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BUSINESS PAPER

Ordinary Council Meeting

4 May 2021

Warwick Bennett
General Manager

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

Tuesday, 4 May 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 20 APRIL 2021

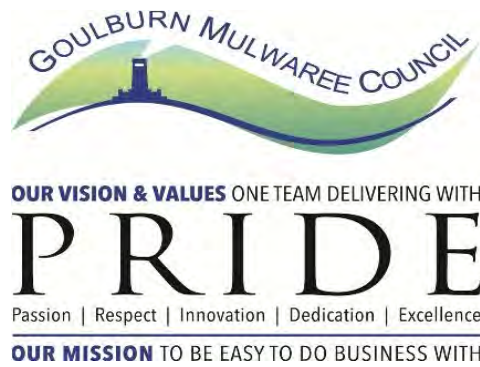
Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Minutes of the Ordinary Meeting of Council held on 20 April 2021

RECOMMENDATION

That the Council minutes from Tuesday 20 April 2021 and contained in Minutes Pages No 1 to 13 inclusive and in Minute Nos 2021/147 to 2021/172 inclusive be confirmed.



MINUTES

Ordinary Council Meeting

20 April 2021

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	There were no closed session reports for determination.	
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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, 20 APRIL 2021 AT 6PM**

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

IN ATTENDANCE: Warwick Bennett (General Manager), Kylie Newton (Acting Director Corporate and Community Services), Marina Hollands (Director Utilities), Stephanie Mowle (Acting 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 opening prayer was read by Cr Denzil Sturgiss.

4 APOLOGIES

RESOLUTION 2021/147

Moved: Cr Peter Walker
Seconded: Cr Denzil Sturgiss

That the apology received from Cr Andrew Banfield be accepted.

CARRIED

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

RESOLUTION 2021/148

Moved: Cr Carol James
Seconded: Cr Sam Rowland

That the leave of absence be granted to Cr Andrew Banfield due to him being on annual leave.

CARRIED

6 LATE ITEMS / URGENT BUSINESS

Nil

7 DISCLOSURE OF INTERESTS

Nil

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

Nil

10 CONFIRMATION OF MINUTES

10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 6 APRIL 2021

RESOLUTION 2021/149

Moved: Cr Alfie Walker

Seconded: Cr Carol James

That the Council minutes from Tuesday 6 April 2021 and contained in Minutes Pages No 1 to 20 inclusive and in Minute Nos 2021/117 to 2021/146 inclusive be confirmed.

CARRIED

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 6 APRIL 2021

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2021/150

Moved: Cr Alfie Walker

Seconded: Cr Sam Rowland

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

CARRIED

12 MAYORAL MINUTE(S)**12.1 MAYORAL MINUTE - CONDOLENCE FOR HIS ROYAL HIGHNESS THE PRINCE PHILIP, DUKE OF EDINBURGH****RESOLUTION 2021/151****Moved: Cr Bob Kirk****That:**

- 1. The Goulburn Mulwaree Council on behalf of its community express sincere condolences on the death His Royal Highness Prince Philip, Duke of Edinburgh, who's remarkable public service to Australia should be placed on record and Council tender its profound sympathy to his family.**
- 2. The Mayor pass on the sincere condolences of this community to the Governor General - His Excellency, General, the Honourable David Hurley AC DSC (Ret'd).**

CARRIED**12.2 MAYORAL MINUTE - GOULBURN MULWAREE AWARD****RESOLUTION 2021/152****Moved: Cr Bob Kirk****That:**

- 1. Council endorses the implementation of the Goulburn Mulwaree Award process as outlined in this Mayoral Minute,**
- 2. The initial community Working Party be established following the Council election in September 2021.**
- 3. The Goulburn Mulwaree Award Working Party be delegated authority to make all decisions relating to receipt, processing, assessment and presentation of the Goulburn Mulwaree Award.**

CARRIED

13 NOTICE OF MOTION(S)

13.1 NOTICE OF MOTION - LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

RESOLUTION 2021/153

Moved: Cr Alfie Walker

Seconded: Cr Peter Walker

That:

- 1. Any development application received by Council prior to the close of business on the 31 May 2021 that is complete in terms of fulfilling the requirements of all legislation and Council policy including payment of lodgement fees will be subject to the applicable s94 or s94A Plan that is in force at the 31 May 2021.**
- 2. Council encourage applicants to submit their applications a minimum of 3 business days prior to 1 June 2021 in order to avoid applications not being formally accepted prior to the deadline.**

CARRIED

14 NOTICE OF RESCISSION(S)

Nil

15 REPORTS TO COUNCIL FOR DETERMINATION

15.1 THE HUME CHAMBER MUSIC FESTIVAL

RESOLUTION 2021/154

Moved: Cr Leah Ferrara

Seconded: Cr Carol James

That

- 1. The Report from the Coordinator Marketing & Events on the 2021 Hume Chamber Music Festival be received.**
- 2. Council support the Hume Conservatorium's request for \$5,000 financial assistance to be paid from the 2021/22 Event Funding Budget; and in-kind assistance in the form of staff time and social media marketing to the value of \$5,000 for the 2021 Hume Chamber Music Festival.**

CARRIED

15.2 LOCAL GOVERNMENT ROAD SAFETY ACTION PLAN**RESOLUTION 2021/155****Moved: Cr Peter Walker****Seconded: Cr Carol James****That:**

- 1. The report from The Road Safety and Traffic Officer be received.**
- 2. Council adopt the Local Government Road Safety Program - Four Year Action Plan 2021-2025.**

CARRIED**15.3 MONTHLY FINANCIAL REPORT****RESOLUTION 2021/156****Moved: Cr Alfie Walker****Seconded: Cr Sam Rowland**

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**15.4 STATEMENT OF INVESTMENTS & BANK BALANCES****RESOLUTION 2021/157****Moved: Cr Margaret O'Neill****Seconded: Cr Carol James**

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**15.5 WATER CHARGES OUTSTANDING REPORT****RESOLUTION 2021/158****Moved: Cr Peter Walker****Seconded: Cr Margaret O'Neill**

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

CARRIED

15.6 MOUNTAIN ASH ROAD BLACKSPOT PROJECT - MARCH 2021 STATUS REPORT

RESOLUTION 2021/159

**Moved: Cr Alfie Walker
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

15.7 ST CLAIR CONSERVATION WORKS - STATUS REPORT

RESOLUTION 2021/160

**Moved: Cr Sam Rowland
Seconded: Cr Carol James**

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

CARRIED

15.8 COOKBUNDOON PAVILION UPGRADE - MARCH 2021 STATUS REPORT

RESOLUTION 2021/161

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

That the report from the Business Manager Community Facilities on the Cookbundoon Pavilion Upgrade – March 2021 Status Report.

CARRIED

15.9 REUSE SCHEME GOULBURN - MARCH 2021 STATUS REPORT

RESOLUTION 2021/162

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

That the report from the Business Manager Infrastructure on the Reuse Scheme Goulburn status update be received.

CARRIED

15.10 NATURAL DISASTER ESSENTIAL PUBLIC ASSET RESTORATION PROJECT - MARCH 2021 STATUS REPORT

RESOLUTION 2021/163

**Moved: Cr Alfie Walker
Seconded: Cr Sam Rowland**

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

CARRIED

15.11 GOULBURN AQUATIC CENTRE REDEVELOPMENT STAGE 1 CONSTRUCTION - MARCH 2021 STATUS REPORT

RESOLUTION 2021/164

**Moved: Cr Margaret O'Neill
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

15.12 GOULBURN PERFORMING ARTS CENTRE - MARCH 2021 STATUS REPORT

RESOLUTION 2021/165

**Moved: Cr Peter Walker
Seconded: Cr Alfie Walker**

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

CARRIED

15.13 GROWING LOCAL ECONOMIES COMMON STREET - MARCH 2021 STATUS REPORT

RESOLUTION 2021/166

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

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

CARRIED

15.14 OPERATIONS DIRECTORATE REPORT - MARCH 2021

RESOLUTION 2021/167

Moved: Cr Denzil Sturgiss

Seconded: Cr Carol James

That the activities report for March 2021 by the Director Operations be received and noted for information.

CARRIED

15.15 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT MARCH 2021

RESOLUTION 2021/168

Moved: Cr Alfie Walker

Seconded: Cr Denzil Sturgiss

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

CARRIED

15.16 PLANNING & ENVIRONMENT DIRECTORATE REPORT MARCH 2021

RESOLUTION 2021/169

Moved: Cr Leah Ferrara

Seconded: Cr Denzil Sturgiss

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

CARRIED

15.17 UTILITIES DIRECTORATE REPORT - MARCH 2021

RESOLUTION 2021/170

Moved: Cr Peter Walker

Seconded: Cr Sam Rowland

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

CARRIED

15.18 GOULBURN MULWAREE YOUTH COUNCIL MEETING NOTES - 26 MARCH 2021

RESOLUTION 2021/171

Moved: Cr Peter Walker

Seconded: Cr Carol James

That the report from Cr Carol James in relation to the Goulburn Mulwaree Youth Council Meeting Notes held on the 26 March 2021

CARRIED

15.19 EXTERNAL MEETING MINUTES

RESOLUTION 2021/172

Moved: Cr Margaret O'Neill

Seconded: Cr Denzil Sturgiss

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

- 1. Veolia Woodlawn Community Consultative Committee Meeting held 18 March 2021**
- 2. Goulburn Liquor Accord Committee meeting held on 31 March 2021**

CARRIED

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 Meeting closed at 7.07pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 4 May 2021.

.....
Cr Bob Kirk
Mayor

.....
Warwick Bennett
General Manager

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETING MINUTES FROM THE 20 APRIL 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 - 4 May 2021 [↓](#) 

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	The status report is included in this Business Paper.
<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 now completed our review with Government departments and the report will be presented to Council on the 18 May 2021
<p><u>Mogo Road Hi Quality</u></p> <p>Council agreed to undertake work on Mogo Road using the Section 94 fees collected to date</p>	General Manager	Work is programmed for next financial year.
<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	We are awaiting response from Veolia
<p><u>Development Service Plan – Goulburn Stormwater</u></p> <p>To be placed on public exhibition for 30 working days</p>	Director Planning & Environment	Audit is complete and has confirmed Council position. We will now commence the public exhibition process.
<p><u>Review of Heavy Haulage routes in the Goulburn Mulwaree area</u></p> <p>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.</p>	Director Operations	Assessment being undertaken



OUTSTANDING TASK LIST

Item/Task	Responsible Officer	Status
<u>Truck Depot – 31 Lockyer Street</u> DA deferred pending negotiations with applicant	Director Planning & Environment	Discussions with applicant undertaken and he is looking at an alternate site
<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>New Police Station</u> Council agreed in principle to sell.	General Manager	Awaiting response from NSW Police at the price Council has set before undertaking consultation with tenants. All tenants have been kept informed of the current motion.
<u>Planning Proposal –</u> Amendments to exempt development within Schedule 2 of the LEP and to the Goulburn Mulwaree DCP for private events	Director Planning & Environment	On public exhibition
<u>Review of Alcohol Free Zone</u> The alcohol free zone for the CBD is on public exhibition.	Director Planning & Environment	On public exhibition
<u>Goulburn Mulwaree Award</u> Establish Working Party after Council elections	General Manager	No action required at this time.

12 MAYORAL MINUTE(S)

Nil

13 NOTICE OF MOTION(S)

Nil

14 NOTICE OF RESCISSION(S)






Nil

15 REPORTS TO COUNCIL FOR DETERMINATION

15.1 POST EXHIBITION REPORT - PLANNING PROPOSAL FOR COMMERCIAL HORSE FACILITIES, RACECOURSE DRIVE, GOULBURN

Author: David Kiernan, Senior Strategic Planner

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. Planning Proposal Timeline of Events [↓](#) 
 2. Part 7 of LEP and DCP Controls [↓](#) 
 3. Agency Submissions [↓](#) 
 4. DPI Guidelines - Keeping of horses in Urban areas [↓](#) 
 5. Public Submissions [↓](#) 

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.
Locality:	31 lots north and south of Racecourse Drive, Goulburn
Zone:	R5 Large Lot Residential
Submissions:	2 agency submissions and 7 public submissions received

RECOMMENDATION

That:

1. The post exhibition report from the Senior Strategic Planner for the planning proposal at Racecourse Drive, Goulburn be received.
2. Council:
 - a) amend the proposed Part 7 – Additional Local Provision Clause (draft clause 7.7(2)) to include for the purpose of horse training in addition to horse: stabling, breeding, yards and related material storage; and
 - b) endorse the current planning proposal to amend Schedule 1 of the *Goulburn Mulwaree Local Environmental Plan 2009* to permit the commercial stabling of horses (including agistment and associated training) and associated controls in Part 7 Additional Local Provisions of the *Goulburn Mulwaree Local Environmental Plan 2009* for the Racecourse Drive Precinct illustrated in Figure 1 below.



Figure 1- Race Course Drive Precinct
 (blue section recently subdivided vacant lots [previous RE2 zone]; pink section covered by previous DCP16 and developed with dwellings)

3. The General Manager, using Council’s delegated plan making authority, prepare and finalise the amendment as soon as practicable.
4. The Racecourse Drive Precinct Site Specific provisions to the Goulburn Mulwaree Development Control Plan 2009 presented in Attachment 3 to this report be adopted by Council, and to become effective upon commencement of the LEP amendment for this precinct, as amended, to:
 - Set a limit on the number of horses fully enclosed within a stable to 6 horses per 2000m2 of lot area;
 - Retain the 2 horses per 2000m2 limitation but applied to open areas only;
 - Require the submission of a Waste Management Strategy with a development application; and
 - Update the DCP Water Cycle Management Study requirement to include effluent and related waste water.

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

INTRODUCTION

The purpose of this report is to consider the outcome of the public exhibition of the planning proposal which seeks to amend the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP 2009) by adding the commercial stabling of horses as an additional permitted use in Schedule 1 for the Race Course Drive Precinct (as depicted in Figure 1). The planning proposal also seeks to add an additional local provision clause for this purpose to GM LEP 2009. The report also considers the associated draft amendment to the *Goulburn Mulwaree Development Control Plan* (DCP) in relation to commercial stabling in this precinct.

BACKGROUND

The southern portion of the subject precinct (shown in pink – Figure 1 below) has an historical relationship with the racing industry and was specifically identified in the previous Goulburn Development Control Plan (prior to 2009) under *DCP Policy 16: Goulburn Raceway Ancillary Development*. The aim of this policy was to encourage residential and stable development adjacent to the racecourse for people associated with the racing industry.



Prior to the replacement of this earlier Development Control Plan policy, two commercial stabling enterprises were given consent at No’s 6a Racecourse Drive and 202 Taralga Road. These consents are still operational and benefit from existing use rights.

A previous planning proposal (REZ/0001/1516) rezoned the northern portion of the subject area from RE2 private recreation to R5 Large Lot Residential in 2018. This proposal sought to rectify a zoning anomaly brought about by the introduction of the state-wide standardisation of land zones and the *Goulburn Mulwaree Local Environmental Plan in 2009* (GM LEP 2009).

Figure 1- Race Course Drive Precinct (blue section recently subdivided vacant lots [previous RE2 zone]; pink section covered by previous DCP16 and developed with dwellings)

This change to GM LEP 2009 and the state-wide standardisation of land use classifications regularised land use classifications and removed commercial horse stabling from all land use categories with the exception of Intensive Livestock Agriculture. Intensive Livestock Agriculture is not a permissible use in the majority of zones, including the R5 Large Lot Residential zone. In addition animal boarding and training establishments are also not permitted within this zone. This prevents the establishment of new or expanded commercial horse stabling enterprises within the subject site.

The previous planning proposal (REZ/0001/1516) made the following related resolution on 19 June 2018 to rectify the situation and once again enable commercial stabling in close proximity to the Goulburn Racecourse:

“to prepare a future planning proposal to reinstate the use of the subject land for the purpose of equestrian stabling and/or large animal veterinary facilities.”

A summary of the history of the subject site is presented in the Planning Proposal timeline of events in **Attachment 1**.

Council at its meeting on 1 December 2020 resolved to prepare a planning proposal, to amend the GM LEP 2009 and Development Control Plan 2009 (GM DCP 2009) to address the previous resolution and permit commercial stabling of horses (agistment) within the Racecourse Drive Precinct. A Gateway Determination to proceed with the proposal was received on 19 January 2021 with delegated authority provided to Council.

The planning proposal's public exhibition ran for 29 days between 22 February 2021 and 22 March 2021. A total of 7 public submissions and two agency submissions were received. The agency submissions were received from Water NSW and NSW Rural Fire Service which raised no objections to the proposed amendment and indicated their support for the change.

The Water NSW response included recommendations for minor amendments to the wording of Part 7 Additional Local Provisions in the GM LEP 2009 regarding connection to the sewer and to the GM DCP 2009 to enhance clarity regarding the limitation on horse numbers and the removal of horse pools. These minor amendments were implemented within the controls subject to exhibition.

Further engagement and comment was sought from Water NSW after receipt of public exhibition comments regarding the horse number limitation. Water NSW advised an increase would be allowable but only where the animals are to be fully enclosed in a shed or stable and where:

- All solids are to be collected regularly;
- All wastewater/effluent from stables is to be disposed of via the sewer system;
- Management strategies are prepared for waste storage areas; and
- Use of open areas (paddocks/stockyards) remains subject to the currently proposed restriction.

Part 7 Additional Local Provisions (GM LEP 2009) and the Site Specific DCP chapter controls have been updated to reflect the additional post exhibition comments from Water NSW and Council staff, and are available in **Attachment 2**.

A copy of all agency submissions are available in **Attachment 3**.

REPORT

In summary, the planning proposal seeks to enable the commercial stabling of horses (agistment) on the 31 lots to the north and south of Racecourse Drive, illustrated in Figure 1.

This is proposed to be accomplished through the following LEP amendments:

- Amend Schedule 1: Additional Permitted Use of the GM LEP 2009 to enable the Intensive Livestock Agriculture land use on the subject site but restricted to equine uses only. This restriction prevents the wider range of animals permissible within this land use and their associated impacts.
- Amend Part 7: Additional Local Provisions of the GM LEP 2009 to detail the types of equine uses permissible and prescribe controls on the number of horses allowed, alongside controls to limit their impacts on water quality, local amenity and erosion.

In addition, these changes are also supported by the introduction of a new site specific chapter to Part 8 of the GM DCP 2009 to provide more detailed controls relating to the construction and siting of stables, horse yards, fencing and material and waste storage, alongside water management.

Consultation and Submissions made in accordance with Act or Regulations

Public Exhibition

The Gateway determination included a requirement to exhibit the planning proposal for a minimum period of 28 days. The exhibition ran for 29 days with a total of 7 public submissions (**Attachment 5**) and 2 agency submissions received.

The public exhibition included:

- A notice on the Council website and in the Goulburn Post
- Direct notification to all landowners within and directly adjacent the proposed Racecourse Drive Precinct.

A summary of the public submissions received and the Council officer’s response are presented in Table 1 below.

Table 1: Summary of Public Submissions and Council Officers Response

Item	Submitter	Comment Summary
1	Andrew Russell at 200 Taralga Road	<p>Objection to principle of Commercial Stabling in location</p> <p>Concerns regarding:</p> <ul style="list-style-type: none"> • Noise at early hours of the morning (shouting, truck horns, horses neighing & kicking) • Uncleaned horse yards for weeks leading to odour and vermin and is unsightly • Stormwater run-off from adjacent property flooding garden due to poor drainage • Horse boxes situated adjacent fence line and adjacent bedroom windows • Quiet enjoyment of property is adversely impacted
2	Anonymous local resident	<p>Objection to principle of Commercial Stabling in location</p> <p>Enjoyment of the home has been significantly reduced since horse stabling and increasing number of animals began as a result of the following existing impacts on residential amenity:</p> <ul style="list-style-type: none"> • Odour from horse excrement prevents windows from being opened in warm weather • Estimated 8.3 tons of horse excrement generated per horse per year • Vermin including flying insects, mice and snakes attracted by large amounts of feed and excrement • Increasing levels of noise generated during early hours of the morning by:

Item	Submitter	Comment Summary
		<ul style="list-style-type: none"> ○ Horses kicking stable doors, buckets and horse boxes/vehicles ○ Loading of horses onto trucks and horse floats ○ Engines left idling for extended periods of time ● Concerned the number of horses will increase alongside associated impacts identified. ● No more animals should be allowed in this residential area and current numbers should be audited and reduced. ● Planning proposal cannot be allowed to pass. ● Existing commercial stabling on site is already operating as indicated by the quantity of horses, stables and the use of mechanical exercise machines.
Council Assessment of Item Numbers 1 & 2		<p>It has been established that No's 202 Taralga Road and 6a Racecourse Drive gained development consent for commercial stabling in 2003 and 2008 for horse stable blocks, feed rooms and tack rooms. These approvals were granted before the implementation of the Standard Instrument in 2009 which removed the permissibility of commercial stabling within this zone. These sites therefore benefit from existing use rights.</p> <p>These approvals were determined based on out-dated controls which don't adequately address the full range of impacts associated with the stabling of horses in proximity to residential properties. The introduction of the updated DCP chapter and additional controls within the LEP seek to remedy this deficiency.</p> <p>The permissibility of commercial horse stabling is likely to result in an intensification of horses within the Precinct. However, this permissibility is accompanied by a detailed suite of controls through the replacement DCP Chapter and additional provisions in Part 7 Additional Local Provisions of the LEP. These controls seek to mitigate the range of impacts identified through:</p> <ul style="list-style-type: none"> ● Limiting the number of horses on each lot. ● Prescribing separation distances between equine developments and residential properties. ● Locating noise generating areas away from residential properties and minimising noise from horses in their stables through a requirement for masonry construction of walls. ● Siting external lighting away from residential properties and minimising their use. ● Specific requirements on material and waste storage, particularly requiring sealed material storage to limit odour and vermin and the requirement to regularly remove solid waste. ● Requirement for a Water Cycle Management Plan which specifically addresses stormwater and effluent. <p>These updated controls go above and beyond the existing DCP controls upon which stable-related developments have previously been assessed.</p> <p>Therefore future commercial stabling development applications will be subject to a greater range of controls which are specific and clear, presenting greater clarity for Council compliance officers to monitor and take action on future breaches.</p>
3	Michael Sperring & Lucy Longmire at 4a Racecourse Drive	<p>Support Commercial Stabling but object to some proposed controls</p> <ul style="list-style-type: none"> ● Limit of 2 horse at 2000m2 should not apply where all horses are housed within a fully enclosed shed. ● Water Cycle Management Plan (included in submission) evidences the benefit to water quality. ● Object to requirement for masonry construction of stables due to

Item	Submitter	Comment Summary
		<p>likelihood of horse injury- preference for rubber and steel.</p> <ul style="list-style-type: none"> The 3.4m stable height limit should be raised to accommodate an American style barn. Above amendments would have minimal impact and prove beneficial for small scale commercial stabling.
4	Lucy Longmire at 4a Racecourse Drive	<p>Support Commercial Stabling but object to some proposed controls</p> <ul style="list-style-type: none"> Limit of 2 horses at 2000m2 only suitable for a hobby trainer- 8 horses per 2000m2 is more feasible. Racing industry has potential for growth but this is impacted by not allowing stables to be built in residential areas. Horse owners inject profit into local community and racing has positive impacts on local employment and entertainment. Great opportunity for Racing in Goulburn to provide stables with direct access to Goulburn Racecourse. Zoning should be returned to previous permissibility of stabling prior to LEP change.
5	C.E.O of Goulburn Race Club	<p>Support Commercial Stabling but object to some proposed controls</p> <ul style="list-style-type: none"> Limit of 2 horses at 2000m2 is not feasible for a horse trainers business. Stable construction should accord with industry standard and be constructed from steel and rubber rather than masonry. Proposal would allow for the erection of stables which would meet demand of a growing industry.
Council Assessment of Item Numbers 3, 4 and 5		<p>The proposed Development Control Plan chapter prescribes stable walls to be of masonry construction up to a height of 1.2m. This requirement has been established to reduce the potential noise impacts of horses kicking and pawing the stable walls. This standard has been sourced from the Department of Primary Industries <i>Guidelines for Minimum Standards for Keeping Horses in Urban Areas</i> (Attachment 5).</p> <p>These guidelines are specifically aimed at reducing amenity impacts generated by the keeping of horses in suburban areas, towns and villages. The application of this standard is not therefore considered to result in harm to horses or impact on the ability of a commercial operator to construct stables but it would have amenity benefits to nearby residential properties. The prevention of potential horse injury has been considered through the DCP controls which require internal stable walls to be lined with plywood sheeting or rubber material.</p> <p>A height limit of 3.4 metres has been established through the DCP to ensure the bulk and massing of development contributes to the single storey character of this urban fringe location. A development application is a merit based assessment process and project specific deviations from the standards can be requested. Any such deviations will be assessed on their merits considering potential benefits and impacts of the proposal.</p> <p>Further advice from Water NSW highlights that an increase in the number of horses on an allotment would be acceptable where the horses are confined to a fully enclosed stable and where other controls are adhered to. These controls include waste management, retaining the limit on horse numbers in open areas of the lot and introducing an upper limit of horses for stabling. The controls proposed by Water NSW have been included in the revised post exhibition LEP and DCP controls in Attachment 3 of this report.</p> <p>It should be noted that the Water Cycle Management Plan submitted in support of the response by Michael Sperring does not address horse effluent matters and does not adequately demonstrate a benefit to water quality. Any development application will be required to adequately demonstrate a neutral or beneficial effect on water quality.</p>

Item	Submitter	Comment Summary
		<p>The benefits of commercial stabling in this area to the Racecourse and racing industry in Goulburn are recognised.</p> <p>The objective of this planning proposal has been to further support the industry by enabling commercial stabling within this precinct whilst mitigating potential adverse impacts.</p> <p>As identified through the planning proposal the historical permissibility of commercial stabling in this zone was amended through the introduction of the NSW Standard Instrument in 2009. The current land use planning regime only enables commercial stabling within the intensive livestock agriculture land use which is not permissible in residential zones.</p>
6	<p>Tempe Hornibrook at 21 Bungonia Road</p>	<p>Comment on planning proposal</p> <ul style="list-style-type: none"> • Original intention of the subdivision was for horse trainers and their business to be located next to the racecourse. • Intention permissible until 2015 when area changed to residential only. • 8 horse stable blocks approved by council operating commercially around 2005. • Lots purchased with intention of expanding stabling capacity of a growing racing business successfully operating since 2010 (Twinstar Racing). • Council should show respect to racing industry. Racing brings thousands of visitors to Goulburn supporting the economy.
7	<p>John Harriott at 137 Mundy Street</p>	<p>Comment on planning proposal</p> <ul style="list-style-type: none"> • Question as to why the conditions for stabling of horses at the racecourse changed in 2015? • Where else in Goulburn can horse trainers live nearby to the Racecourse? • Why does council want to handicap horse racing in Goulburn when it contributes socially, financially, environmentally and creates employment?
<p>Council Assessment of Item Numbers 6 & 7</p>		<p>The planning proposal recognises the link between the precinct and the operation of the adjacent racecourse and the supporting benefits this co-location can bring. The ability of the original subdivision to operate commercial stabling was prevented through the introduction of the Standard Instrument which removed agistment of horses as a permissible use in the zone. This change occurred in 2009.</p> <p>Council has undergone an extensive planning proposal process to enable commercial stabling in the precinct whilst mitigating the potential impacts on the environment and local amenity. This work recognises the value of the racing industry to Goulburn and the local economy and seeks to enable something currently prevented. The successful implementation of this planning proposal seeks to support horse racing in Goulburn and not handicap it.</p>

Zone Objectives

The subject site is zoned as R5 large lot residential development under the current GM LEP 2009, where the zones objectives seek:

- To provide residential housing in a rural setting;
- To minimise conflict between land uses within this zone and land uses within adjoining zones; and
- To facilitate and promote an increased range of residential opportunities by providing low intensity residential development compatible with the rural characteristics of the locality.

The objectives of the R5 zone differ from other residential zones in that the objectives seek to provide residential in a rural setting, minimise conflicts with other zones and provide a range of residential opportunities through low density residential development which is compatible with the rural characteristics of the locality.

The stabling of horses is a characteristic of rural localities and previous development consents have confirmed their compatibility with this urban fringe location. As such the presence of horses, whether commercial or non-commercial, is and has been considered as an anticipated and expected use in this location. Alongside this, is an expectation that some rural related consequences of development would be present such as odour from animals but that these conflicts should be minimised.

The acceptability of stabling within the precinct therefore appears not a matter of principal but one of adequate controls to minimise the impacts from stabling related development.

Addressing Amenity Impacts

When considering the amenity impacts of stabling in the precinct there are two primary considerations:

- Amenity impacts from existing uses in the precinct; and
- Intensification of amenity impacts as a result of new stabling developments.

Amenity impacts from existing uses

The public submissions (submitters 1 & 2) received through the public exhibition have raised a number of objections to the proposal based upon current impacts on residential amenity and their potential exacerbation as a result of intensification of horse stabling.

Concerns regarding residential amenity have also been previously raised as complaints to Council relating to No. 202 Taralga Road and the area generally. A total of 6 complaints from two complainants have been registered with Council between 2017 and 2018. These complaints related to:

- Flies and vermin attracted by an uncleaned yard and stockpiling of manure and a subsequent odour; and
- Noise from a horse treadmill/walker.

Council compliance officers responded by issuing a noise letter to the owner of the source, investigating waste stockpiling and also sending a letter to the complainant. The letter to the complainant highlighted that some noise and odours from horse related activities would be present given the location and zoning of the area. No further, more recent complaints have been identified.

The current horse stabling developments within the precinct were approved under historic DCP controls and specifically under *DCP Policy 16 Goulburn Racecourse Ancillary Development Policy*. This policy applied specifically to the southern area of the subject site (south of Racecourse Drive) with the aim of encouraging residential and stable development adjacent to the racecourse for people associated with the racing industry. The determination of these applications identified that stables were a characteristic of the area and met the intent of the policy and recognised that stabling would facilitate the use of the adjacent racecourse.

These developments have existing use rights, therefore regardless of the outcome of this planning proposal would not affect the right to operate the current commercial stabling enterprises.

However, the existing impacts can be addressed, and have previously been addressed, by Council's compliance team in relation to relevant conditions on their development consents and through the authorities afforded through the *Protection of the Environment Operations Act 1997*.

The application of Council's compliance authorities will however be balanced with the anticipated impacts from the semi-rural use of the land.

Intensification of amenity impacts as a result of new stabling developments

This planning proposal seeks to enable an intensification in the use of land in the precinct for horse stabling with recognition of the potential for an increase in associated impacts such as odour, noise and water quality. These impacts have been carefully considered through the proposed GM LEP 2009 and GM DCP 2009 controls which go beyond the more limited requirements of the previous DCP and conditions on the previous development consents for stables in the area.

The proposed controls seek to mitigate the range of potential impacts through:

- Limiting the number of horses on each lot within open areas and within stables;
- Prescribing separation distances between equine developments and residential properties;
- Locating noise generating areas away from residential properties and minimising noise from horses in their stables through a requirement for masonry wall construction;
- Siting external lighting away from residential properties and minimising their use;
- Specific requirements on material and waste storage, particularly requiring sealed material storage to limit odour and vermin and the requirement to regularly remove solid waste; and
- Requirement for a Water Cycle Management Plan which specifically addresses stormwater and effluent.

These updated controls go above and beyond the historic DCP controls upon which stable-related developments have previously been assessed. Therefore future commercial stabling development applications will be subject to a greater range of controls which are specific and clear, presenting greater clarity for Council compliance officers to monitor and take action on future breaches.

Strategic Context and Benefits

The *Local Strategic Planning Statement (LSPS)* identifies Goulburn as a centre for equine pursuits and animal racing and the *Urban and Fringe Housing Strategy* identifies the northern part of the subject site as a small residential enclave.

The changes proposed through this planning proposal are considered to reinforce these documents and provide the following additional benefits:

- Reinforces an equestrian focus and character around the racecourse and on the Goulburn urban fringe;
- Enables the establishment and growth of small, home-based equine businesses;
- Businesses can benefit from their co-location with Goulburn Racecourse;
- Provides additional housing choice for those interested and engaged in equestrian activities (providing trainers and horse owners the option to live close to the racecourse facility without transporting their horse's significant distances);
- Further promotes Goulburn as a tourist destination and provides opportunities for a more diversified economy; and
- Reinstates the historic permissibility of commercial stabling in close proximity to Goulburn Racecourse.

Post exhibition amendments

The submissions received as a result of the public exhibition period highlighted opposing views with comments of support and objection to the principle of commercial stabling and objections to some proposed controls. One of the primary control related objections referred to the limitation on horse numbers and its impediment on the functional operation of a horse training business.

The limit on the allowable number of horses per 2000m² was initially introduced to both limit the impacts of increased stabling activities on residential amenity and on water quality.

As a result of the objections relating to the horse number limitation, Water NSW were further engaged to determine whether an increase in horse numbers would be acceptable in terms of impacts on water quality. Water NSW advised an increase would be allowable but only where the animals are to be fully enclosed in a shed or stable and where:

- All solids are to be collected regularly;
- All wastewater/effluent from stables is to be disposed of via the sewer system;
- Management strategies are prepared for waste storage areas; and
- Use of open areas (paddocks/stockyards) remains subject to the currently proposed restriction.

Water NSW also commented that an upper limit of horses within fully enclosed stables should be established having regard to sewer capacity and impacts on neighbours.

In light of the additional comments from Water NSW and the potential impediment to the operation of horse trainers' business resulting from the horse number limitation, additional amendments have been made to the proposed controls in Part 7 of the GM LEP 2009 and updated GM DCP 2009 in **Attachment 2**.

These amendments have:

- Set a limit on the number of horses fully enclosed within a stable to 6 horses per lot;
- Retained the 2 horses per 2000m² limitation but applied it to open areas only;
- Required the submission of a Waste Management Strategy with a development application; and
- Updated the DCP Water Cycle Management study requirement to include effluent and related waste water.

It was noted by Council staff that given the prohibition of "*animal boarding and training establishments*" in the R5 Large Lot Residential Zone, some clarity around the associated training of horses (a natural outcome of keeping horses) should be afforded around the proposed local provision clause in Part 7 of the LEP for this precinct (**Attachment 2**). Draft clause 7.7 (2) has been amended by including horse training in addition to horse: stabling, breeding, yards and related material storage. It is understood that the main training activities will occur at the race course site however, there may be other minor/related activities which could be described as training which should be able to occur at equine facilities.

Conclusion and Recommendation

The subject precinct has historically been defined as a residential area with rural characteristics with a supporting relationship to the adjacent Goulburn Racecourse, as identified by previous DCP policy and historic development consents. It was under this earlier regime that commercial stabling was approved on two lots south of Racecourse Drive. The state-wide land use standardisations and changes brought about through the introduction of the *Standard Instrument- Principal Local Environmental Plan* in 2009 removed commercial stabling as a permissible use in residential areas. This planning proposal seeks to reinstate this historic link between Goulburn Racecourse and the nearby R5 Large Lot Residential zone, whilst mitigating potential adverse impacts and supporting the benefits of co-location of equine businesses with the racecourse.

The objectives of the R5 Large Lot Residential zone seek residential opportunities compatible with the rural characteristics of the locality whilst minimising land use conflicts. Horse stabling is considered a characteristic of this urban/rural fringe location, particularly considering its close physical relationship to Goulburn Racecourse.

The principle of the proposal is therefore considered to align with the objectives of the R5 Large Lot Residential zone where land use conflicts can be minimised.

The introduction of controls through Part 7: Additional Local Provisions in the GM LEP 2009 and the site specific GM DCP chapter seek to achieve the balance between enabling the establishment and/or expansion of commercial stabling businesses and the minimisation of associated land use conflicts, particularly around water quality and residential amenity.

The proposed controls have been developed in close collaboration with Water NSW and with regard to *Horse Property Developments in the Sydney Drinking Water Catchment Recommended Practice* and the Department of Primary Industries '*Guidelines for Minimum Standards for Keeping Horses in Urban Areas*'.

The proposed LEP and DCP controls are considered adequate to ensure water quality, as per Water NSW comments and they provide a comprehensive range of controls to minimise the impacts on residential amenity, as per the objectives of the zone. The minimisation of impacts on residential amenity have been balanced with the needs of commercial stabling operators with a limitation on horse numbers which reduces impacts whilst not preventing the functional operation of commercial stabling enterprises.

The amenity impacts from the existing established stabling businesses will continue to be monitored by Council's compliance team and balanced with the rural characteristics of the zone.

It is recommended that the planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009, Schedule 1 Additional Permitted Uses, and Part 7 Additional Local Provisions to enable commercial stabling of horses within the Racecourse Drive Precinct be approved alongside the Site Specific DCP chapter titled *Racecourse Drive Equestrian Precinct*.

FINANCIAL AND LEGAL IMPLICATIONS

There are no identified financial implications to Council in relation to this planning proposal. There are no identified legal implications in relation to this planning proposal.

**Attachment 1
Planning Proposal Timeline of Events**

Planning Proposal Timeline of Events	
18 December 2003	332/2003/DA for Stables, Office, Storage of Tack and Feed approved under DCP 16 Goulburn Raceway Ancillary Development Policy for 200 Taralga Road (southern parcel of subject site). Linked stabling to those associated with the Racing industry.
2004	Goulburn and Mulwaree Councils merge. Goulburn LEP 1990- northern parcel of subject site has a R5 zoning.
26 October 2007	Goulburn and District Racing Club gain subdivision approval 263/0607 under Goulburn LEP 1990 for the northern parcel of the subject site.
28 July 2008	440/0708/DA for Stables, Storage of Tack and Feed approved under DCP 16 Goulburn Raceway Ancillary Development Policy for 6A Racecourse Drive (southern parcel of subject site). Linked stabling to those associated with the Racing industry.
2009	Goulburn Mulwaree LEP 2009- northern parcel of subject site inadvertently rezoned to RE2 Public Recreation removing the permissibility of dwellings.
6 June 2011	Modification application (MOD/0067/1011) to subdivision approval (263/0607) approved. – This provided for a staged subdivision. Stage 1 comprising the subdivision of the northern subject site from the wider Racecourse. Stage 2 being the subdivision of the northern subject site into 12 individual lots.
October 2011	The Crag Group purchase the site with the intention of progressing Stage 2 of the modified consent.
21 March 2013	Council receives a letter from The Crag Group requesting the land subject to subdivision be rezoned to allow for dwelling houses.
28 May 2015	Letter from Council advising current RE2 zoning is an anomaly to be corrected through a future LEP review.
15 December 2015	Council resolved to proceed to Gateway for Planning Proposal REZ/0001/1516 to rezone land at 1 Racecourse Drive from RE2: Private Recreation to R5: Large Lot Residential.
3 October 2017	Request for Gateway determination sent to Department of Planning, Industry and Environment (DPIE).
2 November 2017	Gateway Determination received for Planning Proposal REZ/0001/1516.
22 March - 6 April 2018	Public Exhibition on Planning Proposal REZ/0001/1516.
19 June 2018	Post exhibition Report on Planning Proposal REZ/0001/1516 endorsed at Council meeting. Council resolve to prepare a future Planning Proposal to reinstate equestrian uses on R5 lots around Goulburn Racecourse.
7 September 2018	Planning Proposal R5 zoning and 2000m2 minimum lot size changes gazetted/finalised (Amendment 11).
7 August 2019	Preliminary advice from Water NSW in relation to amending the LEP to enable equestrian stabling and/or large veterinary facilities under animal boarding or training establishments.
19 December 2019	Enquiry from local landowner on southern part of subject site requesting horse agistment. Landowner advised commercial stabling not currently permitted in the R5 large lot residential zone and an amendment to the LEP would be required.
September 2020	Amendments to LEP and DCP to enable equine uses on the north and south of the subject site drafted.

9 October 2020	Preliminary referral to Water NSW RE: Suitability of permitted Intensive Livestock Agriculture (Equestrian uses) through LEP amendment and draft DCP chapter.
4 November 2020	Referral response from Water NSW largely supporting approach with caveats and suggested amendments to the draft.
1 December 2020	Council resolution to proceed with planning proposal- REZ/0004/1920
19 January 2021	Gateway determination received from DPIE to proceed to public exhibition
22 February to 22 March 2021	Public exhibition on Planning Proposal- REZ/0004/1920
8 April 2021	Addition comments provided from Water NSW on horse limitation increase where horses fully enclosed in stable.
4 May 2021	Post-Exhibition Report goes to Council

Part 7 of LEP- Additional Local Provisions

Part 7: Additional Local Provisions

7.7 Racecourse Drive Equestrian Precinct

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

- (a) To prevent adverse impacts on water quality and ensure an overall neutral or beneficial impact on water quality during construction and operation of the site.
- (b) To avoid significant effects on the environment that would cause avoidable erosion and siltation
- (c) Limit sources of pathogens and nutrients and prevent them or contaminants leaching from them reaching watercourses, water bodies or drainage depressions
- (d) To reduce land use conflict and ensure the amenity of nearby residential properties

(2) This clause applies to land identified on the [Schedule 1 Local Clauses Map](#) for the development of intensive livestock agriculture (equestrian uses)

Equestrian uses for the purposes of this clause are:

- Horse stabling and breeding
- Horse training
- Horse yards
- Horse related material storage

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and the development application includes the following:

- (a) A Water Cycle Management Plan which:
 - I. includes manure management and
 - II. ensures no on-site management or disposal of wastewater (collection and management of effluent and related waste water by means of connection to the sewer)
 - III. includes run-off, erosion and sedimentation controls
- (b) Development is separated from a drainage depression, waterbody or watercourse by at least 40 metres with the exception of environmental protection works, fencing (such as for riparian protection) and alternative water supplies such as troughs, tanks and pumps
- (c) Development is separated from on-site or adjoining residential accommodation by at least 9 metres
- (d) Limits the number of horses within fully enclosed stables to 6 horses per 2000m² of lot area and within open areas (paddocks/stockyards) to no more than 2 horses per 2000 metres squared plus 1 horse for each additional 1000 metres squared
- (e) Erosion controls comply with standard erosion control recommended practice where development comprises an area 250 metres squared or below or an Erosion and Sediment Control Plan where the development area exceeds 250 square metres but is below 2500 square metres in area.

Site Specific DCP Provisions for Racecourse Drive Precinct

Racecourse Drive Equestrian Precinct- Draft Site Specific DCP Provisions

8.11 Racecourse Drive Precinct

Aim

1. To permit horse keeping, breeding and training for commercial or non-commercial purposes, including agistment of horses in close proximity to Goulburn Racecourse.
2. To ensure environmental impacts arising from horse keeping and breeding minimise environmental impacts and that such development have a neutral or beneficial effect (Nor BE) on water quality.

Objectives

The objectives of this chapter are to:

- Ensure an overall neutral or beneficial effect on water quality during construction and operation of the site;
- Limit sources of pathogens, nutrients and contaminants and prevent them leaching or being transported to watercourses, water bodies or drainage depressions;
- Ensure adequate drainage facilities are provided within the site to collect and carry stormwater to external systems and limit the amount of pollution entering waterways via stormwater;
- Reduce land use conflicts between equestrian uses and residential properties;
- To minimise soil erosion and water pollution by minimising land disturbance and requiring control measures on-site;
- To encourage horse stables to be located away from water bodies and watercourses to avoid erosion, damage to vegetation cover and horse-related manure and effluent being deposited in watercourses;
- Ensure horses are not kept at a density beyond the carrying capacity of the land or water, and
- Safeguard animal welfare.

8.11.1 Land to which this land applies

This chapter applies to the lots identified in the Racecourse Drive Equestrian Map as shown on figure 8-11-1 below.

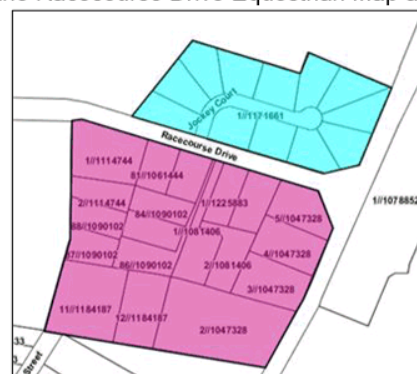


Figure 8-11-1: Racecourse Drive Equestrian Map

8.11.2 Limit on Number of Horses

- The minimum lot area for the keeping of horses is 2,000m²
- A maximum of 6 horses within fully enclosed stables per 2000m² of lot area
- Within open areas (paddocks/stockyards) no more than two horses permissible per 2000 metres squared, plus one horse permissible for each additional 1000 metres squared.

8.11.3 Horse Stables and Shelter

- The minimum size for any horse stable should be 3.7 metres wide and 3.7 metres deep. The height of any horse stable should be a minimum of 2.75 metres up to a maximum of 3.4 metres.
- The roof of the stable(s) shall provide all weather protection and should incorporate appropriate guttering and downpipes to convey stormwater into rainwater tanks and into appropriately designed stormwater drainage systems or drinking troughs. Rainwater tanks should have a minimum capacity of 10000 litres.
- The walls of the horse stable should be of masonry construction for a height of at least 1.2 metres with either masonry or solid galvanised iron sheeting provided for the upper wall panelling. Any concrete masonry blocks should be reinforced with vertical steel rods and the cores filled with concrete. Some form of window or air passage between the roof and the walls is needed for cross-ventilation purposes.
- External walls of the stable shall be appropriately sealed and waterproofed. The internal walls of the stable should be lined with plywood sheeting or rubber material to prevent injury to horses and to also protect the walls from pawing or kicking.
- The doors of any horse stable shall be at least 1.2 metres wide and 2.4 metres high with no protrusions which may cause potential injury to the horse. Any latches to the doors should be strong and have no protrusions which may injure the horse.
- The floor of any horse stable must be constructed of an impervious material which is graded towards the doorway to permit drainage and should have no depressions where waste/urine can collect. Surface water should drain into a manure trap.
- The flooring is constructed with a 100mm thick reinforced concrete slab. Clean bedding such as straw or sawdust should be provided daily to prevent any foot or leg problems caused by the horse standing on concrete.
- Feeders and water troughs should be raised to a height of 1.05 metres aboveground and placed within a corner of the stable. The feeders should be smooth finished and free of any protrusions.
- Any horse shelters shall be constructed to fulfil the same requirements as a horse stable regarding walls, floor and roofing but should not be provided with any doors, in order to allow free passage of horses to/from the shelter at all times.

8.11.4 Horse Yards

- Horse yards including day yards or holding yards should be at least 3 metres wide with an area of at least 20 square metres.

- Yards should be adequately fenced to prevent escape. Fencing should comprise post and rail fencing using timber, steel pipes or steel posts.
- Gates should be a minimum of 1.2 metres wide and located away from the lowest point of the yard to prevent pooling.
- Yard surfaces should allow for drainage either through grading with run-off directed to appropriate drainage channels or by utilising gravel and a subsurface covered with sand or loam. Surface water must not be allowed to flow onto adjoining properties or drainage depressions, water bodies or watercourses.

8.11.5 Siting

- Stables, yards and storage receptacles should be located at least 40 metres from a drainage depression, water body or watercourse.
- Environmental protection works, fencing (such as for riparian protection) and alternative water supplies such as troughs, tanks and pumps are permissible within the buffer zone.
- Stables must be located at least 9 metres from residential accommodation on-site or adjoining sites.

8.11.6 Material and Waste Storage

- All solid manure should be removed regularly, including prior to forecast rain, and placed in a suitable waste storage bin. The solid waste storage bin should be a large, sealed metal bin with flanged-fitting metal lid which is waterproof and prevents access to flies and vermin.
- All material and waste storage areas including manure and composting areas must be completely roofed and kept undercover.
- A Waste Management Strategy must be submitted and approved with a development application which demonstrates the capacity of on-site waste storage receptacles, expected daily waste generation and the waste disposal regime which sets out removal intervals
- Feed should be stored in a waterproof container on an imperious surface.
- Chemicals must be stored in a weather-proof, fire resistant container on a concrete floor.

8.11.7 Construction

- Developments with an area of 250 metres squared or less should ensure that the Standard Erosion Control recommended practice (Landcom 'The Blue Book') is applied.
- Developments with an area exceeding 250 metres square but less than 2500 metres square should include an Erosion and Sediment Control Plan with a development application

8.11.8 Water management

- No on site management and disposal of wastewater including equine-related effluent and horse and stable wash-down wastewater
- Water run-off must be diverted around manure, composting and waste storage areas with run-off captured and directed into the sewer system

- A Water Cycle Management Study must be submitted and approved with a Development Application which includes the management of stormwater, effluent and related waste water
- A development application must demonstrate a Neutral or Beneficial Effect (NorBE) on water quality

Note: A Section 68 Local Government Act 1993 approval is required for the operation of any trade waste facilities associated with the stables and for the discharge of liquid waste to the sewerage system.

8.11.9 Noise

- Noise generating areas of the operation should be adequately screened and/or located away from adjoining residential properties to minimise noise impacts on neighbours
- Noise caused by the facility must not result in the transmission of “offensive noise” as defined in the protection of the Environment Operations Act 1997 to any place of habitable use.

8.11.10 External Lighting

- Must be sited and directed away from adjoining residential properties to prevent glare and light spillage and minimise impacts on residential amenity
- Must not be directed onto a classified road under the Roads Act 1993
- The operation of external lighting should be minimised during night time hours and turned off when not in use.
- Must comply with AS 4282-2019, Control of the obtrusive effects of outdoor lighting



Attachment 4
Agency Submissions

NSW RURAL FIRE SERVICE

Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Your reference: REZ_0004_1920
Our reference: SPI20210202000006

ATTENTION: David Kiernan

Date: Thursday 11 February 2021

Dear Sir/Madam,

**Strategic Planning Instrument
LEP Amendment**

Planning Proposal to create additional local provisions and permitted use for the agistment of horses at Racecourse Drive, Goulburn under Part 7 and Schedule 1 of the Goulburn Mulwaree Local Environment Plan 2009.

I refer to your correspondence dated 21/01/2021 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and subsequently raise no concerns or issues in relation to bush fire.

For any queries regarding this correspondence, please contact Anna Jones on 1300 NSW RFS.

Yours sincerely,

Bradley Bourke
**Team Leader, Dev. Assessment & Planning
Planning and Environment Services**

1

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Hi David,

Thank you for your email. We advise the following:

If stabling is envisaged then, to protect water quality, the following matters would have to be addressed:

- The proposed DCP could be amended to
 - Allow an increase in the number of horses on an allotment but only if/where the animals are confined to a fully enclosed shed or stable. In these situations:
 - All solids (manure) are to be collected regularly from the shed/stable, preferably daily, and disposed of by appropriate means (off-site or composted) as per cl 8.11.6 of the proposed DCP.
 - All wastewater /effluent from the stable/ shed to be disposed of via the sewer system and treated as trade waste.
 - Waste storage areas will need to be appropriately sized and management strategies prepared involving regular removal / treatment to minimise the risk of waste volumes exceeding the storage capacity of waste storage bins/ areas.
 - Use of open areas (paddocks/ stock yards) remains subject to the 2 horse/ 2000m2 (with one additional horse for each 1000m2) rule.

It would be useful to stipulate an upper limiting number of horses for stabling based on capacity of sewer, and impacts on neighbours (odour etc) given the small land sizes present.

Please also note the supplied Water Cycle Management Study (WCMS) does not address the horse effluent matters, only stormwater. To this end, dot point 4 of proposed cl 8.11.8 of the DCP should be expanded so that any Water Cycle Management Study includes not just stormwater management, but management of effluent wastewater, collection/ treatment/ disposal of waste solids (manure), and any other potential water quality contaminants. The wording could be aligned with proposed cl 7.7(3)(a) of the LEP.

The WCMS should also address the requirements of the horse CRP
https://www.waternsw.com.au/_data/assets/pdf_file/0005/56480/Horse-Property-Developments-in-the-Sydney-Drinking-Water-Catchment.pdf

Please also note that any development application (DA) lodged by the proponent will have to demonstrate a Neutral or Beneficial Effect (NorBE) on water quality. This advice provided here should not be in any way construed as that test having been met by the submission in question.

Thanks

Stuart

Stuart J Little

Strategic Land Use Planner

For noting: *I am currently working remotely.*

Please reach me via email



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11 February 2021

Contact: *Stuart Little*
Telephone: *0436 948 347*
Our ref: *D2021/15758*

David Kiernan
Senior Strategic Planner
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Dear Mr Kiernan

POST GATEWAY REFERRAL – RACECOURSE DRIVE – REZ/0004/1920

Thank you for your email of 21 January 2021 referring a Planning Proposal (REZ/0004/1920) for Racecourse Drive for our comment following a Gateway Determination of the Proposal on 19 January 2021.

The Proposal intends to instate the commercial stabling of horses (agistment) as a permissible use across 31 lots within an existing R5 Large Lot Residential area lying in close proximity to Goulburn Racecourse. This would agglomerate equine uses in the locality with small-equine businesses drawing upon the benefits of co-location with the Racecourse. The above would be facilitated by amending Schedule 1 Additional Permitted Uses of the *Goulburn Mulwaree Local Environmental Plan 2009* (the LEP) to enable development for the purpose of Intensive Livestock Agriculture albeit limited to specified equestrian uses. Supplementary controls for water quality protection are also proposed for Part 7 of the LEP and supported by a dedicated DCP Chapter.

While the Proposal presents an intensification of land use compared to the current uses allowed under the R5 zoning, it contains strong planning controls for water quality protection. WaterNSW provided Pre-gateway advice on the LEP and DCP provisions on 4 November 2020, preceding the preparation of a formal Planning Proposal (our ref: D2020/117760). We also provided earlier correspondence on the matter in July 2019 when Council was exploring a broader addition of 'animal boarding or training establishments' (ABTEs) as a permissible use on this land. Matters raised in our July 2019 advice (our ref: D2019/79578) have all been addressed through the proposed LEP and supporting DCP provisions.

In our correspondence of November 2020, we noted that the Proposal presents some significant challenges for the area given that it is introducing livestock-related uses into relatively small lots that vary from 2,000m² to 10,745m². We raised several concerns regarding wastewater management, the ability of equine-related development to achieve a neutral or beneficial effect (NorBE) on water quality and that development standards would need to conform with WaterNSW's *Horse Property Developments in the Sydney Drinking Water Catchment* current recommended practice (CRP) or adopt equivalent or better standards. The Proposal addresses those concerns. We particularly note that the LEP and DCP provisions commit to equine-related developments needing to meet a NorBE on water quality, wastewater being transferred to the sewer (and treated as trade waste), and that the local sewerage infrastructure and sewerage treatment plant has sufficient capacity to service the equestrian uses proposed (page 24). The proposed DCP Chapter provides aims, objectives and controls to manage water quality risks

including from stables, yards, waste storage and water management activities. The controls supplement the requirements of *Horse Property Developments in the Sydney Drinking Water Catchment CRP*.

We also acknowledge that the Proposal needs to be seen in its historical context as it essentially seeks to reinstate equine uses on land where this use was previously allowed. The permissibility of equine uses was inadvertently removed in the alignment of the former LEP 1990 with the *Standard Instrument—Principal Local Environmental Plan* (Standard Instrument) and later zoning changes to R5 Large Lot Residential to correct an erroneous R2 Private Recreation zone anomaly. The northern portion of the site has a previously approved 13-lot subdivision, which includes horse stabling and agistment, approved under the former LEP 1990 when the land was zoned 1(c) Rural (Closer Residential Settlement) of the LEP 1990. Overall, the combined LEP and DCP provisions result in a better water quality controls for the site than what was allowed under the former 1(c) Rural (Closer Residential Settlement) zoning of the LEP 1990. The proposed provisions also facilitate the ability of future development applications to be able to meet a NorBE on water quality.

Proposed LEP Provisions

In terms of the actual LEP Provisions, WaterNSW notes that the Planning Proposal intends to:

1. amend Schedule 1: Additional Permitted Uses of the GM LEP 2009 to enable development for the purpose of Intensive Livestock Agriculture being for equestrian uses for the lots, and
2. amend Part 7 Additional Local Provisions of the GM LEP 2009 to include new local provisions that confirms the objectives of the clause, confirms that the clause only applies to the lots identified on the proposed map, and includes heads of consideration for various water quality risks.

WaterNSW has no objections to amending Schedule 1 as stated. However, we suggest that Part 7 be amended by including either a supplementary LEP control or additional head of consideration for the management of equine-related effluent and wastewater. We request that such a provision give effect to:

- Collection and management of effluent and related wastewater by means of connection to the sewer.

Proposed DCP Provisions

To support the proposed LEP amendment, draft DCP provisions are contained in Appendix 4 of the Planning Proposal. We support the inclusion of this Appendix as part of the Proposal so that when the Proposal is publicly exhibited, landholders, the community and potential purchasers of land will be able to understand the suite of constraints and water quality controls operating on the land.

Direction 5.2 Sydney Drinking Water Catchment

The Planning Proposal includes consideration of Local Planning Direction 5.2 (pages 16-19) and reflects our earlier responses to the draft LEP and draft DCP provisions. The Direction requires a Planning Proposal to be consistent with *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* and give consideration to the outcomes of the Strategic Land and Water Capability Assessment (SLWCA).

The response refers to recommendations from our previous advice that have been addressed in the amended Part 7 LEP controls and site specific DCP Chapter provided in Appendices 3 and 4 to the Proposal. We are satisfied that the LEP and supporting DCP provisions will enable future equine-related development to be able to achieve a NorBE on water quality as required under the SEPP. Both the LEP and DCP provisions include objectives and other provisions that seek to ensure an overall NorBE on water quality during construction and operation of the site.

The response also includes consideration of the SLWCA for Intensive Livestock Agriculture and includes the relevant map in Figure 2 (page 19). The LEP and DCP provisions also respond to the High and Extreme Risk areas on the southern-most lots by including 40 m setback distances for equine-related works.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

Section 3.5 of the Planning Proposal (pages 12-13) addresses *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. The Proposal notes that 'inclusion of small-scale commercial stabling on lots in close proximity to the Racecourse as a permissible use, when accompanied by suitable development controls, is considered consistent with the need for strategic planning to achieve the ... aims of the SEPP' (emphasis added). We believe that the aim of the SEPP in delivering 'high quality water while permitting development that is compatible with that goal' is achieved through the planning controls proposed. Importantly, the area is serviced by mains water and sewer infrastructure while on-site management of wastewater is prevented by the proposed DCP controls.

Other

Appendix 4 includes the Site Specific DCP Provisions for Racecourse Drive. Clause 8.11.2 of the DCP needs further clarification in terms of the one horse per 1,000m² increase in lot size. The current wording of the two dot points could be interpreted as meaning that one horse is allowed per 1,000m² above the 2,000m² minimum size meaning that no horses are allowed below a 3,000m² lot size. This does not appear to be the intent. We note that clause 7.7(3)(d) of the intended LEP provisions 'limits the number of horses for any equestrian establishment within the precinct to no more than 2 horses per 2,000 metres squared plus 1 horse for each additional 1,000 metres squared'. This wording better reflects the intention. We suggest that the wording to Clause 8.11.2 of the DCP be refined and possibly cross-reference to proposed clause 7.7(3)(d) of the LEP.

Page 18 of the Planning Proposal refers to references to horse pools being removed from the DCP while clause 8.11.8 of DCP still refers to horse pools. This anomaly needs to be addressed and the approach to horse pools, reconciled.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@waternsw.com.au.

Yours sincerely



CLAY PRESRAW
Manager Catchment Protection



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4 November 2020

Contact: *Stuart Little*
Telephone: *02 9865 2449*
Our ref: *D2020/117760*

David Kiernan
Senior Strategic Planner
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Dear Mr Kiernan

**PRE-GATE REFERRAL- INTENSIVE LIVESTOCK AGRICULTURE (EQUESTRIAN USES)
REZ/0004/1920**

I refer to Council's email of 9 October 2020 seeking preliminary feedback on pursuing a Planning Proposal (REZ/0004/1920) for the commercial stabling of horses within an existing residential area (zoned R5 Large Lot Residential) in close proximity to Goulburn Racecourse. The request follows from earlier correspondence in July 2019 when Council was exploring the addition of 'animal boarding or training establishments' (ABTEs) as a permissible use on this land. Our advice (our ref: D2019/79578) recommended that Council consider restricting uses to equestrian stabling, introducing an upper limiting threshold on the number of horses allowed for stabling, and avoiding areas in proximity to watercourses and those areas of High and Extreme water quality risk. We also suggested that Council review its DCP provisions for ABTEs in concert with any Planning Proposal with a view to maximising consistency with the LEP and minimising water quality impacts.

To support the Planning Proposal, Council has now provided proposed Local Environmental Plan and Development Control Plan provisions for equestrian-type development before preparing the actual Planning Proposal. The provisions are largely responsive to the issues we raised in 2019. However, the proposed LEP and DCP provisions have now enabled us to delve more deeply into the opportunities and constraints presented by the proposed equestrian-related uses taking into account the existing zoning, lot sizes, and other site constraints.

In preparing our preliminary advice on the permissibility of commercial stabling of horses, WaterNSW has taken into account the provisions of s9.1 Direction 5.2 Sydney Drinking Water Catchment and *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (the SEPP). This has included consideration of:

- equestrian-related development needing to have a neutral or beneficial effect on water quality
- the Sydney Catchment Authority (2013) *Horse Property Developments in the Sydney Drinking Water Catchment* Current Recommended Practice (CRP) given effect under the SEPP
- the outcomes of the SLWCA for Intensive Animal Uses.

We have also taken into account current zoning and Minimum Lot Size (MLS) that applies to the land, the lot sizes and configurations that currently exist, the presence and proximity of watercourses, and other environmental constraints as relevant. In this regard, a watercourse

occurs on land adjacent to the north of the site while the larger lots in the south are affected by a 1st order watercourse on-site. We also understand that the site is connected to the sewer and this will be the prime means for disposing of any horse wash water, effluent and wastewater generated by equestrian-related development on the site.

The Planning Proposal is effectively shifting the land use of the area from Residential to Rural Residential. At face value, the Proposal will introduce significant challenges for the area given that it is introducing livestock-related uses into relatively small lots that vary from 2,000 m² to 10,745 m². Ground cover is likely to be adversely affected by the stock intensities proposed. However, effluent-related water quality risks are significantly lessened if effluent is to be transferred to the sewer, and provided that the associated sewer infrastructure has sufficient capacity to deal with the waste.

Any equestrian-related development of the site will need to achieve a neutral or beneficial effect (NorBE) and on water quality and conform with the Sydney Catchment Authority (2013) *Horse Property Developments in the Sydney Drinking Water Catchment* CRP. However, it should be noted that the CRP is based on larger-sized properties that have sufficient land areas available for on-site effluent management. As indicated, we understand that Council is proposing to ensure all effluent and related wastewater is transferred to the sewer, presumably treating the effluent as 'trade waste'. We support this approach as the majority of site are too small for on-site effluent management. The few larger lots that occur in the south are constrained by the watercourse and the 100 m buffer distance required between it and any effluent management area including wastewater generated from yard and horse washdowns. Areas surrounding the watercourse also have a High to Extreme Risk based on the outcomes of the SLWCA.

In light of the above, any Planning Proposal seeking to make the commercial stabling of horses a permissible use will need to clearly articulate that wash-down water and wastewater is transferred to the sewer. It will also need to address the capacity of the sewerage infrastructure and sewerage treatment plant (STP) in dealing with such wastes. The Planning Proposal will need to clearly commit to equine-related developments needing to meet a NorBE on water quality. It should also reference that future development would need to conform with the *Horse Property Developments in the Sydney Drinking Water Catchment* CRP or otherwise demonstrate how the practices and performance standards will achieve outcomes not less than those achieved by the CRP.

More detailed comments are provided in Attachment 1 while Attachment 2 includes the SLWCA for intensive animal uses previously provided in our 2019 correspondence. If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@waternsw.com.au.

Yours sincerely,



JESSIE EVANS
A/Manager Catchment Protection

ATTACHMENT 1 – Detail**Background**

The subject land includes 1 Racecourse Drive (Lot 1 DP 1171661) which is the subject to a 12 lot subdivision in the north, and 19 contiguous lots in the south. The area in the north was rezoned from RE2 Private Recreation to R5 Large Lot Residential and afforded a Minimum Lot Size (MLS) of 2,000 m² under Planning Proposal REZ/0001/1516.

Council has provided us with draft proposed Local Environmental Plan (LEP) and supporting Development Control Plan (DCP) to support the preparation of the Planning Proposal to facilitate equestrian uses across the subject land. In relation to LEP provisions, Council is considering facilitating horse stabling by:

- placing Intensive Livestock Agriculture (equestrian uses) into Schedule 1 of the LEP- Additional permitted uses which restricts the use to specific lots in close proximity to Racecourse
- including a new clause into Part 7 of the LEP- Additional local provisions which assigns high level controls into the LEP
- adding a new site specific DCP chapter which seeks to:
 - address water quality by limiting sources of pathogens and nutrients and ensure adequate drainage
 - reduce land use conflicts
 - minimise soil erosion, and
 - limit the number of horses on site.

Draft wording for the LEP amendments to Schedule 1 and Part 7 of the LEP has been provided in support of the above, along with a draft site-specific DCP chapter. The LEP clause proposes to make the following development types permissible with consent:

- Horse Stabling and breeding
- Horse Yards
- Horse Pools
- Horse related material storage.

No Planning Proposal has been provided at this stage. The request follows from earlier correspondence in July 2019 when Council was seeking preliminary advice on adding 'animal boarding or training establishments' (ABTEs) as a permissible use on the subject land. Our advice (ref: D2019/79578) recommended that Council consider restricting uses to equestrian stabling, introducing an upper threshold on horse numbers, avoiding areas in proximity to watercourses and of High and Extreme water quality risk, and review its DCP provisions for ABTEs in concert with any Planning Proposal, with a view to maximising consistency with the LEP and minimising water quality impacts.

Planning-Related Constraints***Strategic Land and Water Capability Assessment (SLWCA)***

As provided in our 2019 advice, WaterNSW has prepared a SLWCA Assessment for Intensive Animal Industries (Figure 1 attached) to help inform the water quality risks associated with the site and the capability of the land for the intended equestrian uses. The SLWCA indicates that the northern parcel (Lot 1 DP 1171661) lies adjacent to an Extreme Risk at the northern boundary with the remainder of the lot having a Low to Moderate Risk to water quality. For the southern area, the risk varies from Low to Extreme, with the High to Extreme Risk being associated with the watercourse the south. The SLWCA only takes into account inherent land and water related constraints, not lot sizes or impacts arising from the intensity of use on land management issues such as groundcover.

In our 2019 correspondence we advised that WaterNSW generally does not support intensive animal uses in areas of High to Extreme Risk to water quality. We also identified that ABTEs along the northern border of the site would also need to be considered in relation to the Extreme Risk in this area and the land's close proximity to Kenmore Creek. Currently the LEP and DCP provisions address these risks by requiring a 40 m setback from waterways and the proposed connection of equine-related development to the sewer (discussed below).

Horse Property Developments in the Sydney Drinking Water Catchment CRP

This CRP is aimed at larger properties. Meeting the terms of the CRP may be very challenging for smaller properties, particularly those in closest proximity to watercourses. However, many of these challenges relate to on-site effluent management which is currently not proposed.

Setback Distances from Watercourses and Waterbodies

The proposed LEP provisions may not be consistent with the setback distances of watercourses as advised under this CRP. Currently, subclause 3 (a) of Part 7.7. of the LEP proposes to introduce provisions that keep development separated from a drainage depression, waterbody or watercourse by at least 40 metres. If the intent is to broadly align the DCP provisions with the distances of the CRP, then the provisions should be changed from 40 m to 100 m for watercourses (as per the CRP). This would probably, however, sterilise the three most southern lots from any equine-related development which would create an inconsistency between the permissibility afforded the three lots and the constraints imposed by means of the buffer distance. If the 100m distance is adopted as stated, the three most southern lots should be removed from the Racecourse Drive Equestrian Map. The northern lots would also need to be examined in relation to the 100 m distances from the nearby waterways, as the northern most lots might similarly be sterilised by the LEP provisions of subclause 3(a).

The alternative way of reading the 40 m setback distance of the proposed LEP provisions, is on the premise that wastewater and effluent streams will be connected to the sewer. The following buffer distances of the CRP apply to equine-related developments:

- 150 m to a named river
- 100 m to a watercourse
- 40 m to a drainage depression or waterbody (such as a farm dam).

These distances apply to on-site wastewater systems, effluent disposal areas, horse wash wastewater and disposal areas, and manure storage areas (as per pages 8, 12, 18 of the CRP). On closer investigation it appears that the 40 m distance proposed in Council's LEP provisions applies to all aspects of the development and is not tied to effluent management or wastewater specifically. If the Proposal is seeking to connect all waste streams to the sewer, then the 40 m setback distance for all equine-related development is appropriate as, together with the sewer connection, it will ensure adequate protection of waterways, will not be inconsistent with the CRP, and likely not sterilise lots where such development would otherwise be permissible. The one stumbling block here is that the manure storage areas require a 100 m setback under the CRP. Given this inconsistency, developers will be reliant on cl 9(2) of the SEPP which states:

If any development or activity does not incorporate Water NSW's current recommended practices and standards, the development or activity should demonstrate to the satisfaction of the consent authority or determining authority how the practices and performance standards proposed to be adopted will achieve outcomes not less than those achieved by Water NSW's current recommended practices and standards.

We provide some additional guidance on manure storage areas below for incorporation into the DCP to help address the water quality risk arising from manure storage areas.

We also ask that the buffer distance provision should include caveats excepting 'environmental protection works', fencing (such as for riparian protection) and alternative water supplies (troughs, tanks and pumps)' as this would allow riparian protection and erosion repair works to occur as part of the development. This is particularly relevant to the southern-most three lots.

If on-site effluent management is at all contemplated, the buffer distances of the CRP should be listed with respect to the development types they apply to.

WaterNSW would appreciate further communication with Council on how the 40 m buffer distance proposed in the LEP is to be applied, taking into account the above comments.

Solid Wastes

The 40 m distance will mean that stables, tack shed, exercise yards, dressage or indoor arena and other areas of intensive animal use may still be located in areas that drain towards the waterways albeit outside the 40 m buffer. The DCP provisions need to ensure that solid wastes generated from these areas is captured, collected and removed. Such areas may require bunding to intercept any solids being mobilised in runoff and possibly diversion banks to avoid run-on onto these areas.

Horse Pools

The LEP proposes to make horse pools permissible with consent. Currently the DCP offers no guidance on how horse pools will be managed. WaterNSW is concerned regarding how the water in horse pools will be managed to minimise the risk of overflows during storm events and potential contamination of downstream waterways. In particular, it needs to be clarified whether the water in these pools will be transferred into the sewer system and at what intervals. Greater DCP guidance and controls are needed.

Flood Risk

Based on information previously provided to us by Council in 2019, half the southern area and the entire northern area is within the Probable Maximum Flood level, increasing the risk of animal wastes and other pollutants being mobilised during extreme flood events. This further justifies the reason for avoiding the use of on-site waste management measures for this particular site.

DCP Provisions

General

The DCP should have additional clauses that require developments to:

- refer to the provisions of clause 9 of the SEPP and refer applicants to the Sydney Catchment Authority (2013) *Horse Property Developments in the Sydney Drinking Water Catchment CRP*
- have a Neutral or Beneficial Effect (NorBE) on water quality as required under cl 10 of the SEPP.

Aim

We believe the aim should be reworded or a 2nd aim added to address environmental impacts, i.e.:

- To ensure environmental impacts arising from horse keeping and breeding minimise environmental impacts and that such development have a neutral or beneficial effect (NorBE) on water quality.

Objectives

- 2nd dot point could be amended to read 'Limit sources of pathogens, nutrients and contaminants and prevent them leaching or being transported to watercourses, water bodies or drainage depressions'
- 6th dot point could be amended to read: 'To encourage horses stables (not stabled) to be located away from water bodies and watercourses to avoid erosion, damage to vegetation cover, and horse-related manure and effluent being deposited in watercourses'.

8.11.2 Limit on Number of Horses

Proposed clause 8.11.2 seeks to limit the number of horses to 2 for each 2,000 m². But note that the wording is slightly ambiguous. We understand that Council is proposing to refine the wording as per below:

Revised control on number of horses

- The minimum lot area for the keeping of horses is 2,000 m².
- A maximum of 2 horses is permissible for each 2,000 m² lot area.
- Two additional horses are permissible for each 2,000 m² increase in lot size.

We note that several lots are between 3,000 m² and 4,000 m². The proposed wording would mean that those lots would be capped at 2 horses (rather than allowing 3 horses if the standard was based on 1 horse per 1,000 m²). WaterNSW is supporting of this approach as it will help reduce stocking intensity on these allotments. However, stocking rates of this intensity is likely to remove groundcover.

8.11.6 Material and Waste Storage

An additional point should be added that material and waste storage areas including manure storage and composting areas should be completely roofed (i.e. under cover). This would minimise the risk of leaching and the creation of leachates.

We also ask Council to consider extending provisions in the DCP to ensure any runoff is diverted around manure, composting, and waste storage areas, and any runoff from the storage areas is captured and directed into the sewer system.

The opening point refers to removing manure waste 'regularly'. This term is vague and should be replaced by the term 'daily' or at least qualified by stating 'including prior to forecasted rain'. It would also benefit by clarifying that the bins themselves (as well as lids) should be sealed/waterproofed.

8.11.8 Water management

The requirement states that there should be no on-site management and disposal of wastewater. We strongly support this but as indicated, it needs to be ensured that the sewer infrastructure will be appropriately sized and designed to cater for the equestrian-generated waste.

'Wastewater' should be defined and include 'equine-related effluent' and 'horse wash wastewater'.

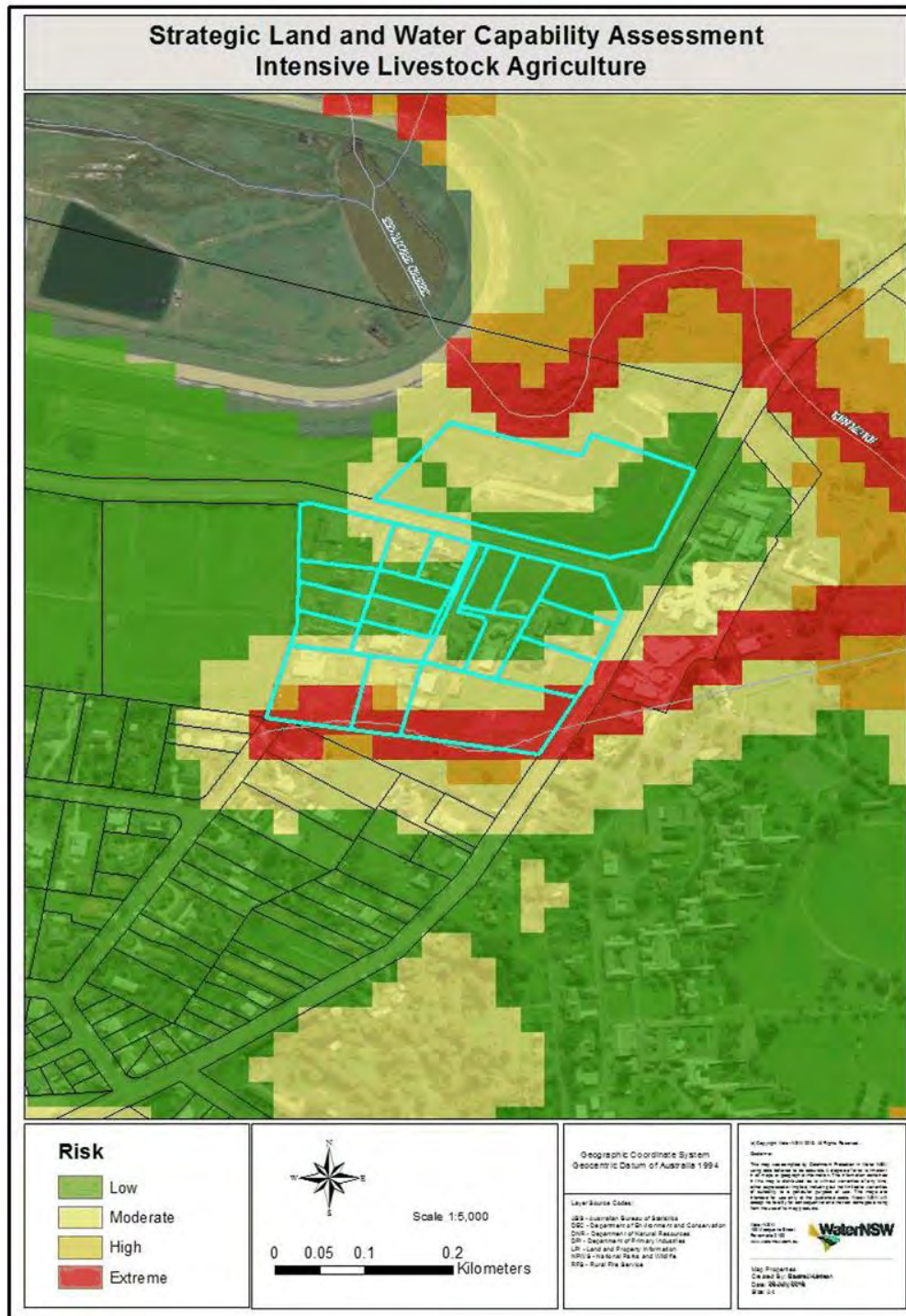


Figure 1. Strategic Land and Water Capability Assessment for Intensive Livestock Agriculture in the vicinity of 1 Racecourse Drive Goulburn.



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7 August 2019

Contact: *Stuart Little*
Telephone: *02 9865 2449*
Our ref: *D2019/79578*

General Manager
Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Attention: Mr Bennett Kennedy

Dear Mr Sir/Madam

RE: Proposed New Planning Proposal – REZ/0001/1516 – Lot 1 DP 1171661

I refer to Council's email and letter of 17 July 2019 seeking preliminary feedback on pursuing a Planning Proposal to re-instate 'animal boarding or training establishments' (ABTEs) as a permissible use on R5 Large Lot Residential zoned land in vicinity of 1 Racecourse Drive

Council is also seeking advice on whether any conditions removed as part of MOD/0067/1011 would need to be reinstated for the management of the site for ABTEs. The subject land includes 1 Racecourse Drive (which includes 12 lots of a 13-lot subdivision; Lot 1 DP 1171661) in the north and 19 adjoining lots in the south.

Modification conditions

The question regarding MOD/0067/1011 only concerns the subdivision affecting 1 Racecourse Drive. From WaterNSW's perspective, there would be no need to reinstate any conditions removed as part of MOD/0067/1011 as no concurrence conditions of the former Sydney Catchment Authority, particularly stabling conditions, were removed in the re-issue of conditions under the modification.

Re-instating ABTE permissibility

While WaterNSW does not have the detail of a full Planning Proposal to assess Council's proposition of reinstating ABTE permissibility across the specified R5 zoned areas, we are concerned about the water quality risks such a Proposal might generate.

Any Planning Proposal will need to demonstrate how it will protect water quality in accordance with the s 9.1 Direction 5.2 Sydney Drinking Water Catchments. This includes accordance with the principles that new development must have a neutral or beneficial effect on water quality and that future land use should be matched to land and water capability.

Taking these matters into account, any Planning Proposal would need to address the following water quality related issues and risks:

- The *Goulburn Mulwaree Local Environmental Plan 2009* (LEP) definition of an ABTE encompasses dog kennels, catteries, stables, horse studs, and associated veterinary hospitals including for large animals. Such facilities are likely to generate pollutants such as pathogens, nutrients and chemical wastes generated by animals and animal husbandry practices.
- The ABTE permissibility will apply to all 31 lots. While stables are allowed in the northern area under the current conditions of the subdivision modification approval, the reinstatement of

ABTEs as a permissible use would increase the range of other ABTE activities allowed, and extend this permissibility to the 19 lots in the south. This would significantly increase potential pollutant sources and loads given the range of animal boarding facilities allowed by ABTEs and the number of sites where such facilities could be located.

- The zoning and lot sizes (2,000 m² minimum lot size (MLS)) are generally unsuitable for many of the types of ABTEs, which facilitate the concentration of animals and animal care facilities. They are not permissible across other residential zones in the local government area including other R5 zones. Allowing ABTEs on such small lots would give rise to pollutant sources and concentrations not previously considered in allowing the R5 zoning.
- The introduction of ABTEs into R5 areas that have a 2,000 m² MLS will place the LEP in conflict with existing development control plan (DCP) provisions. For example, under the Goulburn Mulwaree DCP, dog kennels must be 100m from adjoining residences. This is unlikely to be possible in an area with lot sizes of 2,000m². WaterNSW is concerned that the LEP permissibility for dog kennels and other ABTEs may potentially override the DCP provisions in cases of inconsistency resulting in concentrations of animal wastes and potentially undermining other DCP provisions that may benefit water quality.
- WaterNSW notes that the land is or will be connected to the sewer. ABTEs are likely to require the washdown of animal wastes into the sewer, increasing pressure on the system beyond that simply associated with housing or the stables allowed under the subdivision development consent. The capacity of the sewerage infrastructure in the area and the Sewage Treatment Plant would need to be considered in relation to the range and extent of uses allowed as ABTEs.
- ABTEs are likely to result in increased impervious areas from roofs and flooring, and will therefore increase pressures on stormwater management capability. Given the MLS, there may be challenges for ABTEs to include suitable areas for stormwater retention and management on-site.
- The northern parcel of land drains towards Kenmore Creek (a fourth order watercourse) while the southern parcel is traversed by a first order watercourse. The proximity of the areas to waterways increases the potential risk to water quality from proposed ABTEs. This risk is exacerbated as half the southern area and the entire northern area is within the Probable Maximum Flood increasing the risk of animal wastes and other pollutants being mobilised during flood events.
- WaterNSW has undertaken a Strategic Land and Water Capability Assessment for Intensive Animal Industries (Figure 1 attached). This indicates that the risk to water quality in the northern parcel (Lot 1 DP 1171661) lies adjacent to an Extreme Risk at the northern boundary with the remainder of the lot having a Low to Moderate Risk to water quality. For the southern area, the risk varies from Low to Extreme, with the High to Extreme Risk being associated with a drainage feature in the south. WaterNSW generally does not support intensive animal uses in areas of High to Extreme Risk. The implications of ABTEs along the northern border of the site would also need to be considered in relation to the Extreme Risk in this area and the land's close proximity to Kenmore Creek.

In light of the above, Council is encouraged to explore whether the scope of permissible uses could be limited to equestrian stabling and/or large animal veterinary facilities rather than relying on the broad definition of ABTEs to facilitate the uses envisaged. Council should also consider whether there should be an upper limiting threshold on the number of horses allowed for stabling purposes. The area afforded such permissibility could also be refined to avoid areas in proximity to watercourses and those areas of High and Extreme risk as identified by the SLWCA.

Council is also encouraged to review its DCP provisions for ABTEs in concert with any Planning Proposal, with a view to maximising consistency with the LEP and minimising water quality impacts associated with ABTEs.

The R5 residential zoning along with the 2,000m² MLS presents considerable challenges to instating ABTEs within the subject land. Any Planning Proposal would need to carefully navigate the compatibility between these uses and their combined effect on water quality.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@waternsw.com.au.

Yours sincerely

A handwritten signature in black ink that reads "C. Preshaw". The signature is written in a cursive, flowing style.

CLAY PRESHAW
Manager Catchment Protection

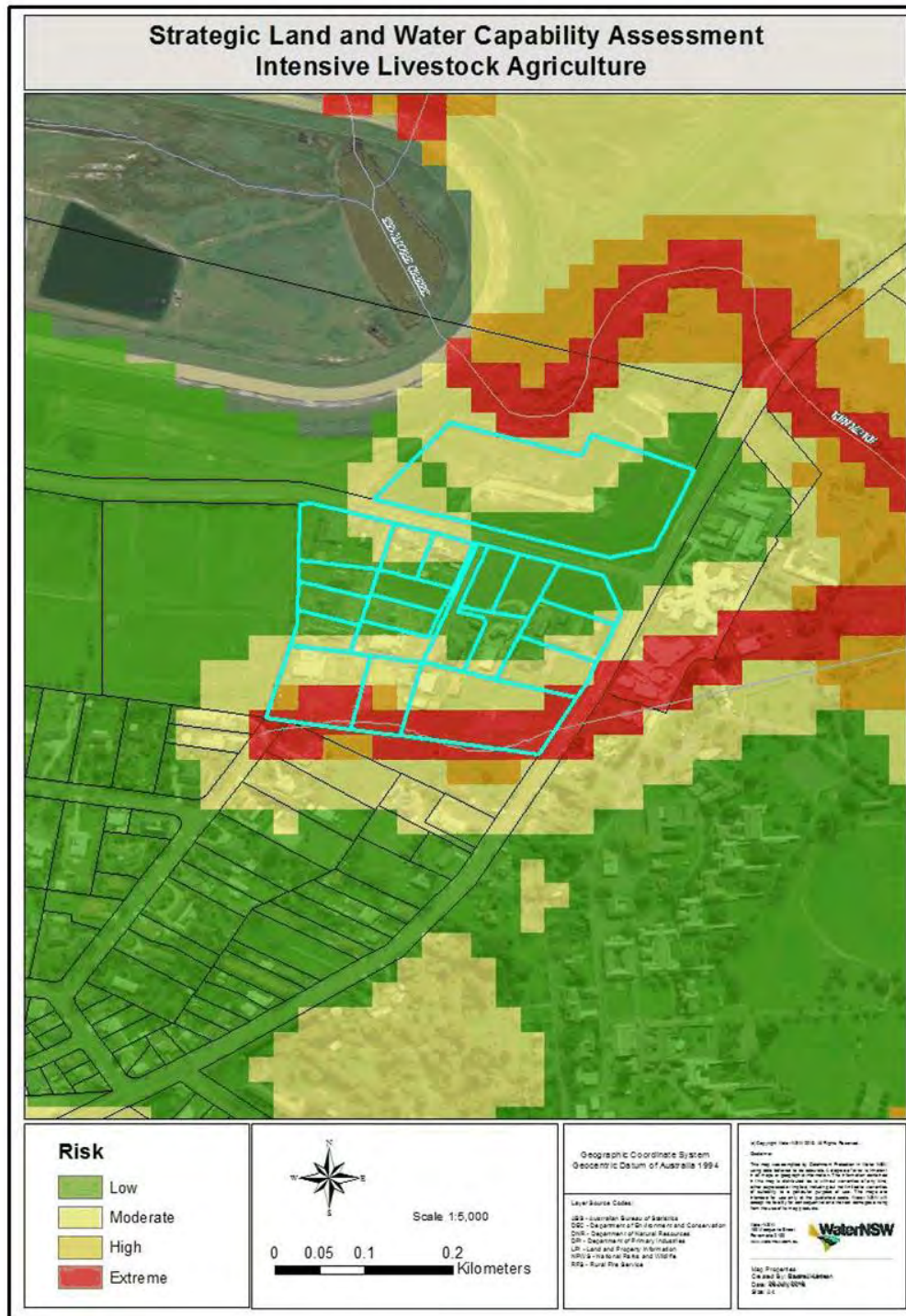


Figure 1. Strategic Land and Water Capability Assessment for Intensive Livestock Agriculture in the vicinity of 1 Racecourse Drive Goulburn.



Guidelines for minimum standards for keeping horses in urban areas: Factsheet 16

The horse has enjoyed considerable popularity as a recreational animal in recent years. One of the results of this has been an increase in the number of horses kept in suburban areas, towns and villages. Unfortunately, the care and housing of these horses has sometimes been substandard. Whether through ignorance or neglect, this has had disastrous consequences for the welfare of the horses involved.

Lack of attention to housing and hygiene has also resulted in problems such as odour and the breeding of flies and vermin which have been the subject of complaints made by residents to local councils.

These guidelines suggest minimum standards for the housing of horses which provide for a more functional and easily maintained environment; happier and healthier horses; fewer complaints from neighbours and, consequently, more enjoyable and rewarding horse ownership.

It must be remembered that some councils do not permit the keeping of horses within their local government area. Those which do permit horses, have a horse stable policy which defines minimum standards. Enquiries should be directed to the relevant local council. Keeping of horses is also regulated by the [Prevention of Cruelty to Animals Act 1979](https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/cruelty-prevention-act) (<https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/cruelty-prevention-act>).

1. Yards

1.1 Size

Day yards or holding yards should be at least 3 m wide and be an area of at least 20 square metres. For working horses, yard size should be increased to 35 square metres. Where a roof or canopy is provided, it should be high enough to avoid injuring a rider or fractious horse. A height of 3.7 m is adequate.

1.2 Fencing

Fencing should be sufficiently sturdy to prevent escape. Wire fencing should be avoided because of the risk of injury to horses. Post and rail fencing using timber, steel piping or steel posts is suitable. All rails should be attached to the inside of posts. Cattleyard mesh with a roll top (reinforced top section) is also suitable.

Suggested dimensions are:

- 2.40 m or 2.75 m panels centre to centre
- 1.70-1.80 m overall height including cap rail
- 230 mm maximum interval between rails with bottom rail 380-460 mm off the ground.

Entrance gates should be at least 3 m wide and internal gates 2.4 m wide to allow vehicular access. Gates to small day yards should be at least 1.2 metres wide. Gates should fit neatly and have secure fastenings to prevent injury to horses and escapes.

1.3 Yard Surface

The fitting of yards and the type of yard surface should allow drainage (by absorption or evaporation) without ponding. Grading may be necessary. Gravel is a suitable material for the yard subsurface, preferably covered with sand or loam.

1.4 Water

Clean water should be available at all times. The trough or other container should be easily-cleaned, resist tipping over, be free of protrusions and situated so as to make contamination unlikely. Placing the trough in a corner and at a height of 1.07 m is suggested.

1.5 Maintenance

Fences and gates should be kept in a good state of repair with yards in a clean and hygienic condition. Manure should be removed daily along with uneaten feed with the aim of discouraging flies, vermin and unpleasant odours. Water troughs should be cleaned regularly to maintain hygiene and discourage mosquito breeding.

2. Stables

2.1 Size

Stables should be at least 3.7 m wide and 3.7 m deep. A size of 3.7 m x 4.9 m is preferable. Height should be 2.75 m.

2.2 Roof

The roof should provide adequate shelter from the elements including adequate insulation in hot areas. Guttering and down pipes should be provided to convey storm water away from the stables.

2.3 Walls

Walls should be capable of withstanding damage. Materials such as flat iron and asbestos cement are not suitable. Walls should be of masonry construction to a height of at least 1.2 m. Above this, other solid materials such as good quality steel profile sheeting may be acceptable. Wall height should be 2.75 m with a waterproof damp course also incorporated. Cracks, crevices and hollows should be avoided because these provide breeding places for pests. Concrete block walls should be reinforced with vertical steel rods and the cores filled with concrete.

The walls may be lined with plywood sheets or rubber conveyor belting to prevent injury to horses and also to protect the walls from pawing and kicking.

2.4 Doors

Doors should be at least 1.2 m wide and 2.4 m high with no protrusions that could injure horses. Hinged doors should open outwards and, where half doors are used, the bottom door should be at least 1.4 m high.

Sliding doors are also suitable.

Latches should be strong and have no protrusions that could injure horses.

2.5 Floor

Floors should be constructed of an impervious material which is graded towards the doorway to permit drainage and with no low spots where urine can collect. The floor/wall junction should be coved to a diameter of at least 50 mm. A drainage apron of at least 1 m width should be provided along the front of the stable.

A 100 mm thick reinforced concrete slab is the preferred flooring.

Clean bedding such as straw or sawdust should be provided daily to prevent foot and leg problems caused by standing on concrete.

2.6 Ventilation

Ventilation is essential for horses to allow the escape of heated and malodorous air and also for the entry of fresh air. Cross-ventilation should be provided by leaving an air passage between the roof and walls or by incorporating a window of at least 0.9 square metres. Windows may be wire mesh or louvres which should direct incoming air upwards.

2.7 Food and water

Feeders and water troughs should be raised to a height of about 1.07 m and placed in a corner. They should be smooth and free of protrusions, resist tipping over and should be easy to clean.

2.8 Shelters

Shelters should be constructed to fulfil the requirements for stables regarding walls, floor and roof except that there should be three walls only to allow the free passage of horses.

2.9 Maintenance

Stables and shelters should be maintained in good repair and should be cleaned daily to remove manure, soiled bedding, uneaten feed and other refuse. Fresh bedding should be provided daily. Feed and water containers should be cleaned and disinfected regularly.

3. Paddocks

3.1 Size

Where horses are to be kept in a paddock and not stables, the paddock should be 1 ha with a minimum size of 0.4 ha.

3.2 Fences

Fencing should be easily visible, well-maintained and escape-proof. As far as possible, the use of wire should be avoided because of its tendency to cause injury to horses. Post and rail and steel cattle cable fencing are suitable. Barbed wire, high tensile wire (2.8 + 2.5 mm) and prefabricated wire fencing should not be used. Electric fences are suitable but, because of low-visibility, some type of sight barrier should also be used such as a painted tin attached to the wire. Gates should be snug-fitting, have secure fastenings and be large enough to allow the free passage of horses. A width of 3 m is suggested.

3.3 Shelter

Shelter of some type should be provided. This may be a natural shelter such as a row of trees or a hedge or a horse shelter as described in section 2.8.

3.4 Food

It is important to evaluate the quantity and quality of paddock feed, particularly where numbers of horses are involved. Supplementary feed must be provided where necessary.

3.5 Water

It is essential to provide access to clean water at all times.

3.6 Maintenance

Paddocks should be kept completely free of rubbish such as wire, tin, nails and plastic which may cause injury to horses or be eaten. Manure should be removed to discourage the breeding of flies and to aid in worm control.

4. Tethering

Except as a very short-term measure, the tethering of horses is not acceptable. Tethered horses must be kept under proper and sufficient supervision with free access to water and adequate feed provided at least twice daily. Where horses are tethered to provide access to grazing, they should still be checked at least twice daily.

Tethered horses should be fitted with a secure collar or halter attached to a light chain that is at least 9 m long and fitted with a swivel at both ends. The area in which the horse is tethered must be free of obstructions that may entangle the tether.

5. Feed storage

Feed should be stored in containers with close-fitting, hinged lids to prevent the entry of vermin. Materials used also should be water-resistant or waterproof to prevent spoiling of feed. Metal should be the preferred material of choice.

6. Waste disposal

6.1 Cleaning

Stables, shelters and yards should be cleaned daily. Manure, refuse, soiled bedding and uneaten food should be

removed daily and placed in a storage bin.

Fresh bedding should be provided daily.

6.2 Manure Storage Bins

Refuse should be placed in a receptacle such as a large metal bin with a flanged-fitting metal lid which is water-proof, prevents access to flies and vermin and reduces the emission of noxious odours. The bin should be emptied and disinfected weekly.

6.3 Drainage

Drainage should be provided by the grading of yards, stables and surroundings to eliminate low spots which can suffer from pooling. Roofing, guttering and downpipes should also be adequate to conduct stormwater away from the buildings.

7. Pest control

7.1 Maintenance of hygiene

Control of flies and vermin can be aided by the use of proper storage bins; prompt removal of spillages; daily cleaning of stables and surrounds; and proper disposal of waste.

7.2 Elimination of breeding places

Walls and floors should be constructed so that there are no cracks or crevices which can provide breeding places for pests.

Proper maintenance should be carried out regularly to keep buildings in a state of good repair. This should include the cleaning, filling and sealing of cracks and crevices.

7.3 Use of pesticides and insecticides

Suitable measures such as the use of fly baits and surface residual insecticidal sprays should also be used if necessary. Safety precautions are also essential when using chemicals to protect both the users and the horses. Keep all chemicals out of reach of children and animals; store away from foods; and read the label and safety precautions.

More information

Further information can be found in the following publications:

- [Caring for horses \(https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/welfare-of-horses/care\)](https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/welfare-of-horses/care)
- [Fire safety in stables \(https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/welfare-of-horses/stable-fire\)](https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/welfare-of-horses/stable-fire)
- [Code of Practice: The care and management of horses in riding centres and boarding stables \(https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/welfare-of-horses/aw-code-3\)](https://www.dpi.nsw.gov.au/animals-and-livestock/animal-welfare/general/welfare-of-horses/aw-code-3)
- [LLS Policy - Animal Transport Accidents \(PDF, 307 KB\) \(https://hprmweb.trade.nsw.gov.au/LLSStaffPortal/Record/2036242/file/document?inline\)](https://hprmweb.trade.nsw.gov.au/LLSStaffPortal/Record/2036242/file/document?inline)
- [LLS Procedure - Animal Transport Accidents \(PDF, 311 KB\) \(https://hprmweb.trade.nsw.gov.au/LLSStaffPortal/Record/2070960/file/document?inline\)](https://hprmweb.trade.nsw.gov.au/LLSStaffPortal/Record/2070960/file/document?inline)

Other information relating to horses is available from the [horse section \(https://www.dpi.nsw.gov.au/animals-and-livestock/horses\)](https://www.dpi.nsw.gov.au/animals-and-livestock/horses) of the NSW DPI web site.

Acknowledgements

Gratitude is expressed to the following councils for information used in the preparation of these Guidelines:

- Bland Shire Council
- Broken Hill City Council
- Fairfield City Council
- Forbes Shire Council
- Gosford City Council

- Griffith Shire Council
- Maitland City Council
- Newcastle City Council
- Sutherland Shire Council
- Warringah Shire Council
- Wentworth Shire Council

The following sources are also acknowledged:
NSW Agriculture Agfact A6.7.1 Horse yards and handling facilities.



www.dpi.nsw.gov.au

Attachment 6
Public Submissions

08/03/2021

The General Manager
Goulburn Mulwaree Council
Locked Bag 22
Goulburn NSW 2580

SCANNED

**Subject : Racecourse Drive Planning Proposal
REZ/0004/1920**

Dear Sir

My name is Andrew Stewart Russell, I live and own **200 Taralga Rd Goulburn.**

My concerns are noise, up until this past weeks (which has been pleasantly quiet) at about 6 am every single morning there is usually a lot of noises from the stables at the **Western** side of my house. The side where the bedrooms are located. People shouting, truck horns, blaring horses neighing, screaming kicking etc.

Horse yards not cleaned, for weeks, smells, flies visually disgusting etc. Flooding (run off) on the **West** side of my house.

I have put in many complaints to council over the years.

I have also spent many thousands of dollars on colour bond fencing, mainly for privacy, also so I don't have to look at filthy horse yard every time I open my front door.

I have also spent thousands on extra drainage in an attempt to stop the flooding of my property from the next doors storm water run off. They do not seem to have adequate drainage installed, an ag pipe sitting on top of the ground, running along the fence, is not drainage.

Also Horse box's installed right on. The fence at the west side of my house. Again where the bedrooms are located.

It was my understanding that horse yards were cleaned twice a day?

That all horse's boxes were to be 9 metres from the fence.

Please understand that one day I will sell this property for a decent price, to fund my retirement etc.

Quiet enjoyment is most important.

Yours sincerely


Andrew Stewart Russell.



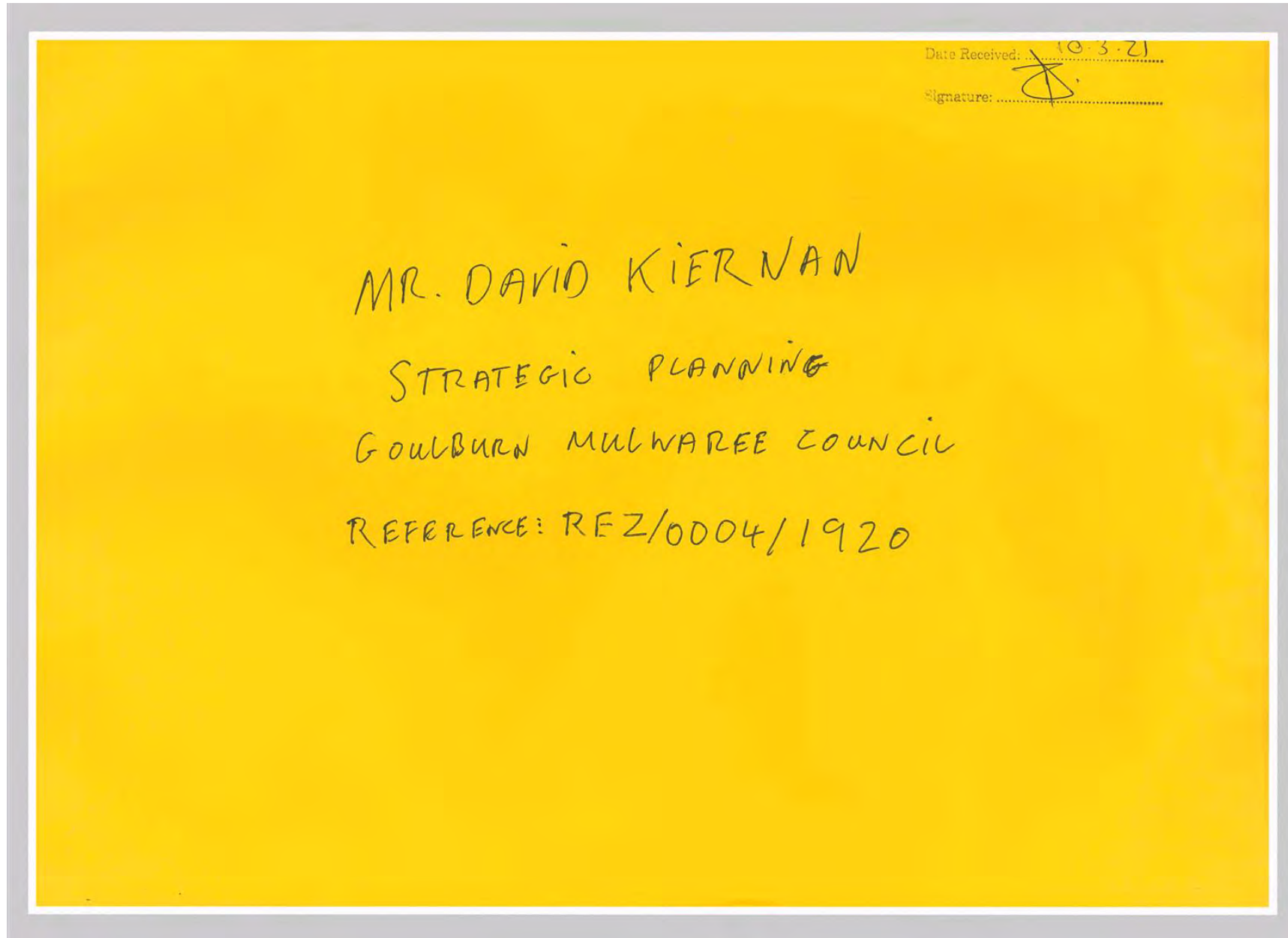












[REDACTED]
[REDACTED]
[REDACTED]

Without Prejudice

10/03/2021

SCANNED

Goulburn Mulwaree Council

Date Received: 22/3/2021

Signature: [Signature]

SUBJECT:
Racecourse Drive Planning Proposal REZ/0004/1920

We ask that our names & address be withheld from publication.

We have been living at the above address since 1984 & have witnessed a lot of development in this area.

In particular the fairly recent subdivision creating the lots north & south Racecourse Drive.

Our enjoyment of our home has been significantly reduced since the stabling of horses began & the increased number of animals over the years.

When I come home in the evenings on warmer days after work the air in our yard is heavy with the stench of horse poo, we can't have our bedroom window open for fresh air or be in our yard as a foul unpleasant odor of rotting horse poo & excrement flows freely into our home.

A point of interest: A quick google reveals a 450kg Horse (which tends to be smaller than race horses) will defecate approximately four to thirteen times a day & produce approximately on average 17kg of poo & 11 liters of urine daily which totals about 22.7 kg of raw waste per day in feces & urine combined.

8.3 tons of poo per year per Horse multiply that by the number of horses in the current situation (causing our current problems) & then multiply that by the proposed increased "small?? Scale Commercial stabling will produce!

We are very worried about any increase of vermin from flying insects to mice (attracted by the feed & open storage of poo) to snakes (the later are attracted to an easy meal of mice!).

We think that the stored hay bales /feed & the large amount of waste maybe attracting the vermin.

The noise is also increasing. (Noticeably less since covid-19 restrictions, this reprieve will only be short term.)

The noise from horses kicking the stable doors at 2-3-4 A.M.!

Horses kicking & moving their buckets & or such around at 2-3-4 A.M.!

Nothing is or has been done about these irritating noises!

Disturbing noises from the very early loading of the animals (we assume to truck the animals to various venues) on to trucks & Horse floats & the like, the vehicle engine left idling for extended periods 3-4-5 AM!

And then there are more disturbing noises from the loaded impatient animals kicking the side of the truck/s

How many more animals will it be for small?? Scale Commercial stabling.

It's logical that the number of animals will increase as a (now potentially legal income will now be an attractive lure for the owners of these lots (at our expense) & the associated increase of the problems we are experiencing now?

We are very worried about the current negative influence on the property market in this location let alone a Commercial increase of animals & our associated aforementioned worries.

You're not allowed to have a rooster in your yard but all these horses & their associated previously mentioned problems have been allowed adjacent to an existing residential area!!!

Enough is enough! No more animals should be allowed in this residential area, the current numbers must be audited & reduced.

Our homes were here before this development; our living standards must not be overlooked by Council.

I don't remember being advised about the quantity of horses allowed to be stabled then.

Why are we being made to suffer & lose our enjoyment of our home?

The small scale Commercial stabling proposal cannot be allowed to be passed.

Is this re-zoning an "easy fix" because someone has realized the area has already expanded & that small scale commercial stabling is already here?

If so than it must be wound back!

The quantity of horses, stables & the use of a mechanical exercise machine that can be easily seen, are all indications of a **commercial** operation in practice already!

As a side note why were none of our neighbors notified by Council's post out on this proposal. We only found out last week no-one else in the immediate proximity received letters.

Yours Sincerely

[Redacted signature]



22nd March 2021

Mr Warwick Bennett
General Manager
Goulburn Mulwaree Council
Bourke Street
Goulburn NSW 2580

Dear Mr Bennett,

RE: Racecourse Drive Planning Proposal
REZ/0004/1920

I am writing in support of the above proposal to amend the Goulburn Mulwaree (GM) Local Environmental Plan (LEP) 2009 to enable the commercial stabling of horses (agistment) for residential lots in close proximity to Goulburn Race Club.

The Club does however does not support the Limit on Number of Horses – (8.11.2).pg 31. The minimum lot area for keeping of 2 horses at 2000m2 would not be feasible for a horse trainer's business. It would simply not be practical to allocate so much space per horse.

In addition, the Club would like to suggest that the standard stables built throughout the industry – are generally constructed from steel and rubber rather than concrete masonry blocks. As per 8.11.3 Horse Stables & Shelter – pg 31.

As part of the Goulburn Race Club's strategic plan, we propose to erect 80 stables to meet the demand of a growing industry. This is in the long term and by permitting stables to be built in the near future, as per the above proposal, the burden would be somewhat eased.

Please do not hesitate to contact this office if you require any further information.

Yours faithfully



Robyn Fife
Chief Executive Officer

Racecourse Drive
PO Box 226 Goulburn NSW 2580
Phone 02 4822 2222
www.goulburnraceclub.com.au
ACN 003 860 928

SCANNED

Goulburn Mulwaree Council
Date Received: 22/03/21
Signature: *[Handwritten Signature]*

Warwick Bennett, General Manager

REZ/0004/1920

I question why the year 2015 changed the conditions for stabling horses at the Goulburn Racecourse?

Racing NSW gave \$10 million for the new Racecourse where trainers could live nearby the racecourse for training and racing their horses and carry on a business. Where else in Goulburn can they do this?

I have followed racing all my life and know that it is known as the Sport of Kings (now, and Queens). Queen Elizabeth made 1.7 million pounds from racing. Racing attracts many wealthy clients, for example Gerry Harvey has 600 stabled racehorses.

Why does council want to handicap horse racing in Goulburn when it contributes socially, financially, creates many jobs and environmentally (mega tonnes of manure to enrich soil)

Why does council say they are easy to do business with when they are handicapping the only location in Goulburn where horses and trainers can live and work next to the Goulburn Racecourse?

Regards,



John Harriott
137 Mundy Street
Goulburn

SCANNED

Goulburn Mulwaree Council

Date Received: 23/03/2021

Signature: [Handwritten Signature]

To Mr Warwick Bennett, GM

REZ/0004/1920

Re Small scale Commercial Stabling of Horses and associated Development Control Plan amendment

In 2015 it appears a big mistake was made in this R5 zoning regarding conditions specifying only 2 horses stabled per 2000 sq m. The original intention of this subdivision at the entrance to the Goulburn Racecourse, which was relocated from the Recreation Area in 1999, was for horse trainers. and their business of training horses both to be located next to the racecourse.

This intention was permissible until 2015 when the condition was changed to Residential only. This occurred when the subdivision on the north side of Racecourse Drive needed the zoning changed from Recreation to Residential. These 12 lots are still in the process of being sold.

Alternatively, the lots on the southern side of Racecourse Dr were sold around 2005 and developed with several 8 horse stable blocks approved by Council operating commercially. The first and second blocks of land on the southern side of Racecourse Dr were not developed. The first block was 3000sq.m and the second block was 4500sq.m which was later subdivided into 2x2250sq.m and sold. The purchasers of the first of these 2 lots also purchased the 3000sq.m corner lot with the intention of expanding the stabling capacity of a growing racing business which has been successfully operating since 2010, Twinstar Racing.

It is a common phenomenon to have racehorses stabled at racecourses throughout Australia as was the intention here in Goulburn when Racing NSW donated \$10,000,000 to purchase land opposite Kenmore Hospital on Taralga Rd for a new racecourse for horses to race on and train on and for trainers to live with their horses stabled in this location and carry on business to contribute to the world-wide sport of Racing.

The already developed lots on the southern side of Racecourse Dr allow truck and vehicle access via Taralga Rd, Racecourse Dr, Trifecta Dr and Twinstar Lane and the movement of horses and associated practices from the first 2 lots on Racecourse Dr (under concern) would be via Twinstar Lane only, for safety and convenience (see below)

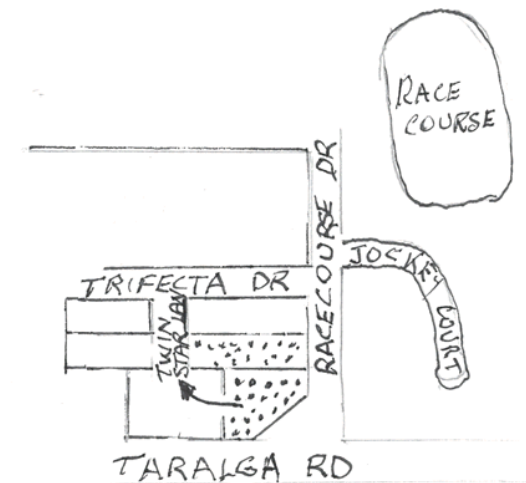
Considering all these points I request Council to uphold their Mission Statement of being "easy to do business with". I request the GMC to show respect to the Racing industry which first started in Goulburn in 1836 when the troopers raced their horses competitively near the Gordon Hotel and the first Goulburn Cup Race was held in 1883.

Horse racing is a world-wide interest and contributes over a billion dollars annually to the Australian economy and constantly brings thousands of visitors to Goulburn supporting our economy. Racing is already a successful business which Council does not have to expand or develop as other such Council initiatives. It only has to support the Passion, Respect, Innovation. Dedication and Excellence already shown by Racing NSW and those involved in racing.



From Tempe Hornibrook
"Broughton"
21 Bungonia Rd,
Goulburn, NSW, 2590

21/03/21



SCANNED

ATTENTION: GENERAL MANAGER – MR WARWICK BENNETT

21/03/2021

RACECOURSE DRIVE PLANNING PROPOSAL – REZ/0004/1920

I am writing today to express my support for the positive outcome of the rezoning to allow for small scale commercial stabling in Racecourse Drive Goulburn. I am a property owner in Racecourse Drive (2, 4A & 6 Racecourse Dr plus 202 Taralga Rd) and have been residing in the precinct since 2005. I am also a licensed racehorse trainer, individually since 2006, and am now a partner of the successful training partnership, Twinstar Racing, with my twin sister Emma.

We have capacity to stable 16 horses at neighbouring properties, 6A Racecourse Dr and 202 Taralga Rd Goulburn. Our business has 40 horses on the books, and after experiencing a period of growth, we will be requiring more stables to be built, to satisfy the increasing demand within our business. To build only 2 x stables per 2000sqm is only enough stables to accommodate a hobby trainer. A minimum of 8 x horses per 2000sqm would be much more feasible.

RacingNSW has recently increased prizemoney for country races, and for country only trained horses at metropolitan tracks, with a Highway now being worth \$100k. This is an industry with a lot of financial backing, and with plenty of potential for growth in the future. Halting the potential growth of racing in Goulburn, by not allowing stables to be built in the residential area, was a narrow-minded view.

At Twinstar Racing, we promote Goulburn regularly, by racing in different cities and towns across the region. We are often featured in the Sydney paper and have had good successes with our horses. We employ 7 staff and our ownership base stretches from NSW to WA. When owners come to visit their horses, or watch them race in Goulburn, they inject profit into the local community. Racing provides a flow on effect to the wider Goulburn community, as well as employment and entertainment.

It would be a great opportunity for racing in Goulburn, to have the option to build more stables in the new subdivision on Jockey Court, as it has direct access to Goulburn Racecourse. As well as any established properties in the area that have the space to construct stables. Although I am pleased that the rezoning includes all lots in the area, it would have made more sense to make the new subdivision a stand-alone project.

In my view, if the Council is against allowing stabling on a commercial level, then they should be asking themselves why a trucking company has been allowed to operate on a commercial basis in a residential area. This would have far more noise pollution, than a horse kicking in a stable.

I trust Goulburn Mulwaree Council will have the future of racing in Goulburn in mind, when making their decision, and the tenacity to ensure the zoning in this area is returned to its previous permissibility of stabling prior to the change in the LEP.

If any Councillors would like to inspect the existing stables, to see how well cared for the horses are, and how they blend in unobtrusively in a residential area, please get in touch.

Kind Regards,

[Redacted Signature]

Lucy Longmire

4A Racecourse Drive Goulburn NSW 2580

[Redacted Address]

22 MAR 2021
Goulburn Mulwaree Council

SCANNED

ATTENTION: THE GENERAL MANAGER – WARWICK BENNETT
 Racecourse Drive Planning Proposal – REZ/0004/1920

22 MAR 2021
Goulburn Mulwaree Council

Michael Sperring and I, Lucy Longmire, reside at 4A Racecourse Dr Goulburn, and own 2 Racecourse Dr Goulburn. We are aiming to establish the properties with 8 & 10 stables respectively.

We would like to make comment on the proposed amendment to the zoning of Racecourse Drive.

8.11.8 Water Management

To address Water NSW upper limit of 2 horses allowed per 2000m, we can see the benefits of restricting numbers, if the horses are housed outdoors. We feel that the upper limit of 2 horses only allows for a hobby trainer, whereas a small scale commercial stable would more likely be a minimum of 10 horses. We are proposing to house all horses inside a fully enclosed shed. As per the attached Water Management Cycle Study, conducted by SEEC, this study proves and provides evidence of a clear benefit to water quality, as per MUSIC modelling survey, which exceeds the NORBE assessment.

8.11.3 Horse Stables & Shelters

Masonry construction with rubber/ plywood attached, is a concern to animal welfare. Should a horse kick or paw this very solid structure, there is a high likelihood that an injury will occur. We propose to construct our stables out of rubber and steel, we find the rubber to have a bit more concussion, should a horse kick or paw at it. This is consistent with the construction of the stables at the Goulburn Racecourse. Plus, these are the materials used in constructing stable Australia wide. There are 6 properties on the southern side of Racecourse Dr, with established stables. We would like to know how many noise complaints have been received about horses kicking stable walls, since the development was approved by Goulburn Council at Racecourse Drive, since 2004?

We wish to amend the height of 3.4m to accommodate an American style barn. This will help to improve air flow, ventillation and the cosmetic appeal of the shed. Constructing this style of shed will be aesthetically pleasing with the existing structures on neighbouring properties.

We believe these amendments to your planning proposal will have minimal impact & will prove to be a more beneficial outcome for small scale commercial stabling. If you require any more information, or would like to arrange an inspection of the site, we are happy to oblige.

Kind Regards,



Michael Sperring



Lucy Longmire

22/03/2021

TABLE 2 – PIT AND PIPE MAINTENANCE

Frequency:	Annual				
Location:					
Site responsible by:	Name and signature _____ Date _____				
Fit required:					
Instructions:	Fill out the inspection checklist below. Every row must have a tick. If there is a tick placed in a shaded box action is required.				
Inspection items	Y	N	Action required	By	Date
Is there debris surrounding the pit?			Remove debris and place material in garbage or on the compost before opening the an cover.	By	Action
Is there litter and debris in the pit?			Remove it and dispose it in garbage collection bin.	By	Action
Is the access cover to the pit closed?			Secure any access covers to prevent risk of entry.	By	Action
Is water ponding in the base of the pit?			Water ponding in pit may be a sign of a pipe blockage. Further work will be required to investigate.	By	Action
For tank in-pits, is the inlet blocked with litter or debris?			Remove it and dispose it in garbage collection bin.	By	Action
Are outlet pipes blocked?			Remove blockage from outlet pipes by flushing pits and removing debris. Debris to be disposed of in the garbage collection bin.	By	Action
For pits fitted with in-pit filtration devices					
Is there damage to baskets, holes or filter mesh?			Replace/repair damaged baskets.	By	Action
Is there damage to frame or case?			Replace/repair damage.	By	Action
Is there litter and debris in the filter basket?			Remove it and dispose it in garbage collection bin.	By	Action
Is the overflow by-pass blocked?			Remove blockage.	By	Action
Additional comments:					

TABLE 3 – RAINWATER COLLECTION SYSTEM MAINTENANCE CHECKLIST


Site inspection by:	Name and signature _____	Date:	_____			
Instructions:	Fill out the inspection checklist below. Every row must have a tick. Where is a tick placed in a shaded box action is required.					
Inspection items	Frequency	Y	N	Action	By	Date
Are the gutters full of debris or ponding?	Every 3 months			Remove debris from gutters - remove loose staples if present. If water ponding, repair gutter to prevent water from overflowing. Notify tradesperson if needed.	By	Action
Are there any tree branches overhanging the roof or are limbs in close to overhanging the roof?	Annual			If safe and where permitted, consider pruning back and overhanging branches.	By	Action
Are access covers to the storage tank sealed/closed?	Annual			Secure any open access covers to prevent risk of entry.	By	Action
Are the screens on valves, outlets, overflow and other openings, do not have holes, are clear of debris and are correctly fitted?	Annual			Remove litter and clear screens. Place debris in waste receptacle. Repair and defective screens to keep out intruders.	By	Action
Inspect tank-water. Is there the presence of rats, ferns, weeds, branches or other debris in or around?	Annual			Remove any infestations, identify point of entry and close. Remove and insect-proof work.	By	Action
Is there a stagnation problem?	Annual			Seek professional advice on eradication of mosquitoes in the rainwater tank. Identify point of entry and close with insect-proof mesh with holes no greater than 1.6mm in diameter.	By	Action
Is the roof and eavestries in good condition?	Annual			Repair any leaks as necessary.	By	Action
Are the tank or strainers, in-line strainers and pump location full of debris?	Annual			Replace or repair the missing or damaged signage to fittings. Clean tank strainers, in-line strainers and debris from pump location.	By	Action
Is signage at external roof water taps and any removable handle taps being properly used?	Annual			Replace or repair the missing or damaged signage to fittings.	By	Action
Are all plumbing and pump connections weatherproof/sealed/leakage?	Annual			Secure any open access covers to prevent risk of entry.	By	Action
Is the backflow prevention valve operational?	Annual			Service the back-flow prevention valves annually in compliance with AS/NZS 2845:1-2010.	By	Action
Is the mains supply valve operational?	Annual			Service the mains supply valves annually (the tanks are supplied with main water if the storage level falls below 5 percent).	By	Action
Is the rainwater tank, overflow to the line/collection basin visible, any erosion present?	Annual			Consider placing additional rock at outlet to encourage outcropping flow.	By	Action
How, clean and good condition of the tank walls and roof structure to holes have access due to tank deterioration.	Biennial			Due to access and safety, it is recommended that professionals are called to de-sledge the rainwater tanks every three years (place the sledge over a well-vegetated area away from any concentrated flow).	By	Action
Every three years check tanks for siltage accumulation. Is excess or siltage to be removed?	Biennial			Due to access and safety, it is recommended that professionals are called to de-sledge the rainwater tanks every three years (place the sledge over a well-vegetated area away from any concentrated flow).	By	Action
Additional comments:						

Water Quality Maintenance

Pits and Pipes: The Site Manager is responsible for the inspection and maintenance of the various pits and pipes in the hardstand curtilage area. Undertake the works described in Table 2.

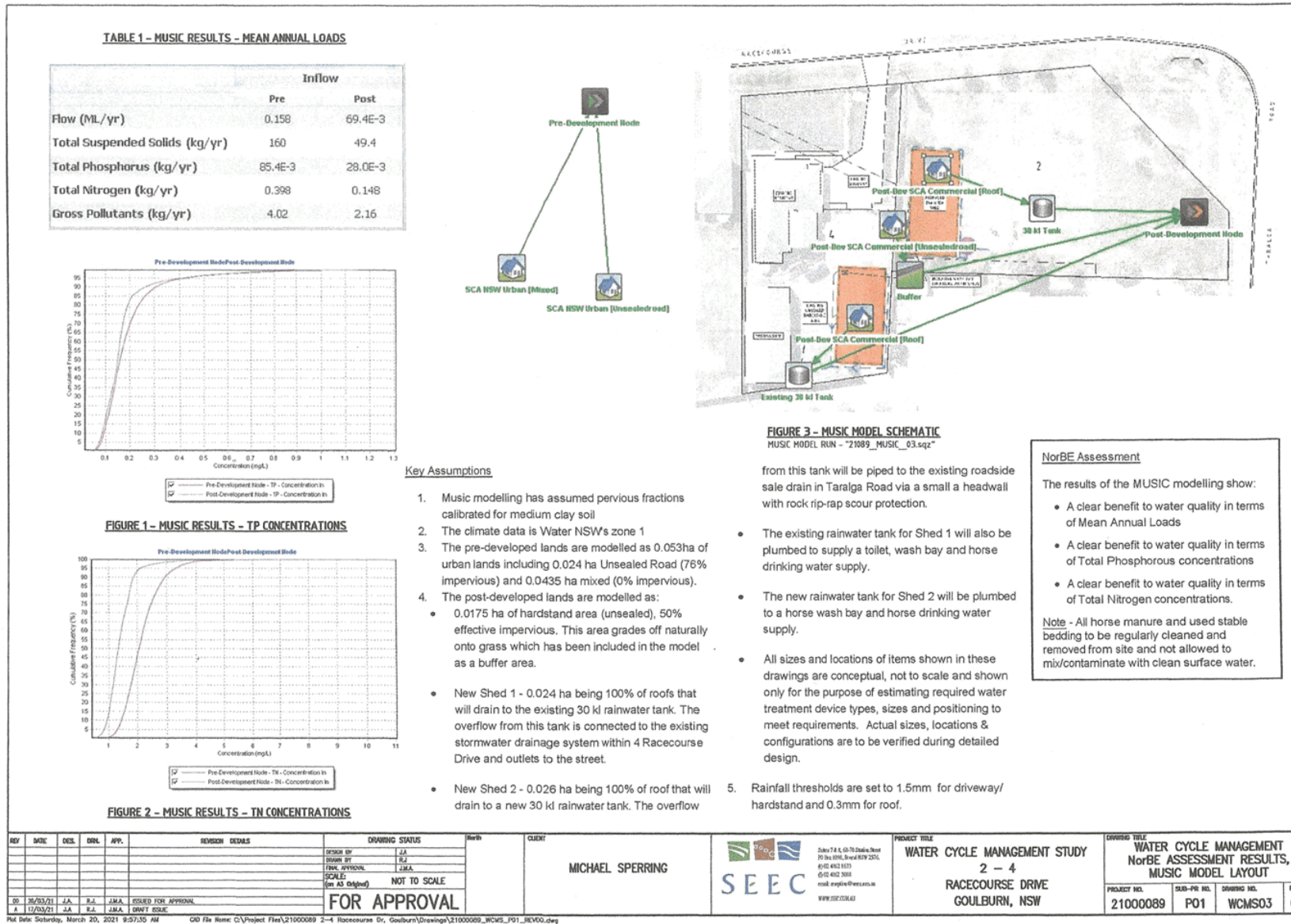
Rainwater Collection System: The Site Manager is responsible for the inspection and maintenance of the rainwater collection systems (gutters and tanks). Undertake the maintenance work described in Table 3.

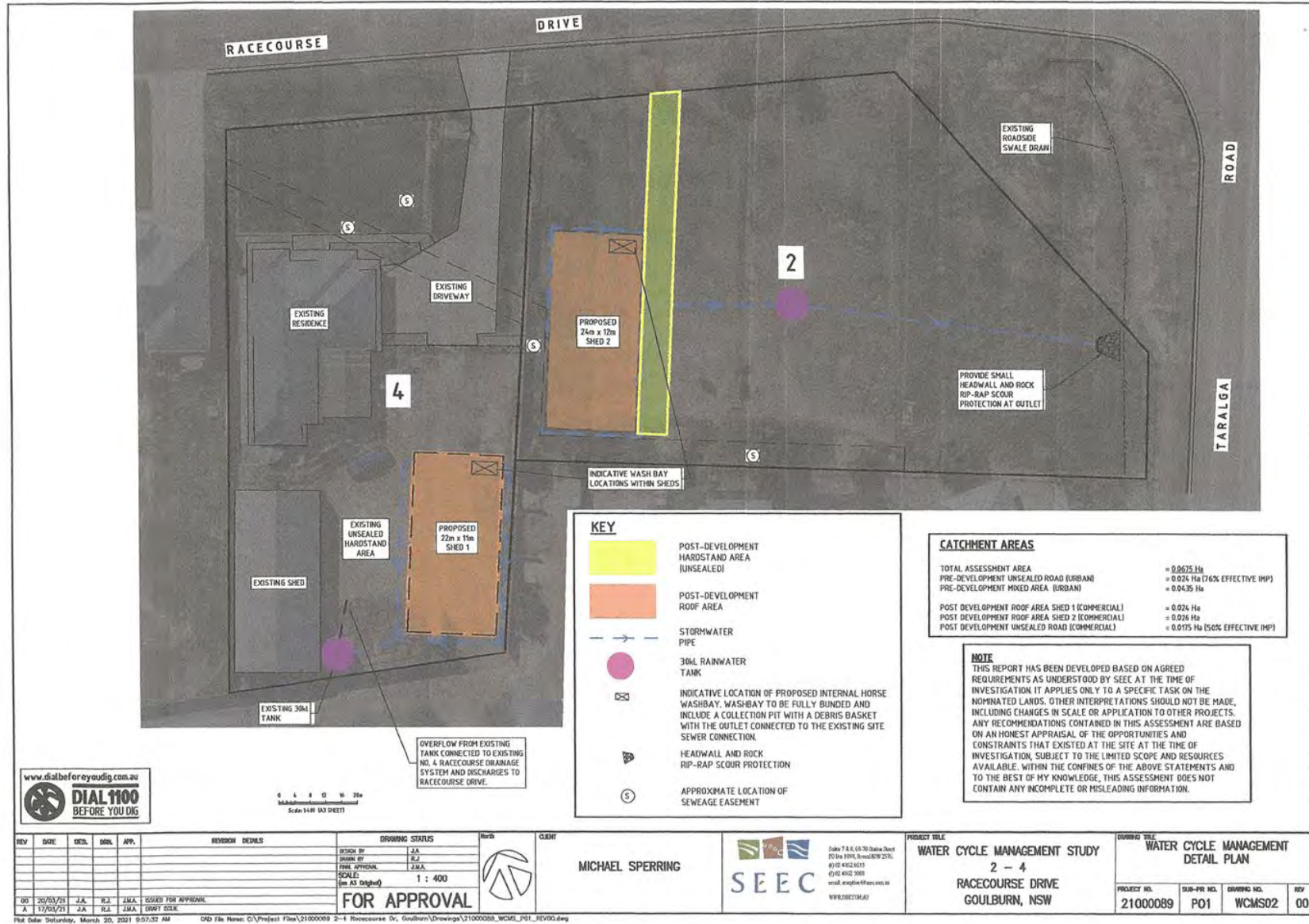
REV	DATE	DES.	DRG.	APP.	REVISION DETAILS	DESIGN BY	J.A.	DRAWN BY	J.E.	SCALE	NOT TO SCALE	CLIENT	MICHAEL SPERRING	PROJECT TITLE	WATER CYCLE MANAGEMENT STUDY 2 - 4 RACECOURSE DRIVE GOULBURN, NSW	DRAWING TITLE	WATER CYCLE MANAGEMENT MAINTENANCE CHECKLISTS	PROJECT NO.	21000089	SUB-PR NO.	P01	DRAWING NO.	WCMS04	REV	00
00	20/03/21	J.A.	R.A.	J.M.A.	ISSUED FOR APPROVAL	FOR APPROVAL																			
1	17/03/21	J.A.	R.A.	J.M.A.	REVISED ISSUE																				


 Table 2 & 3 to be table sheet
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 email: seec@seec.com.au
 www.seec.com.au

Project No: 21000089
 Sub-Project No: P01
 Drawing No: WCMS04
 Rev: 00

P01 Date: Saturday, March 20, 2021 9:57:41 AM
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15.2 POST EXHIBITION REPORT - AMENDMENT TO THE TENERIFFE PLANNING AGREEMENT

Author: Stephanie Mowle, Business Manager Planning & Development

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Amended Planning Agreement  

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 post exhibition report on the request to amend the Planning Agreement for DA/0183/1718 for the staged residential subdivision of land at 133 Marys Mount Road, Goulburn be received.
2. The Planning Agreement between Teneriffe Landowner Pty Limited and Council be signed by the General Manager.
3. Council’s seal is affixed to all documents in relation to the Planning Agreement.

a) *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

On 2 February 2021 Council considered a report on the request to amend the Planning Agreement associated with the staged residential subdivision of land at 133 Marys Mount Road, Goulburn and resolved that:

1. *The staff report on the request to amend the Planning Agreement for DA/0183/1718 for the staged residential subdivision of land at 133 Marys Mount Road, Goulburn be received.*
2. *Clause 3.4 of the Planning Agreement associated with DA/00183/1718 for the staged subdivision of land at 133 Marys Mount Road be amended to include the following:*

With the exception that the credit associated with the Site Works for Stage 2A can be applied to the Monetary Contribution payable by the Developer for Stage 2B1.

3. *The draft amended Planning Agreement associated with DA/00183/1718 for the staged subdivision of land at 133 Marys Mount Road, Goulburn be placed on public exhibition for a period of 28 days.*
4. *Following the exhibition period the matter be reported back to Council to consider any submissions, if received, and to consider the amended Planning Agreement.*

REPORT

This report follows the public exhibition of the draft amended Planning Agreement associated with DA/00183/1718 for the staged subdivision of land at 133 Marys Mount Road, Goulburn.

The request by the Developer to amend the Planning Agreement is reasonable and will avoid the need for Council to hold a Monetary Contribution credit and refund the amount upon completion of the final stage of the subdivision. The following amendment to Section 3 of the Planning Agreement is the only proposed change:

3. Development Contributions

Provision of development contributions

- 3.1 The obligation to make Development Contributions only arises in connection with carrying out the Development.
- 3.2 The Developer must make Development Contributions to the Council in accordance with Schedule 1 and this clause 3. For each Stage specified in column 1 of Part C of Schedule 1, the Developer must pay to Council the Monetary Contribution specified in column 2 of Part C of Schedule 1, by the date specified in column 3 of Part C of Schedule 1.
- 3.3 Provided the Developer has obtained the necessary Approvals, nothing prevents the Developer undertaking Site Works for any Stage.
- 3.4 The Monetary Contribution for each Stage is to be calculated according to the following formula:

$$A - B = C$$

Where:

A = the Section 7.11 Contribution for that Stage calculated in accordance with condition 48 of the Development Consent;

B = the lesser amount of:

- (a) the direct and reasonable costs incurred by the Developer in carrying out the Site Works for that Stage calculated in accordance with clause 3.10; and
- (b) an amount equal to A; and

C = Monetary Contribution payable by the Developer to Council for that Stage.

Proposed Addition: *With the exception that the credit associated with the Site Works for Stage 2A can be applied to the Monetary Contribution payable by the Developer for Stage 2B1.*

- 3.5 The Reconciliation Amount must be calculated within 10 Business Days of the final Monetary Contribution having been paid by the Developer to Council in accordance with the following formula:

Reconciliation Amount = C_{actual} – C_{paid}

Where:

C_{actual} = the Monetary Contribution payable by the Developer to Council for all Stages, calculated as:

$$A_{Total} - B_{Total}$$

Where:

A_{Total} = the total Section 7.11 Contribution calculated in accordance with condition 48 of the Development Consent for all Stages;

B_{Total} = the lesser amount of:

(a) the total of the direct and reasonable costs incurred by the Developer in carrying out the Site Works across all Stages calculated in accordance with clause 3.10; and

(b) an amount equal to A_{Total} ; and

C_{paid} = the total Monetary Contribution actually paid by the Developer to Council for all Stages.

3.6 If the Reconciliation Amount is:

3.6.1 less than zero, that amount must be paid by the Council to the Developer; and

3.6.2 greater than zero, that amount must be paid by the Developer to Council,

as a lump sum amount within 20 Business Days of its determination under this clause.

The draft amended Planning Agreement was publicly exhibited in accordance with section 7.5(1) of the *Environmental Planning and Assessment Act 1979* and no submissions were received. The amended Planning Agreement has been included in the **Attachment**.

CONCLUSION

The request by the Developer to amend the Planning Agreement is reasonable and no submissions have been received. It is therefore recommended that the amended Planning Agreement between Teneriffe Landowner Pty Limited and Council be signed by the General Manager.



133 Marys Mount Road Teneriffe Planning Deed

Goulburn Mulwaree Council

Teneriffe Landowner Pty Limited



83-85 Market Street, Wollongong 2500
NSW, Australia
DX 5162 Wollongong NSW
Telephone: (02) 4221 9311
Facsimile: (02) 4226 1517
Reference: ME:20180995

C:\Users\michelleh\Desktop\Amended Planning Agreement for Teneriffe April 2021.DOCX
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133 Marys Mount Road Teneriffe Planning Deed

Date: 2018

Parties:

Goulburn Mulwaree Council ABN 84 049 849 319 of 184-194 Bourke Street, Goulburn NSW 2580 ("Council")

Teneriffe Landowner Pty Limited ACN 652 052 502 of Unit 3, 57 Dacre Street, Mitchell ACT 2911 ("Developer")

Background:

- A. The Developer owns the Land.
- B. The Developer has lodged the Development Application with Council for the Development.
- C. The Developer is prepared to make the Development Contributions in connection with carrying out the Development in accordance with this Deed.

Operative part:

The terms marked in this Deed in *italics* are explained at the end of this Deed, along with some rules of interpretation.

1. Details

Council

Name: Goulburn Mulwaree Council
ABN: 84 049 849 319
Address: 184-194 Bourke Street, Goulburn NSW 2580
Telephone: (02) 4823 4444
Facsimile: (02) 4823 4456
Email: council@goulburn.nsw.gov.au
Representative: Warwick Bennett

Developer

Name: Teneriffe Landowner Pty Ltd
ACN: 625 052 502

Address:	Unit 3, 57 Dacre Street, Mitchell ACT 2911
Telephone:	(02) 6108 4918
Email:	martine@cappello.com.au
Representative:	Martine Cappello
Land:	Is defined in clause 27
Development:	Is defined in clause 27
Development Contributions:	See clause 3 and Schedule 1
Application of sections 7.11, 7.12 and 7.24 of the EPA Act:	See clauses 10.3 and 10.4
Security:	See clause 8.1
Registration:	See clause 9
Restriction on dealings:	See clause 9
Dispute Resolution:	See clause 7

2. General

Status of this Deed

2.1 This Deed is a planning agreement within the meaning of section 7.4 of the Act.

Commencement

2.2 This Deed commences and is effective on and from the date the Parties have:

2.2.1 both executed the same copy of this Deed, or

2.2.2 each executed separate counterparts of this Deed and exchanged the counterparts.

Application of this Deed

2.3 This Deed applies to:

2.3.1 the Land; and

2.3.2 the Development.

3. Development Contributions

Provision of development contributions

- 3.1 The obligation to make Development Contributions only arises in connection with carrying out the Development.
- 3.2 The Developer must make Development Contributions to the Council in accordance with Schedule 1 and this clause 3. For each Stage specified in column 1 of Part C of Schedule 1, the Developer must pay to Council the Monetary Contribution specified in column 2 of Part C of Schedule 1, by the date specified in column 3 of Part C of Schedule 1.
- 3.3 Provided the Developer has obtained the necessary Approvals, nothing prevents the Developer undertaking Site Works for any Stage.
- 3.4 The Monetary Contribution for each Stage is to be calculated according to the following formula:

A – B = C

Where:

A = the Section 7.11 Contribution for that Stage calculated in accordance with condition 48 of the Development Consent;

B = the lesser amount of:

- (a) the direct and reasonable costs incurred by the Developer in carrying out the Site Works for that Stage calculated in accordance with clause 3.10; and
- (b) an amount equal to A; and

C = Monetary Contribution payable by the Developer to Council for that Stage.

With the exception that the credit associated with the Site Works for Stage 2A can be applied to the Monetary Contribution payable by the Developer for Stage 2B1.

- 3.5 The Reconciliation Amount must be calculated within 10 Business Days of the final Monetary Contribution having been paid by the Developer to Council in accordance with the following formula:

Reconciliation Amount = C_{actual} – C_{paid}

Where:

C_{actual} = the Monetary Contribution payable by the Developer to Council for all Stages, calculated as:

A_{Total} - B_{Total}

Where:

A_{Total} = the total Section 7.11 Contribution calculated in accordance with condition 48 of the Development Consent for all Stages;

B_{Total} = the lesser amount of:

- (a) the total of the direct and reasonable costs incurred by the Developer in carrying out the Site Works across all Stages calculated in accordance with clause 3.10; and
- (b) an amount equal to A_{Total} ; and

C_{paid} = the total Monetary Contribution actually paid by the Developer to Council for all Stages.

3.6 If the Reconciliation Amount is:

3.6.1 less than zero, that amount must be paid by the Council to the Developer; and

3.6.2 greater than zero, that amount must be paid by the Developer to Council,

as a lump sum amount within 20 Business Days of its determination under this clause.

Cost of Site Works

3.7 The Developer must at its cost:

3.7.1 engage the Quantity Surveyor; and

3.7.2 provide the Quantity Surveyor with all necessary access, information and documents to enable the Quantity Surveyor to complete each Quantity Surveyor’s Assessment.

3.8 For each Stage, the Developer must provide Council with a Quantity Surveyor’s Assessment in respect of the Site Work required in that Stage.

3.9 Within 15 Business Days after the Developer provides Council with a Quantity Surveyor’s Assessment in respect of Site Work, Council may reject the Quantity Surveyor’s Assessment by written notice to the Developer, if Council considers that:

3.9.1 items included within the Quantity Surveyor’s Assessment are not directly related to the Site Works; or

3.9.2 there is evidence of fraud or manifest error.

3.10 If Council has not issued a written notice to the Developer under clause 3.9 within 15 Business Days after the Developer provides Council with the Quantity Surveyor’s Assessment, the direct and reasonable costs of the Site Work as certified in the Quantity Surveyor’s Assessment shall be deemed to be the costs of the Site Work for the purposes of the calculation of the Monetary Contribution in clause 3.4 and 3.5.

3.11 If Council issues a written notice to the Developer under clause 3.9 within 15 Business Days after the Developer provides Council with the Quantity Surveyor’s Assessment then the Developer may, either:

- 3.11.1 provide Council with an amended Quantity Surveyor's Assessment, in which case clauses 3.9, 3.10 and this clause 3.11 will re-apply; or
- 3.11.2 the Developer may refer the matter to dispute resolution under clause 7.

Monetary contributions

- 3.12 A Development Contribution comprising a Monetary Contribution is made when the Council receives the full amount:
 - 3.12.1 in cash;
 - 3.12.2 by unendorsed bank cheque; or
 - 3.12.3 by electronic funds transfer of cleared funds into a bank account nominated by the Council.

Dedication of Land

- 3.13 A Development Contribution comprising the dedication of land or public roads is made when:
 - 3.13.1 a deposited plan is registered in the register of plans held with the Registrar-General that dedicates land as a public reserve or drainage reserve under the *Local Government Act 1993* or a public road under the *Roads Act 1993*; or
 - 3.13.2 the Developer gives the Council:
 - (a) an instrument in registrable form under the *Real Property Act 1900* signed by the Developer sufficient to transfer title to the land to be dedicated to the Council once that instrument is signed and registered by the Council; and
 - (b) written consent from any person required to consent to the transfer of land to be dedicated to the Council; and
 - (c) confirmation that the certificate of title to the land to be dedicated has been produced or will be produced within a reasonable time with the Registrar-General to allow dedication of the land to the Council.

Land Subject to Encumbrances

- 3.14 The Developer must ensure that land dedicated to the Council under this Deed is free of all Encumbrances (including without limitation any liability for rates, taxes and charges) except as otherwise agreed in writing by the Council.
- 3.15 If the Developer cannot dedicate land to the Council under this Deed free from all Encumbrances, the Developer may request that Council agree to accept the land subject to those Encumbrances, but the Council may withhold its agreement in its absolute discretion.

4. Site Work

General Obligations regarding Site Work

- 4.1 The Developer must complete each Site Work in a proper and workmanlike manner having regard to the intended purpose of the Work and in accordance with:
- 4.1.1 the location, design, specifications, material and finishes for the Work approved by the Council;
 - 4.1.2 any necessary Approval;
 - 4.1.3 the lawful requirements of any Authority; and
 - 4.1.4 all applicable Laws.

Costs of Site Work

- 4.2 The Developer is responsible for meeting all Costs of and incidental to each Site Work in accordance with this Deed.

Ownership and Care of Site Work

- 4.3 The Developer owns, and is responsible for care of, a Site Work, and bears all risk and liability in connection with the Site Work until the Site Work vests in the Council.
- 4.4 The Site Work vests in the Council on and from the date the land on which the Site Work is located is dedicated to Council in accordance with clause 3.13.

Variation to Site Work

- 4.5 The design or specification of a Site Work may be varied by Deed in writing between the Parties, without requiring an amendment to this Deed.
- 4.6 Council must not unreasonably delay its approval to any written request made by the Developer to vary, at the Developer's Cost, the design or specification of a Site Work.
- 4.7 If the variation results in a decrease in the value of the Site Work the change in value will be adjusted proportionately in the Monetary Contribution payable by the Developer.
- 4.8 Council may reasonably require the Developer, at the Council's Cost, to vary the design or specification of a Site Work, in which case the Developer must comply with that requirement unless the proposed variation:
- 4.8.1 materially affects the Development;
 - 4.8.2 reduces the financial return or profitability of the Development; or
 - 4.8.3 results in increased cost or delay in the Site Work undertaken by the Developer.
- 4.9 The Parties acknowledge that any variation contemplated in this clause may require prior public consultation.

Construction Commencement and Completion

- 4.10 The Developer must notify Council of the construction of a Site Work at least 5 Business Days before that construction commences.
- 4.11 The Developer must notify Council of the date it expects to complete a Site Work.
- 4.12 Council will inspect the Site Work the subject of the notice in clause 4.11 within 7 Business Days of the date specified in the notice of the expected completion date of the work.

Protection of People, Property and Utilities

- 4.13 The Developer must use all reasonable endeavours in performing its obligations under this Deed to ensure that:
- 4.13.1 all necessary measures are taken to protect people and property,
 - 4.13.2 unnecessary interference with the passage of people and vehicles is avoided, and
 - 4.13.3 nuisances and unreasonable noise and disturbances are prevented.
- 4.14 Without limiting clause 4.13, the Developer must not obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service except as authorised in writing by the Council or any relevant Authority.

Access to Land

- 4.15 The Developer must obtain all necessary rights to lawfully enter, occupy, and carry out a Site Work on Other Land.
- 4.16 Subject to the Developer obtaining all necessary Approvals to lawfully enter, occupy and use specified Council owned or controlled land, if the Developer gives the Council reasonable prior notice, Council must allow the Developer, to enter, occupy, and use that specified land at any reasonable time and on reasonable conditions if the occupation or use of the land by the Developer is necessary for a Site Work.
- 4.17 If the Council gives the Developer reasonable prior notice the Developer must provide Council with safe and unhindered access at any reasonable time to any land on which the Developer is carrying out a Site Work.
- 4.18 Prior to accessing the land on which the Developer is carrying out a Site Work, the Council must comply with the Developer's reasonable requirements including:
- 4.18.1 any site induction procedures;
 - 4.18.2 any requirements of any Authority;
 - 4.18.3 any requirements of any Law;
 - 4.18.4 the requirements of any Principal Contractor; and
 - 4.18.5 giving the Developer the names of those entering the land and their roles.

- 4.19 When accessing the land on which Site Works are being carried out Council must:
 - 4.19.1 avoid interfering with or delaying the Developer's activities;
 - 4.19.2 follow all reasonable and lawful directions of the Developer and comply with the Developer's site safety plan.
- 4.20 The Developer reserves the right to exclude any person from the land on which the Site Work is being carried out where the Developer has identified that person to Council for any reason including without limitation where that person poses a safety risk or refuses to comply with the Developer's reasonable requirements.
- 4.21 The Council must not unreasonably delay or hinder the Developer in the performance of its obligations under this Deed. To the extent the Developer is unreasonably delayed or unreasonably hindered by Council in the performance of its obligations under this Deed, the Developer is entitled to an extension of time.
- 4.22 Nothing in this Deed entitles the Developer to refuse access to a Council officer exercising a power or function under any Law.

Audit Inspection and Testing of Site Works

- 4.23 Council may undertake an audit, inspection or test of a Site Work at any reasonable time for any purpose related to this Deed upon giving reasonable prior notice to the Developer. Clauses 4.17 to 4.21 apply to Council in exercising this right.
- 4.24 The Developer must provide Council with any assistance that the Council reasonably requires to enable the Council to undertake any audit, inspection or test of the Site Work.
- 4.25 If an audit, inspection or test reasonably shows that particular action must be taken in relation to the Site Work, the Developer is to:
 - 4.25.1 take the action in the manner, and within the time, Council reasonably requires, and
 - 4.25.2 provide evidence to Council that the action has been taken.

5. Work Health and Safety

- 5.1 A word or expression in this clause 5 that is:
 - 5.1.1 used or defined in any applicable WHS Laws; and
 - 5.1.2 is not otherwise defined in this clause 5 or elsewhere in this Deed,
 has the meaning given to it under the applicable WHS Law.
- 5.2 The Developer proposes to engage the Principal Contractor who, once engaged, will have management and control of the workplace relating to the Site Work.
- 5.3 If the Developer at any time terminates the engagement of the person engaged to construct the Site Work or to otherwise be the Principal Contractor for the Site Work, the Developer becomes the Principal Contractor until such time as a new

person is appointed to construct the Site Work or to otherwise be the Principal Contractor for the Site Work.

- 5.4 The Developer must ensure that the carrying out of the Site Work and the work conducted by the Principal Contractor under this Deed comply with all applicable WHS Laws.
- 5.5 Without limiting the Developer's obligations under this clause 5, the Principal Contractor must, in carrying out the Site Work:
- 5.5.1 identify all reasonably foreseeable hazards that could give rise to a risk to health and safety in relation to carrying out the Site Work;
 - 5.5.2 ensure that risk assessments are conducted for risks to health and safety to the Developer or its contractors and to any other person in relation to carrying out the Site Work;
 - 5.5.3 ensure that control measures are in place to eliminate, prevent or minimise those risks (as applicable) to the extent reasonably practicable;
 - 5.5.4 consult, cooperate and coordinate activities with all other persons who have a health and safety duty in relation to carrying out the Site Work, so far as is reasonably practicable; and
 - 5.5.5 develop, implement and maintain a health and safety system describing how the Principal Contractor will comply with WHS Laws. This system must include appropriate health and safety management and site safety plans, hazard and risk assessments, and risk controls.
- 5.6 The Developer must use its reasonable endeavours to ensure that:
- 5.6.1 the Council can audit, inspect and test a Site Work without breaching WHS Law,
 - 5.6.2 the Council can access and use a Site Work without breaching WHS Law.

6. Practical Completion and Transfer of Ownership

Practical Completion

- 6.1 Prior to commencement of any Site Work, the Developer must provide evidence to the Council that:
- 6.1.1 the Independent Certifier has been appointed for the purpose of certifying Practical Completion of Site Work; and
 - 6.1.2 the Quantity Surveyor has been appointed for the purpose of providing the Quantity Surveyor's Assessment for that Site Work.
- 6.2 The Developer must obtain a Practical Completion Certificate for a Site Work by not later than the Site Work Completion Date.
- 6.3 The Developer must give the Council not less than 10 Business Days prior written notice of its intention to request the Independent Certifier to issue a Practical Completion Certificate for a Site Work.

- 6.4 Following receipt of the notice given under clause 6.3, the Developer must give the Council access to inspect the Site Works. Access must be provided before the Developer Requests that the Independent Certifier issue a Practical Completion Certificate for a Site Work.
- 6.5 If the Council, acting reasonably, identifies a Defect in any Site Work, or if any Site Work is not completed to the standard required by clause 4.1, the Council may, by written notice to the Developer and the Independent Certifier, require that any Defect be cured or the Site Work be completed, repaired or replaced to meet the standard required by clause 4.1.
- 6.6 If the Council issues a written notice under clause 6.5 the Developer must not request a Practical Completion Certificate, and the Independent Certifier must not issue a Practical Completion Certificate, until the Developer has completed, rectified, repaired or replaced the Site Work to the reasonable satisfaction of the Council.
- 6.7 As a precondition to issuing a Practical Completion Certificate, the Independent Certifier may require the Developer to rectify or repair any specified part of the Site Work to bring the Site Work into conformity with the Approval for the Site Work given by the Council under this Deed and the other requirements of this Deed.
- 6.8 The Developer must promptly comply with any such requirement of the Independent Certifier.
- 6.9 The Developer must give Council a copy of a Practical Completion Certificate for the Site Work immediately after it is issued by the Independent Certifier.

Works-As-Executed-Plan

- 6.10 No later than 14 Business Days after Practical Completion of a Site Work, the Developer must submit to the Council a full Works-As-Executed-Plan for the Site Work.
- 6.11 The Developer, being the copyright owner in the Works-As-Executed-Plan, assigns the copyright in the Works-As-Executed Plan to the Council free of Cost to the Council.
- 6.12 If the Developer is not the copyright owner of the Work-As-Executed-Plan, the Developer must promptly procure the assignment of the copyright of the Works-As-Executed-Plan to the Council free of Cost to the Council.

Rectification of Defects

- 6.13 The Council may give the Developer a Rectification Notice during the Defects Liability Period.
- 6.14 The Developer, at its own cost, must comply with a Rectification Notice according to its terms and to the reasonable satisfaction of the Council.
- 6.15 The Council must do such things as are reasonably necessary to enable the Developer to comply with a Rectification Notice given by the Council.
- 6.16 If the Developer, after three months following the receipt of a Rectification Notice, has failed to rectify the Defect, Council may:

- 6.16.1 rectify the Defect itself;
 - 6.16.2 make a claim on the Guarantee in accordance with clause 8.2 for the reasonable costs of the Council in rectifying the Defect; and
 - 6.16.3 to the extent the costs incurred to rectify the Defect exceeds the Guarantee, recover the reasonable costs from the Developer as a debt due and owing to the Council.
- 6.17 If Council requires access to the land to rectify any Defect, the Developer grants Council and its contractors a licence for such period as is necessary for Council and its contractors to access the land to carry out, or procure the carrying out, of the rectification works.
- 6.18 Until the expiry of the Defects Liability Period for a Stage, the Council may retain from the Guarantee provided in respect of that Stage, an amount equal to 20% of the Guarantee Amount for that Stage as security for the Developer's performance of its obligations under clauses 6.13 and 6.14. The Developer must make any necessary arrangements to allow the provision of the Guarantee for the Defects Liability Period in accordance with this clause.

Removal of Equipment

- 6.19 When Work on any Council owned or controlled land is completed for the purposes of this Deed, the Developer, without delay, must:
- 6.19.1 remove any Equipment from that land and make good any damage or disturbance to the land as a result of that removal; and
 - 6.19.2 leave the land in a neat and tidy state, clean and free of rubbish.

7. Dispute Resolution

Agreed procedure

- 7.1 Subject to clause 7.14, if there is a dispute in relation to this Deed, the Parties must comply with this clause 7 to seek to resolve the dispute before initiating legal proceedings. If a Party does not comply with this clause 7 in relation to a dispute, the other Party does not have to comply with this clause in relation to the dispute.

Notice

- 7.2 If a Party believes a dispute has arisen in relation to this Deed that Party must give written notice to the other Party, adequately identifying and providing details of the dispute.

Escalation

- 7.3 On receipt of a dispute notice under clause 7.2, the Parties must use their best efforts to resolve the dispute without delay, including by escalating the dispute according to the following steps:
- 7.3.1 the Parties agree first to negotiate through their respective Representatives in good faith and to use best efforts to resolve the dispute;

- 7.3.2 if the dispute is not resolved within 10 Business Days of referral under clause 7.3.1 (or such longer period as agreed by the Parties in writing) and the Parties agree that the dispute can be determined by an appropriately qualified expert, the dispute is to be referred to:
- (a) if the Parties agree on the professional body that represents persons who appear to have the relevant expertise to determine the dispute, that professional body for expert determination; or
 - (b) if the Parties cannot agree on the professional body under clause 7.3.2(a), the President of the NSW Law Society to appoint an expert for expert determination,
- 7.3.3 if the Parties do not agree that the dispute can be determined by an appropriately qualified expert the Parties must attempt to resolve the dispute through confidential mediation of the dispute to be administered on a without prejudice basis by a mediator appointed by the Australian Commercial Disputes Centre Limited (ACDC), or by such other mediator as is mutually agreed. Such mediation must be conducted in accordance with the ACDC's mediation rules (or such other applicable rules) and take place at a mutually agreed location and clause 8.8 applies.

Authority to resolve

- 7.4 Each party must be represented at all meetings held pursuant to clause 7.3 by a person with authority to resolve the dispute.

Expert determination

- 7.5 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.
- 7.6 Each Party must bear its own Costs arising from or in connection with the appointment of the expert and the expert determination.
- 7.7 The Parties must share equally the costs of the professional body, the expert, the President of the NSW Law Society and the expert determination.

Mediation

- 7.8 If a dispute between the Parties is to be resolved through mediation, the Parties must mediate the dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.
- 7.9 If the dispute is not resolved by mediation within 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the dispute, including the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.
- 7.10 Each Party must bear its own Costs arising from or in connection with the appointment of a mediator and the mediation.
- 7.11 The Parties are to share equally the Costs of the President, the mediator, and the mediation.

Confidentiality and costs

- 7.12 Any information or documents disclosed by a Party under this clause 7 must be kept confidential and may only be used to attempt to resolve the dispute.
- 7.13 Each Party must pay its own Costs of complying with this clause 7.

Exclusions

- 7.14 This dispute resolution procedure does not prevent a Party from applying to a court for urgent interlocutory relief or any relief to protect Intellectual Property Rights or Confidential Information.

8. Enforcement

Security for Performance

- 8.1 The Developer must not apply for, or cause, suffer or permit an application to be made for the first Subdivision Certificate:
- 8.1.1 that creates a Final Lot in Stage 2A unless the plan of subdivision to which the application relates contains the words 'public reserve' or 'drainage reserve' marked on the Stage 2A Reserve and the Stage 2A Monetary Contribution has been paid to the Council;
 - 8.1.2 that creates a Final Lot in Stage 2B1 unless the Stage 2B1 Monetary Contribution has been paid to the Council;
 - 8.1.3 that creates a Final Lot in Stage 2B2 unless the Stage 2B2 Monetary Contribution has been paid to the Council;
 - 8.1.4 that creates a Final Lot in Stage 2C1 unless the plan of subdivision to which the application relates contains the words 'public reserve' or 'drainage reserve' marked on the Stage 2B1 Reserve and the Stage 2C1 Reserve and the Stage 2C1 Monetary Contribution has been paid to the Council; and
 - 8.1.5 that creates a Final Lot in Stage 2D1 unless the Stage 2D1 Monetary Contribution has been paid to the Council;
 - 8.1.6 that creates a Final Lot in Stage 2D2 unless the Stage 2D2 Monetary Contribution has been paid to the Council.

Provision of Guarantee

- 8.2 The Developer must deliver a Guarantee for the Guarantee Amount in respect of a Stage to the Council within 30 days of the commencement of work for that Stage. For example, the Developer must deliver a Guarantee for the Guarantee Amount for Stage 2A within 30 days of commencement of work for Stage 2A. Nothing in this clause requires the Developer to provide a Guarantee in respect of a Stage prior to commencement of work for a Stage in the Development.
- 8.3 Council may make an appropriation from the Guarantee (and the proceeds of the Guarantee, including any interest earned in respect of such proceeds) at any time, without prior notice to the Developer, in such amount as the Council, acting reasonably, thinks appropriate for the provision of the Site Works, the Costs of

rectifying any default by the Developer under this Deed, ensuring due and proper performance of the Developer's obligations under this Deed or the payment of the Monetary Contribution if:

- 8.3.1 an Insolvency Event occurs in respect of the Developer;
 - 8.3.2 the Developer fails to deliver, or comply with its obligations under this Deed in relation to, Site Works (including with respect to the rectification of Defects); or
 - 8.3.3 the Developer fails to make the Development Contributions in accordance with this Deed.
- 8.4 The Developer is not entitled to, and must not seek, an injunction against either the Council or the issuer of the Guarantee (if applicable) preventing a demand or payment under the Guarantee (whether the demand extends to the whole of the Guarantee or part thereof) or the use to which the proceeds of such a demand can be put.
- 8.5 Within 10 Business Days of Council making an appropriation from the Guarantee, Council must notify the Developer of that appropriation.
- 8.6 For each Stage, subject to Council receiving a new Guarantee from the Developer in an amount equal to 20% of the Guarantee Amount for that Stage to cover the Defects Liability Period (as contemplated in clause 6.18), Council must return the existing Guarantee to the Developer within 5 Business Days of the last to occur of the following in the Stage for which the Guarantee was provided:
- 8.6.1 Practical Completion of the Site Works;
 - 8.6.2 the Development Contributions being made to Council; and
 - 8.6.3 the Works-As-Executed-Plan being provided to Council,
- after first deducting any amounts owing to Council by the Developer under this Deed.

Breach of obligations

- 8.7 If the Council reasonably considers that the Developer is in breach of any obligation under this Deed, it may give a written notice to the Developer:
- 8.7.1 specifying the nature and extent of the breach,
 - 8.7.2 requiring the Developer to:
 - (a) rectify the breach if it is capable of rectification, or
 - (b) pay compensation to the reasonable satisfaction of the Council in lieu of rectifying the breach if the breach is not capable of rectification,
 - 8.7.3 specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.

- 8.8 Without limiting or affecting any other rights that Council may have under this Deed or at law, if the Developer fails to comply with a notice given under clause 8.7, Council may step-in and remedy the breach and may enter, occupy and use any land owned or controlled by the Developer for that purpose.
- 8.9 The Council may recover any costs incurred by the Council in remedying a breach in accordance with clause 8.8 as a debt due in a court of competent jurisdiction.

Enforcement in a court of competent jurisdiction

- 8.10 The Parties may enforce this Deed in any court of competent jurisdiction.
- 8.11 For the avoidance of doubt nothing else in this Deed prevents:
 - 8.11.1 a Party from bringing proceedings in the Land and Environment Court (or other Court) to enforce any aspect of this Deed or any matter to which this Deed relates; or
 - 8.11.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Deed or any matter to which this Deed relates.

9. Registration and Restriction on Dealings

Registration of this Deed

- 9.1 The Parties agree to register this Deed for the purposes of section 7.6(1) of the Act.
- 9.2 Not later than 14 Business Days after the commencement of this Deed, the Developer must deliver to the Council in registrable form:
 - 9.2.1 an instrument requesting registration of this Deed on the title to the Land duly executed by the Developer, and
 - 9.2.2 the written irrevocable consent of each person referred to in section 7.6(1) of the Act to that registration.
- 9.3 The Developer is to do such other things as are reasonably necessary to enable registration of this Deed to occur.
- 9.4 The Parties are to do such things as are reasonably necessary to remove any notation relating to this Deed from the title to the Land:
 - 9.4.1 in so far as the part of the Land concerned is a Final Lot, upon the application for a Subdivision Certificate that creates the Final Lot,
 - 9.4.2 in relation to any other part of the Land, once the Developer has completed its obligations under this Deed to the reasonable satisfaction of the Council or this Deed is terminated or otherwise comes to an end for any other reason.

Restriction on dealings

- 9.5 The Developer must not:

- 9.5.1 sell or transfer the Land, other than a Final Lot, or
- 9.5.2 assign the Developer's rights or obligations under this Deed, or novate this Deed;

to any person unless the Developer has, at no cost to Council, first procured the execution by the person to whom the Land or part is to be sold or transferred or the Developer's rights or obligations under this Deed are to be assigned or novated of a deed of accession in favour of Council.

- 9.6 Subject to clause 9.7, the Developer acknowledges and agrees that it remains liable to fully perform its obligations under this Deed unless and until it has complied with its obligations under clause 9.2.
- 9.7 Clause 9.5 does not apply in relation to any sale or transfer of the Land if this Deed is registered on the title to the Land at the time of the sale.

10. Warranties

General

- 10.1 The Parties warrant to each other that they:
- 10.1.1 have full capacity to enter into this Deed; and
- 10.1.2 are able to fully comply with their obligations under this Deed.

Trustee Warranties

- 10.2 If a Party enters into this Deed as trustee of any trust, then it warrants to the others that:
- 10.2.1 the trust is created validly and is in existence;
- 10.2.2 it is the sole trustee of the trust and has been appointed validly;
- 10.2.3 it has full and free power to enter into this Deed and to perform all the obligations imposed by this Deed;
- 10.2.4 it is entitled to be indemnified from the assets of the trust for obligations incurred as trustee of the trust and incurred under this Deed; and
- 10.2.5 it has obtained any consent or approval required for it to enter into this Deed.

Further Deeds

The Parties may at any time enter into Deeds relating to the subject-matter of this Deed that are not inconsistent with this Deed for the purpose of implementing this Deed.

Application of sections 7.11, 7.12 and 7.24 of the Act to the Development

- 10.3 This Deed excludes the application of section 7.12 of the Act to the Development.
- 10.4 This Deed does not exclude the application of sections 7.11 and 7.24 of the Act to the Development.

11. Indemnities and Insurance

Risk

- 11.1 The Developer performs this Deed at its own risk and its own cost.

Release

- 11.2 The Developer releases the Council from any Claim it may have against the Council arising in connection with the performance of the Developer's obligations under this Deed except if, and to the extent that, the Claim arises because of the Council's negligent act or omission, wilful misconduct, fraud or default.

Indemnity

- 11.3 Without limiting or affecting any other right of Council or obligation of the Developer under this Deed, the Developer indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in connection with the performance of the Developer's obligations under this Deed except that the obligation of the Developer to indemnify Council under this clause shall be reduced to the extent that the Claim arises because of the Council's negligent act or omission, wilful misconduct, fraud or default.

Developer's Insurances

- 11.4 Until a Site Work vests in the Council, the Developer is to take out and keep current to the reasonable satisfaction of the Council the following insurances in relation to the Site Work:
- 11.4.1 contract works insurance, noting the Council as an interested party, for the full replacement value of the Site Work, to cover the Developer's liability in respect of damage to, or destruction of, the Work;
 - 11.4.2 public liability insurance for at least \$20,000,000 for a single occurrence, which covers the Council, the Developer and any subcontractor of the Developer for liability to any third party;
 - 11.4.3 workers compensation insurance as required by law; and
 - 11.4.4 any other insurance required by law.
- 11.5 If the Developer fails to comply with its obligations relating to insurances under this Deed, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due to the Council as it deems appropriate.
- 11.6 The Developer is not to commence construction of a Site Work unless it has first provided to the Council satisfactory written evidence of all of the insurances required under this Deed.

12. Confidential information

Confidentiality

- 12.1 Each party (recipient):
- 12.1.1 must keep confidential any confidential information of another party (discloser) disclosed to the recipient by the discloser, or of which the recipient becomes aware, at any time up to completion, except information which is public knowledge otherwise than as a result of a breach of confidentiality by the recipient or any of its permitted disclosees; and
 - 12.1.2 may disclose confidential information in respect of which the recipient has an obligation of confidentiality under clause 12.1.1 only to those recipient's officers or employees or financial, legal or other adviser who:
 - (a) have a need to know for the purposes of this Deed or the transactions contemplated by it; and
 - (b) undertake to the recipient (and where required by the disclosing party, to the disclosing party also) a corresponding obligation of confidentiality to that undertaken by the recipient under this clause 12.

Announcements

- 12.2 A party must not make or authorise a press release or public announcement relating to the negotiations of the Parties or the subject matter or provisions of this Deed unless:
- 12.2.1 it is required to be made by law and before it is made that party has notified the other Parties and given them a reasonable opportunity to comment on the contents of and requirement for it; or
 - 12.2.2 it has the prior written approval of the Parties.

13. Intellectual Property

Ownership of Intellectual Property

- 13.1 Nothing in this Deed affects the ownership of Background Intellectual Property or Third Party Intellectual Property unless expressly provided to the contrary in this Deed.
- 13.2 The Developer grants to the Council a royalty-free, irrevocable, perpetual, non-exclusive license to use all Intellectual Property it owns in the designs and specifications of a Site Work as may be necessary for the purpose of:
- 13.2.1 using, maintaining and disposing of a Site Work;
 - 13.2.2 modifying and developing the Site Work;
 - 13.2.3 completing the Site Work on termination of this Deed;
 - 13.2.4 rectifying Defects relating to the Site Work.

- 13.3 The Developer must use reasonable endeavours to ensure that the Council is granted a licence as may be necessary to use copyright in the designs and specifications of a Site Work on the same terms as that given to the Developer from each subcontractor engaged in relation to the Site Work.
- 13.4 The Developer must otherwise use its reasonable endeavours to ensure that the Council is granted a licence as may be necessary to use all Third Party Intellectual Property in the designs and specifications of a Site Work on the best commercial terms reasonably available.

Force Majeure

- 13.5 If a Party is affected, or likely to be affected, by a Force Majeure Event, that Party must promptly notify the other Party, giving:
- 13.5.1 full details of the event;
 - 13.5.2 an estimate of its duration;
 - 13.5.3 the obligations under this Deed it affects and how much it will affect those obligations; and
 - 13.5.4 the steps either taken or planned to manage its effects.
- 13.6 A Party's obligations under this Deed are suspended if that Party is prevented from complying with those obligations as a result of the Force Majeure Event for as long as the Party is prevented from complying with those obligations because of the Force Majeure Event.
- 13.7 A Party affected by a Force Majeure Event must do all it reasonably can to remove, overcome or minimise the effects of the event as quickly as possible.

14. Annual review of the Deed

- 14.1 The Parties agree to review this Deed if either party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Deed.
- 14.2 For the purposes of clause 14.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.
- 14.3 For the purposes of addressing any matter arising from a review of this Deed referred to in clause 14.1, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Deed.
- 14.4 If this Deed becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable Deed of the same or similar effect to this Deed is entered into.
- 14.5 A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 14.1 is not a Dispute for the purposes of this Deed and is not a breach of this Deed.

15. Default and termination

Default

- 15.1 A party will be in default if:
- 15.1.1 they enter into a scheme or make any arrangement for the benefit of its creditors;
 - 15.1.2 an order is made to wind up the party;
 - 15.1.3 a liquidator, administrator, official manager or similar person is appointed in respect of the party;
 - 15.1.4 a mortgagee enters into possession of all or a substantial part of the assets of the party;
 - 15.1.5 they are deemed under any relevant law to be unable to pay their debts as and when they fall due;
 - 15.1.6 they have a trustee in bankruptcy appointed;
 - 15.1.7 a receiver, receiver and manager or agent of a mortgagee is appointed to all or a substantial part of the assets of the party; or
 - 15.1.8 they breach a term of this Deed.

Termination

- 15.2 A party may terminate this Deed immediately by serving notice on the other Party if:
- 15.2.1 another party breaches this Deed, (such breach being capable of rectification) and they have failed to rectify that breach within 10 Business Days of receiving notice to do so from any other party who is not in default; or
 - 15.2.2 another party breaches this Deed and such breach cannot be rectified.

After termination

- 15.3 If the Deed is terminated by either party the Developer must pay the outstanding Monetary Contributions as required by clause 48 of the Development Consent. The Developer's obligation to pay the outstanding Monetary Contributions will be adjusted by the direct and reasonable costs properly incurred by the Developer in carrying out any Site Works that have achieved Practical Completion prior to termination, which costs must be determined by the Quantity Surveyor.
- 15.4 On the termination of this Deed for any reason, each party must stop, and must cause its permitted discloses to stop, using Confidential Information of another party and, at the other party's option:
- 15.4.1 return to the other party;
 - 15.4.2 destroy and certify in writing to the other party the destruction of: or

15.4.3 destroy and permit a representative of the other party to witness the destruction of,

all Confidential Information in its possession or control.

Accrued rights

15.5 Termination of this Deed does not affect any accrued rights or remedies of a party.

Remedy

15.6 Each party acknowledges that:

15.6.1 the other Parties may suffer financial and other loss and damage if it breaches this Deed;

15.6.2 monetary damages may be an insufficient remedy; and

15.6.3 a party may seek injunctive or interlocutory relief to prevent a breach of this Deed and compel specific performance of any other party's obligations, in addition to any other remedy available.

16. Costs

16.1 The Developer will bear its own costs in relation to the preparation, negotiation, execution and registration of this Deed and any document related to this Deed.

16.2 The Developer will bear the costs incurred by Council in relation to the preparation, negotiation, execution and registration of this Deed and any document related to this Deed up to and not exceeding \$10,000 excluding GST.

17. GST

Interpretation

17.1 In this clause 17, a word or expression defined in the GST Law has the meaning given to it in the GST Law.

Prices GST exclusive

17.2 Unless stated otherwise all amounts in each Deed are exclusive of GST.

GST gross up

17.3 If a party (**Supplier**) makes a supply under or in relation to this Deed in respect of which GST is payable, the recipient of the supply (**Recipient**) must pay to the Supplier an additional amount equal to the GST payable on the supply (**GST Amount**).

Reimbursements

17.4 If a party must reimburse or indemnify another party for a Loss, the amount to be reimbursed or indemnified is first reduced by any input tax credit the other party is entitled to for the Loss and then increased in accordance with clause 17.3.

Exclusion of GST from calculations

- 17.5 If a payment is calculated by reference to or as a specified percentage of another amount or revenue stream, that payment will be calculated by reference to or as a specified percentage of the amount or revenue stream exclusive of GST.

Tax Invoice

- 17.6 A Party need not make a payment for a taxable supply made under or in relation to this Deed until it receives a Tax Invoice for the supply to which the payment relates.

18. Explanatory Note

- 18.1 The Appendix contains the Explanatory Note relating to this Deed required by clause 25E of the Regulation.
- 18.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Planning Deed.

19. Survival

- 19.1 Clauses 2, 5, 7, 10, 11, 12, 13, 15, 20, 21, 22, 23, 24, 25, 26 and 27 do not merge on completion and survive termination.

20. Notices

- 20.1 A notice must be:
- 20.1.1 in writing;
 - 20.1.2 signed by the party serving it; and
 - 20.1.3 served on the other Parties at their address or contact details set out in this Deed or as later notified.
- 20.2 Notices may be served by:
- 20.2.1 facsimile or any other electronic transmission;
 - 20.2.2 pre-paid mail; or
 - 20.2.3 personal delivery.
- 20.3 A notice will be taken to have been received:
- 20.3.1 if sent by facsimile or other electronic transmission, on the date shown on the transmission receipt;
 - 20.3.2 if sent by mail, on the third business day after posting; or
 - 20.3.3 if delivered personally, on the business day it is delivered.

A notice must be served between 9am and 5pm on a business day or it will be taken to have been received on the following business day.

21. Waiver and amendment

- 21.1 A party's delay or failure to enforce a provision of this Deed is not a waiver of that right.
- 21.2 A waiver must be in writing and served in accordance with clause 20.
- 21.3 An amendment to this Deed must be in writing and signed by the Parties.

22. Severability

- 22.1 If any part of this Deed is or becomes invalid, illegal or unenforceable, that part will be excised from this Deed and will not affect the validity of the remaining clauses.

23. Counterparts

- 23.1 This Deed may be executed in any number of counterparts and all of those counterparts taken together shall constitute one and the same document.

24. Independent advice

- 24.1 Each party has had the opportunity to seek independent legal advice and financial advice before signing this Deed.

25. Applicable law

- 25.1 This Deed is governed by the laws of New South Wales and the Parties agree to submit to the non-exclusive jurisdiction of the courts of that State.

26. Entire Deed

- 26.1 Except as specifically provided, this Deed is the entire Deed between the Parties with respect to its subject matter and supersedes all previous communications, representations, and arrangements between the Parties.

27. Definitions & interpretation

- 27.1 Unless otherwise indicated these terms mean:

Act the *Environmental Planning and Assessment Act 1979* (NSW);

Deed	this Deed and includes any schedules, annexures and appendices to this Deed;
Approval	includes approval, consent, license, permission or the like;
Authority	the Commonwealth or New South Wales government, any public or other authority and includes, a council or county council constituted under the <i>Local Government Act</i> 1993, or a person or body exercising functions under any Act including a commission, panel, court, or tribunal
Background Intellectual Property	Intellectual Property that: <ul style="list-style-type: none"> (a) relates to a Site Work; (b) exists at the date of this Deed or is later created but not as a result of performing this Deed, does not belong to a third party,
Business Day	any day on which banks are open for trading in New South Wales;
Claim	any action, claim, suit, demand, proceedings, damages including any statutory procedure for the recovery of money;
Confidential Information	includes: <ul style="list-style-type: none"> (a) any information relating to any person, which is protected by laws relating to privacy; (b) financial information or internal management information; (c) marketing information including customer and supplier details and marketing plans; (d) trade secrets, know-how, plans, strategic plans or business operations or systems; and (e) information which is capable of protection at law or equity as confidential information;
Cost	a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature;
Council	Goulburn Mulwaree Council ABN 84 049 849 319 of 184-194 Bourke Street, Goulburn, NSW;
Defect	anything that adversely affects, or is likely to adversely affect, the appearance, structural integrity, functionality or use or enjoyment of a Work or any part of a Work, or that prevents a Work or any part of a Work from complying with the terms of this Deed;
Defects Liability Period	in respect of the Site Works within a Stage, means the period of 24 months commencing on the date of Practical

		Completion of the Site Work;
Development		development the subject of Development Consent to Development Application, and in accordance with the Staging Plan and Landscape Masterplan as modified from time to time;
Development Application		DA/0183/1718 lodged with Council on 21 November 2017;
Development Consent		MOD/0023/1819 determined on 26 October 2018;
Development Contribution		a monetary contribution, the dedication of land free of cost, the carrying out of work, or the provision of any other material public benefit, or any combination of them, to be used for, or applied towards a public purpose, but does not include any Security or other benefit provided by a Party to the Council to secure the enforcement of that Party's obligations under this Deed for the purposes of section 7.4(3)(g) of the Act;
Dispute		a dispute or difference between the Parties under or in relation to this Deed;
Drainage Line		the part of the land marked as "2 Drainage Line with Native Tree and Shrub Plantings" on the Landscape Masterplan on drawing no. LMP5-E;
Encumbrance		includes mortgage, charge, lien, restriction against transfer, encumbrance and other third party interest and includes <i>Security Interests</i> ;
Equipment		any equipment, apparatus, vehicle or other equipment or thing to be used by or on behalf of the Developer in connection with the performance of its obligations under this Deed;
Final Lot		a lot created in the Development for separate residential occupation and disposition or a lot of a kind or created for a purpose that is otherwise agreed by the Parties, not being a lot created by a subdivision of the Land: (a) that is to be dedicated or otherwise transferred to the Council, or (b) on which is situated a dwelling-house that was in existence on the date of this Deed,
Force Event	Majeure	an earthquake, cyclone, fire, riot or serious civil commotion, sabotage, act of a public enemy, act of God (excluding storms), war, revolution, radioactive contamination or flood, the effects of which cannot be prevented by taking those steps a prudent and competent person would take;
Guarantee		means for each Stage, either: (A) an irrevocable unconditional bank guarantee for the

Guarantee Amount which must:

- (a) be denominated in Australian dollars;
 - (b) be an unconditional undertaking;
 - (c) be signed and issued by a bank licensed to carry on business in Australia, an Australian Prudential Regulation Authority (APRA) regulated authorised deposit taking institution or an insurer authorised by APRA to conduct new or renewal insurance business in Australia having at all times an investment grade security rating from an industry recognised rating agency of at least:
 - (i) BBB + (Standard & Poors and Fitch);
 - (ii) Baa 1 (Moody's); or
 - (iii) Bbb (Bests);
 - (d) be issued on behalf of the Developer;
 - (e) have no expiry or end date;
 - (f) state the beneficiary as the Council;
 - (g) be irrevocable;
 - (h) state the Guarantee Amount;
 - (i) state the purpose of the security as required in accordance with this document; and
 - (j) be on such other terms as are reasonably required by Council; or
- (B) such other performance bond for the Guarantee Amount that is acceptable to Council in its absolute discretion;

Guarantee Amount	means for each Stage, the total amount of the Section 7.11 Contribution that would be payable at that date for that Stage;
GST	has the same meaning as in the GST Law;
GST Law	has the same meaning as in <i>A New Tax System (Goods and Services Tax) Act 1999 (Cth)</i> and any other Act or regulation relating to the imposition or administration of the GST;
Independent	a suitably qualified and experienced independent certifier

Certifier	appointed by Deed between the Parties;
Insolvency Event	<p>means:</p> <ul style="list-style-type: none"> (a) having a controller, receiver, manager, administrator, provisional liquidator, liquidator or analogous person appointed; (b) an application being made to a court for an order to appoint a controller, provisional liquidator, trustee for creditors or in bankruptcy or analogous person to the person or any of the person's property (c) the person being taken under section 459F(1) of the Corporations Act to have failed to comply with a statutory demand; (d) an application being made to a court for an order for its winding up; (e) an order being made, or the person passing a resolution, for its winding up; (f) the person: <ul style="list-style-type: none"> (i) suspending payment of its debts, ceasing (or threatening to cease) to carry on all or a material part of its business, stating that it is unable to pay its debts or being or becoming otherwise insolvent; or (ii) being unable to pay its debts or otherwise insolvent; (g) the person taking any step toward entering into a compromise or arrangement with, or assignment for the benefit of, any of its members or creditors; (h) a court or other authority enforcing any judgment or order against the person for the payment of money or the recovery of any property; or (i) any analogous event under the Laws of any applicable jurisdiction, <p>unless this takes place as part of a solvent reconstruction, amalgamation, merger or consolidation that has been approved by the other party;</p>
Intellectual Property	all copyright (including moral rights), patents, trademarks, designs, confidential information, circuit layouts, data and any other rights from intellectual activity in the industrial, scientific, literary and artistic fields recognised in domestic law anywhere in the world;

Land	land comprised in Lot 2 in DP1186483 and any lot created by the subdivision of that lot;
Law	any applicable statute, regulation, by-law, ordinance or subordinate legislation enforce from time to time in Australia, whether made by a State, Territory, the Commonwealth or a local government and includes the common law and rules of equity, applicable from time to time;
Landscape Handover and Maintenance Protocol	the protocol set out in Schedule 5;
Landscape Masterplan	the plan in Schedule 3;
Landscape Specifications	the specifications in Schedule 4;
Linear Park	the part of the land marked as "5 Linear Park" on the Landscape Masterplan on drawing no. LMP5-E;
Maintenance	maintenance of the Site Work — Hard Landscaping and the Site Work — Soft Landscaping in accordance with the Landscape Handover and Maintenance Protocol;
Maintenance Period in relation to a Site Work	a period of 2 years commencing on the day immediately after the Practical Completion Date of the Site Work;
Monetary Contribution	the amount payable by the Developer to the Council in accordance with Part C of Schedule 1 and clause 3;
Other Land	land owned or occupied by a person other than the Developer or the Council;
Party	a party to this Deed;
Picnic Area	the part of the land marked as "4a Picnic Area" on the Landscape Masterplan on the drawing no. LMP5-E;
Practical Completion,	in relation to a Site Work, occurs when: (a) the Independent Certifier has issued a Practical Completion Certificate for the Site Work; and (b) the Developer has provided Council with a Quantity Surveyor's Assessment in respect of that Site Work, and Council has not issued a written notice to the Developer under clause 3.9 within 15 Business Days after receiving that assessment.

Practical Completion Certificate	a certificate issued by an Independent Certifier to the effect that, in the reasonable opinion of the Independent Certifier, the Site Work is substantially complete and any incomplete part or Defect is of a minor nature;
Practical Completion Date	the date when Practical Completion of a Site Work occurs;
Principal Contractor	the person defined in as the Principal Contractor under the WHS Law or an equivalent under Commonwealth work health and safety laws;
Quantity Surveyor	a qualified independent and practising quantity surveyor with at least five years' experience in the assessment of building and construction costs, who has been approved by Council in writing to the Developer for the purposes of this Deed, and engaged by the Developer at the Developer's cost;
Quantity Surveyor's Assessment	for each Site Work, a written report prepared by the Quantity Surveyor that assesses and identifies the direct and reasonable cost of completing that Site Work;
Recreation Space 1	the part of the land marked as "(4b) Recreation Space 1" on the Landscape Masterplan on the drawing no. LMP5-E;
Recreation Space 2	the part of the land marked as "(4c) Recreation Space 2" on the Landscape Masterplan on the drawing no. LMP5-E;
Rectification Notice	a written notice: <ul style="list-style-type: none"> (a) identifying the nature and extent of a Defect; (b) specifying the works or actions that are required to Rectify the Defect; (c) specifying the date by which or the period within which the Defect is to be rectified,
Rectify	rectify, remedy or correct;
Regulation	the <i>Environmental Planning and Assessment Regulation 2000 (NSW)</i> ;
Representative	has the meaning in the Details;

Section 7.11 Contribution	Means the contributions payable in respect of the Development under the Goulburn Mulwaree Section 94 Development Contribution Plan 2009 as required by condition 48 of the Development Consent. For the avoidance of doubt the contributions payable during the financial year 2018/19 are \$5,430 per Final Lot, however the actual contribution payable will be indexed in accordance with the contributions payable at the date of payment of a Monetary Contribution;
Section 64 Contributions Plan	the document titled "Goulburn Mulwaree Council City-wide Infrastructure Contributions Plan 2014" adopted by the Council on 3 June 2014, or any document that replaces that document;
Security Interest	has the meaning given that term in the <i>Personal Property Securities Act 2009 (Cth)</i> ;
Site Work	a Work specified or described in Part B of Schedule 1, including design, construction, supervision, testing and certification;
Site Work Completion Date	the date specified in Column 4 of Schedule 1 in respect of a Site Work;
Site Work – Hard Landscaping	seating nodes, bench seats, shade structures, fitness equipment, picnic equipment, signage, playground, boardwalk, concrete footpaths as set out in the Landscape Masterplan within the Picnic Area, Recreation Space 1 and Recreation Space 2;
Site Work – Soft Landscaping	trees, plants, grass, garden beds, as set out in the Landscape Masterplan within the Picnic Area, Recreation Space 1, Recreation Space 2 and the Linear Park;
Stage	a stage of the Development as shown on the Staging Plan;
Stage 1	the stage of the Development marked as Stage 1 on the Staging Plan;
Stage 2A	the stage of the Development marked as Stage 2A on the Staging Plan;
Stage 2A Reserve	the area in Stage 2A marked "i" on drawing number LMP9-A in the Landscape Masterplan;
Stage 2B1	the stage of the Development marked as Stage 2B1 on the Staging Plan;
Stage 2B2	the stage of the Development marked as Stage 2B2 on the Staging Plan;
Stage 2B1 Reserve	the area in Stage 2B1 marked "ii" on drawing number LMP9-A in the Landscape Masterplan;

Stage 2C1	the stage of the Development marked as Stage 2C1 on the Staging Plan;
Stage 2C2	The stage of the Development marked as Stage 2C2 on the Staging Plan;
Stage 2C1 Reserve	the area in Stage 2C1 marked "iii" and "iv" on drawing number LMP9-A in the Landscape Masterplan;
Stage 2D1	the stage of the Development marked as Stage 2D1 on the Staging Plan;
Stage 2D2	The stage of the Development marked as Stage 2D2 on the Staging Plan;
Stage 2A Monetary Contribution	the Monetary Contribution payable in respect of Stage 2A of the Development;
Stage 2B1 Monetary Contribution	the Monetary Contribution payable in respect of Stage 2B1 of the Development;
Stage 2B2 Monetary Contribution	the Monetary Contribution payable in respect of Stage 2B2 of the Development;
Stage 2C1 Monetary Contribution	the Monetary Contribution payable in respect of Stage 2C1 of the Development;
Stage 2C2 Monetary Contribution	the Monetary Contribution payable in respect of Stage 2C2 of the Development;
Stage 2D1 Monetary Contribution	the Monetary Contribution payable in respect of Stage 2D1 of the Development;
Stage 2D2 Monetary Contribution	the Monetary Contribution payable in respect of Stage 2D2 of the Development;
Staging Plan	the plan in Schedule 2;
Subdivision Certificate	has the same meaning as in the Act;
Third Party Intellectual Property	Intellectual Property relating to the Site Works that is owned by a person other than the Council or the Developer;
WHS Act	the <i>Work Health and Safety Act 2011 (Cth)</i> and any corresponding WHS Law within the meaning of section 4 of the WHS Act;

WHS Law	the WHS Act and WHS Regulations;
WHS Regulations	the regulations made under the WHS Act;
Work	the physical result of any building, engineering or construction work in, on, over or under land;
Work Cover	Work Cover Authority of New South Wales or such other Authority that may replace it from time to time; and
Works-As-Executed-Plan	the Works-As-Executed-Plan to be provided to the Council pursuant to clause 6.10.

Unless otherwise indicated the following rules of interpretation apply:

- 27.1.2 headings are inserted for convenience only and do not affect interpretation;
- 27.1.3 words importing the singular include the plural and conversely;
- 27.1.4 a word importing a gender includes the other gender;
- 27.1.5 a reference to a person includes an individual, partnership, a body corporate, a joint venture, an association (whether incorporated or not), a government and a government authority or agency;
- 27.1.6 a reference to a party is to a party to this Deed, and includes its successors, transferees and permitted assigns;
- 27.1.7 a reference to a schedule or clause is to a schedule to, or clause of, this Deed;
- 27.1.8 a reference to law or legislation includes any statutory amendments or replacement and any subordinate or delegated legislation;
- 27.1.9 a reference to a right or obligation of any 2 or more persons confers that right or imposes that obligation jointly and severally;
- 27.1.10 'include' and other forms of the word are not words of limitation;
- 27.1.11 a reference to \$ or 'dollars' means Australian dollars and a reference to payment means payment in Australian dollars.

Signing Page

Dated:

Executed as a Deed

Executed by Teneriffe Landowner Pty Limited ACN 625 052 502 under section 127 of the Corporations Act by:

Signature of Director/Sole Director & Secretary (Please delete as applicable)

Signature of Director/Secretary (Please delete as applicable)

Name of Director/Sole Director & Secretary (Please print)

Name of Director/Secretary* (Please print)

Signed for and on behalf of **Goulburn Mulwaree Council ABN 84 049 849 319** under delegated authority by the General Manager
.....but not so as to incur any personal liability in the presence of:

)
)
)
)
)

Signature of Witness

Name of witness

Address of witness

Schedule 1 – Development Contributions

Contribution	Public Purpose	Manner & Extent	Timing
A. Dedication of Land			
Dedication of Stage 2A Reserve	Public open space	Dedication free of costs to Council	Upon registration of the first plan of subdivision that creates a Final Lot in Stage 2A
Dedication of Stage 2B1 Reserve	Public open space	Dedication free of costs to Council	Upon registration of the first plan of subdivision that creates a Final Lot in Stage 2A
Dedication of Stage 2C1 Reserve	Public open space	Dedication free of costs to Council	Upon registration of the first plan of subdivision that creates a Final Lot in Stage 2C1
B. Carrying out of Work			
Establishment of Stage 2A Reserve	Public open space	Generally in accordance with the Landscape Masterplan and Landscape Specifications	Upon registration of the first plan of subdivision that creates a Final Lot in Stage 2A
Establishment of Picnic Area	Public open space	Generally in accordance with the Landscape Masterplan and Landscape Specifications	Practical Completion prior to the issuing of the first Subdivision Certificate that creates a Final Lot in Stage 2A
Establishment of Recreation Space 1	Public open space	Generally in accordance with the Landscape Masterplan and Landscape Specifications	Practical Completion prior to the issuing of the first Subdivision Certificate that creates a Final Lot in Stage 2A
Establishment of Drainage Line	Public open space	Generally in accordance with the Landscape Masterplan and Landscape Specifications	Practical Completion prior to the issuing of the first Subdivision Certificate that creates a Final Lot in Stage 2C1

Establishment of Recreation Space 2	Public open space	Generally in accordance with the Landscape Masterplan and Landscape Specifications	Practical Completion prior to the issuing of the first Subdivision Certificate that creates a Final Lot in Stage 2C1
Establishment of Linear Park	Public open space	Generally in accordance with the Landscape Masterplan and Landscape Specifications	Practical Completion prior to the issuing of the first Subdivision Certificate that creates a Final Lot in Stage 2C1
C. Monetary Contribution			
Contribution	Amount		Timing
Stage 1 Monetary Contribution	\$0		Prior to the issuing of the first Subdivision Certificate that creates a Final Lot in Stage 1
Stage 2A Monetary Contribution	To be calculated in accordance with clause 3.		Prior to the issuing of the first Subdivision Certificate that creates a Final Lot in Stage 2A
Stage 2B1 Monetary Contribution	To be calculated in accordance with clause 3.		Prior to the issuing of the first Subdivision Certificate that creates a Final Lot in Stage 2B1
Stage 2B2 Monetary Contribution	To be calculated in accordance with clause 3		Prior to the issuing of the first Subdivision Certificate that creates a Final Lot in Stage 2B2
Stage 2C1 Monetary Contribution	To be calculated in accordance with clause 3.		Prior to the issuing of the first Subdivision Certificate that creates a Final Lot in Stage 2C1

<p>Stage 2C2 Monetary Contribution</p>	<p>To be calculated in accordance with clause 3</p>	<p>Prior to the issuing of the first Subdivision Certificate that creates a Final Lot in Stage 2C2</p>
<p>Stage 2D1 Monetary Contribution</p> <p>Note: the amount of s.7.11 Contributions is reduced by the cost of Site Works (see clause 3)</p>	<p>To be calculated in accordance with clause 3.</p>	<p>Prior to the issuing of the first Subdivision Certificate that creates a Final Lot in Stage 2D1</p>
<p>Stage 2D2 Monetary Contribution</p> <p>Note: the amount of s.7.11 Contributions is reduced by the cost of Site Works (see clause 3)</p>	<p>To be calculated in accordance with clause 3.</p>	<p>Prior to the issuing of the first Subdivision Certificate that creates a Final Lot in Stage 2D2</p>

Schedule 2 – Staging Plan

ST01 Revision B dated 8th April 2019

Schedule 3 – Landscape Masterplan

LMP-5

Schedule 4 – Landscape Specifications

LMP3, VR1, VR2, VPA DETAIL

Schedule 5 – Landscape Handover and Maintenance Protocol

Landscape Handover and Maintenance Protocol

1. On Practical Completion of a Site Work, Council is to attend an on-site meeting to inspect both Site Work — Hard Landscaping and Site Work — Soft Landscaping.
2. At or prior to the Practical Completion Date for a Site Work the Developer's contractor will provide a maintenance plan for the Site Work — Hard Landscaping and Site Work — Soft Landscaping.
3. Subject to being satisfied, acting reasonably, that the Site Work is consistent with the approved plans and specifications, Council shall issue a certificate of conditional acceptance, subject to the maintenance of the Site Work by the Developer's contractor in accordance with the maintenance plan for a period of 52 weeks from the Practical Completion Date for the Site Work.
4. In respect of the Site Work — Hard Landscaping the maintenance plan will address:
 - inspection and repair of cracks and / or undermining to the footpaths within the open space;
 - a maintenance schedule for the playground, to ensure that upon completion of the Maintenance Period it will be in a good state of repair, well maintained, and meets a fit for purpose standard as generally prescribed in:
 - AS4685 (2014): Playground equipment and surfacing;
 - AS4422 (2016): Playground surfacing — Specifications, requirement and test method; and
 - AS/WS 4486.1: Playgrounds and playground equipment;
 - a maintenance schedule for the boardwalk, to *ensure* that upon completion of the Maintenance Period it will be in a good state of repair, well maintained, and meets a fit for purpose standard as generally prescribed in:
 - AS2156.1 Walking Tracks Part 1; and
 - AS2156.2 Walking Tracks Part 2; and
 - a maintenance schedule for the seat, shade structures and picnic area facilities , to ensure that upon completion of the Maintenance Period they will be in a good state of repair, well maintained, and meet a fit for purpose standard.
5. In respect of *the* Site Work — Soft Landscaping the maintenance plan will address:
 - mowing of open space grass areas (excluding residential verges);
 - over sowing of patchy grass areas;
 - watering of all new trees,
 - replacement of dead or diseased trees, shrubs & groundcovers;
 - weed control and spraying of grass areas and garden beds;

- formative pruning of all trees (including adjustment or replacement of stakes and removal of stakes/ties when tree is self-supporting);
 - mulch top ups to gardens to maintain a minimum 100mm depth.
6. From the Practical Completion Date of a Site Work, the Developer's contractor will maintain the Site Work — Hard Landscaping and the Site Work — Soft Landscaping in accordance with the maintenance plan for a period of 52 weeks.
 7. During the Maintenance Period Council will attend quarterly inspections to view the status of the landscape, and provide written commentary as to any remedial works that it reasonably considers are required to meet the requirements of the maintenance plan.
 8. Within 4 weeks prior to the completion of the 52-week Maintenance Period, the Council is to attend an on-site meeting to inspect the Site Work — Hard Landscaping and the Site Work Soft Landscaping.
 9. For Council to accept handover of the Site Work — Hard Landscaping and the Site Work — Soft Landscaping it will need to be satisfied, acting reasonably, that:
 - all Site Work Hard Landscaping are free of material defects, are in a good state of repair and fit for purpose, including, but not limited to:
 - that all concrete pathways are to be free of structural cracks and/or undermining;
 - that the playground is free of material defects, in a good state of repair and well maintained, and meets a fit for purpose standard as generally prescribed in:
 - AS4685 (2014): Playground equipment and surfacing;
 - AS4422 (2016): Playground surfacing — Specifications, requirement and test method; and
 - AS/NZS 4486.1: Playgrounds and playground equipment;
 - that the boardwalk is free of material defects, in a good state of repair and well maintained, and meets a fit for purpose standard as generally prescribed in:
 - AS2156.1 Walking Tracks Part 1; and
 - AS2156.2 Walking Tracks Part 2; and
 - that the seats shade structures and picnic area facilities are free of material defects, in a good state of repair and well maintained, and meet a fit for purpose standard; and
 - Site Work — soft Landscaping meets the following specifications:
 - dryland grass has healthy growth and at least 85% coverage across the site;
 - all dead or diseased trees and dead or diseased shrub & groundcover bed plantings have been replaced and all plants are established,

- firm in the ground, and showing a dominant leader consistent with the age and the prevailing growing conditions over the Maintenance Period;
- all garden beds are mulched with a minimum 100mm cover required; and
 - weeds in (grassed and shrub bed areas) have been controlled as per the maintenance plan.
10. Upon Council being satisfied, acting reasonably, that the assets are presented as noted above, the Council will issue a certificate of acceptance.
11. All Site Work — Hard Landscaping and the Site Work — Soft Landscaping will transfer from the Developer and become the property and responsibility of the Council on and from the date the land on which the relevant work is located is dedicated to the Council.

Appendix

(Clause 51)

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note**Draft Planning Deed**

Under section 7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Goulburn Mulwaree Council ABN 84 049 849 319 of 181-194 Bourke Street, Goulburn NSW 2580 (**Council**)

and

Teneriffe Landowner Pty Ltd ACN 625 052 502 of Unit 3, 57 Dacre Street, Mitchell, ACT 2911

Description of the Land to which the Draft Planning Deed Applies

Lot 2 in DP1186483 known as 133 Marys Mount Road, Goulburn and any lot created by the subdivision of that lot.

Description of Proposed Development

Development the subject of Development Consent to Development Application DA/0183/1718 lodged with the Council on 21 November 2017. The Development comprises the staged subdivision of the Land to create 393 residential lots and two public reserves.

Summary of Objectives, Nature and Effect of the Draft Planning Deed

Objectives of Draft Planning Deed

To provide additional land for drainage reserves and public open space to Council.

To facilitate superior urban design and other public benefits.

Nature of Draft Planning Deed

The Draft Planning Deed is a planning Deed under section 7.4 of the *Environmental Planning and Assessment Act 1979 (Act)*. The Draft Planning Deed is a voluntary Deed under which Development Contributions (as defined in clause 3 of the Draft Planning Deed) are made by the Developer for various public purposes (as defined in section 7.4(3) of the Act).

Effect of the Draft Planning Deed

The Draft Planning Deed:

- relates to the carrying out of the Development (as defined in clause 26 of the Draft Planning Deed) on the Land by the Developer;
- excludes the application of sections 7.11 and 7.12 of the Act to the Development;
- makes provision for the carrying out of embellishment works to drainage and open space land;
- makes provision for the dedication of land for drainage and open space purposes;
- imposes obligations on the Developer in relation to the carrying out of specified Works, the handing over of those Works to the Council and the rectification of defects and maintenance of those Works;
- is to be registered on the title to the Land;
- imposes restrictions on the Parties transferring the Land or part of the Land or assigning, or novating an interest under the Draft Planning Deed;
- has the effect of prohibiting the issuing of certain Subdivision Certificates unless and until Development Contributions are provided in accordance with the Draft Planning Deed;
- provides for the provision of works as executed plans in respect of Works carried out by the Developer;
- provides two dispute resolution methods for a dispute under the Draft Planning Deed, being expert determination and mediation;
- provides that the Draft Planning Deed is governed by the law of New South Wales, and

- provides that the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) applies to the Deed.

Assessment of the Merits of the Draft Planning Deed

The Planning Purposes Served by the Draft Planning Deed

The Draft Planning Deed:

- promotes and co-ordinates the orderly and economic use and development of the land to which it applies;
- provides land for public purposes in connection with the Development;
- provides and co-ordinates community services and facilities in connection with the Development; and
- provides increased opportunity for public involvement and participation in environmental planning and assessment of the Development.

How the Draft Planning Deed Promotes the Public Interest

The Draft Planning Deed promotes the public interest by providing for works to be carried out for drainage, street frontage, landscaping reserves and public open space at the Developer's cost and for the land on which those works are carried out to be dedicated to Council at no cost. It also promotes the objects of the Act as set out in sections 1.3(a) – (c), (g) and (j) of the Act.

For Planning Authorities:

Development Corporations - How the Draft Planning Deed Promotes its Statutory Responsibilities

N/A

Other Public Authorities — How the Draft Planning Deed Promotes the Objects Of any) of the Act under which it is Constituted

N/A

Councils — How the Draft Planning Deed Promotes the Elements of the Council's Charter

Under Section 8A of the *Local Government Act 1993*, the following guiding principles apply to the exercise of functions by councils and are relevant to the Draft Planning Deed:

- Councils should plan strategically, using the integrated warning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- Councils should work with others to secure appropriate services for local community needs.

The Draft Planning Deed promotes the elements of the Council's Charter by implementing the following Strategies in the Council's Delivery and Operational Plan:

- (1) To investigate options for expanded community recreation facilities
 - (a) Additional public spaces; and
 - (b) NRM protection enhancement;
- (2) The management of financial, economic, engineering and other practices applied to physical assets with the objective of providing the required level of service in the most cost effective manner;
- (3) To facilitate good urban design principles and local community amenity through design best practices.
- (4) To care for and protect our waterways and catchments;
- (5) To protect local heritage, public places and amenity including protection of significant architecture, indigenous heritage and the natural environment;
- (6) To develop culture and leisure facilities/activities;

All Planning Authorities — Whether the Draft Planning Deed conforms with the Authority's Capital Works Program

The Site Work set out in the Deed is consistent with Council's 2017/18 Capital Works Program. Ongoing maintenance of the embellishments and land to be dedicated to Council can be accommodated in Council's Delivery Plan and the relevant Operational Plans.

All Planning Authorities — Whether the Draft Planning Deed specifies that certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued

Yes. In accordance with clause 8, the application for certain Subdivision Certificates must contain certain information in the plan of subdivision. Further, in accordance with Schedule 1, certain Subdivision Certificates will not be issued until certain works are carried out.

15.3 ACQUISITION OF PART 12 MORTIS STREET, GOULBURN (WALKING TRACK)

Author: Ken Wheeldon, Business Manager Property & Community Services

Authoriser: Warwick Bennett, General Manager

Attachments: 1. Plan of Subdivision of Part 12 Mortis Street, Goulburn [↓](#) 

Link to Community Strategic Plan:	IN4.2 - Upgrade community facilities to improve service provision. CO2.3 - Planning for public spaces undertaken to reflect the growing community's needs.
Cost to Council:	Costs associated with this land acquisition, including \$15,000 in compensation for land value, preparation and registration of a Plan of Subdivision and any of the land owner's independent legal fees will be met from the approved budget for this stage of the Mulwaree Walking Track project.
Use of Reserve Funds:	Nil.

RECOMMENDATION

That:

1. The report from the Business Manager Property & Community Services on the proposed acquisition of part 12 Mortis Street, Goulburn be received.
2. Council acquires approximately 242.5m² (subject to final survey) of Lot 3 in DP 135981, known as 12 Mortis Street, Goulburn for \$15,000 (excluding GST) to be dedicated as public reserve as part of Stage 3 of the Mulwaree Walking Track.
3. Council meet all costs associated with survey work including preparation and registration of the Plan of Subdivision dedicating this parcel of land as public reserve.

In addition, Council will be responsible for supplying/erecting strand wire fencing along the eastern and western boundaries affected by this land acquisition, supply and installation of 3 gates at agreed locations, meeting the land owner's costs for independent legal advice, independent valuation consultant's report, Mortgagee Consent fees and legal fees for arranging production of title at NSW Land Registry Services.

4. Council's seal be affixed to all documentation necessary to complete this land acquisition.

BACKGROUND

Construction of the next stage of the Walking Track is underway with the contract recently awarded. Negotiations are now finalised to acquire approximately 242.5m² of 12 Mortis Street, Goulburn in order for the Mulwaree Walking Track to continue under the bridge on Sydney Road. This report deals specifically with the acquisition of this small strip of land.

REPORT

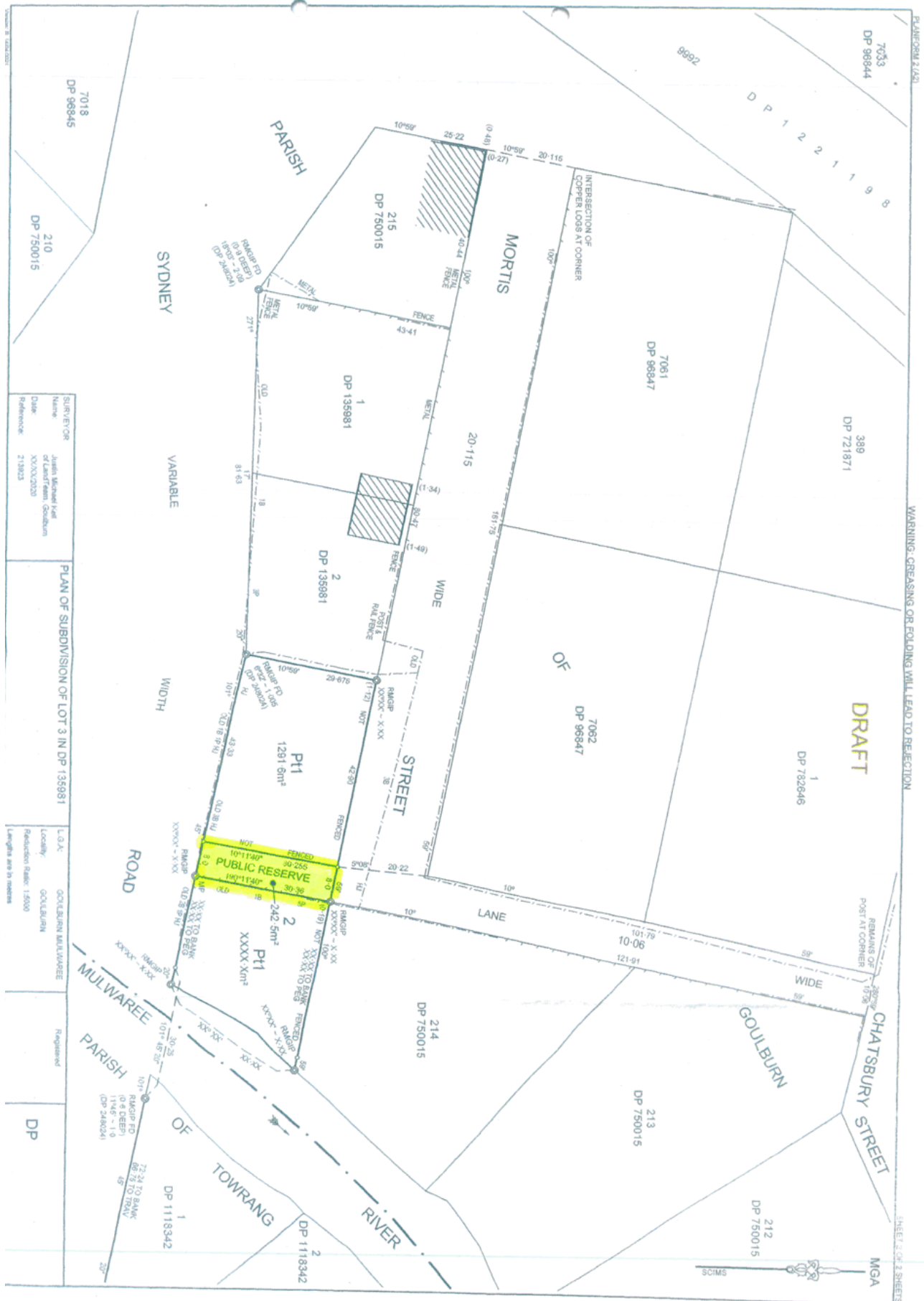
Preliminary works are underway for construction of the next stage of the Mulwaree Walking Track, from Lower Sterne Street to Cemetery Street. During the design phase it was identified that a section of the proposed track will traverse through 242.5m² of Lot 3 in DP 135981, known as 12 Mortis Street, Goulburn (refer attached plan).

On-site meetings have been held with the owner of 12 Mortis Street, Goulburn as well as telephone conferences with their legal representative and independent valuation consultant. Council's valuation consultant has also participated in some of these discussions to assist with

progressing the acquisition of this small slither of land for the next stage of the Mulwaree Walking Track.

At the conclusion of negotiations, the owner of the subject property has agreed to the following terms subject to Council's approval;

- Compensation payable for land acquisition = \$15,000 (excluding GST)
- Council meet all costs associated with this acquisition including,
 - i) Survey work, including preparation and registration of a Plan of Subdivision
 - ii) Meeting the property owner's costs for independent legal advice, independent valuation consultant's report, Mortgagee Consent fees and legal fees for arranging production of title at NSW Land Registry Services.
- Council supply/erect strand wire fencing along the eastern and western boundaries affected by this acquisition
- Council to supply/erect 3 x gates at agreed locations in consultation with the owner.



15.4 SALE OF 2 BOURKE STREET, GOULBURN

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

Link to Community Strategic Plan:	Our Infrastructure – IN4
Cost to Council:	When this property is sold the net proceeds will be placed in the Community Facilities Capital projects reserve for funding of the Goulburn Aquatic Centre
Use of Reserve Funds:	Nil at this time

RECOMMENDATION

That

1. The report of the General Manager in regard to the sale of 2 Bourke Street, Goulburn be received.
2. Council advises the NSW Police they have until the 25th May 2021 to advise Council if they wish to proceed or not with the purchase of 2 Bourke Street Goulburn
3. The future sale of the 2 Bourke Street premise be discussed at a Council briefing if the offer to NSW Police is not accepted.

REPORT

At the Council meeting on Tuesday 20th April 2021, management was asked to update the Council on the proposed sale of Council owned land in Bourke Street to the NSW Police

Council has received an unsolicited request from NSW Police to purchase the Council owned property at 2 Bourke Street, Goulburn.

This purchase offer has been subject to a number of Council resolutions the last being on the 2nd March 2021 – which was as follows:-

MOTION

Moved: Cr Andrew Banfield

Seconded: Cr Margaret O'Neill

That:

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

The motion was put and lost.

RESOLUTION 2021/1**Moved: Cr Alfie Walker****Seconded: Cr Carol James****That:**

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

CARRIED

We have put this offer to NSW Police and at the time of writing this report no formal response has been received. It is time for this matter to be concluded

Throughout this process Council has communicated with the tenants in the Bourke Street premises. They have been "on hold" as to their future and it's time to give them certainty.

I now wish to respond to part 5 of the resolution of 2nd March

- a. The result of the detailed negotiations on all parts of the sale and purchase agreement.

General Mangers Response - As stated above no formal response of the Council offer has been received

- b. Details of proposed lease agreement with ARTC for the Railway Administrative Buildings in Sloane Street Goulburn.

General Mangers Response - The ARTC Property Manager has advised me verbally that the offer to lease the Railway administrative Building has been accepted and agreed at his level but still requires Executive Management sign offer – which he has stated is a formality

- c. The results of the consultation and proposed allocation of space at the ARTC premise in Sloane Street for the current tenants located at 2 Bourke Street Goulburn.

General Mangers Response - At this stage the consultation with the tenants at the Bourke Street site has been limited to keeping them informed and updated. The feedback from the tenant has generally been positive but the tenants are requesting a speedy resolution to this

matter. We are planning for the allocation of space and plans of that will be provided to Councillors when completed

d. A recommendation to proceed or otherwise with the sale and purchase agreement.

General Mangers Response -

The NSW Police have not yet responded. It is my intention to discuss the future of the 2 Bourke Street at a Council briefing including if the sale proceed how the tenants will be located into the ARTC premise in Sloane Street.

It is clear from the 2nd March 2021 Council meeting that Council is prepared to consider the selling this property. The first motion put to Council was to sell the property by calling for Expressions of Interest. Although that was motion was lost, a resolution passed was to continue sale negotiations with NSW Police. Thus we are continuing with the allocation of space at the Sloane Street premise

In terms of the sale proceeds it is expected that they will exceed \$2 million. This is in accordance with recent valuations we have received as part of the process with NSW police. It is recommended that the sale proceed be allocated to the Community Facilities Capital Reserve Fund. The majority of the sale proceeds will be allocated for the Aquatic Centre re-development.

In regard to the Aquatic Centre the funding for that project is as follows:-

Developer Contributions -	\$ 830,000
Loans -	\$14,900,000
Internal Reserves -	\$ 4,605,000
Grants -	\$10,000,000

We don't yet have all the property sales for to fund the internal reserves that will ensure full payment of the Aquatic Centre – that is why property sales are important to the sustainability of our future commitments and ensuring we retain a balanced budget.

All the matters stated in this report can be discussed at a Council briefing to ensure Council has a clear understanding on all issues before making any further resolution and direction.

15.5 HOVELL STREET RESIDENTIAL SUBDIVISION DEVELOPMENT

Authors: Ken Wheeldon, Business Manager Property & Community Services
 Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: 1. **Approved Subdivision Map**  
 2. **49-61 Hovell Street, Goulburn-proposed subdivision valuation April 2021**  

Link to Community Strategic Plan:	CL4 - Actively investigate and communicate funding sources and collaboration opportunities that can strengthen the region.
Cost to Council:	Total costs associated with surveying and preparation and management of this development application, obtaining consultant reports for flora, fauna and biodiversity studies, cultural heritage reports and the cost of construction for this development are discussed in the confidential report as part of closed session of this business paper.
Use of Reserve Funds:	Nil.

RECOMMENDATION

That

1. The report from the General Manager and Business Manager Property & Community Services on the Hovell Street residential subdivision development be received.
2. Council undertakes the development and construction for the physical works at the Council owned Hovell Street subdivision by way of tender.
3. Council imposes a covenant on the subdivision development at its land in Hovell Street, Goulburn to prohibit the building of dual occupancy dwellings on any lot.
4. The General Manager seek Expressions of Interest (EOI) from real estate agents located in the Goulburn Mulwaree Local Government Area to undertake the sale of the 29 lots in the Hovell Street subdivision and Council authorises the General Manager to appoint the agent that provides overall best value for Council.
5. Council authorises lots to be sold from the DA approved plans with a two year sunset clause from the date of exchange of Contracts.
6. The General Manager be authorised to sell all residential lots subject to the sale price being equivalent to or exceeding the individual stated valuations in the Valuation Report dated 13 April 2021.

BACKGROUND

At its meeting held on 2 March 2021, Council approved the development of a 31 lot residential subdivision owned by Council in Hovell Street, Goulburn. The purpose of this report is to determine the development and sale of this subdivision. A copy of the approved subdivision plans are attached.

REPORT

Now that Council has completed its determination as the regulatory body for the Council owned subdivision at 49-61 Hovell Street, Goulburn, it is time for Council to determine as land owner how to progress this subdivision. Of the 31 approved lots, two are to be dedicated as reserves, therefore only 29 residential lots are saleable.

Realistically Council has two options;

1. Sell the land now by way of public auction or expression of interest “as-is” with the development application approval or;
2. Develop the land as the subdivision with all the infrastructure completed and sell the individual lots – either by auction, expression of interest, websites such as “allhomes” or “realestate.com.au”, or through a local real estate agent.

This report is recommending that Council undertake the physical development works and then dispose of the individual lots through appointment of a local real estate agent.

This report sets out the pro and cons of both options.

Should Council sell now without developing?

Development consent was granted for a 31 lot subdivision at the Council meeting held on 2 March 2021. Council could either sell this land by auction, through a local real estate agent or seek expressions of interest.

Council should note that under Section 55(3)(d) of the *Local Government Act 1993*, a contract for the sale of council land is exempt from the tendering threshold.

The initial thinking of Council with the development of this land was to create a subdivision that sets a standard or template for future development in the Goulburn Mulwaree Local Government area. The streets are proposed to be 20 meters wide and lots are all 1,000 square metres or greater in area. It has been informally agreed that a covenant be also placed on each title that prohibits dual occupancy housing so as to achieve an open environment for quality on-site living.

Council could try to impose covenants over the land but would need to be prepared to enforce them civilly. There is also potential for covenants to be challenged in the courts on the basis that they may be unfair or unreasonable – whilst unlikely it is not out of the question.

If the property was sold “as-is” with the development approval and without the infrastructure completed, a developer could purchase the total land area and apply to modify the approved DA. Although the DCP was amended in 2020 to require a minimum lot size of 1,000m² over the land, the DCP can be varied by Council by way of resolution. However the LEP was also amended, but only for the land reclassified from Community Land to Operational Land under the *Local Government Act 1993*. The reclassified land has a 1,000m² minimum (16 lots and effectively the bottom half of the development) whilst the land that was already classified as Operational Land retains a 700m² minimum (13 lots). This could result in the land area for each lot being reduced to 700m² and therefore create at least a further 8 – 10 lots on this site.

Council needs to be aware of several further complications. Firstly, a developer who purchases any lot once developed could utilise the provisions of the Exempt and Complying Development SEPP, and subsequently utilise a private certifier to have a second dwelling approved on the site. Council would be required to enforce any covenant by civil action.

Another option open for developers to exploit would be to purchase a number of the lots in the former Operational Land category, consolidate, then re-subdivide down to the 700m² and achieve development of a greater density. For example, if a developer purchased, say, 5 lots totalling 5,000m², they could be subdivided into 7 new but smaller lots.

There is potential that limiting the amount of development on the land could impact on the sales prices that are realised for each lot. For example, we suspect that the reason for healthy land prices at Marys Mount is because of the development potential of most lots (i.e. the ability for dual occupancy's, attached dwellings and secondary dwellings). Therefore if we were to limit the type of development that could take place, we could inadvertently restrict the sales prices that could be achieved, and therefore limit Council's potential profit margins. Conversely, limitations on development types may be seen by some as an attractive option and could therefore be a justification for paying a premium price. This will be difficult to assess until the lots are placed on the market.

Although there are some difficulties in maintaining the integrity of selling this block prior to development, Council would also limit its risk by taking the sale proceeds up front. The use of public funds for development needs to be managed carefully and the consequences understood carefully. Provision has been made in the estimates for holding costs of \$100,000 and \$250,000 for contingencies if Council is of the opinion to choose the option of developing the site.

Council has obtained an assessed market valuation report for this land "as-is" (i.e. sale to a hypothetical developer) that has confirmed a valuation of \$1,700,000 as unencumbered market value exclusive of GST with vacant possession. A copy of that valuation is attached.

Should Council develop the subdivision and sell the lots individually?

If Council is of the opinion to undertake the development work, the work required would be tendered to engage a suitably experienced contractor to complete all the works required. This would include the two new roads, kerb and guttering, stormwater, footpath, laybacks, vegetation buffer reserve work and construction of the stormwater detention basin. There would also be water and wastewater reticulation, broadband, gas and electricity (including transformer).

The cost of this work is summarised in the closed session. The reason why these estimates are being presented to Council in closed session is so that if Council proceeds with the tender and development rather than sell the property now, then releasing these estimates of construction would not give Council the advantage of a competitive tender process. Tenderers would likely put in prices reflective of the Council estimates and not assess the cost of development as a fresh development opportunity.

The downside of Council undertaking this development is the complexities and scrutiny of local government's tender processes and that tenderers will always increase tender prices to minimise their risk of entering into a contract with local government.

The other concern that Council needs to aware of is the risk that if the development is slow to sell then Council could be left with the holding costs of the capital development of the subdivision. As stated above an allowance of \$100,000 has been made for interest to fund the holding costs.

To offset the risk it is recommended that Council commences the sale process from the date the tender is issued. This will give Council 2 years to finalise the construction before having to refund any deposits. In this type of scenario a 5% deposit would generally be taken (i.e. \$12,500) and this would be held in Council's solicitor's Trust Account.

The recommendation in this report is for Council to develop the land and sell the lots individually. The construction of the development would be undertaken through the tender process. The infrastructure construction works would be most cost effective if completed in a single contract.

Additional to the estimates for construction in the closed session report there will be Section 64 fees being;

Water is 29 lots @ \$5,940	\$172,260
Sewer is 29 lots @ \$10,740	\$311,460
Stormwater based on design from similar subdivisions	<u>\$480,770</u>
	\$964,490
Section 7.12 fees estimated at	\$ 27,000
Holding costs and contingencies - say	\$350,000

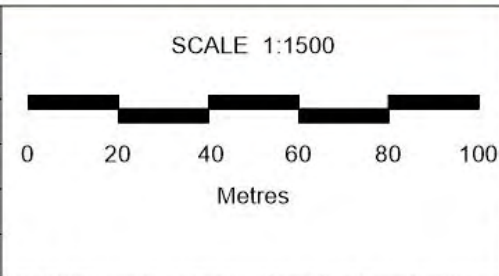




NOTE: DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY
 Liability limited by a scheme approved under Professional Standards Legislation.

File Name: J:\Surveyors\Jobs\212776 GMC Hovell St4 Planning\DWG\212776-DA01 Subdivision Issue 1.dwg

ISSUE	AMENDMENT	DATE
H	INITIAL ISSUE	3/08/2020
I	SHEET 1 AMMENDMENTS	16/11/2020

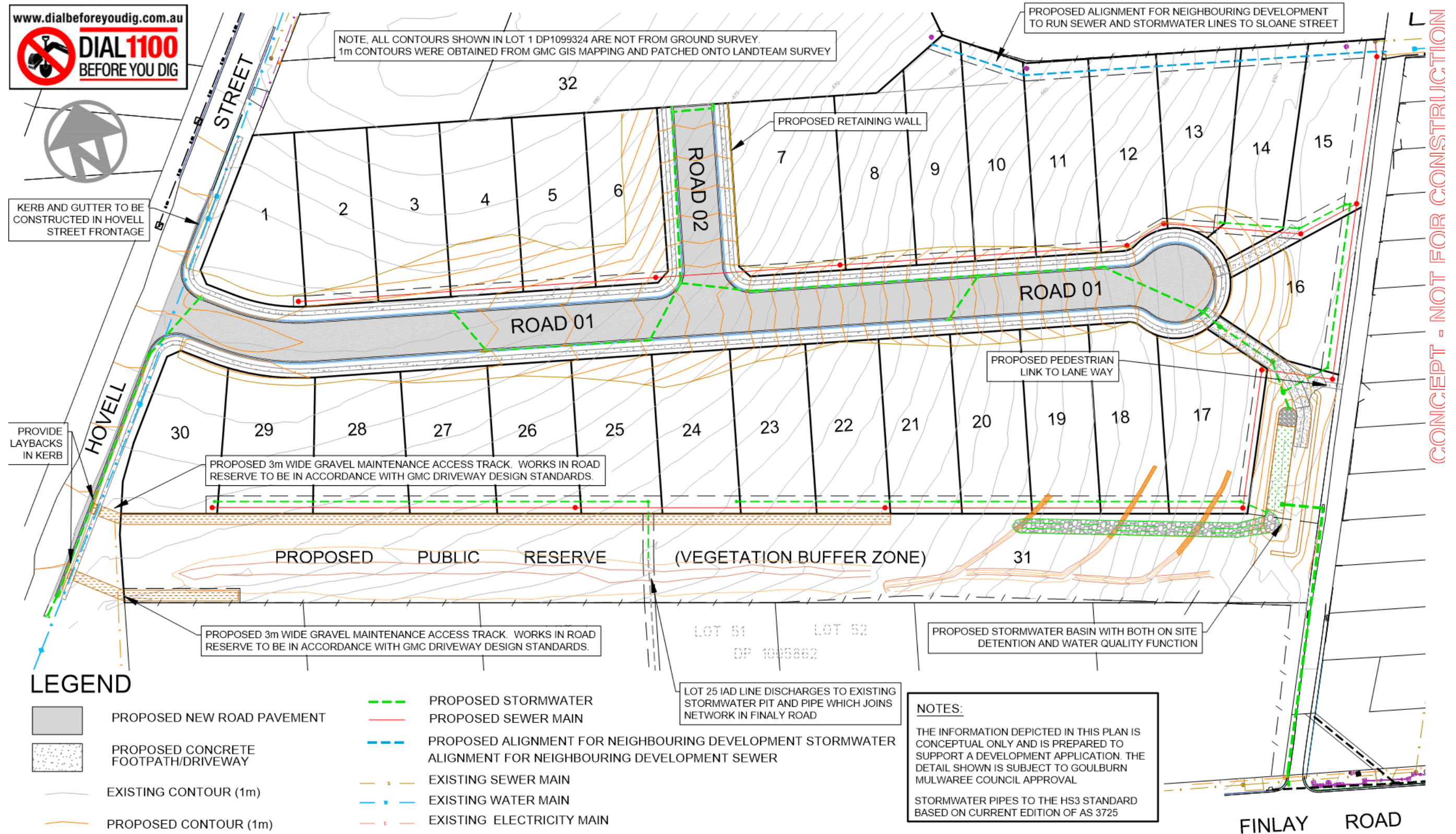


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LandTeam

A3 SHEET	GOULBURN MULWAREE COUNCIL
GOULBURN MULWAREE COUNCIL PLAN OF LAND FOR PROPOSED SUBDIVISION, LOTS 8 & 9 DP 832816 AND LOT 1 DP 1099324, 30A SLOANE STREET, 49-57 & 59-61 HOVELL STREET, GOULBURN.	
DATUM	AHD CONTOUR INTERVAL 1.0m

DATE:	30/11/2019
SURVEYED:	SH/FO
DRAWN:	SH
CHECKED:	JK
DRAWING No.	212776-DA01-02



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ISSUE	AMENDMENT	DRAWN	DATE
A	INITIAL ISSUE	DI	22/07/20
B	MINOR ADDITIONS/AMENDMENTS	DI	31/07/20
C	WATER QUALITY AMENDMENTS	DI	02/09/20
D	GAS LINE DIAGRAM ADDED	SH	17/11/20
E	FURTHER COUNCIL COMMENTS	DI	14/12/20



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A3 SHEET	GMC		PROPOSED SUBDIVISION O LOTS 8 & 9, DP832816 AND LOT 1 DP109932- HOVELL STREET, GOULBURN
	LGA: GOULBURN MULWAREE COUNCIL OVERALL DEVELOPMENT LAYOUT PLAN		
SCALE	1:1000@A3	DATUM	A.H.D.
DATE	14/12/2020	DESIGNED: DI	ISSUE
		DRAWN: DI	E
		CHECKED: TM	DRAWING No.
			212776 E01



CONCEPT - NOT FOR CONSTRUCTION

LEGEND

- EXISTING SITE VEGETATION EXTENTS (SURVEYED) TO REMAIN
- PROPOSED VEGETATION TO BE REMOVED (AREA IS 2470m²)
- EXISTING SITE TREE TO REMAIN
- PROPOSED STREET TREE - ZELKOVA SERRATA (ELM - JAPANESE)
- PROPOSED GRAVEL MAINTENANCE ACCESS
- PROPOSED CONCRETE FOOTPATH/DRIVEWAY

NOTES:
 THE INFORMATION DEPICTED IN THIS PLAN IS CONCEPTUAL ONLY AND IS PREPARED TO SUPPORT A DEVELOPMENT APPLICATION. THE DETAIL SHOWN IS SUBJECT TO GOULBURN MULWAREE COUNCIL APPROVAL.



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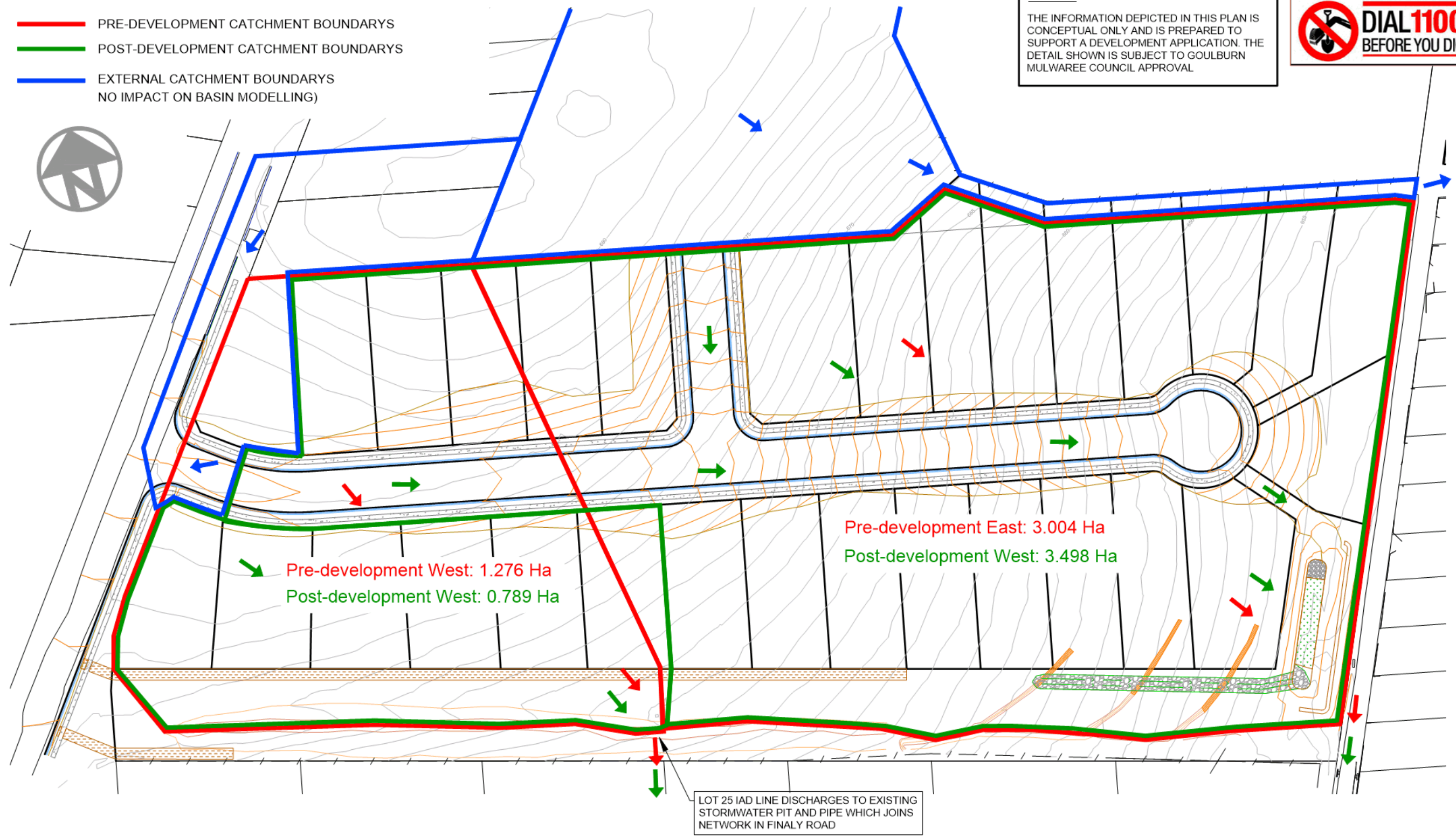


A3 SHEET	GMC	<small>PROPOSED SUBDIVISION O LOTS 8 & 9, DP832816 AND LOT 1 DP109932- HOVELL STREET, GOULBUR</small>
<small>LGA: GOULBURN MULWAREE COUNCIL</small>		<small>DESIGNED: DI DRAWN: DI CHECKED: TM DRAWING No.</small>
TREE REMOVAL AND LANDSCAPE PLANTING PLAN		E
<small>SCALE</small>	<small>1:1000@A3</small>	<small>DATE</small>
<small>DATUM</small>	<small>A.H.D.</small>	<small>DATE</small>
		<small>14/12/2020</small>
212776 E02		

LEGEND

- PRE-DEVELOPMENT CATCHMENT BOUNDARYS
- POST-DEVELOPMENT CATCHMENT BOUNDARYS
- EXTERNAL CATCHMENT BOUNDARYS
(NO IMPACT ON BASIN MODELLING)

NOTES:
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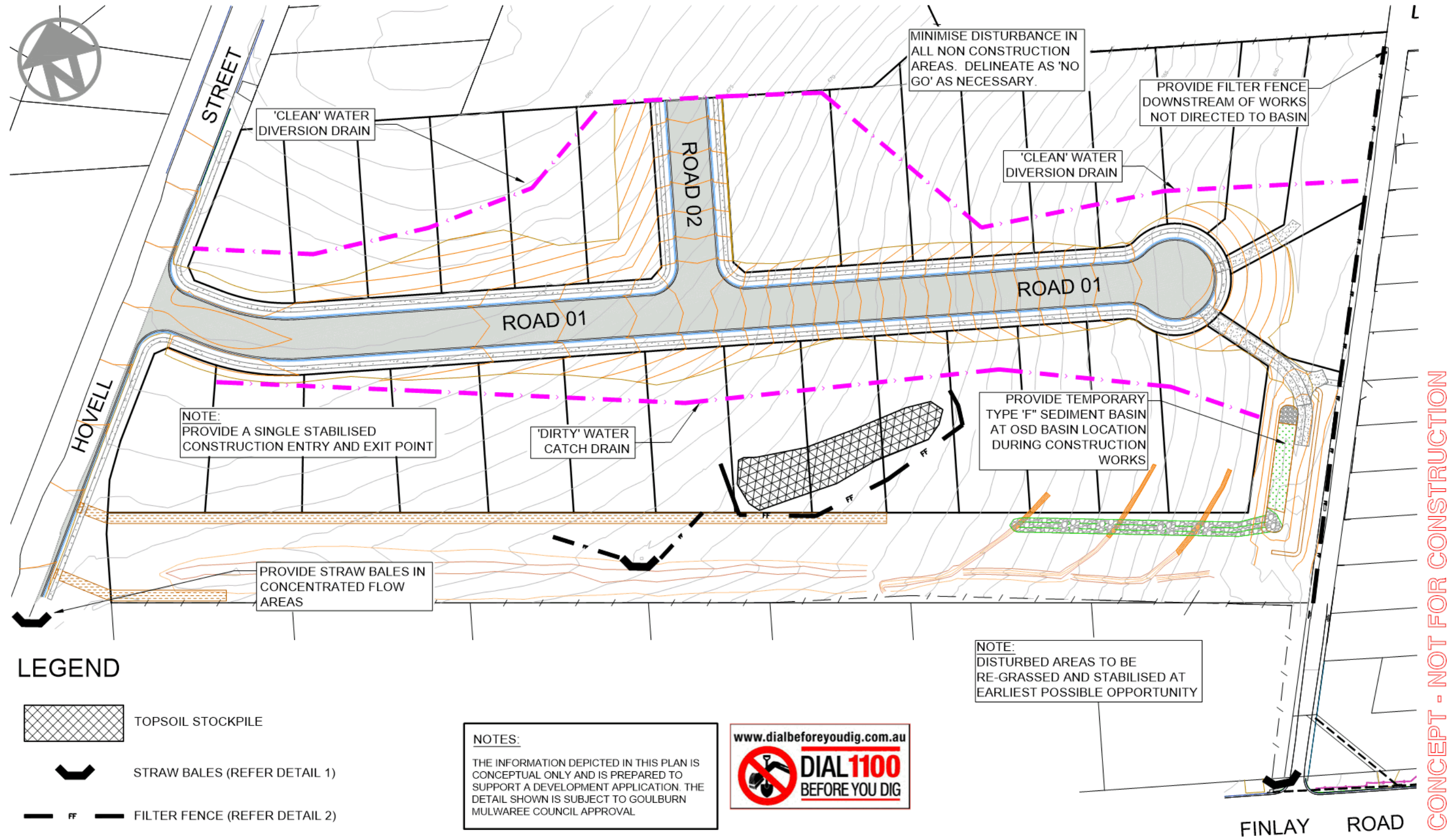
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A3 SHEET	GMC		PROPOSED SUBDIVISION OF LOTS 8 & 9, DP832816 AND LOT 1 DP1099324 HOVELL STREET, GOULBURN
	LGA: GOULBURN MULWAREE COUNCIL		
STORMWATER CATCHMENTS PLAN			
SCALE	1:1000@A3	DATUM	A.H.D.
DATE	14/12/2020	ISSUE	E
DRAWING No.			212776 E09



LEGEND

-  TOPSOIL STOCKPILE
-  STRAW BALES (REFER DETAIL 1)
-  FF  FILTER FENCE (REFER DETAIL 2)

NOTES:
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LGA: GOULBURN MULWAREE COUNCIL			DESIGNED: DI DRAWN: DI CHECKED: TM DRAWING No. E
EROSION AND SEDIMENT CONTROL PLAN			212776 E11
SCALE	1:1000@A3	DATUM	A.H.D. DATE 14/12/2020



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VALUATION REPORT ON

49-61 Hovell Street
GOULBURN NSW 2580



Western section from Hovell Street

Liability limited by a scheme approved under Professional Standards Legislation.



Valuation Report

On

49-61 Hovell Street
GOULBURN NSW 2580

Instructing Party

Goulburn Mulwaree Council
Locked Bag 22
GOULBURN NSW 2580

Attention: Ken Wheeldon
Business Manager Property and Community Services

Date of Valuation:

13 April 2021

49-61 Hovell Street GOULBURN NSW 2580

2



Executive Summary

Property

49-61 Hovell Street
GOULBURN NSW 2580

Valuation Instructions

We have been instructed to determine the unencumbered market value of the fee simple in possession of the within described property, as at the date of valuation on the following basis:

- Sell the land now by way of public auction or expression of interest “as-is” with the development application approval or:
- Develop the land as the subdivision (by council) with all the infrastructure completed and sell the individual lots – either by auction, expression of interest, websites such as ‘allhomes’ or ‘realestate.com.au’ or appoint a local real estate agent.

This valuation is of the real estate only and excludes all items including plant, equipment or any special construction solely attributable to the installation of such plant or equipment and business goodwill unless specifically stated otherwise.

In accordance with standard practice, we must state that this report is for the use of our instructing party only. We disclaim any responsibility to any other person, organisation or body who might use it or in any way rely upon this report, for any reason whatsoever, such exclusion includes, without limiting the generality of the foregoing, any liability for breach of contract, negligence or wilful act or default of any person, organisation or body notwithstanding that any damages have been or may be suffered, or incurred by that person, organisation or body as a result of the provision or use of the Valuation or the Valuation Service.

Date of Valuation

13 April 2021

Property Description

49-61 Hovell Street GOULBURN NSW 2580

3



A 4,650 hectare (ha) (46,650 square metre (m²)) vacant lot located in South Goulburn with a development approval to create a 31 lot subdivision of which 29 will be for residential use.

Valuation

One Million, Seven Hundred Thousand Dollars

(\$1,700,000)



Eastern Section

As detailed in our following report and subject to our remarks and qualifications therein.

Douglas Walker and Associates (Consultant Valuers), hereby certify that Douglas Walker, AAPI, Certified Practising Valuer, API No. 68706 has personally inspected the property described herein and prepared this report.

Issued by **Douglas Walker and Associates (Consultant Valuers)**

Douglas C. Walker, AAPI, WDA
 Certified Practising Valuer
 API Number 68706
Principal Director

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49-61 Hovell Street GOULBURN NSW 2580



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2.2	On behalf of (Client)
3.0	Date of Valuation
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5.0	Property Identification
5.1	Title Details
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6.0	Site Description
6.1	Physical Features
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49-61 Hovell Street GOULBURN NSW 2580



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10.0 Goods and Services Tax

12.0 Market Research & Commentary

13.0 Valuation Rationale

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16.0 Valuation Certificate

Annexure - Subdivision Plan

1.0 Property

49-61 Hovell Street

49-61 Hovell Street GOULBURN NSW 2580

6



GOULBURN NSW 2580

2.0 Valuation Instructions

We have been instructed to determine the unencumbered market value of the fee simple in possession of the within described property, as at the date of valuation on the following basis:

- Sell the land now by way of public auction or expression of interest “as-is” with the development application approval or:
- Develop the land as the subdivision (by council) with all the infrastructure completed and sell the individual lots – either by auction, expression of interest, websites such as ‘allhomes’ or ‘realestate.com.au’ or appoint a local real estate agent.

This valuation is of the real estate only and excludes all items including plant, equipment or any special construction solely attributable to the installation of such plant or equipment and business goodwill unless specifically stated otherwise.

In accordance with standard practice, we must state that this report is for the use of our instructing party only. We disclaim any responsibility to any other person, organisation or body who might use it or in any way rely upon this report, for any reason whatsoever, such exclusion includes, without limiting the generality of the foregoing, any liability for breach of contract, negligence or wilful act or default of any person, organisation or body notwithstanding that any damages have been or may be suffered, or incurred by that person, organisation or body as a result of the provision or use of the Valuation or the Valuation Service.

2.1 Instructing Party

Goulburn Mulwaree Council
GOULBURN NSW 2580

Attention: Ken Wheeldon

3.0 Date of Valuation

13 April 2021

4.0 Location

49-61 Hovell Street GOULBURN NSW 2580

7

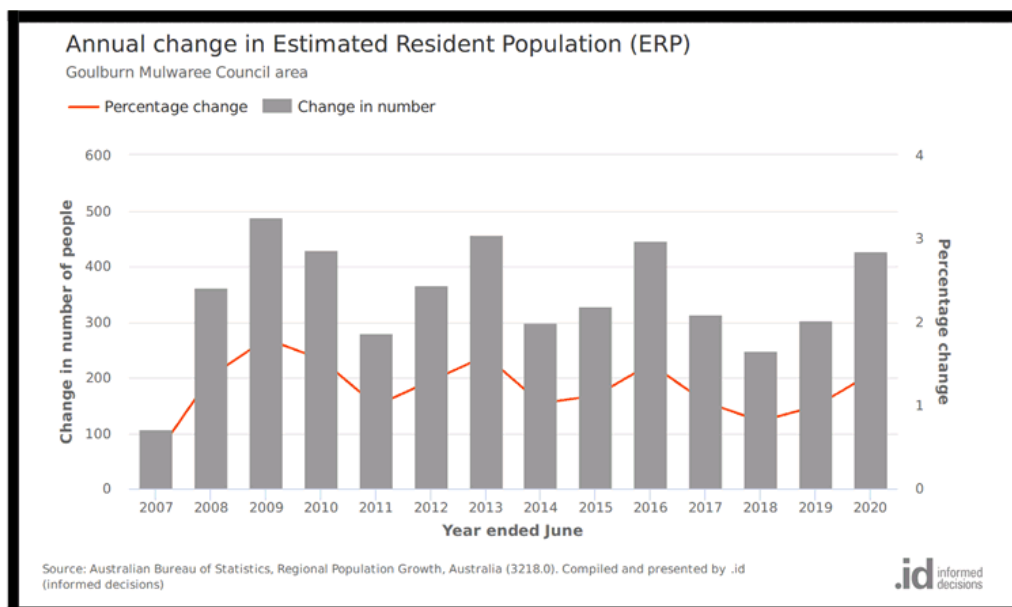


Goulburn is a major regional city in the Southern Tablelands of New South Wales, located 190 kilometres (km) south-west of Sydney and 95 km north of Canberra, the national capital, just off the Hume Highway.

Goulburn was the first inland city in Australia, being proclaimed as a city in 1863. Due to its early settlement in the 1820's and status it has a number of significant early period buildings.

The population for Goulburn (including Run-O-Waters) at the 2016 Census was 22,890. The population excluding the adjoining Run-O-Waters locality was 22,419 compared to 21,092 in 2011 Census and 20,127 in the 2006 Census.

The 2016 Census shows the population for the Goulburn Mulwaree Council to be 29,609 compared to 27,481 in the 2011 Census and 26,086 for the 2006 Census. The 2020 estimate is 31,554.



2020 Population growth-Goulburn Mulwaree

There are numerous government institutions within Goulburn including the NSW Police Academy (formerly College), Goulburn Correctional Centre (Gaol) and Kenmore (Health) Complex (residual part of the former Mental Hospital). In addition, there is a reasonable industrial base including an abattoir (has employed up to 450 workers), railway workshop, brewery and various metal fabrication works including a truck trailer plant and a factory making canopies for small trucks.

In addition, Heron Resources have reopened Woodlawn mine, south of Goulburn, mining zinc, copper and lead. The mine has been on a *care and maintenance* basis since March 2020.

4.0 Location cont'd



Goulburn services a large rural district, which is one of the best fine wool production areas in Australia.

All community facilities such as schools, hospitals and retail outlets that would be expected in a regional city of this size are found in Goulburn.

The subject property is situated 1.5 km south of the city centre in a mainly mixed, established residential area with some industrial areas nearby, including a large wool store on the opposite side of Hovell Street

See aerial photograph indicating the boundaries of the subject property.



49-61 Hovell Street – Aerial image

5.0 Property Identification

49-61 Hovell Street GOULBURN NSW 2580



5.1 Title Details

As title information was provided with the instruction from Goulburn Mulwaree Council records.

These records show that the subject property consists of:

Lots: 8,9

DP: 832816

Lot: 1

DP: 1099324

City: Goulburn

Being all freehold (Real Property Act).

5.2 Encumbrances and Interests

There are 3 proposed water, drainage and sewerage easements, 3 to 5 metres wide to service the intended subdivision.

This valuation is made on the basis that the property is free of mortgages, charges and other financial liens.

5.3 Area

4.65 hectares (ha) (46,500 square metres.)

5.5 Local Government Area

Goulburn Mulwaree Council.

5.7 Registered Proprietor

Goulburn Mulwaree Council

6.0 Site Description

49-61 Hovell Street GOULBURN NSW 2580

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6.1 Physical Features

The site has a westerly aspect with a moderate elevation in the north-west section, falling moderately to the south-east at the front, then steeply at the rear to the eastern boundary.



Steep north-easterly section

The site is cleared except for a vegetation belt across the centre, a row of the mature, eucalyptus trees along part of the southern boundary. There also a few mature trees along part of the northern boundary.

6.0 Site Description cont'd

49-61 Hovell Street GOULBURN NSW 2580

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6.1 Physical Features cont'd



Row of mature trees along the southern boundary

There is no sign of salinity or soil erosion of any consequence.

A geo-physical report on the site was not available and we presume the site is adequate to meet the building requirements of the local authorities e.g., not affected by landslip, subsidence, unstable fill.

The property is not in a flood prone location and drainage appears to be satisfactory.

6.2 Services

Electricity, natural gas, water, sewerage, stormwater and telephone/NBN services are all available to service the subdivision.

6.0 Site Description cont'd

49-61 Hovell Street GOULBURN NSW 2580



6.3 Roads and Access

Hovell Street is a bitumen sealed roadway with a sealed service lane running parallel to Sloane Street, forming the eastern boundary.

There is a proposed cul-de-sac coming off Hovell Street to provide internal access to the subdivision.

7.0 Contamination

49-61 Hovell Street GOULBURN NSW 2580

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We were advised by council that no contamination studies have been undertaken by the council however, the council is not aware of any contamination issues.

If the council sells the council 'as is' with the subdivision approval, the lack of a contamination study will be noted in the sale contract.

There does not appear visually to be any inherent detrimental feature which would significantly affect the value of the land however, as an environmental report is not available, our valuation is on the basis that the property is not contaminated. If subsequent professional investigation or testing shows the site is contaminated, we reserve the right to revise this valuation.



8.0 Land Use Controls

8.1 Zoning

Enquiries with Goulburn Mulwaree Council reveal that the property is within an area zoned 'R1-General Residential' under the provisions of Goulburn Mulwaree Local Environmental Plan 2009.

This zoning is evident in that the proposed residential subdivision was approved by council on 3 March 2021.

8.2 Use

The approved residential subdivision use of the property is considered the highest and best (optimum) use of the property.

8.3 Public Authorities

We are unaware of any public authority proposals, instruments, orders, notices or declarations affecting the property, apart from the approved subdivision.



9.0 Improvements

The site appears void of any improvements except for security fencing along the southern boundary adjoining industrial properties. All other boundaries have wire fencing except for part Colorbond fencing on 47 Hovell Street boundary.



11.0 Goods and Service Tax (GST)

For the purpose of this valuation, the subject property if sold as an 'as is' development site or developed as approved with individual sales of 29 residential lots, we consider in both circumstances, either sale would be GST liable.

On this basis, we advise that this valuation as standard practice, is a *GST exclusive* market valuation.

As we are not experts in taxation law, we recommend that professional advice is sought to confirm our comments.



12.0 Market Research and Commentary

Vacant residential land is now entering a period of scarcity in Goulburn with standard size (700-1000 m2) lots in the main estates, Joseph Gate (148 lots), The Tillage (130 lots) and the first 2 stages of Tenerife either sold or nearly sold out. Lots in Mistful Park are only sparingly placed on the market, hence a premium in value of up to \$300,000 for a lot has been able to be achieved.

There is still undeveloped residential land in Eastgrove including 29 approved lots in Chadwick Street and also in Forbes Street.

There has been a series of reported recent sales of *in-globo* land in the Marys Mount Road precinct.

These reported sales are 119 and 129 Marys Mount Road plus adjoining 82 Middle Arm Road (see Section 13.0 Market Evidence for details). We understand that these 3 *in-globo* properties all have approval for development of large scale residential subdivision totaling at least 392 lots. There would still be at least a 12 month period before any of these lots would come on the market.

As noted below, median values until now have virtually stagnated since 2017 due to a plentiful supply since that time and a falloff in demand especially during 2018 and 2019. Despite COVID-19 in 2020, demand improved considerably although this did not flow through to values.

YEAR	NUMBER OF SALES	MEDIAN VALUES
2012	82	\$128,750
2013	103	\$150,000
2014	116	\$152,000
2015	158	\$159,000
2016	133	\$206,000
2017	159	\$225,000
2018	85	\$235,000
2019	80	\$220,000
2020	139	\$220,000
2021 (so far)	46	\$220,000

The land market trend virtually mirrors the house market with 2019 being the most difficult year since the GFC.

13.0 Valuation Rationale



In arriving at our opinion of value, we have used the principle of market value as defined by the International Assets Valuation Standards Committee and endorsed by the Australian Property Institute which is as follows:

“Market Value is the estimated amount of which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arms length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion”.

We also take into account:

- a) The value will remain static throughout the marketing period:
- b) No special value to an intending purchaser.

The subject property is a large (4.65 ha) vacant block, owned by the council and situated 1.5 km south of the CBD. The land has a steep fall in the rear half to the eastern boundary.

There is an approved 31 lot subdivision planned for this site consisting of 29 residential lots, a parkland lot (to retain some of the vegetation) and a drainage lot (as a temporary retention area located in the south-east corner at the base of the steep rise).

Access to all lots will be by a long, 20 metre wide, cul-de-sac off Hovell Street.



Views from north-west section

13.0 Valuation Rationale cont'd

49-61 Hovell Street GOULBURN NSW 2580



We have assessed the value of the individual lots with the maximum being \$290,000 at the highest point of a gently sloping, elevated section along the north-western boundary. This location allows extensive panoramic views over the surrounding countryside. This compares to the lowest assessed value being \$240,000 for lots on the steepest sections and close to the base of the steep eastern fall where there are far more restrictive views. We have observed over the years, steeply sloping blocks usually sell at a discount in Goulburn, sometimes considerably due to the higher cost of building on these types of blocks.

This proposed subdivision has the advantage over other estates on the city periphery as they are 1 to 2 km closer to the CBD, with the added benefit being close to southern employment hubs and the southern highway interchange for those commuting to Canberra. The other major advantage is that the lots will have a minimum area of 1000 m2 which makes them nearly 50 % larger than the standard 700-750 m2 lots.

We consider our valuation of \$1,700,000 to be reasonably in line with the 2 of the 3 recent sales of *in-globo* land. This is especially so, based on the more important value per lot, due to the more convenient location and planned larger lot size compared to 82 Middle Arm Road and 129 Marys Mount Road.

82 Middle Arm Road	\$443,551/ha	\$37,735/lot plus GST
129 Marys Mount Road	\$340,840/ha	\$40,716/lot plus GST
119 Marys Mount Road	\$855,640/ha	\$71,969/lot plus GST
27 Hovell Street	\$365,591/ha	\$58,620/lot plus GST

The council has the advantage of already owning the land and do not have to pay acquisition costs. We, therefore, consider a truer comparison compared to a sale to a developer, would be by way of deduction of only direct cost involved in the subdivision from the gross realisation. In addition, working on the notion “that a dollar today is worth more than a dollar tomorrow”, we have discounted the gross realisation value by 2% p.a. (approximate current inflation rate) over 2 years for the construction period and the first year of marketing.

Gross Realisation	<u>\$7,475,000</u>
less discount (\$7,475,000 x0.98039)	-\$7,328,415
less GST on gross realisation	-\$ 679,545
	<u>\$6,648,870</u>
less selling cost say 3% on gross realisation	-\$ 202,500
	<u>\$6,446,370</u>
less Development Costs	-\$2,472,296
	<u>\$3,974,074</u>
less Council Contributions	-\$ 991,491
	<u>\$2,982,583</u>
less Interest	-\$ 100,000
	<u>\$2,882,583</u>
Assessed market Value (sale to a hypothetical developer)-see Section 15.0	\$1,700,000

13.0 Valuation Rationale Cont'd



NB. Costs shown on the previous page are based on costings provided by Council.

Obviously, consideration will also have to be given to potential for cost over-runs, marketing strategy, risk factors and opportunity costs.

14.0 Market Evidence

49-61 Hovell Street GOULBURN NSW 2580

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The following recent sales of vacant blocks are considered to provide the strongest market evidence in assessing the value of the individual lots.

**8,12 Hogg Place, Goulburn reported sold January and February 2021 each for \$290,000:
13 Hogg Place in February for \$295,000 and 14 Hogg Place for \$300,000.**

All these blocks are situated in a cul-de-sac in the most elevated section of Mistful Park estate allowing panoramic views over Goulburn and the surrounding countryside. 12,13 Hogg Place are both 700 m² sites, whilst 13 is 715 m² and 14 is 826 m².

From the 13 sales in the other new estates (Teneriffe, Joseph Gate, The Tillage and Mistful Park), so far recorded for this year, the highest is \$250,000 with lots ranging from 700 m² to 1,088 m².

A representative selection of these sales are as follows:

6 Ligouri Place (Joseph Gate) reported sold February 2021 for \$250,000.

1,088m² block situated at the end of a cul-de-sac, with Bradfordville Industrial Park located nearby at rear.

19 Quiberon Way (The Tillage) reported sold February 2021 for \$240,000.

700 m² slightly sloping block on the outer edge of the estate with open space opposite.

38 Mistful Park Road (Mistful Park) reported sold March 2021 for \$238,000.

720 m² block situated on the lower side of the street.

1 Ligouri Place (Joseph Gate) reported sold February 2021 for \$235,000.

874 m² corner block with partial frontage to a cul-de-sac.

20 Brooklands Circuit (Teneriffe) reported sold February 2021 for \$250,000.

700 m² block situated on the higher end of the estate. Previously purchased from the developer in February 2019 for \$199,000.

9 Vendetta Street (The Tillage) reported sold February 2021 for \$250,000.

838 m² near level block situated in the centre of the estate.

The only block recorded as sold this year in this price bracket in an established area is 14 Melliodora Drive in Eastgrove, an 800m² site which sold for \$265,000.

14.0 Market Evidence cont'd



Analysis of the 3 recent sales (as noted previously) of *in-globo* land is as follows. However these sales have yet to be confirmed officially. The GST status is not known on 2 of the sales:

82 Middle Arm Road, Goulburn reported sold early 2021 for \$2,000,000 (\$403,551/ha).

A 4.956 ha land parcel which has a deferred commencement consent (DA/0251/1718) for 29 standard residential lots in its western section covering 2.7 ha. There is potential for the eastern 17 ha, if a substantial 5 bedroom, brick and tile residence is demolished for an additional 24 lots (53 lots in all). The analysis based on 53 lots would equate to \$37,735/lot plus GST or \$34,305/lot excluding GST, if the GST is included in the sale price. Previously sold July 2019 for \$1,700,000.

119 Marys Mount Road, Goulburn, reported sold in April 2021 for \$1,900,000 (inc. GST) (\$940,600/ha or \$855,081/ha plus GST.)

2.02 ha fully cleared vacant land, with a slight rise, located in an elevated position on Marys Mount Road, between the undeveloped, 129 Marys Mount Road (see below) and the fully developed 'Merino Country Estate'. Reported approved for 24 residential lots, on a community title. We have confirmed the price includes GST, the sale analyses to \$71,969/lot plus GST. Previously sold June 2019 for \$1,200,000. Considered a very high price, may be due to a potential premium for views from the site elevated position.

129 Marys Mount Road, Goulburn reported sold in April 2020 for between \$14,000,000 (\$340,840/ha) - \$15,000,000 (\$365,177/ha).

41.076 ha *in-globo* land which includes a very large, prominent but dated Mediterranean influenced residence, Approved for an initial 205 standard residential lots and a future stage of 102 lots (subject to council approval). There are plans to have considerable open spaces (partly for endangered grassland species) and for stormwater easements. The sale includes a 113.6 ha off-set (for the endangered grassland species) located at Bialla. The residence and surrounds (say \$1,500,000) will be excluded from the subdivision. Uncertainty to the final purchase price is due to the extent of the retention requirements for the endangered grassland. Analyses excluding the residence and surrounds, based on a \$14,000,000 sale with a 307 lot development is \$40,716/lot plus GST or \$37,015/lot, excluding GST, if GST is included in the sale price. Previously sold July 2019 for \$13,950,000.

15.0 Assessment of Value



Our assessment of value on an individual lot basis to determine a gross realisation is as follows:

<u>Gross realisation</u>	<u>Value</u>
Lot 1	\$ 270,000
Lot 2	\$ 280,000
Lot 3	\$ 280,000
Lot 4	\$ 290,000
Lot 5	\$ 285,000
Lot 6	\$ 280,000
Lot 7	Proposed park area
Lot 8	\$ 255,000
Lot 9	\$ 255,000
Lot 10	\$ 250,000
Lot 11	\$ 250,000
Lot 12	\$ 250,000
Lot 13	\$ 245,000
Lot 14	\$ 245,000
Lot 15	\$ 250,000
Lot 16	Drainage retention lot
Lot 17	\$ 240,000
Lot 18	\$ 240,000
Lot 19	\$ 240,000
Lot 20	\$ 240,000
Lot 21	\$ 245,000
Lot 22	\$ 245,000
Lot 23	\$ 250,000
Lot 24	\$ 250,000
Lot 25	\$ 260,000
Lot 26	\$ 260,000
Lot 27	\$ 265,000
Lot 28	\$ 265,000
Lot 29	\$ 265,000
Lot 30	\$ 265,000
Lot 31	<u>\$ 260,000</u>
	\$7,475,000 (\$257,758/lot)
	Less GST
	- <u>\$ 679,545</u>
	\$6,795,455

15.0 Assessment of Value cont'd



Valuation by way of a sale of the Proposed Development (to a hypothetical developer)

Assuming one year construction (1 year) and marketing period (2 year)

Gross realisation				\$7,475,000
less GST				<u>-\$ 679,545</u>
				\$6,795,455
Selling Costs	say 3% of Gross realisation			<u>-\$ 202,500</u>
Net realisation				\$6,592,955
	less Profit and Risk Factor	25%		<u>-\$1,218,591</u>
				\$5,374,364
less Development Costs				
Water, sewer, gas, electricity, communications			-\$ 642,550	
Road and reserves			-\$1,184,992	
Electricity			-\$ 420,000	
Contingencies	say 10%		<u>-\$ 224,754</u>	<u>-\$2,472,296</u>
				\$2,902,068
less Council contributions				
				<u>-\$ 991,490</u>
				\$1,910,578
less Interest costs				
				<u>-\$ 100,000</u>
				\$1,810,578
less Rates				
	Single lot	say	-\$10,000	
	29 lots	x \$1500/lot x 1 years	<u>-\$43,500</u>	<u>-\$ 53,500</u>
				\$1,757,078
less Acquisition cost e.g. Stamp duty, legal fees				
		say	-\$ 70,000	
				\$1,687,078
		adopt	\$1,700,000	
				(\$ 58,620/lot)
				(\$ 365,591/ha)

NB. Costs shown are based on costing provided by council.

17.0 Valuation Certificate



Having regard to all factors and assumptions as outlined within this report we consider the unencumbered market value of the fee simple of the subject property exclusive of GST with vacant possession as at 13 April 2021 to be:

One Million, Seven Hundred Thousand Dollars

(\$1,700,000)

This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of the valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

Yours faithfully,

Douglas Walker and Associates (Consultant Valuers)

Douglas C. Walker, AAPI, WDA

Certified Practising Valuer

API Number 68706

Principal Director

This valuation is made at the express request of the stated client and is prepared solely for the use of the stated client and shall not be used or relied upon by any other party other than the stated client, without the permission of this firm.

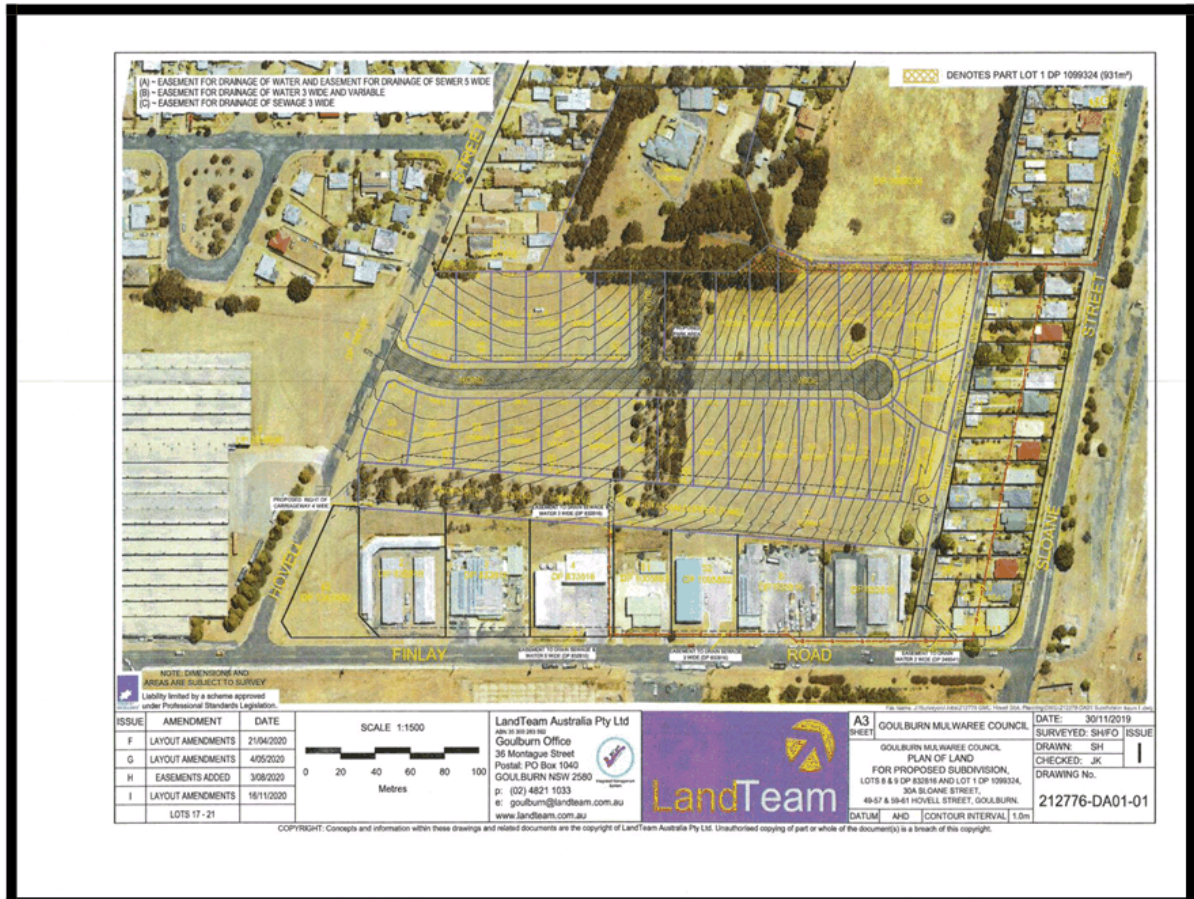
Please note, neither the valuer nor the firm has any interest, financial or other wise in the property or the outcome of the valuation to be submitted.

This valuation has been carried out in accordance with the relevant Australian Property Institute Practice Standards (if applicable).



SCHEDULE OF ANNEXURES

SUBDIVISION PLAN



49-61 Hovell Street GOULBURN NSW 2580

15.6 UPDATE ON RUN-O-WATERS SECOND ROAD ACCESS

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

Link to Community Strategic Plan:	Our Infrastructure – IN3Maintain and Improve Road Infrastructure
Cost to Council:	Until further design work and costs are complete plus discussions with the landowners have taken place then no exact cost to Council can be determined
Use of Reserve Funds:	Nil at this time

RECOMMENDATION

That the report of the General Manager on the update on Run-O-Waters second Road Access be received.

BACKGROUND

Council has been discussing for a number of years a second practical road exit/access to Run-O-Waters.

REPORT

Council has in recent years received requests for a second road access to Run-O-Waters. There main option for this second road access being the connection between part way up Pockley Drive to Mary Street as part of the proposed subdivision known as the Shannon Drive development DA/0090/1718; or

A map showing that option utilises the road corridor proposed as part of the residential subdivision DA/0090/1718 is attached below

We are in the process of costing the design for that option. This is the preferred option because of the shorter length of road to be constructed and that it forms part of a proposed development. The link road is 900m long

Whatever option is chosen it will be recommended to Council that the standard for a second access road would be two x 3.5m travel lanes plus roll-over kerb (not barrier kerb). This is a similar standard to the existing Pockley Drive construction – photo below. There would also need to be drainage infrastructure designed and implemented to manage the stormwater runoff from the hard surface of the proposed road.

The cost of this option is estimated at \$1.4 million plus land acquisition costs

It is management’s opinion and future recommendations that if any further works other than the 3.5m travel lanes plus roll-over kerb and the stormwater infrastructure associated with the road, then it would be perceived as a direct subsidy to any future development. This does not mean that Council should not work in closely with the developer to ensure a cost effective solution.

For example the following additional works and/or infrastructure would be required as part of a residential development:-

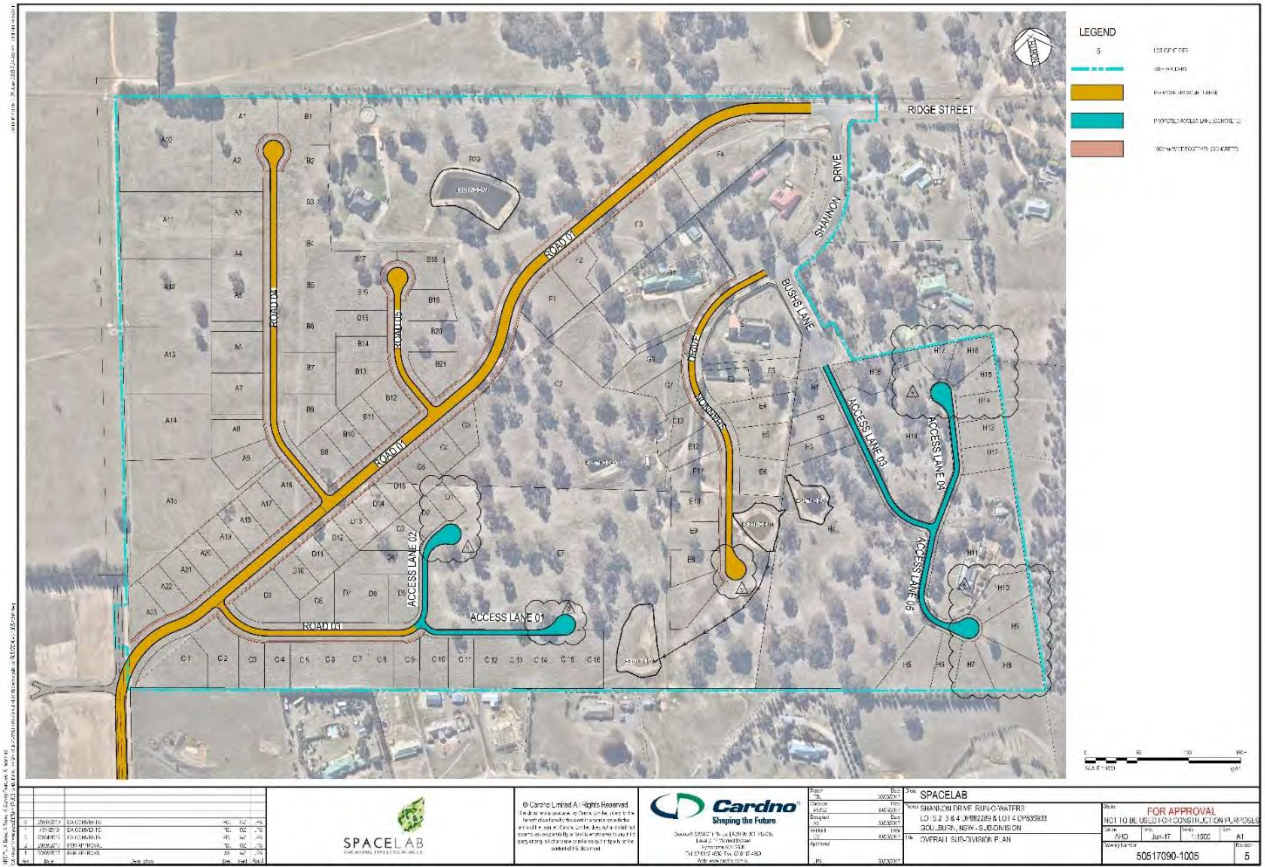
- Street lights (25 required);
- Utility services such as water, wastewater, gas, electricity and NBN;

- Side road construction – this may also require more substantial earthworks to meet the levels of the side roads;
- Driveways & laybacks into properties along the link road;
- More substantial drainage works being an urban road as the option in this report only includes culvert crossings at low points, table drains and a small treatment basin;
- concrete footpath and kerb & gutter;
- An asphalt wearing surface, Council option is only a bitumen wearing surface.

No discussion has taken place in regard to road design of a second connection road compared with a residential road design required for the proposed development.

The next stage is to discuss the options with Council in a briefing forum then commence discussions with the land owners on options and opportunities.





15.7 RATES OUTSTANDING REPORT

Author: Rebecca Coppolino, Revenue Coordinator

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

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:	Outstanding rates continue to accrue interest at a rate some 6% above the rate at which Council could invest its cash. Rates outstanding remain a charge on the land and are always collectable.
Use of Reserve Funds:	Not Applicable

RECOMMENDATION

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

BACKGROUND

The purpose of this report is to advise on the status of rates collections as at 20 April 2021.

REPORT

The following table summarises the rates transactions and collections processed up to 20 April 2021.

	Amount
Rates and Charges Outstanding at 1 July 2020	\$39,434.02
Levies and Write Offs	\$25,975,121.91
Total Collectable	\$26,014,555.93
Rates and Charges Collected	-\$20,842,385.78
Pre payments	\$513,850.79
Amount Outstanding	\$5,686,020.94
Percentage of Rates and Charges Outstanding	22%

The percentage recorded here shows that the rates are being collected above expectations due to the current conditions relating to COVID-19. The outstanding rates currently stand at 22% which indicates the outstanding debt percentage remains comparable to this time last financial year.

Analysis of the outstanding debts shows that there are a total of 879 properties with an outstanding debt of more than \$500. Now that regulations regarding COVID-19 have ceased Council have posted letters of demand for these properties with arrears that had not previously entered into payment arrangements.

Council have recommenced debt recovery action in line with current legislation. It should be noted that a considerable number of ratepayers have entered into repayment agreements in accordance with Council's Policy.

These overdue amounts are further dissected below;

Debt Range	No of Properties	Total Debt for	Average Debt Range
\$150-\$499	469	\$149,820	\$319
\$500-\$2,000	292	\$305,498	\$1,046
\$2,001-\$5,000	88	\$267,912	\$3044
Above \$5,000	30	\$275,741	\$9191

OUTSTANDING BALANCES >\$5,000

Property No.	Outstanding Balance	Action Taken
1016852	5,236.68	Current debt recovery
1015031	5,352.00	Current debt recovery
1009874	5,405.65	Current debt recovery – arrangement in place
1002524	5,477.25	Current debt recovery
1020004	5,479.73	Current debt recovery
1005354	5,535.79	N/A Postponed Rates
1006508	5,553.52	Current debt recovery
1020822	5,762.47	Current debt recovery
1002679	6,205.35	Debt Recovery to Commence
1001332	6,322.25	Current debt recovery
1008127	6,418.31	N/A Postponed Rates
1006861	6,509.53	Current debt recovery
1003336	6,777.47	Current debt recovery
1022151	7,039.64	Current debt recovery
1003523	7,271.24	Current debt recovery – arrangement in place
1016977	7,542.85	Current debt recovery
1010106	7,932.71	Current debt recovery – Company in Liquidation
1004192	8,280.52	N/A Postponed Rates
1005070	8,593.97	Current debt recovery
1020819	8,666.16	Current debt recovery
1005633	8,988.67	Current debt recovery
1010105	9,474.34	Current debt recovery
1001810	9,595.46	N/A Postponed Rates
1002041	9,743.27	N/A Postponed Rates
1020940	9,789.51	Postponed Rates & Arrears – Deceased Estate
1002184	12,387.23	Current debt recovery

1009848	14,267.46	Current debt recovery
1010110	17,582.17	Current debt recovery
1020840	19,562.29	Current debt recovery
1004839	32,987.75	Solicitor engaged – Ratepayer seeking Non-rateable status
	275,741	

15.8 DEBTORS OUTSTANDING REPORT

Author: Toni Shawyer, Customer Service Supervisor

Authoriser: Warwick Bennett, General Manager

Attachments: Nil

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:	Nil
Use of Reserve Funds:	Not applicable

RECOMMENDATION

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

BACKGROUND

The purpose of this report is to advise on the status of debtor collections as at 23rd April 2021.

REPORT

The following table summarises the debtor balances as at 23rd April 2021.

	Amount
Debtor Outstanding at 1 July 2020	\$2,938,121.72
Invoices Raised 2020/2021	\$11, 225,554.93
Total Collectable (A)	\$14,163,676.65
Less Debtors Collected	-\$11,799,805.30
Total Amount Outstanding	\$2,362,871.35
Less Amount Not Yet Due	-\$1,812,1118.26
Total Overdue Amount (B)	\$551,753.09
Debtors Outstanding Percentage (B/A)	<2%

Analysis of the outstanding debts show:

Not Yet Due	\$1,710,247.01	74%
Overdue > 30 Days	\$138,680.17	6%
Overdue > 60 Days	\$499,096.06	19%
Overdue > 90 Days	\$15,848.11	1%
Total Amount Outstanding	\$1,845,375.23	100%

Overdue Debtors >\$5,000

Debtor No	Balance	Balance_90	Balance_60	Balance_30	Balance Curr	
3005464	5000	0	0	0	5000	
3000003	5226	0	0	0	5226	
3000924	5448.27	0	66.27	0	5382	Arrangement
3004149	5862.45	0	0	0	5862.45	
3000040	12276	0	6138	0	6138	
3000562	6240	0	0	0	6240	
3000362	6819.52	0	0	0	6819.52	
3001347	6942	0	0	0	6942	
3005807	7000	0	0	0	7000	
3001518	7644	0	0	0	7644	
3000962	15678	0	7839	0	7839	
3001069	7977.49	0	0	0	7977.49	
3005597	9727	0	0	0	9727	
3000247	11444.14	0	0	570	10874.14	
3005214	12000	0	0	0	12000	
3004590	23204.55	5125.16	2668.93	0	15410.46	Arrangement
3003933	15822.59	0	0	0	15822.59	
3002692	31290.83	0	0	15382.24	15908.59	
3000143	41037.73	0	0	16226.59	24811.14	
3000399	26130	0	0	0	26130	
3004360	28351.03	0	0	0	28351.03	
3004865	50000	0	0	0	50000	
3000682	59596	0	65	0	59531	
3000156	62925.51	0	0	0	62925.51	
3004419	524164.13	0	446486.87	1243.58	76433.68	Arrangement
3001913	255127.11	0	0	0	255127.1	
3004246	300000	0	0	0	300000	
3003829	577961.15	0	0	82559	495402.2	

15.9 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

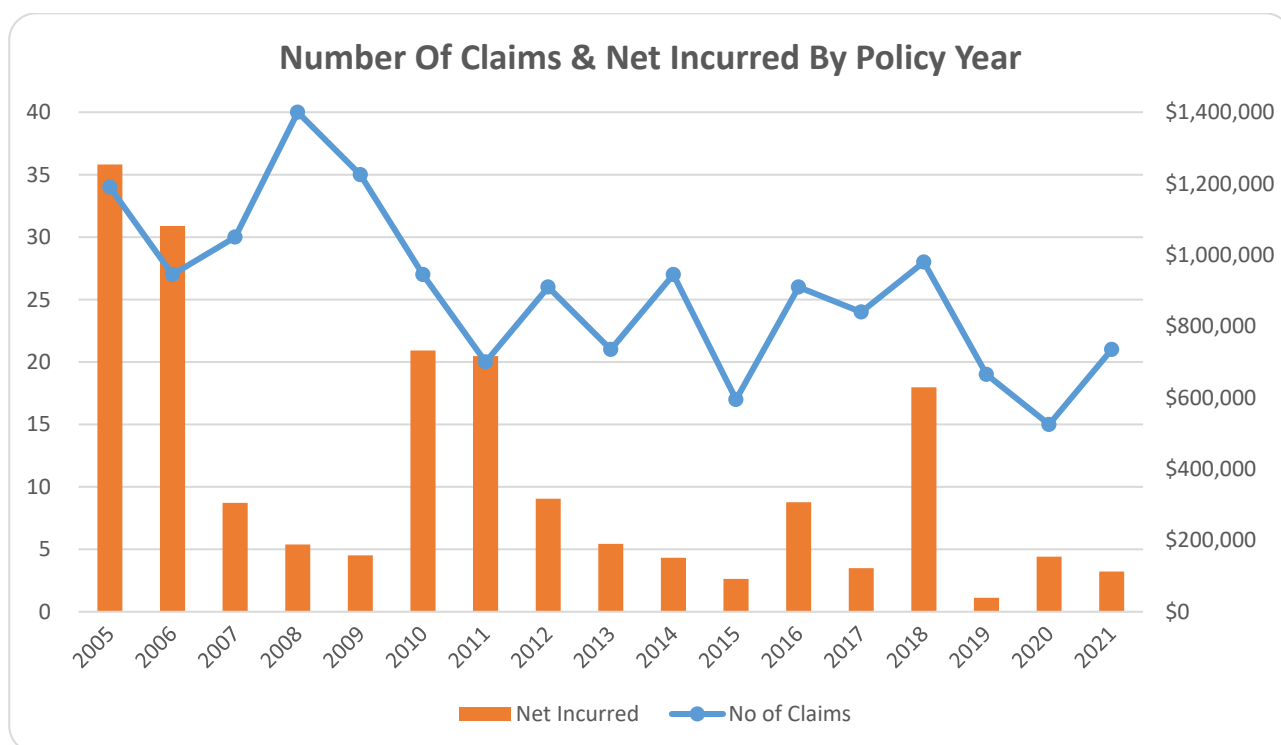
That the report from the Recover at Work and Wellbeing Officer on Quarterly Workers Compensation be noted.

BACKGROUND

To report on workers compensation trends for the third quarter, from January to March of 2020 /2021 financial year.

REPORT

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



For the third quarter of the 2020/2021 financial year there was six workers compensation claims making a total of twenty one claims to March 31 2021. Of those twenty one claims three remain on

selected duties. Fifteen of those claims had no lost time and four had 6 days or less. Paid to date for the twenty claims is \$23,500.00.

For the same period in the previous financial year of 19/20 there had been fourteen claims which had \$75,700.00 paid to date. This indicates that although we have had more claims this year, the financial impact is actually less due to the minor nature of the claims.

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.

15.10 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 1 APRIL 2021**Author:** Matthew O'Rourke, Director Operations**Authoriser:** Warwick Bennett, General Manager**Attachments:** 1. Minutes of the Traffic Committee Meeting held on 1 April 2021**RECOMMENDATION**

That

1. The report from Director Operations in regards to the Traffic Committee minutes from Thursday 1 April 2021 be received.
2. The Traffic Committee minutes from Thursday 3 December 2020 be confirmed
3. Items marked as completed will be removed from the task list
4. The report from the Road Safety and Traffic Officer on the programs and activities be received
5. The request to remove the Emergency Vehicles Excepted sign from the medium strip in front of the Ambulance Station in Bourke Street be approved
6. No Stopping signs be placed on both sides of College Street for 50 metres from the Clinton Street intersection
7. The request for the 'No Stopping' signs to be installed on Hume Street on the southern side from the highway exit roundabout to the first 60km sign on Hume Street be approved
8. The request for 2 x 15minute timed parking signs on Sloane Street be accepted and the signs be temporarily installed in front of the Goulburn Railway Station while restoration is taking place. Restoration is due for completion May 25 2021
9. The request for No Stopping signs on Sloane Street at the entry/exit points at ARTC be noted with no further action at this point

REPORT

Please find attached the minutes of the Traffic Committee from its meeting 1 April 2021 .

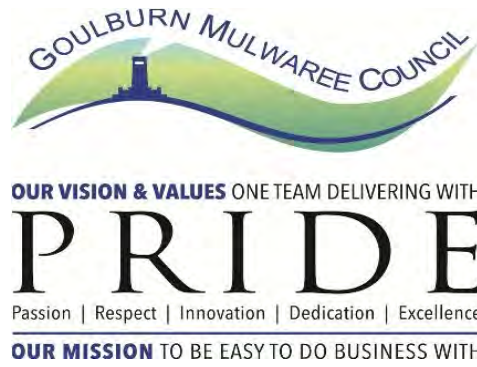
Please note that the Traffic Committee has no delegated authority and all resolutions of this committee and in fact recommendations to the full Council. Therefore the implementation of these decisions cannot happen until Council has resolved accordingly.

One resolution (below) is not included in the recommendations above as we need to seek further information of the intent of the resolution. The reason being that we as a Council cannot review DA conditions after the determination has been resolved. The applicant would be required to apply for a variation or Council enact compliance action if the use of the property differs from the approved consent.

5.7 REQUEST FOR 'NO STANDING/STOPPING' SIGNS OPPOSITE 89 Robinson Street - Storage King

That:

1. The Road Safety Officer undertake further consultation with Storage King to obtain information around vehicle sizes, turning paths and a path analysis into the property for further discussion by Traffic Committee.
2. The current DA conditions be reviewed for conditions of vehicles entering and exiting on Robinson Street and findings reported back to Traffic Committee.



MINUTES

Traffic Committee Meeting

1 April 2021

Order Of Business

1	Apologies	4
2	Late Items / Urgent Business	4
3	Disclosure of Interests	4
4	Confirmation of Minutes	5
4.1	Minutes of the Traffic Committee Meeting held on 3 December 2020	5
5	Items for Consideration	5
5.1	Ongoing Task List.....	5
5.2	Road Safety and Traffic Officers Report December 2020 - March 2021	5
5.3	Request for removal of "Emergency vehicles excepted" sign.....	6
5.4	Request for No Stopping signs to be placed in College Street.....	6
5.5	Request for No Stopping signs for Hume Street.....	6

**MINUTES OF GOULBURN MULWAREE COUNCIL
TRAFFIC COMMITTEE MEETING
HELD AT THE HETHERINGTON STREET WORKS DEPOT, WINDELLAMA ROOM
ON THURSDAY, 1 APRIL 2021 AT 09.00AM**

PRESENT: Cr Peter Walker - Deputy Mayor (Acting Chair), Ms Jayd Marsh - Transport for NSW Representative, Ms Sally Cooper - Local Member's Rep (Teleconference), Mrs Tracey Norberg - Road Safety Officer GMC, Mr Martin Wragge-Morley - Goulburn Mulwaree Council, Mr Matthew Hinton – Inspector in Charge Hume District, Snr Constable Terry George, Tash Woods – Executive Assistant Operations Goulburn Mulwaree Council

IN ATTENDANCE:

Stacey Scott – PBC Buss Company

1 APOLOGIES

COMMITTEE RESOLUTION 2021/1

Moved: Ms Sally Cooper - Local Member's Rep

Seconded: Ms Transport for NSW Representative

That the apologies received from Cr Andrew Banfield and Director Operations Matt O'Rourke be accepted and leave of absence granted.

CARRIED

2 LATE ITEMS / URGENT BUSINESS

ACCEPT LATE ITEM

COMMITTEE RESOLUTION 2021/2

Moved: Ms Jayd Marsh - Transport for NSW Representative

Seconded: Ms Sally Cooper - Local Member's Rep

That the emails received in relation to the below items be accepted and discussed by the Traffic Committee:

- Item 5.6 Request for No Stopping signs to be placed in College Street,
- Item 5.7 Request for Stop Signs on Sloane Street - Goulburn Railway Station and
- Item 5.8 Request for No Stopping Signs on Sloane Street - ARTC

be accepted into the meeting as late information and tabled as Items for Consideration.

CARRIED

3 DISCLOSURE OF INTERESTS

Nil

4 CONFIRMATION OF MINUTES

4.1 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 3 DECEMBER 2020

COMMITTEE RESOLUTION 2021/3

Moved: Ms Sally Cooper - Local Member's Rep

Seconded: Ms Jayd Marsh - Transport for NSW Representative

That the Traffic Committee minutes from Thursday 3 December 2020 be confirmed.

CARRIED

5 ITEMS FOR CONSIDERATION

5.1 ONGOING TASK LIST

COMMITTEE RESOLUTION 2021/4

Moved: Ms Sally Cooper - Local Member's Rep

Seconded: Mr Matthew Hinton - Inspector In Charge

That:

1. The report from the Road Safety and Traffic Officer on the ongoing task list be received and the information noted.
2. Items marked as completed will be removed from the task list.

CARRIED

Responsible Officer	Task	Report by/Status
Road Safety and Traffic Officer	Report on the proposed parking layout for the Recreation Area frontage along Braidwood Road	RSO has been monitoring traffic at the Recreational Area frontage during events. No problems have arisen. Monitored during the Goulburn Show and no issues arose. Completed
Road Safety and Traffic Officer	RSO to contact Tarago Public School regarding giving up land between school and service station to provide a parking pull off zone for buses	Liaison with the school who have informed they have plans with Veolia which they propose to submit to the traffic committee. Awaiting response from the school.
Road Safety and Traffic Officer	Investigate the installation of a 'Left Lane Ends' sign at the highway entry point from Marulan to Goulburn and provide an update at the December meeting	5/12/2019 – Forwarded to Transport for NSW. Completed
Road Safety and	Follow the process for implementation of a	Application has been sent

Traffic Officer	15tonne weight limit on Auburn Street	to TfNSW and awaiting response.
Road Safety and Traffic Officer	Investigate safety aspects of driveway opposite Coopers Lane (off Range Rd).	1 December 2020 Discussed with Planning Department. Ongoing
Road Safety and Traffic Officer	Follow up council report to confirm signage, regarding Lockyer Street load limit and vehicle dimension restrictions	1 December 2020 Completed
Road Safety and Traffic Officer	Confirm sight distance from Theatre Drive is adequate	1 December 2020 Investigated and sight distance is adequate if vehicle parked legally. Completed
Road Safety and Traffic Officer	Review signage at pedestrian crossings	1 December 2020 Not completed. Investigation for all crossings to be done in April.
Road Safety and Traffic Officer	Further investigation of speed zones around the perimeter of Goulburn and in proximity of school zones with follow up report for Traffic Committee Identify 85 th %ile on nominated roads, and refer to speed guidelines parameters as to whether the nominated roads warrant speed review. Report back to Traffic Committee meeting 4 th February 2021	4 February 2021 Ongoing
Road Safety and Traffic Officer Lines & Signs Team	Installation of final 4hr parking signage in hospital precinct as per Council recommendation	11 December 2020 Completed
Road Safety and Traffic Officer	Addition of tonnage/load limit signs required for Lockyer Street	4 May 2021 Completed
Business Manager Design & Assets	Review of the turning paths and geometry at the intersection of Montague and Sloane Streets be carried out, including provision for a pedestrian crossing point with concept design to be presented back to the Traffic Committee	4 February 2021 Turning path modelling completed, concept design underway
Business Manager Design & Assets	Investigation and design of disabled car parking spot in front of Doctors on Goldmith Street	Complete
Business Manager Design & Assets	The proposed location of the bus stop to be designed and an estimate presented back to the Traffic Committee	Complete

5.2 ROAD SAFETY AND TRAFFIC OFFICERS REPORT DECEMBER 2020 - MARCH 2021**COMMITTEE RESOLUTION 2021/5****Moved: Ms Sally Cooper - Local Member's Rep****Seconded: Ms Jayd Marsh - Transport for NSW Representative****That:**

- 1. The report on the programs and activities of the Road Safety and Traffic Officer for December 2020 to March 2021 be reviewed.**
- 2. The report from the Road Safety and Traffic Officer on the programs and activities be received.**

CARRIED**5.3 REQUEST FOR REMOVAL OF "EMERGENCY VEHICLES EXCEPTED" SIGN****COMMITTEE RESOLUTION 2021/6****Moved: Ms Sally Cooper - Local Member's Rep****Seconded: Ms Jayd Marsh Transport for NSW Representative****That:**

- 1. The report from Council's Road Safety and Traffic Officer on the request for the Emergency Vehicles Excepted sign from the median strip in front of the Ambulance Station in Bourke Street be received.**
- 2. That the request to remove the Emergency Vehicles Excepted sign from the medium strip in front of the Ambulance Station in Bourke Street be approved.**

CARRIED**5.4 REQUEST FOR NO STOPPING SIGNS TO BE PLACED IN COLLEGE STREET****COMMITTEE RESOLUTION 2021/7****Moved: Ms Jayd Marsh - Transport for NSW Representative****Seconded: Ms Sally Cooper - Local Member's Rep****That:**

- 1. The report from Council's Road Safety and Traffic Officer on the Request for No Stopping signs to be placed in College Street be received.**
- 2. No Stopping signs be placed on both sides of College Street for 50 metres from the Clinton Street intersection.**

CARRIED

5.5 REQUEST FOR NO STOPPING SIGNS FOR HUME STREET

COMMITTEE RESOLUTION 2021/8

Moved: Cr Matthew Hinton - Inspector In Charge

Seconded: Ms Jayd Marsh - Transport for NSW Representative

That:

- 1. The report from Council's Road Safety and Traffic Officer on the Request for No Stopping signs for Hume Street, be received.**
- 2. The request for the 'No Stopping' signs to be installed on Hume Street on the southern side from the highway exit roundabout to the first 60km sign on Hume Street be approved.**

CARRIED

5.6 REQUEST FOR STOP SIGNS TO BE INSTALLED ON SLOANE STREET - GOULBURN RAILWAY STATION**COMMITTEE RESOLUTION 2021/9**

Moved: Ms Jayde Marsh Transport for NSW Representative

Seconded: Ms Sally Cooper - Local Member's Rep

That the request for 2 x 15minute timed parking signs on Sloane Street be accepted and the signs be temporarily installed in front of the Goulburn Railway Station while restoration is taking place. Restoration is due for completion May 25 2021.

CARRIED

5.7 REQUEST FOR 'NO STANDING/STOPPING' SIGNS OPPOSITE 89 ROBINSON STREET - STORAGE KING**COMMITTEE RESOLUTION 2021/10**

Moved: Cr Matthew Hinton - Inspector In Charge

Seconded: Ms Jayd Marsh Transport for NSW Representative

That:

- 1. The Road Safety Officer undertake further consultation with Storage King to obtain information around vehicle sizes, turning paths and a path analysis into the property for further discussion by Traffic Committee.**
- 2. The current DA conditions be reviewed for conditions of vehicles entering and exiting on Robinson Street and findings reported back to Traffic Committee.**

CARRIED

5.8 REQUEST FOR 'NO STOPPING' SIGNS ON SLOANE STREET - ARTC**COMMITTEE RESOLUTION 2021/11**

Moved: Cr Matthew Hinton - Inspector In Charge

Seconded: Ms Sally Cooper - Local Member's Rep

That the request for No Stopping signs on Sloane Street at the entry/exit points at ARTC be noted with no further action at this point.

CARRIED

At 10:18 am, Ms Sally Cooper - Local Member's Rep left the meeting.

GENERAL BUSINESSRoad Traffic Safety Officer

Goulburn Cycle Club submitted their program through traffic committee at the December 3rd 2020 meeting (resolution 2020/27), at which point it was noted that their public liability insurance will expire on 21 January 2022. As their approved program will continue for approx six months after the

insurance expires, the Goulburn Cycle Club are to be requested to provide updated public liability insurance certificate of currency to Council on renewal.

Cr P Walker

Request for the northern side of George St in Marulan near the Butcher and IGA entry and exit point be investigate regarding the line of sight in both directions, on exiting the IGA carpark. It was also requested to remove the car park space on the northern side of the exit to improve sight distance.

Question was asked regarding the possibility of a roundabout at the intersection of Hume Street and Finlay Road. TfNSW and RSO to further explore a corridor strategy for Hume/Cowper/Finlay/Run-O-Waters streets for vehicles and pedestrians.

Jayd Marsh – Transport for NSW

Transport requested advice on the proposal to extend the existing 40km/h school zone along Mount Street to View Street. The Traffic Committee supported this proposal unanimously.

Stacey Scott - PBC

Concerns raised regarding the general road crossing and safety issues out the front of Mulwaree High School.

Sally Cooper – Local Members Representative

Would like to extend her thanks for all the hard work put in by Council's RSO Tracey Norberg in keeping the Committee up to date with all issues and events.

6 TASK LIST FROM THIS MEETING

TfNSW and RSO	TfNSW and RSO to further explore a corridor strategy for Hume/Cowper/Finlay/Run-O-Waters streets for vehicles and pedestrians	5 August 2021
MWM	Request for the northern side of George St in Marulan near the Butcher and IGA entry and exit point be investigate regarding the line of sight path in both directions, on exiting the IGA carpark, including removal of car park on the northern side of the exit	3 June 2021
	Contact Goulburn Cycle Club to requesting they provide updated public liability insurance certificate when due	3 June 2021
RSO	To consult with Storage King regarding size of vehicles turning into the entry on Robinson Street and to consult with Planning regarding the conditions of their DA.	3 June 2021
RSO	Arrange installation of 2 x	3 June 2021

	15minute parking signs on Sloane Street at the front of Goulburn Railway Station	
RSO	The RSO consultation with the resident on the corner of College St and Clinton Street regarding the installation of no stopping signs. If no issues arise RSO to arrange installation of No Stopping Signs	3 June 2021
RSO	Arrange installation of No Stopping signs on Hume Street from the highway exit roundabout to the 60km sign.	3 June 2021
RSO	Removal of the Emergency Vehicles Excepted sign from the medium strip in front of the Ambulance Station in Bourke Street	3 June 2021

The Meeting closed at 10.47am.


The minutes of this meeting were confirmed at the Traffic Committee Meeting held on 3 June 2021.

.....
CHAIRPERSON

15.11 MINUTES CANBERRA REGION JOINT ORGANISATION BOARD - 26 MARCH 2021

Author: Warwick Bennett, General Manager

Authoriser: Warwick Bennett, General Manager

- Attachments:**
1. **Canberra Region Joint Organisation Board Meeting Minutes 26 March 2021** [↓](#) 
 2. **CRJO Letter from the Office of the Minister for Local Government, the Hon. Shelley Hancock MP** [↓](#) 

Link to Community Strategic Plan:	CL4 Actively investigating and communicate funding sources and collaboration opportunities that can strengthen the region
Cost to Council:	The cost of attending these meetings is covered in the Operational cost
Use of Reserve Funds:	Nil

RECOMMENDATION

That

1. The minutes from the Canberra Region Joint Organisation Board meeting of the 26 March 2021 be noted.
2. Council inform the Minister of Local Government, The Hon Shelley Hancock that it is unreasonable for Councils to fund the Emergency Services Levy in excess of the rate cap – being 2%.
3. Council further advise The Minister of Local Government that Council only proposes to pay a 2% increase in the Emergency Service Levy in the 2021/22 financial year from that paid from the general fund in 2020/21.

REPORT

Please find attached the minutes of the Canberra Region Joint Organisation (CRJO) from their meeting held on the 26 March 2021.

One of the resolutions passed at the meeting was in regard to the Emergency Service Levy and stated:-

2.0 Note the correspondence with the Minister for Local Governments in relation to representations on the Emergency Services Levy and:

2.1. Advise the Minister of Local Government that her letter does not reflect the current situation of most regional and rural Councils Emergency Services Levy increases either surpasses the quantity of the 2020/21 rate cap or consume the majority of the rate cap increase,

2.2. Seek an immediate review her decision

2.3. Recommend member Councils only pay the Emergency Service Levy in 2021/22 the amount equivalent to that paid in 2020/21 plus the approved rate cap increase

2.4. Share the CRJO board resolution with other the Joint Organisations, Country Mayors, Regional Organisations of Councils, Local Government NSW and local members.

2.5. Advocate for a separate line item to be included in the Annual Rates Notice to reflect the costs associated with the Emergency Services Levy.

As Council is aware, local government has been concerned at the substantial increase payable by Councils of the emergency service levy. This Councils increase in rates allowable under the rate cap increase is approximately \$420,000 of which 75% of that increased will be consumed with the increase payment to the State Government for this Levy. Local Government has never objected to the additional cost to fund the work, health and safety needs of fire fighters. The objection is that the amount of the increase seriously Impacts Councils ability to continually deliver high quality core services to our community.

The part of the resolution that the CRJO Board is seeking Council to support is that we should only fund a 2% increase in the emergency service levy which is equivalent to the State Government approved rate cap. The Minister of Local Government, The Hon Shelley Hancock wrote to Councils (letter dated 16th March 2021 – copy attached) that the substantial increase in the Levy was factored into the forecast for in the rate cap consideration. Thus if that is the situation then Councils should only pay the 2% increase on the 2020/21 levy that was a paid by Council from general fund.



CANBERRA REGION
JOINT ORGANISATION

CRJO Board Meeting Minutes

Friday, 26 March 2021

10:00 – 13:30pm

Zoom Videoconference

Meeting ID 910 5131 6457

Our Region...
Dynamic
Innovative
Connected
...Compelling!

CRJO Board Meeting – Friday 26 March 2021

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CRJO Board Meeting – Friday 26 March 2021

MEMBERS	
Bega Valley Shire Council	Mayor Cr Russell Fitzpatrick Ms Leanne Barnes OAM
Eurobodalla Shire Council	Mayor Liz Innes Mr Lindsay Usher
Goulburn Mulwaree Council	Mayor Bob Kirk Mr Warwick Bennett
Hilltops Council	Mayor Brian Ingram Mr Anthony O'Reilly
Queanbeyan-Palerang Regional Council	Mayor Tim Overall Mr Peter Tegart
Snowy Monaro Regional Council	Mayor Peter Beer Mr Peter Bascomb
Snowy Valleys Council	Mayor James Hayes OAM – Deputy Chairperson Mr Matthew Hyde
Upper Lachlan Shire Council	Mayor John Stafford Ms Colleen Worthy
Wingecarribee Shire Council	Mr Les McMahon – (A/ General Manager) Mr Viv May PSM – (Interim Administrator)
Yass Valley Council	Mayor Rowena Abbey – Chairperson Mr Chris Berry
ACT Government	MS Wilhelmina Blount
East Gippsland Shire Council	Mayor Mende Urie Mr Anthony Basford
Wagga Wagga City Council	Mayor Greg Conkey OAM Mr Peter Thompson
Canberra Region Joint Organisation	Ms Kalina Koloff Ms Natasa Sojic
GUESTS	
Resilience NSW	Mr David Butt
Office of Local Government	Ms Alison Murphy
NSW Government – Regional NSW	Ms Megan Cleary
NSW Cross Border Commissioner and Regional Town Water Supply Coordinator	Mr James McTavish
NSW Public Service Commission	Ms Anat Hassner
Dept Planning Industry and Environment	Ms Anthea Sargeant

CRJO Board Meeting – Friday 26 March 2021

1. Opening Meeting

The Chairperson opened the meeting at 10:04am.

2. Apologies

The Board resolved that the apologies of Cr Mende Urie (East Gippsland Shire Council), Mr Anthony Basford (East Gippsland Shire Council), Cr John Stafford (Upper Lachlan Shire Council) Mr Viv May PSM (Interim Administrator Wingecarribee Shire Council) and Matthew Hyde (Snowy Valleys Council), David Butt (Resilience NSW) be accepted.

Tim Overall / Peter Beer

Carried

3. Presentations

3.1. Public Service Commission – Regional Workforce (10:30am)

Reporting officer: Anat Hassner, Assistant Commissioner, Regional Workforces, Public Service Commission

Attachment: Approach to Achieving Regionalisation Principles (PowerPoint)

REPORT

In February 2021 Anat joined the Public Service Commission as Assistant Commissioner, Regional Workforce. The role is a 6 months secondment to drive the new regionalisation strategy announced by the Deputy Premier on the 3rd of February, 2021. Anat has held senior roles in Woolworths and Lend Lease and ran a private consulting business for 7 years, where she led strategic reforms in private and public organisations. Anat has a PhD in change and project management, a Masters in Organisational Psychology and has lectured for 5 years at the University of Sydney.

RESOLVED

That the CRJO Board:

1. Note the verbal report by Anat Hassner
2. Resend the presentation from Regional Cities re: Shift portal email to Ms Hassner

Liz Innes / Peter Beer

Carried

Peter Tegart left the meeting at 11:00am

3.2. DPIE – Special Activation Precincts (11:00am)

Reporting officer: Anthea Sargeant, Executive Director DPIE

REPORT

Anthea Sargeant is the Department of Planning and Environment Executive Director - Key Sites and Industry Assessments for the Department of Planning and Environment responsible for overseeing State Significant development assessments for key projects in NSW including Special Activation Precincts.

CRJO Board Meeting – Friday 26 March 2021

RESOLVED

That the CRJO Board:

Note the report by DPIE Special Activation Precincts

Russell Fitzpatrick / Tim Overall

Carried

4. Urgent Business

The Chairperson will call for any Additional Business pursuant to Clause 9.3 of the Code of Meeting Practice. Any additional business to be discussed requires a Board resolution or a ruling by the Chairperson that the matter is of great urgency.

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

4.1. IPART Review – Local Government Rate Peg

Reporting Officer: Peter Tegart

4.2. Minister for Planning – Media Release regarding upcoming \$400m boost for infrastructure for NSW Councils

Reporting Officer: Warwick Bennett

The meeting noted:

- councils only increase rates income by IPART rate peg, new growth in assessments, or SRV
- submissions on the IPART review of the rate peg is due 3 May 2021 (before next Board)
- current rate peg includes change in LGCI less productivity, plus other (incl RFS charge)
- review proposes to add a population growth factor to the rate peg calculation
- concerns the threshold for consideration for population growth is LGA or cohort specific, and dependent that growth exceeds the NSW average
- concerns DPIE uses ABS and other lag indicators to forecast growth, rather than lead indicators such as dwelling approvals, water/sewage consumption used by ID Profiler
- regional councils are experiencing post-COVID growth in population and property demand
- the combination of the NSW PC report on infrastructure contributions and this new rate peg review, are expected by Government to accommodate development growth

RESOLVED

1. *That the Board receive a paper via GMAG for the purpose of submission on the Rate Peg Review regarding:*
 - a) *operation and limitations of the Bill enabling member councils to access a margin on the rate peg to reflect population growth, or implement an infrastructure levy,*
 - b) *potential population cohorts based on CRJO sub-regions or FERs*
 - c) *potential use of ID Profiler to guide estimates and impacts of population growth*
 - d) *demands on services and infrastructure as consequence of population growth*
2. *That the Board seek a report on how CRJO councils can influence population projections and planning by DPIE, to focus on lead indicators rather than lag indicators*

Tim Overall / Bob Kirk

CRJO Board Meeting – Friday 26 March 2021

Carried

5. Confirmation of Minutes

Attachment: CRJO Board Meeting Minutes 11 December 2020

RESOLVED

That the CRJO Board meeting minutes from 11 December 2020 be confirmed.

James Hayes OAM / Tim Overall

Carried

6. Reports to CRJO Board

6.1. A new CRJO Strategic Plan

Reporting officer: Kalina Koloff

Attachment: A new Statement of Strategic Priorities for the CRJO (PowerPoint)

RESOLVED

That the CRJO Board:

1. *Note the updated DRAFT CRJO Strategic Plan*
2. *Provide input and propose any revisions before finalisation of the plan and endorsement by new CRJO Board in September 2021*

Russell Fitzpatrick / James Hayes

Carried

6.2. Southern Lights NSW – Project Update

Reporting officer: Kalina Koloff

RESOLVED

That the CRJO Board:

1. *Note the progress of the Southern Lights NSW Project*
2. *Endorse the decision of the CRJO General Managers to withdraw from the Southern Lights Project at June 30, 2021 at the conclusion of Phase 1 of the project.*

Russell Fitzpatrick / Bob Kirk

Carried

6.3. EPA Bushfire Generated Green Waste Data Collection Initiative

Reporting officer: Kalina Koloff

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RESOLVED

That the CRJO Board note the progress of the Bushfire Generated Green Waste – Data Collection Initiative.

Russel Fitzpatrick / Bob Kirk

Carried

6.4. A Regional Community Strategic Plan

Reporting officer: Kalina Koloff

Attachment: Projectura Proposal

RESOLVED

That the CRJO Board note the outcome of the procurement and the appointment of Projectura to develop a Regional Community Strategic plan.

Russell Fitzpatrick / Tim Overall

Carried

6.5. The Climate Resilient Housing Toolkit

Reporting officer: Kalina Koloff

RESOLVED

That the CRJO Board note the progress of the Climate Resilient Housing Toolkit project.

Russell Fitzpatrick / Bob Kirk

Carried

6.6. Incoming Councillors Induction – Proposal from the Australian Institute of Company Directors

Reporting officer: Kalina Koloff

Attachments: AICD CRJO Proposal

The CRJO Board instructs the CEO to follow up with AICD to investigate if previous attendance at AICD training will be recognised as prior learning on new course frameworks. The CEO is to make provision in the 2021/22 CRJO budget for the 1 Day AICD Board training on an opt-in basis for Councils.

RESOLVED

That the CRJO Board:

1. *Note the AICD proposal*

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2. *Endorse the decision of the CRJO General Managers to:*
 - 2.1. *Organise AICD Training for new CRJO Board*
 - 2.2. *Invite Councils to take up 2 day AICD courses in pairs*

Liz Innes / Les McMahon

Carried

DRAFT

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6.7. Outcome of the 2019/2020 Audit

Reporting officer: Kalina Koloff

Attachments:

- 6.7.1 Independent Auditors Report
- 6.7.2 Report on the Conduct of the Audit

RESOLVED

That the CRJO Board:

1. *Note the outcomes of the 2019/2020 Audit*

Bob Kirk / Tim Overall

Carried

6.8. CRJO Operational Report

Reporting officer: Kalina Koloff

Attachments

- 6.8.1 JO Forum – Representation on Working with JOs
- 6.8.2 CRJO Representation on Emergency Services Levy
- 6.8.3 Response from Minister Hancock on Emergency Services Levy
- 6.8.4 CRJO Submission – Fairer Rating Review
- 6.8.5 CRJO Submission – Inland Rail Inquiry
- 6.8.6 CRJO Submission - NSW Property Tax
- 6.8.7 CRJO Submission – NSW Agricultural land Use

RESOLVED

That the CRJO Board

1. *Receive the CRJO Operational Report*
2. *Note the correspondence with the Minister for Local Governments in relation to representations on the Emergency Services Levy and:*
 - 2.1. *Advise the Minister of Local Government that her letter does not reflect the current situation of most regional and rural Councils Emergency Services Levy increases either surpasses the quantity of the 2020/21 rate cap or consume the majority of the rate cap increase,*
 - 2.2. *Seek an immediate review her decision*
 - 2.3. *Recommend member Councils only pay the Emergency Service Levy in 2021/22 the amount equivalent to that paid in 2020/21 plus the approved rate cap increase*
 - 2.4. *Share the CRJO board resolution with other the Joint Organisations, Country Mayors, Regional Organisations of Councils, Local Government NSW and local members.*
 - 2.5. *Advocate for a separate line item to be included in the Annual Rates Notice to reflect the costs associated with the Emergency Services Levy.*

Bob Kirk / Liz Innes

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Carried

6.9. CRJO Financial Report

Reporting officer: Kalina Koloff and Jennifer Lang

Attachments:

- 6.9.1 Balance Sheet
- 6.9.2 Profit and Loss
- 6.9.3 Profit and Loss – Climate Toolkit
- 6.9.4 Profit and Loss – Contaminated Lands
- 6.9.5 Profit and Loss CRC Education
- 6.9.6 Profit and Loss – CRJO Operations
- 6.9.7 Profit and Loss – EPA Green Waste Project
- 6.9.8 Profit and Loss – Household Chemicals
- 6.9.9 Profit and Loss – Regional Coordination

RESOLVED

That the CRJO Board receive the CRJO Finance Report and note the financial position of the Organisation as at 28 February 2021.

James Hayes / Tim Overall

Carried

Cr Russell Fitzpatrick left the meeting at 12:24pm.

7. Network Updates

7.1. ACT Government

Reporting Officers: Wilhelmina Blount

The ACT Government reported that:

- It is supportive of the CRJO to seek opportunities for the Climate Change office of ACT to work with the CRJO regarding the Climate Resilient Housing toolkit.
- Notes the continued illegal dumping impacts from ACT infrastructure projects on surrounding Councils and sees opportunities to work more closely with the CRJO members on strategies and programs.

RESOLVED

That the CRJO Board:

1. *Note the report by Wilhelmina Blount, ACT Government*

James Hayes/ Bob Kirk

Carried

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7.2. Resilience NSW

Reporting Officer: David Butt / Kalina Koloff

That the report by Kalina Koloff on behalf of David Butt, Resilience NSW, be noted

James Hayes/ Bob Kirk

Carried

7.3. Regional NSW

Reporting Officer: Megan Cleary

Regional NSW reported on the updated 20-Year Economic Vision for NSW. A copy of the strategy can be found at: https://www.nsw.gov.au/sites/default/files/2021-02/20%20Year%20Vision%20for%20RNSW_0.pdf

RESOLVED

That the CRJO Board:

1. *That the verbal report by Regional NSW be noted*

Peter Beer / Tim Overall

Carried

7.4. Office of the Cross Border Commissioner

Reporting Officers: James McTavish/Emma Watts

The Cross Border Commissioner reported that:

- The Cross Border MOU between NSW and Victoria is close to final and will be circulated for comment within the next couple of weeks
- Emma Watts (Assistant Cross Border Commissioner) to engage with Kalina Koloff (CRJO CEO) to investigate opportunities in waste management and renewables
- That NSW is currently reviewing Procurement Guidelines with opportunities to share supplier lists to create additional regional efficiencies

On behalf of CRJO Members, Leanne Barnes acknowledged the outstanding work of the Office of the Cross Border Commissioner during the difficult Christmas border closures and thanked the team for their efforts.

RESOLVED

That the CRJO Board:

1. *Note the verbal report by Office of the Cross Border Commissioner*

James Hayes / Tim Overall

Carried

Brian Ingram left the meeting at 12:42pm.

Wilhelmina Blount left the meeting at 12:53pm.

7.5. Office of Local Government

Reporting Officers: Alison Murphy

OLG reported that:

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- Minister is writing to JOs on appointment of consultant and timing of upcoming JO review.
- Consultation discussion paper on remote meetings is open and submissions are invited until 3rd May
- Noted that information on OLG support for upcoming council election is on website and available
- Confirmed that iVote will be made available for council elections administered by the NSW Electoral Commissioner from September 2021. iVote will operate at council elections in the same way it operates for State elections and will have the same eligibility criteria with some minor and temporary modifications in response to the COVID-19 pandemic. Further information available from the electoral commission or at:
<https://www.elections.nsw.gov.au/About-us/Policy-library/Technology-Assisted-Voting-Approved-procedures-for>

RESOLVED

That the CRJO Board:

1. *Note the report from Office of Local Government*

Bob Kirk / James Hayes

Carried

8 Confidential Matters

The CRJO Board must resolve to move into Closed Session to deal with any items under s10 Local Government Act 1993.

9 Close

The Chairperson closed the meeting at 1:08pm.

Next meeting will be 11th June .



The Hon. Shelley Hancock MP
Minister for Local Government

Ref: A760673

Ms Kalina Koloff
Chief Executive Officer
Canberra Region Joint Organisation
PO Box 66
Queanbeyan NSW 2620

By email: kalina.koloff@crjo.nsw.gov.au

Dear Ms Koloff

Thank you for your correspondence of 14 February 2021 regarding Emergency Services Levy (ESL) increases for councils.

As noted in your letter, there have been increases to the ESL in recent years, primarily to pay for new workers' compensation arrangements for firefighters. The Government has recognised, however, that councils simply cannot afford these increased costs in the wake of COVID-19, the 2019-20 bushfires and the current economic environment.

Given this, the Government provided councils with grants to cover the total increase to these costs in 2020-21. The total cost of these grants was \$32.76 million across NSW, with individual councils saving between \$2,374 and \$1,176,495. These funds enabled councils to direct more funding into frontline COVID-19 response efforts and core community services. This came on top of \$13.6 million in grants councils previously received to cover the portion of increases to the ESL for 2019-20 that was the result of changes to workers' compensation laws for firefighters.

This funding provided councils with breathing space to adjust their budgets and prepare to meet these ongoing costs.

Our emergency services have long been funded through a cost sharing arrangement between insurers, councils and the Government. It's important that this continues to ensure we look after the health and wellbeing of our frontline emergency services workers and volunteers.

Acknowledging the ongoing ESL cost pressures to councils, the Independent Pricing and Regulatory Tribunal (IPART) has adjusted how it calculates the annual rate peg, by factoring the forecast ESL costs to councils when setting the annual rate peg.

Please be assured that the Government will continue to examine options to better manage the impact of ESL on local councils.

Thank you for taking the time to bring this matter to the Government's attention.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shelley Hancock'.

The Hon. Shelley Hancock MP
Minister for Local Government

16 MAR 2021

CC: The Hon. Dominic Perrottet MP, Treasurer
The Hon. David Elliot MP, Minister for Police and Emergency Services

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 5400 ■ W: nsw.gov.au/ministerhancock

16 CLOSED SESSION

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

RECOMMENDATION

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

16.1 Hovell Street Multi Lot Subdivision - Estimates for Construction

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

17 CONCLUSION OF THE MEETING

The Mayor will close the meeting.