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# **BUSINESS PAPER**

**Ordinary Council Meeting**

**6 September 2022**

**Aaron Johansson**  
**Chief Executive Officer**



We hereby give notice that an Ordinary Meeting of Council will be held on:  
 Tuesday, 6 September 2022 at 6pm  
 in the Council Chambers, Civic Centre  
 184 - 194 Bourke Street, Goulburn

**Order Of Business**

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<b>4</b>	<b>Apologies</b> .....	<b>5</b>
<b>5</b>	<b>Applications for a Leave of Absence by Councillors</b> .....	<b>5</b>
	Nil	
<b>6</b>	<b>Late Items / Urgent Business</b> .....	<b>5</b>
<b>7</b>	<b>Disclosure of Interests</b> .....	<b>5</b>
<b>8</b>	<b>Presentations</b> .....	<b>6</b>
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**Cr Peter Walker**  
**Mayor**

**Aaron Johansson**  
**Chief Executive Officer**

**1 OPENING MEETING**

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

**2 ACKNOWLEDGEMENT OF COUNTRY**

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

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

**3 COUNCILLORS DECLARATION AND/OR PRAYER**

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

Declaration

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

OR

Prayer

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

**4 APOLOGIES**

The Mayor will call for any apologies.

Council will resolve to accept any apology.

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

Nil

**6 LATE ITEMS / URGENT BUSINESS**

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

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

**7 DISCLOSURE OF INTERESTS**

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

**8 PRESENTATIONS**

Nil

**9 PUBLIC FORUM**

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

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

**10 CONFIRMATION OF MINUTES**

**10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 16 AUGUST 2022**

**Author:** Chief Executive Officer

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** 1. Minutes of the Ordinary Meeting of Council held on 16 August 2022

**RECOMMENDATION**

That the Council minutes from Tuesday 16 August 2022 and contained in Minutes Pages No 1 to 21 inclusive and in Minute Nos 2022/266 to 2022/299 inclusive be confirmed.



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# MINUTES

## Ordinary Council Meeting

16 August 2022



**Order Of Business**

<b>1</b>	<b>Opening Meeting.....</b>	<b>5</b>
<b>2</b>	<b>Acknowledgement of Country.....</b>	<b>5</b>
<b>3</b>	<b>Councillors Declaration and/or Prayer .....</b>	<b>5</b>
<b>4</b>	<b>Apologies .....</b>	<b>5</b>
<b>5</b>	<b>Applications for a Leave of Absence by Councillors.....</b>	<b>5</b>
	Nil	
<b>6</b>	<b>Late Items / Urgent Business .....</b>	<b>5</b>
<b>7</b>	<b>Disclosure of Interests .....</b>	<b>6</b>
<b>8</b>	<b>Presentations .....</b>	<b>6</b>
	Nil	
<b>9</b>	<b>Public Forum.....</b>	<b>7</b>
<b>10</b>	<b>Confirmation of Minutes .....</b>	<b>7</b>
	10.1 Minutes of the Ordinary Meeting of Council held on 2 August 2022.....	7
<b>11</b>	<b>Matters Arising.....</b>	<b>7</b>
	11.1 Matters Arising from Council Meetings Minutes from the 2 August 2022 .....	7
	11.2 Outstanding Task List from All Previous Meetings .....	7
<b>12</b>	<b>Mayoral Minute(s) .....</b>	<b>8</b>
<b>13</b>	<b>Notice of Motion(s) .....</b>	<b>8</b>
	Nil	
<b>14</b>	<b>Notice of Rescission(s).....</b>	<b>8</b>
	Nil	
<b>15</b>	<b>Reports to Council for Determination.....</b>	<b>9</b>
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15.29	External Meeting Minutes .....	21
<b>16</b>	<b>Closed Session .....</b>	<b>21</b>
	There were no closed session reports for determination.	
<b>17</b>	<b>Conclusion of the Meeting.....</b>	<b>21</b>

**MINUTES OF GOULBURN MULWAREE COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,  
GOULBURN  
ON TUESDAY, 16 AUGUST 2022 AT 6PM**

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

**IN ATTENDANCE:** Aaron Johansson (Chief Executive Officer), Brendan Hollands (Director Corporate and Community Services), Marina Hollands (Director Utilities), Scott Martin (Director Planning & Environment, Matt O'Rourke (Director Operations), Amy Croker (Office Manager to Mayor and Chief Executive Officer) & Hayley Chapman (Executive Assistant Utilities).

**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 opening prayer was read by Cr Andy Wood.

**4 APOLOGIES**

Nil

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

Nil

**6 LATE ITEMS / URGENT BUSINESS**

Nil

## **7 DISCLOSURE OF INTERESTS**

Cr Michael Prevedello declared a non-pecuniary/non-significant conflict of interest in Item 15.9 "Portraits on Main - Additional funding request" as he is one of the people included in the exhibition. Although the declaration is of a non-pecuniary/non-significant nature Cr Michael Prevedello has volunteered to leave the meeting while discussion and voting on this item takes place.

Cr Andrew Banfield declared a pecuniary conflict of interest in Items 15.5 "Maintenance Grading and Gravel Re-Sheeting Tender Panel" & Item 15.6 "1819T0015 Winning and Crushing Bulk Materials Tender Extension" as his brother-in-law is a director of Denrith Pty Ltd (Divalls) which is one of the companies who have submitted a quote. Cr Banfield is also an employee of the Denrith group of companies. Cr Andrew Banfield will leave the meeting while discussion and determination on these items take place.

Cr Jason Shepherd declared a non-pecuniary/non-significant conflict of interest in Item 15.25 "Planning and Environment Directorate Report July 2022" as he is an employee of GHD who undertake work for Marulan Quarry who are mentioned in this report. Cr Jason Shepherd will remain in the meeting while discussions and voting take place as the matter is for noting only.

Cr Steven Ruddell declared a pecuniary conflict of interest in Item 15.14 "Nighttime Economy Working Party Minutes 28 July 2022 and Recommendations" as he is a member of the Nighttime Economy Working Party and is a musician who is casually booked by some of the night time economy venues. Cr Steven Ruddell will leave the meeting while discussion and voting on this item takes place.

Cr Andy Wood declared a pecuniary conflict of interest in Item 15.14 "Nighttime Economy Working Party Minutes 28 July 2022 and Recommendations" as he is a member of the Nighttime Economy Working Party and is a musician who is casually booked by some of the night time economy venues. Cr Andy Wood will leave the meeting while discussion and voting on this item takes place.

Cr Steven Ruddell declared a non-pecuniary/significant conflict of interest in Item 15.1 "DA/0277/1920 - 10 Combermere Street (Salvation Army) - Draft Planning Agreement" as he has previously addressed Council, on behalf of his mother, Council's public forum on this Development Application. Cr Steven Ruddell's mother also resides in the vicinity of the Development. Although the conflict of interest is of a non-pecuniary/significant nature Cr Steven Ruddell has volunteered to leave the meeting while discussion and voting on this item takes place.

## **8 PRESENTATIONS**

Nil

## **9 PUBLIC FORUM**

Cr Steven Ruddell & Cr Andy Wood declared an interest in Item 15.14 "Night time Economy Working Party Minutes 28 July 2022 and Recommendations" and left the room whilst the following public forum addresses were made. At 6:06 pm, Cr Steven Ruddell & Cr Andy Wood left the meeting.

John Wardle from Live Music Office addressed Council regarding Item 15.14 Night time Economy Working Party Minutes 28 July 2022 and Recommendations.

Giselle Newbury from the Hume Conservatorium addressed Council regarding Item 15.14 Night time Economy Working Party Minutes 28 July 2022 and Recommendations.

At 6:16 pm, Cr Steven Ruddell & Cr Andy Wood returned to the meeting.

Andrew Pocock speaking on behalf of Ebrentia & Christo Brits addressed Council regarding Item 15.2 Review of DA/0632/2021 (REV/0005/2122) - Construction of a large shed, Crookwell Road, Kingsdale.

Barry Anstee addressed Council regarding Item 15.4 Post Exhibition Report-Goulburn Floodplain Risk Management Study and Draft DCP Amendment - Flood Affected Lands

## **10 CONFIRMATION OF MINUTES**

### **10.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 2 AUGUST 2022**

#### **RESOLUTION 2022/266**

**Moved: Cr Steven Ruddell**

**Seconded: Cr Andy Wood**

**That the Council minutes from Tuesday 2 August 2022 and contained in Minutes Pages No 1 to 10 inclusive and in Minute Nos 2022/252 to 2022/265 inclusive be confirmed.**

**CARRIED**

## **11 MATTERS ARISING**

### **11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 2 AUGUST 2022**

Nil

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

#### **RESOLUTION 2022/267**

**Moved: Cr Jason Shepherd**

**Seconded: Cr Michael Prevedello**

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

**CARRIED**

**12 MAYORAL MINUTE(S)**

**MAYORAL MINUTE - ELLEN RYAN 'KEY TO THE CITY'**

**RESOLUTION 2022/268**

**Moved: Cr Peter Walker**

**That Council gifts dual 2022 Commonwealth Games gold medal recipient and Goulburn Mulwaree Sporting Hall of Fame inductee Ellen Ryan with a commemorative 'Key to the City' at the Civic Reception in her honour on the 26 August 2022.**

**CARRIED**

**13 NOTICE OF MOTION(S)**

Nil

**14 NOTICE OF RESCISSION(S)**

Nil

## 15 REPORTS TO COUNCIL FOR DETERMINATION

### 15.1 DA/0277/1920 - 10 COMBERMERE STREET (SALVATION ARMY) - DRAFT PLANNING AGREEMENT

Cr Steven Ruddell declared an interest in this item and took no part in the discussion or voting on the matter. At 6:43 pm, Cr Steven Ruddell left the meeting.

#### RESOLUTION 2022/269

Moved: Cr Andrew Banfield

Seconded: Cr Bob Kirk

That:

1. The staff report for the draft Planning Agreement associated with DA/0277/1920 for a 33 residential lot subdivision at 10 Combermere Street, Goulburn be received.
2. The draft Planning Agreement associated with DA/0277/1920 for a 33 residential lot subdivision be placed on public exhibition for a minimum period of 28 days, in accordance with section 7.5(1) of the *Environmental Planning and Assessment Act 1979*.
3. Subject to no submissions being received the Chief Executive Officer be given delegation to execute the Planning Agreement.
4. Upon receipt of any submissions following the exhibition period the matter be reported back to Council to consider.

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, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

At 6:54 pm, Cr Steven Ruddell returned to the meeting.

### 15.2 REVIEW OF DA/0632/2021 (REV/0005/2122) - CONSTRUCTION OF A LARGE SHED, CROOKWELL ROAD, KINGSDALE

#### RESOLUTION 2022/270

Moved: Cr Bob Kirk

Seconded: Cr Jason Shepherd

That:

1. The staff assessment report for development application REV/0005/2122 for the proposed construction of a large shed be received.
2. The item be deferred and a further report be provided to the 6 September 2022 Council Meeting that also considers the circumstances outlined in the Public Forum presentation and the sworn affidavit provide at the meeting.

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

**information publicly available.**

**CARRIED**

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

Against: Nil

**15.3 AMENDED RESOLUTION FOR THE PLANNING AGREEMENT AND LAND DEDICATION POLICY**

**RESOLUTION 2022/271**

**Moved: Cr Carol James**

**Seconded: Cr Andrew Banfield**

**That**

- 1. The report from the Director Planning & Environment on the Planning Agreement and Land Dedication Policy be received.**
- 2. Council places the revised Planning Agreement and Land Dedication Policy on public exhibition for 28 days and if no submissions are received, they adopt the Policy.**
- 3. Any submissions received will be considered and reported to Council for final adoption of the Policy.**

**CARRIED**



**15.4 POST EXHIBITION REPORT-GOULBURN FLOODPLAIN RISK MANAGEMENT STUDY AND DRAFT DCP AMENDMENT - FLOOD AFFECTED LANDS****RESOLUTION 2022/272**

**Moved:** Cr Jason Shepherd  
**Seconded:** Cr Michael Prevedello

**That:**

1. The post exhibition report by the Business Manager Strategic Planning be received on the Draft Goulburn Floodplain Risk Management Study and Plan 2022 and the Draft Amendment to DCP Chapter 3.8 Flood Affected Lands be received.
2. Council adopt the amended version of the Goulburn Floodplain Risk Management Study and Plan as provided in Attachment 4.
3. Council adopt the amended version of the Goulburn Mulwaree Development Control Plan- Chapter 3.8 Flood Affected Lands as provided in Attachment 5.
4. Council publish the Overland Flow Flood Maps (excluding the modelling) as an interim measure until an Overland Flow Flood Risk Management Plan is developed.
5. A public notice be placed in the Goulburn Post and Council Web Site advising of the commencement date of the Goulburn Floodplain Risk Management Study and Plan 2022 amended Goulburn Mulwaree Development Control Plan- Chapter 3.8 Flood Affected Lands.
6. Commencement of the Goulburn Floodplain Risk Management Study and Plan 2022 amended Goulburn Mulwaree Development Control Plan- Chapter 3.8 is to align with the ability to issue Planning Certificates using the new data.

**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 MAINTENANCE GRADING AND GRAVEL RE-SHEETING TENDER PANEL**

Cr Andrew Banfield declared an interest in Item 15.5 & 15.6 and took no part in the discussion or voting on these matter. At 7:24 pm, Cr Andrew Banfield left the meeting.

**RESOLUTION 2022/273**

**Moved: Cr Michael Prevedello**

**Seconded: Cr Steven Ruddell**

**That:**

1. The report of the Business Manager Works on the provision of Maintenance Grading and Gravel Re Sheeting Tender Panel be received.
2. Council accept Tender submissions from the following companies for the provision of maintenance grading and gravel re-sheeting on an as required basis for the period of three (3) years
  - Denrith Pty Ltd
  - Coopers Earthmoving and Haulage Pty Ltd
  - JCF Demolition & Earthmoving Pty Ltd
  - JLN Contractors Pty Ltd
3. Council delegate authority to the Chief Executive Officer to extend this contract by up to two (2) one (1) year extensions subject to satisfactory performance.

**CARRIED**

**15.6 1819T0015 WINNING AND CRUSHING BULK MATERIALS TENDER EXTENSION****RESOLUTION 2022/274**

**Moved: Cr Carol James**

**Seconded: Cr Bob Kirk**

**That:**

1. The report of the Business Manager Works on the one (1) year extension of the 1819T0015 Winning and Crushing of Bulk Materials be received.
2. Council approves the recommendation to extend the current tender for a period of one (1) year to expire on the 17<sup>th</sup> August 2023 that is currently awarded to Denrith Pty Ltd,
3. Council delegate the authority to extend the final year of the current contract to the Chief Executive Officer dependant on the contractor's performance during the second extension period.

**CARRIED**

At 7:25 pm, Cr Andrew Banfield returned to the meeting.

**15.7 VP 293449 PLANT 9131 STREET SWEEPER RFQ EVALUATION****RESOLUTION 2022/275****Moved: Cr Andy Wood****Seconded: Cr Michael Prevedello****That:**

- 1. The report of the Operations Centre Manager on the replacement of Plant # 9131 Street Sweeper be received.**
- 2. Council approves the purchase from Bucher Municipal Pty Ltd for a Hino 1426 Truck with Bucher Municipal Sweeper Unit at a cost of \$348,650.50 (excl. GST).**
- 3. Any unexpended funds from this purchase be carried forward to 2023-24 if this purchase is not finalised by 30 June 2023.**

**CARRIED**

At 7:27 pm, Cr Steven Ruddell left the meeting.

**15.8 VP 293447 RFQ PLANT 9073 AND 9931 SIDE LOADER GARBAGE TRUCKS****RESOLUTION 2022/276****Moved: Cr Andrew Banfield****Seconded: Cr Carol James****That:**

- 1. The report from the Operations Centre Manager on the replacement of Plant 9073 and 9931 Side Loader Garbage Trucks be received**
- 2. Council approves the purchase from Southern Truck Centre for 2 x Volvo Trucks with Bucher Side Loading Compactors at a cost of \$442,390.00 (excl. GST) each.**
- 3. Any unexpended funds from this purchase be carried forward to 2023-24, if this purchase is not finalised by 30 June 2023**

**CARRIED**

**15.9 PORTRAITS ON MAIN - ADDITIONAL FUNDING REQUEST**

Cr Michael Prevedello declared an interest in this item and took no part in the discussion or voting on the matter. At 7:28 pm, Cr Michael Prevedello left the meeting.

**RESOLUTION 2022/277**

**Moved:** Cr Andrew Banfield

**Seconded:** Cr Daniel Strickland

**That**

1. The report of the Business Manager Marketing, Events & Culture and Director of Corporate & Community Services on Portraits on Main – Additional Funding Request be received.
2. The request for further financial assistance of \$4,800 be declined as this project has already received \$10,000 in financial support from Council, representing the capped amount under the Financial Assistance Policy.
3. The estimated \$840 of in-kind support costs for installation of the free-standing frames, be funded through the *Financial Assistance for Community Events, Projects and Representation* stream of the Financial Assistance Policy, to help mitigate risk to the Belmore Park irrigation.

**CARRIED**

At 7:30 pm, Cr Michael Prevedello returned to the meeting.

**RESOLUTION 2022/278**

**Moved:** Cr Jason Shepherd

**Seconded:** Cr Carol James

**That Council change the order of business to have Item 15.14 be dealt with at this part of the meeting.**

**CARRIED**

**15.14 NIGHTTIME ECONOMY WORKING PARTY MINUTES 28 JULY 2022 AND RECOMMENDATIONS**

Cr Steven Ruddell & Cr Andy Wood declared an interest in this item and took no part in the discussion or voting on the matter. At 7:31 pm, Cr Andy Wood left the meeting.

**RESOLUTION 2022/279**

**Moved:** Cr Bob Kirk

**Seconded:** Cr Andrew Banfield

**That**

1. The Night-time Economy Working Party Minutes dated 28 July 2022 report from the Senior Strategic Planner be noted.
2. Staff investigate the following initial ideas recommended by the Working Party:  
**Special Entertainment Precinct**
  - a. Monitor the trial of the Enmore Special Entertainment Precinct by Inner West Council and upon completion of the trial report the key findings back to Council.

- b. **Should Council determine to proceed with a Special Entertainment Precinct for the Goulburn Mulwaree LGA, to establish the area to which the precinct applies and prepare a Plan of Sound Management**

**CBD Enhancements**

- c. **Identify and implement opportunities for decorative and way-finding lighting**
- d. **Review the current criteria for the Council-funded CBD enhancement grants to facilitate greater enhancement of the public realm of the CBD.**
- e. **Develop a Public Art Strategy in co-ordination with Goulburn Art Gallery**
- f. **Review Council’s existing Pest Bird Management Policy and develop an implementation strategy**
- g. **Pursue and implement grant funding and capital works funding to create a more pedestrian-friendly public realm in the CBD**
- h. **Install a centralized events and entertainment notice board which is sensitive in its position and design to the character of the Conservation Area**
- i. **Explore the feasibility for the installation and operation of a permanent community street stall**

**Local Approvals policy for use of footpath**

- j. **Prepare a Local Approvals Policy to control and provide guidance on the use of public footpaths in the CBD for outdoor dining, selling and/or display of goods and live street performances**
- k. **Encourage and publicise Council’s approach to outdoor dining, display of goods on footpaths and live street performances to local stakeholders.**

**CBD Safety**

- l. **Implement actions which enhance the safety and perception of safety of users of the CBD including:**
  - i. **Installing lighting to provide consistent coverage across Goulburn CBD**
  - ii. **Develop a co-operation framework with local businesses and stakeholders to share CCTV footage and publicise its presence.**

**After-dark Transport Options**

- m. **Liaise with stakeholders and relevant bodies to explore the establishment and operation of a night-rider bus (The GOUber)**
  - n. **Liaise with stakeholders and relevant bodies to develop taxi and/or ride-sharing opportunities.**
  - o. **Facilitate the exchange of information between event organisers/operators and transport providers.**
- 3. **The Night-time Economy Working Party be dissolved.**
  - 4. **Letters of thanks be sent from the Mayor to the Working Party members including John Wardle thanking them for volunteering their services.**

**CARRIED**

At 7:40 pm, Cr Steven Ruddell & Cr Andy Wood returned to the meeting.

Council took a recess at 7.40pm

Council resume into the Open Meeting at 8.07pm

#### **15.10 EXECUTIVE SERVICES POLICY REVIEW**

##### **RESOLUTION 2022/280**

**Moved: Cr Carol James**

**Seconded: Cr Steven Ruddell**

**That**

- 1. The report from the Business Manager Human Resources on the Executive Services Policy Review be received.**
- 2. That Council places the following revised policies on public exhibition for 28 days and if no submissions are received, they are adopted as Council's policies:**
  - (i) Alcohol and Other Drugs Policy**
  - (ii) Work Health and Safety Policy**
- 3. Any submissions received are to be considered and reported to Council prior to final adoption of the policy(s).**

**CARRIED**

#### **15.11 BUDGET CARRY-OVERS**

##### **RESOLUTION 2022/281**

**Moved: Cr Daniel Strickland**

**Seconded: Cr Andrew Banfield**

**That**

- 1. The report by the Director Corporate & Community Services on the Budget Carry-overs be received**
- 2. Council approve carry-overs of unspent project funds up to the maximum amounts (totalling \$14,050,431) reflected in the table in Attachment One.**
- 3. Council approve the adjustments to the 2021-22 budget as listed in Attachment Two required to account for the carrying overs of these projects and resulting in the following changes to the projected unrestricted cash at 30 June 2022:**
  - (a) General Fund – reduction of \$4,164,551**
  - (b) DWM Fund – no change**
  - (c) Water Fund – no change**
  - (d) Sewer Fund – increase of \$326,183**
- 4. Council approve the adjustments to the 2022-23 budget as listed in Attachment Three required to incorporate the carried over projects into the budget and resulting in the following changes to the projected unrestricted cash movements in 2022-23:**
  - (a) General Fund – increase (inflow) of \$4,164,551**
  - (b) DWM Fund – no change**

- (c) Water Fund – no change
- (d) Sewer Fund – decrease (outflow) of \$326,183

**CARRIED**

**15.12 MONTHLY FINANCIAL REPORT**

**RESOLUTION 2022/282**

Moved: Cr Bob Kirk  
 Seconded: Cr Michael Prevedello

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

**CARRIED**

**15.13 STATEMENT OF INVESTMENTS & BANK BALANCES**

**RESOLUTION 2022/283**

Moved: Cr Bob Kirk  
 Seconded: Cr Carol James

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

**CARRIED**

**RESOLUTION 2022/284**

Moved: Cr Bob Kirk  
 Seconded: Cr Andrew Banfield

That Item 15.15 through to and including Item 15.24 be resolved in toto.

**CARRIED**

**15.15 ST CLAIR CONSERVATION WORKS - STATUS REPORT**

**RESOLUTION 2022/285**

Moved: Cr Bob Kirk  
 Seconded: Cr Andrew Banfield

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

**CARRIED**

**15.16 TOWRANG ROAD BRIDGE REPLACEMENT JULY 2022 STATUS REPORT**

**RESOLUTION 2022/286**

Moved: Cr Bob Kirk  
 Seconded: Cr Andrew Banfield

That the report from the Project Engineer – Operations on the Towrang Road Bridge

**Replacement July 2022 status be received.**

**CARRIED**

**15.17 GROWING LOCAL ECONOMIES COMMON STREET JULY 2022 STATUS REPORT**

**RESOLUTION 2022/287**

**Moved: Cr Bob Kirk**

**Seconded:Cr Andrew Banfield**

**That the report from the Project Engineer – Operations on the Growing Local Economies Common Street Project July 2022 status be received.**

**CARRIED**

**15.18 SCHOOL ZONE SAFETY INFRASTRUCTURE JULY 2022 STATUS REPORT**

**RESOLUTION 2022/288**

**Moved: Cr Bob Kirk**

**Seconded:Cr Andrew Banfield**

**That the status report from the Project Engineer - Operations on the School Zone Safety Infrastructure Project for July 2022 be received.**

**CARRIED**

**15.19 NATURAL DISASTER - ESSENTIAL PUBLIC ASSET RESTORATION PROJECT JULY 2022 STATUS UPDATE**

**RESOLUTION 2022/289**

**Moved: Cr Bob Kirk**

**Seconded:Cr Andrew Banfield**

**That the report on the status of the Natural Disaster Essential Public Asset Restoration Project from the Natural Disaster Coordinator be received.**

**CARRIED**

**15.20 WINDELLAMA ROAD FIXING LOCAL ROADS PROJECT JULY 2022 STATUS REPORT**

**RESOLUTION 2022/290**

**Moved: Cr Bob Kirk**

**Seconded:Cr Andrew Banfield**

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

**CARRIED**



**15.21 MOUNTAIN ASH ROAD FIXING LOCAL ROADS PROJECT JULY 2022 STATUS REPORT**

**RESOLUTION 2022/291**

**Moved: Cr Bob Kirk  
Seconded: Cr Andrew Banfield**

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

**CARRIED**

**15.22 RUG - RE-USE GOULBURN - JULY 2022 STATUS REPORT**

**RESOLUTION 2022/292**

**Moved: Cr Bob Kirk  
Seconded: Cr Andrew Banfield**

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

**CARRIED**

**15.23 REUSE SCHEME GOULBURN - JULY 2022 STATUS REPORT**

**RESOLUTION 2022/293**

**Moved: Cr Bob Kirk  
Seconded: Cr Andrew Banfield**

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

**CARRIED**

**15.24 DESIGN, CONSTRUCTION AND UPGRADE OF AMENITIES AT SPORTING FACILITIES JULY 2022 STATUS REPORT**

**RESOLUTION 2022/294**

**Moved: Cr Bob Kirk  
Seconded: Cr Andrew Banfield**

**That the report from the Senior Project Manager – Operations, on the status of the Design, Construction and Upgrade of Amenities at Sporting Facilities July 2022 be received.**

**CARRIED**

**15.25 PLANNING AND ENVIRONMENT DIRECTORATE REPORT JULY 2022**

**RESOLUTION 2022/295**

**Moved: Cr Carol James  
Seconded: Cr Michael Prevedello**

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

**CARRIED**

**15.26 CORPORATE & COMMUNITY SERVICES DIRECTORATE REPORT JULY 2022**

**RESOLUTION 2022/296**

**Moved: Cr Michael Prevedello  
Seconded: Cr Andy Wood**

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

**CARRIED**

**15.27 UTILITIES DIRECTORATE REPORT JULY 2022**

**RESOLUTION 2022/297**

**Moved: Cr Michael Prevedello  
Seconded: Cr Daniel Strickland**

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

**CARRIED**

**15.28 OPERATIONS DIRECTORATE REPORT JULY 2022**

**RESOLUTION 2022/298**

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

**That the activities report from July 2022 from the Director Operations be received and noted for information**

**CARRIED**

**15.29 EXTERNAL MEETING MINUTES**

**RESOLUTION 2022/299**

**Moved: Cr Carol James**

**Seconded: Cr Steven Ruddell**

**That the report from the Chief Executive Officer on the following External Meeting Minutes be received:**

- 1. Canberra Region Joint Organisation Board – 1 July 2022**

**CARRIED**

**16 CLOSED SESSION**

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

There were no closed session reports for determination.

**17 CONCLUSION OF THE MEETING**

**The Meeting closed at 8.19pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 6 September 2022.**

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

.....  
**Aaron Johansson**  
**Chief Executive Officer**

**11 MATTERS ARISING**

**11.1 MATTERS ARISING FROM COUNCIL MEETINGS MINUTES FROM THE 16 AUGUST 2022**

**Author:** Chief Executive Officer

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** Nil

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

**Author:** Chief Executive Officer

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** 1. Task List (Business Arising) 6 September 2022

**RECOMMENDATION**

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

**REPORT**

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

# OUTSTANDING TASK LIST



Item/Task	Responsible Officer	Status
<p><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</p>	General Manager	Negotiations to be held with each land owner, with the preferred route clarified with the outcomes of these negotiations.
<p><u>South Goulburn Threaten Species Master Plan</u> Review Master Plan</p>	Director Planning & Environment	Report to Council to be given priority. Review of biodiversity mapping/values is subject to seasonal survey requirements i.e. in spring.
<p><u>Waste to Energy Future Action</u></p> <ul style="list-style-type: none"> <li>Continue engagement with wider community and raise awareness of associated issues and impacts of Veolia's proposal</li> <li>Continue obtaining community views</li> </ul>	General Manager	<p>Veolia hosted a 'Meet the Experts' session in Tarago on the 4 June 2022.</p> <p>Lodgement of the EIS is expected around September 2022</p>
<p><u>St John's Orphanage</u></p> <ul style="list-style-type: none"> <li>Demolition order compliance by 31 January 2021 for Building A – then legal action if not compliant</li> <li>Legal action in local court on Buildings B, C &amp; D</li> </ul>	Director Planning & Environment	Correspondence received on 5 July has indicated that asbestos removal to be completed by the end of September and demolition to be completed by the end of November 2022.
<p><u>Water Treatment Plants – Goulburn</u> Seeking rezoning to allow expansion of Treatment Plants</p>	Director Planning & Environment	Goulburn Planning Proposal remains ongoing.
<p><u>Draft Victoria Park &amp; Carr Confoy Plans of Management</u></p> <ul style="list-style-type: none"> <li>Submit draft plans of Management to DPI for Ministers written consent to publicly exhibit</li> <li>Upon receipt of consent offer draft plans of management for community consultation for a period of 42 days</li> <li>As part of community consultation process circulate PoMs to relevant organisations</li> </ul>	Director Corporate and Community Services	Plans have been submitted for Ministerial consent and acknowledgement received. Ministerial assessment underway. DPI have advised of a delay for processing due to current backlog
<p><u>Bulky Goods</u> Staff complete community consultation regarding bulky waste disposal options including questions to determine what the community are prepared to pay for.</p>	Director Utilities	Draft survey to be discussed at the 27 September briefing. Survey to be completed during 2022/23.



## OUTSTANDING TASK LIST

Item/Task	Responsible Officer	Status
<p><u>Tarago Lead Contamination Update</u> Council staff seek clarification from the EPA and TfNSW regarding lead contamination.</p>	Director of Planning and Environment	<p>Council advocating to relevant agencies to expedite lead contamination remediation.</p> <p>Community meeting was held at Tarago last Thursday 25<sup>th</sup> August 2022. An online Community Information Session is also to be held Tuesday 30<sup>th</sup> August from 5.30pm.</p>
<p><u>Policy Review</u> All Council policies currently been reviewed and updated. Revised policies will be placed on public exhibition before being adopted as updated policies.</p>	All Directors	Policy review ongoing, with individual policies presented to Council for consideration.
<p><u>Sustainability Working Party</u>  Staff investigate the initial ideas recommended by the Working Party and report back to Council.  A report be prepared on the membership and the role of the sustainability working party to further refine options developed, now that the resolved brief for the group has been completed.</p>	Director Utilities	<p>To be discussed at the 23 August briefing. Report to be prepared for 6 September 2022 Council meeting.</p> <p><b>RECOMMEND COMPLETION</b></p>
<p><u>Community Centre</u></p> <ul style="list-style-type: none"> <li>• A Staff Working Party be established to identify the broad requirements for a Community Centre.</li> <li>• A Community Centre Working Party be established to determine the preferred location, proposed services provided and an initial concept layout plan, indicative capital and operational costs for a new Community Centre.</li> </ul>	Director Corporate and Community Services	<ul style="list-style-type: none"> <li>• Report due by 30 September 2022</li> <li>• Report due by 20 December 2022</li> </ul>
<p><u>Wakefield Park</u> Council continue to work with the Benalla Auto Club and the State Government in order to secure the long-term future of Wakefield Park Raceway Goulburn that balances the needs of the facility and the community.</p>	Chief Executive Officer	Status reports presented to Council following ongoing meetings with relevant agencies



## OUTSTANDING TASK LIST

Item/Task	Responsible Officer	Status
<p><u>Goulburn to Crookwell Rail Trail</u>                      The Goulburn Rail Trail Steering Committee be established , in terms of the NSW Rail Trails Framework (June 2022), to investigate all options and opportunities for rail trail development within the Goulburn Mulwaree LGA with possible links to other LGA's.</p>	<p>Chief Executive Officer</p>	<p>A funding application (up to \$150,000), for development of a new business case be sought under the Regional NSW – Business Case and Strategy development Fund.                       Report is included in this Council meeting Agenda.</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 ELECTION OF DEPUTY MAYOR**

**Author:** Chief Executive Officer

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** Nil

<b>Link to Community Strategic Plan:</b>	Civic Leadership
<b>Cost to Council:</b>	The cost of the Deputy Mayor election is nil and there is no additional remuneration for this position
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That

1. The report of the Chief Executive Officer on the election of the Deputy Mayor be received.
2. Council elects a Deputy Mayor from 6 September 2022 until September 2023
3. Following the close of nominations for the position of Deputy Mayor the method of electing the Deputy Mayor be determined from one of the following options in accordance with Schedule 7 Local Government (General) Regulation 2005 (delete two) if more than one nomination is received:
  - a. Preferential Ballot or
  - b. Ordinary Ballot or
  - c. Open Voting

**BACKGROUND**

The purpose of this report is to elect a Deputy Mayor from 6 September 2022 until September 2023.

**REPORT**

Council may elect a Deputy Mayor to cover the first part of this term of Council from 6 September 2022 until September 2023. The last part term will be the final 12 months of the term being completed in September 2024.

Section 231 *Local Government Act 1993* provides that Councillors may elect a person from among their number to be the Deputy Mayor. The Councillor may be elected as Deputy Mayor for the Mayoral term or a shorter period. It is Council’s practice is to elect a Deputy Mayor for the Mayoral term which is now two years. Council does have the option of electing the Deputy Mayor for just a one year term or of course not appointing a Deputy Mayor at all.

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the Mayor.

Section 249(5) *Local Government Act 1993* allows a Council to pay the Deputy Mayor a fee for such time in which the Deputy Mayor acts in the position of Mayor. The amount paid to the Deputy Mayor must be subtracted from the Mayor's annual fee.

Nomination papers for the election of Deputy Mayor for the 6 September 2022 to September 2023 term have been circulated to all Councillors.

In accordance with Clause 1 Schedule 7 *Local Government (General) Regulation 2005*, the General Manager is the Returning Officer.

Nominations will be accepted by the Returning Officer until the time the matter is before Council at its meeting on 6 September 2022 and the Returning Officer declares nominations to have closed.

Nominations for the election of Deputy Mayor shall be in writing, but may be without notice, by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.

The nomination is to be delivered or sent to the Returning Officer who is to announce the names of the nominees at the Council Meeting at which the election is to be held.

If only one candidate is nominated, that Councillor is elected.

When more than one candidate is nominated, the Council may, by resolution, decide whether the election shall be carried out by:

- a) Ordinary Ballot - Involving the marking of Ballot Papers - subsequent exclusion of one candidate; further voting and exclusions; repeated until two candidates only remain, final vote between remaining two candidates.
- b) Open Voting - Procedure identical to Ordinary Ballot, however, the voting is by show of hands or similar means, not a Ballot Paper.
- c) Preferential Ballot - The complete numbering of Ballot Papers in consecutive order of preference for all candidates, commencing with "1" as first preference.

If necessary, drawing of lots will be conducted by the returning officer.

**15.2 SUPPLEMENTARY REPORT - REVIEW OF DA/0632/2021 (REV/0005/2122) - CONSTRUCTION OF A LARGE SHED, CROOKWELL ROAD, KINGSDALE**

**Author:** Business Manager Planning & Development  
 Director Planning & Environment

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** 1. Council Report from 16 August 2022  
 2. Sworn Affidavit

<b>Reference to LSPS:</b>	Planning Priority 10: Natural Environment – Vision 2040 – Protection and enhancement of the quality of natural environments and systems.
<b>DA Number:</b>	DA/0632/2021
<b>Address:</b>	Lot 2 DP 862628, Crookwell Road Kingsdale
<b>Proposal Description:</b>	Construction of a large shed
<b>Type of Development:</b>	Integrated
<b>Zone:</b>	C3 Environmental Management
<b>Variations to Policy:</b>	None
<b>Submissions:</b>	None
<b>Key Issues:</b>	Unauthorised building work, protection of the environment

**RECOMMENDATION**

That:

1. The staff assessment report for development application REV/0005/2122 for the proposed construction of a large shed be received.
2. The decision to refuse Development Application DA/0632/2021 on 16 September 2021 for the use of an unauthorised farm building located at Lot 2 DP 862628, Crookwell Road Kingsdale be upheld for the following reasons:
  - a. Council cannot grant retrospective consent for the construction of a building.
  - b. The proposal does not satisfy Part 1 Section 1.3(g) of the Environment Planning and Assessment Act 1979 as it does not protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.
  - c. The proposal does not satisfy Part 1 Section 1.2(e) of the Goulburn Mulwaree Local Environmental Plan 2009 “GM LEP 2009” as it does not protect and conserve the environmental and cultural heritage of Goulburn Mulwaree.
  - d. The proposal does not meet the objectives of the zone under GM LEP 2009 as the development does not protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
  - e. The proposal does not satisfy the Water Management Act 2000 as a Controlled Activity has been undertaken without approval.
  - f. The land is mapped as high bio-diversity values on the Biodiversity Values Map and a Biodiversity Development Assessment Report (BDAR) has not accompanied the Development Application.
3. Council invite the applicant to participate in a pre-lodgement meeting in order to identify

opportunities available for regularising the structure.

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

## BACKGROUND

DA/0632/2021 was lodged with Council on 30 June 2021 proposing to “building a large shed” on Lot 2 DP 862628, Crookwell Road Kingsdale. On 16 September 2021 the application was determined by way of refusal by the assessing officer under delegated authority.

Review Application REV/0005/2122 was formally received by Council on 15 March 2022 and requests to review the refusal of DA/0632/2021. The application was presented to Council for determination at its meeting held 16 August 2022. A copy of the report has been attached.

Prior to the commencement of the meeting, the applicant provided additional information to Councillors in the form of a signed affidavit for consideration. As a result, Council resolved:

- 1. The staff assessment report for development application REV/0005/2122 for the proposed construction of a large shed be received.**
- 2. The item be deferred and a further report be provided to the 6 September 2022 Council Meeting that also considers the circumstances outlined in the Public Forum presentation and the sworn affidavit provide at the meeting.**

A copy of the affidavit has been attached.

## REPORT

REV/0005/2122 was formally received by Council on 15 March 2022 and requests to review the determination of DA/0632/2021, made on 16 September 2021 under delegated authority by way of refusal. The description of the development as submitted by the applicant is “construction of a large shed”. The steel framed, Colorbond clad shed dimensions are 12m wide by 24m long for a total area of 288m<sup>2</sup>. The walls of the shed are 5m high and the height of the roof ridge is 6.166m. The structure is clad on three sides and is open on the northern side facing Mount Wayo Creek.

The matter was presented to Council on 16 August 2022, with the determination deferred as a result of additional information being presented immediately prior to the commencement of the meeting in the form of an affidavit.

In accordance with Section 8.10 of the *Environmental Planning and Assessment Act 1979* (the Act), an application for a review of determination must be completed (i.e. lodged, assessed and determined) within 6 months of the original determination date. As a response to the COVID-19 Pandemic, the NSW Government extended this period to 12 months for development applications determined during a prescribed period. This application is subject to the COVID-19 provisions, and therefore must be finalised by 16 September 2022.

### Consideration of Affidavit

Council’s reason for deferring its determination was to enable a report to be prepared that considered the content presented during the Public Forum presentation and sworn affidavit. For clarity, the presentation made during the Public Forum was a direct reading of the contents of the affidavit.

It is acknowledged that the initial verbal advice provided by Council’s Compliance Officer as depicted in the affidavit was not correct, although it is noted that the information given to the Compliance Officer preceding this advice was limited.

Upon realising that further constraints burdened the subject land, it can be seen that attempts were then made by the Compliance Officer to communicate with the landowner, however as acknowledged by the landowner, he did not respond to the Compliance Officer's attempts. Nevertheless, the value of the affidavit in the context of a merits-based planning assessment is inconsequential for reasons explored below.

The affidavit was submitted as part of the application for REV/0005/2122, made via the Planning Portal. Its contents however did not, and could not, influence the assessment and therefore was not included within the previous report to Council. The primary reason for this is because the contents of the affidavit do not directly address any merit-based planning consideration or assist with demonstrating compliance against Section 4.15 of the Act.

Specifically, Section 4.15 (1) of the Act states:

*(1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—*

*(a) the provisions of—*

*(i) any environmental planning instrument, and*

*(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*(v) (Repealed)*

*that apply to the land to which the development application relates,*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.*

The previous report to Council (dated 16 August 2022) referred to several matters that prevented a favourable determination. These included:

- The incorrect characterisation of the development (i.e. the correct description of what approval was being sought). It is noted that this can be easily addressed.
- The lack of a Biodiversity Development Assessment Report (BDAR) given the sites presence within a critically endangered ecological community.
- The lack of a Controlled Activity approval under the *Water Management Act 2000* given the proximity to a natural waterway.
- The lack of measures required to meet the concurrence requirements of Water NSW.

Ultimately, until the above matters have been assessed and discharged Council is unable to determine the application by way of an approval.

Furthermore, it is not possible for these matters to be fully addressed in the remaining statutory timeframe. For example, a BDAR requires a vegetation survey which can only be carried out during the Spring and Summer periods.

## Conclusion

Unfortunately, the contents of the affidavit provide no basis to which Council could consider the granting of a consent. A number of environmental considerations remain outstanding, and until these can be addressed a pathway to an approval remains unclear.

It is therefore recommended that the determination to refuse DA/0632/2021 be upheld for the following reasons:

- a. Council cannot grant retrospective consent for the construction of a building.
- b. The proposal does not satisfy Part 1 Section 1.3(g) of the Environment Planning and Assessment Act 1979 as it does not protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.
- c. The proposal does not satisfy Part 1 Section 1.2(e) of the Goulburn Mulwaree Local Environmental Plan 2009 "GM LEP 2009" as it does not protect and conserve the environmental and cultural heritage of Goulburn Mulwaree.
- d. The proposal does not meet the objectives of the zone under GM LEP 2009 as the development does not protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- e. The proposal does not satisfy the Water Management Act 2000 as a Controlled Activity has been undertaken without approval.
- f. The land is mapped as high bio-diversity values on the Biodiversity Values Map and a Biodiversity Development Assessment Report (BDAR) has not accompanied the Development Application.

In order to provide the landowner with a path forward, it is also recommended that the landowner be invited to participate in a pre-lodgement meeting with planning staff to discuss the requirements for a complete and thorough Development Application, noting however that any approval would be subject to concurrences and approvals from external agencies which are beyond the control of Council. The location in which the shed has been constructed, the extent of the earthworks and the close proximity of the works to the creek line may prevent these agencies from granting concurrence or approval, however this can only be known following the assessment of all required information.

Should a complete Development Application be lodged for the use of the existing structure as a *Farm Building* it will be assessed on its merit and in accordance with legislative requirement and there is no guarantee of approval. It is noted the shed is constructed eleven metres from the western property boundary and approximately fifteen metres from Mount Wayo Creek which feeds into Sooley Dam and the Wollondilly River. Had development consent been sought prior to the construction of the shed it is unlikely that a favourable determination would have been made. A preliminary assessment of the application would have resulted in a request for information being sent to the Applicant requiring the proposed shed to be relocated away from the creek and property boundary and to avoid the need for associated earthworks.

## FINANCIAL IMPLICATIONS

Financial implications to Council are likely if the applicant of the development application seeks an appeal of the refusal through the Land and Environment Court, although the time available to lodge such an appeal is limited.

**LEGAL IMPLICATIONS**

Council may be in a position where it may be required to defend an appeal made by the Applicant to the Land and Environment Court, however, the appeal must be made to the court prior to 16 September 2022.



**15.2 REVIEW OF DA/0632/2021 (REV/0005/2122) - CONSTRUCTION OF A LARGE SHED, CROOKWELL ROAD, KINGSDALE**

**Authors:** Team Leader Building Surveying  
 Director Planning & Environment  
 Business Manager Planning & Development  
 Director Planning & Environment

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** Nil

<b>Reference to LSPS:</b>	Planning Priority 10: Natural Environment – Vision 2040 – Protection and enhancement of the quality of natural environments and systems.
<b>DA Number:</b>	DA/0632/2021
<b>Address:</b>	Lot 2 DP 862628, Crookwell Road Kingsdale
<b>Proposal Description:</b>	Construction of a large shed
<b>Type of Development:</b>	Integrated
<b>Zone:</b>	C3 Environmental Management
<b>Variations to Policy:</b>	None
<b>Submissions:</b>	None
<b>Key Issues:</b>	Unauthorised building work, protection of the environment

**RECOMMENDATION**

That:

1. The staff assessment report for development application REV/0005/2122 for the proposed construction of a large shed be received.
2. The decision to refuse Development Application DA/0632/2021 on 16 September 2021 for the use of an unauthorised farm building located at Lot 2 DP 862628, Crookwell Road Kingsdale 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.

**BACKGROUND**

DA/0632/2021 was lodged with Council on 30 June 2021 proposing to “building a large shed” on Lot 2 DP 862628, Crookwell Road Kingsdale.

On 16 September 2021 the application was determined by way of refusal by the assessing officer under delegated authority.

Review Application REV/0005/2122 was formally received by Council on 15 March 2022 and requests to review the refusal of DA/0632/2021.

**REPORT**

**Application**

REV/0005/2122 was formally received by Council on 15 March 2022 and requests to review the determination of DA/0632/2021 on 16 September 2021 under delegated authority by way of refusal. The description of the development as submitted by the applicant is "construction of a large shed". The steel framed, Colorbond clad shed dimensions are 12m wide by 24m long for a total area of 288m<sup>2</sup>. The walls of the shed are 5m high and the height of the roof ridge is 6.166m. The structure is clad on three sides and is open on the northern side facing Mount Wayo Creek.

**Site Context**

The subject site is identified as Lot 2 DP 862628 and is access from Crookwell Road, Kingsdale. The site is zoned C3 Environmental Management and is located within the Sydney Water drinking catchment. The majority of the site is grassland used for cattle grazing and Mount Wayo Creek traverses the property. The shed location is approximately 10m to the south of the high bank of the creek. Mount Wayo Creek is a Category 3 Strahler stream order waterbody.

The property is in proximity to the Alison Hone Nature Reserve with the shed approximately 200 metres away from the nature reserve boundary. The nature reserve is home to a wide variety of native plants and animals, some of which are listed as threatened species.

The site is identified in Figure 1 below.



**Figure 1 - Locality plan of Lot 2 DP 862628**

**Background of Review Application**

Prior to the application for the construction of the shed, a complaint (Council reference DE/0170/2021) had been received by Council on 20 March 2020 for unauthorised clearing and construction work of a shed slab. The investigation into the unauthorised works has been held in abeyance until the determination of this review of the refusal of the DA/0632/2021.

A building information certificate (BC/0051/2021) was lodged with Council on 10 May 2021. During the site inspection by the assessing officer on 20 May 2021 it was noted that the following works had occurred:

- substantial clearing;
- excavation work up to 1.5m;
- construction of the slab for the shed; and
- partial construction of the shed frame and installation of cladding.

The applicant was advised on 27 May 2021 that development consent was required prior to approving an application for a building information certificate. BC/0051/2021 was determined by way of refusal on 29 September 2021 as development consent for use of the shed had not been granted.

DA/0632/2021 for the proposed construction of the large shed was received by Council on 30 June 2021. On 16 September 2021 the application was determined by way of refusal by the assessing officer under delegated authority. The following reasons for refusal were provided on the notice of determination:

1. The proposal does not satisfy Part 1 Section 1.3(g) of the *Environment Planning and Assessment Act 1979* as it does not *protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.*
2. The proposal does not satisfy Part 1 Section 1.2(e) of the Goulburn Mulwaree Local Environmental Plan 2009 "*GM LEP 2009*" as it does not *protect and conserve the environmental and cultural heritage of Goulburn Mulwaree.*
3. The proposal does not meet the objectives of the zone under GM LEP 2009 as the development does *not protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
4. The proposal does not satisfy the *Water Management Act 2000* as a Controlled Activity has been undertaken without approval.
5. The land is mapped as high bio-diversity values on the Biodiversity Values Map and a BDAR report has not accompanied the Development Application.

An aerial view of the unauthorised shed is shown in Figure 2 below.



Figure 2 – aerial view dated 15 February 2022

### Assessment of Review Application

Review Application REV/0005/2122 was formally received by Council on 15 March 2022 and requests to review the refusal of DA/0632/2021. The description of the development as entered by the applicant in the review application is “construction of a large shed”.

#### Legal pathway of approval

The works that have been undertaken without development consent would not be exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2009* as:

- A farm building is not exempt in a C3 – Environmental Management land use zone;
- A farm building is not exempt when it is less than 50m from a natural waterbody; and
- Earthworks within 40m of a natural waterbody are not exempt development.

DA/0632/2021 sought approval to build, and REV/0005/2122 sought approval for construction of a building that has already been erected. Development consent can only prospectively approve the carrying out of development and cannot retrospectively approve the carrying out of development as defined by s.1.5 of the *Environmental Planning and Assessment Act 1979*. While development consent may be granted for the future use of an already erected building or works previously carried out, this was not what was requested in either application. To consider approving the use of the unauthorised structure, an application is required for “use of an unauthorised farm building”.

In this regard the environmental impacts as discussed below are considered significant and a change in the development sought would not overcome the reasons for refusal in its own right.

#### Environmental Impacts

The unauthorised excavation to bench the site for the shed and the construction of an access driveway to the shed included the removal of vegetation identified on the Biodiversity Values Map.

The area prior to clearing is likely to have been Box Gum Woodland community. Even though the trees were cleared long ago, if the native ground cover remained present, it would still be classified as this ecological community, which is listed as critically endangered under both NSW and Commonwealth legislation. If the development application was lodged prior to commencement of any building works, the proponent would have been required to have a consultant prepare a biodiversity assessment report (BDAR) to support the assessment of application. A BDAR has not been provided to support the application.

The unauthorised development has not included the installation of suitable stormwater quality improvement devices (SQID's), such as connection to a rainwater tank, gross pollutant traps or retention basins. An on-site water management study was not submitted with the development application or the review application. Therefore, it has not been demonstrated that works carried out have a neutral or beneficial effect on water quality, which is required by the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (as in force at the time of lodgement of DA/0632/2021).

The assessment of the application has demonstrated that due to the proximity to the creek, the extent of earthworks and impact on native vegetation, the location of the shed is not considered suitable.

#### External Referrals

The applications were not referred to any external agencies as the works requiring prior approval had already been undertaken.

If the development application was a prospective application a referral to DPI-Water would have been required by s.91 of the *Water Management Act 2000* as a controlled activity approval is required prior to development on waterfront land.

A referral to Water NSW would have also been required for a proactive application under s.11 of the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (as in force at the time of lodgement of DA/0632/2021) as the structure and clearing are within 40m of a watercourse and adequate stormwater management provisions have not been proposed. The works carried out do not meet the outcomes of Water NSW current recommended practices and standards nor has it been demonstrated that works carried out have a neutral or beneficial effect on water quality.

#### **Likely Impact of Development**

*Environmental impacts on both the natural and built environments in the locality:*

It has not been demonstrated that the unauthorised work will not have a detrimental effect on:

- Stormwater management including the water quality of the Sydney Water drinking catchment.
- The environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.

#### **Conclusion and Recommendation**

The development application and the application to review the decision are seeking retrospective approval for unauthorised works that have been carried out. There is no legal mechanism to approve a development application for proposed works that have already been undertaken. Therefore, Review Application REV/0005/2122 cannot be supported and the decision to refuse DA/0632/2021 should be upheld.

**FINANCIAL IMPLICATIONS**

Financial implications to Council are likely if the applicant of the development application seeks an appeal of the refusal through the Land and Environment Court, although the time available to lodge such an appeal is limited.

**LEGAL IMPLICATIONS**

Council may be in a position where it may be required to defend an appeal made by the Applicant to the Land and Environment Court, however, the appeal must be made to the court prior to 16 September 2022.

SWORN AFFIDAVIT

Deponent: (DOB:)

Matter of: Request for review of determination regarding DA/0632/2021

I, , in the State of New South Wales make oath and say as follows:-

In January 2020 I received a letter from Goulburn Mulwaree Council dated 7 January 2020 and had a reference number of DE/0155/1920. I have attached this letter as annexure A. As a result of this letter, I called the author of the letter, on 21 February 2020 and had a conversation with him in regarding the letter. The conversation was as below:

said, "We received a complaint regarding an alleged unapproved development at your address of  
 I said, "There is no development happening at  
 said, "Apparently there is some sight preparation in progress, as well as laying of a concrete slab."  
 I said, "The address this is been done at is actually 1114 Crookwell Road on a block my wife and purchased a couple of years ago."  
 said, "That must be the property the neighbours are referring to. What are you doing on that block?"  
 I said, "We purchased a shed from Best Sheds and we are planning to erect that. Do I need a DA to build a farm shed on my property?"  
 said, "No you don't need a DA for building a shed."  
 I said, "So I can keep going with the building of the shed?"  
 said, "Yes, you can. I also don't need to do an inspection on the 24 February if you're only building a farm shed. Can you please just send me some photos of the slab."  
 I said, "Sure I will get some photo's to you as soon as possible."

On 21 February 2020 I received an email from regarding the phone conversation we had. I have attached this email as annexure B.

On the evening of 24 February 2020 I emailed a number of photos to , in this email I ask to let me know if there was anything further I need to do to comply with any rules or regulations. I have attached this email as annexure C.

At this time there was no doubt in my mind from having the conversations with that we didn't need to apply for a DA to erect the farm shed and that we were able to proceed with the erection of the shed as planned.

On 26 February 2020 I received a further email from asking for size details of the proposed slab and shed. I didn't reply to as at the time I

was off on stress leave from work and navigating through an extremely challenging circumstances at work. Again, I was of the perception from previous conversations that a farm shed was a complying development and that we didn't need to apply for a DA and that we could proceed with the erection of the shed we had purchased. We erected the shed in January 2021.

In February 2021 I received a further letter dated 29 January 2021 from Goulburn Mulwaree Council with reference number DE/0170/2021. This letter is attached as annexure E.

I didn't hear from \_\_\_\_\_ again until 12 March 2021. On 12 March 2021 \_\_\_\_\_ sent me an email. I have attached this email as annexure D.

I called \_\_\_\_\_ in MARCH 2021 as he requested in the above email. The conversation was as below:

I said, "G'day mate, it's \_\_\_\_\_?"  
 \_\_\_\_\_ said, "Ah, Hi \_\_\_\_\_ thanks for getting back to me."  
 I said, "Is there another complaint about the shed?"  
 \_\_\_\_\_ said, "It's about the alleged unapproved development on your property."  
 I said, "But you said I did not need an approval to build a shed."  
 \_\_\_\_\_ said, "Do you know in what zone you are in?"  
 I said, "No, What zone are you talking about?"  
 \_\_\_\_\_ said, "You are in zone E3"  
 I said, "So what does that mean?"  
 \_\_\_\_\_ said, "You need DA approval for a farm shed."  
 I said, "But you said last year that I do not need approval and can carry on building a shed, which is what I did in January."  
 \_\_\_\_\_ said, "I apologise, I made a mistake, you need approval."  
 I said, "Okay, what do you want me to do?"  
 \_\_\_\_\_ said, "You need to do an application for a DA."  
 I said, "What do I do if they do not approve the DA?"  
 \_\_\_\_\_ said, "No, it will be approved as it is just a formality. \_\_\_\_\_ will come out for an inspection of the structural soundness of the shed."

Again, I took and followed the advice of \_\_\_\_\_ and started the process of applying for the DA as he instructed me to do.

On 16 April 2021 I received a further email from \_\_\_\_\_. I have attached this email as annexure E.

At some point after our conversation, I met \_\_\_\_\_ on site where he approved the soundness of the structure of the shed. However, we later received notice that the building certificate had been refused along with DA /0632/2021. I have attached both these documents as annexure F.

At no point did my wife and I do anything other than follow the instructions of \_\_\_\_\_ from Goulburn Mulwaree Council. We were of the belief from communications via email and over the phone that we did not require a DA to proceed with building a farm shed on our property. As a result, we erected the farm shed.

ALL the facts and circumstances herein deposed to are within my own knowledge and belief save such as are deposed to from information only and my means of knowledge and source



of information appear on the face of this my affidavit.

\*Sworn by *(full name of deponent)* on *(date)* at *(place)* in the presence of:

*(signed by deponent)*

Deponent

*(signed by Justice of the Peace)*

Justice of the Peace  
/Commissioner for declarations



7<sup>th</sup> January 2020

Goulburn Mulwaree Council  
 Locked Bag 22  
 Goulburn NSW 2580

Civic Centre  
 184 - 194 Bourke Street  
 Goulburn NSW 2580

t (02) 4823 4444  
 e council@goulburn.nsw.gov.au  
 www.goulburn.nsw.gov.au

Contact: Environment & Health  
 Reference: DE/0155/1920

**Subject: Notification of Compliance Inspection**  
**Address:**

You are advised that Council has received a complaint regarding Alleged Unapproved Development at the above address. A search of Council records did not identify an approval for this. To assess the complaint, Council is required to conduct an inspection of the premises.

An inspection will be carried out on Monday 24<sup>th</sup> February 2020, 10am by \_\_\_\_\_, an authorised officer of Goulburn Mulwaree Council.

Please note that this Notification of Compliance Inspection is being sent under the *Local Government Act 1993*, unless otherwise stated above.

If you require further information or would like to arrange an alternate date or time for the inspection please contact the undersigned on (02) 4823 4409 during normal business hours.

Yours faithfully



1 message

To: @goulburn.nsw.gov.au> Fri, 21 Feb 2020 at 3:35 pm

Hi

Thanks for your time on the phone today.

If you could please send me a few photos of the slab/shed/area it is in as discussed –that would be most appreciated.

Have a great weekend.

Kind Regards,

**Goulburn Mulwaree Council** | Locked Bag 22 Goulburn NSW 2580  
W: [www.goulburn.nsw.gov.au](http://www.goulburn.nsw.gov.au) | [Find us on Facebook](#)





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1 message

Mon, 24 Feb 2020 at 10:10 pm

To: @coulburn.nsw.gov.au>  
Bcc:

G'day  
As requested here is a couple of photos of the site where I plan to put a farm shed that I have bought a couple of years ago, we are planning to submit plans for a house later when we are ready for it. If there is anything you want me to do to comply with rules and regulations that I am unaware of, please let me know.

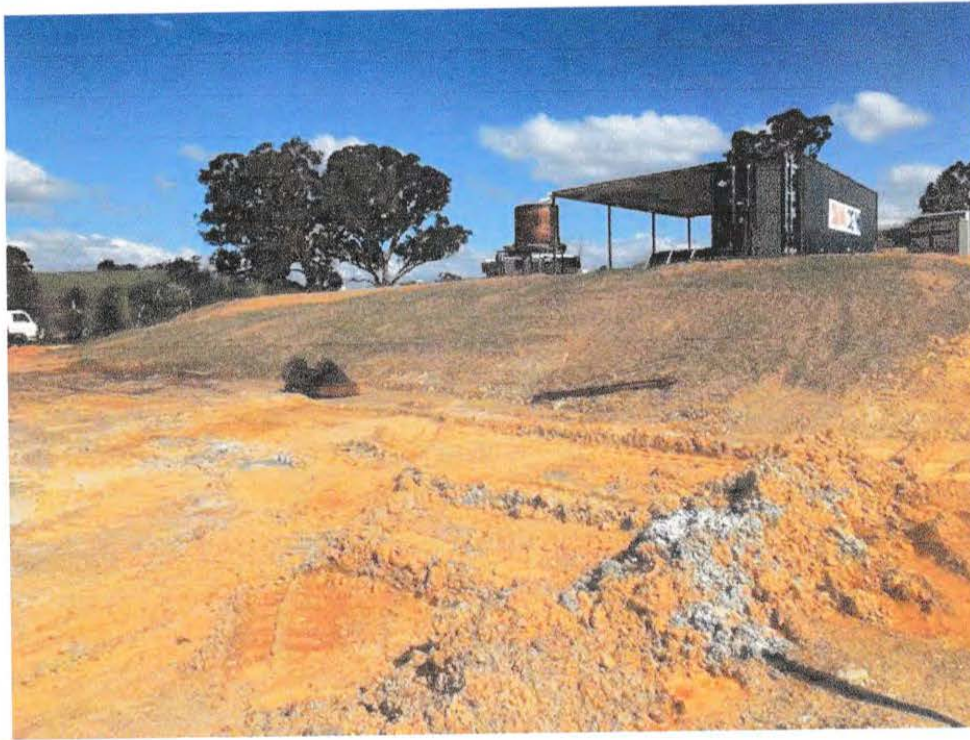
Cheers

Sent from my iPhone

Sent from my iPhone

couple of years ago, we are planning to submit plans for a house later when we are ready for it. If there is anything you want me to do to comply with rules and regulations that I am unaware of, please let me know.













[Quoted text hidden]



1 message

To: | @goulburn.nsw.gov.au> Wed, 26 Feb 2020 at 4:21 pm

Hi

Thanks for your email and attached pictures.

Can you please advise the size of the slab + the proposed shed size?

Kind Regards,

**Goulburn Mulwaree Council** | Locked Bag 22 Goulburn NSW 2580  
W: [www.goulburn.nsw.gov.au](http://www.goulburn.nsw.gov.au) | Find us on Facebook



**From:**  
**Sent:** Monday, 24 February 2020 10:10 PM  
**To:** | @goulburn.nsw.gov.au>  
**Subject:**

G'day

As requested here is a couple of photos of the site where I plan to put a farm shed that I have bought a

12/11/18 21 2

GOULBURN MULWAREE COUNCIL

ZONE E3 - CUSTOMER SERVICE - 02 4823 4444

DUTTY PLANNED

29 January 2021

444

Civic Centre  
 184 - 194 Bourke Street  
 Goulburn NSW 2580  
 Goulburn Mulwaree Council Locked Bag 22 Goulburn NSW 2580  
 t (02) 4823 4444  
 e council@goulburn.nsw.gov.au  
 www.goulburn.nsw.gov.au

Contact: Environment & Health  
 Reference: DE/0170/2021

**Subject: Notification of Compliance Inspection**  
**Address:**

You are advised that Council has received a further complaint regarding building works being undertaken at the above address. A search of Council records did not identify an approval for this. To assess the complaint, Council is required to conduct an inspection of the premises.

**An inspection will be carried out on Tuesday 16 February 2021 at 10:00am by, an authorised officer of Goulburn Mulwaree Council.**

Please note that this Notification of Compliance Inspection is being sent under the *Local Government Act 1993*, unless otherwise stated above.

If you require further information or would like to arrange an alternate date or time for the inspection please contact the undersigned on (02) 4823 4409 during normal business hours.

Yours faithfully



1 message

To: [info@goulburn.nsw.gov.au](mailto:info@goulburn.nsw.gov.au) Fri, 12 Mar 2021 at 8:43 am

Hi

Could you please give me a call when you get the chance. I just need to discuss with you some further complaint into this matter.

Kind Regards,

[Goulburn Mulwaree Council](#) Locked Bag 22 Goulburn NSW 2580 | [Connect on Facebook](#)



**From:**  
**Sent:** Monday, 24 February 2020 10:10 PM  
**To:** [info@goulburn.nsw.gov.au](mailto:info@goulburn.nsw.gov.au)  
**Subject:**

G'day

As requested here is a couple of photos of the site where I plan to put a farm shed that I have bought a couple of years ago, we are planning to submit plans for a house later when we are ready for it. If there is anything you want me to do to comply with rules and regulations that I am unaware of, please let me know.



1 message

To: @goulburn.nsw.gov.au> Fri, 16 Apr 2021 at 10:57 am

Hi

Following on from our discussion last month, Are you able to please advise how you are going with submitting a DA for this?

As the property is zoned E3 sheds are not able to be constructed under the exempt provisions of the complying development codes SEPP and therefore it needs to come under an approval.

If you could please advise on a timeframe that would be much appreciated, as I would prefer not to have to issue a demolish works order if at all possible.

Kind Regards,

Goulburn Mulwaree Council Locked Bag 22 Goulburn NSW 2580 | Connect on Facebook



From: |  
 Sent: Monday, 24 February 2020 10:10 PM  
 To: @goulburn.nsw.gov.au>  
 Subject: 1114 Crookwell Rd



Goulburn Mulwaree Council  
 Locked Bag 22  
 Goulburn NSW 2580

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 www.goulburn.nsw.gov.au

**NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

*Pursuant to Sections 4.16(1)(b) & 4.18 of the Environmental Planning and Assessment Act 1979 'the Act'*

Development Application No:	DA/0632/2021
Applicant's Name:	
Land to be developed:	Lot 2 DP 862628 Parish Baw Baw
Property Address:	Crookwell Road KINGSDALE NSW 2580
Proposal:	Continued Use of Existing Shed
Cost of Development:	\$50,000
Determination:	The application was determined on 16 September 2021 under delegated authority by refusal subject to the reasons listed below.
Other Approvals:	S68/0613/2021 Refused

**Reasons for Refusal:**

1. The proposal does not satisfy Part 1 Section 1.3(g) of the *Environment Planning and Assessment Act 1979* as it does not *protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.*
2. The proposal does not satisfy Part 1 Section 1.2(e) of the Goulburn Mulwaree Local Environmental Plan 2009 "*GM LEP 2009*" as it does not *protect and conserve the environmental and cultural heritage of Goulburn Mulwaree.*
3. The proposal does not meet the objectives of the zone under GM LEP 2009 as the development does not *protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
4. The proposal does not satisfy the *Water Management Act 2000* as a Controlled Activity has been undertaken without approval.
5. The land is mapped as high bio-diversity values on the Biodiversity Values Map and a BDAR report has not accompanied the Development Application.

**Review of Determination:**

A right to request a review of this determination exists under Division 8.2 of "*the Act*" provided that this determination is not made in respect of designated or Crown development. The determination cannot be reviewed after the expiry of six (6) months from the date of determination or after an appeal to the Land and Environment Court is disposed of by the Land and Environment Court. If a review is contemplated, it should be lodged within two months of the date of this determination to enable the six month period, which includes Council's review and determination to be met.



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www.goulburn.nsw.gov.au

29 September 2021

Contact: Planning & Environment

Dear

SUBJECT: REFUSAL OF BUILDING CERTIFICATE APPLICATION NO. BC/0051/2021  
PREMISES: Lot 2 DP 862628 CROOKWELL ROAD MIDDLE ARM NSW 2580

Reference is made to your application for a Building Certificate in respect of the above property. Council has refused to issue a Building Information Certificate in relation to BC/0051/2021 at Lot 2 DP 862628 Crookwell Road Middle Arm NSW 2580.

As per clause 6.26 (4) of the *Environmental Planning & Assessment Act 1979* the Building Information Certificate has been refused for the following reasons:

- 1) Development Consent for the Continued Use of Existing Shed Pursuant to Sections 4.16(1)(b) & 4.18 of the Environmental Planning and Assessment Act 1979 "the Act" has not been granted for reasons stated on the determination of DA/0632/2021.

If you require any further information, please contact Council's Planning and Development Business Unit during office hours on 02 4823 4444.

Yours faithfully

**15.3 GOULBURN RAIL TRAIL STEERING COMMITTEE**

**Authors:** Senior Grants Officer  
 Director Corporate & Community Services  
 Chief Executive Officer

**Authoriser:** Aaron Johansson, Chief Executive Officer

- Attachments:**
1. Goulburn Rail Trail Steering Committee Terms of Reference
  2. Adrian Beresford-Wylie Rail Trail Steering Committee EOI
  3. Alan Collins Rail Trail Steering Committee EOI
  4. Andrew Collins Rail Trail Steering Committee EOI
  5. Bradley Nichol Rail Trail Steering Committee EOI
  6. Darren Plumb Rail Trail Steering Committee EOI
  7. Wendy Nichol Rail Trail Steering Committee EOI

<b>Link to Community Strategic Plan:</b>	28. Our Civic Leadership CL4 Actively investigate and communicate funding sources and collaboration opportunities that can strengthen the region.
<b>Cost to Council:</b>	Nil at this time
<b>Use of Reserve Funds:</b>	Nil at this time

**RECOMMENDATION**

That:

1. The report from the Chief Executive Officer on the Goulburn Rail Trail Steering Committee be received and endorsed.
2. The draft Goulburn Rail Trail Steering Committee - Terms of Reference be endorsed.
3. The following expression of interest to be on the Goulburn Rail Trail Steering Committee be accepted:
  - i. Adrian Beresford-Wylie
  - ii. Alan Collins
  - iii. Andrew Collins
  - iv. Bradley Nichol
  - v. Darren Plumb
  - vi. Wendy Nichol

**BACKGROUND**

At the 2 August 2022 Council Meeting Council resolved the below motion which included the Chief Executive Officer prepare appropriate terms of reference for the Goulburn Rail Trail Steering Committee for acceptance by Council.

That:

- a) *the report on the Goulburn-Crookwell Rail Trail be received,*
- b) *the Goulburn Rail Trail Steering Committee be established , in terms of the NSW Rail Trails Framework (June 2022), to investigate all options and opportunities for rail trail development within the Goulburn Mulwaree LGA with possible links to other LGA’s.*
- c) *the Chief Executive Officer prepare appropriate terms of reference for acceptance by*



*Council,*

- d) Council seeks expressions of interest from interested persons to serve on this committee, with nominations to close on 23rd August 2022,*
- e) Councillor Bob Kirk and Councillor Michael Prevedello be appointed as Council delegates.*
- f) An application for funding (up to \$150,000), for development of a new business case be sought under the Regional NSW – Business Case and Strategy development Fund.*

## **REPORT**

Attached to this draft terms of reference for the Goulburn Rail Trail Steering Committee for Council determination.

Also attached are Expressions of Interest from 6 community members to be on the Goulburn Rail Trail Steering Committee:

1. Adrian Beresford-Wylie
2. Alan Collins
3. Andrew Collins
4. Bradley Nichol
5. Darren Plumb
6. Wendy Nichol

It is recommended that all six community representatives be appointed to the Committee in line with the draft terms of reference. All community members have shown a sound knowledge and interest in the rail trail and would be an asset to the Committee.



# **Terms of Reference**

## **Goulburn Rail Trail Steering Committee**



## **ROLE**

The Goulburn Rail Trail Steering Committee is a committee of Goulburn Mulwaree Council. The Committee was established, in terms of the NSW Rail Trails Framework (June 2022), to investigate all options and opportunities for rail trail development within the Goulburn Mulwaree Local Government Area with possible links to other Local Government Areas.

## **ADVISORY FRAMEWORK**

### **OBJECTIVE**

The Goulburn Rail Trail Steering Committee objective is to work with nominated representatives on a new proposal, incorporating an expanded shared pathway network around Goulburn and potentially incorporating other Local Government Areas. It is proposed that Council seeks funding for the development of a business case for a new expanded rail and community trail project.

### **AIM**

The Committee aims to:

- Develop opportunities and options for a new rail trail project within the Goulburn Mulwaree Local Government Area.
- Investigate the further development of rail trails across surrounding Local Government Areas
- Incorporate the ideas of the community in relation to the development of the new rail trail project.

### **COMMUNITY MEMBERSHIP**

The number of representatives on the Committee shall be no less than 5 and no more than 7 and be drawn from members of the community that have an interest or experience in the development of rail trail projects or similar community infrastructure.

External expertise can be contracted on an as-required basis; however, they will not be considered member.



## COUNCIL MEMBERSHIP

The following make-up of Council Membership have been identified:

- The Committee will be chaired by a nominated Councillor, unless otherwise determined by the Committee.
- As at the 2 August 2022 Council Meeting the 2 Councillor Representatives will be Cr Bob Kirk and Cr Michael Prevedello.
- Other Elected Goulburn Mulwaree Councillors are welcome to participate as non-voting members.

The Committee will also be attended by the following Council Officers:

- Chief Executive Officer or Director Representative.
- Additional staff may be invited to attend when their area of work is relevant to the work of the Committee.

The committee will consist of and contain flexibility of membership to suitably respond to Council's identified priorities. The chair will be consulted prior to each meeting to determine appropriate attendees.

## AUTHORITY

The Goulburn Mulwaree Council Goulburn Rail Trail Steering Committee is a committee of Goulburn Mulwaree Council and is advisory in nature. Recommendations will be made by the Committee prior to being submitted to Council for consideration. Recommendations and advice will not be actioned until endorsed by Council at an Ordinary Meeting.

Further, the Committee:

- Must seek the approval of the Mayor and/or Chief Executive Officer before inviting an external representative to attend meetings of, or otherwise participate in, the committee and/or any subsequent working groups.
- Must make recommendations to the full Council. The committee is not authorised to make or change budgets, programme or policy affecting the relevant areas.
- Can provide recommendations to the Chair on priorities and issues but cannot direct operational or day to day matters. These will remain the responsibility of the Chief Executive Officer.
- Will work through the Chief Executive Officer in respect to operational matters.
- Will operate in accordance with terms of reference and guidelines specified for the Goulburn Rail Trail Steering Committee.
- Must keep minutes of their meetings.
- Must abide by Council's Code of Conduct and requirements of the *Local Government Act 1993*



**PRIORITIES**

- Priorities will be set by the elected representatives.
- Priorities will be reviewed and updated on a quarterly basis; or as directed by Council resolution.

**DEALING WITH EMERGENT ISSUES**

Issues which may emerge of an urgent and time-sensitive nature, will be dealt with through reference to Council's current policies. All recommendations will be put through for the Council discussion prior to delivery.

**FREQUENCY OF MEETING**

The Goulburn Rail Trail Steering Committee will meet a minimum of 4 times per year, as required.

Meetings are to be scheduled on the fourth Thursday of the month between 3pm – 5pm or as otherwise decided by the Committee, within Council business hours.

Version	Document ID	Review Date



## Goulburn Rail Trail Steering Committee Expression of Interest

**Name:** Adrian Beresford-Wylie

**Contact Number:** Tel:

**Email Address:**

**Please outline your experience and interest in the development of rail trail projects or similar community infrastructure:**

I am a resident of Goulburn, having owned a house in Goulburn since 2012 and having moved here after a long career in Canberra as a senior public servant and 15 years as the CEO of the Australian Local Government Association. My connection to Goulburn goes back more than 40 years as my wife's family comes from Goulburn (her grandfather was a railway engine driver based in Goulburn for more than 40 years after WW1). I have a strong interest in Goulburn and its economic and social development and I would appreciate the opportunity to translate that interest into a practical contribution related to the rail trail which I believe has significant tourism potential.

I have very strong strategic, analytical and governance skills and broad experience in policy, program and regulatory areas which would allow me to play a useful role in support of the Council as a community member of the Goulburn Rail Trail Steering Committee.

Over the past 25 years I have been directly involved in the design, development and administration of Federal Government local infrastructure programs relating to community, transport and emergency management infrastructure. These programs include:

- Regional Flood Mitigation Program;
- Natural Disaster Mitigation Program;
- Roads to Recovery and Bridges Renewal programs;
- Regional and Local Community Infrastructure Program; and
- Local Roads and Community Infrastructure Program.

I am a member of the Goulburn Heritage Group which has an interest in the possible development of a Goulburn Rail Trail. While I would not represent that Group on the Steering Committee, I would be in a position to engage, as appropriate, with the Group and its broader linkages into the community on issues related to the rail trail development.

I have tertiary qualifications in economics and law. I am not aware of any conflicts of interest which would affect my ability to participate in the Steering Committee.

SCANNED



Goulburn Mulwaree Council  
Date Received: 19/8/22  
Signature: [Signature]

**Goulburn Rail Trail Steering Committee  
Expression of Interest**

Name: ALAN COLLINS

Contact Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Please outline your experience and interest in the development of rail trail projects or similar community infrastructure:

Having recently retired to Goulburn  
I realise that this city needs another  
incentive to bring people to the area.

Having seen the success of the Victorian  
rail trails, this project would only bring  
benefit to the community

I have spent my working life in the  
business world and have been a successful  
communicator and negotiator.

I now have the time to give back to  
the community.

# Goulburn Rail Trail Steering Committee

Submission date: 23 August 2022, 7:57AM  
Receipt number: 5  
Related form version: 1

## Expression of Interest

Enter your name

Andrew Collins

Contact number

Email address

Please outline your experience and interest in the development of rail trail projects or similar community infrastructure

I have experience in cycling touring and riding rail trails both nationally and internationally. I have witnessed first-hand first-hand positive benefits rail trails have on local communities. I live within the Goulburn-Mulwaree LGA with my wife and young family and am interested in becoming part of a steering committee to see the development of a local rail trail for the community and visitors alike.



# Goulburn Rail Trail Steering Committee

Submission date: 22 August 2022, 1:46PM  
Receipt number: 4  
Related form version: 1

## Expression of Interest

Enter your name

Bradley Nichol

Contact number

Email address

Please outline your experience and interest in the development of rail trail projects or similar community infrastructure

**Experience:** Closely involved in Community Plus when we established Workspace 2580 and performed as a Committee Member, Chairperson and in various training roles. Established Rural Skillshare and the Southern Region Community College. I have been a cyclist for 50 years, both social and competitive. I have worked to establish mountain bike trails and regularly maintain them. I am also a mountain biker. I possess an in-depth knowledge of rail trails in other locations (having rode on a few) and fully understand the cyclist needs and business owners needs. I am a very strong supporter of the Goulburn Rail Trail concept and have many ideas on options, trail locations, features and the local region. I would appreciate being considered for the Goulburn Rail Trail Steering Committee.

# Goulburn Rail Trail Steering Committee

Submission date: 10 August 2022, 7:58PM  
Receipt number: 1  
Related form version: 1

## Expression of Interest

Enter your name

Darren Plumb

Contact number

Email address

Please outline your experience and interest in the development of rail trail projects or similar community infrastructure

I have an active interest in the outcomes of this project and it's benefits to our local community and advancing Goulburn and it's surrounds to the wider areas. During my working career of over 30 years in the NSW Public Service. During this time I was directly involved in the administration of one of the largest employers in the local area. My position of Warehouse Manager I was responsible for the procurement and logistics of the Goulburn Correctional Complex. During this period I relieved in the position of Administration Manager on many occasions. Directly responsible for a budget of the complex. I also relieved in the position of Industries Manager, responsible for the building maintenance, carpentry and joinery, metal fabrication and other manufacturing work carried out. I have been active in the organisation of the inaugural Combined Services Ball and currently am a Director of the Goulburn Greyhound Racing club. I feel I have a lot to offer this steering committee. Yours Sincerely Darren Plumb

1 of 1

# Goulburn Rail Trail Steering Committee

Submission date: **22 August 2022, 1:35PM**

Receipt number: **2**

Related form version: **1**

## Expression of Interest

Enter your name

Wendy Nichol

Contact number

\_\_\_\_\_

Email address

\_\_\_\_\_

Please outline your experience and interest in the development of rail trail projects or similar community infrastructure

Many years ago when I was The Director Of Engineering, Mr Peter Mowle's Executive Assistant, I helped him on the initial investigation into the feasibility of a rail trail between Goulburn and Crookwell. I did all of the administrative side of this work but could see the feasibility for such a venture. I fully support rail trails and own an e-bike which Brad and I have regularly ridden on the local shared bike paths around Goulburn. My husband and I have recently ridden the Tumbarrumba-Rosewood rail trail as well as a few other smaller rail trails in Bright and surrounding areas and some more in Victoria. I can explain first hand what the infrastructure was like and the positives of having these for the economic advantage to the towns where these traverse. We have also ridden bike paths between Merimbula and Pambula and surrounding towns plus paths in Wagga Wagga. The benefits that flow onto the community and its businesses in these areas is quite beneficial financially and talking to business owners from cafes, motels and residents, whilst we were recently riding these trails, it is apparent that they are extremely appreciative of the benefits that these trails have made to the community. Whilst I don't have experience in the development of rail trail projects or similar community infrastructure - given my Executive Assistant history with GMC and my love of rail trails, I could provide co-ordination, as well as investigative and liaison services to this Steering Committee and trust you give my application your favourable consideration. If you get too many applications and there is only one person considered per family then my husband Brad would be more beneficial as he is a cyclist with over 50 years riding experience and has extensive knowledge of Goulburn and surrounds and could assist with many suggestions for route's where the Goulburn Rail trail or similar trails could be established.

2 of 2

**15.4 2122T0014 HAULAGE OF BULK MATERIALS TENDER PANEL**

**Author:** Business Manager Works

Director Operations

**Authoriser:** Aaron Johansson, Chief Executive Officer

- Attachments:**
1. 2122T0014 Tender Evaluation Report.pdf - Confidential
  2. 2122T0014 Tender Evaluation Summary Sheet.pdf - Confidential

<b>Link to Community Strategic Plan:</b>	18. Our Infrastructure IN3 Maintain and improve road infrastructure and connectivity.
<b>Cost to Council:</b>	To be funded from the current 2022/23 and future Operational budgets for both Maintenance and Capital Works
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That:

1. The report of the Business Manager Works on the provision of Haulage of Bulk Materials Tender Panel be received.
2. Council accept Tender submissions from the following companies for the provision of haulage of bulk materials on an as required basis for the period of four (4) years
  - Denrith Pty Ltd
  - JCF Demolition & Earthmoving Pty Ltd
  - JLN Contractors Pty Ltd
  - Form and Pour Construction
3. Council delegate authority to the Chief Executive Officer to extend this contract by up to two (2) one (1) year extensions subject to satisfactory performance.

**BACKGROUND**

Annually Council undertake Capital Works and Maintenance projects throughout the LGA, the majority of these works depend on the reliable delivery of bulk materials to assist in the completion of road construction and maintenance projects.

To achieve Council's level of service in undertaking Capital Works and Maintenance projects, Council is required to establish a bulk haulage contract with suitably qualified and equipped contractors to assist in the delivery of bulk materials on an as required basis. Due to the nature of the works a panel of up to four (4) contractors were sought to ensure contractor availability and service delivery throughout the contract period.

Council's existing contract for the provision of haulage bulk materials expires on the 24th September 2022.

**REPORT**

Council requires external suppliers for the provision of these services to ensure appropriate levels of service is maintained on Council’s Road network.

The agreement is initially for a period of Four (4) years and may be extended by an additional Two (2) One (1) year extensions subject to satisfactory performance. The decision to extend the engagement will depend on Contractor performance during the first Four (4) years and the circumstances existing at that time.

Council undertook a Public tender process in accordance with Section 55 of the Local Government Act, 1993, Local Government (General) Regulation, 2005 and Tendering Guidelines of NSW Local Government (General) Regulation, 2009.

The RFT process started with an advertisement in the Goulburn Weekly Post on 14 July 2022 and on Tenderlink from 12 July 2022. The Closing Date for receipt of Tender was 2 August 2022

Following the evaluation, the panel recommend to the Procurement Delegate the preferred tenderer / contractor with a view to making an engagement.

In total Council received four (4) Tenders by the Closing Date

Tenders were received from the following companies:

Company	Address
Denrith Pty Ltd	17090 Hume Hwy Goulburn NSW 2580
Form and Pour Constructions	49 Long St Goulburn NSW 2680
JCF Demolition & Earthmoving Pty Ltd	51 Knox St Goulburn NSW 2580
JLN Contractors Pty Ltd	6 Wylly Place Hughes ACT 2605

The Tender Evaluation Panel (TEP) was established. The TEP consisted of:

- Chair – Business Manager Works
- Member – Construction Engineer
- Member – Contracts and Civil Works Coordinator

The evaluation process was carried out as outlined in the Tender Plan. The Tender Plan was completed and signed prior to the advertisement.

The final Evaluation Report is attached to the Council Report

The panel met to determine whether the tenders were conforming to the mandatory requirements.

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

- Non-Price Criteria - 60%
- Price Criteria - 40%

The Evaluation Panel determined that all submissions complied with the non-price eligibility criteria for the RFT. The pricing submissions were then assessed against the criteria as stipulated in the Haulage of Bulk Materials Tender Plan.

Due to the schedule of rates nature of the tender a scenario was developed to create an overall ranking of the price criteria to determine best value or money options for Council.

The overall Value For Money (VFM) was assessed and the overall ranking were determined as follows:

Ranking	Tenderer
1	JCF Demolition & Earthmoving Pty Ltd
2	Denrith Pty Ltd
3	JLN Contractors Pty Ltd
4	Form and Pour Construction

**JCF Demolition and Earthmoving Pty Ltd** submitted a conforming tender that satisfied all of the qualitative criteria. Their schedule of rates pricing represented a value for money option to Council and is within the allocated budget for the works required. The company provided sound evidence of safety management systems applicable to the contract requirements and provided references for works of a similar nature which they have delivered.

**Denrith Pty Ltd** - submitted a conforming tender that satisfied all the qualitative criteria. Their schedule of rates pricing represented a value for money option to Council and is within the allocated budget for the works required. The company have undertaken similar works for Council in the past and have always performed to work to a high standard. The company provided sound evidence of safety management systems applicable to the contract requirements and provided references for works of a similar nature which they have delivered.

**JLN Contractors Pty Ltd** - submitted a conforming tender that satisfied all the qualitative criteria. Their schedule of rates pricing represented a value for money option to Council and is within the allocated budget for the works required. Whilst the company have not undertaken works for Goulburn Mulwaree Council in the past, they provided evidence of undertaking similar works for Queanbeyan - Palerang Regional Council and submitted evidence of plant scheduled capable of undertaking the works required as part of this contract, as well as compliant safety management systems relevant to the contract requirements.

**Form and Pour Construction** - submitted a conforming tender that satisfied all the qualitative criteria. Their schedule of rates pricing represented a value for money option to Council and is within the allocated budget for the works required. Whilst they have a limited plant schedule applicable to the contract, their submission was deemed as suitable for smaller type of projects. The company provided sound evidence of safety management systems applicable to the contract requirements and provided references for works of a similar nature which they have delivered.

Based on the evaluation process and resultant scores, the Panel recommends JCF Demolition & Earthmoving Pty Ltd, Denrith Pty Ltd, JLN Contractors Pty and Form and Pour Construction as the preferred Tenderers for the Provision of Haulage of Bulk Materials for a period of Four (4) years with the option/s to extend the term by Two (2) x One (1) - year options. The decision to extend will be based on provider performance and at the sole discretion of Council.

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

**15.5 VP271768 STABILISATION PACKAGE RFQ**

**Author:** Business Manager Works

Director Operations

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** 1. Evaluation - Pomeroy Road - Gurrundah Road Stabilisation.pdf - Confidential

<b>Link to Community Strategic Plan:</b>	18. Our Infrastructure IN3 Maintain and improve road infrastructure and connectivity.
<b>Cost to Council:</b>	\$691,182.94 (excl. GST) funded from the allocated projects within the 2022/23 Capital Works program
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That

1. The report from the Business Manager of Works on the Pavement Stabilisation of Gurrundah and Pomeroy Roads be received.
2. Council approve Denrith Pty Ltd to deliver the works on Gurrundah Road and Pomeroy Road in accordance with VP271768 for a price of \$691,182.94 (excl. GST)
3. The Chief Executive Officer is authorised to approve Variations up to five (5) percent of the contact amount being (\$34,559.14 excl. GST)

**BACKGROUND**

Council's 2022/23 Capital Works program includes select roads which require pavement rehabilitation in the form of stabilised heavy patching. Gurrundah Road and Pomeroy Road form part of the broader pavement stabilisation program in the current financial year.

During the 1 March 2022 Council Meeting (Item 15.3) Council resolved to establish a panel of four (4) suitably qualified and experienced pavement stabilisation companies to assist with the delivery of maintenance and capital works programs on an as required basis.

As Gurrundah Road and Pomeroy Road are in such close proximity, contractors on the VP271768 Pavement Stabilisation Panel were given the opportunity to quote the works as a select package rather than schedule of rates due to the large amount of m<sup>2</sup> required between the two roads in an attempt to gain a more competitive price for the work.

**REPORT**

This report is to summarise the priced responses received and recommend a successful contractor to undertake the pavement stabilisation on Gurrundah and Pomeroy Roads.

Given that the contractors have already been approved onto the VP271768 Pavement Stabilisation Panel the RFQ was based on priced response only.

Prices were called for on the 12<sup>th</sup> July where detailed patching records were sent to the four (4) contractors on the VP271768 Pavement Stabilisation Panel.



Prices were received by the following companies

Company	Address
Denrith Pty Ltd	282 Carrick Road Goulburn, 2580 New South Wales
Downer EDI Works Pty Ltd	1 Unwin Street Rosehill, New South Wales 2142
Roadworx Surfacing Pty Ltd	56 Marley Place Unanderra, New South Wales 2526
Stabilised Pavements of Australia Pty Ltd	234 Wisemans Ferry Road Somersby, New South Wales 2250

The evaluation criteria and respective weighting are detailed as follows:

- Price – 100%

The final Evaluation summary is attached to this Council report as a confidential attachment due to the commercial in confidence nature of the information.

**Denrith Pty Ltd**- submitted a price which was more competitive than their scheduled of rates within the VP271768 Pavement Stabilisation Panel. Their price represents the best value for money when compared to market value and is within the allocated budget of the work.

**Downer EDI Works Pty Ltd** – submitted a price which represented their schedule of rates within the VP271768 Pavement Stabilisation Panel. Their price does not indicate a value for money option to Council compared with other respondents and is over the allocated budget for the works required.

**Roadworx Surfacing Pty Ltd** - submitted a price which was more competitive than their scheduled of rates within the VP271768 Pavement Stabilisation Panel. Their price represents value for money when compared to market value and is within the allocated budget of the work.

**Stabilised Pavements of Australia Pty Ltd** - submitted a price which represented their schedule of rates within the VP271768 Pavement Stabilisation Panel. Their price does not indicate a value for money option to Council compared with other respondents and is over the allocated budget for the works required.

Based on this evaluation process and value for money scores, the Panel recommends Denrith Pty Ltd as the preferred company to deliver the stabilised heavy patching works on Gurrundah and Pomeroy Roads as part of the 2022/23 Capital Works Program as their submission represents the best value for money option to Council.

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

**15.6 TRANSPORTATION ASSET MANAGEMENT OVERVIEW**

**Author:** Director Operations

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** Nil

<b>Link to Community Strategic Plan:</b>	18. Our Infrastructure IN3 Maintain and improve road infrastructure and connectivity.
<b>Cost to Council:</b>	Funds are allocated for various transportation asset categories in the annual Operations Plan.  Target expenditure for transportation and stormwater asset renewal and upgrades should align with annual depreciation, currently around \$12.5 million per annum.
<b>Use of Reserve Funds:</b>	N.A. for this report.

**RECOMMENDATION**

That:

1. The report from the Director of Operations on Transportation Asset Management Overview be received.
2. Staff carry out an updated condition assessment of the road network to determine current condition scores with findings presented to Council in a future report.
3. The annual budget preparation process for the transportation and stormwater asset group allocates funding to align with annual depreciation of the asset group.
4. Council consider the Funding Principles outlined in this report during development of transportation asset renewal and upgrade programs for Operational and Delivery Plans over the next two years.

**BACKGROUND**

A report was presented to the 19 May 2020 (Item 15.13) Council Meeting, giving an overview of the Strategic Asset Management Plan (SAMP). This report is to provide an update on the condition of the transportation asset base and provide a broad funding strategy to address the recent deterioration of the road networks and achieve target renewal expenditure levels for medium term Delivery Plans.

The SAMP highlights major issues to be addressed for each asset class over the next 10 years. It also highlights the actions for Goulburn Mulwaree Council (GMC) to move towards a ‘best appropriate practice’ asset management position in the future. In achieving best appropriate practice consideration must be given to:

- Asset condition and performance;
- Service levels;
- Forecast demand for infrastructure needs;
- Funding constraints.

An asset management plan is a formal plan developed to assist management of assets to an agreed Level of Service. It is a systematic approach to asset management that underpins Council’s community strategic and long term financial plan. It also provides a framework to ensure Council’s

assets are operated, maintained, renewed and upgraded in a cost effective and sustainable manner.

Development of asset management plans is a mandatory requirement for NSW local governments under the NSW Local Government Act 1993.

GMC has a substantial transportation asset base spread across the urban and rural network. Following is a breakdown of the transportation asset categories:

- 800km sealed roads;
- 380km unsealed roads;
- 39 bridges;
- 63 major culverts and 2600 minor culverts;
- 150km footpath;
- 280 km kerb & gutter;
- 20km shared path;
- 20 km guardrail.

Each year Council allocates funds in the Operations Plan to operate, maintain and renew its asset base. There are also new assets added to facilitate development. Whilst necessary, the expansion of the asset base increases operations and maintenance costs and adds to the depreciation burden. It can also divert funds away from renewals.

Management of the asset base is an ongoing balance between limited funds, asset conditions, community expectations and legislative requirements. With this balance in mind, sound asset management practices must be an essential part of Council’s business. Sound asset management practices include several factors, such as asset information systems, data collection, monitoring and procedures, data confidence and a funding strategy.

**REPORT**

In 2019 Council carried out a condition assessment of the road network. This assessment identified the extent of cracking, patching, potholes, surface depressions and surface defects. These condition characteristics were consolidated into condition rating scores from one (1) to five (5): 1 = Very Good; 3 = Satisfactory; 5 = Very Poor. This process is generally carried out every five years.

The following table summarises the road network condition rating in terms of replacement cost. Noting at the time the bulk of the road network (88%) was in Satisfactory condition or better.

Asset Class	Asset Condition - % of Replacement Cost				
	1 (Very Good)	2 (Good)	3 (Satisfactory)	4 (Poor)	5 (Very Poor)
• Transportation*	25%	50%	13%	4%	8%
• Stormwater #	36%	35%	25%	3%	1%
* Follow up condition assessment being arranged to identify current condition					
# Comprehensive stormwater network assessment required					

Following the condition assessment in 2019, the Replacement Cost and the Annual Depreciation of the road and stormwater drainage networks were calculated in 2020 as shown in the table below:

Asset Class	Replacement Cost (\$,000)	Written Down Value (\$,000)	Annual Depreciation (\$,000)

• Transportation	\$822,626	\$593,002	\$9,484
• Stormwater	\$144,139	\$104,906	\$1,894
• <u>Sub-total</u>	<u>\$966,765</u>	<u>\$697,908</u>	<u>\$11,375</u>

To maintain the road network at Satisfactory condition or better, target annual asset renewal expenditure should align with annual depreciation. With CPI increases over the last two years the annual depreciation for transportation asset group is \$10.4m and \$2.1m for the stormwater asset group. The combined adjusted depreciation amount for both asset groups is \$12.5m. These assets groups should be considered in combination as an effective stormwater drainage network is an integral component of a road network.

Over the last two years Goulburn and surrounding district has received elevated rainfall. This has contributed to deterioration of the road network. The increase in customer Service Requests for road issues has coincided with the elevated rainfall over the same period. Responding to these requests often requires temporary repairs with more substantial repairs to follow. The substantial repairs can require additional unbudgeted expenditure, prompting additional funds to be sourced to carry out these repairs. The table below shows the increase in customer Service Response Requests associated with higher rainfall.

Year	Service Response Numbers (Roads)	Annual Rainfall (mm)
2018/19	1,434	433
2019/20	1,140	425
2020/21	1,544	885
2021/22	1,934	1,072
<i>Annual average rainfall for Goulburn is around 650mm</i>		

To reliably quantify the impact of the elevated rainfall on the road network an updated condition assessment will be carried out over the coming months. It is anticipated an increased amount of the road network will be in Poor or Very Poor condition as a result of the cumulative effects of the rain over the last two years. A follow up report will be presented to Council when this condition assessment has been carried and revised condition rating scores are known.

A budget focus over the next few years will be to address the recent deterioration across the road network plus fund long term renewal and rehabilitation programs that align with deterioration of the transportation asset base. This will require budget allocations beyond renewal target for the next few years or until the deterioration from recent rain has been addressed.

Council includes a transportation assets renewal and rehabilitation programs in the Delivery and Operational Plans. These programs are funded by a combination of revenue and grant funds. Revenue sourced funds are generally reliable over the long term whereas grant sourced funds are less reliable over the medium term and cannot be assumed to be available over the long term.

An optimised funding split is 60% from revenue sources and 40% from grant sources. For the 2022/23 financial year the transportation asset renewal and rehabilitation program is around \$16m, with over 80% being funded from grants. This is a unique funding profile with a significant one-off grant accounting for a substantial portion of the program budget. Beyond 2022/23 this composition changes around 55% estimated from grants and 45% estimated from revenue.

Council has been successful with grant applications for upgrades at Carrick Road, Mountain Ash Road and Windellama Road over the last few years. All the timber bridges across the local government area have been upgraded with substantial contributions from grant funds. Also, substantial footpath renewals and much of the river walking track have been funded from various grant funding programs. Considering the substantial contribution of grant funds to recent

Operations Plans budget allocations, it is essential that Council continue to focus on pursuing the range of grant funding programs that present for transportation asset renewals and upgrades. This may require priority for transportation asset grant funding opportunities when there are multiple funding opportunities available at any given time.

A target transportation asset renewal and upgrade program of \$12.5m with a 60/40 split of revenue to grant funds will require a \$7.5m allocation from revenue and \$5.0m allocations from grants. Should successful grant applications be achieved beyond \$5.0m, then the proportion of revenue funds can be reduced. Conversely, if grant funds are not available additional funds from revenue sources will be required. This will be considered annually when renewal and upgrade programs are developed.

Following is breakdown of a concept transportation asset renewal and upgrade budget. This concept budget recognises the need to renew and upgrade all asset categories within the transportation asset group. Whilst it is acknowledged annual budget allocations may vary from this concept due to short term priorities, it is essential that all asset categories undergo ongoing renewal and upgrades over the long term to maintain the asset is in a Satisfactory condition or better.

<b>Transportation Asset Category</b>	<b>Amount (\$000)</b>
• Urban road resealing (bitumen)	\$550
• Urban road resealing (asphalt)	\$550
• Urban road pavement rehabilitation	\$2,700
• Rural road resealing (bitumen)	\$1,100
• Rural road pavement rehabilitation	\$2,700
• Gravel re-sheeting (unsealed network)	\$900
• Footpath replacement	\$550
• Kerb & gutter replacement	\$550
• Bridge, culvert, causeway replacement	\$1,600
• Stormwater	\$1,200
<b>Total</b>	<b>\$12,500</b>

The annual budget development process requires an iterative process which can require a series of compromises to ensure service provision is equitable, relevant, and sustainable. This can result in the budget allocations for specific initiatives challenging available budget allocations for other services. Following the impact of rainfall across the road network, years of additional funding allocations will be required to implement repair works and will move the recent focus for creating new community facilities to road network repairs, renewals, and upgrades.

In consideration of the compromises adopted during the annual budget preparation process, the following Funding Principles should be considered when developing transportation asset renewal and upgrade programs over the next two years:

- Target annual budget allocation of \$12.5m for the transportation and stormwater asset groups.
- Target funding split of 60% from revenue and 40% from grants.
- Amend the target funding split subject to grant funding outcomes.
- Prioritise transportation asset grant funding opportunities when there are multiple conflicting grant funding opportunities.

- Prioritise assets renewals and upgrades over new asset creation.

**15.7 STRONGER COUNTRY COMMUNITIES FUND ROUND 5**

**Author:** Senior Grants Officer  
 Director Corporate & Community Services  
**Authoriser:** Aaron Johansson, Chief Executive Officer  
**Attachments:** Nil

<b>Link to Community Strategic Plan:</b>	19. Our Infrastructure IN4 Maintain and update existing community facilities, and support the development of new community infrastructure as needed.
<b>Cost to Council:</b>	The projects will be fully funded by the grant.
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That

1. The report of the Senior Grants Officer and Director Corporate & Community Services on the Stronger Country Communities Fund – Round 5 be received
2. Council endorse the application for new lighting of the Netball Courts at Carr Confoy for the Stronger Country Communities Fund – Round 5, for approximately \$350,000.
3. Council endorse the application for new lighting/drainage of the Soccer Fields at Marulan for the Stronger Country Communities Fund – Round 5, for approximately \$350,000.
4. Council endorse the application for new amenities and greenspace infrastructure for Riverside Park for the Stronger Country Communities Fund – Round 5, for approximately \$200,000.
5. Council endorse the application for new play equipment and park infrastructure for Bladwell Park/other parks as determined by the Business Manager Community Facilities for the Stronger Country Communities Fund – Round 5, for approximately \$300,000.

**BACKGROUND**

Round 5 of the State Governments grant applicant know as Stronger Country Communities Fund closes on the 23rd September 2022.

**REPORT**

The Council has the opportunity to make an application to the Stronger Country Community Fund for round 5.

Application close on 23 September 2022. Information from the Guidelines is listed below:

The Project Objective is to boost the wellbeing of communities in regional areas by providing new or upgraded social and sporting infrastructure or community programs that have strong local support.

**Budget information:**

- Funding available for projects in the Goulburn Mulwaree Local Government Area is \$1,745,798.
- \$1,200,527 is available to Council as the applicant.
- The balance of the allocation (\$545,271) is open only to eligible community organisations.

- If an Eligible Council Applicant submits an application seeking funding above their nominated funding allocation for the Local Government Area, the Eligible Council Applicant is asked to rank projects, including joint projects (if applicable), in their order of local priority.
- Where a Local Government Area's funding allocation is not fully exhausted, the option to utilise these funds in future will be assessed on a case-by-case basis at the sole discretion of the Department of Regional NSW.
- The minimum request per project is \$100,000.
- Financial co-contribution may be from applicant or other confirmed sources.
- The assessment panel may recommend part-funding projects where there is insufficient funding available for the whole project or where only a component of the project is considered suitable for funding.

**Eligibility:**

Eligible Council Applicants are encouraged to work with community groups to identify priority projects and should consider project partnerships where the Eligible Council Applicant is the landowner.

Projects must be for:

- Construction of new, or upgrading to existing local community infrastructure
- Construction of new, or upgrades to existing, local sporting infrastructure
- Capital works related to street beautification and other public places that promote the health, happiness and wellbeing of the community
- Delivering programs that benefit the local community and provide public benefit
- Infrastructure to assist the delivery of general community programs
- Infrastructure of community projects or programs which improve and promote accessibility and inclusion

The NSW Government is seeking to support regional communities to future-proof infrastructure and programs by funding universally designed projects. These projects should move beyond current day compliance standards and provide dignified and equitable inclusion to social and community programs for people with disability. Applicants must demonstrate consideration of accessibility and inclusion measures in their application.

Projects that seek to improve outcomes for Aboriginal people must align with the skills, aspirations and experiences of local Aboriginal communities.

**Project Costs:**

- Up to 25% of total project cost for contingency
- 10% of total project cost for project management and administration - Design, regulatory applications and approval must be listed as administration costs.
- Eligible projects include community centers or halls, memorials or statues, sporting club houses and pavilions, parks and playgrounds, footpaths only where there is a clear transport link to facilities, street beautification.
- Ineligible projects include exclusively for planning activities, construction or maintenance of roads, core government business, retrospective funding, general works package without specification, marketing, maintenance of infrastructure.



**Assessment Criteria:**

## 1. Viability -

- Realistic budget
- Cost effective
- Can be delivered in stages
- Can commence within 6 months of a funding announcement
- Can be delivered within 3 years of project funding announcement
- PM and Admin no more than 10% of Total Project Cost
- Contingency no more than 25% of Total Project Cost
- Necessary expertise to deliver project
- Does not require ongoing funding from NSW Govt
- Demonstrated how it will be operated and maintained on completion

## 2. Community Support -

- The project must have demonstrated community support.
- Consultation is an important part of the process to ensure that projects are supported by the community and help to make regional communities even better places to live.
- Applicants will be required to provide evidence of consultation and support for the projects they submit, such as:
  - Engagement through council's Community Strategic Plan, online surveys, letters of support from Members of Parliament, councils, peak sporting and cultural organisations, or other documents demonstrating community support for the projects.

## 3. Alignment with SCCF objective -

- The project clearly demonstrates that anticipated community benefits will directly contribute to the objective of the Fund.
- Alignment with the relevant Disability Inclusion Action Plan for projects that seek to enhance accessibility and inclusion for people with disability.
- Evidence that the project aligns with the aspirations and experiences of local Aboriginal communities for projects that seek to improve outcomes for Aboriginal people.
- The Department of Regional NSW may request additional information or clarification from Applicants to assist in the assessment.

*All applications need to include:*

- a clear project scope
- a project plan
- a project budget based on quotes or detailed estimates, reasonable assumptions or previous experience with similar projects
- landowner consent if the land is not owned by the Applicant
- proof of incorporation for community groups
- evidence of \$20 million Public Liability Insurance in the name of the Applicant
- evidence of community consultation and strong community support for the project

Co-contributions are only necessary for applicants requesting \$2M or more in grant funding. Co-contributions for projects may be from the applicant or other funding sources but must be confirmed as part of the application process through the provision of supporting evidence.

Contracting will commence from November 2022.

This report is recommending the four listed applications to expend the full allocation of \$1,200,527 on important community infrastructure which has strong local support in line with the objective of this fund.

**15.8 REQUEST FOR FINANCIAL ASSISTANCE - RSL SUB-BRANCH GOULBURN**

**Author:** Brendan Hollands, Director Corporate & Community Services

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** 1. Request for Financial Assistance - Goulburn RSL Sub-Branch

<b>Link to Community Strategic Plan:</b>	CSP Strategy C02 – Encourage and facilitate active and creative participation in community life.
<b>Cost to Council:</b>	Funds are available in the budget for donations made under the Financial Assistance Policy. There is a budget of \$80,000 for grants issued under this policy in the 2022/23 financial year. Approval of the recommendations contained within this Business Paper would leave a remaining amount of \$67,893 for future contributions.
<b>Use of Reserve Funds:</b>	Not Applicable. Budgeted amount funded from revenue.

**RECOMMENDATION**

That

1. The report of the Director of Corporate & Community Services on Requests for Financial Assistance –RSL Sub-Branch Goulburn be received.
2. Council provide a \$4,950 cash contribution to the RSL Sub-Branch Goulburn to cover the cost of hiring a public address system for its ANZAC Day Service to be funded from the Financial Assistance budget.

**BACKGROUND**

At its meeting on 21 June 2022, Council adopted the new Financial Assistance and Reduction or Waiver of Council Fees & Charges Policy. Under this Policy, applications seeking funding for amounts greater than \$1,000 are reported to Council for approval.

**REPORT**


The RSL Sub-Branch Goulburn are seeking financial assistance for the ANZAC Day Commemorations to be held in Belmore Park, Goulburn on Tuesday 25<sup>th</sup> April 2023. The amount sought is \$4,950 (incl. GST) and will cover the cost of hiring a public address system which includes all necessary equipment along with audio technicians to assist with operations at the Dawn Service and the 11am Service.

In previous years when the PA Systems requirements were provided by a local provider, Council provided approximately \$3,000 in support for this event. However, due to circumstances, the service is now sourced from Canberra and the costs of the PA Systems increased due to the travel and accommodation requirements (due to the early set up times).

The RSL Sub-Branch Goulburn have previously advised that quotations for this service are difficult to obtain due to the timing of the service (and the early morning start) and the fact that, with ANZAC Day Services being held all over the country, the demand for PA Systems on the day is extremely high.

Given the importance of ANZAC Day to the community it is recommended that Council provide a cash contribution to the RSL Sub-Branch Goulburn of \$4,950.

A copy of the request is attached.

Goulburn Mulwaree Council  
 Date Received: 27/07/22  
 Signature: 



**THE RETURNED AND SERVICES LEAGUE  
 OF AUSTRALIA  
 (New South Wales Branch)  
 "The Price of Liberty is Eternal Vigilance"  
 ABN 12 233 103 569 CFN 21232  
 Patron Mr G.A. (Peter) Lloyd AC OBE**

**President: Malcolm Ritchie  
 Hon Sec: Frank Wilcomes  
 Hon Treas: Frank Wilcomes**

**Goulburn RSL Sub-Branch  
 PO Box 405  
 Goulburn NSW 2580  
 Email: [GoulburnSB@rslnsw.org.au](mailto:GoulburnSB@rslnsw.org.au)**

25<sup>th</sup> July 2022

**SCANNED**

Mr A. Johansson  
 General Manager  
 Goulburn Mulwaree Council

Cc: Peter Walker  
 Goulburn Mulwaree Mayor

Dear Mr Johansson

On behalf of Goulburn RSL Sub-Branch I would like to thank the Goulburn Mulwaree Council for covering costs of a suitable PA system for Anzac Day Services, not only this year but also previous years. Approximately 2,000 people attend the Dawn and Commemorative Services in Belmore Park and it is important all can hear and feel part of these services.

I would like to ask if the Council would consider covering these costs in 2023 (\$4,950.00) (Quote attached). The PA company come down from Canberra the day before Anzac Day to set up and ensure everyone can hear, and we consider do an excellent job confirmed by positive feedback received from the general public.

For your information the PA prior to 2018 was provided by a local technician who retired and recommended this company.

Thank you for your consideration.

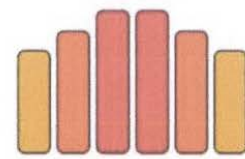
Yours sincerely



Malcolm Ritchie

20/07/2022

# QUOTATION



**AVL Australia**  
Audio Vision Lighting

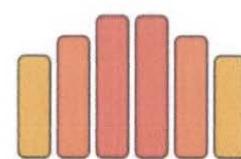
**CLIENT:** Returned Services League Goulburn Sub Branch  
**ADDRESS:** 15 MARKET Street Goulburn NSW 2580  
**PHONE:** 61 02 4821 6292  
**EMAIL:** rsl@goulburn.net.au  
**NUMBER:** 682  
**YOUR REF:**

AVL Australia Pty Ltd  
 7 Sadleir Place  
 Charnwood ACT 2615  
[www.avlaustralia.com.au](http://www.avlaustralia.com.au)  
 Brendon Podger  
 0409456068  
[brendon@avlaustralia.com.au](mailto:brendon@avlaustralia.com.au)

Item	Type	Quantity	Price	Discount	Total
Total for Miscellaneous:					\$150.00
SUBTOTAL					\$4,500.00
TAX					\$450.00
<b>TOTAL</b>					<b>\$4,950.00</b>

20/07/2022

# QUOTATION



**AVL Australia**  
Audio Vision Lighting

**CLIENT:** Returned Services League Goulburn Sub Branch  
**ADDRESS:** 15 MARKET Street Goulburn NSW 2580  
**PHONE:** 61 02 4821 6292  
**EMAIL:** rsl@goulburn.net.au  
**NUMBER:** 682  
**YOUR REF:**

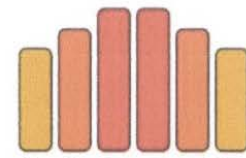
AVL Australia Pty Ltd  
 7 Sadleir Place  
 Charnwood ACT 2615  
 www.avlaustralia.com.au  
 Brendon Podger  
 0409456068  
 brendon@avlaustralia.com.au

Item	Type	Quantity	Price	Discount	Total
F34 Ground Support Tower Sleeve Block (with Half-Spigot Connectors on 2 Faces)	Rental	3			
F34 Box Truss 3m	Rental	3			
1t Chain Block 8mtr Chain	Rental	3			
3.2Tonne Shackle	Rental	6			
Total for Rigging:					\$600.00
<b>Crew</b>					
Audio Operator	Service	1	650.00		650.00
Technician Setup	Service	2	650.00		1300.00
Total for Crew:					\$1,950.00
<b>Transport</b>					
3T Truck Deliver/Collection each way	Service	2	150.00		300.00
Total for Transport:					\$300.00
<b>Accessories</b>					
Accommodation	Sale	2	150.00		300.00
Total for Accessories:					\$300.00
<b>Miscellaneous</b>					
Consumables Level 1	Sale	1	150.00		150.00

Page 2 of 3

20/07/2022

# QUOTATION



**AVL Australia**  
Audio Vision Lighting

**CLIENT:** Returned Services League Goulburn Sub Branch  
**ADDRESS:** 15 MARKET Street Goulburn NSW 2580  
**PHONE:** 61 02 4821 6292  
**EMAIL:** rsl@goulburn.net.au  
**NUMBER:** 682  
**YOUR REF:**

AVL Australia Pty Ltd  
 7 Sadleir Place  
 Charnwood ACT 2615  
[www.avlaustralia.com.au](http://www.avlaustralia.com.au)  
 Brendon Podger  
 0409456068  
[brendon@avlaustralia.com.au](mailto:brendon@avlaustralia.com.au)

## 2023 Anzac Day Service Belmore Park Goulburn

<b>Rental</b>	24/04/2023 15:00 to 25/04/2023 17:00	<b>Use</b>	25/04/2023 04:00 to 25/04/2023 12:00
<b>Deliver</b>	24/04/2023 15:00 to 24/04/2023 16:00	<b>Takedown</b>	25/04/2023 12:00 to 25/04/2023 14:00
<b>Setup</b>	24/04/2023 16:00 to 24/04/2023 20:00		

Item	Type	Quantity	Price	Discount	Total
<b>Audio</b>					
Meyer UPA - 1P Concert Loud Speaker	Rental	4			
Meyer UPJ Powered Concert Speaker	Rental	4			
Shure Beta 58A Microphone	Rental	1			
Shure SM57 Microphone	Rental	2			
Tall Boom Microphone Stand	Rental	3			
Midas M32R Digital Mixing Console	Rental	1			
					Total for Audio: \$1,200.00
<b>Rigging</b>					
Truss Tower	Rental	3			
F34-44 Steel Ground Tower Support Base with outriggers	Rental	3			
F34 Tower Top (Cat Head) with Nylon Pulley	Rental	3			



**15.9 REQUESTS FOR FINANCIAL ASSISTANCE - GOULBURN LILAC CITY FESTIVAL INC.**

**Author:** Brendan Hollands, Director Corporate & Community Services

**Authoriser:** Aaron Johansson, Chief Executive Officer

- Attachments:**
1. Lilac City Festival Financial Assistance Application
  2. Booking Quote and Financial Breakdown

<b>Link to Community Strategic Plan:</b>	CSP Strategy C02 – Encourage and facilitate active and creative participation in community life.
<b>Cost to Council:</b>	Funds are available in the budget for donations made under the Financial Assistance Policy. There is a budget of \$80,000 for grants issued under this policy in the 2022/23 financial year. Approval of the recommendation would leave a remaining amount of \$67,893 for future contributions.
<b>Use of Reserve Funds:</b>	Not Applicable. Budgeted amount funded from revenue.

**RECOMMENDATION**

That

1. The report of the Director of Corporate & Community Services on the Request for Financial Assistance be received.
2. Council provide the following support to the value of \$1,216.78 for the Goulburn Lilac City Festival Inc. to be funded from the Financial Assistance budget:
  - Provision of electricity \$ 540.00
  - MFC Stage Hire \$ 333.00
  - Other expenses - shortfall from CEF Funding \$ 343.78

**BACKGROUND**

At its meeting on 21 June 2022, Council adopted the new Financial Assistance and Reduction or Waiver of Council Fees & Charges Policy. Under this Policy, applications seeking funding for amounts greater than \$1,000 are reported to Council for approval.

**REPORT**

A request has been received from the Goulburn Lilac City Festival Inc. Committee seeking financial assistance for the annual Goulburn Lilac City Festival which will take place from Friday the 30<sup>th</sup> September to Monday the 3<sup>rd</sup> October 2022.

The application is seeking \$17,000 in financial assistance, however it does not provide information on what the amount of funding requested would be used for. Refer to the attached booking quote for the services required from Council and the associated costs.

The 2022 Lilac City Festival has been allocated \$9,739 (excl. GST) in funding via the Reconnecting Regional NSW - Community Events Fund. In consultation with the President, \$6,739 was allocated for road closures, traffic control, waste, street and park hire and cleaning. The remaining \$3,000 is specifically for signage and illumination.

The overall event costs associated with the hire of Belmore Park and Auburn Street, traffic control & plans, waste and cleaning are greater than the allocation in the Reconnecting Regional NSW - Community Events Fund, however, \$6,739 (excl. GST) can be taken from the total amount of \$7,947.99 (excl. GST), leaving a balance of \$1,208.99 (excl. GST). The balance of funds are eligible to be funded under the Financial Assistance Policy and represent electricity charges and stage hire.

The event requires the temporary closure of Montague Street between Auburn and Sloane Streets from the afternoon of Thursday 29<sup>th</sup> September 2022 until Monday 3<sup>rd</sup> October 2022, this is for the operation of the Lilac City Carnival. The Committee are also seeking closure of Auburn Street on Sunday 2<sup>nd</sup> October 2022 between 10.45am to 11.45am for a street parade.

The in-kind support requested for the Goulburn Lilac City Festival would be provided by Council staff and funded by the Reconnecting Regional NSW - Community Events Fund and Council's Financial Assistance Policy.

In accordance with Council's Financial Assistance Policy it is recommended that Council provide in-kind support to the Lilac City Festival of \$1,216.78 as follows:

- |  |           |
|--|-----------|
| • Provision of electricity   | \$ 540.00 |
| • MFC Stage Hire   | \$ 333.00 |
| • Shortfall from Reconnecting Regional NSW - Community Events Fund | \$ 343.78 |

A copy of the application and booking quote is attached for your consideration.



Goulburn Lilac City Festival  
PO Box 121  
GOULBURN NSW 2580

4<sup>th</sup> May 2022

Goulburn Mulwaree Council  
184 Bourke Street  
GOULBURN NSW 2580

Dear Councillors,

We are in the early stages of planning for this years Lilac Festival and after two years of COVID and virtual activities, we are looking forward to a big event, like the one put on in 2019.

Plans are for three days of markets, carnival, and music around and in the main street and the Lilac Queen Competition, pets, and puppets.

This year's theme is the '70s', as it is 71 Years of the Lilac Festival continually running.

We are seeking Goulburn Mulwaree Council's help and support and we look forward to putting on a great event for the community and visitors alike.

Looking forward to hearing from you.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Samuel Ross".

Samuel Ross  
Secretary  
Goulburn Lilac Festival Committee

Email: [goulburnlilaccityfestival2580@gmail.com](mailto:goulburnlilaccityfestival2580@gmail.com)  
Phone: 0448 211 839  
ABN: 94 788 146 728



## Application for Financial Assistance Reduction or Waiver of Council Fees & Charges

### Applicant / Organisation Details

<b>Name:</b>	Goulburn Lilac City Festival
<b>Address:</b>	Po Box 121, Goulburn, NSW, 2580.
<b>Contact Person:</b>	Samuel Ross
<b>Telephone:</b>	0421095445
<b>Email Address:</b>	goulburnlilacityfestival2580@gmail.com

### Amount Applied for (including GST if applicable)

\$ 17,000 \_\_\_\_\_

### Which Funding Stream are you applying under? (Please select below)

*Financial Assistance for Community Events and/or projects  
(See below)*

*Mayor's Discretionary Fund  
(See below)*

Please select if the request for a fee waiver or reduction:

### Funding Principles:

Funding is available under the following funding streams:

- **Financial Assistance for Community Events, Projects and Representation**  
*Financial contribution to assist with the cost of a community event and/or project or to assist individuals/groups representing their community.*

This stream is made available for:

- Funding requested by community and/or charitable organisations for events that do not satisfy the criteria under the *Event Development Funding Policy*.
- Funding requested by community and/or charitable organisations for projects that add value to the community.
- Financial support requested by members of the community to represent or participate in events (both sporting and cultural) at a national or international level.

Funding under this stream will be capped at \$10,000 and may be in the form of financial contribution, in-kind support or up to 50% fee waiver for Council venue hire.

Application for Financial Assistance

**Mayor’s Discretionary Fund**

*Financial assistance available at the discretion of the Mayor to assist with small projects and community initiatives.*

This stream will be reserved for donations to charitable and “not for profit” organisations.

▪ **Reduction or Waiver of Council Fees & Charges**

*Consistent and equitable assessment of requests for the reduction or waiver of Council fees and charges for the use of Council facilities and / or services provided by Council.*

*Eligibility*

To be eligible for a reduction or waiver the applicant must be considered in at least one of the following categories:

- Charitable organisation
- Be a non-profit organisation and dependent upon amount requested, may be asked to provide audited financial accounts
- Pensioner groups
- Community groups
- Schools and any group/organisation as determined from time to time by Council
- Demonstrate special circumstances as determined by the Chief Executive Officer or Council’s delegated staff

Council **will not** consider applications to waive fees and charges for:

- Any profit-making ventures for commercial entities
- Any activity, event or program that contravenes Council’s existing policies
- The bond associated with the use of Council facilities, (only the waiver of fees for an activity, event or function will be considered)
- Retrospective applications, including refunds

(Refer to the Policy Document for further information on funding criteria)

Priority will be given to –

- Projects/events which support welfare activities
- Projects/events which support the priorities of the various plans adopted by Council
- Projects/events which have not previously received funding
- Areas where there is an obvious and documented community/local need
- Areas where the need is considered greatest

Application for Financial Assistance  
Effective from 19 July 2022 to 30 June 2025

Application for Financial Assistance

**Other Grant Funding**

Please provide details of funding received from other sources either approved or pending.

N/A
-----

Application for Financial Assistance  
Effective from 19 July 2022 to 30 June 2025

Application for Financial Assistance

**Description of the Project, Service or Event** *(attach additional pages if space is insufficient)*

When completing this section please provide as much information as possible including details on the following where applicable:

- What identified community need does this project seek to fulfill?
- If an event, what are the benefits to the Goulburn Mulwaree area e.g. number of visitors
- Who will benefit from the project/event (include target groups and/or users & attach letters of support if applicable)

The Goulburn Lilac City Festival established in 1951 is one of Australia's longest running Festivals. Welcoming guests from all around Australia; The Goulburn Lilac City Festival has a myriad of foods, amazing musical acts, a range of festival markets, food tucks/ vendors, many Community group events and Heritage celebrations of Goulburn. With the Unfortunate situation that came with Covid- 19, we have been unable to hold a live festival for two years (The Festival Running Virtually), and with the 2022 Festival fast approaching we are very excited to be able to hold a Live Festival again!

What Identified Community need does his project seek to fulfill?

Retaining and supporting young people in the community:  
In line with the community strategic plan from the Goulburn Mulwaree Council, The Goulburn Lilac City Festival com has included the inaugural Battle of the bands to include representation of the Youth Community within Goulburn.

Economic:  
The Lilac Festival brings a large range of tourism and a strong economic forecast to the Goulburn Mulwaree LGA, this strongly encourages the support of local businesses and other events held within Goulburn.

Community:  
Strong community support with the displays, Awesome community involvement (Lilac Queen, different community groups involved).

Civic leadership:  
With a strong community presence within the Festival, Civic Leadership is highly shown by multiple community groups (for example: Goulburn Mulwaree Youth Council, Soroptomist, RSPCA, Garden Club, etc.) These groups organise and run whole events throughout the Long Weekend.

The Goulburn Lilac City Festival aims to improve and expand activities for a range of community groups but specifically targeting Youths. The Festival committee are very passionate about creating equal and inclusive opportunities for all our guests and strongly encourage our guests to support the local economy.

If an event, what are the benefits to the Goulburn Mulwaree area e.g., number of visitors?

The main benefit that the Goulburn Mulwaree Area gains are as follows:

Tourism:  
With The festival being held on the October Long Weekend, we encourage families from all around to come and visit. This year s festival is projected to hit between 3500 - 5000

Application for Financial Assistance  
Effective from 19 July 2022 to 30 June 2025

Page 4 of 5

Application for Financial Assistance

**Financial Information**

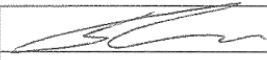
For applications seeking funding of \$5,000 and above, the application **must** be accompanied by financial statements.

**Application checklist – Please complete before signing the Declaration**

- Have you read and understood the guidelines?
- Have you completed ALL sections of the application form?
- Have you attached all relevant supporting information?
- Have you included ALL Financial Information if applicable?
- Has the application been signed?
- Have you kept a copy of your application for your own records?

**Declaration**

I/We certify that, to the best of my/our knowledge, the information of this application is true and correct

Signature		Signature	
Name	Samuel Ross	Name	
Position	Vice President	Position	

**NOTES**

- All applications are to be returned to Goulburn Mulwaree Council, Locked Bag 22 Goulburn NSW 2580
- **Incomplete applications or applications with insufficient information will not be accepted.**

*Council collects personal information only for a lawful purpose that is directly related to Council's functions and activities. Council is required under the Privacy and Personal Information Protection Act 1998 (PPIA) to collect, maintain and use your personal information in accordance with the Privacy Principles and other relevant requirements of the PPIPA. For further information or clarification please contact Council's Governance Office or refer to Council's Privacy Management Policy at [www.goulburn.nsw.gov.au](http://www.goulburn.nsw.gov.au)*

Application for Financial Assistance  
Effective from 19 July 2022 to 30 June 2025



Booking Quote 3988



Locked Bag No. 22  
GOULBURN NSW 2580

17 Aug 2022

GOULBURN LILAC CITY FESTIVAL INC  
PO BOX 121  
GOULBURN NSW 2580

Dear Lilac Festival Committee,

**Subject: Booking Enquiry & Quote**

Please find below the details and quote for your booking enquiry.

**Booking particulars**

Booking Reference Number	58113 to 61158 inclusive
Event Description	Lilac Festival
Booking Status	Confirmed
Phone number on file	

**Booking Details**

Facility Booked	Date	From	To	Charges (inc GST)
Post Office Lane to Sloane Street	29 Sep 2022	06:00 AM	10:00 PM	\$655.76
Post Office Lane to Sloane Street	30 Sep 2022	06:00 AM	10:00 PM	\$0.00
MFC Stage Hire	30 Sep 2022	08:00 AM	05:00 PM	\$0.00
Post Office Lane to Sloane Street	01 Oct 2022	06:00 AM	10:00 PM	\$0.00
Belmore Park Full Day Hire	01 Oct 2022	08:00 AM	05:00 PM	\$418.00
MFC Stage Hire	01 Oct 2022	08:00 AM	05:00 PM	\$0.00
Post Office Lane to Sloane Street	02 Oct 2022	06:00 AM	10:00 PM	\$0.00
Belmore Park Full Day Hire	02 Oct 2022	08:00 AM	05:00 PM	\$418.00
MFC Stage Hire	02 Oct 2022	08:00 AM	05:00 PM	\$0.00
Auburn Street	02 Oct 2022	10:00 AM	11:00 AM	\$4 240.00
Post Office Lane to Sloane Street	03 Oct 2022	06:00 AM	10:00 PM	\$0.00
Belmore Park Full Day Hire	03 Oct 2022	08:00 AM	05:00 PM	\$418.00
MFC Stage Hire	03 Oct 2022	08:00 AM	05:00 PM	\$333.00
Post Office Lane to Sloane Street	04 Oct 2022	06:00 AM	10:00 PM	\$0.00

Booking Quote 3988

**Total Bookings \$: \$6 482.76**

**Other Booking Charges**

Additional Charges	Qty	Hours	\$ per hour	Charges (inc GST)
Traffic Control Plans	2		\$140.00	\$280.00
Park Waste 240L Bin Hire	10		\$0.00	\$0.00
Park Waste 240L Bin Empty	30		\$21.00	\$630.00
Park Waste 240L Bin Delivery & Pick Up Fee	1		\$70.00	\$70.00
Park Waste 1100L Bin Hire	1		\$13.00	\$13.00
Park Waste 1100L Bin Empty	3		\$28.00	\$84.00
Park Waste 1100L Bin Delivery & Pick Up Fee	1		\$100.00	\$100.00
Park Amenity Cleaning	3		\$181.00	\$543.00
Electricity Charges Major and Special Events	3		\$180.00	\$540.00

**Total Additional Charges: \$2 260.00**

**GRAND TOTAL GST \$794.77**  
**GRAND TOTAL (inc GST) \$8 742.76**

If you have any questions about this booking enquiry or any of Council's facilities, please call me on 02 4823 4901

Yours faithfully

ANNE RUDELL  
 Goulburn Mulwaree Council

	29-Sep-22	6:00 AM	10:00 PM	\$	655.76	CEF - NSW Govt
Post Office Lane to Sloane Street	30-Sep-22	6:00 AM	10:00 PM	\$	-	
Post Office Lane to Sloane Street	30-Sep-22	8:00 AM	5:00 PM	\$	-	
MFC Stage Hire	1-Oct-22	8:00 AM	5:00 PM	\$	418.00	418.00
Post Office Lane to Sloane Street	1-Oct-22	8:00 AM	5:00 PM	\$	-	
Belmore Park Full Day Hire	1-Oct-22	8:00 AM	5:00 PM	\$	-	
MFC Stage Hire	2-Oct-22	8:00 AM	5:00 PM	\$	418.00	418.00
Post Office Lane to Sloane Street	2-Oct-22	8:00 AM	5:00 PM	\$	-	
Belmore Park Full Day Hire	2-Oct-22	8:00 AM	5:00 PM	\$	-	
MFC Stage Hire	2-Oct-22	8:00 AM	5:00 PM	\$	418.00	418.00
Auburn Street	2-Oct-22	10:00 AM	11:00 AM	\$	4,240.00	4,240.00
Post Office Lane to Sloane Street	3-Oct-22	6:00 AM	10:00 PM	\$	-	
Belmore Park Full Day Hire	3-Oct-22	8:00 AM	5:00 PM	\$	418.00	418.00
MFC Stage Hire	3-Oct-22	8:00 AM	5:00 PM	\$	333.00	
Post Office Lane to Sloane Street	4-Oct-22	6:00 AM	10:00 PM	\$	-	

Total Bookings \$: \$6,482.76 \$ 6,149.76

Other Booking Charges

Additional Charges	Qty	Hours	\$ per hour	Charges (inc GST)
Traffic Control Plans	2		\$140.00	\$280.00
Park Waste 240L Bin Hire	10		\$0.00	\$0.00
Park Waste 240L Bin Empty	30		\$21.00	\$630.00
Park Waste 240L Bin Delivery & Pick	1		\$70.00	\$70.00
Park Waste 1100L Bin Hire	1		\$13.00	\$13.00
Park Waste 1100L Bin Empty	3		\$28.00	\$84.00
Park Waste 1100L Bin Delivery & Pick	1		\$100.00	\$100.00
Park Amenity Cleaning	3		\$181.00	\$543.00
Electricity Charges Major and Special	3		\$180.00	\$540.00

Total Additional Charges: \$2,250.00 \$ 1,720.00

GRAND TOTAL GST \$794.77  
 GRAND TOTAL (inc GST) \$8,742.76 \$ 7,869.76  
 GST \$ 786.98

\$ 7,082.78 Balance excl GST  
 \$ 6,739.00 Grant funding available (excl GST)  
 \$ 343.78 payable from financial assistance, PLUS  
 \$ 873.00 stage & electricity (cannot be paid from CEF grant)  
 \$ 1,216.78 AMOUNT TO BE FUNDED FROM FIN ASSIST GRANT (+ GST)

**15.10 PLANNING & ENVIRONMENT POLICY REVIEW**

- Author:** Director Planning & Environment  
**Authoriser:** Aaron Johansson, Chief Executive Officer  
**Attachments:** 1. Enforcement Policy  
 2. Request for DA Information Matrix Policy  
 3. Use of Crown roads for Development Policy  
 4. Swimming Pool Barriers Policy  
 5. Swimming Pool Barrier Inspection Program

<b>Link to Community Strategic Plan:</b>	4. Our Environment EN4 Maintain a balance between growth, development and environmental protection through sensible planning.
<b>Cost to Council:</b>	Nil
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That

1. The report from the Director Planning & Environment on the Policy Review – Planning & Environment be received.
2. Council places the revised Policies listed below on public exhibition for 28 days and if no comments are received, they be adopted as one of Council’s policies.
  - (a) Enforcement Policy
  - (b) Request for DA Information Matrix Policy
  - (c) Use of Crown Roads for Development Policy
  - (d) Swimming Pool Barriers Policy
3. Council places the Swimming Pool Barrier Inspection Program on public exhibition for 28 days and if no comments are received, the Program be adopted.
4. Any submissions received will be considered and reported to Council for final adoption of the policy.

**BACKGROUND**

This report presents four (4) of the Planning & Environment Directorate policies that have been reviewed in terms of regulatory requirement, relevance and content following the recent Council elections. These policies include:

- (a) Enforcement Policy
- (b) Request for DA Information Matrix Policy
- (c) Use of Crown Roads for Development Policy
- (d) Swimming Pool Barriers Policy

The contents of the revised policies have been discussed at the Council briefing on 9 August 2022.

**REPORT**

The following policies have been reviewed and are ready to be placed on public exhibition.

## Enforcement Policy

The purpose of Councils Enforcement Policy is to provide information for internal and external stakeholders and interested parties about Council's position on compliance and enforcement matters in the Goulburn Mulwaree Local Government Area.

The Policy outlines factors to be considered at the various stages of the enforcement process from the receipt, prioritisation and investigation of reports of unlawful activity to available enforcement options and considerations which must be given to whether to undertake formal regulatory action including the commencement of criminal or civil proceedings.

The Policy also aims to provide a structure for consistency and transparency in decision making, and to facilitate a proportional approach to compliance and enforcement. It is also intended to assist Council staff to act promptly, effectively, and consistently in response to allegations of unlawful activity.

Councils current Enforcement Policy has been written and adopted in accordance with the '*Model Compliance and Enforcement Policy*' as developed by the NSW Ombudsman. The only variations provided for are minor wording changes, contextual commentary and specific sections that are intended to be customised by individual Council's based on specific local considerations.

As Councils Enforcement Policy is encouraged to be in accordance with the '*Model Policy*' no major changes to the current Policy are required or recommended.

The reviewed policy (refer attachment) contains the following changes:

- A minor update in section 13 of the Policy to provide clarification on circumstances where a penalty infringement notice may be issued.
- A minor update in section 16 of the Policy to provide clarification on circumstances where Council may lodge a complaint with NSW Fair Trading in relation to the conduct of a Private Certifier.
- Updates to reflect changes in supporting State Government guiding documents referenced throughout and in the section 21 of the Policy.
- Updates to reflect changes in applicable Legislation referenced throughout and in Appendix 1 of the Policy.
- The inclusion of the *Building and Development Certifiers Act 2018* under applicable Legislation in Appendix 1 of the Policy.
- Updates to replace references to the *General Manager* with *Chief Executive Officer* throughout.
- Updates to remove minor grammatical, spelling or formatting errors where identified.

## Request for DA Matrix Policy

This policy aims to:

- Establish clear and consistent guidance around the issuing of requests for information relating to Development Applications;
- Allow for the efficient assessment of complete applications; and
- Provide Developers with certainty around determination times.

The reviewed policy (refer attachment) contains the following changes:

- Outlines the components of the Environmental Planning and Assessment (Statement of Expectations) Order 2021 was made by the Minister for Planning & Public Space on 26 November 2021.
- Specifies the benchmarks set for Council performance for development assessment.
- The Minister's expectations are that a Council should determine a development application for which it is the consent authority as soon as practicable and no longer than 180 days from lodgement.
- The Order sets out the heads of consideration to be taken into consideration in exercising the Minister's powers under s9.6(1)(b) of the Environmental Planning and Assessment Act, in appointing a planning administrator or a regional panel to exercise functions of a council including whether or not the Council has failed to meet the Minister's expectations in relation to council performance.
- No changes to the request for information timeframes are proposed
- Clarification has been provided that the Development Application best practice involves the utilisation of Council's prelodgement service for more complex proposals and the lodgement of complete applications supported by the necessary plans, documents and professional reports.

### **Use of Crown Roads for Development Policy**

This Policy aims to outline the assessment requirements, construction standards and maintenance implications for use of Crown Roads to facilitate the development of adjoining land.

The reviewed policy (refer attachment) contains the following changes;

- Update relevant authority to the now Department of Planning & Environment;
- Update to reflect legislative changes;
- Clarifies Council's considerations for assessing a potential Crown Road transfer;
- Updates references to Bushfire and Biodiversity legislation;
- Introduces Planning Agreements as a mechanism for work to be completed on a Crown Road proposed to be transferred to Council; and
- Minor clarifications to the road standard requirements.

### **Swimming Pool Barriers Policy**

This Policy aims to reduce infant drowning by implementing an effective Swimming Pool Barrier Inspection Program. The reviewed policy (refer attachment) contains the changes below.

- Relocation of inspection requirements of swimming pools from the Swimming Pool Barrier Inspection Program to the Swimming Pool Barriers Policy. This includes:
  - Which swimming pools are required to be inspected under the Swimming Pool Barrier Inspection Program;
  - How often a swimming pool requires a Swimming Pool Compliance Certificate;
  - Requirements for a residential dwelling to obtain a Swimming Pool Compliance Certificate every 5 years;
  - Currently a Swimming Pool Compliance Certificate is only required to be issued within 3 years of a dwelling being leased or sold;
  - Inclusion of the utilisation of privately registered Swimming Pool Inspectors; and
  - Private Swimming Pool Inspectors are able to conduct minor pool barrier rectifications (under \$1000) which may assist homeowners.

A copy of the draft Swimming Pool Barrier Inspection Program has also been attached.



## **Enforcement Policy**





**GOULBURN MULWAREE COUNCIL**

**ENFORCEMENT POLICY**

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**GOULBURN MULWAREE COUNCIL**

**ENFORCEMENT POLICY**

**1 PURPOSE**

This policy provides information for internal and external stakeholders and interested parties about Council's position on compliance and enforcement matters in the Goulburn Mulwaree local government area.

The purpose of this policy is to provide structure for consistency and transparency in decision making, and to facilitate a proportional approach to compliance and enforcement. It is also intended to assist Council staff to act promptly, effectively and consistently in response to allegations of unlawful activity.

This policy outlines factors to be considered at the various stages of the enforcement process from the receipt and investigation of reports alleging unlawful activity, including how matters are assessed and prioritised for investigation, through to enforcement options available to Council and considerations given when determining how to best respond to these compliance matters including whether to commence criminal or civil proceedings.

**2 SCOPE**

This policy applies to all compliance and enforcement actions where Goulburn Mulwaree Council has a regulatory responsibility and is the appropriate regulatory authority under New South Wales legislation. This policy applies to all regulatory and compliance functions including scheduled regulatory programs, investigation of complaints and enforcement actions.

Council's regulatory responsibilities are applicable to actual unlawful activity, as well as a failure to take action (in order to be compliant with certain legislative or legal requirements) including failure to comply with approvals or legal directions. For simplicity, this policy refers to both an act and/or an omission by an alleged offender as 'unlawful activity'.

In certain circumstances Council will have shared enforcement responsibilities with other regulatory authorities. This policy sets out a collaborative and cooperative approach to such matters. Advice and guidance is provided on the role of Council in building and construction compliance matters where there is a Private Certifier, and the role of Councillors in enforcement.

Council will undertake compliance and enforcement action where appropriate in accordance with this Policy document. However, responsible Council staff are not limited by this policy in their use of discretion and exercise of official functions. The full circumstances and facts of each case need to be considered and a merit based decision made.

It should be noted that this policy is distinct from Council's Complaint Handling Policy as it does not respond to expressions of dissatisfaction received by Council relating to the business of Council or the action/s of Council staff or agents.

**3 POLICY OBJECTIVE**

Policy objectives:

- To provide clear guidelines and protocols for the management of Councils regulatory activities and to assist Council officers in making decisions in the undertaking of their enforcement functions;
- To specify the criteria which Council will take into consideration when deciding:
  - a) If enforcement action is necessary; and



**GOULBURN MULWAREE COUNCIL**

**ENFORCEMENT POLICY**

- b) The most appropriate type of action;
  - To provide guidelines for the exercising of discretion when dealing with non-compliances including taking into account not only legislative provisions but all relevant information including the available evidence, cost to the community, the circumstances of the individual case, public policy and precedent considerations;
  - To provide a consistent approach in the enforcement and resolution of matters and to ensure these matters are managed in a fair and transparent manner;
  - To ensure the principles of procedural fairness and natural justice are followed;
  - To provide information to the public about Council’s role and policy position on enforcement; and
  - Ensures that the enforcement process is conducted proportionate to the risk associated.

**4 LEGISLATIVE PROVISIONS**

Local Government organisations are responsible for the enforcement of a diverse range of legislative provisions designed to protect public infrastructure, public health, safety and amenity and the environment. The guiding principles, under section 8 of the *Local Government Act 1993*, require Council to ensure that its regulatory powers are exercised fairly and in a consistent manner without bias and in the best interests of the community.

In determining regulatory actions to be taken in regards to a compliance matter Council will take into account the circumstances surrounding the matter, the risk presented by the non-compliance, community needs and interests and the principles of social justice. Council decision-making will be transparent and in accordance with this policy.

This policy outlines Council’s broad approach to enforcement and provides a framework that promotes understanding of the manner in which enforcement activities and actions will be undertaken. This Policy is supported by detailed internal procedures that provide further guidance to Council Officers.

**5 APPLICATION**

This policy applies to all compliance and enforcement actions where Goulburn Mulwaree Council has a regulatory responsibility and is the appropriate regulatory authority under New South Wales legislation. As a statutory body, the Council cannot act in a particular situation unless it has been given the power to do so by an Act or Regulation. In the exercise of Councils regulatory functions it is required to act in the public interest rather than the private interest of individuals or landowners.

Activities and functions for which Council has an enforcement or regulatory responsibility include but are not limited to:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Development and building</li> <li>• Pollution</li> <li>• Environmental Health</li> <li>• Food Safety</li> <li>• On-site Sewage Management</li> <li>• Companion Animals</li> <li>• Swimming Pools</li> <li>• Public Health and Safety</li> </ul> | <ul style="list-style-type: none"> <li>• Biosecurity Weeds</li> <li>• Impounding</li> <li>• Parking and Traffic Control</li> <li>• Abandoned Articles</li> <li>• Tree Preservation</li> <li>• Fire Safety</li> <li>• Boarding Houses</li> <li>• Water and Sewer</li> </ul> |
|--|--|



**GOULBURN MULWAREE COUNCIL**

**ENFORCEMENT POLICY**

**6 COMPLIANCE AND ENFORCEMENT PRINCIPLES**

The following are the principles that underpin Council actions relating to compliance and enforcement.

Principle	Action
Accountable and transparent	<ul style="list-style-type: none"> <li>• Acting in the best interests of public health and safety and the environment.</li> <li>• Ensuring accountability for decisions to take or not take action.</li> <li>• Acting fairly and impartially and without bias or unlawful discrimination.</li> <li>• Providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust by the regulated community.</li> <li>• Ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this Policy.</li> <li>• Acting on any complaints or concerns about the conduct of officers in accordance with council’s complaints management policy and procedures.</li> <li>• Advising people and organisations subject to enforcement action of any avenues available to seek an internal or external review of a decision.</li> </ul>
Consistent	<ul style="list-style-type: none"> <li>• Ensuring compliance and enforcement action is implemented consistently.</li> <li>• Encouraging customer reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter.</li> </ul>
Proportional	<ul style="list-style-type: none"> <li>• Ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach.</li> <li>• Making cost effective decisions about enforcement action.</li> <li>• Taking action to address harm and deter future unlawful activity.</li> </ul>
Timely	<ul style="list-style-type: none"> <li>• Ensuring responses to reports alleging unlawful activity and decision making in relation to those is timely.</li> </ul>

**7 RESONSIBILITY**

Council receives information about alleged unlawful activity from members of the public, contact from other Government Agencies and information gathered by Council Officers during proactive inspections.

All Council staff who deal with reports alleging unlawful activity are responsible for implementing this policy. Council staff are also responsible for ensuring that any other possible unlawful activity identified as a result of an inspection, proactive enforcement or other activity is brought to the attention of the appropriate business unit of Council.

Only Council Officers with appropriate delegations from the Chief Executive Officer can undertake investigations or compliance and enforcement actions in relation to this Policy.



## GOULBURN MULWAREE COUNCIL

### ENFORCEMENT POLICY

Council staff are required to:

- Treat all relevant parties with courtesy and respect;
- Communicate with all relevant parties and provide feedback on the progress of an investigation and any reasons for delay without compromising the integrity of the investigation;
- Make full and proper records in relation to the assessment and investigation of reports alleging unlawful activity, including reasons for any decisions;
- Inform all relevant parties of reasons for decisions;
- Provide as much information as possible to all relevant parties about the outcomes of investigations to show that adequate and appropriate action was taken and/or is proposed to be taken in response to a report of alleged unlawful activity;
- Provide information to all relevant parties about any avenues to seek an internal or external review of a decision.

All reports alleging unlawful activity are to be entered into Council's customer request management system and actioned within the appropriate risk based time frame by the appropriate business unit.

#### **8 SUBMITTING REPORTS OF UNLAWFUL ACTIVITY**

Reports alleging unlawful activity will be recorded in Council's customer request systems and will be allocated a unique reference number. The report will be referred to the relevant Council Officer to commence any necessary action.

The name, address and contact details of the person submitting the report will also be recorded. This information is critical as Council may need to rely on evidence from the complainant to prove any alleged offence and commence enforcement action. Council will advise any complainants of the action, if any, taken or the reasons why no action was taken in the circumstances.

Council generally seeks to keep confidential, personal information identifying a complainant. However, Council may be required to disclose the identity of complainants in a variety of circumstances including the following:

- The matter proceeds to Court or legal proceedings are commenced and the information is disclosed in evidence served;
- When access to the information is permitted under Legislation, including the *Government Information (Public Access) Act 2009* or the *Local Government Act 1993*;
- The person consents to the disclosure;
- The disclosure is required to comply with the principles of procedural fairness;
- The disclosure is necessary to investigate the matter.

It should be noted that in some circumstances it may be possible for the identity of the person submitting the report to be ascertained purely by the nature of the allegation. Council will take seriously any concerns an individual may have about their physical safety being endangered as a result of making a report. However, this may limit Council's ability to investigate the matter.



## GOULBURN MULWAREE COUNCIL

### ENFORCEMENT POLICY

#### 8.1 What Council expects from people who report allegations of unlawful activity:

Council expects that people who report allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by Council. This includes:

- Providing a clear description of the problem (and the resolution sought, if relevant);
- Providing a clear description/account of the impact that the alleged activity is having;
- Giving all available and relevant information to Council, including any new information about the alleged activity that may become known to the person following the making of their report;
- Not giving any information that is intentionally misleading or wrong;
- Co-operating with Council's inquiries and giving timely responses to questions and requests for information;
- Treating Council's staff with courtesy and respect.

If these expectations of the individual are not met, Council may need to set limits or conditions on the continuation of the investigation or may need to restrict any further communications with the individual. Any unreasonable conduct will be dealt with in accordance with Council's *Unreasonable Complainant Conduct Policy*.

#### 8.2 Anonymous Reports:

Anonymous reports will be recorded and assessed in accordance with the requirements of this Policy. However, because it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate or investigate the allegations, therefore, these reports are less likely to warrant action and will be prioritised accordingly.

#### 8.3 Neighbour Disputes:

Council will at times receive reports from parties involved in neighbour disputes seeking Council's involvement. When a dispute between two neighbours is a civil matter, Council will often have no authority to resolve the issue in dispute. Some reports will raise several matters, some of which will require Council's involvement and some of which will be personal to the parties.

Council staff will thoroughly assess such reports to determine whether there is evidence of any possible unlawful activity requiring action by Council. Care will be taken to explain which aspects of a report council can deal with and which cannot be dealt with and why. Where possible, individuals will be provided with information about how to resolve neighbour disputes including referral information resources such as LawAccess NSW and Community Justice Centre's.

It is possible that one party may provide further information about a matter which changes Council's decision about whether it will become involved. In such circumstances, Council staff will carefully consider the matter before taking action and document reasons for the new decision. Relevant parties will be advised about the reasons Council has changed its position on a matter.

Council staff will not change a decision about whether or not Council should be involved purely as a response to the conduct of an individual such as persistent demands or threats.



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### ENFORCEMENT POLICY

#### 8.4 Complaints regarding Council Enforcement Actions:

Any complaints about Council's handling of reports alleging unlawful activity will be recorded separately and handled in accordance with Council's *Complaints Handling Policy* and associated procedures.

Where a person or organisation subject to enforcement action merely disputes Council's decision to take enforcement against them, they will be directed to make representations in accordance with any relevant internal and external appeal processes.

Council will act on any complaints about the conduct of compliance officers in accordance with Council's *Complaints Handling Policy*, procedures and the *Model Code of Conduct*.

#### 9 RESPONDING TO CONCERNS ABOUT UNLAWFUL ACTIVITY

Council will record every report alleging unlawful activity in the customer request management system. Council will provide a response to every such report unless the person raising the matter has indicated they do not wish to receive a response about Council's handling of the matter, or the report is anonymous.

Generally speaking, Council's objectives when dealing with reports alleging unlawful activity are to:

- Maintain the collective good and welfare of the community;
- Prevent or minimise harm to health, welfare, safety, property or the environment;
- Consider the broader public interest having regard to council's priorities and any resource limitations;
- Consider the report fairly and impartially.

Not all reports received can, will or need to be investigated. A preliminary assessment of all matters will be made to determine the priority for a response and a risk assigned in accordance with Council's customer request response procedure, to determine whether investigation or other action is required.

An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where the issues are complex. If Council decides to investigate, staff will give the person who reported the alleged unlawful activity regular feedback on the progress of the investigation, and any reasons for delay. This does not mean that the individual can expect to be given details about every aspect of the investigation or information that would compromise the integrity of the investigation.

Decisions about what action should be taken by Council are made at the Council's discretion. This means the objective is that reports alleging unlawful activity will be resolved to the satisfaction of Council, not necessarily the person raising the matter. Council will generally try to resolve matters as quickly and informally as possible to avoid the need to take formal action.

Council staff will endeavour to manage the expectations of people who report alleged unlawful activity, and in particular explain that in the absence of sufficient evidence of unlawful activity, Council may be unable to take further action. Council does not have unlimited resources and powers to deal with all reports alleging unlawful activity. If Council is unable to fully investigate or take action on a matter because it is restricted by any legal or resource limitations this will be explained to the individual. While there are certain statutory requirements that must be met in relation to notices and orders Council staff will ensure that all explanatory communications are made in plain English and explain any technical language the law requires to be used.



## GOULBURN MULWAREE COUNCIL

### ENFORCEMENT POLICY

#### 10 UNREASONABLE COMPLAINANT CONDUCT

Council has an obligation to use resources efficiently and effectively. While Council acknowledges a customer's entitlement to make requests and complaints, it reserves the right to cease responding to customers that continually exhibit unreasonable customer complaint behaviour including:

- a) Requests that place unreasonable demands on Council's staff;
- b) Requests that place unreasonable demands on Council's resources;
- c) Unreasonable persistence;
- d) Unreasonable lack of cooperation;
- e) Requests or complaints based on unreasonable arguments;
- f) Behaviour that is threatening, abusive or aggressive.

In the context of the above situations officers will follow Council's *Unreasonable Complainant Conduct Policy*.

#### 11 INVESTIGATING ALLEGED UNLAWFUL ACTIVITY

Not all reports alleging unlawful activity will warrant investigation. A preliminary assessment of all matters will be made to determine whether investigation or other action is required. Council will prioritise matters on the basis of risk to public safety, human health and environment in accordance with its Customer Request Response Procedure.

If there is insufficient information in the report to undertake a preliminary assessment, further information may need to be sought from the person who made the report or an inspection undertaken. Staff may also need to consult council records and other internal business units to understand the relevant history and context of a matter.

##### 11.1 Circumstances where no action will be taken:

Council will take no further action if, following a preliminary assessment, it is identified that:

- The report is not supported with evidence or appears to have no substance;
- Council does not have jurisdiction to investigate or is not the appropriate authority to take action on the issues raised.

Where there is another appropriate authority or course of action, council may bring the matter to the attention of the authority or provide information and contact details to the individual. For example, Safe Work NSW for workplace safety matters, the NSW Environment Protection Authority for possible environmental offences and licensed sites and Community Justice Centre's NSW for personal disputes;

- The report relates substantially to a matter previously determined by Council and no new or compelling information is presented which would cause Council to change its earlier decision. In this case, staff will acknowledge the report and advise that no further action will be taken as no new information had been provided (other than where the person has previously been advised they would receive no further response);
- The allegations relate to a lawful activity (e.g. where there is an existing approval or the activity is permissible without Council approval or consent being required);
- The relevant Business Manager, Director or the Chief Executive Officer determines that investigation or other action would have an unreasonable impact on resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.





## GOULBURN MULWAREE COUNCIL

### ENFORCEMENT POLICY

#### 11.2 Relevant factors guiding decisions as to whether action is taken:

When deciding whether to investigate, Council will consider a range of factors including whether:

- The activity is having a significant detrimental effect on the environment or it constitutes a risk to public safety;
- The report is premature as it relates to some unfinished aspect of work that is still in progress;
- The activity or work is permissible with or without permission;
- All conditions of consent are being complied with;
- How much time has elapsed since the events, the subject of the report, took place;
- Another body is a more appropriate agency to investigate and deal with the matter;
- It appears there is a pattern of conduct or evidence of a possible wide spread problem;
- The person or organisation reported has been the subject of previous reports;
- The report raises matters of special significance in terms of the Council's existing priorities;
- There are significant resource implications in relation to an investigation and any subsequent enforcement action;
- It is in the public interest to investigate the report.

The above are factors for Council to consider and weigh in making a determination. Council staff are not limited in their use of discretion by these considerations and may decide to investigate or not investigate based on these and other factors.

The objective of the processes Council staff use when investigating incidents of alleged unlawful activity, is to:

- Determine the cause of the incident;
- Determine if there has been a contravention of law, policy or standards;
- Gather evidence to the required standard to support any required enforcement action;
- Determine any necessary action to mitigate the possibility of reoccurrence of similar incident.

Any decision not to investigate an allegation of unlawful activity will be recorded and the reasons for that decision clearly stated to the complainant.

## 12 DECIDING WHETHER OR NOT TO TAKE ENFORCEMENT ACTION

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, council will consider the full circumstances and facts of the matter including the public interest. The following common considerations will assist Council staff in determining the most appropriate response in the public interest:

#### 12.1 Considerations about the alleged offence and impact:

- The nature, extent and severity of the unlawful activity, including whether the activity is continuing;
- The harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity;
- The seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature;
- The time period that has lapsed since the date of the unlawful activity.



## GOULBURN MULWAREE COUNCIL

### ENFORCEMENT POLICY

#### 12.2 Considerations about the alleged offender:

- Any prior warnings, cautions, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them;
- Whether the offence was committed with intent;
- Whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any Council requirements and instructions;
- Any mitigating or aggravating circumstances demonstrated by the alleged offender;
- Any particular circumstances of hardship affecting the person or organisation reported.

#### 12.3 Considerations about the impact of any enforcement action:

- The need to deter any future unlawful activity;
- Whether an educative approach would be more appropriate than a coercive approach in resolving the matter;
- The prospect of success if the proposed enforcement action was challenged in Court;
- The costs and benefits of taking formal enforcement action as opposed to taking informal or no action;
- What action would be proportionate and reasonable in response to the unlawful activity;
- Whether Council is prevented from taking action based on earlier advice given, i.e. whether an estoppel situation has been created.

#### 12.4 Considerations about the potential for remedy:

- Whether the breach can be easily remedied;
- Whether it is likely consent would have been given for the activity if it had been sought;
- Whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.

Prior to taking enforcement action, Council staff will take into account the above considerations as well as the evidence gathered during their investigation. Council staff must act impartially, be mindful of their obligations under Council's *Model Code of Conduct* and not act as a decision-maker in relation to any matter in which they have a personal interest. Enforcement action will not be taken purely as a response to the conduct of an individual such as persistent demands or threats.

Council staff are required to maintain records about critical thinking and decision-making processes in relation to reports alleging unlawful activity and any enforcement actions undertaken, as well as records of interactions with relevant parties. Council staff will at all times adhere to Council's internal processes prior to the commencement of any enforcement action.

Council staff will take all steps necessary to ensure that any enforcement action is taken against the correct person and/or organisation.

### 13 OPTIONS FOR DEALING WITH CONFIRMED CASES OF UNLAWFUL ACTIVITY

Council will use the most effective, informal option to deal with unlawful activity where ever possible unless there is little likelihood of compliance with such options. Council staff will use discretion to determine the most appropriate response to confirmed cases of unlawful activity and may take more than one approach.

Any enforcement action taken by Council will depend on the full circumstances and facts of each case, with any decision being made on individual merits of each case.



**GOULBURN MULWAREE COUNCIL**

**ENFORCEMENT POLICY**

At all times, Council's key concerns are:

- To prevent or minimise harm to health, welfare, safety, property or the environment;
- To influence behaviour change for the common good and on behalf of the community.

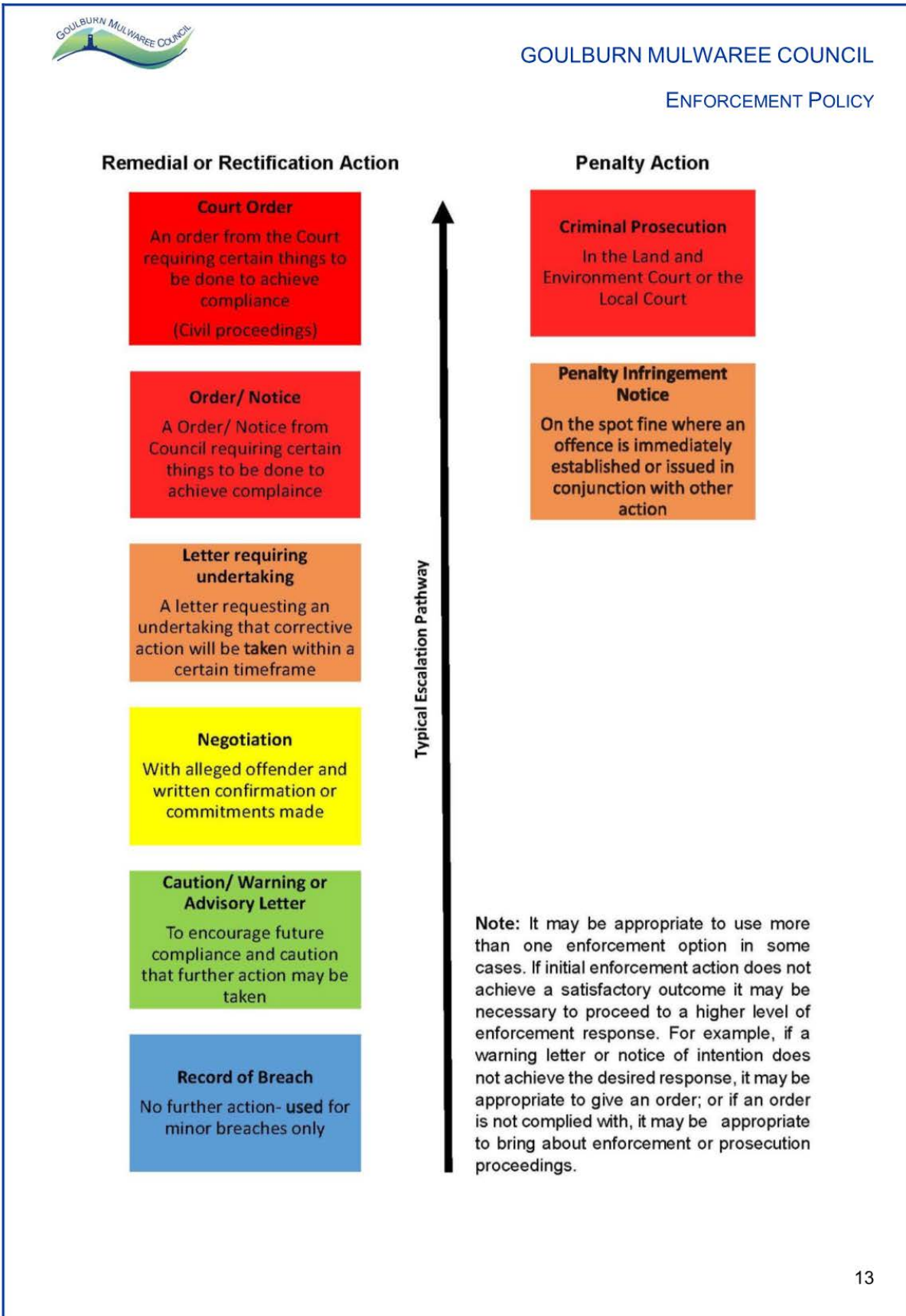
There are a range of enforcement actions available to Council officers as shown in Figure 1. It should be noted, however, that enforcement options are not necessarily mutually exclusive. For example, in some circumstances it may be appropriate to simultaneously issue an Order and a Penalty Infringement Notice or in dealing with straightforward matters of unlawful activity where the matter is resolved at the time of action Council may determine to address the matter by way of issuing a Penalty Infringement Notice and take no further action for example when addressing parking or roaming dog offences.

**13.1 Following up enforcement action:**

All enforcement action will be reviewed and monitored to ensure compliance with any undertakings given by the subject of enforcement action or advice, directions or orders issued by Council. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary. If the unlawful activity has ceased or the work has been rectified, the matter will be resubmitted for follow up action to ensure compliance outcomes are met. Should initial enforcement action be found to have been ineffective, Council staff will consider other enforcement options.

**13.2 Figure 1: Enforcement actions available to Council:**

The Figure on the following page depicts the typical escalation pathway that may be followed by Council in undertaking enforcement action for unlawful activity. Council may however commence enforcement at any step in the below process based on the considerations in Item 12 and 13 of this Policy.





## GOULBURN MULWAREE COUNCIL

### ENFORCEMENT POLICY

#### 14 TAKING LEGAL ACTION

Council and delegated staff will be guided by legal advice in deciding whether to commence criminal or civil proceedings and will consider the following:

- whether there is sufficient evidence to establish a case to the required standard of proof;
- whether there is a reasonable prospect of success before a Court;
- whether the public interest warrants legal action being pursued;
- time within which to commence proceedings.

##### 14.1 Whether there is sufficient evidence to establish a case to the required standard of proof:

Council considers the decision to take legal action a serious matter, and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof.

The basic requirement of any criminal prosecution is that the available evidence establishes a prima facie case. The prosecutor is required to prove the elements of the offence beyond reasonable doubt.

In civil enforcement proceedings, Council will require sufficient evidence to satisfy the Court that an actual or threatened breach has occurred on the balance of probabilities.

##### 14.2 Whether there is a reasonable prospect of success before a Court:

Given the expense of legal action Council will not take legal action unless there is a reasonable prospect of success before a Court. In making this assessment, Council staff will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defenses, and any other factors which could affect the likelihood of a successful outcome.

##### 14.3 Whether the public interest warrants legal action being pursued:

The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. In making this determination, the same factors to be considered when taking enforcement action apply.

The following considerations relate more specifically to the decision to commence legal proceedings and will assist Council and its delegated staff in making this determination:

- the availability of any alternatives to legal action;
- whether an urgent resolution is required (Court proceedings are lengthy processes);
- the possible length and expense of Court proceedings;
- any possible counter-productive outcomes of prosecution;
- what the effective sentencing options are available to the Court in the event of conviction;
- whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.

##### 14.4 Time within which to commence proceedings:

Council staff must be aware of legislative time limits in which enforcement proceedings must be commenced. Sometimes legal action will be statute barred despite good evidence that unlawful activity has occurred.



## GOULBURN MULWAREE COUNCIL

### ENFORCEMENT POLICY

#### 15 SHARED ENFORCEMENT RESPONSIBILITIES

Some reports will raise matters involving shared regulatory responsibilities between Council and other authorities including the Environment Protection Authority, NSW Police, NSW Liquor and Gaming, NSW Fair Trading, NSW Food Authority and Crown Lands.

Council recognises that collaboration and co-operation between authorities to address issues of shared regulatory responsibility, in this regard, where there are shared legislative responsibilities, Council staff will work with relevant authorities to establish:

- Which authority will take the leading role on any joint investigation;
- Which activities each authority will carry out;
- Responsibilities for updating an individual where relevant;
- Protocols for exchanging confidential information between the relevant authorities.

Council will reasonably endeavor to respond to requests for information or assistance on joint regulatory matters in a timely manner.

#### 16 ROLE OF COUNCIL WHERE THERE IS A PRIVATE CERTIFIER

Where a Private Certifier has been appointed as the Principal Certifier (PC) for a site the Council recognises that the Private Certifier is the authority responsible for ensuring compliance with the conditions of development consent.

Persons making complaints regarding a site under the supervision of a Private Certifier will be advised to contact the Private Certifier in the first instance. This will provide the Private Certifier an opportunity to address the issues and take appropriate action as necessary. Although Private Certifiers have limited enforcement powers as the PC, they are required to issue a Written Directions Notice for non-compliances where they become aware of a breach or possible breach as detailed under the *Environmental Planning and Assessment Act 1979*.

Should the Private Certifier fail to use their enforcement powers to address the issue raised within a reasonable timeframe, Council may act to investigate the matter and refer the conduct of the Private Certifier to NSW Fair Trading.

It must be noted that Council is not the regulator of Private Certifiers and any complaints from the public about the conduct of Private Certifiers must be directed to NSW Fair Trading.

Council will endeavor to work with Private Certifiers to resolve any issues when they arise to achieve compliance with the development consent or complying development certificate. Council staff will take steps to ensure individuals are clear about which agency performs which role.

#### 17 ROLE OF COUNCILLORS IN ENFORCEMENT

Compliance and enforcement matters are sensitive and easily susceptible to allegations of impropriety, bias or inconsistency. To manage the risk associated with these functions and in accordance with the *Model Code of Conduct*, Councillors must carefully consider their role and the provisions of the Code of Conduct and Local Government Act prior to any perceived or actual involvement with a compliance matter or regulatory action.

Decision making relating to the investigation of reports alleging unlawful activity and taking enforcement action is the responsibility of appropriately authorised Council officers or the Council itself.



## GOULBURN MULWAREE COUNCIL

### ENFORCEMENT POLICY

Individual Councillors are not permitted to direct Council staff in their day-to-day activities. Councillors can help individuals who raise concerns with them by satisfying themselves that their Council's policies are being carried out correctly, however, they cannot ignore or alter a policy in order to satisfy the demands of special groups or individuals or seek to influence or change an enforcement action.

The Chief Executive Officer may present certain decisions to be ratified by the elected Council if this is necessary or desirable, and Councillors may have the right to call for a report about particular issues to a Council meeting.

#### 18 DELEGATIONS

Council staff delegations for taking action under this policy are detailed in Council's Delegation Register.

#### 19 REVIEW

This policy is to be reviewed at least every two years or as circumstances warrant (e.g. when changes to legislation are enacted or where a particular judicial decision may have an impact on the procedures or process outlined in this policy).

#### 20 RELATED COUNCIL POLICIES

This policy is distinct from Council's *Complaint Handling Policy* as it does not respond to expressions of dissatisfaction received by Council relating to the business of Council or the action/s of Council staff or agents.

This policy references Councils *Unreasonable Complainant Conduct Policy* and the processes referred to therein.

#### 21 RELATED DOCUMENTS

This policy is adapted for Council from the NSW Ombudsman '*Model Compliance and Enforcement Policy*' (2015).

Council officers undertaking compliance or enforcement actions under this policy may also reference the following related documents in addition to others not detailed, in determining appropriate actions.

- *Caution guidelines under the Fines Act, 1996*. Attorney General (2010).
- *Enforcement Guidelines for Councils*. NSW Ombudsman (2015).
- *Guideline on the exercise of functions under the Companion Animals Act*. Office of Local Government (2015).
- *Powers and Notices- Guideline for Authorised Officers and Enforcement Officers under the Protection of the Environment Operations Act, 1997*. NSW Environment Protection Authority (2021).
- *Prosecution Guidelines*. NSW Department of Planning, Industry and Environment (2021).



## GOULBURN MULWAREE COUNCIL

### ENFORCEMENT POLICY

#### APPENDIX 1 - APPLICABLE LEGISLATION

The Policy applies, but is not limited to, Council's responsibilities under the following Acts, their associated Regulations and any subsequent legislative amendments:

- Australian Road Rules 2014
- Biodiversity Conservation Act 2016
- Biosecurity Act 2015
- Boarding Houses Act 2012
- Building and Development Certifiers Act 2018
- Companion Animals Act 1998
- Contaminated Land Management Act 1997
- Crown Land Management Act 2016
- Environmental Planning & Assessment Act 1979
- Fines Act 1996
- Food Act 2003
- Impounding Act 1993
- Liquor Act 2007
- Local Government Act 1993
- Plumbing and Drainage Act 2011
- Protection of the Environment Operations Act 1997
- Public Health Act 2010
- Roads Act 1993
- Road Transport Act 2013
- Rural Fires Act 1997
- Swimming Pool Act 1992





## GOULBURN MULWAREE COUNCIL

### ENFORCEMENT POLICY

#### APPENDIX 2 - DEFINITIONS

The following are the definitions of key terms in this Policy:

**Appropriate Regulatory Authority (ARA):**

Refers to the agency or body responsible for enforcing a particular regulation. Council is not the appropriate regulatory authority for all enforcement matters.

**Complaint:**

A complaint is an expression of dissatisfaction made about council services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

For the purposes of this policy, a complaint does not include:

- a report alleging unlawful activity (see definition below);
- a request for information about a council policy or procedure;
- a request for an explanation of actions taken by council;
- a request for internal review of a council decision.

**Enforcement:**

Actions taken in response to serious or deliberate contraventions of laws.

**Regulation:**

Using a variety of tools and strategies to influence and change behaviour to achieve the objectives of an Act, Regulation or other statutory instrument administered by Council.

**Report alleging unlawful activity:**

An expression of concern or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.

**Unlawful activity:**

Any activity or work that has been or is being carried out contrary to the below and/or failure to take required action in order to be compliant with:

- terms or conditions of a development consent, approval, permit or license;
- an environmental planning instrument that regulates the activities or work that can be carried out on particular land;
- a legislative provision regulating a particular activity or work;
- a required development consent, approval, permission or license.



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ENFORCEMENT POLICY

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	2 June 2020	2020/207	12 August 2020	12 August 2020
<b>All policies can be reviewed or revoked by resolution of Council at any time.</b>				

**DIRECTORATE:** Planning & Environment

**BUSINESS UNIT:** Environment & Health



## **Request for DA Information Matrix Policy**



## GOULBURN MULWAREE COUNCIL REQUEST FOR DA INFORMATION MATRIX POLICY

### POLICY OBJECTIVE

The Objectives of this policy are to:

- Establish clear and consistent guidance around the issuing of requests for information relating to Development Applications;
- Allow for the efficient assessment of complete applications; and
- Provide Developers with certainty around determination times.

### LEGISLATIVE PROVISIONS

*Local Government Act 1993*

*Environmental Planning and Assessment Act 1979*

### POLICY STATEMENT

Environmental Planning and Assessment (Statement of Expectations) Order 2021 was made by the Minister for Planning & Public Space on 26 November 2021. The Order:

- sets out clear expectations as to what constitutes an efficient and effective planning system to support a strong economy and delivering better places; and
- sets benchmarks for Council performance for development assessment.

The Minister's expectations outlined in the Order state a Council should:

- prepare an assessment report for a regionally significant development application and refer it to the relevant Regional Panel as soon as practicable and no longer than 250 days from lodgement;
- determine a development application for which it is the consent authority as soon as practicable and no longer than 180 days from lodgement; and
- report a development application for which its functions as a consent authority are exercisable by the local planning panel to the panel for determination within four (4) weeks of a request from the panel chair.

The Order sets out the heads of consideration to be taken into consideration in exercising the Minister's powers under s9.6(1)(b) of the Environmental Planning and Assessment Act, in appointing a planning administrator or a regional panel to exercise functions of a council including:

- whether or not the Council has failed to meet the Minister's expectations in relation to council performance.

The NSW Department of Planning and Environment's 'Development assessment best practice guide' recommends utilisation of Council's prelodgement service for more complex proposals and the lodgement of complete applications supported by the necessary plans, documents and professional reports.

To assist with the efficient assessment of development applications, requests for information will adhere to the timeframes in the Matrix table below. If no response is received from the applicant during the relevant period, Council will proceed to complete an assessment of the application and make a determination based on the information that is available at that point in time.

Exceptions to the timeframes within the Matrix table can be considered including in the following circumstances:



**GOULBURN MULWAREE COUNCIL  
REQUEST FOR DA INFORMATION MATRIX POLICY**

- Matters relating to the regularisation of unauthorised development where there is a demonstrated need for additional time (whether or not premises is subject to a Development Control Order).
- Instances where written advice has been received from an industry professional (accredited if required by field of practice) that indicates a need for longer lead times in order to prepare specific reports.

Requests for variations to the timeframes within the Matrix table are:

- To be considered on merit.
- Applicants are to have demonstrated that sufficient and reasonable efforts have been undertaken to adequately prepare a comprehensive and complete application.
- Variations will not be endorsed where it is considered appropriate for the development application to be withdrawn and resubmitted once the necessary information can be procured.
- Any variation must be endorsed by the Business Manager Planning & Development.

**Application of Requests for Information**

The table below outlines how and when a request for information is applied:

<b>MATRIX</b>	Matters that have minimal environmental impact	Matters that have moderate environmental impact	Matters that have significant or severe environmental impact or impact upon public health or safety
<b>Small scale development</b> (Single dwelling, ancillary development, commercial shop fitout, first use DA's, etc.)	14 days	21 days	28 days
<b>Medium scale development</b> (Attached dwellings, Secondary dwellings, subdivisions less than 20 lots, change of use DA's, industrial/commercial less than 500m <sup>2</sup> , etc)	14 days	21 days	28 days
<b>Large scale development</b> (Multi-unit residential, subdivisions 20 lots or more, industrial/commercial, 500m <sup>2</sup> or more, etc)	21 days	28 days	35 days
<b>Designated Development</b>	28 days	35 days	42 days

**Note 1:** Unless otherwise legislated, external stakeholders, including Government agencies will also be required to adhere to the above timeframes in responding to referrals. If no response is received in the allocated timeframe, it will be taken as though the stakeholder does not wish to make comment.

**Note 2:** Days are defined as calendar days.



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REQUEST FOR DA INFORMATION MATRIX POLICY

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	18 May 2021	2021/200	18 May 2021	30 July 2021
<b>All policies can be reviewed or revoked by resolution of Council at any time.</b>				

**DIRECTORATE:** Planning & Environment

**BUSINESS UNIT:** Planning & Development



## **Use of Crown Roads for Development Policy**



## GOULBURN MULWAREE COUNCIL USE OF CROWN ROADS FOR DEVELOPMENT POLICY

### POLICY OBJECTIVE

The objective of this Policy is to outline the assessment requirements, construction standards and maintenance implications for use of Crown Roads to facilitate the development of adjoining land.

### LEGISLATIVE PROVISIONS

*Biodiversity Conservation Act 2016*  
*Crown Land Management Act 2016*  
*Environmental Planning & Assessment Act 1979*  
*Roads Act 1993*  
*Rural Fires Act 1997*  
*State Environmental Planning Policy (Biodiversity and Conservation) 2021*

### POLICY STATEMENT

#### Consultation with NSW Department of Planning & Environment

When assessing a Development Application the proposed access arrangements form a relevant consideration that must be suitably addressed.

Prior to the lodgement of a Development or s.138 Application that proposes to use a Crown Road (or portion thereof) for access to a development site, the developer must consult with the NSW Department of Planning and Environment (DPE) in the first instance to:

- a) Confirm the road is a Crown Road. (If the road is not a Crown Road, then this policy does not apply, and a Development Application may be lodged with Council in the normal manner).
- b) Obtain DPE's comments on whether the portion of the Crown Road is required to be transferred to Council.

#### Council Considerations in Assessing a Road Transfer Proposal

Where works to a Crown Road are required as part of a proposed Development Application or a separate application under s.138 *Roads Act 1993* that will necessitate a road transfer, Council will require the following:

- a) A plan that defines the extent of the Crown Road (or portion thereof) proposed to be transferred including a boundary delineation survey that identifies the location of the existing road infrastructure in relation to property boundaries and natural features;
- b) Stakeholder consultation as required;
- c) How many properties currently use the Crown Road or will benefit from the road transfer;
- d) Justification for the proposed use that triggers the transfer of the Crown Road including an assessment of alternative access options and why these options are not feasible;
- e) An assessment of the broader community benefits and impacts of the proposed Crown Road transfer;
- f) An assessment of the bushfire threat including any required compliance with *Planning for Bush Fire Protection 2019* (as amended);
- g) An assessment of any required native vegetation clearing;
- h) An assessment of any proposed works within 40m of, or over a watercourse or drainage line;





**GOULBURN MULWAREE COUNCIL  
USE OF CROWN ROADS FOR DEVELOPMENT POLICY**

- i) An assessment of the potential for the Crown Road reserve to contain Aboriginal Cultural Heritage;
- j) An assessment of any plans, dealings, or gazettes relating to easements which impact upon or adjoin the Crown Road to be transferred; and
- k) An assessment of the current road condition and construction against Council’s engineering standards that clearly identifies issues of non-compliance.

**Consent by Council**

Council will consult with DPE as part of the assessment of the application. Any Development Consent issued or Planning Agreement entered into by Council will stipulate the standard of road required to be provided as a consequence of the proposed works.

Road standard requirements will fall into one of the following categories:

Category 1 – The Existing Road Standard is Acceptable

The existing road and infrastructure is considered suitable for the proposed transfer with no upgrade works required. In this instance, Council will not impose Consent conditions for road improvements.

Category 2 – Road Standard for Minor Development

The road to be upgraded to the standard for minor development i.e. a new dwelling, up to two (2) lot subdivision:

- 4m wide gravel carriageway;
- Shoulders of 1.5m wide each side (can be unformed);
- Curves to have a minimum inner radius of 6m;
- Maximum longitudinal gradient 12%;
- Passing bay every 200m with minimum dimensions of 20m x 2m;
- Minimum vertical clearance to overhanging obstructions, including tree branches of 4m;
- Guide posts to Australian Standards;
- Roadbase – a minimum of 150mm thick, with 20-50 mm maximum gravel size;
- Crowned or single graded cross section to shed water. Maximum crossfall of 12%;
- Table drains or other measures to prevent stormwater over the road;
- Concrete culverts with headwalls at watercourse crossings. The culvert size to be determined by design for 10yr ARI or, if not, a minimum of 375mm;
- If a public road then public road fencing to both sides.

Category 3 – Road standard for other development

The standard of road required for other development will be assessed on a case by case basis. A summary of standards for rural roads is provided below:

Lots Served <sup>1</sup>	Seal Width <sup>2</sup> (m)	Shoulder Width	Design Speed (km/h)
Up to 10	5 <sup>3</sup>	2 x 1m	60
Up to 50	6	2 x 1m	80
Over 50	7	2 x 1m	100



## GOULBURN MULWAREE COUNCIL USE OF CROWN ROADS FOR DEVELOPMENT POLICY

### Notes:

1. If development is for a use other than rural lots, then substitute 9 trips for 1 lot;
2. Road widths shall be uniform along the length of a road. Changes of width are only permissible at intersections;
3. If this road commences from a road of substantial length of unsealed road, then sealing may be omitted.
4. Road reserve width shall be minimum 20m in all cases;
5. Cul-de-sac turning heads to be 12m radius plus shoulders; and
6. Rural residential subdivisions with lot sizes up to 2,000sqm shall have roads with kerb and gutter and shall comply with the requirements of urban roads.

### **The Requirement to Transfer the Road to Council**

Crown Roads will be transferred to Council when upgrade works are required to the road infrastructure or when DPE requires the Crown Road to be transferred to Council.

### **Road Naming and Rural Addressing**

Crown Roads that are transferred to Council must be named, and sign posted, and all lots along the road shall be rural addressed as part of the transfer process. While Council administers rural addressing, the cost of rural addressing is borne by the developer.

Where DPE retains Crown Roads, the roads will not be named.

### **Maintenance Responsibility**

#### Crown Roads not transferred to Council

In relation to Category 1 roads referred to above, where the road is not transferred to Council, Council will not maintain the road infrastructure as it is not the roads authority.

DPE may consider approving minor works to treat or conserve pre-existing access conditions, or establish access. The costs of any minor works approved by DPE are the responsibility of the proponent.

#### Crown Roads transferred to Council

In relation to Category 2 and 3 roads where a Crown Road is transferred to Council, the maintenance of these roads will be undertaken by Council subject to normal protocols and budget allocations.

### **Further information**

- NSW Department Planning & Environment - Lands & Water  
*Goulburn Office*  
Government Office Block, 2nd Floor  
159 Auburn Street, Goulburn NSW 2580



**GOULBURN MULWAREE COUNCIL  
USE OF CROWN ROADS FOR DEVELOPMENT POLICY**

- NSW Department of Planning & Environment – Lands & Water  
 PO Box 2185  
 Dangar NSW 2309  
**Phone: 1300 886 235 (Australia wide)**  
 Phone: +61 2 9842 8200 (International)  
[cl.enquiries@crowmland.nsw.gov.au](mailto:cl.enquiries@crowmland.nsw.gov.au)  
[www.dpie.nsw.gov.au](http://www.dpie.nsw.gov.au)
  
- Goulburn Mulwaree Council  
 Locked Bag 22  
 Goulburn NSW 2580  
 Phone: (02)4823 4444

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	16 April 2013	13/136	7 June 2013	7 June 2013
2	8 October 2013	13/416	22 November 2013	22 November 2013
3	18 July 2017	2017/316	18 August 2017	18 August 2017
4	16 October 2018	2018/427	4 March 2019	4 March 2019
<b>All policies can be reviewed or revoked by resolution of Council at any time.</b>				

**DIRECTORATE:** Planning & Environment

**BUSINESS UNIT:** Planning & Development



## GOULBURN MULWAREE COUNCIL USE OF CROWN ROADS FOR DEVELOPMENT POLICY

### APPENDIX 1

#### Step 1

*Is the land a Crown Road or Crown Reserve?*

Contact: [goulburn.crownlands@crowland.nsw.gov.au](mailto:goulburn.crownlands@crowland.nsw.gov.au)

If the land is a Crown Reserve, it is not a road and therefore does not provide legal access.

*Is the land a Council Road?*

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

#### Step 2

*If the road is Crown Road you will need to determine if the road is required to be transferred to Council.*

Refer to Council minimum road requirements.

*Does the road currently comply?*

If Yes - No road transfer is required. If No continue to Step 3.

#### Step 3

*If the land is Crown and the current road width and condition does not comply, you will need to apply to transfer the road to Council as part of any Development Application or separately as a Section 138 Road Act construction approval including:*

- An application and the required fee for road transfer must be lodged with DPE Lands and Water to enable gazettal of the Crown Road. This transfer application must be completed by Council with the fee paid and plan to be completed by the proponent. Council will not consent to the transfer until all the steps have been fully completed and there is a benefit to accepting the transfer of the Crown Road to Council.
- If Council declines to accept control of the road, the DPE can only approve minor works upon application to DPE.
- Any road design and construction will need to comply with Council's minimal standard as defined in Categories 1, 2 and 3 in this policy.
- To determine whether your property is identified as bush fire prone check council's Bush Fire Prone Land Map, or a s10.7 Planning Certificate for your property which can be obtained from Council. Check with Council to ensure the Bush Fire Prone Land Map and 10.7 Certificate that you are working from are the most recent.



## GOULBURN MULWAREE COUNCIL USE OF CROWN ROADS FOR DEVELOPMENT POLICY

### APPENDIX 2

The Crown Road should comply with Council's requirements or the Planning for Bushfire Protection (whichever is the greater).

The road should comply with Council's minimum requirements or the Rural Fire Services *Planning for Bushfire Protection Guide* 20019 as amended (whichever is the greater).

The ability of the DPE to authorise works on Crown Roads is limited to what constitutes "minor works".

The Policy should reference RFS Planning for Bushfire Protection Guide 20019 (or as amended) which can be found at <http://www.rfs.nsw.gov.au/resources/publications/building-in-a-bush-fire-area>

Other useful links are referenced below:

1. **Biodiversity Assessment & Approvals Decision Support Tool** – takes you through some questions to determine which pathway to go down if there is clearing involved with a DA or someone wants to clear vegetation on their land.

[www.olg.nsw.gov.au/biodiversity-assessment-and-approvals-navigator](http://www.olg.nsw.gov.au/biodiversity-assessment-and-approvals-navigator)

2. **Biodiversity Offsets Scheme Entry Requirements** – this provides an overview of the scheme and links to further information + provides a link to the User Guide for the Biodiversity Values map below which tells you how to search properties etc.

[www.environment.nsw.gov.au/biodiversity/entryrequirements.htm](http://www.environment.nsw.gov.au/biodiversity/entryrequirements.htm)

3. **Biodiversity Values Map** – this is the map that identifies areas where the Biodiversity Offset Scheme applies (and additional info is required for DAs) if the clearing isn't triggered by the thresholds in the table above.

<https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>

4. **Native Vegetation Regulatory Map** – this pages provides the link to the map that assists with working out the approval pathway for vegetation clearing in rural areas (not associated with a DA).

[www.environment.nsw.gov.au/biodiversity/regulatorymap.htm](http://www.environment.nsw.gov.au/biodiversity/regulatorymap.htm)

Note:

Development proposals on bush fire prone land are required to comply with *Planning for Bush Fire Protection 2019* published by the New South Wales Rural Fire Service (NSW RFS) which can be found on the Rural Fire Services web site <http://www.rfs.nsw.gov.au/resources/publications/>. Development applications (DAs) are usually assessed by the consent authority (usually the local Council) and are supported by a bush fire risk assessment report. Certain applications also require formal consent from, or consultation with, the NSW RFS.



## **Swimming Pool Barriers Policy**



## GOULBURN MULWAREE COUNCIL SWIMMING POOL BARRIERS POLICY

### POLICY OBJECTIVE

This Policy aims to reduce the drowning of young children by implementing an effective swimming pool barrier inspection program.

### LEGISLATIVE PROVISIONS

The *Swimming Pools Act, 1992*  
The *Swimming Pools Regulation, 2018*

### POLICY STATEMENT

Council is required by the *Swimming Pools Act 1992* to develop and adopt a program for the inspection of swimming pools in the Goulburn Mulwaree Local Government Area.

### POLICY SCOPE

This policy is limited to the mandatory pool inspection program as required by section 22B of the *Swimming Pool Act 1992*. The definition of *swimming pool* in this policy is the same as defined in Section 3 of the *Swimming Pools Act 1992*.

The requirement for inspections of newly constructed swimming pools or swimming pools on properties for lease or sale are not part of this policy and are covered by provisions of other legislation including the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, *Conveyancing (Sale of Land) Regulation 2010* and the *Residential Tenancies Regulation 2010*.

### SWIMMING POOL BARRIER INSPECTION FREQUENCY

Unless there is a valid certificate of compliance or a relevant occupation certificate has been issued within the previous 3 years, a swimming pool compliance certificate is required to be issued for swimming pools at the following frequency:

3 Years:

- Tourist and visitor accommodation such as:
  - Hotel or motel accommodation
  - Bed and breakfast accommodation
  - Farm stay accommodation
  - Backpackers' accommodation
  - Serviced apartments
- Multi-residential development containing more than 2 dwellings

5 Years:

- Single dwellings
- Dual occupancies including secondary dwellings.



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SWIMMING POOL BARRIERS POLICY**

A swimming pool compliance certificate may be issued by Council or an appropriately registered certifier.

**SWIMMING POOL BARRIER INSPECTION PROGRAM**

In accordance with legislative requirements Council has prepared a *Swimming Pool Barrier Inspection Program*. The program includes procedural details of:

- how to identify swimming pools to be included in the program;
- investigation of complaints; and
- the notification requirements for pools that are identified to require a current swimming pool compliance certificate.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	1 March 2016	16/68		
2	7 June 2016	16/214	7 June 2016	7 June 2016
3	6 June 2017	17/195	6 June 2017	7 July 2017
<b>All policies can be reviewed or revoked by resolution of Council at anytime.</b>				

**DIRECTORATE:** Planning & Environment

**BUSINESS UNIT:** Planning & Development





## **Swimming Pool Barrier Inspection Program**

## BACKGROUND

Drowning is a leading cause of accidental death in very young children in NSW. With over 350,000 backyard swimming pools in NSW, swimming pool safety is a serious issue that affects the whole community ([www.royallifesaving.com.au](http://www.royallifesaving.com.au)). Proper adult supervision is the most effective measure in pool safety, however a well-maintained child-resistant pool barrier is also key to preventing small children's unsupervised access to backyard swimming pools and spa pools.

## INTRODUCTION

Local Councils in NSW are required to develop and adopt a mandatory pool barrier inspection program. As part of this requirement, the local authority must also establish and implement a strategy for the engagement with the local community when developing the program.

## POOL BARRIER PROGRAM AIM

The aim of the program is to allow Goulburn Mulwaree Council (Council) to comply with the requirements of the *Swimming Pools Act 1992* (the Act) and to lower the risk of young children drowning within the Goulburn Mulwaree Local Government Area.

## COMMUNITY ENGAGEMENT STRATEGY

Council's strategy for community engagement will include the following mechanisms to inform the community of the pool barrier inspection program:

1. The Swimming Pool Barriers Policy and Swimming Pool Barrier Inspection Program are placed on public exhibition for 1 month prior to endorsement by Council.
2. The Swimming Pool Barrier Inspection Program is made available for viewing on Council's website.
3. Swimming pool barrier fact sheets and/or guides will be made available on Council's website.
4. When a swimming pool is identified as requiring a valid swimming pool compliance certificate, other than a swimming pool the subject of a complaint from the public, twenty-eight days' notice in writing will be provided by Council to the property owner that a current certificate of compliance is to be obtained.
5. Notification of the inspection of swimming pool barriers that are the subject of complaint shall be in accordance with Chapter 8 Part 2 of the *Local Government Act 1993*.

## SWIMMING POOL OWNERS RESPONSIBILITIES

Swimming pool owners are required to register their swimming pools on an on-line register provided by the NSW State Government - [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au)  
Pool owners are required to maintain a compliant pool barrier at all times.

## GOULBURN MULWAREE POOL BARRIER INSPECTION PROGRAM

### Mandatory Inspections

Unless there is a valid certificate of compliance or a relevant occupation certificate has been issued within the previous 3 years, a swimming pool compliance certificate is required to be issued for swimming pools at the following frequency:

3 Years:

- Tourist and visitor accommodation such as:
  - Hotel or motel accommodation
  - Bed and breakfast accommodation
  - Farm stay accommodation
  - Backpackers' accommodation
  - Serviced apartments
- Multi-residential development containing more than 2 dwellings

5 Years:

- Single dwellings
- Dual occupancy including secondary dwellings

A swimming pool compliance certificate may be issued by Council or an appropriately registered certifier.

### Other Inspections

Council may also be requested to conduct inspections to issue a compliance certificate for swimming pools on properties for lease or for sale in accordance with the requirements of the *Conveyancing (Sale of Land) Regulation 2010* and the *Residential Tenancies Regulation 2010*.

## INSPECTION FEES

The Act allows Council to charge a fee for an inspection conducted by an authorised officer that is consistent with the fee prescribed by the *Swimming Pool Regulation 2018*. Council cannot charge a separate fee for the issuing of the Swimming Pool Compliance Certificate. The initial inspection fee is \$150 and one reinspection is \$100.

## INVESTIGATING COMPLAINTS

Council will inspect any swimming pool that is the subject of a complaint to ensure that the pool barrier is installed and maintained in accordance with the *Swimming Pools Act, 1992*.

Council will commence an investigation of a complaint as far as practical within 72 hours of being notified of the complaint. Council will notify the property owner or occupier in

accordance with Chapter 8 Part 2 of the *Local Government Act 1993* to allow Council officers to access to the property for the purposes of undertaking a compliance inspection.

### **SIGNIFICANT SAFETY RISKS**

Where significant safety risks relating to a swimming pool barrier are identified, Council may require the owner to erect a temporary swimming pool barrier until such time as a permanent barrier can be installed. In certain circumstances, Council may require a swimming pool to be emptied until a swimming pool barrier that complies with AS1926.1-2021 is erected. An example of this may be where Council becomes aware that an above ground or inflatable pool does not have a complying barrier.

### **SWIMMING POOL EXEMPTION CERTIFICATE**

Section 22 of the *Swimming Pool Act, 1992* provides that the owner of any premises in or on which a swimming pool is situated, or proposed to be constructed, may apply to Council for an exemption for the subject pool from all or any of the requirements of the *Swimming Pool Act, 1992*.

For an exemption to be granted, the Council must be satisfied that it is impracticable or unreasonable for the swimming pool to comply with the requirements due to:

- Special circumstances exist justifying the granting of an exemption.
- An alternative provision, no less effective than those requirements, exists for restricting access to the swimming pool.

An exemption may be granted unconditionally or subject to such conditions as the Council considers appropriate to ensure that effective provision is made for restricting access to the swimming pool.

The application fee associated with a Swimming Pool Barrier Exemption Certificate is contained within Council's Fees and Charges.

**15.11 OUTDOOR DINING POLICY REVIEW**

**Author:** Senior Strategic Planner  
 Director Planning & Environment

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** 1. Outdoor Dining Policy

<b>Link to Community Strategic Plan:</b>	13. Our Community CO3 Foster and encourage positive social behaviours to maintain our safe, healthy, and connected community.
<b>Cost to Council:</b>	The review of the Outdoor Dining Policy is being carried out in house
<b>Use of Reserve Funds:</b>	N/A.

**RECOMMENDATION**

That:

1. The report on the Outdoor Dining Policy review is received.
2. The amended Outdoor Dining Policy in Attachment 1 is placed on public exhibition for comment.
3. Council provide an exemption pathway under section 125 of the *Roads Act*, subject to conditions stipulated on an exemption notification form submitted to Council.

**BACKGROUND**

The Outdoor Dining Policy has been reviewed as a part of a comprehensive review of all Council policies. Additionally, the NSW Government has taken initiatives (due in part to the pandemic) to stimulate the local economy and encourage social activity and activation in public spaces through providing further planning exemptions for outdoor dining.

The Alfresco Restart Package was initiated by the NSW Government, to support food, drink, entertainment, arts and cultural business in the economic recovery phase. Part of this included the introduction of outdoor dining as exempt development (as a temporary measure until December 2023), meaning that development consent is no longer required during the exemption period. The aim of the exemptions is to ensure that outdoor dining can be facilitated easily and efficiently with little cost to the development proponent.

The Outdoor Dining Policy may require a review in late 2023/2024 should the State decide not to extend the exemption period.

**REPORT**

Introduction

The Outdoor Dining Policy (the Policy) has been reviewed and a number of changes are required to be made. These are mainly in response to legislative changes under the *Environmental Planning and Assessment Act 1979*, which result in exemptions for certain activities thereby making some of the provisions in the existing Policy redundant.

## Review

The existing Council Policy is more onerous than that contained within *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. This is due to subsequent NSW Government policy initiatives for businesses that suffered during the COVID pandemic. These initiatives are intended to give some relief to businesses during the economic recovery phase, by reducing the number of approvals required.

The State Policy enables outdoor dining to occur on a footpath under most circumstances, if it is associated with a lawful "*Food and Drink Premises*". In most instances, development consent (under the Environmental Planning and Assessment Act [Planning Act]) will not be required from Council on footpaths. The legislation also provides temporary exemptions in relation to the use of private and public land for outdoor dining (as additional exemptions to outdoor dining on footpaths).

The provisions within Schedule 2 of the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009* also enable community events to be carried out without the need for development consent (if all the requirements are met). Food and drink premises and any associated outdoor dining are considered an ancillary activity to a community event and therefore do not require planning approval as a part of such an event. Additional approval under the *Local Government Act* for the use of public land is still required, furthermore, where a public reserve is Crown Land and not under Council management an approval will be required under the *Crown Lands Management Act 2016*.

Approvals under the *Roads Act* are required for the use of footpaths for dining purposes, and for the placement of furniture/articles associated with outdoor dining. Where it is a Council controlled road, Council is the determining authority for these applications. Where it is a State controlled road (classified road), Transport for NSW is the determining authority. No legislative exemptions are currently available.

## Changes required

The Policy is required to be amended to guide applicants on understanding planning and related legislation in relation to outdoor dining on footpaths. This will also clarify exemptions on outdoor dining for community events.

An approval is required under the *Roads Act*. However, to further encourage proponents to conduct outdoor dining activities, it is proposed to introduce exemptions to enable outdoor dining to occur without the need to obtain approval under the *Roads Act*. In order to track uptake of outdoor dining activity on the road reserve, interested proponents would be required to fill out a form, indicating their commitment to each of the exemption conditions and to provide particular information (e.g. public liability insurance). The completed form would be required to be submitted to Council and information captured via a workflow, so that statistical information can be gathered as required. This work will be undertaken in the near future, and will be ready to accompany the Policy in the event that it is adopted.

Auburn Street is the most likely location where outdoor dining in the footpath will take place. Auburn Street is currently a road controlled by Transport for NSW within the travel lanes, however the footpath area is within Council control and therefore an approval under the *Roads Act* can be issued for outdoor dining. Council is in liaison with Transport for NSW, to swap the classified status of Auburn Street with Sloane/Grafton Streets.

Outdoor dining may conflict with Council's existing Alcohol Free Zone in the CBD as some proprietors may wish to serve alcohol to customers who are dining on the footpath. If this is proposed, proponents seeking approval under the *Roads Act* or *Local Government Act* should identify this in any application/exemption notification as it may require separate consideration by Council. Alternatively, Council may also consider an amendment to the provisions of the Alcohol Free Zone given this change in legislation in relation to seated outdoor dining associated with a lawful food and drink premise.

Council's current fees and charges schedule includes fees for outdoor dining when an application is required to be made. The introduction of exemptions will require some administration procedures to be carried out to Council's systems to account for this new process. Regardless, it is recommended that a fee is not charged for the submission of the exemption notification form to Council as this would more in the spirit of facilitating activity as per the State's initiatives.

The amended Outdoor dining Policy is in **Attachment 1**.

### **CONCLUSION**

In conclusion, the Policy requires updating due to subsequent changes in planning legislation and to clarify what other approvals under other legislation may apply.

It is recommended that the updated Policy be placed on public exhibition for comment.



## **Outdoor Dining Policy**





**GOULBURN MULWAREE COUNCIL**  
**OUTDOOR DINING POLICY**

**POLICY OBJECTIVE**

The purpose of this policy is to set out the circumstances and conditions under which Council will issue approvals for outdoor dining on the public footway and other similar public domain areas in the Goulburn Mulwaree local government area.

**LEGISLATIVE PROVISIONS**

- Crown Lands Management Act 2016*
- Disability Discrimination Act 1992 (Cth)*
- Environmental Planning and Assessment Act 1979*
- Local Government Act 1993 (LGA Act)*
- Roads Act 1993*
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*

**BACKGROUND**

A well-managed footway promotes both equitable access and supports local businesses by creating places and streets that are amenable and attractive to all visitors.

Council has developed policies and strategies to encourage businesses, create great retail experiences for all residents and visitors, and encourage social, cultural and economic amenity and vitality.

Council must manage the footway and other public spaces to provide safe and equal access for all people. This includes pedestrians with a pram or mobility aid, or who are blind, have low vision or use a wheel chair and require a clear path of travel to be maintained at all times. Council recognises that a clear path of travel is a necessity. Stakeholders who are blind or have low vision prefer that the location for the clear path of travel is along the building side of the footway to allow for best-practice in safe and dignified way finding. This policy reinforces the requirement that a clear path of travel be maintained at all times, while also allowing opportunities for beneficial uses on the public footway.

**DEFINITIONS**

<b>Term</b>	<b>Meaning</b>
<b>Clear path of travel</b>	<p>The area of the footway maintained for safe and equitable pedestrian circulation which is free from obstructions and assists in way finding and navigation. Also referred to as the continuous accessible path of travel, which is defined by the Australian Human Rights Commission as:</p> <p>An uninterrupted route to and within an area providing access to all features, services and facilities. It should not incorporate any step, stairway, turnstile, revolving door, escalator, hazard or other obstacle or impediment which would prevent it from being safely negotiated by people with disability.</p>
<b>Exempt development</b>	<p><b>Exempt Provisions- Footpaths</b> Development which does not need development consent under the</p>



GOULBURN MULWAREE COUNCIL  
OUTDOOR DINING POLICY

Term	Meaning
	<p><i>Environmental Planning and Assessment Act 1979</i>, but which may still need some other approval (i.e. Roads Act). At the time of adoption, <i>State Environmental Planning Policy (Exempt and Complying Codes) 2008</i> makes footway dining exempt development if it is:</p> <ul style="list-style-type: none"> <li>• associated with a lawful food and drink premises, and</li> <li>• Carried out in accordance with an approval granted under section 125 of the Roads Act, and</li> <li>• Carried out in accordance with any approval granted under section 68 of the Local Government Act, and</li> <li>• Not be under an awning unless the awning complies with the requirements set out in BP1.1 and BP1.2 of Volume 1 of the Building Code of Australia.</li> </ul> <p><b>Exempt Provisions – General</b> – note at the time of writing, this provision is to be <b>repealed at the end of 31 December, 2023</b>.</p> <p>(1) The use of the following land as an outdoor dining area is exempt if—</p> <ul style="list-style-type: none"> <li>(a) private land, if the use is associated with lawful food and drink premises,</li> <li>(b) public land.</li> </ul> <p>(2) To be exempt development, the development must not—</p> <ul style="list-style-type: none"> <li>(a) be carried out on land—                     <ul style="list-style-type: none"> <li>(i) in an environmental zone, or</li> <li>(ii) in a place of Aboriginal heritage significance identified in a local environmental plan, or</li> </ul> </li> <li>(b) be associated with a registered club.</li> </ul> <p>(3) This provision does not apply to footpaths as above.</p> <p>(4) In this clause—</p> <p><b>public land</b> has the same meaning as in the LGA Act and includes Crown land within the meaning of the <i>Crown Land Management Act 2016</i>.</p> <p>The standards specified for the development are—</p> <ul style="list-style-type: none"> <li>(a) the development—                     <ul style="list-style-type: none"> <li>(i) must be located at ground level (existing), and</li> <li>(ii) must not cause offensive noise, within the meaning of the <i>Protection of the Environment (Operations) Act 1997</i>, or other nuisance that affects adjoining owners, and</li> <li>(iii) must not restrict any vehicular or pedestrian access to or from, or entry to a building on, the land on which the development is located, and</li> <li>(iv) for development associated with lawful food and drink</li> </ul> </li> </ul>



**GOULBURN MULWAREE COUNCIL**  
**OUTDOOR DINING POLICY**

Term	Meaning
	<p>premises—must not contravene an existing condition of the most recent development consent, other than a complying development certificate, that applies to the existing food and drink premises relating to hours of operation, maximum capacity of patrons, waste management, food safety and pollution control, and</p> <p>(b) at the end of the use the land must, as far as practicable, be restored to the condition in which it was before the commencement of the use.</p> <p><b>Note—</b>                      Other legal requirements for the consent of the owner of the land and for approvals, licences, permits and authorities still apply. This includes, for example, a requirement for an approval under the LGA Act, section 68.</p> <p><b>Exempt Provisions – (Registered Clubs)</b> – note at the time of writing, this provision is to be <b>repealed at the end of 31 December, 2023.</b></p> <p>(1) The use of the premises of a registered club as an outdoor dining area associated with lawful food and drink premises is development specified for this code if the premises are located on—</p> <p>(a) community land within the meaning of the Local Government Act 1993, or                      (b) private land.</p> <p>(2) To be exempt development, the development must not be carried out on land—</p> <p>(a) in an environmental zone, or                      (b) in a place of Aboriginal heritage significance identified in a local environmental plan.</p> <p>The standards specified for the development are—</p> <p>(a) the development—</p> <p>(i) must not cause offensive noise, within the meaning of the Protection of the Environment (Operations) Act 1997, or other nuisance that affects adjoining owners, and                      (ii) must not be carried out on more than 50% of the outdoor area of the registered club, and                      (iii) if carried out on land otherwise used for the purposes of a car park—must be designed to ensure pedestrian and patron safety, and                      (iv) must not reduce the existing access to the registered club for people with a disability, and                      (v) must not contravene an existing condition of the most recent development consent, other than a complying development certificate, that applies to the registered club or the food and drink premises, other than in relation to car parking spaces, and</p> <p>(b) at the end of the use the land must, as far as practicable, be</p>



GOULBURN MULWAREE COUNCIL  
OUTDOOR DINING POLICY

Term	Meaning
	<p>restored to the condition in which it was before the commencement of the use.</p> <p><b>Note—</b> Other legal requirements for the consent of the owner of the land and for approvals, licences, permits and authorities still apply. This includes, for example, a requirement for an approval under the Local Government Act 1993, section 68.</p>
<b>Outdoor dining</b>	<p>Dining on the public footway, associated with an approved food and drink premises. Also sometimes referred to as footway dining or a footway restaurant.</p>
<b>Public footway</b>	<p>That part of a road that is set aside or formed as a path or way for pedestrian traffic, whether or not it may also be used by bicycle traffic.</p>
<b>Food and Drink Premises</b>	<p>Food and Drink Premises are defined in the <i>Goulburn Mulwaree Local Environmental Plan (LEP) 2009</i> as follows:</p> <p><i>food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—</i></p> <ul style="list-style-type: none"> <li>(a) a restaurant or cafe,</li> <li>(b) take away food and drink premises,</li> <li>(c) a pub,</li> <li>(d) a small bar.</li> </ul> <p><b>Note-</b> Food and drink premises are a type of retail premises—see the definition of that term in this Dictionary.</p> <p>the definitions of (a)-(d) are below (extracted from the <i>Goulburn Mulwaree Local Environmental Plan (LEP) 2009</i>):</p> <p><b>pub</b> means licensed premises under the <i>Liquor Act 2007</i> the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.</p> <p><b>restaurant or cafe</b> means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.</p> <p><b>small bar</b> means a small bar within the meaning of the <i>Liquor Act 2007</i>.</p> <p><b>take away food and drink premises</b> means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.</p>



## GOULBURN MULWAREE COUNCIL OUTDOOR DINING POLICY

### POLICY STATEMENT

To promote public access and well managed outdoor dining on the footway, Council will:

- value the contribution that well-managed businesses make to the character of Goulburn Mulwaree;
- maintain the pedestrian thoroughfare as the primary purpose of the footway;
- promote accessibility on the footway by maintaining a consistent and predictable clear path of travel for all users;
- continue to work with all stakeholders towards best practice way finding on footways;
- manage neighbourhood amenity through minimising additional noise, visual, and other impacts;
- consider the appropriateness of applications for approval against Council's adopted guidelines;
- monitor compliance with approvals, and undertake enforcement action when appropriate;
- may grant approvals for up to a maximum of 3 years under the *Roads Act 1993*;
- revoke approvals where there are continuing unresolved substantiated breaches of the approval; and
- charge a fee for footway approval applications, including subsequent renewals, as set out in Council's Fees and Charges.

### APPROVAL REQUIREMENTS

#### State Environmental Planning Policy

NSW planning policy contains exemptions from requiring a Development Application (DA) to Council subject to meeting the exemptions for outdoor dining within the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Refer to the NSW Legislation website for current information.

If one or more of the exemptions cannot be met, then the development proponent is required to seek Development Consent from Council.

Additionally, *Schedule 2 Exempt Development* under the *Goulburn Mulwaree Local Environmental Plan (LEP) 2009* provides some exemptions for community events on Council land and the display of goods on the footpath. Where outdoor dining is a part of a temporary community event (as set out in Schedule 2 of the LEP), including associated food stalls, markets etc then separate development consent will not be required for outdoor dining.

**Exemptions for development consent under the planning policy does not remove the need for approval under separate legislation such as the NSW Roads Act of NSW local Government Act.**

#### Roads Act

In addition to NSW planning policy, section 125 of the *Roads Act 1993* requires development proponents, who operate food or drink premises adjacent to a public road (i.e. footpath), to seek the road authorities' approval to use part of that road for the purposes of food or drink premises. Section 126 enables development proponents to erect/place or maintain structures, furniture or other things in, on or over any part of the road, the subject of an approval.

If a Development application (DA) is required concurrent approval under the *Roads Act* can also be applied for within the same application.



**GOULBURN MULWAREE COUNCIL**  
**OUTDOOR DINING POLICY**

In order to encourage development proponents to offer outdoor dining as part of a lawful food and drink premises, Council has introduced a list of exemptions whereby a development proponent will be able to offer outdoor dining on the footpath, subject to complying with each exemption. If compliance is demonstrated with each requirement, no prior approval will be required.  
 If one or more of the exemptions cannot be complied with, the proponent will be required to seek approval under section 125 and 126 of the Roads Act.

**Development proponents will be required to complete a form and submit to Council for its records.**

**Local Government Act**

In addition to NSW planning policy, section 68 of the Local Government Act 1993 requires development proponents who operate food or drink premises on community land (i.e. engage in a trade or business) to seek Council's approval to engage in such business or trade.

If each requirement cannot be met, then the development proponent must seek approval under section 68 of the *Local Government Act*?

If Development Consent, and approval under the *Roads Act* and *Local Government Act* is required, these can be sought concurrently.

**Crown Land Management Act**

In relation to public land which is Crown Land (i.e. a Crown Reserve), and not managed by the Council, an approval under the Crown Land Management Act 2016 (CLM Act 2016) may be required (i.e. an Enclosure Permit or Licence from NSW Department of Planning and Environment – Crown Lands).

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	4 April 2017	17/099	Further review	
2	6 June 2017	17/184	Submissions received	
3	8 November 2017	2017/459	8 November 2017	8 November 2017
<b>All policies can be reviewed or revoked by resolution of Council at anytime.</b>				

**DIRECTORATE:** Planning & Environment  
**BUSINESS UNIT:** Strategic Planning

**15.12 OPERATIONS POLICY REVIEW**

**Author:** Director Operations

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** 1. Draft Asset Management Policy

<b>Link to Community Strategic Plan:</b>	25. Our Civic Leadership CL1 Effect resourceful and respectful leadership and attentive representation of the community.
<b>Cost to Council:</b>	Nil
<b>Use of Reserve Funds:</b>	Nil

<p><b>RECOMMENDATION</b></p> <p>That</p> <ol style="list-style-type: none"> <li>1. The report from the Director Operations on the Operations Policy Review be received.</li> <li>2. Council places the revised Asset Management policy on public exhibition for 28 days and if no comments are received, it be adopted as Council’s policy.</li> <li>3. Any submissions received will be considered and reported to Council for final adoption of the policy.</li> </ol>
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**BACKGROUND**

This report presents the Asset Management Policy that has been reviewed in terms of regulatory requirements, relevance and content following the recent Council elections.

The contents of the revised policy has been discussed at the Council briefing on 9 August 2022.

**REPORT**

The following policy has been reviewed and is ready to be placed on public exhibition.

**Asset Management Policy**

The purpose of this Asset Management Policy is to articulate Council's commitment to the establishment of a clear direction and framework for asset management. The ongoing implementation and improvement of the framework across the whole organisation will ensure that Council’s portfolio of assets is managed in a coordinated, cost effective and financially sustainable manner.

The reviewed policy is attached. It is aligned with the draft policy statement in Strategic Asset Management Plan (2020) and will replace the previous policy dated 2009.



## **Asset Management Policy**





## GOULBURN MULWAREE COUNCIL ASSET MANAGEMENT POLICY

### POLICY OBJECTIVE

The purpose of this Asset Management Policy is to articulate Council's commitment to the establishment of a clear direction and framework for asset management. The ongoing implementation and improvement of the framework across the whole organisation will ensure that Council's portfolio of assets is managed in a coordinated, cost effective and financially sustainable manner.

### LEGISLATIVE PROVISIONS

- *Australian Accounting Standard AASB116*
- *Civil Liability Act 2002 & Civil Liability Amendment (Personal Responsibility) Act 2002*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Protection Act 1994*
- *Local Government Act 1993*
- *National Parks & Wildlife Act 1974*
- *Native Vegetation Act 2003*
- *Protection of the Environment Operations Act 1997*
- *Threatened Species Conservation Act 1995*

### POLICY STATEMENT

Goulburn Mulwaree Council is committed to implementing and continually improving its asset management framework so that our infrastructure asset portfolio is managed in an informed, coordinated and financially sustainable manner.

Council will demonstrate its commitment to asset management by:

- delivering value for money to the community through an informed balance of cost, risk and opportunities throughout the asset life cycle
- supporting assets solely for the purpose of delivering services to the community
- consulting with the community to determine desired, acceptable and affordable levels of service
- documenting all projected capital and operational expenditure requirements in asset class management plans so that funding can be allocated on an informed priority basis
- integrating asset expenditure requirements into Council's long-term financial plan to ensure adequate funding of assets
- documenting all projected consequences of unfunded operational and capital expenditure requirements so that the risks are clearly known, understood and communicated
- prioritising the maintenance and renewal of existing assets ahead of creating or acquiring new assets and disposing of assets where the costs and risks of retaining the asset exceed the benefits
- developing performance measures and targets for all asset management activities
- continually improving asset management practices and performance
- providing all councillors, executive and employees with appropriate communication, education and training to execute their asset management responsibilities.

### Roles and Responsibilities

To ensure a whole of Council approach to Asset Management, the following roles and responsibilities:

#### Elected Council

- Provide stewardship
- Consider the impact on Council's asset base of planning, financial and service level decisions
- Adopt the Asset Management Policy and Strategy.



## GOULBURN MULWAREE COUNCIL ASSET MANAGEMENT POLICY

### **Chief Executive Officer, Executive and Senior Leadership Team**

- Ensure that sound business principles are reflected in the Asset Management Strategy and Plans that are developed and implemented
- Ensure community is involved and engaged on all key Council matters affecting service delivery
- Ensure service levels are communicated and agreed for all main asset groups
- Support the implementation of the Asset Management Strategy and associated Asset Management Improvement Plan
- Approve the Asset Management Plans
- Ensure integration and compliance of the Asset Management Policy and Strategy with other policies and business processes of the organisation
- Facilitate “best appropriate practice in asset management”.

### **Asset Management and Design Teams**

- Review Asset Management Policy and Strategy
- Take responsibility for the implementation of the Asset Management Improvement Plan
- Identify and develop appropriate policies and procedures to ensure effective asset management across the organisation.

### **Asset Management Managers and Technical Officers**

- Develop and maintain Asset Management Plans
- Facilitate community consultation to establish agreed service levels
- Develop and maintain Asset Maintenance and Renewal plans
- Provide professional advice and comment to other departments of Council in relation to asset management
- Develop and maintain an asset management information system to facilitate efficient and effective asset management.

### **Responsibility of Management of Assets within Council**

Councils have a responsibility under the Local Government Act 1993 to manage lands and other assets so that current and future local community needs can be met in an affordable way. As such, Council has responsibilities relating to infrastructure assets that includes that the:

- Councillors adopt the policy to ensure sufficient resources are applied to manage the assets
- Council owns all assets and acts as a steward for the assets, sets the asset management policy and vision, and ensures that resources are available for asset management activities
- Executive Team reviews the Asset Management Strategy (including the four-year Delivery Program) and asset business cases in line with this policy, advises Council on asset matters and is responsible for implementing asset management systems, policies and procedures
- Service Leaders, Asset Management and Design teams, delegated by Council to act in the capacity of asset owner and makes recommendations to Council, develops the Asset Management Strategy that recommends the most sustainable use of available funds across the asset portfolio, reviews all new asset acquisitions to ensure they are consistent with Council's long-term objectives, that the life cycle costs have been considered and that the asset can be funded within agreed risk tolerances
- Employees with management or supervisory responsibility are responsible for the management of assets within their area of responsibility as determined under the asset management plans.

In the short term, employees will be tasked under implementation plans, and will be responsible for the timely completion of the activities contained within those plans. In the medium term, awareness



**GOULBURN MULWAREE COUNCIL  
ASSET MANAGEMENT POLICY**

sessions will be conducted to ensure that employees are familiar with asset management and how it is applied within the Goulburn Mulwaree Council.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	19 June 2007	07/297	19 June 2007	19 June 2007
2	19 May 2009	09/264	6 July 2009	6 July 2009
3				
<b>All policies can be reviewed or revoked by resolution of Council at anytime.</b>				

**DIRECTORATE:** Operations

**BUSINESS UNIT:** Design and Asset Management

**15.13 CORPORATE & COMMUNITY SERVICES POLICY REVIEW**

**Author:** Business Manager Property & Community Services  
 Director Corporate & Community Services

**Authoriser:** Aaron Johansson, Chief Executive Officer

- Attachments:**
1. Rating Policy
  2. Disposal of Surplus Goods Policy
  3. Land & Easement Acquisition & Disposal Policy
  4. Leasing/Licencing of Council Property Policy
  5. Leasing/Licencing Council Property for Community Organisations Policy
  6. Leasing of Council Roads Policy
  7. Youth Services Policy

<b>Link to Community Strategic Plan:</b>	25. Our Civic Leadership CL1 Effect resourceful and respectful leadership and attentive representation of the community.
<b>Cost to Council:</b>	Nil
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That

1. The report from the Director Corporate & Community Services on the Corporate & Community Services Policy Review be received.
2. Council rescinds the following policies due to them being incorporated into the Rating Policy:
  - (i) Rating Mixed Development Policy
  - (ii) Supplementary Rated Policy
3. Council places the following revised policies on public exhibition for 28 days and, if no comments are received, they be adopted as Council's policies:
  - (i) Rating Policy
  - (ii) Disposal of Surplus Goods Policy
  - (iii) Land and Easement Acquisition and Disposal Policy
  - (iv) Leasing / Licencing of Council Property Policy
  - (v) Leasing / Licencing of Council Property for Community Organisations Policy
  - (vi) Leasing of Council Roads Policy
  - (vii) Youth Services Policy
4. Any submissions received are to be considered and reported to Council prior to final adoption of the policy(s).

**BACKGROUND**

This report presents several Corporate & Community Services Directorate policies that have been reviewed in terms of regulatory requirement, relevance and content following the recent Council elections.

The contents of the revised policies have been discussed at a Council briefing on 9 August (Rating Policy) and 23 August 2022.

## REPORT

The following policies have been reviewed and the revised policies are now ready to be placed on public exhibition.

- Rating Mixed Development Policy – to be rescinded and incorporated into the Rating Policy
- Supplementary Rates Policy – to be rescinded and incorporated into the Rating Policy
- Rating Policy
- Disposal of Surplus Goods Policy
- Land and Easement Acquisition and Disposal Policy
- Leasing / Licencing of Council Property Policy
- Leasing / Licencing of Council Property for Community Organisations Policy
- Leasing of Council Roads Policy
- Youth Services Policy

### Rating Policy

The objective of this policy is to provide a clear and open methodology as to how the rating yield will be determined most fairly amongst all ratepayers from each of the defined areas i.e. Goulburn, Marulan and Rural (including Run-O-Waters).

The Policy changes are:

- Contents of former Rating Mixed Development Policy and Supplementary Rates Policy included.
- Objective updated to reflect expanded scope of policy.
- Removed requirement to perform calculations to justify rating yield from different areas (including appendix).
- Additional information in relation to rating methods.
- Added references to additional Legislation following LG Act amendments.
- Maps updated.

### Disposal of Surplus Goods Policy

The objective of this policy is to ensure all Council assets and goods surplus to requirements will be disposed of by an open and transparent process.

The Policy changes are:

- Update Directorate to *Corporate & Community Services*.
- Addition to Policy Statement: All technology items will be disposed of via destruction if the device is damaged or the device has the risk of containing government information. Other items will be sent to auction periodically.
- Addition to Non-Community Benefit section:
  - *Local Government Procurement Forum*
  - *Where the estimated value is likely to exceed \$250,000 (including GST), a public tender will be required.*
- Amend reference of General Manager to *Chief Executive Officer*.
- Minor changes to wording and grammar throughout policy none of which affects the intent.

### Land & Easement Acquisition & Disposal Policy

The objective of this policy is to establish criteria for land and easement acquisitions and disposals.

The Policy changes are:

- Update Directorate to *Corporate & Community Services* and Business Unit to *Property & Community Services* and reference to additional applicable legislation.
- Amend reference of *General Manager* to *Chief Executive Officer* and *Manager Land & Property Services* to *Business Manager Property & Community Services*.
- Specific reference to recommending reserve prices to Council in a Closed Session Report based on written advice obtained from independent registered valuers.

- Deletion of reference to Land & Property Plan prepared in-house several years ago as a reference tool for Property Services staff.
- Minor changes to wording and grammar throughout policy none of which affects the intent.

### **Leasing / Licencing of Council Property Policy**

The objective of this policy is to establish criteria for the leasing and licencing of Council property.

The Policy changes are:

- Update Directorate to *Corporate & Community Services* and Business Unit to *Property & Community Services*.
- Change name to Leasing / Licencing of Council Property Policy and reference to additional applicable legislation.
- More specific definitions and requirements for short term and long-term leases and licences.
- Reference to all legal fees and disbursements for preparing lease or licence met by lessee or licensee.
- Reference also made to Leasing / Licencing of Council Property for Community Organisations Policy and Leasing of Council Roads Policy.
- Minor changes to wording and grammar throughout policy none of which affects the intent.

### **Leasing / Licencing of Council Property for Community Organisations Policy**

The objective of this policy it to provide a structured and transparent framework for leasing and licencing Council properties to registered not-for-profit organisations (e.g., former Works Depot at 2 Bourke Street, Goulburn). Note, this policy is separate to the Council adopted Fees & Charges applied to regular or casual hirers of other facilities at the Community Centre in Auburn Street, Goulburn and Workspace Goulburn at 56 Clinton Street, Goulburn.

This policy seeks to establish a formalised system to quantify Council's contributions to community groups by way of subsidised rentals. The policy also establishes the basis for joint responsibility for sustainability at these community facilities whilst acknowledging the valuable contribution community groups make to the social fabric of the Goulburn Mulwaree community.

The Policy changes are:

- Update Directorate to *Corporate & Community Services* and Business Unit to *Property & Community Services*.
- Change name to Leasing / Licencing of Council Property for Community Organisations Policy and reference to additional applicable legislation.
- More properties referenced in policy reflecting land owned by Council as well as Crown Reserves managed by Council.
- More specific definitions and requirements for short term and long-term leases and licences.
- Reference to all legal fees and disbursements for preparing lease or licence met by lessee or licensee.
- Reference to registered NFP community organisations to make lease or licence payments of at least 30% of market value or minimum statutory fees determined by DPE – Crown Lands if relating to use of all or part of a Crown Reserve where Council is Land Manager appointed under *Crown Land Management Act 2016*.
- Reference to Property Services staff determining market lease or licence value of similar commercial properties in vicinity of Council property offered to a registered NFP and consult with CEO prior to finalising negotiations.
- Reference to Council's Financial Assistance grants deleted as these grants do not cover operational costs.
- Minor changes to wording and grammar throughout policy none of which affects the intent.

**Leasing of Council Roads Policy**

The objective of this policy is to provide Council with a framework for approval of applications for the lease of Council roads.

The Policy changes are:

- Update Directorate to *Corporate & Community Services* and Business Unit to *Property & Community Services* and reference to additional applicable legislation.
- Minor changes to wording and grammar throughout policy none of which affects the intent.

**Youth Services Policy**

The objective of this policy is to guide Council in dealing with all young people aged 12-25 years and guide development and implementation of programs and activities to address the needs of the LGA's youth and improve outcomes for youth.

The Policy changes are:

- Reference to Child Safe Standards added to legislative provisions.
- Reference to Regional NSW Youth Framework 2020 added to Policy Statement Background
- Reference to a greater focus on genuine consultation and youth engagement in planning and implementation.
- Minor changes to wording and grammar throughout policy none of which affects the intent.

These policies will be placed on public exhibition for a period of 28 days. If no submissions are received during this period, they will be adopted as the newly revised policies. Any submissions on any of these policies will be presented back to Council for consideration before adoption takes place.



## Rating Policy





**GOULBURN MULWAREE COUNCIL  
RATING POLICY**

**POLICY OBJECTIVE**

To provide a clear and open methodology as to how the rates and charges are calculated each year and/or adjusted by way of a supplementary notice throughout each financial year; and to ensure each property is categorised correctly as defined by the Local Government Act 1993.

**LEGISLATIVE PROVISIONS**

- Local Government Act 1993*
- Local Government (General) Regulation 2005*
- Valuation of Land Act 1916*
- Department of Local Government Council Rating and Revenue Raising Manual 2007

**POLICY STATEMENT**

Each year Council must levy rates in accordance with the provisions of the *Local Government Act 1993*. While Council’s income from rates is capped annually by rate pegging, it is Council’s responsibility to determine where the rates will be levied through the development of an appropriate rating structure in terms of Categories and sub-categories.

**Statement of Procedures**

**1. Categories/Sub-categories**

Council’s rating structure will take the following form:

<b>Category</b>	<b>Sub-Category</b>
Residential	General
	Goulburn
	Marulan
Business	General
	Goulburn
	Goulburn Town Centre
	Marulan
Mining	
Farmland	

Council at its discretion will be able amend the boundaries for rating purposes for the Goulburn and Marulan town areas when the centre of population changes to bring outlining properties into the township resulting from a subdivision or boundary adjustment. Staff will report to Council each year where significant changes have been made and the boundaries require adjusting.

**2. Rating Methods**

Council will apply the available rating methods to each of the rating categories/sub-categories as follows:



**GOULBURN MULWAREE COUNCIL  
RATING POLICY**

Category	Sub-Category	Rating Method
Residential	General	Base Rating
	Goulburn	
	Marulan	
Business	General	Ad Valorem with minimums
	Goulburn	
	Goulburn Town Centre	
	Marulan	
Mining		Ad Valorem with minimums
Farmland		Base Rating

In relation to the subcategories subject to the base rating:

- In the first year that rates are set after a general valuation (every three years) the base rate will be reset to ensure the base rate makes up 30% of the yield of each of the sub-categories.
- In other years, any rate pegging increase applicable to the yield of those sub-categories subject to a base rate will be applied evenly over the properties within these sub-categories through an increase to the base rate.

**3. Mixed Development Rating**

The Valuer General determines which properties are to be supplied with a (MDAF) and provides Council with the relevant split up between the uses.

Using the percentage supplied, Council will rate these properties part Residential and part Business on the basis of their (MDAF).

For Mixed Development properties that only have one water meter connected to the property, all water and subsequent charges will be charged at non-residential rates.

**4. Supplementary Rating**

Properties will be rated upon valuations currently held as at 1 July.

Council will cancel rates issued upon subdivision or amalgamation during the rating year.

Any newly created lots resulting from subdivision will be rated from the commencement of the next quarterly instalment following the date of registration of a new Deposited Plan, Strata Plan or Community Title.

The amalgamation of properties will be rated from the commencement of the next quarterly instalment following the date valuation made.

Rates on the parent property will be adjusted back from the quarter when the newly created lots will be rated individually.

Council may use settlement dates to ascertain next quarterly instalment for rating purposes.



**GOULBURN MULWAREE COUNCIL**  
**RATING POLICY**

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	23 June 2009	09/369	23 June 2009	23 June 2009
2	26 February 2010	10/87	26 February 2010	26 February 2010
3	21 May 2013	13/179	21 May 2013	5 July 2013
4	16 May 2017	17/159	16 May 2017	16 June 2017
<b>All policies can be reviewed or revoked by resolution of Council at anytime.</b>				

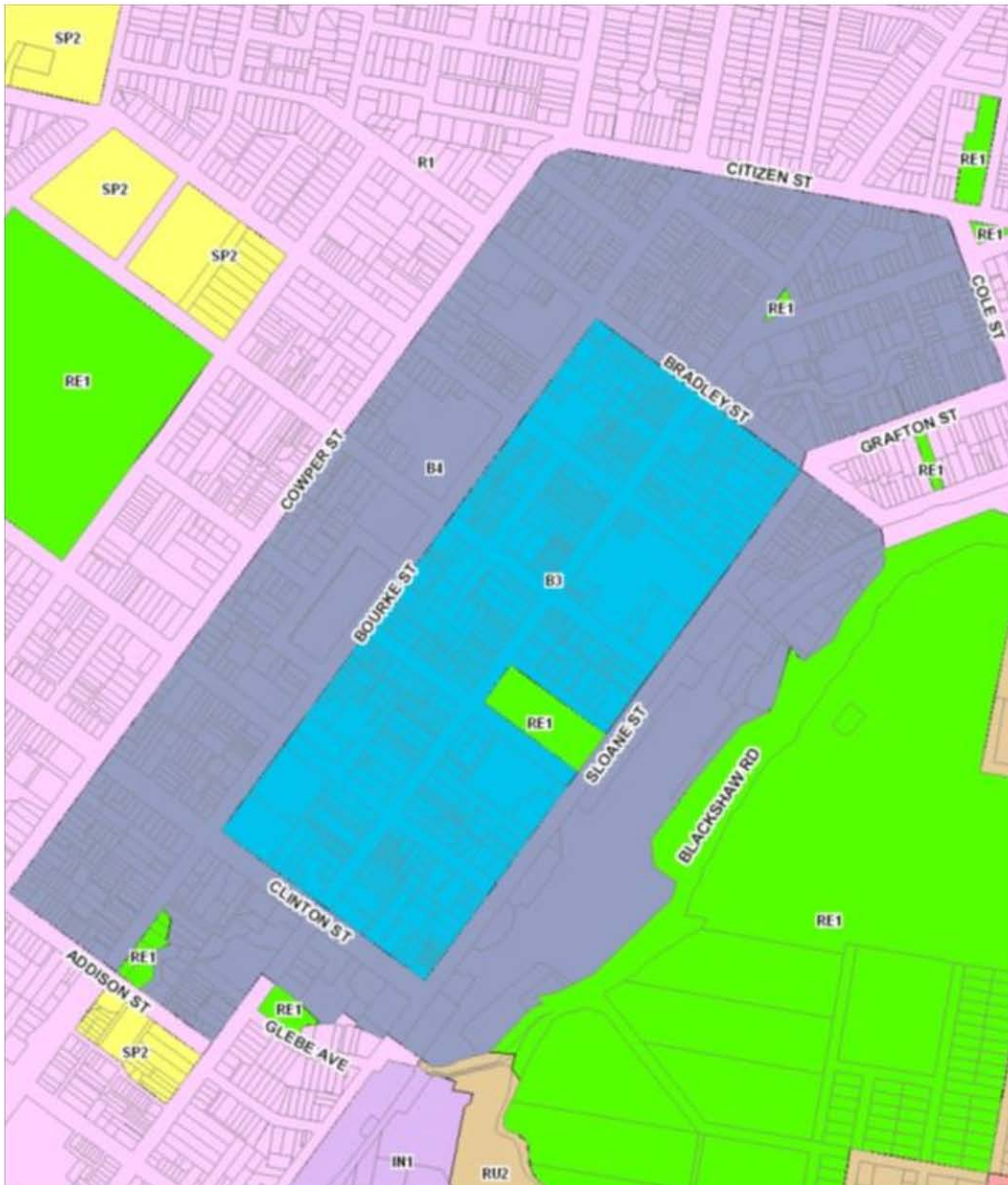
**DIRECTORATE:** Corporate & Community Services

**BUSINESS UNIT:** Finance



GOULBURN MULWAREE COUNCIL  
RATING POLICY

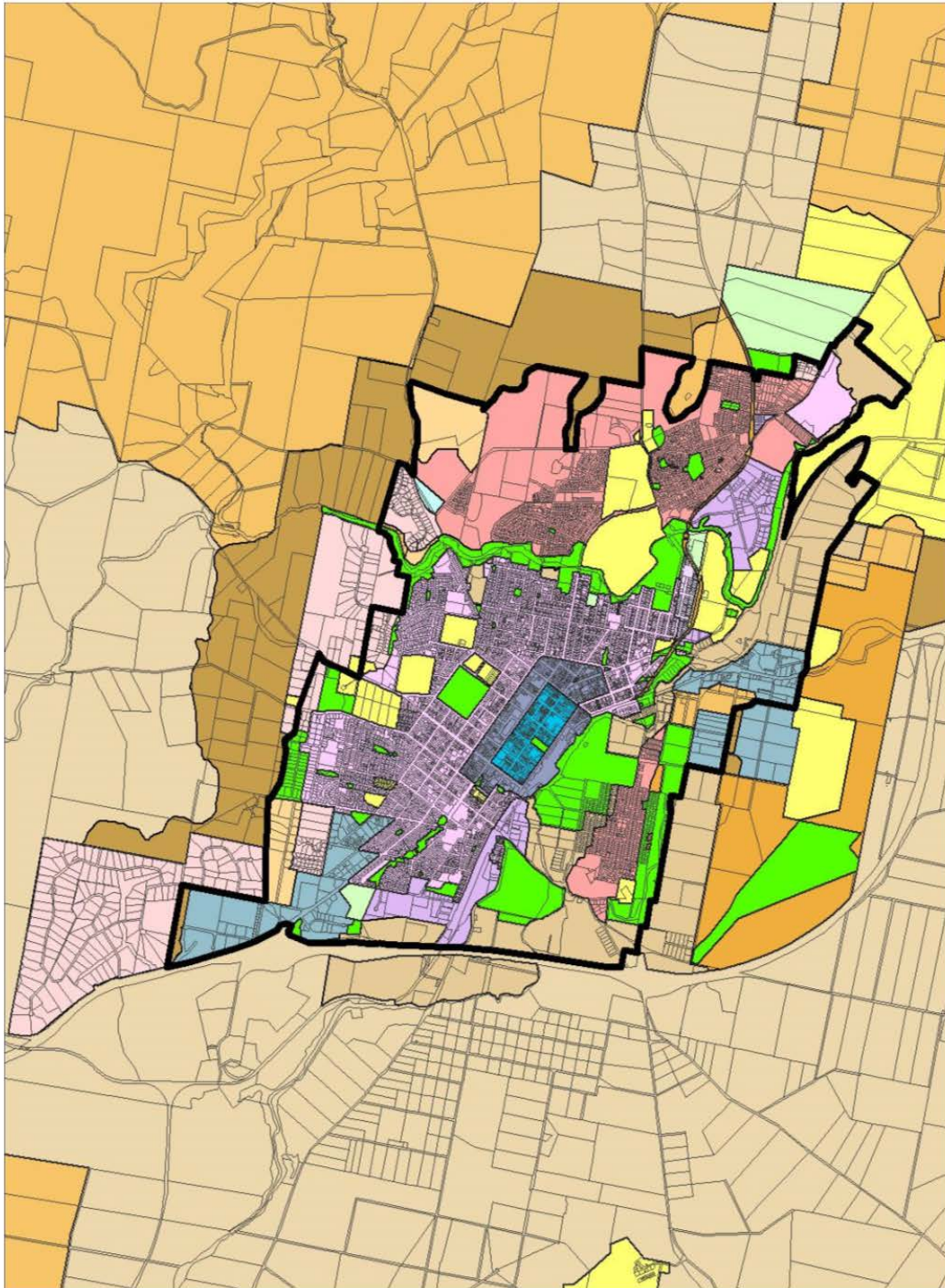
**GOULBURN CBD**





GOULBURN MULWAREE COUNCIL  
RATING POLICY

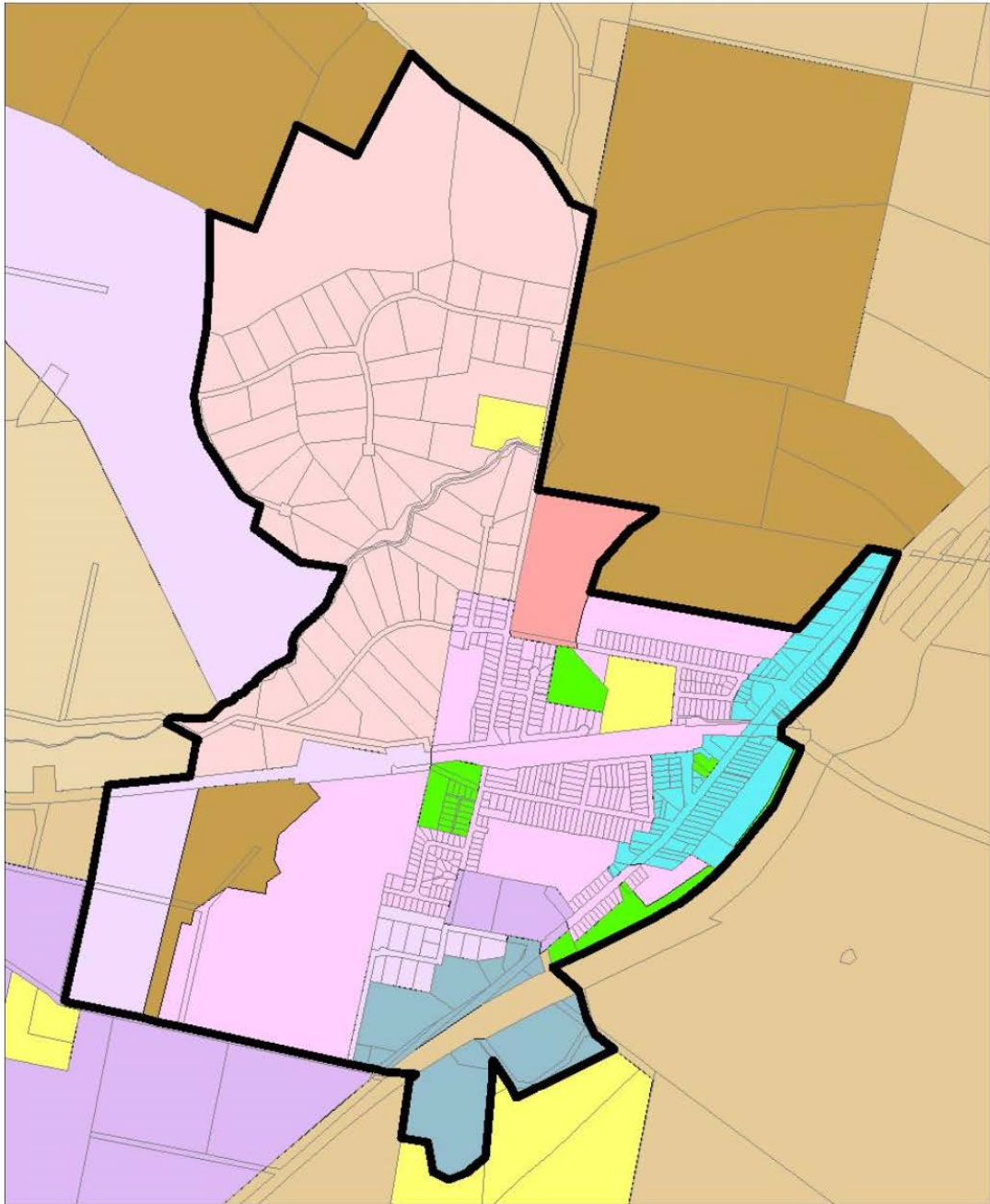
**GOULBURN**





GOULBURN MULWAREE COUNCIL  
RATING POLICY

**MARULAN**





## **Disposal of Surplus Goods Policy**



## GOULBURN MULWAREE COUNCIL DISPOSAL OF SURPLUS GOODS POLICY

### POLICY OBJECTIVE

All Council assets and goods surplus to requirements will be disposed of by an open and transparent process.

### LEGISLATIVE PROVISIONS

*Local Government Act 1993*

### POLICY STATEMENT

Council may have assets and goods that are surplus to its requirements and are unlikely to have a future use.

These include, but are not limited to:

- Plant and Equipment
- Materials
- Furniture and Equipment
- Stationery

Note – All Technology items will be disposed of via destruction if the device is damaged or the device has the risk of containing government information. Other items will be sent to auction periodically

It is important that a transparent disposal process is established, which provides equity to all prospective interested parties.

This process also recognises that some assets and goods may provide ongoing community benefit and could be transferred to community group/not for profit organisations.

#### 1. **Community Benefit**

The Chief Executive Officer will determine whether an item has ongoing community benefit. If this is the case, an expression of interest process will be undertaken. This will be limited to community groups and not for profit organisations and will be considered on the basis of greatest community benefit not monetary return to Council.

The Chief Executive Officer will determine the outcome of the EOI process and will report the outcome to Council on a quarterly basis.

#### 2. **Non-Community Benefit**

If the Chief Executive Officer has determined the surplus assets or goods not to have ongoing community benefit, disposal may be by any of the following:

- Open tender
- Expression of interest
- Auction
- Local Government Procurement forum

The method of disposal will be determined by total estimated value and cost of disposal. Where the estimated value is likely to exceed \$250,000 (including GST), a public tender will be required.

The basis for determining the successful party will be greatest monetary return to Council.





**GOULBURN MULWAREE COUNCIL  
DISPOSAL OF SURPLUS GOODS POLICY**

Unless determined to the contrary by Council or the Chief Executive Officer, Councillors and Council staff will not be prevented from partaking in an open process to acquire any items listed for disposal.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	20 December 2005			
2	18 November 2008	08/735	18 November 2008	18 November 2008
3	16 May 2017	17/159	16 May 2017	16 June 2017
4				
<b>All policies can be reviewed or revoked by resolution of Council at any time.</b>				

**DIRECTORATE:** Corporate & Community Services

**BUSINESS UNIT:** Finance



## **Land and Easement Acquisition and Disposal**



## GOULBURN MULWAREE COUNCIL LAND & EASEMENT ACQUISITION & DISPOSAL POLICY

### POLICY OBJECTIVE

To establish criteria for land, property and easement acquisitions and disposals.

### LEGISLATIVE PROVISIONS

*Local Government Act 1993*  
*Land Acquisition (Just Terms Compensation) Act 1991*  
*NSW Property Acquisition Standards*  
*Environmental Planning and Assessment Act 1979*  
*Roads Act 1993*  
*Biosecurity Act 2015*  
*Biodiversity Conservation Act 2016*

### POLICY STATEMENT

Council (as custodian of public assets) acquires and disposes of all property interests in an open market format to ensure due probity of process and optimal financial return (and minimal risk). All registered dealings for the acquisition of land and property or the disposal of Council owned land and property can only be achieved through a resolution of Council.

#### Land Acquisitions

Section 186 of the *Local Government Act 1993* prescribes what purposes Council can acquire land and property for, as follows:

1. *A council may acquire land (including an interest in land) for the purpose of exercising any of its functions.*
2. *Without limiting subsection (1), a council may acquire:*
  - a. *land that is to be made available for any public purpose for which it is reserved or zoned under an environmental planning instrument, or*
  - b. *land which forms part of, or adjoins or lies in the vicinity of, other land proposed to be acquired under this Part.*

#### Land Disposals

Where land (including surplus areas of public road, both formed and unformed) is capable of being sold on the open market and able to be developed independently of any other property, the sale shall be by competitive process involving public auction, tender or expression of interest unless circumstances warrant sale by Direct Negotiation. For public auction, the Chief Executive Officer and Business Manager Property & Community Services will recommend the reserve price to Council in a Closed Session Report based on written advice obtained from independent registered valuation consultants.

When considering the disposal of any land or property, Council shall weigh-up social, community, environmental, engineering, and economic considerations versus a range of divestment options.

#### Easements

Easements are a registered legal right over private property for Council to use land for a specific purpose (drainage easement, easement in gross for access etc) and can be in the form of a covenant restricting the use of privately owned land (i.e. Restriction as to User for unstable land etc) or can be a Positive Covenant that requires a land owner to use and/or maintain the site for a specific use (eg. maintain detention basin etc).



## GOULBURN MULWAREE COUNCIL LAND & EASEMENT ACQUISITION & DISPOSAL POLICY

Where Council requires an easement over a private property and the easement is not created in a subdivision or as a condition of development consent, compensation may be payable to the landowner and shall be paid to the respective landowner where appropriate. The amount of compensation shall be assessed by a registered valuation consultant in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* and the *NSW Property Acquisition Standards*.

Where a Council easement over private land is no longer required, Council can agree to the extinguishment of that easement at the request of the affected landowner. Where appropriate, Council can seek compensation from the landowner for the benefit of that extinguishment as determined by the independent registered valuation consultant.

### Criteria

The acquisition or sale of Council-owned land and property, easements or public road shall be undertaken in accordance with the following criteria aimed at ensuring a transparent process and maximising income for Council.

### ACQUISITION OF LAND AND EASEMENTS

#### Acquisition Criteria

1. Section 186 of the *Local Government Act 1993* prescribes what purposes Council can acquire land for, as follows:

*A council may acquire land (including an interest in land) for the purpose of exercising any of its functions.*

*1.2 Without limiting subsection (1), a council may acquire:*

- (a) land that is to be made available for any public purpose for which it is reserved or zoned under an environmental planning instrument, or*
  - (b) land which forms part of, or adjoins or lies in the vicinity of, other land proposed to be acquired under this Part.*
2. Properties are identified taking into consideration the purpose for which they need to be acquired, the strategic nature of such properties and the value that such properties have to the community.
  3. Where properties are listed for sale on the open market, council officers negotiate the terms of purchase with either the vendor or the vendor's agent.
  4. Where properties are not listed on the open market, Council officers arrange a valuation report as a basis for negotiation and the valuation report be attached to the report submitted to Council, as required.
  5. For all land and easement acquisitions for properties not listed on the open market, the acquisition must be undertaken in strict accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* and the *NSW Property Acquisition Standards*.
  6. Authority to compulsorily acquire land is granted under the *Roads Act 1993* or the *Local Government Act 1993*.
  7. Any negotiations be on the basis that a formal offer cannot be made until Council has considered a report authorising purchase of the property or registration of an easement.
  8. In the event of a formal valuation being obtained, this be used as a guide in any negotiations and subsequent Closed Session Report to Council.
  9. At the time of acquisition, Council must resolve the classification of the land to be either



**GOULBURN MULWAREE COUNCIL  
LAND & EASEMENT ACQUISITION & DISPOSAL POLICY**

Operational or Community land as defined in the *Local Government Act 1993*.

**DISPOSAL OF LAND**

**Disposal Criteria**

Land and buildings are to be tested against several criteria to determine whether the land and property is retained and developed for community use or developed or sold to realise its full commercial and/or other potential.

Seven (7) criteria contained in the assessment are:

1. Statutory influences (restrictions or limitations) – are there statutory reasons for the Council ownership of the property? This will extend to actual or implied trusts that have been established because of Council's acquisition of the land.
2. Existing usage – Is the land used or likely to be used to meet operational, community or recreational needs in accordance with respective strategic or operational plans.
3. Potential future use – is the land or road likely to be required for Council's operational needs.
4. Spatial distribution – are there adequate-like facilities and opportunity to meet future needs in the area and serving the local community?
5. Conservation value – does the land or road have cultural, natural or heritage value that should be maintained?
6. Site constraints and opportunities – in addition to conservation value, are there other site constraints which may extend to, but not restricted to, flood liability, land slip, mine subsidence or other physical impairment?
7. Maintenance issues – what maintenance requirement does Council have for the land?

Should the proposed sale be impacted by any of these matters, the request shall be refused unless it can be demonstrated that there is a public and/or economic benefit to the sale or the contract conditions can be structured to ensure that the issue is addressed.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	18 July 2017	2017/317	18 July 2017	18 August 2017
<b>All policies can be reviewed or revoked by resolution of Council at anytime.</b>				

**DIRECTORATE:** Corporate & Community Services

**BUSINESS UNIT:** Property & Community Services



## **Leasing / Licencing of Council Property Policy**



## GOULBURN MULWAREE COUNCIL LEASING / LICENCING OF COUNCIL PROPERTY POLICY

### **POLICY OBJECTIVE**

This policy aims to establish criteria for the leasing or licencing of Council property.

### **LEGISLATIVE PROVISIONS**

*Local Government Act 1993*  
*Local Government (General) Regulations*  
*Environmental Planning and Assessment Act 1979*  
*Real Property Act 1990*  
*Real Property (Legal Proceedings) Act 1970*  
*Conveyancing Act, 1919*  
*Biosecurity Act 2015*  
*Biodiversity Conservation Act 2016*

### **POLICY STATEMENT**

This policy is separate to the Lease of Council Roads Policy.

Council may lease or licence property or part of a property on a commercial basis that:

- Is held for investment purposes, or
- Is not required in the short or medium term for operational purposes

Council will consider on its merits the leasing or licencing of a property or part of a property on a non-commercial basis only if the lease use can demonstrate that it provides a wider social, environmental, or economic benefit and is consistent with Council's strategic objectives. Priority will be given to "not-for-profit" organisations in these instances. Also refer to Council's Leasing / Licencing of Council Property for Community Organisations Policy.

Council will use standard lease and licence documents, to include a special condition that any fixed or permanent improvements to the property, partly or in total, will become the property of Council's at termination of the lease or licence.

The term of the lease or licence will be assessed on a case-by-case basis depending on the request from the applicant and the potential long term strategic need.

In NSW there are specific protections in the legislation for 'short leases', being leases with a term (including options) of 3 years or less. Where there is a short lease, you effectively automatically receive the same protections as you would receive from registration even if the lease is not registered.

A lease of 3 years or less can be registered if the parties agree. The lease will need to be in registrable form. If the lease is more than three years, the lessor should lodge the lease at NSW Land Registry Services within 3 months after the tenant returns the signed lease to Council.



**GOULBURN MULWAREE COUNCIL  
LEASING / LICENCING OF COUNCIL PROPERTY POLICY**

A lease for a term exceeding 3 years must be registered in order to pass an estate to the lessee. A lease for a term of 3 years or less, including an option to renew, may be registered.

A lease of part of the land for 5 years or less, including any options to renew, must fully describe the affected part by reference to a registered plan, a plan attached to the lease, or to another registered dealing.

A lease of part of the land for more than 5 years, including any options to renew, other than a lease lodged by the Commonwealth of Australia, must describe the affected part by reference to a registered Plan of Subdivision that has been approved by Council (refer s23F and s23G *Conveyancing Act 1919*).

All legal fees and disbursements associated with preparing a lease or licence are to be met by the lessee or licensee. If the dealing relates to a lease of part of the land for more than 5 years, the lessee must also meet all costs associated with preparing and registering a Plan of Subdivision with NSW Land Registry Services.

Consent may be required from the Minister administering the *Crown Land Management Act 2016* for certain Crown land tenures.

A key bond will be required for all properties or office space leased by Council.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	19 June 2007	07/297	19 June 2007	19 June 2007
2	15 March 2011	11/73		
3	16 April 2013	13/136	7 June 2013	7 June 2013
4	18 July 2017	2017/325	18 July 2017	18 August 2017

**All policies can be reviewed or revoked by resolution of Council at any time.**

**DIRECTORATE:** Corporate & Community Services

**BUSINESS UNIT:** Property & Community Services





**Leasing / Licencing of Council  
Property for Community  
Organisations Policy**



**GOULBURN MULWAREE COUNCIL**  
LEASING / LICENCING OF COUNCIL PROPERTY FOR COMMUNITY ORGANISATIONS POLICY

### **POLICY OBJECTIVE**

The objective of this policy is to provide a structured and transparent framework for leasing or licencing of Council properties to registered not-for-profit organisations eg; former Works Depot at 2 Bourke Street, Goulburn. Note, this policy is separate to the Council adopted Fees & Charges applied to regular or casual hirers of other facilities at the Community Centre in Auburn Street, Goulburn and Workspace Goulburn at 56 Clinton Street, Goulburn.

This policy seeks to establish a formalised system to quantify Council's contributions to registered not-for-profit community groups by way of subsidised rentals. The policy establishes the basis for joint responsibility for sustainability at these community facilities whilst acknowledging the valuable contribution community groups make to the social fabric of the Goulburn Mulwaree community.

### **LEGISLATIVE PROVISIONS**

*Local Government Act 1993*  
*Local Government (General) Regulations*  
*Environmental Planning and Assessment Act 1979*  
*Crown Land Management Act 2016*  
*Real Property Act 1990*  
*Real Property (Legal Proceedings) Act 1970*  
*Conveyancing Act, 1919*  
*Biosecurity Act 2015*  
*Biodiversity Conservation Act 2016*

### **POLICY STATEMENT**

Council will enter into formal leases or licences with registered not-for-profit community organisations in relation to their tenancy arrangements. The form of these leases and licences will consider:

- Exclusivity of use
- Length of tenure
- Community groups financial input to improving the facility and;
- Social and community input

Community groups in return must understand their responsibility for issues such as, but not limited to;

- Public safety
- Adequate Public Liability insurance cover
- Access
- Work Health and Safety responsibilities
- Entering into a lease or licence agreement that determines the area required, proposed use and length of tenure

Council is committed to providing facilities for community groups as space and facilities become available. Council will require community groups to abide by fair and reasonable requests from Property Services staff in terms of tidiness, traffic, public safety, work health and safety procedures, access during emergencies and access for inspections (with appropriate notice).

Council will charge for the use of these facilities with the intent of recovering costs for the ongoing operation and maintenance of the facility. Council's Property Services staff will determine the approximate market lease or licence value of similar commercial properties in the vicinity of the Council property being offered to a community organisation and consult with the Chief Executive Officer prior to finalising any negotiations.



## GOULBURN MULWAREE COUNCIL LEASING / LICENCING OF COUNCIL PROPERTY FOR COMMUNITY ORGANISATIONS POLICY

The term of the lease or licence will be assessed on a case-by-case basis depending on the request from the applicant and the potential long term strategic need.

In NSW there are specific protections in the legislation for 'short leases', being leases with a term (including options) of 3 years or less. Where there is a short lease, you effectively automatically receive the same protections as you would receive from registration even if the lease isn't registered.

A lease of 3 years or less can be registered if the parties agree. The lease will need to be in registrable form. If the lease is more than three years, the lessor should lodge the lease at NSW Land Registry Services within 3 months after the tenant returns the signed lease to Council.

A lease for a term exceeding 3 years must be registered in order to pass an estate to the lessee. A lease for a term of 3 years or less, including an option to renew, may be registered.

A lease of part of the land for 5 years or less, including any options to renew, must fully describe the affected part by reference to a registered plan, a plan attached to the lease, or to another registered dealing.

A lease of part of the land for more than 5 years, including any options to renew, other than a lease lodged by the Commonwealth of Australia, must describe the affected part by reference to a registered Plan of Subdivision that has been approved by Council (refer s23F and s23G *Conveyancing Act 1919*).

All legal fees and disbursements associated with preparing a lease or licence are to be met by the lessee or licensee. If the dealing relates to a lease of part of the land for more than 5 years, the lessee must also meet all costs associated with preparing and registering a Plan of Subdivision with NSW Land Registry Services.

Consent may be required from the Minister administering the *Crown Land Management Act 2016* for certain Crown land tenures.

Council appreciates the input community groups have to the social fabric of this community and will therefore require registered not-for-profit community organisations to make lease or licence payments of at least 30% of the market value (where applicable) or the minimum statutory fees determined by DPE – Crown Lands if a proposal relates to use of all or part of a Crown Reserve that Council is the appointed Land Manager of under the *Crown Land Management Act 2016*. These charges will be adjusted by CPI on an annual basis.

### **AFFECTED COUNCIL PROPERTIES**

All or part of the following Council owned or managed properties are leased or licenced to various not-for-profit organisations on either a regular or casual basis:

- 56 Clinton St, Goulburn
- 2 Bourke St, Goulburn
- 331 Wheeo Rd, Goulburn
- 15 Mount Street, Goulburn
- 22-30 Farm Road, Goulburn
- 122 Finlay Road, Goulburn
- 47 Braidwood Road, Goulburn
- Part 41 Ross Street, Goulburn



**GOULBURN MULWAREE COUNCIL**  
 LEASING / LICENCING OF COUNCIL PROPERTY FOR COMMUNITY ORGANISATIONS POLICY

- Part 136 Faithfull Street, Goulburn
- Part Leggett Park - Howard Boulevard, Goulburn (Lot 223 DP 250803)
- Part 632 Taralga Road, Tarlo
- 38 George St, Marulan
- 47 George St, Marulan

**DEFINITION OF COMMUNITY GROUP**

A community group to be eligible for tenancy at one of these facilities can include community service providers, community/sporting groups and other community groups.

However, to be eligible for subsidies a community group must be operating with common values to the benefit of the community. Such a community group should be a registered 'not for profit' organisation and must provide sufficient information to Council when making an application for rent subsidy to prove that their goals are in the best interest of the Goulburn Mulwaree community.

This policy does not apply to commercial organisations or any individuals wishing to lease or licence part or all a Council premise. This policy also excludes sporting groups or community organisations that have separate licence agreements for sport and recreation fields.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	20 August 2019	15.7	2 October 2019	9 October 2019
<b>All policies can be reviewed or revoked by resolution of Council at any time.</b>				

**DIRECTORATE:** Corporate & Community Services

**BUSINESS UNIT:** Property & Community Services



## **Leasing of Council Roads Policy**



**GOULBURN MULWAREE COUNCIL  
LEASING OF COUNCIL ROADS POLICY**

**POLICY OBJECTIVE**

To provide Council with a framework for approval of applications for the lease of Council roads and/or road reserves.

**LEGISLATIVE PROVISIONS**

- Roads Act 1993*
- Local Government Act 1993*
- Biosecurity Act 2015*
- Biodiversity Conservation Act 2016*
- Environmental Planning & Assessment Act 1979*

**POLICY STATEMENT**

This policy does not relate to the leasing of Crown Roads which are administered by Department of Planning & Environment – Crown Lands. In addition, this policy does not apply to outdoor dining areas.

Council will consider leasing a Council Road and/or road reserve to an adjacent property owner subject to the following conditions:

1. The area of land to be leased is to be determined in consultation with the Director Operations.
2. The lease will be undertaken in accordance with the *Roads Act 1993 and other legislation referred to above*
3. The lease will be for a maximum period of five years
4. The lease fee will be set in Council’s Operational Plan. Advertising costs to be paid on initial application for lease (if applicable)
5. The lessee shall pay all costs associated with the required advertising etc. of the lease (if applicable)
6. Continuation of the lease may be reviewed on application by the lessee prior to the expiration of the first five-year period. There is no guarantee the lease will be extended
7. The lessee shall be responsible for controlling noxious weeds and animals in the leased area
8. All necessary fencing with adjacent private property and adjacent roads shall be carried out by the applicant to Council’s standard for rural road fencing.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	15 May 2007	07/230	15 May 2007	15 May 2007
2	19 May 2009	09/264	6 July 2009	6 July 2009
3	16 April 2013	13/136	7 June 2013	7 June 2013
4	18 July 2017	2017/326	18 July 2017	18 August 2017
<b>All policies can be reviewed or revoked by resolution of Council at anytime.</b>				

**DIRECTORATE** Corporate & Community Services  
**BUSINESS UNIT:** Property & Community Services



## **Youth Services Policy**



## GOULBURN MULWAREE COUNCIL YOUTH SERVICES POLICY

### POLICY OBJECTIVE

To guide Council in dealing with all young people aged 12-25 years and guide Council's development and implementation of programs and activities to address the needs of the LGA's youth and improve outcomes for youth.

### LEGISLATIVE PROVISIONS

- *Advocate for Children and Young People Act 2014*
- *Local Government Act 1993*
- *Commission for Children and Young People Act 1998*
- *Young Offenders Act 1997*
- *Child Protection (Offenders Prohibition Orders) Act 2004*
- *Child Protection (Offenders Registration) Act 2000*
- *Child Protection (Working with Children) Act 2012*
- *Child Protection (Working with Children) Regulation 2013*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Children and Young Persons (Care and Protection) Regulation 2012*

### POLICY STATEMENT

#### 1 Background

Council is committed to the health and wellbeing of its youth. Council values the importance of its youth and the value they provide to the community. Council is committed to developing and delivering holistic youth services to the LGA.

This policy has been developed in response to extensive community engagement with young people and external youth and community services in the LGA. It reflects the pillars and guiding principles of the Regional NSW Youth Framework – 2020 and will underline the delivery of annual youth action plans.

#### 2 Purpose

The purpose of this policy is to guide Council and its employees in decision making and project delivery that affects young people aged 12-25 in the LGA.

Council recognises the importance of young people to the future of our community and the value of considering young people and facilities for the region. Council is committed to addressing the needs of youth in our community, through collaborative co-design with youth and consultation with other agencies and non-government organisations (NGOs). Emphasis will be on building partnerships, supporting young people to have a voice and to become self-sufficient.

#### 3 Scope

This policy applies to all young people aged 12-25 in the Goulburn Mulwaree LGA area and all aspects of Council's delivery of services to young people providing guidance, planning and delivery of services and programs to young people (12-25) who live, work, and play or visit the LGA.

#### 4 Principles

The Youth Services Policy is underpinned by the following four (4) core principles.





## GOULBURN MULWAREE COUNCIL YOUTH SERVICES POLICY

### **Communication**

Ensure effective communication and engagement with young people, including genuine and regular communication between Council and young people via a co-design model.

### **Building Community Capacity**

Increase the capacity of young people and youth organisations to respond to the current and future needs of the Goulburn Mulwaree community.

### **Leadership**

Provide leadership opportunities and skills development for young people and represent youth interests at all levels of government and the broader community.

### **Equity and Inclusiveness**

Consider the diverse needs of young people, providing for all ages, abilities, and backgrounds across the Goulburn Mulwaree region.

## **5 Role of Council**

In accordance with the Goulburn Mulwaree Council Operational & Delivery Plan 2022 – 2026, Council is committed to;

- Fostering and encouraging positive social behaviours to maintain our safe, healthy, and connected community
- Developing and implementing programs for youth to encourage empowerment, resilience, and capacity building
- Building social capital and;
- Advocating for the education and training needs of young people in the region

### **Advocate**

Council will advocate the local needs and priority concerns of the LGA's young people to all levels of Australian Government (State and Federal) and within the community services sector.

### **Youth Development**

Council will in partnership provide youth activities and programs to build the capacity and develop the skills of the regions young people. This will include workshops, training, recreation and events designed and suggested through consultation and co-design with young people.

### **Partner**

Council will partner with young people, service providers, stakeholders and community to support and facilitate collaboration, identify service needs and opportunities for the region's young people.

### **Community Engagement**

Council will collaborate with the youth services sector, young people and the community to identify local needs and concerns of young people and youth stakeholders in the region by facilitating actions, projects and strategies to address identified needs and concerns.

## **6 Objectives**

### **Participation & Engagement**

Council recognises the importance of youth participation and engagement in Council processes, civic activities, active recreation, sports activities, and the broader community.



## GOULBURN MULWAREE COUNCIL YOUTH SERVICES POLICY

Council is committed to positively encouraging young people through participatory leadership processes to empower them to make decisions and actively participate in their community. Furthermore, Council will seek appropriate forms of communication to support co-design and connect with young people in general.

### **Partnerships, Roles and Collaboration**

Council recognises the value of the Youth Council, including their role, and the importance of the retention of youth leaders in the region. Council will endeavour to consult with the Youth Council and all young people and youth stakeholders within the region in a timely and appropriate manner on matters that will, or are likely to, impact youth. Council will create effective partnerships with the community and service sector in the development and implementation of programs and initiatives.

### **Planning and Decision Making**

Council acknowledges the importance of planning communities and the provision of public, recreational and sporting facilities that are inclusive of, and addresses the needs of, young people. Council is committed to proactively involving young people and youth stakeholders through consultation and decision-making processes.

### **Sport and Recreation**

Council will ensure that a range of recreational facilities and affordable, appropriate activities exist for young people, through working in partnership with other tiers of government, young people, stakeholders, and the broader community.

Council will investigate initiatives and programs for young people to enhance their health and wellbeing and actively promote the importance of teamwork, mateship and camaraderie.

### **Employment, Education and Training**

Council is committed to working in partnership with all tiers of government and the community, to encourage the development of employment, education, and training opportunities for young people within the region.

### **Diversity**

Council recognises its role and responsibility to consider the diversity of young people and their particular needs when making decisions and considering relevant planning, policy and projects within the community. Council recognises the value of, and will encourage, young people from all backgrounds to participate in the cultural life of the community.

### **Funding**

Council is committed to funding youth services programs through its annual budget to implement the Youth Services Policy and annual action plans. Council will also strive to attract and secure funding for youth development, recreation and participation opportunities for young people across the region.

### **Services and Strategies**

Council is committed to working with young people and youth stakeholders to plan, innovate and support strategies that can improve access, identify gaps and promote a range of youth services within the region including, but not limited to, Education and Employment, Drug and Alcohol, Transport, Housing, Health Services, Sport and Recreation.

### **Health and Wellbeing**

Council recognises the importance of supporting and promoting the health and wellbeing of young people across the LGA and raise awareness of existing services and current health



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**YOUTH SERVICES POLICY**

issues for young people.

**Crime Prevention**

Council recognises that by investing in activities and programs that have a crime prevention outcome, financial savings can be achieved by creating a more connected community. These programs include, but are not limited to, 'Fit for Life', holiday programs, sports clinics, community murals etc.

**Safety**

Council recognises the need for young people to live in a safe community and will work in partnership with other tiers of government, young people, stakeholders, police and other relevant bodies and the broader community to achieve this aim.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	19 February 2019	12.4	27 March 2019	27 March 2019
2				
<b>All policies can be reviewed or revoked by resolution of Council at anytime.</b>				

**DIRECTORATE:** Corporate & Community Services

**BUSINESS UNIT:** Property & Community Services

**15.14 EXECUTIVE SERVICES POLICY REVIEW**

**Author:** Chief Executive Officer

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** 1. Media Policy  
2. Social Media Policy

<b>Link to Community Strategic Plan:</b>	25. Our Civic Leadership CL1 Effect resourceful and respectful leadership and attentive representation of the community.
<b>Cost to Council:</b>	Nil
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That

1. The report from the Chief Executive Officer on the Executive Services Policy Review be received.
2. That Council places the following revised policies on public exhibition for 28 days and if no submissions are received, they are adopted as Council’s policies:
  - i. Media Policy
  - ii. Social Media Policy
3. Any submissions received are to be considered and reported to Council prior to final adoption of the policy(s).

**BACKGROUND**

This report presents two (2) of the Executive Services Directorate policies that have been reviewed in terms of regulatory requirement, relevance and content following the recent Council elections. These policies include:

- Media Policy
- Social Media Policy

**REPORT**

The following polices have been reviewed and are ready to be placed on public exhibition.

**Media Policy**

The objective of this policy is to recognise the value of the media as a means of Council communicating information to the public and to always be open, honest and pro-active in our dealings with them.

- The policy has been updated to reflect the updating of position titles, and some minor administrative/grammatical changes.

**Social Media Policy**

The objective of this policy is to provide Goulburn Mulwaree Council with a framework for the administration and management of its social media platforms, and to set standards of conduct for all Council officials who use social media in their official capacity.

- This policy is based on the Model Social Media Policy developed by the Office of Local Government earlier this year.





## Media Policy



## GOULBURN MULWAREE COUNCIL MEDIA POLICY

### POLICY OBJECTIVE

To recognise the value of the media as a means of Council communicating information to the public and to always be open, honest and proactive in our dealings with them.

### LEGISLATIVE PROVISIONS

*Defamation Act 2005*  
*Local Government Act 1993*  
*Government Information (Public Access) Act 2009 (GIPA Act)*  
*Privacy & Personal Information Protection Act 1998*  
*Work Health & Safety Act 2011*  
Web Content & Accessibility Guidelines 2.0 (WCAG 2.0)

### POLICY STATEMENT

A good working relationship with the media is imperative to Goulburn Mulwaree Council successfully relaying its key messages to the community. This policy outlines appropriate authority for media comment on behalf of Council. This will ensure that clear and consistent messages are communicated.

- All media enquiries should be referred to the appropriate spokesperson via the Communications Officer.
- The Mayor and Chief Executive Officer are the primary spokespeople for Goulburn Mulwaree Council.
- The Mayor is the official spokesperson on issues of policy and Council decisions.
- The Chief Executive Officer is the official spokesperson for operational issues.
- Directors and the Communications Officer are authorised to speak to the media on operational and general interest issues relevant to their Division, subject to advising the Chief Executive Officer of such contacts on an 'as-needed' basis.
- Managers are authorised to speak to the media on operational and general interest matters that occur from time to time, subject to consultation with the Communications Officer, the appropriate Director, and the Chief Executive Officer. Authority may be given to an appropriate team leader or project officer where the officer has specialist knowledge.
- Staff other than Executive must seek the express approval of the Chief Executive Officer before speaking to the media.
- Chairpeople of Council Committees are the principal spokesperson for that Committee, and may speak to the media on relevant issues within the parameters of their Committees.
- Generally, staff may not comment on matters in a Council agenda prior to a meeting. In the event that such comment is considered appropriate, staff should not comment or speculate on what Council's decision in relation to the matter may be and should not offer personal views on the recommendation submitted to Council.
- As a member of the community, Councillors are entitled to enter into public debate in their private capacity and make comment on Council affairs, provided they clearly state that such public comment reflects their personal opinion and not that of the Council or a Council Committee. This includes public speeches/addresses, television interviews, print media interviews/letters to the editor, radio interviews, online articles, and social media.
- Council staff must not make political or controversial statements in or to the media relating to Council affairs, decisions and/or events, or about Council officials, which are likely to generate negative publicity for Council. This includes statements that could be reasonably perceived to be made on behalf of Council, rather than a personal opinion; call into question the employee's capacity to work professionally, efficiently or impartially; so strong in its criticism that it could seriously disrupt the workplace. This includes public speeches/addresses; television

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**GOULBURN MULWAREE COUNCIL  
MEDIA POLICY**

interviews, print media interviews/letters to the editor, radio interviews, online articles, and social media.

Positive promotion of Goulburn Mulwaree Council initiatives, achievements, services, programs, and events can be achieved through interaction with the media.

Council will openly discuss matters of interest with the media, unless disclosure of certain information contravenes Council's obligations of confidentiality or privacy, duty of care, or could infringe other laws or regulations that govern its operations.

Written responses to media enquiry, and written media releases, ensure accuracy, provide a record of media statement and enable equitable distribution.

The Communications Officer has the key responsibility for distributing media comment and releases on behalf of the Mayor, Chief Executive Officer, and agreed Directors and specialist managers.

Council's Marketing Team has the key responsibility for distributing media releases and liaising with media on non-council specific topics that promote the LGA under the Goulburn Australia branding as a desirable destination to visit, live, work and invest.

**Where staff has the expertise to prepare media releases they are encouraged to do so, adhering to the following:**

- Managers and staff are to be aware of potential media opportunities within their unit and notify the Communications Officer.
- All media releases are to be authorised by the Chief Executive Officer prior to distribution via the Communications Officer.
- All Council-specific media releases are to be written and distributed on the official Goulburn Mulwaree Council media release template.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	20 March 2007	07/104	20 March 2007	20 March 2007
2	19 May 2009	09/264	19 May 2009	19 May 2009
3	19 April 2011	11/118	8 June 2011	8 June 2011
4	18 June 2013	13/249	26 July 2013	26 July 2013
5	2 May 2017	14/145	2 May 2017	2 June 2017
6				

**All policies can be reviewed or revoked by resolution of Council at anytime.**

**DIRECTORATE:** Executive Services

**BUSINESS UNIT:** Executive Services





## **Social Media Policy**



## GOULBURN MULWAREE COUNCIL SOCIAL MEDIA POLICY

### POLICY OBJECTIVE

To provide Goulburn Mulwaree Council (Council) with a framework for the administration and management of its social media platforms and to set standards of conduct for all Council officials who use social media in their official capacity.

### LEGISLATIVE PROVISIONS

*Local Government Act 1993*

*Copyright Act 1968*

*Defamation Act 2005*

*Privacy & Personal Information Protection Act 1998*

*Health Records and Information Privacy Act 2002*

*Government Information (Public Access) Act 2009*

*State Records Act 1998*

*Work Health & Safety Act 2011*

### POLICY STATEMENT

#### 1. Principles

1.1. Council is committed to upholding and promoting the following principles of social media engagement:

##### **Openness**

Council's social media platforms are places where anyone can share and discuss issues that are relevant to our Council and the community we represent and serve.

##### **Relevance**

Council will ensure our social media platforms are kept up to date with informative content about our Council and community.

##### **Accuracy**

The content Council uploads onto our social media platforms and any other social media platform will be a source of truth for our Council and community, and we will prioritise the need to correct inaccuracies when they occur.

##### **Respect**

Our social media platforms are safe spaces. We will uphold and promote the behavioural standards contained in this policy and our Council's Code of Conduct when using our social media platforms and any other social media platform.

#### 2. Administrative Framework for Council's Social Media Platforms

**Platforms** Council will maintain a presence on the following social media platforms:

- Facebook
- Instagram
- LinkedIn

2.2 Council's social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.

#### **Establishment and deletion of Council social media platforms**



## GOULBURN MULWAREE COUNCIL SOCIAL MEDIA POLICY

- 2.3 A new council social media platform, or a social media platform proposed by a council related entity (for example, a council committee), can only be established or deleted with the written approval of the Chief Executive Officer or their delegate.
- 2.4 Where a council social media platform is established or deleted in accordance with clause 2.3, the Chief Executive Officer or their delegate may amend clause 2.1 of this policy without the need for endorsement by Council's governing body.

### **Appointment and role of the Social Media Coordinator**

- 2.5 The Chief Executive Officer will appoint a member of Council staff to be Council's social media coordinator (SMC). The SMC should be a senior and suitably qualified member of staff.
- 2.6 The Chief Executive Officer may appoint more than one SMC.
- 2.7 The SMC's role is to:
- a) approve and revoke a staff member's status as an authorised user
  - b) develop and/or approve the training and/or induction to be provided to authorised users
  - c) maintain a register of authorised users
  - d) maintain effective oversight of authorised users
  - e) moderate Council's social media platforms in accordance with Part 5 of this policy
  - f) ensure Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4 of this policy)
  - g) ensure Council adheres to the rules of the social media platform(s)
  - h) coordinate with Council's Communications Unit and Innovation and Technology Business Unit to ensure Council's social media platforms are set up and maintained in a way that maximises user friendliness and any technical problems are resolved promptly.
- 2.8 The SMC may delegate their functions under paragraphs (e) and (f) of clause 2.7 to authorised users.
- 2.9 The SMC is an authorised user for the purposes of this policy.

### **Authorised users**

- 2.10 Authorised users are members of Council staff who are authorised by the Chief Executive Officer/SMC to upload content and engage on social media on Council's behalf.
- 2.11 Authorised users should be members of council staff that are responsible for managing, or have expertise in, the events, initiatives, programs or policies that are the subject of the social media content.
- 2.12 The SMC will appoint authorised users when required.
- 2.13 An authorised user must receive a copy of this policy and induction training on social media use and Council's obligations before uploading content on Council's behalf.
- 2.14 The role of an authorised user is to:
- a) ensure, to the best of their ability, that the content they upload onto social media platforms is accurate
  - b) correct inaccuracies in Council generated content
  - c) engage in discussions and answer questions on Council's behalf on social media platforms
  - d) keep Council's social media platforms up to date
  - e) where authorised to do so by the SMC:
    - i.) moderate Council's social media platforms in accordance with Part 5 of this policy
    - ii.) ensure Council complies with its record keeping obligations under the *State Records Act 1998* in relation to social media (see clauses 7.1 to 7.4 of this policy)



## GOULBURN MULWAREE COUNCIL SOCIAL MEDIA POLICY

- 2.15 When engaging on social media on Council's behalf (such as, but not limited to, on a community social media page), an authorised user must identify themselves as a member of Council staff but they are not obliged to disclose their name or position within the Council.
- 2.16 Authorised users must not use Council's social media platforms for personal reasons.

### **Administrative tone**

- 2.17 Authorised users upload content and engage on social media on the Council's behalf. Authorised users must use language consistent with that function and avoid expressing or appearing to express their personal views when undertaking their role.
- 2.18 Authorised users may use more personal, informal language when engaging on Council's social media platforms, for example when replying to comments.

### **Register of authorised users**

- 2.19 The SMC will maintain a register of authorised users. This register is to be reviewed annually to ensure it is fit-for-purpose.

### **Ceasing to be an authorised user**

- 2.20 The SMC may revoke a staff member's status as an authorised user, if:
- the staff member makes such a request
  - the staff member has not uploaded content onto any of the Council's social media platforms in the last 12 months.
  - the staff member has failed to comply with this policy
  - the SMC is of the reasonable opinion that the staff member is no longer suitable to be an authorised user.

## **3. Administrative Framework for Councillors' Social Media Platforms**

- 3.1 For the purposes of this policy, Councillor social platforms are not Council social media platforms. Part 2 of this policy does not apply to Councillors' social media platforms.
- 3.2 Councillors are responsible for the administration and moderation of their own social media platforms (in accordance with Parts 3 and 5 of this policy), and ensuring they comply with the record keeping obligations under the *State Records Act 1998* (see clauses 7.1 to 7.4 of this policy) and Council's Records Management Policy in relation to social media.
- 3.3 Clause 3.2 also applies to councillors in circumstances where another person administers, moderates, or uploads content onto their social media platform.
- 3.4 Councillors must comply with the rules of the platform when engaging on social media.

### **Induction and training**

- 3.5 Councillors who engage, or intend to engage, on social media must receive induction training on social media use. Induction training can be undertaken either as part of the councillor's induction program or as part of their ongoing professional development program.

### **Identifying as a councillor**

- 3.6 Councillors must identify themselves on their social media platforms in the following format: Councillor "First Name and Last Name".
- 3.7 A councillor's social media platform must include a profile photo which is a clearly identifiable image of the Councillor.



## GOULBURN MULWAREE COUNCIL SOCIAL MEDIA POLICY

- 3.8 If a Councillor becomes or ceases to be the Mayor, Deputy Mayor, or the holder of another position (for example, chairperson of a committee), this must be clearly stated on the Councillor's social media platforms and updated within 28 days of a change in circumstances.

### **Other general requirements for councillors' social media platforms**

- 3.9 Councillor social media platforms must specify or provide a clearly accessible link to the 'House Rules' for engaging on the platform.
- 3.10 A Councillor's social media platform must include a disclaimer to the following effect:  
*"The views expressed and comments made on this social media platform are my own and not that of Goulburn Mulwaree Council".*
- 3.11 Despite clause 3.10, mayoral or councillor media releases and other content that has been authorised according to the Council's media and communications protocols may be uploaded onto a councillor's social media platform.
- 3.12 Councillors may upload publicly available Council information onto their social media platforms.
- 3.13 Councillors may use more personal, informal language when engaging on their social media platforms.

### **Councillor queries relating to social media platforms**

- 3.14 Questions from Councillors relating to their obligations under this policy, technical queries relating to the operation of their social media platforms, or managing records on social media may be directed to the Chief Executive Officer in the first instance, in accordance with Council's Councillor requests protocols

### **Other social media platforms administered by councillors**

- 3.15 A councillor must advise the Chief Executive Officer/SMC of any social media platforms they administer on which content relating to Council or Council officials is, or is expected to be, uploaded. The councillor must do so within:
- 28 days of becoming a Councillor, or
  - 28 days of becoming the administrator.

## **4. Standards of conduct on social media**

- 4.1 This policy only applies to Council officials' use of social media in an official capacity or in connection with their role as a Council official. The policy does not apply to personal use of social media that is not connected with a person's role as a Council official.
- 4.2 Council officials must comply with the Council's Code of Conduct when using social media in an official capacity or in connection with their role as a council official.
- 4.3 Council officials must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
- is defamatory, offensive, humiliating, threatening or intimidating to other council officials or members of the public
  - contains profane language or is sexual in nature
  - constitutes harassment and/or bullying within the meaning of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory
  - is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety
  - contains content about the Council, council officials or members of the public that is



**GOULBURN MULWAREE COUNCIL**  
**SOCIAL MEDIA POLICY**

- misleading or deceptive
  - f) divulges confidential Council information
  - g) breaches the privacy of other council officials or members of the public
  - h) contains allegations of suspected breaches of the Council's code of conduct or information about the consideration of a matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW
  - i) could be perceived to be an official comment on behalf of the Council where they have not been authorised to make such comment
  - j) commits the Council to any action
  - k) violates an order made by a court
  - l) breaches copyright
  - m) advertises, endorses or solicits commercial products or business
  - n) constitutes spam
  - o) is in breach of the rules of the social media platform.
- 4.4 Council officials must:
- a) attribute work to the original author, creator or source when uploading or linking to content produced by a third party
  - b) obtain written permission from a minor's parent or legal guardian before uploading content in which the minor can be identified.
- 4.5 Council officials must exercise caution when sharing, liking, or retweeting content, as this can be regarded as an endorsement and/or publication of the content.
- 4.6 Council officials must not incite or encourage other persons to act in a way that is contrary to the requirements of this Part.
- 4.7 Councillors must uphold and accurately represent the policies and decisions of the Council's governing body but may explain why they voted on a matter in the way that they did. (see section 232(1)(f) of the *Local Government Act 1993*).

**5. Moderation of social media platforms**

**Council and Council officials may be considered a 'publisher' of any content uploaded onto a social media platform they administer, including content that:**

- **is uploaded by a third party; and/or**
- **appears on their social media platform because they have 'liked', 'shared', or 'retweeted' the content, or similar.**

5.1 Council officials who are responsible for the moderation of Council's or Councillors' social media platforms may remove content and 'block' or ban a person from those platforms. Such actions must be undertaken in accordance with this Part.

5.2 For the purposes of this Part, 'social media platform' and 'platform' means both Council's and Councillors' social media platforms.

**House Rules**

5.3 Social media platforms must state or provide an accessible link to the 'House Rules' for engaging on the platform.

5.4 At a minimum, the House Rules should specify:

- a) the principles of social media engagement referred to in clause 1.1 of this policy.
- b) the type of behaviour or content that will result in that content being removed or 'hidden', or



## GOULBURN MULWAREE COUNCIL SOCIAL MEDIA POLICY

- a person being blocked or banned from the platform
- c) the process by which a person can be blocked or banned from the platform and rights of review
- d) a statement relating to privacy and personal information (see clause 7.4 of this policy)
- e) when the platform will be monitored (for example weekdays 9am – 5pm, during Council's business hours)
- f) that the social media platform is not to be used for making complaints about Council or Council officials.

**Note: The House Rules should include information about, or a link to, Council's Complaint Handling Policy.**

- 5.5 For the purposes of clause 5.4(b), third parties engaging on social media platforms must not post or share comments, photos, videos, electronic recordings or other information that:
- a) is defamatory, offensive, humiliating, threatening or intimidating to council officials or members of the public,
  - b) contains profane language or is sexual in nature
  - c) constitutes harassment and/or bullying within the meaning of the Model Code of Conduct for Local Councils in NSW, or is unlawfully discriminatory
  - d) contains content about the Council, council officials or members of the public that is misleading or deceptive
  - e) breaches the privacy of council officials or members of the public
  - f) contains allegations of suspected breaches of Council's Code of Conduct or information about the consideration of a matter under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW,
  - g) violates an order made by a court
  - h) breaches copyright
  - i) advertises, endorses or solicits commercial products or business,
  - j) constitutes spam
  - k) would be in breach of the rules of the social media platform.

**Removal or 'hiding' of content**

- 5.6 Where a person uploads content onto a social media platform that, in the reasonable opinion of the authorised user, is of a kind specified under clause 5.5, the authorised user may remove or 'hide' that content.
- 5.7 Prior to removing or 'hiding' the content, the authorised user must make a record of it (for example, a screenshot).
- 5.8 If the authorised user removes or 'hides' the content under clause 5.6, they must, where practicable, notify the person who uploaded the content that it has been removed and the reason(s) for its removal and their rights of review.
- 5.9 A person may request a review of a decision by an authorised user to remove or 'hide' content under clause 5.6. The request must be made in writing to the Chief Executive Officer and state the grounds on which the request is being made.
- 5.10 Where a review request is made under clause 5.9, the review is to be undertaken by the SMC or a member of staff nominated by the Chief Executive Officer who is suitably qualified and who was not involved in the decision to remove or 'hide' the content.



## GOULBURN MULWAREE COUNCIL SOCIAL MEDIA POLICY

### **Blocking or banning**

- 5.11 If a person uploads content that is removed or 'hidden' under clause 5.6 of this policy on three occasions, that person may be blocked or banned from the social media platform / all social media platforms.
- 5.12 A person may only be blocked or banned from a Council social media platform with the approval of the Chief Executive Officer. This clause does not apply to blocking or banning a person from a Councillor's social media platform.
- 5.13 Prior to blocking or banning a person from a social media platform, the person must, where practicable, be advised of the intention to block or ban them from the platform/all platforms and be given a chance to respond. Any submission made by the person must be considered prior to a determination being made to block or ban them.
- 5.14 The duration of the block or ban is to be determined by the Chief Executive Officer, or in the case of a councillor's social media platform, the councillor.
- 5.15 Where a determination is made to block or ban a person from a social media platform/all social media platforms, the person must, where practicable, be notified in writing of the decision and the reasons for it. The written notice must also advise the person which social media platforms they are blocked or banned from and the duration of the block or ban and inform them of their rights of review.
- 5.16 Despite clauses 5.11 to 5.15, where a person uploads content of a kind referred to under clause 5.5, and the Authorised User is reasonably satisfied that the person's further engagement on the social media platform poses a risk to health and safety or another substantive risk (such as the uploading of defamatory content), an interim block or ban from the platform/all platforms may be imposed on the person immediately for a period no longer than six months.
- 5.17 A person who is blocked or banned from the platform/all platforms under clause 5.16 must, where practicable, be given a chance to respond to the interim block or ban being imposed. Any submission made by the person must be considered when determining whether the interim block or ban is to be removed or retained under clauses 5.11 to 5.15.
- 5.18 A person may request a review of a decision to block or ban them from a social media platform. The request must be made in writing to the Chief Executive Officer and state the grounds on which the request is being made.
- 5.19 Where a review request is made under clause 5.18, the review is to be undertaken by the Chief Executive Officer or a member of staff nominated by the Chief Executive Officer who is suitably qualified and who was not involved in the decision to block or ban the person. Where the decision to block or ban the person was made by the Chief Executive Officer, the review must be undertaken by another senior and suitably qualified member of staff who was not involved in the decision.
- 5.20 Where a person that is the subject of a block or ban continues to engage on a social media platform(s) using an alternative social media account, profile, avatar, etc., an authorised user may block or ban the person from the platform(s) immediately. In these circumstances, clauses 5.11 to 5.19 do not apply.

### **6. Use of social media during emergencies**

- 6.1 During emergencies, such as natural disasters or public health incidents, the SMC will be responsible for the management of content on Council's social media platforms.
- 6.2 To ensure consistent messaging both during and after an emergency, authorised users and Council officials must not upload content onto Council's or their own social media platforms which contradicts advice issued by the agency coordinating the emergency response, or agencies supporting recovery efforts.
- 6.3 Training on social media use during emergencies should be included in training and/or induction





## GOULBURN MULWAREE COUNCIL SOCIAL MEDIA POLICY

provided to authorised users and Councillors.

### 7. Records management and privacy requirements

#### Records management

- 7.1 Social media content created, sent and received by Council officials (including Councillors) acting in their official capacity is a Council record and may constitute open access information or be subject to an information access application made under the *Government Information (Public Access) Act 2009*. These records must be managed in accordance with the requirements of the *State Records Act 1998* and Council's approved records management policies and practices.
- 7.2 Council must not destroy, alter, or remove social media content unless authorised to do so. If you need to alter or remove social media content, you must do so in accordance with this policy, and consult with Council's records manager and comply with the requirements of the *State Records Act 1998*.
- 7.3 When/if a Councillor's term of office concludes, the Councillor must contact Council's records manager and SMC to manage/transfer records of social media content created during their term of office and comply with the requirements of the *State Records Act 1998*.
- 7.4 In fulfilling their obligations under clauses 7.1 to 7.3, Council officials should refer to any guidance issued by the State Archives and Records Authority of NSW relating to retention requirements for councils' and councillors' social media content.

#### Privacy considerations and requirements

- 7.5 Social media communications are in the public domain. Council officials should exercise caution about what personal information, if any, they upload onto social media.
- 7.6 The *Privacy and Personal Information Protection Act 1998* applies to the use of social media platforms by Council and Councillors. To mitigate potential privacy risks, Council officials will:
  - a) advise people not to provide personal information on social media platforms
  - b) inform people if any personal information they may provide on social media platforms is to be used for official purposes
  - c) moderate comments to ensure they do not contain any personal information
  - d) advise people to contact Council or Councillors through alternative channels if they have personal information they do not want to disclose in a public forum.
- 7.7 Council officials must ensure they comply with the *Health Records and Information Privacy Act 2002* when engaging on and/or moderating social media platforms. In fulfilling their obligations, Council officials should refer to any guidance issued by the Information and Privacy Commission of NSW, such as, but not limited to, the Health Privacy Principles.

### 8. Private use of social media

**Note: Activities on social media websites are public activities. Even though privacy settings are available, content can still be shared and accessed beyond the intended recipients.**

**The terms and conditions of most social media sites state that all content becomes the property of the site on which it is posted.**

#### What constitutes 'private' use?

- 8.1 For the purposes of this policy, a Council official's social media engagement will be considered 'private use' when the content they upload:
  - a) is not associated with, or does not refer to, Council, any other Council officials, contractors, related entities or any other person or organisation providing services to or on behalf of



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SOCIAL MEDIA POLICY**

- Council in their official or professional capacities, and
- b) is not related to or does not contain information acquired by virtue of their employment or role as a Council official.
- 8.2 If a Council official chooses to identify themselves as a Council official, either directly or indirectly (such as in their user profile), then they will not be deemed to be acting in their private capacity for the purposes of this policy.

**Use of social media during work hours**

- 8.3 Council staff must not access or engage on social media in their private capacity during work hours.

**9. Concerns or Complaints**

- 9.1 Concerns or complaints about the administration of Council's social media platforms should be made to Council's SMC in the first instance.
- 9.2 Complaints about the conduct of Council officials (including Councillors) on social media platforms should be directed to the Chief Executive Officer.
- 9.3 Complaints about a Chief Executive Officer's conduct on social media platforms should be directed to the Mayor.

**10. Definitions**

In this Social Media Policy, the following terms have the following meanings:

<b>authorised user</b>	members of Council staff who are authorised by the Chief Executive Officer or SMC to upload content and engage on the Council's social media platforms on Council's behalf
<b>council official</b>	in the case of Council - Councillors, members of staff and delegates of Council (including members of committees that are delegates of Council);  in the case of a joint organisation – voting representatives, members of staff and delegates of the joint organisation (including members of committees that are delegates of the joint organisation)
<b>minor</b>	for the purposes of clause 4.4(b) of this policy, is a person under the age of 18 years
<b>personal information</b>	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
<b>SMC</b>	is Council's social media coordinator appointed under clause 2.7 of this policy
<b>social media</b>	online platforms and applications - such as but not limited to social networking sites, wikis, blogs, microblogs, video and audio sharing sites, and message boards - that allow people to easily publish, share and discuss content. Examples of social media platforms include, but are not limited to Facebook, Twitter, Snapchat, LinkedIn, Yammer, YouTube, Instagram, Flickr, TikTok and Wikipedia



**GOULBURN MULWAREE COUNCIL**  
**SOCIAL MEDIA POLICY**

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	[Date]	[Number]	[Date]	[Date]
<b>All policies can be reviewed or revoked by resolution of Council at any time.</b>				

**DIRECTORATE:** Executive Services

**BUSINESS UNIT:** Communications

**15.15 UTILITIES POLICY REVIEWS**

**Author:** Director Utilities  
**Authoriser:** Aaron Johansson, Chief Executive Officer  
**Attachments:** 1. Recreational Use of Council's Dams Policy  
 2. Waste Management and Disposal Policy

<b>Link to Community Strategic Plan:</b>	20. Our Infrastructure IN5 Ensure high quality water supply options for the towns in the region.
<b>Cost to Council:</b>	Nil
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That

1. The report from the Director Utilities on the Utilities Policy Review be received.
2. Council places the following revised policies on public exhibition for 28 days and if no comments are received, they be adopted as Council's policies:
  - (i) Recreational Use of Council's Dams Policy
  - (ii) Waste Management and Disposal Policy

Any submissions received will be considered and reported to Council for final adoption of the policy.

**BACKGROUND**

This report presents two of the Utilities Directorate policies that have been reviewed in terms of regulatory requirement, relevance and content following the recent Council elections. These policies include the Recreational Use of Council's Dams Policy and Waste Management and Disposal Policy.

The contents of the revised policies have been discussed at Council briefing on 9 August 2022.

**REPORT**

The following attached policies have been reviewed and are ready to be placed on public exhibition.

**Recreational Use of Council's Dams Policy**

The aim of the policy is to document the existing recreational use of Goulburn's dams. No changes were made to this policy.

Under the Recreational Use of Council's Dams policy, Pejar Dam continues to be available for recreational use and Sooley Dam continues to be restricted to any recreational use. Sooley Dam is an essential component of the Goulburn Raw Water system. Under the Raw Water Operational Plan, Sooley Dam is the priority source for water supply to maximise the yield available from our catchments. The sole purpose of Sooley Dam is to provide drinking water to Goulburn and with the proximity of the dam to the Goulburn Water Treatment Plant, and the direct pipeline connection to the plant, the operational aim of this storage is to protect water quality to maximise raw water quality for treatment to meet the Australian Drinking Water Guidelines for the supply of treated water.

The *NSW Public Health Act 2010* and the *NSW Public Health Regulation 2012*, require Council to have an approved Drinking Water Management Plan that meets the framework of the Australian Drinking Water Guidelines 2011 in line with ISO9001. The purpose of this system is to provide a risk based multibarrier management approach to drinking water management. This includes the management of each step of the water supply process including catchment protection, treatment, disinfection, storage and distribution to the consumer. The Australian Drinking Water guidelines state that the greatest risk to consumers is pathogenic microorganisms and the protection of water sources and treatment are of paramount importance and must never be compromised. Council maintains a balanced approach to recreational use of our storages, where Pejar Dam is used for limited recreational activities to provide access to these activities where the risk is less to our water supply while access to Sooley Dam continues to be restricted to all recreational use to minimise risk to this water supply due to location and the criticality of this water source to Goulburn.

### **Waste Management and Disposal Policy**

This policy aims to manage waste collected from households and waste disposed of at Council's Waste Management Centres.

The reviewed policy (refer attachment) contains the following changes and additions:

- Council may accept waste from a regulated area in an emergency with approval from the NSW Environment Protection Authority.
- Council may refuse to accept waste from outside of our area and not from a waste levy paying area for any reason.
- Council may require waste to be tested and/or classified prior to disposal.
- All domestic waste bins must be placed in a safe location on the nature strip/road verge for collection, one metre apart and free from obstructions. Bins may not be collected if they continue to be placed near obstructions. All bins must be stored within the property boundary other than on the evening prior to collection. Bins stored in public places may be removed by Council.
- Council may issue 1100L or 240L bins in lieu of red bins for multi-unit developments. The allocation will be equivalent to the 140L landfill waste allocation per domestic charge.
- Domestic and commercial bins must be clearly marked by the resident/customer with the property address to which they are associated and placed in a location where there is not risk of the bin causing injury or damage to people or property.
- Council will replace bins destroyed through criminal activities (fires or theft) upon provision of a police event number.
- Bins are assigned to the property and not to be relocated to other properties.
- The rural waste card is an opt in/opt out service for rural residents. Any cancellations must be received by 31 August and the card not used for cancellation that financial year .
- Minimum 3 step process before removing bins due to contamination. This process includes:
  1. A sticker placed on the bin requesting the removal of contaminants prior to the next scheduled collection.
  2. A letter to the resident advising of the issue, requesting the removal of the contaminant, and encouraging the resident to contact Council to discuss the issue.
  3. A second letter if contamination continues and removal of the bin from the property or if unable to be removed, the bin will not be collected.

These policies will be placed on public exhibition for a period of 28 days. If no submissions are received during this period, they will be adopted as the newly revised policies. Any submissions on any of these policies will be presented back to Council for consideration before adoption takes place.



## **Recreational Use of Council Dams Policy**



## GOULBURN MULWAREE COUNCIL RECREATIONAL USE OF COUNCIL DAMS POLICY

### **POLICY OBJECTIVE**

To document the existing recreational use of Goulburn's dams.

### **LEGISLATIVE PROVISIONS**

Guidelines for the Recreational Use of Water Storage Areas – NSW Health 2005

### **POLICY STATEMENT**

Recreational use of Sooley Dam and Rossi Weir is not permitted. This is to minimise the threat to water quality which is important due to the close proximity to the raw water offtake at Rossi Weir. These are both closed storages whereby Council access is through privately owned land.

Pejar Dam has restricted recreational use based on activities that minimise erosion of the banks around the dam and that prevent the water pollution due to potential fuel spillage or waste disposal.

Recreational uses permitted at all times include:

- Fishing from the banks
- Picnicking in designated areas (the park and reserve)

The following activities are permitted in non-restricted areas, when the water level is equal or greater than 30% and blue green algae levels are within recreational guideline limits:

- Canoeing
- Sailing
- Sailboarding
- Rowing
- Electric Powered boats (Up to 4 knots)
- Line fishing from rowing or electric powered boats

The following activities are not permitted at any time:

- Power boating (except rescue boats and Council work boats)
- Boating in restricted areas
- Swimming
- Scuba diving / skin diving
- Camping
- Caravanning
- Trail bike riding
- Shooting

The restricted areas are adjacent to the spillway and the tributaries to the dam.



**GOULBURN MULWAREE COUNCIL  
RECREATIONAL USE OF COUNCIL DAMS POLICY**

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	20 September 2011	11/312	20 September 2011	20 September 2011
2	19 March 2013	13/81	10 May 2013	10 May 2013
3	3 May 2016	16/171	6 June 2016	9 June 2016
4	2 May 2017	17/148	2 May 2017	2 June 2017
5				
<b>All policies can be reviewed or revoked by resolution of Council at anytime.</b>				

**DIRECTORATE:** Utilities

**BUSINESS UNIT:** Water Operations





## **Waste Management and Disposal Policy**



## GOULBURN MULWAREE COUNCIL WASTE MANAGEMENT AND DISPOSAL POLICY

### POLICY OBJECTIVE

To manage waste collected from households and waste disposed of at Council's Waste Management Centres.

### LEGISLATIVE PROVISIONS

*Protection of the Environment Operations Act 1997 (POEO)*

### POLICY STATEMENT

1. Non-residents with authorised Goulburn Mulwaree Council Rural Waste Cards issued through Upper Lachlan Shire Council have access to dispose of domestic waste, in accordance with the conditions of the rural waste cards, at any of Council's Waste Management Centres.
2. Waste generated in regulated (levy paying) areas of NSW is not accepted at Council's Waste Management Centres. This includes waste from Wingecarribee Local Government Area and Greater Sydney. Council may accept waste from a regulated area in an emergency with approval from the NSW Environment Protection Authority (EPA).
3. Except as noted in 1 above, all waste from outside the area will only be accepted at Council's Waste Management Centres upon payment of a tipping fee as described in the Fees and Charges for non-residents contained in Council's annual Fees and Charges. Council may refuse to accept waste from outside Goulburn Mulwaree Local Government Area for any reason.
4. Council has the right to refuse to collect or accept waste for any reason. Council may require waste to be tested and/or classified to ensure EPA licence and legislative requirements are met.
5. All domestic waste bins must be placed in a safe location for collection on the road verge/nature strip free of obstacles such as parked cars and trees, and one metre apart to enable collection. Bins may not be collected if they continue to be placed near obstructions after a minimum of one notification is provided to the relevant property. All bins must be stored within the property boundary other than on the evening prior to collection. Bins stored in a public area may be removed by Council.
6. Council may issue 1100L or 240L communal bins at its discretion in lieu of 140L red bins for multi-unit developments or properties with multiple dwellings. The waste disposal allocation will be the equivalent of 140L landfill waste per domestic waste charge.
7. Domestic and commercial waste bins must be clearly marked by the resident/customer with the property address to which they are associated and must be placed in a location where there is no risk of the bin causing injury or damage to people or property. If Council issued bins are destroyed through criminal activity (eg fire) or stolen, Council will replace the bin free of charge to the resident upon receipt of a NSW Police Event Number. Domestic waste bins are leased from Council and allocated to each property where they must remain and not be relocated to an alternative property.
8. Council's Rural Waste Card system is an opt in/out service. If a request to cancel a Rural Waste Card is received by 31 August and the card has not been used in that financial year, it may be cancelled from that financial year. Any cancellations after 31 August will commence from 1 July of the subsequent financial year.



**GOULBURN MULWAREE COUNCIL  
WASTE MANAGEMENT AND DISPOSAL POLICY**

9. Council will follow a minimum three step process before removing green and yellow lid bins from properties due to contamination; or removing red bins due to unsafe items.

This will include:

- Education through placing a sticker or tag on the bin and asking the resident to remove the contamination or unsafe item prior to collection the following week or fortnight dependent on the normal collection cycle.
- Education combined with enforcement where Council will write to the resident and landlord where applicable about the issue and encourage them to contact Council so they can be further educated on what can and cannot be put in each bin. The letter will also advise residents that if, for example, the contamination continues, the bin may be removed. The resident will be required to remove contamination and/or unsafe items prior to Council emptying the bin the following week or fortnight dependent on the normal collection cycle. .
- If contamination or unsafe waste disposal continues, a second letter will be issued to the tenant and/or owner, and the relevant bin will be removed from the property or not collected if inaccessible.

Version	Council Meeting Date	Resolution	Adoption Date	Effective From
1	15 May 2007	07/230	15 May 2007	15 May 2007
2	16 December 2008	08/821	16 December 2008	16 December 2008
3	19 March 2013	13/81	10 May 2013	10 May 2013
4	3 May 2016	16/171	6 June 2016	9 June 2016
5	2 May 2017	17/148	2 May 2017	2 June 2017
<b>All policies can be reviewed or revoked by resolution of Council at any time.</b>				

**DIRECTORATE:** Utilities

**BUSINESS UNIT:** Waste and Recycling

**15.16 GOULBURN MULWAREE YOUTH COUNCIL MEETING NOTES - 24 JUNE 2022**

**Author:** Councillor

**Authoriser:** Aaron Johansson, Chief Executive Officer

**Attachments:** 1. Youth Council Meeting Minutes 24 June 2022

<b>Link to Community Strategic Plan:</b>	Our Civic Leadership
<b>Cost to Council:</b>	Nil
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That the report from Cr Carol James in relation to the Goulburn Mulwaree Youth Council Meeting Notes held on the 24 June 2022. There are no recommendations from this meeting that require a resolution from Council

**BACKGROUND**

A meeting of the Goulburn Mulwaree Youth Council Meeting Notes held on the 24 June 2022.

Please find attached the notes from this meeting.



**Goulburn Mulwaree Youth Council  
Discussion Items & Action List**

**Meeting Details**

Friday, 24 June 2022  
Council Chambers

**Attendees**

Holly, Dana, Max, Millie, Leah, Blake, Marley

**Apology**

Nil

**Discussion Items**

- 2024 NSW Youth Conference
  - We watched the South West Sydney pitch for the next youth conference. The video was awesome and we can't wait to see what they have in store for us in 2024!
  
- Election of Youth Council Mayor  
We had our Mayoral Election tonight. The following roles have been appointed:
  - Mayor: Holly Caffery
  - Sergeant of Arms: Blake Robertson
  - Minute Taker: Diana Kerr
  - Publicity Officers: Marley Parlett and Millie Dean

We will also be going over our social media policy and going through some publicity training next meeting before we start with our social media endeavours!
  
- Soroptimist Environment Month Dinner
  - We watched Holly's speech from Monday at the Environment Month Dinner – she spoke on the importance of education of sustainably and got to listen to some other inspiring speeches from various other Goulburn youth.
  
- Skate Event PCYC
  - We would like to see as many people from our Council there as possible – the event starts at 3pm on the 2<sup>nd</sup> July. We also need helpers from 12pm if anyone can come help set up.
  
- Frostival Event
  - The weekend of the 26<sup>th</sup> August include ice skating and other winter themed events.
  - We've been asked to do some catering for the 27<sup>th</sup> August from 12pm – 8pm.
  - We will be cooking sweet and savoury pancakes as well as corn on the cob.
  
- New years' Eve Event
  - There's a few Councillors that were talking about doing a New Year's Eve event – something we have been talking about for quite a few years.
  - Thinking about music and food in the park – then a county down to New Year's Eve – potentially try to get some fireworks on the night.
  
- Youth Policy
  - Up for renewal
  - We definitely need to have an input on the updated policy, as this in particular affects us.
  - We will be reviewing the current policy at our next meeting.
  
- Social Media Training
  - We will be undertaking some social media training at our next meeting in order to boost our social media presence.

**15.17 EXTERNAL MEETING MINUTES**

**Author:** Chief Executive Officer

**Authoriser:** Aaron Johansson, Chief Executive Officer

- Attachments:**
1. **Develop Woodlawn Project Community Consultative Committee Meeting 6 July 2022**
  2. **Country Mayors Meeting 5 August 2022**

<b>Link to Community Strategic Plan:</b>	27. Our Civic Leadership CL3 Collaborate and cooperate to achieve efficiencies and a greater voice in regional decision-making, and encourage similar cooperation across other sectors and community groups.
<b>Cost to Council:</b>	There are no financial implications for this report
<b>Use of Reserve Funds:</b>	Nil

**RECOMMENDATION**

That the report from the Chief Executive Officer on the following External Meeting Minutes be received:

1. Develop (Heron) Woodlawn Project Community Consultative Committee Meeting 6 July 2022
2. Country Mayors Meeting 5 August 2022

**REPORT**

Please find attached the minutes from the:

1. Develop (Heron) Woodlawn Project Community Consultative Committee Meeting 6 July 2022
2. Country Mayors Meeting 5 August 2022

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



**WOODLAWN PROJECT  
Community Consultation Committee**

**MEETING MINUTES**

**Wednesday 6 July 2022**  
At Woodlawn Mine office, Collector Road, Tarago

Item	Minutes		Follow Up By
<b>Meeting Opened:</b>	6.05pm	<b>Meeting Closed:</b>	7.05pm
<p><b>Attendees</b></p> <ol style="list-style-type: none"> <li>1. David Johnson (Chair) (DJ)</li> <li>2. Mayor Peter Walker (Goulburn Mulwaree Council) (PW)</li> <li>3. Scott Martin (Goulburn Mulwaree Council) (SM)</li> <li>4. Chris Taylor (Develop Pty Ltd) (CT)</li> <li>5. Denzil Sturgiss (DS)</li> <li>6. Gill Shepherd (GS)</li> </ol> <p><b>Invited Observers</b> none</p>	<p><b>Apologies</b></p> <ol style="list-style-type: none"> <li>1. Adrian Ellson (AE)</li> <li>2. Zoe Read (Develop)</li> </ol>		
<p><b>Pecuniary or non-pecuniary interests</b> DS noted that the former pecuniary interest he had declared, regarding shares held in Heron Resources, no longer applies.</p>			
<p>DJ opened the meeting and acknowledged the traditional owners of the land on which the meeting is being held, the Gundungurra people, and their elders past and present. DJ welcomed Chris Taylor, Underground Manager for Develop Global Ltd. It was noted that Develop have now acquired the Woodlawn Mine operation from the administrators of Heron Resources Pty Ltd, the previous owner. It was noted that the last formal CCC meeting was on 28 July 2021, held by Zoom (on-line)</p>			
<p><b>Previous Minutes</b> Minutes from the previous meeting on 28 July 2021 were noted with no changes.</p>			
<p><b>Matters Arising from previous minutes</b> No issues were noted.</p>			

# DEVELOP

<p><b>Project Status &amp; Update</b></p> <p>CT introduced himself and provided some background to the new owner of the mine operation, Develop Global Ltd, which acquired Woodlawn Mine in February 2022. Develop comprises two divisions – a mining services division (which provides services to other mining companies, eg Belleview, as well as Develop’s own mines) and a mine ownership division which owns and operates mines, such as Woodlawn, and Sulphur Springs (WA).</p> <p>CT showed a power-point presentation on the background, capability and resources of Develop, and it has since been circulated to CCC members.</p> <p>The Woodlawn mine has been under ‘care &amp; maintenance’ since 2020 but is now gearing up for a re-commencement of mining and production (of copper, lead and zinc concentrate) towards the end of 2023. The company intend to develop a new mine plan in early 2023 and new equipment is now being brought to the site. An underground drilling program will also be starting within a couple of weeks; it is believed there is significant potential for extensions to known lenses in the ore-body, and for new lenses to be found.</p> <p>Current employment at the mine is around 15-20; most are staying at the Gilmour Inn, Lake Bathurst. This number is expected to double within the next month. It is expected that employee numbers will reach about 150 persons in 12–18 month’s time. It is possible that Develop could establish a semi-permanent mine camp in the area, but not at the mine site. The Company intends to utilise local workers as much as possible for the project.</p> <p>At the moment two large evaporator machines are being used to reduce water in the tailings storage facilities and dams. This is required because it will soon be necessary to pump water from the underground workings. It was noted that the whole project area is required to have a zero discharge of surface waters.</p> <p>PW encouraged the Company to maintain communication with the Tarago community, particularly through local publications such as the Tarago Times. The Company was also encouraged to support local groups and organisations as much as possible, and it was noted that Heron had previously been quite generous in this regard.</p>	
<p><b>Community complaints/reports and company response</b></p> <p>None</p>	
<p><b>General business / Other matters</b></p> <p>The members present expressed support for Develop, and wished them well for a successful re-start for the operation in due course. It was noted that Woodlawn mine has enjoyed a high level of support and approval from the community and there is a strong interest in seeing the operation re-commence.</p> <p>AE (an apology) requested that the proposed Blind Creek Solar Farm (located on the Bungendore Road) be noted at the meeting. Discussion continued regarding the expected increase in heavy vehicle traffic in the area, from numerous sources mostly unrelated to the mine.</p> <p>It was suggested that the chair (DJ) contact the Veolia manager, Justin Houghton to invite him to join the Woodlawn CCC, as Henry Gundry has left the area at the moment. It was also noted by DJ that we should advertise at some stage to obtain additional community members for the CCC; DJ explained the process for obtaining and approving (by DPE) new members.</p>	
<p><b>Next meeting</b></p> <p>Wednesday 5 October 2022, 6pm at the Woodlawn Mine office.</p>	

Note: all CCC, community and associated documents are located on the company website:





# Country Mayors Association of NEW SOUTH WALES

Chairperson: Cr Ken Keith OAM

PO Box 337 Parkes NSW 2870

02 6861 2333

ABN 92 803 490 533

## MINUTES

### GENERAL MEETING

FRIDAY, 5 AUGUST 2022 THEATRETTE, PARLIAMENT HOUSE, 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  
Bathurst Regional Council, Mr Aaron Jones, Acting General Manager  
Bega Valley Shire Council, Cr Russell Fitzpatrick, Mayor  
Bega Valley Shire Council, Mr Anthony McMahon, CEO  
Bellingen Shire Council, Cr Steve Allan, Mayor  
Bellingen Shire Council, Ms Liz Jeremy, General Manager  
Bland Shire Council, Cr Brian Monaghan, Mayor  
Bland Shire Council, Mr Grant Baker, General Manager  
Blayney Shire Council, Cr Scott Ferguson, Mayor  
Broken Hill City Council, Mr Jay Nankivell, General Manager  
Cabonne Shire Council, Cr Kevin Beatty, Mayor  
Cabonne Shire Council, Mr Brad Burns, General Manager  
Cootamundra-Gundagai Regional Council, Cr Charlie Sheahan, Mayor  
Cootamundra-Gundagai Regional Council, Mr Glen McAtear, Deputy General Manager  
Dubbo Regional Council, Mathew Dickerson, Mayor  
Dubbo Regional Council, Mr Murray Wood, CEO  
Federation Council, Cr Patrick Bourke, Mayor  
Forbes Shire Council, Cr Chris Roylance, Deputy Mayor  
Forbes Shire Council, Mr Steve Loane, General Manager  
Gilgandra Shire Council, Cr Doug Batten, Mayor  
Gilgandra Shire Council, Mr David Neeves, General Manager  
Glen Innes Shire Council, Cr Rod Banham, Mayor  
Glen Innes Shire Council, Mr Dennis McIntyre, Acting General Manager  
Goulburn Mulwaree Council, Cr Bob Peter Walker, Mayor  
Goulburn Mulwaree Council, Mr Aaron Johansson, CEO  
Griffith City Council, Cr John Doug Curran, Mayor  
Griffith City Council, Mr Brett Stonestreet, General Manager

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Gunnedah Shire Council, Cr Jamie Chaffey, Mayor  
Gunnedah Shire Council, Mr Eric Growth, General Manager  
Gwydir Shire Council, Cr John Coulton, Mayor  
Gwydir Shire Council, Mr Max Eastcott, General Manager  
Hilltops Council, Cr Margaret Roles, Mayor  
Inverell Shire Council, Cr Paul Harmon, Mayor  
Kempsey Shire Council, Mr Craig Milburn, General Manager  
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 Greg Tory, 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  
Lockhart Shire Council, Cr Greg Verdon, Mayor  
Lockhart Shire Council, Mr Peter Veneris, General Manager  
Mid-Western/Mudgee Regional Council, Mr Brad Cam, General Manager  
Moree Plains Shire Council, Mr Mick Tobin, Acting General Manager  
Narrabri Shire Council, Cr Ron Campbell, Mayor  
Narrandera Shire Council, Cr Neville Schenka, Mayor  
Narrandera Shire Council, Mr George Cowan, General Manager  
Narromine Shire Council, Cr Craig Davies, Mayor  
Narromine Shire Council, Ms Jane Redden, General Manager  
Oberon Council, Cr Mark Kellam, Mayor  
Oberon Council, Mr Gary Wallace, General Manager  
Orange City Council, Cr Jason Hamling, Mayor  
Parkes Shire Council, Cr Ken Keith, Mayor  
Snowy Monaro Regional Council, Cr Narelle Davis, Mayor  
Snowy Valleys Council, Cr Ian Chaffey, Mayor  
Snowy Valleys Council, Mr Hamish McNulty, Interim General Manager  
Tamworth Regional Council, Cr Russell Webb, Mayor  
Tamworth Regional Council, Mr Paul Bennett, General Manager  
Temora Shire Council, Cr Rick Firman, Mayor  
Temora Shire Council, Mrs Elizabeth Smith, Director of Administration and Finance  
Tenterfield Shire Council, Cr Bronwyn Petrie, Mayor  
Uralla Shire Council, Cr Robert Crouch, Deputy Mayor  
Uralla Shire Council, Ms Kate Jessep, General Manager  
Wagga Wagga City Council, Cr Dallas Tout, Mayor  
Wagga Wagga City Council, Mr Peter Thompson, General Manager  
Warrumbungle Shire Council, Cr Ambrose Doolan, Mayor  
Warrumbungle Shire Council, Mr Roger Bailey, General Manager  
Weddin Shire Council, Cr Craig Bembrick, Mayor  
Weddin Shire Council, Ms Noreen Vu, General Manager  
Wingecarribee Shire Council, Mr Viv May, Interim Administrator  
Wingecarribee Shire Council, Ms Lisa Miscamble, General Manager  
LGNSW, Cr Darriea Turley, President  
LGNSW, Mr Scott Phillips, CEO  
OLG Ally Dench, Executive Director  
OLG Karen Purser  
Mark Honey

**APOLOGIES:**

As submitted

**SPECIAL GUESTS:**

- (a) Darriea Turley, President, LGNSW
- (b) The Hon Anthony Roberts MP, Minister for Planning, Minister for Homes
- (c) Ms Amy Dumbrell, Acting Director, Biodiversity Offsets Scheme and Dr Louisa Mamouny, Acting Executive Director, Biodiversity Credit Supply Fund and Taskforce
- (d) Mr Justin Clancy MP, Parliamentary Secretary for Health
- (e) Mr Greg Warren MP, Shadow Minister for Local Government, Shadow Minister for Veterans and Shadow Minister for Western Sydney

**2. ADOPTION OF MINUTES OF PREVIOUS MEETING:**

RESOLVED that the minutes of the General Meeting held on 27 May 2022 be accepted as a true and accurate record (Temora Shire Council / Gwydir Shire Council).

**3. Matters Arising from the Minutes**

NIL

**4. CORRESPONDENCE**

Outward

- (a) The Hon Jim Chambers MP, Treasurer, stressing that funding for Local Government should remain at the levels of the previous government and preferably at a higher level
- (b) The Hon Anthony Albanese MP, Prime Minister, stressing that funding for Local Government should remain at the levels of the previous government and preferably at a higher level
- (c) Mr Chris Minns MP, Leader of the Opposition NSW, urging bi-partisan support to ensure all 44 recommendations of the Legislative Council Inquiry into Health Outcomes and Access to Health and Hospital Services in Rural, Regional and Remote NSW are adopted
- (d) The Hon Dominic Perrottet MP, Premier NSW, urging bi-partisan support to ensure all 44 recommendations of the Legislative Council Inquiry into Health Outcomes and Access to Health and Hospital Services in Rural, Regional and Remote NSW are adopted
- (e) The Hon Wendy Tuckermann MP, Minister for Local Government, seeking urgent amendment to clause 34 subsection 2 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021
- (f) The Hon Anthony Roberts MP, Minister for Planning and Minister for Homes, seeking urgent amendment to clause 34 subsection 2 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

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- (g) Ms Anna Bowden, Head of Social Impact, Royal Far West, thanking her for her presentation to the 27 May 2022 meeting
- (h) The Hon Kevin Anderson MP, Minister for Lands and Water, Minister for Hospitality and Racing, thanking him for his presentation to the 27 May 2022 meeting
- (i) The Hon Wendy Tuckermann MP, Minister for Local Government, thanking her for her presentation to the 27 May 2022 meeting
- (j) The Hon Paul Toole MP, Deputy Premier, Minister for Regional New South Wales, Minister for Police, thanking him for his presentation to the 27 May 2022 meeting
- (k) Adjunct Professor, Ruth Stewart, Commissioner, National Rural Health Commission, thanking her for her presentation to the Health Forum on the 26 May 2022
- (l) Mr Richard Colbran, Chief Executive officer, NSW Rural Doctors Network, thanking him for his presentation to the Health Forum on the 26 May 2022
- (m) Mr Ryan Park MP, Shadow Minister for Health, Shadow Minister for Mental Health, Shadow Minister for the Illawarra and South Coast, thanking him for his presentation to the Health Forum on the 26 May 2022
- (n) The Hon Bronnie Taylor MLC, Minister for Women, Minister for Regional Health and Minister for Mental Health, thanking her for her presentation to the Health Forum on the 26 May 2022
- (o) The Hon Bronnie Taylor MLC, Minister for Women, Minister for Regional Health and Minister for Mental Health, forwarding to her the list of participants suggestions to move forward with Regional and Rural Health
- (p) The Hon Dominic Perrotet MP, Premier NSW, inviting him to present to next meeting to be held on the 5 August 2022
- (q) The Hon Catherine King MP, Minister for Infrastructure, Transport, Regional Development and Local Government, inviting her to present to next meeting to be held on the 5 August 2022
- (r) Mr Edward Cavanough, Executive Director and Director Policy, McKell Institute, thanking him for participating in the Executive Committee meeting held on the 9 June 2022 and inviting him to be a presenter at the Skills Forum on the 4 August 2022
- (s) The Hon Anthony Albanese MP, Prime Minister, regarding the deployment of overseas doctors
- (t) The Hon Mark Butler MP, Minister for Health and Aged Care regarding the deployment of overseas doctors
- (u) The Hon Catherine King MP, Minister for Infrastructure, Regional Development and Local Government regarding continuous funding for the Building Better Regions program
- (v) Cr Linda Scott, President ALGA, seeking support for the continuance of the Building Better Regions program
- (w) Cr Darriea Turley, President, LGNSW, seeking support for the continuance of the Building Better Regions program

#### Inward

- (a) Mr Marcus Ray, Group Deputy Secretary, Planning and Assessment regarding employment zones reform
- (b) Mr Brett Whitworth, Deputy Secretary, Planning Policy, regarding clause 34 subsection 2 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

- (c) The Hon Dugald Sanders MP, Minister for Agriculture, Minister for Western NSW, regarding standards for breeding dogs
- (d) The Hon James Griffith MP, Minister for Environment and Heritage, regarding the NSW Biodiversity Offset Scheme
- (e) The Hon Dominic Perretot MP, Premier NSW, advising that the Government is currently considering the recommendation of the Legislative Council Inquiry into Health Outcomes and Access to Health and Hospital Services in Rural, Regional and Remote NSW
- (f) Leeton Shire Council, forwarding letter from LGNSW to the Treasurer, Minister Cooke MP, Auditor General, and Minister Tuckerman MP, regarding treatment of RFS assets
- (g) Letter from the Department of Planning and Environment to the Auditor General regarding the treatment of RFS assets
- (h) Riverina Joint Organisation regarding the proposal to introduce a Domestic Waste Charge peg

NOTED

#### **5. President Cr Darriea Turley, LGNSW Update**

Cr Turley provided a report on the work of LGNSW since the last meeting including Annual Conference 2022, Local Government Week and Awards Dinner, Emergency Services Levy and Rural Fire Service Assets, State Budget, Upper House Inquiry into floods, and advocacy into Parliamentary Inquiry into elections held under COVID 19 conditions, Domestic Waste Charges Review, addressing council staff shortages, ePlanning and NSW Planning Portal, rural and regional health and recent advocacy wins

#### **6. Mr Tom O'Dea, Head of NBN Local NSW**

There are 21 NBN professionals looking after Regional and rural shareholders. NBN is a Government Business Enterprise which sells to telecommunication providers and is accountable to the Federal Government. NBN has delivery partnerships with contractors and subcontractors. It is the provider that supplies the modems of varying quality. Householders often place the modems in their homes that are not efficient. NBN's purpose is to lift digital capability at a local level. On the ground NBN have Community Engagement Managers, business leads and community ambassadors. Part of their staff engagement is that staff have to live in the area they serve. The focus is delivering digital capability, developing regional infrastructure, supporting regional performance and integration within local communities. 12.1million homes are connected, 8.5million are connected to a plan and 76% have 50mbps wholesale speed. In regional Australia 3.4million premises are connected. \$750million is being invested in upgrading the fixed wireless network and extending the range of the fixed wireless network with benefits of extended coverage, faster speeds, improved busy home speeds, and enhanced data levels. NBN needs to get the message out and needs insights, opportunities and the voice of customers from councils.

#### **7. The Hon Anthony Roberts, Minister for Planning, Minister for Homes**

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The government is committed to having diversity of housing. Regional housing pressures have been caused through migration and more people are staying in the regions and the need for housing intensifies. The 2022 budget housing package includes \$500million to unlock land and \$174million to support key workers moving to the regions. The Housing Strategy 2041 has been developed and there are lessor assessment times. A regional Housing Taskforce has been set up to examine the barriers to the provision of housing and affordability in the regions and all their recommendations have been accepted. \$34million has been set aside over 4 years to implement the Taskforce recommendations. A Regional Housing Flying Squad has been created to assist regional councils. Under the next phase of the Accelerated Housing Infrastructure Fund \$120million has been set aside for high growth regional areas. The shortage of Planners in regional areas is being addressed by allowing councils to outsource the assessment of housing DA's to consultants. The Regional Housing Flying Squad program is be considered for a twelve month extension. Agritourism is a booming industry and the government is helping farmers to diversify their businesses. Certain agritourism activities will be listed as exempt or complying development. All of the nine Regional Plans are being reviewed responding to impacts and linked to other State strategies. Tribute was paid to the leaders of the flood affected areas and an Independent Inquiry report will be released soon. \$150million will be available to build and replace social houses and \$10million allocated to replace police homes. Money is being allocated to close the GAP. There is always going to be challenges with new technology such as the planning portal.

#### **8. Financial Report**

RESOLVED That the financial reports for the last quarter were tabled and accepted ( Inverell Shire Council / Lachlan Shire Council)

#### **9. Presentation of Emeritus Mayor Award by Cr Darriea Turley, President LGNSW**

Cr Darriea Tulley presented retired Mayor Mark Honey, Kiama Municipal Council, with his Emeritus Mayor certificate and pin

#### **10. Introduction of the Country Mayors Lapel Badge**

Cr Firman Executive member outlined the purpose of the lapel pins to promote the Country Mayors Association and to recognize the professionalism of its members. The lapel pins were handed out to attending Mayors. Those not attending will be given their pins at future meetings

#### **11. Ms Amy Dumbrell, Acting Director, Biodiversity Offsets Scheme and Dr Louisa Mamouny, Acting Executive Director, Biodiversity Credit Supply Fund and Taskforce**

The Biodiversity Offset Scheme has had a history since 1995 with a shift to method based in 2007 and in 2014 an offset policy for major projects became compulsory. In 2016 the Biodiversity Conservation Act was passed and in 2020

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the Australian Government endorsed the scheme. In 2021 the Integrated Improvement and Assistance Program commenced and in 2022 the review of LMBC commences. The Biodiversity Scheme aims to avoid, minimize and offset the impacts of development on biodiversity consistent with the principles of ecological sustainable development. It is required under DA's. \$550million Biodiversity credits have been traded and 36,000 hectares of land protected. The scheme is being improved by refining it, and scaling up, through a strategy to increase credit supply, identifying pain points, a local government support program, additional assessors and a help desk. The Biodiversity Credits Supply Fund and Taskforce have identified that credits are too hard to attain and expensive and that buyers and sellers are hard to identify. Problems need to be resolved to make a significant difference in the coming months by fast tracking of Biodiversity credits, operate a credit supply fund and enhance conservation benefits. It can be made easier by targeting support, streamlining processes, provide upfront support, simplifying the BSA agreement, opportunities to connect, more information, addressing barriers and communication and engagement.

RESOLVED That the Country Mayors Association make representations to the NSW Government on the gross failings of the Biodiversity Scheme, the inadequacies of the review to address the real problems of the scheme, and the ongoing economic hardship and loss of development of regional NSW (Narromine Shire Council / Gilgandra Shire Council)

#### **12. Mr Justin Clancy MP, Parliamentary Secretary for Health**

Mr Clancy thanked CMA for its insights into regional and rural health and the wellbeing of our communities. There is no quick fix for regional and rural health but the 2022 State budget has provided a significant boost to operational and capital expenditure including the allocation of additional staff with \$883million over 4 years to attract regional and rural workers. Tailored programs are to be introduced to take up positions and increased training opportunities. The elective surgery waitlist will get additional funding over the next 2 years. Hospital and health facility upgrades have been important for health outcomes and in the next 4 years there will be \$3billion spent on capital infrastructure including staff accommodation in regional NSW. \$740million over 5 years will be spent on palliative care covering an extra 600 nurses and other staff, and social care is to have a virtual connection to provide equity and care and there will be virtual care access to health specialists. A virtual intensive care unit has been announced in Broken Hill for remote NSW. Travel and accommodation support has been expanded in the budget. A new Regional Health Division was established in April this year and will look at the recommendations of Legislative Council report and other issues. The new Advisory Panel will be working on the Regional Health Plan which has had 1,200 face to face meetings held to develop it. The draft plan will be available for comment in September this year.

#### **13. Mr Greg Warren MP, Shadow Minister for Local Government, Shadow Minister for Veterans, and Shadow Minister for Western Sydney**

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Mr Warren thanked Country Mayors for the opportunity to meet with members. He advised that he had written to the Emergency Services and Local Government Ministers regarding the treatment of RFS assets and advised there needs to be a legislative change. There needs to be changes made in respect to Joint Organisation funding and legislative requirements and that both issues were on labors radar.

#### **14. Scholarship Sub Committee of the Executive Committee**

RESOLVED that NSW Country Mayors Association adopt an Inprinciple position with implementing a suitable Scholarship program, to assist in addressing skills shortages in our communities and further  
That the NSW CMA Executive be authorised to compile Criteria and Structure of Scholarship programme, to report back to NSW CMA for final endorsement.  
( Gunnedah Shire Council / Temora Shire Council

#### **15. Suggestions for positive change for Regional and Rural Health**

- (1) Local Health Districts need to introduce measures to hold on to internees
- (2) Develop a system to get overseas doctors into are communities
- (3) Support UNE, CSU, and SCU to establish new medical schools
- (4) Investigate administration and boundaries of Health Districts
- (5) Have Primary Care nurses connected to hospitals
- (6) Indigenous Training of indigenous people for their communities
- (7) Advocacy approach and strategy to be developed by Country Mayors
- (8) Ensure the State Government reports on the progress of the Inquiry
- (9) The Commonwealth Government to explain what they are doing in respect of the Inquiry
- (10) Thank those that have worked hard under a difficult situation
- (11) Councils build health plans
- (12) The issue is workforce. Where is the workforce and where do you get it
- (13) Travel allowances to be simplified
- (14) Need bipartisan support of the 44 recommendations and continuation of Minister for Regional Health (Letters have been sent to the Premier and Leader of the Opposition)
- (15) Re-establish Hospital Boards

RESOLVED that the suggestions be left in the hands of the Executive to monitor and followup ( Parkes Shire Council / Gunnedah Shire Council

#### **16. Wakefield Park Development**

Goulburn Mulwaree Council advised of Wakefield Park Raceway's appeal to NSW Land and Environment Court against consent conditions imposed. The appeal was upheld but the Court imposed stricter noise management conditions that impact on the definition of an event which could make the raceway unviable

#### **17. Demerger Proposal of Cootamundra-Gundagai Regional Council**

RESOLVED that Country Mayors write a letter to the Boundaries Commission supporting their decision which recommends the demerger of the councils should proceed (Parkes Shire Council / Gunnedah Shire Council)



**18. Next Meeting**

The date of the next meeting is scheduled for Friday, 18 November 2022

NOTED

There being no further business the meeting closed at 12.40pm.

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

### RURAL SKILLS FORUM

THURSDAY, 4 AUGUST 2022 AUDITORIUM, CLUB YORK, SYDNEY

The Forum opened at 12.50pm.

#### 1. ATTENDANCE:

Ballina Shire Council, Cr Sharon Cadwallader, Mayor  
Bathurst Regional Council, Cr Robert Taylor, Mayor  
Bathurst Regional Council, Mr Aaron Jones, Acting General Manager  
Bega Valley Shire Council, Mr Anthony McMahon, CEO  
Blayney Shire Council, Cr Scott Ferguson, Mayor  
Cabonne Shire Council, Cr Kevin Beatty, Mayor  
Cootamundra-Gundagai Regional Council, Cr Charlie Sheahan, Mayor  
Cootamundra-Gundagai Regional Council, Mr Glen Atear, Deputy General Manager  
Dubbo Regional Council, Cr Mathew, Mayor  
Dubbo Regional Council, Mr Murray Wood, CEO  
Federation Council, Cr Patrick Bourke, Mayor  
Forbes Shire Council, Cr Phyllis Miller, Mayor  
Forbes Shire Council, Mr Steve Loane, General Manager  
Gilgandra Shire Council, Cr Doug Batten, Mayor  
Glen Innes Shire Council, Cr Rod Banham, Mayor  
Glen Innes Shire Council, Mr Dennis McIntyre, Acting General Manager  
Goulburn Mulwaree Council, Cr Bob Peter Walker, Mayor  
Goulburn Mulwaree Council, Mr Aaron Johansson, CEO  
Gunnedah Shire Council, Cr Jamie Chaffey, Mayor  
Hilltops Council, Cr Margaret Roles, 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 Greg Tory, General Manager  
Leeton Shire Council, Cr Tony Reneker, Mayor  
Liverpool Plains Shire Council, Cr Doug Hawkins, Mayor  
Lockhart Shire Council, Cr Greg Verdon, Mayor

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Lockhart Shire Council, Mr Peter Veneris, General Manager  
Moree Plains Shire Council, Cr Mark Johnson, Mayor  
Moree Plains Shire Council, Mr Mike Tobin, Acting General Manager  
Murray River Council, Mr Terry Dodds, General Manager  
Narrabri Shire Council, Cr Ron Campbell, Mayor  
Narrabri Shire Council, Cr Catherine Redding, Deputy Mayor  
Narrabri Shire Council, Ms Gillian Goddard, Small Business Liason Officer  
Narrandera Shire Council, Cr Neville Schenka, Mayor  
Narromine Shire Council, Cr Craig Davies, Mayor  
Oberon Council, Cr Mark Kellam, Mayor  
Oberon Council, Mr Gary Wallace, General Manager  
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  
Temora Shire Council, Mrs Elizabeth Smith, Director Administration and Finance  
Uralla Shire Council, Cr Robert Crouch, Deputy Mayor  
Wagga Wagga City Council, Cr Dallas Tout, Mayor  
Wagga Wagga City Council, Mr Peter Thompson, General Manager  
Warrumbungle Shire Council, Cr Ambrose Doolan, Mayor  
Warrumbungle Shire Council, Mr Roger Bailey, General Manager  
Weddin Shire Council, Cr Craig Bembrick, Mayor  
Weddin Shire Council, Ms Noreen Vu, General Manager  
To attract skilled labour  
Wingecarribee Shire Council, Ms Lisa Miscamble, General Manager  
LGNSW, Cr Darriea Turley, President  
LGNSW, Mr Scott Phillips, CEO  
Cr Jacob Cass Country Universities Centre

**APOLOGIES:**

As submitted

**Welcome and Introduction of proceedings Cr Ken Keith OAM, Chairman, Country Mayors Association of NSW**

Today's Forum evolved out of the Association members review of priority issues. Australia has dropped the ball on education and skills over the past 10 years and have created huge issues for rural NSW. With rate pegging councils do not have the resources and are unable to increase wages to compete for staff. Added to that in Parkes staff are being poached by government and the mining industry. Parkes Shire is working with the regional growth Development Corporation to develop a strategy to attract and retain skilled labour. There has been a dramatic reduction in the development of TAFE courses over the past five years. Course enrollments since 2016 have decreased on average by 12.7% although post COVID there has been a modest recovery. Only 29% of people enrolled in courses in 2021 completed their course. One of the main problems is the lack of apprenticeships and traineeships in rural towns.

**Hon Fiona Nash, National Commissioner for Rural Education**

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The former government appointed her to the role of Commissioner last year and it is the first time there has been a national focus on Education and skills. As Commissioner she also looks at the workforce and how it is impacted. The role is diverse but is not involved in funding but giving advice to government on solutions to challenges. Solutions come from the ground up. There is a need to address workforce shortage on a local basis. Skills retention is a major focus and there hasn't been enough focus on how to grow workforces regionally. Access to education through schools and TAFE is very important. There needs to be better success to career advice. Access to childcare is a barrier. There is a disparity between the city and country across the board a country student is less likely to get a degree or complete higher education. There is a role for councils to connect with people leaving country communities and wanting to come back.

**Hon Alister Henskens, Minister for Skills and Training**

NSW has the most skilled workforce in Australia and delivered a major investment in fee free training. Delivery and opportunities are more than ever with \$3.1 billion provided in the budget for skills and training. The labour shortage is causing many problems. If you don't have people to train that is a major problem. There is provision in the budget for \$80 million over four years for additional fee for free places to be provided. There is a roll out of pathway programs in regional areas with programs in 144 schools throughout the state providing workplace placements as well as training at the high school level. The restriction that only one vocational subject could be a HSC subject has been removed. \$2 billion has been allocated for TAFE including a large capital investment. NSW is training 45% of all TAFE students in Australia and NSW has the largest take up in regional Australia. Councils across NSW will take time to rebuild flood affected areas and the Government is introducing flood specific courses at TAFE to increase skill needs. There is also other skills work with emergency services and with emergency management courses. Asbestos affected courses in flood areas are also being introduced.

**Mr Tim Crakanthorp, Shadow Minister for Skills and TAFE, Shadow Minister for Tertiary Education**

The economy is dependent on skilled migration which stopped due to COVID. TAFE enrollments have dropped. COVID had shortages but when it stopped job opportunities increased. Past cuts in skills and education budgets have caused downturn but increased budgets does not fix everything. The new Federal Government has a good skills and education policy. Now the 1 in 10 workers in construction has to be a cadet or trainee. Additional budget to skills and education has been promised. One aspect that has been overlooked is the formation of a national body that addresses skills and education needs throughout Australia. NSW Labor wants to revive the manufacturing sector which will create jobs. Completion rates at TAFE are not high. The purpose of educating is to get people into jobs but on-line education has pros and cons as connections are not good enough and many families do not have the technology. Courses have been reconstructed because of this. TAFE courses are being cancelled and rap around courses lost which is not logical. Courses have to be aligned. NSW Labor will ensure that 50% of railway stock is produced in the State and will increase tender wages. We will establish a Job First Commission and will be taking on the recommendations of the McKell Institute.

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Labor wants to get students into training and have a skilled workforce. TAFE needs to be rebuilt to provide courses that students want. Labor invites Country Mayors to provide input into their future plans and policies.

**Mr Edward Cavanagh, Director of Policy, McKell Institute**

The McKell Institute is a research body that works with Government and Business to generate skill changes in communities. Their current project involves data input to identify what problems are being experienced in retaining and attracting skills to regional and rural communities. Generally communities identify their own problem areas but they are rarely solved. The project is about providing jobs in country areas and looking at the broad structural issues that affect the skills shortage in country areas. Migration to rural NSW has created new problems. The Institute is working with the University of Wollongong detailing community market trends and then build up a Local Government area database. The Institute wants to analyse all of the issues highlighted and they need councils to take the statistical realities to government. Its local solutions for local problems. The Institute wants councils to add to it with powerful stories and they will visit those communities as part of their field work in October and November this year. The results can be used in the State election context.

**Cr Jacob Cass, Centre Manager, Parkes Country Universities Centre**

The Country Universities model is a wide one and started in Cooma in 2013 to create opportunities for youth and encourage local high value jobs. The model has grown throughout the State and is a study space that provides high speed internet shared with other students and connects students with technology. It has a people centric focus. It is community owned and governed and funded by the three levels of government. The centres have several partnerships including cornerstone universities and industry support. 1462 students are registered across three states and 48% of students are first in their families to study. Students can study through any university and in fact they study through 140 different institutions. Most students are in the 20-44 years age bracket. The centres support learning and have academic and administration assistance. Pathways include tertiary education, traineeships, and apprenticeships. Parkes Young Professionals is a network of young professionals who can share experiences. Partnerships include universities, government, local business, schools, industry and community and the Parkes Business Innovation Hub is a 20 seat meeting room with video conferencing.

**Cr Rick Firman Chairman and Julie Briggs CEO Riverina Joint Organisation to outline Riverina's Development Skills Shortages Project**

The Riverina Workforce Development project has focus areas and works towards a regional workforce and an employer of choice. Four strands of activities cover high school students and university students. The career journey is professional placements, connectivity, a graduate program and "Start Yourselfes". "Start Yourselfes" involves start your career here with work inspirational days, meetings between schools and council, resource materials, project officer support, work experience and a better understanding of councils. There are "Come and Try" days over a three day period. Come and try Civil

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Engineering, Civil Construction, Mapping/GIS, Horticulture and Town Planning and Building. There is professional placement with Charles Stuart University and Wollongong University, and credited placements and voluntary placements offered in any area of Councils operations. There is a student ambassador that showcases diversity at work. There are graduate programs aligned to specific purposes and a fast tracked pathway. That does not guarantee work. Challenges include council resourcing, finding enough placements, finding graduate placements, costs associated with "Come and Try" days, and the importance of partnerships like "Compact"

#### **Suggestions for positive change**

- Community service obligation allows for reduction in numbers in rural and remote LGA's based on the already established community service obligation that TAFE is committed to with flexibility of numbers for specific courses in communities
- That TAFE NSW specifically isolate metropolitan from regional, rural and remote in all areas like student courses, enrollments, completions, apprenticeships and traineeships and funding distribution
- TAFE NSW to deliver a more detailed and transparent annual report that highlights performance and outcomes for each LGA and when it distinguishes from metro and regionals to include industry profiles
- That the HECS debt mechanism be used as a catalyst to support and improve councils currently struggling to attract and retain skilled staff
- Identify what type of courses are undertaken in LGA's that involve face to face tuition
- More support and incentive for local business to train trainees
- Encourage the State Government to train their own trainees and apprentices
- Engage with the Minister and his advisors to promote and discuss problems facing regional and rural NSW
- Advocate for the aged workforce to return to the workforce and provide training and mentoring
- Reduce competition between the States for the skilled workforce
- The McKell Institute be supported by CMA in its endeavors to increase skills and to retain skills in country NSW

There being no further business the meeting closed at 5.05pm.

Cr Ken Keith OAM  
Chairman Country Mayor's Association of NSW

**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.