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MINUTES

Ordinary Council Meeting

23 January 2024

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There were no closed session reports for determination.

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**MINUTES OF GOULBURN MULWAREE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CIVIC CENTRE, 184 - 194 BOURKE STREET,
GOULBURN
ON TUESDAY, 23 JANUARY 2024 AT 6PM**

PRESENT: CR PETER WALKER (MAYOR), CR STEVEN RUDELL (DEPUTY MAYOR), CR ANDREW BANFIELD, CR CAROL JAMES OAM, CR BOB KIRK, CR MICHAEL PREVEDELLO, 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), SCOTT MARTIN (DIRECTOR PLANNING AND ENVIRONMENT), MARINA HOLLANDS (DIRECTOR UTILITIES), GEORGE ANGELIS (DIRECTOR OPERATIONS), & AMY CROKER (OFFICE MANAGER TO MAYOR AND CHIEF EXECUTIVE OFFICER)

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 Daniel Strickland.

4 APOLOGIES

Nil

5 APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

6 ATTENDANCE BY AUDIO VISUAL LINK

Nil

7 LATE ITEMS / URGENT BUSINESS

Nil

8 DISCLOSURE OF INTERESTS

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

9 PRESENTATIONS

Nil

10 PUBLIC FORUM

Nil

11 CONFIRMATION OF MINUTES

11.1 MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON 14 DECEMBER 2023

RESOLUTION 2024/1

**Moved: Cr Carol James OAM
Seconded: Cr Andy Wood**

That the Council minutes from Thursday 14 December 2023 and contained in Minutes Pages No 1 to 6 inclusive and in Minute Nos 2023/276 to 2023/280 inclusive be confirmed.

CARRIED

11.2 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 19 DECEMBER 2023

RESOLUTION 2024/2

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

That the Council minutes from Tuesday 19 December 2023 and contained in Minutes Pages No 1 to 17 inclusive and in Minute Nos 2023/283 to 2023/310 inclusive be confirmed.

CARRIED

12 MATTERS ARISING

Nil

13 MAYORAL MINUTE(S)

Nil

14 NOTICE OF MOTION(S)

Nil

15 NOTICE OF RESCISSION(S)

Nil

16 REPORTS TO COUNCIL FOR DETERMINATION

16.1 REV/0001/2324 - 785 COVAN CREEK ROAD, LAKE BATHURST

RESOLUTION 2024/3

Moved: Cr Michael Prevedello

Seconded: Cr Andrew Banfield

That:

1. The staff assessment report for Review Application REV/0001/2324 for the proposed dwelling, associated amenities, boundary adjustment, and use of a shipping container be received.
2. The refusal of DA/0366/2223 be set aside and consent be granted for REV/0001/2324 and the associated Section 68 application S68/0067/2324 for the continued use of the dwelling, associated amenities, boundary adjustment, and use of a shipping container located at 785 Covan Creek Road, Lake Bathurst, subject to the following conditions.

SECTION A: GENERAL CONDITIONS

1. Approved Development and Use

Development consent has been granted in accordance with this Notice of Determination for the purposes of the continued use of the dwelling, associated amenities, boundary adjustment and use of a shipping container under the *Goulburn Mulwaree Local Environmental Plan 2009*.

(Reason: To confirm the components of the approval)

2. Development in Accordance with Documentation

The development must only be carried out:

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

Architectural plans prepared by Tim Lee Architects			
DRAWING NO.	REV	TITLE OF PLAN OR DOCUMENT	DATE.
0621-1368 - A01	A	Title	08/09/2023
0621-1368 – A02	A	General Notes	08/09/2023
0621-1368 – A03	A	Survey Plan	6/08/2021
0621-1368 –	A	Site Plan	08/09/2023

A04			
0621-1368 – A05	A	Floor Plan	08/09/2023
0621-1368 – A06	A	Elevations	08/09/2023
0621-1368 – A07	A	Section	08/09/2023
0621-1368 – A08	A	Window and Door Details	08/09/2023
0621-1368 – A09	A	BASIX	08/09/2023
0621-1368 – A10	A	BAL 29 Notes	08/09/2023
0621-1368 – A11	A	Shipping Container Details	08/09/2023
0621-1368 – A12	A	Proposed Site Plan – Buffer Zone	08/09/2023
0621-1368 – A13	A	Proposed Roof Plan	08/09/2023
Documentation prepared by Tim Lee Architects-			
DRAWING NO.	REV	TITLE OF PLAN OR DOCUMENT	DATE.
1225525S_04	04	BASIX Certificate	13 September 2023
0621-1368 – SEE	D	Statement of Environmental Effects	September 2023
Documentation prepared by Harris Environmental -			
DRAWING NO.	REV	TITLE OF PLAN OR DOCUMENT	DATE.
4915BF	2.1	Bushfire Hazard Assessment	1/9/2023
Documentation prepared by Land Capability Services			
DOCUMENT REF.	REV	TITLE OF PLAN OR DOCUMENT	DATE.
-	-	Site & Soil Assessment for On-Site Effluent Disposal	August 2021
Documentation prepared by Tony Hastings Environmental Consultant-			
DRAWING NO.	REV	TITLE OF PLAN OR DOCUMENT	DATE.
-	Final	Test of Significance	August 2023
Documentation prepared by Harris Environmental -			
DRAWING NO.	REV	TITLE OF PLAN OR DOCUMENT	DATE.
4915BF	2.1	Bushfire Hazard Assessment	1/9/2023

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

3. Documentation Inconsistency

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

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

4. Solid fuel heater approval

The application for the installation for a domestic solid fuel heating appliance under

the submitted s.68 application is not approved and a separate application for the domestic solid fuel heating appliance must be made and approved by 'Council'.

(Reason: Insufficient information has been provided to allow a proper assessment).

5. **Changes to the plans**

The development shall generally be as described in the Statement of Environmental Effects (dated March 2023) and shown on the Architectural Plans (Job Number: 0621-1368, Dwg Nos. A-01 to A-11, Amendment Issue A, dated 06/03/2023) all prepared by Tim Lee Architects. No revisions to layout, works or staging of the development that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

(Reason: Water NSW has based its assessment under State Environmental Planning Policy (Biodiversity and Conservation) 2021) on this version of the development.)

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

6. **Building Code of Australia Compliance**

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

(Reason: Prescribed by sl. 69 of 'the Regulation')

7. **Home Building Act Requirements**

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

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

- b) in the case of work to be done by an owner-builder:
 - i. the name of the owner-builder; and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

(Reason: Prescribed by s. 71 of 'the Regulation')

8. **Construction Certificate Requirements for Pergola and Awnings only**

New building work in accordance with the Notice of Determination must not be commenced until a Construction Certificate required by s.6.3 of 'the Act' for the relevant part of the works has been issued in accordance with the provisions of 'the

Act' and 'the Regulation'.

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

9. Issue of a Construction Certificate for Pergola and Awnings only

In accordance with s.19 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, the plans and specifications submitted with a Construction Certificate must be consistent with this Notice of Determination and approved plans.

(Reason: Statutory requirement)

10. Occupation Certificate Requirements

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

(Reason: Prescribed by legislation)

SECTION C: TO THE SATISFACTION OF COUNCIL PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**11. Building Information Certificate**

A Building Information Certificate shall be obtained from *'Council'* for the existing building only (including unauthorised building work).

An application for a Building Information Certificate must include the following documentation:

- a) Detailed architectural plans of the existing building, including sufficient dimensions.
- b) Certification by a suitably qualified structural engineer that the building is suitable for the proposed use as a class 1a dwelling.
- c) Documentary evidence that the installation of a vapour barrier has occurred to comply with 3.2.2.6 of Volume 2 of the BCA.
- d) Documentary evidence that the installation of a termite management system has occurred to comply with 3.1.4.3 of Volume 2 of the BCA and AS3660.1.
- e) Works as Executed Drawing of the completed plumbing and drainage works that clearly identify the location of compliant sanitary and stormwater drainage in accordance with AS3500.
- f) Demonstrated evidence that the installation of external wall and ceiling/roof insulation as indicated on BASIX Certificate No. 1225525S_02 have been completed.
- g) Documentary evidence that all applicable BAL construction methods of AS3959 – 2018 for the relevant level have been adequately incorporated and installed.

Prior to the Issue of a Building Information Certificate

Any existing On-site Sewerage Management Facility servicing the building must be decommissioned in accordance with the conditions of this consent.

In accordance with the *Plumbing and Drainage Act 2011*, a plumbing and drainage *Notice of Work (NoW)* must be completed and returned to *'Council'* for its records, no later than 2 business days before the work concerned is carried out. The *Notice of*

Work is to identify what plumbing and drainage work is carried out by a particular plumber/drainer. On completion of the plumbing and drainage work and prior to Council's Final Inspection of the plumbing and drainage work, the plumber/drainer is to submit to 'Council' a *Certificate of Compliance (CoC)* and a *Sewer Service Diagram*.

An application for a licence to operate an On-Site Sewage Management Facility must be made to and approved by 'Council' prior to the issue of a Building Information Certificate.

The existing building is to be upgraded to comply with the relevant bush fire protection measures as required by the Conditions of this Consent. All measures shall be in place prior to the issue of a Building Information Certificate. This includes the boundary adjustment to achieve the determined Asset Protection Zone (APZ).

The dwelling must be provided with rainwater tank(s) with a minimum storage capacity of 100,000 litres of water for domestic drinking water and bushfire fighting purposes. If the 'site' is on bush fire prone land the tank(s) must be non-combustible. This minimum capacity shall be in place prior to the issue of a Building Information Certificate.

SECTION D: SUBSIDIARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

12. Long Service Levy Payments

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, is required, proof that the levy has been paid, is to be submitted to the 'Certifier' prior to the issue of any Construction Certificate. 'Council' acts as an agent for the Long Services Payment Corporation and the levy may be paid at 'Council' office.

(Reason: *Statutory requirement*)

13. Sediment and Erosion Control

Where construction or excavation activity requires the disturbance of the soil surface or existing vegetation, erosion and sediment control techniques, as a minimum, are to be in accordance with the publication *Managing Urban Stormwater: Soils & Construction (latest edition, Landcom, 2004)* commonly referred to as the "Blue Book"

A sediment and erosion control plan must be prepared that is consistent with the Blue Book and include:

- a) all details of drainage to protect and drain the site during the construction processes;
- b) all required sediment control devices, barriers and the like;
- c) sedimentation tanks, ponds or the like;
- d) covering materials and methods; and
- e) methods for the temporary and controlled disposal of stormwater during construction.

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

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

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

14. Prior to Commencement

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

until:

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

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

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

15. Temporary Site Fences

A temporary timber hoarding or temporary construction 'site' fence must be erected between the work 'site' and adjoining lands before any commencement of works and must be maintained and be kept in place until after the completion of the works if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

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

(Reason: To ensure that the safety of the public is not compromised)

16. Sediment and Erosion Control

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

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

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

17. Site Facilities

'Site' facilities must be provided as follow;

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

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

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

18. Site Sign

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

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

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

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

(Reason: Statutory requirement)

SECTION F: CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION, BUILDING OR SUBDIVISION WORKS**19. Construction Hours**

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

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

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

Note: Demolition work means any physical activity to tear down or break up

a structure (or part thereof) or surface, or the like, and includes the loading of demolition waste and the unloading of plant or machinery.

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

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

20. Excavation and Demolition

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

- a) all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- b) all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- c) demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.
- d) the builder is to ensure that persons working on the site comply with the SafeWork NSW requirements.

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

21. Earthworks

Any earthworks (including any structural support or other related structure for the purposes of the development) must: -

- a) not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot;
- b) not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property;
- c) in the first instance be reused on 'site';
- d) ensure that any fill brought to the 'site' contains only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997* or any other waste-derived material the subject of a resource recovery exemption;
- e) ensure that any excavated soil to be removed from the 'site' is be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*;
- f) ensure that documentation verifying the lawful disposal of all waste is to be kept by the applicant and provided to 'Council' on request.
- g) not permit fill to change existing ground levels at the property boundary. Cutting and filling is to be restricted to that shown on the approved plans. Any further cutting or filling will require separate approval.
- h) ensure that any excavation is carried out in accordance with *Excavation Work: Code of Practice (ISBN 978-0-642-785442)*, published in October 2013 by Safe Work Australia.

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

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

22. Compliance with Conditions of Consent

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

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

23. **Installation Finalisation**

An Occupation Certificate shall not be issued until the *"Principal Certifier"* has received the certification documentation from the installers and approved the onsite wastewater management system under the *Local Government Act 1993* as being consistent with these conditions.

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

(Reason: To ensure that the on-site wastewater management system is appropriately designed, located, and constructed to have a sustainable neutral or beneficial effect on water quality over the longer term.)

24. **Asset Protection Zone**

Prior to occupation, and in perpetuity, the site around the existing building on Lot 3/DP 1116659 must be maintained as an inner protection area in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019 as follows:

- north and west for a distance of 10 metres;
- east for a distance of 12 metres; and
- south for a distance of 13 metres.

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

(Reason: The intent of measure is to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.)

25. **Bush Fire Construction requirements for dwelling**

Prior to occupation the converted shed/dwelling must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019.

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

(Reason: The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

26. **Property access roads**

Property access roads must comply with the requirements of Table 7.4a of Planning for Bush Fire Protection 2019.

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

(Reason: The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

27. Water and Utility Services

The provision of water for the habitable dwelling on Lot 3/DP 1116659 must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:

- a 20,000 litre static water supply, tank, pool, dam or the like, must be provided on-site,
- an outlet for firefighting purposes is located within the IPA or non-hazard side and away from the structure
- 65mm Storz connection with a ball valve is fitted to the outlet,
- the ball valve, pipes and tank penetration are adequate for the full 50mm inner diameter water flow through the Storz fitting and are constructed of a metal material,
- underground tanks have an access hole of 200mm to allow tankers to refill, direct from the tank,
- a hardened ground surface for truck access is supplied within 4m of the water outlet or access hole,
- above-ground tanks are manufactured from concrete or metal,
- raised tanks have their stands constructed from non-combustible material or bush - fire-resisting timber. The bush fire-resisting timbers are Silvertop Ash, Blackbutt, Red or River Gum, Spotted Gum, Red Ironbark, Kwila (Merbau) or Turpentine,
- unobstructed access can be provided at all times,
- underground tanks are clearly marked,
- tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters,
- all exposed water pipes external to the building are metal, including any fittings,
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack,
- any hose and reel for firefighting connected to the pump must be 19mm internal diameter,
- fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005,
- A Static Water Supply (SWS) sign must be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:
 - Markers must be fixed in a suitable location to be highly visible, and
 - Markers should be positioned adjacent to the most appropriate access for the water supply.
- where practicable, electrical transmission lines are underground,
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas, and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing

Vegetation Near Power Lines.

- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used,
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side,
- connections to and from gas cylinders are metal,
- polymer sheathed flexible gas supply - lines are not used, and
- above-ground gas service pipes are metal, including and up to any outlets.

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

(Reason: The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.)

28. Colour scheme of the shipping container

The shipping container shall be painted in a grey colour of a similar colour scheme to that of the dwelling, (Colorbond Wallaby) and be painted in a way that allows the shipping container to be maintained.

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

(Reason: To ensure the development does not have an adverse impact on the surrounding rural amenity.)

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

29. Subdivision Certification

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

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

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

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

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

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

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

- a) The vegetated buffer of eight (8) metres shall be maintained in perpetuity. The vegetated buffer shall consist of three (3) rows of trees of native species with spaces of 2.5m between the rows. Any trees that fail are to be replaced with 90 days with the same or similar tree species.

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

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

(Reason: To ensure proper management of land)

SECTION I: LOCAL GOVERNMENT ACT APPROVALS**31. On-Site Sewerage Management**

The septic tank and absorption beds shall be designed, located, and installed generally in accordance with the recommendations in the Site & Soil Assessment prepared by Land Capability Services (dated August 2021), and *Designing and Installing On-Site Wastewater Management Systems* (WaterNSW, 2023). The wastewater management system shall:

- a) ensure that all wastewater is directed to the existing septic tank with a minimum volume of 3,000 litres and be fitted with an outlet filter
- b) ensure the effluent distribution pipe from the septic tank to the new absorption beds:
 - o is buried at a minimum depth of 300 mm (500 mm under access way), and
 - o laid in a manner that provides protection against mechanical damage or deformation
- c) have new absorption beds
 - o with a minimum total base area of 80 square metres e.g., three beds each 18 m long x 1.5 m wide
 - o located as indicated in the report to ensure an adequate buffer to a drainage depression to the southwest
 - o fenced off/protected from livestock and vehicles
- d) have no part of the beds located on land that falls towards the drainage depression approximately 45 m to the south of the proposed effluent management area
- e) ensure that all effluent is fully assimilated within the boundaries of the property
- f) have switching valves and/or a dosing/distribution mechanism installed to ensure to evenly distribute the effluent to different beds, and
- g) ensure all run-on and stormwater collected from roofs, access roads and other hard surface areas is diverted away from the bed area, e.g., by means of a stabilised bund or drain with provision for energy dissipation at the outlet to prevent scouring or erosion.
- h) Appliances and fixtures with at least a four-star ratings shall be installed in the dwelling to minimise the volume of wastewater produced.

- i) No changes to the wastewater treatment and effluent management systems that may have any impact on water quality, shall be permitted without the agreement of Water NSW.
- j) The installers of the wastewater treatment and effluent management systems shall certify to Council in writing that the systems have been constructed and installed as per these conditions of consent and in accordance with Designing and Installing On-Site Wastewater Management Systems (Water NSW, 2023), and that the systems have been tested and are functioning properly.
- k) No changes to the wastewater treatment and effluent management systems that may have any impact on water quality, shall be permitted without the agreement of Water NSW.

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

(Reason: To ensure that the on-site wastewater management system is appropriately designed, located, and constructed to have a sustainable neutral or beneficial effect on water quality over the longer term)

32. Decommissioning of Existing On-Site Sewerage Management Facility

Any existing On-Site Sewerage Management Facility servicing the building must be decommissioned in accordance with the following: -

- a) The existing septic tank and absorption trenches are to be decommissioned in accordance with the NSW Health Advisory Note No. 3 (revised January 2017) for Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems and Other Sewage Management Facility Vessels;
- b) The contents of the septic tank and collection well are to be removed by tanker to an appropriate authorised site. The contents of a septic tank or collection well must not be broadcast or discharged above ground.
- c) The sides, lid, baffle or partition (if fitted) and square junctions of the tank should be hosed down as the waste is being removed.
- d) The tank is to be treated by liberally broadcasting "Builders' (hydrated) Lime" over the exposed surfaces.
 - i. Several holes must be punched or drilled into the base of the tank. The lid and those parts of the walls baffle and square junctions above the ground should be demolished and collapsed into the tank and the tank filled with compacted clean soil or rubble and topped with clean soil.

Photographic evidence and disposal receipts demonstrating compliance with this condition must be submitted to, and approved by 'Council' prior to the issue of any Occupation Certificate.

(Reason: To ensure the existing on-site wastewater management and effluent disposal system is appropriately decommissioned)

33. Installation Of On-Site Sewerage Management Facility

The On-Site Sewerage Management Facility must be installed in accordance with the following: -

- a) All sanitary plumbing and drainage work is to be undertaken in accordance with the requirements of 'Council' as the Water and Sewer Authority. No alterations or additions are permitted without the approval of 'Council'.
- b) An application for a 'Licence to Operate an On-Site Sewerage Management Facility' must be made to 'Council' and approved prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with statutory requirements)

SECTION I: CONCURRENCE AGENCY APPROVALS**34. Water NSW Concurrence**

Water NSW concurs with Council granting consent to the application, subject to the conditions within the concurrence letter dated 1 May 2023, which must be satisfied during the relevant stage of the development and prior to the issue of the Occupation Certificate (or at a time as otherwise stated in the condition).

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

SECTION J: ADVISORY INFORMATION

- a) Prior to commencing any building, subdivision or associated constructions works, the following provisions of ‘the Act’ are to be complied with:
- (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of ‘the Act’.
 - (ii) A Principal Certifier is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
 - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.
- b) Changes to the layout of the subdivision/building configuration may require the submission of a further modification under Section 4.55 of ‘the Act’.
- Discussion with Council Development Liaison Team would assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of ‘the Act’.
- c) Prior to any ‘Work’ commencing on ‘site’ all services should be clearly located and identified by contacting “Dial before you Dig” by telephoning 1100 or utilising www.1100.com.au
- d) ‘Council’s’ fees and charges are adjusted annually on the 1st July, all fees are calculated at the time of payment this may mean that amounts required to be paid increase.

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 OAM, Bob Kirk, Michael Prevedello, Steven Ruddell, Daniel Strickland, Jason Shepherd, Peter Walker and Andy Wood

Against: Nil

16.2 TENDER 2324T0005 GPAC GRID FLOOR INSTALLATION**RESOLUTION 2024/4**

Moved: Cr Jason Shepherd

Seconded: Cr Andy Wood

That Council Move into Committee of the Whole.

Council moved into Committee of the whole at 6:20pm.

CARRIED

RESOLUTION 2024/5

Moved: Cr Andrew Banfield

Seconded: Cr Steven Ruddell

That Council move back into Open Council.

Council moved back into Open Council at 6:37pm.

CARRIED

RESOLUTION 2024/6

Moved: Cr Andy Wood

Seconded: Cr Daniel Strickland

That:

1. **The report from the Business Manager Community Facilities on Tender 2324T0005 GPAC Grid Floor Installation be received.**
2. **No tenders were received for the proposed contract and under Clause 178.3 (e) of the Local Government (General) Regulation 2021, Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.**
3. **Under Clause 178.4 (b) of the Local Government (General) Regulation 2021 Council enter into negotiations with a person with the view of entering into a contract in relation to the subject matter of the tender based on no interest received during the open tender process.**
4. **The Chief Executive Officer award the contract after negotiations have been finalised under delegated authority.**

CARRIED

16.3 VP361411 RFQ PLANT 9008 REAR COMPACTOR GARBAGE TRUCK**RESOLUTION 2024/7****Moved: Cr Michael Prevedello****Seconded: Cr Andrew Banfield****That**

- 1. The report of the Operations Centre Manager for the replacement of Plant 9008 Rear Compactor Garbage Truck be received.**
- 2. Council approves the purchase from Garwood International Pty Ltd for a Mercedes Econic Chassis with a Garwood Maxipact Body at a cost of \$465,600.00 (excl. GST).**
- 3. Unexpended funds be carried forward to 2024-2025 financial year budget and additional funds are allocated from the Plant Replacement Reserve to fund the budget shortfall.**
- 4. Funds be allocated from Plant Reserve within the 2024/25 Budget to fund additional \$5,600.00 excl. GST from original 2023/24 Heavy Fleet Replacement Program Budget.**

CARRIED**16.4 VP361418 RFQ PLANT 9072 AND 9076 SIDE COMPACTOR GARBAGE TRUCKS****RESOLUTION 2024/8****Moved: Cr Jason Shepherd****Seconded: Cr Steven Ruddell****That:**

- 1. The report of the Operations Centre Manager for the replacement of Plant 9072 and new plant 9076 Side Compactor Garbage Trucks be received.**
- 2. Council approves the purchase from Isuzu Australia Limited for two Isuzu FVY Chassis with a Bucher Compactor body at a cost of \$1,038,400.00 (excl. GST).**
- 3. Unexpended funds be carried forward to 2024-2025 financial year budget and additional funds are allocated from the Plant Replacement Reserve to fund the budget shortfall.**
- 4. Funds be allocated from Plant Reserve within the 2024/25 Budget to fund an additional \$118,400.00 excl. GST from original 2023/24 Heavy Fleet Replacement Program Budget.**

CARRIED

16.5 REGIONAL PRECINCTS PARTNERSHIP PROGRAM**RESOLUTION 2024/9**

Moved: Cr Andrew Banfield
Seconded: Cr Carol James OAM

That

- 1. The report from the Senior Grants Officer on application to the Regional Precincts and Partnership Program be received.**
- 2. Council endorses the Regional Precincts and Partnership Program application – Stream 2: Project Delivery for Carr Confoy Pavilion.**

CARRIED

16.6 REVIEW - INSTRUMENT OF DELEGATION TO THE CHIEF EXECUTIVE OFFICER**RESOLUTION 2024/10**

Moved: Cr Carol James OAM
Seconded: Cr Steven Ruddell

That

- 1. The report Review Instrument of Delegation to Chief Executive Officer by the Business Manager Governance be received.**
- 2. The reviewed Instrument of Delegation to the Chief Executive Officer be confirmed.**
- 3. In accordance with Section 377 of the *Local Government Act 1993*, Council confers the powers and functions to the Chief Executive Officer as per the attached Instrument of Delegation to the Chief Executive Officer.**

CARRIED

16.7 2022/23 AUDITED FINANCIAL STATEMENTS**RESOLUTION 2024/11**

Moved: Cr Andrew Banfield
Seconded: Cr Andy Wood

That

- 1. The report from the Director Corporate & Community Services on the 2022/23 Audited Financial Reports be received**
- 2. The Audited Financial Statements for the year ending 30 June 2023 be received and the Financial Position of Council be noted.**

CARRIED

16.8 MONTHLY FINANCIAL REPORT

RESOLUTION 2024/12

Moved: Cr Daniel Strickland

Seconded: Cr Steven Ruddell

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

CARRIED

16.9 STATEMENT OF INVESTMENTS & BANK BALANCES

RESOLUTION 2024/13

Moved: Cr Bob Kirk

Seconded: Cr Andy Wood

That the report on the Statement of Investments and Bank Balances be noted.

CARRIED

16.10 DEBTORS OUTSTANDING

RESOLUTION 2024/14

Moved: Cr Michael Prevedello

Seconded: Cr Steven Ruddell

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

CARRIED

16.11 RATES OUTSTANDING REPORT

RESOLUTION 2024/15

Moved: Cr Andy Wood

Seconded: Cr Steven Ruddell

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

CARRIED

16.12 WATER CHARGES OUTSTANDING REPORT

RESOLUTION 2024/16

Moved: Cr Michael Prevedello

Seconded: Cr Steven Ruddell

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

CARRIED

16.13 GRANTS UPDATE**RESOLUTION 2024/17**

Moved: Cr Andrew Banfield

Seconded: Cr Bob Kirk

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

CARRIED

16.14 MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON 7 DECEMBER 2023**RESOLUTION 2024/18**

Moved: Cr Carol James OAM

Seconded: Cr Jason Shepherd

That

1. The report from Director Operations regarding the Traffic Committee minutes from Thursday 7 December 2023 be received.
2. The Traffic Committee minutes from Thursday 7 December 2023 be confirmed.
3. The report from the Road Safety and Traffic Officer on the Ongoing Task List be received and the information noted. Items marked as completed will be removed from the task list.
4. The report on the programs and activities of the Road Safety and Traffic Officer for August to October to November 2023 be received and noted.
5. The Traffic Committee Meeting Dates for 2024 be received and noted.
6. The report about the parking permit scheme at the Goulburn Base Hospital precinct be received and endorsed.
7. The Traffic Guidance Scheme for Remembrance Day at Rocky Hill 2023 be noted.
8. The report on the Local Traffic Committee – Policies, Procedure and Membership be received and endorsed.
9. The report on the Goulburn Cycle Club's submission to use public roads be received and noted.

CARRIED

17 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.

18 CONCLUSION OF THE MEETING

The Meeting closed at 7.14pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 February 2024.

.....
Cr Peter Walker
Mayor

.....
Aaron Johansson
Chief Executive Officer