

6 September 2018

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 September 2018** 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 September 2018 at 3.30 pm.

Time	Item
3.30pm	<b>Opening of meeting</b> – 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.
	<b>Acknowledgement of Country - TBA</b>
3.32pm	<b>Opening Prayer - TBA</b>
3.35pm	<ul style="list-style-type: none"><li>• <b>Apologies</b> (<i>if any</i>)</li><li>• <b>Adoption of Previous Minutes</b></li><li>• <b>Business Arising</b> (<i>if any</i>)</li><li>• <b>Declarations of Interest</b> (<i>if any</i>)</li><li>• <b>Mayoral Minute</b> (<i>if any</i>)</li><li>• <b>Public Forum</b> (<i>if any</i>)</li><li>• <b>Motion to move into Committee of the Whole – Clr G Andrews</b></li><li>• <b>Visitor Item</b> (<i>if any</i>)</li><li>• <b>Council Reports</b></li></ul>
5.30pm	<b>Motion to move into Council and the Mayor resumes the Chair</b>
5.30pm	<b>Questions from the Public - <i>to be read</i></b> <b>Continuation of Council Reports</b> <b>General Business Questions</b> <b>Questions with Notice</b> <b>Notices of Motion</b>
7.40pm	<b>Closed Council</b>
8.00pm	<b>Meeting Closed</b>

Ann Prendergast  
General Manager



## Business

1. **OPENING OF THE MEETING**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **PRAYER**
4. **APOLOGIES**  
Councillors's G McLaughlin and D Gair
5. **ADOPTION OF MINUTES OF PREVIOUS MEETING**  
Ordinary Meeting of Council held on 22 August 2018
6. **BUSINESS ARISING FROM THE MINUTES**
7. **DECLARATIONS OF INTEREST** ..... 1
8. **MAYORAL MINUTES**
9. **PUBLIC FORUM**

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  - CORPORATE, STRATEGY AND DEVELOPMENT SERVICES**
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11. **EN BLOC MOTION**
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**Mayor to resume chair at 5.30 pm**

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**COUNCIL MATTERS**

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Nil

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**16. PETITIONS**

Nil

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Nil

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Nil

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**21. GENERAL BUSINESS**

Nil

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**22.1 Proposed Easement to Drain Water over Council property, Highlands Golf Course, Old Hume Highway Mittagong**

*This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.*

**22.2 Proposed Easement for Electrical Supply over Council property, 4 Kirkham Street Moss Vale**

*This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.*

**22.3 Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral**

*This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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

**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

**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'*

**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'*

### OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality



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## **Council Chambers**

### **Recording of Ordinary and Extraordinary Meetings of Council**

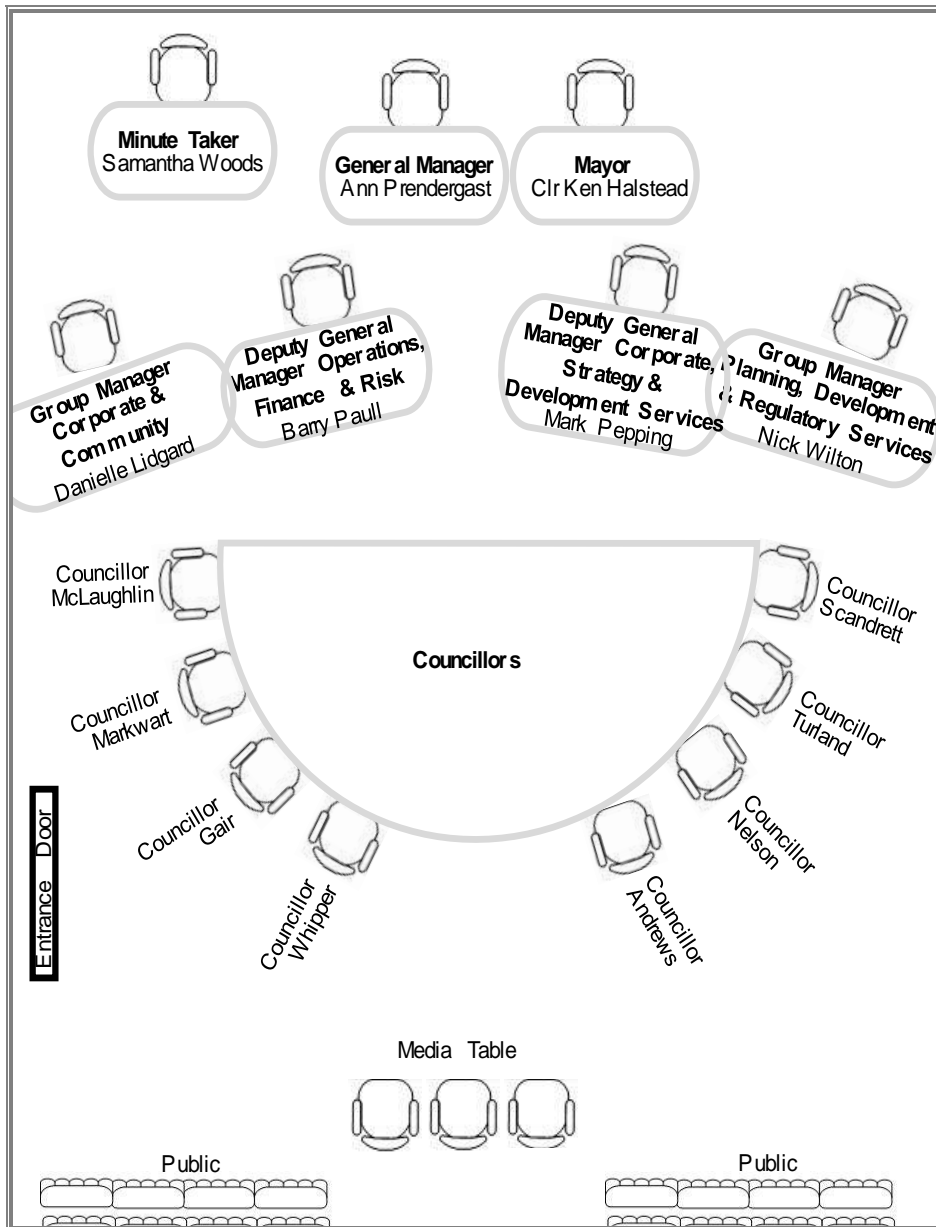
As authorised by the *Local Government Act 1993*, Wingecarribee Shire Council records the proceedings of the Ordinary and Extraordinary Meetings of Council to ensure accurate transcription of resolutions.

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.

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 12 September 2018







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## **ACKNOWLEDGEMENT OF COUNTRY**

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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.

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## **APOLOGIES**

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### **Request for Leave of Absence – Councillors Graham McLaughlin and Duncan Gair**

Councillors G McLaughlin and D Gair intend to be absent from all Council commitments on Wednesday, 12 September 2018, including the Ordinary Meeting of Council and Briefing Sessions that day, for personal reasons.

Under Section 234 of the *Local Government Act 1993* and Clause 235A of the *Local Government Regulations 2005* leave of absence can be granted to a Councillor with Council approval.

Council's consideration of the request for leave of absence is sought.

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## **DECLARATIONS OF INTEREST**

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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.

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## COMMITTEE OF THE WHOLE

### 10 VISITOR MATTERS

#### CORPORATE STRATEGY AND DEVELOPMENT SERVICES

#### 10.1 Section 4.55 application 03/2011.05 to modify development consent 03/2011 - Bulk water extraction and storage shed / staff amenities, Lot 85 DP751275 and Lot 2 DP531503, Wombeyan Caves Road, High Range

Reference:	03/2011.05
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Lee Environmental Planning
Owner:	Woodbine Park Nominees Pty Ltd
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

#### PURPOSE

This report details assessment of an application to modify development consent 03/2011. The modification application is to be determined by the Council because the original development application was determined by the Council, as was a previous application to modify the consent.

#### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

#### RECOMMENDATION

**THAT** modification application 03/2011.05 under section 4.55 (2) of the Environmental Planning and Assessment Act 1979 be approved subject to proposed draft conditions of development consent contained in Attachment 1.

#### REPORT

##### Subject Site and Locality

Figures 1 and 2 (and Attachment 2) illustrate the land's location and general layout. It is an approximately 228ha rural parcel of two lots on the southwestern side of Wombeyan Caves Road at High Range, around 14km northwest of Mittagong. It is accessible by vehicle from Wombeyan Caves Road.

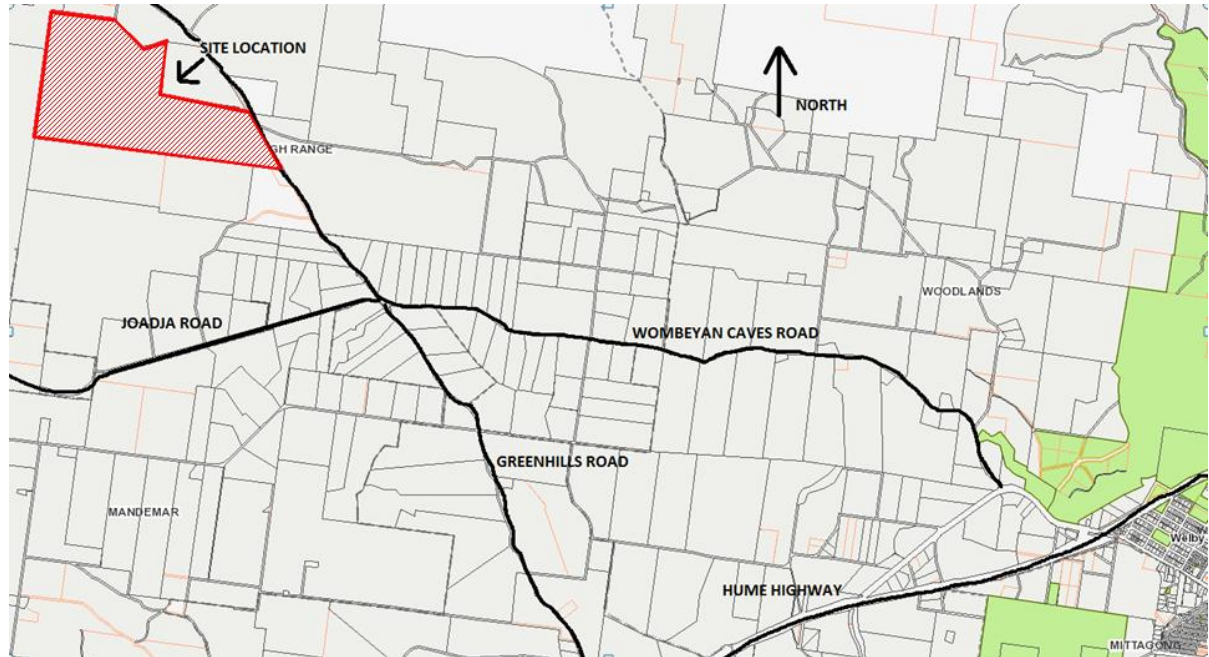


Figure 1: Location of subject land (see also Attachment 2)



Figure 2: Aerial photograph of subject land (see also Attachment2)

The land has undulating topography and is traversed by Borehole Creek, along with other unnamed minor watercourses. Vegetation on the land includes grazed pasture and clusters of mature native trees.

Some surrounding properties appear to be used for agricultural purposes; others contain remnant native vegetation.

## **Background**

On 20 July 2005, Council granted development consent 03/2011 for “bulk water extraction and storage shed / staff amenities” on Lot 85 DP751275 and Lot 2 DP531503, 955 Wombeyan Caves Road, High Range. The development involved erection of a rural style metal shed and the pumping of water from an existing licenced bore. Conditions of consent included:

- Condition 5:

### Hours of Operation / Truck Movements

*The hours of operation are limited to between 7:00am and 6:00pm week days only, with no movements Saturday, Sunday and Public Holidays. To assist in monitoring this condition the applicant shall maintain a register of dispatches – date, time, vehicle and volume of water. This register shall be made available to Council or Government Agencies upon request.*

*Truck movements during these hours shall be restricted to a maximum of twelve (12) movements per day.*

Council amended the consent on 18 October 2005, and further modified it on 9 March 2006. Neither the amendment nor modification is considered to be of any consequence to the modification application now under consideration.

On 21 December 2015 Council received an application (03/2011.04) to modify the consent, proposing amendment of condition 5 to entirely remove the restriction on permitted vehicle movement days and times, i.e. to permit vehicle movements 24 hours per day, seven days per week, without increasing the permitted number of daily vehicle movements from 12. The Council considered a report regarding application 03/2011.04 at its Ordinary Meeting of 14 December 2016, and resolved to modify the consent for a 12 month period, amending condition 5 and adding condition 17:

- Condition 5:

### Hours of Operation / Truck Movements

*The hours of operation are limited to between 7.00 am and 6.00pm week days only, with no movements Saturday, Sunday and Public Holidays.*

***Notwithstanding the above, a 12 month trial period for the 24 hour operation of the use (including vehicular movements) between 12 Midnight Mondays and 12 midnight Fridays, is permitted from 15 December 2016 to 15 December 2017. Should the operator wish to seamlessly continue these hours beyond 15 December 2017, a section 96 modification application shall be lodged and determined prior to this date.***

*To assist in monitoring this condition the applicant shall maintain a register of dispatches – date, time, vehicle and volume of water. This register shall be made available to Council or Government Agencies upon request.*

*Truck movements ~~during these hours~~ **per day (midnight to midnight)** shall be restricted to a maximum of ~~twelve (12)~~ movements per day.*

***The number of deliveries by truck in any single night period (i.e. 10.00 pm to 7.00 am) shall not exceed four.***

***During night time (i.e. 10.00 pm to 7.00 am), the number of deliveries by truck within any one hour period shall be restricted to two truck movements (i.e. one delivery).***



- Condition 17:

**Noise Controls**

***The development shall comply with relevant noise control provisions contained within the Protection of the Environment Operations Act 1997 and Noise Control Regulations and Policies to ensure local amenity is not adversely affected by noise impacts associated with the development.***

**Proposed Development**

Lee Environmental Planning made the subject modification application 03/2011.05 on 26 October 2017. Information accompanying the application requests Council consider amending condition 5 of the consent to permit operation of the development, including associated vehicle movements, 24 hours per day, five days per week, on an ongoing basis.

Essentially, the proposed modification might involve amendment of condition 5 to read:

**Hours of Operation / Truck Movements**

*Council's consent permits operation of the development, including associated vehicle movements, 24 hours per day on weekdays only, with no operation or vehicle movements permitted on Saturdays, Sundays or public holidays.*

*To assist in monitoring this condition the applicant shall maintain a register of dispatches – date, time, vehicle and volume of water. This register shall be made available to Council or Government Agencies upon request.*

*Truck movements per day (midnight to midnight) shall be restricted to a maximum of 12 movements per day.*

*The number of deliveries by truck in any single night period (i.e. between 10.00 pm and 7.00 am) shall not exceed four.*

*During night time (i.e. between 10.00 pm and 7.00 am), the number of deliveries by truck within any one hour period shall be restricted to two truck movements (i.e. one delivery).*

The information accompanying the modification application asserts, “...there has been no adverse impacts arising from the conduct of the business. On this basis it is requested that the [12 month] trial be acknowledged as having been a success, therefore negating the need for the trial to be extended. Therefore, the existing conditions of consent should be amended to reflect the 24 hour operation with the pattern of truck movements described within the conditions”. It suggests the proposed modification will facilitate “a more efficient spread of truck movements that are necessary to service the water extraction facility”.



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## STATUTORY PROVISIONS

### **Environmental Planning and Assessment Act 1979 (the Act)—section 4.55**

The proposed modification is considered satisfactory with regard to the relevant provisions of section 4.55 of the Act, including subsections (2) and (3):

#### **4.55 Modification of consents—generally**

##### **(2) Other modifications**

*A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with:
  - (i) the regulations, if the regulations so require, or*
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (1A) do not apply to such a modification.*

- (3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

### **State Environmental Planning Policies (SEPPs)**

No provisions of SEPPs that applied to the original development application 03/2011 are relevant to the proposed modification.

### **Local Environmental Plans**

#### **Wingecarribee Local Environmental Plan 1989 (WLEP89)**

The original development application 03/2011 was subject to the relevant provisions of the then-applicable Wingecarribee Local Environmental Plan 1989 (WLEP89), which included:

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- Clause 2—Aims, objectives etc
- Clause 5—Definitions
- Clause 6—Adoption of Model Provisions
  - Environmental Planning and Assessment Model Provisions 1980
    - Clause 4—Definitions
    - Clause 5—Consideration of certain applications
    - Clause 30—Services
- Clause 9—Zone objectives and development control table
- Clause 14—Development on land which fronts a main or arterial road
- Clause 36—Provision of services.

However, WLEP89 was repealed with the commencement of Wingecarribee Local Environmental Plan 2010, which now applies to the land.

#### Wingecarribee Local Environmental Plan 2010 (WLEP10)

The modification application has been considered with regard to the relevant provisions of WLEP10, including:

- Clause 1.2—Aims of Plan
- Clause 1.4—Definitions
- Clause 2.3—Zone objectives and Land Use Table
- Clause 7.5—Natural resources sensitivity—water.

The proposed modification is not considered contrary to the particular aims specified by clause 1.2 (2).

With respect to clause 1.4, the development comprises the use of land, erection of buildings, and carrying out of works, for the purpose of *general industry*. Relevant LEP definitions are as follows:

***general industry*** means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

***industrial activity*** means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

It is noted that the development cannot be considered consistent with the LEP definition of *rural industry* (below), as it does not involve handling, treating, production, processing, storage or packing of *animal or plant agricultural products*:

***rural industry*** means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,



- (c) *composting facilities and works (including the production of mushroom substrate),*
- (d) *sawmill or log processing works,*
- (e) *stock and sale yards,*
- (f) *the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.*

With respect to clause 2.3, the land is in Zone RU2 Rural Landscape, within which development for the purpose of *general industries* is prohibited. However, this prohibition is of no consequence to the proposed modification, due to the development having been lawfully established pursuant to the previously applicable WLEP89 and Council's original development consent 03/2011.

Clause 7.5 (3) and (4) effectively specifies matters to be considered and satisfactorily addressed in order to grant consent to development on the land. It does not apply to an application to modify a consent that has already been granted. It is therefore of no consequence to the subject modification application.

#### **Development Control Plans (DCPs)**

The original development application 03/2011 was considered with regard to the relevant provisions of applicable DCPs, including:

- DCP 12—Off Street Car Parking, Loading Facilities and Vehicular Access
- DCP 41—Development & Subdivision Engineering Standards & Planning Guidelines.

None of the provisions of DCPs 12 and 41 is considered relevant to the proposed modification now under consideration.

DCP 12 and DCP 41 have been repealed since Council granted the original development consent 03/2011, and the land is now subject to Wingecarribee Shire Rural Lands Development Control Plan.

#### **Wingecarribee Shire Rural Lands Development Control Plan (RLDCP)**

The modification application has been considered with regard to RLDCP's relevant provisions, including:

- Part A—Managing our rural lands
  - Section A6—Additional controls
    - A6.8—Minimisation of external impacts – noise
- Part B—Development-specific controls
  - Section B6—Other commercial and community development
    - B6.2—Objectives for all commercial development.

With respect to section A6.8, the proposed modification is expected to perpetuate intermittent noise emissions from night time vehicular traffic to and from the land. RLDCP states, "Neighbours need to appreciate that such intermittent noise is part of the fabric of rural life", but acknowledges that noise abatement measures may be warranted in some cases.

As discussed earlier, in approving the previous modification application 03/2011.04, Council permitted the development's 24 hour operation and associated vehicle movements for a 12 month trial period. The trial period facilitated monitoring of any complaints regarding noise





emissions from night time vehicular traffic to and from the development. Council has no apparent record of noise complaints regarding the development since Council modified the consent on 14 December 2016.

**Section 4.15 (1) 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*

The modification application has been considered with regard to the relevant provisions of Wingecarribee Local Environmental Plan 1989 and Wingecarribee Local Environmental Plan 2010, as discussed earlier.

*(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*

As discussed earlier, the original development application 03/2011 was considered with regard to the provisions of DCP 12—Off Street Car Parking, Loading Facilities and Vehicular Access, and DCP 41—Development & Subdivision Engineering Standards & Planning Guidelines, none of which are considered relevant to the proposed modification now under consideration. The modification application has been considered with regard to the relevant provisions of Wingecarribee Shire Rural Lands Development Control Plan, also discussed earlier.

*(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.

*(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,*



- **Access, transport and traffic**

The modification application does not propose any increase in the currently permitted number of daily vehicle movements associated with the development's operation.

- **Noise and vibration**

The modification application proposes only the removal of the 12 month trial period constraint from condition 5 of the consent, which was imposed with Council's determination of the previous modification application 03/2011.04. Application 03/2011.04 was determined on the basis of a supporting Noise Impact Assessment report, which is considered still relevant to the current modification application.

In the assessment of modification application 03/2011.04, Council's Environmental Health Officer reviewed the Noise Impact Assessment report and commented:

*"...The Report concludes that:*

- *"Based on the existing traffic noise levels measured at each location, and the Project related predicted noise levels, there won't be any noticeable relative increase in both night and day time noise level associated with the proposed development (i.e. the predicted increase is extremely low at 0.1-0.2 dB(A)). It is stated that the development "meets the road traffic noise criteria detailed in the NSW EPA RNP at the nearest roadside residential receivers"; and*
- *"The additional project related truck movements during the night time period are unlikely to cause awakening reactions."*

In identifying recommended conditions of consent relating to noise, the Environmental Health Officer considered the following:

- *"With reference to email correspondence with the Applicant's Consultant on 21/11/16, "the applicant is willing to accept a condition of consent imposing a maximum number of deliveries at night to 4 (out of the total 12 allowable in any 24 hour period)"; and*
- *"The above-mentioned Report recommends that "the night-time operations be restricted to no more than two (2) movements per hour (one delivery) to minimise the peak of truck movements occurring within a small window"."*

The Environmental Health Officer subsequently recommended the following conditions of consent in relation to noise:

- *"The development is to comply with relevant noise control provisions contained within the Protection of the Environment Operations Act 1997 and Noise Control Regulations and Policies to ensure local amenity is not adversely affected by noise impacts associated with the development (**Condition 17**);*
- *"A maximum total of twelve (12) deliveries by truck are allowed in any 24 hour period (**Condition 5**);*

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- “The number of deliveries by truck in any single night period (i.e. 10.00 pm to 7.00 am) is not to exceed four (4) (**Condition 5**);
- “During night time (i.e. 10.00 pm to 7.00 am) the number of deliveries by truck within any one (1) hour period is to be restricted to two (2) truck movements (one delivery) (**Condition 5**).

Imposing the conditions recommended above was expected to result in an acceptable level of noise impact to residents along Wombeyan Caves Road, and Council’s Corporate Information Group has confirmed there is no apparent record of noise complaints regarding the development since Council modified the consent on 14 December 2016.

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

The proposed modification is not considered to render the development incompatible with its site or the locality.

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

Refer to the Consultation section of this report.

(e) *the public interest.*

Modification of development consent 03/2011 as proposed is not considered contrary to the public interest.

**CONSULTATION**

**Pre-lodgement Meeting**

No prelodgement meeting was held prior to the modification application being lodged with Council.

**External Referrals**

Development consent 03/2011 is subject to concurrence conditions specified by the former Sydney Catchment Authority (now Water NSW), and general terms of approval under the Water Act 1912 specified by the former Department of Infrastructure, Planning and Natural Resources (now the Natural Resources Access Regulator). The subject proposed modification is of no consequence to those concurrence conditions or general terms of approval. Consequently, it is considered unwarranted to refer the application to either Water NSW or the Natural Resources Access Regulator.

**Internal Referrals**

Referrals	Advice/Response/Conditions
Development Engineer	<p>After the modification application was considered at Council’s engineering meeting of 1 March 2018, Council’s Development Engineer raised no objection and recommended amendment of condition 5 of development consent 03/2011 as follows:</p> <p>5. <u>Hours of Operation / Truck Movements</u></p> <p><i>The hours of operation are 24 hours a day week days Monday to Friday only, with NO operation (including vehicular movements) on Saturday and Sunday [or public holidays]. The applicant shall maintain a register of dispatches – date, time, vehicle and volume of water. The register shall be made</i></p>



Referrals	Advice/Response/Conditions
	<p><i>available to Council or Government agencies upon request.</i></p> <p><i>Truck Movements per day (midnight to midnight) shall be restricted to a maximum of twelve (12) movements per day.</i></p> <p><i>The maximum number of deliveries by truck in any single night period (i.e., 10.00pm to 7.00am) shall not exceed four (4).</i></p> <p><i>During night time (i.e., 10.00pm to 7.00am), the number of deliveries by truck within one hour period shall be restricted to two (2) truck movements (i.e., one delivery).</i></p>

**Neighbour Notification (or Advertising)/Public Participation**

The modification application was advertised and notified to more than 190 land owners, with a submissions period from 3 January 2018 to 2 February 2018. Advertisement and notification attracted 15 submissions, all by way of objection. The issues raised by the submissions are identified and addressed below, in no particular order:

- **Road safety**

Thirteen submissions suggest the proposed modification has potential to significantly reduce road safety. It is suggested that the construction, geometry, condition and speed environment of Wombeyan Caves Road are not conducive to safe heavy vehicle movements to and from the development, particularly during the night. It is also suggested that increased weekday heavy vehicle movements on Wombeyan Caves Road between 7:00am and 8:30am will endanger school children. One submission contemplates that increased heavy vehicle movement use of the intersection of Wombeyan Caves Road and the Old Hume Highway may compromise its safety.

Comment – As discussed earlier, the modification application does not propose any increase from the currently permitted number of daily vehicle movements associated with the development’s operation. It is therefore not expected to significantly reduce the safety of Wombeyan Caves Road, other roads giving access to the land, or other road users.

- **Noise and vibration**

Six submissions object to the proposed modification on the grounds of noise and vibration arising from vehicle movements to and from the development, particularly at night. It is submitted that heavy vehicle compression braking contributes to these noise emissions, and that vibration from heavy vehicle movements can be felt within surrounding residential receivers.

Comment – the proposed modification’s potential noise impacts are discussed earlier with regard to section 4.15 (1) (b) of the Act. The application proposes only the removal of the 12 month trial period restriction imposed with Council’s earlier determination of modification application 03/2011.04. That is, it does not propose hours of operation or vehicle movements additional to those permitted within the trial period.

Council’s Environmental Health Officer considered a Noise Impact Assessment Report accompanying modification application 03/2011.04, and concluded that noise emissions could be satisfactorily controlled by a recommended amendment of **condition 5** of the consent. Further, Council has no apparent record of noise

complaints regarding the development's operation since Council modified the consent on 14 December 2016.

Provided recommended modified consent conditions are complied with, the proposed modification is not expected to have any significant negative impact by way of noise emissions.

- ***Vehicle headlight glare***

One submission suggests headlight glare from vehicles on Wombeyan Caves Road at night affects residential amenity on adjacent properties.

Comment – If the consent is modified as proposed, condition 5 would continue to restrict the maximum number of daily heavy vehicle movements to and from the development to 12, with no more than four movements to and from the development being permitted between 10:00pm and 7:00am, and no more than two movements to and from the development being permitted within any one hour period between 10:00pm and 7:00am. Provided recommended modified consent conditions are complied with, night time heavy vehicle movements associated with the development are expected to be infrequent, and unlikely to significantly reduce residential amenity adjacent to Wombeyan Caves Road by way of headlight glare.

- ***Water resource security/availability***

Six submissions express concern that the development's operation may compromise the security and availability of water resources. It is submitted that the development exclusively and excessively exploits a water resource at the expense of other potential users and environmental flows. Two submissions suggest the operator of the development should be held responsible in the event of any negative impact by the development upon water supply or quality. Another asserts that ongoing operation of the development 24 hours per day, five days per week will remove any restriction on the volume of water permitted to be extracted.

Comment – The modification application does not propose any change to the quantity or nature of water extraction currently permitted by the consent and associated approval under the Water Act 1912. In this regard, the general terms of approval under the Water Act specify:

- “The instantaneous rate at which water may be extracted from this work shall not exceed 25 litres per second (L/s).
- “The volume of groundwater extracted from the work/s authorised by this licence shall not exceed 91 megalitres in any 12 month period commencing 1<sup>st</sup> July.
- “The bore to be authorised by 10BL162682 must be modified to seal-off shallow water-bearing zones pressure cementing to a depth of no less than 50 metres below ground level, to protect any nearby dependent ecosystems or other neighbouring water users”.

The proposed modification will not cause any change to condition 11 of the consent, which refers to the above general terms of approval, and the development will retain its obligation to comply with those terms of approval, or those of any superseding approval.

- ***Potential impact on fauna***

Five submissions express concern that the modification may increase nocturnal native wildlife injuries and deaths. It is submitted that ongoing night time heavy



vehicle movements to and from the land will increase the likelihood of collision with wildlife, including koalas, wallabies, kangaroos and wombats.

Comment – Council’s Environmental Projects Officer has confirmed no data are available to indicate whether wildlife road injuries or deaths increased on Wombeyan Caves Road during the 12 month trial period currently specified by condition 5 of the consent, but suggests an increase in vehicular traffic at night may lead to an increase in wildlife collisions.

- ***Potential pollution***

Two submissions suggest the proposed modification may increase air pollution, particularly carbon emissions, from vehicle movements associated with the development.

Comment – As discussed earlier, the modification application does not propose to increase the permitted number of daily vehicle movements associated with the development’s operation. It is therefore not expected to cause any increase in vehicle emissions.

- ***Incompatibility with existing/desired land uses in the locality***

Six submissions suggest the proposed modification will exacerbate the development’s incompatibility with surrounding land uses. It is submitted that proposed ongoing night time heavy vehicle movements to and from the development are at odds with the locality’s rural ambience, character and amenity. It is also suggested that noise from night time vehicle movements to and from the development may compromise potential development of other properties adjacent to Wombeyan Caves Road for tourism-related purposes.

Comment – Many properties adjoining Wombeyan Caves Road between its intersection with Old Hume Highway and the subject land appear to be used for extensive agricultural purposes. Provided recommended modified consent conditions are complied with, night time vehicle movements to and from the development are not expected to be so frequent or intrusive as to cause a significant negative impact on the amenity of properties adjacent to Wombeyan Caves Road.

- ***The public interest***

One submission expresses concern that heavy vehicle movements to and from the development on Wombeyan caves Road will cause damage to the road, with a resulting maintenance and repair burden to be borne by rate payers.

Comment – The modification application does not propose any change to the permitted number of daily heavy vehicle movements to and from the development on Wombeyan Caves Road, and therefore is unlikely to exacerbate traffic damage to the road. The proposed modification has been reviewed by Council’s Traffic Engineer, who has not identified any concerns with respect to either traffic numbers or early life pavement failure.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

Provided recommended modified consent conditions are complied with, the development is not expected to have any significant negative environmental impact.

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



- **Social**

There are no expected social implications in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no expected cultural issues in relation to this report.

- **Governance**

The modification application has been considered in accordance with the *Wingecarribee Local Environmental Plan 1989* (applicable to the original development application 03/2011), *Wingecarribee Local Environmental Plan 2010* (now applicable), sections 4.55 and 4.15 of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development.

#### RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2018/2019: 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 proposed modification has been made against the relevant provisions of environmental planning instruments and development control plans that applied to the original development application 03/2011, including *Wingecarribee Local Environmental Plan 1989*, Development Control Plan 12—Off Street Car Parking, Loading Facilities and Vehicular Access, and Development Control Plan 41—Development & Subdivision

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Engineering Standards & Planning Guidelines. The modification application has also been considered with regard to the now-applicable Wingecarribee Local Environmental Plan 2010 and Wingecarribee Shire Rural Lands Development Control Plan

#### OPTIONS

The options available to Council are:

##### Option 1

THAT Council determines by way of approval the modification application 03/2011.05, subject to draft conditions of consent in Attachment 1.

##### Option 2

THAT Council refuse the modification application 03/2011.05 and provide reasons for refusal.

Option 1 is the recommended option to this report.

#### CONCLUSION

Application 03/2011.05 proposes modification of development consent 03/2011 by removing the 12 month trial period constraint from condition 5 of the consent. Provided recommended modified consent conditions are complied with, the proposed modification is considered satisfactory with respect to the relevant provisions of the Environmental Planning and Assessment Act 1979 and subordinate legislation, as well as the environmental planning instruments and development control plans that applied to the original development application 03/2011, and is not expected to have any significant negative impact on the environment or the character and amenity of the locality.

#### ATTACHMENTS

1. Draft conditions of modified development consent
2. Locality Map and Aerial Imagery

Mark Pepping

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

Thursday 6 September 2018



10.1 Section 4.55 application 03/2011.05 to modify development consent 03/2011 - Bulk water extraction and storage shed / staff amenities, Lot 85 DP751275 and Lot 2 DP531503, WombeyanCaves Road, High Range



ATTACHMENT 1 Draft conditions of modified development consent

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**SUMMARY OF DRAFT MODIFIED CONDITIONS**

**ATTACHMENT 1**

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Condition 5 of the consent has been amended as follows:

**5. Hours of Operation / Truck Movements**

Council's consent permits operation of the development, including associated vehicle movements, 24 hours per day on weekdays only, with no operation or vehicle movements permitted on Saturdays, Sundays or public holidays.

To assist in monitoring this condition the applicant shall maintain a register of dispatches - date, time, vehicle and volume of water. This register shall be made available to Council or Government Agencies upon request.

Truck movements per day (midnight to midnight) shall be restricted to a maximum of 12 movements per day.

The number of deliveries by truck in any single night period (i.e. between 10.00 pm and 7.00 am) shall not exceed four.

During night time (i.e. between 10.00 pm and 7.00 am), the number of deliveries by truck within any one hour period shall be restricted to two truck movements (i.e. one delivery).

[As modified by DA03/2011.04 approved 15 December 2016,  
and DA03/2011.05 approved 12 September 2018]

**10.1 Section 4.55 application 03/2011.05 to modify development consent 03/2011 - Bulk water extraction and storage shed / staff amenities, Lot 85 DP751275 and Lot 2 DP531503, WombeyanCaves Road, High Range**



**ATTACHMENT 1 Draft conditions of modified development consent**

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**DRAFT CONDITIONS OF MODIFIED DEVELOPMENT CONSENT**

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**ADMINISTRATION AND COMPLIANCE**

**1. Compliance**

Development is to take place in accordance with the approved amended plans and documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent. The amended plans provide for the existing shed to be used for storage and staff amenities.

**2. Use not to Commence**

The approved use is not to commence until the proposed development has been completed in accordance with this consent and any other Council approvals which may be required, and a final inspection carried out and approved by Council staff.

**3. Developers Representative during Construction of Works**

A minimum of 48 hours prior to commencement of any construction works on site the Developer must 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:-

- Name of Representative:
- Company :
- Position:
- Contact Ph:
- Contact Fax:
- After Hours Contact:
- Signature of Representative:
- Signature & Acceptance of representative by the Developer:
- 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:-

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

The Applicant 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).

**10.1 Section 4.55 application 03/2011.05 to modify development consent 03/2011 - Bulk water extraction and storage shed / staff amenities, Lot 85 DP751275 and Lot 2 DP531503, WombeyanCaves Road, High Range**



**ATTACHMENT 1 Draft conditions of modified development consent**

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

**4. Hours of Demolition and Construction Works**

In order to minimise impacts upon the locality demolition and construction activities shall be limited to between 7.00am - 5.00pm Monday to Friday and 8.00am to 12.00 midday Saturdays with no work on Sundays and public holidays. Any variation of these hours may only occur with Council's consent.

**5. Hours of Operation / Truck Movements**

Council's consent permits operation of the development, including associated vehicle movements, 24 hours per day on weekdays only, with no operation or vehicle movements permitted on Saturdays, Sundays or public holidays.

To assist in monitoring this condition the applicant shall maintain a register of dispatches - date, time, vehicle and volume of water. This register shall be made available to Council or Government Agencies upon request.

Truck movements per day (midnight to midnight) shall be restricted to a maximum of 12 movements per day.

The number of deliveries by truck in any single night period (i.e. between 10.00 pm and 7.00 am) shall not exceed four.

During night time (i.e. between 10.00 pm and 7.00 am), the number of deliveries by truck within any one hour period shall be restricted to two truck movements (i.e. one delivery).

[As modified by DA03/2011.04 approved 15 December 2016,  
and DA03/2011.05 approved 12 September 2018]

**6. Nuisance**

The extraction of bulk water shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood by reason of noise, and waste products or otherwise.

In this regard the pump shall be fitted with an acoustic hood.

**7. Construction Certificate**

The building works are not to commence until a Construction Certificate has been issued in accordance with the Environmental Planning and Assessment Act 1979. A Building Code of Australia assessment has not been undertaken on the proposal. For further advice you may contact Council's Building Surveyors.

**8. Other Approvals**

Prior to any work commencing, written approval under Section 68 of the Local Government Act 1993 shall be obtained for septic system for staff, from the Council as the appropriate Water Supply Authority.

**10.1 Section 4.55 application 03/2011.05 to modify development consent 03/2011 - Bulk water extraction and storage shed / staff amenities, Lot 85 DP751275 and Lot 2 DP531503, WombeyanCaves Road, High Range**



**ATTACHMENT 1 Draft conditions of modified development consent**

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**9. Occupation Certificate**

Prior to Occupation Certificate being issued, an inspection by the Principal Certifying Authority shall be undertaken to ensure that all conditions of this development consent have been complied with.

**GOVERNMENT AGENCIES**

**10. Sydney Catchment Authority**

The following are the requirements of the Sydney Catchment Authority with regard to SEPP No 58:

- (i) If a septic tank is installed, the wastewater management system, including the sizing of the sand mound, is to be designed in accordance with the recommendations contained within the site report prepared by Morse McVey & Associates Pty Ltd.
- (ii) If a compost toilet is installed, the compost shall be buried under clean friable soil at a minimum depth of 100mm below finished ground level for a minimum maturation period of three months. The compost maturation area shall be located within the boundaries of the property in a level area that is not subject to erosion or inundation and is not located within 100 metres of any creek or watercourse, whether perennial or intermittent or within 40 metres of a drainage depression.
- (iii) The wastewater management system is to be maintained according to Section 5 of the guidelines 'On-site Sewage Management for Single Households and AS/NZS 1547-2000.
- (iv) All effluent must be assimilated within the boundaries of the property
- (v) No effluent management areas are to be located within 100 metres of any creek or watercourse, whether perennial or intermittent or within 40 metres of a drainage depression.
- (vi) AAA-rated water conservation devices are to be installed in the dwelling to minimise the volume of wastewater produced.
- (vii) All stormwater collected from roofs and other hard surface areas is to be diverted away from any effluent management area, eg by means of a stabilised bund or drain with provision for energy dissipation at the outlet to prevent scouring or erosion.

*Reason for Conditions (i) to (vii) - To ensure that the on-site effluent management system will have a neutral or beneficial effect on water quality and that it will be sustainable over the long term.*

- (viii) Effective erosion and sedimentation controls are to be installed prior to any construction activity to prevent erosion and subsequent pollution of waters by saltation. The controls are to be maintained until the project is completed.

*Reason for Condition (viii) - to manage adverse environmental impacts during the construction stage and to minimise the risk of erosion / sedimentation / pollution within the site during the construction phase of the development.*

**10.1 Section 4.55 application 03/2011.05 to modify development consent 03/2011 - Bulk water extraction and storage shed / staff amenities, Lot 85 DP751275 and Lot 2 DP531503, WombeyanCaves Road, High Range**  
**ATTACHMENT 1 Draft conditions of modified development consent**



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**11. Department of Infrastructure, Planning and Natural Resources**

Amended General Terms of Approval dated 13 October 2005 form Attachment 1 of the consent.

A Construction Certificate for any works is not to be issued until such time that a Water Licence has been obtained. A copy of the Water Licence is to be provided to Council.

**ENVIRONMENTAL MANAGEMENT**

**12. Erosion and Sediment Control Plan Approval**

An Erosion and Sediment Control Plan shall be prepared in accordance with Council's Development Control Plan No 41 by a suitably qualified person, and approved by Council and/or Department of Infrastructure Planning and Natural Resources **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE.**

**CIVIL ENGINEERING WORKS AND SERVICES**

**13. Provision of Works and Services**

The provision, by the Applicant at their expense, of the following works and services to be documented and constructed in accordance with Council's Development Control Plan Nos 12 and 41, to the satisfaction of the Development Control Engineer. **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE** the Developer must obtain approval for the works to be undertaken by submitting adequate documentation including plans, 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.

**14. Construction of Rural Crossing**

Rural vehicular entrances for access in accordance with Standard Drawing No. SD110 to provide access to the development.

**15. Road Safety**

Prior to commencement of operations, the following shall be implemented:

- Provision of "Trucks Turning" warning sign on Wombeyan Caves Road approaches to "Woodbine Park".
- Provision of a Stop sign at the exit from "Woodbine Park".

**16. Integral Energy Requirements**

The provision of underground electricity to service the development in accordance with the requirements of Integral Energy. The Applicant prior to release of a Construction Certificate will be required to submit to Council documentary evidence from Integral Energy qualifying that the requirements of Integral energy have been obtained. The requirements of the supply authority will need to be met prior to occupation of the development or the application for a Subdivision Certificate.

**10.1 Section 4.55 application 03/2011.05 to modify development consent 03/2011 - Bulk water extraction and storage shed / staff amenities, Lot 85 DP751275 and Lot 2 DP531503, WombeyanCaves Road, High Range**



**ATTACHMENT 1 Draft conditions of modified development consent**

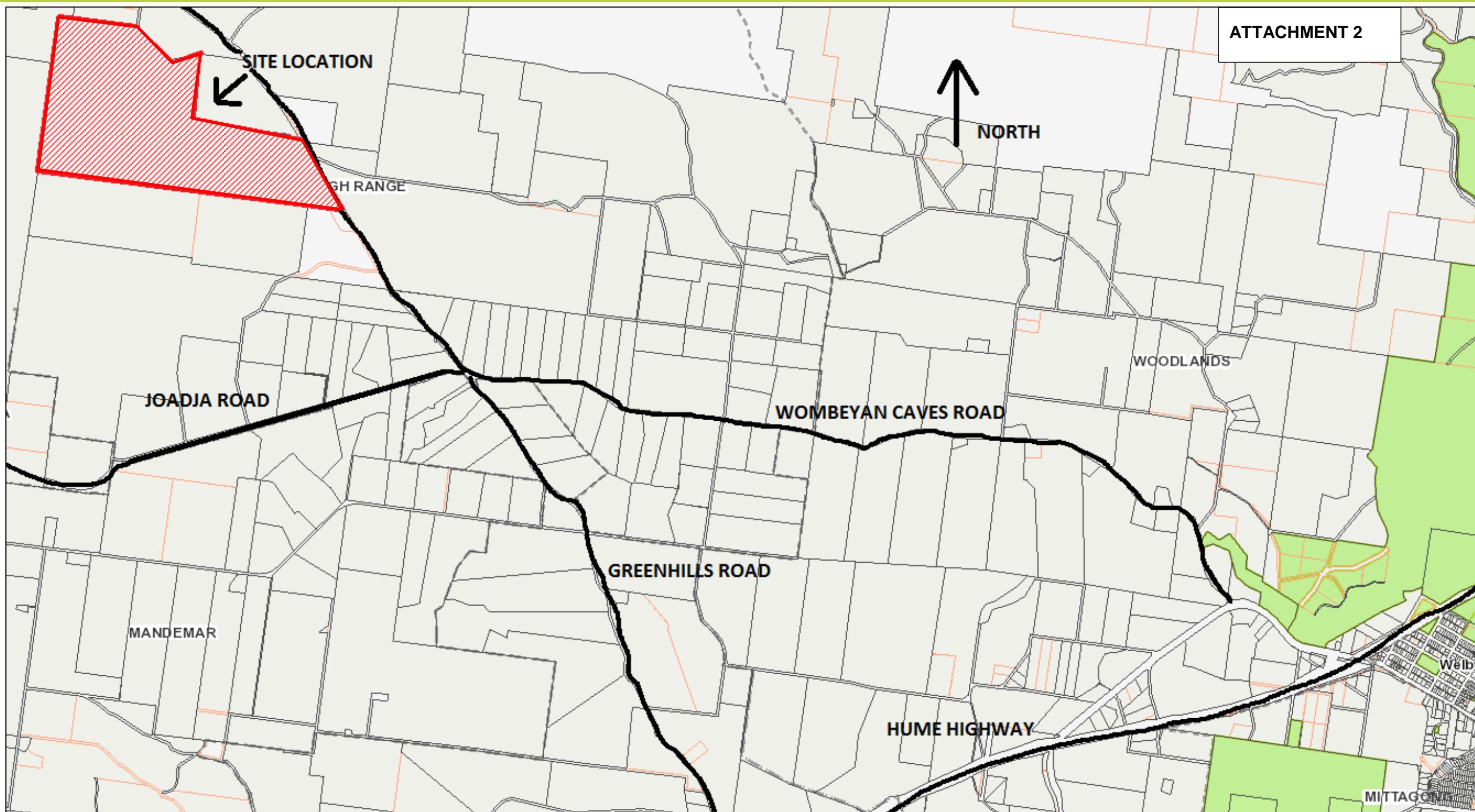
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**17. Noise Controls**

The development shall comply with relevant noise control provisions contained within the Protection of the Environment Operations Act 1997 and Noise Control Regulations and Policies to ensure local amenity is not adversely affected by noise impacts associated with the development.

[As modified by DA03/2011.04 approved 15 December 2016]

**END OF CONDITIONS**







## 12 OPERATIONS FINANCE AND RISK

### 12.1 Proposed Easement To Drain Water over Council property, Highlands Golf Course, Old Hume Highway Mittagong

Reference:	PN1766240; PN1608300
Report Author:	Property and Project Officer
Authoriser:	Coordinator Property Services
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

#### PURPOSE

The purpose of this report is to seek Council approval to negotiate the grant of a property right over Council property. The property right being sought is an Easement to Drain Water over part of Highlands Golf Course at Mittagong. The owner/developer of 33 Willow Street Willow Vale requires the grant of the Easement in order to comply with a condition of development consent.

#### RECOMMENDATION

1. **THAT** in relation to the report concerning Proposed Easement to Drain Water over Council Property, Highlands Golf Course, Old Hume Highway Mittagong- 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 Proposed Easement to Drain Water over Council Property, Highlands Golf Course, Old Hume Highway Mittagong – be considered in Closed Council – Item 22.1.

**Note:** In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

#### ATTACHMENTS

There are no attachments to this report.



## 12.2 Transfer of Crown Roads to Council - part Railway Avenue Colo Vale and part Lynwood Avenue, Colo Vale

Reference:	RD2221, RD2226
Report Author:	Property and Project Officer
Authoriser:	Coordinator Property Services
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to seek Council approval to make an application to the NSW Department of Industry (Land and Water) to transfer part of the Crown Roads known as Railway Avenue and Lynwood Avenue, Colo Vale to Council as roads authority.

### RECOMMENDATION

**THAT Council make an application to NSW Department of Industry – Lands & Water for the transfer of Crown roads being part Railway Avenue Colo Vale and part Lynwood Avenue Colo Vale to Council as roads authority.**

### REPORT

#### BACKGROUND

Both Railway Avenue and Lynwood Avenue Colo Vale are formed roads. Council has existing infrastructure crossing the intersection of Railway Avenue and Lynwood Avenue, Colo Vale. The infrastructure consists of an existing water main which Council intends to replace. Council has applied to the Crown for a temporary licence over the road to enable the works to proceed. The Crown requires Council to make an application to transfer the required roads from Crown to Council as roads authority.

#### REPORT

Council has scheduled the replacement of an existing water main at the intersection of Railway Avenue and Lynwood Avenue, Colo Vale as part of its works program.

As the roads are vested in the Crown, the Crown will need to approve the transfer of the roads to Council under Section 152i of the *Roads Act*, 1993 prior to Council being in a position to undertake the required works.

In accordance with the Act, the Minister may, by order published in the Government Gazette, transfer a specified Crown Road to another roads authority, i.e. Council. Upon publication of the order, the road ceases to be a Crown Road and becomes a Council Public Road.

In order for the road to be transferred, Council must make application to the NSW Department of Industry – Lands and Water.

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The subject location and area of the roads proposed to be transferred to Council are shown in **Attachment 1**.

#### **IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN**

None identified.

#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

No community engagement is required for the purpose of submitting an application to the Crown. This is an administrative matter between Council and the Crown.

##### **Internal Communication and Consultation**

Assets and Project Delivery staff

##### **External Communication and Consultation**

NSW Department of Industry – Lands & Water

#### **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**

There are no governance issues in relation to this report.

#### **COUNCIL BUDGET IMPLICATIONS**

There is no expected increase in maintenance expenses as a result of the transfer. The roads are already maintained by Council.

#### **RELATED COUNCIL POLICY**

None identified.

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



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**CONCLUSION**

It is recommended that Council make an application for the transfer of the Crown roads being part of Railway Avenue Colo Vale and part of Lynwood Avenue Colo Vale, pursuant to the *Roads Act, 1993*.

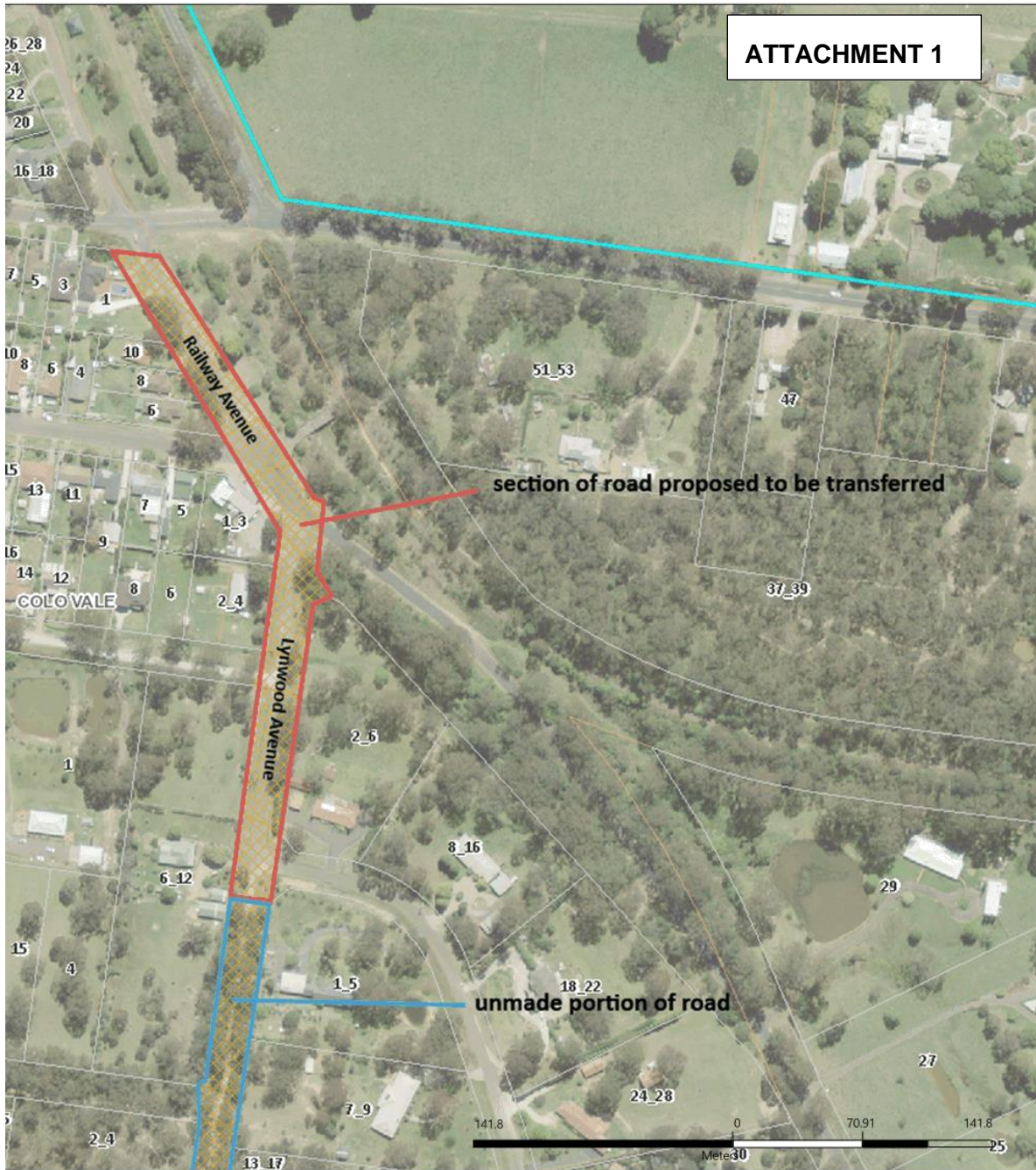
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**ATTACHMENTS**

1. Map showing segments of Crown of Roads to be transferred

12.2 Transfer of Crown Roads to Council - part Railway Avenue Colo Vale and part Lynwood Avenue, Colo Vale

ATTACHMENT 1 Map showing segments of Crown of Roads to be transferred



Railway Avenue & Lynwood Avenue Colo Vale

Any information (numerical or otherwise), representation, statement, opinion or advice expressed or implied in this publication is made in good faith but on the basis that the council of the shire of Wingecarribee, its agents and its employees are not liable (whether by reason 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 (as the case may be) action in respect of any information, representation, statement, or advice referred to above.



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## 12.3 Proposed Easement for Electrical Supply over Council property, 4 Kirkham Street Moss Vale

Reference:	PN810700; PN479100
Report Author:	Property and Project Officer
Authoriser:	Coordinator Property Services
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to seek Council direction regarding the granting of a property right over Council property. The property right being sought is an Easement for Electrical Supply over part of 4 Kirkham Street Moss Vale, being public car park.

### RECOMMENDATION

1. **THAT the report concerning Proposed Easement for Electrical Supply over Council Property, 4 Kirkham Street Moss Vale – be considered in Closed Council – Item 22.2.**

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

### ATTACHMENTS

There are no attachments to this report.



## 12.4 Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral

Reference: PN1804050  
Report Author: Property and Project Officer  
Authoriser: Coordinator Property Services  
Link to Delivery Program: Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to seek Council direction regarding the acquisition of land for a proposed future detention basin. The property the subject of this report is Part Retford Farm, Old South Road Bowral (Part Lot 50 Deposited Plan 1141888).

### RECOMMENDATION

1. **THAT** in relation to the report concerning Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral - Council adopts the recommendation contained within the Closed Council report – Item 22.3 **AND THAT** the General Manager read out the recommendation which Council has adopted.

OR

2. **THAT** the report concerning Compulsory Acquisition of Land for Proposed Detention Basin, Part Retford Farm, Bowral – be considered in Closed Council – Item 22.3.

Note: In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

### ATTACHMENTS

There are no attachments to this report.

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## 12.5 Inert Waste Recycled Into An Alternate Fuel

Reference:	7503
Report Author:	Manager Business Services
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Maximise the recovery of resources from the waste stream

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### **PURPOSE**

The purpose of this report is to gain Council's approval to secure future capacity with Resource Co. to recycle Council's inert waste into alternative fuel rather than sending it to landfill.

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### **RECOMMENDATION**

**THAT Council enters into negotiations with Resource Co with a view to entering into a contract in relation to the disposal of inert waste, in accordance with Section 55 (3i) of the Local Government Act 1993, on the basis that a satisfactory result would not be achieved by inviting tenders due to the unavailability of competitive or reliable tenderers.**

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### **REPORT**

#### **BACKGROUND**

WSC currently sends inert waste to landfill, a practice that is becoming environmentally unacceptable. The cost to the community will continue to escalate as air space in landfills becomes harder to obtain. Although Council have what is considered a good disposal contract rate (until 2024), the Environmental Protection Authority continues to increase the waste levy (current a \$141.20 per tonne and rising).

#### **REPORT**

Council recently entered into discussions with Resource Co. who have EPA approved technology that uses the calorific value of inert waste and turns it into a fuel. Resource Co. have an agreement with Boral in New Berrima to use this material as an alternative fuel in there kiln. Alternative Fuel volumes above the requirements of Boral are destined for export however, there is an over-riding licencing cap limiting the total volume that Resource Co. can accept per annum. Council is currently in a trial with Resource Co which to date has been very successful. Council Resource Recovery Centre would like to continue this process after the trial period.





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### **COMPETITION FOR CAPACITY**

Resource Co. is the only company with the approved technology to offer this waste management option. The success of this process is becoming more widely known and unless WSC responds promptly it will be competing with other councils and Waste Companies to secure capacity within the limits of Resource Co.'s license.

Cleanaway, a public waste disposal business, has already purchased a percentage of Resource Co. in order to secure capacity and it is anticipated the option to convert inert waste to fuel will become the preferred method of disposal. Resource Co. have therefore secured agreements with all of the viable kilns in Australia however, the total amount of inert waste produced outweighs the current recycle capacity of useable kilns.

Securing capacity now will ensure not only a less expensive and environmentally acceptable option for waste disposal but will also increase our diversions rate to 90% (20% above EPA targets) and strengthen our prospects for future EPA Grant funding.

Without prompt action other councils and private enterprise will consume the input tonnages that we have reserved pending conclusion of the trial.

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### **IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN**

Nil

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### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

No community engagement has been conducted.

#### **Internal Communication and Consultation**

Deputy General Manager Operations, Finance and Risk, Business Services Manager, Chief Financial Officer, Coordinator Business Services.

#### **External Communication and Consultation**

External Waste Consultants, Resource Co.

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### **SUSTAINABILITY ASSESSMENT**

- **Environment**

Converting inert waste to a useable product and thereby diverting it from landfill is a more environmentally sustainable and responsible action for Council to take. Turning waste into energy is beneficial for the environment over landfill.

- **Social**

Reuse of a previously unusable waste product is a more socially responsible and ethical way to process inert waste.

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#### • **Broader Economic Implications**

The proposed agreement with Resource Co to divert WSC inert waste is estimated to save approximately one hundred and twenty thousand dollars a year based on the 2017 – 2018 tonnages and gate fees.

#### • **Culture**

There are no cultural issues in relation to this report.

#### • **Governance**

Under Section 55(3i) of the *Local Government Act 1993*, councils must invite tenders for the provision of goods or service, except where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders.

### **COUNCIL BUDGET IMPLICATIONS**

The proposed agreement with Resource Co to divert WSC inert waste is estimated to save approximately one hundred and twenty thousand dollars a year based on the 2017 – 2018 tonnages and gate fees.

An agreement with Resource Co. to convert inert waste to alternative fuel will ensure a favorable outcome in the future with the EPA grant assistance for future projects.

### **RELATED COUNCIL POLICY**

Council's Environment Policy - 2017

### **OPTIONS**

The options available to Council are:

#### **Option 1**

**THAT** Council approves a long term direct engagement with Resource Co. now in order to secure capacity before they reach their EPA licensing limits.

#### **Option 2**

**THAT** Business Services waits until the trial is concluded and then seeks Council's approval to negotiate capacity with Resource Co.

#### **Option 3**

That Business Services continues to direct inert waste to landfill.

Option **No.** 1 is the recommended option to this report.

### **CONCLUSION**

Resource Co. is currently the only recycling option for inert waste. The waste is converted into alternative fuel and used as an energy source for its calorific value in industry. There is

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a finite number of facilities in which this fuel can be used and Resource Co. has already secured all of these options. Wingecarribee is currently looked on favourably by Resource Co. due to the co-location of Boral Cement in Wingecarribee Shire and our willingness to be an initial trial user of the process.

Due to the favourable outcomes achieved by diverting inert waste from landfill, the option to process to alternative fuel is a valued alternative and highly sought. In order to secure the long term benefits of this opportunity, Council needs to act quickly before others consume the total input tonnage before us.

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### **ATTACHMENTS**

There are no attachments to this report.



## 12.6 2017/18 Annual Financial Statements

Reference:	2105
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to advise Council of the following:

- The draft Annual Financial Statements for the year ended 30 June 2018 have been finalised for audit;
- To seek Council's endorsement of the preparation of the Statement by Councillors and Management to Council's auditor, The Audit Office of NSW, in accordance with Section 413(2c) of the *Local Government Act 1993*; and
- To set a date for the presentation of the Audit Report to Council and give public notice of the date in accordance with Section 418 (1a) & (1b) of the *Local Government Act 1993*.

### RECOMMENDATION

1. **THAT the Mayor and Deputy Mayor be authorised to sign the *Statement by Councillors and Management* made pursuant to Section 413 (2)(c) of the *Local Government Act 1993*, with the General Manager and the Responsible Accounting Officer.**
2. **THAT Council note the audited Annual Financial Statements and Audit Report will be presented to Council on 24 October 2018.**

### REPORT

Council's draft Annual Financial Statements for the year ended 30 June 2018 have been finalised and are ready for external audit.

In accordance with the provisions of Section 413 (2c) of the *Local Government Act 1993*, as a requirement of the preparation of the statements prior to submission for audit, two (2) Councillors (normally the Mayor and Deputy Mayor), the General Manager and Council's Responsible Accounting Officer must sign a statement confirming that the financial statements have been prepared in accordance with the relevant Australian accounting standards and the Local Government Code of Accounting Practice and Financial Reporting Guidelines.

The Statement by Councillors and Management must be made in accordance with a resolution of Council and specify the date on which it was made.

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Upon completion of the external audit, Council's Auditors will present a summary of their findings to Council at the meeting of 24 October 2018. Public notice of this meeting will appear in the local newspaper (Southern Highland News) and will also be placed on Council's website.

The audited Annual Financial Statements will be presented to the Audit, Risk and Continuous Improvement Committee on the 22 October 2018.

The Annual Financial Statements will be distributed to Councillors prior to the Auditors' presentation.

#### IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There are no direct implications on Council's Fit for the Future Improvement Plan as a result of this report.

#### CONSULTATION

Public notice of the Auditors' presentation will be advertised in the Southern Highland News and Council's website.

#### 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**

This report ensures compliance with Section 413(2c) of the *Local Government Act 1993* and Section 418 (1a) & (1b) of the *Local Government Act 1993*.

#### COUNCIL BUDGET IMPLICATIONS

There are no direct financial implications to Council as a result of this report.

#### ATTACHMENTS

There are no attachments to this report.

## 12.7 Proposed Groundwater Monitoring Bore on Council Property - Lot 41 Deposited Plan 850568 Suttor Road Moss Vale.

Reference:	PN1704125
Report Author:	Property and Project Officer
Authoriser:	Coordinator Property Services
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to seek Council approval to issue a Licence Agreement to allow NSW Public Works to construct a Groundwater Monitoring Bore on Lot 41 in Deposited Plan 850568 being Public Reserve located on Suttor Road, Moss Vale.

### RECOMMENDATION

1. **THAT** authority be delegated to the General Manager to negotiate the terms and conditions of a Licence Agreement to NSW Public Works for the installation of a Groundwater Monitoring Bore on Council property at Lot 41 DP 850568 Suttor Road, Moss Vale **AND THAT** it be noted that the term of the Licence Agreement is five (5) years.
2. **THAT** NSW Public Works be advised in writing that Council will not proceed with the Licence Agreement of Lot 42 DP850568 due to the historical and archaeological significance of the site.
3. **THAT** Council give a minimum twenty eight (28) days public notice of its intention to enter in to the Licence Agreement referred to in Resolution 1 above.
4. **THAT** if there are no objections received by Council during the period of public notice, the General Manager and Mayor be delegated authority to execute the Licence Agreement referred to in Resolution 1 above under the Common Seal of the Council (if required) **AND THAT** if any objections are received, a further report will be presented to a future Ordinary Meeting of Council.

### REPORT

#### **BACKGROUND**

At its meeting 13 December 2017 Council considered a report to enter into several Licence Agreements with NSW Public Works for the installation of Groundwater Monitoring Bores on Council Property. Council resolved the following (MN571/17):

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1. THAT authority be delegated to the General Manager to negotiate the terms and conditions of a Licence Agreement to NSW Public Works for the installation of Groundwater Monitoring Bores on Council property at Lot 41 DP 749010 – Mansfield Park, Mansfield Road, East Bowral; Lot 42 DP850568 Public Reserve, Suttor Road, Moss Vale; Lot 13 Section 6 DP 758938 – Cunningham Park, Exeter Road, Sutton Forest AND THAT it be noted that the term of the Licence Agreement is five (5) years.
2. THAT NSW Public Works be advised in writing that the request for installation of a Groundwater Monitoring Bore on Council property at Lot 56 DP1161064 Bong Bong Common, Moss Vale Road Burradoo is declined due to the historical and archaeological significance of the site.
3. THAT Council give a minimum twenty eight (28) days public notice of its intention to enter into the Licence Agreement referred to in Resolution 1 above.
4. THAT if there are no objections received by Council during the period of public notice, the General Manager and Mayor be delegated authority to execute the Licence Agreement referred to in Resolution 1 above under the Common Seal of the Council (if required) AND THAT if any objections are received, a further report will be presented to a future Ordinary Meeting of Council.

### REPORT

Following the Council resolution above, public notice was given of Council's intention to enter into the Licence Agreements over the three properties listed above. No written objections were received to the Agreements with respect to Mansfield Park and Cunningham Park.

During the public notification period, Council received information from the Office of Environment & Heritage stating that Lot 42 DP850568 at Suttor Road holds historical significance being connected with Bong Bong Common. It was recommended that the adjoining Council property being Lot 41 DP 850568 would be a more suitable site for a Groundwater Monitoring Bore.

Construction of bores within the Southern Sydney Coal Basin is scheduled to commence in the next 12 months, pending Council concurrence of the proposed new location of Lot 41 DP850568 – Public Reserve, Suttor Road, Moss Vale. The area of land affected will be approximately 25m<sup>2</sup> in area on the western boundary. The proposed site of the Groundwater Monitoring Bore is shown in **Attachment 1**.

### Scope of Works

The bores are classified development permitted without consent in accordance with the provisions of the State Environment Planning Policy – Infrastructure. At the Councillor briefing session held on Wednesday 25 October 2017, NSW Public Works advised Council of the following:

- Fencing surrounding the bore infrastructure will be man proof, chain wire type fencing, likely to be visually prominent, however necessary to protect the infrastructure in place.
- NSW Public Works is seeking exclusive use of the site with restricted access.
- The bore infrastructure is to be installed and maintained into perpetuity.
- Data will be publicly available

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- Stakeholder Engagement is encouraged to avoid misinformation being available to the public.

#### **Terms of Agreement**

A Licence Agreement for 5 years will be offered to NSW Public Works which will allow access to the site for the installation of the bore infrastructure, and access to maintain and monitor the site. The Licence Agreement can be renewed at the end of the current term subject to Council approval.

An approximate setback of 55 metres is reserved for future public road along this segment of Suttor Road at Moss Vale. After consultation with Council's Traffic and Transport Planning section, it is recommended that the minimum setback for installation of the groundwater monitoring bore is 65 metres from the existing front boundary. This condition will be included in the proposed Licence Agreement.

#### **IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN**

None identified

#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

As the property identified is classified as Community Land, it is necessary for the draft Licence Agreement to be placed on public exhibition for a minimum 28 day period.

##### **Internal Communication and Consultation**

Environment and Sustainability  
Traffic & Transport Planning

##### **External Communication and Consultation**

NSW Public Works

#### **SUSTAINABILITY ASSESSMENT**

- **Environment**

Expanding the water monitoring network for coal basins in NSW is a State Government response to the recommendations made in the NSW Chief Scientist and Engineer's *Independent Review of Coal and Coal Seam Gas (CSG) Activities in NSW*.

- **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.



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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.

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#### **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications arising from this report.

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#### **RELATED COUNCIL POLICY**

None identified.

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#### **CONCLUSION**

This report recommends that, following public exhibition of the proposed Licence, that Council offer a Licence Agreement for a maximum five (5) year term to NSW Public Works, for the installation of a Groundwater Monitoring Bore at Lot 41 DP8506568 Suttor Road, Moss Vale.

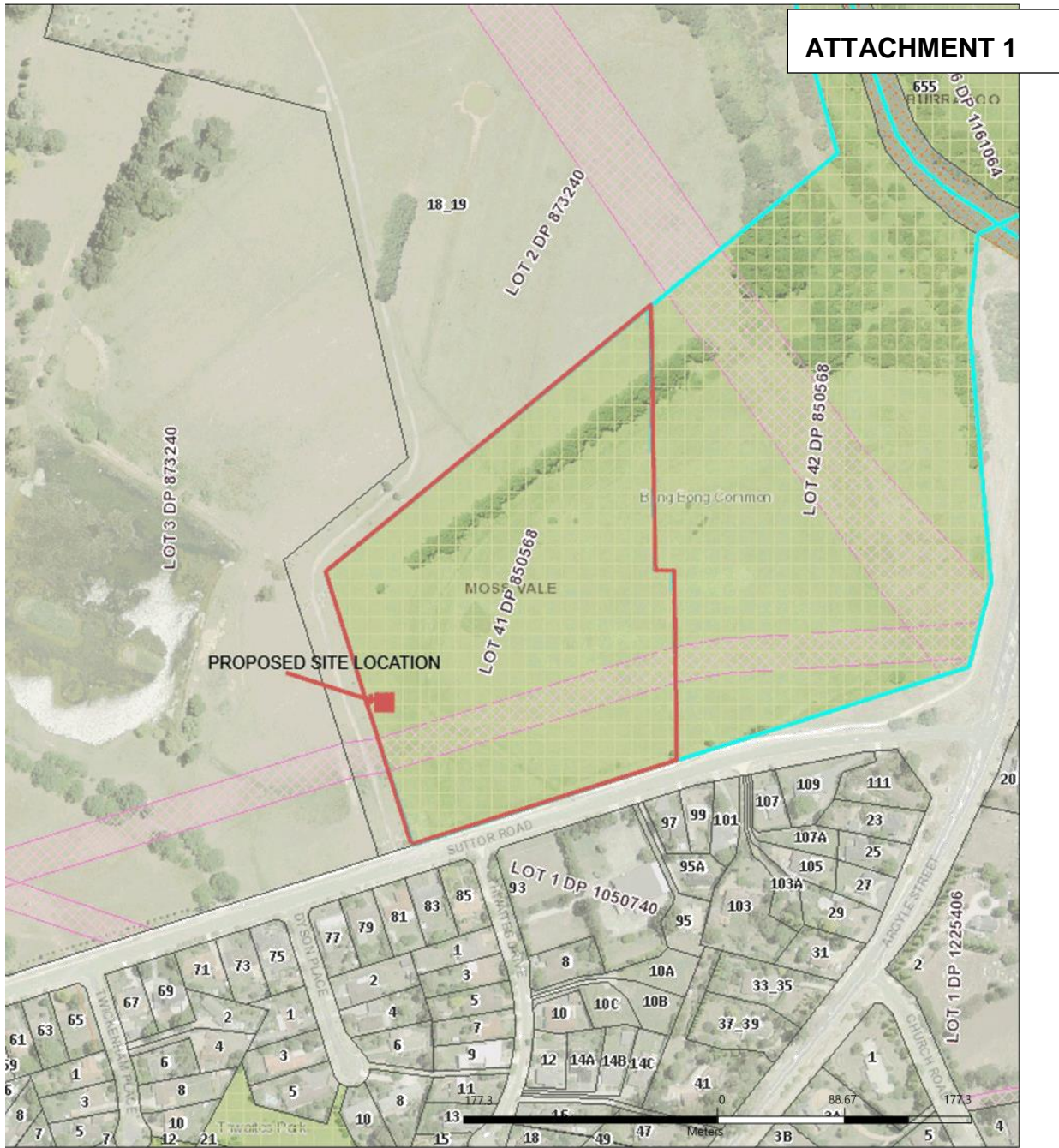
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#### **ATTACHMENTS**

1. Location Map showing Proposed Site

12.7 Proposed Groundwater Monitoring Bore on Council Property - Lot 41 Deposited Plan 850568 Suttor Road Moss Vale.

ATTACHMENT 1 Location Map showing Proposed Site



ATTACHMENT 1



Proposed Groundwater Monitoring Bore Site Location Map

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## 12.8 Cattle Feeding Charges - Southern Regional Livestock Exchange (SRLX)

Reference:	5800
Report Author:	Manager Business Services
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to introduce a flexible feeding surcharge at the Southern Regional Livestock Exchange to cover the cost of purchasing hay / silage due to the exceptional circumstance created by the ongoing drought conditions

### RECOMMENDATION

1. **THAT** Council introduces a (market price) surcharge for the feeding of cattle at the SRLX for each bale of feed, noting that the current drought conditions have caused the cost of feed to escalate to levels that make the current operations at the SRLX for the feeding of cattle unsustainable.
2. **THAT** the market surcharge be calculated utilising a formula that offsets a standard bale charge (price as at 30 June 2018) against the current "market price" of bales of fodder as delivered to the SRLX.

### REPORT

#### **BACKGROUND**

As part of Council's ongoing commitment to the rural community and animal welfare the SRLX is required to provide feed for the animals on site at a price that reflects council's costs of providing the service. It is noted that with the current severe drought conditions the price of fodder has rapidly escalated due to high market demand with prices now at levels not foreseen when council set its fees and charges. The SRLX cannot sustain the ongoing increases in feeding costs as it will result in a significant detrimental impact on the SRLX budget.

#### **REPORT**

In setting the 2018/19 budget, community consultation suggested that the proposed feeding fee to be excessive.

The fee was subsequently reduced in line with community expectations. A minimum rise from \$3.00 to \$3.05 including GST, per head was implemented. As the drought has taken hold feed prices have escalated. Council's feed reserve is rapidly being exhausted and previously ordered feed stocks at an agreed fixed rate have been delivered. The next order

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will be at full market rate which will see 300 to 400% increases in the delivered price, with rates continuing to fluctuate depending on the freight distance and quality of the silage

It is proposed therefore to introduce a surcharge based on the bale rate. The rate would be reviewed after each load was purchased and a surcharge amount (based on the market cost paid per bale) calculated. This would then be added to Council's 2018/19 published feeding rate of \$3.05 (GST incl.) to give the feeding rate for that consignment.

#### IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil

#### COMMUNICATION AND CONSULTATION

##### Community Engagement

It is proposed to advertise the intention to introduce a cattle feeding surcharge for public comment for a period of 28 days

##### Internal Communication and Consultation

Deputy General Manager, Manager Business Services, Coordinator of Business Services and the SRLX Team Leader.

##### External Communication and Consultation

Suppliers have offered their short term forecasts for feed prices and predict it is likely with the ongoing drought, that prices will only keep rising in the near future

#### 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**

There are no governance issues in relation to this report.

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#### COUNCIL BUDGET IMPLICATIONS

Without the proposed surcharge, Council will be forced to pay the additional costs which depending on the length of the drought, could escalate into a significant shortfall in budget funds.

#### RELATED COUNCIL POLICY

Nil

#### OPTIONS

The options available to Council are:

##### Option 1

Endorse the proposed "Market Price Surcharge" and advertise the intention to implement the surcharge for a period of 28 days seeking public comment.

##### Option 3

Council not implement the proposed surcharge and Council accepts the full financial loss, noting that the SRLX may not be able to procure the necessary feed if the service were to be over utilised as a result of the subsidised cost.

Option [No. 1](#) is the recommended option to this report.

#### CONCLUSION

That whilst council acknowledges that some farming communities are under extreme stress due to the ongoing drought, there is not the financial capacity for the SRLX to absorb the dramatic increase in feed prices currently being experienced and that council will need to pass that cost on to the users of the service.

#### ATTACHMENTS

There are no attachments to this report.

Barry Paull  
Deputy General Manager Operations, Finance and Risk

Thursday 6 September 2018



## 13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 13.1 Development Applications Determined from 23 July 2018 to 4 September 2018

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

**Link to Community Strategic Plan:** Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

#### PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 23 July 2018 to 4 September 2018

#### RECOMMENDATION

**THAT** the information relating to Development Applications Determined for the period 23 July 2018 to 4 September 2018 be received and noted.

#### APPROVED APPLICATIONS BY DATE RANGE Date range: 23 July 2018 to 4 September 2018

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	18/0554	121 BRESNAHANS LANE AVOCA NSW 2577 Lot 3 DP 1015257	GD GROOTE MAAT, PE GROOTE MAAT	Residential Alterations and Additions (Garage)	11/05/2018	0	90	90	09/08/2018
2	17/1565	10 BERESFORD STREET BALACLAVA NSW 2575 Lot 2 Sec 12 DP 841	MR WALTERS, K WALTERS	Subdivision (4 Lots)	06/11/2017	0	281	281	15/08/2018
3	18/0648	30 BALACLAVA STREET BALACLAVA NSW 2575 Lot 41 DP 1199153	GA O'CONNOR, JA VETTORETTI	Subdivision (4 Lots)	04/06/2018	0	79	79	22/08/2018
4	17/1450	112 COMPTON PARK ROAD BERRIMA NSW 2577 Lot 18 DP 262971	ML HENNESSY, AE TUCKER	Animal Boarding or Training Establishment (Increase from 30 to 60 dogs)	16/10/2017	0	282	282	26/07/2018

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
5	18/0281	3411 OLD HUME HIGHWAY BERRIMA NSW 2577 Lot 1 DP 797604	R KAEGI	Residential Alterations and Additions (Living Area)	16/03/2018	49	96	145	08/08/2018
6	18/0442	PUBLIC SQUARE 2 MARKET PLACE BERRIMA NSW 2577 Lot 1 DP 1152987	WINGECARRIBEE SHIRE COUNCIL	Food and Wine Festival 2018 & Beer and Cider Festival 2019	19/04/2018	86	33	119	16/08/2018
7	18/0791	100 OLD MANDEMAR ROAD BERRIMA NSW 2577 Lot 2 DP 788363	K SANKEY, D SANKEY	Residential Alterations and Additions (Swimming Pool)	29/06/2018	0	44	44	13/08/2018
8	16/1105.03	29A OXLEY DRIVE BOWRAL NSW 2576 Lot 3 DP 1197464	J GHASSIBE, CA GHASSIBE	Section 4.55 Modification (Retaining Wall)	17/07/2018	0	38	38	24/08/2018
9	16/1267.05	3 CLARKE STREET BOWRAL NSW 2576 Lot 7 DP702375	PG NASH, AM HEALEY	Section 4.55 Modification (Change to roof design, external wall material and minor window change)	02/07/2018	0	52	52	23/08/2018
10	17/1089	CHURCH 28-30 BENDOOLEY STREET BOWRAL NSW 2576 Lot 1 DP 995850 Lot 2 DP 995850 Lot 1 DP 155385	UNITING CHURCH PROPERTY COMMITTEE	Commercial Alterations and Additions	10/08/2017	0	287	287	24/05/2018
11	17/1414	7 MINNOWS DRIVE BOWRAL NSW 2576 Lot 17 DP 869704	MULBERRYGONG INVESTMENTS PTY LTD	Agricultural Produce Industry (Distillery) in existing shed.	10/10/2017	0	296	296	02/08/2018
12	17/1666	14 ROSE STREET BOWRAL NSW 2576 Lot 11 DP 1041336	SM NOLAN	Subdivision (2 Lots)	23/11/2017	78	194	272	23/08/2018
13	17/1685	350 BONG BONG STREET BOWRAL NSW 2576 Lot 10 DP 1002592	CARINO PTY LTD	Commercial Alterations and Additions (Pergola)	29/11/2017	0	266	266	22/08/2018
14	18/0304	63 SIR JAMES FAIRFAX CIRCUIT BOWRAL NSW 2576 Lot 304 DP 1234848	JJ NICHOLLS, MT NICHOLLS	New Dwelling	20/03/2018	0	131	131	30/07/2018
15	18/0479	19A CLEARVIEW STREET BOWRAL NSW 2576 Lot 1 DP 808145	EJ BECHEL Y-CRUNDALL	Residential Alterations and Additions (Extend kitchen and garage. Modify entry and porch)	26/04/2018	0	90	90	25/07/2018

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
16	18/0503	12 GINAHGULLA DRIVE BOWRAL NSW 2576 Lot 208 DP 1239600	RJ BOGG, CR BOGG	New Dwelling	02/05/2018	17	75	92	03/08/2018
17	18/0514	12 BETTY CLOSE BOWRAL NSW 2576 Lot 327 DP 1234848	MP MAJETIC, C MAJETIC	New Dwelling	04/05/2018	0	91	91	03/08/2018
18	18/0546	8 MOUNT ROAD BOWRAL NSW 2576 Lot 1 DP 736778	S THORNTON, T THORNTON	Erection of buildings and carrying out of works for the purpose of a vehicle body repair workshop	10/05/2018	0	78	78	27/07/2018
19	18/0555	25-29 STATION STREET BOWRAL NSW 2576 LOT 1 DP 855131 RAILWAY LAND	MJ WALSH, JP CUDMORE	Change of Use to a Dental Surgery	11/05/2018	0	90	90	09/08/2018
20	18/0578	4 ALDER PLACE BOWRAL NSW 2576 Lot 21 DP 839174	DS DELANEY, ML DELANEY	Swimming Pool	16/05/2018	0	97	97	21/08/2018
21	18/0581	45 SIR JAMES FAIRFAX CIRCUIT BOWRAL NSW 2576 Lot 235 DP 1239600	WD THOMAS,L MCGOOKIN	New Dwelling	16/05/2018	15	63	78	03/08/2018
22	18/0620	2 MINNOWS DRIVE BOWRAL NSW 2576 Lot 2 DP 869173	SJ WALKER	Swimming Pool	28/05/2018	0	62	62	30/07/2018
23	18/0729	2 ALFREDA STREET BOWRAL NSW 2576 Lot 1 DP 1121110	AJ SINCLAIR- THOMSON, MC DOMAN	Swimming Pool	21/06/2018	0	64	64	24/08/2018
24	18/0739	4 BLOOMFIELD CLOSE BOWRAL NSW 2576 Lot 11 DP 1231895	AJ WHEELER, LD WHEELER	Residential Alterations and Additions (Garage & Vegetation Clearing - 2 trees)	22/06/2018	0	59	59	21/08/2018
25	18/0171	68-72 OLD HUME HIGHWAY BRAEMAR NSW 2575 Lot 22 DP 789172	ZUG PTY.LTD	Subdivision (7 Lots)	21/02/2018	4	171	175	17/08/2018
26	18/0445	6 LOMANDRA LANE BRAEMAR NSW 2575 Lot 130 DP 1204085	SM BINNS, CD BINNS	Residential Alterations and Additions (Patio)	19/04/2018	0	105	105	02/08/2018
27	18/0673	48-52 OLD HUME HIGHWAY BRAEMAR NSW 2575 Lot 2 DP 1078394	AJ HEALY, CM HEALY	New Shed	08/06/2018	49	24	73	22/08/2018



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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
28	18/0261	BUNDANOON OVAL ERITH STREET BUNDANOON NSW 2578 Part Lot 60 DP 909008	THE STATE OF NSW	Telecommunications Facility	12/03/2018	57	84	141	02/08/2018
29	18/0396	28 BRIGADOON DRIVE BUNDANOON NSW 2578 Lot 30 DP 1048841	CA PHILLIPS	Residential Alterations and Additions (Master Bedroom & Ensuite)	10/04/2018	0	126	126	15/08/2018
30	18/0559	21-23 BIRRIGA AVENUE BUNDANOON NSW 2578 Lot 11 DP 9429 Lot 12 DP 9429	SJ LESSER	New Dwelling	14/05/2018	28	62	90	13/08/2018
31	18/0647	16-18 ELLSMORE ROAD BUNDANOON NSW 2578 Lot 19 DP 12553 Lot 20 DP 12553	JS HUTCHISON, LH HUTCHISON	Subdivision (Boundary Adjustment)	04/06/2018	0	59	59	02/08/2018
32	17/0801.03	ERIDGE PARK - ROAD RESERVE 576 MOSS VALE ROAD BURRADOO NSW 2576 Lot 5 DP 1087928	WINGECARRIBEE SHIRE COUNCIL	Section 4.55 Modification Temporary Use of Land (Bowral Classic Cycling event to include Helipad)	11/04/2018	0	118	118	02/08/2018
33	17/1339.04	24 HURLINGHAM AVENUE BURRADOO NSW 2576 Lot 3 DP 1219070	J SLABAK, M SLABAK	Section 4.55 Modification (deck extension and change to roof over)	25/05/2018	0	69	69	02/08/2018
34	18/0143	42C TOONGOON ROAD BURRADOO NSW 2576 Lot 6 DP 1051615	RE CHAMBERS, EM CHAMBERS	Convert Stables to Studio	14/02/2018	58	103	161	26/07/2018
35	18/0354.03	7 HOLLY ROAD BURRADOO NSW 2576 Lot 2 DP 776178	ML KING	Section 4.55 Modification (Internal layout changes and delete Porte Cochere)	19/06/2018	0	66	66	24/08/2018
36	18/0446	14-16 ELIZABETH STREET BURRADOO NSW 2576 Lot 15 DP 2846	KR TREGENZA	Subdivision (2 Lots)	19/04/2018	0	123	123	21/08/2018
37	18/0663	13 HURLINGHAM AVENUE BURRADOO NSW 2576 Lot 123 DP 719021	GS WHITE, DJ WHITE	Continued Use of Carport	07/06/2018	0	74	74	21/08/2018

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
38	18/0374	OLD COOWONG ROAD (Priv.) CANYONLEIGH NSW 2577 Lot 20 DP 1152535	ST O'BRIEN,SL O'BRIEN	New Dwelling	05/04/2018	43	83	126	09/08/2018
39	18/0011	11 ORCHID STREET COLO VALE NSW 2575 Lot 14 Sec 8 DP 2389	MB LOWE	Residential Alterations and Additions (Ground Floor Extension)	08/01/2018	73	126	199	27/07/2018
40	18/0408.02	38 AZALEA STREET COLO VALE NSW 2575 Lot 1 DP 1239087	DJ OKEEFE,EK O'KEEFE	New Dwelling	04/07/2018	0	41	41	15/08/2018
41	18/0720	26 AZALEA STREET COLO VALE NSW 2575 Lot 7 DP 1239087	SF MARTIN	New Dwelling	20/06/2018	1	60	61	21/08/2018
42	18/0793	75-77 BANKSIA STREET COLO VALE NSW 2575 Lots 1-3 DP 137020	R WHITNEY, DJ FLANAGAN	Swimming Pool	29/06/2018	0	55	55	23/08/2018
43	17/1728	24 SALLYS CORNER ROAD EXETER NSW 2579 Lot 102 DP 1205383	A MOORE, R COX	Change of Use (Kitchen fit out of existing shed for gluten-free production and associated signage)	07/12/2017	116	133	249	14/08/2018
44	18/0224.05	27 MIDDLE ROAD EXETER NSW 2579 Lot 6 Sec 6 DP 3373	TJ HAYTER	Section 4.55 Modification (Relocate ETA bed for AWTS Septic)	29/06/2018	0	27	27	27/07/2018
45	18/0567	58 WESTGROVE ROAD EXETER NSW 2579 Lot 32 DP 1233756	PR NOBLE, NOBLE	Residential Alterations and Additions (New Shed)	15/05/2018	0	72	72	27/07/2018
46	17/1401	5/9 WEST PARADE HILL TOP NSW 2575 Lot 5 S/P 75970	DA HAYMAN	Commercial Alterations and Additions (Alfresco Dining)	06/10/2017	134	185	319	22/08/2018
47	17/1544.04	26 PEARCE STREET HILL TOP NSW 2575 Lot 3 DP 1232616	SG LONSDALE, JM LONSDALE	Section 4.55 Modification (Remove conditions pertaining to Subdivision)	16/07/2018	0	38	38	23/08/2018
48	18/0687	3 CHARLES STREET HILL TOP NSW 2575 Lot 2 DP 1168465	T DRIESSEN, P PIERCY	Residential Alterations and Additions (patio)	13/06/2018	0	57	57	09/08/2018
49	17/1542	62 OXLEY DRIVE MITTAGONG NSW 2575 Lot 7 Sec 31 DP 1338	RMV FIGTREE	Subdivision (2 Lots)	01/11/2017	257	21	278	06/08/2018

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50	17/1753.03	SPRINGFIELDS 546 RANGE ROAD MITTAGONG NSW 2575 Lot 4 DP 787900	MA BAXTER	Section 4.55 Modification (Amend conditions pertaining to S94 Contributions & S64 Water and Sewer)	16/07/2018	0	35	35	20/08/2018
51	18/0032	ABORIGINAL CULTURAL CENTRE 1A RAINBOW ROAD MITTAGONG NSW 2575 Lot 33 DP 9299	WINGECARRIBEE SHIRE COUNCIL	Temporary Use of Land (Annual Aboriginal Community Celebration Events)	16/01/2018	85	117	203	07/08/2018
52	18/0239	12 ANNE STREET MITTAGONG NSW 2575 Lot 52 DP 1239571	TD CROMPTON, DE CROMPTON	New Shed	08/03/2018	23	137	160	15/08/2018
53	18/0337	7 ACACIA STREET MITTAGONG NSW 2575 Lot 17 DP 15496	GW SMALL, SL SAMPSON	New Dwelling	26/03/2018	70	58	128	02/08/2018
54	18/0490	4 BARTON CLOSE MITTAGONG NSW 2575 Lot 6 DP 1222491	LA JACKMAN, BH JACKMAN	New Dwelling	30/04/2018	34	53	87	27/07/2018
55	18/0533	69 MAIN STREET MITTAGONG NSW 2575 Lot 5 DP 240187	D SOTIRIOS, M SOTIRIOS	Business Premises (remedial massage)	08/05/2018	0	105	105	21/08/2018
56	18/0709	4 APPLE GATE CLOSE MITTAGONG NSW 2575 Lot 9 DP 614099	NP CUMMINS, JI CUMMINS	Boundary Adjustment	18/06/2018	0	64	64	22/08/2018
57	18/0665	141 OLD SOUTH ROAD ALPINE NSW 2575 Lot 1 DP 375156 Lot 4 DP 129067	MH COLGAN	Residential Alterations and Additions (Swimming Pool)	08/06/2018	0	87	87	03/09/2018
58	18/0656	32 BRESNAHANS LANE AVOCA NSW 2577 Lot 1 DP 806923	BM BUSCHMAN	Residential Alterations and Additions (Swimming Pool)	06/06/2018	0	85	85	30/08/2018
59	18/0526	24 BALACLAVA STREET BALACLAVA NSW 2575 Lot 1 DP 1204434	W YEN	Secondary Dwelling	07/05/2018	64	52	116	01/09/2018
60	18/0558	79 COMPTON PARK ROAD BERRIMA NSW 2577 Lot 1 DP 1214829	I SOLDATIC	New Dwelling	11/05/2018	56	56	112	31/08/2018
61	18/0153	63 BENDOOLEY STREET BOWRAL NSW 2576 Lot 1 DP 211068	PC SYMONS, JAE KROPF	New Dwelling	16/02/2018	111	84	195	31/08/2018

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62	18/0333	70 WOODBINE STREET BOWRAL NSW 2576 Lot 9 DP 995366	AJ HAYES,GA NORRIE	Residential Alterations and Additions (Extension to rear of dwelling)	23/03/2018	60	104	164	04/09/2018
63	18/0494	30 CARISBROOKE ROW BOWRAL NSW 2576 Lot 315 DP 858390	SA HARRIS,SM HARRIS	Residential Alterations and Additions (Extension and internal alterations)	01/05/2018	0	125	125	04/09/2018
64	18/0596	18 ANNESLEY AVENUE BOWRAL NSW 2576 Lot 20 DP 236564	SLB THOMAS,DHB THOMAS	Residential Alterations and Additions (Extension to rear of dwelling & internal alterations)	22/05/2018	0	99	99	30/08/2018
65	18/0684	MILTON PARK 201 HORDERNS ROAD BOWRAL NSW 2576 Lot 8 S/P 32202	SJ MOSS	Residential Alterations and Additions (Extension to create study)	13/06/2018	0	83	83	04/09/2018
66	19/0095	THE COACH HOUSE 91A BENDOOLEY STREET BOWRAL NSW 2576 Lot 51 DP 880942	RJ NEUHOLD	Residential Alterations and Additions (Swimming pool)	19/07/2018	0	46	46	03/09/2018
67	19/0268	2 MINNOWS DRIVE BOWRAL NSW 2576 Lot 2 DP 869173	SJ WALKER	Residential Alterations and Additions (Pool Pavilion)	17/08/2018	0	18	18	04/09/2018
68	18/0697	100 BULLIO TRIG STATION ROAD BULLIO NSW 2575 Lot 1 DP 1238932	G HEAD,RC HEAD	New Dwelling	15/06/2018	0	77	77	01/09/2018
69	18/0251	34 ERITH STREET BUNDANOON NSW 2578 Lot 171 DP 826560	MJ HEFFERNAN	Residential Alterations and Additions (New bedroom and ensuite)	09/03/2018	0	171	171	28/08/2018
70	18/0484	36 NERRIM STREET BUNDANOON NSW 2578 Lot 41 DP 635167	JRM MYERS,TP MYERS	Residential Alterations and Additions (garage)	27/04/2018	63	66	129	04/09/2018
71	19/0030	38 PENROSE ROAD BUNDANOON NSW 2578 Lot 4 DP 587081	SJ PRESS,AE PRESS	Residential Alterations and Additions - (Demolish existing rear deck. Construct three new bedrooms, new kitchen/family area and new deck)	06/07/2018	0	56	56	31/08/2018

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72	17/1755.03	113 BURRADOO ROAD BURRADOO NSW 2576 Lot 4 DP 578816	CB HIGGINS	Section 4.55 Modification (minor internal and external changes)	24/07/2018	0	33	33	27/08/2018
73	19/0100	10 LOYALTY LANE BURRADOO NSW 2576 Lot 21 DP 1225783	DE DAVIES	Residential Alterations and Additions (Swimming Pool)	19/07/2018	0	41	41	29/08/2018
74	16/0529.04	1 EMERALD COURT COLO VALE NSW 2575 Lot 16 DP 1212335	SB REILLY	S4.55 Modification (minor setback changes to Dwelling One and Dwelling Two)	27/07/2018	0	38	38	04/09/2018
75	18/0608	32 AZALEA STREET COLO VALE NSW 2575 Lot 4 DP 1239087	PM CROSS,LJ CROSS	New Dwelling	23/05/2018	0	103	103	03/09/2018
76	17/1728	24 SALLYS CORNER ROAD EXETER NSW 2579 Lot 102 DP 1205383	A MOORE,R COX	Change of Use (kitchen fit out of existing shed for gluten-free production and associated signage)	07/12/2017	116	145	261	27/08/2018
77	18/0366	1775 WOMBEYAN CAVES ROAD HIGH RANGE NSW 2575 Lot 1 DP1210240 Enclosure Permit 43397	JW DANAHER	Subdivision (3 Lots)	03/04/2018	0	146	146	28/08/2018
78	18/0471	1851 WOMBEYAN CAVES ROAD HIGH RANGE NSW 2575 Lot 3 DP 1210240	TA GRAY,GC GRAY	New Dwelling	24/04/2018	0	129	129	01/09/2018
79	14/1019.04	423 MEDWAY ROAD MEDWAY NSW 2577 Lot 42 DP 1080545	CT HAWKINS,HA O'RILEY	New Dwelling	08/08/2018	0	22	22	30/08/2018
80	15/0628.08	1 FERGUSON CRESCENT MITTAGONG NSW 2575 Lot 16 DP 1005636	J GRIFFIN	Section 4.55 Modification (6 Building Hotel Accommodation & Car Park with Tree Removal)	23/03/2018	0	160	160	30/08/2018
81	17/0249.04	38 OXLEY DRIVE MITTAGONG NSW 2575 Lot 1 DP 505042 Vol 9526 Fol 00070	RT BLOOR	Section 4.55 Modification (change carport to garage, change front setback of garage & minor internal and external changes)	29/06/2018	0	66	66	04/09/2018

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82	17/1704	YOUNG ROAD MOSS VALE NSW 2577 Lot 115 DP 1232222	COMMON GROUND PROPERTY (NSW) PTY LTD	Dual Occupancy (Detached)	01/12/2017	0	268	268	27/08/2018
83	18/0460	59 FARNBOROUGH DRIVE MOSS VALE NSW 2577 Lot 161 DP 1095417	SM MCNEILAGE,JA MCNEILAGE	New Dwelling	23/04/2018	30	102	132	03/09/2018
84	18/0768	26 KINGS ROAD MOSS VALE NSW 2577 Lot 2 DP 1222061	WF HOLZ,CJ AWDRY	New Dwelling	27/06/2018	5	60	65	01/09/2018
85	19/0099	9 SIMON PLACE MOSS VALE NSW 2577 Lot 7 DP 792655	JA RIDDEN	New Dwelling	19/07/2018	0	46	46	04/09/2018
86	19/0106	3/1D VICTOR CRESCENT MOSS VALE NSW 2577 Lot 5 DP 1214724	NW BUTCHER,LP BUTCHER	Residential Alterations and Additions (Shed)	20/07/2018	0	45	45	04/09/2018
87	19/0171	76 BROUGHTON STREET MOSS VALE NSW 2577 Lot 4009 DP 1242576	SD PYNE,K PYNE	New Dwelling	02/08/2018	0	27	27	29/08/2018
88	18/0751	6 ALLEN AVENUE RENWICK NSW 2575 Lot 142 DP 1221206	MJ WARN,M GATES	New Dwelling	25/06/2018	0	65	65	29/08/2018
89	18/0754	46 MAXTED STREET RENWICK NSW 2575 Lot 1237 DP 1221207	CL LARKIN,LC LARKIN	New Dwelling	25/06/2018	0	62	62	27/08/2018
90	18/0765	44 MAXTED STREET RENWICK NSW 2575 Lot 1236 DP 1221207	J ABOUD,MR ABOUD	New Dwelling	27/06/2018	0	63	63	29/08/2018
91	18/0772	17 ROTY AVENUE RENWICK NSW 2575 Lot 75 DP 1221206	MJ WILLS	New Dwelling	27/06/2018	0	63	63	29/08/2018
92	18/0774	33 CHALLONER RISE RENWICK NSW 2575 Lot 1227 DP 1221207	JD LOUREY,MM LOUREY	New Dwelling	27/06/2018	0	63	63	30/08/2018
93	18/0777	28 ROTY AVENUE RENWICK NSW 2575 Lot 26 DP 1221206	VJ VELLA,R VELLA	New Dwelling	28/06/2018	0	62	62	29/08/2018
94	18/0787	4 GREEN STREET RENWICK NSW 2575 Lot 19 DP 1221206	PJ STOPHER,BK STOPHER	New Dwelling	29/06/2018	0	62	62	30/08/2018

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95	19/0005	24 GREEN STREET RENWICK NSW 2575 Lot 40 DP 1221206	AK MATHEW,AE SAJI	New Dwelling	03/07/2018	0	58	58	30/08/2018
96	19/0022	5 JEFFERIS AVENUE RENWICK NSW 2575 Lot 59 DP 1221206	SL WAPLES,KA BUCKLEY	New Dwelling	05/07/2018	0	56	56	30/08/2018
97	19/0034	38 MAXTED STREET RENWICK NSW 2575 Lot 1222 DP 1221207	JK BEASLEY	New Dwelling	06/07/2018	0	57	57	01/09/2018
98	19/0040	41 CHALLONER RISE RENWICK NSW 2575 Lot 1248 DP 1221207	LS GRANT,MJ GRANT	New Dwelling	09/07/2018	0	54	54	01/09/2018
99	19/0047	30 GEORGE CUTTER AVENUE RENWICK NSW 2575 Lot 85 DP 1221206	TE HAWKE,EL BRINDLEY-HAWKE	New Dwelling	09/07/2018	0	52	52	30/08/2018
100	19/0051	14 CHALLONER RISE RENWICK NSW 2575 Lot 5 DP 1221206	GJ CORFIELD,ST CORFIELD	New Dwelling & Shed	10/07/2018	0	55	55	04/09/2018
101	19/0057	13 JEFFERIS AVENUE RENWICK NSW 2575 Lot 55 DP 1221206	JW STEWART,CO FOX	New Dwelling	12/07/2018	0	47	47	28/08/2018
102	19/0069	29 CHALLONER RISE RENWICK NSW 2575 Lot 1229 DP 1221207	DC LOUREY	New Dwelling	13/07/2018	0	49	49	31/08/2018
103	19/0070	9 OLDFIELD ROAD RENWICK NSW 2575 Lot 131 DP 1221206	MA TODD,TC MCGLADDERY	New Dwelling	13/07/2018	0	50	50	01/09/2018
104	19/0072	12 ALLEN AVENUE RENWICK NSW 2575 Lot 145 DP 1221206	GGC STANLEY,LJ STANLEY	New Dwelling	13/07/2018	0	50	50	01/09/2018
105	19/0076	11 ALLEN AVENUE RENWICK NSW 2575 Lot 102 DP 1221206	KM KAISER,JA KAISER	New Dwelling	16/07/2018	0	47	47	01/09/2018
106	19/0082	12 ROTY AVENUE RENWICK NSW 2575 Lot 117 DP 1221206	SW AVERY,HL AVERY	New Dwelling	18/07/2018	0	45	45	01/09/2018
107	19/0086	30 MAXTED STREET RENWICK NSW 2575 Lot 1218 DP 1221207	JH HART,M HART	New Dwelling	18/07/2018	0	45	45	01/09/2018
108	19/0115	12 JEFFERIS AVENUE RENWICK NSW 2575 Lot 91 DP 1221206	IG JONES,DE JONES	New Dwelling	23/07/2018	0	40	40	01/09/2018

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109	19/0130	34 MAXTED STREET RENWICK NSW 2575 Lot 1220 DP 1221207	MINISTER FOR COMMUNITY SERVICES & ASSISTANT MINISTER FOR HEALTH FOR	New Dwelling	24/07/2018	0	41	41	04/09/2018
110	19/0134	52 MAXTED STREET RENWICK NSW 2575 Lot 1240 DP 1221207	PK NAIR,VKR PILLAI	New Dwelling	25/07/2018	0	40	40	04/09/2018
111	19/0140	4 ROTY AVENUE RENWICK NSW 2575 Lot 113 DP 1221206	JC ZEALEY,A ZEALEY	New Dwelling	26/07/2018	0	40	40	04/09/2018
112	19/0178	10 ROTY AVENUE RENWICK NSW 2575 Lot 116 DP 1221206	SR LEFMANN,J ECCLESHALL	New Dwelling	03/08/2018	0	28	28	31/08/2018
113	19/0179	36 GEORGE CUTTER AVENUE RENWICK NSW 2575 Lot 62 DP 1221206	TJ COENEN,KA COENEN,GG COENEN	New Dwelling	03/08/2018	0	25	25	29/08/2018
114	18/0582	27B MAY STREET ROBERTSON NSW 2577 Lot 6 DP 880828	JT JONES,GL JONES,JA JONES	Residential Alterations and Additions  (Studio & new free- standing double garage)	16/05/2018	65	42	107	01/09/2018
115	19/0081	64 JOADJA STREET WELBY NSW 2575 Lot 60 DP 1238051	CV ZAMMIT,HJ ZAMMIT	New Dwelling	17/07/2018	0	45	45	01/09/2018
116	19/0049	8 RITCHIE ROAD WILLOW VALE NSW 2575 Lot 9 Sec 1 DP 2687	PT RUST	New Dwelling	10/07/2018	0	52	52	31/08/2018
117	18/0184	580 MURRIMBA ROAD WINGELLO NSW 2579 Lot 1 DP 785109	BM Den	Subdivision (5 Lots)	23/02/2018	0	186	186	29/08/2018
118	16/0224.03	TENNESSEE ORCHARD 184 OLD HUME HIGHWAY YERRINBOOL NSW 2575 Lot 2 DP 246178 Lot 8 DP 246178	J VELLA,P VELLA	Section 96 Modification (Amend footprint of the solar farm)	13/12/2017	0	258	258	28/08/2018
119	17/1409	TENNESSEE ORCHARD 184 OLD HUME HIGHWAY YERRINBOOL NSW 2575 Lot 2 DP 246178 Lot 8 DP 246178	J VELLA,P VELLA	Horticulture (30,576m2 Greenhouse)	09/10/2017	317	7	324	30/08/2018



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#### REFUSED APPLICATIONS

11/1041.03	8 KIAMA STREET BOWRAL NSW 2576 Lot 13 DP 1022146 Lot 14 DP 1022146	KIAMA STREET PTY LTD	Section 4.55 Modification (Landfill of existing quarry)	05/10/2017	0	302	302	03/08/2018
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1. Having regard to section 4.55 (2) (a) of the Environmental Planning and Assessment Act 1979 (the Act), Council is not satisfied by the modification application and accompanying documents that the development to which the proposed modified consent relates is substantially the same as that for which consent was originally granted and before that consent as originally granted was modified, noting:
  - (a) The proposed modification facilitates an increase in permitted annual asbestos waste disposal quantities from nil permitted by the original development consent, to 25,000 tonnes
  - (b) The Air and Noise Assessment report accompanying the modification application, in conjunction with written advice of 1 February 2018 from the applicant, indicates a proposed acoustic barrier of 2.0m to 6.0m height and 130.0m length, which was not permitted by the original development consent and which would extend beyond the boundary of the land the subject of the consent.
2. Having regard to sections 4.55 (3) and 4.15 (1) (a) (iii) of the Act:
  - (a) Noting the land's proximity to properties used for the purpose of residential accommodation, and its proximity to land in Zone R3 Residential Medium density, Council considers the development to which the proposed modified consent relates likely to cause land use conflict in the locality, and consequently unsatisfactory with respect to section A2.8 of Council's applicable Industrial Land Development Control Plan.
  - (b) Council is not satisfied by the modification application or accompanying information that roads giving access to the land have sufficient capacity for increased vehicular traffic movements associated with the development to which the proposed modified consent relates. Consequently, Council considers the development to which the proposed modified consent relates unsatisfactory with respect to access and parking objective (C) in section B.5 of Council's applicable Industrial Land Development Control Plan: "To ensure traffic generated by industrial development does not affect local or regional traffic movements".
  - (c) The proposed modification involves operational intensification of the development that – given the land's proximity to properties used for the purpose of residential accommodation and its proximity to land in Zone R3 Residential Medium Density – Council considers likely to significantly detract from nearby residential amenity. Consequently, Council considers the development to which the proposed modified consent relates unsatisfactory with respect to environmental management objective (B) in section B.8 of Council's applicable Industrial Land Development Control Plan: "To ensure a high level of environmental quality and preserve the amenity of adjoining land uses (particularly residential)".
3. Having regard to sections 4.55 (3) and 4.15 (1) (b) of the Act, Council considers the development to which the proposed modified consent relates likely to have significant negative environmental, social and economic impacts in the locality, including with respect to context and setting, traffic, and noise considerations.
4. Having regard to sections 4.55 (3) and 4.15 (1) (c) of the Act, Council is not satisfied by the modification application or accompanying information that the land and development have sufficient capacity for increased vehicular traffic movements generated by the development to which the proposed modified consent relates; consequently, Council is not satisfied that the site is suitable for the development to which the proposed modified consent relates.

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5. Having regard to sections 4.55 (3) and 4.15 (1) (d) of the Act, Council received submissions by way of objection to the proposed modification, on various grounds including potential increased noise emissions.
6. Having regard to sections 4.55 (3) and 4.15 (1) (e) of the Act, Council considers the development to which the proposed modified consent relates not to be in the public interest.

12/1105.01	2500 CANYONLEIGH ROAD CANYONLEIGH NSW 2577 Lot 152 DP 751284 Lot 1 DP 867173	PAUL D. EDWARDS PTY LIMITED	S4.55 Modification DA	24/07/2017	0	367	367	26/07/2018
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1. The Development Consent for 12/1105 lapsed on 18 March 2018.

(Section 4.53 (1) of the *Environmental Planning and Assessment Act 1979* as amended)

17/1402	101 WATTLE RIDGE ROAD HILL TOP NSW 2575 Lot 27 DP 855022	ME REYNOLDS,MA REYNOLDS,AC REYNOLDS	Secondary Dwelling	09/10/2017	213	75	288	24/07/2018
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1. The applicant has not demonstrated that the development conforms to the specifications of the document *Planning for Bush Fire Protections 2006* and has not provided a certificate from a qualified consultant in bush fire risk assessment. Refer to Section 4.14 of the *Environmental Planning and Assessment Act 1979*.
2. In accordance with Section 4.15 (c) of the *Environmental Planning and Assessment Act 1979*, the development is not considered suitable for the site.
3. In accordance with Section 4.15 (e) of the *Environmental Planning and Assessment Act 1979*, the proposal is not considered to be in the public interest.

18/0237	24 BADGERY STREET WILLOW VALE NSW 2575 Lot 18 Sec 11 DP 792	RM RIGOLI,BA RIGOLI	New Dwelling	08/03/2018	120	60	180	04/09/2018
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1. The consent of the land owners of 26 Badgery Street (Lot 19 Sec 11 DP 792) for the carrying out of development on that land (being the removal of trees and vegetation for the creation of an Asset Protection Zone) for the proposed dwelling on 24 Badgery Street Willow Vale (Lot 18 Sec 11 DP 792), has not been provided.

(Clause 49 and Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*)

2. The applicant has failed to provide the required Flora & Fauna and subsequent Biodiversity Assessment Method (BAM) / Biodiversity Development Assessment Report (BDAR) reports, prepared by an Accredited Assessor listed on the public register, to enable Council to make a proper assessment regarding potential impacts on threatened species and/or their habitat resulting from the development.

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The total area of proposed clearing has been calculated at approximately 0.35ha which exceeds the Biodiversity Offset Threshold of 0.25ha as set out in Column 2 of the Table to Clause 7.2 of the *Biodiversity Conservation Regulation 2017*. Additionally, Clause 7.2 of Biodiversity Conservation Regulation states in subclause (3) In the application of the Table to this clause: a) if the proposed development does not comprise only the clearing of native vegetation—the area of clearing is the total area of proposed clearing irrespective of the number of lots concerned or the ownership of those lots.

*(Part 7 of the Biodiversity Conservation Act 2016 No. 63 and Part 7 of the Biodiversity Conservation Regulation 2017)*

3. In the absence of the required BAM and BDAR, Council concludes that proposed development is likely to significantly affect threatened species per *Biodiversity Conservation Act 2016*, Part 7 Biodiversity assessment and approvals under Planning Act:

#### 7.2 *Development or activity “likely to significantly affect threatened species”*

- (1) *For the purposes of this Part, development or an activity is **likely to significantly affect threatened species** if:*

*(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values.*

*(Part 7 of the Biodiversity Conservation Act 2016, and Northern Villages DCP Part A Section 2, Clause A2.2.8 (d))*

4. Due to the non-compliance of the development with the *Environmental Planning and Assessment Regulation 2000* and the *Biodiversity Conservation Act 2016* as stipulated at points 1, 2 and 3 above, approving the development would not be in the public interest.

*(Section 4.15(e) of the Environmental Planning and Assessment Act 1979)*

## ATTACHMENTS

There are no attachments to this report.



## 13.2 Development Applications Received from 23 July 2018 to 4 September 2018

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

Link to Community Strategic Plan: Effective and efficient Council service delivery is provided within a framework that puts the customer first

### PURPOSE

The purpose of this report is to update Councillors on the Development Applications received in the period from 23 July 2018 to 4 September 2018

### RECOMMENDATION

**THAT** the information relating to Development Applications Received from 23 July 2018 to 4 September 2018 be received and noted.

### RECEIVED APPLICATIONS BY DATE RANGE Date range: 23 July 2018 to 26 August 2018

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	19/0286	CLOUDLANDS 1051 SHEEPWASH ROAD AVOCA NSW 2577 Lot 24 DP 1103389	JULIE MARSDEN PTY LIMITED	Demolition of Farm Cottage	21/08/2018		#PENDING		
2	19/0302	RATHDANGAN 82 WALKERS LANE AVOCA NSW 2577 Lot A DP 403759	NR BRUMFIELD,CN Brumfield	Transportable extension to existing dwelling	23/08/2018		#PENDING		
3	19/0159	16-18 STATION ROAD AYL MERTON NSW 2575 Lot 9 Sec 3 DP 10484 Lot 10 Sec 3 DP 10484	B JURIC,B JURCEVIC	Residential Alterations and Additions (Internal Alterations)	01/08/2018		#PENDING		
4	15/0888.02	581 GREENHILLS ROAD BERRIMA NSW 2577 Lot 31 DP 597610	BC KENNEDY,KR NOTT	Section 4.55 Modification (Extend period of consent for events from 3 to 6 calendar years)	03/08/2018	✓	#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
5	19/0295	46-48 OLDBURY STREET BERRIMA NSW 2577 Lots 1-14 Sec 28 DP758098 & Lots 10-12 DP 1244255	TUNDASH PTY LTD,AL STONE,WA TAYLOR	New Dwelling	22/08/2018		#PENDING		
6	17/0992.01	34 RAILWAY PARADE BOWRAL NSW 2576 Lot A DP 157666	MT WOODS,AJ VIRGONA	Section 4.55 Modification (Commercial Kitchen & Office)	17/08/2018		#PENDING		
7	19/0117	22 KANGALOOON ROAD BOWRAL NSW 2576 Lot 1 DP 223701	BJ GOODSSELL	Demolish existing Dwelling. Construct Six (6) Seniors Living Homes.	23/07/2018		#PENDING		✓
8	19/0137	2A WHEEN CLOSE BOWRAL NSW 2576 Lot 112 DP 1238686	SM PETROCITTO	New Dwelling	26/07/2018		#PENDING		
9	19/0187	10 BLOOMFIELD CLOSE BOWRAL NSW 2576 Lot 8 DP 1231895	AMC NEILL- STEVENS	New Dwelling	06/08/2018		#PENDING		
10	19/0192	5 BEAVAN PLACE BOWRAL NSW 2576 Lot 4 DP 240436	S KORYTNYJ,JL KORYTNYJ	Demolish existing dwelling. New Dwelling & Studio	07/08/2018		#PENDING		
11	19/0200	65 SIR JAMES FAIRFAX CIRCUIT BOWRAL NSW 2576 Lot 305 DP 1234848	DA ALVARO	New Dwelling	08/08/2018		#PENDING		
12	19/0205	12 RETFORD ROAD BOWRAL NSW 2576 Lot 2 DP 21563	DC BROMFIELD,K WATKINS	Residential Alterations and Additions (Replace existing bedroom, external toilet with new bedroom, bathroom & laundry)	08/08/2018		#PENDING		
13	19/0208	4 WARWICK CLOSE BOWRAL NSW 2576 Lot 230 DP 1239600	M BALLAT,D BALLAT	New Dwelling	09/08/2018		#PENDING		
14	19/0217	72 WOODBINE STREET BOWRAL NSW 2576 Lot 10 DP 996069	VL WEBB	New Garage & Studio	10/08/2018		#PENDING		
15	19/0234	55 BENDOOLEY STREET BOWRAL NSW 2576 Lot 1 DP 159388	S PERINICH,M PERINICH	Demolition of Existing Dwelling	14/08/2018		#PENDING		

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16	19/0249	22 MANSFIELD ROAD BOWRAL NSW 2576 Lot 4 DP 1189022	SC NETHERSOLE	Swimming Pool	15/08/2018		#PENDING		
17	19/0268	2 MINNOWS DRIVE BOWRAL NSW 2576 Lot 2 DP 869173	SJ WALKER	Swimming Pool & Pavilion	17/08/2018		#PENDING		
18	19/0301	41 ROWLAND ROAD BOWRAL NSW 2576 Lot 107 DP 1006676	AF CLEARY,DG Cleary	Dual Occupancy (Detached)	23/08/2018		#PENDING		
19	19/0305	2 BLOOMFIELD CLOSE BOWRAL NSW 2576 Lot 12 DP 1231895	TDR COLLINS,MJ COLLINS	New Dwelling	24/08/2018		#PENDING		
20	19/0306	33-37 BOWRAL STREET BOWRAL NSW 2576 Part Lot 100 DP 1144699	REVERSE SIGNAGE PTY LTD	Continued Use Advertising Structure	24/08/2018		#PENDING		
21	19/0310	157 MERRIGANG STREET BOWRAL NSW 2576 Lot 5 DP 1240587	CJ GRATSOUNAS	New Dwelling	24/08/2018		#PENDING		
22	19/0165	20 GANTRY PLACE BRAEMAR NSW 2575 Lot 4 DP 818473	LYONS HOLDINGS MITTAGONG PTY LTD	Shed	01/08/2018		#PENDING		
23	14/1299.06	25 ASHGROVE PLACE BUNDANOON NSW 2578 Lot 24 DP 264230	AM SHEATHER,FA SHEATHER	Section 4.55 Modification (Replace brick veneer garage with timber frame and cladding office and carport)	14/08/2018		#PENDING		
24	17/0922.04	16-18 ROSENTHAL AVENUE BUNDANOON NSW 2578 Lot 10 Sec 2 DP 10378 Lot 11 Sec 2 DP 10378	GB JOHNSTON	Section 4.55 Modification (Alter Garden Shed. New Carport. Sauna)	21/08/2018		#PENDING		
25	19/0133	11 BIRRIGA AVENUE BUNDANOON NSW 2578 Lot 6 DP 9429	B JURCEVIC	New Dwelling and studio	25/07/2018		#PENDING		
26	19/0136	7 COALMINES ROAD BUNDANOON NSW 2578 Lot 5 DP 253557	SJ TEECE,LAM TEECE	Swimming Pool	25/07/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
27	19/0258	3 HAWTHORNE STREET BUNDANOON NSW 2578 Lot 30 DP 9037 Lot 29 DP 1105915	MR WILLIAMS,A SKRT	Subdivision (2 Lots)	16/08/2018		#PENDING		
28	15/0367.03	25B LINKS ROAD BURRADOO NSW 2576 Lot 263 DP 1004482	AGL LONGHURST,EM LONGHURST	Section 4.55 Modification (Change Carport to Study)	01/08/2018		#PENDING		
29	17/0940.04	66A OSBORNE ROAD BURRADOO NSW 2576 Lot 2 DP 1219836	GL RYKERS,AP RYKERS	Section 4.55 Modification (Decrease dormer windows from 2 to 1. Reduce roof pitch to 35 degrees)	16/08/2018		#PENDING		
30	17/1755.03	113 BURRADOO ROAD BURRADOO NSW 2576 Lot 4 DP 578816	CB HIGGINS	Section 4.55 Modification (Minor internal and external changes)	24/07/2018		#APPROVE D	27/08/2018	
31	19/0135	7 ST DENIS CLOSE BURRADOO NSW 2576 Lot 142 DP 1241759	MV BELL,GA BELL	New Dwelling and Secondary Dwelling	25/07/2018		#PENDING		
32	19/0266	16 TOONGOON ROAD BURRADOO NSW 2576 Lot 17 DP 13057	GM STREATFEILD,SB STREATFEILD	Residential Alterations and Additions (Deck)	17/08/2018		#PENDING		
33	19/0270	49 SUNNINGHILL AVENUE BURRADOO NSW 2576 Lot 1 DP 259630	PD VASSIE,LA CONNELL	New Dwelling	17/08/2018		#PENDING		
34	19/0297	2 CHARLOTTE STREET BURRADOO NSW 2576 Lot 811 DP 1176908	HARBISON MEMORIAL RETIREMENT VILLAGE, HARBISON MEMORIAL RETIREMENT VILLAGE	Advertising Structure (Stone Wall)	22/08/2018		#PENDING		
35	19/0304	58 YEAN STREET BURRADOO NSW 2576 Lot 6 DP 1195139	DA COLEMAN	Residential Alterations and Additions (Barn & Carport)	24/08/2018		#PENDING		
36	06/1305.10	CHAMAE 27 LINKS ROAD BURRADOO NSW 2576 Lot 2 DP 1156455	MA Gleeson- White	Section 4.55 Modification (Modify approved Lot sizes. Modify RFS condition of consent)	10/08/2018		#PENDING		✓

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
37	17/1281.06	3 HODDLE STREET BURRAWANG NSW 2577 Lot 3 DP 612987	PJ COX,TG ARPADI	Section 4.55 Modification (Alter roof over alfresco to low pitch skillion. Convert existing garage to Master Bedroom Wing with ensuite, retreat, wood fireplace & courtyard)	03/08/2018		#PENDING		
38	19/0195	ATTUNGA 2151 TUGALONG ROAD CANYONLEIGH NSW 2577 Lot 1 DP 601590 Lot 3 DP 601372	ATTUNGA YOUTH MINISTRIES PTY LTD	Commercial Alterations and Additions (Carport for staff vehicles)	07/08/2018		#PENDING		
39	15/1115.01	6-12 LYNWOOD AVENUE COLO VALE NSW 2575 Lot 3 DP 748084	AG CAMPBELL,EG CAMPBELL	Section 4.55 Modification (Alter required level of construction within unmade portion of Lynwood Ave Road Reserve)	17/08/2018		#PENDING		
40	16/0529.04	1 EMERALD COURT COLO VALE NSW 2575 Lot 16 DP 1212335	SB REILLY	S4.55 Modification (minor setback changes to Dwelling One and Dwelling Two)	27/07/2018		#PENDING		
41	19/0145	1-9 CHURCH AVENUE COLO VALE NSW 2575 Lot 2 DP 1010179	S PERINICH,M PERINICH	Farm Building	27/07/2018		#PENDING		
42	19/0189	58 WESTGROVE ROAD EXETER NSW 2579 Lot 32 DP 1233756	PR NOBLE,MJ NOBLE	Residential Alterations and Additions (Extensions)	06/08/2018		#PENDING		
43	19/0240	483 ELLSMORE ROAD EXETER NSW 2579 Lot 3 DP 807940	GJ MACDONALD,CL RICHARDS	Residential Alterations and Additions (Extension, Pool & Dressage Arena)	14/08/2018		#PENDING		
44	06/0710.02	10 WILSONS LANE EXETER NSW 2579 Lot 24 Sec 6 DP 3373	MJ HARDEN,DM HARDEN	Section 4.55 Modification (Internal and external alterations)	16/08/2018		#PENDING		



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45	19/0162	FOXGROVE 45 REDHILLS ROAD FITZROY FALLS NSW 2577 Lot 2 DP 773087	CC WALLACE,MA ROBERTS	Home Business - Storage Shed	01/08/2018		#PENDING		
46	19/0211	581 REDHILLS ROAD FITZROY FALLS NSW 2577 Lot 211 DP 751303	MJ NICHOLS,E NICHOLS	Residential Alterations and Additions (Farmshed)	09/08/2018		#PENDING		
47	19/0225	15 ELLA STREET HILL TOP NSW 2575 Lot 21 Sec 2 DP 6221	HR GATES	Residential Alterations and Additions (Carport)	13/08/2018		#PENDING		
48	19/0289	8 GRANDVIEW PARADE HILL TOP NSW 2575 Lot 98 Sec 1 DP 10173	TA FORD,RE DILLON	New Dwelling	22/08/2018		#PENDING		
49	19/0132	220 JACKS VALLEY ROAD JOADJA NSW 2575 LOT 1 DP 877821 & EP 308001	MJ WALDEN	New Dwelling	25/07/2018		#PENDING		
50	17/0821.01	1515 KANGALOO ROAD KANGALOO NSW 2576 Lot 1 DP 790608	NA GONZALEZ	Section 4.55 Modification (New storage loft above stables)	13/08/2018		#PENDING		
51	14/1019.04	423 MEDWAY ROAD MEDWAY NSW 2577 Lot 42 DP 1080545	CT HAWKINS,HA O'RILEY	Section 4.55 Modification (Remove condition requiring creation of positive covenant)	08/08/2018		#APPROVED	30/08/2018	
52	16/0009.02	CLEAR HILLS 230 MEDWAY ROAD MEDWAY NSW 2577 Lot 12 DP 1245786	TKMMG PTY LIMITED	Section 4.55 Modification Function Centre & Restaurant Alterations (Alter internal layout, windows and roof)	20/08/2018		#PENDING		✓
53	16/0808.02	24 RAILWAY PARADE MITTAGONG NSW 2575 Lot A DP 379939	DJ HANCOCK,SJ HANCOCK	Residential Alterations and Additions (Convert existing carport to store / mud room)	21/08/2018		#PENDING		
54	16/1322.01	7 HUXLEY STREET MITTAGONG NSW 2575 Lot 61 DP 882829	P LEMA,TD MITCHELL	Section 4.5 Modification (Adjust boundary lines of 3 Lot Subdivision)	23/07/2018		#PENDING		

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55	17/1542.01	62 OXLEY DRIVE MITTAGONG NSW 2575 Lot 7 Sec 31 DP 1338	RMV FIGTREE	Section 4.55 Modification (Alter Consent to pay Contributions at Subdivision Certificate Stage)	21/08/2018		#PENDING		
56	19/0114	10A PRIESTLEY STREET MITTAGONG NSW 2575 Lot 82 DP 1129504	S MAJEWSKI	New Dwelling	23/07/2018		#PENDING		
57	19/0167	34 DUKE STREET MITTAGONG NSW 2575 Lot 69 DP 15496	AC BURNABY	Residential Alterations and Additions (Extend kitchen, family, bedrooms and garage with loft over and new outdoor living area)	02/08/2018		#PENDING		
58	19/0196	34 TYNDALL STREET MITTAGONG NSW 2575 Lot 8 DP 505042	PG TAYLOR,CA TAYLOR	Residential Alterations and Additions (Garage)	07/08/2018		#PENDING		
59	19/0239	20 HUXLEY STREET MITTAGONG NSW 2575 Lot 3 Sec 25 DP 1338	MW HARRISON,RJ HARRISON	New Garage / Workshop	14/08/2018		#PENDING		
60	19/0257	158A OXLEY DRIVE MITTAGONG NSW 2575 Lot 31 DP 879062	BJ SHIELDS	New Dwelling	16/08/2018		#PENDING		
61	19/0299	GIBBERGUNYAH DAYCARE 36 ETHERIDGE STREET MITTAGONG NSW 2575 Lot 12 DP 597379	HOOTIR PTY LTD	Section 4.55 Modification (Extend hours of operation from 8am to 6pm to 7am to 6.30pm)	22/08/2018		#PENDING		
62	19/0144	2 JOYCE STREET MOSS VALE NSW 2577 Lot 4041 DP 1242576	DCL MENZIES	New Dwelling	27/07/2018		#PENDING		
63	19/0152	9 SALAMANDER PLACE MOSS VALE NSW 2577 Lot 5 DP 1221913	RA PEARSON,CT PEARSON	New Dwelling	30/07/2018		#PENDING		

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64	19/0158	76 BROUGHTON STREET MOSS VALE NSW 2577 Lot 4009 DP 1242576	SD PYNE,K PYNE	Swimming Pool	01/08/2018		#APPROVE D	13/08/2018	
65	19/0161	27 TORULOSA DRIVE MOSS VALE NSW 2577 Lot 129 DP 1232222	MJ FURNESS,RE FURNESS	New Shed	01/08/2018		#PENDING		
66	19/0163	28 BROWLEY STREET MOSS VALE NSW 2577 Lot 1 DP 14457 Lot A DP 376230	SL BLACKLEY	New Shed	01/08/2018		#PENDING		
67	19/0164	48 KINGS ROAD MOSS VALE NSW 2577 Lot 1 DP 375542 Lot A DP 407160	AE LAIRD	New Shed	01/08/2018		#PENDING		
68	19/0169	1 FRANCIS STREET MOSS VALE NSW 2577 Lot 4077 DP 1242576	M WESTON,SJ WESTON	New Dwelling	02/08/2018		#PENDING		
69	19/0171	76 BROUGHTON STREET MOSS VALE NSW 2577 Lot 4009 DP 1242576	SD PYNE,K PYNE	New Dwelling	02/08/2018		#PENDING		
70	19/0172	OLD DAIRY CLOSE MOSS VALE NSW 2577 Lot 11 S/P 95501	OWNERS OF STRATA SCHEME 95501	Subdivision (20 Lots) & Self Storage Units	02/08/2018		#PENDING		
71	19/0173	6 FITZROY ROAD MOSS VALE NSW 2577 Lot 132 DP 1232222	H KU	New Dwelling	02/08/2018		#PENDING		
72	19/0180	RRC SALEYARDS 205 BERRIMA ROAD MOSS VALE NSW 2577 Lot 1 DP 1070888 Lot 3 DP 1070888	WINGECARRIBEE SHIRE COUNCIL	Business Identification Sign (Animal Shelter)	03/08/2018		#APPROVE D	15/08/2018	
73	19/0194	64 BROUGHTON STREET MOSS VALE NSW 2577 Lot 4003 DP 1242576	CD JOHN	New Dwelling	07/08/2018		#PENDING		
74	19/0219	68 BROUGHTON STREET MOSS VALE NSW 2577 Lot 4005 DP 1242576	L MARUCA	New Dwelling	10/08/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
75	19/0244	45 NARELLAN ROAD MOSS VALE NSW 2577 Lot 134 DP 1232222	CJ YOUNG,LJ YOUNG	New Dwelling	14/08/2018		#PENDING		
76	19/0245	404 NOWRA ROAD MOSS VALE NSW 2577 Lot 1 DP 1125424	KAJ HILL,E HILL	New Dwelling	14/08/2018		#PENDING		
77	19/0267	FIVE ARROWS 387 HEADLAM ROAD MOSS VALE NSW 2577 Lot 31 DP 740660	MA CAMERON	Residential Alterations & Additions (Tennis Court)	17/08/2018		#PENDING		
78	19/0271	5 LYTTON ROAD MOSS VALE NSW 2577 Lot 33 Sec D DP 2810	MAK HAMILTON,M SANTOS	Residential Alterations and Additions (External extension)	20/08/2018		#PENDING		
79	19/0281	10 TORULOSA DRIVE MOSS VALE NSW 2577 Lot 111 DP 1232222	MP IEREMIA,LLIJ IEREMIA	New Dwelling	21/08/2018		#PENDING		
80	19/0285	641 PENROSE ROAD PENROSE NSW 2579 Lot 3 DP 1097100	KL HINES,JE HINES	Residential Alterations & Additions (Detached Habitable Outbuilding)	21/08/2018		#PENDING		
81	19/0115	12 JEFFERIS AVENUE RENWICK NSW 2575 Lot 91 DP 1221206	IG JONES,DE JONES	New Dwelling	23/07/2018		#PENDING		
82	19/0130	34 MAXTED STREET RENWICK NSW 2575 Lot 1220 DP 1221207	MINISTER FOR COMMUNITY SERVICES & ASSISTANT MINISTER FOR HEALTH FOR	New Dwelling	24/07/2018		#PENDING		
83	19/0134	52 MAXTED STREET RENWICK NSW 2575 Lot 1240 DP 1221207	PK NAIR,VKR PILLAI	New Dwelling	25/07/2018		#PENDING		
84	19/0140	4 ROTY AVENUE RENWICK NSW 2575 Lot 113 DP 1221206	JC ZEALEY,A ZEALEY	New Dwelling	26/07/2018		#PENDING		
85	19/0142	13 ROTY AVENUE RENWICK NSW 2575 Lot 77 DP 1221206	B SINGAL,S SINGAL	New Dwelling	26/07/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
86	19/0146	38 ROTY AVENUE RENWICK NSW 2575 Lot 1226 DP 1221207	SP MCCLOUGHLIN,AE MACRAE	New Dwelling	30/07/2018		#PENDING		
87	19/0150	24 MACKELLAR CIRCUIT RENWICK NSW 2575 Lot 6204 DP 1241316	ZM FITTLER,MJ FITTLER	New Dwelling	30/07/2018		#PENDING		
88	19/0151	17 OLDFIELD ROAD RENWICK NSW 2575 Lot 127 DP 1221206	PK LOVERIDGE,KE LOVERIDGE	New Dwelling	30/07/2018		#PENDING		
89	19/0156	21 MAXTED STREET RENWICK NSW 2575 Lot 31 DP 1221206	SA DICKINSON	New Dwelling	31/07/2018		#PENDING		
90	19/0157	32 ROTY AVENUE RENWICK NSW 2575 Lot 1223 DP 1221207	MN ARNULL,CE HOWE	New Dwelling	01/08/2018		#PENDING		
91	19/0170	10 JEFFERIS AVENUE RENWICK NSW 2575 Lot 90 DP 1221206	BM ACTON,ME HAGAI	New Dwelling	02/08/2018		#PENDING		
92	19/0177	12 GREEN STREET RENWICK NSW 2575 Lot 23 DP 1221206	JE GOOD,MJ GOOD	New Dwelling	03/08/2018		#PENDING		
93	19/0178	10 ROTY AVENUE RENWICK NSW 2575 Lot 116 DP 1221206	SR LEFMANN,J ECCLESHALL	New Dwelling	03/08/2018		#PENDING		
94	19/0179	36 GEORGE CUTTER AVENUE RENWICK NSW 2575 Lot 62 DP 1221206	TJ COENEN,KA COENEN,GG COENEN	New Dwelling	03/08/2018		#PENDING		
95	19/0182	6 JEFFERIS AVENUE RENWICK NSW 2575 Lot 88 DP 1221206	KG COOPER,A COOPER	New Dwelling	03/08/2018		#PENDING		
96	19/0183	68 CHALLONER RISE RENWICK NSW 2575 Lot 1250 DP 1221207	R GRAY,PR GRAY	New Dwelling	03/08/2018		#PENDING		
97	19/0185	20 GEORGE CUTTER AVENUE RENWICK NSW 2575 Lot 110 DP 1221206	RD O'BRIEN,NE FLAUS	New Dwelling	03/08/2018		#PENDING		

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98	19/0199	13 ALLEN AVENUE RENWICK NSW 2575 Lot 101 DP 1221206	JB LOVERIDGE,CA LOVERIDGE	New Dwelling	07/08/2018		#PENDING		
99	19/0202	32 CHALLONER RISE RENWICK NSW 2575 Lot 14 DP 1221206	DM WALES	New Dwelling	08/08/2018		#PENDING		
100	19/0212	41 MAXTED STREET RENWICK NSW 2575 Lot 46 DP 1221206	AENZIE DEVELOPMENTS PTY LTD	New Dwelling	09/08/2018		#PENDING		
101	19/0213	6 ROTY AVENUE RENWICK NSW 2575 Lot 114 DP 1221206	K JOHNSON	New Dwelling	09/08/2018		#PENDING		
102	19/0215	16 ROTY AVENUE RENWICK NSW 2575 Lot 119 DP 1221206	BT BLUNDELL,V BLUNDELL	New Dwelling	10/08/2018		#PENDING		
103	19/0226	8 JEFFERIS AVENUE RENWICK NSW 2575 Lot 89 DP 1221206	OPALJAZZ PTY LIMITED	New Dwelling	13/08/2018		#PENDING		
104	19/0230	9 ROTY AVENUE RENWICK NSW 2575 Lot 79 DP 1221206	BF DICKINSON	New Dwelling	13/08/2018		#PENDING		
105	19/0231	11 ROTY AVENUE RENWICK NSW 2575 Lot 78 DP 1221206	BD MASTERS,JL MASTERS	New Dwelling	13/08/2018		#PENDING		
106	19/0232	46 CHALLONER RISE RENWICK NSW 2575 Lot 1261 DP 1221207	R VAN GROOTEL,AG VAN GROOTEL	New Dwelling	13/08/2018		#PENDING		
107	19/0253	14 JEFFERIS AVENUE RENWICK NSW 2575 Lot 92 DP 1221206	BP FRYER	New Dwelling	15/08/2018		#PENDING		
108	19/0254	16 JEFFERIS AVENUE RENWICK NSW 2575 Lot 93 DP 1221206	SA DICKINSON	New Dwelling	15/08/2018		#PENDING		
109	19/0276	27 OLDFIELD ROAD RENWICK NSW 2575 Lot 17 DP 1221206	KM JONES,SN MCINNES	New Dwelling	20/08/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
110	19/0292	7 ALLEN AVENUE RENWICK NSW 2575 Lot 104 DP 1221206	SJ MURPHY,E MURPHY	New Dwelling	22/08/2018		#PENDING		
111	19/0296	4 JEFFERIS AVENUE RENWICK NSW 2575 Lot 87 DP 1221206	L BELLIA,DJ BELLIA	New Dwelling	22/08/2018		#PENDING		
112	19/0308	7 JEFFERIS AVENUE RENWICK NSW 2575 Lot 58 DP 1221206	AF VELLA	New Dwelling	24/08/2018		#PENDING		
113	19/0198	25 SHIERLAW ROAD ROBERTSON NSW 2577 Lot 194 DP 751302	S SCHEIDEMANN	Farm Building	07/08/2018		#PENDING		
114	19/0227	460 GOLDEN VALE ROAD SUTTON FOREST NSW 2577 Lot 3 DP 244195	NE WEBSTER,KL WEBSTER	Swimming Pool	13/08/2018		#PENDING		
115	18/0223.03	BROOKVILLE 230 BLENCOWES LANE WILDES MEADOW NSW 2577 Lot 102 DP 627195	KJ WHITE	Section 4.55 Modification (External and Internal extensions)	24/08/2018		#PENDING		
116	19/0055.03	12 RITCHIE ROAD WILLOW VALE NSW 2575 Lot 5 DP 1240585	CD WILLIAMS,CL WILLIAMS	New Dwelling	27/07/2018		#PENDING		
117	19/0116.03	16 RITCHIE ROAD WILLOW VALE NSW 2575 Lot 3 DP 1240585	D DALLI,KP DALLI	New Dwelling	07/08/2018		#PENDING		
118	19/0307	33 CAMDEN STREET WINGELLO NSW 2579 Lot 17 Sec 2 DP 759097	AJ DAVIES,KEJ BANWELL	New Dwelling	24/08/2018		#PENDING		
119	19/0238	380 WOODLANDS ROAD WOODLANDS NSW 2575 Lot 2 DP 263756	RS ALI	Farm Stay Accommodation	14/08/2018		#PENDING		
120	19/0247	20 LINKS AVENUE YERRINBOOL NSW 2575 Lot 20 DP 246522	MJ TOTH	Subdivision (2 Lots)	15/08/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
121	19/0275	12 SUNRISE ROAD YERRINBOOL NSW 2575 Lot 127 DP 9882	EB PENN, MCML TOTTEN	New Dwelling	20/08/2018		#PENDING		
122	19/0278	24 SUNDOWN LANE YERRINBOOL NSW 2575 Lot 623 DP 878683	G ZERAFA, K Zerafa	Farm Building	20/08/2018		#PENDING		
123	16/0890.04	94-96 OLD SOUTH ROAD BOWRAL NSW 2576 Lot 23 DP 13235 Lot 2 DP 535086	GL CARLESS	Section 4.55 Modification (Alter roof colour. Enclose carport)	31/08/2018		#PENDING		
124	19/0336	3 MERILBAH ROAD BOWRAL NSW 2576 Lot 2 DP 846334	THE OWNER OF 3 MERILBAH RD BOWRAL	Change of Use (Proposed enlargement of bed & breakfast operation from existing approved two guest bedrooms to proposed three guest bedrooms )	29/08/2018		#PENDING		
125	19/0343	403 REFLECTIONS WAY BOWRAL NSW 2576 Lot 403 DP 1129818	DM PERINICH, AN PERINICH	Residential Alterations and Additions (Deck & Internal alterations)	31/08/2018		#PENDING		
126	19/0358	26 CAROLINE AVENUE BOWRAL NSW 2576 Lot 118 DP 1231974	MJ BOON, AC BOON	New Dwelling	03/09/2018		#PENDING		
127	19/0367	15 BRAESIDE DRIVE BOWRAL NSW 2576 Lot 51 DP 711066	R GIBBS, BM MAHER	Residential Alterations and Additions (Internal Alterations)	04/09/2018		#PENDING		
128	19/0364	251 FERNDAL ROAD BUNDANOON NSW 2578 Lot 1 DP 119188	HEMANI PTY LTD	Farm Shed	04/09/2018		#PENDING		
129	19/0365	34 ELIZABETH STREET BURRADOO NSW 2576 Lot 15 DP 801191	NATLIV HOLDINGS PTY LTD	Subdivision (2 Lots)	04/09/2018		#PENDING		
130	06/1428.09	LINKS ROAD BURRADOO NSW 2576 Lot 12 DP 270760	PETSON NO 2 PTY LIMITED, NO HOPE INVESTMENTS PTY LIMITED	Section 4.55 Modification (Tree Removal)	29/08/2018		#PENDING		



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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
131	19/0327	14 HARMAN STREET BURRAWANG NSW 2577 Lot 24 DP 1694	BF HANSEN,RA HANSEN	Residential Alterations and Additions (Extensions)	28/08/2018		#PENDING		
132	19/0338	38 AZALEA STREET COLO VALE NSW 2575 Lot 1 DP 1239087	DJ O'KEEFE,EK O'KEEFE	Residential Alterations and Additions (Shed)	30/08/2018		#PENDING		
133	19/0366	901 KANGALOO ROAD GLENQUARRY NSW 2576 Lot A Dp 157968 Lot 2 Dp 551821 Lots 2-7 Dp 743262 CLOSED RO AD EX ML 3 Mineral Lease 3	LJ WEBB	Demolition Existing Dwelling, New Dwelling	04/09/2018		#PENDING		
134	19/0348	77 SOAPY FLAT ROAD HIGH RANGE NSW 2575 Lot 12 DP 1019239	ME RITCHIE,VK RITCHIE	Residential Alterations and Additions (Shed)	31/08/2018		#PENDING		
135	06/1057.02	17 BANKSIA STREET HILL TOP NSW 2575 Lot 15 DP 260997	SN LINDSAY,LM LINDSAY	Residential Alterations and Additions (Extensions and Shed)	28/08/2018		#PENDING		
136	17/1789.04	49-51 OXLEY DRIVE MITTAGONG NSW 2575 Lot 4 DP 13879 Lot 5 DP 13879	EG HARTNUP,M HARTNUP	Section 4.55 Modification (Remove Trees)	30/08/2018		#PENDING		
137	19/0337	35 EVANS STREET MITTAGONG NSW 2575 Lot A DP 373343	CE MUIR	Residential Alterations and Additions (Shed)	30/08/2018		#PENDING		
138	19/0342	19 NERO STREET MITTAGONG NSW 2575 Lot 1 DP 1245206	S RUMBACHS,WS DAY	New Dwelling	30/08/2018		#PENDING		
139	19/0349	KENNERTON GREEN 125-127 BONG BONG ROAD MITTAGONG NSW 2575 Lot 5 DP 2836	MN CSIDEI	Temporary Use of Land (Function Centre)	03/09/2018		#PENDING		
140	19/0352	8 EVANS STREET MITTAGONG NSW 2575 Lot B DP 347883	MJ THOMPSON,RE THOMPSON	Residential Alterations and Additions (Extensions)	03/09/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
141	19/0363	FERGUSON CRESCENT MITTAGONG NSW 2575 Lot 24 DP 1155258	C CONSTANTINE,FA CONSTANTINE,E NICOLAU, M GRIECO	Subdivision (2 Lots)	04/09/2018		#PENDING		
142	16/0416.01	4/274-276 ARGYLE STREET MOSS VALE NSW 2577 Lot 4 S/P 58453	A C BENNETT PTY LTD	Section 4.55 Modification (Incorporate area of land to Lot 6 not common property)	30/08/2018		#PENDING		
143	19/0322	9 TORULOSA DRIVE MOSS VALE NSW 2577 Lot 120 DP 1232222	S RYAN,JS RICHARDSON	New Dwelling	28/08/2018		#PENDING		
144	19/0335	11 TORULOSA DRIVE MOSS VALE NSW 2577 Lot 121 DP 1232222	RJ MCDONALD,EJ MCDONALD	Residential Alterations and Additions (shed)	29/08/2018		#PENDING		
145	19/0359	4 REEYANA PLACE MOSS VALE NSW 2577 Lot 27 DP 808767	JA LAWLER,GM PETERSON	Residential Alterations and Additions (Awning)	04/09/2018		#PENDING		
146	19/0323	58 GEORGE CUTTER AVENUE RENWICK NSW 2575 Lot 43 DP 1221206	MJ MURTAGH,MC MURTAGH	New Dwelling	28/08/2018		#PENDING		
147	19/0326	68 GEORGE CUTTER AVENUE RENWICK NSW 2575 Lot 1243 DP 1221207	DB MCCANN,KL MCCANN	New Dwelling	28/08/2018		#PENDING		
148	19/0331	9 ALLEN AVENUE RENWICK NSW 2575 Lot 103 DP 1221206	MINISTER FOR COMMUNITY SERVICES & ASSISTANT MINISTER FOR HEALTH FOR	New Dwelling	28/08/2018		#PENDING		
149	19/0333	36 MAXTED STREET RENWICK NSW 2575 Lot 1221 DP 1221207	Z BERRY,CF GAZZI	New Dwelling	29/08/2018		#PENDING		
150	19/0339	15 ROTY AVENUE RENWICK NSW 2575 Lot 76 DP 1221206	JV URQUHART	New Dwelling	30/08/2018		#PENDING		
151	19/0341	42 GEORGE CUTTER AVENUE RENWICK NSW 2575 Lot 65 DP 1221206	B PHILIP,D JOHN	New Dwelling	30/08/2018		#PENDING		

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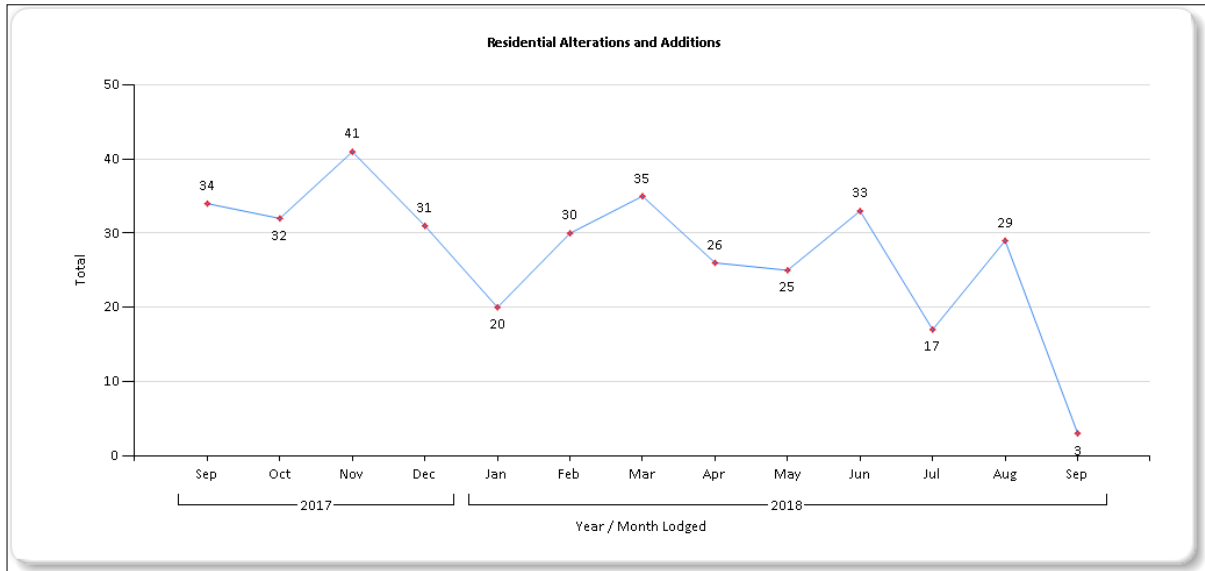
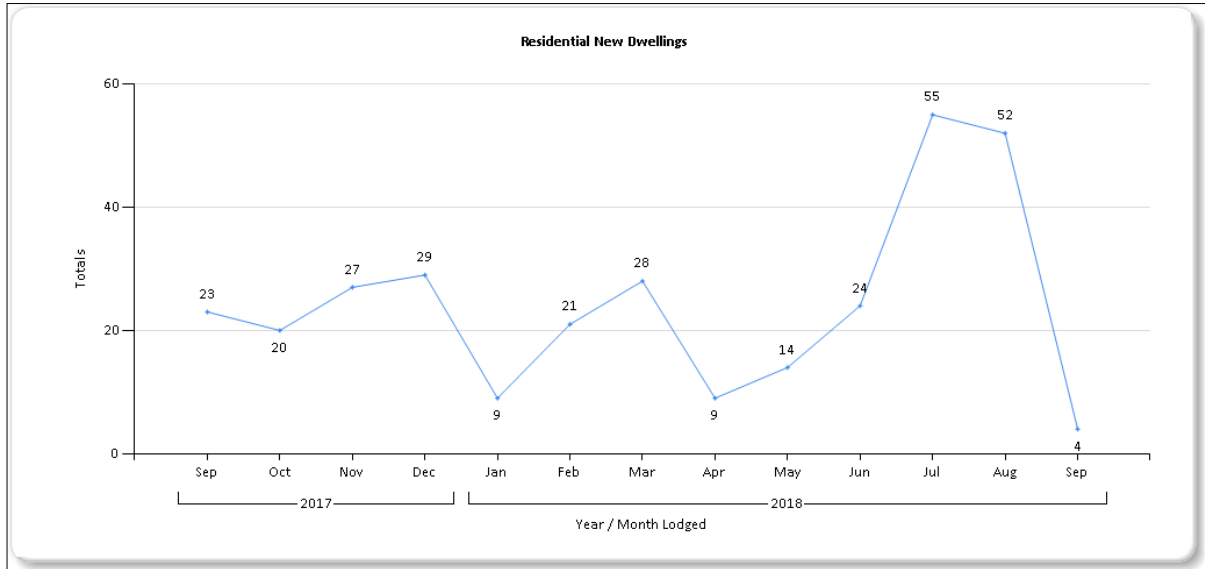
	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
152	19/0346	30 GUTHAWAH WAY RENWICK NSW 2575 Lot 701 DP 1234984	ML DONOGHUE,MJ CORFIELD	New Dwelling	31/08/2018		#PENDING		
153	19/0360	39 MAXTED STREET RENWICK NSW 2575 Lot 47 DP 1221206	BE ULAHANNAN,J JOSEPH	New Dwelling	04/09/2018		#PENDING		
154	19/0361	28 MAXTED STREET RENWICK NSW 2575 Lot 1217 DP 1221207	AJ FLEGG	New Dwelling	04/09/2018		#PENDING		
155	19/0314	35 HODDLE STREET ROBERTSON NSW 2577 Lot 31 DP 534111	D&J SMITH BUILDERS PTY LTD	2 x Two Storey Dwellings, one shop, and subdivision to create two lots	27/08/2018		#PENDING		
156	19/0329	76 JOADJA STREET WELBY NSW 2575 Lot 2 DP 1243680	FG MILLS	New Dwelling	28/08/2018		#PENDING		
157	17/1547.01	DRAPERS ROAD WILLOW VALE NSW 2575 Lots 4-18 Sec 1 DP2687	PALOMA BLANCA PASTORAL PTY LTD, WILLOW PROPERTIES PTY LIMITED,	Subdivision (Boundary Adjustment & Lot Consolidation)	29/08/2018		#PENDING		
158	19/0330	16 RITCHIE ROAD WILLOW VALE NSW 2575 Lot 3 DP 1240585	D DALLI,KP DALLI	Residential Alterations and Additions (Shed)	28/08/2018		#PENDING		

**Total Applications Received: 158**

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**ATTACHMENTS**

There are no attachments to this report.



### 13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision

Reference:	09/0969.06
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Fousel Pty Ltd & Christopher Treuen c/- LandTeam
Australia Pty Ltd	
Owner:	C Treuen and D&S Selby
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

#### PURPOSE

The purpose of this report is to consider s.4.55 modification 09/0969.06 which seeks approval for the approved 6 lot subdivision to occur in 3 stages, instead of the previously approved 2 stages at Lot 1 DP 603071, 16 Gladstone Road Bowral, now known as Lot 7 DP 1189572, being 2 Queen Street Bowral. This report is prepared for determination of the s.4.55 modification application, and recommends **APPROVAL**.

#### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

#### RECOMMENDATION

**THAT** s.4.55 modification 09/0969.06 for the approved 6 lot subdivision to occur in 3 stages, instead of the previously approved 2 stages at Lot 7 DP 1189572 (previously Lot 1 DP 603071), being 2 Queen Street Bowral, be **APPROVED**.

#### REPORT

##### Subject Site and Locality

The site is known as Lot 7 DP 1189572 (previously Lot 1 DP 603071), being 2 Queen Street Bowral (**Attachment 2**). The site has frontage to Queen Street to the west, Gladstone Road to the south, and Oxley Drive to the north. Adjoining development to the west, south and east of the property comprises residential dwelling houses on lots ranging in size from 700 square metres to 4,000 square metres in area.

##### Approved Development

Development Consent 09/0969.04 granted approval for a 6 lot subdivision to occur in two stages at Lot 1 DP 603071, 16 Gladstone Road Bowral.

Site plan of the approved subdivision can be found at **Attachment 3**.



**Proposed modification - Approved 6 lot subdivision to occur in 3 stages, instead of the previously approved 2 stages**

Plans accompanying the proposed modification seeking approval for the approved 6 lot subdivision to occur in 3 stages, instead of the previously approved 2 stages can be found at **Attachment 4**.

The staging of the development to occur in 3 stages will generate funding from the sale of Stage 2 lots to enable completion of Stage 3 lots.

**History**

The construction of the subdivision to date has been problematic. The following summary is included within this report to update Councillors regarding actions and resolution of problems encountered during construction.

1. The existing rock swale adjoining the Queen Street frontage are dangerous for passing motorists and do not provide public access along the footpath as conditioned.
2. The retaining walls in Queen Street and Gladstone Road road reserves constructed in 2017 have not been constructed in accordance with the approved Construction Certificate and are currently leaning.
3. The existing stormwater infrastructure on the site was designed for gabion basket walls (not the retaining walls in Queen Street and Gladstone Road road reserves as constructed in 2017), and hence the existing stormwater infrastructure is not sufficient.
4. Council staff have been unwilling to approve a modification to Construction Certificate until rectification works have been agreed upon with the developer.

Council has been working with the developer to address these concerns. A modification to Construction Certificate has recently been approved, including the following rectification works:

1. Removal of the existing rock swale adjoining the Queen Street frontage.
2. Widen the existing Queen Street road pavement by 1.5m and provide a 1.5m wide grassed footpath. The widened Queen Street road will include kerbing and stormwater infrastructure. This stormwater infrastructure will connect into Council's stormwater infrastructure which is proposed to be upgraded with works to commence shortly.
3. Removal of the lower retaining wall within the Queen Street and Gladstone Road road reserves (except for the lowest block).
4. Battering and landscaping across the Queen Street and Gladstone Road roadside verge. This batter will connect in part into the base of the upper on site wall or connect into the existing ground level within the proposed front blocks.

All of these proposed rectification works have been certified by geotechnical, structural, hydraulic and civil engineers and have been approved by Council. It is now the responsibility of the applicant to construct and implement these rectification works.



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## STATUTORY PROVISIONS

The approved development satisfied the requirements of State Environmental Planning Policy No 55 – Remediation of Land, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 and Wingecarribee Local Environmental Plan 2010. The proposed modification does not alter the previous assessment and satisfaction of these planning instruments.

The approved development satisfied the requirements of Bowral Town Plan Development Control Plan. The proposed modification does not alter the previous assessment and satisfaction of Bowral Town Plan Development Control Plan requirements.

### **Section 4.15 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*

The proposed modification does not alter the previous assessment and satisfaction of the provisions of *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 in this instance (no relevant draft plans).

*(iii) any development control plan, and*

The proposed modification does not alter the previous assessment and satisfaction of the provisions of Bowral Town Plan Development Control Plan.

*(iiia) 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 to s.4.55 modification 09/0969.06.

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

Not applicable to s.4.55 modification 09/0969.06.

*(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.

*(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,*

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The impacts of the approved development are not altered by the proposed modification.

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

The suitability of the approved development is not altered by the proposed modification.

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

The proposed modification has been neighbour notified. No submissions received.

(e) *the public interest.*

The proposed modification is not contrary to the public interest.

## CONSULTATION

### Internal Referrals

Referrals	Advice/Response/Conditions
Development Engineer	Council's Development Engineer raises no objection to the proposed modification for the approved 6 lot subdivision to occur in 3 stages.

### External Referrals

Referrals/Notice	Advice/Response/Conditions
Water NSW	Water NSW supports the proposed modification for the approved 6 lot subdivision to occur in 3 stages, subject to changes to <b>condition 26</b> .

### Neighbour Notification (or Advertising)/Public Participation

The proposed modification for the approved 6 lot subdivision to occur in 3 stages was Neighbour Notified to surrounding properties. No submissions have been received.

## SUSTAINABILITY ASSESSMENT

- **Environment**

The proposed modification has no identifiable environmental impacts.

- **Social**

The proposed modification has no identifiable social impacts.

- **Broader Economic Implications**

The proposed modification has no identifiable economic impacts.

- **Culture**

The proposed modification has no identifiable cultural impacts.

- **Governance**

The s.4.55 modification application has been considered in accordance with the *Wingecarribee Local Environmental Plan 2010*, section 4.55 of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development.



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#### 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 proposed modification has been made against the Wingecarribee Local Environmental Plan 2010, SEPP (Sydney Drinking Water Catchment) 2011 and the Bowral Town Plan Development Control Plan. The proposed modification does not alter the approved development's compliance with these plans.

#### OPTIONS

The options available to Council are:

##### **Option 1**

Approve the s.4.55 modification application; or

##### **Option 2**

Refuse the s.4.55 modification application in which case reasons for refusal must be nominated by Councillors.

Option 1 is recommended.

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**CONCLUSION**

It is considered that the s.4.55 modification application which seeks approval for the approved 6 lot subdivision to occur in 3 stages, instead of the previously approved 2 stages at Lot 7 DP 1189572 (previously Lot 1 DP 603071), being 2 Queen Street Bowral, be supported subject to modified conditions.

The proposal is considered satisfactory in terms of s.4.15 EPA Act 1979, therefore it is recommended that the modification application be approved, subject to the attached draft conditions of consent nominated in **Attachment 1**.

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**ATTACHMENTS**

1. Draft Conditions of modified consent, including proposed 3 stages
2. Site Location
3. Approved Subdivision
4. Proposed 3 stages

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages****ATTACHMENT 1****ATTACHMENT 1 – DRAFT CONDITIONS OF MODIFIED CONSENT**

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**1. Construction of Rural Crossing**

Rural vehicular entrances for access in accordance with Standard Drawing Nos SD110 and SD123 to provide access to the lots.

**2. Compliance**

Subdivision is to take place in accordance with the approved staged plans and documentation submitted with the application and subject to the conditions below, to ensure the subdivision is consistent with Council's consent.

Any subsequent changes to the approved staged plans should be clearly identified for Council's consideration. Council reserves the right to request an application for modification of this consent or a new development application in the event that significant changes to the approved plans are subsequently made.

**3. Qualifications and Responsibility for Documentation**

Council requires that all design plans be prepared to Council's standards by a person, who has proven experience and suitable relevant qualifications in the preparation of plans specifications and any other relevant documentation for the approved development. All of these requirements are outlined in Council's Development Control Plan No 41.

The Developer will be responsible for the correctness of all information contained in the drawings, specifications or any other documentation. The Council will not accept responsibility for any errors or inaccuracies that may be found in such documents, regardless of whether these documents have been checked and/or approved by Council.

**4. Responsibility for Works**

The Council will hold the Developer (Applicant/Owner), to whom the development approval was issued, solely responsible for constructing the required development works to Council's satisfaction and maintaining them during any specified period.

**5. Developers Representative during Construction of Works**

A minimum of 48 hours prior to commencement of any construction works on site the Developer must 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:-

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages**

- Name of Representative:
- Company :
- Position:
- Contact Ph:
- Contact Fax:
- After Hours Contact:
- Signature of Representative:
  
- Signature & Acceptance of representative by the Developer:
- 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:-

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

The Applicant 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).

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

6. Hours of Demolition and Construction Works – MODIFIED 25.5.2010

In order to minimise impacts upon the locality demolition and construction activities must be limited to between 7.00am - 5.00pm Monday to Friday and 8.00am to 1.00pm Saturdays with no work on Sundays and public holidays. Any variation of these hours will only occur with Council's consent.

7. Workers Compensation & Public Liability

It is the Developer's responsibility to ensure that Contractors engaged to carry out works indicated on the approved plans carries current Workers Compensation Insurance and hold Public Liability Insurance for \$10,000,000 cover.

8. Construction Certificate (Subdivision)

Subdivision work in accordance with the consent must not be commenced until a Construction Certificate has been applied for and issued by Council, pursuant to Section 81A (4) (a, b & c) of the *Environmental Planning and Assessment Act 1979*. The application for a Construction Certificate needs to be accompanied by detailed engineering plans and specifications and completed design checklists found in Development Control Plan No 41. The Construction Certificate fee is payable at time of lodgement of the application.

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages****9. Other Approvals**

Subdivision work in accordance with the consent must not commence until any relevant approvals required under Section 68 of the *Local Government Act 1993* and the *Roads Act* have been obtained.

**Land Title****10. Subdivision Certificate**

In accordance with Section 109J of the *Environmental Planning and Assessment Act 1979* an application for a subdivision certificate along with a linen plan suitable for lodgement with Land and Property Information NSW plus eight (8) copies and relevant other documentation, shall be made on the completion of works and the relevant application fee paid. All works specified in Council's development consent and approved construction certificate plans shall be completed and all development consent conditions complied with prior to making a subdivision certificate application.

**11. Access by Right of Carriageway**

Submit Section 88B Instrument to make satisfactory provision for the following in respect of the proposed right of carriageway:

- (a) Provision for on-going management/maintenance of the carriageway including clear details of obligations/responsibilities of the affected parties.
- (b) Effective (legal) provision for access by all emergency and other essential service organisations over the private carriageway.

Full details, including draft Section 88B Instrument, to be submitted for the approval of the Director Environment and Planning **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

**12. Section 88B Instrument**

The linen plans of subdivision shall be accompanied by a Section 88B Instrument, which requires:

- (a) Specific engineering design and the continued maintenance of the site in accordance with AS2870 and CSIRO Builders Technology File 18, 2006 - Foundation Maintenance and Footing Performance. Footing Design must be certified by a registered Geotechnical / Structural Engineer as stated in report by Southern Geotechnics with reference number 2009136-amw dated 22 October 2009.
- (b) No dwelling shall be erected on the lot burdened unless the owner installs at their cost, a private water supply pressure system including booster pump and reservoir. Details are to be submitted with development application for dwelling house.

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Full details, including draft Section 88B Instrument, shall be submitted for the approval of the Director Environment and Planning **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

**Protection of Council Assets****13. Provision of Services**

Provision of a separate access, sewer connection, stormwater drainage connection, water service and electricity supply to each allotment within the subdivision at subdivider's expense.

**14. Property Services Within Lots**

All property services are to be located within the lots that they serve in accordance with Development Control Plan No 41. The developer is to provide to Council written confirmation of this **PRIOR TO RELEASE OF THE SUBDIVISION CERTIFICATE.**

**15. Site Classification**

The developer's geotechnical engineer is required to provide a site classification in accordance with the current version of AS2870 for each lot in the subdivision that will be built upon. The site classification shall be registered on the 88B Instrument.

**16. Placement of Fill on the Development Site**

All fill placed on the site shall be placed in a controlled manner in accordance with the requirements of Development Control Plan No 41.

**Tree Vegetation Management****17. The following actions and strategies are to be implemented, to minimise impacts of the proposed subdivision and development upon vegetation and habitats in the locality:**

- Prior to machinery works on the site, noxious and environmental weeds should be carefully removed and destroyed, to minimise potential spread of weed propagules into surrounding areas;
- Prior to machinery works on the site, protective barriers should be erected around trees to be retained, to minimise accidental damage to trunks and limbs. Where branches need to be removed / trimmed from trees to be retained, this work should be undertaken by an appropriately qualified arborist;
- The root zone of trees to be retained should be protected from damage or compaction by temporary fencing where practicable. The root zone of trees would normally extend at least to the edge of the drip line of the canopy. Machinery, vehicles and material stockpiles should not be stored beneath the canopy of trees to be retained;
- Care should be exercise when clearing canopy trees, to avoid injury to native

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fauna which may be roosting or sheltering in the canopy. In the case where native fauna are injured, these should be transferred to the care of WIRES, with an appropriate donation towards the cost of rehabilitating the animal;

- The use of some locally indigenous plant species in replanting or landscaping schemes within the site, to provide habitat features for native flora and fauna, and to maintain the local and regional genetic resource. Those plant species which are known to be invasive, or which are listed on the *NSW Noxious Weeds Act 1993* for the Wingecarribee Local Government Area should not be used;
- As part of the Construction Certificate and landscape plan shall be prepared for Council approval and implemented in areas outside of building envelopes prior to release of Subdivision Certificate.

**CIVIL ENGINEERING WORKS AND SERVICES****18. Provision of Works and Services**

The provision, by the Applicant, at their expense, of the following works and services to be documented and constructed in accordance with Council's Development Control Plan Nos 12 and 41, to the satisfaction of the Development Control Engineer. **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE** the Developer must 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.

**Water and Sewer Authority Conditions**

Prior to issue of a Construction Certificate, the Applicant must obtain approval from Council (as the Water Supply Authority and/or as required under Section 68 of the *Local Government Act*) for the works to be undertaken by submitting adequate documentation including plans, calculations and specifications which justify that the required works are in accordance with all Council's standards and all other relevant codes and guidelines.

Water service connections and sewer junctions are not to be located under sealed driveways to battleaxe lots. This may require widening of accessway / rights of carriageways to those shown on approved plan.

(i) **Approval Required for Work within Road Reserve – Section 138 Roads Act 1993**

Where works are proposed within the road reserve, the applicant 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*.

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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.

*Note:*

*Where works are required within a Classified Road, the applicant 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.*

## **Sewer Mains**

(i) Construction of Sewer Mains

Sewerage mains shall be constructed to serve all lots in the subdivision.

The written permission of those affected landowners, allowing the construction of the sewer works on their property, is to be submitted with the Construction Certificate.

(ii) Construction of Sewer Sidelines

Sidelines and junctions shall be installed for sewer connections to all lots in the subdivision.

Council's application form shall be completed by the applicant and the appropriate fee paid.

If sideline is to be extended from a sewer main in adjoining property, written permission of affected landowner allowing work to be undertaken, is to be submitted with the application form.

## **General**



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The provision of underground electricity to service the development in accordance with the requirements of Integral Energy. The Applicant prior to release of a Construction Certificate will be required to submit to Council documentary evidence from Integral Energy qualifying that the requirements of Integral energy have been obtained. The requirements of the supply authority will need to be met prior to occupation of the development or the application for a Subdivision Certificate.

**20. Telecommunications Provider / Gas Provider – Where Applicable**

The Applicant is to contact the Telecommunications Provider / Gas Provider to ascertain the requirements of the organisations for the development.

**21. Works as Executed Plans**

Following the completion of the work, 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.

**22. Relocation of Existing Services**

Where existing services including drainage, sewerage and water may be required to be relocated as a result of the development, a plumber's permit is required from Council prior to commencing work. Inspection of these works by Council as the Water Supply Authority is required.

**23. Certification of Internal Civil Works**

On completion of works and prior to occupation, 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.

**MONETARY CONTRIBUTIONS AND DEVELOPER CHARGES****24. Section 94 Contributions**

Under Section 94 of the *Environmental Planning and Assessment Act 1979* (as amended), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of or increase the demand for public amenities and public services within the Wingecarribee Local Government Area.

The following Wingecarribee Shire Council Section 94 Developer Contributions Plans are applicable to the Development:

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- **Roads & Traffic Management Facilities**
- **Stormwater Drainage**
- **Resource Recovery Centre 2009**
- **Central Library Facility**
- **Administration Resources**
- **East Bowral Incorporating**
- **Open Space & Recreation Facilities**

A Developer Charges – Notice of Payment is attached to the back of this consent, and outlines monetary contributions and unit rates applicable at the time of issue of this consent. The contributions listed in the Notice of Payment must be paid prior to the release of Subdivision Certificate.

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics ([www.abs.gov.au](http://www.abs.gov.au)); Section 251 of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

Copies of the Contributions Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au).

**NOTE: Payment of the contributions is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment – Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (ie, a minimum of 10 days).**

## 25. Certificate of Compliance

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained prior to the issue of Subdivision Certificate.

### **Notes:**

Section 64 of the *Local Government Act 1993* authorises Council to issue Certificates of Compliance under Section 306 of the *Water Management Act 2000*. Section 64 of the *Local Government Act 1993* also authorises Council to impose pre-conditions to the issuing of Certificates of Compliance.

As a precondition to the issuing of a Certificate of Compliance Council requires the payment of Developer charges as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

- **Water Supply Development Servicing Plan**
- **Sewerage Development Servicing Plan**

A developer Charges – Notice of Payment is attached to the back of this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent.

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The water and sewer head works levies are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics ([www.abs.gov.au](http://www.abs.gov.au)); and Council's Development Servicing Plans. However, incremental adjustments above CPI will be applied by Council in accordance with the table below.

Copies of Development Servicing Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au).

New Water and Sewerage Development Servicing Plans (DSP's) were adopted by Council on 22 November 2006 and came into effect on 1 January 2007. The new charges are to be phased in as detailed below:

Period	Water Supply	Sewerage
1 January 2007 – 30 June 2008	\$4,000/ET	\$5,500/ET
1 July 2008	\$4,750/ET	\$6,250/ET
1 July 2009	\$5,500/ET	\$7,000/ET

Note: The charges shown above are amounts to be implemented on the subject dates. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, [www.abs.gov.au](http://www.abs.gov.au).

Should new DSP's be prepared, it is possible that the charges may increase significantly. Draft DSP's must be advertised by Council for a period of 30 working days prior to adoption.

**NOTE: Payment of the charges is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment – Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (ie, a minimum of 10 days).**

**Compliance Certificate**

Compliance Certificate fees, in accordance with Council's Revenue Policy are as follows and shall be paid prior to the issue of Subdivision Certificate:-

Water – 141901-1536 \$90.00 + Sewer – 141901-1536 \$90.00 = \$180.00

Prior to final release, you will need to contact Council's Technical Services Division for an inspection to ensure that Council will accept the infrastructure constructed. In response the Manager of Water and Sewer will specify requirements which will have to be met.

In the case of subdivision, the title plan of subdivision will not be certified and released by Council until the Water Management Act charges have been paid and/or secured and the approval of Council has been obtained for all works related to this infrastructure.

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages****GOVERNMENT AGENCIES****26. Water NSW – Modified X September 2018****General**

1. The lot layout and staging of the subdivision shall be as shown on the Overall Site Plan (Dwg. No. 200797-01; Issue C; dated 09/05/2017) and the Staging Plan (Dwg. No. 208699-STG; Issue A, dated 23/05/2018), both prepared by LandTeam Australia Pty Ltd. No revisions to lot layout or works or staging of the subdivision that will impact on water quality, shall be permitted without the agreement of Water NSW.

*Reason for Condition 1 - Water NSW has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the subdivision.*

**Wastewater Management**

2. There shall be no on-site wastewater management or effluent disposal on any of the lots and all lots shall be connected to Council's reticulated sewerage system.

*Reason for Condition 2 - To ensure that all wastewater generated on each lot is disposed to Council's sewerage system and is treated and managed in a way that does not result in any detrimental impact on water quality.*

**Rights-of-Way**

3. The proposed shared concrete rights-of-way as shown on the Overall Site Plan (Drawing No. 200797-01; Issue C; dated 9/05/17) prepared by LandTeam Australia Pty Ltd shall be constructed in accordance with Council's engineering standards.

*Reason for Condition 3 – To ensure that the proposed rights-of-way and associated infrastructure have a sustainable neutral or beneficial impact on water quality during the operational phase of the development.*

**Stormwater Management**

4. All stormwater management measures shown on the Overall Site Plan for the rights-of-way bioretention basins (Drawing No. 200797-01 and 15 to 26; Issue C; dated 9/05/17) and Concept Drainage Plan for lot scale raingardens (Drawing No. 208699-DC1; Issue A; dated 22/06/2016), all prepared by LandTeam Australia Pty Ltd, shall be implemented, in particular as elaborated or varied in the conditions below as applicable to each stage of the subdivision. All stormwater management shall be suitably engineered so as not to create concentrated soakage of the soil. This is a requirement of Southern Geotechnics (Section 4.3; Report 20009136; dated 22 October 2009) so that stormwater management does not increase the risk of slope instability.
5. Stormwater management measures shall be sized and constructed as detailed in Engineering Drawings (Drawing No. 200797 Drawing 00-26, Issue C, dated 9/05/17) prepared by LandTeam Australia Pty Ltd.
6. No variation to stormwater management that will impact on water quality shall be approved without prior agreement of Water NSW.

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages****Bioretention Basins and Raingardens**

7. All rights-of-way bioretention basins shall be constructed during the subdivision works. Lot scale raingardens shall be constructed as relevant to each stage of the subdivision. All bioretention basins and raingardens shall be lined and otherwise suitably engineered so to be stable and avoid concentrated soakage of the soil.
8. Bioretention basins A to C to treat runoff from the rights-of-way, shall be located as shown on the Overall Site Plan (Drawing No. 200797-01; Issue C; dated 9/05/17) and constructed according to Bioretention Basin Details Plans (Drawing No. 200797-24 to 26; Issue C; dated 9/05/17) both prepared by LandTeam Australia Pty Ltd. Each basin shall also incorporate the following:
  - a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
  - be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
  - be accessible from road or driveway by machinery to facilitate cleaning, monitoring and maintenance of the structures
  - the bioretention area must be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised, and
  - signs must be erected on the bioretention area advising of its stormwater management function.
9. Raingardens on Lots 1 to 5, shall be located, designed and constructed as shown on the Concept Drainage Plan (Drawing No. 208699-DC1; Issue A; dated 22/06/2016) prepared by LandTeam Australia Pty Ltd, and each raingarden shall incorporate the following specifications:
  - a minimum surface area of 16 square metres and filter area of 8 square metres
  - a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
  - be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
  - the raingarden must be protected by a permanent earth bund during any construction and post-construction phase until the ground surface is revegetated or stabilised
  - the raingarden must be structurally designed and constructed in a manner that will enable them to withstand a fully inundated basin and not increase slope instability
  - the overflows and discharge must be structurally designed and constructed in a manner that discharge does not cause erosion, undermine the retaining wall of the basin or increase slope instability of the site, and
  - signs must be erected on the raingarden area advising of its stormwater management function.
10. LandTeam Australia Pty Ltd or Water NSW endorsed engineer or consultant shall certify in writing to Water NSW and Council for Stages 2 and 3 of the subdivision that the bioretention areas and raingardens have been constructed according to specification and the conditions of consent.

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11. There is to be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being Water NSW, placed over all lots requiring that:
  - all future dwellings shall have rainwater tanks with a minimum total capacity of 15,000L above any volume required for mains top-up and above any detention storage required by Council
  - all roofs and gutters shall be designed so as to maximise the capture of rainwater in rainwater tanks
  - the rainwater tanks shall be plumbed to toilets, laundry and other areas of non-potable use including for use on gardens
  - the overflow from the rainwater tanks shall be directed to the lot raingarden.
12. An owner's Operational Environmental Management Plan (OEMP) shall be prepared in consultation with Water NSW and Council, detailing the responsibilities for the inspection, monitoring and maintenance of stormwater management structures. In particular, the purpose and responsibilities for inter-allotment drainage, rainwater tanks, bioretention basins on the rights-of-way and individual lot raingardens. It shall also include the need to remove bunds on lot raingardens once the site is stabilised after dwelling construction. This OEMP shall be provided to all future owners of the lots.
13. There is to be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being Water NSW, placed over proposed Lots 2 and 5 requiring that the bioretention basins in the rights-of-way shall be retained, protected and maintained.
14. There is to be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being Water NSW, placed over proposed Lots 1 to 5 requiring:
  - the retention, protection and maintenance of the lot raingardens, and
  - no development take place within one metre of the raingarden.

*Reason for Conditions 4 to 14 - To ensure stormwater runoff from the rights-of-way, future dwellings and associated infrastructure is appropriately designed, managed and maintained to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.*

**Other**

15. Conditions 2 to 5, 7 to 10 and 12 above shall be carried out prior to the issuance of the subdivision certificate for each stage of the subdivision as applicable.

*Reason for Condition 15 – To ensure there is an overall and sustainable neutral or beneficial impact on water quality during all stages of the proposed development.*

**Construction Activities**

16. A Soil and Water Management Plan is required for all works proposed or required as part of the subdivision. It shall be prepared by a person with knowledge and experience in the preparation of such plans and shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book"; be to the satisfaction of Council and shall be prepared prior

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to the commencement of construction for each stage of the subdivision and may be updated from the previous stage.

17. The Plan shall be implemented and effective erosion and sediment controls shall be installed prior to any construction activity. The controls shall prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain and shall be regularly maintained and retained until works have been completed and groundcover established.

*Reason for Conditions 16 & 17 – To manage adverse environmental and water quality impacts during the construction stage of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.*

## 27. NSW Rural Fire Service

The following are the requirements of the NSW Rural Fire Service with regard to bush fire protection:

### **Asset Protection Zone**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

- (i) At the commencement of subdivision works the land surrounding the existing dwelling on proposed Lot 6 to a distance of 25 metres or to the boundary if this is less, shall be maintained as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document '*Standards for Asset Protection Zones*'.

### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of building during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

- (ii) Water, electricity and gas are to comply with Section 4.1.3 of *Planning for Bush Fire Protection 2006*.

### **Access**

The intent of measures for property access is to provide safe access to / from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.

- (iii) Property access roads shall comply with Section 4.1.3 (2) of *Planning for Bush Fire Protection 2006*.

### **Design and Construction**

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The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

- (iv) The existing building on proposed Lot 6 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. Where applicable, this includes any sub floor areas, openable windows, doors, vents, weepholes and eaves.
- (v) The development proposal is to comply with the subdivision layout identified on the drawing prepared by LandTeam Australia Pty Ltd, Number 200797-DA1, Issue C dated 15/09/2009.

**28. Tree Clearing in New Subdivisions – ADDED 20 March 2013**

No Tree Clearing is to take place in Stage 2 until such time as a modified Construction Certificate has been issued and actual work on Stage 2 is scheduled to commence.

*Reason: To ensure the geotechnical stability of land in Stage 2.*

**29. Compliance**

Subdivision is to take place in accordance with the approved staged plans and documentation submitted with the application and subject to the conditions below, to ensure the subdivision is consistent with Council's consent.

Any subsequent changes to the approved staged plans should be clearly identified for Council's consideration. Council reserves the right to request an application for modification of this consent or a new development application in the event that significant changes to the approved plans are subsequently made.

**30. Qualifications and Responsibility for Documentation**

Council requires that all design plans be prepared to Council's standards by a person, who has proven experience and suitable relevant qualifications in the preparation of plans specifications and any other relevant documentation for the approved development. All of these requirements are outlined in Council's Development Control Plan No 41.

The Developer will be responsible for the correctness of all information contained in the drawings, specifications or any other documentation. The Council will not accept responsibility for any errors or inaccuracies that may be found in such documents, regardless of whether these documents have been checked and/or approved by Council.

**31. Responsibility for Works**

The Council will hold the Developer (Applicant/Owner), to whom the development approval was issued, solely responsible for constructing the required development works to Council's satisfaction and maintaining them during any specified period.



**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages****32. Developers Representative during Construction of Works**

A minimum of 48 hours prior to commencement of any construction works on site the Developer must 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:-

- Name of Representative:
- Company :
- Position:
- Contact Ph:
- Contact Fax:
- After Hours Contact:
- Signature of Representative:
- Signature & Acceptance of representative by the Developer:
- 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:-

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

The Applicant 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).

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

**33. Hours of Demolition and Construction Works – MODIFIED 25.5.2010**

In order to minimise impacts upon the locality demolition and construction activities must be limited to between 7.00am - 5.00pm Monday to Friday and 8.00am to 1.00pm Saturdays with no work on Sundays and public holidays. Any variation of these hours will only occur with Council's consent.

**34. Erosion Control – MODIFIED 25.5.2010**

To minimise soil erosion and sediment movement during construction, the following measures shall be implemented:-

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- (a) Removal and/or disturbance of vegetation shall be confined to within two metres of the site of required works and the site(s) of permanent accessways.
- (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Environment and Climate Change requirements.
- (e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

**35. Workers Compensation & Public Liability**

It is the Developer's responsibility to ensure that Contractors engaged to carry out works indicated on the approved plans carries current Workers Compensation Insurance and hold Public Liability Insurance for \$10,000,000 cover.

**36. Construction Certificate (Subdivision)**

Subdivision work in accordance with the consent must not be commenced until a Construction Certificate has been applied for and issued by Council, pursuant to Section 81A (4) (a, b & c) of the *Environmental Planning and Assessment Act 1979*. The application for a Construction Certificate needs to be accompanied by detailed engineering plans and specifications and completed design checklists found in Development Control Plan No 41. The Construction Certificate fee is payable at time of lodgement of the application.

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages****37. Other Approvals**

Subdivision work in accordance with the consent must not commence until any relevant approvals required under Section 68 of the *Local Government Act 1993* and the *Roads Act* have been obtained.

**Land Title****38. Subdivision Certificate**

In accordance with Section 109J of the *Environmental Planning and Assessment Act 1979* an application for a subdivision certificate along with a linen plan suitable for lodgement with Land and Property Information NSW plus eight (8) copies and relevant other documentation, shall be made on the completion of works and the relevant application fee paid. All works specified in Council's development consent and approved construction certificate plans shall be completed and all development consent conditions complied with prior to making a subdivision certificate application.

**39. Access by Right of Carriageway**

Submit Section 88B Instrument to make satisfactory provision for the following in respect of the proposed right of carriageway:

- (a) Provision for on-going management/maintenance of the carriageway including clear details of obligations/responsibilities of the affected parties.
- (b) Effective (legal) provision for access by all emergency and other essential service organisations over the private carriageway.

Full details, including draft Section 88B Instrument, to be submitted for the approval of the Director Environment and Planning **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

**40. Grass Swale, Overland Flowpaths, Rainwater Tanks Detention Basin and Raingardens Maintenance – Modified 19 October 2017**

The creation of a "Positive Covenant" on the linen plan and title of all proposed lots showing the location of stormwater facilities and requiring that the proposed stormwater facilities be maintained in a safe and functional manner. In addition, the Section 88B Instrument is to make provision for Council to conduct maintenance on the subject stormwater facilities at the owner's expense if the stormwater facilities are not maintained to the agreed standard. Details shall be provided for the approval of the Director Environment and Planning **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

NOTE: A standard format is available from Council.

**41. Grass Swale, Overland Flowpaths, Rainwater Tanks Detention Basin, and Raingardens Alterations– Modified 19 October 2017**

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages**

The creation of a "Restriction as to User" on the linen plan and title of all proposed lots to prevent any change in shape or alteration in structure of the proposed stormwater facilities after the final approval of the structure has been given by Council. Details to be provided for the approval of the Director Environment and Planning **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

**42. Title Restrictions Re Drainage**

Details of function, form and levels of essential earth or other surface works including floodways, shall be legally attached to the titles of affected land to help ensure the permanency and designed operation of such facilities.

**43. Dedication of Right of Carriageway / Easements**

The creation or obtaining by the Applicant of the following easements and right of carriageway, at the Applicant's expense **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE:**

- (a) Right of carriageway and easement for services 2 metres wide, access handle at 7 metres wide over Lots 1 and 4 in favour of adjoining Lots 2, 3 and 5.
- (b) Stormwater drainage easements over Lots 1, 3, 4 and 5 in favour of Lots 2, 3, 5 and 6 a minimum of 3 metres wide.

**44. Section 88B Instrument**

The linen plans of subdivision shall be accompanied by a Section 88B Instrument, which requires:

- (a) Specific engineering design and the continued maintenance of the site in accordance with AS2870 and CSIRO Builders Technology File 18, 2006 - Foundation Maintenance and Footing Performance. Footing Design must be certified by a registered Geotechnical / Structural Engineer as stated in report by Southern Geotechnics with reference number 2009136-amw dated 22 October 2009.
- (b) No dwelling shall be erected on the lot burdened unless the owner installs at their cost, a private water supply pressure system including booster pump and reservoir. Details are to be submitted with development application for dwelling house.

Full details, including draft Section 88B Instrument, shall be submitted for the approval of the Director Environment and Planning **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

**Protection of Council Assets****45. Provision of Services**

Provision of a separate access, sewer connection, stormwater drainage connection,

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages**

water service and electricity supply to each allotment within the subdivision at subdivider's expense.

**46. Property Services Within Lots**

All property services are to be located within the lots that they serve in accordance with Development Control Plan No 41. The developer is to provide to Council written confirmation of this **PRIOR TO RELEASE OF THE SUBDIVISION CERTIFICATE**.

**47. Maintenance and Bond for Public Assets**

The developer shall at their own expense maintain all road, public pathways, stormwater drainage, water supply, sewerage and other civil works constructed by them with respect to the development for a period of twelve months after the date of the signing of the subdivision certificate or approval for occupation of the development and shall lodge a cash bond with regard to such maintenance in an amount equal to 5% of the total engineering works or minimum of \$1,000.

**48. Applicant Must Advise of Damage to Property**

The Applicant must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the Applicants expense.

**LAND AFFECTATION****Geotechnical****49. Identification of Fill on Site**

Prior to application for the Subdivision Certificate the Applicant is to submit to council for its approval a plan detailing the extent of fill, with engineering certification 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 a Council approved Geotechnical Engineer. A Restriction as to User shall be created over the extent of filling, which ensures that any structure placed over that area is constructed with a suitable footing system.

**50. Geotechnical Risk Assessment Report Compliance**

The proposed development shall be carried out in accordance with the recommendations set down in the Geotechnical Risk Assessment Report set out below.

The implementation of the recommendations of the Geotechnical Risk Assessment Report shall be carried out to the satisfaction of the Council's Building Surveyor and/or Development Control Engineer.

**GEOTECHNICAL RISK ASSESSMENT REPORT:**

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages**

Report Reference: 2009136-amw  
Prepared By: Southern Geotechnics  
Date of Report: 22 October 2009

**51. Geotechnical Survey**

The submission, at the Applicant's expense, of a Geotechnical Survey report prepared by an approved Geotechnical Engineer certifying the structural adequacy of the site for the proposed development. The report is to be prepared in accordance with Council's "Guidelines to Developers for Presentation of Stability Reports - Land Subdivision/Building", for assessment with the Construction Certificate.

**52. Site Classification**

The developer's geotechnical engineer is required to provide a site classification in accordance with the current version of AS2870 for each lot in the subdivision that will be built upon. The site classification shall be registered on the 88B Instrument.

**53. Placement of Fill on the Development Site**

All fill placed on the site shall be placed in a controlled manner in accordance with the requirements of Development Control Plan No 41.

**54. Geotechnical Requirements**

Given the steep grades and potential embankment instability at the boundaries fronting Gladstone Road, the southern section of Queen Street and the proposed stormwater discharge area, the following geotechnical issues will require detailed design by a geotechnical / structural engineer.

The submission of a detailed design / technical report shall be submitted to Council **PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE**. The design / report shall include (but is not necessarily limited to):

- 1) A site assessment to investigate possible features that could indicate signs of landslip or slope instability.
- 2) Investigation on the characteristics of soil type associated with the existing embankments with respect to moisture content, slope stability, slump, cohesion strength etc.
- 3) Investigation on the suitability of the soil type and embankment slope for the proposed use. In this regard, comment on likelihood of increased soil moisture content leading to a weakened soil structure and therefore an increase in bank scour and erosion.
- 4) Recommendations on methods to increase bank stability and minimise scour and erosion, to support the proposed use, ie terraced retaining walls, rock gabions or equivalent. The retaining wall design shall consider ease of maintenance for the property owner.
- 5) The retaining wall design shall include suitable landscaping / select vegetation to

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages**

- break the visual bulk of the wall.
- 6) Certified plans and specifications.
  - 7) Suitably qualified geotechnical engineer must supervise all earthworks and embankment stabilisation works.
  - 8) The geotechnical engineer shall provide written certification that the works are in compliance with the approved plans and specifications.
  - 9) Spray Crete, vegetation grid or equivalent treatments are not considered as suitable treatment having regard to geotech characteristics of the property.

**ENVIRONMENTAL MANAGEMENT****Sediment and Erosion Control****55. Erosion and Sediment Control Plan Approval**

An Erosion and Sediment Control Plan shall be prepared in accordance with Council's Development Control Plan No 41 by a suitably qualified person, and approved by Council and / or Department of Water and Energy **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE.**

**56. Erosion and Sediment Control Plan Inclusions**

The Erosion and Sediment Control Plan shall include scaled drawings and detailed specifications which can be readily understood and applied on-site by supervisory staff. 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) Existing and proposed drainage patterns.
- (j) Location and type of proposed erosion and sediment control measures.
- (k) Site rehabilitation proposals, including final contours.

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages**

- (l) Time of placement of sediment controls.
- (m) Staging of works and how the plan is to be implemented for each stage or activity on site.
- (n) Maintenance schedule.

**57. Erosion and Sediment Control Plan Compliance**

All site works shall be carried out in accordance with the Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by personnel with appropriate training or demonstrated knowledge or experience in erosion and sediment control.

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.

**58. Erosion Control on Completed Subdivisions**

Adequate erosion and sediment control measures are to be maintained in place on the subdivision to the satisfaction of Council until site stabilisation and revegetation is finalised.

**Tree Vegetation Management****59. The following actions and strategies are to be implemented, to minimise impacts of the proposed subdivision and development upon vegetation and habitats in the locality:**

- Prior to machinery works on the site, noxious and environmental weeds should be carefully removed and destroyed, to minimise potential spread of weed propagules into surrounding areas;
- Prior to machinery works on the site, protective barriers should be erected around trees to be retained, to minimise accidental damage to trunks and limbs. Where branches need to be removed / trimmed from trees to be retained, this work should be undertaken by an appropriately qualified arborist;
- The root zone of trees to be retained should be protected from damage or compaction by temporary fencing where practicable. The root zone of trees would normally extend at least to the edge of the drip line of the canopy. Machinery, vehicles and material stockpiles should not be stored beneath the canopy of trees to be retained;
- Care should be exercised when clearing canopy trees, to avoid injury to native fauna which may be roosting or sheltering in the canopy. In the case where native fauna are injured, these should be transferred to the care of WIRES, with an appropriate donation towards the cost of rehabilitating the animal;
- The use of some locally indigenous plant species in replanting or landscaping schemes within the site, to provide habitat features for native flora and fauna, and



**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages**

to maintain the local and regional genetic resource. Those plant species which are known to be invasive, or which are listed on the *NSW Noxious Weeds Act 1993* for the Wingecarribee Local Government Area should not be used;

- As part of the Construction Certificate and landscape plan shall be prepared for Council approval and implemented in areas outside of building envelopes prior to release of Subdivision Certificate.

**CIVIL ENGINEERING WORKS AND SERVICES****60. Provision of Works and Services**

The provision, by the Applicant, at their expense, of the following works and services to be documented and constructed in accordance with Council's Development Control Plan Nos 12 and 41, to the satisfaction of the Development Control Engineer. **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE** the Developer must 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

**Water and Sewer Authority Conditions**

Prior to issue of a Construction Certificate, the Applicant must obtain approval from Council (as the Water Supply Authority and/or as required under Section 68 of the *Local Government Act*) for the works to be undertaken by submitting adequate documentation including plans, calculations and specifications which justify that the required works are in accordance with all Council's standards and all other relevant codes and guidelines.

Water service connections and sewer junctions are not to be located under sealed driveways to battleaxe lots. This may require widening of accessway / rights of carriageways to those shown on approved plan.

**(a) Stormwater Drainage****(i) Boundary Grated Catch Drains**

Prevention of "sheet flows" over the public footpath by provision of a grated catch drain across or inlet pit adjacent to the driveway(s) at the property boundary, with piped water discharged to the satisfaction of the Development Control Engineer / Council's Building Surveyor.

**(ii) Control of Peak Discharge**

Adequate and suitable infrastructure is to be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed for the 100 year ARI design storm and Council's Development Control Plan No 41. Any stormwater temporarily stored on site shall be done in a manner

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages**

that does not jeopardise public safety. In this regard the Applicant shall provide a risk assessment with the Construction Certificate Application.

(iii) Existing Drainage Augmentation

The augmentation of the existing Council drainage system to accommodate drainage from the proposed development and to protect other property to the satisfaction of the Development Control Engineer.

(iv) Detention Systems

Any open drainage system which is designed to reduce peak flows shall be designed in accordance with the requirements of the current edition of the Australian Rainfall & Runoff. All batters shall be in accordance with Council's Development Control Plan No 41 to facilitate maintenance and provide a safe environment.

(v) Construction of Kerb & Gutter and Drainage for Subdivision

Concrete kerb and gutter and associated drainage pits in subdivision roads for the adequate discharge of stormwater.

(vi) Infrastructure Maintenance Considerations

The design of all infrastructure shall take into consideration the maintenance aspects and costs associated with the techniques being proposed.



(vii) Discharge of Stormwater

The site shall be drained so as to comply with the following requirements. These requirements shall be reflected on the Construction Certificate plans and submitted to Council **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE.**

- a. On-site detention storage for stormwater runoff from the development site shall be provided such that the discharge from the site for design storm events up to and including the 100 year average recurrence interval does not exceed the pre-developed conditions. Details must including the following:
- On-site detention structure (OSD) must be designed and constructed to have a suitably graded invert to prevent ponding.
  - On-site detention structure must be piped and discharged to the proposed road drainage infrastructure. A surcharge pit / energy dissipater structure, incorporating scour and erosion controls shall be provided at the outlet.
  - The OSD structure shall be designed so as not to concentrate soakage into the natural ground.
  - All stormwater design shall be in accordance with the recommendations made in report by Southern Geotechnics with reference number 2009136-amw dated 22 October 2009.
- b. A drainage swale / overland flow path must be provided within the proposed easement to prevent the 1 in 100 year stormwater runoff from overland flows or pipe blockages from entering any proposed, existing or adjoining buildings.
- c. Overland flow paths must be provided to allow for flows in excess of the capacity of the pipe / drainage system in the event of any blockage. Gates and fencing within the overland flow path must be designed to allow for unimpeded flows at all times.
- d. Runoff currently entering the site from uphill properties shall not be obstructed from entering the site nor redirected, other than by drainage works or in accordance with an approved stormwater plan, so as not to have adverse effects or increase the quantity or concentration of surface runoff entering adjoining properties.

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages****(b) Access and Roadworks**

The provision, by the applicant, at the applicant's expense, the following works and services in accordance with Council's Engineering Standards, to the satisfaction of Council. Plans and specifications are to be submitted by the applicant and approved **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE:**

- (ii) Construction of road shoulder surfaced with two coat bitumen seal in Queen Street on the frontage to the subdivision for a width of 1 metre.
- (iii) Concrete edge beam 150mm x 200mm in Queen Street on the frontage of the subdivision for the adequate support to the road shoulder. 150mm Upright Kerb shall be provided at Gladstone Road. The kerb shall be designed to provide a physical barrier between the road travel lane and the proposed retaining wall.
- (iv) Open stone pitched drain from the end of the guard rail in Oxley Drive for the frontage at the subdivision down to Gladstone Road intersection. This drain is to incorporate weirs or appropriate structures to reduce the velocity and energy of the stormwater flow. This reduction is to be enough to allow flows to return to the existing table drain south of Gladstone Road
- (v) Footway on the frontage to the subdivision in Queen Street is to be regraded and grassed.
- (vi) A single urban vehicular footway crossing for access to Lots 1, 2, 3, 4 and 5 to Standard Drawing No 109, centrally located at Queen Street frontage to provide adequate sight distance. Retaining walls shall be incorporated into the driveway design (as required) to support changes of grade and difference in level between road reserve, property frontage and garage finished floor levels.

**NOTE:** The above lots shall not gain access to any other public road, and this shall be reflected in a Restriction as to User.

- (vii) Construction of driveway surfaced with reinforced concrete, asphaltic concrete or interlock brick pavers a minimum of 6 metres wide at Queen Street and 3m wide for access to individual access to Lots 1, 2, 3, 4 and 5.
- (viii) Approval Required for Work within Road Reserve – Section 138 Roads Act 1993

Where works are proposed within the road reserve, the applicant 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

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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.

*Note:*

*Where works are required within a Classified Road, the applicant 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.*

### **Sewer Mains**

(iii) Construction of Sewer Mains

Sewerage mains shall be constructed to serve all lots in the subdivision.

The written permission of those affected landowners, allowing the construction of the sewer works on their property, is to be submitted with the Construction Certificate.

(iv) Construction of Sewer Sidelines

Sidelines and junctions shall be installed for sewer connections to all lots in the subdivision.

Council's application form shall be completed by the applicant and the appropriate fee paid.

If sideline is to be extended from a sewer main in adjoining property, written permission of affected landowner allowing work to be undertaken, is to be submitted with the application form.

### **General**

**13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision****ATTACHMENT 1 Draft Conditions of modified consent, including proposed 3 stages****61. Integral Energy Requirements**

The provision of underground electricity to service the development in accordance with the requirements of Integral Energy. The Applicant prior to release of a Construction Certificate will be required to submit to Council documentary evidence from Integral Energy qualifying that the requirements of Integral energy have been obtained. The requirements of the supply authority will need to be met prior to occupation of the development or the application for a Subdivision Certificate.

**62. Telecommunications Provider / Gas Provider – Where Applicable**

The Applicant is to contact the Telecommunications Provider / Gas Provider to ascertain the requirements of the organisations for the development.

**63. Works as Executed Plans**

Following the completion of the work, 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.

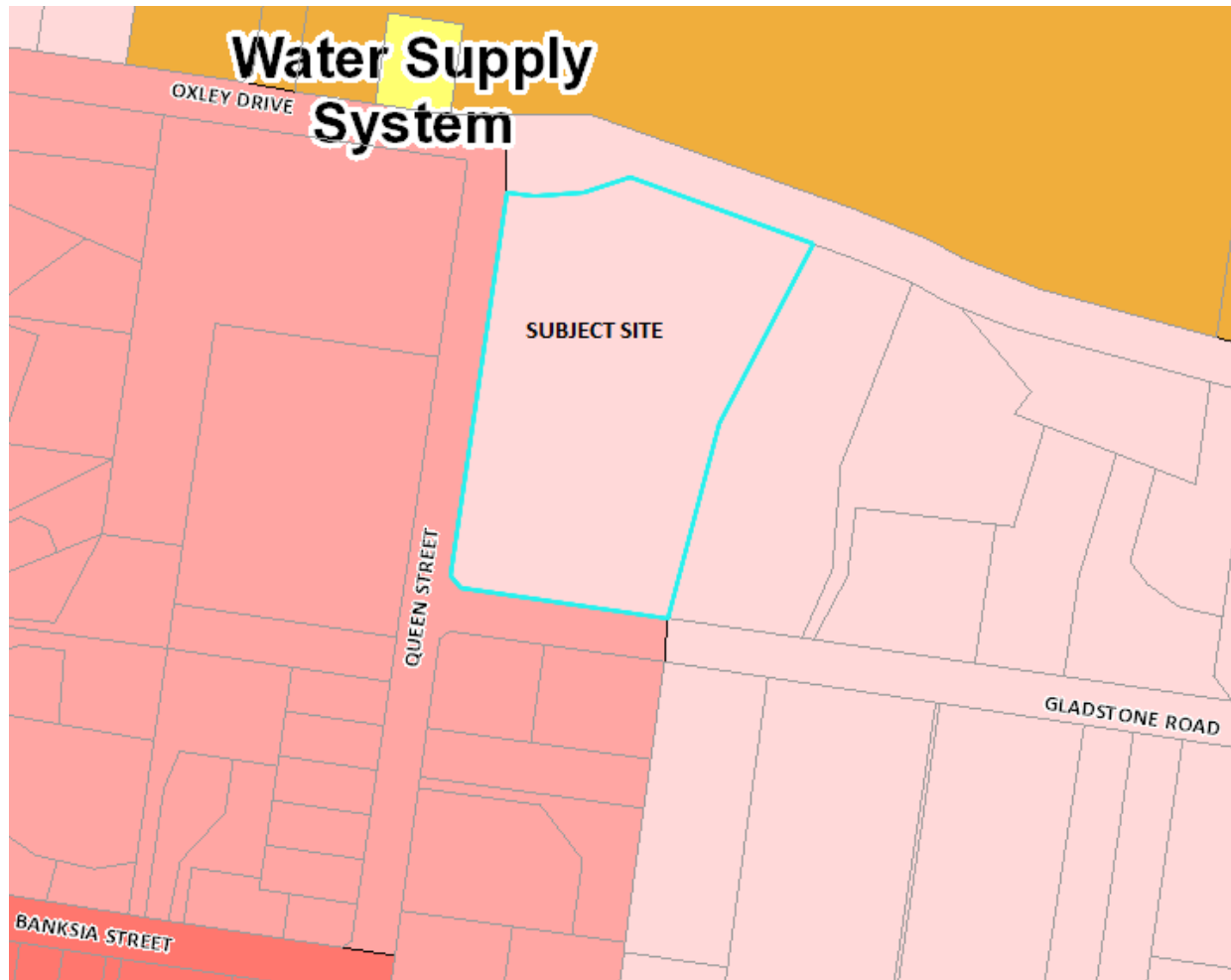
**64. Relocation of Existing Services**

Where existing services including drainage, sewerage and water may be required to be relocated as a result of the development, a plumber's permit is required from Council prior to commencing work. Inspection of these works by Council as the Water Supply Authority is required.

**END OF CONDITIONS**



ATTACHMENT 2 – SITE LOCATION

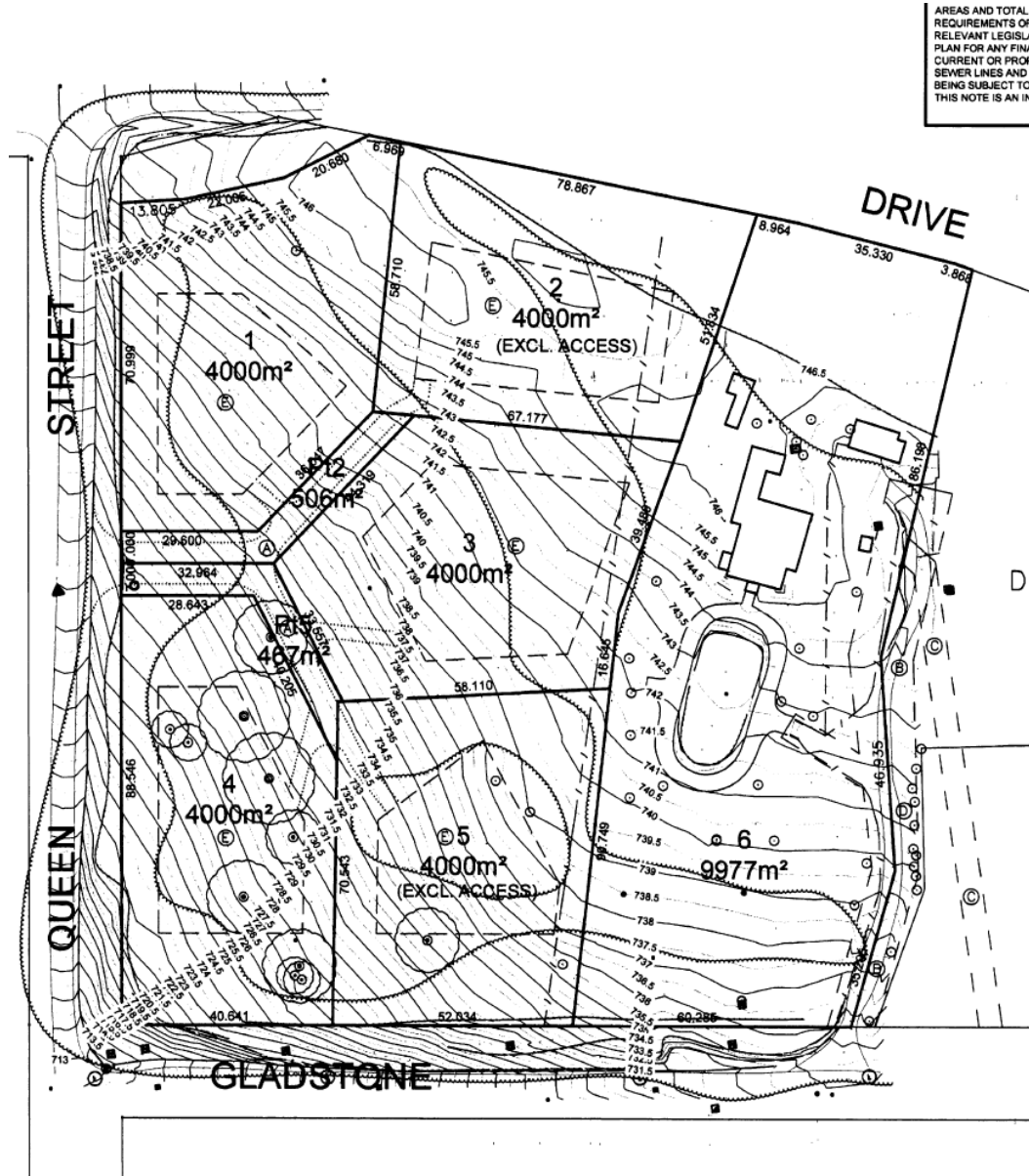








ATTACHMENT 3 – APPROVED SUBDIVISION



13.3 S.4.55 Modification 09/0969.06 seeking approval to alter staging of approved 6 lot subdivision

ATTACHMENT 4 Proposed 3 stages



ATTACHMENT 4 – PROPOSED STAGING

NOTES:

THIS PLAN WAS PREPARED AS A PROPOSED SUBDIVISION TO ACCOMPANY A DEVELOPMENT APPLICATION TO WINGECARRIBEE SHIRE COUNCIL AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE. THE DIMENSIONS AREAS AND TOTAL NUMBER OF LOTS SHOWN HEREON ARE SUBJECT TO FIELD SURVEY AND ALSO TO THE REQUIREMENTS OF COUNCIL AND ANY OTHER AUTHORITY WHICH MAY HAVE REQUIREMENTS UNDER ANY RELEVANT LEGISLATION. IN PARTICULAR, NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY FINANCIAL DEALINGS INVOLVING THE LAND. THE LAND SHOWN HEREON MAY BE SUBJECT TO CURRENT OR PROPOSED EASEMENTS AND/OR RESTRICTIONS ON THE USE OF LAND. DRAINAGE EASEMENTS, SEWER LINES AND OTHER UNDERGROUND SERVICES MAY BE CONSTRUCTED UPON ANY OF THE LOTS, THIS BEING SUBJECT TO ENGINEERING DESIGN, AND OR REQUIREMENTS OF THE COUNCIL OR ENDEAVOUR ENERGY. THIS NOTE IS AN INTEGRAL PART OF THIS PLAN.

LEGEND

- STAGE 1 (REGISTERED IN SEPTEMBER 2014)
- PROPOSED STAGE 2
- PROPOSED STAGE 3

- (A) RIGHT OF ACCESS & EASEMENT FOR SERVICES 7 WIDE (PROPOSED)
- (B) BUILDING ENVELOPES (PROPOSED)
- (C) EASEMENT FOR DRAINAGE OF WATER 2 WIDE AND VARIABLE (PROPOSED)
- (D) EASEMENT FOR DRAINAGE OF WATER 7 WIDE (PROPOSED)

OXLEY

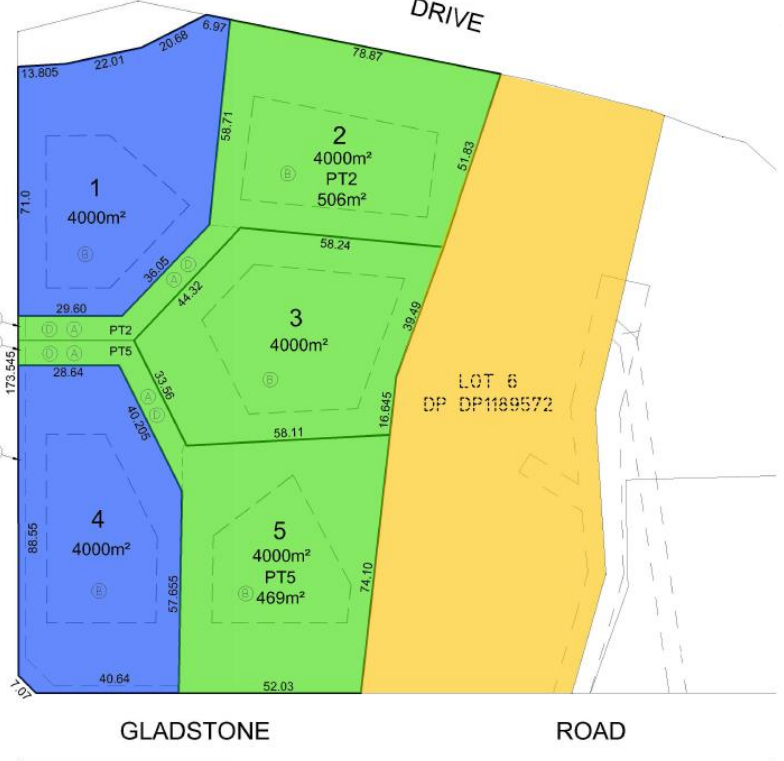
DRIVE

STREET

QUEEN

GLADSTONE

ROAD





## 13.4 Southern Highlands Arts Fund

Reference:	1650/4
Report Author:	Cultural Development Officer
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	Support and promote the creative and cultural sector

### PURPOSE

To advise Council on the status of the Southern Highlands Arts Fund.

### Report

In 2013 Council signed a Memorandum of Understanding (MOU) with the Southern Highlands Foundation in order to establish a Trust to be called the Southern Highlands Arts Fund. The purpose of establishing the Fund was to provide an instrument for private donors to make tax deductible donations to local arts projects at arm's length from Council.

Due to issues in obtaining tax deductibility status and a change in the focus of the activities of the Foundation, a notice of termination of the MOU was sent to the Foundation on 2 March 2018. This has now been finalised and, as per the MOU, a request has been sent to the Foundation to grant the remaining funds of \$1,781 held on behalf of the Southern Highlands Arts Fund to the Bowral District Art Society Inc. The Bowral District Art Society has advised that the funds will be used towards providing some free places in arts workshops for young people.

### RECOMMENDATION

**THAT the termination of the Memorandum of Understanding with the Southern Highlands Foundation in regard to the Southern Highlands Arts Fund be noted.**

### ATTACHMENTS

There are no attachments to this report.



## 13.5 Request for Financial Assistance from Police Citizens Youth Club (PCYC) Southern Highlands

Reference:	1830/24
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	Increase promotion of healthy lifestyle choices

### **PURPOSE**

The purpose of this report is to seek Council's position on a request from PCYC Southern Highlands to provide sponsorship for an upcoming charity golf day to help raise funds to send their junior competitive gymnastics team to America in 2019.

### **RECOMMENDATION**

**THAT Council determines its position with regard to the sponsorship request from PCYC Southern Highlands.**

### **REPORT**

#### **BACKGROUND**

PCYC Southern Highlands are planning a trip that will allow talented young gymnasts the opportunity to train with Olympic Gold Medallists Nastia Liukin, Laurie Hernandez and Gabby Douglas. This event provides the young gymnasts the experience of training at an elite level of gymnastics that they may not have exposure to in Australia. At this stage 12 gymnasts have expressed an interest to attend the American camp in 2019.

A charity golf day is planned for 23 September 2018 at Highlands Golf Club. All proceeds raised will go towards the young gymnasts to travel to the USA.

#### **REPORT**

There are two Sponsorship options available:

**Gold Sponsor:** Event Sponsor Package – \$2,000

The gold sponsorship package is available for two sponsors. The business logo of the gold sponsor will appear on all promotional material, including flyers, banners, social media posts, and newspaper articles. Gold sponsors will also have the event named after their business and receive a free sign on the hole of their choosing.

**Silver Sponsor:** Hole Sponsor – \$500 per hole

The silver sponsor package provides a business with a 600mm x 600mm sign at the hole of their choosing. This sponsorship package is available to 16 businesses. It also provides each sponsor with social media recognition for their support.

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**IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN**

Nil

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**COMMUNICATION AND CONSULTATION**

**Community Engagement**

Nil

**Internal Communication and Consultation**

Nil

**External Communication and Consultation**

Nil

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**SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

Council is seen to promote a broad range of cultural and sporting activities.

- **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.

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**COUNCIL BUDGET IMPLICATIONS**

The current balance in the Contingency Fund is \$33,149.

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**RELATED COUNCIL POLICY**

Contingency Fund Guidelines

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**OPTIONS**

The options available to Council are:

**Option 1**

Council support request for \$2,000

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 12 September 2018

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



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**Option 2**

Council support request for \$500

**Option 3**

Council not support the request for financial assistance.

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**CONCLUSION**

This request meets the guidelines adopted for the use of the Contingency Funds and is presented to Council for determination.

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**ATTACHMENTS**

There are no attachments to this report.

## 13.6 Request for financial sponsorship for the Triple Zero Cricket Challenge

Reference:	1850/24
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Enhance partnerships to maintain a safe community

### PURPOSE

The purpose of this report is to seek Council's determination in regards to a request for financial support to cover Traffic Management of the Triple Zero (000) Cricket Challenge at Bradman Oval on 21 October 2018 in support of the Southern Highlands Suicide Prevention Program.

### RECOMMENDATION

**THAT Council determines its position with regard to a financial request from Triple Zero Cricket Challenge.**

### REPORT

#### BACKGROUND

Wingecarribee Shire Council has for the past four years sponsored the Triple Zero Cricket Challenge at Bradman Oval by providing funds to cover the costs of the Traffic Management Services for the Challenge and the accompanying Emergency Services Expo held annually on St Jude Street during the match.

Under the Contingency Fund Guidelines adopted 1 July 2018, this application is being viewed as a 'one-off' submission.

#### REPORT

The Triple Zero Cricket Challenge is a multi-team continuous cricket match held at the Bradman Oval between the five Southern Highlands 'Triple Zero' (000) Emergency Service Agencies to raise money for Southern Highlands Suicide Prevention Project and to present career and volunteering opportunities in emergency services to Highlands youth.

In previous years the cricket match has been supported by Wingecarribee Shire Council, the Bradman Foundation and Cricket Australia who provide two past Australian players as representatives.

The Triple Zero Expo provides interactive displays and activities for the community and is designed to raise the awareness of the important role the emergency services play within the community and the opportunities that exist to become involved.

In previous years Council has supported the Challenge by the provision of Traffic Management Services for the street expo. This year the cost for Traffic Management Services will be \$2,178.

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**IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN**

Nil

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**COMMUNICATION AND CONSULTATION**

**Community Engagement**

Nil

**Internal Communication and Consultation**

Nil

**External Communication and Consultation**

Nil

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**SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

The event provides a positive catalyst for the community to come together in the spirit of sportsmanship to support the Highlands' emergency services and better understand their role within our community while raising funds for charity.

- **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.

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**COUNCIL BUDGET IMPLICATIONS**

The current budget in the Contingency Fund is \$33,149.

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**RELATED COUNCIL POLICY**

Contingency Fund Guidelines.



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 September 2018

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



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#### **OPTIONS**

The options available to Council are:

##### **Option 1**

That Council supports the Triple Zero Cricket Challenge for 2018 to the amount of \$2,178 for traffic management services, and that this be funded from the Contingency Fund.

##### **Option 2**

That Council determine an alternate position.

##### **Option 3**

That Council not support the request.

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#### **CONCLUSION**

The Triple Zero Cricket Challenge Committee seeks Council's support of the annual Triple Zero Cricket Challenge in 2018 for the amount of \$2,178 for Traffic Management Services. This matter is submitted for Council's determination.

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#### **ATTACHMENTS**

There are no attachments to this report.

## 13.7 Canberra Region Joint Organisation - Draft Governance Documents

Reference: 102  
Report Author: Group Manager Corporate and Community  
Authoriser: Deputy General Manager Corporate, Strategy and  
Development Services

### Link to Community

Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

### PURPOSE

Council endorse the key governance documents for the recently established Canberra Region Joint Organisation, including:

- Canberra Region Joint Organisation Code of Meeting Practice
- Canberra Region Joint Organisation Charter
- Payment of Expenses, Provision of Facilities and Allowances for Board Members.

### RECOMMENDATION

**THAT Council endorse the following key governance documents for the Canberra Region Joint Organisation:**

- **Canberra Region Joint Organisation Code of Meeting Practice**
- **Canberra Region Joint Organisation Charter**
- **Payment of Expenses, Provision of Facilities and Allowances for Board Members Policy**

### REPORT

#### **BACKGROUND**

On 15 December 2017 the *Local Government Amendment (Regional Joint Organisations) Act 2017* commenced, allowing councils to voluntarily join Joint Organisations in their planning region. At its meeting on 14 February 2018 Council resolved to nominate to join the Joint Organisation for the South East and Tablelands region and on 11 May 2018 the NSW State Government established via proclamation the Canberra Region Joint Organisation.

#### **REPORT**

In May 2018 the NSW State Government issued guidance materials to assist regions establish joint organisations. The guidance materials included an 18-month timeline for undertaking key governance, financial, legal, risk and communication actions including those that are set in the *Local Government Act 1993( Act)*, *Local Government (General) Regulation 2005* (Regulation) or funding agreements.

In accordance with the guidance materials, the Canberra Region Joint Organisation Board held its inaugural meeting on 29 June 2018. Following this meeting draft statutory governance documents were circulated to councils for feedback to the Board, including the

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 September 2018

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



Canberra Region Joint Organisation Code of Meeting Practice, Canberra Region Joint Organisation Charter and Payment of Expenses, Provision of Facilities and Allowances for Board Members. Feedback was received from some member councils including Wingecarribee Shire Council resulting in some amendments. The documents will be considered by the Board for adoption at its meeting on 14 September 2018.

#### Canberra Region Joint Organisation Code of Meeting Practice

The Code of Meeting Practice (**Attachment 1**) was developed based on the meeting provisions of the Act and Regulation with the following changes:

- the board of a joint organisation may transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if the representative who is speaking can be heard by all other representatives
- a motion at a joint organisation board meeting is taken to be defeated in the event of an equality of votes—in other words, unlike councils, the chairperson of a joint organisation board does not have a casting vote
- to allow non-voting representatives to participate in debate, non-voting representatives should be permitted to speak (but not move, second, amend or vote) on motions.

It should be noted that the adopted Code of Meeting Practice is an interim policy only until such time as the Office of Local Government releases the Model Code of Meeting Practice for Joint Organisations.

#### Canberra Region Joint Organisation Charter

All joint organisations are required to prepare a Charter. The Act and Regulation prescribes the following requirements for the Charter:

- the board is to prepare and adopt a Charter containing (but not limited to):
  - operational principles for the joint organisation
  - governance principles for the joint organisation
- the Charter is to contain the methodology for determining annual financial contributions to the joint organisation by member councils
- a Charter may adopt requirements that are additional or supplementary to, or more significant than, requirements made by or under the Act but cannot adopt requirements that:
  - are less stringent than requirements made by or under the Act
  - are inconsistent with or contravene regulations under the Act relating to Charters
- the Charter must be made publicly available on a website administered by the joint organisation within 30 days of adoption of the Charter.

The Canberra Region Joint Organisation Charter was developed based on the above requirements and using the model template provided by Office of Local Government (**see Attachment 2**).



## **Payment of Expenses, Provision of Facilities and Allowances to Board Members Policy**

All joint organisations are required to adopt a payment of expenses and the provision of facilities for board members policy. The Policy must comply with the Office of Local Government's guidelines for the payment of expenses and the provision of facilities for mayors and councillors in NSW and should complement and supplement the expenses and facilities policies of member councils.

The Canberra Region Joint Organisation Payment of Expenses, Provision of Facilities and Allowances to Board Members Policy has been prepared taking this into consideration and is provided in **Attachment 3**.

## **IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN**

A key strategy from Council's Fit for the Future Improvement Plan is "Participation in Joint Organisations and other regional collaborative approaches including regional strategic planning, intergovernmental collaboration, regional leadership and advocacy and service delivery". Therefore participation in the Canberra Region Joint Organisation assists to achieve this strategy.

## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

Nil

### **Internal Communication and Consultation**

Executive

Chief Financial Officer

### **External Communication and Consultation**

All member councils of the Canberra Region Joint Organisation.

## **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.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 September 2018

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



- **Governance**

Joint Organisations are established as an entity under the Act and as such key governance documents must be adopted to ensure the successful operation of these entities. All governance documents outlined in this report were developed in consideration of the Act, Regulation and OLG Joint Organisation Implementation Guidance.

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#### **COUNCIL BUDGET IMPLICATIONS**

Nil

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#### **RELATED COUNCIL POLICY**

Nil

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#### **OPTIONS**

The report is presented to Council to note.

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#### **CONCLUSION**

This report is presented to Council to endorse the following key draft governance documents for the recently established Canberra Region Joint Organisation:

- Canberra Region Joint Organisation Code of Meeting Practice
- Canberra Region Joint Organisation Charter
- Payment of Expenses, Provision of Facilities and Allowances for Board Members.

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#### **ATTACHMENTS**

1. Canberra Region Joint Organisation Code of Meeting Practice
2. Canberra Region Joint Organisation Charter
3. Payment of Expenses, Provision of Facilities and Allowances for Board Members Policy

Mark Pepping

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

Thursday 6 September 2018



ATTACHMENT 1



**Canberra  
Region**  
JOINT ORGANISATION

**CODE OF MEETING PRACTICE**

14 September 2018



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## PART 1 - PRELIMINARY

### 1. Definitions

In this Code:

- 1.1. **amendment** in relation to an original motion, means a motion moving an amendment to that motion
- 1.2. **board** means the Board of the Canberra Region Joint Organisation comprising voting and non-voting members as determined by the Board Charter
- 1.3. **Chair:**
  - 1.3.1. in relation to a meeting of the Board - means the person presiding at the meeting as provided by section 369 of the Act; and
  - 1.3.2. in relation to a meeting of a committee - means the person presiding at the meeting as provided by clause 48 of this Code
- 1.4. **committee** means a committee established under clause 42, or the Board when it has resolved itself into a committee of the whole
- 1.5. **member** means both voting and non-voting members of the Board (as determined by CRJO's Charter) unless the context specifies otherwise, but only voting members may move and vote on motions
- 1.6. **relative**, in relation to a person, means any of the following:
  - 1.6.1. the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;
  - 1.6.2. the spouse or the de facto partner of the person or of a person referred to in paragraph above
- 1.7. **the Act** means the Local Government Act 1993
- 1.8. **the Code** means the CRJO Code of Meeting Practice 2018
- 1.9. **the Regulation** means the Local Government (General) Regulation 2005.
- 1.10. Except as otherwise provided, expressions used in this Code which are defined in the dictionary at the end of the Act have the meanings set out in the dictionary.

### 2. Act and Regulation

- 2.1. This Code is made pursuant to section 360(2) of the Act.
- 2.2. In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

NOTE: This Code will be required to be revised when the OLG adopts a standard Code of Meeting practice which at the time of preparation of this code is currently in draft form



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**PART 2 - CONVENING OF, AND ATTENDANCE AT, CRJO BOARD MEETINGS****3. Frequency, venue and timing of meetings of the Board**

- 3.1. The Board is required to meet at least 4 times each year, each time in a different month.
- 3.2. The Board shall, by resolution, set the time, date and place of ordinary meetings of the Board.
- 3.3. In selecting a venue, CRJO should ensure that is a convenient location for the majority of members, however there may be occasions when CRJO may set the time and place of a meeting to suit the location of particular items of business which have particular impact upon specific areas of the Board Region.

**4. Electronic Attendance**

- 4.1. Voting and non-voting Board members may participate in board meetings via video-conferencing subject to :
  - 4.1.1. All meeting participants can adequately hear all other participants;
  - 4.1.2. Voting members have full access to all material provided to voting members physically attending the meeting, including being able to see and hear any presentation given to the meeting;
  - 4.1.3. The Chair is satisfied that they will be able to adequately determine the outcome of any vote.

**5. Extraordinary meetings**

- 5.1. At least two Members, one of whom may be the Chair, and the Executive Officer can make a written request to the Chair to hold an extraordinary CRJO meeting.
- 5.2. The Chair may not call extraordinary meetings by themselves without having a written request with another Member's signature.
- 5.3. The Chair and the Executive Officer must call the extraordinary meeting which is to be held as soon as practical, but within 14 days after the request is made.
- 5.4. Extraordinary meetings are usually held to deal with special business or where there is so much business to be dealt with that an additional meeting is required.

**6. Public Notice of Meetings**

- 6.1. Notice must be given to the public of the times and places of its Board Meetings (Sec 9 . LG Act) A notice of a meeting of CRJO or of a committee must be published in a newspaper circulating in the CRJO region before the meeting takes place.
- 6.2. The notice must specify the time and place of the meeting.
- 6.3. Notice of more than one meeting may be given in the same notice.
- 6.4. Times and places will of meetings will be posted to the portion of the CRJO website available to the public
- 6.5. This clause does not apply to an extraordinary meeting of CRJO or committee.



## 7. Notice of meetings to Members

- 7.1. Members must be sent, at least three days before each meeting of the Board, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- 7.2. Notice of less than three days may be given of an extraordinary meeting called in an emergency, but in no case shall notice of less than one day be given.
- 7.3. Notices of meetings shall be either by postage to the last known address, email, other electronic means or by means as agreed to with individual Members.
- 7.4. Any notice of meeting is also to be sent to the General Manager of member councils.

## 8. Quorum

- 8.1. The quorum for a meeting of the Board is 75% of the voting Members who hold office for the time being and are not suspended from office.
- 8.2. For the purpose of determining a quorum, those voting Members who are attending meeting via electronic means (see Section 6 Electronic Attendance) are to be considered as present.
- 8.3. If the calculation of 75% of eligible voting members does not result in a whole number, the result is to be round up.

**Note:** As an example, 75% of 10 eligible voting members is 7.5, so the quorum for a meeting would be 8 eligible voting members.

## 9. What happens when a quorum is not present

- 9.1. A non-quorum meeting of the Board may be held if greater than 50% of voting members are in attendance.
- 9.2. The meeting must be adjourned if at any time less than 50% of voting members are present within half an hour after the time designated for the holding of the meeting; or
- 9.3. Non-quorum decisions ;
  - 9.3.1. Decisions of non-quorum meetings must have registered 75% of voting members 'in favour' within 7 days of the circulating the minutes.
  - 9.3.2. Failure to comply with the above will void any non-quorum decision
  - 9.3.3. Minutes shall be appended to record any votes recorded post meeting but within the 7 days since of circulation
- 9.4. The Board's minutes must record the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Board, together with the names of the Members present,



### PART 3 - PROCEDURE FOR THE CONDUCT OF CRJO MEETINGS

#### 10. Chair of CRJO meetings

- 10.1. The Chair or, at the request of or in the absence of the Chair, the Deputy Chair presides at meetings of the Board.
- 10.2. If the Chair and the Deputy Chair are absent, a voting Member elected to chair the meeting by the voting Members present presides at a meeting of the Board.
- 10.3. If no Chair is present at a meeting of the Board at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chair to preside at the meeting.

**Note:** Section 369(2) of the Act provides for a Member to be elected to chair a meeting of CRJO when the Chair and Deputy Chair are absent.

- 10.4. The election must be conducted:
  - 10.4.1. by the Executive Officer, or in the absence of the Executive Officer, an employee designated by the Executive Officer to conduct the election; or
  - 10.4.2. if neither of them is present at the meeting or there is no Executive Officer or designated employee - by the person who called the meeting or a person acting on their behalf.
- 10.5. When two or more candidates receive an equal highest number of votes at the election of Chair, the Chair is chosen by lot.
- 10.6. For the purposes of clause 13.5, the method of conducting the choosing by lot is described in Schedule 7 of the Regulation

#### 11. Chair to have precedence

- 11.1. When the Chair rises or speaks during a meeting of the Board:
  - 11.1.1. any Member or any other person then speaking or seeking to speak must immediately resume their seat; and
  - 11.1.2. every Member or any other person present must be silent to enable the Chair to be heard without interruption.

#### 12. Chair's duty with respect to motions

- 12.1. It is the duty of the Chair at a meeting of the Board to receive and put to the meeting any lawful motion that is brought before the meeting.
- 12.2. The Chair must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- 12.3. Any motion, amendment or other matter that the Chair has ruled out of order is taken to have been rejected.
- 12.4. A motion, or amendment to a motion, can only be put by a voting Member.

#### 13. Minutes

- 13.1. The Executive Officer must ensure that full and accurate minutes are kept of the proceedings of each meeting of CRJO.



- 13.2. In adopting the minutes of previous meetings, CRJO should confine its consideration of the minutes to the question of whether they accurately reflect the decisions of that meeting.
- 13.3. The minutes must, when they have been confirmed at a subsequent meeting of CRJO, be signed by the Chair of that subsequent meeting. [Sec 375 LG Act].
- 13.4. The Executive Officer must ensure that the minutes of CRJO meetings record:
  - 13.4.1. all successful and unsuccessful motions and resolutions (including the grounds on which a meeting is closed to the public);
  - 13.4.2. successful and unsuccessful amendments;
  - 13.4.3. attendance of Members at the meeting;
  - 13.4.4. declarations of pecuniary interest and conflicts of interest by Members;
  - 13.4.5. votes on motions, amendments, contrary motions and divisions;
  - 13.4.6. circumstances relating to the absence of a quorum at or arising during a meeting, together with the names of the Members present;
  - 13.4.7. the names of the mover and the seconder of a motion and/or amendment; the names of all Members who voted in favour or against a motion or an amendment when it is not unanimous ;
  - 13.4.8. procedural matters during the meeting, such as moving in and out of committee;
  - 13.4.9. points of order raised and their rulings.
- 13.5. Any entries in the minutes found to be incorrect, must not be altered or erased. Any mistake or omission will be the subject of a resolution at, and recorded in the minutes of, a subsequent meeting.
- 13.6. Any consideration of the minutes of a previous meeting does not permit a matter to be the subject of further resolutions at that meeting.
- 13.7. Each sheet of a Board minute book shall record the nature of the meeting, the date of the meeting and page number
- 13.8. A recommendation made in a minute of the Chair or in a report made by a CRJO employee is, so far as adopted by the Board, a resolution of the Board.

#### **14. Order of business**

- 14.1. At a meeting of the Board (other than an extraordinary meeting), the general order of business is (except as provided by this Code) shall be in accordance with Schedule 1 of this Code unless otherwise determined by resolution of the Board. Where there is no item of business related to an agenda item it may be omitted from the agenda.
- 14.2. A motion to effect a change in the order of business can be moved without notice
- 14.3. Only the mover of a such a motion may speak to the motion before it is put.

#### **15. Agenda for CRJO meetings**

- 15.1. The Executive Officer, or in the absence of the Executive Officer, an employee designated by the Executive Officer must ensure that the agenda for a meeting of the



Board states:

- 15.1.1. all matters to be dealt with arising out of the proceedings of former meetings of the Board; and
  - 15.1.2. Any business that the Chair may decide to put before the meeting without notice; and
  - 15.1.3. any business of which due notice has been given.
- 15.2. Business, which in the opinion of the Executive Officer, is a kind of business referred to in section 10(a) of the Act, the business should be included in a confidential agenda in a CLOSED meeting of the Board. All other business to be transacted at the meeting must be included in an ordinary agenda in the OPEN meeting.
- 15.3. If a confidential agenda is prepared for a CLOSED meeting, the business must be referred to in the ordinary agenda of the OPEN meeting.
- 15.4. If notice has been given of an item of business on the agenda and subsequently needs to be removed or deferred, CRJO can only remove that item by way of resolution at the meeting to defer the business to another meeting or to not consider the business, depending on the circumstances.

## **16. Giving notice of business**

- 16.1. The Board must not transact business at a meeting:
- 16.1.1. unless a Member has given notice of the business in writing at least seven days preceding the meeting; and
  - 16.1.2. unless notice of business has been sent to the Members at least three working days before the meeting, or, in the event of an extraordinary meeting called in an emergency, at least one day.
- 16.2. Clause 16.1 does not apply to:
- 16.2.1. reports of committees of the Board;
  - 16.2.2. reports from officers which in the opinion of the Chair or the Executive Officer are urgent; and
  - 16.2.3. reports from officers placed on the business pursuant to a decision of a committee that additional information be provided to the Board in relation to a matter before the committee.
  - 16.2.4. business that is already before (or directly relates to a matter that is already before) the Board.
  - 16.2.5. the election of a Chair.
  - 16.2.6. a Chair Minute.
- 16.3. Notwithstanding, clause 16.1, business may be transacted at a meeting of the Board when due notice of the business has not been given if:
- 16.3.1. a motion is passed to have the business transacted at the meeting; and
  - 16.3.2. the motion is one that can be moved without notice where the Chair rules it to be of great urgency;



- 16.4. Only the mover of a motion referred to in clause 16.3 can speak to the motion before it is put.

#### **17. Agenda for extraordinary meeting**

- 17.1. The Executive Officer, or in the absence of the Executive Officer, an employee designated by the Executive Officer must ensure that the agenda for an extraordinary Board meeting deals only with the matters stated in the notice of the meeting.
- 17.2. Notwithstanding, clause 17.1, business may be transacted at an extraordinary meeting of CRJO even though due notice of the business has not been given to the Members. However this can happen only if:
- 17.2.1. a motion is passed to have the business transacted at the meeting, and
- 17.2.2. the business proposed to be brought forward is ruled by the Chair to be of great urgency.

**Note:** Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- 17.3. Only the mover of a motion referred to in clause 17.1 can speak to the motion before it is put.

#### **18. Chair Minute**

- 18.1. The Chair is entitled to put to the meeting any matter or topic that is within the jurisdiction of the Board or of which the Board has official knowledge.
- 18.2. Such a minute, when put to the meeting, takes precedence over all business on the Board's agenda for the meeting. The Chair may move the adoption of the minute without the motion being seconded.

#### **19. Notice of motion - absence of mover**

- 19.1. In the absence of a Member who has placed a notice of motion on the agenda for a meeting of the Board:
- 19.1.1. any other voting Member may move the motion at the meeting; OR
- 19.1.2. the Chair may defer the motion until the next meeting of the Board at which the motion can be considered.

#### **20. Motions to be seconded**

- 20.1. A motion or an amendment cannot be debated unless or until it has been seconded. However, the mover of a motion may be allowed by the Chair to speak to the motion before calling for the motion to be seconded.
- 20.2. The seconder of a motion or of an amendment may reserve the right to speak later in the debate.
- 20.3. The Chair may allow questions to be asked on the subject matter before accepting a motion and in the case of the adoption of committee minutes, questions will be taken on any recommendation prior to a motion.
- 20.4. Motions to accept committee minutes may be modified by individual members





requesting specific recommendations to be withdrawn if the member intends to move a motion which is different from the recommendation from the committee.

## **21. How subsequent amendments may be moved**

- 21.1. If an amendment has been accepted or rejected, a further amendment can be moved to the motion in its original or amended form (as the case may be), and so on, but no more than one motion and one proposed amendment can be before the Board at any one time.
- 21.2. It is permissible to debate the motion and an amendment concurrently.
- 21.3. It is permissible during the debate on an amendment for a further amendment to be foreshadowed. However, any such foreshadowed amendment shall not be moved and debated until the amendment is dealt with.
- 21.4. An intention by a voting Member to substantially alter the purpose of a motion on the table may be foreshadowed during debate as a contrary motion and shall only be formally moved as a motion and considered if the original motion or an amendment to it is lost.

## **22. Motions of dissent**

- 22.1. A voting Member can, without notice, move to dissent from the ruling of the Chair on a point of order. If that happens, the Chair must suspend the business before the meeting until a decision is made on the motion of dissent.
- 22.2. If a motion of dissent is carried, the Chair must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chair must restore the motion or business to the agenda and proceed with it in due course.
- 22.3. Only the mover of a motion of dissent and the Chair can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

## **23. Notices of censure**

- 23.1. The Board may by resolution at a meeting formally censure a Member for misbehaviour.
- 23.2. A formal censure resolution may not be passed except by a motion to that effect of which notice has been duly given.

## **24. Members's Questions**

- 24.1. At all ordinary CRJO meetings, each Member may ask questions for the next CRJO meeting under the section of the business paper designated for that purpose.
- 24.2. There is no limit to the number of questions that may be placed on notice by a Member at a meeting.
- 24.3. Members may not make statements in the item of business known as "Members' questions".
- 24.4. Questions for the next meeting should relate to questions concerning items not



on the business paper of the meeting where the question is raised.

- 24.5. While questions asked in accordance with Clause 24.1 are done so on the understanding that the answers will be provided at the following meeting, the Chair or Chair may permit an answer, but no debate, being given straight away, if it makes sense to do so.
- 24.6. Members' question for the next meeting and responses shall be included in the next meeting's business paper, or if this is not possible, the one following the next, or an explanation given as to the reasons for delay and anticipated time of final response.
- 24.7. These questions and subsequent reports responding to the questions are not subject to discussion, debate or public address at the meeting asked and/or answered.
- 24.8. This clause does not apply to an extraordinary meeting of CRJO.
- 24.9. Nothing in this clause affects questions being asked, with the leave of the Chair, relevant to any matter under discussion at a meeting.

## **25. Mode of address**

- 25.1. When addressing a meeting of CRJO, a Member must, unless the Chair states otherwise, direct their address through the Chair.

## **26. Limitation as to number of speeches**

- 26.1. Non-voting members may participate in debates on motions once the motions have been moved and seconded by voting members.
- 26.2. Unless otherwise determined by the Chair during the course of a meeting, that the meeting shall return to operation under the standard meeting format by 'limiting the number and duration of speeches' all Board meetings shall be conducted without the provision of limiting the number and duration of speeches.
- 26.3. A Member who, during a debate at a meeting of the Board, moves an original motion has the right of general reply to all observations that are made by another Member during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- 26.4. A Member, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 26.5. A Member must not, without the consent of the Board, speak more than once on a motion or an amendment, or for longer than five minutes at any one time. However, the Chair may permit a Member who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than five minutes on that motion or amendment to enable the Member to make a statement limited to explaining the misrepresentation or misunderstanding.
- 26.6. A voting Member may move that a motion or an amendment be now put if:



- 26.6.1. the mover of the motion or amendment has spoken in favour of it and no other Member expresses an intention to speak against it, or
- 26.6.2. at least two Members have spoken in favour of a motion or amendment and at least two Members have spoken against it.
- 26.7. The Chair must immediately put to the vote, without debate, a motion moved under subclause 26.6, A seconder is not required for such a motion.
- 26.8. If a motion that the original motion or an amendment be now put is passed, the Chair must, without further debate, put the original motion or amendment to the vote immediately after the mover of the motion has exercised their right of reply.
- 26.9. If a motion that the original motion or amendment be now put is rejected, the Chair must allow the debate on the original motion or amendment to be resumed.

## 27. Motions put without debate

- 27.1. Any motion or amendment before the Board may be put to the vote if the mover of a motion or amendment has spoken in favour and no voting Member indicates a wish to speak against.

## 28. Voting at CRJO meetings

- 28.1. Each voting Member is entitled to one vote.
- 28.2. Non-voting members are not entitled to vote.
- 28.3. The Chair DOES NOT have, in the event of an equality of votes, a second or casting vote.
- 28.4. For a vote to be carried it must be supported by at least 75% of the board members eligible to vote.

**Note:** This means 75% of voting members, not simply 75% of the voting members present at the meeting.

- 28.5. A Member who is present at a meeting of the Board but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

**Note:** This subclause does not apply to a Member who does not vote because they have declared a pecuniary interest in the subject matter of the motion.

- 28.6. The decision of the Chair as to the result of a vote is final, unless:
  - 27.1.1. in the case where a vote has been declared on the voices, a voting Member immediately requests a show of hands, or
  - 27.1.2. the decision is immediately challenged and not fewer than two voting Members demand a division.
- 28.7. When a division on a motion is demanded, the Chair must ensure that the division takes place immediately. The minutes shall record the names of those who vote for the motion and those who vote against it.
- 28.8. Voting at a CRJO Board meeting, including voting in any election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the



Board may resolve that the voting in any election by voting Members for Chair or Deputy Chair is to be by secret ballot.

**29. Resolutions passed at closed meetings to be made public**

- 29.1. If the Board passes a resolution that is in a section of the meeting that is closed to the public, the Chair must make the resolution public as soon as practicable after the meeting.

**30. Decisions of the Board**

- 30.1. Decisions must be supported by at least 75% of board members eligible to vote, refer Cl 28.4
- 30.2. Non-quorum meeting decisions can be implemented subject to the requirements of Cl 8
- 30.3. A resolution passed by the Board may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with Cl 16. Note: Due notice would not apply for minor alterations that if carried, did not affect the nature of the original motion
- 30.4. If it is proposed to move a further motion if a rescission motion is carried, the required notice must also be given of the proposed further motion.
- 30.5. If a notice of motion to rescind or alter a resolution is given:
- 27.1.3. at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission or alteration has been dealt with; or
  - 27.1.4. at any time after the meeting at which the resolution is carried, no further action to carry the resolution into effect may be taken after receipt of the notice of motion until the motion of rescission or alteration has been dealt with.
- 30.6. If a motion has been negated by the Board, a motion having the same effect must not be considered unless notice of it has duly been given in accordance with Cl 16.
- 30.7. A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Board, must be signed by at least three Members if less than three months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
- 30.8. If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within three months. This subclause may not be evaded by substituting a motion differently worded, but in principle the same.
- 30.9. The provisions of this clause concerning negated motions do not apply to motions of adjournment.
- 30.10. Notices of motions of rescission are to be dealt with prior to notices of motion at all meetings of CRJO.



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**31. Motions of adjournment**

- 31.1. Debate shall not be permitted on any motion for adjournment of a meeting of the Board.
- 31.2. If a motion for adjournment is negatived, the business of the meeting shall proceed, and it shall not be in order for any Member to again move a motion for adjournment within half an hour of the previous motion for adjournment being negatived.
- 31.3. A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the Chair shall make a determination with respect to whichever of these has not been specified.



**PART 4 - KEEPING ORDER AT MEETINGS**

**32. Questions of order**

- 32.1. The Chair, without the intervention of any other Member, may call any Member to order whenever, in the opinion of the Chair, it is necessary to do so.
- 32.2. A Member who claims that another Member has committed an act of disorder, or is out of order, may call the attention of the Chair to the matter.
- 32.3. The Chair must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Board.
- 32.4. The Chair's ruling must be obeyed unless a motion dissenting from the ruling is passed.

**33. Acts of disorder**

- 33.1. A Member commits an act of disorder if the Member, at a meeting of the Board or a committee of the Board:
  - 33.1.1. contravenes the Act, any regulation in force under the Act or this Code; or
  - 33.1.2. assaults or threatens to assault another Member or person present at the meeting; or
  - 33.1.3. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Board or committee, or addresses or attempts to address the Board or committee on such a motion, amendment or matter; or
  - 33.1.4. insults or makes personal reflections on or imputes improper motives to any other Member; or
  - 33.1.5. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Board or committee into contempt; or
  - 33.1.6. reads at length from any correspondence, report or other document, without the leave of the Board.
- 33.2. The Chair may require a Member:
  - 33.2.1. to apologise without reservation for an act of disorder OR
  - 33.2.2. to withdraw a motion or an amendment referred and, where appropriate, to apologise without reservation; OR
  - 33.2.3. to retract and apologise without reservation for an act of disorder
- 33.3. A Member may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of a CRJO for having failed to comply with a requirement of the Chair. The expulsion of a Member under this subclause does not prevent any other action from being taken against the Member for the act of disorder concerned.

**34. How disorder at a meeting may be dealt with**

- 34.1. If disorder occurs at a meeting of the Board or committee of the Board, the Chair



may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Board, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well a disorder arising from the conduct of Members.

- 34.2. A member of the public may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of CRJO for engaging in or has, at the meeting, engaged in disorderly conduct.

### **35. Power to remove persons from a meeting**

- 35.1. If a meeting of the Board or committee of the Board resolves to expel from the meeting a Member for failing to comply with a requirement made under clause 34 or a member of the public for disorderly conduct and the Member or member of the public fails to leave the meeting immediately after the resolution is passed, a police officer, or any person authorised by the Board or committee for the purpose, may remove the person from the meeting and, if necessary, restrain the person from re-entering the place where the meeting is being held.

### **36. Portable Electronic Device Protocol**

- 36.1. It is acknowledged that some members may be dealing with important matters and may need to be contacted during a meeting
- 36.2. Phones and other electronic devices such as tablets shall be switched to 'silent' as soon as the meeting is opened.
- 36.3. No phone calls should be taken or made at the meeting table ie move to the back of the room or preferably outside the meeting room



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**PART 5 - COMMITTEES****37. Committee of the whole**

- 37.1. The Board may choose to resolve itself into a committee of the whole to consider any matter before the Board, if the Chair has previously determined that the speeches and number of times speaking shall be limited, refer CI 26.2
- 37.2. All the provisions of this Code relating to meetings of the Board, so far as they are applicable, extend to and govern the proceedings of a committee of the whole, except the provision of limiting the number and duration of speeches.

**38. CRJO may establish committees**

- 38.1. CRJO may, by resolution, establish such committees as it considers necessary.
- 38.2. A committee is to consist of the Chair and such other Members as are elected by the Members or appointed by the Board.
- 38.3. The quorum for a meeting of a committee is to be:
  - 38.3.1. such number of members as the Board decides, or
  - 38.3.2. if the Board has not decided a number - a majority of the members of the committee.

**39. General Managers Advisory Committee**

- 39.1. The General Managers Advisory Committee, otherwise known as GMAC, is a formal committee of the CRJO and provides recommendations to the Board.
- 39.2. GMAC will provide reports and recommendations to each Ordinary meeting of the Board, (refer Schedule 1).

**40. Functions of committees**

- 40.1. The Board must specify the functions and delegation of each of its committees when the committee is established but may from time to time amend those functions.

**41. Notice of committee meetings to be given**

- 41.1. The Executive Officer, or in the absence of the Executive Officer, an employee designated by the Executive Officer of the Board must send to each committee member at least three days before each meeting of the committee, a notice specifying:
  - 41.1.1. the time and place at which and the date on which the meeting is to be held; and
  - 41.1.2. the business proposed to be transacted at the meeting.
- 41.2. However, notice of less than three days may be given of a committee meeting called in an emergency.
- 41.3. The provisions of clause 16 "notice of business" apply to the agenda of committee meetings in the same manner as they apply to the agenda of meetings of the Board.

**42. Non-members entitled to attend committee meetings**

- 42.1. A Member who is not a member of a committee of the Board is entitled to attend





and speak at a meeting of the committee.

42.2. However, the Member is not entitled to:

42.2.1. give notice of business for inclusion in the agenda for the meeting, or

42.2.2. move or second a motion at the meeting, or

42.2.3. vote at the meeting.

#### **43. Procedure in committees**

43.1. Each committee of the Board may regulate its own functions.

43.2. Without limiting clause 46.1, a committee of the Board may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the Chair of the committee is to have a casting vote as well as an original vote.

43.3. Voting at a committee meeting is to be by open hands means (such as on the voices or by show of hands).

#### **44. Committees to keep minutes**

44.1. Each Board committee must ensure that full and accurate minutes of the proceedings of its meetings are kept.

44.2. The Executive Officer, or in the absence of the Executive Officer, an employee designated by the Executive Officer must ensure that the following matters are recorded in the committee's minutes:

44.2.1. Details of each motion moved at a committee meeting and of any amendments moved to it;

44.2.2. The names of the mover and seconder of the motion or amendment;

44.2.3. Whether the motion or amendment is passed or lost.

44.3. As soon as the minutes of an earlier meeting of a committee of the Board have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

#### **45. Chair and deputy Chair of committees**

45.1. The Chair of each Board committee must be:

45.1.1. the Chair; or

45.1.2. if the Chair does not wish to be the Chair of a committee - a member of the committee elected by the Board; or

45.1.3. if the Board does not elect such a member - a member of the committee elected by the committee.

45.2. The Board may elect a member of a committee of the Board as deputy Chair of the committee. If the Board does not elect a deputy Chair of such a committee, the committee may elect a deputy Chair.

45.3. If neither the Chair nor the deputy Chair of a committee of the Board is able or willing to preside at a meeting of the committee, the committee must elect a member of the



committee to be acting Chair of the committee.

- 45.4. The Chair is to preside at a meeting of a committee of the Board. If the Chair is unable or unwilling to preside, the deputy Chair (if any) is to preside at the meeting, but if neither the Chair nor the deputy Chair is able or willing to preside, an acting Chair shall be elected and preside at the meeting.

#### **46. Absence from committee meetings**

- 46.1. A member ceases to be a member of a committee if the member (other than the Chair):
- 46.1.1. has been absent from three consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or
  - 46.1.2. has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

**Note:** The term "year" means the period beginning 1 July and ending the following 30 June. See the dictionary to the Act.

#### **47. Reports of committees**

- 47.1. If, in a report of a committee of the Board, distinct recommendations are made, the decision of the Board may be made separately on each recommendation.
- 47.2. The recommendations of a committee of the Board are, so far as adopted by the Board, resolutions of the Board.
- 47.3. If a committee of CRJO passes a resolution, or makes a recommendation, during a meeting, or part of a meeting, that is closed to the public, the Chair must:
- 47.3.1. make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
  - 47.3.2. report the resolution or recommendation to the next meeting of CRJO.

#### **48. Disorder in committee meetings**

- 48.1. The provisions of the Act, the Regulation and this Code relating to the maintenance of order in CRJO meetings apply to meetings of committees of the Board in the same way as they apply to meetings of the Board.

#### **49. Committee may expel certain persons from its meetings**

- 49.1. If a meeting or part of a meeting of a committee of the Board is closed to the public, the committee may, by resolution, expel from the place where the meeting is being held any person who is not a Member.
- 49.2. If any such person, after being notified of such a resolution, fails to leave the place where the meeting is being held, a police officer, or any person authorised by the Board for the purpose, may remove the person from, and, if necessary, restrain the person from re- entering, that place.



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**PART 6 – PECUNIARY AND NON-PECUNIARY INTERESTS**

**50. Pecuniary and Non-Pecuniary Interest**

- 50.1. Pecuniary and non-pecuniary interests need to be declared prior to the meeting and determined in accordance with the requirements of the Model Code of Conduct
- 50.2. A disclosure made at a meeting of the Board or Board committee must be recorded in the minutes of the meeting.

**PART 7 - PRESS AND PUBLIC**

**51. Public notice of meetings**

- 51.1. The Board must give notice to the media and public of the times, dates and places of its meetings and meetings of those of its committees of which all the members are Members.
- 51.2. The copies of the agenda are to be available to the media and public as follows:
  - 51.2.1. for inspection, as nearly as possible to the time they are available to Members
  - 51.2.2. for taking away, at the meeting of CRJO or such committee.
- 51.3. The copies of the agenda are to be available free of charge.
- 51.4. Copies of the agenda will be available on CRJO's website.

**52. Public Attendance at meetings of the Board**

- 52.1. The media and public are entitled to attend a meeting of the Board except meetings that are CLOSED to public in accordance with the requirement of Sec 10A(2) of LG Act
- 52.2. The media and members of the public are not entitled to make presentations to the Board, record or video meetings



## PART 8 - MISCELLANEOUS

### 53. Recording of CRJO meetings and Briefing Sessions

- 53.1. The Board may live stream its ordinary, extraordinary and committee of the whole meetings.
- 53.2. Members of the public may only with the permission of the Chair use any device to record the proceedings of ordinary, extraordinary and committee meetings.

### 54. Certain circumstances do not invalidate CRJO Board decisions

- 54.1. Proceedings at a meeting of the Board or a CRJO committee are not invalidated because of:
  - 54.1.1. a vacancy in a civic office; or
  - 54.1.2. a failure to give notice of the meeting to any Member or a committee member; or
  - 54.1.3. any defect in the election or appointment of a Member or a committee member; or
  - 54.1.4. a failure of a Member or a committee member to disclose a pecuniary interest at a CRJO or a committee meeting; or
  - 54.1.5. a failure to comply with this Code.

### 55. Member Briefing Sessions

- 55.1. CRJO may hold Member Briefing Sessions as required for the purpose of providing background information on issues before the Board.
- 55.2. The role of Briefing Sessions is to provide participants with information and the opportunity for questions which will help with the development of CRJO's formal decision-making process. An Information Session is not a decision-making forum. **Anything said at an Information Session does not constitute an official CRJO position nor necessarily the final opinion of a Member.**
- 55.3. These Briefing Sessions are not open to the public.
- 55.4. Briefing papers must not contain recommendations about any issue.
- 55.5. No decisions, recommendations or agreements about any issues raised are to be made at the sessions and information discussed at such session should remain confidential

### 56. Amendment of Code

- 56.1. This Code may be amended only in accordance with the provisions of Division 1 of Part 2 of Chapter 12 of the Act.



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**SCHEDULE 1**

**General Order of Business at Ordinary Meetings**

1. Opening
2. Apologies
3. Disclosures of Interest
4. Urgent Business
5. Confirmation of minutes
6. Chair minute
7. Notices of motions of rescission
8. Notices of motions
9. GMAC Recommendations and Updates
10. Members Reports
11. CRJO Staff Reports
12. GMAC Action List
13. Closure

NOTE: Where there is no item of business related to an agenda item as listed above it may be omitted from the agenda and the agenda items renumbered accordingly so they are sequential



ATTACHMENT 2



# Agenda of Ordinary Meeting of Council - 12 September 2018



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## 1. Introduction

### 1.1 Preamble

The operation of and governance principles for the Canberra Region Joint Organisation are guided by this Charter, which has been adopted by resolution of the Board.

### 1.2 Name and legal status

- a. The name of the Joint Organisation is the **Canberra Region Joint Organisation (CRJO)**.
- b. The Canberra Region Joint Organisation is a body corporate proclaimed under the Local Government Act 1993 (the Act) with the legal capacity and powers of an individual. See the proclamation forming this Joint Organisation at <https://legislation.nsw.gov.au/regulations/2018-192.pdf> for further information about the membership and functions of the Canberra Region Joint Organisation and other key matters.
- c. While the principal functions of the Joint Organisation are provided for in the Act and through this Charter, powers are also conferred on the Joint Organisation as a statutory corporation under section 50 of the Interpretation Act 1987. Other functions may be conferred on a Joint Organisation by legislation and may be delegated to a Joint Organisation by one or more member councils.

### 1.3 Interpretation

This Charter is to be interpreted in accordance with the Local Government Act 1993 and Local Government (General) Regulation 2005 and the Interpretation Act 1987.

### 1.4 Definitions

In this Charter, the following terms are used as below. Act means Act - the Local Government Act 1993.

**Regulation** - the *Local Government (General) Regulation 2005*.

**Affiliate** means a person(s) or an entity including corporate and not-for-profit organisations that has been determined by the Board to be accepted as a non-voting member

**Board** means the Joint Organisation Board, consisting of the mayors of each member council, any additional voting representatives of these member councils appointed under section 400T of the Act and any other non-voting representatives who may attend, but are not entitled to vote at, a meeting.

**Charter** means this document, outlining the operational and governance principles for the Joint Organisation and any other agreed matters, consistent with the Act and other laws.

**Chair** means the person, who is a mayor, elected to the office of chairperson by the voting representatives on the Board from among the voting representatives who are mayor.

**Councillor** means a person elected or appointed to civic office and includes a mayor.

**Chief Executive Officer (CEO)** means the person employed by the Joint Organisation to conduct the day-to-day management of the Joint Organisation in accordance with strategic regional priorities and other plans, programs, strategies and policies of the Joint Organisation and to implement without delay the lawful decisions of the joint organisation. The CEO has the role and functions of the Executive Officer as defined under the Act.



**General Manager** means the person employed by a council to conduct the day-to-day management of the council in accordance with strategic plans, programs, strategies and policies of the council and to implement without delay the lawful decisions of the council.

**Joint Organisation** means an organisation established under Part 7 Chapter 12 of the *Local Government Act 1993*

**Member council** means those councils proclaimed under the Act to be part of the Canberra Region Joint Organisation.

**Associate member** means a government agency, quango or Council (that is not within the proclaimed area of the Canberra Region Joint Organisation), and has been determined by the Board to be accepted as a non-voting member.

**Mayor** means a person elected or appointed to civic office, who is the leader of the council.

**Non-voting member** means those councils and other organisations or individuals that are members of the Joint Organisation but do not have the right to vote.

**Non-voting representative** means the chosen representative of a non-voting member of the Board (sometimes called an 'associate member'). This includes:

- an employee of the public service nominated by the Secretary, Department of Premier and Cabinet
- any other individual or representative of a council or other organisation invited by the Board to represent a non-voting member of the Board
- any other person or a member of a class of persons prescribed by the Regulation.

**Voting representative** means a representative of a member council on the Board.

**Majority** – means 75% of voting members

## 1.5 Adopting the Charter

- a. The Draft Charter was formally considered by the Canberra Region Joint Organisation at its inaugural Board meeting held on Friday 29 June 2018. The Board resolved to refer the document to member Councils for comment. The charter was adopted at the Board meeting held on 14 September 2018.
- b. This Charter will be made publicly available via the following website administered by the Joint Organisation [www.crjo.nsw.gov.au](http://www.crjo.nsw.gov.au).

## 1.6 Amending the Charter

This Charter will be reviewed every two years at the time of the election of the Chair or at any other time by resolution of the Board.

# 2 Establishment

## 2.1 Vision

**Vision** - the Canberra Region Joint Organisation is the regional body advocating for strong regional partnerships that delivers improved outcomes for our regional communities.



## 2.2 Principles

The CRJO commits to applying the following operating and governance principles in all its activities:

### a. Operating Principles

- i. **Cohesive:** speaking with one voice on regional issues and valuing equal representation.
- ii. **Collaborative:** by working transparently and in the spirit of trust across member councils, communities, governments and with a wide range of partners.
- iii. **Aligned:** by providing consistency between member councils and NSW Government on regional strategies and policies.
- iv. **Efficient:** by avoiding duplication and using resources within and available to member Councils wherever possible.
- v. **Evidenced based:** when introducing or transitioning programs and shared services.
- vi. **Educative:** challenging and improving as a sector and sharing information and opportunities between participating councils and the ACT.
- vii. **Flexible:** Opportunities to operate at the sub-regional as well as regional level. Ability to opt in/opt out when deemed appropriate.
- viii. **Effective:** Delivering real outcomes for the region through collaboration and shared delivery

### b. Governance Principles

- i. **Understanding** the Role of the JO in assisting Councils and the State Government deliver outcomes
- ii. **Ethics and Integrity** are embedded in operations and decision making
- iii. **Accountability** – there are clear lines of responsibility and delegations
- iv. **Finance Sustainability** – the organisation can meet all its ongoing financial commitments
- v. **Communication** – is open responsive and transparent for all parties
- vi. **Governance Framework** comprises:
  - **Policies** - Policies adopted by the Board and those policies that are outward looking or affect the Board
  - **Protocols** - Staff policies adopted by GMAC decision.
  - **Procedures** - Operational procedures to be implemented by the CEO in consultation with GMAC.

## 2.3 Principal Functions

The principal functions of the Canberra Region Joint Organisation Joint Organisation will be to:

- a. establish strategic regional priorities for the Joint Organisation area and develop strategies and plans for delivering these priorities.
- b. provide regional leadership for the Joint Organisation area and to be an advocate for strategic regional priorities.
- c. identify and take up opportunities for intergovernmental cooperation on matters relating to the Joint Organisation area.

## 2.4 Other Functions

- a. The other services, functions or types of functions The Canberra Region Joint Organisation will undertake are:
  - i. Joint Procurement where agreed between parties
  - ii. Collaboration between to achieve outcomes for the region or individual members



- iii. Provide the key regional linkage to the South East and Tablelands Regional Strategy, Destination Southern NSW and Regional Economic Development strategies
  - iv. Employment of appropriately qualified personnel to deliver grants, JO-funded programs and projects.
- b. The Board may, from time to time, determine whether and how to undertake any other functions.

## 3 Membership

### 3.1 Voting Members

- a. The following are 'member councils' of the Canberra Region Joint Organisation

Bega Valley Shire Council  
Eurobodalla Shire Council  
Goulburn Mulwaree Council  
Hilltops Council  
Queanbeyan-Palerang Regional Council  
Snowy Monaro Regional Council  
Upper Lachlan Shire Council  
Wingecarribee Shire Council  
Yass Valley Council

- b. The voting member for each Council will be the Mayor or designated alternate who is an elected member of that Council

### 3.2 Non-voting members

- a. The following are non-voting members of the CRJO:
- i. The NSW Government, as represented by a nominee of the Secretary of the Department of Premier and Cabinet, currently the Regional Director South East NSW.
  - ii. Representatives of Associate members organisations:
    - ACT Government
    - Snowy Valleys Council
    - Wagga Wagga City Council
    - East Gippsland Shire Council
  - iii. CEO/General Managers of member Councils
  - iv. Affiliates

### 3.3 Changes in membership

- a. A proclamation is required for a Joint Organisation to change voting members.
- b. Any voting member proposing to withdraw from the Joint Organisation must give 12 months written notice to the Board.
- c. This Charter may be amended to change non-voting members of the Board. In deciding whether to propose or support a change in membership, the CRJO will:



- at the request of a member, consider a draft resolution seeking membership change, and
- following a resolution in support, amend this Charter as set out in section 1.6 to change the membership listed in section 3.2.

### 3.4 Financial contributions

#### a. Annual Member Contributions

Each member council is to contribute an annual monetary payment or equivalent contribution based on the following methodology:

- A flat fee of \$7200
- A population fee of 70 cents per head

Both the above fee components being increased annually in accordance with the rate peg unless otherwise determined by the Board

NB: the population is based on the most recent Estimated Resident Population (ERP) of the Local Government Area of the member Council by the Australian Bureau of Statistics

#### b. Associate Member Contributions

Contributions to be as follows unless otherwise determined by the Board:

- 75% of the calculated member contribution fee for councils located in NSW
- 25% of the calculated member contribution fee
- for councils outside NSW (East Gippsland)
- The ACT Government's contribution determined via the development and review of an MOU between CRJO and the ACT Government

Member councils will be consulted about proposed contributions by:

- The Board resolving a draft schedule of fees for the upcoming financial year
- Seeking feedback from member Councils on the draft schedule of fees
- The Board determining the final schedule of fees by resolution following consideration of feedback from member Councils

#### c. Affiliates

Membership fees of affiliates will be determined by the Board on a case by case basis

#### d. Other Contributions

Contributions for other projects /activities shall be at the discretion of the individual member. Members may choose to be a voluntary participant in the project/activity unless the Board has determined that it is a *critical matter* for the CRJO (refer CI 3.5)

### 3.5 Decision resolution

In the event that a motion related to a *critical matter* considered by the Board is lost, the decision in regard to the critical matter will be resolved by one of the following mechanisms:

**Step 1**– internal resolution using one or more of the following:

- Take into account Board member views and rework the proposal.
- Establish a specific sub-committee to review and rework the proposal.



- Set aside time for the Board to discuss the proposal prior to the next Board meeting.
- Obtain and present to the Board advice from an expert or an independent report.

**Step 2** – independent mediation (may include using any of the processes outlined in Step 1):

- Board resolves to work with an independent mediator to support the Board to resolve the decision.
- Where a mediator cannot be agreed, the Board request the OLG to appoint a mediator.

**Step 3** – appoint an independent arbitrator

- Board resolves to appoint an independent arbitrator to support the Board to resolve the decision.
- Where the arbitrator cannot be agreed, the Board request the OLG to appoint an arbitrator.

a. *Critical matters* to be determined by the Board include:

- adoption of a Statement of Strategic Regional Priorities
- adoption of the Annual Performance Statement and Financial Statements
- adoption of annual contribution fees
- a project/ activity deemed by the Board to be a *critical matter* by resolution as it will require a financial contribution from all member councils OR it is deemed to be a significant matter impacting on the organisation or across the region.

### 3.6 Dispute resolution

In the event of a dispute between Board members that arises from or relates to the Canberra Region Joint Organisation, the following steps will be taken to resolve that dispute:

- relevant members will advise the Joint Organisation prior to taking legal action.
- relevant members will give notice to Board members specifying the nature of the dispute.
- on receipt of notice, member councils must endeavour in good faith to resolve the dispute promptly using informal dispute resolution techniques such as mediation, expert evaluation or determination or similar techniques, as agreed by those members.
- members that are parties to the dispute will pay the mediator's costs

## 4 The Board

### 4.1 Governing Board and role

- The Board of the Canberra Region Joint Organisation consists of:
  - the Mayors of each member council
  - any alternate elected member appointed as an alternate in the absence of the Mayor
  - a representative of the NSW Government, nominated by the Secretary of the Department of Premier and Cabinet, who is Regional Director South East NSW
  - Representatives (non-voting) of associate members
  - General Managers of member Councils (non-voting)
  - CEO and Director (non-voting)
- The role of the Board is to direct and control the affairs of the joint organisation.



## 4.2 Chair and role

- a. The Chair is responsible for the conduct of meetings and shall be elected every two years by the voting representatives of the Board from one of the mayoral representatives. In the absence of the Chair, the Deputy Chair or a person elected at the meeting is to preside at the meeting.
- b. The Chair does not have a casting vote.
- c. The Chair is the joint organisation's spokesperson on strategic matters and will represent the Joint Organisation at regional forums where possible. On specific issues, the Chair may elect to delegate the spokesperson to be the Deputy Chair or the Mayor of a member Council.
- d. An annual remuneration shall be paid to the Chair with the fixed amount to be determined by the Board for each financial year

## 4.3 Alternates

Member councils that choose to appoint an alternate representative must notify the Joint Organisation of that person's name and position.

## 4.4 Advisory committees and working groups

- a. The Canberra Region Joint Organisation establishes the General Managers Advisory Committee, otherwise known as GMAC, as a formal committee to provide recommendations to the Board at each Ordinary Meeting of the Board.
- b. GMAC is delegated by the Board to create working groups and networks as required to assist the delivery of the functions of CRJO.
- c. Working Groups shall report through GMAC to the Board, however in special circumstances may be approved by GMAC to report directly to the Board.
- d. Working Groups may include (but not limited to) key strategic and operational areas such as: Economic Development, Tourism, Infrastructure, Planning (land use), Strategic Planning, Waste and Resource Recovery, Human Resources, procurement and Information Technology
- e. Committees and advisory groups may also be established from time to time by Board resolution.
- f. The Chief Executive Officer Performance Review Committee shall be comprised of the Board Chair and Deputy Chair plus the GMAC Chair and Deputy Chair.

# 5 Meetings

## 5.1 Meeting frequency

- a. The Board will meet a minimum four times each year preferable in each quarter. The location and timing to be determined on an annual basis with a minimum notice of three months.
- b. Meetings will be conducted in accordance with the Code of Meeting Practice adopted by the Board from time to time.
- c. Where necessary, the Chair may call extraordinary meetings.



## 5.2 Participation and quorum

### a. Quorum

The quorum for a meeting is a majority of 75% majority of the voting members who hold office for the time being and are not suspended from office.

For the purpose of determining a quorum, those voting members who are attending a meeting via electronic video means (such as via Skype) are to be considered as present.

If the calculation of 75% of eligible voting members does not result in a whole number, the result is to be rounded up.

**Note:** As an example, 75% of 10 eligible voting members is 7.5, so the quorum for a meeting would be 8 eligible voting members.

### b. Non-Quorum Meeting

A non-quorum meeting of the Board may be held if more than 50% of voting members are in attendance.

Business may be transacted at such a meeting subject to the requirements of section 5.3

## 5.3 Voting and decision making

### a. Board Decisions

All Board decisions shall require a 75% majority from the voting members. Put simply, this means that any three members voting against a motion will see the motion defeated.

To cover the instance where absences could result in not achieving a quorum, provision has been made for both quorum and non-quorum decision making with the proviso that at least 50% of members are in attendance.

### b. Out of Session Decisions

Decisions that are required in between meetings may be determined by a 75% majority written response to an email from the Chair.

Any out of session decision will be voided unless ratified by the Board at its next meeting

### c. Quorum Decisions

Decisions shall be reached in accordance with the CRJO Code of Meeting Practice which includes:

- Each voting member is entitled to one vote.
- Non-voting members are not entitled to vote.
- The Chair DOES NOT have a second or casting vote.
- For a vote to be carried it must be supported by at least 75% of the Board members eligible to vote.

**Note:** This means 75% of voting members, not simply 75% of the voting members present at the meeting.





#### d. Non-Quorum Decisions

Decisions of non-quorum meetings must have registered 75% of voting members 'in favour' within seven days of the circulating the minutes.

Failure to comply with the above will void any non-quorum decisions.

A motion is taken to be defeated in the event that there is a failure of 75% of votes in favour. The Chair, or person presiding at a meeting of the Board, does not have a casting vote.

### 5.4 Annual Report

The Canberra Region Joint Organisation will present the annual report and audited financial statements at its fourth quarter ordinary meeting

## 6 Other Matters

### 6.1 Consultation and publication

- a. The Canberra Region Joint Organisation Joint Organisation will consult with all members in preparing the following documents required under the Act and will publish the adopted versions on the Joint Organisation website [www.crjo.nsw.gov.au](http://www.crjo.nsw.gov.au)
  - statement of Strategic Regional Priorities
  - annual revenue statement
  - audited financial reports.
- b. The Canberra Region Joint Organisation will also publish an annual performance statement on its website

### 6.2 Records

- a. The Joint Organisation will keep records and provide access to relevant information in accordance with the following legislation:
  - State Records Act 1998
  - Government Information (Public Access) Act 2009
- b. The public officer of the Canberra Region Joint Organisation is the **Chief Executive Officer** who may be contacted by email [David.Rowe@crjo.nsw.gov.au](mailto:David.Rowe@crjo.nsw.gov.au) and via the website. [www.crjo.nsw.gov.au](http://www.crjo.nsw.gov.au).

### 6.3 Insurance

The Canberra Region Joint Organisation Joint Organisation will ensure that appropriate insurance is taken out to indemnify all Board members and staff members, to provide workers compensation cover and public liability cover.



## 6.4 Indemnity

Representatives of members of the Board and staff of the Canberra Region Joint Organisation are protected from liability for functions and duties carried out or omitted honestly, in good faith and with due care and diligence.

## 6.5 Policies

- a. The Canberra Region Joint Organisation Joint Organisation has adopted the following policies:
  - Expenses and facilities policy
  - Code of Meeting Practice,
  - Code of Conduct being the OLG Model Code of Conduct
- b. Further policies will be adopted by the Board from time to time and will be published on the Canberra Region Joint Organisation's website at [www.crjo.nsw.gov.au](http://www.crjo.nsw.gov.au).

## 6.6 Code of Conduct Reviewers Panel

### a. Code of Conduct

The Code of Conduct shall apply to all voting and non-voting members of the Board and all members of any committees and working groups or network groups of the CRJO

### b. Code of Conduct Reviewers Panel

Code of Conduct Reviewers will be selected from list of approved *investigation service suppliers* listed under the NSW Government Prequalification Scheme for Performance and Management Services, administered by NSW Procurement.

## 6.7 Organisational Structure

- a. The Board approves the following positions of:
  - i. **Chief Executive Officer** - fulfilling the role of the executive officer as defined by the Act and Regulations, reporting to the Board with the performance being overseen by GMAC
  - ii. **Director Government Relations and Strategy** - primary roles to develop and maintain strategic network of partnerships, coordinate the development of regional strategies, develop advocacy strategies to NSW and Federal Governments
- b. Other staff of the CRJO will be appointed by the Chief Executive Officer in consultation with GMAC to meet operational and strategic requirements.

## 6.8 Returns Disclosing Interests

- a. A register of all Returns will be kept by the Chief Executive Officer of all Council representatives who are Councillors or designated persons and the location of the disclosures they have completed at their Council.
- b. Returns shall not be required to be lodged by non-voting members
- c. Designated persons who are employed by the CRJO shall complete a disclosure within three months of their appointment and the Chief Executive Officer will table the return at the next meeting of the Board.

## 6.9 Seal

Recognising that the Chief Executive Officer has the authority to authenticate documents under Sec 683 LG Act 1993, the CRJO chooses not to create a seal for document certification.

**ATTACHMENT 3**

## 1. Purpose

The objective of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred by Board Members and staff. The policy also ensures that the facilities provided to assist Board Members to carry out their duties are reasonable.

## 2. Scope

This details the type and level of expenses that the organisation will cover in relation to the business of Board members and staff delegates to Board meetings

## 3. Definitions

Board Members – for the purpose of this policy shall include elected representatives and staff delegated to attend Board meetings by member Councils and associate members.

Member Organisation – includes voting and non-voting organisations on the Board

## 4. Legislation and Related Documents

Local Government Act 1993

Local Government (General) Amendment (Regional Joint Organisations) Regulation 2018

Joint Organisation Implementation Guide – OLG - May 2018

Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW (DLG Oct 2009)

27/11 Findings from the Review of Councillor Expenses and Facilities Policies

## 5. Policy Statement

### 5.1 Travelling expenses

With all travel arrangements, due consideration is to be given to the physical capacity of the Board Member and any variation to these arrangements be with the approval of the Board Chair and the Chief Executive Officer. All travel by Board Members will be undertaken by utilising the most practicable and economical mode of transport.

#### 5.1.1 Board Meetings

Member councils are responsible for all expenses incurred by their representatives at Ordinary Board meetings.



### 5.1.2 Other Authorised Meetings and Activities

#### *Within the CRJO Area*

Member Councils are responsible for all expenses incurred by their representatives attending authorised activities or functions within the CRJO area including the ACT and Associate Member Council areas.

#### *Outside the CRJO Area*

Board Members will be entitled to travel to official engagements at Board's expense by the most practical method, i.e. aircraft, Board vehicle or private vehicle. Board Members, when travelling by air, will travel Economy Class or as determined by the Chief Executive Officer in consultation with the Chair.

A Board Member who travels in his/her own vehicle will be reimbursed at the appropriate per kilometre rate or airfare whichever is the lower.

#### *Interstate*

Interstate travel must be approved by resolution of the Board following receipt of a written report. The Board will not assist with overseas travel expenses unless there are direct and tangible benefits to furthering CRJO's objectives.

## 5.2 Attendance at Conferences, Seminars and Functions

Board Members may attend conferences, seminars or functions where these are considered by the Board to be the business of the joint organisation. Professional development expenses are the responsibility of the member organisation and will not be covered.

### 5.2.1 Expenses incurred at conferences, seminars and functions

The following costs will be paid for by Board in advance or by way of reimbursement for attendance at conferences, seminars and courses by Board Members:

#### *Registration*

Including official luncheons, dinners and tours relevant to the Conference.

#### *Travel*

Travel expenses will be funded as per Section 5.1 above.

#### *Accommodation*

Accommodation for other Board business will be as follows:

- (i) At a standard of up to four-star rating;
- (ii) Booked and paid for by the Board in advance or, where this is not possible, a claim for reimbursement made not later than three months after the expenses were incurred and submitted on the standard claim form, with receipts attached.

### 5.2.2 Meals and other expenses

Reasonable costs (including sustenance, telephone charges, taxi fares and incidental expenses) including the night before and after the conference where necessary to be met by the Board and submitted on the standard claim form, with receipts attached. Costs of meals not included in the costs of the registration for



the conference, seminar or course will be reimbursed in accordance with the most recent Australian Tax Office determination in relation to “reasonable travel and overtime meal expense amounts”

### 5.3 Costs of Board Members’ spouses, partners and accompanying persons

The Board will not meet the costs of Board Members’ spouses, partners and accompanying persons. Such persons may share travel or accommodation arrangements with the Board member however any additional cost will not be borne by the joint organisation.

### 5.4 Provision of Facilities

It is anticipated that Board members will have the basic facilities provided by their own organisation. The joint organisation will, if required, supplement those facilities to ensure that all Board members have equal access to relevant information.

Members will have use of any Board meeting rooms or office of the joint organisation subject to availability  
Identification badge and business cards will be provided as required

### 5.5 Legal expenses

The joint organisation may consider reimbursement of a Board Member's legal costs under certain circumstances with prior approval of the Board.

### 5.6 Insurance

Section 382 of the Act requires a Board to make arrangements for its adequate insurance against public liability and professional liability and Board Members are to receive the benefit of insurance cover for:

- Public liability (for matters arising from Board Members' performance of their Board duties and/or exercise of their Board functions).
- Professional indemnity (for matters arising from Board Members' performance of their civic duties and/or exercise of their Board functions).
- Personal injury while on Board business. (This cover does not cover workers' compensation payments or arrangements.)

### 5.7 General

- Light meals and/or refreshments are to be provided to Board Members in conjunction with Board/Committee Meetings and other functions/meetings, where considered appropriate by the Executive Officer.
- Child care costs will be reimbursed when provided by a registered provider if a Board Member is required to arrange such care while on Board business.
- Reasonable Out of Pocket expenses incurred whilst conducting Board business will be reimbursed, subject to prior approval of the Chair or Executive Officer



## 5.8 Allowances to Board Members

- The CRJO Charter provides that remuneration be paid to the Chair but no other Board member.
- In accordance with the Board resolution 2018/8, the 2018/2019 annual remuneration for the Chair is \$10,000.
- The annual fee for the Chair shall be increased in accordance with the annual percentage increase determined by the Local Government Remuneration Tribunal each year.

• Policy title	•
Policy No.:	1.01.3
Directorate	Administration
Responsible Officer	Executive Officer
Version	1
Adopted	Draft
Review Period	By the Board every 2 years
Next revision	

## COUNCIL MATTERS

### 18 COMMITTEE REPORTS

#### 18.1 Minutes of the Environment and Sustainability Committee Meeting held on Wednesday, 15 August 2018

Reference:	107/25
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Sustainably manage natural resources for broader community benefit

#### PURPOSE

This report provides the Minutes of the Environment and Sustainability Committee Meeting held on Wednesday, 16 May 2018.

#### SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

ES 7/18

*THAT the apologies of Ms Pat Hall, Mr Malcolm Hughes and Mr Geoff O'Connor be accepted and leave of absence granted.*

Resignation from the Committee

ES 8/18

*THAT it be noted that Mr Kevin Wale has resigned from the Committee AND THAT a letter of appreciation be forwarded to him thanking him for his service on the Committee.*

Item 3 Adoption of Minutes of Previous Meeting

ES 9/18

*THAT the minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday 21 February 2018 MN ES 1/18 to MN ES 6/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.*

Item 6.1 NSW Biodiversity Conservation Trust – Update

ES 10/18

*THAT the update on the NSW Biodiversity Conservation Trust be noted.*

Item 6.2 NSW Government Biodiversity Conservation Reforms - Update

ES 11/18

*THAT the update in relation to the NSW Government Biodiversity Conservation Reforms be noted.*

Item 6.3 2018/19 Community Assistance Scheme - Environment Project Funding Stream

ES 12/18

*THAT the Committee endorses the recommendations made in relation to the Environment & Sustainability 2018/19 Community Assistance Scheme grant applications.*

Item 6.4 Environment Strategy Program and Engagement Plan - Update

ES 13/18

*THAT the update in relation to the Environment Strategy Program and Engagement Plan be noted.*

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**RECOMMENDATION**

**THAT recommendations Nos ES 7/18 to ES 13/18 – as detailed in the Minutes of the Environment and Sustainability Committee Meeting held on Wednesday, 16 May 2018 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.**

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**ATTACHMENTS**

1. Minutes of the Environment and Sustainability Advisory Committee Meeting held Wednesday, 16 May 2018.



# MINUTES

of the  
Environment and Sustainability Advisory  
Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

**Wednesday 16 May 2018**

The meeting commenced at 10.30am

*File No. 107/25*

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<b>26. WELCOME AND APOLOGIES</b>	
<b>27. ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>RESIGNATION FROM THE COMMITTEE</b>	
<b>28. ADOPTION OF MINUTES OF PREVIOUS MEETING</b>	
<b>29. BUSINESS ARISING FROM THE MINUTES</b>	
Environment and Sustainability Advisory Committee Meeting held on 21 February 2018	
<b>30. DECLARATIONS OF INTEREST</b>	
6. Agenda Reports	174
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<b>8. MEETING CLOSURE.....</b>	<b>178</b>



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## 2. ACKNOWLEDGEMENT OF COUNTRY

Clr L A C 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.

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## RESIGNATION FROM THE COMMITTEE

The Manager Environment and Sustainability addressed the Committee and advised that Mr Kevin Wale had tendered his resignation from the Committee due to work commitments. He advised that a replacement for this position was currently being investigated.

The Chair Clr L A C Whipper noted the resignation of Mr Kevin Wale and that he would be missed from the Committee. Clr Whipper suggested that a motion of thanks be moved for Mr Wale's service to the Committee. Clr Whipper asked if the vacant position on the Committee will be filled prior to the next meeting.

### **ES 8/18**

**MOTION** moved by *Clr L A C Whipper* and seconded by *Ms L McGrath*

**THAT** it be noted that *Mr Kevin Wale* has resigned from the Committee **AND THAT** a letter of appreciation be forwarded to him thanking him for his service on the Committee.

**PASSED**

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### 3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY ADVISORY COMMITTEE  
MEETING HELD ON WEDNESDAY 21 FEBRUARY 2018

**ES 9/18**

**MOTION** moved by Cllr G Markwart and seconded by Ms L McGrath

**THAT** the minutes of the Environment and Sustainability Advisory Committee Meeting held on Wednesday 21 February 2018 MN ES 1/18 to MN ES 6/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

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### 4. BUSINESS ARISING

There was no Business Arising from the Minutes of the Meeting held on Wednesday, 21 February 2018.

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### 5. DECLARATIONS OF INTEREST

There were no Declarations of Interest at this Meeting.

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## 6. AGENDA REPORTS

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### 6.1 NSW Biodiversity Conservation Trust - Update

Reference:	5453/8 5450/15
Report Author:	Natural Resource Project Coordinator
Authoriser:	Manager Environment and Sustainability
Link to Community	
Strategic Plan:	Protect and improve biodiversity

---

#### PURPOSE

At the 21 February 2018 meeting of the Environment and Sustainability Committee, the Council submission on the Draft NSW Biodiversity Conservation Investment Strategy 2017-2037 was discussed. This strategy will guide the newly created NSW Biodiversity Conservation Trust (BCT) to deliver investment in private land conservation.

A copy of Council's submission was provided in the Agenda.

The Natural Resource Project Coordinator addressed the Committee on this matter. He provided further information via a Powerpoint Presentation. The presentation outlined several positive initiatives that were being pursued by Council staff and the Biodiversity Conservation Trust, with the objective of fostering a collaborative working relationship between the Trust and Council.

#### **ES 10/18**

**MOTION** moved by Mr C West and seconded by Clr G Markwart

**THAT** the update on the NSW Biodiversity Conservation Trust be noted.

**PASSED**

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## 6.2 NSW Government Biodiversity Conservation Reforms - Update

**Reference:** 5453/8  
**Report Author:** Natural Resource Project Coordinator  
**Authoriser:** Manager Environment and Sustainability  
**Link to Community Strategic Plan:** Protect and improve biodiversity

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### PURPOSE

On 25 February 2018 the Biodiversity Conservation Act 2016 commenced in full. This agenda item provides an overview the reforms introduced with this legislation, with particular interest in the implications and opportunities for the Shire and Council. A presentation was provided during the meeting to outline key points of the reforms, and to facilitate discussion on guiding principles for potential improvements in the vegetation clauses of Council's Development Control Plans (DCPs), triggered by the new *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* 'Vegetation SEPP'.

The Manager Environment and Sustainability addressed the Committee on this matter. He introduced Council's Strategic Land Use Planner and Tree and Vegetation Assessment Officer who were in attendance for this item.

The Natural Resource Project Coordinator and Tree and Vegetation Assessment Officer addressed the Committee on this matter.

The Natural Resource Project Coordinator provided further information to the Committee via a Powerpoint Presentation.

The Chair Cllr L A C Whipper asked if the link to the current webpages and online mapping tools could be made available in the Minutes. Current webpages and online mapping tools can be reviewed through the following page:  
<http://www.wsc.nsw.gov.au/tree-and-vegetation-clearing-on-private-land>

To assist Council staff in scoping the new DCP provisions for tree and vegetation removal required under the "Vegetation SEPP", the Committee preliminary views on the concept of "no-net loss" currently contained in Council's DCPs were discussed and captured.

### ES 11/18

**MOTION** moved by Ms L McGrath and seconded by Cllr G Markwart

**THAT** the update in relation to the NSW Government Biodiversity Conservation Reforms be noted.

**PASSED**

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### 6.3 2018/19 Community Assistance Scheme - Environment Project Funding Stream

Reference:	1870/2018
Report Author:	Manager Environment and Sustainability
Authoriser:	Manager Environment and Sustainability
Link to Community Strategic Plan:	Develop partnerships and implement programs and education that enable people to live sustainably

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#### **PURPOSE**

To discuss applications received under the Environment and Sustainability grant component of the Wingecarribee Community Assistance Scheme and make recommendations on the allocation of Environment Levy funds.

The Manager Environment and Sustainability and Environment Project Officer – Sustainability addressed the Committee on this matter.

#### **ES 12/18**

**MOTION** moved by Mr C West and seconded by Mr P Shanahan

**THAT** the Committee endorses the recommendations made in relation to the Environment & Sustainability 2018/19 Community Assistance Scheme grant applications.

**PASSED**

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## 6.4 Environment Strategy Program and Engagement Plan - Update

Reference: 5450/25.2  
Report Author: Natural Resource Project Coordinator

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### PURPOSE

The purpose of this item is to provide an update of the Environment Strategy review and provide details on the tools that will be used for engagement and contributions.

At the committee's February meeting indicative progress targets were identified. We are behind on the first target largely because of the need to direct resources to facilitating the introduction of the Biodiversity Conservation legislation reforms. Apart from building Council's capacity to administer the legislation, the implications of the new legislation have a direct relationship to potential actions and programs in the new Environment Strategy which are being investigated and developed.

During the meeting more details of the SmartSheet engagement tools and process will be provided.

The Manager Environment and Sustainability and Natural Resource Project Coordinator addressed the Committee on this matter.

The Natural Resource Project Coordinator provided information on the development of the SmartSheet platform for facilitating engagement with the Committee on the review of the Environment Strategy. Feedback on additional functionality was received from the Committee. It is anticipated that the SmartSheet platform will be fully functional by early June.

### **ES 13/18**

**MOTION** moved by Ms L McGrath and seconded by Mr C West

**THAT** the update in relation to the Environment Strategy Program and Engagement Plan be noted.

**PASSED**

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 12 September 2018

**COMMITTEE REPORTS**



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**7. DATE OF NEXT MEETING**

The next meeting will be held on Wednesday 15 August 2018 in Nattai Room Civic Centre, Elizabeth Street, Moss Vale commencing at 10.30 am.

It was agreed that all future meetings of the Committee for 2018 will commence at 10.30am, to address the conflicting schedule with Council's Finance Committee.

**8. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 12.30 PM

## 18.2 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting - 3 August 2018

**Reference:** 107/40  
**Report Author:** Organisational Support Officer  
**Authoriser:** Deputy General Manager Operations, Finance and Risk  
**Link to Community Strategic Plan:** Develop and implement initiatives which allow rural industries to innovate, adapt and prosper

### PURPOSE

This report provides the Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 3 August 2018.

### SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

#### Item 1 Welcome and apologies

SOU 13/18

THAT the apology of Mr Anthony Guinness be accepted and a leave of absence granted.

#### Item 2 Adoption of minutes of previous meeting

SOU 14/18

THAT the minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday 04 May 2018 MN SOU7/18 to MN SOU12/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

#### Item 6.1 Interim Financial Performance Report - June 2018

SOU 15/18

THAT the financial performance report for the period ending 30 June 2018 be received and noted.

#### Item 6.2 Throughput

SOU 16/18

THAT the report be noted.

#### Item 6.3 Capital Works and Upgrades Progress Report

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 September 2018

### COMMITTEE REPORTS



#### SOU 17/18

- THAT the Committee be provided with the link and also be given a hard copy of the online induction and quiz to complete prior to their next visit to the SRLX
- THAT a document be posted on the noticeboard at the SRLX on the ongoing progress of Capital Works projects
- THAT the report be noted.

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#### RECOMMENDATION

**THAT recommendations Nos SOU 13/18 to SOU 17/18 – as detailed in the Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 3 August 2018 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.**

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#### ATTACHMENTS

1. Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting, 3 August 2018



# MINUTES

of the

## Southern Regional Livestock Exchange Advisory Committee Meeting

held in

Nattai Room, Civic Centre, Elizabeth Street, Moss Vale

on

**Friday 3 August 2018**

The meeting commenced at 9.00 am

*File No. Enter File No 107/40*

18.2 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting - 3 August 2018

ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting, 3 August 2018



1. WELCOME AND APOLOGIES
2. ACKNOWLEDGEMENT OF COUNTRY
3. ADOPTION OF MINUTES OF PREVIOUS MEETING
4. BUSINESS ARISING FROM THE MINUTES

Southern Regional Livestock Exchange Advisory Committee Meeting held on 4 May 2018

5. DECLARATIONS OF INTEREST

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## 18.2 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting - 3 August 2018

## ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting, 3 August 2018



**MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON FRIDAY 3 AUGUST 2018 COMMENCING AT 9.00 AM.**

**Present:**

**Councillors:** Clr T D Gair *Chair*  
 Clr G M Turland *Alternate Chair*  
 Mayor K J Halstead

**Community Representatives:** Mr Geoff Byrne  
 Mr Carl Peterson  
 Mr Grahame Tooth

**In Attendance:** Ms Ann Prendergast *General Manager*  
 Mr Barry Paull *Deputy General Manager Operations, Finance & Risk*  
 Mr Richard Mooney *Chief Financial Officer*  
 Mr Neil Townsend *Manager Business Services*  
 Ms Amanda Lawrence *Organisational Support Officer*  
 Clr Peter Nelson

## 1. WELCOME AND APOLOGIES

It was noted that apologies were received from Mr Anthony Guinness.

**SOU 13/18**

**MOTION** moved by Mr G Byrne and seconded by Clr G M Turland

**THAT** the apology of Mr Anthony Guinness **be accepted and a leave of absence granted.**

**PASSED**

## 2. ACKNOWLEDGEMENT OF COUNTRY

Clr D Gair 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 SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING HELD ON FRIDAY 4 MAY 2018



**SOU 14/18**

**MOTION** moved by Mayor K J Halstead and seconded by Mr G Tooth

**THAT** the minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday 04 May 2018 MN **SOU7/18** to MN **SOU12/18** inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

**4. BUSINESS ARISING**

Nil

**5. DECLARATIONS OF INTEREST**





## 6. AGENDA REPORTS

### 6.1 Interim Financial Performance Report - June 2018

Reference:	107/40
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

#### **PURPOSE**

The purpose of this report is to present to the Advisory Committee the interim financial performance report of the Southern Regional Livestock Exchange (SRLX) for the period ending 30 June 2018.

A question was raised in relation to the amount of overtime accruing at the SRLX.

#### **SOU 15/18**

**MOTION** moved by Mr C Peterson and seconded by Mr G Byrne

***THAT the financial performance report for the period ending 30 June 2018 be received and noted.***

**PASSED**



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## 6.2 Throughput

Reference: 7170  
Report Author: Organisational Support Officer

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### **PURPOSE**

The purpose of this report is to update the Committee on the Q4 FY 2017/18 throughput figures for the SRLX.

### **SOU 16/18**

**MOTION** moved by Mr G Tooth and seconded by Mayor K J Halstead

***THAT the report be noted.***

**PASSED**



## 6.3 Capital Works and Upgrades Progress Report

Reference: 1070  
Report Author: Organisational Support Officer

### **PURPOSE**

The purpose of this report is to update the Committee on the current status of Upgrades Projects at the SRLX.

### **SOU 17/18**

**MOTION** moved by Clr G M Turland and seconded by Mr C Peterson

- *That the Committee be provided with the link and also be given a hard copy of the online induction and quiz to complete prior to their next visit to the SRLX*
- *That a document be posted on the noticeboard at the SRLX on the ongoing progress of Capital Works projects*
- *THAT the report be noted.*

**PASSED**



## 7. DATE OF NEXT MEETING

The next meeting will be held on Friday 16 November 2018 in Nattai Room, Civic Centre, Elizabeth Street, Moss Vale commencing at 9.00 am.

## 8. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.15 AM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Meeting held Friday 3 August 2018 numbered M/N SOU13/18 to M/N SOU17/18 were signed by me hereunder at the Council Meeting held on Friday 16 November 2018.

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## **18.3 Management and Advisory Committee Reports**

**Reference:** 107/1

**Report Author:** Committee Coordinator

**Authoriser:** Manager Assets

**Link to Community**

**Strategic Plan:**

**Encourage all members of the community, especially older residents, to share their knowledge and experience with younger members**

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### **PURPOSE**

This report provides the Minutes of the following Committee Meetings, copies of which will be tabled for information:

- East Bowral Community Centre Management Committee Minutes 26 June 2018
- East Bowral Community Centre Management Committee Meeting Minutes 30 July 2018
- East Bowral Community Centre Minutes AGM 30 July 2018
- Hill Top Community Centre Management Committee Meeting Minutes 24 May 2018
- Hill Top Community Centre Management Committee Meeting Minutes 26 July 2018
- Mittagong Memorial Hall Management Committee Meeting Minutes 12 July 2018
- Yerrinbool Hall Management Committee AGM Minutes 24 July 2018
- Loseby Park Community Hall Management Committee AGM Minutes 3 August 2018



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## **RECOMMENDATION**

**THAT the information contained in the following Committee Reports be noted:**

- 1. East Bowral Community Centre Management Committee Minutes – 26 June 2018**
- 2. East Bowral Community Centre Management Committee Meeting Minutes – 30 July 2018**
- 3. East Bowral Community Centre Minutes AGM – 30 July 2018**
- 4. Hill Top Community Centre Management Committee Meeting Minutes – 24 May 2018**
- 5. Hill Top Community Centre Management Committee Meeting Minutes – 26 July 2018**
- 6. Mittagong Memorial Hall Management Committee Meeting Minutes 12 July 2018**
- 7. Yerrinbool Hall Management Committee AGM Minutes 24 July 2018**
- 8. Loseby Park Community Hall Management Committee AGM Minutes 3 August 2018**

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## **ATTACHMENTS**

There are no attachments to this report.

## 18.4 Minutes of the Traffic Committee Meeting held on 30 August 2018

Reference: 107/6  
Report Author: Administration Officer

### PURPOSE

This report provides the Minutes of the Traffic Committee meeting held on Thursday 30 August 2018.

### SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 6.1 Road Safety Officer Report

TC53/18

*THAT the projects/campaigns currently coordinated by Council's Road Safety Officer be noted, particularly:*

- RSO Project Funding 2018/2019*

*As part of the 'Local Government Road Safety Program' RSO submitted six grant funding applications to the Roads and Maritime Service (RMS) for 2018/19 financial year for the following annual RSO projects; Graduated Licensing Scheme Parent Workshops, Learner Driver Log Book Runs, Speed Busters, Pedestrian Safety, Motorcycle Safety and Safe Senior Drivers. Funding \$8,700 + GST has been approved*

- BIKE SAFETY*

- Submitted grant funding application to Transport for NSW in support of 2018 NSW Bike Week. Application to conduct the annual BBT Bike Ride, family ride along the Bong Bong Track. Funding for advertising \$4,220 + GST has been approved*
- Conducted bike safety information and riding session for Council's Vacation Care School Holiday Program 16 July at Moss Vale Public School, attended by 17 children*

- NAIDOC DAY*

*Conducted road safety information display at CWA Moss Vale 9 July for Councils Naidoc Day celebrations*

- Conducted Learner Driver Log Book Run 5 August, attended by 16 participants*

- U TURN THE WHEEL*

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 September 2018

### COMMITTEE REPORTS



*In conjunction with Moss Vale Rotary coordinated and conducted, 'U Turn the Wheel' Year 11 driver safety program 14, 15 August. Attended by 250 Year 11 students from Bowral High, Moss Vale High, Frensham College, Oxley College and Southern Highlands Christian School.*

*Working with the community to help reduce incidence of road trauma for young, high risk road users*

#### Item 6.2 Reporting on recent road crashes in the Shire

TC54/18

*THAT the information be received and noted*

#### Item 6.3 Traffic arrangements for 2018 Bowral Cycling Classic

TC55/18

1. *THAT there is no objection to the traffic arrangements proposed for the Bowral Cycling Classic on 21 October 2018 subject to approval by the Police Service and completion of the approval process for Class 2 Race Events as per the NSW Guidelines for Bicycle Road Races and the Guide to Traffic and Transport Management for Special Events.*
2. *THAT the promoter of the Bowral Cycling Classic be requested to undertake extensive advertising of the proposed route(s) of the 4 (four) race categories and details of any interruption to normal traffic arrangements on the day.*

#### Item 6.4 Southern Highlands Cycling Club Race Program

TC56/18

1. *THAT approval be granted to Southern Highlands Cycling Club Inc. to conduct their 2018-19 Summer and Winter Race Program subject to the satisfactory completion of all requirements of the NSW Guidelines for Bicycle Road Races for a Class 2 Race Event.*
2. *THAT approval is subject to final Police approval of the supplied Traffic control plans and cycling route plans.*

#### Item 6.5 Wingecarribee Schools Environment Day

TC57/18

*THAT permission is granted for the traffic arrangements proposed for the Wingecarribee Schools Environment Day on Tuesday 23 October 2018 subject to the completion of a Traffic Management Plan in accordance with the Guide to Traffic and Transport Management for Special Events for a class 3 event.*



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 September 2018

### COMMITTEE REPORTS



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Item 6.6 Pedestrian Crossing at the Intersection of Mack Street and Kirkham Street, Moss Vale

TC58/18

1. *THAT a request to install a pedestrian crossing at the intersection of Mack Street and Kirkham Street is not supported.*
2. *THAT The Traffic Committee recommend the installation of a roundabout which incorporates pedestrian splitter islands be prioritised for construction.*
3. *THAT the proposed roundabout be added to the unfunded Capital works list.*
4. *THAT interim linemarking be considered at the intersection.*

Item 6.7 Pedestrian Crossing on ANZAC Parade, Bundanoon

TC59/18

1. *THAT a pedestrian crossing is not supported at the intersection of Anzac Parade and Church Street*
2. *THAT Council investigate options to improve pedestrian safety on Church Street, Railway Avenue and Anzac Parade to include the whole Precinct.*
3. *THAT Council consider an RMS grant under the Active Transport program for safety improvements.*
4. *THAT the BCA be consulted regarding any proposed safety improvements.*
5. *THAT as an interim improvement that “look out” stencils be installed in association with foot paving construction.*
6. *THAT the Police carry out surveillance as resources permit.*

Item 6.8 Speeding in Kangaloon Village

TC60/18

1. *THAT centreline marking is installed on the section of road past Kangaloon Primary School and around the bend leading into Kangaloon Village.*
2. *THAT centreline marking be installed on the eastern approach to Kangaloon Village at a location of appropriate road width.*
3. *THAT CAM signage be updated.*
4. *THAT a maintenance request in the Precinct be added to repair deficiencies on the road edges.*

Item 6.9 Parking restrictions on Bessemer Street for SES

TC61/18

1. *THAT a “No Stopping” zone on the southern side of the driveway to the SES on Bessemer Street is not supported.*
2. *THAT the matter be resubmitted for consideration after further inspection.*

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 12 September 2018

**COMMITTEE REPORTS**



Item 6.10 Parking restrictions on Queen Street, Bowral

TC62/18

*THAT "No Stopping" signs be installed on the eastern side of Queen St between Oxley Drive and Gladstone Road*

Item 6.11 Give way signage and Linemarking at the intersection of Hood Street and Spring Street, Mittagong

TC63/18

*THAT a "Give Way" sign and line marking be installed at the intersection of Hood Street and Spring Street Mittagong*

Item 6.12 Give way sign at the Intersection of Cardigan Street and Mackellar Crescent, Renwick

TC64/18

*THAT a 'Give Way' sign and line marking be installed at the intersection of Mackellar Circuit and Cardigan Street.*

Item 6.13 Give way sign at the Intersection of Caber Street and Broughton Street, Moss Vale

TC65/18

- 1. THAT a 'Give Way' sign be installed at the intersection of Caber Street and Broughton Street.*
- 2. THAT Council's Development Assessment Branch direct the developers of the 'Darraby' subdivision to install 'Give Way' signage and line marking at the developers cost.*

Item 6.14 No Stopping zone on Priestley Street, Mittagong

TC66/18

*THAT a "No Stopping" zone be placed on Priestley Street both sides of the driveway to 29A Priestley Street Mittagong*

Item 6.15 No Stopping zone on Emily Circuit, opposite Linden way, Bowral

TC67/18

*THAT the request for a 'No Stopping' zone on Emily Circuit opposite Linden Way is not supported*

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 12 September 2018

**COMMITTEE REPORTS**



Item 6.16 No Stopping zone for entrance to Harbison Care on Yarrowa Road, Moss Vale

TC68/18

1. *THAT a 'No Stopping' sign zone at the Entrance to Harbison Care on Yarrowa Road, Moss Vale is not supported*
2. *THAT a repeater 50km/h speed sign be installed on Yarrowa Road, south of Craig Street, for vehicles travelling south.*

Item 6.17 Safety improvement to the Bend on Southey Street, Mittagong

TC69/18

*THAT a centreline be installed on a bend at Southey Street.*

Item 6.18 Request for a 'Bus Zone' on Railway Avenue, Bundanoon

TC70/18

*THAT the request for a 'Bus Zone' on Railway Avenue is not supported*

Item 6.19 Accessible Parking at Mittagong Public School

TC71/18

1. *THAT an accessible parking space on the western side Pioneer Street adjacent to Mittagong Public School for students who require 'Assisted Travel' is not supported.*
2. *THAT further discussions take place with the school regarding possible solutions.*

Item 6.20 Safety at Rock Tunnel on Wombeyan Caves Road, High Range

TC72/18

1. *THAT subject to funds being available in Council's Budget, the northern and southern approaches to the tunnel is sealed for a distance of 30 metres.*
2. *THAT 'Give Way' signs and line marking are installed on both approaches directing vehicles to give way to vehicles already in the tunnel.*

Item 6.21 Parking Restrictions for Girl Guide Hall on Donkin Avenue, Moss Vale

TC73/18

*THAT the request for a restricted parking zone is not supported*

Item 6.22 No Stopping zone on Sheffield Street, Bowral

TC74/18

*THAT the request to install a 'No Stopping' zone on both sides of Sheffield Street at the intersection of Ascot Road is not supported.*

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 September 2018

### COMMITTEE REPORTS



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Item 6.23 No Stopping zone on Elsworth Avenue, Balaclava

TC75/18

*THAT a 'No Stopping' zone be installed on the northern side of Elsworth Avenue at the intersection with the Old Hume Highway.*

Item 6.24 No Right Turn sign at the Intersection of King Street and Argyle Street, Moss Vale

TC76/18

- 1. THAT a 'No Right Turn' sign be installed at the intersection of Kings Road and Argyle Street to prevent vehicles turning right from Kings Road.*
- 2. THAT community consultation be undertaken before the installation of a 'No Right Turn' sign at this location.*

Item 6.25 Parking restrictions in the Bowral High School Precinct

TC77/18

- 1. THAT parking restrictions in the Precinct are not supported*
- 2. THAT Council's Rangers be informed potential illegal parking and undertake appropriate compliance action*

Item 6.26 Parking restrictions on Wingecarribee Street adjacent to Bowral Police Station, Bowral

TC78/18

- 1. THAT the existing "No Parking Police Vehicles Excepted" zone adjacent to the Bowral Police Station on Wingecarribee Street be removed.*
- 2. THAT regulatory "No Stopping Police Vehicles Excepted" signage, designating the beginning and end of the restriction, to accommodate two vehicle spaces (plus the Police Station driveway), adjacent to the Bowral Police Station be installed.*

Item 6.27 Parking modifications on Bowral Street and Sheffield Road, Bowral – Bowral Hospital Precinct

TC79/18

- 1. THAT the existing bus zone on Bowral Street adjacent to the Bowral and Districts Hospital, located between Sheffield Road and Mona Road, be relocated to the western side of the proposed driveway on Bowral Street servicing the proposed hospital car park. The proposed bus zone shall be 30 metres in length, as shown on Attachment 2.*
- 2. THAT the existing bus shelter be relocated to the bus zone at a location within the relocated bus zone, in a position to be determined, giving consideration to maximising sight lines to traffic and pedestrians on Bowral Street.*
- 3. THAT the "2P 8:30 AM – 6 PM MON – FRI 8:30 AM – 12 PM SAT" parking restriction on Sheffield Road (eastern side) be extended south to Ascot Road as shown on Attachment 2.*

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 September 2018

### COMMITTEE REPORTS



4. *THAT the "2P 8:30 AM – 6 PM MON – FRI 8:30 AM – 12 PM SAT" parking restriction on Bowral Street (southern side) be extended east to Mona Road (excluding the bus zone) as shown on Attachment 2.*
5. *THAT the above changes to parking restrictions be reviewed within 12 months of the completion of the Bowral and Districts Hospital Re-development for further consideration of the Traffic Committee.*

Item 6.28      Date of the next Traffic Committee meeting

TC80/18

*THAT the date of the next Traffic Committee meeting is 22 November 2018.*

Item 6.29      Traffic Committee Action Sheet

TC81/18

*That the information be received and noted.*

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### RECOMMENDATION

**THAT recommendation Nos TC52/18 to TC80/18 - as detailed in the Minutes of the Traffic Committee meeting held on Thursday, 30 August 2018 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.**

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### ATTACHMENTS

1. Minutes of the Traffic Committee Meeting held Thursday 30 August, 2018  
(Circulated under separate cover)

## 20 NOTICES OF MOTION

### 20.1 Notice of Motion 26/2018 - Request for donation to Bowral Hospital Auxiliary Group

Reference:	100/4
Report Author:	Administration Officer
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

#### **PURPOSE**

Councillors K J Halstead and G Markwart have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 12 September 2018:

THAT an amount of \$500 be donated to the Bowral Hospital Auxiliary Group for their financial support AND THAT such funds be allocated from Council's Contingency Fund.

#### **RECOMMENDATION**

**Submitted for determination.**

#### **COMMENT FROM STAFF**

No staff comment required



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## **20.2 Notice of Motion 27/2018 – Home and Garden Show Development Application Approval Delegation**

<b>Reference:</b>	<b>100/4</b>
<b>Report Author:</b>	<b>Administration Officer</b>
<b>Authoriser:</b>	<b>Group Manager Corporate and Community</b>
<b>Link to Community Strategic Plan:</b>	<b>An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities</b>

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### **PURPOSE**

Councillors P Nelson, I Scandrett and G Turland have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 12 September 2018:

THAT the Council delegate the General Manager authority to assess and determine Development Application 19/0102 for the Home and Garden Show at Wyeera Racecourse, Kangaloon Road Bowral.

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### **RECOMMENDATION**

**Submitted for determination.**

### **COMMENT FROM STAFF**

No staff comment required



## **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.



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**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 Proposed Easement to Drain Water over Council property, Highlands Golf Course, Old Hume Highway Mittagong**

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)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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 seek Council approval to negotiate the grant of a property right over Council property. The property right being sought is an Easement to Drain Water over part of Highlands Golf Course at Mittagong. The owner/developer of 33 Willow Street Willow Vale requires the grant of the Easement in order to comply with a condition of development consent.

**22.2 Proposed Easement for Electrical Supply over Council property, 4 Kirkham Street Moss Vale**

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)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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 seek Council direction regarding the granting of a property right over Council property. The property right being sought is an Easement for Electrical Supply over part of 4 Kirkham Street Moss Vale, being public car park.



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**22.3 Compulsory Acquisition of Land for Proposed Detention Basin,  
Part Retford Farm, Bowral**

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)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business 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 seek Council direction regarding the acquisition of land for a proposed future detention basin. The property the subject of this report is Part Retford Farm, Old South Road Bowral (Part Lot 50 Deposited Plan 1141888).

2. **THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**

---

Ann Prendergast  
**General Manager**

Thursday 6 September 2018