

4 July 2019

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 10 July 2019** commencing at **3.30pm**.

Yours faithfully

Ann Prendergast
General Manager

SCHEDULE

3.30pm Council Meeting begins

7.40pm Closed Council

Time	Item
3.30pm	<p>Opening of meeting – This meeting is recorded and live streamed for public viewing via the internet in accordance with Council's Code of Meeting Practice, with the recording stored and made available to the public for later viewing. The recording is subject to copyright.</p> <p>Members of the public attending or speaking at this meeting will be recorded and publicly broadcast. By attending this meeting you voluntarily consent to your attendance and participation being recorded.</p> <p>Any part of the meeting that is held in closed session will not be live streamed.</p> <p>Council requests that everyone present is respectful and uses appropriate language. Council does not accept liability for any defamatory, discriminatory or offensive comments that are made during the course of the meeting.</p> <p>Please ensure that all electronic devices including mobile phones are switched to silent. Under the Code of Meeting Practice, public recording of this meeting is prohibited without prior authorisation by Council.</p>
	Acknowledgement of Country – Cllr I M Scandrett
3.32pm	Opening Prayer - Chaplain John Wheeler
3.35pm	<ul style="list-style-type: none"> • Apologies Nil • Adoption of Previous Minutes • Declarations of Interest (<i>if any</i>) • Mayoral Minute (<i>if any</i>) • Public Forum (<i>if any</i>) • Visitor Item <p><u>Item 8.1</u> DA 19/0837 – Senior Housing Development – 2 Orchid Street, Colo Vale</p> <p><u>Item 8.2</u> 19/1374 Commercial Alterations and Additions – Extensions at Lot 1 DFP 617915 Throsby Manor, 1A Throsby Street, Moss Vale</p> <ul style="list-style-type: none"> • Council Reports
5.30pm	<p>Questions with Notice</p> <p>Notices of Motion</p>
7.40pm	Closed Council
8.00pm	Meeting Closed

Ann Prendergast
General Manager

Business

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Nil	
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Nil	
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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 and Webcasting of Ordinary and Extraordinary Meetings of Council

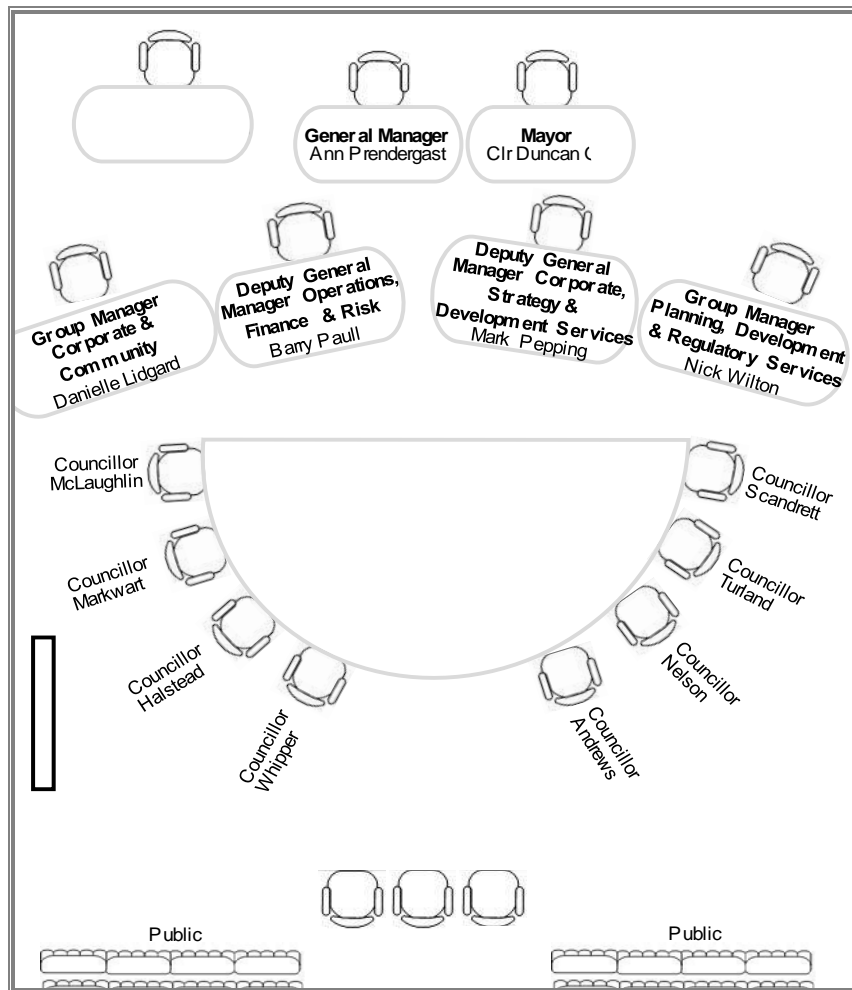
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ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Nil at time of print.

DECLARATIONS OF INTEREST

101/3, 101/3.1

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

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

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

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

7 MAYORAL MINUTES

7.1 Australian Local Government Association - National General Assembly 2019

Reference: 102
Report Author: Mayor T D Gair
Authoriser:
Link to Community
Strategic Plan:

PURPOSE

The purpose of this Mayoral Minute is to report on Wingecarribee Council's recent attendance at the Australian Local Government Association (ALGA) National General Assembly 2019 Conference held Sunday 16 October to Wednesday 19 October at the Crown Plaza, Canberra.

RECOMMENDATION

THAT the report on the attendance at the 2019 Australian Local Government Association (ALGA) National General Assembly 2019 be noted.

REPORT

As Council is aware I recently attended the 2019 National General Assembly (ALGA) Conference, with the General Manager, Ms Ann Prendergast and Cllr Graeme Andrews held from Sunday 16 October to Wednesday 19 October at the Crown Plaza, Canberra.

The conference was the seconded largest ever held with over 800 delegates from all corners and regions of Australia in attendance. There were one hundred and twenty (120) motions listed for debate on the agenda. All bar one of the motions were passed and these resolutions will now be forwarded on the relevant Federal Agencies for investigation and action where possible, though I do not believe that the majority will be implemented as the financial implications of most of the motions would be unachievable.

The three areas that received the most motions were:

1. State and Federal Funding Allocations
2. Waste
3. Climate Change

Federal funding in relation to the Federal Assistance Grants (FAGs) also created comment from many regional Councils like Wingecarribee Shire Council, that they are greatly neglected regarding the amount of funding available. Hopefully the sale of the Snowy Hydro Scheme will create an income stream that can be directed towards releasing monies for additional road grant funding. This was discussed during the Deputy Prime Minister's Opening Address on Monday.

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MAYORAL MINUTES



The business of the conference formally concluded Tuesday afternoon.

Clr T D Gair

Mayor

ATTACHMENTS

There are no attachments to this report.

8 VISITOR MATTERS

CORPORATE STRATEGY AND DEVELOPMENT SERVICES

8.1 DA19/0837 - Seniors Housing Development - 2 Orchid Street Colo Vale

Reference:	19/0837
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Joshua Graham
Owner:	J, K, G & M Graham
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 19/0837 which seeks approval for a Seniors Housing Development comprising four self contained dwellings in a two storey building, with rear carport to accommodate 5 vehicles at Lot 2 DP 1241233, being 2 Orchid Street, 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 19/0837 which seeks approval for a Seniors Housing Development comprising four self contained dwellings in a two storey building, with rear carport to accommodate 5 vehicles at Lot 2 DP 1241233, being 2 Orchid Street, 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 2 DP 1241233, being 2 Orchid Street, Colo Vale is a vacant site of 1001.5 square metres in area, located on the western side of Orchid Street to the north of the Wattle Street / Orchid Street intersection (**Attachments 2 and 3**). The broader locality is characterised by single storey detached dwelling houses on 1000 square metre lots. It is estimated that there are between 4 – 5 two storey dwellings in Colo Vale.

In the immediate locality, the western side of Orchid Street between Wattle Street and Daphne Street contains two undeveloped vacant lots (including the subject site), with one



single storey dwelling located on the corner of Orchid and Wattle Streets at 42 Wattle Street, and one single storey dwelling currently under construction at 4 Orchid Street. The eastern side of Orchid Street between Wattle Street and Daphne Street is developed with three single storey dwellings and one two storey dwelling.

Proposed Development

Development Application 19/0837 seeks approval for a Seniors Housing development comprising four self contained dwellings in a two storey building, with rear carport to accommodate 5 vehicles at Lot 2 DP 1241233, being 2 Orchid Street, Colo Vale. The proposed development includes:

- 2 storey building with 11 degree pitched skillion roof in three components;
- Two 3 bedroom units on the ground floor, and two 2 bedroom units on the first floor;
- Central lift providing access to upper level;
- Ground level open space area for the two ground level units
- Ground level communal open space area for all four units
- Upper level 31 square metre north / north west balcony for Unit 3
- Upper level 16 square metre north / north east balcony for Unit 4
- 5 resident car spaces within a carport structure located at the rear of the site;
- Proposed external materials to the facades comprising custom orb panels, face brick, painted fibre cement and timber
- Proposed louvre treatment to northern and western side of balcony for upper level Unit 3
- Proposed louvre treatment to northern side of balcony for upper level Unit 4
- Staggered front setback of 7.105 metres – 7.5 metres to Orchid Street
- Removal of one tree in the roadside verge, with replacement tree proposed;
- Concrete and tiled driveway
- Landscaping comprising 33% of site area, including 13 proposed trees, and 66 shrubs
- Provision of 1.8 metre timber paling fence to side and rear boundaries.

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**.

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 69)**).

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

As the subject property is within the Sydney Drinking Water Catchment, the site is environmentally sensitive land as defined by schedule 1 of SEPP (Housing for Seniors or People with a Disability) 2004, therefore the SEPP does not apply.

However, as the site is zoned R2 Low Density Residential under WLEP 2010, Seniors Housing is listed as a permissible use, and the provisions of the SEPP (Housing for Seniors or People with a Disability) 2004 are a useful guide in the assessment of the development application.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

Clause 2.3 Zone objectives and land use table

The site is zoned R2 Low Density Residential under the *Wingecarribee Local Environmental Plan 2010* and in this zone, Seniors Housing is permissible with development consent.

The objectives of the R2 Low Density Residential zone, and their consideration, are discussed below.

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed Seniors Housing development is not inconsistent with these zone objectives.

Development Control Plans

Northern Villages Plan Development Control Plan

While Seniors Housing is a permissible use within the R2 Low Density Residential zone, the Northern Villages Plan Development Control Plan does not contain specific provisions for Seniors Housing development. Therefore the provisions of the SEPP (Housing for Seniors or People with a Disability) 2004 are a useful guide in the assessment of the development application. Consideration of the general objectives of the Northern Villages DCP, and objectives for the assessment of residential development in the Northern Villages is contained within the Discussion of Key Issues section of this report.

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*

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The proposed Seniors Housing development is permissible within the R2 Low Density Residential zone under *Wingecarribee Local Environmental Plan 2010*, and satisfies the R2 Low Density 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 Northern Villages DCP has no specific provisions addressing Seniors Housing development. Consideration of the general objectives of the Northern Villages DCP, and objectives for the assessment of residential development in the Northern Villages is contained within the Discussion of Key Issues section of this report.

(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 19/0837.

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

Not applicable to Development Application 19/0837.

(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 built form, character, streetscape, traffic impacts, 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 Seniors Housing 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 Seniors Housing development is consistent with the objectives of Wingecarribee Local Environmental Plan 2010, and is considered to be in the public interest.

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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 Seniors Housing development and has provided conditions of consent.
Tree and Vegetation Officer	Council's Tree and Vegetation Officer raises no objection to the proposed removal of the street tree and has provided conditions of consent.

External Referrals

Referrals/Notice	Advice/Response/Conditions
Water NSW	Water NSW supports the proposed Seniors Housing development, subject to conditions of consent addressing stormwater management and construction activities. (Condition 69)
Rural Fire Service (RFS)	Rural Fire Service (RFS) has provided concurrence to the proposed Seniors Housing development. (Condition 68)

Neighbour Notification (or Advertising)/Public Participation

The proposed Seniors Housing development was Neighbour Notified to surrounding properties. 28 submissions and one petition containing 206 signatories objecting to the proposal were received. The issues raised in the submissions received regarding the proposed Seniors Housing development have been summarised and are considered below:

Issues	Response
Appearance - proposed building is far too modern for a small village - it is not rural at all. Gaudy appearance out of touch with local architectural feel of area. Sheer bulk and mass of the development oppressive for existing and future residents of Colo Vale. Scale and size of development inconsistent with village character of Colo Vale. Height, mass and bulk visually unacceptable - it will dominate the street and is unsympathetic to the broad streetscape. Proposal will stick out like the proverbial Sore Thumb. The east elevation plan of the proposed development shows a frontage of 17.820 metres and a height over 8 metres, which is not comparable or compatible to the existing single story dwellings that predominate the immediate vicinity. One two storey dwelling is situated on the eastern side of Orchid Street but this dwelling has a much narrower building	Built form, character, height and streetscape matters are discussed in the Discussion of Key Issues section of this report.

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Issues	Response
<p>frontage of approximately 6 to 7 metres. Colo Vale overall is predominately single storey dwellings with a small percentage of two storey dwellings scattered throughout the village.</p>	
<p>Density - Proposed development is not consistent with low density housing. Four dwellings on a lot this size cannot be considered "Low Density". Would be better placed in a Medium Density residential zone. Overdevelopment of site. More suited to Mittagong or Bowral. Colo Vale is no place is for inappropriate, medium density housing developments. No other units in Colo Vale. Our village is accepting of both change and new developments but it needs to be within the keeping of our village/semi rural lifestyle not city type blocks of units. The preservation of our village lifestyle should be acknowledged and considered. Proposed development will set an undesirable precedent destroying & changing the low density zoning, that the residents of Colo Vale enjoy. Colo Vale should be not subject to the building of multi storey and multi-unit buildings. Undesirable precedent for unit development will be created. Over population of Colo Vale – Colo Vale would struggle to accommodate. The appeal of this village, is the fact it remains a village. Villages have trees, 1/4 acre blocks and front yards, not units.</p>	<p>The site is zoned R2 Low Density Residential under the <i>Wingecarribee Local Environmental Plan 2010</i> and in this zone, Seniors Housing is permissible with development consent. Density of the proposed development is discussed in the Discussion of Key Issues section of this report.</p>
<p>Northern Villages DCP - Proposal does not meet the Northern Villages DCP criteria of keeping or improving the amenity and should not be built in this location. Proposed development contrary to Northern Villages DCP requirement "C2.2. Detached dwellings are the dominant form of residential development in the locality. The objectives of Low Density Housing are: (a) Maintain and improve the amenity and character of residential areas in (locality). (b) Ensure that development is of a type, scale, height, bulk and character compatible with existing streetscape characteristic."</p>	<p>Section C2.2 Objectives of Low Density Housing of the Northern Villages DCP applies to all forms of low density housing including dual occupancy and secondary dwellings. The Northern Villages DCP is silent on Seniors Housing developments. Amenity and character matters are discussed in the Discussion of Key Issues section of this report.</p>
<p>Insufficient parking spaces provided on site for 4 units with families in them. Insufficient manoeuvring area available on site for cars to turn around before exiting the premises in a forward direction.</p> <p>The design of Orchid Street does not provide for on street parking which could cause parking on the verge with parked vehicles encroaching onto the street and possibly causing traffic and safety issues. Driver vision would be affected for existing residents trying to leave their homes if cars are parked along the street, not to</p>	<p>The proposed 5 space car park satisfies the parking requirements of SEPP (Housing for Seniors or People with a Disability) 2004, which requires 0.5 car spaces for each bedroom. A Seniors</p>

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Issues	Response
mention the safety risk for young children walking to and from school.	Housing self contained dwellings development cannot be refused on the basis of parking if at least 0.5 car spaces is provided for each bedroom.
Increased traffic leaving in close position to corner will be dangerous. Increased traffic on Orchid Street and adjoining local road network. Increased traffic and road damage - more chances of accidents. Garbage trucks will be a hazard as they will stop on corner for longer periods of time	The increased traffic caused by the development is not beyond what is reasonably expected within an urban area. The existing road network can adequately cater for the additional traffic generated by the proposed Seniors Housing development. The subject site is located more than 20 metres from the Orchid Street / Wattle Street intersection, providing sufficient area for garbage trucks.
Increased traffic will increase risks to pedestrian safety due to no footpaths being available. Increased traffic will worsen existing poor state roads with no curb and guttering. Without footpaths there is no choice for our children but to walk on the roads. The safety of our children and community in general should be a priority and this development certainly adds risk to their overall safety.	Broader road / intersection / footpath matters in the Colo Vale Village are beyond the scope of this development application.
Increased traffic will increase road deterioration.	Increased development will result in increased impact on Council infrastructure. Should consent be granted, S.7.11 Contribution charges are levied to address increased demands from the development upon public infrastructure.
Seniors will have no public transport access. One or two bus stops in Colo Vale are not “a number of transport services”	Public transport is available to the

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Issues	Response
<p>available in Colo Vale. Southern Highland Taxis is not a cost effective arrangement. Addition of 4 new families in one small block will only add to the strain of servicing our village community. Colo Vale does not have bank service providers and other retail and commercial services that seniors housing residents may reasonably require. Community services are very limited, and there are no recreation facilities. One oval (Jurd Park) is hardly a recreational facility. Medical offices are some distances away - Colo Vale does not have a general medical practitioner. Colo Vale has one small petrol station where limited foods and fuel can be purchased.</p> <p>No public transport except school buses. No Doctors or Chemist. Hospital 30 mins away. No golf course just bush and families and unkept roads and no gutters or paths on roads other than the main road.</p>	<p>proposed development, with a bus stop located 400 metres distance from the site on the northern side of Wattle Street near Banksia Street. Berrima Bus Lines bus routes 805 and 828 service this bus stop numerous times Monday to Friday, and twice on Saturdays. Using this bus service, shops, bank services, retail, commercial services, community services, recreation facilities and the practice of a general medical practitioner in Mittagong are available satisfying Clause 26 requirements of SEPP (Housing for Seniors or People with a Disability) 2004. A condition of consent requiring the construction of a pathway from 2 Orchid Street to the existing pathway on Wattle Street is necessary (condition 28).</p>
<p>2 storey design not suitable for aging.</p>	<p>The proposed Seniors Housing development, comprising four self contained dwellings in a two storey building, contains a central lift and complies with access requirements.</p>
<p>Increased light and noise generation. Proposed development will not ensure good amenity and will adversely impact on the existing dwellings and the future dwellings. Increased noise and disturbance from increased traffic. Increased noise and disturbance from families in the units. Sound on 2nd floor will travel more to neighbours. Lights into opposite properties will be a burden as seniors will have security lights. Constant lighting of communal areas will directly disturb adjoining dwellings. Artificial lighting can impact on neighbouring properties.</p>	<p>The proposed Seniors Housing development will increase noise generation, but not beyond that which is reasonably expected within an urban area. A condition of consent requiring external lighting to be located and designed to</p>

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Issues	Response
	<p>minimise impact on neighbouring properties, minimise glare pollution, and minimise impact upon quality of the night sky is considered appropriate (condition 67).</p>
<p>Object to proposed 2 storeys – there are five to six two storey homes in Colo Vale but they have been built to fit in with the area and are not unpleasant to look at. Other 2 storey homes not built to limits of properties, and do not impact privacy, light or amenity of neighbours.</p>	<p>Built form, character, height and streetscape matters are discussed in the Discussion of Key Issues section of this report.</p>
<p>Devaluation of adjoining properties.</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>Fire Sprinkler - a consent authority must not grant consent to carry out development for the purpose of a residential facility for seniors unless the proposed development includes a fire sprinkler system.</p>	<p>Compliance with the provisions of the Building Code of Australia is addressed by condition 4.</p>
<p>Lot size - Proposal contrary to Minimum Subdivision lot size</p>	<p>The site is zoned R2 Low Density Residential under the <i>Wingecarribee Local Environmental Plan 2010</i> and in this zone, Seniors Housing is permissible with development consent. No subdivision is proposed.</p>
<p>BASIX - Proposal must comply with BASIX Certificate</p>	<p>Proof of compliance with BASIX requirements was submitted with the development application, and is reinforced by condition (condition 56)</p>

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Issues	Response
<p>Stormwater Drainage - Stormwater easement insufficient to cope with stormwater generated by proposal. Proposal will exacerbate existing drainage problem, including drainage systems in Orchid, Daphne and flowing down to Beech Street. Increased vehicles parking on street will damage street drainage, possibly redirecting water to damage neighbouring properties. The drainage on the side of 3, 5 and 7 is not adequate enough to handle rain as it often floods.</p>	<p>Council's Development Engineer is satisfied that the stormwater generated post development will not exceed pre development levels, due to on site stormwater detention measures.</p>
<p>Privacy impacts - 2 storey design will overlook adjoining residences causing a loss of privacy in private personal backyard spaces. Overlooks backyard, pool, verandahs and living room windows. 2 storey design will be a loss of amenity (the pleasantness of the outlook) due to large structure looming in close proximity over adjoining properties' yards. Balconies and large windows sit at a height of over 3 metres overlooking adjoining properties. The residents in the future dwelling of lot 3 (on the northern side) will have a structure of over 20 metres long and over 8 metres high overlooking their block.</p>	<p>Privacy / overlooking matters are discussed in the Discussion of Key Issues section of this report.</p>
<p>Overshadowing - Unacceptable overshadowing of neighbouring properties to the south and south west. Proposed development overshadows every home on every side of it with its high walls, length and width of the structure, and height of the balconies.</p>	<p>The adjoining property to the south is 42 Wattle Street. The proposed roof has been redesigned by reorientating the central skillion roof to ensure that the living areas of 42 Wattle Street receives no less than three (3) hours of direct sunlight between 9am and 3pm on June 21 midwinter (see Attachment 6). The adjoining south western property at 44 Wattle Street will be affected by increased morning overshadowing midwinter, but will receive no less than three (3) hours of direct sunlight between 9am and 3pm on June 21 midwinter.</p>
<p>Seniors Housing - No guarantee the development will only be Seniors Housing – Council should guarantee that the development will only ever house Seniors 55 and over. What</p>	<p>A condition requiring a restriction as to user to be registered against</p>

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Issues	Response
policing will be done to ensure it is occupied by seniors? Mittagong Marketplace was supposed to be 55+ living.	the title of the property limiting the use of any accommodation for Seniors Housing only is appropriate (condition 58). Should the development not be used for Seniors Housing, compliance action can be commenced by Council. The "Mittagong Central" at Station Street Mittagong was approved as a Residential Flat Building, not a seniors development.
Impact on existing electricity and water infrastructure. Many black outs and brown outs in the area – how will additional units affect this? Current lack of water supply to Orchid St – additional 4 units will exacerbate existing problems.	A development application cannot be refused on the basis of increased demand upon electricity and water infrastructure.
Insufficient information provided. Civil engineering, waste water report and stormwater plan were not included in DA Tracker for public to view. Traffic Assessment needs to be undertaken. No acoustic report provided. Preliminary site investigation needs to be undertaken. Any substance or material could have been dumped on the property.	Plans, reports, and additional information submitted by the applicant is sufficient to enable the assessment of the development application. There is no evidence of contamination of the site, and Council's files do not reveal any contamination history at the site.

DISCUSSION OF KEY ISSUES

Height

Colo Vale village consists largely of detached single storey dwelling houses on 1,000 square metre lot sizes. It is estimated that there are between 4 – 5 two storey dwellings in Colo Vale. However, unlike the development controls applicable to the Renwick precinct and villages such as Exeter, where the second storey of a dwelling is encouraged to be within the roof pitch, residential development in Colo Vale can be within a full 2 storey structure.

While few dwellings in Colo Vale are 2 storeys, the Northern Villages Development Control Plan does enable full 2 storey residential development. The Northern Villages Development



Control Plan also notes that residential building heights measured from the natural ground level to the roofline are 9 metres for two (2) storey development. The maximum height of the 2 storey building is 8.368 metres (measured from natural ground level to roof pitch). The proposed Seniors Housing development complies with the maximum 2 storey height limit applicable to dwelling houses in Colo Vale under the Northern Villages Development Control Plan.

As the subject property is within the Sydney Drinking Water Catchment, the site is environmentally sensitive land as defined by schedule 1 of SEPP (Housing for Seniors or People with a Disability) 2004, therefore the SEPP does not apply. However, as the site is zoned R2 Low Density Residential under WLEP 2010, Seniors Housing is listed as a permissible use, and the provisions of the SEPP (Housing for Seniors or People with a Disability) 2004 are a useful guide in the assessment of the development application.

SEPP (Housing for Seniors or People with a Disability) 2004 sets a maximum 8 metre height limit (measured from natural ground level to the ceiling of the topmost floor) for this type of development. The majority of the proposed skillion roof is less than the 8 metre height limit, however the central skillion of the building exceeds the 8 metre height limit by approximately 300 mm (measured from natural ground level to the ceiling of the topmost floor). A Clause 4.6 variation to the 8 metre height limit standard in SEPP (Housing for Seniors or People with a Disability) 2004 is not required, as the SEPP does not apply to the development, and is only referred to as a useful guide in the assessment of the development application.

The proposed height of the development complies with Northern Villages Development Control Plan requirements.

While there are few two storey dwellings in Colo Vale, 2 storey buildings are permissible, and the proposed 2 storey building with landscaped setbacks is consistent with Northern Villages Development Control Plan requirements, and is not considered incompatible with the existing Orchid Street streetscape characteristics.

Character / Precedent / Density

The modern architectural design and treatment of the proposed building differs to existing housing stock in Colo Vale, which was largely constructed in the 1970's – 2000's construction period. However, the site is not within or within close proximity to a heritage conservation area, and does not contain an item of heritage. Therefore the modern architectural design and treatment of the proposed building can be considered on its merits, and should not be refused on the basis of its contemporary design.

The provisions of the Northern Villages Development Control Plan enables a dwelling house of the same height, larger footprint and smaller front, rear and side setbacks than the proposed Seniors Housing building. The proposed Seniors Housing building, while being 2 storeys, has a staggered front setback of 6.5 metres – 7.5 metres to Orchid Street, a rear setback of 10.625 - 13.2 metres, and a side setbacks of 3.195 metres to the north, and 3.87 metres to the south. These front, side and rear setbacks are generally consistent with existing residential development in Colo Vale, and is not considered to create an undesirable precedent.

If the density and scale of Seniors Housing self contained dwellings when expressed as a floor space ratio is 0.5:1 or less, a development cannot be refused on the basis of density and scale, in accordance with Clause 50 of SEPP (Housing for Seniors or People with a



Disability) 2004. The proposed floor space ratio of the development is 0.48:1, complying with the 0.5:1 maximum floor space ratio.

The proposed Seniors Housing development, while being the first of its type in Colo Vale, provides housing choice for the community in a low density residential environment, which is consistent with the objectives of the R2 Low Density Residential zone under WLEP 2010, and is not considered to be an undesirable precedent.

While there are few two storey dwellings in Colo Vale, 2 storey buildings are permissible, and the proposed 2 storey building with landscaped setbacks is consistent with Northern Villages Development Control Plan requirements, and is not considered incompatible with the existing Orchid Street streetscape characteristics.

Privacy / Overlooking

Privacy / overlooking impacts from upper level living and balcony areas to adjoining properties is a key consideration. The upper level rear unit 3 has north western kitchen / living and balcony areas. The upper level front unit 4 has north eastern kitchen / living and balcony areas. Concerns regarding potential overlooking / privacy impacts from these living / balcony areas upon adjoining properties have been raised with the applicant in Council's assessment of the application. Amended plans showing proposed louvre treatment to northern and western side of balcony for upper level Unit 3, combined with a planter box on the northern side of the balcony for upper level Unit 3, will provide privacy from the balcony area for the adjoining northern and western properties. Amended plans showing proposed louvre treatment to northern side of balcony for upper level Unit 4 combined with a planter box on the northern side of the balcony for upper level Unit 4, will provide privacy from the balcony area for the adjoining northern property. The addition of louvres and planter boxes will provide a sufficient visual barrier between these living / balcony areas and adjoining properties to maintain existing amenity in terms of privacy.

The northern wall of the kitchen / dining area of upper level Units 3 and 4 contains high level windows only, preventing overlooking of the adjoining northern property.

Should adjoining properties be developed in future with two storey residences, windows of future residences can be sited so that they are offset from upper level bedroom windows of this proposed development.

Overshadowing

The adjoining property to the south of 2 Orchid Street is 42 Wattle Street, Colo Vale. Concerns regarding overshadowing impacts from the development upon the dwelling at 42 Wattle Street have been raised with the applicant in Council's assessment of the application. The proposed roof has been redesigned by reorientating the central skillion roof to ensure that the living areas of 42 Wattle Street receives no less than three (3) hours of direct sunlight between 9am and 3pm on June 21 midwinter (see Attachment 6). The adjoining south western property at 44 Wattle Street will be affected by increased morning overshadowing midwinter, but will receive no less than three (3) hours of direct sunlight between 9am and 3pm on June 21 midwinter.

Location and access to facilities

Public transport is available to the proposed development, with a bus stop located 400 metres distance from the site, on the northern side of Wattle Street near Banksia Street. Berrima Bus Lines bus routes 805 and 828 service this bus stop numerous times Monday to Friday, and twice on Saturdays. Using this bus service, shops, bank services, retail,

commercial services, community services, recreation facilities and the practice of a general medical practitioner in Mittagong are available satisfying Clause 26 requirements of SEPP (Housing for Seniors or People with a Disability) 2004. An existing concrete pathway runs along the northern side of Wattle Street providing level pedestrian connection between Orchid Street and the bus stop. However a condition of consent requiring the construction of a pathway approximately 30 metres in length from 2 Orchid Street to the existing pathway on Wattle Street is necessary (condition 28) so as to provide full level pathway pedestrian connection between the site and the bus stop.

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 Seniors Housing 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.

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2018–19: OP181 Assess and certify applications related to development.

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;

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- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and win, the question of cost would still be calculated at the appropriate time;
- Should the applicant make no appeal, or proceedings not be taken out by another party, to the Land and Environment Court regardless of the determination, the application would result in no further financial implication to Council.

RELATED COUNCIL POLICY

An assessment of the proposed development has been made against the Wingecarribee Local Environmental Plan 2010, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, SEPP (Housing for Seniors or People with a Disability) 2004, and the Northern Villages Development Control Plan.

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.

CONCLUSION

It is recommended that Development Application 19/0837 which seeks approval for a Seniors Housing development comprising four self contained dwellings in a two storey building, with rear carport to accommodate 5 vehicles at Lot 2 DP 1241233, being 2 Orchid Street, 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**.

ATTACHMENTS

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



ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of Seniors Housing comprising 4 self-contained dwellings.

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
Plans	A100 Rev 4 A101 Rev 4 A102 Rev 4 A103 Rev 4 A104 Rev 4 A105 Rev 4 A106 Rev 4 A107 Rev 4 A201 Rev 4 A202 Rev 4 A203 Rev 4 A204 Rev 4 A301 Rev 4 A302 Rev 4 A401 Rev 4 A402 Rev 4	Aetch design	24/6/19
Statement Of Environmental Effects	D072	Creative Planning Solutions Pty Ltd	November 2018
Arboricultural Impact Assessment Report	D091 Rev A	Creative Planning Solutions Pty Ltd	15 October 2018
Bushfire Report	3136BF	Harris Environmental Consulting	November 12 2018
Access Report	A18-146 Rev A	Access Equality Access Consultants	6/11/2018
Building Code of Australia 2016 Capability Statement		Checkpoint Building Surveyors	

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

(a) That the work must be carried out in accordance with the requirements of the National Construction Code.

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. Notification of Home Building Act 1989 Requirements

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

(a) In the case of work for which a principal contractor is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) In the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates (not being the council) has given the council written



notice of the updated information.

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

7. 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

8. Application for a Construction Certificate (Building Works)

The applicant shall apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works in accordance with this consent. The 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) Essential services plan outlining the existing and proposed fire safety measures.
- (d) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.
- (e) 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.*

9. 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
 - (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.*

10. 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.*

11. 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:

- Carry out sewerage works
- Carry out water supply
- Carry out stormwater drainage works

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

12. Section 7.11 Contributions (formerly Section 94)

Under Section 7.11 of the *Environmental Planning and Assessment Act 1979* (as amended), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of, or increase the demand for, public amenities and public services within the Wingecarribee Local Government Area.

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

- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Central Library Facility
- Section 94 Administration 2011 to 2031
- Open Space & Recreation Facilities

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

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au <<http://www.abs.gov.au>>); Section 25I of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

Note: *Copies of the Contributions Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au <<http://www.wsc.nsw.gov.au>>.*

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

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. **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>>); 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>>.

The Water and Sewerage Development Servicing Plans (DSP's) were adopted by Council on and came into effect on 15 September 2017. The Stormwater DSP was adopted on 9 November 2010 and came into effect on 8 December 2010. The current charges under these Plans are listed as follows:

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
1 May 2019 – 31 July 2019	\$11,010.52	\$10,674.31	\$971.38

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>>.

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.

In the case of subdivision, the title plan of subdivision will not be certified and released by Council until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained for all works related to this infrastructure.

In the case of other forms of development, 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.*

14. Building Materials & Colour Scheme

New external building materials and colours shall be recessive in the surrounding landscape as required by Council's Development Control Plan. Details of external building materials and colours shall 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.*

15. Construction Traffic Management Plan

To undertake development works including demolition, earthworks and construction a Construction Traffic Management Plan (CTMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CTMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CTMP must include the following:

- a) Details of site security;
 - b) Off-street parking for employees, contractors and sub-contractors.
 - c) Site access for construction vehicles and equipment purposes.
 - d) Public safety in the use of roads and footpaths where development activities adjoin such facilities.
 - e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
 - f) Provision for loading and unloading materials;
 - g) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;
 - h) How materials are to be loaded/unloaded and potential impact on Council
-



infrastructure (including but not limited to footpaths and street trees)

- i) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- j) External lighting and security alarms proposed for the construction site.
- k) Firefighting measures to be available on site during development and construction.
- l) Sanitary amenities proposed on site during development and construction.
- m) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;
- n) Details of management of storm water run-off and the propose sediment and erosion control measures including the location of any rubble grids;
- o) Details of any air and dust management;
- p) Details of noise and vibration controls;
- q) Anticipated staging and duration of works
- r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TMP)

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

16. 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.*

17. 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.

Any stormwater temporarily stored onsite shall be done in a manner that does not jeopardise public safety. In this regard the development shall provide a risk assessment with the Construction Certificate documentation.

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

18. 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 to Council 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.

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 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.*

19. Accessible Car Parking Spaces

One (1) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons.

This space shall be constructed and identified in accordance with Volume 1 of the National Construction Code (NCC) and AS/NZS 2890.6 - Parking Facilities; Off-street parking for people with disabilities.

Details to demonstrate compliance shall be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

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

20. Off Street Parking Provision - General

5 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.*

21. 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 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.

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

22. 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.*

23. 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.
- (i) Existing and proposed drainage patterns.
- (j) Location and type of proposed erosion and sediment control measures.
- (k) Site rehabilitation proposals, including final contours.
- (l) Time of placement of sediment controls.
- (m) Staging of works and how the plan is to be implemented for each stage or activity on site.
- (n) Maintenance schedule.

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

24. Erosion and Sediment Control Plan

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

- (a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or



entering the surface water system outside the worksite boundaries.

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

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

25. Landscape Plan

A Landscape Plan prepared by a suitably qualified professional to a scale of 1:100 or 1:200, conforming to all relevant conditions of consent shall be submitted to Council for approval prior to the issue of the Construction Certificate.

The plan shall include the following information:

- Location of all existing and proposed landscape features including materials to be used;
- Delineate and identify all trees to be retained, removed or transplanted;
- Existing and proposed finished ground levels;
- Top and bottom wall levels for both existing and proposed retaining and free standing walls and
- Detailed plant schedule which includes proposed species listed by botanical (genus and species) and common names, quantities of each species, pot sizes and the estimated size at maturity.
- Pot size at planting out stage
- Soil treatment prior to planting out, fertilizing and water maintenance schedule.
- Replacement street tree, selected in accordance with Council's Street Tree Master Plan

No plantings which inhibit effective function of the drainage easement shall be placed within the easement for drainage of water 2 metres wide located at the rear of Lot 2 DP 1241233.

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area,

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potential views, solar access and privacy for neighbouring development.

Reason: *To ensure appropriate landscaping treatments are applied to facilitate amenity.*

26. **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.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK27. **Notice of Commencement**

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

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

Reason: *Statutory requirement.*

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

28. **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*.

A concrete footpath of 1200mm width shall be constructed from 2 Orchid Street to connect to the existing pathway on Wattle Street, to provide a full pathway link from the Seniors Housing development at 2 Orchid Street to the public transport service bus stop on the northern side of Wattle Street near Banksia Street.

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

- A copy of approved design plans related to the development and proposed works to be undertaken.
- Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic



Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.

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

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

Reason: *Statutory requirement.*

29. 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.*

30. 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.*

31. 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.*

32. Erosion and Sediment Control

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



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

33. Tree Protection Measures

Protective fencing is to be installed around the tree to be retained in line with the dripline or per direction of the site arborist. 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.*

34. 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.*

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

35. 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.

Reason: *To ensure compliance with approved plans.*

36. 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.*

37. Retaining Walls and Drainage

If the soil conditions require it:

(a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided, and

(b) adequate provision shall be made for drainage.

(c) any retaining walls which do not comply with the exempt development standards as outlined in the State Environmental Planning Policy (Exempt and Complying Codes) 2008, are subject to a separate approval from Council prior to the construction of the retaining wall.



Reason: *To ensure that soil is appropriate retained.*

38. Engineering Inspections by Council

24 hours prior to the covering of the following works, Council shall be notified by the licensed builder, owner builder or licensed plumber/drainer that the following works are ready for inspection:

- (l) Works in relation to road reserves, footpath, kerb and gutter, road shoulder and drainage within public lands or road reserves.
- (m) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.

Note: *The subject building is not to be occupied until an Interim or Final Occupation Certificate is issued.*

Note: *An accredited certifier may not be substituted for Council in respect of these inspections, as Council remains the sole responsible authority for these matters.*

Reason: *Statutory requirement.*

39. Stormwater - Construction

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

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

40. 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.*

41. 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.*

42. 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.*

43. **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.*

44. **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*

45. **Disposal of Vegetation**

Any trees removed with Council consent and any other vegetation cleared in association with this development shall be disposed of in accordance with the Waste Management Plan approved with this development application. For minor additions and outbuildings removed vegetation shall be either mulched for reuse on site or transported to an appropriately licensed waste/recycling facility.

Reason: *Environmental amenity.*

46. **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.*

47. **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

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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.*

48. **Construction Traffic Management Plan**

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

49. **Maintenance of the site**

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

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

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

During construction:

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

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

Reason: *Environmental amenity.*

50. **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.*



51. 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**52. 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.*

53. Certification of Internal Civil Works

On completion of works and prior to occupation, certification from a practising appropriately qualified Engineer shall be submitted to Council detailing that all internal civil works (ie, internal driveways, paths and stormwater drainage system incl any on site detention) are in accordance with the approved plans and specifications.

54. 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.*



55. Smoke Alarms

A Compliance Certificate certifying the installation of smoke alarms shall be provided to Council prior to the Occupation Certificate.

Reason: *To ensure compliance in accordance with Australian Standard AS 3786 Smoke Alarms and NCC requirements.*

Advice: *Where there is more than 1 alarm to be installed, the certificate shall state that the alarms have been interconnected.*

56. BASIX Commitments

Pursuant to Clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled prior to the issue of an Occupation Certificate.

In this condition:

- (a) Relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.

Reason: *To ensure that all of the commitments of BASIX Certificate have been met.*

57. House Numbering

A street house number being 75mm on house and no less than 42mm on mailbox or rural address number (allocated by Council), shall be prominently displayed so that it is visible from the street prior to issue of the Occupation Certificate.

Reason: *To ensure that the property is easily identifiable.*

58. Restriction as to User - Seniors Housing

The approved development is only for the accommodation of the following people:

- (a) Seniors or people who have a disability;
- (b) People who live within the same household with seniors or people who have a disability; and
- (c) Staff employed to assist in the administration of and provision to services to housing provided under the SEPP (*Housing for Seniors or People with a Disability*) 2004 .

A restriction as to user shall be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the application relates to the kinds of



people referred to above.

Council shall be nominated as the authority empowered to release vary or modify the Restriction. The restriction as to user shall be provided for Council signature, and shall be registered prior to the issue of the Occupation Certificate.

Reason: *To ensure compliance with Seniors Housing as defined by Wingecarribee Local Environmental Plan 2010.*

59. **Residential Driveway**

A standard concrete vehicular gutter layback and concrete footpath crossing 5.5 metres wide at the property boundary and across the road reserve, shall be constructed at the driveway entrance in accordance with Council's Plan Nos SD107 and SD123 prior to issue of the Occupation Certificate.

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

60. **Letter boxes, street numbers, television aerial and fencing**

The following shall be completed prior to the issue of the Occupation Certificate:

Letter Boxes and Street Numbers

Separate letter boxes and street numbers for each unit being provided adjacent to the street frontage, to meet the specification of Australia Post and Council.

Television Aerial

Only one common television aerial shall be installed, to minimise visual "clutter" and maintain the amenity of the locality.

Fencing

Provision and maintenance thereafter at the developer's expense of permanent and effective screen fencing of 1.8m height hardwood timber lapped and capped fencing topped with 300mm timber lattice, to the side and rear boundaries of the site, to maintain the privacy of residents of the site and other properties.

Note: *Council will accept a variation to this condition to reduce the height of fencing to a minimum of 1.5m subject to written agreement between affected property owners. Fencing need not project beyond the front building line. The provisions of the Dividing Fences Act 1991 should be considered.*

Reason *To ensure compliance with Councils development controls.*

61. **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.*

62. 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.*

63. Irrigation

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.*

64. Fire Safety Certificate

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the *Environmental Planning and Assessment (Amendment) Regulation 2000*, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:

- Forwarded to Wingecarribee Shire Council;
- Forwarded to the Fire Commissioner; and
- Prominently displayed in the building.

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

65. National Plumbing and Drainage Code

All plumbing and drainage shall comply with the requirements of Australian Standard AS3500 "National Plumbing and Drainage Code" and the relevant New South Wales Amendments.

Reason: *To comply with legislation.*

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

66. 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.*

67. External Lighting

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.

INTEGRATED DEVELOPMENT CONDITIONS

68. 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 for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. 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 minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:

2. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 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. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Landscaping

4. Landscaping shall comply with the principles within Appendix 5 of Planning for Bush Fire Protection 2006.

CONCURRENCE CONDITIONS

69. **Concurrence - Water NSW**

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



General

1. The layout and works of the development shall be as specified in the Statement of Environmental Effects prepared by Creative Planning Solutions Pty Ltd (dated November 2018) and shown on the Site Plan (Dwg No. A101, Rev. 4; dated 24/06/19) prepared by Aetech Design. No revisions to layout or works or staging of the development that will impact on water quality, shall be permitted without the agreement of Water NSW.

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

Stormwater Management

2. All stormwater management measures as specified in the Engineering Plans (Dwg Nos. C001 & C300, AMDT 4, dated 01.02.19 and Dwg Nos. C050 & C200, AMDT 5, dated 15.04.19) prepared by Jones Nicholson Engineers Pty Ltd shall be implemented. The stormwater management measures, as a minimum, shall include:
 - two rainwater tanks combined with on-site detention
 - porous pavement incorporating:
 - pavers with a minimum open to closed void ratio of 10%
 - a base course filter media consisting of a clean medium sand with median particle diameter of 0.5 mm, and
 - geotextile wrapped drains below the base course spaced a maximum 2 metres apart
 - a combined bioretention garden and on-site detention basin designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities). The bioretention garden shall also:
 - incorporate a filter media with a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
 - be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
 - direct all discharge and overflow to existing stormwater drains such that discharge does not cause erosion
 - be accessible from internal 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.
3. No changes to stormwater treatment and management that will impact on water quality, shall be permitted without the agreement of Water NSW.



4. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.
5. An Operational Environmental Management Plan 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 an Occupation Certificate and shall be provided to owners' corporation. The Plan shall:
 - include details about the location, description and function of stormwater management structures such as pits, pipes, a bioretention garden, rainwater tanks, permeable pavings and any other stormwater structures and drainage works
 - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater and leachate management structures, including the frequency of such activities
 - identify the persons responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
 - include checklists for recording inspections and maintenance activities.
6. All stormwater treatment devices, particularly the bioretention garden, shall be monitored, maintained and managed by owners' corporation as per the Operational Environmental Management Plan.

Reason for Conditions 2 to 6 – To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact (NorBE) on water quality over the longer term.

Construction Activities

7. An Erosion and Sediment Control Plan shall be prepared for all works required for the proposed development by a person with knowledge and experience in the preparation of such plans. The Plan shall:
 - meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
 - be prepared prior to issuance of a Construction Certificate and to the satisfaction of Council, and
 - include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.
8. The Erosion and Sediment Control Plan shall be implemented, and effective erosion and sediment controls shall be installed prior to any construction activity. The erosion and sediment controls shall be regularly inspected, monitored and maintained until works have been completed and groundcover established.

Reason for Conditions 7 & 8 – To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

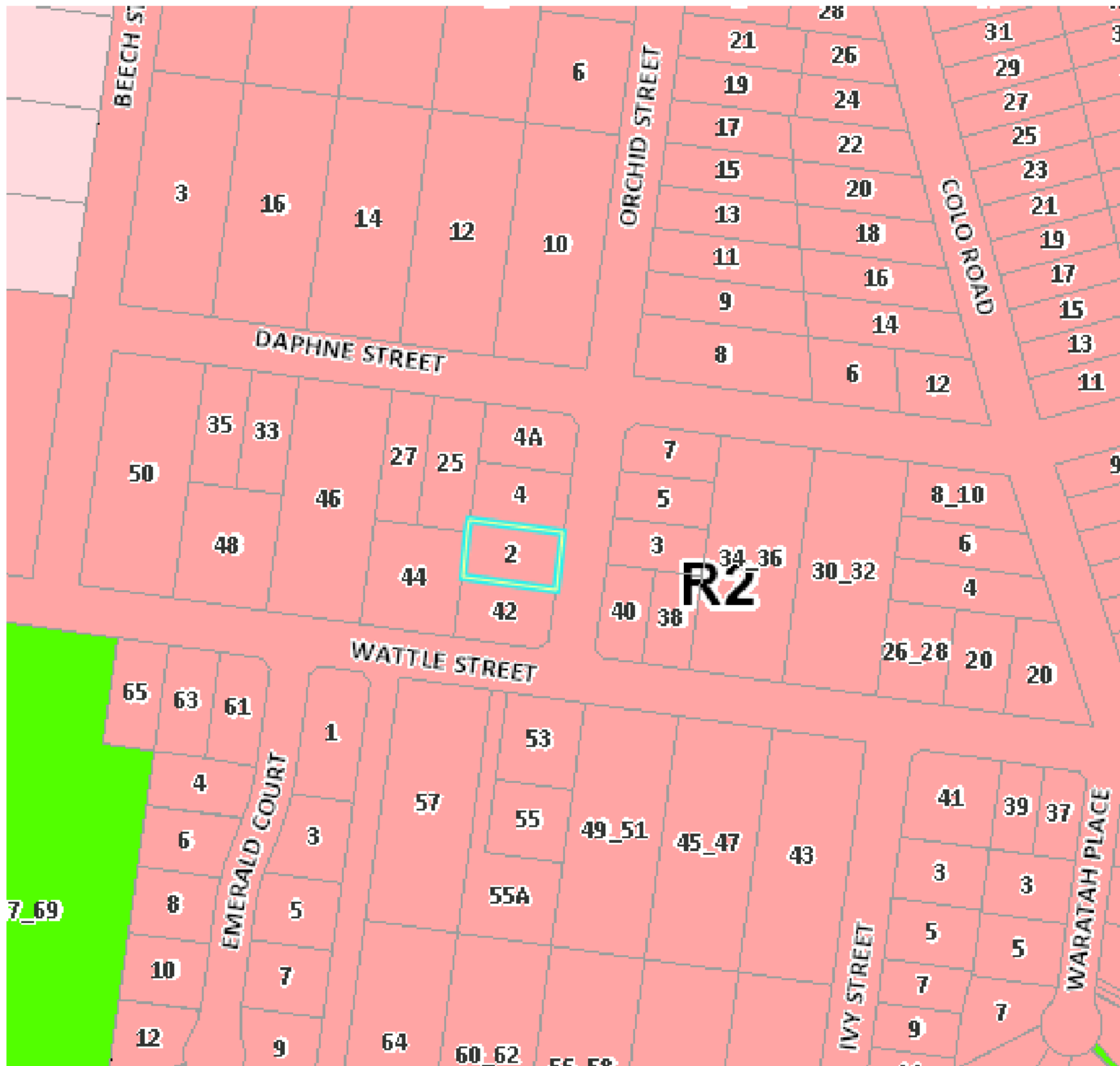
END OF CONDITIONS

ATTACHMENT 2 – SITE LOCATION

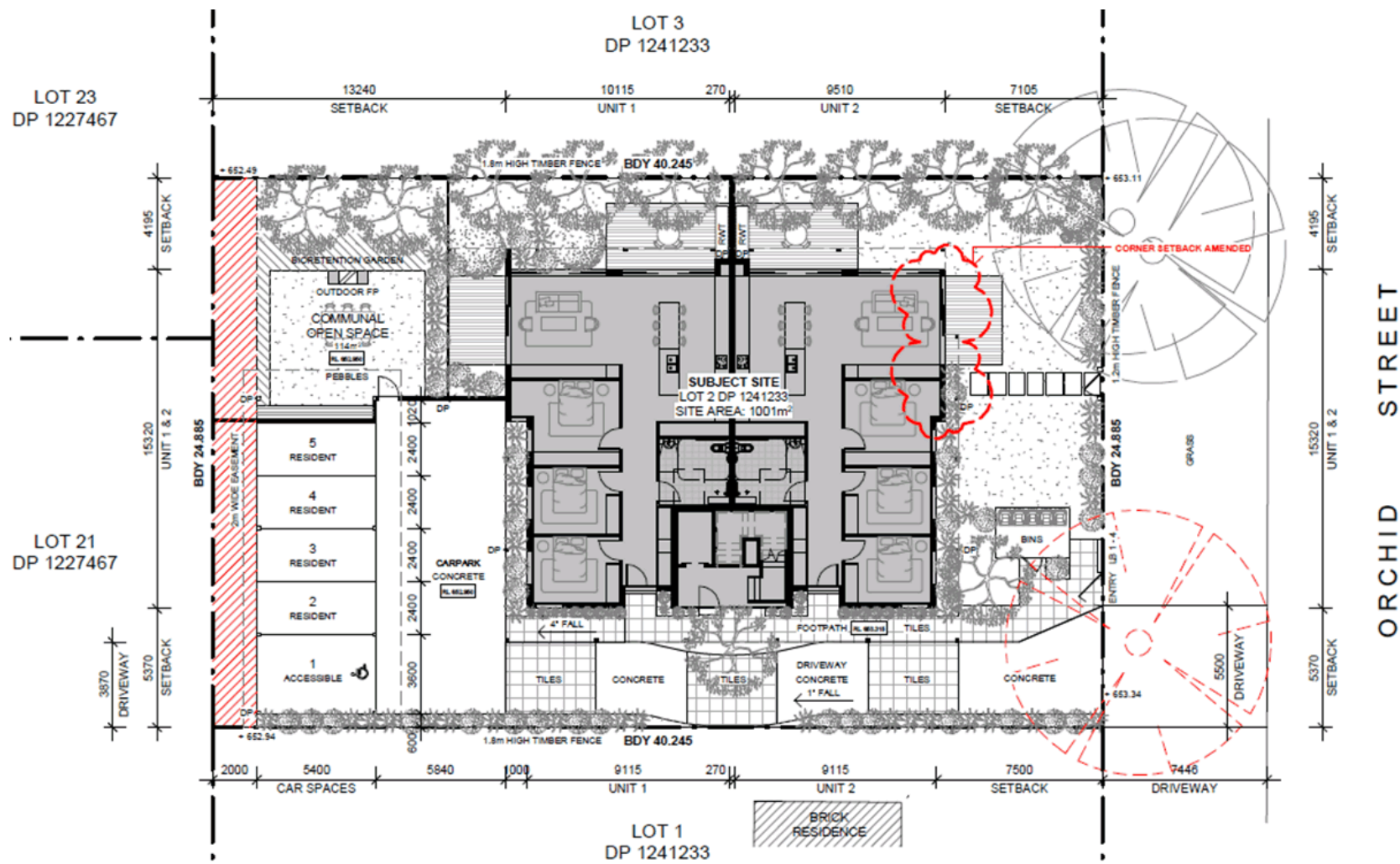




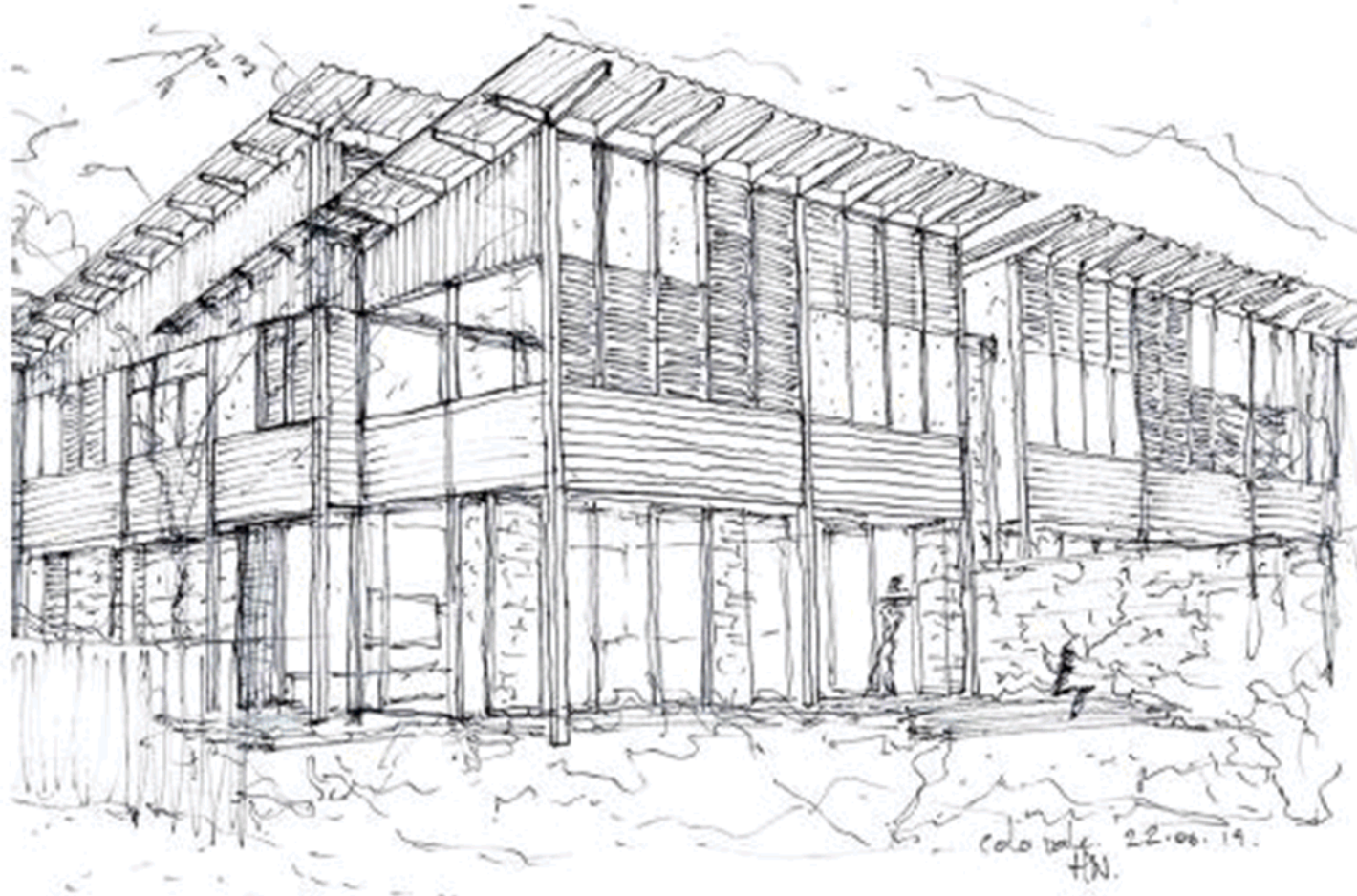
ATTACHMENT 3 - ZONING



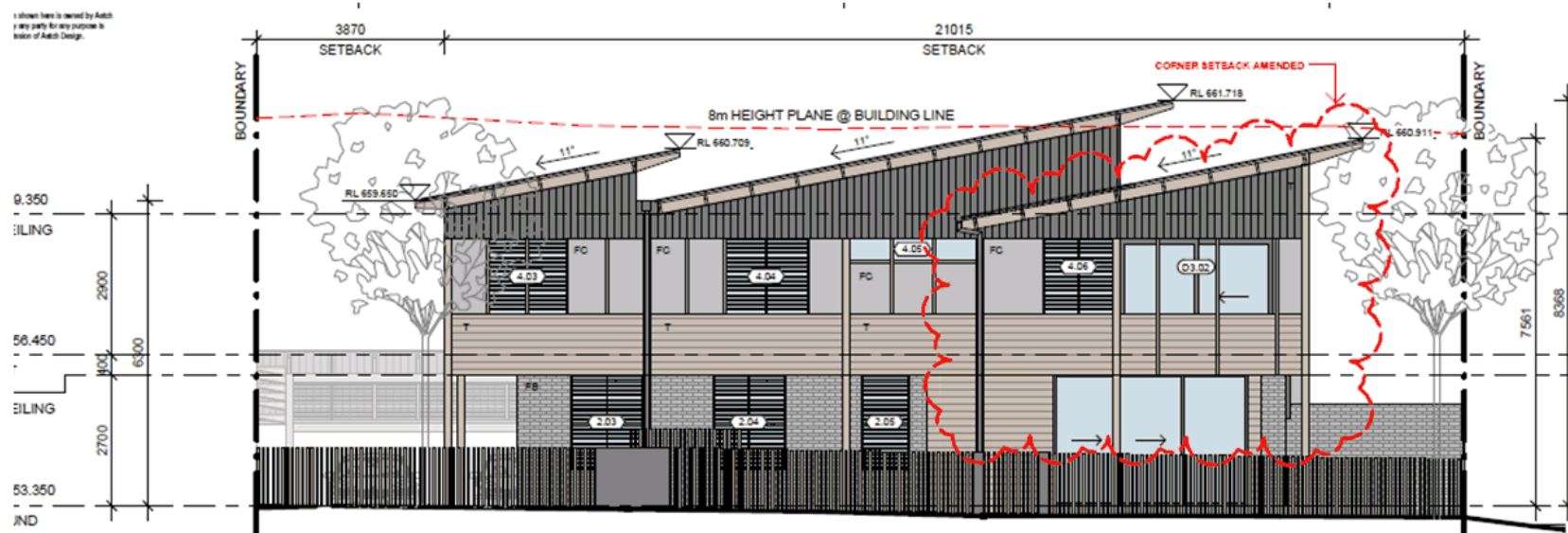
ATTACHMENT 4 – SITE PLAN



ATTACHMENT 5 – ELEVATIONS

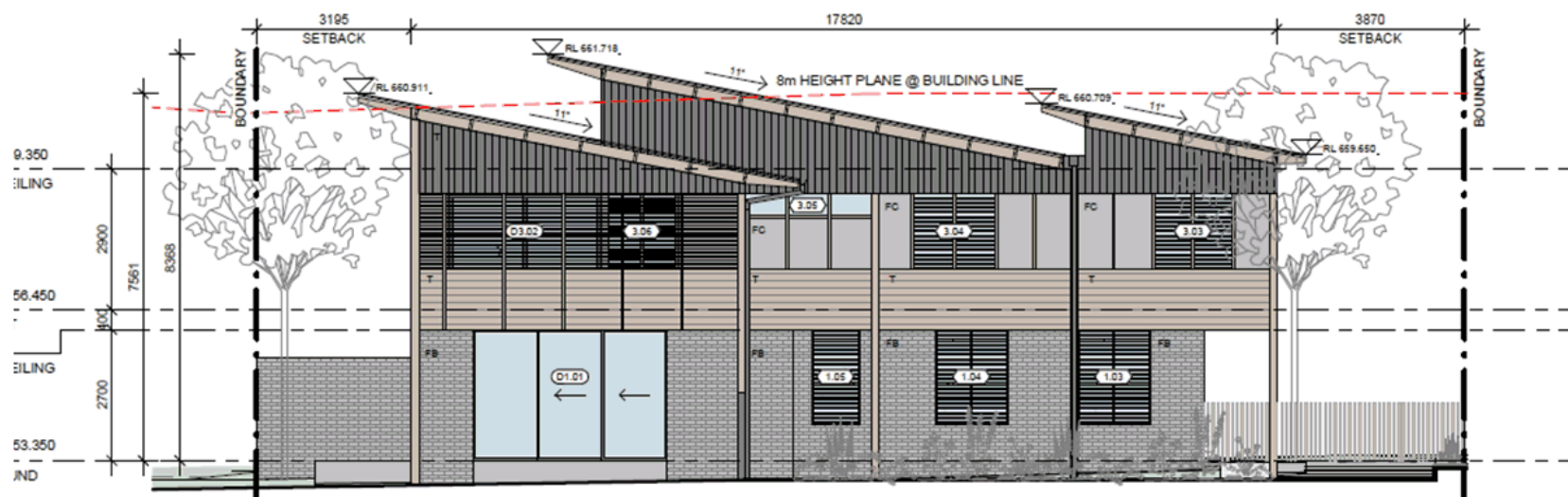


NORTH EAST CORNER - ARTISTIC IMPRESSION



EAST (STREET) ELEVATION

SCALE 1 : 100 @ A3



WEST ELEVATION

SCALE 1 : 100 @ A3



NORTH ELEVATION

SCALE 1 : 100 @ A3



SOUTH ELEVATION

ATTACHMENT 6 – MIDWINTER OVERSHADOWING



11AM



12PM



1PM



2PM



3PM



4PM



8.2 19/1374 Commercial Alterations and Additions - Extensions at Lot 1 DP 617915 Throsby Manor, 1A Throsby Street Moss Vale

Reference:	19/1374
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Louella Gratten-Smith
Owner:	Parasobe Pty Ltd
Link to Community Strategic Plan:	Promote business and industry development opportunities suited to our distinct region

PURPOSE

The purpose of this report is to consider Development Application 19/1374 which seeks approval at Lot 1 DP 617915 1A Throsby Street Moss Vale for alterations and additions to the building and its subsequent use as seven (7) serviced apartments providing self-contained accommodation to tourists and visitors. This report is prepared for determination, and recommends **APPROVAL** subject to attached conditions of consent.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Development Application 19/1374 alterations and additions to the building and its subsequent use as seven (7) serviced apartments providing self-contained accommodation to tourists and visitors. at Lot 1 DP 617915, Throsby Manor, 1A Throsby Street Moss Vale be **APPROVED** subject to conditions as described in Attachment 1 to the report.

REPORT

Subject Site and Locality.

The subject site is most commonly known as Throsby Manor (former Council Chambers). The site is legally described as Lot 1 DP 617915 1A Throsby Street Moss Vale.

The site is on the western side of Throsby Street at its intersection with Arthur Street. It backs onto the main southern rail line. The site is located approximately 350 metres south west of the Moss Vale memorial clock tower within walking distance of the Moss Vale town centre.

The site is rectangular in shape with a frontage to Throsby Street of approximately 31 metres with side boundaries of approximately 56 metres. The total site area is 1770 square metres.

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The site sits at the crest of Throsby Street as it rises from its intersection with Argyle Street, providing it with a commanding location and as a consequence the building has a strong street presence.

The building situated upon the site is identified as Throsby Manor, being the former Moss Vale Council Chambers and is located within the Throsby and Arthur Street Conservation Area.



Site Plan

Background

In April 1890 tenders were called for land on which to construct a purpose-built Council Chambers building. After purchase of the land a tender for the erection of the new building was accepted in August 1890. The building was designed by Sydney Architect, Harry Charlton Hind, who was also the architect for the Bowral Municipal Council Chambers, constructed in 1896. The builder was a local resident, Thomas Jones. The new Council Chambers building was opened by Lady Jersey, the wife of the Governor, on 21 March 1891.

Moss Vale and Wingecarribee Councils amalgamated on 10 February 1933. With the amalgamation, the shire officials moved into the Moss Vale Chambers and it became the administrative headquarters. The newly formed Council continued to occupy the Throsby Street premises until 1971, when a new Administrative Centre was opened in Elizabeth Street, Moss Vale.

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In March 1971 the former Council Chambers were purchased and converted into two (2) residential apartments. In 1991 the property was purchased and altered to become a single residence. In 2003 Stanton Plant Hire P/L purchased the property and in 2006 commissioned a Conservation Management Plan from Allman Johnston Architects, who also completed a Heritage Impact Statement in 2007 for alterations to the property to convert it into business premises and the current use is individual offices leased to various local businesses.

The following physical description of 1A Throsby Street, Moss Vale, Item 1041, WLEP 2010, is from the NSW Office of Environment & Heritage's inventory sheet, database No. 2680041.

A rendered brick building with parapeted front façade and renderwork detail in the Victorian Free Classical style with Italianate influences. Applied detailing includes string mouldings and pilasters, sunk panel mouldings and swags, as well as elaborate external architraves around doors and windows. The break-front in the centre of the symmetrical façade is topped by a broken pediment (with a central ball-moulding) and features recessed porches at ground and first floor levels. Doors at ground and first floor levels feature bolection moulded panels and small fanlights with simple margin glazing. Rendered brickwork chimneys on the northeast, northwest and southwest elevations feature simple rendered mouldings. The inscription immediately below the parapet string course reads "1890 N. H. Throsby Mayor".

Proposed Development

Development Application 19/1374 seeks consent for alterations and additions to the building and its subsequent use as seven (7) serviced apartments.

A rear ground floor extension is proposed that will comprise a common room and dining/sitting room and a remodelled kitchen, all facing onto a landscaped rear garden. It will include an outdoor fireplace with chimney. These spaces are available for guests, with the kitchen in particular assisting in the ability of guests to be self-contained during their stay by being able to cook a meal or prepare breakfast.

Paved porches will be built to each side and this work will facilitate an accessible car parking space being constructed as well as wheel chair accessible paths to join the existing path on the buildings northern side.

Accommodation will be in the form of seven (7) individual rooms, three (3) located on the ground floor and four (4) on the first floor. This involves the conversion of the existing kitchen and the inclusion of en-suites to each bedroom.

The building will be repaired and painted and the landscape garden invigorated with additional plantings.

The rear yard already provides on-site parking for visitors and this arrangement will be retained. The development will provide a total of eight (8) spaces which equates to 1 for each of the seven (7) bedrooms and an additional space for a site manager. One of these spaces will be an accessible space.

An accessibility report has been provided along with a fire safety upgrade report which includes the installation of a sprinkler system, improved exit signage, emergency lighting and fire resistant doors to the individual accommodation rooms.



STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The development is located on land to which SEPP (Sydney Drinking Water Catchment) applies and is Module 5 development. The application was referred to Water NSW for its concurrence. Water NSW has issued its concurrence by letter dated 14 June 2019. Water NSW advised that they do not object to the Development Application subject to attached conditions. The conditions have been provided in the consent. **Condition 63.**

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. Historically the subject property has been for commercial uses and residential uses and 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 (Infrastructure) 2007.

As the site is adjacent to the Main Southern Railway, consideration of the Infrastructure SEPP is required.

Part 3 Division 15 Subdivision 2 Clause 87 states:

- (1) applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that consent authority considers is likely to be adversely affected by rail noise or vibration:
 - (a) Residential accommodation;
 - (b) A place of public worship;
 - (c) A hospital;
 - (d) An educational establishment or centre based child care facility.

- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.

The proposed development is for tourist or visitor accommodation which does not strictly fall within the meaning of the SEPP, however the proposed development does include persons temporarily residing on the property and therefore will be affected by rail noise.

Therefore the issue of noise and vibration will be dealt with by way of a condition of consent. **Condition 23, 56 and Advisory Matters.**

Local Environmental Plans

Wingecarribee Local Environmental plan 2010

The *Wingecarribee Local Environmental Plan 2010* applies in this instance.

Zoning

The site is zoned R2 Low Density Residential.

The R2 objectives are:

- *To provide for the housing needs of the community within a low density residential environment.*



- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed development meets these objectives. It will provide for the ongoing use of the site for a small scale commercial tourist operation of a type that is suited to the site, both in terms of the site location and the character of the building. It will do so with no impact upon the character and amenity of adjacent and nearby residential areas.

The use of the building for serviced apartments providing self-contained accommodation to tourists and visitors is permissible within the Land Use table for the R2 zone.

3 Permitted with consent

*Bed and breakfast accommodation; Boarding Houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental facilities; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Home industries; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Seniors housing; **Serviced apartments**; signage.*

4 Prohibited

Any development not specified in item 2 or 3.

A serviced apartment is defined as follows:

Serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

The proposed use of the property is considered to be a permissible use under the terms of the WLEP 2010.

Part 5 Miscellaneous Provisions

The site is an item of local heritage significance listed within Schedule 5 of the WLEP2010 and is within the area identified as the Throsby/Arthur Street Conservation Area.

It is listed within Schedule 5 as 1041, being Throsby Manor (former Council Chambers), Lot 1 DP 617915, of local significance.

Therefore Clause 5.10 Heritage conservation, is relevant.

The objectives of this clause are:

- (a) To conserve the environmental heritage of Wingecarribee,*
- (b) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.*
- (c) To conserve archeological sites'*
- (d) To conserve Aboriginal objects and Aboriginal places of heritage significance.*

The proposed development seeks to continue the long term usage of the building for commercial purposes, in this instance a form of tourist and visitor accommodation. This use can generally be considered to be consistent with the objectives of preserving and managing heritage listed buildings within heritage conservation areas.

The building is considered to be a contributory building to the value of the Throsby/Arthur Street Conservation Area, being located on a prominent site at the crest of Throsby Street at its intersection with Arthur Street and being visible from Argyle Street.



It is of a scale and style that is both attractive and dominant in the streetscape. As noted previously in the office of Environment and Heritage inventory sheet for the site, it is described as *“demonstrating the characteristics of late Victorian municipal architecture and are a relatively intact example of the Victorian Free Classical Style”*.

The heritage impact assessment report from Dr Caroline Cosgrove has assessed both the proposed works and the proposed use of the building in terms of the potential impact upon the heritage values of the property and concludes that the development responds positively to the objectives of Clause 5.10.

The conclusion of this report is that *“the proposed alterations and additions will revitalize the heritage structure and allow for its adaptive re-use, which in turn will ensure that it continues to be utilized and maintained”*.

Further it goes on to conclude that the *“proposal meets the constraint as specified in the Conservation Management Plan (2006) to ensure that the important streetscape vistas from Arthur Street and Throsby Street are maintained”*.

The development has also considered the various policies set out within the existing CMP that relate to changes to fabric, external appearance, intrusive elements, building footprint and specific areas or elements of significance.

Development Control Plans

Moss Vale Town Development Control Plan

The application has been considered with regard to the DCP’s applicable provisions, Including:

- Part A – provisions applicable to all land
 - Section 2 – General Objectives
 - A2.2 – Objectives of this plan
 - A2.2.3 Heritage Conservation
 - A2.2.5 Residential Diversity
 - Section 3 – Biodiversity
 - Section 4 – Water Management
 - A4.3 – Development in Sydney’s drinking water catchments.
 - A4.4 – Water cycle management study
 - A4.5 – Stormwater management plan
 - A4.6 – Erosion and sediment control plans
 - A4.7 – Water sensitive urban design
 - Section 6 – Vegetation management and Landscaping
 - A6.1 – Preservation of trees and other vegetation.
 - A6.2 – Private Landscaped open space
 - A6.3 – Controls.
 - Section 7 – Subdivision, Demolition, Siting and Design
 - A7.6 – Design Principles within a Heritage Context.
 - A7.7 – History and Heritage Context of Moss Vale.
 - A7.9 – Alterations to Items of Heritage.
 - Section 8 – Safer by Design
 - A8.3 – Crime prevention through environmental design

- A8.4 – Specific design requirements
- Section 9 – Construction standards and procedures
 - A9.3 – Buildings near or over Council Mains and Easements
 - A9.8 – Stormwater disposal
 - A9.12 – Waste Management and Disposal
- Part C – Provisions Applicable to Residential-zoned land.
 - Section 1 – Introduction
 - C1.2 – Objectives
 - C1.5 – Height of buildings
 - C1.6 – Building materials
 - C1.8 – Signage.
 - Section 2 – Low Density Housing
 - C2.2 – Objectives of Low Density Housing
 - C2.4 – Development Density and Scale
 - C2.7 – Side setbacks
 - C2.13 – Landscaped Open Space
 - C2.14 – Fencing Gates and Letterboxes

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

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

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

Not applicable.

(iii) any development control plan, and

The development satisfactorily complies with the relevant controls.

(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.

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

Not applicable.



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

Not applicable.

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

There are no impacts or natural environment issues arising from the proposed development. In terms of the built environment, compliance with the Building Code of Australia for fire safety issues will be dealt with by way of conditions and the issues arising from rail noise and vibration will be dealt with by way of condition. Disabled access will be improved from the rear of the building by improved access pathways. **Condition 6, 19, 23, 24, 25, 54, 56, 62.**

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

The site is suitable for the proposed development. The proposal will continue the long term legacy of either tourist and/or related uses of the building and will improve the existing heritage building.

The proposed changes will involve improvements to the building, whilst retaining its heritage values.

- (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 proposal is considered to be in the public interest. The proposed use of the building and the proposed improvements to the heritage building will ensure that the building is maintained and utilised in the short to long term.

CONSULTATION

External Referrals

Water NSW,

The application has been referred to Water NSW. Water NSW concurs with Council granting consent subject to conditions. The recommended conditions of Water NSW have been provided in the consent conditions. **Condition 63**

Internal Referrals

Building (Accredited Certifiers)

Building (Accredited Certifiers) Referral Response –14 June 2019.

The application is considered to be satisfactory in relation to building matters subject to conditions being imposed on the notice of determination. **Condition 4 – 12, 14, 19, 24 – 27, 30 – 32, 43, 47 – 49, 51 – 52, 54 – 55, 62.**

Development Engineers

Development Engineers Referral Response –11 April 2019.

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The application is considered to be satisfactory in relation to Development Engineering matters subject to conditions being imposed on the notice of determination. **Condition 16 – 18, 20 – 22, 28 – 29, 34 – 41, 44- 46, 50, 53, 61.**

Heritage Advisor

Heritage Advisors Referral Response –28 March 2019

The application is considered to be satisfactory in relation to Heritage matters.

Neighbour Notification (or advertising)/Public Participation

The Development Application was Neighbour notified for the period from 29 March 2019 to 16 April 2019 and during this time Council received ten (10) submissions. One submission is a petition containing 18 signatures.

The issues raised in the submissions have been summarised and are considered below:

ISSUE	COMMENT
<ul style="list-style-type: none">• Air Quality <i>The proposed chimney will affect all residents along the southern aspect of the new addition.</i><ul style="list-style-type: none">○ <i>Gardens alongside will be made unusable from the smoke emanating from the chimney. We will lose the use of our gardens</i>○ <i>Our washing will be impacted by fallout from the chimney</i>○ <i>Negative impact on air quality inside my premises.</i>	<p>The proposed chimney is to be constructed 4.4m from the existing building (Throsby Manor) and 4.00m from the southern boundary. The height of the chimney will be 7.62m above ground level therefore the effect of any smoke from the chimney will have minimal effect on any neighbour as the smoke will have dissipated. A condition will be placed on the consent that the chimney and flue must be constructed in accordance with the Building Code of Australia and Australian Standard. Condition 14</p>
<ul style="list-style-type: none">• Noise from the patio <i>This will impact on the use of our gardens and any windows we have on the southern side will have to be closed.</i>	<p>The proposed patio is to be constructed with fixed glass on the western elevation with canvass awnings over. There will be minimal noise impacts on the neighbours on the southern side of the property. The proposed porch area on the eastern side adjacent to the chimney is a small area 4.4m X 4.00m which will hold a minimal number of persons and is shielded from the neighbours by the chimney/fireplace. There will be a condition of development consent that the use of the porch/fireplace on the site shall be conducted in such a manner so as not to interfere with amenity of the neighbourhood by reason of noise, smoke, smell, particulate matter or other impurities from the premises. Condition 58.</p>
<ul style="list-style-type: none">• Western Elevation <i>The proposed dining and kitchen area is at such a height that I will not enjoy</i>	<p>The proposed dining/kitchen area is approximately 1.2m above ground level. There is a solid wall constructed on the southern elevation</p>

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<p><i>the privacy of my garden and southern side of the building.</i></p>	<p>and any viewing from the area is at an oblique angle and a minimum of 4.00m from the side boundary with dense landscaping, therefore there will be minimal loss of privacy in adjoining private open space.</p>
<p>• Lights <i>Lights proposed in garden and footpaths from car parks will severely affect my sleep.</i></p>	<p>Any garden lighting for footpaths will be of low intensity and would cause little impact on neighbours. Footpath lighting is on the northern side of the property away from any residential properties. A condition of consent will be provided such that any garden lighting is to be diffused to ensure there is no impact on the amenity of neighbours. Condition 59.</p>
<p>• Overshadowing <i>Overshadowing from the chimney will have a negative impact my enjoyment of my yard and impact on drying times of my washing.</i></p>	<p>The shadow diagrams indicate that there is very minimal increase in overshadowing of adjoining properties caused by the proposed chimney.</p>
<p>• Design <i>The design of this DA is not sympathetic to this heritage building. The choice of lightweight material is also unsympathetic and there is no thought of how this will impact the street scape of Throsby Street.</i></p>	<p>The application has been assessed by the applicant's heritage advisor and peer reviewed by Council's Heritage advisor. Neither party has raised any issues in respect of the design of the building.</p>
<p>• Relocate outdoor Entertaining <i>Relocate outdoor entertaining area to the northern end of the building and delete the chimney.</i></p>	<p>The proposed chimney is described by the applicant's heritage advisor as "<i>will be a defining element, reflecting the strong vertical expression of the existing elements of the front façade of the heritage building, including the chimneys and the vertical proportions of the pilasters and columns at each side, as well as the windows, the entry and first floor balcony</i>". This sentiment is also supported by Council's heritage Advisor. The proposed outdoor area and the chimney are located a distance of 4.0m from the side boundary and there will be a condition of consent in relation to any adverse impacts on amenity of the area. Condition 58</p>
<p>• Exterior Colour <i>Proposed colour of exterior of building should be heritage colours and not white.</i></p>	<p>The proposed colour scheme was originally proposed as a fairly stark white and when referred to our heritage advisor he requested a clarification on the proposed colour scheme. The applicant has amended the colour and it is acceptable to</p>

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	<p>Council's heritage Advisor.</p> <p>The submitted colour palette has been referenced in the documents in Condition 2.</p>
<ul style="list-style-type: none">• Exterior Colour <p><i>The new rear extension should be moved to align with the northern wall of the building to ensure that the new addition is not visible from Throsby Street and Arthur Street and does not detract from this important 19th Century heritage building.</i></p>	<p>The application has been assessed by the applicant's heritage advisor and peer reviewed by Council's Heritage advisor. Neither party has raised any issues in respect of the design of the building.</p>

SUSTAINABILITY ASSESSMENT

- **Environment**

No adverse impact to the environment is envisaged due to the proposed works required under conditions of the development consent

- **Social**

Socially, the proposed development provides for additional tourist and visitor accommodation near the Moss Vale CBD.

- **Broader Economic Implications**

Broader economic implications are predominantly beneficial and relate to flow on effects with respect to tourists visiting the wider Southern Highlands district for the purposes of attending events in the area.

- **Culture**

Culturally the proposed tourist and visitor accommodation introduces people to the Southern Highlands culture.

- **Governance**

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

RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2018 – 2019: OP181 Assess and certify applications related to development.

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:

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

RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, State Environmental Planning policy No 55 – Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007 and the Moss Vale Town Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

Approve the Development Application subject to conditions.

Option 2

Refuse the application (Council will be required to provide reasons for refusal).

Option 1 is the recommended option to this report.

CONCLUSION

All relevant matters have been addressed. It is considered this report adequately considers the merits of the development in terms of legislative compliance and its potential impact on the locality. The development application has been assessed in accordance with the matters for consideration under section 4.55 of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies.

Issues raised in submissions have been examined, considered and commented upon.

On balance, it is recommended the application be determined by way of approval, subject to the conditions nominated in **Attachment 1**.

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ATTACHMENTS

1. Attachment 1 19/1374 Draft Conditions of Consent
2. Attachment 2 19/1374 Architectural Plans including Colour Palette



10 July 2019

LOUELLA GRATTAN-SMITH
PO BOX 179
BALMAIN NSW 2041

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979

APPLICATION NO:	19/1374
APPLICANT:	Louella GRATTAN-SMITH
OWNER:	PAROSOBIE PTY LTD
PROPERTY DESCRIPTION:	Lot 1 DP 617915
PROPERTY ADDRESS:	THROSBY MANOR 1A THROSBY STREET MOSS VALE NSW 2577
PROPOSED DEVELOPMENT:	Commercial Alterations and Additions (Extensions)
DETERMINATION:	Determined by granting of CONSENT.
CONSENT TO OPERATE FROM:	10 July 2019
CONSENT TO LAPSE ON:	10 July 2024

Rights of Appeal

Pursuant to Section 8.7 of the *Environmental Planning and Assessment Act 1979*, an applicant for development consent who is dissatisfied with the determination of the application by Council authority may appeal to the Court against the determination. Pursuant to Section 8.10, an appeal may be made only within 6 months after the date the decision appealed against is notified.

Review of Determination

You have the right to request a review of determination under section 8.2 of the *Environmental Planning and Assessment Act 1979*, subject to the provisions of Division 8.2 Reviews.

Nicholas Wilton
Group Manager
Planning Development and Regulatory Services

10 July 2019
Date of Determination

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19/1374, Lot 1 DP 617915

SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of Commercial Alterations and Additions use as serviced apartments.

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
Existing Site Plan	Project 1802 Issue A Type EX DWG 000	Luke Moloney Architecture	22.07.18
Existing Ground Floor Plan	Project 1802 Issue A Type EX DWG 100	Luke Moloney Architecture	07.03.18
Existing First Floor Plan	Project 1802 Issue A Type EX DWG 101	Luke Moloney Architecture	07.03.18
Existing Ground Floor RCP	Project 1802 Issue A Type EX DWG 150	Luke Moloney Architecture	07.03.18
Existing First Floor RCP	Project 1802 Issue A Type EX DWG 101	Luke Moloney Architecture	07.03.18
Existing East Elevation	Project 1802 Issue A Type EX DWG 300	Luke Moloney Architecture	07.03.18
Existing North Elevation	Project 1802 Issue A Type EX DWG 301	Luke Moloney Architecture	07.03.18
Existing West Elevation	Project 1802 Issue A Type EX DWG 302	Luke Moloney Architecture	07.03.18
Existing South Elevation	Project 1802 Issue A Type EX DWG 303	Luke Moloney Architecture	07.03.18
Existing Section	Project 1802 Issue A Type EX DWG 400	Luke Moloney Architecture	07.03.18
Existing Section	Project 1802 Issue A Type EX DWG 401	Luke Moloney Architecture	07.03.18
Shadow Diagrams – 21 June 9am	Project 1802 Issue A Type DA DWG 700	Luke Moloney Architecture	01.02.18
Shadow Diagrams – 21 June 12 noon	Project 1802 Issue A Type DA DWG 701	Luke Moloney Architecture	01.02.18
Shadow Diagrams – 21 June 3pm	Project 1802 Issue A Type DA DWG 702	Luke Moloney Architecture	01.02.18



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Site Analysis Plan	Project 1802 Issue A Type DA DWG 001	Luke Moloney Architecture	01.02.18
Proposed Site Plan	Project 1802 Issue B Type DA DWG 000	Luke Moloney Architecture	17.06.19
Proposed Ground Floor Plan	Project 1802 Issue A Type DA DWG 100	Luke Moloney Architecture	01.02.18
Proposed First Floor Plan	Project 1802 Issue A Type DA DWG 101	Luke Moloney Architecture	01.02.18
Accessible Suite Detail Plan	Project 1802 Issue A Type DA DWG 103	Luke Moloney Architecture	01.02.18
Proposed East Elevation	Project 1802 Issue A Type DA DWG 300	Luke Moloney Architecture	01.02.18
Proposed North Elevation	Project 1802 Issue A Type DA DWG 301	Luke Moloney Architecture	01.02.18
Proposed west Elevation	Project 1802 Issue A Type DA DWG 302	Luke Moloney Architecture	01.02.18
Proposed South Elevation	Project 1802 Issue A Type DA DWG 303	Luke Moloney Architecture	01.02.18
Proposed Section	Project 1802 Issue A Type DA DWG 400	Luke Moloney Architecture	01.02.18
Proposed Section	Project 1802 Issue A Type DA DWG 401	Luke Moloney Architecture	01.02.18
Proposed Materials	Project 1802 Issue B Type DA DWG 110	Luke Moloney Architecture	17.06.19
Stormwater Drainage Management Plan	Project 19000036 PO1 DWG STW01 Rev 00	SEEC	20.02.19
Stormwater Drainage Catchment Plan and Drainage Design Summary	Project 19000036 PO1 DWG STW02 Rev 00	SEEC	20.02.19
Photomontage – View from Throsby Street	Page 3	Luke Moloney Architecture	Not dated
Photomontage – View from Arthur Street	Page 4	Luke Moloney Architecture	Not dated
Photomontage – View from Argyle Street	Page 5	Luke Moloney Architecture	Not dated
Contour and Detail Survey	Ref No 13968.1 Sheet 1 of 1	Leslie & Thompson Surveyors	29 May 2018
Waste Management Plan	Not referenced	Luke Moloney Architecture	Not dated
Heritage Impact Statement	Not Referenced	Dr Caroline Cosgrove	22 February 2019
BCA Capability Report	No 17040	Vesna Giles	March 2019
Access report	No 17040	Vesna Giles	Not Dated
Statement of Environmental Effects	Not Referenced	Lee Environmental Planning	March 2019



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



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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.

7. **Shoring and Adequacy of Adjoining Property**

If any excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining allotment of land, the applicant must, at the person's own expense, comply with the requirements of clause 98E of the *Environmental Planning and Assessment Regulation 2000*, including:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Details shall be submitted to the Accredited Certifier prior to the issue of a Construction Certificate.

Reason: *To ensure the structural integrity of the building is not compromised.*

8. **Asbestos Removal - Renovation of Buildings**

Note: *The following conditions of development consent are to be applied to work that may involve asbestos, in particular demolition and renovation or recladding or brick veneering works of buildings erected prior to 1987. Evidence acceptable to Council may be required to establish the construction date of a building or part of a building:*

- a) All asbestos cement sheeting must be removed by contractors with an appropriate licence issued by WorkCover and who are familiar with asbestos removal prior to the commencement of:
 - (i) Recladding or brick veneering works where the existing walls to be covered are currently clad with asbestos cement; OR
 - (ii) Construction work where new work abuts existing asbestos cement sheeting and/or where parts of the existing building clad with asbestos cement sheeting are to be altered or demolished.

Removal must be carried out strictly in accordance with WorkCover's 'Your Guide to Working with Asbestos'.

- b) All waste containing asbestos, including asbestos cement flat and corrugated sheets must be disposed of at waste facility licensed by the NSW Environment Protection Authority (EPA).

Note: *The person responsible for disposing of asbestos waste is to telephone the EPA on 131 555 or Council's Customer Service Department on (02) 48680888 to determine the location of a tip licensed to receive asbestos. Within fourteen (14) days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by*



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the receiving tip as evidence of proper disposal.

- c) Within fourteen (14) days of completion of renovation or recladding or brick veneering works where asbestos cement sheeting was removed, the applicant shall submit to Council:
- (i) an asbestos clearance certificate prepared by a WorkCover licensed asbestos assessor; and
 - (ii) a signed statement verifying that work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.

Reason: *To ensure that asbestos is disposed of to a licensed waste facility and is removed in accordance with safe work practices.*

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

9. Application for a Construction Certificate (Building Works)

The applicant shall apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works in accordance with this consent. The 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



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- 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.*

10. **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
 - (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.*



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11. **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.*

12. **Disabled Toilets**

Plans and details of the disabled toilet/s shall comply with the relevant Australian Standards, the Building Code of Australia, 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. The plans must be approved by the Accredited Certifier prior to issue of a Construction Certificate.*

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

13. **Long Service Levy Payments**

The payment of a long service levy as required under part 5 of the *Building and Construction Industry Long Service Payments Act 1986*, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council prior to the issue of a Construction Certificate. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Councils Office.

Reason: *Statutory requirement*

14. **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:

- Carry out sewerage works;
- Carry out water supply;
- Carry out stormwater drainage works.
- Install a domestic oil or solid fuel heating appliance, other than a portable appliance.

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



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15. **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:

Drafting Note: *Assessment Officer to determine which plans apply - delete plans not applicable.*

- 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>>); 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>>.

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 9 November 2010 and came into effect on 8 December 2010. The current charges under these Plans are listed as follows:

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
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 >.			

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*



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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/Subdivision/Occupation}** Certificate:-

Water \$----- + Sewer \$----- + Stormwater \$----- = \$-----

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.

In the case of subdivision, the title plan of subdivision will not be certified and released by Council until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained for all works related to this infrastructure.

In the case of other forms of development, 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.*

16. **Construction Traffic Management Plan**

To undertake development works including demolition, earthworks and construction a Construction Traffic Management Plan (CTMP) is required to be submitted and approved by Council prior to issue of the Construction Certificate. The CTMP shall indicate measures to be implemented to protect the environment as well as public health, safety and convenience. The CTMP must include the following:

- a) Details of site security;
- b) Off-street parking for employees, contractors and sub-contractors.
- c) Site access for construction vehicles and equipment purposes.
- d) Public safety in the use of roads and footpaths where development activities adjoin such facilities.
- e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- f) Provision for loading and unloading materials;
- g) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;
- h) How materials are to be loaded/unloaded and potential impact on Council infrastructure (including but not limited to footpaths and street trees)
- i) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- j) External lighting and security alarms proposed for the construction site.



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- k) Firefighting measures to be available on site during development and construction.
- l) Sanitary amenities proposed on site during development and construction.
- m) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;
- n) Details of management of storm water run-off and the propose sediment and erosion control measures including the location of any rubble grids;
- o) Details of any air and dust management;
- p) Details of noise and vibration controls;
- q) Anticipated staging and duration of works
- r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TMP)

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

17. **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.*

18. **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 to Council 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.

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 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.*



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19. **Accessible Car Parking Spaces**

One (1) of the car parking spaces provided as part of the total requirement shall be reserved for disabled persons.

These spaces shall be constructed and identified in accordance with Volume 1 of the National Construction Code (NCC) and AS/NZS 2890.6 - Parking Facilities; Off-street parking for people with disabilities.

Details to demonstrate compliance shall be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

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

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

Eight (8) 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.*

21. **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.*

22. **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.



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- (e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.
- (f) Nature and extent of earthworks, including cut and fill roadworks.
- (g) Location of all soil and material stockpiles.
- (h) Location of site access, proposed roads and other impervious areas.
- (i) Existing and proposed drainage patterns.
- (j) Location and type of proposed erosion and sediment control measures.
- (k) Site rehabilitation proposals, including final contours.
- (l) Time of placement of sediment controls.
- (m) Maintenance schedule.

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

23. **Noise and Vibration Adjacent to Rail Corridors**

Noise-Sensitive Developments within the Acoustic Assessment Area

Prior to issue of a Construction Certificate, a qualified acoustic consultant shall prepare a report identifying the appropriate noise and vibration criteria and the means by which these criteria will be met.

The applicant is advised that the property may be affected by rail noise and vibration and that reference be made to the *Guidelines for Councils - Consideration of Rail Noise and Vibration in the Planning Process*, which is available at Council offices.

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

24. **Fire Safety Upgrade - Rebuilding, alterations, enlargement or extension of an existing building (cl. 94 of the Regulation)**

Council considers pursuant to clause 94 of the *Environmental Planning and Assessment Regulation 2000*, that the existing building is to be upgraded to comply with the requirements of the National Construction Code (NCC) in the following respects:

- Compliance with Category 1 fire safety provisions;
- Compliance with Part C of the National Construction Code (Building Code of Australia)

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the *Environmental Planning and Assessment Regulation 2000* shall detail building upgrade works required by this condition.

The Principal Certifying Authority shall be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the above provisions of the National Construction Code (NCC) in force at the date of lodgement of the Construction Certificate application:



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Reason: To ensure compliance with statutory requirements.

25. **Disabled Persons Access and Facilities**

- (a) Detailed drawings shall be provided to Council for the fit out to the disabled person's facilities with the construction certificate application. Details shall be in accordance with AS 1428.1 Design for Access and Mobility and the Premises Code.
- (b) At least one (1) car parking space/s for use by disabled persons shall be provided. This space shall be clearly identified by sign posting complying with AS1428.1, and comply with AS2980.1 and the Premises Standard).
- (c) No work is to commence on disabled persons access routes until details of the routes are submitted to and approved by the Principal Certifying Authority. The details shall include a site plan clearly identifying the proposed route for access by disabled persons. It is noted that access from the allotment boundary, carpark and any other building on the allotment which access for people with disabilities is required, to the entrance of the subject building. Access shall be in accordance with AS 1428.1 Design for Access and Mobility.
- (d) Access for people with disabilities shall be provided to and within buildings as set out in Table D3.2 of the National Construction Code (NCC) by means of a continuous path of travel in accordance with AS1428.1:
 - (i) from the allotment boundary at the main points of entry; and
 - (ii) from any carparking space on the allotment (whether within or outside the building) provided in accordance with D3.5; and
 - (iii) from any adjacent and associated accessible building on the allotment; and
 - (iv) through the principal public entrance.
- (e) Sanitary facilities must be provided in accordance with Table F2.4 of the National Construction Code (NCC) for:
 - (i) every Class 3, 5, 6, 7, 8 and 9 building that is required by the deemed to satisfy provisions of Part D3 to be accessible to people with disabilities and may be calculated as part of the number of facilities required by Table F2.3; and
 - (ii) The construction and layout of all facilities provided in accordance with Table F2.4 must comply with AS1428.1.
- (f) Identification of Accessible Facilities, Services and Features

In every building required to be accessible, clear and legible Braille and tactile signage complying with Specification D3.6 and incorporating the international symbol of access or deafness or other symbol as appropriate in accordance with AS1428.1 must identify all items as specified in Clause D3.6 of the National Construction Code (NCC).

- (g) Tactile Indicators
 - (i) For a building required to be accessible, tactile ground surface indicators must be provided to warn people with vision impairment that they are approaching any area as specified in Clause D3.8 of the National Construction Code (NCC).



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- (ii) Tactile ground surface indicators required by (a) must be Type B indicators in accordance with AS1428.4.

the path of travel from the principal public entrance to these features and facilities where their location is not apparent to the building occupant (see National Construction code (NCC) D3.6 Braille and Tactile Signs).

- (h) Disabled Sanitary Facility

The sanitary facility shall be constructed in accordance with the requirements of AS1428.1 *Design for Access and Mobility General Requirements for Access*.

- (i) **Advisory Note**

- (i) The Applicants/property owner should note that the Commonwealth *Disability Discrimination Act 1992* provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. This may require action to provide or improve access in addition to the minimum requirements of the National Construction Code (NCC), particularly if such work would not cause "unjustifiable hardship" for the proprietors or owners.
- (ii) The Human Rights and Equal Opportunity Commission can provide further information on this issue).

Reason: *Statutory requirement.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK

26. **Notice of Commencement**

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

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

Reason: *Statutory requirement.*

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

27. **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



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- (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.*

28. **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.*

29. **Erosion and Sediment Control**

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

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

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

30. **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.

Reason: *To ensure compliance with approved plans.*

31. **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.*

32. **Support for Neighbouring Buildings**

If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- a) must preserve and protect the building from damage, and



19/1374, Lot 1 DP 617915

- b) if necessary, must underpin and support the building in an approved manner (under guidance / instruction of a structural engineer), and
- c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work to be carried out for the purposes of this clause, whether carried out on the allotment of land.

In this case, allotment of land includes a public road and any other public place.

Reason: *To preserve and protect neighbouring buildings.*

33. **Hot Water Installations**

All new hot water installations shall deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes, at a temperature not exceeding:

- (a) 43.5°C for childhood centres, primary and secondary schools and nursing homes or similar facilities for aged, sick or disabled persons; and
- (b) 50°C in all other classes or buildings.
- (c) Where hot water is being delivered to an outlet of a sanitary fixture, used primarily for personal hygiene purposes on commercial premises or by the public, at a temperature exceeding 50°C, such fixture must have a sign, using symbol and red writing on a white background in appropriate languages, displayed adjacent to the sanitary fixture which states, "*Warning - this fixture may deliver hot water which will scald*".

Reason: *To comply with statutory requirements.*

34. **Stormwater - Construction**

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

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

35. **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.*



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36. **Earthworks, retaining walls and structural support**

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

- (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
- (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
- (c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
- (d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

Any excavation must be carried out in accordance with *Excavation Work: Code of Practice* (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

Reason: *Structural safety.*

37. **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.*

38. **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.*

39. **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.*



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40. **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.*

41. **Dust Control**

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

Reason: *Environmental amenity*

42. **Vegetation Management**

A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation without the prior consent of Council (unless considered exempt development).

Any vegetation removed with Council consent and any other vegetation cleared in association of the approved development shall be disposed of in accordance with the approved Waste Management Plan.

For minor development, vegetation shall be either mulched for reuse on site or transported to an approved waste/recycling facility.

Reason: *To ensure compliance with State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 by preserving the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.*

Note: *Failure to comply with this condition may result in prosecution by Council.*

Note: *No vegetation shall be burnt except with an approval issued by Council pursuant to the Protection of the Environment Operations (Clean Air) Regulation 2010. Failure to comply may result in a penalty of up to \$500 for an individual or up to \$1,000 for a corporation.*

Advice: *Tree removal should be carried out by a competent person to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.*

43. **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*



19/1374, Lot 1 DP 617915

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.*

44. **Construction Traffic Management Plan**

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

45. **Maintenance of the site**

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

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

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

During construction:

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

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

Reason: *Environmental amenity.*

46. **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.*

47. **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.



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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.*

48. **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

49. **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.*



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50. **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.*

51. **Smoke Alarms**

A Compliance Certificate certifying the installation of smoke alarms shall be provided to Council prior to the Occupation Certificate.

Reason: *To ensure compliance in accordance with Australian Standard AS 3786 Smoke Alarms and NCC requirements.*

Advice: *Where there is more than 1 alarm to be installed, the certificate shall state that the alarms have been interconnected.*

52. **Landscaping Plan**

Landscaping as per the approved Landscaping Plan shall be established prior to the issue of the Occupation Certificate.

Reason: *To ensure that the landscaping is completed prior to occupation.*

53. **Certification of Internal Civil Works**

On completion of works and prior to issue of the Occupation Certificate, certification from a practicing appropriately qualified Engineer shall be submitted to Council detailing that all internal civil works (ie, internal driveways, paths and stormwater drainage system including any on-site detention) are in accordance with the approved plans and specifications.

Reason: *Asset management.*

54. **Fire Safety Certificate**

A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the *Environmental Planning and Assessment (Amendment) Regulation 2000*, prior to the issue of the Occupation Certificate for the building.

A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:

- Forwarded to Wingecarribee Shire Council;
- Forwarded to the Fire Commissioner; and
- Prominently displayed in the building.

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



19/1374, Lot 1 DP 617915

55. National Plumbing and Drainage Code

All plumbing and drainage shall comply with the requirements of Australian Standard AS3500 "National Plumbing and Drainage Code" and the relevant New South Wales Amendments.

Reason: *To comply with legislation.*

56. Noise and Vibration Adjacent to Rail Corridors

Prior to issue of the Occupation Certificate, a measurement report from a qualified acoustic consultant shall be submitted, demonstrating compliance with the noise criteria.

Internal Space	Time Period	Noise Level L _{Aeq} (1 hr)
Living and sleeping areas	Day 7 am to 10 pm)	<40 dBA
	Night (10 pm to 7 am)	<35 dBA

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

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

57. 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.*

58. Amenity

The approved use of the outdoor porch/fireplace on the site shall be conducted in such a manner so as not to interfere with the amenity of the neighborhood by reason of noise, smoke, smell, particulate matter or other impurities from the premises.

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

59. Lighting

All external lighting 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.

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



19/1374, Lot 1 DP 617915

60. **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.*

61. **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 maneuver and leave the development driving forwards.

Reason: *Public safety.*

62. **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.*

CONCURRENCE CONDITIONS

63. **Concurrence - Water NSW**

Concurrence has been granted by Water NSW for the development pursuant to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*. The conditions provided by Water NSW are provided below:

General

- i. The site layout and works shall be as specified in the Statement of Environmental Effects prepared by Lee Environmental Planning (dated March 2019) and shown on the Site Plans (Project No. 1802, Dwg. Nos. 000, 100, 101, 103, Rev. A, dated 01/02/2019) prepared by Luke Maloney Architecture. No revised site layout, staging or external works that may have any impacts on water quality, shall be permitted without the agreement of Water NSW.



19/1374, Lot 1 DP 617915

Reason for Condition i. - *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

- ii. All stormwater management measures as specified and shown on the Stormwater Drainage Management Plan (Project No. 19000036, Dwg. No. STW01, Rev. 00, dated 20/02/2019) prepared by Strategic Environmental and Engineering Consulting, shall be implemented.
- iii. No variation to stormwater treatment or management that will have any impacts on water quality shall be permitted without the agreement of Water NSW.

Reason for Conditions ii. & iii. – *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

- iv. No works shall commence until effective erosion and sediment controls have been installed, including for demolition and landscaping. 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 Condition vi. - *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 construction phase.*

ADVISORY MATTERS

Skips on Council Footpath

The applicant shall apply to Council's Customer Services Centre and pay the respective minimum ten (10) day application fees and deposit, should a mini-skip type or larger builder's waste container be required to be left on Council's footpath, nature strip or roadway for the removal of any builder's waste etc. These fees shall be paid prior to the container's placement. In the event of the container being removed within the ten day period, and the Council being notified, a pro-rata refund will be made. If the container is to remain at the site for longer than ten days, a further fee must be paid before the ten day period expires. No consultation is necessary if placing the container within the property to which this application is related. However, caution should be exercised in placing the bin to ensure no damage occurs to Council property.

Railway Noise and Vibration

Due to its location adjoining the Main Southern Rail Line, ARTC is concerned that the future occupants of the development will encounter rail-related noise and vibration from the adjacent rail corridor. Rail noise and vibration can seriously affect residential amenity and comfort, jeopardise structural safety of buildings and should be addressed early in the development process. ARTC recommends that bedrooms and living areas be sited the greatest distance possible from the rail



19/1374, Lot 1 DP 617915

corridor and/or shielded by non-sensitive uses/barriers.

The State Rail publication Interim Guidelines for Applicants - Consideration of Rail Noise and Vibration in the Planning Process provides information on likely noise impacts and preventative measures. This document is available on www.ric.nsw.gov.au/publications .

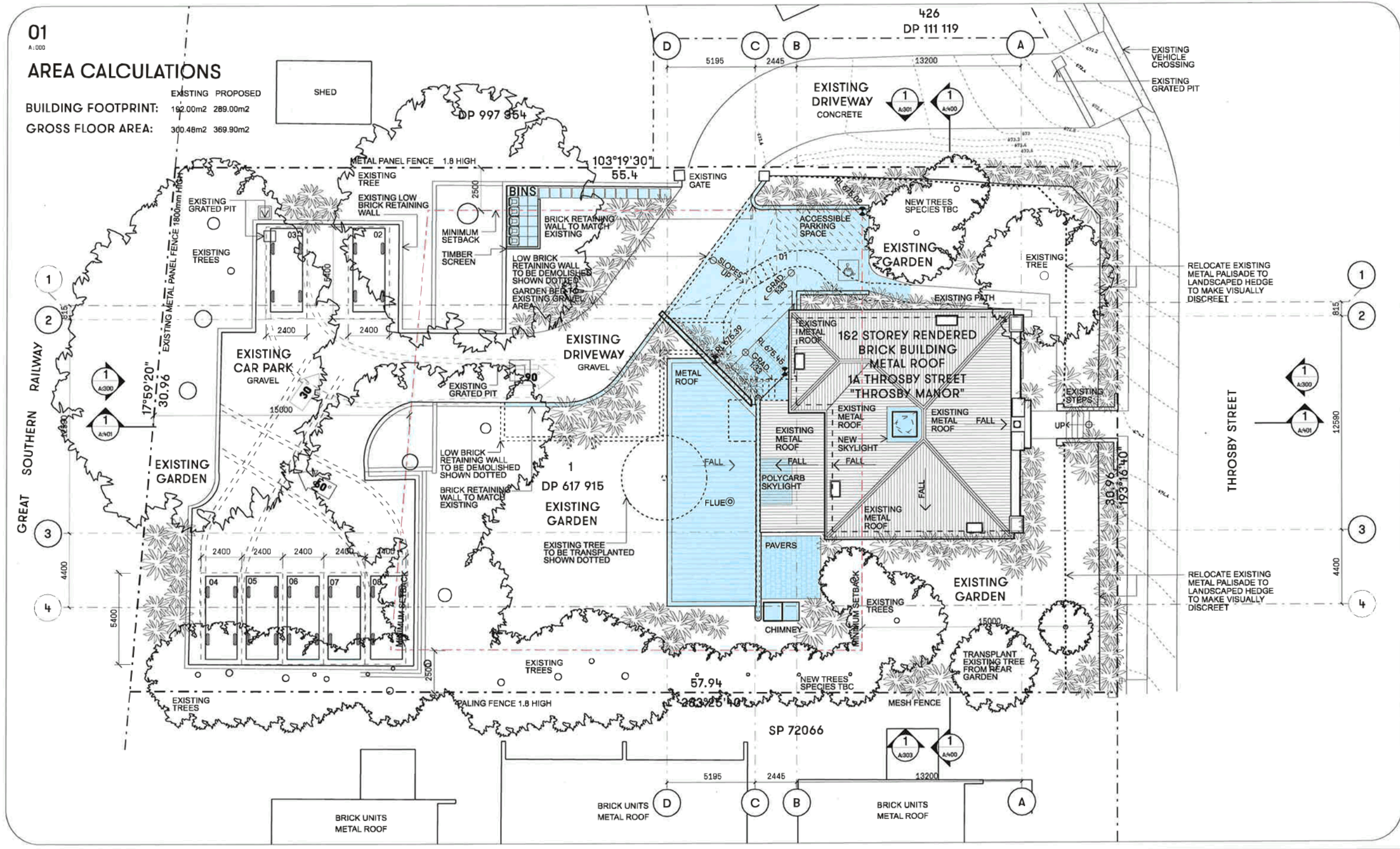
To improve the comfort of future occupants, the landscaping and fencing in the proposal should screen views of the rail tracks and reduce exposure to passing trains.

END OF CONDITIONS

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A:000

AREA CALCULATIONS

	EXISTING	PROPOSED
BUILDING FOOTPRINT:	192.00m ²	289.00m ²
GROSS FLOOR AREA:	300.48m ²	369.90m ²

Key.

	Stud wall		Brick wall
	Concrete wall		Existing wall retained
	Block wall		Wall to be demolished
	New work		

- Notes.**
- 1 Check all dimensions on site
 - 2 Report any discrepancies or omissions before construction
 - 3 Refer to architect for to clarify ambiguous details
 - 4 All drawings to be read in conjunction with spec
 - 5 All drawings to be read in conjunction with consultant's work
 - 6 All structure to structural engineer's details

Part J. Part J assessment to be provided with CC

Preliminary.
NOT FOR CONSTRUCTION

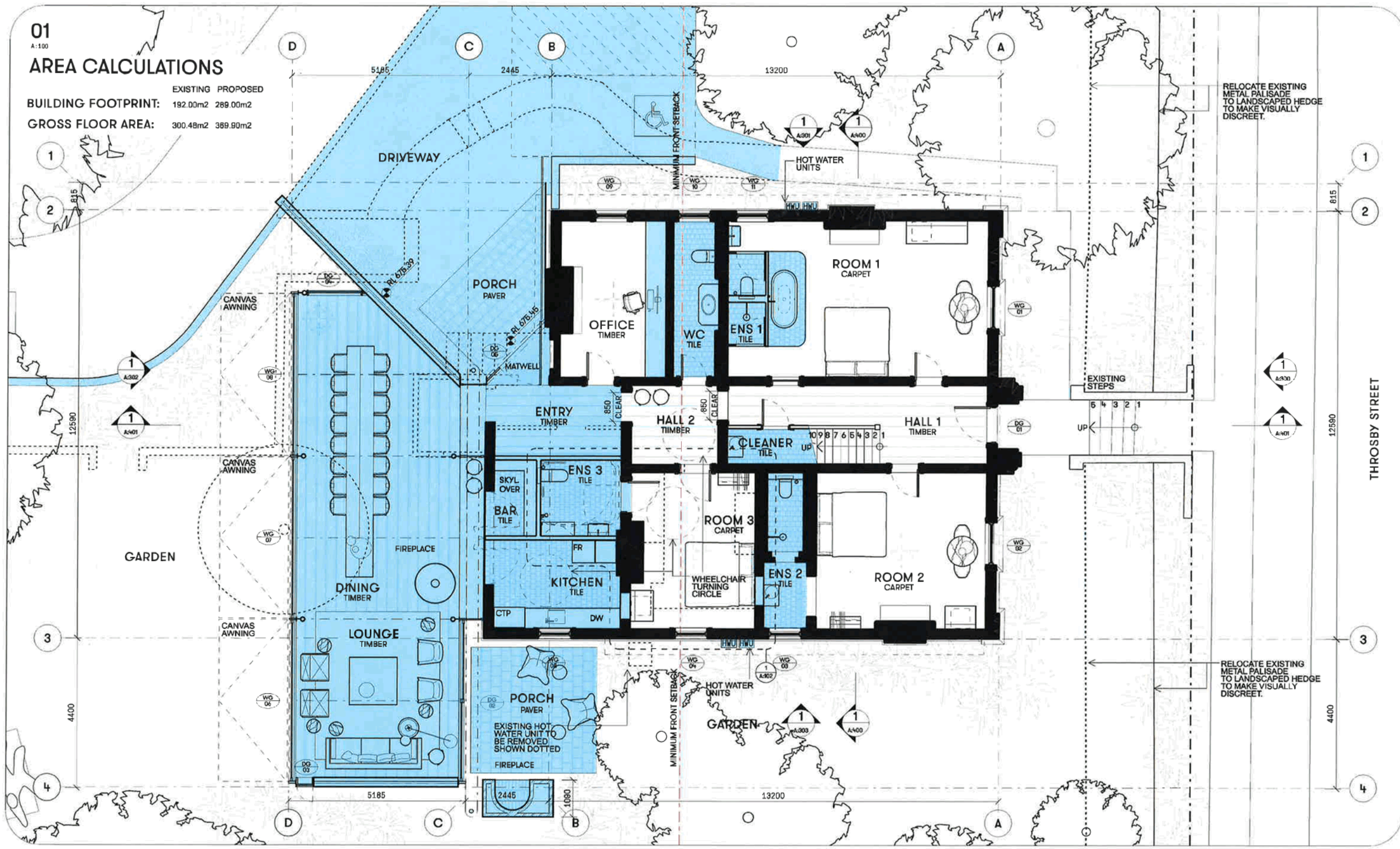
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Issue 8
Reason PARKING SPACES
Date 17.06.2019

Job Title 1A THROSBY STREET, MOSS VALE LOT 1 DP 917915		Drawing Title / Location PROPOSED SITE PLAN	
Draw 1n	Check xx	Scale 1:200@A3	Status Development Application
Project 1802	Zone -	Type DA	Class -
		OWB no. 000	Revision B

Luke Moloney architecture

61 17 231 675
 l.moloney@luke-moloney.com.au
 po. box 179 balmain, nsw 2011
 NOMARCH LUKE MOLOONEY REG "10023"



01
 A:100
AREA CALCULATIONS

	EXISTING	PROPOSED
BUILDING FOOTPRINT:	192.00m ²	289.00m ²
GROSS FLOOR AREA:	300.49m ²	389.90m ²

Key.

Stud wall	Brick wall
Concrete wall	Existing wall retained
Block wall	Wall to be demolished
New work	

- Notes.**
- 1 Check all dimensions on site
 - 2 Report any discrepancies or omissions before construction
 - 3 Refer to architect to clarify ambiguous details
 - 4 All drawings to be read in conjunction with spec
 - 5 All drawings to be read in conjunction with consultant's work
 - 6 All structure to structural engineer's details

Part J. Part J essential to be provided with CC.

Preliminary.
 NOT FOR CONSTRUCTION

Issue A
 Reason D.A.
 Date 01.02.2018

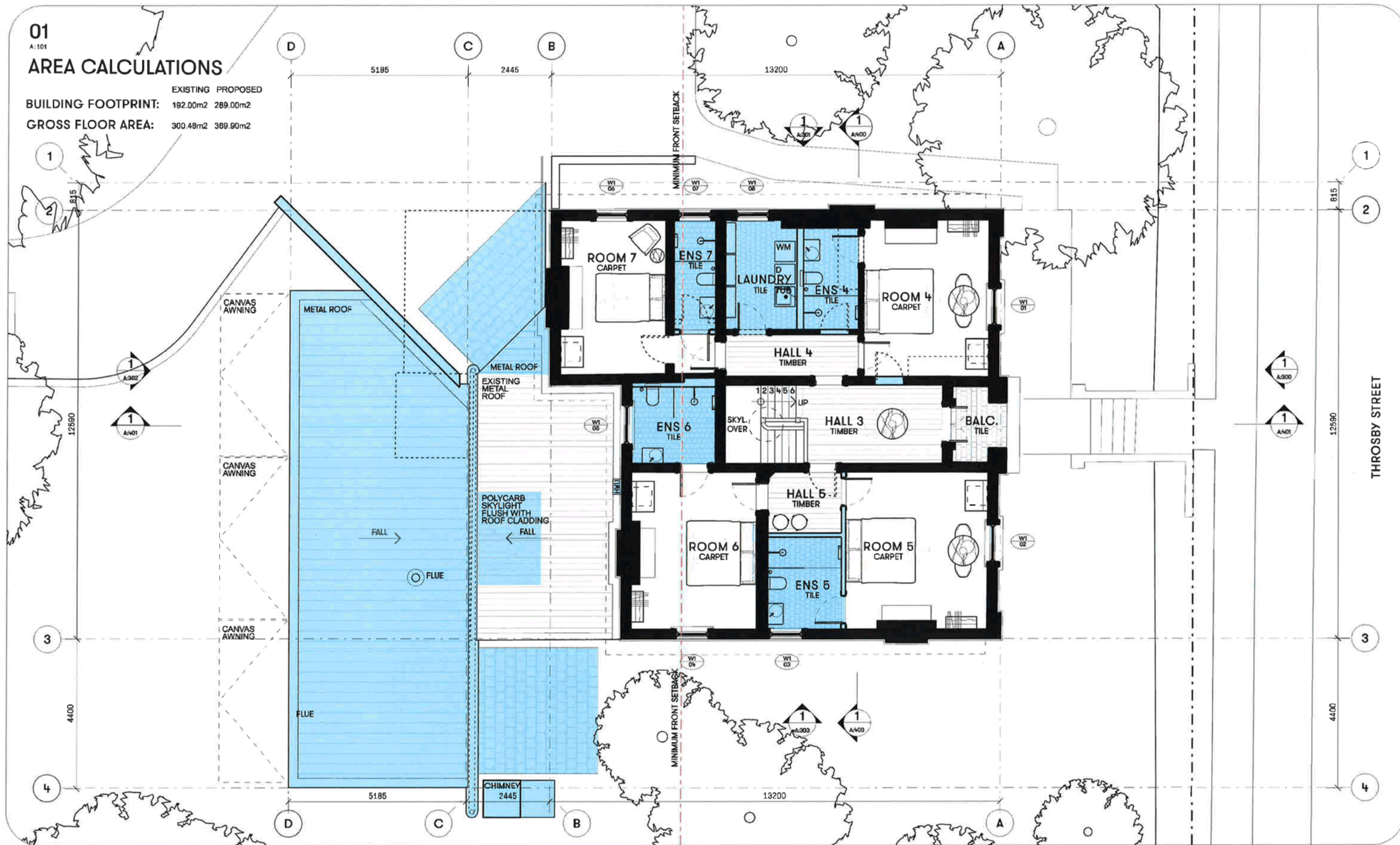
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Job Title 1A THROSBY STREET, MOSS VALE LOT 1 DP 617915
 Drawing title / Location PROPOSED GROUND FLOOR PLAN

Drawn	Check	Scale	Status		
1m		1:100@A3	Development Application		
Project	Zone	Type	Class	DWB no.	Revision
1802	-	DA	-	100	A

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 NOMARCH LUKE MOLOONEY REG 10021



Key.

	Stud wall		Brick wall
	Concrete wall		Existing wall retained
	Block wall		Well to be demolished
	New work		

Notes.

- 1 Check all dimensions on site
- 2 Report any discrepancies or omissions before construction
- 3 Refer to architect to clarify ambiguous details
- 4 All drawings to be read in conjunction with spec
- 5 All drawings to be read in conjunction with consultant's work
- 6 All structure to structural engineer's details

Part J. Part J assessment to be provided with CC.

Preliminary.
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Issue A
Reason D.A.
Date 01.02.2019

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1:1 1:2 1:4 1:8 1:16 1:32

Job Title 1A THROSBY STREET, MOSS VALE LOT 1 DP 617915		Drawing Title / Location PROPOSED FIRST FLOOR PLAN	
Drawn Jm	Check -	Scale 1:100@A3	Status Development Application
Project 1802	Zone -	Type DA	Class -
DB no. 101	Revision A		

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 NISM ARCH LUKE MOLONEY REG 1110021



01
 PD:100



Key.

Stud wall	Brick wall
Concrete wall	Existing wall retained
Block wall	Wall to be demolished
New work	

- Notes.**
- 1 Check all dimensions on site
 - 2 Report any discrepancies or omissions before construction
 - 3 Refer to architect to clarify ambiguous details
 - 4 All drawings to be read in conjunction with spec
 - 5 All drawings to be read in conjunction with consultant's work
 - 6 All structure to structural engineer's details

Part J. Part J assessment to be provided with CC.

Preliminary.
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Issue A
 Reason D.A.
 Date 01.02.2018

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Job Title 1A THROSBY STREET, MOSS VALE LOT 1 DP 617915
 Drawing title / location PROPOSED EAST ELEVATION

Drawn	Check	Scale	Status		
ln		1:100&A3	Development Application		
Project	Zone	Type	Class	DBS no.	Revision
1802		DA		300	A

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01
10:100



Key.

	Stud wall		Brick wall
	Concrete wall		Existing wall retained
	Block wall		Wall to be demolished
	New work		

- Notes.**
- 1 Check all dimensions on site
 - 2 Report any discrepancies or omissions before construction
 - 3 Refer to architect to clarify ambiguous details
 - 4 All drawings to be read in conjunction with spec
 - 5 All drawings to be read in conjunction with consultant's work
 - 6 All structure to structural engineer's details

Part J. Part J assessment to be provided with CC.

Preliminary.
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Issue A
 Reason D.A.
 Date 01.02.2019

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G 1m 2m

Job Title 1A THROSBY STREET, MOSS VALE LOT 1 DP 617915
 Drawing Title / Location PROPOSED NORTH ELEVATION

Drawn	Check	Scale	Status		
1m		1:100@A3	Development Application		
Project	Zone	Type	Class	DWG no.	Revision
1802	-	DA	-	301	A

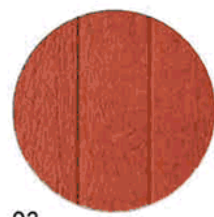
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NIMARCH LUKEMOLOONEY REG™ 10021



01
RENDERED MASONRY
 Paint finish - off white



02
TIMBER CLADDING
 Paint finish - black



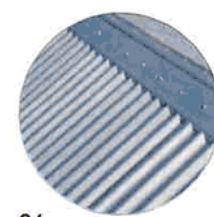
03
RENDERED BRICKWORK
 Paint finish - off white



04
TIMBER WINDOWS
 Paint finish - black



05
ALUMINIUM GLAZING
 Powdercoat finish - black



06
METAL ROOFING
 Corrugated metal - zincalume



07
METAL ROOFING
 Colorbond kliplok profile - black



08
METAL FLUE
 Colorbond - black



UPPER STOREY
 MUROBOND
 'QUARRY'
 25% STRENGTH



MUROBOND
 'QUARRY'
 25% STRENGTH



UPPER STOREY
 MUROBOND
 'QUARRY'
 150% STRENGTH

Key.

	Stud wall		Brick wall
	Concrete wall		Existing well retained
	Block wall		Wall to be demolished
	New work		

Notes.

- 1 Check all dimensions on site
- 2 Report any discrepancies or omissions before construction
- 3 Refer to architect for to clarify ambiguous details
- 4 All drawings to be read in conjunction with spec
- 5 All drawings to be read in conjunction with consultant's work
- 6 All structure to structural engineer's details

Part J. Part J assessment to be provided with CC

Preliminary.
 NOT FOR CONSTRUCTION

Issue B
 Reason WALL COLOURS
 Date 17.05.2019

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Job Title 1A THROSBY STREET, MOSS VALE LOT 1 DP 917915					
Drawing Title / Location PROPOSED MATERIALS					
Drawn 1a	Check	Scale 1:200@A3	Status Development Application		
Project 1802	Zone -	Type DA	Class -	DWG no. 110	Revision B

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8.3 Planning Proposal to Rezone Land at Yarrowa Road Moss Vale

Reference:	5901, PN1682600, PN1682500, PN1682400
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

WPURPOSE

The purpose of this report is to present to Council an assessment of a Planning Proposal to rezone and amend the minimum lot size of three adjoining properties at 121, 131 and 153 Yarrowa Road Moss Vale for the purposes of residential development.

RECOMMENDATION

THAT the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrowa Road Moss Vale be DEFERRED pending completion of the Wingecarribee Local Housing Strategy.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

REPORT

BACKGROUND

A Planning Proposal to rezone and amend the minimum lot size of three (3) adjacent lots which adjoin the Chelsea Gardens/Coomungie Urban Release Area (URA) was lodged with Council in March 2019 (**Attachment 1**). The land parcels are as follows:

- Lot 4 DP706194, 121 Yarrowa Road, Moss Vale,
- Lot 5 DP706194, 131 Yarrowa Road, Moss Vale, and
- Lot 2 DP610352, 153 Yarrowa Road, Moss Vale.

The location of these sites in relation to Yarrowa Road and the Chelsea Gardens/Coomungie URA is indicated in **Figure 1** below and a more detailed map is shown in **Figure 2** below.



Figure 1 Site Location

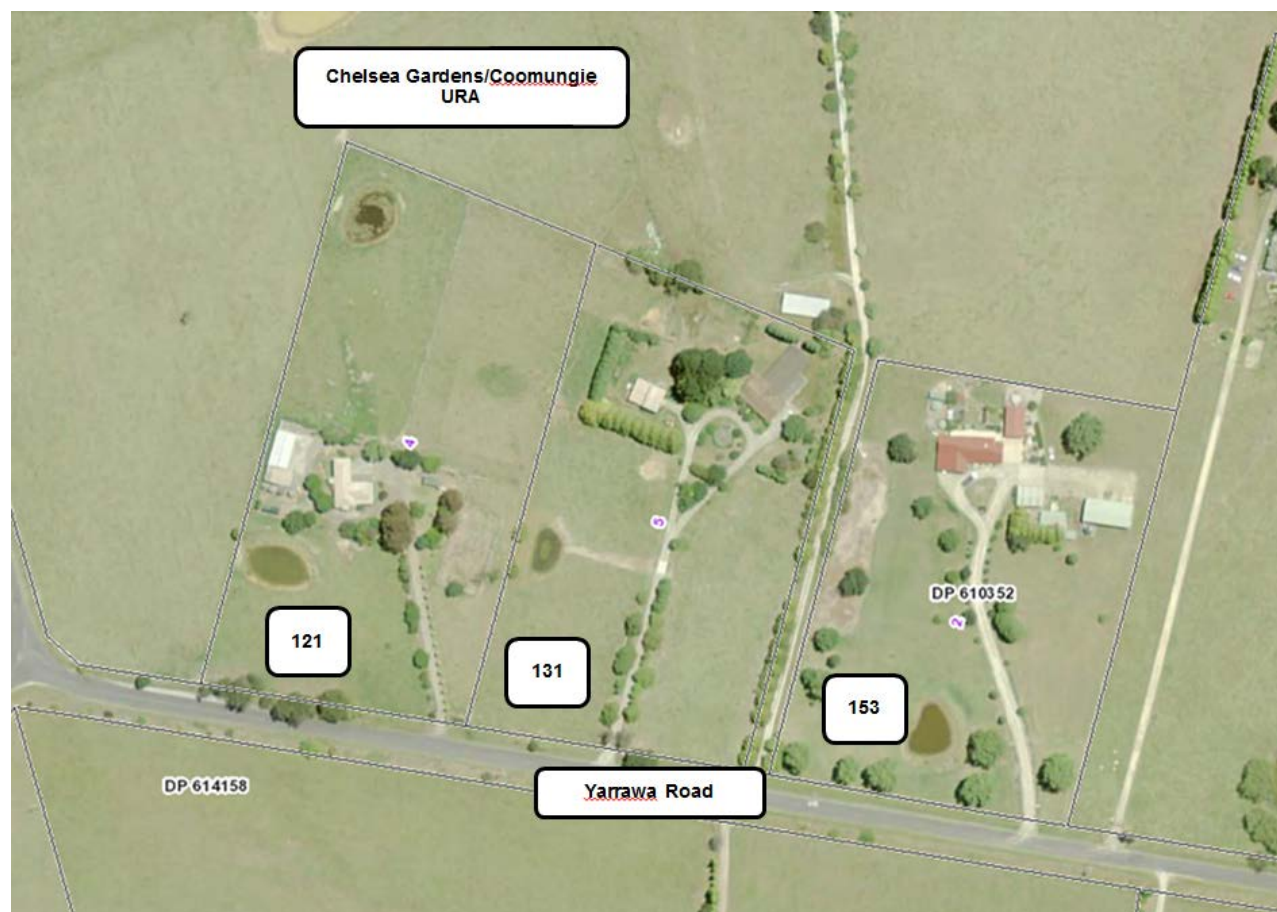


Figure 2 Property Detail

The subject land is zoned RU2 Rural Landscape with a minimum lot size of 40 hectares. Each lot is an area of some 2 hectares, thereby totalling some six (6) hectares.

A submission to rezone the subject land was considered by Council during the preparation of the Wingecarribee Local Planning Strategy 2015-2031. At its Ordinary Meeting of 24 June 2015 Council resolved THAT:

Lot 4 DP 706192, 121 Yarrawa Road, Lot 5 DP706192, 131 Yarrawa Road & Lot 2 DP 610352, 153 Yarrawa Road, Moss Vale, remain zoned RU2 under WLEP 2010 AND THAT this zoning be reviewed once the outcome of the Chelsea Gardens/Coomungie Planning Proposal is known.

The Chelsea Gardens Coomungie Urban Release Area (URA) was finalised by the Department of Planning (the Department) by means of Amendment 43 to Wingecarribee Local Environmental Plan (WLEP) 2010 on 27 October 2017. The amendment resulted in the rezoning of the land as indicated in **Figure 3** below and by the application of a range of minimum lot sizes as indicated in **Figure 4** below.

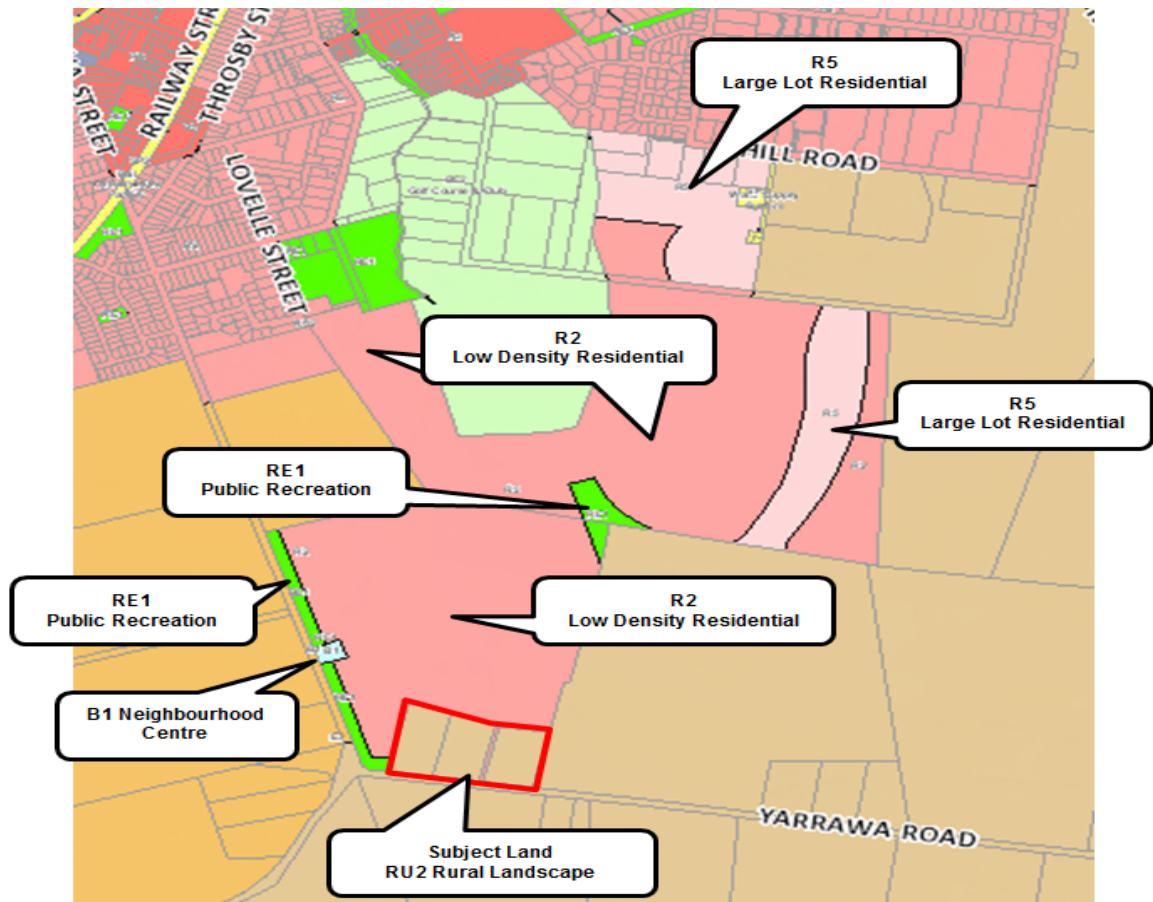


Figure 3 Zoning

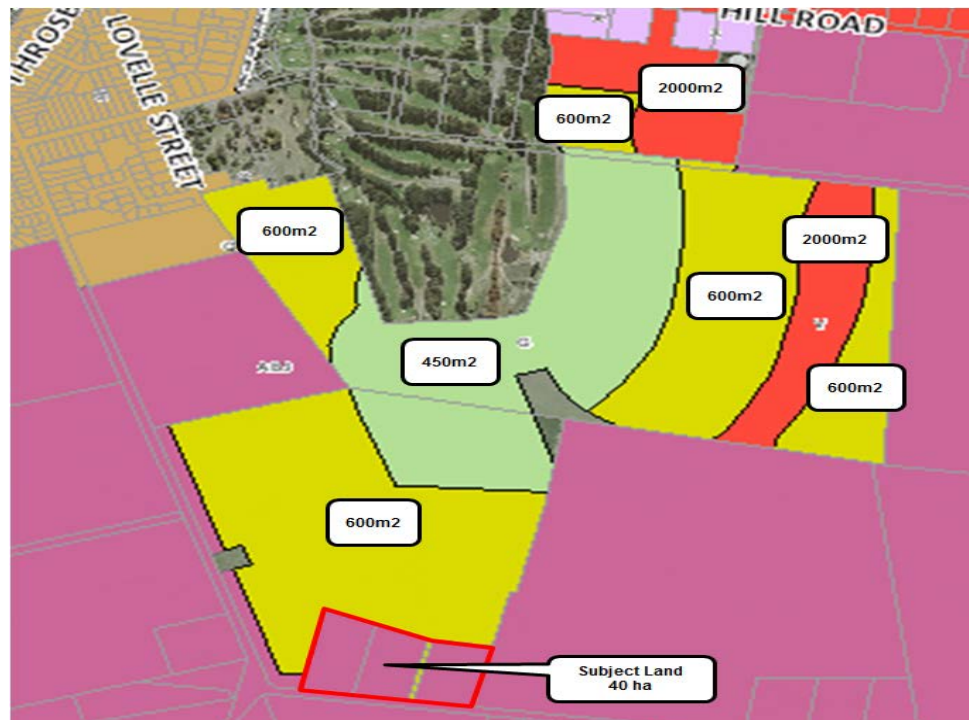


Figure 4 Minimum Lot Size

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Council did not support the Planning Proposal to amend the Chelsea Gardens/Coomungie URA land, resolving, *inter alia*, at its Ordinary Meeting of 14 August 2013:

1. ***THAT the Planning Proposal to amend WLEP 2010 to rezone and reduce the minimum lot size of Lot 12 DP 866036, Chelsea Gardens, 32 Lovelle Street, Moss Vale and Lot 3 DP 706194, Coomungie, 141 Yarrowa Road, Moss Vale, not be supported at this point in time for reasons outlined in the report.***
2. ***THAT Council prepares a planning proposal to remove Chelsea Gardens, 32 Lovelle Street, Moss Vale and Lot 3 DP 706194, Coomungie, 141 Yarrowa Road, Moss Vale, from Urban Release sites in the Wingecarribee LEP 2010.***

However, following review by the Southern Joint Regional Planning Panel (JRPP) through the Department, Council received advice on 9 December 2013 that the JRPP review recommended that the Planning Proposal proceed. The resulting Gateway Determination was issued by the Department on 24 March 2014 and included the direction that, “consistent with the JRPP recommendation, the owners of land south of Coomungie and north east of Chelsea Gardens are also to be consulted on this planning proposal and invited to register their interest in having their land investigated for urban development”.

Throughout the administration of the Planning Proposal Council continued to not support the Chelsea Gardens-Coomungie URA or any potential extension to it through the inclusion of additional adjoining lots. Council did however, consult with adjoining property owners and registered their interest in being considered for future urban development.

The current Planning Proposal seeks to progress this matter.

REPORT

The Planning Proposal seeks to amend the subject land to apply a zone of R2 Low Density Residential and a minimum lot size of 600m². These controls are consistent with those applying to the URA on its southern boundary with the subject land.

Council recognises the merit in applying the same standards as those for the adjoining URA land should the proposed amendments to the subject be supported, although it would also appear appropriate to continue the RE1 Public Recreation zone along the frontage to Yarrowa Road as in the URA zoning. These controls are estimated to yield a potential of some 70 lots.

While the subject land appears to be a logical extension of the URA, there are significant limitations in the existing infrastructure networks in Moss Vale, and major infrastructure upgrades are required to accommodate the development of the URA.

These significant infrastructure constraints underpin Council's ongoing concerns with the Planning Proposal to amend the Chelsea Gardens/Coomungie URA and are proving to be warranted as the URA development progresses.

As more detailed infrastructure planning has occurred, it has become increasingly apparent that Council's initial concerns regarding the infrastructure implications of rezoning the URA land, particularly with regard to traffic, as well as limitations in water and sewer capacity, were well founded.

The Planning Proposal itself recognises that the proposal “could only proceed to the development stage if adequate servicing and infrastructure can be provided for the site and the development of it. This Planning Proposal should be considered now so that Council is in a position to gauge the adequacy of the infrastructure planning for the locality. It would not be feasible to attempt to provide all urban services to the subject land without the development proceeding around it... At a strategic level, the conclusion is that if 1200

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dwellings can be planned for at Chelsea Gardens Coomungie, then 1270 dwellings can be planned for.”

Given the now known limitations in the infrastructure networks, it is considered premature to rezone land that may or may not be able to be serviced in the future. It is therefore recommended that the Planning Proposal be deferred, to allow Council to complete the more detailed infrastructure analysis associated with the URA, which will provide certainty in the future provision of infrastructure required to support the development.

Council is mindful of the JRPP’s recommendation, supported by the Department of Planning, that land adjoining the Chelsea Gardens/Coomungie URA be considered in identifying potential land to meet the Shire’s future housing needs. Council has already communicated with immediately adjoining land owners to ascertain their interest in future residential development as directed by the Department when issuing the Gateway Determination for the Chelsea Gardens/Coomungie URA.

However, at this time, the subject land does not form part of the URA, nor do the lots on the northern boundary with the URA which the JRPP also recognised for potential development and Council believes it would unwise at this time to rezone any further land without a clear understanding of how the current significant infrastructure deficits are to be addressed.

It is only because the subject had already been considered during preparation of the Wingecarribee Local Planning Strategy 2015-2031 and has been identified by the Department of Planning for potential future residential development, that Council is considering this Planning Proposal. However Council is now obliged, under the provisions of the *Environmental Planning and Assessment Act 1979*, to prepare a Local Housing Strategy and a Local Strategic Planning Statement both due for completion by July 2020.

The purpose of the Local Housing Strategy is to establish Council’s vision for the provision of housing, in consultation with the community, and to detail how and where housing should be provided, taking into account local demographics, current housing supply and demand and site specific constraints. It is the intention of Council to consider the development potential of all land in the immediate vicinity of the Chelsea Gardens/Coomungie URA as part of that Strategy.

The Local Housing Strategy will subsequently underpin Council’s 20 year vision to be articulated in the Local Strategic Planning Statement due for completion by July 2020 as required under the provisions of the *Environmental Planning and Assessment Act 1979*.

Even without these strategic documents, it would seem necessary to pause at this point and undertake further investigation as to how future water, sewer and road infrastructure are to be provided across the Shire.

It is therefore concluded that assessing an individual Planning Proposal in isolation of these strategic processes risks compromising the outcomes of both the Local Housing Strategy and the Local Strategic Planning Statement. It is recommended therefore that Council complete at least the Local Housing Strategy before reviewing this Proposal again within the context of the outcomes from that Strategy as to where future housing should best be located to ensure that the necessary infrastructure to support it can be provided in a timely manner.

It is recommended that the Planning Proposal BE DEFERRED PENDING COMPLETION OF THE WINGECARRIBEE LOCAL HOUSING STRATEGY.

IMPACT ON COUNCIL’S FIT FOR THE FUTURE IMPROVEMENT PLAN

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

COMMUNICATION AND CONSULTATION

Community Engagement

An extensive community engagement programme is being developed to support preparation of both the Local Housing Strategy and the Local Strategic Planning Statement. This consultation will strongly inform the outcomes of those strategic studies.

Internal Communication and Consultation

In reviewing the Planning Proposal, preliminary internal consultation was undertaken with assets regarding water and sewer infrastructure.

External Communication and Consultation

No external consultation has occurred at this stage.

SUSTAINABILITY ASSESSMENT

- **Environment**

Consideration of the Proposal within the context of the Local Housing Strategy and the Local Strategic Planning Statement will ensure that environmental sensitivities are addressed.

- **Social**

Consideration of the Proposal within the context of the Local Housing Strategy and the Local Strategic Planning Statement will ensure that the future housing needs of the community at all stages of life are appropriately considered and addressed.

- **Broader Economic Implications**

Consideration of the Proposal within the context of the Local Housing Strategy and the Local Strategic Planning Statement will ensure that these strategies offer certainty for both the community and for investors seeking to make sound economic decisions within a reliable strategic framework.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Proposal has been considered in accordance with guidelines provided by the Department of Planning.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

There are no other Council related policies associated with this report.

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OPTIONS

The options available to Council are:

Option 1

Support the recommendation to this report that the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrowa Road Moss Vale, be deferred pending completion of the Wingecarribee Local Housing Strategy.

Option 2

Resolve to progress the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrowa Road Moss Vale to a Gateway Determination.

Option 3

Resolve to not support the Planning Proposal to amend Wingecarribee Local Environmental Plan (WLEP) 2010 to rezone and reduce the minimum lot size of land at 121, 131 and 153 Yarrowa Road Moss Vale.

Option 1 is the recommended option to this report.

CONCLUSION

The Planning Proposal has been assessed and a recommendation made taking into account the fact that sewer capacity and road infrastructure which would service the development are effectively at capacity with little immediate opportunity for the situation to improve.

In addition, two major strategic land use planning documents need to be delivered by Council before 1 July 2020 as required under the provisions of the *Environmental Planning and Assessment Act 1979*. A primary intent of these documents is to address Council's future housing needs over the next twenty years.

It is therefore concluded that it would be premature at this stage to determine this Proposal without reference to these important strategic documents as well as further investigation as to how future water, sewer and road infrastructure are to be provided across the Shire.

It is considered that it would be preferable to complete at least the Local Housing Strategy before reviewing this Proposal again.

ATTACHMENTS

1. Planning Proposal - Yarrowa Road Moss Vale

John Crawford

Acting Deputy General Manager Corporate, Strategy and Development Services

Thursday 4 July 2019



Planning Proposal

To amend Wingecarribee Local Environmental Plan 2010 to amend the zoning map and the minimum lot size map under Wingecarribee Local Environmental Plan 2010 for land at Yarrowa Road, Moss Vale

Prepared for submission to Wingecarribee Shire Council by:

Lee Environmental Planning
33 Holly Street, Bowral
lep.planning@gmail.com

On behalf of: **Thomas Dobell, William Beresford, Des and Kathy Gawthorne, owners of the subject properties**

Version 1 - for Council Consideration & Determination - **March 2019**



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PO Box 141, Moss Vale. ABN 49 546 344 354
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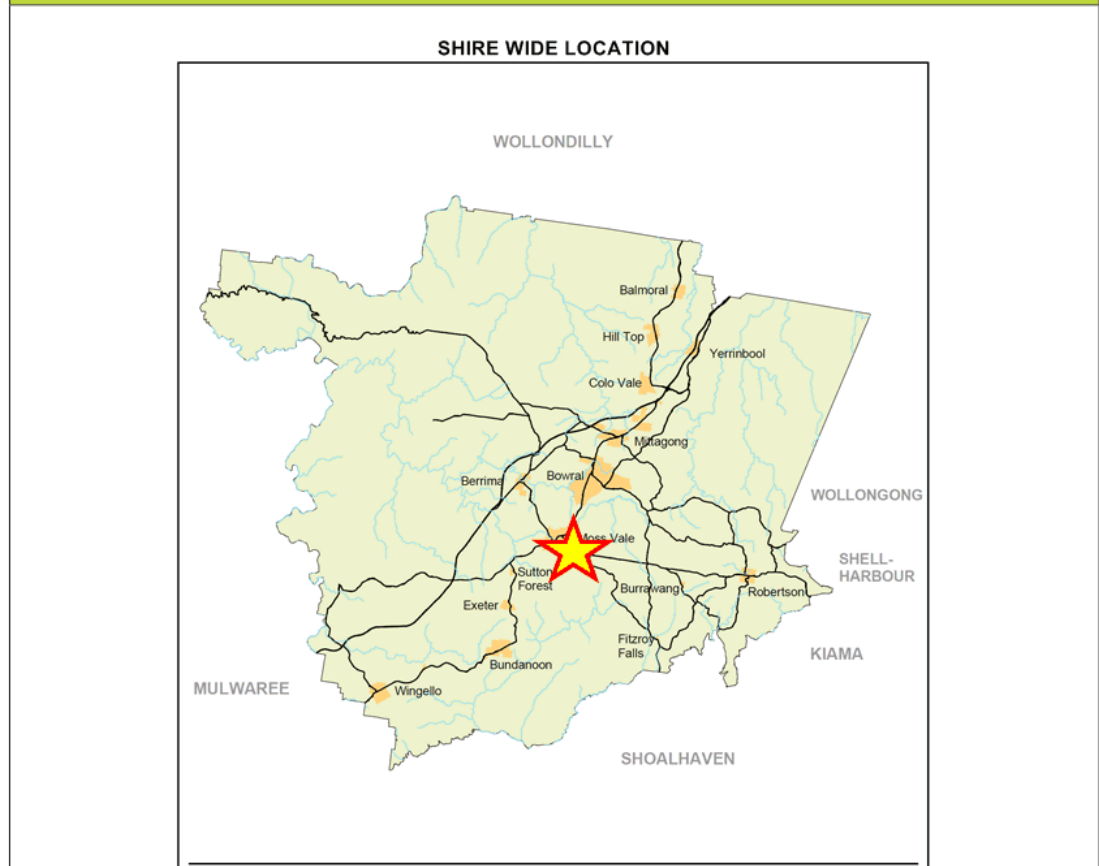
Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrowa Road,
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DOCUMENTS WHICH COMPRISE THIS PLANNING PROPOSAL

1	Introduction letter prepared by Lee Environmental Planning
2	Letter from Wingecarribee Shire Council in relation to consideration of potential rezoning for the subject land

LOCAL GOVERNMENT AREA : WINGECARRIBEE SHIRE COUNCIL

ADDRESS OF LAND :





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SITE LOCATION & DESCRIPTION

The site comprises three separate parcels of land each with frontage to Yarrowa Road. They are:

- Lot 4 DP706194, 121 Yarrowa Road, Moss Vale, having a road frontage of 105 metres and a site area of 2.2 hectares
- Lot 5 DP706194, 131 Yarrowa Road, Moss Vale, having a road frontage of 110 metres and a site area of 2 hectares
- Lot 2 DP610352, 153 Yarrowa Road, Moss Vale, having a road frontage of 120 metres and a site area of 2 hectares

The site sits approximately 2.5 kilometres south of the Moss Vale town centre and just 1 kilometre south of the existing Harbison aged care residential development on Yarrowa Road that is the current extent of residential development in this locality. The site is just east of the intersection of Yarrowa Road and Mount Broughton Road.

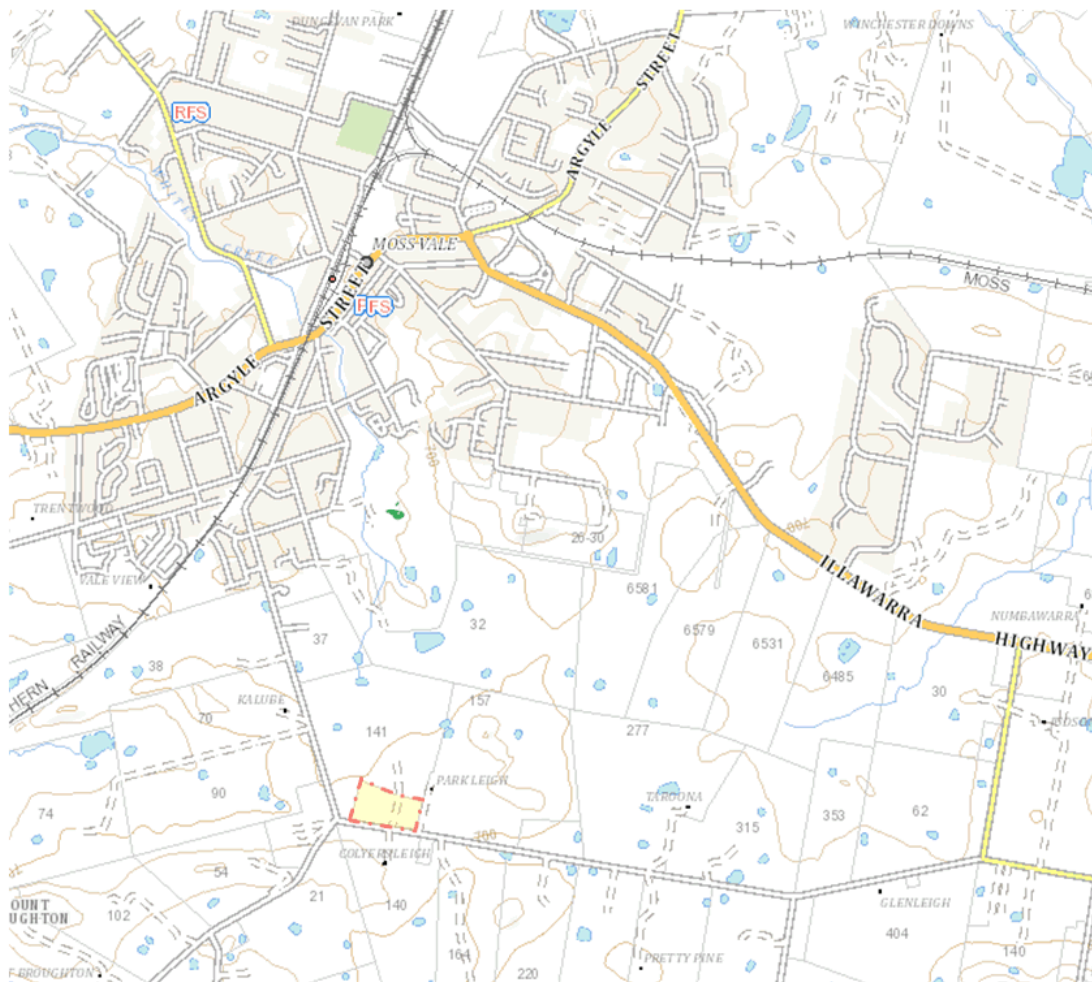


Figure 1: Site locality (Source: SIXmaps)



Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrowa Road,
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Each parcel accommodates an existing dwelling and associated farm sheds and outbuildings. The sites are predominately cleared open paddocks with no remnant native vegetation other than a few scattered trees with some established introduced site landscaping.



Figure 2: Aerial view of the subject sites (Source: SIXmaps)

The sites all share common boundaries either to the north or to the west with the recently rezoned Chelsea Gardens Commungie urban release area. The Commungie homestead is located approximately 150 metres from the sites northern boundary and has the benefit of a 10 metre wide access handle onto Yarrowa Road that runs between Lot 5 DP706194, 131 Yarrowa Road and Lot 2 DP610352, 153 Yarrowa Road.

The land to the east and opposite on the southern side of Yarrowa Road and is rural in nature, predominately broad acre parcels.

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Figure 3: From Yarrowa Road looking north over Chelsea Gardens Commungie with subject site to right of photo



Figure 4: The site from the eastern end looking north west along Yarrowa Road



Figure 5: Existing access to Chelsea Gardens Commungie off Yarrowa Road, zoned residential



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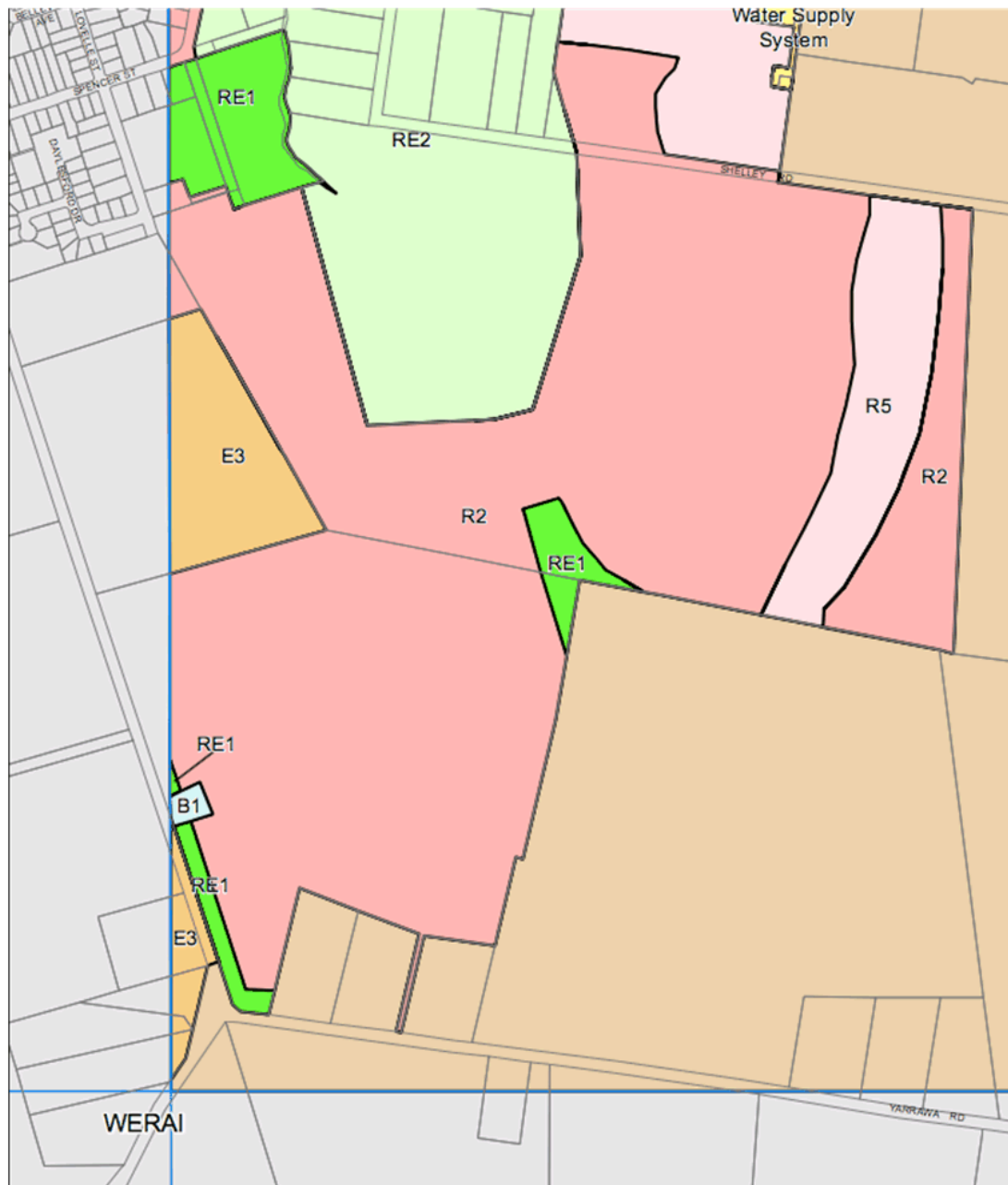


Figure 6: Extract from zoning Maps of WLEP2010 showing the Site and its context with residential development zoning to the north (Chelsea Gardens Commungie) and rural zoning to the east



PART 1 : OBJECTIVES OR INTENDED OUTCOMES

The objectives and intended outcomes from this Planning Proposal are as follows:

- The objective is to initially amend the Land Zoning Map of WLEP2010 so that the land becomes R2 Low Density Residential. This would be a zoning that better reflects the sites context and capacity.
- To overlay a suitable minimum lot size on the Lot Size Maps, suggested as 600 square metres for the R2 Low Density zone. This would be consistent with that prescribed for the bulk of the adjoining Chelsea Gardens Coomungie urban release area, including the land immediately adjoining. It is not considered suitable for the smaller 450sqm lot size that applies in the central core of the Chelsea Gardens Coomungie area.
- The outcome of the Planning Proposal will be the ability to subdivide the land in accordance with the amended minimum lot size for the site, in a subdivision pattern that is suitable for the circumstances of the land, compatible with adjoining development and supportive of Council's shire housing strategy that relies in part, on the identification and development of 'green field' housing opportunities.

There will be approximately 6.3 hectares of land to be rezoned as developable residential land. The final total yield in terms of the number of new lots will range dependant upon the final minimum lot size imposed and the urban design phase of planning. At this stage an indicative development/subdivision plan has not been presented as part of this Planning Proposal. This was not considered to be necessary at this stage because the general potential of the land and how it is delivered will depend to a large extent on how it may, or may not, be successfully integrated into the broader Chelsea Gardens Coomungie development. The planning phase for this land, including servicing requirements is underway and therefore the timing of this Planning Proposal is opportune.

Without an indicative subdivision plan it is still possible to envisage a development outcome by utilising the proposed 600 sqm minimum lot size. Such a lot size can provide an overall yield of approximately 12 lots per hectare and with 6.5 hectares englobed land available, a yield of approximately 70- 80 lots is a reasonable expectation.



Planning Proposal – amend zoning and minimum lot size for subdivision of land at Yarrawa Road,
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PART 2 : EXPLANATION OF THE PROVISIONS

- To achieve the intended outcomes of the Planning Proposal the following amendments to the WLEP 2010 instrument will be required:

No specific changes required to any particular land use tables or clauses of the WLEP2010 are required. Part 6 Urban release areas, may be of relevance in the sense of public infrastructure and the preparation of Development Control Plans. Ideally these issues would be dealt with in concert with the work being undertaken with the larger Chelsea Gardens Commungie urban release

- To achieve the intended outcomes of the Planning Proposal the following WLEP 2010 maps will require amendment:

Instrument or Map Affected	Detail of Amendment
Land Zoning Map – Sheet LZN_007H	Lot 4 DP706194, Lot 5 DP706194 and Lot 2 DP610352, to be shown as zone R2 Low Density Residential
Lot Size Map – Sheet LSZ_007H	Lot 4 DP706194, Lot 5 DP706194 and Lot 2 DP610352, to be shown as being subject to 600 square metres minimum lot size for subdivision

This would result in the zoning of a small portion of land, amounting to approximately 6.5 hectares, changing from its current designation of RU2 Rural Landscape to R2 Low Density Residential. It is a small area when put in the context of the neighbouring Chelsea Gardens Commungie urban release area to which it adjoins to the north and west, which is approximately 120 hectares in area and now poised to deliver in the vicinity of 1200 dwellings in the years ahead.

The Planning Proposal would necessitate a complementary change to the minimum lot size maps for the new residential zone to show 600 square metre minimum lot size.

The existing 40 hectare minimum lot size that currently applies to the RU2 land is not considered to be either suitable or logical, with no sound planning reason to sustain it.

The proposed map changes are considered to be the most efficient way to give effect to the stated objectives and intended outcomes of the Planning Proposal.

Should this initial Planning Proposal be favoured by Council then the potential minimum lot size of 600 sqm will allow a subdivision of the site subject to the lodgement of a Development Application(s).

Prior to any Development Application and prior to any final change to zoning and establishment of a minimum subdivision standard, more detailed analysis of the opportunities and constraints of the land could be undertaken if deemed necessary. This would involve all of the usual considerations of infrastructure, ecology, stormwater, bushfire, provision of open space and critically in this case, connectivity with what will be the surrounding residential areas of Chelsea Gardens Coomungie.

All of these considerations would inform the ultimate configuration and capacity of the land for subdivision, but there are no apparent or obvious specific issues that would preclude reasonable development of the land to proceed in due course. The Gateway process for Planning Proposals envisages this type of approach and a Gateway determination in favour of the Proposal can ensure appropriate studies are completed as required. The provisions of Part 6 of WLEP2010 provide



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further insurance that all appropriate work is undertaken prior to the actual development of the land.

What is critical is that this Planning Proposal be considered and determined in a timeframe that will enable the land to be assessed with some reference to development of Chelsea Gardens Coomungie, before planning and commitments associated with that development are too advanced to potentially accommodate this land. Conversely, Council should be ensuring that the work associated with Chelsea Gardens Coomungie is taking into account the possibility of this land being included into residential redevelopment plans.

A change to the zoning and consequential change to the minimum lot size is considered the preferred amendment because the R2 Low Density Residential zoning of the land is considered to be the most suitable and appropriate zoning.

While the land has a history of rural use and is still within a rural zone, it is not visually prominent to the extent that it demands the rural 'landscape' designation of the existing RU2 zone. The small lot sizes that already exist for each of the three parcels creates a rural residential character and when now viewed in the context of Chelsea Gardens Coomungie as a future urban development backdrop, the land cannot be considered to be of any special visual quality or significance.

PART 3 : JUSTIFICATION OF OBJECTIVES, OUTCOMES & PROCESS

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

It is considered that this Planning Proposal has foundation in and a connection to, Council's adoption of the Local Planning Strategy 2015 -2031 (adopted 23 March 2016) and it supports Council's ongoing commitment to Chapter Four of that Strategy dealing with Population and Housing.

It is noted that Council has been directed by the Department of Planning, in May 2017, to provide a new more robust housing strategy, including opportunity for 'green fields' development. It is also required under the provisions of Section 3.9 of the *Environmental Planning and Assessment Act 1979*, to prepare a Local Strategic Planning Statement.

While the circumstances of the land in this case are site specific, a change to the land zoning and minimum lot size can assist in and have a bearing upon, the strategic decision making of Council. The Planning Proposal can address a set of circumstances that have come about from previous land use decisions of Council and the State government planning authorities, in particular the support of the Chelsea Gardens Coomungie residential development, that will transform this locality into a connected and desirable residential precinct rather than a rural outskirts.

The Planning Proposal is also consistent with Council's previous correspondence to the landowners that consideration of this land was warranted and in fact supported by the State planning authorities for residential development, similar to the Chelsea Gardens Coomungie area. I refer specifically to the letter from Council dated 4 November 2015.



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The Planning Proposal is therefore made on the basis of both the need for Council to consistently review its position in relation to land availability from a long term strategic perspective as well as to give effect to the previous conclusion that these lands could be dealt with in a fashion similar to Chelsea Gardens Coomungie.

The change of zoning can provide Council with the best chance of achieving its strategic planning goals of providing additional housing opportunities across the Shire, including both infill and green field development opportunities. A site with no significant environmental or townscape constraints, immediately adjacent a residential release area, is the type of extended greenfield opportunity that Council must maximise if it is to achieve its stated housing aims. It is noted that Council's options across the Shire in this regard are limited.

It is also noted that the provision of such opportunities tends to be cyclical. Following the planning and release of East Bowral in the late 1990's and early 2000's there was a hiatus in longer term strategic decisions and land supply was all but exhausted by 2005. Starting with Renwick, the past 10 years has seen Council make strategic decisions on a range of new residential land release opportunities – Renwick at Mittagong, Nattai Ponds at Braemar, Retford Park in Bowral and Darraby/Broughton Street at Moss Vale. All of these have proven to be important additions to the availability of housing land across the Shire, complementing modest growth in the infill opportunities presented within existing towns and villages.

All of these residential release areas have also demonstrated the high latent demand for housing within the Shire and as a result have quickly been exhausted once they have come to market. As a consequence Council finds themselves in a situation similar to that of circa 2005, with strong demand unable to be matched by available housing options. This situation has been recognised at State government level, hence the decision by the Department of Planning not to accept Chapter 4 of the Council adopted Local Planning Strategy and instead request Council review that Chapter in order to better address the obvious need in housing and land availability. Although this work has commenced, Council has been unable to produce anything tangible since the directive from the Department of Planning in May 2017.

It is in this context that this Planning Proposal is put forward as a way to address a situation that is of high priority and of important consequence. Therefore while it could be argued that the Proposal is not strictly in accordance with the current Planning Strategy of Council because this site is not specifically identified, it is clearly in accordance with the strategic necessity of Council. As noted earlier, the Proposal is also consistent with the opportunity afforded the land owners by Council's letter of 4 November 2015.

Previous background analysis of the housing and demographic makeup of the Shire, including the strategic report prepared by SGS Economics and Planning in 2012, clearly identified the need for housing opportunity, including Moss Vale that was identified as an area for greenfield development opportunities.

Since that time, strong demand has been demonstrated well in excess of earlier historical levels and pressure continues to be strong from the continued growth of the broader Sydney metropolitan area as it moves towards the stated targets of 8 million residents. Put simply, it is inconceivable that Wingecarribee Shire will be outside of the influence of such growth in Sydney and it is therefore incumbent upon Council to acknowledge and plan for additional housing as a strategic imperative.



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2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is the best way of achieving the objectives and intended outcomes.

It is not possible to achieve the objectives and outcomes without a Planning Proposal. Council could not accept, nor support a Development Application for the subdivision of the land without such a Proposal being first assessed and supported.

The Planning Proposal process as currently constituted, is designed to enable initial overview of potential planning changes to be discussed with a focus on threshold questions prior to more detailed analysis being required of the practical or specific outcomes. More detailed work on design and services etc. can be required as part of any initial Gateway determination. This could include the urban design analysis that would lead to the final recommendations of lot layout, size and yield, all informed by the engineering and environmental capacity assessments of the site.

In this case, the threshold questions could be framed in the following way:

- is there a need for additional housing opportunity in the Shire?
- is the site a logical location in the context of surrounding development and does it lend itself to integration (services, infrastructure, access) with existing or proposed development?
- are there any insurmountable environmental constraints?
- finally and specific to this location, would development result in adverse visual impacts on a significant and sensitive scenic rural location?

Given the above and the previous comments made, the answers to these threshold questions lead to the conclusion that the submitted Planning Proposal is clearly the best and most appropriate means of achieving both the land owners and Council's strategic objectives and intended outcomes.

There can be no doubt that additional housing opportunities are required within the Shire. This is the case now and bearing in mind the time frames involved in the course of a Planning Proposal, Development Application and construction process, it is conservatively estimated that it would be possibly 3-5 years before residential lots were available on this site. Ultimately a timeframe for the delivery of residential development on this land would be linked to the delivery of services and how quickly the development of Chelsea Gardens Coomungie proceeds.

With its proximity to Chelsea Gardens Coomungie, the site is an obvious extension of future residential development and of future residential opportunity.

Integration in terms of traffic movements, drainage, sewer, power and open space are all readily achievable, but this needs coordination and the timing is important.

The site is not environmentally constrained to the extent that residential development could not be achieved. It is mainly cleared grazing land with no remaining remnant native vegetation

The important issue of visual impact of development in this locality has so far been dealt with primarily through the introduction of a 'green' buffer of RE1 Public Recreation zoning along Yarrowa Road, introduced as part of the Chelsea Gardens Coomungie zoning. The extension of this 20 metre wide strip along Yarrowa Road, is not suggested for this Planning Proposal on the basis that a similar visual or landscape buffer can be achieved through other means available at the development phase. The zoning would also expose Council to significant additional costs for acquisition of land for a public purpose.



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At the Planning Proposal stage, the task is to judge the planning context and planning logic of a particular land use proposition, rather than become immersed in the detailed assessment that is the role of a Development Application. Based on the fundamental questions of demand, context, integration and visual impact, the proposition of utilising the site for residential purposes is sound and can be supported.

Supporting the Planning Proposal is consistent with Council's strategic planning options and would assist in them meeting their obligations.

Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including draft strategies)?

The South East and Tablelands Regional Plan 2036 is the relevant sub regional strategy.

In broad terms, the Strategy seeks to cater for continued growth within the region, without impacting adversely upon the character of the region. This Planning Proposal achieves this by providing an additional opportunity for residential development which would be at a yield of approximately 70 - 80 lots, with a final yield to be determined at the Development Application stage. It would be at a final density that would be achievable upon the subject land, with such development being consistent with the future character of the locality that will be set by the residential development of Chelsea Gardens Commungie that adjoins immediately to the north.

Chapter 4 of the Strategy is Environmentally sustainable housing choices. This Planning Proposal supports that broad objective.

Direction 24 of the Strategy is to deliver greater housing supply and choice, noting that local housing strategies need to consider community aspirations. This Planning Proposal will support this objective and would be consistent with the community aspirations as put forward in previous community workshops that show support for well located housing options and actions that have a positive impact on the issue of housing affordability within the Southern Highlands.

Housing affordability is currently a major and serious issue of concern. There are various issues that play into housing affordability, however the supply of land and housing is critical in that equation. As mentioned earlier, decisions made today in relation to future development opportunity may have lead in times of up to 5 years, possibly longer, so it is imperative that decisions relating to the objectives and outcomes of the Regional Plan not be delayed. In this case, taking advantage of infrastructure extensions and upgrades that will be occurring in any event because of Chelsea Gardens Commungie, is likely to have a positive impact upon the affordability of any housing produced as a result of this Planning Proposal.

Direction 25 of the Strategy Focus is for housing growth in locations that maximise infrastructure and services in particular to achieve sustainable urban outcomes that do not undermine existing strategic and local centres. The sites proximity to Chelsea Gardens Commungie is ideal in the opportunity it provides to leverage off infrastructure and services that are already in the planning and development phase, while at the same time being close enough to the Moss Vale centre to encourage the use of all existing services that it has to offer.



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Direction 27 is to deliver more opportunities for affordable housing which this Planning Proposal can achieve through the establishment of a suitable minimum lot size, just as has been done with Chelsea Gardens Commungie.

The strategies broad aim of protecting the sensitive elements of the natural environment is not endangered by this Planning Proposal. As noted, the site is not sensitive from an ecological or environmental perspective. There are no parts of the site that contain remnant native vegetation. There are no watercourses.

From a visual impact perspective, the sites sensitivity is not significant given the backdrop of urban development that will result from the residential development that has been accepted already.

The nature and scale of the Planning Proposal raises no issues of inconsistency in relation to the Regional Strategy. It is a localised amendment to the local planning controls but one that will assist in Council's efforts to achieve its obligations to provide additional housing opportunities across the Shire.

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Within the local strategy a key issue that relates to residential development is that of new green field development. The requirement imposed upon Council by the Department of Planning to produce a revised residential strategy, specifically identified the need for green fields opportunities.

The Planning Proposal will increase residential opportunity through rezoning rural land with the final density to be determined through the Development Application process, but with a minimum lot size of 600sqm, 70 – 80 lots could be expected.

Therefore, it is considered that this Planning Proposal has some strategic planning implications in the sense that it will assist in attaining the strategic goals of Council as they relate to housing provision across the Shire. As noted, Council has significant obligations in this regard and this Planning Proposal would go some of the way to fulfilling those obligations.

At this stage it is difficult to assess and/or compare the strategic merits of the site in comparison with other potential sites because Council has not been able to provide any alternative sites for scrutiny, at least not in the public forum. Such work may be a task being undertaken by Council's Demographic and Housing Advisory Committee.

However, at this stage the only potential urban release area identified with any status is the land Chelsea Gardens/Commungie at Moss Vale, the responsibility for which was assumed by the Department of Planning and will now proceed. As stated throughout this report, the logic of including the subject land into a residential zone consistent with Chelsea Gardens Commungie is obvious and already recognised by Council and the State planning authorities. It is inconceivable to think that a new Housing Strategy for the Shire would not include this land. It is critical however to move forward immediately to maximise the opportunity to coordinate its ultimate development, particularly the provision of services.



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5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

SEPP	Relevance to Planning Proposal
No.1 Development Standards	NOT RELEVANT – The SEPP was replaced by Clause 4.6 of WLEP2010 as the mechanism for any variation to development standards.
No.14 Coastal Wetlands	NOT RELEVANT – There are no Coastal Wetlands within the Shire.
No.19 Bushland in Urban Areas	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
No.21 Caravan Parks	CONSISTENT Potentially applicable to future development at Development Application stage, however it is noted that caravan parks are not permissible in the proposed R2 Low Density Residential zone
No.26 Littoral Rainforests	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
No.30 Intensive Agriculture	CONSISTENT Potentially applicable to future development at Development Application stage, however it is noted that the development types covered by the Policy are not permissible in the proposed R2 Low Density Residential zone
No.33 Hazardous and Offensive Development	CONSISTENT Potentially applicable to future development at Development Application stage, however it is noted that industries of the type covered by the Policy are not permissible in the proposed R2 Low Density Residential zone
No.36 Manufactured Home Estates	CONSISTENT This Policy applies to land within Wingecarribee Shire. However it is noted that caravan parks are not permissible in the proposed R2 Low Density Residential zone under the provisions of WLEP2010 and therefore manufactured home estates will not be permissible
No.44 Koala Habitat Protection	CONSISTENT The land is not core koala habitat nor does it accommodate feed tree species.



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No. 47 Moore Park Showground	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
No.50 Canal Estate Development	NOT RELEVANT The SEPP does not apply to Wingecarribee Shire
No.52 Farm Dams and Other Works in Land and Water Management Plan Areas	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
No.55 Remediation of Land	CONSISTENT This Policy applies to land within the Wingecarribee Shire. Clause 6 requires the planning authority to consider whether the land is contaminated and/or whether the land can be made suitable for the intended purpose. The land is not within a class of land identified within Clause 6 subclause (4) and there is nothing in the history of the site to suggest that land contamination will be present to an extent that would jeopardise the future use of the land. Initial contamination assessments can be required either as part of a Gateway determination or as part of subsequent Development Applications.
No. 62 Sustainable Aquaculture	CONSISTENT Not applicable to the form of development that is permissible within the proposed zones under the provisions of WLEP2010
No.64 Advertising and Signage	CONSISTENT This policy applies to land within the Wingecarribee Shire. However, the provisions relate to the assessment of Development Applications and can be properly administered if relevant applications are made in the future.
No.65 Design Quality of Residential Apartment Development	CONSISTENT This Policy applies to land within Wingecarribee Shire. However it is noted that residential flat buildings and other building types covered by the policy, are not permissible in the proposed R2 Low Density Residential zone
No.70 Affordable Housing (Revised Schemes)	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
No.71 Coastal Protection	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.



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<p>Affordable Rental Housing 2009</p>	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. It may have some applicability to the land within the proposed R2 Low Density Residential zone in the future subject to development application. The PP is not inconsistent with the Policy and any relevant Development Application lodged can be assessed against the Policy if that development seeks to rely upon the Policy</p>
<p>Building Sustainability Index: Basix 2004</p>	<p><u>CONSISTENT</u></p> <p>Related to the development/ building phase</p>
<p>Educational Establishments and Child Care Facilities 2017</p>	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. However, the Policy is focused on the development application process. The proposed R2 Low Density Residential zone is a prescribed zone for the purposes of the Policy that will enable certain development to proceed, with or without consent notwithstanding that the provisions of the WLEP2010 may not permit such development or a relevant Development Control Plans may seek to impose restrictions that are then overridden by the State policy.</p> <p>There is nothing in the Planning Proposal that seeks to override the State policy.</p>
<p>Exempt and Complying Development Codes 2008</p>	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire and will be applicable in the usual way within both zones proposed under this Planning Proposal</p>
<p>Housing for Seniors or People with a Disability 2004</p>	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. The Planning Proposal is not inconsistent with the Policy.</p> <p>The R2 Low Density zone would be considered as land zoned primarily for urban purposes and seniors housing will be permissible under the Policy, as it is under WLEP2010.</p> <p>The current RU2 zoning of the land does not allow seniors housing, however, a site compatibility certificate could be requested on the basis of the land adjoining land zoned primarily for urban purposes. This could be done now without the Planning Proposal.</p>



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<p>Infrastructure 2007</p>	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. However it is focused upon the development application phase. The site is not adjacent to any major road or railway line that would trigger provisions of the State policy in relation to noise and/or vibration impact assessment. A subdivision of the land within the proposed R2 Low Density zone is unlikely to be of a scale to trigger referral to the RMS as Traffic Generating Development (more than 200 lots under Clause 104 Schedule 3). A Gateway determination may require more detailed assessment as part of the formal exhibition process or the matter could be dealt with as part of the Development Application process. The PP is not inconsistent with the Policy.</p>
<p>Integration and Repeals 2016</p>	<p><u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.</p>
<p>Kosciuszko National Park - Alpine Resorts 2007</p>	<p><u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.</p>
<p>Kurnell Peninsula 1989</p>	<p><u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.</p>
<p>Mining, Petroleum Production and Extractive Industries 2007</p>	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. However it does not contain provisions that require any specific provisions within PPs. The policy is focused on the Development Application phase and is unlikely to be relevant to future development upon the subject land.</p>
<p>Miscellaneous Consent Provisions 2007</p>	<p><u>CONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire however has no particular relevance to this PP</p>
<p>Penrith Lakes Scheme 1989</p>	<p><u>NOT RELEVANT</u> – The SEPP does not apply to Wingecarribee Shire.</p>
<p>Rural Lands 2008</p>	<p><u>JUSTIFIABLY INCONSISTENT</u></p> <p>This Policy applies to land within Wingecarribee Shire. The land is not State Significant agricultural land.</p> <p>Under section 117 of the Act, the Minister has directed that councils exercise their functions relating to local environmental plans in accordance with the Rural Planning Principles. In regard to the principles it should be noted that the land is not high class agricultural land, it is not a significant contributor to the rural</p>



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	<p>economy of the Shire, there is a need for additional housing opportunities that are well located and will not have adverse environmental impacts and the provision of additional housing opportunities is consistent with the applicable regional strategy.</p>
State and Regional Development 2011	<p>CONSISTENT</p> <p>This Policy applies to land within Wingecarribee Shire however the PP does not involve land or a scale of development that is relevant to the Policy</p>
State Significant Precincts 2005	<p>CONSISTENT</p> <p>This Policy applies to the State and therefore to land within Wingecarribee Shire however the PP does not involve land or a scale of development that is relevant to the Policy</p>
Sydney Drinking Water Catchment 2011	<p>CONSISTENT</p> <p>The Wingecarribee Shire is within the area covered by the Policy. The key purpose of the Policy is to ensure water quality impacts are properly assessed as part of development proposals. Any Gateway determination could require further more detailed water quality assessment to be part of the formal exhibition process or such assessment could be held over until the development application phase. In this case the subject land is not affected by any identified Category of watercourse and is also in immediate proximity to existing residential zoned land that is being developed as a major urban expansion of Moss Vale (Commungie Chelasea Gardens). This development will be putting in place significant stormwater and effluent disposal infrastructure to safeguard water quality within the broader catchment and the development of the subject lands will be able to link into infrastructure that will ensure water quality outcomes are achieved.</p> <p>The PP is not inconsistent with the Policy and there is no reason to suspect that future residential development cannot satisfy the Neutral or Beneficial Effects Test under the Policy.</p> <p>NB: Referral to WaterNSW will occur in accordance with the Gateway Determination.</p>
Sydney Region Growth Centres 2006	<p>NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.</p>
Three Ports 2013	<p>NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.</p>
Urban Renewal 2010	<p>NOT RELEVANT</p> <p>Although the SEPP applies to the State, the site is not within an identified potential precinct for the purposes of the SEPP.</p>



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Vegetation in Non-Rural Areas 2017	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
Western Sydney Employment Area 2009	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.
Western Sydney Parklands	NOT RELEVANT – The SEPP does not apply to Wingecarribee Shire.

6. Is the Planning Proposal consistent with applicable S 9.1 Directions?

The Planning Proposal has been assessed against applicable Directions issued by the Minister for Planning under section 9.1 of the *Environmental Planning & Assessment Act 1979*. These assessments are reproduced below. Directions not applicable to Wingecarribee Shire have been excluded.

1. Employment & Resources	Assessment
1.1 Business & Industrial Zones	NOT RELEVANT The Planning Proposal does not involve business or industrial zones
1.2 Rural Zones	JUSTIFIABLY INCONSISTENT The objective of this Direction is to protect the agricultural production value of rural land. The Direction, as it applies to Wingecarribee Shire, says that a planning proposal must not rezone land from a rural to a residential zone. However, the Direction can be varied. In this case, the land is not of a high class of agricultural land, it is currently not used and has not been extensively utilised in the past for high grade agricultural purposes due to the small lot size. The land is more aligned with residential than agricultural use. The site area involved in rezoning to a residential zone is minor and immediately adjoins land already zoned for residential development. Further, the Regional Strategy that requires the Shire to provide additional housing opportunities, can only ultimately be realised with some loss of rural land as it is not possible to achieve the strategy with a complete reliance upon infill development of existing residential zoned land. It is considered that there are reasonable grounds to vary the Direction in this case.



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1. Employment & Resources	Assessment
1.2 Mining, Petroleum Production & Extractive Industries	NOT RELEVANT The Planning Proposal does not involve any considerations of mining, petroleum production or extractive industries
1.4 Oyster Aquaculture	NOT RELEVANT The Planning Proposal does not involve any considerations of oyster aquaculture
1.5 Rural Lands	NOT RELEVANT This planning direction does not apply to the Wingecarribee Shire

2. Environment & Heritage	Assessment
2.1 Environment Protection Zones	CONSISTENT None of the land is within the E3 Environmental Management zone and no land is proposed to be rezoned into the E3 zone. The land involved does not have any significant environmental characteristics.
2.2 Coastal Management	NOT RELEVANT – this planning direction does not apply to the Wingecarribee Shire
2.3 Heritage Conservation	NOT RELEVANT The land is not a listed item of heritage within Schedule 5 of the WLEP2010. It is not in immediate proximity to any other listed items. It is not within any Heritage Conservation Area. NB: Referral to Office of Environment & Heritage will occur in accordance with the Gateway Determination if required.
2.4 Recreation Vehicle Areas	NOT RELEVANT – this planning proposal does not apply to the type of development relevant to the planning direction
2.5 E2 & E3 zones in Far North Coast LEPs	NOT RELEVANT – this planning direction does not apply to the Wingecarribee Shire



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3. Housing, Infrastructure & Urban Development	Assessment
3.1 Residential Zones	<p><u>CONSISTENT</u></p> <p>The Planning Proposal is supportive of this Direction in the way it would encourage a variety of housing choice for future housing needs, can make efficient use of infrastructure that will be delivered as part of the immediately adjoining residential land release and would have minimal impact on the environment.</p> <p>It seeks to change the zoning of land to facilitate residential development in a manner that can address all relevant urban design criteria thus ensuring the final built form will deliver a high level of amenity. This is consistent with the Direction.</p>
3.2 Caravan Parks & Manufactured Home Estates	<p><u>NOT RELEVANT</u> – this planning proposal does not apply to the type of development relevant to the planning direction, nor does the planning proposal seek to change the currently existing provisions of WLEP2010 as they relate to caravan parks and manufactured home estates</p>
3.3 Home Occupations	<p><u>CONSISTENT</u></p> <p>The planning proposal does not seek to introduce any different provisions into WLEP2010 than currently exist in relation to home occupations</p>
3.3 Integrating Land Use & Transport	<p><u>CONSISTENT</u></p> <p>The PP is consistent with this Direction in providing additional residential opportunity that will further strengthen the proposed Commungie Chelsea Gardens urban release area as well as being able to access any improved or newly introduced bus services that may service this locality in the longer term.</p>
3.5 Development near Licensed Aerodromes	<p><u>CONSISTENT</u></p> <p>The land is not in proximity to any licensed aerodrome or regulated airport.</p>
3.6 Shooting Ranges	<p><u>NOT RELEVANT</u> – this planning proposal does not apply to the type of development relevant to the planning direction</p>



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4. Hazard & Risk	Assessment
4.1 Acid Sulphate Soils	NOT RELEVANT – The Wingecarribee Shire is not recognised as containing land susceptible to acid sulphate soils
4.2 Mine Subsidence & Unstable Land	NOT RELEVANT – The land is not within a Mine Subsidence District nor as it been declared as unstable land
4.3 Flood Prone Land	CONSISTENT The land is not flood prone land. There are no water courses traversing the site. Detailed subdivision design, subject to the process of development assessment will ensure no inconsistency with the planning direction.
4.4 Planning for Bushfire Protection	CONSISTENT The land is not identified as bushfire prone land. There is no major vegetation areas adjacent. There is no requirement for a Bushfire Hazard Risk Assessment and Compliance Report to be prepared and there is no impediment to development of the land proceeding as a result of bushfire threat. NB: Referral to NSW Rural Fire Service will occur in accordance with the Gateway Determination.

5. Regional Planning	Assessment
5.1 Implementation of Regional Strategies	CONSISTENT The Sydney – Canberra Corridor Regional Strategy (the South East and Tablelands Regional Strategy 2036) is in place and therefore relevant. The PP is not inconsistent with the broad intent of the Regional Strategy that identifies the need for the Wingecarribee Shire to increase its provision of housing.
5.2 Sydney Drinking Water Catchments	CONSISTENT The proposed change of zoning and minimum lot size would not impact upon the requirements of the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011. Regardless of the development yield and minimum lot size, development of the land will need to satisfy both storm water management and effluent disposal (development of the site will eventually be connected to the sewerage system). Any development proposal to subdivide would need to



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5. Regional Planning	Assessment
	demonstrate a neutral or beneficial effect on water quality as a result of the development and this can easily be achieved. The PP is not inconsistent with the Direction NB: Referral to WaterNSW will occur in accordance with the Gateway Determination.
5.3 – 5.9	NOT RELEVANT TO THIS PROPOSAL
5.10 Implementation of Regional Plans	CONSISTENT because the proposal will assist in providing additional housing opportunity within the Shire
6. Local Plan Making	Assessment
6.1 Approval & Referral Requirements	CONSISTENT A PP that simply seeks to change the land zoning and as a consequence the minimum lot size applicable to the site, is not inconsistent with the Direction
6.2 Reserving Land for Public Purposes	CONSISTENT The planning proposal does not seek to reduce any existing public recreation zoning
6.3 Site Specific Provisions	CONSISTENT The PP does not propose site specific provisions. Although a different zoning and a different minimum lot size would apply to the land than currently applies, the requested minimum lot sizes of 600 square metres for the residential zoned land is consistent with that imposed upon the adjoining residential land as well as being used elsewhere within the Wingecarribee Local Environmental Plan 2010 application area. This is a planning control that could be utilised across the Shire on a range of other sites. Council can chose a range of lot sizes to suit any of the land use zones within the WLEP2010. The minimum 600sqm chosen for the site, which is within the R2 Low Density Residential zone, is considered to be suitable for the site and the locality. Future development proposals for subdivision can be assessed under the provisions of Section 4.15 of the EPA Act



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Section C – Environmental, Social & Economic Impacts

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Planning Proposal?

It is unlikely that there will be any significant impact upon critical habitat or threatened species, populations or ecological communities.

The site is predominately cleared grazing land with no significant native vegetation. For the same reasons Chelsea Gardens Coomungie was considered suitable for urban development, so to the three parcels that make up the subject land for this Planning Proposal.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are likely to be no adverse environmental effects that arise as a result of the Planning Proposal.

The development of the site that would result from the Planning Proposal would be similar to development that will be occurring directly adjoining at Chelsea Gardens Coomungie.

Although the Planning Proposal would allow an increased number of lots to be created over and above the current planning controls, the development type would be compatible with the capacity of the land and the development footprints would be restricted by standard planning controls that will no doubt apply. There are no specifically sensitive portions of the site that should be excluded from development of the site. Standard development management techniques would be brought to bear on the development as it proceeded.

If the Planning Proposal is supported and the site rezoned with a lower minimum lot size, then the lodgement of a Development Application(s) for subdivision will be required to be assessed on the basis of merit. Any potential environmental effects arising from a specific development proposal can be managed through that process. It is also possible that a positive Gateway determination could be made with instruction and/or requirement that the formal LEP amendment be only publicly exhibited with the support of more detailed design and infrastructure assessments.

The range of issues to be managed under a rezoning and development scenario would include issues such as follows. It is important to note however, that all of these will benefit from being undertaken in conjunction with or as part of the early phase planning for Chelsea Gardens Coomungie.

- stormwater flows on site, retention and treatment and connection with downstream systems
- traffic and access, assessing potential impact from a development at the increased dwelling numbers afforded by the Planning Proposal. The main desired travel routes and the impacts on environmental capacity of the road system and of particular intersections to maintain acceptable levels of service would be identified
- general utility services such as water and sewer to be assessed for their capacity to accommodate the proposed development under the increased demand scenario with a conclusion that there is no impediment to servicing the site subject to standard upgrading as identified and if required



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In combination, all of the above reports will need to indicate that there are no environmental issues that arise as a result of the Planning Proposal that cannot be adequately managed. All of the above issues will also be able to be thoroughly assessed as part of the Development Application process.

At this point in time, Council should be confident that the issues associated with development of the site can be considered and can be managed effectively.

This leaves Council with the strategic planning consideration of whether or not this Planning Proposal is supportive of the Council's stated aim of additional housing? Clearly the answer is yes, and in that respect, the Planning Proposal should be supported because it can achieve that goal efficiently, particularly in the context of the Chelsea Gardens Coomungie urban release area.

There would be no significant adverse impact upon the environment of the Shire, in particular no impact upon scenic rural views, if this Planning Proposal was to be supported.

9. Has the Planning Proposal adequately addressed any social and economic effects?

It is considered that the Planning Proposal will have a positive social and/or economic effect that is supportive of Council's strategic planning goals as they relate to the provision of housing across the Shire.

The Planning Proposal will assist in ensuring development of the land is undertaken with a positive economic return. In terms of residential development, there are three benefits.

Such development will positively address the issue of affordability for a larger cross section of the market, which is a clear social benefit arising from the Planning Proposal. This is particularly important in the current housing market of high prices where it is critical that there be a spread of price points available.

They will also be more attractive to a growing cross section of the market that is desirous of smaller, easy care lots in proximity to services, rather than larger lots that require more ongoing effort to manage.

Thirdly, the additional yield that can be achieved is a positive in terms of Council's stated aim of providing a significant proportion of housing growth within well located and non environmentally sensitive green field sites. This provides a balanced approach to growth, without having to rely entirely upon infill sites within towns, with such developments offering their own challenges.

Having the broader Chelsea Gardens Coomungie urban release area immediately adjoining the subject site offers a cost effective way of extending urban infrastructure services that will need to be designed and provided in any event.



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Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the Planning Proposal?

In this case, the Planning Proposal could only proceed to the development stage if adequate servicing and infrastructure can be provided for the site and the development of it.

The site is in direct proximity to the residential development of Chelsea Gardens Coomungie. This significant urban release area will in due course be required to provide all services - water, sewer, power, roads. The detailed analysis of the exact requirements for this will undertaken and the outcomes will underpin the range of Development Applications that will come forward.

This Planning Proposal should be considered now so that Council is in a position to gauge the adequacy of the infrastructure planning for the locality. It would not be feasible to attempt to provide all urban services to the subject land without the development proceeding around it.

The approximate yield from this Proposal as submitted would be in the order of 70 - 80 additional lots. Within the context of the adjoining Chelsea Gardens Coomungie development, this represents approximately 5% of what would be the total potential dwelling number to be expected from development in this locality.

Whilst it is acknowledged that further detailed studies will be required to justify the final determination and yield of any development of the subject site and importantly how that fits in with the infrastructure planning of the broader Chelsea Gardens Coomungie development, it is also true that if not considered now, such dovetailing of infrastructure requirements will become more difficult. At a strategic level, the conclusion is that if 1200 dwellings can be planned for at Chelsea Gardens Commungie, then 1270 dwellings can be planned for.

The Gateway process allows for and recognises the need for broader management and coordination, including the need for agency consultation. If consideration of this Proposal concluded that there was inadequate public infrastructure capacity ever to be available, then the Gateway process would allow termination of the Proposal at that point.

The Planning Agreement regime also provides the mechanism for the negotiation of appropriate infrastructure and material public benefits.

PART 4 – MAPPING

The following map(s) will require amendment as indicated below:

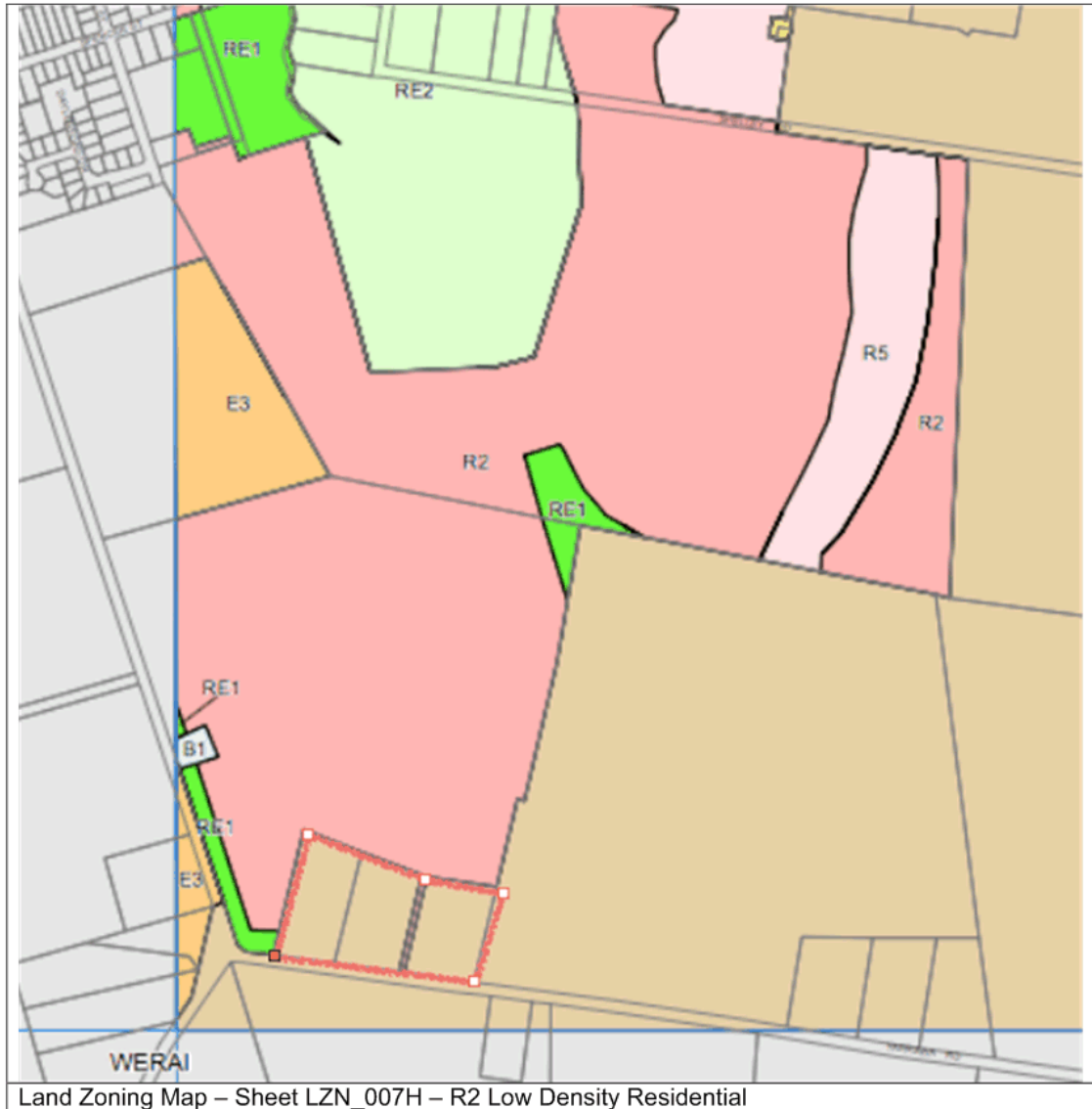
The Planning Proposal will be given effect by a change to the WLEP2010 Land Zoning Map and in due course a change to the Lot Size Maps.

Sheet LZN_007H will need to be amended by identifying the subject land as being within the R2 Low Density Residential zone. There will be a consequential change to the Sheet LSZ_007H showing minimum lot sizes potentially of 600 square metres.

No other WLEP2010 maps are required to be amended.



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Lot Size Map – Sheet LSZ_007H – Minimum Lot Size 600 square metres (M)



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PART 5 – AGENCY REFERRALS & COMMUNITY CONSULTATION

Agency referrals will occur as required in the Gateway Determination and will include at least referral to Water NSW. Referrals usually also include NSW Rural Fire Service and, if relevant, Office of Environment & Heritage.

Community consultation will occur as directed in the Gateway Determination and in accordance with the *Department’s Guide to Preparing LEPs*. It is noted that Council normally provides at least 28 days of public exhibition that includes, as relevant, notification by letter/email to adjoining property owners and weekly advertising in the Southern Highland News for the duration of the exhibition period.

The principal place of exhibition is the Customer Service Counter at the Civic Centre. The Planning Proposal and relevant documentation are also located on Council’s website, and at relevant libraries including Council’s Rural Outreach & Delivery Service (ROADS) Mobile Library. Over 3,000 email notifications are sent to E-News subscribers.

PART 6 – TIMELINE

It is anticipated that the Planning Proposal will progress in accordance with the following key timeline milestones:

MILESTONE	ACTUAL (INDICATIVE) DATES
Receipt of proponent’s Planning Proposal by Council	
Resolution of Council to proceed to a Gateway Determination	
Submission of Planning proposal for Gateway Determination	
Issue of Gateway Determination	
Agency Consultation(s)	
Public Exhibition dates	
Report to Council on exhibition of Planning Proposal.	
Draft Opinion Request to PCO	
Approximate completion date	

DELEGATIONS

Council seeks delegation for the processing of this Planning Proposal. A copy of the Delegation Request Form is attached.

10 OPERATIONS FINANCE AND RISK

10.1 Post Exhibition Report - Proposed Lease of 1A Rainbow Street, Mittagong

Reference:	PN 700000
Report Author:	Property and Projects 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 provide Council with an update on the status of the proposed Lease to Illawarra Local Aboriginal Land Council (ILALC) of the Aboriginal Community & Cultural Centre (ACCC) at 1A Rainbow Street, Mittagong.

RECOMMENDATION

1. **THAT** Council publicly re-exhibit the proposed Lease (Attachment 1) to the Illawarra Local Aboriginal Land Council for the property known as 1A Rainbow Street, Mittagong for a minimum twenty eight (28) day period.
2. **THAT** it be noted that the term of the proposed Lease is ninety nine (99) years.
3. **THAT** Council approve the changes to the proposed Lease and support the establishment of the Advisory Group with the number of voting members and frequency of meetings (to be determined by Council).
4. **THAT** if any objection is raised during the public exhibition period a final report be brought back to Council for determination.
5. **THAT** if no objection is received during the public exhibition period, the General Manager and Mayor to delegated authority to execute the 99 year Lease to Illawarra Local Aboriginal Land Council for the Aboriginal Community Cultural Centre at 1A Rainbow Street, Mittagong under the Common Seal of Council.

REPORT

BACKGROUND

At its meeting 14 March 2018, Council considered a report in relation to a proposed long term Lease of the ACCC located at 1A Rainbow Street Mittagong. The purpose of the report was to obtain the necessary approvals from Council to place the proposed Lease to the Illawarra Local Aboriginal Land Council on public exhibition.

Council subsequently resolved (MN76/18):

1. *THAT authority be delegated to the General Manager to negotiate the terms and conditions of the Lease with Illawarra Local Aboriginal Land Council for the property known as Proposed Lot 1 Rainbow Street, Mittagong AND THAT it be noted that the term of the proposed Lease is ninety nine (99) years.*
2. *THAT Council give a minimum twenty eight (28) days public notice of its intention to enter into the Lease of Council property referred to in resolution 1 above.*
3. *THAT if no objections are 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 1 above under the Common Seal of Council (if required) AND THAT if any objections are received, a further report be forwarded to a future Ordinary Meeting of Council for determination.*

The proposed Lease was placed on public exhibition from 24 April 2018 to 25 May 2018. Following expiration of the exhibition period, a briefing session was held with Councillors on 13 June 2018.

Two petitions in support of the proposal to offer a 99 year Lease to ILALC were tabled at the Council meeting held on the 13 June 2018 with 176 names in total.

A further report was presented to the Council meeting held on the 27 June 2018 advising Council of the written submissions received in response to the public exhibition of the proposed Lease. From the submissions received, thirty eight (38) were objections and one (1) submission was in support of the proposal.

In addition, letters of support were received from ILALC and Jai Rowell MP and letters of objection were received from the Section 355 Committee for the Wingecarribee Aboriginal Community Centre and Wingecarribee Reconciliation Group Inc.

Council subsequently resolved (MN 238/18):

1. *THAT any decision regarding the leasing to the Illawarra Local Aboriginal Land Council, of property known as 1A Rainbow Street, Mittagong be deferred for a period of three months to permit consultation between key local Aboriginal organisations with the aim of reaching a mutually agreed position, if possible on the future lease for the property referred to above.*
2. *THAT representatives of the Yamanda Aboriginal Association, Wingecarribee Reconciliation Group (WRC), the Illawarra Local Aboriginal Land Council, the*

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S355 Committee for the Aboriginal Cultural Centre, local elders and other key Aboriginal people be invited to take part in the consultative process.

3. *THAT Council support, administer and fund the consultative process, employing an independent facilitator who has comprehensive knowledge of Aboriginal issues to manage the consultation process.*
4. *THAT the General Manager (or her delegate) and Cllr L A C Whipper and Cllr G Markwart be delegates to attend meetings as observers only, unless invited to participate into discussions by the facilitator.*
5. *THAT subsequent to the conclusion of the consultation period, a written report on the conclusion drawn by the facilitator be forwarded to a future Ordinary Meeting of Council for determination.*

In accordance with the Council resolution (MN238/18), Council engaged a recognised independent facilitator, Proper Business Consulting to undertake the consultation. The consultation was held with traditional Gundungurra people and other local Aboriginal people within the Shire, including Yamanda, the 355 committee, the Wingecarribee Reconciliation Group, agency and service providers and ILALC.

The multi-phased consultation was designed using Indigenous research methodologies involving a narrative participatory approach, this included:

- Phase 1 – Narrative / Yarning Process
- Phase 2 – Workshop 1 and Survey
- Phase 3 – Workshop 2 and Evaluation

Key findings from the consultation process included:

- Agreement that the ACCC is for future generations;
- Majority agreement to lease the ACCC to ILALC for an extended period with stipulations;
- Majority of participants wanted further meetings with Council, ILALC, Yamanda, 355 Committee and other stakeholders to develop stipulations around the lease to ILALC;
- Need for healing.

At its meeting 12 December 2018 a further report was submitted to Council to provide an update on consultation process with respect to the proposed Lease.

Council subsequently resolved (MN 549/18):

THAT Council note the report “Community and Stakeholder Consultation on the Future Lease for the Aboriginal Community Cultural Centre, 1A Rainbow Road, Mittagong” dated December 2018 (Attachment 1), which contains the following recommendations:

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- 1. The community, stakeholders and other interested local Gundungurra people and local Aboriginal people are invited to meet and have an informal get together (Yarning up) with councillors and other invited guests.*
- 2. That ILALC attends the informal get together (Yarning up) to discuss the establishment of a new advisory group for working on stipulations associated with the lease of ACCC.*
- 3. That Council encourage and support the wider community and various stakeholders to appoint a new advisory that is inclusive and representative of the diversity with interest relating to the ACCC and leasehold arrangements.*
- 4. That the advisory group work with the ILALC and an independent Aboriginal property lawyer to include stipulations that are needed to ensure that the local community has control and self-determination over the running and ongoing use of the centre.*
- 5. That once the stipulations have been agreed upon, they are drafted for a community wide meeting for comments. Then ratified and accepted under the advice of a property lawyer as stated.*
- 6. A special event be held for the signing of the lease.*
- 7. That a report be brought back to Council for the finalisation of this matter by the first ordinary council meeting of April 2019.*

REPORT

In accordance with the Council resolution (MN 549/18) a Yarning Up was held in February 2019. The Yarning up was widely promoted to the community including those who had attended previous consultation as well as via Yamanda, the 355 committee, the Wingecarribee Reconciliation Group, agency and service providers, ILALC and councillors.

Advertisements were also placed in the local newspaper.

A Stipulations Workshop was then held in March 2019. The purpose of this session was to further discuss stipulations which were important to the community for inclusion in the proposed Lease and the establishment of an Advisory Group. The workshop was promoted to participants who had attended the previous consultation sessions.

From the stipulations workshop it was agreed that two (2) additional clauses should be included in the proposed Lease, the first dealing with employment opportunities for local indigenous residents at the ACCC and the second relating to the establishment of an advisory group to oversee the running of the ACCC.

An Indigenous lawyer was engaged in April to review the additional clauses in the Lease.



Following review of the proposed Lease by the Indigenous Lawyer, the following clauses were suggested for inclusion within the Lease:

“27. *Employment opportunities:*

The Lessee must ensure that where it intends to recruit any person whose principal place of work will be the Premises that it will devise and implement a targeted recruitment strategy to ensure that any employment opportunities will first be made available to the local Indigenous residents of Wingecarribee Shire, with a view to increasing the employment of those local Indigenous residents.”

The purpose of this clause is to ensure that any employment opportunities at the ACCC are made available to local Indigenous residents in the first instance.

Advice from the Indigenous Lawyer is that it should be clear that the obligation falls on the Lessee, in relation to employment at the ACCC. The Lessee must be obligated to ensure that its recruitment policies are compliant with both the Lease stipulations and also the relevant legislation, *Race Discrimination Act 1975 (Cth)* and the *Anti-Discrimination Act 1977 (NSW)*.

The obligation to make opportunities available to local indigenous residents is framed as a requirement to implement a targeted recruitment strategy for the benefit of local Indigenous residents of the Wingecarribee Shire. By having a targeted recruitment strategy in place, ILALC will be able to ensure that it has a means of demonstrating that it is meeting the relevant legislative requirements.

“28. *Establishment of Advisory Group:*

The Lessee must within six (6) months of the commencement of this Lease, establish and maintain a local Indigenous advisory group to advise the Lessee on strategic matters and to provide guidance on the management of the day to day operations of the Premises. The Lessee, having consulted with local Aboriginal Elders and community members of the Wingecarribee Shire, must develop terms of reference for the local Indigenous advisory group.”

The purpose of this clause is to address the request that a local advisory group be established to manage the day to day operations of the ACCC.

The indigenous lawyer has queried the appropriateness of having a local advisory group being made responsible for the day to day management of the ACCC. It is the Lessee that should be responsible for the management of the Centre, as it is the legal entity that will have legal duties and responsibilities in respect of its activities that take place at the Centre.

It has been suggested that it would be more appropriate for the advisory group to provide strategic advice and guidance in relation to how the ACCC should be run. Accordingly, the wording of the clause sets out the purpose of the advisory group as being to advise the Lessee on strategic matters and to provide guidance on the day to day management.

Advice from the Indigenous Lawyer recommends that a timeframe for the establishment of the local advisory group be included within the proposed Lease. The requirement ‘to maintain the local indigenous advisory group’ has been added to ensure there is a continuing obligation to keep the advisory group going, after its initial establishment.

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While the terms of reference of the Advisory Group would be subject to further consultation, it is advisable to include in the proposed Lease the stipulation of minimum requirements as to the conduct of the Advisory Group. For example, provision about the frequency of meetings (e.g. six (6) per year) and limiting membership numbers (e.g. maximum of nine (9) voting members) to increase the likelihood that the local advisory group will be effective.

It is recommended by Council officers that clause 28 be expanded to include details of frequency of meetings and member numbers as suggested above.

The Lease otherwise remains unchanged from the Lease publicly exhibited in April 2018.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

COMMUNICATION AND CONSULTATION

Community Engagement

Details of the community engagement activities which have been used to inform the proposed Lease have been outlined in this report.

Internal Communication and Consultation

Executive

Corporate & Community

Property

External Communication and Consultation

ILALC

Indigenous members of the community (including indigenous groups)

Terri Janke and Company Pty Limited – Lawyers and Consultants

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**

This multi-phased consultation process which has been used to date has been designed using Indigenous research methodologies involving a narrative participatory approach. This

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process also adheres to the protocols within communities, meetings with Elders and other known stakeholders.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budgetary implications arising from this report. All ongoing costs of maintenance and improvement to the premises are to be paid by the Lessee for the term of the Lease.

RELATED COUNCIL POLICY

Lease & Licence of Council Property: Not for Profit & Community Based Organisations (adopted 26 November 2014, MN 326/14).

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 for 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 Regulations* and *Office of Local Government Guidelines*;
- encouraging sound management of Council Property.

CONCLUSION

This report outlines the outcomes of the consultation for the proposed Lease of the Aboriginal Community Cultural Centre, located at 1A Rainbow Road, Mittagong. The report also details the referral process undertaken to ensure the proposed Lease has been reviewed by an appropriately qualified and experienced Indigenous Lawyer.

The report recommends that Council approve the changes to the proposed Lease and support the establishment of the Advisory Group, with the number of voting members and frequency of meetings to be determined by Council.

It is further recommended that Council publicly exhibit the proposed Lease for a minimum twenty eight (28) day period, and that if any objections are raised a final report be brought back to Council for determination.

ATTACHMENTS

1. Attachment 1 - Lease to ILALC



Form: 07L
 Release: 4.4

LEASE
 New South Wales
 Real Property Act 1900

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

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

STAMP DUTY

Office of State Revenue use only

(A) **TORRENS TITLE**

Property leased CERTIFICATE OF TITLE FOLIO IDENTIFIER 33/9299
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(B) **LODGED BY**

Document Collection Box	Name, Address or DX, Telephone, and Customer Account Number if any Reference: PN700000	CODE L
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(C) **LESSOR**

WINGECARRIBEE SHIRE COUNCIL ABN 49 546 344 354
--

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

(D)

Encumbrances (if applicable):

(E) **LESSEE**

ILLAWARRA LOCAL ABORIGINAL LAND COUNCIL ABN 83 448 059 128
TENANCY:

(F)

(G)

1. **TERM** NINETY NINE (99) YEARS
2. **COMMENCING DATE**
3. **TERMINATING DATE**
4. With an **OPTION TO RENEW** for a period of N.A.
 set out in clause N.A. of N.A.
5. With an **OPTION TO PURCHASE** set out in clause N.A. of N.A.
6. Together with and reserving the **RIGHTS** set out in clause N.A. of N.A.
7. Incorporates the provisions or additional material set out in **ANNEXURE(S)** N.A. hereto.
8. Incorporates the provisions set out in
 No. N.A.
9. The **RENT** is set out in item No. 1 of THE APPENDIX



DATE

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

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

Signature of witness:

Signature of authorised officer:

Name of witness:

Authorised officer's name:

Address of witness: SEE EXECUTION PAGE; PAGE 3 OF 18

Authority of officer:

Signing on behalf of:

Certified correct for the purposes of the Real Property Act 1900 and executed on behalf of the company named below by the authorised person(s) whose signature(s) appear(s) below pursuant to the authority specified.

Company: ILLAWARRA LOCAL ABORIGINAL LAND COUNCIL ABN 83 448 059 128

Authority:

Signature of authorised person:

Signature of authorised person:

Name of authorised person:

Name of authorised person:

Office held: Director

Office held: Director

(I) STATUTORY DECLARATION *

I

solemnly and sincerely declare that—

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

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

Made and subscribed at _____ in the State of New South Wales on _____
in the presence of _____ of _____,

Justice of the Peace (J.P. Number: _____) Practising Solicitor

Other qualified witness [specify] _____,

who certifies the following matters concerning the making of this statutory declaration by the person who made it:

- 1. I saw the face of the person OR I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering; and
- 2. I have known the person for at least 12 months OR I have confirmed the person's identity using an identification document and the document I relied on was a _____ [Omit ID No.]

Signature of witness:

Signature of applicant:

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

** s117 RP Act requires that you must have known the signatory for more than 12 months or have sighted identifying documentation.



EXECUTION PAGE

The Common Seal of Wingecarribee Shire Council

was hereunto affixed this _____ day of _____ 2019

In pursuance of a resolution of Council

passed on

Duncan Gair - Mayor

Ann Prendergast - General Manager



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APPENDIX



THE SECOND SCHEDULE

1. COMPLIANCE WITH RETAIL LEASES ACT 1994

Not Applicable

2. EXCLUSION OF STATUTORY PROVISIONS

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

3. TERM AND HOLDING OVER

- 3.1. This Lease shall commence and terminate on the date stated on the face page of this Lease. It is an essential term of this Lease that the current Lease of the Leased Premises be surrendered by the Tenant simultaneous with the execution of this Lease.
- 3.2. If the Lessee continues to occupy the Premises beyond the expiration of the term of this Lease as shown on the face page of this Lease with the consent of the Lessor and otherwise than under a further Lease granted by the Lessor to the Lessee, the Lessee shall do so as a monthly tenant only, at a rental payable monthly in advance, the first payment to be made on the day following the date of termination equal to one twelfth of the rent payable immediately prior to the expiration of the term of this Lease plus an amount equal to eight per cent (8%) thereof. Where the Lessee continues to occupy the Premises beyond the expiry of the term then such tenancy shall be determinable at any time by either the Lessor or the Lessee giving to the other one (1) months' notice in writing.

4. RENT

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

5. USE OF PREMISES

- 5.1. The Lessee will not use or permit to be used the Premises for any purpose other than as described in Item 2 of the Appendix or such other use as the Lessor may approve in writing, such approval not to be unreasonably withheld and shall obtain and comply with any approval or condition for such user of the Premises required or implied by any Government, Municipal, Health or other authority under the Local Government Act or Acts of Health or any other Act.
- 5.2. Without limiting the generality of Clause 5.1 hereof the Lessee shall not without the consent in writing of the Lessor other than in accordance with the specified use of the Premises approved by the Lessor store chemicals, inflammable liquids, acetylene, gas or alcohol, volatile or explosive oils, compounds or substances upon the Premises or use any such substances or fluids in the Premises for any purpose.
- 5.3. The Lessee will, at all times during the term hereof, keep the Premises open during the usual hours of businesses of like or similar nature to that conducted by the Lessee on the Premises.
- 5.4. The Lessee, at all times during the said term, will conduct the Lessee's business in the Premises at all times in a proper efficient and reputable manner.



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

5.6. The Premises comprise the Aboriginal Community Cultural Centre and surrounding land, annexed hereto and marked with the letter 'A'.

6. INSURANCE AND INDEMNITIES

6.1. The Lessee, at all times during the term of this Lease and during any period of holding over, shall keep current public risk and building and contents insurance policies in respect of the Premises and the Lessee's use of the Premises for such amount as the Lessor may reasonably require with an insurer approved by the Lessor with the interest of the Lessor noted as property owner. The amount for the first year of the Lease and until the Lessor notifies the Lessee to the contrary shall be the amount stated in Item 3 of the Appendix.

6.2. The Lessee irrevocably indemnifies and keeps indemnified the Lessor from and against:

- a. all claims, demands, writs, summonses, actions, suits, proceedings, judgements, orders, decrees, damages, costs, losses and expenses of any nature whatsoever which the Lessor may suffer or incur to the extent that the same is not incurred by reason of the negligence or deliberate act or omission of the Lessor in connection with loss of life, personal injury and/ or damage to property arising from or out of any occurrence in, upon or at the Premises or from the use of the Premises by the Lessee or by any of the Lessee's contractors, employees, visitors, invitees, licensees or any other person;
- b. all loss and damage to the Premises, and to all property therein or thereon caused by the Lessee or the Lessee's contractors, employees, visitors, invitees, or licensees and in particular but without limiting the generality of the foregoing caused by the use or misuse waste or abuse of water, gas or electricity or faulty fittings or fixtures of the Lessor or Lessee;
- c. all loss and damage to the Premises and to all property thereon or therein arising from overflow or leakage of water (including rain water) in or from the Property to the extent that the same is not incurred by reason of the negligence or deliberate act or omission of the Lessor.
- d. All claims arising under the provisions of the Worker's Compensation Act 1987 or the Common Law in connection with the operation of the Premises for the permitted use.

6.3. The Lessee shall not without the Lessor's prior written consent, which consent shall not be unreasonably withheld bring on to, do or suffer to be done or allow any act, matter or thing upon the Premises or keep anything in the Premises which shall or may increase the rate of fire insurance on the Premises or which may vitiate or render void or voidable any insurances in respect of the Premises or (without limiting the generality of the foregoing) which may conflict with the laws or regulations relating to fire or any insurance policy over any part of the Premises or the regulations or ordinances of any public authority or the provisions of any statute for the time being in force to the extent that the same is not incurred by reason of negligence or deliberate act or omission of the Lessor.



- 6.4. If required by the Lessor, the Lessee will produce to the Lessor immediately any policy of insurance which the Lessee is required to effect hereunder and the receipt for the last premium payable in respect of any such policy.
- 6.5. The Lessor shall not be liable or in any way responsible to the Lessee or to any of the Lessee's contractors, employees, hirers, or visitors or to any other person for any injury loss or damage which may be suffered or sustained to any property or by any person in the Premises or on the Property howsoever occurring to the extent that such injury loss or damage is not incurred by reason of the negligence or deliberate act or omission of the Lessor.
- 6.6. The Lessee will, at all times during the term of this Lease and any holding over, keep current an adequate policy of insurance in respect of any plate glass in or about or on the Premises .

7. MAINTENANCE AND REPAIR

- 7.1. The Lessee will when where and so often as need be maintain repair and keep the Premises in good and substantial repair in all respects, including any repairs or replacement due to fair wear and tear. For the avoidance of doubt, the Lessor is not liable in any way to undertake any repairs, replacement or improvements to the Premises and any improvement erected on the Land. Without limiting the Lessee's responsibility in accordance with this clause the Lessee must:
 - a. Keep and clean and maintain in good order and condition and replace when (in the reasonable opinion of the Lessor) necessary or desirable all plant fittings furnishings and equipment of the Lessee including any signs painted erected or affixed to the exterior of the Premises or to any shop front;
 - b. Forthwith make good any breakage defect or damage to the Premises or any facility or appurtenance thereto caused by any want or dire misuse or abuse on the part of the Lessee or the Lessee's employees or otherwise occasioned by any breach or default of the Lessee hereunder;
 - c. Forthwith repair and replace all plate glass windows exterior show-windows with glass of the same or similar quality and all damages broken or faulty (which description shall include those reasonably suspected by the Lessor to be faulty and those required by the Lessor to be replaced) heating lighting and other electrical equipment including light globes and fluorescent tubes, condensers or fuses as may from time to time be installed upon the Premises;
 - d. Maintain and keep electrically safe all lighting equipment and illuminated signs in or attached to the Premises.
- 7.2. The Lessee shall advise the Lessor promptly in writing of any actual or apparent damage sustained to the Premises or any part of it. The Lessor is not liable in any circumstances for any cost associated with the maintenance or of the Premises or any part of it – the Lessee must bear all such costs as and when they arise.
- 7.3. Any repairs or replacement of any improvement on the property by the Lessee will always remain in the ownership of the Lessor.

8. ALTERATIONS

- 8.1. The Lessee will not permit any person to make any alteration or addition to the Premises of the Property without the prior written consent of the Lessor which consent shall not be unreasonably



withheld and shall in the course of such alterations or additions made with the consent of the Lessor observe and comply with all requirements of the Lessor and public authorities. Without prejudice to the foregoing provision of this Clause, the Lessee, when applying for the Lessor's approval to any alterations or additions to the Property, will submit with the application, drawings and specifications in respect thereof prepared by a qualified consultant to the Lessor. Work in respect of alterations or additions to the Property approved by the Lessor and if required by the Lessor the Lessee, on completion of such work, shall hand to the Lessor a certificate by a consultant approved by the Lessor to the effect that such work had been carried out in accordance with the drawings and specifications relating to it and in accordance with the requirements of all relevant public authorities.

8.2. The Lessee, upon the expiration or sooner determination of the Lease at the Lessee's own expense and in a proper and workmanlike manner, yield up vacant possession of the Premises to the Lessor in good order and repair, in a clean and tidy state free from all rubbish and the Lessee's fixtures fittings and personal property PROVIDED THAT the Lessee shall make good any damage to the Property caused by such removal or reinstatement AND PROVIDED FURTHER THAT in the case where the Lessor requires any removal or reinstatement and the Lessee has not carried out such removal or reinstatement within fourteen (14) days of determination of this Lease then the Lessor at its option and at the expense of the Lessee may be reinstated as the beneficial owner without being liable to account to the Lessee for such goods or fixtures and the Lessee shall pay to the Lessor any cost incurred by the Lessor in such reinstatement removal or disposal within seven (7) days of the Lessor notifying the Lessee of the amount of any cost.

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

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

9. QUIET ENJOYMENT

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

10. ASSIGNMENT

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

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



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

10.3. The Lessor:

- a. Agrees to deal expeditiously with the Lessee's request for consent to assign this Lease.
- b. Is entitled to require the Lessee to furnish to the Lessor:
 - i. Details of the proposed Assignee's financial resources at the time of the request for consent;
 - ii. Such further information as the Lessor may reasonably require concerning the financial standing and business experience of the proposed assignee.
- c. Is entitled to withhold consent to the assignment of this Lease in any of the following circumstances:
 - i. If the proposed assignee proposes to change the use to which the Premises are put (unless the Lessor consents to the change of use in accordance with the provisions of this Lease)
 - ii. If the proposed assignee has financial resources that are inferior to those of the Lessee;
 - iii. If the Lessee has failed to comply with the provisions contained in this clause for requesting and obtaining consent to the assignment.

10.4.

- a. The Lessor may require the assignee to execute an instrument in which the assignee will assume liability under the Lease for the residue of the Lease term.
- b. If the assignee is a corporation whose shares are not listed on an Australian Stock Exchange the Lessor may require, as a condition of the Lessor's consent to the assignment, that at least two (2) of its Directors or Shareholders (chosen by the Lessor) execute personal guarantees in respect of the payment of rent and the observances and performance of the Lease covenants by the assignee during the Lease term.
- c. The Lessee will pay the Lessor's reasonable legal and other expenses of investigating the Lessee's application for consent and of preparing, executing, stamping and registering all the required instruments or dealings and the consent of obtaining the mortgagee's consent.

10.5. If the Lessee has complied with the requirements of this clause, the Lessor shall indicate, within fourteen (14) days after the Lessee has made its request under sub-clause 10.2 and furnished any further details required under sub-clause 10.3(b), whether the Lessor consents or withholds consent. If the Lessor does not provide that indication within fourteen (14) days, it shall be taken to have consented to the assignment, subject to the conditions in sub-clause 10.4.

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

11.1. The Lessee shall not sub-let or in any way (other than pursuant to an assignment to an assignment or transfer in accordance with Clauses 10.1 to 10.5 herein) dispose of or part with exclusive possession



of the Premises to do or suffer anything to be done whereby the Premises may be sub-let or put into the exclusive possession of any other person without the Lessor’s prior written consent, which consent shall not be unreasonably withheld. This clause does not prevent the Lessee from hiring the Premises or part of the Premises on a short term basis to another party pursuant to the use of the Premises set out in Item 2 of the Appendix provided that the terms of such hire are consistent with the terms of this Lease and the person to whom the hire is made has all necessary approvals and insurance for each activity carried on by them in the Premises.

12. NO MORTGAGE OF LEASE

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

13. DEFAULT AND DETERMINATION

13.1. If the Lessee:

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



- i. Fails to pay any amount which pursuant to this Lease the Lessee is obliged to pay to a competent authority by the due date as required by the authority;

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

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

13.2.

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

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

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



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

14. DAMAGE TO PREMISES

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

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

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

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

15. LESSEE'S DUTIES

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

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



- 15.3. The Lessee will not use nor permit to suffer to be used the lavatories, toilets, signs and drainage and other plumbing facilities in the Premises for any purposes other than those for which they are constructed or provided and shall not deposit or permit to be deposited therein any sweepings rubbish or other matter and any damage thereto caused by misuse shall be made good by the Lessee immediately.
- 15.4. The Lessee will give to the Lessor prompt notice in writing of any accident to or defect or want of repair in any services or fixtures fittings plant and equipment in the Premises and of any circumstances likely to be or to cause any danger risk or hazard to the Premises or any person therein.
- 15.5. The Lessee will pay 100% of all outgoings as specified in Clause 20 hereof on or before the due dates for payment of such accounts.
- 15.6. Upon the expiration or sooner determination of the term of this Lease the Lessee will surrender to the Lessor all keys giving access to all parts of the Premises held by the Lessee or any of the Lessee's employees and visitors.
- 15.7. The Lessee will pay all stamp duty and the Lessor's reasonable legal costs charges and expenses of and incidental to the preparation completion stamping and registration of this Lease including the cost of obtaining mortgagee's consent to the Lease and production of title and of any assignment or sub-letting and of any surrender and other termination thereof otherwise than by effluxion of time and in the case of default by the Lessee in performing or observing any provisions of this Lease the Lessee shall pay to the Lessor all legal and other costs as a consequence of or in connection with such default within fourteen (14) days of the Lessor requesting him to do so.
- 15.8. The Lessee shall pay the cost of operating and maintaining any air-conditioning plant or heating apparatus installed in the Premises where such cost is not included elsewhere in this Lease as an outgoing.

16. INTERPRETATION

- 16.1. In the Interpretation of this Lease except to the extent that such interpretation shall be excluded by or be repugnant to the context when used in this Lease:
- a. 'Disclosure Statement' Not applicable;
 - b. 'The Lessor' shall mean the Lessor described in the face page of the Lease and its assigns;
 - c. 'Lessor's accounting period' Not Applicable;
 - d. 'The Lessee' shall mean and include the Lessee or Lessees named in the face page of this lease and if a person or persons his or their respective executors administrators and permitted assigns or if a company the Lessee and its permitted assigns and where there are two (2) or more Lessees, shall mean and include the Lessees jointly and severally and each and every one of their executors, administrators and permitted assigns;



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

17. NOTICES

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

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

18. LIABILITY FOR CONSUMPTION TAX

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



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

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

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

19. LESSOR'S RIGHT TO REMOVE PROPERTY

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

20. OUTGOINGS

The Lessee is responsible for the payment of 100% of outgoings or other cost associated with respect to the property including but not limited to Council rates and charges, land tax, water and sewerage charges, building insurances, all repairs, maintenance and capital improvements to the building, electricity, gas, telephone, internet, water usage and waste charges. . The Lessor is not liable in any circumstances for any cost associated with the ownership or occupation of the property – the Lessee must bear all such costs as and when they fall due.

21. OPTION

Not applicable.

22. GUARANTEE

Not applicable.



23. SECURITY DEPOSIT

Not applicable.

24. HEAD LEASE AND/ OR CONCURRENT LEASES

24.1. The Lessor and the Lessee covenant and agree:

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

25. LESSOR AS AUTHORITY

- 25.1. The parties acknowledge that the Lessor is an Authority with statutory rights and obligations pursuant to the terms of the *Local Government Act 1993* (NSW) and the *Environmental Planning and Assessment Act 1979* (NSW).
- 25.2. No term of this Lease would, or could likely, operate so as to fetter, restrict or otherwise interfere with the exercise of the Lessor's powers as an Authority.
- 25.3. If any provision of this Lease would, or could likely, operate so as to fetter, restrict or otherwise interfere with the exercise of the Lessor's powers as an Authority than that provision is, to the extent necessary for it not to fetter, restrict or otherwise interfere with the exercise of the Lessor's powers as an Authority:
- a. Be read down, if possible; or
 - b. Severed from this sublease.
- 25.4. The Lessee may not make any Claim on account of any action of the Lessor that is carried out in the Lessor's capacity as an Authority.

26. LESSEE TO SUPPLY ONGOING DETAILS

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



27. EMPLOYMENT OPPORTUNITIES

The Lessee must ensure that where it intends to recruit any person whose principal place of work will be the Premises that it will devise and implement a targeted recruitment strategy to ensure that any employment opportunities will first be made available to the local Indigenous residents of Wingecarribee Shire, with a view to increasing the employment of those local Indigenous residents.

28. ESTABLISHMENT OF ADVISORY GROUP

The Lessee must, within six (6) months of the commencement of this Lease, establish and maintain a local Indigenous advisory group to advise the Lessee on strategic matters and to provide guidance on the management of the day to day operations of the Premises. The Lessee, having consulted with local Aboriginal Elders and community members of the Wingecarribee Shire, must develop terms of reference for the local Indigenous advisory group.

29. MISCELLANEOUS

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

29.2. The Lessor may provide advisory notes to Lessees of Council owned property that is likely to contain asbestos. If the leased premises are affected, the Lessee is required to:

- a. advise the Lessor promptly of any hazards relating to asbestos;
- b. minimise damage to asbestos containing material;
- c. co-operate with the Lessor in facilitating any risk management work arranged by the Lessor;
and
- d. act on advice from the Lessor to minimise risks from asbestos.



APPENDIX

<u>ITEM 1:</u>	<u>ANNUAL RENT</u> \$1.00 (inclusive of GST) per annum
<u>ITEM 2:</u>	<u>USE OF PREMISES</u> Aboriginal Community Cultural Centre and surrounding land for the provision of social, health and wellbeing services for the Aboriginal community and general community purposes.
<u>ITEM 3:</u>	<u>PUBLIC RISK INSURANCE COVER</u> \$20,000,000.00
<u>ITEM 4:</u>	<u>PERCENTAGE OF OUTGOINGS/ INCREASE IN OUTGOINGS</u> 100% of outgoings as set out in Clause 20
<u>ITEM 5:</u>	<u>PERCENTAGE INCREASE IN RENT</u> Not Applicable.
<u>ITEM 6:</u>	<u>DATE OF RENT REVIEW TO MARKET</u> Not Applicable
<u>ITEM 7:</u>	<u>OPTION TERM</u> Not Applicable
<u>ITEM 8:</u>	<u>GUARANTOR</u> Not Applicable
<u>ITEM 9:</u>	<u>SECURITY DEPOSIT</u> Not Applicable

10.2 Request to be Appointed as Reserve Trust Manager of Crown Reserve 751277 known as Tourist Road Oval, Glenquarry

Reference:	Reserve 751277
Report Author:	Property and Projects 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 seek Council approval to lodge an application to NSW Department of Industry – Land and Water to be appointed as Reserve Trust Manager for Reserve 751277 known as Tourist Road Oval, Glenquarry.

RECOMMENDATION

THAT Council formally lodge an application with NSW Department of Industry – Land and Water to be appointed as Reserve Trust Manager of Crown Reserve 751277 known as Tourist Road Oval, Glenquarry (being Lot 208 in DP 41441).

REPORT

BACKGROUND

The subject land known as Tourist Road Oval has been managed by Council via a 355 Management Committee for approximately 25 years. The 355 Management Committee has lodged a development application for amendments to the existing club house which will require consultation with NSW Department of Industry – Lands and Water.

As part of preliminary discussions, the NSW Department of Industry – Land and Water have advised that at present, there is no appointed Reserve Manager for Reserve 751277 Tourist Road Oval.

REPORT

Reserve 751277 comprises Lot 208 in DP41441 and is located on Tourist Road, Glenquarry.

The oval is included in the Sportsground Plan of Management that was prepared by Council in 2014. Due to pending changes to the *Crown Land Management Act* at that time, the Plan of Management was not endorsed by the Minister of Crown Lands.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Although Council is not the appointed Reserve Trust Manager, a 355 Management Committee currently oversees the management and operations of the facility. This arrangement has been in place for approximately 25 years.

The Tourist Road Oval Tennis Club has advised Council that it intends to lodge a Development Application for amendments to the existing clubhouse and this has identified the requirement for Council to be appointed as Reserve Trust Manager to avoid the need to obtain the consent of the Crown for any works and to ensure there is appropriate agreement in place for Council to manage this facility.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There is no impact on Council's Improvement Plan.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement is required to be undertaken by Council as this is an administrative matter between NSW Department of Industry and Council.

Internal Communication and Consultation

Assets

External Communication and Consultation

No external consultation is required as this will be addressed by NSW Department of Industry – Lands and Water as part of notification of appointment.

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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



COUNCIL BUDGET IMPLICATIONS

There are no budget implications in relation to this report.

RELATED COUNCIL POLICY

There are no policy implications in respect of this report.

CONCLUSION

At present Council is not the appointed Reserve Trust Manager of Tourist Road Oval. Any proposed works by the 355 Management Committee currently require the consent of NSW Department of Industry – Lands and Water. This report seeks formal approval to lodge an application for Council to be appointed Reserve Trust Manager for Crown Reserve 751277 known as Tourist Road Oval, Glenquarry.

ATTACHMENTS

1. Attachment 1 - Aerial map Tourist Road Oval



Wingecarribee Shire Council

Any information (numerical or otherwise), representation, statement, opinion or advice expressed or implied in this publication is made in good faith but on the basis that the council of the shire of Wingecarribee, its agents and its employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any information, representation, statement, or advice referred to above.



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10.3 Mount Gibraltar Heritage Reserve - Update on Property Matters

Reference:	PN 1797440
Report Author:	Property and Projects 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 formally present to Council the range of property matters relating to the consolidation of the Mount Gibraltar Heritage Reserve and for Council to reaffirm its ongoing commitment to resolving these matters on behalf of key stakeholder groups such as the Mount Gibraltar Landcare and Bushcare Group, and the broader community.

RECOMMENDATION

THAT Council acknowledge the complexity of the property matters which are delaying the consolidation of the Mount Gibraltar Heritage Reserve AND THAT Council reaffirm its commitment to resolving these matters on behalf of key stakeholder groups such as the Mount Gibraltar Landcare and Bushcare Group, and the broader community.

REPORT

BACKGROUND

A Councillor briefing session was held on Wednesday 10 April 2019 to provide Councillors with an update on the ongoing property issues in relation to the Mount Gibraltar Heritage Reserve. This report is to reiterate the matters outlined during the Councillor briefing session.

REPORT

Council officers were recently requested to provide an update on the property matters relating to the ultimate consolidation of the Mount Gibraltar Heritage Reserve. A summary of these matters was presented to Council at a briefing held on the 10 April 2019. This report provides a summary of this briefing.

1. Soma Avenue (DP133145) – Land Consolidation

This land is part of the Mount Gibraltar Heritage Reserve but is yet to be consolidated into the primary lot of the reserve (DP 1208300).



It is intended to consolidate this lot through an ultimate plan of consolidation which will include all lots (where Council has care and control) within the Mt Gibraltar Heritage Reserve. This will ensure that the lot consolidation can be completed in a cost-effective manner, while avoiding duplication of work and unnecessary delays.

An appropriate time to address the consolidation of lots within the Reserve is as part of drafting the Plan of Management for the Reserve. This is currently delayed due to the initial categorisation of Crown Land which has been submitted to NSW Department of Industry.

2. Acquisition of RE1 Adjoining Properties

Council's Section 94 Developer Contributions Plan for Open Space, Recreation Community and Cultural Facilities was adopted in March 2014. The Plan identifies the purchase of four (4) RE1 lots as shown in **Attachment 1**.

As highlighted in Table 11 of the Plan (Works Schedule), the Plan is only collecting for a total of \$182,900 for the four lots (unindexed), with the remaining funding to be sourced through Council's general revenue. Based on Plan estimates, this is projected to be \$939,000 (unindexed). These estimates would require updating through an independent valuation to confirm the estimates which have been used in Council's Developer Contributions Plan.

As Council has made no provision for these specific land acquisitions within its four (4) year Delivery Program, or its ten year Long Term Financial Plan, Council would need to consider funding options for these acquisitions as part of its annual budget process.

Alternatively, Council may need to revisit the decision to include these properties in a future acquisition and consolidation plan for the Mount Gibraltar Heritage Reserve.

3. Joshua Stokes Reserve

The Reserve is Crown land. It is not part of the adjacent Crown Reserve which is the subject of a current Aboriginal Land Claim.

Ultimately this land should be transferred to Council to form part of the Mount Gibraltar Heritage Reserve. Council cannot dictate when this will occur as the land transfer (vesting) process is overseen by the NSW State Government. Council will seek to gain approval from the NSW State Government to have this land vested in Council.

4. Land Acquisition – Earl Street

The parcel of land which was raised in the Councillor briefing is not zoned for future acquisition. It would be a matter for Council to propose such an acquisition. If endorsed by Council for future acquisition, this land would be required to be rezoned in whole or part and Council would need to consider the implications in terms of the funding strategy prior to any proposal to rezone property for any proposed land acquisitions.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Notice of Motion – Mount Gibraltar Walking Track

At its meeting 22 August 2018, Council resolved the following (MN 328/18):

1. *THAT Council commences communication with Mt Gibraltar Land Care and Council staff to identify a possible walking track from the Bowral water reservoir to the Bowral Lookout, to enable walkers to complete the walking track around Mt Gibraltar without walking on the dangerous Oxley Drive.*
2. *THAT if a walking track can be agreed on, then Council apply for NSW Government grants to facilitate the completion of the project.*

In the first half of 2019 the Mount Gibraltar Landcare and Bushcare Group in cooperation with Council completed a significant restoration project of the historic stone stairway which forms the major portion of the bush track leading from the Bowral water reservoir to the Bowral Lookout.

The works improved the traversability of the track and resolved a number of drainage issues that threatened the longevity of the stairway.

The works were funded by a combination of sources including donations from the Mount Gibraltar Landcare and Bushcare Group, external grant funding and capital contribution from Wingecarribee Shire Council.

More broadly, Council's Recreational Walking Tracks Strategy will provide an opportunity for community feedback on current walking tracks as well as identifying any current concerns or restraints posed by the Mt Gibraltar Reserve and Oxley Drive.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Council will need to consider its funding priorities as part of future budget considerations if the unfunded land acquisitions referred to in this report are to be included in its Long Term Financial Plan.

COMMUNICATION AND CONSULTATION

Community Engagement

None

Internal Communication and Consultation

Environment and Sustainability

Assets

External Communication and Consultation

The matters identified in this report have been communicated to members of the Mount Gibraltar Landcare and Bushcare Group.



SUSTAINABILITY ASSESSMENT

- **Environment**

Mount Gibraltar is an iconic landmark of special significance and is also the highest point between Sydney and Canberra. Mount Gibraltar Reserve was listed on the State Heritage Register by the NSW Heritage Council in December 2013, for both its Endangered Ecological Communities and for the Heritage Quarries Complex.

For over 25 years the Mount Gibraltar Landcare Bushcare Group has worked cooperatively with Council to protect and restore the natural and cultural heritage of Mount Gibraltar Reserve.

- **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

Council will need to consider its funding priorities as part of future budget considerations if the unfunded land acquisitions referred to in this report are to be included in its Long Term Financial Plan.

RELATED COUNCIL POLICY

There are no policy implications in respect of this report.

CONCLUSION

Following the Councillor briefing held on the 10 April 2019, this report has been prepared to enable Council to reaffirm its ongoing commitment to resolving the property matters which are currently delaying the ultimate consolidation of the Mount Gibraltar Heritage Reserve.

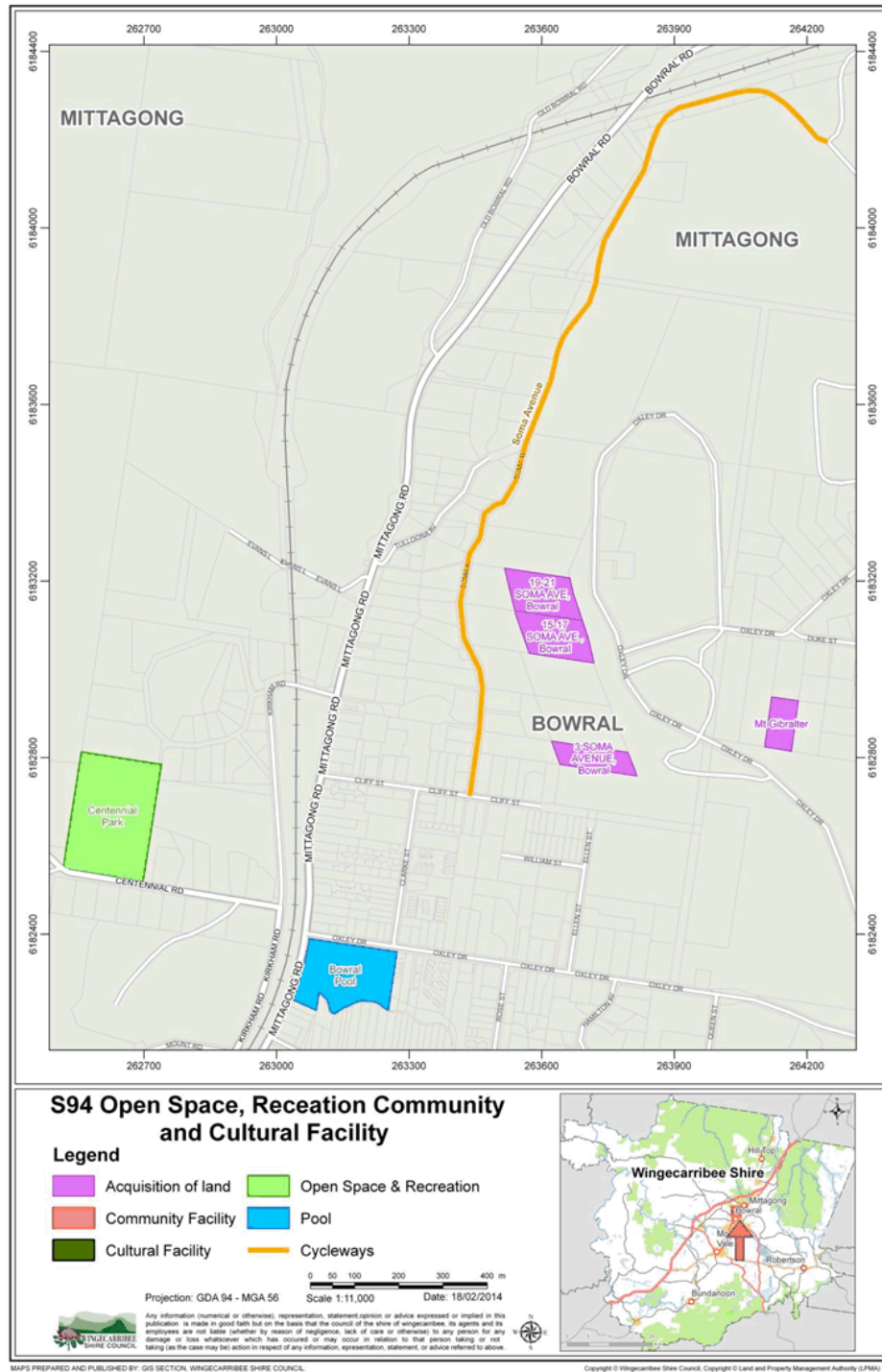
ATTACHMENTS

1. Bowral Town Centre and Mount Gibraltar Shared Pathway Land Acquisition



Section 94 Developer Contributions Plan for Open Space, Recreation, Community & Cultural Facilities 2012 - 2036

Figure 8 - Bowral Town Centre and Mt Gibraltar Shared Pathway and Land Acquisitions



10.4 Proposed Council Lease of the New Berrima Community Centre from Boral Cement Limited - Lots 282 & 283 in Deposited Plan 15995

Reference:	PN1425600
Report Author:	Property and Project 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 obtain Council approval to enter into a short term two (2) year Lease from Boral Cement Limited for the continued occupation of the Community Centre, Sydney Avenue, New Berrima being Lots 282 & 283 in Deposited Plan 15995.

RECOMMENDATION

1. **THAT the General Manager be delegated authority to negotiate a new short term Lease of the property known as Community Centre, Sydney Avenue, New Berrima, for a maximum of two (2) years, on similar terms and conditions to the current Lease.**
2. **THAT the General Manager and Mayor be delegated authority to execute the new Lease of the New Berrima Community Centre from Boral Cement and to affix the Common Seal of Council, if required.**
3. **THAT Council consider long term options for the provision of a community centre in the New Berrima township as part of the future Service Delivery Review of Community Facilities provided within the Wingecarribee Local Government Area.**

REPORT

BACKGROUND

At its meeting 12 April 2017 Council considered a report to enter into a two (2) year Lease with Boral Cement Limited for the occupation of the property known as Community Centre, Sydney Avenue, New Berrima ('the Community Centre').

It was resolved as follows (MN129/17):

1. ***THAT it is noted that the current Lease of the property known as the Community Centre, Sydney Avenue, New Berrima will expire on 28 May 2017.***

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2. *THAT the General Manager be delegated authority to negotiate a new short term Lease of the property known as Community Centre, Sydney Avenue, New Berrima, for a maximum of two (2) years, on similar terms and conditions to the current Lease.*
3. *THAT the General Manager and Mayor be delegated authority to execute the new Lease of the New Berrima Community Centre from Boral Cement and to affix the Common Seal of Council, if required.*

The current Lease expired on 28 May 2019 and is currently on a holding over period until the new Lease from Boral Cement Limited is in place.

Council has been the Lessee of the Community Centre for approximately 20 years in total. The Community Centre is managed directly by Council after the 355 Management Committee disbanded in 2017.

Pursuant to the current Lease arrangements, Council is charged \$1.00 per annum 'rental'. Council, as Lessee, is responsible for the payment of insurance and "all taxes, rates and assessments charged", as well as being responsible for the maintenance and repair of the community centre infrastructure. The Community Centre property infrastructure includes the hall, shed, playground, picnic tables, seating and signage.

REPORT

As the current Lease of the Community Centre expired on 28 May 2019, it is essential that Council formally consider its position as Lessee. A further short-term two (2) year Lease will give Council time to consider alternative future options for a community centre in New Berrima and, in the interim, maintain the existing Community Centre for the benefit of New Berrima residents.

Boral Cement Limited have expressed to Council that they are currently reviewing their future commercial asset position and will only grant a maximum Lease of two (2) years. Following the expiration of the two (2) years it is not guaranteed that Boral will agree to enter in to a further Lease with Council.

Council will need to consider its options for the future of the Community Centre. It is recommended that these options be developed as part of the future Service Delivery Review of community facilities provided within the Wingecarribee Local Government Area. This will include community consultation with key stakeholders, and the broader community.

With the expiration of the current Lease, the Community Centre (and associated infrastructure) has been inspected and all current and ongoing costs reviewed by Council staff.

This matter is submitted to Council to seek approval for the General Manager to negotiate the new Lease on the same terms and conditions as the expired Lease and for the General Manager and Mayor to be authorised to execute the new Lease and, if required, to affix the Common Seal of the Council to the Lease.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.



COMMUNICATION AND CONSULTATION

Community Engagement

This is an administrative matter between Council as Lessee and Boral as Lessor.

Internal Communication and Consultation

Assets

External Communication and Consultation

Boral Cement (Lessor)

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

The Community Centre provides opportunities for passive recreation and recreational activities for residents and visitors to New Berrima. The Hall is booked from time to time for birthday parties and social events. The availability of the Community Centre as a hub for social interaction and recreational activities has a positive impact on community well-being.

- **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 with respect to the proposed two (2) year Lease. The proposed Lease will be on the same terms and conditions as the expired Lease, including rental of \$1.00 per annum 'if demanded' and the payment by Council of all rates and utilities including insurance.

RELATED COUNCIL POLICY

None identified.

CONCLUSION

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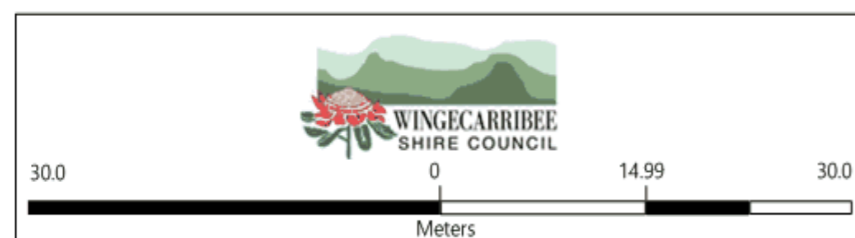
REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



The New Berrima Community Centre has been operated and managed by Council for approximately twenty (20) years. To enable the Community Centre to continue operations for the benefit of the New Berrima community, it is appropriate that Council enter into a further short term Lease.

ATTACHMENTS

1. Aerial Map



Wingecarribee Shire Council

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10.5 Illawarra Academy of Sport - Request for Review of Annual Funding Contribution

Reference:	6600/5
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to advise Council of a request made by the Illawarra Academy of Sport (IAS) to review the current level of funding support provided by Council for the 2019/20 Financial Year.

RECOMMENDATION

THAT Council determine its position with respect to the request made by the Illawarra Academy of Sport to review the current level of funding support provided by Council for the 2019/20 financial year.

REPORT

BACKGROUND

The IAS operates through the Illawarra's geographic region comprising the five local government areas of: Wollongong, Kiama, Shellharbour, Shoalhaven and Wingecarribee. The Academy currently provides athlete development programs across eight sports disciplines including Girls AFL, Basketball, Cycling, Golf, Hockey, Netball, Rugby Union, and Triathlon as well as Lone Star Individual Athlete Programs and an Athlete with a Disability program.

There were sixteen (16) athletes selected to the Academy from the Wingecarribee Local Government Area in the 2018/19 intake.

Council has been a long-standing supporter of the IAS and has provided a financial contribution on an annual basis for more than twenty (20) years. Since 2012, Council's contribution has been set at \$10,100 per annum (GST Exclusive).

Council also recently approved special-category access at the Moss Vale War Memorial Aquatic Centre for IAS athletes which will allow free access to gym facilities for IAS programmed gym sessions. The cost of providing this access is estimated to be \$3,100 per annum, dependent on the number athletes selected into the IAS each year.

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REPORT

Council received a formal request to review its level of funding support of the Illawarra Academy of Sport on the 24 May 2019.

A copy of this correspondence is provided as **Attachment 1**.

In summary, the request put forward by the IAS is that Council consider an increase in the financial contribution for the 2019/20 financial year by an amount of \$2,000, and that future contributions be subject to a CPI or rate-peg increase.

The request has been made on the basis that the level of funding support provided by Council has not changed since 2012.

With the recent adoption of the 2019/20 Operational Plan and Budget, Council has established its funding priorities for the 2019/20 financial year. The current budget position for the 2019/20 financial year is a budget deficit of \$123,000. This is a result of the late notification of the increase in Council's contributions towards emergency services within the Wingecarribee Shire.

It is important to note that Council provides annual contributions (on an ongoing basis) to a number of community groups and not-for-profit organisations. The total amount provided in the 2018/19 financial year was \$132,600. With the exception of one community group, none of these contributions are indexed on an annual basis. The amount included in the budget papers on an annual basis is strictly in accordance with the resolution of Council which established the contribution.

If Council's direction was to support the request made by the IAS, the increase in funding would need to be referred to the September Quarterly Review of the 2019/20 Budget for funding.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

This proposal has no impact on Council's Improvement Plan.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement has been undertaken in relation to this request.

Internal Communication and Consultation

Executive

External Communication and Consultation

Illawarra Academy of Sport

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

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- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

If Council's direction was to support the request made by the IAS, the increase in funding would need to be referred to the September Quarterly Review of the 2019/20 budget for funding.

RELATED COUNCIL POLICY

2019/20 Operational Plan and Budget

OPTIONS

The options available to Council are:

Option 1

That Council supports the request of the Illawarra Academy of Sport to increase its annual funding support provided by Council by an additional \$2,000 in the 2019/20 financial year, and that future contributions are indexed by rate pegging.

If Council's direction was to support the request made by the IAS, the increase in funding would need to be referred to the September Quarterly Review of the 2019/20 budget for funding.

Option 2

That Council decline the request made by the Illawarra Academy of Sport to review its level of funding support for the 2019/20 financial year on the basis that the 2019/20 budget was adopted on the 12 June 2019.

Council could then include the Illawarra Academy of Sport's request for a review of the current level of funding support provided to the Illawarra Academy of Sport as part of the 2020/21 Budget.

Submitted for Council Determination

CONCLUSION

This report seeks to confirm Council's position for the ongoing support to the Illawarra Academy of Sport through its annual contribution, which is currently set and \$10,100 per annum.

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



ATTACHMENTS

1. Illawarra Academy of Sport Correspondence



PO Box U39, University of Wollongong
Wollongong, NSW 2500
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www.ias.org.au

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Friday 24 May 2019

Mayor Councillor Duncan Gair
Wingecarribee Shire Council
PO Box 907
Moss Vale NSW 2577

Re: Request for review of Funding Support to Illawarra Academy of Sport 2019/20

Dear Mayor Gair,

Thank you for the recent discussion surrounding the contribution by the Wingecarribee Shire Council to the Illawarra Academy of Sport. The success of the Academy is founded on the collective support of the five council areas from which we select our talented athletes.

The Wingecarribee Council has provided a financial contribution to the success and ongoing development of the Academy since its inception and remains a foundation member. The Council's contribution has remained at \$10,200 (+GST) since 2012 – approaching eight years on the same level of funding. We request that the Council consider an increase in the financial contribution for 2019-20 budget year with a further \$2,000 and that future contributions are subject to a CPI or rate-peg increase.

The Illawarra Academy continues to pioneer increased levels of support and provision of service that exceeds most NSW Regional Academy programs – providing greater opportunity for athletic success and selections for athletes from the Illawarra region. Put simply, costs are rising, the excellence of our offering is improving, and it's been seven years since contributions were renewed.

Should you wish to discuss this please feel free to contact me on 0412 676 159 or John Armstrong, the CEO of the Illawarra Academy of Sport on 0412 257 990.

Yours Faithfully

John Wells | President
Illawarra Academy of Sport

CC: Wingecarribee Shire Council General Manager Anne Prendergast





10.6 Wingecarribee Adult Day Care Centre (WADCC) - Request for Loan Facility

Reference:	1827/5
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

WPURPOSE

The purpose of this report is to seek Council's direction regarding formal correspondence received from the Wingecarribee Adult Day Care Centre's (WADCC) Board with respect to the amended terms and conditions of the interest free Loan approved by Council on the 24 April 2019.

RECOMMENDATION

THAT Council determine its position in relation to the terms and conditions of the interest free Loan offered to the Wingecarribee Adult Day Care Centre (WADCC) to fund the budget shortfall for the Carrabee Centre – Alterations and Additions Project.

REPORT

BACKGROUND

Wingecarribee Adult Day Care Centre's (WADCC) was successful in securing \$223,000 under the NSW State Government Stronger Country Communities Fund for alterations and extensions to the facility located at 3 Hansen Street Bowral.

At its meeting on 24 October 2018, Council was advised of a significant shortfall in the funding of the project which had been based on a review undertaken by staff of pre-tender estimates. It is important to note that Council was not involved in the preparation of the initial estimate submitted as part of the funding application. The funding shortfall was identified at \$270,000.

Council subsequently resolved (MN444/18)

1. **THAT Council confirm its support for the request from the Wingecarribee Adult Day Care Centre (WADCC) for an interest free loan of up to \$270,000 to fund the budget shortfall for The Carrabee Centre – Alterations and Additions project.**
2. **THAT Council urgently write to the Department of Premier and Cabinet requesting that the \$223,000 currently uncommitted from the Stronger Country Communities Fund be allocated as additional funding for Wingecarribee Adult Daycare Project.**

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3. *THAT should Council's application for the reallocation of \$223,000 from the Stronger Country Communities Fund be successful, the amount of the loan be reduced to \$47,000.*
4. *THAT a further report be presented to a future meeting of Council to confirm the amount of the loan and the terms and conditions.*

Following the Council meeting held on 24 October 2018, Council officers were subsequently advised by the Department of Premier and Cabinet that it was not possible to reallocate the \$223,000 from the Stronger Country Communities Fund to the Wingecarribee Adult Daycare project.

At its meeting on 13 February 2019, Council considered the tender report for the construction of the WADCC Alterations and Additions contract. In awarding the tender for the alterations and additions for the Carrabee Centre, it was also necessary for Council to determine the terms and conditions of the interest free Loan.

It is again important to note that the terms and conditions of the Loan were discussed with representatives of the WADCC board and were verbally agreed to prior to presentation to Council.

Council subsequently resolved (MN13/19):

1. *THAT in relation to the report concerning Wingecarribee Adult Day Care Centre – Alterations & Additions - Council adopts the recommendations contained within the Closed Council report – Item 22.1:*
 - a. *THAT Council accepts the tender from Dobsonei Pty Ltd at a Lump Sum of \$635,956 Excluding GST to undertake the construction of the Wingecarribee Adult Day Care Centre – Alterations & Additions.*
 - b. *THAT Council approve the loan of \$270,000 for the Wingecarribee Adult Day Care Centre based on the following terms and conditions:*
 - i.
 - ii. *That Council provide WADCC with an interest free loan of \$270,000, to be sourced from the Capital Projects Reserve.*
 - iii. *The terms of the loan be on the basis of a repayment schedule of \$13,500 bi-annually over a period of 10 years, with repayments commencing 30 days after the physical completion of the project.*
 - iv. *That WADCC provide Council on an annual basis with an independent record of all fundraising revenue relating to the refurbishment project. Additional funds raised beyond the annual repayment of \$27,000 will be paid to Council to further reduce the balance of the loan ahead of the repayment schedule referred to in point two.*

At its meeting on 24 April 2019, Council was advised that WADCC had rejected the loan offer on the basis of the terms and conditions of the loan. A summary of the reasons provided are as follows:

- The Board do not believe it can commit to a fixed repayment schedule due to the lack of a recurrent revenue stream outside of the Federal Government funding it receives.

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- The Board believes the default interest arrangements are unacceptable and unrealistic.
- The current works underway are ultimately an improvement to a Council asset.
- Concerns regarding potential exposure to liability to existing board members.

Council subsequently resolved (MN184/19):

1. *THAT the terms and conditions of the Loan Agreement of \$270,000 to WADCC be changed to reflect a fifteen (15) year term.*
2. *THAT Council staff and the Mayor meet with the representative of the WADCC to discuss the resolution.*

REPORT

In accordance with Council resolution MN184/19, a meeting was held with the Mayor, a representative of WADCC and Council staff on the 10 May 2019. The outcome of this meeting was that the WADCC Board was requested to provide a formal response to Council's amended terms and conditions for the interest free loan of \$270,000.

This formal response was received by Council on the 18 June 2019. In summary, the Board's response is that it does not believe the amended terms and conditions has addressed the concerns outlined in its letter dated 10 April 2019. The response re-emphasised the Board's position that it believes the only guarantee they can provide is an undertaking to do its best to repay the loan.

The correspondence also stated that the Board was continuing to fundraise and had been able to raise a further \$50,000 since the initial loan offer of \$270,000 had been approved by Council.

A copy of this correspondence is provided as **Attachment 1**.

With respect to the concerns raised by the Board regarding fixed repayments and default interest arrangements, these provisions are an essential component of any formal Loan Agreement. It provides clarity to both parties on cash flow expectations and legally secures the debt.

Given that the project has now commenced, the direction of Council is now sought to ensure the funding for the project (and the formally executed contract) can be secured. The options available to Council are as follows:

1. Confirm that the amended terms and conditions of the draft Loan Agreement are to remain unchanged. If the Board is unwilling to accept this offer, then Council would need the Board to identify where additional funding could be sourced to ensure the project can be completed. This could result in significant funding complications for the project as the project is well underway. It is important to note that Council has a legal contract in place with the current contractor to deliver on the scope of works approved in the Tender adopted by Council on the 13 February 2019.
2. Draft a new agreement on the basis that there would be no fixed repayment schedule and default interest arrangements. This would not be a formal Loan Agreement and would not give Council any legal security that the loan would be repaid. If this was Council's direction, then legal advice would be sought on the best legal instrument to facilitate this arrangement.



3. Convert the current Loan offer to a funding grant to WADCC to cover the additional cost associated with the alterations and extension of the Carribee Centre.

Council has no capacity to fund option 3 from the adopted 2019/20 Budget.

If the direction of Council is to support this option, then the recommendation from Council officers would be that the grant be sourced from the Capital Projects Reserve. This would limit Council's ability to utilise these funds for any unforeseen/emergency works which may arise in the short-medium term future.

It is important to note that WADCC has advised Council that an additional \$50,000 has been raised through fundraising activities since the initial loan offer was approved by Council. On that basis, if the direction of Council was to offer a funding grant, this would be for \$220,000.

The current uncommitted balance of the Capital Projects Reserve is \$811,100.

Council has a standing resolution which requires a minimum uncommitted balance for the Capital Projects Reserve of \$1 million. This is to ensure that Council can respond to any future unforeseen/emergency works.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

The options presented in this report are not consistent with Council's Improvement Plan.

COMMUNICATION AND CONSULTATION

Community Engagement

There has been no community engagement in relation to this report.

Internal Communication and Consultation

Executive

External Communication and Consultation

Wingecarribee Adult Day Care Centre's Board

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.

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- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Council has no capacity to fund option 3 from the adopted 2019/20 Budget.

If the direction of Council is to support this option, then the recommendation from Council officers would be that the grant be sourced from the Capital Projects Reserve. This would limit Council's ability to utilise these funds for any unforeseen/emergency works which may arise in the short-medium term future.

The current uncommitted balance of the Capital projects Reserve is \$811,100.

Council has a standing resolution which requires a minimum uncommitted balance for the Capital Projects Reserve of \$1 million. This is to ensure that Council can respond to any future unforeseen/emergency works.

RELATED COUNCIL POLICY

None

OPTIONS

The options available to Council are:

Option 1

Confirm that the amended terms and conditions of the draft Loan Agreement are to remain unchanged. If the Board is unwilling to accept this offer, then Council would need the Board to identify where additional funding could be sourced to ensure the project can be completed. This could result in significant funding complications for the project as the project is well underway. It is important to note that Council has a legal contract in place with the current contractor to deliver on the scope of works approved in the Tender adopted by Council on the 13 February 2019.

Option 2

Draft a new agreement on the basis that there would be no fixed repayment schedule and default interest arrangements. This would not be a formal Loan Agreement and would not give Council any legal security that the loan would be repaid. If this was Council's direction, then legal advice would be sought on the best legal instrument to facilitate this arrangement.

Option 3

Convert the current Loan offer to a funding grant to WADCC to cover the additional costs associated with the alterations and extension of the WADCC building.

Submitted for Council determination.

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CONCLUSION

To provide funding certainty for the WADCC Alterations and Extensions project, the direction of Council is sought on the response to be provided to the WADCC Board as a result of its rejection of the amended terms and conditions of the approved interest free Loan Agreement.

ATTACHMENTS

1. Wingecarribee Adult Day Care Centre Correspondence



Richard Mooney

From: [REDACTED]
Sent: Tuesday, 18 June 2019 2:53 PM
To: Richard Mooney
Subject: WADCC Loan Agreement

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Richard

After our meeting with the Mayor and yourself I referred the Council's resolution extending the Loan repayment period to the WADCC Board. The Board's reaction was that the Council had not addressed any of the issues raised in my letter to you of 10th April and that extending the repayment period does not change anything. We can only give an undertaking to do our best to repay the loan and hopefully it will be less than \$271,000 since we have received \$50,000 in donations since my original response to the terms of the Loan Agreement. We hope that when the matter is referred back to the Council it will take into account all the factors and propose a more acceptable arrangement.

Regards

[REDACTED]

10.7 Public Exhibition of the Draft Nattai Ponds Floodplain Risk Management Study and Plan

Reference:	8100/17.1
Report Author:	Floodplain and Stormwater Engineer
Authoriser:	Manager Assets
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

The purpose of this report is to seek Council's endorsement to place the draft report on the Nattai Ponds Floodplain Risk Management Study and Plan on public exhibition.

RECOMMENDATION

THAT the draft report on the Nattai Ponds Floodplain Risk Management Study and Plan be put on public exhibition for a period of 60 days.

REPORT

BACKGROUND

Council has been undertaking flood studies and floodplain risk management studies for many years. These projects are jointly funded by NSW Government and Council with two-thirds funding provided by the State Government. Council completed the Nattai Ponds Flood Study in 2016. The Nattai Ponds Floodplain Risk Management Study and Plan commenced in early 2018 and is now complete. It is a requirement that the draft report be put on public exhibition for community feedback.

REPORT

The Wingecarribee Floodplain Risk Management Advisory Committee met on 6 May 2019. The consultant presented the draft report on the Nattai Ponds Floodplain Risk Management Study and Plan before the Committee. A detailed discussion was held about the report. The Committee suggested that the draft report be placed on public exhibition for a period of 60 days and that the flood affected property owners be contacted directly and if requested a community meeting be held during the exhibition period. A hard copy of this report is located in Customer Service Centre, Civic Centre, Moss Vale.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

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

COMMUNICATION AND CONSULTATION

Community Engagement

The community will be engaged during the exhibition period. The draft reports will be placed on display in Council libraries and the Civic Centre. The report will also be placed on Council website following a media release published in the local newspaper. Letters will be sent to selected property owners and telephone contact will be made with flood affected property owners. A community meeting will be arranged if requested by consulted residents.

Internal Communication and Consultation

Asset, Planning and Development staff have been consulted.

External Communication and Consultation

The public will be provided the opportunity to consult with Council during the exhibition period.

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 in relation to this report.

RELATED COUNCIL POLICY

There are no related Council policies.

CONCLUSION

The draft report on the Nattai Ponds Floodplain Risk Management Study and Plan be placed on public exhibition for 60 days for community feedback.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

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



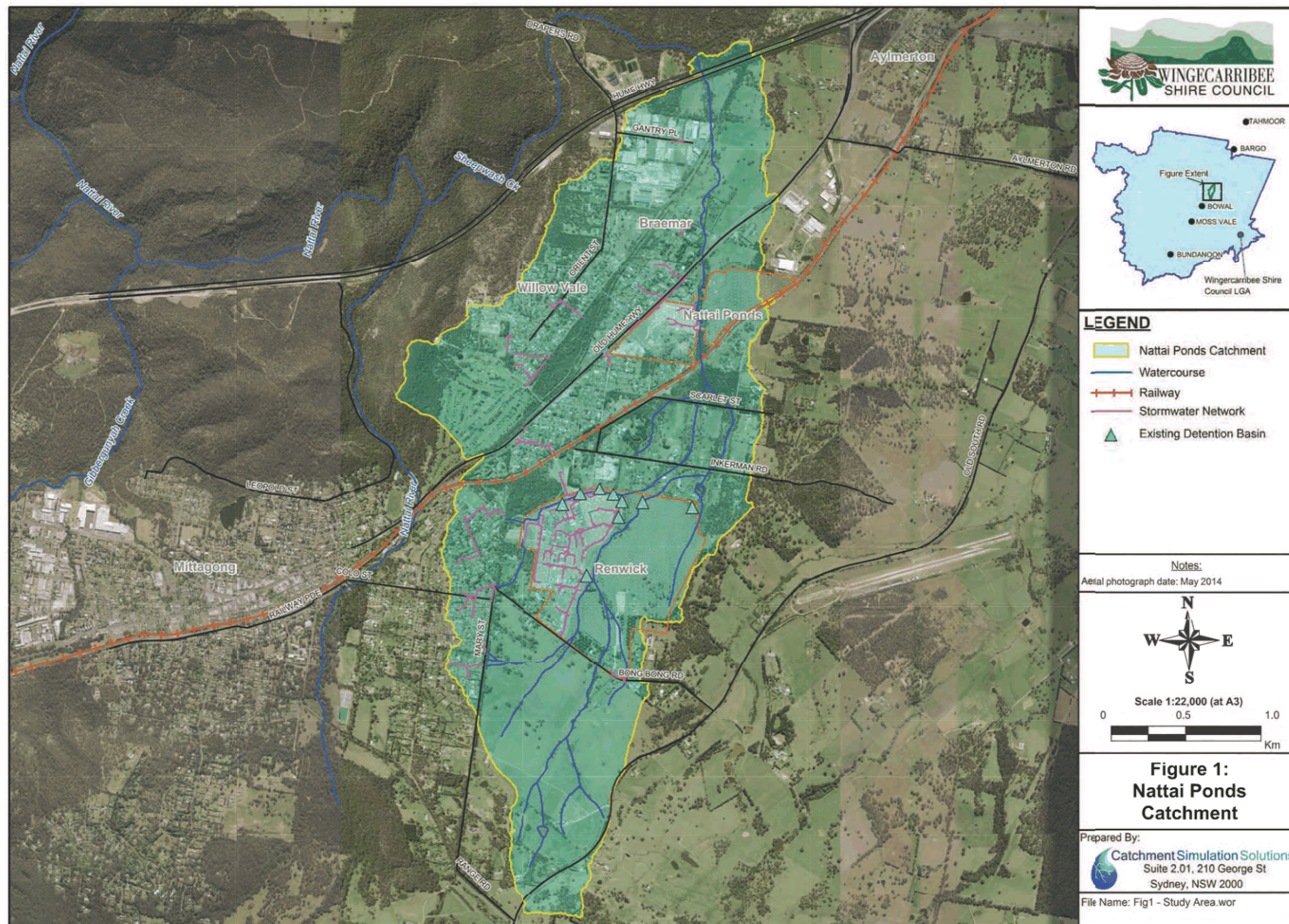
ATTACHMENTS

1. Nattai Ponds Catchment

Barry W Paull

Deputy General Manager Operations, Finance and Risk

Thursday 4 July 2019



11 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

11.1 Development Applications Determined from 28 May 2019 to 26 June 2019

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

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

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 28 May 2019 to 26 June 2019.

RECOMMENDATION

THAT the information relating to the lists of Development Applications Determined for the period 28 May 2019 to 26 June 2019 be received and noted.

APPROVED APPLICATIONS BY DATE RANGE

Date range: 28 May 2019 to 26 June 2019

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	19/1689	1 Cloud Lane Avoca NSW 2577 Lot 2 DP 1245627	Julie Marsden Pty Limited	Residential Alterations and Additions (Swimming Pool)	28/05/2019	0	6	6	04/06/2019
2	18/0785.04	17 Old Hume Highway Berrima NSW 2577 Lot 1 DP 568701	PW Bruce, L Bruce	Section 4.55 Modification (Detach Garage / Storeroom, Delete Washroom)	23/04/2019	0	54	54	17/06/2019
3	15/1052.04	65-69 Shepherd Street Bowral NSW 2576 Lots 1-2 & 9-10 Sec H DP 979526 & Lot 34 DP110528	C Creswick	Section 4.55 Modification Section (Alter proposed potting shed to guest accommodation)	02/05/2019	0	35	35	06/06/2019

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
4	17/0816.09	80 Station Street Bowral NSW 2576 Lot 3 DP 740426	S Reekie, AF Reekie	Section 4.55 Modification (Replace circular vents with horizontal vents. Replace full length glazing with low masonry wall)	21/12/2018	0	185	185	24/06/2019
5	17/1740.05	16 Shepherd Street Bowral NSW 2576 Lot C DP 155874	R Bailey	Section 4.55 Modification (Safety Glass to Pergola. Remove two skylights)	03/05/2019	0	27	27	31/05/2019
6	17/1820.01	Miranda Park 254 Centennial Road Bowral NSW 2576 Lot 1 DP 435373 & Lot 5a DP 16192 & Lot 1 DP 126196	Windbelt Pty Ltd	Section 4.55 Modification (Remove conditions pertaining to site consolidation and reference to Vegetation Management Plan in 88B Instrument)	02/04/2019	0	70	70	11/06/2019
7	18/0506.05	Wirreanda 15 Merilbah Road Bowral NSW 2576 Lot 23 DP 20804	DP Madden, C McRostie	Section 4.55 Modification (Pergolas)	22/05/2019	0	6	6	28/05/2019
8	19/0657	176-180 Bowral Street Bowral NSW 2576 Lot 23 DP 612928	P Pedley, W Pedley	Subdivision (7 Lots)	25/10/2018	117	112	229	12/06/2019
9	19/0670	255-261 Bong Bong Street Bowral NSW 2576 Lot 11 DP 547653	Marthel Holdings Pty Ltd	Commercial Alterations and Additions (Internal Alterations)	29/10/2018	117	101	218	05/06/2019
10	19/0730	18 Bundaroo Street Bowral NSW 2576 Lot A DP 164978	D Clark	Commercial Alterations and Additions (New Entry, Waiting Area & additional Toilet)	08/11/2018	0	215	215	29/05/2019
11	19/1016	106a Merrigang Street Bowral NSW 2576 Lot 82 DP 1247129	M Bennett, NPG Baxter	Dwelling House	02/01/2019	26	119	145	28/05/2019
12	19/1359	3 Caroline Avenue Bowral NSW 2576 Lot 126 DP 1231974	CS Lombard	Dwelling House & Retaining Wall	19/03/2019	48	21	69	28/05/2019

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
13	19/1457	7 Centennial Road Bowral NSW 2576 Lot 14 DP 1160069	Destin Pty Ltd	Educational Establishment (New Classroom)	04/04/2019	0	67	67	31/05/2019
14	19/1477	6 Herald Drive Bowral NSW 2576 Lot 121 DP 1227641	SMA McGavin, MDAC McGavin	Dwelling House	09/04/2019	0	48	48	28/05/2019
15	19/1490	Bowral Golf Club 25-43 Kangaloon Road Bowral NSW 2576 Lot 45 Sec G DP 4380 Lot 46-48 Sec G DP 4380	Bowral Golf Club Ltd / Kevin Kenny	Recreation Facility (Extend Golf Cart Shed)	11/04/2019	0	60	60	11/06/2019
16	19/1522	6 Gibraltar Road Bowral NSW 2576 Lot 3 DP 569521	H Carlon	Residential Alterations and Additions (Extensions)	17/04/2019	0	55	55	11/06/2019
17	19/1534	12-14 Bundaroo Street Bowral NSW 2576 Lot 31 Sec B DP 975353	M Miller, E Miller	Change of Use - Shop	25/04/2019	4	57	61	25/06/2019
18	19/1556	17 Sir James Fairfax Circuit Bowral NSW 2576 Lot 412 DP 1248107	J Singleton	Dwelling House & Retaining Wall	01/05/2019	33	21	54	25/06/2019
19	19/1559	460 Kangaloon Road Bowral NSW 2576 Lot 22 DP 792646	Bong Bong Picnic Race Club Ltd	Temporary Use of Land for PieFest to operate one weekend per year for four (4) consecutive years.	01/05/2019	0	49	49	20/06/2019
20	19/1593	27 Sir James Fairfax Circuit Bowral NSW 2576 Lot 417 DP 1248107	P Luong, A Louie	Dwelling House & Retaining Walls	09/05/2019	10	14	24	03/06/2019
21	15/1134.05	53 Nerrim Street Bundanoon NSW 2578 Lot 32 DP 9331	A Magro, L Egerton	Section 4.55 Modification (Internal Alterations. Demolition of Garage)	03/06/2019	0	7	7	11/06/2019

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
22	18/0077.06	58 Greasons Road Bundanoon NSW 2578 Lot 37 DP 9134 Lot 38 DP 9134	James Walter Douglas Pty Ltd	Section 4.55 Modification (Remove Condition 72 pertaining to construction of footpath. Remove condition 74 construction of driveway crossovers)	22/02/2019	104	10	114	17/06/2019
23	18/0305	Osborn Avenue Bundanoon NSW 2578 Lot 12 DP 2849 Lot 13 DP 2849	AN Clegg	Dwelling House and Detached Studio	21/03/2018	332	104	436	01/06/2019
24	19/0572.06	56 Greasons Road Bundanoon NSW 2578 Lot 222 DP 1214182	W Norris	Section 4.55 Modification (Modify aerated wastewater treatment system)	04/04/2019	0	54	54	28/05/2019
25	19/1569	Ferndale Reserve 152 Quarry Road Bundanoon NSW 2578 Lot 7006 DP 1032260 Lot 7005 DP 1032260	Wingecarribee Shire Council	Temporary Use of Land (Bundanoon Winterfest)	03/05/2019	0	48	48	20/06/2019
26	14/0778.03	18 Nerang Street Burradoo NSW 2576 Lot 1 DP 713573	LH Crisp	Section 4.55 Modification (Internal Alterations and Extensions)	17/05/2019	0	13	13	30/05/2019
27	18/0192.06	1 Holly Road Burradoo NSW 2576 Lot 2 DP 1137728	BW Denton, LR Denton	Section 4.55 Modification (Amend Stormwater Condition)	18/06/2019	0	5	5	24/06/2019
28	19/1299	8 Sutherland Park Drive Burradoo NSW 2576 Lot 15 DP 1220167	AM Zammit	Dwelling House	05/03/2019	72	28	100	14/06/2019
29	17/1298.04	Whispering Pines 430 Tugalong Road Canyonleigh NSW 2577 Lot 5 DP 262109	Tamdarra Pty Ltd	Section 4.55 Modification (Internal Alterations & Extensions)	23/04/2019	0	40	40	03/06/2019
30	18/0589.01	58-70 Middle Road Exeter NSW 2579 Lot 3 DP 60330	M Le Guay, D Le Guay	Section 4.55 Modification (Tree Removal)	27/03/2019	0	84	84	20/06/2019

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
31	19/1775	121 Rockleigh Road Exeter NSW 2579 Lot 14 DP 1154427	J McKenzie, AM McKenzie	Residential Alterations and Additions (Swimming Pool)	19/06/2019	0	5	5	25/06/2019
32	19/1532	1020 Nowra Road Fitzroy Falls NSW 2577 Lot 5 DP 859692	RR Johnston, JH Johnston	Residential Alterations and Additions (Extensions)	24/04/2019	0	58	58	21/06/2019
33	19/1623	Sproules Lane Glenquarry NSW 2576 Lot 3 DP562283 Enclosure Permit 580135	L Hanrahan, KE Hanrahan	Residential Alterations and Additions (Shed)	15/05/2019	0	37	37	22/06/2019
34	19/1353	Wombaroo 162 Black Spring Road High Range NSW 2575 Lot 1 DP 1158096	The Outdoor Education Group C/ Charlie Hurrey	Dining Facility (Extend Kitchen)	18/03/2019	0	84	84	11/06/2019
35	19/0132.03	220 Jacks Valley Road Joadja NSW 2575 Lot 1 DP 877821 & Ep 308001	M Walden	Section 4.55 Modification (Internal Alteration. Alter cladding material)	27/05/2019	0	3	3	31/05/2019
36	17/0821.02	1515 Kangaloon Road Kangaloon NSW 2576 Lot 1 DP 790608	N Gonzalez	Section 4.55 Modification (Remove verandah & loft. Alter roof pitch)	04/06/2019	0	6	6	11/06/2019
37	17/1038.06	13 Brewster Street Mittagong NSW 2575 Lot 30 DP 9299	TPFT Generation Pty Ltd	Section 4.55 Modification (Extension of Deferred Commencement Condition)	29/05/2019	0	15	15	14/06/2019
38	19/0352.05	8 Evans Street Mittagong NSW 2575 Lot B DP 347883	M Thompson, RE Thompson	Section 4.55 Modification (Extensions)	19/06/2019	0	3	3	22/06/2019
39	19/1401	17 Nero Street Mittagong NSW 2575 Lot 242 DP 1246385	MD Mulligan, RP Mulligan	Dwelling House	27/03/2019	44	37	81	17/06/2019
40	19/1468	29 Nero Street Mittagong NSW 2575 Lot 6 DP 1245206	WJ Jiang	Dwelling House	05/04/2019	25	45	70	15/06/2019

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
41	19/1610	8 Farnham Close Mittagong NSW 2575 Lot 40 DP 1001412	JM Marsh	Residential Alterations and Additions (Shed)	13/05/2019	0	43	43	25/06/2019
42	19/1633	17 Robinson Street Mittagong NSW 2575 Lot 132 DP 1247015	G Biasi, SE Biasi	Residential Alterations and Additions (Shed)	17/05/2019	0	39	39	25/06/2019
43	16/0766.07	32 Kings Road Moss Vale NSW 2577 Lot 12 DP 1222061	CF Donald	Section 4.55 Modification (Alterations & Additions including new sub-floor garage and workshop)	27/03/2019	0	82	82	17/06/2019
44	19/1384	9 Robertson Road Moss Vale NSW 2577 Lot 1 DP 198185	V Elderton	Medical Centre (Extensions)	25/03/2019	0	77	77	29/05/2019
45	19/1519	1a Hill Road Moss Vale NSW 2577 Lot 22 DP 1250470	AD Key, MA Key	Dwelling House	17/04/2019	0	54	54	11/06/2019
46	19/1582	208 Argyle Street Moss Vale NSW 2577 Lot 101 DP 1142408	NGO Investments (No 2) Pty Limited	Advertising Structure	07/05/2019	0	41	41	17/06/2019
47	19/1586	38 Browley Street Moss Vale NSW 2577 Lot 6 DP 14457	KM Davies, BJ Davies	Residential Alterations and Additions (Extensions)	07/05/2019	0	35	35	12/06/2019
48	19/1622	11 Woodside Drive Moss Vale NSW 2577 Lot 183 DP 1095417	S Ward, ME Ward	Residential Alterations and Additions (Shed)	15/05/2019	0	19	19	04/06/2019
49	19/1448	19 Plumb Street Renwick NSW 2575 Lot 1389 DP 1234992	Jack Twist Enterprises Pty Ltd	Dwelling House	03/04/2019	31	40	71	14/06/2019
50	19/1453	39 Green Street Renwick NSW 2575 Lot 1365 DP 1234992	J Davis	Dwelling House	04/04/2019	24	30	54	29/05/2019
51	19/1474	3 Windeyer Street Renwick NSW 2575 Lot 1399 DP 1234992	AR Greenslade, J Greenslade	Dwelling House	08/04/2019	16	42	58	06/06/2019

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
52	19/1541	21 Roty Avenue Renwick NSW 2575 Lot 36 DP 1221206	G Singh, S Kaur	Dwelling House & Retaining Wall	26/04/2019	23	26	49	14/06/2019
53	19/1692	35 Maxted Street Renwick NSW 2575 Lot 49 DP 1221206	JC Medin, S Hua	Dwelling House	29/05/2019	15	7	22	21/06/2019
54	19/1727	24 George Cutter Avenue Renwick NSW 2575 Lot 112 DP 1221206	GR Iveson	Residential Alterations and Additions (Retaining Wall)	06/06/2019	0	7	7	14/06/2019
55	19/1753	3 Solomon Street Renwick NSW 2575 Lot 1313 DP 1234992	RM Rundle	Dwelling House	14/06/2019	0	6	6	21/06/2019
56	19/1369	4991 Illawarra Highway Robertson NSW 2577 Lot 2 DP 559280	SR Dennett, S Dennett	Residential Alterations and Additions (Extensions & Internal Alterations)	21/03/2019	20	50	70	31/05/2019
57	19/1511	74 Lees Road Robertson NSW 2577 Lot 4 DP 1025492	Geeland Pastoral Company Pty Ltd	Farm Building	16/04/2019	0	43	43	29/05/2019
58	19/1545	40 The Old Road Robertson NSW 2577 Lot 77 DP 12365	AB Vucko, K Vucko	Relocate Existing Dwelling. Construct New Dwelling.	29/04/2019	21	32	53	22/06/2019
59	19/1612	20 Old Jamberoo Road Robertson NSW 2577 Lot 1 DP 731337	RN Short	Residential Alterations and Additions (Studio)	13/05/2019	0	38	38	20/06/2019
60	19/1655	48 Caalong Street Robertson NSW 2577 Lot 17 DP 15947	T Perkiss, B Noakes	Demolition of Existing Dwelling	22/05/2019	0	10	10	01/06/2019
61	19/1634	Merimba 7945 Illawarra Highway Sutton Forest NSW 2577 Lot 4 DP 250747	R Pridham, V Pridham	Residential Alterations and Additions (Shed)	17/05/2019	0	31	31	17/06/2019
62	19/0902	57-59 Berrima Street Welby NSW 2575 Lot 1 Sec 4 DP 759070	JE Brandon	Subdivision (2 Lots)	06/12/2018	92	97	189	14/06/2019

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
63	19/1595	Murrayfields 26 Werai Road Werai NSW 2577 Lot 100 DP 1243214	BMK Holding Group Pty Ltd	Residential Alterations and Additions (Internal)	09/05/2019	0	35	35	14/06/2019
64	19/1023	272 Nandi Road Wingello NSW 2579 Lot 3 DP 739567	JA Thomas, TA Thomas	Secondary Dwelling	03/01/2019	83	68	151	04/06/2019
65	19/1434	Joe Smith Sports Field 29 Government Road Yerrinbool NSW 2575 Lot 1 DP 702021 Lot 5 DP 702021	Wingecarribee Shire Council	Recreation Facility (Drivers Stand and Storage)	01/04/2019	47	37	84	26/06/2019
66	17/1101.04	Burgess Street Bundanoon NSW 2578 Lot 24 Sec 1 DP 1307	LA Hines, JC Hines	Section 4.55 Modification (Amend accessible amenities to comply with Building Code Australia)	06/05/2019	0	51	51	26/06/2019
67	19/1485	42-44 Berrima Road Moss Vale NSW 2577 Lot 9 Sec 2 DP 33517	GF Becher, ER Becher, Southern Rural Traders Pty Ltd	Subdivision (2 Lots)	10/04/2019	0	77	77	26/06/2019
68	19/1735	62 Challoner Rise Renwick NSW 2575 Lot 1253 DP 1221207	RM Smith, DE Ryan	Residential Alterations and Additions (Shed)	07/06/2019	1	17	18	26/06/2019

REFUSED APPLICATIONS

Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
19/1086	15-17 McCourt Road Moss Vale NSW 2577 Lot 35 DP 858150	Joy Global Australia Pty Ltd	Storage Shed	22/01/2019	41	105	146	19/06/2019

Reasons for Refusal:

1. Fire safety measures in place for an existing large isolated building adjacent to the proposed development site may have been compromised, and the proposed building's proximity to the existing large isolated building will further compromise those fire safety measures, resulting in contravention of the Building Code of Australia. Council requested the applicant provide additional information to address these concerns, but the applicant is taken to have notified

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Council that the requested additional information will not be provided, pursuant to clause 54 (6) of the Environmental Planning and Assessment Regulation 2000.

Consequently, Council is not satisfied by the development application and its accompanying documents that the proposed development will not have significant negative impacts with respect to:

- (a) Technological hazards, with particular regard to risks to people and property from building fire risk, and
- (b) Site design and internal design, with particular regard to the positioning of buildings and the health and safety of occupants in terms of building fire risk.

[Section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979]

2. Council considers there to be no overriding public interest in favour of granting consent for the proposed development.

[Section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979]

Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
10/0414.03	144 Mt Broughton Road Werai NSW 2577 Lot 1 DP 804846	IM Scandrett, JA Scandrett	Section 4.55 Modification (Extension, Shed, Entry Gates)	11/10/2018	0	244	244	Refused by Council 12/06/2019

Reasons for Refusal:

1. The combination of the additional size, height and the reduced setback of the shed to the northern boundary would result in an increased negative impact on the visual amenity of 102 Broughton Road and would be more visible from Mount Broughton Road.

(Section 4.15(1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)

2. The size of the shed is in excess of the maximum floor space permitted under DCP Rural Lands for a rural building.

(Section 4.15(1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)

3. Having regard to section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979, Council considers the development not to be in the public interest.

(Section 4.15(1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
18/0717.04	9 Station Street Mittagong NSW 2575 Lot 2 DP 1151022	LG O'Connor- Henderson, M Henderson	Section 8.2A Review (Commercial Alterations and Additions - Boarding House, Office, Carport)	25/03/2019	0	93	93	26/06/2019

Reasons for Refusal:

- 1 The development makes minimal provision for private open space on the land and is impacted by the right of way to provide pedestrian access to No 7 Station Street, thereby meaning the private open space is not private. Having regard to section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979, clause 29 (2) (d) of State Environmental Planning Policy (Affordable Rental Housing) 2009 therefore does not prevent Council from refusing consent for the development on the grounds of private open space.

[Section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979]

- 2 The development does not provide solar access for a communal living room that receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter. Having regard to section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979, clause 29 (2) (c) of State Environmental Planning Policy (Affordable Rental Housing) 2009 therefore does not prevent Council from refusing consent for the development on the grounds of solar access.

[Section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979]

- 3 Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, the development makes minimal provision for private open space, contrary to the following provisions of the Mittagong Town Plan Development Control Plan:

(a) The objectives specified at section A6.2.1, regarding private landscaped open space, to:

- Provide a pleasant, vegetated environment for users of the site (workers or residents)
- Contribute to the urban streetscape
- Provide a visual buffer between development and the surrounding neighbourhood
- Contribute to existing tree canopies and wildlife habitats
- Provide adequate ground cover to prevent erosion and assist storm water infiltration
- Contribute where possible to the enhancement of key vegetation and topographical features.

(b) The objectives specified at section B5.2, regarding residential development in business areas:

- To ensure that residential development within business precincts provides a satisfactory standard of residential amenity
- To ensure that new residential development provides appropriate private open space for residents.

(c) The control specified at section B5.3 (f), regarding residential development in business areas, that on-site private open space shall be provided to improve the residential amenity of the development.

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REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- (d) The objective specified at section C4.2 (vii), regarding other forms of residential development, to ensure that new residential development provides appropriate private open space for residents.
- (e) The control specified at section C4.3 (c), regarding other forms of residential development, that on-site private open space shall be provided to improve the residential amenity of the development.

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

- 4 Having regard to section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979, the development is considered likely to have or lead to significant negative impacts with respect to:
 - (a) site design and internal design
 - (b) Social impacts in the locality.

[Section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979]

- 5 Having regard to section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979, the land is considered unsuitable for development as proposed.

[Section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979]

- 6 Having regard to section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979, granting of consent to the proposed development is not considered in the public interest.

[Section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979]

ATTACHMENTS

There are no attachments to this report.



11.2 Development Applications Received from 28 May 2019 to 26 June 2019

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

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

PURPOSE

The purpose of this report is to update Councillors and Development Applications Received in the period of 29 May 2019 to 26 June 2019.

RECOMMENDATION

THAT the information relating to Development Applications Received from 28 May 2019 to 26 June 2019 be received and noted.

RECEIVED APPLICATIONS BY DATE RANGE Date range: 28 May 2019 to 26 June 2019

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	19/1778	Inala 154 Old South Road Alpine NSW 2575 Lot 2 DP 732711	D Pride, L Pride	Residential Alterations and Additions (Garage / Workshop)	20/06/2019		#PENDING		
2	19/1780	5910 Illawarra Highway Avoca NSW 2577 Lot 10 DP 1241979	S Shakesheff	Secondary Dwelling	20/06/2019		#PENDING		
3	19/1711	11 Franklin Road Aylmerton NSW 2575 Lot 8 DP 788983	C Carambano	Residential Alterations and Additions (Extensions, Internal Alterations & Swimming Pool)	31/05/2019		#PENDING		
4	19/1733	54 Park Avenue Aylmerton NSW 2575 Lot 17 Sec 1 DP 10484	T Pullar, M Turczynski	Dwelling House	07/06/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
5	19/1726	Bowen Street Berrima NSW 2577 Lot 11 DP 1244255	G Pulley, B Pulley	Dwelling House	06/06/2019		#PENDING		
6	16/0286.07	49 Holly Street Bowral NSW 2576 Lot 20 Sec F DP 979526	C Baker	Section 4.55 Modification (Extend roof over rear deck)	12/06/2019		#PENDING		
7	17/0816.10	80 Station Street Bowral NSW 2576 Lot 3 DP 740426	S Reekie, A Reekie	Section 4.55 Modification (Proposed deletion of Condition 80 which required construction of a 1200mm wide footpath along the front and side of the property)	04/06/2019		#PENDING		✓
8	18/0093.06	15 Rose Street Bowral NSW 2576 Lot A DP 338185	F Hegarty	Section 4.55 Modification (Carport)	07/06/2019		#PENDING		
9	18/0259.04	17 Edward Riley Drive Bowral NSW 2576 Lot 108 DP 1227641	T O'Brien, R Toomey	Section 4.55 Modification (Modify Building Envelope)	03/06/2019		#PENDING		
10	19/1694	29-31 Merrigang Street Bowral NSW 2576 Lot 1 DP 154869	H Reid, R Maitland	Residential Alterations and Additions (Fence)	29/05/2019		#PENDING		
11	19/1695	41 Sir James Fairfax Circuit Bowral NSW 2576 Lot 233 DP 1239600	G Kim, Y Kim	Dwelling House	29/05/2019		#PENDING		
12	19/1716	3 Soma Avenue Bowral NSW 2576 Lot 21 DP 11372	J Buttfield	Residential Alterations and Additions (Garage)	04/06/2019		#PENDING		
13	19/1718	110 Mittagong Road Bowral NSW 2576 Lot 410 DP 733694	U Wypych	Residential Alterations and Additions (Extensions, Shed, Carport, Removal of 3 trees)	04/06/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
14	19/1749	2 Beavan Place Bowral NSW 2576 Lot 12 DP 241836	J Thomas	Residential Alterations and Additions (Deck, Extensions, Garage)	13/06/2019		#PENDING		
15	19/1752	401 Centennial Road Bowral NSW 2576 Part Lot 14 DP 12827	A Fowler, L Fowler	Residential Alterations and Additions (Stables)	14/06/2019		#PENDING		
16	19/1755	29 Shepherd Street Bowral NSW 2576 Lot 2 DP 154958	S Pitt	Residential Alterations and Additions (Swimming Pool)	14/06/2019		#PENDING		
17	19/1759	Church 28-30 Bendooley Street Bowral NSW 2576 Lot 1 DP 995850 Lot 2 DP 995850 Lot 1 DP 155385	Uniting Church Property Committee	Community Facility (Accessible Bathroom & Laundry for Homeless & Socially Disadvantaged)	14/06/2019		#PENDING		
18	19/1771	24 Soma Avenue Bowral NSW 2576 Lot 152 DP 551920 Lot 153 DP 551920	K Smith	Residential Alterations and Additions (Secondary Dwelling)	18/06/2019		#PENDING		
19	19/1786	77 Bowral Street Bowral NSW 2576 Lot 3 DP 1250477	A Zink, M Zink	Dual Occupancy (Detached)	20/06/2019		#PENDING		
20	19/1795	16 Sir James Fairfax Circuit Bowral NSW 2576 Lot 429 DP 1248107	J Harrison, H Harrison, J Harrison	Dwelling House			#PENDING		
21	19/1796	7 Balliol Close Bowral NSW 2576 Lot 405 DP 1248107	D Pakaj, R McNaughton	Dwelling House			#PENDING		
22	19/0767.01	10 Tyree Place Braemar NSW 2575 Lot 2 DP 1225697	Tycan Australia Pty Ltd	Section 4.55 Modification (Staging of sewer infrastructure)	30/05/2019		#PENDING		
23	15/1134.05	53 Nerrim Street Bundanoon NSW 2578 Lot 32 DP 9331	A Magro, L Egerton	Section 4.55 Modification (Internal Alterations)	03/06/2019		#APPROVED	11/06/2019	

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
24	19/1712	45 Church Street Bundanoon NSW 2578 Lot 3 DP 1025631	W Appleton, J Appleton	Residential Alterations and Additions (Deck, Extensions, Internal Alterations)	03/06/2019		#PENDING		
25	19/1751	221 Penrose Road Bundanoon NSW 2578 Lot 14 DP 544424 Lot 1 DP 513870 Lot 4 DP 111642	A Bashford, N Little	Residential Alterations and Additions (Extensions)	13/06/2019		#PENDING		
26	18/0192.06	1 Holly Road Burradoo NSW 2576 Lot 2 DP 1137728	B Denton, L Denton	Section 4.55 Modification (Amend Stormwater Condition)	18/06/2019		#APPROVED	24/06/2019	
27	19/1729	11 Yean Street Burradoo NSW 2576 Lot 221 DP 1216797	T Shelley	Dwelling House	06/06/2019		#PENDING		
28	19/1730	66b Osborne Road Burradoo NSW 2576 Lot 1 DP 1219836	J Dunning, E Dunning	Dwelling House	07/06/2019		#PENDING		
29	19/1764	71c Burradoo Road Burradoo NSW 2576 Lot 2 DP 1105598	Australian Industrial Research Company Pty Ltd	Subdivision (2 Lots)	17/06/2019		#PENDING		
30	19/1788	Chevalier College 566 Moss Vale Road Burradoo NSW 2576 Lot 12 DP 748370	Society Of Missionaries Of Sacred Heart	Advertising Structure	21/06/2019		#PENDING		
31	19/1791	60 Holly Road Burradoo NSW 2576 Lot 1 DP 232596 Lot 2 DP 232596	O Peagam, A Jensen	Residential Alterations and Additions (Extensions & Swimming Pool)	24/06/2019		#PENDING		
32	19/0893.01	1d Hoddle Street Burrawang NSW 2577 Lot 4 DP 734409	M Mcrae	Section 4.55 Modification (Boundary Adjustment)	17/06/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
33	19/0460.07	2400 Canyonleigh Road Canyonleigh NSW 2577 Lot 14 DP 806293	Noah Retail Group Pty Ltd	Section 4.55 Modification (Suspended Slab)	21/06/2019		#PENDING		
34	19/1691	5 Stringybark Close Colo Vale NSW 2575 Lot 219 DP 1245987	M Piper	Dwelling House	29/05/2019		#PENDING		
35	19/1717	97 Colo Road Colo Vale NSW 2575 Lots 20-21 Sec 21 DP2944 & Lot 231 DP1226490 & Lot 234 DP122 9317	Paloma Pastoral Pty Ltd	Subdivision (4 Lots)	04/06/2019		#PENDING		
36	19/1756	8 Geebung Close Colo Vale NSW 2575 Lot 211 DP 1245987	C Elsegood, G Elsegood	Residential Alterations and Additions (Shed)	14/06/2019		#PENDING		
37	19/1775	121 Rockleigh Road Exeter NSW 2579 Lot 14 DP 1154427	J McKenzie, A McKenzie	Residential Alterations and Additions (Swimming Pool)	19/06/2019		#APPROVED		
38	19/1779	665 Kangaloon Road Glenquarry NSW 2576 Lot 8 DP 264034	D Stapleton, L Stapleton	Dwelling House & Secondary Dwelling	20/06/2019		#PENDING		
39	19/1783	450 Sproules Lane Glenquarry NSW 2576 Lot 11 DP 1025325	Sandran Pty Limited	Residential Alterations and Additions (Swimming Pool)	20/06/2019		#PENDING		
40	19/1777	50 Cumberteen Street Hill Top NSW 2575 Lots 6-12 Sec 42 DP 1349	Capolino Investments Pty Ltd	Dual Occupancy (Detached) & Subdivision (2 Lots)	20/06/2019		#PENDING		
41	17/0821.02	1515 Kangaloon Road Kangaloon NSW 2576 Lot 1 DP 790608	N Gonzalez	Section 4.55 Modification (Remove verandah & loft. Alter roof pitch)	04/06/2019		#APPROVED	11/06/2019	
42	19/0991.05	1785 Kangaloon Road Kangaloon NSW 2576 Lot 11 DP 802189	H Vlahakis	Section 4.55 Modification (Extensions & Swimming Pool)	04/06/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
43	17/1714.05	Boyton Lea 308 Joadja Road Mandemar NSW 2575 Lot 3 DP 239049	S Nash, H Nash	Section 4.55 Modification (Delete wash bay at stable)	25/06/2019		#PENDING		
44	16/0875.09	2-8 Station Street Mittagong NSW 2575 Lot 1 DP 1237499	Mittagong Central Developments Pty Ltd, Mittagong Central Developments Pty.	Section 4.55 Modification (Alterations to façade. Relocate Electrical Substation. Amend Kerb & Guttering to Blister design. Visitor Parking)	20/06/2019	✓	#PENDING		✓
45	16/1363.02	Sewer Work 10 Frankland Street Mittagong NSW 2575 Lot 1 DP 109208	Wingecarribee Shire Council	Section 4.55 Modification (Alter Conditions pertaining to Detention Systems, Construction of Frankland Street & Construction of Right of Way)	21/06/2019	✓	#PENDING		
46	17/1038.01	13 Brewster Street Mittagong NSW 2575 Lot 30 DP 9299	TPFT Generation Pty Ltd	Section 4.55 Modification (Deferred Commencement Conditions)	29/05/2019		#PENDING		
47	17/1038.06	13 Brewster Street Mittagong NSW 2575 Lot 30 DP 9299	TPFT Generation Pty Ltd	Section 4.55 Modification (Extension of Deferred Commencement)	29/05/2019		#APPROVED	14/06/2019	
48	19/0352.05	8 Evans Street Mittagong NSW 2575 Lot B DP 347883	M Thompson, R Thompson	Section 4.55 Modification (Internal Alterations)	19/06/2019		#APPROVED	22/06/2019	
49	19/1705	23 Southey Street Mittagong NSW 2575 Lot 3 DP 580448	M Markovina, R Markovina	Residential Alterations and Additions (Extensions)	31/05/2019		#PENDING		
50	19/1734	12 Duke Street Mittagong NSW 2575 Lot 2 DP 806612	P Prentice	Residential Alterations and Additions (Garage & Studio)	07/06/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
51	19/1765	5 Barton Close Mittagong NSW 2575 Lot 15 DP 1213476	M Lisle, J Barry	Dwelling House	17/06/2019		#PENDING		
52	19/1781	320 Diamond Fields Road Mittagong NSW 2575 Lot 10 DP 872275	Royalblue Pty Ltd	Residential Alterations and Additions (Shed)	20/06/2019		#PENDING		
53	19/1789	Religious Teaching & Training 843 Old South Road Mittagong NSW 2575 Lot 1 DP 804746	Marist Brothers	Extend Existing Accommodation Wing. New Arts and Crafts Pavilion Building.	21/06/2019		#PENDING		✓
54	16/1015.06	99 Lackey Road Moss Vale NSW 2577 Lot 1 DP 734845	Madfouni Superannua- tion Pty Ltd, Madfouni Fut Pty Ltd,	Section 4.55 Modification (Amend Conditions pertaining to vehicular crossing and water quality devices)	12/06/2019		#PENDING		
55	19/1697	3 Browley Street Moss Vale NSW 2577 Lot 190 DP 612544	E McManus, E O'Sullivan	Subdivision (2 Lots)	30/05/2019		#PENDING		
56	19/1728	229 Argyle Street Moss Vale NSW 2577 Lot 2 DP 773382	Pearl Investment (Aust) Pty Ltd	Take Away Food and Drink Premises (KFC)	06/06/2019		#PENDING		✓
57	19/1740	16 Torulosa Drive Moss Vale NSW 2577 Lot 140 DP 1232222	M Lonze, Km Lonze	Dwelling House & Retaining Wall	11/06/2019		#PENDING		
58	19/1794	6570 Illawarra Highway Moss Vale NSW 2577 Lot 41 DP 130173	Common Ground Property (NSW) Pty Ltd	Demolition of Dwelling House & Four (4) Sheds	25/06/2019		#PENDING		
59	17/0591.05	54 Argyle Street New Berrima NSW 2577 Lot 454 DP 1248990	AM Walsh, PF Jordan	Section 4.55 Modification (Extensions)	07/06/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
60	19/1692	35 Maxted Street Renwick NSW 2575 Lot 49 DP 1221206	JC Medin, S Hua	Dwelling House	29/05/2019		#APPROVED	21/06/2019	
61	19/1706	20 Guthawah Way Renwick NSW 2575 Lot 706 DP 1234984	F Di Bartolo, SM Di Bartolo	Dwelling House	31/05/2019		#PENDING		
62	19/1724	8 Windeyer Street Renwick NSW 2575 Lot 1395 DP 1234992	S Soderborg, AC Peters	Dwelling House	06/06/2019		#PENDING		
63	19/1727	24 George Cutter Avenue Renwick NSW 2575 Lot 112 DP 1221206	GR Iveson	Residential Alterations and Additions (Retaining Wall)	06/06/2019		#APPROVED	14/06/2019	
64	19/1731	14 Windeyer Street Renwick NSW 2575 Lot 1392 DP 1234992	L Trenfield, R Trenfield	Dwelling House	07/06/2019		#PENDING		
65	19/1735	62 Challoner Rise Renwick NSW 2575 Lot 1253 DP 1221207	R Smith, D Ryan	Residential Alterations and Additions (Shed)	07/06/2019		#PENDING		
66	19/1738	15 George Cutter Avenue Renwick NSW 2575 Lot 1334 DP 1234992	T Pickett	Dwelling House	11/06/2019		#PENDING		
67	19/1739	74 Challoner Rise Renwick NSW 2575 Lot 1406 DP 1234992	GA Spink, MA Innes	Dwelling House	11/06/2019		#PENDING		
68	19/1745	68 Challoner Rise Renwick NSW 2575 Lot 1250 DP 1221207	R Gray, P Gray	Residential Alterations and Additions (Shed)	11/06/2019		#PENDING		
69	19/1746	72 Challoner Rise Renwick NSW 2575 Lot 1405 DP 1234992	JE Pryor	Dwelling House	12/06/2019		#PENDING		
70	19/1753	3 Solomon Street Renwick NSW 2575 Lot 1313 DP 1234992	RM Rundle	Dwelling House	14/06/2019		#APPROVED	21/06/2019	

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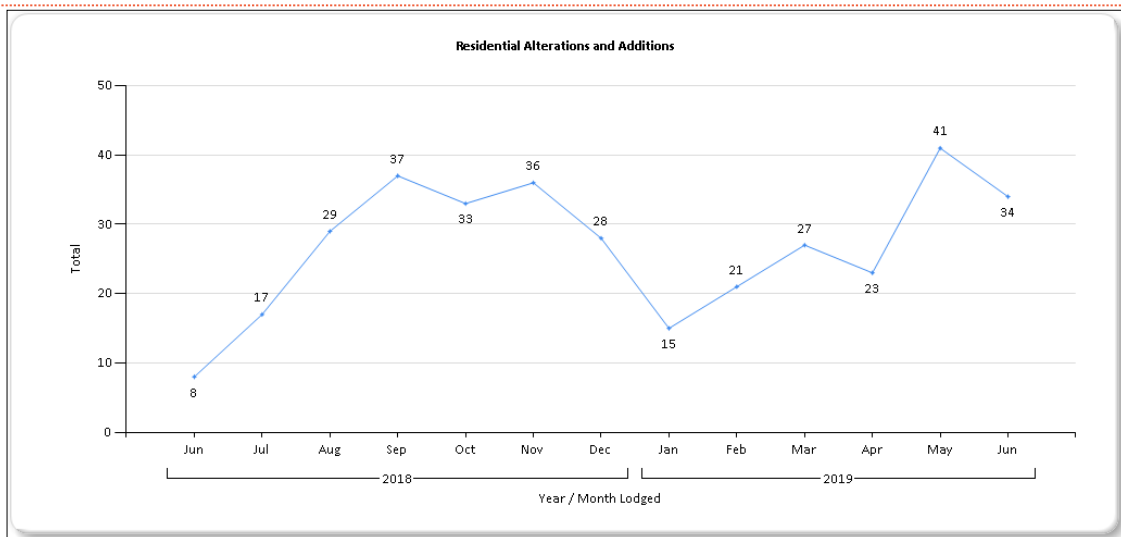
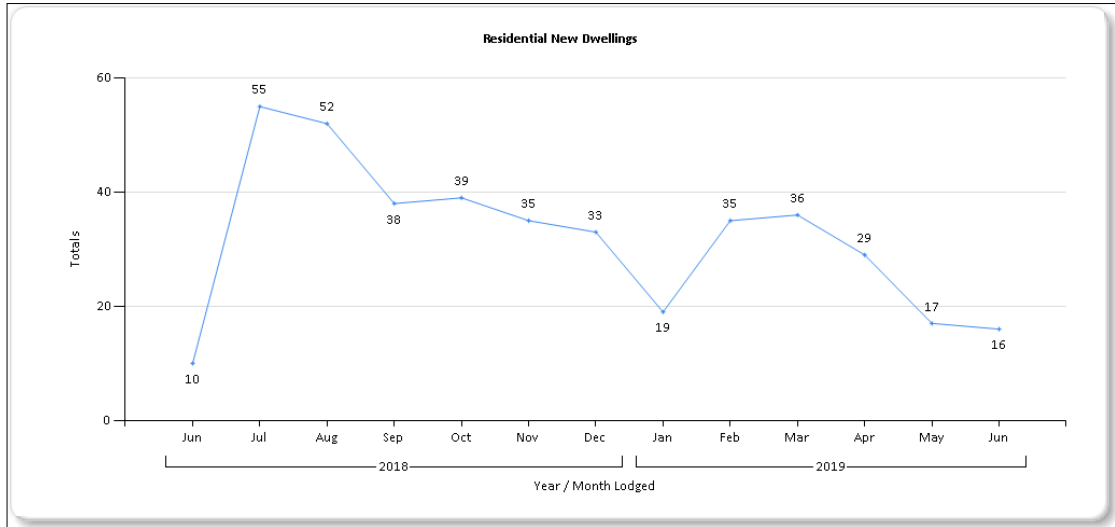


	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
71	19/1774	20 Solomon Street Renwick NSW 2575 Lot 1321 DP 1234992	Sampol Pty Ltd	Dual Occupancy (Detached) & Strata Subdivision (2 Lots)	19/06/2019		#PENDING		✓
72	19/1776	7943 Illawarra Highway Sutton Forest NSW 2577 Lot 101 DP 739673	Kooyong Pastoral Pty Limited	Farm Building	19/06/2019		#PENDING		
73	19/1741	2 Mandemar Street Welby NSW 2575 Lot 6 Sec B DP 3242	RT Economos, BJ Feld	Dual Occupancy (Detached) & Strata Subdivision (2 Lots)	11/06/2019		#PENDING		
74	19/1784	17 Joadja Street Welby NSW 2575 Lot 12 Sec 17 DP 257004	M Schwarze, Y Schwarze	Residential Alterations and Additions (Garage)	20/06/2019		#PENDING		
75	19/1757	112 Wildes Meadow Road Wildes Meadow NSW 2577 Lot 45 DP 846060	J Harding, S Harding	Residential Alterations and Additions (Shed)	14/06/2019		#PENDING		
76	19/1785	7a Drapers Road Willow Vale NSW 2575 Lot 23 DP 1192192	C Van Diemen, JR Todd, W Van Diemen, A Van Diemen	Residential Alterations and Additions (Shed)	20/06/2019		#PENDING		
77	14/0751.01	Training/Retreat Centre 219 Forest Road Wingello NSW 2579 Lot 1 DP 850272 & EP 763	Association Of Engaged Buddhists Inc	Section 4.55 Modification (Alteration to Approved Toilets)	29/05/2019		#PENDING		
78	19/1690	Training/Retreat Centre 219 Forest Road Wingello NSW 2579 Lot 1 DP 850272 & EP 763	Association Of Engaged Buddhists Inc	Place of Public Worship - Alterations and Additions (Internal Alterations, New Verandah)	29/05/2019		#PENDING		
79	19/1797	Nandi Road Wingello NSW 2579 Lot 5 DP 1198257	J Boag, L Boag	Residential Alterations and Additions (Swimming Pool)	25/06/2019		#PENDING		

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ATTACHMENTS

There are no attachments to this report.

11.3 Draft Development Control Plan Amendments

Reference:	5700
Report Author:	Senior Strategic Land Use Planner
Authoriser:	Coordinator Strategic Land Use Planning
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 present to Council draft amendments to certain residential Development Control Plan (DCP) provisions and site specific draft amendments for two sites in the Berrima Landscape Conservation Area for a resolution to place on public exhibition.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT the draft Development Control Plan amendments relating to residential development and to the Berrima Landscape Conservation Area which accompany this report be placed on public exhibition.

REPORT

BACKGROUND

A review of the content and format of some sections of the town, village and rural Development Control Plans (DCPs) was undertaken during 2017 resulting in several amendments being adopted by Council. Since that review, it has become apparent that additional amendments would further clarify certain controls applicable to various residential development controls.

In addition, Council resolved, *inter alia*, at its Ordinary Meeting of 22 May 2019 to include site specific provisions into the Rural Lands DCPs to address potential development on land at Odessa Street and Nathan Street Berrima.

This report addresses those proposed amendments.

REPORT

Residential Controls

Three sets of controls addressing dual occupancy development continue to cause some confusion for applicants. These are:

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- 1) The maximum height of dwellings in the Renwick Urban Release Area under the Renwick Precinct Plan of the Mittagong Township DCP.
- 2) The maximum floor area of dual occupancy developments Shire wide
- 3) The minimum lot size required for subdivision of an approved dual occupancy development anywhere in the Shire, including Renwick.

Each is considered in turn.

1) Draft amendments to the Renwick Urban Release Area under the Renwick Precinct Plan of the Mittagong DCP.

The provisions of the Renwick Precinct Plan form **Attachment 1** to this report. Draft amendments are indicated in grey. Deletions are indicated by ~~grey strikethrough~~.

The draft amendments seek to clarify development controls especially relating to Integrated Development. They reflect the most typical types of Development Application received thereby providing further consistency to existing development while discouraging potentially inappropriate or contentious development.

One set of draft amendments specifically clarify that only single storey dwellings are permitted with consent in Renwick, but additional accommodation may be provided in the roof space by means of an attic style dwelling design. References to, and images suggesting that, any other form of second storey dwelling may be permissible have been deleted.

The second set of amendments specifically clarifies the minimum lot size required for subdivision of an approved dual occupancy development in Renwick.

The provisions of the Renwick Precinct Plan have been amended to clarify that a dual occupancy development, even as Integrated Housing, can only be subdivided if it meets the standards set out in clause 7.2 of WLEP 2010. For reference, clause 7.2 states:

7.2 Requirements for subdividing dual occupancies in Zones R2 and B1

- (1) The objectives of this clause are as follows:
 - (a) to provide opportunities for housing on smaller lots in suitable locations on land in Zone R2 Low Density Residential and Zone B1 Neighbourhood Centre,
 - (b) to protect the heritage significance of the historic village of Berrima.
- (2) Despite any other provision of this Plan, development consent may be granted for the subdivision of a lawfully erected dual occupancy in Zone R2 Low Density Residential, only if the development:
 - (a) is on a corner allotment of not less than 1,000 square metres, and
 - (b) has access to a reticulated town water supply and sewerage system.
- (3) Despite subclause (2), development consent must not be granted for the subdivision of a lawfully erected dual occupancy on land in Zone R2 Low Density Residential or Zone B1 Neighbourhood Centre if the land is located within the Berrima Conservation Area as shown on the [Heritage Map](#).

WLEP 2010 takes precedence over the DCPs, and, because the clause specifically states “*despite any other provision of this Plan*”, the clause also takes precedence over any other subdivision clause within the WLEP, thereby applying to both Torrens and Strata subdivision.

2) The maximum floor area of dual occupancy developments Shirewide

Attachment 1 also contains clarification on the maximum floor area of a dual occupancy development. These draft amendments will apply to the following controls in all Township and Village DCPs as well as the Rural Lands and Rural Living DCPs.

- **C2.3.2 Controls in the R2 Low Density Residential zone**

- (a) On a minimum lot area of 1,000m², where the lot is incapable of subdivision under the provisions of WLEP 2010, Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 100m

- (b) On a minimum lot area of 1,000m², where the lot is capable of subdivision under the provisions of WLEP 2010, no maximum floor area applies to Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 400m however the FSR for the combined Dual Occupancy development shall not exceed 0.5:1.

- **C2.3.3 Controls in the R5 Large Lot Residential zone**

- (a) On a minimum lot area of 1,000m², where the lot is incapable of subdivision under the provisions of WLEP 2010, Dual Occupancies (Attached) are permitted with consent to a maximum floor area of 100m²

- (b) On a minimum lot area of 1,000m², where the lot is capable of subdivision under the provisions of WLEP 2010, no maximum floor area applies to Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 400m however the FSR for the combined Dual Occupancy development shall not exceed 0.5:1.

- **C2.3.4 Controls in the R3 Medium Density Residential zone**

- (a) On a minimum lot area of 1,000m², where the lot is incapable of subdivision under the provisions of WLEP 2010, Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 100m²

- (b) On a minimum lot area of 1,000m², where the lot is capable of subdivision under the provisions of WLEP 2010, no maximum floor area applies to Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 400m however the FSR for the combined Dual Occupancy development shall not exceed 0.5:1.

3) Draft amendments to the Rural Lands DCP.

At its Ordinary Meeting of 22 May 2019 Council resolved, *inter alia*, with regard to a Planning Proposal to amend Schedule 1 to permit development for the purposes of a dwelling house on certain land at Nathan Street Berrima as follows. The proposed lot amalgamation and building envelope map referred to as 'Attachment 1' in the resolution is contained within the draft amendments which form **Attachment 2** to this report.



THAT the provisions of the Berrima Landscape Conservation Area in the Rural Lands Development Control Plan (DCP) be amended to:

- (i) Include the proposed lot amalgamation and building envelope map which forms Attachment 1 to this report as the basis on which any future Development Application for subdivision be considered.***
- (ii) Require a Vegetation Management Plan to be prepared and submitted with any future Development Application for subdivision of the subject land and that it specifically address Lot 64 DP 751252.***
- (iii) Require a Heritage Impact Statement to be prepared for any proposed development of a lot resulting from this proposal.***

At its Ordinary Meeting of 22 May 2019 Council also resolved, *inter alia*, with regard to a Planning Proposal to amend Schedule 1 to permit development for the purposes of a dwelling house on certain land at Odessa Street Berrima as follows. The proposed lot amalgamation and building envelope map referred to as 'Attachment 1' in the resolution is contained within the draft amendments which form **Attachment 2** to this report.

THAT the provisions of the Berrima Landscape Conservation Area in the Rural Lands Development Control Plan (DCP) be amended to:

- (i) Include the proposed building envelope map which forms Attachment 1 to this report as the basis on which any future Development Application for subdivision be considered.***
- (ii) Require a Vegetation Management Plan to be prepared and submitted with any future Development Application for subdivision.***
- (iii) Require a Heritage Impact Statement to be prepared for any proposed development of a lot resulting from this proposal.***

To ensure the appropriate consideration of these controls, Council is seeking to amend the DCP controls before finalising the amendments to WLEP 2010.

Attachment 2 to this report sets out the draft amendments as described above within the context of the Berrima Landscape Conservation Area section (8.6) of the Rural Lands DCP. With these controls in place, any Development Application over either of the subject sites would need to comply with these controls and would be assessed against these controls as well as all other relevant controls already within Section 8 Heritage Landscape Conservation of the Rural Lands DCP as well as all the provisions of Section 8.6 which describe detailed and extensive controls for all development in the Berrima Landscape Conservation Area.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

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

COMMUNICATION AND CONSULTATION

Community Engagement

Community consultation would occur for a period of at least 28 days with the draft amendments available at the Customer Service Centre, all libraries and on Council's

website. Information about the exhibition would also be included in the two e-newsletters distributed to over 4,000 recipients. A press release would also be prepared to ensure that all stakeholders have the opportunity to make themselves aware of the draft amendments.

Internal Communication and Consultation

Initial consultation has occurred with the Accredited Certifiers to confirm what controls require clarification.

External Communication and Consultation

No external consultation has occurred at this stage.

SUSTAINABILITY ASSESSMENT

- **Environment**

The draft amendments will provide greater clarity around what forms of residential development will be supported and where dual occupancy subdivision will be considered. This should provide more consistent urban design and environment outcomes.

- **Social**

The draft amendments will help provide more consistent urban design outcomes contributing to a greater sense of social cohesion and community wellbeing.

- **Broader Economic Implications**

The draft amendments will provide greater clarity around what forms of residential development will be supported and where dual occupancy subdivision will be considered. This should provide more certainty for applicants.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The draft DCPs amendments will be exhibited and introduced in accordance with legislative requirements.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

There are no other related Council policies associated with this report.

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OPTIONS

The options available to Council are:

Option 1

Support the recommendation to this report that the draft Development Control Plan amendments relating to residential development and to the Berrima Landscape Conservation Area be placed on public exhibition.

Option 2

Resolve to not proceed with the draft amendments.

Option 1 is the recommended option to this report.

CONCLUSION

The draft DCP amendments should assist in clarifying remaining aspects of dual occupancy development and subdivision which continue to cause confusion. These improvements will provide greater certainty for property owners as well as improved urban design outcomes.

ATTACHMENTS

1. Draft Residential Amendments
2. Draft Berrima Landscape Conservation Area Amendments

ATTACHMENT 1

DRAFT AMENDMENTS TO RENWICK PRECINCT IN MITTAGONG TOWNSHIP DCP

(i) Section 16 - Renwick Precinct

A1.1 Location and Character

This Precinct incorporates the land identified as the Renwick Urban Release Area (URA) in Wingecarribee Local Environmental Plan (WLEP) 2010 as indicated on [Figure 16.1](#) below.

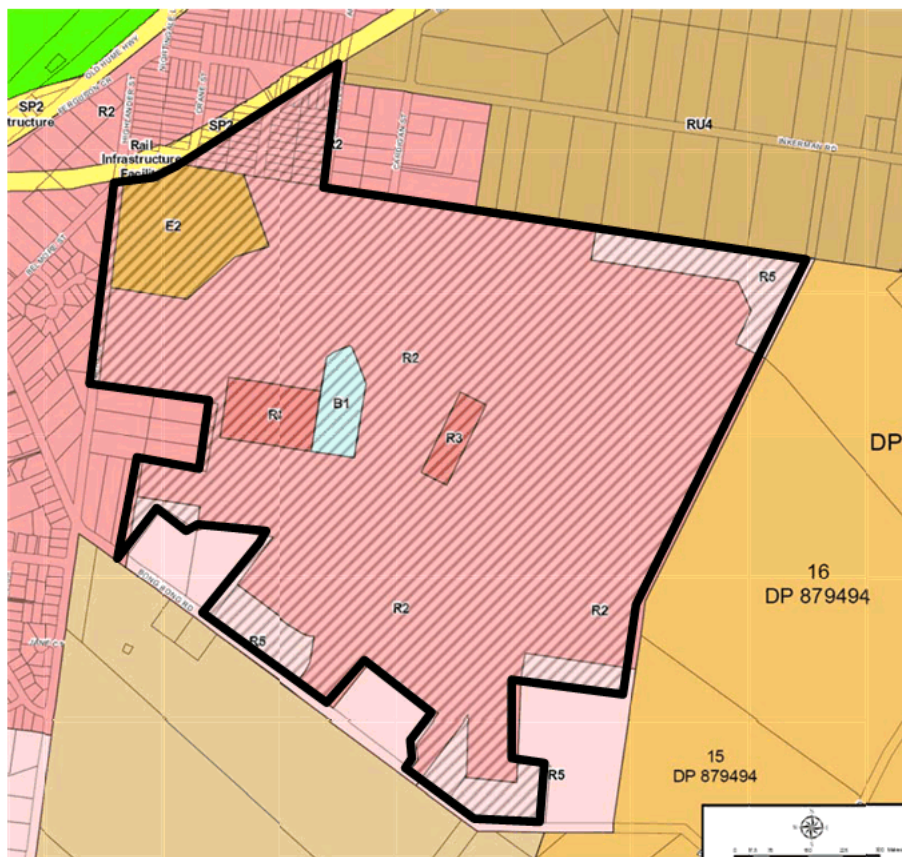


Figure C16.1 – Renwick Precinct Boundary

As the figure indicates, the bulk of the site is zoned R2 Low Density Residential with two areas of R3 Medium Density Residential and one area of B1 Neighbourhood Centre land.



ATTACHMENT 1

DRAFT AMENDMENTS TO RENWICK PRECINCT IN MITTAGONG TOWNSHIP DCP

A1.2 Preferred Development Outcomes

After detailed discussions and consultation with the local community, a Master Plan was prepared for Renwick ([Figure C16.2](#) below) that articulates a vision of how the Renwick development could be brought to life to benefit the entire Mittagong community. This section of the DCP will be used by Council to ensure that all new development contributes to achieving the vision for Renwick.

The Renwick site is unique in many ways. Located in the heart of the Southern Highlands, it is a place within a treasured landscape and with a special history, both European and Aboriginal. The principles of the Master Plan are based on this approach, which has required extensive community consultation with residents, community groups, Council and other stakeholders to understand needs and share ideas.

One of the key themes of the Master Plan is to preserve the area's special character, its 'community feel', quietness and natural beauty. Following site visits, character studies and community consultation, it is clear locals love the Southern Highlands for its natural surroundings, its feeling of openness and the area's rich Aboriginal and European past.

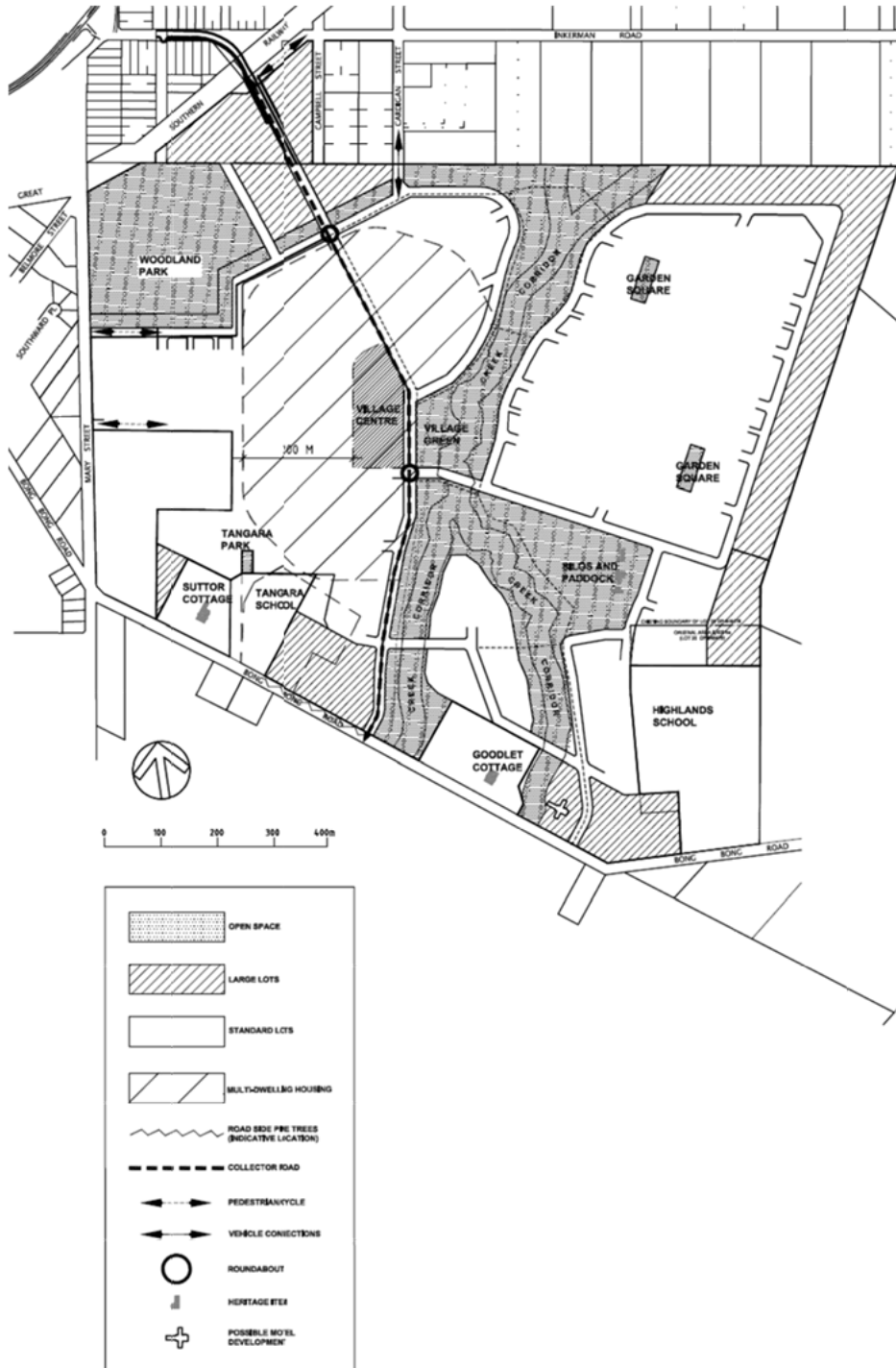
As a result, the Renwick development is designed to:

- (a) Look and feel like it's always been there;
- (b) Maintain key elements that will remind people of the past;
- (c) Integrate new homes around the natural features of the site;
- (d) Ensure landscape is the dominant and memorable experience;
- (e) Increase opportunities for people to come together informally;
- (f) Benefit the community and;
- (g) Complement the area's cultural pursuits and activities.



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Figure C16.2 Renwick Master Plan

This section of the DCP provides a framework to achieve these goals for development of up to 600 dwellings. Underpinning the section is a determination to retain the area's rural feel.

A1.2.1 Landscape Context

The Highland landscape context is characterised by:

- (a) Abundant vegetation with a mix of native and exotic trees and shrubs, providing seasonal colour variations.
- (b) Subtle landscape transition from village-urban to rural areas, providing vistas to surrounding rural and bushland hills.
- (c) Rural style fencing and gates blend into the landscape and a sensitive integration of cultural and built heritage.

A1.2.2 Residential Domain

The Highland residential domain is characterised by:

- (a) An informal streetscape with natural verges and drainage swales; extensive street tree planting; and widespread use of hedges and discrete semi-rural fencing.
- (b) Unobtrusive buildings within garden settings; a skyline of trees over rooftops; a high proportion of garden to house footprint; restricted hard surfaces, reinforced by a strong gardening culture.
- (c) Simple, elegant building forms and roof profiles; low key materials, tin roofs, gravel driveways; and discrete garaging.

A1.2.3 Urban Structure

The structure plan seeks to give Renwick a strong sense of place that is also integrated with the existing East Mittagong Community. Key features of the village's urban structure are:

- (a) An open space spine based on a re-vegetated creek corridor;
- (b) A simple grid street pattern that facilitates integration and connectivity;
- (c) A village centre focus for the new community;
- (d) Semi rural lots on the perimeter;
- (e) A prevalence of family dwellings on traditional allotments;
- (f) Road and pathway connectivity with existing development; and
- (g) Supporting social and utility infrastructure.



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A1.3 Public Domain Controls

A1.3.1 Purpose of Public Domain Controls

The Plan's public domain controls encompass heritage, stormwater management; open space; access and circulation; and public domain furniture and facilities. The achievement of the following objectives and controls for these components are fundamental in achieving the desired future character of Renwick.

A1.3.2 Heritage

Objectives

- (a) To identify both Indigenous and Non-Indigenous heritage items of high significance.
- (b) To conserve, where appropriate, items of high heritage significance.

Development Controls

Indigenous Heritage

In determining what a known or potential Indigenous archaeological site is, the Council must take into account the results of any sub-surface excavation that has been undertaken in order to determine the nature and distribution of Aboriginal artefacts on the Renwick Site.

Prior to any development of the Renwick site a report must be submitted to Council that both assesses and makes recommendations on the number, location and potential conservation measures of Indigenous heritage items.

Non-Indigenous Heritage

Adequate provision should be made to protect the curtilage, landscape setting, and visual prominence of the following items of high significance in the future subdivision pattern of Renwick Village:

- (a) Goodlet and Suttor Cottages;
- (b) The silo precinct including brick silo, pair of mass concrete silos; and
- (c) The row of pine trees along Bong Bong Road.

A Conservation Management Plan must be prepared and submitted with any application for adaptive use of, or works to, or works within the curtilage of, heritage items of high significance.



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A1.3.3 Stormwater Management

Objectives

- (a) To utilise open space for stormwater management.
- (b) Utilise a combination of stormwater quality treatment measures integrated into the streetscape and public open space.
- (c) Identify and implement opportunities to improve the quality of stormwater from external catchments that are conveyed through the development site from the south and west where practical and consistent with the overall urban design of the project.

Development Controls

- (a) Attainment of Drinking Water Catchments Neutral or Beneficial Effect (NorBE) of stormwater quality which for entire Renwick Village Development which equates to:
 - 55% reduction in the mean annual load of Total Nitrogen (TN).
 - 84% reduction in the mean annual load of Total Phosphorus (TP).
 - 90% reduction in the mean annual load of Total Suspended Solids (TSS).
- (b) Ensure post-development storm discharges = pre-development storm discharges for one and a half years ARI event.

A1.3.4 Flora & Fauna

Objectives

- (a) To create a creek corridor that serves biodiversity conservation, fauna movements and natural drainage through creek line restoration / enhancement / reinstatement.
- (b) To ensure viable management, long-term survival and enhancement of the creek corridor through the preparation and implementation of plans of management.
- (c) To ensure the land modelling and re-vegetation necessary for the core riparian area, its buffer zones and overland flow paths are designed and implemented to meet the stormwater management objectives and controls.
- (d) To provide creek line buffer zone planting, other works and maintenance regimes consistent with the character and function of this transition area between urban development and re-vegetated bushland, including bushfire risk management.
- (e) To preserve and enhance native bushland as generally shown in Figure 16.2 as woodland park and riparian corridor for its flora and fauna habitat values.



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Development Controls

- (a) A Vegetation Management Plan must be submitted for Council to consider with any application for subdivision, excluding integrated housing.
- (b) Council as asset manager must approve any proposed planting proposal.
- (c) Vegetation Management Plan should address the following issues: Vegetation Management Plan objectives; existing condition of vegetation; vegetation management strategy; Protective measures; and vegetation schedules.

A1.3.5 Open Space

Objectives

- (a) To ensure that the landscaping of local parks is attractive and memorable, contributing to the making of a high quality public realm.
- (b) To facilitate passive recreation, pedestrian and cyclist access.
- (c) To preserve the rural landscape character of the Paddock, Silos and creek corridor, the views to the silos and promote its use for informal active recreation.
- (d) Provide shared pedestrian and cycle paths and ancillary recreation facilities sensitively integrated to minimise disturbance to existing vegetation and landform.
- (e) To sensitively integrate overland stormwater flows and manage bushfire risks to adjacent residential areas.
- (f) To make local parks neighbourhood community and recreational nodes, providing visual and open space amenity to local neighbourhoods.

Development Controls

- (a) Planting material for use in the public domain is to be selected from the Indicative Street Planting Schedule at the end of this Section.
- (b) Council, as asset manager, must approve any proposed planting proposal.
- (c) The creek corridor to provide for a 40 metre riparian corridor with a 15 metre buffer zone either side.
- (d) All necessary embankments, channels, revetments, overflows are to be designed to have the minimum visual intrusion.
- (e) Retaining or garden walls are to be avoided in the creek corridor except where associated with bridges or culverts.
- (f) Minimise hard surfaces, pathways and crossings in creek corridors generally in accordance with the Renwick Village Master Plan (Figure 18.2).
- (g) Minimise cut and fill around the 'paddock' area to maintain the undulating rural feel of the locality and respect the curtilage/view corridors of the silos.



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- (h) Pedestrian and cycle paths to be located on desire lines, and integrate with existing vegetation, landform and landscaping.
- (i) Local Parks are to be generally located as indicated in the Renwick Village Master Plan (Figure 18.2). Any adjustment or relocation must fulfil the objectives and performance criteria.
- (j) Detailed landscape designs prepared by landscape professionals are to accompany development applications for local parks.

A1.3.6 Street Network

Objectives

- (a) To provide connections to surrounding localities.
- (b) To facilitate accessibility, movement flows and visual connections.
- (c) To provide a clear hierarchy of streets relative to their functions, that defines both through traffic and local traffic.
- (d) Street layout, orientation and detail design is to respond to, or focus on, identified rural and bushland view axes and landmarks.
- (e) To ensure streets appropriately contribute to the desired landscape dominated semi-rural character of Renwick Village.
- (f) Minimise the need for private vehicle use for local trips and encourage use of public transport, cycleways and pedestrian footpaths.
- (g) Minimise impact on native bushland and the creek corridor.
- (h) To facilitate the assignment of bus routes in establishing a public transport service to provide an alternative to the use of private motor vehicles for local trips.

Development Controls

External Connections

- (a) Provide a Collector Road connection between the Old Hume Highway and Bong Bong Road.
- (b) The Old Hume Highway connection is to be a controlled intersection with RTA concurrence.
- (c) The existing Inkerman Road bridge over the Southern Railway is to be upgraded to include traffic lanes in both directions and a combined pedestrian/cycleway. Work is to be to the Rail Authorities requirements.
- (d) Roundabout locations are to be considered and minimised. They should be pedestrian friendly and be provided where traffic volumes and safety issues necessitate. Roundabouts are to be designed and constructed in accordance with relevant Council and RTA standards.
- (e) Provide a secondary entry point off Bong Bong Road for local neighbourhood traffic in the vicinity of the Highlands School or Challoner Cottage. The



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intersection is to maintain a minimum 70 metre sight distance from the bend on Bong Bong Road.

- (f) Emergency vehicle access is to be provided between Mary Street and the site.

Internal Connections

- (a) Street types are to be limited to the following:
 - › Collector Road
 - › Access Road
 - › Local Access Road
 - › Cul-de-sac
 - › Access Way
- (b) Variations to these types are to be localised design responses to environmental constraints, eg tree or heritage artefact preservation.
- (c) Street network is to be a grid system modified where necessary to respond to environmental constraints or opportunities.
- (d) Cul-de-sac streets are only to be used in areas where site configurations and dimensions preclude the use of the normal grid pattern.
- (e) Streets on bus routes to be constructed to facilitate large rigid vehicles and turning movements. Traffic lanes to be a minimum of 3.5 metres wide.

A1.3.7 Street Design

Objectives

- (a) To ensure street design adequately provides for water cycle management measures.
- (b) Utilise a combination of stormwater quality treatment measures integrated into the streetscape and public open space.
- (c) Street Design and Construction standards are to be appropriate for the residential areas they serve.
- (d) To allow flexibility in the design of streets to provide for a variety of verge types, eg urban and semi-rural.
- (e) Cut and fill in relation to road design and construction is to maximise planting opportunity and minimise visual intrusion.
- (f) To ensure the landscape and planting in streets appropriately contributes to the desired landscape dominated, semi-rural character of Renwick Village.



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Development Controls

- (a) Street design standards should be as accord with those in Figure C16.3, as illustrated in Figure C16.4.
- (b) Verge widths may vary to accommodate water cycle management measures, paths and landscaping.
- (c) Shared paths and foot paths should be setback 600mm to the property boundary.
- (d) Roundabouts within the site are to be designed to relevant Council and RTA standards to accommodate large rigid vehicles.
- (e) Drainage swales should to be used when fronting Large Lots to mark the semi rural character of streetscape.
- (f) Intersection treatments and pedestrian crossings will utilise the same material as road surfaces and be marked in accordance with Council and RTA standards.
- (g) Special paving treatment of the crossing threshold at the Village Centre is encouraged to slow vehicle speeds and signify the entry into the heart of Renwick.
- (h) Provide adequate soil quality, mulching, and provision for watering, drainage and protection of plant material.
- (i) Provide plant material in accordance with the Renwick Street Tree Identification Manual. An indicative list of plant materials is at Appendix B.

Classification of Road	Road Reserve Width	Carriageway Width	Verge Width (combined)	Drainage	Foot Path
Collector Road	20 m	11.6 m	Variable	Standard Kerb & Gutter or Flush Kerb and Swale	1.5 m wide within Verge
Access Road	18 m	9.6 m	Variable		1.5 m (one side)
Local Access Road / Cul-de-sac	15 m	7.6 m	Variable	Flush Kerb & Swale	1.5 m (one side)



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Classification of Road	Road Reserve Width	Carriageway Width	Verge Width (combined)	Drainage	Foot Path
Access Way	9 m	5 m	Variable Min 1.0 m to one side	Centre Spoon Drain or Flush Kerb and Standard Kerb & Gutter	n/a

Figure C16.3 Minimum Street Design Standards

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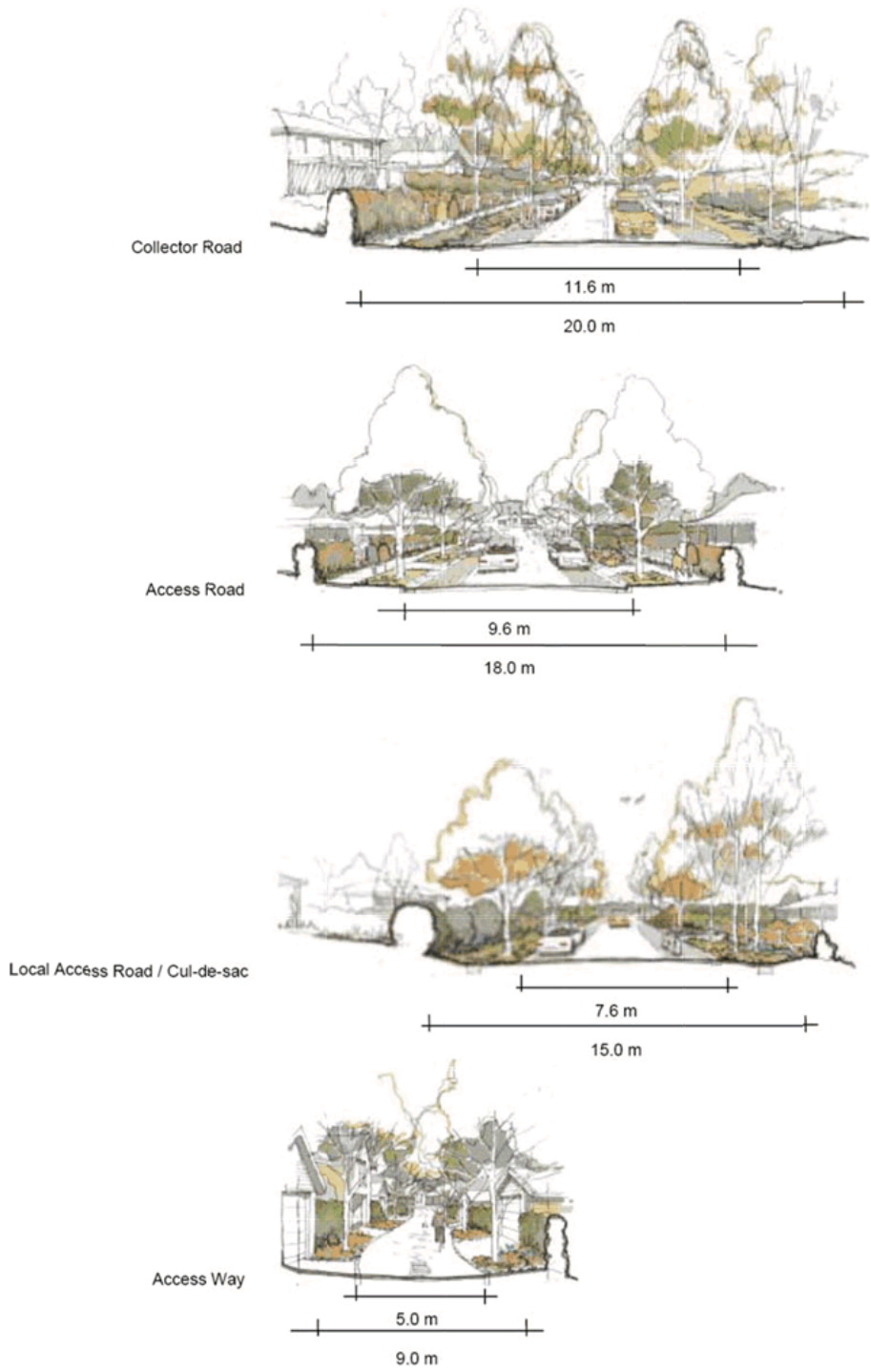


Figure C16.4 Typical Renwick Street Designs



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A1.3.8 Pedestrian & Cycleway Networks

Objectives

- (a) To encourage building a healthy lifestyle community.
- (b) To encourage walking and cycling as an alternative to the use of motor transport on local trips.
- (c) To promote integration of new and existing residential neighbourhoods.

Development Controls

- (a) Foot paths are to be provided on at least one side of Collector, Access and Local Access Roads.
- (b) Shared paths and cycleways to be a minimum width of 2.0 metres
- (c) Roads constructed with flush kerb and swale drainage do not require footpaths in both verges.
- (d) In general, cyclists are to share the carriageway with motor vehicles on Access Roads, Local Access Roads and Access Ways.
- (e) Cycle and pedestrian bridges should generally comply with the following requirements:
 - › Be located above the 20 year ARI flood level.
 - › Withstand flows from all events up to the 100 year ARI (including debris loading).
 - › Fail in a manner that allows for retrieval after the event.
 - › Presence must be taken into account in hydraulic modelling (ie. debris forming a dam and restricting flow).
 - › Finish must be high quality and durable.
 - › Design must be carried out by a suitably qualified and experienced structural engineer.
 - › Signage and maintenance lowering requirements must be ascertained from council.

A1.3.9 Public Domain Furniture

Objectives

- (a) To have a functional, consistent and coordinated range of street, park and public area furniture and lighting that relates to the Southern Highland character theme for Renwick Village.
- (b) To be consistent with local energy provider safety and security standards.
- (c) To meet best practice energy conservation standards.
- (d) To preserve the semi-rural 'night sky' as far as practical.



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- (e) Educational and interpretive signage is to promote legibility and to be compatible with the desired amenity and visual character of the Renwick site.

Development Controls

- (a) A comprehensive public domain strategy incorporating furniture, lighting and signage is to be prepared and agreed with Council prior to commencement of detailed design works.
- (b) All items are to be consistent recessive colours or naturally weathered materials to maintain the desired dominance of soft landscaping.
- (c) Educational and Interpretive signage is to be provided at locations of natural or historical importance.

A1.3.10 Public Utilities

Objectives

- (a) To have a safe, functional, consistent utilities infrastructure that caters for the ultimate future needs of Renwick residents.
- (b) To provide these facilities in a coordinated and visually unobtrusive manner

Development Controls

- (a) Electricity transmission lines on the subject land will be placed underground or otherwise located on the land in accordance with the requirements of the relevant energy authority.
- (b) Power pedestals and substations to be located and housed where functionally required and be suitably screened and landscaped in a manner consistent with Renwick's urban design character. Design and screening should also have regard to fire rating exclusions zones and generally be located on public land with good access.
- (c) Grates, pits, sumps and manholes to be of simple design, with clean lines, easy to service and located appropriately.

A1.4 Village Centre Controls

A1.4.1 Introduction

The Village Centre is the focus of the Renwick community. Its function is to meet the basic personal and communal living needs of local residents, but it is also to stimulate and encourage the residents to meet, communicate and work together in their common interest. To be economically sustainable it must physically accommodate basic shopping, cultural, recreational and social facilities, offer maximum convenience and comfort, and must be an attractive destination, with a unique 'sense of place', for locals and visitors alike.

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Figure C16.5 Renwick Village Centre Indicative Plan

A1.4.2 Village Centre Objectives

- (a) To serve East Mittagong and Renwick convenience shopping and service needs.
- (b) To create a concentrated focal point for local economic, social, cultural and community activities.
- (c) To create a village square that has a sense of place that engenders community and civic pride.
- (d) To encourage an architecture and built-form that is civic, yet relates to the culture, identity and character of the Southern Highlands.
- (e) To be accessible by foot, cycle, bus, car, and mindful of the needs of an aging population.
- (f) To maximise the number of dwellings within walking distance of the Village Centre compatible with market and visual character factors.
- (g) To be a pedestrian oriented and a pedestrian priority place.
- (h) To be suitably landscaped to facilitate and encourage a range of public, communal activities and as a setting for public art.
- (i) To offer good winter sun, summer shade and shelter from adverse wind and rain.
- (j) To encourage any compatible use or activity that reinforces the long-term economic and social viability of the centre, including those which generate tourism interest and expenditure.

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- (k) To provide local employment opportunities and encourage participation in community based activities.



Figure C16.6 Renwick Village Square Indicative Plan

A1.4.3 Village Centre Development Controls

Size and Range of Facilities

- (a) A market analysis is to be undertaken and submitted to Council to consider with any development application within the Village Centre, to provide guidance and justification for the range and size of the proposed commercial and/or retail development.

Village Square and Broad Walk

- (a) Landscaping is to incorporate hard wearing surfaces to accommodate activities and seating, formal planting, shade trees, turfed areas and facilitate opportunities for public art.
- (b) Perimeter buildings fronting the Collector Road in the Village Centre are to incorporate weather protective verandas, overhanging balconies, colonnades and awnings.
- (c) Housing fronting the Broad Walk should provide for Flexi-Use / Live-work Housing.



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Building Scale

- (a) A two-storey building proportion is encouraged.
- (b) Any single storey buildings to the perimeter of the Village Square are to incorporate parapets or other devices.

Building Flexibility

- (a) Shop Top, and ground level housing in the Village Centre is to be designed so it can be readily converted into commercial/professional suites, studios, gallery, upper part of retail, work/live etc.

Active Frontage

- (a) Non-residential buildings fronting the square and streets are to have active edges, facades, shopfront window displays, inviting entries.
- (b) Generally non-residential and live-work buildings are to be built to the street alignment, except where articulation is required for planning purposes or for architectural expression.

Live-work Housing

- (a) Provision of a more intensive, intimate, flexible and urban scale of residential development within walking distance of the Village Centre.
- (b) Housing is to be designed to be flexible enabling potential commercial, retail or art/craft gallery use to address the street.

Pedestrian Priority

- (a) Provide adequate lighting along pathways and outdoor congregation areas.
- (b) Use appropriate separation to protect pedestrians from vehicles.
- (c) Provide informal visual surveillance opportunities including living areas, windows and balconies overlooking public places.

Car Parking

- (a) Car parking required for individual/exclusive use should be accessed via a back or side access way that is screened from view on the main street. The quantity and location is to be determined at development application stage.



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Service Access

- (a) Provide dedicated service access to loading facilities via a back or side access way that is screened from view on the main street.

A1.5 Private Domain Controls

A1.5.1 Introduction

This sub-section deals with development controls specific to the subdivision, site planning, built form and landscaping of private residential development:

- › **General** - Applies to all development, regardless of lot size or dwelling type
- › **Standard Lots** - Applies to development on lots between 600m² & 1,999m² in size
- › **Large Lots** - Applies to development on lots greater than 2,000m²
- › **Integrated Housing** - Applies to development on lots less than 600m². (NB: Not to be confused with Integrated Development, as defined in Section A).

Where there is inconsistency with other sections of the DCP, this section of the Plan prevails with regard to the Renwick precinct.

A1.5.2 General Development Controls and Guidelines

This section applies to all private domain development, regardless of lot size and dwelling type.

Subdivision

Objectives

- (a) To provide a variety of lot sizes to promote housing choice.
- (b) To create a subdivision pattern that will reinforce the desired future character of Renwick.
- (c) To design lots with consideration to their orientation, slope and shape to maximise solar access for energy efficiency and potentially more comfortable living environments.
- (d) To maximise the number of lots in locations of high residential amenity and proximity to facilities and public transport routes.
- (e) To ensure gateways, landmarks and significant corners receive design and landscape emphasis.
- (f) To protect curtilage, landscape setting, and visual prominence of Goodlet and Suttor Cottage; The Silo Precinct including brick silo, pair of mass concrete silos and; row of pine trees along Bong Bong Road.



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- (g) To minimise cut and fill and the need for visually intrusive retaining structures.
- (h) To ensure adequate opportunity for a soft landscape setting to all built development.
- (i) To provide a suitable transition between urban and rural zoned land.
- (j) To provide reasonable precautions against the risks of flood and bushfire.

Development Controls

- (a) Consent to the subdivision of land for residential purposes must not be granted unless a Vegetation Management Plan that makes recommendation in relation to each of the following has been considered by the Council:
 - (i) The retention of Eucalypts with hollows suitable for supporting arboreal mammals and nesting sites for birds, and arrangements for protecting such trees during the subdivision and dwelling construction phase;
 - (ii) The trees (if any) to be removed; and
 - (iii) The arrangements for the establishment of a seed bank of locally endemic native flora species.
- (b) Consent to the subdivision of land for residential purposes must not be granted unless the Council is satisfied that the Vegetation Management Plan will provide adequate ongoing protection for flora and fauna.
- (c) Consent to the subdivision of land that is within the creek corridor or native bush land must not be granted unless the Council has taken into consideration the impact of the proposed development on the ecological significance of the land or upon the water quality of the catchment.
- (d) No residential dwelling is to be below the 1 in 100 year flood line.
- (e) Ensure adequate provision for stormwater management.
- (f) Where stormwater drainage to the street is not possible, inter-lot service easements must be created.
- (g) Provide adequate protection to dwellings from bushfire risk in accordance with current legislated practice.
- (h) Subdivision design and road construction is to minimise the need for retaining structures, garden walls and similar.

Site Survey & Analysis

Objectives

- (a) Identify opportunities and constraints on a site that will influence the design of new dwellings and associated private open space.
- (b) Identify existing site features that make a positive contribution to the site, the streetscape and the local area.



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- (c) Demonstrate how a proposed site dwelling design should respond to the opportunities and constraints of the site, the streetscape and local context.

Development Controls

- (a) Council will not grant consent to the carrying out of development unless it has received and considered a site analysis prepared for the land upon which the development is proposed, that addresses the following matters to Council's satisfaction:
 - (b) The slope and contours of land;
 - (c) The location and nature (whether perennial or intermittent) of any watercourses and associated flooding or drainage characteristics;
 - (d) The orientation of the land including the marking of true north;
 - (e) The location, extent and nature of any existing development, buildings and activities upon and adjacent to the land;
 - (f) The location and nature of any utility services on the land;
 - (g) The location and description of any trees and vegetation upon and adjacent to the land;
 - (h) The existing means of vehicle and pedestrian access;
 - (i) Any items or places of known Aboriginal and European cultural heritage;
 - (j) The direction and nature of prevailing climate characteristics such as wind direction and rainfall;
 - (k) Potential bush fire threat;
 - (l) Views to and from the land, particularly from a public place;
 - (m) The location and nature of any other known constraint to development of the land, including potential soil contamination, noise sources, geotechnical issues; and
 - (n) A written statement and/or drawings explaining how the design of the proposed development has taken the site analysis into account.

Residential Design & Siting

Objectives

- (a) To provide housing in a vegetated landscape setting typifying the desired Southern Highlands character.
- (b) To ensure front gardens contribute to the landscaped character of the street.
- (c) To ensure sufficient porous ground to support planting and landscape screening between houses.
- (d) To ensure houses are proportionate in size to the land they occupy.



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- (e) To provide housing reflective of the Southern Highlands character with simple roof forms and smaller building footprints.
- (f) To provide building articulation that breaks up 'massing' of buildings and enhances the visual appearance of the streetscape.
- (g) To provide amenity to residents through protection from extremes in the weather by provision of awnings, verandahs and similar.
- (h) To minimise impacts of overshadowing on adjoining properties and to maintain winter solar access.

Development Controls

- (a) Standard Lot Development - Refer to Section 16.5.3.
- (b) Large Lot Development - Refer to Section 16.5.4.
- (c) Integrated Housing Development - Refer to Section 16.5.5.

Adaptable Housing

Objectives

- (a) Encourage the provision of adaptable housing to increase housing diversity and cater for future housing needs

Design Guidelines

- (a) Direct and level access from the car parking space to the house. Car parking space at least 6.0m in length with potential for 3.8m in width.
- (b) Entry level doorways with a minimum internal clearance of 850mm.
- (c) Internal entry level corridors with a minimum width of 1000mm.
- (d) Located on the entry level – a living/family room, a room/space capable of being used as a bedroom, and a bathroom.
- (e) Living/family room with circulation space of at least 2.25m diameter (clear of furniture).
- (f) Bedroom space (on entry level) large enough for a queen size bed, wardrobe and circulation space (i.e. 3.5 x 3.2m/3.7 x 3.0m) to comply with requirements of Australian Standard AS 1428.2.
- (g) Provision for bathroom space (on entry level) to comply with Australian Standard 1428.1, including provision for hobless shower, full floor waterproofed and strengthened walls around the toilet and shower (at 700 – 1500mm and 700 – 1850 mm above floor level respectively).
- (h) Kitchen with a minimum of 2.7m between walls.
- (i) Laundry with a minimum clear circulation space of 1.55m diameter.



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- (j) Window sills on the entry level at a maximum height of 730mm above floor level (excluding the bathroom and kitchen).

Landscape & Planting

Objectives

- (a) Provide sufficient site area to support mature trees and vegetation, and allow for water infiltration.
- (b) Prevent excessive site coverage of the site area by buildings, driveways, paved areas and other impervious surfaces.
- (c) Retain existing natural features on the site that contribute to character of the site and/or the local area.

Development Controls

- (a) Landscape plans are to show the location of trees, shrubs, ground cover and turf with accompanying plant species list and container sizes for all plantings.
- (b) Landscape plans are to show the extent and materials proposed for paving, driveways and vehicle crossings, decks, fences and gates.

Design Guidelines

- (a) Both side fences are to receive landscape treatment. Provision of shrub and/or small tree landscaping between properties is to be a minimum planting bed width 600mm. Minimum mature height of landscape to be 1.8m.
- (b) Locate deep soil areas where they can form part of a continuous corridor of vegetated open space through the block.

Retaining Walls, Garden Walls & Cut and Fill

Objectives

- (a) Encourage vertical stepping of buildings in response to existing topography.
- (b) Minimise disturbance to existing landforms and soil profile.
- (c) Minimise use of retaining walls.

Development Controls

- (a) Level changes are to be achieved by embankments and mounding with a gradient no greater than 1 in 3.
- (b) Cut or fill is not to exceed 500mm on any boundary.



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- (c) Cut or fill is not to exceed 750mm at any point across the site outside of the building footprint.
- (d) Retaining walls are not to exceed 1000mm to any area visible from the street.

Design Guidelines

- (a) Cut and fill is to be avoided in preference of raising the building to follow the natural ground level.
- (b) Screening of retaining walls with planting is encouraged.

Private Open Space

Objectives

- (a) Provide all new dwellings with sufficient usable open space.
- (b) Provide opportunities for passive and active recreation.
- (c) Ease of movement between living areas of dwellings and private open space.

Development Controls

General Controls

- (a) Primary Private Open Space should be located to have a northerly aspect having a minimum width of 3 metres.
- (b) Verandahs, balconies and pergolas are encouraged as secondary living space, to provide amenity and enhance the streetscape. Minimum depth of usable verandah to be 2m.

Standard Lot Development - Refer to Sub-Section C18.5.3

Large Lot Development - Refer to Sub-Section C18.5.4

Integrated Housing Development - Refer to Sub-Section C18.5.5

Design Guidelines

- (a) Dwelling design to achieve a good relationship between main living areas and external living areas to maximise an outdoor lifestyle and amount of usable private space.
- (b) Whenever appropriate, side yards should be used to create well-defined courtyards facing north and which are protected from excess sun and wind.
- (c) Screen planting is encouraged at lot boundaries to improve the visual amenity and frame the courtyard.



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- (d) Bins and drying areas should be located in the least visible position from the public domain.

Orientation & Solar Access

Objectives

- (a) Ensure that proposed and existing dwellings receive adequate sunlight to living areas of dwellings and private open space.
- (b) Maximise opportunities for passive heating and cooling of dwellings.
- (c) Reduce reliance on artificial heating and cooling of dwellings.

Development Controls

- (a) Development applications are to demonstrate how the dwelling design and site planning responds to passive energy conservation principles including solar access, prevailing weather and cross ventilation. See [Figure 16.7](#)
- (b) Dwellings are to achieve at least 3 hours of sunshine to a main living area and private open space between 9am and 5pm, in mid-winter (21st June).
- (c) Shadow diagrams are to be provided indicating shadow impacts on adjacent land at 9am, 12 noon and 3pm, 21st June.

Design Guidelines

- (a) Locate living areas and private open spaces towards north to maximise solar access to these areas.
- (b) Locate bedrooms and utility rooms in those parts of the dwelling that have reduced solar access.

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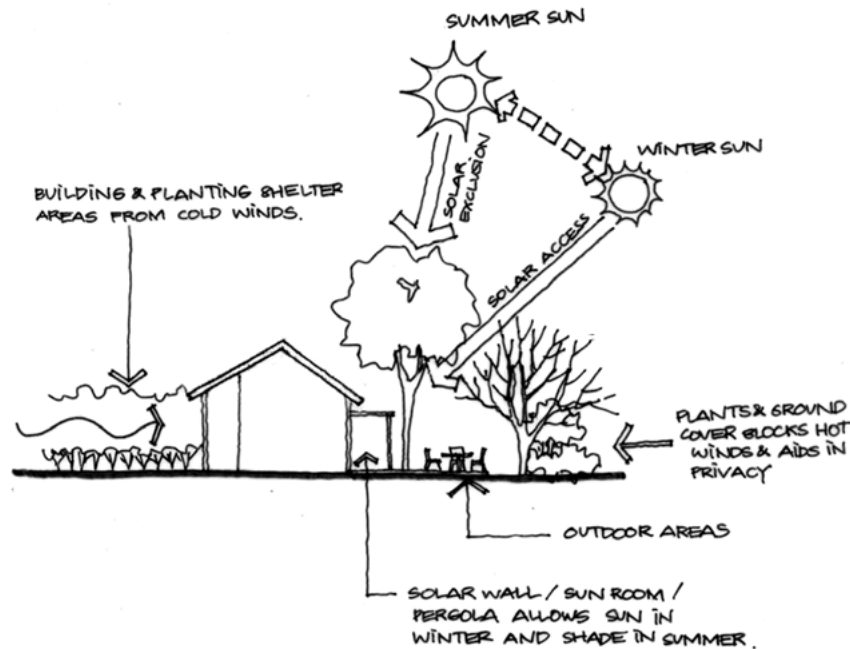


Figure C16.7 Design for Climate

Building Height & Mass

Objectives

- (a) Maintain a low scale domestic residential character in areas of predominantly detached dwellings.
- (b) Minimise overshadowing of neighbouring properties by new development.
- (c) Minimise disruption of view and loss of privacy to existing and future development.
- (d) Create built form that respects the natural landform as much as practicable and avoid unnecessary excavation

Development Controls

- (a) ~~Dwellings are not to exceed 2 storeys in height.~~ Dwellings are not to exceed one (1) storey in height.
- (b) Additional accommodation may be included in the roofline provided it takes the form of an attic style dwelling. See Figure C16.8. (new sub clause)
- (c) The front elevation of any ~~2 storey~~ dwelling shall be composed of a combination of ~~single and two storey elements, these~~ elements which may include verandah, porch, bay window or single storey attachment.

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- (d) ~~External wall heights are~~ Overall height shall not to exceed 7 metres above finished or natural ground level (whichever one is lower) to the underside of eaves at any point. See Figure C16.8
- (e) Front Porches and Verandas are to be elevated above finished ground level.
- (f) No double height columns or vertically over scaled porches are permitted.
- (g) ~~Height of sub-floor wall under the ground floor level is to be a maximum of 1.5 metres above the finished ground level at any point.~~

Design Guidelines

- (a) ~~Single storey dwelling forms are encouraged.~~
- (b) ~~Dwellings are to be designed to respond to the topography of the site. Stepping of buildings is encouraged to avoid cut and fill. See Figure C18.9~~
- (c) ~~Second storey construction is encouraged to be in the form of an attic style. The extent of full height second storey walls should be limited.~~



Figure C18.8 Building Height (i.e. remove)

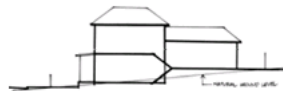


Figure C18.9 Stepping of Building on Steep Site (i.e. remove)



Figure C16.8 Attic Style Dwelling



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Street Address & Public Facade

Objectives

- (a) To create interesting streetscapes
- (b) To encourage passive surveillance of streets & other public domain

Development Controls

- (a) Dwellings and living areas are to be orientated to address and overlook the street.
- (b) Front entry doors to be visible from the street.
- (c) Dwellings on corner lots are to address both street frontages.
- (d) Dwellings at key vistas (eg. end of intersection) are to be treated with additional landscaping.
- (e) Pedestrian access from the street is to be clearly delineated.

Design Guidelines

- (a) Use of built elements such as verandas, balconies, bay windows, pergolas, sunshades, etc that are practical and help articulate facades is highly recommended.

Roofs

Objectives

- (a) To enhance the character of the dwelling in line with forms commonly found in established housing of the Southern Highlands.

Development Controls

- (a) Primary Roof Pitch is to be a minimum of 25°. See Figure C18.11
- (b) Mansard and excessively steep roof forms are not permitted.
- (c) All dwellings to have eaves in proportion with the roof pitch except where an alternative to eaves is provided.
- (d) Roof top plant, solar collectors, satellite dishes and antennae should to be located and/or finished to ensure they have limited visibility from the street.

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Design Guidelines

- (a) Simple roof forms with hips, eaves and some gables are to be the primary roof form.
- (b) Eaves of a minimum 450mm are encouraged. Eaves less than 450mm will be assessed on merit.
- (c) Traditional dormer windows to attic/loft space within the roof are encouraged.
- (d) Windows located in the roof should not dominate the roof.
- (e) Services which penetrate the roof and flashing should be painted or finished in a material that is consistent in colour with the roof.

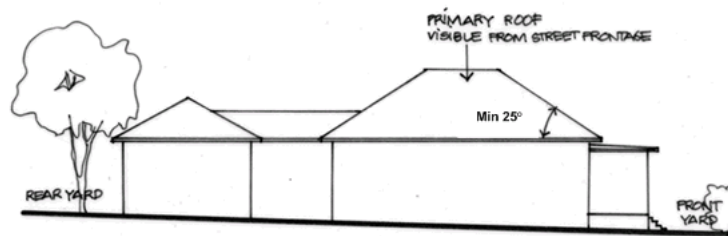


Figure C16.9

Access, Parking, Garages & Driveways

Objectives

- (a) Coordinate all access between private and public domain.
- (b) Minimise the dominance of garages and driveways in the streetscape.

Development Controls

- (a) All dwelling applications that have swale type drains to the frontage are to ensure that it is adequately fenced during construction to avoid damage to Council assets.
- (b) Vehicle access is to be solely from the rear lane where one is available.
- (c) Vehicle crossings are not to exceed 3m wide in streets or 4.8m wide in lanes.
- (d) Vehicle crossings are to be constructed in natural concrete from the road pavement to the footpath or, where there is no footpath, to the property boundary.
- (e) A minimum of 2 on-site parking spaces are to be provided for each dwelling.

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- (f) Garages facing the primary street frontage are to be setback a minimum of 1metre behind the main house façade. Refer [Figure C16.10](#)
- (g) Where garages form part of the dwelling, the garage doors should not exceed more than 40% of the total width of the dwelling frontage.
- (h) Garage doors facing the street are not to exceed width 6.0m in total.
- (i) Triple garages facing the street are not permitted.
- (j) Maximum height of a garage with self-contained flat is 5.5m to underside of eaves shall be three (3) metres to underside of the eaves and ridge height shall be no higher than main dwelling.
- (k) Garages up to 36m² are not included in FSR.

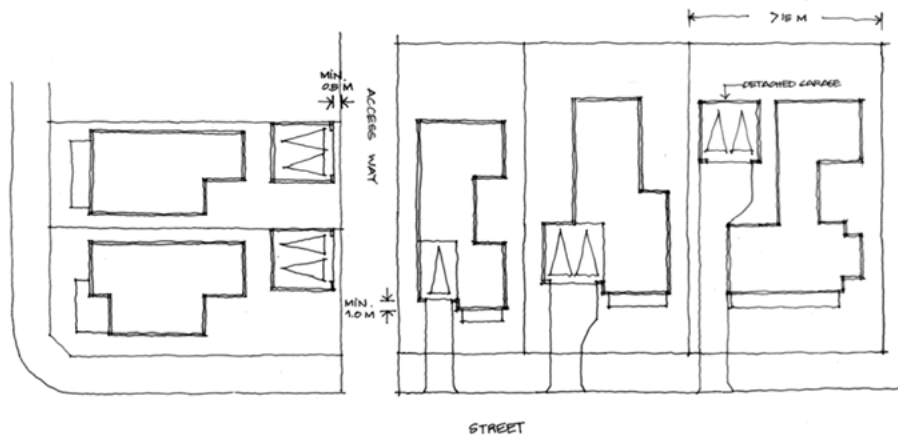


Figure C16.10 Location of Garages



Figure C18.13 Self-Contained Flat



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Design Guidelines

- (a) On lots wider than 15 metres at the street alignment, the preferred approach is for garages to be detached from the dwelling and located towards the rear of the lot or designed in such a way as they are not visible from the street. See [Figure C16.10](#)
- (b) Where facing public streets, garages are to have limited visual impact on the streetscape via the use of setbacks behind the building facade and using appropriate materials and colours.
- (c) Minimise hard impermeable landscape areas by encouraging the use of porous materials for the driveway.

Boundary Treatments, Fences & Gates

Objectives

- (a) To ensure boundary treatments contribute to the desired Southern Highlands character.
- (b) To ensure appropriate boundary treatments, fences & gates for each dwelling types.

Development Controls

- (a) Full height metal sheet panel fencing is not permitted.
- (b) Full height solid panel masonry fences greater than 1200mm are not permitted.

Design Guidelines

- (a) Front fencing or boundary definition, should enhance the landscape character of the streetscape.
- (b) The use of vegetation to define the demarcation between the public and private domain is encouraged.
- (c) Visually prominent fencing and gates are discouraged.
- (d) Gate style and materials should complement that of the fencing.

Materials, Finishes & Colours

Objective

- (a) To encourage the use of materials in the construction of new dwellings that is compatible with adjoining dwellings and the streetscape in terms of material type, colour and form.



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Development Controls

- (a) Roof coverings are to utilise corrugated steel, flat or low profile tile materials.
- (b) Walls are to utilise rendered or bagged masonry, face brick or weatherboard materials (timber or fibre cement). Alternative materials that meet the objectives will be considered on merit.
- (c) Colour is to be visually recessive, eg soft, warm grey tones. Bright, glary, strong colours, black and white are to be avoided.

Ancillary Structures, Sheds Swimming Pools & Tennis Courts

Objectives

- (a) To minimise the impact of ancillary structures on public spaces, streetscape and neighbouring properties.

Development Controls

- (a) Any ancillary structure outside Council's Exempt and Complying policy is to be included in the FSR calculation.
- (b) Ancillary Structures, Sheds, Swimming Pools and Tennis Courts may be subject to Development Application.
- (c) Ancillary structures are to be recessively coloured, landscape screened and located to minimise visual and other impacts on public domain and neighbours. Wherever possible rainwater tanks should not be visible from the street.
- (d) The roof pitch of any ancillary structure is to be a minimum of 25 degrees.
- (e) The maximum height of outbuildings shall be three (3) metres to the underside of the eaves and ridge height shall be no higher than the main building.
- (f) (insert from C5.2.2 (b)) The combined floor area of all non-habitable buildings or non-habitable portions of buildings is limited to:
 - (i) 120 square metres for lots up to 2,000 square metres,
 - (ii) 150 square metres for lots up to 4,000 square metres.
 - (iii) For lots above 4,000 square metres, a merit assessment will apply.
- (g) (insert from C2.4.3) Development shall comply with the standards for maximum development area set out in Figure C16.11. The maximum development footprint includes all forms of housing – principal dwelling and dual occupancy or secondary dwelling, as well as non-habitable buildings such as garages and sheds.
- (h) The minimum open space area presents the balance of the site after the maximum building footprint has been applied.



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Area of Total Lot	Maximum Area of Development Footprint	Minimum Area of Open Space
Less than 2,000m ²	65% of the site area	35% of the site area
Less than 2,000m ² on a site which is an Item (or Draft Item) of Heritage or located within a Heritage (or Draft Heritage) Conservation Area	50% of the site area	50% of the site area
Between 2,000m ² and 4,000m ²	50% of the site area	50% of the site area
Over 4,000m ²	25% of the site area	75% of the site area

Figure 16.11 Maximum Site Coverage Standards

- (i) In applying the controls of subclause (a) above, the following additional controls apply specifically to Dual Occupancy and Second Dwelling development:
- (j) The maximum floor space ratio for a combined Principal Dwelling/Dual Occupancy (Attached or Detached) residential development is 0.5:1. This excludes the area of any carport or garage.
- (k) An exception to subclause (b)(i) above may be considered where an existing dwelling house exceeds a floor space ratio of 0.5:1, and it is proposed to convert the dwelling into an attached Dual Occupancy without increasing the total floor space.
- (l) The Dual Occupancy component of a residential development on a site which is not capable of subdivision shall have a maximum floor space of 100m². This excludes the area of any carport or garage.
- (m) The Dual Occupancy component of a residential development shall not exceed the height of the principal dwelling.
- (n) Both the principal dwelling and the Dual Occupancy dwelling should have clear and direct access from a public street.

Visual & Sound Privacy

Objectives

- (a) To achieve optimum acoustic and visual privacy for both house and adjacent dwellings.
- (b) To address noise impact from the Main Southern Railway Line.



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Development Controls

- (a) Windows to habitable rooms shall minimise direct overlooking of neighbours' habitable rooms and private open space.
- (b) Windows to habitable rooms with a direct outlook to neighbouring habitable room windows within 9 metres are to be:
- (c) screened by fencing, landscape or other means; or
- (d) have a sill height at least 1.5 metres above the floor; or
- (e) have fixed obscure glazing in any part of the window below 1.5 metres above the floor.
- (f) Ensure that upper floor windows to living areas avoid directly overlooking neighbouring open outdoor living space(s).
- (g) Any elevated decks or outdoor living spaces overlooking neighbouring lots must incorporate privacy measures, such as screen planting, louvres or screens.
- (h) All screens to be designed as an integral part of the house design.
- (i) Properties should attenuate noise sufficiently to maintain amenity for neighbouring properties.
- (j) All sound generating plant and equipment is to be designed and located so that the noise emitted does not exceed relevant residential amenity standards beyond the property boundary. (AS 2107-1989).
- (k) Development close to the Main Southern Railway Line is to be designed having regard to acoustic requirements.

A1.5.3 Standard Lot Development Controls

This section is to be used in conjunction with sub-section C19.5.2 – General Controls and applies to development on lots between 600m² and 1,999m² in size.

Development Controls

- (a) Dwellings built on Standard Lots must comply with the development controls contained in Figure C16.12.
- (b) All lots between 600 and 1,999 square metres are to provide a minimum of three (3) trees.
- (c) Boundary fence heights shall be a maximum 1200mm in front of the building and 1800mm behind the building.



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- (d) Vehicle crossings are to be constructed in natural concrete from the road pavement to the footpath or, where there is no footpath, to the property boundary.

Lot Range	600m ² to 1,199m ²	1,200 m ² to 1,999m ²
Relevant Diagram	Figure 18.15	Figure 18.16
Minimum Site Frontage	16 m	24 m
Minimum Site Area	600 m ²	1200 m ²
Floor Space Ratio (FSR) (Max)*	0.5:1	0.4:1
Maximum Second Storey Area (excluding attic style second storey)	60% of ground floor area (including garage, where attached)	60% of ground floor area (including garage, where attached)
Landscaped Area (Min)	35%	45%
Primary Private Open Space (Min)	25m ²	25m ²
Dwelling Setbacks		
Front Setback	6 m	6 m
Secondary Front Setback	3m	3m
Articulation Zone up to**	33% of setback	33% of setback
Side Setback (Min)	2 m	3 m
Side Setback 2nd Storey (Min)	3 m	4 m
Rear Setback (Min)	6 m	6 m
Garage & Outbuilding Setbacks		
Front setback (Min)	1m behind main building façade	1m behind main building facade
Side and Rear setbacks for garages and outbuildings (minimum)	1 m and/or 0.5m to rear lane	1 m

* Garage up to 36m² & Self Contained Flats above garage are not included in FSR.

** Open verandahs, bay windows, balconies and pergolas may encroach on front setbacks to the extent indicated.

Figure C16.12 – Standard Lot Design Controls



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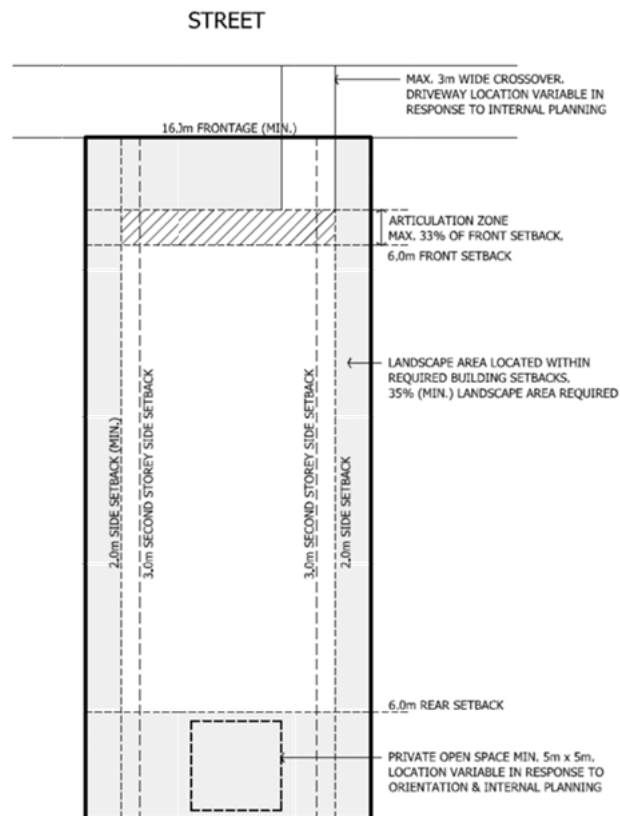


Figure C16.13 –Standard Lots between 600m² and 1,199m²

Note: This is an example only. Refer to Figure C16.12 above for full controls.



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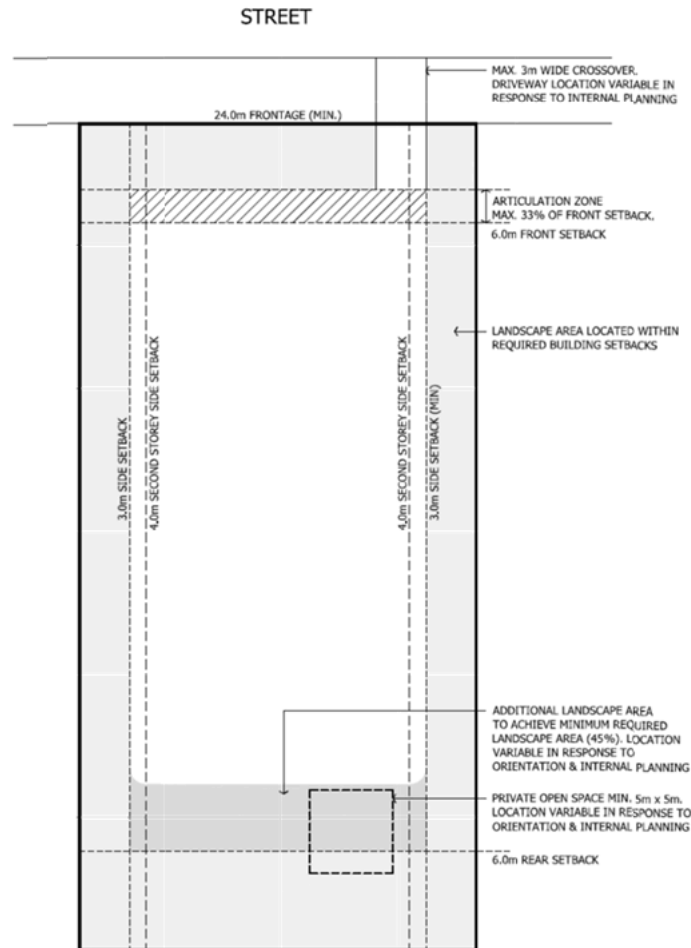


Figure C16.14 - Standard Lots between 1200m² and 1,999m²
 Note: This is an example only. Refer to Figure C16.12 above for full controls.



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A1.5.4 Large Lot Development Controls

This section is to be used in conjunction with Sub-section C18.5.2 General Controls and applies to development on lots greater than 2,000 m² in size.

Development Controls

- (a) Dwellings built on large lots must comply with the development controls contained in [Figure C16.15](#)
- (b) Lots greater than 2,000 square metres are to provide a minimum of 5 trees.
- (c) Boundary fences are to use semi-rural post and wire, post and rail or simple picket style fences with vegetated screening.

Lot Range	2,000m ² to 3,999m ²	4,000m ² >
Relevant Diagram	Figure 18.17	Figure 18.18
Minimum Site Frontage	25 m	40 m
Minimum Site Area	2000 m ²	4000 m ²
FSR (Maximum)*	0.3:1	0.2:1
Landscaped Area (Minimum)	55%	65%
Primary Private Open Space (minimum)	40m ²	40m ²
Dwelling Setbacks		
Front Setback	8 m	12 m
Secondary Front Setback	4 m	6 m
Articulation Zone up to**	25% of setback	25% of setback
Side Setback To 1 Side (Minimum)	4 m	6 m
Rear Setback (Minimum)	8 m	8 m
Garage & Outbuilding Setbacks		
Front Setback (minimum)	1m behind main building façade	1m behind main building



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Lot Range	2,000m ² to 3,999m ²	4,000m ² >
Side and Rear setbacks for garages and outbuildings (minimum)	2 m	2 m

* FSR Calculations are to include all habitable / non-habitable rooms, excluding garage up to 36m² & Self Contained Flats above garage.

** Open verandahs, balconies and pergolas may encroach on front setbacks to the extent indicated.

Figure C16.15 - Large Lot Design Controls



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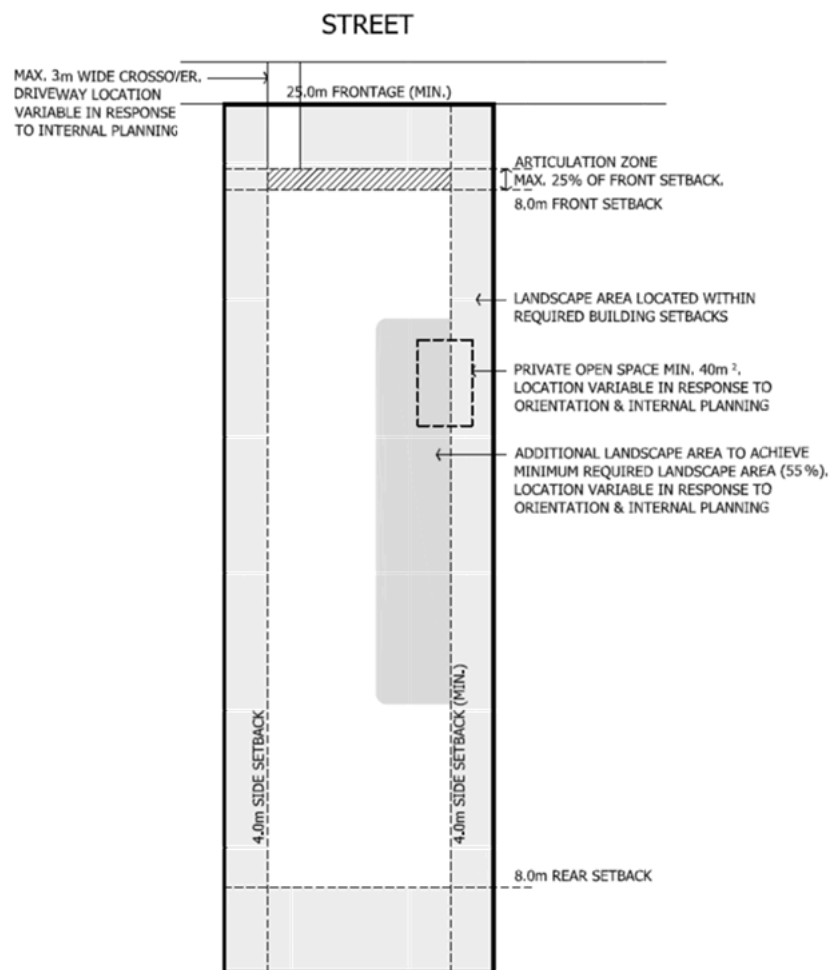


Figure C16.16 - Standard Lots between 2000m² and 3,999m²

Note: This is an example only. Refer to Figure C16.15 above for full controls.



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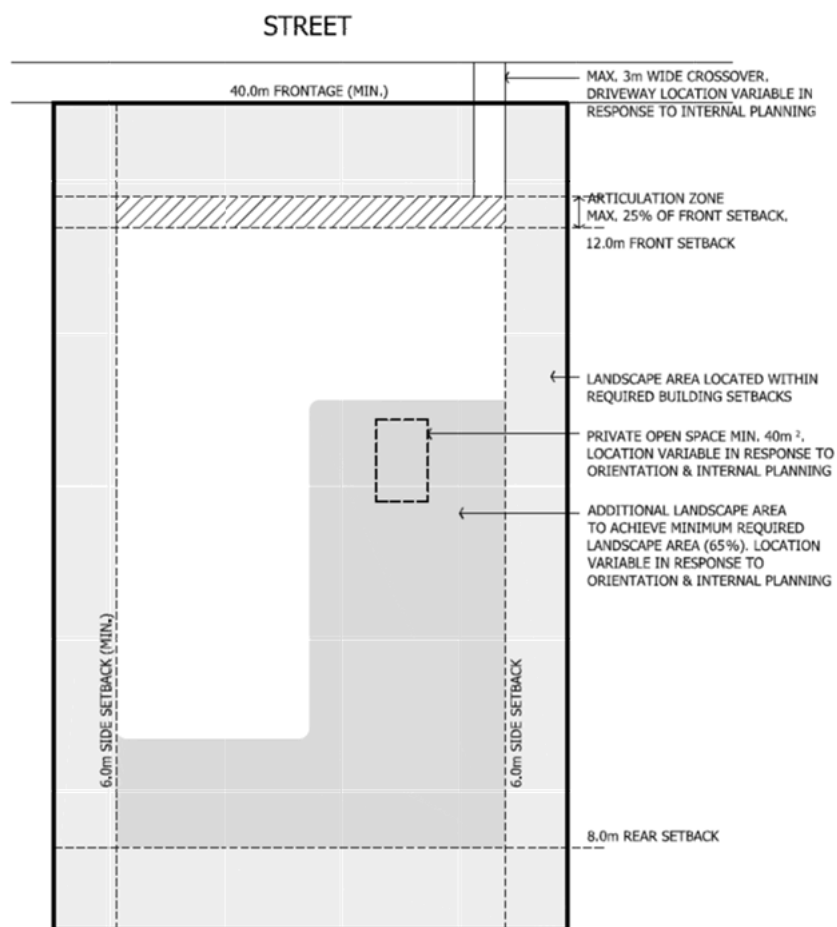


Figure C16.17 - Standard Lots 4,000m² and larger

Note: This is an example only. Refer to Figure C16.16 above for full controls.



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A1.5.5 Integrated Housing Development Controls

This section applies to development on lots less than 599m² in size.

This section is to be used in conjunction with Sub-Section C16.5.3 – General Controls.

Objectives

- (a) To provide a greater variety of housing choice.
- (b) To respond to different living requirements.
- (c) To provide smaller dwellings close to the Village Centre
- (d) To ensure amenity is maintained for each dwelling and neighboring properties.
- (e) To ensure development contributes to the streetscape character.
- (f) To ensure individual dwellings address the street
- (g) To allow opportunities for more affordable housing.
- (h) To increase intensity of use closer to areas of higher amenity

Development Controls

- (a) Dwellings built as Integrated Housing must comply with the development controls contained in sub-section C16.5.5.
- (b) Integrated Housing may be in the form of Dual Occupancy (see Figures C16.19 & C16.20) or Multi Dwelling Housing (see Figures C18.22 & C18.23).
- (c) Development applications to produce lots of less than 600 square metres must be accompanied by development applications for the proposed housing, to be approved by Council.
- (d) ~~Relocated from (f)~~ - Integrated Housing development is restricted to corner allotments or middle block where rear lane access is provided.
- (e) Development applications to subdivide Integrated Housing lots can only be approved upon completion of the Integrated Housing development.
- (f) ~~The subdivision of an Integrated Housing lot is limited to a lot of at least 1000m² in area in accordance with clause 7.2 of WLEP 2010.~~
- (g) ~~Where a multi dwelling housing can be constructed in the form of a Triplex (or 'Big House'), it is to be designed to appear as a large single dwelling with provision made for common garbage storage and a minimum of 1 car parking space per dwelling accessible by rear lane or shared driveway. See Figure C18.24~~
- (h) ~~Integrated Housing development is restricted to corner allotments or middle block where rear lane access is provided. (moved to (d)~~
- (i) Common wall ~~or zero lot line~~ is permitted.



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- (j) All lots to less than 600 square metres to provide a minimum of 1 tree.
- (k) Fence heights shall be a maximum 1200mm in front of the building and 1800mm behind the front building.
- (l) Lighter coloured fences are permitted in the Village Centre area.
- (m) Vehicle crossings are to be constructed in natural concrete from the road pavement to the footpath or, where there is no footpath, to the property boundary.

Lot Range	200m ² to 450m ²	450m ² to 599m ²
Relevant Diagram	Figure 5.17	Figure 5.18
Minimum Site Frontage	8 m	12 m
Minimum Site Area	200 m ²	450 m ²
FSR (Maximum)*	0.7:1	0.6:1
Maximum Second Storey Area	60% of ground floor area (excluding garage)	60% of ground floor area (excluding garage)
Landscaped Area (Minimum)	15%	25%
Primary Private Open Space (minimum)	15m ² (ground level) or 10m ² balcony with 2m (min) depth	15m ² (ground level) or 10m ² balcony with 2m (min) depth
Dwelling Setbacks		
Front Setback	4.5 m	4.5 m
Secondary Front Setback	2 m	2 m
Articulation Zone up to**	33% of setback	33% of setback
Side Setback (Minimum)	0 & 2 (attached) or 1 m (detached)	1.5 m
Rear Setback (Minimum)	3 m	3 m
Garage & Outbuilding Setbacks		
Front Setback (minimum)	1m behind main building façade	1m behind main building façade
Side and Rear setbacks for garages and outbuildings (minimum)	1 m and/or 0.5m to rear lane	1 m and/or 0.5m to rear lane

* Garages up to 36m² & Self-Contained Flats above garage are not included in FSR.

** Open verandahs, balconies and pergolas may encroach on front setbacks to the extent indicated.

Figure C16.18 - Integrated Housing Design Controls

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Figure C18.19 - Integrated Housing Design Controls delete

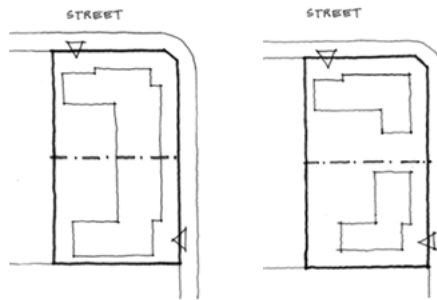


Figure C16.19 - Dual Occupancy subdivision of a corner lot of at least 1000m2

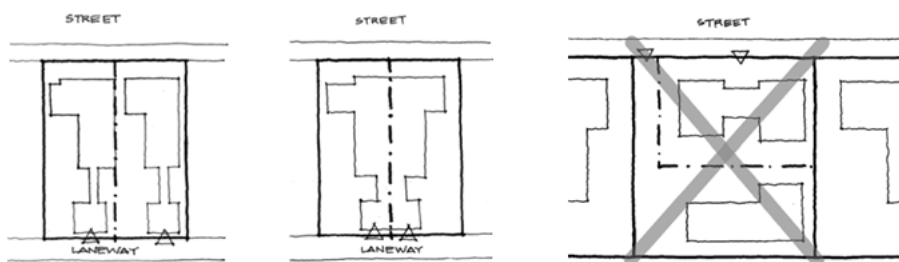


Figure C16.20 - Dual Occupancy - Mid Block with rear lane

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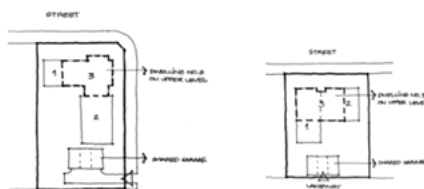


Figure C18.22 - Multi Dwelling Housing - Big House Concept delete

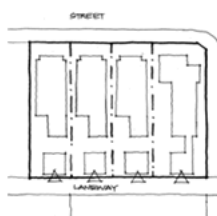


Figure C18.23 - Multi Dwelling Housing - Torrens Title Subdivision -delete

ATTACHMENT 1

DRAFT AMENDMENTS TO RENWICK PRECINCT IN MITTAGONG TOWNSHIP DCP



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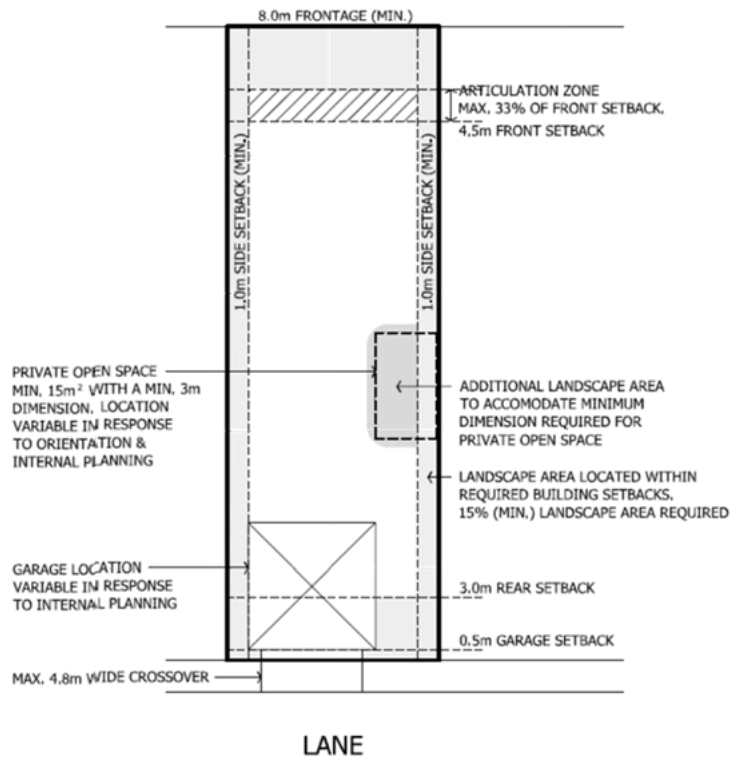


Figure C16.21 – Integrated Housing on Lots less than 450m²
 Note: This is an example only. Refer to Figure C16.18 above for full controls.



ATTACHMENT 1

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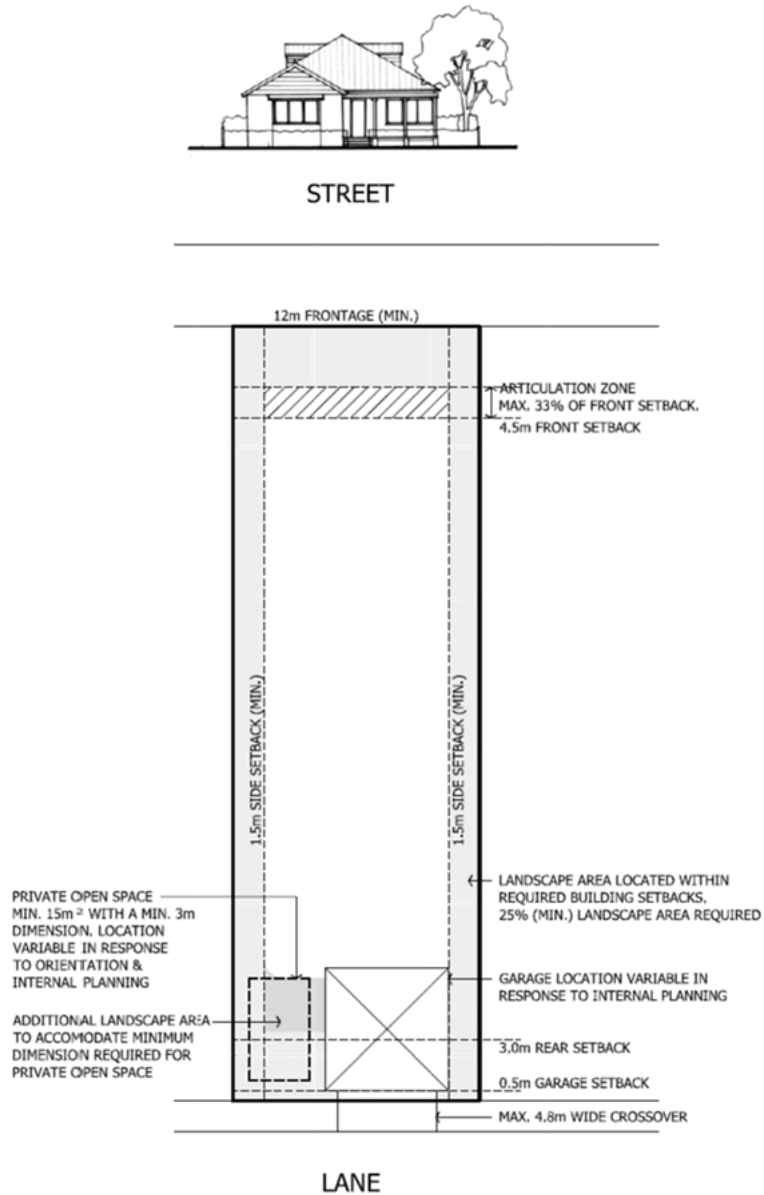


Figure C16.22 – Integrated Housing on Lots between 450m² and 599 m²
 Note: This is an example only. Refer to Figure C16.18 above for full controls.



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A1.6 Glossary

This section of the Plan contains terms that have the same meanings ascribed to them in the *Environmental Planning and Assessment Act 1979*. This section provides a brief description of other terms that appear in this Plan.

Acoustic Privacy - A measure of sound insulation between dwellings, between dwellings and communal areas, and between external and internal spaces.

Accessible Housing - Housing that is designed and built to accommodate the needs of occupants with mobility impairment (Australian Standard 1428: Design for Access and Mobility Series).

Adaptable Housing - Housing that is designed and built to accommodate future changes to suit occupants with mobility impairment or life cycle needs (Australian Standard 4299: Adaptable Housing).

Amenity - The 'livability' or quality of a place which makes it pleasant and agreeable to be in for the individual and the community. Amenity is important in both the public and private domain and includes the enjoyment of sunlight, views, privacy and quiet.

Articulation Zone - The area forward of the building line into which changes in façade alignment, verandahs, balconies and shading devices may occur.

Attic Space - The space contained primarily within the pitch of the primary roof of the dwelling. The space should provide for user amenity via dormer windows and skylights and comply with BCA requirements.

Biodiversity - The variety of living organisms considered at all levels of organisation, including: the genetic, species and higher taxonomic levels; the variety of habitats and ecosystems; as well as processes occurring therein.

Building Code of Australia (BCA) - The document of that name published on behalf of the Australia Building Codes Board in October 1996, together with: (a) such amendment made by the Board, and (b) such variations approved by the Board in relation to NSW, as prescribed by the regulations.

Building Height - The distance measured in metres vertically from the highest point of the roof to the finished ground level immediately below that point.

Building Site Cover - The gross area of all buildings, sheds, outbuildings etc, including all enclosing walls.

Building Sustainability Index (BASIX) - A web-based program administered by the Department of Planning, which assesses the water and energy efficiency of new residential developments.

Character - Essentially about the 'look and feel' of a place - the product of many applied values and influences. The urban character of the Highlands is one of small towns and villages set in a rural and bush landscape. It is marked by its four distinct seasons; abundant vegetation made possible by its high rainfall and fertile soils; and pronounced European references. Desired Future Character refers to the future holistic quality of the built environment that the DCP seeks to achieve.

Council - Means the Council of the Shire of Wingecarribee.

Creek Corridor - Land associated with the rivers and creeks of a region's drainage system. They are important for maintaining biodiversity and river bank stability.

Creek Vegetation - Aquatic and semi-aquatic plants, as well as the over and under storey vegetation in the zone immediately adjacent to or verging from watercourses.

Cultural Significance - Imbued with aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, association, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups. The term cultural significance is synonymous with heritage significance and



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cultural heritage values.

Deck - An external platform, usually elevated, located alongside and accessible from an interior space and often made of timber.

Dwelling - A room or suite of rooms occupied, used, so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Dwelling House - A building containing one dwelling only.

Development Element - A particular attribute, quality or aspect of the development that needs to be satisfied or met by the development.

Dual Occupancy - 2 dwellings (whether attached or detached) on one lot of land.

Ecologically Sustainable Development (ESD) - A development that meets the needs of the present without comprising natural resources and ecology. ESD encompasses energy efficiency, minimising greenhouse gas emissions, the efficient use of land and resources, and biodiversity conservation.

Floor Space Ratio - The ratio of the gross floor area of a building to the area of the site on which the building is or is proposed to be erected.

Gross Floor Area - means the sum of the floor area of each storey of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine within the storey, and
- (b) habitable rooms in a basement, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,
but excludes:
 - (d) any area for common vertical circulation, such as lifts and stairs, and
 - (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
 - (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
 - (g) car parking and garages to meet any requirements of the consent authority (including access to that car parking), and
 - (h) any space used for the loading or unloading of goods (including access to it) and
 - (i) terraces and balconies with outer walls less than 1.4 metres high, and
 - (j) voids above a floor at the level of a storey or storey above.

Habitable Room - Any room or area used for normal domestic activities, including living, dining, family, lounge, bedrooms, media room, study, kitchen, sunroom and playroom.

Height - In relation to a building, means the distance measured vertically between the topmost point of the building at any part of the building (not being a vent, chimney, lift tower or other service installation) and the ground level immediately below that point.

Heritage Significance - see cultural significance

Infrastructure Capacity - The physical, functional capacity of municipal and associated utilities and



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facilities.

Integrated Housing - Development that consists of:

- (a) Dual Occupancy;
- (b) ~~Multi Dwelling Housing;~~
- (c) ~~subdivision of land to create a single dwelling on each of the allotment on which a completed Dual Occupancy and/or Multi Dwelling Housing development is located~~

~~**Multi Dwelling Housing** - 3 or more dwellings (whether attached or detached) on one lot of land.~~

Non-Habitable Room - Spaces of a specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in-wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.

Landscaped Area - Part of the site area that is not occupied by any building and does not include so much of that part as is used or to be used for driveways, parking areas or the like or public open space. Landscaped area can comprise private and communal open space.

Passive Surveillance - The design of the built environment that minimises opportunities for crime and anti-social behaviour by allowing good sight lines and views to public spaces while activating streetscapes.

Parapet - A horizontal low wall or barrier at the edge of a balcony or roof. Often taken to refer to the decorative wall element extends above the roof which establishes the street wall height of heritage buildings.

Planted Area - Area of full depth soils suitable for shrubs, trees and ground cover planting.

Primary Private Open Space - An area of land or building that is open to the sky (such as a balcony, roof garden or terrace) that belongs to a dwelling and located and designed so as to offer useable amenity and recreation areas to the occupants.

Primary Roof - Primary roof to be one above the largest single building footprint visible from the main street frontage.

Private Courtyard - Private open space that provides a sense of enclosure located directly off primary living areas.

~~**Self Contained Flat** - Located toward the rear of the allotment and only built above garages, they contain a small self contained habitable room with a gross floor area (GFR) no greater than 60m². The space is to contain windows or a balcony to provide amenity and aid passive surveillance of the access way (lane). The FSR is exempt from overall lot calculations for this site.~~

Semi-Detached Dwelling - A house on separate allotment which shares a single common wall.

Shop Top Housing - Mixed use development comprising one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises

Site Coverage - Part of the site that is covered by any building, including garages, verandahs and eaves in excess of 600mm wide.

Solar Access - Living areas and Private Open Space that receives a minimum of 3 hours direct solar access during the mid-winter months

Storey - A floor of a building regardless of use. Any portion of a floor 1m above natural ground level constitutes a storey.

~~**Triplex (or Big House)** - 3 dwellings in one building, with the appearance of a single residential building.~~



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Watercourse - (i) Any watercourse, whether perennial or intermittent and whether comprising a natural channel or natural artificially improved; and (ii) Any tributary, branch or other watercourse into or from which a watercourse flows.

Water Sensitive Urban Design (WSUD) The interactions between the urban built form (including urban landscapes) and the urban water cycle as defined by the three urban water streams of potable water, wastewater and stormwater (Landcom 2004). The guiding principles of WSUD are centred on achieving integrated water cycle management solutions for new urban release areas and urban renewal developments aimed at:

- Reducing potable water demand through water efficient appliances, rainwater and grey water reuse.
- Minimising wastewater generation and treatment of wastewater to a standard suitable for effluent reuse opportunities and/or release to receiving waters.
- Treating urban stormwater to meet water quality objectives for reuse and/or discharge to receiving waters.
- Using stormwater in the urban landscape to maximise the visual and recreational amenity of developments.

Zero-Lot Line – a structure that abuts the boundary line of an allotment.

A1.7 Indicative Street Plant Material

Note: This is not an exhaustive list. Additional plant materials may be used if agreed by Council.

Botanical Name	Common Name
Acer saccharum	Sugar Maple
Arbutus menziesii	Madrone
Brachychiton populneum	Kurrajong
Carya illinoensis	Pecan
Eucalyptus agglomerata	Blue-leaved Stringybark
Eucalyptus globoidea	White Stringybark
Eucalyptus mannifera ssp manifera	Brittle Gum
Eucalyptus ovata	Swamp Gum
Eucalyptus punctata	Grey Gum
Eucalyptus quadrangulata	White-topped Box
Eucalyptus radiata	Narrow-leaved Peppermint
Eucalyptus sieberi	Silver-top Ash
Fagus sylvatica	European Beech
Fraxinus oxycarpa 'Raywoodi'	Claret Ash
Ginkgo biloba	Maiden Hair Tree
Lagerstroemia indica	Crepe Myrtle



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Liriodendron tulipifera	Tulip Tree
Magnolia grandiflora	Bull Bay Magnolia
Malus floribunda	Japanese Crab Apple
Pinus pinea	Stone Pine
Pinus roxburghii	Chir Pine
Prunus cerasifera 'Nigra'	Purple-leaved Cherry-plum
Prunus campanulata	Taiwan Cherry
Pyrus calleryana	Callery Pear
Pyrus calleyana 'Chanticleer'	Callery Pear
Quercus ilex	Holm Oak
Quercus palustris	Pin Oak
Quercus robur	English Oak
Quercus rubra	Red Oak
Waterhousia floribunda	Weeping Lillipilli

END OF DRAFT RENWICK PRECINCT CONTROLS



DRAFT AMENDMENTS TO CLARIFY THE MAXIMUM FLOOR AREA OF DUAL OCCUPANCY DEVELOPMENT

The following draft amendments will apply to all DCPs containing:

- **C2.3.2 Controls in the R2 Low Density Residential zone**

(a) On a minimum lot area of 1,000m², where the lot is incapable of subdivision under the provisions of WLEP 2010, Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 100m

(b) On a minimum lot area of 1,000m², where the lot is capable of subdivision under the provisions of WLEP 2010, no maximum floor area applies to Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 100m however the FSR for the combined Dual Occupancy development shall not exceed 0.5:1.

- **C2.3.3 Controls in the R5 Large Lot Residential zone**

(a) On a minimum lot area of 1,000m², where the lot is incapable of subdivision under the provisions of WLEP 2010, Dual Occupancies (Attached) are permitted with consent to a maximum floor area of 100m

(b) On a minimum lot area of 1,000m², where the lot is capable of subdivision under the provisions of WLEP 2010, no maximum floor area applies to Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 100m however the FSR for the combined Dual Occupancy development shall not exceed 0.5:1.

- **C2.3.4 Controls in the R3 Medium Density Residential zone**

(a) On a minimum lot area of 1,000m², where the lot is incapable of subdivision under the provisions of WLEP 2010, Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 100m

(b) On a minimum lot area of 1,000m², where the lot is capable of subdivision under the provisions of WLEP 2010, no maximum floor area applies to Dual Occupancies, either Attached or Detached, are permitted with consent to a maximum floor area of 100m however the FSR for the combined Dual Occupancy development shall not exceed 0.5:1.

**ATTACHMENT 2****DRAFT AMENDMENTS TO THE BERRIMA LANDSCAPE CONSERVATION AREA - RURAL LANDS DCP****A1.1.1 Controls**

The specific controls applicable to all land within for the Berrima Landscape Conservation Area are:

- (a) No building is to be erected that, in the opinion of Council, will be visually prominent when viewed from the village of Berrima, its approaches or any listed heritage item.
- (b) No development is to take place on the ridgelines that, in the opinion of Council, will be visually prominent when viewed from the Berrima Conservation Area, its approaches or any listed heritage item.
- (c) No development is to take place on the ridgelines that will, in the opinion of Council, have a detrimental impact on the rural bushland setting of Berrima or of any listed heritage item.
- (d) All new buildings and alterations to existing buildings shall be in the Georgian architectural style.

In addition to the above controls, further site specific controls apply for any Development Application lodged with Council for the following land:

(e) 4-6 Odessa Street Berrima

- (i) The site amalgamation and building envelope map at Figure AA below is to be used as the basis for assessing any Development Application for subdivision of the subject land in accordance with the relevant provisions of Schedule 1 (Item 35) of WLEP 2010.
- (ii) A Vegetation Management Plan must accompany any Application for subdivision of the subject land in accordance with the relevant provisions of Schedule 1 of WLEP 2010.
- (iii) A Heritage Impact Statement is to accompany any Application for development of any lot resulting from the subdivision of the subject land, in accordance with the relevant provisions of Schedule 1 of WLEP 2010.

(f) Land at Nathan Street Berrima

- (iv) The site amalgamation and building envelope map at Figure BB below is to be used as the basis for assessing any Development Application for subdivision of the subject land in accordance with the relevant provisions of Schedule 1 (Item 33) of WLEP 2010.
- (v) A Vegetation Management Plan must accompany any Application for development of Lot 64 DP 7511252 in accordance with the relevant provisions of Schedule 1 (Item 34) of WLEP 2010.
- (vi) A Heritage Impact Statement is to accompany any Application for development of any lot resulting from the subdivision of the subject land, in accordance with the relevant provisions of Schedule 1 of WLEP 2010.

ATTACHMENT 2

DRAFT AMENDMENTS TO THE BERRIMA LANDSCAPE CONSERVATION AREA - RURAL LANDS DCP



Figure AA - Site amalgamation and building envelope map for Odessa Street Berrima

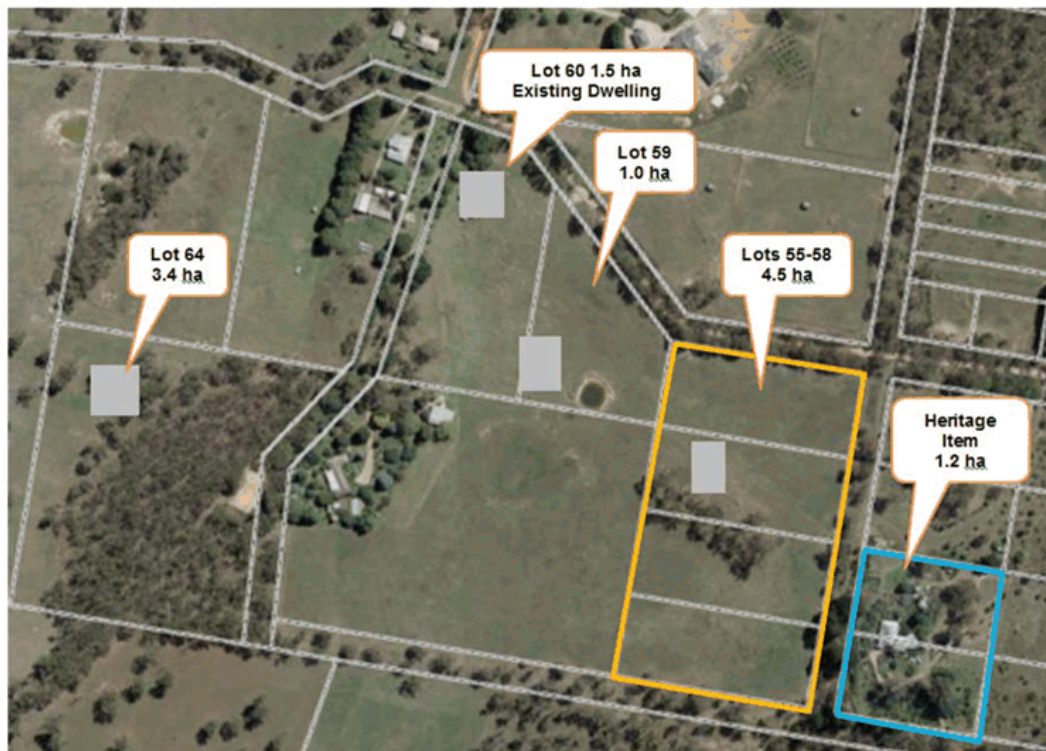


Figure BB - Site amalgamation and building envelope map for Nathan Street Berrima

11.4 Heritage Assessment of Aitken Road Bowral Group— Interim Heritage Order No. 9

Reference:	5650/9, PN 2700, PN 2800, PN 2900, PN 3000, PN 3100, 19/0574
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

The purpose of this report is for Council to consider a heritage assessment of the precinct at 25-41 Aitken Road, Bowral, which is the subject of a current Interim Heritage Order (IHO No. 9) issued under delegation by Council. Should Council support the assessment and the recommendation of this report, a Planning Proposal would be prepared to effect the heritage listing by an amendment to the Wingecarribee Local Environmental Plan 2010.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.



RECOMMENDATION

1. **THAT** Council supports the proposed heritage listing of the 'Aitken Road Interwar Housing Group' comprising Lots 24-25 DP 11348 (25-27 Aitken Road, known as 'Glenfarne'), Lots 19-21 DP 11348 (33-37 Aitken Road, known as 'Grantham') and Lot 11 DP 633966 (39-41 Aitken Road, known as 'Barkfold').
2. **THAT** Council supports the creation of the 'Aitken Road Conservation Area' comprising 12-30 and 25-43 Aitken Road, inclusive, and 56, 58 and 60 Kangaloon Road, Bowral.
3. **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 to add 'Aitken Road Interwar Housing Group' as a new heritage item and 'Aitken Road Conservation Area' as a new heritage conservation area.
4. **THAT** the Planning Proposal be sent to the Department of Planning, Industry and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
5. **THAT** Council staff consult with Government stakeholders and engage with the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
6. **THAT** Council consider a report after the conclusion of consultation and community engagement on the Planning Proposal.
7. **THAT** Interim Heritage Order No. 9 is extended until 18 January 2020 to allow for the preparation and processing of the Planning Proposal.
8. **THAT** all affected property owners and objectors to the development application (DA 19/0574) be advised of Council's decision.

REPORT

BACKGROUND

In October 2018 a development application was lodged for a residential care facility (seniors housing) on the property at 39-41 Aitken Road (DA 19/0574). This application proposed the demolition of all the buildings on the site and the removal of 37 trees. Following concern about this proposal raised by the community, and information about the heritage significance of the site and neighbouring properties, an Interim Heritage Order (IHO) was placed over the property and four of its neighbours in January 2019, on the advice of Council's Heritage Advisor. This precinct defined by the IHO was called the 'Aitken Road Bowral Group'.

Under clause 25 of the Heritage Act, Council may make an IHO where it considers that an item, on further inquiry or investigation, may be found to be of local heritage significance and that it is being or is likely to be harmed. The proposed development at 39-41 Aitken Road and the common ownership of several other properties in the street was considered to

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be of sufficient concern and an IHO was signed under delegation issued to Council that covered the following properties:

- 25-27 Aitken Road – Lots 24 and 25 DP 11348 – ‘Glenfarne’
- 29 Aitken Road – Lot 23 DP 11348
- 31 Aitken Road – Lot 22 DP 11348
- 33-37 Aitken Road – Lots 19-21 DP 11348 – ‘Grantham’
- 39-41 Aitken Road – Lot 11 DP 633966 – ‘Barkfold’.

Interim Heritage Order No. 9 was published in the NSW Government Gazette on 18 January 2019. An IHO issued under delegation is valid for six (6) months and IHO No. 9 will lapse on 18 July 2019 unless Council makes a resolution to add the item to its heritage schedule. Such a resolution extends protection of the proposed item for a further six months in accordance with the Ministerial Order for Authorisation to make Interim Heritage Orders.

Property owners were informed of the issuing of the IHO directly after it was published in the NSW Government Gazette and a public notice appeared in the local newspaper.

A copy of IHO No. 9 as it appeared in the NSW Government Gazette is included as **ATTACHMENT 1**. The IHO will lapse on 18 July 2019 unless Council supports the recommendations of this report to proceed with heritage listing of the nominated sites.

The applicant for DA 19/0574 has appealed both the issuing of the IHO and the deemed refusal of the development application. These matters will be considered separately by the Land and Environment Court.

ASSESSMENT OF AITKEN ROAD PROPERTIES AND SURROUNDS

The study area is centred on the five properties on the eastern side of Aitken Road which are the subject of the IHO but in undertaking an assessment of the potential heritage significance of these properties, the surrounding area and its history have been taken into consideration.

The sites subject to the IHO are shown within the area outlined on the aerial photograph at **Figure 1** which also shows the sites in the context of surrounding development on Aitken Road and beyond.

The original subdivision of the study area was called the ‘Golf Links View Estate’ as it overlooked the Bowral Golf Course (established in 1901) from the north. Glimpses of the golf course can still be seen through trees and buildings from the bend in Aitken Road and was highly visible when the subdivision was first created and was used as a selling feature. Aitken Road was named after one of its developers, Lindsay Shepherd Aitken. The subdivision was undertaken in 1921 and the lots were first offered for sale from December 1921. **Figure 2** shows one of the sale advertisements for the estate highlighting the location overlooking the golf course, the existing shade trees and existing structures.

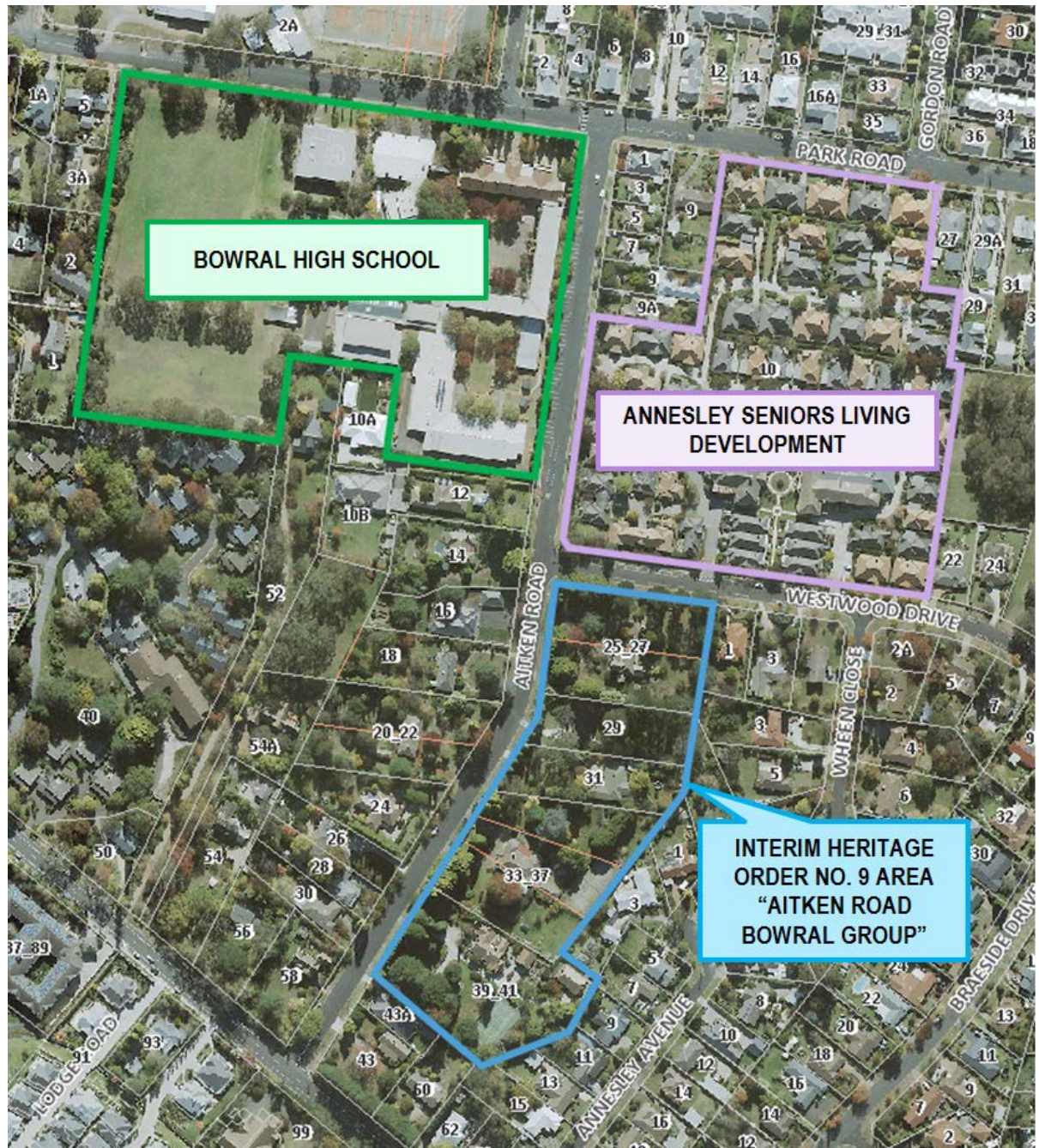


Figure 1—Aerial photo of Aitken Road, Bowral, showing the IHO precinct and the surrounding area

**Unlocked at last !
"Golf Links View
Estate,"**

Situated immediately opposite THE GOLF LINKS, and adjoining the charming residence of Claude Terry, Esq., and bounded on the east by that park like site, chosen for proposed Methodist College.

THE GOLF LINKS VIEW ESTATE
has been subdivided into 30 Choice Bungalow Sites of liberal frontages and great depths. Almost every block has beautiful shade trees. A visiting expert has given a splendid report on the quality of the soil.

THE GOLF LINKS VIEW ESTATE
Is within 10 minutes of BOWRAL STATION.
Is close to Park and Show Ground.
Is in the most progressive part where values must rise.
AND will be sold at prices that will ensure a safe investment.
New Water Mains run past the Estate.
On Lot 12 is a well built Double-fronted W.B. Cottage let at 25s per week.
On Lot 22 is a Large Brick Garage.

**TITLE TORRENS. TITLE TORRENS.
EASY TERMS.**
Modern Building Covenant,

**AUCTION SALE on Ground,
Saturday, January 14th, 1922,
AT 3 P.M.**
Lithos Now Available.

**RICHARDSON AND WRENCH, LTD., 92
Pitt-street, Sydney, DARWIN, TUR-
LEY & CO, Bowral, Auctioneers in Con-
junction.**

Figure 2—Sale Advertisement for the Golf Links view Estate from local paper *Robertson Advocate* on 30 December 1921

The original subdivision is shown on **Figure 3** and it included sites that have since been subsumed into Bowral High School (1929) and Annesley School for Girls (1924).

One of the features of the subdivision (shown in the bottom left corner of DP 11348 in **Figure 3**) was the following covenant:

The Purchaser, Covenants with the Vendor, that any main building shall be of the value of at least Five Hundred Pounds and such building shall be completed within twelve months from the date of its commencement.

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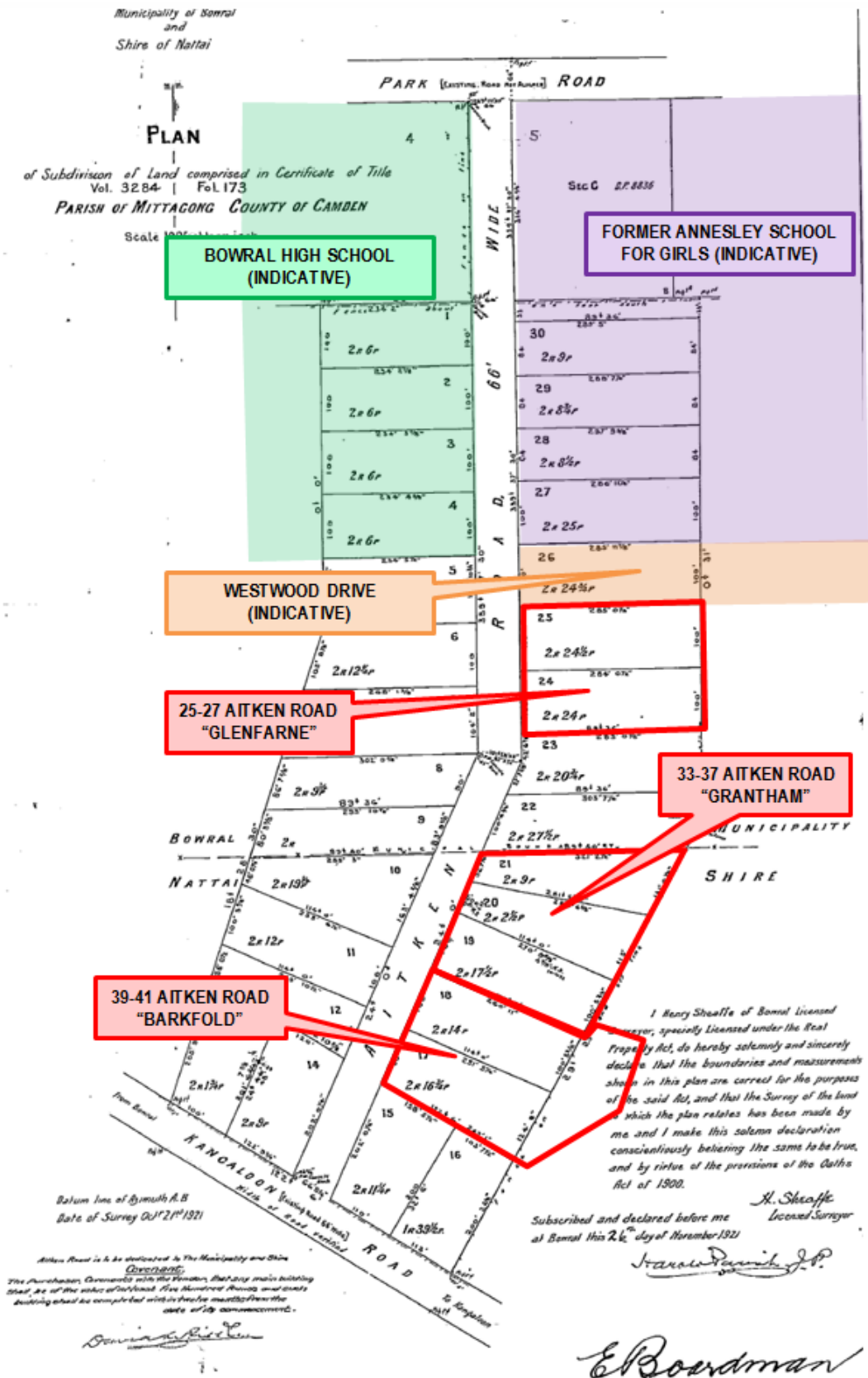


Figure 3—The original subdivision plan of Aitken Road (DP 11348)

It was clear that the developers desired a high quality of housing as £500 is estimated at around one million dollars today.

The Aitken Road study area sites are zoned R2 Low Density Residential with a minimum lot size of 2,000m². The zoning and minimum lot size are consistent with those in nearby Bendooley Street which is covered by a heritage conservation area. Apart from Bowral High School, there are no properties fronting Aitken Road that are identified as current heritage items, nor is the area a current heritage conservation area. None of the sites were identified as potential heritage items as part of the Wingecarribee Heritage Survey 2009 which is the most recent large scale heritage study undertaken for the Shire.

Aitken Road is characterised as a low density residential neighbourhood with houses set on large allotments (four of which are double or larger allotments) surrounded by landscaped gardens with mature trees. The road reserve is 20 metres providing a carriageway of 10 metres and provides an open feel to the street. The houses represent a mix of housing styles ranging from the 1920s until present day, but all the allotments contain modest to large houses on large blocks, set well back from the street with low to medium front fences or hedges and surrounded by mature trees and gardens. The street trees are a mix of species including cherries and English oak. The street has a similar feel to the southern end of Bendooley Street, which is within a heritage conservation area.

Figure 4 shows a view of Aitken Road from Westwood Drive looking south showing the heavily vegetated nature of the street, and **Figure 5** shows the view north towards The Gib with Bowral High School on the left (demarcated by the row of conifers) and Annesley seniors living development on the right (behind the picket fence). **Figure 6** shows the view up the street (to the north) from Kangaloon Road.



Figure 4—Aitken Road looking south from Westwood Drive. No. 25-27 is on the left behind the rolled hedge and 33-37 is on the left just beyond the bend in the road



**Figure 5—Aitken Road (at Westwood Drive) looking north towards Mt Gibraltar.
Bowral High School is on the left and Annesley is on the right**



Figure 6—Aitken Road from Kangaloon Road looking north

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"Glenfame" 25-27 Aitken Road



29 Aitken Road



31 Aitken Road



"Grantham" 33-37 Aitken Road



"Barkfold" 39-41 Aitken Road

Figure 7—Photos from the street of the five properties included in the Interim Heritage Order precinct known as 'Aitken Road Bowral Group'

Nos. 25-27, 33-37 and 39-41 Aitken Road are located on the eastern side of the street and all contain substantial dwellings built in the 1930s with substantial mature gardens. All three buildings were built by renowned local builder, Alf Stephens Jnr of Alf Stephens and Son



builders based in Bowral and the property known as 'Grantham' at 33-37 Aitken Road was Alf Stephens' home. This property also contains a cricket pitch built by Alf Stephens that has a strong association with Sir Donald Bradman who practiced there as a child. Later, 'Grantham' became the long-term residence of Ted Springett, local businessman and philanthropist.

The houses at 29 and 31 Aitken Road were built in the early 1970s and are not of heritage significance in themselves, but the built form of these houses is consistent with the dominant built form of the street and the sites contain plantings that contribute to the vegetated character of the street.

Although the housing stock in Aitken Road is of a later time frame to the Victorian and Federation style of Bendooley Street, Aitken Road has a similar feel. Aitken Road is an excellent local example of an Interwar housing estate containing fine examples of local Interwar architecture and buildings. This report recommends that the remaining area of the 'Golf Links View Estate' on Aitken Road from Bowral High School and Westwood Drive to Kangaloon Road, including the houses on Kangaloon Road be incorporated as a heritage conservation area listed under Schedule 5 of the Wingecarribee Local Environmental Plan 2010 to be known as the 'Aitken Road Conservation Area'. **Figure 8** shows the area recommended to be formed as this heritage conservation area.

In addition to the heritage conservation area, this report recommends that the three interwar houses built by Alf Stephens (nos. 25-27, 33-37 and 39-41) be listed as a heritage item. The assessment of the heritage listing is contained within the following section.

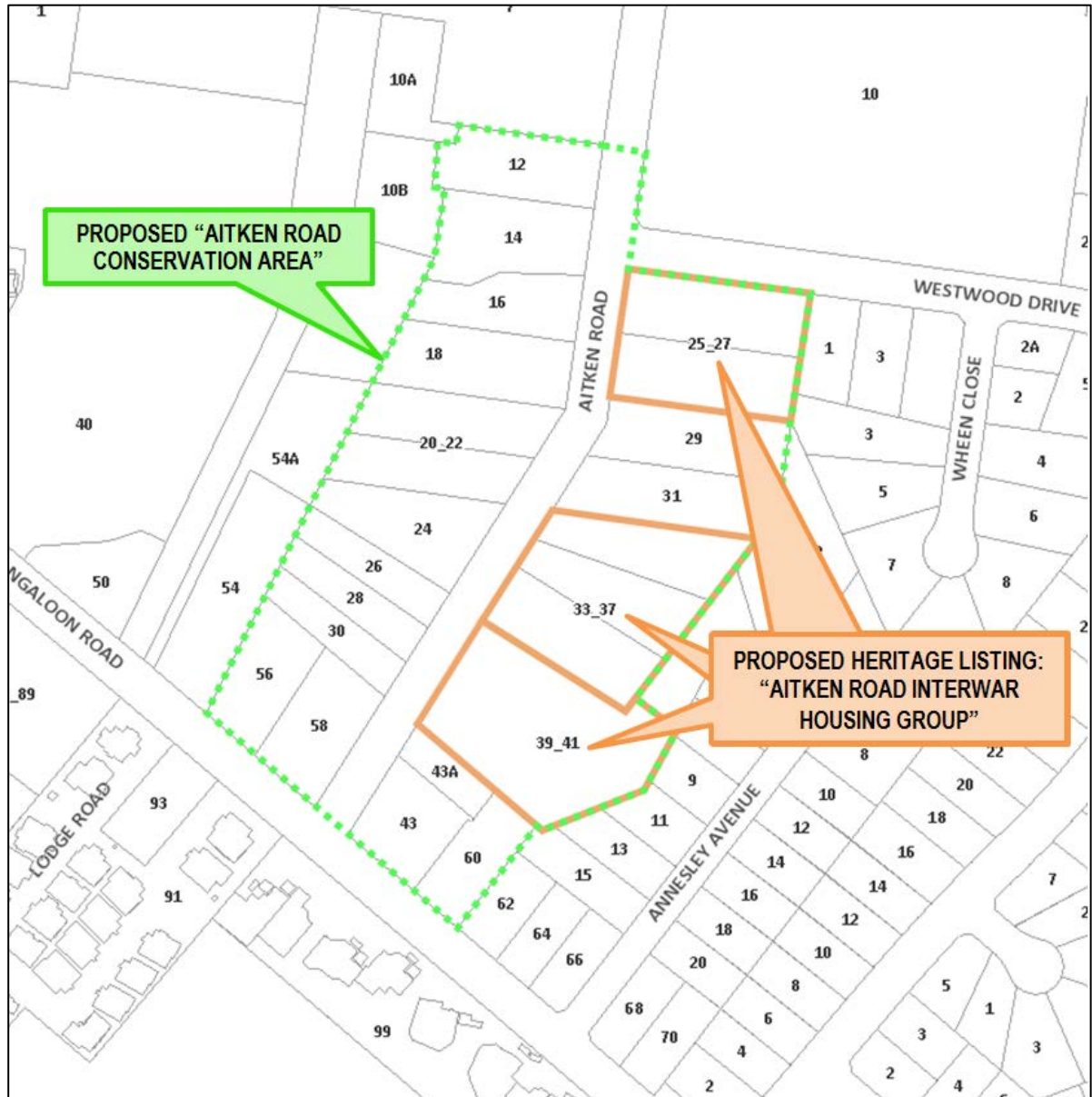


Figure 8—The area for the proposed ‘Aitken Road Conservation Area’ and the proposed heritage item

HERITAGE ASSESSMENT

In NSW, an assessment of the heritage significance of a place is to be undertaken with reference to seven (7) specific criteria developed by the NSW Heritage Office and contained within the NSW Heritage Manual. To be eligible for local heritage listing a place must meet one or more of these criteria at a local level. To be eligible for listing on the State Heritage Register an item must meet two or more of these criteria on a State level.

As indicated in the previous section, this report recommends that the three significant houses within the IHO area be listed as a heritage item called the ‘Aitken Road Interwar Housing Group’.

The Aitken Road Interwar Housing Group is considered to be of local heritage significance and the assessment criteria that justify this assessment are shown in the following table:



Heritage Criterion	Assessment of 'Aitken Road Interwar Housing Group'
(a) HISTORICAL	
<p>An item is important in the course, or pattern, of NSW's (or local) cultural or natural history.</p>	<p>The 1921 subdivision of the Aitken Road area as a new housing estate for wealthy homeowners is significant in a time when Australia was experiencing high inflation and high government-sponsored British migration. Population in Bowral boomed during the 1920s and 30s and this subdivision demonstrates the growth of the town at that time. The lots were first advertised for sale in 1921.</p> <p>The three houses at no. 25-27 ('Glenfarne'), 33-37 ('Grantham') and 39-41 ('Barkfold') are fine examples of 1920s and 1930s home construction. 'Grantham' was built in 1922 by Alf Stephens Jnr and named after the home town in England of his wife, Lily Peel.</p> <p>Around 1934 he built 'Barkfold' on the neighbouring property to 'Grantham' for his sister, Ethel Grace Gurney (nee Stephens), and her husband, Richard Victor Gurney. The house was named 'Dulwich' by the Gurney's after Mr Gurney's birth place in South London.</p> <p>'Glenfarne' was built in 1937 by Alf Stephens & Son to plans drawn by Sydney architect John R. Brogan and is a fine example of a two storey Tudor Revival or Old English style house in brick.</p>

Heritage Criterion	Assessment of 'Aitken Road Interwar Housing Group'
(b) ASSOCIATIONAL	
<p>An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's (or the local area's) cultural or natural history.</p>	<p>All three houses are associated with Alf Stephens and Son builders, a renowned local building firm. Alf Stephens Snr established his firm in 1885 and retired in 1917 when his son, Alf Stephens Jnr, took over the firm. Alf Stephens Jnr built all of the subject houses from the Interwar period on Aitken Road including, 'Barkfold', 'Glenfarne', and 'Grantham', the latter of which was his home. The Alf Stephens & Son building firm is also responsible for significant buildings in the Shire including the Empire Cinema, the Bowral Courthouse, Robertson Hotel (formerly Ranelagh House, Robertson), Dormie House (Moss Vale), Bowral District Hospital and additions to both Frensham and Annesley Schools.</p> <p>Alf Stephens Snr was Mayor of Bowral Municipality from 1899 to 1900 and again in 1904. Alf Stephens Jnr was Mayor from 1928-29.</p> <p>'Grantham' is also associated with cricketer Don Bradman who was mentored as a young cricketer in the 1920s by Alf Stephens Jnr who was the captain of the Bowral Cricket Team. Alf built a cricket pitch for Don to practice on in the back yard of 'Grantham' (on the southern boundary). Ted Springett, local businessman and philanthropist lived in the house after he married Alf Stephens' daughter, Joan. The Stephens family (and later the Springetts) maintained a close friendship with Don Bradman and Ted Springett set a commemorative plaque on the site of the cricket pitch, which has reportedly been removed in early 2019 following the Interim Heritage Order being placed over the property.</p>
(c) AESTHETIC/TECHNICAL	
<p>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or the local area.</p>	<p>The houses demonstrate a particular style of solidly built houses characteristic of Alf Stephens and Son builders. 'Glenfarne' is a fine example of an architect designed two-storey Tudor Revival house. The outbuildings and extensions are also of a similar period and sympathetic to the original design.</p>
(d) SOCIAL	
<p>An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.</p>	<p>The cricket wicket at 33-37 Aitken Road is significant to the cricketing community due to the association with Donald Bradman.</p>

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Heritage Criterion		Assessment of 'Aitken Road Interwar Housing Group'	
(e) RESEARCH			
An item has potential to yield information that will contribute to an understanding of NSW's or the local area's cultural or natural history.		The cricket wicket at 33-37 Aitken Road has the potential to yield further information about the life and time of Donald Bradman during the time he lived in Bowral.	
(f) RARITY			
An item possesses uncommon, rare or endangered aspects of NSW's or the local area's cultural or natural history.		The cricket wicket at 33-37 Aitken Road is a rare example of a home cricket wicket constructed to encourage a young Donald Bradman to hone his craft.	
(g) REPRESENTATIVENESS			
An item is important in demonstrating the principal characteristics of a class of NSW's (or a class of the local area's) cultural or natural places; or cultural or natural environments.		The houses, particularly those at 33-37 and 39-41, are representative of the style of houses designed and built in the Southern Highlands by Alf Stephens during the Interwar period.	

The overall statement of significance for the proposed heritage listing is as follows:

The Aitken Road Interwar Housing Group is significant as a group of houses on large blocks in landscaped settings built during the 1930s by renowned Bowral builder, Alf Stephens Jnr of Alf Stephens and Son, and former Mayor of Bowral Municipality. The houses are representative of Interwar housing styles built by Alf Stephens in Bowral and surrounding areas. 25-27 Aitken Road is a fine local example of an architect designed two-storey Tudor revival style house with outbuildings built to the same style. 33-37 Aitken Road also has a strong association with Don Bradman who Alf Stephens mentored as a boy and the site contains a cricket wicket built by Stephens for Bradman to practice on. 33-37 Aitken Road is also the long-time home of local businessman and philanthropist, Ted Springett.

PLANNING PROPOSAL TO AMEND WLEP 2010 INSTRUMENT AND MAPS

Should Council support the recommendation of this report to heritage list the 'Aitken Road Interwar Housing Group' and create the 'Aitken Road Conservation Area', then a Planning Proposal will be prepared by Strategic Planning Branch staff. The Planning Proposal will seek to amend the WLEP 2010 to add the sites to the list of heritage items and the area to the list of heritage conservation areas in Schedule 5 of the Plan, and to add the sites and area to the Heritage Map.

Planning Proposal would contain the following:

1. Addition of a new heritage item 'Aitken Road Interwar Housing Group' comprising Lots 24-25 DP 11348 (25-27 Aitken Road, known as "Glenfarne"), Lots 19-21 DP

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11348 (33-37 Aitken Road, known as "Grantham") and Lot 11 DP 633966 (39-41 Aitken Road, known as "Barkfold") in Part 1 of Schedule 5 of the WLEP 2010.

2. Addition of a new heritage conservation area, 'Aitken Road Conservation Area', comprising 12-30 and 25-43 Aitken Road, inclusive, and 56, 58 and 60 Kangaloon Road, in Part 2 of Schedule 5 of the WLEP 2010.
3. Addition of 'Aitken Road Interwar Housing Group' as a new heritage item on the Heritage Map.
4. Addition of 'Aitken Road Conservation Area' as a new heritage conservation area on the Heritage Map.

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

Due to its nature, there is no requirement for Council to consult with property owners before the publishing of an Interim Heritage Order. However, property owners were notified in accordance with the NSW Heritage Act 1977 and the Local Government Heritage Guidelines prepared by the NSW Heritage Office.

Should Council support the initiation of the Planning Proposal process as recommended in this report, community consultation is a necessary and integral part in that process going forward. Any proposed amendment to WLEP 2010 supported by Council is lodged with the Department of Planning, Industry & Environment for a Gateway Determination to proceed. Community consultation then occurs in accordance with the Gateway requirements but public exhibition for a period of 28 days is normally recommended. This community engagement period allows for property owners and the community to comment on the proposal and any submissions received will be reported to Council for a final decision on whether or not to proceed with the Planning Proposal.

Internal Communication and Consultation

Any proposed amendment to WLEP 2010 supported by Council would be internally referred to relevant staff for comment.

External Communication and Consultation

Any proposed amendment to WLEP 2010 supported by Council would be externally referred to relevant agencies for comment as required by the Gateway Determination.

SUSTAINABILITY ASSESSMENT

- **Environment**

The listing of this area as a heritage conservation area and the nominated sites as a heritage item would serve to protect the mature trees and gardens in the street.

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- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

The listing of new heritage items is one of the strategies identified in the Wingecarribee Community Strategic Plan, Wingecarribee 2031 (amended 2017) under goal 3.2 (Wingecarribee has maintained a distinct character and separation of towns and villages). Council is committed to ensuring that places of heritage significance are identified, assessed and listed, as appropriate. This report in part satisfies this goal and strategy.

- **Governance**

This report has been prepared in consideration of guidelines provided by the Department of Planning, Industry & Environment and any Planning Proposal prepared by Council would also be processed in accordance with Departmental guidelines.

COUNCIL BUDGET IMPLICATIONS

As the Interim Heritage Order was initiated by Council, no Planning Proposal fees are applicable.

RELATED COUNCIL POLICY

There are no related Council policies.

OPTIONS

The options available to Council are:

Option 1

That Council **support** the proposed heritage listing of the 'Aitken Road Interwar Housing Group' and the creation of the 'Aitken Road Conservation Area'. This option forms the recommendation contained in this report, as follows:

1. **THAT** Council supports the proposed heritage listing of the 'Aitken Road Interwar Housing Group' comprising Lots 24-25 DP 11348 (25-27 Aitken Road, known as 'Glenfarne'), Lots 19-21 DP 11348 (33-37 Aitken Road, known as 'Grantham') and Lot 11 DP 633966 (39-41 Aitken Road, known as 'Barkfold').
2. **THAT** Council supports the creation of the 'Aitken Road Conservation Area' comprising 12-30 and 25-43 Aitken Road, inclusive, and 56, 58 and 60 Kangaloon Road, Bowral.
3. **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 to add 'Aitken Road Interwar Housing Group' as a new heritage item and 'Aitken Road Conservation Area' as a new heritage conservation area.

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4. THAT the Planning Proposal be sent to the Department of Planning, Industry and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
5. THAT Council staff consult with Government stakeholders and engage with the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
6. THAT Council consider a report after the conclusion of consultation and community engagement on the Planning Proposal.
7. THAT Interim Heritage Order No. 9 is extended until 18 January 2020 to allow for the preparation and processing of the Planning Proposal.
8. THAT all affected property owners and objectors to the development application be advised of Council's decision.

Option 2

That Council **not support** the proposed heritage listing and conservation area. This option is not recommended as it ignores the heritage assessment of the nominated sites that has demonstrated that it is eligible for heritage listing and the assessment of the area as a potential heritage conservation area. However, should this option be supported, an appropriate resolution would be as follows:

1. THAT Council not support the proposed heritage listing of the 'Aitken Road Interwar Housing Group' comprising Lots 24-25 DP 11348 (25-27 Aitken Road, known as 'Glenfarne'), Lots 19-21 DP 11348 (33-37 Aitken Road, known as 'Grantham') and Lot 11 DP 633966 (39-41 Aitken Road, known as 'Barkfold') or the formation of the 'Aitken Road Conservation Area' comprising 12-30 and 25-43 Aitken Road, inclusive, and 56, 58 and 60 Kangaloon Road.
2. THAT Interim Heritage Order No. 9 be permitted to lapse on 18 July 2019.

Option 1 is the recommended option to this report.

CONCLUSION

In January 2019, Council issued an Interim Heritage Order under delegation to protect the properties referred to as the 'Aitken Road Bowral Group' from an unsympathetic seniors housing development proposal (DA 19/0574). This has led to a heritage assessment which concludes that of the five sites included in the Interim Heritage Order, three are worthy of listing as a group of Interwar houses of local heritage significance constructed by Alf Stephens and Son builders. In addition, the landscape quality, the standard of housing stock and the large lots on Aitken Road have been assessed as being eligible for listing as a heritage conservation area. This report recommends that Council supports the proposed heritage listing of the 'Aitken Road Interwar Housing Group' and the creation of the 'Aitken Road Conservation Area' in accordance with the goals of the revised Wingecarribee 2031 Community Strategic Plan 2017 to identify, protect and promote places of significant cultural heritage (Strategy 3.2.3).

ATTACHMENTS

1. Interim Heritage Order No. 9 as published in NSW Government Gazette on 18 January 2019



Council Notices

WINGECARRIBEE SHIRE COUNCIL

HERITAGE ACT 1977

INTERIM HERITAGE ORDER NO. 9

Under Section 25 of the *Heritage Act 1977* Wingecarribee Shire Council does by this order:

- (i) make an interim heritage order to cover the item of the environmental heritage specified or described in Schedule 'A'; and
- (ii) declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule 'B'.

This Interim Heritage Order will lapse six months from the date that it is made unless the local council has passed a resolution before that date either:

- (1) in the case of an item which, in the council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
- (2) in the case of an item which in the council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.

Mark Pepping
Deputy General Manager
Corporate Strategy and Development Services
Wingecarribee Shire Council
PO Box 141, Moss Vale NSW 2577

11.4 Heritage Assessment of Aitken Road Bowral Group—Interim Heritage Order No. 9

ATTACHMENT 1 Interim Heritage Order No. 9 as published in NSW Government Gazette on 18 January 2019



Council Notices

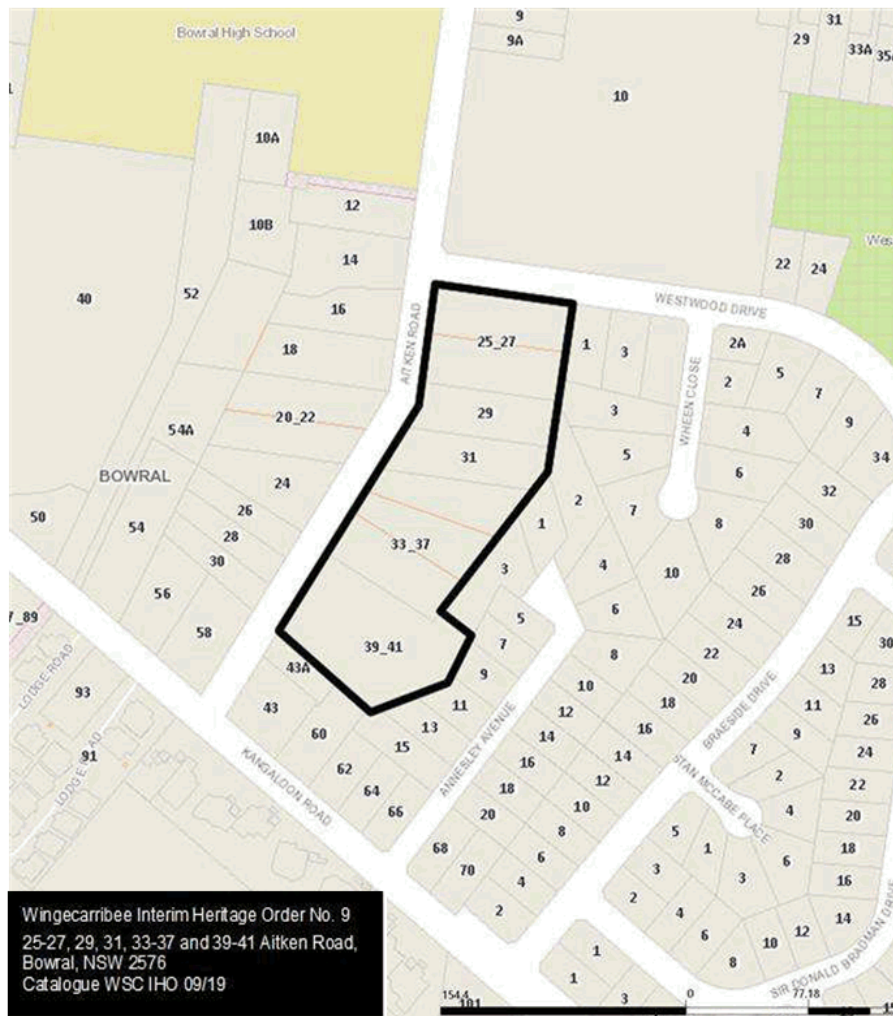
15 January 2019

Schedule 'A'

The properties known collectively as "Aitken Road Bowral Group" situated at No. 25-27, No. 29, No. 31, No. 33-37 and No. 39-41 Aitken Road, Bowral, on the land described in Schedule 'B'.

Schedule 'B'

All those pieces or parcels of land known as Lot 19, Lot 20, Lot 21, Lot 22, Lot 23, Lot 24 and Lot 25 DP 11348 and Lot 11 DP 633966, shown edged heavy black on the plan catalogued WSC IHO 09/19.



(n2019-106)

11.5 Request for Fees Assistance by Yaffa Media Pty Ltd for the Bowral Classic Cycling Event 2019

Reference:	1732/3, 6530/3
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	Provide and support a range of community events, festivals and celebrations

PURPOSE

The purpose of this report is to seek Council's position on a request from Yaffa Media for Council's financial assistance for Council fees associated with the Bowral Classic Cycling Event to be held in October 2019.

RECOMMENDATION

THAT Council determines its position with regard to the request for financial assistance from Yaffa Media for the Bowral Classic Cycling Event 2019.

REPORT

BACKGROUND

At the Ordinary Meeting of Council held on Wednesday, 22 March 2017 Council considered a request for support from Yaffa Media for the Bowral Classic 2017. At that Meeting it was resolved as follows (MN 102/17) following an amendment that was passed to the original motion that also included Traffic Management costs of \$3,000:

1. THAT Council support the Bowral Classic by providing:
 - (a) Appropriate road maintenance on the race route.
 - (b) Waste collection to an equivalent sum of \$1,000.
2. THAT it be funded from the Contingency Fund.
3. THAT it be noted that this is a one-off only support for this event.

At the Ordinary Meeting of Council held on Wednesday, 14 March 2018 Council considered a request for support from Yaffa Media for the Bowral Classic 2018. At that meeting it was resolved as follows (MN 74/18)

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1. *THAT Council provide financial support in the amount of \$663.50 to Yaffa Media for development fees associated with the Bowral Classic Bicycle Race (the Race) to be held in October 2018 AND THAT it be funded from the Contingency Fund.*
1. *THAT the Bowral Adult Day Care Centre be nominated as a local charity that riders in the Race could support.*
2. *THAT Council continue to check and maintain the road surface of the route of the Race prior to the date of the event.*

At the Ordinary Meeting of Council held on Wednesday, 24 April 2018 Council adopted the Contingency Fund Guidelines effective 1 July 2018 (MN 156/18)

Council has an established Contingency Fund for the purpose of providing financial assistance or sponsorship for 'one off' small discretionary payments for not-for-profit community groups.

Eligibility criteria for funding from the Contingency Fund that should be considered for this application include:

1. Applications by a commercial entity for a purpose that will benefit that entity will not be considered.
2. Recurrent requests will not be considered

REPORT

The Bowral Classic Bicycle race will, for the fourth year running, take place on the weekend of 20 October 2019.

Organisers of the Bowral Classic, Yaffa Media have requested Council waive the fees for sporting ground hire at Eridge Park, the Veledrome and Exeter Oval.

Fee relief is also requested for the Section 68 and Section 138 fees as outlined in the attached quote. The Section 68 and Section 138 fees are an annual fee imposed by Council for the use of speakers and porta-loos at the start of the race in Bowral. The Section 68 and 138 fees are subject to change each year and charged accordingly.

Yaffa Media, a commercial operation, have requested that Council waive these fees in light of the substantial contribution that the event brings to the Southern Highlands region each year.

In addition to the above request to waive fees, Yaffa Media have also requested:-

1. Council support for waste collection on Monday 21 October following the 2019 Bowral Classic event on Sunday 20 October
2. Marketing support to ensure that local residents are aware of the event and that there will be increased cyclists and support vehicles on the roads. Yaffa Media will provide information and signage.

As Council cannot 'terminate' fees and must be transparent in all transactions, the financial assistance to Yaffa Media in respect of these fees is for Council's determination.

YAFFA MEDIA

Yaffa Media, the organiser of the Bowral Classic, is one of Australia's largest independent media companies consisting of '28 consumer and business-to-business media brands made up of 28 specialist magazines, market-leading websites and e-newsletters, interactive digital apps and highly engaged social media outlets'. Many of these brands also extend to a range of industry and consumer events and exhibitions including Yaffa Media's Bowral Classic.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Consultation

Nil

External Consultation

Nil

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental implications in relation to this report.

- **Social**

There are no social implications in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The current balance of the Contingency Fund is \$38,512.

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RELATED COUNCIL POLICY

Nil

OPTIONS

Submitted for determination by Council.

CONCLUSION

Organisers of the Bowral Classic, Yaffa Media have requested Council waive the ground hire fees for the sporting grounds required and the Section 68 and Section 138 fees of \$3,302. Support is also requested for waste collection and marketing support. This report is presented to Council for determination.

ATTACHMENTS

1. 2019 Bowral Classic WSC fees



QUOTE

Tuesday, 19 March 2019

QUOTE TO:

Bowral Classic
c/- Yaffa Media
17-21 Bellevue Street
SURRY HILLS NSW 2010

Description: 2019 Bowral Classic

Date: 18/10/2019 until 20/10/2019

Duration: 3 Days

	Unit	Fee	GST	Total amount inc GST
13.10 SPORTING GROUNDS FEE				
COMMERCIAL HIRE 18/10/19 – 20/10/19 ERIDGE PARK 3 DAY HIRE @ \$748 per day		\$2040.00	\$204.00	\$2244.00
VELODROME HIRE 20/10/2019 1 DAY HIRE @ \$286.00 per day		\$260.00	\$26.00	\$286.00
CASUAL HIRE 20/10/2018 EXETER OVAL @ \$289 per facility per day		\$262.73	\$26.27	\$289.00
SECTION 68 As per fee estimate attached		\$257.00	\$-	\$257.00
SECTION 138 As per fee estimate attached		\$226.00	\$-	\$226.00
TOTAL AMOUNT PAYABLE		\$3045.73	\$256.27	\$3302.00

Payment Options:

<input type="checkbox"/> Over the Phone	Please phone the Facilities Booking Officer to pay over the phone via credit card
<input type="checkbox"/> Via Mail	Please attach a cheque or money order to this form and return to PO Box 141 Moss Vale NSW 2577 Att: Facilities Booking Officer
<input type="checkbox"/> In person	Attend the Customer Service Counter at the Civic Centre, 68 Elizabeth Street Moss Vale to lodge and pay for your application. Payment methods include credit card, Eftpos, cheque, money order or cash.
<input type="checkbox"/> Debtor Account	If you have an existing debtor account, the total fee payable will be charged to your account. Debtor Number _____

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

www.wsc.nsw.gov.au

Working with you

11.5 Request for Fees Assistance by Yaffa Media Pty Ltd for the Bowral Classic
Cycling Event 2019

ATTACHMENT 1 2019 Bowral Classic WSC fees



- 2 -

Payment must be received within 30 days of booking confirmation. If you are unable to provide payment within 30 days for any reason please contact the Facilities Booking Officer on 4868 0888 or facilities@wsc.nsw.gov.au to make payment arrangements or your booking may be cancelled.

Office Use:					
Receipt number:	_____	Date:	_____	Amount:	_____
Cashier Id:	_____	Confirmed by facilities:	_____		

11.6 Appointment of Community Representatives to the Community Development Advisory Committee

Reference:	1800/58
Report Author:	Coordinator Community Development
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

To fill a casual vacancy for two community representatives on the Community Development Advisory Committee.

RECOMMENDATION

1. **THAT Council appoint Dr Gavan McDonnell to the Community Development Advisory Committee as a community representative.**
2. **THAT Council appoint Mr Ric Mejias to the Community Development Advisory Committee as a community representative.**

REPORT

BACKGROUND

The Community Development Advisory Committee currently has two vacancies for community members following resignations from Bruce Mumford and Dylan Whitelaw.

REPORT

An Expression of Interest (EOI) process was undertaken in April and May with the vacancy advertised in the *Southern Highlands News* and through Your Say Wingecarribee.

As a result of this process, two (2) new EOIs were received.

The nominations were reviewed by the Community Development Advisory Committee Chair and a staff representative (Coordinator Community Development). The recommendation was that Dr McDonnell and Mr Mejias be appointed to fill the current vacancies.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

This report and recommendation does not impact on Council's Fit for the Future proposal.

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COMMUNICATION AND CONSULTATION

Community Engagement

The committee provides a formal opportunity for regular engagement with representatives of a number of community target groups.

Internal Communication and Consultation

The applications have been considered by the Chair of the Community Development Advisory Committee and the Coordinator of Community Development.

External Communication and Consultation

The vacancies were advertised in the *Southern Highland News* and through Your Say Wingecarribee in April / May 2019.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

A strong, vibrant and effective committee structure is critical to the continuing development of community involvement in Council decisions.

- **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 Committee is governed by Council's Code of Conduct and must adhere to Council's policies and procedures.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications arising from this report.

RELATED COUNCIL POLICY

Wingecarribee Shire Council Committee Manual 2016 – 2020.

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AND DEVELOPMENT SERVICES**



OPTIONS

The options available to Council are:

Option 1

Endorse the appointment of Dr Gavan McDonnell and Mr Ric Mejias to the Community Development Advisory Committee.

Option 2

Not endorse the appointments

Option 1 is the recommended option to this report.

CONCLUSION

Appointment of community representatives to the Community Development Advisory Committee ensures that a wide range of views are represented.

ATTACHMENTS

There are no attachments to this report.

John Crawford

Acting Deputy General Manager Corporate, Strategy and Development Services

Thursday 4 July 2019



COUNCIL MATTERS

14 PETITIONS

14.1 Petition 6/2019 - Response to Development Application 17/1679 - Lot 2 DP625407, 2 Walker Street, Bowral

Reference:	100
Report Author:	Administration Officer (Meetings)
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 purpose of this report is to present Council with a petition against development application 17/1679, Lot 2 DP625407, 2 Walker Street, Bowral.

The petition contains over 16 signatures.

A copy of the Petition has been placed in the Councillors' Room and will be tabled at the Ordinary Meeting of Council.

RECOMMENDATION

THAT Petition 6/2019 relating to Development Application 17/1679, Lot 2 DP625407, 2 Walker Street, Bowral be received and noted by Council.

ATTACHMENTS

There are no attachments to this report.

15 COMMITTEE REPORTS

15.1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 June 2019

Reference:	1680
Report Author:	PA for Mayor
Authoriser:	
Link to Community Strategic Plan:	Support and promote the creative and cultural sector

PURPOSE

This report provides the Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 June 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

ACC 12/19

THAT the apology of Cllr L Whipper and Ms S Conroy be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

ACC 13/19

- 1. THAT the minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday 5 March MN ACC1/19 to MN ACC8/19 inclusive, copies of which were forwarded to Committee, be adopted as a correct record of the proceedings of the meeting.*
- 2. THAT the minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday 16 April MN ACC9/19 to MN ACC11/19 inclusive, copies of which were forwarded to Committee, be adopted as a correct record of the proceedings of the meeting.*

Item 6.1 Introduction of New Cultural Development Officer

ACC 14/19

- 1. THAT the report introducing the new Cultural Development Officer, Ms Erin Adams be noted.*
- 2. THAT the Committee welcome Ms Adams and look forward to working with her to develop Arts and Culture within the Wingecarribee Shire.*

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COMMITTEE REPORTS



Item 6.2 Update on Arts and Culture Projects

ACC15/19

THAT the verbal update as provided by Mr Mark Pepping, Deputy General Manager Corporate Strategy and Development Services and Ms Erin Adams, Arts and Cultural Development Office on the current status of Arts & Culture Projects be noted.

Item 6.3 2019 Southern Highlands Art Trail

ACC 16/19

1. THAT the report on the 2019 Southern Highlands Art Trail be noted.
2. THAT the committee support the name change of the SHAF (Southern Highland Arts Festival) Website to be now known as Southern Highland Arts File Website.
3. THAT the 2020 Arts Trail be scheduled for discussion at an extraordinary meeting of the A & C Committee to be held on Thursday 25 July @ 5pm.

Item 6.4 Arts and Culture Committee Feedback

ACC 17/19

1. THAT the Committee provide feedback via email to the Arts and Culture Development officer on items listed:
 - Why did you join originally?
 - How do you see your role?
 - How can we add value to Arts and Culture in the Shire?
 - Streamlining the Cultural Development Officer RoleAND THAT this be discussed at the 3 September meeting of the Arts and Culture Advisory Committee.

RECOMMENDATION

THAT recommendations Nos to ACC 12/19 TO ACC 17/19 – as detailed in the Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 June 2019 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 Arts and Culture Advisory Committee Meeting held Tuesday, 4 June 2019



MINUTES

of the Arts and Culture Advisory Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Tuesday 4 June 2019

The meeting commenced at 5:00pm

File No. 1660

15.1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 June 2019

ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held Tuesday, 4 June 2019



1. WELCOME AND APOLOGIES
2. ACKNOWLEDGEMENT OF COUNTRY
3. ADOPTION OF MINUTES OF PREVIOUS MEETING
4. BUSINESS ARISING FROM THE MINUTES
Arts and Culture Advisory Committee Meeting held on 5 March 2019
Arts and Culture Advisory Committee Meeting held on 16 April 2019
5. DECLARATIONS OF INTEREST

6.	<u>AGENDA REPORTS</u>	3
6.1	<u>Introduction of new Cultural Development Officer</u>	3
6.2	<u>Update on Arts and Culture Projects</u>	4
6.3	<u>2019 Southern Highlands Art Trail</u>	5
6.4	<u>Arts and Culture Committee Feedback</u>	6
7.	<u>DATE OF NEXT MEETING</u>	7
8.	<u>MEETING CLOSURE</u>	7

15.1 Minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday, 4 June 2019

ATTACHMENT 1 Minutes of the Arts and Culture Advisory Committee Meeting held Tuesday, 4 June 2019



MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON TUESDAY 4 JUNE 2019 COMMENCING AT 5:00PM.

Present:

Councillors: Clr G J Andrews *Alternate Chair*
Clr P W Nelson

Community Representatives: Mr Peter Campbell
Mr Harlan Hall
Mrs Maisy Stapleton
Dr Allan Stiles
Ms Kristie Phelan
Mr Michael Turczynski
Mr Mark Viner

In Attendance: Mr Mark Pepping *Deputy General Manager Corporate Strategy & Development Services*
Ms Erin Adams *Cultural Development Officer*
Ms Leesa Stratford *Mayor's PA*

1. WELCOME AND APOLOGIES

ACC 12/19

MOTION moved by Clr G J Andrews and seconded by Dr A Stiles

It was noted that apologies were received from Clr L A C Whipper and Ms Susan Conroy.

RECOMMENDATION

THAT the apology of Clr L Whipper and Ms Susan Conroy be accepted and leave of absence granted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Clr G Andrew 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 ARTS AND CULTURE ADVISORY COMMITTEE MEETING HELD ON
TUESDAY 5 MARCH 2019

MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETING HELD ON
TUESDAY 16 APRIL 2019

ACC 13/19

MOTION moved by Cllr G Andrews and seconded by Dr A Stiles

1. **THAT** the minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday 5 March 2019 MN ACC1/19 to MN ACC8/19 inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.
2. **THAT** the minutes of the Arts and Culture Advisory Committee Meeting held on Tuesday 16 April 2019 MN ACC9/19 to MN ACC11/19 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 this meeting.



6. AGENDA REPORTS

6.1 Introduction of new Cultural Development Officer

Reference: 1660
Report Author: Cultural Development Officer

PURPOSE

To introduce Erin Adams who commenced as the Cultural Development Officer at Council on 2 May 2019 and outline focus of the role over the next twelve months.

ACC 14/19

MOTION moved by Ms M Stapleton and seconded by Mr P Campbell

1. **THAT** the report introducing the new Cultural Development Officer, Ms Erin Adams be noted.
2. **THAT** the Committee welcome Ms Adams and look forward to working with her to develop Arts and Culture within the Wingecarribee Shire.

PASSED



6.2 Update on Arts and Culture Projects

Reference: 1660/1.1
Report Author: Cultural Development Officer

PURPOSE

The purpose of this report is to update the Arts and Culture Committee on current projects as part of the Arts & Culture Strategic Plan

- Southern Highlands Regional Art Gallery
- WEAVE Artist Directory
- Professional Development workshops
- Foyer Gallery exhibition space
- Arts Info
- Public Art

ACC 15/19

MOTION moved by Mr M Turczynski and seconded by Cllr P Campbell

THAT the verbal update as provided by Ms Erin Adams, Arts and Cultural Development Office on the current status of Arts & Culture Projects be noted.

PASSED



6.3 2019 Southern Highlands Art Trail

Reference: 1660/1.1
Report Author: Cultural Development Officer

PURPOSE

To provide an update and seek input from the Committee on the 2019 Southern Highlands Arts Trail strategy

- Reviewing the concept of Arts Festival
- Expanding importance of SHAF Website
- Membership fee for mini-website 2019
- Marketing Strategy
- EOI's 2019 update
- Development of a standardised suitability checklist "Criteria for selection" and process for new participants
- 2019 Launch Venue and speaker
- Establishment of Arts Trail Volunteer Group

ACC 16/19

MOTION moved by Mr M Viner and seconded by Mrs M Stapleton

1. **THAT** the report on the 2019 Southern Highlands Art Trail be noted.
2. **THAT** the committee support the name change of the SHAF (Southern Highland Arts Festival) Website to be now known as Southern Highland Arts File Website.
3. **THAT** the 2020 Arts Trail be scheduled for discussion at an extraordinary meeting of the A & C Committee to be held on Thursday 25 July @ 5pm.

PASSED



6.4 Arts and Culture Committee Feedback

Reference: 1660/1.1
Report Author: Cultural Development Officer

PURPOSE

The purpose is to gain feedback from the Arts and Culture Committee members on their time as members of the Arts and Culture Committee and explore strategies to work better together over the next twelve months.

- Why did you join originally?
- How do you see your role?
- How can we add value to Arts and Culture in the Shire?
- Streamlining the Cultural Development Officer Role

ACC 17/19

MOTION moved by Mr M Turczynski and seconded by Cllr P W Nelson

1. **THAT** the Committee provide feedback via email to the Arts and Culture Development officer on items listed:

- *Why did you join originally?*
- *How do you see your role?*
- *How can we add value to Arts and Culture in the Shire?*
- *Streamlining the Cultural Development Officer Role*

AND THAT this be discussed at the 3 September meeting of the Arts and Culture Advisory Committee

PASSED



7. DATE OF NEXT MEETING

The next meeting (**Extraordinary Meeting**) will be held on Thursday 27 July 2019 in Nattai Room, Civic Centre, Elizabeth Street, Moss Vale commencing at 5:00pm.

The next Ordinary Meeting will be held on Tuesday 3 September 2019 in Nattai Room Civic Centre, Elizabeth Street, Moss Vale commencing at 5:00pm.

8. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.26 PM

15.2 Minutes of the Sport & Recreation Advisory Committee Meeting held on 9 May 2019

Reference: 107/30
Report Author: Asset Coordinator Parks and Buildings
Authoriser: Deputy General Manager Operations, Finance and Risk
Link to Community
Strategic Plan: Increase promotion of healthy lifestyle choices

PURPOSE

This report provides the Minutes of the Sport & Recreation Advisory Committee Meeting held on 9 May 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

This report provides the Minutes of the Sport & Recreation Advisory Committee Meeting held on 9 May 2019.

Item 6.1 PRESENTATION: Highlands District Cricket Association (HDCA) Grounds and Facilities Strategy 2018 – 2022

SR6/19

THAT the report be noted and HDCA be congratulated on their vision for Cricket within Wingecarribee moving forward.

THAT Council Officers take the Strategy into consideration when developing the Council's 10 year Capital Works Program.

Item 6.2 WSC Community Assistance Grant

SR7/19

THAT the comments relating to the applications presented to the Sport and Recreation Advisory Committee be taken to the Community Assistance Scheme Working Group for a final recommendation.

Item 6.3 Eridge Park Perimeter Fence

SR8/19

THAT the report be noted.

Item 6.4 Facility Hirer Information Session - Feedback

SR9/19

THAT the report be noted.



RECOMMENDATION

THAT recommendations Nos SR6/19 to SR9/19 – as detailed in the Minutes of the Sport & Recreation Advisory Committee Meeting held on Thursday 9 May 2018 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

ATTACHMENTS

1. Minutes of the Sport and Recreation Advisory Committee held 9 May 2019



MINUTES

of the Sport and Recreation Advisory Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Thursday 9 May 2019

The meeting commenced at 5pm

File No. 107/30



1. WELCOME AND APOLOGIES
2. ACKNOWLEDGEMENT OF COUNTRY
3. ADOPTION OF MINUTES OF PREVIOUS MEETING
4. BUSINESS ARISING FROM THE MINUTES
Sport and Recreation Advisory Committee Meeting held on 21 March 2019
5. DECLARATIONS OF INTEREST

<u>6.</u>	<u>AGENDA REPORTS</u>	2
6.1	<u>PRESENTATION: Highlands District Cricket Association (HDCA) Grounds and Facilities Strategy 2018 - 2022</u>	2
6.2	<u>WSC Community Assistance Grant</u>	3
6.3	<u>Eridge Park Perimeter Fence</u>	4
6.4	<u>Facility Hirer Information Session - Feedback</u>	5
6.5	<u>Sport & Recreation Advisory Committee Strategic Goals</u>	6
<u>7.</u>	<u>DATE OF NEXT MEETING</u>	7
<u>8.</u>	<u>MEETING CLOSURE</u>	7



MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON THURSDAY 9 MAY 2019 COMMENCING AT 5PM.

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Clr Garry Turland

SR4/19

RECOMMENDATION

THAT the apologies of Clr Garry Turland be accepted.

2. ACKNOWLEDGEMENT OF COUNTRY

The Chairperson, Clr Grahame 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.

3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE SPORT AND RECREATION ADVISORY COMMITTEE MEETING HELD ON THURSDAY 21 MARCH 2019

SR5/19

RECOMMENDATION

THAT the minutes of the Sport and Recreation Advisory Committee Meeting held on Thursday 21 March 2019 be adopted as a correct record of the proceedings of the meeting.

Moved: J.Wood

Seconded: S.Foster

4. BUSINESS ARISING

There was no business arising.

5. DECLARATIONS OF INTEREST

There were no declarations of interested received.



6. AGENDA REPORTS

6.1 PRESENTATION: Highlands District Cricket Association (HDCA) Grounds and Facilities Strategy 2018 - 2022

Reference: 107/30
Report Author: Asset Coordinator Parks and Buildings

PURPOSE

Presentation by: Simon Taufel – President, Highland District Cricket Association (HDCA)

Simon Haire – Facility Advisor, HDCA

HDCA Representatives presented the Grounds and Facilities Strategy for Cricket in Wingecarribee.

The document is an overview of Cricket within Wingecarribee including current participation, grounds usage and future development of the sport.

Discussions occurred regarding current provision of sporting ovals, home grounds and future vision for sport in the highlands.

The Committee congratulated HDCA on their vision for Cricket in Wingecarribee and encouraged communication between HDCA and Council in future planning of works.

SR6/19

RECOMMENDATION

THAT the report be noted and HDCA be congratulated on their vision for Cricket within Wingecarribee moving forward.

THAT Council Officers take the Strategy into consideration when developing the Council's 10 year Capital Works Program.

Moved: Clr McLaughlin

Seconded: S.Foster



6.2 WSC Community Assistance Grant

Reference: 107-30
Report Author: Coordinator Community Development

PURPOSE

The objective of the Wingecarribee Community Assistance Scheme is to further the commitment to the Community Strategic Plan – Wingecarribee 2031+ through the distribution of funds to local non-profit community (incorporated) organisations to assist in the development and provision of cultural, sporting, welfare, health promotion, leisure, environmental and community development programs, activities and events. These funds help to establish, improve, or enhance resources, services and facilities and access for all residents of the Wingecarribee Shire, by providing grants for capital works, equipment, programs, activities and events or facilities.

Applications received under this scheme, that are related to Sport and Recreation were presented to the Sport and Recreation Advisory Committee for comment and feedback.

SR7/19

RECOMMENDATION

THAT the comments relating to the applications presented to the Sport and Recreation Advisory Committee be taken to the Community Assistance Scheme Working Group for a final recommendation.

Moved: J.Wood

Seconded: S.Foster



6.3 Eridge Park Perimeter Fence

Reference: 107/30
Report Author: Asset Planner - Parks and Buildings

PURPOSE

The purpose of this report was to update the Committee on the Eridge Park Perimeter Fence Project.

This project will deliver access gates and fencing to secure the perimeter of Eridge Park sporting complex at Burradoo.

The original scope of the project was for a 1.2mtr chain wire fence. Through grant funding the Bowral Blacks has secured funds to increase the height to a 1.8mtr fence.

Quotes were sought via Council's Vendor Panel for both a 1.2m & 1.8m fence. With some modifications of the scope of the fencing it is proposed to install the 1.8m high.

Bowral Blacks are seeking permission to manage the delivery of this project via the Authority to Carry out Work (ATCOW) process. This would reduce costs and deliver the funding with a co-contribution from Council utilising the approved 2018/19 Capital Works Program allocated for this project.

The Committee discussed the project.

SR8/19

RECOMMENDATION

THAT the report be noted.

Moved: J.Wood

Seconded: S.Foster



6.4 Facility Hirer Information Session - Feedback

Reference: 107/30
Report Author: Asset Coordinator Parks and Buildings

PURPOSE

A Facility Hirer Information Session was held at the Civic Centre on Tuesday 9 April 2019.

Commencing at 5.30pm and finishing at 7pm, the information session was well attended with 40 sporting representatives present.

Topics presented:

- Facility Booking Forms
- Facility Maintenance
- Capital Works Programs
- Approvals to Carry Out Work on Council Land

At the completion of each topic presentation the opportunity for questions was offered and well received by participants.

At the end of the session a survey was distributed. Twenty Four (24) clubs completed the survey with all agreeing overall they were satisfied with this information session and agree future information sessions would be of value to their club.

There were a number of requests for the presentation to be emailed so the information could be relayed within the clubs, also requests for specific meetings with tennis and pony clubs.

Council's Parks & Building Asset Team intends to provide Facility Hirer Information Sessions on an Annual Basis.

One Key outcome noted is the need for an improved contacts database and more consistent communication at key points through the year.

SR9/19

RECOMMENDATION

THAT the report be noted.

Moved: J.Wood

Seconded: S.Foster



6.5 Sport & Recreation Advisory Committee Strategic Goals

Reference: 107/30
Report Author: Asset Coordinator Parks and Buildings

PURPOSE

The purpose of this report was to discuss the strategic focus of the Sport & Recreation Advisory Committee and set goals for 2019.

1. Strategic planning for Council's sporting and recreational facilities.
2. Levels of service for facilities.
3. Strategies to optimise use and equity of access to Council's sporting facilities.
4. Input into the prioritisation of Capital & Renewal Projects.
5. Consider Council Grants under the Community Assistance Scheme.

Review of previously distributed Open Space, Recreation, Cultural and Community Facilities Needs Study, Strategy and Action Plan and the South East & Tablelands Sport and Active Recreation Plan 2018-2023.

A map identifying sporting facility locations throughout the Shire and an update on the sporting clubs survey to improve utilisation data was distributed at the meeting.

Following the recent Information Sessions for sporting groups within the Highlands, the Committee requested a Workshop to review the results of a current survey Assets is completing with hirers of sporting facilities. The Committee Workshop is requested prior to the next meeting of 19 September 2019.

SR10/19

RECOMMENDATION

THAT the report be noted.

Moved: J.Wood

Seconded: S.Foster



7. DATE OF NEXT MEETING

The next meeting will be held on Thursday 19 September 2019 in Nattai Room commencing at 5pm.

8. MEETING CLOSED

15.3 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday, 21 June 2019

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	A/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, 21 June 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies
Nil.

Item 3 Adoption of Minutes of Previous Meeting

AR 56/19

THAT the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 15 March 2019 AR44/19 to AR55/19 inclusive, copies of which were forwarded to Committee members, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Update on Fit for the Future Program

The Committee was updated on Council's Fit for the Future Program.

AR 57/19

THAT the Fit for the Future Program Update be noted.

Item 6.2 Audit, Risk and Improvement Advisory Committee Meeting Plan 2019-20

AR58/19

THAT the Audit, Risk and Improvement Advisory Committee endorse the draft Meeting Plan for 2019/20.

Item 7.1 Committee Actions Update

The Chair noted that the Committee Action requests were addressed in the meeting agenda.

AR 59/19

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

COMMITTEE REPORTS



THAT the report in relation to the Committee Actions Update be noted.

Item 8.1 Corporate Risk Program Update

The Committee was presented with an update on Council's Risk Management Program, including recent developments with respect to the Corporate Risk Register, Risk Management Action Plan, Business Continuity Plan and the review of Council's insurance.

AR 60/19

THAT the report in relation to the Corporate Risk Program update be noted.

Item 9.1 Draft Assurance Map and Internal Audit Plan

The Committee was presented with a draft assurance map prepared for Council's management by InConsult, and the outcomes of a workshop in May 2019 to further review this document which management and Council's internal auditor participated in.

AR 61/19

THAT the Audit, Risk and Improvement Advisory Committee:

- 1. Note the outcomes of the workshop between management and the internal auditor regarding the assurance map and future audit program;*
- 2. Endorse the updated internal audit plan attached noting that the plan will be subject to regular review by management and the Committee; and*
- 3. Note the proposed development of a Control Self-Assessment process and request a further report following completion of the pilot project outlining the way forward.*

Item 9.2 Internal Audit Report

The Committee was presented with the Developer Contributions Audit report. The Developer Contributions audit was designed to review the adequacy and effectiveness of Council's policies, protocols, systems, processes and practices relating to the calculation, levying and collection of developer contributions and the negotiation of voluntary planning agreements. The audit also assessed the level of compliance with Council's Developer Contributions Plans, policies and procedures on developer contributions including voluntary planning agreements. Internal controls were also reviewed to assess their effectiveness in reducing the potential for error and/or fraud and corruption.

The Committee was also informed that the next internal audit scheduled was for Procurement.

AR 62/19

- 1. THAT the Audit, Risk and Improvement Advisory Committee notes the report*
- 2. THAT a Notice of Motion be submitted to the Local Government NSW State Conference to highlight the ongoing issues with developer contributions under existing legislation and guidelines.*

Item 9.3 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 14 internal audit recommendations have been closed off. Meanwhile, another 19 internal audit

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

COMMITTEE REPORTS



recommendations remain on track to be completed by the due date. Extensions to the due date were requested for a total of seven recommendations.

AR 63/19

THAT the Internal Audit Report be noted.

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 64/19

THAT the Committee note the update provided on the outstanding issues and recommendations made by Council's External Auditors.

RECOMMENDATION

THAT recommendations AR 56/19 to AR 64/19 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 21 June 2019 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, 21 June 2019



MINUTES

of the
**Audit, Risk and Improvement Advisory
Committee Meeting**

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Friday 21 June 2019

The meeting commenced at 9.07 am

File No. 2102/3

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

QUESTIONS WITH NOTICE



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 21 June 2019



1. WELCOME AND APOLOGIES	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. ADOPTION OF MINUTES OF PREVIOUS MEETING	
4. DECLARATIONS OF INTEREST	
5. AGENDA REPORTS	3
6.1 Fit For The Future Program Update	3
6.2 Audit, Risk and Improvement Advisory Committee Meeting Plan - 2019/20	4
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8. INTERNAL AUDIT	7
9.1 Draft Assurance Map and Internal Audit Plan	7
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9. EXTERNAL AUDIT	10
10.1 External Audit - Management Letter Recommendations Update	10
10. DATE OF NEXT MEETING	11
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AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

QUESTIONS WITH NOTICE



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 21 June 2019



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 21 JUNE 2019 COMMENCING AT 9.00 AM.

Present:

Councillors: Clr G Markwart
Clr P W Nelson

Community Representatives: Ms Jan Edwards *Chair*
Mr Paul Jeffares
Dr Jason Young

In Attendance: Ms Ann Prendergast *General Manager*
Mr Mark Pepping *DGM Corporate, Strategy & Development Services*
Mr Barry Paul *DGM Operations, Finance & Risk*
Ms Danielle Lidgard *Group Manager Corporate & Community*
Mr Richard Mooney *Chief Financial Officer*
Mr Nick Wilton *Group Manager, Planning Development and Regulatory Services*
(in part)
Mr John Burgess *Group Manager Organisational Services*
Mr Malcolm Lindsay *Coordinator Workplace Systems*
Mr Andrew Lynch *A/Coordinator Strategy and Governance*
Ms Ivana Vidovich *Internal Audit and Legal Support Officer*

Also In

Attendance Mr David Nolan *Audit Office of NSW*
Mr Mitchell Morley *InConsult*

1. WELCOME AND APOLOGIES

Nil.

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 15 MARCH 2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

QUESTIONS WITH NOTICE



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 21 June 2019



AR 56/19

MOTION moved by Dr J Young and seconded by Clr G Markwart

THAT the minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Friday 15 March 2019 AR44/19 to AR55/19 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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

QUESTIONS WITH NOTICE



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 21 June 2019



5. AGENDA REPORTS

6.1 Fit For The Future Program Update

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	A/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 Chief Financial Officer addressed the meeting.

AR 57/19

MOTION moved by Cllr P W Nelson and seconded by Ms J Edwards

THAT the Fit for the Future Program Update be noted.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

QUESTIONS WITH NOTICE



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 21 June 2019



6.2 Audit, Risk and Improvement Advisory Committee Meeting Plan - 2019/20

Reference:	2102/3
Report Author:	A/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

The purpose of this report is to seek the Committee's endorsement of a draft Meeting Plan for the 2019/20 financial year. The Committee is also required to confirm the dates and times for each meeting.

Clr P W Nelson advised that he would be an apology for the 18 October 2019 meeting.

AR 58/19

MOTION moved by *Clr P W Nelson* and seconded by *Mr P Jeffares*

THAT the Audit, Risk and Improvement Advisory Committee endorse the draft Meeting Plan for 2019/20.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

QUESTIONS WITH NOTICE



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 21 June 2019



6. COMMITTEE ACTION LIST

7.1 Committee Actions Update

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	A/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 an update on the progress of action items previously requested by the Committee.

Ms J Edwards noted that the Committee Action requests were addressed in the meeting agenda.

AR 59/19

MOTION moved by Cllr P W Nelson and seconded by Ms J Edwards

THAT the report in relation to the Committee Actions Update be noted.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

QUESTIONS WITH NOTICE



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 21 June 2019



7. 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 Manager Organisational Development, Coordinator Workplace Systems, General Manager and Mr Mitchell Morley addressed the meeting.

AR 60/19

MOTION moved by Dr J Young and seconded by Mr P Jeffares

THAT the report in relation to the Corporate Risk Program be noted.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

QUESTIONS WITH NOTICE



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 21 June 2019



8. INTERNAL AUDIT

9.1 Draft Assurance Map and Internal Audit Plan

Reference:	2102, 2102/3
Report Author:	A/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

The purpose of the report is to brief the Committee on the draft assurance map prepared for Council's management by InConsult, and the outcomes of a workshop in May 2019 to further review this document which management and Council's internal auditor participated in.

Mr Mitchell Morley, Mr David Nolan, the General Manager, the Chief Financial Officer, the Deputy General Manager Operations, Finance and Risk, the Manager Organisational Development and the Deputy General Manager Corporate, Strategy and Development Services addressed the meeting.

The Chair requested that the finalised draft assurance map include reference to the relevant part(s) of the internal audit program that addressed each major risk.

AR 61/19

MOTION moved by Ms J Edwards and seconded by Cllr P W Nelson

THAT the Audit, Risk and Improvement Advisory Committee:

1. Note the outcomes of the workshop between management and the internal auditor regarding the assurance map and future audit program;
2. Endorse the updated internal audit plan attached noting that the plan will be subject to regular review by management and the Committee; and
3. Note the proposed development of a Control Self-Assessment process and request a further report following completion of the pilot project outlining the way forward.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

QUESTIONS WITH NOTICE



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 21 June 2019



9.2 Internal Audit Report - Developer Contributions

Reference:	2102/3, 2102/19.2
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	A/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 the Committee with the Developer Contributions Internal Audit Report and provide a brief overview of the scope of the Accounts Receivable/Debtors internal audit scheduled for the next quarter.

Mr Mitchell Morley, the Deputy General Manager Corporate, Strategy and Development Services and the General Manager addressed the meeting.

AR 62/19

MOTION moved by Clr P W Nelson and seconded by Dr J Young

1. **THAT** the Audit, Risk and Improvement Advisory Committee notes the report
2. **THAT** a Notice of Motion be submitted to the Local Government NSW State Conference to highlight the ongoing issues with developer contributions under existing legislation and guidelines.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

QUESTIONS WITH NOTICE



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 21 June 2019



9.3 Progress Report on Outstanding Internal Audit Recommendations

Reference:	2102/3
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	A/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 update the Audit, Risk and Improvement Advisory Committee on the implementation of outstanding recommendations from previous internal audits.

AR 63/19

MOTION moved by Mr P Jeffares and seconded by Ms J Edwards

THAT the report be noted, **AND THAT** the requested extensions to the due dates for specified recommendations be granted.

PASSED

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

QUESTIONS WITH NOTICE



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 21 June 2019



9. EXTERNAL AUDIT

10.1 External Audit - Management Letter Recommendations Update

Reference:	2102
Report Author:	Internal Audit and Legal Support Officer
Authoriser:	A/Coordinator Corporate Strategy and Governance
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 David Nolan addressed the meeting.

AR 64/19

MOTION moved by Cllr P W Nelson 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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

QUESTIONS WITH NOTICE



MINUTES OF THE AUDIT, RISK AND IMPROVEMENT ADVISORY COMMITTEE MEETING

Friday 21 June 2019



10. DATE OF NEXT MEETING

The next meeting will be held on Friday 18 October 2019 in Nattai Room, Civic Centre, Elizabeth Street, Moss Vale commencing at 9.00 am.

11. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10.21 AM.

16 QUESTIONS WITH NOTICE

16.1 Question with Notice 14/2019 - Berrima Road Project

Reference: 100
Report Author: Administration Officer (Meetings)
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

To: General Manager
From: Deputy Mayor Clr G Turland
Received: 1 July 2019

Subject: Berrima Road Project

Question:

1. Does Council have clear and legal titles for the boundary exchange from Boral Pty Ltd?
2. Did Council require a Development Application to undertake the road works on private property that has been undertaken to date (installing earthworks)?

Response:

1. Council is currently having the site, including the completed earth works, surveyed to produce a plan for the proposed property acquisition from Boral. Council is awaiting information from Boral to include the required easements for Boral's services underground to be included as easements in the finalised plan.
2. The works have been undertaken in accordance with the requirements of Part 5 of the Environmental Planning and Assessment Act 1979, as the works constitute exempt development within the provisions of the State Environmental Planning Policy (Infrastructure) 2007.

RECOMMENDATION

THAT the information in relation to Question with Notice 14/2019 Berrima Road Project - be noted.

16.2 Question with Notice 15/2019 - Victoria Street, Bowral

Reference: 100
Report Author: Administration Officer (Meetings)
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

To: General Manager

From: Clr Scandrett

Received: 19.6.19

Subject: LAND AND ENVIRONMENT COURT COSTS RECOVERY – VICTORIA ST, BOWRAL

Question:

We had a significant LEC cost of ~\$192,000 on this matter.

- a) How many amendments did the LEC court matter for Victoria St, Bowral have?
- b) How many did the court permit new plans to be relied on?
- c) How many times did WSC ask for costs?
- d) What were each of those requests and outcomes?

Response:

This matter will be included in the legal report to be considered by Council in closed at the ordinary Council meeting on 24 July 2019 where an update will be provided.

RECOMMENDATION

THAT the information in relation to Question with Notice 15/2019 Victoria Street, Bowral- be noted.

16.3 Question with Notice 16/2019 - Council Cash Reserves

Reference: 100
Report Author: Administration Officer (Meetings)
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

To: General Manager
From: Cllr I M Scandrett
Received: 19 June 2019

Subject: BREAKDOWN OF CURRENT COUNCIL CASH RESERVES

Question:

Could staff provide a spreadsheet style breakdown of Council's current cash reserves? This to include the various projects specified with brief comments as to their expected delivery year/s and current planning timeline.

Response:

Council is provided with a complete listing of external and internal cash reserves on a quarterly basis. This listing is provided in the Quarterly Budget Review Statement which is presented to the Finance Committee within 8 weeks of the end of each quarter.

A full and complete listing of cash reserves is also included in Council's General Purpose Financial Statements (Note 6c – Restricted Cash, Cash Equivalents & Investments).

Progress on projects funded through external and internal cash reserves is reported in the same manner as all capital expenditure projects. If delays in project delivery are expected, projects are identified as expenditure revotes as part of the quarterly review process.

A full and complete listing of all expenditure revotes will be presented to the Finance Committee meeting to be held on the 21 August 2019.

RECOMMENDATION

THAT the information in relation to Question with Notice 16/2019 – Council Cash Reserves - be noted.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 July 2019

NOTICES OF MOTION



17 NOTICES OF MOTION

Nil

Ann Prendergast
General Manager

Thursday 4 July 2019