

23 November 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 28 November 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, 28 November 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 – Clr I M Scandrett</b>
3.32pm	<b>Opening Prayer – Pastor Paul Crossman, Highlands Christian Church Mittagons</b>
3.35pm	<ul style="list-style-type: none"><li>• <b>Apologies – Clr P W Nelson</b></li><li>• <b>Adoption of Previous Minutes – Wednesday 14 November 2018</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 I M Scandrett</b></li><li>• <b>Visitor Item</b><ul style="list-style-type: none"><li>○ <u>Item 10.1</u> - Audit, Risk and Improvement Advisory Committee Chair's Report to Council</li><li>○ <u>Item 10.2</u> - DA17/1794 - Demolition of Existing Dwelling and shed and Erection of a Child Care Centre - 71- 73 Colo Road, Colo Vale</li></ul></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**  
Nil
5. **ADOPTION OF MINUTES OF PREVIOUS MEETING**  
Ordinary Meeting of Council held on 14 November 2018
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8. **MAYORAL MINUTES**
9. **PUBLIC FORUM**

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**Mayor to resume chair at 5.30 pm**

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Nil

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**21. GENERAL BUSINESS**

Nil

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**22.1 Legal Report - Closed Council**

*This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 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

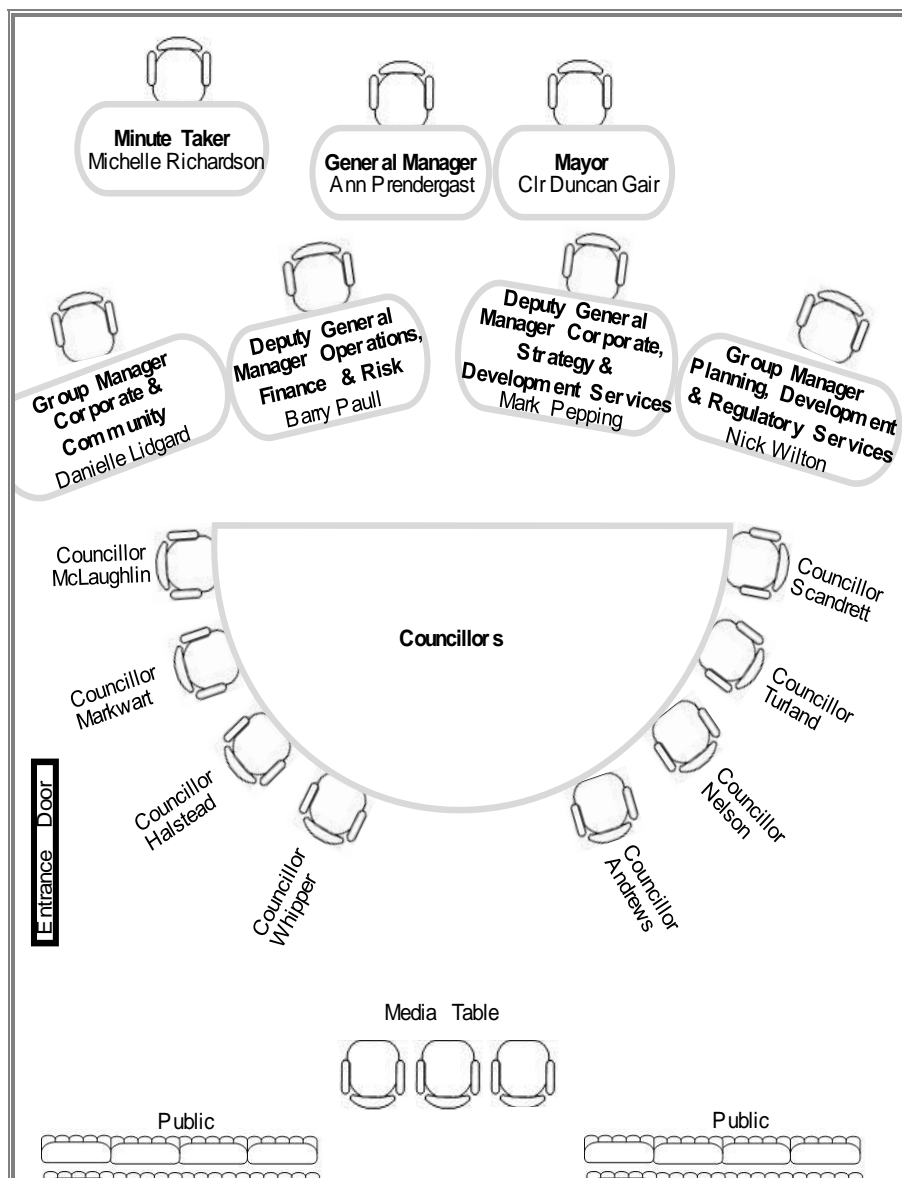
## Council Chambers

### 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.





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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 – Councillor P W Nelson**

Councillor P W Nelson intends to be absent from all Council commitments on Wednesday, 28 November 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 Audit, Risk and Improvement Advisory Committee Chair's Report to Council

Reference:	2102/3
Report Author:	Senior Governance 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

The Charter for Council's Audit, Risk and Improvement Advisory Committee requires the Chair to provide an annual report on the management of risk and internal controls. Audit, Risk and Improvement Advisory Committee Chair Ms Jan Edwards will provide Council with an update on risk and internal audit matters for the 2017/18 financial year.

#### RECOMMENDATION

**THAT** Council note the content of the Audit, Risk and Improvement Advisory Committee Chair's update on the management of risk and internal controls for the 2017/18 financial year.

#### REPORT

##### **BACKGROUND**

The Charter for Council's Audit, Risk and Improvement Advisory Committee requires the Chair to provide an annual report on the management of risk and internal controls.

##### **REPORT**

Audit, Risk and Improvement Advisory Committee Chair Ms Jan Edwards will provide Council with an overview of the management of risk and internal controls.

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

As part of its Fit for the Future Improvement Proposal, Council has committed to implementing key business improvement initiatives arising from its Risk and Audit program.



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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**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Charter for Council's Audit, Risk and Improvement Advisory Committee requires the Chair to provide an annual report on the management of risk and internal controls

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## **COUNCIL BUDGET IMPLICATIONS**

Nil

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## **RELATED COUNCIL POLICY**

Nil

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## **CONCLUSION**

Council's Risk Management and Internal Audit program provides a strong governance framework. The Audit, Risk and Improvement Advisory Committee Chair's annual report to Council provides a report on the management of risk and internal controls.

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## **ATTACHMENTS**

There are no attachments to this report.



## 10.2 DA17/1794 - Demolition of Existing Dwelling and shed and Erection of a Child Care Centre - 71- 73 Colo Road, Colo Vale

Reference:	17/1794
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Carla Colavito
Owner:	C & F Colavito
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 Development Application 17/1794 which seeks approval for the demolition of an existing dwelling and shed and erection of a Child Care Centre at Lot 1 DP 709251, being 71-73 Colo Road Colo Vale. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

### RECOMMENDATION

1. **THAT Development Application 17/1794 which seeks approval for the demolition of an existing dwelling and shed and erection of a Child Care Centre at Lot 1 DP 709251, being 71-73 Colo Road Colo Vale be APPROVED, subject to attached conditions of consent as described in Attachment 1 to the report.**

### REPORT

#### **Subject Site and Locality**

The subject site, Lot 1 DP 709251, being 71-73 Colo Road Colo Vale is a 4783 square metre site located on the northern side of Colo Road to the north east of the Colo Road / Beech Street intersection. The site is currently developed with a dwelling house and shed, and contains 67 trees including eucalyptus, acacia, casuarina, and pinus radiata. The site has a 63 metre frontage to Colo Road, and has a 2.5 metre crossfall from front to rear of the property (**Attachments 2 and 3**).

The surrounding locality is largely residential detached single storey dwellings on 4000 square metre lots, with detached single storey dwellings on 700 square metre lots to the south of the subject property.

### **Proposed Development**

Development Application 17/1794 seeks approval for the demolition of an existing dwelling and shed and erection of a Child Care Centre at Lot 1 DP 709251, being 71-73 Colo Road Colo Vale. The proposed development includes:

- Demolition of an existing dwelling and shed;
- Erection of a single storey Child Care Centre building to accommodate up to 66 children (being 16 children 0-2 years; 20 children 2-3 years; 30 children 3-5 years), and out of school hours care for up to 30 children, operating 7am – 6pm Monday to Friday;
- Child Care Centre building will include four indoor play rooms, two outdoor play areas, kitchen amenities and staff areas;
- 11 staff members both full and part time;
- Site works, including drainage;
- Removal of 12 trees on site and one tree in the roadside verge, retention of the remaining 55 trees on site;
- Two new driveway crossings to Colo Road providing separate entry to and exit from the proposed 35 space car park;
- Landscaping of site grounds;
- Provision of sound barrier fencing to outdoor play areas ranging in height from 1.8 metres to 2.7 metres to 3 metres height;
- Provision of 1.8 metre high sound barrier fence along the side and rear boundaries of the site (with the exception of a 1.2 metre high fence forward of the building line).

The site plan of the proposed development can be found at **Attachment 4**. The elevations of the proposed development can be found at **Attachment 5**.

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## **STATUTORY PROVISIONS**

### **State Environmental Planning Policies**

#### **State Environmental Planning Policy No 55 – Remediation of Land**

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use. Council is satisfied that the land is not a site of possible contamination and therefore no further assessment of contamination is required.

#### **State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011**

The site is located within the Wingecarribee River Sub-catchment. Compliance with the provisions of the SEPP and associated guidelines is therefore required to consider water quality. Water NSW advises that the proposed development satisfies the requirements of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, subject to conditions of consent including conditions addressing stormwater management measures, and erosion / sediment control measures as contained within attached conditions of consent (**Attachment 1) (condition 97)**).

#### **State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017**



The proposed Child Care Centre comprises a “centre-based child care facility” as defined by State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017. The proposed development satisfies the requirements of the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the associated Child Care Planning Guideline, including car parking requirements, acoustic fencing requirements, landscaping requirements, indoor unencumbered floor space and outdoor unencumbered open space requirements.

Landscaping, tree removal and acoustic matters are discussed fully within the Discussion of Key Issues section of this report.

#### State Environmental Planning Policy 44 Koala Habitat Protection

The site contains 67 trees including eucalyptus, acacia, casuarina, and pinus radiata species. Of the 67 trees on site, 63 are native species. Potential koala habitat means an area of native vegetation where the Feed tree species listed in Schedule 2 of SEPP 44 constitute at least 15% of the total number of trees in the upper and lower strata of the tree component. Of the 63 native species on site, none are Feed tree species listed in Schedule 2 of SEPP 44.

While the EIE (Explanation of Intended Effect SEPP 44) dated November 2016 proposes an expansion of koala tree species, this is not an exhibited draft environmental planning instrument, and therefore not a matter for consideration in the s.4.15 assessment of a Development Application.

#### **Local Environmental Plans**

##### Wingecarribee Local Environmental Plan 2010

###### Clause 2.3 Zone objectives and land use table

The site is zoned R5 Large Lot Residential under the *Wingecarribee Local Environmental Plan 2010* and in this zone, a child care centre is permissible with development consent.

The objectives of the R5 Large Lot Residential zone, and their consideration, are discussed below.

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide a restricted range of opportunities for employment development and community facilities and services that do not unreasonably or significantly detract from:*
  - (a) *the primary residential function, character and amenity of the neighbourhood, and*
  - (b) *the quality of the natural and built environments*

The proposed Child Care Centre is not inconsistent with these zone objectives.

## **Development Control Plans**

### **Northern Villages Plan Development Control Plan**

Northern Villages Plan Development Control Plan contains provisions for Child Care Centres, including minimum site width, minimum setback, height, landscaping, noise, parking, streetscape, fencing and hours of operation requirements.

The width of the site exceeds the minimum 25 metre requirement. The proposed Child Care Centre has a front setback of 18 metres which satisfies the minimum 12 metre front setback requirement, and side and rear setbacks of 11–30 metres which satisfies the minimum 4 metre requirement. The proposed single storey building also complies with maximum single storey height restrictions, and is a building design which is compatible with the residential character of the locality.

The proposed development satisfies the Child Care Centre car parking requirements of Northern Villages Plan Development Control Plan with 35 car spaces provided. The proposed development generates a parking requirement of 35 car spaces (one car space per 4 children and one car space per permanent staff member).

The proposed hours of operation are 7am – 6pm Monday to Friday comply with the maximum hours of operation set by the Northern Villages Plan Development Control Plan.

## **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 Child Care Centre is permissible within the R5 Large Lot Residential zone under *Wingecarribee Local Environmental Plan 2010*, and satisfies the R5 Large Lot Residential zone objectives.

*(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 Child Care Centre development meets the specific provisions of the Northern Villages Plan DCP, including on site car parking requirements.

*(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 Development Application 17/1794.

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

Not applicable to Development Application 17/1794.

- (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,*

The impacts of the proposed development, including traffic impacts, tree removal, flora and fauna, and noise impacts are discussed in the Discussions of Key issues section of this report.

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

The site is considered suitable for the proposed Child Care Centre development as discussed in the Discussions of Key issues section of this report.

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

Refer to the Consultation section of this report.

- (e) *the public interest.*

The proposed Child Care Centre development is consistent with the objectives of Wingecarribee Local Environmental Plan 2010, and is considered to be in the public interest.

## CONSULTATION

### Internal Referrals

The required conditions are incorporated throughout the Draft Conditions of Consent (**Attachment 1**).

Referrals	Advice/Response/Conditions
Development Engineer	Council's Development Engineer has provided conditions of consent, including conditions addressing stormwater, parking and access.
Accredited Certifier	Council's Accredited Certifier raises no objection to the proposed Child Care Centre development and has provided conditions of consent.
Environmental Health Officer	Council's Environmental Health Officer raises no objection to the proposed Child Care Centre development and has provided conditions of consent.
Manager Environment and Sustainability / Environmental Health Officer	Council's Manager Environment and Sustainability and Environmental Health Officer have both reviewed the Environmental Noise Impact Assessment report submitted with the application, and advise that the proposed noise attenuation controls including implementing a Noise Management Plan, management practices to keep window and doors closed, limiting the number of children (from different age groups) in the outdoor

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Referrals	Advice/Response/Conditions
	play areas at any one time, controls on some vehicle activities (early morning), and significant noise barriers (fences) will result in noise generated by the child care facility still being audible to some neighbours and louder than background noise levels, however the conclusions of the report are agreed with, being that the proposed child care centre can meet the calculated intrusive noise criteria. Conditions of consent requiring noise to be kept to a minimum, and noise control measures (both administrative and engineering controls) as outlined in the submitted Environmental Noise Impact Assessment report to be implemented at all times are recommended (conditions 83, 84, 85, 89, 90 & 91). Waste collection is addressed by condition 80.
Tree and Vegetation Officer	Council's Tree and Vegetation Officer raises no objection to the proposed Child Care Centre and has provided conditions of consent.

#### External Referrals

Referrals/Notice	Advice/Response/Conditions
Water NSW	Water NSW supports the proposed Child Care Centre development, subject to conditions of consent addressing stormwater management and construction activities. ( <b>Condition 97</b> )
Rural Fire Service (RFS)	Rural Fire Service (RFS) has provided concurrence to the proposed Child Care Centre development. ( <b>Condition 96</b> )

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

The proposed Child Care Centre development was Neighbour Notified to surrounding properties. 20 submissions from the public were received, both supporting and objecting to the proposal. The issues raised in the submissions received regarding the proposed Child Care Centre development have been summarised and are considered below:

Issues	Response
35 space car park area inadequate and will not adequately cover the busy periods of the day. Permanent and part-time staff will occupy a percentage of these spaces. Parking will end up happening on the road therefore causing the safety concerns being hit by another car, bus, or truck. Parents don't always spend minimal time dropping and picking up their children. Parents waiting to pickup/drop off their child would be looking for parking outside the Child Care Centre. No parking space is available on the side of the road. No kerb and guttering. If vehicles are parked on street, parents will have to get their children out of their vehicle on the tarmac side because the ditch would prevent them from accessing the passenger side of their	The proposed 35 space car park satisfies the parking requirements of Northern Villages Plan Development Control Plan and Child Care Planning Guideline requirements for a Child Care Centre accommodating 96 children with 11 staff members. To discourage on street



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Issues	Response
<p>vehicle with parents and children needing to walk along the road to Child Care Centre. Further dangerous situations could easily arise during inclement weather with slippery / boggy ground with poor drainage.</p> <p>Cars will park on the road near the proposed site, and with grass ditches / school bus drop off, will not allow enough room for traffic to pass each other, causing a dangerous situation, especially if someone is parked on the other side or when the school busses drop off and pick up.</p> <p>Residents living in the immediate vicinity to the proposed centre should not have to be disadvantaged to park because the car park is full and spillage is out on the road.</p> <p>The Statement of Environmental Effects states that there “are no on street parking problems” (page 15.) This is incorrect. As already mentioned, cars currently do park along the southern side of Colo Rd. The potential for extra cars to be parked along both sides of the street will add to the congestion. Increased child fatalities and injuries occur outside of existing child care centres in the state.</p>	<p>parking, a condition of consent requiring all parking and drop-off / collection of children shall occur on site only, is considered reasonable in this instance (<b>condition 92</b>).</p>
<p>Proposed child care centre will bring an estimated additional 100 cars to Colo Road and Beech Street. Existing road networks and condition inadequate to cater for increased traffic (including 4WD and SUV vehicles), and will affect safety of traffic and pedestrians.</p>	<p>The existing road network can adequately cater for the additional traffic generated by the proposed Child Care Centre.</p>
<p>Increased traffic will increase risks to pedestrian safety due to no footpaths being available. Problems at dangerous intersections including Colo Road / Wattle Street intersection, Colo Road / Beech Street intersection, blind corner on Colo Road, section of Colo Road between Ash St and Beech St, sun glare problems, lack of street lighting problems, and cars / trucks heading north along Colo Rd swinging wide when they come around the bend near Ash St, narrow roads of 5 metres width, will be exacerbated by increased traffic associated with Child Care Centre.</p>	<p>Broader road / intersection / footpath matters in the Colo Vale Village are beyond the scope of this development application. Provision of on site lighting to ensure children safe access to vehicles, while minimising light spill to adjoining properties, is addressed by a condition of consent (condition 86). To discourage on street parking, a condition of consent requiring all parking and drop-off / collection of children shall occur on site only, is considered reasonable in this</p>

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Issues	Response
	instance (condition 92).
<p>The congestion of cars entering and leaving the proposed Child Care Centre at peak drop off and pick up times will make the Colo Road blind corner situation worse. It will become dangerous. At 6pm in Autumn and Winter, the sun on the western horizon will adversely affect vision for cars heading west (as 40 or so cars will be at this time every afternoon). Vehicles travel through the corner on the wrong side – frequent near accidents. Applicant’s Traffic engineers report was based on one day that did not take into account the speed of the drivers, the corners they cut and different weather conditions that affect the conditions of the road (sun, rain, fog).</p>	<p>The sight distance between the proposed Child Care Centre and the Colo Road blind corner satisfies the desirable minimum sight distance required in a 50 km/h speed zone.</p>
<p>Increased traffic will increase road deterioration and pot holes will occur. Why should we pay rates for ‘non local’ people to further impact our poorly managed roads, and introduce noise and stress in our homes because that is who will end up using the service!</p>	<p>Increased development will result in increased impact on Council infrastructure. Should consent be granted, S.64 Development Servicing Plan Charges are levied to address increased water supply, sewerage and stormwater demands from the development.</p>
<p>Proposed Child Care Centre driveways will be opposite local school bus and high school bus pull up location adding another danger.</p>	<p>There is no formalised bus stop opposite the subject site in Colo Road. Should development consent be granted for the Child Care Centre with two driveway crossings to Colo Road, it will be the responsibility of the bus service provider to select a safe location for local school bus and high school bus pull up.</p>
<p>Good street lighting required, especially when children are being dropped off and picked up when it is dark. It would also be necessary so that other motorists can see parents and children accessing parked vehicles.</p>	<p>To discourage on street parking, a condition of consent requiring all parking and drop-off / collection of children shall occur on site only,</p>

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Issues	Response
	<p>is considered reasonable in this instance (<b>condition 92</b>). Provision of on site lighting to ensure children safe access to vehicles, while minimising light spill to adjoining properties, is addressed by a condition of consent (<b>condition 86</b>).</p>
<p>Child care centre noisy due to construction, traffic and noise effects of 96 children, parents, carers, daily deliveries. Proposal will impact on the peaceful rural nature of Colo Rd and Colo Vale residents. No noise attenuation measures proposed. Noise / exhaust fumes from 20 vehicles so close to a residential dwelling is unsatisfactory. Increased noise will impact upon shift workers' ability to sleep during the day while the Centre is in operation. Compensation should be offered to residents for double glazing, sound proofing, and insulation. Reduction to residents' rates notices as noise will affect dwellings.</p>	<p>Noise is discussed in the Discussion of Key Issues section of this report.</p>
<p>Of the 75 trees on the property, 57 have been earmarked for removal or removal if an exclusion area is not an option. Of the 57 trees earmarked for removal or potential removal, 48 of these are listed on the State Environmental Planning Policy 44 – Koala Habitat Protection list. Loss of significant vegetation. Question adequacy of flora and fauna report, with flora and field surveys conducted over 1 single day in May. Impact of night time lighting on ecosystems, wildlife breeding and feeding habits. The level of noise from children, traffic and construction will impact the sightings, roosting, feeding and frequency of bird species.</p>	<p>Council's Tree and Vegetation Officer raises no objection to the proposed Child Care Centre and has provided conditions of consent. Tree removal and Flora and Fauna issues are discussed in the Discussion of Key Issues section of this report.</p>
<p>A development of this kind would have a definite impact on our home prices.</p>	<p>Improved or decreased valuation of properties is not a matter for consideration under s.4.15 of the Environmental Planning and Assessment Act 1979.</p>
<p>Child care Centre benefit to community as a whole. Drop off and pick up from 7 till 6 would be a great help to working families. Work for 11 staff - great work for locals not needing to</p>	<p>The proposed Child Care Centre will provide additional employment</p>

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Issues	Response
go out of area. Expansion in the area needs to provide support for families, this does.	opportunities.
No need for another child care centre. Of the 10 centres in the area, 8 have vacancies. a preschool already exists that services the area, that this facility is not fully utilised and has vacancies. The local primary school suffers from declining numbers and has difficulty retaining teacher/student ratios. These two points should point to a declining number of preschool to school age children in the area and as such this proposed development is unnecessary.	The financial viability of a development is not a matter for consideration in the assessment of a Development Application under s.4.15 of the Environmental Planning and Assessment Act 1979.
Proposed timber fence around designated area is a big fire hazard concern. Traffic chaos in bushfire season when evacuating children.	Rural Fire Service has provided concurrence conditions. <b>(condition 96)</b>
Artificial lighting can impact on neighbouring properties, create glare pollution, and impact upon quality of the night sky.	A condition of consent requiring external lighting to be located and designed to minimise impact on neighbouring properties, minimise glare pollution, and minimise impact upon quality of the night sky is considered appropriate <b>(condition 86)</b> .
Have proper risk assessments, criminal background checks been conducted?	The provision of risk assessments / criminal background checks is not a matter for consideration in the assessment of a Development Application under s.4.15 of the Environmental Planning and Assessment Act 1979.  Should development consent be granted, it is the applicant's responsibility to provide to relevant authorities

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Issues	Response
	all necessary documentation to operate a Child Care Centre.
Incorrect location of Child Care Centre. Should be located at the eastern end of the village adjacent to the old station and bus stop where there is ample parking and minimal disruption to the residents of Colo Vale. Contrary to residential area. Locate on acreage outside the main village. Child Care Centre will detract from primary residential function, character and amenity of the neighbourhood, and the quality of the natural and built environment. Insulting to the safety, people and families of Colo Vale. Colo Vale was not to become a second Campbelltown. Unsuitable site as surrounding paddocks attract red belly black snakes.	The proposed Child Care Centre on the 4783 square metre site is a permissible use within the R5 Large Lot Residential zone under Wingecarribee Local Environmental Plan 2010. The refusal of the proposed Child Care Centre due to site location is not considered justified.

## DISCUSSION OF KEY ISSUES

### Noise

The proposed Child Care Centre to accommodate up to 66 children (being 16 children 0-2 years; 20 children 2-3 years; 30 children 3-5 years), and out of school hours care for up to 30 children, operating 7am – 6pm Monday to Friday will generate noise which is audible to some neighbours and louder than background noise levels. However the conclusions of the submitted acoustic report are agreed with, being that the proposed child care centre can meet the calculated intrusive noise criteria.

The proposed noise attenuation controls including implementing a Noise Management Plan, management practices to keep windows and doors closed, limiting the number of children (from different age groups) in the outdoor play areas at any one time, controls on some vehicle activities (early morning), and significant noise barriers (fences) and conditions of consent requiring noise to be kept to a minimum, and noise control measures (both administrative and engineering controls) as outlined in the submitted Environmental Noise Impact Assessment report are reinforced by conditions of consent (**conditions 83,84,85,89,90,91**).

To maintain residential amenity, the applicant advises that the regular waste services provided by Council will be used. This is reinforced by condition of consent (**condition 80**).

### Traffic / Car parking

The proposed 35 space car park satisfies the 35 car space parking requirement of Northern Villages Plan Development Control Plan and Child Care Planning Guideline requirements for a Child Care Centre accommodating 96 children with 11 staff members. To discourage on street parking, a condition of consent requiring all parking and drop-off / collection of children shall occur on site only, is considered reasonable in this instance (**condition 92**).



The existing road network can adequately cater for the additional traffic generated by the proposed Child Care Centre.

The sight distance between the proposed Child Care Centre and the Colo Road blind corner satisfies the desirable minimum sight distance required in a 50 km/h speed zone.

Provision of on-site lighting to ensure children safe access to vehicles, while minimising light spill to adjoining properties, is addressed by a condition of consent (**condition 86**).

Traffic impacts upon residential properties are not beyond what is reasonably expected within a village that contains a variety of land uses.

### **Flora / Fauna / Tree removal / Landscaping**

The site contains 67 trees including eucalyptus, acacia, casuarina, and pinus radiata species. It is proposed that 13 on site trees be removed, and 54 on site trees be retained. It is proposed that one roadside verge tree be removed. Therefore the established landscaped character of the site will be retained, and with the addition of more than 50 shrubs, it is considered that the landscaping on the site will be enhanced.

Of the 67 trees on site, 63 are native species. Potential koala habitat means an area of native vegetation where the Feed tree species listed in Schedule 2 of SEPP 44 constitutes at least 15% of the total number of trees in the upper and lower strata of the tree component. Of the 63 native species on site, none are Feed tree species listed in Schedule 2 of SEPP 44. While the EIE (Explanation of Intended Effect SEPP 44) dated November 2016 proposes an expansion of koala tree species, this is not an exhibited draft environmental planning instrument, and therefore not a matter for consideration in the s.4.15 assessment of a Development Application.

## **SUSTAINABILITY ASSESSMENT**

- **Environment**

Any perceived environmental issues have been discussed within the body of this report.

- **Social**

Any perceived social issues have been discussed within the body of this report.

- **Broader Economic Implications**

There are no broader economic implications associated with this report.

- **Culture**

The proposed Child Care Centre development has no identifiable cultural impacts.

- **Governance**

The development application has been considered in accordance with the *Wingecarribee Local Environmental Plan 2010*, section 4.15 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 2018–19: OP181 Assess and certify applications related to development.

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## **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.

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## **RELATED COUNCIL POLICY**

An assessment of the proposed development has been made against the Wingecarribee Local Environmental Plan 2010, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, State Environmental Planning Policy 44 Koala Habitat Protection, and the Northern Villages Development Control Plan.

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## **OPTIONS**

The options available to Council are:

### **Option 1**

Approve the development application subject to the attached conditions of consent; or

### **Option 2**

Refuse the application in which case Council must nominate reasons for refusal.

**Option 1** is recommended.

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## CONCLUSION

It is recommended that Development Application 17/1794 which seeks approval for the demolition of an existing dwelling and shed and erection of a Child Care Centre at Lot 1 DP 709251, being 71-73 Colo Road Colo Vale, be supported subject to conditions.

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

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## ATTACHMENTS

1. Draft Conditions
2. Site Location
3. Zoning
4. Site Plan
5. Elevations

Mark Pepping

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

Friday 23 November 2018





## ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT

## ATTACHMENT 1

## ADMINISTRATION CONDITIONS

## 1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of a Child Care Centre to accommodate 11 staff and up to 66 children (being 16 children 0-2 years; 20 children 2-3 years; 30 children 3-5 years), and out of school hours care for up to 30 children, operating 7am – 6pm Monday to Friday, and demolition of existing dwelling and shed.

**Reason:** To confirm the use of the approved development.

## 2. Development in Accordance with Plans and Documents

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

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Site Plan	6264-SK05-001 Rev I	Randall Dutailis Architects	14/5/18
Floor Plan and Roof Plan	6264-SK05-002 Rev I	Randall Dutailis Architects	14/5/18
Elevations & Sections Plan	6264-SK05-003 Rev H	Randall Dutailis Architects	14/5/18
Landscape Concept Plan	Job No. 4891, Sheet 1 of 1	Monaco Designs P/L	13/12/2017
Statement Of Environmental Effects		Lee Environmental Planning	December 2017
Waste Management Plan	6264	Dutailis Architects Pty Ltd	11 December 2017
Environmental Assessment (flora and fauna)	Lot 1 DP 709251, Colo Vale	Woodlands Environmental Management	2 August 2018
Bushfire Report	2231	Harris Environmental Consulting	December 2017
Environmental Noise Impact Assessment Report	6481-1.1R	Day Design Pty Ltd	8 May 2018
Child Care Traffic Impact Report		ML Traffic Engineers Pty Ltd	7 November 2017
Preliminary Tree Assessment Report		David Griffin	October 2017

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

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*and documentation.*

3. **Inconsistency Between Documents**

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

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

4. **Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989**

- (a) That the work must be carried out in accordance with the requirements of the National Construction Code.
- (b) In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

**Reason:** *The condition is prescribed under clause 98 of the Environmental Planning and Assessment Regulation 2000.*

5. **Erection of Signs**

A sign must be erected in a prominent position on any site on which building work, is being carried out:

- (a) Showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) Stating that unauthorised entry to the work site is prohibited.

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

**Reason:** *The condition is prescribed under clause 98A of the Environmental Planning and Assessment Regulation 2000.*

6. **Compliance with Disability Discrimination Act 1992**

This approval does not protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the *Disability Discrimination Act 1992*, and the applicant/owner is therefore advised to investigate their liability under this Act.

**Reason:** *To inform of relevant access requirements for persons with a disability.*

**Note:** *Disability (Access to Premises - Buildings) Standards 2010 -As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**

7. **Application for a Construction Certificate (Building Works)**

The applicant shall apply to Council or an Accredited Certifier for a Construction Certificate to

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carry out the relevant building works in accordance with this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.
- (b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.
- (c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.
- (d) Essential services plan outlining the existing and proposed fire safety measures.
- (e) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (f) If an alternative solution to the “deemed to satisfy” provisions of National Construction Code is proposed, the following details must be lodged:
  - Performance requirements that the alternative solution intends to meet.
  - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and
  - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

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

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

**Note:** *Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate.*

## 8. Appointment of Principal Certifying Authority

No work shall commence in connection with this Development Consent until:

- (a) A Construction certificate for the building work has been issued by:
  - (i) the consent authority; or
  - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
  - (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
  - (i) notified the Council of his or her appointment, and

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- (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - (ii) notified the principal certifying authority of such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

**Reason:** *To ensure that there is certainty as to the consent applying to the land.*

**9. Access for People with Disabilities**

Access for people with disabilities shall be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the *Disability Discrimination Act 1992*.

Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

**Note:** *Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.*

**Reason:** *To inform of relevant access requirements for persons with a disability.*

**10. Section 68 Local Government Act 1993 Approvals**

Prior to the issue of a Construction Certificate, an application under section 68 of the *Local Government Act 1993* shall be made to, and issued by, Wingecarribee Shire Council, for the following approvals:

- Stormwater, sanitary drainage & plumbing

**Reason:** *A requirement under the provisions of the Local Government Act 1993.*

**11. Section 138 Roads Act 1993 Approval**

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

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

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work

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site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.

- Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

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

**Reason:** *Statutory requirement.*

## 12. Water Management Act - Certificate of Compliance

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

**Note:** *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 **prior to the issue of Construction Certificate** as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

- Water Supply Development Servicing Plan;
- Sewerage Development Servicing Plan; and
- Stormwater 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.

The water, sewer and stormwater headworks 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) <<http://www.abs.gov.au>>); and Council's Development Servicing Plans.

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) <<http://www.wsc.nsw.gov.au>>.

The 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 Stormwater DSP was adopted on and came into effect on 15 September 2017. The current charges under these Plans are listed as follows:

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
1 November – 31 January 2019	\$10,962.73	\$10,627.98	\$967.16

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Note: The charges shown above are amounts applicable during the stated time period. 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) <<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 days prior to adoption.

**Note:** *Payment of the above 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 (i.e., 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 Construction Certificate:-

Water \$250 + Sewer \$250 + Stormwater \$250 = \$750

Prior to final release, you will need to contact Council's Infrastructure 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.

The Construction Certificate will not be issued until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained.

**Reason:** *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*

### 13. Building Materials & Colour Scheme

The use of Zinalume, stainless steel, unetched zinc or copper is not permitted. Galvanised iron may only be used with the specific consent of Council and where Council has considered the likely amenity impacts and glare.

Details of external building materials and colour, texture and substance to be submitted to the satisfaction of Council prior to issue of Construction Certificate.

**Reason:** *To ensure that the new building is visually compatible with the existing environment.*

### 14. Construction Management Plan

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

- (a) Off-street parking for employees, contractors and sub-contractors.
- (b) Site access for construction vehicles and equipment purposes.
- (c) Public safety in the use of roads and footpaths where development activities adjoin such facilities.

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

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

**15. Provision of Works and Services**

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

**Reason:** *Statutory requirement.*

**16. Stormwater - Control of Peak Discharge**

Adequate and suitable infrastructure shall be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed in accordance with Council's Engineering Policies. Calculations to demonstrate that the post-development peak discharge will not exceed the pre-development peak discharge shall be provided with the application for a Construction Certificate.

**Reason:** *To ensure the peak discharge from the site is no greater than the pre-developed peak discharge.*

**17. Detailed Stormwater Drainage System Design**

Prior to the issue of the Construction Certificate, a detailed storm water hydraulic drainage plan for the disposal of storm water from the site, prepared in accordance with Council's Design Standards shall be submitted and approved by Council's Development Engineer.

Should any changes be required to the approved storm water drainage plan, the amended design shall achieve equivalent performance standards in accordance with Design Specifications.

Should any upgrade be required within Colo Vale Road, this shall be at the cost of the developer.

**Note:** *Construction Certificate Approval does not include approval for works external to the property or civil works.*

Where the proposed design extends beyond the property boundary, separate approval under

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Section 138 of the *Roads Act 1993*, must be obtained from Council prior to the commencement of works.

The applicant is advised to contact Council for clarification of proposed works for which approval under Section 138 of the *Roads Act 1993* applies.

**Reason:** *To ensure adequate storm water management.*

**18. Disabled Car Parking Spaces**

1 of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons. These spaces shall be a minimum of 3.2m wide x 5.5m long and located near pedestrian access routes designed for disabled persons. Each space shall be clearly marked for disabled persons in accordance with the Premises Code.

Car parking for people with disabilities shall be provided in accordance with the National Construction Code (NCC), relevant Australian Standards and with regard to the *Disability Discrimination Act 1992* and Premises Code. Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.

The above details shall be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate.

**Reason:** *To inform of relevant access requirements for persons with a disability.*

**19. Off Street Parking Provision - General**

35 off-street car parking spaces suitably marked in accordance with the approved plans (unless elsewhere specified) shall be provided. Each space shall have minimum dimensions in accordance with Australian Standard AS2891.1 Off Street Car Parking.

Details shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate showing compliance with this condition.

**Reason:** *To ensure adequate parking and access.*

**20. Water and Sewer Assets Identification and Location**

The site plan as per the water or sewer engineering design shall include the detailed locations, materials, sizes and depths of any water mains or water services, rising mains private or Council owned, or sewer mains, manholes, sewer sidelines, sewer junctions and or boundary traps. The site plans that include these water and sewer assets are to be approved by the Council's Group Manager Planning, Development and Regulatory Services before any demolition works can commence.

**Reason:** *Ensure appropriate servicing of sewer and water reticulation.*

**21. Water and Sewer Authority Conditions**

Prior to issue of a Construction Certificate, the developer shall obtain approval from Council (as the Water Supply Authority and/or as required under Section 68 of the *Local Government Act 1993*) 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 shall be located under sealed driveways to battleaxe lots. This may require widening of accessway / rights of carriageways to those shown on approved plan.



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**Reason:** *To ensure water and sewer reticulation are in accordance with Council's standards.*

**22. Energy Service Provider Requirements**

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer prior to release of a Construction Certificate shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be met prior to the issue of the Occupation Certificate or Subdivision Certificate.

**Reason:** *To ensure appropriate infrastructure is provided to the development.*

**23. Waste Management Plan**

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

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

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

**24. Erosion and Sediment Control Plan**

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

The Erosion and Sediment Control Plan shall include scaled drawings and detailed specifications which can be referred to onsite by project management staff or project construction supervisor. 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.
- (j) Existing and proposed drainage patterns.
- (k) Location and type of proposed erosion and sediment control measures.

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- (l) Site rehabilitation proposals, including final contours.
- (m) Time of placement of sediment controls.
- (n) Staging of works and how the plan is to be implemented for each stage or activity on site.
- (o) Maintenance schedule.

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

25. **Protection of Existing Trees and Native Vegetation**

Prior to the issue of any Construction Certificate, trees and native vegetation proposed for retention and those approved for removal must be clearly identified on all the final engineering and landscaping plans. All fenced tree protection areas must be clearly marked as "No Go Area" on all plans. The location of any threatened species, endangered populations or ecological communities must also be marked on all plans.

**Reason:** *To clearly articulate trees and vegetation to be removed and retained.*

26. **Vegetation Management Plan**

Prior to the issue of any Construction Certificate, the applicant must prepare and submit to Council and obtain approval for a Vegetation Management Plan (VMP) for the areas identified as "Existing treed area" (on the approved DA Landscape Concept plan prepared by Monaco Designs P/L, Job No. 4891, Sheet 1 of 1, dated 13/12/2017). The VMP is to be prepared by a suitably qualified and experienced Ecologist or bush regenerator.

The VMP must integrate with any the required Landscape Plan and Erosion Control Plans. The applicant is to demonstrate to Council's satisfaction how this integration has occurred. The primary objective of the plan should be weed management, regeneration of native vegetation and if necessary replanting. Implementation of the VMP must commence prior to the commencement of works. In preparing and implementing the VMP the following criteria must be addressed:

- a) A suitably qualified and experienced professional bush regeneration contractor is to be engaged to carry out any revegetation planting, restoration and maintenance weed control specified in the VMP. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate IV in Conservation and Land Management (or equivalent) and three years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Conservation and Land Management and one year demonstrated experience (for other personnel). In addition the site supervisor is to be eligible for full professional membership of the Australian Association of Bush Regenerators (AABR).
- b) A site plan must be prepared at an appropriate scale, clearly showing the area to which the VMP applies, existing vegetation, management zones and extent of dominant weed infestations.
- c) A description of existing native vegetation, assessment of ability to regenerate and rehabilitation methods must be provided. Preference should be given to the use of regeneration techniques wherever possible. Revegetation may be required where natural soils have been disturbed and the potential for regeneration is very poor. Vegetation species composition, planting layout and densities should be identified based on natural vegetation communities occurring in the locality. Any plant stock used in revegetation must be supplied from provenance specific seed/material

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collected from within the Wingecarribee LGA, and more specifically from the study area. Seed/plant sources should be identified. Non-provenance material or non-endemic species is prohibited.

- d) A schedule of works must be prepared detailing the sequence and duration of works necessary for the regeneration, any revegetation and maintenance works for each management zone. All primary weed control must be undertaken in the first year following commencement of the VMP, with follow up weed control undertaken in the second and third year following commencement of the VMP.
- e) The location and type of fencing or other suitable method of restricting unauthorised access or encroachment into the areas to which the VMP applies must be identified.
- f) A protocol to prevent the transfer of weeds or pathogens onto or off the site is required.
- g) The mulch/tub grindings generated from the removal and thinning of native trees associated with the development is/are to be re-used in restoring the habitat protection areas as required.
- h) Any natural hollows removed by the development are to be placed wherever possible as ground hollows within retained bushland under the supervision of the Ecologist.
- i) Restoration areas are to be maintained for a minimum of three (3) years. Reports are to be prepared by the Ecologist or bush regenerator and submitted to Council detailing the progress of the bush regeneration works twice per year and any recommended additional actions, with a final report certifying completion of the VMP at the end of the three year period or once the specific objectives of the plan have been met. Photo monitoring points and method of performance evaluation must be identified for future monitoring and reporting purposes. Any recommended additional actions must be completed to the satisfaction of Council prior to lodgement of the final report.

**Reason:** *To stipulate the requirements for the preparation of the Vegetation Management Plan.*

**27. Sound barrier / acoustic fencing**

Details of proposed sound barrier / acoustic fencing to outdoor play areas and site boundaries (including selected materials) in accordance with Environmental Noise Impact Assessment Report 6481-1.1R dated 8 May 2018 prepared by Day Design Pty Ltd, shall be provided to the satisfaction of Council prior to issue of Construction Certificate.

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK****28. Notice of Commencement**

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

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

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**Reason:** *Statutory requirement.*

**Advice:** *Attached Notice of Commencement form to be completed.*

**29. Principal Certifying Authority Sign**

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

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

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

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

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

**Reason:** *Statutory requirement.*

**30. Construction Certificate**

No work shall commence until a:

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

**Reason** *Statutory requirement.*

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

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

Details to be submitted include:-

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

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engineering works as required for carrying land development.

Prior to commencing any works on site the representative shall:

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

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

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

**Reason:** *Statutory requirement.*

**32. Inspection of Demolition Works**

Council will require the following inspections of the site with the owner and demolition contractor present:

- (i) Prior to demolition works commencing (fencing must be erected and approved Waste Management Plan to be on site).
- (ii) At the completion of demolition works (documents relating to disposal of hazardous waste are to be provided on site).

A minimum of twenty four (24) hours notice is required to be given to Council prior to these inspections.

**Reason:** *To ensure compliance with the consent.*

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

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

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

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

**Advice:** *Where works are required within a Classified Road, the Developer must obtain*

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*the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.*

**Reason:** *Statutory requirement.*

**34. 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.

**Reason:** *Statutory requirement.*

**35. Fencing of the Construction Site**

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

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

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

**36. Developer to advise of damage to Council property**

The developer must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves, street trees, drainage pits 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 developer/owners/proponents expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged grass verges, concrete footpath, kerb and gutter, street trees, drainage pits are to be carried out by the contractor/builder to Council's specification and supervision prior to occupation of the development.

**Reason:** *Public safety.*

**37. Tree Retention (Marking)**

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

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

**38. Erosion and Sediment Control**

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

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

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*the development.*

**39. Tree Clearing - Notice of Commencement**

Where trees have been approved for removal in the development consent, Council shall be advised of the intended commencement date and time for these clearing works. Council staff will then inspect the site and will require the applicant and contractor/site supervisor to be present. No clearing works can commence until an approval is given. All trees specified as being retained on site on the approved plans are to be protected throughout construction activities in consultation with Council.

**Reason:** *To appropriately manage the removal of approved trees.*

**40. Tree Protection Measures**

Protective fencing is to be installed around the tree to be retained in line with the dripline. This fencing is to be constructed of chain wire mesh 1.8m high, which is supported by steel stakes or piping and braced to resist impacts and as per the requirements detailed in AS4970-2009 "Protection of Trees on Development Sites", the installation of which is carried out under the supervision of the arborist.

**Note:** *Removal of the protective fencing during construction work will affect bonds and may result in fines or legal proceedings being instigated by Council against the applicant and/or builder.*

**Reason:** *To ensure the identified tree/s to be retained as appropriately protected.*

**41. Protection of Trees**

Prior to any work commencing, certification of the installation and inspection of the required tree protection works is to be provided to Council and the Principal Certifying Authority by the arborist. A copy of the certificate is to be provided to Council within 7 days of the inspection and prior to any works commencing.

**Reason:** *To ensure the identified tree/s to be retained as appropriately protected.*

**42. Erection of Nesting Boxes**

Hollows or nest boxes are to be installed on a one for one basis for any natural hollow removed by the development. Nest boxes are to be constructed of appropriate durable materials (e.g. painted marine ply, native hardwood or similar) and fixed to recipient trees with stainless steel screws, wire or similar. All nest boxes are to be erected prior to any clearing occurring on the development site. The Consulting Ecologist must identify suitable locations to erect hollows/nest boxes that minimise the risk of vandalism and maximise the likelihood of occupation by native fauna. To replace nest hollows lost, at least 8 large nest boxes should be erected at least 3 metres high within retained vegetation at the rear of the property within the retained native trees.

**Reason:** *To provide an equivalent replacement for any natural hollow to be removed.*

**CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE****43. Approved Plans to be available on site**

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

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**Reason:** To ensure compliance with approved plans.

44. **Imported 'Waste-derived' Fill Material**

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

- Virgin excavated natural material (VENM) within the meaning of the *Protection of the Environment Operations Act 1997* (POEO); or
- Any other waste-derived material the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material

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

The application of waste-derived material to land is an activity that may require a licence under the *Protection of the Environment Operations Act 1997*. However, a licence is not required if the only material applied to land is virgin excavated natural material or waste-derived material that is the subject of a resource recovery exemption under clauses 91 & 92 of the *Protection of the Environment Operations (Waste) Regulation 2014*.

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

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

45. **Demolition Requirements**

The existing structures on the site shall be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the SafeWork NSW and Council's Water and Sewer Asset Protection, including:-

- (a) Protection of site workers and the general public.
- (b) Erection of hoardings where appropriate.
- (c) Asbestos removal handling and disposal where applicable by licensed contractors.
- (d) Ensuring only licensed demolition contractors are used as required pursuant to Occupational Health and Safety Legislation.
- (e) Appropriate precautions are taken in regard to lead based paints.
- (f) Water and Sewer Asset Protection

All water and sewer assets on the site or on adjacent road reserve or lands that may be affected by the demolition works are to be clearly identified on site and protected from damage. Those water and sewer protection measures are to be shown on the site plan and are to be approved by Council's Water and Sewer Planning and Development Engineer before any demolition works can commence.

- (g) Sewer Assets Temporary Disconnection or Closure



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The site sanitary drainage is to be temporarily disconnected or closed off by a suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be retained and reused to prevent ingress contaminants into Council's sewer mains. This work shall be sited and approved by Council's Water and Sewer Development Engineer before demolition works can commence.

(h) Removal of Redundant Council Sewer Assets and Water Services

The site sanitary drainage is to be temporarily disconnected or closed off by a suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be disconnected by Council to prevent ingress of contaminants into Council's sewer mains. This work shall be sited and approved by Council's Water and Sewer Development Engineer before demolition works can commence.

Make application and pay fees for the removal of redundant sewer assets and or water services. These fees shall be paid before any demolition works can commence.

Redundant water meter shall not be removed to allow for final readings and removal by Council staff.

(i) Temporary Use of Council Sewer Junctions and Water Services

During demolition or building works Council may permit temporary use of sewer junctions and water services. Details of the proposed use shall be shown on the site plan and are to be approved by the Water and Sewer Planning and Development Engineer before any demolition works can commence.

Water services that are to be temporarily retained shall not have the water meter disconnected or removed. An approved backflow prevention device shall be installed. Details shall be shown on the site plan and are to be approved by the Water and Sewer Planning and Development Engineer before any demolition works can commence.

The disposal of refuse is to occur at an approved location. Council will require documentary proof of destination for hazardous materials such as asbestos and contaminated soils and may request evidence on disposal of other demolition materials - refer approved Waste Management Plan.

**Reason:** *To comply with statutory requirements.*

46. **Excavations and Backfilling**

All excavations and backfilling associated with the erection or demolition of a building shall be executed safely and in accordance with appropriate professional standards properly guarded and protected to prevent them from being dangerous to life or property.

**Reason:** *To ensure the safety of life and property.*

47. **Stormwater - Construction**

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

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easements).

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

**48. Stormwater - Discharge**

All stormwater runoff from the development shall be collected within the property and discharged to an approved stormwater management system.

**Reason:** *To ensure that stormwater is appropriately disposed of.*

**49. Damage to Adjoining Properties**

All precautions shall be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs shall be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

**Reason:** *Structural safety.*

**50. Disruption of Traffic**

During any construction works on the public road that is associated with this approval, the Applicant shall provide appropriate signage and traffic control facilities as per the requirements of AS 1742.3-2009 Manual of uniform traffic control devices - Traffic control for works on roads and the RMS "Traffic Control at Works Sites" manual.

**Reason:** *Safety and information.*

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

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

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

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

**52. Prevention of Nuisance**

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

**Reason:** *Health and amenity.*

**53. Noise & Vibration**

The construction of the development and preparation of the site, including operation of vehicles, shall be conducted so as to avoid unreasonable noise or vibration and cause no interference to adjoining or nearby occupations. Special precautions shall be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens, public address systems and the like.

In the event of a noise or vibration problem arising, the person in charge of the premises shall, when instructed by an authorised officer of Council or the Accredited Certifier, cease work and

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carry out an acoustical survey and/or investigation by an appropriately qualified acoustical engineer or qualified and experienced professional consultant and submit the results to Council. The person in charge of the site shall implement any or all of the recommendations of the consultant and any additional requirements of Council. Any requirements of Council in this regard must be complied with immediately.

**Reason:** *Safety and amenity.*

**54. Dust Control**

**Small Works**

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

**Reason:** *Environmental amenity*

**55. Supervising Arborist**

An arborist qualified to at least Australian Qualifications Framework (AQF) Certificate Level 4 shall be retained throughout all construction work to ensure to proper protection and management of the trees required to be retained and that any necessary pruning/root pruning is carried out in accordance with AS4973-1996 "Pruning of Amenity Trees" and AS4970-2009 "protection of Trees on Development Sites". This includes on site supervision of the erection of tree protection measures and, where approved, any works that are required within the Tree Protection Zone (TPZ) or Structural Root Zone (SRZ).

**Reason:** *To ensure to proper protection and management of the trees required to be retained and that any necessary pruning/root pruning is carried out in accordance with the relevant Australian Standards.*

**56. Protection of Fauna**

Prior to the removal of any Hollow Bearing Tree (HBT), the following matters MUST be addressed:

- a) Ensure that a suitably qualified and licensed Ecologist (who is vaccinated for Australian Bat Lyssavirus) is engaged to supervise the removal of the HBTs in order to rescue or relocate any fauna displaced during the clearing process.
- b) Check for fauna in the zone of disturbance before clearing and scare off or remove them before commencing clearing works.
- c) Remove any non-HBTs prior to the removal of the HBTs.
- d) Leave HBTs standing for at least one night after other non-HBT clearing to allow any fauna the opportunity to remove themselves after site disturbance.
- e) After clearing, re-check the site to ensure no fauna have become trapped or injured during clearing operations. Any fauna found should be moved to adjacent habitat.
- f) Before felling the HBTs, tap trunk using heavy machinery to scare fauna from the hollows. Repeat several times. The aim is to 'substantially' shake the tree and encourage fauna to exit.
- g) Carefully fell the HBT by gently lowering the tree to the ground using an excavator arm fitted with grapples. Alternatively, arrange for qualified tree surgeons to fell the HBT using chainsaws and pulleys.
- h) After felling the tree, thoroughly check the tree for fauna in the case that any have become trapped or injured during clearing operations. Any fauna should be safely moved into adjacent habitat.

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- i) If taking the tree down in stages, the non-hollow bearing branches should be removed before the hollow bearing branches are removed.
- j) Fell trees into the already disturbed areas to avoid damaging adjacent vegetation.
- k) Take care when moving equipment near vegetation to be retained.
- l) Logs from felled trees should be distributed into areas of vegetation so that they can continue to provide habitat for fauna such as terrestrial reptiles and mammals.
- m) Relocate woody debris to areas where they will not contribute a fire hazard.
- n) Provide written evidence to Council in order to document that a suitably qualified person was engaged for the specific tasks listed above.

**Reason:** *To ensure that the removal is undertaken in an environmentally responsible manner.*

**57. Protection of Trees**

The tree/s identified on the endorsed plans as being retained shall be protected against damage throughout the construction process in accordance with AS4970-2009 "Protection of Tree on Development Sites" and relevant conditions of this consent.

**Reason:** *To protect trees identified to be retained.*

**58. Approved hours of Construction/Demolition**

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

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

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

**Note:** *Any variation to these hours shall require Council consent via the lodgment of an application under section 4.55 of the Environmental Planning and Assessment Act 1979.*

**59. Construction Management Plan**

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

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

**Reason:** *Compliance with condition of consent.*

**60. Maintenance of the site**

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

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

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

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During construction:

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

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

**Reason:** *Environmental amenity.*

61. **Storage of Building Materials, Plant and Equipment**

All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

No storage, or placing of any building materials to occur on adjacent public roads or footpath areas in association with the construction, maintenance or use of the development or site.

**Reason:** *To ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.*

62. **Protection of Public Places**

The adjoining or adjacent public area shall not be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Section 138 Roads Act 1993 approval (including submission of a Traffic Management Plan).

Where a hoarding is required, an application for hoarding shall also be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

**Reason:** *Public safety.*

63. **Temporary Onsite Toilet**

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

Each toilet shall:

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

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

**64. Waste Management**

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

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

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

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN INTERIM OR FINAL  
OCCUPATION CERTIFICATE****65. Occupation Certificate**

In accordance with Section 6.9 of the *Environmental Planning and Assessment Act 1979*, an application for an Occupation Certificate, shall be made on completion of the works and the relevant application fee paid. All works specified in the development consent and approved Construction Certificate plans shall be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.

The Principal Certifying Authority (PCA) is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

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

**Note:** *A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of Section 6.10 of the Environmental Planning and Assessment Act 1979 unless an Occupation Certificate has been issued in relation to the building or part.*

**66. Public Infrastructure**

The applicant shall rectify any damage to public infrastructure (including roads, gutters, footpaths, street trees, etc.) prior to the issue of an Occupation Certificate at no cost to Council.

**Reason:** *To ensure that public infrastructure is protected from damage as a result of the development.*

**67. Civil Engineering works and services**

All approved civil engineering works and services as per the approved engineering plans are to be constructed prior to the issue of the Occupation Certificate.

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

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68. **Vehicle Access (Rural)**

Access to the site shall be provided by means of a vehicle crossing as per Standard Drawing No SD108 and approved by Council prior to the issue of the Occupation Certificate. A copy of the Standard Drawing No SD108 is to be obtained from Council before work commences.

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

69. **Parking Signs**

All Child Care Centre parking and drop-off / collection of children shall occur on site only, to ensure safety of children, parents and staff.

**Reason:** *To direct vehicles to the parking area.*

70. **Final Arborist Report**

The arborist engaged to ensure the proper protection and management of the tree required to be retained is to provide a final report to Council prior to the issue an Occupation Certificate, concerning the health and condition of the tree and if necessary any remedial works required. Any remedial works required shall be carried out and completed prior to the issuing of the Occupation Certificate, and included in the final report. The report shall also provide documentary evidence in the form of site notes and photographs that the tree protection conditions were complied with throughout all construction phases and any approved pruning works, root pruning, and remedial works were carried out as per AS4973 and AS4970. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the lodgement of the Occupation Certificate.

**Reason:** *To ensure the proper protection and management of any trees required to be retained.*

71. **Landscape Certification**

Certification is to be provided to the Principal Certifying Authority (PCA) from the designer of the landscape plan that all tree planting/landscape works have been carried out in accordance with the Council endorsed landscape plan. If Council **is** the PCA, the certification is to be submitted to Council prior to or at the final landscape inspection. If Council **is not** the PCA, a copy of the certification is to be provided to Council with the lodgement of the Occupation Certificate.

**Reason:** *To ensure that the landscaping has been carried out in accordance with the Council endorsed landscape plan.*

72. **Final Ecology Report**

Prior to the issue of an Occupation Certificate, a final certification report providing documentary evidence of compliance for each stage of the development with all conditions of consent relating to ecology/trees/fauna management/nesting boxes must be prepared by the engaged Consulting Ecologist and forwarded to Council for review.

**Reason:** *To ensure compliance for each stage of the development with respect to tree/vegetation management.*

73. **Irrigation**

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Certification is to be provided to the Principal Certifying Authority from a suitably qualified and licensed contractor that the specified fully automatic commercial grade irrigation system has been designed and installed to all common planted areas in accordance with the requirements of the current relevant Australian Standards, any relevant water authority regulations and current best practices. If Council is **not** the PCA, a copy of the certification is to be provided to Council with the Occupation Certificate.

**Reason:** *To ensure that an appropriate irrigation system has been installed.*

74. **Final Fire Safety Certificate**

A final fire safety certificate pursuant to clause 172 of the *Environmental Planning & Assessment Regulations 2000* shall be submitted, to the principal certifying authority upon completion of the specified work in the Schedule of Fire Safety Measures. As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:

- (a) must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Fire Commissioner; and
- (b) must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

**Reason:** *To ensure the safety of the building.*

75. **Food Shop Requirements**

Prior to the issue of the Occupation Certificate, the premise shall be set up and operated in accordance with the *Food Act*, the *Food Regulations* and the *Food Safety Standards*. The premise shall be fitted out in accordance with the Australian Standard AS4674 - 2004.

**Reason:** *Statutory requirement.*

76. **Food Shop Notification Requirements**

Occupation of the premises shall not occur until a notification form has been submitted to Council for the food business conducted on the premises.

Evidence of compliance of the above shall be submitted to Council prior to the issue of an Occupation Certificate and commencement of business.

**Reason:** *Registration and notification to relevant authorities.*

77. **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 (i.e., internal driveways, paths and stormwater drainage systems including any on-site detentions) are in accordance with the approved plans and specifications.

**CONDITIONS TO BE SATISFIED DURING THE OPERATION AND USE OF THE DEVELOPMENT**





**78. Use not to Commence**

The approved use shall not commence until the proposed development has been completed in accordance with this consent and issue of any other Council approvals which may be required.

**Reason:** *To ensure that the use of the site is lawful.*

**79. Hours of operation**

The approved hours of operation are:

DAY	HOURS
Monday to Friday	7am- 6pm
Saturday	NIL
Sunday	NIL
Public Holidays	

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

**Note:** *Any variation to these hours will require Council consent via the lodgement of an application under Section 4.55 of the Environmental Planning and Assessment Act 1979.*

**80. Waste Collection**

For the purposes of residential amenity, the regular waste services operated by council will be used, as stated in email from applicant dated 29 October 2018.

**81. Waste Management Plan**

The approved Waste Management Plan shall be implemented during the ongoing operation of the development.

**Reason:** *To ensure that waste is managed in a sustainable manner.*

**82. Loading/Serviceing**

All vehicular loading and unloading shall be carried out within the site to provide for safe off-street loading and unloading of vehicles servicing the site and to prevent interference with the use of the public road by vehicles and pedestrians.

**Reason:** *Public safety.*

**83. Noise Attenuation Controls**

Noise attenuation controls and measures (both administrative and physical noise control measures) as detailed in the Environmental Noise Impact Assessment Report 6481-1.1R dated 8 May 2018 prepared by Day Design Pty Ltd, including implementation of a Noise Management Plan, management practices to keep window and doors closed, limiting the number of children (from different age groups) in the outdoor play areas at any one time, staff arriving before 7am to park in the westernmost designated staff spaces, and provision of



significant noise barriers (fences), shall be complied with in the operation of the approved Child Care Centre.

#### **84. Noise Management Plan**

In accordance with the recommendations of the Environmental Noise Impact Assessment Report 6481-1.1R dated 8 May 2018 prepared by Day Design Pty Ltd, a Noise Management Plan shall be implemented by the Child Care Centre Management, including the following:

- Ensuring all staff and parents are provided with a copy of the Centre's Noise Management Plan and its implications for them during their time at the Centre.
- Neighbours should be provided with the name and contact details of the Centre's Manager, and the invitation to contact that person at any time the Centre is operating.
- Entry gates to outdoor play areas should have a soft close mechanism to mitigate impact noise from opening and closing the gate.
- Staff arriving prior to 7am should be instructed to park in the westernmost designated staff car parking area.
- All external windows to indoor play areas should remain closed during operating hours (7 am to 6 pm).
- All external doors to indoor play areas should remain closed during operating hours (7 am to 6 pm) except when in use.
- Ensuring a sufficient number of educators are provided to supervise children's outside play to discourage unnecessarily loud activities.
- Facilitating children's small group play when outside, and encouraging educators to engage in children's play and facilitate friendships between children.
- Crying children should be comforted as quickly as possible and moved indoors.

The following numbers of children, and their distribution during outdoor play activity, may then be applied according to the following options:

##### ***Option A***

- 0 – 2 year olds: Up to 8 children within the west Outdoor Play Area at any time, all day;
  - 2 – 3 year olds: Up to 10 children within the west Outdoor Play Area at any time, all day;
- AND**
- 3 – 5 Year old's and OSHC: Up to 30 children within north Outdoor Play Area at any time, all day.

##### ***Option B***

- 0 – 2 year olds: Up to 8 children within the west Outdoor Play Area at any time, all day;
  - 2 – 3 year olds: Up to 10 children within the west Outdoor Play Area at any time, all day;
- OR**
- 3 – 5 Year old's and OSHC; Up to 30 children within north Outdoor Play Area at any time, all day.

#### **85. Amenity**

The approved use on the site shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood by reason of noise, smoke, smell, vibration, gases, vapours, dust, particulate matter or other impurities from the premises.



**Reason:** *To ensure that the amenity of neighbouring properties is not compromised.*

86. **Lighting**

All external lighting be sited shall be sited and designed to ensure children safe access to vehicles, while minimising light spill to adjoining properties, and shall :

- (a) comply with AS 4282-1997 Control of the obtrusive effects of outdoor lighting, and
- (b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set: 2010 Lighting for roads and public spaces Set.

External lighting to be located and designed to minimise impact on neighbouring properties, minimise glare pollution, and minimise impact upon quality of the night sky.

**Reason:** *To ensure that the amenity of neighbouring properties is not compromised.*

87. **Landscaped area (planting and maintenance)**

Any tree or shrub that fails to establish within 2 years of the initial planting date shall be replaced with the same species of tree or shrub.

All landscaped areas on the site shall be maintained on an on-going basis.

**Reason:** *To ensure the ongoing maintenance of landscaped areas.*

88. **Vegetation Conservation and Management within the Asset Protection Zone (APZ)**

All existing native trees and vegetation outside of the Asset Protection Zone (APZ) shall be retained in situ and managed as per the Vegetation Management Plan for conservation purposes.

All existing native trees and vegetation within the Asset Protections Zones (APZ) shall be managed as per the Bushfire Hazard Assessment report prepared by Harris Environmental Consulting dated 19/12/2017.

Only trees shown as being removed on the plan titled DA Landscape Concept prepared by Monaco Designs P/L, Job No. 4891, Sheet 1 of 1, dated 13/12/2017 and endorsed by Council, are permitted to be removed. Any other future tree removal requires prior consent from Council.

This condition gives effect to prohibit any additional tree removals/vegetation clearing under The Rural Fire Service's 10/50 Code per the "Vegetation Clearing Code of Practice V2.0", Section 7.8.

**Reason:** *To advise landowners of vegetation conservation and management requirements within Asset Protection Zones.*

89. **Noise Control Measures**



The Applicant and/or operator shall implement the noise control measures set out in Environmental Noise Impact Assessment Report 6481-1.1R dated 8 May 2018 prepared by Day Design Pty Ltd.

**Reason:** *To prevent loss of amenity to the area.*

90. **Noise from Air Conditioners**

The proposed use of the air conditioner shall not make an 'offensive noise' as defined in the Protection of the *Environment Operations Act 1997*, and *Protection of the Environment Operations (Noise Control) Regulation 2000*.

Prior to release of Construction Certificate the developer must submit to the Council or the accredited certifier a report from a qualified, practicing, acoustic engineer (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants) detailing compliance with the recommendations of the Environmental Noise Impact Assessment Report 6481-1.1R dated 8 May 2018 prepared by Day Design Pty Ltd.

**Reason:** *To ensure that noise emissions from the development satisfy legislative requirements and to prevent loss of amenity to the area.*

91. **Noise Control**

The use of the premises shall not give rise to the transmission of offensive noise to any place of different occupancy.

**Reason:** *To prevent loss of amenity to the area.*

92. **Vehicle Manoeuvring**

All vehicles shall enter and leave the site in a forward direction to ensure traffic / pedestrian safety. Internal driveways and parking shall be designed such that all vehicles are able to manoeuvre and leave the development driving forwards. All Child Care Centre parking and drop-off / collection of children shall occur on site only, to ensure safety of children, parents and staff.

**Reason:** *Public safety.*

93. **Unobstructed driveways and parking areas**

All driveways and parking areas shall be unobstructed at all times.

Driveways and car spaces:

- (a) shall not be used for the manufacture, storage or display of goods, materials or any other equipment, and
- (b) shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.



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**Reason:** *To ensure that access is maintained.*

94. **Annual Fire Safety Statement**

Each year, the owner of a building to which an essential fire safety measure is applicable shall cause the Council to be given an annual fire safety statement for the building. Such a fire safety statement:

- (a) shall deal with each essential fire safety measure in the building premises; and
- (b) shall be given within twelve months after the last such statement was given, or if no such statement was given, within twelve months after a final fire safety certificate was first issued for the building.

As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-

- (a) shall cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and
- (b) shall cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be permanently displayed in the building.

**Reason:** *To ensure compliance with fire safety requirements.*

95. **Advertising Signs - Consent required**

Unless Exempt Development, before an advertising signage is erected/displayed development consent is required to be issued by Council.

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

## INTEGRATED DEVELOPMENT CONDITIONS

96. **General Terms of Approval - NSW Rural Fire Service**

General Terms of Approval have been granted by the NSW Rural Fire Service for the development pursuant to section 100B of the *Rural Fires Act 1997*. The conditions provided by the NSW Rural Fire Service form part of this Notice of Determination.



### **Asset Protection Zones**

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. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, the entire property shall be managed 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 buildings 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. To achieve this, the following conditions shall apply:

2. The provision of water, electricity and gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

### **Evacuation and Emergency Management**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

3. A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

4. New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

### **Landscaping**

5. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

### **CONCURRENCE CONDITIONS**

97. Concurrence - Water NSW

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

### General

1. The site layout and works shall be as specified in the Statement of Environmental Effects prepared by Lee Environmental Planning (dated December 2017) and shown on the Site Plans prepared by Randall Dutailis Architects Pty Ltd (Dwg. Nos. 6264-SK05-001 & 6264-SK05-002; Rev I, dated 14/05/2018; and 6264-SK05-003; Rev H, dated 14/05/2018). No revised site layout, staging or external works 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 the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.*

### Stormwater Management

2. All stormwater management measures as specified in the Water Cycle Management Study (dated 4 December 2017) and the Site Hydraulics Stormwater Disposal Plan (Dwg. No. 01-35866; Issue For Discussion, dated 14/5/2018) both prepared by Adams and Associates – Hydraulics, shall be incorporated in the final stormwater drainage plan to be approved by Council and be implemented, in particular as elaborated or varied in the following conditions. The stormwater management measures as a minimum shall include:
  - pits and pipes
  - rainwater tanks, and
  - bioretention basins.
3. The main driveways and car parking areas shall be sealed and stormwater run-off to be directed to the bioretention basins on the site.
4. Two bioretention basins shall be located and constructed as specified in the Water Cycle Management Study (dated 4 December 2017) and shown on the Site Hydraulics Stormwater Disposal Plan (Dwg. No. 01-35866; Issue For Discussion, dated 14/5/2018) both prepared by Adams and Associates – Hydraulics, and shall also incorporate the following specifications and requirements:
  - be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne *et al*, 2015, Melbourne, CRC for Water Sensitive Cities)
  - 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)
  - direct all discharge and overflow to Council's stormwater system in Colo Road
  - be accessible from road or driveway by machinery to facilitate cleaning, monitoring and maintenance of the structures
  - be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
  - be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.
5. The bioretention basin shall be constructed after all hardstand areas have been paved or sealed and all ground surfaces have been stabilised.
6. No variation to stormwater treatment or management that will impact on water quality shall be permitted without the agreement of Water NSW.

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7. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of any Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

**Operational Environmental Management Plan**

8. An Operational Environmental Management Plan (OEMP) shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans prior to the issuance of any Occupation Certificate. The OEMP shall be implemented and shall include but not be limited to:
- details on the location and nature of stormwater management structures such as pits, pipes, bioretention basins, and rainwater collection system
  - an identification of the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
  - the identification of the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
  - checklists for recording inspections and maintenance activities.
9. All stormwater treatment devices shall be monitored, maintained and managed as per the Operational Environmental Management Plan referred in Condition 8 above.

*Reason for Conditions 2 to 9 – To ensure appropriate stormwater treatment and quality control measures are designed, implemented and maintained so as to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.*

**Construction Activities**

10. An Erosion and Sediment Control Plan shall be prepared by a person with knowledge and experience in the preparation of such plans for all works proposed or required as part of the development. The Plan shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book"; shall be prepared prior to issuance of a Construction Certificate and be to the satisfaction of Council.
11. The plan shall be implemented and effective erosion and sediment controls shall be installed prior to any construction activity including demolition. The controls shall prevent sediment or polluted water leaving the site or entering any stormwater drain or natural drainage system and shall be regularly maintained and retained until works have been completed and ground surface stabilised or groundcover re-established.

*Reason for Conditions 10 & 11 - To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.*

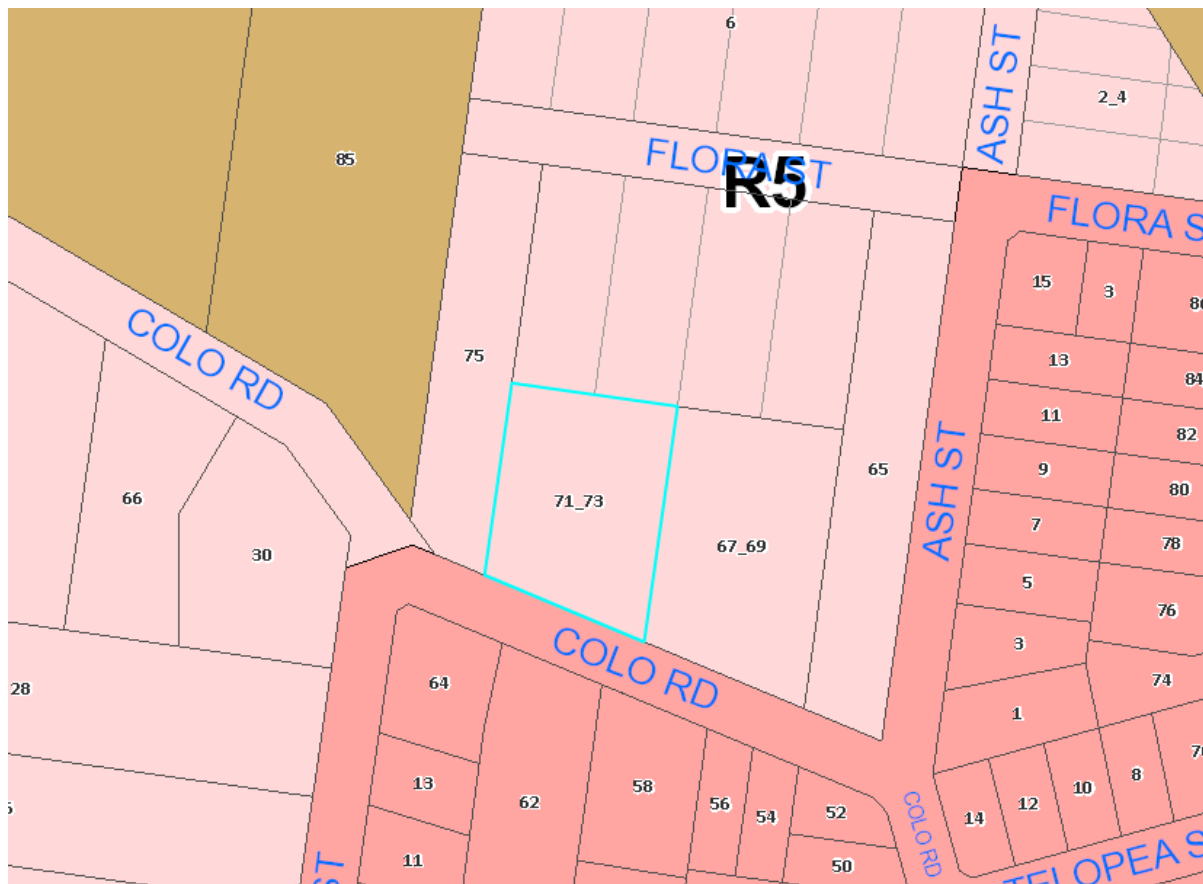






ATTACHMENT 3 – ZONING

**ATTACHMENT 3**

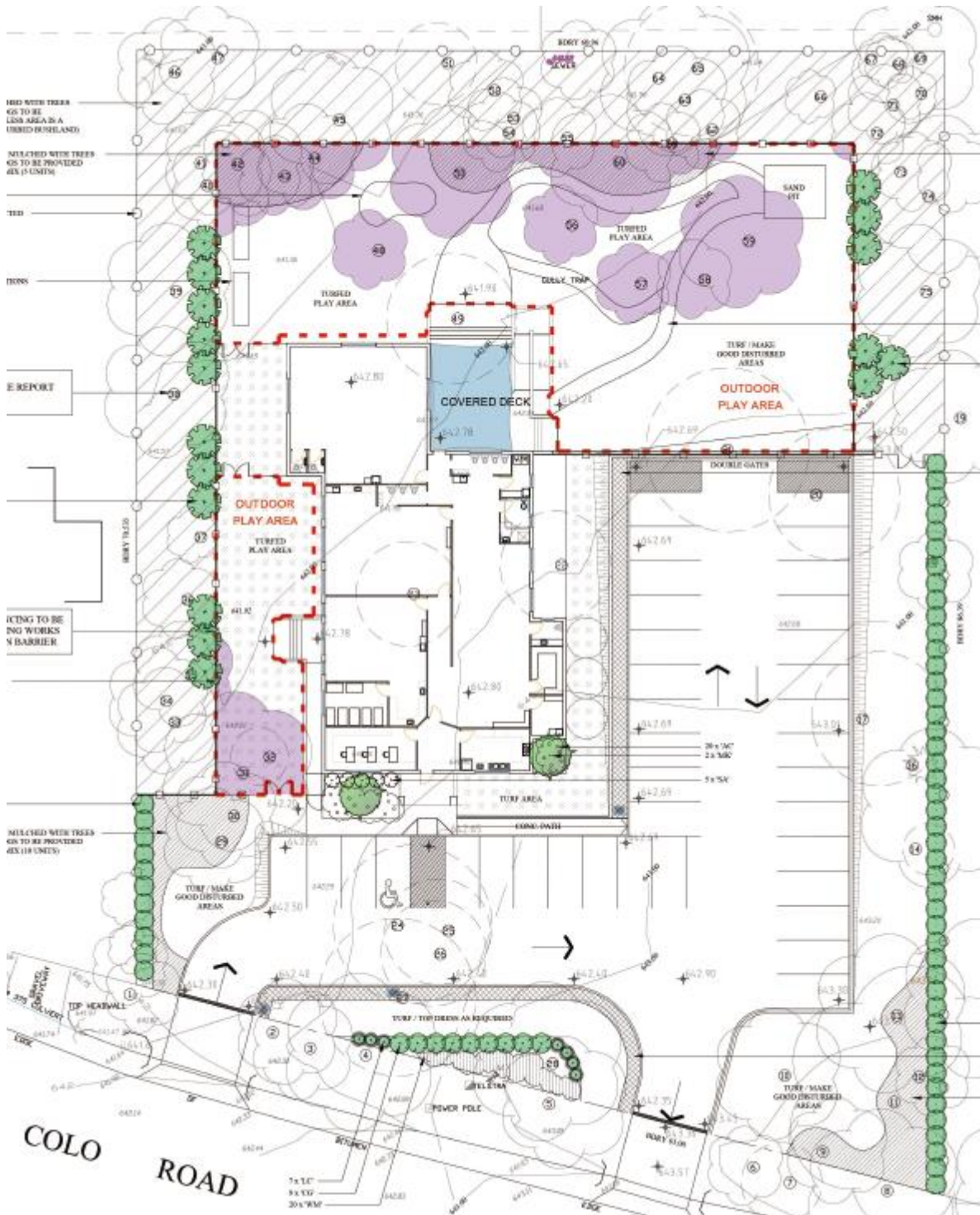


10.2 DA17/1794 - Demolition of Existing Dwelling and shed and Erection of a Child Care Centre - 71- 73 Colo Road, Colo Vale ATTACHMENT 4 Site Plan



ATTACHMENT 4

ATTACHMENT 4 – SITE PLAN

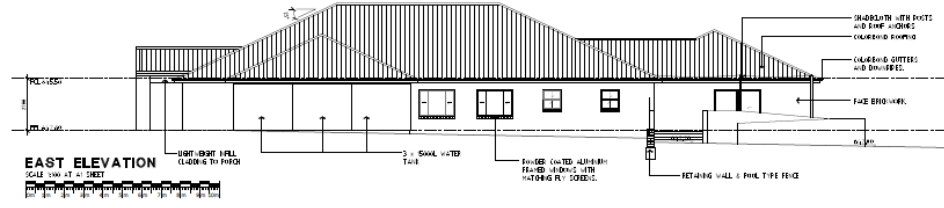
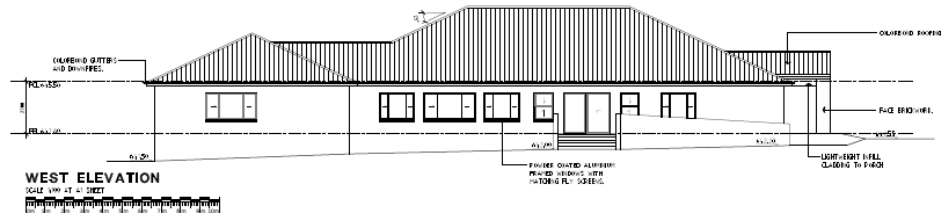
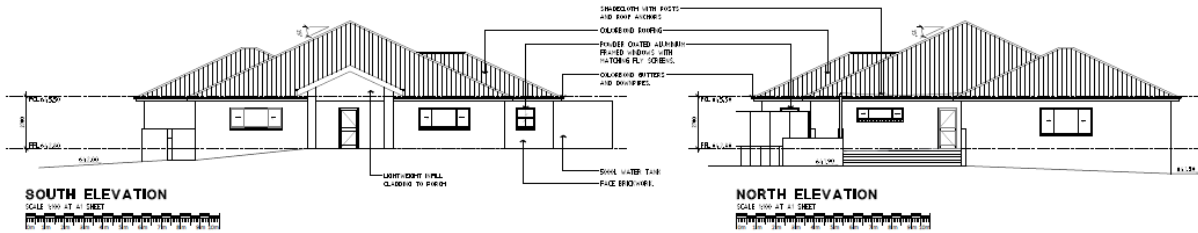


10.2 DA17/1794 - Demolition of Existing Dwelling and shed and Erection of a Child Care Centre - 71- 73 Colo Road, Colo Vale ATTACHMENT 5 Elevations



ATTACHMENT 5 – ELEVATIONS

ATTACHMENT 5





## 12 OPERATIONS FINANCE AND RISK

### 12.1 Proposed Lease of Council property, Part Memorial Hall, 114 Main Street Mittagong

Reference:	PN698900
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
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 grant a twenty one (21) year Lease to Berrima District Historical & Family History Society Inc. for the continued occupation of part of the Council owned building known as Memorial Hall, located at 114 Main Street, Mittagong,

#### RECOMMENDATION

1. **THAT** Council note the current lease agreement of the property known as Memorial Hall, 114 Main Street, Mittagong will expire on 31 December 2018.
2. **THAT** the General Manager be delegated authority to negotiate with Berrima District Family & Historical Society Inc. for a new Lease of the property known as part Memorial Hall, 114 Main Street Mittagong, for a maximum of twenty one (21) years, on similar terms and conditions to the current agreement.
3. **THAT** the rental for the Lease of the property referred to in Resolution 1 be set at the rate of \$1 per annum, in accordance with Council's Policy for the Lease & Licence of Council Property (Not-for-Profit organisations).
4. **THAT** Council will give public notice to the end January 2019 of its intention to enter into the Lease referred to in Resolution 2 above.
5. **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 Lease referred to in Resolution 2 above under the Common Seal of the Council (if required) **AND THAT**, if any objections are received, a further report will be forwarded to a future Ordinary Meeting of Council

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018

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



## REPORT

### BACKGROUND

Council is the registered owner of the whole of the land comprised in Lot 1 Section 5 Deposited Plan 1289 being the Memorial Hall (also known as the old Council Chambers) located at 114-116 Main Street, Mittagong.

At its meeting on 9 June 1999 Council considered a report to enter into a twenty one year licence agreement with the Society. It was resolved as follows:

1. THAT Council confirm it proposes to enter into a 20 year lease with the Berrima District Historical and Family Society for the Old Mittagong Council Chambers.
2. THAT the terms of the lease include the following:
  - i. **Rental** – That rental payable by the society be \$1.00 per annum.
  - ii. **Outgoings** – That Council pay all electricity, land and water rates and charges against the property.
  - iii. **Maintenance** – That Council maintain the structure and external fabric of the premises while the Society maintain and clean the internal fabric of the section of premises it occupies.
  - iv. **Insurance** – Council insure the building while the Berrima District Historical and family History Society hold Public Liability insurance to the amount of \$10,000,000 with the insurance subject to periodic review.
3. THAT the lease agreement be executed under Seal of Council.
4. THAT a Termination Clause be incorporated in the lease giving Council the option of termination the lease with 12 months' notice AND THAT Council finds suitable alternate premises for the Berrima District Historical and Family History Society should the lease be terminated.

At its meeting 23 August 2000 Council considered a report regarding the allocation of some space which had been vacated by Southern Highlands Institute of Performing Arts (SHIPA) within the Memorial hall. It was resolved as follows:

1. THAT the information be received and noted
2. THAT Council allocate \$14,000 towards the cost of constructing a kitchen facility, security door and possible compactus in the records store room on the first floor of the former Mittagong Council Chambers.
3. THAT the \$14,000 allocation in B above be met from the Maintenance and Building Fabric Vote.
4. THAT the adequacy of the Maintenance and Building Fabric Vote be referred to the December Budget Review for consideration.
5. THAT Council allocate the office area of the first floor of the former Mittagong Council Chambers, recently vacated by SHIPA, to the Berrima District Historical & Family History Inc, subject to the BDH&FH Inc agreeing to vacate the office/kitchen area on the ground floor.
6. THAT the current lease held by the BDH&FH Inc be amended to reflect the new area of the former Mittagong Council Chambers being leased.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018

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



7. *THAT the current lease held by the BDH&FH be amended to reflect the new area of the former Mittagong Council Chambers being released.*
8. *THAT Council approve the membership of a representative from the BDH&FH Inc to represent the organisation on the Mittagong Memorial Hall Management Committee.*
9. *THAT Council inspect the Mittagong Memorial Hall at its next inspection meeting.*

Berrima District Historical & Family History Society Inc. (the Society) has had tenure of the premises for 20 years in accordance with the Council resolution made on the 9 June 1999. The current agreement expires on 31 December 2018.

### **REPORT**

As the current lease agreement expires on 31 December 2018, it is essential that Council formally consider its position as property owner/Lessor. A meeting has been held with representatives of the Society and Council officers to discuss the upcoming expiration of the Lease and the new Lease moving forward. The current agreement will be held over to allow additional time, if required, for completion of the necessary processes and the new Lease to be executed.

The Society is a not-for-profit organisation that uses part of the Memorial Hall property for the purpose of the archiving, storage, display and administration matters relating to the activities and operation of that organisation.

The Society occupies the front section of the upper and ground floor of the premises, shown in **Attachment 1**, on a permanent basis, operating seven (7) days a week.

Also provided as **Attachment 2** is an aerial map of the property.

The Council property is classified as Operational Land; therefore there is no legislative requirement relating to public notice of the Lease. However, in the interests of transparency and good governance, it is recommended that Council resolve to give public notice of its intention to enter into a new Lease of the premises. Given the Christmas shutdown period is approaching, it is recommended that public notice be given until the end of January 2019.

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

None identified.

### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

The subject land is classified as Operational land and therefore no community engagement is required. This report recommends however that, for transparency purposes, Council give public notice of its intention to enter into a new long-term Lease with the Society for the use of the premises, such notice being advertised to the end of January 2019.

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

Assets

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**External Communication and Consultation**

Berrima District Historical & Family History Society Inc.

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**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**

There are no additional ongoing budget implications for Council that arise in respect of the proposal to grant a new Lease to the Society.

As the Lease must be registered on the Title to the Council property there will be costs incurred in granting a new lease including surveying of the premises occupied by the Society and fees for the registration of that Plan with the NSW Land Registry Services.

These costs are estimated to be approximately \$2,000.

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**RELATED COUNCIL POLICY**

*Lease or Licence of Council Property – Not-For-Profit Organisations*

The purpose of this policy is to provide benefits to the Council and its residents by:

- defining the general terms and conditions of Leases and Licences to Not-For-profit Organisations in respect of Council property;
- ensuring that leasing and licensing of Council Property is consistent, transparent, fair and impartial;
- ensuring that the lease or licence is in accordance with the *Local Government Act 1993*, *Local Government (General) Regulation 2005* and Office of Local Government Guidelines;
- encouraging sound management of Council property.



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018

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



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#### CONCLUSION

This report recommends that Council offer to Berrima District Historical and Family History Society Inc. a Lease for a maximum twenty one (21) year term. A Lease will formalise the continued use of part of the Memorial Hall, 114-116 Main Street, Mittagong. It is recommended that Council give public notice of its intention to enter into a new a Lease to the end of January 2019.

The terms and conditions of the proposed Lease to the Society will be in accordance with the Policy for Leasing and Licensing of Council Property to Not-For-Profit Organisations.

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#### ATTACHMENTS

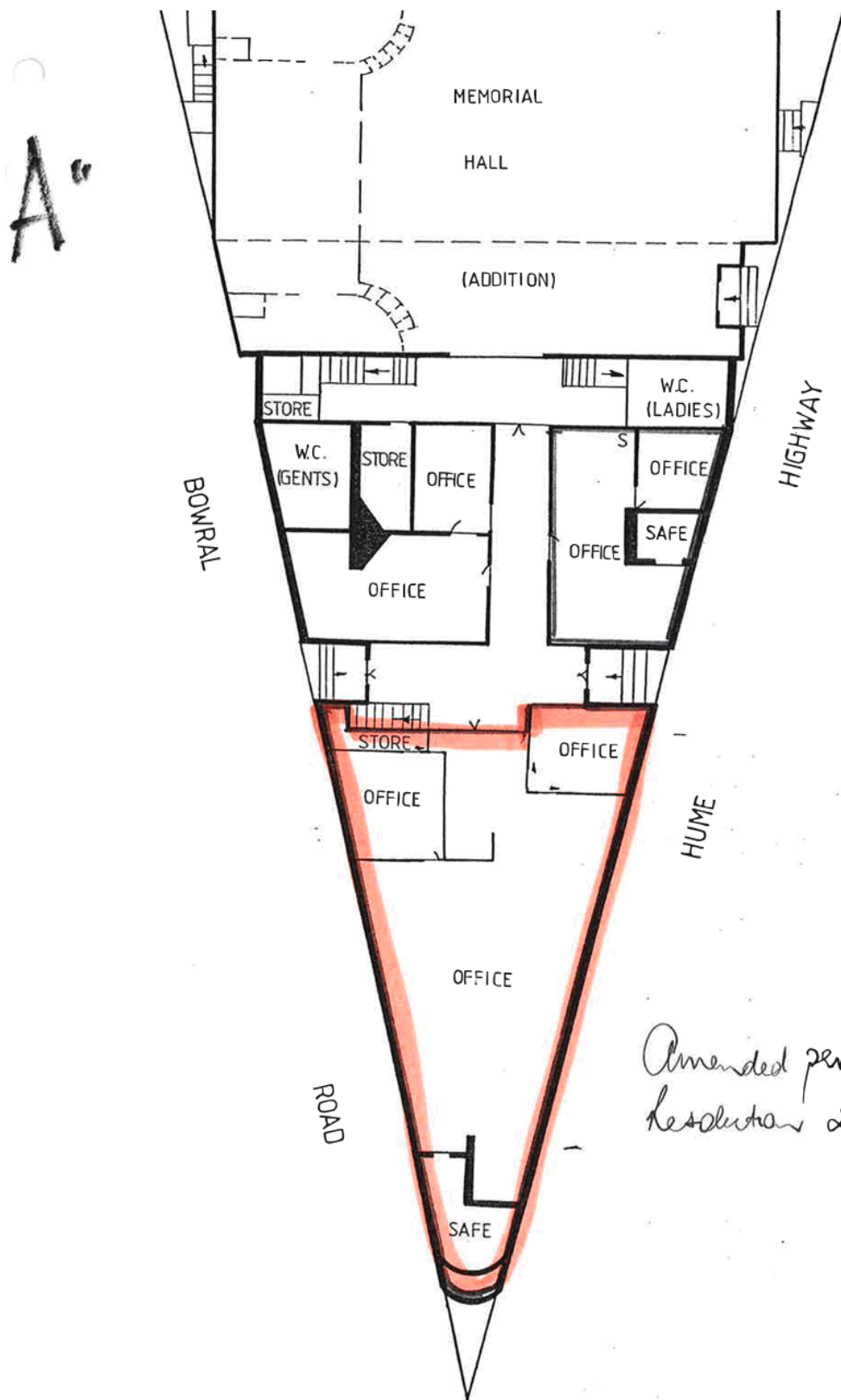
1. Attachment 1 - Floor Plan
2. Attachment 2 - Aerial Map

12.1 Proposed Lease of Council property, Part Memorial Hall, 114 Main Street Mittagong

ATTACHMENT 1 Attachment 1 - Floor Plan



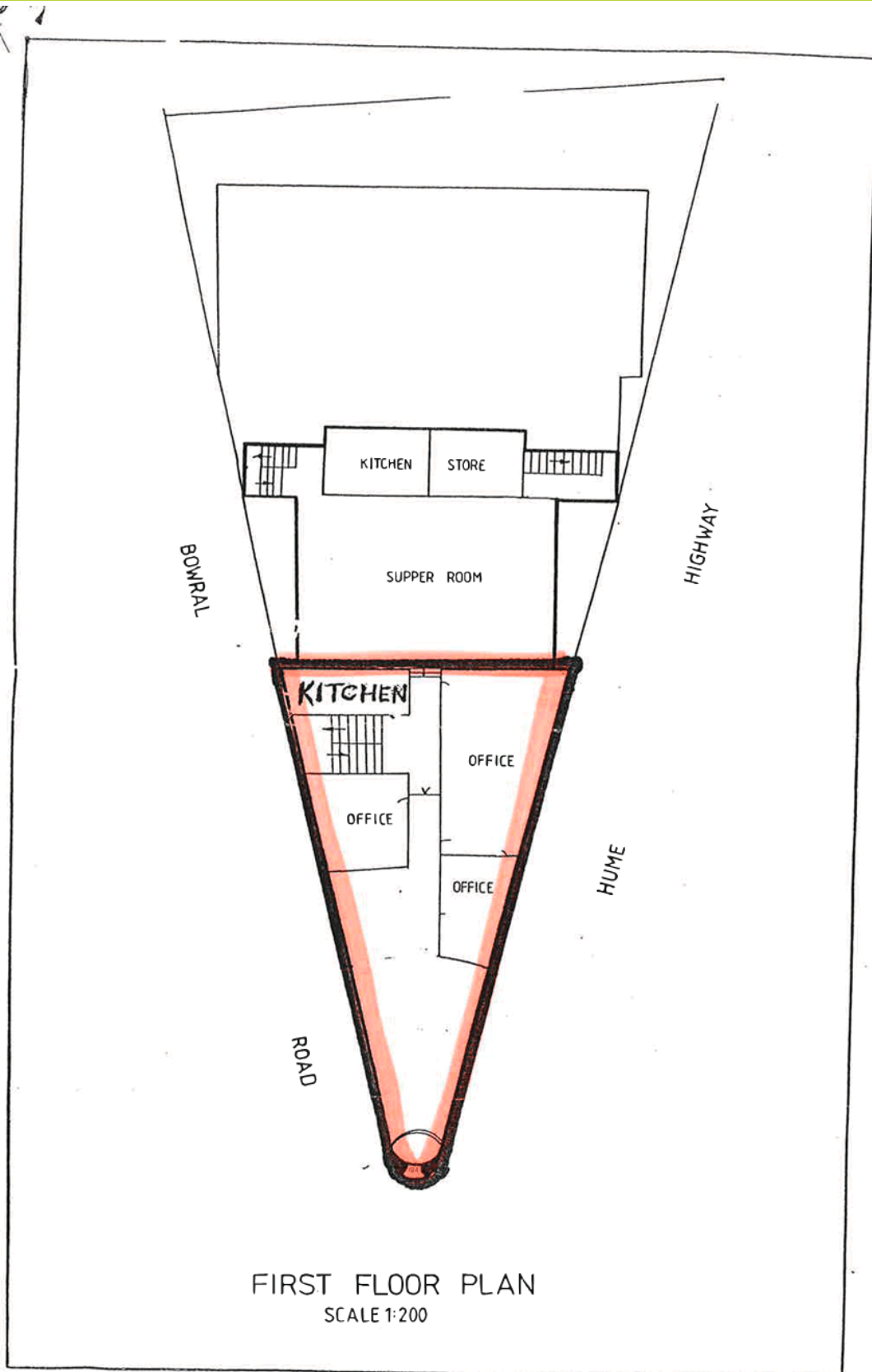
**ATTACHMENT 1**



*Amended per Council Resolution 23.8.2000*

GROUND FLOOR PLAN

SCALE 1:200







## 12.2 Proposed Licence Agreement for the use of Council property, Part 7-11 Burgess Street, Bundanoon

Reference:	PN279500
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
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 enter into a further Licence Agreement for the use of the Council Property (being the former Bundanoon Works Depot site) in Burgess Street, Bundanoon. The proposed Licence Agreement will include the portion of recently closed unformed road adjacent to the Council property.

### RECOMMENDATION

1. **THAT** Council give public notice of its intention to enter into a new five (5) year Licence Agreement to Bundanoon Community Association, Bundanoon Highland Gathering Inc. and Bundanoon Men's Shed for use of Part 7-11 Burgess Street, Bundanoon **AND THAT** public notice be given until the end of January 2019.
2. **THAT** the area of the Licence Agreement will incorporate the recently closed portion of road adjoining the property.
3. **THAT**, if any objections are received during the period of public notice, a further report will be presented to a future Ordinary Meeting of Council.
4. **THAT**, if there are no objections to the Licence Agreement received 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.



---

**REPORT**

**BACKGROUND**

Bundanoon Community Association, Bundanoon Highland Gathering Inc. and Bundanoon Men's Shed ("the current Licensees") are local community-based groups who hold a current Licence Agreement for the use of Council property being Part 7-11 Burgess Street Bundanoon ("Council Property") (**Attachment 1**). Each community group has their own designated and defined boundaries of area for use within the boundaries of the property.

At its meeting 12 April 2017, Council considered a report to close the unformed road known as part Burgess Street, Bundanoon adjoining Council property located at 7-11 Burgess Street, Bundanoon. It was resolved as follows:

*THAT Council give a minimum twenty eight (28) days public notice of its intention to close a segment of the unformed Council public road adjacent to 7-11 Burgess Street, Bundanoon.*

*THAT following public notice of the proposed closure, Council make application to Department of Industry - Lands for the closure of the segment of unformed Council public road adjacent to 7-11 Burgess Street, Bundanoon.*

*THAT the General Manager and Mayor be delegated authority to execute under the Common Seal of the Council any agreement, plan or real property dealing in respect of the proposed closure of the segment of unformed Council public Road adjacent to 7-11 Burgess Street, Bundanoon.*

*THAT upon closure of the unformed segment of road, the newly created lot will vest in Council as Community Land.*

At its meeting 13 December 2017 Council considered a report to approve a further five year Licence Agreement with a five (5) year option. It was resolved as follows:

*THAT Council place on public exhibition for a minimum twenty eight (28) days the proposed five (5) year Licence Agreement to Bundanoon Community Association, Bundanoon Highland Gathering Inc and Bundanoon Men's Shed for use of Former Bundanoon Works Depot, Burgess Street, Bundanoon.*

*THAT if any objections are received during the period of public exhibition, a further report will be presented to a future Ordinary Meeting of Council.*

*THAT if there are no objections to the Licence Agreement received during the period of public exhibition, 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.*

The existing Licence Agreement expired on 21 December 2017 and has been held over pending the registration of the road closure. The plan of road closure was registered on 28 September 2018. As the road closure is now registered and the newly created lot vests in Council as owner, Council can now proceed to enter in to a new Licence Agreement with Bundanoon Men's Shed, Bundanoon Community Association and Bundanoon Highland Gathering Inc. incorporating the new lot.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018

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



#### **REPORT**

As the road closure of part Burgess Street, Bundanoon has now been registered and the existing Licence Agreement is currently on a 'holding over' period, it is necessary for Council to formally consider its position as Licensor. The Council Property has been managed appropriately during the term of the current Licence Agreement and the current Licensees have now confirmed in writing that they wish to remain in occupation and continue their operations. It is recommended that Council continue the existing arrangement with the Licensees and enter into a new five (5) year Licence Agreement of part of the Council property with the addition of the portion of closed road to be incorporated in to the licenced area.

It is proposed that the terms and conditions of the new Licence Agreement remain essentially "as is" (other than term, which will be up to a maximum of five (5) years). The new Licence Agreement will be in compliance with Council's *Lease & Licence of Council Property (Not-For-Profit Organisations)* Policy adopted on 26 November 2014.

#### **LEGISLATION**

Section 47A of the *Local Government Act 1993* requires leases, licences and other estates in respect of community land for terms of 5 years or less to be placed on public exhibition for a minimum period of twenty eight (28) days. The lot newly created by the road closure has been vested as Community Land and, as such it is required that Council give public notice of its intention to enter into the Licence Agreement for the use of the Council Property. Given the Christmas shutdown period, it is recommended that public notice be given until the end of January 2019.

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

None identified.

#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

Council will give public notice place the proposed Licence Agreement on public exhibition until the end of January 2019.

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

None.

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

Bundanoon Community Association Inc

Bundanoon Men's Shed.

Bundanoon Highland Gathering Inc.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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



#### 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 are no budget implications. The Licensees will be responsible for the payment of outgoings as set out in the Policy referred to below.

#### RELATED COUNCIL POLICY

The terms and conditions of the proposed Licence Agreement will be in accordance with the Policy for Leasing and Licensing of Council Property to Not-For-Profit Organisations. The Policy was adopted by Council on 26 November 2014 (MN 326/14).

#### CONCLUSION

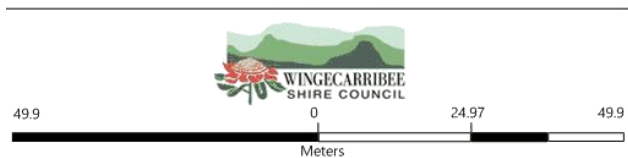
This report recommends that Council offer a Licence Agreement for a maximum five (5) year term to Bundanoon Community Association, Bundanoon Highland Gathering Inc. and Bundanoon Men's Shed including the portion of recently closed unformed road adjoining the property for the continued use of the subject Council Property. It is further recommended that Council give public notice (to the end of January 2019) of its intention to enter into the subject Licence Agreement. A further report will be forwarded to a future Ordinary Meeting of Council for determination if any written objections to the Licence Agreement are received during the period of public notice. If there are no objections received, it is recommended that authority be delegated to the General Manager and Mayor to execute the Licence Agreement.

#### ATTACHMENTS

1. Aerial map



12.2 Proposed Licence Agreement for the use of Council property, Part 7-11 Burgess Street, Bundanoon  
ATTACHMENT 1 Aerial map



Wingecarribee Shire Council

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ATTACHMENT 1



## 12.3 Investment Report as at 31 October 2018

Reference:	2104
Report Author:	Deputy Chief Financial Officer
Authoriser:	Chief Financial Officer
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 Council's Investment Portfolio held at 31 October 2018.

### RECOMMENDATION

**THAT the information on Council's Investments as at 31 October 2018 be received and noted.**

### REPORT

In accordance with part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, the Responsible Accounting Officer must provide Council with a written report setting out details of all money that Council has invested under section 625 of the *Local Government Act 1993*.

This report provides details of Council's Investment Portfolio as at 31 October 2018.

**Attachment 1** to this report provides Council's Investment Portfolio, detailing investments held and a summary of the portfolio by the institution invested with and their credit rating.

In accordance with Paragraph 212(1)(b) of the Local Government (General) Regulations, the investments listed in **Attachment 1** have been made in accordance with:

- The *Local Government Act, 1993*
- The *Local Government (General) Regulations 2005*,
- The Ministerial Investment Order 2011, and
- Council's Investment policy.

Interest earned from investments totalled \$1,426,733 for the four (4) months to 31 October 2018.

### ATTACHMENTS

1. October Investment Report



**ATTACHMENT 1**

**Wingecarribee Shire Council**  
**Investment Report Summary**  
 For the period ending 31 OCTOBER 2018

**List of Investments**

Council's investment portfolio as at 31 October 2018 consists of the following investments:

INVESTMENT PORTFOLIO AS AT 31 OCTOBER 2018						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
BDCU	Term Deposit	3,000,000	2.62%	365	9/11/2018	1.83%
AMP	Term Deposit	5,000,000	2.65%	272	26/11/2018	3.05%
WBC	Term Deposit	4,000,000	2.57%	365	5/12/2018	2.44%
WBC	Term Deposit	4,000,000	2.58%	365	14/12/2018	2.44%
CUA	Term Deposit	3,000,000	2.65%	365	20/12/2018	1.83%
CUA	Term Deposit	6,000,000	2.69%	365	24/01/2019	3.65%
WBC	Term Deposit	2,000,000	2.64%	365	31/01/2019	1.22%
CBA	Term Deposit	3,500,000	2.66%	365	7/02/2019	2.13%
CUA	Term Deposit	3,000,000	2.67%	365	21/02/2019	1.83%
CBA	Term Deposit	5,000,000	2.63%	365	2/03/2019	3.05%
BDCU	Term Deposit	3,000,000	2.65%	365	8/03/2019	1.83%
CUA	Term Deposit	2,000,000	2.71%	365	22/03/2019	1.22%
CBA	Term Deposit	3,000,000	2.78%	365	18/04/2019	1.83%
CBA	Term Deposit	2,000,000	2.78%	365	19/04/2019	1.22%
Bankw est	Term Deposit	3,000,000	2.80%	273	8/05/2019	1.83%
Bankw est	Term Deposit	3,000,000	2.80%	272	13/05/2019	1.83%
Bendigo	Term Deposit	5,000,000	2.80%	365	17/05/2019	3.05%
Bankw est	Term Deposit	5,000,000	2.80%	270	20/05/2019	3.05%
MyState	Term Deposit	5,000,000	2.81%	365	24/05/2019	3.05%
Bankw est	Term Deposit	3,000,000	2.75%	270	24/05/2019	1.83%
Bankw est	Term Deposit	5,000,000	2.75%	272	27/05/2019	3.05%
Bankw est	Term Deposit	5,000,000	2.80%	270	28/05/2019	3.05%
Bankw est	Term Deposit	5,000,000	2.80%	270	28/05/2019	3.05%
Bankw est	Term Deposit	5,000,000	2.75%	270	1/06/2018	3.05%
Ausw ide	Term Deposit	2,500,000	2.90%	365	19/06/2019	1.52%
Ausw ide	Term Deposit	5,000,000	2.92%	365	27/06/2019	3.05%
MyState	Term Deposit	5,000,000	2.90%	365	3/07/2019	3.05%
AMP	Term Deposit	5,000,000	2.91%	365	11/07/2019	3.05%
Bendigo	Term Deposit	5,000,000	2.76%	365	25/07/2019	3.05%
Bendigo	Term Deposit	5,000,000	2.77%	365	2/08/2019	3.05%
ME	Term Deposit	5,000,000	2.75%	365	27/08/2019	3.05%
ME	Term Deposit	5,000,000	2.74%	365	6/09/2019	3.05%
Mystate	Term Deposit	5,000,000	2.70%	365	12/09/2019	3.05%
WBC	Term Deposit	2,500,000	2.70%	365	20/09/2019	1.52%
NAB	Term Deposit	5,000,000	2.75%	365	27/09/2019	3.05%
Ausw ide	Term Deposit	5,000,000	2.75%	365	28/09/2019	3.05%
Rural	Term Deposit	5,000,000	2.75%	365	11/10/2019	3.05%
MyState	Term Deposit	5,000,000	2.80%	365	30/10/2019	3.05%
NAB	Call Account	6,701,404	1.40%	NA	NA	4.08%
<b>Total Investments</b>		<b>\$164,201,404</b>				<b>100.00%</b>

Institution Legend		
AMP = AMP Limited	CBA = Commonwealth Bank of Australia	NAB = National Australia Bank
ANZ = Australia & New Zealand Banking Group	CUA = Credit Union Australia	Newcastle = Newcastle Permanent
Auswide = Auswide Bank	IMB = IMB Bank	St George = St George Bank
BOQ = Bank of Queensland	ING = ING Direct	WBC = Westpac Banking Corporation
BDCU = Berrima District Credit Union	ME = Members Equity Bank	
Bendigo = Bendigo & Adelaide Bank	MyState = MyState Bank	



## Wingecarribee Shire Council Investment Report Summary

For the period ending 31 October 2018

### Policy Compliance

Council's Investment Policy provides clear direction for the diversification of Council's investment portfolio. This ensures credit and diversification risk is managed in accordance with the adopted risk management framework, as outlined in Council's Policy.

### Individual Institution Limits

A summary of investments placed by institution is as follows:

Institution	S&P Short Term Rating	Maximum %	Actual %	Invested \$	Supports Fossil Fuels	Policy Compliance
NAB	A1+	40%	7.13%	11,701,404	YES	YES
CBA	A1+	40%	8.22%	13,500,000	YES	YES
WBC	A1+	40%	7.61%	12,500,000	YES	YES
Bankwest	A1+	40%	20.70%	34,000,000	YES	YES
AMP	A1	25%	6.09%	10,000,000	YES	YES
BDCU	A2	15%	3.65%	6,000,000	NO	YES
Bendigo	A2	15%	9.14%	15,000,000	NO	YES
Rural Bank	A2	15%	3.05%	5,000,000	NO	YES
CUA	A2	15%	8.53%	14,000,000	NO	YES
ME	A2	15%	6.09%	10,000,000	NO	YES
MyState	A2	15%	12.18%	20,000,000	NO	YES
Auswide	A3	10%	7.61%	12,500,000	NO	YES
<b>Total</b>			<b>100.00%</b>	<b>164,201,404</b>		

### Portfolio Credit Limits

A summary of investments placed by credit limit is as follows:

S&P Short Term Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	43.67%	71,701,404	YES
A1	80%	6.09%	10,000,000	YES
A2	60%	42.63%	70,000,000	YES
A3	20%	7.61%	12,500,000	YES
Govt	25%	0.00%	0	YES
<b>Total</b>		<b>100.00%</b>	<b>164,201,404</b>	

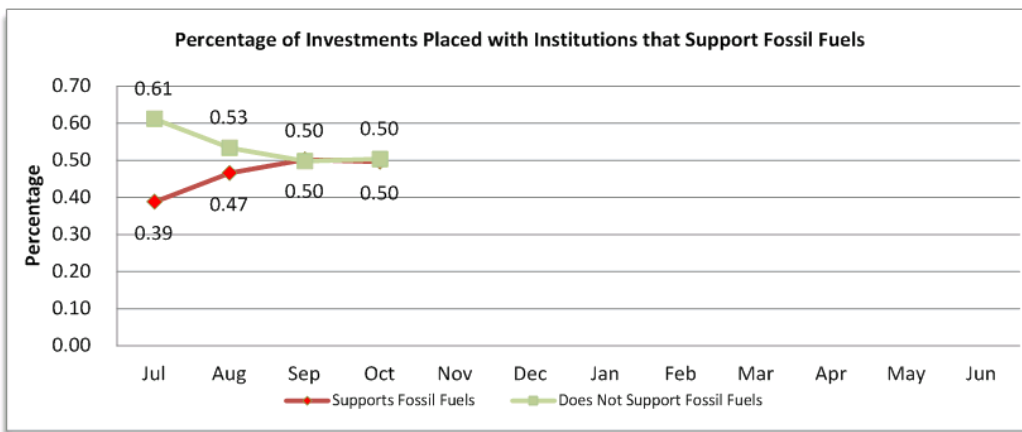


## Wingecarribee Shire Council Investment Report Summary For the period ending 31 October 2018

### Non-Fossil Fuel Investment Preferring

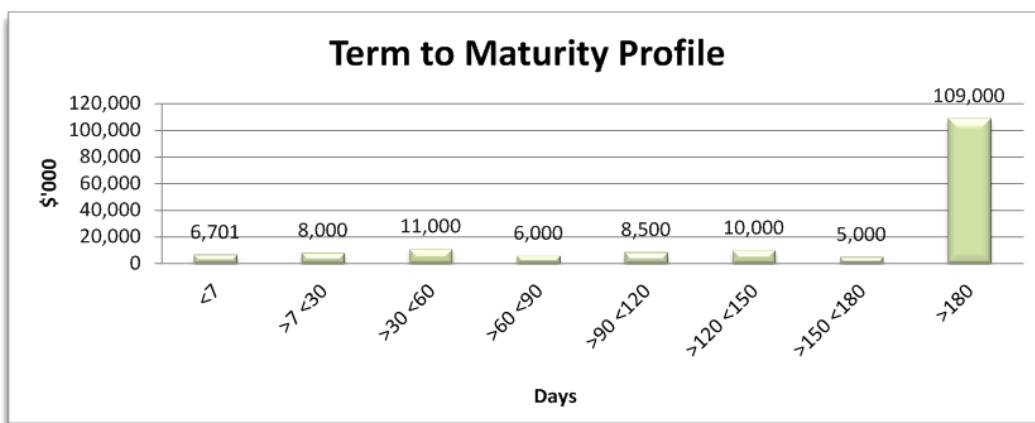
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

As investments mature Council will actively seek investments with institutions that do not support the fossil fuel industry, on the basis that they offer equivalent returns and are compliant with legislation and the objectives and parameters of the Investment Policy.



### Term to Maturity

Investments have been placed giving due consideration to Council's liquidity requirements. Sufficient Working Capital is available to ensure Council continues to meet its ongoing cash flow requirements for operational and capital expenditure.

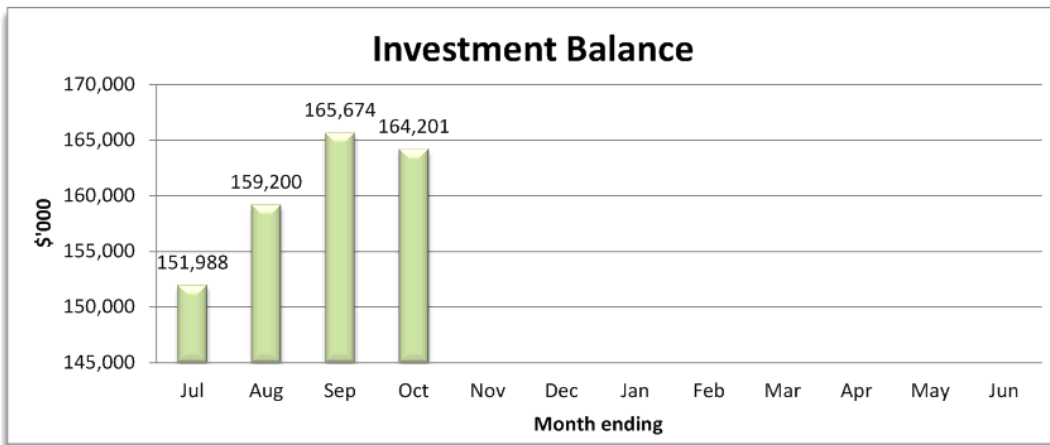




## Wingecarribee Shire Council Investment Report Summary For the period ending 31 October 2018

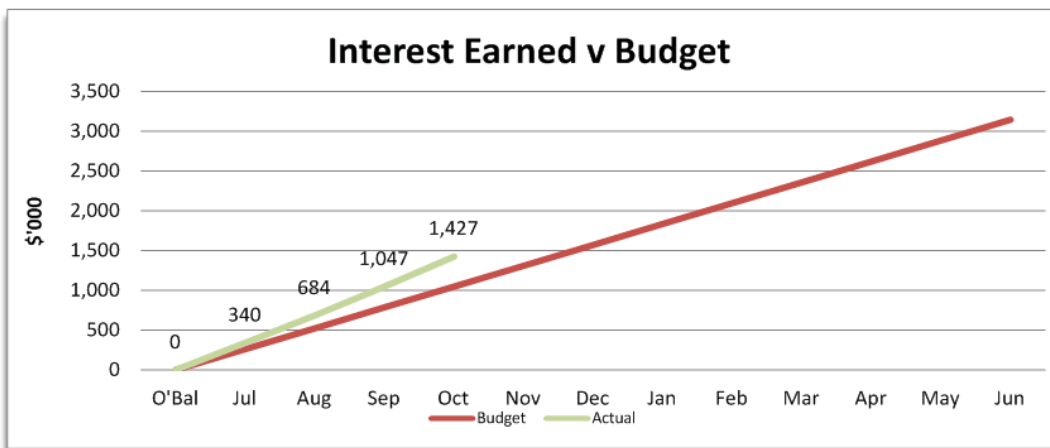
### Portfolio Performance

Council's investment balance at the end of October 2018 was \$164.201 million. This has decreased by \$1.473 million since the end of September 2018. The decrease in investments is a result of operational and capital expenditure payments during the October period.



### Interest Revenue

Council is currently exceeding budget expectations. Council's investment portfolio performed above budget due to Council actively seeking the best interest rates available and, high levels of funds to invest.





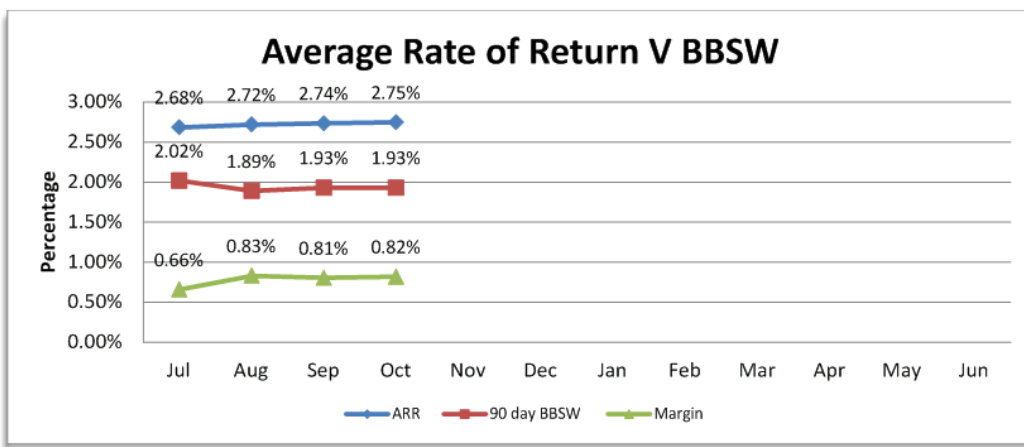
## Wingecarribee Shire Council Investment Report Summary For the period ending 31 October 2018

### Performance against Benchmark

Council's investment portfolio is benchmarked against the 90 day Bank Bill Swap Rate (BBSW).

The average rate of return (ARR) achieved for October 2018 was 2.75% which has increased by 0.01% since September 2018. There was no change in the BBSW at 1.93%

The margin above BBSW has increased in October 2018 by 0.01% as rates available in the fixed interest market remain relatively stable.



## 12.4 SRLX Feeding Surcharge

Reference:	5800
Report Author:	Manager Business Services
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

The purpose of this report is to provide Council with an update on a matter previously reported to Council on Wednesday 12 September 2018, relating to a proposed surcharge to the feeding fee at the Southern Regional Livestock Exchange.

### RECOMMENDATION

1. **THAT Council introduce a “market price” surcharge for the feeding of the 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 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**

The original report was presented to Council on 12 September 2018 and was unanimously endorsed for public exhibition for 28 days.

Council received two submissions relating to the proposal during its period of public exhibition, which closed on 24 October 2018. Their concerns are set out below:

- Notification: not being notified directly, unable to locate the proposal on the website and not on council noticeboards.
- Financially: Farmers are doing it tough due to the drought.
- Feed Production: Engaging an Agricultural Agronomist to ensure cost effective feed production on Council owned land.

Letters of response have been sent to the two residents, offering an explanation as to why the surcharge is proposed. There was no outright objection to the surcharge, just questions as to why.



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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



#### **REPORT**

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.

The proposed feeding surcharge at the Southern Regional Livestock Exchange will cover the increased cost of purchasing hay/silage resulting from the exceptional circumstances created by the ongoing drought conditions.

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

Nil

#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

The proposal to introduce the surcharge was advertised in the Southern Highlands News and exhibited on the Council website for 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**

The proposal was advertised on the Council page in the Southern Highlands News newspaper.

#### **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

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



- **Governance**

There are no governance issues in relation to this report.

#### COUNCIL BUDGET IMPLICATIONS

Without the proposed surcharge, Council will be forced to pay additional costs which depending on the duration of the drought, would result in a significant shortfall in the SRLX budget.

#### RELATED COUNCIL POLICY

NIL

#### OPTIONS

The options available to Council are:

##### Option 1

Introduce the surcharge as required.

##### Option 2

Do nothing and accept the budgetary implications.

**Option 1** is the recommended option to this report.

#### CONCLUSION

While Council acknowledges that 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 as a result Council will need to pass that cost on to the users of the service.

#### ATTACHMENTS

There are no attachments to this report.

Barry W Paull  
**Deputy General Manager Operations, Finance and Risk**

Friday 23 November 2018

## 13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 13.1 Revised Community Engagement Policy

Reference:	5704/9
Report Author:	Coordinator Community Engagement
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Improve opportunities for people to 'have their say' and take an active role in decision making processes that affect our Shire through diverse engagement opportunities

#### PURPOSE

This report seeks Council's endorsement for the revised Community Engagement Policy to be placed on public exhibition.

#### RECOMMENDATION

1. **THAT Council endorse the revised Community Engagement Policy 2018 to be placed on public exhibition for twenty eight (28) days commencing in early 2019.**
2. **THAT following the public exhibition period, and consideration of related submissions, a revised Community Engagement Policy be presented to Council for adoption.**

#### REPORT

##### **BACKGROUND**

Council's first Community Engagement Policy was adopted on 26 August 2009 and a subsequent review endorsed on 26 November 2014.

The policy outlines Council's principles, roles, responsibilities and commitment with regard to Community Engagement activities.

The policy is now due for a further review and update.

##### **REPORT**

A scheduled review of Council's Community Engagement Policy has been undertaken. The review did not identify any substantive position changes recommended for the policy. There were however some minor changes made to the text for clarity and updates to legislation.

These changes have not been highlighted in **Attachment 1** for ease of reading.

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Public exhibition of the draft Community Engagement Policy (**Attachment 1**) is recommended to provide an opportunity for stakeholders and the wider community to provide feedback.

The Policy should be exhibited for a minimum of 28 days and a report outlining the content of any submissions tabled for Council consideration prior to final endorsement.

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

Not applicable.

#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

Upon endorsement by Council the revised Community Engagement Policy is to be placed on public exhibition in early 2019 for twenty eight (28) days for comment. During this time feedback will also be sought from operational staff.

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

The Executive and Council staff have provided feedback during the review of the existing Community Engagement Policy.

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

The community will be invited to read the draft policy and provide feedback. The public exhibition will be promoted via newspaper advertising, media alerts and emails to people who currently subscribe to Council's emailed newsletters as well as the online consultation hub [www.yoursaywingecarribee.com.au](http://www.yoursaywingecarribee.com.au).

#### **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

As the current policy position has been in place since 2014, there are no additional 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

Nil

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#### RELATED COUNCIL POLICY

Notification of Development Proposals Policy

Community Engagement Strategy

Communications Strategy

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#### OPTIONS

The options available to Council are:

##### **Option 1**

Place the revised Community Engagement Policy on public exhibition for a minimum period of 28 days in early 2019. Following the public exhibition period, a revised Community Engagement Policy would be presented to Council for adoption, including a summary of any submissions received.

This option would allow for a timely exhibition and update of the policy.

##### **Option 2**

Make amendments to the policy before commencing the public exhibition. This option could mean that the policy is not exhibited before March 2019 and delay an update of the policy.

**Option 1** is the recommended option to this report.

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#### CONCLUSION

A scheduled review of the Community Engagement Policy has been undertaken. Minor amendments have been made to the policy last adopted by Council in 2014. It is recommended that the updated policy at **Attachment 1** is publicly exhibited.

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#### ATTACHMENTS

1. Revised Community Engagement Policy



# Community Engagement Policy

**ATTACHMENT 1**

## LEADERSHIP

### 1.2 COUNCIL COMMUNICATES AND ENGAGES WITH THE COMMUNITY IN A DIVERSE, OPEN AND INCLUSIVE WAY

Adoption Date:	(Governance to insert)
Council Reference:	(Governance to insert)
Policy Owner:	<i>Group Manager Corporate and Community</i>
Next review date:	(Governance to insert – 4 years recommended)
File Reference:	5704/9
Related Policies/Legislation:	<i>Local Government Act 1993</i> <i>Local Government Amendment (Governance and Planning) Act 2016</i> <i>Environmental Planning and Assessment Act 1979</i> <i>Government Information (Public Access) Act 2009</i> <i>Privacy and Personal Information Protection Act 1998</i> Code of Conduct Code of Meeting Practice
Related Documents:	Notification of Development Proposals Policy Community Engagement Strategy Communications Strategy Community Engagement Toolkit (internal doc) Privacy Management Plan Disability Inclusion Action Plan 2017 – 2021 Positive Ageing Strategy 2016 – 2026 Youth Strategy & Action Plan 2016-2026
Superseded Policy/GM Practice Note:	Community Engagement Policy 26/11/2014

## OBJECTIVES

The objectives of this policy are to:

- express Council’s commitment to engaging with the community and stakeholders on matters that affect them;
- improve understanding of community and stakeholder engagement; and
- outline how community engagement is integrated into Council activities in order to support decision making and strengthen relationships.



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## Community Engagement Policy

### POLICY STATEMENT

Council views community engagement as important to its effective, transparent and accountable governance. Council recognises that a clear standard of engagement should be established appropriate to the nature, complexity and forecast level of impact associated with each decision made regarding major projects, policies, strategies and operational changes.

Council is committed to:

- offering opportunities for the community to contribute to the decisions made by Council;
- effective two-way flow of information between Council and the community;
- decision-making that is transparent and works in the interest of the community, considering its many and diverse stakeholders; and
- ensuring that effective internal processes and controls exist within Council to ensure good governance and effective community representation.

### SCOPE

This Policy outlines the principles and commitments that will guide the planning, design, implementation and evaluation of community engagement practices at Council.

Community engagement is the responsibility of all Council service areas, teams and employees. It also applies to contractors and consultants undertaking work on behalf of Council.

#### Principles for Community Engagement

As part of this commitment, Council has adopted the following principles which provide the framework through which all community engagement will be considered and delivered:

1. Council's community engagement activities are based on the belief that those who are potentially affected, negatively or positively, by a decision have a right to have their thoughts heard and understood in the decision-making process.
2. Council recognises that in a system of representative democracy, it is neither practical nor possible to undertake extensive community engagement on every issue; however when a decision has the potential to impact the local community significantly, Council will seek out and facilitate the involvement of those potentially affected by or with an interest in a decision.
3. When undertaking community engagement, Council staff will present their views and professional recommendations in an open and respectful manner in order to inform the community and assist in the achievement of a knowledgeable outcome from each engagement opportunity.





## Community Engagement Policy

4. All materials and methods developed by Council to support community engagement will be genuine, unbiased, understandable and appropriate to ensure that the community can participate in a meaningful way.
5. When undertaking community engagement (consultation and higher on the IAP2 Spectrum described below), Council's commitment is that the community's contribution will be considered when making a decision. Council will also communicate to participants, where practicable, how their input was taken into account.

These principles are adapted from the International Association for Public Participation's *Core Values for Public Participation* (IAP2 © 2007 [www.iap2.org](http://www.iap2.org)) and are reflective of the philosophy of the *NSW Local Government Act and Amendments*.

### Level of engagement

Council will call for different levels of engagement depending on the issue, statutory requirements, forecast impact on the community and at different stages of a project.

The five levels of engagement outlined in the *International Association for Public Participation* (IAP2) spectrum shown below will be utilised:

**Inform:** To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.

**Consult:** To obtain public feedback on analysis, alternatives and/or decisions.

**Involve:** To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.

**Collaborate:** To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.

**Empower:** To place final decision-making in the hands of the public.

The identified level of engagement and its financial implication for each project will be noted in Council Committee Papers and Council Business Papers. The level will be determined in consultation with the appropriate Manager and Deputy General Manager.

### Statutory requirements

Some elements of community engagement are directed by statutory requirements of the *NSW Environmental Planning and Assessment Act* (Part 2, Division 2.6) and the *Local Government Act 1993*.



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Wingecarribee Shire Council – *Community Engagement Policy v1*  
Adoption Date: (Governance to insert)  
Policy Owner: Community Engagement Coordinator







# Community Engagement Policy

## DEFINITIONS

<b>Community Engagement</b>	<p>Council's definition of community engagement is based on the <i>United Nations Declaration on Community Engagement (2005)</i>.</p> <p>Council defines community engagement as a two-way process of dialogue by which the aspirations, concerns, needs and values of our local community and other relevant stakeholders are incorporated into policy development, planning, decision-making, service delivery and assessment.</p>
<b>Communication</b>	The exchange and promotion of information between the Council, community and internal or external stakeholders.
<b>Community</b>	<p>Community refers to the people who have a stake and interest in the Wingecarribee Local Government Area (LGA) and includes, people who:</p> <ul style="list-style-type: none"> <li>• Live, work, study or conduct business or are involved in local community groups or organisations in the LGA.</li> <li>• Visit, use or enjoy the services, facilities and public places located within the LGA.</li> </ul>
<b>Stakeholder</b>	Property owners and residents, business representatives, associations, other levels of government and agencies who have an interest or are directly impacted by the decisions of Council.
<b>IAP2</b>	International Association for Public Participation

## RESPONSIBILITIES

Responsibilities for implementing this policy are shared as follows:

Councillors	<p>Councillors should ensure that all new proposals that are brought to their attention have the appropriate community engagement completed (or specified as part of the project report). Councillors should encourage a positive attitude to involving the community at the appropriate level.</p> <p>A Councillor's role is to listen to the community and consider various views when making decisions at Council. Community engagement processes provide valuable opportunities for Councillors to hear and understand the voice of the community and ensure that this voice is properly represented when Council meets and makes resolutions which impact the future of our community.</p>
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# Community Engagement Policy

Executive	Executive should support the community engagement process and encourage the appropriate level of engagement by all staff.
Staff (Contractors and consultants undertaking engagement on behalf of Council are deemed employees for the purposes of this policy)	<p>Council employees need to be aware of the importance of community engagement and people directly involved in major projects should be trained to the appropriate level of the community engagement techniques and practices (or have access to trained advisers).</p> <p>A Council staff member's role in community engagement is to organise and facilitate the discussion, record, provide feedback, evaluate the engagement and consider the community's views when making unbiased recommendations to Council or committees.</p>
All	Both Councillors and Council staff are encouraged not to dominate or direct community discussions, nor to dismiss the community's input. Instead, Councillors and staff should allow discussions to move forward in an open, respectful and inclusive way.

### PERFORMANCE MEASURES

While community engagement plans are generally tailored to the unique aspects of each key project, at a minimum officers are required to use the *IAP2 Public Participation Spectrum* to define stakeholder roles and plan the process. They must also meet legislative requirements.

### BREACHES OF THE POLICY

Breaches of this policy should be reported to Group Manager Corporate and Community who will investigate allegations and determine an appropriate course of action to resolve the matter.

### APPROVED BY:

**WINGECARRIBEE SHIRE COUNCIL**

(Insert Date)



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Wingecarribee Shire Council – *Community Engagement Policy v1*  
 Adoption Date: (Governance to insert)  
 Policy Owner: Community Engagement Coordinator



## 13.2 Draft Rural Tourism Policy

Reference:	1900/1
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Ensure tourism balances the economic benefits with impact on environment and community

### PURPOSE

The purpose of this report is to present to Council a draft Rural Tourism Policy for a resolution to place on public consultation.

### RECOMMENDATION

1. **THAT** the draft Rural Tourism Policy as attached, together with this report, be placed on public exhibition for a period of three (3) months during which time information sessions will be held with tourism stakeholders and other interested parties, **AND THAT** a post exhibition report be prepared for consideration by Council at the conclusion of the exhibition period.
2. **THAT** draft amendments to WLEP 2010 to:
  - a) increase the maximum number of bedrooms in farm stay accommodation from three (3) to five (5), and
  - b) permit *Artisan food and drink industry* with consent in the following zones:
    - 1) RU1 Primary Production,
    - 2) RU2 Rural Landscape,
    - 3) RU4 Primary Production Small Lots, and
    - 4) SP3 Tourist
  - c) exclude Function Centres in the E3 Environmental Management zone from the operation of Clause 2.8 Temporary Use of Land.

be included with the exhibited draft Rural Tourism Policy for comment prior to being reported back to Council for consideration of a Planning Proposal for a Gateway Determination.



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## **REPORT**

### **BACKGROUND**

The South East and Tablelands Regional Plan (Regional Plan) identifies tourism as a key economic driver across the region and nominates tourism as the highest 'priority growth sector' in the development of a diversified regional economy (page 15). The Regional Plan also recognises the significance of agricultural production to the regional economy and the importance of identifying and protecting "high environmental value" land.

Rural Tourism sits at the interface of these three regional priorities and the intent of a Rural Tourism Policy is to provide a strategic framework within which tourism, agriculture and environmental sensitivities can all coexist. The Wingecarribee Shire Community Strategic Plan (June 2017) reflects this intent through Strategy 5.1.3 - *ensure tourism balances the economic benefits with impact on environment and community*. **Attachment 1** to this report contains the draft Rural Tourism Policy prepared for public exhibition.

### **REPORT**

Council recognises that tourism is a key economic driver for the Shire, estimated to generate some 2,300 full time equivalent jobs. Tourism is a key employer of young people offering 'first job' and 'part time' job opportunities as well as full time jobs across a broad age range and across a broad range of skill sets. One advantage to the tourism base of the Shire is that it is capable of providing year-round, rather than seasonal opportunities.

Council also recognises the economic challenges that traditionally face rural communities and that rural based tourism provides the potential for a broader economic base in these communities.

The benefits of tourism are acknowledged in the Wingecarribee Shire Community Strategic Plan (June 2017) as indicated below:

*Economy - Our Shire attracts people to work, live and visit.*

*Strategy 5.1.2 - increase local employment opportunities for people in all stages of life, Strategy 5.1.4 - provide diversity in tourist attractions and experiences and*

*Strategy 5.1.5 - promote Southern Highlands' unique brand identity.*

However, the Strategic Plan also acknowledges that these goals and strategies need to be balanced against community and environmental impacts which are not always positive (Strategy 5.1.3 - *ensure tourism balances the economic benefits with impact on environment and community*.)

To explore ways in which primary producers in particular might diversify their agricultural activities and pursue a broader range of business options, a Rural Tourism Forum was held on Friday 20 March 2015, attended by 32 representatives from key State and Local rural agencies and local rural industries. Seven (7) staff were also in attendance.

Feedback, both during and after the Forum, identified three key tourism 'themes' - Function tourism, Agri-tourism and Equestrian tourism, and these themes formed the basis of the rural tourism component of Chapter 3 (Managing our Rural Lands) of the Wingecarribee Local Planning Strategy 2015-2031, adopted by Council on 23 March 2016 and conditionally endorsed by the Department of Planning and Environment on 15 May 2017.

One primary focus of the Forum was to identify how WLEP 2010 might be amended to better facilitate the delivery of tourism opportunities within the rural and environmental zones without adversely impacting the environmental sensitivities of this land. Since 2015 Council

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has continued to explore options for achieving this outcome, seeking to address certain land use legislative prohibitions as well as investigating ways to provide broader agri-business opportunities without adversely impacting the environmental and heritage sensitivities associated with much of the land within the Shire.

The Sydney Surrounds South Destination Management Plan, to which the Regional Plan requires local tourism strategies to align, identifies *planning and development issues* and *community understanding of tourism benefits* as the two key 'threats' to achieving regional tourism priorities. Community resistance to tourism can be explained through the concept of 'externalities' - situations where the production or consumption of goods and services imposes costs or benefits on others which are not reflected in the prices charged for those goods and services. This unequal distribution of costs and benefits can result in resistance from those adversely impacted. The most effective means of addressing this imbalance and reducing resistance is government intervention. Land use planning is a recognised mechanism of government intervention, with land use conflicts representing the potential for imbalance in the distribution of costs and benefits. The aim of land use planning is to minimise conflict so that the benefits of economic development can be spread more broadly through the community.

#### Land Use Planning for Rural Tourism

Land use zones where the main rural tourism opportunities are identified are the RU2 Rural Landscape, RU4 Primary Production Small Lots, E3 Environmental Management, E4 Environmental Living and the SP3 Tourist zone, while rural tourism related development opportunities are also available in the RU1 Primary Production, RE1 Public Recreation and the RE2 Private Recreation zones. These rural tourism options are generally identified as agri-tourism. **Figure 1** below summarises the key agri-tourism land uses within four (4) broad category headings – agricultural production and processing, food and drink premises, general retail and accommodation. Each is discussed at the end of the table.

<b>Permissible land uses with tourism potential</b>	<b>Relevant Rural, Environmental Protection &amp; Recreation Zones</b> <b>NB: WLEP 2010 should be consulted to confirm definition, permissibility &amp; controls</b>
<b>Agricultural Production &amp; Processing</b>	
Extensive agriculture (including livestock grazing, beekeeping, pasture based dairy)	RU1 Primary Production RU2 Rural Landscape RU4 Primary Production Small Lots E3 Environmental Management E4 Environmental Living
Horticulture (including fruits, vegetables, mushrooms, nuts, cut flowers & foliage)	RU1 Primary Production RU2 Rural Landscape RU4 Primary Production Small Lots E3 Environmental Management E4 Environmental Living

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<b>Permissible land uses with tourism potential</b>	<b>Relevant Rural, Environmental Protection &amp; Recreation Zones</b> <b>NB: WLEP 2010 should be consulted to confirm definition, permissibility &amp; controls</b>
Viticulture	RU1 Primary Production RU2 Rural Landscape RU4 Primary Production Small Lots E3 Environmental Management E4 Environmental Living
Agricultural Produce Industries (including wineries, olive oil & cheese production)	RU1 Primary Production RU2 Rural Landscape RU4 Primary Production Small Lots E3 Environmental Management E4 Environmental Living
<b>Food &amp; Drink Premises</b>	
Cafes or Restaurants	RE1 Public Recreation RE2 Private Recreation
Cellar Door Premises (can include appropriately sized restaurant or café as ancillary development)	RU1 Primary Production RU2 Rural Landscape RU4 Primary Production Small Lots E3 Environmental Management E4 Environmental Living RE2 Private Recreation
Home Business	RU1 Primary Production RU2 Rural Landscape RU4 Primary Production Small Lots E3 Environmental Management E4 Environmental Living RE2 Private Recreation
Roadside Stall	RU1 Primary Production RU2 Rural Landscape

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<b>Permissible land uses with tourism potential</b>	<b>Relevant Rural, Environmental Protection &amp; Recreation Zones</b> <b>NB: WLEP 2010 should be consulted to confirm definition, permissibility &amp; controls</b>
	RU4 Primary Production Small Lots E3 Environmental Management E4 Environmental Living RE2 Private Recreation
Markets	RE1 Public Recreation RE2 Private Recreation
<b>General Retail</b>	
Home Business	RU1 Primary Production (without consent) RU2 Rural Landscape RU4 Primary Production Small Lots E3 Environmental Management E4 Environmental Living
Roadside Stall	RU1 Primary Production (without consent) RU2 Rural Landscape RU4 Primary Production Small Lots E3 Environmental Management E4 Environmental Living RE2 Private Recreation
Markets	RE1 Public Recreation RE2 Private Recreation
Kiosks	RE1 Public Recreation RE2 Private Recreation
<b>Accommodation</b>	
Bed & Breakfast Accommodation	RU1 Primary Production RU2 Rural Landscape RU4 Primary Production Small Lots E3 Environmental Management E4 Environmental Living RE2 Private Recreation

Permissible land uses with tourism potential	Relevant Rural, Environmental Protection & Recreation Zones <b>NB: WLEP 2010 should be consulted to confirm definition, permissibility &amp; controls</b>
Eco-Tourist Facilities	RU1 Primary Production RU2 Rural Landscape RU4 Primary Production Small Lots E3 Environmental Management E4 Environmental Living RE2 Private Recreation
Farm Stay Accommodation	RU1 Primary Production RU2 Rural Landscape RU4 Primary Production Small Lots E3 Environmental Management E4 Environmental Living RE2 Private Recreation
Caravan Parks & Camping Grounds	RE1 Public Recreation RE2 Private Recreation

**Figure 1 Agri-tourism land use permissibilities**

As the table above indicates, a broad range of low scale, boutique style agri-tourism options are available to support rural land uses within a number of zones. These can even take the form of a café or small restaurant as ancillary to a cellar door premises. Broader general retail options are limited in the rural and environmental protection zones as Council prefers such activity to be located within the existing business areas. However, there are small scale opportunities which applicants can consider.

Tourist and visitor accommodation opportunities within the agri-tourism category also generally focus on small scale, boutique type experiences where visitors can share a family home (as in traditional bed and breakfast establishments), experience environmentally special locations (eco-tourist facilities) or share farm life experiences (farm stay accommodation).

A further accommodation opportunity is provided through clause 7.11 of WLEP 2010 rather than through the land use table. This clause enables the owner of an approved dwelling to use it for short term holiday accommodation. The NSW Department of Planning & Environment does not consider this form of accommodation to be tourist and visitor accommodation, but rather a ‘home sharing’ activity although the owner does not need to be



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present on the site. These 'home sharing' opportunities can be extended in those zones where dual occupancy or secondary dwelling development is also permitted with consent, either under WLEP 2010 or the 'Affordable Housing' State Environmental Planning Policy (SEPP).

The state government is currently implementing new standards and controls for the management of short term holiday rentals, recognising the tourism benefits of such development, but also recognising the potential neighbour conflicts which can arise through poor social behaviour of some guests. To ensure the ongoing permissibility of 'home sharing' with minimal restrictions, it is imperative that owners play an active role in the supervision and management of this activity.

Each type of land use has a precise definition under WLEP 2010 which must be complied with in order for Council to be able to consider an application and meeting the requirements of these definitions can be a challenge, however Council is reviewing how it might assist in enabling consideration of some of these land uses, namely:

Eco-Tourist Facilities – Under WLEP 2010, eco-tourist facility means *a building or place that:*

- (a) *provides temporary or short-term accommodation to visitors on a commercial basis, and*
- (b) *is located in or adjacent to an area with special ecological or cultural features, and*
- (c) *is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.*

*It may include facilities that are used to provide information or education to visitors and to exhibit or display items.*

Sub clause (b) above clearly limits the location of an eco tourist facility and Clause 5.13 of WLEP 2010 provides several heads of consideration which must be addressed when applying for development consent for an eco-tourist facility.

High Value Environmental Lands maps are being finalised for Council through Office of Environment & Heritage (OEH) and are discussed in more detail later in this report. They provide a strong evidence based framework to support consideration of an application for an *eco-tourist facility*, being land with *special ecological or cultural features*, subject to other Council controls identified in the relevant DCP.

Farm Stay Accommodation – is a form of tourist and visitor accommodation defined in the Standard Instrument as *a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production*. WLEP 2010 currently restricts the number of bedrooms to three (3). The Wingecarribee Local Planning Strategy recommends that this could be increased to five (5) and this recommendation is included in this report to be further discussed through the exhibition of the draft Rural Tourism Strategy.

Development Control Plan controls could be amended to provide greater clarity around what is considered to be a 'working farm' for the purposes of farm stay accommodation. Council will establish a set of criteria which will provide greater certainty for both applicant and development assessment staff when considering such applications.

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Artisan Food and Drink Industry – is a type of light industry which means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

Clause 5.4 of WLEP 2010 limits the area of the retail component to 67% of the gross floor area, or 400m<sup>2</sup>, or whichever is the lesser.

On 27 July 2018 The Standard Instrument was amended to include a land use and definition for *Artisan Food and Drink Industry*. As a result, WLEP 2010 was also amended accordingly to permit such development wherever light industry is permitted, however light industry is currently prohibited in certain rural and environmental protection zones. *Artisan Food and Drink Industry* is prohibited in the E3 Environmental Management and E4 Environmental Living zones because all industries, including light industry, are mandated prohibited in these zones under the Standard Instrument.

However, it is possible for Council to amend WLEP 2010 to permit *Artisan Food and Drink Industry* with consent in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and SP3 Tourist zones.

It is noted that *Agricultural Produce Industry* is permitted with consent in the E3 zone because it is a form of *Rural Industry* which is not included under the group term *Industry*. It is further noted that *Agricultural Produce Industry* does not contain any retail component.

#### Equestrian Tourism

A third type of rural tourism identified in the Wingecarribee Local Planning Strategy was equestrian tourism, due to the popularity of the Shire for horse related activity. The landscape and climate of the Shire lend themselves to equestrian pursuits, both among the resident population and tourists and cover a broad range of activities, as indicated in **Figure 2** below, which provide a range of employment opportunities from grooms and farriers to vets and businesses providing feed and equipment. Therefore, Equestrian Tourism deserves attention as a valuable form of Rural Tourism.

<b>Tourist related land uses - Permitted with consent</b>	<b>Relevant Rural, Environmental Protection &amp; Recreation Zones</b> <b>NB: WLEP 2010 should be consulted to confirm definition, permissibility &amp; controls</b>
Animal Boarding & Training Establishment – includes Riding School	RU1 Primary Production RU2 Rural Landscape
Recreation Facility (indoor)	RE2 Private Recreation



<p><b>Tourist related land uses - Permitted with consent</b></p>	<p><b>Relevant Rural, Environmental Protection &amp; Recreation Zones</b>  <b>NB: WLEP 2010 should be consulted to confirm definition, permissibility &amp; controls</b></p>
<p>Recreation Facility (outdoor)                  - includes Equestrian centres</p>	<p>RU1 Primary Production                  RU2 Rural Landscape                  RU4 Primary Production Small Lots                  E3 Environmental Management                  E4 Environmental Living                  RE2 Private Recreation</p>

**Figure 2 Equestrian tourism land use permissibilities**

One particular concern expressed by those involved with equestrian tourism was the lack of provision in the Development Control Plans for covered dressage arenas. This is currently being addressed through draft controls for the Rural Lands and Rural Living Development Control Plans.

In summary, therefore, WLEP 2010 permits a range of land uses which support rural tourism development and Council has identified potential opportunities for facilitating consideration of these uses through amendments to WLEP 2010 and the relevant Development Control Plans.

However, certain land uses are prohibited in certain zones under WLEP 2010. Of particular concern are the limitations of the E3 Environmental Management zone land use table. Development of the rural weddings tourist market is restricted in the E3 zone due to function centres, restaurants and cafés being prohibited in the zone. This type of development was described in the Wingecarribee Local Planning Strategy as Function Tourism and advocates for this form of tourism note the impacts that the prohibition of certain land uses within the E3 zone has on function tourism.

Function Tourism in the E3 zone

The E3 Environmental Management zone accounts for some 49% of all land within the Shire to the extent indicated in **Figure 3** below.



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The South East and Tablelands Regional Plan (page 66) specifically identifies the highest priorities for the Shire as including:

- *Protect high environmental value lands including regionally significant biodiversity corridors*
- *Protect the Sydney Drinking Water Catchment*
- *Protect important agricultural lands as a resource for food security*
- *Protect the shires valued heritage assets*

The E3 Environmental Management zone, together with the E1 Natural Parks and Nature reserves and E2 Environmental Conservation zones, represent Council's key strategic zoning and land use framework for achieving these Regional Plan priorities.

The Standard Instrument, on which WLEP 2010 is based, defines *restaurants and cafés* as a form of *retail premises* and *retail premises* are mandated prohibited in the E3 zone under the Standard Instrument. Therefore with regard to these land uses Council does not have any ability to amend WLEP 2010.

The Standard Instrument defines a function centre as *a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.*

Function centres are not mandated prohibited in the Standard Instrument, but are prohibited under WLEP 2010. Similarly, all forms of tourist and visitor accommodation (except for bed and breakfast accommodation and farm stay accommodation) are prohibited in the E3 zone under WLEP 2010.

Council is not supportive of amending WLEP 2010 to permit function centres or these forms of tourist and visitor accommodation in the E3 zone. Such intensive uses are not considered appropriate on land which generally does not have reticulated water or sewer and which quite often contains threatened ecological communities and wildlife corridors. Such intensive land uses can also place unacceptable pressure on the Shire's rural roads network, much of which is unsealed. Council is also mindful that such development has the potential to create land use conflicts across the Shire.

Therefore Council prefers that tourism development in the E3 Environmental Management zone focus on traditional agricultural land uses and 'nature based experiences', through small scale, 'boutique' style development as discussed previously in this report.

However, Council does recognise that there will always be requests to rezone E3 Environmental Management land to SP3 Tourist and therefore it is important to have a strong strategic framework within which to consider and determine such requests.

The SP3 Tourist zone was introduced into the Shire with the making of WLEP 2010. This zone, as its name suggests, permits, with Council consent, a broad range of tourist related development. The objectives of the SP3 Tourist zone are:

- to provide for a variety of tourist-oriented development and related uses, and
- to ensure that development is sympathetic with the rural setting and landscape features of the site and minimises impact on the scenic values of nearby development and land use activity.

Three (3) sites were initially identified as SP3 Tourist zones with the making of WLEP 2010, but, subsequently the rezoning to SP3 Tourist of additional sites within the Shire has

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occurred generally where they are already operating some form of tourism business established through approvals under WLEP 1989.

The Wingecarribee Local Planning Strategy sets out key criteria against which applications for rezoning to SP3 Tourist have been, and are, currently assessed, being:

- 1) Covers an area of at least 20 hectares
- 2) Has been operating as a tourist establishment for three (3) years
- 3) Is within 2km of residential development
- 4) Is adjacent to or near major access road
- 5) Has access to adequate water and sewerage infrastructure (not necessarily reticulated)
- 6) Is free of extensive Endangered Ecological Community (EEC)
- 7) Is free of significant bushfire or flood threat which cannot be addressed through design considerations
- 8) Is free of any other environmentally sensitive constraints.

Criterion (1), a minimum site area of 20ha, is intended to minimise impacts on neighbouring properties. Criterion (2), that the property has been operating as a tourist establishment for at least three (3) years, is intended to limit rezoning requests to those properties which are already successfully operating some form of tourist development and stop opportunistic requests. The remaining criteria reflect key strategic assessment criteria applied to most rezoning proposals. Criterion (3), that the property be located within 2 km of residential development, seeks to locate such development on the 'outskirts' of the urban areas where tourist accommodation is generally located and where access and road standards are appropriate. The other requirements address infrastructure and environmental constraints.

The criteria are supported by Development Control Plan (DCP) provisions within the Rural Lands DCP, acknowledging that the land, although rezoned, generally remains located within a rural context and is subject to the environmental sensitivities reflected in its original zoning, most frequently the E3 Environmental Management zone.

However, the reliance on these criteria alone creates a zone which operates in response to applications rather than as a prescriptive zone based on strategic land use planning principles. A stronger strategic framework, underpinning the assessment criteria, would provide more clarity around where more intensive rural tourism development would be supported, and where it would not, thereby providing greater investment certainty and community confidence.

Office of Environment and Heritage (OEH) has been working for some time on a set of High Value Environmental Lands (HVEL) maps based on the following state government endorsed criteria:

- 1) Areas protected or managed for conservation – includes land zoned E1 National Parks and Nature Reserves and E2 Environmental Conservation, as well as private land with conservation agreements including biobanking agreements, indigenous protected areas, areas of outstanding biodiversity value, including critical habitat.
- 2) Native vegetation of high conservation value, including land identified under part 4 of the Native Vegetation Regulation 2013 and threatened ecological communities.
- 3) Threatened species and populations – includes critical habitat such as koala habitat and corridors.

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- 4) Wetlands and rivers - including riparian vegetation
- 5) Areas of geological significance – including items on the State Heritage Register.

**Figure 4** below indicates the current extent of mapped HVEL within the Shire.

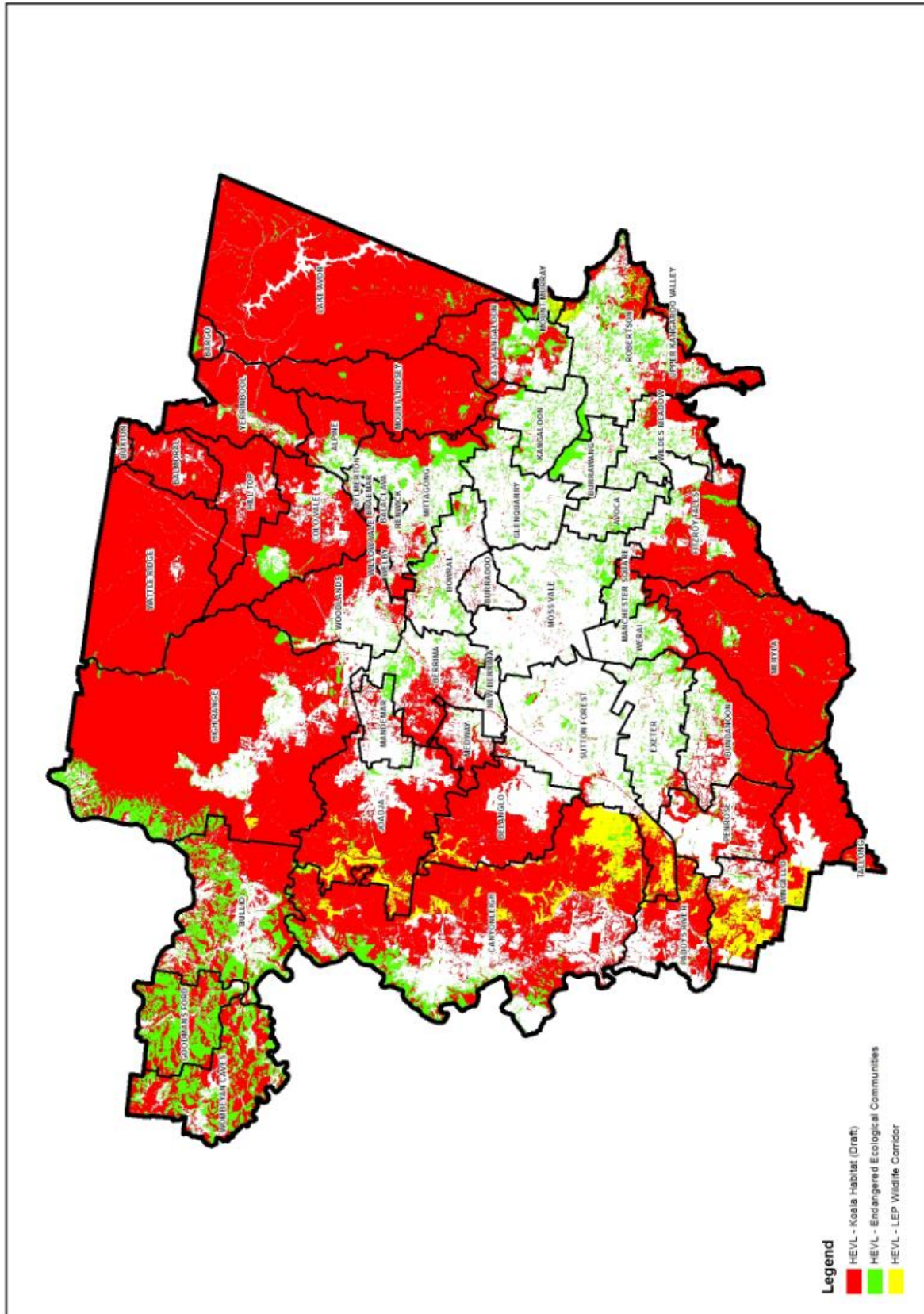


Figure 4 Location of High Value Environmental land in the Shire (enlarged to A3 at Attachment 3)



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The current maps are still being finalised and at this time provide just a snapshot of data potential, recognising that the data is continuing to be refined and improved, but even now it is clear that a significant proportion of the Shire is of high environmental value, comprising wildlife corridors, threatened ecological communities and koala habitat and validate the extent of Council's E1 National parks and Nature Reserves, E2 Environmental Conservation and E3 Environmental Management zones. When finalised this mapping will become a State endorsed data layer for regional planning purposes and for consideration of future land use planning through WLEP2010.

Similarly, Agricultural Land Capability mapping has also been undertaken by OEH using the eight (8) category NSW General Rural Land and Soil Capability classes to identify High Value Agricultural Land (HVAL).

Wingecarribee Shire has no category 1 (extremely high capability) or category 2 (very high capability) agricultural land, but does have areas of category 3 (high capability) land. High capability agricultural land is defined as land with moderate limitations capable of sustaining high-impact land uses, such as cropping with cultivation, using more intensive, readily available and widely accepted management practices. The location of HVAL across the Shire is indicated in **Figure 5** below.

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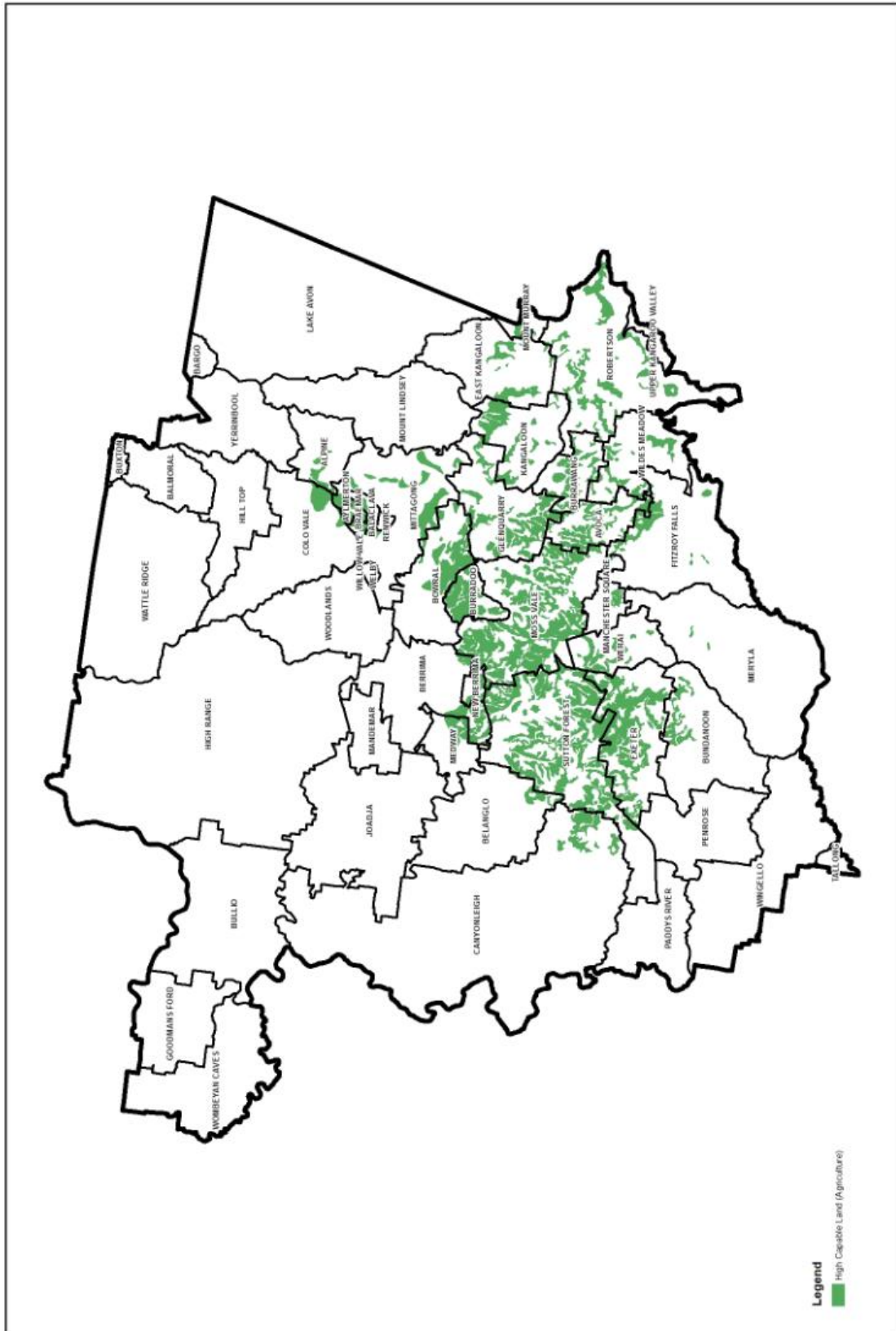


Figure 5 Location of High Value Agricultural land in the Shire (enlarged to A3 at Attachment 4)

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The three types of High Value Environmental Lands are combined (in red) in **Figure 5** below which, together with the High Value Agricultural Lands (green), and overlaid on to the E3 Environmental Management zoned land reveal those areas of E3 land with the potential to be considered for rezoning to SP3 Tourist under this mapped High Value Lands methodology.

The uncoloured areas on Figure 5 represent unconstrained land zoned other than E3 Environmental Management. It is noted that the unconstrained E3 zoned land is largely located near to existing towns and villages, thereby supporting the intent of the assessment criteria initially established by Council.

This High Value Lands filter approach provides an easily accessible, consistent and independent, assessment tool to identify an 'exclusion area' of E3 Environmental Management land where rezoning to SP3 Tourist could be considered. It provides an approach to the management of the E3 zone which meets both the tourism and the sensitive lands protection priorities of the Regional Plan, the relevant Tourism Destination Plan and the values and priorities reflected in the Community Strategic Plan.

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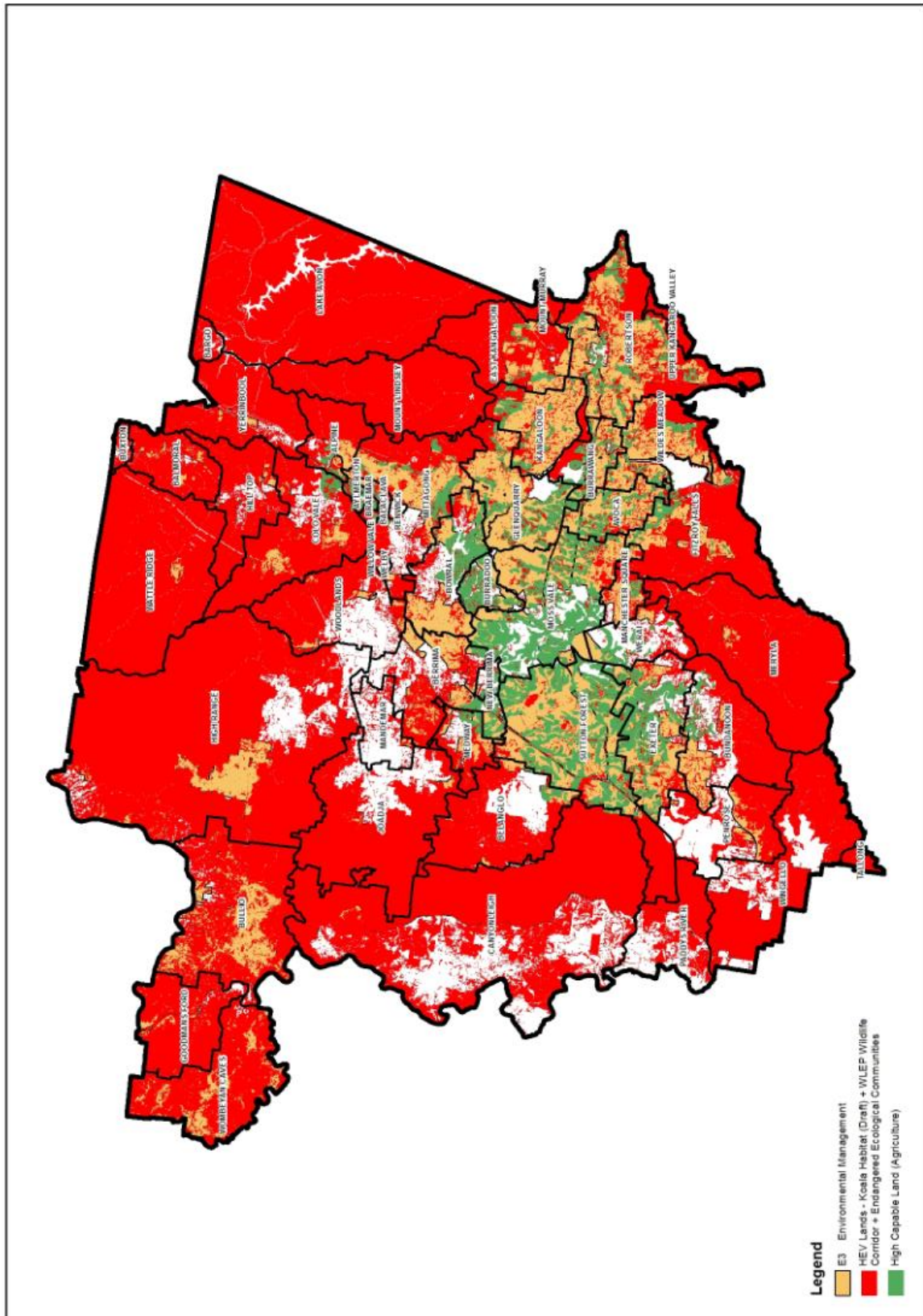


Figure 6 Extent of E3 Environmental Management Land to be considered for rezoning to SP3 Tourist (enlarged to A3 at Attachment 5)

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Based on this mapping, the draft Rural Tourism Policy proposes that Council only consider a Planning Proposal to rezone land from E3 Environmental Management to SP3 Tourist if:

- the land is located outside of the high value environmental land 'exclusion area', and
- the land is located outside of the high value agricultural land 'exclusion area'

Where land is located outside of these exclusion zones, it is proposed that proponents may seek rezoning through lodgement of a Planning Proposal which then addresses the key criteria discussed above, namely:

- 1) Covers an area of at least 20 hectares
- 2) Has been operating as a tourist establishment for three (3) years
- 3) Is within 2km of residential development
- 4) Is adjacent to or near major access road
- 5) Has access to adequate water and sewerage infrastructure (not necessarily reticulated)
- 6) Is free of extensive Endangered Ecological Community (EEC)
- 7) Is free of significant bushfire or flood threat which cannot be addressed through design considerations
- 8) Is free of any other environmentally sensitive constraints.

A further recommendation contained within the draft Rural Tourism Policy with regard to the rezoning of E3 Environmental Management land to SP3 Tourist, is that the Planning Proposal must include a Concept Master Plan, providing sufficient detail to enable Council to understand the full scale and range of the tourist development proposal as it affects the whole of the subject land.

A Concept Master Plan allows Council to consider and address the cumulative impacts of each land use type proposed for the site at the strategic planning level particularly with regard to on site infrastructure requirements and potential traffic impacts on rural roads. It is recognised that such a Plan has no legal status at the Planning Proposal stage, but it does enable Council and other stakeholders to obtain a clearer understanding of the overall development proposal from the outset of the site and a basis for future assessment of development applications resulting from the rezoning of the land.

The Regional Plan, Destination Management Plan and Community Strategic Plan also prioritise the protection of land identified as being of high heritage value. Therefore, it is proposed that where a site is an Item of Heritage under Schedule 5 of WLEP 2010 the Planning Proposal also needs to demonstrate why the provisions of clause 5.10 (10) cannot be used to achieve the proposed development outcomes rather than requiring rezoning to SP3 Tourist.

Items of Heritage have their own mechanism for permitting consideration of development beyond that allowable under the zone which is considered to be more appropriate and sensitive than the mechanism of rezoning. The provisions of clause 5.10 (10) of WLEP 2010 enable Council to consider development which would otherwise not be permitted in the zone if it can be demonstrated that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

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- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

The use of clause 5.10 is considered to be a more sensitive and responsive approach to enabling a broader range of land uses, including tourist related development, on heritage affected land than that afforded through rezoning to SP3 Tourist.

The approach outlined above fully supports the highest four *Priorities for Wingecarribee* identified in the South East and Tablelands Regional Plan regarding protection of high value environmental and agricultural lands, protection of the Sydney Drinking Water Catchment and protection of the Shire's heritage assets. It also supports the key Actions of the Regional Plan regarding tourism development within the Shire.

The Sydney Surrounds South Destination Management Plan identifies certain key 'ways forward' for the development of the tourism base of the region, as articulated in the Regional Plan. A particular focus of the Destination Management Plan is to provide certainty of investment for tourism development, noting that one key 'enabler of success' is "ensuring government planning schemes provide certainty for tourism investment and future infrastructure needs" (page 4).

Council's proposed tourism objectives and strategic framework are intended to provide this certainty for both future investment and the community. Community values and priorities, as reflected in the Community Strategic Plan 2017 and listed in **Figure 7** below, are also supported through the application of high value land mapping and heritage affectation to E3 zoned land proposed for rezoning to SP3 Tourist.

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<b>Goal</b>	<b>Strategy</b>
2.3 Wingecarribee values and nurtures a diverse, creative and vibrant community	2.3.2 – Acknowledge and respect our Aboriginal cultural heritage and people.
3.2 Wingecarribee has maintained a distinct character and separation of towns and villages	3.2.3 – Identify, protect and promote places of significant cultural heritage.
4.1 Wingecarribee's distinct and diverse natural environment is protected and enhanced	4.1.3 – Conserve the key natural resources of the Shire and minimise the impact from development
5.1 Our Shire attracts people to work, live and visit.	5.1.3 – Ensure tourism balances the economic benefits with impact on environment and community. 5.1.4 – Provide diversity in tourist attractions and experiences.
5.2 Sustainable business and industry work in harmony with local community and environment	5.2.1 Promote business and industry development opportunities sited to our distinct region.
5.3 We support the productive use of agricultural land and promote our diverse and thriving local agricultural industry and its right to farm	5.3.1 Develop and implement initiatives which allow rural industries to innovate, adapt and prosper. 5.3.2 Manage development to ensure it does not impact on viable primary production and food security.

Figure 7 Relevant Goals and Strategies from the Wingecarribee Community Strategic Plan 2017

Therefore, as required by the state government, there is a direct 'line of sight' between the Regional Plan, the Destination Management Plan, the Community Strategic Plan and the key proposals contained in the draft Rural Tourism Policy and this report.

#### Clause 2.8 Temporary Use of Land

One consequence of the limitations of the E3 land use table has been the increased use of clause 2.8 (Temporary use of land). The objective of this clause is to provide for the temporary use of land, if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land, for up to 60 days in any 12 month period.

The original intent was to enable activities such as Open Garden Days to occur, but in more recent times, applications for Function Centres have been made under this clause to enable erection of marquees for wedding functions. The opportunity to use this clause to seek approval for a Function Centre has resulted in proceedings before the Land and Environment Court, either for an approval denied by Council, or to extend a Council consent, thereby exposing Council to financial risk.

This use of clause 2.8 undermines the consistency and certainty the above proposed approach seeks to achieve, both for tourism operators and the community, therefore it is considered preferable to reduce or even stop the use of this clause for locate function centres on E3 zoned land.

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It may be possible to reduce the use of this clause for function centres reducing the number of days over which the use may occur. However, if the opportunity to use clause 2.8 for function centres is to be removed altogether, while retaining the original intent of the clause, the clause itself needs to be amended.

The Standard Instrument notation advises that specific exceptions to subclause (2) may be added. Therefore, the clause could be amended to exclude function centres from the operation of the clause and the Department of Planning & Environment has advised that it is prepared to consider a Planning Proposal to that effect.

#### Further opportunities for tourism in the E3 zone

Although efforts to date have not been successful, Council is prepared to continue to explore options for new definitions which might enable a broader range of land uses within the E3 zone in keeping with the small scale, boutique style of tourism preferred in that zone.

All draft versions of WLEP 2010 contained a clause which had been in WLEP 1989 for some time and which had successfully enabled Council to consider appropriate types of tourist development in associated with a local rural industry. This clause defined *Local Rural Industry* and provided heads of consideration for the assessment of such applications.

Despite support for this clause in the draft LEP, the parliamentary Counsel's office removed it prior to the making of WLEP2010. To date the Department has not supported this local land use definition, but Council is prepared to continue to explore this option with the Department.

The option of including a similar clause in WLEP 2010 was addressed further in the Wingecarribee Local Planning Strategy 2015-2031 which proposed a new land use definition based on the Standard Instrument *Cellar Door* definition, namely *Agricultural produce retail premises*, which would enable rural properties to sell their own produce as well as those of their neighbours, along with other related products. The proposed definition was - *Agricultural produce retail premises means a building or place that is used to sell agricultural produce, other than wine, by retail and that is situated on land on which there is an ongoing agricultural produce industry and where the produce offered for sale is produced on that land or in the surrounding area.*

Once again, the Department has not supported this local land use definition, but Council is prepared to continue to pursue this option with the Department.

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

There are no implications for Council's Fit for the Future resulting from this report.

#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

It is proposed to place the draft Rural Tourism Policy, together with this report, on public exhibition for a period of three (3) months to enable various stakeholders and organisations to consider them. Information sessions will be arranged and conducted in February 2019 to obtain direct feedback on the draft Policy. Feedback will be reported to Councillors in an Information Session prior to the matter being reported back to Council.





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### **Internal Communication and Consultation**

Consultation has been undertaken with Environmental Sustainability and Development Assessment in the drafting of the Policy and report.

### **External Communication and Consultation**

No external consultation has occurred at this stage.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

The draft Policy seeks to balance the provision of tourist opportunities with the protection of high value environmental and agricultural land.

- **Social**

The draft Policy seeks to facilitate a range of tourism opportunities which can be enjoyed by the community as well as visitors and which enable the creating of varied employment opportunities.

- **Broader Economic Implications**

The draft Policy recognises the economic importance of rural tourism through enabling a broad range of tourist development opportunities.

- **Culture**

The draft Policy provides for the protection of areas of known Aboriginal and European heritage.

- **Governance**

There are no governance issues in relation to this report.

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## **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications associated with this report.

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## **RELATED COUNCIL POLICY**

There are no other Council Policies relevant to this report.

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## **OPTIONS**

The options available to Council are:

### **Option 1**

Support the recommendations to this report.

### **Option 2**

Not support the recommendations to this report.



**Option 1** is the recommended option to this report.

## **CONCLUSION**

The purpose of the Rural Tourism Policy is to develop a consistent framework which provides confidence to both businesses and the community in the support of rural tourism by Council across the Shire. A key inclusion is a strategic framework for determining under what circumstances E3 Environmental Management zoned land will be considered for rezoning to SP3 Tourist.

In addition to the draft Rural Tourism Policy, this report recommends the following WLEP 2010 or DCP amendments:

- a) increase the maximum number of bedrooms in farm stay accommodation from 3 to 5 in clause 5.4 (5).
- b) permit *Artisan Food and Drink Industry* with consent in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and SP3 Tourist zones.
- c) exclude Function Centres in the E3 zone from the operation of clause 2.8 Temporary Use of Land.
  
- a) identify land with an approved farmland rating to be considered a 'working farm' for the purposes of farm stay accommodation subject to confirmation of ongoing use.
- b) utilise the High Value Environmental Lands maps as sufficient evidence to support consideration of an application for an eco-tourist facility, being land with special ecological or cultural features, subject to other Council controls identified in the relevant DCP.

## **ATTACHMENTS**

1. Draft Rural Tourism Policy v1 for Consultation - *circulated under separate cover*
2. Figure 3 - Location of the E3 Environmental Management zone in the Shire - *circulated under separate cover*
3. Figure 4 - Location of High Value Environmental land in the Shire - *circulated under separate cover*
4. Figure 5 - Location of High Value Agricultural land in the Shire - *circulated under separate cover*
5. Figure 6 - Extent of E3 Environmental Management land to be considered for rezoning to SP3 Tourist - *circulated under separate cover*

### 13.3 Planning Proposal to rezone and amend the minimum lot size of land at Old South Road and Bowral Street, Bowral

Reference:	5901
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
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 present to Council the assessment of a Planning Proposal to rezone land at Bowral Street and Old South Road, Bowral from R5 Large Lot Residential to R2 Low Density Residential, and reduce the minimum lot size from 4000m<sup>2</sup> to 500m<sup>2</sup>. This report recommends supporting the rezoning but at a minimum lot size of 1000m<sup>2</sup>.

#### RECOMMENDATION

**THAT** Council submit a Planning Proposal to the Department of Planning and Environment for a Gateway Determination to amend WLEP 2010 to rezone to R2 Low Density Residential and apply a minimum lot size of 1000m<sup>2</sup> to the following lots:

- 190 Bowral Street, Bowral – Lots 13 and 22 Sec D DP192732 and Lot 131 DP524470;
- 196 Bowral Street, Bowral - Lot 1 DP708665;
- 198 Bowral Street, Bowral - Lot 2 DP708665;
- 200 Bowral Street, Bowral - Lot 3 DP708665;
- 202 Bowral Street, Bowral - Lot 4 DP708665;
- 146 Old South Road, Bowral – Lot 5 DP708665;
- 148 Old South Road, Bowral – Lot 6 DP708665;
- 150 Old South Road, Bowral – Lot 1 DP626821;
- 152 Old South Road, Bowral – Lot 2 DP626821;
- 158 Old South Road, Bowral – Lot 8 DP770871;
- 160 Old South Road, Bowral – Lot 7 DP786212, and
- 164 Old South Road, Bowral - Lot 1 DP782827.

#### REPORT

##### **BACKGROUND**

In September 2018 a Planning Proposal was lodged with Council by David Matthews, Town Planner, on behalf of Boardman Developments Pty Ltd, the owner of 190 Bowral Street, Bowral.

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The purpose of the Planning Proposal is to rezone several lots located at Bowral Street and Old South Road Bowral in the vicinity of 190 Bowral Street from R5 Large Lot Residential to R2 Low Density Residential and amend the minimum lot size from 4000m<sup>2</sup> to 500m<sup>2</sup>. The affected lots are:

- 190 Bowral Street, Bowral – Lots 13 and 22 Sec D DP192732 and Lot 131 DP524470;
- 196 Bowral Street, Bowral - Lot 1 DP708665
- 198 Bowral Street, Bowral - Lot 2 DP708665
- 200 Bowral Street, Bowral - Lot 3 DP708665
- 202 Bowral Street, Bowral - Lot 4 DP708665
- 146 Old South Road, Bowral – Lot 5 DP708665
- 148 Old South Road, Bowral – Lot 6 DP708665
- 150 Old South Road, Bowral – Lot 1 DP626821
- 152 Old South Road, Bowral – Lot 2 DP626821
- 158 Old South Road, Bowral – Lot 8 DP770871
- 160 Old South Road, Bowral – Lot 7 DP786212
- 164 Old South Road, Bowral, Lot 1 DP782827

The Planning Proposal forms **Attachment 1** to this report. The location of these nominated lots is identified in **Figure 1** below. Council understands that the owner of 190 Bowral Street has consulted with the owners of a number of adjoining lots included within this Planning Proposal. Details of that consultation are not known.



Figure 1 Location of Lots which comprise the Planning Proposal (enlarged at Attachment 2)

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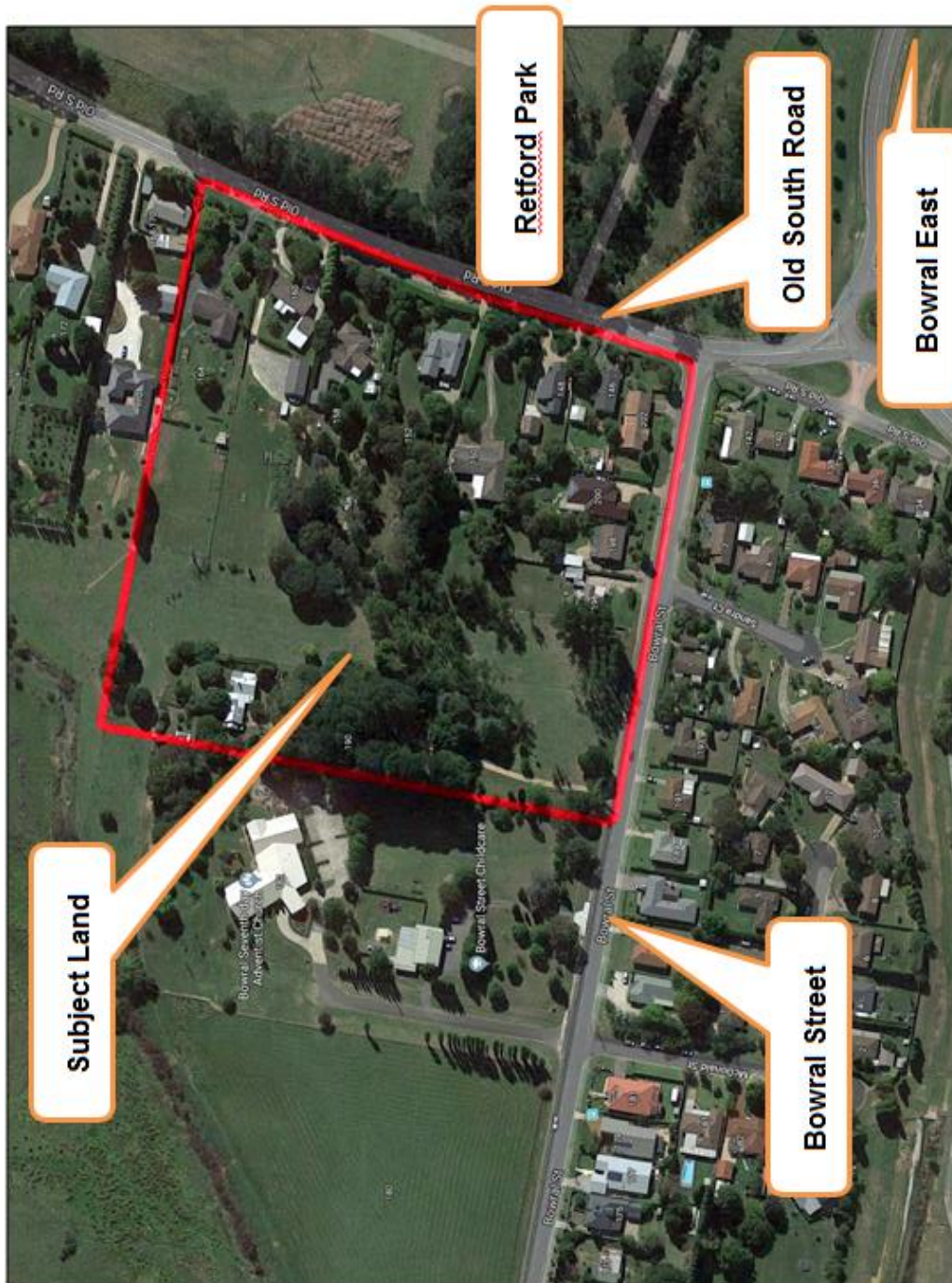
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It is noted that one of three lots (Lot 22 Sec D DP192732) which comprise 190 Bowral Street is zoned RE1 Public Recreation due to flood affectation from Mittagong Creek. The proponent's Planning Proposal excludes this lot from the 'subject land' and advises that this lot would be dedicated to Council should a Planning Proposal proceed.

The subject land as indicated in the Planning Proposal is shown in **Figure 2** below.



**Figure 2 Location of Subject Area (enlarged at Attachment 3)**

The broader locality context of the subject land is indicated in **Figure 3** below.

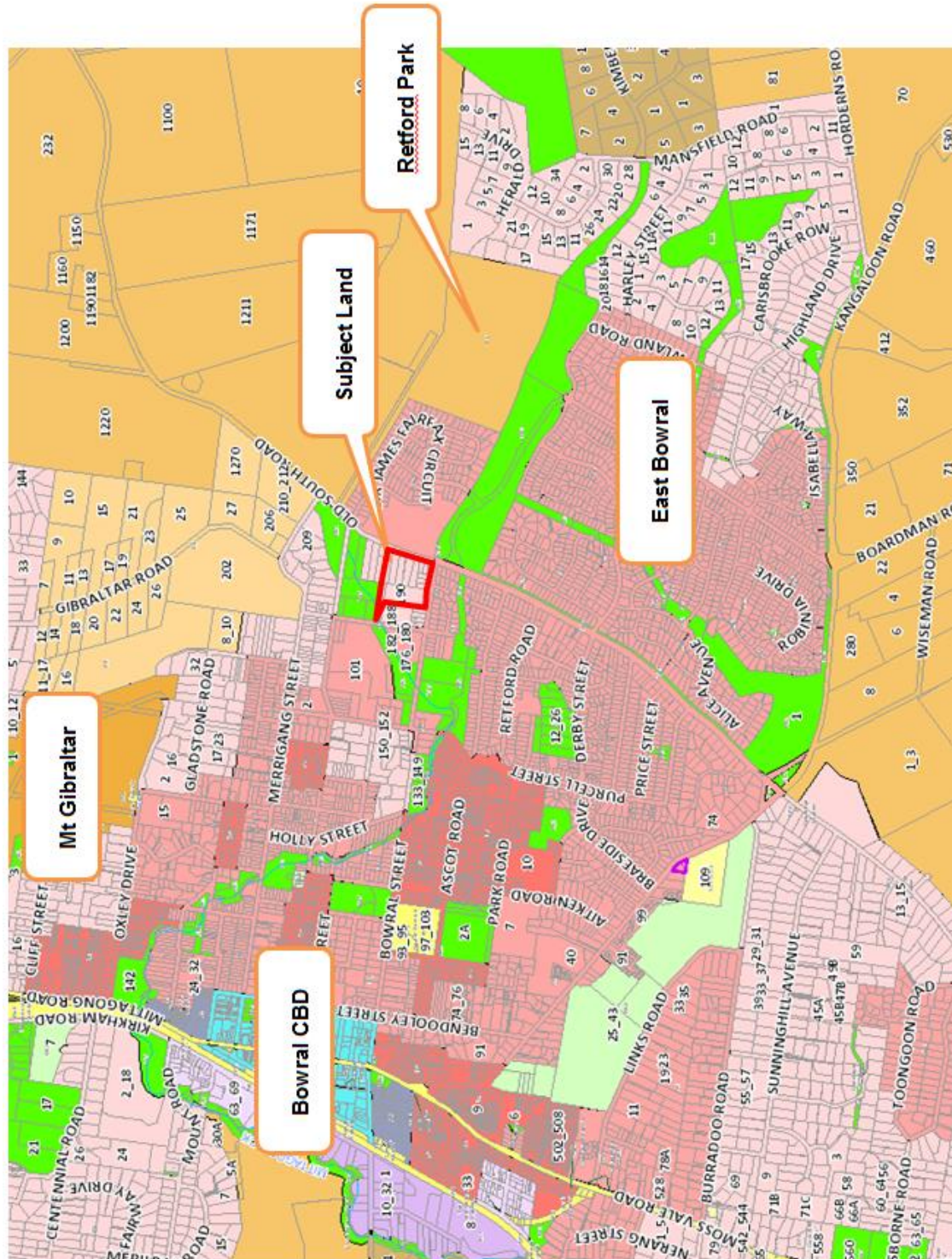


Figure 3 Locality context of Subject Land (enlarged at Attachment 4)

## REPORT

As Figure 3 above indicates, the subject land comprises an area of R5 Large Lot Residential zoned land in the north east sector of the Bowral township. Apart from land to the immediate north, the land is largely surrounded by R2 Low Density Residential zoned land.

The rezoning of the former Retford Park site across Old South Road in September 2014 (WLEP 2010 Amendment 23) effectively extended the East Bowral component of the Bowral township to the north, resulting in a more central location of the subject land within this northern area of the township than was previously the case.

A section of RE1 Public Recreation zoned land extends through this area of the Bowral township area as indicated in **Figure 4** below.

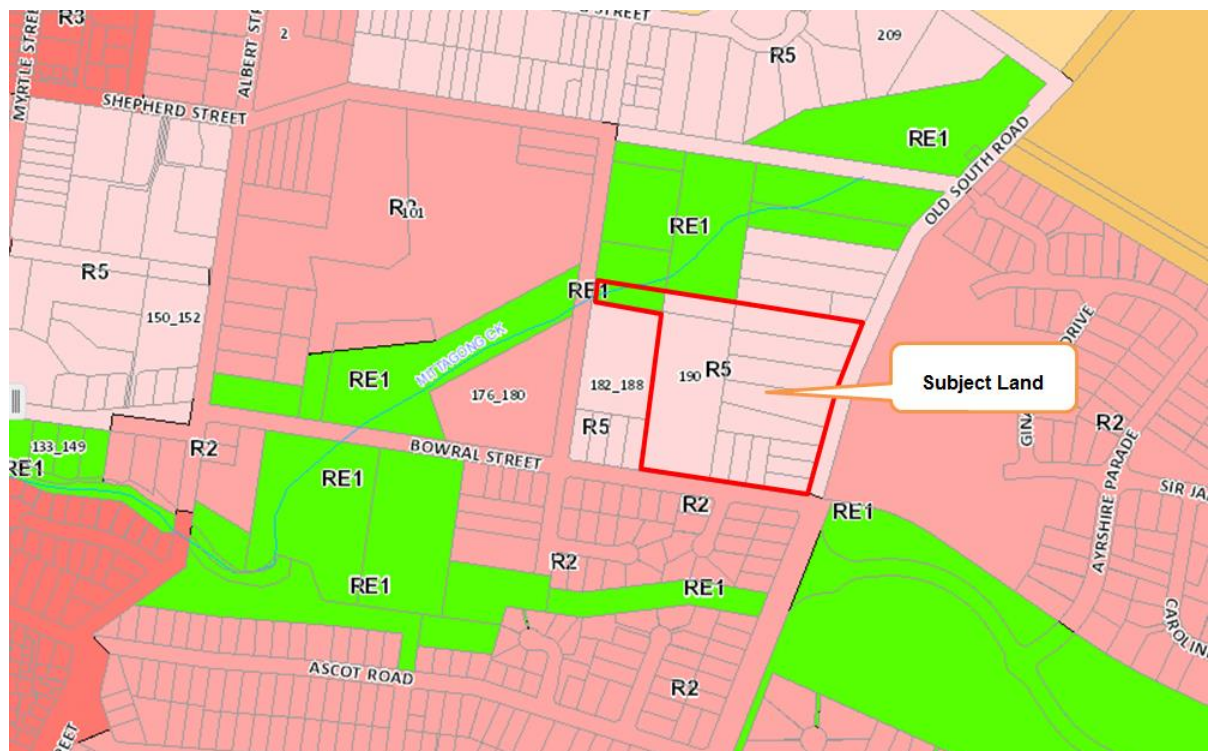


Figure 4 Extent of RE1 Public recreation zone in the vicinity of the Subject Land (enlarged at Attachment 5)

The RE1 Public Recreation zone reflects the course of the Mittagong Creek and its flood potential as indicated in **Figure 5** below. This mapping indicates that none of the R5 Large Lot Residential zoned land in the subject area is flood affected.



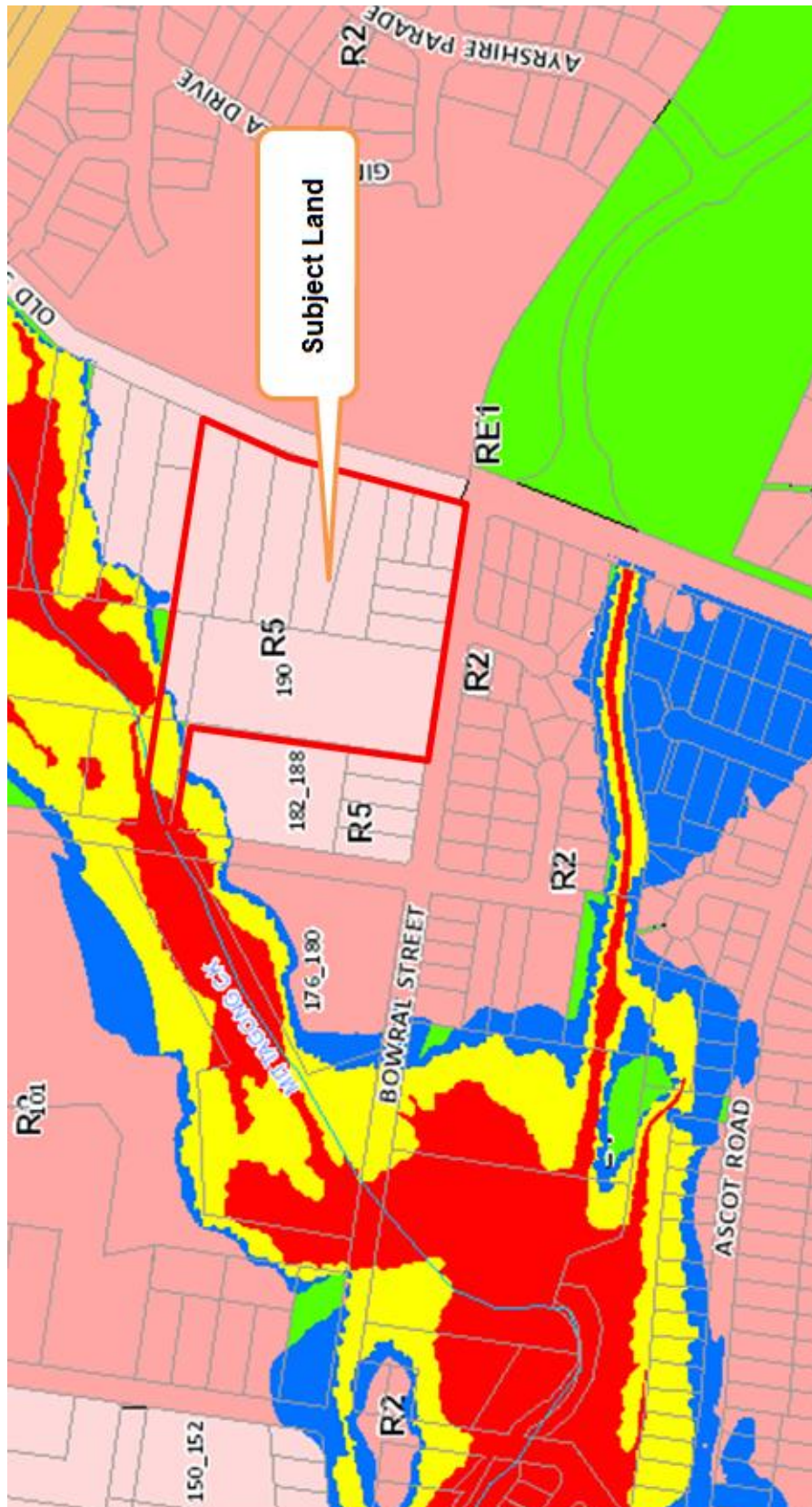


Figure 5 Flood hazard affectionation from Mittagong Creek in the vicinity of the Subject Land (enlarged at Attachment 6) (Red=High flood hazard, Yellow = Medium flood hazard, Blue= low flood hazard)

The minimum lot size of the subject land and land in the immediate vicinity is indicated in Figure 6 below.

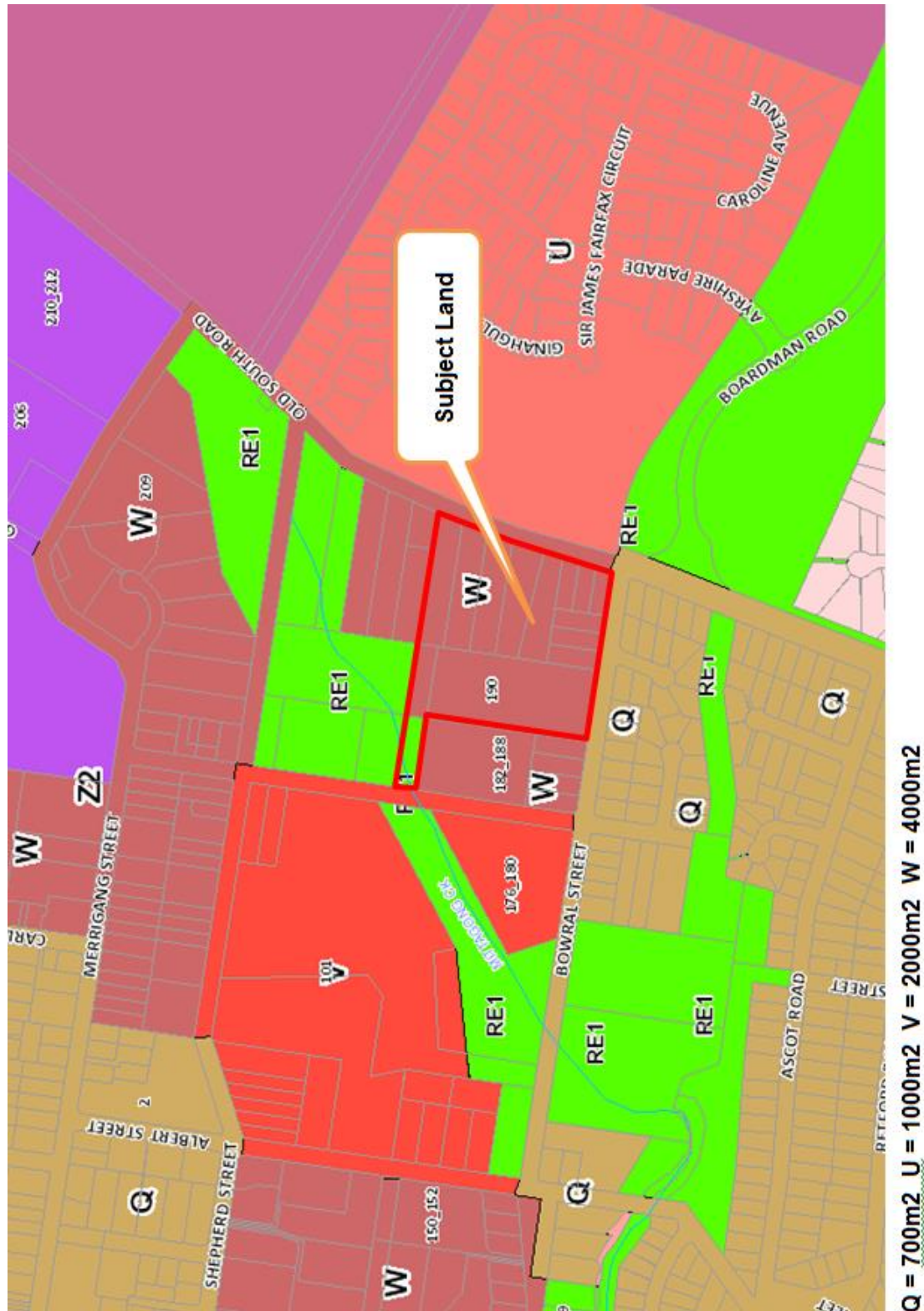


Figure 6 Current Minimum Lot Sizes (enlarged at Attachment 7)

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The subject land has a minimum lot size of 4000m<sup>2</sup>. Lots in the northern portion of the subject land are at or above this minimum, while lots on Old South Road near Bowral Street and in Bowral Street itself are closer to 1000m<sup>2</sup>.

The R2 zoned land on the eastern side of Old South Road in the Retford Park West development has a minimum lot size of 1000m<sup>2</sup> and lots have been subdivided to that standard.

To the west of the subject land a minimum lot size of 2000m<sup>2</sup> applies to R2 zoned land which is flood affected. South of Bowral Street and into the older parts of Bowral township closer to the business centre, a minimum lot size of 700m<sup>2</sup> applies.

This lot pattern is indicated in **Figure 7** below.



Figure 7 Approximate current lot sizes (enlarged at Attachment 8)

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The largest lot within the subject land, comprising the R5 zoned portion of 190 Bowral Street, is some 18,000m<sup>2</sup> in area and the primary purpose of the Planning Proposal appears to be to create subdivision potential for this lot.

The Planning Proposal seeks to apply a minimum lot size of 500m<sup>2</sup> across the subject land which could result in some 35 additional lots as, at that standard, even the existing 1000m<sup>2</sup> lots on Bowral Street would be capable of subdivision.

A draft plan of subdivision for such a scenario accompanies the Planning Proposal and is reproduced at **Figure 8** below.

However, to achieve this outcome there would need to be a degree of consolidation, or at the very least, co-operation, to achieve the design outcome beyond that proposed for 190 Bowral Street.

It is considered that a 500m<sup>2</sup> minimum lot size is not appropriate as this would create an inconsistent standard compared with land to both the east (1000m<sup>2</sup>) and west (2000m<sup>2</sup>).

It is considered that a 1000m<sup>2</sup> minimum lot size would be more appropriate. This standard would enable some infill development as supported in the Planning Proposal while maintaining a consistent minimum lot size north of Bowral Street.

Consideration was also given to rezoning of the remaining R5 land to the immediate north and west of the subject land. Both areas adjoin the RE1 zone and are potentially more flood prone. It is therefore concluded that they remain zoned R5 Large Lot Residential with a minimum lot size of 4000m<sup>2</sup>.



Figure 8 Potential plan of subdivision from Planning Proposal submission (enlarged at Attachment 9)

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

There are no implications on Council's Fit for the Future Improvement Plan resulting from this report.

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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

No community consultation has occurred at this stage.

### **Internal Communication and Consultation**

Consultation has occurred with Council's Drainage Engineer.

### **External Communication and Consultation**

No external consultation has occurred at this stage.

---

## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no bushfire or ecological impacts associated with this report.

- **Social**

A social-economic report accompanies the Planning Proposal.

- **Broader Economic Implications**

A social-economic report accompanies the Planning Proposal.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Should Council resolve to proceed with the Planning Proposal it would be processed in accordance with legislative requirements.

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## **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications associated with this report.

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## **RELATED COUNCIL POLICY**

There are no other related Policies associated with this Planning Proposal.



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## **OPTIONS**

The options available to Council are:

### **Option 1**

Support the recommendation of this report to allow subdivision to a minimum of 1000m<sup>2</sup>.

### **Option 2**

Support the Planning Proposal as submitted to allow subdivision to a minimum of 500m<sup>2</sup>.

### **Option 3**

Not support the Planning Proposal.

Option 1 is the recommended option to this report.

---

## **CONCLUSION**

The Planning Proposal seeks firstly to amend WLEP 2010 to rezone the subject land to R2 Low Density Residential. This proposal is supported. The development of the Retford Park West residential area has effectively created an R5 Large Lot Residential zone between two R2 Low Density Residential zones. Such R5 Large Lot Residential zones generally reflect site specific constraints such as slope, environmental sensitivity or flooding. There do not appear to be any such site constraints associated with the subject land.

The Planning Proposal also seeks to apply a minimum lot size of 500m<sup>2</sup>. This is not supported. A minimum lot size of 1000m<sup>2</sup> is considered more appropriate, consistent with existing lot sizes on Bowral street within the subject area and immediately adjacent, as well as with the Retford Park standard to the east. A 1000m<sup>2</sup> standard is also consistent with the 2000m<sup>2</sup> minimum lot size applicable to flood affected land to the west of the subject area.

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## **ATTACHMENTS**

1. Bowral Street Planning Proposal - *circulated under separate cover*
2. Figure 1 - Location of Subject Land - *circulated under separate cover*
3. Figure 2 - Location of Subject Area - *circulated under separate cover*
4. Figure 3 - Locality context of subject land - *circulated under separate cover*
5. Figure 4 - Extent of RE1 Public Recreation zone - *circulated under separate cover*
6. Figure 5 - Extent of mapped flood affectation - *circulated under separate cover*
7. Figure 6 - Minimum Lot Sizes - *circulated under separate cover*
8. Figure 7 - Approximate current lot sizes - *circulated under separate cover*
9. Figure 8 - Potential plan of subdivision - *circulated under separate cover*





## 13.4 Heritage Administration Planning Proposal

Reference:	5901/64
Report Author:	Strategic Land Use Planner - Heritage Projects
Authoriser:	Coordinator Strategic Land Use Planning
Link to Community Strategic Plan:	Identify, protect and promote places of significant cultural heritage

### PURPOSE

This report seeks Council's endorsement to prepare a Planning Proposal that will update Schedule 5 of the Wingecarribee Local Environmental Plan (WLEP) 2010 and the accompanying Heritage Map. The report also seeks endorsement for the Planning Proposal, once prepared, to be forwarded to the Department of Planning and Environment for a Gateway Determination.

### RECOMMENDATION

**THAT** a Planning Proposal be prepared under section 3.33 of the Environmental Planning & Assessment Act 1979 to amend Schedule 5 of the Wingecarribee Local Environmental Plan 2010 and the Heritage Map as outlined in this report **AND THAT** the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

### REPORT

#### **BACKGROUND**

Schedule 5 of the WLEP 2010 contains the list of heritage items, heritage conservation areas and archaeological sites within the Wingecarribee Shire. Apart from the addition of some 80 new items as part of the WLEP 2010 (Amendment No. 40) in 2017, there have been only minor amendments to the schedule since the publishing of the WLEP in mid-2010. A comprehensive review of the heritage schedule is timely. This report provides an outline of a Planning Proposal which seeks to update property descriptions for the heritage items in the existing schedule and the accompanying map sheets and also considers the opportunity for potential heritage items that could be included as new heritage items as part of this Planning Proposal.



## **REPORT**

Since it was published on 16 June 2010, the majority of heritage items listed in the WLEP 2010 have not been updated. In that time, Council has undertaken a rural addressing program and there have been numerous subdivisions, consolidations and other changes (including name changes) which are not reflected in the details contained in the Schedule.

As previously mentioned, Schedule 5 lists all the heritage sites and areas throughout the Shire. Heritage items and archaeological sites are identified by suburb, item name, address, lot and DP, level of significance and a heritage item number. Heritage Conservation Areas are identified by suburb, name, and item number.

## **THE REVIEW**

The Review will involve a line-by-line checking of the accuracy of the information for each of the 406 heritage items, 16 heritage conservation areas and 9 archaeological sites currently in the schedule and making amendments as required. The existing mapping of each item will also be undertaken to ensure accuracy with both the area of significance and against an accurate and up-to-date cadastre.

It is estimated that around 75 per cent of existing items will require amendment of the current information in the schedule due to changes in property descriptions, addresses or names. In addition, the heritage database that holds information about each item will also need to be updated for each item to ensure that schedule and the database (which is published as part of the State Heritage Inventory on the Office of Environment and Heritage website) are consistent.

## **POTENTIAL NEW HERITAGE ITEMS**

Given that this review involves changes to the instrument and the map, it is also an opportunity to consider whether there are any proposed heritage items that should be included as new heritage items. For example, over the past couple of years there have been two Interim Heritage Orders—one for the Bundanoon YHA and the other for OLSH, Bowral—both of which have now lapsed. Council resolved in July to not proceed to heritage listing of the OLSH site at 2-18 Centennial Road, Bowral (MN 262/18) but a report on the former Bundanoon YHA building (formerly known as Lynbrook) at 115-129 Railway Avenue, Bundanoon has not been provided for consideration by Council. This site would be one potential heritage item that should be assessed and considered as part of this review.

In addition to Bundanoon YHA, there has been a request from a property owner in Bowral to list their property (one of the houses designed and built by Randolph Nott on Notts Hill) and has provided a comprehensive assessment of the house which supports and recommends heritage listing.

In addition to the items mentioned above, there are around 260 “deferred” items from the 2009 Heritage Survey. While it is not intended that these items be included in this Planning Proposal there has been a recent and increasing trend of development applications on the site of proposed items. This puts pressure on the assessing officers to consider heritage in cases where the applicant has no expectation that heritage is an issue. For this reason, it is proposed that the deferred items be reviewed as part of this Planning Proposal with a view to identifying properties that:

- Are not within a heritage conservation area and therefore are not protected by the conservation area development controls; and
- Are at least 100 years old; and

## **AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

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



- Have been recommended for heritage listing by a heritage specialist; and
- Has adequate information to support the heritage listing including an assessment of the item in accordance with the NSW heritage assessment criteria; and
- The assessment demonstrates that the proposed item is of a high level of significance and is important or iconic to the heritage of the local area.

Due in part to the large number of items within existing conservation areas, it is anticipated that a review of the deferred items in accordance with the above criteria will result in a list of between 10 and 20 new potential items. These potential items will be referred back to Council for consideration before public exhibition of the Planning Proposal.

### **PLANNING PROPOSAL PROCESS**

Once a resolution to prepare a Planning Proposal has been obtained, the Planning Proposal will be prepared and sent to the NSW Department of Planning and Environment for a Gateway Determination. Once a Gateway Determination has been issued, the proposed changes to Schedule 5 have been determined, maps have been prepared and any proposed new items have been identified and assessed, a further report will be presented to Council seeking endorsement of the Planning Proposal for public exhibition.

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

There are no implications for Council's Fit for the Future Improvement Plan resulting from this report.

### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

Should Council resolve to proceed with these amendments a new Planning Proposal will be prepared and a Gateway Determination will be sought from the NSW Department of Planning and Environment. The Gateway Determination will stipulate the extent of community consultation. It is anticipated that a 28 day exhibition period would be nominated. However, before the commencement of formal public exhibition, a further report will be presented to Council which will include details of the proposed changes to Schedule 5, the proposed new heritage items, the result of any preliminary consultations with property owners and will articulate the timing and format of the formal public consultation. (See also "External Communication and Consultation" below which discusses additional stakeholder consultation to be undertaken before community consultation.)

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

No internal communication has yet been undertaken. However, in the preparation of the Planning Proposal, review of Schedule 5 and the assessment of potential heritage items as outlined in this report, internal consultation and liaison will occur with the following groups as a minimum and as required: Assets, GIS and Council's Heritage Advisor.

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

External referrals would occur as required by the Gateway Determination. In addition, once potential heritage items have been identified and assessed, consultation will commence with the owners of those properties by way of letters and any follow-up communication and

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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consultation as required and appropriate. This will occur before and in addition to formal public consultation.

#### SUSTAINABILITY ASSESSMENT

- **Environment**

The listing of new heritage items will ensure that important items are protected by heritage controls under the WLEP 2010 and any applicable development control plans.

- **Social**

Identifying, protecting and promoting places of significant cultural heritage is one of the community's strategic priorities under the Places section in Council's Community Strategic Plan 2017 (strategy 3.2.3).

- **Broader Economic Implications**

There are no identified broader economic implications arising from this report.

- **Culture**

The potential addition of new heritage items is of benefit to the community as it satisfies one of the strategic priorities of the Community Strategic Plan and helps to preserve importance places for the appreciation of future generations.

- **Governance**

The proposed review and subsequent amendment to the WLEP 2010 will ensure that it is kept up-to-date.

#### COUNCIL BUDGET IMPLICATIONS

There are no Council budget implications.

#### RELATED COUNCIL POLICY

There are no other Council related policies.

#### OPTIONS

The options available to Council are:

##### Option 1

Approve preparation of the heritage administration Planning Proposal and seek a Gateway Determination.

##### Option 2

Not approve preparation of the heritage administration Planning Proposal. This is essentially a "do nothing" option.

**Option 1** is the recommended option to this report.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018

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



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#### CONCLUSION

Periodic review of the heritage schedule in the WLEP 2010 ensures that written information and maps are kept updated. As the schedule has not undergone a comprehensive review since its commencement in 2010, a review is timely. Since the process of amending the WLEP is laborious and time-consuming, it is also an appropriate time to consider whether new and suitably justified heritage items should be added to the heritage schedule. This report recommends that a Planning Proposal to achieve these aims is prepared and sent to the NSW Department of Planning and Environment with a request for a Gateway Determination. A further report will be presented to Council with details about the proposed changes for endorsement before public consultation is commenced.

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#### ATTACHMENTS

There are no attachments to this report.

Mark Pepping

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

Friday 23 November 2018



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## COUNCIL MATTERS

### 14 GENERAL MANAGER

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#### 14.1 Legal Report

Reference:	107/22
Report Author:	General Counsel
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

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#### PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on Wednesday, 24 October 2018.

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#### RECOMMENDATION

1. **THAT the information relating to ongoing legal costs in Attachment 1 to the report be noted.**
2. **THAT the status of the legal proceedings involving Council 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.

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

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#### REPORT

##### **BACKGROUND**

This report updates the current status and costs paid during October 2018 for legal proceedings involving Council in the Land and Environment Court, including those matters completed since the last report to Council. Legal proceedings involving Council and legal advice obtained by Council are confidential and attract legal professional privilege. Therefore, their status is reported in a closed report.



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## **REPORT**

On 17 April 2013, Council resolved:

***THAT the legal costs as detailed in the Legal Affairs Report be made public in the Business Paper on an ongoing basis.***

The report on the status of legal affairs involving Council contains information and advice that is privileged on the grounds of legal professional privilege and contains information that, if disclosed, could confer a commercial advantage on parties with whom Council is conducting business (including opposing parties in litigation). Therefore, it is recommended that the report be considered by Council in Closed Committee pursuant to sections 10A(2)(c) and 10A(2)(g) of the *Local Government Act 1993*.

For the purpose of preserving privacy, some matters in **Attachment 1** may be described in general terms. **If a Councillor has a specific enquiry regarding the costs reported, they should raise it in Closed Council.**

### **Consultants' Fees**

At the Council meeting on 8 March 2017, Council resolved that the Legal Affairs Report include a separate column for fees paid to consultants in legal proceedings.

Consultants are engaged in all cases concerning development consents in the Land & Environment Court as the Court requires the parties to provide expert evidence to assist in the determination of the issues in the case.

These consultants prepare reports for the Court and give evidence if the matter goes to hearing on such matters as site density, building layout, traffic, drainage, noise, light and any other relevant issue.

The consultants are always engaged by the external law firm acting for Council.

Usually, their fees are paid by the law firm and recouped from Council through an invoice from the law firm. In that case, the consultants' fees have been included in the monthly Legal Affairs report to Council.

There were consultants' fees for legal proceedings paid in the month of October 2018 – refer **Attachment 1**.

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

There is no impact on Council's *Fit for the Future* Improvement Plan.

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## **CONSULTATION**

### **Community Engagement**

Nil



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### **Internal Consultation**

Staff and management provide information, as required, to assist the progress of the matters reported.

### **External Consultation**

Solicitors from Council's Legal Panel provide advice and conduct legal proceedings on Council's behalf.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report. However, some legal proceedings may deal with unauthorised works or activities which have had or could have an environmental impact.

- **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 is a strong community expectation in relation to enforcement and compliance actions by Council. Actions taken are in line with Council's Compliance and Enforcement Policy.

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## **COUNCIL BUDGET IMPLICATIONS**

There are ongoing legal expenses incurred by Council relating to legal proceedings involving Council and legal advice obtained by Council.

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## **RELATED COUNCIL POLICY**

Council's Compliance and Enforcement Policy.

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## **ATTACHMENTS**

1. Legal Costs October 2018





**ATTACHMENT 1**

Legal Costs – October 2018

Legal Matter	Legal Expenditure	Consultant Expenditure	Legal Expenditure	Consultant Expenditure	Total Expenditure
	Oct-18	Oct-18	YTD	YTD	LTD
Centennial Winery Centennial Road Bowral	\$520		\$1,999		\$182,642
Moss Vale Projects (Woolworths) Cnr Argyle and Lackey Streets	\$13,129		\$91,319	\$63,172	\$247,161
Willow Properties Redford Road Bowral	\$7,788		\$13,549		\$51,588
RG Capital Erith Street Bundanoon	\$3,739		\$6,454		\$23,640
Tujilo Pty Ltd Milton Park, Bowral	\$2,658	\$1,675	\$11,290	\$9,106	\$51,835
Turland Mittagong Road Bowral	\$5,875		\$11,117	\$19,429	\$77,181
Malcolm Holdings Exeter Road Exeter	\$616		\$2,322		\$20,227
Deluxe Projects Seniors Living Development East Bowral			\$7,375		\$25,547
Baron Corp P/L Famborough Drive Moss Vale	\$4,983		\$112,616		\$215,291
Reid 21-23 Payten Street Mittagong			\$14,499	\$5,350	\$40,926
Uri T Design Kangaloon Road Bowral	\$4,550		\$12,324		\$39,091
Michael Brown Planning Loftus Street Bowral			\$2,672		\$31,713
Robert Morgan Sutherland Park Drive Bowral			\$7,677		\$7,677
Gary Walker Architect Oxley Drive Mittagong	\$1,382		\$4,358		\$4,358
Tranda Holdings Wingecarribee Street Bowral			\$559		\$559
Maly Foxgrove Road Canyonleigh	\$2,040		\$2,040		\$2,040
Leighton-Daly Park Street Wingello	\$4,920		\$4,920		\$4,920
<b>Total Expenditure</b>	<b>\$52,200</b>	<b>\$1,675</b>	<b>\$307,090</b>	<b>\$97,057</b>	<b>\$1,026,396</b>

Note: This report includes proceedings where legal and/or consultancy costs have been incurred in the 2018/19 Financial Year.

Fees Recovered – October 2018

Legal Matter	Fees Recovered	Fees Recovered	Fees Recovered
	Oct-18	YTD	LTD
O'Shanassy	\$750	\$1,500	\$9,018
Willow Properties	\$13,500	\$13,500	\$13,500

Notes:

O'Shanassy - \$93,500 penalty (OSR recovery) plus Council has been awarded by the Supreme Court of NSW a costs order of \$379,000 plus \$4,999.23 being Council's costs in order to undertake the costs assessment.



## 16 PETITIONS

### 16.1 Petition 08/2018 - Gibraltar Park Estate, 133 Old Bowral Road, Bowral

Reference:	100/8, PN1757570, LUA 03/0786
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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

The purpose of this report is to present to Council a petition received from future residents and families of Gibraltar Park Estate, 133 Old Bowral Road, Bowral, relating to delays to the development. The petitioners have expressed concern that some of them have sold their homes, many of them are elderly, and many have been exposed to uncertainty which has caused undue stress, financial distress and health issues.

The petition contains 12 signatures.

#### RECOMMENDATION

**THAT Petition 08/2018 relating to Gibraltar Park Estate, 133 Old Bowral Road, Bowral be received and noted by Council.**

#### ATTACHMENTS

There are no attachments to this report.

## 18 COMMITTEE REPORTS

### 18.1 Minutes of the Finance Committee Meeting held on Wednesday, 21 November 2018

Reference:	107/21
Report Author:	Coordinator Corporate Strategy and Governance
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

This report provides the Minutes of the Finance Committee Meeting held on Wednesday, 21 November 2018.

#### SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

##### Item 4 Confirmation of Minutes

FC30/18

*THAT the minutes of the Finance Committee Meeting held on Wednesday 17 October 2018 MN FC 25/18 to MN FC 29/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.*

##### Item 7 Agenda Reports

FC31/18

1. *THAT Council approve the budget variations reported at the September Quarterly Review as listed in Attachment 1 to the report.*
2. *THAT the projected surplus of \$150,032 be transferred to the Civic Centre refurbishment reserve for discretionary items.*

##### Item 7.2 Quarterly Operational Plan 2018/19 Exception Report, July to September 2018

FC32/18

1. *THAT the Quarterly Progress Report on Operational Plan 2018/19, July to September 2018, be noted.*
2. *THAT the Mayor Cllr T D Gair, Deputy Mayor Cllr G M Turland, the Mayor's delegates and staff meet with the appropriate government minister to expedite the relocation of the high voltage power supply in relation to the Berrima Road Deviation Project.*

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018

### COMMITTEE REPORTS



#### Item 7.3 Request for Financial Assistance – Moss Vale Golf Club

FC33/18

1. THAT Council provide an interest free loan of \$50,000 on the basis of the following terms:
  - That the loan be on the basis of a repayment schedule of \$2,500 per quarter over a period of five years, with repayments commencing on 1 July 2020.
  - The source of the loan being the Capital Projects Reserve.
2. THAT Council secure a mortgage over the property to secure the loan.

#### RECOMMENDATION

**THAT recommendations Nos FC 30/18 to FC 33/18 – as detailed in the Minutes of the Finance Committee Meeting held on Wednesday, 21 November 2018 be adopted.**

#### ATTACHMENTS

1. Minutes of the Finance Committee Meeting held on 21 November 2018



# MINUTES

## of the Finance Committee Meeting

held in

Council Chambers, Civic Centre, Elizabeth Street, Moss  
Vale

on

**Wednesday 21 November 2018**

The meeting commenced at 9.05 am

*File No. 107/21*

**18.1 Minutes of the Finance Committee Meeting held on Wednesday,  
21 November 2018**

**ATTACHMENT 1 Minutes of the Finance Committee Meeting held  
on 21 November 2018**



**MINUTES OF THE FINANCE COMMITTEE MEETING**

Wednesday 21 November 2018



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<b>1. OPENING OF THE MEETING</b>	
<b>2. ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>3. APOLOGIES</b>	
Nil	
<b>4. ADOPTION OF MINUTES OF PREVIOUS MEETING</b>	
Finance Committee Meeting held on 17 October 2018	
<b>5. BUSINESS ARISING .....</b>	<b>2</b>
<b>6. DECLARATIONS OF INTEREST .....</b>	<b>3</b>
<b>7. AGENDA REPORTS .....</b>	<b>4</b>
7.1 Budget Review to 30 September 2018.....	4
7.2 Quarterly Operational Plan 2018/19 Exception Report, July to September 2018 .....	6
7.3 Request for Financial Assistance - Moss Vale Golf Club.....	7
<b>8. DATE OF NEXT MEETING .....</b>	<b>8</b>
<b>9. MEETING CLOSURE .....</b>	<b>8</b>

18.1 Minutes of the Finance Committee Meeting held on Wednesday, 21 November 2018

ATTACHMENT 1 Minutes of the Finance Committee Meeting held on 21 November 2018



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 November 2018



MINUTES OF THE FINANCE COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 21 NOVEMBER 2018 COMMENCING AT 9.05 AM

**Present:** Mayor Clr T D Gair (Chair)  
Clr G J Andrews  
Clr K J Halstead  
Clr G McLaughlin  
Clr G Markwart  
Clr P W Nelson  
Clr I M Scandrett  
Clr G M Turland  
Clr L A C Whipper

<b>In Attendance:</b>	General Manager	Ms Ann Prendergast
	Deputy General Manager Operations, Finance and Risk	Mr Barry Paul
	Deputy General Manager Corporate, Strategy and Development Services	Mr Mark Pepping
	Chief Financial Officer	Mr Richard Mooney
	Group Manager Corporate and Community	Ms Danielle Lidgard
	Deputy Chief Financial Officer	Mr Damien Jenkins
	Management Accountant	Mr Peter Dunn
	Coordinator, Corporate Strategy and Governance	Mrs Samantha Woods
	Administration Officer	Ms Michelle Richardson

### 1. OPENING OF THE MEETING

The Mayor Clr T D Gair opened the meeting.

### 2. ACKNOWLEDGEMENT OF COUNTRY

Mayor Clr T 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. APOLOGY

There were no apologies at this Meeting.

PERS

18.1 Minutes of the Finance Committee Meeting held on Wednesday,  
21 November 2018

ATTACHMENT 1 Minutes of the Finance Committee Meeting held  
on 21 November 2018



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 November 2018



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4. CONFIRMATION OF MINUTES

MINUTES OF THE FINANCE COMMITTEE MEETING HELD ON WEDNESDAY 17  
OCTOBER 2018

**FC 30/18**

**MOTION** moved by Cllr G McLaughlin and seconded by Cllr L A C Whipper

***THAT the minutes of the Finance Committee Meeting held on Wednesday 17 October 2018 MN FC 25/18 to MN FC 29/18 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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5. BUSINESS ARISING

Nil

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18.1 Minutes of the Finance Committee Meeting held on Wednesday,  
21 November 2018

ATTACHMENT 1 Minutes of the Finance Committee Meeting held  
on 21 November 2018



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 November 2018



6. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any Councillor now disclose any interest and the reason for declaring such interest in the matters under consideration by Council at this Meeting and to complete the appropriate form to be handed up at the Meeting.

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Clr P W Nelson declared a significant non-pecuniary interest in Item 7.3 – Request for Financial Assistance – Moss Vale Golf Club as he is currently a playing member and former Board Member of the Club. Clr Nelson advised that he will leave the Chamber and not take part in discussion or voting on that Item.

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18.1 Minutes of the Finance Committee Meeting held on Wednesday,  
21 November 2018

ATTACHMENT 1 Minutes of the Finance Committee Meeting held  
on 21 November 2018



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 November 2018



7. AGENDA REPORTS

7.1 Budget Review to 30 September 2018

Reference:	2120/18
Report Author:	Management Accountant
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

**PURPOSE**

The purpose of this report is to inform Council of the results of the budget review undertaken for the period ending 30 September 2018 and to seek approval to make the necessary adjustments to the 2018/19 budget.

The Quarterly Review of the Budget is reported to Council at the end of each quarter in accordance with Section 203 of the *Local Government (General) Regulation 2005*.

The Chief Financial Officer addressed Council in relation to this matter.

18.1 Minutes of the Finance Committee Meeting held on Wednesday,  
21 November 2018

ATTACHMENT 1 Minutes of the Finance Committee Meeting held  
on 21 November 2018



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 November 2018



**FC 31/18**

**MOTION** moved by Cllr P W Nelson and seconded by Cllr G McLaughlin

1. **THAT** Council approve the budget variations reported at the September Quarterly Review as listed in Attachment 1 to the report.
2. **THAT** the projected surplus of \$150,032 be transferred to the Civic Centre refurbishment reserve for discretionary items.

**PASSED**

Cllr I M Scandrett asked that his dissenting vote be recorded.

**AMENDMENT** moved by Cllr I M Scandrett and seconded by Cllr Markwart

THAT the projected surplus of \$150,032 be applied to projects following a briefing meeting by Councillors on 5 December 2018.

**ON BEING PUT TO THE VOTE THE AMENDMENT WAS LOST**

**FURTHER AMENDMENT** moved by Deputy Mayor G M Turland and seconded by Cllr L A C Whipper

THAT the projected surplus of \$150,032 be transferred to unfunded Item number 120 Planning Development and Regulatory: Animal Shelter – transportable administration building (including utility services).

**ON BEING PUT TO THE VOTE THE AMENDMENT WAS LOST**

18.1 Minutes of the Finance Committee Meeting held on Wednesday,  
21 November 2018ATTACHMENT 1 Minutes of the Finance Committee Meeting held  
on 21 November 2018

## MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 November 2018

**7.2 Quarterly Operational Plan 2018/19 Exception Report,  
July to September 2018**

Reference:	501/2018
Report Author:	Corporate Strategy and Policy Officer
Authoriser:	Coordinator Corporate Strategy and Governance
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**

This exception report provides an overview of Council's progress towards delivering its annual Operational Plan 2018/19.

The Group Manager Corporate and Community addressed Council in relation to this matter.

**FC 32/18**

**MOTION** moved by Deputy Mayor G M Turland and seconded by Cllr I M Scandrett

1. **THAT** the Quarterly Progress Report on Operational Plan 2018/19, July to September 2018, be noted.
2. **THAT** the Mayor Cllr T D Gair, Deputy Mayor Cllr G M Turland, the Mayor's delegates and staff meet with the appropriate government minister to expedite the relocation of the high voltage power supply in relation to the Berrima Road Deviation Project.

**PASSED**

## 18.1 Minutes of the Finance Committee Meeting held on Wednesday, 21 November 2018

## ATTACHMENT 1 Minutes of the Finance Committee Meeting held on 21 November 2018



## MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 21 November 2018

**7.3 Request for Financial Assistance - Moss Vale Golf Club**

Reference:	6612/4
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 Council a formal request made by the Moss Vale Golf Club for financial assistance equivalent to the land rates due for a period of two years, 1 July 2018 to 30 June 2020.

Clr P W Nelson declared significant non-pecuniary interest in this Item as he is a current playing member and former board member of the Club. He left the Chamber for discussion and voting on this Item.

Clr P W Nelson retired from the meeting, the time being 10:20am.

Clr L A C Whipper retired from the meeting, the time being 10:33am.

The Chief Financial Officer addressed Council in relation to this matter.

**FC 33/18**

**MOTION** moved by *Clr G McLaughlin* and seconded by *Clr G Markwart*

**THAT** Council provide an interest free loan of \$50,000 on the basis of the following terms:

- That the loan be on the basis of a repayment schedule of \$2,500 per quarter over a period of five years, with repayments commencing on 1 July 2020.
- The source of the loan being the Capital Projects Reserve.

**AMENDMENT** moved by *Deputy Mayor G M Turland* seconded by *Clr I M Scandrett*

1. **THAT** Council provide an interest free loan of \$50,000 on the basis of the following terms:

- That the loan be on the basis of a repayment schedule of \$2,500 per quarter over a period of five years, with repayments commencing on 1 July 2020.
- The source of the loan being the Capital Projects Reserve.

2. **THAT** Council secure a mortgage over the property to secure the loan.

**ON BEING PUT TO THE VOTE THE AMENDMENT WAS PASSED**

**THE AMENDMENT BECAME THE MOTION**

**PASSED**

**18.1 Minutes of the Finance Committee Meeting held on Wednesday,  
21 November 2018**

**ATTACHMENT 1 Minutes of the Finance Committee Meeting held  
on 21 November 2018**



**MINUTES OF THE FINANCE COMMITTEE MEETING**

Wednesday 21 November 2018



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**8. DATE OF NEXT MEETING**

The next meeting will be held on Wednesday 20 February 2019 in the Council Chambers commencing at 9:00am.

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**9. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.42AM

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## 18.2 Minutes of the Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 22 October 2018

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	Senior Governance Officer
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

This report provides the Minutes of the Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 22 October 2018.

### SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

It was noted that apologies were received from General Manager Ms Ann Prendergast, Mayor T D Gair and Cllr P W Nelson.

Item 4 Presentation of the Annual Financial Statements for the period ending 30 June 2018

The Committee was presented with the Annual Financial Statements by Mr David Nolan for the year ending 30 June 2018 to the Audit, Risk and Improvement Advisory Committee.

AR 33/18

*THAT the Committee endorse the Annual Financial Statements for the period ending 30 June 2018 and that the information be noted.*

AR 34/18

*THAT the Committee thank Council's Auditor Mr David Nolan for the report and his comments as well as his team's work throughout the year.*



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**RECOMMENDATION**

**THAT recommendations Nos AR 33/18 to AR 34/18 – as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 22 October 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 Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 22 October 2018



18.2 Minutes of the Extraordinary Audit, Risk and Improvement  
Advisory Committee Meeting held on Monday, 22 October 2018

ATTACHMENT 1 Minutes of the Extraordinary Audit, Risk and  
Improvement Advisory Committee Meeting held on Monday, 22  
October 2018



**ATTACHMENT 1**



# MINUTES

of the  
Extraordinary Audit, Risk and Improvement  
Advisory Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

**Monday 22 October 2018**

The meeting commenced at 9.00 am

*File No. Enter File No 2102/3*

**18.2 Minutes of the Extraordinary Audit, Risk and Improvement  
Advisory Committee Meeting held on Monday, 22 October 2018**  
**ATTACHMENT 1 Minutes of the Extraordinary Audit, Risk and  
Improvement Advisory Committee Meeting held on Monday, 22  
October 2018**



**MINUTES OF THE EXTRAORDINARY AUDIT, RISK AND  
IMPROVEMENT ADVISORY COMMITTEE MEETING**

Monday 22 October 2018



1. WELCOME AND APOLOGIES
2. ACKNOWLEDGEMENT OF COUNTRY
3. DECLARATIONS OF INTEREST
4. EXTERNAL AUDIT ..... 2
  - 4.1 Presentation of the Annual Financial Statements for the period  
ending 30 June 2018 ..... 2
5. DATE OF NEXT MEETING ..... 3
6. MEETING CLOSURE ..... 3

**18.2 Minutes of the Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 22 October 2018**  
**ATTACHMENT 1 Minutes of the Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 22 October 2018**



**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

Friday 22 June 2018



**MINUTES OF THE EXTRAORDINARY AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON MONDAY 22 OCTOBER 2018 COMMENCING AT 9.01 AM.**

**Present:**

**Councillors:** Clr G Markwart

**Community Representatives:** Ms Jan Edwards *Chair*  
 Mr Paul Jeffares  
 Dr Jason Young

**Also**

**In Attendance:** Mr David Nolan *Audit Office of NSW*  
 Mr Steve Hrdina *Audit Office of NSW*

**In Attendance:** Mr Nicholas Wilton *Acting DGM Corporate, Strategy & Development Services*  
 Mr Barry Paull *DGM Operations, Finance & Risk*  
 Ms Danielle Lidgard *Group Manager Corporate & Community*  
 Mr Richard Mooney *Chief Financial Officer*  
 Ms Samantha Woods *Coordinator Corporate Strategy and Governance*  
 Mr Andrew Lynch *Senior Governance Officer*  
 Ms Ivana Vidovich *Internal Audit and Legal Support Officer*

**1. WELCOME AND APOLOGIES**

It was noted that apologies were received from General Manager Ms Ann Prendergast, Mayor T D Gair and Clr P W Nelson.

**2. ACKNOWLEDGEMENT OF COUNTRY**

The Chair Ms Jan Edwards acknowledged country:

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

**3. DECLARATIONS OF INTEREST**

Nil.

18.2 Minutes of the Extraordinary Audit, Risk and Improvement  
Advisory Committee Meeting held on Monday, 22 October 2018  
ATTACHMENT 1 Minutes of the Extraordinary Audit, Risk and  
Improvement Advisory Committee Meeting held on Monday, 22  
October 2018



MINUTES OF THE EXTRAORDINARY AUDIT, RISK AND  
IMPROVEMENT ADVISORY COMMITTEE MEETING

Monday 22 October 2018



#### 4. EXTERNAL AUDIT

##### 4.1 Presentation of the Annual Financial Statements for the period ending 30 June 2018

Reference:	2102
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 the Annual Financial Statements for the year ending 30 June 2018 to the Audit, Risk and Improvement Advisory Committee and to receive comments from Council's Auditors' representative, Mr David Nolan.

Mr David Nolan, the Chief Financial Officer and the Deputy General Manager Operations, Finance and Risk addressed the meeting.

#### AR 33/18

**MOTION** moved by Ms J Edwards and seconded by Mr P Jeffares

**THAT** the Committee endorse the Annual Financial Statements for the period ending 30 June 2018 and that the information be noted.

**PASSED**

#### AR 34/18

**MOTION** moved by Dr J Young and seconded by Mr P Jeffares

**THAT** the Committee thank Council's Auditor Mr David Nolan for the report and his comments as well as his team's work throughout the year.

**PASSED**

**18.2 Minutes of the Extraordinary Audit, Risk and Improvement  
Advisory Committee Meeting held on Monday, 22 October 2018**  
**ATTACHMENT 1 Minutes of the Extraordinary Audit, Risk and  
Improvement Advisory Committee Meeting held on Monday, 22  
October 2018**



**MINUTES OF THE EXTRAORDINARY AUDIT, RISK AND  
IMPROVEMENT ADVISORY COMMITTEE MEETING**

Monday 22 October 2018



**5. 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.

**6. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.20 AM

### 18.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018

Reference:	2102/3
Report Author:	Senior Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
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

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018.

#### SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

##### Item 1 Welcome and Apologies

It was noted that apologies were received from Mr Barry Paull and Clr P W Nelson.

##### Item 3 Adoption of Minutes of Previous Meeting

###### AR 35/18

*THAT the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 14 September 2018 AR 25/18 to AR 32/18 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.*

###### AR 36/18

*THAT the minutes of the Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on Monday 22 October 2018 AR 33/18 to AR 34/18 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.*

##### Item 6 Committee Meeting Dates for 2019

The Committee was presented with indicative meeting dates for the second half of 2019.

###### AR 37/18

*THAT the Audit, Risk and Improvement Advisory Committee ordinary meetings for the second half of 2019 be held on the following dates:*

- *Friday 20 September 2019.*
- *Friday 15 November 2019.*

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018

### COMMITTEE REPORTS



#### Item 6.2 Fit for the Future Program Update

Council staff provided a verbal update on the progress of Council's Fit For The Future Program.

AR 38/18

*THAT the Fit for the Future Program update report be noted.*

#### Item 7 Committee Actions Update

The Committee was apprised of the progress of action items previously requested by the Committee.

AR 39/18

*THAT the report in relation to the Committee Actions Update be noted.*

#### Item 8.1 Corporate Risk Program Update

The Committee was updated on the progress of the review of Council's Corporate Risk Register, including the next steps for this review such as determining the Risk Owner for each risk in consultation with the General Manager.

The Committee was provided with an update on Council's participation in the Continuous Improvement Pathways (CIP) Program implemented by Statewide Mutual (Council's liability insurer). The Committee was advised that as part of this process Bitumen and Asphalt Resealing and Roads were selected as two key risk activities for the Risk Management Action Plan for the 2018/19 financial year.

The Committee also received an overview of the progress of Statewide Mutual's Insurable Risk Profiling Workshop initiative which Council is participating in.

AR 40/18

*THAT the report in relation to the Corporate Risk Program update be noted.*

#### Item 9.1 Internal Audit Report

The Committee was presented with the Records Management Internal Audit Report. The audit reviewed Council's Records Management program, including an assessment of the effectiveness of these controls in reducing the potential for error and/or fraud and corruption.

The internal audit report found that the internal controls within the Corporate Information team are generally adequate however further enhancements could be made across the organisation by implementing 15 recommendations for improvement arising from the five findings that were identified.

The Committee was also informed that the next internal audit scheduled was for Business Continuity.

AR 41/18

*THAT the report in relation to the Internal Audit Report be noted AND THAT the Committee requests that management review the Records Management Internal Audit Report with the view of addressing medium and high risk items earlier if possible.*

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018

### COMMITTEE REPORTS



#### Item 9.2 Progress Report on Outstanding Internal Audit Recommendations

The Committee was provided with an overview of progress on the implementation of outstanding recommendations from previous internal audits. A total of 28 recommendations remained open, while 14 recommendations were closed since the previous Committee meeting.

AR 42/18

*THAT the report be noted AND THAT the requested extensions to the due dates for specified recommendations be granted noting that the due dates for recommendations 1.3 and 4 of the Plant and Fleet Management Internal Audit Report were revised to 30 June 2019.*

#### Item 10.1 External Audit – Management Letter Recommendations Update

The Committee was provided with an update on the status of issues which have been raised in previous Management Letters by Council's external Auditors.

AR 43/18

*THAT the Committee note the update provided on the outstanding issues and recommendations made by Council's External Auditors.*

### **RECOMMENDATION**

**THAT recommendations Nos AR 35/18 to AR 43/18 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 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.**

### **ATTACHMENTS**

1. Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018



18.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018



**ATTACHMENT 1**



# MINUTES

## of the Audit, Risk and Improvement Advisory Committee Meeting

held in

Nattai Room, Civic Centre, Elizabeth Street, Moss Vale

on

**Friday 16 November 2018**

The meeting commenced at 9.00 am

*File No. 2102/3*

18.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 16 November 2018



1. WELCOME AND APOLOGIES
2. ACKNOWLEDGEMENT OF COUNTRY
3. ADOPTION OF MINUTES OF PREVIOUS MEETING
4. BUSINESS ARISING FROM THE MINUTES  
Audit, Risk and Improvement Advisory Committee Meeting held on 14 September 2018 and Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on 22 October 2018.
5. DECLARATIONS OF INTEREST
6. AGENDA REPORTS ..... 3
  - 6.1 Committee Meeting Dates for 2019 ..... 3
  - 6.2 Fit For The Future Program Update ..... 4
7. COMMITTEE ACTION LIST ..... 5
  - 7.1 Committee Actions Update ..... 5
8. RISK MANAGEMENT ..... 6
  - 8.1 Corporate Risk Program Update ..... 6
9. INTERNAL AUDIT ..... 7
  - 9.1 Internal Audit Report ..... 7
  - 9.2 Progress Report on Outstanding Internal Audit Recommendations ..... 8
10. EXTERNAL AUDIT ..... 9
  - 10.1 External Audit - Management Letter Recommendations Update ..... 9
11. DATE OF NEXT MEETING .....10
12. MEETING CLOSURE .....10

**18.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018**

**ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018**



**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

Friday 16 November 2018



**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON FRIDAY 16 NOVEMBER 2018 COMMENCING AT 9.00 AM.**

**Present:**

**Councillors:** Clr G Markwart  
Mayor T D Gair *(in attendance)*

**Community** Ms Jan Edwards *Chair*

**Representatives:** Mr Paul Jeffares  
Dr Jason Young

**In Attendance:** Ms Ann Prendergast *General Manager*  
Mr Mark Pepping *DGM Corporate, Strategy & Development Services*  
Ms Danielle Lidgard *Group Manager Corporate & Community*  
Mr Richard Mooney *Chief Financial Officer*  
Ms Samantha Woods *Coordinator Corporate Strategy and Governance*  
Mr Andrew Lynch *Senior Governance Officer*  
Ms Ivana Vidovich *Internal Audit and Legal Support Officer*

**Also In Attendance:** Mr Simon Clifford *Audit Office of NSW*  
Mr Steve Hrdina *Audit Office of NSW*  
Mr Mitchell Morley *InConsult*

## 1. WELCOME AND APOLOGIES

It was noted that apologies were received from Clr P W Nelson and Mr Barry Paull.

## 2. ACKNOWLEDGEMENT OF COUNTRY

The Chair Ms Jan Edwards acknowledged country:

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

## 3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING HELD ON FRIDAY 14 SEPTEMBER 2018.

18.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 16 November 2018



**AR 35/18**

**MOTION** moved by Mr P Jeffares and seconded by Ms J Edwards

**THAT** the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 14 September 2018 AR 25/18 to AR 32/18 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

MINUTES OF THE EXTRAORDINARY AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING HELD ON MONDAY 22 OCTOBER 2018

**AR 36/18**

**MOTION** moved by Dr J Young and seconded by Mr P Jeffares

**THAT** the minutes of the Extraordinary Audit, Risk and Improvement Advisory Committee Meeting held on Monday 22 October 2018 AR 33/18 to AR 34/18 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

**4. BUSINESS ARISING**

Nil.

**5. DECLARATIONS OF INTEREST**

Nil.

**18.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018****ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018****MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

Friday 16 November 2018

**6. AGENDA REPORTS****6.1 Committee Meeting Dates for 2019**

Reference:	2102/3
Report Author:	Senior Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
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**

The purpose of this report is to determine Audit, Risk and Improvement Advisory Committee (Committee) meeting dates for the second half of 2019.

The Group Manager Corporate and Community and Chief Financial Officer addressed the meeting.

The Chair requested that meeting invitations be sent to Committee members for 20 September 2019 and 15 November 2019.

The Chief Financial Officer advised that the proposed date in October 2019 for the extraordinary meeting to consider the annual financial statements would be provided to the Committee prior to its next meeting on 15 March 2019, once the date is confirmed with the Audit Office of NSW.

**AR 37/18**

**MOTION** moved by Ms J Edwards and seconded by Cllr G Markwart

**THAT** the Audit, Risk and Improvement Advisory Committee ordinary meetings for the second half of 2019 be held on the following dates:

- Friday 20 September 2019.
- Friday 15 November 2019.

**PASSED**

18.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018

ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 16 November 2018



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## 6.2 Fit For The Future Program Update

Reference:	2102/3
Report Author:	Senior Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
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

The purpose of this report is to provide the Committee with an update on the progress of Council's Fit For The Future Program.

The General Manager, Chief Financial Officer, Group Manager Corporate and Community and Deputy General Manager Corporate, Strategy and Development Services addressed the meeting.

### AR 38/18

**MOTION** moved by Ms J Edwards and seconded by Dr J Young

**THAT** the Fit for the Future Program update report be noted.

**PASSED**

**18.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018****ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018****MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

Friday 16 November 2018

**7. COMMITTEE ACTION LIST****7.1 Committee Actions Update**

<b>Reference:</b>	<b>2102/3</b>
<b>Report Author:</b>	<b>Internal Audit and Legal Support Officer</b>
<b>Authoriser:</b>	<b>Coordinator Corporate Strategy and Governance</b>
<b>Link to Community</b>	
<b>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>

**PURPOSE**

The purpose of this report is to provide an update on the progress of action items previously requested by the Committee.

The Group Manager Corporate and Community, Deputy General Manager Corporate, Strategy and Development Services and Mr Mitchell Morley addressed the meeting.

The Chair requested that a report be included in the agenda for the Committee meeting on 15 March 2019 that provides an update on Council's plans for improved communication in relation to service delivery.

It was agreed that Council's 2017-18 Annual Report would be circulated to the Committee once it is published.

**AR 39/18**

**MOTION** moved by Cllr G Markwart and seconded by Ms J Edwards

**THAT** the report in relation to the Committee Actions Update be noted.

**PASSED**

**18.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018****ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018****MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

Friday 16 November 2018

**8. RISK MANAGEMENT****8.1 Corporate Risk Program Update**

**Reference:** 2102/3  
**Report Author:** Workplace Systems Coordinator

**PURPOSE**

The purpose of this report is to provide the Committee with an update on Council's Risk Management Program.

The Group Manager Corporate and Community and Deputy General Manager Corporate, Strategy and Development Services addressed the meeting.

The Chair noted that future reporting to the Committee on risk should more thoroughly address the management of the significant risks. The Chair requested that a report be included in the agenda for the Committee meeting on 15 March 2019 that recommends a format for the Committee agenda papers that gives equal reporting weight to reporting on management of risk and audit. She noted that the existing reporting is heavily weighted towards a focus on audit.

**AR 40/18**

**MOTION** moved by Mr P Jeffares and seconded by Cllr G Markwart

**THAT** the report in relation to the Corporate Risk be noted.

**PASSED**



**18.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018****ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018****MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

Friday 16 November 2018

**9. INTERNAL AUDIT****9.1 Internal Audit Report**

Reference:	2102/3, 2102/18.4
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	Senior Governance Officer
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**

The purpose of this report is to present the Committee with the Records Management Internal Audit Report and provide a brief overview of the scope of the Business Continuity internal audit scheduled for the next quarter.

Mr Mitchell Morley, General Manager, Deputy General Manager Corporate, Strategy and Development Services, Group Manager Corporate and Community and the Chief Financial Officer addressed the meeting.

The Committee requested that the due date of December 2019 for certain recommendations of the Records Management Internal Audit Report should be brought forward wherever possible, particularly with respect to the establishment of business rules for records management.

**AR 41/18**

**MOTION** moved by Dr J Young and seconded by Ms J Edwards

**THAT** the report in relation to the Internal Audit Report be noted **AND THAT** the Committee requests that management review the Records Management Internal Audit Report with the view of addressing medium and high risk items earlier if possible.

**PASSED**

**18.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018****ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018****MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

Friday 16 November 2018

**9.2 Progress Report on Outstanding Internal Audit Recommendations**

<b>Reference:</b>	2102/3
<b>Report Author:</b>	Senior Governance Officer
<b>Authoriser:</b>	Coordinator Corporate Strategy and Governance
<b>Link to Community Strategic Plan:</b>	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

**PURPOSE**

The purpose of this report is to update the Audit, Risk and Improvement Advisory Committee on the implementation of outstanding recommendations from previous internal audits.

The Group Manager Corporate and Community addressed the meeting.

**AR 42/18**

**MOTION** moved by Mr P Jeffares and seconded by Dr J Young

**THAT** the report be noted **AND THAT** the requested extensions to the due dates for specified recommendations be granted noting that the due dates for recommendations 1.3 and 4 of the Plant and Fleet Management Internal Audit Report were revised to 30 June 2019.

**PASSED**

**18.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018****ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018****MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

Friday 16 November 2018

**10. EXTERNAL AUDIT****10.1 External Audit - Management Letter Recommendations Update**

Reference:	2102
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**

This report provides the Audit, Risk and Improvement Advisory Committee with an update on the status of issues which have been raised in previous Management Letters by Council's external Auditors.

The Chief Financial Officer and Mr Steve Hrdina addressed the meeting.

The Chair asked for an update on the progress of items 7, 8 and 10, noting that the due date for each is December 2018. The Chief Financial Officer advised that he would take the question on notice.

**AR 43/18**

**MOTION** moved by Clr G Markwart and seconded by Mr P Jeffares

**THAT** the Committee note the update provided on the outstanding issues and recommendations made by Council's External Auditors.

**PASSED**

**18.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018**

**ATTACHMENT 1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 16 November 2018**



**MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING**

Friday 16 November 2018



**11. DATE OF NEXT MEETING**

The next meeting will be held on Friday 15 March 2019 in Nattai Room, Civic Centre, Elizabeth Street, Moss Vale commencing at 9.00am.

**12. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.33 AM

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## 18.4 Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 November 2018

Reference: 107/35  
Report Author: Coordinator Community Development

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### PURPOSE

This report provides the Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 November 2018.

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### RECOMMENDATION

**THAT recommendation Nos WCSC 19/18 to WCSC 23/18 – as detailed in the Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 November 2018, be noted.**

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### ATTACHMENTS

1. Minutes of the Wingecarribee Community Safety Committee Meeting held on 5 November 2018



**ATTACHMENT 1**



# MINUTES

of the  
Wingecarribee Community Safety  
Committee Meeting

held in

Nattai Room, Civic Centre, Elizabeth Street, Moss Vale

on

**Monday 5 November 2018**

The meeting commenced at 9.05 am

*File No. 107/35*

18.4 Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 November 2018

ATTACHMENT 1 Minutes of the Wingecarribee Community Safety Committee Meeting held on 5 November 2018



MINUTES OF THE WINGECARRIBEE COMMUNITY SAFETY COMMITTEE MEETING

Monday 5 November 2018



1. WELCOME AND APOLOGIES
2. ACKNOWLEDGEMENT OF COUNTRY
3. ADOPTION OF MINUTES OF PREVIOUS MEETING
4. BUSINESS ARISING FROM THE MINUTES  
Wingecarribee Community Safety Committee Meeting held on 6 August 2018
5. DECLARATIONS OF INTEREST

<b>6. AGENDA REPORTS .....</b>	<b>3</b>
6.1 Update on the Community Safety Plan 2015 - 2020 .....	3
6.2 Wingecarribee Crime Report .....	4
6.3 General Business .....	5
<b>7. DATE OF NEXT MEETING .....</b>	<b>6</b>
<b>8. MEETING CLOSURE .....</b>	<b>6</b>

**18.4 Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 November 2018**

**ATTACHMENT 1 Minutes of the Wingecarribee Community Safety Committee Meeting held on 5 November 2018**



**MINUTES OF THE WINGECARRIBEE COMMUNITY SAFETY COMMITTEE MEETING**

Monday 5 November 2018



**MINUTES OF THE WINGECARRIBEE COMMUNITY SAFETY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD AT THE SOUTHERN HIGHLANDS POLICE STATION, ELIZABETH STREET, MOSS VALE ON MONDAY 5 NOVEMBER 2018 COMMENCING AT 9.05 AM.**

**Present:**

Mayor T D Gair	<i>Chair</i>
Chief Inspector Brendan Bernie	<i>Hume Police District</i>
Inspector John Klepczarek	<i>Officer in Charge, Southern Highlands Sector</i>
Mr Tom Porter	<i>Southern Highlands Liquor Accord</i>
Mr Laurie Stewart	<i>Community Representative</i>
Mr Rob Westaway	<i>Community Representative</i>
Ms Frances Crown	<i>Community Representative</i>

**In Attendance:**

Mr Mark Pepping	<i>Deputy General Manager Corporate, Strategy and Development Services</i>
Ms Danielle Lidgard	<i>Group Manager Corporate and Community</i>
Ms Cath Brennan	<i>Coordinator Community Development</i>
Ms Helen Stokes	<i>Administration Officer</i>

**1. WELCOME AND APOLOGIES**

It was noted that apologies were received from Mr Jai Rowell, MP (Member for Wollondilly), Superintendent Chris Schilt (Hume Police District) and Ms Kathy Barnsley (Southern Highlands Chamber of Commerce and Industry Inc).

**WCSC 19/18**

**MOTION** moved by Mr L Stewart and seconded by Mr T Porter

**THAT** apologies of Mr Jai Rowell, MP, Superintendent Chris Schilt and Ms Kathy Barnsley, be accepted and leave of absence granted.

**PASSED**

**2. ACKNOWLEDGEMENT OF COUNTRY**

The Mayor Clr T 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.

**THANK YOU**

The Mayor thanked Inspector John Klepczarek for the invitation to conduct today's meeting at the new Southern Highlands Police Station.



18.4 Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 November 2018

ATTACHMENT 1 Minutes of the Wingecarribee Community Safety Committee Meeting held on 5 November 2018



MINUTES OF THE WINGECARRIBEE COMMUNITY SAFETY COMMITTEE MEETING

Monday 5 November 2018



**3. ADOPTION OF MINUTES OF PREVIOUS MEETING**

MINUTES OF THE WINGECARRIBEE COMMUNITY SAFETY COMMITTEE MEETING HELD ON MONDAY 6 AUGUST 2018

**WCSC 20/18**

**MOTION** moved by Mr R Westaway and seconded by Inspector JK Klepczarek

**THAT** the minutes of the Wingecarribee Community Safety Committee Meeting held on Monday 6 August 2018 MN **WCSC14/18** to MN **WCSC18/18** 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**

Nil

**18.4 Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 November 2018****ATTACHMENT 1 Minutes of the Wingecarribee Community Safety Committee Meeting held on 5 November 2018****MINUTES OF THE WINGECARRIBEE COMMUNITY SAFETY COMMITTEE MEETING**

Monday 5 November 2018

**6. AGENDA REPORTS****6.1 Update on the Community Safety Plan 2015 - 2020**

Reference: 107/35  
Report Author: Coordinator Community Development

**PURPOSE**

To provide an update on activities undertaken and planned that addresses the Community Safety Plan.

Information was provided by Ms Cath Brennan on the following:

- Graffiti Management Plan in Corbett Gardens following success of funding application to the Crime Prevention Unit, NSW Justice Department.

*Council has been successful in receiving grant funds to assist with remedial work at Corbett Gardens ie relocate the picnic table to an exposed site in the Gardens, install sensor lights, alter the hours free WiFi is available, paint the public toilets with anti-graffitti paint and hold a youth event in the Gardens.*

- Say No to Family Violence banner appearances around the Shire.

*The banner has been displayed in Bowral, Welby, Mittagong and Balaclava.*

- Rotoract Park block meeting and consultation.

*A successful meeting with residents was recently held on site at the Rotoract Park, Moss Vale. Topics discussed were regular maintenance and removal of rubbish, the installation of new play equipment and park benches, request for a garden and consideration of a change to the name of the Park.*

- White Ribbon Day Events and Expect Respect Golf Day.

*The Southern Highlands Domestic Forum are holding the White Ribbon Walk on Wednesday, 21 November at Bradman Oval, 7.30am to 8.30am.*

*The Community Challenge Golf Day is scheduled for Sunday, 25 November 2018 at the Highlands Golf Club.*

**WCSC 21/18**

**MOTION** moved by Mr L Stewart and seconded by Mr T Porter

**THAT** the report in relation to the Community Safety Plan be noted.

**PASSED**

**18.4 Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 November 2018****ATTACHMENT 1 Minutes of the Wingecarribee Community Safety Committee Meeting held on 5 November 2018****MINUTES OF THE WINGECARRIBEE COMMUNITY SAFETY COMMITTEE MEETING**

Monday 5 November 2018

**6.2 Wingecarribee Crime Report**

**Reference:** 107/35  
**Report Author:** Coordinator Community Development

**PURPOSE**

Inspector John Klepczarek, presented a report on the crime trends and issues in the Wingecarribee LGA. There were no significant crime trends.

Concerns were raised on the driving capability of some local elderly citizens and the necessity for the continuation of driver education for this group.

Police have agreed to work with local homelessness services to develop a protocol on working with homeless persons.

**WCSC 22/18**

**MOTION** moved by Mr T Porter and seconded by Mr R Westaway

**THAT** the local crime report presented by Hume Police be noted.

**PASSED**

## 18.4 Minutes of the Wingecarribee Community Safety Committee Meeting held on Monday, 5 November 2018

## ATTACHMENT 1 Minutes of the Wingecarribee Community Safety Committee Meeting held on 5 November 2018



## MINUTES OF THE WINGECARRIBEE COMMUNITY SAFETY COMMITTEE MEETING

Monday 5 November 2018

**6.3 General Business**

Reference: 107/35  
Report Author: Coordinator Community Development

**PURPOSE**

Mr Robert Westaway presented the following issues:

- Completion of bike path and crossings along Eridge Park Road between Chevalier College and the Kangaloon and Old South Roads roundabout. **Comment:** Cyclists using Eridge Park Road in the morning after 8am up to 9am create traffic hazards in both directions often dangerously impeding traffic flow including on some occasions slowing it to a crawl in both directions. Additionally, the lack of a completed bike path stops students safely walking or riding their bikes to and from school.

*Mayor Gair advised this section of pathway is part of Council's 'Bicycle Strategy', and highlighted that the design of the pathway intersection at Kangaloon Road is proving to be difficult and will, therefore, be costly.*

*Ms Cath Brennan will provide a report on the 'Bicycle Strategy' to the next meeting.*

- Off leash dogs being taken for a walk in public places creating a nuisance especially to bike riders and other responsible persons exercising dogs on leash and under control.

*Ms Cath Brennan advised Council Rangers have increased their patrols in the problem areas.*

- People drowning in waterways are increasing. Of the 291 people who drowned in Australian waterways in 2017, 93 were from NSW. Would Council give thought to providing discreet, demographically targeted, water safety instruction days for shire residents? Several known non swimming adult persons canvassed about their desire to learn to swim and gain water safety competence were embarrassed and genuinely fearful of their non-swimmer status. **Comment:** This could potentially be a lifesaving initiative.

*Mr Mark Pepping advised swimming lessons are currently available at the local swim centres. He will arrange for an item to be published in the next issue of Council's newsletter, "Wingecarribee Today" promoting water safety awareness and the current swimming classes.*

**WCSC 23/18**

**MOTION** moved by Mr R Westaway and seconded by Ms F Crown

**THAT the report on general business be noted.**

**PASSED**

**18.4 Minutes of the Wingecarribee Community Safety Committee  
Meeting held on Monday, 5 November 2018**

**ATTACHMENT 1 Minutes of the Wingecarribee Community Safety  
Committee Meeting held on 5 November 2018**



**MINUTES OF THE WINGECARRIBEE COMMUNITY SAFETY  
COMMITTEE MEETING**

Monday 5 November 2018



**7. DATE OF NEXT MEETING**

The next meeting will be held on 4 February 2019 commencing at 9am in the Civic Centre Nattai Room.

The following dates have been set for the remainder of the 2019 meetings: 6 May 2019, 5 August 2019 and 4 November 2019.

**8. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.12 AM

## 18.5 Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 13 November 2018

Reference:	1880
Report Author:	PA for Mayor
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Work collaboratively to address social disadvantage

### PURPOSE

This report provides the Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 13 November 2018.

### SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

CD 23/18

*THAT an apology from Cllr L Whipper, Cllr G McLaughlin and Ms D Barnes be accepted and leave of absence granted.*

Item 3 Adoption of Minutes of Previous Meeting

CD 24/18

*THAT the minutes of the Community Development Advisory Committee Meeting held on Tuesday 11 September 2018 MN CD15/18 to MN CD22/18 inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.*

Item 6.1 Welcome to our new Committee Members

CD 25/18

1. *THAT the Committee welcome both Jan Campbell and Annabel Julian Brown to the Community Development Advisory Committee.*
2. *THAT Ms Rebecca Reidy be acknowledged for her contributions over the past two years on the Community Development Advisory Committee and a letter of thanks be sent.*

Item 6.2 Community Engagement Strategy

CD 26/18

*THAT the verbal report and PowerPoint presentation provided by Council's Community Engagement Officer outlining the results of the recent survey regarding Council's Community Engagement Strategy be noted.*

Item 6.3 Youth Forum Feedback

CD 27/18

1. *THAT the verbal report on the Youth Forum 2018, as presented by Council's Youth Liaison Officer be noted.*
2. *THAT the Committee express their admiration of the staff for their initiative with the planning, development and staging of the 2018 Youth Forum.*

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018

### COMMITTEE REPORTS



3. *THAT the Committee recommend Council continue to support the Youth Forum along with any proposed activities and projects that have arisen from the Forum so far.*

Item 6.4 Grandparents Day

CD 28/18

*THAT the verbal update provided by Group Manager Corporate and Community, Ms D Lidgard, regarding Grandparents Day be noted AND THAT Staff be congratulated on the success of the day.*

Item 6.5 Meeting Dates

CD 29/18

*THAT the 2019 meeting dates for the Community Development Advisory Committee are confirmed as follows;*

- 12 March
- 30 April – special meeting (Community Assistance Grants Assessment)
- 9 July
- 10 September
- 12 November

Item 6.6 Minutes of the Access Community Reference Group Meeting held on Monday 5 November 2018

CD 30/18

*THAT recommendations as detailed in the minutes of the Access Community Reference Group held on Monday, 5 November 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.*

Item 6.7 Minutes of the Seniors Community Reference Group Meeting held on Tuesday 6 November 2018

CD 31/18

*THAT recommendations as detailed in the minutes of the Seniors Community Reference Group held on Tuesday, 6 November 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*

### RECOMMENDATION

**THAT recommendations Nos CD 23/18 to CD 31/18 – as detailed in the Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 13 November 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.**

### ATTACHMENTS

1. Minutes of the Community Development Advisory Committee held Tuesday 13 November

18.5 Minutes of the Community Development Advisory Committee  
Meeting held on Tuesday, 13 November 2018

ATTACHMENT 1 Minutes of the Community Development  
Advisory Committee held Tuesday 13 November



**ATTACHMENT 1**



# MINUTES

## of the Community Development Advisory Committee Meeting

held in

Gibraltar Room

Civic Centre, Elizabeth Street, Moss Vale

on

**Tuesday 13 November 2018**

The meeting commenced at 4:30pm

*File No. Enter File No*



18.5 Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 13 November 2018

ATTACHMENT 1 Minutes of the Community Development Advisory Committee held Tuesday 13 November



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 13 November 2018



1. WELCOME AND APOLOGIES
2. ACKNOWLEDGEMENT OF COUNTRY
3. ADOPTION OF MINUTES OF PREVIOUS MEETING
4. BUSINESS ARISING FROM THE MINUTES  
Community Development Advisory Committee Meeting held on 11 September 2018
5. DECLARATIONS OF INTEREST

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6. AGENDA REPORTS .....	3
6.1 Welcome to our new Committee Members .....	3
6.2 Community Engagement Strategy .....	4
6.3 Youth Forum Feedback .....	5
6.4 Grandparents Day .....	6
6.5 Meeting Dates for 2019.....	7
6.6 Minutes of the Access Community Reference Group Meeting held Monday 5 November 2018.....	8
6.7 Minutes of the Seniors Community Reference Group Meeting held Tuesday 6 November 2018.....	9
7. DATE OF NEXT MEETING .....	9
8. MEETING CLOSURE .....	9

18.5 Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 13 November 2018

ATTACHMENT 1 Minutes of the Community Development Advisory Committee held Tuesday 13 November



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 13 November 2018



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN GIBRALTAR ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON TUESDAY 13 NOVEMBER 2018 COMMENCING AT 4:30PM.

**Present:**

**Councillors:** Clr G J Andrews *Acting Chair*  
Clr G Markwart

**Community**

**Representatives:** Ms Lynne Burgoyne  
Mr Bruce Mumford  
Ms Jan Campbell  
Ms Annabel Julian Brown

**In Attendance:** Ms Danielle Lidgard, *Group Manager Corporate & Community*  
Ms Leesa Stratford, *Mayor's PA*

## 1. WELCOME AND APOLOGIES

It was noted that apologies were received from Clr L Whipper, Clr G McLaughlin and Ms D Barnes

**CD 23/18**

**MOTION** moved by Clr G J Andrews and seconded by Clr G Markwart

**THAT** the apology of Clr L Whipper, Clr G McLaughlin and Ms D Barnes be accepted and leave of absence granted.

**PASSED**

## 2. ACKNOWLEDGEMENT OF COUNTRY

Clr G Andrews acknowledged country:

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

18.5 Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 13 November 2018

ATTACHMENT 1 Minutes of the Community Development Advisory Committee held Tuesday 13 November



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 13 November 2018



**3. ADOPTION OF MINUTES OF PREVIOUS MEETING**

MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING HELD ON TUESDAY 11 SEPTEMBER 2018

**CD 24/18**

**MOTION** moved by Clr G J Andrews and seconded by Clr G Markwartt

**THAT** the minutes of the Community Development Advisory Committee Meeting held on Tuesday 11 September 2018 MN **CD15/18** to MN **CD22/18** inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

**4. BUSINESS ARISING**

*There was no Business Arising at the meeting.*

**5. DECLARATIONS OF INTEREST**

*There were no Declarations of Interest declared at the meeting.*

**18.5 Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 13 November 2018****ATTACHMENT 1 Minutes of the Community Development Advisory Committee held Tuesday 13 November****MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING**

Tuesday 13 November 2018

**6. AGENDA REPORTS****6.1 Welcome to our new Committee Members**

Reference: 1800/58  
Report Author: Coordinator Community Development

**PURPOSE**

To welcome Jan Campbell and Annabel Julian Brown to the Community Development Advisory Committee.

Committee vacancies were advertised in August with the candidates reviewed by the Panel consisting of the then Mayor Cllr Ken Halstead, General Manager Ann Prendergast and Chair of the Committee Cllr Larry Whipper.

Rebecca Reidy took the opportunity during the recruitment phase to tender her resignation from the Committee due to competing family demands. Rebecca is to be thanked for her participation and contribution.

**CD 25/18**

**MOTION** moved by Cllr G J Andrews and seconded by Ms L Burgoyne

1. **THAT the Committee welcome both Jan Campbell and Annabel Julian Brown to the Community Development Advisory Committee.**
2. **THAT Ms Rebecca Reidy be acknowledged for her contributions over the past two years on the Community Development Advisory Committee and a letter of thanks be sent.**

**PASSED**

18.5 Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 13 November 2018

ATTACHMENT 1 Minutes of the Community Development Advisory Committee held Tuesday 13 November



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 13 November 2018



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## 6.2 Community Engagement Strategy

Reference: 1800/58  
Report Author: Coordinator Community Development

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### PURPOSE

The Community Engagement Coordinator will outline results from Council's recent survey about communication and engagement. Committee members will be provided with the opportunity to learn about ways consultation is undertaken and ask questions.

### CD 26/18

**MOTION** moved by Ms L Burgoyne and seconded by Mr B Mumford

***THAT the verbal report and PowerPoint presentation provided by Council's Community Engagement Officer outlining the results of the recent survey regarding Council's Community Engagement Strategy be noted.***

**PASSED**

**18.5 Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 13 November 2018****ATTACHMENT 1 Minutes of the Community Development Advisory Committee held Tuesday 13 November****MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING**

Tuesday 13 November 2018

**6.3 Youth Forum Feedback**

Reference: 1800/58  
Report Author: Youth Liaison Officer

**PURPOSE**

To provide Committee members with an outline of the Youth Forum 2018. This will cover planning process, engagement of young people and youth services and provide initial feedback on the draft outcomes of the Forum and how they will be incorporated into the Council Youth Strategy and Action Plan 2016 - 2026.

**CD 27/18**

**MOTION** moved by Cllr G J Andrews and seconded by Cllr G Markwart

1. **THAT** the verbal report on the Youth Forum 2018, as presented by Council's Youth Liaison Officer be noted.
2. **THAT** the Committee express their admiration of the staff for their initiative with the planning, development and staging of the 2018 Youth Forum.
3. **THAT** the Committee recommend Council continue to support the Youth Forum along with any proposed activities and projects that have arisen from the Forum so far.

**PASSED**

**18.5 Minutes of the Community Development Advisory Committee  
Meeting held on Tuesday, 13 November 2018****ATTACHMENT 1 Minutes of the Community Development  
Advisory Committee held Tuesday 13 November****MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY  
COMMITTEE MEETING**

Tuesday 13 November 2018

**6.4 Grandparents Day**

**Reference:** 1800/58  
**Report Author:** Coordinator Community Development

**PURPOSE**

To provide feedback on Grandparents Day event held at Council 25 October 2018.

Council received a grant from Family and Community Services NSW Grandparents Day to celebrate the contributions grandparents and older people make to their families and communities. Council partnered with Library Services, Wingecarribee Adult Day Care Centre, CWA Moss Vale and Children's Services. The venue changed from Glebe Park to Council courtyard to coincide with the Foyer Gallery display of art works and photographs created by Family Day Care and Out of School Hours children as part of Children's Week.

The event was designed to provide intergenerational activities including an animal petting farm, photo booth, art and craft, reading tent, Tech help, Magic shows and refreshments. It is estimated that around 200 people both young and old attended. All Grandparents were presented with a pot of colour as a way of saying thank you for all the care and love they provide and the children created an art work to give to their Grandparents.

**CD 28/18**

**MOTION** moved by Ms L Burgoyne and seconded by Clr G Andres

**THAT the verbal update provided by the Group Manager Corporate and Community regarding Grandparents Day be noted AND THAT Staff be congratulated on its success.**

**18.5 Minutes of the Community Development Advisory Committee  
Meeting held on Tuesday, 13 November 2018****ATTACHMENT 1 Minutes of the Community Development  
Advisory Committee held Tuesday 13 November****MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY  
COMMITTEE MEETING**

Tuesday 13 November 2018

**6.5 Meeting Dates for 2019**

**Reference:** 1800/58  
**Report Author:** Coordinator Community Development

**PURPOSE**

To confirm the dates and starting time for the Community Development Advisory Committee meetings to be held in 2019.

The Community Development Advisory Committee meets 4 times a year with a special meeting to review and make recommendations on the Community Development applications received as part of the Wingecarribee Community Assistance Scheme.

Proposed meeting dates for 2019 are

- 12 March
- 30 April – special meeting
- 9 July
- 10 September
- 12 November

Meetings have taken place between 4:30 – 6:30pm

**CD 29/18**

**MOTION** moved by Ms L Burgoyne and seconded by Clr G J Andrews

**THAT** the 2019 meeting dates for the Community Development Advisory Committee are confirmed as follows;

- 12 March
- 30 April – special meeting (Community Assistance Grants Assessment)
- 9 July
- 10 September
- 12 November

**PASSED**



18.5 Minutes of the Community Development Advisory Committee  
Meeting held on Tuesday, 13 November 2018

ATTACHMENT 1 Minutes of the Community Development  
Advisory Committee held Tuesday 13 November



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY  
COMMITTEE MEETING

Tuesday 13 November 2018



**6.6 Minutes of the Access Community Reference Group  
Meeting held Monday 5 November 2018**

Reference: 1828/3  
Report Author: Ageing and Disability Officer

**PURPOSE**

This report provides the minutes of the Access Community Reference Group meeting held Monday 5 November 2018.

*The minutes were tabled at the meeting.*

**CD 30/18**

**MOTION** moved by Cllr G Markwart and seconded by Cllr G J Andrews

**THAT** recommendations as detailed in the minutes of the Access Community Reference Group held on Monday, 5 November 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.

**PASSED**

18.5 Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 13 November 2018

ATTACHMENT 1 Minutes of the Community Development Advisory Committee held Tuesday 13 November



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 13 November 2018



**6.7 Minutes of the Seniors Community Reference Group Meeting held Tuesday 6 November 2018**

Reference: 107/26  
Report Author: Ageing and Disability Officer

**PURPOSE**

This report provides minutes of the Seniors Community Reference Group meeting held Tuesday 6 November 2018.

*The minutes were tabled at the meeting.*

**RECOMMENDATION**

*THAT recommendations as detailed in the minutes of the Seniors Community Reference Group held on Tuesday, 6 November 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.*

**7. DATE OF NEXT MEETING**

The next meeting will be held on 12 March 2018 in the Gibraltar Room, Civic Centre, Moss Vale, commencing at 4.30pm.

**8. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.57PM

## 18.6 Minutes of the Southern Regional Livestock Advisory Committee Meeting held on Friday, 16 November 2018

Reference: 107/40  
Report Author: Organisational Support Officer

### PURPOSE

This report provides the Minutes of the Southern Regional Livestock Exchange Committee Meeting held on Friday 16 November 2018.

### SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

#### Item 1 Welcome and Apologies

SOU 18/18

*THAT the apologies of Mr Neil Townsend and Clr Turland be accepted and leave of absence granted.*

#### Item 3 Adoption of Minutes of Previous Meeting

SOU 19/18

*THAT the minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday 03 August 2018 MN SOU 13/18 to MN SOU 17/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.*

#### Item 4 Business Arising

- 1. THAT it be noted that a concern was raised by the Committee in relation to a possible security breach at the main gate.*
- 2. THAT when and where possible Council's land will be utilised for the production of silage and hay for usage at the SRLX.*
- 3. THAT it be noted that Council will consult with the Committee further as per the resolution of Council on Wednesday 11 July 2018:  
MN 263/18  
MOTION moved by Clr T D Gair and seconded by Clr L A C Whipper*
  - 1. THAT Council await the outcome of the NSW Government Growing Local Economies fund grant application, before considering recommendations of the SRLX Service Delivery Review.*
  - 2. THAT Council confirm that it is not considering the sale of the SRLX as part of the Service Delivery Review process.*

#### Item 6.1 Interim Financial Performance Report – September 2018

SOU 20/18

- 1. THAT the financial performance report for the period ending 30 September 2018 be received and noted.*
- 2. THAT interested Committee members meet with council staff to discuss KPIs in the financial reporting and that those recommendations come back to the next meeting of this Committee.*

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 28 November 2018

### COMMITTEE REPORTS



Item 6.2 Q1 2018/19 Throughput

SOU 21/18

*THAT the report be noted.*

Item 6.3 \$5.25M Grant Funding for SRLX Refurbishment

SOU 22/18

1. *THAT the staff be acknowledged for the effort that was put into the successful grant submission.*
2. *THAT in relation to the delivery of the grant program all stakeholders will be consulted on relevant issues where they are affected.*
3. *THAT when the grant funding agreement is executed by Council the relevant information will be communicated to stakeholders.*

### RECOMMENDATION

***THAT recommendation Nos SOU 18/18 to SOU 22/18 – as detailed in the Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday, 16 November 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.***

### ATTACHMENTS

1. Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting 16 November 2018

18.6 Minutes of the Southern Regional Livestock Advisory Committee Meeting held on Friday, 16 November 2018

ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting 16 November 2018



**ATTACHMENT 1**



# MINUTES

of the  
Southern Regional Livestock Exchange  
Advisory Committee Meeting

held in

Nattai Room, Civic Centre, Elizabeth Street, Moss Vale

on

**Friday 16 November 2018**

The meeting commenced at 10.30 am

*File No. Enter File No 107/40*

18.6 Minutes of the Southern Regional Livestock Advisory Committee Meeting held on Friday, 16 November 2018

ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting 16 November 2018



MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING

Friday 16 November 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 3 August 2018
5. DECLARATIONS OF INTEREST

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**18.6 Minutes of the Southern Regional Livestock Advisory Committee Meeting held on Friday, 16 November 2018**

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**MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING**

Friday 16 November 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 16 NOVEMBER 2018 COMMENCING AT 10.30 AM.**

**Present:**

**Councillors:** Mayor T D Gair *Chair*  
 Clr K J Halstead

**Community Representatives:** Mr Geoff Byrne  
 Mr Anthony Guinness  
 Mr Carl Peterson  
 Mr Grahame Tooth

**In Attendance:** Mr Barry Paul *Deputy General Manager Operations, Finance & Risk*  
 Ms Amanda Lawrence *Organisational Support Officer*

**1. WELCOME AND APOLOGIES**

It was noted that apologies were received from Neil Townsend and Clr Gary Turland

**SOU 18/18**

**MOTION** moved by Clr Ken Halstead and seconded by Mr G Byrne

**THAT the apology of Neil Townsend and Clr Gary Turland be accepted and leave of absence granted.**

**MOTION PASSED**

**2. ACKNOWLEDGEMENT OF COUNTRY**

Councillor Duncan 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 3 AUGUST 2018

18.6 Minutes of the Southern Regional Livestock Advisory Committee Meeting held on Friday, 16 November 2018

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Friday 16 November 2018



**SOU 19/18**

**MOTION** moved by Mr C Peterson and seconded by Cllr K J Halstead

**THAT** the minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting held on Friday 03 August 2018 MN **SOU 13/18** to MN **SOU 17/18** inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**MOTION PASSED**

**4. BUSINESS ARISING**

1. **THAT** it be noted that a concern was raised by the Committee in relation to a possible security breach at the main gate.
2. **THAT** when and where possible Council's land will be utilised for the production of silage and hay for usage at the SRLX.
3. **THAT** it be noted that Council will consult with the Committee further as per the resolution of Council on Wednesday 11 July 2018:

MN 263/18

MOTION moved by Cllr T D Gair and seconded by Cllr L A C Whipper

1. THAT Council await the outcome of the NSW Government Growing Local Economies fund grant application, before considering recommendations of the SRLX Service Delivery Review.
2. THAT Council confirm that it is not considering the sale of the SRLX as part of the Service Delivery Review process.

**5. DECLARATIONS OF INTEREST**



18.6 Minutes of the Southern Regional Livestock Advisory Committee Meeting held on Friday, 16 November 2018

ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting 16 November 2018



MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING

Friday 16 November 2018



## 6. AGENDA REPORTS

### 6.1 Interim Financial Performance Report - September 2018

Reference: 107/40  
Report Author: Chief Financial Officer

#### **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 September 2018.

#### **SOU 20/18**

***MOTION*** moved by Mr A Guinness and seconded by Mr G Tooth

1. ***THAT the financial performance report for the period ending 30 September 2018 be received and noted.***
2. **That interested Committee members meet with council staff to discuss KPIs in the financial reporting and that those recommendations come back to the next meeting of this Committee.**

**MOTION PASSED**

18.6 Minutes of the Southern Regional Livestock Advisory Committee Meeting held on Friday, 16 November 2018

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MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING

Friday 16 November 2018



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**6.2 Q1 2018/19 Throughput**

Reference: 107/40  
Report Author: Organisational Support Officer

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**PURPOSE**

The purpose of this report is to update the Committee on the throughput figures for Q1 FY 2018/19 for the SRLX

**SOU 21/18**

**MOTION** moved by Mr C Peterson and seconded by Mr G Byrne

***THAT the report be noted.***

**MOTION PASSED**

## 18.6 Minutes of the Southern Regional Livestock Advisory Committee Meeting held on Friday, 16 November 2018

## ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting 16 November 2018



## MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING

Friday 16 November 2018

**6.3 \$5.25M Grant Funding for SRLX Refurbishment**

Reference: 107/40  
Report Author: Organisational Support Officer

**PURPOSE**

The purpose of this report is to update the Committee on the Growing Local Economies Fund Grant from the State Government for the refurbishment of the SRLX.

**SOU 22/18**

**MOTION** moved by Mayor Clr T D Gair and seconded by Clr K J Halstead

- ***THAT the staff be acknowledged for the effort that was put into the successful grant submission.***
- ***THAT in relation to the delivery of the grant program all stakeholders will be consulted on relevant issues where they are affected.***
- ***THAT when the grant funding agreement is executed by Council the relevant information will be communicated to stakeholders.***

**MOTION PASSED**

**18.6 Minutes of the Southern Regional Livestock Advisory Committee Meeting held on Friday, 16 November 2018**

**ATTACHMENT 1 Minutes of the Southern Regional Livestock Exchange Advisory Committee Meeting 16 November 2018**



**MINUTES OF THE SOUTHERN REGIONAL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING**

Friday 16 November 2018



**7. DATE OF NEXT MEETING**

The next meeting is to be advised.

**8. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 12.30 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Meeting held Friday 16 November 2018 numbered M/N SOU 18/18 to M/N SOU 22/18 were signed by me hereunder at the Council Meeting held on .

\_\_\_\_\_  
CHAIRMAN

**READ AND CONFIRMED ON**

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER



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## 18.7 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:

1. Minutes of the Exeter Hall Management Committee meeting, Monday 5 November 2018

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### RECOMMENDATION

**THAT** the information contained in the following Committee Reports be noted:

1. Minutes of the Exeter Hall Management Committee meeting, Monday 5 November 2018.

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### ATTACHMENTS

There are no attachments to this report.

## 19 QUESTIONS WITH NOTICE

### 19.1 Questions with Notice 10/2018 - Council Meeting 24 October 2018 Provisions of Expenses and Facilities to Councillors

**Reference:** 101/2  
**Report Author:** Administration Officer (Meetings)  
**Authoriser:** Coordinator Corporate Strategy and Governance  
**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

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**To:** Clr I M Scandrett  
**From:** Deputy Mayor Clr G M Turland  
**Received:** 21 November 2018

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**Subject:** COUNCIL MEETING 24 OCTOBER 2018 ITEM 13.4 – PROVISION OF EXPENSES AND FACILITIES TO COUNCILLORS

**Question:**

Can Clr Scandrett advise the Council why he put a dissenting vote on Councillor's expenses report.

Does his dissenting vote mean that he will now repay the nearly \$30,000 back to Council on his claimed Councillor's expenses?

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### RECOMMENDATION

**THAT** the information in relation to Question with Notice 10/2018 - Council Meeting 24 October 2018 Item 13.4 – Provision of Expenses and Facilities to Councillors - be noted.



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## **19.2 Questions with Notice 11/2018 - Local Government Conference**

**Reference:** 101/2  
**Report Author:** Administration Officer (Meetings)  
**Authoriser:** Coordinator Corporate Strategy and Governance  
**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

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**To:** Clr I M Scandrett  
**From:** Clr G McLaughlin  
**Received:** 21 November 2018

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**Subject:** LOCAL GOVERNMENT CONFERENCE

**Question:**

Given that Clr I M Scandrett put in a dissenting vote on 24 October 2018 in relation to the Provision of Expenses and Facilities to Councillors, is he now prepared to repay Council the \$1,050 it cost Council for his non-appearance at the recent Local Government Conference in Albury.

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**RECOMMENDATION**

**THAT the information in relation to Question with Notice 11/2018 – Local Government Conference - be noted.**



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**19.3 Question with Notice 12/2018 - Council Meeting 14 November 2018 Section 4.55 Application to Modify Development Consent DA 09/1157 - Proposed Alterations and Additions to Existing Dwelling**

**Reference:** 101/2  
**Report Author:** Administration Officer (Meetings)  
**Authoriser:** Coordinator Corporate Strategy and Governance  
**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

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**To:** Clr I M Scandrett  
**From:** Deputy Mayor Clr G M Turland  
**Received:** 21 November 2018

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**Subject:** COUNCIL MEETING 14 NOVEMBER 2018 - ITEM 13.6 SECTION 4.55 APPLICATION TO MODIFY DEVELOPMENT CONSENT DA 09/1157 - PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING DWELLING

**Question:**

Can Clr I M Scandrett explain why he did not allow Councillors and staff to inspect his property on 14 November 2018 regarding the above item on the agenda.

---

**RECOMMENDATION**

**THAT** the information in relation to Question with Notice 12/2018 - Council Meeting 14 November 2018 - Item 13.6 Section 4.55 Application to Modify Development Consent DA 09/1157 - Proposed Alterations and Additions to Existing Dwelling - be noted.





## 20 NOTICES OF MOTION

### 20.1 Notice of Motion 29/2018 - Independent External Qualified Development Panel

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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

Deputy Mayor Clr G M Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 November 2018:

#### RECOMMENDATION

1. THAT Council staff report back to Council on the benefits of introducing an Independent External Qualified Development Panel to be introduced in Wingecarribee Shire Council as per Wollondilly Shire Council and other Councils in NSW.

#### Submitted for determination

#### COMMENT FROM STAFF

Staff recommend that a Councillor Briefing Session be held in early 2019 to discuss the matter.



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## 20.2 Notice of Motion 30/2018 - Forum on Development Applications

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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

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### PURPOSE

Deputy Mayor Cllr G M Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 November 2018:

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### RECOMMENDATION

1. *THAT Council hold a forum with the past and present development applicants on their concerns on Council's responsiveness and timing with their applications.*
2. *THAT Council hold this forum individually with the applicants and with Council staff and Councillors who wish to attend and with an independent external chair of the appropriate meeting with the applicants and staff.*
3. *THAT Council staff report to Council on the applicant's concerns.*

### Submitted for Determination



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## 20.3 Notice of Motion 31/2018 - Re-establishment of Heritage Committee

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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

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### PURPOSE

Councillor G McLaughlin has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 November 2018:

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### RECOMMENDATION

**THAT** in order to provide for better consideration of heritage matters and sound practical advice, the Council instruct the General Manager to arrange forthwith for the Heritage Committee to be re-established as it was prior to 2016 on the following basis:

- Meetings to be held every two months.
- Committee to be provided with information on all heritage matters being processed and the ability to comment on those of wider interest in concert with the work of the Heritage Advisor and Council's Heritage Officers.

### Submitted for Determination

### COMMENT FROM STAFF

Staff recommend that a Councillor Briefing Session be held in early 2019 to discuss the matter.



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## **20.4 Notice of Motion 32/2018 - Mittagong Airfield**

<b>Reference:</b>	<b>100/4</b>
<b>Report Author:</b>	<b>Administration Officer (Meetings)</b>
<b>Authoriser:</b>	<b>Coordinator Corporate Strategy and Governance</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**

Councillor G M Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 28 November 2018:

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### **RECOMMENDATION**

1. THAT Council staff and Council's legal representative meet with the representatives of the Mittagong Airfield Committee and their legal representative to work through the most economical and efficient solution to resolve this matter.
2. THAT Council staff bring back to Council for the Council meeting of 12 December an acceptable resolution by all parties for Council consideration.

### **Submitted for Determination**

### **COMMENT FROM STAFF**

Councillors received a briefing on this matter on 7 November 2018 and a follow up email was sent to all Councillors on 13 November 2018.

The applicant and their solicitors were provided with a detailed letter on 12 November 2018 explaining and justifying the need for lodging a Development Application for the proposed subdivision involving a lot consolidation and lot boundary adjustment involving land over which the Mittagong Airfield is partially constructed and that the proposal was not supported by Council to be dealt with a Exempt Development.



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## 20.5 Notice of Motion 33/2018 - Animal Shelter Transportable Administration Building

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
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

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### PURPOSE

Deputy Mayor Cllr G M Turland and Cllr L A C Whipper have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 28 November 2018:

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### RECOMMENDATION

**THAT Council fund a transportable administration building from the Capital Projects reserves for the Animal Shelter Facility, as a matter of urgency.**

**Submitted for determination**



## **22. CLOSED COUNCIL**

### **MOVING INTO CLOSED SESSION**

Section 10A of the *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

#### Section 10B

1. *[Time spent closed to be minimised]* A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):
  - a. *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
  - b. *If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
2. *[Qualification of 10A(2)(g)]* A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:
  - a. *are substantial issues relating to a matter in which the council or committee is involved, and*
  - b. *are clearly identified in the advice, and*
  - d. *are fully discussed in that advice.*
3. *[Qualification of 10A(3)]* If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).
4. *[Irrelevant matters]* For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
  - a. *a person may misinterpret or misunderstand the discussion, or*
  - b. *the discussion of the matter may:*
    - (i) *cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or*
    - (ii) *cause a loss of confidence in the council or committee.*

Attention is also drawn to provisions contained in Part 7 of Council's Code of Meeting Practice.

### **Director General's Guidelines**

The Director General of the Department of Local Government has issued guidelines concerning the use of Section 10 of the Act. A copy of the Director General's guidelines has been sent to all Councillors. Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.



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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 Legal Report - Closed Council**

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)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege 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 update Council on the status of legal proceedings reported to Council at the meeting of 24 October 2018.

2. **THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**

Ann Prendergast  
**General Manager**

Friday 23 November 2018