

7 June 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 12 June 2019** commencing at **3.30pm**.

Yours faithfully

Ann Prendergast
General Manager

SCHEDULE

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

RUNNING SHEET

ORDINARY MEETING OF COUNCIL

held in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale

on Wednesday, 12 June 2019 at 3.30pm.

Time	Item
3.30pm	Opening of meeting – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded and the Council Chamber now has 24 Hour Video Surveillance.
	Acknowledgement of Country –Mayor Clr T D Gair
3.32pm	Opening Prayer – Reverend Richard Mills, Anglican Church, Mittagong
3.35pm	<ul style="list-style-type: none">• Apologies• Adoption of Previous Minutes• Business Arising (<i>if any</i>)• Declarations of Interest (<i>if any</i>)• Mayoral Minute (<i>if any</i>)• Public Forum (<i>if any</i>)• Visitor Item <i>Nil</i>• Council Reports
5.30pm	Questions from the Public - to be read Continuation of Council Reports General Business Questions Questions with Notice Notices of Motion
7.40pm	Closed Council
8.00pm	Meeting Closed

Ann Prendergast
General Manager



Business

1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. PRAYER	
4. APOLOGIES	
5. ADOPTION OF MINUTES OF PREVIOUS MEETING	
Ordinary Meeting of Council held on 22 May 2019	
6. BUSINESS ARISING FROM THE MINUTES	
7. DECLARATIONS OF INTEREST	1
8. MAYORAL MINUTES	
9. PUBLIC FORUM	
<hr/>	
10. VISITOR MATTERS	
OPERATIONS, FINANCE AND RISK	
Nil	
CORPORATE, STRATEGY AND DEVELOPMENT SERVICES	
Nil	
11. EN BLOC MOTION	
<hr/>	
12. OPERATIONS FINANCE AND RISK	
12.1 Tender for the Construction of Barrengarry Creek Bridge - Robertson, NSW	2
12.2 Tender for Reservoirs Inlet Valves Modifications Project	7
12.3 Tender for Printing & Distribution of Notices - Rates & Water Billing	12
12.4 Proposed Lease to Southern Highlands Carriage Club - Corner of Ferndale Road & Quarry Road, Bundanoon	18
12.5 Proposed Land Acquisition - Moss Vale.....	23
12.6 Proposed Sale - 10 Frankland Street Mittagong.....	24
<hr/>	
13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES	
13.1 Adoption of the 2019/20 Operational Plan and Budget Including Revenue Policy	25
13.2 Adoption of Code of Meeting Practice.....	95
13.3 Adoption of Code of Conduct and Procedures for the Administration of the Code of Conduct.....	144
13.4 Development Applications Determined from 24 April 2019 to 28 May 2019	222
13.5 Development Applications Received from 24 April 2019 to 28 May	

2019	247
13.6 Heritage Assessment for Welby Park Manor, 28 Old Hume Highway, Welby—Interim Heritage Order No. 8	259
13.7 Compliance update with respect to 144 Mount Broughton Road Werai	295
13.8 DA 10/0414.03 - Section 4.55 - Residential Alterations and Additions - Extensions, Shed, Entry Gates - Lot 1, DP 804846 144 Mt Broughton Road Werai	300

Mayor to resume chair at 5.30 pm

COUNCIL MATTERS

14. GENERAL MANAGER

Nil

15. DELEGATE REPORTS

16. PETITIONS

16.1 Petition 4/2019 - Environment Levy and Regional Art Gallery	339
--	-----

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

18.1 Minutes of the Traffic Committee Meeting held on 16 May 2019	340
18.2 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 29 May 2019	364

19. QUESTIONS WITH NOTICE

19.1 Question with Notice 12/2019 - Land and Environment Court	376
19.2 Question with Notice 13/2019 - Project Management Process and Procedures in the Future	377

20. NOTICES OF MOTION

20.1 Notice of Motion 18/2019 - Environment Levy Commitment	378
20.2 Notice of Motion 19/2019 - Affirmation of Refugee Welcome Zone	379
20.3 Notice of Motion 20/2019 - Emergency Services Representation and Funding	380

21. GENERAL BUSINESS

Nil

22. CLOSED COUNCIL

Moving into Closed Session	381
----------------------------------	-----

22.1 Tender for Construction of Barrengarry Creek Bridge - Robertson, NSW

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the

Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

22.2 Tender for Reservoirs Inlet Valves Modifications

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

22.3 Tender for Printing & Distribution of Notices - Rates & Water Billing

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

22.4 Proposed Land Acquisition – Moss Vale

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

22.5 Proposed Sale - 10 Frankland Street Mittagong

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

23. RESUMPTION OF OPEN COUNCIL

Resumption of Open Council

Adoption of Closed Session

24. MEETING CLOSURE

Our Mission, Our Vision, Our Values

OUR MISSION

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

OUR VISION

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

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

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

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

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

OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

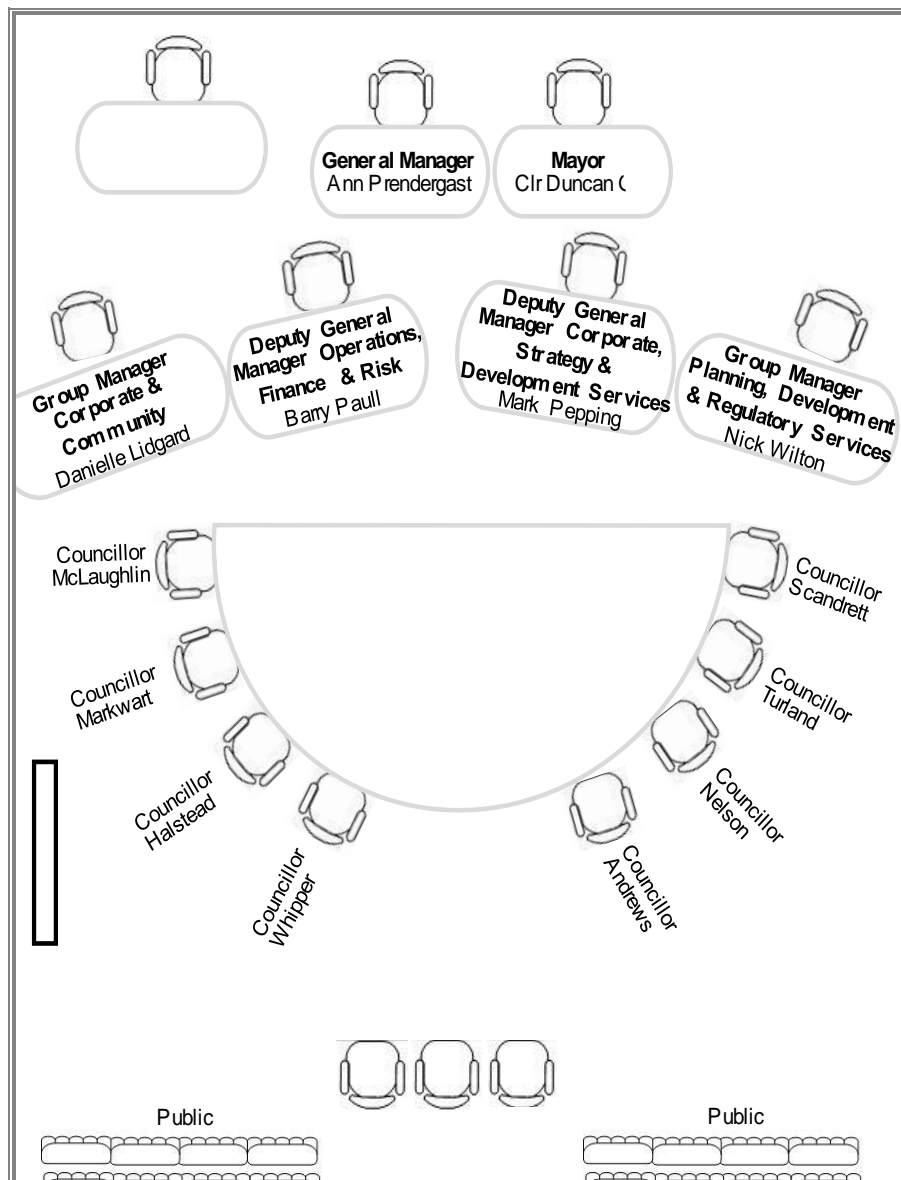
Council Chambers

Recording of Ordinary and Extraordinary Meetings of Council

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

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

The Council Chamber now has 24 Hour Video Surveillance.



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

Request for Leave of Absence – Councillor G McLaughlin

Councillor G McLaughlin intends to be absent from all Council commitments on Wednesday, 12 June 2019, including the Ordinary Meeting of Council and Briefing Sessions that day, for personal reasons.

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

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

DECLARATIONS OF INTEREST

101/3, 101/3.1

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

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

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

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



COMMITTEE OF THE WHOLE

12 OPERATIONS FINANCE AND RISK

12.1 Tender for the Construction of Barrengarry Creek Bridge - Robertson, NSW

Reference:	6330/19.14
Report Author:	Project Manager
Authoriser:	Manager Project Delivery
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

WPURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Construction of Bridge – Robertson, NSW.

RECOMMENDATION

1. **THAT** in relation to the report concerning Tender for the Construction of Bridge – Robertson, NSW - Council adopts the recommendations contained within the Closed Council report – Item 22.1.

OR

2. **THAT** the report concerning Tender for Tender for the Construction of Bridge – Robertson, NSW - be considered in Closed Council – Item 22.1. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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

REPORT

BACKGROUND

Wingecarribee Shire Council sought tenders from appropriately qualified and experience contractors for the construction of a bridge at Barrengarry Creek on Belmore Falls Road, Robertson.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



REPORT

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

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

The closed report presents the assessment relating to the advertised tender.

ADVERTISING

The tender advertising period was from the 2 April 2019 to 7 May 2019 (35 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	2 April 2019
Newspaper – Southern Highlands News	3 April 2019
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of seven (7) tender submissions were received:

Company Name	Location	Postcode
Abergeldie Contractors Pty Ltd	Regents Park, NSW	2143
Bedrule Pty Ltd	North Sydney	2060
Haslin Construction Pty Ltd	Sutherland, NSW	2232
Kenpass Pty Ltd	Saddleback Mountain, NSW	2533
Nace Civil Engineering Pty Ltd	Prestons, NSW	2170
Saunders Civilbuild Pty Ltd	Redhead, NSW	2290
Talis Civil Pty Ltd	Pendle Hill, NSW	2145

LATE TENDERS

No tender submissions were received late.

TENDER EVALUATION

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

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

SELECTION CRITERIA

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

Mandatory Criteria:

Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Professional Indemnity - \$2 Million
Motor Vehicle – Comprehensive (Market Value)
Works Insurance (130% of Contract Value)
Mandatory Participation Criteria (RMS B2 Bridge pre-qualification)

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

Non-Cost Selection Criteria & Weighting:

Criteria	Weighting
Capability	7.5%
Experience	7.5%
Specifications	10%
Fit for Purpose	5%
Innovation	5%
Community & Social(including local content)	10%
Work Health and Safety,	2.5%
Environment & Sustainability	2.5%
Total	50%

Summary of Selection Criteria & Weighting:

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

NON-COMPLIANT TENDERS

Upon evaluation no tender submissions were determined to be non-compliant:

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Funding for Construction of Bridge - Robertson has been included in Council's adopted Capital Works Program and Investing in Our Future Improvement Plan.

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

CONSULTATION

Community Engagement

Tenders are part of a commercial arrangement and therefore no community engagement is required.

Internal Consultation

Consultation has taken place between Council's Infrastructure Service, Assets, Environment, Finance and Project Delivery areas. This consultation includes, scope, technical requirements, budgeting and operational impacts.

External Consultation

Tenders are part of a commercial arrangement and therefore no external consultation is required.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATED COUNCIL POLICY

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

CONCLUSION

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

ATTACHMENTS

There are no attachments to this report.

12.2 Tender for Reservoirs Inlet Valves Modifications Project

Reference:	6330/19.11
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

WPURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Reservoirs Inlet Valves Modifications project.

RECOMMENDATION

1. **THAT** in relation to the report concerning the Tender for Reservoirs Inlet Valves Modifications adopts the recommendations contained within the Closed Council report – Item 22.2.

OR

2. **THAT** the report concerning the Tender for Reservoirs Inlet Valves Modifications - be considered in Closed Council – Item 22.2. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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

REPORT

BACKGROUND

This project deals with the complete design of the inlet valve system for four (4) Wingecarribee potable water storage reservoirs. The Council has identified a need to modify the inlet valve system for the following four reservoir tanks:

1. Oxley Drive Tank, Bowral
2. Soma Avenue Tank, Bowral
3. West Bowral Tank, Bowral
4. Yerrinbool Tank, Yerrinbool

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT MANAGER PROJECT DELIVERY



The inlet control system will be re-designed so that it prevents overflow from the metal tanks when Wingecarribee Water Treatment Plant pumps are discharging to both these tanks and the urban reticulation system. This type of flow control is not currently installed at these tanks inlets.

REPORT

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

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

This report presents the assessment relating to the advertised tender.

ADVERTISING

The tender advertising period was from the 9th Apr 2019 to 7th May 2019. The tender was advertised as follows:

Newspaper / Website	Date Advertised
SMH	Tue 9 th Apr 2019
Southern Highlands News	Wed 10 th Apr 2019
Council's Website	For the duration of the advertising period
Council's e -Tendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of three (3) tender submissions were received:

Company Name	Location	Postcode
ICD Asia Pacific Pty Ltd	Baulkham Hills	2153
Cardno (NSW/ACT) Pty Ltd	Wollongong	2500
Meinhardt NSW Pty Ltd	Sydney	2000

LATE TENDERS

No late tender submissions were received.

TENDER EVALUATION

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

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT MANAGER PROJECT DELIVERY



SELECTION CRITERIA

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

Mandatory Criteria:

Criteria
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Professional Indemnity & Liability - \$1 million
Motor Vehicle - Comprehensive
Water Design – Local Piping Experience
Availability of Water Hammering Modelling Engineer(s)

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

Non-Cost Selection Criteria & Weighting:

Criteria	Weighting
Capability & Experience	30%
Quality Assurance & Innovation	15%
Community & Social(including local content)	10%
Total	55%

Summary of Selection Criteria & Weighting:

Selection Criteria	
Criteria	Weighting
Total Non-Cost Criteria	55%
Total Cost Criteria	45%
Total	100%

NON-COMPLIANT TENDERS

There were no non-compliant tender submissions.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Funding for Inlet Valves Modification Project has been included in Council's adopted Capital Works Program.

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

CONSULTATION

Community Engagement

Tenders are part of a commercial arrangement and therefore no community engagement is required.

Internal Consultation

Extensive consultation has taken place between Council's procurement area, assets and operational areas. This consultation included scope, technical requirements and evaluation methodologies.

External Consultation

Tenders are part of a commercial arrangement and therefore no external consultation is required.



SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATED COUNCIL POLICY

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

CONCLUSION

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

ATTACHMENTS

There are no attachments to this report.

12.3 Tender for Printing & Distribution of Notices - Rates & Water Billing

Reference:	6330/19.18
Report Author:	Coordinator Procurement and Fleet
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Printing & Distribution of Notices - Rates & Water Billing.

RECOMMENDATION

1. **THAT** in relation to the report concerning Tender for Printing & Distribution of Notices - Rates & Water Billing - Council adopts the recommendations contained within the Closed Council report – Item 22.3.

OR

2. **THAT** in relation to the report concerning Tender for Printing & Distribution of Notices - Rates & Water Billing - Council adopts the recommendations contained within the Closed Council report – Item 22.3. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



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

REPORT

BACKGROUND

Council's current contract for Printing & Distribution of Notices - Rates & Water Billing expires on the 30 June 2019. To ensure compliance with legislation Council has sought open tenders with an intention to engage the successful contractor for an initial Contract period of two years with two x 1 year extension options, to be exercised at Council's discretion.

The objective of the proposed contract is to ensure the production and service of Council's Land Rates and Water Billing Notices, reminders and affiliated documents is in accordance with the section 562 and section 710 of the *Local Government Act 1993*.

As part of the tender process, Council has required contractors to demonstrate the following minimum standards and service requirements:

- Document Service and Data Processing
- Mail Processing
- Supply and Storage of envelope stock
- Email Distribution Service
- BPAY View Service
- Secure Web Portal Services

REPORT

Council sought tenders for suitably qualified contractors to provide a schedule of rates tender for the scope of works. The full scope of works was detailed in the tender documents.

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

ADVERTISING

The tender advertising period was from the 2 April 2019 to 30 April 2019 (28 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	Tuesday, 2 April 2019
Newspaper – Southern Highlands News	Wednesday, 3 April 2019
Newspaper – Southern Highlands News	Wednesday, 10 April 2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

Newspaper / Website	Date Advertised
Council's Website	For the duration of the advertising period
Council's eTendering Website	For the duration of the advertising period

TENDERS RECEIVED

A total of nine (9) tender submissions were received:

Company Name	Location	Postcode
Bing Technologies Pty Ltd	Pymont, NSW	2009
CBS Printing Pty Ltd	Smeaton Grange, NSW	2567
C K Communications Pty Ltd	Sydney, NSW	2000
Custom Printing Southern Highlands	Bowral, NSW	2576
Data Transfer Services Pty Ltd	Seven Hills, NSW	2147
Forms Express Pty Ltd	Breakwater, VIC	3216
IVE Group Australia Pty Limited (t/a Blue Star DIRECT)	Homebush, NSW	2140
Lane Laser Printers Pty Ltd	Camden Park, SA	5038
Print Mail Logistics Limited	Dowsing Point, TAS	7010

LATE TENDERS

There were no late tenders received.

TENDER EVALUATION

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

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

SELECTION CRITERIA

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

Mandatory Criteria:

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Criteria
Professional Indemnity - \$1 million

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

Non-Cost Selection Criteria & Weighting:

Non- Cost Selection Criteria	Weighting
Capability & Experience	15%
Specifications, Service & Support, Fit for Purpose	20%
Quality Assurance & Innovation	5%
Community & Social (including local content)	10%
Total	50%

Tenderers were required to meet a non-cost selection criteria threshold to be considered as a compliant tender.

Summary of Selection Criteria & Weighting:

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

NON-COMPLIANT TENDERS

Upon evaluation a total of six (6) tender submissions were determined to be non-compliant:

Company Name	Reason for Non-Compliance
Bing Technologies Pty Ltd	Did not meet required non-cost selection criteria threshold set prior to tender via the Procurement Evaluation Plan
CBS Printing Pty Ltd	Did not meet required non-cost selection criteria threshold set prior to tender via the Procurement Evaluation Plan
C K Communications Pty Ltd	Did not meet required non-cost selection criteria threshold set prior to tender via the Procurement Evaluation Plan
Custom Printing Southern Highlands	Did not meet required non-cost selection criteria threshold set prior to tender via the Procurement Evaluation Plan
Data Transfer Services Pty Ltd	Did not meet required non-cost selection criteria threshold set prior to tender via the Procurement Evaluation Plan
Lane Laser Printers Pty Ltd	Did not meet required non-cost selection criteria threshold set prior to tender via the Procurement Evaluation Plan

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Funding for Printing & Distribution of Rates & Water Billing Notices - has been included in Council's Operational Budget for 2019/20 and forward estimates.

CONSULTATION

Community Engagement

Tenders are part of a commercial arrangement and therefore no community engagement is required.

Internal Consultation

Extensive consultation took place between Council's procurement, finance and revenue areas. This consultation included scope, technical requirements and evaluation methodologies.

External Consultation

External consultation for this tender was deemed unnecessary.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATED COUNCIL POLICY

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

CONCLUSION

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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



ATTACHMENTS

There are no attachments to this report.



12.4 Proposed Lease to Southern Highlands Carriage Club - Corner of Ferndale Road & Quarry Road, Bundanoon

Reference:	PN544700
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 place on public exhibition a proposed Lease for the occupation of the Southern Highlands Carriage Club Site at the corner of Ferndale Road and Quarry Road, Bundanoon.

RECOMMENDATION

1. **THAT Council confirms its intention to consider entering into a lease of part of the Council property known as Lot 1 in Deposited Plan 618233 at the corner of Ferndale Road and Quarry Road, Bundanoon to Southern Highlands Carriage Club for a term of 21 years.**
2. **THAT pursuant to Section 47(1) and (2) of the Local Government Act 1993, Council publicly exhibit the draft proposed lease referred to in Resolution 1 above for a minimum twenty eight (28) day period AND THAT if no objections are received, the General Manager and Mayor be delegated authority to execute the Lease under the Common Seal of the Council.**
3. **THAT if there is any written objection/s to the proposed Lease referred to in Resolution 1 above, a further report be presented to a further Ordinary Meeting of Council.**

REPORT

BACKGROUND

Council is the registered proprietor of Lot 1 in Deposited Plan 618233 located at the corner of Ferndale Road and Quarry Road, Bundanoon ("Council Property") which has been the home to the Southern Highlands Carriage Club ("SHCC") for more than ten (10) years and the Bundanoon Pony Club, who have occupied the site for more than thirty (30) years.

To formalise the use of the Council Property by SHCC and to also satisfy Council's obligations as property owner, it is necessary that a Lease be entered into and registered. It is recommended that the Lease be for a term of twenty one (21) years taking into consideration the club's history and occupation.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



The Bundanoon Pony Club also operates at the site once a month. It is intended that the Bundanoon Pony Club enter into a sub-lease with SHCC once the Lease between Council and SHCC is in place.

REPORT

SHCC is an organisation for horse carriage driving founded in 1979. In the early days of establishment, the main activities were 'pleasure driving' and 'showing' at the various agricultural shows around the district, but then the Club progressed to include the combined driving and dressage competitions.

In 2007, the SHCC took occupation of the Bundanoon Pony Club site under a Council user agreement. To date SHCC members have partially maintained the property, which has included the removal of rubbish and noxious weeds and pruned the surrounding trees. Council staff continue to mow the grounds.

During the period 2008-2011 SHCC, at their own expense constructed the current clubhouse on the site which includes a shower, toilet, kitchen and outdoor power outlet facilities. SHCC has established an extremely good rapport with the Bundanoon Community Association, together with many of the business owners in the Bundanoon Village.

Legal status of the Proposed Lessee

SHCC is an Incorporated Association registered in New South Wales. As an incorporated association, SHCC has its own legal identity separate from its members, providing protection to members in legal transactions. An incorporated association can, among other things, enter into and enforce contracts in its own name and can hold, acquire and deal with property in its own name.

NSW Fair Trading administers the legislation relating to incorporated associations, being the *Associations Incorporation Act 2009* and *Associations Incorporation Regulation 2016*.

Rental

In accordance with Council's Policy for Lease & Licence of Council Property – Community Organisations, it is proposed that the rental charged to the Southern Highlands Carriage Club will be \$1 per annum, if demanded.

Zoning and classification of Council property

The Council property is zoned RE1 – Public Recreation. The Council Property is classified as Community Land (Section 25 *Local Government Act 1993*) and is included in the Plan of Management – Sportsgrounds, which was adopted by Council on the 10 December 2014.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



The Plan categorises the Southern Highlands Carriage Club site into 3 categories:

- Park
- General Community Use
- Natural area

The proposed Lease, along with the activities run by the proposed Lessee is in a location that is compatible with the categorisation assigned in the Plan of Management.

The Plan of Management authorises Council to grant a lease for the Southern Highlands Carriage Club. The proposal for a lease has been individually assessed and the future use is considered consistent with those permissible uses identified within the Plan.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

COMMUNICATION AND CONSULTATION

Community Engagement

Pursuant to the *Local Government Act 1993* Council is required to publicly exhibit the proposed draft lease for a minimum of twenty eight (28) days.

Internal Communication and Consultation

Departmental Managers

External Communication and Consultation

Southern Highlands Carriage Club

Bundanoon Pony Club

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

The terms and conditions outlined within the proposed Lease will not result in any significant budget impact for Council.

RELATED COUNCIL POLICY

Policy for Lease & Licence of Council Property (Not-For-Profit and Community-Based Organisations)

The proposed Lease will comply with Council's adopted policy for Lease & Licence of Council Property (Not-For-Profit and Community-Based Organisations).

Specifically, the policy provides benefits to the Council and its residents by:

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

The policy also requires that a decision to grant a new lease of Council property is to be made by formal resolution of Council.

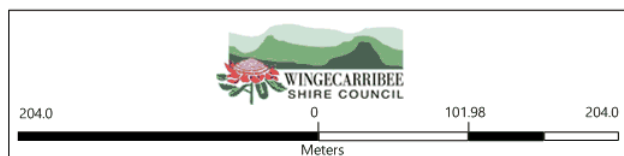
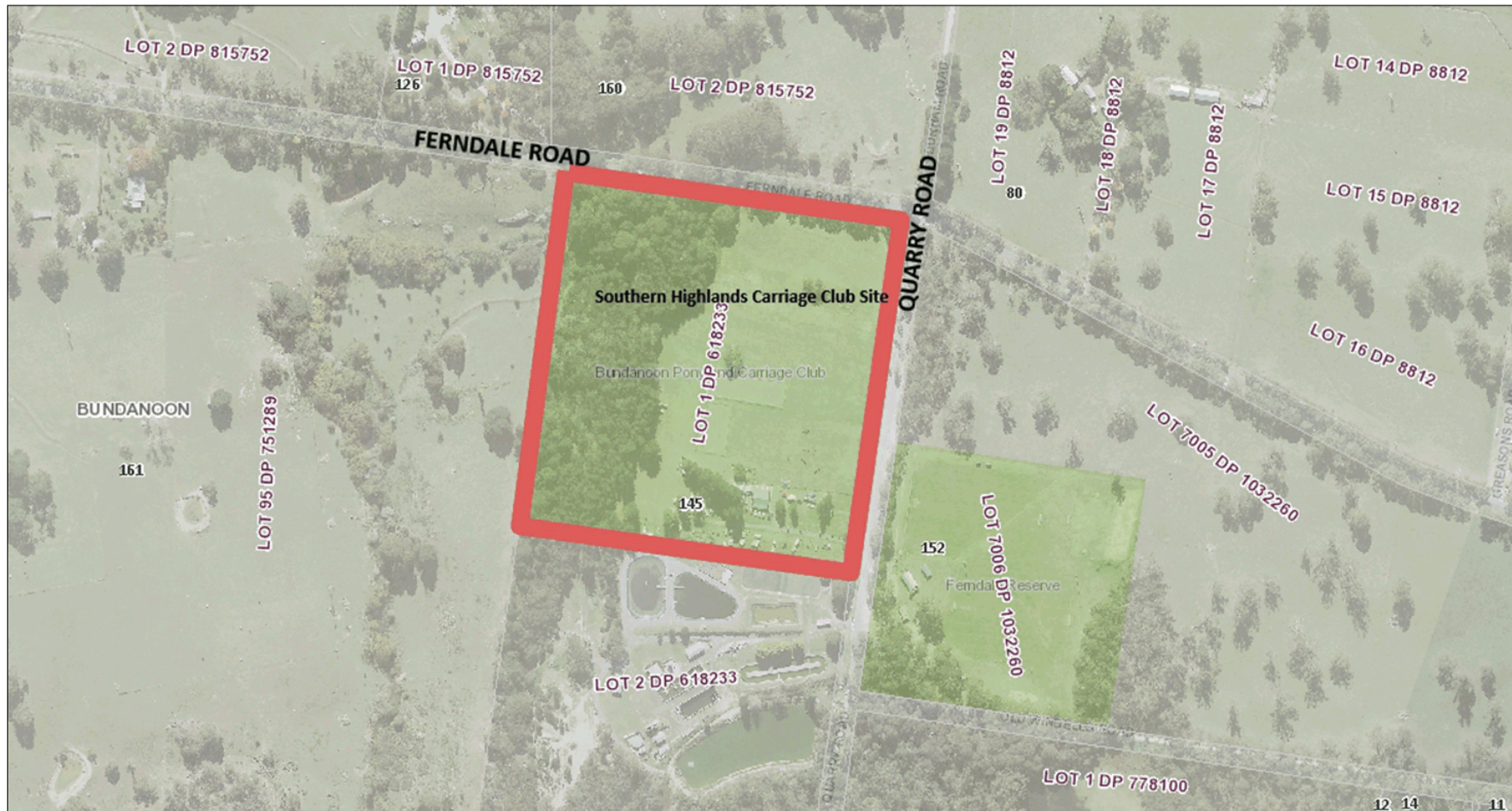
CONCLUSION

It is recommended that Council delegate authority to General Manager to negotiate the terms and conditions of the proposed lease of the Council property to SHCC for a 21 year term.

It is also recommended that, once the proposed lease has been drafted, it be publicly exhibited, as required, and if there are no objections that the Lease be executed. If any objections are received, a further report be presented to a further Ordinary Meeting of Council.

ATTACHMENTS

1. Aerial Map



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.
Copyright © Wingecarribee Shire Council, Copyright © Land and Property Information (LPI) 2017





12.5 Proposed Land Acquisition - Moss Vale

Reference:	PN 1700551; PN 1729140;PN 1729130
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 negotiate the acquisition of part properties in Moss Vale for the placement of electricity conduits in accordance with the Douglas Road Moss Vale Voluntary Planning Agreement.

RECOMMENDATION

THAT the report concerning Proposed Compulsory Land Acquisition – Moss Vale – be considered in Closed Council Item 22.4. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

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

ATTACHMENTS

There are no attachments to this report.

12.6 Proposed Sale - 10 Frankland Street Mittagong

Reference:	PN 556900
Report Author:	Property and Projects Officer
Authoriser:	Coordinator Property Services
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to provide Council with an update on negotiations for the proposed sale of Lot 3 DP 109208 Franklin Street, Mittagong.

BACKGROUND

On the 8 May 2019 Council was provided with a report in Closed Committee of Council, detailing an offer to purchase Lot 3 DP109208, 10 Frankland Street Mittagong.

Subsequent to that report, Council directed that the General Manager undertake further negotiations with the potential buyer and bring a further report back to Council.

That matter is now therefore referred back to Council for further consideration.

RECOMMENDATION

THAT the report concerning the update to Councillors on the proposed sale of 10 Frankland Street, Mittagong be considered in closed Council. This report is confidential in accordance with section 10A(2) of the Local Government Act, 1993, under clause 10(A)(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with who the council so conducting (or proposes to conduct) business.

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

ATTACHMENTS

There are no attachments to this report.

Barry W Paull
Deputy General Manager Operations, Finance and Risk
Friday 7 June 2019



13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 Adoption of the 2019/20 Operational Plan and Budget Including Revenue Policy

Reference:	501
Report Author:	Group Manager Corporate and Community
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Delivery Program:	Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

At its meeting on 24 April 2019 Council resolved to place on public exhibition the draft 2019/20 Operational Plan and Budget (MN 185/19). The purpose of this report is to advise Council of the outcomes of the public exhibition and to recommend adoption of the following:

- 2019/20 Operational Plan and Budget
- 2019/20 Revenue Policy (including Fees and Charges schedule)
- The fourth and final year of the approved Special Rate Variation comprising of a 12.15% increase in General Revenue (including 2.70% rate peg) for the 2019/20 financial year as determined by the Independent Pricing and Regulatory Tribunal.
- Recommended changes to the funding strategy for Council's five-year \$2.5 million commitment towards the Regional Art Gallery.

As required under the *Local Government Act 1993*, Council is also required to resolve the following:

- Making and levying the rates and annual charges for 2019/20, and
- Authorisation of expenditure and voting of money for the 2019/20 Budget.



RECOMMENDATION

THAT Council:

1. Adopt the 2019/20 Operational Plan and Budget including the Revenue Policy, Fees and Charges and Unfunded Infrastructure Priorities List; incorporating changes recommended in this report and Attachment 1.
2. In adopting the 2019/20 Budget and Revenue Policy that
 - a. the funds to cover the 2019/20 Budget be voted.
 - b. the funding for the Environment Levy be reinstated, with the \$500,000 shortfall for the \$2.5 million five-year in principle commitment to the Regional Art Gallery to be sourced as a priority at future reviews of the Budget (Year End Review and Quarterly Reviews).
 - c. Council adopt a Budget deficit of \$123,000 due to the increase in the Emergency Services Contribution announced in May 2019.
 - d. a 12.15% rate increase be adopted under Section 508(A) of the *Local Government Act, 1993*, in accordance with the Special Rate Variation approved by IPART for the *Investing in Our Future* project.
 - e. Council make and levy the following ad valorem and minimum rates for the 2019/20 financial year (the period 1 July 2019 to 30 June 2020)

Category	Sub Category	Ad Valorem	Minimum
Residential	Ordinary	0.0046112	\$1,140.17
Residential	Renwick	0.0050723	\$1,140.17
Business	Ordinary	0.0092224	\$1,140.17
Farmland	-	0.0029973	\$1,666.12
Mining	Ordinary	0.0152170	\$1,140.17

- f. Council make and levy a special rate of 0.000063250 cents in the dollar subject to a base rate in accordance with Section 499 of the *Local Government Act, 1993* of \$26.33 per assessment on all rateable land for all rating categories for the 2019/20 financial year, noting that this special rate is referred to as *Wingecarribee Our Future Environment Special Rate*.
- g. Council make and levy the annual charges for domestic waste management services in accordance with Section 496 of the *Local Government Act, 1993* for the 2019/20 financial year as outlined within the Revenue Policy.
- h. Council make and levy the annual charges for stormwater management services in accordance with Section 496A (1) of the *Local Government Act, 1993* for the 2019/20 financial year as outlined within the Revenue Policy.
- i. Council adopt that no increase will be applied for water access and user charges for the 2019/20 financial year, with the residential access charge remaining at \$158.00 per annum.



- j. **Council adopt a 2.95% increase for sewer access charges for the 2019/20 financial year, with the residential access charge increasing to \$870.00 per annum.**
 - k. **Council adopt the rate permitted by the Minister for Local Government for the allowable interest rate on overdue rates of 7.50% per annum.**
3. **Authorise loan borrowings of \$9.624 million in the 2019/20 financial year to part fund a number of high priority infrastructure projects.**
4. **Write to formally thank those who made submissions.**

REPORT

BACKGROUND

Council is required to annually review the Operational Plan, Annual Budget, Revenue Policy and Fees and Charges to meet its responsibilities under the *Local Government Act 1993* and *Local Government (General) Regulation 2005*. The Operational Plan is a sub-plan of the 2017-2021 Delivery Program and demonstrates Council's approach to achieving the objectives of the Delivery Program.

The 2019/20 Operational Plan outlines the projects, programs and activities (annual deliverables) that Council will undertake during the 2019/20 financial year. The annual deliverables are aligned to Council's services and four-year actions from the Delivery Program. In addition, the Plan demonstrates Council's response and commitment to the delivery of the Community Strategic Plan, Wingecarribee 2031. As such, the Plan is structured around the five themes of Leadership, People, Places, Environment and Economy from Wingecarribee 2031.

Included in the 2019/20 Operational Plan is the annual Budget and Capital Works Program. These documents provide an overview of Council's financial estimates and a program of Capital Works for the 2019/20 financial year.

Council's Revenue Policy and Fees and Charges for 2019/20 are also included in the Operational Plan. These documents outline Council's proposed rating structure and fees and charges for 2019/20 as stipulated by the *Local Government Act 1993*.

As part of the 2017-2021 Delivery Program adopted in June 2017, Council committed to seven strategic priorities to ensure Wingecarribee Shire is a better place to live, work and visit. Council continues its commitment to these priorities which will be delivered over the life of this Delivery Program and are a key driver of decision making during this Council term.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Council's seven strategic priorities are:

1. Responsible financial management
2. Improving our community assets
3. Protecting our natural environment
4. Delivery of significant infrastructure projects
5. Better service alignment and delivery
6. Business transformation
7. Community wellbeing

In accordance with the Integrated Planning and Reporting Guidelines, Council undertook a review of its 2017-2021 Delivery Program as part of its preparation of the draft 2019/20 Operational Plan.

No changes to the Delivery Program actions are proposed for the 2019/20 financial year.

At its meeting on 24 April 2019 Council endorsed the draft 2019/20 Operational Plan and Budget to go on public exhibition. The documents were placed on public exhibition from 29 April until 27 May 2019 and are now ready for formal adoption.

SUBMISSIONS

A total of 74 submissions were received during the exhibition period on the draft 2019/20 Operational Plan and Budget, while a further four submissions were received once the exhibition period closed. One of the submissions was in the form of a petition and contained more than 1100 signatures. The petition is opposed to Council's funding strategy for its decision to contribute to the operational costs of the Regional Art Gallery. The petition has been tabled and reported at this Council meeting (12 June 2019).

The submissions received addressed a range of issues and three prominent themes emerged which related to:

- Objections to the funding strategy for the Regional Art Gallery, particularly the incorporation of management (staffing) resources into the Environment Levy.
- Requests for Council to reconsider its *in principle* decision to contribute \$500,000 per annum for a period of five years towards the proposed Regional Art Gallery's operational costs and engage in community consultation before finalising its decision on whether to make this contribution and how to fund it.
- Suggestions for how Environment Levy funds could be spent.

The following points were also raised in the submissions:

- Three submissions requesting that the Environment Levy is increased.
- One submission commenting that fees are too high.
- One submission recommending that Council lobbies to improve the trains and public transport to the Shire.
- One submission requesting more detail about Stage One of the Station Street Upgrade.
- Two submissions supporting the proposed Lackey Park Regional Sports Hub, one of which requests that funds are committed sooner than 2022/23.
- One submission requesting more storage space for cricket and other sports at major parks and sportsgrounds.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- One submission requesting a large car park in Bowral.
- One submission requesting a greater capital works allocation for villages, including repair of the main road in Yerrinbool.
- One submission requesting stormwater maintenance and improvement in Yerrinbool.
- One submission requesting that funds allocated to the Mount Gibraltar Heritage Stairway Restoration are utilised to improve the existing walking tracks in the Mount Gibraltar Heritage Reserve.
- One submission querying the progress of the Playground Strategy.
- Two submissions asking about the development of a Recreational Walking Trail Strategy.
- One submission requesting that public access is extended to a Council-managed road reserve in Bundanoon.
- One submission requesting that Council introduce a free kerbside collection service.
- Two submissions requesting that the opening hours of the Resource Recovery Centre are extended.
- One submission commending the introduction of a new item for Mattresses – Cot in the 2019/20 Draft Fees and Charges.
- One submission requesting that a Playgrounds Strategy is developed and forward estimates for playground renewal adjusted accordingly.
- One submission commenting that the tree lopping/removal inspection fees are unclear in relation to established properties.
- One submission commenting that Yerrinbool is not included in major tourism initiatives such as Pie Time and Tulip Time
- One submission recommending particular activities surplus funds should be used for.
- One submission opposing the introduction of a fixed fee per load for Septic Effluent, Septage and Portable Toilet Waste Discharge at Council's Treatment Works.
- One submission requesting that proposals to increase the supply of affordable housing for disadvantaged persons are considered.
- One submission commenting that residents are not seeing improvements to quality of life.
- One submission commenting on the need for infrastructure to match population growth.
- One submission asking for more detail about proposed expenditure.
- One submission commenting that many unfunded infrastructure priorities are dependent upon grants.
- One submission suggesting that the budget is not balanced.
- One submission requesting more information on the rates revenue needed to service the proposed expenditure.
- One submission requesting more detail about various aspects of the Draft Capital Works Program.

All issues raised in the submissions have been summarised in **Attachment 1** which includes responses from the relevant Council branches.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



RECOMMENDED CHANGES DUE TO PUBLIC EXHIBITION

All submissions received during the public exhibition period have been reviewed and given due consideration. With the exception of the Regional Art Gallery funding proposal, no changes are recommended to the draft 2019/20 Operational Plan and Budget. However, Council officers have reconsidered three items in the 2019/20 Draft Fees and Charges for which amendments are proposed. These amendments are identified further on in this report.

With respect to the Regional Art Gallery funding proposal, Council recognises that there has been strong public sentiment towards the Environment Levy. As a result of the community feedback received during the public consultation period, it is recommended that Council reinstate the Environment Levy cash reserve balances. If the direction of Council is to support this recommendation, the total balance of cash reserves held within the Environment Levy Reserve will be used solely for the purpose of environmental programs and projects.

The effect of this recommendation will be that the Environment Levy will not be used to generate savings within Council's General Fund, which were intended to be used to partly fund Council's contribution towards the Regional Art Gallery. It is recommended that Council fund the \$500,000 shortfall in the Regional Art Gallery Contribution through future reviews of the budget (Year end and Quarterly Reviews).

2019/20 BUDGET & REVENUE POLICY (INCLUDING FEES & CHARGES)

Council's Long Term Financial Plan and Budget have been prepared on the basis of maintaining a balanced budget position. This approach underpins Council's financial sustainability and assessment as a "Fit for the Future" stand alone Council.

2019/20 Budget (Including Forward Estimates)

The 2019/20 Budget provides for a cash expenditure budget of \$144.076 million across the broad functional areas of Leadership, People, Places, Environment and Economy (including all funds). This has increased by \$123,000 since the draft Budget was placed on public exhibition on the 24 April 2019.

Emergency Services Contribution

Council was advised on the 8 May 2019 that there would be a significant increase in its statutory contribution for its emergency services contribution (Rural Fire Services, State Emergency Services and Fire & Rescue NSW). Council has since confirmed that this increase is \$123,000. Council's total contribution towards the provision of emergency services for the 2019/20 financial year will be \$870,000.

Council was only made aware of this change after the 2019/20 Budget had been approved for the purpose of public exhibition. Due to the timing of this announcement, it is recommended that Council take the unusual step of adopting a budget deficit for the 2019/20 financial year of \$123,000.

This will demonstrate to the NSW State Government that there is an urgent need to improve its engagement and communication with NSW councils, and that councils simply cannot

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



absorb such significant increases in cost shifting without proper consultation and earlier notification.

If councils across NSW are unable to successfully lobby the NSW State Government to reverse this increase, a funding strategy will be developed during the first quarter of the 2019/20 financial year to return the budget position to a balanced budget.

Regional Art Gallery Contribution

As outlined earlier in this report, Council recognises the strong public sentiment towards the Environment Levy. As a result of the community feedback received during the public consultation period, it is recommended that Council reinstate the Environment Levy cash reserve balances. If the direction of Council is to support this recommendation, the total balance of cash reserves held within the Environment Levy Reserve will be used for environmental programs and projects.

The effect of this recommendation will be that the Environment Levy will not be used to generate savings within Council's General Fund, which were intended to be used to partly fund Council's contribution towards the Regional Art Gallery. It is recommended that Council fund the \$500,000 shortfall in the Regional Art Gallery Contribution through future reviews of the budget (Year end and Quarterly Reviews).

The revised funding proposal for the Regional Art Gallery which is recommended for Council adoption is as follows:

	Annual Savings
Future Budget Reviews (up to \$500,000) for 5 Years	\$94,200
Arts & Culture Program Reduction	\$70,000
RRC Change in Hours of Operations	\$200,000
Program Expenditure Savings	\$135,800
Contribution towards Regional Art Gallery	\$500,000

In finalising the year end budget result for the 2018/19 financial year, officers will recommend that Council formally establish a Regional Arts Gallery Reserve which will be used to retain the funding required to ensure that Council can meet its *in principle* commitment to funding \$2.5 million over a five year period.

General Rate Income

In accordance with Section 498 of the *Local Government Act 1993*, Council's ordinary rate levy will be calculated on the basis of an ad valorem rate determined by the amount in the dollar in respect of the relevant rating category and sub category. A minimum rate also applies to each relevant rating category and sub category in accordance with Section 548 of the *Local Government Act 1993*.

The 2019/20 Budget has been prepared on the basis of a 12.15% increase in rate income which includes the Independent Pricing and Regulatory Tribunal (IPART) approved increase of 2.70% for General Rates in NSW. This increase is in line with the Special Rate Variation application which was approved by the IPART in May 2016. This increase is the fourth and last year of the approved Special Rate Variation.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



When compared to infrastructure funding levels from the 2015/16 financial year, an additional \$10.8 million will be allocated to maintain, renew and improve community assets across the shire during the 2019/20 financial year. Details regarding Council's Special Rate Variation Program can be found in the draft 2019/20 Operational Plan.

It is important to note that the proposed rate increase of 12.15% includes the continuation of the Environment Levy on a permanent basis. When determining the rating structure for the 2019/20 rating year, Council is first required to reduce its rating revenue by the amount of the previous Environment Levy which was approved for the 2012/13 financial year. Council will then reinstate the Environment Levy on a permanent basis.

Environment Levy

In accordance with Section 499 of the *Local Government Act 1993*, Council's Environment Levy will be calculated on the basis of a base amount plus an ad valorem rate determined by the amount in the dollar relevant for this rate. The base amount will be subject to a maximum of 50% of the total revenue raised by the levy in accordance with Section 500 of the *Local Government Act 1993*.

The 2019/20 Budget includes environmental improvement works and projects and programs totalling \$1.4 million. The Environment Levy is used to fund specific environmental projects and programs which aim to address biodiversity conservation, river health, wetland improvements and sustainable living.

Land Valuations

Rating income for the 2019/20 financial year will be based on the land valuations determined by the Office of the New South Wales Valuer General at a base date of 1 July 2016. Council uses the land value of properties throughout the shire to determine the level of rates each property owner will pay. In other words, land value determines how Council's total rate income will be collected from each property owner.

Updated land valuations will be issued by the Office of the New South Wales Valuer General during the 2019/20 financial year and will be used to determine land rates for the 2020/21 financial year.

Waste Management Charges

In reviewing Domestic Waste Management operations as part of the 2019/20 Budget, it was determined that **no increase** to domestic waste management charges were required. The list of proposed charges relating to Domestic Waste Management can be found in Council's draft Fees and Charges Schedule for 2019/20.

Stormwater Management Service Charge

Council currently levies residential properties which receive a stormwater service a maximum of \$25 per annum charge (Stormwater Management Levy). The draft 2019/20 Revenue Policy includes the continuation of this charge. Funds raised through the Stormwater Management Levy must only be used on stormwater maintenance and improvements.

2019/20 Fees and Charges

In general, Council's fees and charges have been increased by 2.50%, with the exception of those fees which are set by regulation, are prepared on a cost recovery basis or where Council provides the service in a competitive market.

Three changes are proposed to the 2019/20 Fees and Charges Schedule, comprising:

Index Number 23.1.12 – Vegetation Clearing Permit (VCP) for tree removal or pruning or lopping

Addition of a Note – After reviewing submission feedback, it is proposed to include a note stating that the Vegetation Clearing Permits and Development Applications requesting tree removal applies to both existing properties and proposed development.

Index Number 42.6.1 – Septic Effluent, Septage and Portable Toilet Waste Discharge at Council's Treatment Works

Change in Proposed Fee – The draft Fees and Charges proposed the introduction of a fixed fee per load for septic waste and chemical toilet waste. After reviewing submission feedback, it is proposed to replace the fixed fee per load with a per kilolitre rate of \$31.01.

Index Number 39.1.2 - Putrescible Waste - minimum charge.

Change in Proposed Fee – The current 2018/19 minimum charge is \$15.80. The proposed 2019/20 fee was incorrectly included in the draft fee and charges at \$21.00. It is recommended that this fee be reduced to \$16.50.

Section 603 Certificates

Council received notification from the Office of Local Government on 24 April 2019 that the approved fee for Section 603 Certificate will remain at \$85.00. The fee is determined in accordance with Section 603(2) of the *Local Government Act 1993*.

Interest on Overdue Rates

Pursuant to Section 566(3) of the *Local Government Act 1993*, the rate of interest on overdue rates and charges is fixed by the Minister for Local Government. The Minister has determined that the maximum rate of interest payable on overdue rates and charges for the 2019/20 financial year will remain at 7.50% per annum.

Water Fund Charges

The 2019/20 estimates for the Water Fund have been prepared in accordance with the Fund's 30 year strategic business plan with a forecast balanced budget for the 2019/20 financial year. In reviewing Water Fund operations as part of the 2019/20 Budget, it is recommended that **no increase** be applied to water access or usage charges.

The Revenue Policy outlines the following charges for water access and usage:

	2019/20	% Increase
Residential Access Charge	\$158.00	0.00%
Water Usage – Tariff 1 (0-616 Litres Per Day)	\$1.78 per KL	0.00%
Water Usage – Tariff 2 (>616 Litres Per Day)	\$2.67 per KL	0.00%

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



For a complete list of all water charges for the 2019/20 financial year please refer to the Revenue Policy.

Sewer Fund Charges

The 2019/20 estimates for the Sewer Fund have been prepared in accordance with the Fund's 30 year strategic business plan with a forecast balanced budget for the 2019/20 financial year. In reviewing Sewer Fund operations as part of the 2019/20 Budget, it is recommended a 2.95% increase be applied to sewer access charges. This increase is in accordance with the funding strategy for the major upgrades required to the Moss Vale, Bowral and Mittagong Sewer Treatment Plants over the next several years.

The Revenue Policy outlines the following increase in Council's sewer charges:

	2018/19	2019/20	% Increase
Residential Access Charge	\$845.00	\$870.00	2.95%

For a complete list of all sewer charges for the 2019/20 financial year please refer to the Revenue Policy.

Loan Borrowings

Council is proposing to borrow \$54.460 million over the next four years (2019/20 – 2022/23). Borrowings will be used to fund, or in some cases, part-fund major infrastructure projects which will have significant and demonstrated benefits to the residents of Wingecarribee Shire over the coming decades.

Council has considered the impact of the proposed borrowings, and subsequent debt servicing as part of reviewing its long-term financial plan. Council has sufficient financial capacity to fund these loan repayments and is still well within the industry benchmark for debt servicing (known as the debt service ratio).

Council's adopted Loan Borrowings Policy has also been taken into consideration in formulating this borrowings program.

The proposed borrowings form part of the funding strategies for the following projects:

Description	2019/20	2020/21	2021/22	2022/23
Bowral Sewerage Treatment Plant	-	-	\$11,011,000	\$11,666,900
Moss Vale Sewerage Treatment Plant	-	-	\$12,856,100	-
Mittagong Sewerage Treatment Plant	-	-	-	\$6,925,700
Station Street Upgrade	\$3,884,000	-	-	-
Kirkham Road Pavement Upgrade	\$1,540,000	-	-	-
Civic Centre Rectification Works	\$2,000,000	-	-	-
Strategic Land Acquisitions	\$1,500,000	-	-	-
Bowral Cemetery	\$700,000	-	-	-
Moss Vale Cemetery	-	\$2,376,000	-	-
Total – Proposed Borrowings	\$9,624,000	\$2,376,000	\$23,867,100	\$18,592,600

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



It is important to note that in the 2019/20 financial year, of the \$9.624 million Council will borrow \$5.740 million for projects which have been carried forward (revoted) from the 2018/19 Budget. These projects include the Civic Centre rectifications works, Kirkham Road pavement upgrade, Bowral cemetery improvements and strategic land acquisitions.

2019/20 UNFUNDED PROJECTS AND SERVICES LIST

The Unfunded Projects and Services List was introduced by Council as part of the 2016/17 Operational Plan and has been reviewed and readopted on an annual basis. As part of the 2019/20 Operational Plan, it is proposed that Council consider modifying the Unfunded Projects and Services List to only include unfunded infrastructure priorities.

This recommendation is primarily to ensure that the Unfunded Projects and Services List continues to play an important role in identifying funding gaps for infrastructure priorities across the region where a “whole of government approach” is required to provide a funding solution.

The amended list will include infrastructure priorities which have been identified through the Canberra Region Joint Organisation infrastructure working groups and through lobbying of the State and Federal Governments. It will also include the infrastructure priorities identified by Councillors in December 2018 which have not been able to be accommodated in the 2019/20 Budget.

The Unfunded Infrastructure Priorities list is included as Appendix 4 within the 2019/20 Operational Plan.

LONG TERM FINANCIAL PLAN REVIEW

Council’s Long Term Financial Plan has been updated as part of the 2019/20 Budget. The review has been undertaken to ensure that decisions made as part of the 2019/20 Budget do not create significant financial challenges in the longer term.

The Long Term Financial Plan has been updated to reflect current economic forecasts and parameters. Council also updates its Long Term Financial Model using the same principles which are applied to the Annual Budget. That is; a balanced budget is achieved in the short, medium and long term.

Please note that this Long Term Financial Plan does not include the increase in Council’s Emergency Services Contribution which was announced in May 2019. A copy of the updated Long Term Financial Plan is provided as **Attachment 2**.

2019/20 RATING POLICY

1. Council has the following categories/sub categories for rateable land in the Wingecarribee Shire Local Government Area:
 - Residential – Ordinary
 - Residential – Renwick
 - Business – Ordinary
 - Farmland
 - Mining – Ordinary

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- For the 2019/20 financial year, in accordance with Section 498 of the *Local Government Act 1993*, Council's ordinary rate levy will be calculated on the basis of an ad valorem rate determined by the amount in the dollar in respect of the relevant rating category and sub category. A minimum rate also applies to each relevant rating category and sub category in accordance with Section 548 of the *Local Government Act 1993*.
- For the 2019/20 financial year, in accordance with Section 495 of the *Local Government Act 1993*, Council's Wingecarribee Our Future Environment Special Rate will be calculated on the basis of a base amount plus an ad valorem rate determined by the amount in the dollar relevant for this rate. The base amount will be subject to a maximum of 50% of the total revenue raised by the special rate in accordance with Section 500 of the *Local Government Act 1993*.

The following is the rating structure to be implemented for the 2019/20 financial year, identifying the various ad valorem rates for each category, along with the approved Special Rates.

Category	Sub Category	Ad Valorem	Minimum Rate	Estimated Yield
Residential	Ordinary	0.0046112	\$1,140.17	\$37,168,100
Residential	Renwick	0.0050723	\$1,140.17	\$926,000
Business	Ordinary	0.0092224	\$1,140.17	\$6,168,700
Farmland	-	0.0029973	\$1,666.12	\$5,259,300
Mining	Ordinary	0.0152170	\$1,140.17	\$81,900
				\$49,604,000
Approved Special Rate		Ad Valorem	Base Rate	Estimated Yield
Environmental Levy		0.00006325	\$26.33	\$1,289,400
				\$50,893,400

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

The 2019/20 Operational Plan and Budget has been prepared on the basis of ensuring Council meets the seven financial and asset management benchmarks (or understands the impediments for not achieving these benchmarks) which have been set by the NSW State Government to determine "Fit for the Future" councils.

CONSULTATION

Community Engagement

The draft 2019/20 Operational Plan and Budget was publicly exhibited between 29 April and 27 May 2019. Community feedback was sought, with a number of methods utilised and opportunities provided for the community to comment, including:

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- Public exhibition of the draft 2019/20 Operational Plan and Budget in the Civic Centre and libraries.
- Project page on http://www.yoursaywingecarribee.com.au/jpr_2019_20 set up with documents, FAQs and electronic feedback form. Approximately 2400 registered users were alerted to the opportunity to comment and eNewsletters were distributed to over 1650 subscribers.
- Over 80 community contacts were notified.
- Two radio announcements were made during the public exhibition period.
- Two media releases were made and one General Manager column was printed in Southern Highland News.
- Information was included in Council's weekly advertising page in Southern Highland News and Highlands Post.
- Information was also added to Council's Twitter feed.

There were 790 visits to the YourSay page, and over 300 visitors downloaded a document. 28 visitors lodged a submission through the online survey tool, while all other submissions were received via email or letter. A full summary of the submissions received is included at **Attachment 1**.

Internal Consultation

All branches of Council were provided with the opportunity to contribute to the development of the draft 2019/20 Operational Plan and Budget, and all staff were advised once the documents were on public exhibition and available for comment.

A number of briefing sessions were undertaken with Councillors to determine the strategic priorities and budget.

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

- **Environment**

Implementation of Council's Environment Strategy will continue and will target specific environmental improvement programs. The 2019/20 Budget includes environmental improvement works, projects and programs funded through the Environment Levy totalling \$1.4 million. The Environment Levy is used to fund specific environmental projects and programs which aim to address biodiversity conservation, river health, wetland improvements and sustainable living.

- **Social**

This report and the attached documents clearly articulate Council's commitment to working with partner agencies to enhance community wellbeing throughout the Shire.

- **Broader Economic Implications**

Council will continue to maintain its existing funding levels under the new delivery model for tourism and economic development.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- **Culture**

Council continues to fund cultural and indigenous programs. The 2019/20 Operational Plan includes Council's \$2.5 million five year commitment towards the proposed Regional Art Gallery.

- **Governance**

The development and public exhibition of the 2019/20 Operational Plan and Budget are aligned with the Integrated Planning and Reporting legislative framework.

COUNCIL BUDGET IMPLICATIONS

As outlined in this report, it is recommended that Council take the unusual step of adopting a budget deficit for the 2019/20 financial year of \$123,000. This is due to the significant increase in the statutory contribution for emergency services which was only communicated to Council on the 8 May 2019.

If Council is unable to successfully lobby the NSW State Government to reverse this increase, a funding strategy will be developed during the first quarter of the 2019/20 financial year to return the budget position to a balanced budget.

RELATED COUNCIL POLICY

Community Engagement Policy.

OPTIONS

Council is required to adopt its 2019/20 Operational Plan and Budget by 30 June 2019. The legislation which directs Council to adopt these plans is contained in the following sections of the *Local Government Act 1993*:

405 – Operational Plan

- (1) A council **must** (emphasis added) have a plan (its operational plan) that is adopted before the beginning of each (financial) year that details the activities to be engaged in by the council during the year as part of the delivery program covering that year.
- (2) An operational plan **must** (emphasis added) include a statement of the Council's revenue policy for the year covered by the operational plan. The statement of revenue policy must include the statements and particulars required by the regulations.

533 – Date by which a rate or charge must be made

A rate or charge **must** (emphasis added) be made before 1 August in the year for which the rate or charge is made or before such later date in that year as the Minister may, if the Minister is of the opinion that there are special circumstances, allow.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



CONCLUSION

The 2019/20 Operational Plan, Budget, Revenue Policy and Fees and Charges are part of Council's Integrated Planning and Reporting Framework. These documents have been compiled by Council as an annual response to the community's vision as outlined in the Community Strategic Plan, Wingecarribee 2031 and commitments made in the Delivery Program 2017-2021.

Council's budget and long term financial plan continues to be underpinned by sound and prudent financial management, which is shown through its commitment to maintaining a balanced budget position (notwithstanding the increase in Council's Emergency Services contribution of \$123,000) and meeting the key financial and asset management benchmarks set by the NSW State Government under its Fit for the Future reform program.

The 2019/20 Operational Plan and Budget has been placed on public exhibition from 29 April to 27 May 2019. The Plan delivers Council's responsibilities under the *Local Government Act 1993* and is now being presented to Council for adoption.

ATTACHMENTS

1. Attachment 1 - Summary of Submissions
2. Attachment 2 - Long Term Financial Plan 2019-2029



Summary of Submissions and Proposed Changes

NOTE:

1. Of the 78 submissions received, the following submissions have been categorised in the below summary table as one submission each:
 - a. Six identical submissions that were received from separate respondents on behalf of 45 current members of the Mount Gibraltar Landcare and Bushcare Group. The abbreviation 'Mt Gibraltar Group' is used to highlight which issues this submission commented on.
 - b. Four submissions that were received from the same respondent.
2. One submission was a petition which contained more than 1100 signatures. The word 'Petition' is used in the summary table to highlight which issues the petition commented on.
3. The summary table includes four late submissions received after the public exhibition period concluded and before 4 June 2019.
4. As a significant number of submissions were received in relation to the Regional Art Gallery Funding Proposal, the following management response is applicable to all of them.

Management Response to Submissions about the Regional Art Gallery Funding Proposal

The establishment of a Regional Art Gallery within the Southern Highlands was initially identified as a community priority in the development of Council's first Community Strategic Plan in 2010.

Council was approached by a community organisation in May 2018 to seek a formal commitment to work in partnership to secure funding under the Regional Cultural Funding Program to construct a regional art gallery on the former Fairfax Estate, now managed by the *National Trust*.

Council formally considered its position in relationship to this partnership in September 2018.

Council resolved to confirm its in principle support for a commitment of \$500,000 per annum as a contribution on behalf of the Wingecarribee Shire Council for a period of five years towards the proposed independent Gallery's operational costs (to be reviewed in the fifth year).

To ensure the facility is financially viable in the long term, Council has stipulated that the funding is subject to the following conditions:



- Formal support and agreement from the landowner of the proposed site location for the project to proceed subject to a successful grant application.
- Further detail being provided regarding the proposed governance arrangements for the Gallery, including the proposed board structure and who will be responsible for establishing these arrangements.
- A further detailed business case study being prepared which provides Council with the following information:
 - Proposed Opening Times / Admission Fees
 - Staffing structure
 - Expenditure and revenue forecasts for the five year establishment period (with underlying financial assumptions/drivers provided)
 - Sensitivity analysis of key expenditure and revenue assumptions
 - Examples of proposed event listings.
- Provision of independently audited financial reports at the end of each financial year after construction, detailing the financial performance and position of the Gallery.
- Council limits its financial contribution to the annual operating costs as detailed above with no further commitment to future capital expenditure or operating deficits.

A working party has been established (which includes Council representatives) to commence the necessary work to establish an appropriate governance structure to oversee the funding and construction of the Gallery, and to develop the required business case which Council has stipulated as part of its funding conditions.

Management Response to Submissions about the use of Environment Levy Funds as part of the 2019/20 Budget

Council has not changed its position on the importance of the Environment Levy. Council has strongly supported the principles of the Environment Levy since its introduction in 2000 and this stance has not changed.

This is further demonstrated through Council's application to the *Independent Planning and Regulatory Tribunal* (IPART) in 2016 to have the Environment Levy permanently included in its rating structure from the 2019/20 financial year. This application was approved by IPART in May 2016.



As outlined in the draft 2019/20 Operational Plan and Budget, Council has conducted a review of the staffing resources which contribute to the management of the Environment Levy Program.

It has been recommended that the management resources which oversee this important program be reflected in the overall expenditure for the Environment Levy for the next five years.

This proposal was recommended on the basis that it would then allow Council to utilise the General Fund savings to partially offset the proposed contributions towards the Regional Art Gallery.

This proposal was included in the draft 2019/20 Operational Plan and Budget for the purpose of public comment and feedback. Council will reconsider the proposal at the Council Meeting on 12 June 2019.



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
58 (incl. petition and Mt Gibraltar Group submission)	Regional Art Gallery Funding Proposal	Requests that Environment Levy funds are used only for environmental purposes as intended and as expected by the community, and not for a contribution to the proposed Regional Art Gallery that is privately owned.	See management response on pages 1-3.	For consideration by Council
19 (incl. petition)	Regional Art Gallery Funding Proposal	Suggests that alternative funding sources be considered for the Regional Art Gallery. Examples provided include public donations, diverting funds from elsewhere in Council's budget, fundraising initiatives, an arts and culture levy, Council asset sales, or collaboration between the owners of the Regional Art Gallery and the Bowral District Art Society.	See management response on pages 1-3.	For consideration by Council
17	Regional Art Gallery Funding Proposal	Either supports or does not object to Council's support of the Regional Art Gallery, but not at expense of the Environment Levy specifically or existing and unrelated programs and services in general.	See management response on pages 1-3.	For consideration by Council
17	Regional Art Gallery Funding Proposal	Objects to the proposed change in Resource Recovery Centre (RRC) hours. Examples given include the need for community consultation, lack of detail about minimal use during certain hours of operation, inconvenience to the public, reduced wages for RRC staff, potential for increased illegal dumping, and negative impact on sustainability initiatives.	<p>A review has been undertaken of the level of access by the public to the Resource Recovery Centre across the existing hours of operation. Data is recorded at Council's weighbridge on the traffic entering the facility, which provides valuable information to deliver an effective and efficient service to customers.</p> <p>This review has demonstrated that there is a minimal level of access by the public during 7:30am – 8:00am, 4:00pm – 4:30pm on weekdays and 1:00pm – 4:00pm on Sundays. It is not commercially viable to extend the opening hours further.</p>	For consideration by Council



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
9 (incl. Mt Gibraltar Group submission)	Regional Art Gallery Funding Proposal	The proposed reallocation of Environment Levy funds to enable Council's contribution to the Regional Art Gallery harms Council's reputation with, for example, residents, volunteers, and outside sources of funding for projects such as grant assistance schemes.	See management response on pages 1-3.	For consideration by Council
9	Regional Art Gallery Funding Proposal	Concerned about additional aspects of the proposed allocation of Environment Levy funds to management resources; for example, querying why Council holds funds in unspent cash reserves restricted for the purposes of the Environment Levy and has not previously used these funds, whether Council has already allocated these unspent cash reserves to projects, whether Council informed IPART that it had underspent the proceeds of the Environment Levy when Council applied for the Levy to be made permanent, and what is meant by the reference to baseline expenditure in the context of Council's funding proposal for the Regional Art Gallery.	See management response on pages 1-3.	No
8	Regional Art Gallery Funding Proposal	Objects to the proposed rationalisation of expenditure for the Arts and Culture program. Examples given include potential negative impacts on tourism, lack of detail about which initiatives will be impacted by the reduced expenditure, the narrow focus on just one gallery, and the need for consultation with the arts and culture community.	Comments noted. The inclusion of a proposed Regional Art Gallery will complement the programs undertaken by Council within its arts and culture portfolio. Council will continue to support a range of arts and culture in line with Council's Arts and Culture Strategic Plan.	No



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
8	Regional Art Gallery Funding Proposal	Suggests that Council should undertake or have already undertaken public consultation to identify funding sources for its in-principle decision to contribute to the Regional Art Gallery.	See management response on pages 1-3.	For consideration by Council
7	Regional Art Gallery Funding Proposal	Concerned about Council's decision to determine its support for the Regional Art Gallery in Closed Council rather than doing so transparently in public.	See management response on pages 1-3.	No
6 (incl. petition and Mt Gibraltar Group submission)	Regional Art Gallery Funding Proposal	Requests that Environment Levy Funds are not reallocated to management resources for work in the area of Environment and Sustainability, as this is already a core Council responsibility.	See management response on pages 1-3.	For consideration by Council
6	Environment Levy	Suggests various environmental projects that Environment Levy funds can be put towards, including: supporting a community environmental awareness program, addressing weeds in bushland and waterways, responding to climate change, protecting flora and fauna, stopping land clearing, putting up signs for wildlife, eradicating feral animals, dredging the Mittagong Rivulet and restoring native habitat there, and upgrading the road, parking and amenities block at the Mount Gibraltar lookout.	Noted with thanks. The Environment Levy is used in a suite of programs that deliver outcomes in the suggested areas where possible and feasible. Council has to prioritise delivery of these works, with priority given to high value natural assets.	No
6	Regional Art Gallery Funding Proposal	Suggests that Council should undertake or have already undertaken public consultation for its in-principle support of a contribution to the Regional Art Gallery.	See management response on pages 1-3.	For consideration by Council



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
5 (incl. Mt Gibraltar Group submission)	Regional Art Gallery Funding Proposal	Concerned that the proposed reallocation of Environment Levy funds to enable Council's contribution to the Regional Art Gallery sets an undesirable precedent that may be relied upon for future non-environmental projects future to the detriment of the Environment Levy's integrity	See management response on pages 1-3.	For consideration by Council
4	Regional Art Gallery Funding Proposal	Suggests that the Regional Art Gallery is not needed; for example, because residents can access local art galleries, the Goulburn Regional Art Gallery or art galleries in Sydney and Canberra.	See management response on pages 1-3.	For consideration by Council
3 (incl. Mt Gibraltar Group submission)	Regional Art Gallery Funding Proposal	Concerned that the allocation of Environment Levy funds to management resources is proposed to last in perpetuity not for five years as suggested in the Regional Art Gallery funding proposal.	See management response on pages 1-3.	For consideration by Council
3	Regional Art Gallery Funding Proposal	Suggests that the Regional Art Gallery should not be supported by Council financially; for example, because it is a private venture, is unnecessary or is not a Council priority.	See management response on pages 1-3.	For consideration by Council
3	Environment Levy	Recommends that the Environment Levy is increased so that, for example, it can meet the challenges of climate change.	Comments noted.	No
2	Regional Art Gallery Funding Proposal	Questions what the proposed program expenditure savings refers to.	Proposed program expenditure savings relate to maintaining existing discretionary budget allocations at 2018/19 funding levels. This essentially means that there will be no inflationary increase in those programs for the 2019/20 financial year.	No
2	Regional Art Gallery Funding Proposal	Concerned about the lack of detail about the proposed Regional Art Gallery and its operations, such as a public business plan.	See management response on pages 1-3.	For consideration by Council



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
2	Resource Recovery Centre Opening Hours	Suggests that the opening hours of the Resource Recovery Centre are extended during the week; for example, to 5pm.	<p>A review has been undertaken of the level of access by the public to the Resource Recovery Centre across the existing hours of operation. Data is recorded at Council's weighbridge on the traffic entering the facility, which provides valuable information to deliver an effective and efficient service to customers.</p> <p>This review has demonstrated that there is a minimal level of access by the public during 7:30am – 8:00am, 4:00pm – 4:30pm on weekdays and 1:00pm – 4:00pm on Sundays. It is not commercially viable to extend the opening hours further.</p>	No
2	Recreational Walking Trail Strategy	Queries progress on development of a Recreational Walking Trail Strategy; for example, the status of funding for development and implementation of the Strategy.	<p>The Recreational Walking Trail Strategy will identify, categorise, provide track grading and levels of service for bush tracks at Council managed reserves.</p> <p>The scope for the Strategy has been considered and a number of complexities were identified and subsequently the scope has been refined.</p> <p>Work on the Strategy will continue into 2019/20 and unexpended funding will be carried forward. An implementation plan for works identified as part of the Strategy will follow.</p>	No
1	Regional Art Gallery Funding Proposal	Suggests that the proposed Regional Art Gallery is inaccessible by public transport.	Comments noted.	No



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
1	Regional Art Gallery Funding Proposal	Concerned about the proposal to contribute to a privately-owned Regional Art Gallery while ratepayers pay the Special Rate Variation (SRV), Plans of Management for community lands are still to be developed and Action Plans are to be implemented. Suggests that using productivity savings to fund a private enterprise is inconsistent with the Independent Pricing and Regulatory Tribunal's decision to approve the SRV.	See management response on pages 1-3.	For consideration by Council
1	Regional Art Gallery Funding Proposal	Suggests that the Environment Levy was not made permanent by IPART after 30 June 2019; instead, IPART authorised the 3.5% formerly being the Environment Levy to be incorporated into the General Rate approval from 30 June 2019. Comments that given the terms of IPART's decision Council can apply funds raised by this component of the General rate for any purpose, and it is subject to further percentage increases in annual rates. Suggests that a total of \$304,000 is to be charged to receipts from the Environment Fund in 2019/20 for internal administrative expenses, not just the \$94,200 referred to explicitly in the proposed funding contribution to the Regional Art Gallery.	Comment noted. The Environment Levy was approved by IPART in May 2016 on a permanent basis. While this forms part of Council's General Revenue, Council's commitment is to continue to fund the programs and projects outlined within the Environment Levy schedule of works.	No
1	Environment Levy	Suggests that a review of the Environment Levy is undertaken with the Environment and Sustainability Committee to agree which positions are to be funded by the Levy.	Comments noted. If any future proposal is considered, then Council will engage with the Environment and Sustainability Committee.	For consideration by Council



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
1	Council Cleanups	Requests that there is a free kerbside collection at least twice a year, and notes that all other councils provide this service to their residents.	Council's current kerbside collection is based on a user pays scheme. Other councils that provide this service for 'free' actually build the cost into the waste component of the rates. This means that everyone pays for the kerbside collection service regardless of whether they use it, so in effect the ratepayers who do not use it are subsidising the ones that do. For this reason, Council currently intends to maintain its user pays approach to kerbside collections.	No
1	Tourism Strategies	Notes that tourism initiatives which promote the Southern Highlands such as Tulip Time and Pie Time do not include Yerrinbool.	Yerrinbool is promoted by Destination Southern Highlands in its marketing collateral including the Destination Planner, free map of the region, and the website. Unfortunately, no events or activities are conducted by operators in Yerrinbool during Tulip Time and Pie Time.	No
1	Fee for Mattresses	Commends the addition to the 2019/20 Draft Fees and Charges of a new item for Mattresses - Cot.	Noted with thanks.	No
1	Fee for Tree Lopping / Removal Inspection	Requests greater clarity on the tree lopping / removal inspection fees, as they are listed in the Development section of the 2019/20 Draft Fees and Charges in the context of development applications but it is unclear how this works for established properties.	Tree removal applications (both Vegetation Control Permits and Development Applications for Tree Removal) fall within the responsibility of Council's Planning, Development and Regulatory Services branch and therefore has been included in the development section of the 2019/20 Draft Fees and Charges. Both Vegetation Clearing Permits (VCP) and Development Applications (DA) requesting tree removal can be applied for with regards to existing properties or new development. To provide clarity item 23.1.12 of the 2019/20 Draft Fees and Charges has been amended to include a note stating that the VCP and DA applies to both existing properties and also proposed development.	Yes
1	Fees and Charges	Suggests that fees are too high.	Fees have been set and proposed for various activities after giving due consideration to the <i>Local Government Act 1993</i> and the following factors: <ul style="list-style-type: none"> - the cost to Council of providing the service - the importance of the service to the community - the price fixed by the relevant industry body - prescribed fees set by legislation - market rates/pricing. 	No



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
1	Proposed Fixed Fee for Septic Effluent, Septage and Portable Toilet Waste Discharge	<p>Submission made on behalf of Action Hire. Opposes the proposal to charge a fixed fee of \$159.46 per load for Septic Effluent, Septage and Portable Toilet Waste Discharge at Council's Treatment Works in the 2019/20 Draft Fees and Charges at item 42.6.1.</p> <p>Suggests that this disadvantages Action Hire which has a smaller carrying capacity compared with some other operators, as it will increase current costs for the business by \$115.66 from the current fee of \$43.80 per load which is paid.</p> <p>Recommends that the calculation per litre be used as is currently in place.</p>	<p>Council's Trade Waste fees charges are developed from the Department of Primary Industry Regulation and Best Practice Guidelines.</p> <p>Treatment Facilities are designed to treat domestic sewage only. There is a significant increase in operational cost to treat higher concentrations of category 2 waste (e.g. non domestic). Council staff have conducted cost analysis on the impacts and treatment of non-domestic waste at the Berrima Facilities which has resulted in new fees being applied.</p> <p>Council staff have also conducted a review of the adopted practices and fees with a number of neighbouring council and believes the new rates are fair and justified.</p> <p>However, after taking into account the submission feedback and following a review of the varying capacities of transport vehicles being utilised, item 42.6.1 of the 2019/20 Draft Fees and Charges has been amended so that an alternative rate per kL will now be applied.</p> <p>The proposed fixed fee per load of \$159.46 has been replaced with a new per kL rate of \$31.01 for Septic waste (effluent and solids) and chemical toilet waste.</p>	Yes
1	Council Road Reserve in Bundanoon	Requests that public access is extended to the Council-managed road reserve between Panorama Street and Riverview Road, Bundanoon.	The road reserve that extends east from Governors Street between Panorama Street and Riverview Road is an unformed, unmaintained road and is dictated by Council's unmaintained road policy.	No
1	Public Transport	Requests that Council lobbies to improve the trains and public transport to the Southern Highlands.	Noted with thanks.	No



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
1	Parking in Bowral	Suggests that the plan for parking in Wattle Lane Bowral is insufficient and requests a large car park near Bowral shops and train station.	<p>The Bowral Parking, Traffic and Transport Strategy was adopted by Council on 12 December 2012. This Strategy informs the provision of parking within Bowral and includes multi-deck carparks at Wattle Lane, Merrigang Street and Kirkham Road.</p> <p>Stage 1 of carparking improvements within the Bowral CBD will commence in 2019/20 with the extension of the Wattle Lane carpark.</p>	No
1	Capital Works Allocation	Requests that a greater capital works allocation is provided for villages. Suggests that no work in Yerrinbool is identified in the draft Operational Plan, and the repair of the main road going through that village needs to be included.	<p>The allocation of capital expenditure is determined by prioritisation assessment and considers a number of criteria associated with the different asset classes.</p> <p>There are a significant number of projects that have been scoped for inclusion in the capital works program however they have not been allocated within the four year delivery program due to resource constraints.</p> <p>The delivery program includes projects associated to villages such as and not limited to a new drainage culvert at Yerrinbool, a new footpath at Yerrinbool, a multi-purpose court at Wingello, and drainage upgrades at New Berrima.</p> <p>Program level projects, such as the resealing program, also includes works in villages.</p>	No
1	Stormwater Management Fee	Suggests that there is no maintenance or improvements carried out in Yerrinbool to justify the charge of \$25 for stormwater management.	<p>Council currently levies properties a stormwater management service charge. This is in accordance with section 496A(1) of the <i>Local Government Act 1993</i>.</p> <p>Funds raised through the Stormwater Management Charge are used on stormwater maintenance and improvements throughout the Shire, including Yerrinbool.</p>	No



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
1	Playgrounds Strategy	<p>Queries the progress of the Playgrounds Strategy that was meant to follow on from a February 2018 community survey. Suggests that once this Strategy is complete, management should pursue infrastructure grants to enable more rapid implementation of the Strategy. Recommends that the forward estimates for playground renewals in the Draft Capital Works Program Summary account for the expected implementation of a Playgrounds Strategy, including possible construction of a destination park.</p>	<p>The Draft Playground Strategy is currently under review and is expected to be placed on public exhibition in late 2019.</p> <p>Once Council has adopted the Playground Strategy, its alignment to the Capital Works Renewal Program will be undertaken.</p>	No
1	Mount Gibraltar Recreation Track	<p>Submission made on behalf of Mount Gibraltar Landcare and Bushcare Group. Requests that the remaining funds of \$62,515 from the figure of \$97,000 allocated in the Capital Works Program for 2019/20 (as detailed in the Delivery Program 2017-2021 and Operational Plan 2018/19) towards expenditure on Recreational Tracks and Stairs in Mount Gibraltar Heritage Reserve are directed to fix up the existing walking tracks in the Mount Gibraltar Heritage Reserve.</p>	<p>The allocation of capital expenditure is determined by prioritisation assessment and considers a number of criteria associated with the different asset classes.</p> <p>A review of the capital program is undertaken annually and the savings from the project have been reallocated during this process.</p> <p>There are a significant number of projects that have been scoped for inclusion in the capital works program however they have not been allocated within the four year delivery program due to resource constraints.</p> <p>Projects requested to be included in the capital works program must be investigated, scoped and the cost estimate completed before considering adding them to the capital works program. Some projects that are considered a capital project may be determined as a maintenance activity and managed through the maintenance program. Council staff will liaise with the Mount Gibraltar Landcare and Bushcare Group to ensure the correct process is followed.</p>	No



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
1	Cricket / Sport Storage Facilities	Submission on behalf of respondent and the Highlands District Cricket Association. Supports the commitment to drawing up plans for the Lackey Park multi-purpose sports precinct. Notes that as Cricket undertakes programs and investment in growing participation, storage room is lacking for equipment, covers and machinery. Suggests that an allocation and provision be made for increased storage space at major parks/grounds like Welby Oval, Lackey Park and Centennial Park which are used by multiple sports and clubs, in consultation with the sports involved.	The capital works program is developed based on priority assessment and available resources. The provision of storage rooms at Council facilities are considered as part of a facility upgrade or a standalone project. Staff will conduct a review of the capital projects associated with storage at Welby Oval and Centennial Park. A detailed design of Lackey Park will be undertaken in 2019/20 and will consider storage availability.	No
1	Station Street Upgrade	Suggests that there is not enough detail with respect to what Station Street Upgrade Stage 1 entails, and questions how this will impact on the heritage values of Bowral and the Shire. Recommends that the draft Operational Plan is not endorsed until community consultation has occurred with respect to any impacts arising from Station Street Upgrade Stage 1.	Consultation regarding the Station Street Upgrade project commenced in 2016 with detailed designs publicly exhibited in August and September 2017. Impacts associated with the project were outlined in fact sheets and further considered when Council reviewed submissions prior to endorsing the project in February 2018. More information is provided at www.yoursaywingecarribee.com.au/SSU .	No
1	Affordable Housing for Disadvantaged Persons	Notes that there is no mention of measures to support affordable housing, and recommends that the Operational Plan is not endorsed until it includes proposals to increase the supply of affordable housing to the most disadvantaged residents in the community.	Council is currently developing a Local Housing Strategy which will identify strategies to increase the mix of housing types and price points in the housing market, and to increase the stock of social and community housing in the Shire.	No



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
1	Lackey Park Sporting Precinct	<p>Submission on behalf of Moss Vale and District Basketball Association Inc. (MVDBAI).</p> <p>Supports the Lackey Park Regional Sporting Hub Design being included in the Draft Capital Works Program for 2019/20, and reconfirms MVDBAI's commitment and request for the inclusion of a Multi-Purpose Indoor Sports Facility proposed by MVDBAI in this design.</p> <p>Notes that there is a commitment for funds for stage 1 works at 2022/23, but requests a larger commitment in the shorter term to allow Council and MVDBAI to pursue matching grant funding.</p> <p>Comments that MVDBAI is developing its plans to DA stage, and would welcome the opportunity to discuss with Council opportunities to advance the timing of the project and also to scope potential means of funding the proposal.</p>	<p>Council acknowledges the synergy of the Lackey Park Regional Sporting Hub Design and MVDBAI's proposed Multi-Purpose Indoor Sports Facility. MVDBAI will be consulted in the development of the scope of works for the design project for the Lackey Park Regional Sporting Hub planned for the 2019/20 financial year.</p> <p>Future funding allocation will be reviewed following the completion of the design project.</p>	No
1	Infrastructure and Services	<p>Comments that despite rate increases and the fees and charges, residents do not see improvements to quality of life such as improved roads and strategic town planning to enhance the Shire's amenity.</p> <p>Considers that Council has not spent funds efficiently, for example, by outsourcing work to expensive consultants and spending money on internal legal expenses.</p>	<p>The feedback is noted.</p> <p>Council acknowledges that it has a responsibility to provide infrastructure and services to the community. As required under the Integrated Planning and Reporting Framework, Council has developed short, medium and long term plans which detail how the community's vision, aspirations and priorities will be delivered.</p> <p>Progress is reported to Council, the community and State Government through quarterly budget review statements, six monthly progress reports on the achievement of Delivery Program objectives, the Annual Report detailing implementation of the Delivery Program and audited financial statements.</p>	No



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
1	Surplus Funds	Requests that if surplus funds arise for Council, they should be used for further activities such as extra rangers, staff, bush care, tree planting, beautifying parklands and recreational facilities.	Council has a long standing position that it maintains a balanced budget. If surplus funds are identified, due consideration is given to funding requests based on risk, community support and legislative requirements.	No
1	Draft Capital Works Program	Requests more detail about the proposed expenditure for various items in the Draft Capital Works Program, including what the reference to private works relates to.	The capital works program includes program level works which are projects that are undertaken across numerous areas of the Shire e.g., road reseal program. Consultation specific to projects is undertaken during the implementation phase. Private works for water and sewer are typically water and sewer connections undertaken by Council staff.	No
1	Draft Capital Works Program	Concerned that many of the proposed capital works in the Unfunded Infrastructure Priorities List 2019/20 depend upon grants, which are not certain.	None of the projects that are included in the Unfunded Infrastructure Priorities are in the 2019/20 budget. These projects do not have an identified funding source and if any government grants become available Council will submit applications. These projects will only be included in the annual budget once a funding source is confirmed.	No
1	Revenue	Suggests that the draft Budget presents little information on the rates revenue that is needed to service the outlined expenditure, in contrast to the 2018-19 Budget for which a summary was provided in Council's meeting agenda for 13 June 2018 for all categories of rates income. Requests that similar information is provided for 2019-20.	Council's Draft Revenue Policy for 2019/20 is included in the Draft Operational Plan, which commences on page 87. This details the rating structure and yields from rates and annual charges. The information presented in the Draft Operational Plan is consistent with what was presented in the 2018/19 Operational Plan. A summary of Council's proposed rating structure for 2019/20 is on page 88.	No



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
1	Population Growth	<p>Suggests that infrastructure in the Shire is inadequate for population growth impacts. Notes that there is a need to improve connectivity, especially shared pathways (footpaths) to enable a connected community especially with respect to links to train stations. Suggests that linking shared pathways from stations to new and emerging developments would enable developer contributions to be utilised. Notes that proposed works include “Mittagong Rd (Cliff to Tullona) Bowral Footpath”, but considers that the existing footpath between Mittagong and Bowral is inadequate.</p> <p>Strongly supports the proposed “Recreational Pathways – Soma St Bowral to Railway Pde Mittagong” in 2022/23. Recommends that Council undertakes an independent evaluation of developer contributions, and that designs for footpaths (shared pathways) are adequate to meet the needs of all commuters.</p>	<p>Council undertakes traffic, water and sewerage modelling and analysis to predict future growth and its impact on infrastructure. Outputs from such modelling are used to inform the future capital works program.</p> <p>Council utilises section 64 and Section 7.11 and 7.12 developer contribution plans for future capital works associated with growth.</p> <p>Council maintains and reviews strategic documents such as the Bicycle Strategy and Pedestrian Access and Mobility Plans which consider connectivity within the shire.</p> <p>Council is in the process of preparing a Local Housing Strategy and Local Strategic Planning Statement. These strategies will integrate infrastructure planning into the strategic planning process, which will tie growth to infrastructure upgrades. This will ensure that as the Shire’s community continues to grow, Council’s infrastructure networks will continue to meet the needs of our community.</p>	No
1	Budget	<p>Suggests that the Budget is not balanced; for example, because millions of dollars in surplus funds are invested and those funds have grown yet rates have still increased.</p>	<p>Council has a long standing position that it maintains a balanced budget.</p> <p>While the level of cash reserves has increased in recent years, these funds will be used to fund significant infrastructures upgrades, such as Sewer Treatment Plants across the Shire.</p> <p>Surplus funds held within restricted assets have been allocated across the term of Council’s Long Term Financial Plan to ensure a balanced budget is maintained both in the short and long term.</p>	No



No. of Submissions	Topic	Summary of Comments/Issues	Management Response	Amendment to Plans required
1	Draft Capital Works Program	<p>Requests greater clarity about the Capital Works Program, as estimated costs and timing for individual projects is not provided.</p> <p>Notes that in the Roads, Bridges & Footpaths category the total budget for 2019-20 is \$19,565,000, and suggests that many projects will not be completed within a year while there is no provision for carry-over to the next year/s.</p> <p>Suggests that major once-off projects should be presented over their respective delivery program periods.</p> <p>Comments that committed but unfinished projects from the 2019-20 Budget have not been included, e.g., Kirkham Road (South), for which a \$2.57 million tender was accepted on 27 March 2019 but no works have commenced. Suggests that further examples of incomplete works in the 2019-20 Budget are:</p> <ul style="list-style-type: none"> • Civic Centre Refurbishment. • Bowral Memorial Hall. <p>Comments that re-voted funds and associated projects from previous Budgets do not appear in this Budget; in particular, the Berrima Road Deviation project which is only mentioned in the Unfunded Infrastructure Priorities.</p>	<p>Projects that are undertaken over more than one financial year are represented within the Delivery Program with expenditure matching expected project delivery e.g. sewer treatment plants.</p> <p>Any unspent funds required in future financial years are re-voted by way of Council resolution to allow works to continue. This occurs at the end of each financial year and is reported to the Finance Committee in August of each year.</p> <p>Once the level of remaining funds has been determined for each incomplete project, the balance is carried forward into the new financial year.</p>	No



Wingecarribee Shire Council

Long Term Financial Plan 2019-2029

Updated June 2019

Working with you

www.wsc.nsw.gov.au





Disclaimer

The information contained in this document provides a general overview on the long-term financial position of Wingecarribee Shire Council. Council reserves the right to make changes to this Plan accordingly. This Long Term Financial Plan contains information based on forward estimates and modelling which have been prepared using assumptions available at the time of publication.



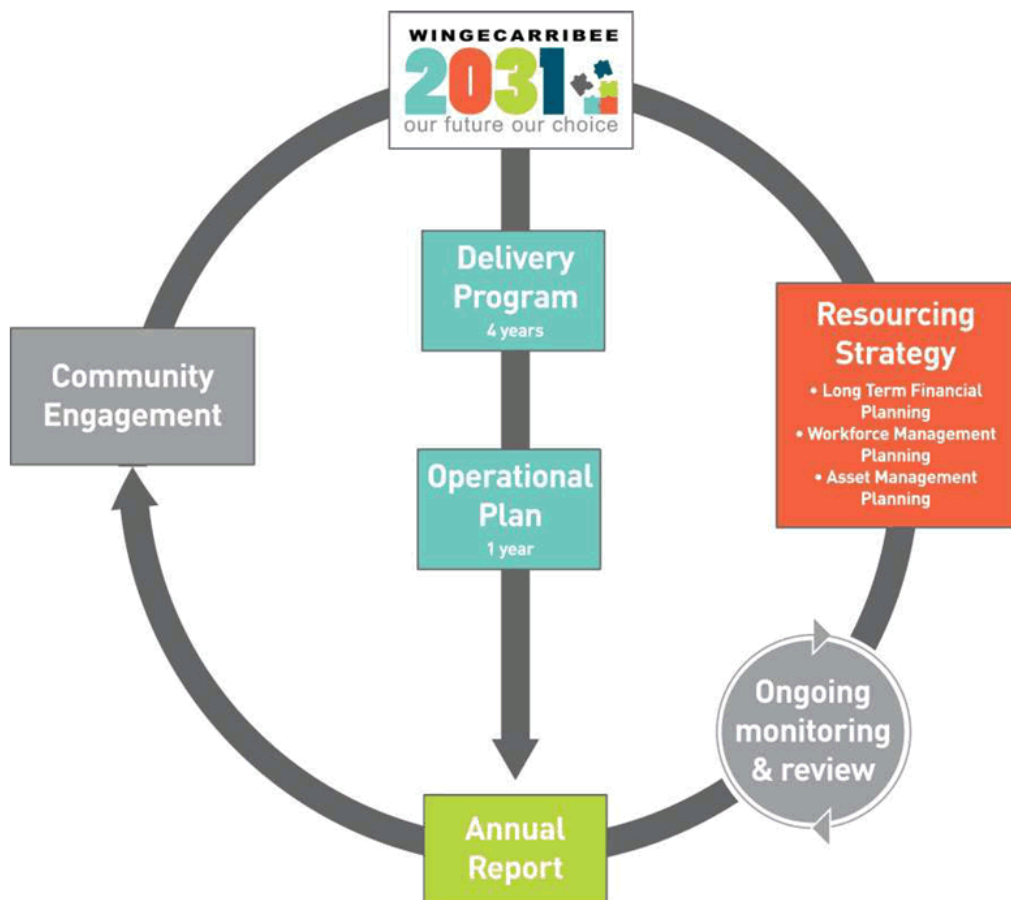
Introduction

Council's Long Term Financial Plan forms part of the organisation's Resourcing Strategy. In line with the Local Government Amendment (Planning and Reporting) Act 2009, Council is required to review and update its suite of Integrated Planning and Reporting (IPR) documents every four years, generally at the commencement of each new Council term.

Council last adopted its revised Resourcing Strategy in June 2017 as part of a broader review of its integrated planning and reporting documents. This included a review of Wingecarribee 2031, our Community Strategic Plan.

The Resourcing Strategy gives consideration to the capacity for Wingecarribee Shire Council (WSC) to deliver on its responsibilities within Wingecarribee 2031 (W2031). It also considers the broad range of regulatory and statutory frameworks which must also be met. Council undertook extensive community consultation as part of its review and updating of the Community Strategic Plan. Further details regarding this consultation is provided in the Community Strategic Plan.

The diagram below outlines Council's integrated planning and reporting framework and the relationship between the Resourcing Strategy and other elements of the framework.





The Resourcing Strategy incorporates the following components:

Council's Workforce Plan

The Workforce Plan is focused on:

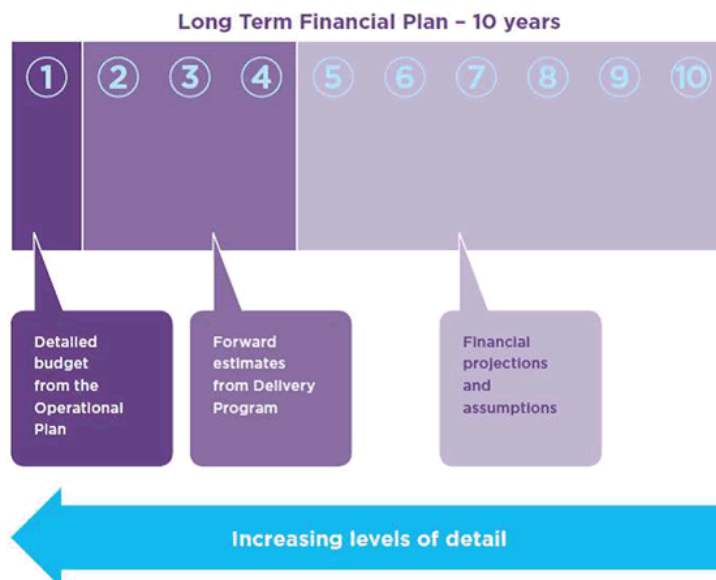
- Developing and maintaining a skilled workforce
- Delivering a workforce which is structured to achieve W2031
- Workforce attraction and retention
- Workforce equity and diversity

Council's Strategic Asset Management Plan

Council's overarching Strategic Asset Management Plan is part of a larger asset management framework. That framework represents Council's intention to maintain our community's infrastructure, together with other levels of government and stakeholders, to meet the needs of our community. It is critical to the achievement of the Plan that sufficient funding is provided over the life of the Plan, to ensure that infrastructure provides services to a standard our community agrees to and can afford.

Council's Long Term Financial Plan

The Long Term Financial Plan (LTFP) focuses on Council's goal of financial sustainability and delivering quality services to the community. The LTFP is a decision making tool and is not intended to be a document that specifically indicates what services or proposed funds should be allocated. This plan addresses the areas that impact Council's ability to fund services and capital works, whilst ensuring Council operates within its means to enable financial sustainability.





What is a Long Term Financial Plan?

The Long Term Financial Plan expresses in financial terms the activities that Council proposes to undertake over the short, medium and long term and iteratively guides the future strategies and actions of Council to ensure it continues to operate in a sustainable manner.

The Long Term Financial Plan is a necessary component of Council's Resourcing Strategy. It includes the financial modelling of actions and strategies contained within Council's Asset Management Plan and Workforce Plan, as well as other non-asset related strategies adopted by Council.

The Long Term Financial Plan acts as a tool for stakeholders (Council and the community) to use in deciding what resources Council needs to apply to deliver on the outcomes contained within the Community Strategic Plan - Wingecarribee 2031.

The Long Term Financial Plan is for a period of ten years and includes the following:

- the planning assumptions used to develop the plan
- sensitivity analysis and testing
- financial modelling for different scenarios*
- methods of monitoring financial performance

*Council's Long Term Financial Plan is modeled on achieving the stated benchmarks within its Fit for the Future Improvement Plan and delivering on its *Investing in Our Future* commitments. As such there is only one scenario included in this plan. Council will incorporate scenario modelling as part of its next major review of its Resourcing Strategy.

The financial modelling for Council's Improvement Plan scenario is presented in the format of Council's primary financial statements namely, the Income Statement, Balance Sheet and Cashflow Statement.

The Long Term Financial Plan is updated annually as part of Council's annual budget process. Upon the review and adoption of a new Community Strategic Plan every 4 years, a detailed review of the Long Term Financial Plan is undertaken to ensure it still represents the key directives and service priorities identified in the Community Strategic Plan, Wingecarribee 2031.

WSC is the Water and Sewer Authority for the Wingecarribee Shire. As required under the Local Government Act, Council has in place separate accounting funds for its general operations, water operations and sewer operations. This long term financial plan includes the consolidated financial statements, and models for each respective fund.



Local Government Reform - Fit for the Future

In 2014, the NSW State Government initiated its Fit for the Future local government reform program. This required all NSW councils to submit a proposal demonstrating its plans to achieve long term financial sustainability and meet seven asset and financial benchmarks.

On the 20 October 2015, the NSW State Government released its findings under the Fit for the Future reform process. Wingecarribee Shire Council was deemed to meet the financial benchmarks (within the required timeframes) and have sufficient scale and capacity to remain a stand-alone Council, based on its submitted Improvement Plan.

In part, the purpose of this Long Term Financial Plan is to track Council's progress towards meeting these mandated benchmarks.

An integral part of Council's Improvement Plan was the *Investing in our Future* – Special Rate Variation. This Special Rate Variation was submitted to IPART and subsequently approved in May 2016. The Special Rate Variation was an important step in allowing Council to maintain and manage our current assets and to ensure that we continue to deliver services in line with community expectations, while remaining financially sustainable into the future.

The 2019/20 financial year will be the fourth and final year of Council's *Investing in our Future* Special Rate Variation.

Investing in our Future – Special Rate Variation

Our community has consistently told us that assets like roads, footpaths and drainage are important to them, but we need to improve their condition.

This was confirmed as part of our Fit for the Future assessment where we reviewed the condition of our assets and its impact on our long term financial modelling. This information told us that we had a significant funding gap for infrastructure and that we needed to invest an additional \$8.5 million per year.

In October 2015, Residents were provided with three options based on differing levels of funding for the maintenance and renewal of community infrastructure. This information was provided in a brochure which was distributed to every household across the Shire.

In December 2015, the results of the community consultation were presented to Council for consideration. Based on this feedback, Council notified IPART of its intention to apply for a Special Rate Variation, with the application submitted in February 2016.



The application was for a Special Rate Variation of 8.85% in the first year, 9.25% in the following two years and 12.15% in the fourth year. This included the 1.80% approved rate peg in 2016/17 and an assumed rate peg of 2.50% in proceeding years. The application requested a cumulative increase of 45.30% (or 35.67% over the allowable increase) over a four-year period. We also included the continuation of the Environmental Levy which has been in place since 2000. The application was for a permanent increase in council's rate revenues.

Council was advised in May 2016 that its application had been approved in full. Details regarding our application, including all submissions made to IPART can be found on their website, www.ipart.nsw.gov.au.

Under this plan, Council will be able significantly improve the quality of our community assets by being able to fund its required asset renewal and maintenance. We will also continue to look after our environment and be able to undertake new work to fill essential asset gaps.

This plan will generate \$98.1 million over 10 years and will allow an additional spend of:

- \$51.4 million on roads, road drainage, footpaths and shared pathways;
- \$26.8 million on stormwater drainage;
- \$15.8 million on buildings;
- \$4.1 million parks and open spaces.

Our Strategic Priorities

To continue our journey from the *Fit for the Future* local government reform agenda, our Councillors have committed to seven strategic priorities to ensure Wingecarribee Shire is a better place to live, work and visit. These priorities will be delivered during four-year Delivery Program timeframe and will be a key driver of decision making during this council term. Our council is committed to further building trust with the community and providing a model for collaborative civic leadership and ethical governance. The seven Councillor strategic priorities are outlined below:

Responsible financial management - Council acknowledges it is the custodian of public funds and the community's assets. We are committed to ensuring finances are managed responsibly. This means we will prudently allocate funds to ensure a balanced budget is maintained both short and long term. We will actively pursue opportunities to diversify and maximise revenue streams to deliver services and community infrastructure. We are committed to ensuring that where key community infrastructure is constructed all funding options will be considered.



Improving our community assets - Improving the standard of our community assets, such as roads, buildings, drainage and parks is a key focus for Council. This means investing more money into asset renewal and maintenance of our community assets over the Council term to better meet the expectations of our community. In 2016 Council adopted its *Investing in our Future* program which paved the way for a long term funding model which will address an \$8.5 million shortfall annually in funding asset renewal and maintenance.

Protecting our natural environment - Council is dedicated to protecting our unique environment through its Environment Levy to ensure that projects and programs are implemented that protect and enhance our natural environment.

Delivery of significant infrastructure projects - We have committed to delivering key infrastructure projects for the community. This includes rectification works at Mittagong Pool, a major redevelopment of Bowral Memorial Hall, essential rectification works for Council's Civic Centre, major upgrades to the Shire's Sewer Treatment Plants, transport upgrades including Station Street, Bowral and cemetery improvement in both Moss Vale and Bowral.

Better service alignment and delivery- To ensure we deliver services which are in line with community expectations a comprehensive review of all Council services will be undertaken. A detailed business analysis and a broad community engagement program will underpin the services review program.

Business transformation - We recognise that the community has an expectation that the way we interact with them should reflect modern business processes utilising modern technologies. We are committed to ensuring the systems and process that support service delivery and the way we interact with our customers is responsive and provides a variety of methods for interaction.

Community Wellbeing - We are committed to promoting and supporting initiatives that enhance our community's wellbeing. We will achieve this by strengthening partnerships with State and Federal agencies, and community organisations to ensure community services and employment opportunities are enhanced and provided locally. Further, we are dedicated to fostering community spirit, inclusiveness and participation in community life by providing and working collaboratively with others to deliver a range of programs, events, festivals and community celebrations.



Long Term Financial Plan – Planning Assumptions

Council's Long Term Financial Plan has been reviewed and updated as part of the 2019/20 Operational Plan and Budget. The review of Council's LTFP is underpinned by the following key assumptions / economic parameters:

Rates and Annual Charges

Council was advised in October 2018 that IPART had determined a rate peg for 2019/20 of 2.70%. The increase in the **Local Government Cost Index** had been determined to be 2.70%. The Local Government Cost Index is a measure of the increase in operational costs incurred by NSW councils for services and activities funded from general rate revenue. There was no productivity factor applied for the 2019/20 financial year.

As outlined earlier in this plan, Council sought and subsequently received approval from IPART for a **Special Rate Variation** to commence in the 2016/17 financial year. This application was approved in full.

The application was for a Special Rate Variation of 8.85% in the first year, 9.25% in the following two years and 12.15% in the fourth year. This included the 1.80% approved rate peg in 2016/17 and an assumed rate peg of 2.50% in proceeding years. The application requested a cumulative increase of 45.30% (or 35.67% over the allowable increase) over a four-year period. We also included the continuation of the Environmental Levy which has been in place since 2000. The application was for a permanent increase in Council's rate revenues.

Under the approved rate increase instrument, Council intends on applying this rate increase during the period 2016/17 to 2019/20. The Special Rate Variation factored in a required increase for general operations of 2.50% for the 2019/20 financial year.

In line with IPART's determination in May 2016, Council has now secured the future of its **Environmental Levy**, which is now a permanent revenue source in Council's Long Term Financial Plan. Council is committed to the continuation of this extremely important environmental initiative which has now been in place since 2000. The Environmental Levy is used to fund specific environmental projects which aim to address biodiversity conservation, river health and wetlands and sustainable living.

It is important to note that the proposed rate increase of 12.15% in the 2019/20 financial year includes the continuation of the Environment Levy on a permanent basis. When determining the rating structure for the 2019/20 rating year, Council is first required to reduce its rating revenue by the amount of the previous Environment Levy which was approved for the 2012/13 financial year. Council will then reinstate the Environment Levy on a permanent basis. The reinstatement of the Environment Levy represents 2.90% of the overall proposed rate increase of 12.15%.



From 2020/21, the LTFP projects a conservative increase in the **rate pegging** amount set by IPART of 2.00% per annum for the duration of the plan. The LTFP includes a provision for growth in rate income based on development forecasts produced by the NSW Department of Planning.

As urban development continues across the Shire, Council will consider applying **differential rating** in new development which will result in additional and ongoing maintenance costs associated with a higher standard of green space and community infrastructure provided within that precinct. Any decision to use differential rating will consider Council's primary rating principle of ensuring that a fair and equitable rating system exists.

Council is currently reviewing the Development Control Plan for the **Moss Vale South urban release area** and will determine the need for a differential rating category once this review has been completed. This will be considered as part of the next review of the Long Term Financial Plan.

Council currently levies properties which receive a stormwater service a minimum of \$25 per annum charge (**Stormwater Management Levy**). This plan includes the continuation of this charge. Funds raised through the Stormwater Management Levy must only be used on stormwater maintenance and improvements.

Council also provides a wide range of domestic waste services to residents and businesses within the shire. **Domestic Waste Annual Charges** are projected to increase by 2.50% per annum over the course of this plan (in line with projected inflation) with the exception of the 2019/20 financial year. Council has undertaken a review of current waste charges and determined that no increase is required in the 2019/20 financial year.

Council can only use income raised through domestic waste charges for the purpose of providing domestic waste management services.

After undertaking an extensive review of operational expenditure, existing cash reserves and future capital expenditure requirements, Council is proposing no increase in **Water Access Charges** for the 2019/20 financial year. This will be the fourth year in a row that Council has been able to maintain the same pricing structure for its water service. This decision is made with careful consideration on the long-term impact on the financial sustainability of the water fund. For future years, Council has included a 2.50% price increase to offset the operational and maintenance cost of water supply to the Shire.

In conjunction with the review undertaken into Water Access Charges, a similar review has been completed for **Sewer Access Charges**. Council's Sewer fund has significant capital upgrade requirements over the next several years which will be funded through a combination of loans, developer contributions and cash reserves.



To enable Council to build sufficient cash reserves, it is proposed to increase Sewer Access Charges by 2.95% in the 2019/20 financial year. For future years, Council has included a 2.50% increase to offset the operational, maintenance and capital cost of sewer services to the Shire.

User Fees and Charges

Income from user fees and charges is primarily received for services relating to **building and development applications, planning services, recreation and community facilities**. In updating this plan, Council has generally applied a 2.50% increase per annum in user fees and charges (inline with projected inflation).

While Council has generally applied a 2.50% increase per annum in user fees and charges, it is important to note that a number of fees and charges (such as development application fees) are set by legislation. As such, Council has no control over its ability to ensure that fee increases are in line with the cost of providing the service. Council will continue to closely monitor the impact of **regulatory fee increases** on its Long Term Financial Plan.

Council prepares its water supply pricing structure in accordance with the guidelines set by the NSW Office of Water. Council is proposing no increase in **Water Supply Charges** for the 2019/20 financial year. This will be the fourth year in a row that Council has been able to maintain the same pricing structure for its water service. This decision is made with careful consideration on the long-term impact on the financial sustainability of the water fund. For future years, Council has included a 2.50% increase to offset the operational and maintenance cost of water supply to the Shire.

Council operates the Wingecarribee **Resource Recovery Centre** which is located in Moss Vale. Fees and charges for the centre are prepared on the basis of full cost recovery, which also includes the waste levy imposed on transfer facilities by the NSW State Government.

Despite numerous requests to the NSW State Government to review Council's current classification as a metropolitan Council for the purpose of the **NSW State Government Waste Levy**, Council has made no assumption regarding any changes to the waste levy over the course of the Long Term Financial Plan.

Interest and Investment Income

Over the short-term, Council has not projected any significant improvement in interest rates. As such, Council has projected a conservative weighted average return for **Investment Income** during the 2019/20 financial year of 2.70%. While interest rates are at historically low levels, Council's Long Term Financial Plan does assume that there will be gradual improvement to rates over the medium to long term to approximately 3.00%.



Council's Investment Income forecasts have been reviewed in conjunction with the **Projected Level of Available Investment Funds**. Council has a number of significant capital improvement projects which are proposed to be funded from cash reserves over the next several years. These include the upgrade of Sewer Treatment Plants across the Shire (in combination with loans), the redevelopment of Bowral Memorial Hall, essential repairs to the Moss Vale Civic Centre and a number of major road upgrades. These projects will result in a reduction in the level of cash reserves held by Council.

The subsequent impact of funding these major projects is that the level of income generated through investment returns will remain relatively stable in the short to medium term, however will decrease in the long term as cash reserves are utilised.

Other Revenue

Other revenue primarily represents income relating to **sale yard income, legal fees recovery, lease income and rebates and reimbursements**. The LTFP has allowed for a 2.50% increase per annum in other revenue.

There are no significant changes included in this plan which would indicate that Council will receive any significant increase (or decrease) in income from other revenue sources.

Grants and Contributions for Operating Purposes

Council receives a number of recurrent (ongoing) and non-recurrent (one-off) grants from various Federal and State Government Departments.

The most significant of these grants is the **Financial Assistance Grant**. As part of the 2017/18 Federal budget, the Federal Government announced that it would recommence the indexation of the Local Government Financial Assistance Grant Program. Council has subsequently updated its LTFP to reflect this decision and has included an increase of 2.00% per annum in this grant over the course of this plan.

Despite making a number of recommendations to IPART in response to their review into the NSW Local Government Rating System, no significant change has been included in this plan regarding the level of **Pensioner Rate Concessions** provided to eligible pensioners or the reimbursement of these concessions by the State Government.

While Council makes every effort to secure additional funding from Federal and State grants, the majority of these grants are one-off in nature and cannot be reliably included in Council's LTFP.

Council has generally allowed for a 2.00% increase per annum for other operating grants and contributions in the LTFP. This will largely be achieved through Council continuing to actively pursue all future grant funding opportunities.



Grants and Contributions for Capital Purposes

The major sources of capital revenue are Developer Contributions and the Federal Government's Roads to Recovery Program.

The level of grants and contributions shown in 2018/19 and 2019/20 financial years are significantly higher than other years as it includes funding secured from the NSW State Government for the upgrade of the **Station Street Upgrade** and funding under the **NSW State Government Stronger Regions** funding for projects including the upgrade of the Southern Regional Livestock Exchange, upgrade of Bowral Rugby Club and other State Government funding Projects.

Estimating the level of revenue received from **Developer Contributions** is extremely difficult as it is essentially market driven and depends on the timing of subdivision release. Developers Contribution have been modelled based on future land release projections. It is important to remember that both Section 94 Developer Contributions and contributions made under Development Servicing Plans (Water and Sewer Infrastructure) are payments which are restricted for the purpose of which the funds were collected.

Council has assumed a continuation of the **Roads to Recovery Program** for the duration of this plan. In February 2019, the Federal Government confirmed its the extension of the program to June 2024. Council will continue to strongly support the permanent inclusion of this program in the Federal Budget.

Employee Costs

A new Local Government (State) Award was entered into in June 2017. The award contained an increase in **Salaries and Wages** for the 2017/18 financial year of 2.35% and 2.50% for the 2018/19 and 2019/20 financial years. For each subsequent year of this plan, Council has allowed for a 2.50% increase per annum in salaries and wages.

In addition to the projected increase in the award, Council has factored in an additional 1.00% increase which relates to the performance appraisal system (PAS). The plan also assumes there will be no change in the existing employment conditions (such as agreed working hours) for our workforce.

Council is continuing to drive a range of **Work Health Safety Initiatives** aimed at minimising its workers compensation premium. This includes returning injured workers to employment more quickly and implementing robust systems and procedures to reduce the number of incidents where workers are injured.

This plan also incorporates the Federal Government's decision to increase the level of the **Superannuation Guarantee Rate** to 12.00% by 2025/26. The current rate for superannuation payments of 9.50% will continue until 2020/21 with a phased increase to 12.00% by 2025/26.



Borrowing Costs

Council does not have a recurrent loan borrowings program. Council has a long standing practice where **loan funds** are only considered for infrastructure investment (Capital Expenditure) which provides inter-generational benefit.

Council's loan liability for its Consolidated Fund as at 30 June 2018 was \$31.619 million. The breakdown of this liability by fund is as follows;

General Fund	\$13.914M
Water Fund	\$2.018M
Sewer Fund	\$15.687M
Total Loan Liability	\$31.619M

Council has identified loan borrowing of \$54.460 million over the course of the next four year forward estimates. Borrowings will be used to fund, or in some cases, part-fund major infrastructure projects which will have significant and demonstrated benefits to the residents of Wingecarribee Shire over the coming decades.

Council has considered the impact of the proposed borrowings, and subsequent debt servicing as part of reviewing the long term financial plan. Council has sufficient financial capacity to fund these loan repayments and is still well within the industry benchmark for debt servicing (debt service ratio).

The required loan borrowings form part of the funding strategies for the following projects:

Description	2019/20	2020/21	2021/22	2022/23
Bowral Sewerage Treatment Plant	-	-	\$11,011,000	\$11,666,900
Moss Vale Sewerage Treatment Plant	-	-	\$12,856,100	-
Mittagong Sewerage Treatment Plant	-	-	-	\$6,925,700
Station Street Upgrade	\$3,884,000	-	-	-
Kirkham Road Pavement Upgrade	\$1,540,000	-	-	-
Civic Centre Rectification Works	\$2,000,000	-	-	-
Strategic Land Acquisitions	\$1,500,000	-	-	-
Bowral Cemetery	\$700,000	-	-	-
Moss Vale Cemetery	-	\$2,376,000	-	-
Total – Proposed Borrowings	\$9,624,000	\$2,376,000	\$23,867,100	\$18,592,600

While Council's debt service ratio is substantially below the maximum threshold, Council has been presented with a balanced budget over the course of the Long Term Financial Plan, therefore any increase in loan borrowings beyond what is proposed would require additional funding to be identified to service the recurrent loan repayments.

Council has a Loan Borrowings Policy which was adopted by the Finance Committee on the 16 May 2018.



As part of the NSW State Government's Fit for the Future Reform Agenda, the State Government announced that councils which were deemed to be fit could access [Loan Facilities from TCorp](#) (NSW Government Central Financing Agency) at competitive rates for future infrastructure projects. Council will consider all alternatives, including TCorp's loan facilities when seeking suitable market rates for these loans.

Materials and Contracts

In general terms, [Materials and Contracts](#) have been forecast to increase by approx. 2.00% per annum over the mid-long term of this plan. This is generally in line with the increase in the cost of materials and contract arrangements.

Cost Containment Strategies & Productivity Improvements

There will be a need for Council to introduce a range of cost containment strategies in future years if rate pegging remains at conservatively low levels of approximately 2.00% per annum. Council will need to carefully consider the introduction of cost containment strategies from 2023/24 and onwards.

Council's Long Term Financial Model has been developed on the basis of ensuring Council maintains a balanced budget position over the course of the plan. The [Service Review Program](#) and [Business Transformation Program](#) are two examples of significant organisational initiatives which will contribute to a broader savings program over the long term horizon.

Depreciation Expense

Depreciation forecasts have been prepared in consultation with Council's asset management staff. While Council's [Asset Management Data](#) has improved significantly over the past several years, it is expected that Council will continue to improve the quality of its data as revaluations are completed. This will essentially be achieved through detailed asset condition assessments and a further refinement of the useful lives of infrastructure assets.

Other Expenses

Other expenses primarily represent payments and expenditure relating to electricity and gas, insurance premiums, waste disposal fees, street lighting and statutory contributions. This plan has allowed for a 2.50% increase per annum in other expenses which is inline with projected inflation.

It is important to note that Council cannot exercise any control over the level of expenditure relating to [Statutory Payments](#). These payments relate to election costs, emergency services levy and the waste disposal levy. Council will continue to closely monitor the impact of statutory payments on its Long Term Financial Plan.



Long Term Financial Plan - External Influences

Wingecarribee Shire Council is not unlike other councils in New South Wales and is potentially exposed to a range of external factors which may impact on its long term financial projections.

There are a range of external factors which in the future could have a detrimental impact on Council's financial sustainability. These factors represent areas of the budget where Council cannot exercise any control (or has limited control), or where Council has limited ability to predict their impact over the long term course of this plan.

Economic Conditions

Council's Long Term Financial Plan does not predict any significant shift in current economic conditions. If the global economy were to experience another Global Financial Crisis, or if the domestic economic climate was to further deteriorate, then this would have a significant impact on this plan.

Council's revenue forecasts are heavily influenced by the wider economy, and as such any significant change will require Council to review this plan.

Revenue Constraints - Rate Pegging

Until recently, NSW was the only state in Australia where the level of rate income councils can raise is restricted by rate pegging. This has meant that for years, the level of income raised by Council has not been sufficient to meet the increased costs of providing services and infrastructure to our community.

While councils have been able to apply for rate increases above the rate-peg through the Special Rate Variation process, there has been a reluctance to apply for increases relating to general service delivery.

As part of its approved Special Rate Variation, Council has secured certainty regarding operational increases up to the 2019/20 financial year (2.50% assumed for rate pegging) however beyond 2019/20 Council will continue to assume that its revenue raising capacity continues to be constrained by rate pegging. As is highlighted through Council's financial modelling, this will involve a range of cost containment strategies to ensure Council continues to balance its budget.

As such, any significant change to the rate pegging process will require Council to review its revenue forecasts included within this plan.

State Government Reform Agenda

The NSW State Government is driving significant reform through Local Government, initially through its Fit for the Future platform, but also through the establishment of Regional Joint Organisations, the review of the Local Government Act and other reviews which have yet to be finalised. This includes IPART's review into the Local Government Rating System and Planning Regulations.



These reforms could significantly alter the way in which councils provide services to their communities. They invariably will also bring additional costs which have yet to be determined. Any significant increase in cost, particularly in the case of establishing Regional Joint Organisations have not been included in this Long Term Financial Plan.

Council has also assumed that it will continue to be the Water and Sewer Authority for the Wingecarribee Shire over the course of this plan. Any significant change to this arrangement would require Council to review this plan.

Other Influences

Other external factors which could potentially have a significant impact on Council's plan include;

- Changes to the level of assistance provided through Federal and State Government Grants with a particular exposure to changes in the calculation and distribution of the Financial Assistance Grant,
- increasing expenditure as a result of cost shifting (statutory payments) from other levels of Government,
- the imposition of new services and controls to be delivered by Council, without the equal capacity raise income to offset the cost of these services.

Any significant changes to these factors above would require Council to review this plan.



Performance Monitoring - Fit for the Future Benchmarks

The Office of Local Government has developed criteria and certain benchmarks for a Fit for the Future Council. These have been based on the work of T-Corp and the Independent Local Government Review Panel and have also been reviewed by the Independent Pricing and Regulatory Tribunal (IPART).

Fit for the Future		
 SUSTAINABILITY	Definition: Generate sufficient funds over the long term to provide the agreed level and scope of services and infrastructure for communities as identified through the Integrated Planning & Reporting process.	Criteria/Benchmarks: Operating Performance Ratio (> or equal to break-even over 3 years) Own Source Revenue Ratio (>60% over 3 years) Building and Infrastructure Asset Renewal Ratio (>1 over 3 years)
 EFFICIENT SERVICE AND INFRASTRUCTURE DELIVERY	Maximise return on resources and minimise unnecessary burden on the community and business, while working strategically to leverage economies of scale and meet the needs of communities as identified in the Integrated Planning & Reporting process.	Infrastructure Backlog Ratio (<2%) Asset Maintenance Ratio (>1) Debt Service Ratio (>0 and less than 0.2)
 EFFICIENCY	Efficient service and infrastructure delivery, achieving value for money for current and future ratepayers	Real Operating Expenditure per capita over time
 SCALE AND CAPACITY	Demonstrate strong organisational and regional capacity to mobilise resources to engage effectively across community, industry and government	Has the scale and capacity consistent with the recommendations of the Independent Panel
Strategic capacity Sustained improvement against each of the criteria to underpin the strategic capacity of Councils over the long term. This capacity, along with willingness and commitment to collaborate in good faith with government, communities and industry stakeholders will underpin fit for the future councils		

The results of Council's financial modelling and its performance against these benchmarks are detailed on the following pages.

Ratio projections have been provided for the following:

- Performance of the Consolidated Fund,
- Performance of Council's General Fund (Fit for the Future).

Projections are measured against industry benchmarks and Council's projections as reported in its Fit for the Future Improvement Plan.

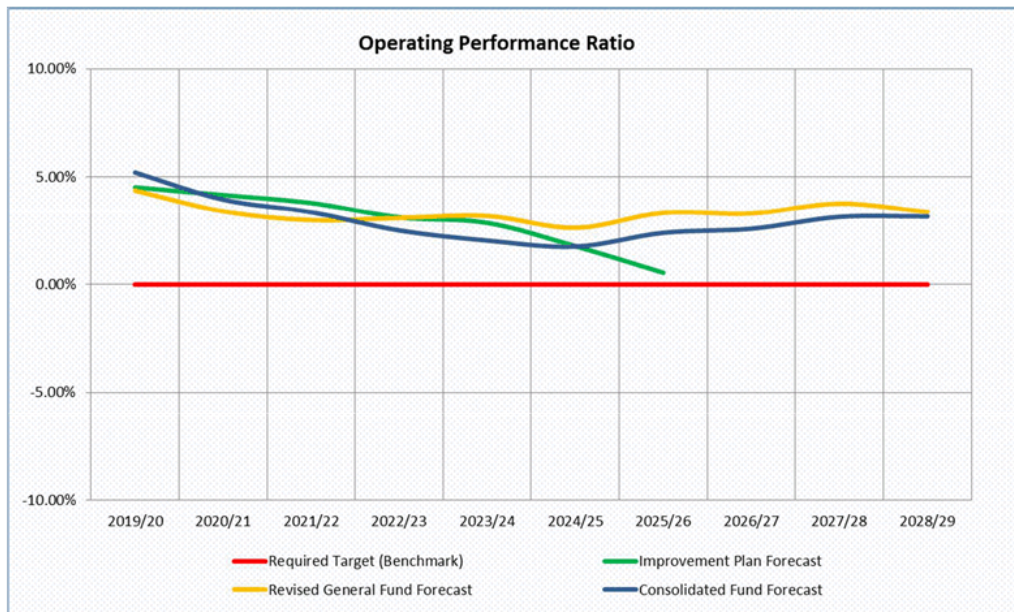
Please note the Real Operating Expenditure per capita over time performance measure has not been adopted by the Office of Local Government as a required measure within the Code of Accounting Practice and Financial Reporting. As such it has been removed from Council's Long Term Financial Plan.



Performance Monitoring - Ratio Projections

Operating Performance Ratio

This ratio measures Council's achievement of containing operating expenditure within operating revenues. The benchmark for this ratio is a ratio of greater than 0%.



As projected in previous updates of its Long Term Financial Plan, Council forecasts show that a positive operating performance ratio will be achieved in the 2019/20 financial year. This will be achieved for both the Consolidated Fund and General Fund.

Importantly, Council is expected to meet this benchmark within the required timeframe set by IPART. This positive operating result is projected over the course plan.

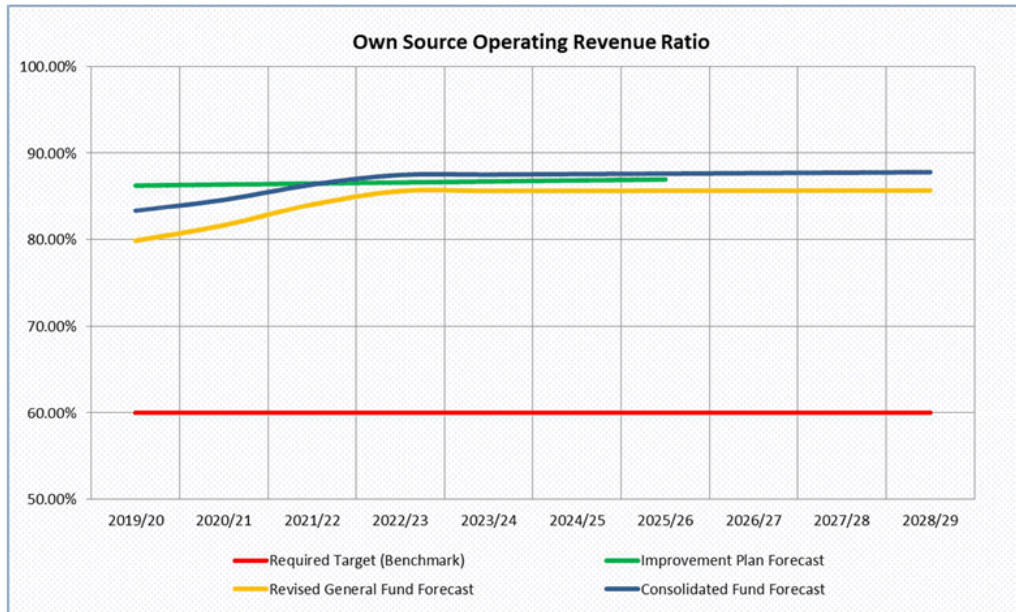
In later years, this is in part due to the cost containment provisions which have been employed to offset the restrictions imposed by rate capping. Rate capping over the course of the plan have been forecast at 2.00% per annum. These cost containment provisions will ensure that Council continues to maintain a balanced budget position, both in the short and long term.

In future years, the operating performance ratio for the General Fund stabilises at approximately 3.00%, while the same result for the Consolidated Fund fluctuates between 2.50% and 3.00%



Own Source Operating Revenue Ratio

This ratio measures the degree of reliance Council has on external funding sources such as operating grants and contributions. The benchmark for this ratio is greater than 60%.



Council continues to meet this ratio comfortably over the course of the plan.

The General Fund performance ratio for the period ending 30 June 2018 was 65.84%. This was lower than what was projected based on the dedication of non-cash infrastructure which was brought to account in the 2017/18 financial year.

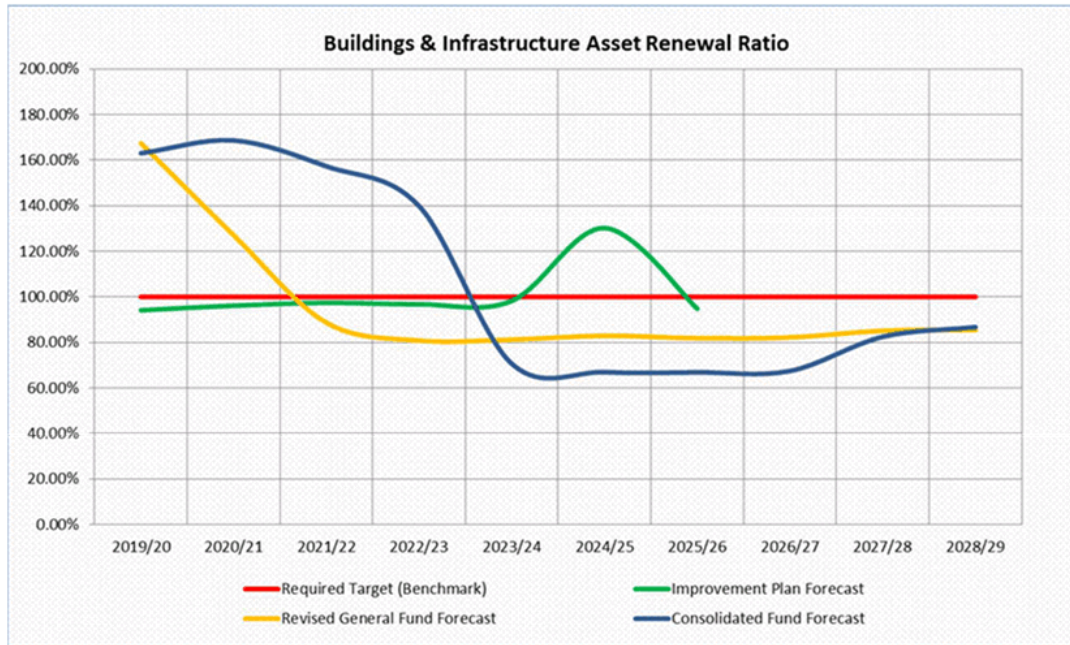
The General Fund performance ratio projected for the 2019/20 financial year is also lower due to the expected receipt of a number of significant grants which relate to significant infrastructure projects such as the Station Street upgrade and the State Government’s Strong Regions Fund.

The performance of Council’s Consolidated Fund continues to be closely aligned with the General Fund.



Building & Infrastructure Renewal Ratio

This ratio measures the rate at which assets are being renewed relative to the rate at which they are depreciating. The benchmark for this ratio is greater than 100%.



Council’s Long Term Financial Plan includes its increase in infrastructure renewal works which is funded through the approved special rate variation. It is important to note that there has been no reduction in the level of cash funding which will be allocated towards infrastructure renewal over the course of the plan.

The primary reason that Council is forecasting a decline in this ratio in the mid-long term is due to the recent increase in depreciation expense reported in Council’s financial statements for the period ending 30 June 2018. This increase is a result of revaluation and additional infrastructure dedicated through urban development.

Since Council last updated its long term financial plan, depreciation expense has increased by approx. \$1.4 million. This has resulted in a decline in this ratio of approx. 10% on an annual basis.

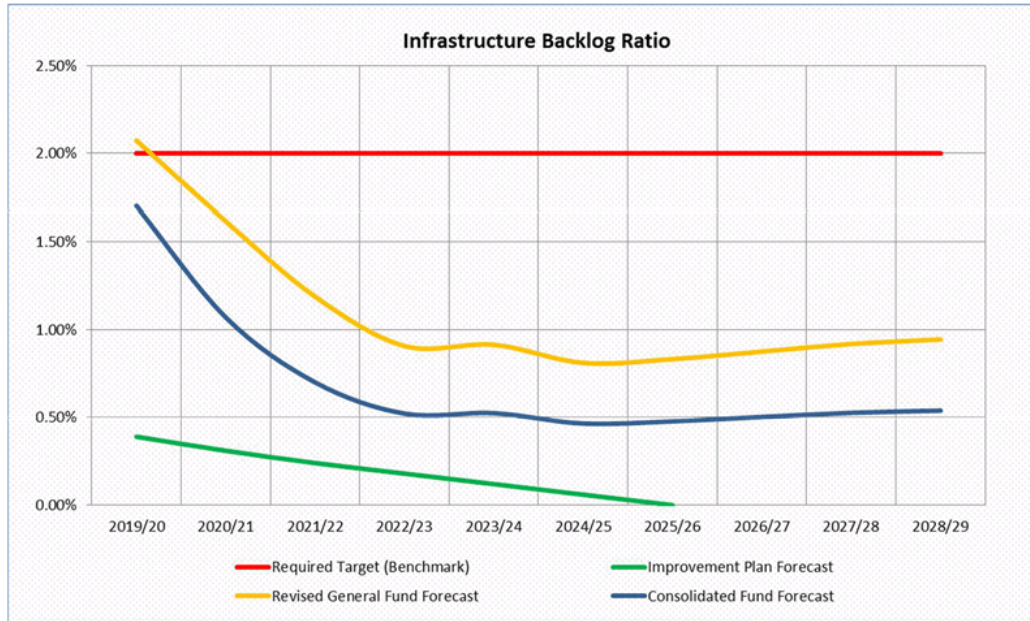
As part of the next review of its Strategic Asset Management Plan, Council will review its depreciation methodology to ensure that the calculation of depreciation expenditure reflects current industry practices.

Despite this negative trend in later years, Council will comfortably achieve this ratio over the immediate four-year forward estimates. This is as a result of a number of significant infrastructure projects such as the Station Street upgrade, Kirkham Road Reconstruction and the Civic Centre Refurbishment.



Infrastructure Backlog Ratio

This ratio shows what proportion the infrastructure backlog is against the total value of infrastructure. It is essentially a measure of the total value of infrastructure which is failing. The benchmark for this ratio is less than 2%.

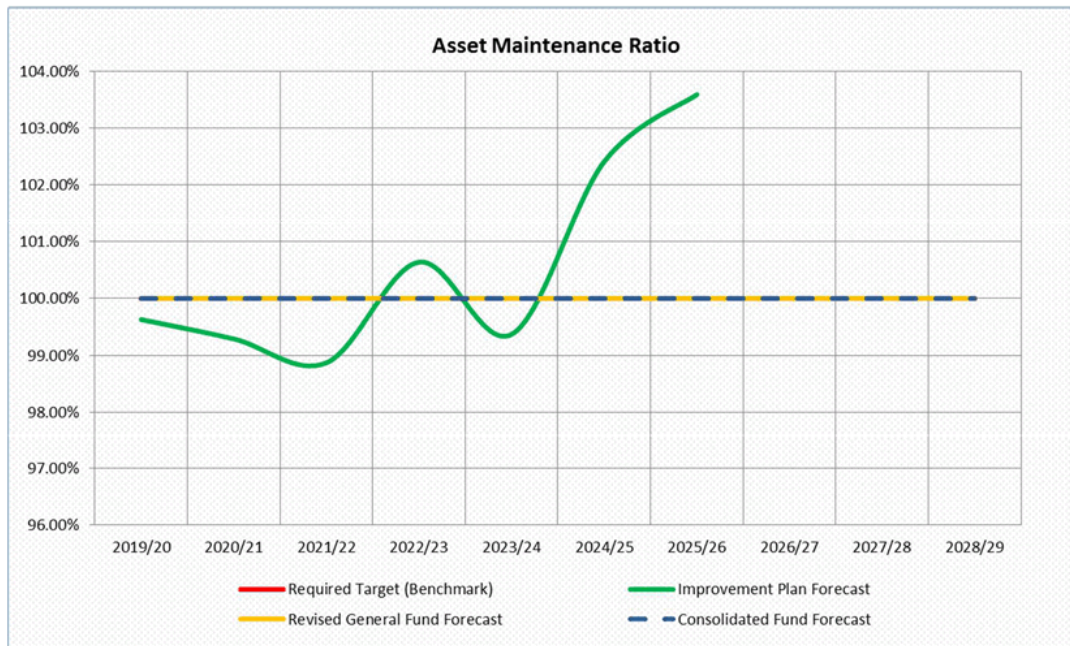


In updating the Long Term Financial Plan, Council remains confident of achieving this benchmark within the course of the current Delivery Program. The percentage of infrastructure backlog for the General Fund will remain at just below 1.00% from the 2022/23 financial year which is well within the industry benchmark.



Asset Maintenance Ratio

This ratio compares actual maintenance vs required annual maintenance. The benchmark for this ratio is greater than 100%.

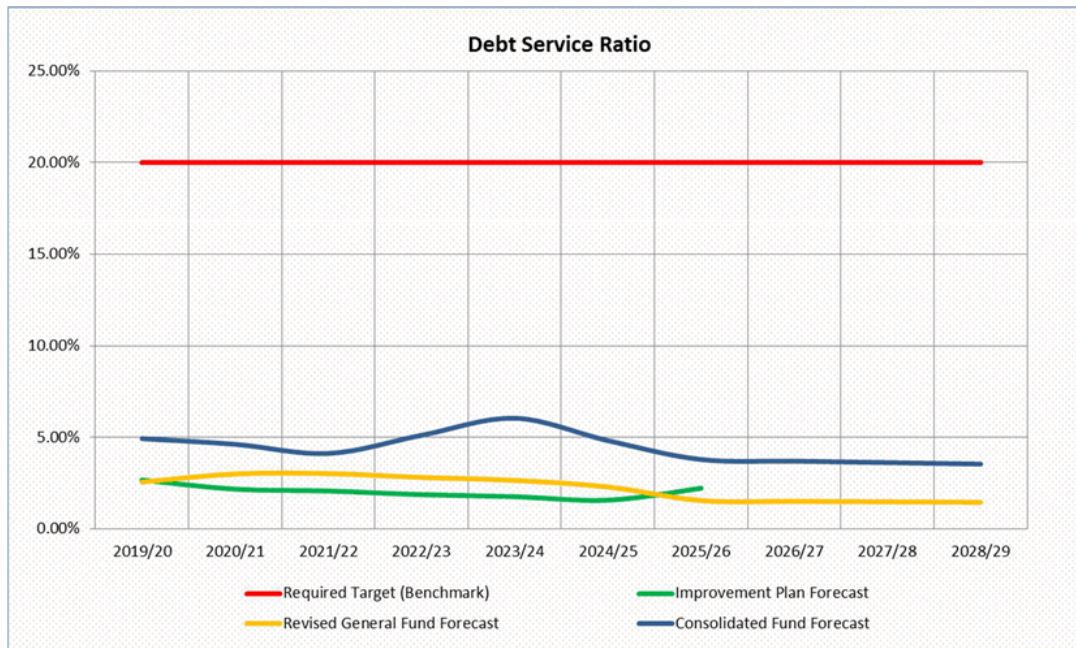


Council is on track to fully fund its infrastructure maintenance requirements by the required timeframe of 2019/20. It is also projected that the asset maintenance ratio will be achieved by 2019/20 for both the Water Fund and Sewer Fund, which is illustrated in the ratio forecast for the Consolidated Fund.



Debt Service Ratio

This ratio highlights the extent to which Council's revenue from continuing operations is required for the repayment of debt (including both principal and interest repayments). The benchmark for this ratio is less than 20%.



As highlighted earlier in this report, Council is proposing to borrow \$54.460 million over the course of the next four year forward estimates. Borrowings will be used to fund, or in some cases, part-fund major infrastructure projects which will have significant and demonstrated benefits to the residents of Wingecarribee Shire over the coming decades.

Council has considered the impact of the proposed borrowings, and subsequent debt servicing as part of reviewing its Long Term Financial Plan. Council has sufficient financial capacity to fund these loan repayments and is still well within the industry benchmark for debt servicing (known as the debt service ratio).

The debt service ratio for both the General Fund and Consolidated Fund remain relatively stable due to the maturity of a number of loans over the course of the next 3 - 5 years.

While this ratio is substantially below the maximum threshold, Council has been presented with a balanced budget over the course of the Long Term Financial Plan, therefore any increase in loan borrowings beyond what is proposed would require additional funding to be identified to service the recurrent loan repayments.



Long Term Financial Model - Financial Projections

13.1 Adoption of the 2019/20 Operational Plan and Budget Including Revenue Policy
 ATTACHMENT 2 Attachment 2 - Long Term Financial Plan 2019-2029



Wingecarribee Shire Council 10 Year Financial Plan for the Years ending 30 June 2029 INCOME STATEMENT - CONSOLIDATED												
	Actuals	Current Year	Projected Years									
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Income from Continuing Operations												
Revenue:												
Rates & Annual Charges	67,674	73,074	77,859	79,741	81,680	83,675	85,497	87,358	89,260	91,205	93,192	95,223
User Charges & Fees	23,073	21,068	21,322	21,684	22,053	22,429	22,878	23,336	23,806	24,288	24,781	25,288
Interest & Investment Revenue	3,790	4,292	4,037	3,403	2,907	2,500	2,361	2,444	2,570	2,668	2,767	3,018
Other Revenues	4,686	3,981	3,700	3,772	3,845	3,920	4,018	4,118	4,221	4,327	4,435	4,546
Grants & Contributions provided for Operating Purposes	8,935	6,999	9,103	9,228	9,210	9,349	9,581	9,819	10,063	10,313	10,569	10,832
Grants & Contributions provided for Capital Purposes	48,185	16,772	12,262	10,510	8,216	6,738	6,769	6,802	6,835	6,869	6,905	6,940
Total Income from Continuing Operations	156,343	126,187	128,283	128,338	127,910	128,611	131,104	133,878	136,756	139,670	142,649	145,847
Expenses from Continuing Operations												
Employee Benefits & On-Costs	33,379	37,320	39,992	41,241	42,618	44,099	45,589	47,129	48,722	50,369	52,073	53,835
Borrowing Costs	1,581	1,297	1,038	1,251	1,185	1,919	2,470	2,266	2,132	2,022	1,908	1,790
Materials & Contracts	24,114	27,380	24,552	25,188	25,214	25,782	26,148	26,489	26,848	26,811	26,972	27,323
Depreciation & Amortisation	27,547	25,009	28,038	28,814	29,287	29,665	30,058	30,583	31,065	31,414	31,765	32,117
Impairment	-	-	-	-	-	-	-	-	-	-	-	-
Other Expenses	14,974	16,076	16,362	16,678	17,374	17,344	17,536	18,398	18,231	18,744	18,768	19,446
Net Losses from the Disposal of Assets	2,895	-	-	-	-	-	-	-	-	-	-	-
Joint Ventures & Associated Entities	-	-	-	-	-	-	-	-	-	-	-	-
Total Expenses from Continuing Operations	104,487	107,082	109,981	113,172	115,677	118,808	121,801	124,845	126,797	129,360	131,486	134,511
Operating Result from Continuing Operations	51,856	19,105	18,302	15,166	12,232	9,803	9,303	9,033	9,959	10,309	11,163	11,336
Net Operating Result for the Year	51,856	19,105	18,302	15,166	12,232	9,803	9,303	9,033	9,959	10,309	11,163	11,336
Net Operating Result before Grants and Contributions provided for Capital Purposes	3,671	2,333	6,040	4,656	4,017	3,065	2,533	2,231	3,124	3,440	4,259	4,395

13.1 Adoption of the 2019/20 Operational Plan and Budget Including Revenue Policy
 ATTACHMENT 2 Attachment 2 - Long Term Financial Plan 2019-2029



Wingecarribee Shire Council 10 Year Financial Plan for the Years ending 30 June 2029 BALANCE SHEET - CONSOLIDATED												
	Actuals	Current Year	Projected Years									
	2017/18 \$'000	2018/19 \$'000	2019/20 \$'000	2020/21 \$'000	2021/22 \$'000	2022/23 \$'000	2023/24 \$'000	2024/25 \$'000	2025/26 \$'000	2026/27 \$'000	2027/28 \$'000	2028/29 \$'000
ASSETS												
Current Assets												
Cash & Cash Equivalents	11,133	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Investments	143,500	134,772	123,919	84,322	81,883	73,750	73,470	82,297	92,804	103,377	111,061	114,637
Receivables	15,475	13,420	13,500	13,632	13,883	14,215	14,775	15,350	16,038	16,746	17,250	17,746
Inventories	1,185	1,241	1,230	1,252	1,259	1,279	1,301	1,323	1,341	1,360	1,378	1,402
Other	416	573	522	536	545	551	557	572	568	575	574	586
Total Current Assets	171,709	156,006	145,171	105,741	103,570	95,795	96,103	105,541	116,751	128,058	136,263	140,371
Non-Current Assets												
Receivables	253	303	280	286	291	297	304	312	320	328	336	344
Infrastructure, Property, Plant & Equipment	1,456,321	1,486,844	1,520,760	1,573,800	1,608,505	1,640,517	1,644,621	1,640,618	1,636,659	1,632,955	1,633,012	1,637,362
Other	-	28	29	30	30	31	31	32	32	33	34	34
Total Non-Current Assets	1,456,574	1,487,175	1,521,070	1,574,116	1,608,827	1,640,845	1,644,956	1,640,962	1,637,011	1,633,316	1,633,381	1,637,741
TOTAL ASSETS	1,628,283	1,643,181	1,666,241	1,679,857	1,712,396	1,736,640	1,741,059	1,746,504	1,753,762	1,761,373	1,769,644	1,778,112
LIABILITIES												
Current Liabilities												
Payables	10,088	10,899	10,452	10,648	10,768	10,862	10,953	11,152	11,168	11,295	11,341	11,527
Income received in advance	867	342	346	351	357	362	369	375	382	389	396	404
Borrowings	4,478	4,891	4,202	3,761	4,327	5,058	3,872	2,801	2,910	3,024	3,142	3,265
Provisions	7,199	7,147	7,214	7,282	7,351	7,420	7,490	7,560	7,632	7,704	7,777	7,850
Total Current Liabilities	22,632	22,879	22,213	22,041	22,802	23,702	22,664	21,889	22,092	22,412	22,657	23,047
Non-Current Liabilities												
Payables	18	47	43	44	45	46	46	47	47	48	47	49
Borrowings	27,141	22,533	27,955	28,571	46,111	59,646	55,774	52,974	50,064	47,039	43,897	40,632
Provisions	463	587	593	598	604	610	615	621	627	633	639	645
Total Non-Current Liabilities	27,622	23,168	28,591	27,213	46,760	60,301	56,435	53,642	50,737	47,720	44,583	41,325
TOTAL LIABILITIES	50,254	46,047	50,805	49,255	69,562	84,003	79,119	75,531	72,830	70,132	67,240	64,372
Net Assets	1,578,029	1,597,134	1,615,436	1,630,602	1,642,835	1,652,637	1,661,940	1,670,973	1,680,932	1,691,241	1,702,404	1,713,740
EQUITY												
Retained Earnings	674,782	693,887	712,189	727,355	739,588	749,390	758,693	767,726	777,685	787,994	799,157	810,493
Revaluation Reserves	903,247	903,247	903,247	903,247	903,247	903,247	903,247	903,247	903,247	903,247	903,247	903,247
Council Equity Interest	1,578,029	1,597,134	1,615,436	1,630,602	1,642,835	1,652,637	1,661,940	1,670,973	1,680,932	1,691,241	1,702,404	1,713,740
Total Equity	1,578,029	1,597,134	1,615,436	1,630,602	1,642,835	1,652,637	1,661,940	1,670,973	1,680,932	1,691,241	1,702,404	1,713,740

13.1 Adoption of the 2019/20 Operational Plan and Budget Including Revenue Policy
 ATTACHMENT 2 Attachment 2 - Long Term Financial Plan 2019-2029



Wingecarribee Shire Council 10 Year Financial Plan for the Years ending 30 June 2029 CASH FLOW STATEMENT - CONSOLIDATED												
	Actuals	Current Year	Projected Years									
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Cash Flows from Operating Activities												
Receipts:												
Rates & Annual Charges	67,569	73,130	77,816	79,714	81,652	83,647	85,467	87,328	89,230	91,173	93,160	95,190
User Charges & Fees	23,142	21,580	21,103	21,473	21,767	22,135	22,538	22,985	23,366	23,831	24,546	25,046
Interest & Investment Revenue Received	3,442	5,194	3,958	3,408	2,814	2,412	2,229	2,311	2,414	2,510	2,596	2,862
Grants & Contributions	34,384	24,086	21,509	19,836	17,563	16,167	16,335	16,605	16,882	17,166	17,457	17,755
Bonds & Deposits Received	254	-	-	-	-	-	-	-	-	-	-	-
Other	9,697	3,677	3,844	3,776	3,863	3,917	3,974	4,073	4,175	4,280	4,387	4,496
Payments:												
Employee Benefits & On-Costs	(33,299)	(37,240)	(39,874)	(41,131)	(42,504)	(43,981)	(45,468)	(47,006)	(48,597)	(50,242)	(51,943)	(53,702)
Materials & Contracts	(28,204)	(27,006)	(24,919)	(25,073)	(25,121)	(25,729)	(26,101)	(26,328)	(26,680)	(26,744)	(26,979)	(27,209)
Borrowing Costs	(1,589)	(1,280)	(907)	(1,241)	(1,215)	(1,947)	(2,498)	(2,291)	(2,147)	(2,038)	(1,925)	(1,807)
Other	(16,799)	(16,076)	(16,362)	(16,678)	(17,374)	(17,344)	(17,536)	(18,398)	(18,231)	(18,744)	(18,768)	(19,446)
Net Cash provided (or used in) Operating Activities	58,597	46,066	46,168	44,084	41,446	39,278	38,939	39,279	40,413	41,193	42,530	43,186
Cash Flows from Investing Activities												
Receipts:												
Sale of Investment Securities	120,500	8,728	12,019	39,597	10,061	11,588	7,236	-	-	-	2,228	5,953
Sale of Infrastructure, Property, Plant & Equipment	1,075	1,255	1,163	1,163	1,718	1,424	1,426	1,409	1,479	1,380	1,343	1,491
Deferred Debtors Receipts	132	-	-	-	-	-	-	-	-	-	-	-
Payments:												
Purchase of Investment Securities	(138,500)	-	(1,166)	-	(7,622)	(3,454)	(6,957)	(8,827)	(10,508)	(10,573)	(9,912)	(9,528)
Purchase of Infrastructure, Property, Plant & Equipment	(30,737)	(56,788)	(63,117)	(63,017)	(65,710)	(63,101)	(35,587)	(27,989)	(28,584)	(29,091)	(33,164)	(37,958)
Purchase of Real Estate Assets	(85)	-	-	-	-	-	-	-	-	-	-	-
Net Cash provided (or used in) Investing Activities	(47,615)	(46,804)	(51,101)	(42,258)	(61,553)	(53,544)	(33,882)	(35,407)	(37,612)	(38,283)	(39,506)	(40,043)
Cash Flows from Financing Activities												
Receipts:												
Proceeds from Borrowings & Advances	-	-	9,624	2,376	23,867	18,593	-	-	-	-	-	-
Payments:												
Repayment of Borrowings & Advances	(4,199)	(4,395)	(4,691)	(4,202)	(3,761)	(4,327)	(5,058)	(3,872)	(2,801)	(2,910)	(3,024)	(3,142)
Net Cash Flow provided (used in) Financing Activities	(4,199)	(4,395)	4,933	(1,826)	20,106	14,266	(5,058)	(3,872)	(2,801)	(2,910)	(3,024)	(3,142)
Net Increase/(Decrease) in Cash & Cash Equivalents	6,783	(5,133)	0	0	(0)	-	(0)	-	-	(0)	(0)	(0)
plus: Cash, Cash Equivalents & Investments - beginning of year	4,350	11,133	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Cash & Cash Equivalents - end of the year	11,133	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Cash & Cash Equivalents - end of the year	11,133	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000	6,000
Investments - end of the year	143,500	134,772	123,919	84,322	81,883	73,750	73,470	82,297	92,804	103,377	111,061	114,637
Cash, Cash Equivalents & Investments - end of the year	154,633	140,772	129,919	90,322	87,883	79,750	79,470	88,297	98,804	109,377	117,061	120,637



Wingecarribee Shire Council 10 Year Financial Plan for the Years ending 30 June 2029 INCOME STATEMENT - GENERAL FUND												
	Actuals 2017/18	Current Year 2018/19	2019/20	2020/21	2021/22	2022/23	Projected Years					
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Income from Continuing Operations												
Revenue:												
Rates & Annual Charges	49,045	53,904	58,462	59,950	61,486	63,071	64,377	65,710	67,071	68,461	69,880	71,328
User Charges & Fees	10,421	10,619	10,792	10,944	11,098	11,256	11,433	11,612	11,795	11,983	12,176	12,374
Interest & Investment Revenue	1,468	1,614	1,578	1,409	1,260	1,145	1,179	1,215	1,254	1,294	1,336	1,378
Other Revenues	3,399	3,828	3,542	3,611	3,681	3,753	3,847	3,943	4,041	4,142	4,246	4,352
Grants & Contributions provided for Operating Purposes	8,575	6,665	8,760	8,879	8,853	8,985	9,208	9,437	9,671	9,911	10,158	10,410
Grants & Contributions provided for Capital Purposes	24,807	14,545	9,979	8,182	5,840	4,315	4,347	4,379	4,412	4,447	4,482	4,518
Total Income from Continuing Operations	97,715	91,175	93,113	92,973	92,219	92,525	94,390	96,296	98,246	100,239	102,277	104,360
Expenses from Continuing Operations												
Employee Benefits & On-Costs	27,589	30,955	32,895	33,899	35,022	36,241	37,464	38,730	40,038	41,392	42,791	44,239
Borrowing Costs	714	530	471	801	826	746	676	605	553	517	480	442
Materials & Contracts	21,103	20,536	17,078	17,638	17,577	18,062	18,316	18,521	18,582	18,625	18,660	18,885
Depreciation & Amortisation	17,201	16,647	17,345	17,641	17,838	18,033	18,248	18,428	18,615	18,804	18,995	19,187
Other Expenses	7,416	11,661	11,709	11,932	12,534	12,406	12,477	13,212	12,917	13,297	13,186	13,725
Net Losses from the Disposal of Assets	1,791	-	-	-	-	-	-	-	-	-	-	-
Total Expenses from Continuing Operations	75,814	80,329	79,499	81,911	83,796	85,488	87,181	89,496	90,705	92,635	94,113	96,477
Operating Result from Continuing Operations	21,901	10,846	13,615	11,063	8,423	7,037	7,209	6,800	7,541	7,604	8,163	7,882
Net Operating Result for the Year	21,901	10,846	13,615	11,063	8,423	7,037	7,209	6,800	7,541	7,604	8,163	7,882
Net Operating Result before Grants and Contributions provided for Capital Purposes	(2,906)	(3,698)	3,635	2,881	2,583	2,722	2,862	2,421	3,129	3,158	3,682	3,365

13.1 Adoption of the 2019/20 Operational Plan and Budget Including Revenue Policy
 ATTACHMENT 2 Attachment 2 - Long Term Financial Plan 2019-2029



Wingecarribee Shire Council 10 Year Financial Plan for the Years ending 30 June 2029 BALANCE SHEET - GENERAL FUND												
	Actuals 2017/18 \$'000	Current Year 2018/19 \$'000	2019/20 \$'000	2020/21 \$'000	2021/22 \$'000	2022/23 \$'000	Projected Years					
							2023/24 \$'000	2024/25 \$'000	2025/26 \$'000	2026/27 \$'000	2027/28 \$'000	2028/29 \$'000
ASSETS												
Current Assets												
Cash & Cash Equivalents	4,449	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Investments	54,709	48,415	49,580	48,871	52,588	56,042	61,420	67,032	73,635	80,314	87,595	94,218
Receivables	7,520	6,219	6,084	6,001	5,961	5,995	6,209	6,426	6,668	6,914	7,175	7,424
Inventories	641	679	606	620	619	631	637	641	643	644	645	650
Other	416	573	522	536	545	551	557	572	568	575	574	586
Total Current Assets	67,735	57,885	58,793	58,027	61,713	65,219	70,822	76,672	83,514	90,446	97,989	104,878
Non-Current Assets												
Receivables	253	303	280	286	291	297	304	312	320	328	336	344
Infrastructure, Property, Plant & Equipment	972,162	992,457	1,012,869	1,025,564	1,028,669	1,030,600	1,030,611	1,030,292	1,030,137	1,030,032	1,029,756	1,029,955
Total Non-Current Assets	972,415	992,760	1,013,149	1,025,850	1,028,960	1,030,896	1,030,915	1,030,604	1,030,457	1,030,359	1,030,091	1,030,299
TOTAL ASSETS	1,040,150	1,050,645	1,071,942	1,083,877	1,090,673	1,096,115	1,101,737	1,107,276	1,113,971	1,120,805	1,128,080	1,135,177
LIABILITIES												
Current Liabilities												
Payables	8,276	9,704	9,370	9,550	9,654	9,732	9,803	9,980	9,974	10,078	10,101	10,264
Income received in advance	520	216	219	222	225	228	231	234	237	241	245	248
Borrowings	1,578	1,666	1,750	1,796	1,739	1,724	1,507	907	943	980	1,019	1,059
Provisions	6,002	5,959	6,015	6,071	6,128	6,186	6,244	6,303	6,362	6,422	6,483	6,544
Total Current Liabilities	16,376	17,544	17,353	17,639	17,746	17,869	17,785	17,425	17,517	17,722	17,847	18,115
Non-Current Liabilities												
Payables	18	47	43	44	45	46	46	47	47	48	47	49
Borrowings	12,336	10,683	18,558	19,138	17,399	15,675	14,168	13,261	12,318	11,338	10,319	9,260
Provisions	378	481	486	490	495	499	504	509	514	518	523	528
Total Non-Current Liabilities	12,732	11,212	19,086	19,672	17,939	16,220	14,718	13,817	12,878	11,904	10,890	9,837
TOTAL LIABILITIES	29,108	28,756	36,439	37,311	35,685	34,090	32,503	31,241	30,395	29,625	28,737	27,952
Net Assets	1,011,042	1,021,888	1,035,503	1,046,565	1,054,988	1,062,025	1,069,234	1,076,034	1,083,575	1,091,180	1,099,343	1,107,225
EQUITY												
Retained Earnings	440,059	450,905	464,520	475,582	484,005	491,042	498,251	505,051	512,592	520,197	528,360	536,242
Revaluation Reserves	570,983	570,983	570,983	570,983	570,983	570,983	570,983	570,983	570,983	570,983	570,983	570,983
Council Equity Interest	1,011,042	1,021,888	1,035,503	1,046,565	1,054,988	1,062,025	1,069,234	1,076,034	1,083,575	1,091,180	1,099,343	1,107,225
Total Equity	1,011,042	1,021,888	1,035,503	1,046,565	1,054,988	1,062,025	1,069,234	1,076,034	1,083,575	1,091,180	1,099,343	1,107,225

13.1 Adoption of the 2019/20 Operational Plan and Budget Including Revenue Policy
 ATTACHMENT 2 Attachment 2 - Long Term Financial Plan 2019-2029



Wingecarribee Shire Council 10 Year Financial Plan for the Years ending 30 June 2029 CASH FLOW STATEMENT - GENERAL FUND												
	Actuals 2017/18 \$'000	Current Year 2018/19 \$'000	2019/20 \$'000	2020/21 \$'000	2021/22 \$'000	2022/23 \$'000	Projected Years					2028/29 \$'000
							2023/24 \$'000	2024/25 \$'000	2025/26 \$'000	2026/27 \$'000	2027/28 \$'000	
Cash Flows from Operating Activities												
Receipts:												
Rates & Annual Charges	-	53,836	58,426	59,938	61,473	63,058	64,366	65,700	67,061	68,450	69,868	71,316
User Charges & Fees	-	10,685	10,779	10,932	11,087	11,244	11,420	11,598	11,781	11,969	12,161	12,359
Interest & Investment Revenue Received	-	2,516	1,499	1,413	1,167	1,057	1,047	1,082	1,098	1,137	1,164	1,222
Grants & Contributions	-	21,354	18,884	17,159	14,832	13,382	13,540	13,800	14,068	14,342	14,623	14,911
Other	-	3,732	3,685	3,613	3,696	3,748	3,799	3,894	3,992	4,092	4,194	4,299
Payments:												
Employee Benefits & On-Costs	-	(30,886)	(32,790)	(33,802)	(34,920)	(36,135)	(37,357)	(38,620)	(39,926)	(41,277)	(42,674)	(44,119)
Materials & Contracts	-	(19,299)	(17,469)	(17,529)	(17,491)	(18,016)	(18,273)	(18,385)	(18,619)	(18,562)	(18,673)	(18,775)
Borrowing Costs	-	(513)	(340)	(791)	(855)	(775)	(704)	(630)	(568)	(533)	(496)	(458)
Bonds & Deposits Refunded	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	(11,661)	(11,709)	(11,932)	(12,534)	(12,406)	(12,477)	(13,212)	(12,917)	(13,297)	(13,186)	(13,725)
Net Cash provided (or used in) Operating Activities	-	29,763	30,965	29,001	26,456	25,156	25,362	25,228	25,970	26,320	26,981	27,029
Cash Flows from Investing Activities												
Receipts:												
Sale of Investment Securities	-	6,294	-	709	-	-	-	-	-	-	-	-
Sale of Infrastructure, Property, Plant & Equipment	-	1,053	918	1,014	1,349	1,216	1,083	1,140	1,246	1,165	1,086	1,279
Payments:												
Purchase of Investment Securities	-	-	(1,166)	-	(3,717)	(3,454)	(5,378)	(5,612)	(6,603)	(6,679)	(7,282)	(6,623)
Purchase of Infrastructure, Property, Plant & Equipment	-	(37,995)	(38,675)	(31,351)	(22,292)	(21,179)	(19,343)	(19,249)	(19,705)	(19,863)	(19,805)	(20,666)
Net Cash provided (or used in) Investing Activities	-	(30,647)	(38,923)	(29,627)	(24,660)	(23,417)	(23,638)	(23,721)	(25,062)	(25,377)	(26,001)	(26,010)
Cash Flows from Financing Activities												
Receipts:												
Proceeds from Borrowings & Advances	-	-	9,624	2,376	-	-	-	-	-	-	-	-
Payments:												
Repayment of Borrowings & Advances	-	(1,565)	(1,666)	(1,750)	(1,796)	(1,739)	(1,724)	(1,507)	(907)	(943)	(980)	(1,019)
Net Cash Flow provided (used in) Financing Activities	-	(1,565)	7,958	626	(1,796)	(1,739)	(1,724)	(1,507)	(907)	(943)	(980)	(1,019)
Net Increase/(Decrease) in Cash & Cash Equivalents	-	(2,449)	0	-	(0)	-	0	(0)	(0)	(0)	(0)	0
plus: Cash, Cash Equivalents & Investments - beginning of year	-	4,449	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Cash & Cash Equivalents - end of the year	-	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Cash & Cash Equivalents - end of the year	4,449	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Investments - end of the year	54,709	48,415	49,580	48,871	52,588	56,042	61,420	67,032	73,635	80,314	87,595	94,218
Cash, Cash Equivalents & Investments - end of the year	59,158	50,415	51,580	50,871	54,588	58,042	63,420	69,032	75,635	82,314	89,595	96,218



Wingecarribee Shire Council 10 Year Financial Plan for the Years ending 30 June 2029 INCOME STATEMENT - WATER FUND												
	Actuals 2017/18	Current Year 2018/19	2019/20	2020/21	2021/22	2022/23	Projected Years					2028/29
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Income from Continuing Operations												
Revenue:												
Rates & Annual Charges	3,301	3,289	3,289	3,361	3,435	3,511	3,599	3,688	3,781	3,875	3,972	4,071
User Charges & Fees	10,958	9,176	9,208	9,391	9,578	9,769	10,007	10,250	10,500	10,756	11,018	11,287
Interest & Investment Revenue	1,326	1,556	1,429	1,218	1,038	895	899	904	909	913	918	922
Other Revenues	705	143	146	149	152	155	159	163	167	171	175	180
Grants & Contributions provided for Operating Purposes	190	178	182	186	190	193	198	203	208	213	219	224
Grants & Contributions provided for Capital Purposes	9,439	980	1,005	1,025	1,045	1,066	1,066	1,066	1,066	1,066	1,066	1,066
Total Income from Continuing Operations	25,919	15,321	15,258	15,329	15,438	15,589	15,928	16,275	16,630	16,995	17,368	17,751
Expenses from Continuing Operations												
Employee Benefits & On-Costs	2,362	2,841	3,306	3,420	3,538	3,661	3,784	3,912	4,044	4,180	4,321	4,467
Borrowing Costs	114	103	87	71	54	36	17	1	-	-	-	-
Materials & Contracts	1,140	2,817	3,224	3,255	3,287	3,321	3,362	3,405	3,448	3,493	3,539	3,586
Depreciation & Amortisation	5,034	4,238	5,120	5,212	5,286	5,349	5,407	5,504	5,548	5,586	5,624	5,662
Impairment	-	-	-	-	-	-	-	-	-	-	-	-
Other Expenses	4,475	2,725	2,889	2,946	3,005	3,065	3,141	3,219	3,299	3,381	3,464	3,550
Net Losses from the Disposal of Assets	332	-	-	-	-	-	-	-	-	-	-	-
Total Expenses from Continuing Operations	13,457	12,724	14,625	14,905	15,172	15,432	15,711	16,041	16,339	16,639	16,948	17,265
Operating Result from Continuing Operations	12,462	2,597	632	424	267	158	217	234	292	355	420	486
Net Operating Result for the Year	12,462	2,597	632	424	267	158	217	234	292	355	420	486
Net Operating Result before Grants and Contributions provided for Capital Purposes	3,023	1,617	(372)	(601)	(778)	(908)	(849)	(832)	(774)	(711)	(646)	(580)

13.1 Adoption of the 2019/20 Operational Plan and Budget Including Revenue Policy
 ATTACHMENT 2 Attachment 2 - Long Term Financial Plan 2019-2029



Wingecarribee Shire Council 10 Year Financial Plan for the Years ending 30 June 2029 BALANCE SHEET - WATER FUND												
	Actuals	Current Year	Projected Years									
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
ASSETS												
Current Assets												
Cash & Cash Equivalents	3,889	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Investments	51,662	49,859	42,384	25,687	15,627	7,837	9,415	11,044	12,904	14,677	12,448	6,496
Receivables	3,429	2,711	2,720	2,775	2,831	2,888	2,957	3,029	3,102	3,177	3,254	3,332
Inventories	496	498	556	563	570	578	592	607	622	638	654	670
Total Current Assets	59,476	55,068	47,660	31,025	21,028	13,303	14,965	16,660	18,628	20,491	18,356	12,498
Non-Current Assets												
Infrastructure, Property, Plant & Equipment	220,066	226,347	234,169	250,935	260,891	268,447	266,660	265,111	263,478	261,995	264,576	270,946
Total Non-Current Assets	220,066	226,347	234,169	250,935	260,891	268,447	266,660	265,111	263,478	261,995	264,576	270,946
TOTAL ASSETS	279,542	281,414	281,828	281,960	281,919	281,750	281,625	281,790	282,106	282,487	282,932	283,444
LIABILITIES												
Current Liabilities												
Payables	952	690	761	772	784	795	810	825	840	856	872	889
Income received in advance	310	121	122	124	126	129	132	135	139	142	145	149
Borrowings	280	295	311	328	346	365	393	-	-	-	-	-
Provisions	392	390	395	400	405	410	415	420	426	431	437	442
Total Current Liabilities	1,934	1,496	1,589	1,624	1,661	1,699	1,450	1,381	1,405	1,429	1,454	1,480
Non-Current Liabilities												
Borrowings	1,738	1,443	1,132	804	458	93	-	-	-	-	-	-
Provisions	26	34	34	34	35	35	36	36	37	37	38	38
Total Non-Current Liabilities	1,764	1,477	1,166	839	493	128	36	36	37	37	38	38
TOTAL LIABILITIES	3,698	2,973	2,755	2,463	2,154	1,828	1,486	1,417	1,441	1,466	1,492	1,518
Net Assets	275,844	278,441	279,074	279,498	279,765	279,922	280,139	280,373	280,665	281,020	281,440	281,926
EQUITY												
Retained Earnings	86,162	88,759	89,392	89,816	90,083	90,240	90,457	90,691	90,983	91,338	91,758	92,244
Revaluation Reserves	189,682	189,682	189,682	189,682	189,682	189,682	189,682	189,682	189,682	189,682	189,682	189,682
Council Equity Interest	275,844	278,441	279,074	279,498	279,765	279,922	280,139	280,373	280,665	281,020	281,440	281,926
Total Equity	275,844	278,441	279,074	279,498	279,765	279,922	280,139	280,373	280,665	281,020	281,440	281,926

13.1 Adoption of the 2019/20 Operational Plan and Budget Including Revenue Policy
 ATTACHMENT 2 Attachment 2 - Long Term Financial Plan 2019-2029



Wingecarribee Shire Council 10 Year Financial Plan for the Years ending 30 June 2029 CASH FLOW STATEMENT - WATER FUND												
	Actuals	Current Year	Projected Years									
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Cash Flows from Operating Activities												
Receipts:												
Rates & Annual Charges	-	3,333	3,289	3,355	3,429	3,504	3,591	3,681	3,773	3,867	3,964	4,063
User Charges & Fees	-	9,765	9,199	9,343	9,529	9,719	9,945	10,187	10,435	10,689	10,950	11,217
Interest & Investment Revenue Received	-	1,556	1,429	1,218	1,038	895	899	904	909	913	918	922
Grants & Contributions	-	1,243	1,186	1,210	1,234	1,258	1,284	1,289	1,274	1,279	1,285	1,290
Other	-	(46)	147	151	154	158	162	166	170	174	179	183
Payments:												
Employee Benefits & On-Costs	-	(2,836)	(3,300)	(3,415)	(3,533)	(3,655)	(3,778)	(3,906)	(4,038)	(4,174)	(4,315)	(4,461)
Materials & Contracts	-	(3,080)	(3,211)	(3,251)	(3,283)	(3,316)	(3,362)	(3,404)	(3,448)	(3,493)	(3,538)	(3,585)
Borrowing Costs	-	(103)	(87)	(71)	(54)	(36)	(17)	(1)	-	-	-	-
Other	-	(2,725)	(2,889)	(2,946)	(3,005)	(3,065)	(3,141)	(3,219)	(3,299)	(3,381)	(3,464)	(3,550)
Net Cash provided (or used in) Operating Activities	-	7,106	5,762	5,593	5,509	5,462	5,583	5,676	5,776	5,876	5,977	6,079
Cash Flows from Investing Activities												
Receipts:												
Sale of Investment Securities	-	1,803	7,475	16,696	10,061	7,790	-	-	-	-	2,228	5,953
Sale of Infrastructure, Property, Plant & Equipment	-	151	156	61	80	158	183	160	104	132	162	148
Payments:												
Purchase of Investment Securities	-	-	-	-	-	-	(1,578)	(1,629)	(1,860)	(1,772)	-	-
Purchase of Infrastructure, Property, Plant & Equipment	-	(10,670)	(13,098)	(22,039)	(15,322)	(13,063)	(3,803)	(4,114)	(4,019)	(4,236)	(8,367)	(12,179)
Net Cash provided (or used in) Investing Activities	-	(8,716)	(5,467)	(5,282)	(5,181)	(5,116)	(5,198)	(5,583)	(5,776)	(5,876)	(5,977)	(6,079)
Cash Flows from Financing Activities												
Receipts:												
Payments:												
Repayment of Borrowings & Advances	-	(280)	(295)	(311)	(328)	(346)	(365)	(93)	-	-	-	-
Net Cash Flow provided (used in) Financing Activities	-	(280)	(295)	(311)	(328)	(346)	(365)	(93)	-	-	-	-
Net Increase/(Decrease) in Cash & Cash Equivalents	-	(1,889)	0	-	0	0	0	(0)	0	(0)	(0)	(0)
plus: Cash, Cash Equivalents & Investments - beginning of year	-	3,889	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Cash & Cash Equivalents - end of the year	-	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Cash & Cash Equivalents - end of the year	3,889	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Investments - end of the year	51,662	49,859	42,384	25,687	15,627	7,837	9,415	11,044	12,904	14,677	12,448	6,496
Cash, Cash Equivalents & Investments - end of the year	55,551	51,859	44,384	27,687	17,627	9,837	11,415	13,044	14,904	16,677	14,448	8,496

13.1 Adoption of the 2019/20 Operational Plan and Budget Including Revenue Policy
 ATTACHMENT 2 Attachment 2 - Long Term Financial Plan 2019-2029



Wingecarribee Shire Council 10 Year Financial Plan for the Years ending 30 June 2029 INCOME STATEMENT - SEWER FUND												
	Actuals	Current Year	Projected Years									
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Income from Continuing Operations												
Revenue:												
Rates & Annual Charges	15,328	15,881	16,108	16,430	16,759	17,094	17,521	17,959	18,408	18,868	19,340	19,824
User Charges & Fees	1,694	1,273	1,323	1,349	1,376	1,403	1,438	1,474	1,511	1,548	1,587	1,627
Interest & Investment Revenue	996	1,122	1,031	777	608	460	282	325	408	461	514	717
Other Revenues	582	11	11	12	12	12	12	13	13	13	14	14
Grants & Contributions provided for Operating Purposes	170	157	161	164	167	171	175	179	184	188	193	198
Grants & Contributions provided for Capital Purposes	13,939	1,247	1,279	1,304	1,330	1,357	1,357	1,357	1,357	1,357	1,357	1,357
Total Income from Continuing Operations	32,709	19,691	19,912	20,035	20,252	20,497	20,786	21,307	21,880	22,436	23,005	23,736
Expenses from Continuing Operations												
Employee Benefits & On-Costs	3,428	3,524	3,791	3,922	4,058	4,198	4,340	4,488	4,640	4,798	4,961	5,129
Borrowing Costs	753	664	479	379	305	1,136	1,777	1,660	1,579	1,505	1,428	1,348
Materials & Contracts	1,871	4,027	4,250	4,296	4,349	4,400	4,470	4,543	4,617	4,693	4,773	4,853
Depreciation & Amortisation	5,312	4,125	5,573	5,961	6,163	6,284	6,403	6,651	6,902	7,024	7,146	7,268
Other Expenses	3,080	1,690	1,764	1,799	1,835	1,872	1,918	1,966	2,016	2,066	2,118	2,171
Net Losses from the Disposal of Assets	772	-	-	-	-	-	-	-	-	-	-	-
Total Expenses from Continuing Operations	15,216	14,030	15,857	16,356	16,710	17,889	18,909	19,308	19,754	20,086	20,425	20,768
Operating Result from Continuing Operations	17,493	5,661	4,055	3,680	3,543	2,608	1,876	1,999	2,126	2,350	2,580	2,968
Net Operating Result for the Year	17,493	5,661	4,055	3,680	3,543	2,608	1,876	1,999	2,126	2,350	2,580	2,968
Net Operating Result before Grants and Contributions provided for Capital Purposes	3,554	4,414	2,777	2,375	2,212	1,251	520	642	770	993	1,223	1,611

13.1 Adoption of the 2019/20 Operational Plan and Budget Including Revenue Policy
 ATTACHMENT 2 Attachment 2 - Long Term Financial Plan 2019-2029



Wingecarribee Shire Council 10 Year Financial Plan for the Years ending 30 June 2029 BALANCE SHEET - SEWER FUND												
	Actuals	Current Year	Projected Years									
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
ASSETS												
Current Assets												
Cash & Cash Equivalents	2,795	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Investments	37,129	36,498	31,955	9,764	13,669	9,871	2,635	4,221	6,265	8,387	11,018	13,923
Receivables	4,526	4,491	4,695	4,856	5,091	5,332	5,608	5,895	6,268	6,656	6,821	6,990
Inventories	48	65	68	69	70	71	73	74	76	78	80	82
Total Current Assets	44,498	43,053	38,718	16,689	20,829	17,274	10,316	12,190	14,609	17,121	19,919	22,995
Non-Current Assets												
Infrastructure, Property, Plant & Equipment	264,093	268,041	273,722	297,301	318,945	341,471	347,350	345,216	343,043	340,928	338,680	336,462
Other	-	28	29	30	30	31	31	32	32	33	34	34
Total Non-Current Assets	264,093	268,069	273,752	297,331	318,976	341,502	347,381	345,248	343,076	340,961	338,714	336,496
TOTAL ASSETS	308,591	311,122	312,470	314,020	339,805	358,776	357,697	357,438	357,685	358,082	358,632	359,491
LIABILITIES												
Current Liabilities												
Payables	860	305	321	325	330	334	341	347	354	360	367	375
Income received in advance	37	5	5	6	6	6	6	6	6	6	7	7
Borrowings	2,620	2,730	2,141	1,637	2,242	2,969	2,272	1,893	1,967	2,044	2,124	2,207
Provisions	805	798	805	811	817	824	830	837	844	850	857	864
Total Current Liabilities	4,322	3,839	3,271	2,778	3,395	4,133	3,449	3,063	3,171	3,261	3,355	3,452
Non-Current Liabilities												
Borrowings	13,067	10,406	8,266	6,629	28,254	43,878	41,606	39,713	37,746	35,702	33,578	31,371
Provisions	69	73	73	74	74	75	75	76	77	77	78	79
Total Non-Current Liabilities	13,136	10,479	8,339	6,703	28,328	43,953	41,682	39,789	37,822	35,779	33,656	31,450
TOTAL LIABILITIES	17,448	14,318	11,610	9,481	31,723	48,086	45,130	42,872	40,993	39,040	37,011	34,902
Net Assets	291,143	296,804	300,860	304,539	308,082	310,690	312,566	314,566	316,692	319,042	321,622	324,589
EQUITY												
Retained Earnings	148,561	154,222	158,278	161,957	165,500	168,108	169,984	171,984	174,110	176,460	179,040	182,007
Revaluation Reserves	142,582	142,582	142,582	142,582	142,582	142,582	142,582	142,582	142,582	142,582	142,582	142,582
Council Equity Interest	291,143	296,804	300,860	304,539	308,082	310,690	312,566	314,566	316,692	319,042	321,622	324,589
Total Equity	291,143	296,804	300,860	304,539	308,082	310,690	312,566	314,566	316,692	319,042	321,622	324,589



Wingecarribee Shire Council 10 Year Financial Plan for the Years ending 30 June 2029 CASH FLOW STATEMENT - SEWER FUND												
	Actuals	Current Year	Projected Years									
	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Cash Flows from Operating Activities												
Receipts:												
Rates & Annual Charges	-	15,961	16,102	16,421	16,750	17,085	17,510	17,947	18,396	18,856	19,327	19,811
User Charges & Fees	-	1,131	1,125	1,197	1,151	1,171	1,174	1,199	1,150	1,173	1,435	1,470
Interest & Investment Revenue Received	-	1,122	1,031	777	608	460	282	325	408	461	514	717
Grants & Contributions	-	1,489	1,439	1,468	1,497	1,527	1,532	1,536	1,540	1,545	1,550	1,555
Other	-	(9)	12	12	12	12	13	13	13	14	14	14
Payments:												
Employee Benefits & On-Costs	-	(3,517)	(3,784)	(3,915)	(4,051)	(4,191)	(4,333)	(4,480)	(4,633)	(4,790)	(4,953)	(5,122)
Materials & Contracts	-	(4,627)	(4,239)	(4,292)	(4,346)	(4,396)	(4,466)	(4,539)	(4,613)	(4,689)	(4,768)	(4,848)
Borrowing Costs	-	(664)	(479)	(379)	(305)	(1,136)	(1,777)	(1,660)	(1,579)	(1,505)	(1,428)	(1,348)
Other	-	(1,690)	(1,764)	(1,799)	(1,835)	(1,872)	(1,918)	(1,966)	(2,016)	(2,066)	(2,118)	(2,171)
Net Cash provided (or used in) Operating Activities	-	9,197	9,442	9,489	9,481	8,660	8,015	8,375	8,667	8,998	9,572	10,078
Cash Flows from Investing Activities												
Receipts:												
Sale of Investment Securities	-	631	4,543	22,191	-	3,798	7,236	-	-	-	-	-
Sale of Infrastructure, Property, Plant & Equipment	-	50	90	88	289	50	159	109	130	83	95	64
Payments:												
Purchase of Investment Securities	-	-	-	-	(3,905)	-	-	(1,586)	(2,044)	(2,122)	(2,631)	(2,905)
Purchase of Infrastructure, Property, Plant & Equipment	-	(8,122)	(11,344)	(29,627)	(28,096)	(28,859)	(12,441)	(4,626)	(4,860)	(4,992)	(4,992)	(5,113)
Net Cash provided (or used in) Investing Activities	-	(7,441)	(6,711)	(7,349)	(31,712)	(25,011)	(5,046)	(6,103)	(6,774)	(7,031)	(7,528)	(7,954)
Cash Flows from Financing Activities												
Receipts:												
Proceeds from Borrowings & Advances	-	-	-	-	23,867	18,593	-	-	-	-	-	-
Payments:												
Repayment of Borrowings & Advances	-	(2,550)	(2,730)	(2,141)	(1,637)	(2,242)	(2,969)	(2,272)	(1,893)	(1,967)	(2,044)	(2,124)
Net Cash Flow provided (used in) Financing Activities	-	(2,550)	(2,730)	(2,141)	22,231	16,351	(2,969)	(2,272)	(1,893)	(1,967)	(2,044)	(2,124)
Net Increase/(Decrease) in Cash & Cash Equivalents	-	(795)	-	-	-	-	(0)	0	(0)	0	(0)	(0)
plus: Cash, Cash Equivalents & Investments - beginning of year	-	2,795	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Cash & Cash Equivalents - end of the year	-	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Cash & Cash Equivalents - end of the year	2,795	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Investments - end of the year	37,129	36,498	31,955	9,764	13,669	9,871	2,635	4,221	6,265	8,387	11,018	13,923
Cash, Cash Equivalents & Investments - end of the year	39,924	38,498	33,955	11,764	15,669	11,871	4,635	6,221	8,265	10,387	13,018	15,923



13.2 Adoption of Code of Meeting Practice

Reference: 100/5
Report Author: Group Manager Corporate and Community
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community Strategic Plan:

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

PURPOSE

The draft Code of Meeting Practice was placed on public exhibition from 11 April to 24 May 2019. This report outlines the outcomes of the public exhibition and presents the document for adoption.

RECOMMENDATION

THAT the draft Code of Meeting Practice included in Attachment 1 be adopted.

REPORT

BACKGROUND

At its meeting on 10 April 2019 Council endorsed the draft Code of Meeting Practice for public exhibition for a period of 28 days, noting that submissions would be accepted during the exhibition period and for a further 14 days following closure of the exhibition period. The draft Code of Meeting Practice was developed based on the Office of Local Government's Model Code of Meeting Practice. It includes all mandatory provisions of the Model Meeting Code and some of the non-mandatory provisions along with best practice supplementary provisions.

The Model Meeting Code was prescribed on 14 December 2018. Amendments made to the *Local Government Act 1993* (LGA) in August 2016 by the Local Government Amendment (Governance and Planning) Act 2016 (the Phase 1 amendments) provided for a Model Meeting Code to be prescribed by the *Local Government (General) Regulation 2005* (the Regulation). All councils are required to adopt a new Code of Meeting Practice by 14 June 2019.

REPORT

The draft Code of Meeting Practice was placed on public exhibition from 11 April to 24 May 2019. No submissions were received during the public exhibition period. An internal review process also resulted in no recommended changes to the draft Code of Meeting Practice.

As no submissions were received during the public exhibition period it is recommended that the draft Code of Meeting Practice be adopted with no amendments.

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 draft Code of Conduct Meeting Practice was placed on public exhibition for a period of 28 days, noting that submissions were accepted during the exhibition period and for a further 14 days following closure of the exhibition period. The draft policy was available on Council's website and advertisements were placed in the Southern Highland News during the exhibition period. Notice of the public exhibition was also sent via:

- E-newsletter to 1653 subscribers on 12 April and 17 May 2019
- Email to registered members of Your Say Wingecarribee on 12 April (2386 subscribers) and 17 May 2019 (2408 subscribers).

Internal Communication and Consultation

Councillors and Council's Executive team were consulted during the development of these documents.

All staff were advised of the public exhibition and encouraged to review the draft Code and provide feedback via the internal review process.

External Communication and Consultation

Office of Local Government

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Model Code of Meeting Practice for Councils in NSW was prescribed on 14 December 2018. All NSW councils must adopt the new Code of Meeting Practice within 6 months of prescription, i.e. 14 December 2018 – 14 June 2019. In addition, all councils must publicly

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



exhibit their meeting codes for 28 days and accept submissions for 42 days in accordance with section 361 of the LGA.

COUNCIL BUDGET IMPLICATIONS

Nil

RELATED COUNCIL POLICY

Draft Code of Conduct and Procedures for the Administration of the Code of Conduct

OPTIONS

The only option available to Council is to adopt the draft Code of Meeting Practice to meet statutory requirements.

CONCLUSION

Council is required to adopt a Code of Meeting Practice by 14 June 2019. The draft Code of Meeting Practice was placed on public exhibition in accordance with section 361 of the LGA. The draft Code is presented to Council for adoption.

ATTACHMENTS

1. Code of Meeting Practice



Wingecarribee Shire Council
Draft
**Code of Meeting
Practice**

For Adoption by Council 2019

2019





TABLE OF CONTENTS

1	INTRODUCTION	3
2	MEETING PRINCIPLES	4
3	BEFORE THE MEETING	5
4	PUBLIC FORUMS.....	10
5.	VISITOR ITEMS	12
6	COMING TOGETHER	13
7	THE CHAIRPERSON.....	16
8	MODES OF ADDRESS	17
9	ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS	18
10	CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS	19
11	RULES OF DEBATE	21
12	VOTING.....	24
13	COMMITTEE OF THE WHOLE	26
14	DEALING WITH ITEMS BY EXCEPTION.....	27
15	CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC	28
16	KEEPING ORDER AT MEETINGS	32
17	CONFLICTS OF INTEREST	35
18	DECISIONS OF THE COUNCIL	36
19	TIME LIMITS ON COUNCIL MEETINGS.....	38
20	AFTER THE MEETING.....	39
21	COUNCIL COMMITTEES.....	41
22	IRREGULARITIES	44
23	DEFINITIONS	45



1 INTRODUCTION

This Code of Meeting Practice (Code) for Wingecarribee Shire Council is based on the Model Code of Meeting Practice for Local Councils in NSW (the Model Meeting Code) and is made under section 360 of the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005* (the Regulation).

This Code applies to all meetings of councils and committees of councils of which all the members are councillors in accordance with clause 21.2 of this code (committees of council). Council committees whose members include persons other than councillors must conduct meetings in accordance with Council's adopted Committee Manual.

A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with this Code of Meeting Practice.



2 MEETING PRINCIPLES

2.1 Council and committee meetings should be:

Transparent: Decisions are made in a way that is open and accountable.

Informed: Decisions are made based on relevant, quality information.

Inclusive: Decisions respect the diverse needs and interests of the local community.

Principled: Decisions are informed by the principles prescribed under Chapter 3 of the Act.

Trusted: The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.

Respectful: Councillors, staff and meeting attendees treat each other with respect.

Effective: Meetings are well organised, effectively run and skilfully chaired.

Orderly: Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.



3 BEFORE THE MEETING

Timing of ordinary council meetings

- 3.1 Ordinary meetings of the Council will be held on the on the second and fourth Wednesdays of each month between February and November, and on the second Wednesday of December. No meetings shall be held in January. Meetings will commence at 3.30 pm.

Note: Under section 365 of the Act, councils are required to meet at least ten (10) times each year, each time in a different month unless the Minister for Local Government has approved a reduction in the number of times that a council is required to meet each year under section 365A.

Extraordinary meetings

- 3.2 If the mayor receives a request in writing, signed by at least two (2) councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable, but in any event, no more than fourteen (14) days after receipt of the request. The mayor can be one of the two councillors requesting the meeting.

Note: Clause 3.2 reflects section 366 of the Act.

- 3.3 The mayor, in consultation with the general manager, or the general manager, in consultation with the mayor, may call an extraordinary meeting without the need to obtain the signature of two (2) councillors to consider urgent business. For the purpose of clause 3.3, urgent business is any matter that, in the opinion of the mayor or the general manager, requires a decision by the council before the next scheduled ordinary meeting of the council.

Notice to the public of council meetings

- 3.4 The council must give notice to the public of the time, date and place of each of its meetings, including extraordinary meetings and of each meeting of committees of the council.

Note: Clause 3.4 reflects section 9(1) of the Act.

- 3.5 For the purposes of clause 3.4, notice of a meeting of the council and of a committee of the council is to be published before the meeting takes place. The notice must be published on the council's website, and in such other manner that the council is satisfied is likely to bring notice of the meeting to the attention of as many people as possible.

- 3.6 For the purposes of clause 3.4, notice of more than one (1) meeting may be given in the same notice.

Notice to councillors of ordinary council meetings

- 3.7 The general manager must send to each councillor, at least three (3) days before each meeting of the council, a notice specifying the time, date and place at which the meeting is to be held, and the business proposed to be considered at the meeting.

Note: Clause 3.7 reflects section 367(1) of the Act.



- 3.8 The notice and the agenda for, and the business papers relating to, the meeting may be given to councillors in electronic form, but only if all councillors have facilities to access the notice, agenda and business papers in that form.

Note: Clause 3.8 reflects section 367(3) of the Act.

Notice to councillors of extraordinary meetings

- 3.9 Notice of less than three (3) days may be given to councillors of an extraordinary meeting of the council in cases of emergency.

Note: Clause 3.9 reflects section 367(2) of the Act.

Giving notice of business to be considered at council meetings

- 3.10 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the meeting, the notice of motion must be in writing and must be submitted prior to the close of business at 4.30pm, seven (7) business days before the meeting is to be held.
- 3.11 A councillor may, in writing to the general manager, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a response in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must be referred to Council's Finance Committee (committee of the council) for consideration.

Questions with notice

- 3.14 A councillor may, by way of a notice submitted under clause 3.10, ask a question for response by the general manager about the performance or operations of the council.
- 3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.
- 3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.14 by way of a report included in the business papers for the relevant meeting of the council or orally at the meeting.

Agenda and business papers for ordinary meetings

- 3.17 The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.



- 3.18 The general manager must ensure that the agenda for an ordinary meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of previous meetings of the council, and
 - (b) if the mayor is the chairperson – any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
 - (c) all matters, including matters that are the subject of staff reports and reports of committees, to be considered at the meeting, and
 - (d) any business of which due notice has been given under clause 3.10.
- 3.19 Nothing in clause 3.18 limits the powers of the mayor to put a mayoral minute to a meeting under clause 10.6.
- 3.20 The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is, or the implementation of the business would be, unlawful. The general manager must report, without giving details of the item of business, any such exclusion to the next meeting of the council.
- 3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must ensure that the agenda of the meeting:
- (a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and
 - (b) states the grounds under section 10A(2) of the Act relevant to the item of business.
- Note: Clause 3.21 reflects section 9(2A)(a) of the Act.**
- 3.22 The general manager must ensure that the details of any item of business which, in the opinion of the general manager, is likely to be considered when the meeting is closed to the public, are included in a business paper provided to councillors for the meeting concerned. Such details must not be included in the business papers made available to the public, and must not be disclosed by a councillor or by any other person to another person who is not authorised to have that information.

Availability of the agenda and business papers to the public

- 3.23 Copies of the agenda and the associated business papers, such as correspondence and reports for meetings of the council and committees of council, are to be published on the council's website, and must be made available to the public for inspection, or for taking away by any person free of charge at the offices of the council, at the relevant meeting and at such other venues determined by the council.

Note: Clause 3.23 reflects section 9(2) and (4) of the Act.

- 3.24 Clause 3.23 does not apply to the business papers for items of business that the general manager has identified under clause 3.21 as being likely to be considered when the meeting is closed to the public.



Note: Clause 3.24 reflects section 9(2A)(b) of the Act.

- 3.25 For the purposes of clause 3.23, copies of agendas and business papers must be published on the council's website and made available to the public at a time that is as close as possible to the time they are available to councillors.

Note: Clause 3.25 reflects section 9(3) of the Act.

- 3.26 A copy of an agenda, or of an associated business paper made available under clause 3.23, may in addition be given or made available in electronic form.

Note: Clause 3.26 reflects section 9(5) of the Act.

Agenda and business papers for extraordinary meetings

- 3.27 The general manager must ensure that the agenda for an extraordinary meeting of the council deals only with the matters stated in the notice of the meeting.
- 3.28 Despite clause 3.27, business may be considered at an extraordinary meeting of the council, even though due notice of the business has not been given, if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 3.29 A motion moved under clause 3.28(a) can be moved without notice but only after the business notified in the agenda for the extraordinary meeting has been dealt with.
- 3.30 Despite clauses 11.20–11.30, only the mover of a motion moved under clause 3.28(a) can speak to the motion before it is put.
- 3.31 A motion of dissent cannot be moved against a ruling of the chairperson under clause 3.28(b) on whether a matter is of great urgency.

Pre-meeting briefing sessions

- 3.32 Prior to each ordinary meeting of the council, the general manager may arrange a pre-meeting briefing session to brief councillors on business to be considered at the meeting. Pre-meeting briefing sessions may also be held for extraordinary meetings of the council and meetings of committees of the council.
- 3.33 Pre-meeting briefing sessions are to be held in the absence of the public.
- 3.34 The general manager or a member of staff nominated by the general manager is to preside at pre-meeting briefing sessions.
- 3.36 Councillors must not use pre-meeting briefing sessions to debate or make preliminary decisions on items of business they are being briefed on, and any debate and decision-making must be left to the formal council or committee meeting at which the item of business is to be considered.
- 3.37 Councillors (including the mayor) must declare and manage any conflicts of interest they may have in relation to any item of business that is the subject of a briefing at a pre-meeting briefing session, in the same way that they are required to do so at a



council or committee meeting. The council is to maintain a written record of all conflict of interest declarations made at pre-meeting briefing sessions and how the conflict of interest was managed by the councillor who made the declaration.

For Adoption by Council June 2019



4 PUBLIC FORUMS

- 4.1 The council may hold a public forum ~~prior to~~ at each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting.
- 4.2 To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by **close of business (4.30pm) two (2) business days** before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.
- 4.3 A person may apply to speak on no more than one (1) items of business on the agenda of the council meeting.
- 4.4 Legal representatives acting on behalf of others are not to be permitted to speak at a public forum unless they identify their status as a legal representative when applying to speak at the public forum.
- 4.5 The general manager or their delegate may refuse an application to speak at a public forum. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 4.6 No more than one (1) speaker 'for' and one (1) speaker 'against' are permitted for each item of business on the agenda for the council meeting. Noting the total number of speakers for a public forum is limited to four (4).
- 4.7 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may request the speakers to nominate from among themselves the person who is to address the council on the item of business. If the speakers are not able to agree on whom to nominate to address the council, the general manager or their delegate is to determine who will address the council at the public forum.
- 4.8 If more than the permitted number of speakers apply to speak 'for' or 'against' any item of business, the general manager or their delegate may, in consultation with the mayor or the mayor's nominated chairperson, increase the number of speakers permitted to speak on an item of business, where they are satisfied that it is necessary to do so to allow the council to hear a fuller range of views on the relevant item of business.
- 4.9 Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no less than 2 business days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.
- 4.10 The general manager or their delegate is to determine the order of speakers at the public forum.
- 4.11 Each speaker will be allowed five (5) minutes to address the council. This time is to be strictly enforced by the chairperson. No extensions of time will be approved.



- 4.12 Speakers at public forums must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.
- 4.13 Speakers at public forums cannot ask questions of the council, councillors or council staff.
- 4.14 The general manager or their nominee may, with the concurrence of the chairperson, address the council for up to two (2) minutes in response to an address to the council at a public forum after the address.
- 4.15 Where an address made at a public forum raises matters that require further consideration by council staff, the general manager may recommend that the council defer consideration of the matter pending the preparation of a further report on the matters.
- 4.16 When addressing the council, speakers at public forums must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 4.17 If the chairperson considers that a speaker at a public forum has engaged in conduct of the type referred to in clause 4.16, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 4.18 Clause 4.17 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at public forums in accordance with the provisions of Part 16 of this code.
- 4.19 Where a speaker engages in conduct of the type referred to in clause 4.16, the general manager or their delegate may refuse further applications from that person to speak at public forums or visitor items for such a period as the general manager or their delegate considers appropriate.



5. VISITOR ITEMS

- 5.1 The council may hold visitor items at each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on development matters to be considered at the meeting
- 5.2 The General Manager will determine items considered to be a Visitor Item
- 5.3 The declaration of a matter as a Visitor Item shall allow a maximum of two (2) speakers (one in favour, one opposed) to nominate to address Council on the item prior to entering debate. The determination as to who shall speak will be at the discretion of the General Manager in preparation of the meeting agenda
- 5.4 In the case where an objector wishes to address Council, they shall speak first, with the person in favour having the right of reply.
- 5.5 Speakers are to be limited to three (3) minutes duration. No extensions of time will be granted.
- 5.6 Following each speaker, each councillor is permitted to ask each speaker a maximum of one (1) question each. Answers to questions shall not exceed one (1) minute. There shall be no debate or follow-up questions permitted.
- 5.7 Speakers at visitor items must not digress from the item on the agenda of the council meeting they have applied to address the council on. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard. Speakers at visitor items cannot ask questions of the council, councillors or council staff.
- 5.8 When addressing the council, speakers at visitor items must comply with this code and all other relevant council codes, policies and procedures. Speakers must refrain from engaging in disorderly conduct, publicly alleging breaches of the council's code of conduct or making other potentially defamatory statements.
- 5.9 If the chairperson considers that a speaker at a visitor item has engaged in conduct of the type referred to in clause 5.8, the chairperson may request the person to refrain from the inappropriate behaviour and to withdraw and unreservedly apologise for any inappropriate comments. Where the speaker fails to comply with the chairperson's request, the chairperson may immediately require the person to stop speaking.
- 5.10 Clause 5.9 does not limit the ability of the chairperson to deal with disorderly conduct by speakers at Visitor Items in accordance with the provisions of Part 16 of this code.
- 5.11 Where a speaker engages in conduct of the type referred to in clause 5.8, the general manager or their delegate may refuse further applications from that person to speak at Visitor Items or Public Forums for such a period as the general manager or their delegate considers appropriate.



6 COMING TOGETHER

Attendance by councillors at meetings

- 6.1 All councillors must make reasonable efforts to attend meetings of the council and of committees of the council of which they are members.

Note: A councillor may not attend a meeting as a councillor (other than the first meeting of the council after the councillor is elected or a meeting at which the councillor takes an oath or makes an affirmation of office) until they have taken an oath or made an affirmation of office in the form prescribed under section 233A of the Act.

- 6.2 A councillor cannot participate in a meeting of the council or of a committee of the council unless personally present at the meeting.
- 6.3 Where a councillor is unable to attend one or more ordinary meetings of the council, the councillor should request that the council grant them a leave of absence from those meetings. This clause does not prevent a councillor from making an apology if they are unable to attend a meeting. However the acceptance of such an apology does not constitute the granting of a leave of absence for the purposes of this code and the Act.
- 6.4 A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent and the grounds upon which the leave of absence is being sought.
- 6.5 The council must act reasonably when considering whether to grant a councillor's request for a leave of absence.
- 6.6 A councillor's civic office will become vacant if the councillor is absent from three (3) consecutive ordinary meetings of the council without prior leave of the council, or leave granted by the council at any of the meetings concerned, unless the holder is absent because they have been suspended from office under the Act, or because the council has been suspended under the Act, or as a consequence of a compliance order under section 438HA.

Note: Clause 6.6 reflects section 234(1)(d) of the Act.

- 6.7 A councillor who intends to attend a meeting of the council despite having been granted a leave of absence should, if practicable, give the general manager at least two (2) days' notice of their intention to attend.

The quorum for a meeting

- 6.8 The quorum for a meeting of the council is a majority of the councillors of the council who hold office at that time and are not suspended from office.

Note: Clause 6.8 reflects section 368(1) of the Act.

- 6.9 Clause 6.8 does not apply if the quorum is required to be determined in accordance with directions of the Minister in a performance improvement order issued in respect of the council.

Note: Clause 6.9 reflects section 368(2) of the Act.



- 6.10 A meeting of the council must be adjourned if a quorum is not present:
- (a) at the commencement of the meeting where the number of apologies received for the meeting indicates that there will not be a quorum for the meeting, or
 - (b) within half an hour after the time designated for the holding of the meeting, or
 - (c) at any time during the meeting.
- 6.11 In either case, the meeting must be adjourned to a time, date and place fixed:
- (a) by the chairperson, or
 - (b) in the chairperson's absence, by the majority of the councillors present, or
 - (c) failing that, by the general manager.
- 6.12 The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.
- 6.13 Where, prior to the commencement of a meeting, it becomes apparent that a quorum may not be present at the meeting, or that the safety and welfare of councillors, council staff and members of the public may be put at risk by attending the meeting because of a natural disaster (such as, but not limited to flood or bushfire) or other threat to safety the mayor may, in consultation with the general manager and, as far as is practicable, with each councillor, cancel the meeting. Where a meeting is cancelled, notice of the cancellation must be published on the council's website and in such other manner that the council is satisfied is likely to bring notice of the cancellation to the attention of as many people as possible.
- 6.14 Where a meeting is cancelled under clause 6.13, the business to be considered at the meeting may instead be considered, where practicable, at the next ordinary meeting of the council or at an extraordinary meeting called under clauses 3.2 or 3.3.

Entitlement of the public to attend council meetings

- 6.15 Everyone is entitled to attend a meeting of the council and committees of the council (i.e. those established by Council in accordance with clause 21.2 of this Code). The council must ensure that all meetings of the council and committees of the council are open to the public.

Note: Clause 6.15 reflects section 10(1) of the Act.

- 6.16 Clause 6.15 does not apply to parts of meetings that have been closed to the public under section 10A of the Act.
- 6.17 A person (whether a councillor or another person) is not entitled to be present at a meeting of the council or a committee of the council if expelled from the meeting:
- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.

Note: Clause 6.17 reflects section 10(2) of the Act.

Webcasting of meetings

- 6.18 All meetings of the council and committees of the council are to be webcast on the council's website:
- (a) Audio visual recordings of the open Council Meeting and committees of the council will be live streamed through Council's website.
- 6.19 Clause 6.18 does not apply to parts of a meeting that have been closed to the public under section 10A of the Act.
- 6.20 At the start of each meeting the chairperson is to make a statement informing those in attendance that the meeting is being webcast and that those in attendance should refrain from making any defamatory statements.
- 6.21 A recording of each meeting of the council and committee of the council is to be retained on the council's website for 12 months. Recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

Attendance of the general manager and other staff at meetings

- 6.22 The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all of the members are councillors.
- Note: Clause 6.22 reflects section 376(1) of the Act.**
- 6.23 The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- Note: Clause 6.23 reflects section 376(2) of the Act.**
- 6.24 The general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.
- Note: Clause 6.24 reflects section 376(3) of the Act.**
- 6.25 The attendance of other council staff at a meeting, (other than as members of the public) shall be with the approval of the general manager.



7 THE CHAIRPERSON

The chairperson at meetings

7.1 The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.

Note: Clause 7.1 reflects section 369(1) of the Act.

7.2 If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

Note: Clause 7.2 reflects section 369(2) of the Act.

Election of the chairperson in the absence of the mayor and deputy mayor

7.3 If no chairperson is present at a meeting of the council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

7.4 The election of a chairperson must be conducted:

- (a) by the general manager or, in their absence, an employee of the council designated by the general manager to conduct the election, or
- (b) by the person who called the meeting or a person acting on their behalf if neither the general manager nor a designated employee is present at the meeting, or if there is no general manager or designated employee.

7.5 If, at an election of a chairperson, two (2) or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

7.6 For the purposes of clause 7.5, the person conducting the election must:

- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
- (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

7.7 The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

7.8 Any election conducted under clause 7.3, and the outcome of the vote, are to be recorded in the minutes of the meeting.

Chairperson to have precedence

7.9 When the chairperson rises or speaks during a meeting of the council:

- (a) any councillor then speaking or seeking to speak must cease speaking and, if standing, immediately resume their seat, and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.



8 MODES OF ADDRESS

- 8.1 If the chairperson is the mayor, they are to be addressed as 'Mr Mayor' or 'Madam Mayor'.
- 8.2 Where the chairperson is not the mayor, they are to be addressed as either 'Mr Chair' or 'Madam Chair'.
- 8.3 A councillor is to be addressed as 'Councillor [surname]'.
- 8.4 A council officer is to be addressed by their official designation or as Mr/Ms [surname].



9 ORDER OF BUSINESS FOR ORDINARY COUNCIL MEETINGS

9.1 The general order of business for an ordinary meeting of the council shall be:

1. Opening meeting
2. Acknowledgement of country
3. Prayer
4. Apologies and applications for a leave of absence by councillors
5. Confirmation of minutes
6. Disclosures of interests
7. Mayoral minute(s)
8. Public Forum
9. Visitor Items
10. Reports to council
11. Petitions
12. Reports of committees
13. Notices of motions
14. Questions with notice
15. Confidential matters
16. Conclusion of the meeting

9.2 The order of business as fixed under clause (9.1) may be altered for a particular meeting of the council if a motion to that effect is passed at that meeting. Such a motion can be moved without notice.

9.3 Despite clauses 11.20–11.30, only the mover of a motion referred to in clause 9.2 may speak to the motion before it is put.



10 CONSIDERATION OF BUSINESS AT COUNCIL MEETINGS

Business that can be dealt with at a council meeting

- 10.1 The council must not consider business at a meeting of the council:
- (a) unless a councillor has given notice of the business, as required by clause 3.10, and
 - (b) unless notice of the business has been sent to the councillors in accordance with clause 3.7 in the case of an ordinary meeting or clause 3.9 in the case of an extraordinary meeting called in an emergency.
- 10.2 Clause 10.1 does not apply to the consideration of business at a meeting, if the business:
- (a) is already before, or directly relates to, a matter that is already before the council, or
 - (b) is the election of a chairperson to preside at the meeting, or
 - (c) subject to clause 10.9, is a matter or topic put to the meeting by way of a mayoral minute, or
 - (d) is a motion for the adoption of recommendations of a committee, including, but not limited to, a committee of the council.
- 10.3 Despite clause 10.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the councillors if:
- (a) a motion is passed to have the business considered at the meeting, and
 - (b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.
- 10.4 A motion moved under clause 10.3(a) can be moved without notice. Despite clauses 11.20–11.30, only the mover of a motion referred to in clause 10.3(a) can speak to the motion before it is put.
- 10.5 A motion of dissent cannot be moved against a ruling by the chairperson under clause 10.3(b).

Mayoral minutes

- 10.6 Subject to clause 10.9, if the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is within the jurisdiction of the council, or of which the council has official knowledge.
- 10.7 A mayoral minute, when put to a meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of a mayoral minute without the motion being seconded.
- 10.8 A recommendation made in a mayoral minute put by the mayor is, so far as it is adopted by the council, a resolution of the council.
- 10.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent, or matters for which proper notice should be given because of their



complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 10.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation be referred to Council's Finance Committee (committee of the council) for consideration.

Staff reports

- 10.11 A recommendation made in a staff report is, so far as it is adopted by the council, a resolution of the council.

Reports of committees of council

- 10.12 The recommendations of a committee of the council are, so far as they are adopted by the council, resolutions of the council.
- 10.13 If in a report of a committee of the council distinct recommendations are made, the council may make separate decisions on each recommendation.

Questions

- 10.14 A question must not be asked at a meeting of the council by a councillor unless it concerns a matter on the agenda of the meeting or notice has been given of the question in accordance with clauses 3.10 and 3.14.
- 10.15 A councillor may, through the chairperson, put a question to another councillor about a matter on the agenda.
- 10.16 A councillor may, through the general manager, put a question to a council employee about a matter on the agenda. Council employees are only obliged to answer a question put to them through the general manager at the direction of the general manager.
- 10.17 A councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents. Where a councillor or council employee to whom a question is put is unable to respond to the question at the meeting at which it is put, they may take it on notice and report the response to the next meeting of the council.
- 10.18 Councillors must put questions directly, succinctly, respectfully and without argument.
- 10.19 The chairperson must not permit discussion on any reply to, or refusal to reply to, a question put to a councillor or council employee.



11 RULES OF DEBATE

Motions to be seconded

- 11.1 Unless otherwise specified in this code, a motion or an amendment cannot be debated unless or until it has been seconded.

Notices of motion

- 11.2 A councillor who has submitted a notice of motion under clause 3.10 is to move the motion the subject of the notice of motion at the meeting at which it is to be considered.
- 11.3 If a councillor who has submitted a notice of motion under clause 3.10 wishes to withdraw it after the agenda and business paper for the meeting at which it is to be considered have been sent to councillors, the councillor may request the withdrawal of the motion when it is before the council.
- 11.4 In the absence of a councillor who has placed a notice of motion on the agenda for a meeting of the council:
- (a) any other councillor may, with the leave of the chairperson, move the motion at the meeting, or
 - (b) the chairperson may defer consideration of the motion until the next meeting of the council.

Chairperson's duties with respect to motions

- 11.5 It is the duty of the chairperson at a meeting of the council to receive and put to the meeting any lawful motion that is brought before the meeting.
- 11.6 The chairperson must rule out of order any motion or amendment to a motion that is unlawful or the implementation of which would be unlawful.
- 11.7 Before ruling out of order a motion or an amendment to a motion under clause 11.6, the chairperson is to give the mover an opportunity to clarify or amend the motion or amendment.
- 11.8 Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been lost.

Motions requiring the expenditure of funds

- 11.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must be referred to Council's Finance Committee (committee of the council) for consideration.

Amendments to motions

- 11.10 An amendment to a motion must be moved and seconded before it can be debated.
- 11.11 An amendment to a motion must relate to the matter being dealt with in the original motion before the council and must not be a direct negative of the original motion. An amendment to a motion which does not relate to the matter being dealt with in the



original motion, or which is a direct negative of the original motion, must be ruled out of order by the chairperson.

- 11.12 The mover of an amendment is to be given the opportunity to explain any uncertainties in the proposed amendment before a seconder is called for.
- 11.13 If an amendment has been lost, a further amendment can be moved to the motion to which the lost amendment was moved, and so on, but no more than one (1) motion and one (1) proposed amendment can be before council at any one time.
- 11.14 While an amendment is being considered, debate must only occur in relation to the amendment and not the original motion. Debate on the original motion is to be suspended while the amendment to the original motion is being debated.
- 11.15 If the amendment is carried, it becomes the motion and is to be debated. If the amendment is lost, debate is to resume on the original motion.
- 11.16 An amendment may become the motion without debate or a vote where it is accepted by the councillor who moved the original motion.

Foreshadowed motions

- 11.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.
- 11.18 Where an amendment has been moved and seconded, a councillor may, without a seconder, foreshadow a further amendment that they propose to move after the first amendment has been dealt with. There is no limit to the number of foreshadowed amendments that may be put before the council at any time. However, no discussion can take place on foreshadowed amendments until the previous amendment has been dealt with and the foreshadowed amendment has been moved and seconded.
- 11.19 Foreshadowed motions and foreshadowed amendments are to be considered in the order in which they are proposed. However, foreshadowed motions cannot be considered until all foreshadowed amendments have been dealt with.

Limitations on the number and duration of speeches

- 11.20 A councillor who, during a debate at a meeting of the council, moves an original motion, has the right to speak on each amendment to the motion and a right of general reply to all observations that are made during the debate in relation to the motion, and any amendment to it at the conclusion of the debate before the motion (whether amended or not) is finally put.
- 11.21 A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- 11.22 A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than **three (3)** minutes at any one time.
- 11.23 Despite clause 11.22, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an



amendment, and for longer than three (3) minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

- 11.24 Despite clause 11.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.
- 11.25 Despite clauses 11.20 and 11.21, a councillor may move that a motion or an amendment be now put:
- (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it, or
 - (b) if at least two (2) councillors have spoken in favour of the motion or amendment and at least two (2) councillors have spoken against it.
- 11.26 The chairperson must immediately put to the vote, without debate, a motion moved under clause 11.25. A seconder is not required for such a motion.
- 11.27 If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised their right of reply under clause 11.20.
- 11.28 If a motion that the original motion or an amendment be now put is lost, the chairperson must allow the debate on the original motion or the amendment to be resumed.
- 11.29 All councillors must be heard without interruption and all other councillors must, unless otherwise permitted under this code, remain silent while another councillor is speaking.
- 11.30 Once the debate on a matter has concluded and a matter has been dealt with, the chairperson must not allow further debate on the matter.



12 VOTING

Voting entitlements of councillors

12.1 Each councillor is entitled to one (1) vote.

Note: Clause 12.1 reflects section 370(1) of the Act.

12.2 The person presiding at a meeting of the council has, in the event of an equality of votes, a second or casting vote.

Note: Clause 12.2 reflects section 370(2) of the Act.

12.3 Where the chairperson declines to exercise, or fails to exercise, their second or casting vote, in the event of an equality of votes, the motion being voted upon is lost.

Voting at council meetings

12.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

12.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.

12.6 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.

12.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.

12.8 When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 12.5 of this code.

12.9 Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

Voting on planning decisions

12.10 The general manager must keep a register containing, for each planning decision made at a meeting of the council or a council committee (including, but not limited to a committee of the council), the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

12.11 For the purpose of maintaining the register, a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.



- 12.12 Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document.
- 12.13 Clauses 12.10–12.12 apply also to meetings that are closed to the public.

Note: Clauses 12.10–12.13 reflect section 375A of the Act.

Note: The requirements of clause 12.10 may be satisfied by maintaining a register of the minutes of each planning decision.

For Adoption by Council June 2019



13 COMMITTEE OF THE WHOLE

- 13.1 The council may resolve itself into a committee to consider any matter before the council.

Note: Clause 13.1 reflects section 373 of the Act.

- 13.2 All the provisions of this code relating to meetings of the council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provisions limiting the number and duration of speeches.

Note: Clauses 11.20–11.30 limit the number and duration of speeches.

- 13.3 The general manager or, in the absence of the general manager, an employee of the council designated by the general manager, is responsible for reporting to the council the proceedings of the committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.

- 13.4 The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.



14 DEALING WITH ITEMS BY EXCEPTION

- 14.1 The council or a committee of council may, at any time, resolve to adopt multiple items of business on the agenda together by way of a single resolution.
- 14.2 Before the council or committee resolves to adopt multiple items of business on the agenda together under clause 14.1, the chairperson must list the items of business to be adopted and ask councillors to identify any individual items of business listed by the chairperson that they intend to vote against the recommendation made in the business paper or that they wish to speak on.
- 14.3 The council or committee must not resolve to adopt any item of business under clause 14.1 that a councillor has identified as being one they intend to vote against the recommendation made in the business paper or to speak on.
- 14.4 Where the consideration of multiple items of business together under clause 14.1 involves a variation to the order of business for the meeting, the council or committee must resolve to alter the order of business in accordance with clause 9.2.
- 14.5 A motion to adopt multiple items of business together under clause 14.1 must identify each of the items of business to be adopted and state that they are to be adopted as recommended in the business paper.
- 14.6 Items of business adopted under clause 14.1 are to be taken to have been adopted unanimously.
- 14.7 Councillors must ensure that they declare and manage any conflicts of interest they may have in relation to items of business considered together under clause 14.1 in accordance with the requirements of the council's code of conduct.



15 CLOSURE OF COUNCIL MEETINGS TO THE PUBLIC

Grounds on which meetings can be closed to the public

15.1 The council or a committee of the council may close to the public so much of its meeting as comprises the discussion or the receipt of any of the following types of matters:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of the council's code of conduct.

Note: Clause 15.1 reflects section 10A(1) and (2) of the Act.

15.2 The council or a committee of the council may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Note: Clause 15.2 reflects section 10A(3) of the Act.

Matters to be considered when closing meetings to the public

15.3 A meeting is not to remain closed during the discussion of anything referred to in clause 15.1:

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

Note: Clause 15.3 reflects section 10B(1) of the Act.

15.4 A meeting is not to be closed during the receipt and consideration of information or advice referred to in clause 15.1(g) unless the advice concerns legal matters that:

- (a) are substantial issues relating to a matter in which the council or committee is involved, and
- (b) are clearly identified in the advice, and
- (c) are fully discussed in that advice.



Note: Clause 15.4 reflects section 10B(2) of the Act.

- 15.5 If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in clause 15.2), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting other than consideration of whether the matter concerned is a matter referred to in clause 15.1.

Note: Clause 15.5 reflects section 10B(3) of the Act.

- 15.6 For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Note: Clause 15.6 reflects section 10B(4) of the Act.

- 15.7 In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must consider any relevant guidelines issued by the Chief Executive of the Office of Local Government.

Note: Clause 15.7 reflects section 10B(5) of the Act.

Notice of likelihood of closure not required in urgent cases

- 15.8 Part of a meeting of the council, or of a committee of the council, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in clause 15.1, and
 - (b) the council or committee, after considering any representations made under clause 15.9, resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

Note: Clause 15.8 reflects section 10C of the Act.

Representations by members of the public

- 15.9 The council, or a committee of the council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Note: Clause 15.9 reflects section 10A(4) of the Act.

- 15.10 A representation under clause 15.9 is to be made after the motion to close the part of the meeting is moved and seconded.

- 15.11 Where the matter has been identified in the agenda of the meeting under clause 3.21



as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 15.9, members of the public must first make an application to the council in the approved form. Applications must be received by close of business (4.30pm) two (2) business days prior to the meeting at which the matter is to be considered.

- 15.12 The general manager (or their delegate) may refuse an application made under clause 15.11. The general manager or their delegate must give reasons in writing for a decision to refuse an application.
- 15.13 No more than two (2) speakers are to be permitted to make representations under clause 15.9.
- 15.14 If more than the permitted number of speakers apply to make representations under clause 15.9, the general manager or their delegate may request the speakers to nominate from among themselves the persons who are to make representations to the council. If the speakers are not able to agree on whom to nominate to make representations under clause 15.9, the general manager or their delegate is to determine who will make representations to the council.
- 15.15 The general manager (or their delegate) is to determine the order of speakers.
- 15.16 Where the council or a committee of the council proposes to close a meeting or part of a meeting to the public in circumstances where the matter has not been identified in the agenda for the meeting under clause 3.21 as a matter that is likely to be considered when the meeting is closed to the public, the chairperson is to invite representations from the public under clause 15.9 after the motion to close the part of the meeting is moved and seconded. In accordance with clause 15.13 the chairperson is to permit no more than two (2) speakers to make representations in such order as determined by the chairperson.
- 15.17 Each speaker will be allowed one (1) minute to make representations, and this time limit is to be strictly enforced by the chairperson. Speakers must confine their representations to whether the meeting should be closed to the public. If a speaker digresses to irrelevant matters, the chairperson is to direct the speaker not to do so. If a speaker fails to observe a direction from the chairperson, the speaker will not be further heard.

Expulsion of non-councillors from meetings closed to the public

- 15.18 If a meeting or part of a meeting of the council or a committee of the council is closed to the public in accordance with section 10A of the Act and this code, any person who is not a councillor and who fails to leave the meeting when requested, may be expelled from the meeting as provided by section 10(2)(a) or (b) of the Act.
- 15.19 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place for the remainder of the meeting.



Information to be disclosed in resolutions closing meetings to the public

- 15.20 The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting. The grounds must specify the following:
- (a) the relevant provision of section 10A(2) of the Act,
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Note: Clause 15.20 reflects section 10D of the Act.

Resolutions passed at closed meetings to be made public

- 15.21 If the council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting, or the relevant part of the meeting, has ended, and the resolution must be recorded in the publicly available minutes of the meeting.
- 15.22 Resolutions passed during a meeting, or a part of a meeting, that is closed to the public must be made public by the chairperson under clause 15.21 during a part of the meeting that is webcast.



16 KEEPING ORDER AT MEETINGS

Points of order

- 16.1 A councillor may draw the attention of the chairperson to an alleged breach of this code by raising a point of order. A point of order does not require a seconder.
- 16.2 A point of order cannot be made with respect to adherence to the principles contained in clause 2.1.
- 16.3 A point of order must be taken immediately it is raised. The chairperson must suspend the business before the meeting and permit the councillor raising the point of order to state the provision of this code they believe has been breached. The chairperson must then rule on the point of order – either by upholding it or by overruling it.

Questions of order

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

Motions of dissent

- 16.8 A councillor can, without notice, move to dissent from a ruling of the chairperson on a point of order or a question of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- 16.9 If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been rejected as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- 16.10 Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

Acts of disorder

- 16.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:
 - (a) contravenes the Act or any regulation in force under the Act or this code, or
 - (b) assaults or threatens to assault another councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council



- or the committee, or addresses or attempts to address the council or the committee on such a motion, amendment or matter, or
- (d) insults or makes personal reflections on or imputes improper motives to any other council official, or alleges a breach of the council's code of conduct, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or the committee into disrepute.

16.12 The chairperson may require a councillor:

- (a) to apologise without reservation for an act of disorder referred to in clauses 16.11(a) or (b), or
- (b) to withdraw a motion or an amendment referred to in clause 16.11(c) and, where appropriate, to apologise without reservation, or
- (c) to retract and apologise without reservation for an act of disorder referred to in clauses 16.11(d) and (e).

How disorder at a meeting may be dealt with

16.13 If disorder occurs at a meeting of the council, the chairperson may adjourn the meeting for a period of not more than fifteen (15) minutes and leave the chair. The council, on reassembling, must, on a question put from the chairperson, decide without debate whether the business is to be proceeded with or not. This clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.

Expulsion from meetings

16.14 All chairpersons of meetings of the council and committees of the council are authorised under this code to expel any person, including any councillor, from a council or committee meeting, for the purposes of section 10(2)(b) of the Act.

16.15 Clause 16.14 does not limit the ability of the council or a committee of the council to resolve to expel a person, including a councillor, from a council or committee meeting, under section 10(2)(a) of the Act.

16.16 A councillor may, as provided by section 10(2)(a) or (b) of the Act, be expelled from a meeting of the council for having failed to comply with a requirement under clause 16.12. The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

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

16.18 Where a councillor or a member of the public is expelled from a meeting, the expulsion and the name of the person expelled, if known, are to be recorded in the minutes of the meeting.

16.19 If a councillor or a member of the public fails to leave the place where a meeting of the council is being held immediately after they have been expelled, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member of the public from that place and, if necessary, restrain the councillor or member of the public from re-entering that place for the remainder of the meeting.



Use of mobile phones and the unauthorised recording of meetings

- 16.20 Councillors, council staff and members of the public must ensure that mobile phones are turned to silent during meetings of the council and committees of the council.
- 16.21 A person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council or the committee.
- 16.22 Any person who contravenes or attempts to contravene clause 16.21, may be expelled from the meeting as provided for under section 10(2) of the Act.
- 16.23 If any such person, after being notified of a resolution or direction expelling them from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place for the remainder of the meeting.



17 CONFLICTS OF INTEREST

- 17.1 All councillors and, where applicable, all other persons, must declare and manage any conflicts of interest they may have in matters being considered at meetings of the council, committees of the council and pre-meeting briefings (as described in clause 3.37) in accordance with the council's code of conduct. All declarations of conflicts of interest and how the conflict of interest was managed by the person who made the declaration must be recorded in the minutes of the meeting at which the declaration was made.

For Adoption by Council June 2019



18 DECISIONS OF THE COUNCIL

Council decisions

- 18.1 A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of the council.

Note: Clause 18.1 reflects section 371 of the Act in the case of councils and section 400T(8) in the case of joint organisations.

- 18.2 Decisions made by the council must be accurately recorded in the minutes of the meeting at which the decision is made.

Rescinding or altering council decisions

- 18.3 A resolution passed by the council may not be altered or rescinded except by a motion to that effect of which notice has been given under clause 3.10.

Note: Clause 18.3 reflects section 372(1) of the Act.

- 18.4 If a notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Note: Clause 18.4 reflects section 372(2) of the Act.

- 18.5 If a motion has been lost, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with clause 3.10.

Note: Clause 18.5 reflects section 372(3) of the Act.

- 18.6 A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been lost, must be signed by three (3) councillors if less than three (3) months has elapsed since the resolution was passed, or the motion was lost.

Note: Clause 18.6 reflects section 372(4) of the Act.

- 18.7 If a motion to alter or rescind a resolution has been lost, or if a motion which has the same effect as a previously lost motion is lost, no similar motion may be brought forward within three (3) months of the meeting at which it was lost. This clause may not be evaded by substituting a motion differently worded, but in principle the same.

Note: Clause 18.7 reflects section 372(5) of the Act.

- 18.8 The provisions of clauses 18.5–18.7 concerning lost motions do not apply to motions of adjournment.

Note: Clause 18.8 reflects section 372(7) of the Act.

- 18.9 A notice of motion submitted in accordance with clause 18.6 may only be withdrawn under clause 3.11 with the consent of all signatories to the notice of motion.

- 18.10 A notice of motion to alter or rescind a resolution relating to a development application must be submitted to the general manager no later than **4.30 pm the following**



business day after the meeting at which the resolution was adopted.

- 18.11 A motion to alter or rescind a resolution of the council may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.

Note: Clause 18.11 reflects section 372(6) of the Act.

- 18.12 Subject to clause 18.7, in cases of urgency, a motion to alter or rescind a resolution of the council may be moved at the same meeting at which the resolution was adopted, where:

- (a) a notice of motion signed by three councillors is submitted to the chairperson, and
- (b) a motion to have the motion considered at the meeting is passed, and
- (c) the chairperson rules the business that is the subject of the motion is of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

- 18.13 A motion moved under clause 18.12(b) can be moved without notice. Despite clauses 11.20–11.30, only the mover of a motion referred to in clause 18.12(b) can speak to the motion before it is put.

- 18.14 A motion of dissent cannot be moved against a ruling by the chairperson under clause 18.12(c).

Recommitting resolutions to correct an error

- 18.15 Despite the provisions of this Part, a councillor may, with the leave of the chairperson, move to recommit a resolution adopted at the same meeting:

- (a) to correct any error, ambiguity or imprecision in the council's resolution, or
- (b) to confirm the voting on the resolution.

- 18.16 In seeking the leave of the chairperson to move to recommit a resolution for the purposes of clause 18.15(a), the councillor is to propose alternative wording for the resolution.

- 18.17 The chairperson must not grant leave to recommit a resolution for the purposes of clause 18.15(a), unless they are satisfied that the proposed alternative wording of the resolution would not alter the substance of the resolution previously adopted at the meeting.

- 18.18 A motion moved under clause 18.15 can be moved without notice. Despite clauses 11.20–11.30, only the mover of a motion referred to in clause 18.15 can speak to the motion before it is put.

- 18.19 A motion of dissent cannot be moved against a ruling by the chairperson under clause 18.15.

- 18.20 A motion moved under clause 18.15 with the leave of the chairperson cannot be voted on unless or until it has been seconded.



19 TIME LIMITS ON COUNCIL MEETINGS

- 19.1 Meetings of the council and committees of the council are to conclude no later than **7.30pm**.
- 19.2 If the business of the meeting is unfinished at **7.30pm**, the council or the committee may, by resolution, extend the time of the meeting. Where an extension of time is approved the meeting must conclude no later than 8.00pm.
- 19.3 If the business of the meeting is unfinished at **7.30pm**, and the council does not resolve to extend the meeting, the chairperson must either:
 - (a) defer consideration of the remaining items of business on the agenda to the next ordinary meeting of the council, or
 - (b) adjourn the meeting to a time, date and place fixed by the chairperson.
- 19.4 Clause 19.3 does not limit the ability of the council to resolve to adjourn a meeting at any time. The resolution adjourning the meeting must fix the time, date and place that the meeting is to be adjourned to.
- 19.5 Where a meeting is adjourned under clause 19.3 or 19.4, the general manager must:
 - (a) notify all councillors of the time, date and place at which the meeting will reconvene, and
 - (b) publish the time, date and place at which the meeting will reconvene on the council's website and in such other manner that the general manager is satisfied is likely to bring notice of the time, date and place of the reconvened meeting to the attention of as many people as possible.



20 AFTER THE MEETING

Minutes of meetings

20.1 The council is to keep full and accurate minutes of the proceedings of meetings of the council.

Note: Clause 20.1 reflects section 375(1) of the Act.

20.2 At a minimum, the general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment was passed or lost, and
- (d) such other matters specifically required under this code.

20.3 The minutes of a council meeting must be confirmed at a subsequent meeting of the council.

Note: Clause 20.3 reflects section 375(2) of the Act.

20.4 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.

20.5 When the minutes have been confirmed, they are to be signed by the person presiding at the subsequent meeting.

Note: Clause 20.5 reflects section 375(2) of the Act.

20.6 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.

20.7 The confirmed minutes of a council meeting must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of its meetings on its website prior to their confirmation.

Access to correspondence and reports laid on the table at, or submitted to, a meeting

20.8 The council and committees of the council must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

Note: Clause 20.8 reflects section 11(1) of the Act.

20.9 Clause 20.8 does not apply if the correspondence or reports relate to a matter that was received or discussed or laid on the table at, or submitted to, the meeting when the meeting was closed to the public.

Note: Clause 20.9 reflects section 11(2) of the Act.



- 20.10 Clause 20.8 does not apply if the council or the committee resolves at the meeting, when open to the public, that the correspondence or reports are to be treated as confidential because they relate to a matter specified in section 10A(2) of the Act.

Note: Clause 20.10 reflects section 11(3) of the Act.

- 20.11 Correspondence or reports to which clauses 20.9 and 20.10 apply are to be marked with the relevant provision of section 10A(2) of the Act that applies to the correspondence or report.

Implementation of decisions of the council

- 20.12 The general manager is to implement, without undue delay, lawful decisions of the council.

Note: Clause 20.12 reflects section 335(b) of the Act.



21 COUNCIL COMMITTEES

Application of this Part

21.1 This Part only applies to committees of the council whose members are all councillors.

Council committees whose members are all councillors

21.2 The council may, by resolution, establish such committees as it considers necessary.

21.3 A committee of the council is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.

21.4 The quorum for a meeting of a committee of the council is to be:

- (a) such number of members as the council decides, or
- (b) if the council has not decided a number – a majority of the members of the committee.

Functions of committees

21.5 The council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

Notice of committee meetings

21.6 The general manager must send to each councillor, regardless of whether they are a committee member, at least three (3) days before each meeting of the committee, a notice specifying:

- (a) the time, date and place of the meeting, and
- (b) the business proposed to be considered at the meeting.

21.7 Notice of less than three (3) days may be given of a committee meeting called in an emergency.

Attendance at committee meetings

21.8 A committee member (other than the mayor) ceases to be a member of a committee if the committee member:

- (a) has been absent from three (3) consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
- (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.

21.9 Clause 21.8 does not apply if all of the members of the council are members of the committee.

Non-members entitled to attend committee meetings

21.10 A councillor who is not a member of a committee of the council is entitled to attend,



and to speak at a meeting of the committee. However, the councillor is not entitled:

- (a) to give notice of business for inclusion in the agenda for the meeting, or
- (b) to move or second a motion at the meeting, or
- (c) to vote at the meeting.

Chairperson and deputy chairperson of council committees

21.11 The chairperson of each committee of the council must be:

- (a) the mayor, or
- (b) if the mayor does not wish to be the chairperson of a committee, a member of the committee elected by the council, or
- (c) if the council does not elect such a member, a member of the committee elected by the committee.

21.12 The council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.

21.13 If neither the chairperson nor the deputy chairperson of a committee of the council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.

21.14 The chairperson is to preside at a meeting of a committee of the council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

Procedure in committee meetings

21.15 Subject to any specific requirements of this code, each committee of the council may regulate its own procedure. The provisions of this code are to be taken to apply to all committees of the council unless the council or the committee determines otherwise in accordance with this clause.

21.16 Whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote unless the council or the committee determines otherwise in accordance with clause 21.15.

21.17 Voting at a council committee meeting is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system).

Closure of committee meetings to the public

21.18 The provisions of the Act and Part 15 of this code apply to the closure of meetings of committees of the council to the public in the same way they apply to the closure of meetings of the council to the public.

21.19 If a committee of the council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting that is closed to the public, the chairperson must make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and report the resolution or recommendation to the next meeting of the council. The resolution or



recommendation must also be recorded in the publicly available minutes of the meeting.

- 21.20 Resolutions passed during a meeting, or a part of a meeting that is closed to the public must be made public by the chairperson under clause 21.19 during a part of the meeting that is webcast.

Disorder in committee meetings

- 21.21 The provisions of the Act and this code relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

Minutes of council committee meetings

- 21.22 Each committee of the council is to keep full and accurate minutes of the proceedings of its meetings. At a minimum, a committee must ensure that the following matters are recorded in the committee's minutes:
 - (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment was passed or lost, and
 - (d) such other matters specifically required under this code.
- 21.23 The minutes of meetings of each committee of the council must be confirmed at a subsequent meeting of the committee.
- 21.24 Any debate on the confirmation of the minutes is to be confined to whether the minutes are a full and accurate record of the meeting they relate to.
- 21.25 When the minutes have been confirmed, they are to be signed by the person presiding at that subsequent meeting.
- 21.26 The confirmed minutes of a meeting may be amended to correct typographical or administrative errors after they have been confirmed. Any amendment made under this clause must not alter the substance of any decision made at the meeting.
- 21.27 The confirmed minutes of a meeting of a committee of the council must be published on the council's website. This clause does not prevent the council from also publishing unconfirmed minutes of meetings of committees of the council on its website prior to their confirmation.



22 IRREGULARITIES

22.1 Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office, or
- (b) a failure to give notice of the meeting to any councillor or committee member, or
- (c) any defect in the election or appointment of a councillor or committee member, or
- (d) a failure of a councillor or a committee member to declare a conflict of interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with the council's code of conduct, or
- (e) a failure to comply with this code.

Note: Clause 22.1 reflects section 374 of the Act.



23 DEFINITIONS

the Act	means the <i>Local Government Act 1993</i>
act of disorder	means an act of disorder as defined in clause 16.11 of this code
amendment	in relation to an original motion, means a motion moving an amendment to that motion
audio recorder	any device capable of recording speech
business day	means any day except Saturday or Sunday or any other day the whole or part of which is observed as a public holiday throughout New South Wales
chairperson	in relation to a meeting of the council – means the person presiding at the meeting as provided by section 369 of the Act and clauses 7.1 and 7.2 of this code, and in relation to a meeting of a committee – means the person presiding at the meeting as provided by clause 21.11 of this code
this code	means the council's adopted code of meeting practice
committee of the council	means a committee established by the council in accordance with clause 21.2 of this code (being a committee consisting only of councillors) or the council when it has resolved itself into committee of the whole under clause 13.1
council official	has the same meaning it has in the Model Code of Conduct for Local Councils in NSW
day	means calendar day
division	means a request by two councillors under clause 12.7 of this code requiring the recording of the names of the councillors who voted both for and against a motion
foreshadowed amendment	means a proposed amendment foreshadowed by a councillor under clause 11.18 of this code during debate on the first amendment
foreshadowed motion	means a motion foreshadowed by a councillor under clause 11.17 of this code during debate on an original motion
open voting	means voting on the voices or by a show of hands or by a visible electronic voting system or similar means
planning decision	means a decision made in the exercise of a function of a council under the <i>Environmental Planning and Assessment Act 1979</i> including any decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but not including the making of an order under Division 9.3 of Part 9 of that Act
performance improvement order	means an order issued under section 438A of the Act
quorum	means the minimum number of councillors or committee members necessary to conduct a meeting
the Regulation	means the <i>Local Government (General) Regulation 2005</i>



webcast	a video or audio broadcast of a meeting transmitted across the internet either concurrently with the meeting or at a later time
year	means the period beginning 1 July and ending the following 30 June

For Adoption by Council June 2019

13.3 Adoption of Code of Conduct and Procedures for the Administration of the Code of Conduct

Reference: 101/15
Report Author: Group Manager Corporate and Community
Authoriser: Deputy General Manager Corporate, Strategy and Development Services

Link to Community

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

PURPOSE

The draft Code of Conduct and draft Procedures for the Administration of the Code of Conduct were placed on public exhibition from 11 April to 24 May 2019. This report outlines the outcomes of the public exhibition and presents the documents for adoption.

RECOMMENDATION

THAT the draft Code of Conduct included in Attachment 1 and draft Procedures for the Administration of the Code of Conduct included in Attachment 2 be adopted.

REPORT

BACKGROUND

At its meeting on 10 April 2019 Council endorsed the draft Code of Conduct and Procedures for the Administration of the Code of Conduct for public exhibition for a period of 28 days, noting that submissions would be accepted during the exhibition period and for a further 14 days following closure of the exhibition period.

Council's draft documents were developed based on the Model Code of Conduct for Local Councils in NSW and the associated procedures for the Administration of the Model Code of Conduct for Local Councils in NSW that were prescribed on 14 December 2018. The Model Code of Conduct is prescribed under section 440 of the *Local Government Act 1993* (LGA) and the *Local Government (General) Regulation 2005* (the Regulation). Councils must adopt the new Model Code of Conduct and Procedures within 6 months of prescription (14 December 2018 – 14 June 2019). Councils' existing adopted codes of conduct and procedures will remain in force until councils adopt a new code of conduct and procedures, based on the Model Code of Conduct and Procedures prescribed under the LGA and Regulation.

REPORT

The draft Code of Conduct and Procedures for the Administration of the Code of Conduct were placed on public exhibition from 11 April to 24 May 2019. One submission was received during the public exhibition period. The content of this submission included only

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



defamatory statements and did not provide feedback on the content of the draft documents. As such the submission will not be considered as a part of this report.

An internal review of the draft policy was also undertaken during the public exhibition period and the following amendment is proposed:

Section of Policy	Amendment	Rationale
Code of Conduct, section 8.21, point G	Change: "You must not use social media to post or share comments, photos, videos, electronic recordings or other information that shows council staff in the conduct of their duties and/or at staff events without the written consent of the staff member/s and the General Manager" To "You must not use social media to post or share comments, photos, videos, electronic recordings or other information that shows council staff in the conduct of their duties and/or at staff events without the written and/or verbal consent of the staff member/s and with prior approval by the General Manager"	Reduce administrative burden



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 draft Code of Conduct and Procedures for the Administration of the Code of Conduct were placed on public exhibition for a period of 28 days, noting that submissions were accepted during the exhibition period and for a further 14 days following closure of the exhibition period. The draft policy was available on Council's website and advertisements were placed in the Southern Highland News during the exhibition period. Notice of the public exhibition was also sent via:

- E-newsletter to 1653 subscribers on 12 April and 17 May 2019
- Email to registered members of Your Say Wingecarribee on 12 April (2386 subscribers) and 17 May 2019 (2408 subscribers).

Internal Communication and Consultation

Councillors and Council's Executive team were consulted during the development of these documents.

All staff were advised of the public exhibition and encouraged to review the documents and provide feedback via the internal review process.

External Communication and Consultation

Office of Local Government

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The Model Code of Conduct for Local Councils in NSW and the associated procedures for the Administration of the Model Code of Conduct for Local Councils in NSW were prescribed on 14 December 2018. All NSW councils must adopt the new Model Code of

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Conduct and Procedures within 6 months of prescription, i.e. 14 December 2018 – 14 June 2019.

COUNCIL BUDGET IMPLICATIONS

Nil

RELATED COUNCIL POLICY

Access to Information and Interaction with Staff Policy

Draft Code of Meeting Practice

Gifts and Benefits Policy

Public Interest Disclosures Policy

OPTIONS

The only option available to Council is to adopt the draft Code of Conduct and Procedures for the Administration of the Code of Conduct to meet statutory requirements.

CONCLUSION

Council is required to adopt a Code of Conduct and Procedures for the Administration of the Code of Conduct by 14 June 2019. The draft Code of Conduct and Procedures for the Administration of the Code of Conduct were placed on public exhibition from 11 April to 24 May 2019. The draft documents are presented to Council for adoption.

ATTACHMENTS

1. Code of Conduct
2. Procedures for the Administration of the Code of Conduct



Wingecarribee Shire Council
Draft
Code of Conduct

For Adoption by Council June 2019

2019





TABLE OF CONTENTS

PART 1 INTRODUCTION 3

PART 2 DEFINITIONS 4

PART 3 GENERAL CONDUCT OBLIGATIONS 6

PART 4 PECUNIARY INTERESTS 9

PART 5 NON-PECUNIARY CONFLICTS OF INTEREST 15

PART 6 PERSONAL BENEFIT 19

PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS 22

PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES 24

PART 9 MAINTAINING THE INTEGRITY OF THIS CODE 28

SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21 30

SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER CLAUSE 4.21 37

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST SUBMITTED UNDER CLAUSE 4.37 40



PART 1 INTRODUCTION

The Wingecarribee Shire Council Code of Conduct (Code of Conduct) is based on the Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") and is made under section 440 of the *Local Government Act 1993* ("LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

Councillors, administrators, members of staff of councils, delegates of councils (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.



PART 2 DEFINITIONS

In this code the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of “council committee”
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
conduct	includes acts and omissions
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 4000 of the LGA
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation
the Regulation	the Local Government (General) Regulation 2005
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to



PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in a manner that:
- a) is likely to bring the council or other council officials into disrepute
 - b) is contrary to statutory requirements or the council's administrative requirements or policies
 - c) is improper or unethical
 - d) is an abuse of power
 - e) causes, comprises or involves intimidation or verbal abuse
 - f) involves the misuse of your position to obtain a private benefit
 - g) constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (*section 439*).

Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
 - b) offends, humiliates or intimidates the person, and
 - c) creates a hostile environment.

Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and
 - b) the behaviour creates a risk to health and safety.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
 - b) belittling or humiliating comments
 - c) spreading malicious rumours
 - d) teasing, practical jokes or 'initiation ceremonies'
 - e) exclusion from work-related events
 - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
 - g) displaying offensive material
 - h) pressure to behave in an inappropriate manner.
- 3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:
- a) performance management processes
 - b) disciplinary action for misconduct
 - c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
 - d) directing a worker to perform duties in keeping with their job
 - e) maintaining reasonable workplace goals and standards
 - f) legitimately exercising a regulatory function
 - g) legitimately implementing a council policy or administrative processes.

Work health and safety

- 3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:
- a) take reasonable care for your own health and safety
 - b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
 - c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
 - d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
 - e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
 - f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

Land use planning, development assessment and other regulatory functions

- 3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.
- 3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

Binding caucus votes

- 3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Obligations in relation to meetings

- 3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.
- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
 - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
 - c) deliberately seek to impede the consideration of business at a meeting.



PART 4 PECUNIARY INTERESTS

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
- (a) your interest, or
 - (b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
 - (c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
- (a) Your "relative" is any of the following:
 - i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
 - iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
 - (b) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
- (a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
- (a) your interest as an elector
 - (b) your interest as a ratepayer or person liable to pay a charge
 - (c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
 - (d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to



- your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
- (e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
 - (f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
 - (g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
 - (h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership
 - (i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
 - ii) security for damage to footpaths or roads
 - iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
 - (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
 - (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
 - (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
 - (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
 - (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
 - (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.



What disclosures must be made by a designated person?

- 4.8 Designated persons include:
- (a) the general manager
 - (b) other senior staff of the council for the purposes of section 332 of the LGA
 - (c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
 - (d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.
- 4.9 A designated person:
- (a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.10.
- 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.
- 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment.
- 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.
- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

What disclosures must be made by a councillor?

- 4.20 A councillor:
- (a) must prepare and submit written returns of interests in accordance with clause 4.21, and
 - (b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- (a) becoming a councillor or designated person, and
 - (b) 30 June of each year, and
 - (c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- (a) they made and lodged a return under that clause in the preceding 3 months, or
 - (b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.
- 4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2018* and any guidelines issued by the Information Commissioner.

Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- (a) a member of, or in the employment of, a specified company or other body, or
 - (b) a partner of, or in the employment of, a specified person.
- Such a notice is, unless and until the notice is withdrawn or until the end of the term of the council in which it is given (whichever is the sooner), sufficient disclosure of the councillor's or council committee member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- (a) the matter is a proposal relating to:
 - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
 - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
 - (b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
 - (c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- (a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
 - (b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - (b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.



PART 5 NON-PECUNIARY CONFLICTS OF INTEREST

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
 - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



- council official has a close personal relationship with, or another person living in the same household
- b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
 - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
 - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
 - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
 - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:
- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
 - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.



Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
 - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a “reportable political donation” has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
 - b) “major political donor” has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a “reportable political donation”, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
 - i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and
 - b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person’s principal place of residence, and
 - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
 - b) that it is in the interests of the electors for the area to do so.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- conflict with their official duties
 - involve using confidential information or council resources obtained through their work with the council including where private use is permitted
 - require them to work while on council duty
 - discredit or disadvantage the council
 - pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.



PART 6 PERSONAL BENEFIT

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) a political donation for the purposes of the *Electoral Funding Act 2018*
 - b) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
 - c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
 - d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
 - i) the discussion of official business
 - ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
 - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
 - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer–supplier relationship with the competition organiser
 - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:

- a) the nature of the gift or benefit
- b) the estimated monetary value of the gift or benefit
- c) the name of the person who provided the gift or benefit, and
- d) the date on which the gift or benefit was received.

- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

Gifts and benefits of token value

- 6.8 You may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50
 - b) gifts of alcohol that do not exceed a value of \$50
 - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
 - d) prizes or awards that do not exceed \$50 in value.

Gifts and benefits of more than token value

- 6.9 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$50, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where you have accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$50 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

"Cash-like gifts"

- 6.13 For the purposes of clause 6.5(e), "cash-like gifts" include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.



Improper and undue influence

- 6.14 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.15 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

For Adoption by Council June 2019



PART 7 RELATIONSHIPS BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
 - in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
 - contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- give their attention to the business of the council while on duty
 - ensure that their work is carried out ethically, efficiently, economically and effectively
 - carry out reasonable and lawful directions given by any person having authority to give such directions
 - give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
 - ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



- broader workforce policy), grievances, workplace investigations and disciplinary matters
- b) council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
 - c) subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
 - d) councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
 - e) councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor has a right to be heard by the panel at the meeting
 - f) councillors and administrators being overbearing or threatening to council staff
 - g) council staff being overbearing or threatening to councillors or administrators
 - h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
 - i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
 - j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
 - k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
 - l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

**PART 8 ACCESS TO INFORMATION AND COUNCIL RESOURCES**Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
 - a) subject to clause 8.14, only access council information needed for council business
 - b) not use that council information for private purposes

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



- c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
- d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:
- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b) protect confidential information
 - c) only release confidential information if you have authority to do so
 - d) only use confidential information for the purpose for which it is intended to be used
 - e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
 - g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

Personal information

- 8.12 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*
 - b) the *Health Records and Information Privacy Act 2002*
 - c) the Information Protection Principles and Health Privacy Principles
 - d) the council's privacy management plan
 - e) the Privacy Code of Practice for Local Government

Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- for the purpose of assisting your election campaign or the election campaign of others, or
 - for other non-official purposes.
- 8.19 You must not convert any property of the council to your own use unless properly authorised.

Internet access and social media

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.
- 8.21 You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:
- is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
 - contains content about the council that is misleading or deceptive
 - divulges confidential council information
 - breaches the privacy of other council officials or those that deal with council
 - contains allegations of suspected breaches of this code or information about the consideration of a matter under the Procedures, or
 - could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment
 - shows council staff in the conduct of their duties and/or at staff events without the written **and/or verbal** consent of the staff member/s and **with prior approval by** the General Manager
 - is intended for staff and councillors only such as internal newsletters, communications and correspondence.

Council record keeping

- 8.22 You must comply with the requirements of the *State Records Act 1998* and the council's records management policy.
- 8.23 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the *State Records Act 1998* and the council's approved records management policies and practices.
- 8.24 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.25 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the *State Records Act 1998*.

Councillor access to council buildings

- 8.26 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.27 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.28 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

**PART 9 MAINTAINING THE INTEGRITY OF THIS CODE**Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- to bully, intimidate or harass another council official
 - to damage another council official's reputation
 - to obtain a political advantage
 - to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - to avoid disciplinary action under the Procedures
 - to take reprisal action against a person for making a complaint alleging a breach of this code
 - to take reprisal action against a person for exercising a function prescribed under the Procedures
 - to prevent or disrupt the effective administration of this code under the Procedures.

Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- injury, damage or loss
 - intimidation or harassment
 - discrimination, disadvantage or adverse treatment in relation to employment
 - dismissal from, or prejudice in, employment
 - disciplinary proceedings.

Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.



- 9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under the Procedures

- 9.10 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.11 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.12 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.14 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Complaints alleging a breach of this Part

- 9.15 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.
- 9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.



SCHEDULE 1: DISCLOSURES OF INTERESTS AND OTHER MATTERS IN WRITTEN RETURNS SUBMITTED UNDER CLAUSE 4.21

Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

address means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

de facto partner has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

disposition of property means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

gift means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

interest means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

listed company means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.



occupation includes trade, profession and vocation.

professional or business association means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

property includes money.

return date means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

relative includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

travel includes accommodation incidental to a journey.

Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.



Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
 - a) the street address of each parcel of real property in which they had an interest on the return date, and
 - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
 - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
 - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
 - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
 - a) a description of each gift received in the period since 30 June of the previous financial year, and
 - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
 - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
 - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
 - c) the donor was a relative of the donee, or
 - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
 - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
 - b) the dates on which the travel was undertaken, and
 - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:



- a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
- b) was made by a relative of the traveller, or
- c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
- d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
- e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
- g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:

- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
- b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
- c) the nature of the interest, or the position held, in each of the corporations, and
- d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:

- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
- b) required to apply its profits or other income in promoting its objects, and
- c) prohibited from paying any dividend to its members.

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer



19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.

20. For the purposes of clause 19 of this schedule:

close associate, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.

property developer has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:

- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
- b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
- c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:

- a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
- b) each source of income received by the person in the period since 30 June of the previous financial year.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- a) in relation to income from an occupation of the person:
 - (i) a description of the occupation, and
 - (ii) if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
 - (iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
 - b) in relation to income from a trust, the name and address of the settlor and the trustee, or
 - c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- a) on the return date, and
 - b) at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- a) the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
 - (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
 - (ii) the amounts to be paid exceeded, in the aggregate, \$500, or
 - b) the person was liable to pay the debt to a relative, or
 - c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
 - d) in the case of a debt arising from the supply of goods or services:
 - (i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or



- (ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
- e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

For Adoption by Council June 2019

**SCHEDULE 2: FORM OF WRITTEN RETURN OF INTERESTS SUBMITTED UNDER
CLAUSE 4.21**'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information*

13.3 Adoption of Code of Conduct and Procedures for the Administration of the Code of Conduct
 ATTACHMENT 1 Code of Conduct



(Public Access) Act 2009, the Government Information (Public Access) Regulation 2018 and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]
 [date]

A. Real Property

Street address of each parcel of real property in which I had an Nature of interest at the return date/at any time since 30 June interest

B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June		
Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June	
Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June
 [Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor

D. Contributions to travel

Name and address of each person who made any financial contribution	Dates on which travel was undertaken	Name of States, Territories of the

13.3 Adoption of Code of Conduct and Procedures for the Administration of the Code of Conduct
 ATTACHMENT 1 Code of Conduct



or other contribution to any travel undertaken by me at any time since 30 June	Commonwealth and overseas countries in which travel was undertaken
--	--

E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
---	-----------------------------	----------------------------------	---

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
---	-------------------------

H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

**SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST
SUBMITTED UNDER CLAUSE 4.37**

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

FC

13.3 Adoption of Code of Conduct and Procedures for the Administration of the Code of Conduct
 ATTACHMENT 1 Code of Conduct



Special disclosure of pecuniary interests by *[full name of councillor]*

in the matter of *[insert name of environmental planning instrument]*

which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the day of 20 .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest ¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

¹ Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

² A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 1 Code of Conduct



[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature

Date

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

For Adoption by Council June 2019



Wingecarribee Shire Council
Draft
Procedures for
Administration of the
Code of Conduct

For Adoption by Council 2019

2019





TABLE OF CONTENTS

PART 1 INTRODUCTION3

PART 2 DEFINITIONS.....4

PART 3 ADMINISTRATIVE FRAMEWORK6

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?8

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?9

PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS.....16

PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER20

PART 8 OVERSIGHT AND RIGHTS OF REVIEW28

PART 9 PROCEDURAL IRREGULARITIES30

PART 10 PRACTICE DIRECTIONS30

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER31

PART 12 CONFIDENTIALITY31



PART 1 INTRODUCTION

These Procedures for the Administration of the Code of Conduct (draft procedures) are based on the Procedures for the Administration of the Model Code of Conduct ("the Model Code Procedures") and are prescribed for the administration of the Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct").

The Model Code of Conduct is made under section 440 of the *Local Government Act 1993* ("the LGA") and the *Local Government (General) Regulation 2005* ("the Regulation").

The Model Code Procedures are made under section 440AA of the LGA and the Regulation. Section 440AA of the LGA requires every council (including county councils) to adopt procedures for the administration of their code of conduct that incorporate the provisions of the Model Code Procedures.

For Adoption by Council June 2019



PART 2 DEFINITIONS

In these procedures the following terms have the following meanings:

LGA	the <i>Local Government Act 1993</i>
administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
code of conduct	a code of conduct adopted under section 440 of the LGA
code of conduct complaint	a complaint that is a code of conduct complaint for the purposes of clauses 4.1 and 4.2 of these procedures
complainant	a person who makes a code of conduct complaint
complainant councillor	a councillor who makes a code of conduct complaint
complaints coordinator	a person appointed by the general manager under these procedures as a complaints coordinator
conduct reviewer	a person appointed under these procedures to review allegations of breaches of the code of conduct by councillors or the general manager
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee
councillor	any person elected or appointed to civic office, including the mayor, and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
council official	any councillor, member of staff of council, administrator, council committee member, delegate of council and, for the purposes of clause 4.16 of the Model Code of Conduct, council adviser

13.3 Adoption of Code of Conduct and Procedures for the Administration of the Code of Conduct
 ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
external agency	a state government agency such as, but not limited to, the Office, the ICAC, the NSW Ombudsman or the police
general manager	includes the executive officer of a joint organisation
ICAC	the Independent Commission Against Corruption
joint organisation	a joint organisation established under section 400O of the LGA
mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	the Office of Local Government
investigator	a conduct reviewer
the Regulation	the <i>Local Government (General) Regulation 2005</i>
respondent	a person whose conduct is the subject of investigation by a conduct reviewer under these procedures
wholly advisory committee	a council committee that the council has not delegated any functions to



PART 3 ADMINISTRATIVE FRAMEWORK

The establishment of a panel of conduct reviewers

- 3.1 The council must by resolution establish a panel of conduct reviewers.
- 3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.
- 3.3 The panel of conduct reviewers is to be established following a public expression of interest process.
- 3.4 An expression of interest for members of the council's panel of conduct reviewers must, at a minimum, be advertised locally and in the Sydney metropolitan area.
- 3.5 To be eligible to be a conduct reviewer, a person must, at a minimum, meet the following requirements:
 - a) an understanding of local government, and
 - b) knowledge of investigative processes including but not limited to procedural fairness requirements and the requirements of the *Public Interest Disclosures Act 1994*, and
 - c) knowledge and experience of one or more of the following:
 - i) investigations
 - ii) law
 - iii) public administration
 - iv) public sector ethics
 - v) alternative dispute resolution, and
 - d) meet the eligibility requirements for membership of a panel of conduct reviewers under clause 3.6.
- 3.6 A person is not eligible to be a conduct reviewer if they are:
 - a) a councillor, or
 - b) a nominee for election as a councillor, or
 - c) an administrator, or
 - d) an employee of a council, or
 - e) a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - f) a nominee for election as a member of the Commonwealth Parliament or any State Parliament or Territory Assembly, or
 - g) a person who has a conviction for an indictable offence that is not an expired conviction.
- 3.7 A person is not precluded from being a member of the council's panel of conduct reviewers if they are a member of another council's panel of conduct reviewers.
- 3.8 An incorporated or other entity may be appointed to a council's panel of conduct reviewers where the council is satisfied that all the persons who will be undertaking the functions of a conduct reviewer on behalf of the entity meet the selection and eligibility criteria prescribed under this Part.
- 3.9 A panel of conduct reviewers established under this Part is to have a term of up to four years.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



- 3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.
- 3.11 When the term of the panel of conduct reviewers concludes or is terminated, the council must establish a new panel of conduct reviewers in accordance with the requirements of this Part.
- 3.12 A person who was a member of a previous panel of conduct reviewers established by the council may be a member of subsequent panels of conduct reviewers established by the council if they continue to meet the selection and eligibility criteria for membership of the panel.

The appointment of an internal ombudsman to a panel of conduct reviewers

- 3.13 Despite clause 3.6(d), an employee of a council who is the nominated internal ombudsman of one or more councils may be appointed to a council's panel of conduct reviewers with the Office's consent.
- 3.14 To be appointed to a council's panel of conduct reviewers, an internal ombudsman must meet the qualification requirements for conduct reviewers prescribed under clause 3.5 as modified by the operation of clause 3.13.
- 3.15 An internal ombudsman appointed to a council's panel of conduct reviewers may also exercise the functions of the council's complaints coordinator. For the purposes of clause 6.1, an internal ombudsman who is a council's complaints coordinator and has been appointed to the council's panel of conduct reviewers, may either undertake a preliminary assessment and investigation of a matter referred to them under clauses 5.26 or 5.33 or refer the matter to another conduct reviewer in accordance with clause 6.2.
- 3.16 Clause 6.4(c) does not apply to an internal ombudsman appointed to a council's panel of conduct reviewers.

The appointment of complaints coordinators

- 3.17 The general manager must appoint a member of staff of the council or another person (such as, but not limited to, a member of staff of another council or a member of staff of a joint organisation or other regional body associated with the council), to act as a complaints coordinator. Where the complaints coordinator is a member of staff of the council, the complaints coordinator should be a senior and suitably qualified member of staff.
- 3.18 The general manager may appoint other members of staff of the council or other persons (such as, but not limited to, members of staff of another council or members of staff of a joint organisation or other regional body associated with the council), to act as alternates to the complaints coordinator.
- 3.19 The general manager must not undertake the role of complaints coordinator.
- 3.20 The person appointed as complaints coordinator or alternate complaints coordinator must also be a nominated disclosures coordinator appointed for the



purpose of receiving and managing reports of wrongdoing under the *Public Interest Disclosures Act 1994*.

- 3.21 The role of the complaints coordinator is to:
- a) coordinate the management of complaints made under the council's code of conduct
 - b) liaise with and provide administrative support to a conduct reviewer
 - c) liaise with the Office and
 - d) arrange the annual reporting of code of conduct complaints statistics.

PART 4 HOW MAY CODE OF CONDUCT COMPLAINTS BE MADE?

What is a code of conduct complaint?

- 4.1 For the purpose of these procedures, a code of conduct complaint is a complaint that shows or tends to show conduct on the part of a council official in connection with their role as a council official or the exercise of their functions as a council official that would constitute a breach of the standards of conduct prescribed under the council's code of conduct if proven.
- 4.2 The following are not "code of conduct complaints" for the purposes of these procedures:
- a) complaints about the standard or level of service provided by the council or a council official
 - b) complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
 - c) complaints about the policies or procedures of the council
 - d) complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the standards of conduct prescribed under the council's code of conduct.
- 4.3 Only code of conduct complaints are to be dealt with under these procedures. Complaints that do not satisfy the definition of a code of conduct complaint are to be dealt with under the council's routine complaints management processes.

When must a code of conduct complaint be made?

- 4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.
- 4.5 A complaint made after 3 months may only be accepted if the general manager or their delegate, or, in the case of a complaint about the general manager, the mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct.



How may a code of conduct complaint about a council official other than the general manager be made?

- 4.6 All code of conduct complaints other than those relating to the general manager are to be made to the general manager in writing. This clause does not operate to prevent a person from making a complaint to an external agency.
- 4.7 Where a code of conduct complaint about a council official other than the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.8 In making a code of conduct complaint about a council official other than the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.9 The general manager or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.10 Notwithstanding clauses 4.6 and 4.7, where the general manager becomes aware of a possible breach of the council's code of conduct, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

How may a code of conduct complaint about the general manager be made?

- 4.11 Code of conduct complaints about the general manager are to be made to the mayor in writing. This clause does not operate to prevent a person from making a complaint about the general manager to an external agency.
- 4.12 Where a code of conduct complaint about the general manager cannot be made in writing, the complaint must be confirmed with the complainant in writing as soon as possible after the receipt of the complaint.
- 4.13 In making a code of conduct complaint about the general manager, the complainant may nominate whether they want the complaint to be resolved by mediation or by other alternative means.
- 4.14 The mayor or their delegate, or, where the complaint is referred to a conduct reviewer, the conduct reviewer, must consider the complainant's preferences in deciding how to deal with the complaint.
- 4.15 Notwithstanding clauses 4.11 and 4.12, where the mayor becomes aware of a possible breach of the council's code of conduct by the general manager, they may initiate the process for the consideration of the matter under these procedures without a written complaint.

PART 5 HOW ARE CODE OF CONDUCT COMPLAINTS TO BE MANAGED?

Delegation by general managers and mayors of their functions under this Part

- 5.1 A general manager or mayor may delegate their functions under this Part to a member of staff of the council or to a person or persons external to the council



other than an external agency. References in this Part to the general manager or mayor are also to be taken to be references to their delegates.

Consideration of complaints by general managers and mayors

- 5.2 In exercising their functions under this Part, general managers and mayors may consider the complaint assessment criteria prescribed under clause 6.31.

What complaints may be declined at the outset?

- 5.3 Without limiting any other provision in these procedures, the general manager or, in the case of a complaint about the general manager, the mayor, may decline to deal with a complaint under these procedures where they are satisfied that the complaint:
- a) is not a code of conduct complaint, or
 - b) subject to clause 4.5, is not made within 3 months of the alleged conduct occurring or the complainant becoming aware of the alleged conduct, or
 - c) is trivial, frivolous, vexatious or not made in good faith, or
 - d) relates to a matter the substance of which has previously been considered and addressed by the council and does not warrant further action, or
 - e) is not made in a way that would allow the alleged conduct and any alleged breaches of the council's code of conduct to be readily identified.

How are code of conduct complaints about staff (other than the general manager) to be dealt with?

- 5.4 The general manager is responsible for the management of code of conduct complaints about members of staff of council (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.5 The general manager must refer code of conduct complaints about members of staff of council alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.6 The general manager may decide to take no action in relation to a code of conduct complaint about a member of staff of council other than one requiring referral to the Office under clause 5.5 where they consider that no action is warranted in relation to the complaint.
- 5.7 Where the general manager decides to take no action in relation to a code of conduct complaint about a member of staff of council, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.8 Code of conduct complaints about members of staff of council must be managed in accordance with the relevant industrial instrument or employment contract and make provision for procedural fairness including the right of an employee to be represented by their union.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the Code of Conduct
 ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



- 5.9 Sanctions for breaches of the code of conduct by staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.

How are code of conduct complaints about delegates of council, council advisers and council committee members to be dealt with?

- 5.10 The general manager is responsible for the management of code of conduct complaints about delegates of council and council committee members (other than complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct) and for determining the outcome of such complaints.
- 5.11 The general manager must refer code of conduct complaints about council advisers, delegates of council and council committee members alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct to the Office.
- 5.12 The general manager may decide to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member other than one requiring referral to the Office under clause 5.11 where they consider that no action is warranted in relation to the complaint.
- 5.13 Where the general manager decides to take no action in relation to a code of conduct complaint about a delegate of council or a council committee member, the general manager must give the complainant reasons in writing for their decision and this shall finalise the consideration of the matter under these procedures.
- 5.14 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about delegates of council or council committee members, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.15 Where the general manager resolves a code of conduct complaint under clause 5.14 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.16 Sanctions for breaches of the code of conduct by delegates of council and/or council committee members depend on the severity, scale and importance of the breach and may include one or more of the following:
 - a) censure
 - b) requiring the person to apologise to any person or organisation adversely affected by the breach in such a time and form specified by the general manager
 - c) prosecution for any breach of the law
 - d) removing or restricting the person's delegation
 - e) removing the person from membership of the relevant council committee.



- 5.17 Prior to imposing a sanction against a delegate of council or a council committee member under clause 5.16, the general manager or any person making enquiries on behalf of the general manager must comply with the requirements of procedural fairness. In particular:
- a) the substance of the allegation (including the relevant provision/s of the council's code of conduct that the alleged conduct is in breach of) must be put to the person who is the subject of the allegation, and
 - b) the person must be given an opportunity to respond to the allegation, and
 - c) the general manager must consider the person's response in deciding whether to impose a sanction under clause 5.16.

How are code of conduct complaints about administrators to be dealt with?

- 5.18 The general manager must refer all code of conduct complaints about administrators to the Office for its consideration.
- 5.19 The general manager must notify the complainant of the referral of their complaint in writing.

How are code of conduct complaints about councillors to be dealt with?

- 5.20 The general manager must refer the following code of conduct complaints about councillors to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a failure to comply with a requirement under the code of conduct to disclose and appropriately manage conflicts of interest arising from political donations (see section 328B of the LGA)
 - c) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - d) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.21 Where the general manager refers a complaint to the Office under clause 5.20, the general manager must notify the complainant of the referral in writing.
- 5.22 The general manager may decide to take no action in relation to a code of conduct complaint about a councillor, other than one requiring referral to the Office under clause 5.20, where they consider that no action is warranted in relation to the complaint.
- 5.23 Where the general manager decides to take no action in relation to a code of conduct complaint about a councillor, the general manager must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.24 Where the general manager considers it to be practicable and appropriate to do so, the general manager may seek to resolve code of conduct complaints about councillors, other than those requiring referral to the Office under clause 5.20, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of

13.3 Adoption of Code of Conduct and Procedures for the Administration of the Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.

- 5.25 Where the general manager resolves a code of conduct complaint under clause 5.24 to the general manager's satisfaction, the general manager must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.26 The general manager must refer all code of conduct complaints about councillors, other than those referred to the Office under clause 5.20 or finalised under clause 5.23 or resolved under clause 5.24, to the complaints coordinator.

How are code of conduct complaints about the general manager to be dealt with?

- 5.27 The mayor must refer the following code of conduct complaints about the general manager to the Office:
- a) complaints alleging a breach of the pecuniary interest provisions contained in Part 4 of the code of conduct
 - b) complaints alleging a breach of the provisions relating to the maintenance of the integrity of the code of conduct contained in Part 9 of the code of conduct
 - c) complaints that are the subject of a special complaints management arrangement with the Office under clause 5.49.
- 5.28 Where the mayor refers a complaint to the Office under clause 5.27, the mayor must notify the complainant of the referral in writing.
- 5.29 The mayor may decide to take no action in relation to a code of conduct complaint about the general manager, other than one requiring referral to the Office under clause 5.27, where they consider that no action is warranted in relation to the complaint.
- 5.30 Where the mayor decides to take no action in relation to a code of conduct complaint about the general manager, the mayor must give the complainant reasons in writing for their decision within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.31 Where the mayor considers it to be practicable and appropriate to do so, the mayor may seek to resolve code of conduct complaints about the general manager, other than those requiring referral to the Office under clause 5.27, by alternative means such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour. The resolution of a code of conduct complaint under this clause is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 5.32 Where the mayor resolves a code of conduct complaint under clause 5.31 to the mayor's satisfaction, the mayor must notify the complainant in writing of the steps taken to resolve the complaint within 21 days of receipt of the complaint and this shall finalise the consideration of the matter under these procedures.
- 5.33 The mayor must refer all code of conduct complaints about the general manager, other than those referred to the Office under clause 5.27 or finalised under clause 5.30 or resolved under clause 5.31, to the complaints coordinator.



How are complaints about both the general manager and the mayor to be dealt with?

- 5.34 Where the general manager or mayor receives a code of conduct complaint that alleges a breach of the code of conduct by both the general manager and the mayor, the general manager or mayor must either:
- a) delegate their functions under this part with respect to the complaint to a member of staff of the council other than the general manager where the allegation is not serious, or to a person external to the council, or
 - b) refer the matter to the complaints coordinator under clause 5.26 and clause 5.33.

Referral of code of conduct complaints to external agencies

- 5.35 The general manager, mayor or a conduct reviewer may, at any time, refer a code of conduct complaint to an external agency for its consideration, where they consider such a referral is warranted.
- 5.36 The general manager, mayor or a conduct reviewer must report to the ICAC any matter that they suspect on reasonable grounds concerns or may concern corrupt conduct.
- 5.37 Where the general manager, mayor or conduct reviewer refers a complaint to an external agency under clause 5.35, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 5.38 Referral of a matter to an external agency shall finalise consideration of the matter under these procedures unless the council is subsequently advised otherwise by the referral agency.

Disclosure of the identity of complainants

- 5.39 In dealing with matters under these procedures, information that identifies or tends to identify complainants is not to be disclosed unless:
- a) the complainant consents in writing to the disclosure, or
 - b) it is generally known that the complainant has made the complaint as a result of the complainant having voluntarily identified themselves as the person who made the complaint, or
 - c) it is essential, having regard to procedural fairness requirements, that the identifying information be disclosed, or
 - d) a conduct reviewer is of the opinion that disclosure of the information is necessary to investigate the matter effectively, or
 - e) it is otherwise in the public interest to do so.
- 5.40 Clause 5.39 does not apply to code of conduct complaints made by councillors about other councillors or the general manager.
- 5.41 Where a councillor makes a code of conduct complaint about another councillor or the general manager, and the complainant councillor considers that compelling grounds exist that would warrant information that identifies or tends to identify them as the complainant not to be disclosed, they may request in writing that such information not be disclosed.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



- 5.42 A request made by a complainant councillor under clause 5.41 must be made at the time they make a code of conduct complaint and must state the grounds upon which the request is made.
- 5.43 The general manager or mayor, and where the matter is referred to a conduct reviewer, the conduct reviewer, must consider a request made under clause 5.41 before disclosing information that identifies or tends to identify the complainant councillor, but they are not obliged to comply with the request.
- 5.44 Where a complainant councillor makes a request under clause 5.41, the general manager or mayor or, where the matter is referred to a conduct reviewer, the conduct reviewer, shall notify the councillor in writing of their intention to disclose information that identifies or tends to identify them prior to disclosing the information.

Code of conduct complaints made as public interest disclosures

- 5.45 These procedures do not override the provisions of the *Public Interest Disclosures Act 1994*. Code of conduct complaints that are made as public interest disclosures under that Act are to be managed in accordance with the requirements of that Act, the council's internal reporting policy, and any guidelines issued by the NSW Ombudsman that relate to the management of public interest disclosures.
- 5.46 Where a councillor makes a code of conduct complaint about another councillor or the general manager as a public interest disclosure, before the matter may be dealt with under these procedures, the complainant councillor must consent in writing to the disclosure of their identity as the complainant.
- 5.47 Where a complainant councillor declines to consent to the disclosure of their identity as the complainant under clause 5.46, the general manager or the mayor must refer the complaint to the Office for consideration. Such a referral must be made under section 26 of the *Public Interest Disclosures Act 1994*.

Special complaints management arrangements

- 5.48 The general manager may request in writing that the Office enter into a special complaints management arrangement with the council in relation to code of conduct complaints made by or about a person or persons.
- 5.49 Where the Office receives a request under clause 5.48, it may agree to enter into a special complaints management arrangement if it is satisfied that the number or nature of code of conduct complaints made by or about a person or persons has:
- a) imposed an undue and disproportionate cost burden on the council's administration of its code of conduct, or
 - b) impeded or disrupted the effective administration by the council of its code of conduct, or
 - c) impeded or disrupted the effective functioning of the council.
- 5.50 A special complaints management arrangement must be in writing and must specify the following:
- a) the code of conduct complaints the arrangement relates to, and
 - b) the period that the arrangement will be in force.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



- 5.51 The Office may, by notice in writing, amend or terminate a special complaints management arrangement at any time.
- 5.52 While a special complaints management arrangement is in force, an officer of the Office (the assessing OLG officer) must undertake the preliminary assessment of the code of conduct complaints specified in the arrangement in accordance with the requirements of Part 6 of these procedures.
- 5.53 Where, following a preliminary assessment, the assessing OLG officer determines that a code of conduct complaint warrants investigation by a conduct reviewer, the assessing OLG officer shall notify the complaints coordinator in writing of their determination and the reasons for their determination. The complaints coordinator must comply with the recommendation of the assessing OLG officer.
- 5.54 Prior to the expiry of a special complaints management arrangement, the Office may, at the request of the general manager, review the arrangement to determine whether it should be renewed or amended.
- 5.55 A special complaints management arrangement shall expire on the date specified in the arrangement unless renewed under clause 5.54.

PART 6 PRELIMINARY ASSESSMENT OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER BY CONDUCT REVIEWERS

Referral of code of conduct complaints about councillors or the general manager to conduct reviewers

- 6.1 The complaints coordinator must refer all code of conduct complaints about councillors or the general manager that have not been referred to an external agency or declined or resolved by the general manager, mayor or their delegate and that have been referred to them under clauses 5.26 or 5.33, to a conduct reviewer within 21 days of receipt of the complaint by the general manager or the mayor.
- 6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:
- a) a panel of conduct reviewers established by the council, or
 - b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.
- 6.3 In selecting a suitable conduct reviewer, the complaints coordinator may have regard to the qualifications and experience of members of the panel of conduct reviewers. Where the conduct reviewer is an incorporated or other entity, the complaints coordinator must also ensure that the person assigned to receive the referral on behalf of the entity meets the selection and eligibility criteria for conduct reviewers prescribed under Part 3 of these procedures.
- 6.4 A conduct reviewer must not accept the referral of a code of conduct complaint where:
- a) they have a conflict of interest in relation to the matter referred to them, or

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



- b) a reasonable apprehension of bias arises in relation to their consideration of the matter, or
 - c) they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or
 - d) at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.
- 6.5 For the purposes of clause 6.4(a), a conduct reviewer will have a conflict of interest in a matter where a reasonable and informed person would perceive that they could be influenced by a private interest when carrying out their public duty (see clause 5.2 of the Model Code of Conduct).
- 6.6 For the purposes of clause 6.4(b), a reasonable apprehension of bias arises where a fair-minded observer might reasonably apprehend that the conduct reviewer might not bring an impartial and unprejudiced mind to the matter referred to the conduct reviewer.
- 6.7 Where the complaints coordinator refers a matter to a conduct reviewer, they will provide the conduct reviewer with a copy of the code of conduct complaint and any other information relevant to the matter held by the council, including any information about previous proven breaches and any information that would indicate that the alleged conduct forms part of an ongoing pattern of behaviour.
- 6.8 The complaints coordinator must notify the complainant in writing that the matter has been referred to a conduct reviewer, and advise which conduct reviewer the matter has been referred to.
- 6.9 Conduct reviewers must comply with these procedures in their consideration of matters that have been referred to them and exercise their functions in a diligent and timely manner.
- 6.10 The complaints coordinator may at any time terminate the referral of a matter to a conduct reviewer and refer the matter to another conduct reviewer where the complaints coordinator is satisfied that the conduct reviewer has failed to:
- a) comply with these procedures in their consideration of the matter, or
 - b) comply with a lawful and reasonable request by the complaints coordinator, or
 - c) exercise their functions in a timely or satisfactory manner.
- 6.11 Where the complaints coordinator terminates a referral to a conduct reviewer under clause 6.10, they must notify the complainant and any other affected person in writing of their decision and the reasons for it and advise them which conduct reviewer the matter has been referred to instead.

Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer

- 6.12 The conduct reviewer is to undertake a preliminary assessment of a complaint referred to them by the complaints coordinator for the purposes of determining how the complaint is to be managed.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



- 6.13 The conduct reviewer may determine to do one or more of the following in relation to a complaint referred to them by the complaints coordinator:
- to take no action
 - to resolve the complaint by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - to refer the matter back to the general manager or, in the case of a complaint about the general manager, the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - to refer the matter to an external agency
 - to investigate the matter.
- 6.14 In determining how to deal with a matter under clause 6.13, the conduct reviewer must have regard to the complaint assessment criteria prescribed under clause 6.31.
- 6.15 The conduct reviewer may make such enquiries the conduct reviewer considers to be reasonably necessary to determine what options to exercise under clause 6.13.
- 6.16 The conduct reviewer may request the complaints coordinator to provide such additional information the conduct reviewer considers to be reasonably necessary to determine what options to exercise in relation to the matter under clause 6.13. The complaints coordinator will, as far as is reasonably practicable, supply any information requested by the conduct reviewer.
- 6.17 The conduct reviewer must refer to the Office any complaints referred to them that should have been referred to the Office under clauses 5.20 and 5.27.
- 6.18 The conduct reviewer must determine to take no action on a complaint that is not a code of conduct complaint for the purposes of these procedures.
- 6.19 The resolution of a code of conduct complaint under clause 6.13, paragraphs (b) or (c) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 6.20 Where the conduct reviewer completes their preliminary assessment of a complaint by determining to exercise an option under clause 6.13, paragraphs (a), (b) or (c), they must provide the complainant with written notice of their determination and provide reasons for it, and this will finalise consideration of the matter under these procedures.
- 6.21 Where the conduct reviewer refers a complaint to an external agency, they must notify the complainant of the referral in writing unless they form the view, on the advice of the relevant agency, that it would not be appropriate for them to do so.
- 6.22 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:
- that the complaint is a code of conduct complaint for the purposes of these procedures, and

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



- b) that the alleged conduct is sufficiently serious to warrant investigation, and
- c) that the matter is one that could not or should not be resolved by alternative means.

6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following:

- a) the harm or cost that the alleged conduct has caused to any affected individuals and/or the council
- b) the likely impact of the alleged conduct on the reputation of the council and public confidence in it
- c) whether the alleged conduct was deliberate or undertaken with reckless intent or negligence
- d) any previous proven breaches by the person whose alleged conduct is the subject of the complaint and/or whether the alleged conduct forms part of an ongoing pattern of behaviour.

6.24 The conduct reviewer must complete their preliminary assessment of the complaint within 28 days of referral of the matter to them by the complaints coordinator and notify the complaints coordinator in writing of the outcome of their assessment.

6.25 The conduct reviewer is not obliged to give prior notice to or to consult with any person before making a determination in relation to their preliminary assessment of a complaint, except as may be specifically required under these procedures.

Referral back to the general manager or mayor for resolution

6.26 Where the conduct reviewer determines to refer a matter back to the general manager or to the mayor to be resolved by alternative and appropriate means, they must write to the general manager or, in the case of a complaint about the general manager, to the mayor, recommending the means by which the complaint may be resolved.

6.27 The conduct reviewer must consult with the general manager or mayor prior to referring a matter back to them under clause 6.13(c).

6.28 The general manager or mayor may decline to accept the conduct reviewer's recommendation. In such cases, the conduct reviewer may determine to deal with the complaint by other means under clause 6.13.

6.29 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager or, in the case of a complaint about the general manager, the mayor, is responsible for implementing or overseeing the implementation of the conduct reviewer's recommendation.

6.30 Where the conduct reviewer refers a matter back to the general manager or mayor under clause 6.13(c), the general manager, or, in the case of a complaint about the general manager, the mayor, must advise the complainant in writing of the steps taken to implement the conduct reviewer's recommendation once these steps have been completed.



Complaints assessment criteria

- 6.31 In undertaking the preliminary assessment of a complaint, the conduct reviewer must have regard to the following considerations:
- a) whether the complaint is a code of conduct complaint for the purpose of these procedures
 - b) whether the complaint has been made in a timely manner in accordance with clause 4.4, and if not, whether the allegations are sufficiently serious for compelling grounds to exist for the matter to be dealt with under the council's code of conduct
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the complaint discloses prima facie evidence of conduct that, if proven, would constitute a breach of the code of conduct
 - e) whether the complaint raises issues that would be more appropriately dealt with by an external agency
 - f) whether there is or was an alternative and satisfactory means of redress available in relation to the conduct complained of
 - g) whether the complaint is one that can be resolved by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour
 - h) whether the issue/s giving rise to the complaint have previously been addressed or resolved
 - i) any previous proven breaches of the council's code of conduct
 - j) whether the conduct complained of forms part of an ongoing pattern of behaviour
 - k) whether there were mitigating circumstances giving rise to the conduct complained of
 - l) the seriousness of the alleged conduct (having regard to the criteria specified in clause 6.23)
 - m) the significance of the conduct or the impact of the conduct for the council
 - n) how much time has passed since the alleged conduct occurred
 - o) such other considerations that the conduct reviewer considers may be relevant to the assessment of the complaint.

PART 7 INVESTIGATIONS OF CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS OR THE GENERAL MANAGER

What matters may a conduct reviewer investigate?

- 7.1 A conduct reviewer (hereafter referred to as an "investigator") may investigate a code of conduct complaint that has been referred to them by the complaints coordinator and any matters related to or arising from that complaint.
- 7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.

**13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct**



- 7.3 The general manager or the mayor or their delegate is to deal with a matter reported to them by an investigator under clause 7.2 as if it were a new code of conduct complaint in accordance with these procedures.

How are investigations to be commenced?

- 7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must:
- disclose the substance of the allegations against the respondent, and
 - advise of the relevant provisions of the code of conduct that apply to the alleged conduct, and
 - advise of the process to be followed in investigating the matter, and
 - advise the respondent of the requirement to maintain confidentiality, and
 - invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and
 - provide the respondent the opportunity to address the investigator on the matter within such reasonable time specified in the notice.
- 7.5 The respondent may, within 7 days of receipt of the notice of investigation, request in writing that the investigator provide them with such further information they consider necessary to assist them to identify the substance of the allegation against them. An investigator will only be obliged to provide such information that the investigator considers reasonably necessary for the respondent to identify the substance of the allegation against them.
- 7.6 An investigator may at any time prior to issuing a draft report, issue an amended notice of investigation to the respondent in relation to the matter referred to them.
- 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.
- 7.8 The investigator must also, at the outset of their investigation, provide written notice of the investigation to the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the complainant, the complaints coordinator and the mayor. The notice must:
- advise them of the matter the investigator is investigating, and
 - in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and
 - invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice.

Written and oral submissions

- 7.9 Where the respondent or the complainant fails to make a written submission in relation to the matter within the period specified by the investigator in their notice of investigation or amended notice of investigation, the investigator may proceed to prepare their draft report without receiving such submissions.
- 7.10 The investigator may accept written submissions received outside the period specified in the notice of investigation or amended notice of investigation.



- 7.11 Prior to preparing a draft report, the investigator must give the respondent an opportunity to address the investigator on the matter being investigated. The respondent may do so in person or by telephone or other electronic means.
- 7.12 Where the respondent fails to accept the opportunity to address the investigator within the period specified by the investigator in the notice of investigation, the investigator may proceed to prepare a draft report without hearing from the respondent.
- 7.13 Where the respondent accepts the opportunity to address the investigator in person, they may have a support person or legal adviser in attendance. The support person or legal adviser will act in an advisory or support role to the respondent only. They must not speak on behalf of the respondent or otherwise interfere with or disrupt proceedings.
- 7.14 The investigator must consider all written and oral submissions made to them in relation to the matter.

How are investigations to be conducted?

- 7.15 Investigations are to be undertaken without undue delay.
- 7.16 Investigations are to be undertaken in the absence of the public and in confidence.
- 7.17 Investigators must make any such enquiries that may be reasonably necessary to establish the facts of the matter.
- 7.18 Investigators may seek such advice or expert guidance that may be reasonably necessary to assist them with their investigation or the conduct of their investigation.
- 7.19 An investigator may request that the complaints coordinator provide such further information that the investigator considers may be reasonably necessary for them to establish the facts of the matter. The complaints coordinator will, as far as is reasonably practicable, provide the information requested by the investigator.

Referral or resolution of a matter after the commencement of an investigation

- 7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:
 - a) resolve the matter by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - b) refer the matter to the general manager, or, in the case of a complaint about the general manager, to the mayor, for resolution by alternative and appropriate strategies such as, but not limited to, explanation, counselling, training, mediation, informal discussion, negotiation, a voluntary apology or an undertaking not to repeat the offending behaviour, or
 - c) refer the matter to an external agency.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



- 7.21 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they must do so in accordance with the requirements of Part 6 of these procedures relating to the exercise of these options at the preliminary assessment stage.
- 7.22 The resolution of a code of conduct complaint under clause 7.20, paragraphs (a) or (b) is not to be taken as a determination that there has been a breach of the council's code of conduct.
- 7.23 Where an investigator determines to exercise any of the options under clause 7.20 after the commencement of an investigation, they may by written notice to the respondent, the complainant, the complaints coordinator and the general manager, or in the case of a complaint about the general manager, to the respondent, the complainant, the complaints coordinator and the mayor, discontinue their investigation of the matter.
- 7.24 Where the investigator discontinues their investigation of a matter under clause 7.23, this shall finalise the consideration of the matter under these procedures.
- 7.25 An investigator is not obliged to give prior notice to or to consult with any person before making a determination to exercise any of the options under clause 7.20 or to discontinue their investigation except as may be specifically required under these procedures.

Draft investigation reports

- 7.26 When an investigator has completed their enquiries and considered any written or oral submissions made to them in relation to a matter, they must prepare a draft of their proposed report.
- 7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.
- 7.29 The investigator must consider written submissions received in relation to the draft report prior to finalising their report in relation to the matter.
- 7.30 The investigator may, after consideration of all written submissions received in relation to their draft report, make further enquiries into the matter. If, as a result of making further enquiries, the investigator makes any material change to their proposed report that makes new adverse comment about the respondent or an affected person, they must provide the respondent or affected person as the case may be with a further opportunity to make a written submission in relation to the new adverse comment.
- 7.31 Where the respondent or an affected person fails to make a written submission in relation to the draft report within the period specified by the investigator, the investigator may proceed to prepare and issue their final report without receiving such submissions.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



- 7.32 The investigator may accept written submissions in relation to the draft report received outside the period specified by the investigator at any time prior to issuing their final report.

Final investigation reports

- 7.33 Where an investigator issues a notice of investigation they must prepare a final report in relation to the matter unless the investigation is discontinued under clause 7.23.
- 7.34 An investigator must not prepare a final report in relation to the matter at any time before they have finalised their consideration of the matter in accordance with the requirements of these procedures.
- 7.35 The investigator's final report must:
- a) make findings of fact in relation to the matter investigated, and,
 - b) make a determination that the conduct investigated either,
 - i. constitutes a breach of the code of conduct, or
 - ii. does not constitute a breach of the code of conduct, and
 - c) provide reasons for the determination.
- 7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
 - b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - c) that the respondent be counselled for their conduct
 - d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
 - e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation
 - f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation
 - g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered
 - h) in the case of a breach by the general manager, that action be taken under the general manager's contract
 - i) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
 - j) in the case of a breach by a councillor, that the council resolves as follows:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.
- 7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:
- a) that the council revise any of its policies, practices or procedures
 - b) that a person or persons undertake any training or other education.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



- 7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:
- a) the seriousness of the breach
 - b) whether the breach can be easily remedied or rectified
 - c) whether the respondent has remedied or rectified their conduct
 - d) whether the respondent has expressed contrition
 - e) whether there were any mitigating circumstances
 - f) the age, physical or mental health or special infirmity of the respondent
 - g) whether the breach is technical or trivial only
 - h) any previous proven breaches
 - i) whether the breach forms part of an ongoing pattern of behaviour
 - j) the degree of reckless intention or negligence of the respondent
 - k) the extent to which the breach has affected other parties or the council as a whole
 - l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct
 - m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
 - n) whether an educative approach would be more appropriate than a punitive one
 - o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action
 - p) what action or remedy would be in the public interest.
- 7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.
- 7.40 At a minimum, the investigator's final report must contain the following information:
- a) a description of the allegations against the respondent
 - b) the relevant provisions of the code of conduct that apply to the alleged conduct investigated
 - c) a statement of reasons as to why the matter warranted investigation (having regard to the criteria specified in clause 6.23)
 - d) a statement of reasons as to why the matter was one that could not or should not be resolved by alternative means
 - e) a description of any attempts made to resolve the matter by use of alternative means
 - f) the steps taken to investigate the matter
 - g) the facts of the matter
 - h) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - i) the investigator's determination and the reasons for that determination
 - j) any recommendations.
- 7.41 The investigator must provide a copy of their report to the complaints coordinator and the respondent.
- 7.42 At the time the investigator provides a copy of their report to the complaints coordinator and the respondent, the investigator must provide the complainant with a written statement containing the following information:

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



- a) the investigator's findings in relation to the facts of the matter and the reasons for those findings
 - b) the investigator's determination and the reasons for that determination
 - c) any recommendations, and
 - d) such other additional information that the investigator considers may be relevant.
- 7.43 Where the investigator has determined that there has not been a breach of the code of conduct, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor, and this will finalise consideration of the matter under these procedures.
- 7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.
- 7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.
- 7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.

Consideration of the final investigation report by council

- 7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).
- 7.48 The council is to close its meeting to the public to consider the final investigation report in cases where it is permitted to do so under section 10A of the LGA.
- 7.49 Where the complainant is a councillor, they must absent themselves from the meeting and take no part in any discussion or voting on the matter. The complainant councillor may absent themselves without making any disclosure of

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



interest in relation to the matter unless otherwise required to do so under the code of conduct.

- 7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.
- 7.51 Once the respondent has made their submission they must absent themselves from the meeting and, where they are a councillor, take no part in any discussion or voting on the matter.
- 7.52 The council must not invite submissions from other persons for the purpose of seeking to rehear evidence previously considered by the investigator.
- 7.53 Prior to imposing a sanction, the council may by resolution:
- request that the investigator make additional enquiries and/or provide additional information to it in a supplementary report, or
 - seek an opinion from the Office in relation to the report.
- 7.54 The council may, by resolution, defer further consideration of the matter pending the receipt of a supplementary report from the investigator or an opinion from the Office.
- 7.55 The investigator may make additional enquiries for the purpose of preparing a supplementary report.
- 7.56 Where the investigator prepares a supplementary report, they must provide copies to the complaints coordinator who shall provide a copy each to the council and the respondent.
- 7.57 The investigator is not obliged to notify or consult with any person prior to submitting the supplementary report to the complaints coordinator.
- 7.58 The council is only required to provide the respondent a further opportunity to make an oral or written submission on a supplementary report if the supplementary report contains new information that is adverse to them.
- 7.59 A council may by resolution impose one or more of the following sanctions on a respondent:
- that the respondent undertake any training or other education relevant to the conduct giving rise to the breach
 - that the respondent be counselled for their conduct
 - that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative
 - that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution
 - that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution
 - that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting
 - in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach



- h) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA
- i) in the case of a breach by a councillor:
 - i. that the councillor be formally censured for the breach under section 440G of the LGA, and
 - ii. that the matter be referred to the Office for further action under the misconduct provisions of the LGA.

7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.

7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.

7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.

PART 8 OVERSIGHT AND RIGHTS OF REVIEW

The Office's powers of review

- 8.1 The Office may, at any time, whether or not in response to a request, review the consideration of a matter under a council's code of conduct where it is concerned that a person has failed to comply with a requirement prescribed under these procedures or has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct in their consideration of a matter.
- 8.2 The Office may direct any person, including the council, to defer taking further action in relation to a matter under consideration under the council's code of conduct pending the completion of its review. Any person the subject of a direction must comply with the direction.
- 8.3 Where the Office undertakes a review of a matter under clause 8.1, it will notify the complaints coordinator and any other affected persons, of the outcome of the review.

Complaints about conduct reviewers

- 8.4 The general manager or their delegate must refer code of conduct complaints about conduct reviewers to the Office for its consideration.
- 8.5 The general manager must notify the complainant of the referral of their complaint about the conduct reviewer in writing.
- 8.6 The general manager must implement any recommendation made by the Office as a result of its consideration of a complaint about a conduct reviewer.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the
Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



Practice rulings

- 8.7 Where a respondent and an investigator are in dispute over a requirement under these procedures, either person may make a request in writing to the Office to make a ruling on a question of procedure (a practice ruling).
- 8.8 Where the Office receives a request in writing for a practice ruling, the Office may provide notice in writing of its ruling and the reasons for it to the person who requested it and to the investigator, where that person is different.
- 8.9 Where the Office makes a practice ruling, all parties must comply with it.
- 8.10 The Office may decline to make a practice ruling. Where the Office declines to make a practice ruling, it will provide notice in writing of its decision and the reasons for it to the person who requested it and to the investigator, where that person is different.

Review of decisions to impose sanctions

- 8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
- 8.12 A review under clause 8.11 may be sought on the following grounds:
- a) that the investigator has failed to comply with a requirement under these procedures, or
 - b) that the investigator has misinterpreted or misapplied the standards of conduct prescribed under the code of conduct, or
 - c) that in imposing its sanction, the council has failed to comply with a requirement under these procedures.
- 8.13 A request for a review made under clause 8.11 must be made in writing and must specify the grounds upon which the person believes the investigator or the council has erred.
- 8.14 The Office may decline to conduct a review, in cases where the grounds upon which the review is sought are not sufficiently specified.
- 8.15 The Office may undertake a review of a matter without receiving a request under clause 8.11.
- 8.16 The Office will undertake a review of the matter on the papers. However, the Office may request that the complaints coordinator provide such further information that the Office considers reasonably necessary for it to review the matter. The complaints coordinator must, as far as is reasonably practicable, provide the information requested by the Office.
- 8.17 Where a person requests a review under clause 8.11, the Office may direct the council to defer any action to implement a sanction. The council must comply with a direction to defer action by the Office.
- 8.18 The Office must notify the person who requested the review and the complaints coordinator of the outcome of the Office's review in writing and the reasons for



its decision. In doing so, the Office may comment on any other matters the Office considers to be relevant.

- 8.19 Where the Office considers that the investigator or the council has erred, the Office may recommend that a decision to impose a sanction under these procedures be reviewed.
- 8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed:
 - a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and
 - b) the general manager or mayor must review any action taken by them to implement the sanction, and
 - c) the general manager or mayor must consider the Office's recommendation in doing so.
- 8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:
 - a) the complaints coordinator must, where practicable, arrange for the Office's determination to be tabled at the next ordinary council meeting unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case it must be tabled at the first ordinary council meeting following the election, and
 - b) the council must:
 - i. review its decision to impose the sanction, and
 - ii. consider the Office's recommendation in doing so, and
 - iii. resolve to either rescind or reaffirm its previous resolution in relation to the matter.
- 8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.

PART 9 PROCEDURAL IRREGULARITIES

- 9.1 A failure to comply with these procedures does not, on its own, constitute a breach of the code of conduct, except as may be otherwise specifically provided under the code of conduct.
- 9.2 A failure to comply with these procedures will not render a decision made in relation to a matter invalid where:
 - a) the non-compliance is isolated and/or minor in nature, or
 - b) reasonable steps are taken to correct the non-compliance, or
 - c) reasonable steps are taken to address the consequences of the non-compliance.

PART 10 PRACTICE DIRECTIONS

- 10.1 The Office may at any time issue a practice direction in relation to the application of these procedures.

13.3 Adoption of Code of Conduct and Procedures for the Administration of the Code of Conduct
ATTACHMENT 2 Procedures for the Administration of the Code of Conduct



10.2 The Office will issue practice directions in writing, by circular to all councils.

10.3 All persons performing a function prescribed under these procedures must consider the Office's practice directions when performing the function.

PART 11 REPORTING STATISTICS ON CODE OF CONDUCT COMPLAINTS ABOUT COUNCILLORS AND THE GENERAL MANAGER

11.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September (the reporting period)
- b) the number of code of conduct complaints referred to a conduct reviewer during the reporting period
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage during the reporting period and the outcome of those complaints
- d) the number of code of conduct complaints investigated by a conduct reviewer during the reporting period
- e) without identifying particular matters, the outcome of investigations completed under these procedures during the reporting period
- f) the number of matters reviewed by the Office during the reporting period and, without identifying particular matters, the outcome of the reviews, and
- g) the total cost of dealing with code of conduct complaints made about councillors and the general manager during the reporting period, including staff costs.

11.2 The council is to provide the Office with a report containing the statistics referred to in clause 11.1 within 3 months of the end of September of each year.

PART 12 CONFIDENTIALITY

12.1 Information about code of conduct complaints and the management and investigation of code of conduct complaints is to be treated as confidential and is not to be publicly disclosed except as may be otherwise specifically required or permitted under these procedures.

12.2 Where a complainant publicly discloses information on one or more occasions about a code of conduct complaint they have made or purported to make, the general manager or their delegate may, with the consent of the Office, determine that the complainant is to receive no further information about their complaint and any future code of conduct complaint they make or purport to make.

12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the general manager or their delegate, and consider any submission made by them.



- 12.4 In giving its consent under clause 12.2, the Office must consider any submission made by the complainant to the general manager or their delegate.
- 12.5 The general manager or their delegate must give written notice of a determination made under clause 12.2 to:
- a) the complainant
 - b) the complaints coordinator
 - c) the Office, and
 - d) any other person the general manager or their delegate considers should be notified of the determination.
- 12.6 Any requirement under these procedures that a complainant is to be provided with information about a code of conduct complaint that they have made or purported to make, will not apply to a complainant the subject of a determination made by the general manager or their delegate under clause 12.2.
- 12.7 Clause 12.6 does not override any entitlement a person may have to access to council information under the *Government Information (Public Access) Act 2009* or to receive information under the *Public Interest Disclosures Act 1994* in relation to a complaint they have made.

13.4 Development Applications Determined from 24 April 2019 to 28 May 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 24 April 2019 to 28 May 2019.

RECOMMENDATION

THAT the information relating to the lists of Development Applications Determined for the period 24 April 2019 to 28 May 2019 be received and noted.

APPROVED APPLICATIONS BY DATE RANGE Date range: 24 April 2019 to 28 May 2019

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	17/1781.05	68 Sir James Fairfax Circuit Bowral NSW 2576 Lot 318 DP 1234848	T Wegmuller, K Wegmuller	Section 4.55 Modification (Reduce dwelling size)	25/03/2019	0	57	57	21/05/2019
2	17/1822	2-18 Centennial Road Bowral NSW 2576 Lot 1 DP 1101892 Lot 2 DP 1101892 Lot 4 DP 1109214 Lot 5 DP 1109214 And 6 More	Waterbrook Bowral Pty Limited	Seniors Housing	22/12/2017	483	19	502	Determined By JRPP 07/05/2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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
3	18/0333.05	70 Woodbine Street Bowral NSW 2576 Lot 9 DP 995366	A Hayes, G Norrie	Section 4.55 Modification (Internal Alterations & Extensions)	05/04/2019	0	25	25	01/05/2019
4	19/0478.01	33-37 Bowral Street Bowral NSW 2576 Part Lot 100 DP 1144699	Reverse Signage Pty Ltd	82A Review Change of Use (Advertising Structures)	14/12/2018	0	153	153	17/05/2019
5	19/0704.03	30 Oxley Drive Bowral NSW 2576 Lot 3 DP 547194	ES Gorman, DA Gorman	Section 4.55 Modification (Extensions)	30/04/2019	0	27	27	27/05/2019
6	19/1133	2/29 Banksia Street Bowral NSW 2576 Lot 2 S/P 83524	M Pombo, R Hurley	Residential Alterations and Additions (Extensions)	31/01/2019	47	38	85	27/04/2019
7	19/1146	8 Warwick Close Bowral NSW 2576 Lot 228 DP 1239600	VN Frost, GO Frost	Dwelling House	04/02/2019	0	86	86	01/05/2019
8	19/1186	17 Carlisle Street Bowral NSW 2576 Lot 73 DP 111222 Lot D DP 153699	SA Talman	Demolition of Existing Dwelling, Construct New Dwelling House and Pool	12/02/2019	67	35	102	25/05/2019
9	19/1265	1 Ivy Street Bowral NSW 2576 Lot 1 DP 264613 Lot 2 DP 264613	A Naughton, J Naughton	Residential Alterations and Additions (Extension & Swimming Pool)	25/02/2019	0	73	73	10/05/2019
10	19/1283	4 Wattle Lane Bowral NSW 2576 Lot 11 DP 1105225 Lot 12 DP 1105225	Wingecarribee Shire Council	Demolition of building for the purpose of extending a car park.	01/03/2019	0	76	76	16/05/2019
11	19/1291	28 Cliff Street Bowral NSW 2576 Lot 21 DP 9288 Vol 12306 Fol 00196	JE Pearl, LS Pearl	Change of Use (Bed and Breakfast Accommodation)	01/03/2019	0	62	62	03/05/2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

**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
12	19/1292	9 Caroline Avenue Bowral NSW 2576 Lot 123 DP 1231974	BP Shanks, LA Shanks	Dwelling House & Retaining Walls	01/03/2019	57	24	81	23/05/2019
13	19/1304	101 Sir James Fairfax Circuit Bowral NSW 2576 Lot 105 DP 1231974	KE Elbourne	Dwelling House & Retaining Wall	05/03/2019	28	28	56	30/04/2019
14	19/1317	87 Boardman Road Bowral NSW 2576 Lot 18 DP 882935	CSL Kunz, S Kunz	Residential Alterations and Additions (Extensions)	07/03/2019	0	52	52	29/04/2019
15	19/1319	2 Sir James Fairfax Circuit Bowral NSW 2576 Lot 200 DP 1239600	JN Vassallo	Dwelling House	08/03/2019	17	34	51	29/04/2019
16	19/1335	97 Sir James Fairfax Circuit Bowral NSW 2576 Lot 107 DP 1231974	J Foster, SM Foster	Dwelling House	13/03/2019	41	21	62	14/05/2019
17	19/1361	3 Rosemary Crescent Bowral NSW 2576 Lot 27 DP 792830	DA Longley, V Longley	Residential Alterations and Additions (Carport)	19/03/2019	0	57	57	16/05/2019
18	19/1380	26 Sir James Fairfax Circuit Bowral NSW 2576 Lot 434 DP 1248107	Sidhu Aus Holdings Pty Ltd	Dwelling House	22/03/2019	0	38	38	30/04/2019
19	19/1388	12 Glenquarry Crescent Bowral NSW 2576 Lot 244 DP 1014858	JE Boot, S Boot	Residential Alterations and Additions - Shed	25/03/2019	0	41	41	06/05/2019
20	19/1462	4 Balliol Close Bowral NSW 2576 Lot 407 DP 1248107	BR Carlson, MD Manzanares	Dwelling House & Retaining Walls	05/04/2019	4	43	47	23/05/2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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
21	19/1466	8 Elm Street Bowral NSW 2576 Lot 1 DP 152058 Lot 2 DP 152058	MT Curry	Residential Alterations and Additions (Internal Alterations)	05/04/2019	6	33	39	15/05/2019
22	19/1495	10 Betty Close Bowral NSW 2576 Lot 338 DP 1234848	AR Pearce	Dwelling House & Retaining Walls	11/04/2019	3	36	39	21/05/2019
23	19/1499	10 Emily Circuit Bowral NSW 2576 Lot 32 DP 1002881	PN Durden, MD Durden	Residential Alterations and Additions (Awning)	12/04/2019	0	22	22	04/05/2019
24	19/1520	Bowral Cemetery 109 Kangaloon Road Bowral NSW 2576 Lot 1 DP 723879	The Minister for Public Works	Cemetery (Installation of Granite Columbarium Wall)	17/04/2019	0	28	28	15/05/2019
25	19/1608	39 Sir James Fairfax Circuit Bowral NSW 2576 Lot 232 DP 1239600	AH Pullan	Residential Alterations and Additions (Shed)	13/05/2019	0	10	10	24/05/2019
26	07/1004.01	15 Parmenter Court Bowral NSW 2576 Lot 109 DP 1043085	Illawarra Disability Trust	Section 4.55 Modification (Change of Use – Permanent Group Home)	08/05/2018	0	360	360	Determined By Council 03/05/2019
27	19/0910	2877 Wombeyan Caves Road Bullio NSW 2575 Lot 2 DP 814845 Lot 6 DP 814845	T Turner	Dwelling House	07/12/2018	59	111	170	27/05/2019
28	17/0962.04	6-8 Bromhall Road Bundanoon NSW 2578 Lot 100 DP 846197	Superannuation Administration Pty Ltd	Section 4.55 Modification (Amend number of Lots in Stage 1)	04/04/2019	0	41	41	15/05/2019
29	19/1410	85 Penrose Road Bundanoon NSW 2578 Lot 4 DP 1244654	B Kaethner, C Pietrucha	Dwelling House	28/03/2019	0	47	47	14/05/2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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
30	19/1516	19 Old Wingello Road Bundanoon NSW 2578 Lot 33 DP 9429	D Wilkinson	Residential Alterations & Additions (Extensions)	16/04/2019	0	20	20	07/05/2019
31	19/1009	26 Holly Road Burradoo NSW 2576 Lot 4 DP 1192434	A Rapp	Residential Alterations and Additions (Extend Dwelling. Detached Shed/Guest Room. Pergola)	21/12/2018	53	97	150	21/05/2019
32	19/1345	6 Sutherland Park Drive Burradoo NSW 2576 Lot 14 DP 1220167	K Collins, J Collins	Dwelling House, Detached Garage and Swimming Pool	14/03/2019	27	18	45	30/04/2019
33	19/1449	29 Elizabeth Street Burradoo NSW 2576 Lot 2 DP 718888	P Radovan, L Radovan	Residential Alterations and Additions (Extensions)	03/04/2019	0	34	34	08/05/2019
34	19/1494	58 Yean Street Burradoo NSW 2576 Lot 6 DP 1195139	D Coleman	Residential Alterations and Additions (Extensions)	11/04/2019	0	41	41	22/05/2019
35	17/1281.06	3 Hoddle Street Burrawang NSW 2577 Lot 3 DP 612987	P Cox, T Arpadi	Section 4.55 Modification (Internal Alterations)	03/08/2018	110	184	294	25/05/2019
36	19/1180	26 Range Street Burrawang NSW 2577 Lot 31 Sec 4 DP 2660	C Ekman	Residential Alterations and Additions (Detached Garage)	11/02/2019	71	28	99	22/05/2019
37	15/1101.04	443 Old Coowong Road Canyonleigh NSW 2577 Lot 3 DP 1183492	A Hoggan	Section 4.55 Modification (Internal Alterations & Extensions)	11/03/2019	0	43	43	24/04/2019
38	19/0517	Attunga 2151 Tugalong Road Canyonleigh NSW 2577 Lot 1 DP 601590 Lot 3 DP 601372	Attunga Youth Ministries Pty Ltd	Recreation Facility (Proposed Building for Camper Meetings & Recreational Activities)	02/10/2018	196	27	223	14/05/2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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
39	19/1307	30 Azalea Street Colo Vale NSW 2575 Lot 5 DP 1239087	S Toth, L Palmer	Dwelling House	06/03/2019	29	22	51	27/04/2019
40	19/1444	65 Drapers Creek Road Colo Vale NSW 2575 Lot 22 DP 1078767	K Kordic	Dwelling House	03/04/2019	2	48	50	23/05/2019
41	19/1526	64 Jasmine Street Colo Vale NSW 2575 Lot 10 Sec 14 DP 2389	J Keeley, B Keeley	Residential Alterations and Additions (Awning)	18/04/2019	0	16	16	04/05/2019
42	19/1544	32 Azalea Street Colo Vale NSW 2575 Lot 4 DP 1239087	P Cross, L Cross	Residential Alterations and Additions (Shed)	26/04/2019	0	13	13	10/05/2019
43	19/0917	48 Devon Road Exeter NSW 2579 Lot 3 DP 1245196	BE Savage, PW Tesoriero	Dwelling House	07/12/2018	34	111	145	02/05/2019
44	19/0917.07	48 Devon Road Exeter NSW 2579 Lot 3 DP 1245196	BE Savage, PW Tesoriero	Section 4.55 Modification (Amend Condition 19 pertaining to BAL Rating)	20/05/2019	0	1	1	22/05/2019
45	19/1241	118 Devon Road Exeter NSW 2579 Lot 2 DP 1244858	KI Morris	Residential Alterations and Additions (Shed)	20/02/2019	13	56	69	02/05/2019
46	19/1322	118 Devon Road Exeter NSW 2579 Lot 2 DP 1244858	KI Morris	Dwelling House	11/03/2019	42	10	52	02/05/2019
47	19/1419	111 Devon Road Exeter NSW 2579 Lot 66 DP 243731	PM Conroy, VC Conroy	Residential Alterations and Additions (Swimming Pool)	28/03/2019	0	38	38	06/05/2019
48	19/1603	48 Manning Lookout Road Fitzroy Falls NSW 2577 Lot 3 DP 715553	B Addison	Residential Alterations and Additions (Tennis Court)	10/05/2019	0	16	16	27/05/2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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
49	03/2011.06	955 Wombeyan Caves Road High Range NSW 2575	C Breasley, C Breasley, Woodbine Park Nominees Pty Limited	Section 4.55 Modification (Bulk Water Extraction - Permanent 24hr operation)	17/12/2018	117	16	133	Determined By Council 30/04/2019
50	19/1207	Church Hall 3 Bertha Street Hill Top NSW 2575 Lot 1 DP 952276	Hilltop Church Inc	Community Facility (Men's Shed)	15/02/2019	58	26	84	10/05/2019
51	19/1329	7 Elizabeth Way Hill Top NSW 2575 Lot 4 DP 712057	C Hillier	Farm Building	12/03/2019	0	50	50	01/05/2019
52	19/1540	10 Rosina Street Hill Top NSW 2575 Lot 4 DP 1142450	A Bird, K Bird	Residential Alterations and Additions (Swimming Pool)	26/04/2019	0	21	21	17/05/2019
53	19/1354	1721 Kangaloon Road Kangaloon NSW 2576 Lot 22 DP 1067852	G Tollis, A Tollis	Residential Alterations and Additions (Extensions, Internal Alterations)	18/03/2019	6	47	53	11/05/2019
54	19/0932	438 Meryla Road Manchester Square NSW 2577 Lot 10 DP 832562	T Scott, I Scott	Subdivision (Consolidation and Boundary Adjustment)	12/12/2018	0	165	165	23/05/2019
55	18/0187.04	33 Vernon Street Mittagong NSW 2575 Lot 12 Sec 15 DP 1289	S Kettle	Section 4.55 Modification (Adjust floor height)	19/02/2019	0	63	63	24/04/2019
56	18/0625	Service Station 115 Main Street Mittagong NSW 2575 Part Lot 222 Sec U DP 20	Bains Sony Holdings Pty Ltd	Service Station - Hand Car Wash	29/05/2018	0	360	360	24/05/2019
57	19/0452.05	4 Victoria Street Mittagong NSW 2575 Lot 1 DP 354018	G Di Corpo, A Di Corpo	Section 4.55 Modification (Internal Alterations)	12/04/2019	0	14	14	27/04/2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

**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
58	19/0764	McDonalds 25-29 Bowral Road Mittagong NSW 2575 Lot 50 DP 841886	McDonalds Properties Australia Ltd	Restaurant / Cafe - Alterations and Additions	13/11/2018	138	37	175	08/05/2019
59	19/0889	31 Oxford Street Mittagong NSW 2575 Lot 101 DP 625616	P Stokes, D Stokes	Subdivision (2 Lots)	04/12/2018	71	92	163	16/05/2019
60	19/1311	61-63 Main Street Mittagong NSW 2575 Lot 2 DP 1014065	Southern Highland Properties Pty Ltd	Change of Use (Food Premises)	06/03/2019	46	8	54	30/04/2019
61	19/1390	14b Faraday Street Mittagong NSW 2575 Lot 91 DP 1245493	J Khoury	Dwelling House	25/03/2019	0	37	37	01/05/2019
62	19/1555	19 Nero Street Mittagong NSW 2575 Lot 1 DP 1245206	S Rumbachs, W Day	Residential Alterations and Additions (Shed)	01/05/2019	0	11	11	13/05/2019
63	19/0078.05	23 Torulosa Drive Moss Vale NSW 2577 Lot 127 DP 1232222	R Noakes	Section 4.55 Modification (Retaining Wall)	09/04/2019	0	35	35	14/05/2019
64	19/0857	Kalaurgan 24 Browley Street Moss Vale NSW 2577 Lot A DP 329683	G Turner	Subdivision (3 Lots)	27/11/2018	0	155	155	02/05/2019
65	19/0867	5 Torulosa Drive Moss Vale NSW 2577 Lot 118 DP 1232222	W Chesterfield	Dwelling House & Tree Removal	29/11/2018	143	21	164	13/05/2019
66	19/0915	12 Torulosa Drive Moss Vale NSW 2577 Lot 110 DP 1232222	M Richards, A Richards	Dwelling House & Retaining Walls	07/12/2018	37	122	159	16/05/2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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
67	19/1092	Works Depot 53-57 Berrima Road Moss Vale NSW 2577 Lot 1 DP 522057	Wingecarribee Shire Council	Alterations and Additions (Demolish existing sheds. Construct replacement sheds in three (3) stages)	22/01/2019	0	97	97	30/04/2019
68	19/1315	6 Torulosa Drive Moss Vale NSW 2577 Lot 113 DP 1232222	J Wood, F Wood	Dwelling House & Detached Garage	07/03/2019	0	58	58	04/05/2019
69	19/1378	9 Torulosa Drive Moss Vale NSW 2577 Lot 120 DP 1232222	S Ryan, J Richardson	Residential Alterations and Additions (Shed)	22/03/2019	0	55	55	17/05/2019
70	19/1481	6 North Street Moss Vale NSW 2577 Lot 12 DP 620814 Lot 11 DP 620814	R.J Barraclough & Associates Pty Ltd	Strata Subdivision (8 Lots)	10/04/2019	0	47	47	21/05/2019
71	19/1496	11 Spring Street Moss Vale NSW 2577 Lot 130 DP 853870	D Ingate, R Ingate	Residential Alterations and Additions (Carport)	11/04/2019	0	34	34	16/05/2019
72	19/1552	13 Koyong Close Moss Vale NSW 2577 Lot 8 DP 262485	G Keith	Residential Alterations and Additions (Extensions)	30/04/2019	0	17	17	18/05/2019
73	04/1850.04	49 Yarrowa Street Moss Vale NSW 2577 Lot 11 DP 813345	J Harrison, L Harrison	Section 4.55 Modification (Alter Front Fence Design)	15/02/2019	0	101	101	23/05/2019
74	19/1546	Lindan Park 551 Inverary Road Paddys River NSW 2577 Lot 4 DP 623028	L Zanatta, L Zanatta	Residential Alterations and Additions (Shed)	29/04/2019	0	28	28	27/05/2019
75	19/0057.05	13 Jefferis Avenue Renwick NSW 2575 Lot 55 DP 1221206	J Stewart, C Fox	Section 4.55 Modification (Change to location of air conditioning unit)	10/04/2019	0	27	27	07/05/2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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
76	19/1327.06	58 Challoner Rise Renwick NSW 2575 Lot 1255 DP 1221207	K Ratcliffe, A Ratcliffe	Section 4.55 Modification (increase floor area)	07/05/2019	0	6	6	13/05/2019
77	19/1379	21 George Cutter Avenue Renwick NSW 2575 Lot 1337 DP 1234992	A Arnold, G Arnold	Dwelling House	22/03/2019	20	16	36	29/04/2019
78	19/1392	44 Challoner Rise Renwick NSW 2575 Lot 1262 DP 1221207	D Wood	Dwelling House	26/03/2019	32	11	43	09/05/2019
79	19/1409	36 Roty Avenue Renwick NSW 2575 Lot 1225 DP 1221207	J Keogh	Dwelling House	28/03/2019	29	12	41	08/05/2019
80	19/1427	63 Challoner Rise Renwick NSW 2575 Lot 1342 DP 1234992	J Keeley, B Keeley	Dwelling House	01/04/2019	11	11	22	24/04/2019
81	19/1429	36 Windeyer Street Renwick NSW 2575 Lot 1307 DP 1234992	M Singh	Dwelling House	01/04/2019	38	14	52	24/05/2019
82	19/1430	38 Windeyer Street Renwick NSW 2575 Lot 1308 DP 1234992	M Singh, B Kaur	Dwelling House	01/04/2019	15	15	30	02/05/2019
83	19/1469	80 Challoner Rise Renwick NSW 2575 Lot 1409 DP 1234992	P Fraser	Dwelling House	05/04/2019	4	29	33	09/05/2019
84	19/1486	5 Oldfield Road Renwick NSW 2575 Lot 133 DP 1221206	L Skaife, A Parrett	Dwelling House & Retaining Walls	10/04/2019	9	24	33	14/05/2019
85	19/1542	31 Roty Avenue Renwick NSW 2575 Lot 1234 DP 1221207	B Hanson	Dwelling House	26/04/2019	0	21	21	18/05/2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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
86	19/1611	36 Green Street Renwick NSW 2575 Lot 1331 DP 1234992	J Allison, L Dale	Dwelling House	13/05/2019	0	10	10	24/05/2019
87	17/1356.03	Roseneath 277 Pearsons Lane Robertson NSW 2577 Lot 337 DP 751302	Clement Holdings Australia Pty Ltd	Section 4.55 Modification (Sheds)	15/04/2019	0	29	29	15/05/2019
88	18/0388.05	96 North Street Robertson NSW 2577 Lot 16 DP 258509	K Larsen, A Joshi	Section 4.55 Modification (Extensions)	18/04/2019	0	6	6	24/04/2019
89	19/0471.03	52 Charlotte Street Robertson NSW 2577 Lot 8 DP 702184	D J Gair, J B Gair	Section 4.55 Modification (Internal Alterations)	29/03/2019	0	37	37	06/05/2019
90	19/0742	4980 Illawarra Highway Robertson NSW 2577 Lot 6 DP 739043	C Vickers, C Vickers	Residential Alterations and Additions (Shed)	08/11/2018	41	132	173	01/05/2019
91	19/1289	Wharree 159 Yeola Road Robertson NSW 2577 Lot 201 DP 653985 Lot 108 DP 751302	T Kelly	Demolition of Two (2) Sheds. Construction of Three (3) New Sheds	01/03/2019	69	16	85	27/05/2019
92	19/1336	470 Fountaindale Road Robertson NSW 2577 Lot 11 DP 701442	A Alexander	Residential Alterations and Additions (Extensions)	13/03/2019	0	52	52	04/05/2019
93	12/0154.04	558 Belmore Falls Road Robertson NSW 2577 Lot 1 DP 1149647 Lot 2 DP 1149647	S Natilli	Section 4.55 Modification (Modify Wastewater Treatment System)	09/05/2019	0	14	14	24/05/2019
94	19/1464	12323 Hume Highway Sutton Forest NSW 2577 Lot 21 DP 262737 Lot 22 DP 262737	VMC Corp Pty Ltd	Dwelling House	05/04/2019	0	43	43	18/05/2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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
95	19/1471	337 Oldbury Road Sutton Forest NSW 2577 Lot 5 DP 245007	E Liddell, Y Pietsch	Residential Alterations and Additions (Extensions)	08/04/2019	0	38	38	16/05/2019
96	19/0847	Kenwood Blencowes Lane Wildes Meadow NSW 2577 Lot 1 DP 784292	I Irving	Dwelling House	26/11/2018	61	107	168	13/05/2019
97	19/1195	Cardross 576 Myra Vale Road Wildes Meadow NSW 2577 Lot 101 DP 860171 Lot 102 DP 860171	PM Muir, J Muir	Farm Building	13/02/2019	42	45	87	11/05/2019
98	19/1352	991 Belmore Falls Road Wildes Meadow NSW 2577 Lot 8 DP 1049006	FM Eggert, CA Fearnley	Residential Alterations and Additions (Shed)	18/03/2019	0	59	59	16/05/2019
99	19/1001	581 Murrimba Road Wingello NSW 2579 Lot 2 DP 1160212	J Tremain	Subdivision (3 Lots)	21/12/2018	110	41	151	21/05/2019
100	19/1432	30 Sunrise Road Yerrinbool NSW 2575 Lot 118 DP 9882	TTA Peachey	Residential Alterations and Additions (Extensions. Garage)	01/04/2019	0	38	38	09/05/2019
101	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
102	19/1016	106a Merrigang Street Bowral NSW 2576 Lot 82 DP 1247129	M Bennett, N Baxter	Dwelling House	02/01/2019	26	119	145	28/05/2019
103	19/1359	3 Caroline Avenue Bowral NSW 2576 Lot 126 DP 1231974	C Lombard	Dwelling House & Retaining Wall	19/03/2019	48	21	69	28/05/2019

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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
104	19/1477	6 Herald Drive Bowral NSW 2576 Lot 121 DP 1227641	S McGavin, M McGavin	Dwelling House	09/04/2019	0	48	48	28/05/2019
105	19/0572.06	56 Greasons Road Bundanoon NSW 2578 Lot 222 DP 1214182	W Norris	Section 4.55 Modification (Alterations)	04/04/2019	0	54	54	28/05/2019

REFUSED APPLICATIONS

Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
18/0643	421-425 Bong Bong Street Bowral NSW 2576 Lot 1 DP 744028	Bowral Garage Development Pty Ltd	Commercial Premises, Restaurant / Café and 16 Residential Apartments.	01/06/2018	303	23	327	Refused By Council 24/04/2019

Reasons for Refusal:

1. The proposed provision of thirty seven (37) car spaces does not meet the minimum car parking requirement of seventy one (71) spaces. Council is therefore not satisfied by the application or its accompanying information that the development can comply with Part B Section 4- On Site Car Parking of Bowral Town Development Control Plan.

Given the above, Council considers the development unsatisfactory with respect to the following provisions of the Bowral Town Plan Development Control Plan:

The Urban Function objectives specified at section A2.2.2 (a) and (b):

- (a) Improvement of traffic and parking management within the town
- (b) Minimization of vehicular and pedestrian conflicts

(S.4.15(1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)

2. Council is not satisfied by the application or its accompanying information that the development can comply with the requirement of Part B section 5 - Loading Facilities and Waste & Resource Recovery Storage and Collection, in conjunction, with provision of loading bay facilities on site within the proposed development.

(S.4.15(1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



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.

(S.4.15(1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)

Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
19/1176	320-326 Bong Bong Street Bowral NSW 2576 Lot 1 DP 90179	Tranda Holdings Pty Ltd	Commercial Alterations and Additions (Extend rear tenancy)	08/02/2019	9	86	95	15/05/2019

Reasons for Refusal:

1. The proposed development involves removal from the land of all existing off street car parking facilities, which were indicated on consent drawings the subject of Council's development consent 13/0281 granted on 13 May 2013 for development of the land for the purpose of a shop (butchery). The existing car parking facilities on the land are lawfully accessible by vehicle from Wingecarribee Street via a right of carriageway burdening Lot 1 DP163374. Council considers the proposed removal of car parking facilities from the land likely to increase demand for car parking facilities, and contribute to vehicular traffic congestion, on surrounding public land and public roads, including Bong Bong Street to which the land has its primary frontage. Noting Bong Bong Street at this location is a classified road, Council therefore considers the development:
 - a. Contrary to the objective specified by clause 101 (1) (a) of State Environmental Planning Policy (Infrastructure) 2007:
 - (a) *to ensure that new development does not compromise the effective and ongoing operation and function of classified roads.*
 - b. Likely to adversely affect the safety, efficiency and ongoing operation of Bong Bong Street as a result of the nature, volume or frequency of vehicles using Bong Bong Street to gain access (including pedestrian access) to the land, on which basis clause 101 (2) (b) (iii) of State Environmental Planning Policy (Infrastructure) 2007 effectively specifies Council must not grant consent to the proposed development.
 - c. Contrary to the objective of Zone B2 Local Centre specified by the Land Use Table at the end of Part 2 of Wingecarribee Local Environmental Plan 2010:
 - *To ensure that adequate provision is made for infrastructure that supports the viability of business centre precincts, including public car parking, traffic management facilities, public transport facilities, cyclist facilities, pedestrian access paths, amenities, facilities for older people and people with disabilities and general public conveniences.*
 - d. Contrary to the urban function objective specified by section A2.2.2 (a) of the Bowral Town Plan Development Control Plan:
 - (a) *Improvement of traffic and parking management within the town.*
 - e. Contrary to the public domain objective specified by section A2.2.9 (a) of the Bowral Town Plan Development Control Plan:

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- (a) *Create a public domain which is accessible to all residents, workers and other visitors.*
- f. Contrary to the control specified by section A12.1.3 (c) of the Bowral Town Plan Development Control Plan, regarding development near busy roads:
- Council shall not grant consent to the carrying out of development on any land to which this Clause applies unless it is satisfied that adequate provision has been made to ensure that such development:*
- (c) *restricts vehicular access, car parking and loading/unloading facilities to an alternative access, such as a rear lane, where such access is available.*
- g. Contrary to the on-site car parking objective specified by section B4.2 (a) of the Bowral Town Plan Development Control Plan:
- (a) *To ensure that adequate off-street parking is provided in conjunction with development in order to discourage the use of streets for the parking of vehicles associated with additional traffic generated by new developments.*
- h. Contrary to the Bong Bong Street precinct control specified by section B17.3 (c) of the Bowral Town Plan Development Control Plan:
- Council shall not grant consent to the carrying out of development on any land within this precinct unless it is satisfied that adequate provision has been made to ensure that such development:*
- (c) *restricts vehicular access, car parking and loading/unloading facilities to an alternative access, such as a rear lane.*
- i. Likely to have significant negative impacts with respect to:
- i. Access, transport and traffic, with particular regard to disabled access and vehicle parking spaces on the land and in the locality
 - ii. The public domain, with particular regard to the use of public spaces surrounding the land
 - iii. Cumulative impact, with particular regard to increased demands generated by development in the locality on car parking facilities on surrounding public land and public roads.
- j. Likely to have significant negative impact on the amenity of the locality, on which basis Council does not consider the land suitable for the proposed development.

[Section 4.15 (1) (a) (i) & (iii), (b) and (c) of the Environmental Planning and Assessment Act 1979]

2. Council granted development consent 13/0281, for development of the land for the purpose of a shop (butchery), on the basis of eight off-street car parking spaces being provided on the land. Council calculates the number of car parking spaces demanded by all existing development on the land, in accordance with the Table at the end of section 4 of Part B of the Bowral Town Plan Development Control Plan, to be 19 car parking spaces. The number of off-street car parking spaces approved on the land is thus 11 car parking spaces fewer than the number demanded by existing development on the land. Council calculates that the proposed development will increase the number of car parking spaces demanded by development on the land to 27 car parking spaces, and the proposed development involves removal of all existing car parking facilities from the land. The proposed development would thus increase the land's car parking

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



space deficit from 11 to 27 car parking spaces. Consequently, Council considers the proposed development:

- a. Unsatisfactory with respect to the requirement specified by section B4.5 (a) of the Bowral Town Plan Development Control Plan:
 - (a) *The number of car parking spaces to be provided on the site is determined by the nature of the development. Applicants should refer to the Table at the end of this section for the requirements for all types of commercial development.*
- b. Unsatisfactory with respect to the requirements specified by section B4.6 (a) and (d) of the Bowral Town Plan Development Control Plan:
 - (a) *Car parking provision for additions or alterations to existing buildings shall comply with the requirements of this Plan.*
 - (d) *A redevelopment is to comply with the Schedule of Car Parking Requirements in the terms of amount of car parking generated by the new proposal...In circumstances where the applicant cannot demonstrate a previous requirement, the amount of car parking that is deemed to be credited shall be based upon the rates in [the Table] at the end of this section of the Plan.*
- c. Contrary to Part D3.5 of the Building Code of Australia (regarding accessible car parking) and, in turn, contrary to the requirements specified by section B4.8 (a) and (b) of the Bowral Town Plan Development Control Plan:
 - (a) *Disabled parking spaces shall be provided for each building use according to the applicable Standard.*
 - (b) *The disabled parking requirements will be to the current Australian standard.*

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

3. The proposed development includes negligible landscaping. Whilst Council acknowledges existing development on the land includes little or no landscaping, it considers the proposed development unlikely to make any significant improvement in this regard. Council therefore considers the proposed development:
 - a. Contrary to the private landscaped open space objectives specified by section A6.2.1 (a), (b) and (c) of the Bowral Town Plan Development Control Plan:
 - (a) *Provides a pleasant, vegetated environment for users of the site (workers or residents).*
 - (b) *Contributes to the urban streetscape.*
 - (c) *Provides a visual buffer between development and the surrounding neighbourhood.*
 - b. Likely to have significant negative impact with respect to site design and internal design, with particular regard to the amount, location and design of private open space, and landscaping.

[Section 4.15 (1) (a) (iii) and (c) of the Environmental Planning and Assessment Act 1979]

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



4. Council considers there to be no overriding public interest in favour of granting consent for the 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
19/0413	16-18 Pearce Street Hill Top NSW 2575 Lot 296 DP 713801	K Phillips, T Wilson	Subdivision (3 Lots)	12/09/2018	91	140	231	02/05/2019

Reasons for Refusal:

1. Council requested the applicant provide a flora and fauna impact assessment to accompany the application. The applicant is taken to have notified Council that the requested flora and fauna impact assessment report will not be provided, pursuant to clause 54 (6) of the Environmental Planning and Assessment Regulation 2000. Consequently:
 - a. Council is not satisfied by information accompanying the development application that the development is consistent with the aim specified by clause 3 of State Environmental Planning Policy 44—Koala Habitat Protection to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline
 - b. Council is not satisfied by information accompanying the development application that the land is not a potential koala habitat, on which basis clause 7 (1) of State Environmental Planning Policy 44—Koala Habitat Protection does not permit Council to grant consent for the development
 - c. Council is not satisfied by information accompanying the development application that the development is consistent with the particular aims specified by clause 1.2 (2) (a), (d) (ii) & (iii), (f) and (l) of Wingecarribee Local Environmental Plan 2010:
 - (a) *to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of Wingecarribee*
 - (d) *to provide opportunities for development and land use activities that:*
 - (ii) *do not adversely impact on natural systems and processes and the overall quality of Wingecarribee's natural environment*
 - (iii) *retain the critical natural, rural and built environmental landscape elements that make up the scenic and cultural heritage value of Wingecarribee*
 - (f) *to provide for a range of living opportunities that address differing lifestyle needs without compromising the environmental quality of Wingecarribee, and the value of its natural resources such as water, biodiversity and agricultural land*

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- (l) *to develop an ecologically sustainable future for Wingecarribee through the conservation, rehabilitation and regeneration of native vegetation (particularly threatened species populations and ecological communities), soil, waterways, riparian land and water quality (surface and groundwater).*
- d. Council is not satisfied by information accompanying the development application that the development is consistent with the objective of Zone R5 Large Lot Residential, as specified by the Wingecarribee Local Environmental Plan 2010 Land Use Table, to provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality
- e. Council is not satisfied by information accompanying the development application that the development is consistent with the natural resources sensitivity—water objective specified by clause 7.5 (1) (c) of Wingecarribee Local Environmental Plan 2010 to maintain the hydrological functions of riparian land waterways and aquifers, including protecting stability of the bed and banks of waterways
- f. Council is not satisfied by information accompanying the development application that the development will not have a significant negative impact on the stability of the bed, shore and banks of the waterway traversing proposed Lot 2961, and cannot be satisfied that the development will not have a significant adverse environmental impact in this regard, on which bases clause 7.5 (3) (d) and (4) of Wingecarribee Local Environmental Plan does not permit Council to grant consent for the development
- g. Council is not satisfied by information accompanying the development application that the development is consistent with the flora and fauna assessment report objectives specified at section A3.2 (b), (c), (d) and (e) of Council's Northern Villages Development Control Plan:
- (b) *Retain and protect individual remnant native species that are found scattered throughout the Shire.*
- (c) *To retain, enhance or reconstruct native vegetation and the ecological functions of wildlife corridors.*
- (d) *To protect and promote the recovery of threatened species, populations and endangered ecological communities.*
- (e) *To ensure development responds to its adjacent surroundings and helps preserve and enhance the natural qualities of the environment.*
- h. Council is not satisfied by information accompanying the development application that the application is supported by a flora and fauna assessment report as required by the flora and fauna assessment report controls specified by section A3.2 of Council's Northern Villages Development Control Plan:
- (a) *A Flora and Fauna Assessment Report is required to be lodged with a Development Application under the following circumstances and must address the requirements in the Wingecarribee Shire Council Flora and Fauna Assessment Guidelines (link will be provided) for Development Applications.*
- (i) *if the proposed development site:*
- *contains native vegetation, which is defined as, "any species of vegetation that existed in NSW before European settlement including*

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



trees, saplings, shrubs, scrub, understorey, groundcover or plants in a wetland”;

- *contains remnant native trees;*
- *is adjacent to native vegetation if the study area has been extensively cleared; and/or*
- *contains sensitive environmental areas likely to contain important habitat resources for fauna such as watercourses, wetlands or swamps, and rocky outcrops, caves, cliffs.*

or

(ii) if the proposed development:

- *will directly or indirectly impact on native vegetation by clearing, runoff, waste-water irrigation, Bushfire Asset Protection*
- *contain natural features that sustain native species;*
- *may directly or indirectly have a significant impact on native vegetation or sensitive environmental areas that may contain habitat for threatened species, populations or ecological communities; and/or*
- *is likely to have a significant impact on matters of national environmental significance under the (Commonwealth) Environment Protection and Biodiversity Conservation Act 1999.*

The potential occurrence of threatened species must be considered, even if the study area has been extensively cleared of native vegetation. If the study area is cleared, but lies adjacent to remnant native vegetation, survey work must be capable of assessing the site’s actual or potential role as a corridor or linkage.

If the study area exceeds one (1) hectare, the Flora and Fauna Assessment needs to identify whether ‘potential koala habitat’ or ‘core koala habitat’ is present, as outlined in State Environmental Planning Policy No. 44 - Koala Habitat Protection (SEPP 44).

- i. Council is not satisfied by information accompanying the development application that the development will not have a significant negative impact on flora and fauna, with particular respect to:
 - Protection and management of critical habitats, threatened species, populations, ecological communities or their habitats, and other protected species
 - Wildlife corridors and remnant vegetation
 - The relationship of vegetation to soil erosion and stability and water cycle
 - Disturbance to native fauna and habitats

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- The amount and location of vegetation disturbance and clearance
- j. Council is not satisfied by information accompanying the development application that the land's attributes do not render it unsuitable for the development, with particular regard to whether the development is compatible with protecting any critical habitats or threatened species, populations, ecological communities and habitat

[Section 4.15 (1) (a) (i) & (iii), (b) and (c) 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 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
18/0584	25 Railway Crescent Mittagong NSW 2575 Lot 2 DP 1232354	Hilltop Property Investments Pty Ltd, Dickinson Property Group Pty Ltd,	Demolition of works, erection of buildings, carrying out of works, and Strata Title subdivision of land to create six lots and common property, for the purpose of seniors housing.	17/05/2018	103	245	348	02/05/2019

Reasons for Refusal:

1. Council is not satisfied by the application and accompanying documents that the development makes adequate provision for vehicles to safely and efficiently manoeuvre within the development so as to enter and exit the land in a forward direction. Consequently:
 - Council considers the development contrary to the aim specified by clause 2 (1) (c) of the Seniors Housing SEPP to encourage the provision of housing (including residential care facilities) that will be of good design.
 - With respect to clause 38 (b) of the Seniors Housing SEPP, Council is not satisfied that the development will provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.
 - Council considers the development contrary to the aim specified by section C8.2 (c) of Council's Mittagong Town Plan Development Control Plan to encourage the provision of seniors housing, including residential care facilities that will be of good design.
 - Council considers the development likely to have significant negative impacts with respect to access, transport and traffic.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- Council considers the development likely to have significant negative impacts with respect to site design and internal design.
- Council considers the land unsuitable for the proposed development.

Note: *The provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the Seniors Housing SEPP) are adopted for the purposes of section 8 of Part C of Council's Mittagong Town Plan Development Control Plan.*

[Section 4.15 (1) (a) (iii), (b) and (c) of the Environmental Planning and Assessment Act 1979]

2. Council is not satisfied by the application and accompanying documents that residents of the proposed development will have access that complies with clause 26 (2) of the Seniors Housing SEPP to facilities specified by clause 26 (1) of the Seniors Housing SEPP. Consequently:
 - Clause 26 (1) of the Seniors Housing SEPP specifies Council must not grant consent for the development.
 - With respect to clauses 29 (2) and 25 (5) (b) (iii) of the Seniors Housing SEPP, Council is not satisfied that the proposed development is compatible with the surrounding land uses having regard to the services that are or will be practicably available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services).
 - With respect to clause 38 (a) of the Seniors Housing SEPP, Council is not satisfied that the development will have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities.
 - Council considers the land unsuitable for the proposed development.

Note: *The provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the Seniors Housing SEPP) are adopted for the purposes of section 8 of Part C of Council's Mittagong Town Plan Development Control Plan.*

[Section 4.15 (1) (a) (iii) and (c) of the Environmental Planning and Assessment Act 1979]

3. Council is not satisfied by the application and accompanying documents that the development complies with the bedroom requirements specified by clause 8 of Schedule 3 to the Seniors Housing SEPP. Consequently:
 - Clause 41 (1) of the Seniors Housing SEPP specifies Council must not grant consent for the development.
 - The development does not comply with the bedroom requirements specified by section C8.13 of Council's Mittagong Town Plan Development Control Plan.

Note: *The provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the Seniors Housing SEPP) are adopted for the purposes of section 8 of Part C of Council's Mittagong Town Plan Development Control Plan.*

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

4. Council considers there to be no overriding public interest in favour of granting consent for the 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
19/0898.01	Catholic Church Garrett Street Moss Vale NSW 2577 Part Lot 11 DP 1174589	Roman Catholic Church Trustees	Section 82A Review Vegetation Clearing (Removal of 2 trees)	07/03/2019	0	78	78	24/05/2019

Reasons for Refusal:

A review of the determination of Development Application 19/0898 by Council has found that the original assessment from both an arboricultural and heritage view, and the subsequent determination and conditions were found to be justified and not in error.

In this regard, the works as approved under Development Consent 19/0898, and the conditions therein which specifically to Tree 1 (Radiata Pine) remain valid as follows:

Condition 3

Tree 1 (Radiata Pine) shall be retained and protected, however consent for pruning as detailed in Condition 5 below is granted.

Condition 5

Tree 1 is approved for pruning and works are to be carried out in accordance with the Australian Standard AS4373 – Pruning of Amenity Trees,

- a. Clause 7.2.2 (Deadwooding), and
- b. Clause 7.3.5 (Remedial Pruning) for any other damaged/diseased/dieback affected branches

Condition 6

Pruning works shall be carried out by an arborist with qualifications of a minimum AQF Level 3.

Condition 7

The use of climbing spikes/spurs is NOT permitted on any retained live tree/s being pruned.

19/0940.02	12 Solomon Street Renwick NSW 2575 Lot 1325 DP 1234992	PS Group Of Companies Pty Ltd	82A Review - Detached Two Storey Dual Occupancy & Subdivision (2 Lots)	31/01/2019	0	83	83	Refused By Council 24/04/2019
------------	---	-------------------------------------	---	------------	---	----	----	-------------------------------------

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Reasons for Refusal:

1. Having regard to section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979 and clause 2.3 (2) of Wingecarribee Local Environmental Plan 2010, the development is considered contrary to the objective of Zone R2 Low Density Residential:

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

[Section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979]

2. Having regard to section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979, the development is contrary to clause 7.2 (2) (a) of Wingecarribee local Environmental Plan 2010 (the LEP). In this regard, it is noted that the application is accompanied by a written request that seeks, pursuant to clause 4.6 of the LEP, to justify contravention of the development standard specified by clause 4.1 (3) of the LEP. However, clause 7.2 (2) (a) of the LEP is exclusively applicable to the proposed subdivision of a lawfully erected dual occupancy, rendering clause 4.1 of the LEP inapplicable to the development.

[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, Council considers the development contrary to the residential amenity objective specified at section A2.2.4 (b) of the Mittagong Town Plan Development Control Plan:

- (b) *Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.*

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

4. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers the development unsatisfactory with respect to the low density housing objectives specified at section C2.2 (b) and (g) of the Mittagong Town Plan Development Control Plan:

- (b) *Ensure that development is of a type, scale, height, bulk and character compatible with existing streetscape characteristics.*

- (g) *Ensure that adequate on-site car parking is provided for residents and visitors.*

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

5. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers the development contrary to the intent of clause 7.2 of Wingecarribee Local Environmental Plan 2010 (the LEP), as specified in section C2.3.4 of the Mittagong Town Plan Development Control Plan:

"The intent of [clause 7.2 of the LEP] is to permit infill development within the towns and those villages where necessary infrastructure is available, without creating an adverse impact on existing street patterns street activation and presence."

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

6. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council considers the development contrary to the development density and scale objectives specified at section C2.4.2 (d) and (f) of the Mittagong Town Plan Development Control Plan:

The height, scale and style of development shall:

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- (d) *Be compatible with the scale of development of the established built environment and streetscape.*
- (f) *Provide sufficient vehicle access and parking in accordance with standards contained within this Plan.*

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

7. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979 the development is contrary to the garaging and driveways control specified at section C2.12.2 (g) of the Mittagong Town Plan Development Control Plan:

- (g) *New dwellings (including principal, dual occupancy or secondary dwellings) shall provide a minimum of two car spaces behind the building line for each dwelling which may include an access way to the side of the dwelling of a minimum width of 2700mm.*

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

8. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, the development's design ignores the building height and mass design guidelines (a) and (c) specified at section C16.5.2 of the Mittagong Town Plan Development Control Plan (the DCP), specifically regarding the Renwick Precinct:

- (a) *Single storey dwelling forms are encouraged.*
- (c) *Second storey construction is encouraged to be in the form of an attic style.*

Consequently, Council considers the development contrary to the building height and mass objectives (a), (b) and (c) specified at section C16.5.2 of the DCP:

- (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.*

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

9. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, the development is contrary to the 4.5m minimum front setback control specified by section C16.5.5 of the Mittagong Town Plan Development Control Plan.

[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]

10. Having regard to section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979, Council considers the development likely to have significant negative impacts with respect to:

- (a) The character and amenity of the locality and the streetscape
- (b) The scale and density of development in the locality
- (c) Vehicle parking.

[Section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979]

11. Having regard to section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979, Council considers the development incompatible with the desired character and amenity of the locality, therefore Council considers the land unsuitable for the development.

[Section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979]

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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



12. Having regard to section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979, Council considers it not to be in the public interest to grant consent for the development.

[Section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979]

ATTACHMENTS

There are no attachments to this report.

13.5 Development Applications Received from 24 April 2019 to 28 May 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 24 April 2019 to 28 May 2019.

RECOMMENDATION

THAT the information relating to Development Applications Received from 24 April 2019 to 28 May 2019 be received and noted.

RECEIVED APPLICATIONS BY DATE RANGE Date range: 24 April 2019 to 28 May 2019

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	15/1052.04	65-69 Shepherd Street Bowral NSW 2576 Lots 1-2 & 9-10 Sec H DP 979526 & Lot 34 DP1105528	J Creswick	Section 4.55 Modification (Alter proposed potting shed to guest retreat/accommodation)	02/05/2019		#PENDING		
2	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		#PENDING		
3	18/0506.05	Wirreanda 15 Merilbah Road Bowral NSW 2576 Lot 23 DP 20804	D Madden C McRostie	Section 4.55 Modification (Pergola)	22/05/2019		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
4	19/0682.05	38 Merrigang Street Bowral NSW 2576 Lot 8 DP 9661	Merrigang Street Pty Ltd	Section 4.55 Modification (Air Conditioning Condenser)	16/05/2019		#PENDING		
5	19/0704.03	30 Oxley Drive Bowral NSW 2576 Lot 3 DP 547194	E Gorman, D Gorman	Section 4.55 Modification (Extensions)	30/04/2019		#PENDING	02/05/2019	
6	19/1534	12-14 Bundaroo Street Bowral NSW 2576 Lot 31 Sec B DP 975353	M Miller, E Miller	Change of Use (Shop)	24/04/2019		#PENDING		
7	19/1556	17 Sir James Fairfax Circuit Bowral NSW 2576 Lot 412 DP 1248107	J Singleton	Dwelling House & Retaining Walls	01/05/2019		#PENDING		
8	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		#PENDING		
9	19/1568	6 Queen Street Bowral NSW 2576 Lot 3 DP 1247059	B Morgan	Dwelling House & Swimming Pool	03/05/2019		#PENDING		
10	19/1581	Bowral Golf Club 25-43 Kangaloon Road Bowral NSW 2576 Lots 45-48 Sec G DP 4380, Lot 51 Sec G DP 4380, Lot 1 DP 805565, Lot 39 DP 9084, Lot 1 DP 119055 Lot 1 DP 311009 Lot 2 DP 1015623, Lot 10 DP 1085127	Bowral Golf Club Ltd	Modification to Existing Telstra Telecommunication Facility, including retention of existing 40 metre high monopole, with relocated and new panel antennas.	07/05/2019		#PENDING		✓
11	19/1585	52a Bendooley Street Bowral NSW 2576 Lot 1 DP 1250477	A Zink, M Zink	Dwelling House	07/05/2019		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
12	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		#PENDING		
13	19/1608	39 Sir James Fairfax Circuit Bowral NSW 2576 Lot 232 DP 1239600	A Pullan	Residential Alterations and Additions (Shed)	13/05/2019		#APPROVED	24/05/2019	
14	19/1609	80 Merrigang Street Bowral NSW 2576 Lot 4 DP 770388	P Riley	Residential Alterations and Additions (Extensions)	13/05/2019		#PENDING		
15	19/1641	5 Emily Circuit Bowral NSW 2576 Lot 3 DP 792830	CSF Grant, CA Grant	Residential Alterations and Additions (Extensions & Internal Alterations)	20/05/2019		#PENDING		
16	19/1645	40 Sir James Fairfax Circuit Bowral NSW 2576 Lot 210 DP 1239600	A Moss, D Moss	Subdivision (2 Lots) & Dual Occupancy (Detached)	21/05/2019		#PENDING		✓
17	19/1668	51 Woodbine Street Bowral NSW 2576 Lot 16 Sec 16 DP 976576	E Boyce	Secondary Dwelling	24/05/2019		#PENDING		
18	03/0786.08	133 Old Bowral Road Bowral NSW 2576 Lot 2345 DP 1110446	Old Bowral Estate Pty Limited	Section 4.55 Modification (Modification to Condition 56 pertaining to stormwater storage tank)	26/04/2019		#PENDING		
19	19/0009.02	17 Pikkat Drive Braemar NSW 2575 Lot 91 DP 1187747 Lot 7 DP 1208056	Willow Properties Pty Ltd	Section 4.55 Modification (Removal of conditions relating to geotech)	02/05/2019		#PENDING	09/05/2019	

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
20	17/1101.04	Burgess Street Bundanoon NSW 2578 Lot 24 Sec 1 DP 1307	L Hines, J Hines	Section 4.55 Modification (Amend accessible amenities to comply with Building Code Australia)	06/05/2019		#PENDING		
21	19/1554	37 Railway Avenue Bundanoon NSW 2578 Lot 5 DP 603905	N Berry	Change of Use (Food and Drink Premises)	01/05/2019		#PENDING		
22	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		#PENDING		✓
23	19/1578	3-5 Ella Street Bundanoon NSW 2578 Lot 1 DP 746216 (Akas 5 Ella St)	J Hines, R Beaton	Subdivision (3 Lots)	06/05/2019		#PENDING		
24	19/1629	3 Grice Drive Bundanoon NSW 2578 Lot 2 DP 1227700	S Phillis	Change of Use (Group Home)	17/05/2019		#PENDING		✓
25	14/0778.03	18 Nerang Street Burradoo NSW 2576 Lot 1 DP 713573	L Crisp	Section 4.55 Modification Alterations (Extend Wall)	17/05/2019		#PENDING		
26	19/1562	27a Links Road Burradoo NSW 2576 Lot 2 DP 1249328	D Dykstra, B Dykstra	Dwelling House	01/05/2019		#PENDING		
27	19/1628	Briars Inn & Lodge Moss Vale Road Burradoo NSW 2576 Lot 2 DP 1176315	Dh Bi Pty Ltd	Subdivision (2 Lots)	16/05/2019		#PENDING		✓
28	19/1640	Attunga 2151 Tugalong Road Canyonleigh NSW 2577 Lot 1 DP 601590 Lot 3 DP 601372	Attunga Youth Ministries Pty Ltd	Recreation Facility (Swing)	20/05/2019		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
29	19/1650	Morton Park 198 Foxgrove Road Canyonleigh NSW 2577 Lot 999 DP 818282	FM Maly	Eco-Tourist Facility	21/05/2019	✓	#PENDING		✓
30	19/1544	32 Azalea Street Colo Vale NSW 2575 Lot 4 DP 1239087	P Cross, L Cross	Residential Alterations and Additions (Shed)	26/04/2019		#APPROVED	10/05/2019	
31	19/1589	6 Colo Road Colo Vale NSW 2575 Lot 2 Sec 9 DP 2389	K Kealy	Residential Alterations and Additions (Carport)	08/05/2019		#PENDING		
32	19/0917.07	48 Devon Road Exeter NSW 2579 Lot 3 DP 1245196	B Savage, P Tesoriero	Section 4.55 Modification (Amend Condition 19 pertaining to BAL Rating)	20/05/2019		#APPROVED	22/05/2019	
33	19/1573	68 Devon Road Exeter NSW 2579 Lot 5 DP 1245196	H Kersten	Dwelling House	03/05/2019		#PENDING		
34	19/1642	301 Old Argyle Road Exeter NSW 2579 Lot 1 DP 1053916	Explorer Drilling Co Pty Ltd	Change of Use (Convert Existing Shed to Dwelling House)	20/05/2019		#PENDING		
35	19/1532	1020 Nowra Road Fitzroy Falls NSW 2577 Lot 5 DP 859692	R Johnston, J Johnston	Residential Alterations and Additions (Extensions)	24/04/2019		#PENDING		
36	19/1603	48 Manning Lookout Road Fitzroy Falls NSW 2577 Lot 3 DP 715553	BJ Addison	Residential Alterations and Additions (Tennis Court)	10/05/2019		#APPROVED	27/05/2019	
37	19/1619	530 Redhills Road Fitzroy Falls NSW 2577 Lot 1 DP 1162070	I Clubb, K Clubb	Farm Building	15/05/2019		#PENDING		
38	19/1623	81 Sproules Lane Glenquarry NSW 2576 Lot 3 DP562283	L Hanrahan, K Hanrahan	Residential Alterations and Additions (Shed)	15/05/2019		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
39	19/1540	10 Rosina Street Hill Top NSW 2575 Lot 4 DP 1142450	A Bird, K Bird	Residential Alterations and Additions (Swimming Pool)	26/04/2019		#APPROVED	17/05/2019	
40	19/1579	1260 Wilson Drive Hill Top NSW 2575 Lot 2 DP 703057	J Kotsalidis, G Kontos	Residential Alterations and Additions (Garage & Deck)	07/05/2019		#PENDING		
41	19/1591	18-20 Banksia Street Hill Top NSW 2575 Lot 2 DP 817521	S Mckay, L Mckay	Residential Alterations and Additions (Extensions)	09/05/2019		#PENDING		
42	19/1638	17 Ella Street Hill Top NSW 2575 Lot 20 Sec 2 DP 6221	C Furness	Residential Alterations and Additions (Extensions)	20/05/2019		#PENDING		
43	19/1657	The Bower 130 Trig Station Lane Kangaloon NSW 2576 Lot 12 DP 706411 Lot 1 DP 1174759	M Thompson, G Thompson	Residential Alterations and Additions (Extensions to existing dwelling. Demolition of existing garage)	22/05/2019		#PENDING		
44	19/1604	314 Meryla Road Manchester Square NSW 2577 Lot 2 DP 628205	W Gardner	Residential Alterations and Additions (Extensions, Swimming Pool)	10/05/2019		#PENDING		
45	19/1592	693 Joadja Road Mandemar NSW 2575 Lot 15 DP 1032611	A Cunial, M Cunial	Secondary Dwelling	09/05/2019		#PENDING		
46	16/0249.03	14 Albert Street Mittagong NSW 2575 Lot 16 Sec 8 DP 1289	C M Profilio	Section 4.55 Modification (Demolish 2 Sheds. Extensions & Internal Alterations to Dwelling)	06/05/2019		#PENDING		
47	19/1015.03	19 Robinson Street Mittagong NSW 2575 Lot 137 DP 1247015	D Turland, S Turland	Section 4.55 Modification (Extensions)	17/05/2019		#PENDING	23/05/2019	

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
48	19/1555	19 Nero Street Mittagong NSW 2575 Lot 1 DP 1245206	S Rumbachs, W Day	Residential Alterations and Additions (Shed)	01/05/2019		#APPROVED	13/05/2019	
49	19/1564	181-183 Old Hume Highway Mittagong NSW 2575 Lot 1 DP 1125162	Aldi Foods Pty Limited	Alterations and Extension	02/05/2019		#PENDING		
50	19/1577	Grange Park 206 Oxley Drive Mittagong NSW 2575 Lot 12 DP 854770	JM Bennett	Subdivision (2 Lots)	06/05/2019		#PENDING		
51	19/1610	8 Farnham Close Mittagong NSW 2575 Lot 40 DP 1001412	JM Marsh	Residential Alterations and Additions (Shed)	13/05/2019		#PENDING		
52	19/1633	17 Robinson Street Mittagong NSW 2575 Lot 132 DP 1247015	G Biasi, SE Biasi	Residential Alterations and Additions (Shed)	17/05/2019		#PENDING		
53	19/1658	6 William Street Mittagong NSW 2575 Lot 2 Sec 25 DP 111201	CC Baker	Residential Alterations and Additions (Swimming Pool)	22/05/2019		#PENDING		
54	19/1552	13 Koyong Close Moss Vale NSW 2577 Lot 8 DP 262485	GR Keith	Residential Alterations and Additions (Extensions)	30/04/2019		#APPROVED	18/05/2019	
55	19/1553	Charity 502 Argyle Street Moss Vale NSW 2577 Part Lot 5 DP 773704	Trustees of the Society of St Vincent de Paul	Community Facility (Modular Shower)	30/04/2019		#PENDING		✓
56	19/1582	208 Argyle Street Moss Vale NSW 2577 Lot 101 DP 1142408	NGO Investments (No 2) Pty Limited	Advertising Structure	07/05/2019		#PENDING		
57	19/1586	38 Browley Street Moss Vale NSW 2577 Lot 6 DP 14457	K Davies, B Davies	Residential Alterations and Additions (Extensions)	07/05/2019		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
58	19/1622	11 Woodside Drive Moss Vale NSW 2577 Lot 183 DP 1095417	S Ward, M Ward	Residential Alterations and Additions (Shed)	15/05/2019		#PENDING		
59	19/1636	43 Arthur Street Moss Vale NSW 2577 Lot 11 DP 1218850	G Mullens, J Mullens	Residential Alterations & Additions (Extensions & Demolition of Existing Garage)	17/05/2019		#PENDING		
60	19/1651	26 Windsor Crescent Moss Vale NSW 2577 Lot 138 DP 1181921	M Hissey, N Hissey	Residential Alterations and Additions (Garage & Internal Alterations)	21/05/2019		#PENDING		
61	19/1663	47b Valetta Street Moss Vale NSW 2577 Lot 108 DP 1248696	S Crane, C Crane	Dwelling House	23/05/2019		#PENDING		
62	19/1546	Lindan Park 551 Inverary Road Paddys River NSW 2577 Lot 4 DP 623028	L Zanatta, L Zanatta	Residential Alterations and Additions (Shed)	29/04/2019		#APPROVED	27/05/2019	
63	19/1590	46 Koolilabah Lane Penrose NSW 2579 Lot 43 DP 1234556	G Cretney, P Cretney	Subdivision (3 Lots)	08/05/2019		#PENDING		
64	19/1600	703 Penrose Road Penrose NSW 2579 Lot 109 DP 751259	J Medd, D Medd	Residential Alterations and Additions (Extensions)	10/05/2019		#PENDING		
65	18/0379.01	Renwick Drive Renwick NSW 2575 Lot 902 DP 1210273	Minister for Community Services & Assistant Minister for Health for Her Most Gracious Majesty Queen Elizabeth II	Section 4.55 Modification (Modify Lot Sizes)	03/05/2019		#PENDING		✓
66	19/1327.06	58 Challoner Rise Renwick NSW 2575 Lot 1255 DP 1221207	K Ratcliffe, A Ratcliffe	Section 4.55 Modification (Increase Floor Area)	07/05/2019		#APPROVED	13/05/2019	

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
67	19/1541	21 Roty Avenue Renwick NSW 2575 Lot 36 DP 1221206	G Singh, S Kaur	Dwelling House & Retaining Wall	26/04/2019		#PENDING		
68	19/1542	31 Roty Avenue Renwick NSW 2575 Lot 1234 DP 1221207	B Hanson	Dwelling House	26/04/2019		#APPROVED	18/05/2019	
69	19/1571	12 Solomon Street Renwick NSW 2575 Lot 1325 DP 1234992	PSS Group of Companies Pty Ltd	Dual Occupancy (Detached)	03/05/2019	✓	#PENDING		✓
70	19/1611	36 Green Street Renwick NSW 2575 Lot 1331 DP 1234992	J Allison, L Dale	Dwelling House	13/05/2019		#APPROVED	24/05/2019	
71	19/1630	40 Green Street Renwick NSW 2575 Lot 1305 DP 1234992	G Singh	Dwelling House	17/05/2019		#PENDING		
72	19/1545	40 The Old Road Robertson NSW 2577 Lot 77 DP 12365	A Vucko, K Vucko	Relocate Existing Dwelling. Construct New Dwelling.	29/04/2019		#PENDING		
73	19/1548	43 Old Kangaloon Road Robertson NSW 2577 Lot 5 DP 244410	Woodson Accessories Pty Ltd	Demolish Existing Dwelling	29/04/2019		#PENDING		
74	19/1612	20 Old Jamberoo Road Robertson NSW 2577 Lot 1 DP 731337	V Pring, M Pring	Residential Alterations and Additions - Studio	13/05/2019		#PENDING		
75	19/1616	96 Illawarra Highway Robertson NSW 2577 Lot 1 DP 800894	S Relf, C Adolphs	Dwelling House	13/05/2019		#PENDING		
76	19/1617	43 South Street Robertson NSW 2577 Lot 67 DP 12886	D T Hall Pty Ltd	Residential Alterations and Additions (Extensions, Studio)	14/05/2019		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
77	19/1620	74-76 Illawarra Highway Robertson NSW 2577 Lot 8 Sec 19 DP 758882	S Chowdhury, N Karim	Change of Use (Cooking School)	15/05/2019		#PENDING		
78	19/1655	48 Caalong Street Robertson NSW 2577 Lot 17 DP 15947	T Perkiss, B Noakes	Demolish Existing Dwelling	22/05/2019		#PENDING		
79	12/0154.04	558 Belmore Falls Road Robertson NSW 2577 Lot 1 DP 1149647 Lot 2 DP 1149647	S Natilli	Section 4.55 Modification (Modify Wastewater Treatment System)	09/05/2019		#APPROVED	24/05/2019	
80	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		#PENDING		
81	19/1665	Highfield 271 Oldbury Road Sutton Forest NSW 2577 Lot 1 DP 58837 & Lot 1 DP 59375 & Lot 1 DP 59165	G Windeyer, C Windeyer	Residential Alterations and Additions (Extensions & Internal Alterations)	23/05/2019		#PENDING		
82	19/1635	21 Joadja Street Welby NSW 2575 Lot 10 Sec 17 DP 257004	S Coad, P Coad	Residential Alterations and Additions (Deck, Internal Alterations)	17/05/2019		#PENDING		
83	19/1595	Murrayfields 26 Werai Road Werai NSW 2577 Lot 100 DP 1243214	BMK Holding Group Pty Ltd	Residential Alterations and Additions (Internal Alterations)	09/05/2019		#PENDING		
84	19/1561	18 Ritchie Road Willow Vale NSW 2575 Lot 2 DP 1240585	J Dobson, A Dobson	Dual Occupancy (Attached)	01/05/2019		#PENDING		
85	19/1596	Railway Avenue, Anzac Parade & Church Street Bundanoon	Wingecarribee Shire Council	Interpretive Heritage Signage within Bundanoon Conservation Area	09/05/2019		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

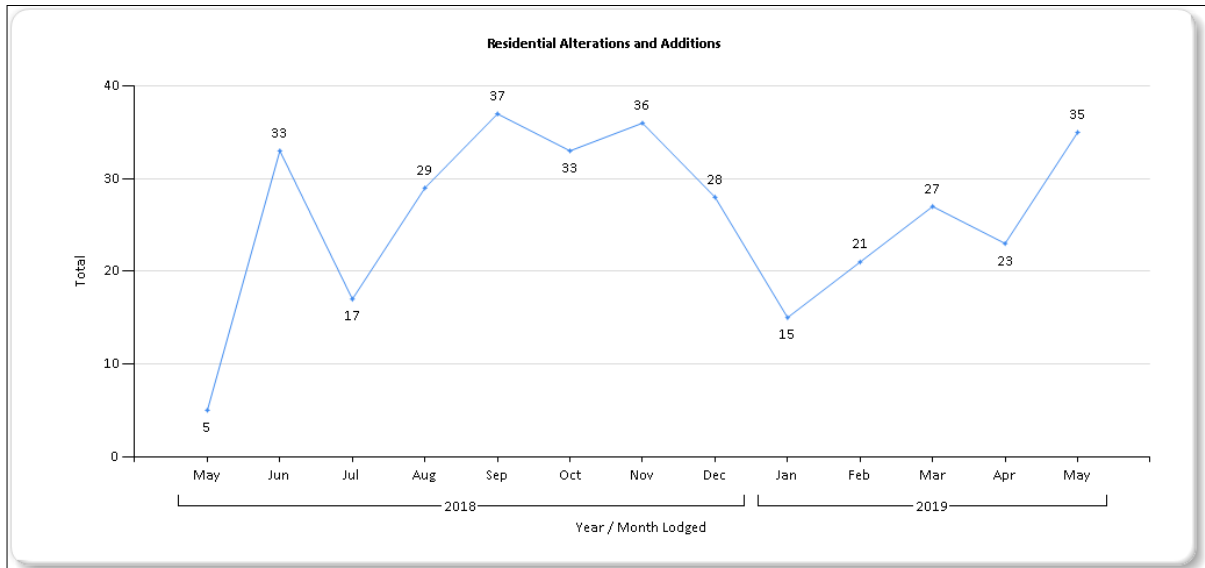
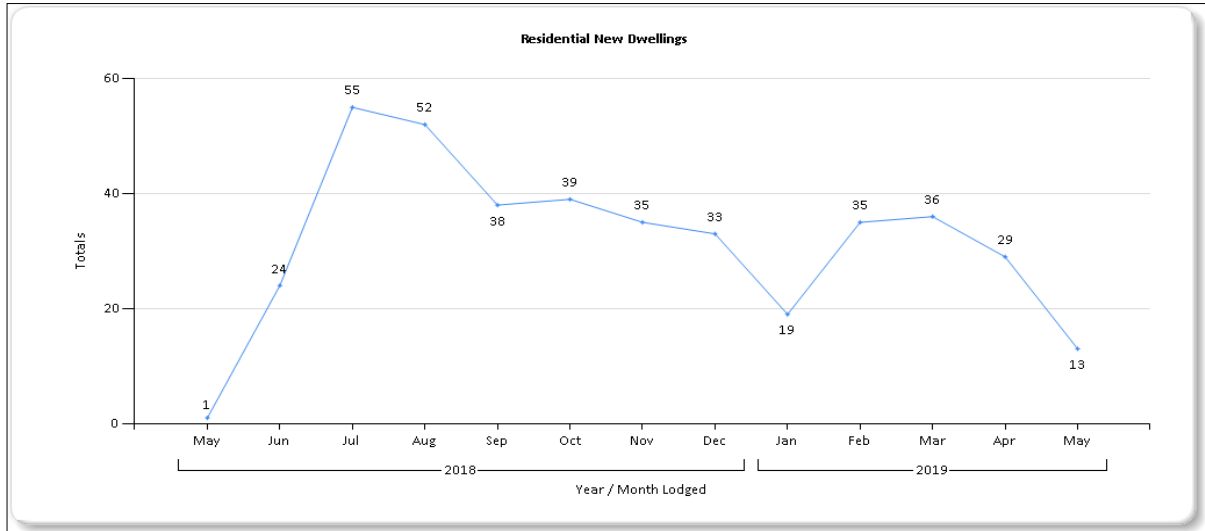


	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
86	19/1551	37 Marulan Street Wingello NSW 2579 Lot 680 DP 1091699	M Pace, C Pace	Secondary Dwelling	30/04/2019		#PENDING		
87	19/1613	83 Camden Street Wingello NSW 2579 Lot 7 DP 1117343	A Loiterton, S O'Brien	Dwelling House	13/05/2019		#PENDING		
88	19/1673	45-47 Railway Parade Wingello NSW 2579 Lot 23 DP 613710 Lot 24 DP 613710	S Alessi	Dwelling House	24/05/2019		#PENDING		
89	19/1680	1085 Old Hume Highway Alpine NSW 2575 Lot 1 DP 605509	P Christensen, C Staunton	Residential Alterations and Additions (Shed)	27/05/2019		#PENDING		
90	19/0132.03	220 Jacks Valley Road Joadja NSW 2575 Lot 1 DP 877821	M Walden	Section 4.55 Modification (Alterations)	27/05/2019		#PENDING		
91	17/1679.01	2 Walker Street Bowral NSW 2576 Lot 2 DP 625407	KND Nominees Pty Ltd	Section 82A Review (Boarding House)	08/05/2019		PENDING		✓
92	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		#PENDING		
93	19/1684	210-224 Bong Bong Street Bowral NSW 2576 Lot 100 DP 1194183	Roloz Pty Ltd	Change of Use - Food and Drink premises	28/05/2019		#PENDING		
94	19/1688	44 Thompson Street Bowral NSW 2576 Lot 22 DP 24267	SG Pareezer	Residential Alterations and Additions (Extensions, Garage. Internal Alterations)	28/05/2019		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



ATTACHMENTS

There are no attachments to this report

13.6 Heritage Assessment for Welby Park Manor, 28 Old Hume Highway, Welby—Interim Heritage Order No. 8

Reference:	5650/4, 5650/9, PN 1711430
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 site at 28 Old Hume Highway, Welby, being Lot 10, DP 1009585, and known as 'Welby Park Manor', which is subject to a current Interim Heritage Order (IHO No. 8) 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 “Welby Park Manor including trees and stone fence” comprising Lot 10 DP 1009585 (28 Old Hume Highway, Welby) and the Public Reserves at Lots 1 and 60 DP 249064.
2. **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 Lot 10 DP 1009585 and Lots 1 and 60 DP 249064 as a new heritage item and to amend the Minimum Lot Size Map in relation to Lot 10 DP 1009585 (28 Old Hume Highway, Welby) from 700m² to 4,000m².
3. **THAT** the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979.
4. **THAT** Council staff consult with Government stakeholders and engage with the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
5. **THAT** Council consider a report after the conclusion of consultation and community engagement on the Planning Proposal.
6. **THAT** Interim Heritage Order No. 8 is extended until 21 December 2019 to allow for the preparation and processing of the Planning Proposal.

REPORT

BACKGROUND

The subject site is located at 28 Old Hume Highway, Welby, and is described as Lot 10 in DP 1009585. The property is zoned R2 Low Density Residential and has a minimum lot size of 700m². The zoning and minimum lots size of the site is consistent with the zoning and minimum lot size of the village of Welby (on the northern side of the Old Hume Highway). The site is not a heritage item and it is not within a heritage conservation area.

The site is shown outlined on an aerial photograph in the context of surrounding development on **Figure 1**.



Figure 1: 'Welby Park Manor' site at 28 Old Hume Highway, Welby

In 2008/9 a Heritage Study was conducted by heritage consultants engaged by Council that examined a list of potential heritage items compiled by Council in conjunction with members of the community. This project was known as the Heritage Survey Project. 'Welby Park Manor' was one of the properties on that list surveyed by the consultants and recommended for heritage listing at that time.

In 2012 the owners of the sites recommended for heritage listing as part of the Heritage Survey Project were consulted, invited to attend kiosks to discuss the proposed listing with staff, and asked to provide feedback on the project. The then owners of the subject property, 'Welby Park Manor', were included in this consultation and objected to the listing on the basis of the historical information provided at that time being incorrect, and due to the unsympathetic impact of the 1970s subdivision of the site leaving 'Welby Park Manor' on a reduced curtilage. Council subsequently resolved on 28 November 2012 (item cw-CS8) *inter alia* that only the proposed items supported by their owners proceeded to heritage listing. Those properties were listed as part of Amendment No. 40 to Wingecarribee Local Environmental Plan (WLEP) 2010 which was published on 10 March 2017 and 'Welby Park Manor' was not included in that amendment due to the previous objection of the former owner.

In November 2018 a development application (19/0765) for a six (6) lot subdivision was lodged with Council for the subject property. On the advice of Council's Heritage Advisor, an Interim Heritage Order (IHO) was subsequently placed on the property under delegation provided to Councils. 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. Subdivision of the site is considered to be sufficient threat to trigger an IHO. Interim Heritage Order No. 8 was published in the NSW Government Gazette on 21 December 2018. An IHO issued under delegation is valid for six (6) months and lapses unless Council has made a resolution to

add the item to its heritage schedule. Such a resolution extends protection of the proposed item for a further six months under the IHO.

A copy of IHO No. 8 as it appeared in the NSW Government Gazette is included as **ATTACHMENT 1**. IHO No. 8 will lapse on 21 June 2019 unless Council supports the recommendation of this report to heritage list the site.

DA 19/0765 was subsequently withdrawn by the applicant following an assessment of the proposal which did not favour approval.

HERITAGE ASSESSMENT

The property was visited by Council’s Heritage Advisor, Strategic Land Use Planner—Heritage and Strategic Land Use Planner—Heritage Projects in January 2019. With historical input courtesy of the Berrima District Historical and Family History Society, an assessment as to the heritage significance of the site has been undertaken.

The assessment of the site took into account that since the 1930s the owners of the property (then called ‘Hopes’) also owned the land bounded by Mittagong Street, Bendooley Street, Berrima Street (which originally bisected this block) and Meranie Street. The unmade road reserve of Berrima Street was acquired in 1963 by the then owner, Arthur Peter Stephenson. **Figure 2** shows the area that comprised the property following the incorporation of the Berrima Street road reserve.



Figure 2: The extent of the ‘Hopes’ property (of approximately 12 acres) from the 1930s (Berrima Street was subsumed into the property in 1963)

The current subdivision which created Kell Crescent and Welby Park Place was undertaken in 1975. However, the lots adjoining Welby Park Manor in Bendooley Street were not sold and developed until the early 2000s. When the subdivision of the site was undertaken, Council, in recognition of some of the heritage elements of the property, created two reserves to protect original plantings along the Old Hume Highway (Lot 60 DP 249064 west of ‘Welby Park Manor’ between no. 30 Old Hume Highway and Meranie Street) and the stone fence (Lot 1 DP 249064, between ‘Welby Park Manor’ and Bendooley Street and known as known as 2A Old Hume Highway). These reserves are shown on **Figure 3**.

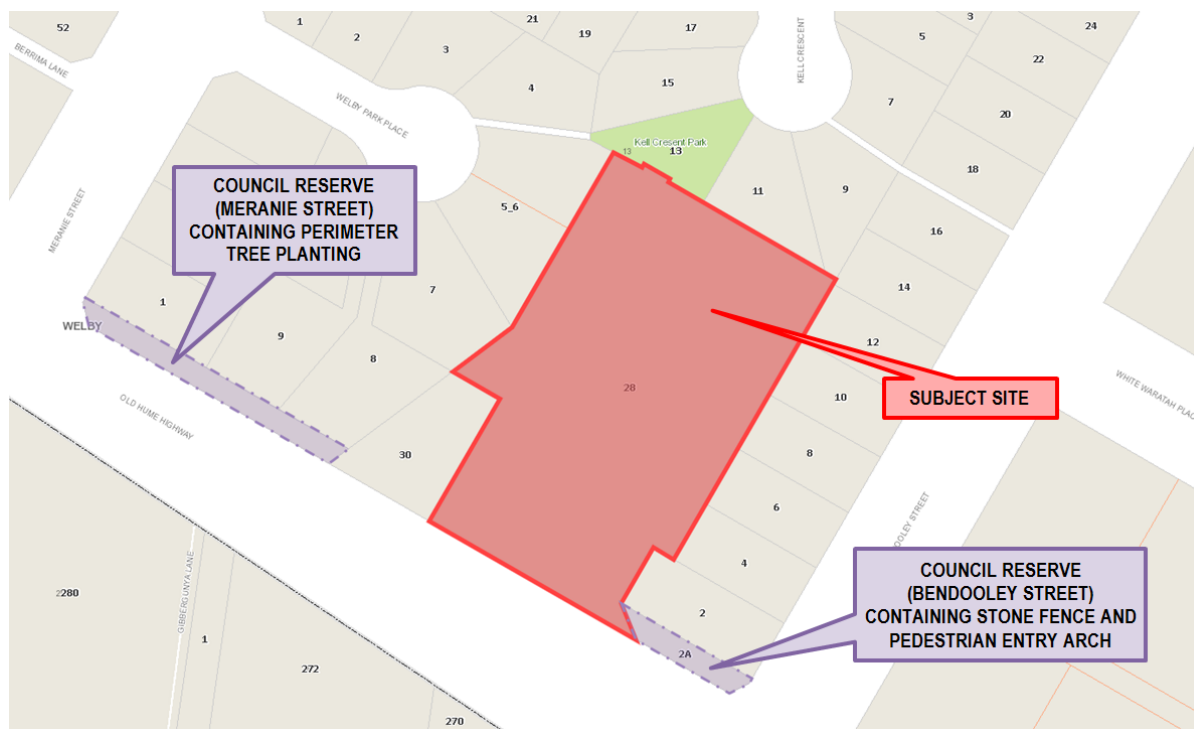


Figure 3: The public reserves created in 1975 to protect the heritage elements of ‘Welby Park Manor’ at the time of subdivision

The heritage assessment of the site has included these two Council reserves because of their relationship to the original ‘Hopes’ property.

The assessment has been undertaken by Council’s Heritage Advisor with research input from the Berrima District and Historical Society and Council’s Strategic Land Use Planner—Heritage Projects.

The draft statement of significance of the site is as follows:

The house has significance as a rare example of an arts and crafts stone cottage with a matching stone fence (some of which is contained in a Council reserve along Old Hume Highway) surrounded by mature trees. The design and construction of the house is associated with architect Byera Hadley who owned the property in the 1920s. Later alterations may be associated with another architect, Arthur Peter Stephenson. The property has landmark qualities due to its location on top of the hill at Welby, its garden of mature trees and its imposing entry and stone fence.

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 then 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 on 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. ‘Welby

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Park Manor' 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 'Welby Park Manor'
(a) HISTORICAL	
An item is important in the course, or pattern, of NSW's (or local) cultural or natural history.	'Welby Park Manor' is an important reference site that assists to explain the development of Mittagong and the village of Fitzroy (now Welby). The house was designed and built by prominent architect Byera Hadley who bought all the lots in Section 5 in 1921 and 1922.
(b) ASSOCIATIONAL	
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.	The house and grounds are associated with prominent architect Byera Hadley. The original site (Lots 1-10) was bought in 1960 by architect Arthur Peter Stephenson, son of Sir Arthur Stephenson (co-founder of Stephenson and Turner architects) and senior partner of his father's firm. Stephenson acquired the title to the unmade section of Berrima Street.
(c) AESTHETIC/TECHNICAL	
An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or the local area.	The main section of the house is a rare example of arts and crafts style housing executed in stone. It combines local materials and workmanship with imported design ideas that are a blend of innovation and imitation. The intact nature of much of the (external) fabric adds to an appreciation of the design of the building. The building and grounds are distinctive and have landmark qualities.
(d) SOCIAL	
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.	<i>The heritage assessment has not found 'Welby Park Manor' to have any strong social significance.</i>
(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 site has potential to reveal new or further substantial scientific, cultural, technical, archaeological or historical information.
(f) RARITY	



Heritage Criterion	Assessment of 'Welby Park Manor'
An item possesses uncommon, rare or endangered aspects of NSW's or the local area's cultural or natural history.	The building is a rare example of a stone house in an arts and crafts style.
(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.	<i>The heritage assessment has not found 'Welby Park Manor' to demonstrate any outstanding representative characteristics.</i>

The site (inclusive of the Council reserves) displays significance in five of the seven criteria and heritage listing is recommended.

The heritage inventory sheet which contains a comprehensive description, history and heritage assessment, as well as photos, for the property is contained at **Attachment 2**.

SUBDIVISION POTENTIAL OF 'WELBY PARK MANOR'

It is considered from a heritage perspective that subdivision at the Old Hume Highway frontage of 'Welby Park Manor' will sever its relationship to the Old Hume Highway. In addition, it is unlikely that access to multiple lots will be possible through the existing gates, which are too narrow to accommodate Council's road engineering standards, essentially guaranteeing their loss.

The current minimum lot size of 'Welby Park Manor' is 700m² which could allow an existing maximum subdivision potential of up to 9 lots on the nearly 7,000m² site. This potential is restricted in this case by heritage significance of the site, access (and the potential loss of the entry gate and driveway to service multiple lots), and preservation of trees and gardens but despite the heritage listing recommended in this report, the current minimum lot size provides a theoretical potential that is unlikely to be realised without adverse impact on the heritage significance of the property. Therefore, it is recommended that the minimum lot size of 'Welby Park Manor' be amended from the current 700m² minimum lot size to 4,000m². Residential development on the southern side of the Old Hume Highway opposite the 'Welby Park Manor' site in Mittagong has a minimum lot size of 4000m² so this approach would be consistent with nearby development.

PLANNING PROPOSAL TO AMEND WLEP 2010 INSTRUMENT AND MAPS

Should Council support the recommendation of this report to support the heritage listing of 'Welby Park Manor' and the two associated public reserves as a heritage item, then a Planning Proposal will be prepared by Strategic Planning Branch staff which will seek to amend the WLEP 2010 to add the sites to the list of heritage items in Schedule 5 of the Plan, and to add the sites to the Heritage Map. In addition, should the amendment of the minimum lot size be supported, this would also form part of that Planning Proposal.

Therefore in summary, the Planning Proposal that would be prepared should the approach recommended and justified in this report would contain the following:

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



1. Addition of Lot 10 DP 1009585 ('Welby Park Manor', 28 Old Hume Highway, Welby), Lot 60 DP 249064 (Public Reserve, Welby Heights, Meranie Street, Welby) and Lot 1 DP 249064 (Public Reserve, 2A Old Hume Highway, Welby) as new heritage item "Welby Park Manor including trees and stone fence" in Schedule 5 of the WLEP 2010.
2. Addition of Lot 10 DP 1009585 and Lots 1 and 60 DP 249064 as a heritage item on the Heritage Map.
3. Amend the minimum lot size of Lot 10 DP 1009585 from 700m² to 4,000m² on the Minimum Lot Size 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

Any proposed amendment to WLEP 2010 supported by Council is lodged with the Department of Planning & Environment for a Gateway Determination to proceed. Community consultation occurs in accordance with the Gateway requirements but public exhibition for a period of 28 days is normally recommended.

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 site as a heritage item would serve to protect the mature trees and gardens on the property as well as the stone fence and trees currently within road reserves adjacent to the 'Welby Park Manor' property.

- **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 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.

- **Governance**

This report has been prepared in consideration of guidelines provided by the Department of Planning & 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 'Welby Park Manor' and the adjacent Public Reserves and the change in the Minimum Lot Size of 'Welby Park Manor'. This option forms the recommendation contained in this report, as follows:

1. **THAT** Council supports the proposed heritage listing of "Welby Park Manor including trees and stone fence" comprising Lot 10 DP 1009585 (28 Old Hume Highway, Welby) and the Public Reserves at Lots 1 and 60 DP 249064.
2. **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 Lot 10 DP 1009585 and Lots 1 and 60 DP 249064 as a new heritage item and to amend the Minimum Lot Size Map in relation to Lot 10 DP 1009585 (28 Old Hume Highway, Welby) from 700m² to 4,000m².
3. **THAT** the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979
4. **THAT** Council staff consult with Government stakeholders and engage with the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
5. **THAT** Council consider a report after the conclusion of consultation and community engagement on the Planning Proposal.
6. **THAT** Interim Heritage Order No. 8 is extended until 21 December 2019 to allow for the preparation and processing of the Planning Proposal.



Option 2

That Council **not support** the proposed heritage listing and the change in the minimum lot size of 'Welby Park Manor' and the adjacent Public Reserves. This option is not recommended as it ignores the heritage assessment of the property that has demonstrated that it is eligible for heritage listing. However, should this option be supported, an appropriate resolution would be as follows:

1. THAT Council not support the proposed heritage listing of "Welby Park Manor including trees and stone fence" comprising Lot 10 DP 1009585 (28 Old Hume Highway, Welby) and the Public Reserves at Lots 1 and 60 DP 249064.
2. THAT Interim Heritage Order No. 8 be permitted to lapse on 21 June 2019.

Option 3

That Council **support** the proposed heritage listing of 'Welby Park Manor' and the adjacent Public Reserves **but not support the change to the minimum lot size**. This option is not recommended as it would provide uncertainty to the owners of the site and provide theoretical future subdivision potential. Further subdivision of the site is not supported on heritage grounds. However, should this option be supported, an appropriate resolution would be as follows:

1. THAT Council supports the proposed heritage listing of "Welby Park Manor including trees and stone fence" comprising Lot 10 DP 1009585 (28 Old Hume Highway, Welby) and the Public Reserves at Lots 1 and 60 DP 249064.
2. 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 Lot 10 DP 1009585 and Lots 1 and 60 DP 249064 as a new heritage item.
3. THAT the Planning Proposal be sent to the Department of Planning and Environment with a request for a Gateway Determination in accordance with section 3.34 of the Environmental Planning & Assessment Act 1979
4. THAT Council staff engage with Government stakeholders and the community on the Planning Proposal in the manner prescribed in the Gateway Determination.
5. THAT Council consider a report after the conclusion of consultation and public exhibition on the Planning Proposal.
6. THAT Interim Heritage Order No. 8 is extended until 21 December 2019 to allow for the preparation and processing of the Planning Proposal.

Option 1 is the recommended option to this report.

CONCLUSION

In December 2018, Council issued an Interim Heritage Order under delegation to protect 'Welby Park Manor' from an unsympathetic subdivision proposal (DA 19/0765) which has subsequently been withdrawn. This has led to a heritage assessment which concludes that the site is significant in five out of seven heritage assessment criteria and is therefore worthy and eligible for listing as a heritage item of local heritage significance. This report recommends that Council supports the proposed heritage listing of the site as well as two adjacent Council-owned public reserves and also recommends that the minimum lot size of the main site be amended to remove further subdivision potential.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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



ATTACHMENTS

1. Interim Heritage Order No. 8 as published in the NSW Government Gazette on 21 December 2018
2. Draft Heritage Inventory Sheet for Welby Park Manor including history and heritage assessment.

13.6 Heritage Assessment for Welby Park Manor, 28 Old Hume Highway, Welby—
Interim Heritage Order No. 8

ATTACHMENT 1 Interim Heritage Order No. 8 as published in the NSW
Government Gazette on 21 December 2018



Council Notices

WINGECARRIBEE SHIRE COUNCIL
HERITAGE ACT 1977
INTERIM HERITAGE ORDER NO. 8

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

18 December 2018

Schedule 'A'

The property known as "Welby Park Manor" situated at 28 Old Hume Highway, Welby, on the land described in Schedule 'B'.

Schedule 'B'

All those pieces or parcels of land known as Lot 10 DP 1009585, shown edged heavy black on the plan catalogued WSC IHO 08/18.

13.6 Heritage Assessment for Welby Park Manor, 28 Old Hume Highway, Welby—
Interim Heritage Order No. 8

ATTACHMENT 1 Interim Heritage Order No. 8 as published in the NSW
Government Gazette on 21 December 2018



Council Notices



[n2018-4396]

13.6 Heritage Assessment for Welby Park Manor, 28 Old Hume Highway, Welby—
Interim Heritage Order No. 8

ATTACHMENT 2 Draft Heritage Inventory Sheet for Welby Park Manor
including history and heritage assessment.



<i>Wingecarribee Shire Council</i>		SHI number 2680608
		Study number WI0608
<p>Item name: Welby Park Manor including trees and stone fence</p> <p>Location: 28 Old Hume Highway Welby 2575 Wingecarribee</p>		

Address: 28 Old Hume Highway **Planning:** Illawarra & Macarthur

Suburb/nearest town: Welby 2575

Local govt area: Wingecarribee **Parish:** Jellore
State: NSW **County:** Camden

Address: Public Reserve, 2A Old Hume Highway **Planning:** Illawarra & Macarthur

Suburb/nearest town: Welby 2575

Local govt area: Wingecarribee **Parish:** Jellore
State: NSW **County:** Camden

Address: Public Reserve, Welby Heights Meranie Street **Planning:** Illawarra & Macarthur

Suburb/nearest town: Welby 2575

Local govt area: Wingecarribee **Parish:** Jellore
State: NSW **County:** Camden

Other/former names: Hopes (1920s-1950s); Norman (1960-1969); Le Relais Fleuri Restaurant (1980s); Welby Manor Restaurant (1980s)

Area/group/complex: **Group ID:**

Aboriginal area: Gandangara

Curtilage/boundary:

Item type: Built **Group:** Residential buildings (private) **Category:** House

Owner: Private - Individual

Admin codes: WI0608 **Code 2:** **Code 3:**

Current use: Private residence; holiday rental accommodation

Former uses: Private residence; restaurant; bed and breakfast

Assessed significance: Local **Endorsed significance:**

Statement of significance: The house has significance as a rare example of an arts and crafts stone cottage with a matching stone fence (some of which is contained in a Council reserve along Old Hume Highway) surrounded by mature trees. The design and construction of the house is associated with architect Byera Hadley who owned the property in the 1920s. Later alterations may be associated with another architect, Arthur Peter Stephenson. The property has landmark qualities due to its location on top of the hill at Welby, its garden of mature trees and its imposing entry and stone fence.

13.6 Heritage Assessment for Welby Park Manor, 28 Old Hume Highway, Welby—
Interim Heritage Order No. 8

ATTACHMENT 2 Draft Heritage Inventory Sheet for Welby Park Manor
including history and heritage assessment.



Wingecarribee Shire Council		SHI number 2680608
		Study number WI0608
<i>DRAFT</i>		
Item name: Welby Park Manor including trees and stone fence		
Location: 28 Old Hume Highway Welby 2575	Wingecarribee	

Historical notes of provenance: WELBY PARK LAND TITLE RESEARCH - prepared by Linda Emery, Berrima District Historical and Family History Society, December 2018

During a survey of the County of Camden in 1863, Surveyor Robert Campbell recommended the establishment of a Government township adjacent to the FitzRoy Iron Works. Crown Land in the Township of Fitzroy was offered for sale in 1865. Robert Snowden, a brickmaker and Mittagong businessman, purchased a large number of lots in the subdivision, including Lots 1 – 4 and 7 – 10 of Section 5. The remaining two lots in the section, Lots 5 and 6 were purchased by innkeeper John Watson.

LAND TRANSFERS SECTION 5 VILLAGE OF FITZROY

Until the 1880s there was little development in the township although it is thought that William Brazenall operated his blacksmithing and iron foundry there from the early 1880s. In 1889, he purchased from Robert Snowden Lots 4 and 7, Section 5, the acre of land where his foundry was located. Brazenall operated his works until he left the district in 1893.

The house now known as Welby Park Manor straddles the boundary of Lots 3 and 4 of Section 5. A study of the land ownership and rate books for the Nattai Shire suggests that the house was built by Byera Hadley, probably around 1923-1926, based on the following evidence:

1. Lot 4 was acquired by Mabel Nankiville in June 1898 from the mortgagee in possession of William Brazenall's land. In the rate assessments for the years 1907-1909, the improved capital value of the land is the same as the unimproved value, showing there was no house on the site.
2. Mabel Nankiville did not acquire the adjoining Lot 3 until December 1919. It is not feasible that she and her husband, Henry (a stonemason) would have built a house on land they did not own.
3. Byera Hadley acquired Lots 3 and 4 in October 1922. He had previously bought Lots 1,2 and 8-10 in July 1921 for a total of £75, confirming there were no capital improvements on these lots at that time.
4. In 1926, Byera Hadley purchased from The Crown the unmade road between Lots 1-5 and 6-10 thus consolidating the whole block in his ownership.
5. Hadley is listed in Electoral Rolls living in Mittagong from 1922 until 1932.

LAND TRANSFERS

Original 6 Nov 1866

Lot 1 6 Nov 1866 - Robert Snowden; 22 Oct 1919 - Matilda Snowden; 29 Jul 1921 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 2 6 Nov 1866 - Robert Snowden; 22 Oct 1919 - Matilda Snowden; 29 Jul 1921 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 3 6 Nov 1866 - Robert Snowden; 22 Oct 1919 - Matilda Snowden; 20 Dec 1919 - Mabel Nankiville; 13 Oct 1922 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 4 6 Nov 1866 - Robert Snowden; 11 Nov 1889 - Wm Brazenall; 3 Dec 1889 - Mesac Thomas (Mortgage); 10 Jun 1898 - Mabel Nankiville; 13 Oct 1922 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 5 6 Nov 1866 - John Watson; 13 Mar 1899 - Abraham Watson; 1899 - Henry Dawson; 26 Jul 1911 - Mabel Nankiville; 13 Oct 1922 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 6 6 Nov 1866 - John Watson; 13 Mar 1899 - Abraham Watson; 1899 - Henry Dawson; 26 Jul 1911 - Mabel Nankiville; 13 Oct 1922 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 7 6 Nov 1866 - Robert Snowden; 11 Nov 1889 - Wm Brazenall; 3 Dec 1889 - Mesac Thomas (Mortgage); 13 Apr 1911 - John Mealing; 26 Aug 1913 - Mabel Nankiville; 13 Oct 1922 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 8 6 Nov 1866 - Robert Snowden; 22 Oct 1919 - Matilda Snowden; 29 Jul 1921 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 9 6 Nov 1866 - Robert Snowden; 22 Oct 1919 - Matilda Snowden; 29 Jul 1921 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

Lot 10 6 Nov 1866 - Robert Snowden; 22 Oct 1919 - Matilda Snowden; 29 Jul 1921 - Byera Hadley; 16 Oct 1931 - Laura & Isabel Cull

BYERA HADLEY

Architect and builder of Welby Park Manor, Byera Hadley, became an influential figure in his chosen profession. Born in Bristol, England, he came to Australia in 1887 and the following year enrolled at the Sydney Technical



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee

College in the architectural course. He later joined the staff, beginning as an Assistant Lecturer but ultimately led the Department of Architecture at the college until his retirement from the public service in October 1926. He began his private practice in 1897 and in 1899, became a Fellow of the Institute of Architects.

During his career he received a number of commercial and ecclesiastical commissions. His better known work included the design of Botany Town Hall in 1899, Willoughby Town Hall in 1903, the original wing of Wesley College (1916) and its chapel (1919). His residential work is not well known, but is typically in the Arts and Crafts style. He received a number of commissions from the Methodist Church, probably through his friendship with Frederick Cull, a wealthy Sydney businessman and philanthropist who was a staunch Wesleyan.

After his death, he left a substantial bequest to establish the Byera Hadley Travelling Architectural Scholarship which continues to this day. The prestigious scholarships are part of his continuing legacy to encourage architects and students to undertake travel, study or research that contribute to the advancement of architecture. The scholarship was first awarded in 1951 to the late Bryce Mortlock, and has included some of the profession's finest – including Ken Woolley, Colin Griffiths, Professor Lawrence Nield, Deborah Dearing, and recent recipient of the 2014 Sulman Medal for Public Architecture Rachel Neeson.

Hadley lived at least part time in Mittagong for about nine years while continuing his private practice in Sydney. He named his Mittagong house and property 'Hopes' where he was listed on the electoral rolls. He was the architect for Annesley School in Bowral and advised on plans for the Mittagong School of Arts Committee in 1925. Hadley died in Sydney in November 1937 aged 65 and was buried at Woronora Cemetery in Sydney.

LAURA AND ISABEL CULL

Laura Agnes and Isabel Haidee Cull purchased the property from Byera Hadley in 1932 for £1,800. As well as the ten lots in Section 5, Laura Cull acquired Lots 2 to 10 of Section 8, directly behind the 'Hopes' property, effectively taking the landholding to 12 acres, including the unmade Berrima Road.

Laura and Isabel Cull were the unmarried daughters of Fred Cull, for whom Hadley had done so much work. Laura Cull became the sole owner in 1938 and held the property until it was sold in 1960. In the Valuer General Valuation List for 1950, the consolidated Lots 1-10 Section 5 were held by Laura Agnes Cull. The Unimproved Value was £180, Improved Value £2000. At that time, the house still retained its original name, 'Hopes'. Miss Cull's address is given as 'Epacris' Chandos Street, Ashfield. She later moved to 4 Llandilo Avenue, Strathfield.

ARTHUR PETER STEPHENSON

Another architect, Arthur Peter Stephenson, purchased the consolidated property Lots 1 to 10 in Section 5 in 1960. Stephenson was the son of Sir Arthur Stephenson, co-founder of Australia's first national and international architectural firm, Stephenson and Turner. Peter Stephenson became the senior partner in the firm. It is likely that he was responsible for additions to the original house (TBC). The property was renamed 'Norman' by Peter and his wife Ethel (also an architect). In 1963, Stephenson acquired title to the unmade section of Berrima Street amounting to almost 2 acres.

'Norman' was sold in 1969. It was around this time that the property became known as Welby Park. In 1973 it was acquired by Impala Properties after which the subdivision of the property began. (DP 568702) Lots 1 & 2, Volume 12419, Folios 149 and 150.

WELBY PARK TEAROOMS AND RESTAURANT

In 1978, the house on a reduced acreage of two acres was purchased by Ivor and Pamela Roberts. Ivor Roberts was a wine and food writer and owned a vineyard in the Hunter Valley. The Roberts established a restaurant and tearooms in the house in 1979.

The restaurant was run under several names, including Le Relais Fleuri in 1983, and Welby Manor in 1985 until it was sold and returned to use as a private residence in 1987.

EARLY HISTORY

The history of the Welby Park Manor has been wrongly reported and embellished in a number of real estate

13.6 Heritage Assessment for Welby Park Manor, 28 Old Hume Highway, Welby—
Interim Heritage Order No. 8

ATTACHMENT 2 Draft Heritage Inventory Sheet for Welby Park Manor
including history and heritage assessment.



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee

advertisements over many years. The current owners advertise on their accommodation website that the house was built in the 1840s which is clearly not the case. A range of these advertisements are filed in the Welby Park Manor Building File at Berrima District Historical & Family History Society as a guide to usage over time and information on property owners and occupiers, but should not be taken as accurate.

Linda Emery
8 December 2018

Themes: **National theme**
3. Economy
4. Settlement

State theme
Mining
Towns, suburbs and villages

Local theme

Designer: Byera Hadley

Builder:

Year started: 1923

Year completed:

Circa: Yes

13.6 Heritage Assessment for Welby Park Manor, 28 Old Hume Highway, Welby—
Interim Heritage Order No. 8

ATTACHMENT 2 Draft Heritage Inventory Sheet for Welby Park Manor
including history and heritage assessment.



Wingecarribee Shire Council		SHI number 2680608
		Study number WI0608
<i>DRAFT</i>		
Item name: Welby Park Manor including trees and stone fence		
Location: 28 Old Hume Highway Welby 2575		Wingecarribee

Physical description: The site has a front fence of fine stone with iron gates and a post and wire property fence of approximately 1.2 metres high and a side driveway. The site also features several subsidiary buildings which are of similar date. The front garden is large and informally landscaped and features mature trees, hedging and exotic conifers and provides an appropriate setting for the house. The house is constructed of stone in an Arts and Crafts style and is not visible from the street. The roof is gabled with a medium pitch. The roof is clad in terracotta tiles, timber shingle gable end. The house is accessed from a curved driveway from the stone fence and entry off the Old Hume Highway.

The trees and fence along the Old Hume Highway which were originally part of the house lot (originally Lots 1-10 Sec 5 in the township of Fitzroy) before subdivision in 1973 (creating Lot 1 DP 568702) were retained as part of the subdivision of Lot 2 DP 568702 in 1974 (creating DP 249064) in a public reserve around 5 metres wide from Bendooley Street to Welby Park Manor and from Welby Park Manor to Meranie Street. These two public reserves are included in this heritage listing.

The large 7345m² allotment contains a mature garden of mostly exotic species, including (information taken from arborist report submitted with development application 19/0765 for a 6 lot subdivision, November 2018):
 Araucaria bidwillii Bunya Pine (x2, mature, good general health and structure, 21 and 266 and 9m in height)
 Acacia baileyana Cootamundra Wattle (1 mature, good health and structure, 9 m in height; 1 over mature, poor health and structure, 6m in height)
 Acacia elongata Swamp Wattle (x1, mature, good general health and fair structure, 6m in height)
 Arbutus unedo Irish Strawberry Tree (x1, mature, good general health and structure, 6m in height)
 Cupressus macrocarpa Monterey Cypress (x19, mature, most have good general health and structure, most range 17-33m in height)
 Chamaecyparis obtuse Hinoki Cypress (x1, mature, good general health and fair structure, 7m in height)
 Cupressus sp. Cypress species (1 mature, fair general health and fair structure, 8m in height; 1 mature, good general health and structure, 15m in height)
 Pittosporum eugenioides cv. Lemonwood cultivar (x1 mature, good general health and condition, 6m in height)
 Pinus radiata Monterey Pine (numerous in number [around 17]; mature; most in good general health and structure; range 24-35m in height)
 Pittosporum undulatum Sweet Pittosporum (x1, mature, good general health and structure, 8m in height)
 Quercus palustris Pin Oak (x3, mature, good general health and structure [18m one of fair structure], 17, 18 and 32m in height)
 Liquidambar styraciflua Liquidambar (x7, good general health and fair to good structure, 22-32m in height)
 Podocarpus elatus Illawarra Pine (x1, mature, good general health and fair structure, 11m in height)
 Picea pungens Blue Spruce (x1, young, good general health and fair structure, 4m in height)
 Prunus sp. Flowering Cherry (x2, mature, good general health and structure, 5m in height)
 Pittosporum tenuifolium cv. Kohuhu cultivar (x1, mature, good general health and structure, 7m in height)
 Tilia cordata Small-leaved Linden (x1, mature, good general health and structure, 18m in height)
 Ulmus procera English Elm (x1, mature, fair general health and structure, 10m in height)
 Viburnum tinus Laurestinus Viburnum (x3, mature, good general health and structure (one fair structure), 5, 7 and 8m in height)

Physical condition level:

Physical condition:

Archaeological potential level: Not assessed

Archaeological potential Detail: Remains of the Brazenall foundry including artifacts from it are possible, but given the disturbed nature of the site are not likely.

13.6 Heritage Assessment for Welby Park Manor, 28 Old Hume Highway, Welby—
Interim Heritage Order No. 8

ATTACHMENT 2 Draft Heritage Inventory Sheet for Welby Park Manor
including history and heritage assessment.



<i>Wingecarribee Shire Council</i>		SHI number 2680608
		Study number WI0608
<i>DRAFT</i>		
Item name: Welby Park Manor including trees and stone fence		
Location: 28 Old Hume Highway Welby 2575	Wingecarribee	

Modification dates: 1960s - additions by Stephenson?
 1970s - extra room added.
 1970s - early 1980s - adaptations for use as a restaurant.
 c.1975 - subdivision of property creating new lots along Bendooley Street. Presumably it was about this time that the stone fence along Old Hume Highway was retained in a small Council reserve. Lots were eventually sold around 2001 and by 2002 two-thirds of the houses along Bendooley Street had been built.
 1990s - additional room added for bed and breakfast use.
 2018 - application 19/0765 for a 6 lot subdivision. Withdrawn by applicant.
 2018 - Interim Heritage Order No. 8 published 21 December 2018

Recommended management:

Management:	Management category	Management name
--------------------	----------------------------	------------------------

Further comments: Original iron gate under the stone arch on the end of the stone wall on the corner of Bendooley Street was stolen in October 2002 and reported to Council (and the police) by the then owner of Welby Park Manor. The gate was described at that time by the owner as "Victorian" style. No photos of the gate have been found to date.

Criteria a): Welby Park Manor is an important reference site that assists to explain the development of Mittagong and the village of Fitzroy (now Welby). The house was designed and built by prominent architect Byera Hadley who bought all the lots in Section 5 in 1921 and 1922.
[Historical significance]

Criteria b): The house and grounds are associated with prominent architect Byera Hadley. The original site (Lots 1-10) was bought in 1960 by architect Arthur Peter Stephenson, son of Sir Arthur Stephenson (co-founder of Stephenson and Turner architects) and senior partner of his father's firm. Stephenson acquired the title to the unmade section of Berrima Street.
[Historical association significance]

Criteria c): The main section of the house is a rare example of arts and crafts style housing executed in stone. It combines local materials and workmanship with imported design ideas that are a blend of innovation and imitation. The intact nature of much of the (external) fabric adds to an appreciation of the design of the building. The building and grounds are distinctive and have landmark qualities.
[Aesthetic/Technical significance]

Criteria d):
[Social/Cultural significance]

Criteria e): The site has potential to reveal new or further substantial scientific, cultural, technical, archaeological or historical information.
[Research significance]

Criteria f): The building is a rare example of a stone house in an arts and crafts style.
[Rarity]

Criteria g):
[Representative]

Intactness/Integrity:

References:	Author	Title	Year
	Linda Emery	Welby Park Land Title Research	2018
	Leah Day & Tim Mc Cartney	Mittagong's Picturesque History	1996

13.6 Heritage Assessment for Welby Park Manor, 28 Old Hume Highway, Welby—
Interim Heritage Order No. 8

ATTACHMENT 2 Draft Heritage Inventory Sheet for Welby Park Manor
including history and heritage assessment.



<i>Wingecarribee Shire Council</i>		SHI number 2680608
		Study number WI0608
Item name: Welby Park Manor including trees and stone fence		
Location: 28 Old Hume Highway Welby 2575		Wingecarribee

Studies:	Author	Title	Number	Year	
	John Armes	Heritage assessment of Welby Park Manor		1997	
	JRC Planning Services	Wingecarribee Heritage Study	WI0608	1991	
Parcels:	Parcel code	Lot number	Section number	Plan code	Plan number
	LOT	1		DP	249064
	LOT	60		DP	249064
	LOT	10		DP	1009585
Latitude:			Longitude:		
Location validity:			Spatial accuracy:		
Map name:			Map scale:		
AMG zone:			Easting:	Northing:	
Listing:	Name	Title	Number	ListingDate	
	Wingecarribee IHO No. 8	Heritage Act - Interim Heritage Order		21/12/2018	
	Wingecarribee Heritage Survey 200	Potential Heritage Item			
		Heritage study			
Data entry:	Data first entered: 22/07/1991	Data updated: 29/05/2019	Status: Basic		



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee

Image:



Caption: Welby Park Manor - view of eastern facade of house

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/345f976acc1873c4c9d9188a843ec10b4c0.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test345f976acc1873c4c9d9188a843ec10b4c0.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of southern facade of house (at termination of driveway)

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/3450b019fd3a97445598a468cfe9306dbd2.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test3450b019fd3a97445598a468cfe9306dbd2.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of verandah from south

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/34524f7c164cc134bbf882a1c786bef42e4.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test34524f7c164cc134bbf882a1c786bef42e4.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of southern side of house from east

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/3459a6a242cef4549478be58e9f3077374a.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test3459a6a242cef4549478be58e9f3077374a.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of southern facade and driveway with trees beyond

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/3454fee877b68ff4ed789b35ba4e014fae9.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAPP/Thumb_test3454fee877b68ff4ed789b35ba4e014fae9.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of southern facade and driveway with trees beyond

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/3451a7b62bef0364470ae69098acae2fc41.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test3451a7b62bef0364470ae69098acae2fc41.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of shed on south-western edge garden

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/34500c39966573c4e5a80a0d2bc7d797542.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test34500c39966573c4e5a80a0d2bc7d797542.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view south from the house of gardens and trees

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/345ab1c5e69233e4190bdafc78ebefe1096.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test345ab1c5e69233e4190bdafc78ebefe1096.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view north along the gravel driveway

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/345da730630fb57449b8b6c81b1c1720675.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test345da730630fb57449b8b6c81b1c1720675.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of eastern part of garden including mature trees

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/34597f6146735fc42d789cb0e534a078a9e.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test34597f6146735fc42d789cb0e534a078a9e.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of fence and gates

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/34553d064e05aee43d39b77420ded156034.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test34553d064e05aee43d39b77420ded156034.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of entry from Old Hume Highway

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/3458f7d439327bb47b3b45fa8356f767625.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test3458f7d439327bb47b3b45fa8356f767625.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of gate posts on corner of Bendooley Street

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/345c4a95ca4a34e433ab091ed136eeb3306.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test345c4a95ca4a34e433ab091ed136eeb3306.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of gate posts on corner of Bendooley Street and trees along Old Hume Highway

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/345058ad4b73802431dbe6353c838351a87.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test345058ad4b73802431dbe6353c838351a87.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of footpath and stone fence east of driveway (from Bendooley Street)

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/34519196b82049e4606b1498d990bba3276.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test34519196b82049e4606b1498d990bba3276.jpg

Image:



Wingecarribee Shire Council

SHI number
2680608
Study number
WI0608

Item name: Welby Park Manor including trees and stone fence

Location: 28 Old Hume Highway Welby 2575

Wingecarribee



Caption: Welby Park Manor - view of street frontage from southern side of Old Hume Highway

Copy right: WSC

Image by: Sarah Farnese

Image date: 11/12/2018

Image number:

Image url: <http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/3455bdfdbf48ec74d9aa61b9881d3eeb420.jpg>

Thumbnail url: http://www.environment.nsw.gov.au/maritimeheritageapp/resources/Heritage/shi/WebAP/P/Thumb_test3455bdfdbf48ec74d9aa61b9881d3eeb420.jpg

13.7 Compliance update with respect to 144 Mount Broughton Road Werai

Reference:	10/0414.03
Report Author:	Group Manager Planning, Development and Regulatory Services
Authoriser:	Group Manager Planning, Development and Regulatory Services
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 update Councillors on the current status of its standing resolution of 13 February 2019 relating to Minute No. 19/19 item 3 and to seek Council's direction on what action, if any, is required to be undertaken.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

1. **THAT** Council notes the update in relation to Resolution MN 19/19 Item 3.
2. **THAT** Council provide further direction to the General Manager on the manner in which it seeks to give effect to its Resolution Minute Number 19/19 Item number 3 with respect to determining compliance with relevant planning instruments relating to earthworks undertaken at 144 Mt Broughton Road, Werai.

REPORT

BACKGROUND

At the Ordinary Meeting of Council on 13 February 2019, a section 4.55(1)(a) Modification Application for the purposes of residential alterations and additions at 144 Mount Broughton Road, Werai was considered by Council as the application was in relation to a property partly owned by a sitting Councillor, Cllr I M Scandrett. Council resolved as follows:

1. *THAT Modification Application 10/0414.03 under section 4.55 (1A) of the Environmental Planning and Assessment Act 1979 for proposed residential alterations and additions – (extensions to the existing dwelling, shed and entry gates) at Lot 1 DP804846, No 144 Mt Broughton Street, Werai be DEFERRED for a peer review and*



following the peer review the matter be reported back to Council for consideration.

2. *THAT the future trees to be planted on the northern side of the shed wall, adjoining the northern boundary, shall be established trees of 75 litre pot size.*
3. *THAT a report be brought back to Council to determine whether earthworks already undertaken are compliant with relevant planning instruments and subject to the findings in that report Council consider what action, if any, to take.*

The application in summary sought to relocate the existing approved location of a rural farm building on the property and also increase both the floor area of the building and also its proposed height. Prior to the application being submitted to Council for approval, the owner(s) of the site allegedly undertook earthworks to construct a pad in the approximate location of where the proposed building is to be relocated. Accordingly, Councillors raised concerns with respect to whether the earthworks undertaken were compliant with relevant planning provisions.

Council resolved under Minute No. 19/19 to defer the application pending a peer review of Council's assessment of the application being conducted by another independent Council. The outcome of that peer review is subject to a separate business paper report in this Business Paper.

Council also resolved that a report be brought back to full Council to determine whether earthworks already undertaken are compliant with relevant planning instruments and subject to the findings in that report, Council consider what action, if any to take. This report seeks to comply with that standing resolution of the Council.

REPORT

Council staff have contacted the owner(s) on a number of separate occasions both verbally and also in writing seeking to obtain access to the site to observe the earthworks undertaken, obtain photographic evidence and take measurements. To date the owner(s) of the property have not permitted staff to enter the premises for the purposes of enabling compliance with the standing resolution of the Council and instead have stated that Council (both Councillors and also Council staff) have previously attended the site and the site conditions are known to all parties.

The owners have maintained that a survey of the existing levels of the land is being prepared and that that survey would be provided to the Council. The survey report has now been completed however the owners have not been willing to provide this survey report to Council.

Council has provided the owner(s) with the prescriptive standards which they would be applying to test whether the completed earthworks are compliant or otherwise. These provisions are contained within *Part 2 Division 1 Subdivision 15 clause 2.29 and 2.30 of the State Environmental Planning Policy (Exempt and Complying Development Codes)*:

2.29 Specified development

Earthworks and the construction or installation of a retaining wall or other form of structural support is development specified for this code if it is not carried out, constructed or installed on or in a heritage item or a draft heritage item, on a flood control lot or in an environmentally sensitive area.

2.30 Development standards

The standards specified for that development are that the development must:

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- (a) *not be a cut or fill of more than 600mm below or above ground level (existing), and*
- (b) *be located at least 1m from each lot boundary, and*
- (c) *if it is carried out, constructed or installed in a heritage conservation area or a draft heritage conservation area—be located in the rear yard, and*
- (d) *be located at least 40m from a waterbody (natural), and*
- (e) *not redirect the flow of any surface water or ground water or cause sediment to be transported onto an adjoining property, and*
- (f) *if it is a retaining wall or structural support for excavation or fill, or a combination of both:*
 - (i) *be not be more than 600mm high, measured vertically from the base of the development to its uppermost portion, and*
 - (ii) *be separated from any retaining wall or other structural support on the site by at least 2m, measured horizontally, and*
 - (iii) *be located at least 1m from any registered easement, sewer main or water main, and*
 - (iv) *have adequate drainage lines connected to the existing stormwater drainage system for the site, and*
- (g) *if the fill is more than 150mm deep—not occupy more than 25% of the area of the lot, and*
- (h) *if the fill is imported to the site—be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and*
- (i) *if the land is in a rural zone—not be fill of more than 100 cubic metres on each lot.*

Note.

It is an offence to transport waste to a place other than an appropriate and lawful waste facility (see section 143 of the Protection of the Environment Operations Act 1997).

There are specific powers available to Investigation Officers under section 9.16 of the *Environmental Planning and Assessment Act 1979*, 'the Act'. These powers permit an authorised officer of the Council, to enter the premises at any reasonable time for the purposes of such matters contained within section 9.18 of the Act. This includes taking measurements and photos for the purposes of an investigation with respect to compliance with the Act. In accordance with section 9.17, Council would be required to provide notice to the owner of any proposed inspection.

Given that negotiations to enter the property have not been successful to date, it is likely that Council will need to issue statutory notices in accordance with the provisions of the Act as outlined to obtain lawful access. Determining compliance or otherwise with SEPP Exempt and Complying Development would require Council's authorised officers to enter the premises and at a minimum to be able to take measurements. Council is unable to progress the standing resolution in the absence of this inspection being undertaken.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Not applicable.



COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement is required.

Internal Communication and Consultation

Internal communications have occurred with Council's Group Manager Planning Development and Regulatory Services, Development Compliance Officer and in house General Counsel.

External Communication and Consultation

No external communication and or consultation has been required as a result of this report.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no expected environmental issues as a result of this report.

- **Social**

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

- **Broader Economic Implications**

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

- **Culture**

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

- **Governance**

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

COUNCIL BUDGET IMPLICATIONS

There are no expected budgetary implications as a result of this report.

RELATED COUNCIL POLICY

Wingecarribee Local Environmental Plan 2010.

Rural Lands Development Control Plan.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



OPTIONS

The options available to Council are:

Option 1

THAT Council resolve to proceed to issue a notice of entry under section 9.17 of the *Environmental Planning and Assessment Act 1979* and to enter the premises known as 144 Mount Broughton Road Werai for the purposes of taking measurements and photographic evidence. The purpose of the inspection would be to ascertain compliance with the *Part 2 Division 1 Subdivision 15 clause 2.29 and 2.30 of the State Environmental Planning Policy (Exempt and Complying Development Codes)*.

Option 2

THAT Council resolve not to proceed with the investigation.

The matter is submitted for Council determination.

CONCLUSION

Council has been unable to obtain access to the property known as 144 Mount Broughton Road, Werai and accordingly direction is being sought from the Council with regard to the manner in which it seeks to proceed to ascertain compliance.

ATTACHMENTS

There are no attachments to this report.

13.8 DA 10/0414.03 - Section 4.55 - Residential Alterations and Additions - Extensions, Shed, Entry Gates - Lot 1, DP 804846 144 Mt Broughton Road Werai

Reference: 10/0414.03
Report Author: Development Assessment Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Promote building practices and the types of developments that improve resource efficiency

PURPOSE

The purpose of this report is to advise Councillors of the outcome of the peer review of the section 4.55(1)(a) application 10/0414.03, undertaken by Goulburn Mulwaree Council to fulfil the requirements of Council's standing resolution under minute number 19/19 of 13 February 2019.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Modification Application 10/0414.03 under section 4.55 of the *Environmental Planning and Assessment Act 1979* for proposed residential alterations and additions – (extensions to the existing dwelling, shed and entry gates) at Lot 1 DP804846, No 144 Mt Broughton Street, Werai be APPROVED subject to conditions as described in Attachment 1 to the report and with the inclusion of the additional condition of consent below as previously resolved by Council for inclusion:

- *That the future trees to be planted on the northern side of the shed wall, adjoining the northern boundary, shall be established trees of 75 litre pot size.*

REPORT

BACKGROUND

A section 4.55(1)(a) application 10/0414.03 was lodged with Council seeking development consent for modifications to an approved development consisting of residential alterations and additions – extensions to existing cottage, shed, and entry gates.

The modifications sought under this application included the re-orientation of the existing approved shed to the western boundary of the property with a 10m setback and an increase in size of the gross floor area of the building from 435 square meters to 684 square meters.

The modification application was considered by full Council on 13 February 2019 and Councillors resolved at that meeting to defer any decision on the application pending a peer review being undertaken.

Resolution minute number 19/19 states:

1. *THAT Modification Application 10/0414.03 under section 4.55 (1A) of the Environmental Planning and Assessment Act 1979 for proposed residential alterations and additions – (extensions to the existing dwelling, shed and entry gates) at Lot 1 DP804846, No 144 Mt Broughton Street, Werai be DEFERRED for a peer review and following the peer review the matter be reported back to Council for consideration.*
2. *THAT the future trees to be planted on the northern side of the shed wall, adjoining the northern boundary, shall be established trees of 75 litre pot size.*
3. *THAT a report be brought back to Council to determine whether earthworks already undertaken are compliant with relevant planning instruments and subject to the findings in that report Council consider what action, if any, to take.*

The business paper report considered at that meeting has been included as **ATTACHMENT 2**.

REPORT

On 15 February 2019, Council staff referred the subject application to Goulburn Mulwaree Council (GMC) for peer review to give effect to resolution items 1 and 2.

GMC were provided with the following brief to undertake the peer review assessment:

1. Peer review the assessment of the application with a view to ensuring its accuracy of the merit assessment against section 4.15 and 4.55 of the *Environmental Planning and Assessment Act 1979* including Council's LEP and DCP Controls.
2. Advise on whether GMC consider that a variation to the controls relating to rural farm buildings of 14% is appropriate and whether the application of landscaping controls is sufficient to address bulk, scale and visual impacts from surrounding properties if the variation is in fact accepted.



3. Any other comment in relation to the application.

Accompanying the brief, GMC were also provided with a copy of the relevant DA file including the subject application and previous history on the site, a copy of the relevant business paper report of 13 February 2019 and associated Council resolution.

The peer review of the application, site inspection and also preparation of a final report was undertaken between 14 February 2019 and 1 March 2019.

The outcome of the peer review report produced by GMC concludes that:

- *A section 4.55(2) application should have been made rather than Section 4.55 (1A) of the EP & A Act given the extent of change proposed to the shed height/size/location in relation to the original application. The development as proposed is considered to be substantially the same as originally approved and a Section 4.55 can be considered on this basis.*
- *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 Mt Broughton Road and would be more visible from Mt Broughton Road.*
- *The originally approved shed location would have a lesser visual impact than that proposed by this application. The original shed site is lower than the proposed shed site and located further from the boundary, and, combined with the orientation, a shed in the original approved location would appear less bulky from the main view from Mt Broughton Road.*
- *The impact of the additional shed height would be mitigated to some degree if located further downslope in the original location also. The increased shed size should not be supported in the location proposed. In Baevski v Wingecarribee Shire Council [2009] NSWLEC 1014, Commissioner Brown stated in relation to landscaping proposed to screen an enclosed horse area:

*'I do not accept that landscaping should be a means of hiding an inappropriate design, particularly considering it would take at least 8 years for the landscaping to reach a level of maturity that would provide some screening of the enclosure'**
- *The above comment would be equally applicable in this case given the proposed height of the modified shed and the proximity to the boundary as proposed.*

A copy of the full peer review report has been included as **ATTACHMENT 3**

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil

COMMUNICATION AND CONSULTATION

Community Engagement

Neighbour notification processes were undertaken in accordance with Council's adopted Notification of Development Proposals Policy as part of the assessment of the modification application. No further notification has been undertaken as a result of the peer review of Council's assessment of the application.

Internal Communication and Consultation

Internal consultation has taken place with the Group Manager Planning Development and Regulatory Services.

External Communication and Consultation

External consultation has taken place with Goulburn Mulwaree Council.

SUSTAINABILITY ASSESSMENT

- **Environment**

Environmental Impacts have been considered in the business paper report relating to the section 4.55(1)(a) application 10/0414.03 of 13 February 2019.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The development application has been considered in accordance with the *Wingecarribee Local Environmental Plan 2010*, section 4.55(1)(a) of the *Environmental Planning and Assessment Act 1979* and any other Council policy relevant to the development.

COUNCIL BUDGET IMPLICATIONS

- 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;

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- 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

Nil

OPTIONS

The options available to Council are:

Option 1

THAT Council determine the modification application 10/0414.03 by way of approval subject to draft conditions of development consent as contained within **ATTACHMENT 1** in accordance with the recommendation of 13 February 2019.

Option 2

THAT Council determine the modification application 10/0414.03 by way of refusal, in which case Council must nominate the reasons for refusal.

Option 1 is recommended.

CONCLUSION

Councillors resolved to defer any decision to determine the section 4.55(1)(a) Modification Application 10/0414.03 pending a peer review of the assessment undertaken by Council staff to be completed. The peer review has now been completed by Goulburn Mulwaree Council and the application has now been submitted for final determination.

Notwithstanding the outcome of the peer review, Council staff maintain their position that the Modification Application in respect of this matter should be **approved** as previously recommended and subject to conditions of consent as set out in **ATTACHMENT 1**.

ATTACHMENTS

1. Draft conditions of development consent
2. Business Paper Report to Council 13 February 2019
3. Peer Review Report - Goulburn Mulwaree Council

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

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



Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Friday 7 June 2019



SUMMARY SCHEDULE OF MODIFIED CONDITIONS

ADMINISTRATION CONDITIONS – Added 24/01/2019

1a. Development Description – Added 24/01/2019

Development consent has been granted in accordance with this notice of determination for the purposes of Section 4.55 Modification for alteration and addition (dwelling, shed and gates).

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

1b. Development in Accordance with Plans and Documents – Added 24/01/2019

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

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Site Plan	09-351/01F	Kathy Barnsley	28/11/2018
Slab Plan	MITA14380	Fairdinkum	17/08/2018
Mezzanine Floor Framing Plan	MITA14380	Fairdinkum	17/08/2018
Interior/exterior Elevations	MITA14380	Fairdinkum	17/08/2018
Sidewall/End wall Exterior Elevation	MITA14380	Fairdinkum	17/08/2018

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

1c. Inconsistency between documents – Added 24/01/2019

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).*



SCHEDULE 1 CONDITIONS OF MODIFIED DEVELOPMENT CONSENT

ADMINISTRATION CONDITIONS

1a. Development Description – Added 24/01/2019

Development consent has been granted in accordance with this notice of determination for the purposes of Section 4.55 Modification for alteration and addition (dwelling, shed and gates).

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

1b. Development in Accordance with Plans and Documents – Added 24/01/2019

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

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Site Plan	09-351/01F	Kathy Barnsley	28/11/2018
Slab Plan	MITA14380	Fairdinkum	17/08/2018
Mezzanine Floor Framing Plan	MITA14380	Fairdinkum	17/08/2018
Interior/exterior Elevations	MITA14380	Fairdinkum	17/08/2018
Sidewall/End wall Exterior Elevation	MITA14380	Fairdinkum	17/08/2018

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

1c. Inconsistency between documents – Added 24/01/2019

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).*

1. Inspections by Council

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

- (a) stormwater drains. (Note Council only inspects stormwater drains for residential outbuildings, detached single dwellings and additions thereto. Internal stormwater drainage for medium density residential, commercial and industrial developments will need to be inspected and certified by the developer's Hydraulic Consultant. Any drainage works on Council property must be inspected by Council. **Stormwater connection is a mandatory critical stage inspection**);
- (b) internal drainage under water test;
- (c) external drainage under water test;

13.8 DA 10/0414.03 - Section 4.55 - Residential Alterations and Additions -
Extensions, Shed, Entry Gates - Lot 1, DP 804846 144 Mt Broughton Road
Werai



ATTACHMENT 1 Draft conditions of development consent

- (d) water plumbing;
- (e) final inspection of water plumbing, sanitary drainage and stormwater drainage.

2. Inspections by the Principal Certifying Authority - Mandatory Critical Stage Inspections

24 hours prior to the covering of the following works, the Principal Certifying Authority appointed pursuant to Section 81(2)(b) of the *Environmental Planning and Assessment Act 1979* must be notified that works are ready for inspection. (Note that all inspections below must be booked in and those in **bold type** are mandatory critical stage inspections under the Act and must be carried out by the Principal Certifying Authority. If these inspections are not carried out by the Principal Certifying Authority an Occupation Certificate cannot be issued.)

General compliance with plans and conditions of DA and Construction Certificate (if any) will be checked during each inspection (on-site facilities including builder's toilet, erosion control measures and shoring).

- (a) Piers (if any) prior to pouring of concrete;
- (b) Footing trenches with reinforcement prior to pouring of concrete
- (c) Concrete slab formwork with reinforcement prior to pouring of concrete;
- (d) **Structural framework; including roof members. When completed prior to the fixing of any internal sheeting;**
- (e) Wet area, damp proofing and flashing before lining;
- (f) **Bearers and joist inspection, including tie down requirements and ant capping. When completed and prior to the laying of the floor;**
- (g) Final inspection prior to use of the building;

3. Compliance

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

4. Hours of Demolition and Construction Works

In order to minimise impacts upon the locality demolition and construction activities must be limited to between 7.00am - 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays with no work on Sundays and public holidays. Any variation of these hours will only occur with Council's consent.

5. Ground Levels

Natural ground levels are not to be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council. In this regard it is noted that up to 1.2 metres of fill will be placed to the south western corner of the proposed shed.

6. Outbuildings Use

The structure shall not be used at any time for residential, industrial or commercial purposes, or used for the storage of goods associated with industrial or commercial undertakings in accordance with Council's Residential Development Control Plan.

7. Occupation Certificate



The building, or part of the building, shall not be occupied or used until such time as an Occupation Certificate has been issued in respect of it.

8. Erosion and Sediment Control

The following control measures shall be installed to minimise the effect of site disturbance and soil erosion:-

- (a) The strategic placement of bales of hay or a geotextile fabric fence to contain soil infiltration and runoff from sites (refer to Council's guidelines for "Erosion and Sediment Control on Building Sites". Sediment control devices shall be installed immediately after any site works have been carried out and prior to construction work commencing and remain in position until disturbed soils are turfed, 70% vegetated or otherwise stabilised.
- (b) Restricting vehicles access to one designated point.
- (c) The installation of gutters, downpipes, and the connection of downpipes to the stormwater disposal system prior to the fixing of the roof cladding. Waste Management

In accordance with Council's Development Control Plan No 49 an approved litter receptacle with a tight fitting lid shall be provided on site for the disposal of builder refuse that may be wind blown (all polystyrene waste must be bagged and securely contained). The bin shall be onsite during all demolition and construction works. Sorting of waste materials shall occur on site in accordance with the approved Waste Management Plan.

9. Waste Management Plan

The approved Waste Management Plan must be displayed on site and implemented during construction and ongoing operation of the development. Evidence of recycling/disposal actions and waste management contracts are to be maintained for three years from the date of commencement of work.

10. Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

11. Residential Building Work

A. Building work that involves 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:

- (a) in the case of work to be done by a licensee under that Act:
 - (i) has been informed in writing of the licensee's name and contractor licence number, and
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, or
- (b) in the case of work to be done by any other person:
 - (i) has been informed in writing of the person's name and owner-builder permit number, or
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of **owner-builder work** in Section 29 of that Act,

B. A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that

13.8 DA 10/0414.03 - Section 4.55 - Residential Alterations and Additions -
Extensions, Shed, Entry Gates - Lot 1, DP 804846 144 Mt Broughton Road
Werai

ATTACHMENT 1 Draft conditions of development consent



Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

12. Excavations and Backfilling

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

13. 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 must be provided, and
- (b) adequate provision must be made for drainage.

14. Protection of Public Places

A. If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
- (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

B. If necessary, an awning is to be erected, sufficient to prevent any substance from, in or in connection with, the work falling into the public place.

C. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

D. Any such hoarding, fence or awning is to be removed when the work has been completed.

15. Erection of Signs

A sign shall be prominently displayed on any site on which building, subdivision or demolition work is being carried out by the builder / developer:

- (a) showing the name, address and telephone number of the principal certifying authority for the work;
- (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.

16. Toilet Facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

17. Roof and Wall Cladding

Roof and walls are to be of dark tone non-reflective materials enabling the building to be less obtrusive on the surrounding landscape. The use of zincalume, stainless steel, unetched zinc or copper is not permitted. Galvanised iron may only be used with the specific consent of Council. In this regard it is noted

13.8 DA 10/0414.03 - Section 4.55 - Residential Alterations and Additions -
Extensions, Shed, Entry Gates - Lot 1, DP 804846 144 Mt Broughton Road
Werai

ATTACHMENT 1 Draft conditions of development consent



that the colours for the proposed shed will match the existing shed.

18. BASIX Commitments

Under Clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this Development Consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

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 96 of the Act, 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*.

19. Screening to Shed

The proposed shed shall be screened from the north, by the provision of an extension to the existing windbreak located on the northern boundary, as indicated on plan number 09-351/01D prepared by Kathy Barnsley Architect. Plantings shall be completed prior to the issue of a final occupation certificate.

20. Existing Septic System

The new fixtures/altered fixtures in the cottage shall be connected to the existing septic system. The exact location and size of the existing absorption trench shall be determined on site prior to a satisfactory drainage inspection being carried out. If the existing system is inadequate to cater for the proposed loadings, the system will be required to be upgraded to comply with current standards.

The existing greasetrap and trench serving the kitchen shall be removed prior to the commencement of work.

STORMWATER, SANITARY DRAINAGE AND WATER PLUMBING CONDITIONS

21. Compliance with Relevant Legislation

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.

The following conditions shall be complied with in accordance with the *Environmental Planning & Assessment Act 1979* and *Regulation 2000* and the *Local Government Act 1993* and associated *Regulations* and are preconditions of any Occupation Certificate being issued for the subject development.

22. Stormwater Drainage

- (a) A dish drain having a minimum diameter of 100mm, or surface water collection points shall be provided at the base of all excavation and shall be connected to the rain water drainage system.
- (b) Any regraded areas shall be free draining, away from the dwelling, and shall not concentrate surface water onto adjoining properties.



- (c) Roofwater shall be piped to a rainwater storage tank and the overflow directed to a 600mm x 600mm x 3 metre rubble pit located not less than 5 metres from any building or property boundary to prevent a nuisance occurring.

23. Water Supply

(a) Pressure Relief Valve

If an unvented mains water pressure storage heater is installed, it is to be fitted with valves as specified in Table 4.1 of AS3500.4 1994 and the manufacturer's specifications.

(b) HWS - Drainage Cock

The hot water storage unit must be provided with a drainage cock when the hot water service is located internally.

(c) Protection of Water Pipes

To overcome possible damage to water pipes located in uninsulated roof spaces, the pipe and fittings shall be surrounded by an appropriate thickness of insulation. Pipes in external walls shall be positioned not less than 20 mm away from the external surface and located on the treated side of any insulation present.

Vide Clause 5.19.4.1 and 5.19.5 of AS3500 Part 1 National Plumbing and Drainage Code.

(d) Water Temperature

All new hot water installations shall deliver hot water not exceeding 50 degrees celsius in residential buildings at the outlet of all sanitary fixtures used primarily for personal hygiene purposes (ie. bathrooms and ensuites).

24. Sanitary Drainage

Existing plumbing/drainage fixtures and lines affected by building works shall be modified or relocated to the satisfaction of Council.

APPOINTMENT OF COUNCIL AS THE PRINCIPAL CERTIFYING AUTHORITY

Council hereby accepts appointment as principal certifying authority for the abovementioned development.

Please read conditions of Development Consent carefully as these refer to the stages at which Council, as your principal certifying authority, must be advised in order that inspections be carried out.

THIS SECTION RELATES TO THE GRANTING OF A CONSTRUCTION CERTIFICATE

A Construction Certificate is hereby granted (pursuant to Section 109C(1)(b), 81A(2) and 81A(4) of the *Environmental Planning & Assessment Act 1979*) for the following work:

Alterations and Additions to cottage and shed in accordance with plans of R & D Garages, Job No: MITA10522 Sheets 1 & 2, dated 26/2/2010, and Kathy Barnsley Architect, No: 09-351/01D, dated 19/5/2010 and No: 09-351/02B dated 19/5/2010, No 09-351/03B dated 20/5/2010, and Catherine Lewis, Drwg No 09264/02 and 0926403 dated April 2010 and shed site plan dated 3/3/2011.

Wingecarribee Shire Council certifies that if the work is completed following the plans and specifications which have been approved, it will comply with the requirements of the Environmental Planning & Assessment Regulation 2000 as referred to in Section 81A(5) of the *Environmental Planning and Assessment Act 1979*.

It has been noted that you have appointed Wingecarribee Shire Council as the principal certifying authority.

You should also take care to carefully read conditions of approval attached to the development consent and/or any



Section 68 (*Local Government Act 1993*) approval which applies to this development.

If the certifying authority is a Council, a Minister or a public authority and the certifying authority has issued a construction certificate subject to conditions, you can appeal against these conditions to the Land and Environment Court within 12 months from the date of the decision.

NOTES:

1. To ascertain the date from which this development consent operates, refer to Section 83 of the *Environmental Planning and Assessment Act 1979*.
2. Development consent will lapse two (2) years after the date from which it operates. In the case of staged development, consent will lapse five (5) years after the date from which it operates. (Refer Section 95 (2) of the *Environmental Planning & Assessment Act 1979*).
3. Section 97 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.
4. The approval granted by the Council does NOT consider nor negate or vary any private easement, covenant or restriction. The owner is advised to investigate any encumbrance or restriction that may be noted on the title to the land.
5. All conditions on this consent have been imposed having regard to all matters listed for consideration under Section 79C of the *Environmental Planning & Assessment Act 1979*.
6. An applicant may request pursuant to Section 82A of the *Environmental Planning & Assessment Act 1979* Council to review a determination of the application where that application is of a type referred to in that Section of the Act within twelve (12) months after receipt of this notice.

**ADVISORY NOTES**25. Prior to Commencement of Work - Notification of Licensed Builder

Building work shall not commence until the name and licence number of the builder is advised to Council. Notification shall be in writing and shall include the written concurrence of the builder for his licence to be used and a photostat copy of this builders licence.

26. Subject to Home Builders Indemnity Insurance

No work is to be carried out until such time as the Home Builders Indemnity Insurance Certificate is submitted to the principal certifying authority.

NOTE:

- (i) No inspections will be carried out until this insurance is submitted.
- (ii) It is unlawful to commence building work until the provisions of the Home Building Act 1989 as regards Home Builders Indemnity Insurance have been satisfied.

27. Termite Protection

The following whole building termite prevention treatment must be undertaken:-

A suitable barrier shall be provided to protect the building from attack by Subterranean termites. In this regard the use of a suitable barrier or combination of barriers as prescribed by Australian Standard AS3660 to protect the element is acceptable. Chemical barriers may only be applied utilising an accredited reticulation system and in accordance with Council's Development Control Plan No 44. Details of the method of protection proposed to be used must be submitted to the Principal Certifying Authority prior to the commencement of building works.

A durable notice must be permanently fixed to the building at the entrance to a crawl space or in the case of slab on ground construction in the metre box indicating:-

- (a) The method of protection.
- (b) Date of system installation.
- (c) Where a chemical system is used its life expectancy as listed on its National Registration label.
- (d) The installers or manufacturers recommendations for the scope and frequency of future inspections for termite activity.

Where a system under AS3660.1 is installed the Principal Certifying Authority will require a certification by the installer that the system complies with AS3660.1 and manufacturers requirements. This certificate is to be submitted to the Principal Certifying Authority prior to occupation of the building.

28. Wet Area Flashing

The wet areas are to be treated and impervious to moisture at all floor wall junctions with an approved material in accordance with Part F1.7 of the Building Code of Australia, Part 3.8.1 Housing Provisions of the Building Code of Australia and Australian Standard 3740. The shower area is to be provided with a completely impervious tray using either a preformed tray of approved material or an in situ treatment complying with AS3740. Floor surfaces shall be impervious and graded to a floor waste. The installer shall provide certification for the



installation of the approved wet area flashings to the Principal Certifying Authority prior to occupation of the building.

The certificate issued by the installer shall state:

- What areas have been treated;
- What product(s) have been used;
- Reference to the Appraisal Certification from the CSIRO or BRANZ for each of the products used; and
- The name and licence details of the person who applied the product and the date of installation.

29. Structural Engineer's Details

Separate details be prepared by a practising Structural Engineer for the following work shall be lodged with the Principal Certifying Authority and accepted for construction prior to commencing the relevant work:-

- (a) Reinforced concrete strip footings.
- (b) Reinforced concrete raft slab for cottage
- (c) Reinforced concrete slab for shed. (as fill exceeds 900mm details provided are not adequate)
- (d) Structural steelwork.

30. Footing Uniformity

All footings shall bear on natural ground having an even, uniform bearing capacity not subject to differential bearing values upon stable, firm and undisturbed foundations, free from roots and fill.

31. Timber Frame

- (a) The timber frame used in the structure shall be generally in compliance with AS1684 "Timber Framing Code".
- (b) In this regard the following shall be submitted to the Principal Certifying Authority prior to commencement of work at this stage:-
 - (i) Details of the design criteria used in preparation of the frame by the manufacturer, ie design gust wind speed, shielding co-efficient and terrain category.
 - (ii) A timber frame wall brace layout is to be submitted for approval. This layout shall be in the form of a floor plan indicating locations and types of bracing (A and/or B).
 - (iii) A roof truss layout, design and bracing details shall be submitted for approval.

32. Smoke Detection and Alarm System - Class 1(a) Dwelling

An approved smoke detection alarm system must be installed and maintained in the dwelling in accordance with Pt 3.7.2.3 of the Housing Provisions, Building Code of Australia. For your information the following will satisfy the above:-

A smoke detector with battery backup and wired to mains power where available, must be



located on or near the ceiling in any storey containing bedrooms:-

- (a) Between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
- (b) Where bedrooms are served by a hallway, in that hallway; and
- (c) any other storey not containing bedrooms.

Prior to occupation of the building, a certificate from the installer shall be submitted to the Principal Certifying Authority and approved. Such certificate shall detail the systems compliance with AS 3786, connection to mains supply and provision of a standby power supply.

END OF CONDITIONS



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



13.4 10/0414.03 Section 4.55 Modification - Residential Alteration and Additions (Extensions to Existing Residence, Shed and Entry Gates) - 144 Mt Broughton Road, Werai - Lot 1 DP 804846

Reference:	10/0414.03
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Kathy Barnsley Architect Pty Ltd
Owner:	Ian Morris Scandrett
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

The purpose of this report is to consider a Section 4.55 Modification Application to modify development consent 10/0414 which seeks approval for Residential Alterations and Additions – (extensions to existing residence, shed and entry gates) at Lot 1 DP 804846, being 144 Mt Broughton Road, Werai. Additionally, Councillors have previously resolved that any applications that have been lodged by a Councillor will be submitted to full Council for determination. 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 Modification Application 10/0414.03 under section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* for proposed residential alterations and additions – (extensions to the existing dwelling, shed and entry gates) at Lot 1 DP804846, No 144 Mt Broughton Street, Werai be **APPROVED** subject to conditions as described in Attachment 1 to the report.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

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



REPORT

Subject Site and Locality

The subject site is an irregular shaped large farming lot which slopes from north to south. The site has a cluster of buildings including existing residence, cottage and farm sheds. The existing residence is set near the northern boundary, and has access to Mt Broughton Road.

Proposed Development

Modification Application 10/0414.03 was lodged with Council seeking consent for modifications to the residential alterations and additions – extensions to existing cottage, shed, and entry gates.

The proposed modification is mostly a re-orientation of the existing approved shed. The current proposal is to align the shed with the boundary line to a 10m setback. The shed has also been increased in size from 435 square meters to 684 square meters.

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. After undertaking a desktop search using Council’s Property and Rating database, Council is satisfied the land is not a site of possible contamination and therefore no further assessment 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. The development is a Module 2 under the NorBE Guidelines and therefore Council has assumed concurrence to consider water quality. The NorBE Tool was used to determine that the development can achieve a neutral or beneficial effect on water quality.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows.

Clause 2.3 Zone objectives and land use table

The site is zoned E3 Environmental Management and in this zone, a farm building is permissible with development consent. The objectives of the ZONE are as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

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



- *To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.*
- *To minimise the proliferation of buildings and other structures in these sensitive landscape areas.*
- *To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture, other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.*
- *To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Wingecarribee's longer term economic sustainability.*

Development Control Plans

Rural Lands Development Control Plan

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

The proposed development does comply with the objectives. The development is clearly low scale apart from the proposed shed where the applicant seeks variation of 14 percent. Information has been provided to support the modification application. There is no likely impact upon the rural amenity of the locality.

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 DA complies with the Wingecarribee Local Environmental Plan 2010.

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

Not applicable.

(iii) any development control plan, and

It has been demonstrated the development satisfactorily complies with the relevant controls.

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

Not applicable.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- (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,*
The proposed development is not expected to result in any significant impacts on the natural and built environment, or detrimental social or economic impacts in the locality. There are no additional impacts anticipated outside of those already addressed elsewhere in this report. The proposal is consistent with the established development pattern in the area.
- (c) *the suitability of the site for the development,*
The site is considered suitable for the type, scale and nature of development and is not overly constrained. The development can be integrated into the locality without any significant adverse impacts. The site is therefore considered suitable for the proposed development.
- (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 development is not contrary to the public interest.

CONSULTATION

Internal Referrals

Referrals	Advice/Response/Conditions
Accredited Certifier	The application is considered to be satisfactory in relation to building matters subject to conditions being imposed in the notice of determination.

External Referrals

Referrals/Notice	Advice/Response/Conditions
Water NSW	Water NSW has indicated that it is Module 2. A Module 2 development for the purposes of the Neutral or Beneficial Effect on Water Quality Assessment Guideline and therefore Council has delegated authority to determine water quality. NORBE Assessment outcome was satisfactory.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Neighbour Notification (or Advertising)/Public Participation

The development application was Neighbour Notified for a period of 14 days between 17/10/2018 and 05/11/2018, two (2) submissions were received. The issues raised in the submissions have been summarised and are considered below:

- **Size**

The proposed shed building is almost 700 square meters and is 10 meters from the boundary. The shed proposed with a wall length of approximately 38 meters by 18 meters with a wall height of 4.8 meters and a ridge height of 7.2 meters.

Comment

The applicant seeks a variation to erect a 684 square meter shed compared to a 600 square metre maximum permitted under the Rural Lands DCP. A variation of 14 percent is sought, as the sheds are constructed in a modular system and 684sqm is the closest modular size which will permit to achieve the maximum size. Landscaping has been proposed to screen the shed from its bulkiness.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental impacts in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The 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 – 2019: OP181 Assess and certify applications relating 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:



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

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



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

RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, SEPP (Sydney Drinking Water Catchment) 2011, State Environmental Planning Policy No 55 – Remediation of Land and the Rural Lands Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

Approve the modification 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 the recommended option to this report.

CONCLUSION

It is considered that Section 4.55 Modification Application 10/0414.03 which seeks approval for residential alterations and additions – (extensions, shed, entry gates) at Lot 1 DP 804846, being 144 Mt Broughton Road Werai, 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. 13.3 ATTACHMENT 1 Draft Conditions 10.0414.03 144 MT BROUGHTON ROAD WERAI NSW 2577 Lot 1 DP 804846 - *circulated under separate cover*



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY
AND DEVELOPMENT SERVICES



2. 13.3 ATTACHMENT 2 Site Location 10.0414.03 144 MT BROUGHTON ROAD
WERAI NSW 2577 Lot 1 DP 804846 - *circulated under separate cover*
3. 13.3 ATTACHMENT 3 Zoning 10.0414.03 144 MT BROUGHTON ROAD WERAI NSW
2577 Lot 1 DP 804846 - *circulated under separate cover*
4. 13.3 ATTACHMENT 4 Site Plan 10.0414.03 144 MT BROUGHTON ROAD WERAI
NSW 2577 Lot 1 DP 804846 - *circulated under separate cover*
5. 13.3 ATTACHMENT 5 Slab and Mazzanine Plan 18.0414.03 144 MT BROUGHTON
ROAD WERAI NSW 2577 Lot 1 DP 804846 - *circulated under separate cover*
6. 13.3 ATTACHMENT 6 - Elevations 10.0414.03 144 MT BROUGHTON ROAD WERAI
NSW 2577 Lot 1 DP 804846 - *circulated under separate cover*



Peer Review for Wingecarribee Shire Council – DA 10/0414.03

PEER REVIEW OF ASSESSMENT REPORT FOR A SECTION 4.55 MODIFICATION TO DA 10/0414.03 –
RESIDENTIAL ALTERATIONS AND ADDITION (EXTENSIONS TO EXISTING RESIDENCE, SHED AND
ENTRY GATES) – 144 MT BROUGHTON ROAD, WERAİ – LOT 1 DP 804846

REFERENCE: 10/0414.03

APPLICANT: KATHY BARNESLY ARCHITECT PTY LTD

OWNER: IAN MORRIS SCANDRETT

BACKGROUND

Wingecarribee Shire Council (WSC) at its meeting of 13 February, 2019 resolved:

MN 19/19

MOTION moved by Mayor Clr T D Gair and seconded by Clr G McLaughlin

1. **THAT** Modification Application 10/0414.03 under section 4.55 (1A) of the Environmental Planning and Assessment Act 1979 for proposed residential alterations and additions – (extensions to the existing dwelling, shed and entry gates) at Lot 1 DP804846, No 144 Mt Broughton Street, Werai be DEFERRED for a peer review and following the peer review the matter be reported back to Council for consideration.
2. **THAT** the future trees to be planted on the northern side of the shed wall, adjoining the northern boundary, shall be established trees of 75 litre pot size.
3. **THAT** a report be brought back to Council to determine whether earthworks already undertaken are compliant with relevant planning instruments and subject to the findings in that report Council consider what action, if any, to take.

This report is prepared in accordance with Parts 1 and 2 of the above resolution, furthermore, Goulburn Mulwaree Council has been specifically requested to address the following matters:

- Peer review the assessment of the application with a view to ensuring its accuracy of the merit assessment against section 4.15 and 4.55 of the *Environmental Planning and Assessment (EP & A) Act 1979* including Council’s LEP and DCP Controls.
- Advise on whether GMC consider that a variation to the controls relating to rural farm buildings of 14% is appropriate and whether the application of landscaping controls is sufficient to address bulk, scale and visual impacts from surrounding properties if the variation is in fact accepted.
- Any other comment in relation to the application.



Peer Review for Wingecarribee Shire Council – DA 10/0414.03

ASSESSMENTNSW Environmental Planning and Assessment Act, 1979

As stated in the report to Council dated 13 February, a Section 4.55 modification has been lodged seeking to amend the original development consent which was for alterations and additions (extensions to existing residence, shed and entry gates at Lot 1 DP 804846 being 144 Mount Broughton Road, Werai).

The report to Council dated 13 February, 2019 (henceforth referred to as the Assessment Report) does not address whether the application is under Section 4.55 (1), (1A) or (2).

The application was lodged under Section 4.55 (1A) being for modifications involving a minor environmental impact. The first test of the assessment in this case should be to determine whether or not the application is of a minor impact. If not, then the application should be made under Section 4.55(2). Furthermore, as per the provisions of Section 4.55 of the *NSW Environmental Planning and Assessment Act (EP & A Act), 1979*, the application should determine whether the development is substantially the same as that approved in the original consent.

Section 4.55 (1A) provides:

(1A) Modifications involving minimal environmental impact

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

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.

The Assessment Report states that:



Peer Review for Wingecarribee Shire Council – DA 10/0414.03

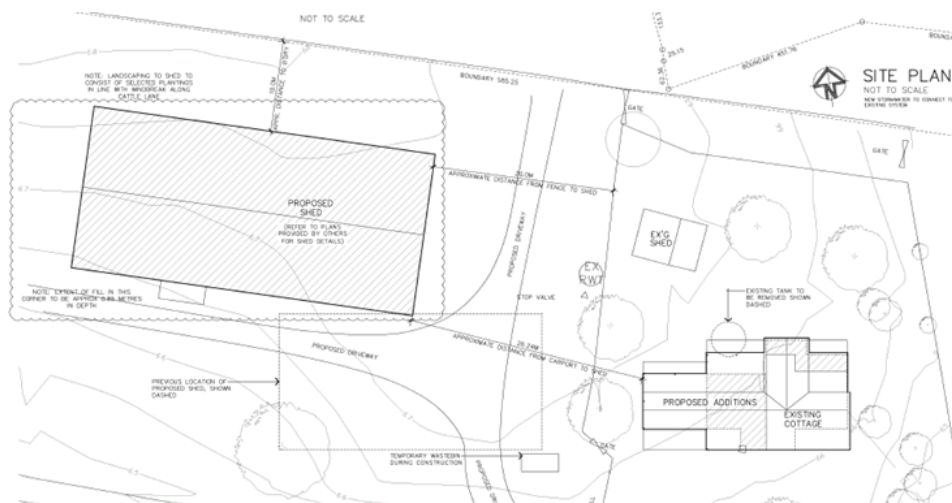
Modification Application 10/0414.03 was lodged with Council on 11 October, 2018 seeking consent for modifications to the application for residential alterations and addition – extensions to the existing cottage, shed and entry gates.

The proposed modification is mostly a re-orientation of the existing approved shed. The current proposal is to align the shed with the boundary line to a 10m setback. The shed has also been increased in size from 435m² to 684m².

The initial test, therefore is to determine whether the increase in size and orientation is in fact a minor environmental impact or “other” as per Section 4.55(2):

The increase in size in the shed is significant compared with the original approval. The shed is proposed to increase from 435m² to 684m² and is an increase of 249m², which is an increase of 57%. The increase in size is quite substantial compared to the original approval.

The other aspect of the proposed modification is the relocation of the shed, which is now proposed to run parallel with the northern boundary at a setback of 10m. The original shed location is noted on the submitted plans and is approximately 25m from the boundary when measured at the closest point as shown on the plan below.



The setback is proposed to be 40% closer to the boundary than that originally proposed.

The second test is to determine whether an application is appropriate to be regarded as substantially the same development, following the process and planning principles discussed by Bignold J of the LEC in *Moto Projects (No 2) Pty Limited v North Sydney Council [1999] NSWLEC 280; (1999) 106 LGERA 298* – namely undertaking both a qualitative and a quantitative analysis of what is proposed compared to what was approved.

In this consideration, regard should be had to the following matters for this assessment:



Peer Review for Wingecarribee Shire Council – DA 10/0414.03

- The approved shed is 15m x 29m; has a 10 degree roof pitch; is 3.6m to the eave in height and 5.068m in height to the ridgeline. Wall and roof cladding were not specified on the plans provided for this review.

The proposed shed is 18m x 38m; has a 15 degree roof pitch; is 4.8m high to the eaves; and is 7.212m high to the ridgeline. Corrugated roof and wall cladding is specified for the proposed shed.

The shed location was approved at a different orientation and setback at least 25m from the northern boundary. The proposed shed location is 10m from the northern boundary and parallel to the boundary.

The proposed modification to the shed size and location is considerable when measured against the original approved size and location. On this basis the application is considered to be greater than a minor modification to the original approval.

- No vegetation, buildings or structures are identified as being affected by the amended proposal on the site plan.
- No change to the use of the building has been specified in either the Statement of Environmental Effects (SEE) nor in the Assessment Report.
- The modified application seeks to amend the location and size of the approved shed. Therefore, the modified application still seeks approval for alterations and addition to the existing dwelling, shed and entry gates. On this basis, it is considered that the application is substantially the same as the original consent.

It is considered that the application is substantially the same as the original application, however, given the variations to the original approved setback, size and height that the application should have been lodged and assessed under Section 4.55(2) of the *EP & A Act, 1979* rather than Section 4.55(1A).

The third and fourth requirement under Section 4.55(1A) is that the application be notified in accordance with the *EP & A Act Regulations 2000*, and submissions considered.

The Assessment Report does advise that the application was notified for the prescribed fourteen (14) day period and that two (2) submissions were received. These submissions were summarised in the Assessment Report. The only issue identified from the submissions in the Assessment Report relates to the increase in size, height and reduced setback as proposed in the modification. The Assessment Report addresses this matter as follows:

The applicant seeks a variation to erect a 684m² shed compared to a 600m² maximum permitted under the Rural lands DCP. A variation of 14 percent is sought, as the sheds are constructed in a modular system and 684m² is the closest modular size which will permit to achieve the maximum size. Landscaping has been proposed to screen the shed from its bulkiness.

The Assessment Report does not address the key issues relating to the matters raised in the submissions being:



Peer Review for Wingecarribee Shire Council – DA 10/0414.03

- Comparison to the original approval and the approved size and location of the shed (as per assessment under Section 4.55(a) above);
- Planning merits of the proposed changes;
- Visual impact of the increased shed size; and
- Visual impact of the increase shed height.

The Assessment Report relates more to the permissibility of the shed in relation to the current development control plan (DCP) provisions and the resultant variation.

The Assessment Report does not provide a full summary of the contents of the submissions which are more expansive than the summary provided. One submission was received from the owner of 102 Mount Broughton Road who objected to the proposal as follows:

- Inconsistency with the E3 Environmental Management Zone and an inappropriate location for the development being located on a ridgeline, alternate locations for the shed would be possible on a 46ha site;
- Inconsistency with the DCP provisions as the combined total area of all approved and proposed shedding should be calculated in the assessment; furthermore, the DCP encourages clustering of outbuildings.
- Proximity to a shared boundary (northern boundary of subject site with No. 102).
- Visual impact on the dwelling approved on the adjoin lot (LUA07/0683).
- Unauthorised earthworks at the amended location as proposed in the modification.

A second submission supported the proposed shed location and was submitted by another adjoining owner located at 150 Mount Broughton Road. This owner is not considered to be substantially affected by the proposal given the location of the shed in relation to this property.

The visual impact on the property at 102 Mt Broughton Road was not considered in the Assessment Report in any detail, with a recommendation for tree planting to screen the shed for bulk being the only reference to potential impact of the size/location of the shed on the adjoining property.

The following assessment has been undertaken for the proposed modification against the criteria set out in Section 4.15 of the EP&A Act, 1979:

4.15 Evaluation
(cf previous s 79C)

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

The following environmental Planning instruments are relevant to this modification application:



Peer Review for Wingecarribee Shire Council – DA 10/0414.03

State Environmental Planning Policy (SEPP) (Sydney Drinking Water Catchment) 2011

The site is located within the Sydney Drinking Water Catchment as identified in the SEPP. All development applications require the concurrence of Water NSW. Assumed concurrence is delegated to Councils for certain clauses of development including Module 2 development. Assessment using the Water NSW online neutral of beneficial effect (NorBE) tool is undertaken to determine water quality impact. The Assessment Report finds the level of impact to be neutral or beneficial subject to conditions in the draft consent document.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The site is within an Environmental zone accordingly the provisions of the SEPP apply, however, the location of the shed has already been cleared, and therefore, a biodiversity impact assessment cannot be undertaken for direct impacts.

State Environmental Planning Policy No 55—Remediation of Land

The Assessment Report advised that a desk top search of Council's records determined that no contaminating uses have been identified on the site, accordingly further assessment of potential contamination is considered unnecessary give that the application is for a modified shed design/location.

State Environmental Planning Policy (Rural Lands) 2008

This SEPP applies to all land zoned Rural or Environmental (including the E3 Environmental Management Zone), however, the application does not propose a new rural dwelling or rural subdivision, accordingly, the SEPP does not apply to this application.

Wingecarribee Local Environmental Plan (WLEP) 2010

The site is zoned E3 Environmental Management under WLEP 2010 as stated in the assessment report the objectives of the zone are as follows:

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

The zone objectives identified in bold above, are particularly relevant to this application. The subject site is elevated with the proposed shed located around the 680m to 690m contour. The shed is located on a bench in the slope facing east. The benched area is not clearly visible from the Mt Broughton Road frontage immediately fronting the subject site due to existing vegetation, a small existing shed located to the east of the proposed shed and due to



Peer Review for Wingecarribee Shire Council – DA 10/0414.03

the ground levels. However, the proposed shed site is visible from the section of Mt Broughton Road fronting No. 102 to the north as indicated in the photo below.



Arrow indicating Proposed Shed Location Viewed from Mt Broughton Road (outside No. 102)

The originally approved shed location would have a lesser visual impact than that proposed by this application when viewed from Mt Broughton Road. The original shed site is lower than the proposed shed site and located further from the boundary, furthermore the orientation of the original may have also significantly reduced the visibility from Mt Broughton Road.



Peer Review for Wingecarribee Shire Council – DA 10/0414.03



Arrow indicating previous approved shed location which is south of the earthworks and lower than the area closer to the boundary

The combination of the additional size and height and the different location of the shed closer to the boundary would mean that the design as proposed would increase the negative impact on the visual amenity of 102 Mt Broughton Road in addition to being more visible from Mt Broughton Road.

The use of the building is specified within the applicant’s SEE as being a storage facility for animal fodder, with the need for extra floor area based on the drought and thereby requiring additional capacity for storage. The proposed use is considered to be as a farm building which is permissible subject to consent in the E3 zone.

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

The submission objecting to the proposed alternate shed location and design relates to the potential impact to the both visual amenity of the proposed dwelling on No. 102 and to the visual impact from Mount Broughton Road. It is noted that the development consent for the construction of a new dwelling at No. 102 has now lapsed.

Notwithstanding the lapsing of the development consent for the dwelling DA on No. 102, it is considered that the visual impact of the proposed amended shed design and location will be greater than the original proposed to both No. 102 and as viewed from Mt Broughton Road.



Peer Review for Wingecarribee Shire Council – DA 10/0414.03

The main impact is due to the combination of both increased proximity to the northern boundary and increase in shed height and length. The original site and orientation would be lower and less prominent when viewed from No. 102.

(iii) *any development control plan, and*

Rural Lands Development Control Plan (DCP)

Part A Section A3.7 of the DCP relates to the siting (and sizing) of rural buildings. The following is an extract of the controls and commentary on the level of compliance with the application as proposed.

Generally, the location of rural buildings is based on practical considerations regarding the efficient undertaking of rural activities. However it is also important that consideration be given to the impact of these buildings on the rural landscape. Rural buildings can be an attractive addition to the environment if located correctly and constructed from materials which soften into the landscape as they age.

Also, in recent years, Council has noticed the tendency to locate residential dwellings where they are more visible within the rural landscape, including along ridge lines.

NB: Council no longer permits development on ridge lines in rural areas.

In future, the assessment the location and style of rural buildings, including dwellings, will be based on an assessment of the Site Analysis report with regard to the following guidelines:

(a) The maximum height of any non-residential building shall be determined by Council staff with reference to the objectives of the zone, the location of the proposed development and any relevant environmental and amenity considerations.

The proposed shed is 7.212m in height when measured from the ridge of the roof and is an increase of 2m in height from the approved shed plans. Following a site inspection, and viewing the pad area prepared for the shed (which is closer to the boundary than the 10m indicated on the submitted plans). The proposed modified shed location will be on a higher portion of the site thereby exacerbating the increased height and length. The proposed location of the shed as submitted in the modification is not supported.

(b) No single rural building or structure shall generally occupy a ground level building footprint of more than 600 square metres (except as permitted in Section B6.5.2 – Equine Facilities). The building footprint excludes any area on which works or structures are carried out or constructed beneath the natural ground level, provided disturbance of the natural ground surface is kept to a minimum and there is no adverse visual or environmental impact.

The proposed footprint of the building is 684m² which exceeds the maximum footprint as specified in the DCP. The Assessment Report identifies a 14% departure from this control and effectively recommends approval based on a conditioned requirement for additional landscaping to screen the increased size. The main issue with the departure from the control is whether the development as modified meets both the LEP and DCP objectives and controls relating to visual impact. The departure from the original consent and approved plans extends to the overall location, size and height of the building changing, with the building now proposed to be located only 10m from the northern boundary. It is considered that the length and height of the shed is not appropriate for the modified location and will have a negative impact on the visual amenity of No 102. Mt Broughton Road and from Mt Broughton Road. The impact of the shed size would be mitigated if the shed were to be



Peer Review for Wingecarribee Shire Council – DA 10/0414.03



located in the originally approved position which is both lower relative to the northern boundary and oriented to present a less bulky perspective of the shed from both the road and 102 Mount Broughton Road.

(c) The total area of all land occupied by the ground level building footprint of all rural buildings and other structures shall not generally exceed a total ground level footprint of 1000 square metres (except as permitted in Section B6.5.2 – Equine Facilities), excluding any area on which works or structures are carried out or constructed beneath the natural ground level.

The applicant's SEE and the site plan do not detail the areas of all approved and existing buildings, therefore an assessment of compliance with this provision has not been undertaken in this review. Compliance with this provision is not mentioned in the Assessment Report presented to Council on 13 February. Compliance with this provision should be assessed.

(d) All rural buildings are generally to be within building envelopes that are separated from each other by a distance of not more than 30 metres and not less than 5 metres.

The proposed shed is located approximately 26m from the car port section of the cottage additions as approved with the original DA.

(e) No rural building or structure is to be located closer than 20 metres from any public road, unless assessed by Council as appropriate due to site constraints.

Complies.

(f) Rural buildings and structures shall be constructed from non-reflective materials. Zinalume is not permissible.

External materials can be conditioned in any consent. Draft condition 17 within Attachment 1 of the Assessment Report requires dark tone non reflective materials.

(g) Have regard to applicable Landscape Conservation controls.

It is assumed that the Landscape Conservation controls referred to being the "Landscape Conservation Area" identified around the Berrima Village, and is not applicable to this application.

Part B Section 2 of the Rural Lands DCP provides the provisions relating to location and siting of rural development as follows:

B2.1.3 Performance Standards - Development Location

(a) Development will be placed in locations on the land where visual impacts on views, features such as ridge lines, hill tops, horizons, prominent slopes and



Peer Review for Wingecarribee Shire Council – DA 10/0414.03

topographic features will be minimised, when these are viewed from a public place.

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

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

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

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

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

With regard to controls (a) – (f) above refer to the earlier assessment of visual impact from No. 102 Mt Broughton Road and Mt Broughton Road. It is considered that the shed location as modified, given the increased size and height, is considered to have a negative visual impact from both 102 Mt Broughton Road and from Mt Broughton Road in comparison to the original approval.

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No planning agreements or draft planning agreements apply in this case.

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

Not applicable in this instance.

(v) (Repealed)



Peer Review for Wingecarribee Shire Council – DA 10/0414.03

that apply to the land to which the development application relates,

- (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 modified application (as proposed) is considered to have negative impact on the scenic rural landscape which is considered to be unnecessary given an alternate location as originally approved is available. The impact of the increased size and height of the shed would be reduced if located in the original position.

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

The modified location of the shed is not considered to be suitable for the size and height of the structure proposed. The subject site in general is relatively large and an alternative position for such a large structure could be found further from the boundary than that proposed. The originally approved shed position is considered to be a more suitable position for the shed considering the lower height in relation to the northern boundary.

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

Visual impact when viewed from No.102 Mt Broughton Road would be significantly increased from the modified proposal. The following photo is taken from an elevated area within No. 102 (where the development consent for the dwelling has since lapsed). It is noted that the pad area as prepared is less than the 10m setback identified on the site plan submitted.



Shed Location Viewed from Previously Approved House Site (Consent Since Lapsed) at 102 Mt Broughton Road



Peer Review for Wingecarribee Shire Council – DA 10/0414.03

It is considered that the points raised in the submission relating the non-compliance with the objectives of the E3 Zone in the LEP and visual controls in the DCP are supported.

(e) *the public interest.*

The modified shed in the location proposed is considered to have a negative impact on the visual landscape when viewed from Mt Broughton Road. The original location approved for the shed would be preferable as it is lower and setback further from the northern boundary.

CONCLUSION

In conclusion the application should have been made pursuant to Section 4.55 (2) rather than Section 4.55 (1A) of the EP & A Act given the extent of change proposed to the shed height/size/location in relation to the original application. The development as proposed is considered to be substantially the same as originally approved and a Section 4.55 can be considered on this basis.

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 Mt Broughton Road and would be more visible from Mt Broughton Road.

The originally approved shed location would have a lesser visual impact than that proposed by this application. The original shed site is lower than the proposed shed site and located further from the boundary, and, combined with the orientation, a shed in the original approved location would appear less bulky from the main view from Mt Broughton Road.

The impact of the additional shed height would be mitigated to some degree if located further downslope in the original location also. The increased shed size should not be supported in the location proposed. In *Baevski v Wingecarribee Shire Council [2009] NSWLEC 1014*, Commissioner Brown stated in relation to landscaping proposed to screen an enclosed horse area:

I do not accept that landscaping should be a means of hiding an inappropriate design, particularly considering it would take at least 8 years for the landscaping to reach a level of maturity that would provide some screening of the enclosure.

The above comment would be equally applicable in this case given the proposed height of the modified shed and the proximity to the boundary as proposed.



Goulburn Mulwaree Council

1 March, 2019



Peer Review for Wingecarribee Shire Council – DA 10/0414.03

PHOTOS





Peer Review for Wingecarribee Shire Council – DA 10/0414.03





COUNCIL MATTERS

16 PETITIONS

16.1 Petition 4/2019 - Environment Levy and Regional Art Gallery

Reference:	100/8
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 relating to the operating costs of the Regional Art Gallery utilising the Environmental Levy funds.

The petition contains over 1100 signatures.

RECOMMENDATION

THAT Petition 4/2019 relating to the Environmental Levy and the Regional Art Gallery be received and noted by Council.

ATTACHMENTS

There are no attachments to this report.

18 COMMITTEE REPORTS

18.1 Minutes of the Traffic Committee Meeting held on 16 May 2019

Reference: 107/6
Report Author: Administration Officer

PURPOSE

This report provides the Minutes of the Traffic Committee meeting held on Thursday, 16 May 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

This report provides the Minutes of the Traffic Committee meeting held on Thursday, 16 May 2019.

Item 6.1 Road Safety Officer Report

TC17/19

THAT the projects/campaigns currently coordinated by Council's Road Safety Officer be noted, particularly:

- *Young Road Users*
 - *Conducted the Graduated Licencing Scheme GLS Learner Driver Workshop Wednesday 16 April.*
 - *Conducted the Log Book Run LBR for learner drivers and supervisors Sunday 5 May.*
 - *Conducted a bike safety information and safe cycling session for Council's Vacation Care School Holiday Program, 15 April 2019 at Mittagong Public School. Attended by 18 children.*
 - *Conducted a bike safety information for Council's RRC Bike Repair workshop School Holiday Program, 17 April 2019*
- *Speed Busters*
 - *The four solar powered speed display signs were in location at Mittagong Old Hume Highway and Robertson Illawarra Highway, 8 November to 8 February 2019.*
- *U Turn the Wheel*

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

COMMITTEE REPORTS



- *In conjunction with Moss Vale Rotary planning and preparation has commenced for the 20 year anniversary of U Turn The Wheel*

Working with the community to help reduce incidence of road trauma for young, high risk road users.

Item 6.2 Traffic Management Arrangements for 2019 Pie Fest

TC18/19

THAT there is no objection to the traffic and parking arrangements proposed for the Pie Fest event on Saturday 29th and Sunday 30th June 2019 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a Class 2 event.

Item 6.3 Traffic Management Arrangements for the 2019 Trek for Timor

TC19/19

THAT there is no objection to the traffic and parking arrangements for the 2019 Trek For Timor event on Saturday 14 September 2019 subject to the satisfactory completion of all requirements of the Guide to Traffic and Transport for Special Events for a Class 3 Event.

Item 6.4 Traffic Management Arrangements for Winterfest 2019

TC20/19

THAT there is no objection to the traffic and parking arrangements proposed by Bundanoon Community Association for their Winterfest event on Saturday 6 July 2019 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event and an approved LUA for the event.

Item 6.5 Proposed Parking Restrictions Albert Lane, Mittagong

TC21/19

THAT No Parking restrictions be installed on the southern side of Albert Lane from Pioneer Street to the eastern boundary of the Mittagong Veterinary Hospital

Item 6.6 Proposed changes to parking restrictions adjacent to Moss Vale Show Grounds, Moss Vale

TC22/19

THAT:-

- 1. The No Stopping zone on Robertson Road (Illawarra Highway) in the vicinity of the main Moss Vale Showground entrance be extended by 10m to the south west.*
- 2. That the Management of the Moss Vale Showground be advised that prohibiting parking opposite the Argyle Street entrance to the Showground is not supported and that event requirements should be accommodated by specific Traffic Management Plans prepared for such events.*

Item 6.7 Proposed parking restrictions in Cook Street, Mittagong

TC23/19

THAT the existing No Parking restriction on the southern side of Cook Street, Mittagong be extended for the full length of the street to Anne Street.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

COMMITTEE REPORTS



Item 6.8 Proposed changes to Bus Zone at Avoca Public School

TC24/19

THAT:-

- 1. the bus zone on Sheepwash Road to the front of the Avoca Public School be amended to reflect the hours of operations from 8:00 am to 9:30 am and from 2:30 pm to 4:30 pm.*
- 2. The bus zone be extended by 3m towards Bresnahans Lane.*

Item 6.9 Proposed changes to parking restrictions in White Street (Kirkham Street), Moss Vale

TC25/19

THAT the single parking space on White Street, Moss Vale adjacent to the entrance to the Elizabeth Street Car Park (4 Kirkham Street) be removed by extending the No Stopping zone from the corner of Clarence Street approximately 20m south east to the other side of the entrance.

Item 6.10 Proposed changes to parking restrictions on Berrima Road, Moss Vale

TC26/19

- 1. THAT a review of parking restrictions on Berrima Road, Moss Vale between Lytton Road and Old Dairy Close (both sides) be undertaken to include consultation with business owners / operators with a view to improving the safety of access and egress for the businesses at this location.*
- 2. THAT the findings of the review and consultation be reported to the next meeting of this Committee for recommendation to Council.*

Item 6.11 Proposed changes to parking restrictions on Kirkham Road, Bowral

TC27/19

THAT a No Parking zone be installed from the exit driveway of the Bowral Co-op at 83 Kirkham Road, Bowral for a distance of 10m to the north.

Item 6.12 Safety concerns, Oxley Drive, Mittagong

TC28/19

THAT:-

- 1. the traffic data collected for Oxley Drive, Mittagong be noted and that the matter be kept under review to determine if there is an increasing or decreasing trend in traffic volume, speed or crash data.*
- 2. the customer be advised that traffic calming on Oxley Drive is not considered to be appropriate at this time.*

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

COMMITTEE REPORTS



Item 6.13 Bridge load limits

TC29/19

THAT Council installs gross load limit signs of 3t, 4t and 10t respectively on Burrawang Creek Bridge - Belmore Falls Road, Barrengarry Creek Bridge - Belmore Falls Road and Mittagong Creek Bridge – Merrigang Street.

THAT the process of the side track be expedited.

THAT temporary speed reduction be investigated.

Item 6.14 Traffic Committee Action Sheet

TC30/19

THAT the information be received and noted

RECOMMENDATION

THAT recommendations Nos TC16/19 to TC30/19 – as detailed in the Minutes of the Traffic Committee Meeting held on 16 May 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 Traffic Committee Meeting - 16 May 2019



MINUTES

of the Traffic Committee Meeting

held in

Council Chambers

Civic Centre, Elizabeth Street, Moss Vale

on

Thursday 16 May 2019

The meeting commenced at 9:30am

File No. 107/6



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



- 1. WELCOME AND APOLOGIES**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. ADOPTION OF MINUTES OF PREVIOUS MEETING**
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. DECLARATIONS OF INTEREST**

- 6. AGENDA REPORTS3**
 - 6.1 Road Safety Officer progress report.....3
 - 6.2 Traffic Management Arrangements for 2019 Pie Fest.....5
 - 6.3 Traffic Management Arrangements for the 2019 Trek for Timor.....6
 - 6.4 Traffic Management Arrangements for Winterfest 2019.....7
 - 6.5 Proposed Parking Restrictions Albert Lane, Mittagong8
 - 6.6 Proposed changes to parking restrictions adjacent to Moss Vale Show Grounds, Moss Vale9
 - 6.7 Proposed parking restrictions in Cook Street, Mittagong.....10
 - 6.8 Proposed changes to Bus Zone at Avoca Public School, Avoca11
 - 6.9 Proposed changes to parking restrictions in White Street (Kirkham Street), Moss Vale12
 - 6.10 Proposed changes to parking restrictions on Berrima Road, Moss Vale13
 - 6.11 Proposed changes to parking restrictions on Kirkham Road, Bowral14
 - 6.12 Safety concerns, Oxley Drive, Mittagong15
 - 6.13 Bridge load limits16
 - 6.14 Traffic Committee Action Sheet17
- 7. DATE OF NEXT MEETING18**
- 8. MEETING CLOSURE18**



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



MINUTES OF THE TRAFFIC COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON THURSDAY 16 MAY 2019 COMMENCING AT 9:30AM.

Present:

Clr Ken Halstead	Chair
Mrs Nicole Brodie	Roads and Maritime Services
Senior Constable Scott Waples	NSW Police
Wendy Tuckerman MP	Member for Goulburn
Mrs Katherine Wood	Representing Member for Goulburn

In attendance: Cheryl Roberts Goulburn Electorate Office

Council Staff:	Mr Terry Pailing	Acting Traffic Engineer
	Mr Frank Perger	Traffic Engineer
	Mr Stace Lewer	Manager Assets
	Ms Melanie Lausz	Road Safety Officer

Agency representative: Mr Chris Moule Berrima Buslines

Absent: Nathaniel Smith MP Member for Wollondilly

Minutes: Mrs Liz de Graaf Administration Assistant

1. WELCOME AND APOLOGIES

Nil

2. 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.



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD ON THURSDAY 7 MARCH 2019

RECOMMENDATION

THAT the minutes of the Traffic Committee Meeting held on Thursday 07 March 2019 TC1/19 to TC15/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

TC16/19

Unanimous support

4. BUSINESS ARISING

Parking Restrictions at 49 Main Street, Mittagong. Consultation with Business Owners completed and Parking Restrictions in place.

5. DECLARATIONS OF INTEREST

Nil



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6. AGENDA REPORTS

6.1 Road Safety Officer progress report

Reference: 7410/5
Report Author: Road Safety Officer
Authoriser: Traffic Engineer
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on promotions and activities of the Road Safety Officer (RSO)



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



RECOMMENDATION

THAT the projects/campaigns currently coordinated by Council's Road Safety Officer be noted, particularly:

- Young Road Users***
 - Conducted the Graduated Licencing Scheme GLS Learner Driver Workshop Wednesday 16 April.***
 - Conducted the Log Book Run LBR for learner drivers and supervisors Sunday 5 May.***
 - Conducted a bike safety information and safe cycling session for Council's Vacation Care School Holiday Program, 15 April 2019 at Mittagong Public School. Attended by 18 children.***
 - Conducted a bike safety information for Council's RRC Bike Repair workshop School Holiday Program, 17 April 2019***
- Speed Busters***
 - The four solar powered speed display signs were in location at Mittagong Old Hume Highway and Robertson Illawarra Highway, 8 November to 8 February 2019.***
- U Turn the Wheel***
 - In conjunction with Moss Vale Rotary planning and preparation has commenced for the 20 year anniversary of U Turn The Wheel***
Working with the community to help reduce incidence of road trauma for young, high risk road users.

TC17/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6.2 Traffic Management Arrangements for 2019 Pie Fest

Reference: 7420/3
Report Author: Traffic Engineer (Acting)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the traffic management arrangements for the 2019 Pie Fest to be held at Bong Bong Racecourse, Kangaloon Road, East Bowral 29 – 30 June 2019.

RECOMMENDATION

THAT there is no objection to the traffic and parking arrangements proposed for the Pie Fest event on Saturday 29th and Sunday 30th June 2019 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a Class 2 event.

TC18/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6.3 Traffic Management Arrangements for the 2019 Trek for Timor

Reference: 7420/3
 Report Author: Traffic Engineer (Acting)
 Authoriser: Manager Assets
 Link to Community
 Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on traffic arrangements for the 2019 Trek for Timor.

RECOMMENDATION

THAT there is no objection to the traffic and parking arrangements for the 2019 Trek For Timor event on Saturday 14 September 2019 subject to the satisfactory completion of all requirements of the Guide to Traffic and Transport for Special Events for a Class 3 Event.

TC19/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6.4 Traffic Management Arrangements for Winterfest 2019

Reference: 7420/3
Report Author: Traffic Engineer (Acting)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on traffic arrangements for the 2019 Winterfest in Bundanoon

RECOMMENDATION

THAT there is no objection to the traffic and parking arrangements proposed by Bundanoon Community Association for their Winterfest event on Saturday 6 July 2019 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event and an approved LUA for the event.

TC20/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6.5 Proposed Parking Restrictions Albert Lane, Mittagong

Reference: 7453
Report Author: Traffic Engineer (Acting)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider parking restrictions for Albert Lane, Mittagong.

RECOMMENDATION

THAT No Parking restrictions be installed on the southern side of Albert Lane from Pioneer Street to the eastern boundary of the Mittagong Veterinary Hospital

TC21/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6.6 Proposed changes to parking restrictions adjacent to Moss Vale Show Grounds, Moss Vale

Reference: 7453
 Report Author: Traffic Engineer (Acting)
 Authoriser: Manager Assets
 Link to Community
 Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider alterations to parking restrictions in the vicinity of Moss Vale Show Ground.

RECOMMENDATION

THAT :-

1. *The No Stopping zone on Robertson Road (Illawarra Highway) in the vicinity of the main Moss Vale Showground entrance be extended by 10m to the south west.*
2. *That the Management of the Moss Vale Showground be advised that prohibiting parking opposite the Argyle Street entrance to the Showground is not supported and that event requirements should be accommodated by specific Traffic Management Plans prepared for such events.*

TC22/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6.7 Proposed parking restrictions in Cook Street, Mittagong

Reference: 7453
Report Author: Traffic Engineer (Acting)
Authoriser: Manager Assets
Link to Community:
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider extending the parking restrictions in Cook Street, Mittagong between Lyell Street and Anne Street.

RECOMMENDATION

THAT the existing No Parking restriction on the southern side of Cook Street, Mittagong be extended for the full length of the street to Anne Street.

TC23/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6.8 Proposed changes to Bus Zone at Avoca Public School, Avoca

Reference: 7453
 Report Author: Traffic Engineer (Acting)
 Authoriser: Manager Assets
 Link to Community
 Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider alterations to the bus zone at Avoca Public School, Avoca.

RECOMMENDATION

THAT:-

1. *the bus zone on Sheepwash Road to the front of the Avoca Public School be amended to reflect the hours of operations from 8:00 am to 9:30 am and from 2:30 pm to 4:30 pm.*
2. *The bus zone be extended by 3m towards Bresnahans Lane.*

TC24/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6.9 Proposed changes to parking restrictions in White Street (Kirkham Street), Moss Vale

Reference:	7453
Report Author:	Traffic Engineer (Acting)
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

PURPOSE

To consider a change to the parking restrictions on White Street, Moss Vale.

RECOMMENDATION

THAT the single parking space on White Street, Moss Vale adjacent to the entrance to the Elizabeth Street Car Park (4 Kirkham Street) be removed by extending the No Stopping zone from the corner of Clarence Street approximately 20m south east to the other side of the entrance.

TC25/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6.10 Proposed changes to parking restrictions on Berrima Road, Moss Vale

Reference: 7453
 Report Author: Traffic Engineer (Acting)
 Authoriser: Manager Assets
 Link to Community
 Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider alterations to the parking restrictions on the western side of Berrima Road, Moss Vale in the vicinity of No. 48 Berrima Road (Southern Highlands Veterinary Hospital).

RECOMMENDATION

1. *THAT a review of parking restrictions on Berrima Road, Moss Vale between Lytton Road and Old Dairy Close (both sides) be undertaken to include consultation with business owners / operators with a view to improving the safety of access and egress for the businesses at this location.*
2. *THAT the findings of the review and consultation be reported to the next meeting of this Committee for recommendation to Council.*

TC26/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6.11 Proposed changes to parking restrictions on Kirkham Road, Bowral

Reference: 7453
Report Author: Traffic Engineer (Acting)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider alterations to the parking restrictions on the western side of Kirkham Road, Bowral in the vicinity of No. 83 Kirkham Road (Bowral Co-op).

RECOMMENDATION

THAT a No Parking zone be installed from the exit driveway of the Bowral Co-op at 83 Kirkham Road, Bowral for a distance of 10m to the north.

TC27/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6.12 Safety concerns, Oxley Drive, Mittagong

Reference: 7460/25
Report Author: Traffic Engineer (Acting)
Authoriser: Manager Assets
Link to Community
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider a request for safety improvements in light of data collected for Oxley Drive, Mittagong.

RECOMMENDATION

THAT :-

- 1. the traffic data collected for Oxley Drive, Mittagong be noted and that the matter be kept under review to determine if there is an increasing or decreasing trend in traffic volume, speed or crash data.*
- 2. the customer be advised that traffic calming on Oxley Drive is not considered to be appropriate at this time.*

TC28/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6.13 Bridge load limits

Reference: 7850
 Report Author: Asset Engineer (Roads)
 Authoriser: Deputy General Manager Operations, Finance and Risk
 Link to Community
 Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

To consider implementing gross load limit restrictions on 3 road bridges.

RECOMMENDATION

THAT Council installs gross load limit signs of 3t, 4t and 10t respectively on Burrawang Creek Bridge - Belmore Falls Road, Barrengarry Creek Bridge - Belmore Falls Road and Mittagong Creek Bridge – Merrigang Street.

THAT the process of the side track be expedited.

THAT temporary speed reduction be investigated.

TC29/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



6.14 Traffic Committee Action Sheet

Reference: 107/6
Report Author: Traffic Engineer (Acting)
Authoriser: Manager Assets
Link to Corporate Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the Traffic Committee Action Sheet

RECOMMENDATION

THAT the information be received and noted

TC30/19

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 16 May 2019



7. GENERAL BUSINESS

Wombeyan Caves Road

Wendy Tuckerman MP for Goulburn requested Council to provide a report highlighting safety measures in order of priority. That crash history since June 2018 be obtained to support funding application and that a report be presented to the next Traffic Committee Meeting.

Nicole Brodie from the RMS advised the committee of funding opportunities available e.g. Safer Roads Program and Black Spot Funding.

It was noted that a safety inspection was completed in August 2018 and the outcome of the report be presented to the Traffic Committee.

Frank Perger advised the Committee that there is strict criteria to be met in order for Council to apply Black Spot Funding. In the past there have not been enough injury crashes to be eligible to apply for Black Spot Funding.

ALDI development on Moss Vale Road, Moss Vale

Clr Halstead raised the traffic conditions applied to the ALDI development in Moss Vale. Council officers have confirmed that the applicant has complied with the LEC requirements for traffic management on Robertson Road and Argyle Street with regards to access and egress.

Hostile Mitigation Policy

The Police advised a report will be presented at the next Traffic Committee Meeting.

8. DATE OF NEXT MEETING

The next meeting will be held on Thursday 8 August 2019 in the Council Chambers Civic Centre, Elizabeth Street, Moss Vale commencing at 9:30am.

7. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 11:25 AM

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 29 May 2019

Reference:	1823/3
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

PURPOSE

This report provides the Minutes of the Demographics and Housing Advisory Committee meeting held on Wednesday, 29 May 2019.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

DEM5/19

THAT the apology of Cllr L Whipper and Mr Alan Hunt be accepted and leave of absence granted.

Item 3 Adoption of Minutes of Previous Meeting

DEM6/19

THAT the minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 01 May 2019 MN DEM1/19 to MN DEM4/19 inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Overview of Local Housing Strategy Process

DEM7/19

THAT the report on the overview of the Local Housing Strategy Process as explained and discussed be received and noted.

Item 6.2 Wingecarribee Shire Demographic Overview

DEM 8/19

THAT the report and presentation on the Wingecarribee Shire Demographic Overview be received and noted.

Item 6.3 Discussion of Committee Workshops

DEM 9/19

THAT the community members of the Demographics and Housing Advisory Committee meet monthly or as deemed necessary by the group to workshop ideas and opportunities on:

- 1. Housing Mix and Choice for Wingecarribee*
 - 2. Housing Affordability*
- Argyle Housing offered to host the first workshop.*

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 12 June 2019

COMMITTEE REPORTS



RECOMMENDATION

THAT recommendations Nos DEM 5/19 to DEM 9/19 – as detailed in the Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 29 May 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. Demographics and Housing Advisory Committee Minutes 29 May 2019



MINUTES

of the
Demographics and Housing Advisory
Committee Meeting

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

Wednesday 29 May 2019

The meeting commenced at 5:00pm

File No. 1823/3

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 29 May 2019

ATTACHMENT 1 Demographics and Housing Advisory Committee Minutes 29 May 2019



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 29 May 2019



1. WELCOME AND APOLOGIES

2. ACKNOWLEDGEMENT OF COUNTRY
3. Adoption OF Minutes of PREVIOUS MEETIN

4. BUSINESS ARISING FROM THE MINUTES
Demographics and Housing Advisory Committee Meeting held on 1 May 2019.

5. DECLARATIONS OF INTEREST

6. AGENDA REPORTS 3
 - 6.1 Overview of Local Housing Strategy Process 3
 - 6.2 Wingecarribee Shire Demographic Overview..... 4
 - 6.3 Discussion of Committee Workshops..... 5

7. DATE OF NEXT MEETING 6

8. MEETING CLOSURE 6

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 29 May 2019

ATTACHMENT 1 Demographics and Housing Advisory Committee Minutes 29 May 2019



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 29 May 2019



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 29 MAY 2019 COMMENCING AT 5:00PM.

Present: Clr G Markwart Chair
Clr I M Scandrett Alternate Chair

Community Representatives: Ms Laurel Cheetham
Mr Nicholas Dyer
Mr Tristan Ryall
Mr Tony Ward
Mr Peter Wurfel
Mr Justin Nyholm – Argyle Housing

In Attendance: Mr Mark Pepping Deputy General Manager Corporate, Strategy and Development Services
Mr Michael Park Coordinator Strategic Land Use Planning
Ms Susan Stannard Senior Strategic Land Use Planner

1. WELCOME AND APOLOGIES

It was noted that apologies were received from Clr Larry Whipper and Alan Hunt

DEM 5/19

MOTION moved by Ms L Cheetham and seconded by Mr N Dyer

THAT the apology of Clr L Whipper and Alan Hunt be accepted and leave of absence granted.

PASSED

2. ACKNOWLEDGEMENT OF COUNTRY

Clr G Markwart 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 DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING HELD ON WEDNESDAY 1 MAY 2019

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting
held on Wednesday, 29 May 2019

ATTACHMENT 1 Demographics and Housing Advisory Committee Minutes
29 May 2019



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING

Wednesday 29 May 2019



DEM 6/19

MOTION moved by Ms L Cheetham seconded by Cllr I Scandrett

THAT the minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 01 May 2019 MN **DEM1/19** to MN **DEM4/19** 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 the meeting.



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING

Wednesday 29 May 2019



6. AGENDA REPORTS

6.1 Overview of Local Housing Strategy Process

Reference: 1823/3
Report Author: Senior Strategic Land Use Planner

PURPOSE

The purpose of this report is to outline Council's proposed process for drafting the Wingecarribee Local Housing Strategy as required by the Department of Planning. A power point presentation is provided as **Attachment 1** to this report.

DEM 7/19

MOTION moved by Ms L Cheetham and seconded by Mr P Wurfel

THAT the report on the overview of the Local Housing Strategy Process as explained and discussed be received and noted.

PASSED



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING

Wednesday 29 May 2019



6.2 Wingecarribee Shire Demographic Overview

Reference: 1823/3
Report Author: Senior Strategic Land Use Planner

PURPOSE

The purpose of this report is to present a overview of key demographic and housing data as input into the preparation of the Local Housing Strategy. A summary of the data is provided as **Attachment 1** to this report.

DEM 8/19

MOTION moved by Cllr I Scandrett and seconded by Ms L Cheetham

THAT the report and presentation on the Wingecarribee Shire Demographic Overview be received and noted.

PASSED



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 29 May 2019



6.3 Discussion of Committee Workshops

Reference: 1863/3
 Report Author: Coordinator Strategic Land Use Planning
 Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Open and effective communication methods and technology are utilised to share information about Council plans, intentions, actions and progress

PURPOSE

The purpose of this report is to allow discussion with Committee regarding future workshops.

DEM 9/19

MOTION moved by Clr G Markwart and seconded by Mr P Wurfel

THAT the community members of the Demographics and Housing Advisory Committee meet monthly or as deemed necessary by the group to workshop ideas and opportunities on:

1. *Housing Mix and Choice for Wingecarribee*
2. *Housing Affordability*

Argyle Housing offered to host the first workshop.

PASSED

18.2 Minutes of the Demographics and Housing Advisory Committee Meeting
held on Wednesday, 29 May 2019

ATTACHMENT 1 Demographics and Housing Advisory Committee Minutes
29 May 2019



MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING

Wednesday 29 May 2019



7. DATE OF NEXT MEETING

The next Committee meeting will be held on 21 August 2019.

8. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.50 PM

**18.2 Minutes of the Demographics and Housing Advisory Committee Meeting
held on Wednesday, 29 May 2019**

**ATTACHMENT 1 Demographics and Housing Advisory Committee Minutes
29 May 2019**



**MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY
COMMITTEE MEETING**

Wednesday 29 May 2019



**18.2 Minutes of the Demographics and Housing Advisory Committee Meeting
held on Wednesday, 29 May 2019**

**ATTACHMENT 1 Demographics and Housing Advisory Committee Minutes
29 May 2019**



19 QUESTIONS WITH NOTICE

19.1 Question with Notice 12/2019 - Land and Environment Court

Reference: 101/2
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: 5 June 2019

Subject: Land and Environment Court

Question:

1. In a situation where the applicant appears in a matter before the court at any stage seeks the leave of the court to rely on any additional or substituted plans lodged with the application then can WSC recover costs from that date?
2. What is the process to recover costs from that date?
3. Are there any matters in this Council term where WSC has sought to do so? Please detail.

Response:

1. Yes, if the amendment is not minor, the Court must order payment of Council's costs that have been thrown away as a result of the amendment.
2. There is no specific, separate process. A Court Order is simply a debt. If not paid within the time that it is due and payable, recovery is pursued through Council's existing debtor's process.
3. All legal expenditure and recovery of expenses is reported to Council as an attachment to the legal report in open Council. The legal report is on the agenda of the second Ordinary Council meeting of each month.

RECOMMENDATION

THAT the information in relation to Question with Notice 12/2019 - Land and Environment Court - be noted.

19.2 Question with Notice 13/2019 - Project Management Process and Procedures in the Future

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 G Turland

Received: 4 June 2019

Subject: Project Management Process and Procedures in the Future

Question:

Can the General Manager provide a report on what measures and procedures are being implemented to prevent all future projects from delays, overruns and failings in the future.

Response:

The General Manager holds a briefing session for Councillors.

RECOMMENDATION

THAT the information in relation to Question with Notice 13/2019 - Project Management Process and Procedures in the Future - be noted.

20 NOTICES OF MOTION

20.1 Notice of Motion 18/2019 - Environment Levy Commitment

Reference: 100/4

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

Councillor G Markwart has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 June 2019:

1. THAT Council reaffirms its original and frequently stated commitment that all funds raised with the Environment Levy be allocated strictly for the purposes of activities associated with the protection and enhancement of the environment above and beyond Council's statutory obligations.
2. THAT Council hold a briefing session within the next month detailing the allocation of all administrative and coordination costs allocated to the Environment and Sustainability Department and that these costs be compared to other Business Units and Departments of Council.
3. THAT a report of the briefing session be presented to the Environment & Sustainability Committee as soon as practical.

RECOMMENDATION

Submitted for determination.



20.2 Notice of Motion 19/2019 - Affirmation of Refugee Welcome Zone

Reference:	100/4
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

Councillors G Markwart and L Whipper have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 12 June 2019:

1. THAT Council reaffirm its commitment to being a 'Refugee Welcome Zone', being one of 251 Councils currently listed on the website of the Refugee Council of Australia.
2. THAT Council endorse and affirm the work of all Refugee Welcome Zone Councils (RWZs) plus the Refugee Council of Australia (RCOA) and Rural Australians for Refugees (RAR), by adding the Shire logo and Mayoral Signature to the Welcome Scroll which currently displays Logos and Mayoral signatures of 113 RWZ councils, a number growing each year.
3. THAT Council congratulate the three visionary local women (Helen McCue, Anne Coombs and Susan Varga) who inspired a National movement, which began by calling a public meeting in the Bowral Memorial Hall in 2001 with over 500 people in attendance.

RECOMMENDATION

Submitted for determination.

20.3 Notice of Motion 20/2019 - Emergency Services Representation and Funding

Reference:	100/4
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

Councillor G Turland has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 June 2019:

1. THAT Council hold individual briefing sessions with each of the Emergency Services: Rural Fire Service (RFS); State Emergency Service (SES) and Fire and Rescue NSW (FNSW).
2. THAT Council request a representative from each service to provide a report on how each of their services are being provided and support received from the NSW Government in providing their services in our Shire.
3. THAT Council request the NSW Government provide the amount of money that is being supplied to our Shire on each of the Emergency Services.

RECOMMENDATION

Submitted for determination.



22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

Section 10A of the *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

Section 10B

1. *[Time spent closed to be minimised] A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):*
 - a. *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
 - b. *If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
2. *[Qualification of 10A(2)(g)] A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:*
 - a. *are substantial issues relating to a matter in which the council or committee is involved, and*
 - b. *are clearly identified in the advice, and*
 - d. *are fully discussed in that advice.*
3. *[Qualification of 10A(3)] If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).*
4. *[Irrelevant matters] For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:*
 - a. *a person may misinterpret or misunderstand the discussion, or*
 - b. *the discussion of the matter may:*
 - (i) *cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or*
 - (ii) *cause a loss of confidence in the council or committee.*

Attention is also drawn to provisions contained in Part 7 of Council's Code of Meeting Practice.

Director General's Guidelines

The Director General of the Department of Local Government has issued guidelines concerning the use of Section 10 of the Act. A copy of the Director General's guidelines has been sent to all Councillors. Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.

RECOMMENDATION

1. **THAT Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the *Local Government Act 1993* as addressed below to consider the following reports that are confidential for the reasons specified below:**

22.1 Tender for Construction of Barrengarry Creek Bridge - Robertson, NSW

Relevant Legal Provisions

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

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Construction of the Bridge at Barrengarry Creek on Belmore Falls Road – Robertson, NSW.

22.2 Tender for Reservoirs Inlet Valves Modifications

Relevant Legal Provisions

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

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Reservoir Inlet Valves Modifications Project.

22.3 Tender for Printing & Distribution of Notices - Rates & Water Billing

Relevant Legal Provisions

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



Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Printing & Distribution of Notices - Rates & Water Billing.

22.4 Proposed Land Acquisition – Moss Vale

Relevant Legal Provisions

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

Brief description

The purpose of this report is to seek Council approval to negotiate the acquisition of part of Lots 21 in Deposited Plan 812725, part of Lot 23 Deposited Plan 817194 and part of Lot 24 in Deposited Plan 817194, Douglas Road, Moss for the placement of electricity conduits in accordance with the Douglas Road Moss Vale Voluntary Planning Agreement.

22.5 Proposed Sale - 10 Frankland Street Mittagong

Relevant Legal Provisions

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

Brief description

The purpose of this report is to provide Council with an update on negotiations for the purchase of 10 Frankland Street Mittagong.

2. **THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**
-

Ann Prendergast
General Manager
Friday 7 June 2019