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**OUR MISSION** TO BE EASY TO DO BUSINESS WITH

# **BUSINESS PAPER**

## **Ordinary Council Meeting**

**1 February 2022**

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





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

Tuesday, 1 February 2022 at 6pm  
in the Council Chambers, Civic Centre  
184 - 194 Bourke Street, Goulburn

## Order Of Business

|           |   |           |
|-----------|---|-----------|
| <b>1</b>  | <b>Opening Meeting.....</b>   | <b>5</b>  |
| <b>2</b>  | <b>Acknowledgement of Country .....</b>   | <b>5</b>  |
| <b>3</b>  | <b>Councillors Declaration and/or Prayer .....</b>  | <b>5</b>  |
| <b>4</b>  | <b>Apologies .....</b>  | <b>5</b>  |
| <b>5</b>  | <b>Applications for a Leave of Absence by Councillors .....</b>   | <b>5</b>  |
|           | Nil   |           |
| <b>6</b>  | <b>Late Items / Urgent Business.....</b>  | <b>5</b>  |
| <b>7</b>  | <b>Disclosure of Interests .....</b>  | <b>5</b>  |
| <b>8</b>  | <b>Presentations .....</b>  | <b>6</b>  |
|           | Nil   |           |
| <b>9</b>  | <b>Public Forum.....</b>  | <b>6</b>  |
| <b>10</b> | <b>Confirmation of Minutes.....</b>   | <b>7</b>  |
| 10.1      | Minutes of the Ordinary Meeting of Council held on 16 November 2021 .....   | 7         |
| 10.2      | Minutes of the Ordinary Meeting of Council held on 11 January 2022 .....  | 25        |
| <b>11</b> | <b>Matters Arising.....</b>   | <b>39</b> |
| 11.1      | Matters Arising from Council Meetings Minutes from the 16 November 2021 & 11 January 2022 .....   | 39        |
| 11.2      | Outstanding Task List from All Previous Meetings.....   | 40        |
| <b>12</b> | <b>Mayoral Minute(s) .....</b>  | <b>43</b> |
|           | Nil   |           |
| <b>13</b> | <b>Notice of Motion(s) .....</b>  | <b>44</b> |
| 13.1      | Notice of Motion - Wakefield Park Legal Challenge.....  | 44        |
| <b>14</b> | <b>Notice of Rescission(s) .....</b>  | <b>47</b> |
|           | Nil   |           |
| <b>15</b> | <b>Reports to Council for Determination .....</b>   | <b>48</b> |
| 15.1      | Subdivision of 99 May Street - Status Update .....  | 48        |
| 15.2      | Post Re-Exhibition Report - Planning Proposal - Amendments to Goulburn Mulwaree LEP Schedule 1 - Additional Permitted Uses at 14 & 16 George Street, Marulan & 159 Rifle Range Road, Goulburn ..... | 55        |
| 15.3      | Post Exhibition Report - Planning Proposal to Rezone Land & Amend Minimum Lot Size at 133 Mary's Mount Road (Teneriffe) .....   | 145       |
| 15.4      | 2021T0001 Goulburn Hockey Redevelopment - New Amenities .....   | 162       |
| 15.5      | VP274768 Fixing Local Roads Windellama Road Rehabilitation Stage 2 .....  | 165       |
| 15.6      | VP273659 Wollondilly Walking Track Cemetery Street Phase 3 .....  | 167       |

|           |   |            |
|-----------|---|------------|
| 15.7      | VP272530 - Cullulla Road Causeway Replacement Project Under 2021T0016 ... | 170        |
| 15.8      | Streets as Shared Spaces - final grant application .....                  | 173        |
| 15.9      | Building Better Regions Fund - Round 6 .....                              | 183        |
| 15.10     | Requests for Financial Assistance - Goulburn A P & H Society .....        | 195        |
| 15.11     | 2022 Council Meeting Dates .....  | 200        |
| 15.12     | 2022 Outreach Meetings .....  | 201        |
| 15.13     | Mayor's Discretionary Fund .....  | 202        |
| 15.14     | Entertainment and Night Time Economy Working Party .....                  | 203        |
| 15.15     | Quarterly Workers Compensation Report.....                                | 212        |
| 15.16     | Goulburn Mulwaree Award Working Party Minutes - 8 November 2021 .....     | 214        |
| 15.17     | External Meeting Minutes.....   | 217        |
| <b>16</b> | <b>Closed Session .....</b>   | <b>288</b> |
|           | There were no closed session reports for determination.                   |            |
| <b>17</b> | <b>Conclusion of the Meeting .....</b>                                    | <b>288</b> |

**Cr Peter Walker**  
**Mayor**

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

## **1 OPENING MEETING**

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

## **2 ACKNOWLEDGEMENT OF COUNTRY**

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

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

## **3 COUNCILLORS DECLARATION AND/OR PRAYER**

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

Declaration

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

OR

Prayer

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

## **4 APOLOGIES**

The Mayor will call for any apologies.

Council will resolve to accept any apology.

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

Nil

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

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

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

## **7 DISCLOSURE OF INTERESTS**

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

## **8 PRESENTATIONS**

Nil

## **9 PUBLIC FORUM**

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

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

## **10 CONFIRMATION OF MINUTES**

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

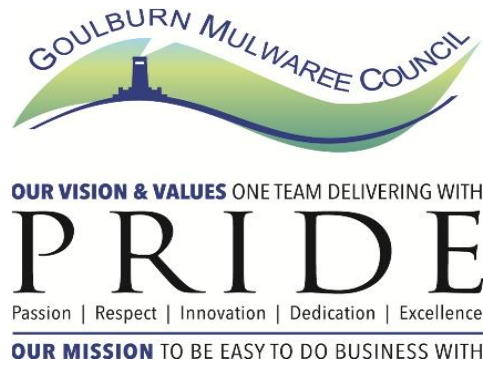
**Author:** General Manager

**Authoriser:** Warwick Bennett, General Manager

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

#### **RECOMMENDATION**

That the Council minutes from Tuesday 16 November 2021 and contained in Minutes Pages No 1 to 18 inclusive and in Minute Nos 2021/539 to 2021/569 inclusive be confirmed.



# MINUTES

## Ordinary Council Meeting

**16 November 2021**

**Order Of Business**

|           |  |          |
|-----------|--|----------|
| <b>1</b>  | <b>Opening Meeting.....</b>  | <b>5</b> |
| <b>2</b>  | <b>Acknowledgement of Country .....</b>  | <b>5</b> |
| <b>3</b>  | <b>Councillors Declaration and/or Prayer .....</b>                                 | <b>5</b> |
| <b>4</b>  | <b>Apologies .....</b>   | <b>5</b> |
| <b>5</b>  | <b>Applications for a Leave of Absence by Councillors .....</b>                    | <b>5</b> |
| <b>6</b>  | <b>Late Items / Urgent Business .....</b>  | <b>5</b> |
| <b>7</b>  | <b>Disclosure of Interests .....</b>   | <b>6</b> |
| <b>8</b>  | <b>Presentations .....</b>   | <b>6</b> |
|           | Nil  |          |
| <b>9</b>  | <b>Public Forum.....</b>   | <b>6</b> |
| <b>10</b> | <b>Confirmation of Minutes.....</b>  | <b>6</b> |
|           | 10.1 Minutes of the Ordinary Meeting of Council held on 2 November 2021 .....      | 6        |
| <b>11</b> | <b>Matters Arising.....</b>  | <b>6</b> |
|           | 11.1 Matters Arising from Council Meetings Minutes from the 2 November 2021 .....  | 6        |
|           | 11.2 Outstanding Task List from All Previous Meetings.....                         | 7        |
| <b>12</b> | <b>Mayoral Minute(s) .....</b>   | <b>7</b> |
|           | 12.1 Mayoral Minute - Thanks for Councillor Service .....                          | 7        |
| <b>13</b> | <b>Notice of Motion(s) .....</b>   | <b>8</b> |
|           | 13.1 Notice of Motion - Entertainment and Night Time Economy Working Party .....   | 8        |
| <b>14</b> | <b>Notice of Rescission(s) .....</b>   | <b>8</b> |
|           | Nil  |          |
| <b>15</b> | <b>Reports to Council for Determination .....</b>                                  | <b>9</b> |
|           | 15.1 DA/0169/1920 - 30 Dorsett Road, Marulan - Planning Agreement .....            | 9        |
|           | 15.2 Gunlake Continuation Project - Submission to EIS.....                         | 10       |
|           | 15.3 Structural Review of Heavy Haulage Routes in the Goulburn Mulwaree Area ..... | 12       |
|           | 15.4 Regional Road Transfer and Road Classification Review.....                    | 12       |
|           | 15.5 Relocate Bus Stop from 167 Auburn Street to 159 Auburn Street .....           | 12       |
|           | 15.6 Civic and Ceremonial Mayoral Duties.....                                      | 13       |
|           | 15.7 Local Roads and Community Infrastructure Fund - Council projects .....        | 14       |
|           | 15.8 Streets as Shared Spaces Grants .....   | 14       |
|           | 15.9 NSW Government Habitat Action Grants.....                                     | 15       |
|           | 15.10 End of Term Report.....  | 15       |
|           | 15.11 Quarterly Budget Review .....  | 15       |
|           | 15.12 2020/21 Audited Financial Statements .....                                   | 16       |
|           | 15.13 2020/21 Statutory Annual Report .....  | 16       |
|           | 15.14 Monthly Financial Report.....  | 16       |
|           | 15.15 Statement of Investments & Bank Balances.....                                | 16       |
|           | 15.16 Grants Update.....   | 17       |

|           |   |           |
|-----------|---|-----------|
| 15.17     | Goulburn Mulwaree Award Working Party Minutes - 25 October 2021 ..... | 17        |
| 15.18     | Sustainability Working Party Minutes - 11 October 2021 .....          | 17        |
| 15.19     | Utilities Directorate Report October 2021 .....                       | 17        |
| 15.20     | Corporate & Community Services Directorate Report October 2021 .....  | 17        |
| 15.21     | Operations Directorate Report - October 2021 .....                    | 18        |
| 15.22     | Planning & Environment Directorate Report October 2021.....           | 18        |
| <b>16</b> | <b>Closed Session .....</b>   | <b>18</b> |
|           | There were no closed session reports for determination.               |           |
| <b>17</b> | <b>Conclusion of the Meeting .....</b>                                | <b>18</b> |



**MINUTES OF GOULBURN MULWAREE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,  
GOULBURN  
ON TUESDAY, 16 NOVEMBER 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 Carol James, Cr Denzil Sturgiss

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

**1 OPENING MEETING**

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

**2 ACKNOWLEDGEMENT OF COUNTRY**

Mayor Bob Kirk made the following acknowledgement.

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

**3 COUNCILLORS DECLARATION AND/OR PRAYER**

The declaration was read by Cr Leah Ferrara.

**4 APOLOGIES**

**RESOLUTION 2021/539**

**Moved:** Cr Alfie Walker

**Seconded:** Cr Sam Rowland

**That the apology received from Cr Margaret O'Neill be accepted.**

**CARRIED**

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

**RESOLUTION 2021/540**

**Moved:** Cr Alfie Walker

**Seconded:** Cr Sam Rowland

**That a leave of absence for Cr Margaret O'Neill be granted due to ill health.**

**CARRIED**

**6 LATE ITEMS / URGENT BUSINESS**

Nil

**7 DISCLOSURE OF INTERESTS**

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**

Darce Corsie from Gunlake addressed Council on Item 15.2 Gunlake Continuation Project - Submission to EIS.

**RESOLUTION 2021/541**

**Moved:** Cr Sam Rowland

**Seconded:** Cr Peter Walker

**That Darce Corsie be given an extension of time.**

**CARRIED**

Geoff Kettle & Ed O'Neil from Gunlake addressed Council on Item 15.2 Gunlake Continuation Project - Submission to EIS.

**10 CONFIRMATION OF MINUTES****10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 2 NOVEMBER 2021****RESOLUTION 2021/542**

**Moved:** Cr Carol James

**Seconded:** Cr Sam Rowland

**That the Council minutes from Tuesday 2 November 2021 and contained in Minutes Pages No 1 to 18 inclusive and in Minute Nos 2021/517 to 2021/538 inclusive be confirmed.**

**CARRIED**

**11 MATTERS ARISING****11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 2 NOVEMBER 2021**

Nil

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

### **RESOLUTION 2021/543**

**Moved: Cr Alfie Walker**

**Seconded: Cr Peter Walker**

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

**CARRIED**

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

### **12.1 MAYORAL MINUTE - THANKS FOR COUNCILLOR SERVICE**

#### **RESOLUTION 2021/544**

**Moved: Cr Bob Kirk**

**That**

- 1. That the Mayoral Minute on Thanks for Councillor Service be received.**
- 2. Council formally acknowledge the significant community contribution made by Cr Denzil Sturgiss (22 years), Cr Alfie Walker (9 years) and Cr Sam Rowland (9 years).**

**CARRIED**

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

#### **13.1 NOTICE OF MOTION - ENTERTAINMENT AND NIGHT TIME ECONOMY WORKING PARTY**

##### **RESOLUTION 2021/545**

**Moved: Cr Peter Walker**

**Seconded: Cr Andrew Banfield**

**That:**

- 1. Council form an Entertainment and Night Time Economy Working Party.**
- 2. Working Party address the changes with regards to:**
  - **Liquor Act 2020**
  - **State Government Special Precinct requirements.**
  - **Public safety and noise issues**
  - **Funding for projects**
- 3. Entertainment and Night Time Economy Working Party to include:**
  - **Councillor (1) (allocate after election)**
  - **Hume Conservatorium Representative**
  - **Lieder Theatre Representative**
  - **NSW Police Representative**
  - **Community Representatives (4)**
- 4. Council calls for Expressions of Interest for the community representatives to be part of the Entertainment and Night Time Economy Working Party.**
- 5. A brief for the Entertainment and Night Time Economy Working Party be developed and returned to Council for ratification.**

**CARRIED**

### **14 NOTICE OF RESCISSION(S)**

Nil

## 15 REPORTS TO COUNCIL FOR DETERMINATION

### 15.1 DA/0169/1920 - 30 DORSETT ROAD, MARULAN - PLANNING AGREEMENT

#### RESOLUTION 2021/546

Moved: Cr Leah Ferrara

Seconded: Cr Denzil Sturgiss

That:

1. The staff report for draft Planning Agreement associated with DA/0169/1920 for eight (8) residential Lots and one (1) drainage Lot be received.
2. The draft Planning Agreement associated with DA/0169/1920 for eight (8) residential Lots and one (1) drainage Lot be placed on public exhibition for a minimum period of 28 days, in accordance with section 7.5(1) of the *Environmental Planning and Assessment Act 1979*.
3. Subject to no submissions being received the General Manager be given delegation to execute the Planning Agreement.
4. Council notes that the Carpark at the Meridian Reserve Marulan has been completed and thus when this monetary contribution is paid the funds be used for other community infrastructure in Marulan.

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, Carol James and Denzil Sturgiss

Against: Nil

## **15.2 GUNLAKE CONTINUATION PROJECT - SUBMISSION TO EIS**

### **RESOLUTION 2021/547**

**Moved: Cr Peter Walker**

**Seconded: Cr Leah Ferrara**

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

Council moved into Committee of the whole at 7:06 pm.

**CARRIED**

### **RESOLUTION 2021/548**

**Moved: Cr Alfie Walker**

**Seconded: Cr Andrew Banfield**

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

Council moved back into Open Council at 7:25 pm.

**CARRIED**

### **RESOLUTION 2021/549**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Alfie Walker**

**That:**

- 1. The report of the Director Planning and Environment be received.**
- 2. Council does not object to the Gunlake Quarry Continuous Project**
- 3. To ensure that community impact is minimised, Council makes the following submission to DPIE in relation to the Gunlake Continuation Project EIS:-**

#### **a) Matters relating to the Transport Route**

**Noting for all the below submissions - that where Council requires a consultant to be engaged that any consultant be independent from Gunlake, funded by Gunlake and all scope of works undertaken by the independent consultant to be approved by the Councils General Manager before the engagements commences.**

- i. A structural assessment by an Independent appropriately qualified engineering consultant of all bridges and culverts be undertaken for proposed vehicles exceeding the current allowable load limit along the Primary Transport Route.**
- ii. Widening of bridges and culverts is required on the primary transport route to allow a consistent wide centre line treatment to be implemented.**
- iii. Gunlake fund and install a school bus stop on the road reserve in a safe location outside Johnniefelds Quarry in accordance with Transport for NSW guidelines.**
- iv. An independent traffic consultant be engaged to investigate any lighting and/or delineation upgrade at all intersections along the primary transport route and if upgrades are warranted by the independent traffic consultant then those upgrades to be funded and installed by Gunlake**
- v. The intersection of the Brayton Road and Ambrose Road intersection should be assessed to ensure it meets the relevant Austroads Guidelines,**
- vi. The sight distance be reviewed at the intersection of Red Hills Road and Ambrose Road for vehicles existing Red Hills Road. If improvements are**

identified by the review they be implemented in accordance with Austroads Guidelines.

- vii. The speed limit for the Primary haulage route should be reduced to 80kmh for all vehicles. It is noted that the applicant, Council, the Gunlake Community Consultative Committee and the Local Member of Parliament have all previously endorsed and advocated for this outcome.
- viii. Minimum 3m trafficable clear zones should be installed for the full length of the Primary Haulage route – with the exception of bridges, culverts and other area agreed by the General Manager where it is impracticable to do so - and be constructed in line with Austroads guidelines for heavy vehicle use.
- ix. The actions identified in the Road Safety Assessment Report for the Primary Transport Route be implemented
- x. A pavement assessment report by independent geotechnical consultant be commissioned to investigate the integrity of the existing pavement and to determine if the pavement will achieve a ten (10) year pavement life with the projected heavy traffic volumes.
- xi. Prior to the transportation of more than 220,000 tonnes per calendar month of quarry product from the site, the applicant must complete all transport route upgrade to Council's satisfaction.
- xii. Detailed road work plans which outline the extent of works to be undertaken, including any supportive calculations, modelling, and geotechnical investigations, shall be submitted to Council for approval in accordance with Section 138 of the Roads Act 1993.

**b) Matters relating to the Operation of the Quarry**

- i. Council request that DPIE engage an independent acoustic consultant to review the contents of the Noise Impact Assessment that forms part of the EIS so as to ensure its adequacy, and to ensure that suitable conditions of consent are imposed.
- ii. Council request DPIE to consider the inclusion of a condition of consent that restricts the use of engine brakes on the entire secondary transport route, and also in the vicinity of the Brayton Road/Ambrose Road intersection.
- iii. Council request that DPIE engage an independent professional to review the contents of the Air Quality Impact Assessment so as to ensure its adequacy, and to ensure that suitable conditions of consent are imposed.

**c) Matters relating to Developer Contributions**

- i. Council requires a condition of consent that s7.11 contributions be applied in accordance with the Goulburn Mulwaree Local Infrastructure Contributions Plan 2021. The current rate as adopted in Council's fees and charges for 2021/22 for developments involving heavy vehicle movements on local and regional roads is \$0.05090 per tonne per km; and
4. In the event the DPIE fail to implement a condition to introduce a condition on contributions in accordance with Paragraph 2 c) i then Council enter into a Planning Agreement with Gunlake Quarries Ltd in accordance with the provisions of Section 7.4 of the Environmental Planning & Assessment Act 1979.

**CARRIED**

### **15.3 STRUCTURAL REVIEW OF HEAVY HAULAGE ROUTES IN THE GOULBURN MULWAREE AREA**

#### **RESOLUTION 2021/550**

**Moved: Cr Peter Walker**

**Seconded: Cr Alfie Walker**

**That:**

- 1. The report on the Review of Heavy Haulage Routes in the Goulburn Mulwaree Area from the Business Manager of Design & Asset Management be received.**
- 2. Council makes an application to Transport for NSW for a special grant for the maintenance for the Taralga Road bridge to be included in the 2022/23 budget allocations**
- 3. Currawang Road, Taralga Road and Cullerin Road be progressed for inclusion as B-Double Routes with the National Heavy Vehicle Regulator.**

**CARRIED**

### **15.4 REGIONAL ROAD TRANSFER AND ROAD CLASSIFICATION REVIEW**

#### **RESOLUTION 2021/551**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Carol James**

**That**

- 1. The report from the Director of Operations on the update of the Road Classification Review be received.**
- 2. The Council adds the Bungendore Road – From Braidwood Road at Tarago to the boundary area with Queanbeyan Palerang Council to be classified as a State Road from a Regional Road**

**CARRIED**

### **15.5 RELOCATE BUS STOP FROM 167 AUBURN STREET TO 159 AUBURN STREET**

#### **RESOLUTION 2021/552**

**Moved: Cr Peter Walker**

**Seconded: Cr Andrew Banfield**

**That:**

- 1. The report from the Director of Operations on the relocation of the existing bus stop at 167 Auburn Street to 159 Auburn Street be received.**
- 2. Council endorse the relocation of the existing bus stop at 167 Auburn Street to 159 Auburn Street**

**CARRIED**

Council took a dinner break at 7.39pm.

The council reconvened at 8.10pm.



## **15.6 CIVIC AND CEREMONIAL MAYORAL DUTIES**

Cr Alfie Walker returned to the meeting at 8.12pm.

### **COMMITTEE OF THE WHOLE**

Moved: Cr Peter Walker

That Council Move into Committee of the Whole.

The motion lost due to a lack of a seconder.

### **COMMITTEE OF THE WHOLE**

Moved: Cr Bob Kirk

Seconded: Cr Peter Walker

That Council Move into Committee of the Whole.

The motion was put and lost.

### **MOTION**

Moved: Cr Sam Rowland

Seconded: Cr Leah Ferrara

That

1. The report of the General Manager on Civic and Ceremonial Duties be received.
2. Council delegate to Mr Robert (Bob) Kirk the authority to represent the Council at civic functions from 5<sup>th</sup> December 2021 to 11 January 2022 whilst there is no Councillor holding Civic Office.

### **RESOLUTION 2021/553**

Moved: Cr Peter Walker

Seconded: Cr Andrew Banfield

That:

1. The report of the General Manager on Civic and Ceremonial Duties be received.
2. Council delegate to Mr Robert (Bob) Kirk and if Mr Kirk is unavailable any other individual as nominated by Mr Kirk who is a current Councillor the authority to represent the Council at civic functions from 5<sup>th</sup> December 2021 to 11 January 2022 whilst there is no Councillor holding Civic Office.

The amendment then became the motion and was put and carried.

**CARRIED**

**15.7 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE FUND - COUNCIL PROJECTS****RESOLUTION 2021/554****Moved: Cr Andrew Banfield****Seconded: Cr Leah Ferrara****That**

- 1. The report of the General Manager on Local Roads and Community Infrastructure Fund – Council Projects be received**
- 2. Council approves the allocation of \$2,149,768 from the Local Roads and Community Infrastructure Fund as follows**
  - Deccan Street Rehabilitation - \$522,366**
  - Goulburn Mulwaree Animal Shelter - \$40,000**
  - North Park Pavilion- \$600,000**
  - New footpaths in the Villages - \$300,000**
  - Resealing Rural Roads - \$687,402**

**CARRIED**

At 8:33 pm, Cr Sam Rowland left the meeting.

**15.8 STREETS AS SHARED SPACES GRANTS****RESOLUTION 2021/555****Moved: Cr Carol James****Seconded: Cr Leah Ferrara****That**

- 1. The report of the General Manager on Streets as Shared Spaces Grant be received, noting that the Expression of Interest has been lodged.**
- 2. If Council is invited to submit a firm application then the final project be presented to the 1<sup>st</sup> February 2022 Council meeting for endorsement before being submitted to the funding providers on the 11<sup>th</sup> February 2022.**

**CARRIED**

## **15.9 NSW GOVERNMENT HABITAT ACTION GRANTS**

### **RESOLUTION 2021/556**

**Moved: Cr Andrew Banfield**

**Seconded: Cr Leah Ferrara**

**That:**

- 1. The report of the General Manager on NSW Government Habitat Action Grants be received.**
- 2. Council makes an application to the NSW Government Habitat Action Grants Program for further clearance work to the river between the Tully Park Golf Course to behind the Goulburn Correctional Facility.**

**CARRIED**

At 8:36 pm, Cr Sam Rowland returned to the meeting.

## **15.10 END OF TERM REPORT**

### **RESOLUTION 2021/557**

**Moved: Cr Carol James**

**Seconded: Cr Denzil Sturgiss**

**That**

- 1. The report from the Director Corporate & Community Services on the End of Term Report be received.**
- 2. The Council endorse the End of Term Report.**

**CARRIED**

## **15.11 QUARTERLY BUDGET REVIEW**

### **RESOLUTION 2021/558**

**Moved: Cr Alfie Walker**

**Seconded: Cr Carol James**

**That:**

- 1. The report of the Director Corporate & Community Services on the September 2021 Quarterly Budget Review be noted.**
- 2. The budged variations contained within the September 2021 Quarterly Review be approved.**

**CARRIED**

## **15.12 2020/21 AUDITED FINANCIAL STATEMENTS**

### **RESOLUTION 2021/559**

**Moved: Cr Alfie Walker**

**Seconded: Cr Carol James**

**That**

- 1. The report from the Director Corporate & Community Services on the 2020/21 Audited Financial Reports be received.**
- 2. The Audited Financial Statements for the year ending 30 June 2021 be received and the Financial Position of Council be noted.**

## **15.13 2020/21 STATUTORY ANNUAL REPORT**

### **RESOLUTION 2021/560**

**Moved: Cr Alfie Walker**

**Seconded: Cr Carol James**

**That**

- 1. The report by the Director Corporate & Community Services on the 2020/21 Statutory Annual Report be received.**
- 2. Council endorse the 2020/21 Statutory Annual Report as required by the Local Government Act 1993.**

## **15.14 MONTHLY FINANCIAL REPORT**

### **RESOLUTION 2021/561**

**Moved: Cr Alfie Walker**

**Seconded: Cr Carol James**

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

## **15.15 STATEMENT OF INVESTMENTS & BANK BALANCES**

### **RESOLUTION 2021/562**

**Moved: Cr Peter Walker**

**Seconded: Cr Alfie Walker**

**That the report by the Director Corporate & Community Services and the Accountant on the Statement of Investments and Bank Balances be received.**

**CARRIED**

**15.16 GRANTS UPDATE**

**RESOLUTION 2021/563**

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

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

**CARRIED**

**15.17 GOULBURN MULWAREE AWARD WORKING PARTY MINUTES - 25 OCTOBER 2021**

**RESOLUTION 2021/564**

**Moved: Cr Bob Kirk  
Seconded: Cr Denzil Sturgiss**

**That the report from the General Manager in relation to the Goulburn Mulwaree Award Working Party Meeting Minutes held on the 25 October 2021 be received.**

**CARRIED**

**15.18 SUSTAINABILITY WORKING PARTY MINUTES - 11 OCTOBER 2021**

**RESOLUTION 2021/565**

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

**That the Sustainability Working Party Minutes dated 1 November 2021 report from the Director Utilities be noted.**

**CARRIED**

**15.19 UTILITIES DIRECTORATE REPORT OCTOBER 2021**

**RESOLUTION 2021/566**

**Moved: Cr Denzil Sturgiss  
Seconded: Cr Carol James**

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

**CARRIED**

**15.20 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT OCTOBER 2021**

**RESOLUTION 2021/567**

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

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

**CARRIED**

## **15.21 OPERATIONS DIRECTORATE REPORT - OCTOBER 2021**

### **RESOLUTION 2021/568**

**Moved: Cr Peter Walker**

**Seconded: Cr Denzil Sturgiss**

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

**CARRIED**

## **15.22 PLANNING & ENVIRONMENT DIRECTORATE REPORT OCTOBER 2021**

### **RESOLUTION 2021/569**

**Moved: Cr Leah Ferrara**

**Seconded: Cr Carol James**

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

**CARRIED**

## **16 CLOSED SESSION**

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

There were no closed session reports for determination.

## **17 CONCLUSION OF THE MEETING**

**The Meeting closed at 9.30pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 1 February 2022.**

.....  
**Cr Peter Walker**  
**Mayor**

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

**10.2 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 11 JANUARY 2022**

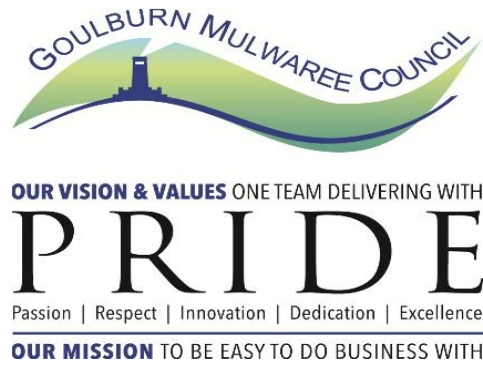
**Author:** General Manager

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. Minutes of the Ordinary Meeting of Council held on 11 January 2022

**RECOMMENDATION**

That the Council minutes from Tuesday 11 January 2022 and contained in Minutes Pages No 1 to 14 inclusive and in Minute Nos 2022/1 to 2022/18 inclusive be confirmed.



# MINUTES

## Ordinary Council Meeting

11 January 2022



**Order Of Business**

|           |   |           |
|-----------|---|-----------|
| <b>1</b>  | <b>Opening Meeting.....</b>                                     | <b>4</b>  |
| <b>2</b>  | <b>Acknowledgement of Country .....</b>                         | <b>4</b>  |
| <b>3</b>  | <b>Councillors Oath or Declaration .....</b>                    | <b>4</b>  |
| <b>4</b>  | <b>Councillors Declaration and/or Prayer .....</b>              | <b>4</b>  |
| <b>5</b>  | <b>Apologies .....</b>  | <b>4</b>  |
| <b>6</b>  | <b>Applications for a Leave of Absence by Councillors .....</b> | <b>5</b>  |
|           | Nil   |           |
| <b>7</b>  | <b>Late Items / Urgent Business.....</b>                        | <b>5</b>  |
| <b>8</b>  | <b>Disclosure of Interests .....</b>                            | <b>5</b>  |
| <b>9</b>  | <b>Presentations .....</b>                                      | <b>5</b>  |
|           | Nil   |           |
| <b>10</b> | <b>Public Forum.....</b>  | <b>5</b>  |
| <b>11</b> | <b>Notice of Motion(s) .....</b>                                | <b>5</b>  |
|           | Nil   |           |
| <b>12</b> | <b>Notice of Rescission(s) .....</b>                            | <b>5</b>  |
|           | Nil   |           |
| <b>13</b> | <b>Reports to Council for Determination .....</b>               | <b>5</b>  |
| 13.1      | Returning Officer.....  | 5         |
| 13.2      | Mayoral Delegations .....                                       | 6         |
| 13.3      | Election of Mayor .....   | 6         |
| 13.4      | Election of Deputy Mayor .....                                  | 7         |
| 13.5      | Committee Appointments .....                                    | 9         |
| 13.6      | Council Working Party Membership .....                          | 10        |
| 13.7      | External Committee Appointments .....                           | 11        |
| 13.8      | Potential of By Elections in the event of casual vacancy .....  | 13        |
| 13.9      | Electoral funding obligations.....                              | 13        |
| <b>14</b> | <b>Closed Session .....</b>                                     | <b>14</b> |
|           | There were no closed session reports for determination.         |           |
| <b>15</b> | <b>Conclusion of the Meeting .....</b>                          | <b>14</b> |

**MINUTES OF GOULBURN MULWAREE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,  
GOULBURN  
ON TUESDAY, 11 JANUARY 2022 AT 6PM**

**PRESENT:** Cr Andrew Banfield, Cr Carol James, Cr Bob Kirk, Cr Michael Prevedello, Cr Steven Ruddell, Cr Daniel Strickland, Cr Jason Shepherd, Cr Peter Walker, Cr Andy Wood

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

**1 OPENING MEETING**

General Manager Warwick Bennett opened the meeting 6pm. The General Manager advised that the meeting would be webcast live.

**2 ACKNOWLEDGEMENT OF COUNTRY**

General Manager Warwick Bennett 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 OATH OR DECLARATION**

The Local Government Act 1993 requires Councillors to take an oath of office or make an affirmation of office prior to undertaking their role.

Cr Andrew Banfield took the oath of office

Cr Carol James took the oath of office

Cr Bob Kirk took the oath of office

Cr Michael Prevedello took the oath of office

Cr Steven Ruddell took the affirmation of office

Cr Jason Shepherd took the affirmation of office

Cr Daniel Strickland took the oath of office

Cr Peter Walker took the oath of office

Cr Andy Wood took the oath of office

**4 COUNCILLORS DECLARATION AND/OR PRAYER**

The opening prayer or declaration was read by Cr Michael Prevedello.

**5 APOLOGIES**

Nil

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

Nil

**7 LATE ITEMS / URGENT BUSINESS**

Nil

**8 DISCLOSURE OF INTERESTS**

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.

**9 PRESENTATIONS**

Nil

**10 PUBLIC FORUM**

Nil

**11 NOTICE OF MOTION(S)**

Nil

**12 NOTICE OF RESCISSION(S)**

Nil

**13 REPORTS TO COUNCIL FOR DETERMINATION****13.1 RETURNING OFFICER****RESOLUTION 2022/1****Moved: Cr Carol James****Seconded: Cr Andrew Banfield**

**That the report of the General Manager on the Returning Officer for the Mayor and Deputy Mayor Elections be received.**

**CARRIED**

## 13.2 MAYORAL DELEGATIONS

### RESOLUTION 2022/2

Moved: Cr Daniel Strickland

Seconded: Cr Carol James

That:

1. The report from the Manager Governance on Mayoral Delegations be received.
2. In accordance with s377 Local Government Act 1993 Council delegates to the Mayor the powers, functions, duties and authorities as specified in the attached "Delegation of Authority" for the Mayor.

**CARRIED**

## 13.3 ELECTION OF MAYOR

### RESOLUTION 2022/3

Moved: Cr Bob Kirk

Seconded: Cr Michael Prevedello

That

1. The report of the General Manager on the election of the Mayor be received.
2. Council elects the Mayor for the period from 11<sup>th</sup> January 2022 until September 2023
3. Following the close of nominations for the position of Mayor the method of electing the Mayor be determined by Open Voting in accordance with Schedule 7 Local Government (General) Regulation 2005 if there is more than one nomination.

**CARRIED**

### AMENDMENT

Moved: Cr Peter Walker

Seconded: Cr Steven Ruddell

That

1. The report of the General Manager on the election of the Mayor be received.
2. Council elects the Mayor for the period from 11<sup>th</sup> January 2022 until September 2023
3. Following the close of nominations for the position of Mayor the method of electing the Mayor be determined by Ordinary Ballot in accordance with Schedule 7 Local Government (General) Regulation 2005 if there is more than one nomination.

The amendment was put and lost.

The General Manager as Returning Officer called for nominations for the position of Mayor for the Goulburn Mulwaree Council for the period 11 January 2022 to 5 September 2023.

There were two (2) nominations for Mayor.

- Cr Bob Kirk
- Cr Peter Walker

The General Manager closed nominations.

Both Cr Peter Walker & Cr Bob Kirk addressed the Council.

The General Manager then conducted the election by Open Vote with the results being as follows:

- Cr Bob Kirk                      4 votes
- Cr Peter Walker                5 votes

**Following the voting the General Manager, as returning Officer declared Cr Peter Walker as Mayor for the period 11 January 2022 to 5 September 2023.**

#### **13.4      ELECTION OF DEPUTY MAYOR**

##### **RESOLUTION 2022/4**

**Moved:      Cr Bob Kirk**

**Seconded: Cr Jason Shepherd**

**That**

- 1. The report of the General Manager on the election of the Deputy Mayor be received.**
- 2. Council elects a Deputy Mayor from 11<sup>th</sup> January 2021 until September 2023**
- 3. Following the close of nominations for the position of Deputy Mayor the method of electing the Deputy Mayor be determined by Open Vote in accordance with Schedule 7 Local Government (General) Regulation 2005 if more than one nomination is received**

**CARRIED**

#### **DEFERAL**

##### **RESOLUTION 2022/5**

**Moved:      Cr Andrew Banfield**

**Seconded: Cr Bob Kirk**

**That Council take 5 minute deferral at 7.08pm for the General Manager to review the Code of Meeting Practice in relation to rescinding of a motion at this meeting.**

**CARRIED**

Council took a 5 minute recess at 7.08pm

Council returned at 7.13pm

## RECISION MOTION

### RESOLUTION 2022/6

Moved: Cr Andrew Banfield

Seconded: Cr Carol James

That

3. The following resolution 2022/4 titled Election of Deputy Mayor that was passed on 11 January 2022 of meeting be rescinded.

*That:*

1. *The report of the General Manager on the election of the Deputy Mayor be received.*
2. *Council elects a Deputy Mayor from 11<sup>th</sup> January 2021 until September 2023*
3. *Following the close of nominations for the position of Deputy Mayor the method of electing the Deputy Mayor be determined by Open Vote in accordance with Schedule 7 Local Government (General) Regulation 2005 if more than one nomination is received*

**CARRIED**

## ELECTION OF DEPUTY MAYOR

### RESOLUTION 2022/7

Moved: Cr Andrew Banfield

Seconded: Cr Jason Shepherd

That Goulburn Mulwaree Council does not have a Deputy Mayor.

**CARRIED**

The meeting took a recess for dinner at 7.31pm for 30 minutes.

Council return to Open Council at 8.02pm.

**13.5 COMMITTEE APPOINTMENTS****RESOLUTION 2022/8****Moved: Cr Bob Kirk****Seconded: Cr Steven Ruddell****That Council Move into Committee of the Whole.**

Council moved into Committee of the whole at 8:08pm.

**CARRIED****RESOLUTION 2022/9****Moved: Cr Bob Kirk****Seconded: Cr Andy Wood****That Council move back into Open Council.**

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

**CARRIED****RESOLUTION 2022/10****Moved: Cr Andy Wood****Seconded: Cr Michael Prevedello****That**

- 1. The report of the General Manager on the appointment of Councillors to Committees be received**
- 2. Council determines the following appointment to the Committees and frequency of those meetings**

| <b>Name of Committee</b>                      | <b>Council Representative</b>   | <b>Frequency of Meetings</b> |
|---|---|------------------------------|
| <b>Sports Council</b>                         | <b>1. Cr Prevedello<br/>2. Cr Banfield (Alternate)</b>                | <b>Four times per year</b>   |
| <b>Recreation Committee</b> <b>Area</b>       | <b>1. Cr Ruddell<br/>2. Cr Wood<br/>3. Cr Shepherd (Alternative)</b>  | <b>Six times per year</b>    |
| <b>Traffic Committee</b>                      | <b>1. Cr Banfield<br/>2. Cr Ruddell (Alternate)</b>                   | <b>Quarterly</b>             |
| <b>Sporting Hall of fame</b>                  | <b>1. Cr James<br/>2. Cr Banfield (Alternate)</b>                     | <b>Annually</b>              |
| <b>Ray Harvey Sports Foundation Committee</b> | <b>1. Cr Prevedello<br/>2. Cr James<br/>3. Cr Ruddell (Alternate)</b> | <b>Two times per year</b>    |

**CARRIED**

**13.6 COUNCIL WORKING PARTY MEMBERSHIP****RESOLUTION 2022/11****Moved: Cr Bob Kirk****Seconded: Cr Steven Ruddell****That Council Move into Committee of the Whole.**

Council moved into Committee of the whole at 8:40pm.

**CARRIED****RESOLUTION 2022/12****Moved: Cr Bob Kirk****Seconded: Cr Michael Prevedello****That Council move back into Open Council.**

Council moved back into Open Council at 8:53pm.

**CARRIED****RESOLUTION 2022/13****Moved: Cr Jason Shepherd****Seconded: Cr Carol James****That:**

1. The report of the General Manager on the Councillor membership for working parties be received.
2. Council determines the following appointment to the Working Party's

|  |   |
|--|---|
| <b>General Managers Performance Review</b>               | <b>Mayor<br/>Cr Kirk<br/>Cr James<br/>Cr Shepherd<br/>Cr Banfield</b> |
| <b>Goulburn Mulwaree Youth Council</b>                   | <b>Cr James<br/>Cr Ruddell (Alternate)</b>                            |
| <b>Goulburn Flood Management Study Working Party</b>     | <b>Cr Shepherd</b>  |
| <b>Marulan Flood Management Study Working Party</b>      | <b>Cr Shepherd</b>  |
| <b>Bungonia Village Discretionary Fund Working Party</b> | <b>Cr Kirk<br/>Mayor (Alternate)</b>                                  |
| <b>Tarago Village Discretionary Fund Working Party</b>   | <b>Cr Wood<br/>Mayor (Alternate)</b>                                  |



|  |  |
|--|--|
| <b>Marulan Village Discretionary Fund Working Party</b>      | <b>Cr Prevedello<br/>Mayor (Alternate)</b>     |
| <b>Parkesbourne Village Discretionary Fund Working Party</b> | <b>Cr James<br/>Mayor (Alternate)</b>          |
| <b>Towrang Village Discretionary Fund Working Party</b>      | <b>Cr Banfield<br/>Mayor (Alternate)</b>       |
| <b>Middle Arm Discretion Fund Working Party</b>              | <b>Mayor Walker<br/>Cr Ruddell (Alternate)</b> |
| <b>Tallong Discretion Fund Working Party</b>                 | <b>Cr Strickland<br/>Mayor (Alternate)</b>     |
| <b>Sustainability Working Party</b>                          | <b>Cr Shepherd<br/>Mayor (Alternate)</b>       |
| <b>Goulburn Mulwaree Award Working Party</b>                 | <b>Mayor Walker<br/>Cr Kirk</b>                |

3. Council advertises Expression of Interest for four community representatives to work with the Councillor representative and staff on the following working parties
  - Bungonia Village Discretionary Fund
  - Marulan Village Discretionary Fund
  - Parkesbourne Village Discretionary Fund
  - Towrang Village Discretionary Fund
  - Middle Arm Discretionary Fund
4. The Tarago Discretionary Fund allocation authority be delegated to the Tarago and Districts Progress Association Inc Executive
5. The Windellama Discretionary Fund allocation authority be delegated to the Windellama Progress Association.

**CARRIED**

**13.7 EXTERNAL COMMITTEE APPOINTMENTS****RESOLUTION 2022/14****Moved: Cr Carol James****Seconded: Cr Steven Ruddell****That Council Move into Committee of the Whole.**

Council moved into Committee of the whole at 8:54pm.

**CARRIED****RESOLUTION 2022/15****Moved: Cr Daniel Strickland****Seconded: Cr Carol James****That Council move back into Open Council.**

Council moved back into Open Council at 9:12pm.

**CARRIED****RESOLUTION 2022/16****Moved: Cr Andy Wood****Seconded: Cr Carol James****That**

1. The report of the General Manager on Appointments to External Committees be received.
2. Council confirms the following appointment to the External Committees:

| <b>Committee Name</b>  | <b>Council Delegates</b>                                   |
|--|--|
| <b>Ardmore Park Community Consultative Committee</b>                       | <b>Director Planning &amp; Environment</b>                 |
| <b>ClubGRANTS</b>  | <b>Mayor<br/>Cr James</b>                                  |
| <b>Goulburn Liquor Accord</b>  | <b>Cr Ruddell</b>  |
| <b>Gullen Range Wind Farm Community Fund S355 Community Committee</b>      | <b>Director Planning &amp; Environment</b>                 |
| <b>Gunlake Community Consultative Committee</b>                            | <b>Cr Shepherd<br/>Director Planning &amp; Environment</b> |
| <b>Heron Resources Pty Limited Woodlawn Project Consultative Committee</b> | <b>Mayor Walker</b>  |
| <b>Joint Regional Planning Panel</b>                                       | <b>Cr Shepherd</b>   |
| <b>Local Emergency Management</b>  | <b>Cr Strickland<br/>Cr Shepherd (Alternate)</b>           |

|   |   |
|---|---|
|   | <b>Director Operations</b>                              |
| <b>Lynwood Consultative Committee</b>   | <b>Cr Kirk</b><br><b>General Manager</b>                |
| <b>Pepper Tree Community Consultative Committee</b>                                 | <b>Mayor Walker</b><br><b>Cr Ruddell (Alternate)</b>    |
| <b>South East Australian Transport Strategy (SEATS)</b>                             | <b>Mayor Walker</b><br><b>Cr Shepherd (Alternative)</b> |
| <b>Southern Tablelands Zone Bush Fire Management Committee</b>                      | <b>Cr Banfield</b>                                      |
| <b>Southern Tablelands/South Coast Region Noxious Plants Committee</b>              | <b>Cr Banfield</b><br><b>Cr Ruddell (Alternate)</b>     |
| <b>Veolia Woodlawn Bioreactor Community Liaison / Tarago Consultative Committee</b> | <b>Cr Wood</b>  |

3. Council notes that this Council representative on the following external committees are for the Mayor and/or General Manager only:-

- Regional Cities NSW
- Canberra Regional Joint Organisation
- Country Mayors Association
- Corrective Services Community Consultative Committee

**CARRIED**

### **13.8 POTENTIAL OF BY ELECTIONS IN THE EVENT OF CASUAL VACANCY**

#### **RESOLUTION 2022/17**

**Moved: Cr Bob Kirk**

**Seconded: Cr Michael Prevedello**

**That**

1. The report of the General Manager in regard to the potential of a By-Election in the event of a Casual Vacancy be received
2. Pursuant to Section 291A of the Local Government Act 1993, Council declares that any Councillor casual vacancy that occurs within 18 months of the 4th December 2021 Local Government Election is to be filled by a countback of votes cast at that election for that office.

**CARRIED**

### **13.9 ELECTORAL FUNDING OBLIGATIONS**

#### **RESOLUTION 2022/18**

**Moved:** Cr Carol James

**Seconded:** Cr Michael Prevedello

**That the report from the General Manager on Electoral Funding Obligations be received.**

**CARRIED**

### **14 CLOSED SESSION**

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

There were no closed session reports for determination.

### **15 CONCLUSION OF THE MEETING**

**The Meeting closed at 9.19pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 1 February 2022.**

.....  
**Cr Peter Walker**  
**Mayor**

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

**11 MATTERS ARISING**

**11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 16 NOVEMBER 2021 & 11 JANUARY 2022**

**Author:** General Manager

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** Nil

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

**Author:** General Manager

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. Task List - 1 February 2022 [↓](#) 

**RECOMMENDATION**

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

**REPORT**

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

## OUTSTANDING TASK LIST



| Item/Task  | Responsible Officer             | Status   |
|--|---------------------------------|--|
| <u>Community Centre Options</u><br>Location of Community Centre deferred 18 months   | General Manager                 | Will be referred to the incoming Council   |
| <u>Future of 2 Bourke Street</u><br>Discussion to be held with Councillors at Briefing   | General Manager                 | Additional report to be presented to Council Briefing  |
| <u>Second access to Run-O-Waters</u><br>Council discuss at the Council Briefing the future road link from Run-O-Waters to Gurrundah Road on to Middle Arm Road with potential access to the Hume Highway                     | General Manager                 | Report on future infrastructure requirements being prepared  |
| <u>Planning Proposal to Rezone Land at the Teneriffe Residential Subdivision, Marys Mount Road, Goulburn</u>   | Director Planning & Environment | Report included in this Business Paper   |
| <u>2021T0023 - Roundabout Construction and Road Upgrade Works at Sydney Road and Common Street</u>   | Director Operations             | <b>RECOMMEND COMPLETION</b><br>Having discussions with funding authority to change scope of projects to remove roundabout. Ongoing discussions happening with tenderers                    |
| <u>Draft Tarago Village Strategy</u><br>Plan to be placed on public exhibition   | Director Planning & Environment | Public consultation completed. Two public submissions and two State Government Agency submissions received. We will have further discussions with TADPAI before reporting back to Council. |
| <u>Street Lighting Clifford Street</u><br>Investigate new lights for Clifford Street and apply to Health Infrastructure or State Government  | Director of Operations          | Scope and costing to be prepared   |
| <u>Disabled Parking</u><br>Review number of disabled parks in Goulburn CBD   | Director of Operations          | Investigations underway  |
| <u>South Goulburn Threaten Species Master Plan</u><br>Review Master Plan   | Director Planning & Environment | Report to be presented to Council in 2022.   |
| <u>Waste to Energy Future Action</u> <ul style="list-style-type: none"> <li>Engage with wider community and raise awareness of associated issues and impacts of Veolia's proposal</li> <li>Obtain community views</li> </ul> | General Manager                 | Public awareness program complete. Now awaiting on EIS to be lodged  |

# OUTSTANDING TASK LIST

| Item/Task  | Responsible Officer  | Status   |
|--|--|--|
| <u>St John's Orphanage</u> <ul style="list-style-type: none"> <li>Demolition order compliance by 31 January 2021 for Building A – then legal action if not compliant</li> <li>Legal action in local court on Buildings B, C &amp; D</li> </ul> | Director Planning & Environment                            | Order issued and legal action commences after 31 January 2022 if no compliance with orders.  |
| <u>Planning Proposal George Street Marulan &amp; Rifle Range Goulburn</u><br>Proposal deferred pending further consultation  | Director Planning & Environment                            | Report included in this Business Paper<br><br><b>RECOMMEND COMPLETION</b>  |
| <u>Jerrara Road and Oallen Ford Road</u><br>Commence legal proceedings to ensure compliance with development consent   | Director Planning & Environment<br><br>Director Operations | Contractors on behalf of MultiQuip are working onsite<br><br><b>RECOMMEND COMPLETION</b>   |
| <u>Planning Proposal Water Treatment Plants – Goulburn and Marulan</u><br>Seeking rezoning to allow expansion of Treatment Plants  | Director Planning & Environment                            | Marulan proposal has gateway approval now seeking State Government agencies comments before going on public exhibition.<br><br>Goulburn proposal looking at options. |
| <u>Entertainment and Night Time Economy</u><br>Seeking expressions of interest for community representatives   | General Manager  | Report included in this Business Paper<br><br><b>RECOMMEND COMPLETION</b>  |
| <u>30 Dorsett Street Marulan</u><br>Planning agreement being sought  | Director Planning & Environment                            | Currently on public exhibition. Exhibition period closes 9 February 2022.  |
| <u>Street and Shared Spaces Grant</u><br>Lodge expression of interest with State Government  | General Manager  | Report included in this Business Paper<br><br><b>RECOMMEND COMPLETION</b>  |



**12 MAYORAL MINUTE(S)**

Nil

### 13 NOTICE OF MOTION(S)

#### 13.1 NOTICE OF MOTION - WAKEFIELD PARK LEGAL CHALLENGE

**Attachments:** Nil

I, Councillor Jason Shepherd, give notice that at the next Ordinary Meeting of Council be held on 1 February 2022, I intend to move the following motion:-

##### **MOTION**

That Council arrange separate “without prejudice” briefings with the Wakefield Park management (applicants) and the submitters to listen to their views in regard to the decision of Council at the Extraordinary meeting of Council on the 22<sup>nd</sup> June 2021 and resuming on the 13<sup>th</sup> July 2021 that determined in part:-

Consent be granted for DA/0117/2021 for Alterations and Additions to Recreation Facility (major) located at Lot 1 DP 832905, 4770 Braidwood Road Tirrannaville, subject to the following conditions. (Conditions available on website).

##### **RATIONALE**

As Councillors have been discussing over the past few weeks informally that there is value in meeting with Wakefield Park and the effected residents as soon as possible to see if there is a way forward within planning and environmental boundaries that allows them to be commercially viable whilst mitigating residents’ concerns.

The General Manager has provided the following advice on the Thursday 20<sup>th</sup> January 2022

*I am responding to all Councillors as I know there is considerable interest in the Wakefield Park issue*

*Firstly some background*

*Wakefield Park (WPR) owners lodged an appeal to the Land Environment Court prior to Council making a decision (in fact the day before the Council hearings started). Their grounds was deemed refusal but that has now been changed to appeal against the Council decision. There are a number of grounds to the appeal but the majority of the issues are in association around noise and days of operation.*

*Their only consent dates prior to this application was by previous owners in 1993. That consent allows for 12 race events per year. The 1993 Development Consent remains current until such time as the applicant demonstrates commencement in accordance with the new consent, or alternatively surrenders the 1993 consent. Neither has occurred*

*In January 2020 with the support of a Council resolution we had a mediation conference with the Land and Environment Court to control the noise. This prevention notice was considered an interim measure until Wakefield Park could lodge a new DA to regularise the activities that were actually taking place on site. This prevention notice was revoked by resolution of Council following its determination of the new DA, and subsequently a new notice put in place in accordance with Council determination.*

*The Council determination was to transition the number of noisy to a quieter venue over a two year period commencing 1st January 2022*

*The noise limits from the Council determination are as follows*

*The final noise levels effective from 1st January 2024 can be summarised as follows:-*

*Red Category Not to exceed 95dBA LAeq 15min for a maximum of 30 days per year*

*Amber Category Not to exceed 85dB (A) LAeq 15min for 100 days per year*

*Green Category Not to exceed 75dB (A) LAeq 15min for 157 days per year*

*Blue Category Not to exceed 75dB (A) LAmx (Fast) for 76 days per year*

*No operations on Christmas Day and Good Friday. Leap year day becomes a green day*

*LAeq 15min means an average of noise level over 15 minutes. So in effect, if we take the green day, for example, they could have 7.5minutes of a very noisy operation followed by 7.5 minutes of no noise and still theoretically comply with the Council determination as the average noise level would not exceed 75dBA.*

*LAmx(Fast) is the maximum noise level permitted at any one time - i.e. an instant measurement - which is only effective in the blue category for 76 days per year (or the equivalent of 1.5 days per week).*

*We have participated in a Section 34 conference with Wakefield Park on 25 November 2021. It was clear from that conference that the commissioner appointed by the Land and Environment Court believed that the LAeq15min was inappropriate, and that the LAmx (fast) would be a better outcome for neighbouring properties. She made the statement that there was too much flexibility with the current determination of Council which could lead to avoidable environmental impact.*

*It is fair to say that these noise limits imposed in the Council determination were derived from modelling undertaken by WPR's previous noise consultant*

*We have sought verbal legal advice on Council's ability to revisit this determination and have been advised of the following:*

- 1. Council's role in the process as a decision making body is now "spent". The process is firmly entrenched with the court.*
- 2. Council could direct the General Manager by way of public resolution to carry out the defence in a certain way. Council could also publicly resolve to not defend at all. However, this doesn't mean that the Court will accept this position, and it is highly likely that they won't because the determination of Council was the result of a legal process that followed the parameters as determined by parliament in the Environmental Planning & Assessment Act 1979. Please note the Court determines all matters of contention as new matters with their assessment starting from scratch.*
- 3. Now that the matter is with the Court, the expectation of the Court is that experts in the relevant fields put forward the applicable evidence for the Court to determine the most appropriate outcome. The Court would need to be satisfied that no adverse environmental impact would result from the determination. It is noted that environmental impact is likely to trump economic benefit based upon the determining body (in this case, the Court, etc.) being required to have regard for the objectives of the Environmental Planning & Assessment Act 1979. .*
- 4. What are the option for Wakefield Park?*
  - They could withdraw the appeal, or even surrender the consent recently granted by Council. This would however put the matter back with the only approval being the 1993 consent and there would be considerable pressure upon Council to invoke compliance with the conditions of that consent. Noting that if Council does*

*nothing to implement compliance the submitters (neighbours) could take this matter to court and would have very strong grounds for success as they can and have proven beyond all doubt that environmental impact has occurred.*

- *They could either lodge a new DA or Modification (if DA not surrendered) for Council to consider.*
- *If Wakefield Park did lodge a Modification, Council could ask the court to pause the litigation until any new application is determined, however the Court is unlikely to agree to this course of action given how far the matter has advanced.*

*In answer to your questions below, particularly relating to Councillors meeting with Wakefield Park and the submitters, the answer is yes but would have to be on a "without prejudice" basis taking into consideration that we are in the midst of a legal process. It is my opinion that any such meeting would have minimal (if any) effect on the current Court proceedings.*

This notice of motion is seeking that Council meets "without prejudice" have a separate informal briefing the Wakefield Park - as applicants – and the effected residents to discuss the Council determination of the Development application in June and July last year

I commend this Notice of Motion to Council.

Cr Jason Shepherd

**14 NOTICE OF RESCISSION(S)**

Nil

## 15 REPORTS TO COUNCIL FOR DETERMINATION

### 15.1 SUBDIVISION OF 99 MAY STREET - STATUS UPDATE

**Author:** Director Planning & Environment

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. **Approved Subdivision Plan**  

|  |   |
|--|---|
| <b>Link to Community Strategic Plan:</b> | 4. Our Environment EN4 Maintain a balance between growth, development and environmental protection through sensible planning. |
| <b>Cost to Council:</b>                  | \$3500 (legal costs)  |
| <b>Use of Reserve Funds:</b>             | Nil   |

#### RECOMMENDATION

That:

1. The report of the Director Planning & Environment be received.
2. Council withholds from issuing further penalty infringement notices until all legal options have been explored and considered, noting that penalty infringement notices are still an available option.
3. Legal advice relating to enforcement options be presented to Council at the next meeting.

#### BACKGROUND

In 2008, Council approved a 31-lot subdivision of 99 May Street, Goulburn (DA/0419/0607). The consent has since been modified twice, both times in 2020, primarily in relation to amending conditions of consent and endorsing an updated lot layout.

The current approved layout (approved under MODDA/0055/1920) consists of 30 lots, 27 of which can be utilised for residential development (lots 1-27). The remaining 3 lots (lots 28-30) are to be dedicated to Council as reserves; lots 28-29 as drainage reserves and lot 30 as open space. A copy of the most recent approved plan of subdivision has been **attached**.

Construction of the development commenced in July 2021, and since this time Council has received a continual stream of complaints, initially in relation to vegetation clearing, but primarily in relation to stormwater management and the inundation of adjoining properties and the Goulburn Wetlands.

This report is being presented to Council due to the significant media, political and community interest that continues to be generated by the development and the subsequent complaints being received.

#### REPORT

In July 2021 Council began receiving complaints in relation to the clearing of vegetation on the site. An inspection by Council officers found the development to be generally in compliance with the consent in terms of matters relating to vegetation, in particular the areas that had been cleared.

In November 2021, Council received complaints in relation to significant dust being generated from the site as well as soil being dropped onto May Street. An inspection revealed that the soil was

being transported from the site to the adjacent Golf Course. The cleaning up of the soil on the road was undertaken by the developer washing the soil into the gutter, causing it to enter the wetlands.

During late-2021, weather patterns began moving towards the current La Nina conditions which are typically wetter than average. As a result, rainfall frequency and intensity has increased, and complaints began being received during November 2021 in relation to adjoining residential properties being inundated by silt and mud-laden runoff after rainfall events.

Inspections revealed that inadequate stormwater control measures were in place across the development site, which had also caused the inundation of Council's stormwater network with silt and debris. Large deposits of silt and debris had also entered the Goulburn Wetlands.

Site conditions have meant that the development has been a challenge for the developer on several fronts. The site is located on the western side of a hill (i.e. Rocky Hill), meaning that stormwater management measures are required to reduce the velocity of runoff. Runoff that moves at a high velocity is more likely to be destructive given its ability to cause erosion. The resultant scouring of the landscape loads the runoff with sediment and silt, which is carried by the runoff until it reaches an area that causes the velocity to drop at which point the sediment and silt settle out.

In addition to the above, large construction sites can also be difficult in their own right to manage given the extent of bare earth surfaces. The lack of vegetation ultimately increases the ability of water to move offsite at a greater velocity, which also minimises the ability of the water to infiltrate the soil.

The development site at 99 May Street combines each of these elements, which ultimately compounds the matter, placing the site at a greater risk compared to other development sites around the city.

### **Council's Regulatory Role**

There are several matters for Council to consider as part of its regulatory responsibilities. The first consideration is whether the development has consent, and if so, whether or not the development is compliant with the consent. The imposition of conditions upon a development consent is required to provide the developer with the parameters to which the consent must adhere to before, during and after an activity takes place. Conditions are widely used to ensure that protection measures are put in place to protect neighbouring/adjoining premises and/or the broader environment which may be impacted from a development.

In this instance, the development does have consent however Council has established that the conditions of consent have not been satisfied given the lack of stormwater management occurring onsite.

Furthermore, Council has a role to play in terms of environmental protection, particularly in relation to pollution. Fugitive silt and debris entering waters is considered a pollution incident in accordance with the Protection of the Environment Operations Act 1997.

There are a number of regulatory enforcement actions available to Council in circumstances where conditions of consent are breached, or pollution incidents occur. These include the issuing of penalty infringement notices (i.e. fines), rectification orders, stop-work orders, clean-up notices, prevention notices and prosecution. Council's Enforcement Policy is used to guide decision making in this process.

### **Regulatory Actions to Date**

Following the first rainfall event on 7 November 2021, Council issued a Stop-Work Order on the site and a Direction to take Preventative Action requiring the implementation of stormwater controls across the site. The Stop-Work Order clearly articulated that Council would not be lifting the Order

until it was satisfied with the measures put in place. At the time of writing this report, the Stop-Work Order remains in place.

A further rainfall event transpired on 10 November 2021, where it became apparent that the terms of the Direction to take Preventative Action had not been acted upon. Council re-issued the Stop-Work Notice incorporating the need for the developer to carry out more specific actions.

As a result of the developer's inaction prior to the 10 November 2021, Council issued the developer with 2 penalty infringement notices for the pollution event that took place on 7 November 2021 (Pollution Incident 1). These were specifically for *Development Not Accord with Consent* (\$6000) and *Pollute Waters* (\$8000).

Further events followed during November 2021 and December 2021. A Direction to take clean Up Action was issued on 10 December 2021 requesting a methodology of how clean up will be conducted by 5pm Monday 13 December 2021. The methodology was to be approved by Council prior to any clean up to ensure no further damage was caused to the wetlands, however this was not forthcoming and Council was required on a number of occasions to stop the developer from commencing clean-up activities.

A total of eight (8) separate pollution incidents occurred between 7 November 2021 and 15 January 2022. At present, Council has only issued penalty infringement notices (PINs) for Pollution Incident 1. Council officers have refrained from issuing further PINs to ensure Council's regulatory options remain open moving forward, noting that a statute of limitations exists for a period of 12 months from the date of each pollution offence and 24 months for matters relating to compliance with a development consent.

It is important to note that if Council were to issue PINs for any offence, no further action could be taken in relation to that particular offence. Given the widespread impact that has been experienced it is recommended that Council continue to refrain from issuing PINs on the matter until such time as a direction on litigation has been determined.

### **Site Management**

Council officers have spent considerable time and effort in attempts to have the developer firstly acknowledge the site conditions and secondly, and more importantly, put in place suitable measures to prevent erosion and protect adjoining sites, public infrastructure and the wetlands. Initial attempts at achieving this were unsuccessful which lead to the issuing of the Stop-Work Order.

On 10 January 2022 a hydraulic consultant attended the site at the developer's expense, and subsequently prepared an independent report that identified numerous site control measures to be put in place, such as the addition of rock check dams, the use of additional geofabric at spill points and generalised maintenance of sediment control fences. This report was reviewed by Council, with additional items requested for inclusion. As a result, the report was amended by the hydraulic consultant and the developer has since commenced implementing the controls. At the time of writing this report, the developer was well advanced and awaiting a final sign-off by the hydraulic consultant.

### **Legal Options**

Council is presently seeking legal advice in relation to its regulatory enforcement options. Whilst some of these options have been identified earlier in this report, it is expected that the forthcoming legal advice will consider the pros and cons of the various actions that are available to Council.

Matters to be explored include, but are not necessarily limited to:

- What is the most appropriate form of regulatory action?



- Is prosecution a viable option to Council? And if so, under what jurisdiction (i.e. Local Court or Land and Environment Court)?
- What are Council's obligations in the event that site management measures continue to underperform?
- What are Council's obligations in the event that the development is abandoned?

It is anticipated that this legal advice will be presented to Council at its next meeting.

### **SUMMARY**

Since works commenced on the development Council has continued to receive complaints relating to the management of the site. As a result, the matter continues to generate significant interest throughout the community.

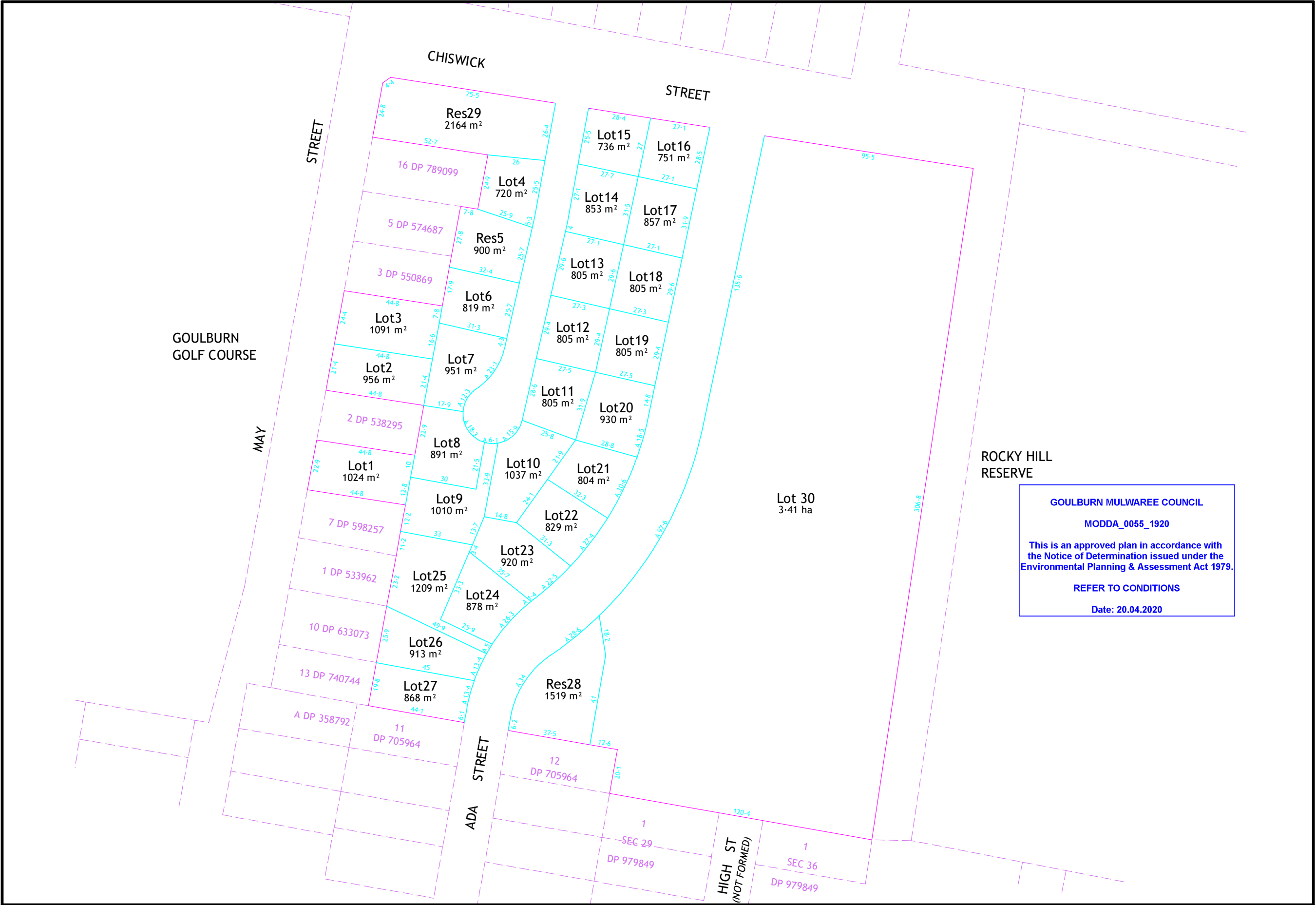
This report therefore aims to provide the community with an up-to-date account of Council's actions and provides an indication as to what enforcement and regulatory options are available moving forward, noting that further legal advice will be forthcoming for Council to consider.

### **RECOMMENDATION**

It is recommended that:

1. Council withholds from issuing further penalty infringement notices until all legal options have been explored and considered, noting that penalty infringement notices are still an available option; and
2. Legal advice relating to enforcement options be presented to Council at the next meeting.







## 15.2 POST RE-EXHIBITION REPORT - PLANNING PROPOSAL - AMENDMENTS TO GOULBURN MULWAREE LEP SCHEDULE 1 - ADDITIONAL PERMITTED USES AT 14 & 16 GEORGE STREET, MARULAN & 159 RIFLE RANGE ROAD, GOULBURN

**Author:** Senior Strategic Planner

Director Planning & Environment

**Authoriser:** Warwick Bennett, General Manager

**Attachments:**

1. Council Report \_ Resolution 2 Nov 2021 [↓](#) 
2. All Agency Referral Responses [↓](#) 
3. All Public Submissions\_Redacted [↓](#) 
4. Re-Exhibition Notices [↓](#) 

|                           |  |
|---------------------------|--|
| <b>Reference to LSPS:</b> | Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan                      |
|                           | Planning Priority 6: Industry and Economy – Vision 2040 – Local industry provides for the employment needs of the region within a thriving and diversified economy which is resilient to change. |
| <b>Address:</b>           | 14 & 16 George Street, Marulan & 159 Rifle Range Road, Goulburn  |
| <b>Submissions:</b>       | 1 public submission & 3 agency submissions   |

### RECOMMENDATION

That:

1. The post re-exhibition report from the Senior Strategic Planner for the planning proposal to amend LEP Schedule 1 (Additional Permitted Uses) be received.
2. Council endorses the current planning proposal to amend Schedule 1: Additional Permitted Uses of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to:
  - Provide permissibility for a fast-food restaurant (food and drink premises) on Lot 2, DP 1053945 at 14 George Street, Marulan;
  - Provide permissibility for motel accommodation and pub with ancillary bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan; and
  - Provide permissibility for a single dwelling house including a 74ha minimum lot size restriction at Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn.
3. A draft instrument be prepared that is consistent with the above amendments
4. The General Manager, using Council's delegated plan-making authority, prepare and finalise the LEP amendments as soon as practicable.

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

### BACKGROUND

Two separate council reports were submitted for consideration by Council at its meeting on 6 April 2021, where Council resolved to prepare a planning proposal to amend Schedule 1 of the Goulburn Mulwaree Local Environmental Plan 2009 to include the following additional permitted uses:

- Fast food restaurant (food and drink premises) on Lot 2 at 14 George Street, Marulan;
- Motel/hotel accommodation and pub with ancillary bottle shop on Lot 3 at 16 George Street, Marulan; and
- Single dwelling house including a 74ha minimum lot size restriction at 159 Rifle Range Road, Goulburn.

A planning proposal (REZ/0002/2021) was prepared which included amendments relating to both Goulburn and Marulan sites and a Gateway Determination to proceed was received on 22 July 2021 with delegated authority provided to Council.

The initial public exhibition for the planning proposal ran for 29 days between 6 September 2021 and 5 October 2021. A total of 5 public submissions were received within the timeframe with two (2) additional submissions and a petition with 74 signatures received as late items and reported to Council. These late items were not included within the previous officer report, due to their submission date, but they have been highlighted and addressed through this re-exhibition report. Agency submissions were received from Water NSW, Transport for NSW, NSW Rural Fire Service and the Biodiversity and Conservation Division at the Department of Planning, Industry and Environment.

Several comments within the submissions received stated they considered the exhibition timescales were too short and the community had not had a proper opportunity to be heard.

Council at its meeting on 2 November 2021 deferred the decision on the planning proposal to allow for further public exhibition and submissions in relation to the Marulan Truckstop. The resolution included Council's support in principle for the proposed amendments relating to the 159 Rifle Range Road part of the planning proposal.

A copy of the initial post-exhibition report and council resolution is available in **Attachment 1**.

Further to this deferment and resolution to re-exhibit the planning proposal, the proposal was re-exhibited for an additional 55 days between 22 November 2021 and 14 January 2022. One (1) additional public submission was received relating to the Marulan Truckstop with no submissions received relating to 159 Rifle Range Road. Agency re-exhibition submissions were received from Water NSW, Transport for NSW and the Biodiversity and Conservation Division at the Department of Planning, Industry and Environment. The NSW Rural Fire Service did not provide a re-exhibition response.

A copy of the agency referral responses are available in **Attachment 2**.

## **Consultation and Submissions made in accordance with Act or Regulations**

### Public Re-exhibition

The gateway determination included a requirement to exhibit the planning proposal for a minimum period of 28 days and consultation with the following agencies:

- NSW Rural Fire Service
- Water NSW
- Transport for NSW
- Department of Planning, Industry and Environment (Biodiversity and Conservation)

The public re-exhibition ran for 55 days between 22 November 2021 and 14 January 2022 with a total of one (1) formal submission received from the public, which related to the Marulan Truckstop element of the planning proposal. No public submissions were received relating to 159 Rifle Range Road.

The public re-exhibition included:

- Notice on the Council website with documents available to view and download
- Notice on the NSW Planning Portal with documents available to view and download
- Notice in the Goulburn Post on 17 November, 24 November, 1 December, 8 December, 15 December, 22 December 2021 and 5 January 2022.
- Notification email to Marulan Chamber of Commerce
- Notification letters to adjoining landowners and the landowners of lots fronting George Street from Jennings Lane in the north to 15636 Hume Highway to the South
- Availability of planning proposal documents to view at Goulburn Library and Goulburn Mulwaree Council Office.

In light of community concerns, the re-exhibition went further than the initial exhibition by:

- providing an extended period of time for community responses (55 days),
- significantly extending the number of landowner notifications, and
- providing the opportunity to view hard copies of the planning proposal and associated documents at the Council office or Goulburn Library (access to hard copies during the previous exhibition was limited due to covid closures).

### **Agency Referrals**

Agency referrals for the re-exhibition were received from Water NSW, Transport for NSW and the Biodiversity and Conservation division of the Department of Planning, Industry and Environment.

#### **Water NSW**

Water NSW has provided five referral responses throughout the course of the preparation of the planning proposal on 10 June 2021, 23 August 2021, 29 September 2021, and 20 October 2021 with the re-exhibition response received on 22 December 2021.

The Water NSW responses raised no objections to the proposed amendment relating to 159 Rifle Range Road and raised sewerage management and land contamination risks as their main concerns for Marulan Truckstop.

These issues are addressed in detail in the planning proposal and reported through the previous post exhibition report in **Attachment 1**.

Water NSW's re-exhibition response advised the preparation of the updated Detailed Site Investigation Report and accompanying Remedial Action Plan had sufficiently addressed their previous concerns in relation to contamination. However, further comment and/or detail about proposed remediation may be required at the Development Application stage. Water NSW maintained earlier comments in relation to sewerage management and the importance of sewer connection and the timing of development in respect to the Marulan Sewage Treatment Plant upgrade.

The updated Detailed Site Investigation and Remedial Action Plan were previously included as attachments 1 and 2 to the initial post exhibition report. These have not been attached to this

report due to their extensive size. These reports can be viewed through the 2 November 2021 Council Report, accessed via Council's website.

There are no outstanding objections from Water NSW in relation to this planning proposal.

#### Department of Planning, Industry & Environment- Biodiversity & Conservation Division

The Biodiversity & Conservation Division of Department of Planning, Industry & Environment initial exhibition response was received on 21 September 2021 which raised no objections to the planning proposal subject to advice and recommendations previously provided.

The re-exhibition response received on 3 December 2021 noted the planning proposal had not changed from the previously exhibited version and no additional comments were required.

#### Transport for NSW

Transport for NSW has provided three referral responses throughout the course of the planning proposal preparation on 2 August 2021, 3 September 2021 with the re-exhibition response received on 18 November 2021.

Transport for NSW raised no objections to the planning proposal on the condition that the requirements stipulated in their pre-exhibition response (2 August 2021) are adequately addressed. These requirements and how they have been addressed are detailed in the planning proposal and reported through the previous post exhibition report in **Attachment 1**.

The re-exhibition response noted amendments to the provisions of the Goulburn Mulwaree Local Environmental Plan had addressed previous concerns and subject to these being adequately addressed at the Development Application stage no objections have been raised.

A copy of all agency referral responses throughout the planning proposal process including re-exhibition responses are presented in **Attachment 2**.

#### Public Submissions

The initial post-exhibition generated five public submissions, received within the exhibition timeframe which were summarised and addressed through the 2 November 2021 post exhibition council report in **Attachment 1**.

Subsequent to the publication of the report but prior to the Council meeting three late submissions were received, namely:

- A 74 signatory petition (29 Oct)
- Holding Redlich on behalf of Ken McCourt (28 Oct), and
- Lee Environmental Planning on behalf of Ken McCourt (27 Oct).

The petition and submission from Holding Redlich both formed completely new submissions, and these have been addressed in **Table 1** below. The response from Lee Environmental Planning is largely a re-submission of their initial exhibition response received on 2 October 2021 with some minor additions. The additional points raised have been summarised in **Table 1** below and **Attachment 3** presents all public submissions received throughout the process.

One additional public submission was received through the extended re-exhibition period which is presented verbatim in **Table 2**.



**Submission Summary****Table 1: Initial Post Exhibition- Late Item Comment Summary**

| <b>Initial Exhibition- Late Item Comment Summary</b>   |  |                        |
|--|--|------------------------|
| <b>Submitter</b>   | <b>Address</b>                             | <b>Submission Date</b> |
| Petition   | n/a  | 29 October 2021        |
| <b>Submission – Title of Petition</b>  |  |                        |
| <p><b>SIGNIFICANT CHANGES FOR MARULAN</b></p> <p><i>Did you know Council is changing the planning rules for one landowner without talking to other land owners?</i></p> <p><i>The changes could have a dramatic effect on the existing businesses in Marulan town center.</i></p> <p><i>Why has the local community not had a proper opportunity to be heard on this important question?</i></p> <p><i>If you believe council should stop and talk to the local community, please sign...</i></p> <p><b>A total of 74 signatories listed in petition.</b></p>  |  |                        |
| <b>Council's Response</b>  |  |                        |
| <p>The concerns raised under the petition heading that the community hadn't received adequate time to consider the proposal and council should provide additional opportunity for the community to comment has been addressed through the re-exhibition process. The re-exhibition process provided an additional 55 days for public comment, a notice was placed in the Goulburn post for an additional seven publications and landowner notifications included a wider area than the previous exhibition. Therefore, the request for additional time and opportunity to comment on the planning proposal has been provided.</p>  |  |                        |
| <b>Submitter</b>   | <b>Address</b>                             | <b>Submission Date</b> |
| Holding Redlich on behalf of Ken McCourt   | Level 65, 25 Martin Place, Sydney NSW 2000 | 28 October 2021        |
| <b>Submission Summary</b>  |  |                        |
| <p>Planning proposal fails to comply with the DPIE's 'a guide to preparing local environmental plans' in regard to:</p> <ul style="list-style-type: none"> <li>• The notice describes the mechanism by which the change is proposed and not objectives or intended outcome</li> <li>• Failure to stipulate the 'additional permitted uses' will be permitted with development consent</li> <li>• Notice on council's website failed to specify name and address for the receipt of submissions</li> </ul> <p>Hotel, pub and bottle shop are uses far more appropriate within the town centre.</p> <p>Proposed additional uses are inconsistent with the objectives of the zone and the strategic planning of the area and represents nothing more than the conferral of a windfall gain to the owner.</p> <p>The exhibition process is severely deficient with the level of engagement being poor. Additional opportunities to engage which are available in the Community Participation Plan were not included. Re-exhibition should be undertaken for another 28 days with key stakeholders and individuals affected re-notified with identified deficiencies resolved to allow a reasonable opportunity for the preparation of submissions.</p> |  |                        |
| <b>Council's Response</b>  |  |                        |
| <p>The Goulburn Post notice and the Council website notice for both the exhibition and re-exhibition notice both state what change is being proposed i.e. additional permitted uses and in relation to Marulan, includes the intended outcome which is to include food and drink premises, motel or hotel accommodation and pub with bottle shop as additional permitted uses on the identified lots.</p> <p>The intended outcome of the planning proposal has been stipulated on the required public notices at both exhibition and re-exhibition. A copy of exhibition and re-exhibition public notices are available in <b>Attachment 4</b>.</p> <p>The stated failure to stipulate that the 'additional permitted' uses will be permitted with 'development consent' within the notice is not a requirement of the <i>Environmental Planning and Assessment Act 1979</i>, the <i>Environmental Planning and Assessment Regulations 2000</i>, <i>Local Environmental Plans: A Guide to preparing Local Environmental Plans</i> or <i>Planning Proposal: A Guide to preparing planning proposals</i>.</p> <p>All notices, be that in the Goulburn Post, on the Council's website and via landowner notification letters all</p>                  |  |                        |

included the postal and email address for submissions to be sent to, alongside who to address the submission to i.e. General Manager. In addition, details of the planning portal submission email address and relevant portal reference were also provided. This applies to both the exhibition notices (Sept- Oct 2021) and the re-exhibition notices (Nov 2021-Jan 2022). Both notices also stipulate that Goulburn Mulwaree Council are the delegated plan making authority for this planning proposal.

The strategic merit of the planning proposal has been addressed in the initial post exhibition report available in **Attachment 1**.

As highlighted in the initial post exhibition report in **Attachment 1**, the public exhibition was undertaken in accordance with the requirements of the Gateway determination with Council exceeding its regulatory requirements for public engagement. The Community Participation Plan sets out a full suite of potential community engagement methods but these are optional with the most appropriate methods selected for the circumstance. However, in recognition of the concerns raised and the request to re-exhibit, the planning proposal was placed on exhibition again for an extended period of time, landowner direct notification was widened to encompass the majority of lots along George Street, and public notices were placed on the Council's website and in the Goulburn Post. In addition State agencies were also re-consulted, alongside Marulan Chamber of Commerce.

| Submitter   | Address                          | Submission Date |
|---|----------------------------------|-----------------|
| Lee Environmental Planning on behalf of Ken McCourt | 33 Holly Street, Bowral NSW 2576 | 27 October 2021 |

#### Submission summary of additional matters raised

- Incumbent upon council to ensure whole community is firstly fully aware of the planning proposal and they are fully satisfied with their opportunity to be involved in the process.
- Untenable for council to argue it's carried out its obligations until the above becomes obvious.
- Planning proposal cannot proceed until all stakeholders have had proper opportunity for involvement.
- During discussion with officers, it became apparent that a significant driver of the planning proposal was the fact the site was being outperformed by other existing highway service centre sites and the proposal was a solution to making it more competitive. This is not a sound basis for a planning proposal.
- The reason for the planning proposal has not been effectively argued by Council and the spot rezoning is confusing and, in our view, unjustified.
- Highway travellers demanding the services of a motel, pub and bottle shop can be serviced from the town centre.

#### Council Response to additional matters raised

As highlighted in the initial post exhibition report in **Attachment 1**, the public exhibition was undertaken in accordance with the requirements of the Gateway determination with Council exceeding its regulatory requirements for public engagement. However, in recognition of the concerns raised and the request to re-exhibit, the planning proposal was placed on exhibition again for an extended period of time, landowner direct notification was widened to encompass the majority of lots along George Street, and public notices were placed on the Council's website and in the Goulburn Post. In addition, State agencies were also re-consulted, alongside Marulan Chamber of Commerce. The initial exhibition and public exhibition combined have provided a total of 84 days in which stakeholders and the public have had the opportunity to comment. The re-exhibition only resulted in one additional submission which did not raise any additional points not already presented. No responses were received from Marulan Chamber of Commerce which serves as the representative body for Marulan local businesses. No new matters were highlighted by the State agencies. Additional engagement processes are considered unlikely to result in any additional matters not already addressed.

Reference to the meeting with Council officers does not reflect statements made by the strategic planning team. Council officers did not make the assertion the proposal was being driven by the fact the site was being outperformed by other existing highway service centre sites. This was a statement made by the agent and not corroborated by Council staff.

The reason for and the strategic merit of the planning proposal has been explained both in the planning proposal document and through the initial post exhibition report in **Attachment 1**. It is the opinion of the agent this justification has not been effectively argued but this opinion is not shared by the strategic planning team.

The unsuitability for the dislocation of the proposed uses from the subject site to the town centre have been detailed in the initial post exhibition report in **Attachment 1**.

**Table 2: Re-exhibition Comment Summary**

| Re-exhibition Comment Summary  |  |                  |
|--|--|------------------|
| Submitter  | Address  | Submission Date  |
| Nick Smith   | Landowner of Marulan Motor Inn, George Street, Marulan | 26 November 2021 |
| <b>Submission in full (verbatim)</b>   |  |                  |
| <p>Nick Smith is my name and I have bought the Marulan Motor Inn, 18 months ago.</p> <p>I read the Planning Proposal for lot 14 and 16 George Street Marulan, and I like things the way they are, preferably.</p> <p>I have got the restaurant on this premises and would like a big chain to go into there but a fast food Chain at 14 George St. can be tolerated,</p> <p>But as for the proposal for a Hotel or Motel at 16 George Street</p> <p>That is definitely out, 100% against that, I have got a Tavern /Hotel at the front of this Premises, and 22 room Motel here, with occupancy rate at probably 5% or less. I am making sure you know I am dead against any Hotel or Motel anywhere.</p> <p>Thank you,</p> <p>Regards Nick Smith.</p> |  |                  |
| <b>Council's Response</b>  |  |                  |
| Objection to the permissibility of a hotel/motel at 16 George Street or anywhere in Marulan is noted.  |  |                  |

## Conclusion

In conclusion, the planning proposal presents proposed changes to the Goulburn Mulwaree LEP Schedule 1 (additional Permitted Uses) for two different sites. This report recommends proceeding with the making of the LEP amendment for each site as follows:

### 159 Rifle Range Road

Councils in-principle support for the additional permissibility relating to 159 Rifle Range Road has been provided through resolution 3 of the 2 November 2021 post exhibition report. No changes have been proposed to this element of the planning proposal since this resolution.

### Marulan Truckstop

The re-exhibition of the planning proposal has met the resolution on the initial post exhibition report by enabling a further 55 days of public consultation and by addressing the late items submitted after publication of the initial post exhibition report.

Despite two public exhibitions being conducted over a total of 84 days with 7 notices placed in the Goulburn Post, more extensive landowner notifications, another request for comment from the chamber of commerce and availability of the documents in the library, only one additional submission was received. Further extension of the public exhibition is unlikely to result in additional submissions which raise matters not already addressed through the two reports.

The level of public engagement has far exceeded Council legal obligations and concerns raised have been addressed through this report and the initial post exhibition report.

## Recommendation

That the planning proposal for additions to Schedule 1 Additional Permitted Uses of the Goulburn Mulwaree LEP 2009 be endorsed by Council and proceed to finalisation.

## FINANCIAL / LEGAL IMPLICATIONS

There are no known financial or legal implications.

Attachment 1\_Post Exhibition Council Report\_2 November 2021

Ordinary Council Meeting Minutes

2 November 2021

At 7:33 pm, Cr Leah Ferrara returned to the meeting.

**15.3 POST EXHIBITION REPORT- PLANNING PROPOSAL- AMENDMENTS TO GOULBURN MULWAREE LEP SCHEDULE 1 ADDITIONAL PERMITTED USES AT 14 & 16 GEORGE ST, MARULAN AND 159 RIFLE RANGE ROAD, GOULBURN**

**RESOLUTION 2021/529**

**Moved: Cr Bob Kirk**

**Seconded: Cr Peter Walker**

**That:**

1. The post exhibition report from the Senior Strategic Planner for the planning proposal to amend LEP Schedule 1 (Additional Permitted Uses) be received.
2. The current planning proposal to amend Schedule 1: Additional Permitted Uses of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 be deferred to allow further public exhibition (28 days) and submissions on matters not currently addressed in the staff reports and submissions received to date for:
  - Permissibility for a fast food restaurant (food and drink premises) on Lot 2, DP 1053945 at 14 George Street, Marulan;
  - Permissibility for motel accommodation and pub with ancillary bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan; and
3. Council supports in principle the planning change to provide permissibility for a single dwelling house including a 74ha minimum lot size restriction at Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn.

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, Carol James and Denzil Sturgiss

Against: Nil

**CARRIED**

The meeting took a 30 minute recess for dinner at 7.42pm.





The meeting reconvened at 8.13pm.

**15.3 POST EXHIBITION REPORT- PLANNING PROPOSAL- AMENDMENTS TO GOULBURN MULWAREE LEP SCHEDULE 1 ADDITIONAL PERMITTED USES AT 14 & 16 GEORGE ST, MARULAN AND 159 RIFLE RANGE ROAD, GOULBURN**

**Author:** Senior Strategic Planner

Director Planning & Environment

**Authoriser:** Warwick Bennett, General Manager

- Attachments:**
1. Targeted Detailed Site Investigation Report Sept 2021 (separately enclosed) 
  2. Marulan Truckstop Remedial Action Plan (separately enclosed) 
  3. Agency Referrals Revised (separately enclosed) 
  4. Public Submissions Combined (separately enclosed) 

|                                     |  |
|-------------------------------------|--|
| <b>Reference to LSPS:</b>           | Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan.                     |
|                                     | Planning Priority 6: Industry and Economy – Vision 2040 – Local industry provides for the employment needs of the region within a thriving and diversified economy which is resilient to change. |
| <b>Planning Proposal Reference:</b> | REZ/0002/2021  |
| <b>Submissions:</b>                 | 5 Public Submissions   |

**RECOMMENDATION**

That:

1. The post exhibition report from the Senior Strategic Planner for the planning proposal to amend LEP Schedule 1 (Additional Permitted Uses) be received.
2. Council endorse the current planning proposal to amend Schedule 1: Additional Permitted Uses of the Goulburn Mulwaree Local Environmental Plan (LEP) 2009 to:
  - Provide permissibility for a fast food restaurant (food and drink premises) on Lot 2, DP 1053945 at 14 George Street, Marulan;
  - Provide permissibility for motel accommodation and pub with ancillary bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan; and
  - Provide permissibility for a single dwelling house including a 74ha minimum lot size restriction at Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn.
3. A draft instrument be prepared that is consistent with the above amendments.
4. The General Manager, using Council's delegated plan-making authority, prepare and finalise the LEP amendments as soon as practicable.

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

**BACKGROUND**

Two separate council reports were submitted for consideration by Council at its meeting on 6 April 2021, where Council resolved to prepare a planning proposal to amend Schedule 1 of the *Goulburn Mulwaree Local Environmental Plan 2009* (Goulburn Mulwaree LEP) to include the following additional permitted uses:

Ordinary Council Meeting Minutes

2 November 2021

At 7:33 pm, Cr Leah Ferrara returned to the meeting.

**15.3 POST EXHIBITION REPORT- PLANNING PROPOSAL- AMENDMENTS TO GOULBURN MULWAREE LEP SCHEDULE 1 ADDITIONAL PERMITTED USES AT 14 & 16 GEORGE ST, MARULAN AND 159 RIFLE RANGE ROAD, GOULBURN**

**RESOLUTION 2021/529**

**Moved: Cr Bob Kirk**

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**That:**

1. The post exhibition report from the Senior Strategic Planner for the planning proposal to amend LEP Schedule 1 (Additional Permitted Uses) be received.
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  - Permissibility for a fast food restaurant (food and drink premises) on Lot 2, DP 1053945 at 14 George Street, Marulan;
  - Permissibility for motel accommodation and pub with ancillary bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan; and
3. Council supports in principle the planning change to provide permissibility for a single dwelling house including a 74ha minimum lot size restriction at Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn.

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, Carol James and Denzil Sturgiss

Against: Nil

**CARRIED**

The meeting took a 30 minute recess for dinner at 7.42pm.

The meeting reconvened at 8.13pm.

- fast food restaurant (food and drink premises) on Lot 2 at 14 George Street, Marulan;
- motel/hotel accommodation and pub with ancillary bottle shop on Lot 3 at 16 George Street, Marulan; and
- single dwelling house including a 74ha minimum lot size restriction at 159 Rifle Range Road, Goulburn.

A planning proposal (REZ/0002/2021) was prepared which included amendments relating to both Goulburn and Marulan sites and a Gateway Determination to proceed was received on 22 July 2021 with delegated authority provided to the Council.

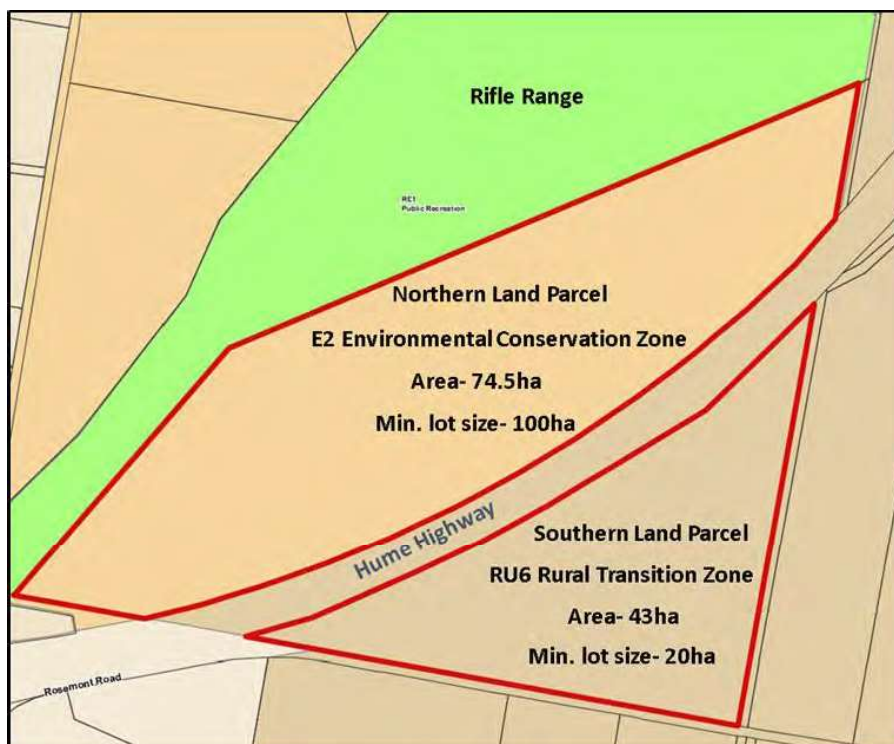
The public exhibition for the planning proposal ran for 29 days between 6 September 2021 and 5 October 2021 with late submissions accepted up until 28 October 2021 (which falls after the creation of the business paper for this meeting). Five (5) public submissions relating to the Marulan Truckstop element of the proposal were received with no public submissions relating to the 159 Rifle Range Road component. Agency submissions were received from Water NSW, Transport for NSW, NSW Rural Fire Service and the Biodiversity and Conservation Division of Department of Planning, Industry and Environment.

#### 159 Rifle Range Road

The site is a large rural lot approximately 3km to the east of the Goulburn urban area, standing adjacent the Goulburn Rifle Club Shooting Range and divided by the Hume Highway. The adoption of the *Goulburn Mulwaree Local Environmental Plan 2009* (Goulburn Mulwaree LEP) applied separate land zones to the one lot separated by the Highway.

An E2 Environmental Conservation Zone was applied to the approximately 74.5 hectare northern land parcel with a minimum lot size of 100 hectares and a RU6 Transition Zone was applied to the 43 hectare southern parcel with a 20 hectare minimum lot size, as illustrated in **Figure 1**.





**Figure 1: Land use zone, site area & minimum lot size for 159 Rifle Range Road**

The current E2 Environmental Conservation zoning prevents the establishment of a dwelling and the minimum lot size prevents subdivision from the RU6 Transition zoned land to the south. These restrictions also prevent further subdivision of the RU6 Transition zoned land.

The *Urban and Fringe Housing Strategy* sought to rectify this zoning anomaly by identifying the:

*“Opportunity to address zoning anomaly created between Environmental and RU6 Zones between Mt Gray and Mountain Ash Precincts”.*

The strategy also included a high priority recommendation to:

*“Amend the Goulburn Mulwaree LEP to address anomalies in split zone created by Highway”.*

This element of the planning proposal is Council initiated and seeks to rectify this zoning anomaly and fulfil the recommendation of the *Urban and Fringe Housing Strategy*.

#### **Marulan Truckstop 31**

The *Local Strategic Planning Statement* identifies Goulburn and Marulan as the focus for residential and employment growth in the local government area. It identifies land use challenges to maximise opportunities to attract employment generating businesses to provide local employment and address the shortage of short term accommodation for fly in, fly out workers.

The *Urban and Fringe Housing Strategy* (the Strategy) directs the level and location of residential growth in Marulan and describes Marulan as a highway town which provides roadside services to passing traffic on the Hume Highway. It highlights strong recent population growth in Marulan with a 27% population increase between 2006 and 2016, which if maintained, would lead to an additional 450 dwellings by 2036. This strong population growth is supported by the Strategy



through the identification of existing undeveloped residential zoned land and land with residential rezoning potential.

This planned population growth also stands alongside additional employment opportunities in the local area, particularly relating to the extractive industries and the increase in traffic on the Hume Highway, with a 1.6% increase in traffic expected annually. The Marulan Truckstop planning proposal site comprises two lots with a total combined area of approximately 4 hectares, being lot 2 and lot 3, DP 1053945, as illustrated in **Figure 2**.



**Figure 2: Marulan Truckstop lot identification map**

Lot 1 does not form part of the planning proposal but is in the same ownership with indicative plans provided to Council for its redevelopment at a later stage. The site is located to the south west of Marulan approximately 600 metres south of the Marulan local centre and 150 metres from the north-bound (Sydney-bound) exit of the Hume Highway.

An existing service station (Truckstop 31) occupies Lot 2, which is the larger of the two lots, and currently includes a restaurant and fuel forecourt. A small residential structure is currently sited on adjacent Lot 3 and Lot 1 is currently vacant. The site is zoned IN1 General Industrial with a variety of other land zones surrounding the site as illustrated in **Figure 3**.



Figure 3: Marulan Truckstop zoning map

The site owner submitted a planning proposal to Council on 11 January 2021 seeking to amend the Goulburn Mulwaree LEP by permitting a fast food restaurant on Lot 2 and motel, pub and bottle shop on Lot 3.

This planning proposal is only one part of a wider redevelopment and upgrade proposal for the existing Truckstop and adjacent lots. A development application (DA/0299/2021) for a range of ancillary developments including a weighbridge and truck wash facility on the Truckstop site (Lot 2) was given consent on 27 May 2021 subject to a number of conditions. The improvements granted through this consent were permissible in the existing IN1 General Industrial zone without the need for a planning proposal.

The wider redevelopment of the Truckstop site including adjacent lots 1 and 3 is anticipated to be undertaken in the stages presented in **Table 1** below:

Table1: Indicative staging of Marulan Truckstop redevelopment

| Stage          | Applicable lot | Proposed   | Approval Pathway   |
|----------------|----------------|--|--|
| <b>Stage 1</b> | Lot 2          | Redevelopment/improvement of existing service station including new fuel court canopy, truck wash and weighbridge. | DA/0299/2021 given consent on 27 May 2021- Subject to condition preventing disposal of waste water until Marulan Water Treatment plant |

| Stage          | Applicable lot | Proposed  | Approval Pathway   |
|----------------|----------------|---|--|
|                |                |   | <i>upgrade is complete</i>                                 |
| <b>Stage 2</b> | Lot 2          | Development of supporting services including a fast food drive-thru restaurant fronting George Street with an area of approximately 498m <sup>2</sup> GFA, with: <ul style="list-style-type: none"> <li>Two drive thru ordering lanes and waiting bay lane, and</li> <li>Car parking for 33 vehicles</li> </ul>   | Subject to the Planning Proposal<br>Subsequent DA required |
|                | Lot 3          | <ul style="list-style-type: none"> <li>A pub fronting George Street with an area of approximately 839m<sup>2</sup> GFA plus roof top seating of 281m<sup>2</sup></li> <li>An ancillary bottle shop as part of the pub, and</li> <li>A three level, 48 room motel with an area of approximately 3,144m<sup>2</sup> GFA to the rear of the lot which includes a swimming pool.</li> </ul> |  |
| <b>Stage 3</b> | Lot 1          | Development of vacant site for warehousing/distribution   | DA can be submitted as permissible use for the zone        |

The uses which are not currently permissible in the current IN1 General Industrial Zone are the motel and the pub. The Truckstop use and the IN1 General Industrial zone currently enable the establishment of a fast food restaurant without the need for a planning proposal and a restaurant stands on the site currently. This element has been included in the proposal to enable the creation of a Torrens title on the part of Lot 2 illustrated in **Figure 2**. Neighbourhood shops with a floor space not exceeding 250m<sup>2</sup> are also permissible within the current zone.

## REPORT

### 159 Rifle Range Road

As highlighted above, this component of the planning proposal is seeking to enable the creation of a dwelling entitlement on the northern E2 Environmental Conservation land parcel and rectify the zoning anomaly created by the introduction of the Goulburn Mulwaree LEP in 2009 and earlier Hume Highway bypass.

The current zoning on the northern E2 land parcel prohibits the use of the site for a dwelling house and the 100 hectare minimum lot size restriction (on this 74.5 hectare site) prevents subdivision from the southern land parcel and the establishment of a dwelling entitlement.

### Proposed Change

The planning proposal is seeking to amend Goulburn Mulwaree LEP 2009 Schedule 1 Additional Permitted Uses to enable, with consent, the development of a dwelling house on the northern part of Lot 1, DP 706477.

This is accompanied by additional sub-clauses restricting the minimum lot size to 74 hectares (for the E2 zoned portion), the siting of the dwelling to outside the Range Danger Area, preventing access to and from the Hume Highway and ensuring internal noise levels are attenuated to acceptable levels. The draft Schedule 1 wording is presented below:

**7 Use of certain land at 159 Rifle Range Road, Goulburn**

*(1) This clause applies to land at Rifle Range Road, Goulburn, being part of Lot 1, DP 706477, and identified as Item 7 on the Additional Permitted Uses Map*

*(2) Development for the purposes of a dwelling house is permitted with consent with a minimum lot size of 74ha*

*(3) Development consent must not be granted under this clause unless the consent authority is satisfied the development*

*a. Ensures vehicular access is provided via Rifle Range Road with no access to and from the Hume Highway, and*

*b. Includes appropriate measures to ensure the following LAeq levels are not exceeded:*

*i. Internal noise levels in a bedroom of 35 (dB(A) at any time between 10pm and 7am*

*ii. Internal noise levels elsewhere in residential accommodation of 40 dB(A)(not including a garage, kitchen, bedroom or hallway)*

*c. Is sited outside of the Range Danger Area of the shooting range*

The minimum lot size restriction is not proposed to be achieved through the usual amendment to the Minimum Lot Size Map of the Goulburn Mulwaree LEP but instead through a limitation within the wording of Schedule 1: Additional Permitted Uses. This approach would avoid the creation of a new lot size category (namely 74ha) which would apply to this site only.

Any development on this site requires a development application and will be subject to the relevant policies' within the *Goulburn Mulwaree Development Control Plan*.

Addressing Constraints

The primary constraints, particularly relating to the northern land parcel subject to change, are biodiversity and bushfire with the proximity of Goulburn Rifle Range Club Shooting Range and the Hume Highway raising issues of noise and safety. The availability of a suitable access has also been a consideration.

- *Bushfire*

The site is identified as Category 3 bushfire prone land (medium bushfire risk) as illustrated in Appendix 8 of the planning proposal. The northern land parcel includes significant areas of cleared land and ample space and opportunity to include bushfire protection measures, including suitable asset protection zones. These bushfire protection measures will be implemented through a subsequent development application.

- *Biodiversity*

The site historically comprised White-Box-Yellow Box-Blackley's Red Gum Grassy Woodland and Derived Native Grassland but this has been degraded by pasture improvements. Less than half of

the site now comprises native groundcover with significant cleared areas presenting an opportunity to site a single dwelling house without adversely affecting remnant critically endangered ecological communities as illustrated in appendix 24 of the planning proposal. The site is also sufficiently large to provide for revegetation and clearing offset areas for biodiversity.

A biodiversity assessment will be required at the development application stage with suitable provisions made to avoid adverse impacts on native flora and fauna.

▪ *Proximity to the Goulburn Rifle Club Shooting Range*

The northern land parcel adjoins the Goulburn Rifle Club Shooting Range with an established Range Danger Area which encroaches on to a small part of the subject site as illustrated in appendix 21 of the planning proposal. This Range Danger Area includes areas of land together with a specified air space, within which danger to life, limb and property may be expected to occur arising from the initiation of specified ammunition. A dwelling within the Range Danger Area would present concerns around safety of the dwellings' residents. This may be avoided/mitigated through appropriate siting of any proposed dwelling outside of the Range Danger Area (as identified in the considerations of the draft Schedule 1 clause).

▪ *Noise Impacts*

The northern parcel of the subject site is located between the Hume Highway to the east and the shooting range to the west with both creating noise impacts which may adversely affect the amenity of residents of any proposed dwelling. Clause 102 of *State Environmental Planning Policy (Infrastructure)* (the Infrastructure SEPP) sets maximum internal noise levels within residential properties in proximity to the Highway. Clause 5.16 of the Goulburn Mulwaree LEP requires a development application for the erection of a dwelling house on E2 Environmental Conservation zoned land to consider the dwellings compatibility with these adjacent uses.

These policy mechanisms ensure robust consideration of noise impacts on future residential amenity and are imbedded into the draft wording for Schedule 1 of the Goulburn Mulwaree LEP.

The onus is upon the applicant of any subsequent development application to adequately demonstrate development compliance with the LEP and in particular Schedule 1, the Goulburn Mulwaree DCP and the requirements of the Infrastructure SEPP. Measures used to reduce potential noise impacts could include appropriate siting of a dwelling, landscaping/earth mounds or built solutions such as double glazing/insulation.

▪ *Access*

An independent vehicular access is achievable from the northern E2 Environmental Conservation zoned section of the site to Rifle Range Road. This would provide an access separate from the existing primary access to the wider lot from Rosemount Road.

No access is proposed to or from the Hume Highway, further, to ensure highway safety, access is prohibited, an additional sub-clause has been included within draft wording to Schedule 1 which prevents access to and from the Hume Highway.

Marulan Truckstop 31

As highlighted above, this element of the planning proposal is seeking to enable the permissibility of a fast food restaurant on Lot 2 and motel and pub with ancillary bottle shop on Lot 3. These additional uses form part of the wider redevelopment plans for the Truckstop site and seeks to provide enhanced service provision for road users.

Proposed Change

The planning proposal is seeking to amend Schedule 1 Additional Permitted Uses of the Goulburn Mulwaree LEP to enable, with consent, a motel, pub and bottle shop on Lot 3 and food and drink premises on Lot 2, DP 1053945.

The draft Schedule 1 wording is presented below:

**5 Use of certain land at 14 George Street, Marulan**

- (1) This clause applies to land at 14 George Street, Marulan, being Lot 2, DP 1053945, and identified as Item 5 on the Additional Permitted Uses Map*
- (2) Development for the purpose of food and drink premises is permitted with development consent*

**6 Use of certain land at 16 George Street, Marulan**

- (1) This clause applies to land at 16 George Street, Marulan, being Lot 3, DP 1053945 and identified as Item 6 on the Additional Permitted Uses Map*
- (2) Development for the purpose of motel or hotel accommodation, pub and bottle-shop is permitted with development consent.*

The planning proposal is considered to reinforce the function of Marulan as a highway service town (as opposed to its separate function as a local centre), providing roadside services by redeveloping and expanding a site which already serves this purpose. The proposal seeks to maximise the sites' close proximity to the Hume Highway to provide a greater range and higher quality of services to road users than is currently available on the site. This would take advantage of a significant opportunity afforded by the sites' location adjacent the Hume Highway.

The proposal seeks to build upon the high traffic uses which are concentrated on the northbound exit on the Hume Highway which collectively provide a range of highway oriented services for road users. This also serves to keep higher traffic volumes from affecting the central section of George Street which predominantly services the local population (thereby having a lesser impact on the amenity of the main street).

Addressing Impacts

The primary constraints relative to this site are Marulan's sewerage capacity, contamination, residential amenity and the potential economic and social impacts of the scheme, including on the viability of Marulan Local Centre.

▪ *Marulan's Sewerage Capacity*

The Marulan sewerage treatment plant is currently at capacity and is unable to accommodate the additional sewerage generated from the proposed uses. The Marulan sewerage treatment plant upgrade is identified in the Council's Operation Plan and is scheduled for completion in 2023.

Any development application to permit construction of the proposed uses would include conditions which prevent disposal of wastewater into the local sewer system until the Marulan sewerage treatment plant has been upgraded and require compliance with an approved Water Cycle Management Plan. These conditions have already been placed on the development consent for stage 1 of the Truckstop redevelopment.

▪ *Contamination*

*Ministerial Direction 2.6 Remediation of Contaminated Land* requires the planning proposal authority to consider whether the land is contaminated, and the remediation required to make the land suitable for the purpose the land is to be used for.

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The site's historic use as a service station indicated potential contamination could be present on site. Subsequent to the initial council report on 6 April 2021 the proponent provided a Preliminary Site Investigation which concluded that contaminants may be present and a Detailed Site Investigation would be required.

The Detailed Site Investigation (DSI) was prepared and submitted in June 2021 which focused on the suitability of Lot 3 for a motel and Lot 2 for food and drink premises.

This suitability was measured against National Environment Protection Measures (NEPM) assessment criteria, specifically against health investigation levels relating to industrial/commercial premises (HIL D).

Upon review of the DSI, Water NSW requested an additional level of assessment which compared the soil test results for Lot 3 (motel and pub) against more sensitive health investigation levels relating to residential with minimal opportunities for soil access (HIL B).

The updated DSI was submitted to Council on 8 October 2021 and forwarded to Water NSW on 12 October 2021. The updated DSI identified some categories of Total Recoverable Hydrocarbons (TRH) present within the soil samples for Lot 3 which exceeded the most sensitive health investigation levels relating to residential with garden/accessible soils (HIL A) (a slightly more sensitive level than requested by Water NSW). The groundwater sampling results identified one sample where copper and zinc exceeded this assessment criteria on Lot 3. These metals are not considered to be directly associated with the service station operations and can be attributed to naturally occurring levels of zinc and copper within groundwater.

The report concluded that the site can be made suitable for the proposed uses on Lots 2 and 3 providing the recommendations outlined are addressed. These recommendations include a Remedial Action Plan for Lot 3 to guide the remediation of the TRH contamination.

The updated DSI was accompanied by the Remedial Action Plan which in summary includes the following remedial actions to address the TRH contamination area:

- Excavate a pit at the sampling location and remove contaminated soil
- Stockpile the soil and physically remove off-site for disposal to an appropriate licensed landfill facility
- Excavated soil must be classified and removed off-site in accordance with the NSW EPA, Waste Classification Guidelines, Part 1:Classifying Waste (2014)

Water NSW confirmed these plans sufficiently addressed the concerns for the planning proposal stage but further comment and or detail maybe required about the remediation at DA stage.

The updated Detailed Site Investigation report is presented in **Attachment 1** and the Remedial Action Plan is presented in **Attachment 2**.

▪ *Residential Amenity*

The site is industrial zoned land which adjoins or is adjacent to existing residential properties to the north and east with vacant R1 Low Density Residential zoned land to the north. The proximity of the proposed uses could present some potential amenity impacts such as noise and light, particularly the evening uses, on the amenity of existing and future residents.

The Goulburn Mulwaree DCP provides a suite of controls relating to non-residential development (Section 4.2) and a specific chapter (Section 6.2) providing tailored controls for Service Centres. These relate to detailed requirements around visual impacts, acoustic impacts, lighting, traffic arrangements and noise amongst others. Any subsequent development application will be assessed against these chapters and other applicable requirements in the Goulburn Mulwaree DCP.



It must also be noted that the potential impacts on amenity for the proposed uses is considered to be of a lesser extent than other potential land uses currently permissible on this industrial zoned site.

▪ *Social Impacts*

Marulan is identified as an area with multiple indices of deprivation with lower than average educational levels and higher levels of disadvantage. The location and density of licensed premises can influence the health and well-being of people in the surrounding area, particularly disadvantaged areas, such as Marulan.

The proponent submitted a Social Impact Assessment to review both the positive and negative potential social impacts of the proposed uses which are listed in **Table 2** below and accompanied by proposed mitigations:

**Table 2: Potential positive and negative social impacts and mitigations**

| Positive Social Impacts  | Negative Social Impacts  | Mitigations/how to be addressed   |
|--|--|---|
| Provision of additional short term accommodation which seeks to address the shortage of fly in, fly out accommodation highlighted in the Council's LSPS. | Reliance on private transport as a result of limited public transport options. | Proposed uses primarily seek to serve highway users with reliance on the private vehicle unavoidable. Marulan is considered a more sustainable and accessible settlement than most in the LGA due to existing bus and train services to nearby urban areas. |
| Increased opportunities for local residents to interact and enhance community cohesion.  | Short term reduction in amenity during construction.                           | Mitigations to be included within a Construction Management Plan at the development application stage.  |
| Creation of locally accessible jobs with opportunities to shorten commutes.  | Low risk of an increase in crime and/or disorder.                              | Implementation of Crime Prevention through Environmental Design principles, ensuring secure access and dispersal of staff and staff training in the responsible service of alcohol.   |
| Additional food and retail expenditure positively impacting livelihoods of residents and business.   | Operational noise impacts.   | An acoustic assessment submitted with the development application, application of noise mitigations and a Plan of Management for the sites operation.   |
|  | Operational traffic impacts.   | Mitigations to be included within a Traffic Impact Assessment at the development application stage  |

In addition the Report highlights that there is no concentration of crime incidents around the site between July 2019 and June 2020 with crime rates remaining relatively stable.

The saturation of licensed premises within 1km of the site is currently 424.4 per 100,000 (*NSW Liquor LiveData*). The proposed additional use of a pub, when developed and licensed, will initially increase this saturation level due to the addition of a licensed premises within Marulan. This saturation level is expected to reduce alongside the planned increase in Marulan's population over the next 20 years. The population of Marulan is not identified as at relatively higher risk from alcohol related harm. This is especially the case when considered in the context of economic activity and employment created by the proposal.



Overall it is considered that the negative social impacts of the proposed uses can be successfully managed with the implementation of the mitigation measures presented in the Social Impact Assessment and through the application of controls within the Goulburn Mulwaree Development Control Plan.

▪ *Economic Impacts*

The Marulan local centre serves as the commercial core of Marulan and is located approximately 600 metres from the Truckstop site.

The local centre includes around 40 operating business including small retail outlets, post office, bakery, café, pharmacy, pub and accommodation providers as well as large depots for trucks and service based industries.

The proponent has submitted an Economic Impact Assessment to accompany the planning proposal which examines both the positive and negative economic impacts of a new motel and pub with ancillary bottle shop on Marulan local centre. The economic benefits of the proposed uses are listed in **Table 3** below:

**Table 3: Proposed economic benefits**

| <b>Economic benefits of proposed uses on the Truckstop site</b>   |
|---|
| • \$23m in total economic activity generated by the construction of the proposed development  |
| • 35 job years directly generated by the construction with the creation of approximately 32 jobs through their operation                  |
| • \$1.16m per year in total staff remuneration  |
| • Approximately \$265,000 generated in additional local and state revenue through Section 7.12 levies and payroll tax during construction |
| • Creation of 13,000 additional room nights generated by the motel  |
| • \$6.2 in gross value added  |
| • Estimated revenue of \$1.56m per year from motel rooms  |
| • Estimated \$900,000 per year additional visitor spend   |

The negative impacts of the proposed uses on the site are centred around the potential competitive impacts on individual business with a focus on accommodation providers and café's/restaurants within the Marulan local centre.

The Economic Impact Assessment did highlight that the planning proposal would likely increase local competition for some related businesses such as accommodation providers, restaurants and pubs.

It should be noted that competitive impacts arise from most commercial developments and planning only considers such impacts as far as they relate to the overall viability of existing service centres. The role of this planning proposal is to examine the potential impacts of the proposed uses on the overall viability of Marulan local centre.

Whilst some adverse competitive impacts maybe experienced by some related businesses in the local centre, others are likely to experience higher levels of footfall from additional visitor numbers and greater associated levels of spend in the local area. Overall the limited scope of the proposed uses is not considered to result in an adverse impact on the Marulan local centre's viability.

The planned increase in the residential population of Marulan over the next 20+ years, as presented in the *Urban and Fringe Housing Strategy*, will also lead to a greater number of patrons using the services of the local centre. This is expected to further off-set potential adverse competitive impacts on local businesses and further enhance the viability and vitality of Marulan local centre.

It is important to highlight that the southern part of Marulan which is located within close proximity to the highway junction is more focused on serving highway traffic than the local centre further to the north. The local centre tends to be more focused on providing services for the permanent resident population. Therefore these areas effectively serve different markets but also present opportunities for cross-over trade.

### **Consultation and Submissions made in accordance with Act or Regulations**

#### **Public Exhibition**

The gateway determination included a requirement to exhibit the planning proposal for a minimum period of 28 days and consultation with the following agencies:

- NSW Rural Fire Service
- Water NSW
- Transport for NSW
- Department of Planning, Industry and Environment (Biodiversity and Conservation)

The public exhibition ran for 29 days between 6 September 2021 and 5 October 2021 with a total of five (5) formal submissions received from the public, all of which related to the Marulan Truckstop element of the planning proposal. No public submissions were received relating to 159 Rifle Range Road.

The public exhibition included a:

- notice on the Council website with documents available to view and download;
- notice on the NSW Planning Portal with documents available to view and download;
- notice in the Goulburn Post on 1, 8, 15, 22, 29 September 2021;
- notification email to Marulan Chamber of Commerce; and
- notification letter to adjoining and adjacent landowners.

#### **Agency Referrals**

Agency referrals were received from NSW Rural Fire Service, Water NSW, Transport for NSW and the Biodiversity and Conservation division of Department of Planning, Industry and Environment.

##### **▪ Water NSW**

The Water NSW exhibition response received on 29 September 2021 raised no objections to proposed amendments relating to 159 Rifle Range Road and identified sewerage management and land contamination risks as their main concerns for the Marulan Truckstop.

Water NSW highlight the importance of sewer connectivity for later developments to deliver a neutral or beneficial effect on water quality and believe this issue can be dealt with through the development application phase. This will primarily be achieved through the submission and approval of a Water Cycle Management Plan and a condition preventing the disposal of waste water in the local sewer system until the Marulan Sewerage treatment plant upgrade has been complete. Water NSW raised no objections with this approach.

The issue of potential contamination of the site has been addressed through the submitted Preliminary Site Investigation, the updated Detailed Site Investigation which included assessment of samples against a more sensitive health investigation level and the Remedial Action Plan. After reviewing the revised DSI and the Remedial Action Plan Water NSW consider the documents had sufficiently addressed their concerns for the planning proposal stage but further comment or detail may be required about the remediation plan at the DA stage.

The response reinforced that any future development of the site will need to have a neutral or beneficial effect on water quality and meet or exceed the standards in Water NSW Current Recommended Practices.

## Ordinary Council Meeting Agenda

2 November 2021

▪ *Department of Planning, Industry & Environment- Biodiversity & Conservation Division*

The Biodiversity & Conservation Division of Department of Planning, Industry & Environment response received on 21 September 2021 raised no objections to the planning proposal.

In relation to the Rifle Range Road site, the response supported the establishment of the minimum lot size restriction of 74ha to minimise impacts to critically endangered ecological communities.

The referral also recommended the dwelling building envelope and bushfire asset protection zones be located within cleared areas of the site to avoid a future development application exceeding the threshold for the Biodiversity offsets scheme. The extensive area of the site and volume of cleared vegetation enable a dwelling to be sited away from ecologically sensitive parts of the site. The exact location of any proposed dwelling will be addressed in detail through a subsequent development application.

▪ *NSW Rural Fire Service*

The NSW Rural Fire Service exhibition response received on 8 September 2021 raised no objections to the planning proposal.

▪ *Transport for NSW*

The Transport for NSW exhibition response received on 3 September 2021 raised no objections to the planning proposal on the proviso the requirements stipulated in their pre-exhibition response are adequately addressed.

The Transport for NSW pre exhibition response received on 2 August 2021 stipulated no objection to the provisions relating to 159 Rifle Range Road subject to access to and from the Hume Highway being prevented and noise levels identified in the Infrastructure SEPP being satisfied.

These requirements have been addresses through additional subclauses in the draft wording of Schedule 1 of the Goulburn Mulwaree LEP and were subject to this public exhibition.

In relation to the Marulan Truckstop, the pre-exhibition response stipulated that a development application (DA) for the proposed uses must be accompanied by a Traffic Impact Study. This study must include an assessment on the suitability of retention of the current access across the Hume Highway median. It is noted that any future DA for this area would be referred to Transport for NSW under the Infrastructure SEPP.

A copy of all the agency referral responses throughout the planning proposal process are presented in **Attachment 3**.

*Public Submissions*

No public submissions were received relating to 159 Rifle Range Road.

Five public submissions were received objecting to the additional permitted uses sought for the Marulan Truckstop site.

*Summary of responses to Marulan Truckstop*

Five (5) formal public submissions were received during the exhibition period including four local residents and a local business owner. All submissions were objections to the proposed uses sought through this planning proposal and a number related to issues which are more appropriately addressed through a DA. Full submissions are available in **Attachment 4**.

Tables 4 to 8 below provide a summary of the five submissions for the Marulan Truckstop.

**Table 4: Submission summary and response Donna Ryall**

| Submitter   | Address                   | Submission date   |
|---|---------------------------|-------------------|
| 1. Donna Ryall  | 15 George Street, Marulan | 10 September 2021 |
| <b>Summary of Submission</b>  |                           |                   |
| <ul style="list-style-type: none"> <li>Concerns raised regarding the driveway location of the proposed uses due to increased traffic resulting in noise and headlights shining into front windows of residential properties opposite</li> <li>Concerns over the provision of adequate on-site parking to avoid the impacts of on-street parking on George Street</li> <li>Existing and additional litter/rubbish generated by the site blowing into residential gardens. High fences proposed to be erected around the fast food site and a request for an increase in the front fence height from the current 1.2m to mitigate this impact and ensure privacy</li> <li>Questions raised over proposed hours of operation of the pub and bottle shop (licensed premises).</li> <li>Statement made that the area is zoned residential, not industrial</li> </ul>   |                           |                   |
| <b>Council's Response</b>   |                           |                   |
| <p>The preparation and assessment of planning proposals is dictated by the following legislation, regulation and guidance:</p> <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979</li> <li>Environmental Planning and Assessment Regulations 2000,</li> <li>Local Environmental Plans: A guide to preparing Local Environmental Plans, and</li> <li>Planning Proposal: A Guide to preparing planning proposals</li> </ul> <p>A guide to preparing planning proposals` stipulates a planning proposal:</p> <p>` Only relates to an LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application. `</p> <p>A planning proposal is therefore not able to address detailed considerations such as the location of driveways, the provision of on-site parking, waste management arrangements, boundary fencing and hours of operation. These are all factors which require consideration at the development application stage.</p> <p>A development application will also consider the potential noise impacts of the proposed uses with mitigations sought to reduce a schemes impacts on nearby residential properties. This will however be considered in the context of the existing industrial zoning of the site, its existing operation as a Truckstop and the proximity and existing impacts from the nearby Hume Highway.</p> <p>Any request by the submitter for an adjustment to their fence height which exceeds the 1.2m height permissible as Exempt Development should be submitted as a development application.</p> <p>The submitter's property is zoned R1 General Residential directly opposite the subject site which is zoned IN1 General Industrial- illustrated in <b>Figure 3</b> of this council report</p> |                           |                   |

**Table 5: Submission summary and response Julie Graham**

| Submitter  | Address                    | Submission date |
|--|----------------------------|-----------------|
| 2. Julie Graham  | 26 Station Street, Marulan | 5 October 2021  |
| <b>Summary of Submission</b>   |                            |                 |
| <ul style="list-style-type: none"> <li>Impact of the additional noise generated by the motel and pub, particularly at night, both from the venue and patrons travelling to and from the venue with a resulting long term impact on the community.</li> <li>Rooftop bar is something one would expect in a more densely populated community.</li> <li>An additional venue for the sale/consumption of alcohol on top of the two existing venues is considered a disproportionate number for a village location.</li> <li>The applicant showcasing a `hoarders` home in the heritage conservation area is offensive, particularly when the local community has contributed so much to retaining Marulan's beautiful buildings. A series photos are provided illustrating examples of historic Marulan buildings.</li> <li>Goulburn to Marulan train and bus services are limited and not well patronised with 30-45 minute car ride to Goulburn, Moss Vale and Mittagong.</li> </ul> |                            |                 |

|   |
|---|
| <ul style="list-style-type: none"> <li>• The current volume of litter in the local area and its potential increase as a result of this proposal.</li> <li>• Suggestion that renewable energy technologies be integrated with the development.</li> <li>• Reference to Marulan being ranked in the bottom 40% of all localities in the Index of Economic Resources through 2016</li> </ul>   |
| Council's Response  |
| <p>As identified in the response above (submitter 1), consideration of the range of potential impacts from a proposed development and suitable mitigations will be considered at the development application stage.</p> <p>The proponent submitted indicative plans and illustrations with their planning proposal submission which included a roof top bar to the pub. These plans only seek to illustrate how a potential scheme could be accommodated on site and represent the early concept stages of a development proposal. Design and siting considerations and the indicative plans do not form part of the determination of this planning proposal. Formal plans and relevant technical studies must be submitted with a development application upon which a determination will be made.</p> <p>The number of licensed premises and the potential impacts on community well-being has been assessed through the Social Impact Assessment submitted with the planning proposal. The site is considered to be at low risk from an increase in levels of crime in an area with very low crime rates.</p> <p>The Social Impact Assessment also examined community vulnerability to alcohol. It concluded that Marulan was not at relatively higher risk of alcohol related harm than the rest of NSW. Community vulnerability to alcohol related harm is considered to be low in the context of the additional economic activity and employment proposed.</p> <p>The number of liquor licenses and associated licensing conditions are a function of Liquor and Gaming NSW.</p> <p>The council prepared the contents of the planning proposal subject to exhibition and provided any photographs included within it. Reference to the 'hoarders' home' relates to Figure 6 of the planning proposal at 42 George Street. This property was illustrated in the planning proposal to identify the heritage item which stands in closest proximity to the site. The photograph selection is in no way seeking to diminish the contribution historic buildings make to the character of Marulan or their importance to the local community.</p> <p>Marulan benefits from bus and train services to local service centres. Whilst they are relatively limited in their frequency their availability contributes to a more sustainable settlement and a wider range of transport options than most other areas in the LGA.</p> <p>Notwithstanding, the proposed uses of a fast food restaurant, motel and pub with ancillary bottle shop directly relate to the operation of the site as an existing highway service station. A highway service centre primarily serves passing highway users reaching the site by car or truck.</p> <p>Waste management considerations, including litter will be considered at the development application stage.</p> <p>Energy efficiency measures are prescribed through Part J of the Building Code of Australia and assessed at the DA stage.</p> <p>The Social Impact Assessment has referred to a number of datasets, including socio-economic indices for areas (SEIFA) provided by the Australian Bureau of Statistics (ABS) to provide an overview of the social and economic well-being of Marulan. This provides the background information to assess potential impacts of the proposal on the community. This is objective, publicly available data is not intended to offend. The 2016 Census is the most definitive dataset available until the 2021 Census data is released.</p> |

**Table 6: Submission summary and response G. Spicer & S. Atkinson**

| Submitter   | Address                          | Submission date       |
|---|----------------------------------|-----------------------|
| <b>3. Gary Spicer &amp; Samantha Atkinson</b>   | <b>17 George Street, Marulan</b> | <b>5 October 2021</b> |
| <b>Summary of Submission</b>  |                                  |                       |
| <ul style="list-style-type: none"> <li>• Proposal at 16 George Street (motel and pub) will not benefit the area as there are already two venues for purchasing alcohol in relative close proximity and Marulan is not big enough to warrant another.</li> <li>• There are already a number of accommodation providers on George Street which always have vacancies.</li> <li>• There are already a number of fast food drive through options in the local area</li> <li>• Concerns over additional traffic and noise generated by the proposed uses, particularly affecting the front of residential properties.</li> <li>• Concerns over the impact on property prices</li> <li>• The location is inappropriate</li> </ul>   |                                  |                       |
| <b>Council's Response</b>   |                                  |                       |
| <p>The commercial viability of the proposed uses is a matter for the proponent. Marulan is located on the Hume Highway and provides a suitable location for roadside services which is reflected in the number of fast food drive thru options and accommodation providers in the area, largely supported by users of the highway.</p> <p>Increasing the choice of potential service providers for road users is only one benefit of the planning proposal. Additional local employment opportunities, increased economic activity and enhancement of an existing under-utilised truckstop are also benefits accrued from the proposed additional uses on this site.</p> <p>The planning system does not take into consideration the impact of development on property prices. Property prices are affected by a wide range of variables, most of which stand outside the scope planning.</p> <p>As identified in the response above (submitter 1), consideration of the range of potential impacts from a proposed development and suitable mitigations will be considered at the development application stage.</p> <p>The subject site already serves as a Truckstop. Its location directly off the Hume Highway is considered a suitable and logical place to further enhance and support this existing use and provide greater choice to roadside users.</p> |                                  |                       |

**Table 7: Submission summary & response Jos Roberts**

| Submitter   | Address           | Submission date       |
|---|-------------------|-----------------------|
| <b>4. Jos Roberts</b>   | <b>Not stated</b> | <b>5 October 2021</b> |
| <b>Summary of Response</b>  |                   |                       |
| <ul style="list-style-type: none"> <li>• Personal wishes and benefits should not influence the overall considerations</li> <li>• Regulations should ensure a result which is good for Marulan with consideration for the long term and not just quick returns</li> <li>• Proposal will lead to two town centres and result in the hollowing out of the town centre, likely followed by other local spot rezoning's</li> <li>• Proposal will create a disincentive for investment and result in a less commercially attractive town/retail centre</li> <li>• Residential areas are growing and traffic on the Hume highway is increasing so shopping and employment in a vibrant centre is to be encouraged</li> <li>• Concern the proposal will stifle existing offerings.</li> <li>• Proposal will have long term negative effects on Marulan as a whole and does not contribute to addressing the current incoherent planning in the area.</li> <li>• Council must consider what is best for the town in the longer term</li> <li>• Proposal not supported as it seeks to amend regulation to suit this site but not the whole of Marulan.</li> </ul> |                   |                       |
| <b>Council's Response</b>   |                   |                       |

The purpose of the planning proposal process is to ensure adequate justification and strategic merit of a proposed change to the LEP. The benefits of a scheme contribute to this justification.

The range of benefits of the proposed uses are identified in this council report. A number of these benefits are considered to lead to long term benefits to the Marulan local area including additional local employment opportunities, increased economic activity and the physical enhancement of an underutilised site.

The Marulan local centre enables an extensive range of permissible uses including:

- Commercial uses (broad definition, highly inclusive)
- Community facilities
- Educational establishments
- Entertainment facilities
- Tourist and visitor accommodation

This proposal relates to enabling the permissibility of the specific uses of a motel, pub with ancillary bottle shop and fast food drive thru on this site only. These uses directly relate to and support the services of the existing Truckstop and serve users of the Hume Highway. The site is not able to provide for the same range or concentration of permissible uses as Marulan local centre, thereby ensuring the primacy of the local centre.

The Economic Impact Assessment identifies there may be some competitive impacts on some related local businesses but the overall viability of Marulan local centre would not be adversely affected. The proposed uses, located adjacent the Hume Highway, are tailored to serve highway users whereas the local centre primarily serve the needs of the local resident population. In addition, any competitive impacts are expected to be off-set by the planned increase in Marulan's population and the greater number of patrons using the services of the local centre.

**Table 8: Submission summary & response Lee Environmental Planning on behalf of Ken McCourt**

| Submitter  | Address  | Submission date       |
|--|--|-----------------------|
| <b>5. Lee Environmental Planning on behalf of Ken McCourt</b>  | <b>Landowner of Terminus Hotel, George Street, Marulan</b> | <b>2 October 2021</b> |
| <b>Summary of Response</b>   |  |                       |
| <ul style="list-style-type: none"> <li>• Public engagement process has been unsuccessful as demonstrated by the large proportion of the affected community being unaware of the proposed changes. Council may not have satisfied its obligations to the community which could call into doubt the procedural fairness of the process.</li> <li>• Proposal is an opportunistic spot rezoning aimed at adding market value to the land that the proponent believes will be profitable, but this does not necessarily translate into solid reason for a planning proposal.</li> <li>• The current land use zoning in the Goulburn Mulwaree LEP reflects Marulan's position as an important service centre along the Hume Highway and a local centre serving the local population. This makes the spot rezoning approach somewhat confusing.</li> <li>• Planning proposal not linked to any strategic study or report and lacks strategic merit.</li> <li>• Current IN1 General Industrial zoning for the site enables a wide range of land uses that can contribute in the long term to the Marulan economy and community and no compelling case has been presented as to why the current zoning is deficient.</li> <li>• The Marulan local centre (B2 zoned land) provides the building blocks for a vibrant and successful town with existing business which can consolidate and expand and sufficient zoned land for new opportunities. Unaware of a case presented that insufficient commercial land is available or current B2 zoned land is unsuitable for the needs of the area.</li> <li>• The support for the dislocation of the motel, pub and bottle shop, which are key town centre uses, outside the town centre is a failure of strategic planning.</li> <li>• Request for Council to pause the planning proposal in favour of a more comprehensive and collaborative strategic planning exercise for Marulan.</li> <li>• The generation of positive economic numbers is not surprising but such potential benefits should not be stripped out of the town centre as this approach stands at odds with the long term strategic planning for Marulan.</li> <li>• Site suitability is questionable when the potential negative impacts on the town centre are considered.</li> <li>• The social impact assessment is unconvincing. The greatest positive social impact accrues through a</li> </ul> |  |                       |



|   |
|---|
| <p>strong cohesive town centre which is being undermined by this planning proposal.</p> <ul style="list-style-type: none"> <li>Overall the Planning Proposal lacks strategic merit and should not proceed, particularly without first being subject to meaningful public scrutiny and comment.</li> </ul>   |
| <p style="text-align: center;"><b>Council's Response</b></p> <p>Public engagement requirements for planning proposals are set out in legislation and guidance and required to be undertaken in accordance with the requirements of the Gateway determination. As highlighted in the Council report the public exhibition ran for more than the required timescale and included the following:</p> <ul style="list-style-type: none"> <li>A notice on the Council website with documents available to view and download</li> <li>A notice on the NSW Planning Portal with documents available to view and download</li> <li>A notice in the Goulburn Post on 1, 8, 15, 22, 29 September 2021</li> <li>A direct notification to Marulan Chamber of Commerce</li> <li>A direct notification to adjacent landowners</li> </ul> <p>Council has exceeded its regulatory requirements in terms of public engagement, met the conditions of the Gateway determination and satisfied its legal obligations.</p> <p>A planning proposal can be submitted by anyone and Council has a legal obligation to assess any given proposal's merits. The reasons for a change in planning controls is often instigated by a profit motive. A proponents motivations to increase the value of their land is not sufficient justification for a planning proposal. However there are number of benefits of the proposal which extend beyond increased land value and serve to justify the proposed uses on this site.</p> <p>The site's location in relation to a precinct largely dedicated to highway service functions is also a key consideration in this proposal.</p> <p>The proposed uses on this site are not explicitly identified in a strategic study but the planning proposal is consistent with required strategic documents,, SEPP's and Ministerial Directions as outlined in this report and the planning proposal. In addition, Department of Planning, Industry and Environment, through the gateway determination considered the proposal to have some strategic merit to continue in the process. There are no outstanding objections from agencies engaged in the process.</p> <p>The contribution industrial zoned land makes to the Marulan economy is recognised. However Marulan has approximately 291 hectares of vacant industrial zoned land. The proposed additional permitted uses on Lot 3 would reduce the overall available industrial land by approximately 0.18%. This reduction would not reduce the long term contribution industry makes to Marulan's economy.</p> <p>The proposed additional permitted uses do not seek to replace the Marulan local centre as the focus for service provision to the local resident population. The range of permissible uses proposed directly relate to providing supporting services for the existing Truckstop use and users of the Hume Highway. These areas essentially function as different markets with the Truckstop serving highway users and the Local Centre serving local residents. The range of permissible uses on the Truckstop are significantly more commercially limited than the range of uses permissible in Marulan local centre, ensuring the primacy of the local centre for service provision for local residents.</p> <p>It is recognised that Marulan local centre has adequate commercial land and B2 zoned land to accommodate a fast food drive thru, motel and pub. However, the relocation of these uses from the Truckstop site to the local centre would uncouple the operational use of the service station with the ancillary and supporting uses of motel, pub and drive thru restaurant and dislocate their highway supporting function away from direct access to the Hume Highway.</p> <p>The planning proposal and this council report highlight the economic benefits of the proposal. These benefits arise from the proposed uses supporting the existing Truckstop and the sites proximity to the Hume Highway. The proposed uses and the benefits they bring are specific to this site and are not considered transferable to the local centre.</p> <p>The site is considered suitable for the proposed uses due to its proximity to the Hume Highway, its ability to support the existing Truckstop business, alongside the benefits of the scheme and minimal impacts on the viability of Marulan local centre. No evidence has been presented which demonstrates a long term impact on the viability of Marulan local centre or significant adverse impacts on community well-being and social cohesion as a result of this planning proposal.</p> |



Addressing Marulan Truckstop public exhibition comments

A planning proposal is not able to address detailed considerations around the siting and design of a scheme nor seek to resolve in detail how potential amenity impacts will be addressed. These detailed considerations would form part of the determination of a subsequent development application. A guide to preparing planning proposals stipulates a planning proposal:

*"Only relates to an LEP amendment. It is not a development application nor does it consider specific detailed matters that should form part of a development application."*

It is the role of the planning proposal to identify relevant environmental, social, economic and other site-specific considerations and to establish whether in principle, adverse impacts can be mitigated and/or justified by the benefits and strategic merit of the proposal.

- *Design, siting and amenity*

A number of the issues raised by the four local residents relate to detailed considerations which should be addressed at the development application stage. These include additional traffic generation which will be examined through a Traffic Impact Assessment (as per Transport for NSW advice), parking provision and boundary fencing as outlined in submitted DA plans and noise implications arising from the final scheme identified and mitigated through an acoustic assessment.

These factors will be considered in the context of the existing industrial zoning of the site, its existing operation as a Truckstop and the proximity and existing impacts from the nearby Hume Highway. All potential impacts will be considered against the requirements of the Goulburn Mulwaree DCP at the development application stage.

Concerns raised over the management of waste and particularly litter from the proposed uses will be addressed through a Waste Management Plan submitted with a subsequent development application.

Hours of operation of the proposed pub/bottle shop have not been established. These would be set out as a condition of a subsequent development application. Licensing hours for the service of alcohol will be determined through a liquor license issued by NSW Liquor and Gaming.

The planning system does not take into consideration the impact of development on property prices. Property prices are affected by a wide range of variables, most of which stand outside the scope planning.

Other issues raised focus on the potential impact the proposed uses may have on the vibrancy and vitality of Marulan local centre and businesses operating with it and concerns the proposal would not lead to long term benefits for Marulan, these are addressed below.

- *Competition & Viability of Marulan Local Centre*

Competitive impacts and the effects on the overall viability of Marulan local centre are examined through the Economic Impact Assessment and addressed under 'Addressing Impacts' in this report.

Whilst there are likely to be competitive impacts on some related local businesses the overall viability of Marulan local centre is not considered to be adversely affected as a result of the proposal. Any competitive impacts are expected to be off-set by the planned increase in Marulan's residential population and the greater number of patrons using the services of the local centre.

These are further off-set by the focus of the proposed uses to serve users of the Hume Highway.

No evidence has been presented which demonstrates a long term, impact on the overall viability of the Marulan local centre.

▪ *Benefits of the proposed uses*

The potential benefits of the proposed additional uses are listed in **Table 2** and **Table 3** of this report. Some of these benefits are short term and/or site specific such as construction employment and revenue generation. However a number of benefits are considered to lead to long term benefits to the Marulan local area including additional local jobs, additional visitor spend, and the physical enhancement of an under-utilised site.

▪ *Public Engagement Process*

The preparation, assessment and public consultation of planning proposals is dictated by the following legislation, regulation and guidance:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000, and
- Local Environmental Plans- A guide to preparing local environmental plans
- Planning Proposal: A guide to preparing planning proposals

These documents require community consultation to be undertaken in accordance with the requirements of the Gateway determination. The gateway determination stipulates a public exhibition be undertaken for a minimum of 28 days and be made publicly available in accordance with section 6.6.2 of *A guide to preparing local environmental plans*. This guide states the following:

*Public exhibition of the planning proposal is generally undertaken in the following manner:*

- *Notification in a newspaper that circulates in the area affected by the planning proposal*
- *Notification on the website of the PPA (Planning Proposal Authority)*
- *Notification in writing to affected and adjoining landowners, unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.*

As noted above the public exhibition for this planning proposal ran for 29 days with the following undertaken in accordance with the regulatory requirements:

- A notice on the Council website with documents available to view and download
- A notice on the NSW Planning Portal with documents available to view and download
- A notice in the Goulburn Post on 1, 8, 15, 22, 29 September 2021
- A direct notification to Marulan Chamber of Commerce
- A direct notification to adjacent landowners

In addition late submissions were accepted and included within this report up to 28 October 2021 with the public and proponent able to address councillors directly through the 2 November 2021 Council meeting.

The Council has exceeded its regulatory requirements in terms of public engagement on the planning proposal and satisfied its legal obligations. Further community engagement will be undertaken as part of any subsequent Development Application.

▪ *Strategic Merit of Proposal*

The strategic merit of a planning proposal, in large part, relates to the degree to which the proposed amendments are consistent with the objectives and actions within the following:

- South East and Tablelands Regional Plan;
- The Tablelands Regional Community Strategic Plan;
- Goulburn Mulwaree Local Strategic Planning Statement;
- Goulburn Mulwaree Urban and Fringe Housing Strategy;
- State Environmental Planning Policy; and
- Ministerial S.9.1 Directions.

The planning proposal has thoroughly detailed the degree of consistency of the proposal to the objectives and actions with these strategic documents, state policies and Ministerial Directions and these are summarised, as they relate to the Truckstop, in **Table 9**.

**Table 9: Applicable strategic documents, State Environmental Planning Policy (SEPP) and s9.1 Ministerial Directions**

| <b>Applicable Strategic Documents, State Environmental Planning Policy (SEPP) and s9.1 Ministerial Directions</b> | <b>Consistency</b> |
|---|--------------------|
| South East and Tablelands Regional Plan   | Consistent         |
| The Tablelands Regional Community Strategic Plan  | Consistent         |
| Goulburn Mulwaree Local Strategic Planning Statement  | Consistent         |
| Goulburn Mulwaree Urban and Fringe Housing Strategy   | Consistent         |
| Sydney Drinking Water Catchment SEPP  | Consistent         |
| SEPP 55 Remediation of land   | Consistent         |
| Infrastructure SEPP   | Consistent         |
| Direction 1.1 Business and Industrial Zones   | Consistent         |
| Direction 2.3 Heritage Conservation   | Consistent         |
| Direction 2.6- Remediation of Contaminated Land   | Consistent         |
| Direction 3.4- Integrating Land Use and Transport   | Consistent         |
| Direction 4.3- Flood Prone Land   | Consistent         |
| Direction 5.2- Sydney Drinking Water Catchment  | Consistent         |
| Direction 5.10- Implementation of Regional Plans  | Consistent         |
| Direction 6.1- Approval and Referral Requirements   | Consistent         |
| Direction 6.3- Site Specific Provisions   | Consistent         |

In addition to Council's assessment, it is the role of the gateway determination assessment by the State to ensure there is sufficient justification for a proposal and to stop planning proposals which lack strategic merit early in the process. This planning proposal has thoroughly assessed the consistency of the planning proposal against the above listed strategic documents, policies and directions. In addition the planning proposal was granted its gateway determination in July 2021 with no indication from the Department of Planning, Industry and Environment of a lack of consistency with related strategic objectives and actions.

No information has been presented which provides detail that the proposed uses are not consistent with the above listed documents.

- *Current zoning, availability of commercial land in Marulan, dislocation of Town Centre uses and site suitability*

This planning proposal does not propose to change the current IN1 General Industrial zoning of the site but to include the additional permissibility of a fast food drive thru, motel and pub with ancillary bottle shop on the existing Marulan Truckstop site.

The existing Truckstop operation is sited on Lot 2 and isn't available for industrial development. Lot 3 is vacant with only a derelict residential structure on site. The suitability of Lot 3 for industrial development is questionable. The lot is narrow, 0.5 hectares in size and is located between the existing Truckstop and residential development. The limited size of the lot combined with its location adjoining and adjacent to residential properties lends itself more to the proposed uses than those permissible in the industrial zone.

These uses seek to directly support the redevelopment and enhancement of service provision for an existing business in close proximity to the Hume Highway. The range of uses permissible is specific and limited to those which have a supporting function to the operation of the Truckstop and the Hume Highway. The planning proposal does not enable the range of commercial uses permissible in the B2 zoned Marulan local centre, thereby ensuring the primacy and focus of the local centre for commercial activity and investment.

The proposed uses of a drive thru, motel and pub are considered uses which are most often located with a local centre. The Marulan local centre has sufficient zoned land for a motel, pub and fast food restaurant. However, the relocation of these proposed services/uses from the Truckstop site to the local centre would uncouple the operational use of the service station with the ancillary and supporting uses of a motel, pub and drive-thru restaurant and the proximity to the highway. This would have the effect of:

- Not taking full advantage of the sites proximity to the Hume Highway
- Preventing users of the Truckstop and Hume Highway benefiting from direct access to these supporting services
- Would not achieve the objectives of the planning proposal
- Additional off-site provision unlikely to be developed by proponent
- Site likely to remain underutilised

It is also noted that the proposed uses, particularly a motel, seek to serve predominately the needs of highway users with a particular focus on providing short term accommodation for fly in fly out workers. The dislocation of this use to the local centre would likely result in significant additional heavy vehicles traveling up the main thoroughfare of George Street with little opportunity to park their vehicles other than on the street. Highway safety and parking along George Street has already be identified as concern of local residents.

The planning proposal does not seek to provide a compelling case that the current zoning is deficient or require demonstration that other sites zoned B2 are more suitable for the proposal. The Council is required to determine the suitability of the site for the proposed uses and the related strategic merit of the proposed amendment before them. Notwithstanding, Marulan has extensive levels of unoccupied industrial zoned land, providing opportunities for industrial development in more suitable locations, which stand a greater distance from residential properties.

The site is considered suitable for the proposed uses due to its proximity to the Hume Highway its ability to support an existing Truckstop alongside the benefits of the scheme and the minimal impacts on the viability of Marulan local centre. No evidence has been presented which demonstrates a long term impact on the viability of Marulan local centre or significant adverse impacts on community well-being and social cohesion as a result of this planning proposal.

Support for the proposed uses in this location is not a failure of strategic planning but is a flexible response to the needs of a local landowner for the enhancement of an existing business which will generate economic activity and provide local employment.

#### **Internal Consultation**

Council's Communication & Business Development Officer reviewed the proposal and their comments are summarised below:

- No negative impacts identified that haven't already been addressed. Potential impacts regarding noise, light and construction will be addressed through development applications and these are likely to generate community submissions;
- Proposal would lead to an improved use of an underutilised site which stands at a key entry point to Marulan, in close proximity to the highway;
- Very supportive of the creation of construction and operation roles and the \$900,000 additional visitor spend estimated to be generated. This is considered to have a positive effect on Marulan;

- Concurrence with the proponents consideration of social impacts on the community of Marulan, and
- Likely competitive impacts on other local businesses is noted but it is considered the proposal will attract the vast majority of its customers from the highway and this will have associated benefits for Marulan as identified in the proponents Economic Impact Assessment.

### Conclusion

In conclusion the planning proposal presents proposed changes to the Goulburn Mulwaree LEP Schedule 1 (Additional Permitted Uses) for two different sites. This report recommends proceeding with the making of the LEP amendment for each site as follows:

#### 159 Rifle Range Road

The proposed permissibility of a dwelling through an addition to Schedule 1 Additional Permitted uses of the Goulburn Mulwaree LEP on the northern parcel of 159 Rifle Range Road would rectify the current zoning anomaly and address the related action in the *Urban and Fringe Housing Strategy*. The Minimum lot size restriction would ensure no further subdivision of the site and the highway access restriction would ensure highway safety. The large site area at 74.5ha combined with extensive areas of non-native vegetation enables the siting of a dwelling which is able to:

- Avoid adverse impacts on biodiversity
- Accommodate bushfire protection measures
- Accommodate on-site effluent management systems, and
- Be sited away from dangers posed by the adjacent shooting range.

#### Marulan Truckstop

The proposed additional permissibility within Schedule 1 of the Goulburn Mulwaree LEP for a fast food restaurant, motel and pub with ancillary bottle shop for the Marulan Truckstop site will facilitate the redevelopment of an underutilised existing service station site in close proximity to the Hume Highway.

This proximity to the highway creates a suitable location for these supporting uses and potential amenity, traffic and parking impacts can be adequately addressed at the development application stage.

Concerns relating to Marulan sewer capacity and contamination have been adequately addressed. Whilst some competitive impacts are expected as a result of the proposed uses this is not considered to result in adverse impacts on the overall viability of Marulan local centre. The proposed uses are not considered to result in adverse impacts on the health and well-being of the community. The proposed uses will create jobs locally, generate economic activity and meet the identified shortfall in short term accommodation within the local government area.

### Recommendation

That the planning proposal for additions to Schedule 1 Additional Permitted uses of the Goulburn Mulwaree LEP 2009 be endorsed by Council and proceed to finalisation.

### FINANCIAL IMPLICATIONS

There are no known financial implications.

### LEGAL IMPLICATIONS

There are no known legal implications.

Attachment 2a\_Water NSW\_Pre-Gateway Referral Response\_10 June 2021



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10 June 2021

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

Contact: *Stuart Little*  
Telephone: *0436 948 347*  
Our ref: *D2021/66096*

Dear Mr Kiernan,

**Planning Proposal for Additional Permitted Uses – REZ/0002/2021**

I refer to your email of 7 May 2021 regarding a Planning Proposal for 14 & 16 George Street Marulan and 159 Rifle Range Road Goulburn (REZ/0002/2021) that seeks to expand the range of uses allowed at an existing truck stop at Marulan and to facilitate the permissibility of a dwelling on a parcel of land at Goulburn. WaterNSW's concerns relate to the protection of water quality in the Sydney Drinking Water Catchment.

The proposed additional proposed uses for a food and drink premises and hotel/motel accommodation and pub for the Marulan site will require significantly improved sewerage management arrangements. The site is unsewered and the Marulan sewage treatment plant (STP) is currently at capacity. There is also no current site-specific development control plan for the site to address the sewerage management issue. The Proposal flags that a DA will be lodged these uses and that any consent issued will condition the development based on connection to the reticulated sewerage network and completion of the upgrade of the STP. WaterNSW also notes that any DA would need to demonstrate a neutral or beneficial effect on water quality and be referred to WaterNSW for concurrence under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. WaterNSW does not object to the progression of the Planning Proposal on the basis that the sewerage management issue will be addressed at DA stage and prior to any occupation of new development associated with the uses put forward by this Proposal.

We understand that contamination assessments are currently being undertaken for the Marulan site. We have not had the benefit of that information in undertaking our current assessment of the Planning Proposal. As any site contamination may also have implications for water quality, we would ask that the Planning Proposal be referred to us again at exhibition stage with the accompanying contamination assessment reports.

We have no objections to the Proposal with respect to 159 Rifle Range Rd and we support Council's rationalisation of the planning provisions for northern parcel of land at this site

Detailed comments are provided in Attachment 1 while Attachment 2 includes a relevant Strategic Land and Water Capability Assessment map for the 159 Rifle Range Road site.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at [stuart.little@watnsw.com.au](mailto:stuart.little@watnsw.com.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Alison Kniha", written over a light blue horizontal line.

**ALISON KNIHA**  
**Catchment Protection Planning Manager**

**ATTACHMENT 1 – Detailed Comments****14 & 16 George Street, Marulan – Marulan Truckstop 31**

The proposal in Marulan is developer-led and seeks to expand the ranges of uses allowed at Truckstop 31 as part of a wider proposed redevelopment of the site. The Marulan Truckstop 31 site comprises two lots, 14 George Street (Lot 2 DP 1053945) and 16 George Street (Lot 3 DP 1053945), occupying a combined area of approximately 4 ha. Both lots are currently zoned IN1 General Industrial under the *Goulburn Mulwaree Local Environmental Plan 2009* (the LEP). An existing service station occurs on Lot 2 and includes a fuel forecourt and restaurant. Lot 3 adjoins Lot 2 but is substantially smaller and contains a small residential property.

The Proposal seeks to make permissible with development consent the use of food and drink premises for Lot 2 and motel/hotel accommodation and pub with ancillary bottle shop for Lot 3. This will be done by amending Schedule 1 of the LEP to allow a fast food restaurant on Lot 2 and a motel, pub and bottle shop on Lot 3. This would overcome the current IN1 zoning restrictions that currently prohibit retail premises and tourist and visitor uses within the IN1 zone.

As noted in the Planning Proposal, the main constraint to the redevelopment of the service station and the associated uses is sewerage connection and management. While the Truckstop area is generally serviced by mains water and infrastructure, the site is not connected to the Marulan sewer network and is currently reliant on the use of on-site septic tanks. Additionally, Marulan sewerage treatment plant (STP) is at capacity and is unable to accommodate additional sewerage generated as a result of the proposed uses. No site-specific development control plan provisions are proposed for the site, leaving the sewerage issue to be managed by means of the development consent process (discussed below). We note the intention to connect the site to the reticulated sewage network once the STP upgrade has been completed.

The Planning Proposal identifies that the site redevelopment is being staged to coincide with the STP upgrade. A current development application (DA) is being progressed on part of the service station upgrade which omits Lot 3 (intended for motel/hotel and pub) and that part of Lot 2 where the fast food restaurant is anticipated to be sited. Further DAs will be submitted for the remaining areas subject to successful progression of this Planning Proposal. It is intended to manage the 'sewerage' constraint by conditioning any future development consent so that the operation/occupation of any premises will be subject to completion of the STP upgrade and connection to the reticulated sewerage network. Additionally, under the provisions of the SDWC SEPP, any future DA will be required to have a neutral or beneficial effect (NorBE) on water quality and will require the concurrence of WaterNSW.

Given the above intent and provisions, we believe that the sewerage management issue can be addressed at DA stage and are generally supportive of Council's proposed approach regarding the conditioning of the redevelopment to align it with the upgrade of Marulan STP. Any proposed conditions on the sewerage management issue will need to reasonably relate to the development and have appropriate certainty and finality. These are matters that can be addressed through the DA assessment and consent process.

**159 Rifle Range Road, Goulburn**

The Planning Proposal includes amendments to the LEP to rectify a planning anomaly that has resulted from the construction of the Hume Highway across 159 Rifle Range Road, Goulburn, which has given rise to divergent zonings and planning controls across the land. This is a council-initiated component of the Planning Proposal.

159 Rifle Range Road is a single large lot of approximately 119 ha which is bisected by the Hume Highway. The northern parcel of the Lot is about 76 ha and zoned E2 Environmental Conservation with a Minimum Lot Size (MLS) of 100 ha. The southern parcel is about 46 ha and zoned RU6 Transition with a MLS of 20 ha and includes an existing dwelling house. The main issue is that the northern E2 portion of the land prohibits a residential use while the 100 ha MLS prevents a dwelling entitlement. The Proposal seeks to amend Schedule 1 of the LEP to permit development for the purposes of a dwelling house with consent and to adopt a MLS of 70 ha for the site. This would

enable the land to be subdivided and facilitate the establishment of a single dwelling house on the northern portion, thereby enabling each parcel to be managed under separate ownerships.

We note that the area is unsewered. A non-perennial natural drainage flows from the North-West to the South-East through the site, with minor tributaries extending northward. The Planning Proposal notes that the large allotment size and the location of the drainage path enables a dwelling to be sited away from watercourses/drainage paths and that there is sufficient land area to accommodate on-site wastewater facilities without adversely affecting water quality. WaterNSW has also conducted a Strategic Land and Water Capability Assessment (SLWCA) for the site which confirms that the site has sufficient land of LOW or MODERATE risk to accommodate a dwelling house (see Attachment 2). There is also sufficient area to meet required effluent management area (EMA) buffer distances from waterways for any proposed on-site sewage treatment system.

WaterNSW has no objection to this aspect of the Planning Proposal and supports Council's approach of reconciling the planning provisions applying to 159 Rifle Range Road.

### **Contamination Risk**

The potential risk of land contamination is a relevant matter with respect to the Truckstop 31 site. While the Planning Proposal notes that the subject site is not identified on the Council's local contaminated land register or identified as significant contaminated land, the service station has been present on Lot 2 for approximately 50 years. The Planning Proposal notes that for Lot 2, a degree of contamination is likely but that the level of contamination is unknown. However, the Proposal infers that Lot 3 is unlikely to be contaminated.

The current Planning Proposal infers that further contamination assessment of the site is not required. However, having spoken with a relevant Council officer, we now understand that a contamination assessment is underway. WaterNSW's main concern is the potential effect of contaminated land on water quality, and the effect of leaching and mobilisation of contaminants during construction of the sites. We support a precautionary approach that further explores the potential for contamination risk associated with Lots 2 and 3.

We ask that the Planning Proposal be updated to reflect the contamination assessments being undertaken. We also ask that further background information be provided with respect to past land uses for Lot 3 and to clarify whether further detailed contamination assessments are proposed for this Lot. As we do not have the benefit of the contamination assessments at this time of this referral, we ask that the Planning Proposal be referred back to us during the public exhibition phase so that we may further understand the contamination risk associated with the site and the potential implications for water quality.

### **Strategic Land and Water Capability Assessments**

The current Planning Proposal does not include information relating to SLWCAs.

For 14 and 16 George Street Marulan, appropriate SLWCAs for 'restaurants' or 'food and drink premises' have not been produced by WaterNSW, and there are no provisions for SLWCAs for hotels/motels or tourist and visitor accommodation. However, these uses will require appropriate amenities and will be a concentration point for visitors. As the site is currently unsewered, any development of the site to give effect to the said uses should be based on connection to the reticulated sewer and upgrade of the STP as indicated by the Planning Proposal.

For 159 Rifle Range Road, the most applicable SLWCA for the proposed dwelling and building entitlement is 'Residential unsewered Lots 4,000 sqm to 2 ha' (see Attachment 2). This SLWCA shows that the water quality risk for the site varies from LOW to EXTREME, with areas of HIGH and EXTREME risk being associated with waterways and drainage features. Areas of LOW and MODERATE risk occur in the north-west and MODERATE risk areas occur in the north. There is sufficient room for a dwelling house to be accommodated on site and for any EMA to meet the required 100 m EMA buffer distance requirements from waterways. Under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, any future development of the site will need to have a NorBE on water quality and be required to comply with relevant WaterNSW current recommended practices (CRPs) or standards at least equivalent to these.



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

The Planning Proposal responds to the SEPP, noting the sewerage constraints to the Marulan Truckstop 31 as previously described. We believe that the ability of the intended uses to provide later developments that can deliver a NorBE on water quality will heavily depend upon the ability to connect to the sewer and the capacity of the STP. We generally agree with the statements made regarding 159 Rifle Range Road. The section on the SEPP currently references the need for developments to have a NorBE on water quality. It would also benefit by recognising that new development should incorporate WaterNSW's CRPs or otherwise apply standards at least equivalent to those. The section could also reference that development in the Catchment requires the concurrence of WaterNSW.

**Direction 5.2 Sydney Drinking Water Catchment**

The Planning Proposal includes a response to the provisions of section 9.1 Direction Sydney Drinking Water Catchment. The Direction requires Planning Proposals to be consistent with the SEPP, give consideration to the outcomes of any relevant SLWCA, and zoned Special Areas as stated in the Direction. No Special Areas are affected by this Proposal, so this matter is not relevant.

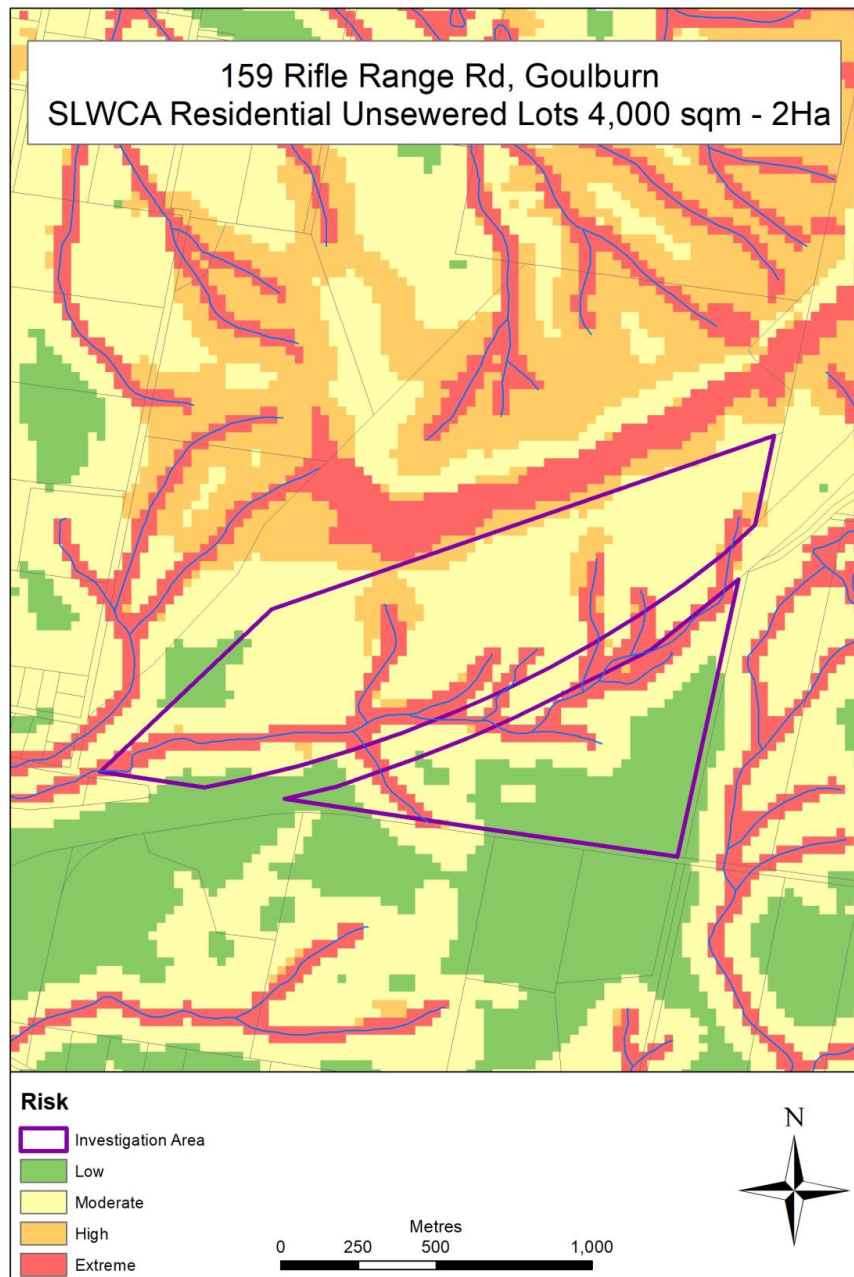
The response discusses the sewerage constraints of the Marulan site, as previously described, and the staging of the redevelopment to coincide with the STP upgrade. It also gives consideration to 159 Rifle Range Road, Goulburn being unsewered.

This section recognises that the SEPP applies to DAs for the permissible uses sought under the Planning Proposal and that any DA will need to have a NorBE on water quality. We support these statements. We provide a relevant SLWCA for 159 Rifle Range Road (see Attachment 2). The outcomes of that SLWCA are described above. SLWCAs are not relevant for Marulan Truckstop 31 for the reasons previously discussed. We ask that the information we have provided on the SLWCAs be included in this section.

**Other**

Council may wish to check the sewer and water map for the Marulan site to confirm that the annotations and attribution identified in the key accords with the symbology used on the map.

**ATTACHMENT 2 – Strategic Land and Water Capability Assessment**



**Map 1.** 159 Rifle Range Road, Goulburn: Strategic Land and Water Capability Assessment (SLWCA) for 'Residential unsewered Lots 4,000 sqm to 2 ha.

Attachment 2b\_Water NSW\_Post-Gateway Referral Response\_23 August 2021



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23 August 2021

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

Contact: *Stuart Little*  
Telephone: *0436 948 347*  
Our ref: *D2021/92979*

Dear Mr Kiernan,

**Planning Proposal for Additional Permitted Uses – Marulan Truckstop 31 and 159 Rifle Range Road, Goulburn (REZ/0002/2021)**

I refer to the Post-Gateway Referral of the Planning Proposal for Additional Permitted uses at 14 & 16 George Street, Marulan (Marulan Truckstop 31) and 159 Rifle Range Road, Goulburn (REZ\_0002\_2021). WaterNSW provided initial comment on this Proposal in our letter of 10 June 2021 (our ref: D2021/66096). However, at that time we did not have the benefit of the Contamination (Site Investigation) reports relating to Truckstop 31. The current Proposal includes those reports, which we have now included in our assessment.

Our main concern relates to the Truckstop 31 site with respect to sewerage availability and potential contamination risks. Our concerns over the sewerage management issue have largely been addressed in our previous correspondence, which is addressed in the Proposal. However, we believe that more conservative Health Investigation Levels may be more relevant to future use of Lot 3 DP 1053945 for overnight accommodation, to help support the suitability of the site for the proposed development.

Our detailed comments are provided in Attachment 1. If you have any questions regarding the issues raised in this letter, please contact Stuart Little at [stuart.little@watersw.com.au](mailto:stuart.little@watersw.com.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Alison Kniha", with a stylized flourish at the end.

**ALISON KNIHA**  
**Catchment Protection Planning Manager**

**ATTACHMENT 1 – Detailed Comments****Truckstop 31 – 14 & 16 George St Marulan**

The Proposal seeks to expand the permissibility provisions for the Truckstop 31 (Lots 2 & 3 DP 1053945) site to include a fast food restaurant (food and drink premises) on Lot 2 (14 George Street) and motel accommodation and pub with ancillary bottle shop on Lot 3 (16 George Street). The proposed additional uses of motel, pub and food and drink premises will require significantly improved sewerage management arrangements as the site is currently unsewered and the Marulan sewage treatment plant (STP) is at capacity.

***Sewerage Management***

We understand that upgrading the Marulan STP is a priority for Council, with the upgrade expected to be online by the end of 2023. The Proposal notes Councils intention of conditioning any proposed consent to a development application (DA) preventing operation of operation/ occupation of the development until the upgrade of Marulan STP has been completed. WaterNSW does not object to the progression of the Planning Proposal so long as the sewerage management issue is addressed at DA stage and prior to any occupation of new development associated with the uses put forward by this Proposal. As raised in our previous submission, any condition will need to reasonably relate to the development and have sufficient finality and certainty. Any DA for the site is required to have a neutral or beneficial effect (NorBE) on water quality and be referred to WaterNSW for concurrence under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. The ability to meet the NorBE test is heavily dependent upon the ability to connect to the sewer and the capacity of the STP.

***Contamination Risk***

Since providing our initial comments in June, both a Preliminary Site Investigation (PSI) and a Detailed Site Investigation (DSI) report have been prepared for the Truckstop 31 site (Appendices 12 and 13). The PSI report examined the potential for contamination across Lots 1, 2 and 3 DP 1053945. It found numerous areas of potential contamination concern but that the contaminants were considered to be of low to moderate risk. The report identified that a DSI was required to confirm the presence and extent of contamination to determine the suitability of the site for the proposed development.<sup>1</sup>

The subsequent DSI was undertaken focusing on Lots 2 and 3 DP 1053945 (i.e. the subject area of the current Planning Proposal) and included both soil and groundwater sampling. The chemical analysis targeted Contaminants of Potential Concern, which may have impacted the site based on past and present activities.

The soil results for Lots 2 and 3 have been compared against the National Environment Protection Measures (NEPM) Health Investigation Level (HIL) limits using the HIL D limits which relate to commercial/industrial premises. While this may be appropriate for Lot 2 with respect to the fast food restaurant, Lot 3 involves the creation of a motel involving overnight accommodation. Based on information contained in the *National Environment Protection (Assessment of Site Contamination) Measure 1999*, we believe that the soil analysis results for Lot 3 need to be further examined against the limits set by the HIL A (residential with garden accessible soils) or HIL B (residential with minimal opportunities for soil access) criteria to help demonstrate the suitability of the site for the intended motel use.<sup>2</sup> A supplementary comparison of the Lot 3 soil test results against the HIL A or HIL B limits should be provided.

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<sup>1</sup> The PSI included land in Lots 1-3, DP 1053945 with Lot 1 occurring to the west of, but adjoining, Lot 2. The DSI was limited to Lots 2 and 3 DP 1053945. Lot 1 is not the subject of this Planning Proposal and is not discussed further.

<sup>2</sup> Section 3.2.4 of Schedule B7 (Volume 19) of the *National Environment Protection (Assessment of Site Contamination) Measure 1999* advises, with respect to HIL D values, 'the land use scenario does not include more sensitive uses that may be permitted under relevant commercial or industrial zonings. These more sensitive uses include childcare, educational facilities, caretaker residences and hotels and hostels, etc.

In terms of the soil sampling results, based on the HIL D limits used, TRH, BTEX, PAH OCP/OPP, Metals and Asbestos were found not to exceed the NEPM for all soil samples collected.<sup>3</sup> However, Sites 2 and 3 both had metals above the Level of Reporting (LOR) but below the NEPM HIL D limit, with Site 3 recording all metals above the LOR for all samples. However, these are well below the HIL D limits. Certain Total Recoverable Hydrocarbons were also above the LOR for Site 3 but were well below relevant NEPM HIL D limits. For a water quality impact perspective, the main concern is the mobility of potential contaminants when soils are disturbed such as during excavation. Managing this risk is a matter more relevant to the later development application (DA) stage.

Groundwater was sampled using groundwater monitoring wells, established in both Lots 2 and 3, and a further well on Lot 2 downgradient of the UPSS. The DSI report found only that Copper and Zinc were found in concentrations that slightly exceeded Groundwater Investigation Levels (GILs), however this was attributed to naturally occurring levels within the groundwater; such metals are not directly associated with the service station operations. Our understanding is that none of the proposed development for the site will include excavations beyond the water bearing zone.

The DSI report concludes that current and past service station operations have not impacted the groundwater in the sampling locations. It also concludes that the site is suitable for the proposed development provided that the recommendations of the DSI report are implemented. We believe that the stated recommendations of the DSI report should be implemented as stated in the Planning Proposal, but this can occur through the DA and consent process.

#### **Other - Land Use Permissibility**

We envisage that for the Truckstop 31 site, the proposed motel or pub might include a caretaker's residence. We note that under the *Goulburn Mulwaree Local Environmental Plan 2009*, residential accommodation is prohibited on land zoned IN1 General Industrial. Council may wish to consider how the proposed motel, bottle shop and pub is to be managed to ensure that any accommodation envisaged for the proprietors of those establishments is within the remit of the change in the land uses being sought.

#### **159 Rifle Range, Goulburn**

Regarding the 159 Rifle Range Road site, we note that the Proposal has taken into account our earlier comments on this site, including providing the relevant Strategic Land and Water Capability Assessment (SLWCA). We support Council's approach of reconciling the planning provisions applying to 159 Rifle Range Road and have no objections to this aspect of the Proposal.

#### **Direction 5.2 Sydney Drinking Water Catchment**

The Planning Proposal provides a comprehensive response to the section 9.1 Direction 5.2 Sydney Drinking Water Catchment and incorporates consideration of our advice of 10 June 2021. The response discusses the sewerage constraints of the Marulan site, making any development contingent upon and subject to the completion of the STP upgrade. As reflected in the information, SLWCAs are not relevant for Marulan Truckstop 31 as WaterNSW does not hold appropriate SLWCAs for 'restaurants' or 'food and drink premises' or for hotels/motels or tourist and visitor accommodation.

The response also recognises that the 159 Rifle Range Road Goulburn site is unsewered but that there is sufficient area to accommodate a new dwelling while keeping the associated effluent management area (EMA) 100 m distant from waterways and drainage paths. The response also includes a copy of the relevant SLWCA for the site and incorporates our earlier advice that that land has sufficient land of LOW or MODERATE risk to accommodate a dwelling and meet appropriate EMA buffer distances from waterways.

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Information on uses permitted under local council zoning schemes for commercial/industrial land use can be obtained from local council planning zones/schemes. Should these more sensitive uses be permitted, then HIL A or HIL B values should be considered'. See:

[https://www.legislation.gov.au/Details/F2013C00288/Html/Volume\\_19#\\_Toc351713629](https://www.legislation.gov.au/Details/F2013C00288/Html/Volume_19#_Toc351713629).

<sup>3</sup> TRH: Total Recoverable Hydrocarbons (TRH); BTEX: Benzene, Toluene, Ethylbenzene and Xylene; PAH: Polycyclic Aromatic Hydrocarbon; OCP: Organochlorine Pesticides; OPP: Organophosphate Pesticides.

The Proposal also generally notes that DAs for the permissible uses sought through the Planning Proposal will need to have a NorBE on water quality. We support this statement.

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

The Proposal includes a response to the Sydney Drinking Water Catchment 2011 SEPP. The response identifies the current sewerage constraints of the Marulan Truckstop site and reference comments made in our previous response including the importance of sewer connectivity and STP upgrade to achieve a NorBE for later developments. The Proposal also incorporates consideration of our earlier comments made on the Rifle Range Road, Goulburn site.

We are supportive of the information provided in the Proposal.

The responses to both Direction 5.2 and the SEPP will need to be further updated based on our submission herewith.

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Attachment 2c\_Water NSW\_Exhibition Response\_29 Sept 2021



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29 September 2021

Mr Warwick Bennett  
General Manager  
Goulburn Mulwaree Council  
Locked Bag 22  
GOULBURN NSW 2580

Contact: *Stuart Little*  
Telephone: *0436 948 347*  
Our ref: *D2021/107109*

Dear Mr Bennett,

**Additional Uses Planning Proposal – REZ/0002/2021 – Marulan Truckstop 31 and 159 Rifle Range Road, Goulburn: PP-2021-4197**

I refer to the Exhibition of the Planning Proposal for Additional Permitted uses at 14 & 16 George Street, Marulan (Marulan Truckstop 31) and 159 Rifle Range Road, Goulburn (PP-2021-4197). The Proposal seeks to amend Schedule 1 – Additional Permitted Uses of the Goulburn-Mulwaree Local Environmental Plan 2009 (GM LEP) to permit with development consent, a 'food and drink premises' at 14 George St, Marulan (Lot 2 DP 1053945), a 'motel or hotel accommodation, pub and bottleshop' at 16 George St, Marulan (Lot 3 DP 1053945), and a dwelling house at 159 Rifle Range Road, Goulburn (part Lot 1 DP 706477).

WaterNSW has provided previous comments to Council regarding the Proposal on 10 June 2021 (our ref: D2021/66096) and 23 August 2021 (our ref: D2021/92979). Our main concern has been in relation to the Marulan Truckstop 31 site with regard to the separate issues of sewerage management and land contamination risk.

**Marulan Truckstop 31**

With regard to the Marulan Truckstop 31 Site, the Proposal takes into account and responds to our previous concerns regarding sewerage management and the importance of sewer connectivity and the Marulan sewage treatment plant (STP) for later developments to be able to deliver a neutral or beneficial effect (NorBE) on water quality as required under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (SDWC SEPP). We stand by those previous comments but believe that these issues can be dealt with in the development application (DA) phase and in the timing of development construction and occupation. These issues need not inhibit the Planning Proposal from proceeding.

Our most recent August correspondence took account of the Contamination Assessment Reports but noted that the Health Investigation Levels (HILs) needed to be more conservative for Lot 3 DP 1053945 (the motel site) having regard to the future use of the site for overnight accommodation. The Proposal notes that an update is currently being prepared for the Detailed Site Investigation (DSI) report comparing the soil test result for Lot 3 against the HIL B limits (which relate to residential uses with minimal opportunities for soil access). This comparison will further help inform the suitability of the site for the intended motel use. The Planning Proposal notes the intention for the update to be provided through a post-exhibition report to Council after the current public exhibition of the Proposal has been completed. **Once the updated DSI report is available, and before the Proposal is finalised, WaterNSW would like an opportunity to examine the updated DSI report regarding the comparison of the soil test results against the HIL B limits.** As reflected in our previous correspondence, we believe that the stated recommendations of the DSI report should be implemented but this can occur through the DA and consent process.

**159 Rifle Range Road Goulburn**

We note and support Council's proposal to reconcile the planning provisions applying to 159 Rifle Range Road, Goulburn. The site is bisected by the Hume Highway and cannot currently be subdivided due to zoning and minimum lot size (MLS) restrictions. It is proposed to amend the provisions that apply to the northern parcel (E2 Environmental Conservation) to allow a dwelling house and reduce the applicable MLS provisions to enable that portion to be subdivided from the southern parcel (zoned RU6 Transition). Council's preferred approach to the matter is to effect the change through the inclusion of a clause within Schedule 1 – Additional Permitted Uses of the GM LEP rather than changing the zoning to a more relaxed E3 Environmental Management or E4 Environmental Living. We support this approach as it will limit the range of land uses available for development at the site. We also note that the proposed provisions for Schedule 1 include an updated MLS from 70 ha to 74 ha. WaterNSW has no objection to this change.

**State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 (SDWC SEPP)**

The Proposal (pp. 19-21) provides a thorough response to the SDWC SEPP, taking into account our previous concerns and issues raised in both the pre- and post-Gateway consultation. We support the information provided and have nothing further to add. We also note that section 3.6.6 Direction 2.6 – Remediation of Contaminated Land takes into account comments made by us in our August correspondence.

**Direction 5.2 Sydney Drinking Water Catchment**

The Proposal provides a strong consideration of Direction 5.2 Sydney Drinking Water Catchment (pp. 39-41), reflecting comments made in our June advice. However, the response to Direction 5.2 should be updated to reflect comments made in our August correspondence, particularly with respect to the contamination risk issue for the Marulan Truckstop 31 site. Cross-reference could also be made to Section 3.6.6 as that section addresses the contamination risk and takes into account our August advice on that matter. The response to Direction 5.2 includes our previously provided Strategic Land and Water Capability Assessment (SLWCA) and associated advice for the 159 Rifle Range Road Goulburn site. As indicated in the Planning Proposal, we do not hold appropriate SLWCAs for uses such as food and drink premises or tourist and visitor accommodation which would be relevant to the Marulan component of the Proposal. Apart from the need to update the section to reflect our August advice as described above, we support the information with respect to Direction 5.2.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at [stuart.little@watnsw.com.au](mailto:stuart.little@watnsw.com.au).

Yours sincerely



**ALISON KNIHA**  
**Catchment Protection Planning Manager**



Attachment 2d\_Water NSW\_Additional Response to updated DSI\_21 Oct 2021



PO Box 398, Parramatta NSW 2124  
Level 14, 169 Macquarie Street  
Parramatta NSW 2150  
[www.watarnsw.com.au](http://www.watarnsw.com.au)  
ABN 21 147 934 787

20 October 2021

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

Contact: *Stuart Little*  
Telephone: *0436 948 347*  
Our ref: *D2021/113008*

Dear Mr Kiernan,

**Marulan Truck Planning Proposal Progress & Detailed Site Investigation (DSI) Request-  
REZ/0002/2021**

I refer to your email of 12 October 2021 providing an updated Detailed Site Investigation (DSI) report and accompanying Remedial Action Plan in relation to potential contamination at the Marulan Truckstop site in relation to planning proposal REZ/0002/2021 (PP\_2021\_4107).

The updated information has been provided in response to our request of 23 August 2021 (our ref: D2021/92979) where we indicated that more conservative Health Investigation Levels (HILs) would be appropriate for Lot 3 DP 1053945 given its intended use as a motel providing overnight accommodation. In a follow-up email to Council on 23 August 2021, we indicated that the HIL-B limit (which relate to residential uses with minimal opportunities for soil access) could be used. The Planning Proposal was exhibited while the updated DSI report was still being prepared. Our correspondence of 29 September 2021 on the exhibited Planning Proposal sought for the updated DSI report to be made available to us before the Proposal was finalised (our ref: D2021/107109).

The updated DIS report includes soil test results for Lot 3 based on HIL-A limits and the HSL-A Health Screening Levels (HSLs) for petroleum compounds, which are more conservative than the HIL-B limit initially sought by us and take a precautionary approach to the contamination risk. The updated report reveals that several forms of hydrocarbons exceed the HSL-A limits and/ or the Ecological Screening Level (ESL) for Urban, Residential and Public Open Space area leading the preparation of a Remedial Action Plan for Lot 3.

The preparation of the updated DSI Report and Remedial Action Plan has sufficiently addressed our concerns for the Planning Proposal stage of this matter. We may need to make further comment or seek more detail about the remediation at DA stage. Under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, any future development of the site will need to have a neutral or beneficial effect on water quality, meet standards equal or better than those required by WaterNSW Current Recommended Practices, and will require the concurrence of WaterNSW. We also ask that Council keep us informed about any proposed demolition or remediation activity proposed for the site.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at [stuart.little@watarnsw.com.au](mailto:stuart.little@watarnsw.com.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Alison Kniha".

**ALISON KNIHA**  
**Catchment Protection Planning Manager**

Attachment 2e\_Water NSW\_Re-exhibition Response\_22 Dec 2021



PO Box 398, Parramatta NSW 2124  
Level 14, 169 Macquarie Street  
Parramatta NSW 2150  
[www.waternsw.com.au](http://www.waternsw.com.au)  
ABN 21 147 934 787

22 December 2021

Contact: *Stuart Little*  
Telephone: *0436 948 347*  
Our ref: *D2021/131875*

Warwick Bennett  
General Manager  
Goulburn Mulwaree Council  
Locked Bag 22  
GOULBURN NSW 2580

Attn: David Kiernan

Dear Mr Bennett,

**Re-exhibition of a Planning Proposal for Additional Permitted Uses at 14 & 16 George St, Marulan and 159 Rifle Range Road, Goulburn Marulan (REZ/0002/2021)**

We refer to the re-exhibition of the above Planning Proposal. WaterNSW provided comment on the Proposal in June and August, and then when the Proposal was exhibited in September 2021 (our refs: D2021/66096, D2021/92979, and D2021/107109, respectively). We also provided comment on 20 October 2021 on the updated Detailed Site Investigation (DSI) report undertaken for 14 & 16 George St (Marulan Truckstop 31) (our ref: D2021/113008). The updated report took a more cautious approach to the health investigation and other levels used in examining the soil test results for the proposed hotel/ motel accommodation site (Lot 3 DP 1053945).

We note that the Planning Proposal (dated August 2021) takes into account our advice of August and June, but not the most recent correspondence provided in September and October. As indicated in our October correspondence, for this Planning Proposal stage of the development, the preparation of the updated DSI Report and accompanying Remedial Action Plan has sufficiently addressed our concerns in identifying and responding to the hydrocarbon contamination risk on Lot 3. However, we may need to make further comment or seek more detail about the remediation at Development Application (DA) stage.

As conveyed in our response to first exhibition of the Proposal, we maintain our earlier comments made in June and August in relation sewerage management, the importance of sewer connection and the timing of development with respect to the Marulan Sewage Treatment Plant upgrade. These matters can be addressed in the DA stage, and in the timing of construction and occupation of the development. They do not inhibit the Proposal from proceeding.

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

Yours sincerely

A handwritten signature in black ink, appearing to read "Alison Kniha".

**ALISON KNIHA**  
**Catchment Protection Planning Manager**



Attachment 2f\_TfNSW\_Post-Gateway Referral Response\_2 Aug 2021

Our ref: STH21/00014/02  
Contact: Andrew Lissenden 0418 962 703  
Your ref: REZ/0002/2021

2 August 2021

David Kiernan  
Goulburn Mulwaree Council  
BY EMAIL: council@goulburn.nsw.gov.au

**PLANNING PROPOSAL (REZ/0002/2021) – ADDITIONAL PERMITTED USES AT LOT 2 AND 3 DP 1053945 (NO.14-16) GEORGE STREET, MARULAN AND LOT 1 DP 706477 (NO.159) RIFFLE RANGE ROAD, GOULBURN – PUBLIC AUTHORITY CONSULTATION**

Dear David

Transport for New South Wales (TfNSW) refers to the notification it received on 27 July 2021 and the subsequent phone discussion regarding the above planning proposal (PP).

TfNSW has reviewed the information provided while focusing on the impact to the state road network (i.e. the Hume Highway). TfNSW notes:

- the PP seeks to amend the provisions of the Goulburn Mulwaree Local Environmental Plan 2009 (GM LEP 2009) for two different sites (Refer to **Attachment 1**);
- each is seeking an additional permissible use beyond those already allowed under the GM LEP 2009. For Lot 2 DP 1053945 (No.14) George Street, Marulan the PP is seeking the additional permissibility of a fast-food restaurant (food and drink premises). For Lot 3 DP 1053945 (No.16) George Street, Marulan the PP is seeking the additional permissibility of motel accommodation and pub with an ancillary bottle shop. For Lot 1 DP 706477 (No.159) Rifle Range Road Goulburn the PP is seeking the additional permissibility of a dwelling within the E2 zoned portion of the site; and
- consultation is required in accordance with the Gateway Determination issued by the NSW Department of Planning, Industry and Environment.

Having regard to the above, TfNSW provides the comments in **Attachment 2** for Council's consideration and information.

If you have any questions please contact me on 0418 962 703.

Yours faithfully

Andrew Lissenden  
Development Case Officer  
Community and Place | South Region  
Cc: david.kiernan@goulburn.nsw.gov.au

Transport for NSW

Level 4, 90 Crown St, Wollongong NSW 2500 | PO Box 477, Wollongong NSW 2520 | ABN 18 804 239 602

1 of 3

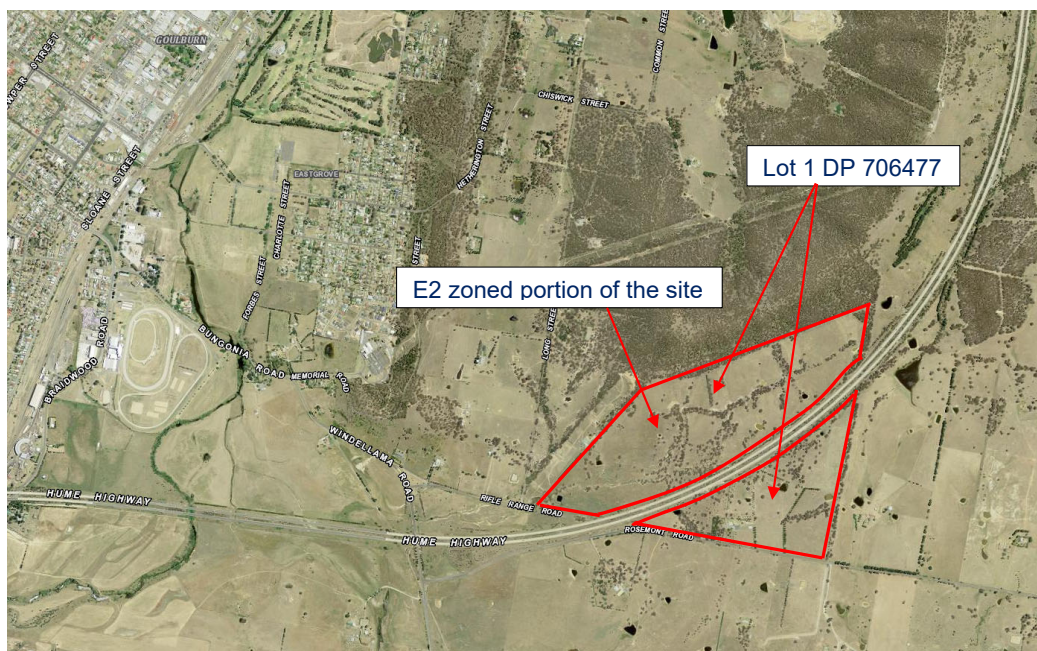


Attachment 1

Lots 2 and 3, DP 1053945 (No.14-16) George Street, Marulan



Lot 1 DP 706477 (No.159) Rifle Range Road, Goulburn



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2 of 3

## Attachment 2

**1. Comments for consideration at PP Stage****a) Lots 2 and 3 DP 1053945 (No.14-16) George Street, Marulan**

TfNSW does not object to the PP as it applies to Lot 2 and 3 DP 1053945 in principle, subject to the requirements in Point 2a) below being able to be adequately addressed as part of any future development application(s).

**b) Lot 1 DP 706477 (No.159) Rifle Range Road Goulburn**

TfNSW does not object to the PP as it applies to the northern portion of Lot 1 DP 706477 in principle, subject to the requirements in Point 2b) below being able to be adequately addressed as part of any future development application or complying development application lodged.

**2. Advisory comments for consideration at subsequent development stages****a) Lots 2 and 3 DP 1053945 (No.14-16) George Street, Marulan**

Noting the development types proposed, TfNSW has concerns with the access across the Hume Highway median that is currently available. Any additional development on these sites will require a Traffic Impact Study (TIS) to be prepared that in part assesses the suitability of this access point to be retained as well as the applicable requirements in Table 2.1 of the *RTA's Guide to Traffic Generating Developments* and *Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development* and *Part 3: Traffic Studies and Analysis*.

**b) Lot 1 DP 706477 (No.159) Rifle Range Road Goulburn**

- i) No access to and from the Hume Highway will be allowed. All access will need to be gained via the local road network (i.e. access to Lot 1 DP 706477 will need to be via Rifle Range Road for the section north of the Hume Highway or Rosemont Road for the section south of the Hume Highway). In this regard a 'Restriction as to User' via an 88B Instrument shall be included on the title of Lot 1 DP 706477 to restrict access to/from the Hume Highway.
- ii) Clause 102 of the *State Environmental Planning Policy (Infrastructure) 2007* (SEPP 2007) would apply to the future residential development of the PP site (i.e. construction of a single dwelling house) as it is adjacent to a road corridor with an annual average daily traffic volume of more than 20,000 vehicles. Council will need to satisfy itself as part of any future DA lodged or complying development application for a dwelling that the requirements of Section 102 of SEPP 2007 can be satisfied.

**Transport  
for NSW**

Attachment 2g\_TfNSW Exhibition Response\_3 Sept 2021

Our ref: STH21/00014/03  
Contact: Andrew Lissenden 0418 962 703  
Your ref: REZ/0002/2021

3 September 2021

Megan Trotter  
Goulburn Mulwaree Council  
BY EMAIL: council@goulburn.nsw.gov.au

**PLANNING PROPOSAL (REZ/0002/2021) – ADDITIONAL PERMITTED USES AT LOT 2 AND 3 DP 1053945 (NO.14-16) GEORGE STREET, MARULAN AND LOT 1 DP 706477 (NO.159) RIFFLE RANGE ROAD, GOULBURN – PUBLIC EXHIBITION**

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Dear Megan,

Transport for New South Wales (TfNSW) refers to your email dated 31 August 2021 regarding the public exhibition of the above planning proposal (PP).

TfNSW has reviewed the information provided while focusing on the impact to the state road network (i.e. the Hume Highway). TfNSW notes:

- it has previously provided comments on the PP (i.e. post gateway - refer to the TfNSW letter dated 2 August 2021 – **Appendix 1**);
- the PP, in terms of the amendments to the provisions of the Goulburn Mulwaree Local Environmental Plan 2009 (GM LEP 2009) for the two different sites (i.e. the allowance of additional permissible use beyond those already allowed under the GM LEP 2009), has not significantly changed from when TfNSW provided its previous advice; and
- To address the comments that TfNSW previously made concerning 159 Rifle Range Road, Council has included in draft Schedule 1: Additional Permitted Uses, Clause 7 of the GM LEP 2009, two additional subclauses relating to access and noise.

On the basis that the above is correct, TfNSW does not object to the PP as it applies to both sites subject to the requirements in Point 2a) and Point 2b) in Attachment 2 of the TfNSW letter dated 2 August 2021 being adequately addressed as part of any future development applications lodged.

If you have any questions please contact me on 0418 962 703.

Yours faithfully

Andrew Lissenden  
Development Case Officer  
Community and Place | South Region  
Cc: Megan.Trotter@goulburn.nsw.gov.au

---

**Transport for NSW**

Level 4, 90 Crown St, Wollongong NSW 2500 | PO Box 477, Wollongong NSW 2520 | ABN 18 804 239 602

1 of 2

**Appendix 1**

Please see the document titled **Appendix 1 – TfNSW response 2.08.21**.





Transport  
for NSW

Attachment 2h\_TfNSW Re-exhibition Response\_18 Nov 2021

Our ref: STH21/00014/04  
Contact: Andrew Lissenden 0418 962 703  
Council ref: REZ/0002/2021

18 November 2021

Megan Trotter  
Goulburn Mulwaree Council  
BY EMAIL: council@goulburn.nsw.gov.au

**PLANNING PROPOSAL (REZ/0002/2021) – ADDITIONAL PERMITTED USES AT LOT 2 AND 3 DP 1053945 (NO.14-16) GEORGE STREET, MARULAN AND LOT 1 DP 706477 (NO.159) RIFFLE RANGE ROAD, GOULBURN – PUBLIC RE EXHIBITION**

Dear Megan,

Transport for New South Wales (TfNSW) refers to your email dated 17 November 2021 regarding the public re-exhibition of the above planning proposal (PP) and the subsequent phone discussion had with Council staff.

TfNSW has reviewed the information available on the NSW Planning Portal while focusing on the impact to the state road network (i.e. the Hume Highway). TfNSW notes:

- it has previously provided comments on the PP (i.e. post gateway - refer to the TfNSW letter dated 2 August 2021 – **Appendix 1** and during its previous public exhibition – refer to TfNSW letter dated 3 September 2021);
- the PP, in terms of the amendments to the provisions of the Goulburn Mulwaree Local Environmental Plan 2009 (GM LEP 2009) for the two different sites (i.e. the allowance of additional permissible use beyond those already allowed under the GM LEP 2009), has not significantly changed from when TfNSW provided its previous advice;
- the PP is being re-exhibited in line with the resolution from Council at its meeting on 2 November 2021; and
- to address the comments that TfNSW previously made concerning 159 Rifle Range Road, Council has included in draft Schedule 1: Additional Permitted Uses, Clause 7 of the GM LEP 2009, two additional subclauses relating to access and noise.

On the basis that the above is correct, TfNSW does not object to the PP as it applies to both sites subject to the requirements in Point 2a) and Point 2b) in Attachment 2 of the TfNSW letter dated 2 August 2021 being adequately addressed as part of any future development applications lodged.

If you have any questions, please contact me on 0418 962 703.

Yours faithfully

Andrew Lissenden  
Development Case Officer  
Community and Place | South Region

Cc: Megan.Trotter@goulburn.nsw.gov.au; and  
david.kieman@goulburn.nsw.gov.au

Transport for NSW

Level 4, 90 Crown St, Wollongong NSW 2500 | PO Box 477, Wollongong NSW 2520 | ABN 18 804 239 602

1 of 2



**Appendix 1**

Please see the document titled **Appendix 1 – TfNSW response 2.08.21**.



Planning,  
Industry &  
Environment

Attachment 2i\_DPIE Biodiversity & Conservation Division Post-Gateway Referral  
Response\_5 Aug 2021

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

Our ref: DOC21/663378-1

Your ref: REZ/0002/2021

[Council@goulburn.nsw.gov.au](mailto:Council@goulburn.nsw.gov.au)

Attention: David Kiernan

5 August 2021

Dear Mr Kiernan

**Subject: Planning Proposal - Ref-690 - PP-2021-4107- Additional Permitted Uses at 14 & 16 George Street, Marulan and 159 Rifle Range Road, Goulburn**

I refer to your request for Biodiversity and Conservation Division's (BCD) review of the above planning proposal which seeks additional permitted uses (restaurant, motel and bottle shop) at George Street, Marulan, and at 159 Rifle Range Road, Goulburn that seeks a split subdivision and the use of a local clause to permit a dwelling.

BCD have considered the planning proposal against the ministerial planning directions set out below:

- 2.1 Environment Protection Zones
- 4.3 Flood prone land
- 5.10 Implementation of Regional Plans

We are satisfied that the planning proposal has adequately addressed the ministerial planning directions, and as such we do not object to the planning proposal.

However, we recommend that the Minimum Lot Size (MLS) for 159 Rifle Range Road, Goulburn, reflect the size of the lot, which means that rather than being 70ha, it should be 76ha. This would reduce the likelihood of the block being further subdivided in the future, and minimise the potential for development to impact the critically endangered ecological community of *White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland* (Box-gum woodland) located on the site.

In order to avoid future development applications exceeding the threshold for entry into the Biodiversity Offsets Scheme (BOS), we recommend the proposed building envelope including Asset Protection Zone (APZ) be located within the cleared areas (exotic pastures) that are identified in Appendix 24.

If you wish to discuss this matter further, please contact Lyndal Walters, Senior Regional Biodiversity Conservation Officer, on 6229 7157.

Yours sincerely,

**ALLISON TREWEEK**  
Senior Team leader Planning South East  
Biodiversity and Conservation

cc George Curtis – DPIE – Planning and Assessment

11 Farrer Place Queanbeyan NSW 2620 | PO Box 733 Queanbeyan NSW 2620 | [dpi.e.nsw.gov.au](http://dpi.e.nsw.gov.au) | 1



Planning,  
Industry &  
Environment

Attachment 2j\_DPIE Biodiversity & Conservation Division Exhibition Response\_21 Sept 2021

The General Manager  
Goulburn Mulwaree Council  
Locked Bag 22  
Goulburn NSW 2580  
[Council@goulburn.nsw.gov.au](mailto:Council@goulburn.nsw.gov.au)

Our ref: DOC21/782191-2

Your ref: REZ/0002/2021

Attention: David Kiernan

21 September 2021

Dear Mr Kiernan

**Subject: Updated Planning Proposal - PP-2021-4107– Additional Permitted Uses at 14 & 16 George Street, Marulan and 159 Rifle Range Road, Goulburn**

I refer to your request for Biodiversity and Conservation Division's (BCD) review of the above updated planning proposal which seeks additional permitted uses (restaurant, motel and bottle shop) at George Street, Marulan, and at 159 Rifle Range Road, Goulburn that seeks a split subdivision and the use of a local clause to permit a dwelling.

BCD have considered the updated planning proposal against the ministerial planning directions and we are satisfied that it has adequately addressed them. As such we do not object to the planning proposal:

In addition, we are pleased that our recommendation to have the Minimum Lot Size (MLS) for 159 Rifle Range Road, Goulburn, reflect the size of the lot, which has been recently re-calculated to be approximately 74.5ha by Council, and that the MLS will now be 74ha. This will reduce the likelihood of the block being further subdivided in the future, and minimise the potential for development to impact the critically endangered ecological community of *White Box - Yellow Box - Blakely's Red Gum Grassy Woodland and Derived Native Grassland* (Box-gum woodland) located on the site.

As advised in our previous letter, in order to avoid future development applications exceeding the threshold for entry into the Biodiversity Offsets Scheme (BOS), we recommend the proposed building envelope including Asset Protection Zone (APZ), be located within the cleared areas (exotic pastures) that are identified in Appendix 24.

If you wish to discuss this matter further, please contact Lyndal Walters, Senior Regional Biodiversity Conservation Officer, on 6229 7157.

Yours sincerely,

**ALLISON TREWEEK**  
**Senior Team Leader Planning South East**  
**Biodiversity and Conservation**

cc George Curtis – DPIE – Planning and Assessment



Planning,  
Industry &  
Environment

Attachment 2k\_DPIE Biodiversity & Conservation Division Re-exhibition Response\_3  
Dec 2021

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

[Council@goulburn.nsw.gov.au](mailto:Council@goulburn.nsw.gov.au)

Attention: David Kiernan

3 December 2021

Our ref: DOC21/1036920-4

Your ref: REZ/0002/2021

Dear Mr Kiernan

**Updated Planning Proposal - PP-2021-4107– Additional Permitted Uses at 14 & 16 George Street, Marulan and 159 Rifle Range Road, Goulburn – November 2021 exhibition**

Biodiversity and Conservation Division (BCD) have reviewed of the above updated planning proposal. We note this version of the planning proposal has not changed from the previously exhibited version in September 2021, we do not need to provide any additional comments. As such, we refer Council to our previous advice from our letter dated 21 September 2021, reference number DOC21/782191-2.

If you wish to discuss this matter further, please contact Lyndal Walters, Senior Regional Biodiversity Conservation Officer, on 6229 7157.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Allison Treweek'.

**ALLISON TREWEEK**  
**Senior Team Leader South East**  
**Biodiversity and Conservation**  
cc George Curtis – DPIE – Planning and Assessment



Attachment 2I\_NSW Rural Fire Service Post-Gateway Referral Response\_3 Aug 2021

## NSW RURAL FIRE SERVICE

Goulburn Mulwaree Council  
Locked Bag 22  
GOULBURN NSW 2580

Your reference: (REF-688) REZ/0002/2021  
Our reference: SPI20210725000111

**ATTENTION:** David Kiernan

Date: Tuesday 3 August 2021

Dear Sir/Madam,

### Strategic Planning Instrument Rezoning – Planning Proposal

The planning proposal involves 2 distinct sites. The Marulan Truckstop is seeking the permissibility of a fast food restaurant on lot 2 at 14 George Street and motel and pub with ancillary bottle shop on lot 3 at 16 George Street. 159 Rifle Range Rd is seeking the permissibility of a dwelling with a restriction of minimum allotment size.

I refer to your correspondence dated 23/07/2021 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The NSW RFS has reviewed the proposal with regard to Section 4.4 of the directions issued in accordance with Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

The objectives of the direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

The direction provides that a planning proposal must:

- (a) have regard to *Planning for Bushfire Protection 2019*,
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

Based upon an assessment of the information provided, NSW RFS raises no objections to the proposal.

For any queries regarding this correspondence, please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,

1

#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

Anna Jones  
**Supervisor Development Assessment & Plan**  
**Built & Natural Environment**

2



Attachment 2m\_NSW Rural Fire Service\_Exhibition Response\_8 Sept 2021

## NSW RURAL FIRE SERVICE

Goulburn Mulwaree Council  
Locked Bag 22  
GOULBURN NSW 2580

Your reference: REZ/0002/2021 / PP-2021-4107  
Our reference: SPI20210901000143

**ATTENTION:** Megan Trotter

Date: Wednesday 8 September 2021

Dear Sir/Madam,

### Strategic Planning Instrument Draft LEP

Goulburn Mulwaree Council gives notice of the public exhibition of a Planning Proposal under Schedule 1 Clause 4 of the *Environmental Planning and Assessment Act 1979*. The intended outcome of this Planning Proposal is to amend the *Goulburn Mulwaree Local Environmental Plan 2009, Schedule 1: Additional Permitted Uses* by including the following as additional permissible uses:

- food and drink premises on Lot 2, DP 1053945 at 14 George Street, Marulan
- motel or hotel accommodation, pub and bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan.
- Dwelling house on part of Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn

I refer to your correspondence dated 31/08/2021 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

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

For any queries regarding this correspondence, please contact Bradley Bourke on 1300 NSW RFS.

Yours sincerely,

Martha Dotter  
**Supervisor Development Assessment & Plan  
Built & Natural Environment**

1

#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

Attachment 3a: Public Exhibition Submission\_Donna Ryall\_10 September 2021

To the General Manager

Good afternoon,

I am writing in regard to the **Planning Proposal – Additional Permitted Uses at 14 & 16 George Street, MARULAN, 2579**, more specifically the proposal for a motel or hotel accommodation, pub and bottle shop at Lot 3 DP 1053945 at 16 George Street, Marulan.

I reside directly opposite this address at 15 George Street, Marulan. Whilst I am keen to see the area tidied up and am not against development, my concerns are:

1. Where the driveway or entrance to the proposed motel/hotel, pub and bottle shop would be located. If located directly opposite my own driveway I strongly object on the grounds that it would cause an increase in traffic, both noise and headlights shining directly into the front room of my premises from vehicles exiting the location.
2. I have concerns where the parking for the proposed motel or licenced premises would be. The area is already quite busy with vehicles being parked in the street both on my footpath and across the road in front of 16 George St when people are attending the Marulan Medical Centre.
3. I am concerned as to the extra amount of rubbish that would be generated. Already the truck stop at 14 George St generates a lot of rubbish that blows across into my yard. I am constantly having to pick up rubbish and use my own bins for it. This also relates to the proposal for a fast food restaurant in front of the current truck stop at 14 George Street, Marulan. I would propose that high fences be erected around any fast food premises in order to stop the rubbish from blowing across into my yard.
4. If this proposal is to go ahead, I seek your approval to increase the allowed front fence height of my property from the current 1.2m to much higher than that so that I may have some privacy.

I would also like to know what the proposed hours of operation would be for any licenced premises at 16 George Street, Marulan and depending on this, I may make further submissions. I bought the land and built the house on it as a residential property, not an industrial property and believe this area, and my specifically my property, is zoned residential. Please correct me if this is not the case.

I look forward to your response.



Attachment 3b\_Public Exhibition Submission\_Julie Graham\_5 October 2021

Julie Graham  
26 Station Street  
Marulan NSW 2579

05 October 2021

The General Manager  
Goulburn Mulwarree Council  
Bourke Street  
Goulburn NSW 2580

Dear Sir/Madam

Re: **Additional Uses Planning Proposal - REZ/0002/202**

I am writing in response to the Proposed Development at 14-16 George Street Marulan with submissions closing this afternoon.

I have reviewed the proposed submission and although not against progress I request you consider my points below.

I have serious concerns regarding the height and roof to facilities proposed within the hotel. The proposed development is the adjacent property to our town's family doctors clinic and then our residential area. The report acknowledges noise and traffic considerations however noise carries a considerable distance at night and while one can adjust to the slow drone of traffic. Noise produced from alcohol is loud often high pitched and sudden. Noise from patrons travelling from a venue which is well supported such as this will certainly have a long term impact on our community.

A roof top bar area is something I would expect to see in a more densely populated community and while I acknowledge this will be targeted at growth. I question if council would approve such an item with a development proposal if it was placed next door to their property. Why Marulan we are growing yes, and need services yes, but with consideration.

We already have alcohol available at two venues within our town- the Terminus and IGA and while this development appears to be targeting travellers it is a third venue for our village and while the opening hours are not yet proposed it is still a disproportionate amount of alcohol for a village location.

Heritage: How offensive it was for the applicant to select a 'horders' home to showcase our heritage area. Not only as this is an ongoing concern and has been referred to Goulburn Mulwarree Council with fire concerns and also the impact on the heritage church next door but because it is well known the Marulan Community has worked continuously to support our local businesses who have contributed so much to retaining our beautiful buildings. Please see the attach photos of our town centre where the new shopping centre is integrated and supported by locals.

Transport: Marulan has a train/bus service for those working north of Marulan mostly. Unfortunately Goulburn to Marulan services are limited and not well patronised. Private car from Marulan 30 minutes to Goulburn – 30-45 minutes Moss Vale and 45 Minutes Mittagong.

Waste waste waste.. Oh my goodness it's amazing how this impacts the entrance to Marulan. The Council street area from the BP to the roundabout and the fence area of the Meridian Park is continuously littered with takeaway rubbish. People literally drive away throwing their waste out the vehicle window. A drive through takeaway will not change people's behaviour and I can only see this issue becoming a major problem without it being seriously addressed by Council. Not only for the takeaway and Hotel Motel proposed development but the whole stretch as mentioned above. It is the older people in the community who collect the loose waste not young people or those to drive through...

Electricity Grid: This winter we noticed the substantial difference in our cooking. Is sustainable energy and solar option to be integrated within the development? I would have thought this was an extremely important conversation to have pre development and would assist with any submission.

Demographics: Well wasn't this enlightening! Marulan has had considerable growth within the last five years and development is active in all directions. I would like to point out the most recent census should have us above the 40% so proudly quoted, so we can be assisted to improve ourselves. Offensive completely!! Our population has changed considerably over the last five years and families and retirees are finding a beautiful village atmosphere which was supported through the difficult years by the previous volunteers and older residents yes the 40%. The Lions Club, Marulan Progress Association and Chamber of Commerce and Marulan Volunteers.

Thank you for reading.

Kind regards  
Julie Graham































Attachment 3c\_Public Exhibition Submission\_Gary Spicer & Sam Atkinson\_5 October 2021

Attention Ryan Gill

I have been advised of your name and email address to email you in relation to the amended proposal for 14 -16 George street.

- food and drink premises on Lot 2, DP 1053945 at 14 George Street, Marulan
- motel or hotel accommodation, pub and bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan

I don't agree with the works that are being suggested for 16 George street. I dont believe this is something that will benefit our area as there is already a number of locations in marulan that alcohol can be purchased. Marulan already has a pub located on the main street and a tavern not even 200m from the proposed location. Our town is not big enough to warrant 2 pubs and a tavern. As for the accomodation there is also a number of locations in George street marulan. the marulan motor inn 200 meters down the road. And we also have the terminus pub and marulan stayz that are on George street as well and im pretty sure that they always have vacancies.

As I live at 17 George street marulan I also have 3 young children and am concerned of the possibility of increased traffic on the road and an increase in noise. we already have issues with trucks using their Jake breaks at all hours of the day and night. We are a trucking family so we are all for trucks in the area however My bedroom is at the front of the house. How will the increase in noise and traffic affect us?

How will this affect the residential property prices around and near this site?

In regards to the fast food. Marulan already has a number of fast food drive through options in and around town. With KFC, 2x hungry Jack's, 2x subways, an Indian restaurant as well as the numerous cafes throughout town. We also have McDonald's only a short drive out of town in either north or south directions.

I honestly do not believe that marulans town or population warrents any of these proposed ideas and the location is Inappropriate

Regards

Gary Spicer and Samantha Atkinson

Attachment 3d\_Public Exhibition Submission\_Jos Roberts\_5 October 2021

#### **Development at 14-16 George Street Marulan**

I write as a member of the Marulan community who has focussed much effort to develop the town as a coherent community. Personal wishes and benefits should not influence the overall considerations. Marulan has great potential, but I believe that a bigger picture should be maintained.

What is good for the town is key and the regulations should ensure that result; the regulations are not an end in themselves. Having two town centers in the town creates division. This proposal will commence the hollowing out of the town retail centre doubtless to be followed by other local spot rezonings unless these are done on a first in best dressed basis. It will benefit some but detract from the town's master plan. We all need to think in the 25-year term not just a quick returns.

Due to the hollowing out the retail centre it will become less commercially attractive to develop that centre. Why remodel the Terminus pub when there is another new competitor down the road taking trade away? I am hoping for more and varied retail businesses to open in the centre – its beginning to develop having been asleep for years. A new Garden Centre and a new Café are proposed in the Marulan Village Center – a new hire shop has opened adjacent. The pub has changed hands and has a huge block of land behind enabling it to develop and become a social magnet. The town is just beginning to falteringly develop and has new blood and owners are seeing the potential. The existing center still needs investment and this proposal will be create a disincentive.

The residential areas around the town are growing – they need to be serviced and not solely rely on Goulburn and Mittagong. We know the traffic on the Hume is going to become much heavier as more and more quarry trucks will roll by, so local shopping and employment in a vibrant centre is to be encouraged.

The pub type establishment close by this site, part of the existing motel, has been empty for a long time – the Duck Inn opened there for a brief period but did not survive. Marulan Rural Supplies seems to be doing well. KFC is already there. The BP station now serves fast food. Will another fast food outlet stifle the current offerings? The local area planning/architecture has had no apparent master plan, there are roads everywhere; its all been designed on a component basis, not as a whole. It's a mess. I believe this proposal has long term negative effects for the town as a whole and does not contribute to cleaning up the current incoherent planning in that area. The long term costs may be felt for years.

I ask the Council to consider what is best for the town in the longer term. I do support appropriate development contributing to this area but I believe this proposal seeks to alter the regulations to suit this component of the town, not the whole.



Attachment 3e\_Public Exhibition Submission\_Lee Environmental Planning  
on behalf of Mr Ken McCourt

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A 33 Holly Street, Bowral NSW 2576  
ABN 16 820 474 487

Ken McCourt

Dear Ken,

**RE: Planning Proposal for additional permitted uses at 14 & 16 George Street, Marulan**

As requested, I am writing to you in regards to the above Planning Proposal that has only recently been drawn to your attention by Goulburn Mulwaree Council. Your interest arises as a landowner of commercial property on George Street within the town centre of Marulan.

You forwarded a copy of a Council report that I understand will be presented shortly to a meeting of Goulburn Mulwaree Council. It follows from an earlier planning report of April 2021.

Whilst this report deals with both the George Street site and Rifle Range Road site, your concerns relate directly to George Street and my comments are confined to that aspect of the Planning Proposal. (Council's Reference PP-2021-4197).

I believe the following comments should be presented to the Council's Strategic Planning department as soon as possible to ensure your concerns are properly considered, either before the matter is reported to Council or at the very least at that meeting so Councilors are aware of your concerns and the potentially divisive nature of the report recommendation.

**Consultation**

You have advised that the existence of the Planning Proposal has come as a surprise not only to yourself, but also to many other of the landowners within the Marulan town centre.

I am unaware of what processes Council has undertaken to make people aware of the Planning Proposal to ensure comprehensive and meaningful involvement with the community. Clearly if a large proportion of an affected community is unaware of imminent changes to planning controls, then whatever public engagement process was undertaken has been unsuccessful. Council may not therefore have satisfied its obligations to its community. Such a failure could call into doubt the procedural fairness of the process.

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### **Intention of the Planning Proposal**

The stated intended outcome of the Planning Proposal for the property at 14-16 George Street Marulan is to allow certain land uses that are not currently permissible, namely a motel, pub and bottle shop.

It is intended to do so through providing an 'exception' for the site through listing in Schedule 1 of the GMLEP2009. This in effect keeps the underlying zoning of the land (IN1 General Industrial) but allows other uses which presumably, have been handpicked by the proponent.

The report confirms that this aspect of the Planning Proposal has not emanated from any strategic study or direction. In that sense it is not unfair to call it simply an opportunistic spot rezoning aimed at adding market value to the land that the proponent believes will be profitable.

A land owner cannot be criticized for seeking profitable land uses, however that desire does not necessarily translate into a solid reason for a Planning Proposal.

Marulan is a recognised and important service centre along the Hume Highway corridor, but it is also a local centre servicing a local population. The current land use zoning of the GMLEP2009 reflects this. This makes this 'spot rezoning' approach to the site somewhat confusing.

### **Strategic merit**

It is necessary for all Planning Proposals to demonstrate strategic planning merit. At this stage it is not apparent to me as to what the strategic merit is for this Proposal.

As noted above, the Council report recognizes that the Planning Proposal is not linked to any strategic study or report.

At this point in time, the best guide to long term strategic outcomes for Marulan are viewed through the existing land use zoning and the range of land uses that those zones allow. For the subject land, the prevailing zone is IN1 General Industrial. This zone allows for a wide range of land uses that can be long term contributors to the broader Marulan economy and community. The report makes no compelling case as to why the current zoning is deficient. The argument that other non industrial type uses are more profitable is not a planning reason of any substance.

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Conversely, there is a defined Marulan town centre that is within the B2 Local Centre zone. This area contains the building blocks for a vibrant and successful town. This is through both the existing businesses that can consolidate and/or expand and sufficient zoned land to allow for new opportunities. I am unaware that there is a case that insufficient commercial land is available, or that the current B2 zoned land is ill equipped to cater for the needs of the locality.

There can be no argument that uses such as motel, pub and bottle shop should be seen as key town centre uses. I am unsure why Council would support dislocating the town centre by encouraging such key uses to leak outside of the town centre. This would be a failure of strategic planning,

The lack of strategic merit is concerning and coupled with the apparent lack of community involvement in this Planning Proposal, it would not be unreasonable to request Council to pause on this specific Planning Proposal in favour of a more comprehensive and collaborative strategic planning exercise for Marulan.

### **Economic Impact**

The Council report states that the Planning Proposal was supported by an Economic Impact Statement. I have not viewed that report, but Council's report includes information on some of its conclusions.

It is not surprising that the proposed development that would result from the Planning Proposal would generate positive economic numbers. However, the more critical question is why Council would believe such potential benefits should be stripped out of the identified Marulan town centre to a site outside of the town centre. That would appear to be an outcome at complete odds with the preferred long term strategic planning for the Marulan town and a question not answered within the Council report.

### **Site Specific merit**

It is also necessary for a Planning Proposal to exhibit site specific merit. No doubt that through a Development Application process, it could be demonstrated that the site has the physical capacity to accommodate the proposed uses.

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However, it is questionable as to the site suitability when the potential negative impacts on the town centre are considered. The economic viability of a project is a different question to the economic impact of development. As already noted, it is unclear as to why Council would redirect development that acts as a town centre stimulus, away from the actual town centre.

Similarly, the social impact assessment as presented in the Council report is unconvincing. The greatest positive social impact must accrue through a strong cohesive town centre, which is being undermined by this Planning Proposal.

### Summary

Please note that these comments are on the basis of the limited information available and the time frame in which to make a submission to Council.

My initial conclusion is that the Planning Proposal lacks strategic merit and on that basis alone it should not proceed and certainly not without first being the subject of meaningful public scrutiny and comment. Clearly that is a decision for the Council to make.

Yours Faithfully,

Scott Lee

2 October 2021

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Attachment 3f\_Public Exhibition Submission\_LATE ITEM\_Lee Environmental Planning on behalf of Mr Ken McCourt\_27 October 2021 1

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Goulburn Mulwarree Council  
Attention: Kate Wool

Dear Kate,

**RE: Planning Proposal for additional permitted uses at 14 & 16 George Street, Marulan**

Firstly, thank you to yourself and David Kiernan for taking the time to discuss this matter with myself and my client, Mr Ken McCourt on 15 October 2021.

As discussed, I am writing to you in regards to the above Planning Proposal that has only recently been drawn to our attention. My clients interest arises as a landowner of commercial property on George Street within the town centre of Marulan.

I have read the Council report that I understand will be presented to the meeting of Goulburn Mulwaree Council on Tuesday 2 November. I have registered to speak at that meeting, but as discussed with you, it would be appreciated if this letter could be circulated with the Business Papers.

Whilst the report deals with both the George Street site and Rifle Range Road site, our concerns relate directly to George Street and my comments are confined to that aspect of the Planning Proposal.

I believe the following comments are not properly covered in the Council report but they should be presented to the Council meeting by the Strategic Planning department to ensure our concerns are properly considered, so that Councilors are fully aware of our concerns and the potentially divisive nature of the report recommendation.

**Consultation**

You have advised that the Planning Proposal has been properly exhibited for the public to comment upon. However its existence has come as a late surprise not only to my client but also to many other landowners within the Marulan town centre.

I am unaware of what processes Council has undertaken to make people aware of the Planning Proposal to ensure comprehensive and meaningful involvement with the community. Clearly if a large proportion of an affected community is unaware of imminent changes to planning

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controls, then whatever public engagement process was undertaken has been unsuccessful. Council may not therefore have satisfied its obligations to its community. Such a failure could call into doubt the procedural fairness of the process.

The potential changes contemplated by the Planning Proposal are significant and in my opinion, it is incumbent upon the Council to ensure the whole of the community is firstly fully aware of the Planning Proposal and secondly, fully satisfied with their opportunity to be involved in the process. Neither of these is true in this case. When this becomes obvious, it becomes untenable for Council to continue to argue that it carried out its obligations to exhibit the changes in accordance with legal requirements.

We strongly argue that the Planning Proposal cannot proceed until such time as all stakeholders have had a proper opportunity for involvement.

### **Intention of the Planning Proposal**

The stated intended outcome of the Planning Proposal for the property at 14-16 George Street Marulan is to allow certain land uses that are not currently permissible, namely a motel, pub and bottle shop.

It is intended to do so through providing an 'exception' for the site through listing in Schedule 1 of the GMLEP2009. This in effect keeps the underlying zoning of the land (IN1 General Industrial) but allows other uses which presumably, have been handpicked by the proponent.

The report confirms that this aspect of the Planning Proposal has not emanated from any strategic study or direction. In that sense it is not unfair to call it simply an opportunistic spot rezoning aimed at adding market value to the land that the proponent believes will be profitable.

In fact, through our discussion on 15 October, it became apparent that a significant driver of the Planning Proposal was the fact that the site was being outperformed by other existing highway service centre sites and the Planning Proposal was a 'solution' to making it more competitive.

With respect that is not a sound basis for the Planning Proposal.

A landowner cannot be criticized for seeking profitable land uses, however that desire does not necessarily translate into a solid reason for a Planning Proposal.

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The reason for the Planning Proposal has not been effectively argued by Council.

Marulan is a recognised and important service centre along the Hume Highway corridor, but it is also a local centre servicing a local population. The current land use zoning of the GMLEP2009 reflects this. This makes this 'spot rezoning' approach to the site somewhat confusing and in our view unjustified.

### Strategic merit

It is necessary for all Planning Proposals to demonstrate strategic planning merit. At this stage it is not apparent to me as to what the strategic merit is for this Proposal.

As noted above, the Council report recognizes that the Planning Proposal is not linked to any strategic study or report.

At this point in time, the best guide to long term strategic outcomes for Marulan are viewed through the existing land use zoning and the range of land uses that those zones allow.

For the subject land, the prevailing zone is IN1 General Industrial. This zone allows for a wide range of land uses that can be long term contributors to the broader Marulan economy and community. The report makes no compelling case as to why the current zoning is deficient. The argument that other non industrial type uses are more profitable is not a planning reason of any substance.

Conversely, there is a defined Marulan town centre that is within the B2 Local Centre zone. This area contains the building blocks for a vibrant and successful town. This will be achieved through the existing businesses that can consolidate and/or expand and through the availability of sufficient B2 zoned land to allow for new opportunities. I am unaware that there is a case that insufficient commercial land is available, or that the current B2 zoned land is ill equipped to cater for the needs of the locality.

There can be no argument that uses such as motel, pub and bottle shop should be seen as key town centre uses. However, I am unsure why Council would support dislocating the town centre by encouraging such key uses to leak outside of the town centre.

This would be a failure of strategic planning.

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In our discussion you emphasized the highway service centre role of the subject site and how the Planning Proposal would support this in a way that the town centre could not. However, if highway travellers are demanding the services of a motel, pub and bottle shop, they can be serviced from the town centre.

The lack of strategic merit is concerning and coupled with the apparent lack of community involvement in this Planning Proposal, it is considered that it would only be reasonable for Council to pause on this specific Planning Proposal in favour of a more comprehensive and collaborative strategic planning exercise for Marulan.

### **Economic Impact**

The Council report states that the Planning Proposal was supported by an Economic Impact Statement. I have not viewed that report, but Council's report includes information on some of its conclusions.

It is not surprising that the proposed development that would result from the Planning Proposal would generate positive economic numbers. However, the more critical question is why Council believes such potential benefits should be stripped out of the identified Marulan town centre and given to a site outside of the town centre. That would appear to be an outcome at complete odds with the preferred long term strategic planning for the Marulan town and a question not answered within the Council report.

### **Site Specific merit**

It is also necessary for a Planning Proposal to exhibit site specific merit.

No doubt a Development Application could demonstrate that the site has the physical capacity to accommodate the proposed uses. It is after all a large site with a good network of road access.

However, it is questionable as to the site suitability when the potential negative impacts on the town centre are considered.

The economic viability of a project is a different question to the economic impact of development. As already noted, it is unclear as to why Council would redirect development that should act as a town centre stimulus, away from the actual town centre.

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Similarly, the social impact assessment as presented in the Council report is unconvincing. The greatest positive social impact must accrue through a strong cohesive town centre, which is being undermined by this Planning Proposal.

### Summary

Please note that these comments are on the basis of the limited information available and the time frame in which to make a submission to Council.

My initial conclusion is that the Planning Proposal lacks strategic merit and on that basis alone it should not proceed and certainly not without first being the subject of meaningful public scrutiny and comment. Clearly that is a decision for the Council to make **at its meeting on 2 November.**

Yours Faithfully,

Scott Lee

27 October 2021

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Attachment 3g\_Public Exhibition Submission\_LATE ITEM\_Holding Redlich on behalf of Mr Ken McCourt\_28 October 2021



28 October 2021

**Attention: Mr Warwick Bennett**  
General Manager  
Goulburn Mulwaree Council  
184 Bourke St,  
GOULBURN NSW 2580

**Special Counsel Peter Holt**  
**Direct Line** (02) 8083 0421  
**Email** Peter.Holt@holdingredlich.com  
**Partner** Thomas Kwok  
**Our Ref** PEH 19750387

**By email**

Dear Mr Bennett

**Planning Proposal – PP-2021-4197 – Additional permissible uses at 14 & 16 George Street Marulan and 159 Rifle Range Road Goulburn**

We act for Mr Ken McCourt (**our client**) in relation to planning proposal PP-2021-4197 described on Goulburn Mulwaree Council's (**Council's**) website as "additional permitted uses at 14 & 16 George Street Marulan and 159 Rifle Range Road Goulburn" (the **planning proposal**).

**A failure to comply with the Guide to preparing LEPs**

The Gateway Determination requires the planning proposal material to be exhibited in accordance with part 6.5.2 of the Department of Planning and Environment's *a guide to preparing local environmental plans*. Relevantly, part 6.5.2 requires a written notice to:

1. Give a brief description of the objectives or intended outcomes of the planning proposal; and
2. Give the name and address of the PPA for the receipt of submissions.

The notice published on Council's website and in the *Goulburn Post* on 1 September 2021 incorrectly and insufficiently describes the planning proposal. The notice is required to describe the objectives and intended outcome of the planning proposal. Instead, the notice published on Council's website and in the *Goulburn Post* only:

1. describes the *mechanism* by which the change is proposed (that is an amendment to Schedule 1 of the *Goulburn Mulwaree Local Environmental Plan 2009*; and
2. fails to stipulate that the 'additional permitted uses' on the subject land will be permitted *with development consent*.

Additionally, the notice on display on Council's website fails to specify a name and address for the receipt of submissions and is further lacking in this way.

**The proposal is difficult to reconcile with the stated aims**

The reason given for the planning proposal would appear to be to augment highway uses in that part of Marulan to provide accommodation for truck drivers, travellers and those who would use the site as a

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ABN 15 364 527 724

28 October 2021 Page 2  
PP-2021-4197

base to work in the wider region. Currently highway service centres are permitted within the zone but various forms of tourist and visitor accommodation are prohibited.

The planning proposal would allow a hotel a pub and a bottle shop. The more appropriate use may be a motel rather than a hotel and the zoning already allows restaurants which would include the service of alcohol with a meal. Those uses would appear more consistent with the Council's stated strategic aims rather than a hotel, pub and bottle shop which are far more appropriate within the town centre.

#### **Conferral of a windfall gain with no strategic planning merit**

Beyond the deficiency of the notice we say that this planning proposal lacks any sort of merit. Additional permitted uses are typically used where a pre-existing lawful use would be subsequently prohibited by the adoption of the relevant Standard Instrument LEP zoning appropriate for the land. Here identifying hotel and motel accommodation and pub and bottle shop on land zoned Industrial is inconsistent with the objectives of the zone and is inconsistent with the strategic planning of the area and represents nothing more than the conferral of a windfall gain to the owner to allow them to add considerable value to what we understand is a failing enterprise.

#### **Action required to be taken by Council**

Community consultation needs to be robust, and the way in which the planning proposal has been exhibited is severely deficient, having regard to the current COVID restrictions, the nature of this proposal and the reasons set out above.

Here the Council chose to only do the bare minimum and the level of engagement has been poor. Other opportunities to engage identified in the Council's Community Participation Plan which could have included the use of pamphlets or posters, media releases, contact with key stakeholders and individuals (beyond the adjoining landowners) affected by the proposal were not adopted by the Council as part of a wider community consultation strategy on the planning proposal.<sup>1</sup>

Accordingly, we request that the Council resolve to re-notify the planning proposal for another 28 days and notify key stakeholders and individuals affected in an attempt to cure the deficiencies set out above and give people a reasonable opportunity to prepare and make submissions in response to the proposal.

Our client otherwise reserves his rights to take action in relation to the matters set out in this letter, and will rely on this correspondence as necessary in any future costs claim.

Please contact Peter Holt, Special Council at [peter.holt@holdingredlich.com](mailto:peter.holt@holdingredlich.com) should you wish to discuss this letter.

Yours sincerely



**Holding Redlich**

---

<sup>1</sup> Goulburn Mulwaree Council Community Participation Plan adopted by Council on 5 November 2019.



Attachment 3h\_Public Exhibition Submission\_LATE ITEM\_Local Petition\_29 October 2021

## SIGNIFICANT CHANGES FOR MARULAN

Did you know Council is changing the planning rules for one land owner without talking to other land owners? *who*

The changes could have a dramatic effect on the existing businesses in Marulan town center.

Why has the local community not had a proper opportunity to be heard on this important to be heard on this important question?

If you believe council should stop and talk to the local community, please sign....

| NAME             | CONTACT | SIGNATURE |
|------------------|---------|-----------|
| Katie McCallum   |         |           |
| Lesia Humphries  |         |           |
| Rich Wellow      |         |           |
| Kate Opa         |         |           |
| Tanya Winters    |         |           |
| KARIN MARSHALL   |         |           |
| Julie Brown      |         |           |
| Ashleigh Hogan   |         |           |
| KIN. STEWART     |         |           |
| TIM WINTER       |         |           |
| DELLIS SAINSBURY |         |           |
| Daniel Goodheart |         |           |
| Adam Cordingley  |         |           |
| PAUL SKIPWES     |         |           |
| Tom Penegar      |         |           |
| D. TOWNSON       |         |           |
| Peter Dinsdale   |         |           |
| RAY WATERINGS    |         |           |
| SEAN HANNAN      |         |           |
| ROBERT LATHAM    |         |           |
| OLIE ASPERIN     |         |           |
| TOP GUNT         |         |           |
| John Wynn        |         |           |
| David Bradley    |         |           |
| Paul McEwen      |         |           |



## SIGNIFICANT CHANGES FOR MARULAN

Did you know Council is changing the planning rules for one land owner without talking to other land owners?

The changes could have a dramatic effect on the existing businesses in Marulan town center.

Why has the local community not had a proper opportunity to be heard on this important to be heard on this important question?

If you believe council should stop and talk to the local community, please sign....

| NAME                  | CONTACT | SIGNATURE |
|-----------------------|---------|-----------|
| G. McGRATH            |         |           |
| L. JONES              |         |           |
| D. JONES              |         |           |
| J. McGRATH            |         |           |
| C. Cinnitt            |         |           |
| R. TURNER             |         |           |
| D. DEEGAN             |         |           |
| M. TURNER             |         |           |
| S. LUND               |         |           |
| P. DAY                |         |           |
| SUSIE EDWARDS         |         |           |
| HENRIK LUND           |         |           |
| MARIE PENDER          |         |           |
| Jayne Shafter         |         |           |
| OLIE FLINKE           |         |           |
| ELIZABETH BRADLEY     |         |           |
| Samantha van der Meer |         |           |
| Logan Knightley       |         |           |
| Jeanne Walsh          |         |           |
| JOHN DELANEY          |         |           |
| Renee Potter          |         |           |
| JEAN LOUIS            |         |           |
| SPS ROBERTS           |         |           |
| JOHN WIGGAM           |         |           |
| CAROLYN HAWES         |         |           |

## SIGNIFICANT CHANGES FOR MARULAN

Did you know Council is changing the planning rules for one land owner without talking to other land owners?

The changes could have a dramatic effect on the existing businesses in Marulan town center.

Why has the local community not had a proper opportunity to be heard on this important to be heard on this important question?

If you believe council should stop and talk to the local community, please sign....

| NAME                  | CONTACT | SIGNATURE |
|-----------------------|---------|-----------|
| Dawn Hogan            |         |           |
| Sarah Smart           |         |           |
| Ben Falk              |         |           |
| leigh Seffrey         |         |           |
| Jeremy Potter         |         |           |
| Chris Hayward         |         |           |
| Nick Hammond          |         |           |
| Jasmyne Deegan        |         |           |
| AYLA + CLINT          |         |           |
| Matthew Vreman        |         |           |
| Gary Lidgard          |         |           |
| Warick Lidgard        |         |           |
| Kiley Lidgard         |         |           |
| Stacey Stephenson     |         |           |
| Dane Stephenson       |         |           |
| Debby Lingard         |         |           |
| David Humphrey        |         |           |
| Stephen Lichtenberger |         |           |
| Keely Lichtenberger   |         |           |
| CHARLIE SPITZER       |         |           |
| LINDA BLICHARZ        |         |           |
| JEFF HUDSON           |         |           |
| John Blinch           |         |           |
| David Blissett        |         |           |

Attachment 3i\_Public Re-exhibition Submission\_Nick Smith\_26 November 2021



Fri 26/11/2021 3:49 PM

Marulan Motor Inn.

To Council

Paul

For Attention of, David Kiernan and Council General Manager,  
Regarding REZ/0002/2021

Nick Smith is my name and I have bought the Marulan Motor Inn,  
18 months ago.

I read the Planning Proposal for lot 14 and 16 George Street Marulan,  
and I like things the way they are, preferably,

I have got the restaurant on this premises and would like a big  
chain to go into there but a fast food Chain at 14 George St. can be tolerated,  
But as for the proposal for a Hotel or Motel at 16 George Street  
That is definitely out, 100% against that, I have got a Tavern /Hotel  
at the front of this Premises, and 22 room Motel here, with occupancy  
rate at probably 5% or less. I am making sure you know I am dead against  
any Hotel or Motel anywhere.

Thank you,

Regards Nick Smith.

Attachment 4a\_Public Exhibition Notice\_6 Sept 2021- 5 Oct 2021

**Public Exhibition of a Planning Proposal –**

**Additional Permitted Uses at:**

**14 & 16 George St, Marulan and 159 Rifle Range Road, Goulburn**

Goulburn Mulwaree Council gives notice of the public exhibition of a Planning Proposal under Schedule 1 Clause 4 of the *Environmental Planning and Assessment Act 1979*. The intended outcome of this Planning Proposal is to amend the *Goulburn Mulwaree Local Environmental Plan 2009*, *Schedule 1: Additional Permitted Uses* by including the following as additional permissible uses:

- food and drink premises on Lot 2, DP 1053945 at 14 George Street, Marulan
- motel or hotel accommodation, pub and bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan.
- Dwelling house on part of Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn

Goulburn Mulwaree Council is the delegated plan making authority for the Planning Proposal under the conditions of the gateway determination (available for viewing with the Planning Proposal).

The Planning Proposal and supporting information will be on public exhibition from **Monday, 6 September, 2021 until close of business Tuesday, 5 October, 2021**. It will be available to view at the Civic Centre (184 Bourke Street Goulburn), the Goulburn Mulwaree Library during business hours or online on the Goulburn Mulwaree Council web site [www.goulburn.nsw.gov.au](http://www.goulburn.nsw.gov.au) under the “Public Exhibition” section.

Submissions shall be made in writing addressed to the General Manager, with the subject heading **‘Additional Uses Planning Proposal’** including the planning proposal number **(REZ/0002/2021)**, in person at the Civic Centre, via post to Locked Bag 22 Goulburn, NSW, 2580 or emailed to [council@goulburn.nsw.gov.au](mailto:council@goulburn.nsw.gov.au)

Alternatively the Planning Proposal and supporting information is available to view and comment on through the NSW Government Planning Portal website [www.planningportal.nsw.gov.au/ppr](http://www.planningportal.nsw.gov.au/ppr), using reference **PP-2021-4107**.

Please note, submissions may be made public in accordance with the *Government Information (Public Access) Act 2009* including both the substance and the identity of the author. Submissions may be provided or published in Council reports and correspondence, on Council’s website, to government agencies, in court proceedings or to any person seeking a copy. The onus is on anyone making a submission to advise if they have made any political donations within the last two (2) years.

**Contact Details:** If you would like to speak with a Council officer about the proposed amendment, please contact Council’s Strategic Planning Team on (02) 4823 4444 during business hours.

Attachment 4b\_Public Re-exhibition Notice\_22 Nov 2021- 14 Jan 2022

**Public Re-exhibition of a Planning Proposal –**

**Additional Permitted Uses at:**

**14 & 16 George St, Marulan and 159 Rifle Range Road, Goulburn**

Goulburn Mulwaree Council gives notice of the public exhibition of a Planning Proposal under Schedule 1 Clause 4 of the *Environmental Planning and Assessment Act 1979*. The intended outcome of this Planning Proposal is to amend the *Goulburn Mulwaree Local Environmental Plan 2009*, *Schedule 1: Additional Permitted Uses* by including the following as additional permissible uses:

- food and drink premises on Lot 2, DP 1053945 at 14 George Street, Marulan
- motel or hotel accommodation, pub and bottle shop on Lot 3, DP 1053945 at 16 George Street, Marulan.
- Dwelling house on part of Lot 1, DP 706477 at 159 Rifle Range Road, Goulburn

Goulburn Mulwaree Council is the delegated plan making authority for the Planning Proposal under the conditions of the gateway determination (available for viewing with the Planning Proposal).

This planning proposal is being re-exhibited in accordance with Council resolution on 2 November 2021 to provide additional opportunity to make comment on the proposal.

The Planning Proposal and supporting information will be on public exhibition from **Monday, 22 November, 2021 until close of business Friday, 14 January, 2022**. It will be available to view at the Civic Centre (184 Bourke Street Goulburn), the Goulburn Mulwaree Library during business hours or online on the Goulburn Mulwaree Council web site [www.goulburn.nsw.gov.au](http://www.goulburn.nsw.gov.au) under the “Public Exhibition” section.

Submissions shall be made in writing addressed to the General Manager, with the subject heading **‘Additional Uses Planning Proposal’** including the planning proposal number **(REZ/0002/2021)**, in person at the Civic Centre, via post to Locked Bag 22 Goulburn, NSW, 2580 or emailed to [council@goulburn.nsw.gov.au](mailto:council@goulburn.nsw.gov.au)

Alternatively the Planning Proposal and supporting information is available to view and comment on through the NSW Government Planning Portal website [www.planningportal.nsw.gov.au/ppr](http://www.planningportal.nsw.gov.au/ppr), using reference **PP-2021-4107**.

Please note, submissions may be made public in accordance with the *Government Information (Public Access) Act 2009* including both the substance and the identity of the author. Submissions may be provided or published in Council reports and correspondence, on Council’s website, to government agencies, in court proceedings or to any person seeking a copy. The onus is on anyone making a submission to advise if they have made any political donations within the last two (2) years.

**Contact Details:** If you would like to speak with a Council officer about the proposed amendment, please contact Council's Strategic Planning Team on (02) 4823 4444 during business hours.



### 15.3 POST EXHIBITION REPORT - PLANNING PROPOSAL TO REZONE LAND & AMEND MINIMUM LOT SIZE AT 133 MARY'S MOUNT ROAD (TENERIFFE)

**Author:** Senior Strategic Planner

Director Planning & Environment

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. Planning Proposal Council Report\_20 July 2021    
2. Agency Submissions  

|                           |  |
|---------------------------|--|
| <b>Reference to LSPS:</b> | Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan. |
| <b>Address:</b>           | 133 Mary's Mount Road, Goulburn (Teneriffe)  |
| <b>Submissions:</b>       | One State Agency submission.   |

#### RECOMMENDATION

That:

1. That the post exhibition report from the Senior Strategic Planner to rezone land at the Teneriffe residential subdivision, 133 Mary's Mount Road be received.
2. Council endorse the current planning proposal to amend the Goulburn Mulwaree Local Environmental Plan (GM LEP) 2009 to rezone part of Lot 184 DP 1250044 from RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m2 across the entire lot.
3. A draft instrument be prepared that is consistent with the above amendment.
4. The General Manager use Council's delegated plan-making authority to implement/finalise the amendment described above as soon as practicable.

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

#### BACKGROUND

Council at its meeting on 20 July 2021 resolved to prepare a planning proposal to rezone the part of Lot 184, DP 1250044 which is currently zoned RU6 Transition zone with related 20-hectare minimum lot size to R2 Low Density Residential with a minimum lot size of 700m2 to match the predominant zoning on the site. A copy of the July 2021 Council report is available in **Attachment 1**.

The planning proposal was prepared (REZ/0004/2021) and a Gateway Determination from the Department of Planning Industry and Environment to proceed was received on 28 September 2021 with delegated authority provided to the Council.

The planning proposal's public exhibition ran for 33 days between 8 November 2021 and 10 December 2021. One (1) agency submission was received and no public submissions.

The agency submission was received from NSW Rural Fire Service which raised no objections to the proposed amendment.

## REPORT

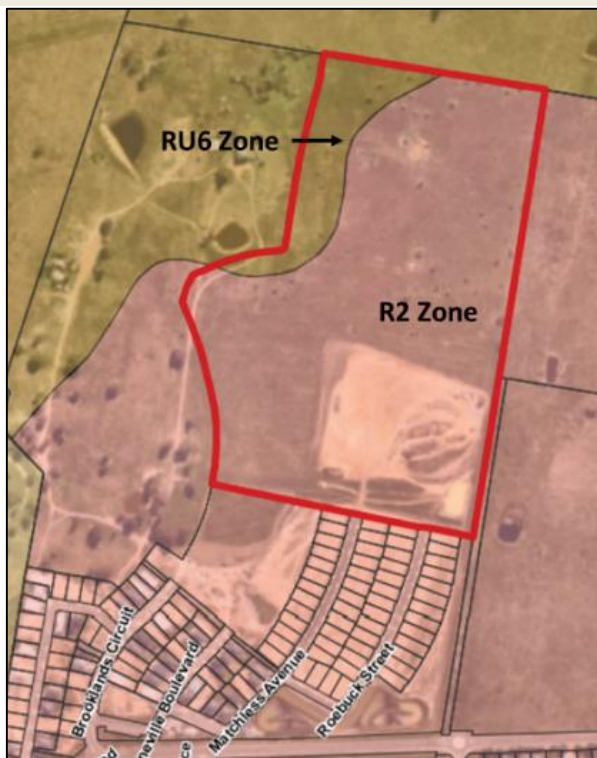
This planning proposal is proponent initiated and relates to Lot 184, DP 1250044 which has an approved development consent (DA/0183/1718) for a staged residential subdivision for 222 lots at a size of 700m<sup>2</sup>. This approval forms the “Teneriffe” subdivision on the northern edge of the Goulburn Urban Area.

The site currently has a split zone with the majority of the site zoned R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup>. A small section is zoned RU6 Transition with a minimum lot size of 20 hectares. The development consent relates to the entire site but the 21 lots sited within the RU6 Transition zone were approved as Community title lots with the remainder being approved as Torrens title lots.

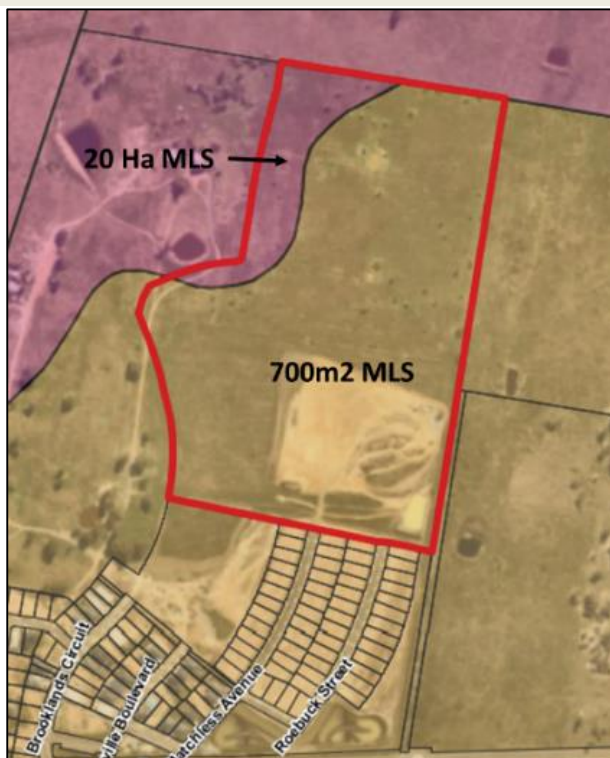
The lots were approved in this manner due to no minimum lot size restrictions being applicable at the time of development consent for community title subdivision in the RU6 Zone. The ability to do a community title subdivision in the RU6 Transition zone, that resulted in lots below the minimum lot size, has since been removed from the Goulburn Mulwaree Local Environment Plan, following amendment 19, endorsed by Council on 17 November 2020 (resolution 2020/483). This amendment does not, however, affect the approval of DA/0183/1718.

The proponent has requested Council rezone the RU6 Transition zone portion and 20 hectare minimum lot size portion of the site, as illustrated in Maps 1 & 2, to allow them to convert the approved residential lots from a Community title subdivision to a Torrens title subdivision. The Torrens title subdivision is preferred by the proponent as it would ensure future owners of the blocks are not subject to body corporate fees, maintenance or upkeep requirements associated with Community title.

**Map 1:** RU6 Zone to be removed



**Map 2:** 20ha minimum lot size to be removed





**Consultation and Submissions made in accordance with Act or Regulations****Public Exhibition**

The planning proposal's public exhibition ran for 33 days between 8 November 2021 and 10 December 2021. The public exhibition included:

- A notice on the Council website with documents available to view and download
- A notice on the Planning Portal with documents available to view and download
- Direct notification to affected and adjacent landowners
- A notice in the Goulburn Post

One (1) agency submission was received with no public submissions made. The agency submission was received from the NSW Rural Fire Service which raised no objection subject to future development of the land aligning with NSW Rural Fire Service recommendations provided on the original subdivision approval.

Water NSW previously advised on 18 October 2021, as part of their post-gateway referral response, that they had no objection to the proposal as long as the development proceeds as approved through the existing development consent with no further increases in impervious areas. They also advised that additional consultation with Water NSW was not required unless further changes were proposed.

No further changes were proposed and Water NSW did not provide any further comment during the exhibition period.

A copy of all agency submissions are available in **Attachment 2**.

**Conclusion**

The planning proposal, through the rezoning of part of the land from RU6 Transition to R2 Low Density Residential and amendment to the corresponding minimum lot size, would not change what is being proposed on the ground, with the same development scheme being progressed. The only material change is the ability to apply for Torrens Title subdivision over 21 of the approved lots instead of Community Title.

The amendment would ensure a consistent development pattern and title provision across the entire site and ensure all future owners are not subject to body corporate fees, maintenance or upkeep requirements associated with Community title.

There are no objections to the proposal and no adverse social, economic or environmental impacts have been identified as a result of the rezoning and minimum lot size change.

**Recommendation**

It is recommended that the planning proposal to rezone Lot 184, DP 1250044 from part RU6 Transition with the minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup> be endorsed by Council and proceed to finalisation.

**FINANCIAL IMPLICATIONS**

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

## **LEGAL IMPLICATIONS**

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

**15.3 PLANNING PROPOSAL TO REZONE LAND AT THE TENERIFFE RESIDENTIAL SUBDIVISION, MARYS MOUNT ROAD, GOULBURN**

**RESOLUTION 2021/301**

**Moved: Cr Sam Rowland**

**Seconded: Cr Alfie Walker**

**That:**

1. The report from the Senior Strategic Planner on the Planning Proposal to Rezone Land at the Teneriffe Residential Subdivision, Marys Mount Road be received.
2. Council prepare a planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* rezone Lot 184 DP 1250044 from part R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup> and part RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup>.
3. The planning proposal once prepared, be submitted to the Department of Planning, Industry and Environment for a gateway determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
4. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the planning proposal.
5. In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.

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

### 15.3 PLANNING PROPOSAL TO REZONE LAND AT THE TENERIFFE RESIDENTIAL SUBDIVISION, MARYS MOUNT ROAD, GOULBURN

**Author:** Nick Thistleton, Senior Strategic Planner

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. Letter of Request  

|                           |  |
|---------------------------|--|
| <b>Reference to LSPS:</b> | Planning Priority 4: Housing – Vision 2040 - A range and diversity in housing type, which is contextual and affordable and is primarily centred around Goulburn and Marulan. |
| <b>Cost to Council:</b>   | Nil  |

#### RECOMMENDATION

That:

1. The report from the Senior Strategic Planner on the Planning Proposal to Rezone Land at the Teneriffe Residential Subdivision, Marys Mount Road be received.
2. Council prepare a planning proposal to amend the *Goulburn Mulwaree Local Environmental Plan 2009* rezone Lot 184 DP 1250044 from part R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup> and part RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup>.
3. The planning proposal once prepared, be submitted to the Department of Planning, Industry and Environment for a gateway determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
4. The Department of Planning, Industry and Environment be advised that Council wishes to be issued with an authorisation to use delegation for the planning proposal.
5. In the event that the Department of Planning, Industry and Environment issues a gateway determination to proceed with the planning proposal, consultation be undertaken with the community and government agencies in accordance with any directions of the gateway determination.

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

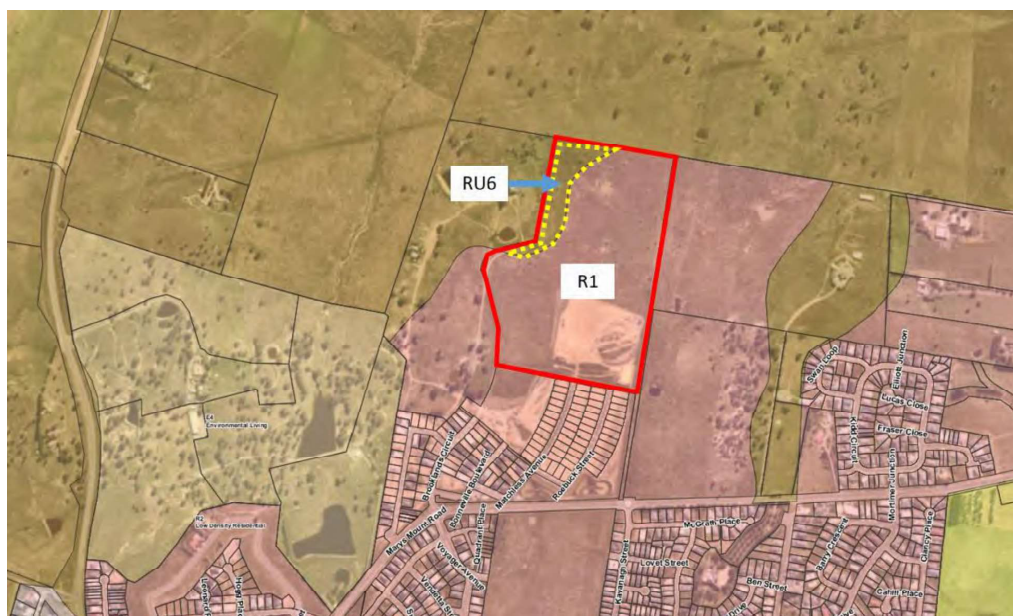
#### BACKGROUND

This matter has not previously been reported to Council.

#### REPORT

##### Introduction

Council has received a request from the developer of the Teneriffe residential subdivision on Marys Mount Road, Goulburn to rezone part of their land from RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup> under the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP) (**Attachment 1**). This request relates specifically to Lot 184 DP 1250044, which has development consent for subdivision into approx. 222 x 700m<sup>2</sup> lots, constituting four (4) stages of the larger approved Teneriffe residential subdivision that have not been registered as yet (DA/0183/1718) (**Figure 1**).



**Figure 1:** Zone map showing boundary of 184 DP 1250044 outlined in red with the location of the RU6 Transition zone outlined in yellow.

All of the lots approved as part of DA/0183/1718 covered partly or wholly by the RU6 Transition zone and 20 hectare minimum lot size on Lot 184 DP 1250044 were approved as community title lots, with the remainder of the larger Tenerife residential subdivision being approved as Torrens title lots. These lots were approved in this manner as there were no minimum lot size restrictions applicable to community title subdivisions in the RU6 Transition zone at the time and because the lots were otherwise contiguous with an existing residential area within the same lot boundary. The ability to do a community title subdivision in the RU6 Transition zone that resulted in lots below the minimum lot size has since been removed from the GM LEP, following Amendment 19 to the GM LEP, endorsed by Council on 17 November 2020 (resolution 2020/483) and made on 27 November 2020. This amendment does not, however, affect the approval of DA/0183/1718.

The reason for the proponent's request to rezone the RU6 Transition zone and 20 hectare minimum lot size portion of the subject land is to allow them to convert the approved residential lots from a community title subdivision to a Torrens title subdivision. Torrens title subdivision is preferred by the proponent as it does not burden future owners of the approved lots with complex management structures or regulations applicable under separate community title subdivision legislation for lots that otherwise look like and function as a standard Torrens title subdivided residential lot.

Strategic Planning supports the request from the proponent as it will benefit future owners of the as yet unregistered lots if they were to be modified and become Torrens title subdivided lots. As outlined in this report, this request is supported by Council's adopted *Urban and Fringe Housing Strategy* and the prior approval of DA/0183/1718.

### Strategic Assessment

The request from the proponent to rezone Lot 184 DP 1250044 from part R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup> and part RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup> is supported on the basis that it is consistent with the recommendations of Council's adopted *Urban and Fringe Housing Strategy* and the prior approval of DA/0183/1718.

The subject site is directly identified as an urban release area in the Middle Arm Precinct under the *Urban and Fringe Housing Strategy* (Figure 2). This means that the area is identified as suitable for immediate release into 700m<sup>2</sup> residential lots subject to relevant site specific environmental assessments and approval processes.

#### 5/6 - Middle Arm constraints and opportunities



Figure 2: Extract from *Urban and Fringe Housing Strategy* with the approximate location of the urban release area over the subject site circled in dotted red.

Additionally, the site is already subject to approval for 700m<sup>2</sup> residential lots under DA/0183/1718. This means that effectively all relevant site planning considerations have already been fully assessed and that no further assessments, such as biodiversity, contamination or bushfire assessments are considered necessary for the purposes of the planning proposal.

It is also understood from internal discussions with Council's planning team and Utilities Directorate that the reason for the imposition of the RU6 Transition zone over part of the lot, as opposed to the edge of the lot boundary, was partly to represent what used to be the maximum elevation that could be serviced by Goulburn's reticulated water supply and partly to reflect the ridgeline in the area. The purpose of the RU6 Transition zone in this specific instance was therefore to indicate what land was considered undevelopable for residential purposes just prior to the GM LEP being created in 2009. It is now understood from internal discussions with the Utilities Directorate and the assessment of DA/0183/1718 that this land is now capable of being serviced by Goulburn's water supply and has been assessed as not causing an unacceptable impact upon the ridgeline.

#### Conclusion and Recommendation

It is recommended that the request to rezone Lot 184 DP 1250044 from part R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup> and part RU6 Transition with a minimum lot size of 20 hectares to R2 Low Density Residential with a minimum lot size of 700m<sup>2</sup> be supported by Council. If the recommendation is supported, the planning proposal will be reported back to Council for final consideration after agency consultation and public exhibition is completed in accordance with the gateway determination.





1 June 2021

Goulburn Mulwaree Council  
Locked Bag 22  
Goulburn NSW 2580

Attention: Mr Nick Thistleton  
Ms Kate Wooll

**Request for Planning Proposal – Partial Rezoning of Teneriffe**

Dear Nick & Kate,

I refer to our meeting on 27 April 2021 and your email of the same date regarding a Proposal to rezone 21 blocks in Stage 2D2 of the Teneriffe subdivision.

Following discussions with Council, we understand Council requires a letter requesting the rezoning and outlining a rationale and justification for same. As such, please accept this letter as our formal request, with details of the Proposal provided in the following sections.

**Proposal**

Core Developments are the Proponent of a residential subdivision at 133 Marys Mount Road (Lot 500 DP1247515). The subdivision was originally approved on 27 September 2018 (DA0183/1718) as a two-stage residential subdivision. A modification was subsequently lodged and approved in 2019 to split the subdivision into 7 stages. The blocks subject of this rezoning request are in Stage 2D2, which is the final stage.

In respect of Stage 2D2, Condition 74 of the modification determination (2019) noted that a number of lots fell within the RU6 Transition zone and therefore could only be delivered under a Community Title scheme. The lots subject to this condition are:

- C1, C2, C23, C24, E1 – E11, E13 – E19

Instead of delivering these lots under Community Title, the Proponent is seeking to have these lots rezoned to R2 Low Density Residential zone, consistent with the rest of the Teneriffe estate.

**Rationale**

Rezoning the blocks to R2 is considered to be a better outcome for the estate and future landowners as it ensures all blocks within the estate are zoned the same (R2 low density), and it means that future owners of these blocks are not subject to body corporate fees or maintenance and upkeep requirements associated with Community Title common property.

It is understood that the intent of the RU6 transition zone is to:

1. *Protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities*
2. *To minimise conflict between land uses within this zone and land uses within adjoining zones*

In the case of Teneriffe, the RU6 zone provides a buffer between residential uses (R2 Zone) and areas of environmental significance and/or sensitivity (E3 Zone).

**Core Developments**  
Unit 3/57 Dacre Street  
MITCHELL ACT 2911  
Phone: 6108 4918  
Email: info@coredev.com.au



Noting the buffer zone (RU6) expands some 650m between the R2 Low Density zone and the E3 Environmental Management area, the proposed adjustment to the zone boundary is not considered to erode the function of either the RU6 zone or the E3 zone. This is on the basis that the proposed rezoning represents a minor zone realignment only, leaving a 550m buffer between the residential and environmental zones upon successful variation.

The proposed rezoning is also considered to meet the recommendations of the *Goulburn Mulwaree Council Urban and Fringe Housing Strategy*, noting the Strategy states 'much of this land (RU6 Transition Zone) has been identified as some of the land less constrained and therefore better suited for urban development'. In addition, the Strategy states that management of the interface between the zones and managing land use conflicts will be key. Noting there will continue to be significant separation between residential and environmental land uses, the proposed rezoning is considered consistent with this recommendation.

Further, the *Goulburn Mulwaree Strategy 2020* recommends location of residential living areas on land that is able to be serviced by infrastructure in a cost-effective way, and on land which is less productive from an agricultural perspective. Given the expansion of urban areas on blocks adjacent to the site and also within the Teneriffe estate, it is considered the majority of land zoned RU6 in proximity to the site is unsuitable for agricultural use and as such, rezoning of this land is consistent with the recommendations of the *Goulburn Mulwaree Strategy 2020*.

Noting the rezoning only affects a very small portion of the transition zone and the fact that a 550m buffer will remain between the residential zone and environmental protection zone, even after successful rezoning, the interface between the zones will not be negatively impacted.

#### **Conclusion**

In conclusion, we seek Council's support for a rezoning of 21 blocks in the Teneriffe estate from RU6 Transition Zone to the R2 Low Density Zone. The purpose of the rezoning is to facilitate residential subdivision of the blocks inline with DA0183/1718.

In the determination for DA0183/1718, Council recommended subdivision of these lots under a Community Title scheme, however, upon review of the requirements associated with Community Title schemes, the Proponent considers rezoning blocks to R2 to be a better outcome for future residents.

The proposed rezoning is also considered consistent with the *Goulburn Mulwaree Council Urban & Fringe Housing Strategy* and *Goulburn Mulwaree Strategy 2020*. In addition, the intent of the RU6 transition zone is not considered to be impacted by the rezoning, noting a 550m buffer between the proposed R2 and E3 zone will remain, even upon successful rezoning.

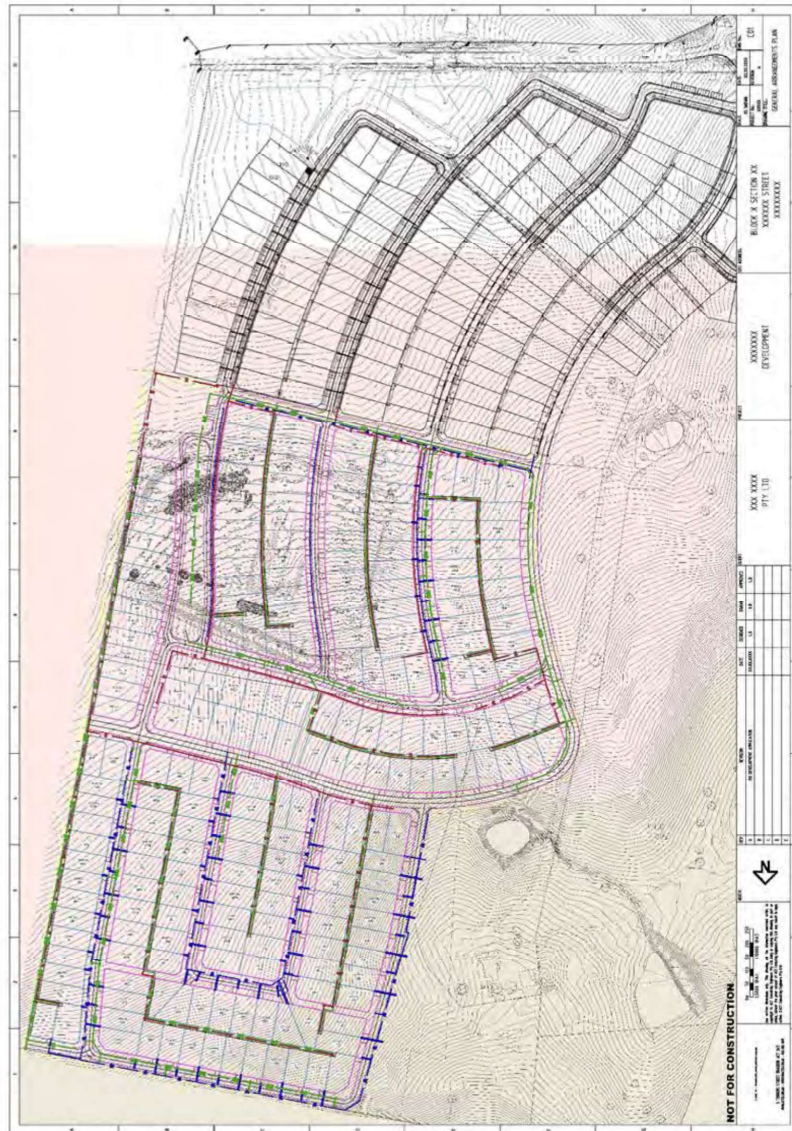
Should Council require clarification of any of the information provided, or wish to discuss the Proposal further, please do not hesitate to contact Emily Leemhuis or Matt Cuthbert of Core Developments.

Yours Sincerely,





Figure 1: Tenerife Zoning Plan



3

Attachment 2a\_Water NSW Pre-gateway Referral Response\_7 September 2021



PO Box 398, Parramatta NSW 2124  
Level 14, 169 Macquarie Street  
Parramatta NSW 2150  
[www.waternsw.com.au](http://www.waternsw.com.au)  
ABN 21 147 934 787

7 September 2021

Contact: *Stuart Little*  
Telephone: *0436 948 347*  
Our ref: *D2021/99051*

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

Dear Mr Kiernan,

**Planning Proposal to Rezone Part of Teneriffe, 133 Marys Mount Road, Goulburn, to Residential (REZ/0004/2021)**

I refer to your email of 19 August 2021 seeking our initial comments on a Planning Proposal to rezone a small section of land, currently zoned RU6 Rural Transition, to R2 Low Density Residential at Teneriffe, 133 Marys Mount Road Goulburn (Lot 184, DP 1250044).

WaterNSW has no objection to the Planning Proposal proceeding.

The subject site is 22.6 ha in size and has split zoning of R2 (700m<sup>2</sup> minimum lot size (MLS)) and RU6 (20 ha MLS). The RU6 land is associated with an approved 2018 residential subdivision, where the R2 zoned land was subdivided under Torrens Title and approximately 21 lots within the RU6 zone were subdivided under Community Title to overcome the 20 ha MLS restriction that would otherwise apply to Torrens Title subdivision of the RU6 land, and ensure compliance with the *Goulburn Mulwaree Local Environmental Plan 2009* (GM LEP). The GM LEP has subsequently been tightened to require Community and Strata subdivisions to also abide by the MLS requirement for land zoned RU6.

This Planning Proposal relates to Stage 2D2, being the final stage of the subdivision. As the lots within the RU6 zone are still restricted to Community title, and to avoid amending the GM LEP, the developer and applicant are now seeking for all lots to be consistently zoned R2 and to change the MLS from 20 ha to 700 m<sup>2</sup> to enable the approved lots to be registered under Torrens Title, and to avert the requirements associated with Community Title arrangements.

We note the only material change will be that the 21 lots will be able to convert to a Torrens Title arrangement, and that the proposed zoning and MLS will actually better reflect what occurs 'on the ground' in terms of the nature of development that has been approved for the site.

For the sake of completeness, WaterNSW has prepared a Strategic Land and Water Capability Assessment (SLWCA) for residential sewer development for the site (Attachment 1). This indicates that the site, and the north-western corner where the RU6 zoned land occurs, has a LOW to MODERATE risk to water quality and therefore a HIGH to MODERATE capacity for residential sewer development.

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

The Planning Proposal responds to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (SDWC SEPP), noting the aims of the policy and that the Proposal will not increase residential density of the subject site beyond what has already been approved. To this end, the Proposal notes that the subdivision has already met the required neutral or beneficial effect (NorBE) test on water quality and received WaterNSW concurrence on 22 January 2018. It

also reflects that the Proposal only seeks to make the zoning and MLS provisions consistent across the site. The Planning Proposal states that it is consistent with the SDWC SEPP. We agree with this conclusion.

**Direction 5.2 Sydney Drinking Water Catchment**

The Planning Proposal includes a response to the provisions of section 9.1 Direction 5.2 Sydney Drinking Water Catchment. The Direction requires Planning Proposals to be consistent with the SDWC SEPP, give consideration to the outcomes of any relevant SLWCA, and zoned Special Areas as stated in the Direction. No Special Areas are affected by this Proposal. Outcomes of the relevant SLWCA are provided in Attachment 1 and discussed above. The SLWCA should be included in the Planning Proposal.

With respect to the SDWC SEPP, the response to Direction 5.2 notes that WaterNSW has previously assessed the subdivision and advised that the subdivision it was capable of achieving a NorBE on water quality subject to conditions. The response notes that WaterNSW issued its concurrence on 22 January 2018 subject to conditions. The Planning Proposal should reflect that the concurrence advice was updated on 5 August 2019 to take account of modification of the subdivision into 7 stages.

For this development, all the lots and roads are serviced by large Stormwater Quality Improvement Devices (SQIDs) downstream of the lots. Those SQIDs are to be progressively built as the development proceeds. So as long as the development proceeds as currently proposed, and there no further increases in impervious area (such as from roads and houses on lots) from the rezoning then a NorBE on water quality will be able to be achieved. The response to Direction 5.2 concludes that the Planning Proposal will have no impacts on water quality. Based on the information provided, and subject to the above caveats, we agree with this conclusion.

Provided that the above comments are taken into account and the Planning Proposal process does not give rise to additional changes to the GM LEP, we believe that the Proposal does not need to be referred to us again. However, we would ask that we advised when the Proposal is publicly exhibited.

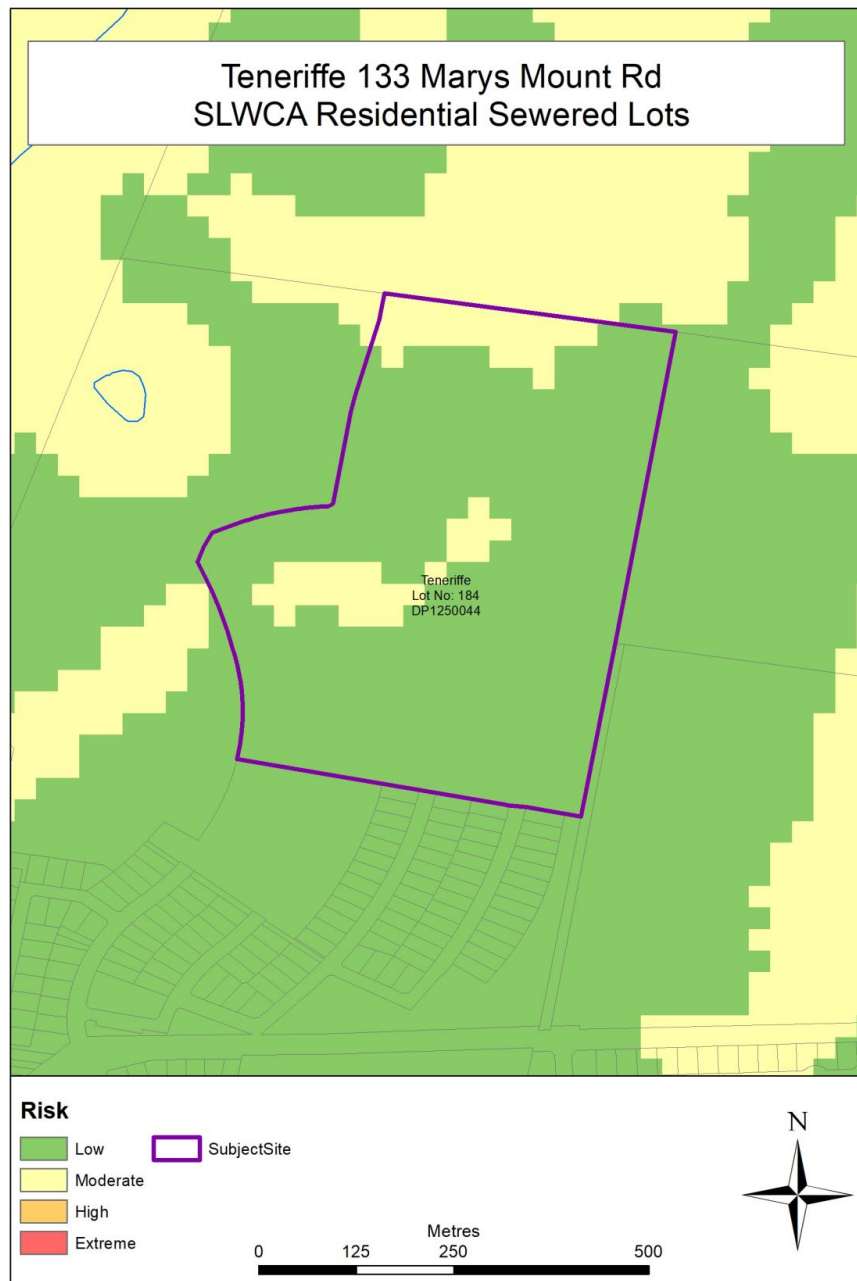
If you have any questions regarding the issues raised in this letter, please contact Stuart Little at [stuart.little@waterNSW.com.au](mailto:stuart.little@waterNSW.com.au).

Yours sincerely



**ALISON KNIHA**  
**Catchment Protection Planning Manager**

**ATTACHMENT 1**



**Map 1.** Strategic Land and Water Capability Assessment (SLWCA) for Residential Sewered Lots for Teneriffe, 133 Marys Mount Road, Goulburn.

Attachment 2b\_Water NSW Post-gateway Referral Response\_18 October 2021



PO Box 398, Parramatta NSW 2124  
Level 14, 169 Macquarie Street  
Parramatta NSW 2150  
[www.waternsw.com.au](http://www.waternsw.com.au)  
ABN 21 147 934 787

18 October 2021

Contact: *Stuart Little*  
Telephone: *0436 948 347*  
Our ref: *D2021/111418*

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

Dear Mr Kiernan,

**Planning Proposal to Rezone Part of Teneriffe, 133 Marys Mount Road, Goulburn, to Residential (REZ/0004/2021; PP-2021-3744)**

I refer to your email of 29 September 2021 seeking our comments on the Planning Proposal for Teneriffe following a Gateway determination on the Proposal. The Proposal seeks to rezone a small section of land at 133 Marys Mount Road Goulburn (Lot 184, DP 1250044) from RU6 Rural Transition to R2 Low Density Residential.

WaterNSW provided initial comment on the Planning Proposal on 7 September 2021, noting we raised no objection to the Planning Proposal proceeding. We stand by this statement. We also made some suggestions to refine the Proposal's response to section 9.1 Direction 5.2 Sydney Drinking Water Catchment. This included making reference to our updated concurrence advice of 5 August 2019 with regard to the subdivision development, and for the Proposal to include the relevant Strategic Land and Water Capability Assessment for the site. Both these matters have been addressed in the latest iteration of the Planning Proposal. We note that a copy of our September advice has also been included in the updated Proposal.

The Planning Proposal's response to Direction 5.2 notes that the Proposal does not seek to increase the residential density of the subject site nor extend the boundaries of the site beyond the existing subdivision development consent. The Proposal concludes that it will have no impact on water quality. As noted in our previous correspondence, all the lots and roads within the subdivision are serviced by large Stormwater Quality Improvement Devices (SQIDs) downstream of the lots, with the SQIDs to be progressively built as the development proceeds. So as long as the development proceeds as proposed, and there no further increases in impervious area from the rezoning, then a neutral or beneficial effect on water quality will be able to be achieved. Subject to the above caveats, we agree that the Planning Proposal will have no impacts on water quality as stated.

WaterNSW does not need to be consulted on this Proposal again unless further changes to the *Goulburn Mulwaree Local Environmental Plan 2009* are proposed as a result of other agency feedback or in response to public exhibition of the Proposal.

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

Yours sincerely

A handwritten signature in black ink, appearing to read "Alison Kniha".

**ALISON KNIHA**  
**Catchment Protection Planning Manager**





Attachment 2c\_NSW Rural Fire Service Post-gateway Referral Response

## NSW RURAL FIRE SERVICE

Goulburn Mulwaree Council  
Locked Bag 22  
GOULBURN NSW 2580

Your reference: (REF-854)  
Our reference: SPI20211003000166

**ATTENTION:** David Kiernan

Date: Friday 22 October 2021

Dear Sir/Madam,

**Strategic Planning Instrument**  
**Rezoning – Planning Proposal**  
**Rezone part Lot 184 DP 1250044 from RU6 Rural Transition to R2 Low Density Residential**

I refer to your correspondence dated 30/09/2021 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The NSW RFS has reviewed the information provided and raises no objection to the proposal subject to future development of the land aligning with recommendations provided by the NSW RFS for the subdivision of the land dated 13 July 2018 - your ref: DA/0183/1718.

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

Yours sincerely,

Martha Dotter  
**Supervisor Development Assessment & Plan**  
**Built & Natural Environment**

1

### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

### Street address

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



Attachment 2d\_NSW Rural Fire Service Exhibition Response\_24 November 2021

## NSW RURAL FIRE SERVICE

Goulburn Mulwaree Council  
Locked Bag 22  
GOULBURN NSW 2580

Your reference: REZ\_0004\_2122 (PP-2021-3744)  
Our reference: SPI20211103000191

**ATTENTION:** Megan Trotter

Date: Wednesday 24 November 2021

Dear Sir/Madam,

### Strategic Planning Instrument

### Rezoning – Exhibition

### Rezone part Lot 184 DP 1250044 from RU6 Rural Transition to R2 Low Density Residential

I refer to your correspondence dated 02/11/2021 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The NSW RFS has reviewed the information provided and raises no objection to the proposal subject to future development of the land aligning with recommendations provided by the NSW RFS for the subdivision of the land dated 13 July 2018 - your ref: DA/0183/1718.

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

Yours sincerely,

Martha Dotter

**Supervisor Development Assessment & Plan  
Built & Natural Environment**

1

#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

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4 Murray Rose Ave  
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**T** (02) 8741 5555  
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[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

**15.4 2021T0001 GOULBURN HOCKEY REDEVELOPMENT - NEW AMENITIES****Author:** Business Manager Projects

Director Operations

**Authoriser:** Warwick Bennett, General Manager**Attachments:** 1. 2122T0001 Tender Evaluation - Confidential

|  |   |
|--|---|
| <b>Link to Community Strategic Plan:</b> | IN4 – Maintain and update existing community facilities and support the development of new community infrastructure as needed.  |
| <b>Cost to Council:</b>                  | The allocated budget for this phase of the project is \$600,000 million.<br>All tenders received exceeded the allocated budget. |
| <b>Use of Reserve Funds:</b>             | Nil   |

**RECOMMENDATION**

That :

1. The report from the Business Manager Projects be received on the Request For Tender 2021T0001 – Goulburn Hockey Facility – New Amenities
2. Council decline to accept tenders from all respondents for Goulburn Hockey Facility – New Amenities.
3. Council to review the scope of the Goulburn Hockey Facility – New Amenities project with the project architect and the Goulburn District Hockey Association, with the objective of reducing the capital costs.
4. Council resolve to invite, in accordance with clause 167, fresh tenders based on the same or different details as referred to in Clause 178 (3) (b) of the Local Government Regulation. Further Council include the proposed Hockey amenities and the North Park Amenities as one tender as both facilities are of similar scope and type

**REPORT**

Council undertook a public Request For Tender (RFT) process in accordance with Section 55 of the Local Government Act, 1993, Local Government (General) Regulation, 2005 and Tendering Guidelines of NSW Local Government (General) Regulation, 2009.

The RFT was for the construction of the Goulburn Hockey Facility – New Amenities. The new amenities will house four (4) new change rooms with toilets and showers, referee's male and female changing facilities, a hockey shop, meeting room and storage areas adjacent to the refurbished hockey field.

The RFT responses were assessed against documented criteria and lump sum values or tendered amounts with the intention of recommending a preferred tenderer to Council.

The RFT process commenced with an advertisement in Tenderlink from 6 October 2021 and in the Goulburn Weekly Post on 7 October 2021.

A pre-tender meeting was held on 19 October 2021, ten (10) companies attended the pre-tender meeting. The Closing Date for receipt of Tender was 7 December 2021.

In total six (6) Tenders were received by the Closing Date.



Tenders were received from the following companies.

|                                      |   |
|--------------------------------------|---|
| ARW Multigroup Pty Ltd               | P.O Box 332<br>GOULBURN NSW 2580                    |
| Cercol Construction Services Pty Ltd | PO Box 846 Fyshwick<br>CANBERRA ACT 2609            |
| CRL Projects Pty Ltd                 | Unit 4, 54 Montague St<br>NORTH WOLLONGONG NSW 2500 |
| Momentum Built Pty Ltd               | PO Box 2033<br>TAREN POINT NSW 2229                 |
| Monarch Building Solutions Pty Ltd   | PO Box 1379 Fyshwick<br>CANBERRA ACT 2609           |
| TRIDENT PROJECTS (AUST.) PTY LTD     | P.O.BOX 690 Concord<br>SYDNEY NSW 2137              |

The Tender Evaluation Panel (TEP) was established. The TEP consisted of:

- Business Manager Projects (Chair)
- Director Operations
- Business Manager Community Facilities

The TEP met to evaluate the Tenders on the 14/1/2022. The evaluation process was carried out by the panel following the process as outlined in the Evaluation Plan. The Evaluation Plan was completed, reviewed and signed by all members of the Evaluation Panel and approved by authorised executive officers.

The breakdown of the Non-Price evaluation criteria and respective weighting are as follows:

- |   |     |
|---|-----|
| • Company Experience and Performance        | 10% |
| • Company Capability and Resourcing         | 10% |
| • Project Appreciation and Methodology      | 15% |
| • Local Business and Industry Participation | 5%  |
| • Price                                     | 60% |

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

The price submissions from all tenders exceeded the total allocated project budget of \$600,000. The original construction estimate was formulated based on recent projects of similar scale and nature to this project including the Sieffert Oval pavilion and the Cookbundoon amenities building.

The significant difference in price from the construction estimate compared to the tenderers submissions may be due to a number of factors including the current high demand in the construction market, materials shortage, increase in raw material costs and possible scope creep in the final version of the design plans issued with RFT documentation.

The evaluation panel recommend that Council review the scope of the Goulburn Hockey Facility – New Amenities project with the architect and the Goulburn District Hockey Association, with the

objective of reducing the capital costs. Once the scope is reviewed it recommended that Council call for fresh tenders, in accordance with clause 167, fresh tenders based on the same or different details as referred to in Clause 178 (3) (b) of the Local Government Regulation.

*Clause 178.3 A Council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contracts must, by resolution do one of the following:*

- (a) postpone or cancel the proposal for the contract,*
- (b) invite, in accordance with clause 167 , 168 or 169, fresh tenders based on the same or different details,*
- (c) invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
- (d) invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
- (e) enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender*
- (f) carry out the requirements of the proposed contract itself.*

Since this project was tendered additional projects have been provided with grant funding including the North Park amenities building. The fresh tender will look to include these additional works for a broader tender package which will streamline procurement processes and also seek to attract more competitive tenders from the market.

**15.5 VP274768 FIXING LOCAL ROADS WINDELLAMA ROAD REHABILITATION STAGE 2**

**Author:** Business Manager Works  
Director Operations

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. Windellama Road FLR Stage 2 Evaluation Report.pdf - Confidential  
2. Windellama Road FLR Stage 2 Evaluation Sheet.pdf - Confidential

|  |  |
|--|--|
| <b>Link to Community Strategic Plan:</b> | 18. Our Infrastructure IN3 Maintain and improve road infrastructure and connectivity.  |
| <b>Cost to Council:</b>                  | Works funded through the TfNSW Fixing Local Roads program to the value of \$4,564,860 and 2021/22 + 2022/23 Roads to Recovery allocation of \$1,000,000<br><br>Total Budget \$5,564,860<br>Cost of Stage 2 RFQ component \$475,442 (GST Inc) |
| <b>Use of Reserve Funds:</b>             | Nil  |

**RECOMMENDATION**

That:

1. That the report from the Business Manager of Works on the VP274768 be received
2. The Request for Quotation from Coopers Earthmoving Pty Ltd be accepted for the rehabilitation of Stage 2 of the Windellama Road Fixing Local Roads Grant scope at a tender price of \$475,442 (GST Inc) as outlined in the specification and documents in VP274768.
3. The General Manager is authorised to approve variations of up to 10% (\$47,544.2 GST Inc) for this project.

**BACKGROUND**

On the 31<sup>st</sup> May 2021 Council were successful in obtaining Grant funding through TfNSW Fixing Local Roads Program for large scale road rehabilitation works on Windellama Road across a combined distance of 16.1km.

The delivery of this project has been split over 5 stages in accordance with the work required on each stage and will be delivered by a combination of both GMC construction crews and civil contract crews.

Works commenced on site in September 2021 and will be completed by May 2023 as per the funding conditions of the Grant.

**REPORT**

This report is to summarise the responses received and recommend a successful contractor to undertake Stage 2 of the works which is located between the Lumley Road Intersection back to Muffets Lane on Windellama Road excluding a large box culvert structure in which is being delivered under a separate contract.

Request for Quotations (RFQ) were called for on 5<sup>th</sup> November 2021 through VP274768 Fixing Local Roads Windellama Road Rehabilitation Stage 2. RFQ documentation was sent to four (4) members of the Prescribed 2021T0016 Minor Civil Works Panel.

The RFQ closed on 30<sup>th</sup> November 2021 three (3) submissions were received from the following companies:

| Company                               | Address                          |
|---------------------------------------|----------------------------------|
| Coopers Earthmoving & Haulage Pty Ltd | PO Box 181 MARULAN NSW 2579      |
| Denrith Pty Ltd                       | 282 Carrick Rd GOULBURN NSW 2580 |
| JCF Contracting                       | PO Box 531 Goulburn NSW 2580     |

A Tender Evaluation Panel (TEP) was established. The TEP consisted of:

- Construction Engineer (Chair)
- Business Manager Works
- Project Engineer Operations

The evaluation process was carried out by the panel following the process as outlined in the Evaluation Plan. The Evaluation Plan was completed, reviewed and signed by all members of the Evaluation Panel and approved by authorised executive officers.

The final Evaluation Report is attached to this Council report as a confidential attachment due to the commercial in confidence nature of the information.

The panel met to determine whether the tenders were conforming to mandatory submission requirements. For this evaluation all three (3) tenders were deemed conforming. The panel then completed the detailed evaluation of all criteria in accordance with the following weightings:

- Company Capability and Resourcing 10 %
- Project Appreciation and Methodology 20 %
- Program of Works 10%
- Management Systems 10%
- Price 50 %

The overall Value For Money (VFM) was assessed and the overall ranking were determined as follows:

| Ranking | Tenderer                              |
|---------|---------------------------------------|
| 1       | Coopers Earthmoving & Haulage Pty Ltd |
| 2       | JCF Contracting                       |
| 3       | Denrith Pty Ltd                       |

Following the completion of the evaluation process the Evaluation Panel recommends Coopers Earthmoving & Haulage Pty Ltd as the preferred contractor in accordance with the documentation for VP274768. This recommendation is based on Coopers Earthmoving & Haulage Pty Ltd having the highest VFM ranking proponent at the completion of the evaluation process.

Coopers Earthmoving & Haulage Pty Ltd have undertaken similar works within many Councils and have testimonials to support their work. As the RFQ was conducted via Vendor Panel all organisations have been prequalified.

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

**15.6 VP273659 WOLLONDILLY WALKING TRACK CEMETERY STREET PHASE 3**

**Author:** Project Engineer - Operations  
Director Operations

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. VP273659 RFQ Evaluation Report-Confidential - Confidential

|  |   |
|--|---|
| <b>Link to Community Strategic Plan:</b> | 19. Our Infrastructure IN4 Maintain and update existing community facilities, and support the development of new community infrastructure as needed.  |
| <b>Cost to Council:</b>                  | <p>The available budget for this stage of the project is \$ 830,000 (excl. GST).</p> <p>Works are fully funded by NSW Government under the Bushfire Local Economic Recovery Fund (BLER). A maximum total amount of \$ 2,000,000 (excl. GST) is allocated for this project.</p> <p>The cost for Phase 3 is \$ 657,587.59 (excl. GST) and therefore, within the available budget.</p> |
| <b>Use of Reserve Funds:</b>             | Nil   |

**RECOMMENDATION**

1. That the report from the Project Engineer Operations on VP273659 Wollondilly Walking Track Cemetery Street Phase 3 – River Crossing be received.
2. The quote from Form and Pour Constructions be accepted for \$657,587.59 (excl. GST) in accordance with the RFQ documents for the continued development of the Wollondilly Walking Track from Cemetery Street to Joseph's gate subdivision.
3. The General Manager is authorised to approve variations of up to ten (10) percent of the contract amount being \$65,758.76 (excl. GST)

**BACKGROUND**

Council received grant funding through the Bushfire Local Economic Recovery Fund (BLER) for the continued development of the Wollondilly Walking Track, Cemetery Street. The scope of works is to construct a 2.5m wide concrete shared path from Cemetery Street to Joseph's gate subdivision, a total length of 2.6km. This project will be delivered in three Phases as per the following:

**Phase 1** comprised 480m long, 2.5m wide shared path on Cemetery Street to St Saviour's Cemetery behind the Goulburn gaol and is now complete.

**Phase 2** comprised 1800m long, 2.5m wide shared path from St Joseph's Gate sub-division to the old aqueduct (located behind the gaol) and is nearing completion.

**Phase 3** comprises approximately 440m long, 2.5m wide shared path connecting Phases 1 and 2 and will include a new culvert crossing over the Wollondilly River. This is the project that this report refers to under VP273659.

**REPORT**

This report is to summarise quotes received for the construction of the Wollondilly Walking Track Cemetery Street Phase 3 under VP273659 and recommend a successful tenderer to undertake the proposed works.

Request For Quotations (RFQ) were called for on 16 November, 2021 through VP273659 construction of Wollondilly Walking Track Cemetery Street Phase 3. RFQ documentation were sent to 3 approved Minor Civil Works Panel Members (Minor Civil Works Panel Tender No. 2021T0016).

The RFQ closed on 21 December, 2021 and submissions were received from the following companies:

| Company                     | Address  |
|-----------------------------|--|
| Denrith Pty Ltd             | 17090 Hume Highway<br>Goulburn, 2580<br>New South Wales. Australia         |
| Form and Pour Constructions | 1799 The Horsley Drive<br>Horsley Park. 2175<br>New South Wales. Australia |
| Planet Civil Pty Ltd        | 6/178 Princes Highway<br>Arncliffe, 2205<br>New South Wales. Australia     |

An evaluation panel established comprising of:

- Project Engineer Operations (Chair);
- Business Manager Projects; and
- Project Manager (Projects).

The evaluation process was carried out by the panel following the process as outlined in the Evaluation Plan. The Evaluation Plan was completed, reviewed and signed by all members of the Evaluation Panel and approved by authorised executive officers.

The final Evaluation Report is attached to this Council report as a confidential attachment due to the commercial in confidence nature of the information.

The panel met to determine whether the tenders were conforming to mandatory submission requirements. For this evaluation 3 tenders were deemed conforming. The panel then completed the detailed evaluation of all criteria in accordance with the following weightings:

- Company Capability and Resourcing 10 %
- Project Appreciation and Methodology 15 %
- Program of Work 15%
- Price 60%

The overall Value for Money was assessed and the overall ranking was determined to be:

| Ranking | Tenderer                    |
|---------|-----------------------------|
| 1       | Form and Pour Constructions |
| 2       | Denrith Pty Ltd             |
| 3       | Planet Civil Pty Ltd        |

Following the completion of the evaluation process the Evaluation Panel recommends Form and Pour Constructions as the preferred contractor in accordance with the documentation for VP273659. This recommendation is based on Form and Pour Constructions having the highest VFM ranking proponent at the completion of the evaluation process.

Form and Pour Constructions have undertaken similar works for Council and they are considered suitable to carry out these works.

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

# **15.7 VP272530 - CULLULLA ROAD CAUSEWAY REPLACEMENT PROJECT UNDER 2021T0016**

**Author:** Business Manager Projects  
Director Operations

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. VP272530 Response Evaluations - Confidential

|  |  |
|--|--|
| <b>Link to Community Strategic Plan:</b> | 18. Our Infrastructure IN3 Maintain and improve road infrastructure and connectivity.  |
| <b>Cost to Council:</b>                  | The available budget for this project is \$828,232 (ex GST)<br>This will be funded through s94 Minda 2622 Oallen Ford Road Reserve (\$620,000) and from the Natural Disaster August 2020 storm event (\$208,932).<br>The total cost for this engagement is \$697,410 (ex GST) therefore there are sufficient funds within this budget. |
| <b>Use of Reserve Funds:</b>             | The project is being funded from the following reserves:<br>s94 Minda 2622 Oallen Ford Road - \$620,000  |

## **4. RECOMMENDATION**

That:

1. The report from the Business Manager Projects on Request for Quotation (RFQ) VP272530 Cullulla Rd Causeway Replacement be received.
2. The RFQ from Coopers Earthmoving and Haulage Pty Ltd for \$697,410 (ex GST) is accepted in accordance with the specification and tender documents for Vendor Panel VP272530.
3. The General Manager is authorised to approve Variations of up to five (5) percent of the contact amount being 34,870.45 (ex GST)
4. Unexpended funds from the 2021/22 budget allocation be carried forward to 2022/23

## **5. BACKGROUND**

During the last 2 financial years Council has experienced a number of Natural Disasters events. In response Council has secured funding from the Australian Government Disaster Recovery Funding Program to undertake restorative works to the local road network to the value of \$16 million.

On 16<sup>th</sup> March 2021 a council resolution approved the Minor Civil Works Panel 2021T0016 to expedite the restoration process to ensure that Council completes the repairs within the Natural Disaster timeframes.

The Minor Civil Works Panel Contract at section 1A (b) of the contract provides Council with the opportunity to request a Site Specific Request for Quotation (RFQ). The Cullulla Rd Causeway Replacement project is one such a site as it has site specific constraints and adverse impacts on residents and motorists.

On 18 October 2021, Council issued a Request for a Quotation (RFQ) via vendor panel for these works with a closing date of 19 November 2021. For panel members to be eligible to quote they must have attended a mandatory site meeting on the 26<sup>th</sup> October 2021.



## 6. REPORT

To achieve Council's level of service in maintaining Council's infrastructure, Council established the Minor Civil Works Panel to assist in undertaking minor civil works throughout the Local Government Area (LGA) on an as required basis or on a site specific RFQ basis.

In response to the RFQ, which was offered to all panel members, council received 5 quotes. All companies that quoted attended the mandatory site meeting held on 26 October 2021. These companies are:

| Company                               | Address   |
|---------------------------------------|---|
| Coopers Earthmoving & Haulage Pty Ltd | PO Box 181 MARULAN NSW 2579                       |
| Denrith Pty Ltd                       | 282 Carrick Rd GOULBURN NSW 2580                  |
| Form and Pour Constructions           | 1799 The Horsley Park Drive HORSLEY PARK NSW 2175 |
| HD Civil Pty Ltd                      | 14 Marshall Street MANLY NSW 2095                 |
| Planet Civil Pty Ltd                  | P.O Box A411 ARNCLIFFE NSW 2205                   |

A RFQ evaluation Panel was established, with the panel consisting of:

- The Business Manager Projects principal (Chair)
- Natural Disaster Project Engineer ; and
- Project Support Officer

The RFQ panel met to evaluate the quotes on 11 January 2022 against the evaluation criteria set out in the RFQ documentation.

A preliminary evaluation was carried out by the Panel to confirm if individual quotes were compliant with the RFQ document. During the preliminary evaluation the evaluation panel determined that all quotations conformed and as such all were assessed against the criteria.

The evaluation criteria and weightings as set out in the RFQ document are:

- Company Experience, understanding of the Project and Performance 20%
- Company Capability and Resourcing 10%
- Proposed Timeframe and Project schedule 10%
- Price 60%

Evaluation of the quotes received against the criteria established an overall Value for Money ranking as shown in the following table:

| Company Name                            | Ranking |
|---|---------|
| Coopers Earthmoving and haulage Pty Ltd | 1       |
| Form and Pour Pty Ltd                   | 2       |
| Planet Civil Pty Ltd                    | 3       |
| Denrith Pty Ltd                         | 4       |
| Planet Civil Pty Ltd                    | 5       |

The Evaluation panel was satisfied that all companies considered for detailed evaluation could all meet the requirements outlined in the RFQ documentation.

Following the completion of the evaluation process the Evaluation Panel recommends Coopers Earthmoving & Haulage Pty Ltd as the preferred contractor in accordance with the documentation

for VP272530 Cullulla Rd Causeway Replacement. This recommendation is based on Coopers Earthmoving & Haulage Pty Ltd having the highest VFM ranking proponent at the completion of the evaluation process.

Coopers Earthmoving & Haulage Pty Ltd have undertaken similar works within many Councils including Goulburn Mulwaree Council and have testimonials to support their work.

The Evaluation report is included with the Closed Session reports in accordance with S10A(2) (d) *Local Government Act 1993* as it contains commercial information that would, if discussed, prejudice the commercial position of the person who supplied it. It is therefore not appropriate for this information to be provided in an Open Session.

**15.8 STREETS AS SHARED SPACES - FINAL GRANT APPLICATION****Author:** General Manager**Authoriser:** Warwick Bennett, General Manager**Attachments:** 1. **Map and Concepts - Streets and Shared Spaces**  

|  |  |
|--|--|
| <b>Link to Community Strategic Plan:</b> | 19. Our Infrastructure IN4 Maintain and update existing community facilities, and support the development of new community infrastructure as needed. |
| <b>Cost to Council:</b>                  | The total cost of this project is approximately \$543,000 with \$500,000 from grant funding and \$43,000 from operational budget                     |
| <b>Use of Reserve Funds:</b>             | Nil  |

**RECOMMENDATION**

That

1. The report of the General Manager on Streets as Shared Space – grant application be received
2. Council endorsed the Streets as Shared Spaces grant application and allocation for up to \$500,000.
3. Council acknowledges that \$43,000 will be contributed from Councils operation budget.

**BACKGROUND**

Council has been successful in an Expression of Interest (EOI) grant application for a grants program known as “Streets as Shared Spaces”.

**REPORT**

Council has been successful in an expression of interest to the second round of “Streets as Shared Spaces”. We have been invited to undertake a full application where we can apply for up to \$500,000 based on our EOI.

The aim of this program is to deliver ‘trials’ that test permanent changes that strengthen the amenity, accessibility and economic viability of a high street and surrounding area, taking a place-based approach (delivered in a defined geographic location in a collaborative, partnered approach).

The objectives of the program are to:

1. Provide more and better public space that improves walkability and connection, enables day and night activity, and increases footfall.
2. Drive collaboration and partnerships between local government and another sector, whether public, private, civic or community, taking a place-based approach.
3. Establish and commence delivery of projects by April 2022.
4. Enable long-term changes through trialing innovative and creative approaches, partnerships and engagement.

Projects that:

- Encourage social interaction
- Improve health and wellbeing
- Offer communities a sense of identity and character

- Contribute to economic vitality of the street and surrounding area
- Tests a Local Government long term vision
- Allows people to move safely during COVID

The full application has been completed with the following information for Council's endorsement:

Stimulating and safe shared street spaces will be achieved in the Goulburn Mulwaree LGA with the installation of parklets, chill out hubs, shady spaces with seating, night time lighting, public art and street furniture. Trialling innovative and creative community spaces will drive collaborative partnerships, encourage the community to shop locally, create safer walking and cycling spaces and increase the night time economy in the high streets precincts of Goulburn and Marulan.

Scope:

Aligning with Public Spaces, Streets as Shared Spaces Engagement Report to increase walking, access and connection improvements between parks and shops and increasing community's feelings of safety Goulburn Mulwaree Council will include purchase and installation of:

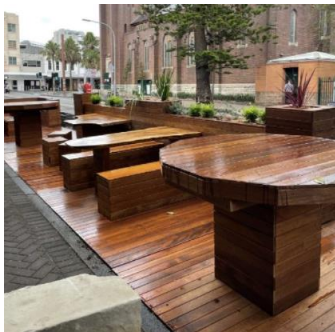
1. 2 parklets activating the café and shopping area on Auburn Street around Belmore Park and on George Street in Marulan;
  - a. The first parklet will be designed to be a relaxed area with lighting, pergola and a 'built in' community street library;
  - b. A second parklet will be designed to activate the high street of the village of Marulan at the corner hotel on George Street with café tables and chairs, greenery and shade;
2. 2 Chill Out Hubs with bench seating. These shade areas provide solar electricity electrical ports for people who need to use their computer or plug in a phone. They will be combined with tables and bench seating so that they provide areas for families, youths, elderly and workers to relax, eat and work. These hubs will be trialled as possible inclusions in other areas of the main street in the future;
3. A pedestrian crossing and signage will be installed on the corner of Auburn and Market Streets, creating safer access to shops and the new parklet/chill out spaces. This will complement the reduction of the speed to 40km/hr on Auburn Street and promote walking and movement around the heart of the city and trial a future wombat crossing in this space;
4. Metal grates, placed between 27 tree spaces and the sidewalk along the shopping district of Auburn Street, will provide a base for placement of 27 coloured bench seats, activating the length of the main street and providing links between patrons and shops and multiple opportunities for community elderly residents to enjoy the main street. The trees will be lit at night with fairy lights;
5. Earth and bushes for 15 planter boxes, provided by Council, will add shade to seated areas, like parklets.
6. Attractive net/fairy lighting between buildings in Russell Lane will assist to activate the night time economy of cafes around the laneway;
7. Public Art in Russell Lane will lift the atmosphere of this laneway and assist to develop it in to a plaza atmosphere;
8. Electrical Box mural wrapping in Russell Lane will continue to lift the aesthetics of the laneway, and
9. Street Furniture in Russell Lane will be placed along the centre of the laneway encouraging people out shopping or coming away from the cinema, Workers Club and other businesses to have a coffee, take a shopping break, eat or just relax and socialise.

We are making an application for up to \$500,000. Additional to this the Council contribution will \$43,000 which will be funded from the operations budget. The Council cost will supply surplus planter boxes (\$18,000) project management cost (\$15,000 – staff time) and funds from the Auburn Street upgrade (\$10,000).



## Streets as Shared Spaces

### Map and concepts





Auburn Street Maps with numbered initiatives



1. Auburn Street Parklet (Street Library)





2. Chill Out Hubs

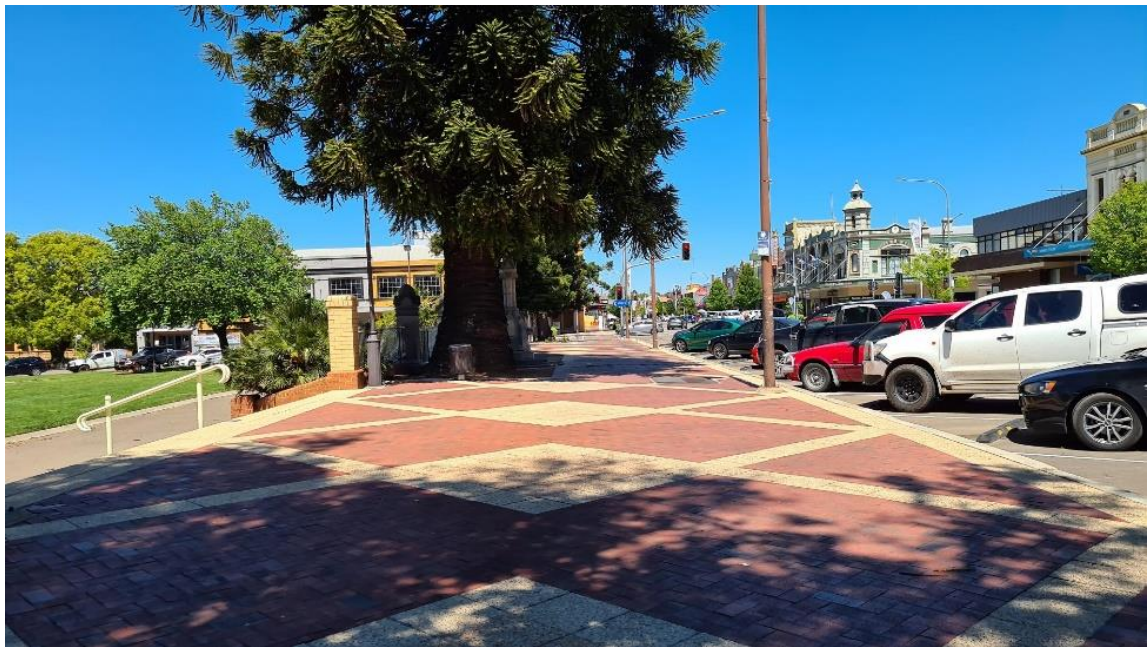


Photo above - Auburn Street Sidewalk near Belmore Park

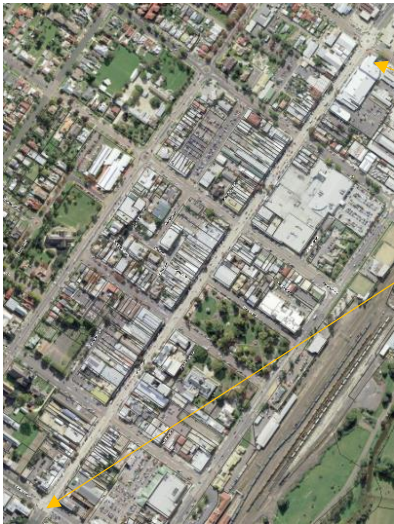


Concept Pictures above and to left of Street Furniture – Chill-out Hubs

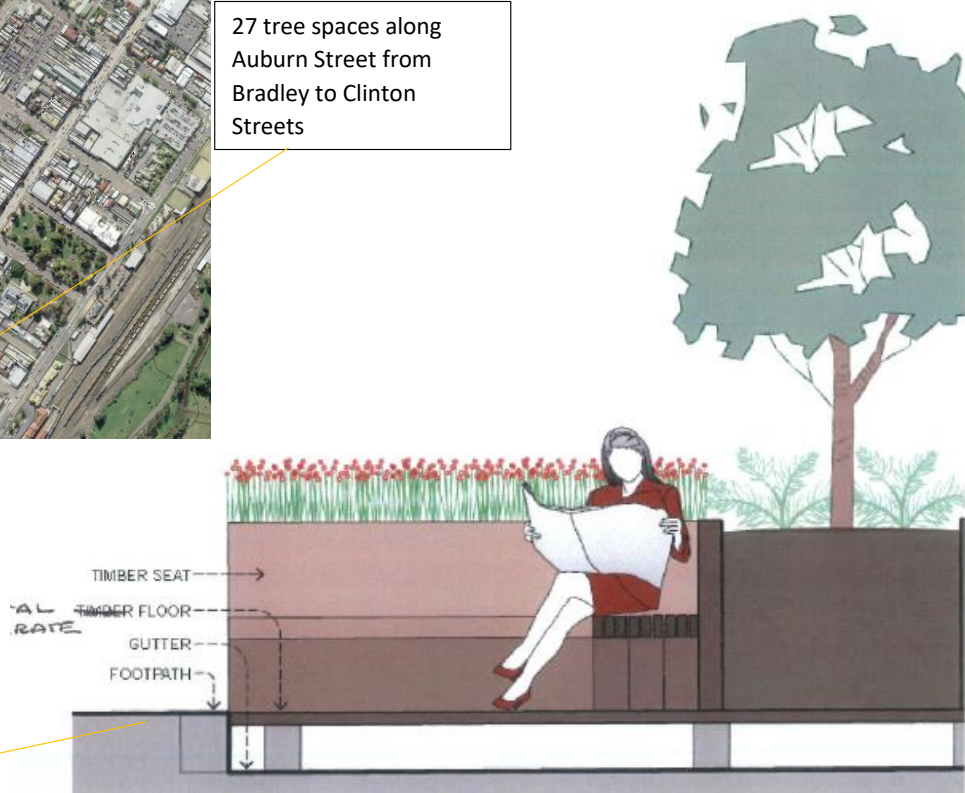




3. Shady Spaces



27 tree spaces along Auburn Street from Bradley to Clinton Streets



Concept of seated area



Fairly Lights on trees

Photo of Spaces to be used as Shady seated spaces on Auburn Street – tree to kerb



4. Russell Lane Plaza



Russell Lane looking towards the main street



Russell Lane looking towards cinema and parking area

Public Art



Lighting



Plaza Furniture





**5. Pedestrian Crossing**

**Corner of Auburn Street and Market Street**





6. Marulan Parklet



George Street Marulan



## 15.9 BUILDING BETTER REGIONS FUND - ROUND 6

**Author:** General Manager

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. Carr Confoy Redevelopment Plans [↓](#) 

|  |  |
|--|--|
| <b>Link to Community Strategic Plan:</b> | 19. Our Infrastructure IN4 Maintain and update existing community facilities, and support the development of new community infrastructure as needed.   |
| <b>Cost to Council:</b>                  | The cost of making the application is funded from the Operational budget. Council should be aware that if the grant application is successful Council will need to contribute 50% of the cost of this facility |
| <b>Use of Reserve Funds:</b>             | Nil  |

### RECOMMENDATION

That

1. The report of the General Manager on the Building Better Regions Fund – Round 6 be received
2. Council endorse the application for a new multi-sport pavilion at Carr Confoy for the Building Better Regions Fund – Round 6.
3. Council consider options in the 2022/23 budget to fund the 50% contribution to the capital cost of the sporting pavilions current subject to either approved grants or new grant applications

### BACKGROUND

Round 6 of the Federal Governments grant applicant know as Building Better Regions closes on the 10<sup>th</sup> February 2022.

### REPORT

The Council has the opportunity to make an application to the Building Better Regions Fund for round 6.

- Application close on 10th February 2022
- Minimum grant amount: \$20,000
- Maximum grant amount: \$10M

50% cash contribution is required by Council. Noting that Council could will make a further application to the State Government's Multisport Community Sport Facility Fund on the 25th February 2022.

It is noted that this application will require a Cost Benefit Analysis as the request will be for over \$1M.

The objectives of the program are to:

- drive economic growth
- build stronger regional communities into the future.

The intended outcomes of the program are to:

- create jobs
- have a positive impact on economic activity, including Indigenous economic participation through employment and supplier-use outcomes
- enhance community facilities
- enhance leadership capacity
- encourage community cohesion and a sense of identity

### **Infrastructure Projects stream**

Round Six aims to encourage local opportunities for growth that may be emerging on the back of a growing appetite for domestic tourism as well as more permanent population movements that we are now seeing to the regions. More and more people are seeking the great lifestyle that country Australia has to offer and this round will help enhance the local infrastructure that our regional areas need to help them not merely bounce back but grow.

The Infrastructure Projects stream will support *investment ready projects* for new infrastructure, or the upgrade or extension of existing infrastructure, that provide economic and social benefits to regional and remote areas. Investment ready:

- Start construction within 12 weeks of executing your agreement
- Have the authority of the land or infrastructure owner to undertake the project at the nominated site(s)
- Confirmed funding contributions from all sources and can provide formal documentation to verify those contributions with your application
- Submitted or obtained required regulatory and/or development approvals
- Finalised project designs and costing.

### **Assessment criterion 1 - Economic benefits of your project for the region (15 points)**

- a. the extent to which your project meets the needs of the regional community
- b. the broader economic benefits that your project will deliver for the region and community during and beyond the term of funding.

### **Assessment criterion 2 - Social benefits of your project for the region (15 points)**

- a. the extent to which your project meets the needs of the regional community
- b. the broader social benefits that your project will deliver for the region and community during and beyond the term of funding
- c. the socioeconomic impact of your project and the need or problem your project will solve, as well as the impact of your project in the community it will benefit
- d. the extent to which your project addresses disadvantage in the region or community.

### **Assessment criterion 3 - Capacity, capability and resources to deliver the project (5 points)**

- a. your track record managing similar projects and access to personnel and/or partners with the right skills and experience
- b. your readiness to commence the project, including access. You should describe the steps you have taken to get your project investment ready including:

### **Assessment criterion 4 - Impact of funding on your project (5 points)**

a. your plan for engagement and collaboration to ensure community support for your project.

Expected timing for this grant opportunity

| Activity                                   | Timeframe   |
|--|---|
| Assessment of applications                 | 12 weeks  |
| Approval of outcomes of selection process  | 8 – 10 weeks  |
| Negotiations and award of grant agreements | 2-8 weeks   |
| Earliest start date of project             | From execution of your grant agreement – within 12 weeks of signing agreement |
| End date of grant commitment               | 30 June 2025  |

### So what are we proposing?

This report is recommending a new multi-sport pavilion at Carr Confoy. Attached are the plans for Councils information. This new facility will service netball, touch football, junior rugby union, cricket and school sports and activities. This new facility will also allow Council and sporting groups to attract regional and state wide sporting carnivals and competitions which have been absent for a number of years because of the below standard facilities.

The cost of this new pavilion is estimated at \$8,000,000 including contingency and project management.

| Area                               | m <sup>2</sup>  | Rate  | Budget           |
|------------------------------------|-----------------|-------|------------------|
| East Grandstand Area               | 183.60          | 4,000 | 734,400          |
| Function Area                      | 295.75          | 4,000 | 1,183,000        |
| Outdoor Slab Area                  | 713.23          | 4,000 | 2,852,920        |
| Toilet Block 1                     | 188.35          | 4,000 | 753,400          |
| Toilet Block 2                     | 188.35          | 4,000 | 753,400          |
| West Grandstand Area               | 183.60          | 4,000 | 734,400          |
| Project Management and contingency |                 |       | 1,000,000        |
| <b>Total</b>                       | <b>1,752.88</b> |       | <b>8,011,520</b> |

Because of the significant increase in building costs recently this building along with other we are planning have a high cost. This will be a large impost of our future capital works schedule as Council does need contribute 50% of the cost unless an alternative source of funding can be successfully found. Please note the estimates for the Carr Confoy facility are based on the new pricing being experienced.

Thus the grant application request will be for approximately \$4,000,000 and Council will be required to either fund the other 50% or make grant applications from other funding sources. This is a very comprehensive funding application and, as the closing date is the 10<sup>th</sup> February 2022, we don't have sufficient time to prepare applications for alternative projects that have a realistic chance of success under the funds guidelines.

As part of the budget process we will be making recommendations to council on how to fund the significant increases we are occurring in building and development costs. As is discussed elsewhere in this agenda the cost of the development for the amenities at the Hockey field is well above original estimates – these original estimates were based on very recent building costs when we lodged the applications for the grants. We expect the building costs – tender process – for both North Park and this proposal at Carr Confoy to also exceed recent development/building costs.

The option we need to consider for the funding of the council share in these projects will range from using existing unrestricted or internally restricted funds or taking out a loan facility called “Sporting Amenities Redevelopment Loan” which could be paid over say 15 years. Interest rates at this time are very competitive.

The purpose of this report at this time is just to proceed with the grant application and look at the best option of funding during the budget process in the next two months. The grant assessment process will not be completed by the time our budgets process is well advanced, so if Council is of the opinion through that budget process that all new amenities facilities are not affordable – then Council could withdraw this application.

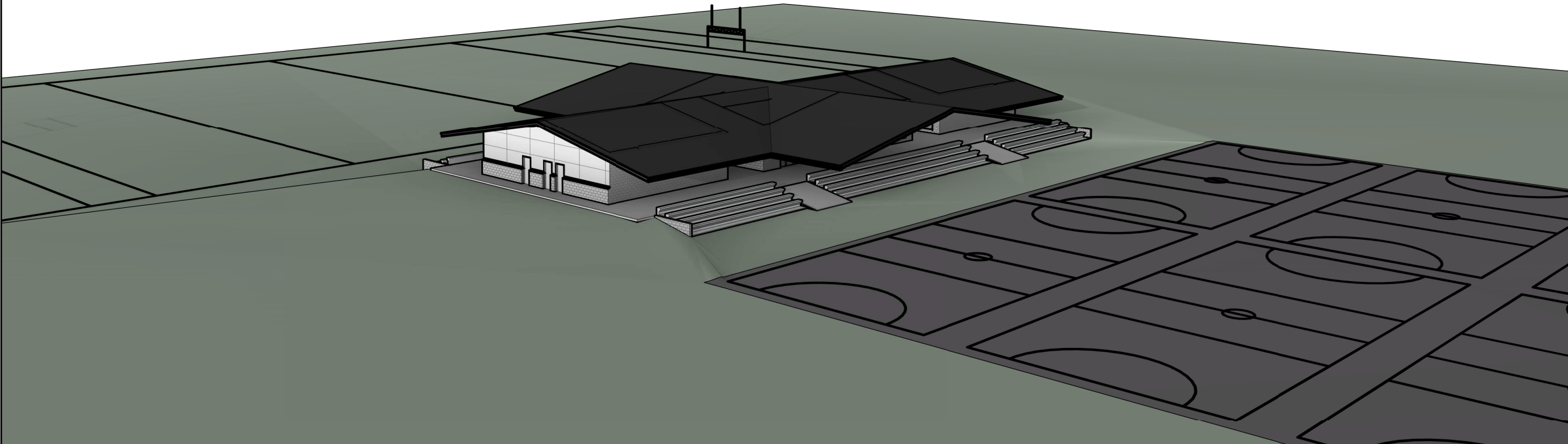








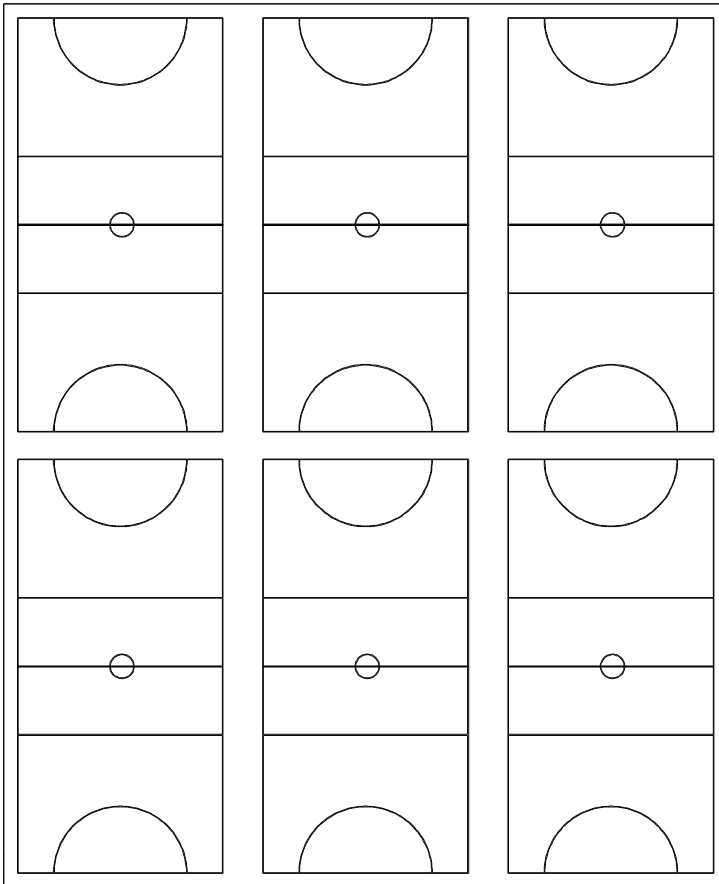
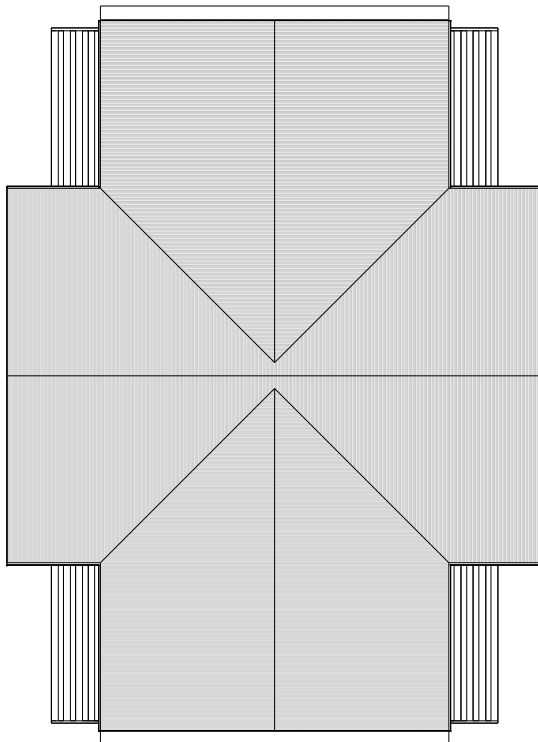
CARR CONFOY REDEVELOPMENT

| DWG # | REV # | TITLE OF DRAWING |
|-------|-------|------------------|
| A-01  | A     | TITLE            |
| A-02  | A     | SITE PLAN        |
| A-03  | A     | FLOOR PLAN       |
| A-04  | A     | ELEVATIONS       |
| A-05  | A     | 3D CONCEPT       |
| A-06  | A     | 3D CONCEPT       |



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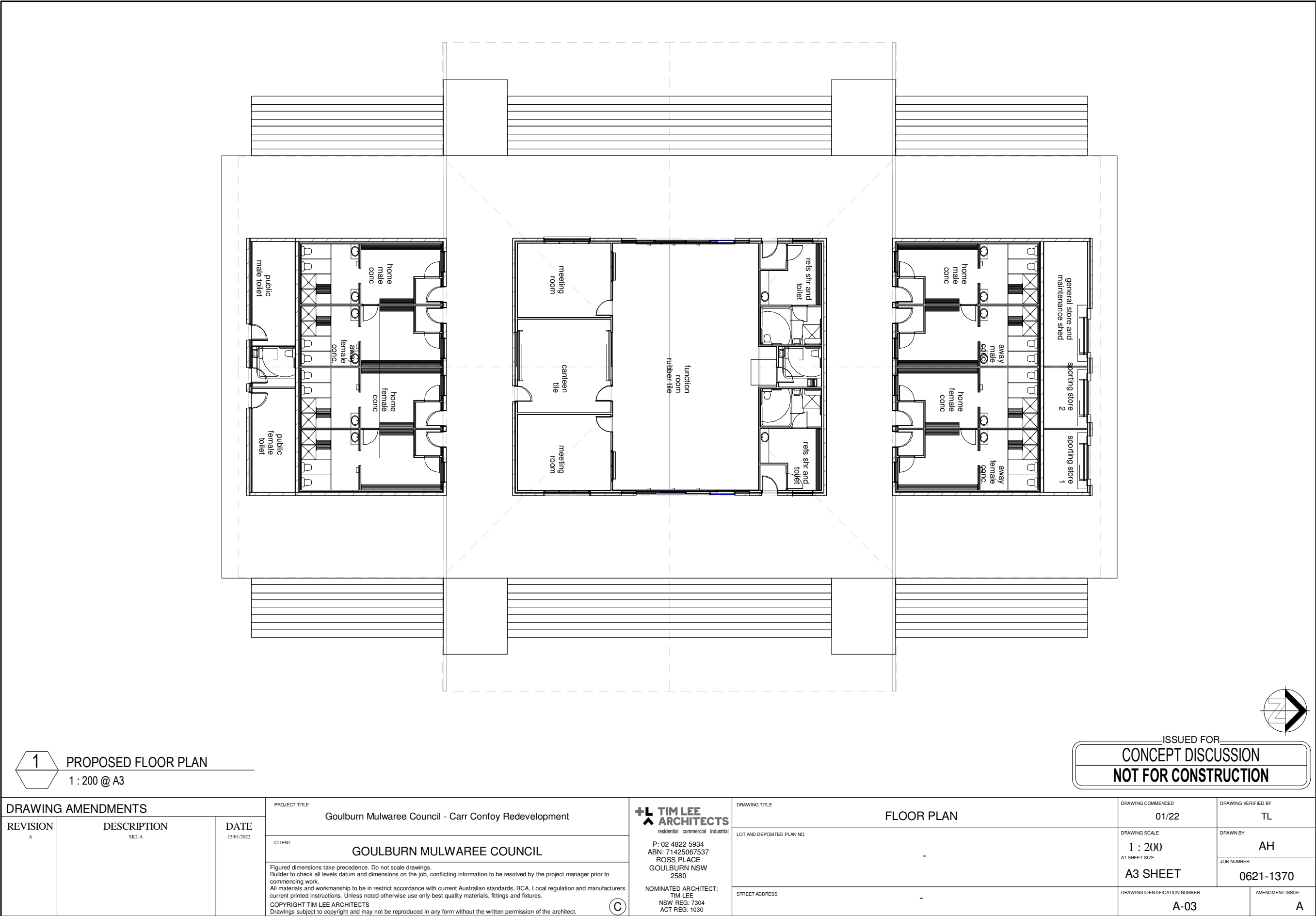
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2

NORTH ELEVATION

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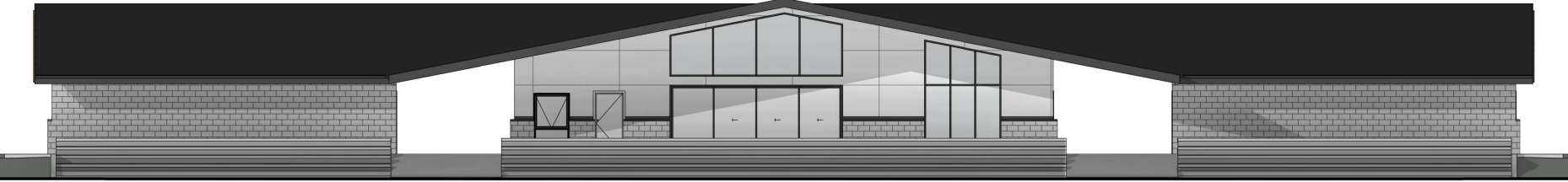

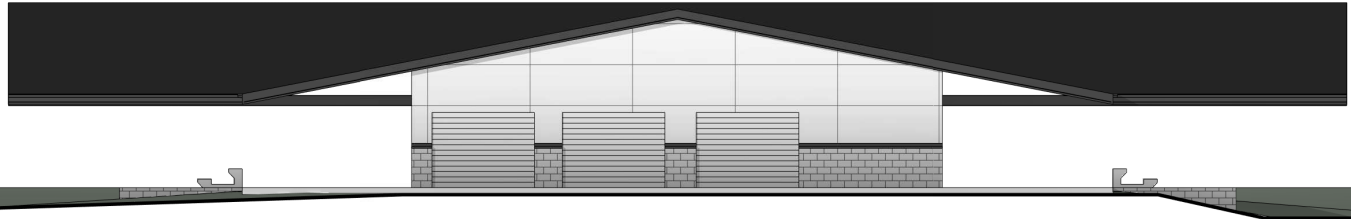
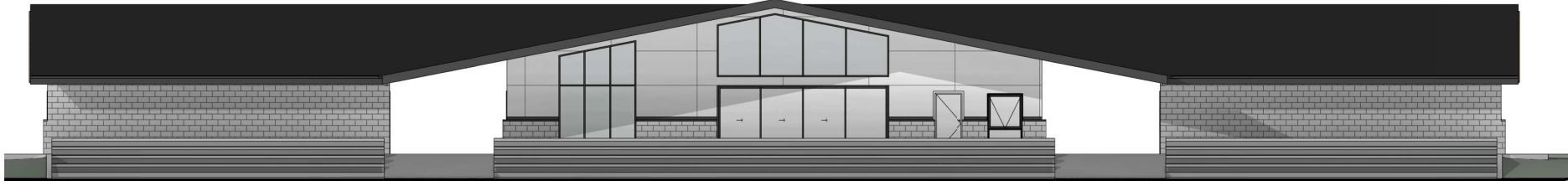
SOUTH ELEVATION

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4

WEST ELEVATION


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1

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3D View 2  
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|--------------------|-------------|------------|--|---|----------------------------|-------------------------------|-------------------|---------------------|--|
| REVISION           | DESCRIPTION | DATE       | Goulburn Mulwaree Council - Carr Confoy Redevelopment  |   | 3D CONCEPT                 |                               | 01/22             | TL                  |  |
| A                  | SK2 A       | 13/01/2022 | CLIENT   |   | LOT AND DEPOSITED PLAN NO. |                               | DRAWING SCALE     | DRAWN BY            |  |
|                    |             |            | GOULBURN MULWAREE COUNCIL  |   | -                          |                               | AT SHEET SIZE     | AH                  |  |
|                    |             |            | Figured dimensions take precedence. Do not scale drawings.<br>Builder to check all levels datum and dimensions on the job, conflicting information to be resolved by the project manager prior to commencing work.<br>All materials and workmanship to be in strict accordance with current Australian standards, BCA, Local regulation and manufacturers current printed instructions. Unless noted otherwise use only best quality materials, fittings and fixtures.<br>COPYRIGHT TIM LEE ARCHITECTS<br>Drawings subject to copyright and may not be reproduced in any form without the written permission of the architect. | STREET ADDRESS  |                            | A3 SHEET                      |                   | JOB NUMBER          |  |
|                    |             |            |  | -   |                            | DRAWING IDENTIFICATION NUMBER |                   | AMENDMENT ISSUE     |  |
|                    |             |            |  |   |                            | A-06                          |                   | A                   |  |



**15.10 REQUESTS FOR FINANCIAL ASSISTANCE - GOULBURN A P & H SOCIETY****Author:** Brendan Hollands, Director Corporate & Community Services**Authoriser:** Warwick Bennett, General Manager**Attachments:** 1. Request for Financial Assistance - Goulburn AP & H Society [↓](#) 

|  |  |
|--|--|
| <b>Link to Community Strategic Plan:</b> | CSP Strategy C02 – Encourage and facilitate active and creative participation in community life.   |
| <b>Cost to Council:</b>                  | Funds are available in the budget for donations made under the Financial Assistance Policy. There is a budget of \$80,000 for grants issued under this policy in the 2021/22 financial year. Approval of the recommendations contained within this meeting's agenda would leave a remaining amount of \$xxxx for future contributions. |
| <b>Use of Reserve Funds:</b>             | Not Applicable. Budgeted amount funded from revenue.   |

**RECOMMENDATION**

That

1. The report of the Director of Corporate & Community Services on Requests for Financial Assistance – Goulburn A P & H Society be received.
2. Council provide support to the Goulburn A P & H Society in the form of a cash contribution of \$2,000 and a fee waiver of \$1,500 towards waste removal for the annual Goulburn Show. The amounts to be funded from the Financial Assistance budget.

**BACKGROUND**

At its meeting on 19 September 2017, Council adopted the new Financial Assistance Policy. Under this Policy, applications seeking funding for amounts greater than \$1,000 are reported to Council for approval.

**REPORT**

An application for financial assistance has been received from Goulburn A P & H Society seeking financial assistance to the amount of \$2,000 and additional \$1,500 fee waiver towards waste management at the annual Goulburn Show.

In previous years Council has provided financial assistance of \$2,000 to the Goulburn A P & H Society Inc. via the recurrent funding stream of the Policy.

In recognition of the importance of the event in the community, Council last year approved \$2,000 assistance towards this event and also a \$1,500 fee waiver towards waste management.

In accordance with Council's Financial Assistance Policy it is recommended that Council maintains that level of support with a \$2,000 cash contribution and \$1,500 fee waiver for the 2021/22 financial year.



## Application for Financial Assistance

| Applicant / Organisation Details |                              |
|----------------------------------|------------------------------|
| <b>Name:</b>                     | Goulburn AP&H Society Inc.   |
| <b>Address:</b>                  | PO Box 484 Goulburn NSW 2580 |
| <b>Contact Person:</b>           | Jacki Waugh                  |
| <b>Telephone:</b>                | 0428298157                   |
| <b>Email Address:</b>            | info@goulburnshow.com.au     |

| Amount Applied for (Including GST if Applicable)  |
|---|
| \$2000.00 in Financial Assistance<br>plus in-kind support (approx. \$1500) for Waste Management at the Goulburn Show. |

### Which Funding Stream are you applying under? (Please tick one):

☒

Financial Assistance for Community Events and/or projects  
(See below)

☐

Mayor's Discretionary Fund  
(See below)

### Funding Principles:

Funding is available under the following funding streams:

- **Financial Assistance for Community Events, Projects and Representation**  
*Financial contribution to assist with the cost of a community event and/or project or to assist individuals/groups representing their community.*

This stream is made available for:

- Funding requested by community and/or charitable organisations for events that do not satisfy the criteria under the *Event Development Funding Policy*.
- Funding requested by community and/or charitable organisations for projects that add value to the community.
- Financial support requested by members of the community to represent or participate in events (both sporting and cultural) at a national or international level.

Funding under this stream will be capped at \$10,000 and may be in the form of financial contribution, in-kind support or up to 50% fee waiver for Council venue hire.

- **Mayor's Discretionary Fund**  
*Financial assistance available at the discretion of the Mayor and Deputy Mayor to assist with small projects and community initiatives.*

This stream will be reserved for donations to charitable and "not for profit" organisations.

(Refer to Policy Document attached to this form for information on funding criteria)

Priority will be given to –

- Projects/events which support welfare activities
- Projects/events which support the priorities of the various plans adopted by Council
- Projects/events which have not previously received funding
- Areas where there is an obvious and documented community/local need
- Areas where the need is considered greatest

#### Other Grant Funding

Please provide details of funding received from other sources either approved or pending

We rely on funding which is sourced from donations, sponsorships and fundraising throughout the year from various individuals, businesses, grants and the local community.

All funding is pending, as we haven't received any confirmed funding as yet.



**Description of the Project, Service or Event** *(attach additional pages if space is insufficient)*

When completing this section please provide as much information as possible including details on the following where applicable:

- What identified community need does this project seek to fulfil?
- If an event, what are the benefits to the Goulburn Mulwaree area e.g. number of visitors
- Who will benefit from the project/event (include target groups and/or users & attach letters of support if applicable)

Goulburn AP&H Society is seeking Goulburn Mulwaree Council's continued financial assistance to help us with our yearly event, the Goulburn Show, to help assist with the costs associated with running this major community event each year, to continue to grow and to ensure another successful show is held.

We are seeking financial assistance of \$2000 to help cover general expenses of running the annual Goulburn Show to be held on the 5<sup>th</sup> and 6<sup>th</sup> March 2022.

And in-kind support for the waste management at the show approx. \$1500 (we have requested a quote from the waste management and are still waiting for its arrival, late years amount come to a total of \$1366.20)

Goulburn Show is held annually in March. This event is one of NSW's major Agricultural Shows held in the region. It attracts some of the country's best exhibits and exhibitors, attracting visitors from all over the state, with an estimated crowd of up to and over 7000 people in attendance over the weekend. Goulburn Show was first established in 1880 and is one of Goulburn's longest running and biggest community events.

As we prepare for the year 2022 it will mean that it is 142 years since the Society was formed. Our objective is still to encourage an awareness of agriculture and promote wellbeing amongst the agricultural community, encouraging a sense of "community" amongst the urban and rural population through educational and entertaining activities.

We believe that the request for financial assistance works in with the Council's funding principles to help with a financial contribution to assist with the cost of a community event and/or project to encourage and facilitate active and creative participation in community life, where funds go to help the local community for projects that add value to the community.

This event is consistent to council's delivery program in relation to increasing tourism and being a positive benefit to the local economy generating and attracting tourism to this great city, from far and wide, spending money in our city, having a positive benefit to the local community, promoting the city and local businesses.

All sponsorships and funding receive by us are acknowledged via various forms in advertising eg, newspaper, media, radio. The ongoing support of Council has always enhanced the Show's ability to successfully gain funding from other avenues.

We would like to thank Goulburn Mulwaree Council for their past and continuing support, and we look forward to hearing from you soon with a favourable response of your support for this local community event and we respectfully request the Goulburn Mulwaree Council support us again. We would love to meet up with you and discuss this further if you wish.

Yours Sincerely



Jacki Waugh  
Goulburn Show President  
0428 298 157

## Application for Financial Assistance

**Financial Information**

For applications seeking funding of \$5,000 and above, the application must be accompanied by financial statements.

✓

**Application checklists – Please complete before signing the Declaration**

|                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Have you read and understood the guidelines?   |
| <input checked="" type="checkbox"/> | Have you completed <b>all</b> sections of the application form?                          |
| <input checked="" type="checkbox"/> | Have you attached all relevant support materials and letters of support?                 |
| <input checked="" type="checkbox"/> | Have you included all necessary documentation (e.g. Financial Information if applicable) |
| <input checked="" type="checkbox"/> | Has the application been signed?   |
| <input checked="" type="checkbox"/> | Have you kept a copy of your application for your own records?                           |

**Declaration**

I/We certify that, to the best of my/our knowledge, the information of this application is true and correct

|           |                 |           |  |
|-----------|-----------------|-----------|--|
| Signature | <i>J. Waugh</i> | Signature |  |
| Name      | Jacki Waugh     | Name      |  |
| Position  | President       | Position  |  |

**NOTES**

- All applications are to be returned to Council's Business Services Department, Goulburn Mulwaree Council, Locked Bag 22 Goulburn NSW 2580
- **Incomplete applications or applications with insufficient information will not be accepted.**

*Council collects personal information only for a lawful purpose that is directly related to Council's functions and activities. Council is required under the Privacy and Personal Information Protection Act 1998 (PPIA) to collect, maintain and use your personal information in accordance with the Privacy Principles and other relevant requirements of the PPIA. For further information or clarification please contact Council's Governance Office or refer to Council's Privacy Management Policy at [www.goulburn.nsw.gov.au](http://www.goulburn.nsw.gov.au)*

**15.11 2022 COUNCIL MEETING DATES**

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

|  |  |
|--|--|
| <b>Link to Community Strategic Plan:</b> | CL2 Encourage and facilitate open and respectful communication between the community, the private sector, Council, and other government agencies |
| <b>Cost to Council:</b>                  | Nil  |
| <b>Use of Reserve Funds:</b>             | Nil  |

**RECOMMENDATION**

That:

1. The report from the General Manager on 2022 Council Meeting Dates be received.
2. The 2022 Council Meetings be held at 6pm in the Council Chambers on the first and third Tuesdays of each month with the exception of there only being one meeting held in July being on the third Tuesday of July 2022.

**BACKGROUND**

This report is to seek a decision on the preferred Council meeting dates for 2022. Council is required by the Local Government ACT to hold a minimum of 10 meetings per year, each to be in a separate month.

**REPORT**

This report is also recommending that only one meeting be held in July. In July 2020 & 2021 only one meeting was held to give Councillors the opportunity to have a break after the end of the financial year. Staff are focused at this period on the end of financial year processes and thus very little business will need to be determined by Council.

Noting also that Council does not normally meet in January – this year being the exception because of the election process. But when the 2023 meeting schedule calendar is considered later in the year there will be a recommendation of no meetings in January.

The option for the Mayor and/or General Manager to call an Extraordinary Meeting is provided for in the Code of Meeting Practice if any matter is of an urgent nature.

**15.12 2022 OUTREACH MEETINGS****Author:** General Manager**Authoriser:** Warwick Bennett, General Manager**Attachments:** Nil

|  |  |
|--|--|
| <b>Link to Community Strategic Plan:</b> | 25. Our Civic Leadership CL1 Effect resourceful and respectful leadership and attentive representation of the community. |
| <b>Cost to Council:</b>                  | The cost of Outreach meetings are included in the operational budget   |
| <b>Use of Reserve Funds:</b>             | Nil  |

**RECOMMENDATION**

That the report from the General Manager on the 2022 Outreach Meetings be received and noted.

**REPORT**

Prior to COVID Council conducted annual "Outreach Meetings" throughout the region. The purpose of these outreach meetings is to connect with the community where Council can pass on timely and relevant information to that specific community but more importantly to hear from the community any issues, comments or requests they may have. Certainly my experience has been that the community really appreciate the time and effort that Council allows for these outreach meetings. There is also an informal opportunity after the meeting with a coffee and light supper to have one on one discussions with individuals.

The first round of outreach meetings of this new Council is also a good opportunity for Councillors to introduce themselves to the village community's

The 2022 Outreach Meetings have been programmed as follows:-

| Date                   | Venue   | Time   |
|------------------------|---|--------|
| Thursday 3 March 2022  | Windellama (Windellama Hall)                    | 6.30pm |
| Thursday 10 March 2022 | Middle Arm (Middle Arm Fire Shed)               | 6.30pm |
| Thursday 17 March 2022 | Marulan (Marulan Hall)                          | 6.30pm |
| Thursday 24 March 2022 | Parkesbourne (Parkesbourne Uniting Church Hall) | 6.30pm |
| Thursday 31 March 2022 | Tarago (Tarago Community Hall)                  | 6.30pm |
| Thursday 7 April 2022  | Towrang (Towrang Community Hall)                | 6.30pm |
| Thursday 14 April 2022 | Tallong (Tallong Memorial Hall)                 | 6.30pm |
| Thursday 21 April 2022 | Bungonia (Bungonia Community Hall)              | 6.30pm |



**15.13 MAYOR'S DISCRETIONARY FUND****Author:** Director Corporate & Community Services**Authoriser:** Warwick Bennett, General Manager**Attachments:** Nil

|  |   |
|--|---|
| <b>Link to Community Strategic Plan:</b> | 12. Our Community CO2 Encourage and facilitate active and creative participation in community life. |
| <b>Cost to Council:</b>                  | An allocation of \$19,000 is included in the current budget for the Mayor's Discretionary Fund      |
| <b>Use of Reserve Funds:</b>             | Not applicable  |

**RECOMMENDATION**

That

1. The report of the Director Corporate & Community Services on the Mayor's Discretionary Fund be received
2. Council Nominate Cr ..... to be delegated to undertake the assessment of requests for funding under the Mayoral Discretionary Fund stream of the Financial Assistance Policy alongside the Mayor.

**BACKGROUND**

At its meeting on 19 September 2017, Council adopted the new Financial Assistance Policy. This Policy contains funding stream known as the Mayor's Discretionary Fund.

**REPORT**

The Mayor's Discretionary Fund is one of the two streams under which funding can be distributed under the Financial Assistance Policy.

Under this stream, the Policy states that the Mayor and Deputy Mayor have discretion to make donations to charitable and "not for profit" organisations within the annual allocated budget.

With Council's decision not to elect a Deputy Mayor, Council will need to delegate the function to one of the Councillors to undertake the assessment of requests for funding under this stream alongside the Mayor.

## 15.14 ENTERTAINMENT AND NIGHT TIME ECONOMY WORKING PARTY

**Author:** General Manager

**Authoriser:** Warwick Bennett, General Manager

**Attachments:** 1. Geoff Bell Expression of Interest [↓](#)   
2. Jacqui Smith Expression of Interest [↓](#) 

|  |  |
|--|--|
| <b>Link to Community Strategic Plan:</b> | 27. Our Civic Leadership CL3 Collaborate and cooperate to achieve efficiencies and a greater voice in regional decision-making, and encourage similar cooperation across other sectors and community groups. |
| <b>Cost to Council:</b>                  | Nil  |
| <b>Use of Reserve Funds:</b>             | Nil  |

### RECOMMENDATION

That:

1. The report from the General Manager on the Entertainment and Night Time Economy Working Party.
2. Councillor ... be appointed the Council representative on the Entertainment and Night Time Economy Working Party
3. The following other representatives be appointed to the Entertainment and Night Time Economy Working Party
  - (a) Geoff Bell – community representative
  - (b) Jacqui Smith, Hume Conservatorium
4. The General Manager write to Lieder Theatre to further seek a representative on this working party and make contact with the Police to seek a representative
5. The General Manager write to all those hotels and clubs in the city that provide night-time entertainment and invite them to participate in the Entertainment and Night Time Economy Working Party. The Entertainment and Night Time Economy Working Party be given delegated authority to select any further members of this working party
6. Council approves the following brief for “The Entertainment and Night Time Economy Working Party”

*The Entertainment and Night Time Working Party consider and make recommendations to Council on the following matters as required by Council:*

- *Review draft development standards within Council’s Development Control Plan to ensure that a sensible and practical balance between new residential development and existing entertainment uses and activities can be achieved in the CBD, including but not limited to providing feedback on:*
  - *Hours of operation*
  - *Minimum construction standards relating to noise attenuation and acoustic measures*
  - *Carparking*
  - *Use of public spaces*
- *Provide recommendations to Council in relation to stimulating activity in the CBD, and*

*primarily Auburn Street, after dark.*

- *Provide community feedback on matters relating to the growth of Goulburn's night time economy.*
- *Consultation with stakeholders on matters relating to marketing activities and events in the CBD*

*The Working Party to report back to Council with its recommendations at the ordinary meeting of Council on the 15<sup>th</sup> June 2022*

## **BACKGROUND**

At its meeting held on the 16 November 2022 Council resolved the following:

*That:*

1. *Council form an Entertainment and Night Time Economy Working Party.*
2. *Working Party address the changes with regards to:*
  - *Liquor Act 2020*
  - *State Government Special Precinct requirements.*
  - *Public safety and noise issues*
  - *Funding for projects*
3. *Entertainment and Night Time Economy Working Party to include:*
  - *Councillor (1) (allocate after election)*
  - *Hume Conservatorium Representative*
  - *Lieder Theatre Representative*
  - *NSW Police Representative*
  - *Community Representatives (4)*
4. *Council calls for Expressions of Interest for the community representatives to be part of the Entertainment and Night Time Economy Working Party.*
5. *A brief for the Entertainment and Night Time Economy Working Party be developed and returned to Council for ratification.*

## **REPORT**

Council has received two community nominations for this Entertainment and Night Time Economy Working Party. They were as follows:

1. Geoff Bell, Laing Entertainment
2. Jacqui Smith, Hume Conservatorium

This is well short of the expected response with only one community representative and only the Hume Conservatorium responding.

This report is recommending that the Manager write to the hotels, and clubs (Workers Club, Soldiers Clubs and Bowling Club) and seek their interest in this working party. It is those institutions that could be impacted by the outcomes recommended by the working party and so their input into the working party deliberations could be valuable for both Council and the community.

The other part of the November resolution was for the General Manager to draft a brief for Councillors consideration. The recommended brief would be

*The Entertainment and Night Time Working Party consider and make recommendations to Council on the following matters as required by Council:*

- *Review draft development standards within Council's Development Control Plan to ensure that a sensible and practical balance between new residential development and existing entertainment uses and activities can be achieved in the CBD, including but not limited to providing feedback on:*
  - *Hours of operation*
  - *Minimum construction standards relating to noise attenuation and acoustic measures*
  - *Carparking*
  - *Use of public spaces*
- *Provide recommendations to Council in relation to stimulating activity in the CBD, and primarily Auburn Street, after dark.*
- *Provide community feedback on matters relating to the growth of Goulburn's night time economy.*
- *Consultation with stakeholders on matters relating to marketing activities and events in the CBD*

**Amy Croker**

---

**From:** Geoff Bell - Laing Entertainment < >  
**Sent:** Monday, 29 November 2021 5:08 PM  
**To:** Council  
**Subject:** Entertainment and Night Time Economy Working Party - Expression of interest  
**Categories:** Paul

Attn: The General Manager

Dear Warwick, I refer to the advertisement in The Goulburn Post newspaper on Wednesday 24<sup>th</sup> November 2021 calling for expressions of interest in being a community member of the Entertainment and Night Time Economy Working Party. I have included a 200-word bio outlining my experience and qualifications.

*Geoff Bell owns and operates, with his wife Cathy, Laing Entertainment one of Australia's foremost entertainment agencies.*

*Laing promotes regular tours as well booking live work for a roster of high-profile Australian artists. Laing Entertainment has worked with Australian artists such as Slim Dusty, The Audreys, Kasey Chambers, Troy Cassar-Daley, James Blundell, Daryl Braithwaite, Eric Bogle, Steady Eddie and many more. International performers Laing has toured include Grammy winners Tuck & Patti, Sheila E. rapper Everlast and Latin-Grammy winner (and Grammy-nominated) Gaby Moreno among others. The agency's current roster includes ARIA Award winners Graeme Connors, Sara Storer, Shane Nicholson and Anne Kirkpatrick along with Sunny Cowgirls, Pete Denahy and several emerging artists with many of them regularly appearing at the various Goulburn venues.*

*From 2010 – 2019 Laing produced Australian Blues Music Festival under contract to Goulburn Mulwaree Council. In 2021 Geoff was appointed by the NSW Arts Minister to the CREATE NSW Contemporary Music Artform Advisory Board for a two-year term and is currently co-producing Tamworth Country Music Festival's 50<sup>th</sup> Anniversary Concert to be held in Tamworth January 2022. Geoff is also a working musician and has played at almost all of Goulburn's live music and function venues over the years.*

With more than 25 years' experience I bring intimate knowledge of the entertainment industry at both a national and local level. I am passionate about the vibrant night-time economy we have here in Goulburn and with the population growth the city is experiencing, potentially putting pressure on that, I am very keen to be part of such an important committee. As you know, Sydney's Inner West Council has given a commitment to make Enmore Road in the Sydney suburb of Newtown the first locale to be declared a 'Special Entertainment Precinct' under legislation passed by the NSW parliament allowing local councils to declare venues and geographic areas as such and it would be wonderful if Goulburn Mulwaree was seen as leading the way for the regions in this space and Council must be commended for having the foresight to implement such a body.

Yours faithfully,

**Geoff Bell**

Laing Entertainment

GOULBURN NSW 2580 Australia  
[www.laing-entertainment.com.au](http://www.laing-entertainment.com.au)

**Amy Croker**

---

**From:** Jacqui Smith < >  
**Sent:** Monday, 13 December 2021 6:33 PM  
**To:** Council  
**Cc:**  
**Subject:** Entertainment and night time entertainment working party  
**Attachments:** Jacqui Smith CV September 2021.pdf  
**Categories:** Paul

Dear Goulburn Mulwaree Council

On the suggestion of my colleague Geoff Bell, I would like to formally send my expression of interest to contribute to the Entertainment and nighttime entertainment working party.

I have recently commenced as CEO at the Hume Conservatorium and have spent the past 7 years working in marketing and external engagement for the University of Sydney, with extensive experience working with all levels of government.

My CV is attached but more than happy to provide more information if required.

Best wishes



# Jacqui Smith

Chief Executive Officer | Hume Conservatorium, Goulburn

## PROFILE

A committed arts leader, advocate and education specialist with over 20 years' experience in external engagement, business development, strategy, financial reporting, marketing and communications, curriculum evaluation, and event and project management. I facilitate change through active engagement by connecting people for innovative arts and education projects around the world. My approach to partnerships and programs is deeply practical. My career focus is to ensure education is accessible to all.

## KEY ASSETS

- Converting ideas and partnerships into successful projects, focusing on the relationship, creativity, innovation, collaboration and communication.
- Leading teams and mentoring staff to achieve successful events and programs, based on accountability, productivity and professionalism.
- Identifying new partnerships, alumni, philanthropic and project opportunities to enhance education, research and engagement for students and colleagues, aligned with strategic plans and working closely with the Dean.
- Developing strategic plans and financial models for new programs, reflecting on past projects to enhance future opportunities and reporting on these programs to senior executive and funding bodies.
- Solving challenging situations involving staff and project roadblocks, using positivity, tact and trust, based on my ability to manage relationships.
- Applying my background in music, content marketing, communications, copyright and education management to enhance the senior management team and to enthuse and mentor colleagues.
- Inspiring arts partners, students and colleagues with my knowledge of local and international music trends and offering my connections to create ideas for new festivals, projects, concerts and masterclasses.
- Professional editor with high-level experience in MS Word, Excel, PowerPoint, WordPress, Adobe Experience Manager, Salesforce, Adobe InDesign, Photoshop and Acrobat, Mail Chimp, Campaign Monitor, Social Media, HR and payroll, budgeting, forecasting and office procedures, event and concert management, front of house and volunteer management.

## PROFESSIONAL EXPERIENCE

**Chief Executive Officer**  
*Hume Conservatorium, Goulburn*

**August 2021 – Present**

I manage all aspects of the delivery of music, arts and music education programs to the Southern Highlands and Tablelands regions of NSW. I consistently present the organisation and its mission, programs, products and services in strong, positive images to relevant stakeholders, the community and government at local, state and federal levels. I am responsible for governance, organisation management, strategic planning, financial management, human resources management, philanthropy, marketing, communications and overseeing the artistic program.

**Strategic Relations Manager**  
*Sydney Conservatorium of Music, The University of Sydney*

**Sep 2017 – July 2021**

As Strategic Relations Manager, I have built and maintained excellent partnerships with a broad range of key local and international arts and educational organisations, while advocating our brand as aligned to the University of Sydney and the Conservatorium's Strategic Plan. I successfully relaunched our global mobility program that had been dormant for a number of years. This included setting up short-term exchange programs in Seoul, Los Angeles, Bangkok, Wellington, Zhejiang and Chengdu, and maintained and renewed exchange partnerships in the US, Europe and Asia. In 2020 during



the COVID-19 pandemic, I created a digital strategy to pivot our schools' engagement: 'Con-line' Tutorials and Concerts involves increased communication with schools, online information sessions in lieu of in-person public events, including a very successful Technology in Music Education evening and a suite of regular online one-to-one advice sessions for student recruitment purposes. I am currently integrating a new Salesforce CRM as part of the wider university external relations portfolio. I regularly represent the Dean and Conservatorium at a number of international and industry events.

- Member of Senior Management team, overseeing WHS and risk management, staff, strategic planning, procedures, and policy. I manage our Event Coordinator and casual events staff, including student ambassadors and volunteers.
- Committee membership: Indigenous Strategy and Services, Education, Student Life, Research, Research Education.
- International and domestic partnership and engagement, including financial and strategic management of the Conservatorium's global mobility program, school's engagement program, Composing Women and international scholarship program – planning, budgeting, reporting and acquittal of all scholarship and grant funding. Increased funding for our global mobility program by 400% in the last three years and achieved university target of 50% student mobility in the first year.
- Management of high school engagement program including Open Day at the Con, and online and in-person pathways projects with schools and regional conservatoriums.
- Development of work-integrated learning internships and projects with Conservatorium arts and industry partners, and international exchange and short-term collaborative arts projects for students at the Conservatorium and inter-faculty for the University.
- Management of the external artists program and digital engagement content, including the 2020 'Con-line' Tutorials and Concerts. Manage all artist contracts and project contracts with domestic and international arts partners, including rights management.
- Oversee Conservatorium research events and concerts marketing, publications and social media, including VIP and donor management using Salesforce CRM.
- Work closely with alumni, development and the Dean on potential donors, philanthropy and engagement including drafting proposals and preparing student and alumni profiles.
- Represented the University at the Association of European Conservatoires, Pacific Alliance of Music Schools, and partnership meetings in UK, Canada, Europe and the US.

#### **Marketing Communications Specialist**

**Oct 2014 – Aug 2017**

*Sydney Conservatorium of Music, The University of Sydney*

As Marketing and Communications Specialist, I was responsible for the development and execution of collateral, campaign development, direct and online marketing, externally targeted web content and other communications channels, and relevant profile-raising activities specifically for the Conservatorium. I successfully marketed the Conservatorium's centenary celebrations in 2015, including a sold-out performance in the Sydney Opera House Concert Hall and Centenary Festival in October of 2015 with limited budget and relying heavily on industry and alumni connections for cross-marketing.

- Marketing campaigns to support the Conservatorium's student recruitment, concerts, research and overall reputation.
- Marketing and promotion of the Conservatorium's concert program of over 500 events per year – major ensemble concerts, student concerts, operas, masterclasses, chamber work programs, external hirers, special projects such as Vivid Sydney, Centenary Festival, Musica Viva Festival. Constant communication and negotiation with stakeholders in ticketing, FOH and concert management to ensure ticket sales are optimised.
- Management of the Conservatorium's website, social media and content strategy, SEO, HTML coding, google analytics. Social media and eNewsletter audience reach doubled in two years to well-above industry levels.
- Production of high-quality marketing communications collateral, involving constant stakeholder engagement and project and budget management.
- Work closely with alumni, development and the Conservatorium Dean on potential donors, philanthropy and engagement including drafting proposals and preparing student and alumni profiles.
- Member of the University's Business Advisory Group to create a new whole-of-university student website.
- Ongoing engagement and support to the Conservatorium's students on marketing, arts management, promotion and career advice.
- Represented the University at the Chicago Mid-West Clinic - major student recruitment activity.
- Tour Manager for the 2015 Estivo European Chamber Music Summer School in Verona, Italy - managing 47 Conservatorium students and 10 Conservatorium and international staff.
- Launched new Bachelor of Music degree (commencing in 2018) and Master of Teaching (commencing 2020).

## PROFESSIONAL CONTRIBUTIONS

- Board Member, Murray Conservatorium (March – July 2021)
- Board Member, Music and the Brain Foundation (March – July 2021)
- Justice of the Peace: Number 250985 (Nov 2019 – Present)
- Australia Council for the Arts: Peer Assessor (2017 – 2021)
- SMART: Founding member of the Small Medium Arts Group (2019 – Present)
- classikON: Advisory Board Member and Lead Ambassador (2012 – Nov 2017)
- Society of Editors (NSW) Inc.: President (2013 – 2015), Vice President (2012), Newsletter Editor (2010 – 2013), Committee Member (2010 – 2015)

## FREELANCE CONTRACTS + CONSULTANCIES

### Editor, Project Manager, Music Promoter 2005 – Present

- Project management, arts management, music promotion, marketing, editorial and research for clients in the arts, higher education and publishing. Recently edited – *Curating Opera* (Stephen Mould, Taylor and Francis, 2020) and *The Marks of a Maestro* (Raymond Holden and Stephen Mould, Cambridge University Press, 2020).
- **Arts Clients:** Sydney Conservatorium of Music, Sydney Symphony Orchestra, Musica Viva Australia, The Marais Project, Moorambilla Voices and Festival, Leichhardt Espresso Chorus, Ku-ring-gai Philharmonic Orchestra
- **Publishing Clients:** Choice, Pearson Higher Education, Sydney University Press, Independent Solutions, University of Technology, Sydney, Macquarie University, Sydney Law School, UNSW Faculty of Law, College of Law, Lippincott Williams & Wilkins, McGraw-Hill, Royal Prince Alfred Hospital
- **Projects:** books; magazines; curriculum documentation and review; copyright guides; eLearning projects; newsletters; web content; annual reports; project reports; higher education digital products (teacher's notes, PowerPoint slides, student revision tools, case studies, instructor resource manuals); sales manuals; PhD and Masters theses; reports; academic papers; legal texts; publishing contracts; textbooks; marketing materials and concert programs; CD booklets; concert and event management.

### Marketing Manager Feb – Aug 2014 *classikON*

- Marketing, brand management, business development, CRM and events promotions.

### Marketing Manager Feb – Aug 2014 *Fish Fine Music*

- Marketing, brand management, business development, CRM and promotions for commercial music sales.

### Manager, Australia Piano Quartet Mar 2012 – Nov 2013 *University of Technology, Sydney*

- Marketing, brand management, business development, CRM and promotions, ticketing.

### Operations Manager and Consultant 2010, Jul 2012 – Nov 2013 *Moorambilla Voices and Festival*

- Festival and residential camps operations management, logistics, concert management, artist contracts, marketing and promotion, website content, festival flyers and programs. Donor management, fundraising and grant application/acquittal.

## EARLIER ROLES

### Project Officer, CSIRO Coastal Carbon Cluster Sep 2012 – Jun 2013 *University of Technology, Sydney*

### Publications Officer, Power Institute of Art and Visual Culture Aug 2012 – Aug 2013 *The University of Sydney*

### Editor, UTS Official Publications, Governance Support Unit Jul 2011 – Jun 2012 *University of Technology, Sydney*

### Editor/Publishing Manager, Sydney Law School Sep 2010 – Jun 2011 *The University of Sydney*

|   |                     |
|---|---------------------|
| <b>Publishing Coordinator</b><br><i>Murdoch Books</i>   | Sep 2006 – Sep 2010 |
| <b>Music Administrator</b><br><i>MLC School</i>   | Feb 2004 – Aug 2006 |
| <b>Operations Manager</b><br><i>Gondwana Choirs</i>   | Oct 2002 – Feb 2004 |
| <b>Administrative, Marketing and Development Assistant</b><br><i>Australian Youth Orchestra</i> | 1999 – 2000         |

## CERTIFICATIONS + QUALIFICATIONS

|   |                                 |
|---|---------------------------------|
| <b>Master in Business Administration</b><br><i>Australian Institute of Management</i>   | 2020 – Present<br><i>Sydney</i> |
| <b>Master of Legal Studies – Intellectual Property</b><br><i>University of Technology, Sydney</i>   | 2008 – 2009<br><i>Sydney</i>    |
| <b>Graduate Diploma in Editing and Publishing</b><br><i>Macquarie University</i><br>CCH Publishing Internship Program, July – November 2005 | 2005 – 2006<br><i>Sydney</i>    |
| <b>Bachelor of Music – Performance</b><br><i>The University of Sydney</i>   | 1996 – 1998<br><i>Sydney</i>    |
| <b>Full NSW Class C Driver Licence</b>  |                                 |
| <b>NSW Working with Children Check, Certificate No. WWC0056878E, valid until 3 June 2024</b>  |                                 |
| <b>NSW Responsible Service of Alcohol, Certificate No. CCH10258641, valid until 11 Nov 2023</b>   |                                 |

## REFERENCES

Professor Anna Reid  
Head of School and Dean  
Sydney Conservatorium of Music

Ms Adrienne Sach  
School General Manager  
Sydney Conservatorium of Music

Mrs Anne Cahill OAM  
Director, Arts Leadership Connect  
Former Director of Development  
Musica Viva Australia

Professor David Rolph  
Former Manager  
Sydney Law School

**15.15 QUARTERLY WORKERS COMPENSATION REPORT****Author:** Recover at Work & Wellbeing Advisor**Authoriser:** Warwick Bennett, General Manager**Attachments:** Nil

|  |   |
|--|---|
| <b>Link to Community Strategic Plan:</b> | 25. Our Civic Leadership CL1 Effect resourceful and respectful leadership and attentive representation of the community.  |
| <b>Cost to Council:</b>                  | Claims costs are monitored on a monthly basis and it is not possible to accurately forecast increases or decreases to the premium during the year due to movement in claims costs. A definitive monetary cost for Council will be available after June 30 2022. |
| <b>Use of Reserve Funds:</b>             | Nil   |

**RECOMMENDATION**

That the report from the Recover at Work and Wellbeing Officer on quarterly workers compensation trends be noted.

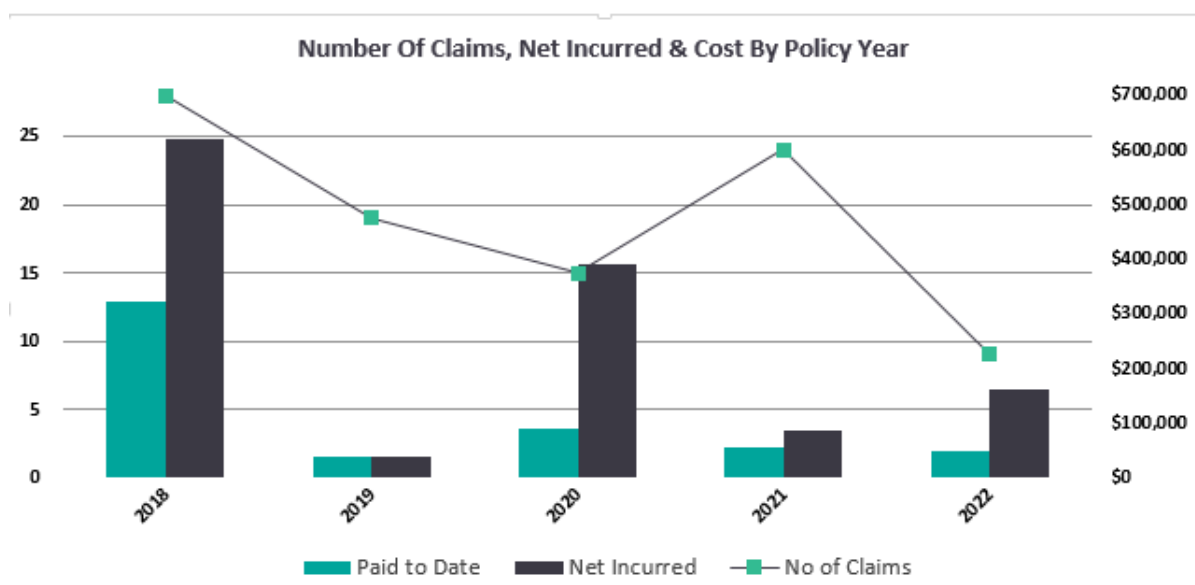
**BACKGROUND**

An overview of workers compensation trends for the second quarter of the 2021/22 financial year, 1 October to 31 December 2021.

**REPORT**

In the second quarter of the 2021/22 financial year there were four workers compensation claims with three workers returning to their pre-injury duties, none incurring lost time. The amount paid to date for the four claims from this quarter is \$2,721.00. The amount paid to date for all claims opened in the 2021/22 financial year is \$47,873.00.

The below graph demonstrates the trends in Goulburn Mulwaree Council's workers compensation costs. Please note, paid to date is the total amount of paid costs to date for a claim and net incurred is actual paid costs plus future estimated cost for a claim, less any recoveries.



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

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

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

**15.16 GOULBURN MULWAREE AWARD WORKING PARTY MINUTES - 8 NOVEMBER 2021****Author:** General Manager**Authoriser:** Warwick Bennett, General Manager**Attachments:** 1. 20211108 Goulburn Mulwaree Award Working Party Minutes 8 November 2021 [↓](#) 

|  |                      |
|--|----------------------|
| <b>Link to Community Strategic Plan:</b> | Our Civic Leadership |
| <b>Cost to Council:</b>                  | Nil                  |
| <b>Use of Reserve Funds:</b>             | Nil                  |

**RECOMMENDATION**

That the report from the General Manager in relation to the Goulburn Mulwaree Award Working Party Meeting Minutes held on the 8 November 2021 be received.

**BACKGROUND**

A meeting of the Goulburn Mulwaree Goulburn Mulwaree Award Working Party was held on the 8 November 2021.

Please find attached the minutes from this meeting. There are no recommendations from this meeting that require a resolution from Council.



## Goulburn Mulwaree Award Working Party Minutes

### Meeting Details

Monday 8 November 2021 at 3pm  
Goulburn Room, Civic Centre

### Invited Attendees

Danae Vitnell (Chairperson), Mayor Bob Kirk, Deputy Mayor Peter Walker, Richard Ernst (arrived at 3.13pm) & Gary Lourigan

Also Present: Amy Croker

### Apology

### Discussion Items

1. Confirm Minutes from 25 October 2021 Goulburn Mulwaree Award Working Party - Noted
2. Task List – Updated as per below.
3. Nominations for Members of Working Party
  - Potential nominations were discussed. Danae to make contact with prospective members
4. General Business
  - a. No nominations for the Goulburn Mulwaree Awards have been received.
  - b. Danae to work with Councils Communications Manager to promote nominations.
  - c. Nominees must have undertaken their community service in the Goulburn Mulwaree LGA
  - d. No limit on the number of times individuals can be nominated.
  - e. Only award recipients would become public not nominees.
5. Schedule next Meeting Date & Time
  - a. Meeting to assess nominations will now be Monday 15 February 2022 at 3pm in the Goulburn Room
  - b. Next Meeting will be 17 January 2022 at 3pm in the Goulburn Room

Meeting concluded at 3.42pm










## Goulburn Mulwaree Award Working Party Discussion Items & Action List

| No | Project  | Description   | Working Party Members | Update on actions  |
|----|--|---|-----------------------|--|
| 1  | Promotion of the Award   | Contact Media Outlets to promote Award nominations                                  | Danae Vitnell         | a. Danae has spoken with Josh at the Radio Station and is happy to work with Committee on promoting nominations<br>b. Danae to work with Jackson from Communications re promotion of Award |
| 2  | Investigate the appointment of two further working party members | Working Group Members to think of other suitable members to join the working party  | Danae Vitnell         | Danae to contact potential nominees and report back to Working Party members via email   |
| 3  | Confidentiality  | Working Party Members to sign a confidentially agreement in relation to nominations | Amy                   | Completed  |

**15.17 EXTERNAL MEETING MINUTES****Author:** General Manager**Authoriser:** Warwick Bennett, General Manager

**Attachments:**

1. **Woodlawn Veolia Community Consultative Committee Meeting Minutes 9 September 2021** [↓](#) 
2. **Country Mayors Meeting Minutes 5 November 2021** [↓](#) 
3. **Ardmore Park Community Consultative Committee Meeting Minutes 12 November 2021** [↓](#) 
4. **Holcim Lynwood Quarry Meeting notes 26 November 2021** [↓](#) 
5. **Gunlake Quarry Community Consultative Committee Meeting Minutes 26 November 2021** [↓](#) 
6. **Gullen Range Wind Farm Community Consultative Committee Meeting Minutes 8 December 2021** [↓](#) 

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

**RECOMMENDATION**

That the report from the General Manager on the following external Committee meeting minutes be received:

1. Woodlawn Veolia Community Consultative Committee Meeting Minutes 9 September 2021
2. Country Mayors Meeting Minutes 5 November 2021
3. Ardmore Park Community Consultative Committee Meeting Minutes 12 November 2021
4. Holcim Lynwood Quarry Meeting notes 26 November 2021
5. Gunlake Quarry Community Consultative Committee Meeting Minutes 26 November 2021
6. Gullen Range Wind Farm Community Consultative Committee Meeting Minutes 8 December 2021

**REPORT**

Please find attached the minutes from the:

- Woodlawn Veolia Community Consultative Committee Meeting Minutes 9 September 2021
- Country Mayors Meeting Minutes 5 November 2021
- Ardmore Park Community Consultative Committee Meeting Minutes 12 November 2021
- Holcim Lynwood Quarry Meeting notes 26 November 2021
- Gunlake Quarry Community Consultative Committee Meeting Minutes 26 November 2021
- Gullen Range Wind Farm Community Consultative Committee Meeting Minutes 8 December 2021

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



# Woodlawn Eco-Precinct

## Community Liaison Committee Meeting Minutes

|                    |                             |                 |             |
|--------------------|-----------------------------|-----------------|-------------|
| <b>Date</b>        | Thursday 9th September 2021 | <b>Time</b>     | 5:00 pm     |
| <b>Coordinator</b> | Justin Houghton             | <b>Location</b> | Google Meet |

### Committee List ✓

| <b>Name</b>                               | <b>Present</b> | <b>Name</b>                            | <b>Present</b> |
|---|----------------|--|----------------|
| Justin Houghton (JH) (Veolia)             | ✓              | Sandra Ellson (SE) (Community)         | X              |
| Cr Denzil Sturgiss (DS) (GMC Councillor)  | ✓              | Scott Martin (SM) (GMC Designated Off) | ✓              |
| Simon Reynolds (SR) (Community)           | ✓              | Cid Riley (CR) (Community)             | ✓              |
| Adrian Ellson (AE) (Community/TADPAI)     | ✓              | Owen Manley (OM) (Tarago Men's Shed)   | ✓              |
| Cr Mark Schweikert (MS) (QPRC Councillor) | ✓              | Richard Kirkwood (RK) (Community)      | X              |
| Kym Wake (KW) (TADPAI)                    | ✓              |  |                |

### Guests/Observers ✓

| <b>Name</b>                          | <b>Present</b> | <b>Name</b>             | <b>Present</b> |
|--------------------------------------|----------------|-------------------------|----------------|
| Marea Rakete (MR) (Veolia) (minutes) | ✓              | Tobias Stanley (Veolia) | ✓              |
| Henry Gundry (HG) (Veolia)           | ✓              |                         |                |

### Minutes

|            |   |
|------------|---|
|            | <b>Welcome</b>  |
|            | Meeting welcomed and declared open by the Chair at 5:05pm   |
| <b>1</b>   | <b>Present / Apologies</b>  |
|            | Sandra Ellson (SE), Richard Kirkwood (RK)   |
| <b>2</b>   | <b>Approval of Previous Minutes</b>   |
|            | Approval of Previous Meeting Minutes - Accepted without change (OM)   |
| <b>3</b>   | <b>Matters Arising from Minutes</b>   |
|            | Matters Arising from Minutes <ul style="list-style-type: none"> <li>1. Truck movements - North and South (HG)</li> <li>2. Request for odour mapping and comparison to last year (OM)</li> </ul> |
| <b>4</b>   | <b>Woodlawn Eco-Precinct Operational Update (Slide)</b>   |
|            | Justin introduced himself as Eco-Precinct Manager and history with Woodlawn.  |
| <b>4.1</b> | <b>Bioreactor and Leachate Treatment Plant (TS)</b>   |

Woodlawn Eco-Precinct  
619 Collector Road, Tarago NSW 2580  
tél. +61 (02) 8588 1360 • email. woodlawn@veolia.com  
<https://www.veolia.com/anz/>

*Veolia Community Liaison Committee Meeting Minutes*

|            |  |
|------------|--|
|            | <p>Bushfire input has dropped and Sydney waste is down. Commenced logging of pine forest areas on site. All Independent Environmental Audits have been completed.</p> <p>EPL variation update, and installation of H2S monitoring instruments in and around Tarago and Woodlawn.</p> <p>H2S Study underway, and Leachate Management assessment completed. Odour management update provided as per slide. Study of efficacy of biofiltration material has been organised with independent consultant.</p> <p>AE queried time of day of surface sampling is typically undertaken and if time of day of sampling might align with odours evident in the mornings or evenings. TS explained the 45 hectare grid sampling pattern requirement. OM queried atmospheric height consideration is taken into account. HG advised that we will consult with the landfill engineer on this.</p> |
| <b>4.2</b> | <p><b>Bioenergy (TS)</b><br/>OM queried if the figure is based on running all 7 gen's. TS confirmed based on actual energy generation through generators online.</p> <p>OM queried project to install new engine. HG advised currently on hold, reviewing commercial decisions however Veolia already possesses sufficient destruction capacity to handle future gas volumes over next 8-10 years. Credits are not available for creating electricity therefore no incentive at present (STP) or return on investment.</p> <p>TS explained LTP treatment rate - just shy of 4L/sec requirement.</p>  |
| <b>4.3</b> | <p><b>Mechanical Biological Treatment (JH)</b><br/>Heron Resources entering care and maintenance will not affect the rehab project. AE queried if MWOO being used as odour control - not all. Ferrous recovery is sent to ACT Recyclers. HG advised this is not an income source.</p> <p>FOGO transition is underway. Initial trial has been completed, and currently planning Stage 1 of processing. CR queried where FOGO will be sourced - HG confirmed Sydney in accordance with contracts with 2 x Sydney LGA's beginning Jan next year at this stage. Another local source is from QRPC.</p>   |
| <b>4.4</b> | <p><b>Independent Environmental Audits</b><br/>OM queried that the 3 x IEA's are publicly available. Affirmed.</p>   |
| <b>5</b>   | <b>General Business</b>  |
| <b>5.1</b> | <p><b>Tarago Lead Contamination</b><br/>HG advised no update or progress on this topic. MS updated committee on captains flat/QPRC are capping/sealing the road and potentially disposing of at the mine.</p>  |
| <b>5.2</b> | <p><b>Bungendore/Tarago Road Maintenance</b><br/>MS advised that redesigning of the road works project is required. The works will commence from Mt Fairy Road south, 3km of road (1km short of boundary) however this work will expend all funds available. Request has been submitted by TADPAI re: briefing from Mayor, and a written response will be provided. OM queried rough time frame - MS has not been provided a start date at this stage. AE queried if QPRC was responsible for Tarago and Lake Bathurst roadworks. MS could not confirm. Weather is affecting progress.</p>   |

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### Veolia Community Liaison Committee Meeting Minutes

|     |  |
|-----|--|
| 5.3 | <p>Truck complaint/ issue has been communicated.</p> <p>KW queried how QPRC allocates work on roads. MS will have to address the council infrastructure dept. Concern re: Veolia funds not being utilised efficiently.</p> <p><b>Regional Waste - Planning Modification Update</b></p> <p>HG presented/explained the increase in trucks per day. Final version of ARRB report to be re-distributed (MS). HG advised this will be a variation to our consent. CR queried if this will include Canberra waste - HG affirmed. Regular enquiries are received around waste types accepted. CR noted that Veolia won a lot of clients/council contracts.</p> <p>OM advised Infrastructure Australia conducted a study that reported there is likely an increase in 20% of household waste therefore increases should account for Sydney waste and will a further increase be required? HG advised this is not being considered. Veolia's municipal waste inputs are steady.</p> |
| 6   | <b>Other Business</b>  |
| 6.1 | <p><b>Woodlawn Advanced Energy Recovery Centre (HG)</b></p> <p>HG invited the committee to attend the ARC consultation session being held today from 8pm to 9pm.</p> <p>CR discussed concerns expressed in the email sent to HG today (09/09) due to lack of communication/consultation with the community. HG has forwarded this feedback directly to the comms team for addressing. AE/CR/OM queried if the Veolia survey could be reopened due to minimal response time allowed. KW advised that he received numerous invitations to participate in the survey.</p> <p>OM advised that he and DS had not been approached or interviewed by Lee Smith as part of the consultation process. HG will relay this to the project team.</p>   |
| 7   | <b>Meeting Closed by Chairperson</b>   |
|     | Meeting Closed by Chairperson at 6:10pm.   |

#### Attachments:

1/ Veolia CLC Meeting #7 Operational Presentation



# Woodlawn Eco-Precinct Community Liaison Committee Meeting

Thursday 9th September 2021

*NSW Woodlawn Eco-Precinct  
619 Collector Road / Tarago / NSW 2580 Australia  
off.: +61 2 8588 1360  
[www.veolia.com/anz](http://www.veolia.com/anz)*





# Welcome

*Veolia acknowledges the Traditional Owners of country throughout Australia and recognises their continuing connection to land, waters and community. We pay our respects to them and their cultures; and to elders both past and present.*

*Welcome and thank you! Effective community consultation is a participatory process that underpins genuine community development. The purpose of the Veolia Environmental Services Community Liaison Committee is to help us better understand what the community values and inform us of issues that the community finds important.*



**MEETING  
AGENDA**

| Item | Topic   |
|------|---|
| 1    | <i>Present/Apologies</i>  |
| 2    | <i>Approval of Minutes of Previous Meeting</i>  |
| 3    | <i>Matters Arising from Minutes</i>   |
| 4    | <i>Woodlawn Eco-Precinct Operational Update</i>   |
| 5    | <i>General Business</i> <ul style="list-style-type: none"><li>1. <i>Tarago Lead Contamination</i></li><li>2. <i>Bungendore/Tarago Road Maintenance</i></li><li>3. <i>Regional Waste - Planning Modification Update</i></li><li>4. <i>FOGO Processing @ MBT</i></li><li>5. <i>ACT Waste - Fyshwick Decision by ACT Govt.</i></li></ul> |
| 6    | <i>Other Business</i> <ul style="list-style-type: none"><li>1. <i>Future Waste to Woodlawn</i></li><li>2. <i>Project Development - Woodlawn Eco-Precinct</i></li></ul>  |
| 7    | <i>Meeting Closed by Chairperson</i>  |



**Present / Apologies**



# Approval of Previous Minutes



# Matters Arising from Minutes

# ECO-PRECINCT OPERATIONAL UPDATE

## BIOREACTOR

### YTD Waste Received (1st September 2021)

- Regional Waste 83,221t
  - Bushfire Impacted Waste 1240t
- Sydney Waste 369,832t
- MBT Residual 50,042t

### Logging Update (from 23rd August 2021)

- 1,272t

### External Environmental Audits

- 3-Yearly Independent Environmental Audit (Ramboll) - Final Report Issued
- Annual Independent Odour Audit  
(The Odour Unit) - Final Report Issued
- Annual Independent Leachate & Water Management System Audit (SLR) - Final Report Issued

The above Audit Reports are available on the Veolia website here:

<https://www.veolia.com/anz/WoodlawnEcoPrecinct>

## EPA LICENCE VARIATION

EPA attended site today to install Hydrogen Sulphide monitoring equipment. This work aims to quantify any presence of the gas.

### YTD Complaints Register (1st September 2021)

- Odour Complaints (300)
- Road Traffic (5)

### Pollution Study and Reduction Programs

- Independent consultant engaged to undertake Investigation and Impact Assessment of Hydrogen Sulfide Gas Emissions - Completion expected to be extended due to fieldwork component constraints due to COVID-19
- Long Term Leachate Management Solution Final Report Issued
- Addition of biofiltration material to fissures

Veolia has engaged suitably qualified experts for the undertaking of the external studies.

## ODOUR MANAGEMENT UPDATE

### Recent changes of the operation and gas conditions:

- More biofiltration material has been applied in the identified potential emission hotspots. (3,500 m<sup>3</sup> material applied so far)
- H<sub>2</sub>S concentration in Landfill gas (LFG) decreased for more than 60%.
- LFG extraction is about 4,000 m<sup>3</sup>/h

### Veolia's management strategy consists of:

- Regular surface gas monitoring (monthly)
- Act on identified fugitive emission hot spots
  - Apply more cover material
  - Install more LFG extraction wells
  - Apply biofilter material
- Investigate the current odour problems by third party (in process)
- Assessment of the performance of the biofilter (delayed due to Covid restrictions, currently scheduled in next week)
- 2nd LFG main gas line tested, commissioning delayed due to COVID restrictions.





## ECO-PRECINCT OPERATIONAL UPDATE

### BIOENERGY

#### YTD Biogas Capture (1st September 2021)

- Energy Generation 36,410 MWh
- 202,981 tCO<sub>2</sub>-e CH<sub>4</sub> captured
- In 2021, averaging 25,373 tCO<sub>2</sub>-e monthly to removing 66,190 cars off the road

### LEACHATE TREATMENT PLANT

#### Discharge to Evaporation Dam

- LTP treated an average of 3.9L/s for the month of August.
- Cumulatively discharged 216153m<sup>3</sup> of permeate
- Process audit by Veolia Global Technical & Performance Department (TPD) is ongoing and a final report is under review
- Veolia has signed contracts for the supply of an additional UF Skid at the LTP to increase throughput



# ECO-PRECINCT OPERATIONAL UPDATE

## MBT



### Output from MBT

- Transferred 14,668 t to Tailings
- Heron Resources - Care and Maintenance timings and rehab progression is the key constraint at present.

### YTD Waste Processed (1st September 2021)

- Sydney Waste 95,547t
- MWOO to Landfill 17,446t
- WOO to Heron 14,668t
- Ferrous Recovery 106t

### Next project development

- FOGO Transition - Planned Planning modification
- Two Stage Process



# General Business

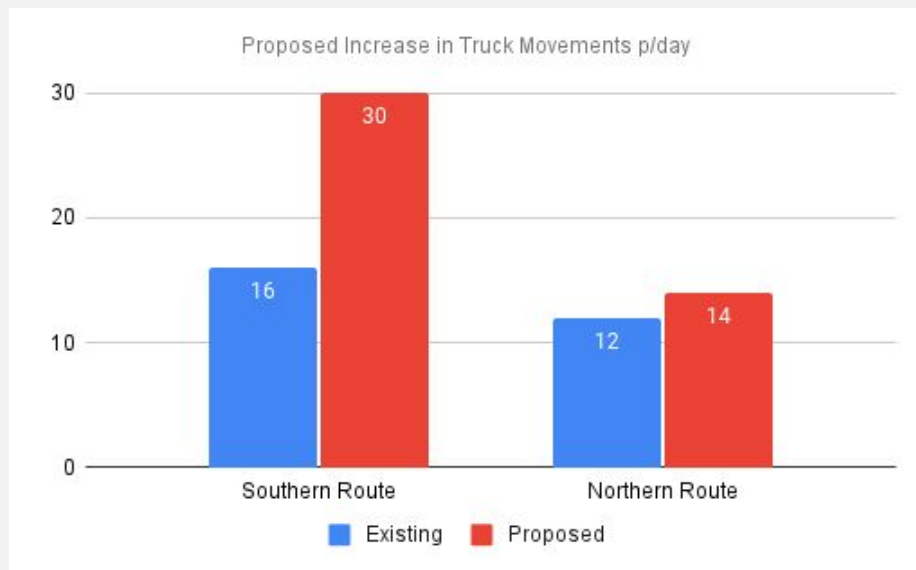
- *Tarago Lead Contamination*
- *Bungendore/Tarago Road Maintenance*
- *Regional Waste - Planning Modification Update (refer next slide)*
- *FOGO Processing @ MBT*

## REGIONAL WASTE PLANNING MODIFICATION

### PROPOSED WASTE INCREASE

- Veolia plans to increase tonnage volumes from 130 ktpa to 200 ktpa to service regional market demand
- Demand includes - Source segregated organic processing at the MBT - municipal and commercial FO, GO and FOGO, plus Commercial and demolition residual waste which will be landfill.
- This results in an increase from an average of 16 trucks to 30 trucks p/day from the south, and an average of 12 trucks to 14 trucks p/day from the north.

These figures include regional waste collection only and excludes any public works clean-up project waste.





# Other Business

- *Future Waste to Woodlawn*
- *Project Development - Woodlawn Eco-Precinct*



# Advanced Energy Recovery Facility -

Refer to Community Consultation Session -  
8pm to 9pm tonight



# Next Meeting

*The next Community Liaison Meeting will be held at the Woodlawn Eco-Precinct on Thursday 2nd December 2021 at 5.00pm, or otherwise agreed.*







# Country Mayors Association of NEW SOUTH WALES

**Chairperson:** Cr Ken Keith OAM  
PO Box 337 Parkes NSW 2870  
02 6861 2333  
ABN 92 803 490 533

## AGM MINUTES

### GENERAL MEETING

FRIDAY, 5 NOVEMBER 2021 LGNSW BOARD ROOM, LEVEL 8, 28 MARGARET STREET,  
SYDNEY

The meeting opened at 11.26 a.m.

#### 1. Attendance in Person

Cr Jamie Chaffey, Gunnedah Shire Council  
Cr Liz Campbell, Kempsey Shire Council  
Parkes Shire Council, Cr Ken Keith, Mayor  
Singleton Council, Cr Sue Moore, Mayor  
Temora Shire Council, Cr Rick Firman, Mayor  
Tenterfield Shire Council, Cr Peter Petty, Mayor  
Uralla Shire Council, Cr Michael Pearce, Mayor  
Uralla Shire Council, Ms Kate, Jessop, General Manager

#### Attendance via Teams

Armidale Regional Council, Mr James Roncon, General Manager  
Bega Valley Shire Council, Cr Russell Fitzpatrick, Mayor  
Broken Hill City Council, Cr Darriea Turley, Mayor  
Broken Hill City Council, Mr Jay Nankivell, General Manager  
Cabonne Shire Council, Cr Kevin Beatty, Mayor  
Cabonne Shire Council, Mr Brad Burns, General Manager  
Carrathool Shire Council, Mr, Rick Warren General Manager  
Cobar Shire Council, Cr Peter Abbott, Mayor  
Cobar Shire Council, Mr Peter Vlatko, General Manager  
Coolamon Shire Council, Cr John Seymour, Mayor  
Coolamon Shire Council, Mr Tony Donoghue, General Manager  
Cootamundra-Gundagai Regional Council, Cr Abb McAlister  
Cootamundra-Gundagai Regional Council, Mr Phil McMurray, General Manager  
Cowra Shire Council, Cr Bill West, Mayor  
Forbes Shire Council, Cr Phyllis Miller, Mayor  
Forbes Shire Council, Mr Steve Loane, General Manager

*Page 2*

Goulburn Mulwaree Council, Cr Bob Kirk, Mayor  
 Goulburn Mulwaree Council, Mr Warrick Bennett, General Manager  
 Griffith City Council, Cr John Dal Broi, Mayor  
 Hay Shire Council, Cr Jenny Dwyer, Mayor  
 Hay Shire Council, Mr David Webb, General Manager  
 Kiama Municipal Council, Cr Mark Honey, Mayor  
 Lachlan Shire Council, Cr John Medcalf, Mayor  
 Lachlan Shire Council, Mr Greg Tory, General Manager  
 Leeton Shire Council, Cr Paul Maytom, Mayor  
 Leeton Shire Council, Ms Jackie Kruger, General Manager  
 Lithgow City Council, Cr Ray Thompson, Mayor  
 Lithgow City Council, Mr Craig Butler, General Manager  
 Liverpool Plains Shire Council, Cr Doug Hawkins, Mayor  
 Lockhart Shire Council, Cr Roger Schirmer, Mayor  
 Lockhart Shire Council, Mr Peter Veneris, General Manager  
 Mid-Western/Mudgee Regional Council, Mr Brad Cam, General Manager  
 Murrumbidgee Council, Cr Ruth McRae, Mayor  
 Narrandera Shire Council, Cr Neville Schenka, Mayor  
 Narromine Shire Council, Cr Craig Davies, Mayor  
 Oberon Council, Cr Kathy Sajowitz, Mayor  
 Oberon Council, Mr Gary Wallace, General Manager  
 Parkes Shire Council, Mr Kent Boyd, General Manager  
 Port Stephens Council, Cr Ryan Palmer, Mayor  
 Shellharbour City Council, Cr Marianne Saliba, Mayor  
 Snowy Valleys Council, Cr James Hayes, Mayor  
 Snowy Valleys Council, Mr Matthew Hyde, General Manager  
 Wagga Wagga City Council, Cr Greg Conkey, Mayor  
 Warren Shire Council, Mr Gary Woodman, General Manager  
 Warrumbungle Shire Council, Cr Ambrose Doolan, Mayor  
 Warrumbungle Shire Council, Mr Roger Bailey, General Manager  
 Wentworth Shire Council, Cr Susan Nichols, Mayor  
 Wingecarribee Shire Council, Mr Viv May, Interim Administrator

**APOLOGIES:**

As submitted

2. **ADOPTION OF MINUTES OF PREVIOUS MEETING:**  
 RESOLVED that the minutes of the Annual General Meeting held on 6 November 2020 be accepted as a true and accurate record (Temora Shire Council / Kempsey Shire Council).
3. **Chairman's Report**  
 RESOLVED that The Chairman's Report be received and noted (Parkes Shire Council / Tenterfield Shire Council)
4. **SECRETARIES REPORT – FINANCIAL REPORT**  
 RESOLVED That the financial reports for the 2020/21 year as tabled be accepted (Singleton Council / Kempsey Shire Council)

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- 5. Appointment of Returning Officer**  
RESOLVED that the election be adjourned to the March 2022 meeting (Tenterfield Shire Council / Singleton Council)
- 6. Election of Office Bearers**  
RESOLVED that the election of office bearers be adjourned to the March 2022 meeting (Tenterfield Shire Council / Temora Shire Council)
- 7. Setting of Annual Membership Fees**  
RESOLVED that the fees for the 2022 calendar year remain at \$750 for Councils with a population of 10,000 and over, and Councils with a population of less than 10,000 paying 75% \$562.50 (Temora Shire Council) / Singleton Council)
- 8. Appointment of Secretariat**  
RESOLVED that Allan Burgess trading as Alkanat Consulting be appointed the Secretariat (Kempsey Shire Council) / Singleton Council)
- 9. Setting of Meeting Dates for 2022**  
RESOLVED That the meeting dates for 2022 be 11March, 27 May, 5 August, and 4 November (Temora Shire Council / Tenterfield Shire Council)
- 10. Adjournment of Annual General Meeting**  
RESOLVED That the Annual General Meeting be adjourned to the March 2022 meeting for the appointment of the Returning Officer and the election of Office Bearers for the 2022 year (Gunnedah Shire Council / Singleton Council)

There being no further business the meeting closed at 11.35am.

Cr Ken Keith OAM  
Chairman Country Mayor's Association of NSW



# Country Mayors Association of NEW SOUTH WALES

**Chairperson:** Cr Ken Keith OAM  
PO Box 337 Parkes NSW 2870  
02 6861 2333  
ABN 92 803 490 533

## MINUTES

### GENERAL MEETING

FRIDAY, 5 NOVEMBER 2021, LGNSW BOARD ROOM, LEVEL 8, 28 MARGARET STREET,  
SYDNEY

The meeting opened at 8.30 a.m.

#### 1. ATTENDANCE IN PERSON

Cr Jamie Chaffey, Gunnedah Shire Council  
Cr Liz Campbell, Kempsey Shire Council  
Parkes Shire Council, Cr Ken Keith, Mayor  
Singleton Council, Cr Sue Moore, Mayor  
Temora Shire Council, Cr Rick Firman, Mayor  
Tenterfield Shire Council, Cr Peter Petty, Mayor  
Uralla Shire Council, Cr Michael Pearce, Mayor  
Uralla Shire Council, Ms Kate, Jessop, General M

#### Attendance via Teams

Armidale Regional Council, Mr James Roncon, General Manager  
Bega Valley Shire Council, Cr Russell Fitzpatrick, Mayor  
Bland Shire Council, Mr Ray Smith, General Manager  
Broken Hill City Council, Cr Darriea Turley, Mayor  
Broken Hill City Council, Mr Jay Nankivell, General Manager  
Cabonne Shire Council, Cr Kevin Beatty, Mayor  
Cabonne Shire Council, Mr Brad Burns, General Manager  
Carrathool Shire Council, Mr, Rick Warren General Manager  
Cobar Shire Council, Cr Peter Abbott, Mayor  
Cobar Shire Council, Mr Peter Vlatko, General Manager  
Coolamon Shire Council, Cr John Seymour, Mayor  
Coolamon Shire Council, Mr Tony Donoghue, General Manager  
Cootamundra-Gundagai Regional Council, Cr Abb McAlister  
Cootamundra-Gundagai Regional Council, Mr Phil McMurray, General Manager  
Cowra Shire Council, Cr Bill West, Mayor  
Forbes Shire Council, Cr Phyllis Miller, Mayor  
Forbes Shire Council, Mr Steve Loane, General Manager

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Goulburn Mulwaree Council, Cr Bob Kirk, Mayor  
 Goulburn Mulwaree Council, Mr Warrick Bennett, General Manager  
 Griffith City Council, Cr John Dal Broi, Mayor  
 Hay Shire Council, Cr Jenny Dwyer, Mayor  
 Hay Shire Council, Mr David Webb, General Manager  
 Kiama Municipal Council, Cr Mark Honey, Mayor  
 Lachlan Shire Council, Cr John Medcalf, Mayor  
 Lachlan Shire Council, Mr Greg Tory, General Manager  
 Leeton Shire Council, Cr Paul Maytom, Mayor  
 Leeton Shire Council, Ms Jackie Kruger, General Manager  
 Lithgow City Council, Cr Ray Thompson, Mayor  
 Lithgow City Council, Mr Craig Butler, General Manager  
 Liverpool Plains Shire Council, Cr Doug Hawkins, Mayor  
 Lockhart Shire Council, Cr Roger Schirmer, Mayor  
 Lockhart Shire Council, Mr Peter Veneris, General Manager  
 Mid-Western/Mudgee Regional Council, Mr Brad Cam, General Manager  
 Murrumbidgee Council, Cr Ruth McRae, Mayor  
 Narrandera Shire Council, Cr Neville Schenka, Mayor  
 Narromine Shire Council, Cr Craig Davies, Mayor  
 Oberon Council, Cr Kathy Sajowitz, Mayor  
 Oberon Council, Mr Gary Wallace, General Manager  
 Parkes Shire Council, Mr Kent Boyd, General Manager  
 Port Stephens Council, Cr Ryan Palmer, Mayor  
 Shellharbour City Council, Cr Marianne Saliba, Mayor  
 Shoalhaven City Council, Cr Amanda Findley, Mayor  
 Snowy Valleys Council, Cr James Hayes, Mayor  
 Snowy Valleys Council, Mr Matthew Hyde, General Manager  
 Wagga Wagga City Council, Cr Greg Conkey, Mayor  
 Warren Shire Council, Mr Gary Woodman, General Manager  
 Warrumbungle Shire Council, Cr Ambrose Doolan, Mayor  
 Warrumbungle Shire Council, Mr Roger Bailey, General Manager  
 Wentworth Shire Council, Cr Susan Nichols, Mayor  
 Wingecarribee Shire Council, Mr Viv May, Interim Administrator  
 LGNSW, Cr Linda Scott, President  
 LGNSW, Mr Scott Phillips, CEO

**APOLOGIES:**

As submitted

**SPECIAL GUESTS:**

Mr Grant Barnes, Chief Regulatory Officer, Natural Resources Access Regulator,  
 Department of Planning, Industry and Environment  
 Mr Joseph Rahme, Senior Manager, Stakeholder Engagement, NSW Telco  
 Authority

**2. Cr Linda Scott, President, LGNSW Update**

Cr Scott provided a report on opportunities where they might exist including  
 Advocacy Wins, Advocacy Updates, Opportunities for Collaboration and Upcoming  
 Events

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**3. Adoption of Minutes of Previous Meeting:**

RESOLVED that the minutes of the General Meeting held on 28 May 2021 be accepted as a true and accurate record (Tenterfield Shire Council / Gunnedah Shire Council).

**4. Membership**

RESOLVED that Cobar Shire Council, Walgett Shire Council, Weddin Shire Council and Wingecarribee Shire Council be admitted as members of the Association (Tenterfield Shire Council / Goulburn Mulwaree Council)

**5. Mr Grant Barnes, Chief Regulatory Officer, Natural Resources Access Regulator, Department of Planning, Industry and Environment**

The Natural Resources Access Regulator has been operating for three and half years and has the role of review of the conduct and enforcement of water in NSW. The regulator ensures that licensees are aware of the conditions of the license. Past enquiries have shown that compliance has been ineffective and under resourced. There is a statutory mandate to be an efficient regulator of water and to establish public confidence, to be outcomes focused and accountable with ensured independence. They are a statutory body subject to oversight by the Ombudsman. They have undertaken 4,500 investigations with 1,300 enforcement actions resulting in 32 prosecutions with 14 convictions. Most operators are fair and compliant operators. Noncompliance is generally not keeping records in log books or works and meters with old or broken seals. There are however willful and reckless contraventions of the Water Management Act. Noncompliance is not based on location or type of water usage but unawareness of compliance conditions. Councils are large holders of licenses and need to ensure that the approvals and license conditions that are set are appropriate. It is hoped that councils will work with NRAR with the role out of the nonurban metering framework. Some of the conflict with NRAR in approving or not approving licenses is due to restrictions imposed under the Act.

**6. Mr Joseph Rahme, Senior Manager, Stakeholder Engagement, NSW Telco Authority**

NSW Telco Authority operates and manages the Public Safety Network to deliver radio communications for frontline responders. They coordinate and align whole - of-government connectivity programs and priorities to deliver improved connectivity across the State. The NSW Government is investing \$1.4billion to expand and enhance the PSN through the Critical Communications Enhancement Program. The program will increase the networks coverage to reach 85% of the states landmass and 99.7% of the population. Key programs are Public Safety Mobile Broadband, Mobile Black Spot Program and Connecting Country Communities. The objective is to get the five emergency service providers on to the one network by December 2024.

**7. Correspondence****Outward**

- (a) The Hon Brad Hazzard MP, Minister for Health and Medical Research, calling on the State Government to continue its commitment to Tele-Health in Rural and Remote Communities
- (b) The Hon Shelley Hancock MP, Minister for Local Government, regarding compliance with Emergency Services legislation

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- (c) Cr Linda Scott, President, LGNSW, regarding signing of a Memorandum of Understanding in conjunction with the 2021 LGNSW Conference
- (d) The Hon Michael Sukkar MP, Assistant Treasurer, Minister for Housing, Minister for Homelessness, Social and Community Housing, calling on the Federal Government to create a National Housing Plan that can support the work of local councils
- (e) The Hon Mark Speakman MP, Attorney General and Minister for the Prevention of Domestic Violence, asking for a reduction in daylight saving hours
- (f) The Hon Shelley Hancock MP, Minister for Local Government, seeking assistance to changes to the Prevention of Cruelty to Animals Act 1979, and the Prevention of Cruelty to Animals Regulation 2012
- (g) The Hon Rob Stokes MP, Minister for Planning and Public Places, seeking assistance to changes to the Prevention of Cruelty to Animals Act 1979, and the Prevention of Cruelty to Animals Regulation 2012
- (h) The Hon Adam Marshall MP, Minister for Agriculture and Western NSW, seeking assistance to changes to the Prevention of Cruelty to Animals Act 1979, and the Prevention of Cruelty to Animals Regulation 2012
- (i) Mr Shane Fitzsimmons, Commissioner Resilience NSW, thanking him for his presentation to the 28 May meeting
- (j) The Hon Melinda Pavey MP, Minister for Water, Property and Housing, thanking her for her presentation to the 28 May meeting
- (k) The Hon Melinda Pavey MP, Minister for Water, Property and Housing, requesting an independent authority prepare a report on river monitoring in the Murray-Darling Basin
- (l) The Hon Melinda Pavey MP, Minister for Water, Property and Housing, requesting the engagement with Joint Organisations to address water security and investment in infrastructure
- (m) The Hon Mark Coulton MP, Minister for Regional Health, Regional Communications and Local Government, requesting increased funding to regional and remote communities for provision of detoxification and rehabilitation facilities
- (n) Hon Keith Pitt MP, Minister for Resources, Water and Northern Australia, asking for support in having National Water Quality Management Strategy adopted by all governments
- (o) The Hon Keith Pitt MP, Minister for Resources, Water and Northern Australia, seeking support for whole of government additional funding for bulk water supply projects
- (p) The Hon Greg Hunt MP, Minister for Health and Aged Care, seeking consideration to changing the distribution of Medicare payments to General Practitioners
- (q) The Hon Greg Hunt MP, requesting the reversal of the decision to deduce the Skilled Migration Program
- (r) The Hon Gladys Berejiklian MP, calling on the government to act as a matter of urgency to update regulations in relation to the NSW Animal Welfare Code
- (s) The Hon Gladys Berejiklian MP, Premier, requesting support for the creation of a new Ministry of Regional Health
- (t) The Hon Brad Hazzard MP, Minister for Health and Medical Research, calling on him to support improved patient transport options in rural and remote NSW
- (u) The Hon Gladys Berejiklian MP, Premier, follow up letter regarding the establishment of new Ministry of Rural Health

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- (v) The Hon Dr David Gillespie MP, Minister for Regional Health, Minister Assisting the Minister for Trade and Development, introducing CMA and our advocacy efforts
- (w) Press Release on Regional and Rural Health Minister sent to members for distribution
- (x) Press Release on ESL sent to members for distribution
- (y) Press Release on COVID to local media and Commonwealth and State members
- (z) Letter to non member councils inviting them to attend November meeting and to join the Association
- (aa) Letter to Councils that have not been able to attend recently outlining recent lobbying efforts
- (bb) Letter to Councils that have not been able to attend recently outlining recent lobbying efforts
- (cc) Hon Dominic Perrottet MP, Premier, introducing Country Mayors Association
- (dd) Hon Paul Toole MP, Deputy Premier, reacquainting him with Country Mayors
- (ee) Hon Dominic Perrottet MP, Premier, requesting support for the creation of a new Ministry of Regional Health and outlining the problems affecting mayoral elections
- (ff) Hon Paul Toole MP, Deputy Premier, requesting support for the creation of a new Ministry of Regional Health and outlining the problems affecting mayoral elections

Inward

- (a) The Hon Mark Coulton MP, Minister for Regional Health, Regional Communications and Local Government, regarding Financial Assistance Grants
- (b) The Hon Scott Farlow MLC, Parliamentary Secretary to the Treasurer and for COVID Recovery regarding Environmental Services Levy
- (c) The Hon Shelley Hancock MP, Minister for Local Government regarding Emergency Service Levy contributions
- (d) (The Hon Michael Sukkar MP, Assistant Treasurer, Minister for Housing, Minister for Homelessness, social and Community Housing regarding affordable housing
- (e) The Hon David Coleman MP, Assistant Minister to the Prime Minister for Mental Health and Suicide Prevention, regarding mental health facilities
- (f) The Hon Gladys Berejiklian MP, Premier, regarding Minister Regional Health
- (g) The Hon Dr David Gillespie MP, Minister for Regional Health, Minister Assisting the Minister for Trade and Development, regarding Access to Health Services
- (h) The Hon Mark Speakman MP, Attorney General, Minister for Prevention of Domestic and sexual Violence, regarding Daylight Saving
- (i) The Hon Michael McCormack MP, regarding Local Government Assistance Act
- (j) The Hon Michael McCormack MP, regarding Regional Recovery Partnership
- (k) The Hon Michael McCormack MP, regarding Local Government Assistant Act

NOTED

#### **8. Financial Report**

RESOLVED That the financial reports for the period to 30 September 2021 were tabled and accepted (Tenterfield Shire Council / Shellharbour City Council)

#### **9. Constitution**

RESOLVED that the amended Constitution as distributed to members on the 2 June 2021 in accordance with Clause 33 of the Constitution together with the following amendments be adopted

- (a) That Clause (2) read "To further the interests of rural and regional Councils by advocating and lobbying on relevant State & National issues, by working with State & Federal Governments and other appropriate organisations to further the interests of our members and to act as an information sharing forum".
- (b) That clause 11 read "The Association shall have an Executive Committee"
- (c) That clause 12 read "Membership of the committee shall consist of the Chairman and Vice Chairman and the Secretary and up to a maximum of eight ordinary members"
- (d) That clause 12 (b) read "The Executive Committee may convene a meeting through video streaming or phone/tele conference as determined by the Chairman"
- (e) that clause 17 read "The rules governing the conduct of council meetings as contained in the Local Government Act 1993 and regulations, the Code of Meeting Practice and the Model Code of Conduct for local councils in NSW shall apply to meetings of the Association (Temora Shire Council / Gunnedah Shire Council)

#### **10. Proposed Employment Zones Framework**

RESOLVED That the NSW Government's proposed employment zones framework not apply to regional areas because:

- (a) It will redirect limited Council resources away from priority tasks to undertake a large body of work for which there is no identified need or benefit;
- (b) It does not consider potential negative impacts on regional economies whose competitive advantage is reliant on natural assets and overall lifestyle appeal;
- (c) It does not support the hierarchy of centres and will undermine the orderly economic development of regional areas;
- (d) It has a narrow metropolitan focus which fails to consider the economic opportunities of rural and regional specialisations including agriculture, tourism, aquaculture, health care and social assistance, forestry and food manufacturing. (Bega Valley Council / Goulburn Mulwaree Council)

#### **11. Waste Management Facilities**

RESOLVED That the Country Mayors Association oppose the Energy from Waste (EfW) infrastructure in its current form and request that it not be advanced until

- (a) It is amended at least, to include metropolitan locations for (EfW) facilities
- (b) It is extensively exhibited for public and Councils' feedback before any decision is made to advance a regulation or other provisions to bring it into effect (Goulburn Mulwaree Council / Lithgow City Council)

#### **12. Financial Assistance Grants Fairer Criteria and Distribution**

MOTION WITHDRAWN

**13. Reintroduction of Rural Council Model**

RESOLVED That LGNSW calls upon the State Government to introduce a model for rural councils to impose commensurate governance and oversight by the State Government (Hay Shire Council ) / Forbes Shire Council)

**14. Cost Shifting**

RESOLVED That the NSW Country Mayors Association calls upon the State Government to undertake an urgent review into the cost shifting from the State to Local Government, particularly in the areas of emergency services, external audit, crown land management, planning, companion animals, underground petroleum storage systems and now COVID 19 Health Order Compliance (Hay Shire Council / Forbes shire Council)

**15. Inability of Small Councils to make Co-Contributions for Project and Grant Applications**

RESOLVED That the NSW Country Mayors Association advocates to the Australian and State Governments on a fairer grant system for small and rural councils, to ensure they are not disadvantaged compared to better resourced councils in terms of ability to provide co-contributions to either comply with the grant conditions or to be competitive against other submissions (Hay Shire Council / Tenterfield Shire Council)

**16. Need for more appropriate Application of Speed Zones and Better Considered Consultation with Local Councils**

RESOLVED (a) That a review of how the speed zoning guidelines are applied, most especially in regards to 50km/hr limits outside built up areas and (b) greater regard for local council knowledge, including improved engagement, when identifying safety risk and safety investment priorities and when introducing new speed limits (Leeton Shire Council / Singleton Council)

**17. Mayoral and Councillor Allowances**

Mr Viv May Interim Administrator Wingecarribee Shire Council declared a pecuniary interest as he is a member of the Local Government remuneration Tribunal

RESOLVED That CMA approaches all political parties to seek a bi partisan approach to bringing mayoral and Councillor allowances in rural NSW to reflect a midpoint between Qld and Vic (Narromine Shire Council / Gunnedah Shire Council)

**18. Project Funding**

RESOLVED That this matter be deferred to the March Meeting (Temora Shire Council / Tenterfield Shire Council)

**19. MOU Between Country Mayors and LGNSW**

RESOLVED That the MOU as distributed to members be adopted with the addition that clause 2.3 be amended to exclude "and ends four years from the commencement date" (Gunnedah Shire Council / Tenterfield Shire Council)

There being no further business the meeting closed at 11.26am

Cr Ken Keith OAM  
Chairman Country Mayors Association of NSW

**Ardmore Park Community Consultative Committee**  
**Minutes of Meeting held on Wednesday 12 November 2021, at 2.30pm ,**  
**Bungonia Village Hall**

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**Present:** Don Elder (Chairman), James Hammond (Four Pillars Environmental Consulting on behalf of MQ), Steve Wall (MQ Representative)  
Bill Dobbie (Community Member), Mick Rogers (MQ Representative)  
Joanne Macey (Community Member), Damien Cole (Community Member)  
Rob James (Community Member), Michael Ireland (Community Member)  
Scott Martin (GM Council), Matthew O'Rourke (GM Council)  
Cath Henshall (notetaker)  
**Observers:** Daryl Knight, Rose Dobbie, Diana Moran, Rhys Thompson  
Anna Kerdijk Nicholson

- 1) **Welcome:** The meeting was declared open at 2.30pm.
- 2) **Apologies:** Phillip Broadhead (Community member), Steve Mikosic (MQ representative)
- 3) **Declaration of Pecuniary or Other interests:** nil
- 4) **Minutes of previous meeting:** The minutes of the meeting held on 11 August 2021 were confirmed.
- 5) **Business arising from the minutes:**
  - a) Ms Henshall's application for the role of notetaker had been forwarded by the Chairman to Jason Mikosic, however it was confirmed that Jason had not made contact with Ms Henshall prior to today's meeting. Steve Wall advised that Steve Mikosic was seeking additional applicants for the position. These to be forwarded to Don Elder for consideration. On behalf of the Company Steve Wall undertook that, as Ms Henshall was in attendance at the meeting, MQ would cover her costs to take notes and produce minutes for this meeting.
  - b) Road works. Comment was made on progress of negotiations between Goulburn Mulwaree Council (GMC) and MQ in respect of schedule and scale of works to repair road. Specifically:
    - i) Negotiations on technical issues with respect to the repairs has taken several months. A meeting to finalise the commercial arrangements has been postponed to Monday 15 November.
    - ii) At the GMC council meeting of 2 November 2021, Council resolved to explore legal avenues to resolve issues relating to the status of the road as per MQ's development consent to operate the quarry if works to repair the road had not commenced by November. Mr O'Rourke noted that Council has been negotiating with MQ since August and the delay in finalising the scope of works and commencement of works was no longer acceptable.

- iii) Council has delegated the Matthew O'Rourke to negotiate with MQ directly on Council's behalf .
  - iv) Council has identified three types of repair: repairs related to addressing drainage issues, repairs related to the pavement and comprehensive repairs of the road foundation requiring the lifting of the pavement. Ongoing negotiations in respect of the location of the repair type and the resolution of geotechnical issues, however repairs classed as "easy" could commence immediately with the more difficult repairs conducted once the technical issues had been resolved.
  - v) Steve Wall advised MQ was negotiating with a preferred contractor regarding their availability and the timing of the commencement of works. Plan was to commence works in November pending finalisation of matters with Council.
  - vi) A meeting observer asked where the repairs would commence. Matthew O'Rourke stated that the repairs would commence at Oallen Ford Road as the geotechnical work was focussed on that section of the haulage route. A meeting observer stated that Jerrara Road was more dangerous than Oallen Ford Road.
- 6) **Correspondence:** Received from Philip Broadhead in respect of :
- a) The lack of correspondence between Jason Mikosic and Cath Henshall regarding the position of notetaker.
  - b) Ongoing complaints received from residents regarding the deterioration of Jerrara Road and the delay in commencing repair works.
  - c) Suggested tour of quarry site for early 2022
  - d) Inspection of Phil's spring by Natural Resource Access Regulator (NRAR)
- 7) **Company report:** The Company's Report which is attached with the minutes, was presented by James Hammond, who answered questions and advised:
- a) MQ working with RW Corkery on management plans in relation to Modification 3 (Mod 3). Noise and Aboriginal heritage reports have been submitted to DPIE, others ongoing. Visual impacts management plan currently on MQ website.
  - b) NRAR audited MQ bores on Tuesday 9, November after a COVID related delay. Will provide "groundtruthing" to inform development of water management plan.
  - c) Question from observer regarding future community consultation in regards to updated management plans. James Hammond confirmed no future community consultation is planned except where required by the consent conditions but would confirm if further consultation was required as per the consent conditions.
  - d) James Hammond Introduced Rhys Thompson as an observer who may attend future meetings as he is assisting with development of environmental plans.
  - e) Ongoing construction of bund wall and backfilling of void is continuing.

- f) Mod 3 work may commence later this year or next year, however Matthew O'Rourke suggested that as issues relating to current consent conditions were unresolved Mod 3 could not commence.
  - g) Ongoing investigation of issues relating to water/bore levels on Phillip Broadhead and Daryl's properties, including on property meetings.
  - h) Noise monitoring ongoing, 99.8% compliance with noise limits. Report on website. Periodic noise monitoring as per consent at locations at quarry and noise affected residents. MQ gets landowners permission to access private property for noise monitoring. If the property was not identified as being affected during the consent then is not monitored. Observer noted they had made complaints to the Environmental Protection Authority (EPA) and were working with the EPA to do additional monitoring on their property.
  - i) Quarterly sampling of water in MQ's bores in October detected heavy metals, but no patterns or obvious sources. Monthly monitoring will commence to detect trends or sources. No other contaminants identified. Standing water levels in bores have remained constant in latest monitoring period.
  - j) Five complaints related to quarry operations have been received, two traffic and three noise. Traffic incidents addressed. The noise complaints were discrete incidents. No change to operations arising from complaints.
- 8) **General business:**
- a) Rob James met with Steve Wall re condition of Parsonage and the steps MQ were taking to prevent further deterioration and to secure the building. Rob James thanked Steve for taking time to meet with him. Steve Wall detailed the steps MQ taken to minimise vandalism and prevent access to dangerous areas. Building is only of local not state significance, so limited options for mandating upkeep to a specific heritage standard. Rob James noted that the building has local significance and should be protected from future deterioration. Council had written to MQ regarding application for grant funding to assist with upkeep of building but did not receive a reply. MQ suggested funds on offer were insufficient to undertake substantive works.
  - b) Question from observer re requirement to plant 5ha of trees as offset for damage caused by quarry operations and tree removal for road widening. Steve Wall confirmed this would only occur when backfilling of void was complete as per consent.
  - c) The number of MQ representatives at the meeting was raised by the Chairman. MQ is permitted three representatives but there were four in attendance at the meeting. James Hammond confirmed Rhys was present in the capacity of an observer. The Chairman requested that MQ nominate who will be in attendance prior to meetings so it is clear who has voting rights at meetings, and who the three voters are.



d) The Chairman advised that the correspondence sent to members by James Hammond was not authorised by him and this will not happen again. James apologised.

- 9) **Next Meeting:** The next meeting will be held at the Bungonia Community Hall on 18 March, 2022 at 2.00pm and will include a quarry site visit for committee members only at 2.30pm, with the meeting resuming after the inspection is completed. MQ will provide transport to the site.

The meeting closed at 3.26pm

**Confirmed**

**Chairman**

Holcim

## Meeting notes



|            |  |             |                         |
|------------|--|-------------|-------------------------|
| Meeting    | <b>Community Consultative Committee</b>                    | No.         | 26                      |
| Project    | Lynwood Quarry   | Date        | Friday 26 November 2021 |
| Venue      | Onsite at Lynwood Quarry                                   | Time        | 12.00pm – 1.15pm        |
| Chaired by | Brendan Blakeley   | Recorded by | Jacinta Spies           |
| Purpose    | To provide an update on the Holcim Lynwood Quarry project. |             |                         |

## Attendees

|                         |                  |                        |                                    |
|-------------------------|------------------|------------------------|------------------------------------|
| <b>Wayne Beattie</b>    | Holcim           | <b>David Humphries</b> | Marulan Region Chamber of Commerce |
| <b>Fred Adams</b>       | Holcim           | <b>John Nicastrì</b>   | Marulan Progress Association       |
| <b>Dave Manning</b>     | Holcim           | <b>Peter Simpson</b>   | Site neighbour                     |
| <b>Brendan Blakeley</b> | Elton Consulting |                        |                                    |
| <b>Jacinta Spies</b>    | Elton Consulting |                        |                                    |

## Apologies

|                        |  |                        |   |
|------------------------|--|------------------------|---|
| <b>Warwick Bennett</b> | General Manager, Goulburn Mulwaree Council | <b>Rosemary Turner</b> | Marulan and District Historical Society |
| <b>Susan Pearson</b>   | Towrang Valley Progress Group              | <b>Rebecca McLean</b>  | Holcim                                  |

## Discussion points

## 1 Welcome and introduction

Brendan Blakeley welcomed CCC members and acknowledged the traditional custodians of the land Lynwood is located upon.

Apologies were noted including Jacinta Spies' online attendance to minute the meeting.

The meeting's agenda was briefly outlined.

Brendan took the group through the actions from the last CCC meeting noting Rebecca had liaised with Rosemary.

*David Humphries acknowledged Holcim's support towards the Kite Festival. Due to COVID restrictions and its cancellation over the past two years, David noted there was permission for Holcim to transfer the money to the Christmas street party.*

- Fred noted the importance of documentation for the Holcim executive general manager to approve the money transferral.

### Actions

- David Humphries to send Holcim documentation for money transferral from the Kite Festival to the Christmas street party.

## 2 Site operations update

Wayne Beattie Hewson updated the committee on site operations (see presentation attached). The main points

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discussed were as follows:

- Wayne Beattie was formally introduced to the community consultative committee, after starting at Lynwood Quarry as the new Lynwood Quarry Manager in June this year.
- Holcim is currently accepting applications for NSW/ACT Area Manager in replacement of Peter Hewson.
- Rebecca McLean will start maternity leave after the Christmas break. Wayne Beattie and David Manning will be taking on her role.
- Internal staff roles have been simplified to allow for single lines of reporting.
- Consultation was undertaken with the team on site to determine appropriate job roles.
- Planned conversion of 15 casual labour positions to full time permanent positions.

*Peter Simpson asked why? Is the position conversion because there is more work?*

- Wayne said Holcim is looking at the Sydney market and wants to grow, noting the casual positions should have initially been permanent. There will still be a small number of casual workers in the business.
- During COVID-19 restrictions Holcim was able to maintain their workforce. Rooty Hill Regional Distribution Centre had to shut down for a period of time and due to the construction close, six weeks of revenue was lost.
- Since the CCC meeting in May, production is on budget and hitting its target and sales are down by about 400,000.

*Brendan Blakeley asked what are some of the big projects Holcim is working on?*

- Fred mentioned Holcim is working on the Western Sydney Airport, West Connex, M12, M9, M6 as well as an increase in housing and residential jobs.

*David Humphries mentioned Holcim was on the news regarding their net zero targets.*

- Fred said Holcim attended the COP26 conference in Glasgow and acknowledged there are several targets set to increase their sustainability.

*Brendan Blakeley asked if these targets include low carbon concrete?*

- Fred acknowledged Holcim is also looking at products and several ways to achieve their targets.
- Wayne added Holcim has recently updated several working machines and trucks with reburn facilities to lower emissions.

*David Humphries asked if this was only on Holcim's trucks?*

- Wayne said it also included some on site machines. Holcim is working with different types of fuel to improve truck and machine efficiency.
- Since the CCC meeting in May there have been no reportable incidents.
- The Primary Scalping Circuit was upgraded in June.
- The Christmas market is looking strong, and work is likely to ramp up next year as the airport work increases.

*David Humphries asked if changes to the government's infrastructure spending will affect Holcim?*

- Wayne noted only so much material can be supplied at the one time. Alternatively, if the government cut project work it would not be all at once.
- Recycling facilities have opened in the area.

---

#### **Actions**

- None noted.
- 

### **3**

#### **Granite pit update**

Wayne Beattie gave an update on the granite pit (see presentation attached). The main points discussed were as follows:

- Progressing as per the development consent and 5 Year Mine Plan.
- Amenity bund construction has progressed. There have been some setbacks with the rain but progressing toward spray grassing next week and vegetation planting.
- Spray grass will be a mix of Native Grass, Acacia and Couch Mix.
- Construction of the Northern end of the bund is now complete.

---

#### **Actions**

- None noted.
- 

### **4**

#### **Community update**

---

Wayne Beattie gave an update on Holcim's community engagement program (see presentation attached). The main points discussed were as follows:

- Due to the COVID-19 pandemic, Lynwood had to delay the CIF role out in 2020/2021.
- Lynwood will continue to support the local community and local businesses as much as possible.
- Since May 2021, Lynwood has received two air related complaints. The first complaint was received during the second week of October regarding white dust entering the town. The dust was offsite, which was explained to EPA. The second complaint was received two weeks ago from EPA following 65km winds.

#### Community Engagement

- Holcim continues to be engaged in community consultation with blast enquiries and requests to be added to the blast notification register as advertised in the monthly Marulan newsletter

#### Johnniefield Quarry

- The mechanical plant was decommissioned by Divalls.
- The site was secured and made safe and Environmental Protection Licence wrapped up.
- The lease will remain until 2043.

#### Community Dust Sampling

- Holcim met with the EPA for a site visit in June 2021 and to discuss a pathway forward from the Independent Health Assessment Report to address community concerns of RCS from quarries in the Marulan region. A copy was sent to all residents and is available on the Holcim website.
- A recommendation was made for community sampling and further analysis.
- Holcim chose to undertake and fund a PM2.5 sampling investigation over a 12-month period which began in October 2021. The data will be examined independently.

*Peter Simpson asked whether the community sampling was randomly selected?*

- Wayne clarified monitoring is undertaken from a static position, which has power and easy access.

*Peter Simpson asked whether the recommendation emanated from EPA's previous wipe and clean?*

- Wayne noted that prompted the recommendation to do something more long term.

*Peter Simpson noted on September 14 there was a massive increase in dust in the area.*

- Wayne offered his card so for any future concerns the community can contact him directly, which will allow Holcim to understand the problem and try and stop it.

#### **Actions**

- None noted.

---

## 5

### **Environmental update**

Wayne Beattie presented an update on Holcim's compliance, monitoring and management plans (see presentation attached). The main points discussed were as follows:

#### Compliance

- Holcim has demonstrated compliance with blasting, dust deposition, PM10, noise, ground water and surface water requirements.
- The trial upgrade to one of the Hi-Volume samplers proved successful. Both samplers will be upgraded in the first half of next year, which will provide live data and allow for a quicker response.

#### Monitoring

- Wayne presented a map of the dust monitoring locations as seen on slide 19.
- Wayne presented two graphs of the depositional dust monitoring: one noting the results recorded for the previous meeting and a second to show recent results. This indicated a clear decline and proves dust controls are working.

---

#### Environmental update

- The Box Gum Woodland Management Plan is currently under review with assistance and input from the DAWE to ensure Lynwood is leading the way forward in biodiversity and conservation.
- Holcim will be engaging an environmental specialist to conduct various test samples to ensure the greatest success rate of targeted rehabilitation.
- The Aboriginal Heritage Management Plan survey will be conducted next week.

*David Humphries said he noted tussock as he drove to the meeting today. He asked whether there are any plans to remove it?*

- Wayne responded Holcim is investigating quotes for weed spraying.
- Lynwood Aboriginal Heritage Keeping Project is ongoing with plans to submit the DA by mid-December.

*David Humphries asked where it will be on the site?*

- Wayne clarified it is located near the entrance off the highway, after passing through the gate. There is a large area to hold a smoking ceremony.
- Fred added Holcim has now considered the design.
- Wayne noted it is a sharing space, however not a hall to hire out.

*David Humphries questioned whether it was close to the highway.*

- Wayne noted the road will change from bitumen to a sealed road, which will belong to Holcim. He added a p-plater had followed a Holcim truck through the boom gate the other day.

#### **Actions**

- None noted.
- 

## **6 Next six months**

Wayne Beattie gave an overview of Holcim's planned activities for the next six months. Activities listed were as follows:

- Continuation of PM2.5 data monitoring.
- Annual Management Plan reviews.
- Conservation area focus, working with the DAWE.
- Granite pit works and ongoing amenity bund works hopefully finished by March next year.
- Annual Aboriginal Heritage Site Monitoring next Monday.
- Upgrade to the second Hi-Vol unit to a BAM unit in the first half of 2022.
- Preparation for Summer weather including bushfire management plans and water storage for excessive rain events. This will include a sediment and erosion review.
- The Keeping Place DA submission in early December.
- Engage with newly elected council members to discuss future plans for the region and Holcim's potential support.
- The last day for work this year will be December 23, with sales continuing up to lunch time. Workers will return to site on January 4 completing maintenance and minor work, with production commencing January 10.

#### **Actions**

- None noted.
- 

## **7 Other matters**

Brendan Blakeley asked the group if there were any other matters to discuss:

*John Nicastrì noted appreciate for the upcoming Christmas BBQ.*

- Wayne added there will be some formality on December 15, however Holcim is limited due to COVID-19 restrictions.

*David Humphries asked how the DA was progressing on the Marulan Highway Sign.*

- Wayne responded there needs to be follow up. Rebecca has mentioned it is still with Council.

*Peter suggested sending Rebecca a congratulations on her pregnancy.*

#### **Actions**

- None noted.
-

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**10** **Close**

It was agreed the next meeting will be tentatively scheduled for the end of March 2022. Brendan will speak with Council to find a suitable date, noting they have been unable to attend the last few meetings.

Brendan reminded the group if there are urgent matters in the mean time, to raise them with Wayne, Jacinta or Brendan as soon as possible.

Brendan thanked the group for their attendance and the meeting was closed.

---

**Actions**

- None noted
-

# Appendices

A PowerPoint presentation



## **A PowerPoint Presentation**



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# Community Consultation Committee Meeting: 26 November 2021



## Agenda

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- 1. Operations Update - Wayne Beattie**
- 2. Granite Pit Update - Wayne Beattie**
- 3. Community Update - Wayne Beattie**
- 4. Environmental Update - Wayne Beattie**



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# 1. Operations Update



# 1. Operations Update

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## Internal Staff Changes

- Wayne Beattie has been appointed the new Lynwood Quarry Manager
- Peter Hewson (previously NSW/ACT Area Manager) has left the business. Currently accepting applications for replacement
- Lynwood staff restructure
- Rebecca MacLean to begin maternity leave from the Christmas break.  
Wayne Beattie and Dave Manning to take on community enquiries.
- Lynwood Quarry EA 2021 voted in, currently with Fair Work Commission for Ratification
- Planned conversion of Casual labour to Full Time Permanent Positions



## 1. Operations Update cont.

- COVID-19 impacts since May 2021
  - Yield
  - Sales figures
- Contractor engagement
  - Review of resources to suit quarry output
  - Strengthened key local suppliers
  - Job preservation for full time Holcim employees
- No reportable incidents since last CCC meeting.
- Upgrade of Primary Scalping Circuit
- Outlook for the next 6 months





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## 2. Granite Pit Update



Photo taken  
October 2021

© 2012 Legal entity



# 1. Granit Pit Update

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## Current Pit Development

- Progressing as per the development consent and 5 Year Mine plan.
- Overburden removal is steady meet our production demands.
- Amenity bund construction has progressed. We have had some setbacks with the rain, but progressing toward spray grassing next week and vegetation planting.



#### 4. Granite Update cont.

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### Amenity Bund Progress

- Construction of the Northern end now complete.
- Spray grass to be completed by end of November/ early December 2021 to support the ground structure until the tube stock effectively establish.

#### Flexterra Specification

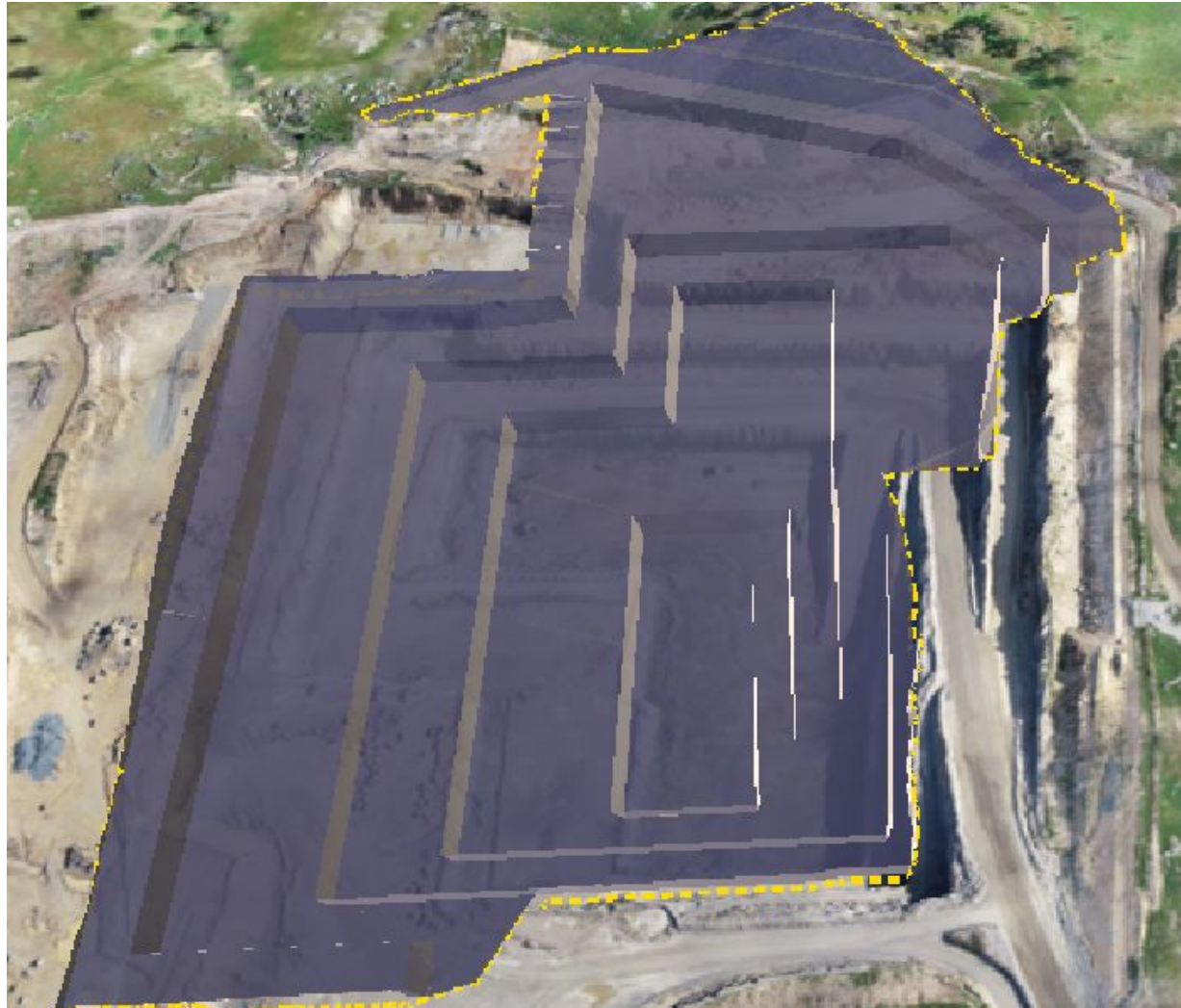
|   |                        |
|---|------------------------|
| <b>Native Grass, Acacia and Couch Mix</b>   | <b>@ 30Kg per Ha</b>   |
| Native Grass Mix                            | 70%                    |
| Acacia Shrub Mix                            | 7-10%                  |
| Couch grass                                 | 20%                    |
| <b>Flexterra FGM Flexible Growth Medium</b> | <b>@ 5Tonne per Ha</b> |
| <b>Organic Fertilizer Slow Release</b>      | <b>@ 400Kg per Ha</b>  |

- Tube stock scheduled for early December

## 1. Granit Pit Update cont.

---

### 2021 Pit Plan







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## 3. Community Update



### 3. Community Update

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#### Community Investment Fund

- Due to the COVID-19 pandemic and pending global issues, Lynwood had unfortunately had to delay in the Community Investment Fund role out in 2020/2021. All applications received in 2022 will be placed into the 2022 rounds as they are released.
- Lynwood Quarry will continue to support the local community and local business as much as possible through this difficult time by utilising the services of local people and businesses.



### 3. Community Update cont.

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## Community Engagement Program 2021

Throughout 2021, Holcim have supported the below community initiatives. We look forward to providing additional support to the community in 2022 as COVID restrictions ease.

- Goulburn Mulwaree Council Australia Day BBQ (\$500)
- Gunning Campdraft (\$500)
- Towrang Valley Progress Association Australia Day BBQ (\$500)
- Goulburn Agricultural, Pastoral & Horticultural Society (\$2,000)
- Marulan Football Club (\$3,500)
- Goulburn & District Showjumping Competition (\$1,000)



### 3. Community Update cont.

#### 2022 CEP Budget (under review)

| ACTIVITY   | Cost Description            | TOTAL           |
|--|-----------------------------|-----------------|
| Marulan Community Festival Sponsorship             | Sponsorship / Attendance    | \$3,000         |
| Marulan Pony Club                                  | Sponsorship                 | \$1,500         |
| Goulburn & District Show Jumping                   | Major Sponsor               | \$1,000         |
| Goulburn Show                                      | Gold Sponsorship            | \$2,000         |
| Tallong Apple Festival                             | Sponsorship / Attendance    | \$2,000         |
| Chamber of Commerce                                | Joining fee and Newsletters | \$1,000         |
| Marulan Christmas Carols                           | Sponsorship / Stall         | \$3,500         |
| Goulburn District Hockey                           | Sponsorship                 | \$3,000         |
| Goulburn Cricket                                   | Sponsorship                 | \$3,000         |
| Marulan Soccer Club                                | Sponsorship                 | \$3,500         |
| Goulburn Rugby                                     | Sponsorship                 | \$3,000         |
| Mayoral Golf Day - final year of 5 year commitment | Gold Sponsor / Attendance   | \$5,000         |
| Goulburn Australia Day BBQ                         | Sponsorship / Attendance    | \$500           |
| Towrang Australia Day BBQ                          | Sponsorship / Attendance    | \$500           |
| Tallong PS Father's Day BBQ                        | Sponsorship                 | \$600           |
| Promotional Items/ Additional requests             | Sponsorship                 | \$5,000         |
| Lions Club BBQ December                            | Sponsorship                 | \$500           |
| <b>Total</b>                                       |                             | <b>\$38,600</b> |



### 3. Community Update cont.

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## Complaints & Community Consultation

Since May 2021, Lynwood has received the following from the community:

- 2 x Air Complaints

Holcim continues to be engaged in community consultation with blast enquiries and requests to be added to the blast notification register as advertised in the monthly Marulan newsletter.



### 3. Community Update cont.

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#### **Johnniefeld Quarry - Status and Forward Plan to 2043**

- ✓ Mechanical plant decommissioned by Divalls
- ✓ Hydrocarbon contamination remediated with support from Divalls
- ✓ Site secured and “made safe”
- ✓ Environmental Protection Licence wrapped up (commitments met)
- ✓ Development Consent wrapped up (commitments met)

To come:

- ➔ Lease to remain until 2043
- ➔ Further site rehabilitation - Continual sustainable investigations and development toward 2043

### 3. Community Update cont.

---

## Community Dust Sampling PM2.5

Holcim met with the EPA for a site visit in June 2021 and to discuss a pathway forward from the Independent Health Assessment Report (HEARS) to investigate community concerns of RCS from quarries in the Marulan region.

A recommendation was made for community sampling and further analysis. Holcim elected to undertake and fund a PM2.5 sampling investigation over a 12 month period which began in October 2021.

Our commitment will be included on the Lynwood EPL as a “Pollution Reduction Survey”.

The results will be reviewed by an independent and suitably qualified professional and provided back to the EPA with supporting data.







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## 4. Environmental Update



## 4. Environmental Update

### Compliance

- ✓ Blasting - Compliant
- ✓ Dust Deposition - Complaint
- ✓ PM10 - Compliant
- ✓ Noise - Compliant
- ✓ Ground Water - Compliant
- ✓ Surface Water - Compliant

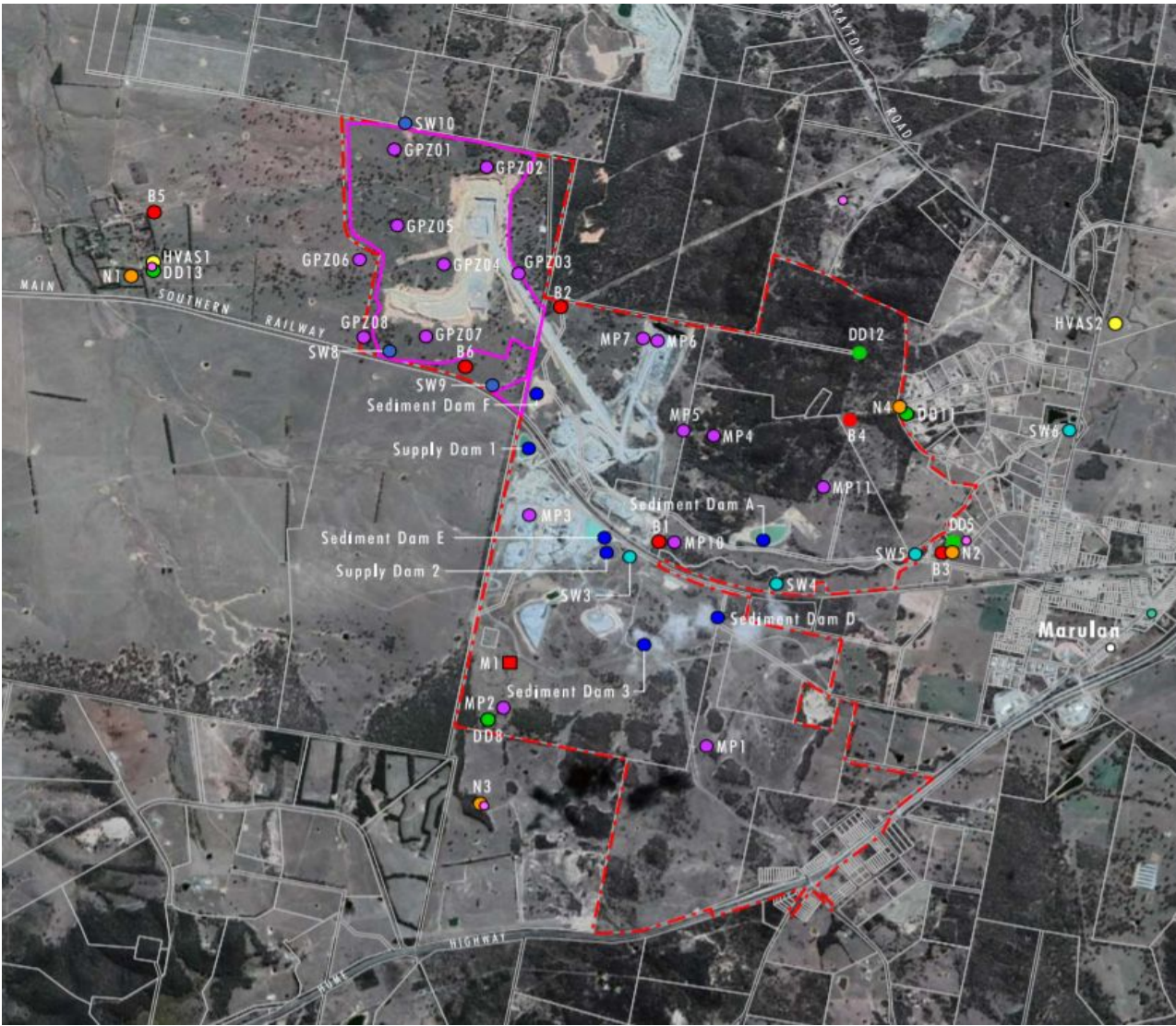
The trial upgrade to one of the Hi-Volume samplers proved successful. HVAS1 and HVAS2 will both be upgraded to the BAM Exactus real time monitor in the first half of 2022 upon the Air Quality Management Plan being approved by DPIE.

**EXACTUS BAM**

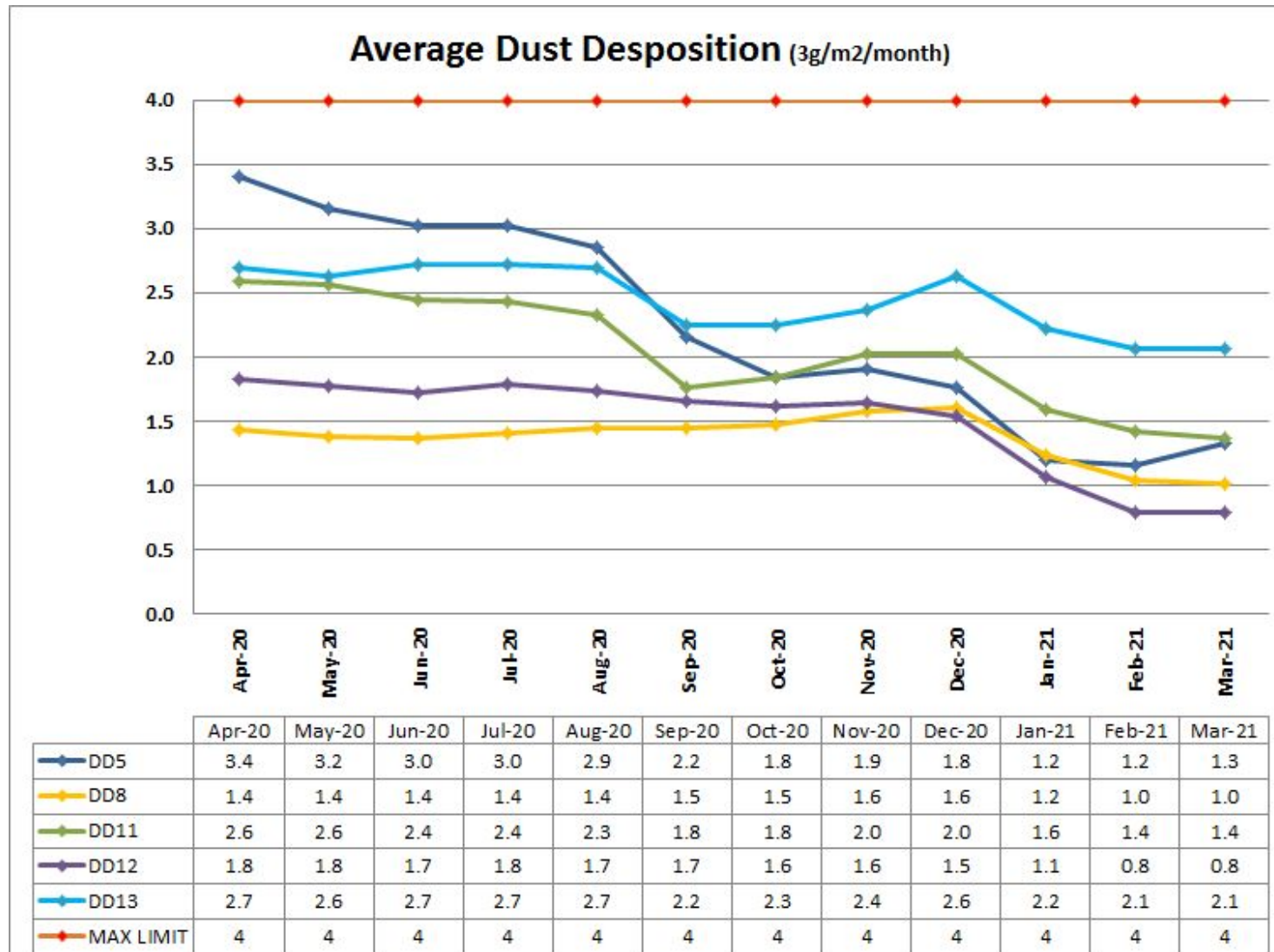




# Map of Dust Monitor Locations

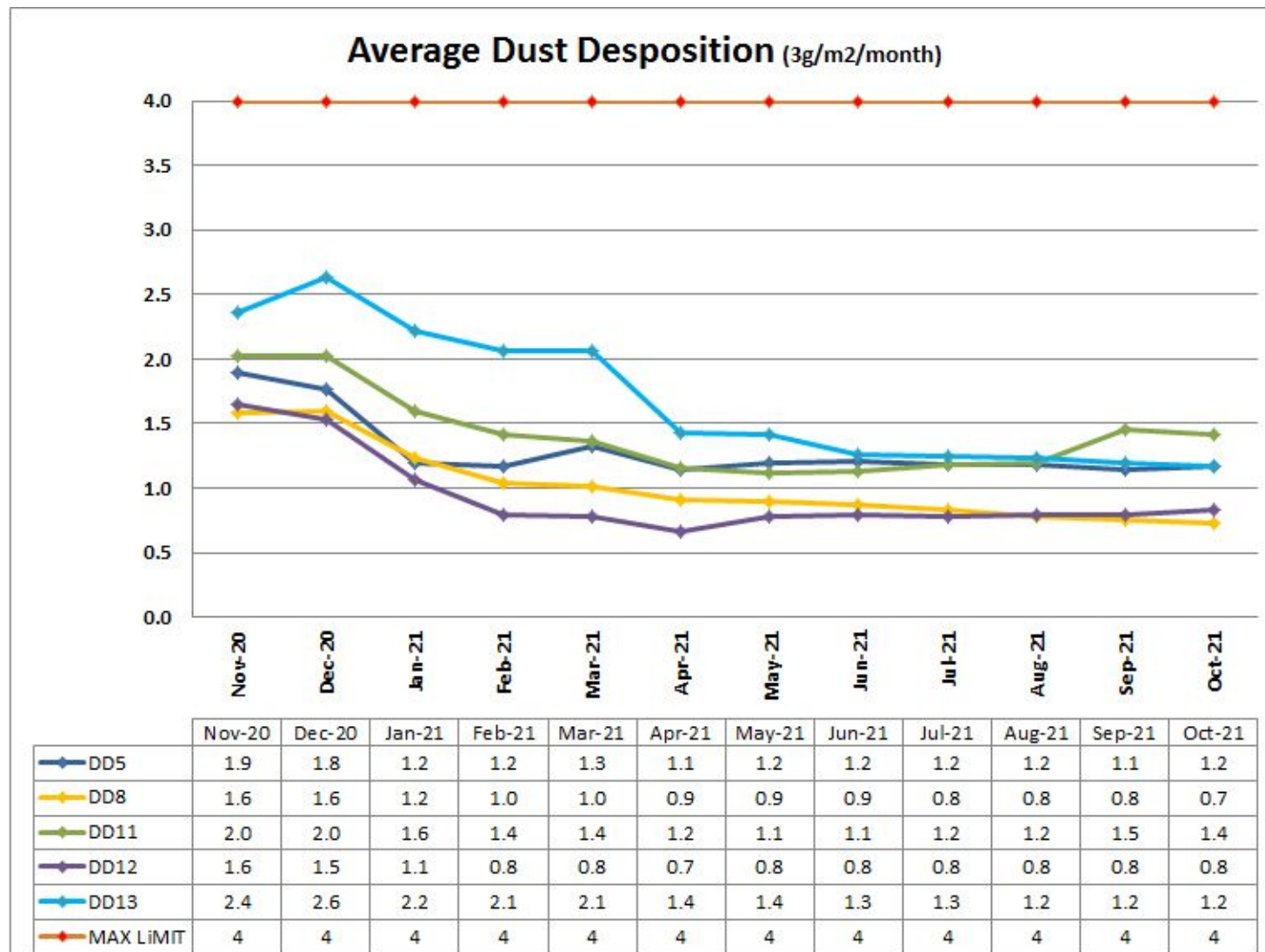


## Depositional Dust Monitoring Results (previous meeting)





## Depositional Dust Monitoring Results - Current



## 4. Environmental Update cont.

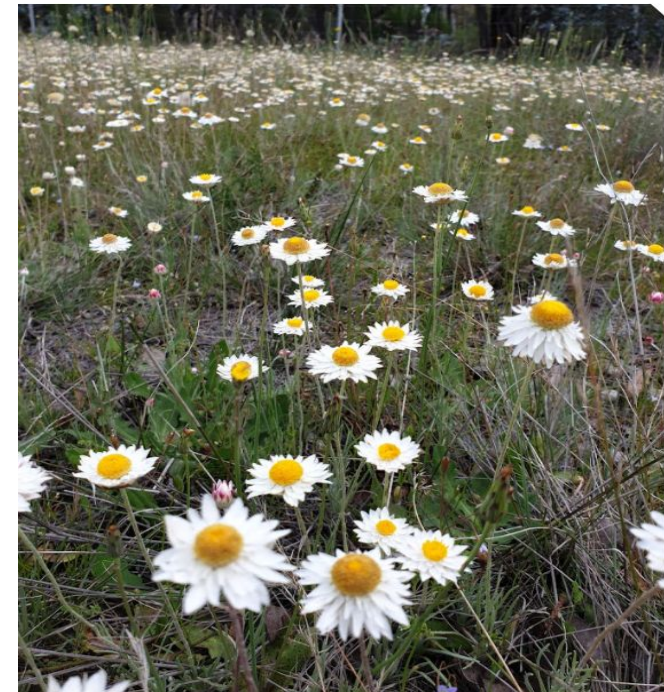
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### Management Plans

- The Box Gum Woodland Management Plan is currently under review with assistance and input from the DAWE to ensure Lynwood is leading the way forward in biodiversity and conservation.

Holcim will be engaging an environmental specialist to conduct various test samples to ensure the greatest success rate of targeted rehabilitation.

- The Aboriginal Heritage Management Plan has been updated and is awaiting final approval, due next week.



Hoary Sunray (*Leucochrysum albicans* var. *tricolor*) Endangered

## 4. Environmental Update cont.

### The Lynwood Aboriginal Heritage Keeping Place Project



## Next 6 months

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- Continuation of PM2.5 data monitoring
- Annual Management Plan reviews
- Conservation area focus, working with the DAWWE
- Granite pit works - Ongoing Amenity bund work
- Annual Aboriginal Heritage Site Monitoring, 29th November
- Upgrade the second Hi-Vol unit to a BAM unit - first half 2022
- Preparation for Summer weather - review bushfire plans and water storage for excessive rain events. To include a sediment and erosion review.
- The Keeping Place DA submission - Early Dec
- Engage with newly elected council members to discuss future plans for the region and Holcim's potential support
- Christmas closure dates





**Minutes of Meeting of Gunlake Quarries Community Consultative Committee  
held at Marulan Community Hall at 10.00am on 26 November 2021**

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- 1) **Attendance:**  
Don Elder (Chairman), Ken Wray (CM), David Humphreys (CM), Marie Pender (CM), Jackie Harding (CM), Tony Mulvihill (CM), Geoff Kettle (Gunlake), Andrew Wade (Gunlake), David Kelly (Gunlake), Cheryl Bell (CM), David Blissett (CM), Josh Roberts CM (in place of Ron Switzer), Matt O'Rourke GMC (in place of Scott Martin).
- 2) **Apologies:** Angus Richmond (Gunlake), Ron Switzer (CM), Scott Martin (GMC)
- 3) **Declaration of pecuniary or other interests:** Nil
- 4) **Minutes of meeting held on 27 August 2021** were adopted. Chairman is to provide a copy of a letter to him from Ron Switzer.
- 5) **Business arising from the Minutes:**
  - a) Submission to RMS re speed limit. Correspondence from David Blissett of 26 May 2021 opposing the reduction of the speed limit. He moved rescission of the earlier CCC motion approving a speed limit of 80 k/h. The motion lapsed as there was no seconder.
  - b) Interview by EMM and letter from Ron Switzer, to be carried forward to next meeting at which Ron Switzer is present.
  - c) Drivers Conduct Rules – additions and amendments. Vehicle separation distance requirements to be investigated and reported back to next meeting.
  - d) Rules for observers at CCC meetings, draft attached and approved by CCC.
- 6) **Correspondence** None received
- 7) **Company Report** (attached with the minutes).
- 8) **General Business**
  - a) Cheryl Bell advised that she would move a rescission motion to reverse motion in item 6 c) of the meeting of 27 August 2021, to ensure that comments made by a committee member are so minuted. Matter to be deferred to the next meeting. This was noted and will be discussed at the next meeting at which Ron Switzer is present.
  - b) TM asked DH as President of the Marulan Chamber of Commerce for an update in regard to the contribution that Gunlake makes to the local community. DH replied that all of the quarries in the area support the social and economic well-being of local community and provide long term employment opportunities.
- 9) **Next Meeting**  
The next meeting is to be held at 10.00am on Friday 4 March 2022 at the Marulan Community Hall.  
**The meeting closed at 11 am.**

Confirmed

Chairman

**Community Consultative Committee (CCC) Meeting Minutes****Gullen Range Wind Farm**

|             |   |
|-------------|---|
| Date:       | Wednesday, 8 December 2021  |
| Location:   | Bannister Hall  |
| Time:       | 5.30pm to 6.30pm  |
| Attendance: | Peter Gordon (PG) Chair<br><br>Dimity Taylor (DT) Community Representative<br><br>Councillor Paul Culhane (PC) Upper Lachlan Shire Council<br><br>Scott Martin (SM) Goulburn Mulwaree Council – via Teams<br><br>Leo Pearce (LP) GRWF representative<br><br>Ian Lawrence (IL) GRWF representative |
| Apologies:  | Charley Barber - Community Representative   |

**Introduction by Chair (Peter Gordon)****Conflicting and Pecuniary Interests**

- None

**Minutes of Previous Meeting**

- Minutes from the previous meeting were accepted out of session and are available on the project website

**ACTION items from Previous Minutes**

- The updated Community Information Plan has been uploaded to the project website as well as the previous year's review

**Items raised by community representatives**

- None

**Correspondence**

- No correspondence.

**Company Reports and Overview of Activities (Leo Pearce and Isabel Nelson)**

- Clean Energy Program (CLEP) update:
  - 79 installations completed to date for Stage 2 of the program, with a further 5 applications to be processed. The next Funding Round (Q4 2021) closes on 22

Minutes \_GRWF CCC \_\_March 2021

1



December.

- Community Fund:
  - The Community Fund committee met since the last CCC meeting and recommended three applications for support from the Fund. These were:
  - Crookwell Lions Club - \$9,100 for a shipping container to consolidate storage of club materials
  - Crookwell Rugby Club - \$9,000 for repairs to the dilapidated commentary box at the oval used by several sporting clubs
  - Bannister Hall - \$18,070.80 towards the next stage of the hall renovation project
  - In total \$36,170.18 was allocated in this round of funding. The balance of the \$73,753.80 available in this round will be rolled over to the following year.
- Monitoring and Environmental Performance:
  - Annual monitoring surveys in the Compensatory Habitat Package - Offset Area have been recently carried out for pest animals, weeds and vegetation condition. The Compensatory Habitat Package Annual Report with the information from the surveys will be submitted to DPIE by 23 February 2022.
  - GRWF circulated graphs showing generation data from both wind and solar projects
  - GRWF reported that two wind turbines were shut down for a period due to a need for replacement parts. These wind turbines are back in operation.
  - GRWF reported that maintenance would be carried out at the wind farm from mid-January and would require a crane and trucks coming onto site. Maintenance is forecast to take around two months.
- Community Complaints and Response to Complaints:
  - GRWF received three noise complaints and one complaint relating to eligibility for the CLEP since the last CCC meeting. All complaints were investigated and responded to and have now been closed.

#### General business

- **Co-operation with other wind farm CCCs in Upper Lachlan Shire**
  - The chair reported on discussions held with the Crookwell 2 and Crookwell 3 CCCs also in operation in the Upper Lachlan Shire regarding opportunities for closer collaboration, particularly around exploring opportunities for closer integration of the respective Community Funds, which could potentially enable more strategic projects with a wider benefit to the area to be supported.
  - Discussion followed regarding how this may work in practice. With no objections from any representative, it was resolved that part of the next meeting would be held jointly with the Crookwell 2 and 3 committees for initial discussion.

**Next Meeting**

- The proposed date for the next meeting is **Wednesday, 30 March 2021 at 5pm.**

**16      CLOSED SESSION**

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

There were no closed session reports for determination.

**17      CONCLUSION OF THE MEETING**

The Mayor will close the meeting.