements to and from the site
 - (x) Location of food and drink stalls and other vendor stalls

Note: A Water Quality Impact Assessment should be proportionate to scope and impact of the event. Larger events are advised to consult Water NSW prior to submitting a Development Application.

5.10.8 Licensing Requirements

A development application only provides approval for the use and operation of the land during the established timeframe. It does not afford consent, approvals or licensing for activities and operations at the event which may be regulated by external agencies or Council functions outside statutory planning. The list below seeks to highlight additional licensing or consent requirements which may be needed to lawfully operate the event and or its activities. This list is not exhaustive.

Food

Food handling businesses should be directly licensed by NSW Food Authority and if not already licensed should notify the authority of their business details.

Temporary food outlets must comply with the relevant Council codes, such as, where applicable;

- Food Standards Code 3.2.3- Food Premises and Equipment
- GMC Food Premises Fit out Guide
- Guidelines for food businesses at temporary events, and
- Complete Mobile Food Premises Registration with Council.

Alcohol

If the event includes the sale and/or consumption of alcohol, an appropriate liquor license(s) will be required from Liquor & Gaming NSW.

Live or pre-recorded music

Live or pre-recorded music will require a license from ONE Music Australia for events to avoid Copyright infringement.

Fundraising

If the event involves fundraising the approval of NSW Fair Trading may be required.

Firework/Pyrotechnic Displays

If the event includes Firework/Pyrotechnic Displays a license is required from SafeWork NSW.

Amusement Devices

If the event includes provision of amusement devices current SafeWork NSW registration will be required, as will registration with Council.

Road Closures

The temporary closure of a public road will require the consent of the appropriate road authority (being Council or Transport for NSW) under the Crown Lands Act 1989, Local Government Act 1993 or the Roads Act 1993.

Attachment 3: Main differences between existing Public Entertainment in Rural Zones DCP chapter and proposed Special Events on Private Land DCP chapter.

Old: Public entertainment in Rural Zones	New: Special Events on Private Land
Applies only to rural zones	Applies LGA wide on private land (land not operated or owned by Council or an educational establishment)
The term festival is poorly defined	Guidance on what a special event is and is not and when it applies
Requires noise level mitigations regardless of location or impact	Requires a noise impact assessment depending on the scope, timescale and location of the event
Limits events duration to a maximum of 30 days in any 12 month period	Restricts the approval of the event to the specified dates for the events operation. Current provision not consistent with Clause 2.8 of LEP which allows events for up to 52 days within a 12 month period.
Requires provision of toilet facilities	Specific toilet standards set relating to expected attendance of event
Requires insurance arrangements	Specific requirements regarding minimum liability insurance cover and guidance on additional potential insurance requirements
	Includes a requirement for application submission at least 3 months in advance of the event
	Highlights additional potential licensing requirements

15.5 MOGO ROAD UPDATE**Authors:** Scott Martin, Director Planning & Environment

Matthew O'Rourke, Director Operations

Authoriser: Warwick Bennett, General Manager**Attachments:** Nil

Link to Community Strategic Plan:	Strategy IN3 - Maintain and improve road infrastructure and connectivity. Strategy EN4 - Maintain a balance between growth, development and environmental protection through sensible planning.
Cost to Council:	Expenditure of funds collected through development contributions only.
Use of Reserve Funds:	Nil

RECOMMENDATION

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.

BACKGROUND

During 2019 and 2020, Council received numerous complaints in relation to the use of Mogo Road by heavy vehicles belonging to the Hi-Quality group. Hi-Quality operates a quarry at the end of Mogo Road, the site of which contains a number of approvals dating back to the late 1970's/early 1980's.

A deferred commencement approval issued in the late 1990's by the Mulwaree Shire Council required the upgrading of Mogo Road, which included the need to pay Council contributions in order for the upgrade work to be undertaken. The wording of the consent appears to indicate that the Mulwaree Shire intended to carry out the work themselves with the work to be funded, at least partially, by the quarry.

Around 2007, Goulburn Mulwaree Council acknowledged that the consent had been activated, however at that point in time no contributions had been paid. The upgrade work therefore remained overlooked.

Following complaints received in 2019/20, a review of the consents held by Hi-Quality for Mogo Road was undertaken. As a consequence it was identified that a number of the consent conditions had not been met, specifically conditions relating to the payment of various contributions and the road upgrade. A draft Order was served upon Hi-Quality seeking compliance with the conditions of consent resulting in payment of \$446,000 in outstanding contributions and commitments.

Discussions have been ongoing ever since in relation to when the Mogo Road upgrade work will commence, and who will be responsible.

REPORT

On Thursday 14 January 2021, the Director of Planning & Environment and the Director of Operations met with representatives of Hi-Quality where it was agreed that Council would develop a scope of works to define the extent of road works that could be achieved with the available funds. The general concept being an upgrade of the Mogo Road and Oallen Ford Road intersection plus an upgrade Mogo Road from the intersection as permitted by available funds.

It was also agreed that Hi Quality would supplement the works by supplying some plant to maximise the value of available funds. This could include plant for gravel loading and haulage, and in effect enable a much greater distance to be upgraded. For example, it is anticipated that around 3km of Mogo Road could be upgraded as a result of the agreement compared to around 1km kilometre without any agreement.

In addition, Hi Quality have also agreed to apply for a s138 approval to allow Hi Quality to undertake ongoing maintenance of Mogo Road. This would include the frequent use of a water truck to suppress dust and periodic maintenance grading of sections that would remain unsealed. In recent years Council have been expending in the vicinity of \$50,000 per annum on maintenance grading. These savings can now be utilised to either bolster the required upgrade works or diverted to other maintenance projects across Council's road network.

It is noted that the scope will be developed based on the current approved traffic volumes. Any application from Hi Quality to increase production and/or vehicle movements would need to be considered as part of a new development application.

The next step is for Council and Hi Quality staff to agree on the extent of additional resources Hi Quality will make available for the project plus commencement of survey and ground investigation works.

15.6 REQUEST FOR SEARS - GUNLAKE CONTINUATION PROJECT**Author:** Scott Martin, Director Planning & Environment**Authoriser:** Warwick Bennett, General Manager**Attachments:** Nil

Link to Community Strategic Plan:	EN4 Maintain a balance between growth, development and environmental protection through sensible planning.
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

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.

BACKGROUND

The Gunlake Quarry is located approximately 5km north of Marulan at 715 Brayton Road, Brayton. The quarry was originally approved as State Significant Development by the Minister for Planning in September 2008.

In June 2017, the Gunlake Quarry Extension Project was approved by the New South Wales Land and Environment Court. This consent approved an increase to the extraction rate of the quarry to 2 million tonnes per annum and an extension of the quarry footprint.

At the time, Council held concerns in relation to the heavy vehicle traffic volumes anticipated for the haulage route, however this was resolved following a series of negotiations that resulted in a significant upgrade to the haulage route.

At its meeting held 21 May 2019, Council considered a report for the Gunlake Quarry Extension Project (Modification 1) which sought to reduce the total vegetation offset area from 78.82 hectares to 39.55 hectares. At the time of writing this report, the Gunlake Quarry Extension Project (Modification 1) is yet to be determined, however it is expected to be resolved in February 2021.

On 23 December 2020, Council received formal notification from the Department of Planning Industry & Environment (DPIE) advising of Gunlake Quarries Pty Ltd (Gunlake) application to the Court for a further modification (Modification 2), primarily in relation to an increase in heavy vehicle movements along the designated haulage route, as well as a new State Significant Development (SSD) Application to be lodged with DPIE to seek a further increase in vehicle movements as well as changes to the way in which vehicle movements are calculated.

On February 2 2021, Council resolved to support Modification 2, which sought to:

- Increase daily truck movements:
 - from an average of 185 inbound and 185 outbound movements to an average of 220 inbound and 220 outbound movements;
 - from a maximum of 245 inbound and 245 outbound movements to a maximum of 295 inbound and 295 outbound movements.
- Change the truck movements averaging period from “averaged over the working days in each calendar month, except for the 2-monthly periods of November/December and January/February, during which it may be averaged over the working days in the relevant 2-monthly period” to be averaged over the working days in a year; and
- Remove the fixed annual tonnage limit so that the transport of saleable product is restricted by the approved truck movements only.

This report seeks to deal with a request for Secretary’s Environmental Assessment Requirements (SEAR’s) in relation to the new SSD application. The SEAR’s are used to inform the preparation of the Environmental Impact Statement.

REPORT

The Proposal

Council has received notification from DPIE relating to a new State Significant Development Application by Gunlake. It is noted that this application is separate to the recent Modification 2 addressed by Council.

The proposal is set out in detail in the attached Scoping Report, and in summary seeks to:

- Increase daily truck movements:
 - from an average of 185 inbound and 185 outbound movements to an average of **345** inbound and **345** outbound movements (**an increase of 86%**);
 - from a maximum of 245 inbound and 245 outbound movements to a maximum of **375** inbound and **375** outbound movements (**an increase of 53%**);.
- Changes to how the averages are calculated.

- Removing the fixed tonnage limit (currently 2 million tonnes per annum) so that the transport of saleable product is restricted by the approved truck movements only.
- Additional plant.
- The scaling of extraction and processing to dispatch requirements.
- Resetting the approval timeframe to 30 years from the date of the new approval.
- Changes to the boundary for the biodiversity disturbance area.

Previous Council Submissions

As documented in the agenda item relating to Gunlake's proposed Modification 2 presented to the Council Meeting held 2 February 2021, Council has historically expressed concern in relation to the volume of heavy vehicle traffic utilising local roads as part of the approved haulage route.

These concerns were generally addressed prior to the Land and Environment Court approving Gunlake's current operational consent. As a consequence 2 million tonnes per annum of quarried material can be exported using local roads.

Both Council and the community requested that a rail transport option be investigated, much in the same way that rail is utilised by Boral and Holcim for their hard rock quarries, also located in the Marulan district. Studies commissioned by Gunlake demonstrated that rail transport was not a viable option owing to a number of factors, largely driven by issues with distribution of product at the market (or Sydney) end.

This outcome was accepted by Council on the provision that the primary haulage route be upgraded to the Austroads Standard. Not only was this achieved, but further gains were made by the implementation of a widened centreline treatment that has proven successful in providing additional separation between traffic lanes, and therefore improving safety outcomes to all road users along the haulage route.

A further concern held by Council during the previous approval process was in relation to noise, particularly noise being generated by the crushing plant which had previously been a source of community complaint. Gunlake ultimately committed to enclosing the crushing plant which appears to have been successful, as in recent times fugitive noise has not been an issue.

Haulage Route

The Gunlake Quarry haulage route comprises a primary route, used for all northbound traffic (i.e. Sydney), and a secondary route utilised by all southbound traffic (i.e. Goulburn, Canberra, etc.).

Both routes are depicted in Figure 1 below:



Figure 1: Map indicating Gunlake Quarry haulage routes.

Source: Gunlake Quarry Extension Project - Environmental Impact Statement

In summary the use of the haulage route require the following vehicle movements:

- Primary Haulage Route:** Heavy vehicles leaving the quarry first use Brayton Rd before making a left-hand turn onto Ambrose Rd prior to a final left-hand turn onto the Hume Highway before making their way towards Sydney. Traffic returning from Sydney must first pass Marulan before utilising the South Marulan interchange to make a u-turn, heading back past Marulan before making a left-hand turn onto Ambrose Road. A final right-hand turn is made onto Brayton Rd to complete the journey.
- Secondary Haulage Route:** Heavy vehicles leave the site via Brayton Rd and continue into Marulan, making a left-hand turn to continue along Brayton Rd before crossing George St to enter the North Marulan interchange. As with the Primary route, all returning traffic must head past Marulan before making a left-hand turn onto Ambrose Rd. A final right-hand turn is made onto Brayton Rd to complete the journey.

There are no changes being proposed to overall layout of the existing haul route. In the Scoping Report Gunlake have indicated that a greater number of average and maximum heavy vehicle movements were assessed than were eventually approved. The upgrades achieved are considered a substantial improvement to the standard of the haulage route as previously experienced.

The existing haulage route has been operational since late 2013 (i.e. 7 years) and it is therefore reasonable to assume some structural deterioration. Increasing the volume of heavy vehicle should be done on the basis a structurally adequate pavement rather than a pavement that has been subject to 7 years of wear and tear.

Importantly, the Scoping Report also indicates that truck movements on the Primary Haulage Route will *“have the potential to change traffic conditions, road safety and the rate of road degradation”*. It would therefore be reasonable to expect the EIS to contain a thorough assessment in relation to each of these matters. The scoping report states that this can be achieved through the undertaking of road safety and traffic assessments.

In relation to the road degradation however, it is noted that the SSD application is seeking to reset the approval timeframe to 30 years. On account of this is, it would be considered reasonable for Council to also seek a “resetting” of the clock in relation to expected life expectancy of the haulage route.

The Goulburn Mulwaree Development Control Plan 2009 (DCP) currently specifies a minimum 10 year lifespan. A specific independent report that provides a thorough assessment of the current life expectancy of the haulage route would therefore be required to satisfy Council. This report should also identify the necessary works required to bring the life expectancy of the asset into compliance with the DCP.

Whilst Gunlake have previously argued that the geometry of the haulage route meets, and in parts exceeds Austroads Standards, it is important to highlight that the haulage route is expected to experience a substantial increase in volume. Accordingly, the report considering the life expectancy of the haulage route should take into account the existing pavement depth/thickness and identify if areas require upgrading.

Given that the asset belongs to the community, Council should be afforded the opportunity to provide input into the scope of this report, as well as the opportunity to inform the selection of the relevant consultant.

In terms of ongoing maintenance, Gunlake currently pay contributions in accordance with Council’s Section 94 (s7.11) Development Contribution Plan. The contribution is based on a cents per tonne per kilometre rate (currently \$0.0504). Given the anticipated volumes that could be expected on Gunlake’s haulage route, it is recommended that Council review the current contribution rate in order to ensure its adequacy in terms of ongoing maintenance and rehabilitation.

Operational Matters

Concerns are held in relation to the proposed removal of the annual fixed tonnage rate from the approval. The presence of a fixed tonnage rate is important for a number of reasons, primarily because a fixed and known rate would typically be required to project the full scale of extraction anticipated over the life expectancy of the approval. Without this in place, it is extremely difficult to forecast and therefore accurately calculate the cumulative impact of the proposal on the surrounding locality. Matters that require consideration in this space include:

- a) The full extent of operations onsite, for example, the size and quantity of plant items, the size and scale of product stockpiles, overburden stockpiles and the frequency and size of blasting.

- b) Rehabilitation requirements, and the calculation and subsequent application of appropriate environmental bonds by the relevant government agencies.
- c) Biodiversity impacts.
- d) Appropriate noise and air quality limits, and subsequently defining how to measure compliance.

DPIE would also need to be mindful of the precedent that the removal of a fixed tonnage rate would set for other mines and quarries, particularly given the prevalence of such operations in the Marulan district.

It is noted that Council have also recently endorsed an Urban and Fringe Housing Strategy for Goulburn and Marulan. The Primary Haulage Route abounds the northern investigation area for Marulan. Council notes that Gunlake went to great lengths to ensure the presence of the haulage route was recognised within the Strategy prior to its adoption, particularly in relation to the adoption of a 250m buffer between Ambrose Road and the investigation area. It is noted that the secondary haulage route does not possess the same protection.

In addition to the buffer, it is also noted that Clause 13 of the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 provides an additional layer of protection for future development in close proximity to existing extractive industries. For example, if Council were to receive a development application for land adjoining the quarry or the haulage route, consideration is required to be given to the compatibility of the proposal with the existing quarry uses.

Unfortunately the Strategy and the SEPP don't take into consideration any potential for expansion of the quarry itself. When taking into consideration the cumulative impact of additional site operations, it is reasonable to question whether an increase in production and export traffic will cause an amenity issue (eg. operational noise, haulage route noise, dust, etc.) not only in the established areas of Marulan, but also those identified for potential residential uses in years to come.

Social Impact

It is acknowledged that Gunlake positively and actively contribute to the Marulan and Tallong communities through the creation of jobs, including indirectly via the use of local contractors. Furthermore Gunlake have been generous in their monetary sponsorship of a number of community events and infrastructure.

What is unclear however is the overall cumulative impact of State Significant-scale development in the Marulan locality, particularly in relation to extractive industries. It is therefore considered reasonable to require Gunlake to address this matter as part of a Social Impact Assessment.

Summary

Council are supportive of Gunlake and acknowledge the positive impact the operation has within the community through the creation of employment opportunities and the sponsorship of community events and infrastructure. The proposal at hand is a significant expansion, and therefore a deviation from the current approval. With this in mind Council has a responsibility to ensure that an appropriate balance is achieved between growth and community impact.

To ensure that community impact is minimised, it is recommended that Council's submission to DPIE in relation to the SEAR's identifies the following matters for inclusion in the EIS:

1. That an independent assessment of the haulage route be undertaken to determine the current expected life of the road pavement, with Council having input into the scoping of the report and selection of the consultant.

The report is to identify areas that are currently not expected to meet a minimum 10 year life expectancy, and detail the works required in order to achieve compliance.

2. That independent traffic and road safety assessments be carried out to demonstrate that the anticipated increase in haulage traffic will not have a detrimental effect on the useability and safety of local roads.
3. That removal of the fixed annual tonnage 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.
4. 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.
5. 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.

15.7 SHORT TERM LEASE OF THE COUNCIL IRRIGATION FARM**Author:** Marina Hollands, Director Utilities**Authoriser:** Warwick Bennett, General Manager

Attachments:

1. Council Irrigation Farm Short Term Lease Assessment - Confidential
2. ARW Multigroup Pty Ltd Submission - Confidential
3. Narambulla Investments Pty Ltd Submission - Confidential
4. Growing @ Goulburn Submission - Confidential
5. Council Irrigation Farm Proposal - Confidential

Link to Community Strategic Plan:	IN6 – Implement safe, accessible and efficient management and recycling options for general waste, green waste and sewage.
Cost to Council:	This lease will provide an income to Council for this use and ensure continued maintenance of the site.
Use of Reserve Funds:	No Reserve funds will be used

RECOMMENDATION

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. 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

BACKGROUND

Over the last five years, Council have considered a range of options for the future use of the Effluent Irrigation Farm following the upgrade of the Goulburn Wastewater Treatment Plant.

In 2015, Expressions of Interest were sought for the sale of the property excluding the biobank land. These offers were not accepted and the land was retained for continued operations during the construction of the wastewater treatment plant. Since the completion of the wastewater treatment plant upgrade, Council have since considered four reports in regards to the future use of the farm. These were on 4 December 2018, 19 November 2019, 15 September 2020 and 15 December 2020. Council has determined the long term direction for the various properties.

At the Council meeting on the 15 December 2020 Council resolved the following:

1. *The report of the Director of Utilities on the Expressions of Interest for the Council Irrigation Farm 1920E2006 and the Future Use of the Council Farm be received.*
2. *The Council declines all Expressions of Interest for the future use of the Wastewater farm and notifies all the applicants accordingly.*

3. *Council contact all three expression of interest applicants to seek a lease proposals from these groups for the lease of the land on eastern side of the railway line, without effluent irrigation, for a period of five years with a clause that Council can break the lease with six months' notice if the rezoning process has progressed sufficiently. The land at 534 Taralga Road will also be included in this lease on an annual basis.*
4. *Council proceed with an investigation into rural residential development (minimum lot size of 10 hectares) on all the land on the east side of the railway land between Gorman Road and Murray Flats Road.*
5. *Council places on the open market for sale the flood prone land west of the rail-line. This portion of land to be leased while the sale process is undertaken for grazing only.*

This report will address the submissions received for the short term lease of the site as per item 3 of this resolution.

REPORT

In accordance with the 15 December 2020 resolution, the three groups that submitted Expressions of Interest for the Public Private Partnership for the Use of the former Council Irrigation Farm Land were contacted to seek proposals for the short term lease of the farm. The applicants contacted were:

- ARW Multigroup Pty Ltd
- Growing @ Goulburn
- Narambulla Investments Pty Ltd

All three groups continue to be interested in leasing the land and accordingly submitted lease proposals for the site.

An assessment of the lease proposals is attached.

All three parties are generally proposing activities that are in keeping with the existing land use rights at the site. The proponents are proposing the following:

- **ARW Multigroup Pty Ltd** propose to use the site for the continuation of grazing as well as harvesting and cropping of natural growth. They confirmed there is no irrigation proposed at the site.
- **Growing @ Goulburn** propose to use the site for grazing, the cropping and harvesting of hay and for some open days for Landcare like groups. They also proposed to invest in capital improvements to the site that will cost around \$80,000 that will include rubbish removal, some pasture renovation, animal safety improvement including fencing and stock handling and the installation of stock watering points.
- **Narambulla Investments Pty Ltd** propose to use the land for fodder production, cattle production and grazing and potato seed production. They propose to move part of an existing water allocation from another site to this location to enable irrigation using river water. Narambulla have not confirmed with the regulator whether the transfer of licences is permitted. They will also be developing an agricultural centre strategy for the site. During the short term lease they will use the site for field work as part of the centre. Narambulla Investments Pty Ltd have recognised that skills are being lost in the agricultural sector and they are creating an Agricultural centre in Crookwell to provide a training centre to improve agricultural skills and promote employment in the agricultural sector. This site may be used for some field days and training as part of this program.

Narambulla Investments Pty Ltd have proposed the production of potato seeds which is a little outside the prior Council use of the site and not permitted within the current infrastructure zoning. This was proposed to be a minor use at the site.

An analysis of the lease payments submitted is provided as a confidential attachment, due to the commercial nature of the bids.

It is recommended that the three parcels of land be leased to ARW Multigroup Pty Ltd based on the lease price offered and that their proposed use is in accordance with the existing use rights for use of the site under the current infrastructure zoning.

Since the advertisement for the Public Private Partnership for the farm, a company has sent a confidential proposal to Council for a potential use for the site. This is a commercially sensitive proposal that is provided as a confidential attachment. The company has requested that they undertake further investigations at the site to determine whether the site would be suitable for their proposed use. These investigations would not impact on the short term lease of the site and could be completed while the land is being leased. It is recommended that Staff have further discussions with this Company in regards to their proposal and that we consider further details provided prior to providing access to the site.



15.8 REQUEST FOR TENDER 2021T0008 - WOLLONDILLY WALKING TRACK - LOWER STERN STREET TO CEMETERY

Author: Robert Hughes, Business Manager Community Facilities

Authoriser: Warwick Bennett, General Manager

Attachments: 1. 2021T0008 Tender Evaluation Report - Confidential
2. 2021T0008 Evaluaiton Sheets - Confidential

Link to Community Strategic Plan:	IN4 – Maintain and update existing community facilities and support the development of new community infrastructure as needed.
Cost to Council:	The total amount of engagement under this tender is \$352,117.15 (GST Exclusive). The total budget for this project is \$550,000.00 with the balance of funds to cover the costs for survey and set out, land acquisition, fencing and kerb and gutter works in Cemetery Street.
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

1. The report from the Business Manager Community Facilities on 2021T0008 Wollondilly 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.

BACKGROUND

This report summarises the responses received for the construction of the next stage of the Wollondilly Walking Track in accordance with Request For Tender (RFT) 2021T0008 and recommends a successful contractor to undertake the proposed works.

REPORT

This works is to construct a 2.5m wide shared path from Lower Sterne Street to Cemetery Street in Goulburn. The length of this section of shared path is 1,297m. The new path will continue the development of the Wollondilly Walking Track and link the existing path around the western perimeter of the Goulburn Gold Club to the northern extent of the Wollondilly Walking Track.

These works will conclude adjacent to the Mortis Street Cemetery and serve as the connection point for the next section of the shared path which will finish next at the Josephs Gate development.

Tenders were called on the 3rd November 2020 under 2021T0008 Wollondilly Walking Track Lower Sterne Street. The tender process was conducted in accordance with the Division of Local Government Tendering Guidelines. Tenders closed 8th December 2021.

Tender submissions were received from the following eleven (11) companies on the 8th December 2021:

Company	Address
Capital Civil Contractors Pty Ltd	37 Hope Street Dickson Canberra ACT 2602
Civil and Civic Corporation Pty Ltd	169/50 Eryes Street Kingston Canberra ACT 2604
Civil Connect Group Pty Ltd	1/6 Depot Road Mortdale Sydney NSW 2223
Cleary Bros (Bombo) Pty Ltd	39 Five Islands Road Port Kembla Port Kembla NSW 2505
Denrith Pty Ltd	282 Carrick Road Goulburn NSW 2580
Form and Pour Constructions	1799 The Horsley Drive Horsley Park Horsley Park NSW 2175
Ironbuilt Infrastructure Pty Ltd	65 Burke Road Dapto NSW 2530
Roadworx Surfacing	PO Box 536 Unanderra Unanderra NSW 2526
Rok Solid Concreting Pty Ltd	10 Prell Street Goulburn NSW 2580
Simpson Landscapes and Consultants Pty Ltd	65 Burke Road D36 Munro Avenue Kirrawee NSW 2232
South Syd Concrete Pty Ltd	PO Box A62 Arncliffe Sydney NSW 2205

A Tender Evaluation Panel was established comprising of:

- Business Manager Community Facilities (Chair)
- Project Engineer – Operations; and
- Director Operations.

The evaluation process was carried out by The Panel following the process as outlined in the Tender Plan. The Tender Plan was completed and signed prior to advertisement. The final Evaluation Report is attached to this Council report.

The panel met to determine whether the tenders were conforming to mandatory submission requirements. All submission were deemed to conform. The panel then completed the detailed evaluation of non-price criteria in accordance with the following weightings:

- Company Experience and Performance 30%
- Company Capability and Resourcing 20%
- Project Appreciation and Methodology 40%
- Local Business and Industry Participation 10%

Price was kept separate from the evaluation of the non-price criteria to avoid bias in the non-price evaluation. The weighting for price and non-price criteria were applied at:

- Non-price criteria 60%
- Price criteria 40%

The Evaluation Panel determined that all submissions complied with the non-price and mandatory criteria for the RFT. The pricing submissions were then assessed and included into the overall Value For Money (VFM) score as outlined in the Evaluation and Probity Plan for Tender 2021T0008.

Ranking	Company
1	Denrith Pty Ltd
2	Ironbuilt Infrastructure Pty Ltd
3	Civil & Civic Corporation Pty Ltd
4	Form & Pour Constructions Pty Ltd
5	Civil Connect Group Pty Ltd
6	Rok Solid Concreting Pty Ltd
7	South Syd Concrete Pty Ltd
8	Simpson Landscaping Pty Ltd
9	Capital Civil Contractors Pty Ltd
10	Cleary Bros Pty Ltd
11	Roadworx Surfacing Pty Ltd

Following the completion of the tender evaluation process, the panel recommends the RFT submission from Denrith Pty Ltd be accepted and they be engaged as the preferred tenderer in accordance with the documentation for 2021T0008.

Denrith Pty Ltd demonstrated the necessary experience to complete the works as outlined in the tender documents for 2021T0008. Denrith have completed earlier sections of the Wollondilly Walking Track, including sections between Marsden Weir and Taralga Road. After the full evaluation completed by Council Denrith Pty Ltd provided the highest ranked value for money score, presenting low risk to Council through previous experience with similar works and a price that fits within the budget.

The Evaluation Report is included with the Closed Session reports in accordance with s10A(2)(d) *Local Government Act 1993* as it contains commercial information that would, if disclosed, prejudice the commercial position of the person who supplied it. It is not appropriate for this to be provided in an Open Session as it relates to tender information.

15.9 PROPOSED ROAD WIDENING/CLOSING - 754 TARALGA ROAD, TARLO**Author:** Ken Wheeldon, Business Manager Property & Community Services**Authoriser:** Warwick Bennett, General Manager**Attachments:** 1. Plan of Proposed Road Widening/Closing  

Link to Community Strategic Plan:	IN3.2 – Implement road infrastructure capital works and maintenance programs
Cost to Council:	Nil.
Use of Reserve Funds:	Nil

RECOMMENDATION

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 3,188m² of 754 Taralga Road, Tarlo for road widening purposes in exchange for closing approximately 1,466m² 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 1,466m² section of road closure.
4. Council's seal be affixed to all documentation necessary to complete this land acquisition and road widening dedication.

BACKGROUND

During the course of preparing a Community Title subdivision at 754 Taralga Road, Tarlo, the property owner's surveyor has discovered some anomalies with the current physical location of part Taralga Road affecting his client's property and proposed subdivision. This report proposes a practical solution for road widening and closing.

REPORT

Council is in receipt of correspondence from LandTeam who act on behalf of the owner of 754 Taralga Road, Tarlo. The owner of 754 Taralga Road, Tarlo is proposing a 5 lot community title rural subdivision (refer attached plan).

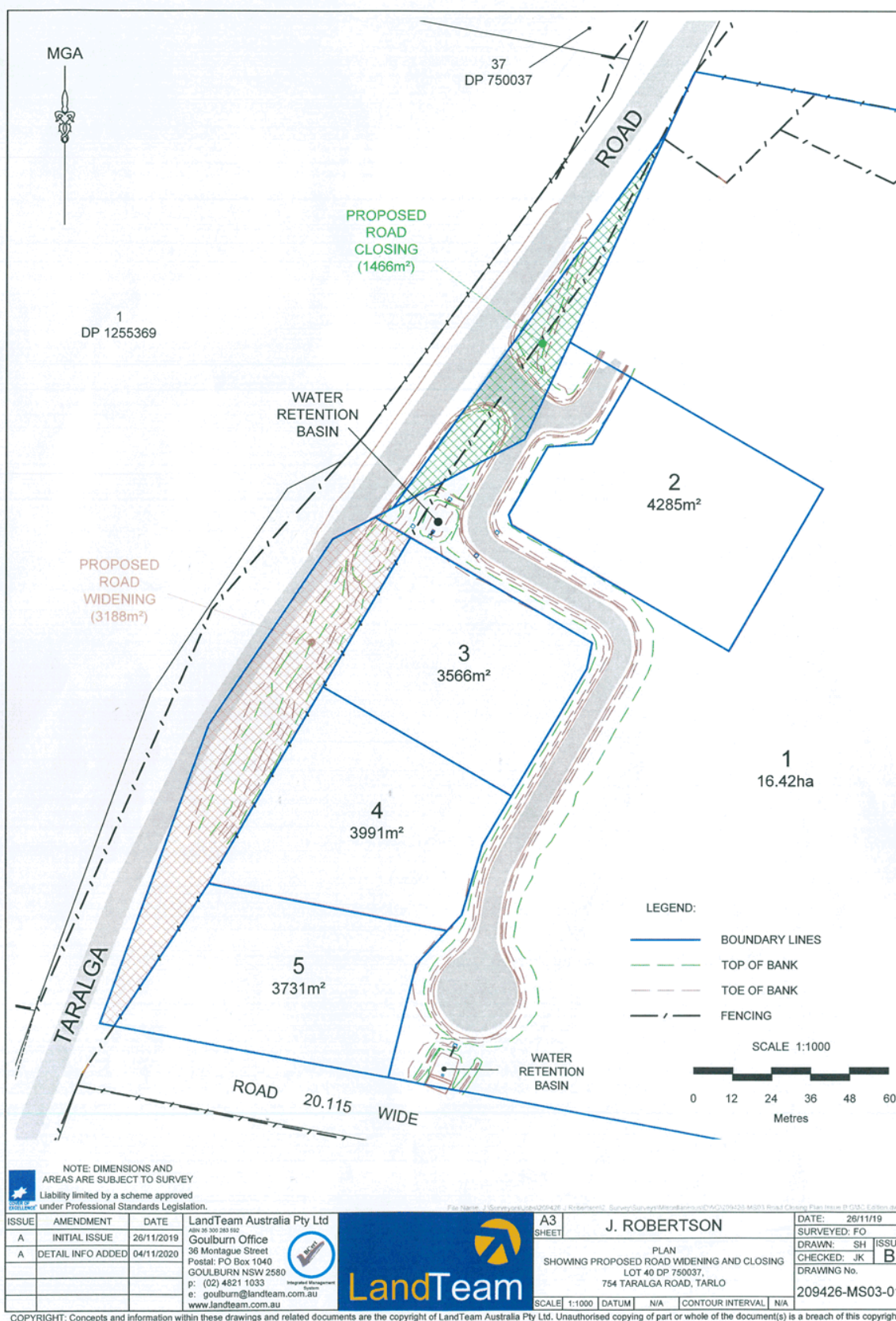
During the field survey work, LandTeam discovered that part of Taralga Road is constructed on 754 Taralga Road. They further determined that their client requires approximately 1,466m² of the road reserve to provide adequate access to their proposed subdivision, allowing for a water retention basin to be constructed on their existing land holding.

Whilst the area proposed for the widening is large (i.e. 3,188m²), the road fencing is in the most practicable location as a substantial swale drain runs in that locality as shown on the attached plan.

It was also approved in Council's consent. The proposed road closing creates a boundary parallel with the formed road and resolves Council's concerns that part of the proposed community title road was encroached by redundant road reserve. The concern is that this could cause maintenance issues for Council in the future.

A Plan of Subdivision had previously been lodged with Council when the above issue was raised by the Development Assessment staff. The Subdivision Certificate was subsequently refused on this basis. It would therefore be opportunistic to add the proposed road closing to this plan if an agreement can be reached. The suggested areas of road widening and road closing referred to in this report are reasonably accurate but subject to final survey.

If Council supports this proposal, it will not be paying any financial consideration to the owner of 754 Taralga Road, Tarlo for the 1,722m² difference in land area (i.e. 3,188m² in road widening minus 1,466m² in proposed road closing). Property Services staff will prepare a Road Closure Application in accordance with the standard Fees & Charges associated with this application. The owner of 754 Taralga Road, Tarlo will be required to pay these fees (i.e. \$1,624 inclusive of GST) prior to the commencement of the Road Closure Application.



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

Author: Ken Wheeldon, Business Manager Property & Community Services

Authoriser: Warwick Bennett, General Manager

Attachments: 1. **Location Plan of Existing & New Pumping Station** [↓](#) 
2. **Deposited Plan DP 1270895** [↓](#) 

Link to Community Strategic Plan:	IN6.1 Operate, maintain and upgrade the sewer systems to provide high quality water to our customers. IN6.2 Investigate safe and secure sewer collection and treatment options to accommodate regional growth
Cost to Council:	<p>\$581 - DPIE – Crown Lands Application fees</p> <p>\$7,000 to \$8,000 - Payable to Just Terms Compensation unit of Property NSW Valuation services for management and administration fees associated with this compulsory acquisition</p> <p>TBC - compensation payable to DPIE – Crown Lands</p> <p>\$250 - Government Gazette publication fees</p> <p>Additional costs to;</p> <ul style="list-style-type: none"> - Prepare and register a Plan of Acquisition with NSW Land Registry Services - Decommission existing sewer pumping station - Design, construct and connect new sewer pumping station - Construct a secure compound around the new sewer pumping station <p>This project will be funded from the Marulan Pump Station Improvements budget to include land acquisition.</p>
Use of Reserve Funds:	Nil.

RECOMMENDATION

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 433.1m²) 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

BACKGROUND

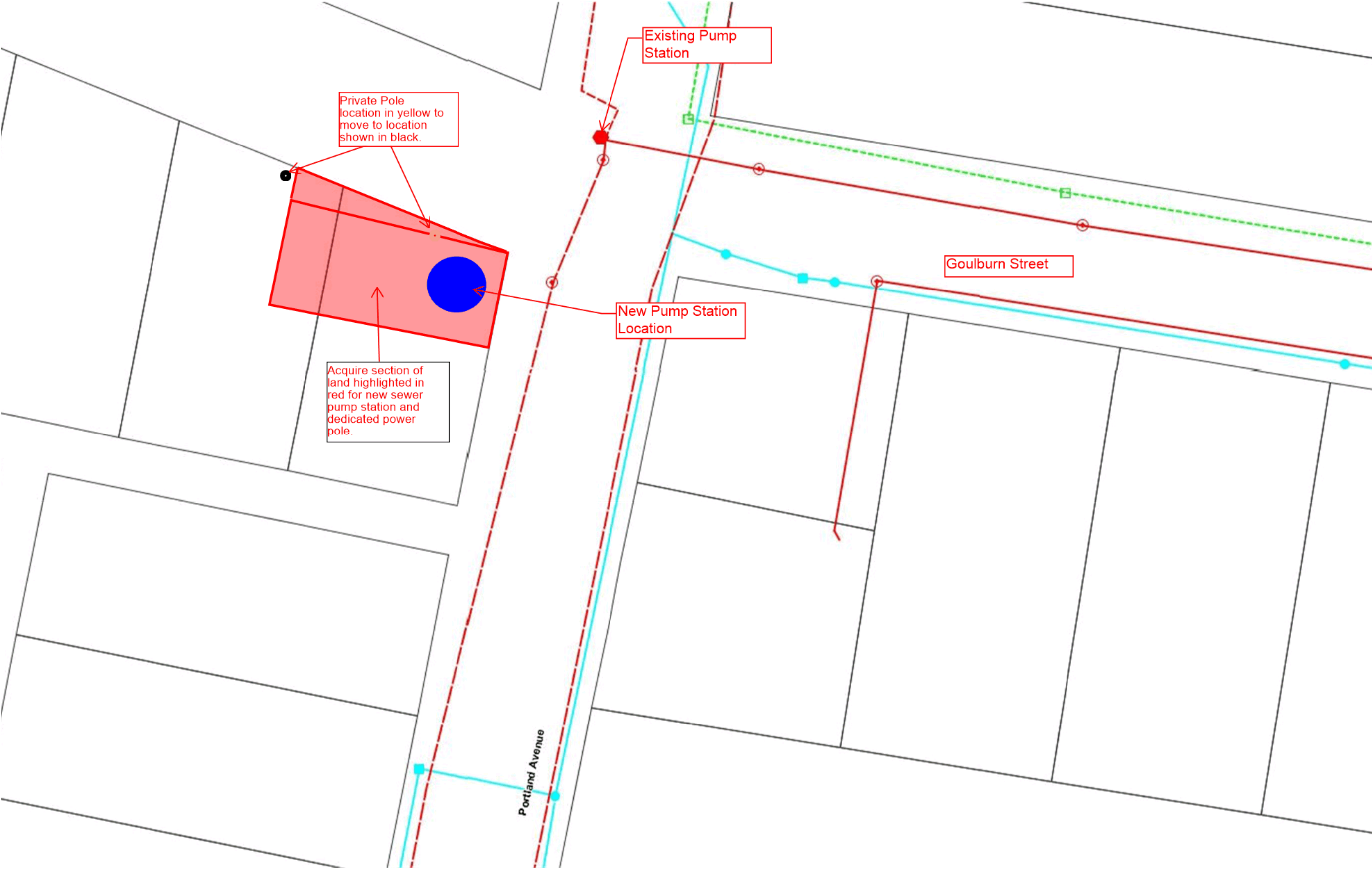
Council needs to decommission an existing sewer pumping station currently located at the intersection of Goulburn Street and Portland Avenue, Marulan and design, construct and connect a new sewer pumping station on part Lots 4 and 5, Sec 13, DP 758653 Portland Avenue.

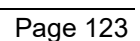
REPORT

Arrangements are currently underway to design, construct and connect a new sewer pumping station on part of Lots 4 and 5, Sec 13, DP 758653 Portland Avenue. (i.e. proposed Lot 102 DP 1270895 confirming Council's intent to acquire Lot 102). A location plan of the existing and proposed new pumping station is attached for information.

A Plan of Acquisition has been finalised for acquisition of 433.1m² of Crown Land on part Lots 4 and 5, Sec 13, DP 758653 Portland Avenue, Marulan. This plan has now been registered as Lot 102 DP 1270895 (refer attached plan).

Acquisition of this Crown Land will enable a larger, more practical and functionally positioned sewer pumping station to cater for residential growth in the Marulan township rather than leave it in its current size and poor location (i.e. middle of a road intersection).





15.11 PROPOSED ROAD UPGRADES - COMMON & SINCLAIR STREETS, GOULBURN

Author: Ken Wheeldon, Business Manager Property & Community Services

Authoriser: Warwick Bennett, General Manager

Attachments: 1. 5 Common Street & 54 Sinclair Street Plan [↓](#) 
2. 7 Common Street Plan [↓](#) 

Link to Community Strategic Plan:	IN3.2 – Implement road infrastructure capital works and maintenance programs.
Cost to Council:	Costs associated with these land acquisitions are inclusive with the Growing Local Economies Common Street grant funding for upgrading of this road.
Use of Reserve Funds:	Nil.

RECOMMENDATION

That:

- The report from the Business Manager Property & Community Services on the proposed road upgrades in Common and Sinclair Streets, Goulburn be received.
- Council acquires the following parcels of land (subject to final survey) to be dedicated for road widening purposes:
 - Approximately 220m² of 54 Sinclair Street (Lot 1 DP700467) for \$26,400 (excluding GST) to construct a splay at corner of Common / Sinclair Streets.
 - Approximately 200m² of 5 Common Street (Lot 48 DP750050) for \$6,000 (excluding GST) to construct a splay at corner of Common / Sinclair Streets.
 - Approximately 660m² of 7 Common Street (Lot 267 DP750050) for \$16,500 (excluding GST) to construct a turning head at corner of Common / Chiswick Streets.
- 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.
- Council's seal be affixed to all documentation necessary to complete these land acquisitions and road dedications.

BACKGROUND

Council is proposing road upgrades in the Common and Sinclair Streets, Goulburn and will need to acquire three separate parcels of land from the respective property owners as part of the Growing Local Economies Common Street grant funding for this project. This report summarises final negotiations for these land acquisitions.

REPORT

As part of the Growing Local Economies Common Street grant, Council needs to acquire various parcels of privately owned land.

Property Services staff have finalised negotiations to acquire the following three separate parcels of land in Common and Sinclair Streets;

- Approximately 220m² of 54 Sinclair Street (Lot 1 DP700467) for \$26,400 (excluding GST) to construct a splay at corner of Common / Sinclair Streets
- Approximately 200m² of 5 Common Street (Lot 48 DP750050) for \$6,000 (excluding GST) to construct a splay at corner of Common / Sinclair Streets
- Approximately 660m² of 7 Common Street (Lot 267 DP750050) for \$16,500 (excluding GST) to construct a turning head at corner of Common / Chiswick Streets

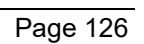
Plans relating to these land acquisitions are attached to this report for information. Please note that in the first attachment, while there are three sections (in red) highlighted for potential acquisition as part of the project, this report only deals with the two sections on the corner of Common and Sinclair Streets (ie with the yellow text boxes).

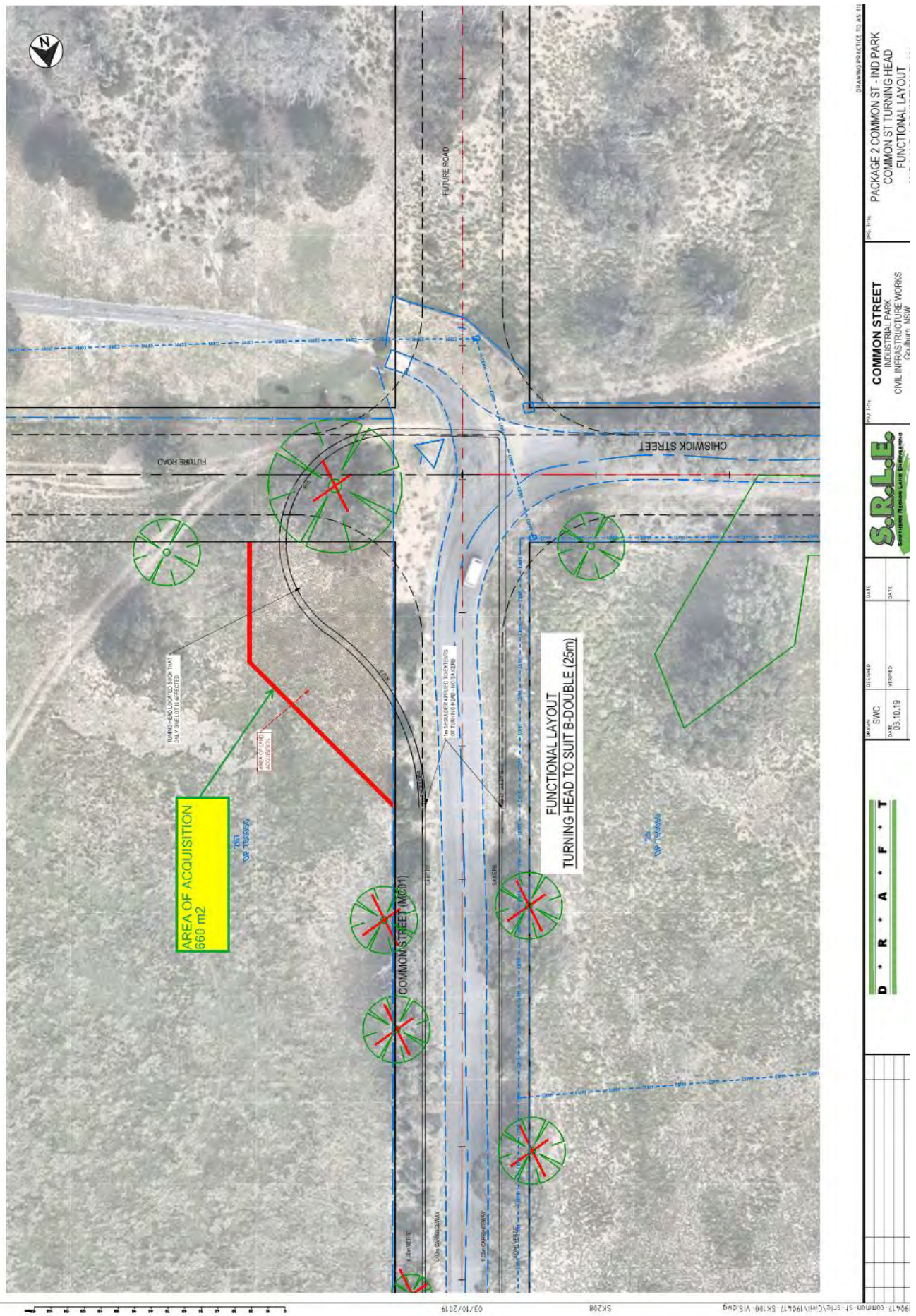
As part of these land acquisitions, Council is required to meet all costs associated with survey work including preparation and registration of separate Plans of Subdivision dedicating these parcels of land as public road.

Council will also 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.

Signed Letters of Offer have been returned from each property owner confirming their acceptance of the amounts of compensation and all terms and conditions referred to above.

Negotiations are still being finalised in relation to land acquisitions required for a proposed new roundabout at the Sydney Road / Common Street intersection. A separate report will be prepared for Council's consideration as soon as these negotiations are finalised.





15.12 INTERNAL BORROWING - PERFORMING ARTS CENTRE**Author:** Brendan Hollands, Director Corporate & Community Services**Authoriser:** Warwick Bennett, General Manager**Attachments:** 1. Proposed Loan Schedule  

Link to Community Strategic Plan:	Delivery Plan Action CL1.2 - Ensure the long term financial sustainability of Council through effective and prudent financial management (CSP Strategy CL1 - Effect resourceful and respectful leadership and attentive representation of the community)
Cost to Council:	Interest & Principal repayments made to the Water & Sewer Funds rather than external loan provider.
Use of Reserve Funds:	The proceeds of the borrowings will be taken from the Water & Sewer Funds with those funds being reimbursed through the repayments (interest and principal) over the term of the loan.

RECOMMENDATION

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.

BACKGROUND

Council has a significant amount of borrowings projected in its General Fund over the next 4 to 5 years. An amount of \$6.3 million of loan borrowings has been included in the current financial year for the construction of the Goulburn Performing Arts Centre which is well under way.

Due to various successes in gaining grant funding for major projects over the more recent financial years Council's Water and Sewer funds have built up healthy levels of unrestricted cash despite both their annual charges and user charges having only been increased by 0.25% in 2020/21 following no increases over the previous five financial years.

REPORT

In accordance with the Draft 2021/22 Operational Plan and Long Term Financial Plan that will be presented to Council in April for public exhibition, the projected cash level for the both the Water & Sewer Funds maintain a projected unrestricted cash balance which would enable Council to utilise internal borrowings from these funds without impacting on their ability to undertake its Capital Works program.

Council is currently undertaking the construction of the Goulburn Performing Arts Centre. The total cost for this project is just under \$20 million and it is being funded through a mix of Grant Funds, Council Revenue and Borrowings.

The Local Government Act (1993) provides a provision for Council to borrow from its reserves with the approval of the Minister. It is recommended that the Council apply for the Minister's approval to internally borrow \$6.3 million in the current financial year for this project.

At present the interest rates available for Council to invest its surplus funds lies somewhere between 2 and 2.2% (even at 5 years). With the official Cash Rate as set by the Reserve Bank currently at 0.10% and commentary that this will remain unchanged for quite some time, it is unlikely these lower rates will be available on investments into the foreseeable future. Of all of the term deposits placed by Council in the past eight months, there has only been one where we have been able to obtain a rate better than 1.01% regardless of the term of the investment. It is therefore recommended that the interest rate of the "loan" be set at 1.25%. Given the projected long term health of both the Water & Sewer Funds it is further recommended that the term of the loan be set at 15 years with repayments being made to both funds on a quarterly basis.

Should approval of this borrowing be obtained it is intended that the principal would be transferred to the General Fund on 30 June 2021 with the quarterly transfers being made back to the Water & Sewer Funds on the last day of each quarter until maturity (as per the attached schedule) however Council will have the opportunity to "pay out" the loan early via a transfer between the funds should the Financial situation of any of the funds change significantly during the term of the loan.

		Principal	6,300,000.00		
		Interest Rate	1.250%		
		Term	15		
		No. of Instal.	60		
		Starting Year	2022		
		Repayment	\$115,314.69	\$461,258.74	
No.	Year	Interest	Principal	Total	Principal O/S
1	2022	19,687.50	95,627.19	115,314.69	6,204,372.81
2	2022	19,388.67	95,926.02	115,314.69	6,108,446.79
3	2022	19,088.90	96,225.79	115,314.69	6,012,221.00
4	2022	18,788.19	96,526.49	115,314.69	5,915,694.51
5	2023	18,486.55	96,828.14	115,314.69	5,818,866.37
6	2023	18,183.96	97,130.73	115,314.69	5,721,735.64
7	2023	17,880.42	97,434.26	115,314.69	5,624,301.38
8	2023	17,575.94	97,738.74	115,314.69	5,526,562.64
9	2024	17,270.51	98,044.18	115,314.69	5,428,518.46
10	2024	16,964.12	98,350.57	115,314.69	5,330,167.89
11	2024	16,656.77	98,657.91	115,314.69	5,231,509.98
12	2024	16,348.47	98,966.22	115,314.69	5,132,543.77
13	2025	16,039.20	99,275.49	115,314.69	5,033,268.28
14	2025	15,728.96	99,585.72	115,314.69	4,933,682.56
15	2025	15,417.76	99,896.93	115,314.69	4,833,785.63
16	2025	15,105.58	100,209.11	115,314.69	4,733,576.53
17	2026	14,792.43	100,522.26	115,314.69	4,633,054.27
18	2026	14,478.29	100,836.39	115,314.69	4,532,217.88
19	2026	14,163.18	101,151.50	115,314.69	4,431,066.37
20	2026	13,847.08	101,467.60	115,314.69	4,329,598.77
21	2027	13,530.00	101,784.69	115,314.69	4,227,814.08
22	2027	13,211.92	102,102.77	115,314.69	4,125,711.31
23	2027	12,892.85	102,421.84	115,314.69	4,023,289.47
24	2027	12,572.78	102,741.91	115,314.69	3,920,547.57
25	2028	12,251.71	103,062.97	115,314.69	3,817,484.59
26	2028	11,929.64	103,385.05	115,314.69	3,714,099.55
27	2028	11,606.56	103,708.12	115,314.69	3,610,391.42
28	2028	11,282.47	104,032.21	115,314.69	3,506,359.21
29	2029	10,957.37	104,357.31	115,314.69	3,402,001.90
30	2029	10,631.26	104,683.43	115,314.69	3,297,318.47
31	2029	10,304.12	105,010.57	115,314.69	3,192,307.90
32	2029	9,975.96	105,338.72	115,314.69	3,086,969.18
33	2030	9,646.78	105,667.91	115,314.69	2,981,301.27
34	2030	9,316.57	105,998.12	115,314.69	2,875,303.16
35	2030	8,985.32	106,329.36	115,314.69	2,768,973.79
36	2030	8,653.04	106,661.64	115,314.69	2,662,312.15
37	2031	8,319.73	106,994.96	115,314.69	2,555,317.19
38	2031	7,985.37	107,329.32	115,314.69	2,447,987.87
39	2031	7,649.96	107,664.72	115,314.69	2,340,323.15
40	2031	7,313.51	108,001.18	115,314.69	2,232,321.97
41	2032	6,976.01	108,338.68	115,314.69	2,123,983.29
42	2032	6,637.45	108,677.24	115,314.69	2,015,306.05
43	2032	6,297.83	109,016.85	115,314.69	1,906,289.20
44	2032	5,957.15	109,357.53	115,314.69	1,796,931.67
45	2033	5,615.41	109,699.27	115,314.69	1,687,232.39
46	2033	5,272.60	110,042.08	115,314.69	1,577,190.31
47	2033	4,928.72	110,385.97	115,314.69	1,466,804.34
48	2033	4,583.76	110,730.92	115,314.69	1,356,073.42
49	2034	4,237.73	111,076.96	115,314.69	1,244,996.47
50	2034	3,890.61	111,424.07	115,314.69	1,133,572.40
51	2034	3,542.41	111,772.27	115,314.69	1,021,800.12
52	2034	3,193.13	112,121.56	115,314.69	909,678.56
53	2035	2,842.75	112,471.94	115,314.69	797,206.62
54	2035	2,491.27	112,823.41	115,314.69	684,383.21
55	2035	2,138.70	113,175.99	115,314.69	571,207.22
56	2035	1,785.02	113,529.66	115,314.69	457,677.56
57	2036	1,430.24	113,884.44	115,314.69	343,793.11
58	2036	1,074.35	114,240.33	115,314.69	229,552.78
59	2036	717.35	114,597.33	115,314.69	114,955.45
60	2036	359.24	114,955.45	115,314.69	-

15.13 PARKING RESTRICTIONS COWPER STREET

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments:

1. Letter sent to Cowper Street residents [!\[\]\(a03a7eb2f4046e1d3c76772003e549ea_img.jpg\)](#) 
2. Annette Taylor Cowper Street Parking Feedback [!\[\]\(2af34e678d9364b2f32b7174f4964d2c_img.jpg\)](#) 
3. Kelly Bourke Cowper Street Parking Feedback [!\[\]\(00c909e82d9243e04b2a707a76cc895d_img.jpg\)](#) 
4. Sue Sykes Cowper Street Parking Feedback [!\[\]\(529cb0ec52d92e2fd30d962a18f59cc7_img.jpg\)](#) 
5. Jennifer Blevins Cowper Street Parking Feedback [!\[\]\(ec1e60d2deecbcac23588d923e0e7151_img.jpg\)](#) 
6. Goulburn Baptist Church Cowper Street Parking Feedback [!\[\]\(623eb2999e496d8fc034cb46c23361e9_img.jpg\)](#) 
7. Angella Storrier Real Estate Cowper Street Parking Feedback [!\[\]\(d6b1aa221c3e87b27412cd6fa0eabd57_img.jpg\)](#) 

Link to Community Strategic Plan:	CO1 Facilitate and encourage equitable access to community infrastructure
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

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.

REPORT

At a recent Council meeting it was requested that the General Manager undertake a survey of Cowper Street residents. That resolution read:

“That

- 1. The report from the General Manager on Parking Restrictions in Cowper Street be received.*
- 2. Staff be requested to further assess the parking in Cowper Street (in the Hospital precinct) in an attempt to identify why the vehicles are parked there.”*

We did not have any legal authority to record the number plates and assess where those vehicles were from – that is local vehicles or from out of Goulburn associated with the re-development of the Goulburn Base Hospital.

We did however write to all residents of Cowper Street and seek their views. A copy of that template letter is attached. We received 6 responses, which were a mix of support of no further action and real community concerns. A copy of the submissions received are attached.

Because of the minimal responses and the mix of both support and community concern this report is recommending that parking restrictions in Cowper Street is not required at this time.



**OFFICE OF THE
GENERAL MANAGER**

Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580
t (02) 4823 4444
e council@goulburn.nsw.gov.au
www.goulburn.nsw.gov.au

5 February 2021

Dear Sir/Madam

Subject: Parking in Cowper Street

It has come to Council's attention that there could be a number of contractors associated with the Goulburn Base Hospital redevelopment now parking in Cowper Street adjacent to your property at xxx Cowper Street. Are you experiencing this as an issue or are the majority of parked vehicles associated with your neighbourhood either resident vehicles or customers of businesses in Cowper Street?

I would welcome your feedback either by email to council@goulburn.nsw.gov.au or calling Council's Executive Support Officer Shae Aliffi on 02 4823 4548 by Monday 22 February 2021.

We appreciate the time you are taking to respond to this request.

Yours faithfully

Warwick Bennett
General Manager

Phone (02) 4823 4486
Email council@goulburn.nsw.gov.au

Amy Croker

From: Annette Taylor <[REDACTED]>
Sent: Wednesday, 10 February 2021 11:13 AM
To: Council
Subject: Parking Cowper Street Goulburn Feb 2021
Categories: Suzi

Attention Shae Aliffi or To Whom it May Concern

In reference to a letter I received from the Council in reference to parking in Cowper Street.

I live in the block between Goldsmith & Clifford Streets.

While I am aware that Council worry about the Hospitals Tradies parking in the area I feel that it appears to be blown out of order , as parking around the hospital was always been a perceived problem But last week I had 3 day at the emergency dept , and found a parking spot each time.

Over the last few months we have had KILLARDS workmen doing Council works in our block replacing pipes and driveways which has nothing to do with the Hospital workers.

The extra vehicles in our block are residents parking their vehicles on the street as they can,t get into their drive ways will this work in going on .especially the residence from the Alma Court Units.

I also note that there are units in Clifford Street which don,t have regular off street parking also.

I also note and see the Tradies taking their breaks in the park for morning tea and lunch. under the trees. IS THAT NOT WHAT WE HAVE PARKS FOR. and I think it is better than the no shelter at the temp parking area on Cnr Goldsmith & Crookwell Rd.

So as we have managed so far and the Hospital is well on it way, lets take the drama out of it and let them get on with their jobs.

I can be contacted on [REDACTED].

Regards

Annette Taylor
[REDACTED] Cowper Street Goulburn

Amy Croker

From: Kelly Bourke <[REDACTED]>
Sent: Monday, 15 February 2021 9:47 AM
To: Council
Subject: Parking in Cowper Street

Categories: Paul

I received a letter from you re parking in Cowper St I have checked with [REDACTED] Tennant and there doesn't seem to be any issue

Regards

Kelly Bourke

[REDACTED]

Amy Croker

From: [REDACTED]
Sent: Sunday, 21 February 2021 8:54 PM
To: Council
Subject: Parking in Cowper street
Categories: Kristy-Jo

Attention Mr Warwick Bennett

Dear Mr Bennett,

Thankyou for the opportunity to give feedback on the above.

I have owned & operated my Business for the last 19 years on the corner Of Cowper & Clifford streets. In this period of time myself & clients have never had an issue with parking.

Over the last 4 months since parking time frames in the adjoining streets have been changed, this has now become an issue.

We do have an elderly clientele & have found ease of parking for the said has never been an issue. The parking in Clifford street is unattainable due to the high gutters & people feel unsteady & unsafe walking along the road to reach the footpath. One elderly lady in the last week had to park in the council car park & upon arriving for her appointment was quite out of breathe & unwell.

My issue is the contractors have now been parking for the whole day, not leaving a single spot for anyone coming & going. (I have taken photos to show this) I realise this is a public street & have very little grounds to complain. Why is it a purpose built car park built for them to park in why is it not being utilised & managed?

Hoping a favourable outcome is received for everyone involved.

If I can offer any more assistance please feel free to contact me [REDACTED]

Kind regards
Sue Sykes

Sent from my iPad

Amy Croker

From: Jennifer Blevins <[REDACTED]>
Sent: Sunday, 21 February 2021 1:56 PM
To: Council
Subject: Parking in Cowper St

Categories: Kristy-Jo

I live in 156 Cowper St in the block between Clifford and Montague Sts. I have not been directly impacted by the Hospital contractors parking in the street, though I have noticed they park nearer to the Clifford St corner.

Thank you for asking anyway.

Regards,
Jennifer (Blevins)

Amy Croker

From: Goulburn Baptist [REDACTED]
Sent: Thursday, 11 February 2021 4:46 PM
To: Council
Subject: Parking in Cowper St

Categories: Suzi

Thank you for your letter.

Goulburn Baptist Church rents out our property in Cowper St. I have checked with the Real Estate Agent and they have not had any problem reported to them. The agent has a copy of your letter and will notify you should the situation change.

Kind Regards,
P Champion
Goulburn Baptist Church
[REDACTED]
Goulburn NSW 2580



Amy Croker

From: Angella Storrier Real Estate <[REDACTED]>
Sent: Tuesday, 9 February 2021 10:58 AM
To: Council
Subject: Parking in Cowper Street
Categories: Kristy-Jo

To Whom it may concern,

A letter was recently sent to the owners of [REDACTED] Cowper Street regarding extra cars in the street due to the hospital redevelopment.

We manage the property on behalf of the landlords so they have asked us to touch base with our tenants.

I have spoken with the tenants who have reported that the street is always full of cars and often their driveway is blocked, they find it very difficult having visitors to their property due to the lack of available parking.

This morning trying to leave for work the tenants had difficulties getting out of the driveway.

Thanks

Kind Regards,
Felicity Apps - Office Manager

Angella
STORRIER REAL ESTATE

[REDACTED] Goulburn NSW 2580
[REDACTED]



Virus-free. www.avg.com

15.14 QUARTERLY WORKERS COMPENSATION**Author:** Neil Weatherstone, Recover at Work & Wellbeing Officer**Authoriser:** Warwick Bennett, General Manager**Attachments:** Nil

Link to Community Strategic Plan:	CL1 Effect resourceful and respectful leadership and attentive representation of the community.
Cost to Council:	Claims costs are monitored on a monthly basis and it is not possible to accurately forecast increases or decreases to the premium during the year due to movement in claims costs. A definitive monetary cost for Council will be available after June 30 2021.
Use of Reserve Funds:	Nil

RECOMMENDATION

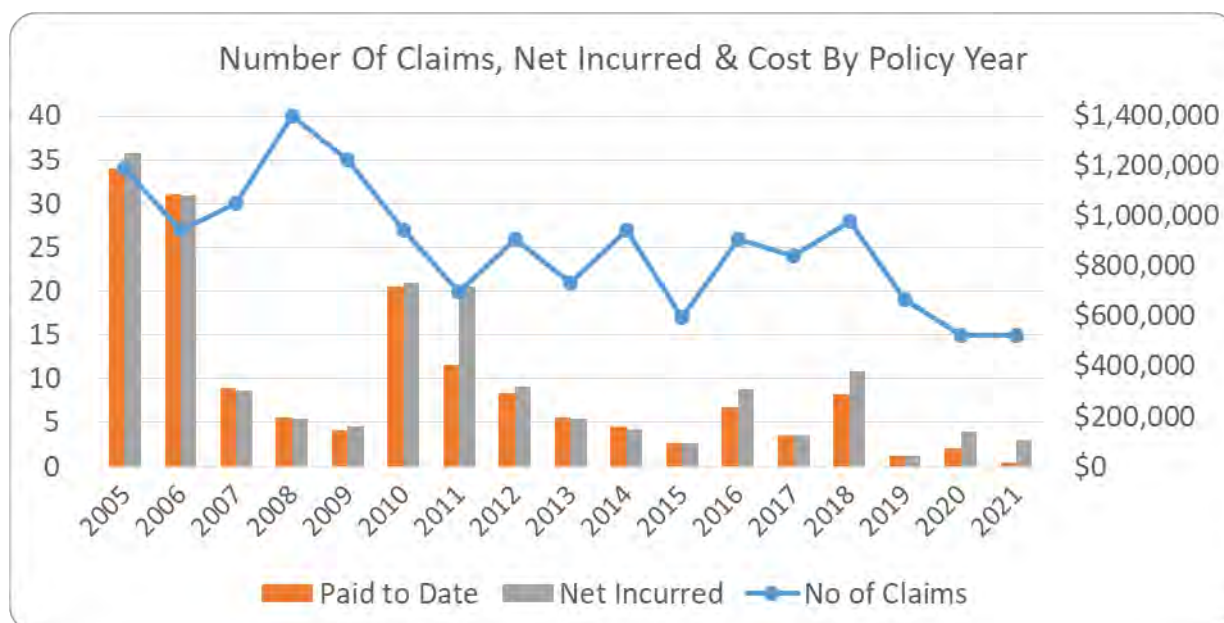
That the report from the Recover at Work and Wellbeing Officer on Quarterly Workers Compensation be noted.

BACKGROUND

To report on workers compensation trends for the second quarter, from October to December of 2020 /2021 financial year.

REPORT

The below graph demonstrates the trends in Goulburn Mulwaree Council's workers compensation costs.



*Net incurred costs are actual paid costs plus future estimated cost, less any recoveries

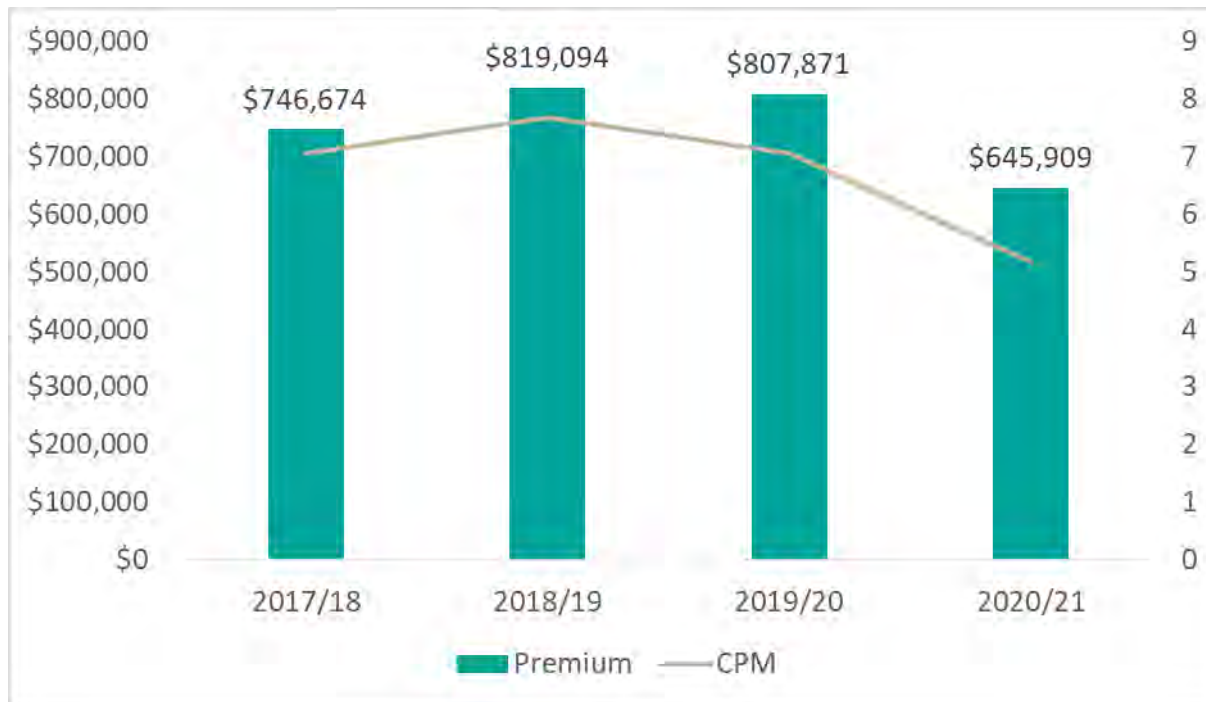
For the second quarter of the 2020/2021 financial year there was five workers compensation claims making a total of fifteen claims to December 31 2020. Of those fifteen claims one remains

on selected duties, one is an industrial deafness claim from a retired employee and thirteen have returned to normal duties. Eleven of those claims had no lost time and three had 6 days or less.

The graph below demonstrates Councils workers compensation premium cost trends.

Workers Compensation Premium Performance History 2017/18 to 2020/21

(Premium is cost per year – CPM is premium impacting costs per year)



Council's success in the workers compensation field is largely due to initiatives undertaken to ensure rapid return to work for injured workers and to reduce workplace incidents. These initiatives include:

- Comprehensive Recover at Work Plans for each claimant and interaction with the nominated treating doctors and specialists. This process ensures suitable duties are implemented as soon as possible after the injury occurring. Early return to work allows for a discount of 5, 10 or 15 percent depending on how soon the worker returns to work in some capacity after the injury occurring;
- Promoting strong relationships and advice seeking forums with Goulburn's Safe Work NSW regional office inspectors.
- Work Health and Safety related training such as traffic control, manual handling, work near overhead power lines, working in confined spaces, chemical handling and bullying and harassment are provided to raise the safety capability of the organisation;
- Various health and wellbeing initiatives available to all staff including skin screening sessions and influenza vaccinations available to all staff and an extensive employee assistance program. Council has now instigated a Health and Wellbeing Working Party which meets monthly to put forward initiatives for the program;
- Continuous promotion of Council's safety slogan:

"Think Safe, Work Safe Home Safe".

Council will continue to strive for further improvements in this area by ongoing review and continuous improvement of our Work Health and Safety system and taking quick action to eliminate hazards and control risks in our workplace.

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

Author: Robert Hughes, Business Manager Community Facilities

Authoriser: Warwick Bennett, General Manager

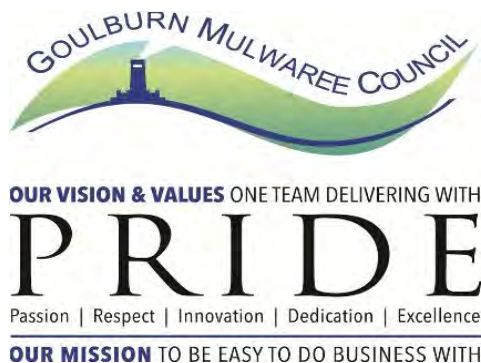
Attachments: 1. Minutes of the Sports Council Meeting held on 1 February 2021

RECOMMENDATION

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

REPORT

Please find attached the minutes of the Sports Council from its meeting 1 February 2021 . There were no issues from this committee that require a Council endorsement.



MINUTES

Sports Council Meeting

1 February 2021

Councillor

Councillor

Goulburn & District Netball Association

Southern Tablelands United Football Club

Goulburn City Swans Australian Football Club (Junior & Senior)

Goulburn Hockey Association

Goulburn Touch Association

Goulburn Rugby Union Football (Junior & Senior)

Goulburn & District Junior Rugby League

Goulburn Speedway

Goulburn Cycle Club

Goulburn/Crookwell Primary Schools Sport Association (PSSA)

Goulburn Mulwaree Athletics

Goulburn & District Junior Cricket Association & Marulan Cricket Association

Goulburn & District Senior Cricket Association

Taralga Rugby Union Club

Southern Tablelands Football Association

PCYC

Goulburn Motorcycle Club

Goulburn Pony Club

Goulburn Amateur Swim Club

Cr Margaret O'Neill OAM (Chair)

Cr Sam Rowland

Mrs Karen Campbell (Alt Rep Mr Scott Byrne)

Mr David Albrighton (Alt Rep Mr Adam Mills)

Mr Steve Armstrong (Alt Rep Mr Dane Stevenson)

Mrs Sharney Fleming (Alt Rep Ms Nadine Ward)

Mr Kevin Kara

Mr Shaune Martin (Alt Rep Mrs Kelly Anable)

Mr Paul Britton (Alt Rep Mr Mark Perkins)

Mr Tony Kranitis

Mr Adam Lambert

Mr Andrew Mewburn (Alt Rep Mr Ross Copland)

Mr Robert Morgan (Alt Rep Mr Ted Goad)

Mr Paul Chalker (Alt Rep Mr s Anne-Maree Shepherd)

Mr Josh Cooper

Mr Dave Rees (Alt Rep Sam Hand)

Mr Robert Scott Snr (Alt Rep Mr Robert Scott Jnr)

Mr Peter Strange

Mr Richard Toparis (Alt Rep Mr Sam White)

Ms Jacki Waugh (Alt Rep Mr Jamie Kay)

Mr James Douglas

Order Of Business

1	Apologies	3
2	Late Items / Urgent Business	3
3	Disclosure of Interests	3
4	Confirmation of Minutes	3
	4.1 Minutes of the Sports Council Meeting held on 7 December 2020	3
5	Items for Consideration	4
	5.1 Ongoing Task List	4
	5.2 Notification of Change of Sports Council Representatives GDJCA and Taralga Rugby Union	4
	5.3 Annual Sports Field Allocations	4
	5.4 Request For Use of North Park GDJRL	5
	5.5 Upcoming Events	5
6	General Business	5
7	Action List from Current Meeting	6

**MINUTES OF GOULBURN MULWAREE COUNCIL
SPORTS COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,
GOULBURN
ON MONDAY, 1 FEBRUARY 2021 AT 7.30PM**

PRESENT: Cr Margaret O'Neill OAM, Mr Adam Lambert - Goulburn Cycle Club, Mr Bob Morgan - Goulburn Mulwaree Athletics, Mr William Hand - Taralga Rugby Union Club, Mr Kevin Kara - Goulburn Touch Association, Mr Robert Scott Snr - Southern Tablelands Football Association, Mrs Jacki Waugh - Goulburn Pony, Mr Paul Britton - Goulburn & District Junior Rugby League, Mr Paul Chalker - Goulburn Junior Cricket Association, Mr Robert Hughes – Business Manager Community Facilities,.

IN ATTENDANCE:

Mrs Kayleen Pagett – Goulburn Mulwaree Council was in attendance.

1 APOLOGIES

COMMITTEE RESOLUTION 2021/1

Moved: Mr Paul Britton - Goulburn & District Junior Rugby League

Seconded: Mr Robert Scott Snr - Southern Tablelands Football Assn

That an apology from Cr Sam Rowlands, Cr Peter Walker, Mr Peter Strange – PCYC, Mrs Karan Campbell – Goulburn & District Netball Association, Mrs Sharney Fleming – Goulburn & District Hockey Association and Mr James Douglas be received and leave of absence granted.

CARRIED

2 LATE ITEMS / URGENT BUSINESS

Nil

3 DISCLOSURE OF INTERESTS

Nil

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE SPORTS COUNCIL MEETING HELD ON 7 DECEMBER 2020

COMMITTEE RESOLUTION 2021/2

Moved: Mr Paul Chalker - Goulburn Junior Cricket Association

Seconded: Mr Adam Lambert - Goulburn Cycle Club

That the Sports Council minutes from Monday 7 December 2020 be confirmed.

CARRIED

5 ITEMS FOR CONSIDERATION**5.1 ONGOING TASK LIST****COMMITTEE RESOLUTION 2021/3**

Moved: Mr Adam Lambert - Goulburn Cycle Club

Seconded: Mr Bob Morgan - Goulburn Mulwaree Athletics

That:

- 1. The report from the Business Manager Community Facilities on the Ongoing Task List be received and the information noted.**
- 2. Clubs to be written to and advised to follow up a list of key owners and a register to be maintain a register.**
- 3. Goulburn and District Junior Rugby League to provide a key to Council for the new shed at North Park.**
- 4. Tasks that have been completed be removed from the ongoing task list.**

CARRIED

5.2 NOTIFICATION OF CHANGE OF SPORTS COUNCIL REPRESENTATIVES GDJCA AND TARALGA RUGBY UNION**COMMITTEE RESOLUTION 2021/4**

Moved: Mr Paul Chalker - Goulburn Junior Cricket Association

Seconded: Mr Paul Britton - Goulburn & District Junior Rugby League

That:

- 1. The report from the Recreation Facility Manager regarding Sports Council representatives be received;**
- 2. The Committee approve Mr Paul Chalker as the Primary Sports Council representative for Goulburn District Junior Cricket Association and Mr Rob Collins as the alternative representative; and**
- 3. The Committee approve Mr William Hedley as the Primary Sports Council representative for the Taralga Rugby Union Club.**

CARRIED

5.3 ANNUAL SPORTS FIELD ALLOCATIONS

COMMITTEE RESOLUTION 2021/5

Moved: Mr Adam Lambert - Goulburn Cycle Club

Seconded: Mr Robert Scott Snr - Southern Tablelands Football Assn

That:

- 1. The report from the Business Manager Community Facilities regarding Sports Field Allocations for the 2021-2022 sporting season be received;**
- 2. The Sports Council Committee review the sport field applications received for the 2021 – 2022 sporting season and approve the sports field allocations for the 2021 – 2022 season as detailed in the Business Manager Community Facilities report dated 1st February 2021.**

CARRIED

5.4 REQUEST FOR USE OF NORTH PARK GDJRL

COMMITTEE RESOLUTION 2021/6

Moved: Mr Paul Britton - Goulburn & District Junior Rugby League

Seconded: Mr Paul Chalker - Goulburn Junior Cricket Association

That:

- 1. The report from the Business Manager Community Facilities with regard to the use of North Park be received;**
- 2. The Committee approve the request for Goulburn District Junior Rugby League to use the facilities at North Park on 27th and 28th March 2021; and**
- 3. Goulburn District Junior Rugby League forward a completed booking form, risk assessment and COVID management plan to the Recreation Facility Manager for inclusion in the events bookings.**

CARRIED

5.5 UPCOMING EVENTS

COMMITTEE RESOLUTION 2021/7

Moved: Mr Paul Chalker - Goulburn Junior Cricket Association

Seconded: Mrs Jacki Waugh – Goulburn Pony Club

That:

- 1. The report from the Business Manager Community Facilities on Upcoming Bookings be received;**
- 2. The Sports Council Members review the bookings and notify the Recreation Facilities Manager if there are any conflicts or upcoming major bookings that have not been presented to Council.**

CARRIED

6 GENERAL BUSINESS

Goulburn and District Junior Rugby League – Paul Britton

- Life Members Carnival to be held in on 28 & 29 March 2021 at North Park.

Taralga Rugby Union – Will Hedley

- No official date yet for training at North Park. Will advise Council of date.
- Muster to happen soon to secure players.

Southern Tablelands Football Association - Robert Scott Snr

- Mini Roos completion to starter 1 May 2021
- Carnival days have been set for 5 April and then another after 1 May 2021
- Sunday 14 March NSW Registered Gala Day. This will bring a lot of people to the town.
- December 6, 2020 TCP day was well received. Looking at another Sunday in the future for another TCP day with travelling sides.

Goulburn Mulwaree Athletics – Robert (Bob) Morgan

- This Thursday 04/02 Athletics to continue
- Carnivals are currently up in the air as NSW will not let ACT compete at carnivals. ACT is Goulburn Mulwaree Athletics governing body.
- To compete in NSW Carnivals/Competitions each person must register and pay \$150.00.
- A lot of vandalism is happening at Hudson Park – broken glass, sticks and rocks are being thrown on track. Volunteers are checking before each meet to ensure the grounds are safe.

Goulburn Cycle club – Adam Lambert

- Freda Bush active member of the club turned 91 today, 01/02/2021. Freda has been isolating a bit but still attends some competitions.
- Track Power was held last weekend with over 150 entries. Saturday night did not finish until 11-11.30pm.
- Thank you to council for the lights, grandstand and pavilion. Lots of positive feedback and the quality of the facility is great.
- Would like to have a trophy case built in the pavilion to accommodate cycling and cricket memorabilia.

Goulburn Touch Association – Kevin Kara

- Senior Men and Women's Competition recommenced tonight. One round was completed and rest cancelled due to thunderstorm.
- Wednesday night will see the Mixed Competition recommence.
- No recommencement of Junior Competition as this was completed at the end of 2020.
- A lot of dogs on Carr Convoy and their owners are leaving behind the dogs faeces on the field. Volunteers are having to pick up before competitions. Can this be addressed and a solution to keeping dogs from the area eg more signage.

Goulburn Pony Club – Jacki Waugh

- Started meets again
- Requested more frequent mowing of the Pony Club Grounds during their off season.

Goulburn and District Junior Cricket – Paul Chalker

- Junior Cricket will recommence this weekend for U12, U14 & U16's

- U10's will begin in a few weeks
- Blast Program is seeing kids coming and trying the sport. This also includes girls.

Cr Margaret O'Neill

- Advised that Olympic Swimmer James Magnusson came and ran course at Goulburn Aquatic Centre. There were about 80 kids who registered for the program. Very impressed with him and James would like to return later in about 6 months to see improvement in children.

7 Action List from Current Meeting

Officer	Task	Due
Council	Clubs to be written to and advised to provide a list of key owners and a register to be maintain a register.	12 April 2021
Goulburn & District Junior Rugby League	To provide a key to Council for the new shed at North Park	12 April 2021
Council	Liaise with NSW Police re extra patrols at Hudson Park – 173 Record Street, Goulburn to stop vandalism	12 April 2021
Council	Investigate signs for Carr Confoy re No Dogs	12 April 2021

The Meeting closed at 8.36pm.

The minutes of this meeting were confirmed at the Sports Council Meeting held on .

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**Cr Margaret O'Neill OAM
CHAIRPERSON**

15.16 LOCAL EMERGENCY MANAGEMENT MEETING - MINUTES 2 FEBRUARY 2021

Author: Matthew O'Rourke, Director Operations

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Local Emergency Management Minutes - 2 February 2021 [!\[\]\(d66ff64371a51729ac8c1cdaa685ba6f_img.jpg\)](#) [!\[\]\(0f31ebba7abcd47777e178db26f29705_img.jpg\)](#)
2. Joint Local Emergency Management Committees Goulburn Mulwaree Council and Upper Lachlan Shire Council - Report [!\[\]\(63ea948177b1bcc486b2b76d20d5fb69_img.jpg\)](#) [!\[\]\(886f7dced1265a6d438eca0881817b40_img.jpg\)](#)

Link to Community Strategic Plan:	CL3 We actively collaborate with others in the region
Cost to Council:	There are no financial implications for this report
Use of Reserve Funds:	Nil

RECOMMENDATION

That:

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.

REPORT

Please find attached the minutes from the Local Emergency Management Committee Meeting held 2 February 2021.

**Minutes of the Goulburn/Mulwaree
Local Emergency Management Committee Meeting
Tuesday 9 February 2020**

Meeting Number 2021-1

10.00 a.m. Tuesday 9 February 2021

Goulburn Mulwaree Council Chambers, 184 – 194 Bourke Street, Goulburn

Meeting Chaired by Matt O'Rourke (MOR), Chairperson, Goulburn Mulwaree Council and minutes recorded by Tash Woods, Executive Assistant, Goulburn Mulwaree Council.

Members Present:

M O'Rourke (Chairperson), M Hinton (LEOCON GMC), T Woods (LEMO GMC), T Norberg (Deputy LEMO), B Dowling (FRNSW), P Walker (Deputy Mayor GMC), B Bell (NSW SES), J Humphries (NSW SES) J Holland (LLS), B Laney (Essential Energy)

Members Present: (via Zoom)

K Paviour (Dept Education), J Venables (FACS), P Condon (NSW Police)

Observers:

G Webber (SES)

1. Apologies:
T Malone (REMO GMC), G Shepherd (NSW RFS), A Long (Ambulance NSW), T Brettell (Heron Resources), S Meijer (FACS), M Flood (TfNSW), M Derwent (Community & Justice), G Mutton (NSW Police Rescue, P McCall (Salvation Army), M Price (NSW SES)
2. Confirmation of previous minutes.
Minutes from last Ordinary LEMC meeting held 1st December 2020 were accepted by the Committee
3. Matters Arising from the previous minutes
Nil
4. Task List from past meetings.
Completed items will be removed. Updated items will be added to the new task list for this meeting

Responsible Officer	Task	Time frame/Status
LEMO All Members	SOP Emergency Operations Centre – draft attached for review by Committee	To be finalised and signed off at 11 May 2021 meeting

**Minutes of the Goulburn/Mulwaree
Local Emergency Management Committee Meeting
Tuesday 9 February 2020**

G Shepherd (RFS)	1 page summary on the BFMC. Who is in charge of BFMC, who we can contact, circumstances of each trail category and how to deal with it	
	Distribution of information on responsibility of fire trails to landowners. How to manage – What to manage. Who's obligation	
Chair, LEOCON, LEMO, RFS, NSWFR	LEMC to put together information document on Fire Trails for property owners	11 May 2021
T Woods (LEMO) REMO	Evacuation Centre Audit	Completed
GMC	Message push regarding unkept properties (long grass) maintenance leading into fire period	Complete
TfNSW	Follow up on long grass along highway once locations have been provided	Complete
T Woods (LEMO)	Follow up of heavy plant from GMC available to list on RFS register	Complete
LEMC – All	Draft CMG for Heat Wave Comments from members	11 May 2021
ALL	Agency LO's to provide training qualifications (face to face and online)	11 May 2021

Fire Trails Information: Consistent source of information required to provide on Fire Trails when requested by the public. Who is responsible, who needs to maintain them.

5. Reports from Agencies

LEOCON

- Request from M Hinton to note on behalf of Goulburn Police Rescue: Reported incidents have increased from 207 in 2019 to 447 in 2020 indicative of fire deployments and other emergency deployments. Please note the extra work from On-Call, part time operative, fulltime operative and expectation of a 2nd operative in coming months.
- CMG Heatwave planning meeting with LEMO & NSW Health
- Discussion on local Covid rollout. At this stage, their vaccination program for 1st responder would be hosted by Sydney, changes may happen quickly with ongoing planning. Expecting late information and big expectations to assist when requests come through to assist.
- Gary perm constable. Perm Sargent roll should be finalized in next month

REMO

- Report attached

Minutes of the Goulburn/Mulwaree Local Emergency Management Committee Meeting Tuesday 9 February 2020

B Dowling (FRNSW)

- Report attached

Question: LEMC & REMC in SERMAC – now we have Resilience NSW how will this affect the future running of LEMC's? Will there be a change in the SERMAC?

P Condon: this is seen as just another seat at the table. All about preparedness and analysing disaster, Emergency Management situations and being better prepared in the future. Will forward further details when received from the State or Region.

G Shepherd (NSW RFS)

- Report Attached

R Bell (SES)

- Report attached
- Noted Blackshaw Rd flood boom gate not activating in event
- Bob Bell on leave for 10 days
- Local Flood Plan currently being updated. State Plan to be emailed out Volume 1, Annex A – List of Responsibilities for Each Agency in a Flood, to be endorsed by LEMC. All 3 volumes to be updated and endorsed at 11 May 2021 meeting – via J Humphries – link in email

T Brettell (Heron Resources)

- Not in attendance, provided following via email, No significant updates since the December 2020 meeting

G Mutton (NSW Police Rescue)

- Not in attendance

A Long (NSW Ambulance)

- Not in attendance

S Meijer (Welfac)

- Capacity Checks with staff due to staff changes
- Ongoing formal training for Disaster Welfare Officers, Liaison Officers in conjunction with Resilience NSW

M O'Rourke (GMC)

- 2021 dates suggested 11 May, 7 September and 7 December 2021

B Laney (Essential Energy)

- Project at front of Tourist Information Centre – 3mt excavation.

K Paviour (Dept of Education)

- Schools have settled in well for the start of 2021

J Hollands (LLS)

- Report attached

M Beard (Chamber of Commerce)

- Not in attendance

**Minutes of the Goulburn/Mulwaree
Local Emergency Management Committee Meeting
Tuesday 9 February 2020**

Cr P Walker (Goulburn Mulwaree Council)

- Copford Reach, once potential upgrades are complete, could be utilised for emergency agencies exercise/training.
- Are agencies able to assist in any way with fast tracking private property clean up. Process through Council is lengthy. – noted by FRNSW that Council is the enforcing body.

Mark Derwent (Corrections)

- Not in attendance

M Sakthivel (Goulburn Base Hospital)

- Not in attendance

GMC Environmental (K Haynes)

- Not in attendance

6. Correspondence In and Out accepted at this meeting are available on request

Date Received	Subject
13/01/2021	SES Agency Representative Update
15/01/2021	Back up Covid Clinic
27/01/2021	Update/Changes within TfNSW
27/01/2021	TfNSW REMC/LEMC Contact Change
28/01/2021	Covid 19 Clinics Emergency Response Plan

7. General Business

- a) Joint LEMC Update – Report attached to be submitted to Goulburn Mulwaree Council for their support – INCLUDE FRAMEWORK
 - **Questions** – if merger goes forward are the separate LEMO's per area or just one? As well as voting rights to more than one Agency representative? Will we maintain 2 EOC's?
 - **Response** – each LGA will have their own LEMO and agency representative if required. Individual EOC's to cover emergencies in the LGA. All of this details would be confirmed in the LEMC Charter.
- b) Goulburn Flood Study update – see point under SES update

**Minutes of the Goulburn/Mulwaree
Local Emergency Management Committee Meeting
Tuesday 9 February 2020**

8. Training

Training has been actively happening over the last couple of months, the ongoing review of courses and material will continue with the hope of rolling out new products by mid-year.

EM Courses 2021			
Course	Dates	Location	Duration
IEM	9 February 2021	Yass	1 Day
EOCC	10 February 2021	Yass	1 Day
IEM	10 February 2021	Narooma	1 Day
EOCC	11 February 2021	Narooma	1 Day
EVAC MGT	2 & 3 March 2021	Narrandera	2 Days
IEM	11 May 2021	Picton	1 Day
EOCC	12 May 2021	Picton	1 Day
IEM	20 May 2021	Shoalhaven	1 Day
EVAC MGT	25 & 26 May 2021	Picton	2 Days
EOCC	26 May 2021	Shoalhaven	1 Day

See

Attached TAFE Courses for further course reference.

9. Referrals to next South Eastern Region Emergency Management Committee 2021
Nil

10. Next Meeting
Tuesday 9 February 2021, 10am – Goulburn Mulwaree Council Chamber

Meeting closed at 10:47am

Task List from meeting 9 February 2021

Responsible Officer	Task	Time frame/Status
LEMO All Members	SOP Emergency Operations Centre – draft attached for review by Committee	To be finalised and signed off at 11 May 2021 meeting
G Shepherd (RFS)	1 page summary on the BFM. Who is in charge of BFM, who we can contact, circumstances of each trail category and how to deal with it Distribution of information on responsibility of fire trails to landowners. How to manage – What to manage. Who's obligation	11 May 2021
Chair, LEOCON, LEMO, RFS, NSWFR	LEMC to put together information document on Fire Trails for property owners	
LEMC – All Essential Energy	Draft CMG for Heat Wave Comments from members (Attached)	11 May 2021

**Minutes of the Goulburn/Mulwaree
Local Emergency Management Committee Meeting
Tuesday 9 February 2020**

ALL	Agency LO's to provide training qualifications (face to face and online)	11 May 2021
All	SES Flood Plan	11 May 2021
MOR	Submission of report on Joint LEMC's to Goulburn Mulwaree Council	2 March 2021
MOR ARTC	Increase lighting on Blackshaw Rd Underpass for night time flood events	11 May 2021

These minutes from this meeting were confirmed at the Local Emergency Management Committee meeting held on 11 May 2021

.....
Chairperson – Matthew O'Rourke

REPORT TO
Goulburn Mulwaree Local Emergency Management
Committee

LEMO Goulburn Mulwaree Council

1. **ACTIVITY** There has been a number of incidents over the last 12 months that have accrued across both the Goulburn Mulwaree Council (GMC) and the upper Lachlan Shire Council (ULSC) LGA which required the coordination of resources from the same Region/Zone Agency. The concept to merging both Local Emergency Management Committees (LEMC) is to create a more streamlined process for the Local Emergency Management Arrangements, by minimising the duplication of resources and processes into the future.
2. **PLANNING** A number of meetings have been held to discuss the concept of a Joint LEMC between the two councils. Consultation has been with:
1. LEMC Committees from both GMC and ULSC
 2. Representatives of both LEMC's
 3. LEMC representatives and respective Councils
- Goulburn Mulwaree LEMC:
1. An email sent from the LEMO on 1 October 2020 requesting thoughts from the committee regarding a joint LEMC. Responses were received from Deputy Mayor Cr Peter Walker, then Deputy LEOCON Keith Price, TfNSW Representative Jamie Caldwell, Matt U'Brien Department of Regional NSW, supporting the concept. (Email attached)
 2. Minutes from LEMC Meeting 13 October 2020 recorded that the concept of a Joint LEMC was discussed with the general concept is supported by LEMC members, especially those that attend both LEMC area meetings.
 3. Cr P Walker's support of the joint LEMC was recorded in the minutes from the 13 October 2020 meeting.
- On the 14th December 2020 the LEMO GMC received a call from Shelley Knight, Deputy LEMO ULSC confirming that support from Upper Lachlan Shire Council General Manager, LEMC members and Councillors to further pursue the joint LEMC with Goulburn Mulwaree Council had been received.
3. **Recommendation**
- This report is to:
1. Request the confirmation of support from the Goulburn Mulwaree LEMC members to further pursue the Joint LEMC between Goulburn Mulwaree Council and Upper Lachlan Shire Council
 2. Forward the support of the Goulburn Mulwaree LEMC to Goulburn Mulwaree Councils for endorsement to proceed with the Joint LEMC between Goulburn Mulwaree Council and Upper Lachlan Shire Council

Submitted By: Tash Woods LEMO LEMC GMC

Date 21/01/2021

Combining of LEMC's
Upper Lachlan and Goulburn Mulwaree LGA's

Each LEMC – Step 2

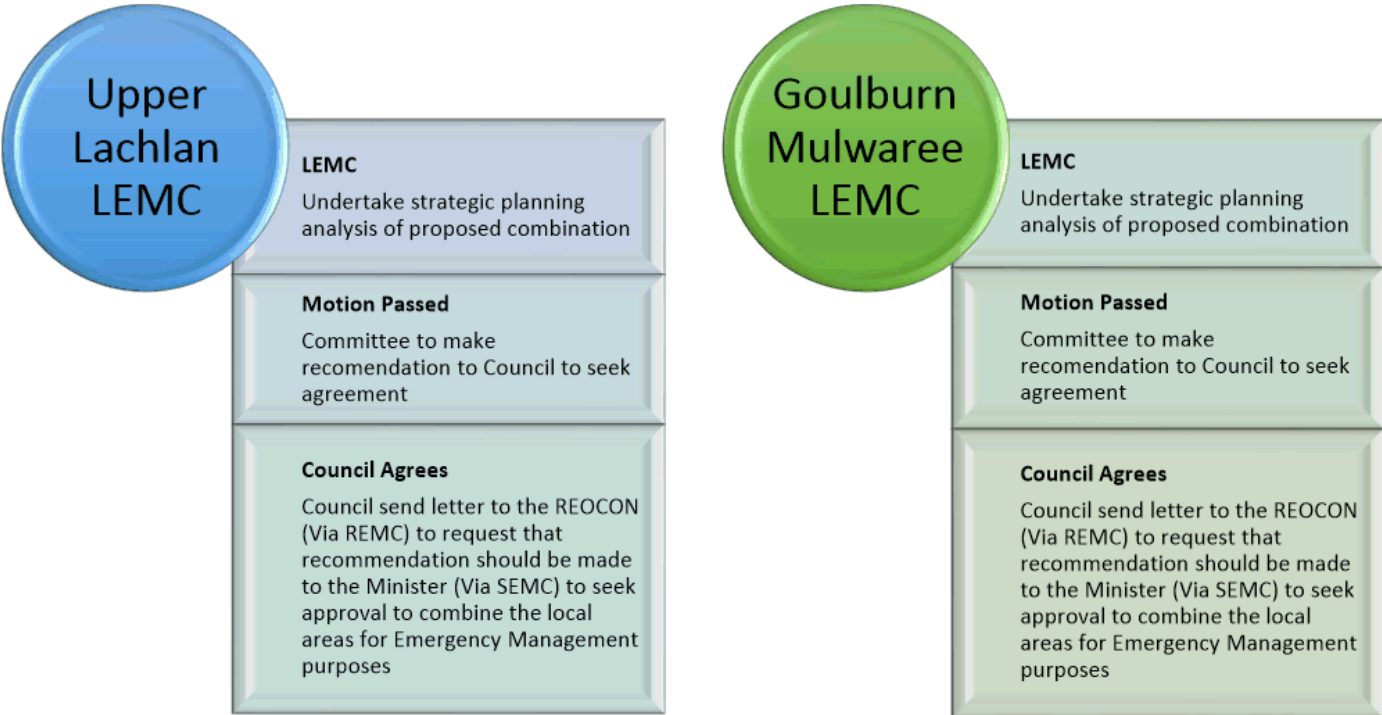
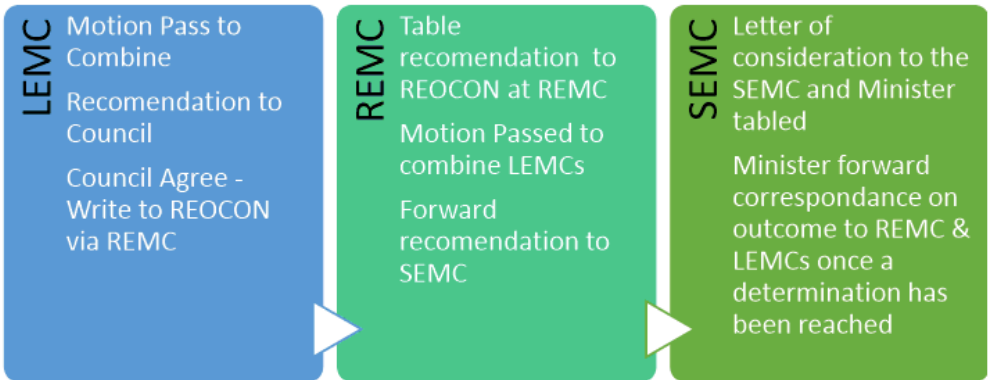
REASONS TO COMBINE – Step 1

- Same Personnel from agencies represent on both committees
- Local and Zone boundaries are the same
- LGA's in close proximity
- Respond and resource from within each other's boundaries
- Risks to the communities significantly relates

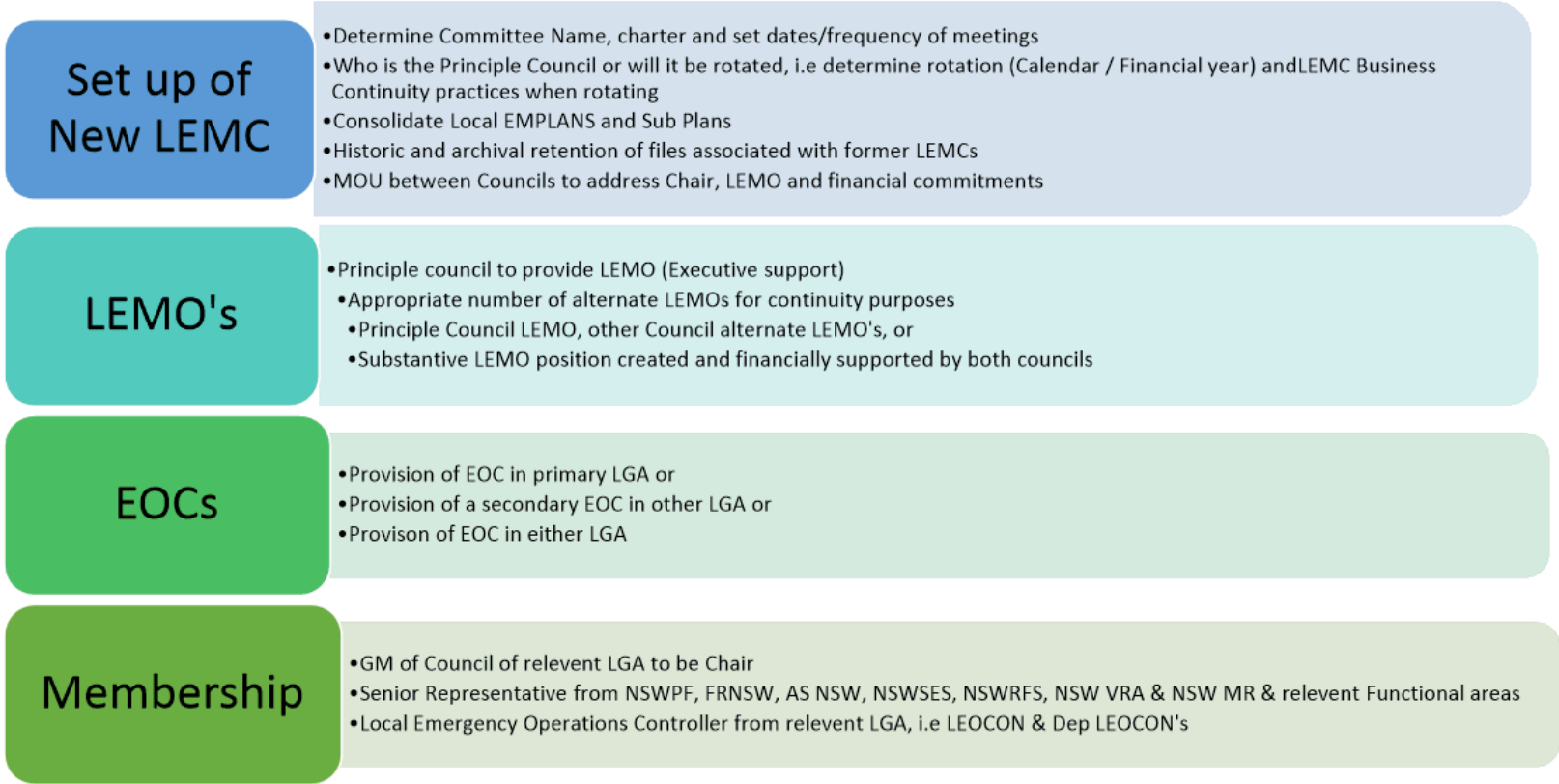
NOTE:

- Date of Ministers approval the new LEMC will officially be formed.
 - *SERM ACT (1989)*
 - *LEMC Information Guide (ResNSW)*

Relevant Committee Process – Step 3



New LEMC – Step 4



New Committee Meeting – Step 5

- ✓ Successful merge of Upper Lachlan and Goulburn Mulwaree LEMCs
- ✓ Hold New LEMC meeting

Wednesday, 13 January 2021

Trish Malone | SE REGION EMERGENCY MANAGEMENT OFFICER

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

Author: Robert Hughes, Business Manager Community Facilities

Authoriser: Warwick Bennett, General Manager

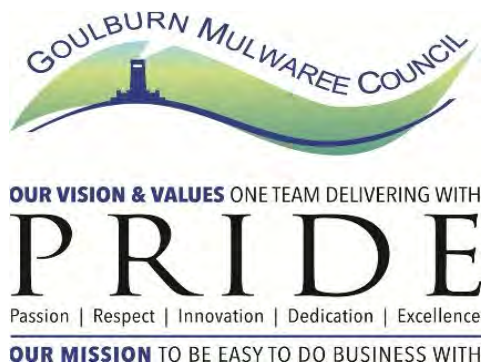
Attachments: 1. Minutes of the Recreation Area Committee Meeting held on 3 February 2021

RECOMMENDATION

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

REPORT

Please find attached the minutes of the Recreation Area Committee from its meeting 3 February 2021 . There were no issues from this committee that require a Council endorsement.



MINUTES

Recreation Area Committee Meeting

3 February 2021

Cr Margaret O'Neill OAM (Chair)	Councillor Representative, Goulburn Mulwaree Council
Cr Denzil Sturgiss	Councillor Representative, Goulburn Mulwaree Council
Cr Peter Walker	Councillor Representative, Goulburn Mulwaree Council
Mrs Margaret Clarke (Alt Rep Mrs Annette Dunn)	Goulburn Poultry Fanciers Association
Mr Dennis Day (Alt Rep Mr Mark Croatto)	Goulburn Harness Racing Club
Mr Mark Day (Alt Rep Mr David Hewitt)	Goulburn Horse Trainers & Owners Assoc
Mr Patrick Day	Goulburn Greyhound Race Club
Mr Peter Frost (Alt Rep Mr Brian Pengelly)	Goulburn Dog Training & Kennel Club
Mrs Iris Greer (Alt Rep Mr Seamus Burbage)	Goulburn Dressage Club
Mr Noel Perrin	Community Representative
Mr Jeff Rowson (Alt Rep Mr Michael Berg)	Goulburn Rodeo Club
Mrs Jacki Waugh	Goulburn AP&H Society
Mr Mark White	Goulburn Basketball Association

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**MINUTES OF GOULBURN MULWAREE COUNCIL
RECREATION AREA COMMITTEE MEETING
HELD AT THE GRACE MILLSOM FUNCTION CENTRE, 47 BRAIDWOOD ROAD
ON WEDNESDAY, 3 FEBRUARY 2021 AT 4.00PM**

PRESENT: Cr Margaret O'Neill OAM (Chair), Mr Noel Perrin - Community Representative, Mr Dennis Day - Goulburn Harness Racing Club, Mrs Jacki Waugh - Goulburn AP&H Society, Mr Peter Frost - Goulburn Dog Training & Kennel Club, Cr Denzil Sturgiss, Cr Peter Walker (Deputy Mayor)

IN ATTENDANCE:

Mr Robert Hughes (Business Manager Community Facilities), Ms Anne Ruddell (Recreation Facility Manager) and Mr Warwick L Bennett (General Manager).

1 Apologies

COMMITTEE RESOLUTION 2021/1

Moved: Mr Noel Perrin - Community Representative

Seconded: Mrs Jacki Waugh - Goulburn AP&H Society

That the apology received from the below Committee members be accepted and leave of absence granted;

Mrs Margaret Clarke and Mrs Annette Dunn – Goulburn Poultry Club

Mr Mark Day – Goulburn Horse Trainers and Owners

Mrs Iris Greer and Mr Seamus Burbage – Goulburn Dressage Club

Mr Jeff Rowson – Goulburn Rodeo Club

Mr Mark White – Goulburn Basketball Association

Mr Patrick Day – Goulburn Greyhound Racing Club

CARRIED

2 LATE ITEMS / URGENT BUSINESS

Nil

3 DISCLOSURE OF INTERESTS

Nil

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE RECREATION AREA COMMITTEE MEETING HELD ON 2 DECEMBER 2020

COMMITTEE RESOLUTION 2021/2

Moved: Mr Noel Perrin - Community Representative

Seconded: Mrs Jacki Waugh - Goulburn AP&H Society

That the Recreation Area Committee minutes from Wednesday 2 December 2020 be confirmed.

CARRIED

5 ITEMS FOR CONSIDERATION

5.1 RECREATION AREA COMMITTEE ATTENDANCES

COMMITTEE RESOLUTION 2021/3

Moved: Mr Dennis Day - Goulburn Harness Racing Club

Seconded: Mr Peter Frost - Goulburn Dog Training & Kennel Club

That the report from the Business Manager Community Facilities on Recreation Area Committee Attendances be received and the information noted.

CARRIED

5.2 ONGOING TASK LIST

COMMITTEE RESOLUTION 2021/4

Moved: Mr Dennis Day - Goulburn Harness Racing Club

Seconded: Mr Peter Frost - Goulburn Dog Training & Kennel Club

That:

- 1. The report from the Business Manager Community Facilities on the Ongoing Task List be received and the information noted.**
- 2. Items marked as completed are removed from the action list.**

CARRIED

5.3 RECREATION AREA EVENTS

COMMITTEE RESOLUTION 2021/5

Moved: Cr Denzil Sturgiss

Seconded: Mrs Jacki Waugh - Goulburn AP&H Society

That the report from the Recreation Facility Manager on Recreation Area Events be received and the information noted.

CARRIED

5.4 UPCOMING BOOKINGS

COMMITTEE RESOLUTION 2021/6

Moved: Cr Peter Walker

Seconded: Mr Peter Frost - Goulburn Dog Training & Kennel Club

That:

- 1. The report from the Recreation Facility Manager on Upcoming Bookings be received; and**
- 2. The user groups confirm their bookings with the Recreation Facility Manager as soon as possible following the Committee meeting.**

CARRIED

5.5 CLIMATE CHANGE GRANT TREE PLANTING

COMMITTEE RESOLUTION 2021/7

Moved: Mr Noel Perrin - Community Representative

Seconded: Cr Denzil Sturgiss

That :

- 1. The report from the Business Manager Community Facilities on the Climate Change Grant Tree Planting be received and the information noted; and**
- 2. The Committee recommend locations for tree planting in the picnic area and along the Braidwood Road frontage in line with the requirements of the grant funding.**
- 3. Council to proceed with tree plantings in line with the Climate Change Grant after the Goulburn Show, and to clarify the clearance distance of trees from power lines along Braidwood Road with energy provider.**

CARRIED

5.6 COVID-19 RESTRICTIONS

COMMITTEE RESOLUTION 2021/8

Moved: Mr Noel Perrin - Community Representative

Seconded: Cr Denzil Sturgiss

That:

- 1. The report from the Business Manager Community Facilities regarding Covid-19 be received;**
- 2. All user groups provide a copy of their Covid management plan to the Recreation Facility Manager for review**

CARRIED

5.7 RECREATION AREA PLAN OF MANAGEMENT

RECOMMENDATION

That the report from the Business Manager Community Facilities regarding the Recreation Area Plan of Management be received and the information noted.

6 GENERAL BUSINESS

Mr Dennis Day – Goulburn Harness Racing Club

- Discussed plans to install additional race day stables adjacent to existing stables and into the picnic area. A site inspection was held and there were no objections from the Committee members present.
- The sand track along Bungonia Road still needs repair following the Lansdowne Bridge upgrades.

Mrs Jacki Waugh – Goulburn AP&H Society

- Pot holes inside and outside gate 2 & 6 need to be addressed – Entered after meeting into service response procedure under reference number: RR/0613/2021
- Drainage issues inside gate 6
- The drop off around the edges of the new car park need to be filled
- Recommended future installation of power at all entrance gates for iPad/eftpos etc
- A lot of rubbish being dumped within the facility – recommended bins at gate 6 be locked in the pavilion when not required for events.
- Concrete to be removed from gate 7 prior to the show on 6 March 2021.
- Would like to have a trophy cabinet installed in Grace Millsom Centre.

Mr Noel Perrin – Community Representative

- Nil to report

Mr Peter Frost – Dog Training & Kennel Club

- Expressed concern they have not received an electricity bill for nearly 12 months.

Cr Peter Walker – Deputy Mayor

- Recommended covers be installed on hydrants at gates 3 and 5. Entered after meeting into service response procedure under reference number: WS/0435/2021

7 TASK LIST FROM THIS MEETING

Officer	Action	Due
Council Officer	Arrange an invoice to be issues to the Dog Training & Kennel Club	Completed 4 th February 2021
Council Officer	Prepare a report for the April Committee meeting regarding a trophy cabinet in Grace Millsom	April meeting
Council Officer	Update the Recreation Area Committee on the Plan of Management public exhibition via email	12 February 2021
Council Officer	Investigate and update the Recreation Area Committee on the repairs to the sand track on Bungonia Road Frontage	April meeting
Council	Arrange meeting between Greyhound Racing Club	12 February 2021

Officer	and the Goulburn Harness Racing Club to clarify the regular Monday booking received from Goulburn Greyhounds.	
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The Meeting closed at 5.12pm.

The minutes of this meeting were confirmed at the Recreation Area Committee Meeting held on 7 April 2021.

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Cr Margaret O'Neill OAM
CHAIRPERSON

15.18 EXTERNAL MEETING MINUTES**Author:** Warwick Bennett, General Manager**Authoriser:** Warwick Bennett, General Manager**Attachments:** 1. Woodlawn Veolia Community Consultative Committee Meeting Minutes 12 November 2020 [↓](#) 

Link to Community Strategic Plan:	CL3 – our Civic Leadership
Cost to Council:	There are no financial implications for this report
Use of Reserve Funds:	Nil

RECOMMENDATION

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

REPORT

Please find attached the minutes from the Woodlawn Veolia Community Consultative Committee meeting held on 12 November 2020

These minutes are attached for your information and no Council decision is required other than noting the minutes.



Woodlawn Eco-Precinct

Community Liaison Committee Meeting Minutes

Date	Thursday 12th November 2020	Time	5:00 pm
Coordinator	Henry Gundry	Location	Woodlawn Conference Room

Committee List ✓

Name	Present	Absent	Name	Present	Absent
Henry Gundry (Veolia)	✓		Sandra Ellson (Community)		✓
Cr Denzil Sturgiss (GMC Councillor)	✓		Scott Martin (GMC Designated Officer)		✓
Simon Reynolds (Community)		✓	Cid Riley (Community)	✓	
Adrian Ellson (Community)		✓	Owen Manley (Tarago Men's Shed)	✓	
Cr Mark Schweikert (QPRC Councillor)		✓	Richard Kirkwood (Community)	✓	
Kym Wake (TADPAI)	✓				

Guest List ✓

Name	Present	Absent	Name	Present	Absent
Marea Rakete (Minutes)	✓		Tobias Stanley		✓

Minutes

1	Welcome
	The Chair opened the meeting and welcomed members. Kym Wake was introduced to the Committee representing TADPAI.
2	Present / Apologies
	Scott Martin, Simon Reynolds and Adrian & Sandra Ellson (Apologies)
3	Approval of Previous Minutes
	Approved without change
4	Matters Arising from Minutes
	Nil
6	Woodlawn Eco-Precinct Operational Update
	<p>Bushfire impacted waste coming to an end according to PWA, however they have requested to continue accessing Woodlawn for another 6 months. Truck movements are expected to be minimal.</p> <p>Recommendations arising from Independent Audits were explained. Reference was made to the WIP (Woodlawn Infrastructure Plan) and significance of LWMS and water balance.</p> <p>Veolia is currently receiving commercial waste from Canberra and the ACT and is currently at its approved regional waste consent limit/capacity of 130kpta.</p>

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Veolia Community Liaison Committee Meeting Minutes

	<p>Cid advised he records his own odour diary and does not officially report. Veolia was advised that the smell does not go unnoticed in and around town however is not commonly reported through official channels. Kym stressed the importance of reporting instances of odour. Leachate Treatment Plant (LTP) has achieved a key milestone and record production of biomatter/solids.</p> <p>The Resource recovery Order (ROO) was granted for the MBT's WOO to be trialled on the rehabilitation of the mine tailings, however Heron entering care and maintenance has caused delays. The alternative "capping Plan for tailing rehabilitation" at the mine was explained (plan/diagram).</p>
7	<p>General Business</p> <p>Tarago Lead Contamination Transport NSW appears to be attributing dust in the community to lead paint (according to report). This is a disappointing outcome in general. The future of the Station Masters' house is unknown. Veolia has been in contact with Transport re stockpile on VES land.</p> <p>Bungendore/Tarago Road Maintenance Veolia's large scale capital funding only goes towards the QPRC area, Section 94 payments (rate/tonne) contribution covers local council maintained roads (GMC and QPRC).</p> <p>Regional Waste Veolia is assessing regional waste via road based on customer demand. The demand has not been driven by any proposed major waste processing facilities in the ACT, including any municipal collection and disposal from the ACT. The demand is based on existing Veolia customers within regional NSW and the customers it already serves from the ACT. The expected traffic volumes will only increase marginally. The traffic study is going ahead as requested by GMC as well as a review of the movements on the Bungendore/Tarago Road.</p> <p>ACT Waste General queries from the community about major waste processing infrastructure including municipal sources from Canberra and how it links in with Woodlawn. Although technically possible for the waste to come to Woodlawn, planning approval is required (including community consultation) for anything to progress. Veolia also understands that the ACT Government policy is that domestic waste processing facilities will be conducted within the ACT borders.</p> <p>Tarago Village General Waste Collection Rollout Bins have been delivered to the registered residents and community groups and collection has begun. Service is for residential and community groups only - not commercial. Cid thanked Veolia on behalf of the community.</p>
8	<p>Other Business</p> <p>Bushfire Grant (BLERF) Cid asked if Veolia would consider matching funding obtained through Bushfire Grant (BLERF) of up to \$200,000. This is to fund unapproved projects such as footpaths and cannot be paid for via the Trust. Veolia has acknowledged this request. Veolia has contributed funds to the council via the Trust. Henry will provide some guidance/suggestions on the stance TADPAI might take for most benefit.</p> <p>Host fees/Royalties Host Fees are utilised on projects agreed on by Veolia and Goulburn Mulwaree Council (GMC). A total of 66,000t of Bushfire royalties would have been paid as Host fees/Royalties to Council. Veolia provided a very competitive disposal rate to assist in the taxpayer funding clean up program.</p> <p>Tarago Village Plan Owen was concerned that the Tarago Village Plan radius was unspecified in the final draft. Henry advised that geographical boundaries do exist. Kym suggested that the Plan be</p>

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Veolia Community Liaison Committee Meeting Minutes

	revisited/updated. Henry stated that although Veolia instigated and funded the plan, this is a TADPAI topic as the administrator (Council endorsed TADPAI). Veolia will attempt to locate the endorsement letter and microsoft word version of the Tarago Plan from Elton Consulting.
8	Meeting Closed by Chairperson
	Meeting closed by the Chair at 7pm.

15.19 COUNCILLOR BRIEFING SESSION SUMMARY**Author:** Warwick Bennett, General Manager**Authoriser:** Warwick Bennett, General Manager**Attachments:** Nil

Link to Community Strategic Plan:	Civic Leadership
Cost to Council:	Cost of Councillor Briefings is funded from Councils operation budget
Use of Reserve Funds:	Not applicable

RECOMMENDATION

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

REPORT

The following is a summary of the issues discussed at Councillor Briefing Sessions and the attendance of Councillors at these Briefing Sessions for the past month.

Tuesday 9th February 5.00pm

Items discussed:

- NSW Police Property Presentation
- Removal of 12 trees from Clifford Street
- Waste Water Farm EOIs for short term lease
- CBD Strategies and Parking
- Capital projects for following 5 years
- December Quarterly Budget Review
- Regional Infrastructure Projects
- Local Traffic Committee
- Goulburn Regional Hockey Centre
- 22 Hurst Street – Heritage Item
- Marulan Solar Farm
- Questions to the General Manager and Directors

Councillor Name	Attendance
Mayor Bob Kirk	Present
Cr Alfie Walker	Present
Cr Andrew Banfield	Apology

Cr Leah Ferrara	Present
Cr Carol James	Present from 5.30pm
Cr Margaret O'Neill	Present
Cr Sam Rowland	Present
Cr Denzil Sturgiss	Present
Deputy Mayor Peter Walker	Present

16 CLOSED SESSION

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

There were no closed session reports for determination.

17 CONCLUSION OF THE MEETING

The Mayor will close the meeting.