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MINUTES

Ordinary Council Meeting

3 August 2021

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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, 3 AUGUST 2021 AT 6PM**

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

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

1 OPENING MEETING

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

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor Bob Kirk made the following acknowledgement.

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

3 COUNCILLORS DECLARATION AND/OR PRAYER

The declaration was read by Cr Carol James.

4 APOLOGIES

Nil

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

6 LATE ITEMS / URGENT BUSINESS

Nil

7 DISCLOSURE OF INTERESTS

Cr Carol James declared a non-pecuniary/significant conflict of interest in Item 15.15 "Requests for Financial Assistance - Goulburn Lilac City Festival Inc" as she is the President of the Goulburn Lilac City Festival Inc. Cr Carol James will leave the meeting while discussion and determination on this item takes place.

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

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

Stephen Wall from MultiQuip addressed Council on item 15.10 Multiquip Haulage Route Status Update and Subsequent Recommendation.

10 CONFIRMATION OF MINUTES

10.1 MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON 15 JULY 2021

RESOLUTION 2021/343

Moved: Cr Denzil Sturgiss

Seconded:Cr Alfie Walker

That the Council minutes from Thursday 15 July 2021 and contained in Minutes Pages No 1 to 8 inclusive and in Minute Nos 2021/289 to 2021/296 inclusive be confirmed.

CARRIED

10.2 MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON 22 JUNE 2021 AND RESUMED ON THE 13 JULY 2021

RESOLUTION 2021/344

Moved: Cr Carol James

Seconded:Cr Leah Ferrara

That the Council minutes from Tuesday 22 June 2021 and resumed on the 13 July 2021 and contained in Minutes Pages No 1 to 89 inclusive and in Minute Nos 2021/284 to 2021/292 inclusive be confirmed.

CARRIED

10.3 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 20 JULY 2021

RESOLUTION 2021/345

Moved: Cr Margaret O'Neill

Seconded:Cr Carol James

That the Council minutes from Tuesday 20 July 2021 and contained in Minutes Pages No 1 to 40 inclusive and in Minute Nos 2021/293 to 2021/342 inclusive be confirmed.

CARRIED

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 22 JUNE 2021, 15 JULY 2021 & 20 JULY 2021

1. St Johns Orphanage Photos
2. Update on Wakefield Park legal proceedings

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2021/346

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)

Nil

13 NOTICE OF MOTION(S)

Nil

14 NOTICE OF RESCISSION(S)

Nil

15 REPORTS TO COUNCIL FOR DETERMINATION**15.1 POSTPONED 2021 LOCAL GOVERNMENT ELECTIONS****RESOLUTION 2021/347****Moved: Cr Andrew Banfield****Seconded: Cr Carol James****That:**

- 1. The report from the General Manager in regard to the postponed of the 2021 Local Government Elections be received**
- 2. Council conduct two ordinary meetings in September being the 7th September 2021 and the 21st September 2021. The Council meetings in October and November proceed as previously resolved**
- 3. The Council meeting programmed for 7th December 2021 and 21st December 2021 be cancelled as they fall within the election process period.**
- 4. The first meeting of the new Council to elect the Mayor and Deputy Mayor as well as other Civic directions be held on Tuesday 11th January 2022.**
- 5. The first ordinary monthly meeting of the Council to be held on Tuesday 1st February 2022 and continue on the first and third Tuesdays until the new Council resolves differently.**

CARRIED**15.2 DRAFT LEASE AGREEMENT - 632 TARALGA ROAD GOULBURN****RESOLUTION 2021/348****Moved: Cr Peter Walker****Seconded: Cr Margaret O'Neill****That**

- 1. The report from the Director Utilities on the Draft Lease Agreement at 632 Taralga Road with Goulburn Campdraft Association Incorporated and Riding for the Disabled Association (NSW) be received.**
- 2. Council endorse the terms negotiated for the lease as set out in the attached draft leases and Council delegates the General Manager to sign the Licence in accordance with s377 of the *Local Government Act, 1993*. Once signed, the leases be registered with the NSW Land Registry Service.**

CARRIED

15.3 DA/0365/2021 - SUBDIVISION/BOUNDARY ADJUSTMENT, ANCILLARY WORKS AND DEMOLITION OF DWELLING HOUSE AND ANCILLARY STRUCTURES WITHIN PROPOSED LOT 3, 64A-70 MONTAGUE STREET, GOULBURN

RESOLUTION 2021/349

Moved: Cr Andrew Banfield

Seconded: Cr Leah Ferrara

That:

1. The staff assessment report for development application DA/0365/2021 for the proposed Subdivision/Boundary Adjustment, ancillary works and demolition of dwelling house and ancillary structures within proposed Lot 3.
2. Consent be granted for DA/0365/2021 for a Subdivision/Boundary Adjustment, ancillary works and demolition of dwelling house and ancillary structures within proposed Lot 3 located at 64a-70 Montage Street, Goulburn subject to the following conditions.

SECTION A: GENERAL CONDITIONS

1. Approved Development and Use

Development consent has been granted in accordance with this Notice of Determination for the purposes of a Subdivision/Boundary Adjustment, ancillary works and demolition of dwelling house and ancillary structures within proposed Lot 3 under the *Goulburn Mulwaree Local Environmental Plan 2009*.

(Reason: To confirm the components of the approval)

2. Development in Accordance with Documentation

The development must only be carried out:

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

Plans prepared by Southern Cross Consulting Surveyors

DRAWING NO.	REV	TITLE OF PLAN OR DOCUMENT	DATE
REF- 23048	-	Plan showing revised lot layout to accommodate Council access requirements for proposed Lots 1 & 2 64A- 70 Montague Street, Goulburn	15/07/2021
REF- 23048	-	Plan showing revised lot layout to accommodate Council access requirements for proposed Lot 2 64A- 70 Montague Street, Goulburn	15/07/2021

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

3. Documentation Inconsistency

In the event of any inconsistency between the conditions of this Notice of Determination, the drawings and any accompanying documentation referred to above, the conditions of this Notice of Determination prevail, to the extent of the inconsistency.

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

4. Documentation to be Kept on Site

At all times, a complete set of all endorsed plans, specifications and any other documentation referenced by this Notice of Determination must be kept on 'site' and be readily available for perusal by any officer of 'Council' or the 'Principal Certifier' upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

SECTION B: PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION OR SUBDIVISION WORKS

5. Photographic Survey

Prior to any commencement a digital photographic survey comprising colour photographs, prepared in accordance with the guidelines for archival recording published by Heritage NSW is to be submitted prior to the demolition of the dwelling within proposed Lot 3. The photographic survey is to be submitted electronically, and must contain:

- a) a front cover marked with:
 - the name/location of the property;
 - the date of the survey; and
 - the name of the Company or persons responsible for the survey.
- b) a scaled layout plan of the existing building; identifying rooms and features shown in the photographs;
- c) photographs of the interior, exterior, and streetscape view of the building, labelled to indicate their location in relation to the layout plan in accordance with the Heritage Office Guidelines requirements;
- d) where colour is a feature of the building (for example, the building features stained glass, leadlight or polychrome brickwork), additional colour photographs are to be included in the photographic survey report;
- e) digital SLR 24MP shall be the minimum capture requirements; and
- f) each photograph is to be uniquely referenced and described.

A full electronic record of the complete set of documents provided in accordance with this condition are to be remitted to 'Council' and the Goulburn Regional Library.

Documentary evidence as issued by 'Council' confirming that the requirements of this condition have been met must be received by the person having the benefit of this Notice of Determination prior to any commencement of 'works'.

(Reason: To provide a historical record of heritage significant works on the site for archival purposes)

6. Construction Waste Management Plan

A Construction Waste Management Plan must be prepared and submitted to, and approved in writing by 'Council' prior to commencement. The plan must include, but not be limited to, the following: -

- a) details the quantities of each waste type generated during the 'works' including all forms of green waste and any proposed reuse, recycling and disposal locations;
- b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards, and guidelines.

Documentary evidence demonstrating compliance with this condition must be submitted to, and approved by 'Council' prior to commencement.

(Reason: To ensure the development is undertaken in a responsible manner)

7. Asbestos and Hazardous Material Survey

In relation to the demolition of the existing buildings on the 'site':

- a) a report prepared by an appropriately qualified person (such as an Occupational Hygienist or Environmental Consultant) must be prepared detailing whether asbestos or hazardous materials exist on the 'site' that will be or likely to be affected by the proposed works and if they exist on 'site' their location and quantity.

Note: Hazardous materials include but shall not be limited to lead in paints, ceiling dust, glass fibre insulation and asbestos based products.

If no hazardous materials are identified, the works may proceed in accordance with AS.2601 and the following conditions, including dust control and SafeWork NSW requirements.

- b) should any hazardous materials be identified as per item (a), a Work Plan must be prepared and set out in accordance with AS.2601 – Demolition of Buildings. The report shall contain details regarding:
- i. the type of hazardous material;
 - ii. the level or measurement of the hazardous material in comparison to National Guidelines;
 - iii. proposed methods of containment;
 - iv. proposed methods of disposal; and
 - v. details of signage to be provided on the site to comply with the provisions of the *Work Health and Safety Regulation 2017* to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-containing material in a place at which construction work is being carried out.
- c) any works involving asbestos based products must be undertaken in accordance with the requirements of the SafeWork NSW in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice. (Refer to the information publications provided in your approvals package for more specific information).
- d) all work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted must comply with the requirements of *AS.4361.2-1998 : Guide to lead paint management - Residential and commercial buildings*. Particular attention must be given to the control of dust levels on the 'site'.

Details demonstrating compliance with these requirements must be submitted to, and approved by the 'Council' prior to the issue of any Construction Certificate.

(Reason: To ensure the long-term health of workers on site and occupants of the building is not put at risk unnecessarily)

8. Sediment and Erosion Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control must be provided. As a minimum, control techniques are to be in accordance with The Blue Book published by Landcom provisions on Erosion and Sediment Control.

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

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

from development sites)

9. s.306 Compliance Certificate

A s.306 Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained from 'Council' as the sewer and water authority prior to commencement.

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

To obtain a s.306, a s.305 application must be lodged with 'Council'.

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

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

10. Work Hours

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

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

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

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

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

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

11. Demolition and Removal of Buildings

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

- a) demolition must be carried out in accordance with AS.2601–1991, *Demolition of structures*.
- b) demolition materials shall not be burnt or buried on the work site.
- c) a person having the benefit of this certificate must ensure that all vehicles leaving the work site carrying demolition materials have their loads covered and do not track soil or waste material onto the road.
- d) if demolition work obstructs or inconveniences pedestrians or vehicular traffic on an adjoining public road or reserve, a separate application must be made to 'Council' to enclose the public place with a hoarding or fence.
- e) erosion and sediment controls be provided in accordance with the conditions of this development consent, prior to the disturbance of any soil on the 'site' and must be maintained in a functional condition throughout the construction activities until the 'site' is fully stabilised.
- f) the 'site' must be left free of waste and debris when 'works' have been

completed.

(Reason: To ensure that work is undertaken in a professional and responsible manner and to protect adjoining property and persons from potential damage)

12. Earthworks

Any earthworks must: -

- a) not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property;
- b) in the first instance be reused on 'site';
- c) ensure that any fill brought to the 'site' contains only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997* or any other waste-derived material the subject of a resource recovery exemption;
- d) ensure that any excavated soil to be removed from the 'site' is be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*;
- e) not permit fill to change existing ground levels at the property boundary. The toe of the fill must terminate at least 1 metre from the north western boundary of proposed Lot 1.
- f) ensure that any excavation is carried out in accordance with *Excavation Work: Code of Practice (ISBN 978-0-642-785442)*, published in October 2013 by Safe Work Australia.

(Reason: To ensure structural safety and to ensure excavation and fill are handled correctly)

13. s.68 Local Government Act Requirements

All internal stormwater drainage, sewerage plumbing and hot and cold water reticulation must be contained wholly within the Lot it services. Should these services not be wholly located within the lot it services an application under s.68 of the *Local Government Act 1993* must be made to, and an approval issued by, 'Council' for these works. All requirements must be satisfied prior to the issue of the Subdivision Certificate.

(Reason: To ensure that internal services are wholly located within the lot it services, to alleviate conflict with adjacent/adjoining land. If work is required to facilitate this that the relevant approvals are obtained and all requirements are met before the Subdivision Certificate is issued)

SECTION D: CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

14. Obstruction of turning areas

At all times, the turning area at the rear of proposed Lots 1 & 2 must remain unobstructed.

(Reason: To ensure that forward entry and exit can be facilitated at all times for the users of proposed Lots 1 & 2)

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

15. Release of Subdivision Certificate

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

Notes: *A tabularised statement that separately identifies the conditions contained within the Notice of Determination, details how the conditions have been complied with and is provided with clear references to any supporting evidence being submitted to satisfy a condition is required.*

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

16. Subdivision Certification

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

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

Notes: *'Council' will check the consent conditions on the relevant subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision and may require payment of rechecking fees or refusing the certificate.*

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

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

17. Water Management Act

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

(Reason: *To ensure compliance with the statutory requirements)*

18. Services within Lots

Prior to the issue of any Subdivision Certificate a Registered Surveyor must locate and provide certification that all services (e.g. drainage, stormwater, water supply, gas, electricity, telephone etc.) as constructed are contained within each Lot or within appropriate easements to accommodate such services.

(Reason: *To ensure adequate servicing of the development.)*

19. Compacted fill

Prior to the issue of any Subdivision Certificate, the development proponent must submit evidence to Council to demonstrate that the fill material utilised to restore original ground levels has been properly compacted by a vibrational roller.

(Reason: *To ensure that the fill is adequately stabilised, does not migrate following a significant stormwater event and maintains the purpose of facilitating forward entry and exit for vehicles utilising proposed Lots 1 & 2)*

20. Disposal Information

Prior to the issue of any Subdivision Certificate the person having the benefit of this Notice of determination must provide to the *'Principal Certifier'* copies of all waste disposal receipts and any documentation as necessary demonstrating that all demolition and construction waste from the removal of all buildings within proposed Lot 3 has been lawfully disposed of or recycled.

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

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

21. Asbestos Clearance Certificate

Prior to the issue of any Subdivision Certificate for *'works'* where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to the *'Principal Certifier'* (and a copy forwarded to *'Council'*) for the building which certifies the following:-

- a) the surrounding land contained within the *'site'* is free of asbestos.

The certificate must be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal facility. If asbestos is retained on *'site'* the certificate must identify the type, location, use, condition and amount of such material.

Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.epa.nsw.gov.au

(Reason: To ensure that building works involving asbestos based products are safe for occupation and will pose no health risks to occupants)

22. Vegetation Cover

Upon completion, all exposed and unvegetated areas throughout the *'site'*, including the fill area, must be treated with a grass seed based emulsion (hydro seeding) for the purpose of establishing a vegetation cover over the *'site'* and must be completed prior to the issue of any Subdivision Certificate.

(Reason: To ensure vegetation growth post-development and to protect the environment)

23. s.7.12 Contributions

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

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

- Section 94a Contribution Plan

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

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

A cost summary report must be completed for works under \$200,000. Where the

value of the work exceeds \$200,000 the cost shall be certified by a registered Quantity Surveyor or an equivalent or acceptable alternative agreed to by Council.

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

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

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

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

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

24. Asbestos and Other Hazardous Materials Disposal

Prior to the issue of any Subdivision Certificate the person having the benefit of this Notice of determination must provide to the 'Principal Certifier' copies of all waste disposal receipts and documentation demonstrating that all asbestos containing materials and other hazardous waste has been lawfully disposed.

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

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

25. Decommission services

All services (internal plumbing and drainage lines, and other service lines) to the old brick cottage within proposed Lot 3 must be completely removed.

(Reason: *The dwelling is to be demolished and its services will not be required)*

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

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

- a) All 'Council' sewer and stormwater infrastructure;
- b) The right of carriageway shown as 'D' and 'E' on the approved plan- Lots 1 & 2.

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

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

(Reason: *To ensure proper management of land)*

SECTION F: ADVISORY INFORMATION

- a) Changes to the layout of the subdivision configuration may require the submission of a further modification under Section 4.55 of *'the Act'*.
Discussion with Council Development Liaison Team would assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of *'the Act'*.
- b) Prior to any *'Work'* commencing on *'site'* all services should be clearly located and identified by contacting "Dial before you Dig" by telephoning 1100 or utilising www.1100.com.au
- c) *'Council's'* fees and charges are adjusted annually on the 1st July, all fees are calculated at the time of payment this may mean that amounts required to be paid increase.

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

CARRIED

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

Against: Nil

15.4 DA/0227/2021, SEVEN (7) LOT COMMUNITY TITLE SUBDIVISION AND ERECTION OF SIX DWELLING HOUSES AT 14 GRIMSTON CIRCUIT GOULBURN

RESOLUTION 2021/350

Moved: Cr Margaret O'Neill

Seconded: Cr Peter Walker

That:

1. The staff report for development application DA/0227/2021 for the proposed Seven (7) lot community title subdivision and erection of six (6) dwelling houses be received.
2. Consent be granted for DA/0227/2021 for a Seven (7) lot community title subdivision and erection of six (6) dwelling houses located at 14 Grimston Circuit subject to the following conditions:

SECTION A: GENERAL CONDITIONS

1. Approved Development and Use

Development consent has been granted in accordance with this Notice of Determination for the purposes of the seven (7) lot community title subdivision and erection of six dwelling houses under the *Goulburn Mulwaree Local Environmental Plan 2009*.

(Reason: To confirm the components of the approval)

2. Development in Accordance with Documentation

The development must only be carried out:

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

Architectural plans and documentation prepared by Free One Building Design			
DRAWING NO.	REV	TITLE OF PLAN OR DOCUMENT	DATE
0064-0619	-	Statement of Environmental Effects	Undated
0004-0619 (A002)	D	Site/Community title subdivision plan	05/2021
0004-0619 (A003)	D	Road & driveway/turning circle plan	05/2021
0004-0619 (A004)	D	Landscape plan	05/2021
0004-0619 (A005)	C	Cut & fill/erosion control plan	02/2021
0004-0619 (A006)	A	Erosion control notes	11/2020
0004-0619 (A008)	B	Unit 1- Site Plan	02/2021
0004-0619 (A009)	B	Unit 1- Site set out plan	02/2021
0004-0619 (A010)	A	Unit 1- Floor plan	11/2020
0004-0619 (A011)	A	Unit 1- First floor plan	11/2020
0004-0619 (A012)	A	Unit 1- Set out plan	11/2020
0004-0619 (A013)	A	Unit 1- Roof Plan	11/2020
0004-0619 (A014)	A	Unit 1 - Elevations	11/2020
0004-0619 (A015)	A	Unit 1- Elevations	11/2020
0004-0619 (A016)	A	Unit 1- Detailed section	11/2020
0004-0619 (A017)	B	Unit 1- Environmental rating scheme	02/2021
0004-0619 (A018)	B	Unit 1- Environmental rating scheme	02/2021
0004-0619 (A019)	A	Unit 1- Schedules	11/2020
0004-0619 (A020)	C	Unit 2- Site Plan	05/2021
0004-0619 (A021)	A	Unit 2- Site set out plan	11/2020
0004-0619 (A022)	B	Unit 2- Floor plan	05/2021
0004-0619 (A023)	B	Unit 2- First floor plan	05/2021
0004-0619 (A024)	B	Unit 2- Set out plan	05/2021
0004-0619 (A025)	B	Unit 2- Roof Plan	05/2021
0004-0619 (A026)	A	Unit 2 - Elevations	11/2020
0004-0619 (A027)	B	Unit 2- Elevations	05/2021
0004-0619 (A028)	A	Unit 2- Detailed section	11/2020
0004-0619 (A029)	C	Unit 2- Environmental rating scheme	05/2021
0004-0619 (A030)	C	Unit 2- Environmental rating scheme	05/2021
0004-0619 (A031)	B	Unit 2- Schedules	05/2021
0004-0619 (A032)	B	Unit 3- Site Plan	02/2021
0004-0619 (A035)	A	Unit 3- Set out plan	11/2020
0004-0619 (A034)	A	Unit 3- Floor plan	11/2020
0004-0619 (A035)	A	Unit 3- Set out plan	11/2020
0004-0619 (A036)	A	Unit 3- Roof Plan	11/2020
0004-0619 (A037)	A	Unit 3 - Elevations	11/2020
0004-0619 (A038)	A	Unit 3- Elevations	11/2020
0004-0619 (A039)	A	Unit 3- Detailed section	11/2020
0004-0619 (A040)	B	Unit 3- Environmental rating scheme	02/2021

0004-0619 (A041)	B	Unit 3- Environmental rating scheme	02/2021
0004-0619 (A042)	A	Unit 3- Schedules	11/2020
0004-0619 (A043)	B	Unit 4- Site Plan	02/2021
0004-0619 (A044)	A	Unit 4- Site set out plan	11/2020
0004-0619 (A045)	A	Unit 4- Floor plan	11/2020
0004-0619 (A046)	A	Unit 4- Set out plan	11/2020
0004-0619 (A047)	B	Unit 4- Roof Plan	05/2021
0004-0619 (A048)	A	Unit 4 - Elevations	11/2020
0004-0619 (A049)	C	Unit 4- Elevations	05/2021
0004-0619 (A050)	A	Unit 4- Detailed section	11/2020
0004-0619 (A051)	C	Unit 4- Environmental rating scheme	05/2021
0004-0619 (A052)	C	Unit 4- Environmental rating scheme	05/2021
0004-0619 (A053)	B	Unit 4- Schedules	05/2021
0004-0619 (A054)	B	Unit 5- Site Plan	02/2021
0004-0619 (A055)	A	Unit 5- Site set out plan	11/2020
0004-0619 (A056)	A	Unit 5- Floor plan	11/2020
0004-0619 (A057)	A	Unit 5- Set out plan	11/2020
0004-0619 (A058)	B	Unit 5- Roof Plan	05/2021
0004-0619 (A059)	A	Unit 5 - Elevations	11/2020
0004-0619 (A060)	C	Unit 5- Elevations	05/2021
0004-0619 (A061)	A	Unit 5- Detailed section	11/2020
0004-0619 (A062)	C	Unit 5- Environmental rating scheme	05/2021
0004-0619 (A063)	C	Unit 5- Environmental rating scheme	05/2021
0004-0619 (A064)	B	Unit 5- Schedules	05/2021
0004-0619 (A065)	D	Unit 6- Site Plan	05/2021
0004-0619 (A066)	B	Unit 6- Site set out plan	12/2020
0004-0619 (A067)	A	Unit 6- Floor plan	11/2020
0004-0619 (A068)	A	Unit 6- Set out plan	11/2020
0004-0619 (A069)	B	Unit 6- Roof Plan	05/2021
0004-0619 (A070)	A	Unit 6 - Elevations	11/2020
0004-0619 (A071)	B	Unit 6- Elevations	05/2021
0004-0619 (A072)	A	Unit 6- Detailed section	11/2020
0004-0619 (A073)	C	Unit 6- Environmental rating scheme	05/2021
0004-0619 (A074)	C	Unit 6- Environmental rating scheme	05/2021
0004-0619 (A075)	A	Unit 6- Schedules	05/2021
Certificate No. 1036712S_02	-	BASIX Certificate Unit 1	09/02/2021
Certificate No. 1036730S_03	-	BASIX Certificate Unit 2	27/05/2021
Certificate No. 1036750S_02	-	BASIX Certificate Unit 3	09/02/2021
Certificate No. 1036822S_03	-	BASIX Certificate Unit 4	27/05/2021
Certificate No. 1036826S_03	-	BASIX Certificate Unit 5	27/05/2021

Certificate No. 1036827S_04	-	BASIX Certificate Unit 6	27/05/2021
Plans and documentation prepared by SOWDES			
DRAWING/DOCUMENT NO.	REV	TITLE OF PLAN OR DOCUMENT	DATE.
0140620	-	Water Cycle Management Study	09/10/2020
0140620-02C	B	Stormwater drainage and water management site plan, Sheet 3 of 8	08/04/2021
0140620-01H	A	Conceptual erosion and sediment control site plan, Sheet 8 of 8	09/10/2020

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

3. Documentation Inconsistency

In the event of any inconsistency between the conditions of this Notice of Determination, the drawings and any accompanying documentation referred to above, the conditions of this Notice of Determination prevail, to the extent of the inconsistency.

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

4. Documentation to be kept on Site

At all times, a complete set of all endorsed plans, specifications and any other documentation referenced by this Notice of Determination must be kept on 'site' and be readily available for perusal by any officer of 'Council' or the 'Principal Certifier' upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

5. Water NSW- General

The lot layout and works of the community title subdivision and dwelling construction shall be as specified in the Statement of Environmental Effects (Reference 0004-0619, undated) and shown on the Site/Community Title Subdivision Plan (Ref. No. 0004-0619, Dwg No. A002, Revision D, dated 05/2021) both prepared by Free One Building Design & Drafting. No revisions to lot layout, works or staging of the subdivision that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

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

6. Water NSW- stormwater management

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

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

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

7. Building Code of Australia Compliance

All building work must be carried out in accordance with the provisions of the National Construction Code Series.

(Reason: Prescribed by cl. 98 of 'the Regulation')

8. Home Building Act Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the 'Principal Certifier' for the development to which the work relates (not being 'Council') has given 'Council' written notice of the following information:

- a) in the case of work for which a 'Principal Contractor' is required to be appointed:
 - i. the name and licence number of the 'Principal Contractor'; and
 - ii. the name of the insurer by which the work is insured under Part 6 of that Act, or
- b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder; and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to 'Council' in accordance with this conditions is out of date, work must not be carried out unless the 'Principal Certifier' for the development to which the work relates has given 'Council' written notice of the updated information.

Note: *A certificate of insurance that complies with the Home Building Act 1989 is in force in relation to that work in the name under which the person contracted to do the work is to be provided in relation to part 1a(ii).*

(Reason: Prescribed by cl. 98B of 'the Regulation')

9. Construction Certificate Requirements

Building work, demolition or excavation in accordance with the Notice of Determination must not be commenced until a Construction Certificate required by s.6.3 of 'the Act' for the relevant part of the works has been issued in accordance with the provisions of 'the Act' and 'the Regulation'.

(Reason: Statutory; To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

10. Issue of a Construction Certificate

In accordance with cl.145 of the *Environmental Planning and Assessment Regulation 2000*, the plans and specifications submitted with a Construction Certificate must not be inconsistent with this Notice of Determination.

(Reason: Prescribed by legislation)

11. Occupation Certificate Requirements

A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate required by s.6.3 of 'the Act' for the relevant part of the works has been issued in accordance with the provisions of 'the Act' and 'the Regulation'.

(Reason: Prescribed by legislation)

12. Critical Stage Inspections

Building work must be inspected by the *'Principal Certifier'* at the critical stage occasions prescribed by *'the Act'*, *'the Regulation'* and as directed by the appointed *'Principal Certifier'*.

Critical stage inspections are defined as: -

- a) after excavation for, and prior to the placement of any footings; and
- b) prior to pouring any in-situ reinforced concrete building element; and
- c) prior to covering of the framework for any floor, wall, roof or other building element; and
- d) prior to covering waterproofing in any wet areas; and
- e) prior to covering any stormwater drainage connections; and
- f) after the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

(Reason: Prescribed by legislation)

SECTION C: CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

13. Hydraulic Plans

The following plans and specifications must be prepared by a suitably qualified person, and be submitted to and approved by *'Certifier'* prior to issue of any Construction Certificate.

- a) the stormwater drainage and disposal system, including the layout of roof drainage / surface drainage / sub-surface drainage / raingardens; and
- b) the hydraulic design shall provide for compliance with-
 - i. Concurrence advice from Water NSW
 - ii. Goulburn Mulwaree Council's Development Control Plan 2009;
 - iii. Stormwater Drainage & Rainwater Collection Systems Policy;
 - iv. the BASIX certificate; and
 - v. the 88b Instrument.
- c) The sewer and water service for each dwelling including backflow prevention.

Note: Each dwelling must have its own separate stormwater service independent of any other dwelling.

(Reason: To ensure water and sewer reticulation are in accordance with 'Council's' standards)

14. Hydraulic Engineering Plans

The following Hydraulic Engineering plans and specifications (two copies, including one coloured set) must be prepared by a suitably qualified experienced professional Hydraulics Engineer and incorporate the following: -

- a) Goulburn Mulwaree Development Control Plan 2009;
- b) Stormwater Drainage & Rainwater Collection Systems Policy;
- c) Goulburn Mulwaree Engineering standards and policies;
- d) A dedicated fire service to provide coverage for the development.

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

(Reason: To ensure discharge management does not have an adverse impact and that fire services are able to provide coverage in case of emergency)

15. Stormwater drainage

Stormwater shall be managed in accordance with Stormwater Drainage and Water Management Site Plan, of 8 April 2021, with the minor exception that the 90mm pipes discharging to Fitzroy St shall be of material in accordance with Council standard drawing SD-R09, being of ductile iron or galvanised pipe.

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

(Reason: To ensure that the proposal employs suitable stormwater management in accordance with Council standards)

16. Landscaping requirements

The approved landscape plan must be amended to incorporate the following requirements:

- The lawn areas in front of all dwellings must be replaced with low evergreen shrubs.
- Trees are required along the access driveway at a rate of one tree per every 10 metres.
- Trees to be planted within grasses areas are required to incorporate an edge treatment such as 100x50mm treated pine or hardwood. The edged off areas must be mulched to keep grass roots away from the trees.
- Fencing to a height no greater than 1.8 metres, behind the front building line only. No fencing is to be located forward of the front building line, unless it meets all requirements for exempt fencing forward of the front building line, under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

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

(Reason: To alleviate impacts from large extents of hardstand space and to improve amenity for future occupants)

SECTION D: TO THE SATISFACTION OF COUNCIL PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**17. s.306 Compliance Certificate**

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

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

To obtain a s.306, a s.305 application must be lodged with 'Council'.

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

18. Damage to Public Infrastructure

A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant/person which details the pre-developed condition of the existing public infrastructure in the vicinity of the development 'site'. Attention must be paid to accurately recording any pre-development damage so that 'Council'

is informed when assessing any future damage to public infrastructure caused as a result of the development. The dilapidation survey and report must be submitted to, and approved in writing by 'Council' prior to the issue of any Construction Certificate.

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

Note: Vicinity is defined as all public infrastructure immediately adjacent to the 'site' (full road reserve width) and to a distance of 15m beyond the 'site' boundaries.

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

19. Water NSW- access road and driveways

The access road and driveways shall be located and constructed as shown on the Site/Community Title Subdivision Plan (Ref. No. 0004-0619, Dwg Nos. A002, Revision D, dated 05/2021) both prepared by Free One Building Design & Drafting. The access road and driveways shall incorporate inlet filters (Water NSW endorsed equivalent) on all inlet pits.

Documentary evidence issued by 'Council' as the sewer and water authority confirming satisfactory compliance with this condition must be submitted to, and approved by the 'Certifier' prior to the release of any Construction Certificate.

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

20. Water NSW- stormwater management

All stormwater management measures as specified in Section 4 of the Water Cycle Management Study (Ref:0140620, dated 9 October 2020) and shown on the Stormwater Drainage and Water Management Site Plan (Ref: 0140620, Dwg No. 0140620-02C, Sheet No. 3 of 8, Issue B, dated 08/04/2021) both prepared by SOWDES shall be implemented.

Documentary evidence issued by 'Council' as the sewer and water authority confirming satisfactory compliance with this condition must be submitted to, and approved by the 'Certifier' prior to the release of any Construction Certificate.

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

21. Water NSW- stormwater management

All bioretention basins shall also:

- be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities)
- be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
- be constructed after all hardstand areas have been constructed and paved
- be accessible from access road or driveway by machinery to facilitate cleaning, monitoring and maintenance of the structures

- be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
- be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.

Documentary evidence issued by 'Council' as the sewer and water authority confirming satisfactory compliance with this condition must be submitted to, and approved by the 'Certifier' prior to the release of any Construction Certificate.

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

22. Water NSW- stormwater management

All biofiltration rain gardens treating runoff from the access road shall be within association property.

Documentary evidence issued by 'Council' as the sewer and water authority confirming satisfactory compliance with this condition must be submitted to, and approved by the 'Certifier' prior to the release of any Construction Certificate.

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

23. Water NSW- construction activities

The conceptual Erosion and Sediment Control Plan (Ref: 0140620, Dwg No. 0140620-01H, Sheet No. 8 of 8, Issue A, dated 09/10/2020) prepared by SOWDES shall be updated for all works required as part of the subdivision by a person with knowledge and experience in the preparation of such plans. The Plan shall:

- be prepared in consultation with Water NSW
- incorporate cut and fill works shown on the Cut & Fill/ Erosion Control Plan (Ref. No. 0004-0619, Dwg No. A005, Revision C, dated 02/2021) prepared by Free One Building Design & Drafting
- meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
- be prepared prior to the issuance of a Construction Certificate and be to the satisfaction of Council
- include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.

Documentary evidence issued by 'Council' as the sewer and water authority confirming satisfactory compliance with this condition must be submitted to, and approved by the 'Certifier' prior to the release of any Construction Certificate.

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

24. s.7.12 Contributions

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

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

- Section 94a Contribution Plan

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

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

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

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

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

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

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

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

25. Damage Bond General

A public infrastructure damage deposit of \$2780 for a single Lot frontage must be paid to *'Council'*.

The damage bond will only be eligible for refund upon satisfactory completion of all *'works'* and following the issue of the final Occupation Certificate. All costs associated with any reinstatement works required to be carried out by *'Council'* to rectify any damage caused by the *'works'*, shall be deducted from the damage deposit.

Documentation demonstrating compliance with the above must be submitted to, and approved by the *'Certifier'* prior to the issue of any Construction Certificate.

Note: *A bond administration fees applies to the lodgement of this bond. Bond values and administration fees are calculated at time of actual lodgement in accordance with Council's adopted Fees and Charges and may differ from the above.*

All required damage to Council property, however caused, by undertaking the 'works' must be reinstated on a like for like basis and in accordance with 'Council's' engineering standards prevailing at the time to the satisfaction of 'Council' as the roads authority and prior to the issue of an Occupation Certificate.

(Reason: *Protection of Council infrastructure and to ensure any damage to public infrastructure is rectified)*

26. Basix Commitments

Under clause 97A of *'the Regulation'* the commitments listed in each relevant BASIX Certificate for the development must be fulfilled. Details and plans demonstrating compliance with these requirements must be submitted to, and approved by the *'Certifier'* prior to the issue of any Construction Certificate.

In this condition:

- a) relevant BASIX Certificate means:
 - i. a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 4.55 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii. if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- b) BASIX Certificate has the same meaning as defined under *'the Regulation'*

(Reason: To ensure the proposed development will meet the Government's requirements for sustainability and statutory requirements)

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

27. Prior to Commencement

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

- a) a Construction Certificate (where required) for the building work has been issued by:
 - i. the consent authority; or
 - ii. an *'Accredited Certifier'*; and
- b) the person having the benefit of the development consent has:
 - i. appointed a *'Principal Certifier'* for the building work, and
 - ii. notified the *'Principal Certifier'* that the person will carry out the building work as an owner-builder, if that is the case, and
- c) the *'Principal Certifier'* has, no later than two (2) days before the building work commences:
 - i. notified the *'Council'* of his or her appointment, and
 - ii. notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- d) the person having the benefit of this Notice of Determination, if not carrying out the work as an owner builder, has:
 - i. appointed a *'Principal Contractor'* for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - ii. notified the *'Principal Certifier'* of such appointment, and
 - iii. unless that person is the *'Principal Contractor'* notified the *'Principal Contractor'* of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- e) the person having the benefit of this Notice of Determination has given at least two (2) days' notice to the *'Council'* of the person's intention to commence building work.

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

(Reason: Statutory; to ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

28. Prior to Commencement

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

until:

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

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

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

29. Water NSW- construction activities

The final Erosion and Sediment Control Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained and retained until works have been completed and groundcover established.

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

30. Protection of Trees During Works

Prior to any commencement and during construction, measures to protect trees and vegetation on adjoining land must be carried out and maintained throughout the duration of works on the site.

(Reason: To ensure trees and vegetation are protected appropriately during construction and to retain the visual amenity of the neighbourhood)

31. Public Liability Insurance

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

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

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

32. Stabilised Access

Unless an existing stabilised 'site' access is utilised, stabilised access to the 'site' consisting of at least 200mm of aggregate at 30–60mm in size, be a minimum of three (3)m in width and must be provided from the road edge to the front of the building being constructed. The stabilised access must be fully maintained and removed from the 'site' when a permanent driveway has been constructed.

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

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

33. Site Facilities

'Site' facilities must be provided as follows:

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

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

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

34. Site Sign

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

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

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

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

(Reason: Statutory requirement)

35. Road Reserve Safety

All public footways and roadways in the vicinity of, fronting and adjacent to the 'site' must at all times be maintained in a safe and unobstructed condition during the course of the 'works'. Construction materials and plant must not be stored in the road reserve without approval of 'Council'. No diversion of pedestrian circulation is to occur without the prior approval of 'Council'. Construction vehicles must not cause adverse impact on existing residences and neighbouring properties of the locality.

(Reason: Public Safety)

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

36. Construction Hours

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

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

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

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

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

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

37. Retaining Walls and Drainage

Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must: -

- a) ensure that all retaining walls to be constructed are wholly within the boundaries of the subject allotment including all associated drainage zones and earthworks.
- b) have adequate provision for drainage in accordance with the provisions of AS.3500; and
- c) be constructed immediately after the 'site' has been cut and filled;

(Reason: To ensure the safety and amenity of the site and adjoining properties)

38. s.138 Approval Matters

Vehicular footway crossings must be constructed in accordance with Council's Standard Drawings SD-R06 and SD-R07.

The full extent of the red hatched area shown on the approved landscape plan (that will accommodate the waste bin collection platform) shall be constructed to a

concrete pavement in accordance with Council standard drawing SD-R04.

It is the applicant's responsibility to ensure:

- a) Traffic control measures are installed and maintained in accordance with AS.1742.3 and the Roads and Traffic Authority Manual – 'Traffic Control at Worksites'
- b) Public liability insurance to the value of \$20 million specific to the footway crossing; and workers compensation insurance, are both maintained for the duration of the works
- c) Whether the proposed works affects any Public Utility Authority installation. The following Authorities should be consulted:
 - i. Dial Before You Dig Ph.: 1100 (including telephone, gas, electricity)
 - ii. Council Ph (02) 4823 4417 (including water and sewer location diagrams).
 - iii. At the completion of work, the development proponent is to ensure that the area surrounding the driveway is backfilled and verge seeded to alleviate pedestrian hazard.

Vehicular footway crossings are that section of a driveway between the roadway and the property boundary. The applicant must arrange an inspection by 'Council' prior to pouring the concrete with formwork and reinforcement in position for the vehicular footway crossing and waste bin collection platform. Inspections can be booked in person at Customer Service or by phone on 02 4823 4444. Please note inspection fees apply and a minimum 48 hours' notice is required.

'Council' retains the right to alter, repair, or in extreme cases, remove and replace any work for which approval has not been obtained, or that has not been carried out in accordance with this Notice of Determination. Any rectification works would be undertaken at the owner's full cost, recoverable in accordance with s.218 of the Roads Act 1993.

(Reason: To ensure compliance with the Roads Act 1993)

39. Plumbing and Drainage Work

In accordance with the *Plumbing and Drainage Act 2011*, a plumbing and drainage Notice of Work must be completed and returned to 'Council' for its records, no later than two (2) business days before the work concerned is undertaken. The Notice of Work is to identify what plumbing and drainage work is to be carried out and must provide the details of the particular plumber/drainer.

(Reason: To ensure compliance with the statutory requirements)

40. Sanitary Drainage Inspections

All sanitary drainage, plumbing and backflow prevention is to be carried out in accordance with AS.3500 and the *Plumbing and Drainage Act 2011*. The following stages of construction are to be inspected by 'Council' as the Water and Sewer Authority.

- Plumbing and Drainage before backfilling.
- Pressure testing or waterpipes within the building prior to fixing of linings.
- Final inspection of water plumbing and sewer drainage.

Inspections can be booked in person at Customer Service or by phone on 02 4823 4444. Please note inspection fees apply and a minimum 48 hours' notice is required.

(Reason: To ensure compliance with the statutory requirements)

SECTION G: CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

41. Compliance with Conditions of Consent

Prior to the issue of any Occupation Certificate the person having the benefit of this Notice of Determination must demonstrate to the *'Principal Certifier'* that all conditions required to be complied with, either at or before the occupation stage, including conditions identified as at all times have been complied with. An Occupation Certificate must not be issued where the development undertaken is in breach of this Notice of Determination.

(Reason: To ensure compliance with the terms of this Notice of Determination)

42. Plumbing and Drainage Finalisation

A final inspection of water plumbing and sewer drainage must be conducted by *'Council'* as the Water and Sewer Authority.

Documentary evidence issued by *'Council'* confirming that the final inspection was satisfactory must be provided to the *'Principal Certifier'* prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with the statutory requirements)

43. Certificate of Compliance

A Compliance Certificate and a sewer service drainage diagram as issued by the plumber who submitted the Notice of Work must be issued to *'Council'* prior to the release of any Occupation Certificate.

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

(Reason: To ensure compliance with the statutory requirements)

44. Domestic Works as Executed Plans

A scaled works as executed plan drawn on *'Council's'* approved template detailing the layout and location of the sewer and stormwater pipe work must be submitted to *'Council'*.

Documentary evidence from *'Council'* as the roads authority confirming that this condition has been satisfied must be provided to the *'Principal Certifier'* Prior to the issue of any Occupation Certificate.

(Reason: Prescribed – Statutory)

45. Water NSW- stormwater management

A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council, prior to the issuance of a Subdivision Certificate or an Occupation Certificate whichever occurs first after the construction of all stormwater structures, that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

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

46. Water NSW- stormwater management

An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans. The OEMP shall be prepared prior to the issuance of a Subdivision Certificate and/or an Occupation Certificates whichever occurs first after the construction of all stormwater structures. The OEMP shall:

- be provided to the Community Association
- include details on the location, description, and function of stormwater

management structures such as pits, pipes, inlet filters, rainwater tanks, biofiltration raingardens and any other stormwater structures and drainage works

- outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
- identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy
- include checklists for recording inspections and maintenance activities, particularly for biofiltration raingardens.

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

47. Telecommunication Services

Prior to the issue of any Occupation Certificate, a letter of practical completion from the telecommunications infrastructure provider (i.e. NBN) must be provided to Council confirming that arrangements have been made for the provision of underground telecommunications at the front boundary of each proposed building.

(Reason: Provision of telecommunication facilities in a manner that facilitates the future underground provision of cable services)

48. Water Management Act

A Compliance Certificate issued under s.307 of the *Water Management Act 2000* must be obtained from the Utilities Division of ‘Council’ prior to the release of any Occupation Certificate.

Documentary evidence issued by ‘Council’ confirming that the final inspection was satisfactory must be provided to the ‘Principal Certifier’ prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with the statutory requirements)

49. House Numbering

An Occupation Certificate must not be issued until the approved street numbering has been installed to the frontage of the lot and to the front of each dwelling.

Dwelling/Lot	Street Address
1	1/14 Grimston Circuit
2	3/14 Grimston Circuit
3	8/14 Grimston Circuit
4	6/14 Grimston Circuit
5	4/14 Grimston Circuit
6	2/14 Grimston Circuit
7 (community land parcel)	14 Grimston Circuit

Documentary evidence from confirming that this condition has been satisfied must

be provided to the 'Certifier' prior to the issue of any Occupation Certificate.

Note: *Street/unit identification numbers are at least 7 centimetres in height white in colour with blue background 130mm high and must to be displayed in a prominent location clearly visible from the street frontage*

(Reason: *To ensure that the property is correctly addressed and visible from the public road)*

50. Landscaping to Nature Strip

All disturbed and unvegetated areas of land to the front of the building line and the nature strip must be fully landscaped with grass turf to prevent soil erosion and migration prior to the release of any Occupation Certificate.

(Reason: *To preserve the amenity of the streetscape and to prevent pollution of the environment)*

51. Allocation of visitor parking

The two (2) visitor parking areas shown on the approved plans must be fully constructed, sealed, line marked and sign posted prior to the issue of any Occupation Certificate.

(Reason: *To ensure that adequate facilities to service the development are provided on 'site')*

SECTION H: CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

52. Water NSW- stormwater management

At all times, the biofiltration rain gardens shall be monitored, maintained, and managed as per the Operational Environmental Management Plan as follows:

- by the Community Association located along access driveway, and
- by the owner of proposed Lot 2 located on Lot 2.

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

53. Waste storage and collection

At all times, waste storage and collection must be carried out in accordance with the requirements of the Community Management Statement.

(Reason: *To ensure that waste collection occurs as efficiently as possible for all occupants of the site with minimal disruption to adjoining property occupiers)*

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

54. Release of Subdivision Certificate

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

Notes: *A tabularised statement that separately identifies the conditions contained within the Notice of Determination, details how the conditions have been complied with and is provided with clear references to any supporting evidence being submitted to satisfy a condition is required.*

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

55. Subdivision Certification

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

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

Notes: *'Council' will check the consent conditions on the relevant subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision and may require payment of rechecking fees or refusing the certificate.*

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

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

56. Electrical Supply Services

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

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

(Reason: *To ensure adequate servicing of the development)*

57. Water NSW- stormwater management

There shall be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being Water NSW, placed over all proposed lots requiring that the rainwater tanks, bio filtration rain gardens and associated outlets be retained, maintained and protected from any development within one metre of the structure.

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

58. Services within Lots

Prior to the issue of any Subdivision Certificate a Registered Surveyor must provide certification that all services (e.g. drainage, stormwater, water supply, gas, electricity, telephone etc.) as constructed are contained within each Lot or within appropriate easements to accommodate such services.

(Reason: To ensure adequate servicing of the development.)

59. Disposal Information

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

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

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

60. Vegetation Cover

Upon completion, all exposed and unvegetated areas throughout the site must be treated with a grass seed based emulsion (hydro seeding) for the purpose of establishing a vegetation cover over the site and must be completed prior to the issue of any Subdivision Certificate.

(Reason: To ensure vegetation growth post-development and to protect the environment)

61. Landscaping Maintenance Schedule

A comprehensive landscape maintenance Schedule must be prepared for the community parcel of land. The maintenance schedule must include the following details:

- Watering schedule.
- Maintenance schedule for mulching, fertilising, replacement of dead plants, staking, pruning, edging for trees. Hedging must be maintained to a height of at least 1 metre at all times.
- Maintenance schedule for other elements within the community parcel of land.

Documentation satisfying the requirements of this condition must be endorsed by the 'Certifier' prior to the issue of any Subdivision Certificate.

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

(Reason: To ensure that landscaping installed fulfils its intended purpose for the life of the development)

62. Community Management Statement

Prior to the issue of the Subdivision Certificate, the development proponent is to prepare and submit a community management statement for Council's endorsement. The community management statement is to include the following requirements:

- The community property will contain private infrastructure only, and therefore Council is not liable for the rectification of any damage or maintenance of this private infrastructure for the life of the development.
- Landscaping within the community parcel of land must be maintained in

accordance with the landscaping maintenance schedule endorsed with the Subdivision Certificate.

- The two (2) designated visitor spaces must be designated for these purposes only. They must be line marked and signposted as visitor spaces at all times.
- For garbage/recycling/green waste collection and storage, the community association must allocate a representative to be responsible for:
 - o A maximum number of receptacles for all proposed dwellings to be accommodated within the proposed waste collection area within the Grimston Circuit road reserve. This may require shared bin arrangements; and
 - o All waste receptacles are conveyed from their designated storage areas to the Grimston Circuit road reserve for collection by Council’s waste vehicle; and
 - o All waste receptacles are conveyed from the waste collection area within the Grimston Circuit road reserve, to their designated storage areas, within 3 hours of those waste receptacles being emptied; and
 - o All waste receptacles are to be stored behind the frontages of each dwelling, at all times.
- The community association is responsible for the enforcement of the above requirements.

(Reason: To ensure that the community association and each owner of a community property is aware of its obligations to ensure the maintenance of the property to an acceptable standard)

SECTION J: CONCURRENCE AGENCY CONDITIONS

63. Water NSW Concurrence

Water NSW concurs with Council granting consent to the application, subject to the conditions within the concurrence letter dated 5 May 2021, which must be satisfied during the relevant stage of the development and prior to the issue of the Subdivision/Occupation Certificate (or at a time as otherwise stated in the condition).

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

SECTION K: ADVISORY INFORMATION

- a) Prior to commencing any building, subdivision or associated constructions works, the following provisions of ‘the Act’ are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of ‘the Act’.
 - (ii) A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
 - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.
- b) Changes to the layout of the subdivision configuration may require the submission of a further modification under Section 4.55 of ‘the Act’.
 Discussion with Council Development Liaison Team would assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of ‘the Act’.
- c) Prior to any ‘Work’ commencing on ‘site’ all services should be clearly located and identified by contacting “Dial before you Dig” by telephoning 1100 or utilising

www.1100.com.au

- d) **'Council's' fees and charges are adjusted annually on the 1st July, all fees are calculated at the time of payment this may mean that amounts required to be paid increase.**
- e) **The mailbox erected to service the property must not encroach on the footpath or kerb area.**

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

CARRIED

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

Against: Nil

**15.5 ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT
(INFRASTRUCTURE CONTRIBUTIONS) BILL 2021**

RESOLUTION 2021/351

Moved: Cr Alfie Walker

Seconded: Cr Bob Kirk

That the report from the Business Manager Strategic Planning on the Infrastructure Contributions Bill be received and noted.

CARRIED

15.6 ZONING ANOMALY AT MOGO ROAD, OALLEN**RESOLUTION 2021/352****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara****That:**

- 1. The report from the Senior Strategic Planner on the zoning anomaly at Mogo Road, Oallen be received.**
- 2. Council request that the Department of Planning, Industry and Environment rezone Lot 862 DP 1045802 from part E3 Environmental Management and part E1 National Park and Nature Reserves to E3 Environmental Management under the *Goulburn Mulwaree Local Environmental Plan 2009* in accordance with s3.22 of the *Environmental Planning and Assessment Act 1979* as soon as practicable, without Council being subject to any of the requirements of the ordinary planning proposal process.**
- 3. Council endorse a planning proposal to affect the above amendment in the event that the amendment cannot be undertaken using s3.22 of the *Environmental Planning and Assessment Act 1979*. This includes the following activities:**
 - (a) The planning proposal, once drafted, be forwarded to the Department of Planning, Industry and Environment for a gateway determination in accordance with s3.34 of the *Environmental Planning and Assessment Act 1979*.**
 - (b) In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.**

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

CARRIED

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

Against: Nil

15.7 POST EXHIBITION REPORT - SCHEDULE 5 HERITAGE ITEM HOUSEKEEPING PLANNING PROPOSAL**RESOLUTION 2021/353****Moved: Cr Peter Walker****Seconded: Cr Carol James****That:**

1. The post exhibition report from the Senior Strategic Planner regarding the revision to Schedule 5 Environmental Heritage of the *Goulburn Mulwaree Local Environmental Plan 2009* be received.
2. Council endorse the current planning proposal to amend Schedule 5 (Attached) Environmental Heritage of the *Goulburn Mulwaree Local Environmental Plan 2009* to separate multiple items and correct errors and anomalies to items names, addresses, property descriptions and mapping subject to the changes identified in Attachment 4 and Attachment 5.
3. A draft instrument be prepared that is consistent with the above amendments.
4. The General Manager, using Council's delegated plan-making authority, implement the amendments described above as soon as practicable.
5. The updated Schedule 5 heritage listings are amended on the Heritage NSW State Heritage Register in collaboration with Heritage NSW.

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

CARRIED

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

Against: Nil

15.8 TENDER 2021T0027- REUSE GOULBURN RUG WASTE MANAGEMENT CENTRE

RESOLUTION 2021/354

Moved: Cr Andrew Banfield

Seconded: Cr Leah Ferrara

That

- 1. The report from the Director Utilities be received on Tender 2021T0027 Reuse Goulburn RUG Waste Management Centre**
- 2. The Tender from Lloyd Group Pty Ltd is accepted for the Reuse Goulburn (RUG) Contract in accordance with the specification and documents for Tender 2021T0027. This acceptance is based on the lump sum price of \$8,440,000 (incl. GST).**
- 3. The General Manager be given a delegated authority for variations up to \$500,000 due to the risks with the excavation works at the Waste Management Centre.**
- 4. The unexpected funds from the 2020/21 budget be carried forward to the 2021/22 budget.**
- 5. A transfer of \$896,947 from domestic waste be completed to fund potential variations to the contract and the component of the work above the 2021/22 and remaining 2020/21 budget.**

CARRIED

15.9 2021T0023 - ROUNDABOUT CONSTRUCTION AND ROAD UPGRADE WORKS AT SYDNEY ROAD AND COMMON STREET

RESOLUTION 2021/355

**Moved: Cr Denzil Sturgiss
Seconded: Cr Sam Rowland**

That:

1. The report from the Director Operations on 2021T0023 for the Roundabout Construction and Road Upgrade Works in the Common Street precinct be received.
2. Council resolve not to invite fresh tenders or applications as referred to in Clause 178 (3) (Local Government Regulation) due to time and cost implications to Council required to undertake a fresh tender process and the need to progress with works.
3. Council resolve to enter into negotiations with Cleary Bros Pty Ltd and Menai Civil Contractors Pty Ltd with the view to selecting a preferred tenderer due to:
 - a. Cleary Bros Pty Ltd and Menai Civil Contractors Pty Ltd were deemed to have submitted the two best initial value for money offers
 - b. Cleary Bros Pty Ltd and Menai Civil Contractors Pty Ltd offers could be modified with the design and construct option, amended scope of works and incorporation of viable value engineering options to get an offer compliant with the allocated budget.
4. Council decline the tender submissions from:
 - a. Bost Civil Pty Ltd
 - b. Symal Infrastructure Pty Ltd
5. The Project Manager prepare a follow up report to Council outlining the response to the negotiations and recommending a way forward with this project at the 5 October 2021 Council Meeting.

CARRIED

15.10 MULTQUIP HAULAGE ROUTE STATUS UPDATE AND SUBSEQUENT RECOMMENDATION

RESOLUTION 2021/356

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

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 6:33 pm.

CARRIED

RESOLUTION 2021/357

**Moved: Cr Peter Walker
Seconded: Cr Carol James**

That Council move back into Open Council.

Council moved back into Open Council at 7:08 pm.

CARRIED

RESOLUTION 2021/358**Moved: Cr Peter Walker****Seconded: Cr Denzil Sturgiss**

1. That the report from the Business Manager of Works and the Director of Operations on the current status of repair work of the Multiquip Haulage Route be received.
2. Council acknowledges that parts Jerrara Road and Oallen Ford Road on the Multiquip haulage route have not been upgraded to the required standard and are in need of urgent repairs to be funded by Multiquip in accordance with their development application approval
3. Priority areas of pavement rectification works are 3.2km on Jerrara Road (between South Marulan Road and Prairie Oak Road) and 1.7km on Oallen Ford Road (from Ardmore Park entrance to 1.7km north along Oallen Ford Road).
4. Pavement rectification works for the priority areas are estimated to cost \$1,780,000 and are to be funded by Multiquip.
5. Council delegate authority to the General Manager to enter into negotiations with Multiquip to finalise a funding agreement whereby Council funds up-front repair costs and Multiquip repay these funds on a quarterly basis not longer than five year period with additional quarterly instalment payments to the s94 levy. The negotiations to also include the agreed repair method noting Multiquip preference for method 1 (stabilising the existing widened shoulders) that satisfies current approvals.
6. Multiquip to arrange an approved road design for the priority repair areas in accordance with Council's engineering standards and specifications.
7. Multiquip to arrange repair works in accordance with the agreed repair method on the priority repair area with a completion date of 17 December 2021 in accordance with Council's engineering standards and specifications.
8. Repair works must commence by the 27 September 2021.
9. Council appropriately resource the supervision management of the repair works to verify quality management, works safety and environmental management for the duration of the works.
10. Council and Multiquip continue consultation on the progress of the priority repair work plus develop a long term strategy for the ongoing serviceability of the haulage route that satisfies requirements of the draft VPA for Modification 3.
11. Multiquip submit an updated pavement assessment report verifying 10 year pavement life along the haulage route as stipulated in Clause 2 of the draft VPA for Modification 3 with scope of the pavement assessment endorsed by Council.
12. Council inform the Department of Planning Industry and Environment that Modification 3 cannot proceed until recommendation 9 and 10 are satisfied and the draft VPA is finalised.
13. The General Manager to report back to Council on the outcome of the negotiations.

CARRIED

15.11 AMENDED 2021/22 RURAL ROAD RESEALING PROGRAM**RESOLUTION 2021/359****Moved: Cr Denzil Sturgiss****Seconded: Cr Leah Ferrara****That:**

- 1. The report from the Business Manager of Design & Asset Management on the Amended 2021/22 Rural Road Resealing Program be received.**
- 2. The revised 2021/22 Rural Road Resealing Program be endorsed as listed below:**
 - Lookdown Road**
 - Forest Siding Road**
 - Rhyanna Road**
 - Middle Arm Road**
 - Currawang Road**
 - Parkesbourne Road**
 - Bullamalita Road**
 - Readers Road**
 - Warrima Road**
 - Coopers Lane**
 - Mountain Ash Road**
 - Cullerin Road**
 - Gap Road**
 - Covan Creek Road**
 - Gurrundah Road**
 - Rosemont Road**
 - Oallen Ford Road**
 - May Street**

CARRIED

15.12 POST EXHIBITION REPORT - PROPOSED AMENDMENTS TO ROAD WIDTHS

RESOLUTION 2021/360

Moved: Cr Leah Ferrara

Seconded: Cr Alfie Walker

That

1. The Post Exhibition Report from the Director Operations on the proposed road width amendments received.
2. The Council adopt the proposed road width amendments for cul-de-sacs, access streets and local road and incorporate the amendments into the DCP and Council’s Engineering Standards as follows:

Revised Extract from Table D.1.5A Characteristics of Roads in Residential Road Networks								
Road Type	Number of lots or dwellings (whichever is greater)	Carriageway Width (m)	Road Reserve Width (m)	Kerb Type	Footpath Requirement	Verge Width	Turn Head Requirement (for roads longer than 30m)	Parking
Cul-de-sac (maximum length 100m)	8	6	15	Rollover or layback	One side	4.5m each side	Cul-de-sac head of 10m radius at kerb line	Parking bay in verge
Access Street (including cul-de-sacs greater than 100m)	Up to 20 in each direction	11	18	Rollover or layback	One side	3.5m each side	Cul-de-sac head of 10m radius at kerb line	On street
Local Street	More than 20 in each direction	11	20	Rollover, layback or barrier	Both sides	4.5m each side	Cul-de-sac head of 10m radius at kerb line	On street

3. The road widths in the above table are effective for all developments that move into the pre-lodgement phase from 3 August 2021.
4. Development applications that have received formal written pre-lodgement advice prior to 3 August 2021 proceed under the existing road dimensions.

CARRIED

15.13 SUSTAINABILITY WORKING PARTY - EXPRESSIONS OF INTEREST

RESOLUTION 2021/361

Moved: Cr Sam Rowland

Seconded: Cr Carol James

That

- 1. The report from the Director Utilities for the Sustainability Working Party Expressions of Interest be received.**
- 2. Councillor Sam Rowland be the Councillor Representative.**
- 3. Darrell Weekes be noted as the Goulburn Chamber of Commerce representative.**
- 4. The two representatives from Mulwaree High School, Molly De Cseuz and Hannah Davey and the representative from Trinity Catholic College, Chloe Regterschot, be noted as the student representatives.**
- 5. Council appoints Danielle Marsden-Ballard, Penny Ackery, Ray Shiel, Roger Grice and Sonya Reyes as the community representatives to this working party. Sam Rowland to be appointed the additional community representative position available (due to the unused student position), following the Council elections.**
- 6. All applicants be contacted and advised of the results of the expression of interest and the first meeting be arranged.**

CARRIED

15.14 REQUEST FOR FINANCIAL ASSISTANCE - GOULBURN CONVOY FOR KIDS

RESOLUTION 2021/362

Moved: Cr Peter Walker

Seconded: Cr Alfie Walker

That

- 1. The report of the Director of Corporate & Community Services on Requests for Financial Assistance – Goulburn Convoy for Kids be received.**
- 2. Council provide the following in-kind support to the Goulburn Convoy for Kids to the value of \$1,610.00 to be funded from the Financial Assistance budget:**
 - 50% Hire Fees for Recreation Area \$695.00**
 - Amenity Cleaning, bin hire, waste removal \$915.00**
- 3. Council also approve traffic control for the event totalling \$1,493.44 from the Events Traffic Control budget**

CARRIED

15.15 REQUESTS FOR FINANCIAL ASSISTANCE - GOULBURN LILAC CITY FESTIVAL INC.

Cr Carol James declared an interest in this item and took no part in the discussion or voting on the matter. At 7:15 pm, Cr Carol James left the meeting.

RESOLUTION 2021/363

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

That

1. The report of the Director of Corporate & Community Services on Request for Financial Assistance be received.
2. Council provide the following in-kind support to the value of \$3,205.38 for the Goulburn Lilac City Festival Inc. to be funded from the Financial Assistance budget:
 - 50% hire fees for Belmore Park \$ 649.62
 - Temporary road closure – Montague Street \$ 655.76
 - Belmore Park Amenity Cleaning \$ 522.00
 - Belmore Park waste bin empty, pick-up, delivery \$ 838.00
 - Provision of electricity \$ 540.00
3. Council also provide in-kind traffic control (including Traffic Management Plans) for the Goulburn Lilac City Festival to the value of \$3,395.92 to be funded from the Event Traffic Control budget.

CARRIED

At 7:18 pm, Cr Carol James returned to the meeting.

15.16 QUARTERLY WORKERS COMPENSATION

RESOLUTION 2021/364

**Moved: Cr Denzil Sturgiss
Seconded: Cr Leah Ferrara**

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

CARRIED

15.17 DEBTORS OUTSTANDING REPORT

RESOLUTION 2021/365

**Moved: Cr Alfie Walker
Seconded: Cr Leah Ferrara**

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

CARRIED

15.18 GRANTS UPDATE

RESOLUTION 2021/366

Moved: Cr Carol James

Seconded:Cr Leah Ferrara

That the report of the Senior Grants Officer and the Director of Corporate and Community Services be received and noted.

CARRIED

15.19 ST CLAIR CONSERVATION WORKS - STATUS REPORT

RESOLUTION 2021/367

Moved: Cr Peter Walker

Seconded:Cr Sam Rowland

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

CARRIED

15.20 MINUTES OF THE RECREATION AREA COMMITTEE MEETING HELD ON 2 JUNE 2021

RESOLUTION 2021/368

Moved: Cr Margaret O'Neill

Seconded:Cr Denzil Sturgiss

That the report from Business Manager Community Facilities in regards to the Recreation Area Committee minutes from Wednesday 2 June 2021 be received.

CARRIED

15.21 COUNCILLOR BRIEFING SESSION SUMMARY

RESOLUTION 2021/369

Moved: Cr Leah Ferrara

Seconded:Cr Carol James

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

CARRIED

16 CLOSED SESSION

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

RESOLUTION 2021/370

Moved: Cr Alfie Walker

Seconded: Cr Denzil Sturgiss

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

16.1 Future of Veolia Host Fee

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

16.2 General Managers Performance Review Working Party

This matter is considered to be confidential under Section 10A(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

CARRIED

Council resolved into Closed Session at 7.24pm.

Council resolved into Open Council at 8.12pm.

RESOLUTION 2021/371

Moved: Cr Alfie Walker

Seconded: Cr Leah Ferrara

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

CARRIED

16.1 FUTURE OF VEOLIA HOST FEE

RESOLUTION 2021/372

Moved: Cr Denzil Sturgiss

Seconded:Cr Sam Rowland

That

- 1. The report of the General Manager in regard to the Veolia Host Fee be received.**
- 2. Council advise Veolia that we are satisfied with the current agreement and that those arrangements will continue for the life of the facility as originally intended.**
- 3. Council thanks Veolia Pty Ltd and the Veolia Mulwaree Trust for their ongoing financial support and commitment to this Local Government area and our communities.**
- 4. The General Manager inform Veolia the forward estimates for the expenditure of the host fee.**

CARRIED

16.2 GENERAL MANAGERS PERFORMANCE REVIEW WORKING PARTY

RESOLUTION 2021/373

Moved: Cr Andrew Banfield

Seconded:Cr Denzil Sturgiss

That:

- 1. The report from the Mayor Bob Kirk from General Managers Annual Performance Review Working Party for 2020/21 be received.**
- 2. Council commends the General Manager on his performance for the past financial year.**
- 3. Council endorse the 2021/22 Performance Agreement noting that the General Manager has agreed that the Performance Agreement can be reviewed following the 2021 Local Government elections.**
- 4. The increase in the superannuation contribution from 9.5% to 10% be added to the total remuneration package for the General Manager, backdated to 1 July 2021.**

CARRIED

17 CONCLUSION OF THE MEETING

The Meeting closed at 8.13pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 August 2021.

.....
Cr Bob Kirk
Mayor

.....
Warwick Bennett
General Manager