



OUR VISION & VALUES ONE TEAM DELIVERING WITH

PRIDE

Passion | Respect | Innovation | Dedication | Excellence

OUR MISSION TO BE EASY TO DO BUSINESS WITH

BUSINESS PAPER

Ordinary Council Meeting

5 April 2022

**Brendan Hollands
Acting General Manager**

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

Tuesday, 5 April 2022 at 6pm
in the Council Chambers, Civic Centre
184 - 194 Bourke Street, Goulburn

Order Of Business

1	Opening Meeting	5
2	Acknowledgement of Country	5
3	Councillors Declaration and/or Prayer	5
4	Apologies	5
5	Applications for a Leave of Absence by Councillors	5
	Nil	
6	Late Items / Urgent Business	5
7	Disclosure of Interests	5
8	Presentations	6
	Nil	
9	Public Forum	6
10	Confirmation of Minutes	7
	10.1 Minutes of the Ordinary Meeting of Council held on 15 March 2022.....	7
11	Matters Arising	32
	11.1 Matters Arising from Council Meetings Minutes from the 15 March 2022	32
	11.2 Outstanding Task List from All Previous Meetings.....	33
12	Mayoral Minute(s)	36
	Nil	
13	Notice of Motion(s)	36
	Nil	
14	Notice of Rescission(s)	36
	Nil	
15	Reports to Council for Determination	37
	15.1 Expedited LEP Map Amendment - Part 20-24 Lockyer Street, Goulburn.....	37
	15.2 Optional Agritourism Clause for Goulburn Mulwaree LEP 2009	43
	15.3 NSW DPE Employment Zones Reform - Draft Zone Translation for Endorsement.....	62
	15.4 Additional Special Variation.....	126
	15.5 Loan Agreement - 2021-2022 Loan Program	143
	15.6 Multiquip Haulage Route Repairs - March Status Update.....	173
	15.7 Sustainability Working Party Minutes - 16 March 2022.....	175
	15.8 Goulburn Mulwaree Award Working Party Minutes - 28 March 2022.....	184
	15.9 External Meeting Minutes.....	187

16 Closed Session 201
There were no closed session reports for determination.

17 Conclusion of the Meeting 201

Cr Peter Walker
Mayor

Brendan Hollands
Acting 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 15 MARCH 2022

Author: Acting General Manager

Authoriser: Brendan Hollands, Acting General Manager

Attachments: 1. Minutes of the Ordinary Meeting of Council held on 15 March 2022

RECOMMENDATION

That the Council minutes from Tuesday 15 March 2022 and contained in Minutes Pages No 1 to 25 inclusive and in Minute Nos 2022/42 to 2022/83 inclusive be confirmed.



OUR VISION & VALUES ONE TEAM DELIVERING WITH
PRIDE
Passion | Respect | Innovation | Dedication | Excellence
OUR MISSION TO BE EASY TO DO BUSINESS WITH

MINUTES

Ordinary Council Meeting

15 March 2022

Order Of Business

1	Opening Meeting	5
2	Acknowledgement of Country	5
3	Councillors Declaration and/or Prayer	5
4	Apologies	5
5	Applications for a Leave of Absence by Councillors	5
	Nil	
6	Late Items / Urgent Business	5
7	Disclosure of Interests	6
8	Presentations	6
	Nil	
9	Public Forum	6
10	Confirmation of Minutes	7
	10.1 Minutes of the Ordinary Meeting of Council held on 1 March 2022.....	7
11	Matters Arising	7
	11.1 Matters Arising from Council Meetings Minutes from the 1 March 2022	7
	11.2 Outstanding Task List from All Previous Meetings.....	7
12	Mayoral Minute(s)	7
	Nil	
13	Notice of Motion(s)	7
	Nil	
14	Notice of Rescission(s)	7
	Nil	
15	Reports to Council for Determination	8
	15.1 Submission to the Public Exhibition of the Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2021	8
	15.2 REV/0004/2021 to DA/0148/2021 - Three (3) Detached Two-Storey Dwellings - 13 Chiswick Street, Goulburn.....	9
	15.3 Planning Proposal - Zoning & Minimum Lot Size Amendment to Lots 3-5, DP62157, Lot 2, DP 1180093, Lots 10-19, 21, 39, 43, 44 AND 54, DP976708, Part Lot 29, DP 175001 & Part Lot 2, DP62157 at Brisbane Grove Road, Goulburn	10
	15.4 Planning Proposal - Zoning and Minimum Lot Size Amendment to 'Allfarthing', 2 Brisbane Grove Road, Goulburn	11
	15.5 Draft Victoria Park Plan of Management.....	12
	15.6 Draft Carr Confoy Park Plan of Management	13
	15.7 2122T0004 Goulburn Reuse Scheme WWTP Upgrade.....	14
	15.8 Membership - Local Government NSW	14
	15.9 Mayoral Election - Constitutional Referendum.....	14
	15.10 Request for Fee Reduction - Waste Management Centre	15

15.11	Request for Financial Assistance - Rotary Club of Goulburn	15
15.12	Village Discretionary Fund Allocation Working Parties - Community Representatives	15
15.13	Monthly Financial Report.....	16
15.14	Debtors Outstanding	16
15.15	Statement of Investments & Bank Balances.....	16
15.16	Goulburn Performing Arts Centre February 2022 Status Report.....	16
15.17	St Clair Conservation Works - Status Report.....	17
15.18	Goulburn Aquatic Centre Redevelopment Stage 1 Construction February 2022 Status Report.....	17
15.19	Mountain Ash Road Fixing Local Roads Project February 2022 Status Report	17
15.20	School Zone Safety Infrastructure February 2022 Status Update	17
15.21	Towrang Bridge Replacement February 2022 Status Report.....	18
15.22	Natural Disaster Essential Public Asset Resortation Project February 2022 Status Update	18
15.23	Goulburn Regional Hockey Facility February 2022 Status Report	18
15.24	Minutes of the Traffic Committee Meeting held on 17 February 2022.....	18
15.25	Windellama Road Fixing Local Roads Project February 2022 Status Report	20
15.26	RUG - ReUse Goulburn - February 2022 Status Report.....	20
15.27	Reuse Scheme Goulburn - February 2022 Status Report	20
15.28	Utilities Directorate Report - February 2022	21
15.29	Planning & Environment Directorate Report February 2022	21
15.30	Corporate & Community Services Directorate Report February 2022.....	21
15.31	Operations Directorate Report February 2022.....	21
15.32	Minutes of the Recreation Area Committee Meeting held on 2 February 2022	22
15.33	Minutes of the Sports Council Meeting held on 7 February 2022.....	22
15.34	External Meeting Minutes.....	22
16	Closed Session	23
16.1	Legal Matters Update	24
16.2	Mayoral Minute - Expressions of Interest for the General Manager Recruitment	24
16.3	Mayoral Minute - General Manager Deed of Release.....	24
17	Conclusion of the Meeting	25

**MINUTES OF GOULBURN MULWAREE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,
GOULBURN
ON TUESDAY, 15 MARCH 2022 AT 6PM**

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

IN ATTENDANCE: Brendan Hollands (Acting General Manager), Marina Hollands (Director Utilities), Scott Martin (Director Planning & Environment, Matt O'Rourke (Director Operations) & Amy Croker (Office Manager)

1 OPENING MEETING

Mayor Peter Walker opened the meeting 6pm. The Mayor advised that the meeting would be webcast live.

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor Peter Walker 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 Bob Kirk.

4 APOLOGIES

Nil

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

6 LATE ITEMS / URGENT BUSINESS

Nil

7 DISCLOSURE OF INTERESTS

Cr Jason Shepherd declared a pecuniary conflict of interest in Item 15.29 “Planning & Environment Directorate Report February 2022” as he is an employee of GHD who undertake work for Marulan Quarry who are mentioned in this report. Cr Jason Shepherd will leave the meeting while discussion on this item takes place.

Cr Jason Shepherd declared a pecuniary conflict of interest in Item 15.34 “External Meeting Minutes” as he is an employee of GHD who undertake work for Marulan Quarry who are mentioned in this report. Cr Jason Shepherd will leave the meeting while discussion on this item takes place.

Cr Steven Ruddell declared a non-pecuniary/non-significant conflict of interest in Item 15.11 “Request for Financial Assistance - Rotary Club of Goulburn” as he is a member of the Rotary Club of Goulburn. As the disclosure was not of a significant nature Cr Steven Ruddell remained in the meeting while discussion took place.

Cr Steven Ruddell declared a pecuniary/significant conflict of interest in Item 16.1 “Legal Matters Update” as his son is an employee of one of the names organisations in the report. Cr Steven Ruddell will leave the meeting while discussion on this item takes place.

Mayor Peter Walker declared a non-pecuniary/non-significant conflict of interest in Item 15.11 “Request for Financial Assistance - Rotary Club of Goulburn” as he is a member of the Rotary Club of Goulburn. As the disclosure was not of a significant nature Mayor Peter Walker remained in the meeting while discussion took place.

Cr Carol James declared a non-pecuniary/non-significant conflict of interest in Item 15.11 “Request for Financial Assistance - Rotary Club of Goulburn” as she is a Board member of the Rotary Club of Goulburn. As the disclosure was not of a significant nature Cr James remained in the meeting while discussion took place.

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

8 PRESENTATIONS

Nil

9 PUBLIC FORUM

The following people addressed Council on Item 15.1 Submission to the Public Exhibition of the Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2021:

1. Leisha Cox-Barlow
2. Paige Davis
3. Jeffrey Hardman
4. Thalia Sadumiano
5. Austin McLennan
6. Jo Cooper
7. Fiona Jeffery
8. Rod Thiele
9. Amber Standley
10. Rhys Martindale
11. Ian Pastega

10 CONFIRMATION OF MINUTES

10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 1 MARCH 2022

RESOLUTION 2022/42

Moved: Cr Carol James

Seconded: Cr Andy Wood

That the Council minutes from Tuesday 1 March 2022 and contained in Minutes Pages No 1 to 14 inclusive and in Minute Nos 2022/19 to 2022/41 inclusive be confirmed.

CARRIED

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 1 MARCH 2022

Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

RESOLUTION 2022/43

Moved: Cr Jason Shepherd

Seconded: Cr Bob Kirk

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

CARRIED

12 MAYORAL MINUTE(S)

Nil

13 NOTICE OF MOTION(S)

Nil

14 NOTICE OF RESCISSION(S)

Nil

15 REPORTS TO COUNCIL FOR DETERMINATION**15.1 SUBMISSION TO THE PUBLIC EXHIBITION OF THE PROTECTION OF THE ENVIRONMENT OPERATIONS (GENERAL) AMENDMENT (THERMAL ENERGY FROM WASTE) REGULATION 2021****RESOLUTION 2022/44**

Moved: Cr Steven Ruddell
Seconded: Cr Andrew Banfield

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 7:11 pm.

CARRIED

RESOLUTION 2022/45

Moved: Cr Steven Ruddell
Seconded: Cr Michael Prevedello

That Council move back into Open Council.

Council moved back into Open Council at 7:40 pm.

CARRIED

RESOLUTION 2022/46

Moved: Cr Bob Kirk
Seconded: Cr Andrew Banfield

That

- 1. The report from the Director Utilities on the Submission to the Public Exhibition of the *Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2021* be received.**
- 2. A submission be lodged that re-iterates Council's policy position, resolved on 21 September 2021, of total opposition to Energy from Waste (EfW) or waste incineration facilities in the Goulburn Mulwaree Local Government area (LGA). The submission also to state that Council's position is to ensure that environmental and public health outcomes are Council's number one priority.**
- 3. Council expresses its extreme disappointment and anger to the NSW EPA that the *Energy from Waste Infrastructure Plan* released in September 2021 was endorsed with no community consultation prior to this amendment regulation and that the report did not provide any information about how environmental or public health concerns would be alleviated.**
- 4. Without prejudice Council makes a submission to the "*Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2021*" requesting the State Government:-**
 - Withhold any progression of the proposed regulations to allow full and proper community consultation to be conducted and considered**
 - In the Public Interest, to make available all the scientific evidence and advice that Government has relied on, to enable examination by the community as part of this consultation process – noting that many recent findings report significant harmful impacts do arise from EfW facilities, to human, animal and environmental health**

- **Reconsider the identification of the four nominated precincts. If all the assessment processes for EfW facilities can be categorically proven and guaranteed as safe to our human, animal and environmental health and wellbeing, there would be no necessity to limit the number or location of such facilities as proposed. In that case too, development should be able to occur where the market demand exists and commercial factors align, in areas such as Hornsby, Maroubra, Liverpool and Penrith, for example**
5. **Council does not join with the other three Council's listed in the amendment regulation, to submit the joint submission (attached to the staff report) prepared on the regulations, in it's current form.**
 6. **Council seeks an extension of six weeks to enable any joint submission to be reviewed and agreed by the four affected Councils.**
 7. **Following the further consultation process, and inclusion of further amendments that would result, the revised draft "*Protection of the Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2021*" be represented for public exhibition.**
 8. **That this resolution be shared with Parkes, Lithgow and Richmond Valley Councils and with neighbouring Councils to garner their support on the issue.**

CARRIED

Council took a break for dinner at 7.42pm

Council resumed at 8.11pm.

15.2 REV/0004/2021 TO DA/0148/2021 - THREE (3) DETACHED TWO-STOREY DWELLINGS - 13 CHISWICK STREET, GOULBURN

RESOLUTION 2022/47

Moved: Cr Bob Kirk

Seconded: Cr Andrew Banfield

That:

1. **The staff assessment report for the review application REV/0004/2021 in respect of the refusal of DA/0148/2021 be received.**
2. **The decision of Council to refuse Development Application DA/0148/2021 on 6 April 2021 be upheld.**

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 Andrew Banfield, Carol James, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

15.3 PLANNING PROPOSAL - ZONING & MINIMUM LOT SIZE AMENDMENT TO LOTS 3-5, DP62157, LOT 2, DP 1180093, LOTS 10-19, 21, 39, 43, 44 AND 54, DP976708, PART LOT 29, DP 175001 & PART LOT 2, DP62157 AT BRISBANE GROVE ROAD, GOULBURN

RESOLUTION 2022/48

Moved: Cr Bob Kirk

Seconded: Cr Michael Prevedello

That:

- 1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to the Goulburn Mulwaree Local Environmental Plan 2009 be received.**
- 2. Council resolve to prepare a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to change:**
 - a. The zoning of Lot 2, DP 1180093 from part RU1 Primary Production and part RU6 Transition to part C2 Environmental Conservation and part R5 Large Lot Residential and minimum lot size for part of the site from 100 hectares to 2 hectares**
 - b. The zoning of Part Lot 29, DP 750015, Lots 3 & 4, DP 62157 and Lots 11 & 18, DP 976708 from RU6 Transition to part C2 Environmental Conservation and part R5 Large Lot Residential and minimum lot size for part of the site from 10 hectares to 2 hectares and 100 hectares.**
 - c. The zoning of Lot 5, DP62157, Lot 2, DP1180093, Lots 10 & 12-17, 19, 21, 39, 43, 44 and 54, DP976708, from RU6 Transition to R5 Large Lot Residential and the minimum lot size from 10 hectares to 2 hectares.**
- 3. Subject to the submission to Council of an Aboriginal Cultural Heritage Assessment, the planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.**
- 4. The Department of Planning and Environment be advised that Council wishes to be the delegated plan making authority for this proposal.**
- 5. In the event that the Department of Planning and Environment issues a Gateway determination to proceed with the planning proposal, consultation will be undertaken with the community and government agencies in accordance with any directions of the Gateway determination.**
- 6. Subject to (3) above, Council place a draft addition to Part 8: Site Specific Provisions, 'Brisbane Grove & Mountain Ash Precincts' chapter of the Goulburn Mulwaree Development Control Plan 2009 on public exhibition with the Planning Proposal for a minimum of 28 days.**

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

CARRIED

In Favour: Crs Andrew Banfield, Carol James, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

15.4 PLANNING PROPOSAL - ZONING AND MINIMUM LOT SIZE AMENDMENT TO 'ALLFARTHING', 2 BRISBANE GROVE ROAD, GOULBURN**RESOLUTION 2022/49****Moved: Cr Carol James****Seconded: Cr Steven Ruddell****That:**

- 1. The report from the Senior Strategic Planner regarding the proposed zoning and minimum lot size amendment to the Goulburn Mulwaree Local Environmental Plan 2009 be received.**
- 2. Council resolve to prepare a planning proposal to amend the Goulburn Mulwaree Local Environmental Plan 2009 to change the zoning of Lot 60, DP 1090981, Lots 61 to 64 and 71 to 77, DP 976708 from RU6 Rural Transition to R5 large lot residential and C2 Environmental Conservation and the minimum lot size from 10 hectares to 2 hectares and 100 hectares respectively.**
- 3. Subject to the submission to Council of an Aboriginal Cultural Heritage Assessment, the planning proposal be forwarded to the Department of Planning and Environment for a Gateway determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.**
- 4. The Department of Planning, Industry and Environment be advised that Council wishes to be the delegated plan making authority for this proposal.**
- 5. In the event that the Department of Planning, Industry and Environment issues a Gateway determination to proceed with the planning proposal, consultation will be undertaken with the community and government agencies in accordance with any directions of the Gateway determination.**
- 6. Subject to (3) above, Council place a draft addition to Part 8: Site Specific Provisions, 'Brisbane Grove & Mountain Ash Precincts' Chapter of Development Control Plan 2009 on public exhibition with the Planning Proposal for a minimum of 28 days.**

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

CARRIED

In Favour: Crs Andrew Banfield, Carol James, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

15.5 DRAFT VICTORIA PARK PLAN OF MANAGEMENT**RESOLUTION 2022/50****Moved: Cr Andrew Banfield****Seconded: Cr Michael Prevedello****That:**

- 1. The report from the Business Manager Property & Community Services on the Draft Victoria Park Plan of Management be received.**
- 2. Council endorse the Draft Victoria Park Plan of Management in accordance with Section 36 of the *Local Government Act 1993*.**
- 3. Council endorse this community land in the categories of Park, Sportsground and General Community Use in accordance with s36 (4) of the *Local Government Act 1993*.**
- 4. Council endorse the Native Title Manager Advice prepared to support the Draft Victoria Park Plan of Management.**
- 5. Council submit the Draft Victoria Park Plan of Management to DPIE - Crown Lands for the Minister's written consent;**
 - a) to publicly exhibit and circulate the Draft Victoria Park Plan of Management in accordance with Division 3.4 of the *Crown Land Management Act 2016*; and**
 - b) to adopt the Draft Victoria Park Plan of Management in accordance with Clause 70B of the *Crown Land Management Regulation 2018*.**
- 6. Upon receipt of consent from the Minister Administering the *Crown Land Management Act 2016*, offer the draft PoM for community consultation by way of public notice, 40 day public exhibition and circulation to the following organisations:**
 - Heritage NSW**
 - History Goulburn (Goulburn and District Historical and Genealogical Society, Inc).**
 - NSW Aboriginal Land Council**
 - Pejar Local Aboriginal Land Council and;**
 - Mulwaree Aboriginal Community Inc.**
- 7. A further report be submitted to Council to include any written submissions received.**

CARRIED

15.6 DRAFT CARR CONFOY PARK PLAN OF MANAGEMENT**RESOLUTION 2022/51****Moved: Cr Daniel Strickland****Seconded: Cr Jason Shepherd****That:**

- 1. The report from the Business Manager Property & Community Services on the Draft Carr Confoy Park Plan of Management be received.**
- 2. Council endorse the Draft Carr Confoy Park Plan of Management in accordance with Section 36 of the *Local Government Act 1993*.**
- 3. Council endorse this community land in the categories of Sportsground, Park and Natural Area – Water Course, in accordance with s36 (4) of the *Local Government Act 1993*.**
- 4. Council endorse the Biodiversity Condition Report prepared to describe the condition of biodiversity in the Natural Area – Watercourse.**
- 5. Council submit the Draft Carr Confoy Park Plan of Management to DPIE - Crown Lands for the Minister's written consent;**
 - to publicly exhibit and circulate the Draft Carr Confoy Park Plan of Management in accordance with Division 3.4 of the *Crown Land Management Act 2016*; and**
 - to adopt the Draft Carr Confoy Park Plan of Management in accordance with Clause 70B of the *Crown Land Management Regulation 2018*.**
- 6. Upon receipt of consent from the Minister Administering the *Crown Land Management Act 2016*, offer the draft PoM for community consultation by way of public notice, 40 day public exhibition and circulation to the following organisations:**
 - Heritage NSW**
 - History Goulburn (Goulburn and District Historical and Genealogical Society, Inc).**
 - NSW Aboriginal Land Council**
 - Pejar Local Aboriginal Land Council and;**
 - Mulwaree Aboriginal Community Inc.**
- 7. A further report be submitted to Council to include any written submissions received, a Public Hearing Report on the recommended community land categories and a Native Title Manager's Report.**

CARRIED

15.7 2122T0004 GOULBURN REUSE SCHEME WWTP UPGRADE**RESOLUTION 2022/52****Moved: Cr Bob Kirk****Seconded: Cr Michael Prevedello****That**

1. The report from the Director Utilities be received on the Request for Tender for Goulburn Reuse Scheme Wastewater Treatment Plant (WWTP) Upgrading be received.
2. Council decline to accept the tender from Killard Infrastructure Pty Ltd for Goulburn Reuse Scheme WWTP Upgrading and cancel the current proposal for the contract.
3. Staff review the tender documentation and budget for the scope of this project prior to the calling of a new tender for this work.

CARRIED**15.8 MEMBERSHIP - LOCAL GOVERNMENT NSW****RESOLUTION 2022/53****Moved: Cr Steven Ruddell****Seconded: Cr Jason Shepherd****That**

1. The report from the General Manager on membership of Local Government New South Wales be received.
2. Council re-joins Local Government New South Wales effective immediately and the Acting General Manager negotiate a membership fee for the remainder of the 2021/22 financial year.

CARRIED**15.9 MAYORAL ELECTION - CONSTITUTIONAL REFERENDUM****MOTION****Moved: Cr Michael Prevedello****Seconded: Cr Bob Kirk****That**

1. The report of the General Manager on the Election of Mayor – Constitutional Referendum be received
2. Council conducts a constitutional Referendum at the September 2024 Local Government Elections to allow the community of Goulburn Mulwaree to determine if the Mayor should be elected either
 - by the electors (voters of this community) or
 - by the councillors from among their numbers,

The motion was put and lost.

15.10 REQUEST FOR FEE REDUCTION - WASTE MANAGEMENT CENTRE**RESOLUTION 2022/54****Moved: Cr Andrew Banfield****Seconded: Cr Daniel Strickland****That:**

- 1. The report of from the Director Utilities on the Request for Fee reduction – Waste Management Centre be received.**
- 2. Council declines the request for the fee reduction of Waste Management charges as the load delivered was not clean fill as stated by the customer.**

CARRIED**15.11 REQUEST FOR FINANCIAL ASSISTANCE - ROTARY CLUB OF GOULBURN****RESOLUTION 2022/55****Moved: Cr Jason Shepherd****Seconded: Cr Michael Prevedello****That**

- 1. The report from the Director Corporate & Community Services on the Request for Financial Assistance – Rotary Club of Goulburn be received**
- 2. Council provide in kind support of \$3,647.00 (inc GST), representing 50% of hire fees and 100% of other charges relating to the venue hire of the Recreation Area and Grace Millsom Centre, to be funded via transfer from the Financial Assistance budget.**

CARRIED**15.12 VILLAGE DISCRETIONARY FUND ALLOCATION WORKING PARTIES - COMMUNITY REPRESENTATIVES****RESOLUTION 2022/56****Moved: Cr Carol James****Seconded: Cr Andy Wood****That:**

- 1. The report of the General Manager on the Village Discretionary Fund Allocation Working Parties – Community Representatives be received.**
- 2. The Tallong Community Focus Group be appointed the governing body of the Tallong Village Discretionary Funds.**
- 3. The Middle Arm Fire Shed be appointed the governing body of the Middle Arm Village Discretionary Funds.**
- 4. The Tarago and District Progress Association Inc Executive (TADPAI) be confirmed to distribute the Tarago Discretionary Funds**
- 5. The Windellama Progress Association be confirmed to distribute the Windellama Discretionary Funds**
- 6. Council appoint the below community representatives to the other Village Discretionary Fund Allocation Working Parties:**

Parkesbourne: Dale Moore, Graeme Welsh, Wendy Williams & Tony Hunt

Bungonia: Jenni Neumann, Anne Wiggan & Diana Moran

Towrang: Towrang Valley Progress Association Executive

Marulan: John Nicastri, Suzanne Montgomery, David Humphreys, Tegan Rups & Geoff Kettle (Gunlake Representative)

CARRIED

15.13 MONTHLY FINANCIAL REPORT

RESOLUTION 2022/57

Moved: Cr Daniel Strickland

Seconded: Cr Steven Ruddell

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

CARRIED

15.14 DEBTORS OUTSTANDING

RESOLUTION 2022/58

Moved: Cr Bob Kirk

Seconded: Cr Steven Ruddell

That the report from the Revenue Officer on debtor collections be received.

CARRIED

15.15 STATEMENT OF INVESTMENTS & BANK BALANCES

RESOLUTION 2022/59

Moved: Cr Daniel Strickland

Seconded: Cr Andy Wood

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

CARRIED

15.16 GOULBURN PERFORMING ARTS CENTRE FEBRUARY 2022 STATUS REPORT

RESOLUTION 2022/60

Moved: Cr Andy Wood

Seconded: Cr Carol James

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

CARRIED

15.17 ST CLAIR CONSERVATION WORKS - STATUS REPORT

RESOLUTION 2022/61

**Moved: Cr Carol James
Seconded: Cr Steven Ruddell**

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

CARRIED

**15.18 GOULBURN AQUATIC CENTRE REDEVELOPMENT STAGE 1 CONSTRUCTION
FEBRUARY 2022 STATUS REPORT**

RESOLUTION 2022/62

**Moved: Cr Steven Ruddell
Seconded: Cr Daniel Strickland**

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

CARRIED

**15.19 MOUNTAIN ASH ROAD FIXING LOCAL ROADS PROJECT FEBRUARY 2022 STATUS
REPORT**

RESOLUTION 2022/63

**Moved: Cr Andrew Banfield
Seconded: Cr Jason Shepherd**

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

CARRIED

15.20 SCHOOL ZONE SAFETY INFRASTRUCTURE FEBRUARY 2022 STATUS UPDATE

RESOLUTION 2022/64

**Moved: Cr Andy Wood
Seconded: Cr Jason Shepherd**

That the February 2022 status report on the School Zone Safety Infrastructure project from the Project Manager Grants be received

CARRIED

15.21 TOWRANG BRIDGE REPLACEMENT FEBRUARY 2022 STATUS REPORT**RESOLUTION 2022/65****Moved: Cr Bob Kirk****Seconded: Cr Steven Ruddell**

That the report from the Project Engineer – Operations on the Towrang Road Bridge Replacement February 2022 Status be received.

CARRIED**15.22 NATURAL DISASTER ESSENTIAL PUBLIC ASSET RESORTATION PROJECT FEBRUARY 2022 STATUS UPDATE****RESOLUTION 2022/66****Moved: Cr Jason Shepherd****Seconded: Cr Bob Kirk**

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

CARRIED**15.23 GOULBURN REGIONAL HOCKEY FACILITY FEBRUARY 2022 STATUS REPORT****RESOLUTION 2022/67****Moved: Cr Andrew Banfield****Seconded: Cr Michael Prevedello**

That the report from the Business Manager Projects on the status of the Goulburn Regional Hockey Facility be received.

CARRIED**15.24 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 17 FEBRUARY 2022****RESOLUTION 2022/68****Moved: Cr Steven Ruddell****Seconded: Cr Daniel Strickland****That**

- 1. The report from Director of Operations on the Traffic Committee Meeting minutes from the 17 February 2022 Meeting be received.**
- 2. The apology received from Mayor P Walker and Cr S Ruddell be accepted and leave of absence granted.**
- 3. The following items be accepted into the meeting as late information and discussed in General Business:**
 - Australia Post parking for mail collection vans**
 - Steam Punk Traffic Guidance Plan**
 - Verner Street Pedestrian Refuges**
 - Timed parking in front of General Store locations (Kinghorne St and**

Auburn Street)

4. **The Traffic Committee minutes from Thursday 7 October 2021 be confirmed.**
5. **The report from the Director Operations on the Election of a Chairperson and Deputy Chairperson of the Traffic Committee be received.**
 - (a) **The following appointments be made as:**
 - (b) (a) **Chairperson: Cr A Banfield**
 - (c) (b) **Deputy Chairperson: Cr S Ruddell**
6. **The report from the Road Safety and Traffic Officer on the Traffic Committee Meeting Dates for 2022 be noted.**

The following dates are agreed to for meetings of the Goulburn Mulwaree Traffic Committee for 2022, commencing at 9am:

- **Thursday 17 February 2022**
 - **Thursday 7 April 2022**
 - **Thursday 2 June 2022**
 - **Thursday 4 August 2022**
 - **Thursday 6 October 2022**
 - **Thursday 1 December 2022**
7. **The report from the Road Safety and Traffic Officer on the Ongoing Task List be received and the information noted.**

The items marked as completed be removed from the task list.

8. **The report on the programs and activities of the Road Safety and Traffic Officer for November 2021 to January 2022 be noted.**
9. **The report from the Road Safety and Traffic Officer on the Goulburn Cycle Club Submission to use Public Roads for club events for the 2022 Winter Season and the 2022/23 Summer Season be noted.**

The Goulburn Cycle Club submission to use public roads for the club events for the 2022 Winter season and the 2022/23 Summer season be approved.

10. **The report from the Road Safety and Traffic Officer on the Traffic Guidance Scheme for the opening of the Goulburn Performing Arts Centre be received**

The Traffic Guidance Scheme for the opening of the Goulburn Performing Arts Centre to be held on Saturday 26 March 2022 be approved and carried out with the Traffic Control Work Site manual.

11. **The report from Council's Road Safety and Traffic Officer on the request for a pedestrian crossing on Clifford Street be noted.**

The request for a pedestrian crossing on Clifford Street at Goulburn High School be investigated and a concept plan developed for inclusion in the Draft Operational Plan for 2023/24.

12. **The report from the Road Safety and Traffic Officer on the request for the give way sign at the intersection of Windellama Road and Lumley Road be received.**
 - a) **The request for the give way sign at the intersection of Windellama Road and Lumley Road to be changed to a green back stop sign be approved.**
 - b) **Investigate sealing a 100mt approach of Lumley Road onto Windellama Road to facilitate line marking and delineation, to enhance the approach to the intersection.**

13. **The report from the Road Safety and Traffic Officer on the request for "No Parking" signs in Aston Martin Drive be received.**

- a) The request for “No Parking” signs to be installed on the western and northern side of Aston Martin Drive be declined

14. The report from Council’s Road Safety and Traffic Officer on the Wingello Forest Endurance Ride, request to use Council roads be received.

- a) The request to use a section of Bumballa and Vinicombes Roads for a horse endurance ride be approved in compliance with the traffic control work site manual and the NSW Road Rules.

CARRIED

15.25 WINDELLAMA ROAD FIXING LOCAL ROADS PROJECT FEBRUARY 2022 STATUS REPORT

RESOLUTION 2022/69

Moved: Cr Daniel Strickland
Seconded: Cr Steven Ruddell

That the report from the Business Manager of Works on the Windellama Road Fixing Local Roads Project status updated be received.

CARRIED

15.26 RUG - REUSE GOULBURN - FEBRUARY 2022 STATUS REPORT

RESOLUTION 2022/70

Moved: Cr Steven Ruddell
Seconded: Cr Bob Kirk

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

CARRIED

15.27 REUSE SCHEME GOULBURN - FEBRUARY 2022 STATUS REPORT

RESOLUTION 2022/71

Moved: Cr Steven Ruddell
Seconded: Cr Bob Kirk

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

CARRIED

15.28 UTILITIES DIRECTORATE REPORT - FEBRUARY 2022

RESOLUTION 2022/72

**Moved: Cr Carol James
Seconded: Cr Steven Ruddell**

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

CARRIED

15.29 PLANNING & ENVIRONMENT DIRECTORATE REPORT FEBRUARY 2022

Cr Jason Shepherd declared an interest in this item and took no part in the discussion or voting on the matter. At 9:48 pm, Cr Jason Shepherd left the meeting.

RESOLUTION 2022/73

**Moved: Cr Carol James
Seconded: Cr Steven Ruddell**

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

CARRIED

At 9:51 pm, Cr Jason Shepherd returned to the meeting.

15.30 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT FEBRUARY 2022

RESOLUTION 2022/74

**Moved: Cr Carol James
Seconded: Cr Bob Kirk**

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

CARRIED

15.31 OPERATIONS DIRECTORATE REPORT FEBRUARY 2022

RESOLUTION 2022/75

**Moved: Cr Daniel Strickland
Seconded: Cr Steven Ruddell**

That the activities report from February 2022 by the Director Operations be received and noted for information.

CARRIED

15.32 MINUTES OF THE RECREATION AREA COMMITTEE MEETING HELD ON 2 FEBRUARY 2022**RESOLUTION 2022/76**

Moved: Cr Steven Ruddell
Seconded: Cr Andy Wood

That the Recreation Area Committee minutes from Wednesday 2 February 2022 be received.

CARRIED

15.33 MINUTES OF THE SPORTS COUNCIL MEETING HELD ON 7 FEBRUARY 2022**RESOLUTION 2022/77**

Moved: Cr Michael Prevedello
Seconded: Cr Bob Kirk

That the Sports Council minutes from Monday 7 February 2022 be received.

CARRIED

15.34 EXTERNAL MEETING MINUTES

Cr Jason Shepherd declared an interest in this item and took no part in the discussion or voting on the matter. At 9:56 pm, Cr Jason Shepherd left the meeting.

RESOLUTION 2022/78

Moved: Cr Steven Ruddell
Seconded: Cr Daniel Strickland

That the report from the General Manager on the following external Committee meeting minutes be received:

- 1. Southern Tablelands Zone Bush Fire Management Committee - 8 September 2021**
- 2. Veolia Community Liaison Committee - 9 December 2021**
- 3. Marulan Quarry Community Consultative Committee – 20 January 2022**
- 4. Canberra Region Joint Organisation Board - 25 February 2022**

CARRIED

At 10:00 pm, Cr Jason Shepherd returned to the meeting.

16 CLOSED SESSION

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

RESOLUTION 2022/79

Moved: Cr Bob Kirk

Seconded: Cr Carol James

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

16.1 Legal Matters Update

This matter is considered to be confidential under Section 10A(2) - g of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

16.2 Mayoral Minute - Expressions of Interest for the General Manager Recruitment

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

16.3 Mayoral Minute - General Manager Deed of Release

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

CARRIED

Council took a recess at 10.01pm

Council resolved into Closed Session at 10.05pm.

Council resolved into Open Council at 11.34pm.

RESOLUTION 2022/80

Moved: Cr Bob Kirk

Seconded: Cr Michael Prevedello

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

CARRIED

16.1 LEGAL MATTERS UPDATE

Cr Steven Ruddell declared an interest in this item and took no part in the discussion in relation to Item 2 of the report. At 10:05 pm, Cr Steven Ruddell left the meeting. At 10:09 pm, Cr Steven Ruddell returned to the meeting.

At 10:27 pm, Cr Andrew Banfield left the meeting.

At 10:29 pm, Cr Andrew Banfield returned to the meeting.

RESOLUTION 2022/81

Moved: Cr Michael Prevedello

Seconded: Cr Jason Shepherd

That the report Legal Matters Update by the Business Manager Governance be received and noted.

CARRIED

16.2 MAYORAL MINUTE - EXPRESSIONS OF INTEREST FOR THE GENERAL MANAGER RECRUITMENT**RESOLUTION 2022/82**

Moved: Cr Peter Walker

That Council appoint Blackadder Associates to undertake the recruitment of the new General Manager.

CARRIED

16.3 MAYORAL MINUTE - GENERAL MANAGER DEED OF RELEASE**RESOLUTION 2022/83**

Moved: Cr Peter Walker

That:

- 1. Council enacts Clause 7(b) of General Manager Warwick Bennett's Deed of Release as at the 15 March 2022. As part of Clause 7(b) the General Manager is to perform no work at all from this date.**
- 2. Brendan Hollands be appointed Acting General Manager until a further appointment can be made.**

CARRIED

17 CONCLUSION OF THE MEETING

The Meeting closed at 11.36pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 5 April 2022.

.....
Cr Peter Walker
Mayor

.....
Brendan Hollands
Acting General Manager

11 MATTERS ARISING

11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 15 MARCH 2022

Author: Acting General Manager


Authoriser: Brendan Hollands, Acting General Manager

Attachments: Nil

11.2 OUTSTANDING TASK LIST FROM ALL PREVIOUS MEETINGS

Author: Acting General Manager

Authoriser: Brendan Hollands, Acting General Manager

Attachments: 1. Task List [↓](#) 

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> Location of Community Centre deferred 18 months	General Manager	Will be referred to Council in a report after the budget process
<u>Future of 2 Bourke Street</u> 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> 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	Discuss at Briefing on the 8th March. Further report to Council
<u>Draft Tarago Village Strategy</u> Plan to be placed on public exhibition	Director Planning & Environment	Public consultation completed. Two public submissions and two State Government Agency submissions received. We have had a public meeting with the Tarago community and will now report outcomes to Council.
<u>Disabled Parking</u> Review number of disabled parks in Goulburn CBD	Director of Operations	Presentation received by Council at Councillor Briefing Session on 29 March 2022 RECOMMEND COMPLETION
<u>South Goulburn Threaten Species Master Plan</u> Review Master Plan	Director Planning & Environment	Report to Council to be given priority
<u>Waste to Energy Future Action</u> <ul style="list-style-type: none"> • Engage with wider community and raise awareness of associated issues and impacts of Veolia’s proposal • Obtain community views • Lodge submission to the public exhibition of the Protection of Environment Operations (General) Amendment (Thermal Energy from Waste) Regulation 2021 as per Council resolution 15 March 2022 	General Manager	Public awareness program complete. Now awaiting on EIS to be lodged. Public consultation expected to commence in March 2022. We have written to Department of Planning seeking timeframe for Consultation. Submission has been lodged. RECOMMEND COMPLETION

OUTSTANDING TASK LIST



Item/Task	Responsible Officer	Status
<p><u>St John’s Orphanage</u></p> <ul style="list-style-type: none"> • Demolition order compliance by 31 January 2021 for Building A – then legal action if not compliant • Legal action in local court on Buildings B, C & D 	<p>Director Planning & Environment</p>	<p>The Demolish Works Order for Building A has a completion date of 25 April 2022 and an inspection revealed that works are underway. In relation to the Emergency Public Safety and Demolish Works Order for the whole site (Buildings B,C,D), an inspection revealed that although some works have been undertaken on site, much of the work remains outstanding. Council staff will determine a way forward in relation to a brief for legal representation.</p>
<p><u>Planning Proposal Water Treatment Plants – Goulburn and Marulan</u> Seeking rezoning to allow expansion of Treatment Plants</p>	<p>Director Planning & Environment</p>	<p>Marulan proposal has gateway approval now. The Marulan WTP Planning Proposal goes on public exhibition from 11 March, 2022 to 11 April 2022.</p>
<p><u>Draft Regional Community Strategic Plan</u> Draft Plan on public Exhibition</p>	<p>Director Corporate and Community Services</p>	<p>Public exhibition closed 31 March 2022. Report on submissions to be presented to Council 19 April 2022</p>
<p><u>Draft Victoria Park & Carr Confoy Plans of Management</u></p> <ul style="list-style-type: none"> • Submit draft plans of Management to DPI for Ministers written consent to publicly exhibit • Upon receipt of consent offer draft plans of management for community consultation for a period of 42 days • As part of community consultation process circulate PoMs to relevant organisations 	<p>Director Corporate and Community Services</p>	<p>Plans have been submitted for Ministerial consent – Awaiting response</p>

12 MAYORAL MINUTE(S)

Nil

13 NOTICE OF MOTION(S)

Nil

14 NOTICE OF RESCISSION(S)

Nil

15 REPORTS TO COUNCIL FOR DETERMINATION

15.1 EXPEDITED LEP MAP AMENDMENT - PART 20-24 LOCKYER STREET, GOULBURN

Author: Senior Strategic Planner
 Director Planning & Environment

Authoriser: Brendan Hollands, Acting General Manager

Attachments: Nil

Reference to LSPS:	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.
---------------------------	---

RECOMMENDATION

That:

1. The report from the senior strategic planner on a zoning and minimum lot size anomaly affecting part of 20-24 lockyer street, goulburn be received.

2. Council request that the department of planning and environment remove the minimum lot size on part of lot 2, dp 1238214 (west of lockyer street) and to rezone that portion from part in1 general industrial and part ru2 rural landscape to in1 general industrial under the *goulburn mulwaree (gm) local environmental plan (lep) 2009* in accordance with s3.22 of *the environmental planning and assessment act 1979* for expedited amendments of a minor nature.

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.

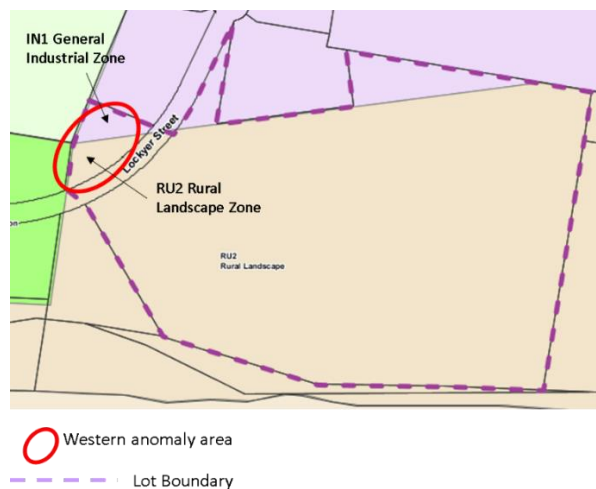
BACKGROUND

Council has received a request from a local landowner to resolve a zoning and minimum lot size anomaly for 20-24 Lockyer Street, Goulburn on part of Lot 2, DP 1238214, illustrated in **Figure 1a**. This anomaly relates to the split zoning of the western part of the larger lot which has been dissected by the Lockyer Street roadway and is currently restricted by a split RU2 Rural Landscape zone and IN1 General Industrial zone as illustrated in **Figure 1b**.

FIGURE 1A: SITE LOCATION MAP



FIGURE 1B: IDENTIFICATION MAP OF WESTERN ANOMALY AREA



The site, 20-24 Lockyer Street (Lot 2, DP 1238214) is a 112 hectare lot on the southern periphery of the Goulburn Urban Area with both a RU2 Rural Landscape Zone and IN1 General Industrial Zone. The RU2 zone has a minimum lot size of 100 hectares and the IN1 zone has no minimum lot size.

The western anomaly area is 3,900m² in size and is currently separated by Lockyer Street resulting in a land parcel physically separated from the majority of the lot to the east of the road. This largely makes this western area of land inappropriate for most rural development opportunities. In addition, the western corner has a split zone with IN1 General Industrial comprising 1,815m² to the north and a RU2 Rural Landscape zoning on a 2,085m² area to the south.

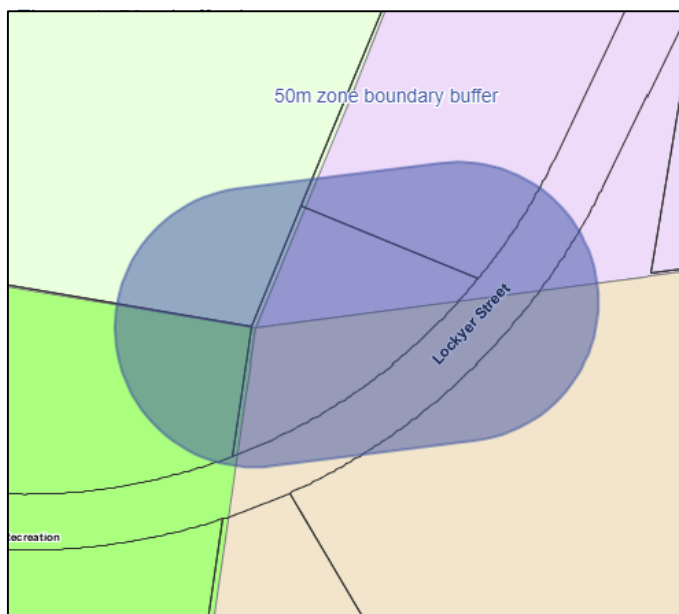
This site has previously been subject to a planning proposal (REZ/0007/1819) which sought to rezone the site (including the wider precinct and anomaly area) to IN1 General Industrial and R5 Large Lot Residential. This proposal went through the Gateway process but was never completed. Several broader issues were identified by State agencies and not resolved during the planning proposal process which subsequently lapsed.

These previously identified issues relate to the larger eastern portion of the site. The smaller western anomaly area is not encumbered with these constraints due to its relatively small area and location adjacent existing industrial uses. The proposed extension of the Industrial zone over the entirety of the smaller western portion is considered to be compatible with adjoining land uses, furthermore, the development near zone boundary clause would currently allow industrial development over this area (see later discussion in this report).

REPORT

The landowner has requested the ability to subdivide the portion of the site, to the west of Lockyer Street from the larger RU2 land parcel to the east of Lockyer Street. The split zoning combined with the 100ha minimum lot size on part of the western area currently prevents the smaller section of the lot to the west of Lockyer Street being subdivided from the larger eastern lot.

Clause 5.3 of the GM LEP- *Development near zone boundaries* is currently applicable to the western area. This clause enables the flexibility in the application of land uses where the subject land stands within 50 metres of the boundary between two zones, as illustrated in **Figure 2** and where this would enable more logical and appropriate development of the site.



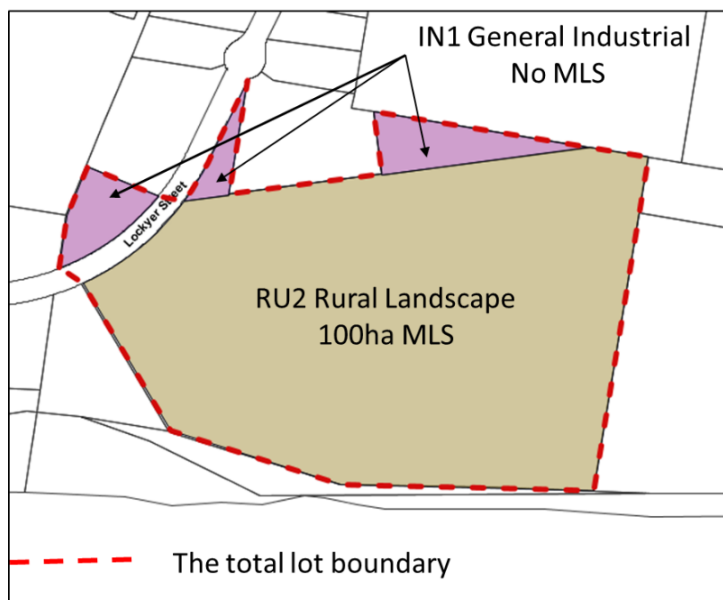
The relatively small size, detached location from the larger RU2 land area and proximity to industrial land uses makes the western area unsuitable for most rural development. Clause 5.3 could be applied to enable industrial development over the western area, however without the ability to subdivide the western portion from the eastern portion, industrial development is not considered a commercially attractive/viable option. This creates a situation where an area of otherwise developable land in an industrial area remains vacant and undeveloped.

The Proposal

The western portion of the lot cannot currently be subdivided from the larger eastern side due to the 100ha minimum lot size. The GM LEP provides Clause 4.1e *Minimum subdivision lot size for certain split zones* to enable lots with certain split zones to be subdivided even where one resulting lot would be below the minimum lot size standard. This clause unfortunately does not apply to industrial zones and cannot be applied to this site. Notwithstanding, even if the lot were subdivided as it currently stands, the lot would still be encumbered by two land use zones.

This report seeks endorsement to proceed with an expedited amendment to the GM LEP mapping to rezone the RU2 section of the western land parcel to IN1 General Industrial and to remove the minimum lot size on that part of the lot. This would create a western portion of the larger lot which is separated by the roadway with an IN1 zone covering the entire western land parcel and removal of the accompanying minimum lot size, as illustrated in **Figure 3**.

Figure 2: Proposed zoning and Minimum Lot Size



An expedited amendment is enabled through s3.22 of the Environmental Planning and Assessment Act, 1979. It provides for the fast tracking of an amendment of an LEP by bypassing the need for NSW government agency referrals, gateway determinations and public exhibition.

This process is reserved for one or more of the following:

- fixing anomalies or errors in the LEP;
- addressing matters which are of a minor nature, and

- addressing matters which will not have any significant adverse impact on the environment or adjoining land.

The use of the s3.22 amendment process is supported in this instance because of the following:

- The area of the subject site to be rezoned is minimal in area at only 2,085m² or 0.18% of the overall Lot;
- The fragmentation of this small parcel of RU2 land from the majority of the site has resulted in a vacant parcel of land which is currently unusable for the rural uses permissible under this zone, and
- The subject site stands adjacent to land in the same ownership as the subject site, adjacent to Council-owned land and adjacent to existing industrial zoned land, as illustrated in **Figure 4**.

The amendment is therefore considered to be minor in nature with no significant environmental impact on the environment or adjoining land and is considered to meet the requirements of the Section 3.22 amendment process.

The proposed LEP amendment, once completed, would enable the landowner to apply for subdivision of the western parcel of land from the eastern larger portion including RU2 lot under Clause 4.2 *Rural Subdivision*. This clause permits the subdivision of RU2 zone land for the purpose of primary production even where the creation of the lot would result in a lot less than the minimum lot size. The final outcome subsequent to the zoning and minimum lot size anomaly being resolved and the land being subdivided is illustrated in **Figure 5**.

Figure 3: Map of adjacent land uses

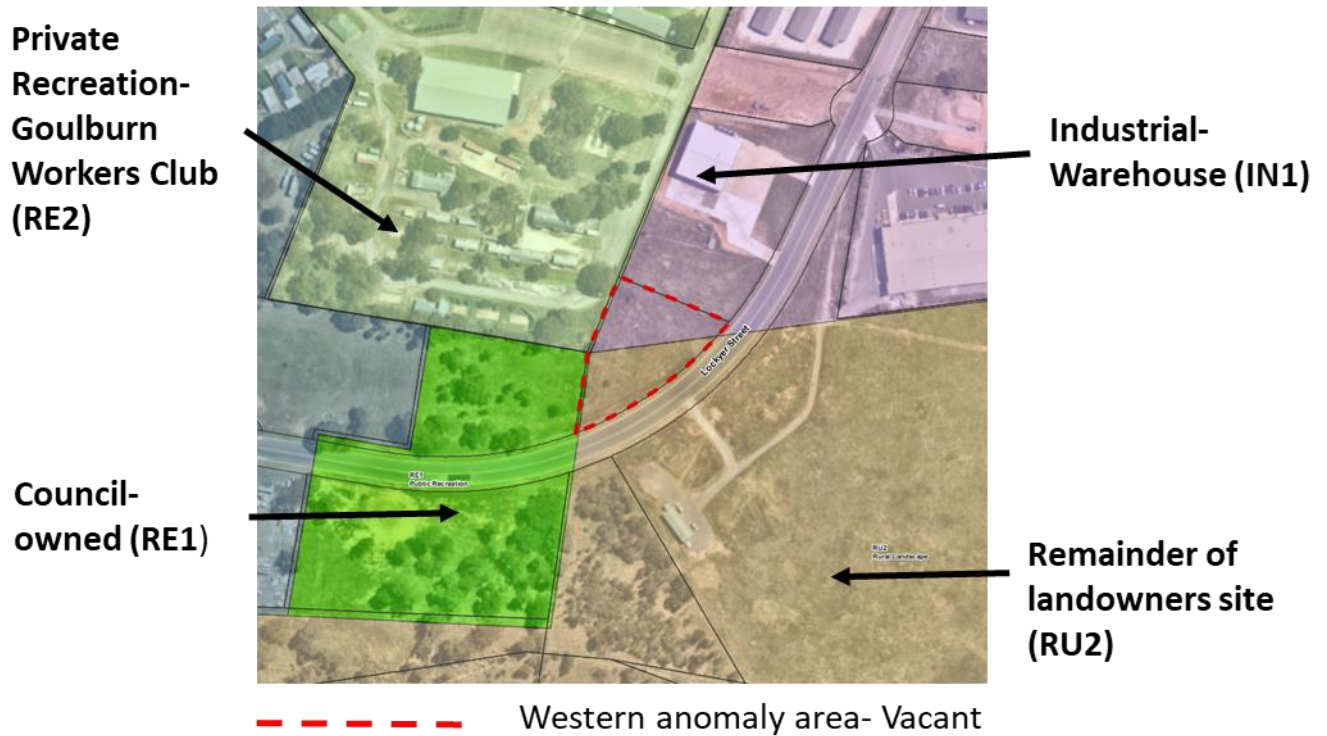
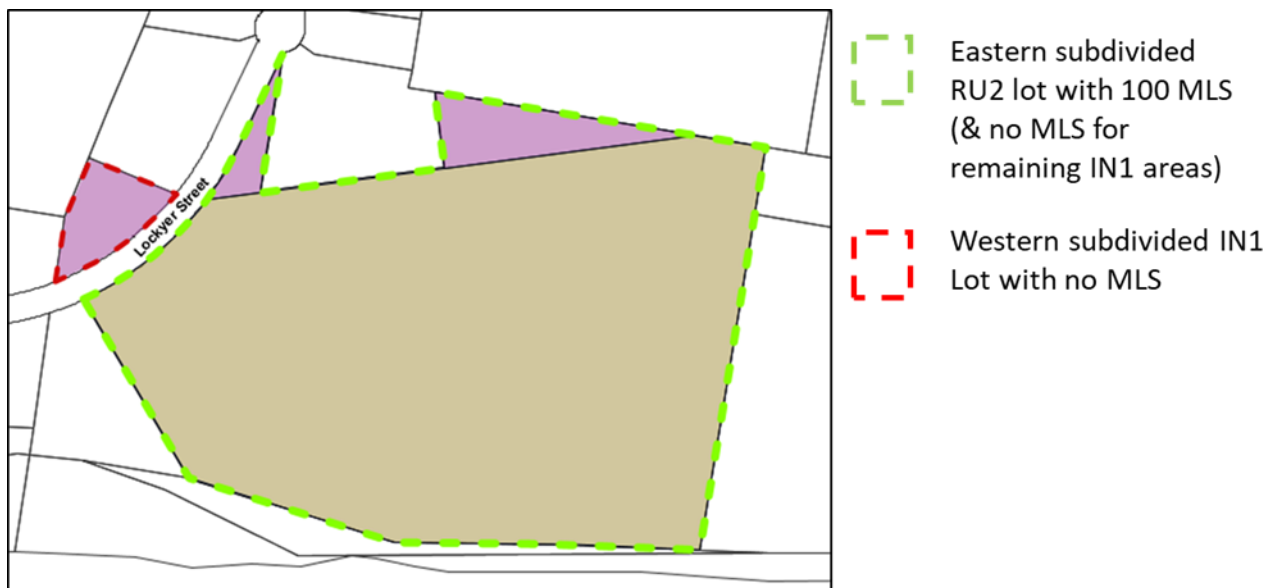


Figure 4: Final subdivision map



Conclusion

This expedited amendment is seeking the rezoning of a very small section of RU2 Rural Landscape zoned land which is separated from the remaining RU2 zone areas of the lot. The relationship between the two parcels currently negates the potential for meaningful rural development on the area to the west of Lockyer Street. The land stands adjacent existing industrial zoned land which can already be developed for industrial purposes however subdivision from the larger lot is currently impossible.

The proposed amendment is minor in its scope and impact but will serve to rectify an anomaly created by the extension of the Lockyer Street roadway. It will enable the future subdivision of the western land parcel from the larger RU2 eastern parcel and provide the opportunity for industrial development on the rezoned land on a lot under its own title.

The larger western portion of the site is too complicated to be considered for rezoning using the scope of the Section 3.22 expedited process.

Recommendation

It is recommended that the Council endorse this report for submission to the Department of Planning and Environment for an expedited amendment of Goulburn Mulwaree Local Environmental Plan 2009 in accordance with s3.22 of the Environmental Planning and Assessment Act, 1979 by removing the minimum lot size and rezoning part of Lot 2, DP 1238214 from RU2 Rural Landscape to IN1 General Industrial.

FINANCIAL IMPLICATIONS

There are no known financial implications for council as a result of this report.





LEGAL IMPLICATIONS

There are no known legal implications for council as a result of this report.

15.2 OPTIONAL AGRITOURISM CLAUSE FOR GOULBURN MULWAREE LEP 2009

Author: Business Manager Strategic Planning
 Director Planning & Environment

Authoriser: Brendan Hollands, Acting General Manager

- Attachments:**
1. [DPE Agritourism_information_sheet_December_2021.pdf](#)  
 2. **Draft**
[Standard Instrument_\(LEP\)_Amendment_\(Agritourism\)_Order_2021.pdf](#)  

REFERENCE TO LSPS:	Planning priority 5: primary industry – vision 2040 – primary resource land is a valued asset; and primary industry is a significant economic sector within the lga which contributes to positive environmental and social outcomes.
COST IMPLICATIONS:	Nil – however, the introduction of this clause may reduce “red tape” and provide cost savings in future by avoiding planning proposals.
KEY ISSUES:	Reducing planning restrictions in relation to agritourism.

RECOMMENDATION

That:

1. The report by the business manager strategic planning in relation to an optional clause for *goulburn mulwaree local environmental plan 2009* addressing agritourism considerations be received.
2. Council request that the nsw department of planning and environment include the optional clause 5.23 and 5.24 within *goulburn mulwaree local environmental plan 2009* without an additional objective for either clause. The following numeric standards are proposed for each clause:

Clause 5.23 development standard	NSW DPE standard instrument numeric range	Recommendation
<p>Clause 5.23(2) (b)</p> <p>The gross floor area of a building used to accommodate guests will not be more than...</p>	<p>Number no less than 60m2</p>	75m2
<p>Clause 5.23(2) (c)</p> <p>The maximum number of guests will not be more than...</p>	<p>Insert number no more than 20</p>	14
<p>Clause 5.23(2) (d)</p> <p>The maximum number of moveable dwellings used for the accommodation of guests will not be more than...at any one time.</p>	<p>Insert number no more than 6</p>	4
<p>Clause 5.24 (2)(a)</p> <p>The gross floor area of a building used for farm gate premises not be more than...</p>	<p>Number no less than 200m2</p>	200
<p>Clause 5.24 (2)(b)</p> <p>The maximum number of persons that will be permitted on the landholding at any one time for the purposes of the farm gate premises will not be more than...</p>	<p>Insert number no more than 50</p>	50

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

In early 2021 the NSW Department of Planning and Environment (DPE) exhibited an *Explanation of Intended Effect: Agritourism and small scale agricultural development*. The intention of this document was to identify measures to provide greater flexibility in planning provisions to facilitate this type of activity in rural areas. Council made a technical submission which whilst generally supportive of the changes identified some points of concern in relation to some areas of proposed change (such as the introduction of boutique abattoirs as complying development).

Following consideration of the submissions, NSW DPE have prepared the first of a series of changes to planning being a draft amendment to the *Standard Instrument (Local Environmental Plan (LEP)) Order 2006*. The SI LEP provides the framework for all LEPs in relation to compulsory format, clauses, definitions, zones and land uses and offers a number of optional clauses. Any changes to the SI LEP affects all LEPs in NSW including the *Goulburn Mulwaree (GM) Local Environmental Plan (LEP) 2009*.

NSW DPE has prepared an Information Sheet (**Attachment 1**) that provides further information on these changes.

This report considers the inclusion of two “opt- in” clauses for the Goulburn Mulwaree (GM) LEP 2009 in relation to farm stay accommodation and farm gate premises.

REPORT

Draft Standard Instrument (SI) (Local Environmental Plans (LEP)) Amendment (Agritourism) Order 2021

NSW DPE have prepared a draft amendment to the SI LEP in relation to agritourism (**Attachment 2**).

Changes affecting all LEPs include:

- New definitions being: agritourism, farm stay accommodation, farm experience premises farm gate premises, landholding and primary production business.
- Clause 5.4 (8) in relation to roadside stalls increases the floor area from not less than 8 to not less than 9 square metres [note: The GMLEP 2009 allows up to 20 square metres so no real change results from this].
- Clause 5.18 (4) (b) (v) Intensive livestock agriculture is amended by adding additional set back criteria to poultry and pig farms as detailed below:

(4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—

(a) the development is of a type specified in subclause (5), and

(b) the consent authority is satisfied that the development will not be located—

(i) in an environmentally sensitive area, or

(ii) within 100 metres of a natural watercourse, or

(iii) in a drinking water catchment, or

(iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or

~~(v) if the development is a poultry farm within 500 metres of another poultry farm.~~

Amended to:

(v) for a poultry farm used for breeding poultry—within 5,000 metres of another poultry farm, or

(vi) for a poultry farm not used for breeding poultry—

(a) within 5,000 metres of a poultry farm used for breeding poultry, or

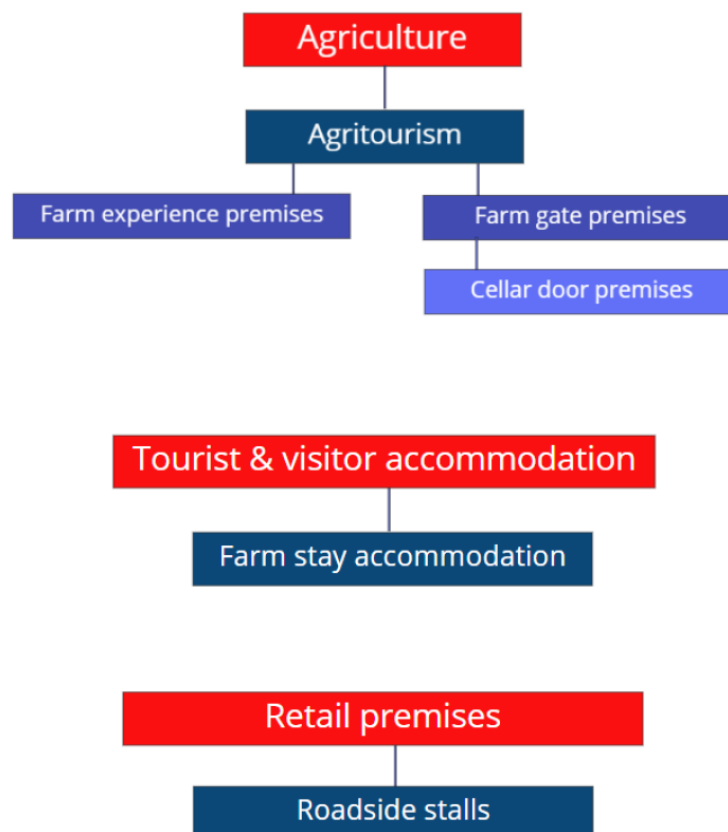
(b) within 1,000 metres of a poultry farm not used for breeding poultry, or

(vii) for a pig farm—within 3,000 metres of another pig farm.

- Other existing definitions such as “cellar door premises”, restaurant or café” and “retail premises” are slightly amended in relation to farm gate premises.

Permissibility of Agritourism under Goulburn Mulwaree Local Environmental Plan 2009

The new definitions will fall under the “parent” definitions of agriculture, tourist and visitor accommodation or retail premises as per the diagram below:



Currently the following zones under GM LEP 2009 are relevant in relation to these changes:

Zone	Permissibility	Application of new definitions.
Ru1 primary production	Agriculture Tourist and visitor accommodation Prohibits retail premises but allows child definition of “roadside stalls”	All new definitions will apply.
Ru2 rural landscape	Agriculture (excluding child definition of “feedlots”). Tourist and visitor accommodation Prohibits retail premises but allows child definition of “roadside stalls”	All new definitions will apply.
Ru6 transition	Agriculture is permitted (excluding intensive livestock or plant agriculture) Prohibits tourist and visitor accommodation but permits “child” definition of farm stay”. Prohibits retail premises but allows child definition of “roadside stalls”	All new definitions will apply.
C3 environmental management	Agriculture is permitted (excluding intensive livestock agriculture) Tourist and visitor accommodation Retail premises are prohibited including roadside stalls.	Definitions under “agritourism” will all apply, as will the “farm stay” definition. No changes are required.
C4 environmental living	Agriculture is prohibited with the exception of the child definition of “extensive agriculture” and “cellar door premises”. Tourist and visitor accommodation Prohibits retail premises but allows child definition of “roadside stalls”	All new definitions will apply.

Based on the above there will be no changes required to the land use tables.

Optional Farm Stay Accommodation Clause 5.23

A copy of the draft optional clause 5.23 is provided in **Attachment 2**.

The objectives of this clause are:

- To diversity the uses of agricultural land without adversely impacting the principal use of the land for primary production business, and
- To balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.

An additional objective may be added, however it is considered that the objectives provided (alongside each of the zone objectives) should be sufficient.

This clause provides considerations for the assessment of development applications for farm stay accommodation such as size, number of visitors etc. It also specifies that to be a farm stay the use must be associated with a genuine primary production operation (using the income tax assessment legislation) and be on a property that has a dwelling entitlement.

Other considerations include any significant adverse impact on nearby residential accommodation, primary production operations and other land uses. Other impacts on or near the land to be considered include visual amenity, heritage or scenic values, biodiversity, water quality, traffic, and safety in addition to general site suitability, bushfire and compatibility with other nearby uses.

There are numeric controls on the size of farm stay buildings, number of guests per bedroom for both permanent structures and moveable dwellings, limits on floor space of buildings and number of moveable dwellings. The following table provides the standards and the specified numeric range from which councils are to choose along with a recommendation for the numeric control for the Goulburn Mulwaree LEP 2009:

Clause 5.23 development standard	Nsw dpe standard instrument numeric range	Recommendation
The gross floor area of a building used to accommodate guests will not be more than...	Number no less than 60m2	75m2
The maximum number of guests will not be more than...	Insert number no more than 20	14
The maximum number of moveable dwellings used for the accommodation of guests will not be more than...at any one time.	Insert number no more than 6	4

Optional Farm Gate Premises Clause 5.24

A copy of the draft optional clause 5.24 is provided in Attachment 2.

The objectives of this clause are:

- To allow for small scale tourism and related commercial uses on land used for primary production, and

- To balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.

An additional objective may be added, however it is considered that the objectives provided (alongside each of the zone objectives) should be sufficient.

The clause has a similar range of considerations as per Clause 5.23 above, however, does not require the property to have a dwelling entitlement but rather be on the same land holding as the primary production.

As per Clause 5.23 there are numeric controls on the size of farm gate premises, and the number of persons on site. The following table provides the standards and the specified numeric range from which councils are to choose along with a recommendation for the numeric control for the Goulburn Mulwaree LEP 2009:

Clause 5.24 development standard	NSW DPE standard instrument numeric range	Recommendation
The gross floor area of a building used for farm gate premises not be more than...	Number no less than 200m2	200
The maximum number of persons that will be permitted on the landholding at any one time for the purposes of the farm gate premises will not be more than...	Insert number no more than 50	50

CONCLUSION

In conclusion, the addition of the optional clauses for farm stay accommodation and farm gate premises in the *Goulburn Mulwaree Local Environmental Plan 2009* is recommended. The application of the clauses can be monitored over time and should the numeric controls require review this can be undertaken.

The range of considerations in the optional clauses are considered to be appropriate and will assist in the assessment of applications for these uses and their site suitability and compatibility. The new definitions will assist to provide a wider range of agritourism options to further the economic development of primary production enterprises.

Standard Instrument LEP Agritourism Amendment Order



Information sheet

December 2021

Standard Instrument LEP Agritourism Amendment Order

Following the exhibition of the [explanation of intended effect \(EIE\)](#) in March-April 2021, the [draft Standard Instrument \(Local Environmental Plans\) Amendment \(Agritourism\) Order 2021 \(LEP Order\)](#) has been prepared which will amend the Standard Instrument LEP.

This is the first stage of rolling out the proposals in the EIE.

A summary of the submissions made to the EIE can be found in the [Submission and Survey Analysis Report](#).

What are the proposed changes?

Proposed changes in the LEP Order include

- new land use terms for 'agritourism', 'farm gate premises'¹ and 'farm experience premises'²
- changes to the definition of 'farm stay accommodation'
- optional clauses to be inserted into the Standard Instrument LEP for 'farm stay accommodation' and 'farm gate premises'
- transferring 'cellar door premises' to become a subset of 'farm gate premises'.

What are the benefits of the changes?

The changes will provide farmers with additional income sources to allow them to be more resilient. They will enable them to better recover from natural disasters and the economic impacts of the COVID-19 pandemic and provide opportunities for sustainable tourism outlined in regional plans.

What do the changes mean for councils?

Councils can now nominate to adopt the optional clauses and/or specify the land use zones to permit the new land uses in their LEPs and provide justification for their nominations.

Councils need to submit:

- preliminary responses to the [Standard Instrument LEP Agritourism nomination form](#) **by Friday 25 February 2022**. These responses will inform the drafting of amendments.
- final responses to the Standard Instrument LEP Agritourism Nomination and council minutes or a letter **by Thursday 31 March 2022**.

What happens next?

The department proposes to make the LEP Order in early 2022.

A state environmental planning policy to amend relevant LEPs without the need for a planning proposal is proposed to be made in mid-2022.

Agritourism permissibility

The LEP Order includes new agritourism land uses, as shown in Figure 1.

¹ Farm gate premises were previously identified as 'farm gate activities' in the EIE.

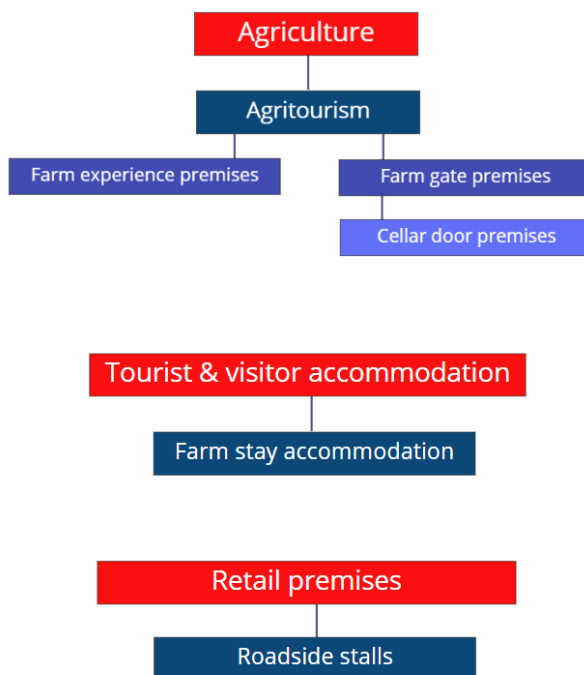
² Farm experience premises were previously identified as 'farm events' in the EIE

Standard Instrument LEP Agritourism Amendment Order



Information sheet

Figure 1: Hierarchy of land uses



Agritourism land use, farm gate premises and farm experience premises

Agritourism, and the subsets of this use, farm gate premises and farm experience premises will sit under the parent term of ‘agriculture’ and will be permissible in land use zones where agriculture is permissible.

They will not be automatically permissible where other subsets of agriculture, such as extensive agriculture or intensive plant agriculture, are permissible.

Councils wishing to allow agritourism, farm gate premises or farm experience premises in other zones can nominate these zones through the Standard Instrument LEP Agritourism Nomination.

Farm stay accommodation and roadside stalls

Farm stay accommodation and roadside stalls will remain under their existing parent terms and continue to be permitted where tourist and visitor accommodation and retail premises, respectively, are permitted, or where the use is specified as permissible in a land use zone under the relevant LEP.

Cellar door premises

Cellar door premises will continue to be permitted in land use zones in which they are currently permissible and will also be permitted where agriculture, agritourism or farm gate premises are permitted under the relevant LEP.

Standard Instrument LEP Agritourism Amendment Order



Information sheet

Councils that wish to expand these land uses into other zones can nominate the relevant zones through the Standard Instrument LEP Agritourism Nomination.

Agritourism definitions

The table below details changes to the definitions of farm stay accommodation, farm experience premises and farm gate premises made in response to submissions received during exhibition of the EIE.

Table 1. Changes to definitions

Land use	Definition changes	Reason
Farm stay accommodation	Now includes moveable dwellings as defined in the SI LEP to facilitate small-scale camping on farms	<p>A response to council requests to clarify the type of camping allowed under the revised farm stay accommodation definition</p> <p>A section 68 approval under the <i>Local Government Act 1993</i> will be required to install a moveable dwelling on a farm unless the council's local approvals policy allows the activity without approval.</p>
Farm experience premises	<p>Farm events has been amended to farm experience premises</p> <p>Farm experience premises now include farm field days</p>	<p>The amendment to the term recognises guests will visit a farm to take part in tourist and recreational activities and to experience the features of the farm and farm life.</p> <p>Including farm field days is a response to submissions requesting specific activities be included in the definition.</p> <p>The department proposes to prepare model DCP clauses to assist councils where further parameters for farm experience premises are required.</p>
Farm gate premises	<p>Roadside stalls will remain as a form of retail premises and will not become a form of farm gate premises</p> <p>Clarifies that animal processing is not permitted as part of farm gate premises</p>	<p>This will ensure roadside stalls remain permissible in zones other than rural zones.</p> <p>Exempt development provisions are being prepared for roadside stalls in rural zones having regard to submissions received during the exhibition of the EIE.</p> <p>Animal processing has not been included as a form of agritourism as it has potentially significant impacts and less potential to generate tourism. The processing of other agricultural produce can be undertaken under the definition.</p>

Standard Instrument LEP Agritourism Amendment Order



Information sheet

Principal use of the land

Submissions received during the exhibition of the EIE requested the department clarify the meaning of land principally used as primary production for commercial purposes. The LEP Order will amend the existing definition of farm stay accommodation and include in the new definitions for farm gate premises and farm experience premises a requirement that these uses must be undertaken on land that is a primary production business as defined under the *Income Tax Assessment Act 1997 (Cth)*, or which is rated ‘farmland’ by the council under the *Local Government Act 1993*. This approach will give applicants two options to show their development will be on land used for commercial farming and not a hobby or recreational farm.³

For farm experience premises and farm gate premises, the relevant use must also be ancillary to the farm. Ancillary uses are explained in [Planning Circular How to characterise development](#).

Optional clauses

The optional clauses recognise the importance of local controls and have been prepared to allow councils to apply numerical standards that best fit their local strategic plans. Heads of consideration have also been included in each clause to require both applicants and council officers to address the impacts of the development. Please note that under [LEP Practice Note PN 11-001 Preparing LEPs using the Standard Instrument: standard clauses](#), councils cannot add local clauses that can be addressed using the optional clauses.

The development standards in the optional clauses that have been amended in response to submissions to the EIE are detailed in the table below.

Table 2 Changes to development standards

Type of development	Standard in EIE	Amended standard	Reason
Farm stay accommodation building – maximum guests	3 times the number of bedrooms in clause 5.4(5) or another number nominated by council	3 times the number of bedrooms in clause 5.4(5) or 20 guests	This will provide a maximum cap on guests to ensure that farm stays are small scale. Councils can reduce the number of guests for a development through a condition of development consent.
Farm stay accommodation building – maximum gross floor area (GFA) for a building	75sqm or a number that council specifies (that is not more than 75sqm)	A number the council nominates which is greater than 60sqm	This will provide flexibility for councils to nominate an area that reflects their strategic planning. Councils can reduce the GFA for a development through a condition of development consent.

³ See [Taxation Ruling TR 97/11](#) Income tax: am I carrying on a business of primary production? and [section 515](#) of the *Local Government Act 1993*.

Standard Instrument LEP Agritourism Amendment Order



Information sheet

Type of development	Standard in EIE	Amended standard	Reason
			Changes are proposed to the Codes SEPP to allow buildings for farm stay accommodation up to 60sqm as complying development.
Farm stay accommodation – GFA exclusion for dwellings	As above	The maximum GFA will not apply to a change of use of an existing dwelling.	This will allow a dwelling house which is larger than 60sqm to be converted into farm stay accommodation without the need for substantial work to limit its size.
Farm stay accommodation - maximum number of days for guests in a moveable dwelling	14 days	The maximum number of consecutive days guests can stay in moveable dwellings will be included in model conditions of consent.	The department will prepare model conditions of consent for farm stay accommodation, farm experience premises and farm gate premises that councils can choose to adopt. This will complement model conditions of consent currently being prepared for other types of development.
Farm stay accommodation - dwelling entitlement	Modify clause 2.6 to prevent the creation of a dwelling entitlement in relation to farm stay accommodation	Farm stay accommodation will be required to be on: (i) the same lot as an existing lawful dwelling house, or (ii) on a lot for which a minimum size is shown for a dwelling house on the council's Lot Size Map and the size of which is not less than the minimum size shown.	This clause is intended to prevent the fragmentation of agricultural land.
Farm gate premises – maximum gross floor area	200sqm or the number council specifies in its LEP	A number council nominates which is no greater than 200sqm	Caps have been placed on the maximum floor area and number of guests for farm gate premises to ensure they remain small scale.

Standard Instrument LEP Agritourism Amendment Order



Information sheet

Type of development	Standard in EIE	Amended standard	Reason
Farm gate premises - maximum number of guests	50 guests or the number council specifies in its LEP	A number council nominates which is no greater than 50 guests	Caps have been placed on the maximum floor area and number of guests for farm gate premises to ensure they remain small scale.

Poultry and pig farm setbacks

The amendment proposed in the EIE regarding setback requirements for poultry and pig farms has been included in the LEP Order.

The Order will amend clause 5.18 of the SI LEP to increase the setback requirements for poultry and pig farms permitted without consent, as proposed, to mitigate biosecurity risks.

However, most of the submissions received were not in favour of increasing the current limit of poultry farms permitted without consent to 10,000 birds. The submissions raised concerns about amenity and environmental impacts.

In response to these submissions, the department has proposed to not increase the development consent threshold for poultry farms from 1,000 to 10,000 birds.

More information

For more information on the changes you can:

- visit the [department's website](#)
- visit the [NSW planning portal](#).
- email the project team at agritourism@dpie.nsw.gov.au.

draft



Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

.....

DRAFT

e2021-237.d09

C:\Docs\lep\e2021-237\d09\e2021-237EXN.fm 23/11/21, 02:24 pm

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]

**Standard Instrument (Local Environmental Plans) Amendment
(Agritourism) Order 2021**

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

Land Use Table

Insert in appropriate order in Direction 5—

Agritourism;

Farm experience premises;

Farm gate premises;

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
 Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[1] Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]

Omit “not less than 8” from clause 5.4(8). Insert instead “not less than 9”.

[2] Clause 5.18 Intensive livestock agriculture [compulsory if intensive livestock agriculture permitted with consent]

Omit clause 5.18(4)(b)(v). Insert instead—

- (v) for a poultry farm used for breeding poultry—within 5,000 metres of another poultry farm, or
- (vi) for a poultry farm not used for breeding poultry—
 - (A) within 5,000 metres of a poultry farm used for breeding poultry, or
 - (B) within 1,000 metres of a poultry farm not used for breeding poultry, or
- (vii) for a pig farm—within 3,000 metres of another pig farm.

[3] Clauses 5.23 and 5.24

Insert after clause 5.22—

5.23 Farm stay accommodation [optional]

- (1) The objectives of this clause are—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) [*set out other objectives of the clause*]
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—
 - (a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—
 - (i) 3 times the number of bedrooms permitted under clause 5.4(5), or
 - (ii) 20 guests, and
 - (b) the gross floor area of a building used to accommodate guests will not be more than [*insert number no less than 60*] square metres, and
 - (c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than [*insert number no more than 20*] at any 1 time, and
 - (d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than [*insert number no more than 6*], and
 - (e) all buildings or moveable dwellings used to accommodate guests will be—
 - (i) on the same lot as an existing lawful dwelling house, or

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
 Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) on a lot—
 - (A) for which a minimum size is shown for a dwelling house on the Lot Size Map, and
 - (B) the size of which is not less than the minimum size shown.
- (3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.

5.24 Farm gate premises [optional]

- (1) The objectives of this clause are—
 - (a) to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) *[set out other objectives of the clause]*
- (2) Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—
 - (a) the gross floor area of a building used for farm gate premises will not be more than *[insert number no more than 200]* square metres, and
 - (b) the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more *[insert number not more than 50]* persons.
- (3) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
 Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (i) residential accommodation,
- (ii) primary production operations,
- (iii) other land uses, and
- (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the proposed development, and
- (e) the compatibility of the development with nearby land uses.

[4] Dictionary

Insert after the definition of *agriculture*, paragraph (d)—

- (e) agritourism.

[5] Dictionary

Omit the definition of *farm stay accommodation*.

Insert in alphabetical order—

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

Note— Agritourism is a type of *agriculture*—see the definition of the term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a farm —
 - (i) that is a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings.

Note— Farm stay accommodation is a type of *tourist and visitor accommodation*—see the definition of the term in this Dictionary.

farm experience premises means a building or place—

- (a) on a farm that is—
 - (i) a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) that is ancillary to the farm, and
- (c) that is used to provide visitors to the farm with small scale and low impact tourist or recreational services on a commercial basis including the following—
 - (i) horse riding,

draft

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
 Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) farm tours,
- (iii) functions or conferences,
- (iv) farm field days.

Note— Farm experience premises is a type of *agritourism*—see the definition of the term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a farm that is—
 - (A) a primary production business, or
 - (B) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
 - (ii) that is ancillary to the farm, and
 - (iii) that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) a restaurant or cafe,
 - (C) a facility for holding tastings or workshops, or providing information or education, related to the products, and
- (b) includes cellar door premises.

Note— Farm gate premises is a type of *agritourism*—see the definition of the term in this Dictionary.

landholding means 1 or more lots of land that—

- (a) are constituted or worked as a single property, and
- (b) are contiguous or are separated only by a road or watercourse.

primary production business has the same meaning as in the *Income Tax Assessment Act 1997* of the Commonwealth and includes a business that—

- (a) was a primary production business, and
- (b) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

[6] Dictionary, definition of “cellar door premises”

Omit “*retail premises*” from the note. Insert instead “*farm gate premises*”.

[7] Dictionary, definition of “restaurant or cafe”

Insert “, but does not include a restaurant or cafe that is included as part of artisan food and drink industry or farm gate premises” after “provided”.

[8] Dictionary, definition of “retail premises”

Insert “farm gate premises,” before highway service centres”.



[9] Dictionary, definition of “retail premises”

Omit paragraph (b).

15.3 NSW DPE EMPLOYMENT ZONES REFORM - DRAFT ZONE TRANSLATION FOR ENDORSEMENT

Author: Business Manager Strategic Planning
 Director Planning & Environment

Authoriser: Brendan Hollands, Acting General Manager

- Attachments:**
1. Council Report 15 Feb 2022 Employment Zones.pdf 
 2. GM LEP 2009 - DPE LUT Translation - Version 3.pdf 

Reference to LSPS:	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.
Key Issues:	Impacts of State zoning changes on local industries and businesses.

RECOMMENDATION

That:

1. The Business Manager Strategic Planning’s report on the NSW Department of Planning, Industry and Environment’s “Employment Zones Reforms” be received.
2. The proposed changes to *Goulburn Mulwaree Local Environmental Plan 2009* resulting from the NSW Department of Planning and Environment’s “Employment Zones Reforms” are endorsed subject to the following:
 - a) Deletion of the additional local objective from the MU1 Mixed Use Zone: “*To ensure residential development maintains the scale, character and the heritage values of the Goulburn CBD*”.
 - b) Inclusion of *Pond based aquaculture* as a prohibited use in the E1 Local Centre Zone and MU1 Mixed Use Zone.
 - c) Retention of “residential accommodation” as a prohibited use in the E4 General Industrial Zone but removal of the child definitions from the prohibited list (i.e removal of *Dwelling houses* and *Shop- top housing*).

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 previously considered a report on the NSW Department of Planning and Environment’s (DPE’s) “employment zones reforms” on 15 February 2022 (**Attachment 1**). This was following the Amendment Order to the *Standard Instrument (Local Environmental Plans) Order 2006*. This Order introduces the new Employment zones alongside the existing Business and Industrial zones and enables implementation of the new zones into individual local environmental plans to begin. DPE had provided Council with proposed zone translation detail for existing Business and Industrial zones.

Council staff have made a previous technical submission which essentially sought a like for like transition of the existing zonings and land use uses (as far as practicable) to the new framework with some exception as set out in the report attached.

DPE has now assessed and compiled the returned zone translations from the Council and has prepared a draft version to be included in an upcoming exhibition of an *Explanation of Intended Effect* for a self – repealing *State Environmental Planning Policy* which will change each council's LEP. Council will have a further opportunity to make a submission to this exhibition in relation to the intended changes. DPE have provided an Implementation Strategy which indicates the exhibition will occur in around April – May 2022.

REPORT

NSW DPE has issued the third version of the translation detail for the *Goulburn Mulwaree* (GM) *Local Environmental Plan* (LEP) 2009 (**Attachment 2**). DPE are providing Council with an opportunity to endorse the draft document or to request changes to the translation detail prior to public exhibition.

As previously advised the staff's approach to the initial submission was to aim for a "like for like" translation as far as possible with zones and land uses. The main exceptions being:

- the inclusion of residential flat buildings in the Goulburn CBD (as per the adopted *Local Strategic Planning Statement* and *Urban and Fringe Housing Strategy* – noting that these would only be permitted on non-active street frontages);
- an amendment to the LEP active street frontages map;
- the prohibition of *Early education and care facilities* in the IN3 Heavy Industrial zone (as this is a sensitive use and is incompatible with the zone); and
- a direction on which zones are to have the new definition of *Local distribution premises* and in which zones (as provided by DPE) where *Pond based aquaculture* may be specified as permitted with consent or prohibited.

To date the staff's return translation has largely been accepted by DPE with changes made to accommodate the locational differences in planning and to reduce the likelihood of land use conflict or, of the creation of businesses operating under existing use right provisions. Examples of this include the proposal to include:

- the inclusion of current IN2 Light Industrial area around Wayo Street into Schedule 1 – Additional permitted uses, of the LEP to allow for the ongoing use of this area for dwelling houses in addition to industry (given the current mix);
- and the inclusion of a local objective for the MU1 Mixed Use zone to also reflect the residential land uses within this zone.

The draft land use translation (LUT) document has been reviewed and as stated above the NSW DPE has largely accommodated the requested amendments to reflect local planning. There are a few minor anomalous matters that could be tidied up prior to exhibition as follows:

- NSW DPE added (as per Council's request) an additional objective for the MU1 Mixed Use Zone to reflect the presence and continuation of residential uses. The two main considerations in relation to residential being location near accessible locations and the heritage conservation area and historic mix and form. However, there is an existing objective relating to heritage generally which is probably sufficient, therefore the additional local objective relating to residential may not be required (in relation to heritage). It is recommended that the second objective as per below relating to heritage is superfluous and can be removed:

"To ensure residential development maintains the scale, character and the heritage values of the Goulburn CBD".

- *Pond based aquaculture* was included as a prohibited use in the Goulburn Mulwaree return translation in the E1 Local Centre Zone and MU1 Mixed Use Zone (noting that *Tank based aquaculture* is permissible with consent), this was not added to the recent version of the land use translation.

- The Council return identified that the IN2 Light Industrial zone currently permits *Dwelling houses* and *Shop-top housing* as permitted with consent but the IN1 General Industrial zones prohibits these uses (thus the need for the additional permitted uses for the Wayo Street precinct given the number of dwelling houses). The draft land use table for the E4 General Industrial zone prohibits specifically *Dwelling houses*, *Shop-top housing* and *Residential accommodation*. *Dwelling houses* and *Shop-top housing* could be deleted as these are “child definitions” falling under the “parent definition” of *Residential accommodation*. They were only singled out by Council to identify the need for the additional permitted use provision where there was a conflict with the existing IN2 Light Industrial zone transitioning to the proposed E4 General Industrial zone.

There were several additional uses nominated for each zone as being permissible by Council which DPE did not name as “permissible with consent”, however where this has occurred these uses were not nominated as prohibited either (therefore innominate but still permissible) in each of the respective zones. This is considered to be a minor matter and does not impact overall permissibility.

Conclusion and Recommendation

In conclusion, Council staff have submitted the initial translation to DPIE for the employment zones to the new framework. NSW DPE have provided an updated translation detail for the GM LEP which is largely consistent with the Council’s return document with a few minor changes as outlined in this report.

The next step in the process is DPIE’s consideration of the Council submission (as per this report) and then the public exhibition of the *Explanation of Intended Effects* (compiling all the DPIE endorsed changes) later in the year.

It is recommended that Council endorse the draft GM LEP translation subject to the minor amendments identified in this report.

Council will have the opportunity in the next phase of exhibition to further refine the proposed transition to the new zones and to make a formal submission to DPIE through the exhibition process.

FINANCIAL IMPLICATIONS

Nil

LEGAL IMPLICATIONS

There are implications in relation to the changes to the zones where some land uses which may have been previously permissible may be prohibited and vice versa. Generally, staff have attempted to undertake a “like for like” response in the initial return to DPIE. Otherwise, staff have followed adopted/endorsed Council policy such as the *Local Strategic Planning Statement*, *Employment Lands Strategy*, *Urban and Fringe Housing Strategy* and the current *Goulburn Mulwaree Local Environmental Plan 2009*.

15 REPORTS TO COUNCIL FOR DETERMINATION

15.1 NSW DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT'S EMPLOYMENT LAND ZONES REFORMS

Author: Business Manager Strategic Planning
Director Planning & Environment

Authoriser: Warwick Bennett, General Manager

Attachments: 1. **DPIE Employment Zones Reform Position Paper**  
2. **DPIE Employment Zones Reform Implementation Plan**  

Reference to LSPS:	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.
Key Issues:	Information report on key changes to local government planning in relation to “Employment Zones” [Business and Industrial Zones]

RECOMMENDATION

That:

1. The Business Manager Strategic Planning’s information report on the NSW Department of Planning, Industry and Environment’s “Employment Zones Reforms” be received.
2. The proposed changes to Goulburn Mulwaree Local Environmental Plan 2009 resulting from the NSW Department of Planning, Industry and Environment’s “Employment Zones Reforms” are noted.

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

The NSW DPIE (DPIE) released a *Proposed Employment Zones Position Paper* that was on public exhibition from 20 May 2021 until 30 June 2021.

The Position Paper outlined a number of changes to planning to ensure business and jobs are in the locations where they are needed via a simplified zoning framework.

The intention being that employment zones (i.e. business/commercial and industrial zones) provide clarity around their application, whilst increasing flexibility around land uses and supporting the delivery of strategic plans.

A Copy of the “Proposed Employment Zones Framework – Position Paper” is attached which provides further background to the intended changes (**Attachment 1**).

DPIE has since made the Amendment Order to the *Standard Instrument (Local Environmental Plans) Order 2006*. This introduces the new Employment zones alongside the existing Business and Industrial zones and enables implementation of the new zones into individual local environmental plans to begin.

DPIE has provided Council proposed zone translation detail for existing Business and Industrial zones.

This includes:

- preliminary zone application map through a specific spatial viewer link;
- preliminary land use tables that have been compiled from the mandated land uses within the Amendment Order combined with the permitted and prohibited land uses that exist within individual Business and Industrial land use tables within existing local environmental plans; and
- recommendations around local provisions, schedule 1 additional permitted uses and planning proposals currently in train.

The deadline for Council’s response submission for the translated zone and LEP details was 28 January 2022. This timeframe did not allow for public consultation nor for formal Council endorsement of the technical submission made by staff. Given this setting, Council staff have attempted where possible to undertake a “like for like” transition for zones or to align changes with an endorsed/adopted Council Strategy such as the *Local Strategic Planning Statement (LSPS)*, *Employment Land Strategy (ELS)* or *Urban and Fringe Housing Strategy (UFHS)* or current *Goulburn Mulwaree Local Environmental Plan (LEP) 2009*.

REPORT

New Zone Framework for Goulburn Mulwaree Local Environmental Plan (LEP) 2009

In short, the employment land zones reform is reducing the number of available zones in the State’s standard template for local environmental plans (LEPs) for business and industrial zones. Councils have been required to review the draft land use translations (LUTs) and maps in order to provide any additional permitted or prohibited uses, objectives, or local provisions. This review has been undertaken in accordance with a DPIE *Employment Zones Toolkit* (being a guide to the translation of existing zones into the new framework).

In relation to the Goulburn Mulwaree LEP the following changes are proposed:

Current Zone	Proposed Zone	Summary of Key Changes
B2 Local Centre <i>Includes the following precincts:</i> <ul style="list-style-type: none"> • <i>Marulan centre</i> • <i>Mistful Park, North Goulburn</i> 	E1 Local Centre	The mapped area is in accordance with the current B2 Local Centre Zone. There are no significant changes to zone objectives or land use tables.
Current Zone	Proposed Zone	Summary of Key Changes
B3 Commercial Core <i>Includes Goulburn CBD</i>	E2 Commercial Core	The mapped area is in accordance with the current B3 Commercial Core Zone. A change has been suggested in relation to an additional local objective for this zone being: <ul style="list-style-type: none"> • To promote and enhance the vitality and vibrancy of Goulburn’s CBD throughout the day and evening. Generally, the permissible uses align with the current LEP, however, in line with the LSPS and UFHS however Council has submitted that the uses should be opened up to include residential flat buildings in accordance with the recommendations/actions in the LSPS and UFHS.

		<p>The locations of residential flat buildings would be directed to some extent by LEP Clause 7.5 Active Street Frontages which will require active street frontages along Auburn Street and other areas considered to be the focus of increased footfall.</p> <p>The 'Active Street Frontages' clause requires that in the identified streets all premises on the ground floor of a building:</p> <ul style="list-style-type: none"> • are used for the purposes of business premises or retail premises if the premises face the street, and, • have direct pedestrian access from the street.
Current Zone	Proposed Zone	Summary of Key Changes
<p>B4 Mixed Use</p> <p><i>Includes the area immediately around the Goulburn CBD.</i></p>	<p>MU1 Mixed Use</p>	<p>The mapped area is in accordance with the current B4 Mixed Use Zone.</p> <p>Council has raised an issue that the mandated zone objectives do not reflect the incorporation of residential in the mixed use zone. Thereby making residential development potentially contrary to the zone objectives.</p> <p>In relation to land uses:</p> <ul style="list-style-type: none"> • Whilst residential accommodation has been included in the additional permitted with consent land uses as part of the Council's review there are concerns that this approach, due to the lack of reference to residential within the zone objectives, would result in development contrary to the zone objectives (see comment above in relation to the zone objectives). • Freight transport facilities have been included as permitted with consent due to the zone spanning the railway and adjacent land in central Goulburn. Some businesses in this area rely on the railway such as Goulburn Express Freight PTY Ltd. This area would more appropriately zoned SP2 Infrastructure, but this is not within the remit of this review.
Current Zone	Proposed Zone	Summary of Key Changes
<p>B6 Enterprise Corridor</p> <p><i>Includes the following precincts:</i></p> <ul style="list-style-type: none"> • <i>George St (North and South) Marulan</i> • <i>Hume Highway Marulan</i> • <i>Sydney Road Precinct, North Goulburn</i> • <i>Ducks Lane, Hume St Precincts, South</i> 	<p>E3 Productivity Support</p>	<p>The mapped area is in accordance with the current B6 Enterprise Corridor Zone.</p> <p>There are no significant changes to zone objectives.</p> <p>In relation to the land use tables:</p> <ul style="list-style-type: none"> • Animal boarding or training establishments and Recreation facilities (major) are permitted with consent in the E3 land use table (these uses are mandated and therefore cannot be altered). These two uses are currently prohibited in the B6 zone. Additional objectives/controls within the Development Control Plan (DCP) to limit external night time accommodation of animals for Animal Boarding or Training Establishments in the E3 zone are recommended.

<i>Goulburn</i>		
Current Zone	Proposed Zone	Summary of Key Changes
<p>IN1 General Industrial</p> <p><i>Includes the following precincts:</i></p> <p>Goulburn</p> <ul style="list-style-type: none"> • <i>Chatsbury/Cemetery St</i> • <i>South Goulburn/Finlay Rd</i> • <i>Common St (South of Sydney Road)</i> • <i>Ross Street (Bradfordville)</i> • <i>Taralga Rd/Rex St</i> • <i>Murrays Flat Rd/Hume Highway.</i> <p>Marulan</p> <ul style="list-style-type: none"> • <i>Central Marulan</i> • <i>South Marulan</i> • <i>Marulan South Road.</i> 	<p>E4 General Industrial</p>	<p>The mapped area is in accordance with the current IN1 General Industrial Zone but also takes in the current IN2 Light Industrial Zone area.</p> <p>There are no significant changes to zone objectives.</p> <p>This zone is effectively being combined with the IN2 Light Industrial Zone, although the zone objectives and land uses are more dominantly reflective of the current IN1 General Industrial Zone.</p> <ul style="list-style-type: none"> • The IN1 zone currently prohibits dwelling houses and shop top housing and the IN2 zone currently permits dwelling houses/shop top housing. The majority of the industrial area in Goulburn Mulwaree is currently zoned IN1 with only a small historic industrial area zoned IN2 located around Wayo Street in Goulburn (<i>note: other IN2 mapped areas do occur in Marulan but do not contain dwelling houses or shop top housing</i>). Special provision for Wayo Street allowing residential such as in Schedule 1 of GM LEP 2009– Additional permitted uses is recommended. • Home occupations and home businesses are permissible in the IN2 Light Industrial but not in the IN1 General Industrial zone, however there will be, as a result of the extension of the general industrial zoning taking in some existing areas with dwelling houses, a reasonable demand for these uses should the Wayo St precinct be added to proposed Schedule 1 additional permitted uses (for dwelling houses as per the above point).
Current Zone	Proposed Zone	Summary of Key Changes
<p>IN2 Light Industrial</p> <p><i>Includes the following precincts:</i></p> <ul style="list-style-type: none"> • <i>Wayo Street, Goulburn</i> • <i>Wilson Drive, Marulan (East)</i> • <i>Wilson Drive Marulan (West)</i> • <i>Suffolk Road, Marulan</i> 	<p>E4 General industrial</p>	<p>The mapped area is in accordance with the current IN1 General Industrial Zone combined with the current IN2 Light Industrial Zone area.</p> <p>As per comments above, this zone is effectively being combined with the IN1 General Industrial Zone, although the zone objectives and land uses are more dominantly reflective of the current IN1 general Industrial Zone.</p> <ul style="list-style-type: none"> • The IN1 zone currently prohibits dwelling houses and shop top housing, and the IN2 zone currently permits dwelling houses/shop top housing. The majority of the industrial area in Goulburn Mulwaree is currently zoned IN1 with only a small historic industrial area zoned IN2 located around Wayo Street in Goulburn (<i>note: other IN2 mapped areas do occur in Marulan but do not contain dwelling houses or shop top housing</i>). Special provision for Wayo Street allowing residential such as in Schedule 1 – Additional permitted uses is recommended. • Home occupations and home businesses are

		<p>permissible in the IN2 Light Industrial but not in the IN1 General Industrial zone. However there will be (as a result of the extension of the general industrial zoning taking in some existing areas with dwelling houses) a reasonable demand for these uses should the Wayo St precinct be added to proposed Schedule 1 additional permitted uses (for dwelling houses as per the above point).</p> <ul style="list-style-type: none"> • Industries (except light industries)/sex services premises/crematoria/electricity generating works/medical centres/waste or resource management facilities are currently prohibited in the IN2 Light Industrial Zone but are permissible (whether specified or innominate) in the IN1 General Industrial zone. The IN1 zone land use permissibility has been generally considered to be more appropriate so is carried over. It is also noted that each land use has to be permitted in at least one zone.
Current Zone	Proposed Zone	Summary of Key Changes
<p>IN3 Heavy Industrial</p> <p><i>Area located south west of Tarago and includes the Veolia and Heron sites (former Woodlawn site).</i></p>	<p>E5 Heavy Industrial</p>	<p>The mapped area is in accordance with the current IN3 Heavy Industrial Zone.</p> <p>There are no significant changes to zone objectives or land use tables.</p> <p>Council has suggested prohibiting:</p> <p>*Early education and care facilities are currently an innominate use in the IN3 Heavy Industrial zone, but other uses which are similar are prohibited (i.e. other sensitive uses such as education facilities, places of public worship etc.). Given the permissibility of hazardous, offensive and heavy industry it is considered that this use may not be appropriate. There is only one area zoned IN3 which is located relatively close to the village of Tarago which would permit early education and care facilities within the RU5 Village zone.</p> <p>*Recreation facilities (major) are currently prohibited in the IN3 Heavy Industrial Zone under GM LEP 2009. Therefore, it would be consistent to prohibit this use with the current land use table.</p>

The Department has also sought feedback on the inclusion of pond-based aquaculture and as permitted with consent or prohibited in a range of zones. Council’s response has to generally prohibit these uses outside of the RU1 Primary Production, RU2 Rural landscape and C3 zones Environmental management zones.

A new definition of local distribution premises has been added to the template which is defined as:

local distribution premises means a building or place used for the storage or handling of items (whether goods or materials) pending their delivery to people and businesses in the local area, but from which no retail sales are made.

Note—

Local distribution premises are a type of **warehouse or distribution centre**.

The Department has sought feedback on applicable zones within the GM LEP 2009 for this use to be permitted with consent or prohibited. Generally, Council’s technical submission has supported the inclusion of this land use in Business and Industrial Zones and in the RU5 Village zone. It is

considered that most urban residential areas are in proximity to business and industrial zones and therefore it would not be an appropriate use for residential zones.

Next Steps

DPIE will assess and compile the return zone translations from the various councils and will then exhibit an Explanation of Intended Effect for a self – repealing State Environmental Planning Policy which will change each Council's LEP. Council will have the opportunity to make a submission to this exhibition in relation to the intended changes. DPIE have provided an Implementation Strategy which provides further detail on this (Attachment 2) which indicates the exhibition will occur in around April – May 2022.

Conclusion and Recommendation

In conclusion, Council staff have submitted the initial translation to DPIE for the employment zones to the new framework. The next step in the process is DPIE's consideration of the Council submission and then the public exhibition of the *Explanation of Intended Effects* (compiling all the DPIE endorsed changes) later in the year.

It is recommended that the changes identified in this report be noted in anticipation of further consultation with DPIE. Council will have the opportunity in the next phase of exhibition to further refine the proposed transition to the new zones and to make a formal submission to DPIE.

FINANCIAL IMPLICATIONS

N/A

LEGAL IMPLICATIONS

There are implications in relation to the changes to the zones where some land uses which may have been previously permissible may be prohibited and vice versa. Generally, staff have attempted to undertake a "like for like" response in the initial return to DPIE. Otherwise, staff have followed adopted/endorsed Council policy such as the *Local Strategic Planning Statement*, *Employment Lands Strategy*, *Urban and Fringe Housing Strategy* and the current *Goulburn Mulwaree Local Environmental Plan 2009*.



Planning Reform

Proposed Employment Zones Framework

Position Paper

May 2021



NSW Department of Planning, Industry and Environment | dpie.nsw.gov.au

Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Proposed Employment Zones Framework

Subtitle: Position Paper

First published: May 2021

More information

Local Government & Economic Policy, Planning & Assessments

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (February 2021) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Proposed Employment Zones Framework

Contents

Introduction.....	1
Background	1
Changes to cities and regions and businesses	2
The need for flexibility	2
Inconsistent application of zone	2
Developing the new framework	3
Ongoing work.....	4
Findings of the LEP review	4
Proposed employment zones framework.....	6
Strategic intent	6
Local Centre zone.....	6
Commercial Centre zone	6
Productivity Support zone	7
General Industrial zone.....	7
Heavy Industrial zone	7
MU – Mixed Use zone.....	7
W4 Working Foreshore zone	8
SP4 – Local Enterprise zone.....	8
New, updated or consolidated land use definitions	9
Potential consolidation of existing definitions	12
Land use tables	14
Variation in objectives.....	15
Land uses permitted under State Environmental Planning Policies	15
Parent terms to identify land uses	15
Benefits of the proposed framework.....	15
Greater land uses within individual zones	15
Consistency in strategic intent	16
Response to key policy questions.....	16
Planning for a centres hierarchy.....	16
Planning for industrial land.....	16
Simpler and more flexible planning systems	17
Relationship to other planning reforms	19
Implementation	20
Support.....	20
Next steps.....	22

Proposed Employment Zones Framework

Potential future reform 22

Have your say23

How to get involved23

Appendices24

Appendix A - LEP audit25

Appendix B - Upfront stakeholder and council engagement.....28

Key findings: consultation29

Introduction

This position paper and legislative outline propose a new employment zones framework for NSW that will:

- provide greater certainty for the community, councils and the development industry
- support councils' long-term strategic planning objectives
- support businesses, industry and society to grow, respond and adapt as necessary
- facilitate innovation and changes in business processes now and into the future.

The proposed framework responds to various trends, exacerbated by the COVID-19 pandemic, including the growth of online retail, reliance on freight and logistics, the importance of local centres, flexible working arrangements and the continued rise of multi-use businesses and the experience economy.

The proposed framework aims to better align to the way cities and regions are evolving. It includes:

- three jobs-focused zones and two industrial zones (down from 12 currently)
- three supporting zones that capture land uses and locations that have a focus beyond jobs (mixed uses, local enterprise and waterways)
- A clear strategic intent for each zone that builds on strategic work by the State and councils over the past five years
- Across the proposed employment zones framework an additional 97 mandated permitted uses from what is currently mandated.
- the retention of core retail uses in centres
- support for urban services uses by providing a dedicated zone
- three new land use terms and an update to six existing terms to meet contemporary needs.

Detail on the new framework as well as the rationale and evidence base are outlined in the following sections.

We welcome your feedback on the proposed framework as we seek to improve the NSW planning system for all.

Background

What is an employment zone?

An employment zone is a zone in which the primary objective is to promote employment-generating activities.

Other zones including the rural, special purpose and residential zones, may permit employment generating activities as secondary to their primary objectives. This position paper focuses on the current B and IN zones, as well as a review of the application of the RU5 Village zone in regional areas, as the RU5 often operates as an employment zone. No change is proposed to the RU5 zone.

The Department of Planning, Industry and Environment (the Department) is reforming the employment focused zones under *Standard Instrument Principal Local Environmental Plan (2006)* (SI LEP). The SI LEP currently includes eight business (B) zones and four industrial (IN) zones.

This reform was announced as part of the NSW Budget in November 2020, and builds on ongoing work by the Department, reviews by both the Australian and NSW productivity commissions and broader planning reforms to support economic growth and productivity.

Proposed Employment Zones Framework

Changes to cities and regions and businesses

Since the SI LEP was prepared 15 years ago, it has not been subject to significant review despite changes to planning processes, business operations, technology and how cities and regions function. Emerging businesses blur historically distinct land uses and technological improvements reduce traditional land use conflicts.

Online retailing, advanced and small-scale manufacturing and the growth of dense, mixed use centres have fundamentally reshaped the planning for centres and industrial precincts.

The need for flexibility

Within the context of changing employment functions and land uses, the framework for managing employment land uses must be flexible and able to respond to unexpected challenges – such as the COVID-19 pandemic and subsequent job losses and economic contraction.

The NSW planning system needs to be ready to support business adaptation, especially to support continued productivity, investment and community wellbeing in difficult times.

The proposed employment zones framework is one of several planning reforms – more information on these is available [here](#).

Inconsistent application of zone

The SI LEP was introduced with a practice note that gave some direction on the intended application of each zone. Since then, the rationale for how zones were applied and how they were adapted within individual LEPs is such that any clarity around the strategic intent of the zones has been lost. Upfront engagement with stakeholders and councils identified that inconsistent application of the zones across LEPs is an issue.

Differences between centres and precincts across NSW are recognised; this reform aims to continue the existing SI LEP requirements to achieve place-based needs however there are gains from having greater consistency in how and where a certain zone is applied. The proposed framework sets out clear strategic intent to support the interpretation of the strategic vision for a particular area.

This will bring consistency, making it easier for industry to navigate different LEPs, and providing a clear market signal to support short-and long-term investment and development. This should also help facilitate complying development, a faster assessment pathway.

Further, the proposed employment zones framework can support the direction set in State and local strategic planning, which sets the future vision for centres, precincts, cities and regions.

The new framework is expected to be introduced through an amendment to the SI Principal LEP Order by September 2021, which will then be incorporated into updated SI LEPs by mid-2022.

Developing the new framework

The proposed framework is informed by the best available evidence, data, knowledge and information.

We commenced with a **review of past policy** and previous employment lands initiatives in the retail and industrial sector, including:

- *Planning for the Future of Retail* – Discussion Paper (2018)
- Retail Expert Advisory Committee (REAC) – Independent Report (2016)
- *A New Planning System for New South Wales – Green Paper* (2012)
- *A New Planning System for New South Wales – White Paper* (2013)
- *White Paper Feedback Report* (2013)
- SI LEP establishment and subsequent evolution (2006 – present)
- thought leadership and research from the Greater Sydney Commission.

We commissioned **background analysis** to gain an insight on new and emerging industries. This work covered:

- the role, function and operation of the B6 Enterprise Corridor zone, including its intent, application, issues and potential inefficiencies
- the needs of workers in out-of-centre developments, including the policy context of complementary land uses, the type of land uses needed to support workers and any issues related to permitting additional worker support focused land uses
- how creative industries are accommodated in the NSW planning framework, where and how creative industries are located and any current inefficiencies
- the role, function and operation of the B4 Mixed Use zone
- how the current operation of the RU5 Village zone might inform whether rural zones should be captured as part of this reform (given the zone is working effectively no changes are proposed).

We **reviewed all local strategies** relating to business and industrial zoned land, including local strategic planning statements, employment land strategies and centres strategies. This captured the strategic direction set out by each council.

We also audited all LEPs established under the SI LEP to understand which business and industrial zones are used and the land uses permitted in the zones.

We commenced an **extensive consultation process in late 2020** that included a webinar to launch the reforms, as well as online surveys and workshops for councils and meetings with other stakeholders.

We received responses from 30 metropolitan and 67 regional councils to the survey, which sought an initial understanding how the employment zones work in each local government area and the status of local strategic planning and LEP reviews. These findings informed council workshops in early 2021. Appendix B details the findings of the workshops.

We provided a preliminary framework paper that detailed the likely policy direction and allowed council officers to provide input prior to public exhibition. 40 officers provided valuable feedback. We have incorporated aspects of that feedback into the proposed framework, other comments will be reviewed alongside broader submissions on this position paper.

We met with relevant State agencies, and key peak and industry groups to understand the specific issues of each group. Peak and industry groups included the Planning Institute of Australia, Urban Development Institute of Australia, Urban Taskforce, Shopping Centre Council of Australia, Local Government NSW, Large Format Retail Association, Australian Retailers Association, Advanced Manufacturing and Cement Concrete Aggregates Australia.

Proposed Employment Zones Framework

A full list of all groups is held at Appendix B.

An **Expert Advisory Group** gives us high-level independent advice and expertise on emerging trends in commercial, creative, retail and industrial business, employment lands (metropolitan and regional), domestic and global logistics, economics and land use planning.

Group members are:

- Alice Thompson, CEO, Committee for the Hunter
- Richard Pearson, Director, Pearson Planning Solutions
- Kate Murray, Director, Kingfisher & Co
- Marcus Spiller, Principal & Partner, SGS Economics and Planning
- Gary Mortimer, Professor, Queensland University of Technology Business School

This Group also contributes and advises on the evidence base and provides a sounding board to explore ideas and capture data and approaches.

Ongoing work

A cost benefit analysis is underway to examine zoning options and provide a baseline costing of our preferred approach. A social impact assessment is examining the social impacts of the proposed employment zones framework.

The final framework will be informed by this work.

Findings of the LEP review

A review of LEPs across NSW revealed the following finding:

- The restricted number of permissible land uses in the B1 zone inhibits the evolution of centres. Density controls will continue to manage the scale of development; however, businesses should be able to deliver business types to meet community expectations.
- Councils interchangeably use B3 and B4 in strategic and regional centres. The supremacy of a commercial centre and its importance for supporting jobs is not clear across LEPs.
- The B4 zone, while applied differently, predominantly operates as a residential rather than business zone. There is place-making and productivity value in providing a true mixed use zone in a contemporary zoning framework.
- B5 and B6 are largely applied uniformly. The purpose of B6 is unclear, lacking in strategic clarity. Land use activities commonly found in areas zoned B6 are generally classified as urban support or mixed use.
- There is no clear home for urban services land uses in the existing zones framework. Urban services are critical to a sustainable and well-functioning city. These uses typically cannot compete with higher value land uses commonly found in centres.
- Industrial lands have a critical value to cities and regions. Industrial land should be defined and separated from other higher value or sensitive land uses so industrial activities are not impacted operationally or available land eroded.
- Hazardous and offensive land uses need to be clearly delineated to adequately manage significant risks.
- The SI LEP does not generally accommodate precincts with strategic significance that undergo a detailed master planning process. These areas tend to sit within SEPPs which reduces the legibility of the planning system and diminishes opportunities available to councils to lead precinct planning work.

Proposed Employment Zones Framework

Utilisation of existing zones across NSW SI LEPs

Business

- Only 5% of LEPs utilise all available business zones.
- 52% of LEPs use fewer than 3 business zones.
- 43% use between 4 – 6 business zones
- Only 39% of strategic or regional centres have a B3 zoning

Industrial

- 11% of LEPs have no industrial zones
- 33% use 1 industrial zone
- 44% use 2 industrial zones
- 11% use 3 industrial zones
- Only 2% of LEPs use all industrial zones

Proposed employment zones framework

The proposed framework is an entirely new employment zones framework rather than a collapsing or combining of current zones.

Five new employment zones are proposed:

- E1 Local Centre
- E2 Commercial Centre
- E3 Productivity Support
- E4 General Industrial
- E5 Heavy Industrial¹

The Local Centre and Commercial Centre zones represent zoning for centres; the General Industrial and Heavy Industrial are the key industrial zones; and Urban Support provides a transition between the centres and industrial zones.

To accommodate land uses in existing B or IN zones that are not primarily productivity related, **two further zones are proposed:**

- MU Mixed Use
- W4 Working Foreshore

The MU Mixed Use zone is generally used where a range of land uses are to be encouraged.

To introduce a flexible mechanism to allow for bespoke planning for unique precincts **a new Special Purpose zone is proposed:**

- SP4 Local Enterprise

Introducing the SP4 Local Enterprise zone recognises that certain precincts and their proposed land use activities are unique and cannot be accommodated in another proposed zone. The SP4 zone will allow a planning authority to set the land use table.

The W4 Working Foreshore zone is a direct translation of the IN4 Working Waterfront yet due to the alignment of land uses and land application, is better grouped with waterways zones.

Strategic intent

Local Centre zone

- Provides for a range of retail, business, entertainment and community uses that serve the needs of people who live, work or visit the local area.
- Supports a centre that is smaller than a Commercial Centre in the centre's hierarchy.
- Fundamentally replaces B1 Neighbourhood Centre and most B2 Local Centres.
- Supports a scale of development that will vary from small-scale neighbourhood centres containing a handful of shops to larger local centres.
- Residential uses will generally be in the form of shop-top housing and boarding houses.

Commercial Centre zone

- Provides for large-scale commercial, retail, business and compatible associated uses like community uses, recreational and health care services.

¹ There may be consequential amendments to the naming of other SI LEP zones that follows from this reform.

Proposed Employment Zones Framework

- Essentially replaces B3 Commercial Core, could extend to larger B2 Local Centres and some B4 Mixed Use where there is a focus on jobs, and may be appropriate for B7 Business Park areas.
- Emphasises a centre's business and employment focus.
- Supports council community facilities to create a central community hub (e.g. with main libraries, community and cultural facilities and council offices).
- Supports an area's night-time economy.
- Avoids mandating residential uses although higher density residential may be appropriate in some areas so long as the primary employment focus is preserved.

Productivity Support zone

- Allows for a mix of services, low impact industry, creative industry, manufacturing, warehousing, office and limited supporting retail.
- Essentially replaces B5 Business Development, B6 Enterprise Corridor, some B7 Business Parks and in exceptional circumstances limited areas of IN2 Light Industrial zones that no longer function as traditional industrial precincts.
- Suits locations near catalyst development (such as health and education) to support those uses through development such as a larger campus style business park.
- Suits emerging and new industries that need larger floorplates.
- Limits retail to uses requiring larger lots/floorplates (e.g. specialised retail premises), or that meets workers' or businesses' daily needs, or that sells products manufactured on site.
- Generally does not support residential uses.

General Industrial zone

- Primarily accommodates light and general industrial uses and warehousing uses.
- Allows for infrastructure and utilities.
- Generally replaces IN1 General Industrial and IN2 Light Industrial zones.
- Limits general retailing to meet workers' daily needs or to sell products manufactured on site.
- Does not support residential uses.

Heavy Industrial zone

- Primarily accommodates heavy industry (i.e. hazardous and offensive industry) and associated storage and depot.
- Allows for infrastructure and utilities.
- Replaces IN3 Heavy Industrial zone and potentially some IN1 General Industrial zones.
- Does not support residential or retail uses.
- Excludes incompatible development to ensure the efficient and productive use of the land and its long-term viability as heavy industrial land.

MU – Mixed Use zone

- Supports a mix of residential, retail, light industry and tourist accommodation.
- Supports genuine mixed use development rather than one dominant use.
- Replaces B4 Mixed Use, some B2 Local Centres and potentially B8 Metropolitan Centre.
- Promotes and encourages activities at ground floor and on street fronts.

Proposed Employment Zones Framework

- Considers the role and purpose of mixed use relative to other commercial and high density residential zones within the local government area.

W4 Working Foreshore zone

The W4 Working Foreshore zone is a direct translation of IN4 Working Waterfront. Land to which this zone applies has more in common with the zone grouping of waterways than it does to employment zones.

SP4 – Local Enterprise zone²

- Provides a future home for planned precinct processes, special activation precincts and regional jobs precincts should these areas and processes ever be brought across into the SI LEP.
- Recognises that these precincts and their proposed land use activities have a special purpose that cannot be accommodated in other zones. Investment in enterprise should be the core objective of the zone where the application of another zone is not appropriate.
- Application for limited existing developed or partially developed areas where development does not meet the strategic intent and/or objectives of any of the new zones (e.g. parts of the B8 Metropolitan Centre in the City of Sydney LGA or large planned commercial office parks).
- Offers flexibility for the planning authority to set uses within the land use table.
- Only applies in unique and predetermined circumstances subject to meeting strict established criteria and Department endorsement.
- Wide use not expected at the commencement of the new framework.

How will the SP4 Local Enterprise zone work

The proposed new Special Purpose zone is an endeavour to introduce a flexible mechanism within the SI LEP that will allow for a bespoke planning response for unique precincts.

Similar to the 'regional enterprise zone' in the Activation Precincts SEPP, the Local Enterprise zone is proposed to have investment in enterprise at the core of its objective however it could be broadened to allow additional focuses. It would be a flexible zone where the council/government could set all the uses within the land use table however it could only be applied in unique and predetermined circumstances in accordance with the objectives and criteria set through a potential direction applying to this zone (similar to the directions that currently exist within the SI LEP Order).

Where SP4 is proposed to be applied within an LEP, precinct-specific land use tables will be provided potentially through use of a new LEP schedule. The permitted land uses could be provided similar to how they are laid out currently within SEPPs i.e. within the Activation Precincts SEPP or the State Significant Precincts SEPP. SP4 zoned sites could be mapped as SP4 with an identifier that links to the land use table in the new SP4 LEP schedule similar to how Schedule 1 sites are currently identified within SI LEPs.

² Please note that the SP4 Local Enterprise zone has not been included within the Draft Amendment Order, we would appreciate feedback on the intent of this proposed zone.

Proposed Employment Zones Framework

New, updated or consolidated land use definitions

We propose **updated definitions** for

- Business premises
- Industrial retail outlet
- Kiosk
- Neighbourhood shop
- Shop top housing
- Crematorium.

We also propose **new definitions**:

- Circular economy facility
- Creative industries
- Data centre.

Local distribution premises will become a separate land use decoupled from the parent term 'warehouse or distribution centres'.

Updated and new definitions

Land Use	Intent	Rationale
<p>Business premises Amends existing definition</p>	<p>Update the definition to remove reference to outdated land uses (internet access facilities) and make it clear that business premises do not include a 'shop'.</p>	<p>'Business premises' and the uses that are captured under the definition are subject to technological evolution and changes to business practices. Accordingly</p> <p><i>Internet access facilities</i> are a redundant type of business that should not be included within the definition as it no longer provides clarity.</p> <p>We have received feedback that there is some misunderstanding as to whether a 'business premises' includes a <i>shop</i> and so to put this beyond doubt and to reduce the overlap with the existing land use term 'shop' we are seeking to specifically include shop within the list of land uses that a 'business premises' is not. This is an important distinction as business premises are included as a mandated permitted use within the Productivity Support zone.</p>

Proposed Employment Zones Framework

Land Use	Intent	Rationale
<p>Circular economy facility ('domestic goods repair and reuse facility')</p> <p>New definition</p> <p>Sub-term of 'light industry' or potentially 'business premises'</p>	<p>Insert a new definition that provides for a facility that allows for the collection, repair, refurbishment, dismantling, sharing and redistribution of goods found commonly in households.</p> <p>These facilities should not be confused with waste recovery facilities that have amenity impacts. These facilities are low in impact and suited to local neighbourhood collection of waste materials.</p>	<p>The 20-year waste strategy identifies the need for a new waste definition to support the circular economy.</p> <p>The definition intends to support the proposed amendments to the Codes SEPP.</p>
<p>Creative industry</p> <p>New definition</p> <p>Sub-term of 'light industry'</p>	<p>Insert a new definition that provides a catch all definition for the creative industries and their activities and outputs.</p> <p>The definition will capture occupations that commonly identify as creative including:</p> <ul style="list-style-type: none"> • traditional and digital media; • fine arts and crafts; • design; and • creative products <p>and extends to the activities carried out including production, workshops, display/performance and sale of items.</p>	<p>Creative industries are currently not defined under the SI LEP and therefore these uses are not captured clearly under the planning system. The intent of the new definition is to recognise the individual industries and activities that identify as creative.</p> <p>This definition builds on definitions in local creative industries strategies and plans. Please note creative industries may include an 'industrial retail outlet'</p>
<p>Crematorium</p> <p>Amend existing definition</p>	<p>Update the definition to include the additional process for inurnment known as aquamation.</p>	<p>Meets demand for new and emerging means of inurnment that do not involve burning (aquamation).</p>
<p>Data centre</p> <p>New definition</p> <p>Sub-term of 'High technology industry'</p>	<p>Insert a new definition to cover a building used for the collection, storage, process and distribution of electronic data,</p>	<p>Data centres are currently defined in part under the Infrastructure SEPP as 'data storage'. To make data centres complying development requires a broader definition to capture how data centres are planned and built.</p>

Proposed Employment Zones Framework

Land Use	Intent	Rationale
<p>Industrial retail outlet Amend existing definition</p>	<p>Update the definition to allow industrial retail outlet to sell the outputs of a creative industry,</p>	<p>Amendments allow for a creative industry to display and sell goods manufactured on site.</p> <p>The retail floor area size will be controlled through Clause 5.4 <i>Controls relating to miscellaneous permissible uses</i> under the relevant LEP.</p>
<p>Kiosk Amend existing definition</p>	<p>Update the definition to remove reference to products that are no longer convenience items (camera film)</p>	<p>Kiosks currently reflect a land use activity that has limited application (e.g. selling film) rather than selling fruit and vegetables, phone chargers, stationery, batteries etc.</p>
<p>Local distribution premises Retain existing definition Remove from parent term 'warehouse or distribution premises'</p>	<p>Retain existing definition however make 'local distribution premises' a stand-alone definition so that it no longer falls under the parent term 'warehouse or distribution premises'.</p>	<p>'Local distribution premises' are appropriate on land where 'warehouse and distribution premises' are not otherwise permitted. Decoupling permits this land use in zones where the use is mandated as well as within open zones. This change will support the expansion of last mile freight and logistics including parcel lockers and click and collect.</p>
<p>Neighbourhood Shop Amend existing definition</p>	<p>Update the definition to make it less ambiguous regarding ancillary services. Remove reference to products that are no longer frequent convenience items (newspapers) and replace the concept of personal care products with day to day needs.</p>	<p>The current definition of 'neighbourhood shop' is outdated, ambiguous and unnecessarily limiting. This broader application relies on the test of meeting day-to-day needs.</p>
<p>Shop-top housing Amend existing definition</p>	<p>Update the definition to allow ground floor commercial premises and health services facility providing more opportunity for local services, viable uses on the ground floor and employment generation.</p>	<p>It is appropriate and desirable to allow additional uses on the ground floor of shop top housing. The definition expands the ground floor use to allow health service facilities e.g. medical centre or light industry.</p> <p>The Department would also welcome feedback on whether the existing definition needs updating to allow for more than just ground floor commercial use.</p>

Proposed Employment Zones Framework

Land Use	Intent	Rationale
<p>Warehouse or distribution centre</p> <p>Amend existing definition</p>	<p>Update the definition to remove inclusion of local distribution premises as part of a consequential amendment reflecting the decoupling of local distribution premises from the parent term.</p>	<p>Amend to acknowledge that local distribution centre has been decoupled from the parent term warehouse and distribution centre.</p>

Potential consolidation of existing definitions

As part of this Position Paper we are seeking feedback on the potential consolidation of a number of existing land use terms. These land use terms have a shared or overlapping strategic intent with another land use term. These land uses have been recommended for consolidation as there are similarities in how these land uses operate and often the zones where they are permitted with consent. This consolidation allows for streamlining of definitions and reduces potential misinterpretation where a land use term could fall into multiple definitions and depending on interpretation, result in ambiguity as to permissibility.

The potential land use term consolidation was not discussed as part of upfront engagement and therefore are not included in *Draft Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021* as they have not been the subject of preliminary feedback. These potential land terms are not shown in the Land Uses Matrix. Input is specifically sought in any instances where the current land use terms have different permissibility within individual land use tables. Additionally, if there are any other land use terms that could be consolidated we would be interested in hearing those suggestions.

Potential consolidated definitions

Land Use	Intent	Rationale
<p>Home improvement retail premises</p> <p>Potential definition</p> <p>Sub-term of 'commercial premises'</p> <p>The new land use term would be permitted with consent in E1-E4 and MU1 zones.</p>	<p>To provide a land use term that enables the retailing of materials that are used in home improvements.</p> <p>The definition would be formed by combining the existing definitions of 'hardware and building supplies' and 'garden centres' into a single 'home improvement retail premises' definition.</p> <p>'Hardware and building supplies' and 'garden centres' would be deleted from the Dictionary, Direction 5 and land use tables.</p>	<p>'Hardware and building supplies' and 'garden centres' are similarly applied within land use tables and the business functions are comparable.</p>

Proposed Employment Zones Framework

Land Use	Intent	Rationale
<p>Trades retail premises</p> <p>Potential definition</p> <p>Sub-term of 'commercial premises'</p> <p>The new land use term would be permitted with consent in E1-E3 and MU1.</p>	<p>To provide a land use term that enables the retailing of trade materials that are used in construction, farming, primary production and landscaping.</p> <p>The definition would be formed by combining the existing definitions of 'landscaping material supplies', 'rural supplies' and 'timber yards' into a single 'Trades retail premises' definition.</p> <p>'Landscaping material supplies', 'rural supplies' and 'timber yards' would be deleted from the Dictionary, Direction 5 and land use tables.</p>	<p>'landscaping material supplies', 'rural supplies' and 'timber yards' are similarly applied within land use tables and the business functions are comparable.</p>
<p>Storage and distribution premises</p> <p>Potential definition.</p> <p>The new land use term would be permitted with consent in E3-E5.</p>	<p>To provide a land use term that facilitates freight and logistics. This definition groups storage, warehousing and distribution centres uses under the one land use activity.</p> <p>The definition would be formed by combining the existing definitions of 'storage premises' and 'warehouse or distribution centre'.</p> <p>'storage premises' and 'warehouse or distribution centre' would be deleted from the Dictionary, Direction 5 and land use tables.</p>	<p>Freight and logistics are an expanding sector. Providing a single, broad definition will allow greater flexibility and enable expansion of storage, warehousing and distribution centres within the one operation.</p>
<p>Self-storage units</p> <p>Retain existing definition</p> <p>Decouple 'self-storage units' from parent term 'storage premises'</p> <p>No change is proposed to where 'self-storage units' would be permitted with consent (see Land-Use Matrix).</p>	<p>To reflect that 'self-storage units' are not part of the freight and logistics network unlike 'storage premises'</p>	<p>Recognising that 'self-storage units' are not part of freight and logistics it is not an appropriate fit to have this land use fall under the parent term 'storage premises'. Additionally, decoupling the land use from the parent term will enable a council to individually list 'self-storage units' into any zone where the land use is deemed appropriate i.e. a local centre.</p>

Land use tables

The proposed land use tables identify mandated permissible and prohibited uses within each of the new zones. Councils will still be able to permit or prohibit other land uses as they see fit and in alignment with relevant strategic plans.

Mandated permissible uses are expanded to clearly delineate the intent of the zones and allow greater consistency in application. Increasing the range of permissible uses while also managing contemporary land use conflicts is a key productivity gain. Increasing the range of permitted uses should reduce the need for a planning proposal for a development that is appropriate within the zone, but not within the list of permitted uses currently set within the SI LEP.

Draft Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 details the draft land use tables of the proposed employment and supporting zones other than for SP4 Local Enterprise zone.

Proposed Employment Zones Framework

Variation in objectives

Proposed objectives are intended to reflect the strategic intent of the proposed zones to support councils in development assessment. We propose allowing variation on certain objectives to ensure they reflect strategic planning. This means objectives can vary when applied in metropolitan versus regional areas. A decision on which objective is to be applied will be made as land use tables are prepared and reviewed by councils. Other proposed objectives are outlined in the *Draft Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021*.

Proposed zone	Proposed optional objectives
Commercial centre	<ul style="list-style-type: none"> To encourage employment opportunities and business investment OR <ul style="list-style-type: none"> To encourage employment opportunities and business investment in the regional centre OR <ul style="list-style-type: none"> To encourage employment opportunities and business investment in the Strategic centre.
Mixed use	<ul style="list-style-type: none"> To provide a range of business, community, light industrial, retail and residential land uses. OR <ul style="list-style-type: none"> To provide a range of retail, business, and community uses; OR <ul style="list-style-type: none"> To provide a range of business, community, retail and residential land uses.

* SI LEPs will still be able to add additional local objectives.

Land uses permitted under State Environmental Planning Policies

In addition to the mandated land uses in the SI LEP, a number of State Environmental Planning Policies (SEPPs) also set land use permissibility. These land uses are generally not listed in LEPs. We do not propose a change to this approach.

If you refer to the Land Uses Matrix provided as part of the exhibition documents most of these SEPP-based land uses are identified.

Parent terms to identify land uses

Currently, if a parent term is identified as a mandated permitted use there is no need to identify child terms under this as a mandated permitted use. No change to this approach is proposed. The proposed land use tables therefore do not list child terms.

If you refer to the Land Uses Matrix provided as part of the exhibition documents all mandated permitted and prohibited land uses are identified.

Benefits of the proposed framework

Greater land uses within individual zones

The reduced number of zones provides clear delineation of the purpose of each zone within the SI LEP and provides greater diversity of mandated permissible uses.

The increase in mandated permissible provides greater consistency and opportunity for new uses. This makes it easier for new businesses to understand where they are permitted or prohibited, to

Proposed Employment Zones Framework

enter local markets and for existing businesses to expand. It also enables the planning system to respond more flexibly to changing business and household needs and external market forces.

The opportunity for complementary businesses to co-locate where appropriate, especially important for emerging industries, is supported through the new definitions, such as the new definition of 'circular economy facility'.

Consistency in strategic intent

The mismatch in zone application creates mixed signals for market, industry and community. The proposed framework embeds clarity, boosting certainty which then supports industry to invest or establish a pipeline of investment.

For communities, consistency in the application of zones contributes to a legible planning system – meaning people can anticipate future development based on an area's zoning.

Response to key policy questions

Planning for a centres hierarchy

Councils and community generally support a hierarchy of centres via either the setting of scale through height and floor space ratio controls or by limiting which land uses are permitted depending on the size of the centre. The changing nature of retail and the evolution of our centres to meet community needs means that flexibility around land uses can make for great places, relying on development controls to set the appropriate scale of development and to maintain existing and desired future character.

In the setting of additional permitted land uses within the land use table for the Productivity Support zone, councils should determine their approach to managing out of centre development. As part of implementation we will provide guidance within a toolkit on balancing worker convenience retail and out of centre development.

Planning for industrial land

The value placed on industrial lands shifts over time particularly where there are competing land uses and limited land supply within cities and regions. Every region needs a location to accommodate its uses that require more physical space or access to freight networks, have an amenity or environmental impact or are priced out of other markets. Cities where there is no place for these back-of-house or impacting uses close to the population centre are less sustainable as businesses and communities need to travel further to access supporting infrastructure and activities.

Within parts of Greater Sydney and particularly the Eastern Harbour City, there is limited industrial land and strong pressure to adapt this land to mixed uses to meet the supply demands of other higher order land uses. While there will always be transition of land between land use activities, once industrial land flips to commercial or residential, that land is unlikely to ever revert to an industrial use. From a productivity perspective, industrial areas often yield low job ratios, but these operations are often critical to a well-functioning city i.e warehousing.

Given the finite amount of industrial land in many districts and regions, it is appropriate to provide a range of zones that respond to the different priorities of these industrial precincts. In the review of which is the appropriate zone for industrial precincts, councils should be guided by their employment lands strategy and how that aligns to the strategic intent of the proposed zone. Councils should also be cognisant of the long-term operational value and supply of their industrial land. In the setting of permitted uses in land use tables, councils should determine their approach to out of centre development and worker amenity/needs.

Proposed Employment Zones Framework

The outlined strategic intent, objectives and mandated permissible uses of the proposed framework, as a baseline, preserve industrial land for the uses that need to locate in industrial locations. Councils can choose to open industrial land to additional uses based on a strategic plan.

Simpler and more flexible planning systems

The Federal Productivity Commission outlined in its report *Shifting the Dial: 5-year productivity review* three areas that remain priorities across jurisdictions to support the productivity potential of urban lands:

1. reducing the number and complexity of restrictions on land use created by prescriptive zoning systems
2. better planning and provision for growth
3. the need to continue moves towards a risk-based approach to assessing development proposals.

The Productivity Commission is preparing case studies to focus on the three priority areas. The first case study, relating to the first priority area, was of Victoria's 2013 reform of the Commercial Land Use zoning³. The findings of the case study informed the development of this proposed employment zones framework.

Victoria undertook a reform of its commercial zones reducing the number from five to two. A third commercial zone was reinstated in 2018. Distinct from this employment zones reform, Victoria limited its reform to 'commercial' zones meaning it did not capture industrial, special activation or township centre/capital city zones.

The NSW reforms take a wider scope and go further than Victoria, but also seeks to deliver a framework that is appropriate to the nuances of the NSW planning system.

The NSW and Victoria planning systems are very different. Victoria mandates all prohibited and permitted land uses (councils cannot choose to allow additional permitted uses) and has extensive reliance on overlays to achieve local strategic provisions. The Federal Productivity Commission in its case study acknowledged that the benefits of the reform arise from increased flexibility within zones (additional permitted uses) rather than a decrease in the overall number of zones. Accordingly, this employment zones framework seeks to provide a fit for purpose framework as well as allowing increased flexibility.

³ Productivity Commission 2020, *Victoria's Commercial Land Use Zoning, Productivity Reform Case Study*, Canberra.

Proposed Employment Zones Framework

NSW proposed employment zones compared to Victoria	
NSW proposed	Victoria current
E1 Local Centre	Commercial 1 (Mixed use commercial)
E2 Commercial Centre	Commercial 2 (Commercial offices)
E3 Productivity Support	Commercial 3 (Employment generating/urban services uses)
E4 General Industrial	Industrial 1 (Light industry)
	Industrial 2 (General industry)
E5 Heavy Industrial	Industrial 3 (Heavy industry)
W4 Working Foreshore	Port
SP4 Local Enterprise Zone	Activity Centre (support activity centres)
	Capital City (City of Melbourne zone)
MU1 Mixed Use	Mixed Use
8 zones	10 zones

Relationship to other planning reforms

The proposed employment zones framework is part of a substantial reform program relating to elements such as planning proposals, updates to regional plans, State planning principles and reviews of SEPPs.

Additionally, other projects underway are related to these proposals:

- The Greater Sydney Commission is reviewing the effect of the 'retain and manage'⁴ policy in the Greater Sydney Region Plan and district plans. This review will inform an update to the Greater Sydney Region Plan. The employment zones framework will align to the review work of the Greater Sydney Commission.
- The Department has exhibited an Explanation of Intended Effect Building Business Back Better for changes to the employment codes under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Employment zones reform and the proposed changes to complying development codes together will grow jobs and support productivity. The interrelationships between the two reforms, public exhibition comments and implications for implementation will inform the final policy position of both reforms. This is anticipated to include specific guidance and mechanisms that will ensure the intent of local strategic planning is reinforced.
- The proposed Design and Place State Environmental Planning Policy Explanation of Intended Effect has recently been on public exhibition. The employment zones reform does not intend to impact on the application of the proposed Design and Place SEPP.

⁴ The Greater Sydney Region Plan includes principles for managing industrial and urban services land. One of these principles is 'retain and manage'. Existing industrial and urban services land identified as 'retain and manage' should be safeguarded from competing pressures, especially residential and mixed-use zones. For more information see here: <https://www.greater.sydney/metropolis-of-three-cities/productivity/jobs-and-skills-city/industrial-and-urban-services-land>

Implementation

The NSW zoning system, while standardised, enables a level of tailoring to support strategic objectives. This non-conformity will make the implementation of the new framework more complex.

Implementation will require work to translate existing B and IN zoned areas into the new framework; while this process will draw from strategic planning, it should not require councils to review or undertake additional strategic planning. Councils that have not completed strategic planning may wish to flag future rezoning of areas if they anticipate a need to align with employment and centres strategies.

For the proposed new employment zone framework to take effect:

- an amendment to the SI Principal LEP Order will be required
- all SI LEPs will need to be updated
- any other environmental planning instrument that relies on the SI Principal LEP either through land use tables, model provisions or dictionary will need to be amended.

We will support councils by driving much of the upfront process, including:

- consolidating amendments to all SI LEPs through State-led self-repealing SEPPs (prepared and exhibited to clearly outline and communicate individual LEP amendments)
- preparing the first draft of zone application maps and land use tables
- providing policy guidance and support.

Councils will have sufficient time to review the proposed translation into the new framework and will be able to make changes to land use tables, mapping, local provisions and schedule 1 additional permitted uses.

Implementation will not require councils to prepare individual planning proposals. The self-repealing SEPPs will be prepared and exhibited with the level of detail necessary to clearly outline and communicate individual LEP amendments and to then make the legislative change to individual LEPs.

An implementation plan outlines key timing for the employment zones. This is available as part of public exhibition.

The implementation approach is informed by council consultation and we will continue to refine the approach. Resourcing capacity will be balanced against the need to complete the reforms quickly to support economic recovery and to minimise uncertainty for local land use planning as zones are a key gateway into the NSW planning system.

Support

We will develop a **toolkit** of detailed information on the following topics. This may be expanded based on continued feedback from local government and stakeholders.

- Supporting local provisions: A review of existing local provisions introduced by councils to deliver strategic objectives has been undertaken. The Department will look to prepare a set of model local provisions to assist councils who wish to add similar provisions within their LEPs.
- Characterisation of zones: A detailed explanation on the intent and characterisation of each zone will be provided to make it easier for councils, the community and industry to understand where the zone should be applied, the type of permissible land uses and the strategic objective it will deliver. This will also include illustrative case studies.

Proposed Employment Zones Framework

- Discussion on open zones: We will encourage open zones rather than a closed approach to foster flexibility and innovation in employment zones. We will provide further information on the benefits of open zones and how they can be applied.
- Guidance on amending local plans: We will provide guidance on how strategic planning aims can be achieved through the new framework including planning for a centres hierarchy, supporting business parks, managing out of centre development and planning for precincts under transition (e.g. increasing densities in industrial areas.)

We are investigating options to provide **tangible planning support**; however, there is limited capacity to give funding directly to councils. Utilising a flying squad of policy planners engaged by the State and deployed to councils to undertake the detailed review work is being considered. We are also considering options to provide communications and engagement assistance to support public exhibition and consultation with communities and recently elected local government officials.

We will utilise **ePlanning** to prepare new zone application maps delivered through the spatial viewer. Councils will no longer be required to prepare PDF maps for LEPs. We will prepare the first round of mapping based on the findings of our consultation and analysis – these will then be provided to councils for review. We can also prepare final zone application maps for councils with little or no GIS capabilities. For councils with better GIS capabilities the Department will assist to the degree that is required to support delivery of the maps within the spatial viewer.

We will prepare **draft land use tables** for all LEPs having regard for local circumstances. This will include permitted and prohibited land uses under the new employment zoning framework and any additional permitted uses currently incorporated into LEPs. Councils can then review and confirm these tables.

These initiatives will enable councils to focus on complex or contentious areas that require more detailed consideration to align with their strategic planning.

Next steps

A final framework will be introduced into the Principal Standard Instrument in September 2021, drawing from feedback to this position paper. It is intended that the new zones will sit alongside the existing land use tables until such time as the changes are introduced into all relevant LEPs.

Amendments to individual SI LEPs is planned to occur in two tranches and be facilitated by self-repealing SEPPs. All LEPs are intended to be updated by mid-2022. This timing aligns to milestones set by the NSW Government when this reform was established.

Councils are already progressing LEP reviews following preparation of local strategic planning statements. This work should continue while the employment zones framework is being finalised. We are working through savings and transitional arrangements for planning proposals currently underway and will provide information as the arrangements are finalised.

For councils that are yet to undertake the review or are in the preliminary stages of the review, consideration should be given to how that work could progress under the proposed employment zones framework.

A **comprehensive list of consequential amendments** is being prepared for environmental planning instruments that interact with the SI LEP zones and/or dictionary. Where an instrument – such as the Growth Centres SEPP – uses the SI LEP zones and dictionary in name only, there is no intention to translate it into the new framework.

Savings and transitional arrangements will also be prepared for the continuation of the existing zones during implementation.

Planning proposals already underway should be unimpeded by the proposed framework – they should continue to progress through the LEP plan-making process. We will work with individual councils and, where relevant, proponents to work through translation of existing B and IN zones into the new framework.

Savings and transitional arrangements will extend to undetermined development applications. Further information on these arrangements will be provided as the reforms progress.

Potential future reform

During engagement there was discussion around other mechanisms to support flexibility and reduce the need for a planning proposal for undefined land uses that were consistent with the objectives of the zone. We are continuing to look into this aspect of the planning system to improve agility and respond to emerging land uses in a time critical manner.

Proposed Employment Zones Framework

Have your say

We want to continue the discussions on this important reform and build on the issues and opportunities that were raised during early consultation.

When reviewing the proposed framework, we encourage councils and landowners to consider the strategic intent of each proposed zone and where that intent aligns with the strategic vision contained within strategic plans for centres, areas and precincts.

Consider that the framework intends to provide a 'home' for all types of land use activities and how they exist within a regional or urban environment.

As part of this public exhibition councils and landowners are encouraged to anticipate how the new framework could be applied to particular areas or sites.

How to get involved

The Department welcomes your feedback about the proposals outlined in this paper, the draft SI (LEP) Amendment (Land Use Zones) Order 2021 and the Implementation Plan. To make a submission on the reform proposed in these documents please go to <https://www.planningportal.nsw.gov.au/employment-zones-review> and complete the submission form, alternatively please email employment.zones@planning.nsw.gov.au.

All submissions will be made public in line with our objective to promote an open and transparent planning system. If you do not want your name published, please state this clearly at the top of your submission. The Department will publish all individual submissions and an assessment report on all submissions shortly after the exhibition period has ended.

Appendices

- a) LEP Audit summary tables
- b) Upfront stakeholder and council engagement.

Proposed Employment Zones Framework

Appendix A - LEP audit

Table: Zone audit of business zones

Zone	Total Number of SI LEPs utilising the zone (160 SI LEP)	%	Metropolitan Councils (46 SI LEP)	%	Regional Councils (114 SI LEP)	%
B1						46%
B2	127	79%	38	83%	89	78%
B3	56	35%	20	43%	36	32%
B4	98	60%	39	85%	59	52%
B5	61	38%	23	50%	38	33%
B6	64	40%	25	54%	39	34%
B7	44	28%	20	43%	24	21%
B8	1	1%	1	50%*	n/a	n/a

*B8 Metropolitan Centre is only available to North Sydney and City of Sydney.

Table : Total number of SI LEP business zones and the quantum of zones utilised by council

Business Zones used within the LEP	Number of SI LEPs that utilise the specific number of zones	%	Metropolitan	% Metro Councils (46 SI LEP)	Regional	% Regional Councils (114 SI LEP)
8*						0%
7	6	4%	2	4%	4	4%
6	27	17%	14	31%	13	11%
5	20	13%	5	11%	15	13%
4	23	14%	12	26%	11	10%
3	23	14%	8	17%	15	13%
2	30	19%	2	4%	28	25%
1	13	8%	2	4%	11	10%

Proposed Employment Zones Framework

0						
---	--	--	--	--	--	--

*B8 Metropolitan Centre is only available to North Sydney and City of Sydney.

Table: Zone audit of industrial zones

Zone	Total Number of SI LEPs utilising the zone (160 SI LEP)	Percentage	Metropolitan Councils (46 SI LEP)	Percentage of Metro Councils that utilise the zone	Regional Councils (114 SI LEP)	Percentage of regional councils that utilise the zone
IN1	122	76%	25	54%	97	85%
IN2	94	59%	34	74%	60	53%
IN3	20	13%	4	9%	16	14%
IN4	22	14%	8	17%	14	12%

Total number of SI LEP industrial zones and the quantum of zones utilised by council

Industrial Zones used within the LEP	Number of SI LEPs	Percentage	Metropolitan Councils (46 SI LEP)	% Metro Councils	Regional Councils (114 SI LEP)	% Regional Councils
4	3	2%	1	2%	2	2%
3	18	11%	4	9%	14	12%
2	69	43%	22	48%	47	41%
1	54	34%	11	24%	43	38%
0	16	10%	8	17%	8	7%

B1 and B2

	SI LEPs utilising the zone or combination	Metro SI LEP	Regional SI LEP
B1 and B2	85 (53%)	37	48
B1 only	10 (6%)	6	4
B2 only	41 (26%)	0	41
None	23 (15%)	2	20

B3 and B4

Proposed Employment Zones Framework

Zone	Numbers (%)
B3 only	7 (4%)
B4 only	47 (29%)
B3 and B4	52 (33%)
None	54 (34%)

B5, B6 and B7

			Number of SI LEPs utilising the zone or combination	Metro SI LEP	Regional SI LEP
B5	B6	B7	11	7	4
B5	B6		15	7	8
B5		B7	15	5	10
	B6	B7	11	4	7
B5			18	3	15
	B6		28	8	20
		B7	8	2	6
None			54	8	46

Appendix B - Upfront stakeholder and council engagement

CONSULTED TO DATE	
Peaks & Industry groups	
Planning Institute of Australia	Retail Guild of Australia
UDIA	Australian Retailers Association
Urban Taskforce	Better Planning Network
Property Council of Australia	Advanced Manufacturing Growth Centre
Local Government NSW	The Australian Industry Group
Large Format Retail Association	Australian Logistics Council
Woolworths	Amazon (emerging retail)
Cement Concrete Aggregates Australia	Local government
Sydney Airport	118 NSW councils metro & regional councils across 28 workshops
Shopping Centre Council of Australia	

Key findings: consultation

The following themes and the issues/opportunities were consistent across all stakeholder groups.

- The reduction of zones is supported if it supports a strategic purpose and employment and economic uses can be prioritised and protected. Community representatives expressed concern that broadening permissible uses may be harder to regulate.
- Creating flexibility and adaptability for suitable uses in employment zones and being able to support new activities and innovation is a priority for councils and industry. How that flexibility could be delivered varies between industry, councils and the community.
- Supporting a strong centres hierarchy through the planning framework is important to councils, as is enabling fine grain retail and commercial uses within centres.
- Interpretation of zone purpose and alignment to local strategic direction are the key inconsistencies in application.
- The profile of and uses in industrial lands is changing, while land for urban services and industrial activities should be located near where people live.
- In regional and rural areas, economic success relies on adequate infrastructure servicing and a supportive planning framework. The key challenge in metropolitan areas is land availability.
- Within metro areas, the B4 Mixed Use Zone is problematic and has become a pseudo residential zone with ground floor shops. The effectiveness of the B4 zone as a centres zone is varied in regional areas, with most calling for a review of its intent and objectives.
- Zone objectives and development controls plans could be given greater statutory weight to strengthen controls for employment. Land use definitions in the planning system are not keeping pace with emerging uses.

Greater Sydney councils: Key themes

- Councils support retaining and managing industrial lands, due to a significant loss of urban services lands in urban centres and the pressure on land for residential uses.
- Most councils report that the B4 was problematic. Several councils have implemented local provisions such as minimum non-residential floor space to manage residential creep.
- The flexibility of the specialised retail premises is creating issues – the definition means that uses are not limited to bulky goods, which is leading to out-of-centre development.
- Future land uses in industrial zones will include data centres and automation. These uses could limit the productivity of industrial zones.
- The most important objectives when applying employment zones are:
 - enabling fine grain high street retail and commercial
 - providing small-scale warehouse uses, spaces and light industrial/urban services
 - providing for large scale industrial and logistics activities.

Regional NSW councils: Key themes

- The RU5 Rural Village zone is flexible and functions and supports productivity in rural villages and centres.
- Employment uses occur in rural zones, special infrastructure zones and residential zones and should be considered as part of the reform.
- Infrastructure limitations in rural areas inhibits productivity in employment zones.
- While there is demand for temporary worker accommodation across regional and rural NSW, that accommodation and housing is limited in most local government areas.

Proposed Employment Zones Framework

- The B4 Mixed Use zone supports commercial development in some town centres, but in others a dispersing employment uses out of main towns or centres limits economic development.
- The most important objectives when applying the employment zones are:
 - supporting agricultural activities and products
 - providing small scale warehouse uses, spaces and light industrial/urban services
 - providing for small businesses.

Industry stakeholders: Key themes

- While there is uncertainty, businesses will continue to evolve with technological advances such as click and collect. This will see the emergence of smaller distribution hubs.
- Mixed use should be more clearly defined. The future blending of land uses and business types will make mixed use an important part of the conversation. Stakeholders emphasised that the need to open up mixed use to be more creative and amenable to new uses.
- Activation on the street is an issue for mixed use given often high vacancy rates for ground floor commercial or retail shop fronts. It is important to understand the strategic intent of the mixed use zone and to look into how to achieve that strategic intent.
- The planning system needs to be more flexible and should recognise the need to protect industrial lands in Greater Sydney. While it is agreed that the system should have more flexibility to facilitate innovation, the extent to which flexibility should be introduced into the planning system is contested.
- Height controls for industrial lands need to increase to facilitate new and emerging uses such as robotics and automation.

Other feedback

- Several councils raised the idea of a precinct master planning approach to cater to transitioning and emerging industries.
- Others called for reforms to create 'flexible certainty' by providing clear statements of intent for each zone, objectives, permissible uses and definitions that do not create barriers.
- Several councils agreed to differentiation between regional and metropolitan objectives and to allow for more choice so that councils can tailor how they translate strategic directions within their LEP.



Employment Zones Reform Implementation Plan



Contents

1	Introduction	1
2	Overview of the implementation plan	2
3	Further detail on implementation plan actions	5
4	Glossary	8

1 Introduction

The Department of Planning, Industry and Environment (the Department) is reviewing and rationalising the business (B1–B8) and industrial (IN1–IN4) zones under the Standard Instrument Principal Local Environmental Plan (SI Principal LEP). The reform will better accommodate the changing needs of businesses, better support state and local strategic planning, increase investment, and boost jobs growth. The proposed changes to the business and industrial zones are outlined [here](#).

This document outlines the implementation approach and key steps to deliver the new employment zones framework. The implementation approach will balance State-wide consistency with local tailoring. Councils will be actively supported throughout the employment zones reform.

State-wide consistency with local tailoring

The Department will publish the new employment zones framework in an Amendment Order to the SI Principal LEP. The Amendment Order enables councils to include additional permitted land uses, objectives and local provisions to further refine the strategic intent of their Local Environmental Plans (LEPs). The Department will support each council by creating a first draft land use table (LUT), and mapping through the spatial viewer for each LEP. This will be informed by existing LEPs, existing local strategic plans and conversations the Department has held with individual councils.

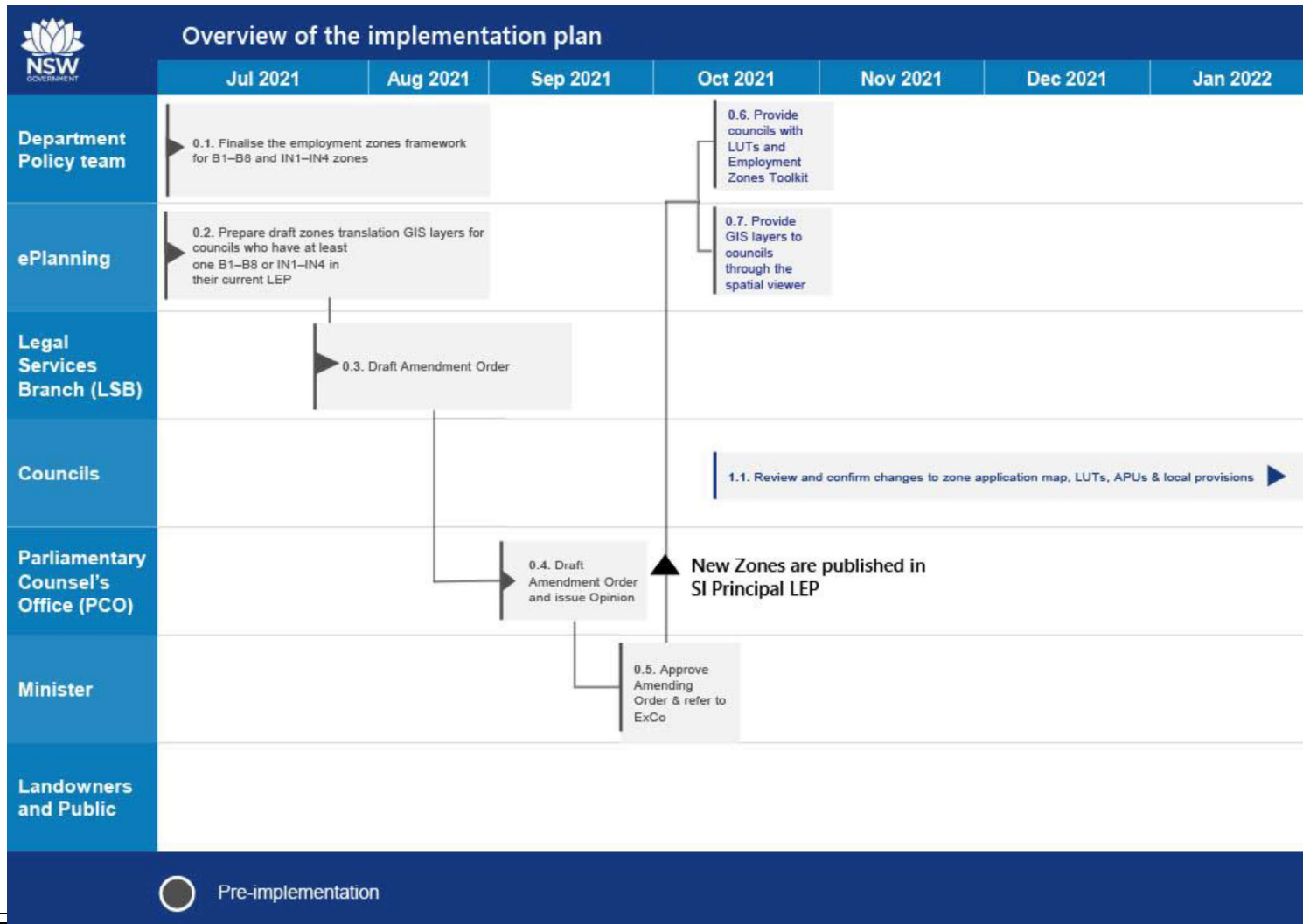
The Department will utilise a self-repealing State Environmental Planning Policy (SEPP) to amend individual LEPs to introduce the new zones. Councils will be able to continue to introduce new local provisions with the translation of employment zones. This will remove the need for councils to prepare individual Planning Proposals, though still allow councils to review, edit and sign off on tailorable aspects of their LEP before they are made. While the councils will have input in all stages of the implementation, the Department will require a resolution from councils in the following two stages:

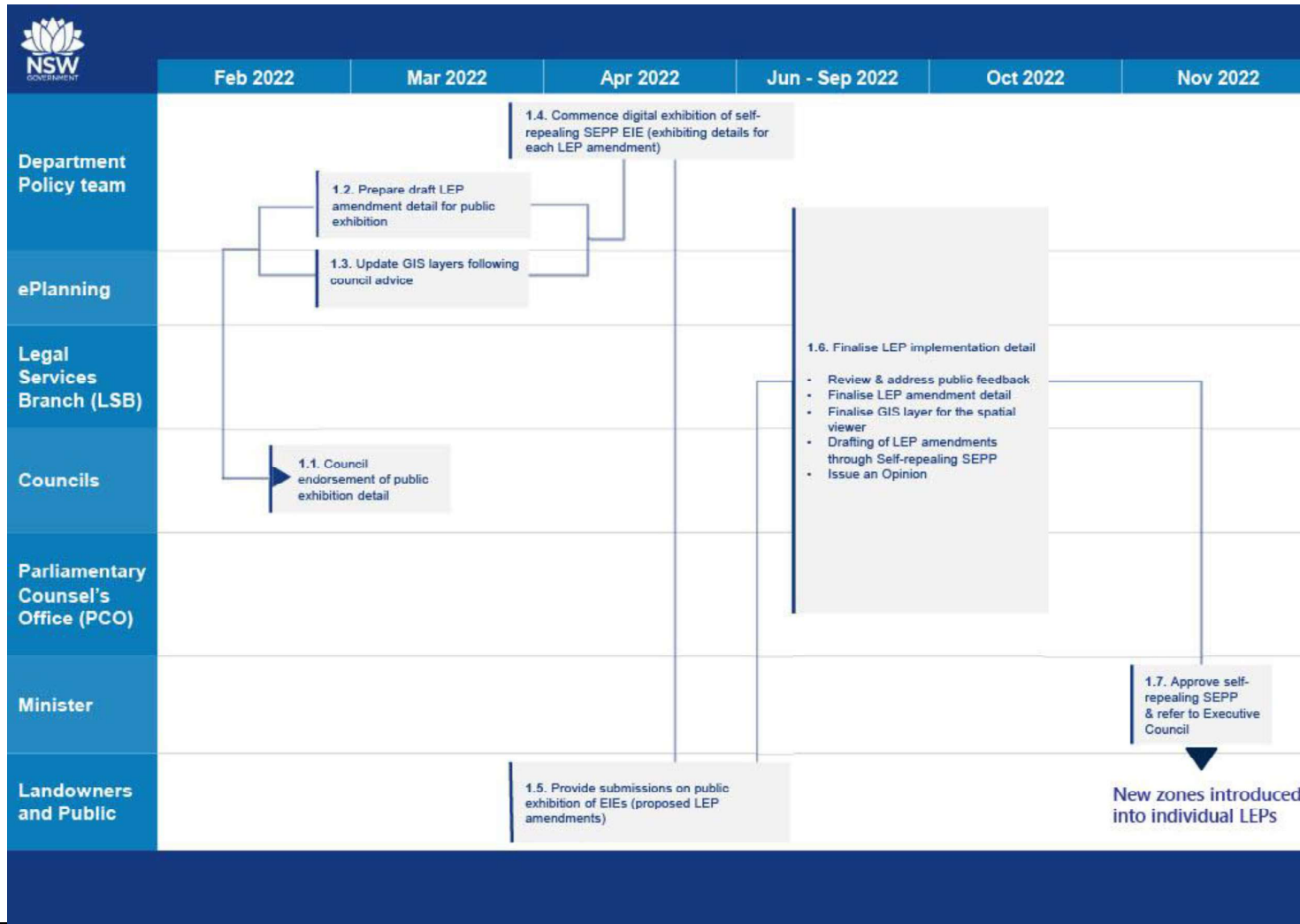
- **Before the exhibition of proposed changes to employment zones in LEPs.** Councils will have four months to review the draft LUTs and maps and provide any additional permitted or prohibited uses, objectives, or local provisions. This review will be supported by an Employment Zones Toolkit that will be provided to guide the translation of existing zones into the new framework.
- **Before final employment zones are gazetted.** Aligned with the current planning process, councils will have the ability to review and decide the final employment zones translation (as approved by the Department) for their council prior to publishing the final amendments to LEPs.

Support for councils

The Department will support councils by:

- Mapping anticipated zone conversion so councils can focus on validating the conversion and refining additional permitted uses, local provisions and precincts by exception that are proposing a non-conventional conversion.
- Providing communications documentation for councils to use to brief councillors about the reform and its implementation, and providing support by clarifying questions, including through published FAQs.
- Providing an Employment Zones Toolkit that councils can use to:
 - Interpret the new zones and their strategic intent
 - Guide their review of translation details provided by the Department
 - Update the Geographic Information System (GIS) maps and LUT
 - Craft local objectives, additional permitted uses and local provisions.
- Coordinated exhibition of individual LEP amendment detail that is locally focused. Public exhibition will include locally facing website content and detail to support councils and communities to understand the translation of the employment zones framework at a local level.
- Updating the GIS layers after the councils' initial review of translations provided by the Department if additional capacity or capability is required. More information on how to seek support from ePlanning will be provided in the Employment Zones Toolkit.





2 Further detail on implementation plan actions

The following table provides further detail on the actions in the implementation plan – **TO BE UPDATED**

Ref #	Action	Key outputs	Responsible	Timeline
0.1	<ul style="list-style-type: none"> ✓ Exhibit, seek feedback and finalise the draft employment zones framework for B1–B8 and IN1–IN4. ✓ Provide informal direction to councils on timelines, likely changes to zones and land uses. ✓ Finalise Amendment Order once the employment zone framework has been finalised. 	Draft employment zones framework Briefing note with final Amending Order and PCO Opinion	Employment Zones Policy Team	Prior to 1 Oct 2021
0.2	<ul style="list-style-type: none"> ✓ Prepare draft zone translation GIS layers (for spatial viewer delivery) for all councils who have at least one B1–B8 or IN1–IN4 in their current LEP. 	Spatial viewer with proposed zone conversion	ePlanning	
0.3	<ul style="list-style-type: none"> ✓ Draft the Amendment Order and issue an Opinion. 	Draft Amending Order PCO Opinion	PCO	
0.4 & 0.5	<ul style="list-style-type: none"> ✓ Approve Amendment Order and refer to Executive Council. 	Final Amendment Order Updated Principal SI LEP	Minister	Mid Sep 2021 – early Oct 2021
0.6	<ul style="list-style-type: none"> ✓ Publish new employment zones within SI Principal LEP. ✓ Share employment zones translation detail including land use tables, zone application map, Schedule 1 and local provisions with councils for review ✓ Provide an Employment Zones Toolkit for all councils who have at least one current B1–B8 or IN1–IN4 in their SI LEP. 	Employment zones framework Employment Zones Toolkit for councils	Employment Zones Policy Team	Mid Oct 2021
0.7	<ul style="list-style-type: none"> ✓ Provide GIS layers through the spatial viewer for all councils who have at least one current B1–B8 or IN1–IN4 in their LEP. It is estimated that this will capture, on average, 70% of zone conversions for each council. 	Share test environment spatial viewer with proposed zone conversion	ePlanning & Employment Zones Policy Team	Mid Oct 2021
1.1	<ul style="list-style-type: none"> ✓ Review LEP translation detail. ✓ Confirm and/or update GIS layers provide the updated shape file for the spatial viewer to the Department. ✓ Confirm and/or update LEP (LUTs, additional permitted uses and local provisions). ✓ Seek GIS support from ePlanning if additional capacity or capability is required to update GIS layers. The 	Updated GIS layers/shapefiles Updated LEP (e.g., LUTs, Schedule 1 Additional permitted uses & local provisions)	Councils	Mid Oct 2021–Mar 2022

Ref #	Action	Key outputs	Responsible	Timeline
	<ul style="list-style-type: none"> Employment Zones Toolkit will provide additional information on how to access support. ✓ Seek council endorsement for exhibition detail 	Endorsed LEP detail for exhibition		
1.2	<ul style="list-style-type: none"> ✓ Review councils' amendment to LEPs and prepared detail for public exhibition. ✓ Iterative clarification, as required, to ensure State-wide consistency. ✓ Iterative verification with the Department's regional teams. ✓ Prepare EIE documentation for exhibition. The EIE summarises the proposed amendments to the council LEPs. 	Drafted EIE	Employment Zones Policy Team	Nov 2021–Mar 2022
1.3	<ul style="list-style-type: none"> ✓ Update GIS detail in spatial viewer based on council advice and local tailoring. ✓ Ensure State-wide consistency and alignment. 	Draft Spatial Viewer exhibition maps for employment zones	ePlanning	Nov 2021–Mar 2022
1.4 & 1.5	<ul style="list-style-type: none"> ✓ Commence digital exhibition of self-repealing SEPP EIE with details for each LEP amendment. As per the Department's Community Participation Plan, the exhibition will be for six weeks. ✓ Provide submissions on the public exhibition of EIEs (proposed LEP amendments). ✓ Review feedback from the public as it is submitted and respond to it as appropriate. This includes referring council-specific feedback to the relevant council and seeking their advice where required. 	<ul style="list-style-type: none"> EIE exhibition collateral Digital exhibition 	<ul style="list-style-type: none"> Employment Zones Policy Team Landowners and public Councils 	Mar/Apr 2022 – May 2022
1.6	<ul style="list-style-type: none"> ✓ Address public feedback through an iterative process and finalise the self-repealing SEPP and GIS layers. Aligned with the current planning process, councils will be responsible for making the final decision on adopted zoning, as approved by the Department. ✓ Finalise LEP amendment detail including mapping. ✓ Seek council endorsement of finalised LEP amendment detail ✓ Drafting instructions to PCO to draft LEP amendment ✓ Obtain PCO Opinion on the final self-repealing SEPP 	<ul style="list-style-type: none"> Finalised LEP detail, GIS mapping & endorsed detail PC Opinion Minister's approval & ExCo package 	<ul style="list-style-type: none"> Employment Zones Policy Team Councils ePlanning LSB PCO 	Jun - Oct 2022
1.7	<ul style="list-style-type: none"> ✓ Minister approval and refer to Executive Council. 	Publish self-repealing SEPP making the LEP amendments	Minister PCO	Nov 2022

The success of the implementation plan will require all activities to be completed on schedule, as every step is dependent on the completion of the previous step. This means that councils will be asked to provide their required changes to their LEPs within allocated time frames. Extensions to the timelines established in this implementation plan will not be possible.

3 Glossary

Term	Definition
Employment Zone Framework	The proposed zones that will replace the previous business and industrial zones known as the 'employment zones'. These new zones will be hosted in the Principal Standard Instrument – Local Environmental Plan.
Environmental Planning Instrument (EPI)	EPI is the collective name for Local Environmental Plans, State Environmental Planning Policies and Regional Environmental Plans. The collective term also covers the Environmental Planning and Assessment Act and Environmental Planning and Assessment Regulation and their amendments. A full list of these is here .
Explanation of Intended Effect (EIE)	An EIE outlines the impact of proposed amendments to the NSW planning system. It summarises proposed amendments to Standard Instruments, Orders and State Environmental Planning Policies, and their intended effects.
Geographic Information System (GIS) maps and layers	A GIS map overlays many different layers of spatial location to show different data points in a single visualisation. This has the advantage of creating and sharing interactive maps of land zones through an online spatial viewer instead of offline pictures or PDF documents.
Land Use Table (LUT)	LUTs are part of a council's Local Environmental Plan and describe what land uses are: permitted without consent; permitted with consent; and prohibited for each zone. There are mandated land uses for each of these categories set under the Standard Instrument – Local Environmental Plan.
Local Environmental Plan (LEP)	LEPs guide planning decisions for local government areas. The zoning and development standards within the LEP provide a framework for the way land can be used. LEPs are the primary local planning legislation (an Environmental Planning Instrument) to shape the future of communities and ensure appropriate local development.
Parliamentary Counsel's Office (PCO)	The PCO is responsible for drafting most of the legislation for NSW. This includes all Bills for Acts required for introduction into Parliament. The PCO also draft a wide range of statutory instruments, including regulations, rules, proclamations, orders and Environmental Planning Instruments. The PCO also manage the NSW legislation website, which provides public access to legislation.
Self-repealing State Environmental Planning Policy (SEPP)	SEPPs are environmental planning instruments that deal with matters of state or regional environmental planning significance. SEPPs are also used as a tool by the Minister for Planning to make operational changes to other lower order Environmental Planning Instruments such as Local Environmental Plans. A self-repealing SEPP can cover amendments to Local Environmental Plans and be removed from legislation (repealed) once this purpose is complete. This mechanism removes the need for a council to prepare a planning proposal to amend their Local Environmental Plan.
Principal Standard Instrument – Local Environmental Plan (Principal SI LEP)	The Principal SI LEP prescribes the sections that are mandatory or optional to include in a council LEP and provides a standard response under each section. Each council can tailor the content in each section as they see fit, or maintain the standard instructions present in the Principal SI LEP.



Translation of the employment zones land use tables

Goulburn Mulwaree LEP 2009 land use tables (Version 3.0)

Draft for Exhibition | Translation of Goulburn Mulwaree LEP 2009 | Version 3.0

Employment zones reform

Translation of Goulburn Mulwaree LEP 2009 land use tables



Contents

Goulburn Mulwaree Local Environmental Plan 2009.....	2
Zone E1 Local Centre	2
Zone E2 Commercial Centre.....	3
Zone E3 Productivity Support.....	5
Zone E4 General Industrial	6
Zone E5 Heavy Industrial	7
Zone MU1 Mixed Use.....	8
Local Provisions and Schedule 1 – Additional permitted uses	10

Employment zones reform

Translation of Goulburn Mulwaree LEP 2009 land use tables



Goulburn Mulwaree Local Environmental Plan 2009

Zone E1 Local Centre

1 Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live, work or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Amusement centres; [Artisan food and drink industries](#); Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; [Educational establishments](#); Entertainment facilities; Function centres; Home businesses; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Respite day care centres; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; [Any other development not specified in item 2 or 4](#)

4 Prohibited

[Agriculture](#); [Air transport facilities](#); [Airstrips](#); [Animal boarding or training establishments](#); [Biosolids treatment facilities](#); [Boat building and repair facilities](#); [Boat launching ramps](#); [Boat sheds](#); [Camping grounds](#); [Caravan parks](#); [Cemeteries](#); [Charter and tourism boating facilities](#); [Correctional centres](#); [Crematoria](#); [Eco-tourist facilities](#); [Electricity generating works](#); [Extractive industries](#); [Farm buildings](#); [Forestry](#); [Freight transport facilities](#); [Group homes](#); [Heavy industrial storage establishments](#); [Helipads](#); [Home occupations \(sex services\)](#); [Industrial retail outlets](#); [Industrial training facilities](#); [Industries](#); [Jetties](#); [Marinas](#); [Mooring pens](#); [Moorings](#); [Open cut mining](#); [Residential flat buildings](#); [Rural industries](#); [Rural workers' dwellings](#); [Sewage treatment plants](#); [Sex services premises](#); [Transport depots](#); [Truck depots](#); [Waste or resource management facilities](#); [Water recreation structures](#); [Water recycling facilities](#); [Water supply systems](#); [Wharf or boating facilities](#)

Employment zones reform

Translation of Goulburn Mulwaree LEP 2009 land use tables



Zone E2 Commercial Centre

1 Objectives of zone

- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
- To encourage investment in commercial development that generates employment opportunities and economic growth.
- To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
- To enable residential development that is consistent with the Council's strategic planning for residential development in the area.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To reinforce the status of Goulburn as a regional centre.
- To ensure the scale and density of development complements the desired future character of the commercial core.
- To maintain and enhance the heritage significance of Goulburn CBD and the integrity of the historic built form.
- To promote and enhance the vitality and vibrancy of Goulburn CBD throughout the day and evening.
- ~~To protect the historic importance of Goulburn and protect heritage integrity of its historic built form.~~

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Amusement centres; Artisan food and drink industries; Backpackers' accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Home businesses; Home industries; Hotel or motel accommodation; Information and education facilities; Local distribution premises; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Residential flat buildings; Respite day care centres; Restricted premises; Shop top housing; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight

Employment zones reform

Translation of Goulburn Mulwaree LEP 2009 land use tables



transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Pond-based aquaculture; Recreation facilities (major); Residential accommodation; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

Employment zones reform

Translation of Goulburn Mulwaree LEP 2009 land use tables



Zone E3 Productivity Support

1 Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.

2 Permitted without consent

Roads

3 Permitted with consent

[Agricultural produce industries](#); Animal boarding or training establishments; Boat building and repair facilities; Building identification signs; Business identification signs; Business premises; Centre-based child care facilities; [Commercial premises](#); Community facilities; Depots; [Early education and care facilities](#); Function centres; Garden centres; Hardware and building supplies; Home industries; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; [Any other development not specified in item 2 or 4](#)

4 Prohibited

[Agriculture](#); [Air transport facilities](#); [Airstrips](#); [Biosolids treatment facilities](#); [Boat launching ramps](#); [Boat sheds](#); [Camping grounds](#); [Caravan parks](#); [Cellar door premises](#); [Cemeteries](#); [Charter and tourism boating facilities](#); [Correctional centres](#); [Crematoria](#); [Electricity generating works](#); [Exhibition homes](#); [Exhibition villages](#); [Extractive industries](#); [Farm buildings](#); [Forestry](#); [Heavy industrial storage establishments](#); [Helipads](#); [Home-based child care](#); [Home businesses](#); [Home occupations \(sex services\)](#); [Industries](#); [Jetties](#); [Marinas](#); [Mooring pens](#); [Moorings](#); [Open cut mining](#); [Residential accommodation](#); [Rural industries](#); [Sewage treatment plants](#); [Sex services premises](#); [Waste or resources management facilities](#); [Water recreation structures](#); [Water recycling facilities](#); [Water supply systems](#); [Wharf or boating facilities](#)

Employment zones reform

Translation of Goulburn Mulwaree LEP 2009 land use tables



Zone E4 General Industrial

1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

2 Permitted without consent

Roads

3 Permitted with consent

Building identification signs; Business identification signs; Depots; Freight transport facilities; [Funeral homes](#); Garden centres; General industries; Goods repair and reuse premises; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; [Industries](#); [Kiosks](#); [Landscaping material supplies](#); Light industries; Local distribution premises; [Medical centres](#); Neighbourhood shops; Oyster aquaculture; [Plant nurseries](#); [Rural industries](#); [Rural supplies](#); Take away food and drink premises; Tank-based aquaculture; [Timber yards](#); [Vehicle sales or hire premises](#); Warehouse or distribution centres; [Any other development not specified in item 2 or 4](#)

4 Prohibited

[Agriculture](#); [Air transport facilities](#); [Airstrips](#); [Animal boarding or training establishments](#); [Boat launching ramps](#); [Boat sheds](#); [Business premises](#); [Camping grounds](#); [Caravan parks](#); [Cemeteries](#); [Charter and tourism boating facilities](#); [Dwelling houses](#); [Eco-tourist facilities](#); [Educational establishments](#); [Exhibition homes](#); [Exhibition villages](#); [Function centres](#); [Health services facilities](#); [Heavy industrial storage establishments](#); [Heavy industries](#); [Helipads](#); [Home-based child care](#); [Home businesses](#); [Home occupations](#); [Home occupations \(sex services\)](#); [Jetties](#); [Marinas](#); [Mooring pens](#); [Moorings](#); [Recreation facilities \(major\)](#); [Residential accommodation](#); [Retail premises](#); [Shop top housing](#); [Water recreation structures](#); [Wharf or boating facilities](#)

Employment zones reform

Translation of Goulburn Mulwaree LEP 2009 land use tables



Zone E5 Heavy Industrial

1 Objectives of zone

- To provide areas for industries that need to be separated from other land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To recognise and provide for the diverse demands and implications of industry, warehousing, transport and servicing activities and ancillary land uses.

2 Permitted without consent

Roads

3 Permitted with consent

[Advertising structures](#); Building identification signs; Business identification signs; Data centres; Depots; Freight transport facilities; General industries; Hazardous storage establishments; Heavy industries; Industrial training facilities; [Landscaping material supplies](#); Offensive storage establishments; [Office premises](#); Oyster aquaculture; [Plant nurseries](#); [Rural industries](#); [Rural supplies](#); [Rural workers' dwellings](#); Tank-based aquaculture; [Timber yards](#); Warehouse or distribution centres; [Any other development not specified in item 2 or 4](#)

4 Prohibited

[Air transport facilities](#); [Airstrips](#); [Amusement centres](#); [Boat launching ramps](#); [Boat sheds](#); [Camping grounds](#); [Caravan parks](#); [Cemeteries](#); [Charter and tourism boating facilities](#); [Commercial premises](#); [Correctional centres](#); [Crematoria](#); [Early education and care facilities](#); [Eco-tourist facilities](#); [Exhibition homes](#); [Exhibition villages](#); [Function centres](#); [Health services facilities](#); [Highway service centres](#); [Home-based child care](#); [Home businesses](#); [Home occupations](#); [Home occupations \(sex services\)](#); [Jetties](#); [Local distribution premises](#); [Marinas](#); [Mooring pens](#); [Moorings](#); [Mortuaries](#); [Passenger transport facilities](#); [Places of public worship](#); [Public administration buildings](#); [Recreation facilities \(indoor\)](#); [Recreation facilities \(major\)](#); [Recreation facilities \(outdoor\)](#); [Registered clubs](#); [Residential accommodation](#); [Restricted premises](#); [Service stations](#); [Sex services premises](#); [Signage](#); [Tourist and visitor accommodation](#); [Veterinary hospitals](#); [Water recreation structures](#); [Wharf or boating facilities](#); [Wholesale supplies](#)

Employment zones reform



Translation of Goulburn Mulwaree LEP 2009 land use tables

Zone MU1 Mixed Use

1 Objectives of zone

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ~~maintain and~~ reinforce the status ~~role and function of the~~ Goulburn central business district as a major regional centre.
- To ~~protect the amenity of the areas surrounding the commercial core from encroachment by commercial and retail development, which should be located within the commercial core because of the demand generated by such development for parking and public infrastructure.~~
- To maintain and enhance the heritage significance of the Heritage Conservation Area and the integrity of the historic built form.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To ensure residential development maintains the scale, character and the heritage values of the Goulbourn CBD.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Amusement centres; Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Health services facilities; Home businesses; Home industries; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Seniors housing; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional

Employment zones reform

Translation of Goulburn Mulwaree LEP 2009 land use tables



centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Extractive industries; Farm buildings; Forestry; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Recreation facilities (major); Rural industries; Rural workers' dwellings; Sewage treatment plants; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

Employment zones reform

Translation of Goulburn Mulwaree LEP 2009 land use tables



Local Provisions and Schedule 1 – Additional permitted uses

Existing zone names will be updated to new zone names.

LEP	Clause / Schedule	Provision	Direction
Goulburn Mulwaree LEP 2009	Part 7 Additional local provisions		
	Cl.7.5 Active street frontages	Promotes active frontages on land within B3 and B4 zones.	<p>Amend clause as follows:</p> <p>(1) <i>The objectives of this clause are to:</i></p> <ul style="list-style-type: none"> a. <i>promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone E2 Commercial Centre</i> b. <i>Encourage active visual engagement between pedestrians on the street and those within ground floor of buildings</i> c. <i>Enhance the vitality and vibrancy of the public realm</i> d. <i>Enhance security and pedestrians sense of safety through natural surveillance</i> <p>(2) <i>This Clause applies to land identified as “Active Street Frontage” on the Active Street Frontages Map.</i></p> <p>(3) <i>Development consent must not be granted for the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</i></p> <p>(4) <i>Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following-</i></p> <ul style="list-style-type: none"> a. <i>Entrances and lobbies (including as part of mixed use development),</i> b. <i>Access for fire services,</i> c. <i>Vehicular access</i> <p>(5) <i>In this clause, a building has an active street frontage if all the premises on the ground floor of the building-</i></p> <ul style="list-style-type: none"> a. <i>Are used for the purposes of business premises or retail premises if the premises face the street</i> b. <i>Main entrances have direct access from the street</i> c. <i>A high degree of internal visibility is provided through clear glazing which forms the majority of the building façade facing the street</i>
	Cl.7.6 Gross floor area of shops in B4 and B6	Limits GFA for shops in B4 and B6	<p>Amend clause to include new zone names as follows:</p> <p><i>Development consent must not be granted for development for the purpose of shops unless the gross floor area does not exceed-</i></p> <ul style="list-style-type: none"> a. <i>If the development is on land in Zone MU1 Mixed Use- 450 square metres, or</i>

Employment zones reform

Translation of Goulburn Mulwaree LEP 2009 land use tables






			<p>b. <i>If the development is on land in Zone E3 Productivity Support- 150 square metres</i></p>
Schedule 1 Additional Permitted Uses			
	Wayo St Precinct.	New APU.	<p>Add APU as follows:</p> <p>Use of certain land in Wayo Street, Murac Street and Maud Streets Goulburn</p> <p><i>(1) This clause applies to land at Goulburn identified as "Item 5" on the Additional Permitted Uses Map.</i></p> <p><i>(2) Development for the purposes of a dwelling house, home occupation and home business is permitted with development consent.</i></p>
	Freight transport facility	New APU	<p>Add APU as follows:</p> <p>Use of certain land at 195 Sloane Street and Blackshaw Road, Goulburn</p> <p><i>(1) This clause applies to land at Goulburn identified as "Item 6" on the Additional Permitted Uses Map –</i></p> <p><i>(a) 195 Sloane Street, Goulburn being Lot Lot 9991, DP 1221196,</i></p> <p><i>(b) Blackshaw Road, Goulburn being Lot 1, DP 1066084.</i></p> <p><i>(2) Development for the purposes of a freight transport facility is permitted with development consent.</i></p>

15.4 ADDITIONAL SPECIAL VARIATION

Author: Acting General Manager

Authoriser: Brendan Hollands, Acting General Manager

- Attachments:**
1. **Circular 22-03 - Guidelines for Additional Special Variation (ASV) Process for 2022-23** [↓](#) 
 2. **IPART Information Paper - FY22-23 Rate Peg** [↓](#) 
 3. **Rate Peg Impact Analysis** [↓](#) 

Link to Community Strategic Plan:	25. Our Civic Leadership CL1 Effect resourceful and respectful leadership and attentive representation of the community.
Cost to Council:	Current rate peg of 0.7% results in a shortfall in rating revenue of approximately \$300k per annum in years 2 to 4 of the current adopted 4 year budget due to the estimates assuming a 2.5% rate peg limit in each of these years.
Use of Reserve Funds:	Not Applicable

RECOMMENDATION

That

1. The report from the Acting General Manager on the Additional Special Variation be received
2. Council makes an immediate application under the Additional Special Variation (ASV) one-off process for the 2022-23 financial year to ensure the percentage increase in rating revenue is 2.5%, applied permanently to the rate base as specified in the modelling and adopted in the 2021/22 Operational Plan

BACKGROUND

The Office of Local Government issued Circular 22-03 (attached) on 7 March 2022 advising that the Independent Pricing and Regulatory Tribunal (IPART) will accept and process an additional round of 2022-23 special variation applications (ASV) from Councils. In essence this process allows Council to apply for a variation to the rate-peg determination of 0.7% for FY2022-23 to be commensurate with the 2.5% increase modelled in our adopted 2021/22 Operational Plan.

The timing associated with the process as outlined in the circular is as follows:

- IPART will accept applications until 29 April 2022;
- IPART will publish applications to enable community consultation for a period of at least three weeks; and
- IPART will notify councils of its decision no later than 21 June 2022.

REPORT

In adopting its 2021/22 Operational Plan and the four-year budget contained within that document, Council assumed an annual increase to its General Rates income of 4%, comprising of:

- Rate peg 2.5%
- Growth (new properties) 1.5%

This has been consistently applied since Council adopted its most recent Delivery Program 2017-2021 and the LTFP adopted at the same time. The LTFP took a conservative approach to growth and assumed a reduction in the growth to 1% from 2021/22 however this level of growth has been consistent over the past 5 years, enabling the growth assumption to remain at 1.5%

On the 13 December 2021 IPART advised that the traditional cost component of the rate peg for 2022-23 would be 0.7%. For the first year ever a “growth” component was to also be available in addition to the rate peg amount. Unfortunately for Goulburn Mulwaree Council, IPART’s calculation for the population growth factor was negligible providing no further increase to the 0.7% traditional cost component (see attachments for further detail). This is the lowest rate peg in two decades and less than half the previous record low of 1.5%, applied in 2017/18.

The previous ten years of rate peg limits are set down below:

Year	Rate Peg
2021-22	2.0%
2020/21	2.6%
2019/20	2.7%
2018/19	2.3%
2017/18	1.5%
2016/17	1.8%
2015/16	2.4%
2014/15	2.3%
2013/14	3.4%
2012/13	3.6%

The average rate peg amount over the past 10 years has been 2.46%. Following the December announcement by IPART there was significant advocacy across the Local Government sector with the Minister for Local Government and relevant State Government agencies. This ASV process is a positive outcome from that advocacy. Perhaps more importantly it is the commitment by IPART, as advised in the circular, to undertake a broader review of its rate peg methodology. Considering the Local Government Cost Index in the review is expected to shape rate peg determinations for future years.

Council do have the option to not apply for the ASV and maintain a 0.7% increase only. It is important if supporting this option that Councillors note that the annual application of a rate peg has much longer-term cumulative impacts on Council’s Long Term Financial Plan. Should Council not seek to apply for the ASV this will have long-term impacts on Council operations and will see the need for a reduction in services. An analysis of the rate pegging is included in the attachments. The analysis shows that the 0.7% decreases Council’s originally projected General Rate revenue by \$322k in 2022-23. Assuming the rate peg returns to 2.5% in 2023-24 the cumulative impact of the reduced peg amount is a reduction in General Rates revenue of \$1.36 Million over the life of the upcoming Delivery Program and \$3.868 Million over the next ten-year period.

Council also needs to consider the increasing costs of construction that we are currently facing as well as the higher than anticipated costs in relation to technology, cyber security and insurances. At present we are factoring into the current draft budget the following approximate additional (and ongoing costs on top of what was previously estimated:

- Technology One SaaS - \$200,000
- Cyber Security Measures - \$50,000
- Insurances - \$70,000

These increases alone see an additional (and largely unexpected) annual cost of \$320k. Added to this are the additional expenses currently being experienced through the sourcing of materials (including fuel) and contractors which are impacting our daily operations and our ability to deliver the capital works contained within the current budget. The additional rate revenue generated by the 0.7% rate peg increase is only \$150K. Therefore, without the additional 1.8% of the ASV there is a gap in our funding which will require Council to review its budget over the next 12 months in terms of both its proposed capital works and its service levels in all areas.

Circular Details	22-03 / 7 March 2022 / A811946
Previous Circular	20-38 Special Rate Variation and Minimum Rate Variation Guideline and Process
Who should read this	Councillors / General Managers / Rating and Finance Staff
Contact	Policy Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

Subject

Guidelines for Additional Special Variation (ASV) Process for 2022-23

What's new or changing

- The Independent Pricing and Regulatory Tribunal (IPART) will accept and process an additional round of 2022-23 Special Variation (ASV) applications from councils.
- For applications made under the ASV process, the ASV Guidelines set out in this circular apply in place of the [Guidelines for the preparation of an application for a special variation to general income](#) issued by the Office of Local Government in 2020.
- For more information on when these ASV Guidelines apply, please see 'What this will mean for your council' below.
- This one-off ASV round is available for the 2022-23 financial year only.
- This one-off ASV round is for councils that can demonstrate the need for a special variation to meet the obligations they set for 2022-23 in their 2021-22 Integrated Planning and Reporting (IP&R) documentation.
- Councils seeking a permanent special variation will also need to demonstrate the financial need for the special variation to be included in their rate base on an ongoing basis.
- Separately, IPART has also agreed to undertake a broader review of its rate peg methodology, including the Local Government Cost Index, with outcomes from the review expected to shape rate peg determinations in future years.

What this will mean for your council

- The ASV Guidelines set out in this Circular apply where council is applying for:
 - a temporary or permanent single year special variation for 2022-23 under section 508(2) of the *Local Government Act 1993* (the Act), AND
 - the percentage sought in the application is the lower of:
 - 2.5% (including population factor) or
 - the council's assumed 2022-23 rate peg as exhibited in its 2021-22 Long Term Financial Plan (LTFP) (including population factor)

Office of Local Government
 5 O'Keefe Avenue NOWRA NSW 2541
 Locked Bag 3015 NOWRA NSW 2541
 T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
 E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

- For ASV applications made under the Guidelines set out in this Circular, councils will need to demonstrate that:
 - Council has demonstrable financial need such that, in the absence of a special variation, council would not have sufficient funds to meet its obligations as identified in its 2021-22 LTFP as and when they fall due in 2022-23; and
 - Where councils are applying for a permanent special variation, in addition to the above criterion, the council has demonstrable financial need for the special variation to be retained in its rate base on an ongoing basis; and
 - Council's 2021-22 IP&R documentation budgeted for an income increase above the percentage specified for the council for 2022-23 under section 506 of the Act; and
 - Council has resolved to apply for the special variation under section 508(2) of the Act and that the resolution clearly states:
 - whether the resolution is for a temporary or permanent special variation under section 508(2) of the Act; and
 - the additional income that council will receive if the special variation is approved; and
 - why the special variation is required; and
 - that the council has considered the impact on ratepayers and the community in 2022-23 and, if permanent, in future years if the special variation is approved and considers that it is reasonable.
- The ASV application process will be a simpler more targeted application process.
- IPART will not require councils to demonstrate community consultation outside of the processes outlined above. To demonstrate community consultation, IPART will consider the consultation undertaken through the IP&R process and consider the resolution to apply for a ASV meets the requirements outlined above.
- IPART will release streamlined application forms and further information shortly.
- Under this ASV round of applications:
 - IPART will accept applications until 29 April 2022;
 - IPART will publish applications to enable community consultation for a period of at least three weeks; and
 - IPART will notify councils of its decision no later than 21 June 2022.

Key points

- In late 2021, IPART announced the rate peg for the 2022-23 financial year was set at an increase of between 0.7% and 5.0%.
- Special variations provide an opportunity for councils to vary general income by an amount greater than the annual rate peg. However IPART's normal period for special variation applications in relation to the 2022-23 rate peg has now passed.
- The Office of Local Government and IPART recognise that, due to the delayed council elections and the determination of the 2022-23 rate peg at a lower rate than councils had forecast, councils may not have had sufficient time to prepare special variation application within the normal timeframe.

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468

This may result in some councils not having sufficient funds to pay for required infrastructure and services.

- As such the NSW Government and IPART have agreed to a one-off ASV round for the 2022-23 financial year only.
- This process is not intended to address applications from councils that require a special variation (above 2.5%) to achieve long term financial sustainability for reasons other than those set out in the criteria above, which should be addressed through the standard special variation process.
- Application forms, information papers, and submission details will be published shortly on [IPART's website](#).

Where to go for further information

- For further information please contact IPART on 02 9290 8400 or by email to ipart@ipart.nsw.gov.au.



Melanie Hawyes
Group Deputy Secretary, Crown Lands and Local Government

Office of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@olg.nsw.gov.au W www.olg.nsw.gov.au ABN 20 770 707 468



Rate peg for NSW councils for 2022-23

13 December 2021

For the first time, the rate peg for 2022-23 will include a population factor that varies for each council in NSW depending on how fast its population is growing.

IPART has set the 2022-23 rate peg for each council at between 0.7% and 5.0%, depending on its population factor. The population factor ranges between 0% and 4.3% (see Attachment C for a table presenting the population factor and rate peg for each council).

The rate peg for 2022-23 is based on the change in the Local Government Cost Index (LGCI) and an adjustment to remove the costs of the 2021 local government elections that were included in the 2021-22 rate peg, and a population factor.

1 The rate peg will maintain per capita general income

The revised approach to the rate peg now includes a population factor for each council. The population factor is calculated to maintain per capita general income over time as councils' populations grow.

The population factor is calculated as the change in residential population less any increase in general revenue from supplementary valuations.

We plan to review the performance of our new methodology within 5 years to ensure it remains appropriate and consistent with its intended purpose to align councils' general income with population growth.

We set the rate peg for 2022-23 using the following formula:

$$\text{Rate peg} = \text{change in LGCI} - \text{productivity factor} + \text{other adjustments} + \text{population factor}$$

IPART acknowledges the Traditional Custodians of the lands where we work and live. We pay respect to Elders, past, present and emerging. We recognise the unique cultural and spiritual relationship and celebrate the contributions of First Nations peoples.

The components of the rate peg for 2022-23 are made up of:

- The change in the local government cost index (LGCI) to June 2021 of 0.9%.
- A productivity factor set to 0.0% because the ABS indices we use for the LGCI incorporate improvements in labour and capital productivity.
- A downward adjustment of 0.2% to remove the additional revenue that was included in the 2021-22 rate peg to meet the costs of the 2021 local government elections.
- A population factor for each council (see Attachment C for a table presenting the population factor for each council).

The NSW Government has undertaken to fully fund the increase in 2021-22 emergency services levy (ESL) contributions^a and cover any COVID-related increases in the cost of local government elections.

We note:

- Under our revised approach, 47 (37%) of the 128 councils receive a population factor greater than 0% and a rate peg of up to 5.0%.
- Many councils will receive additional income from supplementary valuations.^b For example, 107 councils (84%) received additional income from supplementary valuations in 2019-20. Of those, 23 councils (18%) received more income from supplementary valuations than was required to maintain per capita income.

^a LGCI uses the ESL payments lagged by one year. For example, the LGCI for 2022-23 uses the change in the ESL between 2020-21 and 2021-22.

^b Refer to Section A6 for further information

A Background information

A.1 What is the rate peg?

The rate peg is the maximum percentage amount by which a council may increase its general income for the year. For most councils, general income consists entirely of rates income. For a small number of councils, general income also includes some annual charges such as drainage levies. The rate peg does not apply to stormwater, waste collection, water and wastewater charges.

Councils can increase general income by the rate peg, less than the rate peg, or not at all. If a council does not apply the full rate peg increase, it will be able to catch up on the shortfall in general income over any one or more of the next 10 years.

The rate peg applies to general income in total, and not to individual ratepayers' rates. This means that councils may increase categories of rates by more than, or less than the rate peg percentage, as long as the total increase in general income remains within the rate peg. Individual ratepayer's rates are also affected by other factors, such as land values determined by the Valuer General of NSW.

The rate peg is typically based on the change in the Local Government Cost Index (LGCI), a productivity factor and, from 2022-23, a population factor for each council. However, IPART has discretion over the rate peg percentage and can adjust the rate peg above or below the percentage produced by the LGCI, productivity factor and population factor, if we consider this appropriate. For the 2022-23 rate peg, we have adjusted the rate peg by -0.2%, to remove increases in the costs of conducting the 2021 local government elections that we included as a temporary adjustment in the 2021-22 rate peg. This adjustment ensures that ratepayers are not overcharged in non-election years (see Section A.4).

A.2 What is the LGCI?

The LGCI is a price index for councils in NSW. It measures price changes over the past year for goods, materials and labour used by an average council. It is similar in principle to the Consumer Price Index (CPI), which is used to measure changes in prices for a typical household.

The LGCI is designed to measure the average change in prices of a fixed 'basket' of goods and services that are purchased by councils, relative to the prices of the same basket in a base period.

- The index has 26 cost components, such as employee benefits and on-costs, and building materials for roads, bridges and footpaths. The cost components represent the purchases made by an average council to undertake its typical activities. To measure changes in these cost components, we mainly use ABS price indexes for wages costs, producer and consumer prices.
- The ABS uses quality adjustments in its price measures to take into account improvements in labour and capital productivity.

To calculate the LGCI over the year to June 2021, we combined the 26 cost components using expenditure weights based on NSW councils' expenditure in 2017-18 and 2018-19. We aim to update the expenditure weights every four years to ensure the relativities between cost components remain accurate. The last reweight of the LGCI was completed in May 2020, using the results of the 2019 cost survey of councils.

The cost components measure price changes over the year to June 2021, compared to the year to June 2020, with the exception of the Emergency Services Levy (ESL), where we have used forecast costs for 2021-22. The NSW Government has undertaken to fully fund the increase in ESL contributions, so that councils will pay the same amount they paid last year.

For more information on the LGCI see our [LGCI Information Paper](#). For more information about the 2019 council cost survey, see our [website](#).

A.3 What price changes influenced the LGCI?

The change in the LGCI over the year to June 2021 was 0.9%. The main contributors to the change were:

- An increase of 1.2% in employee benefits and on-costs, measured by the ABS Wage Price Index for the NSW public sector.
- An increase of 1.1% in construction works – roads, drains, footpaths, kerbing, bridges costs, measured by the ABS Producer Price Index for roads and bridge construction – NSW.
- An increase of 1.5% in other business expenses, measured by the ABS Producer Price Index for other administrative services, not elsewhere classified.
- Decreases in electricity, water and sewerage and automotive fuel of between 6.6% and 2.4%.

Attachment B shows the price changes in all cost components of the LGCI).

A.4 What adjustments have we made?

The 2021-22 rate peg included a temporary adjustment of 0.2% to pay for the December 2021 local government elections. We have removed the allowed dollar amounts for each council by adjusting the rate peg down by 0.2%. This adjustment ensures that ratepayers are not overcharged in non-election years. The NSW Government has undertaken to cover any COVID-related increases in the cost of local government elections.^c

^c The NSW Office of Local Government media release states that "(t)he NSW Government is putting up an additional \$29.1 million for the NSW Electoral Commission to ensure local councils and ratepayers do not foot the bill for election day delays caused by the COVID-19 Delta outbreak."

A.5 How have we calculated the change in employee costs?

Local Government NSW (LGNSW) raised a concern about using ABS Wage Price Index (WPI) to determine the increase in employee costs. LGNSW noted the majority of local government employees' rates of pay and allowances were increased by 1.5% under the Local Government (State) Award 2020^d, while the majority of state public servants' rates of pay and allowances were increased by 0.3% through the State Wage Case^e. It was concerned that the lower (0.3%) increase for state employees would result in a WPI that materially underestimated the increase in employee costs experienced by councils.

We decided, on balance, not to make an adjustment to the rate peg for higher council employee costs because we consider the impact of any adjustment is insufficiently material to warrant a departure from our standard methodology. Our methodology is based on independent, publicly available benchmark wage and price indices. We consider this approach is fair to councils and provides better protection to ratepayers than if we set the rate peg using councils' actual cost increases.

The actual increase in the WPI to June 2021 was 1.2%, or 0.3%, lower than the 1.5% increase granted under the Local Government (State) Award 2020. As employee costs contribute around 40% to the LGCI, using 1.5% would have increased the peg by 0.1%.^f

A.6 How do we calculate the population factor?

The population factor is calculated for each council and is equal to the annual change in its residential population, adjusted for revenue received from supplementary valuations.

The population factor is equal to the maximum of the change in residential population less the supplementary valuations percentage or zero.

Councils with negative population growth will have a population factor of zero, ensuring no council receives a lower increase in general income, relative to a rate peg calculated using the LGCI, productivity factor and any adjustments. Councils that have recovered more from supplementary valuations than is required to maintain per capita general income as their population grows will also have a population factor of zero.

The population factor is calculated using the following formula:

$$\text{Population factor} = \max(0, \text{change in population} - \text{supplementary valuations percentage})$$

The change in population has been calculated using the estimated residential population (ERP) for 2019 and 2020 published by the Australian Bureau of Statistics (ABS). This is the most up to date ABS population data.

The calculation is shown in the following formula:

^d [Local government employees guaranteed economically responsible pay rise \(lgnsw.org.au\)](http://lgnsw.org.au)

^e [C2021-01 - Variation to the Crown Employees \(Public Sector - Salaries 2019\) Award \(nsw.gov.au\)](http://nsw.gov.au)

^f The formula we would use to calculate the maximum adjustment is $(1.5\% - 1.2\%) \times 38.4\% = 0.1\%$, where 38.4% is the employee cost weight in the LGCI. The maximum amount (0.1%) assumes no productivity improvement.

$$\text{Change in population} = \max\left(0, \frac{\text{ERP 2020}}{\text{ERP 2019}} - 1\right)$$

The supplementary valuations percentage for each council is calculated using the following formula:

$$\text{supplementary valuations percentage} = \max\left(0, \frac{\text{supplementary valuations}}{\text{notional general income yield}}\right)$$

In this formula:

supplementary valuations means the total value of adjustments to a council's general income for 2019-20 that the council made under paragraphs 509(2)(b) and (c) of the *Local Government Act 1993* (LG Act), 21. This is the amount recorded as 'Plus or minus adjustments' in each council's 'Special schedule – Permissible income for general rates' for 2020-21 submitted to the Office of Local Government (OLG) in the 2020-21 Financial Statements.

notional general income yield means the general income of the council for 2019-20 prior to adjustment under paragraphs 509(2)(b) and (c) of the LG Act. This is the amount recorded as 'Last year notional general income yield' in each council's 'Special schedule – Permissible income for general rates' for 2020-21 submitted to the OLG in the 2020-21 Financial Statements.

The supplementary valuations percentage is calculated based on supplementary valuations revenue and notional general income yield for the same year as the ERP data. Each year we will update the formula.

Worked example

For example, Albury has a rate peg of 1.1%. its ERP grew by 1.3% in 2019-20 while it received income from supplementary valuations equal to 0.9% of the Notional General Income Yield over the same period.

We calculated Albury's rate peg as follows:

$$\text{Change in population} = \max\left(0, \frac{55,055}{54,344} - 1\right) = 1.3\%$$

$$\text{supplementary valuations percentage} = \max\left(0, \frac{391,000}{43,365,000}\right) = 0.9\%$$

$$\text{Population factor} = \max(0, 1.3\% - 0.9\%) = 0.4\%$$

$$\text{Rate peg} = 0.9\% - 0\% - 0.2\% + 0.4\% = 1.1\%$$

For more information on the population factor, see our final report on including population growth in the rate peg on our [website](#).

A.7 Councils can seek additional increases

Councils can seek additional increases to general income above the rate peg, by applying to IPART for a special variation (SV).

Councils applying for an SV must satisfy the criteria listed in the Office of Local Government's SV Guidelines. The Guidelines are available on [IPART's website](#). Councils applying for an SV for 2022-23 must apply to IPART by 7 February 2022. IPART's website also includes general information on the SV requirements and recent applications from councils

B Change in the LGCI for the year ended June 2021

Cost components	Weight as at end June 2020 %	Price change to end June 2021 (% annual average)	Contribution to index change (percentage points)
Operating cost components			
Employee benefits and on-costs ^a	38.4	1.2	0.44
Plant and equipment leasing	0.3	1.1	0.00
Operating contracts	2.1	0.4	0.01
Legal and accounting services	0.8	14	0.01
Office and building cleaning services	0.3	14	0.00
Other business services	6.2	1.0	0.06
Insurance	1.2	3.0	0.04
Telecommunications, telephone and internet services	0.4	-2.4	-0.01
Printing, publishing and advertising	0.6	2.3	0.01
Motor vehicle parts	0.3	-1.2	0.00
Motor vehicle repairs and servicing	0.4	14	0.01
Automotive fuel	0.8	-2.4	-0.02
Electricity	2.0	-3.8	-0.07
Gas	0.1	-6.8	-0.01
Water and sewerage	0.4	-6.6	-0.03
Road, footpath, kerbing, bridge and drain building materials	2.5	1.1	0.03
Other building and construction materials	0.7	0.0	0.00
Office supplies	0.3	0.9	0.00
Emergency services levy ^b	1.5	0.0	0.00
Other expenses ^c	8.4	1.5	0.13
Capital cost components			
Buildings – non-dwelling	4.2	1.1	0.00
Construction works – roads, drains, footpaths, kerbing, bridges	21.9	1.1	0.25
Construction works – other	2.5	-0.3	0.03
Plant and equipment – machinery, etc.	3.1	0.1	-0.01
Plant and equipment – furniture, etc.	0.1	-0.4	0.00
Information technology and software	0.7	0.0	0.00
Total change in LGCI	100.0		0.9

a Employee benefits and on-costs includes salaries and wages.

b The NSW Government has undertaken to fully fund the increase in 2021-22 ESL contributions

c Includes miscellaneous expenses with low weights in the index – eg, councillor and mayoral fees.

Note: Figures may not add due to rounding. Percentage changes are calculated from unrounded numbers

C Population factors and rate pegs for all councils

Councils with a population factor greater than 0% for 2022-23 are indicated by bolded blue font.

Council	Change in population	Supplementary valuations percentage	Population factor	Rate Peg (including population factor)
	%	%	%	%
Albury	1.3	0.9	0.4	1.1
Armidale Regional	0.0	0.1	0.0	0.7
Ballina	1.3	2.0	0.0	0.7
Balranald	0.0	0.8	0.0	0.7
Bathurst Regional	0.9	0.7	0.2	0.9
Bayside	1.7	0.9	0.9	1.6
Bega Valley	0.7	0.9	0.0	0.7
Bellingen	1.1	0.5	0.6	1.3
Berrigan	0.4	0.2	0.2	0.9
Blacktown	2.3	2.3	0.0	0.7
Bland	0.0	0.1	0.0	0.7
Blayney	0.1	0.0	0.0	0.7
Blue Mountains	0.1	0.0	0.1	0.8
Bogan	0.0	2.8	0.0	0.7
Bourke	1.4	0.0	1.4	2.1
Brewarrina	0.0	0.0	0.0	0.7
Broken Hill	0.0	0.6	0.0	0.7
Burwood	0.7	3.6	0.0	0.7
Byron	2.0	0.4	1.6	2.3
Cabonne	0.3	0.1	0.2	0.9
Camden	6.3	2.0	4.3	5.0
Campbelltown	1.9	1.3	0.5	1.2
Canada Bay	0.6	0.1	0.5	1.2
Canterbury-Bankstown	0.7	0.6	0.1	0.8
Carrathool	0.0	0.0	0.0	0.7
Central Coast	0.5	0.3	0.3	1.0
Central Darling	0.0	0.0	0.0	0.7
Cessnock	2.1	2.1	0.0	0.7
Clarence Valley	0.1	0.8	0.0	0.7
Cobar	0.0	0.3	0.0	0.7
Coffs Harbour	0.5	0.5	0.0	0.7
Coolamon	0.0	0.0	0.0	0.7
Coonamble	0.0	0.0	0.0	0.7
Cootamundra-Gundagai Regional	0.0	0.0	0.0	0.7
Cowra	0.0	0.2	0.0	0.7
Cumberland	0.5	0.0	0.5	1.2
Dubbo Regional	0.6	0.6	0.0	0.7
Dungog	2.6	0.9	1.7	2.4
Edward River	0.0	0.0	0.0	0.7
Eurobodalla	1.3	0.3	1.0	1.7
Fairfield	0.0	0.4	0.0	0.7
Federation	1.3	0.4	0.9	1.6
Forbes	0.2	0.3	0.0	0.7
Georges River	0.5	0.6	0.0	0.7

Council	Change in population	Supplementary valuations percentage	Population factor	Rate Peg (including population factor)
	%	%	%	%
Gilgandra	0.0	0.1	0.0	0.7
Glen Innes Severn	0.0	0.4	0.0	0.7
Goulburn Mulwaree	1.4	1.4	0.0	0.7
Greater Hume	0.7	0.8	0.0	0.7
Griffith	0.5	0.5	0.0	0.7
Gunnedah	0.1	0.0	0.1	0.8
Gwydir	0.0	0.3	0.0	0.7
Hawkesbury	0.7	0.6	0.1	0.8
Hay	0.0	0.3	0.0	0.7
Hilltops	0.0	0.0	0.0	0.7
Hornsby	0.3	0.5	0.0	0.7
Hunters Hill	0.0	0.1	0.0	0.7
Inner West	0.6	0.0	0.6	1.3
Inverell	0.0	3.3	0.0	0.7
Junelee	0.0	0.5	0.0	0.7
Kempsey	0.6	0.5	0.1	0.8
Kiama	1.3	0.4	0.9	1.6
Ku-ring-gai	0.4	0.9	0.0	0.7
Kyogle	0.0	0.7	0.0	0.7
Lachlan	0.0	0.1	0.0	0.7
Lake Macquarie	0.9	0.9	0.0	0.7
Lane Cove	1.0	2.4	0.0	0.7
Leeton	0.0	0.1	0.0	0.7
Lismore	0.0	0.3	0.0	0.7
Lithgow	0.0	0.0	0.0	0.7
Liverpool	1.6	1.4	0.3	1.0
Liverpool Plains	0.0	0.2	0.0	0.7
Lockhart	0.0	0.0	0.0	0.7
Maitland	2.6	3.1	0.0	0.7
Mid-Coast	0.6	0.4	0.2	0.9
Mid-Western Regional	0.5	0.5	0.0	0.7
Moree Plains	0.0	0.0	0.0	0.7
Mosman	0.0	0.0	0.0	0.7
Murray River	1.7	0.9	0.8	1.5
Murrumbidgee (new)	0.0	0.0	0.0	0.7
Muswellbrook	0.0	5.3	0.0	0.7
Nambucca	0.3	0.7	0.0	0.7
Narrabri	0.0	0.0	0.0	0.7
Narrandera	0.0	0.0	0.0	0.7
Narromine	0.0	0.0	0.0	0.7
Newcastle	1.1	0.6	0.5	1.2
North Sydney	0.2	0.0	0.2	0.9
Northern Beaches	0.2	0.5	0.0	0.7
Oberon	0.1	0.4	0.0	0.7
Orange	0.1	0.8	0.0	0.7
Parkes	0.0	0.0	0.0	0.7
Parramatta (new)	1.2	1.6	0.0	0.7
Penrith	1.6	0.8	0.7	1.4
Port Macquarie-Hastings	1.7	0.7	1.0	1.7
Port Stephens	1.4	0.8	0.6	1.3

Council	Change in population	Supplementary valuations percentage	Population factor	Rate Peg (including population factor)
	%	%	%	%
Queanbeyan-Palerang Regional	1.9	2.0	0.0	0.7
Randwick	0.7	0.1	0.6	1.3
Richmond Valley	0.1	0.3	0.0	0.7
Ryde	1.6	2.9	0.0	0.7
Shellharbour	1.9	0.5	1.4	2.1
Shoalhaven	1.5	0.5	1.0	1.7
Singleton	0.0	1.3	0.0	0.7
Snowy Monaro Regional	1.0	0.9	0.1	0.8
Snowy Valleys	0.0	0.1	0.0	0.7
Strathfield	1.9	1.4	0.4	1.1
Sutherland	0.8	0.9	0.0	0.7
Sydney	1.1	0.5	0.7	1.4
Tamworth Regional	0.0	0.6	0.0	0.7
Temora	0.0	0.1	0.0	0.7
Tenterfield	0.0	0.0	0.0	0.7
Hills	3.3	2.4	0.9	1.6
Tweed	1.4	0.4	1.0	1.7
Upper Hunter	0.0	0.2	0.0	0.7
Upper Lachlan	2.7	1.0	1.7	2.4
Uralla	0.0	0.0	0.0	0.7
Wagga Wagga	0.8	1.1	0.0	0.7
Walcha	0.0	0.0	0.0	0.7
Walgett	0.0	0.0	0.0	0.7
Warren	0.7	0.1	0.6	1.3
Warrumbungle	0.0	0.1	0.0	0.7
Waverley	0.1	0.0	0.1	0.8
Weddin	0.0	0.0	0.0	0.7
Wentworth	0.5	1.0	0.0	0.7
Willoughby	0.1	0.1	0.1	0.8
Wingecarribee	1.2	0.8	0.5	1.2
Wollondilly	1.6	1.1	0.6	1.3
Wollongong	0.8	0.5	0.3	1.0
Woolahra	0.1	0.2	0.0	0.7
Yass Valley	1.4	0.8	0.6	1.3

Cumulative Impact on General Rate Revenue due to 0.7% Rate Peg announcement

Based on 2.5% Rate Pegging (adopted Operational Plan)

	Original											
	Budget	YTD Actuals	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
	2021/22	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2030/32
Residential	14,820,000	15,018,845	15,412,800	16,029,312	16,670,484	17,337,304	18,030,796	18,752,028	19,502,109	20,282,193	21,093,481	21,937,220
Business	4,815,000	4,771,093	5,007,600	5,207,904	5,416,220	5,632,869	5,858,184	6,092,511	6,336,212	6,589,660	6,853,246	7,127,376
Farmland	2,480,000	2,399,318	2,579,200	2,682,368	2,789,663	2,901,249	3,017,299	3,137,991	3,263,511	3,394,051	3,529,813	3,671,006
	22,115,000	22,189,256	22,999,600	23,919,584	24,876,367	25,871,422	26,906,279	27,982,530	29,101,831	30,265,905	31,476,541	32,735,602

Based on Rate Pegging announcement (returning to 2.5% from 2023/24)

	Original											
	Budget	YTD Actuals	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
	2021/22	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2030/32
Residential	14,820,000	15,018,845	15,349,260	15,963,230	16,601,759	17,265,830	17,956,463	18,674,721	19,421,710	20,198,578	21,006,522	21,846,782
Business	4,815,000	4,771,093	4,876,057	5,071,099	5,273,943	5,484,901	5,704,297	5,932,469	6,169,768	6,416,558	6,673,221	6,940,150
Farmland	2,480,000	2,399,318	2,452,103	2,550,187	2,652,195	2,758,282	2,868,614	2,983,358	3,102,693	3,226,800	3,355,872	3,490,107
	22,115,000	22,189,256	22,677,420	23,584,516	24,527,897	25,509,013	26,529,373	27,590,548	28,694,170	29,841,937	31,035,615	32,277,039
Annual Reduction			322,180	335,068	348,470	362,409	376,905	391,982	407,661	423,967	440,926	458,563
Cumulative Reduction				657,248	1,005,718	1,368,127	1,745,033	2,137,014	2,544,675	2,968,643	3,409,569	3,868,132

15.5 LOAN AGREEMENT - 2021-2022 LOAN PROGRAM

Author: Acting General Manager

Authoriser: Brendan Hollands, Acting General Manager

Attachments: 1. Loan Agreement [↓](#) 

Link to Community Strategic Plan:	25. Our Civic Leadership CL1 Effect resourceful and respectful leadership and attentive representation of the community.
Cost to Council:	Repayments on these borrowings are included in the adopted 2021/22 Operational Plan 4 year budget
Use of Reserve Funds:	Repayments on the Goulburn Performing Arts Centre component of the loan are to be funded out of the Veolia Host Fee Reserve

RECOMMENDATION

That

1. The report from the Director Corporate & Community Services on the Loan Agreement – 2021-2022 Loan Program be received
2. Council approve the execution of the Loan Agreement with TCorp to borrow \$8,280,000 over a 15 year term
3. All necessary documentation in relation to the agreement be signed by the Mayor and Acting General Manager under the Seal of Council

BACKGROUND

Council included borrowings of \$8.28 Million in the 2021/22 budget as part of the funding for the following projects:

- Goulburn Performing Arts Centre \$2,000,000
- Towrang Bridge Replacement \$2,000,000
- Goulburn Waste Management Centre Upgrade \$4,280,000

REPORT

Council has successfully applied for obtaining loan funding under TCorp’s “low interest loan scheme” and are now in receipt of the Loan Agreement (attached) for these borrowings.

Under the agreement, the loan terms are as follows:

Principal	\$8,280,000
Term	15 years – fixed
Payment Frequency	Quarterly
Interest Rate	TBA – 15 year bond curve rate (2 days before drawdown) + 0.55%

The final interest rate will be set two days before drawdown which has tentatively been scheduled for 8 April 2021. The latest indicative rate was 3.42%.

It is a requirement of TCorp that the agreement be executed under the Seal of Council.



Loan Agreement – NSW Local Councils

New South Wales Treasury Corporation

and

Goulburn Mulwaree Council

Contents

1.	Interpretation	1
	1.1 Definitions	1
	1.2 Interpretation.....	6
2.	Advances	7
	2.1 Advances	7
	2.2 Approved Purpose	7
	2.3 Availability	7
	2.4 Security	7
	2.5 Inconsistency	7
3.	Drawdown	8
	3.1 Notice.....	8
	3.2 Requirements of Drawdown Request	8
4.	Conditions Precedent	8
	4.1 Conditions Precedent to the First Advance	8
	4.2 Conditions precedent to each Advance	9
	4.3 Information regarding Advance.....	9
5.	Interest Provisions	9
	5.1 Interest	9
	5.2 Calculation of interest	10
	5.3 Payment of interest.....	10
6.	Repayment.....	10
	6.1 Repayment.....	10
	6.2 Prepayment.....	10
7.	Interest on Overdue Amounts	11
	7.1 Payment of Interest.....	11
	7.2 Accrual of Interest.....	11
8.	Payments	11
	8.1 Time and place	11
	8.2 No deduction for Taxes and no set-off or counterclaim.....	11
	8.3 Merger.....	12
	8.4 GST gross-up	12
9.	Representations and Warranties	12
	9.1 Representations and Warranties	12
	9.2 Representations and Warranties Repeated	13
10.	Undertakings	13
	10.1 General Undertakings	13
	10.2 Financial Covenant Undertakings.....	14
	10.3 Annual Review	15
	10.4 Investments.....	15
11.	Default and Termination	15
	11.1 Events of Default	15
	11.2 Lender's Rights on Event of Default	16
	11.3 Appointment of consultants and disclosures:	16
12.	Indemnities, change in law or circumstance.....	17

12.1	Borrower to indemnify Lender.....	17
12.2	Unlawfulness	17
12.3	Increased costs.....	17
13.	Expenses and Taxes.....	18
13.1	Expenses	18
13.2	Taxes	18
14.	Assignment.....	18
14.1	Assignment by Lender	18
14.2	Assignments by the Borrower.....	18
15.	Miscellaneous.....	18
15.1	Governing law and jurisdiction.....	18
15.2	Certificate of Lender	19
15.3	Counterparts	19
15.4	Amendment.....	19
15.5	Notices	19
15.6	Severance.....	19
15.7	Waiver.....	19
	Schedule 2 – Condition precedent certificate	3
	Schedule 3 – Repayment Schedule	4
	Schedule 4 – Compliance Certificate	5
	Schedule 5 – Specific Conditions.....	6

Loan Agreement

Date: The date specified in Schedule 1

Parties

1. **NEW SOUTH WALES TREASURY CORPORATION ABN 99 095 235 825**, constituted pursuant to the *Treasury Corporation Act 1983* (NSW) (**Lender**)
2. The party described in Schedule 1 (**Borrower**)

Background

- A. The New South Wales Government has approved the Lender establishing the Loan Scheme.
- B. The Lender's application for a loan under the Loan Scheme has been approved.
- C. The Lender has agreed to make a loan facility available to the Borrower on the terms and conditions set out in this agreement.

The Parties Agree

1. Interpretation

1.1 Definitions

In this agreement, unless expressed or implied otherwise:

Accounting Standards means the accounting standards, principles and practices applying by law or otherwise generally accepted and consistently applied in Australia.

Advance means an advance made by the Lender to the Borrower under this agreement or, where the context requires, the balance of the loan which is outstanding. The maximum number of Advances permitted under this agreement is specified at Item 1 of Schedule 1.

Amortising Loan means a loan whereby the principal outstanding is repaid progressively over the term of the loan.

Amortising Loan Amount means, in respect of an Amortising Loan, the payment required to be made by the Borrower to the Lender on each Interest Payment Date, as notified by the Lender to the Borrower.

Approved Purpose has the meaning specified Item 2 of Schedule 1.

Authorised Officer means:

- (a) in respect of the Borrower, any person from time to time nominated as an Authorised Officer by the Borrower by a notice to the Lender signed by the General Manager of the Borrower, accompanied by certified copies of signatures of all

persons so appointed (and in respect of which the Lender has not received notice of revocation of the appointment); and

- (b) in respect of the Lender, any person appointed by the Lender pursuant to its delegation authorities as authorised to sign documents, provide notices or take actions under this Agreement.

Availability Period means the period starting on the date of this agreement and ending on the date as set out in Item 3 of Schedule 1.

Borrower's Bank Account means the account specified in Item 4 of Schedule 1.

Break Costs means any losses and costs incurred or suffered by the Lender and reasonably determined in the sole discretion of the Lender by reason of:

- (a) the liquidation, prepayment, repayment or re-employment of deposits, borrowings or other funds acquired or contracted for by or on account of the Lender to fund or maintain the Advance;
- (b) terminating, cancelling or varying any arrangements to fund or maintain the Advance or any interest rate or currency hedge or any related trading position entered into to hedge, fix or limit its effective cost of funding or maintaining the Advance and whether such arrangement is with a third party or established pursuant to any internal accounting policy,

and the amount of loss or cost may be determined by the Lender in such manner as it reasonably thinks fit including without limitation by reference to its estimation of current market interest rates for relevant bonds issued by the Lender or other similar market instruments or by reference to a pool of funds, notional borrowings, averaging techniques or such other reasonable methods adopted by the Lender rather than by reference to a specific borrowing or a specific contract made to fund or maintain the Loan.

Break Gains means any gains derived by the Lender and reasonably determined in the sole discretion of the Lender by reason of:

- (c) the liquidation, prepayment, repayment or re-employment of deposits, borrowings or other funds acquired or contracted for by or on account of the Lender to fund or maintain the Advance;
- (d) terminating, cancelling or varying any arrangements to fund or maintain the Advance or any interest rate or currency hedge or any related trading position entered into to hedge, fix or limit its effective cost of funding or maintaining the Advance and whether such arrangement is with a third party or established pursuant to any internal accounting policy,

and the amount of any gain may be determined by the Lender in such manner as it reasonably thinks fit including without limitation by reference to its estimation of current market interest rates for relevant bonds issued by the Lender or other similar market instruments or by reference to a pool of funds, notional borrowings, averaging techniques or such other reasonable methods adopted by the Lender rather than by reference to a specific borrowing or a specific contract made to fund or maintain the Loan.

Business Day means a day that banks are open for business in Sydney, but excludes a Saturday, Sunday or public holiday.

Compliance Certificate means a certificate in the form contained in Schedule 4.

Debt Service Cover Ratio means on any Relevant Date, the ratio of A:B where:

- (a) A is EBITDA of the Borrower for the financial year ending on that date; and
- (b) B is the sum of principal repayments made in that financial year and Interest Expense for the financial year ending on that date.

Default Rate means the aggregate of the Interest Rate and 3% per annum.

Drawdown Notice means a notice given under clause 3.1.

EBITDA means the net operating result before Interest Expense, depreciation and amortisation.

Event of Default has the meaning given in clause 11.1.

External Cash Restrictions means funds that can only be used for specific projects or purposes and cannot be used for purposes other than what they were collected for, due to legislative or other externally imposed requirements, including but not limited to capital grants, developer contributions and water and sewer fund cash and investment balances (where applicable).

Facility means the loan facility made available under this agreement for the purposes set out in clause 2.2.

Facility Limit means an aggregate amount equal to the amount set out in Item 5 of Schedule 1 or such other amount as requested by the Borrower and agreed by the Lender (in its absolute discretion).

Final Repayment Date means the date specified in Item 9 of Schedule 1.

Finance Document means:

- (a) this Agreement;
- (b) any Related Loan Agreement; and
- (c) a document that the Lender and the Borrower agree is a Finance Document.

Financial Liability means any present or future, actual or contingent indebtedness in respect of any financial accommodation, bill of exchange, credit or hedging arrangement, finance lease or hire purchase arrangement or any guarantee or other assurance given in respect of any such indebtedness.

Floating Rate Note means a bond or debt instrument that has a variable interest rate.

Government Authority means any government or any governmental or semi-governmental entity, authority, agency, commission, corporation or body, local government authority, administrative or judicial body or tribunal.

Grandfathered Investments means investments previously made by the Borrower which are now not permitted investments under the current investment order issued pursuant to section 625 of the LG Act but are able to be held to maturity pursuant to the terms of such order.

GST means the goods and services tax levied under the GST Act.

GST Act means the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Interest Cover Ratio means, on any Relevant Date, the ratio of A:B where:

- (a) A is EBITDA of the Borrower for the financial year ending on that date; and
- (b) B is Interest Expense for the financial year ending on that date.

Interest Expense means, in respect of a financial year, interest and amounts in the nature of interest, or having a similar purpose or effect to interest, whether paid, payable or capitalised by the Borrower in respect of that financial year.

Interest Payment Date means the last day of each Interest Period.

Interest Period means each period of the number of months specified in Item 7 of Schedule 1, commencing on the date of the first Advance, with the final period ending on the Final Repayment Date.

Interest Rate means, in respect of an Advance, the fixed interest rate as determined by the Lender and notified to the Borrower in the Repayment Schedule in Schedule 3.

LG Act means the *Local Government Act 1993* (NSW).

LG Regulation means the *Local Government (General) Regulation 2005* (NSW).

Letter of Offer means the letter specified in Item 10 of Schedule 1.

Loan Scheme means the loan scheme established by TCorp for the provision of loans to Councils in connection with the NSW Government's "Fit For The Future" reform program.

Loan Type means the form of the loan nominated in Item 6 of Schedule 1, being a Principal at Maturity Loan or an Amortising Loan.

Long Term Financial Plan means the Borrower's 10 year financial plan prepared in accordance with the integrated planning and reporting guidelines determined by the OLG.

Low Cost Loans Initiative means the program available to NSW local councils from the NSW Department of Planning, Industry and Environment for the funding of infrastructure by councils to support new housing supply.

Non-Liquid Investments means Term Deposits with tenors exceeding 12 months, Grandfathered Investments and investment funds with investment horizons greater than 12 months.

Obligations means all the liabilities and obligations of the Borrower to the Lender under or by reason of any Finance Document, and includes any liabilities or obligations which:

- (a) are liquidated or unliquidated;
- (b) are present, prospective or contingent;
- (c) are in existence before or come into existence after the date of this document;
- (d) relate to the payment of money or the performance or omission of any act;
- (e) sound in damages only; or
- (f) accrue as a result of any Event of Default,

and irrespective of:

- (g) whether the Borrower is liable or obligated solely, or jointly, or jointly and severally with another person;
- (h) the circumstances in which the Lender comes to be owed each liability or obligation, including any assignment of any liability or obligation; or
- (i) the capacity in which the Borrower and the Lender comes to owe or to be owed that liability or obligation.

OLG means the NSW Office of Local Government, a division of the NSW Department of Planning and Environment.

Permitted Use Certificate means a certificate substantially in the form provided by the Borrower in its Application, applicable as at the date of this document, signed by the Mayor and General Manager of the Borrower.

Potential Event of Default means any event which with the giving of notice, lapse of time, satisfaction of a condition or determination could constitute an Event of Default.

Principal at Maturity Loan means a loan where the principal is only repayable on the Final Repayment Date.

Principal Outstanding means the aggregate of all Advances drawn under this agreement.

Project Timetable means the timetable provided by the Borrower to the Lender in accordance with clause 3.1.3 outlining the proposed utilisation of the proceeds of an Advance.

Related Loan Agreement means any other loan agreement between the Lender and the Borrower in connection with the Loan Scheme, whether entered into before or after the date of this agreement.

Relevant Date means 30 June each year.

Repayment Schedule means the repayment schedule substantially in the form set out in Schedule 3 or any updated repayment schedule provided by the Lender to the Borrower from time to time.

Settlement Date means, in relation to an Advance, the date on which funds are provided to the Borrower.

Statute means any legislation of the Parliament of the Commonwealth of Australia or of any State or Territory of the Commonwealth of Australia in force at any time, and any rule, regulation, ordinance, by-law, statutory instrument, order or notice at any time made under that legislation.

Taxes means all present and future taxes, levies, imposts, deductions, charges, fees and withholdings, in each case plus interest, related penalties, and any charges, fees or other amounts in respect of any of them.

TCorp Portal means the secure web-based TCorp Client Portal at portal.tcorp.nsw.gov.au/login (or such other platform made available as notified by TCorp).

Termination Date means the earlier of:

- (a) the Final Repayment Date; and

- (b) any date on which the Facility is terminated or cancelled by the Lender in accordance with this document.

Unrestricted Cash Expense Ratio means, on any Relevant Date, $(A/B) \times 12$, where:

- (a) A is:
 - i. **if Non-Liquid Investments exceed External Cash Restrictions**, cash and cash equivalents (including current term deposits) and Floating Rate Note investments for the financial year ending on that date; or
 - ii. **if External Cash Restrictions exceed Non-Liquid Investments**, total cash and investments less External Cash Restrictions for the financial year ending on that date; and
- (b) B is total expenses less depreciation and Interest Expense for the financial year ending on that date.

1.2 Interpretation

In this agreement, unless the contrary intention appears:

- 1.2.1 a reference to:
 - (a) a person includes an individual, the estate of an individual, a corporation, and authority, an association or a joint venture (whether incorporated or unincorporated), a partnership and a trust;
 - (b) a party includes that party's executors, administrators, successors and permitted assigns, including persons taking by way of novation and, in the case of a trustee, includes a substituted or an additional trustee;
 - (c) a document (including this agreement) is to that document as varied, novated, ratified or replaced from time to time;
 - (d) a statute includes its delegated legislation and a reference to a statute or delegated legislation or a provision of either includes consolidations, amendments, re-enactments and replacements;
 - (e) a word importing the singular includes the plural (and vice versa), and a word indicating a gender includes every other gender;
 - (f) a party, clause, schedule, exhibit, attachment or annexure is a reference to a party, clause, schedule, exhibit, attachment or annexure to or of this agreement including all schedules, exhibits, attachments and annexures to it;
- 1.2.2 if a word or phrase is given a defined meaning, any other part of speech or grammatical form of that word or phrase has a corresponding meaning;
- 1.2.3 **'includes'** in any form is not a word of limitation; and
- 1.2.4 a reference to **'\$'** or **'dollar'** is to Australian currency.

2. Advances**2.1 Advances**

- 2.1.1 On the Borrower's request the Lender agrees that it shall make one or more Advances to the Borrower at the time and in the amount specified in a Drawdown Notice during the Availability Period, provided that the total aggregate amount of Advances made by the Lender shall not exceed the Facility Limit.
- 2.1.2 The Borrower acknowledges the:
- (a) Facility Limit represents the amount of funds available for borrowing during the current financial year;
 - (b) Facility Limit may not represent all amounts required to be borrowed by the Borrower in connection with the Approved Purpose; and
 - (c) provision of the Loan under this Agreement does not oblige the Lender to provide additional funds to the Borrower, whether in respect of the Approved Purpose or otherwise, and should the Borrower require additional funds, it must submit a new loan application to the Lender in respect of such required funds.

2.2 Approved Purpose

The Borrower may only use the amounts borrowed by it under the Facility for the Approved Purpose.

2.3 Availability

- 2.3.1 Any amount which has not been drawn at 5.00pm on the last day of the Availability Period is cancelled.
- 2.3.2 The Borrower acknowledges that the Availability Period ends on the date set out in Item 3 of Schedule 1, irrespective of whether the Approved Purpose for which the loan has been sought requires additional funds for completion.

2.4 Security

The parties acknowledge that the Facility and each Advance provided hereunder is secured by a charge on the income of the Borrower pursuant to section 623 of the LG Act and clause 229 of the LG Regulation.

2.5 Inconsistency

- 2.5.1 The parties acknowledge that this agreement supersedes the Letter of Offer. To the extent of any inconsistency between the Letter of Offer and this agreement, this agreement prevails and the Letter of Offer is of no effect.
- 2.5.2 Where there is a conflict between terms of the main body of this agreement and any term in Schedule 5, the terms in Schedule 5 prevail to the extent of any such inconsistency.

3. Drawdown

3.1 Notice

- 3.1.1 The Borrower may draw down the Facility on a Business Day by giving written notice of its intention to do so to the Lender by way of a Drawdown Request sent through the TCorp Portal.
- 3.1.2 The proceeds of each Advance will be deposited directly to the Borrower's Bank Account (or such other account notified by the Borrower to the Lender in writing not less than 5 Business Days before a drawdown date).
- 3.1.3 If the proceeds of an Advance will not be utilised in one amount, the Borrower must provide the Lender with a Project Timetable in writing not less than 5 Business Days before a drawdown date. The Borrower may retain the balance of any proceeds in the Borrower's Bank Account or, where applicable, invest the balance of the proceeds in accordance with Schedule 5.

3.2 Requirements of Drawdown Request

- 3.2.1 Each Drawdown Request will be irrevocable and must:
- (a) subject to the Loan Type and the other parameters of the loan set out in Schedule 1, specify the amount of the drawdown, term, repayment frequency and the proposed Settlement Date;
 - (b) be received by the Lender 3 Business Days before the proposed Settlement Date (or such other time as agreed between the Lender and the Borrower);
 - (c) be made by the General Manager or Authorised Officer of the Borrower; and
 - (d) not be given if the making of the Advance requested would cause the Facility Limit to be exceeded or otherwise would not comply with any term of this agreement.
- 3.2.2 When each Drawdown Request is given, the Borrower is deemed to make the following representations and warranties:
- (a) the proceeds of the Advance will be used only for the Approved Purposes;
 - (b) each representation and warranty made by the Borrower in, or in connection with, the Facility, including without limitation, those set out in clause 9, repeated with reference to the facts and circumstances subsisting at the date of the Drawdown Request, remains true and correct; and
 - (c) no Event of Default or Potential Event of Default has occurred which remains remedied or which has not been waived in writing or will occur as a result of the drawdown.

4. Conditions Precedent

4.1 Conditions Precedent to the First Advance

The obligation of the Lender to make the first Advance is subject to the condition that it has first received all of the following in form and substance satisfactory to it:

- 4.1.1 **Certificate:** a certificate in the form of Schedule 2 providing the details and annexures specified in that schedule dated not more than 20 days before the first Settlement Date, in respect of the Borrower;
- 4.1.2 **Permitted Use Certificate:** the Permitted Use Certificate;
- 4.1.3 **Insurance:** certificates of currency in relation to insurance held by the Borrower;
- 4.1.4 **Original Documents:** this document fully executed;
- 4.1.5 **Low Cost Loans Initiative:** where applicable for Low Cost Loan Initiative approved projects, evidence of approval of project from the Department of Planning, Industry and Environment, unless waived by the Lender; and
- 4.1.6 **Project Timetable:** if required under clause 3.1.3.

4.2 Conditions precedent to each Advance

The obligation of the Lender to make each Advance is subject to the condition that:

- 4.2.1 **Representations and warranties true:** the representations and warranties set out in this document are true and correct as at the date of the Drawdown Request and the Settlement Date as though made at that date; and
- 4.2.2 **No Event of Default:** no Event of Default or Potential Event of Default is subsisting at the date of the Drawdown Request and the Settlement Date or will result from the provision or continuation of the Advance.

4.3 Information regarding Advance

If the Lender provides an Advance to the Borrower, the Lender will issue the Borrower a notice setting out:

- 4.3.1 the amount of the Advance;
- 4.3.2 the applicable Interest Rate;
- 4.3.3 for a Principal at Maturity Loan, the Final Repayment Date; and
- 4.3.4 for an Amortising Loan, a Repayment Schedule setting out the Amortising Loan Amounts and the payments due on each Interest Payment Date and the Final Repayment Date.

5. Interest Provisions

5.1 Interest

- 5.1.1 The Principal Outstanding bears interest on the principal outstanding from and including the initial Settlement Date up until, but excluding, the Final Repayment Date.
- 5.1.2 The interest rate for each Interest Period is the Interest Rate.

- 5.1.3 Each Interest Period in relation to the Principal Outstanding is the period commencing on:
- (a) in the case of the initial Interest Period, the Settlement Date for the initial Advance; and
 - (b) in the case of each subsequent Interest Period, on the day after the expiry of the immediately preceding Interest Period for the Advance,
- and ending on the last day of such Interest Period.
- 5.1.4 The term of each Interest Period is subject to any marginal adjustment as the Lender in its discretion determines so that the final Interest Period ends on the Termination Date.

5.2 Calculation of interest

- 5.2.1 Interest is to be computed on a daily basis on the actual number of days in a year.
- 5.2.2 Interest accrues during an Interest Period from day to day until it is paid.

5.3 Payment of interest

The Borrower will pay to the Lender all interest accrued during the course of an Interest Period in relation to the Loan in arrears on the Interest Payment Date.

6. Repayment

6.1 Repayment

- 6.1.1 If the Borrower has selected a Principal at Maturity Loan, the Borrower must pay to the Lender the Principal Outstanding on the Final Repayment Date.
- 6.1.2 If the Borrower has selected an Amortising Loan, the Borrower must pay to the Lender the Amortising Loan Amount (consisting of principal and interest and as notified to the Borrower) on each Interest Payment Date as set out in the Repayment Schedule, up to and including the Final Repayment Date. The Lender must notify the Borrower of the Amortising Loan Amount (and its components) as soon as practicable after it makes such determination.
- 6.1.3 In respect of Amortising Loan, any Repayment Schedule issued by the Lender forms part of this Agreement and is binding on the parties.

6.2 Prepayment

- 6.2.1 The Borrower may prepay the whole or part of the Loan on an Interest Payment Date on giving not less than 3 Business Days' prior written notice to the Lender, provided that any part repayment of the Loan must be for a minimum amount of A\$1,000,000 or the balance of the Principal Outstanding (whichever is lower).
- 6.2.2 Any notice of prepayment given by the Borrower is irrevocable and the Borrower is bound to prepay in accordance with the notice.
- 6.2.3 Interest accrued on any amount prepaid under this agreement must be paid at the time of prepayment.

- 6.2.4 Any prepayment is permanent and the Facility will be cancelled to the extent of the prepayment.
- 6.2.5 On the proposed prepayment date, the Borrower must:
- (a) pay the amount notified to be prepaid;
 - (b) pay all interest and other amounts accrued or due under this agreement on the amount prepaid; and
 - (c) if applicable, pay any Break Costs (or if any Break Gains are realised, any prepayment may be reduced by the amount of such Break Gains).
- 6.2.6 In respect of an Amortising Loan, after any partial prepayment of the Loan, the Lender will re-calculate the Repayment Schedule and issue such revised Repayment Schedule to the Borrower, and this Agreement will be taken to be amended by having the new Repayment Schedule supersede any prior Repayment Schedule.

7. Interest on Overdue Amounts

7.1 Payment of Interest

The Borrower will pay interest on all amounts due and payable by it under or in respect of this document and unpaid, including any interest payable under this clause 7.

7.2 Accrual of Interest

Interest will accrue on all amounts due and payable from day to day from the day 2 Business Days after due date up to the date of actual payment, before and (as a separate and independent obligation) after judgment, at the Default Rate for successive 30 day periods (as if these were 30 day Interest Periods) commencing on the date of default and, if not paid when due, will itself bear interest in accordance with this clause 7.2.

8. Payments

8.1 Time and place

Unless expressly provided otherwise in writing, all payments by the Borrower under this document are to be made to the Lender in dollars in immediately available funds not later than 11.00 am Sydney time on the due date to the account that the Lender from time to time designates, or as otherwise agreed between the Borrower and the Lender.

8.2 No deduction for Taxes and no set-off or counterclaim

All payments by the Borrower under this document, whether of principal, interest or other amounts due under this document, will be:

- 8.2.1 free of any set-off or counterclaim; and
- 8.2.2 without deduction or withholding for any present or future Taxes, unless the Borrower is compelled by law to deduct or withhold the same, in which event the Borrower will pay to the Lender any additional amount necessary to enable the Lender to receive, after all deductions and withholdings for Taxes, a net amount

equal to the full amount which would otherwise have been payable had no such deduction or withholding been required to be made.

8.3 Merger

If the liability of the Borrower to pay any of the Obligations to the Lender becomes merged in any judgment or order, the Borrower will, as an independent obligation, pay interest at the rate which is the higher of that payable under this document and that fixed by or payable under the judgment or order.

8.4 GST gross-up

If any party:

8.4.1 is liable to pay GST on a supply made in connection with this agreement; and

8.4.2 certifies to the recipient of the supply that it has not priced the supply to include GST,

then the recipient of the supply agrees to pay that party an additional amount equal to the consideration payable for the supply multiplied by the prevailing GST rate.

9. Representations and Warranties

9.1 Representations and Warranties

The Borrower represents and warrants to the Lender:

9.1.1 **Legal power:** it has full power and authority to own its assets and to enter into and perform the obligations under this agreement;

9.1.2 **Legally binding obligation:** this agreement constitutes a valid and legally binding obligation of the Borrower in accordance with its terms;

9.1.3 **Due authority:** it has taken all action required to enter into this agreement and to authorise the execution and delivery of this agreement and the satisfaction of its obligations under it; and

9.1.4 **Execution, delivery and performance:** the execution, delivery and performance of this agreement does not violate any Statute or law, or any document or agreement to which the Borrower is a party or which is binding on it or any of its assets;

9.1.5 **Filings:** it has filed all notices and document with the OLG and all of those filings are current, complete and accurate.

9.1.6 **No material adverse effect:** no litigation, arbitration, mediation, conciliation, criminal or administrative proceedings are current, pending or, to the knowledge of the Borrower, threatened, which, if adversely determined would or could have a material adverse effect on the financial condition of the Borrower;

9.1.7 **Solvency:** there are no reasonable grounds to suspect that it is unable to pay its debts as and when they become due and payable;

9.1.8 **Information accurate:** Any information provided by or on behalf of the Borrower to the Lender in writing in connection with this agreement was true and accurate in all material respects as at the date it was provided or as at the date (if any) at

which it is stated, and nothing has occurred and no information has been given or withheld that results in the information provided by the Borrower being untrue or misleading in any material respect;

- 9.1.9 **Borrowings:** it is not in default in the payment of any material sum, or in the satisfaction of any material obligation in respect of any Financial Liability, and no event has occurred which with the giving of notice, lapse of time or other condition could constitute a default in respect of any Financial Liability;
- 9.1.10 **No Event of Default:** no event has occurred which constitutes an Event of Default;
- 9.1.11 **Statutes:** the Borrower has complied with all Statutes;
- 9.1.12 **Financial statements:** its most recent financial statements, together with the notes thereto complies with current accounting practice and all applicable laws, is a true and fair statement of its financial position and state of affairs as at the date to which it is prepared and discloses or reflects all its actual and contingent liabilities as at that date; and
- 9.1.13 **No adverse change:** since the date of the financial statements referred to in clause 9.1.12, there has been no change in its affairs which has had or may have a material adverse effect on it.

9.2 Representations and Warranties Repeated

Each representation and warranty in this document will be repeated on each day whilst any of the Obligations remain outstanding (whether or not then due for payment) or the Facility is available for drawdown, with reference to the facts and circumstances then subsisting, as if made on each such day.

10. Undertakings

10.1 General Undertakings

For as long as any amount is outstanding under the Facility or the Facility is available for drawdown, the Borrower undertakes to the Lender that it will:

- 10.1.1 **Satisfy Obligations:** satisfy the Obligations;
- 10.1.2 **Maintain all consents:** obtain, renew, maintain and comply with all consents, licences, approvals and authorisations necessary for the validity and enforceability of this agreement, the satisfaction of its obligations under this agreement, and it will promptly provide copies of these to the Lender when they are obtained or renewed;
- 10.1.3 **Provision of information:** supply to the Lender:
- (a) as soon as they are available and within 180 days of the end of each financial year copies of its audited financial statements for that financial year;
 - (b) copies of any updated Long Term Financial Plan;
 - (c) promptly on request, any additional financial or other information the Lender may request (including, but not limited to, information in relation to the Borrower's management and structure);

- 10.1.4 **Comply with laws:** comply with all Statutes and all lawful requirements of every Government Authority, including any Ministerial directions issued in respect of the Borrower or councils generally;
- 10.1.5 **Insurance:** take out and keep in full force and effect insurance over all of its physical assets and premises for such amounts and against such risks as is reasonably prudent for a NSW local council;
- 10.1.6 **Notification of certain events:** immediately notify the Lender in writing if it becomes aware of the occurrence of the following:
- (a) **Event of Default:** any Event of Default or Potential Event of Default;
 - (b) **Litigation:** any litigation, arbitration, criminal or administrative proceedings or labour disputes relating to the Borrower or the Borrower's property, assets or revenues that involves a claim against the Borrower that, if decided adversely to the Borrower, could have a material adverse effect on the ability of the Borrower to perform the Obligations.

10.2 Financial Covenant Undertakings

- 10.2.1 After the initial Settlement Date, the Borrower must ensure that on each Relevant Date up until the Final Repayment Date:
- (a) **(Debt Service Cover Ratio)** the Debt Service Cover Ratio must be at least 1.50:1;
 - (b) **(Interest Cover Ratio)** the Interest Cover Ratio must be at least 3.00:1; and
 - (c) **(Unrestricted Cash Expense Ratio)** the Unrestricted Cash Expense Ratio must be at least 2 months.
- 10.2.2 The financial covenants referred to above shall be:
- (a) calculated by reference to the Accounting Standards; and
 - (b) based on the then most recent audited financial statements of the Borrower.
- 10.2.3 At the time the Borrower provides the financial statements under clause 10.1.3(a), the Borrower must provide a Compliance Certificate demonstrating its compliance with the financial ratios in clause 10.2.1.
- 10.2.4 In addition, in connection with its financial projections in the most recently provided Long Term Financial Plan, the Borrower must include calculations demonstrating whether the financial projections of the Borrower for the following 5 years would comply with the financial covenants in clause 10.2.1.
- 10.2.5 Where the calculations made for the purposes of clauses 10.2.3 or 10.2.4 indicate that the Borrower has not, or may not in the future (as the case may be), comply with the financial ratios in clause 10.2.1:
- (a) the Lender and the Borrower will discuss the non-compliance as part of the annual review under clause 10.3; and
 - (b) the Borrower acknowledges that the Lender may notify OLG of such non-compliance, which may lead to OLG seeking a performance improvement order in respect of the Borrower.

10.3 Annual Review

- 10.3.1 The Lender will conduct an annual review of the Borrower, and the Borrower will provide the Lender with such information as reasonably required by the Lender for the purposes of the review.
- 10.3.2 The Long Term Financial Plan is to be provided as soon as available and within 180 days of the end of the financial year.

10.4 Investments

Where indicated as applicable in Schedule 1, the Borrower is required to comply with the investments limitations in Schedule 5.

11. Default and Termination**11.1 Events of Default**

Each of the following events is an Event of Default, whether or not the cause is beyond the control of the Borrower, or any other person:

- 11.1.1 **Failure to pay:** the Borrower does not pay at or within 5 Business Days of the due date and in the manner specified in this agreement or otherwise in accordance with the Obligations;
- 11.1.2 **Breach of Financial Covenants:** the Borrower fails to observe any financial covenant in clause 10.2;
- 11.1.3 **Failure to comply:** the Borrower defaults in fully performing and observing any provision of this agreement other than a provision requiring the payment of money as contemplated by clause 11.1.1 or 11.1.2, and that default is not remedied within 20 Business Days of its occurrence;
- 11.1.4 **Untrue warranty:** any representation, warranty or statement made, repeated or deemed to be made or repeated in this agreement or in connection with the Facility or any accounts, or any opinion furnished under this document is proved to be untrue in any material respect when made or repeated or deemed to be made or repeated (as the case may be);
- 11.1.5 **Breach of undertaking:** the Borrower breaches any undertaking given at any time to the Lender or fails to comply with any condition imposed by the Lender in agreeing to any matter (including any waiver);
- 11.1.6 **Cross default:** any other Financial Liability provided to the Borrower greater than 5% of the Borrower's Total Equity (as shown in its most recent audited financial statements) is not paid when due or becomes due and payable before its stated date of maturity by reason of an event of default (howsoever described);
- 11.1.7 **Void or voidable:** this agreement, becomes or is claimed by the Borrower to be void, voidable or unenforceable in whole or in part;
- 11.1.8 **Illegality:** at any time it is unlawful for the Borrower to perform any of its obligations under this agreement;
- 11.1.9 **Failure to comply with Statutes:** the Borrower fails to duly and punctually comply with all Statutes binding on it; and
- 11.1.10 **Material change:** any other event or series of events whether related or not (including, any material adverse change in the material assets or financial condition of the Borrower) occurs

which in the reasonable opinion of the Lender could affect the ability of the Borrower to satisfy all or any of its respective obligations under this agreement.

11.2 Lender's Rights on Event of Default

If any Event of Default occurs and if it continues, the Lender may (but is not obliged to), by written notice to the Borrower:

- (a) declare the Lender's obligations under this document to be cancelled immediately (including, but not limited to, any obligation to provide any further advance) and the same and the Facility (including any part of the Facility) will be cancelled immediately; and/or
- (b) declare the Principal Outstanding, interest on the Principal Outstanding and all other money the payment of which forms part of the Obligations immediately due and payable, and the same are immediately due and payable,

and for the avoidance of doubt, any decision by the Lender to reserve its rights or not to exercise its rights under this clause 12.2 is not to be interpreted as waiver of, or election in reaction to, such rights.

11.3 Appointment of consultants and disclosures:

11.3.1 The Lender may where it considers an Event of Default has or is likely to have occurred or is reasonably likely to occur within 12 months:

- (a) appoint consultants (in this clause, **Investigating Consultants**) to investigate the affairs and financial position of the Borrower; and
- (b) notify the OLG of the occurrence (or potential occurrence) of an Event of Default or appointment of Investigating Consultants.

11.3.2 The Borrower:

- (a) unconditionally authorises the Investigating Consultants to take all actions which may be reasonably necessary for the investigation; and
- (b) undertakes to give the Investigating Consultants all reasonable assistance for that purpose.

11.3.3 The Borrower unconditionally authorises the disclosure by:

- (a) Investigating Consultants to the Lender, OLG and its legal and other professional advisers all information and documents obtained or generated in the course of or in connection with the investigation; and
- (b) the Lender to the OLG all information and documents relating to the occurrence (or potential occurrence) of an Event of Default.

11.3.4 The Borrower is liable for the costs and expenses of the investigations described in this clause 11.3 and must upon demand by the Lender pay the Investigating Consultants and reimburse the Lender for any such costs or expenses incurred or paid by it.

12. Indemnities, change in law or circumstance**12.1 Borrower to indemnify Lender**

The Borrower will on demand indemnify the Lender against any loss or reasonable costs or expenses which the Lender may sustain or incur as a consequence of:

- 12.1.1 any sum payable by the Borrower under this document not being paid when due;
- 12.1.2 the occurrence of any Event of Default; or
- 12.1.3 the Lender receiving payments of principal other than on the last day of an Interest Period (or any other day permitted under the terms of this agreement)

12.2 Unlawfulness

If, at any time, the Lender reasonably determines that the introduction of or a change in a law, guideline, direction, request or requirement (whether or not having the force of law) or in the interpretation or application of any of them by a Government Authority makes it unlawful for the Lender to make, fund or maintain the Facility or an Advance, or to otherwise give effect to a provision of this agreement, then:

- 12.2.1 the Lender may notify the Borrower of its determination;
- 12.2.2 on that notification, the Facility is cancelled and the obligation to make, fund or maintain the Facility or an Advance or give effect to the relevant provision ceases; and
- 12.2.3 the Borrower must pay the Principal Outstanding (plus all accrued interest) to the Lender within:
 - (a) 60 days; or
 - (b) another period specified in the notice and certified by the Lender as being required or permitted by the relevant law.

12.3 Increased costs

If the Lender reasonably decides that:

- 12.3.1 the cost to it of providing, funding or maintaining the Facility is increased; or
- 12.3.2 an amount payable or the effective return to it under this agreement is reduced;

because of any law or regulation or a directive by a Government Authority (including, but not limited to, those relating to taxation, other change in tax rules (in each case, not being a tax imposed on its overall net income), capital adequacy or reserve requirements or banking or monetary control or any policy with which it habitually complies) or any change in the way they are interpreted or applied, then:
- 12.3.3 the Lender must promptly notify the Borrower of that decision; and
- 12.3.4 the Borrower indemnifies the Lender against that loss and must pay the Lender on demand whatever amount the Lender certifies is reasonably necessary to indemnify it.

13. Expenses and Taxes**13.1 Expenses**

The Borrower must reimburse the Lender on demand for, and indemnifies the Lender against all reasonable expenses, including legal fees, costs and disbursements (on a solicitor/own client basis) incurred in connection with:

- 13.1.1 **Consents:** any consent, agreement, approval, waiver, or amendment relating to this agreement; and
- 13.1.2 **Enforcement:** exercising, enforcing or preserving, or attempting to exercise, enforce or preserve, rights under this agreement, including any expenses incurred in the evaluation of any matter of material concern to the Lender.

13.2 Taxes

The Borrower:

- 13.2.1 must pay all stamp duty, transaction, registration and similar Taxes, including fines and penalties and debits tax which may be payable to or required to be paid by any appropriate authority or determined to be payable in connection with the execution, delivery, performance or enforcement of this agreement or any payment, receipt or other transaction contemplated by them; and
- 13.2.2 indemnifies the Lender against any loss or liability incurred or suffered by it as a result of the delay or failure by the Borrower to pay Taxes.

14. Assignment**14.1 Assignment by Lender**

The Lender may at any time assign or otherwise transfer all or any part of its rights under this agreement, and may disclose to a proposed assignee or transferee any information in the possession of the Lender relating to the Borrower.

14.2 Assignments by the Borrower

The Borrower cannot assign any of its rights under this agreement without the Lender's prior written consent (not to be unreasonably withheld).

15. Miscellaneous**15.1 Governing law and jurisdiction**

- 15.1.1 This agreement is governed by and must be construed according to the law applying in New South Wales.
- 15.1.2 Each party irrevocably submits to the non-exclusive jurisdiction of the courts of New South Wales, and the courts competent to determine appeals from those courts, with respect to any proceedings which may be brought at any time relating to this agreement.

15.2 Certificate of Lender

A certificate in writing signed by the Lender or by an officer of the Lender certifying the amount payable by the Borrower under this document to the Lender or stating any other act, matter or thing relating to this agreement is conclusive and binding on the Borrower in the absence of manifest error on the face of the certificate.

15.3 Counterparts

This agreement may be executed in any number of counterparts and by the parties on separate counterparts. Each counterpart constitutes an original of this agreement, and all together constitute one agreement.

15.4 Amendment

No provision of this agreement may be amended, supplemented, waived, varied or charged in any way or assigned (subject to clause 8 above), novated or transferred (in whole or part) without the prior written consent of the parties hereto.

15.5 Notices

Any notice required or permitted to be given by a party hereunder will be left at, sent by registered or recorded delivery post to the address below:

15.5.1 Lender

New South Wales Treasury Corporation
Level 7, Deutsche Bank Place
126 Phillip Street
SYDNEY NSW 2000

Attention: General Counsel

Facsimile: 02 9325 9333

Email: legal@tcorp.nsw.gov.au

15.5.2 Borrower

See Schedule 1

15.6 Severance

If at any time a provision of this agreement is or becomes illegal, invalid or unenforceable in any respect under the law of any jurisdiction, that will not affect or impair:

15.6.1 the legality, validity or enforceability in that jurisdiction of any other provision of this agreement; or

15.6.2 the legality, validity or enforceability under the law of any other jurisdiction of that or any other provision of this agreement.

15.7 Waiver

15.7.1 A waiver or consent given by the Lender under this agreement is only effective and binding on the Lender if it is given or confirmed in writing.

15.7.2 No waiver of a breach of a term of this agreement operates as a waiver of another breach of that term or of a breach of any other term of this agreement.

Signing Page

Executed as an agreement

NEW SOUTH WALES TREASURY CORPORATION
by its authorised signatories:

Authorised signatory

Authorised signatory

Name (please print)

Name (please print)

[
The Seal of **GOULBURN MULWAREE COUNCIL**
was affixed to this Loan Agreement in the presence
of the Mayor and Acting General Manager:

Mayor

Acting General Manager

Name (please print)

Name (please print)

Schedule 1 – Variables

Date of Agreement: 2022

Borrower: Goulburn Mulwaree Council
ABN 84 049 849 319

Notice Details: 184 Bourke Street Goulburn NSW 2580

Attention: Brendan Hollands, Acting General Manager

Email: brendan.hollands@goulburn.nsw.gov.au

1.	Advances	One
2.	Approved Purpose	Goulburn Performing Arts Centre; Towrang Bridge Replacement; Goulburn Waste Management Centre Upgrade
3.	Availability Period	30 June 2022
4.	Borrower's Bank Account	BSB No.: 062 545 Account No.: 28021117 Account Name: Goulburn Mulwaree Council
5.	Facility Limit	\$8,280,000
6.	Loan Type	Amortising Loan
7.	Interest Period	Quarterly
8.	Margin	0.55% p.a.
9.	Final Repayment Date	The last day for payment of [principal and interest] set out in the Repayment Schedule
10.	Letter of Offer	TCorp Letter of Offer to the Borrower dated 21 March 2022
11.	Specific Conditions (Schedule 5)	Apply

Schedule 2 – Condition precedent certificate

To: New South Wales Treasury Corporation (the "**Lender**")

This condition precedent certificate is given under clause 4 of the Loan Agreement between the Lender and Goulburn Mulwaree Council ("**Borrower**"). Terms defined in the Loan Agreement have the same meaning in this condition precedent certificate.

I, Brendan Hollands, being the Acting General Manager of the Borrower, certify that true, complete and up to date copies of an extract of minutes (marked "Annexure A") of a duly convened meeting of the governing body of the Borrower approving execution of the Loan Agreement are attached to this Certificate, which minutes are fully effective and have not been varied or revoked.

Signed: _____
Acting General Manager

Date:

Schedule 3 – Repayment Schedule

Interest Rate - Fixed	Date	Interest (\$)	Principal (\$)	Total (\$)

Schedule 4 – Compliance Certificate

Date: _____

To: New South Wales Treasury Corporation (the " Lender")

Financial Covenants Reporting Financial Year End Date: [Insert]

This compliance certificate is given under clause 10.2.3 of the Loan Agreement between the Lender and Goulburn Mulwaree Council ("Borrower"). Terms defined in the Loan Agreement have the same meaning in this compliance certificate.

I, [_____], being the General Manager of the Borrower, certify that

- (a) **(Debt Service Cover Ratio)** = [Insert], calculated as follows: [Insert/attach calculations]
- (b) **(Interest Cover Ratio)** = [Insert], calculated as follows: [Insert/attach calculations]
- (c) **(Unrestricted Cash Expense Ratio)** = [Insert], calculated as follows: [Insert/attach calculations].

Signed: _____

General Manager

Schedule 5 – Specific Conditions

1. This Schedule 5 only applies to the extent indicated in Item 11 of Schedule 1.
2. Except as set out in 5 below, during the term of the loan, the Borrower is required to observe the following limitations for Investment Funds. The Borrower must ensure that:
 - (a) by 30 November 2022, its existing investments with an ADI which have a Long Term Debt Rating of BBB+ and below meets the Portfolio Limit;
 - (b) by 30 November 2022, its existing investments with an ADI which have a Long Term Debt Rating of BBB+ and below meets the Counterparty Limit;
 - (c) its existing investments meet the Maximum Tenor;
 - (d) its Investment Policy meets the requirements set out in subparagraph (e);
 - (e) subject to (a), (b), (c) and (d) above, throughout the Term of the Facility, the combined investments having a Long Term Debt Rating outlined in Column A of the following Table complies with the:
 - (i) Portfolio Limit (Column B);
 - (ii) Counterparty Limit (Column C); and
 - (iii) Maximum Tenor (Column D).

Column A		Column B Portfolio Limit	Column C Counterparty Limit	Column D Maximum Tenor
Long Term Debt Rating S&P	Moody's			
AAA	Aaa	100%	100%	Not applicable
AA+ to AA-	Aa1 to Aa3	100%	100%	5 years
A+ to A	A1 to A2	100%	100%	3 years
A-	A3	40%	20%	3 years
BBB+	Baa1	30% (a 10% sub limit applies to investments rated BBB/Baa2 as set out in clause 3 below)	10%	3 years
BBB	Baa2		5%	12 months
BBB- and below: ADIs with a branch in your LGA	Baa3 and below: ADIs with a branch in your LGA	5%	5%	12 months
BBB- and below: Other	Baa3 and below: Other		\$250,000	12 months
Other Eligible Investments		100%	100%	Not applicable

3. The Portfolio Limit for investments with a Long Term Debt Rating of (i) BBB+ and BBB (S&P) and (ii) Baa1 and Baa2 (Moody's) is 30%. Of this 30%, the Borrower is permitted to invest a maximum of 10% in investments with a long term credit rating of BBB/Baa2, such investments constituting a 10% sub-limit of the permitted 30% Portfolio Limit.

4. For the avoidance of the doubt, the Long Term Debt Rating of a Council's investments for the purposes of this Schedule will be determined as follows: (i) if only one Rating Agency provides a Long Term Debt Rating, the Long Term Debt Rating will be based on the rating of that Rating Agency and (ii) if a Long Term Debt Rating has been assigned by both Rating Agencies and such ratings are not equivalent, the lower of such ratings shall apply.
5. The terms of the letter from TCorp dated 15 March 2022 in relation to the TCorp Loan Agreement dated 4 June 2021 and accepted by the Council on 17 March 2022 will apply. Council will remedy the breaches set out in that letter on or before 30 November 2022. Investment Funds will otherwise comply with Specific Condition 2, above
6. In this Schedule 5, terms have the following meaning:

ADI means Authorised Deposit Taking Institution.

BBB Rate Sub Limit means the sub limit for BBB rated investments in respect of the combined Portfolio Limit for BBB+ and BBB rated counterparty's detailed in Column B of the Table above, as specified in clause 3 of this Schedule 5.

Counterparty Limit with the exception of the BBB Rate Sub Limit, means the sub limit of the Portfolio Limit for each counterparty detailed in Column C of the Table above.

Investment Funds means the total pool of investments made by the Borrower in compliance with the current Investment Order issued by the Minister for Local Government and the Borrower's Investment Policy.

Investment Policy refers to the governing document guiding the Borrowers investment process prepared in accordance with the Local Government Act 1993 (NSW), Investment Policy Guidelines and Investment Order issued by the Minister of Local Government.

Long Term Debt Rating means the rating assigned by a Rating Agency to the long term, unsecured and unsubordinated indebtedness of an ADI.

Other Eligible Investments means the investments made by Council in TCorpIM funds, TCorp term deposits, and bonds issued by TCorp or other Australian state government central borrowing authority.

Portfolio Limit is the limit of the Council's Investment Funds detailed in Column B of the Table the Table above which varies according to the Long Term Debt Rating of the counterparty.

Rating Agency means Standard and Poor's Rating Services and Moody's Investors Service Inc.

]

15.6 MULTQUIP HAULAGE ROUTE REPAIRS - MARCH STATUS UPDATE

Author: Director Operations
Authoriser: Brendan Hollands, Acting General Manager
Attachments: Nil

Link to Community Strategic Plan:	18. Our Infrastructure IN3 Maintain and improve road infrastructure and connectivity.
Cost to Council:	The cost of repair works be initially met by Council from the Multiquip s94 the recovered in a series of quarterly instalments over a five year period. The estimated cost for Stage 1 repair works is approx. \$530k.
Use of Reserve Funds:	Multiquip s94 Reserve 38155 & 38156. Note, this Reserve has a negative balance which will be increased as a result of these works. The negative balance will be reversed when Multiquip repay the haulage route sealing and repair costs.

<p>RECOMMENDATION</p> <p>That:</p> <ol style="list-style-type: none"> 1. The report from the Director of Operations on the Multiquip Haulage Route Repairs March Status be received. 2. Council engage Roadworx Surfacing Pty Ltd directly from the pavement stabilisation panel (VP271768) for haulage route repair works. 3. Council initiate steps with Multiquip to formalise repayment of the outstanding debt and haulage route pavement repair costs.
--

BACKGROUND

This report is to update Council on the progress with commencing repairs along the Multiquip haulage route, since the previous update at the 1 March 2021 Council Meeting.

REPORT

Council has commenced negotiations with Roadworx Surfacing Pty Ltd (Roadworx) for pavement repairs along the Multiquip haulage route. Given the limited timeframe during favourable weather conditions and limited availability of contractor resources, the repair works have been separated into two stages. Stage 1 repairs will focus on the high priority areas and Stage 2 repairs will be for areas deemed suitable to wait until the Spring of 2022, when weather conditions are more favourable for these works.

Roadworks have indicated Stage 1 repairs could commence from 31 March 2022 and continue until the Easter break. This will be subject to Roadworx not being delayed on other sites, due to poor weather conditions during late March 2022. The pavement area for Stage 1 repairs is approximately 13,100m². The pavement area for Stage 2 is expected to exceed the pavement area of works of Stage 1.

Roadworx has submitted repair works documentation for review prior to works commencing. This includes safety and quality management documentation.

Multiquip has previously arranged the drainage works which are now complete. It was agreed that the cost for drainage works would be split 50/50 between Council and Multiquip as some of the drainage works would be considered maintenance works.

The total cost of drainage works is around \$350k. Council's portion of this is around \$175k and would be funded from the s94 Reserve. The other portion will be added to the pavement repair costs and repaid in the quarterly instalment payment regime.

A point of contention is the extent of repair works along the haulage route. Council staff have identified the repair area to be approximately 50,000m² whereas Multiquip claim there is approximately 20,000m². Noting, Stage 1 repairs alone are 13,100m².

One reason for the difference in area between the Council quantity and the Multiquip quantity is the ongoing pavement deterioration. Multiquip presented repair areas to Council in late 2021 however the pavement has continued to deteriorate in the meantime.

Another reason for the difference is the works methodology. Council's methodology requires a full lane width (5m) repair while Multiquip propose a variable width repair, generally 3m wide. The appropriate technical solution is required to achieve a robust solution. Given repair works are now under Council's direction the appropriate technical solution will be sought.





The quantity of pavement repaired will have a direct bearing on the total cost for the works costs, as will the rate for repair works. Council now has access to a pavement repair contractor panel with a series of agreed rates and conditions. Roadworx will be engaged from this panel, noting the rate from the panel for this type of works is around \$40/m² (including line marking and guide posts).

The Outstanding Debtors report to the 15 March 2022 Council Meeting (Item 15.14) indicated there is an outstanding debt in the Section 94 Reserve for \$475k. This amount is associated with haulage route sealing works that was included in a draft Voluntary Planning Agreement (VPA) for expansion of output from Ardmore Park. This amount is in addition to the repair costs for the haulage route. Payment of this amount will be subject to finalisation of the VPA, however in the meantime the Section 94 Reserve will carry a substantial negative balance.

15.7 SUSTAINABILITY WORKING PARTY MINUTES - 16 MARCH 2022

Author: Director Utilities

Authoriser: Brendan Hollands, Acting General Manager

- Attachments:**
1. **Sustainability Working Party Discussion Items and Action List** [↓](#) 
 2. **Attachment 1 - Working Party Submission Redacted** [↓](#) 
 3. **Attachment 2 - Working Party Submission Redacted** [↓](#) 
 4. **Attachment 3 - Working Party Submission Redacted** [↓](#) 

Link to Community Strategic Plan:	11. Our Community CO1 Facilitate and encourage equitable access to community infrastructure and services, such as health care, education and transport.
Cost to Council:	Nil at this stage
Use of Reserve Funds:	Nil at this stage

RECOMMENDATION

That the Sustainability Working Party Minutes dated 16 March 2022 report from the Director Utilities be noted.

BACKGROUND

Council has established a Working Party to investigate to determine options and actions for the community as a whole to address climate change and the loss of biodiversity in our community.

REPORT

This Working Group had their third meeting on 16 March 2022 in the Council Chambers. The minutes from that meeting are attached.

GMC Sustainability Working Party Working Party Discussion Items & Action List

Meeting Details

6pm, Wednesday, 16 March 2022
Council Chambers

Attendees

Mayor Peter Walker, Cr Jason Shepherd, Cr Steve Ruddell, Marina Hollands (Goulburn Mulwaree Council), Darrell Weekes (Chamber of Commerce), Hannah Davey, Chloe Regterschot, Ray Shiel, Roger Grice and Danielle Marsden-Ballard.

Via Zoom - Sam Rowland (Chairperson), Sonya Reyes and Hannah Davey.

Mayor Peter Walker left the meeting at 6.15pm.

Cr Steve Ruddell joined the meeting at 6.50pm.

Apologies

Penny Ackery and Molly De Cseuz.

Discussion Items

- Length of the working party to be extended by an additional three meetings; with interim suggestions presented to Council staff to consider the feasibility and viability of the group's ideas.
- Create a program to promote the planting of native trees (Council to offer vouchers or a set number of trees to be provided to each residence in the LGA annually over a fixed period. Program to be reviewed after the fixed period). This should be complemented with information to educate the public on the correct vegetation for their land.
- Create a 'rewilding and regeneration program' to identify open grassland areas within the Goulburn city area and commence a 'rewilding' in those areas.
- Employ an environment and sustainability officer within Council (fulltime position) to provide education to the primary and secondary schools and community generally (perhaps through workshops) as well as to provide a consultancy role for development applications in a manner like Council's heritage advisor.
- Implement an annual environment and sustainability levy to assist in funding sustainability initiatives.
- Council to engage consultant to develop baseline biodiversity/sustainability report for Goulburn Mulwaree Local Government Area (like a State of the Environment Report) to address unique, urgent and specific issues. The data will assist and inform further programs for the region.
- Broader Community Consultation to find out what programs the community are interested in supporting.
- Work with pre-schools, primary schools and high schools to better deliver community education about climate change specific to the Goulburn Mulwaree Region and school curriculum. Suggestions such as, supplying worm farms, seedlings to assist with wildlife regeneration, utilising social media platforms, promote Mulwaree High School Wetlands and encourage better waste management through schools.
- Council to investigate joining the cities power partnership and the viability of the programs offered.
- Review Council's current sustainability policy and elaborate on areas specific to Goulburn Mulwaree LGA.
- Further explore integrating sustainability into the DA process and policies (such as the DCP). Look at good environmental design, integrated sustainability (e.g., right tree with correct shrubs next to it). Council to provide a list of eco-friendly appliances to the public and actively encourage eco-friendly appliances to be installed within new dwellings. Council to aim to improve colour of roofs. Consider grants for low-income households for better insulation and consider employing a building inspector for sustainability measures.
- Council to actively promote the Goulburn Wetlands and assist with looking at additional places for wetland development within the region to assist with plant growth and erosion control. Look at attracting international tourists to the wetlands.
- Review the UN 17 sustainable development goals and consider the social impacts within Goulburn Mulwaree LGA.
- Allocate portions of Wollondilly and Mulwaree Rivers for community groups to manage and assist with clearing waterways.
- Council to consider replacing current fleet with Electric Vehicles as vehicles are replaced.

Page 1 of 2

**Sustainability Working Party
Working Party Action List**

- Council to offer a grant towards the purchase of eco efficient washing machines etc.
- Walk through of WTP and WWTP to educate the public on the costs involved of providing clean drinking water and disposing of wastewater correctly.
- Council to endorse a sustainability education hub within the industrial area of Goulburn. The hubs main aim of turning our community into a world-wide known place as sustainability leaders and educating the community on all aspects of environmental sustainability. Look at a creating a community that leads the way and create a centre piece that other communities have not created. Council to consider things from a business perspective and create precincts for businesses to rely on each other.
- Look at the human side of the ideas and try to incorporate everyone’s human element levels.
- Public community partnership with Council (such as promoting Glossy’s in the mist project).

Action List

No	Description	Responsible Person	Target Date	Completion Date
1	Street Tree Working Party – supply agendas and meetings	Marina Hollands	20/04/2022	
2	Staff consider the feasibility and viability of ideas moving forward – in a table for discussion at the next meeting.	Marina Hollands	13/04/2022	
3	Attach submissions to the minutes.	Hayley Chapman	05/04/2022	

Meeting closed: 7.30pm

Next meeting scheduled Wednesday 20th April 2022.



SWP meeting plan for the 16/3/2022

Work with pre-schools, primary schools and high schools to better deliver community education about climate change specific to the Goulburn Mulwaree Region and school curriculum.

This may include:

- supplying worm farms
- seedlings to assist with wildlife regeneration.
- utilising social media platforms such as TikTok and Instagram to target older students.
- Promote the Mulwaree High School Wetlands and encourage better waste management through schools.

Connection with the schools would be best aided by a Council sustainability officer/ specific worker

14/03/2022

Goulburn Mulwaree Sustainability Working Party

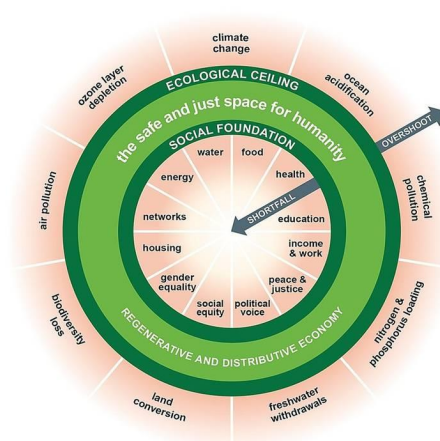
What is Sustainable Development?

Definition: “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. (1987 Bruntland Commission Report UN)

The vision for the South East and Tablelands is “to build resilient and sustainable communities by balancing growth opportunities with protecting the regions diverse environment and lifestyles” (quote from plan).



Source: UNEP (2010) UN Environment Programme



Source: Raworth's (2017) Doughnut model of a regenerative and distributive economy within social and planetary boundaries

Examples of application of the Doughnut Model:

1. Sustainable Resource Management: Freshwater Withdrawals, Ocean Acidification, (increasing CO2 causes ocean acidification affects shellfish fisheries and coral growth) (Freshwater withdrawals affects aquifer viability and river/lake water quality).
2. Design for Sustainability: Climate Change, Land Conversion (Building standards, concrete usage, flood resilience, water harvesting)
3. Cleaner Production and Resource Efficiency: (Green hydrogen, move from fossil-fuels to renewables)
4. Sustainable Transport: Climate Change, Air Pollution, (Eliminate ICE move to EVs, improve public transport)
5. Eco-Labeling and Certification: Bio-Diversity, Chemical Pollution, Ozone Depletion (Clear recycling information, reduce non-recyclables, reduce use of harmful chemicals, dispose of refrigerant gases safely)
6. Sustainable procurement: climate change and air pollution (EVs)
7. Sustainable marketing: chemical pollution (reduce plastic waste)

14/03/2022

8. Sustainable lifestyle: biodiversity loss and land conversion (reduce herbicides, insecticide and chemical fertiliser use)
9. Waste Management: ozone layer depletion and nitrogen phosphorous loading (refrigerators/air conditioners and excess P can cause excess BOD).

The list above is not meant to be exhaustive, but it does show how we could link our actions on sustainability at local level to the “high level” UNEP model and the “doughnut” model of regenerative and distributive economy etc.

Low-Cost Recommendations to Council

1. Introduce a voucher scheme to enable new arrivals to Goulburn to purchase suitable plants, shrubs and trees for their gardens. This is done by a number of local authorities already.
2. Run targeted talks/presentations to residents on which plants and shrubs will help with biodiversity and wildlife corridors.
3. Establish a volunteer corps of individuals who would adopt a section of riverine. This could involve water sampling for pollution, invertebrates, BOD as well as removing debris etc. (creekwatch@ozfish.org.au).
4. Replace council owned ICE vehicles with EV as quickly as practicable.
5. Extend the grant system, currently available to new residents purchasing Eco Friendly washing machines to all major “white goods” that are energy efficient (4 or 5 star)
6. Welcome packs /information regarding energy efficient appliances such as Department of Climate Change, Department of Environment and Heritage Protection, E3 Equipment Energy Efficiency, and Water Efficiency Labelling and Standards (WELS).
7. Encourage builders to fit Induction Cookers instead of gas hobs and domestic hot water by Solar/electric rather than gas.
8. Improve thermal insulation standards and roof colours of all new homes by lobbying NSW Government for changes in the Building Standards.
9. Consider a grant to low income households to retrofit improved insulation (roof space/double glazing) etc.
10. Increase public messaging and spot checks of bins, regarding recycling and green waste, to prevent contamination of loads.
11. Organise virtual and actual tours of water and waste treatment plants to educate students and general public to the processing costs of water and effluent and the implications of illegal discharges into watercourses. See <https://greendestinations.org>
12. Employ an Environmental Officer who could work with local environmental and Landcare groups and inform and educate in areas such as electrification of farm machinery and stationary equipment such as pumps. Additionally encourage reducing artificial fertilisers by regenerative agricultural methods and dietary supplements for livestock (seaweed) to reduce methane emissions.
13. Consider establishing a repair/renovate centre for household items eg. at the recycling centre. This could include electrical and electronic items thus creating skilled job opportunities whilst reducing landfill.
14. Consider appointing a qualified building inspector to carry out house energy assessments. These assessments could be used as basis for specifications to local authorised builders on retrofitting buildings to higher energy conservation standards. Involvement of the council would give confidence in the builder’s credentials and competence.

14/03/2022

15. Establish Goulburn as a Sustainability Hub. This could lead to inward investment as businesses are attracted to working with like minded organisations in the pursuit of environmentally sound business practices such as zero carbon footprint and aggressive recycling targets.
16. Extend walking/cycling paths and plant shade trees adjacent to these to reduce local "hot spots".
17. Encourage more planting of suitable trees on "nature strips" by local residents.
18. Organise local groups of volunteers to remove rubbish and provide PPE etc to facilitate this. Provide bins and "doggie waste" receptacles.
19. Where rivers are prone to flooding consider establishing "wetland reserves". These would encourage biodiversity and help improve carbon dioxide absorption via photosynthesis.
20. Involve local Men's Sheds, Bunnings in DIY repair and refurbishment of furniture and household articles by running courses for interested persons; thereby reducing landfill, overall demand for imported goods and associated negative impact through transportation and deforestation.
21. Replace all fluorescent light fittings in Council buildings with LEDs eg. Visitor Centre currently fitted with fluorescent lights.

Medium to high-cost initiatives

All Council owned buildings to be carbon neutral by installation of solar panels, batteries and improved insulation.

Rolling program of EV charging points installation at garages, public car parks, shopping mall carparks.

Develop the rail-trail from Goulburn to Crookwell. This will attract visitors and generate income through ventures like hiring electric bicycles and providing refreshments etc.

Support the Sustainability Expo 17th/18th September 2022 at Goulburn Showground.
See handout.



Suggested Next Steps for Sustainability, Climate Change and Biodiversity Loss Program (SCCBLP) for Goulburn Mulwaree Council

From [REDACTED] –Sustainability Working Group March 2022

- **Council to engage consultant to develop baseline report** for Goulburn. This will create baseline data for where Goulburn is in terms of environmental factors. This report should consider all activities from Council and community and highlight the potential climate change impacts for the whole Goulburn Local Government Area (LGA) and what functions of Council and the Community they will impact. Eg: Increase in frequency and intensity of bushfire – what projects could address this for Goulburn Mulwaree? The concept of Climate Change Impacts are extremely broad. It is important to be clear about the direction of Council for this. Programs and projects could be as broad as – revegetation or regenerative agriculture, promoting the use of EV vehicles, improving housing design and Council DA requirements, Council to reach Zero carbon emissions, or encouraging people to buy local, , or grow their own produce to reduce dependence on large stores. (Note: Be very careful about the appropriate use of the word Sustainability. Is it Economic, Environmental, Social Sustainability??)
- **Council to determine from the baseline report what programs are suitable to start developing for Goulburn Mulwaree.** What are going to be the biggest climate impacts to Goulburn Mulwaree LGA? What programs (short or long term) will provide best value for money in addressing the priority area highlighted in the report. eg: Supporting the establishment of a Goulburn Mulwaree wide Landcare Network to support volunteers work on private and Council owned property. Support the establishment of a community plant nursery to support Council and community revegetation projects with locally native plants. EV vehicles, retrofitting of more Council facilities, regenerative agriculture?
- **Council to assess what current resources (including budget, staff, and staff experience, time) are available to deliver any projects without additional budgets**
- **Undertake some broader Community Consultation to find out what SBLP's they would be interested in supporting.** It is important to continue the Sustainability Working Group and utilise this group when appropriate in the development of the Sustainability/Climate Change/Biodiversity Loss programs.

It is also important to undertake broader community consultation for input to ideas and programs. This process and program development needs to be Council driven, and community informed. If they are not interested in the proposed programs (in particular those that are driven by volunteers) then there will be little support for them. Council needs to harness programs that may already be unofficially operating in the LGA.

- **Council to determine how they want to fund these projects?**
 - Start small – Get some smaller projects off the ground with existing budgets. Longer term plan to increase budgets and programs over time.
 - Investigate an Environment Levy. This is a ‘Special rate variation’. This can be short term (approved for a period e.g.: 5 years, or a permanent levy – Liverpool Council first completed a 5 year Environment levy, then were approved for a permanent levy). The levy should be accompanied by a detailed outline of the programs to be delivered. Extensive community consultation is important to let the community contribute to program ideas as well as survey what amount they would be comfortable to pay. Considering there is an increasing awareness of community to assist in combating impacts of climate change. Liverpool Council levy was an ad velorum charge (% of rates) and approx. \$20pa for a 650m2 block. The levy could also be a flat rate eg: \$20 per rateable property.
 - Apply for grant funding to employ an officer to develop and implement prioritised programs as identified in the baseline report (This is not a long term solution and reapplying for grant funding is time consuming and unreliable in the resulting funding leveraged).

- Important info recap:
 - Use the term sustainability appropriately in relation to programs and Climate Change references (Eg: Environmental Sustainability).
 - Goulburn Mulwaree need some baseline data to see what the local Climate Change impacts are occurring and will be important in the LGA in the future.
 - Be clear about what programs are practical and achievable for Goulburn Mulwaree.
 - Involve the community in the process, contributing to program ideas, and allow them to be involved in project delivery. Taking the community on the journey will give them some buy in to helping deliver the programs and give them some ownership in continuing these projects into the future.

15.8 GOULBURN MULWAREE AWARD WORKING PARTY MINUTES - 28 MARCH 2022

Author: Acting General Manager

Authoriser: Brendan Hollands, Acting General Manager

Attachments: 1. **Minutes from the Goulburn Mulwaree Award Working Party Meeting 28 March 2022** [↓](#) 

Link to Community Strategic Plan:	Our Civic Leadership
Cost to Council:	Nil
Use of Reserve Funds:	Nil

RECOMMENDATION

That the report from the General Manager in relation to the Goulburn Mulwaree Award Working Party Meeting Minutes held on the 28 March 2022 be received.

BACKGROUND

A meeting of the Goulburn Mulwaree Goulburn Mulwaree Award Working Party was held on the 28 March 2022.

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 28 March 2022 at 3pm
Goulburn Room, Civic Centre

Invited Attendees

Present:
Danae Vitnell (Chairperson), Mayor Peter Walker, Cr Bob Kirk & Gary Lourigan

Also Present: Amy Croker

Apology

Sam Rowland, Jodie Divall & Richard Ernest

Discussion Items

1. Confirm Minutes from 14 February 2022 Goulburn Mulwaree Award Working Party - Noted
2. Task List – Updated as per below.
3. Thank you from Moira McGinity – Noted
4. Debrief from Goulburn Mulwaree Award Presentation
 - a. Official Ceremony Order of Proceedings for future Birthday celebrations
 - i. Birthday celebrations including presentation from school students first
 - ii. Goulburn Mulwaree Award second
 - iii. Cutting of the birthday cake third
 - b. Greater reference to Pin
 - c. Review of Selection Criteria
Amy contacted the Governor Generals Office and they gave the following selection ideas for inclusion in the award process:
 - Length of Service
 - Scale of Impact
 - Impact on large numbers of people
 - Transformed lives
 - Referee verification – if required
 - d. Advertising
Can the advertising be increased for 2023. Include promotion of:
 - a. Pin
 - b. Previous winners
 - c. Nomination process
 - d. Volunteer week – 16 to 22 May 2022 – advertising at the Volunteer Expo
 - e. Service Clubs
 - e. Gift
Can the gift boxes be smaller as they are hard for people to hold during the presentation ceremony.



**Goulburn Mulwaree Award
Working Party Discussion Items & Action List**

- f. Markets
Having the markets on at the same time complimented the ceremony.
 - g. Lunch
The Goulburn Mulwaree Award recipients and the volunteer Working Party be invited back to the Council Chambers for a light lunch with their families.
5. General Business
Nil
6. Schedule next Meeting Date & Time
- a. Next Meeting will be Monday 2 May 2022 at 3pm
 - b. Following Meeting will be Monday 12 September 2022 at 3pm

Meeting concluded at 4.06pm






Task List

No	Project	Description	Working Party Members	Update on actions
1	Promote Goulburn Mulwaree Award as part of Volunteer week – 16 to 22 May 2022	Look into having a stall at the Volunteers Expo	Amy to book stall that will potentially be staffed by Working party members	

15.9 EXTERNAL MEETING MINUTES

Author: Acting General Manager

Authoriser: Brendan Hollands, Acting General Manager

- Attachments:**
1. **Country Mayors Meeting Annual General Meeting 11 March 2022**  
 2. **Country Mayors Meeting Meeting 11 March 2022**  
 3. **Ardmore Park Community Consultative Committee Meeting Minutes 18 March 2022**  

Link to Community Strategic Plan:	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.
Cost to Council:	There are no financial implications for this report
Use of Reserve Funds:	Nil

RECOMMENDATION

That the report from the General Manager on the following external Committee meeting minutes be received:

1. Country Mayors Association Meeting & Annual General Meeting held on 11 March 2022
2. Ardmore Park Community Consultative Committee held on the 18 March 2022.

REPORT

Please find attached the minutes from the:

1. Country Mayors Association Meeting & Annual General Meeting held on 11 March 2022
2. Ardmore Park Community Consultative Committee held on the 18 March 2022.

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



Country Mayors Association of NEW SOUTH WALES

Chairperson: Cr Ken Keith
PO Box 337 Parkes NSW 2870
02 6861 2333
ABN 92 803 490 533

ADJOURNED AGM MINUTES

ANNUAL GENERAL MEETING

FRIDAY, 11 MARCH 2022, YORK AND BASS SUITES, 95-99 YORK STREET, CLUB YORK SYDNEY

The meeting opened at 9.15 a.m.

1. ATTENDANCE:

Armidale Regional Council, Mayor, Cr Sam Coupland, Mayor
 Armidale Regional Council, Mr James Roncon, General Manager
 Bathurst Regional Council, Cr Robert Taylor, Mayor
 Bega Valley Shire Council, Cr Russell Fitzpatrick, Mayor
 Bellingen Shire Council, Cr Steve Allan, Mayor
 Bellingen Shire Council, Ms Liz Jeremy, General Manager
 Blayney Shire Council, Cr Scott Ferguson, Mayor
 Blayney Shire Council, Ms Rebecca Ryan, General Manager
 Cabonne Shire Council, Cr Kevin Beatty, Mayor
 Cabonne Shire Council, Mr Brad Burns, General Manager
 Coolamon Shire Council, Cr David McCann, Mayor
 Coolamon Shire Council, Mr Tony Donoghue, General Manager
 Cowra Shire Council, Cr Bill West, Mayor
 Cowra Shire Council, Mr Paul Devery, General Manager
 Dubbo Regional Council, Cr Mathew Dickerson, Mayor
 Eurobodalla Shire Council, Cr Mat Hatcher, Mayor
 Forbes Shire Council, Cr Phyllis Miller, Mayor
 Forbes Shire Council, Mr Steve Loane, General Manager
 Griffith City Council, Cr John Doug Curran, Mayor
 Griffith City Council, Mr Brett Stonestreet, General Manager
 Gunnedah Shire Council, Cr Jamie Chaffey, Mayor
 Hilltops Council, Cr Margaret Roles, Mayor
 Inverell Shire Council, Cr Paul Harmon, Mayor
 Kiama Municipal Council, Cr Neil Reilly, Mayor
 Kiama Municipal Council, Ms Jane Stroud, General Manager
 Kyogle Council, Cr Kylie Thomas, Mayor
 Lachlan Shire Council, Cr John Medcalf, Mayor
 Lachlan Shire Council, Mr John Shillito, Acting General Manager
 Leeton Shire Council, Cr Tony Reneker, Mayor
 Leeton Shire Council, Ms Jackie Kruger, General Manager
 Liverpool Plains Shire Council, Cr Doug Hawkins, Mayor

Page 2

Lockhart Shire Council, Cr Greg Verdon, Mayor
Lockhart Shire Council, Mr Peter Veneris, General Manager
Mid-Western/Mudgee Regional Council, Cr Des Kennedy, Mayor
Moree Plains Shire Council, Cr Mark Johnson, Mayor
Murray River Council, Cr Christopher Bilkey, Mayor
Murray River Council, Mr Terry Dodds, General Manager
Narrabri Shire Council, Cr Ron Campbell, Mayor
Narrabri Shire Council, Mr Stewart Todd, General Manager
Narromine Shire Council, Cr Craig Davies, Mayor
Oberon Council, Cr Mark Kellam, Mayor
Parkes Shire Council, Cr Ken Keith, Mayor
Snowy Monaro Regional Council, Cr Narelle Davis, Mayor
Tamworth Regional Council, Cr Russell Webb, Mayor
Tamworth Regional Council, Mr Paul Bennett, General Manager
Temora Shire Council, Cr Rick Firman, Mayor
Tenterfield Shire Council, Cr Bronwyn Petrie, Mayor
Wagga Wagga City Council, Cr Dallas Tout, Mayor
Walcha Council, Cr Eric Noakes, Mayor
Warrumbungle Shire Council, Cr Ambrose Doolan, Mayor
Warrumbungle Shire Council, Mr Roger Bailey, General Manager
Wingecarribee Shire Council, Mr Viv May, Interim Administrator
LGNSW, Cr Darriea Turley, President
LGNSW, Mr Scott Phillips, CEO
OLG, Ms Ally Dench, Executive Director

APOLOGIES:

As read

2. ADOPTION OF MINUTES OF PREVIOUS MEETING:

RESOLVED that the minutes of the Annual General Meeting held on 5 November 2021 be accepted as a true and accurate record (Forbes Shire Council /Lachlan Shire Council).

3. Returning Officer

RESOLVED That the Returning Officer for the conduct of the elections be Mr Allan Burgess (Forbes Shire Council / Gunnedah Shire Council)

The Chairperson Cr Ken Keith vacated the chair

7. Election of Office Bearers

7.1 Chairperson

The Returning Officer advised that he had received one nomination in writing for Cr Ken Keith, Parkes Shire Council, who was nominated by Gunnedah Shire Council and Forbes Shire Council. The Returning Officer called for any further nominations for the position of Chairperson. No other nominations were received. As there was only one nomination the Returning Officer declared Cr Ken Keith elected Chairman for the 2022 year

Page 3

7.2 Vice Chairperson

The Returning Officer advised that he had received one nomination in writing, for Cr Jamie Chaffey, Mayor, Gunnedah Shire Council who was nominated by Temora Shire Council and Forbes Shire Council. The Returning Officer called for any further nominations for the position of Vice Chairperson. No other nominations were received. As there was only one nomination the Returning Officer declared Cr Jamie Chaffey elected as Deputy Chairperson for the 2022 year.

7.3 Secretary/Public Officer

RESOLVED That Mr Kent Boyd General Manager Parkes Shire Council, be appointed Secretary/Public Officer (Parkes Shire Council / Temora Shire Council)

7.4 Executive

Nominations for the up to eight positions on the Executive were called for. Nominations were received for Craig Davies Narromine Shire Council nominated by Gunnedah Shire Council and Narromine Shire Council, Cr Rick Firman Temora Shire Council nominated by Cootamundra-Gundagai Regional Council and Coolamon Shire Council, Cr Russel Fitzpatrick Bega Valley Shire Council nominated by Temora Shire Council and Bega Valley Shire Council, Cr John Medcalf Lachlan Shire Council nominated by Cabonne Shire Council and Parkes Shire Council, Cr Phyllis Miller Forbes Shire Council nominated by Gunnedah Shire Council and Forbes Shire Council, Cr Sue Moore Singleton Council nominated by Gunnedah Shire Council and Singleton Shire Council, Cr Kylie Thomas Kyogle Council nominated by Ballina Shire Council and Kyogle Council and Cr Russell Webb Tamworth Regional Council nominated by Gunnedah Shire Council and Walcha Council. The Returning Officer called for any further nominations for the position of Executive member. No other nominations were received. As there was only eight nominations the Returning Officer declared Cr Craig Davies, Cr Rick Firman, Cr Russel Fitzpatrick, Cr John Medcalf, Cr Phyllis Miller, Cr Sue Moore, Cr Kylie Thomas and Cr Russell Webb elected as Executive members for the 2022 year.

The Chairperson Cr Ken Keith resumed the Chair.

There being no further business the meeting closed at 9.27 am.

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, 11 MARCH 2022 YORK AND BASS SUITES, CLUB YORK, SYDNEY

The meeting opened at 8.31 a.m.

1. ATTENDANCE:

Armidale Regional Council, Mayor, Cr Sam Coupland, Mayor
 Armidale Regional Council, Mr James Roncon, General Manager
 Bathurst Regional Council, Cr Robert Taylor, Mayor
 Bega Valley Shire Council, Cr Russell Fitzpatrick, Mayor
 Bellingen Shire Council, Cr Steve Allan, Mayor
 Bellingen Shire Council, Ms Liz Jeremy, General Manager
 Blayney Shire Council, Cr Scott Ferguson, Mayor
 Blayney Shire Council, Ms Rebecca Ryan, General Manager
 Cabonne Shire Council, Cr Kevin Beatty, Mayor
 Cabonne Shire Council, Mr Brad Burns, General Manager
 Coolamon Shire Council, Cr David McCann, Mayor
 Coolamon Shire Council, Mr Tony Donoghue, General Manager
 Cowra Shire Council, Cr Bill West, Mayor
 Cowra Shire Council, Mr Paul Devery, General Manager
 Dubbo Regional Council, Cr Mathew Dickerson, Mayor
 Eurobodalla Shire Council, Cr Mat Hatcher, Mayor
 Forbes Shire Council, Cr Phyllis Miller, Mayor
 Forbes Shire Council, Mr Steve Loane, General Manager
 Griffith City Council, Cr John Doug Curran, Mayor
 Griffith City Council, Mr Brett Stonestreet, General Manager
 Gunnedah Shire Council, Cr Jamie Chaffey, Mayor
 Hilltops Council, Cr Margaret Roles, Mayor
 Inverell Shire Council, Cr Paul Harmon, Mayor
 Kiama Municipal Council, Cr Neil Reilly, Mayor
 Kiama Municipal Council, Ms Jane Stroud, General Manager
 Kyogle Council, Cr Kylie Thomas, Mayor
 Lachlan Shire Council, Cr John Medcalf, Mayor
 Lachlan Shire Council, Mr John Shillito, Acting General Manager
 Leeton Shire Council, Cr Tony Reneker, Mayor

Page 2

Leeton Shire Council, Ms Jackie Kruger, General Manager
Liverpool Plains Shire Council, Cr Doug Hawkins, Mayor
Lockhart Shire Council, Cr Greg Verdon, Mayor
Lockhart Shire Council, Mr Peter Veneris, General Manager
Mid-Western/Mudgee Regional Council, Cr Des Kennedy, Mayor
Moree Plains Shire Council, Cr Mark Johnson, Mayor
Murray River Council, Cr Christopher Bilkey, Mayor
Murray River Council, Mr Terry Dodds, General Manager
Narrabri Shire Council, Cr Ron Campbell, Mayor
Narrabri Shire Council, Mr Stewart Todd, General Manager
Narromine Shire Council, Cr Craig Davies, Mayor
Oberon Council, Cr Mark Kellam, Mayor
Parkes Shire Council, Cr Ken Keith, Mayor
Snowy Monaro Regional Council, Cr Narelle Davis, Mayor
Tamworth Regional Council, Cr Russell Webb, Mayor
Tamworth Regional Council, Mr Paul Bennett, General Manager
Temora Shire Council, Cr Rick Firman, Mayor
Tenterfield Shire Council, Cr Bronwyn Petrie, Mayor
Wagga Wagga City Council, Cr Dallas Tout, Mayor
Walcha Council, Cr Eric Noakes, Mayor
Warrumbungle Shire Council, Cr Ambrose Doolan, Mayor
Warrumbungle Shire Council, Mr Roger Bailey, General Manager
Wingecarribee Shire Council, Mr Viv May, Interim Administrator
LGNSW, Cr Darriea Turley, President
LGNSW, Mr Scott Phillips, CEO
OLG, Ms Ally Dench, Executive Director

Apologies:

As submitted

Special Guests:

Cr Darriea Turley, President, LGNSW
Mr Scott Phillips, CEO, LGNSW
Ms Ally Dench, Executive Director, OLG
CR Linda Scott, President, ALGA
The Hon Sam Faraway MP, Minister for Regional Transport and Roads
Mr Simon Hunter, Director Strategy and Innovation, NSW Department of Planning and Environment

2. Adoption of Minutes of Previous Meeting:

RESOLVED that the minutes of the General Meeting held on 5 November 2021 be accepted as a true and accurate record (Forbes Shire Council / Gunnedah Shire Council).

3. Matters Arising from the Minutes

Nil

4. Introduction of New Mayors

New Mayors recently elected following the December 2021 Local Government elections were given the opportunity to introduce themselves

6. Cr Darriea Turley, President, LGNSW

Cr Turley said LGNSW has been working on the rate pegging determination and the Minister is to review on how it is assessed. Cr Turley provided a report on the work of LGNSW since the last meeting and on opportunities for collaboration including the MOU with Country Mayors, 2022-23 Rate Peg Submission, the Pre Budget Submission, Local Government Assets, Child Safe Standards, and collaboration on Domestic Waste Management Charges, Planning Skills Shortages, Water Funding Program, Crown Reserve Improvements, Regional Health Initiative Funding, Right to Repair, Incentives for Electrical Vehicle Fleets, Plastic Reduction, Remote Roads Upgrades, Remote Attendance at Meetings and Regional Housing Fund

7. Mr Scott Phillips, CEO, LGNSW

Councils are shocked by the decision of IPART to cap rate increases at 0.7% for the 2022/23 year. There has been a combined effort by LGNSW, JO's and professional organisations to have this reviewed. The Minister and the Office of Local Government have listened and acted. There is now an opportunity for Councils to apply to IPART to allow each council to apply for an increase in rates up to the amount of rate cap that you went to your community with in your long term financial plan.

8. Ms Ally Dench, Executive Director OLG

She is excited to be in the role at OLG which is the first port of call for emergencies and other matters affecting local government areas. There have been recent challenges caused by the floods in NSW and \$45million in payments have been made by Resilience NSW in the past week. OLG is looking at what skills and resources are needed and councils are able to connect with OLG if they think they can help. The main call at the moment is customer service staff.

The IPART decision is devastating and a shock to OLG. The Minister has heard the concerns and is looking at the methodology. Applications in accordance with IPNR closes on the 29 April and will need a resolution of Council. In respect of the Emergency Services Levy the OLG is working with Treasury, the RFS and the Department of Planning and news is expected shortly.

The meeting was adjourned at 9.15am for the adjourned Annual General Meeting
RESOLVED (Temora Shire Council / Inverell Shire Council)

The meeting resumed at 9.27am

9. Correspondence

Outward

- (a) Registry and Accreditation forwarding changes to the CMA Constitution
- (b) Cr Mark Liebich, Mayor, Weddin Shire Council, advising Weddins application for membership was successful
- (c) Cr Ian Woodcock, Mayor, Walgett Shire Council, advising that Walgetts application for membership was successful
- (d) Mr Viv May, Interim Administrator, Wingecarribee Shire Council, advising that Wingecarribees application for membership was successful

Page 4

- (e) Cr Peter Abbott, Mayor, Cobar Shire Council, advising that Cobars application for membership was successful
- (f) Mr Grant Barnes, Chief Regulatory Officer, Natural Resources Access Regulator, Department of Planning, Industry and Environment, thanking him for his presentation to the 5 November 2021 meeting
- (g) Mr Joseph Rahme, Senior Manager, Stakeholder Engagement, NSW Telco, thanking him for his presentation to the 5 November 2021 meeting
- (h) Cr Linda Scott, President, LGNSW, thanking her and her team for providing meeting facilities for the 5 November 2021 meeting
- (i) The Hon Matt Kean MP, Treasurer and Minister for Energy and Environment, regarding the disposal of metropolitan waste at country locations close to metropolitan areas
- (j) The Hon Rob Stokes MP, Minister for Planning and Public Spaces and Minister for Transport and Roads, regarding the disposal of metropolitan waste at country locations close to metropolitan areas
- (k) The Hon Rob Stokes MP, Minister for Planning and Public Spaces and Minister for Transport and Roads, opposing the Proposed Employment Zones Framework applying to regional areas
- (l) Ms Jo Haylen MP, Shadow Minister for Roads, seeking support for better consultation with local government in local traffic matters particularly with NSW Speed Zoning Guidelines
- (m) Hon Paul Toole MP, Deputy Premier, Minister for Regional NSW and Minister for Regional Transport and Roads, seeking support for better consultation with local government in local traffic matters particularly with NSW Speed Zoning Guidelines
- (n) The Hon Matt Kean MP, Treasurer and Minister for Energy and Environment, requesting an urgent review into cost shifting from the State to Local Government
- (o) The Hon Barnaby Joyce MP, Deputy Prime Minister, Minister for Infrastructure, Transport and Regional Development, requesting a fairer grant system for small rural councils rather than having to contribute 50% co contributions for projects
- (p) The Hon Paul Toole MP, Deputy Premier, Minister for Regional NSW and Minister for Regional Transport and Roads, requesting a fairer grant system for small rural councils rather than having to contribute 50% co contributions for projects
- (q) The Hon Dominic Perrottet MP, Premier, asking for a bi partisan approach to bring mayoral and councilor allowances in rural NSW to reflect a midpoint between Queensland and Victorian mayoral and councilor allowances
- (r) Mr Chris Minns MP, Leader of the Opposition, asking for a bi partisan approach to bring mayoral and councilor allowances in rural NSW to reflect a midpoint between Queensland and Victorian mayoral and councilor allowances
- (s) Mr Robert Borsak MLC, asking for a bi partisan approach to bring mayoral and councilor allowances in rural NSW to reflect a midpoint between Queensland and Victorian mayoral and councilor allowances
- (t) Mr David Shoebridge MLC, asking for a bi partisan approach to bring mayoral and councilor allowances in rural NSW to reflect a midpoint between Queensland and Victorian mayoral and councilor allowances

- (u) Mr Mark Latham MLC, asking for a bi partisan approach to bring mayoral and councilor allowances in rural NSW to reflect a midpoint between Queensland and Victorian mayoral and councilor allowances
- (v) The Hon Shelley Hancock MP, Minister for Local Government, requesting that the State Government introduces the Rural Council Model as proposed under the Fit for the Future process
- (w) General Manager, Leeton Shire Council, regarding RFS Assets resolution
- (x) To the newly elected Mayors congratulating them on their election as Mayor
- (y) To the re elected Mayors congratulating them on their re election as Mayor

Incoming

- (a) The Hon Paul Toole MP, Deputy Premier, Minister for Regional NSW, regarding co contribution requirements for small rural councils participation in grant programs
- (b) The Hon Michael McCormack MP, forwarding letter from the Prime Minister regarding CMA initiatives
- (c) The Hon Matt Kean MP, treasurer, Minister for Energy and the Environment, regarding the NSW Energy from Waste Infrastructure Plan
- (d) The Hon Shelley Hancock MP, Minister for Local Government. regarding the term of office of Mayors elected by Councilors
- (e) Mr Brett Whitworf, Group Deputy Secretary, Planning, Delivery and Local Government, NSW Planning and Environment, regarding remuneration of mayors and councilors
- (f) The Hon Barnaby Joyce MP, Deputy Prime Minister, Minister for Infrastructure, Transport and Regional Development, regarding co contributions by councils for grants

NOTED

10. FINANCIAL REPORT

RESOLVED That the financial reports for the last quarter were tabled and accepted (Kyogle Council / Liverpool Plains Shire Council)

11. Councillor Linda Scott, President, ALGA

Cr Scott gave an overview of the past 50 years of the ALGA organisation, the current structure of the association, how it has been recalibrated to underpin successful advocacy, the challenges such as reliance on grants, recurrent funding and productivity commission, the priorities of the federal election campaign and the development of materials that councils can use, and what ALGA will do, and requesting case studies from councils that ALGA can use

12. Project Funding

This item was dealt with at the November 2021 meeting.

13. Bio Diversity Offset Scheme

RESOLVED That the Country Mayors Association express sincere concerns to the State Government on the impact on rural NSW and development opportunities for growth caused by the Bio Diversity Offset Scheme and the Minister for Environment and Heritage James Griffin be invited to attend a future meeting (Narromine Shire Council / Forbes Shire Council)

Page 6

14. Treatment of RFS Assets

RESOLVED That the Country Mayors Association writes to the NSW OLG to request a copy of any opinion (legal or accounting or other) in relation to the accounting treatment of RFS assets by NSW Councils, respectfully requesting such opinion/s be furnished by 31 March 2022 (Leeton Shire Council / Bellingen Shire Council)

15. The Hon Sam Faraway, MLC, Minister for Regional Transport and Roads

The Minister has been touring northern NSW for the past week where a national disaster has been declared. As Minister for Regional Roads it was important to be there and assess needs. Response teams are in the area now. The regional and rural transport network is imperative and there has been a substantial investment by the NSW government. The Safer Roads Program and the Regional Roads Programs are very important. Work on the Raymond Terrace section of the M1 are due to start this year and the Coffs Harbour bypass will follow. The Great Western highway will open up the central west with \$4.5billion committed to the project. Mount Victoria will be bypassed. Railway maintenance is to move from Parramatta to Dubbo. The Country Bridges Program is replacing timber bridges in many council areas. The road reclassification program will take back 15,000Km of roads from councils. The second round of submissions was extended to the end of February due to COVID. The panel is to now review submissions and report to the Minister midyear

16. Mr Simon Hunter, Director Strategy and Innovation, NSW Department of Planning and Environment

Smart places has six pillars Skills and Jobs, Safety and Security, Environmental Quality, Equity Accessibility and Inclusion, Health and Well Being, and collaboration and Connection. It develops outcomes for citizens and businesses by applying consistency and a place based approach. Foundations are policy standards and governance. Building good foundations demonstrates a commitment and is a process to help. The State Governments \$45million investment was launched in December 2020. Examples of projects are Envisioning in 3D, Smart Irrigation Management, Openair, Smart Regional Space and Asset A1. The next stage is to accelerate uses of technology and data and they would like to assist regional NSW

17. Regional Road Transfer and Road Classification

Item was withdrawn as it was covered by the Minister

18. Health Forum

RESOLVED that the CMA make representation to the Minister for Rural Health The Hon Bronnie Taylor requesting that a health forum be conducted after the release of the Upper House Enquiry, to help to develop policies and outcomes and that an invitation be extended to the Shadow Minister for Health to attend and participate (Gunnedah Shire Council / Forbes Shire Council)

19. Declaration of Interests

Wingecarribee Shire Council requested that future agendas have Declaration of Interests item following the minutes which was agreed to

There being no further business the meeting closed at 12 noon.

Cr Ken Keith OAM

Chairman Country Mayor's Association of NSW

Page 7

Ardmore Park Community Consultative Committee**Minutes of Meeting held on Friday 18 March 2022, at 2.00 pm , Bungonia Village Hall**

- Present:** Don Elder (Chairman),
James Hammond (Four Pillars Environmental Consulting on behalf of MQ),
Steve Wall (MQ Representative) Mr Macdonald (4Pillars)
Bill Dobbie (Community Member) (arrived 3.06pm),
Philip Broadhead (Community Member)
Joanne Macey (Community Member),
Michael Ireland (Community Member)
Mark Heppelson (Community Member)
Cath Henshall (notetaker)
- Observers:** Daryl Knight, Rose Dobbie, Diana Moran, Pauline Savidge

- 1) **Welcome:** Prior to the commencement of the formal meeting proceedings, the committee members and note taker Cath Henshall were given a tour of the quarry site by Steve Wall and James Hammond. The tour commenced at approximately 2.00pm and lasted 30 minutes.

The meeting was declared open at 3.06.pm.

- Apologies:** Scott Martin (GM Council),
Rob James (Community Member),
Steve Mikosic (MQ representative)
Jason Mikosic (MQ representative)

- 2) **Declaration of Pecuniary or Other interests:** nil
- 3) **Minutes of previous meeting:** The minutes of the meeting held on 21 November 2021 were confirmed.
- 4) **Business arising from the minutes:**
- i. The position of notetaker remained unresolved from the previous meeting. A discussion ensued regarding the quality of the notes taken by Ms Henshall for the previous meeting (21 November 2021) and community members' concerns regarding the quality and accuracy of minutes produced from previous meetings prior to Ms Henshall's notes. Steve Wall expressed the view that the minutes of previous meetings prior to Ms Henshall's involvement were of appropriate quality and accuracy and that a dedicated note taker was not required as Don Elder had previously chaired the meetings and produced the notes. Steve Wall reiterated Multiquip's view that if a dedicated notetaker was necessary that additional applications be sought for the position. Following further discussion, RESOLVED that: Ms Cath Henshall be appointed to the position of notetaker at the rate of \$50 per hour or part, to be paid by the Company.

- ii. Following the resignation of Rob James, the committee asked if any observer wished to be appointed to the CCC. Observer Daryl Knight agreed to apply.
- iii. Information regarding the progress on roadworks on Oallen Ford Road and Jerrara Road was provided by James Patterson from 4 Pillars Consulting in the Company Report below (Bullet point 6)

5) **Correspondence**

Community Member, Rob James formally resigned from the committee via letter, on account of his having moved out of the area following the sale of his Bungonia property.

The committee accepted Rob's resignation with regret and agreed to send a letter of thanks for Rob's diligent service on the committee, which Don Elder offered to write on the committee's behalf.

6) **Company report:** The Company's Report which is attached with these minutes, was presented by James Hammond, who answered questions and advised:

- i. The current quarry output and attendant truck movements are significantly reduced due to wet weather impacts
- ii. Backfilling of the Eastern Bund wall is ongoing.
- iii. MQ is continuing to work with RW Corkery on management plans in relation to Modification 3 (Mod 3). The company has submitted the tree management plan and is awaiting feedback from DPIE (Planning department). The remaining plans are being finalised and will be submitted this month.
- iv. The first component of the agreed roadworks has been completed and involved the construction of table drains to a depth of 470mm (15kms of road) or where the conditions prevented the use of this method, the construction of subsoil drains (1.5kms of road) at a collective cost of approximately \$400,000. In addition, a hot mix repair of Jerrara Road near the bypass was undertaken. The works were undertaken between December 2021 and early March 2022.

The company is in ongoing negotiations with council regarding the costs.

The second component of the repair involving heavy patching of the road pavement will commence in April 2022 and will cover approximately 20,000m² of pavement.

The geotechnical report for the Jerrara Road repairs and Oallen Ford Road progress report have been provided to council.

Joanne Macey made a comment regarding a number of fallen trees that were impacting her fence and property during the construction of the table drains. Following discussion regarding the responsibilities of Council and MQ for the tree impacts, Steve Wall advised that he would contact Matt O'Rourke from GMC to address the issue. Joanne gave him photos of the trees and the damage.

The roadworks are to be completed by the end of Spring.

Committee discussion followed regarding when the speed limit would be returned to 80km/hr once the roadworks had been completed.

- v. NRAR issued a penalty notice to MQ regarding the “construction of a water supply without permission” and issued a determination that MQ “protect a water source”. MQ disputes the notice and the finding of non-compliance but has paid the penalty fee and has 12 months to comply with NRAR’s direction which will involve the decommissioning of particular bores. In response to a question from the committee regarding the specifics of the compliance directions, Steve Wall advised that the details of the notice and compliance requirements are currently confidential between MQ and NRAR but may become available via NRAR once the works have been completed.
- vi. Standing water levels in bores have remained constant in latest monitoring period.
- vii. Noise monitoring. The company was compliant with the consent conditions following an audit in February 2022. For the next audit, relevant residents in proximity to the quarry will be asked to allow access by noise monitoring staff to enable auditing of noise levels at the private properties.

Observer Daryl Knight asked a question regarding the timing of noise monitoring and the specific environmental conditions which increase the noise impacts and whether auditing could be undertaken under such conditions. One complaint regarding noise was received since the previous CCC meeting from Daryl Knight.

- viii. Particular matter monitoring revealed compliance with consent conditions.
- ix. Dust levels did exceed conditions but were of non-soil origin (for example pollen).

7) **General business:**

- i. Don Elder asked Steve Wall for a report regarding the management of the Parsonage. Steve advised that regular mowing of the site will be undertaken by a MQ employee. Gal mesh will be fitted to prevent the entry of animals and people to the Parsonage building and where necessary to prevent rain ingress, corrugated iron. MQ employed fitters will manufacture the mesh screens onsite and fit to the Parsonage. The observer representative of the Bungonia Park Trust (Diana Moran) provided a verbal approval for the removal of rubbish from the grounds.
- ii. Philip Broadhead asked a question regarding the most recent annual reports on the quarry operations that did not appear to be on the company website, with the latest reports being for 2019. James Hammond noted that more up to date reports were in the final stages of preparation.
- iii. Mark Heppleston asked a question in regards to noise affecting his property and whether an additional bund wall could be constructed to reduce these impacts. Discussion ensued regarding the characteristics of the noise impacts and location of the affected residence relative to the quarry operations. Steve Wall advised that it

would be likely that additional bund walls would require development consent but that he will investigate further.

8) **Next Meeting:** The next meeting will be held at the Bungonia Community Hall on Friday 15 July at 2.00pm

The meeting closed at 3.26pm

Confirmed

Chairman

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.