

7 July 2017

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held in **Council Chambers, Civic Centre, Elizabeth Street, Moss Vale** on **Wednesday 12 July 2017** commencing at **3.30 pm**.

Yours faithfully

Ann Prendergast
General Manager

SCHEDULE

3.30pm	Council Meeting begins
5.30pm	Questions from the Public to be read out
7.40pm	Closed Council

RUNNING SHEET

ORDINARY MEETING OF COUNCIL

held in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 July 2017 at 3.30 pm.

Time	Item
3.30pm	Opening of meeting – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded and the Council Chamber now has 24 Hour Video Surveillance.
	Acknowledgement of Country - Clr L A C Whipper
3.32pm	Opening Prayer – Reverend Jeremy Tonks, Anglican Church Exeter-Bundanoon
3.35pm	<ul style="list-style-type: none">• Apologies (<i>if any</i>)• Adoption of Previous Minutes – Wednesday, 28 June 2017• Business Arising (<i>if any</i>)• Declarations of Interest (<i>if any</i>)• Mayoral Minute (<i>if any</i>)• Public Forum (<i>if any</i>)• Motion to move into Committee of the Whole - Clr T D Gair• Visitor Item – Item 10.1 DA17/0074 - Construction of Internal Driveway with Coal Washery Reject and Establishment of a Building Envelope – 136 Sugarloaf Lane, Kangaloo• Council Reports
5.30pm	Motion to move into Council and the Mayor resumes the Chair
5.30pm	Questions from the Public - <i>to be read</i> Continuation of Council Reports General Business Questions Questions with Notice Notices of Motion
7.40pm	Closed Council
8.00pm	Meeting Closed

Ann Prendergast
General Manager



Business

1. **OPENING OF THE MEETING**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **PRAYER**
4. **APOLOGIES**
5. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
Ordinary Meeting of Council held on 28 June 2017
6. **BUSINESS ARISING FROM THE MINUTES**
7. **DECLARATIONS OF INTEREST** 1
8. **MAYORAL MINUTES**
9. **PUBLIC FORUM**

COMMITTEE OF THE WHOLE

10. **VISITOR MATTERS**
OPERATIONS, FINANCE & RISK
Nil
CORPORATE, STRATEGY & DEVELOPMENT SERVICES
 - 10.1 DA17/0074 - Construction of Internal Driveway with Coal Washery
Reject and Establishment of a Building Envelope - 136 Sugarloaf
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Mayor to resume chair at 5.30 pm

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14. GENERAL MANAGER

Nil

15. DELEGATE REPORTS

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16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

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19. QUESTIONS WITH NOTICE

Nil

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21. GENERAL BUSINESS

Nil

22. CLOSED COUNCIL

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22.1 Mittagong Swimming Centre - Repairs

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

23. RESUMPTION OF OPEN COUNCIL

Resumption of Open Council

Adoption of Closed Session

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 July 2017



24. ADOPTION OF COMMITTEE OF THE WHOLE

25. MEETING CLOSURE

Our Mission, Our Vision, Our Values

OUR MISSION

To create and nurture a vibrant and diverse community growing and working in harmony with our urban, agricultural and natural environments

OUR VISION

Environment: *'A community that values and protects the natural environment enhancing its health and diversity'*

Economy: *'A strong local economy that encourages and provides employment, business opportunities and tourism'*

Leadership: *'An innovative and effective organisation with strong leadership'*

People: *'A vibrant and diverse community living harmoniously, supported by innovative services and effective communication with Council'*

Places: *'Places that are safe, maintained, accessible, sympathetic to the built and natural environment, that supports the needs of the community'*

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

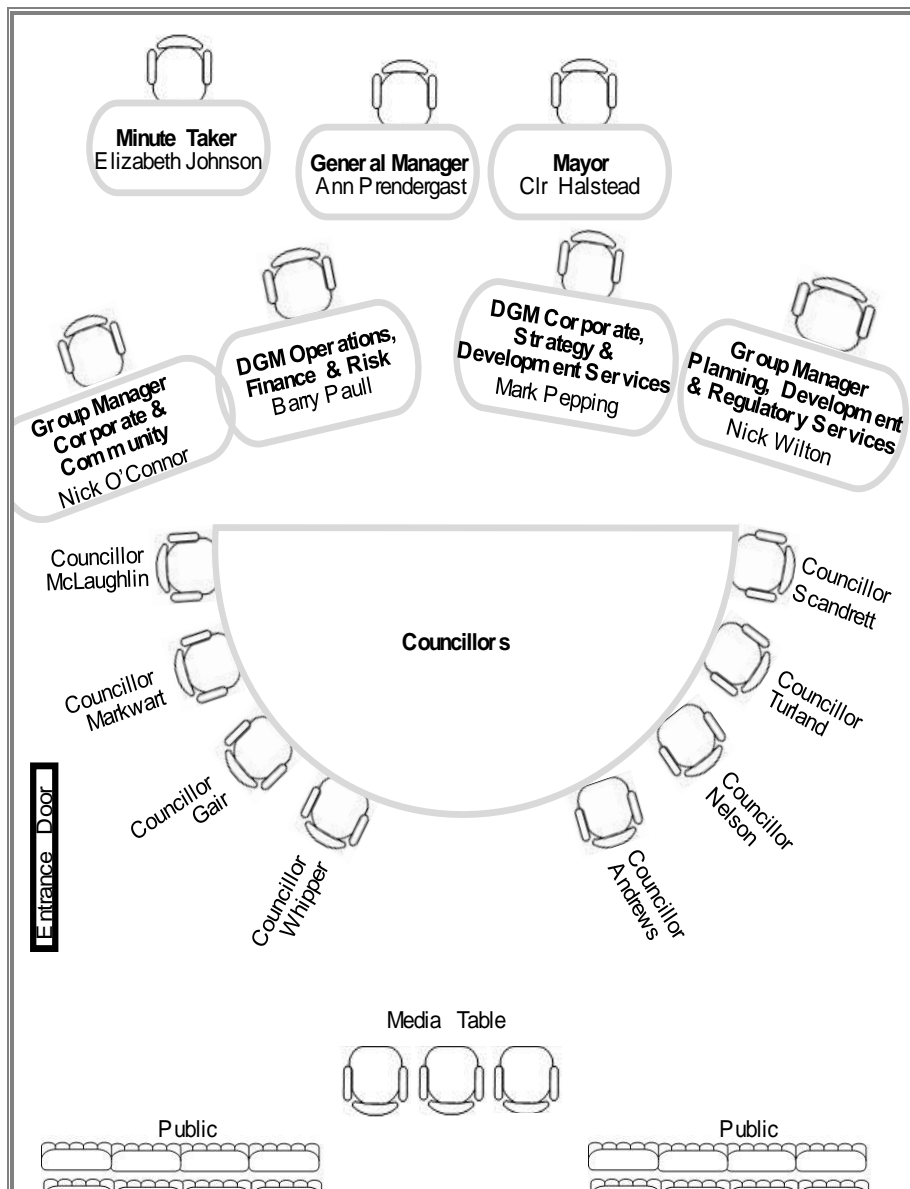
Council Chambers

Recording of Ordinary and Extraordinary Meetings of Council

As authorised by the *Local Government Act 1993*, Wingecarribee Shire Council records the proceedings of the Ordinary and Extraordinary Meetings of Council to ensure accurate transcription of resolutions.

Recording of meetings by members of the media is permitted only for the purpose of verifying the accuracy of any report concerning such meeting. Broadcasting of any sound recording is not permitted. Video recording is also not permitted. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of Council without prior permission of the Council.

The Council Chamber now has 24 Hour Video Surveillance.





ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.

DECLARATIONS OF INTEREST

101/3, 101/3.1

The provisions of Chapter 14 of the *Local Government Act 1993* regulate the way in which Councillors and nominated staff of Council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest and the reasons for declaring such interest must be disclosed as soon as practicable after the start of the meeting.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions or voting on that matter and further require that the member vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

COMMITTEE OF THE WHOLE

10 VISITOR MATTERS

**THIS ITEM WAS DEFERRED FROM THE ORDINARY MEETING OF
COUNCIL HELD ON WEDNESDAY, 28 JUNE 2017**

CORPORATE STRATEGY AND DEVELOPMENT SERVICES

10.1 DA17/0074 - Construction of Internal Driveway with Coal Washery Reject and Establishment of a Building Envelope - 136 Sugarloaf Lane, Kangaloon

Reference: 17/0074
Report Author: Acting Team Leader Town Planning
Authoriser: Group Manager Planning, Development and Regulatory
Services
Applicant: Mark Nelson
Owner: Kelvin Menzies
Link to Delivery Program: Conserve the key natural resources of the Shire water
catchments, arable land, key wildlife corridors, vegetation
and scenic landscapes

PURPOSE

The purpose of this report is to determine Development Application 17/0074 which seeks consent to construct an internal driveway with coal washery reject and establish a building envelope at 136 Sugarloaf Lane, Kangaloon. The application is presented to Council for determination at the request of Councillors. The application is recommended for **APPROVAL** subject to conditions as nominated in **Attachment 1**.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Development Application DA17/0074 for the construction of an internal driveway constructed of coal washery reject and establishment of a dwelling house building envelope at Lot 41 DP 751277, 136 Sugarloaf Lane, Kangaloon be **APPROVED** subject to conditions as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

The site is known as 136 Sugarloaf Lane, Kangaloon (Lot 41 DP751277) is 47.7ha in size and is predominantly rectangular in shape (**Figures 1, 2 and 3**). The site is accessed from a crown road which borders the southern boundary of the site. The landowner has since purchased the crown road off Sugarloaf Lane from NSW Department of Industry: Lands and as such the road is in the process of being converted to freehold land. The site is traversed in the southern portion of the site by Doudles Folley Creek in an east west fashion.

The site ranges in topography from 690m at the property entrance to 830m at the middle-west of the site (a peak known as Rileys Sugarloaf). The site also has an old disused quarry within the southern portion of the site (**Figure 3**). The site is currently used for the grazing of dairy cattle for a dairy at Burrawang. An existing Trig Station (constructed in the early 1970s) is located on the site, 50m south of site's the northern boundary at an elevation of 800m.

The western portion of the site, as well as within southern and eastern areas of the site, has native vegetation known as the Robertson Basalt Tall Open Forest (a National and State endangered ecological community (EEC)). Regenerating bushland surrounds the EEC within the southern area of the site. Surrounding land uses are predominantly agricultural pursuits, with the rural locality Kangaloon 1.3km south along Sugarloaf Lane.



Figure 1: Site Location in LGA Context

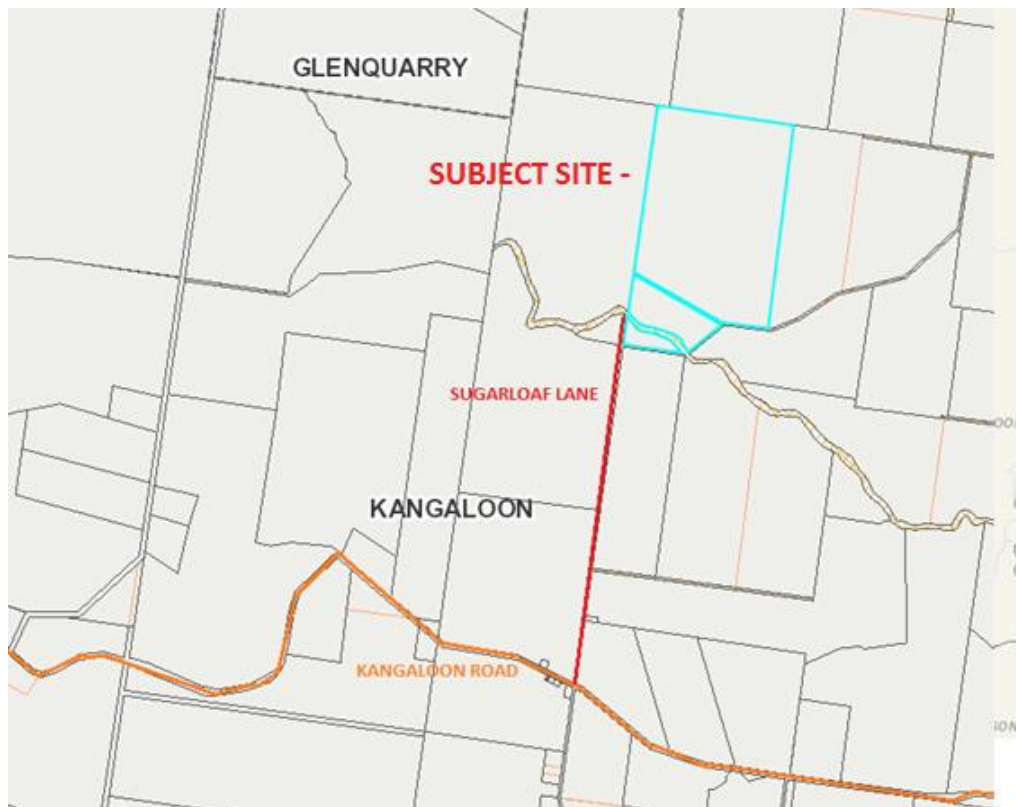


Figure 2: Site Location in Locality Context

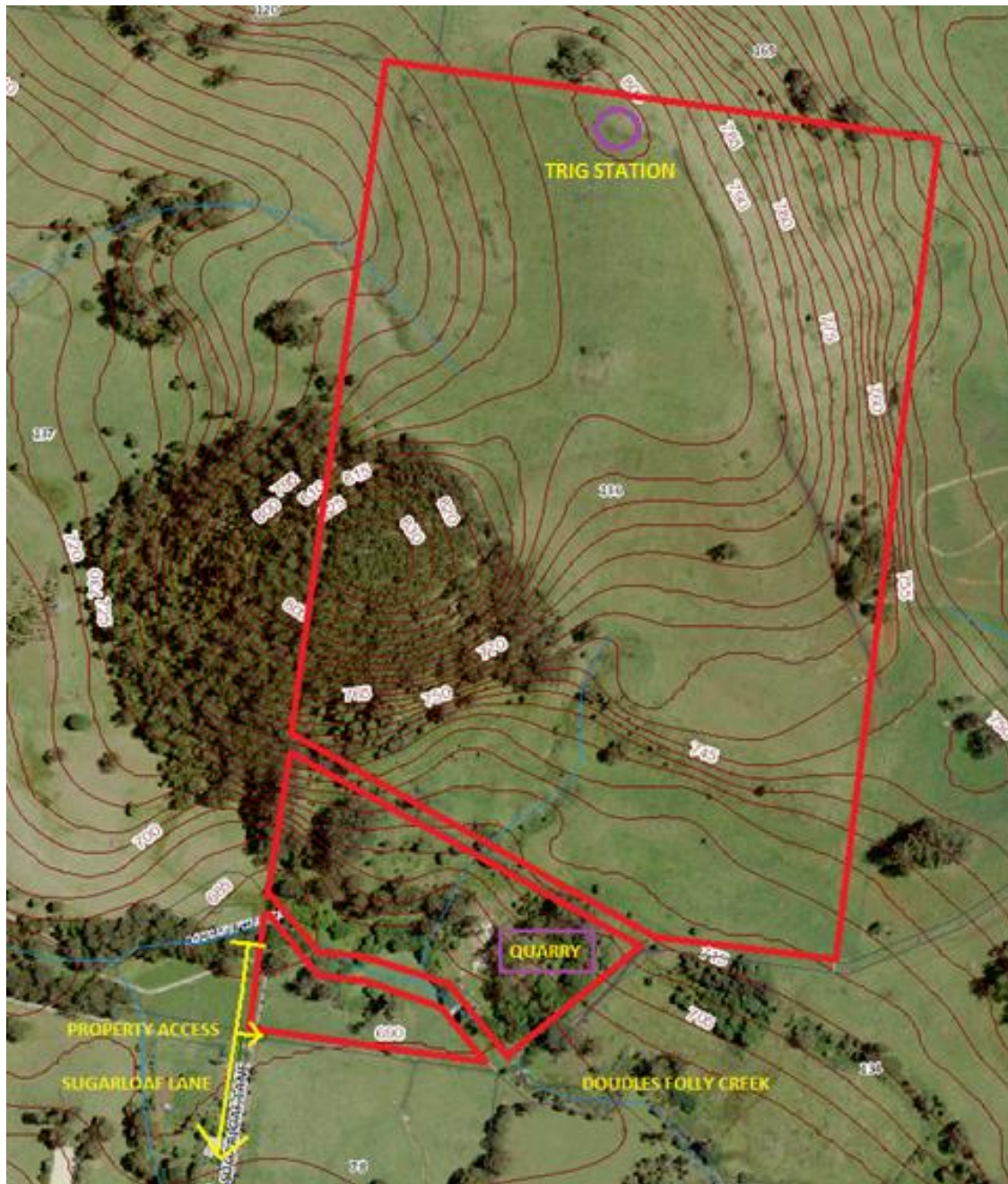


Figure 3: Aerial Image of Site (see Attachment 3 for larger version)

Background

Council was notified of alleged unlawful transportation of coal washery reject (CWR) to the site, and its subsequent land application, on 29 March 2016. A site inspection by Council staff was undertaken on 1 April 2016 where the land application was observed in contravention of the *EPA Coal Washery Rejects Exemption 2014* (the Exemption). An oral clean-up direction was given that day in accordance with section 93 of the *Protection of the Environment Operations Act 1997* (the POEO Act). This direction was followed up with the issue of a Clean-Up Notice in accordance with section 91 of the POEO Act on the same day.

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With approval from the NSW Environmental Protection Authority (the EPA) as the appropriate regulatory authority, Council continued to exercise the functions of the POEO Act and has taken the following regulatory action to date as outlined in the table below.

Date	POEO Act Regulatory Action Taken
1 April 2016	<ul style="list-style-type: none">Verbal s.91 direction to cease all works on site and install appropriate sediment and erosion control, andWritten s.91 Notice (the First Notice) issued to Mr Kelvin Menzies (Land Owner).
4 April 2016	<ul style="list-style-type: none">Letter issued to EPA requesting approval under section 212C to act as a regulatory authority.
5 April 2016	<ul style="list-style-type: none">s.110 Variation to s.91 Notice (the First Variation) issued to the Land Owner, clarifying that sediment and erosion control is to be installed in accordance with the Blue Book, andDraft s.91(2) Notice issued to land owner requiring the provision of a waste classification report and a volumetric survey.
13 April 2016	<ul style="list-style-type: none">s.192 Notice issued to NSW Local Land Services (LLS) to obtain information regarding works in Doudles Folley Creek undertaken by LLS at the Premises.
29 April 2016	<ul style="list-style-type: none">Final s.91(2) Notice (the Second Notice) issued to the Land Owner.
11 July 2016	<ul style="list-style-type: none">Show Cause Notice issued to the Land Owner.
26 July 2016	<ul style="list-style-type: none">s.192 Notice issued to Coordinated Logistics Pty Ltd regarding the alleged unlawful transport of waste to the Premises.
5 August 2016	<ul style="list-style-type: none">s.192 Notice issued to Tim Salway Rural Contracting Pty Ltd regarding the alleged unlawful transport of waste to the Premises.
15 August 2016	<ul style="list-style-type: none">s.192 Notice issued to MMSK Pty Ltd regarding the alleged unlawful transport of waste to the Premises, ands.192 Notice issued to GB Haulage Pty Ltd regarding the alleged unlawful transport of waste to the Premises.
22 August 2016	<ul style="list-style-type: none">Draft s.91(3) Notice issued to the Land Owner.
2 September 2016	<ul style="list-style-type: none">s.192(2) issued to Coordinated Logistics.
21 September 2016	<ul style="list-style-type: none">Final s.91(3) (the Third Notice) issued to the Land Owner. This was the notice that required the lodgement of a Development Application for the works.
30 September 2016	<ul style="list-style-type: none">s.192 Notice issued to BULKTRANS Pty Ltd regarding the alleged unlawful transport of waste to the Premises.

Proposed Development

On 23 January 2017, DA17/0074 was lodged with Council seeking consent to construct a 1.4km (approximately) internal driveway made of CWR and the imposition of a building envelope for a future permissible residential use at 136 Sugarloaf Lane, Kangaloon (**Attachment 2**). The CWR driveway would be constructed over an existing track that was constructed from materials quarried onsite and upgraded for use during construction of the Trig Station in the 1970s. The driveway would extend to the proposed building envelope location. The applicant is proposing to asphalt or concrete seal the steeper grades of the road over the CWR.

The proposal also involves the construction of a new concrete creek crossing over Doudles Folley Creek and re-align to divert creek flow into the natural creek bed. It is noted that a diversion channel was dug some time ago and the proposed alignment work would be to remediate the immediate locality and reinstate natural creek flows.

The building envelope is proposed to be located 290m from the northern boundary, 360 from the eastern boundary, 630m from the southern boundary and 185m from the western boundary. The building envelope itself would be 50m x 50m and be located 65m from vegetation to its west. The building envelope would be located at an elevation of 795m with the Trig Station at an elevation of 800m (300m to the north of the envelope), and the peak of the site at an elevation of 830m (182m to the south west of the envelope). The building envelope would be for the placement of a permissible residential dwelling in the future subject to a separate development application. No details of the proposed dwelling were required to be provided with the subject application.

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use. Whilst Council records do not indicate any historical contaminating uses occurring onsite, the use of CWR raised concern with the local community regarding whether Doudles Folley Creek had been impacted by contaminants from the CWR.

In response, an independent contamination assessment of Doudles Folley Creek was commissioned by Council to identify the impact of CWR on Doudles Folley Creek (Contamination Assessment prepared by GHD Pty Ltd, dated 29 May 2017). The results of this report shall be considered in detail later in this report. However in terms of enabling the site for residential purposes, the report found that chromium concentrations in four soil samples exceeded the Health Investigation Levels (HILs) for residential land use (100mg/kg) with concentrations between 130mg/kg and 170mg/kg. To ensure the site is suitable for the future intended use, **Condition 14** requires the provision of a remediation report to advise (1) if the elevated concentrations of chromium in the CWR land applied area requires remediation and (2) how the elevated concentrations of chromium within the CWR land applied area will be remediated. If remediation is required by the report, this shall be undertaken prior to the issue of a construction certificate.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is located within the Wingecarribee River Sub-catchment. Compliance with the provisions of the Catchment SEPP and associated guidelines is therefore required to consider water quality. The development is a Module 5 under the NorBE Guidelines and as such Council does not have assumed concurrence to consider water quality. The application was forwarded to Water NSW for their consideration on 24 January 2017. After providing initial concurrence advice on 2 March 2017, Water NSW provided revised concurrence advice on 14 June 2017 in light of the results of the independent contamination assessment of Doudles Folley Creek (**Condition 49**).



Neither water sampling or sediment sampling of stockpiles found contamination that would pose significant risk to either humans or the local environment. Councillors will be briefed on the findings of the sampling by the author of the report on Wednesday, 28 June 2017.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows.

Clause 2.3 Zone objectives and land use table

The site is zoned E3 Environmental Management and in this zone, roads are permissible with development consent. Further, the imposition of a building envelope on the site would be consistent with the ability to have a permissible residential use (dwelling house, attached dual occupancy, secondary dwelling). The objectives of the E3 zone are as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.*
- *To minimise the proliferation of buildings and other structures in these sensitive landscape areas.*
- *To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture, other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.*
- *To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Wingecarribee's longer term economic sustainability.*

The proposed development is considered to be consistent with the objectives of the zone, particularly with the imposition of conditions pertaining to any future dwelling to be single storey in construction (**Condition 43**) and sealing of the road from the property entrance, to the end of the first graded sealed area (**Condition 44**). The imposition of a condition to seal the initial length of road would alleviate concerns relating to environmental impacts of CWR by essentially 'capping' the CWR. Similarly, permitting a single storey residential use would aim to protect the aesthetic values of the E3 Environmental Management zone.

Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain rural and environmental protection zones

Development consent must not be granted for the erection of a permissible residential use in the E3 Environmental Management zone unless it satisfies one of the following criteria of clause 4.2A(3):

- a) *a lot that is at least the minimum lot size specified for that lot by the Lot Size Map, or*
- (ab) a lot created under clause 4.2C (3) (a) or clause 4.2C (5) (b), or*



- (b) a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or*
- (c) a lot resulting from a subdivision for which development consent (or its equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or*
- (d) an existing holding.*

As the lot is greater than the nominated 40ha minimum, being 47.7ha, the lot attracts a dwelling entitlement pursuant to clause 4.2(3)(a) of the LEP and as such, approving a building envelope on the site is permitted.

Clause 5.9 Preservation of trees or vegetation

The proposed development does not seek approval for any tree removal with this development application. Proximity of the building envelope to vegetation to its west (65m) would not require removal to facilitate effluent disposal or creation of bushfire Asset Protection Zones. **Conditions 13 and 30** prohibit the removal of vegetation as a consequence of the design and construction of the driveway respectively.

Clause 7.5 natural resource sensitivity – water

The LEP nominates Doudles Folley Creek as a Category 2 stream (with a 30m riparian buffer either side) and a watercourse perpendicular to this (flowing north to south with a 10m riparian buffer either side) as a Category 3 stream. Before granting consent for development on land traversed by a nominated stream, clause 7.5(2) of the LEP requires Council to consider any potential adverse impact of the proposed development on the following:

- (a) the natural flow regime,
- (b) the water quality of receiving waters,
- (c) the waterway's natural flow paths,
- (d) the stability of the waterway's bed, shore and banks,
- (e) the flow, capacity and quality of groundwater systems.

Further, pursuant to clause 7.5(3), consent must not be granted for development on land traversed by a nominated stream unless Council is satisfied that:

- (a) the development is designed, sited and managed to avoid any potential adverse environmental impact, or
- (b) if that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposed building envelope would have no adverse impact on the above factors. The location of the building envelope is sufficient distance away from the streams to ensure negligible impact during construction and operation in terms of suitable effluent disposal areas. The proposed driveway works and works within the watercourse would have an impact on the above matters however this can be mitigated by way of imposing conditions. The impact on water quality can be ameliorated or managed through the imposition of **Condition 44** which requires sealing of the road from the property entrance



off Sugarloaf Lane, to the end of the first graded seal area. Further to this, Water NSW has granted their concurrence from a water quality perspective (**Condition 49**). The application has also been granted General Terms of Approval (GTAs) from NSW Office of Water (**Condition 48**) who did not raise any objection to the works proposed within and to the watercourse.

The proposed realignment would reinstate the natural flow path and regime of the watercourse.

Further, the Report prepared by GHD Pty Ltd, dated 29 May 2017 (**Attachment 4**), found that contaminants did not pose a significant risk to ecology or users of water from Doudles Folley Creek. This is discussed later in this report.

With the imposition of

- sediment and erosion control conditions for management of sediment and erosion during construction and operation (**Condition 11**),
- the requirement to seal areas of CWR which could be susceptible to flood inundation and migration of material (**Condition 44**),
- provision to Council of a Vegetation Management Plan and Soil and Water Management Plan (as per NSW Office of Water's GTAs – **Condition 15**), and
- the preparation and approval of an Environmental Management and Monitoring Plan to provide ongoing operational sampling/testing/monitoring of the use of CWR on the site (**Condition 12**),

Council is satisfied that the development would be managed and designed to avoid potential adverse environmental impact.

Clause 7.9 Flood planning

Whilst Council has not undertaken a flood assessment of the site or the surrounding locality, Council staff have received photographic evidence from interested residents during the notification period of the areas surrounding Doudles Folley Creek within the subject site being inundated with creek water. The proposed building envelope would not be affected by this inundation as it is elevated over 100m from the creek. However, the initial driveway length to the creek crossover and partially up the first hill of the site would be inundated with water during high rainfall events. To reduce the likelihood of CWR sediment migrating from the site into nearby waterways, and to alleviate concerns relating to water contamination **Condition 44** would require this length to be sealed (capped).



Development Control Plans

Rural Lands Development Control Plan

The applicable sections of the Rural Lands DCP are addressed below:

DCP Control	Assessment
<i>Part A – Managing our Rural Lands</i>	
<i>Section 1 – Introduction</i>	This DCP applies to the site as it is zoned E3 Environmental Management.
<i>Section 2 – Classification and Distribution of Rural Lands</i>	The site is home to pockets of a National and State EEC known as the Robertson Basalt Tall Open Forest. No trees are proposed for removal and Conditions 13 and 30 requires no trees or impact on the EEC to occur during design and construction of the driveway respectively. It is not envisaged the construction and use of the internal driveway would result in a significant effect on threatened species, populations or ecological communities, or their habitats.
<i>Section 3 – Ecologically Sustainable Development</i>	<p><u>A3.2 Development in Sydney’s Drinking Water Catchments</u> - The development has received concurrence from Water NSW who has deemed the application adequate from a water quality perspective. (Condition 49)</p> <p><u>A3.3 Protection of Watercourses and Riparian Land</u> - Consideration of watercourses and riparian land has been discussed previously within the LEP section of this report.</p> <p><u>A3.7 Siting of Rural Buildings</u> – The location of the proposed building envelope for a future dwelling house is discussed in detail at Part B of this DCP assessment. Notwithstanding, any future DA for buildings on the site would require compliance with a maximum 600m² floor area for rural buildings and no greater than 1000m² for all structures on the site as per this clause of the DCP. The proposed building envelope is located further than 20m from a road frontage and can therefore ensure compliance with A3.7(e) of the DCP for any future dwelling DA.</p>
<i>Section 4 – Vegetation Management</i>	The site has two clusters of a National and State EEC known as the Robertson Basalt Tall Open Forest. No tree removal is proposed as part of the road construction and the building envelope is sufficiently distanced from the vegetation to the west of it. Conditions 13 and 30 would protect vegetation from impact during design and construction of the driveway respectively.
<i>Section 5 – Water Management</i>	<p><u>A5.2 Development in Sydney’s Drinking Water Catchments</u> - The development has received concurrence from Water NSW who has deemed the application adequate from a water quality perspective. (Condition 49)</p> <p><u>A5.3 Water Sensitive Design</u> – NSW Office of Water have imposed General Terms of Approval and shall issue a Controlled Activity Approval after a positive determination of the DA, which requires the preparation of a Vegetation Management Plan. Council shall</p>

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



DCP Control	Assessment
<p><i>Section 6 – Additional Controls</i></p>	<p>require a copy of the approved VMP prior to the issue of a Construction Certificate for the road (Condition 15). This VMP is required to comply with NSW Office of Water guidelines which require the inclusion of processes for maintenance, review of plants/survival rates, replacement schedules etc.</p> <p><u>A5.7 Protection of Watercourses, Water Bodies and Riparian Lands</u> - Condition 15 shall require the VMP to have a riparian buffer a minimum 30m either side of the watercourse as per the LEP (nominating a 20m Core Riparian zone and a 10m buffer as per Figure A5.2 of the Rural Lands DCP). Further, as the site is known to be used for extensive livestock grazing, Condition 15 also requires the riparian corridor to be fenced to ensure stock cannot gain access to the riparian land, as per A5.7.6(e) of the Rural Lands DCP.</p> <p><u>A5.9 Flood Liable Land</u> – Flood impacts have been discussed previously in this report.</p> <p><u>A6.2 Bushfire Prone Land</u> - The site is identified as being bushfire prone. The proposed building envelope location would enable an Asset Protection Zone (APZ) that would not impact on surrounding significant EEC vegetation. Any future application for a dwelling and/or outbuildings would be required to comply with <i>Planning for Bushfire Protection 2006</i>.</p> <p><u>A6.3 Contaminated Land</u> – Contamination has been discussed previously in this report in the assessment of SEPPs.</p> <p><u>A6.11 Construction of Private Roads</u> - Council’s Development Engineers have proposed Condition 44 which requires sealing of the driveway where the grade is greater than 5%. Condition 45 shall also require the upgrade of the property access to a rural standard.</p>
<p><i>Section 7 – Development near Rail Corridors and Busy Roads</i></p>	<p>N/A</p>
<p><i>Section 8 – Heritage and Landscape Conservation</i></p>	<p>The development is not located within or adjacent to a heritage item or heritage conservation area.</p>
<p><i>Section 9 – Construction standards and Procedures</i></p>	<p>During construction, activities would be managed so that sediment and erosion is stringently managed (Conditions 11, 23, 27 and 47). Condition 8 requires the preparation of a Construction Management Plan to be prepared which is required to address matters such as off street parking for workers, public safety, site access, storage and removal of waste, sanitary amenities etc.</p>
<p><i>Section 10 Telecommunications and Radio comms infrastructure</i></p>	<p>N/A</p>

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**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
AND DEVELOPMENT SERVICES**



DCP Control	Assessment
<i>Part B – Development Specific Controls</i>	
<i>Section 1 – Introduction</i>	Section B2 is applicable to the assessment of this application.
<i>Section 2 – Residential and Ancillary Development</i>	It is important to assess the building envelope location against the controls in this section of the DCP to ensure a future permissible residential use DA has the ability to comply with these controls.

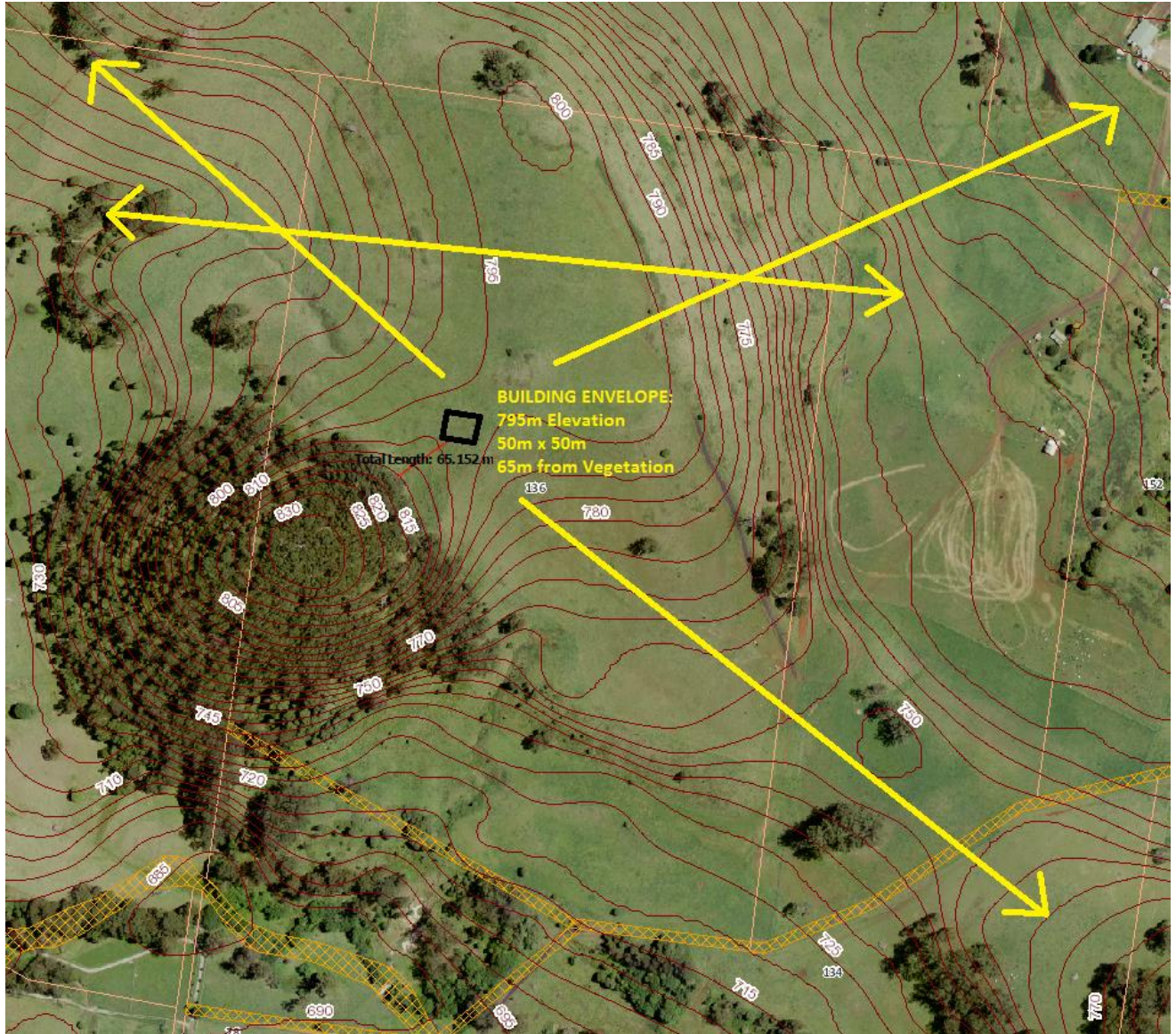


Figure 4: Proposed Building Envelope Location



B2.1 Siting, Design
and Landscaping of
Residential
Development

(a) Development will be placed in locations on the land where visual impacts on views, features such as ridge lines, hill tops, horizons, prominent slopes and topographic features will be minimised, when these are viewed from a public place.

(b) The visual impact of buildings with respect to siting and visibility will be assessed from all locations from which they are reasonably capable of being viewed (its visual catchment). A building will generally be acceptable if it has a low impact on its overall visual catchment, provided that it does not have significant impacts on individual viewing places of a public place or Heritage Conservation areas.

(c) The visual impact of buildings will vary between viewing locations and some will be more affected than others. In the case of higher impacts that are confined to an individual or a small number of places, an application must still demonstrate that the impact does not unacceptably impact on that place. A building may not be permitted that has an impact on only one viewing location, if that location is judged to be of sufficient significance.

(d) Buildings shall be responsive to the landscape character and scenic features of the locality in which they are situated. Different approaches to design, siting and landscape will be appropriate to areas with predominantly pastoral character compared with others characterised by native vegetation.

(e) Where there are two or more buildings, for example homes, sheds and ancillary buildings, they will be clustered to reduce the space that they occupy and be landscaped to reduce their accumulated impacts. Building groups that spread across the landscape and increase the visibility and bulk of the built form will not be permitted. Replacement buildings are to be sited in a location that complies with this DCP. The existing siting of a building that is to be demolished may not be approved for the siting of a new building.

(f) Rural Developments shall be sited so that they do not impact upon horizons. Buildings that are sited so that they project partly or wholly above the horizon and are seen against the skyline from a public place are generally not permitted.

(g) Buildings that would be situated close to the horizon must be vertically separated from it to the extent that the background horizon and the elements that comprise it, for example natural features, topography, vegetation and so on, remain the dominant scenic feature of the horizon. Buildings will be preferred if placed in traditional relationship to the landform and topography. Typically, rural buildings are sited on lower and mid-slopes, on benched areas below horizons and hill tops and away from cold valley floors. Buildings sited in these ways are generally acceptable.

Whilst not on the highest point of the site, the location of the proposed building envelope would be in an area that has the potential to be visible from the north west, north east and south east (identified by the arrows on **Figure 4** above).



B2.1.4 Performance Standards – Landform and Vegetation modification

The building envelope is located on the southernmost portion of a large flat plane elevated at between 795m and 800m. The building envelope is located away from the centre of the large flat plane and nestled closer towards Rileys Sugarloaf (830m) which would reduce the visual impact from the north east, as Rileys Sugarloaf would be the background horizon from this view location.

The distance to any surrounding homestead/dwelling and the topography of the site would enable a single storey dwelling to be of low visual impact. It is considered that if a double storey dwelling (max 9m) is constructed, visual impact may be unfavourable to the south east and north west, with no similar background horizon for these view locations. As such, **Condition 43** shall restrict any dwelling on the building envelope to single storey (max 6m under the DCP). Further, **Condition 43** shall also prohibit outbuildings from being located north of the building envelope. Compliance with the DCP and a merit assessment of visual impact would still be required for any dwelling and/or outbuilding use. It is noted the building envelope would not be visible from Kangaloon Road.

(a) Rural Development shall make use of existing natural topography and vegetation to provide an appropriate visual setting. Landform modified by cutting and filling, grading and retained earth works is permitted within Council's specified limitations.

No excessive cut or fill would be required to facilitate development within the building envelope as it is on a relatively flat area.

(b) Rural Development shall be accessed in ways that minimise impacts on views from public places, prominent landscape features, existing vegetation and culturally significant landscapes. Access that requires extensive earth works, cut and fill, retaining structures and removal of natural vegetation will generally not be permitted.

The access to the proposed building envelope has been used for the site for over 100 years, and was upgraded with material quarried from the site in the 1970s for construction of the Trig Station. In March 2016, the access was again upgraded with stormwater culverts and placement of CWR as new road base. Notwithstanding, the access to the proposed building envelope would not adversely impact on views or prominent landscape features as it, for the most part, follows the topography of the site modestly.

(c) Rural Development shall respond to the existing pattern of remnant and cultural vegetation in siting and in the mitigation of visual impacts. Buildings that are sited so as to retain existing vegetation and which use it, whether with or without addition of new vegetation, to provide an appropriate setting or screen, are generally acceptable.

The proposed building envelope would not require the removal of any vegetation. Any future DA for a permissible residential use would require a landscape plan for supplementary planting.

	<p>Condition 43 shall require a restriction to be placed on the title of the property that requires Robertson Basalt Tall Open Forest vegetation to be used for landscaping associated with the dwelling so as to complement the significance of vegetation onsite.</p> <p><i>(d) Rural Development shall not require the clearing of native vegetation or established cultural plantings if this results in an increase in the prominence or visibility of the building from a public place or within a Heritage Landscape Conservation Area.</i></p> <p>No vegetation is proposed for clearing as part of this DA.</p> <p><i>(e) Rural Development shall be appropriately landscaped if necessary, with either indigenous native species or appropriate cultural plantings, to provide amenity and, screening of views from any viewing directions and to reduce the apparent scale of buildings in relation to horizons, hill tops or ridge lines. Landscaping may be required to screen development from privately owned places.</i></p> <p>Any future DA for a permissible residential use would require a landscape plan. Condition 43 shall require a restriction to be placed on the title of the property that requires Robertson Basalt Tall Open Forest vegetation to be used for landscaping associated with the dwelling.</p>
B2.1.5 Performance Standards – Building Design, Materials and Colours	This section of the DCP shall be considered with any future DA for a dwelling house.
B2.1.6 Performance Standards – Landscaping	This section of the DCP shall be considered with any future DA for a dwelling house.

Section 79C Evaluation

(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*

It has been demonstrated the DA complies with the *Wingecarribee Local Environmental Plan 2010*.

(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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

Not applicable.

(iii) *any development control plan, and*



It has been demonstrated the development satisfactorily complies with the relevant controls, subject to recommended conditions.

- (iia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and*

Not applicable.

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

Not applicable.

- (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*

Not applicable, the site is coastal land.

- (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,*

Contamination from CWR

The application proposes to formally land-apply CWR for the purpose of constructing an internal driveway to a proposed building envelope for a permissible residential use. Significant community concern was raised during and after the notification period with the potential impact that CWR may have on the environmental ecology of Doudles Folley Creek and as such, Council engaged GHD Pty Ltd to prepare a contamination report that:

- assesses whether Doudles Folley Creek has been impacted by contaminants from the CWR; and
- establishes whether CWR contaminants (if present) in Doudles Folley Creek pose a risk to the aquatic ecology and/or health of water users.

GHD undertook their assessment of the site on 13 April 2017. This included visual inspection of the site to understand the environmental setting, sampling of the road material at prescribed locations up gradient and adjacent to Doudles Folley Creek, and sampling of surface waters and in-stream sediment sampling of Doudles Folley Creek. Surface water samples and sediment samples from five locations along Doudles Folley Creek were taken as were eight soil samples from roadway material used in the construction of the road. Samples were then analysed for contaminants of potential concern including heavy metals (arsenic, cadmium, chromium, copper, lead, mercury, nickel and zinc), polycyclic aromatic hydrocarbons (PAH), total recoverable hydrocarbons (TRH), benzene, toluene, ethylbenzene and xylenes (BTEX), phenols and herbicides. Select road samples were also analysed for leachability. After testing was completed, the results were compared with ecological and human health risk criteria and the report was finalised.

The results of the report were provided to Council on 29 May 2017. The results found:

- chromium concentrations in four samples exceeds the Health Investigation Levels (HILs) for residential land use (100mg/kg) with concentrations between 130mg/kg and 170mg/kg. Whilst this is not a



water quality concern, **Condition 14** requires the remediation of chromium to be below the HIL for the proposed land use prior to the issue of a construction certificate. This would ensure the site is suitable for the proposed use.

- *“Contaminants of potential concern were not identified in surface water samples collected from Doudles Folley Creek at concentrations exceeding the adopted human health or ecological risk screening criteria with the exception of zinc in one sample (SW04), which is considered to be a naturally elevated background level.”*
- *“Sediment samples collected from Doudles Folley Creek on site did not contain contaminants of potential concern at concentrations exceeding sediment quality guidelines.”*
- *“Leachate results from samples of the road material did not indicate significant leaching of contaminants from the material, with the majority of the leachate results being less than the laboratory limit of reporting.”*

The report advised:

“Overall, the investigation did not identify significant gross contamination in the samples collected from the site and the samples of CWR tested do not appear to pose a significant risk to ecology or users of water in Doudles Folley Creek.

Due to the relatively minor exceedances of heavy metals and hydrocarbons in soil samples collected from the site, and no apparent impact on surface water and sediments, removal and/or remediation of the CWR does not appear to be required.”

In its conclusions, the report also advised:

“Field observations suggest that CWR sediment had migrated from the road into the creek. While not observed during the field works, this may have potential to impact instream water quality when it occurs (particularly with regard to instream clarity). While not in the scope of this investigation, further consideration of sediment and erosion control measures relative to applicable Australian and NSW guidance may be required.”

In response to the above paragraph, **Condition 44** would endeavour to contain any CWR that could impact in-stream water quality (clarity in particular) and any potential environmental impact on the ecology of Doudles Folley Creek as it requires the sealing (capping) of that part of the driveway that sees water inundation from the creek.

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

The site is considered suitable for the proposed building envelope and the formalisation of the internal driveway with the use of CWR, subject to conditions as discussed throughout this report, including, but not limited to:

- sediment and erosion control conditions (**Conditions 11, 23, 27 and 47**),
- the requirement to seal the impacted watercourse area of exposed CWR (**Condition 44**),

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- provision to Council of a Vegetation Management Plan and Soil and Water Management Plan (as per NSW Office of Water's GTAs – **Condition 15**), and
- the preparation and approval of an Environmental Management and Monitoring Plan to provide ongoing operational sampling/testing/monitoring of the use of CWR on the site (**Condition 12**).

Flooding and bushfire impacts are considered manageable as discussed throughout this report. The soil characteristics are appropriate for the development, and there are no known critical habitats, or threatened species, populations or habitats on the site. The Robertson Basalt Tall Open Forest EEC is on the site however the development would not result in any vegetation being removed or construction work occurring within those areas. The development would not prejudice future agricultural production and there are no known mineral or extractive resources on the site.

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

Refer to the Consultation section of this report.

(e) *the public interest.*

The *EPA Coal Washery Rejects Exemption 2014* (the Exemption) is a relevant policy statement from the NSW Environmental Protection Agency (the EPA) that is relevant to this application. The Exemption was created under clause 91 of the *Protection of the Environment Operations (Waste) Regulation 2014* (the Waste Regulation).

The document exempts a consumer of the use of CWR from certain requirements under the *Protection of the Environment Operations Act 1997* (POEO Act) and Waste Regulation in relation to the application of that waste to land, provided the consumer complies with the conditions of this Exemption. It advises that the Exemption is to be used for land application of CWR in earthworks and civil engineering matters and that CWR does not require approval from Council and the EPA for the construction of roads on private land provided that:

- (a) the coal washery rejects are applied to land to the minimum extent necessary for the construction of a road, and
- (b) a development consent for the development has been granted under the relevant Environmental Planning Instrument (EPI), or
- (c) it is to provide access (temporary or permanent) to a development approved by a Council, or
- (d) the works undertaken are either exempt or complying development

At the time of CWR land application to the site (made aware to Council on 29 March 2016), no development consent was in place for the works. With the determination of this application, by way of approval, the exemption shall be complied with.

Further to the above, Council is not aware of any planning studies or strategies that are relevant to this proposal. There is no management plan, planning guideline or advisory document that is applicable to a development of this nature. Also, there are no existing covenants, easements, or agreements that affect the proposal. As such, the proposal would not contravene the public interest.

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CONSULTATION

Pre-lodgement Meeting

Prior to the application being lodged, the applicant spoke with Council's Acting Team Leader Town Planners regarding what would be required to be submitted with a Development Application for the works.

External Referrals

Referrals	Advice/Response/Conditions
NSW Office of Water	The application was referred to NSW Office of Water for their General Terms of Approval (GTAs) pursuant to section 91 of the <i>Water Management Act 2000</i> as development would be occurring within 40m of waterfront land. Their GTAs were issued on 3 March 2017 (Condition 48) and did not raise any objection to the works proposed within, and to, the watercourse.
Water NSW	The application was referred to Water NSW for their concurrence pursuant to clause 11 of <i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i> . The application was forwarded to Water NSW for their consideration on 24 January 2017. After providing initial concurrence advice on 2 March 2017, Water NSW provided revised concurrence advice on 14 June 2017 in light of the results of the independent contamination assessment of Doudles Folley Creek. (Condition49)

Internal Referrals

Referrals	Advice/Response/Conditions
Development Engineer	Council's Development Engineer was referred the application for comment and did not object to the proposal subject to standard construction management conditions. Further, Condition 44 was recommended which requires sealing of roads where the grade is greater than 5% and Condition 45 requires the upgrade of the property access to a rural standard.

Neighbour Notification (or Advertising)/Public Participation

The development application was Neighbour Notified for a period of 15 days between 25 January 2017 and 9 February 2017. An additional day was given in light of the Australia Day Public Holiday. During this time, Council received three submissions, with one submitter providing two of those three submissions. It is noted that more information and photographs from one submitter was provided a further four times between 17 and 22 March 2017. The issues raised in the submissions during the notification period have been summarised and are considered below:

- *Provision of photographs*

Photographs showing the internal driveway location under water from Doudles Folley Creek compared to a normal day were provided.

Comment – Noted.



- *Land application of CWR without consent*

The objector advises that without consent, nearly 1000 tonnes of CWR was used for a new internal driveway alongside and over Doudles Folley Creek and up the property.

Comment – This matter has been extensively managed by Council's Development Compliance Officer and chronology of the proceedings to date is provided in the Background section to this report. Lodgement and determination by way of approval of this DA would complete the compliance process for this matter.

- *The proposed concrete box culverts for the augmentation of Doudles Folley Creek are inappropriate*

The objector advises that the existing pipe was inappropriate as it was regularly blocked with washed trees and rubbish causing extensive flooding onto neighbouring properties. The proposed concrete box culverts are considered inappropriate as they would still cause flooding. The objector suggests a low level spillway (causeway) of concrete instead.

Comment – Council's Development Engineer has assessed the proposed concrete box culvert as being compliant with Council's Engineering Standards and as such is a satisfactory arrangement for the proposed creek crossing. The top of the triple box culvert design would act as a causeway in moderate to large rain events with the crossing designed to remain dry during high trickle flows. In terms of concerns regarding blockages, **Conditions 41 and 42** shall be imposed to ensure stormwater infrastructure is maintained in a safe and functional manner by the landowner.

- *Objection to the use of CWR as a base for a road that is subject to flooding and therefore constant removal into Doudles Folley Creek*

Strong concerns were raised regarding the use of CWR for the purpose of constructing a road, particularly with its proximity to Doudles Folley Creek which can be inundated with water during high rainfall events, and the potential for CWR to move into the creek as a consequence of this water inundation. Objectors raised significant concern with the environmental impact on the ecology of the watercourse.

Comment – The use of CWR as a road base material is a tested, commonly used and permitted (ensuring compliance with the Exemption) method of road construction and is widely used within the Wingecarribee Shire by private parties. Further, the use of Excavated Natural Material (ENM) has less stringent testing controls to adhere to than CWR does from a contamination and land application perspective. Testing for ENM is undertaken under *Excavated Natural Material Order 2014* whilst CWR requires testing against *Coal Washery Rejects Order 2014*. Assessment of CWR for use requires lower levels of arsenic, copper and zinc than ENM, and prohibits hydrocarbons, rubber, plastic, bitumen, paper, cloth, paint and wood. Notwithstanding, Council engaged GHD Pty Ltd to undertake a contamination assessment in response to concerns relating to potential environmental ecology impacts. The purpose of that report was:

- To assess whether Doudles Folley Creek has been impacted by contaminants from the CWR; and
- Establish whether CWR contaminants (if present) in Doudles Folley Creek pose a risk to the aquatic ecology and/or health of water users (e.g. drinking water).



The analysis process and report results have been discussed previously in this report. Essentially, the report concluded that the use of CWR did not appear to pose a significant risk to ecology or users of water from Doudles Folley Creek. It is considered that **Condition 44** would reduce the likelihood of CWR entering Doudles Folley Creek as well as sediment and erosion controls (**Conditions 11, 23, 27 and 47**).

- *Visual impact of the CWR driveway when viewed from Kangaloon Road*

The objector was concerned with the “coal roads” stark visibility from what is designated as a tourist road; that is from Kangaloon Road all along the ridge from the public school.”

Comment – Whilst it is acknowledged the internal driveway would be visible, it would not result in an adverse visual impact on the tourist drive experience. The potentially visible component of the driveway would be 1.7km north from the intersection of Sugarloaf Lane and Kangaloon Road, obscured by vegetation and structures along Kangaloon Road, and be recessive and dark in colour. It is not envisaged the driveway would be visually obvious enough to distract drivers or adversely impact on the visual qualities of the tourist drive.

- *The coal road along the hillside has the potential in rain events for coal to run off to enter the creek below. The hillside is prone to landslip*

The objector raises concern with the stability and suitability of the road location and has concerns that the material will end up in Doudles Folley Creek in heavy rain events.

Comment – Council’s Development Engineers have recommended **Condition 44** which requires sealing of the driveway where the grade is greater than 5%. This would equate to approximately 600m of the 1.4km driveway requiring sealing and significantly reduce the chance of CWR sediment entering Doudles Folley Creek. Further to this, an Erosion and Sediment Control Plan shall be required (**Condition 11**) for implementation during construction and for permanent management of run off from the driveway during operation.

- *Augmenting creek flow and direction should not be allowed*

The objector raises concern with works that have occurred, and that are proposed, that result in the augmentation of Doudles Folley Creek.

Comment – Augmentation of a creek is permitted with development consent and approval under section 91 of the *Water Management Act 2000*. As the works propose augmentation to waterfront land (within 40m), the application was lodged as an Integrated Development Application seeking these approvals concurrently. The works are permitted with the issue of General Terms of Approval from NSW Office of Water (**Condition 48**), and a further ‘Controlled Activity Approval’ which would be lodged with NSW Office of Water after any determination for approval is granted.

SUSTAINABILITY ASSESSMENT

- **Environment**

By way of imposing Conditions (**Conditions 11, 23, 27 and 47, Condition 44, Condition 15 and Condition 12**), impacts on the environment can be mitigated so as to not cause an adverse outcome to, and users of, Doudles Folley Creek.

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- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The development application has been considered in accordance with the *Wingecarribee Local Environmental Plan 2010*, section 79C of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development.

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2015 – 2016: OP:117 Provide development, building assessment and certifications services.

COUNCIL BUDGET IMPLICATIONS

The financial implications of Council's decision in this matter are directly related to the legal implications. The possibilities are detailed as follows:

- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be determined by the extent of the reasons for refusal;
- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court and win, the question of cost would be dependent upon the extent of the reasons for refusal;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be calculated at the appropriate time;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and win, the question of cost would still be calculated at the appropriate time;
- Should the applicant make no appeal, or proceedings not be taken out by another party, to the Land and Environment Court regardless of the determination, the application would result in no further financial implication to Council.

RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, SEPP 55, Catchment SEPP and the Rural Lands Development Control Plan.

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OPTIONS

The options available to Council are:

Option 1

Approve DA17/0074, subject to conditions in **Attachment 1**.

Option 2

Refuse DA17/0074, in which case Councillors will have to prepare reasons for refusal.

Option 1 is the recommended option to this report.

CONCLUSION

The development application has been assessed in accordance with the matters for consideration under section 79C of the *Environmental Planning and Assessment Act 1979*, all relevant environmental planning instruments and Council policies. The development, as highlighted through the assessment contained above, is considered to be satisfactory, particularly with mitigation conditions as follows:

- stringent sediment and erosion control conditions (**Conditions 11, 23, 27 and 47**),
- the requirement to seal the impacted watercourse area of exposed CWR (**Condition 44**),
- provision to Council of a Vegetation Management Plan and Soil and Water Management Plan (as per NSW Office of Water's GTAs – **Condition 15**), and
- the preparation and approval of an Environmental Management and Monitoring Plan to provide ongoing operational sampling/testing/monitoring of the use of CWR on the site (**Condition 12**).

The above conditions would ensure the development can be managed and designed to avoid potential adverse environmental impact.

The proposed building envelope would be located in an area that has the potential to be visible within view corridors to the north west, north east and south east. As discussed, single storey construction (**Condition 43**) and control of outbuildings within the visual corridor would result in a low visual impact to the rural locality.

On balance, the application is recommended for approval subject to conditions recommended in **Attachment 1**.

ATTACHMENTS

1. Draft Notice of Determination
2. Plans of Proposed Development
3. Site Location
4. GHD Report dated 29 June 2017 - *circulated under separate cover*

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AND DEVELOPMENT SERVICES**



Mark Pepping
**Deputy General Manager Corporate,
Strategy and Development Services**

Friday 7 July 2017

10.1 DA17/0074 - Construction of Internal Driveway with Coal Washery Reject and Establishment of a Building Envelope - 136 Sugarloaf Lane, Kangaloon

ATTACHMENT 1 Draft Notice of Determination



ATTACHMENT 1



DATE

Mr Mark Nelson
PO Box 4083
NOWRA NSW 2541

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to section 80(1) of the Environmental Planning and Assessment Act 1979

APPLICATION NO:	17/0074
APPLICANT:	Mark Nelson
OWNER:	KE MENZIES
PROPERTY DESCRIPTION:	Lot 41 DP751277
PROPERTY ADDRESS:	136 Sugarloaf Lane KANGALOOON NSW 2576
PROPOSED DEVELOPMENT:	Internal Driveway and Building Envelope
DETERMINATION:	Determined by granting of CONSENT.
CONSENT TO OPERATE FROM:	DATE
CONSENT TO LAPSE ON:	DATE

Rights of Appeal

If you are dissatisfied with the determination of Council (including determination of a review under section 82A of the Environmental Planning and Assessment Act 1979) you may appeal to the New South Wales Land and Environment Court within 6 months after the date on which you receive the notice of determination or review, if your application was lodged after 27th February 2011. Otherwise the appeal period is 12 months after the date in which you receive this notice.

Review of determination

You have the right to request a review of determination under section 82A of the Environmental Planning and Assessment Act 1979, provided that this determination is not made with respect to an integrated development. The determination cannot be reviewed after the time limit for making an appeal to the Land and Environment Court expires or after an appeal to the is disposed of by the court.

Ellie Varga
Acting Team Leader Town Planners

DATE
Date of Determination

Civic Centre, Elizabeth St, Moss Vale, NSW 2577. PO Box 141, Moss Vale. t. (02) 4868 0888 f. (02) 4869 1203
e. mail@wsc.nsw.gov.au ABN 49 546 344 354

www.wsc.nsw.gov.

Working with you

10.1 DA17/0074 - Construction of Internal Driveway with Coal Washery Reject and Establishment of a Building Envelope - 136 Sugarloaf Lane, Kangaloon



ATTACHMENT 1 Draft Notice of Determination

DA17/0074, Lot 41 DP751277

SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of an internal driveway connected to a building envelope for a permissible residential use.

2. Development in Accordance with Plans and Documents

The development shall be implemented in accordance with the approved plans and supporting documents set out in the following table except where modified by any conditions of development consent.

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Sketch Plan showing Levels & Contours over Lot 41 DP751277	103349/2 Sheets 1 & 2 of 2	SET Consultants Pty Ltd	25/08/2016
Sketch Plan showing grade of existing track over Lot 41 DP751277	103349/3 Sheet 1 of 1	SET Consultants Pty Ltd	12/09/2016
Sketch Plan showing existing access track	103349 Sheet 1 of 1 Rev B	SET Consultants Pty Ltd	18/05/2016
SIX Maps sketch showing Building Envelope distance from boundaries	-	Mark Nelson as Applicant	Undated.
Engineering Drawings	16302 C01-C03 & C05	Westlake Punnett Civil and Structural Engineers	04/12/2015
Engineering Drawings	16302 C04 Rev A	Westlake Punnett Civil and Structural Engineers	02/12/2016
Statement Of Environmental Effects	-	Coordinated Logistics Pty Ltd	Undated
Support Letter	-	Coordinated Logistics Pty Ltd	Undated

Reason: *To ensure the development is carried out in accordance with the approved plans and documentation.*

3. Separate Development Approvals

The applicant shall seek separate development consent for the purposes of a permissible residential use within the building envelope. This development consent does not grant approval for the construction of a dwelling or any outbuilding discussed throughout the approved documentation.

Reason: *To control the future development of the site.*

10.1 DA17/0074 - Construction of Internal Driveway with Coal Washery Reject and Establishment of a Building Envelope - 136 Sugarloaf Lane, Kangaloon**ATTACHMENT 1 Draft Notice of Determination**DA17/0074, Lot 41 DP751277

4. Inconsistency Between Documents

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent shall 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).*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**5. Application for a Construction Certificate (Building Works)**

The applicant shall apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works in accordance with this consent. The application for a Construction Certificate shall be accompanied by detailed engineering plans and specifications and completed design checklists found in Council's Engineering Policies.

Reason: *A requirement under the provisions of the Environmental Planning and Assessment Act 1979.*

Note: *Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.*

6. Site Consolidation

That the site and Lot 1 DP1229849 (closed and purchased Crown road) be consolidated into one lot prior to issue of the Construction Certificate.

Reason: *To ensure the use of the land as one allotment is legally recognised and to prevent separate dealings in the existing allotments after the use commences.*

7. Structural Engineer's Details

Structural engineering plans are to be prepared by an experienced professional chartered practicing Structural Engineer for the following work and shall be lodged with the Principal Certifying Authority and approved prior to commencing the works in accordance with a Construction Certificate:

- (a) Culvert Works within Doudles Folley Creek.

Advice: *The name, address and qualifications of the practising Structural Engineer certifying the design shall be clearly indicated on the plans and any accompanying documentation. Such engineer is to hold qualifications appropriate to the project as defined in the Building Code of Australia. The design shall relate to the particular site.*

Advice: *Any such Certificate is to set forth the extent to which the Engineer has relied on relevant Specifications, Rules, Codes of Practice or Publications in respect of the construction.*

Reason: *To ensure the structural integrity of the building is achieved.*

8. Construction Management Plan

A Construction Management Plan (CMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CMP must include the following:

10.1 DA17/0074 - Construction of Internal Driveway with Coal Washery Reject and Establishment of a Building Envelope - 136 Sugarloaf Lane, Kangaloon



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- (a) Off-street parking for employees, contractors and sub-contractors.
- (b) Site access for construction vehicles and equipment purposes.
- (c) Public safety in the use of roads and footpaths where development activities adjoin such facilities.
- (d) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- (e) Storage of all building materials and equipment wholly within the construction site.
- (f) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- (g) External lighting and security alarms proposed for the construction site.
- (h) Fire fighting measures to be available on site during development and construction.
- (i) Sanitary amenities proposed on site during development and construction.
- (j) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site.

Reason: *To ensure the safety, amenity and protection of public infrastructure and the environment.*

9. Provision of Works and Services

Prior to the issue of the Construction Certificate the Developer shall obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council's standards and all other relevant Codes and guidelines.

Reason: *Statutory requirement.*

10. Waste Management Plan

A Waste Management Plan shall be completed and submitted to Council for approval, prior to the issue of the Construction Certificate for the development.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout construction. Waste management and its storage must not pose a threat to public health or the environment.

Reason: *To minimise the amount of waste going to landfill.*

11. Erosion and Sediment Control Plan

An Erosion and Sediment Control Plan shall be prepared in accordance with "Landcom's Blue Book" for sedimentation and erosion control plan by a suitably qualified person, and approved by Council prior to issue of the Construction Certificate.

The Erosion and Sediment Control Plan shall include measures for managing sediment and erosion during the construction phase as well as for post completion/operation of the site works.

The Erosion and Sediment Control Plan shall include scaled drawings and detailed specifications which can be referred to onsite by project management staff or project construction supervisor.

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Items to be shown on the Plan shall include:

- (a) Locality of the site, a north point and scale.
- (b) Existing contours of the site including catchment area boundaries and indications of direction of fall.
- (c) Location of and basic description of existing vegetation.
- (d) Diversion of uncontaminated up-slope run-off around the disturbed sites.
- (e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.
- (f) Nature and extent of earthworks, including cut and fill roadworks.
- (g) Location of all soil and material stockpiles.
- (h) Location of site access, proposed roads and other impervious areas.
- (i) Potential for the development of acid sulphate soil.
- (j) Existing and proposed drainage patterns.
- (k) Location and type of proposed erosion and sediment control measures.
- (l) Site rehabilitation proposals, including final contours.
- (m) Time of placement of sediment controls.
- (n) Staging of works and how the plan is to be implemented for each stage or activity on site.
- (o) Maintenance schedule.

Reason: *To minimise soil erosion and sediment movement during construction.*

12. Environmental Management & Monitoring Plan

Prior to the issue of a Construction Certificate, an Environmental Management and Monitoring Plan shall be prepared by a suitably qualified person and submitted to Council for approval. The Plan shall include the following:

- Design Program;
- Implementation; and
- Ongoing operation i.e. sampling/testing/reporting of Coal Washery Rejects at certain locations within the site.

Reason: *To protect the environment and track transportation of Coal Washery Rejects within the site.*

13. Tree Retention

Road design and construction shall ensure preservation of existing roadside vegetation. No trees shall be removed to facilitate the construction of the internal driveway unless considered and approved by Council.

An Arboricultural Report which considers the impact of tree removal on the mapped endangered ecological community on the site known as the Robertson Basalt Tall Open Forest shall be

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provided to Council for consideration of any proposed tree removal.

Reason: *To ensure retention and preservation of local vegetation.*

14. Remediation Report

Prior to the issue of a Construction Certificate, a Remediation Report commissioned and prepared by an appropriately qualified expert shall be provided to Council for approval which establishes:

- (a) If the elevated concentrations of chromium in the CWR land applied area, as identified in the Contamination Report prepared by GHD Pty Ltd dated 29 April 2017, requires remediation, and
- (b) how the elevated concentrations of chromium within the CWR land applied area will be remediated if unsuitable for the proposed land use.

If the report recommends it, remediation shall be undertaken prior to the issue of a Construction Certificate.

15. Controlled Activity Approval

Prior to the issue of a Construction Certificate, a copy of the Controlled Activity Approval issued by NSW Office of Water shall be provided to Council to ensure the below matters are included in the approved documents.

A copy of the Vegetation Management Plan and Soil and Water Management Plan approved by NSW Office of Water shall also be provided to Council prior to the issue of a Construction Certificate.

The Controlled Activity Approval shall ensure the Vegetation Management Plan provides for a riparian buffer minimum 30m wide each side of the watercourse as per the *Wingecarribee Local Environmental Plan 2010* (nominating a 20m Core Riparian zone and a 10m buffer as per Figure A5.2 of the Rural Lands DCP).

Further, the Vegetation Management Plan shall provide for fencing of the riparian land as the site is known to be used for extensive livestock grazing. This would ensure stock cannot gain access to the riparian land.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

16. Notice of Commencement

No work shall commence until a notice of commencement (form will be attached with issue of a Construction Certificate or available from Council's website is submitted) giving Council:

- (a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
- (b) Details of the appointment of a Principal Certifying Authority (either Wingecarribee Council or another Accredited Certifier)
- (c) Details of the name, address and licence details of the Builder.

Reason: *Statutory requirement.*

17. Principal Certifying Authority Sign

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

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- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Advice: *Where Council is the PCA, signage is available from Council.*

Reason: *Statutory requirement.*

18. Construction Certificate

No work shall commence until a:

- (a) Construction Certificate is obtained from either the Wingecarribee Shire Council or an Accredited Certifier; and
- (b) Construction Certificate lodged with Council obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service.

Reason *Statutory requirement.*

19. Developers Representative during Construction of Works

A minimum of 48 hours prior to commencement of any construction works on site the Developer shall nominate to Council in writing their representative (Construction Supervisor) who will be responsible for all aspects of construction and site control, including Traffic Control, Sediment and Erosion Control and liaison with Council Officers and all other Authorities.

Details to be submitted include:-

- 1 Name of Representative:
- 2 Company:
- 3 Position:
- 4 Contact phone:
- 5 Contact fax:
- 6 After Hours Contact:
- 7 Signature of Representative:
- 8 Signature & Acceptance of representative by the Developer:
- 9 Council requires that the nominated " Construction Supervisor" either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site the representative shall:

- 10 Inform Council in writing of their intention 7 days before entering the site.
- 11 Submit to Council a proposed Schedule of Works.

The Developer may be required to arrange for Council to peruse all other contract documentation prior to the contractor arriving on site to commence work (Schedule of Works, Specifications Bill of Quantity, traffic control plan and Soil and water management plan).

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Failure to comply with the requirements as set out above will result in an immediate stop work order.

Reason: *Statutory requirement.*

20. Approval Required for Work within Road Reserve - Section 138 Roads Act 1993

Where works are proposed within the road reserve, the Developer must obtain approval from Council (as the Roads Authority and / or as required under Section 138 of the Roads Act 1993) before any works are undertaken. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the Roads Act 1993.

The following details must be submitted to Council in order to obtain the Section 138 approval:

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

Advice: *Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

Reason: *Statutory requirement.*

21. Fencing of the Construction Site

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must 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.

Reason: *To ensure that the safety of the public is not compromised.*

22. Tree Retention (Marking)

All trees shown on the development consent to be "retained" shall be appropriately marked and protected prior to the commencement of construction works.

Reason: *To ensure that trees are retained without damage.*

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23. Erosion and Sediment Control

Erosion and sediment control measures (as per the approved Erosion and Sediment Control Plan) shall be installed prior to the commencement of works.

Reason: *To ensure that sediment does not leave the site as a result of the construction of the development.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE**24. Approved Plans to be available on site**

Stamped Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

Reason: *To ensure compliance with approved plans.*

25. Imported 'Waste-derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- Virgin excavated natural material within the meaning of the *Protection of the Environment Operations Act 1997* (POEO); or
- Any other waste-derived material the subject of a resource recovery exemption under cl.51A of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material

Note: *Any waste-derived fill material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.*

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under cl.51A of the *Protection of the Environment Operations (Waste) Regulation 2005*.

Resource recovery exemptions are available on the NSW EPA website at <http://www.epa.nsw.gov.au/waste/>.

Reason: *To ensure that imported fill is of an acceptable standard for environmental protection purposes.*

26. Stormwater - Construction

The applicant shall provide adequate storm water drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of storm water passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by Council. The point of discharge shall be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear (i.e. provision of drainage easements).

Reason: *To assist in the prevention of erosion of the site from storm water.*

27. Erosion and Sediment Control Plan Compliance

All site works shall be carried out in accordance with the approved Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by

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personnel with appropriate qualification and experience in erosion and sediment control.

Note: *In the event of non-compliance with the approved plan, Council Officers have the ability to issue Penalty Notices, being an on the spot fine and/ or orders.*

Reason: *To ensure that the environment is protected.*

28. Prevention of Nuisance

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the demolition, excavation and building works.

Reason: *Health and amenity.*

29. Dust Control

Where a dust nuisance is likely to occur, suitable screens and/or barricades shall be erected during the demolition, excavation and building works. If necessary, water sprays shall be used on the site to reduce the emission of dust. Screening shall consist of minimum 2 metres height of shade cloth or similar material secured to a chain wire fence of the like.

Reason: *Environmental amenity*

30. Tree Removal/Tree Preservation

No trees shall be pruned, removed, damaged or destroyed without the prior written consent of Council. Failure to comply with this requirement will result in prosecution by Council in accordance with the provisions of *Wingecarribee Local Environmental Plan 2010* and associated Development Control Plans.

An Arboricultural Report which considers the impact of tree removal on the mapped endangered ecological community on the site known as the Robertson Basalt Tall Open Forest shall be provided to Council for consideration of any proposed tree removal.

Advice: *Tree removal shall be carried out by a level 3 and above professional arborist to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.*

Reason: *To comply with the Wingecarribee Local Environmental Plan 2010.*

31. Approved hours of Construction/Demolition

Construction/demolition activities shall be limited to the following hours:

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm
Sunday	Nil
Public Holidays	Nil

Reason: *To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.*

Note: *Any variation to these hours shall require Council consent via the lodgment of an application under section 96 of the Environmental Planning and Assessment Act 1979.*

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32. Construction Management Plan

All development activities and traffic movements shall be carried out in accordance with the approved Construction Management Plan.

All controls in the Plan shall be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

Reason: *Compliance with condition of consent.*

33. Maintenance of the site

All materials and equipment shall be stored wholly within the work site.

Waste materials (including excavation, demolition and construction waste materials) shall be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required shall be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- (a) all vehicles entering or leaving the site shall have their loads covered, and
- (b) all vehicles, before leaving the site, shall be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site shall be left clear of waste and debris.

Reason: *Environmental amenity.*

34. Temporary Onsite Toilet

Toilet facilities shall be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet shall:

- (a) be a standard flushing toilet connected to a public sewer, or
- (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
- (c) be a temporary chemical closet approved under the *Local Government Act 1993*.

Reason: *To ensure that there are appropriate facilities on-site for construction workers.*

35. Waste Management

The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle shall be emptied periodically to reduce the potential for rubbish to leave the site.

Sorting of waste materials shall occur on site in accordance with the approved Waste Management Plan.

Reason: *To ensure that all wastes generated from the construction of the development are contained on the site.*

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CONDITIONS TO BE SATISFIED PRIOR TO THE COMPLETION OF THE DEVELOPMENT**36. Completion Requirements**

All of the conditions of this consent shall be at no cost to Council and shall be completed prior to at completion of the development (unless stated otherwise).

Reason: *To ensure that the development is completed as per this consent and the approved plans.*

37. Certification of Internal Civil Works

On completion of works, certification from a practising appropriately qualified Engineer shall be submitted to Council detailing that all internal civil works (ie, internal driveways, paths and stormwater drainage systems including any onsite detentions) are in accordance with the approved plans and specifications.

Reason: *To ensure that the development is completed as per this consent and the approved plans.*

38. Civil Engineering works and services

All approved civil engineering works and services as per the approved engineering plans are to be constructed prior to the provision of internal works certification.

Reason: *To ensure that the works and services are constructed in accordance with the approved plan.*

39. Works as Executed Plans – Building Works

Prior to the completion of the development, one full set of work-as-executed drawings shall be submitted to and retained by Council. Sufficient details including locations and levels of the below ground infrastructure are required in order to enable a complete check of the work as executed as compared to the original approved design. Any deviation from the approved engineering plans shall be shown on the work-as-executed drawings. Each sheet of the drawings shall carry the certification of the developers supervising engineer.

Reason: *To ensure that there is a record of final works carried out on the site.*

40. Identification of Fill on Site

Prior to completion of the development, the applicant shall submit to Council for its approval a plan detailing the extent of fill, with engineering certification from a qualified and chartered structural engineering professional identifying the specification of the filling operation in terms of the level of compaction achieved for each layer of fill placed. The certification shall be completed by suitably qualified Geotechnical Engineer. A Restriction as to User shall be created over the extent of the filling prior completion of the development, which ensures that any structure placed over that area is constructed with a suitable footing system.

Reason: *To comply with the provisions of the Environmental Planning and Assessment Act 1979*

41. Storm water Facilities Alterations

A "Restriction as to User" shall be included on the linen plan and title of the proposed development to prevent any change in shape or alteration in structure of the proposed storm water facilities after the final approval of the structure has been given by Council. Details shall be provided for the approval of Council prior to the issue of the Interim or Final Occupation Certificate.

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Reason: *To provide appropriate storm water management.*

42. Storm water Facilities Maintenance

A "Positive Covenant" shall be included on the title of the property showing the location of the waterway crossing and requiring that the proposed facilities be maintained in a safe and functional manner. In addition, the section 88B Instrument shall make provision for Council to conduct maintenance on the subject storm water facilities at the owner's expense if the storm water facilities are not maintained to the agreed standard. Details shall be provided for the approval of Council prior to completion of the development.

Reason: *To provide appropriate storm water management.*

43. Section 88B Instrument - Various

A section 88B Instrument under the *Conveyancing Act 1919* shall be submitted to Council for approval and be registered to the property before operation of the development, which requires:

- (a) The nominated building envelope shall be registered/drawn on the Deposited Plan and included as a restriction stating that the building envelope is for permissible residential uses only. Council shall be nominated as the authority to release/vary/modify this restriction.
- (b) Any permissible residential use shall be constructed within the approved building envelope shall be no greater than single storey (6m in height, as nominated in the Rural Lands DCP). Council shall be nominated as the authority to release/vary/modify this restriction.
- (c) Any outbuildings shall not be permitted north of the building envelope. Council shall be nominated as the authority to release/vary/modify this restriction.
- (d) Any development application for a permissible residential use within the building envelope shall be supported with a landscape plan that uses vegetation from the Robertson Basalt Tall Open Forest Endangered Ecological Community. Council shall be nominated as the authority to release/vary/modify this restriction.

Reason: *To ensure compliance with Council policy positions.*

44. Construction of Internal Driveway

Construction of the internal driveway shall be surfaced with coal washery rejects that comply with the *Coal Washery Rejects Exemption 2014*. Where grades exceed 5% (i.e., 1:20) the pavement shall be sealed with a two coat bitumen seal, asphaltic concrete, reinforced concrete or similar product, and shall be completed prior to operation of the development.

The internal driveway, from the property entrance to the end of the first graded seal area shall also be sealed with a two coat bitumen seal, asphaltic concrete, reinforced concrete or similar product. These works shall be completed prior to operation of the development.

Reason: *To ensure that adequate access is provided and to ensure the protection of the environment.*

45. Vehicle Access (Rural)

Access to the site shall be provided by means of a vehicle crossing as per Standard Drawing No SD110 and approved by Council prior to completion of the development. A copy of the Standard Drawing No SD110 is to be obtained from Council before work commences.

Reason: *To ensure that the driveway is constructed to Councils standard specification.*

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46. Riparian Corridor Fencing

As the site is used for extensive livestock grazing, the riparian corridor approved as part of the Vegetation Management Plan (NSW Office of Water Controlled Activity Approval) shall be fenced to ensure stock cannot gain access to the riparian land, as per A5.7.6(e) of the Rural Lands DCP.

47. Erosion Control on Completed Developments

Approved permanent erosion and sediment control measures shall be maintained and in place where necessary prior to the completion of the development.

Reason: To protect the environment.

INTEGRATED DEVELOPMENT CONDITIONS

48. General Terms of Approval – NSW Office of Water

General Terms of Approval have been granted by the NSW Office of Water for the development pursuant to section 91 of the *Water Management Act 2000*. The conditions provided by the NSW Office of Water are provided at Attachment 1 and form part of this Notice of Determination.

CONCURRENCE CONDITIONS

49. Concurrence - Water NSW

Concurrence has been granted by Water NSW for the development pursuant to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. The conditions provided by Water NSW are provided at Attachment 2 and form part of this Notice of Determination.

END OF CONDITIONS

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ADVISORY MATTERS

Process for Modification

The plans and/or conditions of this Consent are binding and may only be modified upon written request to Council under Section 96 of the *Environmental Planning and Assessment Act 1979*. The request shall be accompanied by the appropriate fee and application form. You are not to commence any action, works, contractual negotiations, or the like, on the requested modification unless and until the written authorisation of Council is received by way of an amended consent.

SafeWork Requirements

The *Work Health and Safety Act 2011* and subordinate regulations, codes of practice and guidelines control and regulate the development industry.

Further information can be obtained from SafeWork NSW's website at
www.safework.nsw.gov.au/health-and-safety/industry-safety/construction
<<http://www.safework.nsw.gov.au/health-and-safety/industry-safety/construction>>

or through their head office:
SafeWork NSW
92-100 Donnison Street,
GOSFORD NSW 2250

Postal address:
SafeWork NSW
Locked Bag 2906,
LISAROW NSW 2252

Phone (02) 4321 5000, Email contact@safework.nsw.gov.au

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ATTACHMENT 1: NSW OFFICE OF WATER
GENERAL TERMS OF APPROVAL

General Terms of Approval
for work requiring a controlled activity approval
under s91 of the *Water Management Act 2000*

Number	Condition	File No:
Site Address:	136 Sugarloaf Lane Kangaloon	
DA Number:	DA2017/0074	
LGA:	Wingecarribee Shire Council	
Plans, standards and guidelines		
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2017/0074 and provided by Council:</p> <p>(i) Site plan, map and/or surveys</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.</p>	
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>	
3	<p>The consent holder must prepare or commission the preparation of:</p> <p>(i) Vegetation Management Plan (ii) Erosion and Sediment Control Plan (iii) Soil and Water Management Plan (iv) Amendments to Plans – The consent holder must make sure that the culvert is in accordance with DPI Water Guidelines and that it carries bank to bank flow unimpeded. Please note that no structures on watercourse may impound water.</p>	
4	<p>All plans must be prepared by a suitably qualified person and submitted to the DPI Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/Water-Licensing/Approvals.</p> <p>(i) Vegetation Management Plans (ii) Riparian Corridors (iii) In-stream works (iv) Watercourse crossings</p>	
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.</p>	
Rehabilitation and maintenance		
6	<p>The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.</p>	

www.water.nsw.gov.au
Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 | Locked Bag 5123, Parramatta NSW 2124 | e
water.enquiries@dpi.nsw.gov.au
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Number	Condition	File No:
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.	
Reporting requirements		
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.	
Security deposits		
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to DPI Water as and when required.	
Access-ways		
10	N/A	
11	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.	
Bridge, causeway, culverts, and crossing		
12	The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water.	
13	The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by DPI Water.	
Disposal		
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.	
15-16	N/A	
Erosion control		
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.	
Excavation		
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.	
END OF CONDITIONS		

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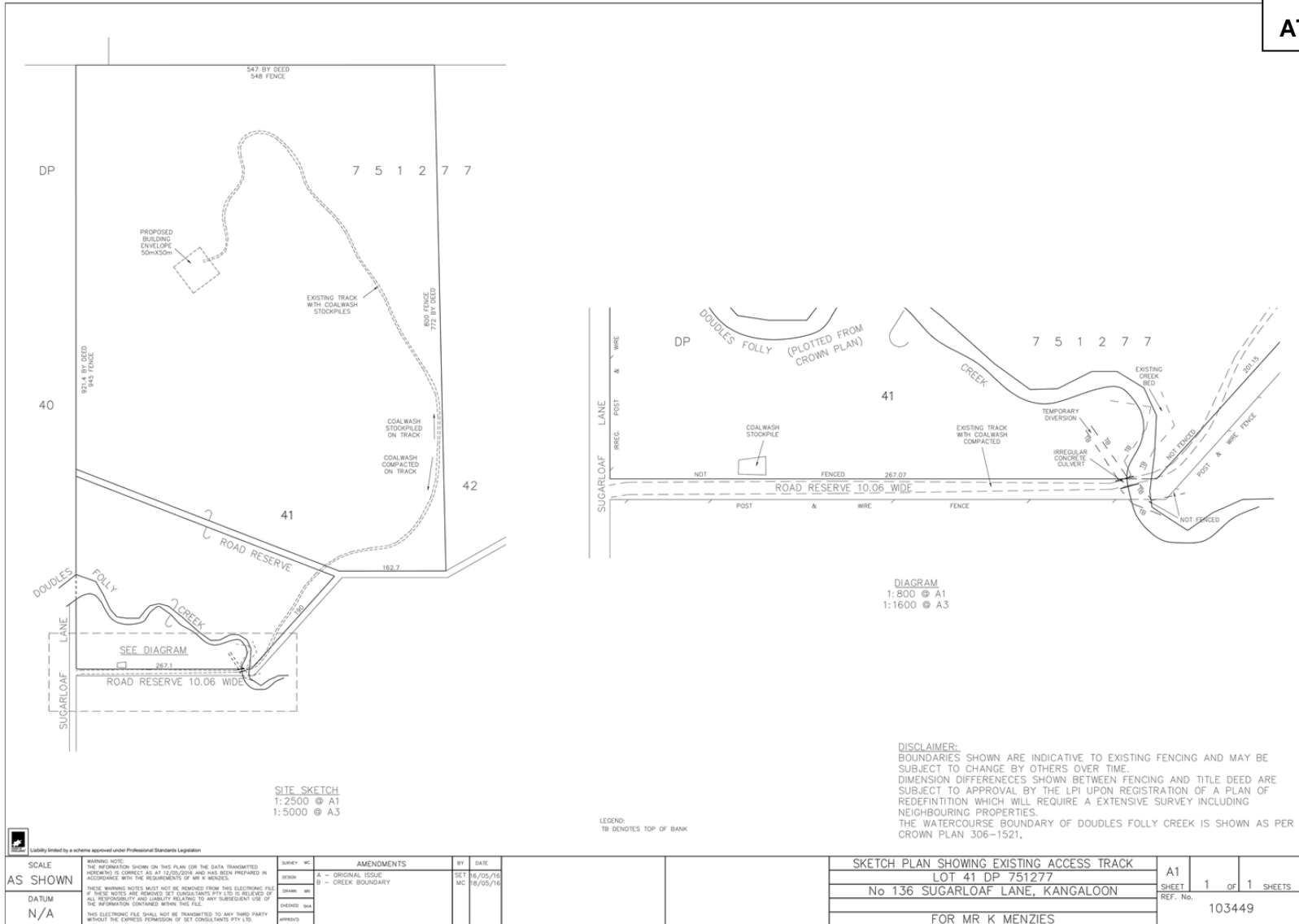
Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 | Locked Bag 5123, Parramatta NSW 2124 | e
 water.enquiries@dpi.nsw.gov.au
 Template Ref: CAA04 Version 1.1 - June 2015

ATTACHMENT 2: WATER NSW
 CONCURRENCE

10.1 DA17/0074 - Construction of Internal Driveway with Coal Washery Reject and Establishment of a Building Envelope -
136 Sugarloaf Lane, Kangaloon
ATTACHMENT 2 Plans of Proposed Development



ATTACHMENT 2

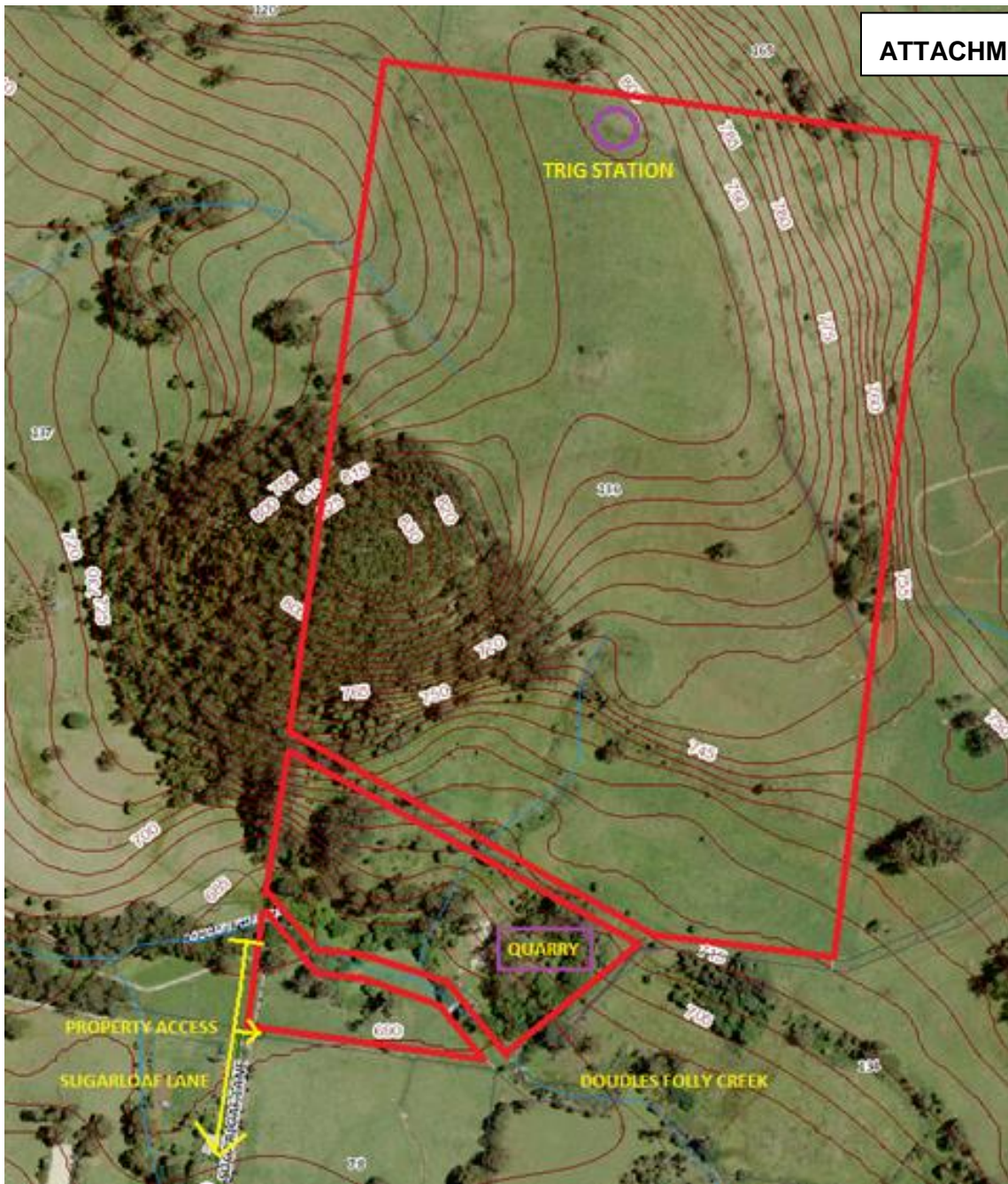


10.1 DA17/0074 - Construction of Internal Driveway with Coal Washery Reject and Establishment of a Building Envelope - 136 Sugarloaf Lane, Kangaloon

ATTACHMENT 3 Site Location



ATTACHMENT 3





12 OPERATIONS FINANCE AND RISK

12.1 Southern Regional Livestock Exchange

Reference: 7170
Report Author: Chief Financial Officer
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to present to Council a comprehensive report on the operations and financial performance of the Southern Regional Livestock Exchange during the period 2015-2017. The report is in response to Notice of Motion (CM190/17) adopted by Council on the 10 May 2017.

RECOMMENDATION

THAT Council note the contents of this report and endorse the allocation of \$35,000 from the Capital Improvement Fund to facilitate the installation of a diesel powered air compressor.

REPORT

BACKGROUND

The Southern Regional Livestock Exchange (SRLX) is a Council owned and managed facility which supports both the local and regional cattle industry through the provision of a sales facility and holding yards. The facility is located on Berrima Road and covers an area of approximately 20 hectares.

The SRLX was ranked eighth out of 61 livestock selling facilities for its number of throughput of cattle in New South Wales during 2016. Therefore is an important facility to both local and regional producers.

The Southern Highlands Region holds a long association with livestock selling yards. The first livestock selling yards commenced operations in Moss Vale in 1876. Council purchased the saleyards at its present location in 1962; and a fully covered modern selling ring system was constructed in 1991 at a cost of \$750,000.

Following a fatality at the Saleyards in 2001, Council appointed an independent consultant to review the operations of the facility. Subsequent recommendations from the review included; that management address and continue to monitor all Work Health and Safety (WHS) issues, ensure that an appropriate management structure was in place to effectively manage the saleyards operations; and the establishment of an advisory board to support Council in strategic matters.

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Since 2004 there has been a significant tightening in government regulations in regards to WHS, animal welfare and biosecurity. The introduction of the National Livestock Identification System (NLIS) for lifetime traceability for all cattle across Australia has also required extensive upgrades to equipment and infrastructure at all saleyards. The combination of tightened regulations and the demand for improvements in technology have led to many smaller regional saleyards closing over the past decade.

In 2005 Council allocated \$400,000 towards NLIS infrastructure, catwalks, perimeter fencing, ramp upgrades and improvements to drainage and effluent disposal. This allocation was also used to improve site security and to install a truck wash as Council continued to work towards new Australian and Industry standards.

In June 2010 Council was advised that it had secured \$4.1 million under the Regional and Local Community Infrastructure Program (Federal Grant) for the construction of a roof over the external yards. This grant was supplemented with an internal loan made available by Council of \$730,800. This project was completed in June 2011, providing a covered area of approximately 10,000 square meters.

BUSINESS STRUCTURE

The SRLX is identified as one of the 30 services provided by Council in the adopted 2017-2021 Delivery Program. The SRLX forms part of the Business Services Branch, which reports to the Deputy General Manager – Operations Finance and Risk.

The SRLX is managed and operates under business principles. It is not a separate entity from Council. The SRLX operates under business principles as stakeholders who use the facility; such as the producers, agents and buyers generate a commercial return from its use. It is therefore important that the SRLX is managed on the basis that a financial return is also generated to the community (ratepayers).

As part of the Annual Budget and Revenue Policy, Council adopts a pricing structure (fees and charges) to recover the cost of operating and managing the SRLX facility. It is important to note that Council does not receive, account or report on the revenue generated through livestock sales at the SRLX in its General Purpose Financial Reports. Council's role could be best described as the "landlord" with the livestock selling agents operating the sale as tenants of the facility.

Council generates income through invoicing the agents in line with the adopted fees and charges schedule. Invoicing is undertaken after each sales event. For the year ended 30 June 2016, the total value of livestock sales reported at the SRLX was \$70.2 million. The total income received by Council for the same reporting period was \$1.052 million.

Further information regarding the financial performance of the SRLX is provided on pages 51 to 54.

The SRLX is a registered business name through the Australian Securities and Investment Commission (ASIC). The registered owner is Wingecarribee Shire Council. The purpose of registering the business name was to protect the naming rights of the facility. The registration of the business name does not add any further reporting requirements or disclosures. Other similar activities where Council has registered business names include the Wingecarribee Family Day Care service and the Southern Highland Arts Studio Trail.

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The Manager Business Services is responsible for the management and operations of the SRLX. The manager is responsible for ensuring the site is managed within Council's WHS obligations, monitoring and reviewing financial performance and directing staff to ensure the SRLX provides a consistently high standard of service to all stakeholders.

The SRLX is supported by an advisory committee which consists of local and industry specific representatives, including three Councillors. The Advisory Committee provides advice and recommendations to Council on long-term strategic priorities, market conditions, business opportunities and network building within the industry. The Advisory Committee also assists with identifying priorities to Council. The committee meets on a quarterly basis.

Strategic Plan 2012-2017

The Southern Regional Livestock Exchange Strategic Plan 2012-2017 was prepared in 2012. The plan outlined the strategic goals and targets set by Council for the facility over a period of five years. While the strategy is an important document to guide future decision-making, it needs to be updated to reflect current market competition and market share availability. It should also be supported by a broader Marketing Strategy which outlines the actions and initiatives which will be employed to retain and increase market share. Although it could be argued that the Livestock selling agents, who would be a significant beneficiary of increased throughput, should be asked to financially contribute to any marketing campaigns.

A review of the Strategic Plan will be conducted during the 2017/18 financial year (in conjunction with the SRLX service review) and will involve consultation with the SRLX Advisory Committee and stakeholder groups.

STAKEHOLDER ENGAGEMENT

There are a number of stakeholder groups which have a financial interest in the operations of the SRLX and the conduct of the regular livestock sales. A brief outline of each of the stakeholder groups is provided below:

Producers - Livestock producers who use the SRLX facility range from small hobby farmers to large primary producers who use the facility for the sale of hundreds of head of cattle per annum. There are currently 2,250 active producers who sell through the facility. Cattle are sold for domestic and export markets, breeding and re-stocking for later resale.

Agents – There are currently three companies which act as agents at the SRLX. Previously up to five companies had operated at the facility. The agents act on behalf of the producers to obtain optimum sale prices and are also responsible for pre-sale inspections, animal welfare prior to sale, scanning of National Vendor Declarations and the actual sales process.

Council is currently in the process of entering into new contract arrangements with each of the three agents, although there has been no “competitive” process conducted to test the market to ensure the best outcome for council and the community.

Buyers - The buyers who attend sale days can either be independent buyers or agents acting on the behalf of major producers and meat processors. A review of records shows there are approximately 400 active buyers who purchase cattle from the facility.

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Engagement Initiatives

Council is committed to working with each of the various stakeholder groups which rely on the SRLX as a sales facility. Council has recently introduced a number of initiatives to improve stakeholder engagement; these include:

Industry Forum: Council has recently established a stakeholder forum which consists of representatives from the local producers, transporters and buyers. These forums will allow for constructive discussions on risk management, industry codes of practice, facility improvements and improving communication with all stakeholders.

Agents Meetings: Council has also recently re-established a monthly meeting with the agents who use the facility. Representatives from each of the agents are invited to attend. These meetings will focus on discussions regarding daily operations, maintenance schedules and to update the agents on current and planned improvements, both physical and process improvements.

Council has committed to ensuring up-to-date and accurate information regarding the SRLX is posted on the community noticeboard located in the main selling ring. This will include the minutes of the quarterly Advisory Committee meeting.

COMPLIANCE REQUIREMENTS

The SRLX operates under a regulatory licence issued by the NSW Environment Protection Agency (EPA). This licence was issued in March 2012 and primarily relates to the discharging of effluent into the dam at the rear of the site. There are a number of conditions under the approved licence which include submitting soil samples for independent testing. Council is also required to keep detailed records on the volume of water discharged into the dam and submit an annual return to the EPA.

There have been no breaches of this licence since it was approved in March 2012.

The NSW Local Land Services also attends sale-days to inspect National Vendor Declarations forms to ensure they are completed by the Agents and that the cattle in the yards are fit for sale and identified correctly. The officer also inspects the pens for condition and compliance.

Industry Certification – National Saleyards Quality Assurance Program

The National Saleyards Quality Assurance Program (NSQA) was developed by AUS-MEAT, an industry body which sets accreditation systems and standards for meat production across Australia. AUS-MEAT is owned by Australian meat and livestock industries. While accreditation is not mandatory, it demonstrates to facility users and the broader community that a facility is managed in line with industry best practice guidelines.

Council has been working towards achieving accreditation under this program for a number of years. Accreditation would demonstrate to all stakeholders at the SRLX that Council has a genuine commitment to working within industry standards regarding operations, animal welfare and WHS.

A key requirement of the accreditation process is the development of a quality assurance operations manual using the guidelines provided by NSQA. This has been under development by staff for some time and is currently undergoing final review. The review is to

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ensure the manual reflects the recent improvement made to the SRLX maintenance schedules (which are discussed further on in this report).

The manual is a comprehensive document which outlines:

- All standard operating procedures
- Risk assessments and mitigation strategies
- Safe work method statements
- Material data safety sheets
- Reporting requirements
- Maintenance schedules
- Regulation requirements
- Administrative procedures

A major obstacle for Council obtaining accreditation is the requirement that the site and its associated infrastructure meet industry standards. Due to the age of much of the infrastructure at the SRLX, Council does not currently meet this standard. Council could obtain accreditation if it were able to demonstrate that a capital works program is in place (and funded) to meet industry standards over time, noting that a preliminary assessment has identified up to \$2.944 million of required capital works to bring the facility to best practice standards.

THROUGHPUT STATISTICS

A key performance indicator of the SRLX is the number of throughput of cattle sold on an annual basis. The table below shows the number of throughput of cattle sold at the facility over the past five years:

Year	No of Head Sold	Total Sales*
2016/17	51,359	\$58,348 M
2015/16	68,432	\$70.269 M
2014/15	58,321	\$44.818 M
2013/14	58,583	\$30.425 M
2012/13	46,059	\$26.285 M

**As mentioned earlier in this report, the total revenue generated from the facility is remitted directly to the agents. This income is not received by Council.*

A review of the historical throughput of cattle sold at the SRLX, when compared to the forecasts included in the 2012-2017 Strategic Plan would suggest a significant under-performance. However this would be an unreasonable comparison, as throughput projections were prepared on the assumption that saleyard facilities operating out of Camden and Nowra would close. Both of these facilities are still operating under private ownership.

Future projections regarding throughput will need to carefully consider the impact of the recently constructed saleyard facilities in Yass which opened in August 2016.

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FINANCIAL PERFORMANCE

The financial performance of the SRLX is monitored and reviewed in line with Council's quarterly budget review process. Variations to budget are reported to the Finance Committee as part of the Quarterly Budget Review Statement.

The following table provides a summary of the financial performance of the SRLX over the past three years. Note: Figures for 2016/17 are based on budget forecasts.

	2014/15 Actual	2015/16 Actual	2016/17 Budget	Comments
Operating Income				
User Charges and Fees	\$15,058	\$8,197	\$14,300	-
Overhead Selling / Turnover Contribution	\$151,889	\$250,539	\$155,000	1
NLIS Income	\$112,068	\$136,988	\$110,000	-
Yard Fees and Dues	\$430,309	\$539,083	\$400,000	2
Other Income	\$173,141	\$117,650	\$146,100	-
Capital Improvement Levy	-	-	\$135,000	3
Total Operating Income	\$882,465	\$1,052,457	\$960,400	
Operating Expenses				
Employee Costs	\$236,043	\$339,895	\$365,126	4
Borrowing Costs (Interest)	\$37,514	\$35,425	\$33,170	-
Maintenance and Repairs	\$3,430	\$38,872	\$39,000	-
Information Technology	\$8,528	\$8,714	\$21,340	5
Materials and Contracts	\$192,955	\$272,282	\$158,743	6
Utilities	\$25,360	\$22,626	\$35,000	-
Corporate Support	\$52,000	\$52,000	\$52,000	-
Other Expenses	\$27,607	\$147,729	\$95,040	7
Total Operating Expenses	\$583,437	\$917,543	\$799,419	
Net Operating Result	\$299,028	\$134,914	\$160,981	
Budget Reconciliation				
Net Operating Result (as above)	\$299,028	\$134,914	\$160,981	
Less:				
Capital Expenditure	\$42,938	\$7,576	\$121,081	8
Loan Principal Repayments	\$35,532	\$37,619	\$39,830	-
Transfer to Operating Reserve	\$132,068	-	-	-
Transfer to Capital Improvement Fund	-	-	\$135,000	9
Add:				
Transfer from Operating Reserve	-	\$16,371	\$110,640	10
Transfer from Capital Improvement Fund	-	-	\$124,290	-
Transfer from Revotes Reserve	\$17,600	-	-	-
Financial Return to General Fund (Dividend)	\$106,090	\$106,090	\$100,000	

As outlined earlier in this report, the SRLX is used by agents and producers on the basis of generating a commercial return; therefore it is appropriate that the facility generates a financial return to the General Fund (ratepayers). There have been a number of years over the past decade where Council has foregone this return due to lower than expected throughput at the facility.

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The return is typically set as part of the Annual Budget, with any additional surplus being restricted to the SRLX Operation Reserve.

Comments on Financial Performance 2015-2017

1 – Overhead Selling / Turnover Contribution

Income reported in the 2015/16 financial year was significantly higher than previous financial years and current 2016/17 forecasts. This was due to the number of throughput of cattle sold during the year (68,432 head of cattle). The volume of cattle and sale prices are the primary drivers of revenue at the facility. Revenue forecasts for the 2016/17 financial year are based on conservative estimates which were reviewed by SRLX management in March 2017. Based on a more recent review of throughput numbers for the 2016/17 financial year, it is anticipated that revenue will exceed current budget estimates.

2 – Yard Fees and Dues

Income reported in the 2015/16 financial year was significantly higher than previous financial years and current 2016/17 forecasts. This was due to the number of throughput of cattle sold during the year (68,432 head of cattle). The volume of cattle and sale prices are the primary drivers of revenue at the facility. Revenue forecasts for the 2016/17 financial year are based on conservative estimates which were reviewed by SRLX management in March 2017. Based on a more recent review of throughput numbers for the 2016/17 financial year, it is anticipated that revenue will exceed current budget estimates.

3 – Capital Improvement Levy

The Capital Improvement Levy was introduced in July 2016. The levy is charged at \$3.00 per head of cattle (GST Exclusive) and is collected for the purpose of funding capital improvements required at the SRLX. Revenue generated through the levy is restricted to the Capital Improvement Fund. Capital works are then funded through this reserve.

4 – Employee Costs

Employee costs have increased significantly over the past three financial years. This is in part due to the correct distribution of labour costs between the Resource Recovery Centre and the SRLX. In previous years, the distribution of employee costs across these two services had not correctly reflected the labour requirements of each facility. Employee costs have also increased due to the additional management requirements of the facility, which is specifically aimed at ensuring that Council meets its risk management obligations.

5 – Information Technology

Funding was allocated in the 2016/17 financial year to undertake an upgrade of the computer network at the SRLX. This project was funded through the Capital Improvement Fund. Expenditure in each financial year was in line with budget expectations. Note: the increase in 2016/17 reflects licence and software costs. Contractor expenses were also incurred and have been reported against materials and contracts.

6 – Materials and Contracts

There was a significant increase in material and contracts expenses during the 2015/16 financial year. There are a combination of factors which led to this increase including; additional operational and security related expenditure, and an increase in hay cutting expenditure (which is subsequently recouped through hay sales). It is important to note that while this is significantly higher than previous years, the level of expenditure reported only exceeded budget projections in the 2015/16 financial year by \$22,000.

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7 – Other Expenses

Other expenses are significantly higher in the 2015/16 financial year as it includes two years of agent rebates. This rebate was payable to agents who exceeded agreed throughput targets. The expense shown in the 2015/16 financial year includes both the rebate payable for the 2014/15 and 2015/16 financial year. This rebate no longer forms part of the contract arrangements with agents at the facility.

8 – Capital Expenditure

The increase in capital expenditure in the 2016/17 financial year is primarily due to the introduction of the Capital Improvement Levy. Projects funded during the 2016/17 financial year include the purchase and installation of a site generator, an upgrade of the external rails and building refurbishment works.

9 – Transfer to Capital Improvement Fund

The Capital Improvement Levy was introduced in July 2016. The levy is charged at \$3.00 per head of cattle (GST Exclusive) and is collected for the purpose of funding capital improvements required at the SRLX. Revenue generated through the levy is restricted to the Capital Improvement Fund. Capital works are then funded through this reserve.

10 – Transfer from Operating Reserve

The SRLX Operational Reserve has been in place for a number of years. Council has a standing practice where operational surplus are restricted to this reserve and used to offset any unexpected increase in expenditure in subsequent years.

Internal Loan

As outlined earlier in this report, in June 2010 Council secured \$4.1 million under the Regional and Local Community Infrastructure Program (Federal Grant) for the construction of a roof over the external yards. This grant was supplemented with an internal loan made available by Council of \$730,800. This project was completed in June 2011.

The loan was sourced from the Property Development Reserve. The loan was for a period of 15 years at a fixed interest rate of 5.75%. It is important to note that this rate was comparable to market rates at the time the internal loan was approved.

The loan repayment schedule for this loan has been factored into Council's Long Term Financial Plan, both as a source of revenue for General Fund, and as an expense against the SRLX operating budget. Any changes to the repayment terms of this loan would require Council to amend its Budget and Long Term Financial Plan.

The principal outstanding as at 30 June 2017 is \$552,595. The loan will be fully repaid by 30 June 2027.

Capital Improvement Fund

As part of the 2016/17 Budget, Council introduced a \$3.00 per head of cattle (GST Exclusive) for the purpose of funding capital improvements required at the SRLX. It is expected that this levy will generate approximately \$135,000 per annum. It is important to note that the majority of capital improvements identified at the SRLX are asset renewal and/or rectifications works.

Funds raised through the levy will be restricted for the purpose for which they were collected and retained within the Capital Improvement Fund. A summary of the Capital Improvement Fund is provided below:

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Capital Improvement Fund	
Transfer to Reserve	\$135,000
Less Projects:	
Computer and Network Upgrade	\$33,209
External Rails Upgrade	\$52,231
Purchase and Installation - Generator	\$38,850
Projected Closing Balance – 30 June 2017	\$10,710

Council has identified security improvements to the site as its priority for capital funding for the 2017/18 financial year, with an allocation of \$80,000 included in the 2017/18 Budget. It is also proposed to install a diesel powered air compressor at a cost of approximately \$35,000 to provide improved back up for existing systems.

Financial Audit Requirements

In accordance with Section 417(2) of the *Local Government Act 1993*, Council's Auditor must provide a statement as to whether, in their opinion, Council's financial reports have been prepared in accordance with the requirements of the Local Government Act, are consistent with accounting records, presents fairly Council's financial position and are in accordance with applicable Accounting Standards.

Council prepares its General Purpose Financial Reports on a consolidated basis as required under the Australian Accounting Standards. The financial results of the SRLX are included within Council's consolidated General Purpose Financial Reports.

It is important to note that Section 415(4) of the *Local Government Act 1993* requires a Council's Auditor to also audit the financial reports of any council entity and report on that audit as part of the report on the council by the auditor.

A "council entity" is defined as a partnership, trust, corporation, joint venture, syndicate or other body (whether or not incorporated) that a council has formed or participated in forming or has acquired a controlling interest in, other than an entity of a class prescribed by the regulations.

As outlined earlier in this report, while the SRLX operates on business principles, it is not a separate commercial entity of Council.

Quarterly Financial Reports

Financial reports will be submitted to the SRLX Advisory Committee on a quarterly basis. These reports will align with the quarterly budget review conducted by Council staff. The reports will include the following information:

- Income Statement – Including reconciliation to the Budget
- Cash Reserves Statement
- Borrowings Statement



INFRASTRUCTURE BREAKDOWN ISSUES

Council staff recently completed a review of infrastructure breakdown incidents at the facility over the period 2015-2017. Due to the lack of a formal reporting system for infrastructure breakdowns, staff were unable to locate any reports of incidents during the period January - June 2015. This has now been addressed and an infrastructure breakdown register has been introduced.

In summary, a total of 33 breakdown incidents occurred during the period July 2015 to May 2017. These incidents range from minor; which were addressed by staff within a very short period of time; to more major incidents which resulted in significant delays to sales. A copy of the breakdown incident register for the period July 2015 to May 2017 is provided at **Attachment 1**.

The table below summarises the number of breakdown incidents and their impact on sales at the SRLX.

Incident	2015	2016	2017
Pre Maintenance Check (No delay in sales)	1	-	3
Sales Day Incident (No delay in sales)	1	3	4
Sale Day Incident (Delay in sales)	-	12	9
Total Incidents	2	15	16

It reviewing these statistics it is important to note the following:

- Limited information was available relating to breakdown incidents during 2015, therefore this figure is likely to be understated; however in the absence of any other data, this cannot be verified.
- There are 21 reported incidents of breakdowns which have impacted on sale day during the period 2016–2017. Four (4) of these incidents resulted in delays of several hours. The majority of these incidents were resolved within 10 minutes to 2 hours.

There is a direct correlation between the level of breakdown incidents at the facility and the lack of capital renewal investment over the past decade. As highlighted earlier in this report, capital funding has been historically re-directed to projects aimed at ensuring compliance with industry and environmental standards, including WHS.

Power Supply Incidents

Since July 2016, there have been four reported incidents where power supply has been lost at the facility due to issues with infrastructure owned by the electricity provider, Endeavour Energy. These incidents occurred on the following dates; 6 July 2016, 20 July 2016, 12 December 2016 and 1 March 2017.

With the exception of the last incident, Endeavour Energy was contacted on each occasion and attended the site to restore the power supply. In the case of the most recent loss of power, Council took immediate action by contacting its electrical contractor to reinstate

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power. This action was taken to minimise the disruption of the power loss on the sales event and as a result, the delay in sales was contained to 1.5 hours.

A permanent power supply is now provided on site with the recent installation of a back-up generator. This was purchased through the Capital Improvement Fund.

Maintenance Schedule Improvements

Since the start of 2017, a range of pro-active maintenance plans and schedules have been developed and introduced to mitigate the likelihood and impact of breakdowns on sale days. These include:

- Pre-Sale Day – Maintenance Checks and Testing

These checks and tests are undertaken to ensure all systems are functional prior to sale day.

- Sale Day Checks

A separate inspection of critical systems and equipment is completed at 5.30am prior to the sale commencing.

- Post Sale Day - Maintenance Inspections

These inspections are carried out every Thursday to ascertain if any equipment and/or infrastructure was damaged on sale day and to allow for sufficient time for repairs to be completed prior to the next sale day.

SRLX Management and staff have also recently introduced a Maintenance Action Plan which documents all maintenance activities, including operational (daily) maintenance tasks and planned /scheduled maintenance tasks.

Daily inspections are also conducted every morning to ensure that no damage has occurred over night in the external pens. All maintenance checks and plans are documented and are required to be signed off by the appropriate staff member once completed.

CAPITAL WORKS PLANNING

At the SRLX Advisory Committee Meeting held on the 28 April 2017, the committee was presented with a report titled - Draft Capital Works and Asset Renewal Program. The report outlined a priority program of works to address the current condition and age of infrastructure and equipment at the facility.

In presenting the report to the committee, Council staff outlined that the prioritisation of programmed works was based on a risk management approach. It is intended that this program of works will be used to inform future decision making regarding the allocation of funds from the Capital Improvement Levy.

The total estimated value of infrastructure backlog works at the facility is \$2.944 million. A copy of the report has been provided as **Attachment 2**.

It is important to note that no funding has been allocated to the SRLX through the Special Rate Variation which was approved by the Independent Pricing and Regulatory Tribunal (IPART) in May 2016.

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While the Capital Improvement Levy will provide much needed funding in future years, it will not address all outstanding works in the short-term. A more formal direction from Council would be required to investigate other funding options. These options may include a review of the fees and charges, an increase in the Capital Improvement Levy (currently at \$3.00 per head excluding GST) or a review of the dividend returned to Council.

Loan borrowings could be considered to address the infrastructure backlog; however this would need to be underpinned by a prudent funding strategy for the recurrent debt servicing costs, which would likely require increases in fees for the SRLX. Council will continue to actively pursue grant funding opportunities which may become available to assist with the funding of the proposed Capital Works Program.

As outlined in the report to the Advisory Committee on the 28 April 2017, any decision regarding a long term funding solution should be made in the context of the Service Delivery Review Program and Council's decision on the most appropriate service delivery model for this service.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

This report does not impact on Council's Improvement Plan.

CONSULTATION

Community Engagement

As outlined within this report, a number of improvements have been made in recent months regarding consultation with the various stakeholders of the SRLX.

Internal Consultation

Executive

Manager Business Services

SRLX Staff

External Consultation

None

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

The Southern Regional Livestock Exchange supports both the local and regional cattle industry.

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- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

This report recommends that \$35,000 be allocated from the SRLX Capital Improvement Fund to install a diesel powered air compressor which will provide improved back up for existing systems.

RELATED COUNCIL POLICY

None

CONCLUSION

There have been a number of incidents at the SRLX over the period 2015-2017 which have led to unacceptable delays in sales at the facility. This reports details the improvements introduced over the past several months which are aimed at reducing the number of breakdown incidents at the site. The report also details initiatives which have been recently introduced aimed at improving stakeholder engagement and general operations.

The report provides details on the financial performance of the facility over the past two financial years and expected performance for the current financial year. A draft capital works and asset renewal program has been developed and presented to the SRLX Advisory Committee.

ATTACHMENTS

1. Attachment1 - Breakdown Incident Register
2. Attachment 2 - Infrastructure Backlog Works

12.1 Southern Regional Livestock Exchange
 ATTACHMENT 1 Attachment1 - Breakdown Incident Register



ATTACHMENT 1

Incident Date	Impact	Incident Description	Action Taken	Incident Duration
27/07/2015	Pre Maintenance Check	Site Infrastructure - Replaced hi-bay lights above multiple pens 111 - 119, 87 - 100, 129 - 135	Changed out 3 x high bay lights that had blown - Lighting is required to be checked on pre-sale days during winter months.	no delay
18/11/2015	Sale Day - No Delay	Sale Infrastructure - Count down timer failed	Agents had to use stop watch to count time for auctioning, the timer was replaced the following day.	no delay
10/02/2016	Sale Day - No Delay	Site Infrastructure - Lighting issues resulted in less than optimum sale conditions - too dark under roof to see cattle	Outdoor sales were moved indoors as per adopted procedure. Electrician was called to find fault and repair - 2 hours to fix issue	no delay
15/04/2016	Sale Day - Delay	Site Infrastructure - Lighting failure in main ring	Electrician called to reset circuit breaker. There was a delay of 30 minutes in selling cattle in the main ring.	30 minutes
18/05/2016	Sale Day - Delay	Sale Infrastructure - Scanner on main ring failed	All cattle being sold inside the main ring had to be weighed and sold outside on the export scales. The scanner was repaired the next day by contractors. The battery inside the unit had failed and was subsequently replaced.	Several hours
24/08/2016	Sale Day - No Delay	Site Infrastructure - Replace two blown hi-bay lights under main roof	Electrician called in to replace lights.	no delay
21/06/2016	Sale Day - Delay	Site Infrastructure - Power failure	Generator bought in to run power and compressor to complete sale.	2 hours
6/07/2016	Sale Day - Delay	Site Infrastructure - Power Failure (Endeavour Infrastructure)	Endeavour Energy attended to the incident and repaired the phase on the pole at the front of the site.	Several hours
6/07/2016	Sale Day - Delay	Site Infrastructure - Compressor Failure (Contactor in air compressor control panel)	Electrician contacted immediately to replace faulty contactor. The compressor was fixed and sale commenced.	45 minutes
20/07/2016	Sale Day - Delay	Site Infrastructure - Power Failure (Endeavour Infrastructure)	Staff again contacted Endeavour. Repairs were carried out by Endeavour Energy and power restored by 3:58pm	Several hours
27/07/2016	Sale Day - Delay	Site Infrastructure - Power Failure	This was a black out that impacted on the entire Moss Vale region. All of the region had no power or phones. Not a direct issue with SRLX infrastructure.	Several hours
3/08/2016	Sale Day - Delay	Network Infrastructure - Network connection failures	Investigation undertaken by technical staff, carried out system checks and found redundant cabling interfering with signal. Redundant cabling was removed and system restored, Technical staff attended site following week to undertake a review of network and associated cabling.	approx. 2 hours
14/09/2016	Sale Day - Delay	Network Infrastructure - Computer Repairs	Technical staff repaired computer to allow sales to proceed. Computers need to be replaced - Note new computers were installed at the SRLX in October 2016.	approx. 2 hours
6/11/2016	Sale Day - Delay	Network Infrastructure - Bottom Weighbridge (weigh bridge not communicating with livestock exchange)	Technical staff came on site to rectify issues. Identified that a switch that was not connected properly. Issue located and repaired within a short period.	approx. 2 hours
10/11/2016	Sale Day - Delay	Network Infrastructure - Printer failure	Technical staff contacted to reconnect printer to the SRLX network.	30 minutes
24/11/2016	Sale Day - No Delay	Network Infrastructure - Software failure	Issues with live stock exchange and local software. Technical staff were contacted and reconfigured computers ready for sale day.	no delay
12/12/2016	Sale Day - Delay	Site Infrastructure - Power Failure (Endeavour Infrastructure)	Endeavour were advised at 11:15am that a transformer was arching at the front of site. Endeavour attended and power restored by 3.30pm.	5 hours

12.1 Southern Regional Livestock Exchange
ATTACHMENT 1 Attachment1 - Breakdown Incident Register



Incident Date	Impact	Incident Description	Action Taken	Incident Duration
1/02/2017	Sale Day - Delay	Site Infrastructure - Compressor Failure (Relay blew in fixed compressor)	Electrician attended the site and found a fault with relay. There were no relays available for replacement so contactor replaced the relay with smaller relay which failed. Staff subsequently arranged for a back up compressor to be brought onto site and sales commenced.	approx. 2 hours
1/02/2017	Sale Day - No Delay	Network Infrastructure - PDA Frozen	Export Cattle had to be weighed and scanned on the back weigh bridge due to frozen PDA. Replacement order immediately from supplier in Queensland.	no delay
8/02/2017	Sale Day - Delay	Site Infrastructure - Compressor Failure (Soft start relay blew in fixed compressor)	Compressor could not be fixed. Staff subsequently arranged for a back up compressor to be brought onto site and sales commenced.	45 minutes
8/02/2017	Sale Day - Delay	Site Infrastructure - Ram on Gate 3 failed	SRLX staff tightened fitting and sale commenced.	15 Minutes
15/02/2017	Pre Maintenance Check	Site Infrastructure - Screen Replacement.	On faulty screen was not available for viewing. Two other screens working on the day. Replacement screens purchased the following week.	no delay
1/03/2017	Sale Day - Delay	Site Infrastructure - Power Failure (Endeavour Infrastructure)	Electrician attended site to restore power to parts of the building to allow sales to commence. Back up compressor used to run air gates as Compressor was drawing to much load to be used.	approx. 1.5 hours
1/03/2017	Sale Day - No Delay	Network Infrastructure - Computer software upgrade	SRLX and technical staff had to reconfigure software to allow screens to be viewed by the buyers in the top sales ring.	no delay
8/03/2017	Sale Day - Delay	Site Infrastructure - Lower Scales Failure	Staff rebooted livestock system and called livestock exchange to assist.	30 minutes
8/03/2017	Sale Day - Delay	Sale Infrastructure - PA Failure	System was not switched on. System switched on and sales commenced.	15 minutes
8/03/2017	Sale Day - Delay	Site Infrastructure - Compressor Failure	Backup compressor turned on and sales commenced.	10 minutes
29/03/2017	Sale Day - No Delay	Site Infrastructure - Broken Pneumatic lever in paint box - caused by User (not WSC)	Temporary repair to get through sale was organised by SRLX staff. Damage was caused by users. Contractors attended the site the following week to undertake repairs.	no delay
5/04/2017	Sale Day - Delay	Site Infrastructure - Top scales Weighing Error	Error was due to a wedged spacer which was removed so that sales could commence.	15 minutes
19/04/2017	Sale Day - Delay	Site Infrastructure - Pneumatic Ram Failure	WSC staff repaired fitting on ram and sales commenced	15 minutes
26/04/2017	Sale Day - No Delay	Network Infrastructure - Main Screen	WSC replaced screen before ring selling started no impact sales	no delay
9/05/2017	Pre Maintenance Check	Site Infrastructure - Compressor Failure	Pre-sale checks picked up that compressor would not start. Mobile compressor used on sale day. No delay in sales. Compressor isolation switch was faulty and subsequently replaced.	no delay
9/05/2017	Pre Maintenance Check	Site Infrastructure - Generator Failure	Identified flat battery. Operational staff attended the site and started the generator. Generator was ready for sale day as this was picked up in pre sale day inspections.	no delay

12.1 Southern Regional Livestock Exchange
ATTACHMENT 2 Attachment 2 - Infrastructure Backlog Works



ATTACHMENT 2

ASSET RENEWAL CAPITAL WORKS RISK MATRIX

Description	Estimated Cost	Quoted Cost	Rating	What triggered this requirement and the benefits
Install automatic security gates with number plate recognition linked to AVDATA to track out of hours usage with Transit cattle and charge accordingly		\$80,000	High	No security to site, presently only a locked gate that anyone can access with an AVDATA key, very loose system that allows multiple transporters to share keys and no ability to track movements after hours with Transit Cattle and people accessing the facility. Number plate recognition would be linked to the gates and AVDATA to help track transit movements.
Air Gates to replace old gates on External Weighbridge		\$15,000	High	Safety recommendation show that the current design of our external weighbridge poses a risk to the safety of agents using the facility, they presently have two gates on the external weighbridge, one on the entry and the other on the exit, these are manually opened by a person which places them at risk of being injured or killed by rouge beasts exiting or entering the weighbridge, proposal is to replace both these gates with air gates which will eliminate the need for someone to manually open the gates and eliminate the risk of injury from that operation. Critical project that will remove the biggest risk presently on site.
ATV replacement		\$24,000	High	The use of an ATV on any site should not be permitted, these units have proven to be related to the most deaths in the Agricultural business, they are consistently injuring or killing more workers and farmers than any other farming machinery, a business case was presented to previous management in relation to the statistic on injury and an alternative four wheel farm vehicle with articulation to prevent roll over was sought and presented to council for consideration, we believe that this is the safest option and not hindering on operational needs.
Power upgrade - feed from Power pole back to SRLX 3 phase including switchboard (22mm cable)		\$45,000	High	Power supply from external sources has become unreliable and it is recommended to run 95mm wire from pole to pole at the SRLX to allow better power feed to SRLX and minimise interruptions. Private Contractor to install new power board to cope with increased supply as recommended to 200 amps
Drafting Yards to be installed at Sale Yard, this will be part of the upgrade required at SRLX which is part of a major upgrade		\$90,000	High	This is the first stage of the PROWAY concept and an agreed project with Council and Agents to remove WH&S risk in cattle handling when drafting cattle, the SRLX does not have a drafting area that meets Australian Standards, this development will allow agents to draft safely with elevated platforms and 5 way holding yards controlled by air gates removing the agent from the beast on sale day and removing inherent risk
Replace current compressor with continual air compressor		\$15,000	High	SRLX has experienced several failures on sale day with air supply to the air gates on the main ring in the arena, problem is wrong compressor for task, cycling too many times and becoming unreliable
Mobile Diesel Compressor to be used as standby in the event main Compressor fails on sale day.		\$20,000	High	To be used as back up air supply for main ring gates and possibly for drafting yard operations and bottom weighbridge air gates
Compliance signage - replace all current signage to comply with GHS signage	\$15,000		High	Replace all current signage from Audit conducted recently, identified all signage to be either non compliant or not clear, signage to include conditions or entry, hazards, prohibitions and WH&S requirements. Reviewed with Malcolm Lindsay
Scanner on Ramp 4 - After Hours Ramp	\$34,000		High	ALIES Scanner to be installed on Ramp 4 to capture cattle if tagged, this will assist in identifying cattle that are left on site a transit cattle that arrive at all hours and ensure charges can be applied to cattle using the facility outside of sale day, this has never been captured and charged for which has allowed transporters and buyers to use the SRLX and its facilities free of charge. This scanner will prevent cattle being missed ensuring all are counted and charged for when staff are not on site (After hours and weekend activity)
Cattle Reveal Area - Truck/Receiving area including two new ramps.		\$120,000	High	The purpose of this development is to allow a safer and more controlled loading and unloading of cattle, it will also give the transporter better cattle movement and safety with elevated walkways and narrow yards allowing better stack up of cattle and safer methods of loading and unloading allowing better movement and control of cattle minimising stress to the beast.
Transit Paddock to be developed in Paddock 1 - including laneway back to main roof area	\$80,000		High	Reuse paddock 1 into a transit reveal dispatch area, this would include the design and development of several pens inside paddock one with ramp being constructed to scan and record all movements of cattle being housed overnight at the SRLX, this will also keep the cattle separated from sale cattle and prevent cattle being mixed up and incorrectly transported. also allow the SRLX to charge accordingly for cattle using the facility to rest up which has not occurred previously.
PROWAY Yard refurbishment of all pens, laneways and walkways under the main for of the SRLX		\$1,450,000	High	Complete refurbishment of all pens under the main roof at the SRLX, this would include new ramps, pens, throughs, walkways for Buyers and Agents, this would also include upgrades to weighbridge and other yard areas within the SRLX, it would allow for safer interactions with buyers and cattle also with staff interactions and selling would be more visible to the buyers
CCTV cameras to be installed at SRLX to cover all areas, currently a lot of black spots that leave Council at risk with WH&S and insurance liabilities		\$147,000	High	Lack of security after hours and during a sale, too many black spots and no coverage if there are investigations required such as animal welfare claims, workers compensation claims or public liability claims. This leave Council at a financial risk.
SUBTOTAL	\$2,135,000		Note:	*Based on \$3 per head capital contribution charge @ 55K head per year this will take 13 years to fund. *Based on \$5 per head capital contribution charge @ 55K head per year this will take 8 years to fund.



ASSET RENEWAL CAPITAL WORKS RISK MATRIX

Description	Estimated Cost	Quoted Cost	Rating	What triggered this requirement and the benefits
Hi-Bay lighting under main roof to be replaced with LED		\$48,000	Medium	The lighting currently in use at the SRLX under the main roof is of the old Mercury type pumps which are expensive to run and expensive to replace, using LED lighting which we have replaced as lighting fails is proving to be a cost effective measure, reducing electrical charges dramatically, in most cases the LED lighting use one fifth of the consumption of the Mercury Vapour lamps, this will see significant savings with power bills and maintenance, the LED lights also have a 25 year replacement warranty which makes them a very attractive option.
Skid Steer replacement at SRLX	\$80,000		Medium	SRLX skid steer loader will need replacing by the end of 2018 as per Council Vehicle/Plant policy, the unit will be sourced mid 2018 and secured before 2019 budget starts. Plant Fund
Digital Load Cells on Top Weight bridge		\$15,000	Medium	Current load cells are Analogue and need replacing, this is due to age and type, Digital are used today to secure accuracy and more reliant, also will meet current standards and regulations
SUBTOTAL	\$143,000		Note:	*Based on \$3 per head capital contribution charge @ 55K head per year this will take 6 months to fund. *Based on \$5 per head capital contribution charge @ 55K head per year this will take 8 years to fund.
Main Ring Seating replacement (129 Chairs replaced at \$150.00 per chair)	\$19,350		Low	Seating inside the main area has become old and tattered with a minor amount of chairs either removed leaving a gap in the seating or becoming unsafe to use. All seating needs to be replaced, based on 150 seats at \$90 per seat is what we have based the cost on
Install Lift at SRLX and civil works to allow installation including electrical.		\$80,000	Low	Disabled lift needs to be installed to allow access to selling ring top floor, this will be located outside the existing entrance to the toilets and will allow one person to be conveyed to the top floor via a commercial lift.
Disabled Parking Bay at SRLX	\$7,000		Low	Hard Surface, bollard and sign post a suitable car parking space in the designated disabled car parking area to allow disabled people to park safely and access the building without incident.
Repair pot holes in entrance and restabilise driveway from Entrance to Cattle Recieval area	\$35,000		Low	numerous potholes and damage caused on the due to rain and traffic, needs to be resurfaced and stabilised to make safe and not damage vehicles accessing the sale yard parking area.
Car park bitupave remaining dirt area left after previous coating near RRC fence. Bitupave required due to truck turning area	\$45,000		Low	Continue on sealing the dirt car park area beside SRLX which will eliminate dust and encourage people to park in that area, also allow trucks to turn without damaging roadway.
Truck wash upgrade with spray bar installation and expanding sump areas to accommodate better recycling of manure from trucks, also speed up clean times allowing faster turnaround	\$180,000		Low	Truck wash area does not currently recycle any water used on site, this is an unacceptable practice in todays standards, our truck wash facility does not meet current standards, concept will be to add recycling pits and filtration, the SEPCOM system will assist in the filtration process, also the area that the truck was is sitting would be expanded to include an additional bay with spray bars to wash the external of the truck, this will allow the driver to wash the external of the truck without climbing unsupported on the outside to ensure the vehicle is clean before leave the SRLX.
SEPCOM - Manure recycling Project to reuse the manure for soft footing for pens and also compost for sale at RRC, de-sludge both dams using bio earth technology.		\$300,000	Low	Closed loop recycling will be the efficiencies from this project we will have the ability to use the product removed from sale pens (manure) and recycle to be used as a soft footing (MLA Certified) the water would also be recycled and used in the truck wash facility as recycled water for wash vehicles. This would also remove the need to use saw dust which is currently being purchase at approximately \$5,000 per annum
SUBTOTAL	\$666,350		Note:	*Based on \$3 per head capital contribution charge @ 55K head per year this will take 4 years to fund. *Based on \$5 per head capital contribution charge @ 55K head per year this will take 2.5 years to fund.
	\$2,944,350			



12.2 Lease to Church of the Foursquare Gospel (Australia) Limited, 82 Mittagong Street, Welby

Reference: PN969601
Report Author: Property and Project Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to seek Council approval to finalise the lease with the Church of the Foursquare Gospel (Australia) Limited for occupation of 82 Mittagong Street, Welby and to have the lease executed by the General Manager and Mayor under the Common Seal of Council.

RECOMMENDATION

1. **THAT** it be noted that the lease to Church of the Foursquare Gospel (Australia) Limited in respect of 82 Mittagong Street Welby is for a maximum term of twenty one (21) years.
2. **THAT** authority be delegated to the General Manager and Mayor to execute the lease referred to in Resolution 1 under the Common Seal of the Council.

REPORT

At its meeting 28 November 2012, Council considered a report recommending the reclassification of Council property 82 Mittagong Street, Welby from Community to Operational Land. The planning proposal was recommended after a public exhibition period which included a public hearing.

It was resolved by Council as follows:

1. **THAT** the Planning Proposal to reclassify Lot 6 Section 11 DP 759070, 82 Mittagong Street, Welby from 'Community' to 'Operational' be returned to the DP&I for completion under section 59 of the Environmental Planning & Assessment (EP&A) Act 1979.
2. **THAT** the Southern Highlands Foursquare Church be advised of Council's decision.
3. **THAT** all submitters be advised of Council's decision.
4. **THAT** subject to the lodgement of a future Land Use Application a request for offset vegetation planting be included in the recommendations.

Wingecarribee Local Environmental Plan 2010 (Amendment No. 6) was published on 3 May 2013 and the Council property was thereby classified as Operational Land.

On 16 December 2013, Council entered into an Agreement for Lease with the Church of the Foursquare Gospel (Australia) Limited for the purpose of constructing a place of worship on

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the land, with the intention of entering into a lease following construction. The construction of the church was to be fully funded by the Church of the Foursquare Gospel (Australia) Limited. LUA13/0443 for the establishment and construction of the church was approved by Council on 14 November 2013.

Clause 10 of the Agreement to Lease states as follows:

10.1 Grant of Lease

Subject to the completion of works by the Tenant, Council grants, and the Tenant accepts the grant of, the Lease on the terms set out in this agreement.

An interim occupation certificate has since been issued to Church of the Foursquare Gospel (Australia) Limited. An interim occupation certificate, issued under the *Environmental Planning and Assessment Act 1979*, allows the commencement of either the occupation or use of a partially completed building, or of a new use of part of an existing building resulting from a change of use for the building.

The building is currently being used by the Church of the Foursquare Gospel (Australia) Limited as a place of worship and has been doing so for several months.

To protect Council's interests with respect to the property and in compliance with the Agreement To Lease, it is recommended that the lease now be executed under the Common Seal of the Council by the General Manager and Mayor.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified

CONSULTATION

Community Engagement

The Council property is classified as Operational Land. This is an administrative matter between Council as Lessor and the Church as Lessee. Engagement with the community is not required.

Internal Consultation

Development & Planning Branch
General Counsel

External Consultation

Lessee's Solicitor

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

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- **Social**

The Church of the Foursquare Gospel (Australia) Limited has been operating in the area for over 20 years.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Lease must be reported to Council and endorsed in accordance with the Policy - *Leasing & Licensing of Council Property (Not-For-Profit Organisations)*. It is essential for good governance and transparency that proper processes are followed.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications arising from the execution of the lease.

RELATED COUNCIL POLICY

Leasing & Licensing of Council Property (Not-For-Profit Organisations)

This Policy was adopted by Council on Wednesday 26 November 2014 (MN326/14). The Policy provides the guidelines for the granting of leases and licences in respect of Council owned property to not-for-profit organisations.

The lease as drafted and annexed to the Agreement to Lease complies with the adopted Policy.

CONCLUSION

In accordance with the Agreement to Lease and to protect the interests of Council as the property owner, it is recommended that Council delegate authority to the General Manager and Mayor to execute the lease under the Common Seal of the Council.

ATTACHMENTS

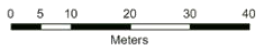
1. Aerial map of leased area

12.2 Lease to Church of the Foursquare Gospel (Australia) Limited, 82 Mittagong Street, Welby

ATTACHMENT 1 Aerial map of leased area



ATTACHMENT 1



Wingecarrabee Shire Council
82 Mittagong Street, Welby

Any information (nomenclature or otherwise), representation, statement, opinion or advice expressed or implied in this publication is made in good faith on the basis that the council of the shire of Wingecarrabee, its agents and its employees are not liable (whether for reasons of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking into the same any act or advice in respect of any information, representation, statement, or advice referred to above.
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12.3 Investment Policy Review

Reference: 2104
Report Author: Chief Financial Officer
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is for Council to consider the adoption of the revised Investment Policy.

RECOMMENDATION

1. **THAT Council adopt the revised Investment Policy.**
2. **THAT Council formally write to those Authorised Deposit-Taking Institutions it currently holds investments with to advise them of its position to preference institutions that do not support the fossil fuel industry.**

REPORT

BACKGROUND

In accordance with the Ministerial Investment Order dated 12 January 2011, all councils are required to adopt an Investment Policy which is consistent with the Order and investment guidelines issued by the Chief Executive (Local Government) of the Department of Premier and Cabinet. Council's current Investment Policy was adopted in June 2011.

It is timely for Council to review this policy to ensure it continues to comply with the Ministerial Investment Order and accords with the views of Council regarding sustainable and ethical investments.

REPORT

The Investment Policy provides the governance framework which safeguards Council's investment portfolio. The primary objectives of the policy are as follows:

- **Capital Preservation** – Preservation of capital is the principal objective of Council's Investment Policy. Investments will be placed in a manner which ensures security and safeguarding of the investment portfolio.
- **Liquidity Requirements** – Investments will be placed giving due consideration to liquidity and ensuring Council has sufficient cash flow to meet its operational and capital requirements.
- **Performance** – Investments are expected to achieve a market average rate of return which is in line with Council's risk tolerance.

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A copy of the revised Investment Policy is provided as **Attachment 1**.

Since the 2007 Global Financial Crisis, Council has adopted a conservative Investment Policy position. The revised Investment Policy does not change this position.

As reported in October 2016, Council has subsequently recovered \$9.5 million relating to the failed collateralised debt obligations (CDOs) it purchased from investment bank Lehman Brothers Australia. This was a result of the legal action Council instigated in the Federal Court of Australia in December 2007. The total balance of funds recovered has increased since October 2016 and is currently \$9.719 million.

Council's Investment Policy clearly states those investments which are prohibited under the Ministerial Investment Order.

Legislative Requirements

Section 625 of the *Local Government Act 1993* states that a Council may invest money that is not, for the time being, required for any other purpose and that it may only be invested in a form of investment notified by order of the Minister as published in the NSW Government Gazette.

In May 2010, the Department of Premier and Cabinet developed Investment Policy guidelines for councils, including a model Investment Policy template. Council has based its Investment Policy on this template.

In reviewing this policy, Council officers have ensured that Council continues to comply with the requirements of the *Local Government Act 1993* and that the policy incorporates the recommendations contained with the Investment Policy Guidelines issued by the Department of Premier and Cabinet.

Risk Management Framework

The revised Investment Policy recommends the following changes to Council's risk management framework:

1 – Credit Risk

S&P Long Term Rating*	S&P Short Term Rating*	Current Maximum %	Recommended Maximum %
AAA	A-1+	100%	100%
AA	A-1	100%	80%
A	A-2	30%	60%
BBB	A-3	30%	20%
Government**	Unrated	30%	25%

* Or Moody's/Fitch equivalents

** Relates to unrated NSW T Corp hour glass facility – cash and strategic cash options only. While these funds are unrated they provide a high degree of capital security as all underlying investments are highly rated.

Credit risk limits the overall credit exposure of Council's investment portfolio. It states the maximum level of funds Council can hold within a particular credit rating. The recommended

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changes will increase the level of investments Council can place in A rated institutions to 60%. A rated institutions, while more susceptible to changes in economic conditions than AA rated institutions, still have a strong capacity to meet its financial commitments.

2 – Diversification Risk

S&P Long Term Rating*	S&P Short Term Rating*	Current Maximum %	Recommended Maximum %
AAA	A-1+	30%	40%
AA	A-1	25%	25%
A	A-2	20%	15%
BBB	A-3	10%	10%
Government**	Unrated	10%	25%

* Or Moody's/Fitch equivalents

** Relates to unrated NSW T Corp hour glass facility – cash and strategic cash options only. While these funds are unrated they provide a high degree of capital security as all underlying investments are highly rated.

Diversification risk limits the exposure to an individual institution. It states the maximum level of funds Council can hold with any one institution. The recommended changes are minimal, however, the reduction in A rated institutions from 20% to 15% is primarily due to the recommended increase in the portfolio credit limit for A rated institutions to 60% (refer to table 1).

3 – Maturity Risk

	Recommended Minimum %	Recommended Maximum %
Portfolio % < 1 Year	40%	100%
Portfolio % < 1 Year < 3 Years	0%	60%
Portfolio % < 3 Year < 5 Years	0%	40%
Portfolio % > 5 Years	0%	10%

It is recommended that Council add this additional parameter to its Investment Policy. It will provide clear policy guidance for the placement of investments for periods greater than 12 months. Investments will only exceed 12 months where there is a demonstrated benefit through a significantly higher investment return and it takes into account Council's funding requirements under the Long Term Financial Plan.

Where investments are placed for a period of less than 12 months, short term credit ratings will be applied. Where Council places investments for greater than 12 months, these investments will only be permitted with institutions with a long term rating of A (or higher).

Non-Fossil Fuel Investment Preferencing

In reviewing the Investment Policy, consideration was given to the Notice of Motion passed by Council on the 24 August 2016. The Notice of Motion directed staff to present options for an ethical and social investments policy.

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Policy options were discussed at a Councillor briefing held on the 14 June 2017. Based on feedback provided at that briefing, it is recommended that the following policy position be included in the revised Investment Policy:

Where financial institutions offer equivalent investment returns and the investment is compliant with legislation and the objectives and parameters of this Policy, preference will be given to placing funds with institutions who do not support the Fossil Fuel Industry.

If Council supports the introduction of this policy position, officers will formally write to all Authorised Deposit-Taking Institutions it currently holds investments with to advise them of its position on preferencing institutions that do not support the fossil fuel industry.

Local Investment

Council officers have also developed a policy position regarding local financial institutions. As such it is recommended that the following policy position be included in the revised Investment Policy:

Where local financial institutions (whose central operations are within the Wingecarribee Shire) offer equivalent investment returns and the investment is compliant with legislation and the objectives and parameters of this Policy, preference will be given to placing funds with these institutions.

These additional policy positions have been developed to ensure that Council continues to comply with the *Local Government Act 1993*, Ministerial Investment Order and Investment Policy Guidelines.

Performance Monitoring

A monthly investment report will continue to be presented to Council in accordance with clause 212 of the *Local Government (General) Regulation 2005*. The performance of Council's investment portfolio will be measured against the 90 day Bank Bill Swap Rate (BBSW).

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

This policy provides the framework for how Council invests funds. Investment Income is a significant revenue source in Council's Budget and Long Term Financial Plan. Any decision which places further constraints on Council's investment framework may impact on Council's Improvement Plan.

CONSULTATION

Community Engagement

This is a financial policy to be determined by Council.

Internal Consultation

Executive

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External Consultation

None

SUSTAINABILITY ASSESSMENT

- **Environment**

The revised Investment Policy would reflect Council's position on the fossil fuel industry.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

The revised Investment Policy reflects Council's position on supporting local financial institutions.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The revised Investment Policy complies with the *Local Government Act 1993*, Ministerial Investment Order and Investment Policy Guidelines.

COUNCIL BUDGET IMPLICATIONS

There are no direct budget implications in relation to the revised Investment Policy. Investment Income is a significant revenue source in Council's Budget and Long Term Financial Plan. Any decision which places further constraints on Council's investment framework may require Council to review its Investment Income forecasts both in the short and long term.

RELATED COUNCIL POLICY

None

CONCLUSION

A review of Council's Investment Policy has been completed to ensure that Council continues to act prudently when investing public funds. The security and safeguarding of public funds is the primary objective of the policy. The review has been completed in line with the requirements of the *Local Government Act 1993*, Ministerial Investment Order and Investment Policy Guidelines.

Policy statements have been incorporated to reflect Council's position on preferencing financial institutions that do not support the fossil fuel industry and to also reflect Council's position of preferencing local financial institutions.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 July 2017

**REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE
AND RISK**



ATTACHMENTS

1. Attachment 1 - Draft Investment Policy



Investment Policy ATTACHMENT 1

LEADERSHIP

OUR LEADERSHIP IS BASED ON MUTUAL TRUST TO FOSTER AND EMBODY VALUES OF RESPECT, RESPONSIBILITY, INTEGRITY AND ETHICAL GOVERNANCE

Adoption Date:	<i>TBA</i>
Policy Owner:	Chief Financial Officer
Next review date:	<i>2 years from adoption</i>
File Reference:	<i>2104</i>
Related Policies/Legislation:	<i>Local Government Act 1993 Local Government (General) Regulation 2005 Ministerial Investment Order (Attachment 1) Local Government Code of Accounting Practice and Financial Reporting Australian Accounting Standards; and Office of Local Government Circulars</i>
Related Documents:	Nil
Superseded Policy/GM Practice Note:	Investment Policy adopted on 22 June 2011 (Council Minute MN205/11)

OBJECTIVES

The objective of this policy is to provide a framework for investing Council's funds at the most favourable return available at the time.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment.

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated recall of an investment.
- Investments are expected to achieve a market average rate of return in line with Council's risk tolerance.





Investment Policy

POLICY STATEMENT

Wingecarribee Shire Council is committed to following the Investment Policy guidelines determined under Section 23A of the *Local Government Act 1993*.

DELEGATION OF AUTHORITY

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the *Local Government Act 1993*.

The General Manager in turn delegates the day-to-day management of Council's Investments to the Responsible Accounting Officer or other senior staff through Council's delegated authority process.

Council officers will have the appropriate level of skills and knowledge to undertake the investment function of Council and not engage in activities that conflict with the proper implementation and management of Council's investments.

A Council Officers' delegated authority to manage Council's investments shall be recorded and they shall be required to acknowledge they have received a copy of this policy and understand their obligations in this role.

PRUDENT PERSON STANDARD

The investment portfolio will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public funds, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes.

ETHICS AND CONFLICTS OF INTEREST

Delegated Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest in accordance with Council's Code of Conduct Policy.

Where appointed, independent advisors are also required to declare that they have no actual or perceived conflicts of interest.

RISK MANAGEMENT FRAMEWORK

Council has developed a risk management framework to assist in managing those risks outlined in the policy objective. This is achieved within identified thresholds and parameters represented by three key criteria:





Investment Policy

Credit Risk

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %
AAA	A-1+	100%
AA	A-1	80%
A	A-2	60%
BBB	A-3	20%
Government**	Unrated	25%

* Or Moody's/Fitch equivalents

** Relates to unrated NSW T Corp hour glass facility – cash and strategic cash options only. While these funds are unrated they provide a high degree of capital security as all underlying investments are highly rated.

Diversification Risk

Exposure to an individual institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %
AAA	A-1+	40%
AA	A-1	25%
A	A-2	15%
BBB	A-3	10%
Government**	Unrated	25%

* Or Moody's/Fitch equivalents

** Relates to unrated NSW T Corp hour glass facility – cash and strategic cash options only. While these funds are unrated they provide a high degree of capital security as all underlying investments are highly rated.

Maturity Risk

The investment portfolio is to be invested within the following maturity constraints:

	Minimum %	Maximum %
Portfolio % < 1 year	40%	100%
Portfolio % > 1 year < 3 years	0%	60%
Portfolio % > 3 years < 5 years	0%	40%
Portfolio % > 5 years	0%	10%

Where investments are placed for a period of less than 12 months, short term credit ratings will be applied. Where Council places investments for greater than 12 months, these investments will only be permitted with institutions with a long term rating of A (or higher).





Investment Policy

LIQUIDITY GUIDELINES

Delegated officers will ensure that sufficient funds are retained within Council's general fund and at-call account to meet all foreseen creditor payments as they fall due.

Funds that are surplus to Council's immediate cash requirements will be managed in accordance with the long, medium and short-term financial cash requirements of the Council.

Long term financial plans are developed to ensure the long term financial sustainability of Council. These plans will incorporate forecast future cash inflows and outflows to estimate cash surpluses and shortages in future periods, and identify the longer and medium term investment horizon for surplus funds.

Shorter term financial plans are used to predict funds availability and monitor the Council's cash management needs throughout the year. These cash flow models are monitored daily to facilitate informed investment decisions and to ensure that sufficient liquidity exists to satisfy Council's financial commitments.

APPROVED INVESTMENTS

Investments are limited to those allowed by the prevailing Ministerial Investment Order which is provided as an Attachment to this policy.

NON-FOSSIL FUEL INVESTMENT PREFERENCING

Where financial institutions offer equivalent investment returns and the investment is compliant with legislation and the objectives and parameters of this Policy, preference will be given to placing funds with institutions who do not support the Fossil Fuel Industry.

LOCAL INVESTMENT

Where local financial institutions (whose central operations are within the Wingecarribee Shire) offer equivalent investment returns and the investment is compliant with legislation and the objectives and parameters of this Policy, preference will be given to placing funds with these institutions.

PROHIBITED INVESTMENTS

In accordance with the Ministerial Investment order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes including:

- Derivative based instruments.
- Principal only investment or securities (such as shares) that provide potentially nil or negative cash flow.
- Standalone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.
- Non-liquid investments comprising of investments for which no ready secondary market exists (e.g. CDOs).

This policy also prohibits the use of leveraging (borrowing to invest) of an investment.





Investment Policy

INVESTMENT ADVISOR

If at any stage in the future, Council chooses to appoint an investment advisor, the advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the Investment Policy.

The independent advisor would be required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

REPORTING AND REVIEWING OF INVESTMENTS

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register. The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value.

REVIEW

The Policy will be reviewed annually upon the anniversary of its adoption or as required in the event of legislative changes. The investment policy may also be changed as a result of other amendments that are to the advantage of that Council and in the spirit of this policy. Any amendment to the investment policy must be by way of Council resolution.

SCOPE

This policy applies to Councillors and staff with delegated authority to invest surplus funds.





Investment Policy

DEFINITIONS

Authorised Deposit Taking Institution (ADI)

A Bank, Credit Union or Building Society that is authorised under the banking Act 1959 (Cwth) to take deposits from customers. These institutions are monitored by the Australian Prudential Regulatory Authority (APRA).

Bank Bill Swap Rate (BBSW)

The bank bill interest rate is the wholesale interbank rate within Australia and is published by the Australian Financial Markets Association (AFMA).

Credit Risk

The risk that an issuer of debt securities may default on its obligations.

Interest Rate Risk

The chance that a security's value will change due to the change in interest rates.

Investment Portfolio

The total pool of Council's cash investments.

Liquidity Risk

The risk that arises from the difficulty of selling an asset in a timely manner.

Market Risk

The risk that general market pressures will cause the value of an investment to fluctuate.

Maturity Risk

The risk relating to the duration of the investment. The longer the investment term to maturity, the greater the length of exposure and risk to market volatilities.

Prudent Person

Someone who will manage the investment portfolio in a skilful, diligent and careful manner. They exercise due care in making decisions and act in moderation.

Securities

Instruments issued by companies, financial institutions and the government as a means of borrowing money and raising new capital.

Term Deposit

A deposit at a bank or other financial institution that has a fixed return and a set maturity.





Investment Policy

RESPONSIBILITIES

Responsibilities for implementing this policy are shared between Councillors, Executive and relevant staff as follows:

Councillors

- To monitor the implementation of this Policy through the monthly Investment Report.

General Manager

- Ensure the implementation of this Policy as delegated by Council in accordance with the Local Government Act.
- To delegate the management of Council's Investment Portfolio to the Chief Financial Officer or other staff through the delegated approval process.

Chief Financial Officer

- Oversee the management of Council's Investment Portfolio ensuring compliance with this policy.
- Submit Monthly report to Council on the performance of Council's Investment Portfolio
- To provide sound, reliable advice to the Council and Executive on investment matters.

PERFORMANCE MEASURES

The performance of Council's investment portfolio will be measured against the following:

Investment	Performance Benchmark
Cash	11am Cash Rate
Direct Investments	BBSW Rate: Average Mid-90 day

BREACHES OF THE POLICY

Where a breach occurs relating to the parameters which have been set within this policy, the portfolio must be managed back in accordance with the policy limits within three (3) months from the date the portfolio first exceeded the threshold, depending upon market liquidity, current valuation of these investments and the risks of default.

Any suspected breach regarding a perceived conflict of interest of a delegated officer will be dealt with in accordance with the Code of Conduct Policy.





Investment Policy

APPROVED BY:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)



www.wsc.nsw.gov.au

Wingecarribee Shire Council – *Investment Policy*
Adoption Date: *TBC*
Policy Owner: Chief Financial Officer





Investment Policy

ATTACHMENT 1

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER

(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the *Local Government Act 1993* and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the *Local Government Act 1993* (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the *Banking Act 1959* (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.

All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011


Hon BARBARA PERRY MP
Minister for Local Government



www.wsc.nsw.gov.au

Wingecarribee Shire Council – *Investment Policy*
Adoption Date: TBC
Policy Owner: Chief Financial Officer



12.4 Proposed Lease to Bowral Rugby Club Inc - Part Eridge Park, 576 Moss Vale Road, Burradoo

Reference: PN976400
Report Author: Property and Project Officer
Authoriser: Coordinator Property Services
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to advise Council of the outcome of the public exhibition of a draft Lease to Bowral Rugby Club Inc. The proposed lease is for the use of the upper level of the 'Rugby Clubhouse' located within Eridge Park, 576 Moss Vale Road, Burradoo.

RECOMMENDATION

1. **THAT** it be noted that no objections were received during the period of public exhibition for the Lease to Bowral Rugby Club Inc. for occupation of the upper level of the 'Rugby Clubhouse' located within Eridge Park, 576 Moss Vale Road, Burradoo.
2. **THAT** the General Manager and Mayor be delegated authority to execute the Lease referred to in Resolution 1 above and to affix the Common Seal of the Council to the Lease and any supporting documents (if required).

REPORT

At its meeting 12 April 2017 Council considered a report to grant a lease to Bowral Rugby Club Inc. for the occupation of the upper level of the 'Rugby Clubhouse' located within Eridge Park, 576 Moss Vale Road, Burradoo. Council resolved as follows (MN130/17):

1. *THAT the General Manager be delegated authority to negotiate the terms and conditions of a lease to Bowral Rugby Club Inc. for part of the property known as Clubhouse (upper level) part Eridge Park 576 Moss Vale Road Burradoo for a maximum term of 21 years.*
2. *THAT it is noted that the proposed Lease of part of Eridge Park to Bowral Rugby Club Inc. is authorised in the adopted Plan of Management for Eridge Park.*
3. *THAT the draft Lease referred to in resolution 1 above be publicly exhibited for a minimum 28 day period.*
4. *THAT after the expiration of the period of public notice, a report be presented to a future Ordinary Meeting of Council.*

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 July 2017

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Following the above resolution of Council, the proposed terms of the draft lease were agreed with the lessee. The terms of the Lease are as follows:

Rent:	\$1.00 (if demanded)
Term:	Twenty One (21) years
Use of premises:	Rugby Clubhouse
Outgoings	Lessee to pay all electricity, telephone, internet, gas, water usage and waste charges. The Lessee is not required to pay land rates, water access and sewerage rates.

The draft lease was then publicly exhibited for a minimum 28 day period (31 May to 30 June 2017). A notice was advertised in the Southern Highlands Newspaper, on Council's website, at the Moss Vale Civic Centre and at each of the 3 libraries.

No written submissions or objections were received by Council during this period.

To enable the new lease to proceed, this report recommends that the General Manager and Mayor be delegated authority to execute the lease document and to affix the Common Seal of the Council to the lease, if required.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

CONSULTATION

Community Engagement

Council publicly exhibited the proposed lease for a minimum twenty eight (28) day period.

Internal Consultation

None

External Consultation

Bowral Rugby Club Inc. (Lessee)

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 July 2017

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The preparation of the lease and public consultation has been completed in accordance with the provisions of the relevant legislation.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications.

RELATED COUNCIL POLICY

The proposed lease for the use of the Rugby Clubhouse located within Eridge Park, 576 Moss Vale Road, Burradoo is in accordance with Council's adopted *Policy for the Leasing and Licencing of Council Property (Non-for-Profit and Community Based Organisations)*.

This Policy was adopted on the 26 November 2014 (MN 326/14).

CONCLUSION

This report is submitted for Council to note that there were no objections received in respect of the public exhibition of the proposed Lease to Bowral Rugby Club Inc. It is recommended that the lease be executed by the General Manager and Mayor and that the Common Seal of the Council is to be affixed to the Lease and any supporting documents, if required.

ATTACHMENTS

1. Draft Lease

12.4 Proposed Lease to Bowral Rugby Club Inc - Part Eridge Park, 576 Moss Vale Road, Burradoo
 ATTACHMENT 1 Draft Lease



ATTACHMENT 1

Form: 07L
 Release: 4-4

LEASE

Leave this space clear. Affix additional pages to the top left-hand corner.

New South Wales
 Real Property Act 1900

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar General to collect the information required by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register is made available to any person for search upon payment of a fee, if any.

STAMP DUTY

Office of State Revenue use only

(A) TORRENS TITLE

Property leased PART FOLIO IDENTIFIER 5/1087928 BEING THE UPPER LEVEL OF THE BUILDING KNOWN AS THE RUGBY CLUBHOUSE, SITUATED WITHIN ERIDGE PARK, 576 MOSS VALE ROAD, BURRADOO, HATCHED IN RED AND DESIGNATED "A" IN THE PLAN ANNEXED TO THIS LEASE.
--

(B) LODGED BY

Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any	CODE
	Reference: _____	L

(C) LESSOR

WINGECARRIBEE SHIRE COUNCIL

The lessor leases to the lessee the property referred to above.

(D)

Encumbrances (if applicable):

(E) LESSEE

BOWRAL RUGBY CLUB INC Y0838314
TENANCY:

(F)

(G) 1. **TERM** Twenty one (21) years

2. **COMMENCING DATE**

3. **TERMINATING DATE**

4. With an **OPTION TO RENEW** for a period of N.A. set out in clause N.A. of N.A.

5. With an **OPTION TO PURCHASE** set out in clause N.A. of N.A.

6. Together with and reserving the **RIGHTS** set out in clause N.A. of N.A.

7. Incorporates the provisions or additional material set out in **ANNEXURE(S)** A hereto.

8. Incorporates the provisions set out in N.A. No. N.A.

9. The **RENT** is set out in item No. 1 of APPENDIX

12.4 Proposed Lease to Bowral Rugby Club Inc - Part Eridge Park, 576 Moss Vale Road, Burradoo
ATTACHMENT 1 Draft Lease



DATE

(H) Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the company named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified.
 Company: WINGECARRIBEE SHIRE COUNCIL
 Authority: S220 LOCAL GOVERNMENT ACT 1993

Signature of authorised person:	Signature of authorised person:
Name of authorised person: ANN PRENDERGAST Office held: GENERAL MANAGER	Name of authorised person: KENNETH HALSTEAD Office held: MAYOR

I certify that I am an eligible witness and that an authorised officer of the lessee signed this dealing in my presence. [See note* below].

Certified correct for the purposes of the Real Property Act 1900 by the authorised officer named below.

Signature of witness:

Signature of authorised officer:

Name of witness:
Address of witness:

Authorised officer's name:
Authority of officer:
Signing on behalf of:

(I) **STATUTORY DECLARATION***

I solemnly and sincerely declare that—

1. The time for the exercise of option to _____ in expired lease No. _____ has ended; and
2. The lessee under that lease has not exercised the option.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1900.

Made and subscribed at _____ in the State of New South Wales on _____
 in the presence of _____ of _____,
 Justice of the Peace (J.P. Number: _____) Practising Solicitor
 Other qualified witness [specify] _____,

who certifies the following matters concerning the making of this statutory declaration by the person who made it:
 1. I saw the face of the person OR I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering; and
 2. I have known the person for at least 12 months OR I have confirmed the person's identity using an identification document and the document I relied on was a _____ [Omit ID No.]

Signature of witness: _____ Signature of applicant: _____

* As the services of a qualified witness cannot be provided at lodgment, the declaration should be signed and witnessed prior to lodgment. # If made outside NSW, cross out the witness certification. If made in NSW, cross out the text which does not apply.



EXECUTION PAGE

The Common Seal of Wingecarribee Shire Council

Was hereunto affixed this _____ day of _____ 2017,

In pursuance of a resolution of Council

Passed on the 12th April 2017

Kenneth Halstead - Mayor

Ann Prendergast - General Manager



INDEX

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APPENDIX



THE SECOND SCHEDULE

1. COMPLIANCE WITH RETAIL LEASES ACT 1994

Not Applicable

2. EXCLUSION OF STATUTORY PROVISIONS

2.1. The covenants powers and provisions implied in Leases by virtue of Sections 84, 84A and 85 of the *Conveyancing Act 1919* as amended are hereby expressly negated.

3. TERM AND HOLDING OVER

3.1. This Lease shall commence and terminate on the date stated on the face page of this Lease. It is an essential term of this Lease that the current Lease of the Leased Premises be surrendered by the Tenant simultaneous with the execution of this Lease.

3.2. Where the Lessee continues to occupy the Premises beyond the expiry of the term then such tenancy shall be determinable at any time by either the Lessor or the Lessee giving to the other one (1) months' notice in writing.

4. RENT

4.1. Upon demand by the Lessor or the Lessor's agent the Lessee will pay to the Lessor or the Lessor's agent as the Lessor may direct the rent per annum stated in Item 1 or the Appendix.

5. USE OF PREMISES

5.1. The Lessee will not use or permit to be used the Premises for any purpose other than as described in Item 2 of the Appendix or such other use as the Lessor may approve in writing, such approval not to be unreasonably withheld and shall obtain and comply with any approval or condition for such user of the Premises required or implied by any Government, Municipal, Health or other authority under the Local Government Act or Acts of Health or any other Act.

5.2. Without limiting the generality of Clause 5.1 hereof the Lessee shall not without the consent in writing of the Lessor other than in accordance with the specified use of the Premises approved by the Lessor store chemicals, inflammable liquids, acetylene, gas or alcohol, volatile or explosive oils, compounds or substances upon the Premises or use any such substances or fluids in the Premises for any purpose.

5.3. The Lessee will, at all times during the term hereof, keep the Premises open during the usual hours of businesses of like or similar nature to that conducted by the Lessee on the Premises.

5.4. The Lessee, at all times during the said term, will conduct the Lessee's business in the Premises at all times in a proper efficient and reputable manner.

5.5. The Lessor does not expressly or impliedly warrant that the Premises are now or will remain suitable or adequate for all or any of the purposes of the Lessee and all warranties (if any) as to suitability of the Premises implied by law are expressly negated.



- 5.6. The Premises comprise of the upper level of the Rugby Clubhouse shown on the attached plan marked with the letter A and hatched.

6. INSURANCE AND INDEMNITIES

- 6.1. The Lessee, at all times during the term of this Lease and during any period of holding over, shall keep current public risk and building and contents insurance policies in respect of the Premises and the Lessee's use of the Premises for such amount as the Lessor may reasonably require with an insurer approved by the Lessor. The amount for the first year of the Lease and until the Lessor notifies the Lessee to the contrary shall be the amount stated in Item 3 of the Appendix.
- 6.2. The Lessee irrevocably indemnifies and keeps indemnified the Lessor from and against:
 - a. all claims, demands, writs, summonses, actions, suits, proceedings, judgements, orders, decrees, damages, costs, losses and expenses of any nature whatsoever which the Lessor may suffer or incur to the extent that the same is not incurred by reason of the negligence or deliberate act or omission of the Lessor in connection with loss of life, personal injury and/ or damage to property arising from or out of any occurrence in, upon or at the Premises or from the use of the Premises by the Lessee or by any of the Lessee's contractors, employees, visitors, invitees, licensees or any other person;
 - b. all loss and damage to the Premises, and to all property therein or thereon caused by the Lessee or the Lessee's contractors, employees, visitors, invitees, or licensees and in particular but without limiting the generality of the foregoing caused by the use or misuse waste or abuse of water, gas or electricity or faulty fittings or fixtures of the Lessor or Lessee;
 - c. all loss and damage to the Premises and to all property thereon or therein arising from overflow or leakage of water (including rain water) in or from the Property to the extent that the same is not incurred by reason of the negligence or deliberate act or omission of the Lessor.
 - d. All claims arising under the provisions of the Worker's Compensation Act 1987 or the Common Law in connection with the operation of the Premises for the permitted use.
- 6.3. The Lessee shall not without the Lessor's prior written consent, which consent shall not be unreasonably withheld bring on to, do or suffer to be done or allow any act, matter or thing upon the Premises or keep anything in the Premises which shall or may increase the rate of fire insurance on the Premises or which may vitiate or render void or voidable any insurances in respect of the Premises or (without limiting the generality of the foregoing) which may conflict with the laws or regulations relating to fire or any insurance policy over any part of the Premises or the regulations or ordinances of any public authority or the provisions of any statute for the time being in force to the extent that the same is not incurred by reason of negligence or deliberate act or omission of the Lessor.
- 6.4. If required by the Lessor, the Lessee will produce to the Lessor immediately any policy of insurance which the Lessee is required to effect hereunder and the receipt for the last premium payable in respect of any such policy.

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6.5. The Lessor shall not be liable or in any way responsible to the Lessee or to any of the Lessee's contractors, employees, hirers, or visitors or to any other person for any injury loss or damage which may be suffered or sustained to any property or by any person in the Premises or on the Property howsoever occurring to the extent that such injury loss or damage is not incurred by reason of the negligence or deliberate act or omission of the Lessor.

6.6. The Lessee will, at all times during the term of this Lease and any holding over, keep current an adequate policy of insurance in respect of any plate glass in or about or on the Premises

7. MAINTENANCE AND REPAIR

7.1. The Lessee will when where and so often as need be maintain repair and keep the Premises in good and substantial repair having regard to their condition at the commencement date, fair wear and tear damage by fire flood lightning storm tempest Act of God and war only excepted but nothing herein contained shall impose any obligation upon the Lessee to do any work of a structural nature except such as may be occasioned by the act neglect or default of the Lessee, the Lessee's employees and agents or by the nature of the use or occupancy of the Lessee, his employees and agents and without affecting the generality of the foregoing the Lessee shall at his own cost and expense:

- a. Keep and clean and maintain in good order and condition and replace when (in the reasonable opinion of the Lessor) necessary or desirable all plant fittings furnishings and equipment of the Lessee including any signs painted erected or affixed to the exterior of the Premises or to any shop front;
- b. Forthwith make good any breakage defect or damage to the Premises or any facility or appurtenance thereto caused by any want or dire misuse or abuse on the part of the Lessee or the Lessee's employees or otherwise occasioned by any breach or default of the Lessee hereunder;
- c. Forthwith repair and replace all plate glass windows exterior show-windows with glass of the same or similar quality and all damages broken or faulty (which description shall include those reasonably suspected by the Lessor to be faulty and those required by the Lessor to be replaced) heating lighting and other electrical equipment including light globes and fluorescent tubes, condensers or fuses as may from time to time be installed upon the Premises;
- d. Maintain and keep electrically safe all lighting equipment and illuminated signs in or attached to the Premises.

7.2. The Lessee shall advise the Lessor promptly in writing of any actual or apparent damage sustained to the Premises or any part of it or of any actual or apparent damage to or defective operation of any of the appurtenances therein.

8. ALTERATIONS

8.1. The Lessee will not permit any person to make any alteration or addition to the Premises of the Property without the prior written consent of the Lessor which consent shall not be unreasonably withheld and shall in the course of such alterations or additions made with the consent of the Lessor observe and comply with all requirements of the Lessor and public authorities. Without prejudice to the foregoing provision of this Clause, the Lessee, when applying for the Lessor's approval to any alterations or additions to the Property, will submit with the application, drawings and specifications in respect thereof prepared by a qualified consultant to the Lessor. Work in respect of alterations or additions to the Property approved by the Lessor and if required by the Lessor the Lessee, on

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completion of such work, shall hand to the Lessor a certificate by a consultant approved by the Lessor to the effect that such work had been carried out in accordance with the drawings and specifications relating to it and in accordance with the requirements of all relevant public authorities.

8.2. The Lessee, upon the expiration or sooner determination of the Lease at the Lessee's own expense and in a proper and workmanlike manner and if the Lessor so desires, will remove any additions or alterations to the Property made by the Lessee and reinstate the Property to the condition existing before such alteration or addition was made by the Lessee and if the Lessee so desires or if the Lessor so requires remove from the Property any fixtures or goods brought upon the Property by the Lessee PROVIDED THAT the Lessee shall make good any damage to the Property caused by such removal or reinstatement AND PROVIDED FURTHER THAT in the case where the Lessor requires any removal or reinstatement and the Lessee has not carried out such removal or reinstatement within fourteen (14) days of determination of this Lease then the Lessor at its option and at the expense of the Lessee may be reinstated as the beneficial owner without being liable to account to the Lessee for such goods or fixtures and the Lessee shall pay to the Lessor any cost incurred by the Lessor in such reinstatement removal or disposal within seven (7) days of the Lessor notifying the Lessee of the amount of any cost.

8.3. The Lessee, without the written consent of the Lessor which consent shall not be unreasonably withheld, shall not:

- a. Paint affix or erect on the interior or exterior of the Premises any notices, advertisements, signs or other devices or;
- b. Make or permit to be made any alterations or additions to any of the Lessor's fittings in the Premises or on the Property;
- c. Drive nails or screws into or in any way damage or deface the floors, ceilings or walls of the Premises.

9. **QUIET ENJOYMENT**

9.1. The Lessor covenants that the Lessee, whilst paying the rent and observing and performing the covenants conditions and restrictions in its part herein contained shall and may peaceably hold and enjoy the Premises during the term without any interruption by the Lessor or by any person rightfully claiming through under or in trust for it subject always to the rights powers and remedies of and reservations to the Lessor.

10. **ASSIGNMENT**

10.1. The lessee covenants not to assign this Lease except in accordance with the provisions contained in this Clause.

10.2. If the Lessee desires to assign this Lease the Lessee shall request the Lessor's consent to the assignment of this Lease in writing and shall furnish with that request:

- i. Information regarding the financial resources and financial standing and the business experience of the proposed assignee;
- ii. Particulars of the use of the Premises intended by the proposed assignee.

10.3. The Lessor:

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- a. Agrees to deal expeditiously with the Lessee's request for consent to assign this Lease.
 - b. Is entitled to require the Lessee to furnish to the Lessor:
 - i. Details of the proposed Assignee's financial resources at the time of the request for consent;
 - ii. Such further information as the Lessor may reasonably require concerning the financial standing and business experience of the proposed assignee.
 - c. Is entitled to withhold consent to the assignment of this Lease in any of the following circumstances:
 - i. If the proposed assignee proposes to change the use to which the Premises are put (unless the Lessor consents to the change of use in accordance with the provisions of this Lease)
 - ii. If the proposed assignee has financial resources that are inferior to those of the Lessee;
 - iii. If the Lessee has failed to comply with the provisions contained in this clause for requesting and obtaining consent to the assignment.
- 10.4.
- a. The Lessor may require the assignee to execute an instrument in which the assignee will assume liability under the Lease for the residue of the Lease term.
 - b. If the assignee is a corporation whose shares are not listed on an Australian Stock Exchange the Lessor may require, as a condition of the Lessor's consent to the assignment, that at least two (2) of its Directors or Shareholders (chosen by the Lessor) execute personal guarantees in respect of the payment of rent and the observances and performance of the Lease covenants by the assignee during the Lease term.
 - c. The Lessee will pay the Lessor's reasonable legal and other expenses of investigating the Lessee's application for consent and of preparing, executing, stamping and registering all the required instruments or dealings and the consent of obtaining the mortgagee's consent.
- 10.5. If the Lessee has complied with the requirements of this clause, the Lessor shall indicate, within fourteen (14) days after the Lessee has made its request under sub-clause 10.2 and furnished any further details required under sub-clause 10.3(b), whether the Lessor consents or withholds consent. If the Lessor does not provide that indication within fourteen (14) days, it shall be taken to have consented to the assignment, subject to the conditions in sub-clause 10.4.

11. NO SUB-LEASING OR OTHER PARTING WITH POSSESSION WITHOUT CONSENT

- 11.1. The Lessee shall not sub-let or in any way (other than pursuant to an assignment to an assignment or transfer in accordance with Clauses 10.1 to 10.5 herein) dispose of or part with exclusive possession of the Premises to do or suffer anything to be done whereby the Premises may be sub-let or put into the exclusive possession of any other person without the Lessor's prior written consent, which consent shall not be unreasonably withheld. This clause does not prevent the Lessee from hiring the Premises or part of the Premises on a short term basis to another party pursuant to the use of the Premises set out in Item 2 of the Appendix provided that the terms of such hire are consistent with



the terms of this Lease and the person to whom the hire is made has all necessary approvals and insurance for each activity carried on by them in the Premises.

12. NO MORTGAGE OF LEASE

12.1. The Lessee shall not mortgage, charge or otherwise encumber this Lease without the prior written consent of the Lessor.

13. DEFAULT AND DETERMINATION

13.1. If the Lessee:

- a. Fails to pay the rent or any part of the rent within fourteen (14) days of the due date;
- b. Fails to pay other money due to the Lessor according to the terms of this Lease within fourteen (14) days of the due date;
- c. Fails to effect repairs in accordance with a notice served by the Lessor within a reasonable time specified in the notice;
- d. Uses the Premises otherwise than for the use referred to in Clause 5 or ceases to carry on that use at the Premises;
- e. Fails to perform or breaches any other covenant which the Lessee is required to perform and such default continues for a period of fourteen (14) days after the Lessor serves notice of such default;
- f. Being a company, an order is made, or a resolution is passed for its winding up (except for the purposes of amalgamation or reconstruction with the written consent of the Lessor which shall not be unreasonably withheld) or goes into liquidation or makes an assignment for the benefit of its creditors or enters into an arrangement or composition with creditors or stops payment of or is unable to pay its debts within the meaning of the Corporations Law or is placed under official management, or a receiver or manager of any of its assets is appointed or an inspector is appointed pursuant to the Corporations Laws or execution is levied against any of its assets and not discharged within thirty (30) days;
- g. Being a charity registered with the ACNC or any other government organisation, that registration or charity status is revoked;
- h. Being an individual, becomes bankrupt or commits an act of bankruptcy or brings his estate within the operation of law relating to bankruptcy or assigns his estate or enters into a Deed of Arrangement for the benefit of the creditor;
- i. Fails to pay any amount which pursuant to this Lease the Lessee is obliged to pay to a competent authority by the due date as required by the authority;

Then the Lessor at any time thereafter without notice may at its option do any one or more of the following:

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- i. Re-enter the Premises, forcibly if necessary, eject the Lessee and recover possession and thereby terminate the Lease and the Lessor may also remove any goods or effects upon the Premises at the time of re-entry;
- ii. By notice in writing to the Lessee convert the term into a tenancy from month to month from the date of service of the notice at the monthly rent then current but subject always to any increase in rent or outgoings which would have been payable by the Lessee had the term not been converted to a monthly tenancy and provided also that the Lessee shall not be entitled to terminate such monthly tenancy unless that right arises under the Lease independently of this Clause;
- iii. Recover any money due under this Lease together with the costs in remedying the default including the costs and disbursements of the Lessor's Solicitors;
- iv. Recover the reasonable costs in legal proceedings arising out of the breach.

13.2.

- a. Paragraphs (a) – (h) of Clause 13.1 are each essential conditions.
- b. If the Lessee breaches an essential condition, in addition to the rights conferred upon the Lessor by paragraphs (i) – (iv) of Clause 13.1 or any other right or remedy available to the Lessor, the Lessor may recover from the Lessee damages for the breach. Without limiting the generality of the foregoing, if the Lease is terminated by the Lessor for breach of an essential condition by the Lessee the Lessor may recover from the Lessee damages for the loss of the benefit of the Lease.

13.3. Should the Lessor terminate this Lease following a breach by the Lessee of any one or more of such essential conditions then without prejudice to any other right or remedy of the Lessor, the Lessor may (subject to the Lessor's duty to attempt to mitigate its loss) recover from the Lessee in addition to any other damages to which the Lessor may be entitled to as the result of such breach:

- a. All costs and disbursements incurred in the recovery or attempted recovery of rent or of possession of the Premises;
- b. All costs and expenses incurred in reletting or in the attempted reletting or in preparing the Premises for reletting including without limiting the generality of the foregoing advertising expenses, agent's commissions, expenses including tidying the Premises, changing locks, removing property or rubbish or restoring the Premises to the condition in which the Lessee was obliged to leave it at the expiration or sooner determination of the Lease; and
- c. Loss of the benefits which, but for the said breach of this Lease by the Lessee, the due performance of this Lease until the date of expiration of the term of this Lease would have conferred upon the Lessor.

13.4. Any demand for or acceptance of rent by the Lessor after default by the Lessee under the Lease is without prejudice to the exercise by the Lessor of the powers conferred upon it by Clauses 13.1, 13.2 and 13.3 or any other right power privilege of the Lessor under the Lease and shall not operate as an election by the Lessor either to exercise or not to exercise any of such rights powers or privileges.

12.4 Proposed Lease to Bowral Rugby Club Inc - Part Eridge Park, 576**Moss Vale Road, Burradoo****ATTACHMENT 1 Draft Lease****14. DAMAGE TO PREMISES**

14.1. If the Premises at any time during the continuance of this Lease are totally or partially destroyed or damaged by warlike operations, aircraft, earthquakes, fire, flood, lightning, storm or tempest so as to render the Premises unfit for the occupation and use of the Lessee, or inaccessible, then the rent and any other moneys payable by the Lessee to the Lessor hereunder or a proportionate part thereof according to the nature and extent of the damage sustained, shall abate and all or any remedies for recovery of the rent falling due after such destruction or damage or such proportionate part shall be suspended until the Premises have been rebuilt or made fit for the occupation and use of the Lessee or accessible to the Lessee as the case may be. Any dispute arising under this Clause shall be referred to arbitration under the provisions of the Commercial Arbitration Act, 1984 of New South Wales.

14.2. In the event of the Premises being destroyed or damaged as referred to in Clause 14.1 above, the Lessor, at all reasonable times with workmen and others and all necessary material and appliances, may enter upon the Premises for the purpose of rebuilding them or making them fit for the occupation and use of the Lessee. If the Premises are not repaired or made fit for the occupation and use of the Lessee within a reasonable time of the happening of the relevant event causing the damage, then the Lessee shall have the right to terminate the Lease by service of one (1) months' notice in writing.

14.3. In the event of the Premises being destroyed or damaged or rendered inaccessible as referred to in Clause 14.1 above and if the Lessor notifies the Lessee in writing that the Lessor considers that the damage is such as to make its repair impracticable or undesirable, the Lessor or the Lessee may terminate the Lease by giving not less than seven (7) days' notice in writing to the other and no compensation is payable in respect of that termination.

14.4. Notwithstanding anything in this Clause, the Lessee will have no right of termination if the destruction or damage or inaccessibility was caused by the Lessee.

15. LESSEE'S DUTIES

15.1. The Lessee will comply with all statutes, ordinances, proclamations, orders and regulations present or future affecting or relating to the Premises or the use thereof, and with all requirements which may be made or notices or orders which may be given by any Governmental, Semi-Governmental, City, Municipal, Health, Licensing or any other authority having jurisdiction or authority in respect of the Premises or its use PROVIDED ALWAYS that the Lessee shall be under no liability in respect of any structural alteration or any fire safety notice or requirement required by any such authority the necessity for which was not caused or contributed to by the Lessee's use or occupation of the Premises.

15.2. The Lessee will not do or permit or suffer to be done upon the premises anything in the nature of overloading any floor of the Premises whereby the Premises may be strained or any walls or floors caused to sag or deflect from the right line or be otherwise damaged.

15.3. The Lessee will not use nor permit to suffer to be used the lavatories, toilets, signs and drainage and other plumbing facilities in the Premises for any purposes other than those for which they are constructed or provided and shall not deposit or permit to be deposited therein any sweepings



rubbish or other matter and any damage thereto caused by misuse shall be made good by the Lessee immediately.

15.4. The Lessee will give to the Lessor prompt notice in writing of any accident to or defect or want of repair in any services or fixtures fittings plant and equipment in the Premises and of any circumstances likely to be or to cause any danger risk or hazard to the Premises or any person therein.

15.5. The Lessee will pay 100% of all accounts for the supply of telephone internet gas electricity water usage and waste charges and other services to or from the Premises on or before the due dates for payment of such accounts. The Lessee is not required to pay any rates assessed against the Premises, including but not limited council land rates, water access and sewerage rates; the Lessor will pay all such statutory rates and charges.

15.6. Upon the expiration or sooner determination of the term of this Lease the Lessee will surrender to the Lessor all keys giving access to all parts of the Premises held by the Lessee or any of the Lessee's employees and visitors.

15.7. The Lessee will pay all stamp duty and the Lessor's reasonable legal costs charges and expenses of and incidental to the preparation completion stamping and registration of this Lease including the cost of obtaining mortgagee's consent to the Lease and production of title and of any assignment or sub-letting and of any surrender and other termination thereof otherwise than by effluxion of time and in the case of default by the Lessee in performing or observing any provisions of this Lease the Lessee shall pay to the Lessor all legal and other costs as a consequence of or in connection with such default within fourteen (14) days of the Lessor requesting him to do so.

15.8. The Lessee shall pay the cost of operating and maintaining any air-conditioning plant or heating apparatus installed in the Premises where such cost is not included elsewhere in this Lease as an outgoing.

16. INTERPRETATION

16.1. In the Interpretation of this Lease except to the extent that such interpretation shall be excluded by or be repugnant to the context when used in this Lease:

- a. 'Disclosure Statement' Not applicable;
- b. 'The Lessor' shall mean the Lessor described in the face page of the Lease and its assigns;
- c. 'Lessor's accounting period' Not Applicable;
- d. 'The Lessee' shall mean and include the Lessee or Lessees named in the face page of this lease and if a person or persons his or their respective executors administrators and permitted assigns or if a company the Lessee and its permitted assigns and where there are two (2) or more Lessees, shall mean and include the Lessees jointly and severally and each and every one of their executors, administrators and permitted assigns;

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- e. 'The Lessee's employees and visitors' shall mean each of the Lessee's clerks, servants, workmen, employees, agents, customers, clients and visitors who may at any time be on or upon the Property;
- f. 'Person' shall be deemed to include a corporation;
- g. 'Premises' means the building or structures or part of them from time to time erected on the Property and leased by the Lessor to the Lessee;
- h. 'Property' means all of the land described in the face page of this Lease and includes the Premises;
- i. Words importing the singular or plural number shall be deemed to include the plural or singular number respectively and words importing the masculine gender only shall include the feminine or neuter gender and vice versa as the case may be required;
- j. When two or more persons are Lessees all covenants agreements restrictions conditions and provisions shall bind the Lessees and any two or greater number of them jointly and each of them severally and shall also bind the executors administrators and permitted assigns of them and every two or greater number of them jointly and severally.

17. NOTICES

17.1. Any notice or other document in writing required to served delivered or given hereunder may be and sufficiently served delivered or given in any manner mentioned in Section 170 of the *Conveyancing Act 1919* and without prejudice to any other means of giving notice, any notice or other document or writing required to be served delivered or given hereunder shall be sufficiently served on the Lessee if forwarded to the Lessee by prepaid post to the registered office for the time being of the Lessee (being a company) and on the Lessee or Covenanter (as the case may be) if served personally or if left addressed to the Lessee or Covenanter (as applicable) at the Premises or if forwarded to the Lessee or Covenanter (as applicable) by prepaid post to the last known place of business of the Lessee or the Covenanter (as applicable) or the last known place of abode of the Lessee or Covenanter (being an individual) (as applicable), and shall be sufficiently served on the Lessor if served personally or if addressed to the Lessor and left at or sent by prepaid post to the registered office for the time being of the Lessor (being a Company) or the last known place of business of the Lessor or the last known place of abode of the Lessor (being an individual), and a notice or other document or writing sent by post shall be deemed to be given at the time when it ought to be delivered in ordinary course of post.

17.2. Any notice or other document or writing served or given by the Lessor under this Lease shall be valid and effectual if served or given under the hand of the Lessor (being an individual) or under the common seal of the Lessor or under the hand of any director, attorney, manager or secretary for the time being of the Lessor (being a company) or by the solicitor for the Lessor or by the Managing Agent.

18. LIABILITY FOR CONSUMPTION TAX

- 18.1. 'GST' means the goods and services tax payable under the New Tax System (*Goods and Services Tax Act (Cth) 1999*).



'GST Law'	means any law relating to the GST.
'Input Tax Credit'	means a credit available to the Lessee under the GST Law of the GST payable by the Lessee in respect of any Supply made under this Lease.
'Supply'	means a taxable supply within the meaning of the GST Law made under this Lease
'Tax Invoice'	means an invoice required by the GST Law to support a claim by the Lessee for an Input Tax Credit for the GST payable by the Lessee on any Supply made under this Lease.

18.2. Any amount payable by the Lessee for a Supply under this Lease, unless expressed to be inclusive of GST, is the GST exclusive value of that Supply and the Lessee must pay to the Lessor the GST payable in respect of that supply in addition to the amount payable by the Lessee for that Supply.

18.3. The Lessee's obligations to pay the GST on a Supply to the Lessor arises upon the delivery to the Lessee by the Lessor of a Tax invoice for the supply.

19. LESSOR'S RIGHT TO REMOVE PROPERTY

19.1. If the Lessor terminates the Lease pursuant to a right to terminate herein the Lessor may remove the Lessee's property located in the Premises and store it at the Lessee's expense without being liable to the Lessee for trespass, detinue, conversion or negligence. Upon termination of the Lease as an aforesaid the Lessor may at the Lessor's discretion sell or dispose of the Lessee's property aforementioned by auction private sale gift distribution or otherwise. It may apply any proceeds towards any arrears of rental or other monies owing to the Lessor under the terms of the Lease or towards any loss or damage or towards the payment of storage and other expenses as the Lessor in its absolute discretion may so decide.

20. OUTGOINGS

Clause 15.5 applies

21. OPTION

Not applicable.

22. GUARANTEE

Not applicable.

23. SECURITY DEPOSIT

Not applicable.



24. HEAD LEASE AND/ OR CONCURRENT LEASES

24.1. The Lessor and the Lessee covenant and agree:

- a. that the Lessee will at all times during the term permit the Lessor and any person or persons having any estate or interest in the Premises superior to or concurrent with the Lessor to exercise the Lessor's powers to enter and view the Premises and to carry out repair renovations maintenance and other work thereof and otherwise to execute or perform their lawful rights or obligations in regard thereto;
- b. in the event of a person or persons other than the Lessor becoming entitled to receive the rents hereby reserved either by operation of law or otherwise the Lessee agrees that such person shall have the benefit of all covenants and agreements on the part of the Lessee hereunder and the Lessee at the cost of the Lessor will enter into such covenants with such other person in that regard as the Lessor may reasonably require;
- c. the Lessor covenants with the Lessee that the Lessor will duly and punctually observe and perform all obligations on its part to any person having any such estate or interest in the premises aforesaid.

25. LESSOR AS AUTHORITY

25.1. The parties acknowledge that the Lessor is an Authority with statutory rights and obligations pursuant to the terms of the *Local Government Act 1993 (NSW)* and the *Environmental Planning and Assessment Act 1979 (NSW)*.

25.2. No term of this Lease would, or could likely, operate so as to fetter, restrict or otherwise interfere with the exercise of the Lessor's powers as an Authority.

25.3. If any provision of this Lease would, or could likely, operate so as to fetter, restrict or otherwise interfere with the exercise of the Lessor's powers as an Authority than that provision is, to the extent necessary for it not to fetter, restrict or otherwise interfere with the exercise of the Lessor's powers as an Authority:

- a. Be read down, if possible; or
- b. Severed from this sublease.

25.4. The Lessee may not make any Claim on account of any action of the Lessor that is carried out in the Lessor's capacity as an Authority.

26. LESSEE TO SUPPLY ONGOING DETAILS

27.1 The Lessee is an incorporated association under the *Associations Incorporation Act 1984 (NSW)*. The Lessee will supply to the Lessor when and as requested copies of records provided to any government authority responsible for charities in Australia, information relating to the conduct of the Premises (unless prohibited by privacy legislation) and the hire of the Premises to other parties.



27. MISCELLANEOUS

27.1. Upon request from the Lessee, the Lessor may in its absolute discretion sponsor or assist the Lessee in the application, submission or procurement of financial assistance, grants or subsidies from any source as approved by the Lessor.

28. TERMINATION

28.1. Notwithstanding any other provision in this Lease, the Lessee acknowledges that the Lessor may in its discretion elect to terminate this Lease by one (1) months written notice to the Lessee if:

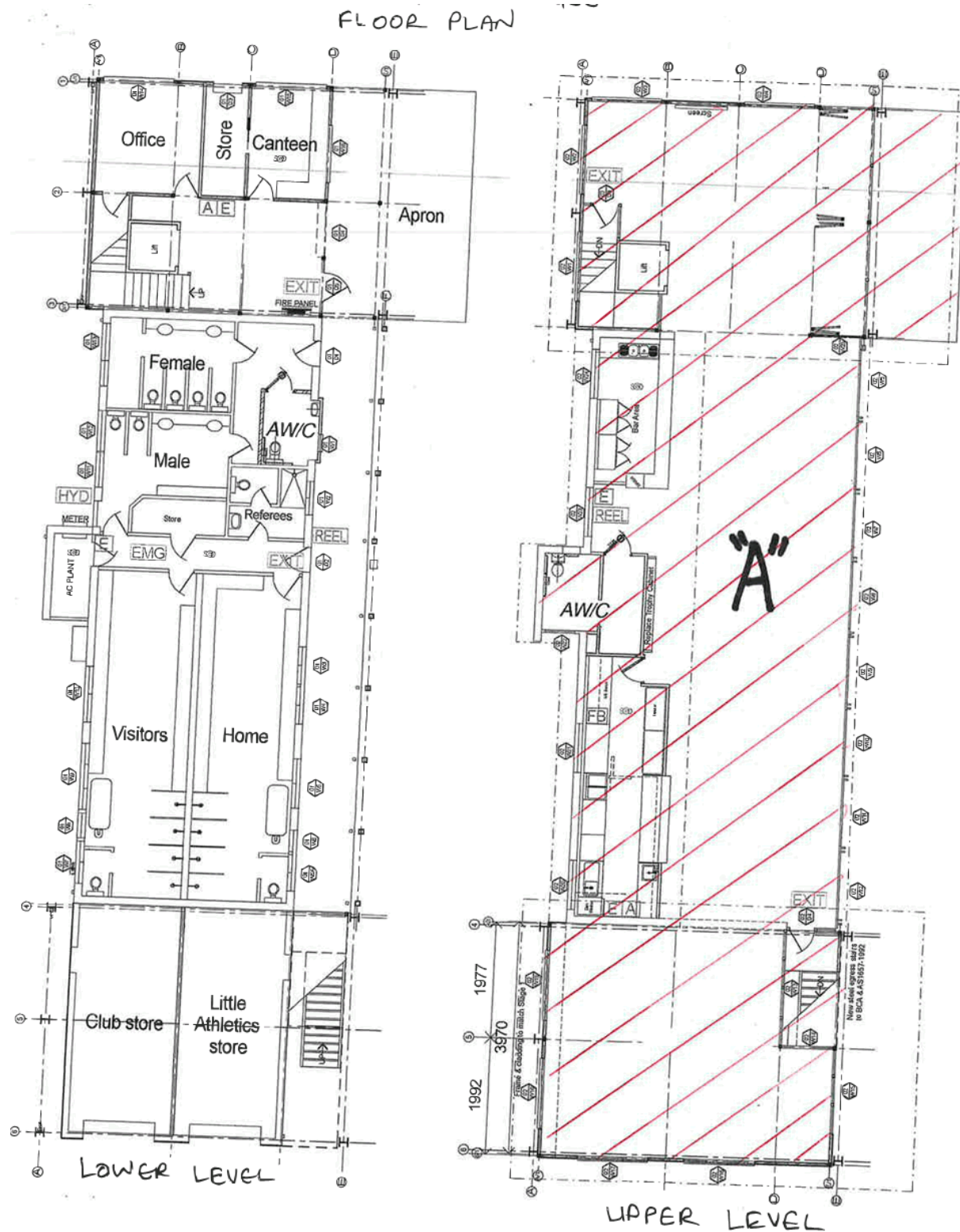
- a. The Lessee fails to comply with any requirements of any statutory or government authority with respect to the control and operation of the Clubhouse located on the premises;
- b. The Annual General Meeting of the Lessee fails to elect an Executive Committee to conduct the affairs of the Clubhouse located on the Premises;
- c. If the Lessee's Executive Committee disbands during its term of office or fails to function as an Executive Committee in the proper conduct and control of the affairs of the Clubhouse located on the Premises.



APPENDIX

<u>ITEM 1:</u>	<u>ANNUAL RENT</u>
	\$1.00 (inclusive of GST) per annum
<u>ITEM 2:</u>	<u>USE OF PREMISES</u>
	Rugby Clubhouse
<u>ITEM 3:</u>	<u>PUBLIC RISK INSURANCE COVER</u>
	\$20,000,000.00
<u>ITEM 4:</u>	<u>PERCENTAGE OF OUTGOINGS/ INCREASE IN OUTGOINGS</u>
	100% - see Clause 15.5
<u>ITEM 5:</u>	<u>PERCENTAGE INCREASE IN RENT</u>
	Not Applicable
<u>ITEM 6:</u>	<u>DATE OF RENT REVIEW TO MARKET</u>
	Not Applicable
<u>ITEM 7:</u>	<u>OPTION TERM</u>
	Not Applicable
<u>ITEM 8:</u>	<u>GUARANTOR</u>
	Not Applicable
<u>ITEM 9:</u>	<u>SECURITY DEPOSIT</u>
	Not Applicable

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12.5 Mittagong Swimming Centre - Repairs

Reference: 6330/17.8
Report Author: Manager Projects and Contracts
Authoriser: Group Manager Assets and Project Delivery
Link to Delivery Program: Plan and deliver appropriate and accessible local services for the community

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Mittagong Swimming Centre Repairs.

RECOMMENDATION

1. **THAT** in relation to the report concerning the Mittagong Swimming Centre – Repairs - Council adopts the recommendation contained within the Closed Council report – Item 22.1 **AND THAT** the General Manager read out the recommendation which Council has adopted.

OR

2. **THAT** the report concerning the Mittagong Swimming Centre - Repairs – be considered in Closed Council – Item 22.1.

REPORT

BACKGROUND

Mittagong Swimming Centre suffered extensive damage as a result of the East Coast Low storm event that occurred in June 2016. Damage occurred to various elements of the centre due to the resulting flooding of the Nattai River that ran through the site, but the major issue was the failure of the learn to swim pool floor.

Further investigations revealed that the construction of the floor of the 50m pool was similar to the learn to swim pool floor so it was recommended to reconstruct the floor of the 50m pool in conjunction with the other repairs at the Centre.

REPORT

Council has sought tenders for suitable and qualified contractors to provide a lump sum tender for the scope of works. The full scope of works was detailed in the design drawings and tender documents.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 July 2017

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In accordance with the *Local Government (General) Regulation 2005* part 7, section 163(1), Council is required to invite tenders where estimated expenditure is greater than \$150,000 (GST inclusive).

This report presents the assessment and recommendation relating to the advertised request for tender.

ADVERTISING

The tender advertising period was from the 18 April 2017 to 16 May 2017 (28 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	18 April 2017
Newspaper – Southern Highlands News	19, 26 April 2017 and 3 May 2017
Newspaper – Other	NA
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of two tender submissions were received:

Company Name	Location	Postcode
Dapcor Building Services P/L	Botany	2019
Icon Building Group Pty Ltd	Prestons	2170

TENDER EVALUATION

A Procurement Evaluation Plan was developed which outlined the pre-determined selection criteria, the criteria weightings, and members of the tender evaluation panel.

Each submission was evaluated against the specified criteria by the tender evaluation panel with a scoring system based from 0 to 10 and weighted according to the pre-determined criteria.

SELECTION CRITERIA

The pre-determined criteria used to evaluate the tender was as follows:

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Mandatory Criteria:

Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Motor Vehicle – Comprehensive

Tenderers were required to meet the mandatory criteria to be eligible to be shortlisted and progress any further in the evaluation process.

Non-Cost Selection Criteria and Weighting:

Non-Cost Selection Criteria	Weighting
Criteria	
Capability	5%
Relevant Experience	25%
Program	10%
Work Health and Safety, Environment and Sustainability	10%
Total	50%

Summary of Selection Criteria and Weighting:

Selection Criteria	
Criteria	Weighting
Total Non-Cost Criteria	50%
Total Cost Criteria	50%
Total	100%

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Funding for the Mittagong Swimming Centre Repairs has been included in Council's adopted Capital Works Program and Investing in Our Future Improvement Plan.

Consideration was given to the impact of this project on Council's Improvement Plan at the time of adopting Council's Operational Plan and Budget.

CONSULTATION

Community Engagement

No external consultation has been undertaken in relation to this report.

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Internal Consultation

Deputy General Manager Operations, Finance and Risk; Group Manager Assets and Project Delivery, Chief Financial Officer, Pools and Facilities Supervisor, Team Leader Pools and Facilities.

External Consultation

No external consultation has been undertaken in relation to this report.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

Mittagong Swimming Centre is an important community facility and is generally Council's most utilised outdoor facility in previous years.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

This tender has been conducted in accordance with Part 7 of the *Local Government (General) Regulation 2005*.

COUNCIL BUDGET IMPLICATIONS

Council's 2017/18 Operational Plan includes \$1,000,000 for the completion of the Mittagong Swimming Centre repairs.

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RELATED COUNCIL POLICY

Council's Procurement Guidelines have been used to inform the tender process.

CONCLUSION

The tender evaluation summary and recommendation are documented in the report to Council's Closed Committee.

ATTACHMENTS

There are no attachments to this report.

Barry W Paull
Deputy General Manager Operations, Finance and Risk

Friday 7 July 2017

13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Development Applications Determined from 25 May 2017 to 25 June 2017

Reference: 5302
Report Author: Team Leader Business Support (Development)
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Delivery Program: Retain and make more distinctive the special qualities that make each town or village unique

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 25 May 2017 to 25 June 2017.

RECOMMENDATION

THAT the information relating to the lists of Development Applications Determined for the period 25 May 2017 to 25 June 2017 be received and noted.

APPROVED APPLICATIONS BY DATE RANGE

Date range: 25 May 2017 to 25 June 2017

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	17/0307	5857 Illawarra Highway Avoca NSW 2577 Lot 1 DP 246960(Lot 1 DP 879472 Coal Rights)	A Liesert	Residential Alterations and Additions	15/03/2017	0	99	99	23/06/2017
2	17/0520	187 Walkers Road Avoca NSW 2577 Lot 5 DP 712823	NE Andrews, CE Andrews	Residential Alterations and Additions	27/04/2017	0	40	40	07/06/2017
3	17/0633	5910 Illawarra Highway Avoca NSW 2577 Lot 61 DP 825294	Feldkirchen Pty Limited	Residential Alterations and Additions	18/05/2017	0	34	34	22/06/2017
4	16/0452.04	67 Park Avenue Aylmerton NSW 2575 Lot 55 DP 1111466	IS Holmes	Section 96 Modification (right of access and stormwater easement)	26/05/2017	0	20	20	16/06/2017

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
5	17/0479	91 Aylmerton Road Aylmerton NSW 2575 Lot 1 DP 749039 Lot 2 DP 749039	Iceberg Asia Limited	Swimming Pool	18/04/2017	0	56	56	14/06/2017
6	17/0646	16 Clariville Street Balaclava NSW 2575 Lot 20 DP 1000158	SG Johnsen, CR Johnsen	Residential Alterations and Additions	22/05/2017	0	30	30	21/06/2017
7	16/0177	43 Railway Parade Balmoral NSW 2571 Lot 4 DP 1204910	JG Brown	Dwelling House	01/03/2016	438	22	460	05/06/2017
8	17/0278	45 Railway Parade Balmoral NSW 2571 Lot 571 DP 749231	BW Austin, LA Austin	Residential Alterations and Additions	10/03/2017	0	87	87	06/06/2017
9	15/0298.04	1-3 Wingecarribee Street Berrima NSW 2577 Lot 1 Sec 29 DP 758098 Lot 1 DP 48625	JD Barnes	Section 96 Modification (Addition of covered link between kitchen and 2 storey gym/bedroom)	26/05/2017	0	20	20	15/06/2017
10	17/0597	Public Reserve 4 Market Place Berrima NSW 2577 Lot 2 DP 1152987	Wingecarribee Shire Council	Temporary Use of Land (Battle for Berrima Family Event 11 June)	11/05/2017	0	45	45	08/06/2017
11	17/0609	7 Berrima Drive Berrima NSW 2577 Lot 22 DP 879317	VR Winton, J Surace	Residential Alterations and Additions	15/05/2017	0	24	24	09/06/2017
12	13/0786.04	3443 Old Hume Highway Berrima NSW 2577 Lot 1 DP 1114521	PD Nadin, SJ Nadin	Section 96 Modification (Remove floor heating)	19/05/2017	0	11	11	30/05/2017
13	16/0560	136C Merrigang Street Bowral NSW 2576 Lot 3 DP 1211397	TP Fair, AC Fair	Dwelling House	07/07/2016	50	292	342	15/06/2017
14	16/0718	13 Banksia Street Bowral NSW 2576 Lot 44 DP 534609	JS Olsen, SK Markgren	Dwelling House	12/08/2016	235	70	305	13/06/2017
15	16/0895.02	12 Gibraltar Road Bowral NSW 2576 Lot 115 DP 15496	TA Jones, AB Jones	Section 96 Modification (Increase ceiling height)	19/05/2017	0	19	19	07/06/2017
16	17/0394	13 Edward Riley Drive Bowral NSW 2576 Lot 106 DP 1227641	P Samulski	Dwelling House	31/03/2017	0	68	68	08/06/2017

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
17	17/0423	Hopewood Farm 241 Centennial Road Bowral NSW 2576 Lot 1 DP 1128259 Lot 2 DP 1128259 Lot 3 DP 1128259	Isthmus Holdings Pty Ltd	Residential Alterations and Additions	06/04/2017	0	49	49	25/05/2017
18	17/0429	150 Horderns Road Bowral NSW 2576 Lot 48 DP 1056092	ES Roberts	Residential Alterations and Additions	07/04/2017	17	41	58	05/06/2017
19	17/0501	5-11 Banyette Street Bowral NSW 2576 Lot 1 DP 1031671	Aldi Foods Pty Limited	Commercial Alterations and Additions	21/04/2017	0	38	38	30/05/2017
20	17/0503	1 Roycroft Street Bowral NSW 2576 Lot 716 DP 1001682	VL Hansen	Residential Alterations and Additions	21/04/2017	0	39	39	31/05/2017
21	17/0519	11 College Place Bowral NSW 2576 Lot 9 DP 213277	JL Pfeiffer	Residential Alterations and Additions	27/04/2017	0	36	36	02/06/2017
22	17/0528	42-44 Old South Road Bowral NSW 2576 Lot 122 DP 24267	L Booth, K Booth	Residential Alterations and Additions	28/04/2017	0	41	41	09/06/2017
23	17/0534	2 Herald Drive Bowral NSW 2576 Lot 119 DP 1227641	BJ Leech	Dwelling House	01/05/2017	0	39	39	09/06/2017
24	17/0590	4/47 Kangaloon Road Bowral NSW 2576 Lot 4 S/P 39903	W Roche, IJ Roche	Residential Alterations and Additions	10/05/2017	0	41	41	21/06/2017
25	17/0595	1 Bren Place Bowral NSW 2576 Lot 79 DP 1109611	AL Gill	Residential Alterations and Additions	11/05/2017	9	33	42	23/06/2017
26	17/0622	39A Price Street Bowral NSW 2576 Lot 832 DP 621263	NJ Tasker, VD Tasker	Residential Alterations and Additions	17/05/2017	0	23	23	09/06/2017
27	17/0678	16 Soma Avenue Bowral NSW 2576 Lot 22 DP 1124348	Phenomenal Investments Pty Ltd	Residential Alterations and Additions	26/05/2017	0	11	11	07/06/2017
28	17/0681	Scout Hall 2-8 Sherwood Avenue Bowral NSW 2576 Lot 1 DP 156182	The Scout Association Of Australia New South Wales Branch	Change of Use (Scout Hall to guitar making workshop)	26/05/2017	22	5	27	23/06/2017
29	17/0760	2 Herald Drive Bowral NSW 2576 Lot 119 DP 1227641	BJ Leech	Residential Alterations and Additions	09/06/2017	0	11	11	21/06/2017

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30	12/0931.02	4 Minnows Drive Bowral NSW 2576 Lot 4 DP 869173	CB Wooderson, KL Lewis	Section 96 Modification (extend floor plan)	21/04/2017	0	52	52	13/06/2017
31	17/0476.02	31 Kamilaroi Crescent Braemar NSW 2575 Lot 319 DP 1228384	SG Pinnington	Dwelling House	29/05/2017	0	7	7	05/06/2017
32	17/0502	10 Kamilaroi Crescent Braemar NSW 2575 Lot 148 DP 1204085	KW Bartlett	Residential Alterations and Additions	21/04/2017	0	47	47	08/06/2017
33	17/0505	4 Woolpack Street Braemar NSW 2575 Lot 299 DP 1228384	L Maruca	Dwelling House	24/04/2017	5	52	57	20/06/2017
34	17/0509.02	13 Mimosa Place Braemar NSW 2575 Lot 106 DP 1204085	F Chambouras	Dwelling House	01/05/2017	0	28	28	30/05/2017
35	17/0513	18 Thornbill Crescent Braemar NSW 2575 Lot 227 DP 1223682	RG Millett	Dwelling House	26/04/2017	0	50	50	15/06/2017
36	17/0563	17 Kamilaroi Crescent Braemar NSW 2575 Lot 273 DP 1228384	Allfitz Developments Pty Limited	Dwelling House	05/05/2017	7	20	27	01/06/2017
37	17/0768	29 Red Gum Drive Braemar NSW 2575 Lot 340 DP 1228384	DM Perinich, AN Perinich	Dwelling House	13/06/2017	0	6	6	20/06/2017
38	16/0037.04	87 Old Wingello Road Bundanoon NSW 2578 Lot 73 DP 1107858	HM Worrall	Section 96 Modification (changes to floor plan)	30/05/2017	0	9	9	08/06/2017
39	17/0226	13 Birch Park Road Bundanoon NSW 2578 Lot 15 DP 800633	MJ Hutchinson, KA Chin	Residential Alterations and Additions	28/02/2017	0	86	86	26/05/2017
40	17/0258	20 Larkin Close Bundanoon NSW 2578 Lot 30 DP 1102297	GJ Dillon, LA Dillon	Dwelling House	06/03/2017	0	84	84	30/05/2017
41	17/0375	Nova Scotia 2 Yuille Avenue Bundanoon NSW 2578 Lot 14 DP 1151833	Westblake T2 Pty Ltd	Residential Alterations and Additions	29/03/2017	13	69	82	19/06/2017
42	17/0570	28 Brigadoon Drive Bundanoon NSW 2578 Lot 30 DP 1048841	KM Booth, AH Booth	Change of Use (built in car port)	08/05/2017	0	38	38	15/06/2017

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43	17/0392	17 Burradoo Road Burradoo NSW 2576 Lot 3 DP 562527	SL Dudley	Secondary Dwelling	31/03/2017	0	60	60	31/05/2017
44	17/0548	34 Sullivan Road Burradoo NSW 2576 Lot 82 DP 1227651	MG Collatz, CM Collatz	Residential Alterations and Additions	02/05/2017	0	35	35	07/06/2017
45	17/0554	1A Werrington Street Burradoo NSW 2576 Lot 5 DP 241015	PM Rowan, RL Rowan	Swimming Pool	03/05/2017	14	15	29	01/06/2017
46	17/0704	58 Sunninghill Avenue Burradoo NSW 2576 Lot 2 DP 860921	PM Hussey, DCL Hussey	Residential Alterations and Additions	31/05/2017	0	19	19	20/06/2017
47	11/0705.03	24 Hurlingham Avenue Burradoo NSW 2576 Lot 3 DP 1219070	GJ Nolan, M Nolan	Section 96 Modification (modification to building envelope)	30/11/2016	0	200	200	16/06/2017
48	17/0284	16 Dale Street Burrawang NSW 2577 Lot 25 DP 1992	JJ Shepherd	Residential Alterations and Additions	13/03/2017	49	25	74	26/05/2017
49	17/0225	127 Tugalong Road Canyonleigh NSW 2577 Lot 12 DP 751286 Lot 55 DP 751286	SD Hough, DJ Hough, MA Hough	Subdivision (boundary adjustment)	28/02/2017	0	112	112	21/06/2017
50	17/0289	Foxgrove Road Canyonleigh NSW 2577 Lot 1 DP 805624	JM Livolsi, KA Livolsi	Dwelling House	13/03/2017	20	72	92	14/06/2017
51	17/0628	1A Ferndale Road Colo Vale NSW 2575 Lot 4 DP 1218695	JA Edwards, TS Edwards	Residential Alterations and Additions	18/05/2017	0	28	28	16/06/2017
52	17/0705	17 Jasmine Street Colo Vale NSW 2575 Lot 2 Sec 13 DP 2389	T Mazzeo	Residential Alterations and Additions	31/05/2017	0	22	22	23/06/2017
53	17/0262	299 Sallys Corner Road Exeter NSW 2579 Lot 21 DP 1015687	Letmar Investments Pty Limited	Dwelling House	07/03/2017	33	64	97	13/06/2017
54	17/0389	53 Middle Road Exeter NSW 2579 Lot 3 DP 1084219	PA Mountfield, GC Burns	Residential Alterations and Additions	30/03/2017	7	56	63	02/06/2017
55	17/0544	77 Middle Road Exeter NSW 2579 Lot 4 DP 255091	GE Worsley	Residential Alterations and Additions	02/05/2017	0	37	37	09/06/2017

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
56	17/0657	244 Bundanoon Road Exeter NSW 2579 Lot 1 DP 1096509	JP Taylor, AH Taylor	Residential Alterations and Additions	24/05/2017	0	27	27	20/06/2017
57	17/0734	88 Westgrove Road Exeter NSW 2579 Lot 2 DP 1194368	NB Marr, TA Marr	Residential Alterations and Additions	07/06/2017	0	9	9	16/06/2017
58	09/0881.05	412 Ellsmore Road Exeter NSW 2579 Lot 7 DP 1222769	RA Davies	Section 96 Modification (change to building envelope)	30/01/2017	0	120	120	30/05/2017
59	13/0467.02	73 Cornwall Road Exeter NSW 2579 Lot 16 DP 243503	RIT Holdings Pty Limited	Section 96 Modification (building footprint increase)	26/05/2017	0	13	13	09/06/2017
60	17/0564	Bodycotts Lane Fitzroy Falls NSW 2577 Lot 2 DP 829931	AJ Medforth, NA Medforth	Dwelling House	05/05/2017	10	17	27	01/06/2017
61	17/0635	Bodycotts Lane Fitzroy Falls NSW 2577 Lot 2 DP 829931	AJ Medforth, NA Medforth	Residential Alterations and Additions	19/05/2017	0	32	32	21/06/2017
62	17/0661	Linden Grange 103 Redhills Road Fitzroy Falls NSW 2577 Lot 11 DP 1031686	PO Hamilton, CA Hamilton	Swimming Pool	25/05/2017	0	11	11	05/06/2017
63	16/1246.04	360 Tourist Road Glenquarry NSW 2576 Lot 2 DP 630220	V Smith	Section 96 Modification (changes to windows and floor level)	28/04/2017	0	40	40	08/06/2017
64	17/0449	281 Sproules Lane Glenquarry NSW 2576 Lot 2 DP 881390	MJ Noad, HS Kramer	Residential Alterations and Additions	11/04/2017	0	57	57	08/06/2017
65	16/0415.03	120 Shale Lane High Range NSW 2575 Lot 2922 DP 1050629	JR Baglin, BK Baglin	Section 96 Modification (new ensuite, enclose terrace)	21/04/2017	0	55	55	15/06/2017
66	17/0351	1961 Wombeyan Caves Road High Range NSW 2575 Lot 6 DP 1210240 & Enclosure Permit 43397	ST Lee, MT Lee	Continued use of farm shed and alterations to farm shed	22/03/2017	0	64	64	25/05/2017

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67	17/0154.04	56 Cumberteen Street Hill Top NSW 2575 Lot 1 DP 803903	JJ Sharpe	Section 96 Modification (garage lifted by 1m, window and retaining walls added)	01/05/2017	0	38	38	09/06/2017
68	17/0348	8 Ella Street Hill Top Nsw 2575 Lot 11 DP 1209026	PJ Williams, SA Clunne	Dwelling House	22/03/2017	18	59	77	08/06/2017
69	17/0424	1640 Joadja Road Joadja NSW 2575 Lot 7 DP 858859	AT Medway	Residential Alterations and Additions	06/04/2017	0	60	60	06/06/2017
70	17/0452	1272 Kangaloon Road Kangaloon NSW 2576 Lot 20 DP 1105440 Lot 21 DP 1105440	PL Whatman	Residential Alterations and Additions	12/04/2017	0	48	48	31/05/2017
71	17/0483	1102 Kangaloon Road Kangaloon NSW 2576 Lot 7 DP 242002	RA Griffin	Swimming Pool	18/04/2017	6	52	58	15/06/2017
72	17/0560	316 Meryla Road Manchester Square NSW 2577 Lot 3 DP 628205	HM Flynn, JT Flynn	Farm Building	04/05/2017	0	35	35	08/06/2017
73	14/0680.03	Cooinda 175 Diamond Fields Road Mittagong NSW 2575 Lot 1 DP 1117393	NJ Lalak, AJ Lalak	Section 96 Modification (window changes)	17/03/2017	0	76	76	01/06/2017
74	16/0526.02	58 Oxley Drive Mittagong NSW 2575 Lot 5 DP 259561	DL Ferrero	Section 96 Modification (Change from courtyard to deck)	22/05/2017	0	10	10	01/06/2017
75	17/0015	240 Old Hume Highway Mittagong NSW 2575 Lot 3 Sec 1 DP 111201	I Balchin	Continued Use (Dual Occupancy)	04/01/2017	57	104	161	14/06/2017
76	17/0173	9 Station Street Mittagong NSW 2575 Lot 2 DP 1151022	LG O'Connor-Henderson, M Henderson	Secondary Dwelling	16/02/2017	0	102	102	30/05/2017
77	17/0301	1010 Old South Road Mittagong NSW 2575 Lot 7 Sec 4 DP 2133	KL Van Beek	Residential Alterations and Additions	14/03/2017	0	72	72	26/05/2017
78	17/0314	20 Edward Street Mittagong NSW 2575 S/P 76793	Owner Of Strata 76793	2 Lot Subdivision	17/03/2017	0	83	83	08/06/2017

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79	17/0325	69 Main Street Mittagong NSW 2575 Lot 5 DP 240187	D Sotirios, M Sotirios	Change of Use (vacant retail shop to laundry)	20/03/2017	0	97	97	02/06/2017
80	17/0630	15 Southey Street Mittagong NSW 2575 Lot 2 DP 879804	DJ McMillan, DL McMillan	Residential Alterations and Additions	18/05/2017	0	27	27	15/06/2017
81	17/0691	193-203 Old Hume Highway Mittagong NSW 2575 Lot 1 DP 1142703	Bieson Pty Ltd	Change of Use (vacant retail to restaurant)	29/05/2017	0	23	23	22/06/2017
82	14/1090.03	22 Yarrawa Street Moss Vale NSW 2577 Lot 3 DP 37492	AHF Booth, L Booth	Section 96 Modification (change size of family room and new mud room)	16/05/2017	0	27	27	13/06/2017
83	16/0754.03	45 Hoskins Street Moss Vale NSW 2577 Lot 1 DP 781256	DJ Sidebottom	Section 96 Modification (remove reference to building envelope)	31/05/2017	0	6	6	07/06/2017
84	17/0004.04	23 Joseph Hollins Street Moss Vale NSW 2577 Lot 81 DP 1218966	LN Beard, EJ Beard	Section 96 Modification (dwelling relocation)	26/05/2017	0	7	7	02/06/2017
85	17/0129	268 Yarrawa Road Moss Vale NSW 2577 Lot 4 DP 32502	PC Arkins, MA Arkins	Dual Occupancy (Attached)	08/02/2017	26	93	119	07/06/2017
86	17/0379	28 Kings Road Moss Vale NSW 2577 Lot 1 DP 1222061	KW Kinnane	Residential Alterations and Additions	29/03/2017	9	55	64	02/06/2017
87	17/0517	27A Simon Place Moss Vale NSW 2577 Lot 291 DP 1187209	SS Dredge	Residential Alterations and Additions	27/04/2017	32	21	53	19/06/2017
88	17/0535	20 Darraby Drive Moss Vale NSW 2577 Lot 90 DP 1218966	GG Wilson, EJ Wilson	Dwelling House	01/05/2017	0	44	44	14/06/2017
89	17/0580.01	Kirkham Street Moss Vale NSW 2577 Lot 9 S/P 64881	Feltland Pty Ltd	Change of Use (vacant retail shop to hairdressing salon)	22/05/2017	0	30	30	21/06/2017
90	17/0589	11 Napper Close Moss Vale NSW 2577 Lot 42 DP 1144867	A Torrisi	Residential Alterations and Additions	10/05/2017	0	41	41	20/06/2017

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
91	17/0639	370 Nowra Road Moss Vale NSW 2577 Lot 259 DP 751303	BA Thompson, DI Sommerville	Dwelling House	19/05/2017	1	32	33	21/06/2017
92	17/0642	27 Windsor Crescent Moss Vale NSW 2577 Lot 148 DP 1167359	DA Middleton, CD Hutton	Swimming Pool	22/05/2017	0	13	13	05/06/2017
93	17/0649	416-424 Argyle Street Moss Vale NSW 2577 Lot 4 DP 716246	B AL Saoor, F Toma	Change of Use (vacant retail shop to Chinese massage therapist)	23/05/2017	0	28	28	21/06/2017
94	17/0668	50 Valetta Street Moss Vale NSW 2577 Lot 1 DP 602969	SHP Hardy, LC Hardy	Residential Alterations and Additions	25/05/2017	0	20	20	15/06/2017
95	17/0721	41A Robertson Road Moss Vale NSW 2577 Lot 202 DP 792948	PJ Hewson, CM Hewson	Residential Alterations and Additions	02/06/2017	0	4	4	06/06/2017
96	17/0755	15 Koyong Close Moss Vale NSW 2577 Lot 9 DP 262485	MFW Plant	Continued use of screen enclosure	09/06/2017	0	5	5	14/06/2017
97	17/0591	54 Argyle Street New Berrima NSW 2577 Lot 44 DP 15995 Lot 45 DP 15995	AM Walsh, PF Jordan	Residential Alterations and Additions	10/05/2017	0	40	40	20/06/2017
98	17/0757	53 Brisbane Street New Berrima NSW 2577 Lot 399 DP 15995	CG Eccleston	Residential Alterations and Additions	09/06/2017	0	5	5	14/06/2017
99	16/0982.02	Yacamunda 611 Inverary Road Paddys River NSW 2577 Lot 1 DP 236041 Lot 1 DP 500122 Lot 2 DP 110407 Lot 3 DP 110 407 Lot 5 DP 110407 Lot 86 DP 751284 PT Lot 142 DP 751286	SG Jenkins, PM Gray	Section 96 Modification (stage subdivision)	30/05/2017	0	21	21	20/06/2017
100	17/0287	56 Renwick Drive Renwick NSW 2575 Lot 1035 DP 1163906	Minister for Community Services & Assistant Minister for Health	Dwelling House	13/03/2017	13	72	85	07/06/2017

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
101	17/0352	48 Renwick Drive Renwick NSW 2575 Lot 1031 DP 1163906	Minister for Community Services & Assistant Minister for Health	Dwelling House	23/03/2017	13	56	69	31/05/2017
102	17/0170	101-103 Hoddle Street Robertson NSW 2577 Lot 1 DP 1066771	LJ Kerwand, RA Kerwand	Change of Use (food and drink premises)	16/02/2017	0	129	129	07/06/2017
103	17/0515	26-28 Missingham Parade Robertson NSW 2577 Lot A DP 308796	RV Wood, L Bannyan	Residential Alterations and Additions/	26/04/2017	0	40	40	06/06/2017
104	06/0545.02	Parraweena 97-101 Mackeys Lane Robertson NSW 2577 Lot 11 DP 607161	SE Russ, IG Russ	Section 96 Modification (location change)	16/06/2017	0	4	4	21/06/2017
105	17/0464	66 Joadja Street Welby NSW 2575 Lot 72 DP 578209	DJ Fairbairn, GS Fairbairn	Residential Alterations and Additions	13/04/2017	0	47	47	31/05/2017
106	17/0466	Stoneybark 231 Greenhills Road Weraï NSW 2577 Lot 1 DP 155046	RW Sampson, GM Stivano	Residential Alterations and Additions	13/04/2017	0	62	62	15/06/2017
107	17/0232	10A Drapers Road Willow Vale NSW 2575 Lot 1 DP 1227915	JA Williams, AN Williams	Dwelling House and Detached Secondary Dwelling	01/03/2017	17	74	91	01/06/2017
108	17/0575	32 Cordeaux Street Willow Vale NSW 2575 Lot 4 Sec 18 DP 792 Lot 5 Sec 18 DP 792	HA Moule, MG Moule	2 Lot Subdivision	08/05/2017	0	45	45	22/06/2017
109	17/0584	7 Warrigal Street Willow Vale NSW 2575 Lot 20 Sec 12 DP 792	MG Willis, NL Dare	Residential Alterations and Additions	09/05/2017	0	30	30	08/06/2017
110	17/0785	1 Railway Terrace Willow Vale NSW 2575 Lots 4-18 Sec 1 DP2687 & Lot 27 DP1192192	Esti Construction Pty Ltd, Paloma Blanca Pastoral Pty Ltd,	Residential Alterations and Additions	16/06/2017	0	7	7	23/06/2017
111	16/1341.04	28 Bumballa Road Wingello NSW 2579 Lot 2 DP 1222169	JD Flemmer, AL Flemmer	Section 96 Modification (addition of bathroom in shed)	11/05/2017	0	24	24	05/06/2017
112	17/0247	29 Starlight Avenue Wingello NSW 2579 Lot 5 DP 858873	AE Parro, SP Bromham	Dwelling House	03/03/2017	7	80	87	29/05/2017

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
113	17/0621	2 Jemima Lane Wingello NSW 2579 Lot 4 DP 1222169	TM George, LC George	Dwelling House & Garage	17/05/2017	0	36	36	22/06/2017
114	17/0660	71 Scribbly Gum Lane Wingello NSW 2579 Lot 3 DP 579061	GP Bramley, E Bramley	Residential Alterations and Additions	25/05/2017	0	22	22	16/06/2017
115	17/0545	55 Morris Road Woodlands NSW 2575 Lot 1 DP 619170	PR Hazzard	Residential Alterations and Additions	02/05/2017	0	34	34	06/06/2017
116	11/0790.03	Spring Hill 151 Springhill Road Woodlands NSW 2575 Lots 1-4 DP714779 & Lot 101 DP 714780 EP 043393 & PO 1985/6	Brad-Leigh International P/L	Section 96 Modification (additional rooms)	15/05/2017	13	9	22	07/06/2017

REFUSED APPLICATION

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	16/0959	92 Bowral Road Mittagong NSW 2575 Lot 12 DP 1000251	Rentquip (NSW) Pty Ltd, ACN 063 647 209 Pty Limited	Cluster Houses - Multi Dwelling, 6 single story Villas	07/10/2016	23	234	257	22/06/2017

Reasons for Refusal:

1. The overland flow path provided is not adequate to cater for the overland flow through the development as is required by Section D5.09.7 of Council Endorsed Policy "Development and Subdivision Engineering Standards and Planning Guidelines (previously DCP 41)". The proposed 2 metre easement is not considered sufficient to cater for the overland flow path for the 100 year ARI storm event.
2. The proposed development for multi dwelling housing, with substandard provision for the overland flow through the development is not considered conducive to achieving a coordinated, orderly development of Lot 12 DP 1000251, and is therefore considered contrary to 79C (b), (c) and (e) of the Environmental Planning and Assessment Act 1979, being the likely adverse impacts of the development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality, the suitability of the site for the development and the public interest.

Total Applications Determined: 117

ATTACHMENTS

There are no attachments to this report.



13.2 Development Applications Received from 25 May 2017 to 25 June 2017

Reference: 5302
 Report Author: Team Leader Business Support (Development)
 Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Delivery Program: Retain and make more distinctive the special qualities that make each town or village unique

PURPOSE

The purpose of this report is to update Councillors on Development Applications Received in the period 25 May 2017 to 25 June 2017.

RECOMMENDATION

THAT the information relating to Development Applications Received from 25 May 2017 to 25 June 2017 be received and noted.

RECEIVED APPLICATIONS BY DATE RANGE Date range: 25 May 2017 to 25 June 2017

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	17/0749	868 Sheepwash Road Avoca NSW 2577 Lot 1 DP 47908 Lot 1 DP 868970	CMA Dinnigan	Swimming Pool	08/06/2017		#PENDING		
2	16/0452.04	67 Park Avenue Aylmerton NSW 2575 Lot 55 DP 1111466	IS Holmes	Section 96 Modification (right of access and stormwater easement)	26/05/2017		#APPROVED	16/06/2017	
3	17/0684	10 Beresford Street Balaclava NSW 2575 Lot 2 Sec 12 DP 841	MR Walters, K Walters	7 Lot Subdivision	26/05/2017		#PENDING		✓
4	17/0790	49 Station Street Balmoral NSW 2571 Lot 5 DP 1145369	HM Spiteri, JA Larue	Dwelling House	19/06/2017		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
5	15/0298.04	1-3 Wingecarribee Street Berrima NSW 2577 Lot 1 Sec 29 DP 758098 Lot 1 DP 48625	JD Barnes	Section 96 Modification (Addition of covered link between kitchen and 2 storey gym/bedroom)	26/05/2017		#APPROVED	15/06/2017	
6	17/0686	477 Woodlands Road Berrima NSW 2577 Lot 1 DP 264624	J Hicks	Change of Use (Conversion of existing structure for establishment of a Farm Stay)	29/05/2017		#PENDING		✓
7	17/0802	16 Wingecarribee Street Berrima NSW 2577 Lot 131 DP 1225258	G Lancaster	Dwelling House	20/06/2017		#PENDING		
8	14/1089.04	1 King Ranch Drive Bowral NSW 2576 Lot 58 DP 807240	J Bova, A Bova	Section 96 Modification (Change in floor plan & access) Detached dual occupancy.	15/06/2017		#PENDING		
9	14/1203.06	24B Gladstone Road Bowral NSW 2576 Lot 31 DP 1176360	NT Davies	Section 96 Modification (continuation of existing deck)	21/06/2017		#PENDING		
10	16/1096.02	2B Clearview Street Bowral NSW 2576 Lot 3 DP 1031919	EJ Poulton	Section 96 Modification (pergola and window changes)	25/05/2017		#PENDING		
11	17/0678	16 Soma Avenue Bowral NSW 2576 Lot 22 DP 1124348	Phenomenal Investments Pty Ltd	Residential Alterations and Additions	26/05/2017		#APPROVED	07/06/2017	
12	17/0681	Scout Hall 2-8 Sherwood Avenue Bowral NSW 2576 Lot 1 DP 156182	The Scout Association of Australia New South Wales Branch	Change of Use (Scout Hall to guitar making workshop)	26/05/2017		#APPROVED	23/06/2017	
13	17/0694	170 Merrigang Street Bowral NSW 2576 Lot 2 DP 779350 Lot 2 DP 808145	TA Porter	Dwelling House	29/05/2017		#PENDING		
14	17/0699	32 Victoria Street Bowral NSW 2576 Lot 32 DP 1103769	BE Nichols, EP Nichols	2 Lot subdivision	30/05/2017		#PENDING		
15	17/0706	14 Rose Street Bowral NSW 2576 Lot 11 DP 1041336	SM Nolan	2 Lot subdivision	31/05/2017		#PENDING		
16	17/0722	186 Merrigang Street Bowral NSW 2576 Lot 10 DP 775567	B Unwin, RC Unwin	Residential Alterations and Additions	02/06/2017		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
17	17/0744	Boardman Road South Bowral NSW 2576 Lot 104 DP 1085033	KRB Property Holdings Pty Ltd	2 Lot Subdivision	08/06/2017		#PENDING		✓
18	17/0752	87 Merrigang Street Bowral NSW 2576 Lot 1 DP 508728	DM Crothers, SJ Crothers	Dwelling House	08/06/2017		#PENDING		
19	17/0760	2 Herald Drive Bowral NSW 2576 Lot 119 DP 1227641	BJ Leech	Residential Alterations and Additions	09/06/2017		#APPROVED	21/06/2017	
20	17/0765	10 Tullooona Avenue Bowral NSW 2576 Lot 1 DP 861375	MJ Feld, JA Feld	Residential Alterations and Additions	13/06/2017		#PENDING		
21	17/0783	29 Shepherd Street Bowral NSW 2576 Lot 2 DP 154958	SAH Pitt	Residential Alterations and Additions	16/06/2017		#PENDING		
22	17/0791	9 Carlisle Street Bowral NSW 2576 Lot 70 DP 714736	JA Gillick	Residential Alterations and Additions	19/06/2017		#PENDING		
23	17/0804	27 Emily Circuit Bowral NSW 2576 Lot 47 DP 1002881	AM Farrell, TF Jones	Residential Alterations and Additions	21/06/2017		#PENDING		
24	17/0805	9-11 Kiama Street Bowral NSW 2576 Lot 2 DP 736189	Linkwood Pty Ltd	Change of Use (industrial shed to private martial arts studio)	21/06/2017		#PENDING		✓
25	17/0810	3 Kimberley Drive Bowral NSW 2576 Lot 11 DP 746488	GJ Towell, PI Steadman- Towell	Residential Alterations and Additions	21/06/2017		#PENDING		
26	17/0816	80 Station Street Bowral NSW 2576 Lot 3 DP 740426	S Reekie, AF Reekie	Vehicle Repair Station	22/06/2017		#PENDING		✓
27	17/0823	160-162 Merrigang Street Bowral NSW 2576 Lot 12 DP 537451	MA Bryce, M Bryce	Demolition, Dwelling House, Tree Removal	23/06/2017		#PENDING		
28	17/0828	10 Martha Street Bowral NSW 2576 Lot 2 DP 306919	JE Miller, JO Miller	Residential Alterations and Additions to dwelling incl demolition of old garage - construction of new garage	23/06/2017		#PENDING		
29	17/0830	37 Boardman Road South Bowral NSW 2576 Lot 105 DP 1085033	JR Knox, RM Knox	Residential Alterations and Additions (Shed)	23/06/2017		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
30	17/0476.02	31 Kamilaroi Crescent Braemar NSW 2575 Lot 319 DP 1228384	SG Pinnington	Dwelling House	29/05/2017		#APPROVED	05/06/2017	
31	17/0477.02	29 Kamilaroi Crescent Braemar NSW 2575 Lot 320 DP 1228384	Danmolar Developments Pty Ltd	Dwelling House	25/05/2017		#PENDING		
32	17/0662	17 Woolpack Street Braemar NSW 2575 Lot 260 DP 1228384	JS Nelson, JL Nelson	Dwelling House	25/05/2017		#PENDING		
33	17/0711	28 Red Gum Drive Braemar NSW 2575 Lot 240 DP 1223682	NP Huthnance	Dwelling House	01/06/2017		#PENDING		
34	17/0720	27 Bartholomew Way Braemar NSW 2575 Lot 289 DP 1228384	CD John	Dwelling House	02/06/2017		#PENDING		
35	17/0768	29 Red Gum Drive Braemar NSW 2575 Lot 340 DP 1228384	DM Perinich, AN Perinich	Dwelling House	13/06/2017		#APPROVED	20/06/2017	
36	16/0037.04	87 Old Wingello Road Bundanoon NSW 2578 Lot 73 DP 1107858	HM Worrall	Section 96 Modification (floor plan changes)	30/05/2017		#APPROVED	08/06/2017	
37	17/0673	32A Penrose Road Bundanoon NSW 2578 Lot 9 DP 789202	JA Fulford-Talbot, JL Fulford-Talbot	Residential Alterations and Additions	26/05/2017		#PENDING		
38	17/0788	2 Rochester Drive Bundanoon NSW 2578 Lot 1 DP 1220012	MC O'Leary	Dwelling House	19/06/2017		#PENDING		
39	16/0056.06	Headmasters Residence 11-29 Railway Road Burradoo NSW 2576 Lot 14 DP 858747	Oxley College Ltd	Section 96 Modification (turret and building height)	14/06/2017	✓	#PENDING		✓
40	17/0683	1A Holly Road Burradoo NSW 2576 Lot 3 DP 1137728	RT Christie, M Christie	Dwelling House	26/05/2017		#PENDING		
41	17/0704	58 Sunninghill Avenue Burradoo NSW 2576 Lot 2 DP 860921	PM Hussey, DCL Hussey	Residential Alterations and Additions	31/05/2017		#APPROVED	20/06/2017	

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
42	17/0751	590-592 Moss Vale Road Burradoo NSW 2576 Lot 2 DP 258454	Wongabri Burradoo Pty Limited	7 Lot Subdivision	08/06/2017		#PENDING		✓
43	17/0784	5 Greyleaves Avenue Burradoo NSW 2576 Lot 5 DP 706353	BS Sacalle	Residential Alterations and Additions	16/06/2017		#PENDING		
44	17/0801	Eridge Park - Road Reserve 576 Moss Vale Road Burradoo NSW 2576 Lot 5 DP 1087928	Wingecarribee Shire Council	Temporary Use of Land (Bowral Classic Cycling event)	20/06/2017		#PENDING		
45	17/0822	22 Elizabeth Street Burradoo NSW 2576 Lot 14 DP 238802	TJ Jansz	Demolition and Dwelling House	23/06/2017		#PENDING		
46	17/0758	Crown Street Burrawang NSW 2577 Lots 16-17 Sec3 DP2660	M DI Marino	Residential Alterations and Additions	09/06/2017		#PENDING		
47	17/0826	509 Tugalong Road Canyonleigh NSW 2577 Lot 10 DP 1013769 & EP 345506	P Singleton, M Singleton	2 Lot Subdivision	23/06/2017		#PENDING		
48	17/0705	17 Jasmine Street Colo Vale NSW 2575 Lot 2 Sec 13 DP 2389	T Mazzeo	Residential Alterations and Additions	31/05/2017		#APPROVED	23/06/2017	
49	17/0772	6 Emerald Court Colo Vale NSW 2575 Lot 4 DP 1212335	JA Barker, BL Barker	Residential Alterations and Additions	14/06/2017		#PENDING		
50	17/0696	Pepper Tree Creek 2128 Kangaloon Road East Kangaloon NSW 2576 Lot 1 DP 957959	PA Susans	Swimming Pool	29/05/2017		#PENDING		
51	14/1322.04	100 Cornwall Road Exeter NSW 2579 Lot 22 DP 627877	CA Malouf, NM Chambers	Section 96 Modification (alteration to condition relating to minimum floor level)	20/06/2017		#PENDING		
52	16/0965.03	412 Ellsmore Road Exeter NSW 2579 Lot 7 DP 1222769	RA Davies	Section 96 Modification (dwelling location change and reduction in footprint)	06/06/2017		#PENDING		

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53	17/0685	299 Sallys Corner Road Exeter NSW 2579 Lot 21 DP 1015687	Letmar Investments Pty Limited	Change of Use (use existing cottage as a secondary dwelling)	29/05/2017		#PENDING		
54	17/0707	24 Ringwood Road Exeter NSW 2579 Lot 3 DP 777551	OD Jonas, MO Jonas	Residential Alterations and Additions	31/05/2017		#PENDING		
55	17/0734	88 Westgrove Road Exeter NSW 2579 Lot 2 DP 1194368	NB Marr, TA Marr	Residential Alterations and Additions	07/06/2017		#APPROVED	16/06/2017	
56	17/0786	267 Bundanoon Road Exeter NSW 2579 Lot 6 DP 1034907	Mittabah Holdings Pty Limited	2 Lot Subdivision	16/06/2017		#PENDING		
57	17/0793	Exeter Oval 16 Exeter Road Exeter NSW 2579 Part Lot 2 DP 1221039	Wingecarribee Shire Council	Recreation Facility (Memorial & Flag Pole relocation)	19/06/2017		#PENDING		
58	17/0832	57 Middle Road Exeter NSW 2579 Lot 1 DP 1084219	RA Berry, JC Berry	Residential Alterations and Additions	23/06/2017		#PENDING		
59	11/0710.01	56 Devon Road Exeter NSW 2579 Lot 56 DP 243731	DH Hartcher	Section 96 Modification (change driveway material)	16/06/2017		#PENDING		
60	13/0467.02	73 Cornwall Road Exeter NSW 2579 Lot 16 DP 243503	RIT Holdings Pty Limited	Section 96 Modification (building footprint increase)	26/05/2017		#APPROVED	09/06/2017	
61	17/0661	Linden Grange 103 Redhills Road Fitzroy Falls NSW 2577 Lot 11 DP 1031686	PO Hamilton, CA Hamilton	Swimming Pool	25/05/2017		#APPROVED	05/06/2017	
62	17/0833	191 Sheepwash Road Glenquarry NSW 2576 Lot 32 DP 631142	BH Rowjee, DR Maharaj	Residential Alterations and Additions	23/06/2017		#PENDING		
63	17/0667	Bushfire Shed 2163 Wombeyan Caves Road High Range NSW 2575 Lot 1 DP 706512	Wingecarribee Shire Council	Community Facility (Demolition of old Fire Station & construction of new)	25/05/2017		#PENDING		
64	17/0795	51 Harrison Lane High Range NSW 2575 Lot 9 DP 1094783	LA Ho, CY Ho	Secondary Dwelling	19/06/2017		#PENDING		
65	17/0803	25 Banksia Street Hill Top NSW 2575 Lot 20 DP 260997	JD Cook, KM Lee	Dwelling House	21/06/2017		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
66	17/0697	1300 Joadja Road Joadja NSW 2575 Lot 3 DP 1142305	MB Butcher, MG Richardson	Dwelling House	29/05/2017		#PENDING		
67	17/0821	1515 Kangaloon Road Kangaloon NSW 2576 Lot 1 DP 790608	NA Gonzalez	Residential Alterations and Additions	23/06/2017		#PENDING		
68	17/0799	Meryla Road Meryla NSW 2577 Lot 102 DP 1046374	MGT Timmins, SJW Smith	Residential Alterations and Additions	20/06/2017		#PENDING		
69	15/0628.06	1 Ferguson Crescent Mittagong NSW 2575 Lot 16 DP 1005636	J Griffin	Section 96 Modification (Relocation of building)	20/06/2017		#PENDING		
70	15/1197.03	6 Barton Close Mittagong NSW 2575 Lot 7 DP 1213476	BL Creswell- Young	Section 96 Modification (changes to floor plan)	23/06/2017		#PENDING		
71	16/0475.01	204 Oxley Drive Mittagong NSW 2575 Lot 499 DP 882929	MJ Walsh	Section 96 Modification (additional area and bathroom reconfiguration)	30/05/2017		#PENDING		
72	17/0664	Aboriginal Cultural Centre 1a Rainbow Road Mittagong NSW 2575 Lot 33 DP 9299	Wingecarribee Shire Council	Event to Celebrate NAIDOC Week	25/05/2017		#APPROVED	4/07/2017	
73	17/0672	12 Spencer Street Mittagong NSW 2575 Lot A DP 404604	J Pearson, B Pearson	Residential Alterations and Additions	26/05/2017		#PENDING		
74	17/0691	193-203 OLD Hume Highway Mittagong NSW 2575 Lot 1 DP 1142703	Bieson Pty Ltd	Change of Use (vacant retail to restaurant)	29/05/2017		#APPROVED	22/06/2017	
75	17/0710	37B Leopold Street Mittagong NSW 2575 Lot 56 DP 1123125	CM Garrett, P Garrett	Dwelling House	01/06/2017		#PENDING		
76	17/0743	3 Victoria Street Mittagong NSW 2575 Lot 1 DP 312786	AJ Massera, VE Clements	Residential Alterations and Additions, & Change of use of Outbuilding to Secondary Dwelling	07/06/2017		#PENDING		

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77	17/0756	21-23 Payten Street Mittagong NSW 2575 Lot C DP 373343 Lot D DP 373343	DG Reid	Seniors Housing (6 dwellings)	09/06/2017		#PENDING		✓
78	17/0759	35 Bowral Road Mittagong NSW 2575 Part Lot B DP 339380	M Nicolaous	Section 96 Modification (change width of driveway)	09/06/2017		#PENDING		
79	17/0766	30 Winifred Crescent Mittagong NSW 2575 Lot 59 DP 773272	AG Ryan, FA Langler	Residential Alterations and Additions	13/06/2017		#PENDING		
80	17/0781	49 Alfred Street Mittagong NSW 2575 Lot 3 DP 734911	MJ Lidden, JG Lidden	Residential Alterations and Additions	16/06/2017		#PENDING		
81	17/0787	Religious Teaching & Training 843 Old South Road Mittagong NSW 2575 Lot 1 DP 804746	Marist Brothers	Residential Alterations and Additions	16/06/2017		#PENDING		
82	17/0824	32-34 Priestley Street Mittagong NSW 2575 Lot 1 DP 811388	F M Legge Bld C & D Pty Ltd	Change of Use (vacant industrial to vehicle repair shop)	23/06/2017		#PENDING		
83	15/0146.05	Police Station & Res 67 Elizabeth Street Moss Vale NSW 2577 Lot 1 DP 198566	NSW Police Department	Section 96 Modification (addition of sub station)	09/06/2017		#PENDING		
84	15/0810.04	Baker Street Moss Vale NSW 2577 Lot 36 DP 1202638	Broughton Street Moss Vale Pty Ltd	Section 96 Modification (re-numbering)	26/05/2017		#PENDING		
85	16/0754.03	45 Hoskins Street Moss Vale NSW 2577 Lot 1 DP 781256	DJ Sidebottom	Section 96 Modification (remove reference to building envelope)	31/05/2017		#APPROVED	07/06/2017	✓
86	17/0004.04	23 Joseph Hollins Street Moss Vale NSW 2577 Lot 81 DP 1218966	LN Beard, EJ Beard	Section 96 Modification (dwelling relocation)	26/05/2017		#APPROVED	02/06/2017	
87	17/0207.02	Lot 24 605 Argyle Street Moss Vale NSW 2577 Lot 24 DP 585487	Quipma Pty Ltd	Section 82A Review	19/06/2017		#PENDING		✓

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
88	17/0248.04	59-65 Berrima Road Moss Vale NSW 2577 Lot 7 DP 1129996	Konui Pty Limited	Section 96 Modification (relocate office)	09/06/2017		#PENDING		
89	17/0293.03	11 Stanley Terrace Moss Vale NSW 2577 Lot 10 DP 262491	JD McDonnell, CR Chesterfield	Section 96 Modification (removal of walls)	16/06/2017		#PENDING		
90	17/0319.01	14-16 Parkes Road Moss Vale NSW 2577 Lot 1 DP 1210160	SY O'Dwyer	Section 82A Review	15/06/2017	✓	#PENDING		✓
91	17/0410.03	85 Mt Ashby Road Moss Vale NSW 2577 Lot 1 DP 150007	AGT Macpherson, PM Hoffman	Section 96 Modification (shed layout)	26/05/2017		#PENDING		
92	17/0668	50 Valetta Street Moss Vale NSW 2577 Lot 1 DP 602969	SHP Hardy, LC Hardy	Residential Alterations and Additions	25/05/2017		#APPROVED	15/06/2017	
93	17/0687	13 North Street Moss Vale NSW 2577 Lot 9 DP 217785	GD Rannard	Residential Alterations and Additions	29/05/2017		#PENDING		
94	17/0708	8 East Street Moss Vale NSW 2577 Lot C DP 156743	S King	Change of Use (dual occupancy to enable holiday letting)	31/05/2017		#PENDING		✓
95	17/0721	41A Robertson Road Moss Vale NSW 2577 Lot 202 DP 792948	PJ Hewson, CM Hewson	Residential Alterations and Additions	02/06/2017		#APPROVED	06/06/2017	
96	17/0725	15 Salamander Place Moss Vale NSW 2577 Lot 8 DP 1221913	IK Keeley, CE Thorne	Dwelling House	05/06/2017		#PENDING		
97	17/0732	12 Wembley Road Moss Vale NSW 2577 Lot 17 DP 1025525	MP Maunder	2 Lot Subdivision	06/06/2017		#PENDING		✓
98	17/0741	74 Yarrowa Road Moss Vale NSW 2577 Lot 12 DP 790612	C Bowman, PT Multari	Residential Alterations and Additions	07/06/2017		#PENDING		
99	17/0745	14 Tomley Street Moss Vale NSW 2577 Lot 8 DP 1072897	RM Pope	Residential Alterations and Additions	08/06/2017		#PENDING		23 June
100	17/0755	15 Koyong Close Moss Vale NSW 2577 Lot 9 DP 262485	MFW Plant	Continued use of screen enclosure	09/06/2017		#APPROVED	14/06/2017	

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
101	17/0773	65 Farnborough Drive Moss Vale NSW 2577 Lot 164 DP 1095417	GC Wellington, MM Wellington	Swimming Pool	14/06/2017		#PENDING		
102	17/0779	Works Depot 53-57 Berrima Road Moss Vale NSW 2577 Lot 1 DP 522057	Wingecarribee Shire Council	Office Premises	15/06/2017		#PENDING		
103	17/0807	Headlam Road Moss Vale NSW 2577 Lot 100 DP 1089935	Waratah Thoroughbreds Pty Limited	Advertising Structure - Flagpole	21/06/2017		#PENDING		
104	17/0809	10 Yarrowa Street Moss Vale NSW 2577 Lot 11 DP 543869	KD Hodges, R Dean	Residential Alterations and Additions	21/06/2017		#PENDING		
105	17/0811	22 Yarrowa Street Moss Vale NSW 2577 Lot 3 DP 37492	AHF Booth, L Booth	Residential Alterations and Additions	21/06/2017		#PENDING		
106	17/0814	68 Watson Road Moss Vale NSW 2577 Lot 2 DP 1055416	PJ Zantis, J Zantis	2 Lot Subdivision	22/06/2017		#PENDING		
107	17/0757	53 Brisbane Street New Berrima NSW 2577 Lot 399 DP 15995	CG Eccleston	Residential Alterations and Additions	09/06/2017		#APPROVED	14/06/2017	
108	16/0982.02	Yacamunda 611 Inverary Road Paddys River NSW 2577 Lot 1 DP 236041 Lot 1 DP 500122 Lot 2 DP 110407 Lot 3 DP 110 407 Lot 5 DP 110407 Lot 86 DP 751284 PT Lot 142 DP 751286 (SG Jenkins, PM Gray	Section 96 Modification (stage subdivision)	30/05/2017		#APPROVED	20/06/2017	
109	17/0771	64 May Street Robertson NSW 2577 Lot 31 DP 807699	S Teri, TM Moore	Residential Alterations and Additions	14/06/2017		#PENDING		
110	17/0796	39 Hoddle Street Robertson NSW 2577 Lot 4 Sec 15 DP 758882	AE Cauchi	Residential Alterations and Additions	19/06/2017		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
111	06/0545.02	Parraweena 97-101 Mackeys Lane Robertson NSW 2577 Lot 11 DP 607161	SE Russ, IG Russ	Section 96 Modification (change of location on site)	16/06/2017		#APPROVED	21/06/2017	
112	17/0794	42 Oldbury Road Sutton Forest NSW 2577 Part Lot 1 DP 10658	Gumuny Holdings Pty Ltd	Tourist and Visitor Accommodation & Function Facility	19/06/2017	✓	#PENDING		✓
113	17/0774	1260 Belmore Falls Road Wildes Meadow NSW 2577 Lot 32 DP 751302	SM Wilkinson, CP Wilkinson	Residential Alterations and Additions	14/06/2017		#PENDING		
114	17/0665	8B Drapers Road Willow Vale NSW 2575 Lot 43 DP 1227677	LJ Dander, HE Dander	Residential Alterations and Additions	25/05/2017		#PENDING		
115	17/0742	7 Gascoigne Street Willow Vale NSW 2575 Lot 27 DP 702004	A Brenning	Continued use of carport and patio/deck	07/06/2017		#PENDING		
116	17/0748	4C Drapers Road Willow Vale NSW 2575 Lot 4 DP 1221560	HG Parker, KA Toovey	Dwelling House	08/06/2017		#PENDING		
117	17/0785	1 Railway Terrace Willow Vale NSW 2575 Lots 4-18 Sec 1 DP2687 & Lot 27 DP1192192	Esti Construction Pty Ltd, Paloma Blanca Pastoral Pty Ltd	Residential Alterations and Additions	16/06/2017		#APPROVED	23/06/2017	
118	16/1300.04	85 Railway Parade Wingello NSW 2579 Lot 7 Sec 9 DP 759097	SJ Shallis, DJ Shallis	Section 96 Modification (relocate effluent disposal area)	19/06/2017		#PENDING		
119	17/0660	71 Scribbly Gum Lane Wingello NSW 2579 Lot 3 DP 579061	GP Bramley, E Bramley	Residential Alterations and Additions	25/05/2017		#APPROVED	16/06/2017	
120	17/0754	300 Scribbly Gum Lane Wingello NSW 2579 Lot 1 DP 1226377	J.H. Gotts Holdings Pty Ltd	Dwelling House	09/06/2017		#PENDING		
121	17/0797	411 Wombeyan Caves Road Woodlands NSW 2575 Lot 21 DP 252864	JM Adams	Residential Alterations and Additions, Secondary Dwelling	19/06/2017		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
122	17/0731	37-39 Sunrise Road Yerrinbool NSW 2575 Lot 64 DP 9882 Lot 65 DP 9882	MS Thomas, DL Thomas	Residential Alterations and Additions	06/06/2017		#PENDING		

Total Applications Received: 122

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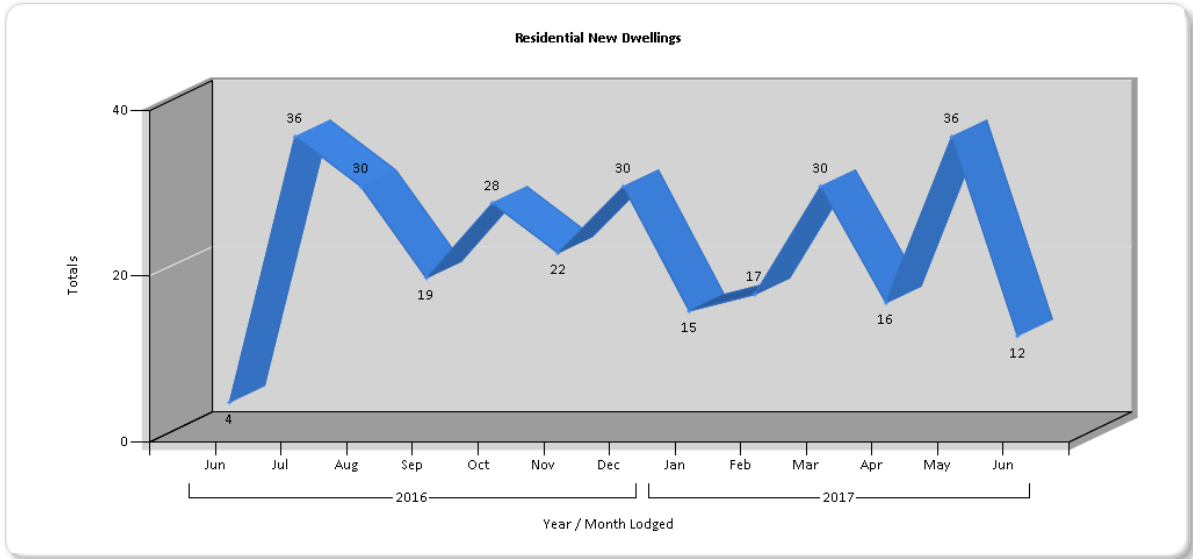
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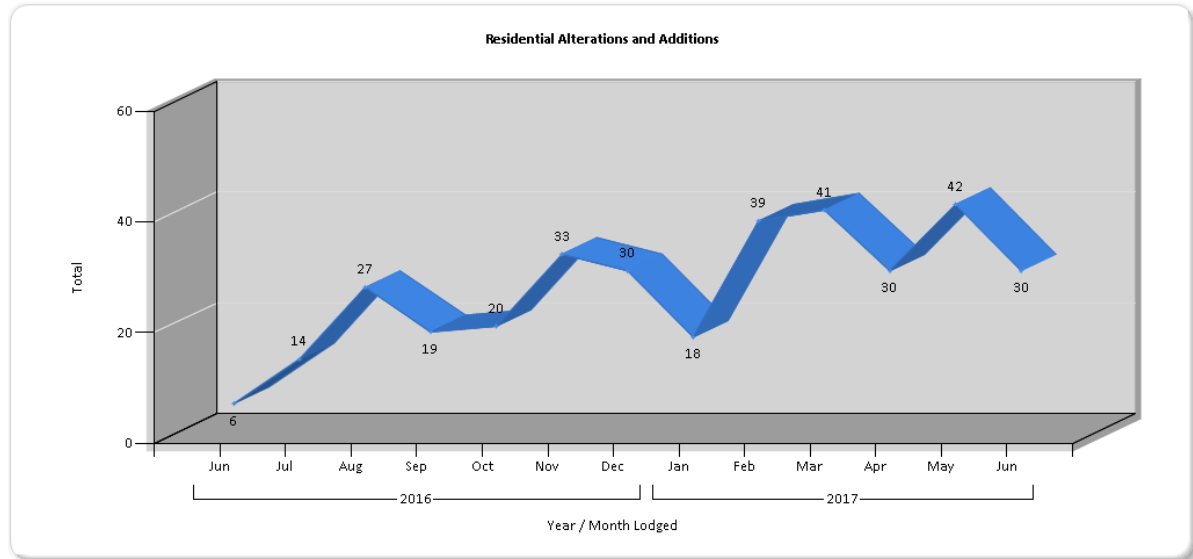
Applications Received New Residential Dwellings

Date To: 25/06/2017



Applications Received Residential Alterations and Additions

Date To: 25/06/2017



ATTACHMENTS

There are no attachments to this report.



13.3 Planning Proposals from Wingecarribee Local Planning Strategy

Reference: 5901

Report Author: Acting Strategic Planning Team Leader/Coordinator

Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Delivery Program: Provide for housing types that match projected demographic and household needs in appropriate locations

PURPOSE

The purpose of this report is to consider Planning Proposals submitted to Council in response to being supported in the relevant Precinct Plan of the Wingecarribee Local Planning Strategy 2015-2031.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT:

1. Lots 55 to 60 DP751252 be amalgamated into three (3) lots which together with Lot 64 DP751252, Nathan Street, Berrima, be included in Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010 permitting development for the purpose of a dwelling house on each lot.
2. Lots 194 & 195, 198-200, 202-207 and 208-214, Odessa Street and Australia Avenue, Berrima, be amalgamated into four (4) lots as indicated in the proposed lot layout submitted with the Planning Proposal and be zoned E4 Environmental Living with a minimum lot size of 3 hectares under Wingecarribee Local Environmental Plan 2010.
3. Wingecarribee Local Environmental Plan 2010 be amended to include Lot 109 DP 664112, 2 Wilson Drive, Hill Top, in Schedule 1 (Additional Permitted uses) to permit development for the purposes of a dwelling house.
4. Wingecarribee Local Environmental Plan 2010 be amended to zone that portion of land adjoining Mittagong railway station which is the subject of a lease between ARTC and the proponent, from SP2 Rail Infrastructure to B4 Mixed Use with a maximum height of 10m and a maximum floor space ratio of 0.5:1.
5. Wingecarribee Local Environmental Plan 2010 be amended to reduce the minimum lot size to 1 hectare for the following properties: Lot 15 DP 15496 (12 Gibraltar Road Bowral), Lot 114 DP 15496 (14 Gibraltar Road Bowral), Lot 112 DP 15496 (18 Gibraltar Road Bowral), Lot 103 DP 15496 (7 Gibraltar Road Bowral), Lot 105 DP 15496 (11 Gibraltar Road Bowral), Lot 106 DP 15496 (13 Gibraltar Road Bowral), Part Lot 107 DP 15496 (15 Gibraltar Road Bowral), Lot 108 DP 15496 (17 Gibraltar Road Bowral) and Lot 109 DP 15496 (19 Gibraltar Road Bowral)
6. Wingecarribee Local Environmental Plan 2010 be amended to include Lot 50 DP556644, 2A Cliff Street Bowral, in Schedule 1 (Additional Permitted uses) to permit development for the purposes of a two lot residential subdivision.
7. Wingecarribee Local Environmental Plan 2010 be amended to rezone to R2 Low Density Residential and apply a minimum lot size of 2000m² to Lot 41 DP 1058534, 873 Penrose Road, Penrose and Lot 22 DP 11288, 871 Penrose Road, Penrose and to that part of Lot 42 DP 1058534, 46 Koolilabah Road, Penrose fronting Penrose Road between Lot 13 DP 11288 and Lot 41 DP 1058534, being approximately 4000m² in area.
8. The Planning Proposal to rezone Lot 1 DP 819424, Darraby Lodge, Broughton Street Moss Vale from E3 Environmental Management to R2 Low Density Residential and apply a minimum lot size of between 450m² and 2000m² to achieve a lot yield of 227 **NOT BE SUPPORTED**.
9. The Planning Proposals currently before Council pertaining to 74-76 and 77 Beaconsfield Road and 69 Bulwer Road Moss Vale **NOT BE SUPPORTED** at this time, but that a North West Moss Vale Residential Study be drafted by Strategic Planning staff in consultation with property owners for further consideration by Council.



REPORT

BACKGROUND

During the preparation of the Wingecarribee Local Planning Strategy 2015 to 2031, several submissions were made to Council requesting a variation to Wingecarribee Local Environmental Plan LEP (WLEP) 2010 to permit residential development of their land. All submissions were considered and all properties visited. Those submissions which were supported were included in the relevant Precinct Plan of the draft Local Planning Strategy which Council resolved to place on public exhibition on 24 June 2015.

At the end of the exhibition period, all submissions were reviewed and considered. The post exhibition report was considered at the Ordinary Meeting of Council on 23 March 2016 and the Wingecarribee Local Planning Strategy 2015-2031, including the Precinct Plans, was adopted by Council.

The adopted Strategy was subsequently sent to the Department of Planning and Environment for endorsement. Council was advised by the Department on 15 May 2017 that it had endorsed all the Strategy except Chapter 4 (Meeting Our Housing Needs). Therefore, the Precinct Plans have been endorsed. It is noted that, as part of the endorsement process, all properties included in the Precinct Plans were inspected by planning staff from the Department and no objections were raised to any properties being endorsed.

REPORT

This report considers all Planning Proposals subsequently received by Council in response to the adoption of the Wingecarribee Local Planning Strategy 2015-2031 on 23 March 2016. Each is considered in turn.

1. Nathan Street, Berrima

The subject land comprises lots 55-60 and 64 in DP751252 and they have a combined area of 9.4 hectares. Lots 55-60 are contiguous and form the bulk of the site with a combined area of approximately 6 hectares, while Lot 64 is a separate parcel of approximately 3.4 hectares at the western end of the site. The location of the subject land is indicated in **Figure 1** below which is reproduced at A3 size under separate cover as **Attachment 1** to this report.

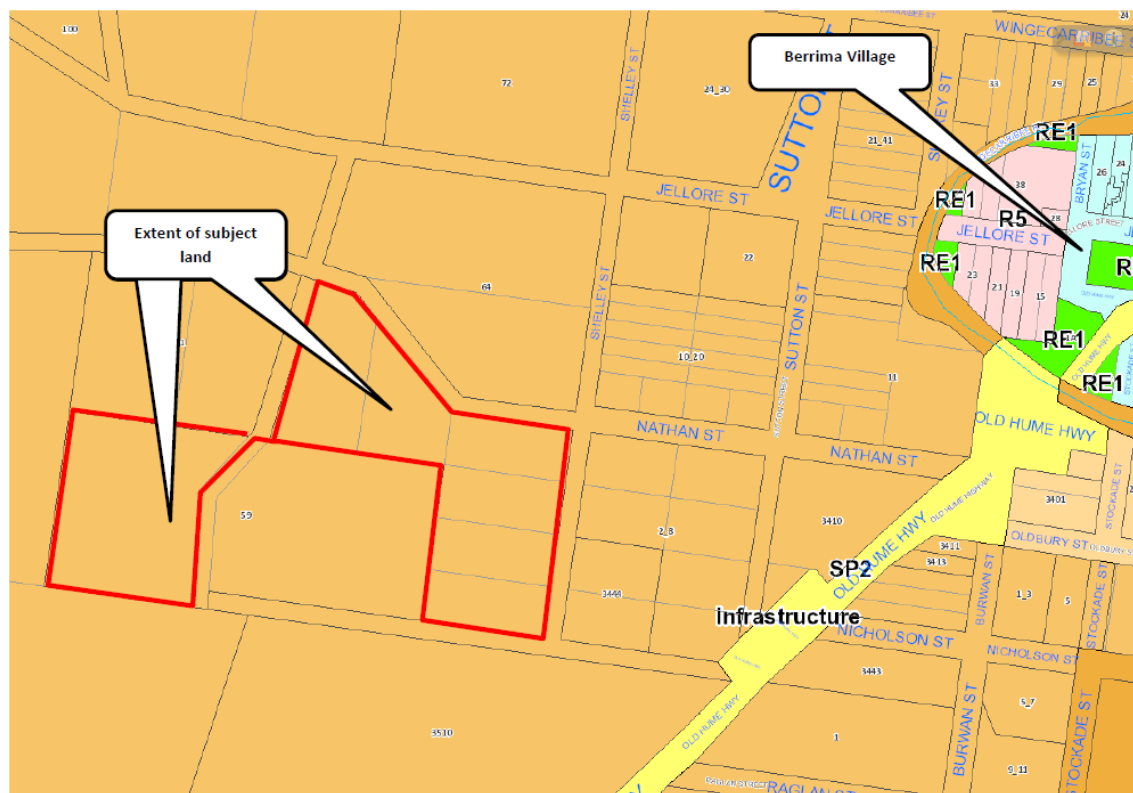


Figure 1

The land is zoned E3 Environmental Management with a minimum lot size of 40 hectares. The majority of the site is located within the Berrima Landscape Conservation Area with the exception of the major proportion of Lot 64 which is outside of this area.

A submission to consider amending WLEP 2010 to enable the creation of four lots was assessed during the preparation of the draft Local Planning Strategy and it was determined that there was sufficient strategic merit to include the subject land within the draft Berrima Village Precinct Plan for the purposes of public exhibition.

Some 16 submissions were received during the exhibition period, all of them objecting to the proposal. The report to Council of 23 March 2016 noted that most submissions addressed the fact that the subject land is within the Berrima Landscape Conservation Area and provided an important 'green space' between Berrima and New Berrima. The report further noted that the Berrima Landscape Conservation Area does not prohibit residential development, but rather ensures that any impacts, especially visual impacts are minimal.

There is limited remaining capacity within Berrima Village and the provision of four (4) additional dwellings is considered an acceptable contribution to housing needs without adversely impacting the heritage value of the village.

The proposal was subsequently included in the adopted Wingecarribee Local Planning Strategy 2015-2031. Planning staff from the Department of Planning and Environment inspected the site and supported the proposal.

A Planning Proposal to achieve 4 lots/dwellings at Nathan Street Berrima was submitted to Council by Lee Environmental Planning in June 2016 and forms **Attachment 2** to this report.

The Planning Proposal subsequently submitted to Council seeks to progress the resolution as included in the adopted Strategy to create four residential lots without variation. The Proposal was assessed and strategic merits identified in previous assessments of the proposal are considered to remain valid. It is noted that any future use of the created allotments under the proposed WLEP 2010 amendments would be the subject of separate Development Applications. Therefore, it is **RECOMMENDED THAT**:

Lots 55 to 60 DP751252 be amalgamated into three (3) lots which together with Lot 64 DP751252, Nathan Street, Berrima, be included in Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010 permitting development for the purpose of a dwelling house on each lot.

2. Odessa Street and Australia Avenue, Berrima

This site is separated into 2 portions that together have an area of approximately 13.62 hectares as follows:

- The western end of the site made up of Lots 194, 195 fronting Australia Avenue and Lots 202-207 and lots 198-200 in the middle of the site, west of Burwan Street. This part of the site has an area of approximately 6.83 hectares; and
- The eastern end of the site made up of Lots 208 to 214 east of Burwan Street which has a total area of approximately 6.79 hectares.

The location of the subject land is indicated in **Figure 2**

below which is reproduced at A3 size under separate cover as **Attachment 3** to this report.

The land is zoned E3 Environmental Management with a minimum lot size of 40 hectares and is located wholly within the Berrima Landscape Conservation Area.

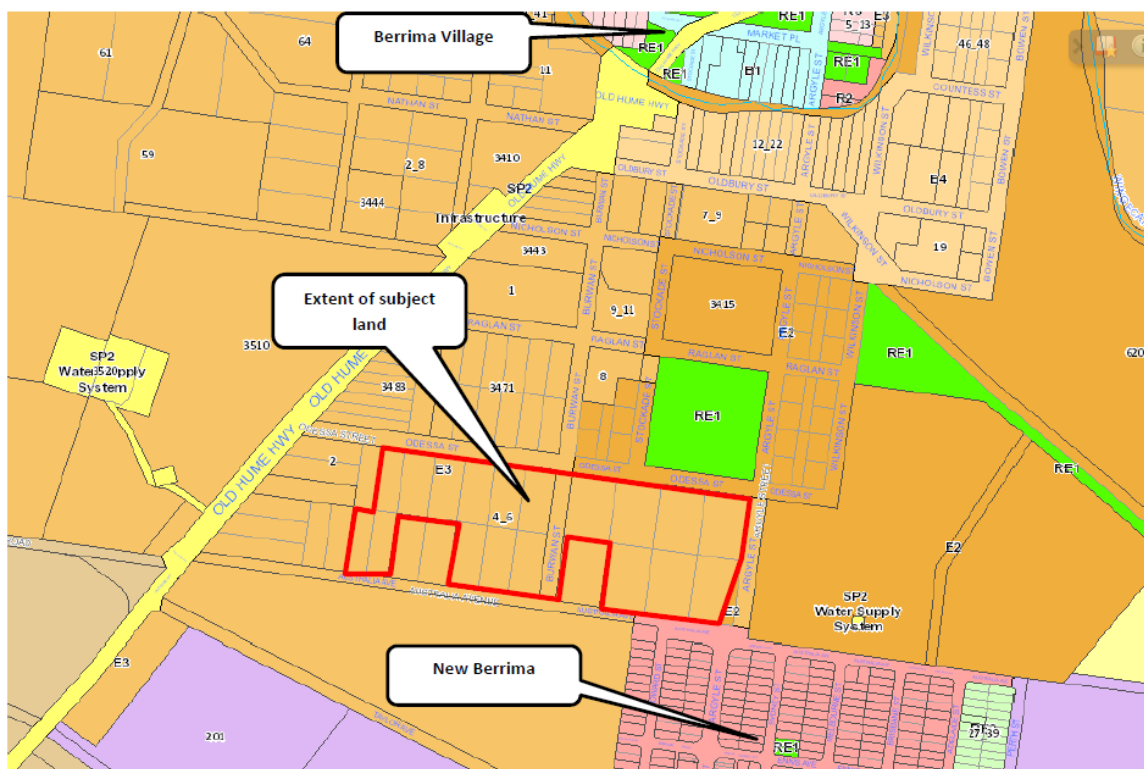


Figure 2

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A submission to consider amending WLEP 2010 to enable the creation of three lots was assessed during the preparation of the draft Local Planning Strategy and it was determined that there was sufficient strategic merit to include the subject land within the draft Berrima Village Precinct Plan for the purposes of public exhibition.

Some 17 submissions were received during the exhibition period, 16 of them objecting to the proposal and one supporting it. The report to Council of 23 March 2016 noted that most submissions addressed the fact that the subject land is within the Berrima Landscape Conservation Area and provided an important 'green space' between Berrima and New Berrima. The report further noted that the Berrima Landscape Conservation Area does not prohibit residential development, but rather ensures that any impacts, especially visual impacts are minimal.

The proposal was subsequently included in the adopted Wingecarribee Local Planning Strategy 2015-2031. Planning staff from the Department of Planning and Environment inspected the site and supported the proposal.

A Planning Proposal to achieve 4 lots/dwellings at Odessa Street Berrima was submitted to Council by Lee Environmental Planning in June 2016 and forms **Attachment 4** to this report. The Planning Proposal was assessed and it was noted that it seeks to rezone the land to E4 Environmental Living instead of RU4 Primary Production Small Lots. It also presents a case for applying a minimum lot size of 3 hectares rather than the 4 hectares contained within the adopted Strategy due to the configuration of the total site. This would achieve a total of four (4) lots instead of three (3) as indicated in the following proposed lot layout.



There is limited remaining capacity within Berrima Village and the proposed rezoning and provision of four (4) amalgamated lots is considered an acceptable contribution to housing need without adversely impacting the heritage value of the village. The strategic merits identified in previous assessments of the proposal are considered to remain valid. It is noted that any future use of the created allotments under the proposed WLEP 2010 amendments would be the subject of separate Development Applications. Therefore, it is **RECOMMENDED THAT:**

Lots 194 & 195, 198-200, 202-207 and 208-214, Odessa Street and Australia Avenue, Berrima, be amalgamated into four (4) lots as indicated in the proposed lot layout submitted with the Planning Proposal and be zoned E4 Environmental Living with a minimum lot size of 3 hectares under Wingecarribee Local Environmental Plan 2010.

Therefore, it is RECOMMENDED THAT:

Wingecarribee Local Environmental Plan 2010 be amended to include Lot 109 DP 664112, 2 Wilson Drive, Hill Top, in Schedule 1 (Additional Permitted uses) to permit development for the purposes of a dwelling house.

4. Railway land fronting Regent Street Mittagong

The subject land is zoned SP2 Rail Infrastructure and is located adjacent to the Mittagong Railway Station. The location of the subject land is indicated in **Figure 4** below which is reproduced at A3 size under separate cover as **Attachment 7** to this report.



Figure 4

The leased area covers some 14,117m² and the proponent seeks to rezone the land to B4 Mixed Use in order to permit development of the site for commercial markets.

Council has considered this proposal on several occasions concluding with a submission to the Local Planning Strategy which was assessed during the preparation of the draft Local Planning Strategy and included within the draft Mittagong Township Precinct Plan for the purposes of public exhibition. No submissions were received and the proposal was subsequently included in the adopted Wingecarribee Local Planning Strategy 2015-2031. Planning staff from the Department of Planning and Environment inspected the site and supported the proposal.

A Planning Proposal to rezone to B4 Mixed Use land owned by ARTC but leased to the proponent was submitted to Council by the proponent in May 2016 and forms **Attachment 8** to this report. The Proposal was assessed and strategic merits identified in previous assessments of the proposal are considered to remain valid. It is noted that any future use

of the site under the proposed WLEP 2010 amendments would be the subject of a separate Development Application.

It is RECOMMENDED THAT:

Wingecarribee Local Environmental Plan 2010 be amended to zone that portion of land adjoining Mittagong railway station which is the subject of a lease between ARTC and the proponent, from SP2 Rail Infrastructure to B4 Mixed Use with a maximum height of 10m and a maximum floor space ratio of 0.5:1.

5. 15 Gibraltar Road, Mittagong

The subject land, Lot 107 DP 15496, 15 Gibraltar Road, Mittagong, is located on the southern boundary of the Mittagong Township urban area. The location of the subject land is indicated in **Figure 5** below which is reproduced at A3 size under separate cover as **Attachment 9** to this report.

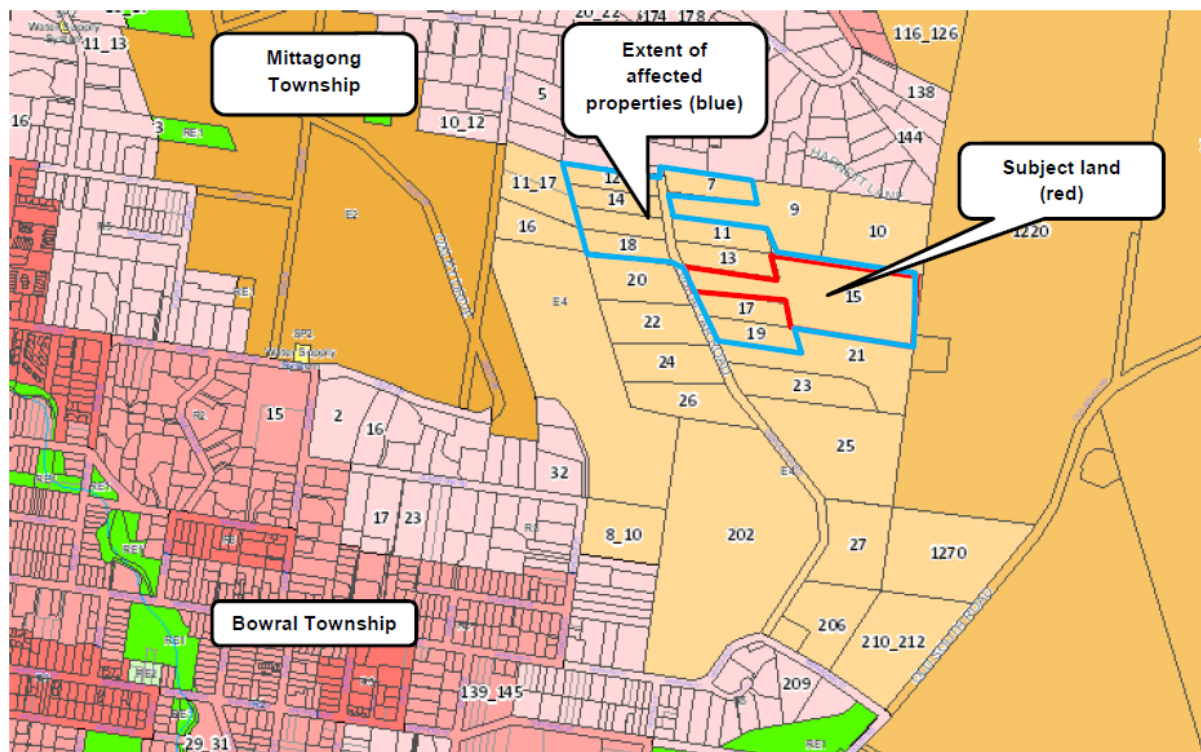


Figure 5

The subject lot is zoned E4 Rural Living with a minimum lot size of 4 hectares. The site has an area of approximately 6.5 hectares with a narrow portion closest to the street of approximately 1 hectare, consistent with adjoining lots along Gibraltar Road. The site contains two separate dwellings one located in the narrower portion closer to Gibraltar Road, the other within the wider rear portion of the site.

A submission was made to the draft Local Planning Strategy to reduce the minimum lot size to 2 hectares to permit subdivision of each dwelling. Council would not normally support such a request however the existing street pattern of Gibraltar Road consists of properties of approximately 1 hectare in area with only three (3), including the subject site, comprising

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larger areas with a narrower portion close to Gibraltar Road of an approximate area of 1 hectare. The map (Attachment 5A) indicates this street pattern.

In view of the unusual street pattern with many of the lots below the minimum lot size of 4 hectares, it was recommended that a more strategic approach be taken of amending the minimum lot size of the immediate area to 1 hectare to enable those smaller lots to have a dwelling entitlement under the minimum lot size rather than relying on other provisions in the LEP.

The proposal was included within the draft Mittagong Township Precinct Plan for the purposes of public exhibition. No submissions were received and the proposal was subsequently included in the adopted Wingecarribee Local Planning Strategy 2015-2031. Planning staff from the Department of Planning and Environment inspected the site and supported the proposal.

A Planning Proposal to permit the rezoning and subdivision of 15 Gibraltar Road Mittagong was submitted to Council by Bureaucracy Busters in October 2016 seeking to progress the resolution as included in the adopted Strategy. This Proposal forms **Attachment 10** to this report.

The intent of the resolution in the adopted Local Planning Strategy is to apply the 1 hectare minimum lot size to that portion of the site closest to Gibraltar Road which contains one of the existing dwellings and which would retain the existing street pattern of smaller lots of approximately 1 hectare. The remainder of the site would retain the current 4 hectare minimum. This achieves the intended outcome for the subject site and also enables those existing lots which are at 1 hectare to rely on the minimum lot size map for their dwelling entitlement.

Two other lots on the eastern side of Gibraltar Road have a similar configuration to the subject land, Number 9 and Number 21. Number 9 contains one dwelling located close to Gibraltar Road and covers an area of some 3.4 hectares. Number 21 contains one dwelling located in the rear portion of the site and covers an area of some 3.7 hectares. Neither lot contains two dwellings. Therefore it is not intended to vary the minimum lot size of these two lots as to do so would create two additional allotments with the potential for two new dwellings.

Therefore, it is **RECOMMENDED THAT**: *Wingecarribee Local Environmental Plan 2010 be amended to reduce the minimum lot size to 1 hectare for the following properties:*

Lot 15 DP 15496 (12 Gibraltar Road Bowral), Lot 114 DP 15496 (14 Gibraltar Road Bowral), Lot 112 DP 15496 (18 Gibraltar Road Bowral), Lot 103 DP 15496 (7 Gibraltar Road Bowral), Lot 105 DP 15496 (11 Gibraltar Road Bowral), Lot 106 DP 15496 (13 Gibraltar Road Bowral), Part Lot 107 DP 15496 (15 Gibraltar Road Bowral), Lot 108 DP 15496 (17 Gibraltar Road Bowral) and Lot 109 DP 15496 (19 Gibraltar Road Bowral)

6. 2A Cliff Street Bowral

The subject land, Lot 50 DP556644, 2A Cliff Street, Bowral, is zoned R5 Large Lot Residential and adjoins the northern urban boundary of Bowral. The location of the subject land is indicated in **Figure 6** below which is reproduced at A3 size under separate cover as **Attachment 11** to this report.

The minimum lot size of the R5 zone is 4000m² but the area of the subject land is only 700m², the same as the adjoining R3 Medium Density Residential zoned land to the immediate south. Two (2) dwellings are located on the site.

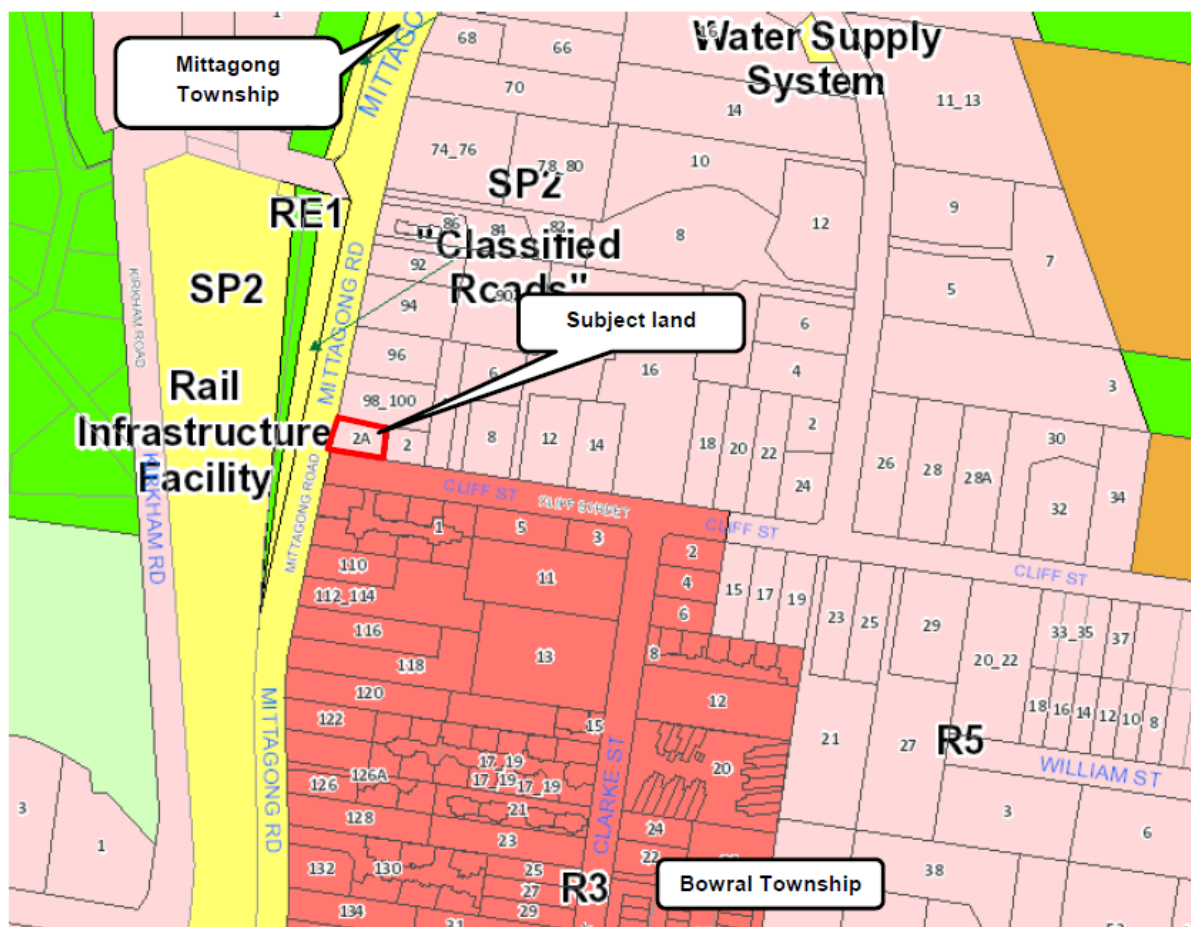


Figure 6

A submission to consider amending WLEP 2010 to enable subdivision of the site to allow each dwelling to have its own title was assessed during the preparation of the draft Local Planning Strategy. It was determined that, given two dwellings already exist on the site, the site is well below the minimum lot size of 4000m² and more comparable with the size of many adjoining lots in the R3 Medium Density Residential zone and the site fronts Bowral Road on the R5/R3 zone interface, there was sufficient strategic merit to include the subject land within the draft Bowral Township Precinct Plan for the purposes of public exhibition.

No submissions were received and the proposal was subsequently included in the adopted Wingecarribee Local Planning Strategy 2015-2031.

A Planning Proposal to amend the minimum lot size map for the site from 4000m² to 300m² to enable subdivision of two existing dwellings was submitted to Council by Lee Environmental Planning in August 2016 and forms **Attachment 12** to this report. This Proposal seeks to progress the resolution as included in the adopted Strategy to achieve subdivision of the existing dwellings.

The Proposal was assessed and the strategic merits identified in previous assessments of the proposal are considered to remain valid. The Proposal nominated subdivision potential be achieved either by rezoning or including the land in Schedule 1 of WLEP 2010 to permit development for the purposes of a dwelling house. Schedule 1 is preferred as it limits the extent of the amendment to the current two dwellings without impacting on the zoning or minimum lot size of the site. It is noted that any future use of the site, including subdivision

under the proposed WLEP 2010 amendment would be the subject of a separate Development Application. Therefore, it is **RECOMMENDED THAT:**

Wingecarribee Local Environmental Plan 2010 be amended to include Lot 50 DP556644, 2A Cliff Street Bowral, in Schedule 1 (Additional Permitted uses) to permit development for the purposes of a two lot residential subdivision.

7. **46 Koolilabah Lane Penrose**

The subject land, Lot 42 DP 1058534, 46 Koolilabah Lane, Penrose, is zoned E3 Environmental Management with a minimum lot size of 40 hectares and adjoins the northern edge of the existing Penrose Village residential area. The location of the subject land is indicated in **Figure 7** below which is reproduced at A3 size under separate cover as **Attachment 13** to this report.

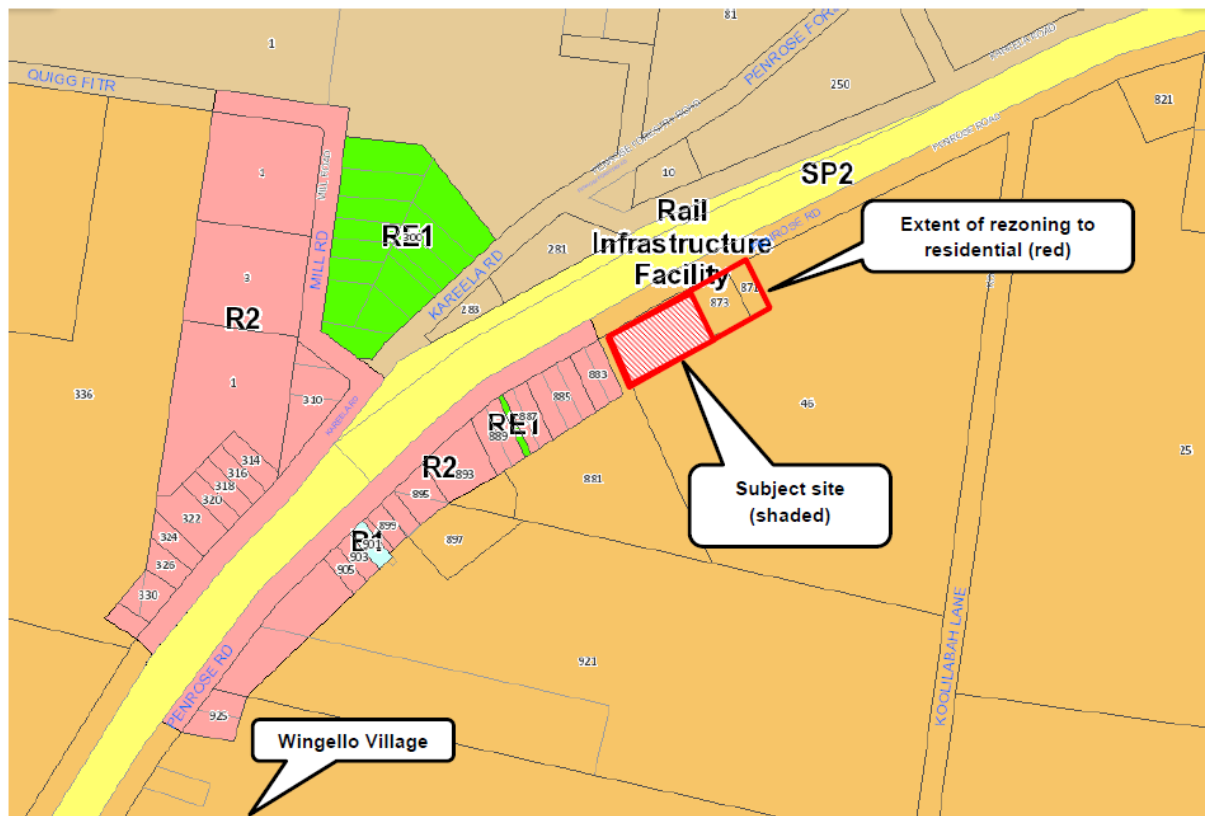


Figure 7

A submission was made to the draft Local Planning Strategy to rezone that portion of the site fronting Penrose Road to enable the creation of two additional residential lots. The proposal was assessed during the preparation of the draft Local Planning Strategy and it was determined that there was strategic merit in extending the Penrose urban area to include this subject land and the adjoining smaller lots. The proposal was included within the draft Penrose and Wingello Villages Precinct Plan for the purposes of public exhibition. One (1) submission of support was received and the proposal was subsequently included in the adopted Wingecarribee Local Planning Strategy 2015-2031. Planning staff from the Department of Planning and Environment inspected the site and supported the proposal.

A Planning Proposal to permit the rezoning and subdivision of part of Lot 42 DP 1058534, 42 Koolilabah Road, Penrose, was submitted to Council by the proponents in July 2016 seeking to progress the resolution as included in the adopted Strategy. This Proposal forms **Attachment 14** to this report. The Proposal was assessed and the strategic merits identified in previous assessments of the proposal are considered to remain valid. It is noted that any future use of the allotments created under the proposed WLEP 2010 amendments would be the subject of separate Development Applications. Therefore, it is **RECOMMENDED THAT:**

Wingecarribee Local Environmental Plan 2010 be amended to rezone to R2 Low Density Residential and apply a minimum lot size of 2000m² to Lot 41 DP 1058534, 873 Penrose Road, Penrose and Lot 22 DP 11288, 871 Penrose Road, Penrose and to that part of Lot 42 DP 1058534, 46 Koolilabah Road, Penrose fronting Penrose Road between Lot 13 DP 11288 and Lot 41 DP 1058534, being approximately 4000m² in area.

8. Darraby Lodge, Broughton Street, Moss Vale

The subject site, Lot 1 DP 819424, Darraby Lodge, Broughton Street, Moss Vale, is located on the south western edge of the Moss Vale Township, adjoining the Broughton Street residential release area. The location of the subject land is indicated in **Figure 8** below which is reproduced at A3 size under separate cover as **Attachment 15** to this report.

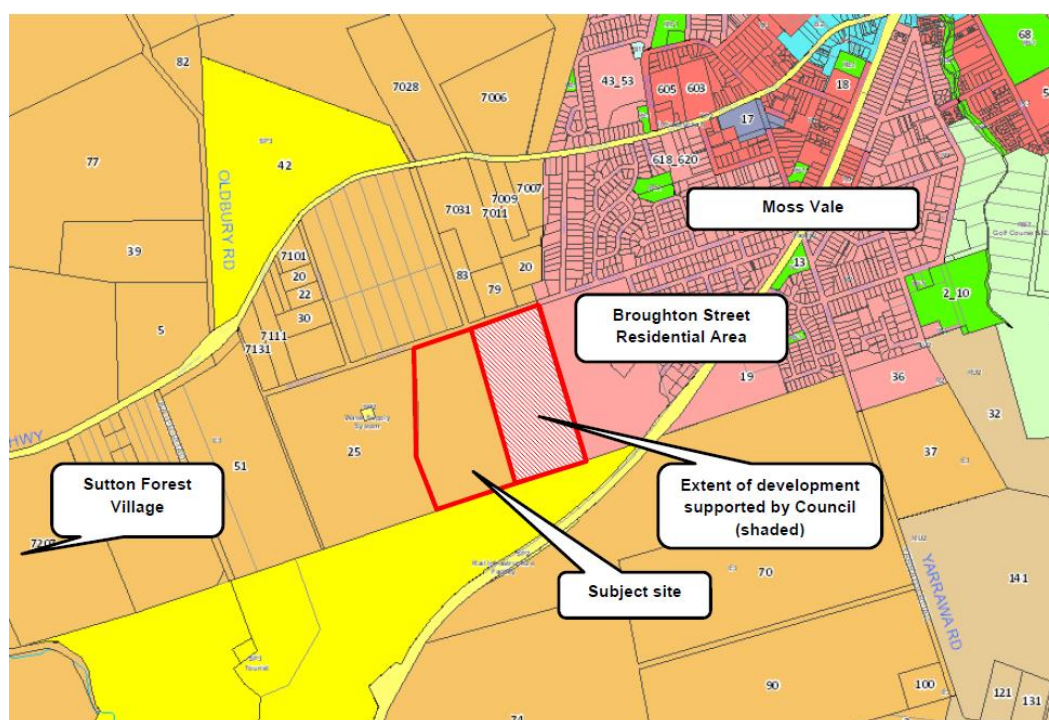


Figure 8

The site has an area of some 30 hectares with a frontage to Broughton Street of over 450 metres. The land is zoned E3 Environmental Management with a minimum lot size of 40 hectares. Remnant areas of Threatened or Endangered Ecological Communities are located on the south east quadrant of the site where a Category 3 riparian corridor also exists. It is also noted that the south east portion of the site is visually exposed to view from a broad area of the surrounding landscape.

The property was first submitted for rezoning consideration during the drafting of the 2007 Wingecarribee Local Environmental Plan at which time Council resolved to not rezone the land at that time but to further consider it for potential residential development under the Local Planning Strategy. The assessment of that proposal noted that earlier considerations by Council had limited the development potential of the site to the lower 1/3 as indicated below in order to minimise impacts on the EEC and visual catchment development on the higher land.

A second submission was made during the drafting of the Local Planning Strategy, seeking a minimum lot size of between 540m² and 700 m² to achieve up to 261 residential lots. The property was assessed and included in the Moss Vale Township Precinct Plan of the draft Strategy. No submissions were received and the property was subsequently included in the adopted Wingecarribee Local Planning Strategy 2015-2031. Planning staff from the Department of Planning and Environment inspected the site and supported the proposal.

A Planning Proposal was submitted to Council by Michael Brown Planning Strategies in August 2016 and forms **Attachment 16** to this report. The proposal seeks to rezone the subject land to R2 Low Density Residential and apply a minimum lot size of between 450m² and 2000m² to achieve a lot yield of 227.

This Planning Proposal was considered by Council. The reduced lot yield (227 lots instead of 261) was noted, but Council's concerns remain regarding areas of remnant ecological communities and the broad visual catchment presented by the exposed south eastern face of the site, located as illustrated in **Figure 9** below.

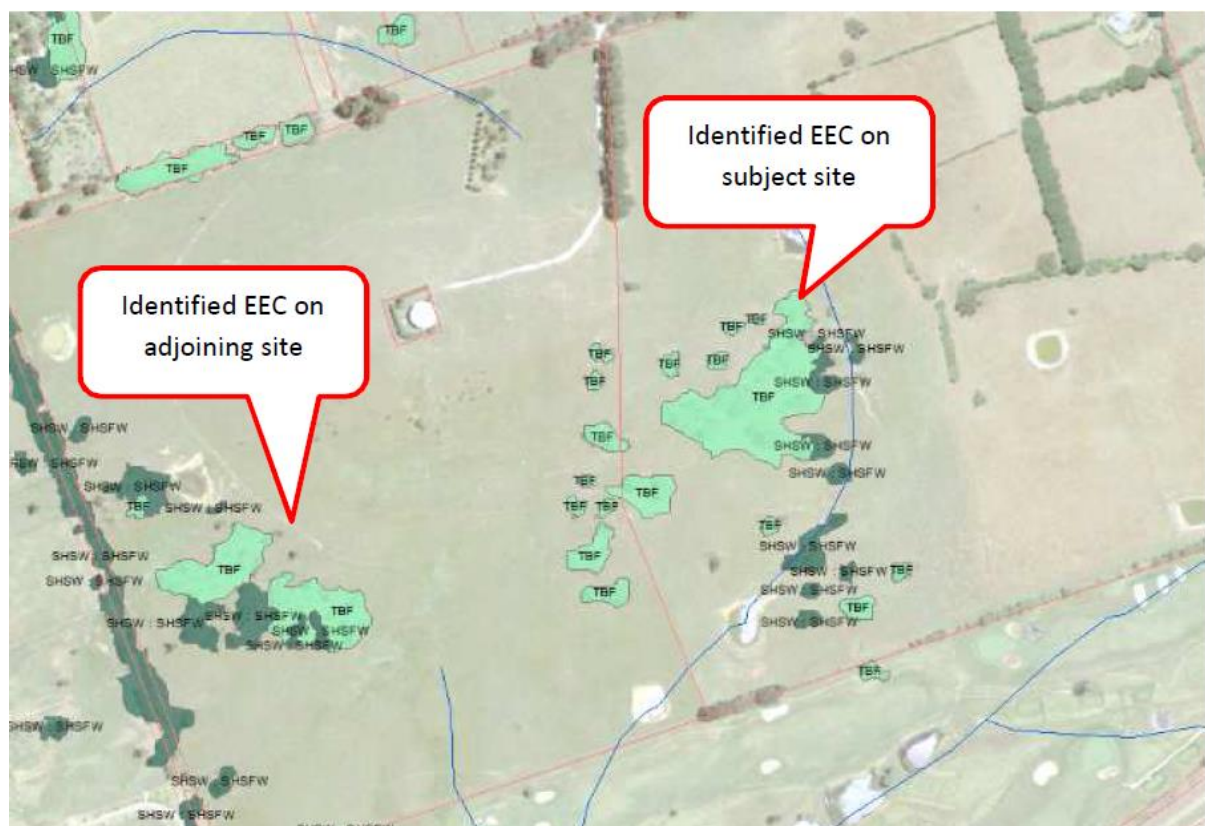


Figure 9



The Office of Environment and Heritage (OEH) has recently prepared draft vegetation maps for the Shire which provide more accurate information than that previously available to Council. The vegetation species identified on the subject site are Tableland Basalt Forest (TBF) and Southern Highlands Shale Woodland (SHSW). The Scientific Committee, established under the *Threatened Species Conservation Act* has made a 'Final Determination' to list the TBF as an Endangered Ecological Community (EEC) due to it being at 'very high risk' of extinction in NSW in the 'very near future'. SHSW is deemed by the Committee as 'likely to become extinct' and is now a Commonwealth Listing under the *Environment Protection and Biodiversity Conservation Act 1999*.

The following advice is provided by Council's Tree and Vegetation Assessment Officer.

There a number of key points listed in the Final Determination for TBF community which particularly apply to the small patches of remaining vegetation and which, if the subdivision were to go ahead as outlined, these patches would likely fail as ecological communities. Some key points include:

- *The community typically has an open canopy of eucalypts with sparse shrubs and a dense groundcover of herbs and grass, although disturbed stands may lack either or both of the woody strata. The community therefore includes 'derived' native grasslands which result from removal of the woody components from the woodland and forest forms of the community.*
- *Almost all of the remaining area of the community occurs on private land or on public easements, where its geographic distribution is undergoing a continuing decline due to small-scale clearing. 'Clearing of native vegetation' is listed as a Key Threatening Process under the Threatened Species Conservation Act 1995.*
- *Changes in structure and species composition of the community, including loss of large trees, which provide habitat resources for a range of fauna, contribute to a large reduction in ecological function of the community. 'Loss of hollow-bearing trees' is listed as a Key Threatening Process under the Threatened Species Conservation Act 1995.*

The subject site fits the community profile has described above in point 1, being mostly an open disturbed stand of tall trees with the understory shrubs and groundcover removed (presumed). It also fits into the category as potentially being a 'derived' native grassland, but a more detailed flora survey would be required to determine the exact extent of this though.

The second and third points are important as approving the subdivision would more than likely result in the clearing of all vegetation and the removal of hollow bearing trees, both listed as a Key Threatening Process. While larger lot sizes are proposed in those areas where remnant trees exist, they would certainly be subjected to further clearing requests to accommodate development. The issue of grassland clearing also becomes a consideration.

The SHSW listing the key points are similar however both Final Determinations note that "At any one time, seeds of some species may only be present in the soil seed bank with no above-ground individuals present."

This is a very important consideration as it sets up the potential for natural regeneration of native vegetation communities, EEC or otherwise, where existing agricultural/grazing practices cease and the seed bank fuels reestablishment of not only trees but understory plant species. There is also the potential to reconnect the remnant areas on

the adjoining property to the west either via natural regeneration or assisted revegetation as part of any supported subdivision in the future.

Of equal concern is the large visual catchment of this area of the site. **Figure 10** below indicates the 710 metre contour which extends across the site from the south as far as the Broughton Street side of the site. A valley depression lies to the east and south of the site with land falling away to 670m.

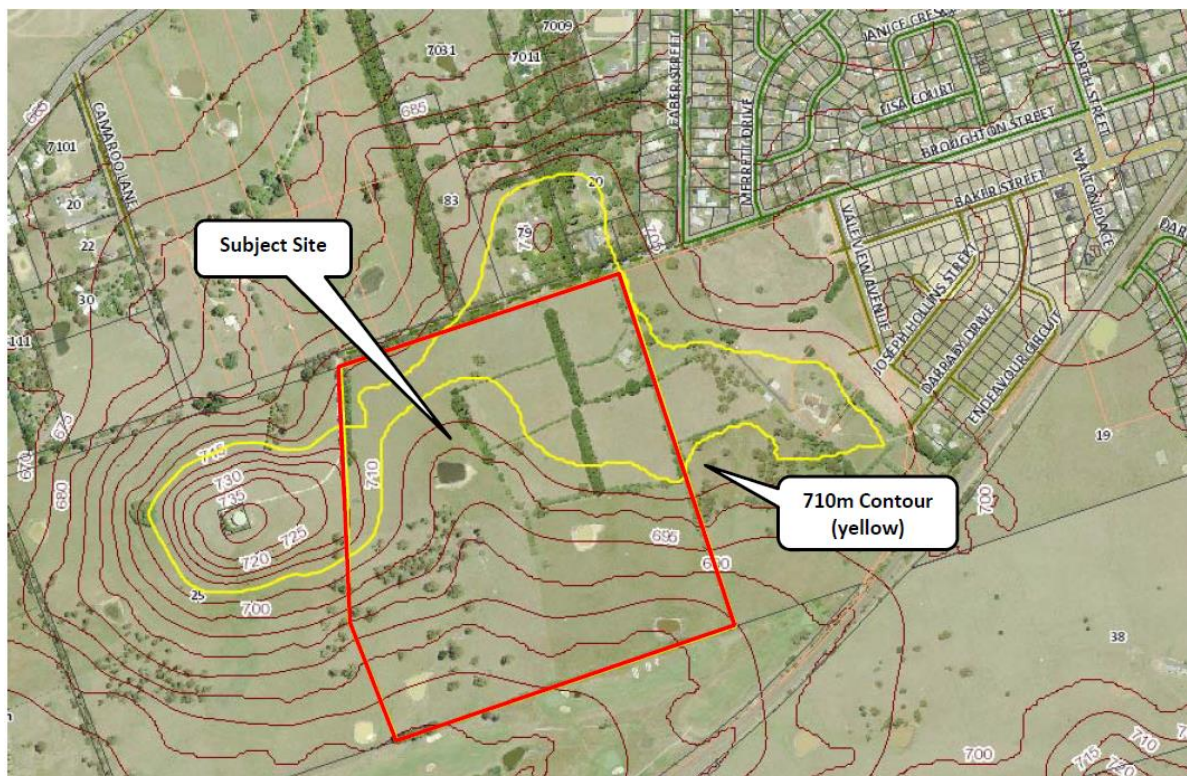


Figure 10

The EEC vegetation and topography contribute to making the entire higher section of the environmentally sensitive and visually prominent. It is these key factors which have informed Council's previous resolutions that the development line be limited to the lower section of the site. It is therefore RECOMMENDED THAT:

The Planning Proposal to rezone Lot 1 DP 819424, Darraby Lodge, Broughton Street Moss Vale from E3 Environmental Management to R2 Low Density Residential and apply a minimum lot size of between 450m² and 2000m² to achieve a lot yield of 227 NOT BE SUPPORTED.

9. North West Moss Vale

The location of north west Moss Vale is indicated in **Figure 11** below which is reproduced at A3 size under separate cover as **Attachment 17** to this report. The land currently forms a buffer between industrial zoned land to the north and west (and east across the railway line)

and is joined to the south by established R2 Low Density Residential zoned land with a minimum lot size of 700m².

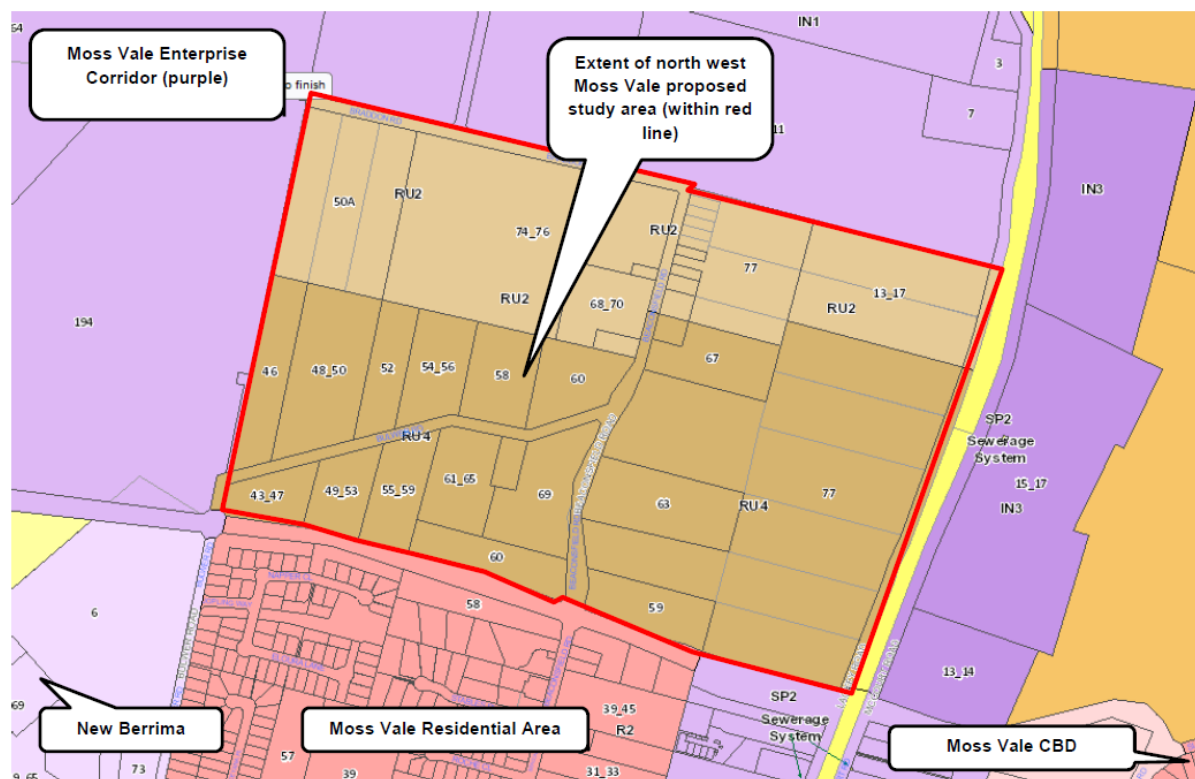


Figure 11

Three (3) Planning Proposals were submitted to Council in response to the adoption of the Wingecarribee Local Planning Strategy 2015-2031 relating to land located in north west Moss Vale, however each submission seeks to vary the resolution contained in the adopted Strategy. The subject properties and their proposal details follow and are identified on the map in **Figure 12** below which is reproduced at A3 size under separate cover as **Attachment 18** to this report.

74-76 Beaconsfield Road (Planning Proposal forms **Attachment 19** to this report)

- Total area 19.6 ha.
- Supported in the adopted Wingecarribee Local Planning Strategy 2015-2031 for rezoning to RU4 Primary Production Small Lots with a minimum lot size range of 4000m² to 8000m².
- New Planning Proposal (9C) seeks a minimum lot size range of 2000m² – 8000m² to achieve up to 51 lots.

77 Beaconsfield Road (Planning Proposal forms **Attachment 20** to this report)

- Total area 4.45 ha.
- Supported in the adopted Wingecarribee Local Planning Strategy 2015-2031 for rezoning to R2 Low Density Residential with a minimum lot size range of 2000m² to 4,000m².
- New Planning Proposal (9D) seeks a minimum lot size range of 2,000 m² and 4,000m² to achieve up to 18 lots.

69 Bulwer Road (Planning Proposal forms **Attachment 21** to this report)

- Total area 2.63 ha.

- Supported in the adopted Wingecarribee Local Planning Strategy 2015-2031 for rezoning to R2 Low Density Residential with a minimum lot size range of 2000m² to 4,000m².
- New Planning Proposal (9E) seeks a minimum lot size of 2,000m² to achieve 10 lots, 9 at around 2,000m² and 1 at 5,222m² in the north east corner of the site.

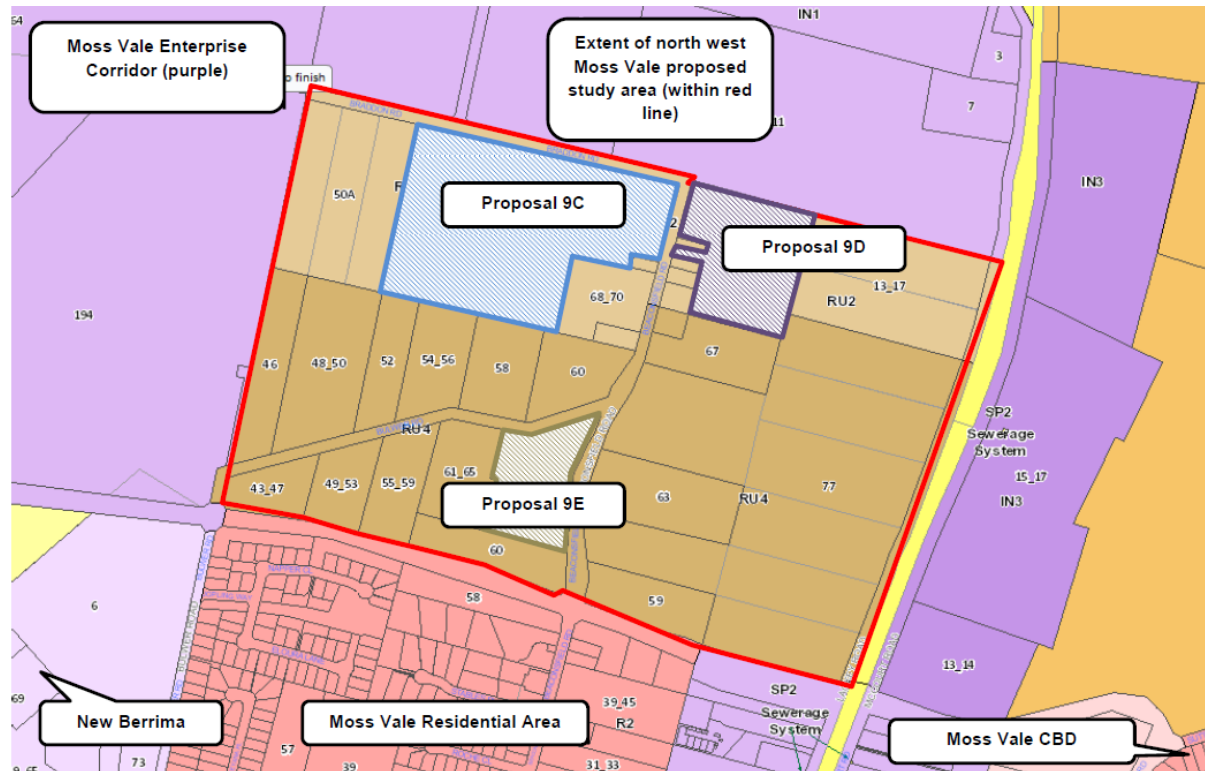


Figure 12

In considering these Planning Proposals it was concluded that, instead of assessing each separately, that a more strategic approach should be adopted across the entire north west Moss Vale area in order to achieve an appropriate range of housing choice options while minimising potential land use conflicts with adjoining industrial zoned land. The strategy would also address access, water and sewer provisions and stormwater, drainage and flooding management to ensure a full assessment of the capacity of the area for residential development is considered.

This approach would require not supporting the three Planning Proposals in their current form, but rather considering them as part of a north west Moss Vale Residential Study to be undertaken by Strategic Planning staff. All property owners within the study area would be consulted and a draft residential plan for the area prepared for Council consideration.

Therefore, it is **RECOMMENDED THAT:**

The Planning Proposals currently before Council pertaining to 74-76 and 77 Beaconsfield Road and 69 Bulwer Road Moss Vale not be supported at this time, but that a North West Moss Vale Residential Study be drafted by Strategic Planning staff in consultation with property owners for further consideration by Council.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no implications for Council's Fit for the Future Improvement Plan resulting from this report.

CONSULTATION

Community Engagement

Submissions which are supported by Council will be lodged with the department of Planning and Environment for a Gateway Determination to proceed. Community consultation will occur in accordance with the gateway requirements.

Internal Consultation

Internal consultation will occur during the exhibition period for those submissions supported by Council.

External Consultation

External consultation will occur as required under the Gateway Determination.

SUSTAINABILITY ASSESSMENT

- **Environment**

Environmental considerations are addressed in this report where relevant. There are no other environmental issues in relation to this report.

- **Social**

Social considerations are addressed in this report where relevant. There are no other social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The submissions have been considered in accordance with guidelines provided by the Department of Planning and Environment and any Planning Proposal resulting from this report will also be processed in accordance with guidelines provided by the Department.

COUNCIL BUDGET IMPLICATIONS

Planning Proposals supported by Council will be subject to a fee as set out in Council's Fees and Charges.

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RELATED COUNCIL POLICY

There are no other related Council policies.

OPTIONS

The options available to Council are:

Option 1

Support the recommendations as provided in this report.

Option 2

Vary one or more of the recommendations presented in this report.

Option 1 is the recommended option to this report.

CONCLUSION

The adoption of the Wingecarribee Local Planning Strategy 2015-2031 supported several site specific submissions which are contained in the relevant Precinct Plan. These proposals considered in this report seek to progress those supported submissions by the lodgement of formal Planning Proposal in accordance with Council's template requirements. These Proposals are circulated separately.

Each proposal has been assessed and a recommendation provided based on the content and intended outcome of the proposal. Those submissions which are supported are deemed to have sufficient strategic merit to proceed with referral to the Department of Planning and Environment for a Gateway Determination.

ATTACHMENTS

1. Location Map - Nathan Street Berrima - *circulated under separate cover*
2. Planning Proposal - Nathan Street Berrima - *circulated under separate cover*
3. Location Map - Odessa Street Berrima - *circulated under separate cover*
4. Planning Proposal - Odessa Street Berrima - *circulated under separate cover*
5. Location Map - 2 Wilson Drive Hill Top - *circulated under separate cover*
6. Planning Proposal - 2 Wilson Drive Hill Top - *circulated under separate cover*
7. Location Map - Railway Land Mittagong - *circulated under separate cover*
8. Planning Proposal - Railway Land Mittagong - *circulated under separate cover*
9. Location Map - 15 Gibraltar Road Mittagong - *circulated under separate cover*
10. Planning Proposal - 15 Gibraltar Road Mittagong - *circulated under separate cover*
11. Location Map - 2A Cliff Street Bowral - *circulated under separate cover*
12. Planning Proposal - 2A Cliff Street Bowral - *circulated under separate cover*
13. Location Map - Koolilabah Lane Penrose - *circulated under separate cover*

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14. Planning Proposal - Koolilabah Lane Penrose - *circulated under separate cover*
15. Location Map - Darraby Lodge Moss Vale - *circulated under separate cover*
16. Planning Proposal - Darraby Lodge Moss Vale - *circulated under separate cover*
17. Location Map - North West Moss Vale - *circulated under separate cover*
18. Location Map - North West Moss Vale Submissions - *circulated under separate cover*
19. Planning Proposal - 74-76 Beaconsfield Road Moss Vale - *circulated under separate cover*
20. Planning Proposal - 77 Beaconsfield Road Moss Vale - *circulated under separate cover*
21. Planning Proposal - 69 Bulwer Road Moss Vale - *circulated under separate cover*



13.4 Review of Council's Bottled Water Free Policy

Reference: 5450/28.7
Report Author: Environmental Policy Officer
Authoriser: Environment and Health Systems Coordinator
Link to Delivery Program: Promote alternatives to single use packaging and other disposables

PURPOSE

This report recommends the adoption by Council of an update to the Bottled Water Free Policy. A review of the policy has been undertaken and amendments are proposed at **Attachment 1**. The amendments reflect updates in Council operations and policy format.

RECOMMENDATION

THAT Council adopt the Alternatives to Bottled Water Policy which supersedes the current Bottled Water Free Policy.

REPORT

BACKGROUND

The Bottled Water Free Policy was introduced in 2010 (OC 228/10) and has not been updated since. The policy states Council's commitment to avoid using bottled water in Council operations including meetings, functions and events. By not using bottled water the resource and pollution impacts associated with the production and disposal of single-use bottled water are avoided.

Since 2010 there have been other policy developments and new infrastructure which supports the policy. Between 2009 and 2012, Council installed several permanent water refill stations in public places. Council also introduced a portable water bottle refill station which is available to Council and the community for use at outdoor events (MN42/11).

The refill stations provide an easy way to refill personal water bottles, and are a visible sign of Council's commitment to reducing single use bottled water. The portable refill station is used approximately ten times a year for events held by the community and Council.

Council procedures that support the policy include the sustainability principles in *Council Event Policy and Guidelines 2011* and the internal *Planning a Public Event Procedure*. In 2012, a sustainability checklist was incorporated into Council's internal event procedure which prompts event organisers to consider ways to avoid single-use bottled water.



REPORT

A scheduled review of the Bottle Water Free Policy has been undertaken and an updated policy is at **Attachment 1**. In the attachment new text is in blue and text to be removed is struck-through.

Minor updates are proposed including:

- a change to the title
- inclusion of information about the portable water bottle refill station
- inclusion of responsibilities for implementation of the policy.

Staff consultation during the review of the policy showed that further work needs to be done to increase staff awareness of this policy. Bottled water has been used at council events and is provided at some of the Council pools.

Actions already undertaken to reduce the use of bottled water include:

- training of customer service staff in the use of the portable water refill station to assist the community
- updating information for customers leasing council venues to encourage reducing waste and refillable water bottles
- removal of an internal drinks vending machine which provided bottled water at Civic Centre
- updating the internal sustainability checklist to assist with planning Council events
- community engagement events for staff and the community for Plastic Free July in 2016 and planned for 2017.

Actions planned to strengthen implementation of the policy include:

- increasing staff awareness of the policy
- investigating the opportunities to strengthen alternatives to bottled water at the pools
- continue to investigate practical solutions to enable staff to make their events more sustainable
- strengthen links between the Alternatives to Bottled Water Policy and the events procedures through the common theme of waste reduction and avoiding single use plastics.

There is a strong parallel between the issues addressed by this policy and the policy and procedure for Council events. Further work on the events procedures could include an emphasis on waste reduction and alternatives to bottled water.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

This policy does not impact Council's fit for the future improvement plan.



CONSULTATION

Community Engagement

No community engagement has been undertaken during the policy review.

Internal Consultation

The policy has been reviewed in consultation with staff from Assets, Business Services, Customer Services, Environment and Sustainability, and Tourism and Events.

External Consultation

No external consultation has been undertaken during the policy review.

SUSTAINABILITY ASSESSMENT

- **Environment**

This policy is likely to have a positive environmental impact by reducing the resource, energy and pollution impacts associated with the production and disposal of single use bottled water.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The amended policy is not expected to have any budget implications beyond those of the current policy.

RELATED COUNCIL POLICY

Environment Policy 2015

Council Event Policy 2011

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OPTIONS

The options available to Council are:

Option 1

THAT Council adopts the Alternatives to Bottled Water Policy.

Option 2

THAT Council makes further amendments to the draft Alternatives to Bottled Water Policy prior to adoption.

Option 3

THAT Council retains the current Bottled Water Free Policy (2010).

Option 1 is the recommended option to this report.

CONCLUSION

A scheduled review of the Bottled Water Free Policy has been undertaken. The amendments proposed bring the policy up to date with Council's assets and procedures. Adopting the updated Alternatives to Bottled Water Policy would demonstrate Council's ongoing commitment to avoiding single use bottled water and to providing alternatives to bottled water for Council's operations and events.

ATTACHMENTS

1. Draft Alternatives to Bottled Water Policy



Alternatives to Bottled Water Policy

ATTACHMENT 1

ENVIRONMENT

4.3 WINGECARRIBEE ACHIEVES CONTINUOUS REDUCTION IN WASTE GENERATION AND DISPOSAL TO LANDFILL

Adoption Date:	(Governance to insert)
Council Reference:	(Governance to insert)
Policy Owner:	Manager, Environment and Sustainability
Next review date:	July 2019
File Reference:	5450/28.7
Related Policies/Legislation:	Environment Policy Council Event Policy
Related Documents:	Planning a Public Event – Procedure Manual Portable Water Refill Station Procedure
Superseded Policy	Bottled Water Free Policy 2010

OBJECTIVES

- The objectives of this policy are to:
- avoid the use of bottled water in Council operations
 - provide alternatives to bottled water
 - reduce waste and resource use.

POLICY STATEMENT

Council recognises the negative impact bottled water has on the environment and natural earth's resources. Council also recognises the priority to avoid generating waste from single use, disposable packaging, such as from bottled water, where there is another option available. Bottled water requires resources and embodied energy for its production and distribution. There is also an impact of litter and plastic pollution affecting waterways.

Council aims to be a leader in the community by promoting and providing alternatives to bottled water. Council aims to will provide offer a "Bottled Water Free" service alternatives to bottled water at every available opportunity across all of Council's functions as a retailer, employer, function holder and meeting facilitator. At every available opportunity, Council will provide "Bottled Water Free" services in it's capacity.

Council will promote alternatives to single use, disposable bottled water by encouraging people to bring reusable water bottles and providing reusable cups where possible. Council will also encourage waste minimisation by providing recycling facilities to maximise resource recovery where this is logistically feasible.





Alternatives to Bottled Water Policy

Council encourages private stall holders at Council public events to embrace this initiative. Council's portable water bottle refill station can be used for outdoor events and is available for community run events.

Council will monitor the need for extra permanent public water bottle refill stations.

There may be some circumstance where The phrase "Every available opportunity" is clarified in the Bottled Water Free Policy Guidelines, but it does recognise that Council may need to resort to provide bottled water, rather than supply no water for example, in times of emergency and employee/public safety, or when alternative potable water sources are not logistically available.

SCOPE

This policy applies to all Council staff and Council's operations as a retailer, employer, function holder and meeting facilitator.

It is a requirement for all Council officials to comply with this Policy. The policy states that Council will provide a "Bottled Water Free" service at every available opportunity. The phrase "Every available opportunity" is clarified in the Bottled Water Free Policy Guidelines, but it does recognise that Council may need to resort to bottled water, rather than supply no water, in times of emergency and employee/public safety, when alternative potable water sources are not logistically available. This Policy and Guidelines are available on Council's website under Council Policies

RESPONSIBILITIES

Responsibilities for implementing this policy are shared between Councillors, Executive and staff as follows:

Councillors:

- Provide leadership in supporting this policy at Council meetings, functions and events

Executive:

- Integrate the policy across business areas
- Encourage improvements in resource conservation

Staff:

- Implement this policy when planning and delivering Council meetings, functions and public events. Provide information to stall holders on alternatives to bottled water
- Implement this policy in the operation of Council facilities
- Investigate new infrastructure options as they arise to support alternatives to bottled water
- Develop, review and maintain effective procedures to support the policy implementation
- Maintain the portable water bottle refill stations in accordance with the relevant procedures
- Manage bookings of the portable water bottle refill stations in line with the relevant procedure and current user agreement forms.





Alternatives to Bottled Water Policy

PERFORMANCE MEASURES

The success of this policy will be measured by provision of alternatives to bottled water and a reduction in the use of bottled water within Council operations. Indicators of this include the number of Council facilities that do not have an alternative to bottled water; regular review of the opportunities and need to provide additional refill stations in public space; the number of Council events where alternatives to bottled water are provided.

APPROVED BY:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)

DRAFT



13.5 Draft Payment of Expenses and Facilities for the Mayor and Councillors Policy

Reference: 101/5
Report Author: Integrated Planning and Reporting Coordinator
Authoriser: Group Manager Corporate and Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

Section 252 of the *Local Government Act 1993* requires Council to adopt a policy concerning the payment of expenses and facilities for the Mayor and Councillors within the first 12 months of each term of a council.

RECOMMENDATION

1. **THAT** the draft Payment of Expenses and Provision of Facilities Policy for the Mayor and Councillors be placed on public exhibition for a period of twenty eight (28) days and submissions be invited from the public.
2. **THAT** a further report be submitted to Council following conclusion of the public exhibition period.

REPORT

BACKGROUND

Council is required under section 252 of the *Local Government Act 1993* (the Act) to adopt a Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy within the first 12 months of each term of a council. The policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

The policy ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The Act also states:

“A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor or a councillor otherwise than in accordance with a policy.”

Council must give public notice of its intention to adopt or amend the Policy allowing at least twenty eight (28) days for public exhibition and must consider any submission received during this period and make any appropriate changes to the draft policy. Public notice is not required if the Council is of the opinion that the proposed amendment is not substantial.

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REPORT

Following the local government election in September 2016 Council has prepared a draft Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy. The policy was prepared to comply with the provisions of the Act, the regulations and "Guidelines for the payment of expenses and the provisions of facilities for Mayors and Councillors in NSW" issued by the Director-General pursuant to section 23A of the Act.

The objectives of the policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
- enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
- ensure facilities and expenses provided to Councillors meet community expectations
- support a diversity of representation
- fulfil Council's statutory responsibilities.

The draft Policy has been developed based on a template provided by the NSW Department of Premier and Cabinet. The template policy was designed to be customised to suit the local needs and circumstances of each Council and does not specify the maximum expenditure amount to be paid under the policy. These are determined by each Council.

The expenditure limits included in the draft Policy are based on the upper limits of previous councillor expense claims and benchmarking against similar local government areas.

The draft Policy represents a significant change to the existing Policy. For this reason it has not been practicable to illustrate the additions and deletions. However, consistent with the existing policy the provision of a mayoral vehicle has not been included in the draft policy.

To ensure transparency a provision for six monthly reporting of claims made against the provision of the policy and for audits to be undertaken at least every two years have also been included in the draft policy.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There is no impact on Council's *Fit for the Future* Improvement Plan.

CONSULTATION

Community Engagement

It is proposed that the draft Policy be endorsed to be placed on public exhibition for a period of 28 days.

Internal Consultation

Councillors and Council's Executive team were consulted during the development of this policy.



External Consultation

This policy is based on a template provided by the Department of Premier and Cabinet that has been endorsed by the Office of Local Government.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

There are no broader economic implications in relation to this report.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Council is required to review and adopt the Payment of Expenses and Provision of Facilitates to Mayor and Councillors Policy in accordance with Section 252 of the *Local Government Act 1993*.

COUNCIL BUDGET IMPLICATIONS

The adopted 2017/18 Budget includes a provision of \$6,200 per Councillor for payments made in accordance with the existing Policy.

It is not anticipated that the revised Payment of Expenses and Provision of Facilitates to Mayor and Councillors Policy will require significant changes to Council's adopted Budget.

If adjustments are required, then these will be reported to the Finance Committee as part of the Quarterly Review of the Annual Budget.

RELATED COUNCIL POLICY

Nil

OPTIONS

The option available to Council is to endorse the draft Payment of Expenses and Facilities for the Mayor and Councillors Policy for 28 day public exhibition period from 14 July to 11 August 2017. This would enable Council to meet its legislative requirements while also ensuring that Council has sufficient time to consider community feedback prior to the final adoption of the Policy.

It should be noted any other decision that would delay public exhibition would place Council in a position where it would not be able to meet its legislative requirements.

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CONCLUSION

The draft Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy is attached for Council's consideration.

Following endorsement by the Council of the proposed policy, it must be placed on public exhibition for a period of twenty eight (28) days. A report will be brought back to Council on 23 August 2017 outlining the outcomes of this exhibition period and seeking formal Council adoption.

ATTACHMENTS

1. Draft Payment of Expenses and Facilities Policy for the Mayor and Councillors

Mark Pepping
**Deputy General Manager Corporate,
Strategy and Development Services**

Friday 7 July 2017



Draft Expenses and Facilities for the Mayor and Councillors Policy

ATTACHMENT 1

Leadership

An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

Adoption Date: *(Governance to insert)*
Council Reference: *(Governance to insert)*
Owner/Contact officer: Group Manager Corporate and Community
Next review date: *12 months after Council election*
Related Policies/Legislation: *Local Government Act 1993, Sections 252 and 253*
Local Government (General) Regulation 2005, Clauses 217 and 403
Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009
Local Government Circular 09-36 Guidelines for Payment of Expenses and Facilities
Local Government Circular 05-08 legal assistance for Councillors and Council Employees.
Wingecarribee Shire Council Code of Conduct

Related Documents: N/A

OBJECTIVES

The objectives of this policy are to:

- enable the reasonable and appropriate reimbursement of expenses incurred by Councillors while undertaking their civic duties
- enable facilities of a reasonable and appropriate standard to be provided to Councillors to support them in undertaking their civic duties
- ensure accountability and transparency in reimbursement of expenses and provision of facilities to Councillors
- ensure facilities and expenses provided to Councillors meet community expectations
- support a diversity of representation
- fulfil Council's statutory responsibilities.



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Wingecarribee Shire Council – *Draft Expenses and Facilities for the Mayor and Councillors Policy*
Adoption Date: TBC
Policy Owner: Group Manager Corporate and Community

13.5 Draft Payment of Expenses and Facilities for the Mayor and Councillors Policy

ATTACHMENT 1 Draft Payment of Expenses and Facilities Policy for the Mayor and Councillors



Draft Expenses and Facilities for the Mayor and Councillors Policy

POLICY STATEMENT

Policy Summary

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to Councillors to help them undertake their civic duties.

It ensures accountability and transparency, and seeks to align Councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and *Local Government (General) Regulation 2005* (the Regulation), and complies with the Office of Local Government’s Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

The policy sets out the maximum amounts Council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Table 1: Maximum Expense or Facility Limits

Expense or facility	Maximum amount	Frequency
General travel expenses	\$5,000 per Councillor \$10,000 for the Mayor	Per year
Interstate, overseas travel expenses	\$10,000 total for all Councillors	Per year
Accommodation and meals	As per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, adjusted annually	Per meal/night
Professional development	\$3,500 per Councillor	Per year
Conferences and seminars	\$15,000 total for all Councillors	Per year
Community meetings and non-council functions/events	\$500 total for all Councillors	Per year
ICT expenses	\$100 calls and 3GB data per for the Mayor for Smart Phone \$80 calls and 3GB data per Councillor for Smart Phone 3GB of data for tablet \$40 home internet (if supplied with laptop only)	Per month
Carer expenses	\$2,000 per Councillor	Per year



13.5 Draft Payment of Expenses and Facilities for the Mayor and Councillors Policy

ATTACHMENT 1 Draft Payment of Expenses and Facilities Policy for the Mayor and Councillors



Draft Expenses and Facilities for the Mayor and Councillors Policy

Expense or facility	Maximum amount	Frequency
Home office expenses	\$500 per Councillor	Per year
Access to facilities in a Councillor common room	Provided to all Councillors	Not relevant
Council vehicle and fuel card	Provided to the Mayor	Not relevant
Reserved parking space at Council offices	Provided to the Mayor	Not relevant
Furnished office	Provided to the Mayor	Not relevant

Additional costs incurred by a Councillor in excess of these limits are considered a personal expense that is the responsibility of the Councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred, however all claims for April, May and June must be submitted no later than two weeks after the end of the financial year to ensure Council can accurately report on all Councillor payments made under this policy as part of its Annual Report. Claims made after this time cannot be approved. All claims must be made on the prescribed form and must be sufficiently detailed and accompanied by appropriate documentary evidence.

Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

Part A – Introduction

1. Introduction

- 1.1. The provision of expenses and facilities enables Councillors to fulfil their civic duties as the elected representatives of Wingecarribee Shire Council.
- 1.2. The community is entitled to know the extent of expenses paid to Councillors, as well as the facilities provided.
- 1.3. The purpose of this policy is to clearly state the facilities and support that are available to Councillors to assist them in fulfilling their civic duties.
- 1.4. Council staff are empowered to question or refuse a request for payment from a Councillor when it does not accord with this policy.
- 1.5. Expenses and facilities provided by this policy are in addition to fees paid to Councillors. The minimum and maximum fees a council may pay each Councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.



13.5 Draft Payment of Expenses and Facilities for the Mayor and Councillors Policy

ATTACHMENT 1 Draft Payment of Expenses and Facilities Policy for the Mayor and Councillors



Draft Expenses and Facilities for the Mayor and Councillors Policy

2. Principles

2.1. Council commits to the following principles:

Proper conduct: Councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions

Reasonable expenses: Providing for Councillors to be reimbursed for expenses reasonably incurred as part of their role as Councillor

Participation and access: Enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor

Equity: There must be equitable access to expenses and facilities for all Councillors

Appropriate use of resources: Providing clear direction on the appropriate use of Council resources in accordance with legal requirements and community expectations

Accountability and transparency: Clearly stating and reporting on the expenses and facilities provided to Councillors.

3. Private or political benefit

3.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

3.2. Private use of Council equipment and facilities by Councillors may occur from time to time. For example, telephoning home to advise that a Council meeting will run later than expected.

3.3. Such incidental private use does not require a compensatory payment back to Council.

3.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, Councillors must reimburse Council.

3.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:

- production of election material
- use of Council resources and equipment for campaigning
- use of official Council letterhead, publications, websites or services for political benefit
- fundraising activities of political parties or individuals, including political fundraising events.



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Part B - Expenses

4. General expenses

- 4.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 4.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

5. Specific expenses

General travel arrangements and expenses

- 5.1. All travel by Councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 5.2. Each Councillor, including the Mayor, may be reimbursed up to a total of \$5,000 per year, and the Mayor may be reimbursed up to a total of \$10,000 per year, for travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars within NSW. This includes reimbursement:
 - for public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for Council and other meetings
 - for tolls
 - by Cabcharge card or equivalent
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.
- 5.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 5.4. Councillors seeking to be reimbursed for use of a private vehicle must record on the Councillor expense claim form the date, distance and purpose of travel being claimed.

Interstate and overseas travel expenses

- 5.5. In accordance with Section 4, Council will scrutinise the value and need for Councillors to undertake overseas travel. Councillors should avoid interstate and overseas trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 5.6. Total interstate and overseas travel expenses for all Councillors will be capped at a maximum of \$10,000 per year.
- 5.7. Councillors seeking approval for any interstate travel must submit a case to, and obtain the approval of, the Mayor and General Manager prior to travel.



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Draft Expenses and Facilities for the Mayor and Councillors Policy

- 5.8. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full Council meeting prior to travel.
- 5.9. The case should include:
 - objectives to be achieved in travel, including an explanation of how the travel aligns with current Council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the Councillor's civic duties
 - who is to take part in the travel
 - duration and itinerary of travel
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 5.10. For interstate journeys by air of less than three hours, the class of air travel is to be economy class.
- 5.11. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 5.12. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 5.13. Bookings for approved air travel are to be made through the General Manager's office.
- 5.14. For air travel that is reimbursed as Council business, Councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

- 5.15. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 5.16. In circumstances where it would introduce undue risk for a Councillor to travel to or from official business in the late evening or early morning, reimbursement of costs for accommodation and meals on the night before or after the meeting may be approved by the General Manager. This includes where a meeting finishes later than 9.00pm or starts earlier than 7.00am and the Councillor lives more than 50 kilometres from the meeting location.
- 5.17. Council will reimburse costs for accommodation and meals while Councillors are undertaking prior approved travel or professional development outside 100 km radius of the Moss Vale Civic Centre.
- 5.18. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.



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- 5.19. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the General Manager, being mindful of Clause 5.18.

Refreshments for Council related meetings

- 5.20. Appropriate refreshments will be available for Council meetings, Council Committee meetings, Councillor briefings, approved meetings and engagements, and official Council functions as approved by the General Manager.
- 5.21. As an indicative guide for the standard of refreshments to be provided at Council related meetings, the General Manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 5.22. Council will set aside \$3,500 per Councillor annually in its budget to facilitate professional development of Councillors through programs, training, education courses and membership of professional bodies.
- 5.23. In the first year of a new Council term, Council will provide a comprehensive induction program for all Councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 5.24. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the Councillor's civic duties, the Councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 5.25. Approval for professional development activities is subject to a prior written request to the Mayor and General Manager outlining the:
- details of the proposed professional development
 - relevance to Council priorities and business
 - relevance of the exercise of the Councillor's civic duties.
- 5.26. In assessing a Councillor request for a professional development activity, the Mayor and General Manager must consider the factors set out in Clause 5.25, as well as the cost of the professional development in relation to the Councillor's remaining budget.

Conferences and seminars

- 5.27. Council is committed to ensuring its Councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- 5.28. Council will set aside a total amount of \$15,000 annually in its budget to facilitate Councillor attendance at conferences and seminars, including the Local Government NSW Annual Conference. This allocation is for all Councillors. The



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Draft Expenses and Facilities for the Mayor and Councillors Policy

General Manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.

- 5.29. Approval to attend a conference or seminar is subject to a Council resolution or approval by both the Mayor and General Manager. A written request considering the following factors is required:
- relevance of the topics and presenters to current Council priorities and business and the exercise of the Councillor's civic duties
 - cost of the conference or seminar in relation to the total remaining budget.
- 5.30. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences for approved conferences. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 5.17-5.20.

Local Government NSW Annual Conference

- 5.31. Up to three Councillors will also attend the Local Government NSW Annual Conference each year. Council will reimburse the cost of registration fees and where the conference is outside a 100 km radius of the Moss Vale Civic Centre, the cost of travel, accommodation and meals not covered by the conference registration, subject to Clauses 5.17-5.20.
- 5.32. For the Local Government NSW Annual Conference only, Council will meet the costs of the official conference dinner for an accompanying person of a Councillor.

Community Meetings and Non-Council Functions or Events

- 5.33. Where a Councillor accepts a formal invitation in the role of a Councillor to attend a community meeting or non-Council function/event Council will reimburse up to \$500 per annum per Councillor for travel and other reasonable out of pocket expenses associated with attendance at the meeting or function. All claims must be supported by appropriate documentary evidence.
- 5.34. Council will not cover the costs associated with an accompanying spouse or partner attending community meetings and non-Council function or events.
- 5.35. Council will not reimburse to a Councillor, any costs associated with attendance at any political fundraising event, for any donation to a political party or candidate's electoral fund, or for some other private benefit.

ICT expenses

- 5.36. Council will provide to Councillors upon the commencement of their term of office with appropriate ICT devices and services to fulfil their civic office duties. This will include a:
- Smart phone including \$100 call allowance and 3GB data per month for the Mayor and \$80 call allowance and 3GB data per month for Councillors



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- Tablet including 3GB data allowance per month OR laptop with reimbursement of up to \$40 per month for home internet costs
- Multifunction device including A4 colour printing, copying and scanning functions.

5.37. Council will procure all equipment on behalf of Councillors and will supply its preferred and supported equipment only. The determination as to what equipment (i.e. make and model) will be provided will be made by the General Manager based upon Council's General ICT program and identified needs. Council will update ICT equipment once during the Council term.

Special requirement and carer expenses

- 5.38. Council encourages wide participation and interest in civic office. It will seek to ensure Council premises and associated facilities are accessible, including provision for sight or hearing impaired Councillors and those with other disabilities.
- 5.39. Transportation provisions outlined in this policy will also assist Councillors who may be unable to drive a vehicle.
- 5.40. In addition to the provisions above, the General Manager may authorise the provision of reasonable additional facilities and expenses in order to allow a Councillor with a disability to perform their civic duties.
- 5.41. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$2,000 per annum for attendance at official business, plus reasonable travel from the principal place of residence.
- 5.42. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 5.43. In the event of caring for an adult person, Councillors will need to provide suitable evidence to the General Manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

Home office expenses

- 5.44. Each Councillor will be provided with minor home office consumables associated with the maintenance of a home office, such as stationery and printer ink cartridges up to the cost of \$500 per year. These items will be procured by Council and all requests for items must be submitted in writing on the prescribed form.

6. Insurances

- 6.1. In accordance with Section 382 of the *Local Government Act 1993*, Council is insured against public liability and professional indemnity claims. Councillors are included as a named insured on this Policy.
- 6.2. Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties, or exercise of his or her



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functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.

- 6.3. Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.
- 6.4. Appropriate travel insurances will be provided for any Councillors traveling on approved interstate and overseas travel on Council business.

7. Legal assistance

- 7.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
 - a Councillor defending an action arising from the performance in good faith of a function under the *Local Government Act 1993*
 - a Councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act
 - a Councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the Councillor.
- 7.2. In the case of a conduct complaint made against a Councillor, legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct.
- 7.3. Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
- 7.4. Council will not meet the legal costs:
 - of legal proceedings initiated by a Councillor under any circumstances
 - of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 7.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a Council meeting prior to costs being incurred.



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Part C - Facilities

8. General facilities for all Councillors

Facilities

- 8.1. Council will provide the following facilities to Councillors to assist them to effectively discharge their civic duties:
- a Councillor common room appropriately furnished to include telephone, photocopier, printer, desks, computer terminal, pigeon holes and appropriate refreshments (excluding alcohol)
 - personal protective equipment for use during site visits
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a Councillor and/or Mayor or Deputy Mayor.
- 8.2. Councillors may book meeting rooms for official business in a specified Council building at no cost. Rooms may be booked through a specified officer in the Mayor's office or other specified staff member.
- 8.3. The provision of facilities will be of a standard deemed by the General Manager as appropriate for the purpose.

Stationery

- 8.4. Council will provide the following stationery to Councillors each year:
- letterhead, to be used only for correspondence associated with civic duties
 - business cards

Administrative support

- 8.5. Council may provide administrative support to Councillors to assist them with their civic duties only. Administrative support may be provided by staff in the Mayor's office or by a member of Council's administrative staff as arranged by the General Manager or their delegate.
- 8.6. As per Section 3, Council staff are expected to assist Councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

9. Additional facilities for the Mayor.

- 9.1. A parking space at Council's offices will be reserved for the Mayor's for use on official business, professional development and attendance at the Mayor's office.
- 9.2. Council will provide the Mayor with a furnished office incorporating a computer configured to Council's standard operating environment, telephone and meeting space.



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- 9.3. In performing his or her civic duties, the Mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the General Manager.
- 9.4. The number of exclusive staff provided to support the Mayor and Councillors will not exceed the number of full time equivalents identified in the adopted organisational structure and as provided in the adopted budget.
- 9.5. As per Section 3, staff in the Mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

Part D - Processes

10. Approval, payment and reimbursement arrangements

- 10.1. Expenses must only be incurred by Councillors in accordance with the provisions of this policy.
- 10.2. Up to the maximum limits specified in this policy, approval for the following may be sought after the expense is incurred:
 - local travel relating to the conduct of official business
 - carer costs
- 10.3. Final approval for payments made under this policy will be granted by the General Manager or their delegate.

Direct payment

- 10.4. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the Group Manager Corporate and Community for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 10.5. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the Group Manager Corporate and Community.

Advance payment

- 10.6. Council may pay a cash advance for Councillors attending approved conferences, seminars or professional development.
- 10.7. Requests for advance payment must be submitted to the Group Manager Corporate and Community for assessment against this policy using the prescribed form with sufficient information and time to allow for the claim to be assessed and processed.



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10.8. Councillors must fully reconcile all expenses against the cost of the advance within one month of incurring the cost and/or returning home. This includes providing to Council:

- a full reconciliation of all expenses including appropriate receipts and/or tax invoices
- reimbursement of any amount of the advance payment not spent in attending to official business or professional development.

Notification

- 10.9. If a claim is approved, Council will make payment directly or reimburse the Councillor through accounts payable.
- 10.10 If a claim is refused, Council will inform the Councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to Council

10.11. If Council has incurred an expense on behalf of a Councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:

- Council will invoice the Councillor for the expense
- the Councillor will reimburse Council for that expense within 14 days of the invoice date.

10.12. If the Councillor cannot reimburse Council within 14 days of the invoice date, they are to submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the Councillor's allowance.

Timeframe for reimbursement

10.13. Unless otherwise specified in this policy, Councillors must provide all claims for reimbursement within three months of an expense being incurred, however all claims for April, May and June must be submitted no later than two weeks after the end of the financial year to ensure Council can accurately report on all Councillor payments made under this policy as part of its Annual Report. Claims made after this time cannot be approved. All claims must be made on the prescribed form and must be sufficiently detailed and accompanied by appropriate documentary evidence. Claims made after this time cannot be approved.

11. Disputes

- 11.11. If a Councillor disputes a determination under this policy, the Councillor should discuss the matter with the General Manager.
- 11.12. If the Councillor and the General Manager cannot resolve the dispute, the Councillor may submit a notice of motion to a Council meeting seeking to have the dispute resolved.



13.5 Draft Payment of Expenses and Facilities for the Mayor and Councillors Policy**ATTACHMENT 1 Draft Payment of Expenses and Facilities Policy for the Mayor and Councillors**

Draft Expenses and Facilities for the Mayor and Councillors Policy

12. Return or retention of facilities

- 12.11. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a Councillor or Mayor ceasing to hold office or at the cessation of their civic duties.
- 12.12. Should a Councillor desire to keep any equipment allocated by Council, then this policy enables the Councillor to make application to the General Manager to purchase any such equipment. The General Manager will determine an agreed fair market price or written down value for the item of equipment.
- 12.13. The prices for all equipment purchased by Councillors under Clause 12.2 will be recorded in Council's Annual Report.

13. Publication

- 13.11. This policy will be published on Council's website.

14. Reporting

- 14.11. Council will report on the provision of expenses and facilities to Councillors as required in the Act and Regulations.
- 14.12. Detailed reports on the provision of expenses and facilities to Councillors will be publicly tabled at a Council meeting every six months and published in full on Council's website. These reports will include expenditure summarised by individual Councillor and as a total for all Councillors.

15. Auditing

- 15.11. The operation of this policy, including claims made under the policy, will be included in Council's audit program and an audit undertaken at least every two years.

16. Breaches

- 16.11. Suspected breaches of this policy are to be reported to the General Manager.
- 16.12. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

SCOPE

This policy relates to the Mayor and Councillors during their elected term.



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Wingecarribee Shire Council – *Draft Expenses and Facilities for the Mayor and Councillors Policy*
 Adoption Date: TBC
 Policy Owner: Group Manager Corporate and Community

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DEFINITIONS

The following definitions apply throughout this policy.

Term	Definition
accompanying person	Means a spouse, partner or de facto or other person who has a close personal relationship with or provides carer support to a Councillor
appropriate refreshments	Means food and beverages provided by Council to support Councillors undertaking official business
Act	Means the Local Government Act 1993 (NSW)
Annual Conference	Means Local Government NSW Annual Conference
clause	Unless stated otherwise, a reference to a clause is a reference to a clause of this policy
Code of Conduct	Means the Code of Conduct adopted by Council or the Model Code if none is adopted
Councillor	Means a person elected or appointed to civic office as a member of the governing body of Council who is not suspended, including the Mayor
General Manager	Means the General Manager of Council and includes their delegate or authorised representative
ICT	Means Telecommunications and Information Communications and Technology
incidental personal use	Means use that is infrequent and brief and use that does not breach this policy or the Code of Conduct
maximum limit	Means the maximum limit for an expense or facility provided in the text and summarised in Table 1
NSW	New South Wales
official business	Means functions that the Mayor or Councillors are required or invited to attend to fulfil their legislated role and responsibilities for Council or result in a direct benefit for Council and/or for the local government area, and includes: <ul style="list-style-type: none"> meetings of Council and committees of the whole meetings of committees facilitated by Council civic receptions hosted or sponsored by Council meetings, functions, workshops and other events to which attendance by a Councillor has been requested or approved by Council
professional development	Means a training course or other development opportunity relevant to the role of a Councillor or the Mayor
Regulation	Means the Local Government (General) Regulation 2005 (NSW)
year	Means the financial year, that is the 12 month period commencing on 1 July each year



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Wingecarribee Shire Council – Draft Expenses and Facilities for the Mayor and Councillors Policy

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RESPONSIBILITIES

Responsibilities for implementing this policy are shared between Councillors, Executive and staff as follows:

Councillors: To communicate, implement and comply with this Policy

Executive: To ensure (directly or through delegation) the distribution and communication of the Policy and to ensure the approved Policy is available in hardcopy and electronic all on Council's website.

Staff: To comply with this Policy and to facilitate the provision of training to all Council officials on their role and responsibilities in relation to this Policy.

PERFORMANCE MEASURES

The success of this policy will be through Council's audit program. Audits of claims made under this policy will be audited at least every two years.

APPROVED BY:

(For Council Policies)
WINGECARRIBEE SHIRE COUNCIL

(Insert Date)



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Wingecarribee Shire Council – *Draft Expenses and Facilities for the Mayor and Councillors Policy*
Adoption Date: TBC
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COUNCIL MATTERS

15 DELEGATE REPORTS

15.1 2017 National General Assembly of Local Government

Reference: 101/4.3

Report Author: Deputy General Manager Corporate, Strategy and Development Services

Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Delivery Program: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Reporting on the 2017 National General Assembly of Local Government held at Canberra from Monday 19 to Wednesday 21 June 2017.

RECOMMENDATION

THAT the report on the 2017 National General Assembly of Local Government held in Canberra from Monday 19 to Wednesday 21 June 2017 be noted.

REPORT

The annual National General Assembly of Local Government organised by the Australian Local Government Association (ALGA) was held in Canberra from Monday 19 to Wednesday 21 June 2017. This year's theme for the Assembly was *'Building Tomorrow's Communities'*. The Assembly was attended by Councillor Grahame Andrews, Councillor Graham McLaughlin and Mr Mark Pepping, Deputy General Manager Corporate Strategy and Development Services.

The main function of the Assembly is to bring Councils from across the Australian States and Territories together to consider various issues and motions that ALGA can then make representations to the Australian Government for consideration. The Assembly was attended by some 800 Mayors and Councillors and Officials representing approximately 250 Councils. The Assembly considered 92 formal Motions. The Motions covered a very broad cross section of issues including;

- the formal recognition of Local Government under the Australian Constitution;
- the reallocation of Commonwealth taxes to Local Government to assist in the delivery of infrastructure and services;
- making Federal owned land rateable by Local Government;
- Local Councils being able to set their own rates;

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 July 2017

DELEGATES REPORTS



- Funding of roads and transport infrastructure of national significance;
- National Telecommunication matters;
- National health issues such as NDIS and Mental Health;
- Assistance from the Federal Government in relation to Natural Disasters;
- Energy security;
- Establishing an Innovation Fund to reduce plastic waste and Introducing a national ban on single use plastic bags;
- The Federal Government creating a rural portfolio;

One motion that did attract significant debate and interest was a Motion submitted by Hobart City Council to move the date that Australia Day is recognised from 26 January. This motion was successful by 2 votes.

In addition to the consideration of Motions, delegates were addressed by several Federal Politicians including Senator The Hon Fiona Nash, Deputy Leader of The Nationals, Minister for Regional Development, Minister for Regional Communications, Minister for Local Government and Territories, The Hon Bill Shorten MP, Leader of the Opposition and The Hon Michael Keenan MP, Minister for Justice, Minister Assisting the Prime Minister for Counter Terrorism. Of note was also the attendance and addresses made by the two Federal MPs covering Wingecarribee Shire, The Hon Angus Taylor, MP, Assistant Minister for Cities and Digital Transformation and Mr Stephen Jones MP, Shadow Minister for Regional Services, Territories and Local Government.

Delegates also received a number of key note addresses in relation to:

- Developing Smart Cities;
- Building Tomorrow's Communities;
- Governance in a Digital Age;
- Cyber Security;
- Building Liveable Communities;
- E-Government.

OPTIONS

There is one option presented to Council which is that Council note the report from the 2017 National General Assembly of Local Government held in Canberra from Monday 19 to Wednesday 21 June 2017.

ATTACHMENTS

There are no attachments to this report.



18 COMMITTEE REPORTS

18.1 Management and Advisory Committee Reports

Reference: 107/1
Report Author: Committee Coordinator
Authoriser: Manager Assets
Link to Delivery Program: Actively foster a spirit of participation and volunteering by addressing key barriers

PURPOSE

This report provides the Minutes of the following Committee Meetings, copies of which will be tabled for information:

1. Hill Top Community Centre Committee held on Thursday, 17 November 2016.
2. Hill Top Community Centre Committee held on Thursday, 16 February 2017.
3. Hill Top Community Centre Committee held on Thursday, 16 March 2017.
4. Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 10 April 2017.
5. East Bowral Community Centre Management Committee held on Tuesday, 23 May 2017.
6. Bong Bong Common Management Committee held on Tuesday, 11 April 2017.
7. Aboriginal Community and Cultural Centre held on Tuesday, 30 June 2017.
8. East Bowral Community Centre Management Committee held on Tuesday, 27 June 2017.

RECOMMENDATION

THAT the information contained in the following Committee Reports be noted:

1. Hill Top Community Centre Committee held on Thursday, 17 November 2016.
2. Hill Top Community Centre Committee held on Thursday, 16 February 2017.
3. Hill Top Community Centre Committee held on Thursday, 16 March 2017.
4. Moss Vale Senior Citizens and Community Centre Management Committee held on Monday, 10 April 2017.
5. East Bowral Community Centre Management Committee held on Tuesday, 23 May 2017.
6. Bong Bong Common Management Committee held on Tuesday, 11 April 2017.
7. Aboriginal Community and Cultural Centre held on Tuesday, 30 June 2017.
8. East Bowral Community Centre Management Committee held on Tuesday, 27 June 2017.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 July 2017

COMMITTEE REPORTS



ATTACHMENTS

There are no attachments to this report.



18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017

Reference: 2102/3
Report Author: Administration Officer
Authoriser: Group Manager Corporate and Community
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017, a copy of which is attached.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

AR 13/17

THAT the apology of Mr Barry Paull be accepted.

Item 3 Adoption of Minutes of Previous Meeting

AR 14/17

THAT the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday 27 March 2017 MN 1/17 to MN 12/17 inclusive, copies of which were forwarded to Committee Members, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Fit for the Future Program Update

Council staff provided a verbal update on the implementation of Council's Fit for the Future Improvement Plan. Of the 15 Fit for the Future improvement strategies, one has been completed, 13 are underway and one has not yet commenced.

Following the September 2016 local government elections, Council has reviewed its Integrated Planning and Reporting documents. The review ensured better alignment to Council's Fit for the Future commitments, including investment in asset renewal and maintenance and business improvement processes.

Staff provided an overview of the Fit for the Future benchmarks. To date Council is progressing well in achieving benchmarks within the required timeframes.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 July 2017

COMMITTEE REPORTS



AR 15/17

THAT the report be noted.

Item 7.1 Committee Actions Update

The Committee was apprised of the progress of action items previously requested by the Committee. Both action items were reported on at the meeting.

AR 16/17

THAT the report be noted.

Item 8.1 Corporate Risk Program Update

The Committee was informed that the Business Continuity Plan was due for finalisation shortly. The report also advised that Council was on track to receive the full risk management incentive bonus available from StateWide Mutual (Council's insurer) for satisfactory implementation of the Risk Management Action Plan for 2016-17.

AR 17/17

THAT the report be noted.

Item 9.1 Draft 2017/18 Internal Audit Plan

The Committee was asked to endorse the draft 2017/18 Internal Audit Plan provided below at Table 1. This draft Plan reflects the schedule of internal audits detailed in the Three-Year Internal Audit Plan which was previously endorsed by the Committee at its meeting on 27 March 2017 and subsequently adopted by Council at its Ordinary Meeting on 12 April 2017.

Table 1 – Draft 2017/18 Internal Audit Plan

#	Audit	Proposed Quarter
1	Waste Collection	Q1
2	Fraud and Corruption Prevention	Q2
3	Plant and Fleet Management	Q3
4	Developer Contributions (s94, VPAs)	Q4

AR 18/17

THAT the Audit, Risk and Improvement Advisory Committee endorse the draft 2017/18 Internal Audit Plan provided at Table 1.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 July 2017

COMMITTEE REPORTS



Item 9.2 Internal Audit Report – Contract Management

This report detailed the results of an internal audit of the adequacy and effectiveness of the internal controls in place for Council's contract management function.

The internal audit found that Council has in place a generally good system and process for managing contracts, and has identified the need to develop and implement a Project/Contract Management Framework which would further improve contract management delivery. It also found that the Procurement team play a pivotal role in the procurement of goods and services which provides a sound foundation for the management of contracts.

With regard to opportunities for improvement, a total of 8 findings were made and 20 recommendations identified, all of which were accepted by Council.

AR 19/17

THAT the Contract Management Internal Audit Report be noted.

Item 9.3 Outstanding Audit Recommendations Progress Report

The Committee was provided with an overview of progress on the implementation of outstanding recommendations from previous internal audits. A total of 12 recommendations remain open, while 15 recommendations have been closed since the previous Committee meeting on 27 March 2017.

AR 20/17

THAT the Outstanding Audit Recommendations Progress Report be noted.

Item 9.4 Update on Internal Audit Services Tender

Council staff provided a verbal update on the outcomes of Council's Request for Tender for Internal Audit Services.

AR 21/17

THAT the report be noted.

Item 10.1 External Audit – Management Plan Recommendations Update

The Committee was provided with an update on the status of issues which have been raised in prior Management Letters by Council's external Auditors. The report advised that Council has implemented an audit improvement plan to address the corrective actions and recommended improvements previously raised.

AR 22/17

THAT the Committee note the update provided on outstanding issues raised by Council's External Auditors.



RECOMMENDATION

THAT recommendations Nos AR 13/17 to AR 22/17 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee held on Friday, 23 June 2017 be adopted.

ATTACHMENTS

1. Minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 23 June 2017



ATTACHMENT 1



MINUTES

of the
Audit, Risk and Improvement Advisory
Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Friday 23 June 2017

The meeting commenced at 9.00 am

File No. [2102/3](#)

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 23 June 2017



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 23 June 2017



1. WELCOME AND APOLOGIES	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. ADOPTION OF MINUTES OF PREVIOUS MEETING	
4. BUSINESS ARISING FROM THE MINUTES	
Audit, Risk and Improvement Advisory Committee Meeting held on 27 March 2017	
5. DECLARATIONS OF INTEREST	
6. AGENDA REPORTS	3
6.1 Fit For The Future Program Update	3
7. COMMITTEE ACTION LIST	4
7.1 Committee Actions Update	4
8. RISK MANAGEMENT	5
8.1 Corporate Risk Program Update	5
9. INTERNAL AUDIT	6
9.1 Draft 2017/18 Internal Audit Plan	6
9.2 Internal Audit Report - Contract Management	7
9.3 Outstanding Audit Recommendations Progress Report	8
9.4 Update on Internal Audit Services Tender	9
10. EXTERNAL AUDIT	10
10.1 External Audit - Management Plan Recommendations Update	10
11. DATE OF NEXT MEETING	11
12. MEETING CLOSURE	11

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 23 June 2017



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 23 June 2017



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON FRIDAY 23 JUNE 2017 COMMENCING AT 9.00 AM.

Present:

Councillors: Clr T D Gair
Clr I M Scandrett (arrived 9.05am)

Community Representatives: Ms Jan Edwards *Chair*
Mr Paul Jeffares
Dr Jason Young

In Attendance: Ms Ann Prendergast *General Manager*
Mr Mark Pepping *DGM Corporate, Strategy & Development Services*
Mr Nick O'Connor *Group Manager Corporate & Community*
Mr Richard Mooney *Chief Financial Officer*
Mr Michael Herraman *Group Manager Assets & Project Delivery*
Ms Danielle Lidgard *Coordinator Integrated Planning & Reporting*
Mr Andrew Lynch *Senior Governance Officer*
Mr David Nolan *Audit Office of NSW*
Mr Steve Hrdina *Audit Office of NSW*
Mr Mitchell Morley *InConsult (in part)*
Ms Belinda Serone *Administration Officer*

1. WELCOME AND APOLOGIES

An apology was received from Mr Barry Paull.

AR 13/17

MOTION moved by Ms J Edwards and seconded by Clr T D Gair

THAT the apology of Mr Barry Paull be accepted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Ms Jan Edwards acknowledged Country:

I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.

3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING HELD ON MONDAY 27 MARCH 2017

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 23 June 2017



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 23 June 2017



AR 14/17

MOTION moved by Cllr T D Gair and seconded by Ms J Edwards

THAT the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday 27 March 2017 MN 1/17 to MN 12/17 inclusive, copies of which were forwarded to Committee Members, be adopted as a correct record of the proceedings of the meeting.

PASSED

4. BUSINESS ARISING

There was no business arising at the meeting.

101/3, 101/3.1

5. DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 23 June 2017



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 23 June 2017



6. AGENDA REPORTS

6.1 Fit For The Future Program Update

Reference: 2102/3
Report Author: Senior Governance Officer

PURPOSE

Council staff will provide a verbal update on the implementation of Council's Fit For The Future Program.

Clr Ian Scandrett arrived at 9.05am.

The Group Manager Corporate and Community, General Manager, Chief Financial Officer and Coordinator Integrated Planning and Reporting addressed the Committee on this matter.

AR 15/17

MOTION moved by Clr T D Gair and seconded by Mr P Jeffares

THAT the report be noted.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 23 June 2017



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 23 June 2017



7. COMMITTEE ACTION LIST

7.1 Committee Actions Update

Reference: 2102/3
Report Author: Senior Governance Officer

PURPOSE

The purpose of this report is to keep the Committee apprised of the progress of action items previously requested by the Committee.

AR 16/17

MOTION moved by Dr J Young and seconded by Ms J Edwards

THAT the report be noted.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 23 June 2017



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 23 June 2017



8. RISK MANAGEMENT

8.1 Corporate Risk Program Update

Reference: 2102/3
Report Author: Workplace Systems Coordinator

PURPOSE

The purpose of this report is to provide the Committee with an update on Council's Risk Management Program.

The Group Manager Corporate and Community addressed the Committee on this matter.

AR 17/17

MOTION moved by Cllr T D Gair and seconded by Ms J Edwards

THAT the report be noted.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 23 June 2017



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 23 June 2017



9. INTERNAL AUDIT

9.1 Draft 2017/18 Internal Audit Plan

Reference: 2102/3
Report Author: Senior Governance Officer

PURPOSE

The purpose of this report is to seek the Committee's endorsement of the draft 2017/18 Internal Audit Plan.

The Group Manager Corporate and Community addressed the Committee on this matter.

AR 18/17

MOTION moved by Cllr I M Scandrett and seconded by Mr P Jeffares

THAT the Audit, Risk and Improvement Advisory Committee endorse the draft 2017/18 Internal Audit Plan provided at Table 1.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 23 June 2017



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 23 June 2017



9.2 Internal Audit Report - Contract Management

Reference: 2102/3
Report Author: Senior Governance Officer

PURPOSE

This report details the results of InConsult's internal audit of the adequacy and effectiveness of the internal controls in place for Council's contract management function.

Mr Mitchell Morley and the Chief Financial Officer addressed the Committee on this matter.

AR 19/17

MOTION moved by Clr T D Gair and seconded by Clr I M Scandrett

THAT the Contract Management Internal Audit Report be noted.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 23 June 2017



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 23 June 2017



9.3 Outstanding Audit Recommendations Progress Report

Reference: 2102/3
Report Author: Senior Governance Officer

PURPOSE

This report provides an overview of progress on the implementation of outstanding recommendations from previous internal audits.

The Group Manager Corporate and Community addressed the Committee on this matter.

AR 20/17

MOTION moved by Dr J Young and seconded by Ms J Edwards

THAT the Outstanding Audit Recommendations Progress Report be noted.

PASSED

Mr Mitchell Morley retired from the meeting at 10.10am.

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 23 June 2017



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 23 June 2017



9.4 Update on Internal Audit Services Tender

Reference: 2102/3
Report Author: Senior Governance Officer

PURPOSE

Council staff will provide a verbal update on the outcomes of Council's Request for Tender for Internal Audit Services.

The Group Manager Corporate and Community addressed the Committee on this matter.

AR 21/17

MOTION moved by Cllr I M Scandrett and seconded by Cllr T D Gair

THAT the report be noted.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 23 June 2017



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 23 June 2017



10. EXTERNAL AUDIT

10.1 External Audit - Management Plan Recommendations Update

Reference: 2102
Report Author: Chief Financial Officer
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

This report provides the Audit, Risk and Improvement Advisory Committee with an update on the status of issues which have been raised in previous Management Letters by Council's external Auditors.

The Chief Financial Officer and Mr David Nolan addressed the Committee on this matter.

AR 22/17

MOTION moved by Mr P Jeffares and seconded by Dr J Young

THAT the Committee note the update provided on outstanding issues raised by Council's External Auditors.

PASSED

18.2 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 23 June 2017

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee meeting held on 23 June 2017



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 23 June 2017



11. DATE OF NEXT MEETING

The next meeting will be held on Tuesday, 10 October 2017 in Nattai Room, Civic Centre, Elizabeth Street, Moss Vale commencing at 9.00 am.

12. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.23 AM

18.3 Minutes of the Community Development Advisory Committee held on Monday, 26 June 2017

Reference: 1800/58
Report Author: PA for Mayor
Authoriser: Group Manager Corporate and Community
Link to Delivery Program: Encourage and implement activities that strengthen community spirit

PURPOSE

This report provides the Minutes of the Community Development Advisory Committee Meeting held on Monday, 26 June 2017.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

CD 10/17

THAT the apology of Cllr Markwart be accepted and leave of absence granted

Item 3 Adoption of Minutes of Previous Meeting

CD 11/17

THAT the minutes of the Community Development Advisory Committee Meeting held on Tuesday 11 April 2017 MN CD1/17 to MN CD7/17 inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.

CD 12/17

THAT the minutes of the Community Development Advisory Committee Meeting held on Tuesday 09 May 2017 MN CD8/17 to MN CD9/17 inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Update on the development of the Disability Inclusion Action Plan

CD 13/17

THAT the report and presentation on the Wingecarribee Shire Disability Inclusion Action Plan be noted AND THAT staff be thanked for all their hard work and professionalism in developing a detailed document.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 July 2017

COMMITTEE REPORTS



Item 6.2 Hill Top Primary School Collaboration Proposal

CD 14/17

1. *THAT the Committee request that Council provide support for the proposed Hill Top Community Fair and initiate communication with the School to consider how this may be achieved.*
2. *THAT contact details for Mr Gardiner are circulated to Committee members for future reference and assistance.*
3. *THAT Ms Cath Brennan provide Mr Gardiner with an overview and update on the outcomes of the Hill Top Our Village, Our Future Action Plan.*

Item 6.3 Update on the deliverables from the Youth Strategy Action Plan

CD 15/17

1. *THAT the report regarding the update on deliverable from the Youth Strategy Action Plan be noted.*
2. *THAT the PCYC project be listed as a future agenda item*
3. *THAT the committee receive information regarding the “5 ways to Wellbeing” program and the Southern Highlands Mental Health Community Forum.
(Circulated under separate cover).*

Item 6.4 Targeted Early Intervention Update

CD 16/17

THAT the report and update regarding Targeted Early Intervention be noted.

Item 6.5 & 6.6 Minutes of the Access Community Reference Group Meetings held on Monday 3 April and Monday 1 May 2017

CD 17/17

1. *THAT recommendation Nos AC 1/17 to 4/17 – as detailed in the Minutes of the Access Community Reference Group Meeting held on Monday 3 April 2017 be adopted, save for any budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.*
2. *THAT recommendations Nos AC 5/17 to AC 8/17 – as detailed in the Minutes of the Access Community Reference Group Meeting held on Monday 1 May 2017 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.*
3. *THAT a briefing regarding the updates to the Community Strategic Plan 2031 be listed as a future agenda item for the Access Community Reference Group.*

Item 6.7 & 6.8 Minutes of the Seniors Community Reference Group Meeting held on Tuesday, 4 April and Tuesday 2 May 2017

CD 18/17

1. *THAT recommendations Nos SRG 1/17 to SRG 4/17 – as detailed in the Minutes of the Seniors Community Reference Group Meeting held on Tuesday 4 April 2017 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.*

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 July 2017

COMMITTEE REPORTS



2. *THAT recommendations Nos SRG 5/17 to SRG 7/17 – as detailed in the Minutes of the Seniors Community Reference Group Meeting held on Tuesday 2 May 2017 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.*

RECOMMENDATION

THAT recommendations Nos CD 10/17 to CD 18/17 as detailed in the Minutes of the Community Development Advisory Committee Meeting held on Monday, 26 June 2017 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

ATTACHMENTS

1. Community Development Advisory Committee Minutes of 26 June 2017



ATTACHMENT 1



MINUTES

of the
Community Development Advisory
Committee Meeting

held in

Gibraltar Room

Civic Centre, Elizabeth Street, Moss Vale

on

Monday 26 June 2017

The meeting commenced at 5.00pm

File No. 1800/58

**18.3 Minutes of the Community Development Advisory Committee
held on Monday, 26 June 2017**

**ATTACHMENT 1 Community Development Advisory Committee
Minutes of 26 June 2017**



**MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY
COMMITTEE MEETING**

Monday 26 June 2017



1. WELCOME AND APOLOGIES	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. ADOPTION OF MINUTES OF PREVIOUS MEETING	
4. BUSINESS ARISING FROM THE MINUTES	
5. DECLARATIONS OF INTEREST	
6. AGENDA REPORTS	3
6.1 Update on the development of the Disability Inclusion Action Plan	3
6.2 Hill Top Primary School Collaboration Proposal.....	4
6.3 Update on the deliverables from the Youth Strategy Action Plan	5
6.4 Targeted Early Intervention Update	6
6.5 Minutes of the Access Community Reference Group Meeting held on Monday, 3 April 2017	7
6.6 Minutes of the Access Community Reference Group Meeting held on Monday, 1 May 2017	8
6.7 Minutes of the Seniors Community Reference Group Meeting held on Tuesday, 4 April 2017	9
6.8 Minutes of the Seniors Community Reference Group Meeting held on Tuesday, 2 May 2017	10
7. DATE OF NEXT MEETING	12
8. MEETING CLOSURE	12

18.3 Minutes of the Community Development Advisory Committee held on Monday, 26 June 2017

ATTACHMENT 1 Community Development Advisory Committee Minutes of 26 June 2017



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Monday 26 June 2017



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN GIBRALTAR ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON MONDAY 26 JUNE 2017 COMMENCING AT 5.00PM.

Councillors: Clr L A C Whipper *Chair*
Clr G McLaughlin *Alternate Chair*
Clr G J Andrews

Community Representatives: Ms Deborah Barnes
Ms Lynne Burgoyne
Mr Tim McKeon
Mr Bruce Mumford
Ms Rebecca Reidy
Mr Dylan Whitelaw
Mr Troy Styman

Agency Representatives:

In Attendance: Mr Nick O'Connor, *Group Manager Corporate & Community*
Ms Cath Brennan, *Community Development Coordinator*
Ms Leesa Stratford, *Mayor's PA*

1. WELCOME AND APOLOGIES

CD 10/17

MOTION moved by Clr L A C Whipper and seconded by Clr G J Andrews

That the apology of Clr Markwart be accepted and leave of absence granted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Clr L Whipper acknowledged country

I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today.

18.3 Minutes of the Community Development Advisory Committee held on Monday, 26 June 2017

ATTACHMENT 1 Community Development Advisory Committee Minutes of 26 June 2017



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Monday 26 June 2017



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING HELD ON TUESDAY 11 APRIL 2017

CD 11/17

MOTION moved by Clr G McLaughlin and seconded by Ms D Barnes

THAT the minutes of the Community Development Advisory Committee Meeting held on Tuesday 11 April 2017 MN **CD1/17** to MN **CD7/17** inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.

PASSED

MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING HELD ON TUESDAY 9 MAY 2017

CD 12/17

MOTION moved by Mr D Whitelaw and seconded by Ms L Burgoyne

THAT the minutes of the Community Development Advisory Committee Meeting held on Tuesday 09 May 2017 MN **CD8/17** to MN **CD9/17** inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.

PASSED

4. BUSINESS ARISING

April 2017 meeting:

6.1 Terms of Reference of the Community Development Advisory Committee

An invitation was extended to Mr Troy Styman to join the Community Development Advisory Committee as an Aboriginal Representative. Mr Styman has kindly accepted the position and is welcomed to the Committee by Clr Larry Whipper.

An invitation has been sent to the National Disability Insurance Agency (NDIA) to nominate a representative to join the Community Development Advisory Committee. Ms Brennan has been in contact with Mr Eddy Paterson (NDIA), who is currently waiting for approval from NDIA management to attend.

The Agenda item timelines for future 2017 meeting dates are:

12 September	Agenda item deadline	22 August 2017
14 November	Agenda item deadline	24 October 2017

5. DECLARATIONS OF INTEREST

There were no Declarations of Interest declared at this meeting

18.3 Minutes of the Community Development Advisory Committee
held on Monday, 26 June 2017

ATTACHMENT 1 Community Development Advisory Committee
Minutes of 26 June 2017



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY
COMMITTEE MEETING

Monday 26 June 2017



6. AGENDA REPORTS

6.1 Update on the development of the Disability Inclusion
Action Plan

Reference: 1828/9
Report Author: Coordinator Community Development

PURPOSE

To provide the Committee with an update on the development of the Disability Inclusion Action Plan

Ms Nicola Robson, Ageing & Disability Officer addressed the Committee with an overview of the Disability Inclusion Action Plan that will be presented to the Ordinary meeting of Council on Wednesday 28 June 2017 for adoption.

CD 13/17

MOTION moved by Mr B Mumford and seconded by Ms L Burgoyne

THAT the report and presentation on the Wingecarribee Shire Disability Inclusion Action Plan be noted **AND THAT** staff be thanked for all their hard work and professionalism in developing a detailed document.

PASSED

18.3 Minutes of the Community Development Advisory Committee
held on Monday, 26 June 2017

ATTACHMENT 1 Community Development Advisory Committee
Minutes of 26 June 2017



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY
COMMITTEE MEETING

Monday 26 June 2017



6.2 Hill Top Primary School Collaboration Proposal

Reference: 1510/12
Report Author: Coordinator Community Development

PURPOSE

Discuss proposed collaboration with representatives from Hill Top Primary School

Mr Mark Gardiner, Principle Hill Top Primary School addressed the Committee, giving an overview of the school and the community. Mr Gardiner advised the Committee of plans for the school and community to stage a Community Fair to be held on the 13 October 2017 at Hill Top Primary School.

The Committee are advised that the Endeavour Project will be launched in Hill Top in July and the community will receive further information and details once finalised.

CD 14/17

MOTION moved by *Clr G J Andrews* and seconded by *Ms D Barnes*

1. **THAT** the Committee request that Council provide support for the proposed Hill Top Community Fair and initiate communication with the School to consider how this may be achieved.
2. **THAT** contact details for Mr Gardiner are circulated to Committee members for future reference and assistance.
3. **THAT** Ms Cath Brennan provide Mr Gardiner with an overview and update on the outcomes of the Hill Top Our Village, Our Future Action Plan.

PASSED

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6.3 Update on the deliverables from the Youth Strategy Action Plan

Reference: 1830/26
Report Author: Coordinator Community Development

PURPOSE

To provide the Committee with an update on the Youth Strategy Action Plan

Ms Cath Brennan, Community Development Coordinator addressed the Committee on the current status of the Youth Strategy Action Plan.

CD 15/17

MOTION moved by Mr D Whitelaw and seconded by Mr B Mumford

1. **THAT** the report regarding the update on deliverable from the Youth Strategy Action Plan be noted.
2. **THAT** the PCYC project be listed as a future agenda item
3. **THAT** the committee receive information regarding the "5 ways to Wellbeing" program and the Southern Highlands Mental Health Community Forum. (circulated under separate cover).

PASSED

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6.4 Targeted Early Intervention Update

Reference: 1800/58
Report Author: Coordinator Community Development

PURPOSE

To update the Committee on the NSW Family and Community Services Targeted Early Intervention Funding Reforms

Ms Cath Brennan, Community Development Coordinator addressed the Committee on this matter.

CD 16/17

MOTION moved by Mr Styman and seconded by Ms L Burgoyne

THAT the report and update regarding Targeted Early Intervention be noted.

PASSED

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6.5 Minutes of the Access Community Reference Group Meeting held on Monday, 3 April 2017

Reference: 1828/3
Report Author: Administration Officer

PURPOSE

This report provides the Minutes of the Access Community Reference Group Meeting held on Monday, 3 April 2017

The members of the Access Community Reference Group are encouraged to submit Action Requests through Customer Service or the Aging and Disability Council Officer.

All recommendations from the Access Community Reference Group are referred to the Community Development Advisory Group and for endorsement via an Ordinary Meeting of Council.

Mr Nick O'Connor, Group Manager Corporate & Community addressed the Committee on the Community Strategic Plan 2031 update process.

CD 17/17

MOTION moved by Mr B Mumford and seconded by Ms D Barnes

1. **THAT** recommendation Nos AC 1/17 to 4/17 – as detailed in the Minutes of the Access Community Reference Group Meeting held on Monday 3 April 2017 be adopted, save for any budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.
2. **THAT** recommendations Nos AC 5/17 to AC 8/17 – as detailed in the Minutes of the Access Community Reference Group Meeting held on Monday 1 May 2017 be adopted, save for any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.
3. **THAT** a briefing regarding the updates to the Community Strategic Plan 2031 be listed as a future agenda item for the Access Community Reference Group.

PASSED

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6.6 Minutes of the Access Community Reference Group Meeting held on Monday, 1 May 2017

Reference: 1828/3
Report Author: Administration Officer

PURPOSE

This report provides the Minutes of the Access Community Reference Group meeting held on Monday 1 May 2017.

Recommendations requiring the attention of the Community Development Advisory Committee are listed below:

Item 4.1 Access to The Press Shop Café

AC 7/17

THAT the appropriate Council staff investigate and make a recommendation as to whether full access to The Press Shop café has been restricted.

RECOMMENDATION

THAT recommendations Nos AC 5/17 to AC 8/17 – as detailed in the Minutes of the Access Community Reference Group Meeting held on Monday 1 May 2017 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

Refer to MN CD17/17

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6.7 Minutes of the Seniors Community Reference Group Meeting held on Tuesday, 4 April 2017

Reference: 107/26
Report Author: Administration Officer

PURPOSE

The purpose of this report is to provide the Minutes of the Seniors Community Reference Group meeting held on Tuesday 4 April 2017.

Recommendations requiring the attention of the Community Development Advisory Committee are listed below:

Item 6.3 Seniors Festival 2017 Review

SRG 3/17

1. *THAT the report be noted.*
2. *THAT Council writes to Pru Goward MP, Minister for Family and Community Services, asking to confirm the dates of Seniors Festival 2018 and when applicants for Seniors Festival grants will be advised if their application has been successful or not.*

CD 18/17

MOTION moved by Clr L A C Whipper and seconded by Clr G J Andrews

1. **THAT recommendations Nos SRG 1/17 to SRG 4/17 – as detailed in the Minutes of the Seniors Community Reference Group Meeting held on Tuesday 4 April 2017 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.**
2. **THAT recommendations Nos SRG 5/17 to SRG 7/17 – as detailed in the Minutes of the Seniors Community Reference Group Meeting held on Tuesday 2 May 2017 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.**

PASSED

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6.8 Minutes of the Seniors Community Reference Group Meeting held on Tuesday, 2 May 2017

Reference: 107/26
Report Author: Administration Officer

PURPOSE

The purpose of this report is to provide the Minutes of the Seniors Community Reference Group Meeting held on Tuesday 2 May 2017.

Recommendations requiring the attention of the Community Development Advisory Committee are listed below:

Item 6.1 Positive Ageing Strategy

SRG 7/17

THAT Council staff focus on access to information through libraries and technology for seniors in relation to the Positive Ageing Strategy AND THAT projects are developed to address the following strategies from the Positive Ageing Action Plan:

- No. 21. *Support and advocate for suitable training and initiatives for older people to understand and make use of information technology and smart devices in everyday life.*
- No. 32. *Identify new opportunities for socially isolated older people to participate in community life, e.g. phone based book clubs, online learning and discussion groups.*
- No. 33. *Promote and support a wide range of accessible and affordable life-long learning opportunities for older people.*
- No. 37. *Encourage and support intergenerational initiatives that deepen understanding and connection between generations.*
- No. 39. *Ensure that Council's Library Services continue to meet the needs of the Shire's diverse ageing population and consider opportunities to leverage existing library and Visitor Information Centre resources to provide a broader range of services and support for older people.*
- No. 42. *Develop, support and facilitate a variety of creative activities and access to cultural opportunities that cater to the needs of older people consistent with Council's Arts and Culture Strategic Plan.*

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RECOMMENDATION

THAT recommendations Nos SRG 5/17 to SRG 7/17 – as detailed in the Minutes of the Seniors Community Reference Group Meeting held on Tuesday 2 May 2017 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

Refer to MN CD18/17

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7. DATE OF NEXT MEETING

The next meeting will be held on Tuesday 12 September 2017 in Gibraltar Room
Civic Centre, Elizabeth Street, Moss Vale commencing at 4.30pm.

8. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.35 PM



20 NOTICES OF MOTION

20.1 Notice of Motion 21/2017 - Rail Side Project Feasibility Study

Reference: 100/4, 6695, 1410/11, 1930, 1900
Report Author: Administration Officer
Authoriser: Group Manager Corporate and Community
Link to Delivery Program: Develop partnerships within and outside of the Shire to strengthen economic initiatives

PURPOSE

Councillor Ian Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 July 2017:

1. **THAT Council allocate \$25,000 immediately towards the Rail Side Project Feasibility Study AND THAT an appropriate source for such funding be identified.**
2. **THAT the study be commissioned immediately in conjunction with matched contribution from Wollondilly Council for this economic development project.**

RECOMMENDATION

Submitted for determination.



22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

Section 10A of the *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

Section 10B

1. *[Time spent closed to be minimised] A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):*
 - a. *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
 - b. *If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
2. *[Qualification of 10A(2)(g)] A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:*
 - a. *are substantial issues relating to a matter in which the council or committee is involved, and*
 - b. *are clearly identified in the advice, and*
 - d. *are fully discussed in that advice.*
3. *[Qualification of 10A(3)] If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).*
4. *[Irrelevant matters] For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:*
 - a. *a person may misinterpret or misunderstand the discussion, or*
 - b. *the discussion of the matter may:*
 - (i) *cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or*
 - (ii) *cause a loss of confidence in the council or committee.*

Attention is also drawn to provisions contained in Part 7 of Council's Code of Meeting Practice.

Director General's Guidelines

The Director General of the Department of Local Government has issued guidelines concerning the use of Section 10 of the Act. A copy of the Director General's guidelines has been sent to all Councillors. Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.

RECOMMENDATION

1. **THAT** Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the *Local Government Act 1993* as addressed below to consider the following reports that are confidential for the reasons specified below:

22.1 **Mittagong Swimming Centre - Repairs**

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Mittagong Swimming Centre Repairs.

2. **THAT** the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.

Ann Prendergast
General Manager

Friday 7 July 2017