

7 February 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 13 February 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, 13 February 2019 at 3:30PM.

Time	Item
3.30pm	<b>Opening of meeting</b> – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded and the Council Chamber now has 24 Hour Video Surveillance.
	<b>Acknowledgement of Country - Cllr G Markwart</b>
3.32pm	<b>Opening Prayer - Pastor Paul Crossman, Highlands Christian Church, Mittagong</b>
3.35pm	<ul style="list-style-type: none"><li>• <b>Apologies Cllr P W Nelson</b></li><li>• <b>Adoption of Previous Minutes</b> - Ordinary Meeting of Wednesday, 12 December, 2018 and Extraordinary Meeting of 11 December 2018</li><li>• <b>Business Arising</b> (<i>if any</i>)</li><li>• <b>Declarations of Interest</b> (<i>if any</i>)</li><li>• <b>Mayoral Minute</b> (<i>if any</i>)</li><li>• <b>Public Forum</b> (<i>if any</i>)</li><li>• <b>Visitor Items</b><ul style="list-style-type: none"><li>• <b>Item 10.1</b> – Development Application 18/0056 – Continued use of land for the purpose of a caravan park, Lot 11, DP 617482</li><li>• <b>Item 10.2</b> – Development Application 19/0167 Residential Alterations and Additions to Dwelling – 34 Duke Street, Mittagong</li></ul></li><li>• <b>Council Reports</b></li></ul>
5.30pm	<b>Questions from the Public - to be read</b> <b>Continuation of Council Reports</b> <b>General Business Questions</b> <b>Questions with Notice</b> <ul style="list-style-type: none"><li>• Item 19.1 - 01/2019 Environmentally Sensitive, energy efficient, residential housing design campaign</li><li>• Item 19.2 - 02/2019 Property Life</li><li>• Item 19.3 - 03/2019 Stop Work Notice</li><li>• Item 19.4 - 04/2019 Remembrance Drive</li></ul> <b>Notices of Motion</b> <ul style="list-style-type: none"><li>• Item 20.1 - 01/2019 Code of Conduct</li></ul>
7.40pm	<b>Closed Council</b>



# RUNNING SHEET

## ORDINARY MEETING OF COUNCIL

held in the Council Chambers, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 13 February 2019 at 3:30PM.

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 12 December 2018
6. **BUSINESS ARISING FROM THE MINUTES**
7. **DECLARATIONS OF INTEREST .....1**
8. **MAYORAL MINUTES**
9. **PUBLIC FORUM**

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  - CORPORATE, STRATEGY AND DEVELOPMENT SERVICES**
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**Mayor to resume chair at 5.30 pm**

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Nil

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**21. GENERAL BUSINESS**

Nil

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**22. CLOSED COUNCIL**

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**22.1 Tender for the construction of Wingecarribee Adult Day Care Centre  
- Alterations & Additions**

*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 Post Tender Negotiations for the Construction of Synthetic Hockey  
Field No.2, Welby**

*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 Sewer System Telemetry Upgrade**

*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 Code of Conduct Matter**

*This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(i) as it contains alleged contraventions of any code of conduct requirements applicable under section 440 and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.*

**23. RESUMPTION OF OPEN COUNCIL**

Resumption of Open Council

Adoption of Closed Session

**24. ADOPTION OF COMMITTEE OF THE WHOLE**

**25. MEETING CLOSURE**

## Our Mission, Our Vision, Our Values

### OUR MISSION

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

### OUR VISION

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

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

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

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

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

### OUR VALUES

Integrity, trust and respect

Responsibility and accountability

Communication and teamwork

Service quality

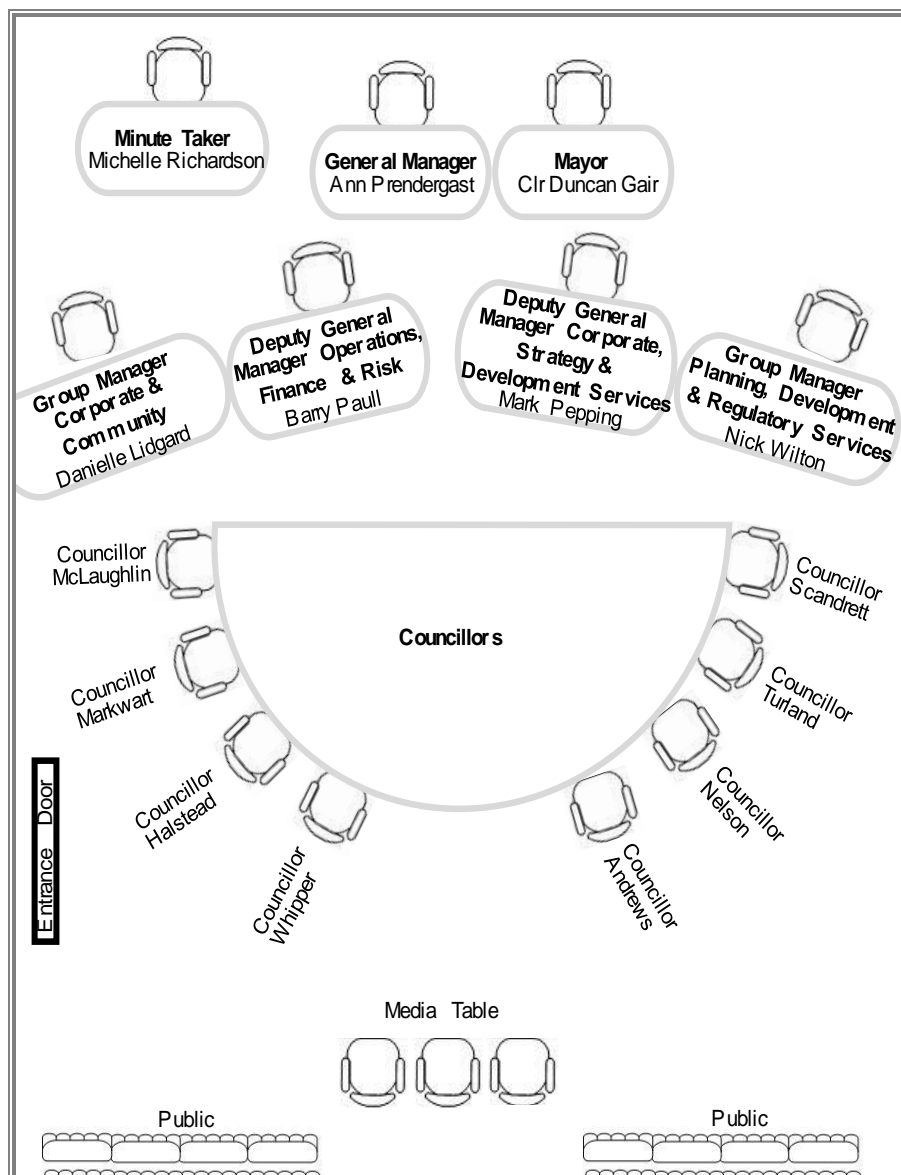
## Council Chambers

### Recording of Ordinary and Extraordinary Meetings of Council

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

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

The Council Chamber now has 24 Hour Video Surveillance.





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## **ACKNOWLEDGEMENT OF COUNTRY**

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

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## **APOLOGIES**

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### **Request for Leave of Absence – Councillor Clr P W Nelson**

Councillor P W Nelson intends to be absent from all Council commitments on Wednesday, 13 February 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.

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## **DECLARATIONS OF INTEREST**

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101/3, 101/3.1

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

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

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

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

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## COMMITTEE OF THE WHOLE

### 10 VISITOR MATTERS

#### CORPORATE STRATEGY AND DEVELOPMENT SERVICES

##### 10.1 Development Application 18/0056 - Continued Use of Land for the Purpose of a Caravan Park, Lot 11 DP617482, 43-53 Willow Drive, Moss Vale

Reference:	18/0056
Report Author:	Senior Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Moss Vale Village Caravan Park
Owner:	AC Cooper
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 development application 18/0056, which seeks consent for continued use of Lot 11 DP617482, 43-53 Willow Drive, Moss Vale for the purpose of a caravan park. The report is prepared for the Council's determination of the development application, and recommends APPROVAL, subject to recommended conditions of consent (**Attachment 1**).

#### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

#### RECOMMENDATION

**THAT** development application 18/0056 for continued use of Lot 11 DP617482, 43-53 Willow Drive, Moss Vale for the purpose of a caravan park be APPROVED subject to conditions as described in **Attachment 1** to the report.

#### REPORT

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

**Figures 1 and 2** illustrate the land's location and general layout (see also **Attachment 2**). It is a developed 3.99ha low density residential lot on the western side of Willow Drive and the

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

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

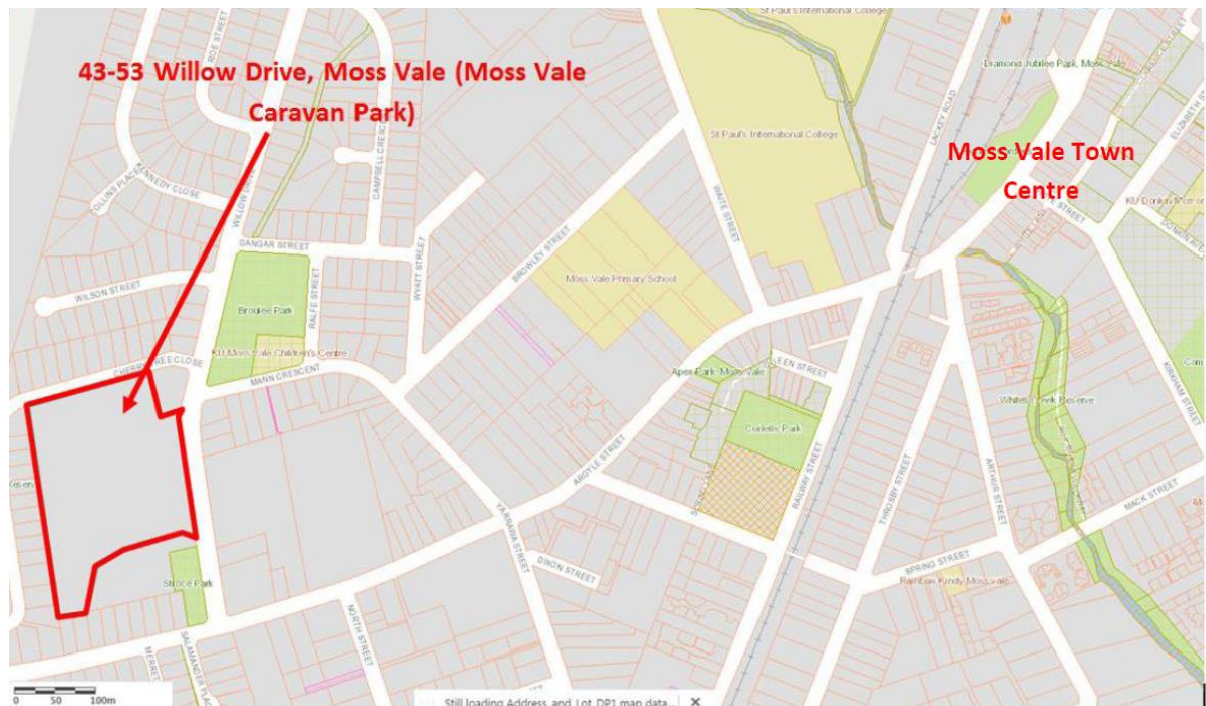


southern side of Cherry Tree Close in Moss Vale, approximately 1.2km southwest of the town centre.

The land is accessible by vehicle from Willow Drive. It has long been occupied by a caravan park.

The land slopes variably, generally falling from west to east, towards Willow Drive. Vegetation on the land mainly comprises managed lawns and mature trees.

Surrounding properties are generally developed for mainly low density residential accommodation purposes, with some established commercial land uses to the north on the corner of Cherry Tree Close and eastern side of Willow Drive.



**Figure 1: Locality map (see also Attachment 2)**



**Figure 2: Aerial image (see also Attachment 2)**

### **Background**

Under Wingecarribee Local Environmental Plan 2010, the land is in Zone R2 Low Density Residential. Caravan parks are a prohibited use within the zone.

Available Council records indicate development application 32/1.02/13 was made to Council in March 1971, proposing development of the land for the purpose of a caravan park. On 16 April 1971, Council determined development application 32/1.02/13 by refusal. The applicant appealed against Council's determination, and the NSW State Planning Authority allowed the appeal on 25 November 1971, effectively granting consent to develop the land for the purpose of a caravan park. Council's records indicate the caravan park commenced



operation in August 1972, and it is understood to have operated continuously since. Consequently the site now enjoys existing use rights.

In June 2017, in response to a complaint received from a member of the public, Council wrote to the land's occupant regarding contravention of development consent for the existing caravan park, including "discrepancies in the total number, location and apportionment of long-term and short-term sites as well as camping sites". The letter directed the occupant to apply to Council for development consent to continue operation of the caravan park reflecting the current development arrangements.

### **Proposed Development**

The proposed site plan drawing is included as **Attachment 3**.

The application seeks consent for continued use of the land for the purpose of a caravan park. Essentially, it aims to legitimise development unlawfully carried out on the land (see above discussion regarding background) to allow its continued operation.

Information accompanying the application indicates the existing caravan park includes 114 allocated accommodation sites, including camping and caravan sites as well as manufactured homes, along with a dwelling with convenience shop and office facilities, two amenities buildings, a workshop building, and a storage building. Development drawings accompanying the application indicate 60 long-term accommodation sites and 51 short-term sites.

The caravan park operates seven days per week, with general public access permitted between 8:00am and 6:00pm on weekdays and 9:00am to 6:00pm on Saturdays and Sundays (it is presumed that residents and guests may enter and exit the caravan park outside these times). The caravan park employs two permanent managers and three casual cleaners.

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## **STATUTORY PROVISIONS**

### **State Environmental Planning Policies**

#### **State Environmental Planning Policy No 21—Caravan Parks**

SEPP 21 aims to encourage the orderly and economic use and development of land for the purpose of caravan parks, proper management and development of caravan parks, provision of community facilities for caravan parks, and protection of the environment of and near caravan parks.

- **Clause 8—Development consent required for caravan parks**

Clause 8 (2) (a) and (b) effectively specifies that before granting consent for the development, Council must determine:

- (a) the number of sites (if any) on the land that Council considers suitable for long-term residence, within the meaning of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993 (LGR1993), and
- (b) the number of sites (if any) on the land that Council considers unsuitable for long-term residence, but suitable for short-term residence, within the meaning of LGR1993.

LGR1993 has been repealed, and replaced by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings)



Regulation 2005 (LGR2005). References in SEPP 21 to LGR1993 are therefore taken to refer to the now operational LGR2005.

○ **LGR2005**

▪ **Clause 85—Size of dwelling sites and camp sites**

Clause 85 (1), (2) and (3) of LGR2005 specifies:

- (1) A long-term site must have an area of at least 80m<sup>2</sup>
- (2) A short-term site must have an area of at least 65m<sup>2</sup>
- (3) A camp site must have an area of at least:
  - (a) 40m<sup>2</sup> where a separate parking space is provided within 30m, or
  - (b) 50m<sup>2</sup> in any other case.

Each of the 60 proposed long-term sites in the development complies with clause 85 (1), and each of the development's 51 short-term sites is considered able to comply with clause 85 (2). Development drawings accompanying the application do not delineate individual camp sites. Recommended consent **conditions 3, 5 and 7** therefore identify long-term and short-term sites, and convey the requirements of clause 85 (2) and (3) in relation to designated short-term sites and camp sites.

▪ **Clause 91—Separation distances**

Clause 91 (1) and (2) of LGR2005 specifies:

- (1) A moveable dwelling must not be installed closer to any other moveable dwelling than:
  - (a) 3.0m, if situated on a long-term site, or
  - (b) 2.5m, if it is situated on a short-term site or camp site.
- (2) This clause does not prohibit installation of semi-detached relocatable homes on adjoining dwelling sites so long as they are separated by construction conforming to the fire safety and sound insulation provisions relating to class 1 buildings contained in Section 3.7.1 and 3.8.6 of Volume Two of the Building Code of Australia.

Covered car parking spaces adjoining moveable dwellings are taken to be excluded from the dwelling for the purpose of applying clause 91 (1).

Development drawings accompanying the application indicate several instances of insufficient separation between moveable dwellings on long-term and short-term sites. Recommended consent **conditions 3, 5 and 7** therefore specify a minimum 3.0m separation between moveable dwellings on identified long-term sites and 2.5m separation between moveable dwellings on identified short-term sites in the development.

The development drawings also indicate two semi-detached relocatable homes. Recommended consent **condition 3** requires them to be separated by construction conforming to the fire safety and



sound insulation provisions relating to class 1 buildings contained in Section 3.7.1 and 3.8.6 of Volume Two of the Building Code of Australia.

▪ **Clause 102—Sewerage**

Clause 102 (2) of LGR2005 specifies a long-term site must be provided with a connection to the sewage disposal system for the caravan park. Recommended consent **condition 3** conveys this requirement.

▪ **Clause 104—Electricity supply**

Recommended consent **conditions 3 and 5** convey the requirements of clause 104 (1), (2) and (3) of LGR2005 that:

- Each dwelling site in the development shall be supplied with electricity from a reticulated electricity service
- In the case of long-term sites, the electricity shall be supplied by means of an electrical circuit connected to a separate electricity meter, installed in accordance with the requirements of the Electricity Code of Practice
- In the case of short-term sites, the electricity must be supplied in accordance with the requirements of AS/NZS 3001:2001, Electrical installations—Relocatable premises (including caravans and tents) and their site installations, as in force on 1 September 2005.

▪ **Clause 111—Proximity of dwelling sites to shower blocks and toilet blocks**

*Clause 111 (1), (2) and (3) of LGR2005 specifies:*

- (1) *A long-term site must not be situated more than 75 metres (measured in a straight line) from a shower block or toilet block.*
- (2) *A short-term site or camp site must not be situated more than 100 metres (measured in a straight line) from a shower block or toilet block.*
- (3) *This clause does not apply in respect of dwelling sites reserved for use by self-contained moveable dwellings and dwelling sites provided with ensuite facilities.*

Development drawings accompanying the application indicate five of the 60 proposed long-term sites are more than 75m from the nearest amenities. Recommended consent **condition 3** therefore specifies those sites are to be reserved for use by self-contained moveable dwellings only.

The development drawings indicate all designated short-term sites are within 100m of amenities. However, noting the drawings do not delineate individual camp sites, recommended consent **condition 7** specifies no camping shall be permitted more than 100m from a shower block or toilet block on the land.

Returning to clause 8 of SEPP 21, clause 8 (3) specifies Council must not grant development consent to the use of land for the purposes of a caravan park unless it imposes a condition of consent specifying the maximum number of sites (if any) within that land that may be used for long-term residence. Recommended consent



**condition 3** therefore specifies Council's consent permits no more than 60 identified sites to be used for long-term residence, subject to satisfaction of the requirements of LGR2005 discussed above.

- **Clause 10—Matters to be considered by Councils**

*Clause 10 specifies that Council may grant a development consent required by SEPP 21 only after it has considered:*

- (a) whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,*
- (b) whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,*
- (c) whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,*
- (d) whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,*
- (e) any relevant guidelines issued by the Director, and*
- (f) the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.*

The development is considered generally satisfactory with respect to clause 10 (a)-(e). Clause 10 (f) of SEPP 21 invokes Division 3 of Part 3 of LGR2005. Recommended consent **condition 8** therefore requires the development to comply with the relevant provisions of Division 3 of Part 3 of LGR2005, including:

- At least 10% (3900m<sup>2</sup>) of the land's total area shall be reserved for recreation or other communal activities (LGR2005 clause 84).
- Each dwelling site and camp site in the development shall be conspicuously numbered or identified and its site boundaries clearly delineated (LGR2005 clause 86).
- Internal access road widths within the development shall be at least 6.0m for a two-way access road and at least 4.0m for a one-way access road, and the direction of travel for a one-way access road shall be indicated by means of conspicuous signs (LGR2005 clause 94).
- The development shall provide at least 10 dedicated visitor car parking spaces, each being clearly identified on the land. At least two of the visitor car parking spaces shall be designated and clearly identified on the land for use by people with disabilities, and provided in accordance with AS/NZS 2890.1:2004 Parking facilities—Off street parking. Other visitor car parking spaces shall have minimum dimensions of 5.4m x 2.5m in the case of angle parking, or 6.1m x 2.5m in any other case (LGR2005 clauses 97 and 98).

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, and to be satisfied that the land is suitable for the proposed use. The land is not considered a site of possible contamination and therefore no further assessment of contamination is required.





State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The land is within the Sydney drinking water catchment; therefore the Catchment SEPP is applicable in assessment of the application. Having regard to clause 11 of the Catchment SEPP, Water NSW has confirmed its concurrence to Council granting consent for the development, subject to conditions that are conveyed by recommended consent **condition 13**.

**Local Environmental Plans**

Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows.

Clause 1.4—Definitions

With respect to clause 1.4, the development comprises use of land for the purpose of a *caravan park*:

***caravan park** means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.*

Clause 2.3—Zone objectives and Land Use Table

The land is in Zone R2 Low Density Residential. The objectives of the zone are as follows:

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

The Land Use Table specifies development for the purpose of *caravan parks* is prohibited in Zone R2. However, the land's use for the purpose of a caravan park was lawfully established several decades ago, and is understood to have been continuously used for that purpose since. It is therefore an "existing use" as defined by section 4.65 of the Environmental Planning and Assessment Act 1979 (the Act), and section 4.65 (1) of the Act effectively specifies nothing in the Act or the LEP prevents the continuance of an existing use. Further, clauses 41 (1) (b) and 43 of the Environmental Planning and Assessment Regulation 2000 (the Regulation) specify an existing use may be altered with development consent.

The continuing use of the land for the purpose of a caravan park, and alterations to that use, are therefore permitted with consent despite any contrary provision in the LEP Land Use Table.

Clause 7.5—Natural resources sensitivity—water

In responding to Council's concurrence referral of the application, Water NSW noted the banks of an existing open channel traversing the land's eastern portion (identified by the LEP Natural Resources Sensitivity Map as category 3 riparian land) includes exposed soil and is actively eroding, and a sewer pipe is exposed in the open channel that could pollute Council's stormwater system if damaged. Recommended consent **conditions 9 and 12** therefore require implementation of erosion and sediment control measures in the open channel, and require the exposed sewer pipe to be covered in consultation with Council and to Council's satisfaction.



## **Development Control Plans**

### **Moss Vale Town Plan Development Control Plan**

The development is considered satisfactory with respect to the DCP's provisions, which are largely made redundant by those of SEPP 21, discussed earlier.

## **Section 79C Evaluation**

### *(1) Matters for consideration—general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

#### *(a) the provisions of:*

##### *(i) any environmental planning instrument, and*

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

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

*Not applicable.*

##### *(iii) any development control plan, and*

*It has been demonstrated the development satisfactorily complies with the relevant controls.*

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

*Not applicable.*

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

*Not applicable.*

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

*Not applicable.*

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

*Provided recommended conditions of consent are complied with, the continued development is not expected to have any significant negative impact on the environment or the locality's character and amenity.*

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

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

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



The development is considered compatible with the locality's established character and amenity, and the land is not subject to any constraints considered likely to hinder or preclude the development's continued operation in accordance with recommended conditions of consent.

- (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 development is not considered contrary to any known federal, state or local government interests, nor any wider community interests.

## CONSULTATION

### Pre-lodgement Meeting

As discussed earlier regarding background, the development application was made in response to compliance action taken by Council. No formal prelodgement meeting was held to discuss the development.

### External Referrals

Referrals	Advice/Response/Conditions
Water NSW	Water NSW advises it concurs to Council granting consent for the development, subject to concurrence conditions that are conveyed by recommended consent <b>condition 13</b> .

### Internal Referrals

Referrals	Advice/Response/Conditions
Development Compliance Officer	Advice regarding requirements of Division 3 of Part 3 of Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, which are specified by recommended consent <b>condition 8</b> .
Accredited Certifier	Advice regarding approval requirements under section 68 of the Local Government Act 1993, conveyed by recommended consent <b>condition 4</b> .

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

The development application was Neighbour Notified for a period of 18 days between 15 February and 5 March 2018 and Council received one submission. The submission indicates no objection to the development, but raises concern regarding existing pine trees immediately inside the land's western boundary, adjoining the backyards of residential properties on Cherry Tree Close. This issue is not considered relevant in consideration of the proposed development.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

The development's potential environmental impacts are discussed and addressed throughout 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.

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## **RELATIONSHIP TO CORPORATE PLANS**

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

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## **COUNCIL BUDGET IMPLICATIONS**

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

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

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

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



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#### RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, applicable state environmental planning policies and the Moss Vale Town plan Development Control Plan.

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#### OPTIONS

The options available to Council are:

##### **Option 1**

Determine development application 18/0056 by granting consent, subject to the recommended conditions of consent specified in **Attachment 1**.

##### **Option 2**

Determine development application 18/0056 by refusal, and provide reasons for Council's determination.

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

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#### CONCLUSION

Provided recommended consent conditions are complied with, the development is considered satisfactory with respect to the relevant provisions of applicable environmental planning instruments, development control plans and Council policies, and is not expected to have any significant negative impact on the environment or the character and amenity of the locality.

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#### ATTACHMENTS

1. 10.1 18-0056 Attachment 1 - Draft Conditions - *circulated under separate cover*
2. 10.1 18-0056 Attachment 2 - Locality Map and Aerial Image - *circulated under separate cover*
3. 10.1 18-0056 Attachment 3 - Site Plan - *circulated under separate cover*



## 10.2 19/0167 - Residential Alterations and Additions to Dwelling - 34 Duke Street Mittagong

Reference:	455700 19/0167
Report Author:	Senior Accredited Certifier
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	John Webb & Associates
Owner:	Ann Burnaby
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 consider Development Application 19/0167 which seeks approval for alterations and additions to an existing dwelling at 34 Duke Street Mittagong. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

### RECOMMENDATION

**THAT** Development Application 19/0167 which seeks approval for residential alterations and additions at Lot 69 DP15496, No 34 Duke Street, Mittagong be **APPROVED** subject to conditions of consent as described in Attachment 1 to the report.

### REPORT

#### Subject Site and Locality

The subject site is described as Lot 69 in Deposited Plan No. 15496, No 34 Duke Street, Mittagong and is located on the northern side of Duke Street to the north east of the Gibraltar Road / Duke Street intersection. The site has a 34 metre frontage to Duke Street, an overall area of 1803 square metres and an approximate crossfall of approximate 7m from front to rear of the property.

The site is currently developed and contains a dwelling house, twenty one established trees and gardens. The surrounding locality is largely residential detached dwellings on predominately 4000 square metre lots.

10.2 19/0167 - Residential Alterations and Additions to Dwelling - 34  
Duke Street Mittagong

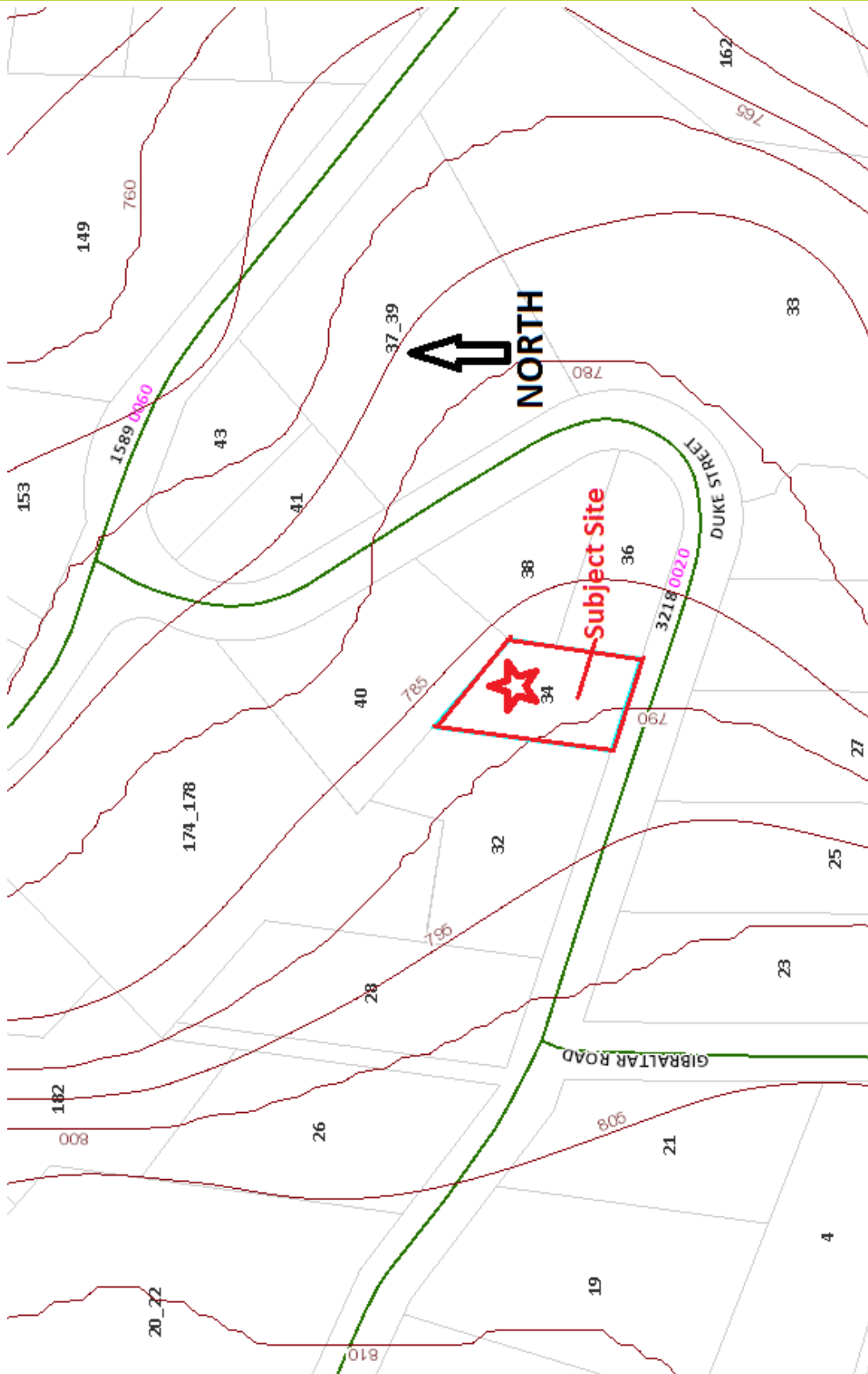


FIGURE 1 – SITE LOCATION



FIGURE 2 – AERIAL IMAGE



**10.2 19/0167 - Residential Alterations and Additions to Dwelling - 34  
Duke Street Mittagong****Proposed Development**

Development Application 19/0167 seeks approval for alterations and additions to an existing dwelling at Lot 69 DP 15496, being 34 Duke Street Mittagong. The proposed development includes:

- Partial demolition of the existing residence to enable construction of the proposed alteration and additions;
- Construction of an attached garage with loft to the western elevation,
- Construction of a deck and addition to the family room and kitchen to the northern elevation,
- Construction of additions to the southern elevation incorporating a sitting room, porch, entry, study and bedroom;
- Construction of a second storey addition over the eastern portion of the dwelling;
- Installation of a new onsite wastewater management system; and
- Removal of eleven (11) trees.

The site plan of the proposed development can be found at **Attachment 2**. The elevations of the proposed development can be found at **Attachment 3**.

**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.

**SEPP – BASIX**

The proposed development is defined as BASIX affected development. The applicant has submitted a current BASIX certificate (A319529\_02) including a summary of all BASIX commitments being indicated on the plans submitted with the application.



### 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 R5 – Large Lot Residential under the *Wingecarribee Local Environmental Plan 2010* and in this zone a dwelling house is permissible with development consent. The objectives of the R5 zone are as follows:

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

##### Clause. 7.1 Development on existing lots in Zones R2, R3 and R5

Dwelling houses are permissible with consent in the R5 zone. The subject site was created as part of the Whinstone Park Estate (DP15496 registered 1/09/1928). The lot contains an existing dwelling which is the subject of the proposed alterations and additions.

##### Clause 7.3 Earthworks

The proposed building requires excavation for the installation of the raft slab for the garage and footings for the dwelling additions. The proposal is located on a moderately sloping site (falling away from the street – south to north). Subject to the installation of onsite stormwater disposal system the proposal is considered to have non-detrimental impacts on drainage patterns in the locality.

No fill is proposed to be brought onto the site as a result of the development with any excavated material proposed to be used on-site as part of the development with excess to be removed to licensed landfill.

Due to previous developments on the site it is considered the likelihood of disturbing relics is minimal. The development is located well clear of any waterways and water catchment areas and as such is unlikely to impact them.

Standard sediment and erosion control measures shall be conditioned to minimise potential sedimentation impacts resulting from the construction works.



**Development Control Plans**

Mittagong Development Control Plan

The development is subject to the Mittagong Town DCP. An assessment of the proposal against the relevant sections of the DCP follows:

DCP Control	Assessment
<i>Part A – All Land</i>	
<i>Section 2 – General Objectives</i>	The proposed development is considered to be consistent with the relevant objectives.
<i>Section 3 – Biodiversity</i>	No loss of native vegetation is proposed. The proposed development is considered to achieve a neutral or beneficial effect on water quality.
<i>Section 4 – Water Management</i>	The subject site is un-sewered land within the Sydney Drinking Water Catchment. In this regard the applicant has provided a water cycle management study that has been reviewed by Council’s Environmental Protection Officer who has completed a Norbe assessment for the proposal and provided recommended conditions of consent ( <b>Attachment 1 - Condition 8</b> ).  Stormwater is proposed to be disposed of onsite where gravity fall to Duke Street is unavailable. Conditions of consent will be imposed requiring the detailed stormwater design to be provided prior to the issue of any Construction Certificate.
<i>Section 5 – Flood Liable Land</i>	The subject site is not identified as containing any flood liable land.
<i>Section 5 – Vegetation Management &amp; Landscaping</i>	Council’s Vegetation Map indicates that the site does not comprise of any critically endangered communities. No native vegetation removal is required for the proposed development.  A Tree Impact Assessment prepared by an arborist has been provided to support the removal of the proposed eleven (11) trees. The report has been reviewed by Council’s Tree and Vegetation Officer who supports the proposal on the basis of the provision of a detailed landscape plan which will be conditioned in the consent to be provided to Council’s satisfaction prior to the issue of any Construction Certificate ( <b>Attachment 1 – Condition 7</b> ).
<i>Section 7 – Subdivision,</i>	No subdivision is proposed as part of this development. Cut and fill has been assessed in accordance with Wingecarribee LEP controls. The site is



DCP Control	Assessment
<i>Demolition, Siting and Design</i>	not within the Heritage Conservation Area nor is it a listed item of heritage.
<i>Section 8 – Safer by Design</i>	The proposal is considered to be consistent with the relevant objectives of this clause.
<i>Section 9 – Construction Standards &amp; Procedures</i>	Stormwater is proposed to be disposed of onsite where gravity fall to Duke Street is unavailable. The applicant has prepared a concept stormwater plan and letter of design intent from consulting engineer. Conditions of consent will be imposed requiring a detailed stormwater design to be provided prior to the issue of any Construction Certificate <b>(Attachment 1 – Condition 8)</b> .
<u>Part C – Residential Zoned Land</u>	
<i>Section 2 – Detached Dwellings &amp; Associated Development</i>	<p style="text-align: center;"><u>C1.5 Height of Buildings</u></p> <p><i>It is noted that residential building heights in the area are generally as follows,</i></p> <p><i>measured from the natural ground level to the roofline:</i></p> <p><i>(a) For single (1) storey development, six (6) metres.</i></p> <p><i>(b) For two (2) storey development, nine (9) metres.</i></p> <p><i>(c) For three (3) storey development, twelve (12) metres.</i></p> <p>The original proposal involved a three storey extension. Amended plans submitted with the application at the time of lodgement included a third storey. In consultation with the applicant amended plans <b>(Attachment 2 and 3)</b> have deleted the third storey (lower ground level) from the building and altered the roof design above the two storey portion. The proposed eastern elevation of the dwelling additions are two storeys with a proposed height of 9m from the existing ground level to the ridge line. The garage and loft are two storeys with a proposed height of 8m from the existing ground level to the ridge line which is compliant with the control.</p> <p><u>C1.6 Building Materials</u></p> <p>The proposed development will be constructed using a combination of brickwork and weatherboard cladding with colorbond roofing which is considered suitable and in keeping with the surrounds.</p> <p><u>C2.3 Dual Occupancy and Secondary Dwellings</u></p> <p>The proposal is for a single dwelling and does not seek consent for a dual</p>

DCP Control	Assessment
	<p>occupancy or secondary dwelling.</p> <p><u>C2.4 Density and Scale</u></p> <p>For lots less than 2,000 square metres, the maximum development footprint is 65% of the site area. The proposal has a development ground level footprint of approx. 430m<sup>2</sup>, which comprises approx. 24% of the 1803m<sup>2</sup> site area.</p> <p><u>C2.5 Dwelling Orientation</u></p> <p>The proposal is considered to meet the controls of this clause. New development shall not reduce the solar access currently enjoyed in living areas and 50% of the primary private open space of adjacent dwellings so that they receive less than three (3) hours of direct sunlight on June 21st. Solar access diagrams (<b>Attachment 3</b>) have been provided to demonstrate that the required solar access levels are maintained to adjacent developments in accordance with the DCP control.</p> <p><u>C2.6 Front Setbacks</u></p> <p>The proposed development has a front setback of 10m to the Duke Street frontage which is approx. 3m forward of the existing dwelling. The front setback is considered to be consistent with the existing streetscape (see figure 3 below).</p>



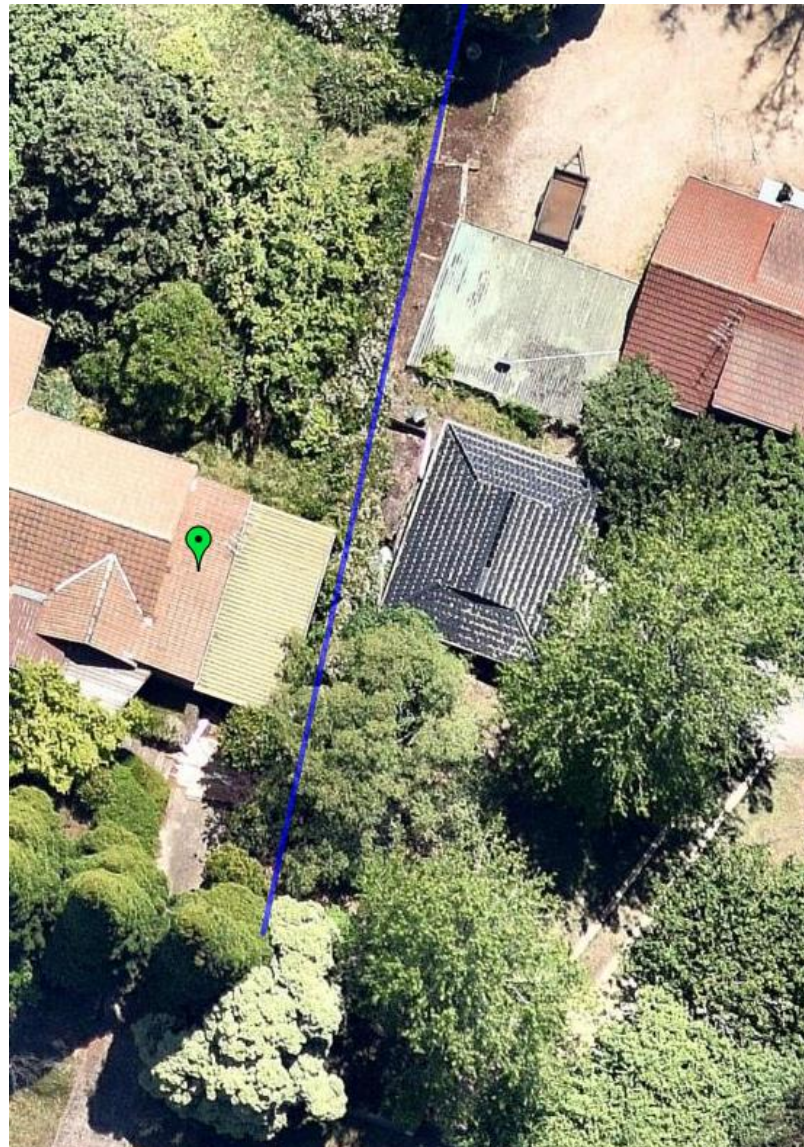
FIGURE 3 – FRONT SETBACK



DCP Control	Assessment
	<p><u>C2.7 Side Setbacks</u></p> <p>In general, subject to site assessment, for allotments over 1500m<sup>2</sup>, the minimum side setback is 2.5m. The proposal has a minimum side setback of 2.5m to the western elevation (garage wing) and 1.6m to the eastern elevation (bedroom wing).</p> <p>The proposed 1.6m setback is not in accordance with the numerical control of the DCP and has therefore been assessed against the objectives of clause C2.7 as follows:</p> <p><i>The side setbacks controls below are intended to achieve the following objectives:</i></p> <ul style="list-style-type: none"> <li>a) <i>Provide adequate building separation between new and existing development for the purposes of privacy, ventilation, fire safety and solar access.</i></li> <li>b) <i>Provide space between dwellings to maintain the detached housing character and for individual identity and visual interest.</i></li> <li>c) <i>Ensure consistent patterns of built and unbuilt spaces within the streetscape.</i></li> <li>d) <i>Offer opportunities for deep soil areas and landscaping.</i></li> </ul> <p>The following assessment regarding the proposed eastern setbacks has been considered:</p> <ul style="list-style-type: none"> <li>• The proposed alterations and additions do not seek to vary the setback from the existing garage to the eastern boundary (<b>see below Figure 4</b>). The subject building is angled to the boundary, with the setback varying from a minimum of 1.6m to approx. 2.5m to the eastern boundary.</li> <li>• The eastern elevation of the proposed additions has two small windows (Window 8 = 800mm x 800mm and Window 26 = 600mm x 600mm), both windows serve non-habitable rooms (i.e. bathrooms). Should consent be granted conditions will be imposed requiring translucent glazing to these windows (<b>Attachment 1 – Condition 25</b>).</li> <li>• Solar access diagrams (<b>Attachment 3</b>) have been provided to demonstrate that the required solar access levels are maintained to adjacent developments in accordance with the DCP control C2.5.</li> <li>• The proposal will not reduce the available extent of landscaping to the eastern boundary. The site coverage and density controls of DCP C2.4 have been achieved.</li> <li>• The proposal is capable of compliance with the Building Code of Australia in relation to fire separation and ventilation.</li> </ul> <p>The proposed development is considered to be consistent with the</p>

DCP Control	Assessment
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relevant objectives of C2.7.



**Figure 4 – Aerial view of existing eastern side setback**

C2.8 Rear Setbacks

For lots greater than 1500m<sup>2</sup>, the minimum rear setback is 10m to 15m, depending on the building height. The proposal has a proposed rear setback of 20m and is thereby in accordance with the controls.

C2.9 Building Height

The subject site is not located within a Heritage Conservation Area and as such the maximum height of a dwelling is two stories. The proposal has been amended to a total of two stories and is in accordance with the height control of C1.5.

C2.10 Roof Forms

The proposal has a roof pitch of 35 degrees which is considered to be



DCP Control	Assessment
	<p>generally in accordance with the relevant provisions of this clause.</p> <p><i>C2.12 Garaging &amp; Driveways Associated with Dwellings</i></p> <p>The proposal includes a double width garage which is located behind the building line of the dwelling and has a width less than 40% of the total width of the dwelling. The proposed development is considered to be generally in accordance with the relevant provisions of this clause.</p> <p><i>C2.13 Private Landscaped Open Space</i></p> <p>The proposal has a development footprint of approx. 24%, and as such meets the minimum requirements for private landscaped open space of 35% for lots less than 2,000m<sup>2</sup>. Ample space is available for consolidated areas and deep soil areas.</p>

**Section 4.15C Evaluation**

*(1) Matters for consideration—general*

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

The proposed dwelling house is permissible within the R5 – Large Lot Residential zone under the *Wingecarribee Local Environmental Plan 2010*; and satisfies the R5 – Large Lot Residential zone objectives.

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

Not applicable in this instance (no relevant draft plans).

*(iii) any development control plan, and*

It has been demonstrated the development satisfactorily complies with the relevant controls and/or objectives of the Mittagong DCP.

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

Not applicable to DA 19/0167.

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

Not applicable to Development Application 17/1794.

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





Not applicable to Development Application 17/1794.

- (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,*

**Impacts of the Development**

**[s4.15(1)(b)]**

<i>Context &amp; Setting</i>	<ul style="list-style-type: none"> <li>- The likely impacts of the development on the context and setting are considered reasonable.</li> <li>- The proposed development will not adversely impact on the streetscape or amenity of adjoining lots, by means of scale, bulk or height.</li> <li>- Neither views, privacy or solar access will be significantly reduced.</li> <li>- The development is not visually intrusive. External materials and finishes have been considered and while a subjective judgment, these have been considered to be satisfactory.</li> </ul>
<i>Access, Transport and Traffic</i>	<ul style="list-style-type: none"> <li>- A Section 138 Roads Act approval is required for the construction of the proposed driveway crossover.</li> <li>- The parking provisions have been considered and found to be satisfactory based on the AS and Council's parking controls</li> </ul>
<i>Public Domain</i>	<ul style="list-style-type: none"> <li>- The subject residential development will not have an adverse impact on the public domain.</li> </ul>
<i>Utilities</i>	<ul style="list-style-type: none"> <li>- Council reticulated water supply is available.</li> <li>- The development will be serviced by a proposed onsite sewage management system.</li> <li>- Electricity and communications are available to the subject site subject to provision by the relevant service provider.</li> </ul>
<i>Heritage</i>	<ul style="list-style-type: none"> <li>- The property is not listed as having heritage significance by Sch. 5 of the Wingecarribee LEP 2010.</li> <li>- The site is not known to be culturally significant or having indigenous heritage value.</li> </ul>
<i>Other Land Resources</i>	<ul style="list-style-type: none"> <li>- The subject development will not have any impact on land resources, such as mineral resources, water or otherwise.</li> </ul>
<i>Air and Microclimate</i>	<ul style="list-style-type: none"> <li>- The subject development will not give rise to any significant air pollution or other emission.</li> </ul>
<i>Soils</i>	<ul style="list-style-type: none"> <li>- The subject development will not have any significant soils impacts.</li> <li>- Excavation is proposed - solely for footing installation.</li> <li>- The site is not subject to any significant soil constraints, i.e. is not noted as acid sulphate, highly erodible, saline or of high productive value.</li> </ul>
<i>Energy</i>	<ul style="list-style-type: none"> <li>- The proposed development does not have a high energy requirement.</li> <li>- The proposed development is adequately served by the energy provision to the subject site.</li> <li>- BASIX energy conservation measures will apply to the subject development and will have beneficial impacts.</li> </ul>
<i>Noise and Vibration</i>	<ul style="list-style-type: none"> <li>- The proposed development will not give rise to any significant noise or vibration generation, beyond typical residential uses.</li> <li>- The adjoining developments are adequately separated to ensure minimal additional impacts.</li> </ul>
<i>Natural Hazards</i>	<ul style="list-style-type: none"> <li>- The subject site is not noted as flood prone land by Council's mapping.</li> <li>- The subject site is mapped as being partially bush-fire prone by the RFS land</li> </ul>



	mapping (buffer). The applicant has lodged a bushfire assessment prepared by a BPAD practitioner which identifies the development as BAL-12.5. These requirements will be conditioned in the approval should consent be granted <b>(Attachment 1 – Condition 28)</b> .
<i>Technological Hazards</i>	<ul style="list-style-type: none"> <li>- No technological/man-made hazards are noted as affecting the site or characteristic of the subject development.</li> <li>- Whilst primarily the subject of the Construction Certificate (CC) assessment process, the overall fire safety of the development has been considered and the subject development is not characterised by excessive fire risk.</li> </ul>
<i>Social and Economic Impacts in the Locality</i>	<ul style="list-style-type: none"> <li>- The single-residential nature of the development will not give rise to any noted adverse social impacts.</li> </ul>
<i>Site Design and Internal Design</i>	<ul style="list-style-type: none"> <li>- The design is not insensitive to site conditions, including constraints such as topography, vegetation, easements, etc.</li> </ul>
<i>Cumulative Impacts</i>	<ul style="list-style-type: none"> <li>- The proposed development is not excessive when considered in a wider context and will not give rise to excessive cumulative impacts.</li> </ul>

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

The proposed development is considered suitable in the given locality. There are no constraints posed by adjacent developments that would prohibit this proposal. There are adequate utilities and services available to the proposed development where necessary. The air quality and microclimate are appropriate for the development, there are no hazardous land uses or activities nearby, and ambient noise levels are suitable for the development.

The site is not subject to flooding and the potential bushfire affectation has been considered. The soil characteristics are appropriate for the development, and there are no critical habitats, or threatened species, populations, ecological communities or habitats on the site. The development will not prejudice future agricultural production and there are no known mineral or extractive resources on the site.

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

Refer to the Consultation section of this report.

*(e) the public interest.*

The proposed residential alterations and additions are consistent with the objectives of Wingecarribee Local Environmental Plan 2010, and are considered to be in the public interest.

**CONSULTATION**

**Internal Referrals**

The required conditions are incorporated throughout the Draft Conditions of Consent **(Attachment 4)**.

Referrals	Advice/Response/Conditions
Tree and Vegetation Officer	Council’s Tree and Vegetation Officer raises no objection to the proposed development on the basis of the provision of a detailed landscape plan which will be conditioned in the consent to be provided to Council’s satisfaction prior to the issue of any Construction Certificate <b>(Attachment 1 – Condition 7)</b> .
Environmental	Council’s Environmental Protection Officer raises no objection to the



Referrals	Advice/Response/Conditions
Protection Officer	proposed Child Care Centre development and has provided conditions of consent ( <b>Attachment 1 – Condition 29</b> ).

**Neighbour Notification**

The development application was Neighbour Notified for a period of 14 days between 13 August 2018 and 29 August 2018 during this period Council received six (6) submissions.

A request for information letter was subsequently sent to the applicant requesting modifications to the proposed plans to address the non-compliances with the DCP that had been raised in the submissions.

Amended plans were received on 18 October 2018 which were re-notified to neighbours for a period of 14 days between 23 October 2018 and 7 November 2018 during this period Council received five (5) submissions. The issues raised in the submissions have been summarised and considered below:

Issues	Response
<p><b>There has been an easement along the western boundary of no 34 for a suspended power cable to serve the irrigation bore located at the rear of no 34 and successive owners of no 34 have honoured this easement.</b></p> <p><b>I have a Paul Sorenson garden of historical significance and we are preparing the property for commercial gain. Access to water is imperative.</b></p> <p><b>The relocation of the septic will be too close to the current bore and compromise water quality. Also, I am extremely concerned about the building extension encroaching too close to a licensed bore.</b></p>	<p>The certificate of title for Lot 69 in Deposited Plan 15496 has been provided which indicates that there is no registered easement for the transmission of power over the subject allotment.</p> <p>The entitlement for an electricity supply transmission easement over the subject allotment is therefore considered a civil matter between the relevant parties.</p> <p>The proposal does not affect the right of carriageway which is registered over the rear of the allotment.</p> <p>Council's Environmental Protection Officer has reviewed the wastewater report and advised that the proposal achieves a neutral or beneficial effect on water quality (Norbe) in its location adjacent the non-potable bore.</p>
<p><b>There is no doubt the height and violation of the setback between boundary number 34 and 36 would impact the value of number 36 dramatically in a negative fashion.</b></p>	<p>The proposed 1.6m setback is considered to be consistent with the relevant objectives of Clause C2.7 of the Mittagong DCP (<b>see Clause C2.7 DCP assessment in body of report</b>).</p>
<p><b>As noted in the Statement of Environmental Effects, the property is 2.024 hectares. This is incorrect.</b></p>	<p>An amended Statement of Environmental Effects has been provided which correctly identifies the area of the subject allotment as being 1827 square metres.</p>



Issues	Response
<p><b>The proposed building does not comply with Council regulations for side boundary setbacks.</b></p>	<p>In general, subject to site assessment, for allotments over 1500m<sup>2</sup>, the minimum side setback is 2.5m. The proposal has a minimum side setback of 2.5m to the western elevation (garage wing) and 1.6m to the eastern elevation (bedroom wing).</p> <p>The proposed 1.6m setback is considered to be consistent with the relevant objectives of clause C2.7 of the Mittagong DCP (<b>see Clause C2.7 DCP assessment in body of report</b>).</p>
<p><b>The Statement of Environmental Effects clearly states that it is a proposed dual occupancy.</b></p>	<p>An amended Statement of Environmental Effects has been provided which correctly identifies the proposal as alterations and additions to an existing residence. The plans do not propose a dual occupancy.</p>
<p><b>There will be massive overshadowing and loss of privacy to the existing residents at no 36 because of the 3 storey wall proposed 1m from the eastern boundary and because of the deck areas overlooking no. 36.</b></p>	<p>Amended plans have been provided which have reduced the height of the building to a maximum of two stories and 9m from the existing ground level to the ridge line.</p> <p>The amended Site Plan indicates the proposal is located a minimum of 1.6m from the allotment boundary.</p> <p>Solar access diagrams (<b>Attachment 3</b>) have been provided to demonstrate that the required solar access levels are maintained to adjacent developments in accordance with the DCP control.</p> <p>The eastern elevation of the proposed additions has two small windows (Window 8 = 800mm x 800mm and Window 26 = 600mm x 600mm) which both serve non-habitable rooms (i.e. bathrooms). Should consent be granted conditions will be imposed requiring translucent glazing to these windows to address potential privacy impacts (<b>Attachment 1 – Condition 25</b>).</p> <p>The balcony originally proposed as being located off the main bedroom on the upper level has been relocated a further 5.5m from the eastern boundary to address potential</p>



Issues	Response
	<p>overlooking impacts.</p> <p>The ground floor deck is located approximately 8m from the eastern boundary and is considered to have adequate separation distance.</p>
<p><b>On the western side the construction of the 2-storey brick walls and roofs as close as 1.2m to the side boundary would endanger the health of the existing cedar trees.</b></p>	<p>An amended Site Plan (<b>Attachment 4</b>) has been provided which has relocated the building a further 1.3m from the boundary resulting in a 2.5m setback in accordance with DCP controls.</p> <p>The arborist report has been reviewed and should consent be granted the Arborists recommendations in regards to any proposed works within the Tree Protection Zone will be conditioned in the consent (<b>Attachment 1 – Conditions 15, 16 and 17</b>).</p>
<p><b>The scaled dimension for the roof height at the eastern end is 11.5 metres. This height is not in compliance with Council’s max height regulation of 9 metres.</b></p>	<p>Amended plans (<b>Attachment 2 and 3</b>) have been provided that delete the third storey (lower ground level) from the building and altered the roof design above the two storey portion. The proposed eastern elevation of the dwelling additions are two storeys with a proposed height of 9m from the existing ground level to the ridge line. The garage and loft are two storeys with a proposed height of 8m from the existing ground level to the ridge line which is compliant with the DCP control.</p>
<p><b>There is no provision for this development, as presented, for entry to the back yard for heavy machinery if required for the septic absorption trench.</b></p>	<p>The proposed development has been relocated 2.5m from the western boundary which is considered adequate space to provide maintenance to the proposed onsite wastewater system.</p>
<p><b>As shown on the architectural drawings issued by Council, the proposed new building presents to the street as a massive 2 and 3 storey building with steep roofs which is a gross over-development of this small site</b></p>	<p>Amended plans (<b>Attachment 2 and 4</b>) have been provided which has reduced the overall height of the building and removed the third storey. The second storey is partially contained within the roof space and the height of the building complies with the DCP controls.</p>



Issues	Response
	Mittagong DCP Clause C2.4 Density and Scale requires lots less than 2,000 square metres, to have a maximum development footprint of 65% of the site area. The proposal has a development ground level footprint of approx. 430m <sup>2</sup> , which comprises approx. 24% of the 1803m <sup>2</sup> site area.

**SUSTAINABILITY ASSESSMENT**

- **Environment**

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

- **Social**

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

- **Broader Economic Implications**

There are no broader economic implications 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 related to development.

**COUNCIL BUDGET IMPLICATIONS**

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

- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court and lose, the question of cost with regard to Council’s legal representation would be determined by the extent of the reasons for refusal;
- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court and win, the question of cost would be dependent upon the extent of the reasons for refusal;

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

**RELATED COUNCIL POLICY**

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, State Environmental Planning Policy (BASIX), and the Mittagong Development Control Plan.

**OPTIONS**

The options available to Council are:

**Option 1**

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

**Option 2**

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

Option 51 is the recommended option to this report.

**CONCLUSION**

It is recommended that Development Application 19/0167 which seeks approval for alterations and additions to an existing dwelling at 34 Duke Street Mittagong 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. 10.2 Attachment 1 - Draft Conditions
2. 10.2 Attachment 2 - Site Plan - *circulated under separate cover*
3. 10.2 Attachment 3 - Elevations - *circulated under separate cover*
4. 10.2 Attachment 4 - Solar Access Diagrams - *circulated under separate cover*



Mark Pepping

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

Thursday 7 February 2019





**SCHEDULE 1 CONDITIONS OF DEVELOPMENT CONSENT**

**ADMINISTRATION CONDITIONS**

**1. Development Description**

Development consent has been granted in accordance with this notice of determination for the purposes of alterations and additions to an existing dwelling and the removal of eleven trees.

**2. Development in Accordance with Plans and Documents**

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

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Site Plan – Sheet 1	18/4321	John Webb	Jan 2019
Floor Plan – Sheet 2	18/4321	John Webb	Jan 2019
Elevations – Sheet 3	18/4321	John Webb	Jan 2019
Solar Access Diagrams – Sheet 4	18/4321	John Webb	Jan 2019
BASIX	A319529_02	John Webb	22/01/2019
Tree Impact Assessment	34 Duke Street Mittagong	Bradley Hawthorne	19/07/2018
Bushfire Attack Level Certificate	0100718	SOWDES	3/07/2018
Wastewater Management Report	0100718	SOWDES	3/07/2018

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

**2. Inconsistency Between Documents**

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

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

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

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

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such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

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

**4. Erection of Signs**

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

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

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

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

**5. Notification of Home Building Act 1989 Requirements**

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

- (a) In the case of work for which a principal contractor is required to be appointed:
  - (i) the name and licence number of the principal contractor, and
  - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) In the case of work to be done by an owner-builder:
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE****6. Section 138 Roads Act 1993 Approval**

Where works are proposed within the road reserve, the developer must obtain approval from Council (as the Roads Authority and/or as required under Section 138 of the *Roads Act 1993*) before any works are undertaken. Works within the road reserve may include

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activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the *Roads Act 1993*.

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

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

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

### 7. Landscape Plan

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

The plan shall include the following information:

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

Consideration within the design should be given to the scale of planting in proportion to the proposed development, consistency with the existing landscape character of the area, potential views, solar access and privacy for neighbouring development.

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

### 8. Detailed Stormwater Drainage System Design

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

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

Where the proposed design extends beyond the property boundary, separate approval under section 138 of the *Roads Act 1993*, must be obtained from Council prior to the commencement of works.

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

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

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

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

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

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

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

- Water supply, sanitary drainage, stormwater drainage and install wastewater system.

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

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK**

**11. Survey location**

The development shall be set out by a Registered Land Surveyor to ensure the correct location on the site in accordance with the approved site plan.

Documentary evidence of such by way of an identification survey prepared by a Registered Land Surveyor shall be submitted to Council or Principal Certifying Authority prior to the first critical stage inspection.

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

**12. Appointment of Principal Certifying Authority**

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

(a) A Construction certificate for the building work has been issued by:

- (i) the consent authority; or
- (ii) an accredited certifier; and

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- (b) the person having the benefit of the development consent has:
- (i) appointed a principal certifying authority for the building work, and
  - (ii) notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the building work commences:
- (i) notified the Council of his or her appointment, and
  - (ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:
- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - (ii) notified the principal certifying authority of such appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- (c) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

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

**13. Erosion and Sediment Control**

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

- (a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.
- (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.
- (e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.

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- (f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

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

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

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

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

**Reason:** *Public safety.*

**15. Tree Protection Measures**

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

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

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

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

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**16. Protection of Trees**

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

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

**CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE**

**17. Supervising Arborist**

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

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

**18. Building Materials & Colour Scheme**

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

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

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

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

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

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

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

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**20. Ground Levels**

Natural ground levels shall not 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.

Finished ground levels shall be graded away from the buildings and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to the storm water drainage system.

**Reason:** *To ensure that natural drainage of the property and adjoining properties is not effected*

**21. Temporary Onsite Toilet**

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

Each toilet shall:

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

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

**22. Waste Management**

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

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

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

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development):
  - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
  - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
  - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the [Protection of the Environment Operations Act 1997](#), and



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- (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the [Protection of the Environment Operations \(Waste\) Regulation 2005](#).
- (2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in October 2013 by Safe Work Australia.

**Reason:** *Structural safety.*

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN INTERIM OR FINAL OCCUPATION CERTIFICATE****24. Occupation Certificate**

In accordance with section 109J of the *Environmental Planning and Assessment Act 1979*, an application for an Occupation Certificate, shall be made on completion of the works and the relevant application fee paid. All works specified in the development consent and approved Construction Certificate plans shall be completed and all development consent conditions complied with prior to the issue of the Occupation Certificate.

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

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

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

**Note:** *A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 109H (4) of the Act) unless an Interim Occupation Certificate or Final Occupation Certificate has been issued in relation to the building or part.*

**25. Translucent Glazing**

Prior to the issue of any Occupation Certificate translucent glazing shall be installed and maintained in the windows in the eastern elevation denoted on the approved floor plan as W8 and W26.

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

**26. BASIX Commitments**

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

In this condition:

- (a) Relevant BASIX Certificate means:

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

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

**27. Stormwater Drainage**

Prior to the issue of any Occupation Certificate:

- (a) Adequate and suitable infrastructure shall be provided onsite to ensure the peak discharge from the site is no greater than the pre-developed peak discharge to prevent a nuisance occurring.
- (b) Roofwater shall be disposed of clear of and downhill of the effluent disposal areas.
- (c) Any regraded areas shall be free draining, away from the building, and shall not concentrate surface water onto adjoining properties.
- (d) Stormwater drainage work shall comply with AS/NZS 3500.3, 2003 - Stormwater drainage;

**Reason:** *To comply with legislation.*

**28. Bush Fire Safeguards**

Buildings located in a designated bush fire prone area shall be constructed in accordance with AS3959 - 2009 "*Construction of Buildings in Bush Fire Prone Areas*" and the document "*Planning for Bush Fire Protection*" as amended. The following measures shall be taken to ensure compliance:

**a. Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply;

At the commencement of building works and in perpetuity an asset protection zone shall be established and maintained over the entire allotment as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bushfire Protection 2006' and the NSW Rural Fire Services document 'Standards for asset protection zones'.

**b. Design and Construction**

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

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- (i) All elevations of the dwelling shall comply with Australian Standard AS3959-2009 "Construction of Buildings in Bush Fire-Prone Areas" BAL 12.5.

**c. Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of building during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- (iii) Water, electricity and gas are to comply with the following requirements of Section 4.1.3 of *Planning for Bush Fire Protection 2006*.
- a) Reticulated or bottled gas is to be installed and maintained in accordance with Australian Standard AS/NZS 1596:2002: 'The storage and handling of LP gas' and the requirements of relevant authorities. Metal piping is to be used.

**e. Landscaping**

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

**Reason:** To comply with legislation.

**29. Effluent Disposal**

- i. The Aerated Wastewater Treatment System and Absorption Bed shall be designed and located in accordance with the recommendations contained within the wastewater report prepared by Sowdes, Ref:0100718 (dated 3/7/2018), John R Webb & Associates Site Plan dated June 2018 (Job No.18/4321) and 'Designing and Installing On-Site Wastewater Systems' (Sydney Catchment Authority, 2012), **but with the following specific requirements and modifications:**
- Install a new secondary treatment **Aerated Wastewater Treatment System tank/s** that has a current NSW Health department accreditation. The location of the treatment tank will be determined by a licenced plumber/drainer to ensure compliant grades of drains from household fixtures to the tank. The treatment tank is to be located a minimum of 1.5 metres away from any building & a minimum of 5 metres away from any property boundary.
  - Install a new **Absorption Bed** with a total minimum base area of **68 square metres**, e.g. one bed 20m long by 3.4m wide.
  - the effluent pipe from the tank pump well to the absorption bed shall be fitted with non-return valves, and shall be buried at a minimum depth of 300 mm (500 mm under an access way) and laid in a manner that provides protection against mechanical damage or deformation.
  - switching valves and/or a dosing/distribution mechanism shall be installed to enable the effluent to be evenly distributed to different parts of the bed/s.
  - all run-on, and stormwater collected from roofs, access roads and other hard surface areas shall be diverted away from the absorption bed area, e.g. by means of a stabilised bund or drain with provision for energy dissipation at the outlet to prevent scouring or erosion.

10.2 19/0167 - Residential Alterations and Additions to Dwelling - 34  
Duke Street Mittagong



19/0167, Lot 69 DP 15496

- ii. The on-site wastewater management system shall be maintained according to Section 5 of the Department of Local Government's guidelines 'Environment & Health Protection Guidelines - On-site Sewage Management for Single Households' (1998) and 'AS/NZS1547:2012 On-site Domestic Wastewater Management' and the manufacturers requirements.
- iii. All effluent shall be fully assimilated within the boundaries of the property.
- iv. No effluent management areas shall be located within 150 m of a named river, 100 m of any perennial or intermittent creek or watercourse, or within 40 m upstream of a dam or drainage depression. Buffer setback distances for the effluent disposal area shall comply with WaterNSW's 'Designing and Installing On-Site Wastewater Systems' (Sydney Catchment Authority, 2012). Minimum setback buffer distances for the Absorption Bed are to be maintained, being a minimum 3 metres downslope (and where flat) or 6 metres upslope of property boundaries.
- v. Appliances and fixtures with at least a four star rating shall be installed in the dwelling to minimise the volume of wastewater produced.
- vi. These conditions of consent relating to wastewater management shall be provided to the installer of the on-site wastewater treatment and effluent disposal systems.
- vii. **The installers of the wastewater treatment and effluent disposal systems shall certify to Council in writing that the wastewater treatment and effluent disposal systems have been constructed and installed as per these conditions of consent and that the systems have been tested and are functioning properly (by lodging the 'Completion of Works Installation Certificate').**
- viii. No Approval to Operate shall be issued until Council has received the written certification from the installers, and Council has approved the on-site wastewater management system under the *Local Government Act 1993* as being consistent with these conditions.
- ix. Effective erosion and sediment controls shall be installed prior to any construction activity. The controls shall prevent sediment or polluted water entering drainage depressions, watercourses or any stormwater drains, and shall be regularly maintained and retained until works have been completed and groundcover established.

*Reason for Conditions i to ix- To ensure that the on-site wastewater treatment and effluent disposal system is appropriately designed, sized and located so as to have a sustainable neutral or beneficial effect on water quality over the longer term.*

**30. Existing Septic Tank**

The contents of the existing septic tank are to be removed by an appropriately licensed pump-out Contractor and disposed of in an approved manner. The existing septic tank wastewater system shall be decommissioned in accordance with the NSW Health Advisory Note No 3 (revised January 2017) for the Destruction, Removal, or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems and Other Sewage Management Facilities.

**END OF CONDITIONS**



## 12 OPERATIONS FINANCE AND RISK

### 12.1 Acquisition of Property - 4 Wattle Lane, Bowral

Reference:	PN1721150
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

#### **PURPOSE**

The purpose of this report is to seek Council approval to retrospectively delegate authority to the former Mayor and General Manager to sign and execute, under the Common Seal of Council the contract documents in relation to the acquisition of 4 Wattle Lane Bowral.

#### **RECOMMENDATION**

**THAT Council retrospectively confirm authority to the former Mayor and General Manager to sign and execute, under the Common Seal of Council the contract documents in relation to the acquisition of 4 Wattle Lane Bowral.**

#### **REPORT**

##### **BACKGROUND**

At its meeting 9 August 2017, Council considered a report in Closed Committee in relation to the acquisition of 4 Wattle Lane Bowral. The property had been identified by Council as a strategic site within the Bowral CBD which would provide long term options for parking and further enhancement of the southern section of the business precinct.

Council resolved the following (MN350/17):

1. *THAT the property purchased by Council at 4 Wattle Lane Bowral be classified as Operational Land pursuant to Section 25 Local Government Act 1993.*
2. *THAT the purchase of the property be funded through a \$1,816,000 transfer from the Moss Vale Aquatic Centre Loan Repayment Reserve and a \$359,000 transfer from the Property Development Reserve.*

##### **REPORT**

It has come to Council's attention that the report presented to Council on the 9 August 2017 in relation to the acquisition of 4 Wattle Lane Bowral contained a number of errors. This report provides Council with details of these errors to ensure there is absolute transparency with respect to the process undertaken to acquire the Wattle Lane site.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

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



The two errors relate to the date that the potential acquisition of the Wattle Lane site was initially reported to Council and the subsequent resolution which was passed at that meeting.

#### Incorrect date of Initial Council Report

The report considered by Council on the 9 August 2017 stated that the potential acquisition of the Wattle Lane site was first considered by Council on the 12 July 2017. This was incorrect. The matter was first considered by Council on the 14 June 2017 via a Closed Committee Report.

This error has no subsequent impact for Council; however it has been identified in this report to ensure that Council is aware that this was incorrectly stated.

#### Incorrect Reference to Council Resolution

The report considered by Council on the 9 August 2017 stated that the previous resolution of Council in relation to the potential acquisition of the Wattle Lane site was as follows:

*MN294/17*

1. ***THAT** the General Manager be delegated authority to acquire the land in Bowral as referred to in the report, within a 20% range of the formal valuation.*
2. ***THAT** the Mayor and General Manager be delegated authority to sign and execute, under the Common Seal of Council, any documents in relation to the purchase of the property.*

The resolution above did not relate to the potential acquisition of the Wattle Lane site. The correct resolution for the potential acquisition of the Wattle Lane site from the Council meeting held on the 14 June 2017 was as follows:

*MN263/17*

***THAT** the General Manager be delegated authority to negotiate with the owner for the potential acquisition of land in Bowral within the range of what was discussed at the meeting AND **THAT** a further report will be submitted to a future Ordinary Meeting of Council following those negotiations.*

The subsequent impact of this error is that Council had not passed a resolution to sign and execute the contract (and any other document) under the Common Seal of Council.

It is important for Council to be aware that advice has been sought from Council's panel solicitors and the Office of Local Government who have confirmed that these errors have no effect on the validity of the contract entered into for the acquisition of the Wattle Lane site.

#### Common Seal of Council

A Council seal is like the signature of a Council. Affixing the seal demonstrates approval of the content of a document and shows what Council has done or agreed to do. Council's seal can only be used following a resolution of Council.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

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



Council's seal is only used for documents that relate to the business of Council, and without limiting the use of the seal, will normally only include:

- The exercise by Council of its functions in relation to the purchase, exchange, leasing, disposal of, and otherwise dealing with, real property,
- Completing agreements or contracts from state or federal government departments where they have requested the agreements or contracts be under seal, or
- Entering into planning agreements.

This report recommends that Council retrospectively confirm authority to the former Mayor and General Manager to sign and execute, under the Common Seal of Council the contract documents in relation to the purchase of 4 Wattle Lane Bowral.

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

None.

#### COMMUNICATION AND CONSULTATION

##### Community Engagement

None required.

##### Internal Communication and Consultation

Executive

##### External Communication and Consultation

Council's panel solicitors

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.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

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



- **Governance**

This report ensures that the necessary resolutions are in place for the signing and execution of the contract documents for the acquisition of the property, 4 Wattle Lane Bowral.

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#### **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications in relation to this report.

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#### **RELATED COUNCIL POLICY**

None.

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#### **CONCLUSION**

This report recommends that Council retrospectively confirm authority to the former Mayor and General Manager to sign and execute, under the Common Seal of Council the contract documents in relation to the purchase of 4 Wattle Lane Bowral.

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#### **ATTACHMENTS**

There are no attachments to this report.





## 12.2 Investment Report - November 2018

Reference:	2104
Report Author:	Deputy Chief Financial Officer
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 30 November 2018.

### RECOMMENDATION

**THAT the information on Council's Investments as at 30 November 2018 be received and noted**

### REPORT

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

This report provides details of Council's Investment Portfolio as at 30 November 2018.

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

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

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

Interest earned from investments totalled \$1,790,217 for the five (5) months to 30 November 2018.

### ATTACHMENTS

1. Investment Report Summary as at 30 November 2018



**Wingecarribee Shire Council**  
**Investment Report Summary**  
For the period ending 30 November 2018  
**List of Investments**

Council's investment portfolio as at 30 November 2018 consists of the following investments:

INVESTMENT PORTFOLIO AS AT 30 NOVEMBER 2018						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
WBC	Term Deposit	4,000,000	2.57%	365	5/12/2018	2.42%
WBC	Term Deposit	4,000,000	2.58%	365	14/12/2018	2.42%
CUA	Term Deposit	3,000,000	2.65%	365	20/12/2018	1.81%
CUA	Term Deposit	6,000,000	2.69%	365	24/01/2019	3.63%
WBC	Term Deposit	2,000,000	2.64%	365	31/01/2019	1.21%
CBA	Term Deposit	3,500,000	2.66%	365	7/02/2019	2.12%
CUA	Term Deposit	3,000,000	2.67%	365	21/02/2019	1.81%
CBA	Term Deposit	5,000,000	2.63%	365	2/03/2019	3.02%
BDCU	Term Deposit	3,000,000	2.65%	365	8/03/2019	1.81%
CUA	Term Deposit	2,000,000	2.71%	365	22/03/2019	1.21%
CBA	Term Deposit	3,000,000	2.78%	365	18/04/2019	1.81%
CBA	Term Deposit	2,000,000	2.78%	365	19/04/2019	1.21%
Bankwest	Term Deposit	3,000,000	2.80%	273	8/05/2019	1.81%
Bankwest	Term Deposit	3,000,000	2.80%	272	13/05/2019	1.81%
Bendigo	Term Deposit	5,000,000	2.80%	365	17/05/2019	3.02%
Bankwest	Term Deposit	5,000,000	2.80%	270	20/05/2019	3.02%
MyState	Term Deposit	5,000,000	2.81%	365	24/05/2019	3.02%
Bankwest	Term Deposit	3,000,000	2.75%	270	24/05/2019	1.81%
Bankwest	Term Deposit	5,000,000	2.75%	272	27/05/2019	3.02%
Bankwest	Term Deposit	5,000,000	2.80%	270	28/05/2019	3.02%
Bankwest	Term Deposit	5,000,000	2.80%	270	28/05/2019	3.02%
Bankwest	Term Deposit	5,000,000	2.75%	270	1/06/2018	3.02%
Auswide	Term Deposit	2,500,000	2.90%	365	19/06/2019	1.51%
Auswide	Term Deposit	5,000,000	2.92%	365	27/06/2019	3.02%
MyState	Term Deposit	5,000,000	2.90%	365	3/07/2019	3.02%
AMP	Term Deposit	5,000,000	2.91%	365	11/07/2019	3.02%
Bendigo	Term Deposit	5,000,000	2.76%	365	25/07/2019	3.02%
Bendigo	Term Deposit	5,000,000	2.77%	365	2/08/2019	3.02%
ME	Term Deposit	5,000,000	2.75%	365	27/08/2019	3.02%
ME	Term Deposit	5,000,000	2.74%	365	6/09/2019	3.02%
Mystate	Term Deposit	5,000,000	2.70%	365	12/09/2019	3.02%
WBC	Term Deposit	2,500,000	2.70%	365	20/09/2019	1.51%
NAB	Term Deposit	5,000,000	2.75%	365	27/09/2019	3.02%
Auswide	Term Deposit	5,000,000	2.75%	365	28/09/2019	3.02%
Rural	Term Deposit	5,000,000	2.75%	365	11/10/2019	3.02%
MyState	Term Deposit	5,000,000	2.80%	365	30/10/2019	3.02%
CUA	Term Deposit	3,000,000	2.77%	365	9/11/2019	1.81%
CUA	Term Deposit	5,000,000	2.77%	365	26/11/2019	3.02%
NAB	Term Deposit	5,000,000	2.77%	365	30/11/2019	3.02%
NAB	Call Account	2,821,000	1.40%	NA	NA	1.71%
<b>Total Investments</b>		<b>\$165,321,000</b>				<b>100.00%</b>

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



## Wingecarribee Shire Council Investment Report Summary

For the period ending 30 November 2018

### Policy Compliance

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

### Individual Institution Limits

A summary of investments placed by institution is as follows:

Institution	S&P Short Term Rating	Maximum %	Actual %	Invested \$	Supports Fossil Fuels	Policy Compliance
NAB	A1+	40%	7.76%	12,821,000	YES	YES
CBA	A1+	40%	8.17%	13,500,000	YES	YES
WBC	A1+	40%	7.56%	12,500,000	YES	YES
Bankwest	A1+	40%	20.57%	34,000,000	YES	YES
AMP	A1	25%	3.02%	5,000,000	YES	YES
BDCU	A2	15%	1.81%	3,000,000	NO	YES
Bendigo	A2	15%	9.07%	15,000,000	NO	YES
Rural Bank	A2	15%	3.02%	5,000,000	NO	YES
CUA	A2	15%	13.31%	22,000,000	NO	YES
ME	A2	15%	6.05%	10,000,000	NO	YES
MyState	A2	15%	12.10%	20,000,000	NO	YES
Auswide	A3	10%	7.56%	12,500,000	NO	YES
<b>Total</b>			<b>100.00%</b>	<b>165,321,000</b>		

### Portfolio Credit Limits

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

S&P Short Term Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	44.05%	72,821,000	YES
A1	80%	3.02%	5,000,000	YES
A2	60%	45.37%	75,000,000	YES
A3	20%	7.56%	12,500,000	YES
Govt	25%	0.00%	0	YES
<b>Total</b>		<b>100.00%</b>	<b>165,321,000</b>	

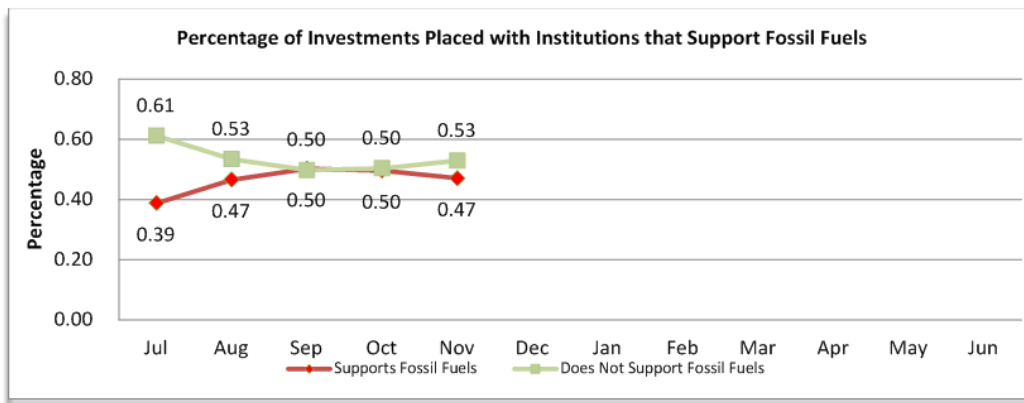


## Wingecarribee Shire Council Investment Report Summary For the period ending 30 November 2018

### Non-Fossil Fuel Investment Preferecing

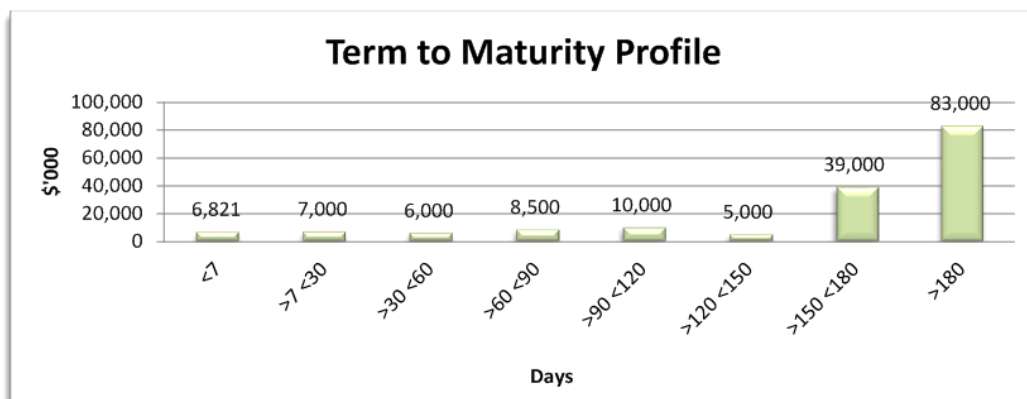
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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



### Term to Maturity

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



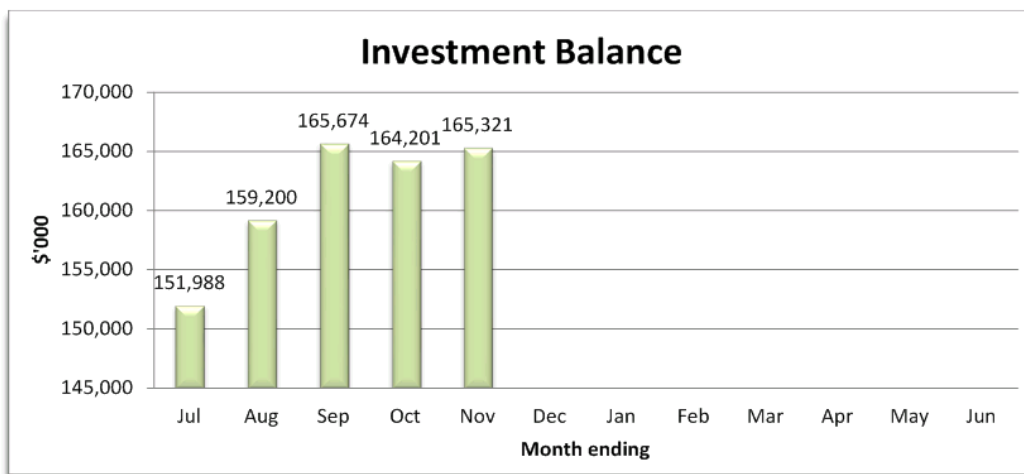


## Wingecarribee Shire Council Investment Report Summary

For the period ending 30 November 2018

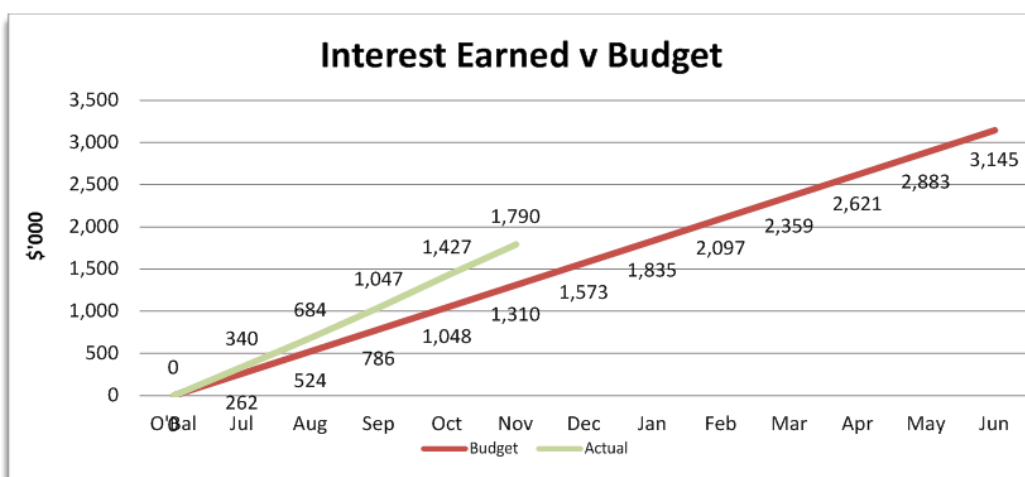
### Portfolio Performance

Council's investment balance at the end of November 2018 was \$165.321 million. This has increased by \$1.120 million since the end of October 2018. The increase in investments is a result of the second quarter rate instalment due on 30 November 2018.



### Interest Revenue

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





## Wingecarribee Shire Council Investment Report Summary

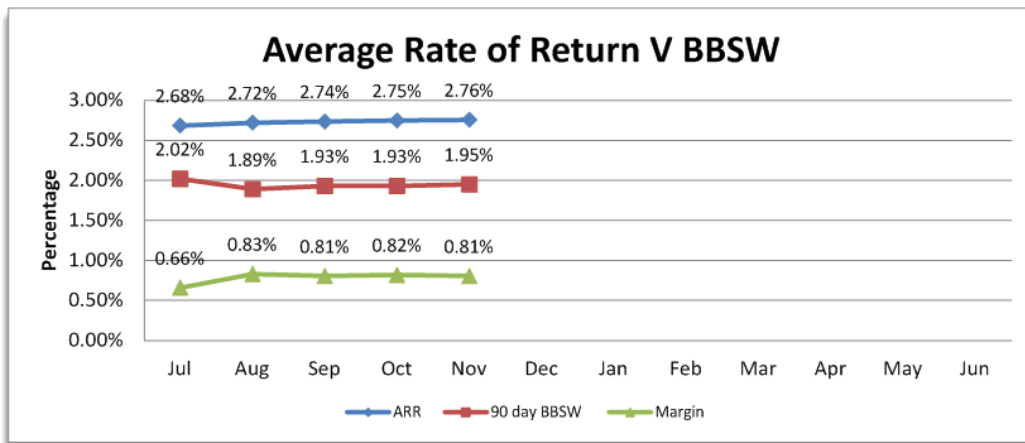
For the period ending 30 November 2018

### Performance against Benchmark

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

The average rate of return (ARR) achieved for November 2018 was 2.76% which has increased by 0.01% since October 2018. There was an increase in the BBSW to 1.95%

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





## 12.3 Investment Report - December 2018

Reference:	2104
Report Author:	Deputy Chief Financial Officer
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to present Council's Investment Portfolio held at 31 December 2018.

### RECOMMENDATION

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

### REPORT

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

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

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

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

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

Interest earned from investments totalled \$2,171,850.80 for the six (6) months to 31 December 2018.

### ATTACHMENTS

1. Investment Report Summary as at 31 December 2018



**Wingecarribee Shire Council**  
**Investment Report Summary**  
 For the period ending 31 December 2018  
**List of Investments**

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

INVESTMENT PORTFOLIO AS AT 31 December 2018						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
Bankwest	Term Deposit	4,000,000	2.10%	30	4/01/2019	2.44%
CUA	Term Deposit	6,000,000	2.69%	365	24/01/2019	3.66%
WBC	Term Deposit	2,000,000	2.64%	365	31/01/2019	1.22%
CBA	Term Deposit	3,500,000	2.66%	365	7/02/2019	2.14%
CUA	Term Deposit	3,000,000	2.67%	365	21/02/2019	1.83%
CBA	Term Deposit	5,000,000	2.63%	365	2/03/2019	3.05%
BDCU	Term Deposit	3,000,000	2.65%	365	8/03/2019	1.83%
CUA	Term Deposit	2,000,000	2.71%	365	22/03/2019	1.22%
CBA	Term Deposit	3,000,000	2.78%	365	18/04/2019	1.83%
CBA	Term Deposit	2,000,000	2.78%	365	19/04/2019	1.22%
Bankwest	Term Deposit	3,000,000	2.80%	273	8/05/2019	1.83%
Bankwest	Term Deposit	3,000,000	2.80%	272	13/05/2019	1.83%
Bendigo	Term Deposit	5,000,000	2.80%	365	17/05/2019	3.05%
Bankwest	Term Deposit	5,000,000	2.80%	270	20/05/2019	3.05%
MyState	Term Deposit	5,000,000	2.81%	365	24/05/2019	3.05%
Bankwest	Term Deposit	3,000,000	2.75%	270	24/05/2019	1.83%
Bankwest	Term Deposit	5,000,000	2.75%	272	27/05/2019	3.05%
Bankwest	Term Deposit	5,000,000	2.80%	270	28/05/2019	3.05%
Bankwest	Term Deposit	5,000,000	2.80%	270	28/05/2019	3.05%
Bankwest	Term Deposit	5,000,000	2.75%	270	1/06/2018	3.05%
Auswide	Term Deposit	2,500,000	2.90%	365	19/06/2019	1.53%
Auswide	Term Deposit	5,000,000	2.92%	365	27/06/2019	3.05%
MyState	Term Deposit	5,000,000	2.90%	365	3/07/2019	3.05%
AMP	Term Deposit	5,000,000	2.91%	365	11/07/2019	3.05%
Bendigo	Term Deposit	5,000,000	2.76%	365	25/07/2019	3.05%
Bendigo	Term Deposit	5,000,000	2.77%	365	2/08/2019	3.05%
ME	Term Deposit	5,000,000	2.75%	365	27/08/2019	3.05%
ME	Term Deposit	5,000,000	2.74%	365	6/09/2019	3.05%
Mystate	Term Deposit	5,000,000	2.70%	365	12/09/2019	3.05%
WBC	Term Deposit	2,500,000	2.70%	365	20/09/2019	1.53%
NAB	Term Deposit	5,000,000	2.75%	365	27/09/2019	3.05%
Auswide	Term Deposit	5,000,000	2.75%	365	28/09/2019	3.05%
Rural	Term Deposit	5,000,000	2.75%	365	11/10/2019	3.05%
MyState	Term Deposit	5,000,000	2.80%	365	30/10/2019	3.05%
CUA	Term Deposit	3,000,000	2.77%	365	9/11/2019	1.83%
CUA	Term Deposit	5,000,000	2.77%	365	26/11/2019	3.05%
NAB	Term Deposit	5,000,000	2.77%	365	30/11/2019	3.05%
WBC	Term Deposit	4,000,000	2.73%	365	14/12/2019	2.44%
NAB	Call Account	4,360,700	1.40%	NA	NA	2.66%
<b>Total Investments</b>		<b>\$163,860,700</b>				<b>100.00%</b>

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





## Wingecarribee Shire Council Investment Report Summary

For the period ending 31 December 2018

### Policy Compliance

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

### Individual Institution Limits

A summary of investments placed by institution is as follows:

Institution	S&P Short Term Rating	Maximum %	Actual %	Invested \$	Supports Fossil Fuels	Policy Compliance
NAB	A1+	40%	8.76%	14,360,700	YES	YES
CBA	A1+	40%	8.24%	13,500,000	YES	YES
WBC	A1+	40%	5.19%	8,500,000	YES	YES
Bankwest	A1+	40%	23.19%	38,000,000	YES	YES
AMP	A1	25%	3.05%	5,000,000	YES	YES
BDCU	A2	15%	1.83%	3,000,000	NO	YES
Bendigo	A2	15%	9.15%	15,000,000	NO	YES
Rural Bank	A2	15%	3.05%	5,000,000	NO	YES
CUA	A2	15%	11.60%	19,000,000	NO	YES
ME	A2	15%	6.10%	10,000,000	NO	YES
MyState	A2	15%	12.21%	20,000,000	NO	YES
Auswide	A3	10%	7.63%	12,500,000	NO	YES
<b>Total</b>			<b>100.00%</b>	<b>163,860,700</b>		

### Portfolio Credit Limits

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

S&P Short Term Rating	Maximum %	Actual %	Invested \$	Policy Compliance
A1+	100%	45.38%	74,360,700	YES
A1	80%	3.05%	5,000,000	YES
A2	60%	43.94%	72,000,000	YES
A3	20%	7.63%	12,500,000	YES
Govt	25%	0.00%	0	YES
<b>Total</b>		<b>100.00%</b>	<b>163,860,700</b>	

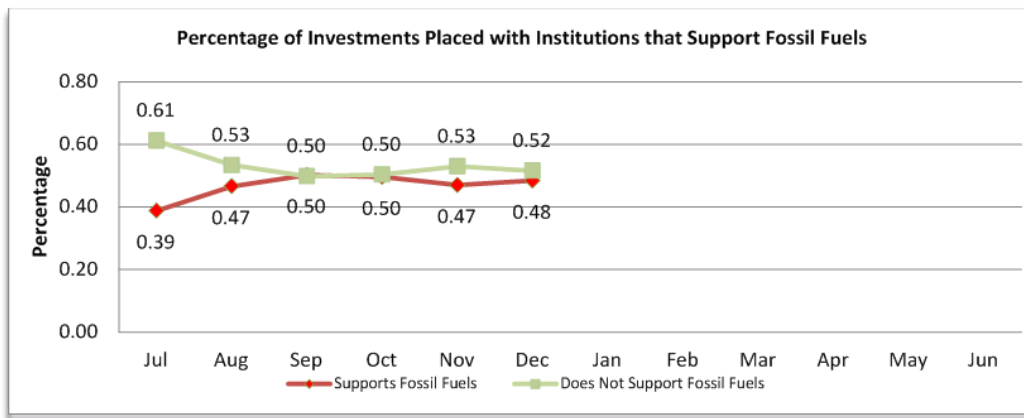


## Wingecarribee Shire Council Investment Report Summary For the period ending 31 December 2018

### Non-Fossil Fuel Investment Preferring

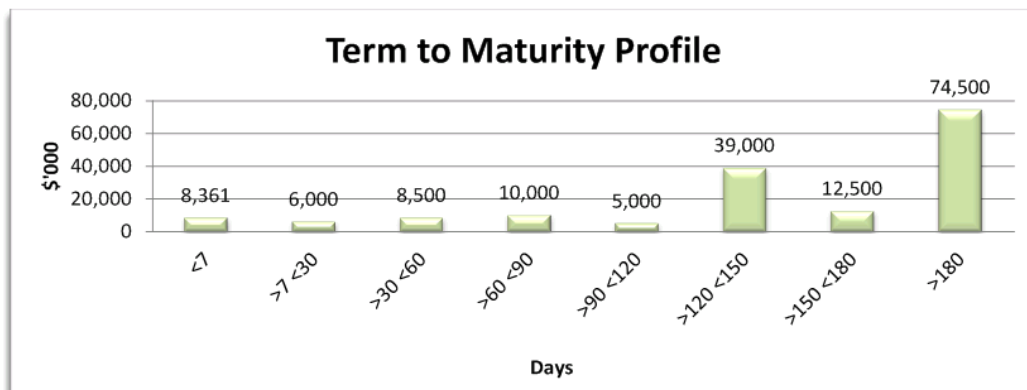
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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



### Term to Maturity

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



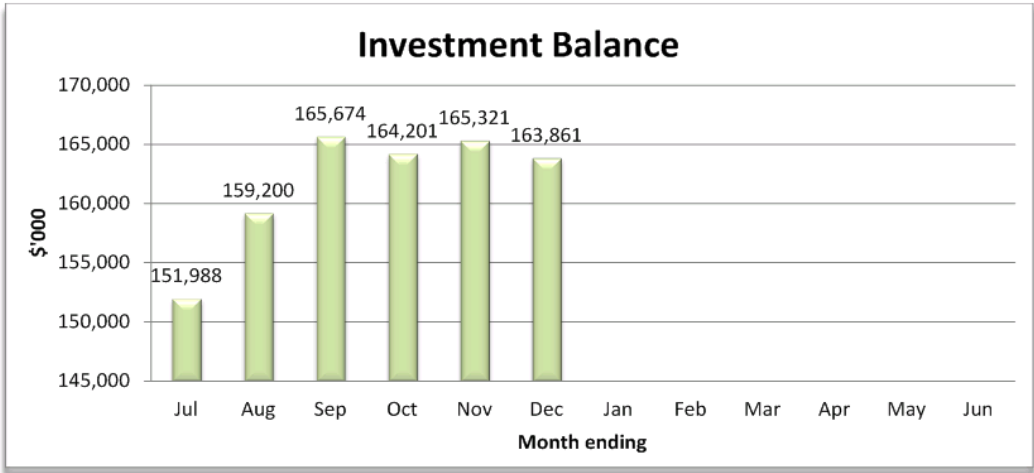


## Wingecarribee Shire Council Investment Report Summary

For the period ending 31 December 2018

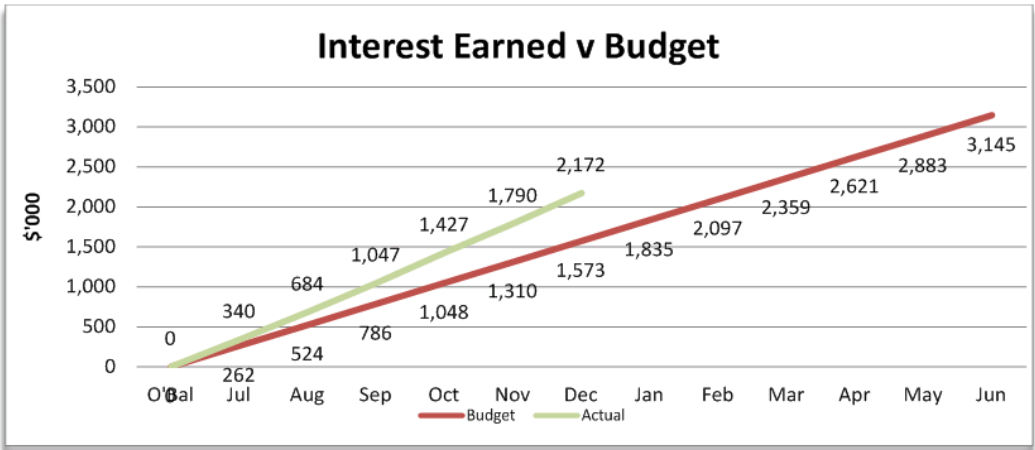
### Portfolio Performance

Council's investment balance at the end of December 2018 was \$163.861 million. This has decreased by \$1.460 million since the end of November 2018. The decrease in investments is a result of operational and capital expenditure payments during the December period.



### Interest Revenue

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





## Wingecarribee Shire Council Investment Report Summary

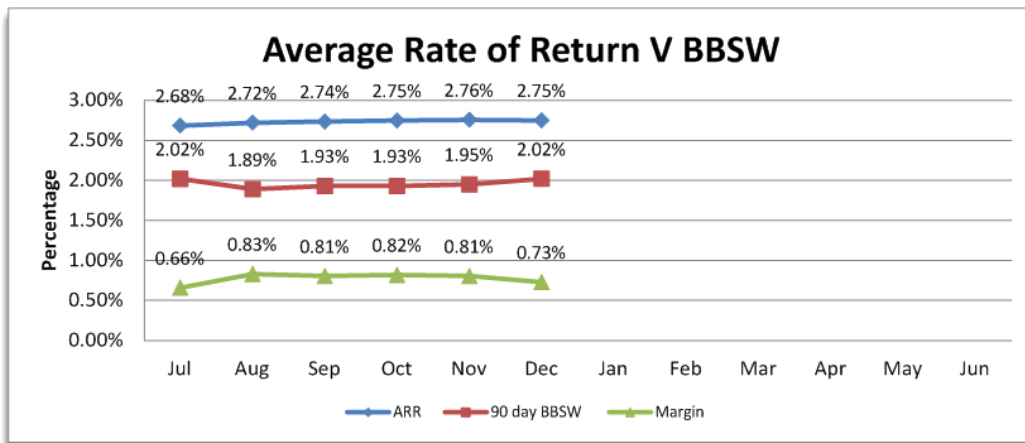
For the period ending 31 December 2018

### Performance against Benchmark

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

The average rate of return (ARR) achieved for December 2018 was 2.75% which has decreased by 0.01% since November 2018. There was an increase in the BBSW to 2.02%

The margin above BBSW has decreased in December 2018 by 0.08% as rates available in the fixed interest market remain relatively stable.



## 12.4 Final Approval of various Road Closures

Reference:	RD 4711
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 obtain formal approval of Council in relation to the applications to close the following unformed roads within the Shire:

- Part of unformed segment of Nicholson Street, Berrima, adjacent to 3443 Old Hume Highway, Berrima.
- Part Wilde Street, Wildes Meadow.
- Part Siemens Street, Mittagong adjacent to 16 Siemens Street, Mittagong.
- Part Argyle Street, Mittagong adjacent to 6 Argyle Street, Mittagong.
- Part Wilson Drive, Colo Vale being the site of the new Colo Vale Rural Fire Service.

### RECOMMENDATION

1. **THAT** pursuant to Part 4 Division 3 of the Roads Act 1993, Council as roads authority formally approve the partial road closures of:
  - Nicholson Street, Berrima;
  - Wilde Street, Wildes Meadow;
  - Siemens Street, Mittagong;
  - Argyle Street, Mittagong; and
  - Wilson Drive, Colo Vale

**AND THAT** it be noted that all costs in relation to the closures and future sales of the closed portions of road are to be paid for by the respective applicants.
2. **THAT** following the closure and sale of the roads listed in Resolution 1 above, the applicants be required to consolidate the newly created lots (being the former segments of closed road) with the applicant's respective property at their own cost and expense within 12 months of the transfer of the new lots to the applicants.
3. **THAT** the General Manager and Mayor be delegated authority to execute under the Common Seal of Council any agreements, plans or real property dealings in respect of the road closures and any future sales of the roads referred to in Resolution 1 above.
4. **THAT** with respect to Wilson Drive, Colo Vale, the newly created lot shall be classified as Operational Land, pursuant to the *Local Government Act 1993*.

---

**REPORT**

**BACKGROUND**

As a result of recent legislative changes, councils have been delegated the power to officially close council public roads. Previously, while Council may have given in-principle support to a road closure, the formal (official) approval was granted by the Minister for Lands. Set out below is a brief summary of each of the road closures previously given the in-principle approval of Council, which are now proposed for formal approval for closure by Council:

**Nicholson Street, Mittagong**

A report was considered by Council on 12 April 2017 to invite an application to close part of Nicholson Street, Berrima adjoining 3415 Old Hume Highway, Berrima. In-principle support was given by Council for the closure. Subsequently the proposed road closure was notified and advertised.

**Wilde Street, Wildes Meadow**

A report was considered by Council on 25 February, 2015 to invite an application to close part of the road known as Wilde Street, Wildes Meadow. In-principle support was given by Council at that time for the closure and the proposed road closure was then subsequently notified and advertised.

**Siemens Street, Mittagong**

A report was considered by Council on 26 October, 2016 to invite an application to close part of Siemens Street, Mittagong adjoining 16 Siemens Street, Bowral. In-principle support was given by Council for the closure and the proposed road closure was notified and advertised.

A summary findings report was prepared and submitted to the Crown (Minister for Lands). The consent of the Crown was given however new legislation was introduced and the application could not be finalised prior to commencement of the new legislation. This resulted in the application for road closure being returned to Council for re-advertising and the formal approval for closure by Council.

**Argyle Street, Mittagong**

A report was considered by Council on 26 July, 2017 to invite an application to close part of Argyle Street, Mittagong adjoining 6 Argyle Street, Mittagong. In-principle support was given by Council for the closure and the proposed road closure was notified and advertised.

A summary findings report was prepared and submitted to the Crown (Minister for Lands). The consent of the Crown was given however new legislation was introduced and the application could not be finalised prior to commencement of the new legislation. This resulted in the application for road closure being returned to Council for re-advertising and the formal approval for closure by Council.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

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



#### **Wilson Drive, Colo Vale**

A report was considered by Council on 26 July, 2017 to invite an application to close part of Wilson Drive, Colo Vale. Council was the applicant in respect of this road closure, on behalf of New South Wales Rural Fire Service. In-principle support was given by Council at that time for the closure and the proposed road closure was notified and advertised accordingly.

A summary findings report was prepared and submitted to the Crown (Minister for Lands). The approval of the Minister was given however, with the introduction of the new legislation, the closure could not be finalised prior to commencement of the new legislation. This resulted in the application for road closure being returned to Council for re-advertising and the formal approval for closure by Council.

#### **REPORT**

This report includes 4 proposed road closures by applicants being the owners of the respective adjoining properties.

In respect of each of the road closures, Council officers have undertaken the following procedures in accordance with legislative requirements:

- A temporary public notice was erected within the area of the unformed road to be closed which remained in place for 28 days.
- The proposed road closures were advertised in the Southern Highlands News for 4 consecutive weeks allowing a period of 28 days for submissions to be received.
- The proposed road closures were also advertised on Council's websites and on Council's notices boards in the Civic Centre and at all Council's libraries.
- The notifiable authorities (including various government departments and authorities) were given notice in writing of the proposed road closures.
- Neighbour notifications were sent to other residents in the vicinity of the proposed portion of road to be closed.

In respect of each of the road closures reported below, a summary of the findings (which usually would have been submitted to the Minister, for formal approval of a road closure) is submitted to Council for information in the form of the listed attachments to this report.

#### **Part Nicholson Street Berrima**

The owners of 3443 Old Hume Highway Berrima submitted their application to Council to close a portion of the unformed Nicholson Street, Berrima, directly adjoining their property.

The area of road proposed to be closed is shown in **Attachment 1** to this report.

One objection was received from a resident that lives in Burwan Street, in the vicinity of the road:

<b>Comment</b>	<b>Officer Response</b>
Berrima is losing wild life corridors in the area, reducing habitat for wildlife.	The application for road closure was referred to all relevant branches for review and comment including Environment & Sustainability. No objection was received to the proposal.
I live in Burwan Street. Already half of this	The application for this specific road closure

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

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



road has been sold, reducing access in the event of a fire or emergency. I note Stockade Street access to Oldbury Road has also been sold – again reducing entry/exit points for residents in this vicinity.	is for part of an unformed road off the Old Hume Highway. No other adjoining property owners are impacted by the closure as the unformed road does not adjoin other properties.
Paper roads also provide green space and corridors for people. Selling off this remaining portion of this road, reduces the amenity of this area for residents and the community.	The application for this specific road closure is for part of an unformed road off the Old Hume Highway. No other adjoining property owners are impacted by the closure as the unformed road does not adjoin other properties.
I understand that the owner is planning to operate Air B&B type accommodation from this property an unmade road should not be sold to benefit the business operations of one owner eg. improving access for Air B&B”.	Council is not aware of any future plans of the applicant for the use of the property. As is the case, any future application for development would need to be determined on its merits by Council as consent authority.

No objections have been received from notifiable authorities.

A summary of the findings in respect of this road closure is attached to this report (**Attachment 2**).

#### **Wilde Street, Wildes Meadow**

The applicants in respect of this application applied to Council for the portion of Wilde Street, Wildes Meadow, directly adjoining their properties.

The area of road proposed to be closed is shown in **Attachment 3** to this report.

No objections were received from any adjoining residents. The only submission received from notifiable authorities was to ensure easements were granted upon closure for any services located on the area of road to be closed; the necessary easements are agreed to be included in the plan of road closure.

A summary of the findings in respect of this road closure is submitted to Council as **Attachment 4**.

#### **Siemens Street, Mittagong**

The owners of 16 Siemens Street, Mittagong have submitted their application to Council to close the portion of Siemens Street, Mittagong, directly adjoining their property.

The area of road proposed to be closed is shown in **Attachment 5** to this report.

No objections were received from any adjoining residents. The only submission received from notifiable authorities was to ensure easements were granted upon closure for any services located on the area of road to be closed.



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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



A summary of the findings in respect of this road closure is submitted to Council as **Attachment 6**.

#### **Argyle Street, Mittagong**

The owners of 6 Argyle Street, Mittagong have submitted their application to Council to close the portion of Siemens Street, Mittagong, directly adjoining their property.

The area of road proposed to be closed is shown in **Attachment 7** to this report.

When the proposed road closure was initially advertised, three objections were received:

<b>Comment</b>	<b>Officer Response</b>
Short sighted of Council to sell the section, as future Council's may agree to more development along the street and access to Old South Road would be a good option if travelling to Sydney and Bowral.	Access to Old South Road from Mary Street is already provided via Range Road. Council is not aware of any future plans to change the zoning or further develop the area of Argyle Street.  This objection was previously submitted to the Crown and approval of the Crown given to the road closure application.  The person making the submission was advised of the Crown's decision and no further submission was received during the second period of public exhibition undertaken by Council.
It is inappropriate for the road to be closed and sold to only one adjoining land owner because that will enable that adjoining lot owner to own the road and utilise it exclusively.  Request easement in favour of all adjoining land owners.	The applicant is the last property on the formed section of the road and the only resident to utilise the section of road proposed to be closed. The adjoining owner accesses their property from a different road and has abundant access options from two roads bounding their property. Closure of this small section of road will have no impact on access to adjoining properties.  This objection was previously submitted to the Crown and approval of the Crown given to the road closure application.  The person making the submission was advised of the Crown's decision and no further submission was received during the second period of public exhibition undertaken by Council.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

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



Comment	Officer Response
Prohibit future access to Old South Road. With the current one acre zoning in Mary Street and the possible future development of the Argyle Street area, completion of the construction of Argyle Street would connect Mary Street to Old South Road making it beneficial to all road users whether heading to Sydney, Moss Vale or coastal areas.	Access to Old South Road from Mary Street is already provided via Range Road. Council is not aware of any future plans to develop Argyle Street.  This objection was previously submitted to the Crown and approval of the Crown given to the road closure application.  The person making the submission was advised of the Crown's decision and no further submission was received during the second period of public exhibition undertaken by Council.

Submissions were also received from notifiable authorities to ensure easements were granted upon closure for any services located on the area of road to be closed.

No objections to the road closure were received during the second advertising period.

A summary of the findings in respect of this road closure is submitted to Council as **Attachment 8**.

#### **Wilson Drive, Colo Vale**

Council has submitted an application to close a portion of Wilson Drive, Colo Vale, being the site of the new Rural Fire Service premises.

The area of road proposed to be closed is shown in **Attachment 9** to this report.

No objections were received from any adjoining residents or notifiable authorities.

A summary of the findings in respect of this road closure is submitted to Council as **Attachment 10**.

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

None identified.

#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

Public notice of the intention to close part of the unformed road(s) has been advertised for the minimum twenty eight (28) days. Public notice was also directly sent to property owners in the vicinity of the unformed road.



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**Internal Communication and Consultation**

The relevant Council officers were consulted and invited to comment in relation to the closure and sale of the unformed road. There were no objections from Council officers.

**External Communication and Consultation**

Adjoining owners/applicants

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**SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

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**COUNCIL BUDGET IMPLICATIONS**

The applicants are responsible for the payment of all fees and charges in relation to the road closures.

The formed roads will vest in Council (i.e. Siemen Street, Argyle Street and Wilde Street) for sale to relevant applicants. As Nicholson Street, Berrima is unformed; it will vest in the Crown when closed. The sale prices will be determined by valuation and, if agreed between the Council/Crown and the applicant, the proceeds will be paid to Council and Crown respectively. Wilson Drive, Colo Vale will remain vested in Council as operational land.

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**RELATED COUNCIL POLICY**

None



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## **CONCLUSION**

It is recommended that Council resolve to formally approve the road closures pursuant to the authority delegated to it under Part 4 Division 3 of the *Roads Act 1993* as amended.

This report also recommends that, following registration of a Plan of Road Closure, the applicants be required to consolidate the newly created lot into their own property within 12 months of transfer. Authority is recommended to be delegated to the General Manager and Mayor to execute any documentation required, under the Common Seal if required, to give effect to the resolutions of Council.

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## **ATTACHMENTS**

1. 12.3 Attachment 1 - aerial map Nicholson Street Berrima
2. 12.3 Attachment 2 - report and statement Nicholson Street, Berrima
3. 12.3 Attachment 3 - aerial map Wilde Street Wildes Meadow
4. 12.3 Attachment 4 - report and statement Wilde Street, Wildes Meadow
5. 12.3 Attachment 5 - aerial map Siemens Street Mittagong
6. 12.3 Attachment 6 - Report and statement Siemens Street, Mittagong
7. 12.3 Attachment 7 - aerial map of Argyle Street, Mittagong
8. 12.3 Attachment 8 - report and statement Argyle Street, Mittagong
9. 12.3 Attachment 9 - aerial map Wilson Drive, Colo Vale
10. 12.3 Attachment 10 - report and statement Wilson Drive, Colo Vale

12.4 Final Approval of various Road Closures

ATTACHMENT 1  
Berrima

12.3 Attachment 1 - aerial map Nicholson Street



**Attachment 1**



3443 Old Hume Highway, Berrima

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## Report and Statement

**Re: Proposed Road Closing – PART NICHOLSON STREET, BERRIMA**

### Background

The part of Nicholson Street, Berrima proposed to be closed is unformed. The road has been dedicated as public road by publication in the government gazette.

Upon closing, the newly created title will vest in Crown for disposal to the adjoining owner.

### Applicant

This Application is made by a third party, having been initiated by Paul Nadin being the registered proprietors of Lot 1 in DP1114521 which adjoins Nicholson Street, Berrima.

### Statutory Requirements.

Council has undertaken the following processes:

- 1) Carried out a full status check on the road.
- 2) Advertised intention to close the Council public road in a local newspaper circulating in the same area as the intended closing.
- 3) Sent notification of the proposal to all affected parties and authorities prior to placement of the advertisement, noting the 28 day submission period.
- 4) Considered all submissions received.

### Statement

Council has undertaken all of the necessary statutory requirements in respect of the proposed closing of part Nicholson Street, Berrima.

During the Public Exhibition Period, a formal submission was received, details of which have been outlined in the Council report. Council has formed the opinion that the road can be closed however no further progress can be made without referring back to Council for approval.

It is recommended that the road known as part Nicholson Street, Berrima be approved by Council for closure.

12.4 Final Approval of various Road Closures

ATTACHMENT 3 12.3 Attachment 3 - aerial map Wilde Street Wildes Meadow



Attachment 3



Attachment 3 - aerial map of road to be closed

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## 12.4 Final Approval of various Road Closures

## ATTACHMENT 4 12.3 Attachment 4 - report and statement Wilde Street, Wildes Meadow

**Attachment 4**

## Report and Statement

### Re: Proposed Road Closing – PART WILDE STREET WILDES MEADOW

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#### Background

Wilde Street, Wildes Meadow was created in Primary Application 25565 shown in DP 75565 surveyed and registered in 1923.

No evidence could be found as to the formal dedication of this street at the time of our initial investigations. Council subsequently had Wilde Street Dedicated to the public by way of NSW Government Gazette Notices dated 28 August 2015 and 27 May 2016.

Upon closing, the newly created title will vest in Council for disposal to the adjoining owner, at 433 Wildes Meadow Road, Wildes Meadow.

#### Applicant

This Application is made by a third party, having been initiated by third party Applicant, J & BN Hill, CM Hill, J Hill, and T Hill. The Hill Family is the registered proprietor of Lot 1 DP 1070514, 433 Wildes Meadow Road, Wildes Meadow and Lot 2 DP 719033, 403 Wildes Meadow Road, Wildes Meadow.

#### Statutory Requirements

In accordance with the new processes adopted by the Crown, Council has undertaken the following processes:

- 1) Carried out a full status check on the road.
- 2) Advertised intention to close the Council public road in a local newspaper circulating in the same area as the intended closing.
- 3) Sent notification of the proposal to all affected parties and authorities prior to placement of the advertisement, noting the 28 day submission period.
- 4) Considered all submissions received by Council.



12.4 Final Approval of various Road Closures

ATTACHMENT 4 12.3 Attachment 4 - report and statement Wilde Street, Wildes Meadow



- 2 -

**Statement**

Council has undertaken all of the necessary statutory requirements in respect of the proposed closing of part Wilde Street, Wildes Meadow.

Whilst investigating the proposed closure, it has been noted that access to the following properties will be affected by the road closure:

- Lot 2 DP 719033 – 403 Wildes Meadow Road, Wildes Meadow
- Lot 25 DP 531984 – 429 Wildes Meadow Road, Wildes Meadow

It is proposed that a Right of Carriageway be provided for in the Plan of Road Closure and First Title Creation to legalise access to these properties. Please see attached Aerial Map indicating the properties affected.

Having reviewed all submissions made, Council has formed the opinion that the road can be closed.

It is recommended by Council that the road known as part Wilde Street, Wildes Meadow be approved by the Crown for closure.



Attachment 5



Attachment 6 - aerial map of road to be closed

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**Attachment 6**

## Report and Statement

Re: Proposed Road Closing – PART SIEMENS STREET, MITTAGONG

### Background

The road known as Siemens Street, Mittagong, was created and provided for in Deposited Plan 1338 dated 7 October 1884.

Siemens Street, was dedicated as public road, by way of NSW Government Gazette Notice dated 13 October 2006, Folio 8775.

Upon closing, the newly created title will vest in Council for disposal to the adjoining owner.

### Applicant

This Application is made by a third party, having been initiated by Mr E Simmons and Ms M Conway, owners of 16 Siemens Street, Mittagong, which directly adjoins the portion of road applied for closure.

### Statutory Requirements

In accordance with the new processes adopted by the Crown, Council has undertaken the following processes:

- 1) Carried out a full status check on the road.
- 2) Advertised intention to close the Council public road in a local newspaper circulating in the same area as the intended closing.
- 3) Sent notification of the proposal to all affected parties and authorities prior to placement of the advertisement, noting the 28 day submission period.
- 4) Considered all submissions received.

### Statement

Council has undertaken all of the necessary statutory requirements in respect of the proposed closing of part Siemens Street, Mittagong.

During the Public Exhibition Period, there were two (2) formal submissions or objections received.

- Wingecarribee Shire Council dated 4 December 2017
- Jemena dated 2 January 2018.

Both of these submissions can be dealt with by placing easements and restrictions on the use of the land in the Deposited Plan Administration Sheet to accompany the Plan of Road Closure, as requested by each authority.

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

[www.wsc.nsw.gov](http://www.wsc.nsw.gov)

*Working with you*

**12.4 Final Approval of various Road Closures  
ATTACHMENT 6      12.3 Attachment 6 - Report and statement  
Siemens Street, Mittagong**



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- 2 -

In turn, Council has formed the opinion that the road can be closed.

It is recommended by Council that the road known as part Siemens Street, Mittagong be approved by the Crown for closure.

12.4 Final Approval of various Road Closures

ATTACHMENT 7

12.3 Attachment 7 - aerial map of Argyle Street,

Mittagong



Attachment 7



Attachment 7 - aerial map Argyle Street Mittagong

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## 12.4 Final Approval of various Road Closures

## ATTACHMENT 8 12.3 Attachment 8 - report and statement Argyle Street, Mittagong

**Attachment 8**

## Report and Statement

### Re: Proposed Road Closing – PART ARGYLE STREET, MITTAGONG

---

#### Background

The road known as Argyle Street, Mittagong, was created and provided for in Deposited Plan 2133 dated 12 July 1979.

Council are currently in the process of dedicating Argyle Street as public road, by way of NSW Government Gazette Notice. Once we have notification of the Government Gazette, we will forward it to you.

Upon closing, the newly created title will vest in Council for disposal to the adjoining owner.

#### Applicant

This Application is made by a third party, having been initiated by Mr Paul William Brady and Ms Juliet Elizabeth Brady owners of 6 Argyle Street, Mittagong which directly adjoins the portion of road applied for closure.

#### Statutory Requirements

In accordance with the new processes adopted by the Crown, Council has undertaken the following processes:

- 1) Carried out a full status check on the road.
- 2) Advertised intention to close the Council public road in a local newspaper circulating in the same area as the intended closing.
- 3) Sent notification of the proposal to all affected parties and authorities prior to placement of the advertisement, noting the 28 day submission period.
- 4) Considered all submissions received.

#### Statement

Council has undertaken all of the necessary statutory requirements in respect of the proposed closing of part Argyle Street, Mittagong.

During the Public Exhibition Period, there were two (2) formal submissions or objections received.

- Jemena dated 29 November 2017
- Endeavour Energy 19 February 2018

**12.4 Final Approval of various Road Closures**

**ATTACHMENT 8      12.3 Attachment 8 - report and statement Argyle  
Street, Mittagong**



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- 2 -

Both of these submissions can be dealt with by placing easements and restrictions on the use of the land in the Deposited Plan Administration Sheet to accompany the Plan of Road Closure, as requested by each authority.

In turn, Council has formed the opinion that the road can be closed.

It is recommended by Council that the road known as part Siemens Street, Mittagong be approved by the Crown for closure.

12.4 Final Approval of various Road Closures

ATTACHMENT 9

12.3 Attachment 9 - aerial map Wilson Drive, Colo Vale

Colo Vale



Attachment 9



Attachment 9 - aerial map of road to be closed

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## 12.4 Final Approval of various Road Closures

## ATTACHMENT 10 12.3 Attachment 10 - report and statement

## Wilson Drive, Colo Vale



## Attachment 10



## Report and Statement

Re: Proposed Road Closing – PART WILSON DRIVE, COLO VALE

### Background

The road formally known as Colo Vale Road, now known as Wilson Drive was created and provided for in Crown Plan 623-3040, dated March 1897.

Wilson Drive Colo Vale has been confirmed as a Council Public Road by Crown Lands on the 1 February 2018.

Upon closing, the newly created title will vest in Council as operation land for the operations of the Colo Vale Rural Fire Service Brigade Station.

### Applicant

This Application is made by Wingecarribee Shire Council, the site being the site of the new Colo Vale Rural Fire Service Brigade Station.

### Statutory Requirements

In accordance with the new processes adopted by the Crown, Council has undertaken the following processes:

- 1) Carried out a full status check on the road.
- 2) Advertised intention to close the Council public road in a local newspaper circulating in the same area as the intended closing.
- 3) Sent notification of the proposal to all affected parties and authorities prior to placement of the advertisement, noting the 28 day submission period.
- 4) Considered all submissions received.

### Statement

Council has undertaken all of the necessary statutory requirements in respect of the proposed closing of part Wilson Drive, Colo Vale.

During the Public Exhibition Period, there were no formal submissions or objections received. Council has formed the opinion that the road can be closed.

It is recommended by Council that the road known as part Wilson Drive, Colo Vale be approved by the Crown for closure.



## 12.5 Proposed Road Closure - Unformed road off Barrallier Road, Goodmans Ford

Reference:	PN 1661200
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 for Council to consider a potential closure of a segment of the partially formed segment of the road off Barrallier Road, Goodmans Ford adjoining 473 Barrallier Road, Goodmans Ford.

### RECOMMENDATION

1. **THAT** Council invite a formal Application for Road Closure from the applicant (being the owner of 473 Barrallier Road, Goodmans Ford) for the segment of the partially formed road off Barrallier Road, Goodmans Ford adjoining **AND THAT** it be noted that all costs in relation to the closure and potential future sale of the road are to be paid by the applicant.
2. **THAT** Council give a minimum 28 days public notice of its intention to close a segment of the Council public road adjoining 473 Barrallier Road, Goodmans Ford.
3. **THAT** following public notice of the proposed closure, a further report be submitted to Council to formally determine the application for closure of the segment of Council public road adjoining 473 Barrallier Road, Goodmans Ford.

### REPORT

#### **BACKGROUND**

Council has been approached by the owner of 473 Barrallier Road, Goodmans Ford requesting the closure and sale of the segment of partially formed road dissecting their property. The segment of road is partially formed and bisects the applicant's property as can be seen on the aerial map – **Attachment 1**.



---

## **REPORT**

The area of the segment of road that is proposed to be closed is approximately 6,100m<sup>2</sup> (subject to final survey). The applicant's property is zoned E2 - Environmental Conservation and the total area of the property (excluding the road) is approximately 19 hectares, adjoining the Wingecarribee Shire - Wollondilly Shire to the north. The subject road does not provide access to any other property.

Council officers have no substantive reason to oppose the partial closure of the partially formed segment of road and its potential future sale to the applicant. The subject road is a partially formed Council public road which is not maintained by Council. The road is not included in Council's road segment ledger.

Part 4, Division 3 of the *Roads Act 1993* outlines the statutory requirements regarding the closure of Council public roads by Council.

The Crown no longer has the power to close constructed or unconstructed Council public roads. This means that all applications for closure of Council public roads must be processed by Council as the roads authority. Only constructed (formed) Council public roads remain vested in the ownership of Council upon closure. Unconstructed (unformed) Council public roads become vested in the Crown upon closure.

As the road is partially formed, if the road closure is ultimately approved it is expected that the road will vest in Council and the proceeds from the sale of the partially formed road will be paid to Council.

If the segment of road is approved by Council for closure, it is recommended that Council resolve that the newly created lot (being the segment of closed road) is to be consolidated with the applicant's property within 12 months of the transfer of the new lot. This recommendation would be included in a further report to Council following the period of public notice and review of written submissions.

---

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

### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

Following the receipt of the formal request for a road closure from the applicant, public notice of the intention to close the partially formed road adjacent to 473 Barrallier Road, Goodmans Ford will be advertised for a minimum twenty eight days.

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

The relevant branch Managers and officers have been consulted and invited to comment on the proposed closure and sale of a segment of the partially formed road adjoining 473 Barrallier Road, Goodmans Ford. There was no objection raised to the proposed road closure and sale.

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

Adjoining owner (applicant)



---

## **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 adjoining owner as applicant is responsible for the payment of all fees and charges in relation to the process of the road closure. Fees will include an initial application fee to Council for road closure, along with surveying and registration fees.

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## **RELATED COUNCIL POLICY**

None identified.

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## **CONCLUSION**

It is recommended that Council support the road closure in-principle and that the applicant be invited to submit a formal application for the road closure.

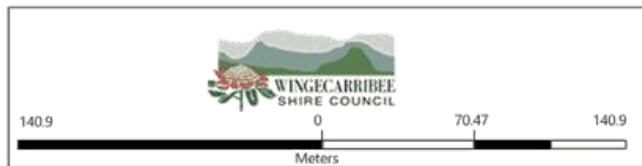
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## **ATTACHMENTS**

1. 12.4 Aerial map 473 Barrallier Road Goodmans Ford (road closure)



Attachment 1



Aerial map 473 Barrallier Road, Goodmans Ford

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## 12.6 Post Exhibition Report - Proposed Lease of Part Road Reserve, Old South Road, Bowral

Reference:	6500/22; RD1587; RD3652
Report Author:	Property and Project Officer
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to present Council with the submissions received following a period of public notice. The public notice was given in respect of an extension of proposed leased area. The additional leased area is part of the unformed road reserve at Old South Road, Bowral.

### RECOMMENDATION

1. **THAT Council approve the proposed short-term lease of part unformed road reserve, known as corner Kangaloon and Old South Road, Bowral to Southern Highlands Botanic Gardens Limited for a maximum period of five (5) years AND THAT rental is \$1.00 per annum, in consideration of the not-for-profit status of the proposed lessee, Southern Highlands Botanic Gardens Limited.**
2. **THAT the persons who made a submission in respect of the proposed revised leased area be notified in writing of Resolution 1 above.**
3. **THAT during the term of the Lease, Council applies to the NSW Department of Industry – Crown Lands for the closure of that part of the road reserve on Old South Road, with the intention that upon closure the land will vest in Council and be consolidated with the title for the Botanic Gardens site.**

### REPORT

#### **BACKGROUND**

Council is the registered proprietor of the property located at 1 Old South Road Bowral, being the site of the Southern Highlands Botanic Gardens. The Council property is leased to the not-for-profit organisation known as Southern Highlands Botanic Gardens Limited. The Council property is classified as Community Land pursuant to Section 26 of the *Local Government Act 1993*.

At its meeting 22 March 2017 Council considered a report to enter into a short-term lease with Southern Highlands Botanic Gardens for a proposed Lease of Council's unformed Road Reserve located at the corner of Kangaloon and Old South Road Bowral, adjoining the Southern Highlands Botanic Gardens. It was resolved as follows: (MN 91/17)

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1. *THAT Council approve in principle a short-term five (5) year lease of part Road Reserve, Corner Kangaloon and Old South Roads, Bowral to the applicant, being the lessee of the Botanic Gardens Site AND THAT the approval of Roads and Maritime Services be sought with Kangaloon Road being a classified road.*
2. *THAT the General Manager and Mayor be delegated authority to execute the lease document referred to in resolution 1 above and to affix the Common Seal of Council if required.*
3. *THAT rental is \$1.00 per annum, in consideration of the not-for-profit status of the proposed lessee, Southern Highlands Botanic Gardens Limited.*
4. *THAT Council give a minimum twenty eight (28) days public notice of its intention to enter into a short term lease of a segment of the unformed road reserve at the corner of Kangaloon and Old South Roads Bowral to Southern Highlands Botanic Gardens Limited AND THAT if any objections are received a further report be forwarded to a future Ordinary Meeting of Council following the period of public notice.*
5. *THAT during the term of the lease Council apply to the NSW Department of Industry – Lands for the closure of that part of the road reserve adjacent to Kangaloon Road, with the intention that upon closure the land will vest in Council and be consolidated with the title for the Botanic Gardens site.*

Following the first public exhibition there was one (1) submission received which was reviewed and responded to by Council staff and reported to Council on 13 June 2018 (MN217/18).

A request was received from Southern Highlands Botanic Gardens Limited to have a further portion of Old South Road, Bowral included in the road reserve Lease. The extension is to align the lease of the road to the Botanic Gardens master plan. At its meeting 10 October 2018 Council considered a report for the extended leased area. It was resolved as follows:

1. *THAT Council endorse the proposed extended leased area of the Lease of part unformed road being part Kangaloon & Old South Road, Bowral as shown in Attachment 1 to this report.*
2. *THAT Council give a minimum twenty eight (28) days public notice of its intention to extend the leased area of the unformed road reserve at Old South Road, Bowral in relation to the Lease to Southern Highlands Botanic Gardens Limited AND THAT if any objections are received a further report be forwarded to a future Ordinary Meeting of Council following the period of public notice.*

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## REPORT

Following the Council resolution made 10 October 2018, public notice was issued of Council's intention to lease the extended unformed road being part Old South Road, Bowral. This was advertised in the Southern Highlands News for four (4) consecutive weeks. It was also advertised on Council's website and copies of the public notice were available at the Civic Centre, Moss Vale Library, Mittagong Library and Bowral Library.

Submissions were received up until Friday 23 November 2018.

A total of three (3) submissions were received in respect of the proposed extension of the unformed road reserve. Concerns raised within the submissions are summarised in the table below.

Date received	Issue raised	Response
<b>10/10/2018</b>	Concerns regarding public access on the shared pathway being restricted.	<p>This report is in relation to a portion of unformed road on Old South Road. Under the Roads Act 1993, the road is still classified as public road and cannot deny public access.</p> <p>The pathway referred to in the submission is in reference to the road reserve and area on the western side of the Botanic Gardens. There will be no restricted access to the pathway currently in place.</p>
<b>30/10/2018 Submission by same person above.</b>	<p>It is not clear whether the area of land includes any area of, or immediately adjacent to the waterway which runs across Old South Road in to the Botanic Garden site. If so, they object on the ground that this is a further detriment to the downstream protected Latham Snipe area.</p> <p>Request to make Lease clear that the public continues to enjoy unfettered access to the pathway and that Southern Highlands Botanic Gardens are prohibited from enclosing it.</p>	<p>The waterway does not impede on the area of road lease proposed. Council manages the waterway which runs through the botanic gardens site. The Lessee has a liability under the main lease of the site to maintain the waterway and surrounds within the area. Attached to the main Lease of the Botanic Gardens site is a Notification of Decision by Department of Sustainability, Environment, Water, Population and Communities made under sections 75 and 77A of the <i>Environment Protection and Biodiversity Act 1999</i> (EPBC Act) to protect and manage the natural habitat for Latham's Snipe (Protection Order.)</p> <p>This lease is for the road reserve portion only. A road reserve is still classified as a public road. Under the Roads Act 1993, a public road cannot be obstructed so that the public cannot use it. The Botanic Gardens cannot restrict access to the shared public pathway; this is covered in the main lease. Council will ensure a clause is in the lease that the Lessee cannot obstruct public access.</p>
<b>8/11/2018</b>	Concerns of denying public access.	The area of road reserve requires public



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access under the Roads Act 1993 as it is classified as a public road. Members of the public will not be denied access to the shared pathway. This is stated in the main Lease to Southern Highlands Botanic Gardens.

Concerned that purpose is for Council will ensure that the area of road 'enclosure and maintenance of lease will not be enclosed. As the area is gardens' and it should not be public road the Lessee cannot restrict enclosed. access.

The extended leased area of unformed road is approximately 380m<sup>2</sup>. To enable the Lessee, Southern Highlands Botanic Gardens Limited, to formalise the use of the extended portion of unformed road reserve, it is necessary for Council to approve a short-term lease.

The extended indicative area of the road reserve is shown in **Attachment 2**. The final boundaries are subject to survey. Section 153 of the *Roads Act 1993* restricts the lease to a maximum term of five (5) years. The area of unformed road will be used primarily for access and car parking for the Botanic Gardens.

During the term of the lease of road, Council will pursue an application for closure of the unformed road reserve, as previously reported. Following the closure of the road, the Title to the newly created lot will vest in Council; it can then be subsequently consolidated with the title for the Botanic Gardens site.

It is noted that Council has previously given approval for the execution of the lease of the road, therefore it is not necessary to again resolve to do so.

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

None identified.

#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

Public notice of the revised and extended area was publicly exhibited for a minimum 28 days.

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

Not applicable

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

Southern Highlands Botanic Gardens Limited

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



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#### SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The conditions of the short term lease of the unformed road comply with the provisions of the *Roads Act 1993*.

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#### COUNCIL BUDGET IMPLICATIONS

There are no budget implications in regards to this report.

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#### RELATED COUNCIL POLICY

None identified.

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#### CONCLUSION

It is recommended that Council approve the short-term lease of the revised area of the unformed road reserve located at Old South Road, Bowral, to the Southern Highlands Botanic Gardens Limited, for a maximum term of five (5) years.

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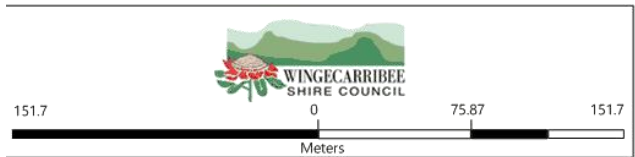
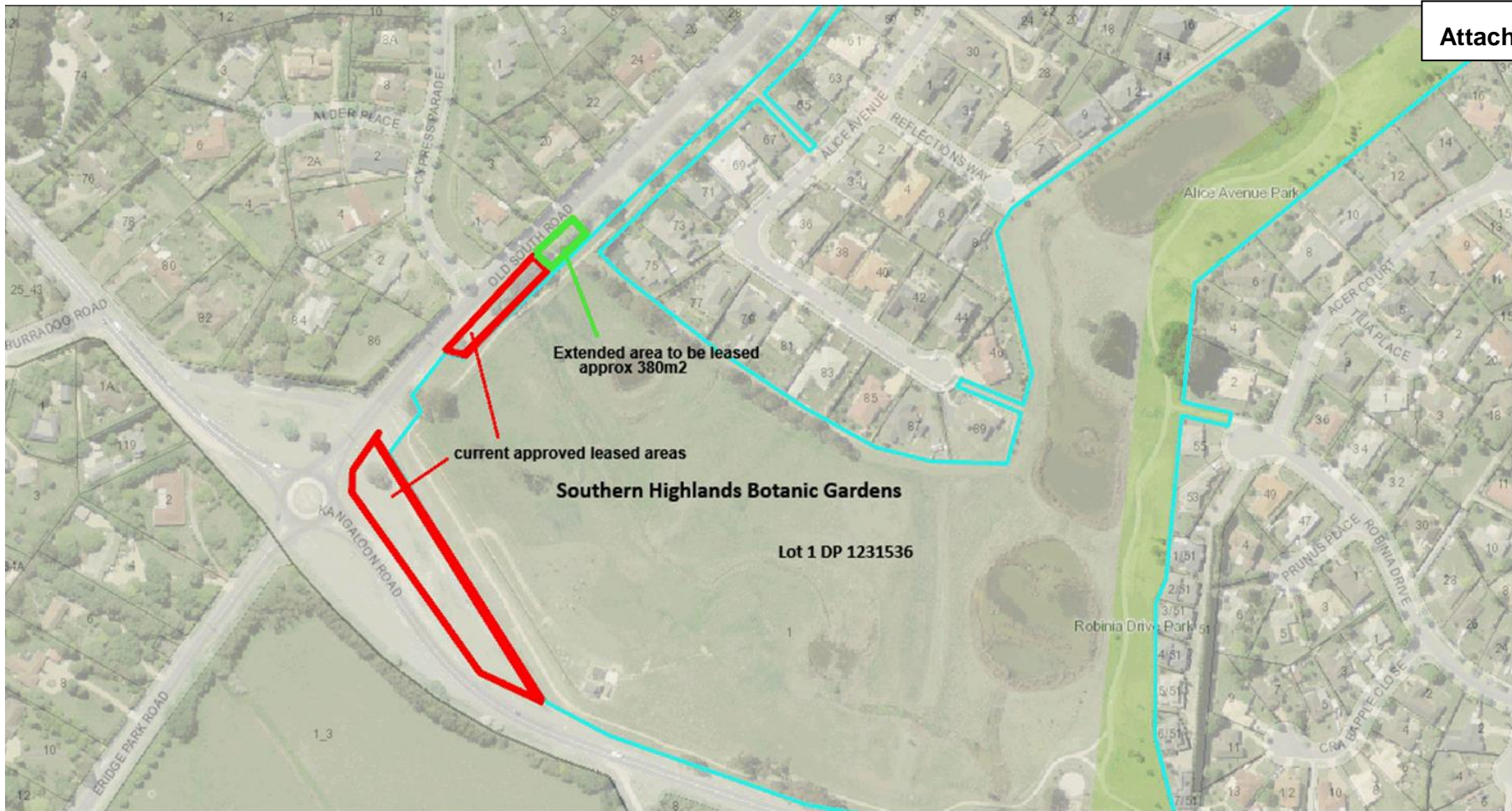
#### ATTACHMENTS

1. Aerial Map - Aerial Map

12.6 Post Exhibition Report - Proposed Lease of Part Road Reserve, Old South Road, Bowral  
ATTACHMENT 1 Aerial Map - Aerial Map



Attachment 1



Wingecarribee Shire Council

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## 12.7 Proposed Licence Agreement to Southern Highlands Association of Women - 73 Station Street, Bowral

Reference:	PN1700777
Report Author:	Property and Project Officer
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to seek Council approval to grant a Licence Agreement to Southern Highlands Association for Women for the shared occupation of the Council property located at 73 Station Street, Bowral.

### RECOMMENDATION

1. **THAT** an offer of a Licence Agreement for the occupation of part 73 Station Street, Bowral be made to Southern Highlands Association of Women **AND** **THAT** the term of the initial agreement be for five (5) years.
2. **THAT** the General Manager be delegated authority to execute the Licence Agreement referred to in resolution 1 above.

### REPORT

#### **BACKGROUND**

Council is the registered proprietor of the whole of the land comprised in Lot 2 Deposited Plan 21133, known as 73 Station Street, Bowral ("the Council Property").

Southern Highlands Association of Women is a Not-for-Profit Group whose aim is to open a Wellbeing Centre in the Southern Highlands. The group are a soft entry point for women in the Southern Highlands who are at risk from domestic violence and homelessness. The Council Property has been identified as a suitable location for the group.

The Council property comprises double brick and tile premises, which was formally leased for approved retail-commercial use. The Council property is dual-zoned B4 Mixed Use and SP2 – Local Roads and is classified as operational property pursuant to Section 26 of the *Local Government Act 1993*.

#### **REPORT**

Southern Highlands Association of Women have identified the Council Property as a suitable location for their services. Council has previously approved a short-term Licence Agreement to 4 other not-for-profit organisations for use of the Council Property. It is

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recommended that Council grant a Licence Agreement to Southern Highlands Association of Women under similar terms and conditions.

In the interests of probity and transparency, the proposed licensee will be required to provide evidence that the proposed Licensee is an organisation which is not incorporated for profit purposes or private gain by providing a certificate of registration with the Australian Charities and Not-for-Profits Commission (ACNC) and/or certificate issued by the Director General stating registration status, registered name, official address and terms of constitution.

In accordance with Council's policy for *Lease or Licence of Council Property – Not-For-Profit Organisations*:

- The licensee is not required to pay rates levied against the Council Property including land rates, water access and sewerage charges. Council will pay the rates levied in respect of the Council Property.
- The licensee is required to pay 100% of outgoings with respect to the property including but not limited to electricity, gas, telephone, internet, water usage and waste charges.

The following not-for-profit organisations currently hold licence agreements for shared use and occupation of the Council property:

1. YWCA
2. Barnados Australia
3. Southern Highlands Foundation Incorporated
4. Friends of the Southern Highlands Regional Gallery Incorporated

With the consent of the YWCA, the Southern Highlands Association of Women will be sharing the room that YWCA occupies. This is outlined in **Attachment 1**.

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

None identified.

#### COMMUNICATION AND CONSULTATION

##### Community Engagement

The Council property is classified as operational property. This is an administrative matter between Council as property owner and the proposed Licensee. Engagement with the wider community is not required.

---

**Internal Communication and Consultation**

Community Development

**External Communication and Consultation**

YWCA

Southern Highlands Association of Women

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**SUSTAINABILITY ASSESSMENT**

• **Environment**

There are no environmental issues in relation to this report.

• **Social**

The proposed licensee is a not-for-profit organisation that provides services within the Shire. Southern Highlands Association of Women is a registered charity which provides a local domestic violence service to women whose lives have been affected by domestic violence.

• **Broader Economic Implications**

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

• **Culture**

There are no cultural issues in relation to this report.

• **Governance**

There are no governance issues in relation to this report.

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**COUNCIL BUDGET IMPLICATIONS**

There are no budget implications arising from the proposal to enter into a licence agreement for the Council property.

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**RELATED COUNCIL POLICY**

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

This Policy was adopted on Wednesday 26 November 2014 (MN326/14). The purpose of this policy is to provide benefits to the Council and its residents by:

- Defining the general terms and conditions of Leases and Licences 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.

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#### **CONCLUSION**

This report recommends that Council offer a licence agreement for an initial five (5) year term to Southern Highlands Association of Women, a not-for-profit organisation, with terms and conditions in accordance with Council's policy. It is also recommended that the General Manager be delegated authority to execute the Licence Agreement.

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#### **ATTACHMENTS**

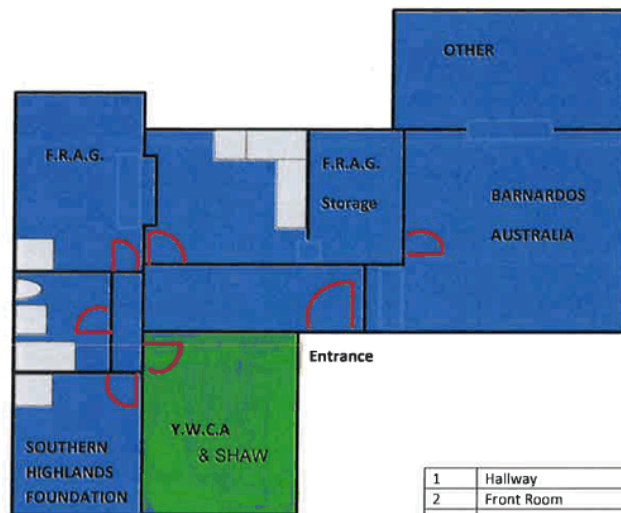
1. Floor Plan

12.7 Proposed Licence Agreement to Southern Highlands Association of Women - 73 Station Street, Bowral

ATTACHMENT 1 Floor Plan



Attachment 1



1	Hallway	15.2 + 0.55 = 15.75
2	Front Room	20.5
3	Back Room	24.48
4	Small Area	7.48
5	Kitchen	13.6
6	Bed 1	17.02
7	Bed 2	10.54
8	Bed 3	13.33
9	Bath	4.32
	<b>Building Area</b>	<b>127.02</b>





## 12.8 Tender for the construction of Wingecarribee Adult Day Care Centre - Alterations & Additions (Open)

Reference:	6330.18.19
Report Author:	Senior Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

### PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Wingecarribee Adult Day Care Centre – Alterations & Additions.

### RECOMMENDATION

1. **THAT** in relation to the report concerning Wingecarribee Adult Day Care Centre – Alterations & Additions - Council adopts the recommendations contained within the Closed Council report – Item 22.1.

OR

2. **THAT** the report concerning Tender for Wingecarribee Adult Day Care Centre – Alterations & Additions - 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 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**

Wingecarribee Shire Council (WSC) sought tenders from appropriately qualified and experienced contractors for the construction of the Wingecarribee Adult Day Care Centre – Alterations & Additions.

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#### **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 6 November 2018 to 11 December 2018 (35 days).

The tender was advertised as follows:

<b>Newspaper / Website</b>	<b>Date Advertised</b>
Newspaper – Sydney Morning Herald	6 November 2018
Newspaper – Southern Highlands News	7 and 14 November 2018
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:

<b>Company Name</b>	<b>Location</b>	<b>Postcode</b>
Austfield P/L	Parramatta	2150
Cranebrook Constructions	Cranebrook	2749
Dobsonei P/L	Balaclava	2575
Edwards Constructions (NSW) P/L	Nowra	2541
MW Civil Engineering and Constructions P/L	Canley Heights	2166
Olympia Group P/L	Bondi Junction	2022
Van Mal Group Constructions P/L	Chipping Norton	2170

#### **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:**

<b>Criteria</b>
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Motor Vehicle - Comprehensive
General Building Work – Building Licence

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:**

<b>Criteria</b>	<b>Weighting</b>
Capability & Experience	10%
Specifications, Service & Support, Fit for Purpose	10%
Quality Assurance & Innovation	5%
Community & Social(including local content)	10%
Work Health and Safety, Environment & Sustainability	5%
<b>Total</b>	<b>40%</b>

### **Summary of Selection Criteria & Weighting:**

<b>Selection Criteria</b>	
<b>Criteria</b>	<b>Weighting</b>
Total Non-Cost Criteria	40%
Total Cost Criteria	60%
<b>Total</b>	<b>100%</b>



## **NON-COMPLIANT TENDERS**

Upon evaluation a total of two (2) tender submissions were determined to be non-compliant:

<b>Company Name</b>	<b>Reason for Non-Compliance</b>
Cranebrook Constructions	Mandatory criteria (Builders Licence) and did not meet required Threshold
MW Civil Engineering & Constructions P/L	Did not meet required Threshold

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

Funding for Construction of The Wingecarribee Adult Day Care – Alterations and Additions has been included in Council's adopted Capital Works Program.

Council has given a commitment to fund the budget shortfall through an interest free loan up to a value of \$270,000.

## **CONSULTATION**

### **Community Engagement**

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

### **Internal Consultation**

The Deputy General Manager Operations, Finance & Risk, Chief Financial Officer and Manager Project Delivery have been consulted in relation to this proposal.

### **External Consultation**

Tenders are part of a commercial arrangement and therefore no external consultation is required regarding the tender review and recommendation.

## **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.

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- **Governance**

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

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#### **RELATED COUNCIL POLICY**

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

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#### **CONCLUSION**

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

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#### **ATTACHMENTS**

There are no attachments to this report.



## 12.9 Post Tender Negotiations for the Construction of the Synthetic Hockey Field No.2, Welby

Reference:	6330/18.13
Report Author:	Project Manager
Authoriser:	Manager Project Delivery
Link to Community Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

### PURPOSE

The purpose of this report is to present the evaluation of the Post Tender Negotiations for the Construction of Synthetic Hockey Field No.2, Welby.

### RECOMMENDATION

1. **THAT** in relation to the report concerning Post Tender Negotiations for the Construction of Synthetic Hockey Field No.2, Welby - Council adopts the recommendations contained within the Closed Council report – Item 22.2.

OR

2. **THAT** the report concerning Tender for Post Tender Negotiations for the Construction of Synthetic Hockey Field No.2, Welby - 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**

At the ordinary meeting of council held 12 December 2018, Council adopted the following resolutions in relation to the report concerning Tender for the Construction of Synthetic Hockey Field No.2, Welby.

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1. ***THAT Council rejects all tenders received for Tender number 6330/18.13 - under 178(1)(b) of the Local Government (General) Regulation 2005.***
2. ***THAT Council does not invite fresh tenders as there are submissions that could be acceptable to Council with some modification.***
3. ***THAT Council enters into negotiations with Polytan Asia Pacific and Stefanutti Constructions to negotiate changes to scope with a view to entering into a contract in relation to the subject matter of the tender, in accordance with clause 178(3)(e) of the Local Government (General) Regulation 2005 and further that if those negotiations are unsuccessful, negotiations be undertaken with other compliant (tender) contractors in accordance with clause 178(3)(e) of the local government (general) regulation 2005.***

### **REPORT**

In accordance with the *Local Government (General) Regulation 2005* part 7, section 178(3)(e) and 178(1)(b), Council approved entering into negotiations with Polytan Asia Pacific and Stefanutti Constructions.

This report presents the assessment and recommendation relating to the outcome of the negotiation.

### **TENDER EVALUATION**

A Direct Negotiation Panel Agreement was developed which outlined the pre-determined selection criteria, the criteria weightings, and members of the Direct Negotiation Panel.

The submission was evaluated against the specified criteria by the Direct Negotiation 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:**

<b>Criteria</b>
Public Liability - \$20 million
Workers Compensation OR [Self Employed] Personal Accident and Illness Insurance or Personal Income Protection
Professional Indemnity
Motor Vehicle – Comprehensive
Works Insurance
Compliance with Licences, Trade Certificates

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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	5%
Experience - Relevant	5%
Experience – Past with Council	5%
Quality Assurance	5%
Innovation	5%
Community & Social(including local content)	10%
Work Health and Safety	2.5%
Environment & Sustainability	2.5%
<b>Total</b>	<b>40%</b>

#### Summary of Selection Criteria & Weighting:

Selection Criteria	
Criteria	Weighting
Total Non-Cost Criteria	40%
Total Cost Criteria	60%
<b>Total</b>	<b>100%</b>

#### **CROWN LAND MANAGEMENT & ABORIGINAL LAND CLAIM**

Council was advised at its meeting 12 December 2018 that the Welby Heights Fields precinct, where the Synthetic Hockey Field No.2 is proposed to be constructed, includes a portion of Crown Land. As such the new Crown Land Management Act has implications for the proposed contract works. Council is currently working through the required activities to resolve these implications.

The parcel of Crown Land is also the subject of an Aboriginal Land Claim which at this stage has not been withdrawn. Council is in discussion with the Illawarra Aboriginal Land Council to reach an agreement which will allow this project to proceed.

Council will need to resolve both these matters before any physical works commence on the second synthetic hockey field.

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

Funding for Construction of Synthetic Hockey Field No.2, Welby has been included in Council's adopted Capital Works Program.



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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, and project delivery areas. This consultation included scope, technical requirements, negotiation and evaluation measures.

### External Consultation

Council negotiated directly with both Stefanutti and Polytan to refine scope, technical details and cost refinements. Council worked in close consultation with the Southern Highlands Hockey Association to ensure the negotiations were aligned with the requirements of the Association.

## 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.

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**ATTACHMENTS**

There are no attachments to this report.



## 12.10 Sewer System Telemetry Upgrade

Reference:	6330/18.26
Report Author:	Electrical Engineer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

### PURPOSE

The purpose of this report is to present the evaluation of the Request for Tender for the Sewer System Telemetry Upgrade.

### RECOMMENDATION

1. **THAT** in relation to the report concerning Tender for Sewer System Telemetry Upgrade - Council adopts the recommendations contained within the Closed Council report – Item 22.3.

OR

2. **THAT** the report concerning Tender for Sewer System Telemetry Upgrade - be considered in Closed Council – 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.

**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**

Telemetry is an automated process that communicates data between sites using radio or other types of wireless communications. All of Council's sewage pumping stations are connected to sewage treatment plants through radio network which allows remote monitoring of various parameters (Level, flow) by the operations team. The system also provides alarms and messages of faulty operations or equipment failure. To ensure a healthy and automated operation of the sewage network this system plays a crucial role.

The existing telemetry system that serves the sewage treatment systems of Wingecarribee Shire Council was originally supplied by Radtel Systems, and has been in service for over 20 years. The telemetry system is now approaching the end of its serviceable life and cannot be updated to meet the growing needs of Council.

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The implementation of the upgrade to the sewage pumping stations will provide advanced telemetry for more efficient monitoring and maintenance.

#### **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 27 November 2018 to 12 December 2018.

The tender was advertised as follows:

<b>Newspaper / Website</b>	<b>Date Advertised</b>
Newspaper – Sydney Morning Herald	27 November 2018
Newspaper – Southern Highlands News	28 November, 05 & 12 December 2018
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 5 tender submissions were received:

<b>Company Name</b>	<b>Location</b>	<b>Postcode</b>
Ampcontrol CSM Pty Ltd	7 Billbrooke Close Cameron Park NSW	2285
Hunter H2O Holdings Pty Ltd	19 Spit Island Close Mayfield West	2310
Oberix Group Pty Ltd	Unit E7, 27-29 Fariola Street, Silverwater NSW	2128
R & D Technology Pty Ltd	102 Munibung Road Cardiff NSW	2285
SAFEgroup Automation Pty Ltd	170 Swann Street, Morpeth, NSW	2321

#### **LATE TENDERS**

No tender submissions were received late.

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#### **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
Personal Indemnity Insurance - \$5 million
Motor Vehicle – Comprehensive
Compliant, Electrician Licence

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
Community, Sustainable & Social	10%
Capability & Experience	15%
Specifications, Service & Support, Fit for Purpose	15%
Quality Assurance, Innovation	10%
Work Health and Safety & Environment	5%
<b>Total</b>	<b>55%</b>

##### **Summary of Selection Criteria & Weighting:**

Selection Criteria	
Criteria	Weighting
Total Non-Cost Criteria	55%
Total Cost Criteria	45%
<b>Total</b>	<b>100%</b>

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#### **NON-COMPLIANT TENDERS**

Upon evaluation no tender submission was determined to be non-compliant:

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

Funding for Sewer System Telemetry Upgrade 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.

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#### **CONSULTATION**

##### **Community Engagement**

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

##### **Internal Consultation**

Consultation took place between Council's staff in both procurement area and water and sewer operational areas (Electrical Engineer, Control system officer, Sewer co-ordinator and Manager Water and Sewer operations). 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.

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#### **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

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**RELATED COUNCIL POLICY**

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

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**CONCLUSION**

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

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**ATTACHMENTS**

There are no attachments to this report.

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

Thursday 7 February 2019

## 13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 13.1 Development Applications Determined from 6 December 2018 to 6 February 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 6 December 2018 to 6 February 2019

#### RECOMMENDATION

**THAT** the information relating to Development Applications Determined for the period 6 December 2018 to 6 February 2019 be received and noted.

#### APPROVED APPLICATIONS BY DATE RANGE Date range: 6 December 2018 to 6 February 2019

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	17/1601	233 Railway Parade Balmoral NSW 2571 Lot 1 DP 808623	Life Eternal Properties Pty Ltd	Alterations and Additions to Meditation Centre	10/11/2017	0	398	398	14/12/2018
2	19/0878	Monaro 562 Wilson Drive Balmoral NSW 2571 Lot 2 DP 701917	Y Hayes	Dwelling House	30/11/2018	0	48	48	18/01/2019
3	16/0232.04	38 Oldbury Street Berrima NSW 2577 Lot 2 DP 1213372	P Piccione	Section 4.55 Modification (Alter Carport)	06/11/2018	0	42	42	19/12/2018
4	17/1124.04	40 Oldbury Street Berrima NSW 2577 Lot 5 DP 1213372	A Young-Whitford	Section 4.55 Modification (Alter cut and fill. Detach carport from dwelling)	06/11/2018	0	30	30	06/12/2018



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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
5	18/0558.04	79 Compton Park Road Berrima NSW 2577 Lot 1 DP 1214829	I Soldatic	Section 4.55 Modification (minor change to dwelling location and orientation, change home office to guest bedroom)	17/01/2019	0	7	7	25/01/2019
6	17/0992.01	34 Railway Parade Bowral NSW 2576 Lot A DP 157666	M Woods, A Virgona	Section 4.55 Modification (Commercial Kitchen & Office)	17/08/2018	0	147	147	11/01/2019
7	17/1306.03	67 Bendooley Street Bowral NSW 2576 Lot 2 DP 313891	Jae Kropf	Section 4.55 Modification (Pergola)	05/11/2018	0	43	43	19/12/2018
8	17/1638	444 Moss Vale Road Bowral NSW 2576 Lot 15 DP 740276	A De Angelis., R De Angelis., G De Angelis	Demolition of Existing Structures, Construction of 3 Storey Residential Flat Building & 2 Level Basement Car Park	17/11/2017	378	18	396	20/12/2018 Determined by Council
9	18/0012	22 Bundaroo Street Bowral NSW 2576 Lot 1 DP 709655	D Peters, D Griffin	Secondary Dwelling	08/01/2018	0	359	359	03/01/2019
10	18/0132.05	128 Bowral Street Bowral NSW 2576 Lot 12 DP 597780	P Burrows, I Burrows	Section 4.55 Modification (Internal Alteration)	17/12/2018	0	2	2	19/12/2018
11	18/0268	7 Centennial Road Bowral NSW 2576 Lot 14 DP 1160069	Destin Pty Ltd	Temporary use of land and erection of temporary structures for a market	14/03/2018	268	26	294	03/01/2019
12	18/0372	6-8 Oxleys Hill Road Bowral NSW 2576 Lot 7 DP 39236	EB Ellis	Industrial Alterations and Additions (Construction of Open Metal Roof Structure)	04/04/2018	0	246	246	07/12/2018
13	18/0419	3 Shepherd Street Bowral NSW 2576 Lot 2 DP 506164	JD Humble, E Humble	Dual Occupancy (Detached), Residential Alterations and Additions (Alteration to primary dwelling)	16/04/2018	229	49	278	21/01/2019

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
14	19/0234	55 Bendooley Street Bowral NSW 2576 Lot 1 DP 159388	S Perinich, M Perinich	Demolish Existing Dwelling	14/08/2018	30	111	141	02/01/2019
15	19/0343	9 Reflections Way Bowral NSW 2576 Lot 403 DP 1129818	DM Perinich, AN Perinich	Residential Alterations and Additions (Deck, Internal Alterations)	31/08/2018	0	140	140	18/01/2019
16	19/0424	149 Merrigang Street Bowral NSW 2576 Lot 6 DP 1240587	J Vild, JB Vild	Dwelling House	13/09/2018	0	95	95	18/12/2018
17	19/0513	147 Merrigang Street Bowral NSW 2576 Lot 3 DP 1240587	Ja Naughton,Ap Naughton	Dwelling House	02/10/2018	0	106	106	16/01/2019
18	19/0704	30 Oxley Drive Bowral NSW 2576 Lot 3 DP 547194	ES Gorman, DA Gorman	Residential Alterations and Additions (Extensions)	05/11/2018	0	38	38	13/12/2018
19	19/0806	Oxleys Hill Road Bowral NSW 2576 Part Lot 10 DP 701530	Wingecarribee Shire Council	Telecommunications Facility (Install emergency backup power generator)	20/11/2018	0	31	31	21/12/2018
20	19/0814	4 Ellis Court Bowral NSW 2576 Lot 8 DP 1042661	R Bradley	Residential Alterations and Additions (Extensions)	20/11/2018	0	30	30	21/12/2018
21	19/0971	32 Mount Road Bowral NSW 2576 Lot 27 DP 11146	I Fletcher	Residential Alterations and Additions (Internal Alterations)	19/12/2018	0	1	1	20/12/2018
22	19/0981	5 Betty Close Bowral NSW 2576 Lot 320 DP 1234848	A Clift	Dwelling House	20/12/2018	0	28	28	17/01/2019
23	19/1030	155 Bowral Street Bowral NSW 2576 Lot 11 DP 707159	AT Sheehan, T Doyle	Residential Alterations and Additions (Pergola and Retaining Wall)	04/01/2019	0	13	13	18/01/2019
24	19/0770	28 Railway Parade Braemar NSW 2575 Lot 22 DP 1233367	RC Russell, DJ Russell	Dwelling House	14/11/2018	37	12	49	03/01/2019
25	19/0848	28 Railway Parade Braemar NSW 2575 Lot 22 DP 1233367	RC Russell, DJ Russell	Residential Alterations and Additions (Shed)	26/11/2018	0	39	39	04/01/2019

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
26	15/1134.03	53 Nerrim Street Bundanoon NSW 2578 Lot 32 DP 9331	A Magro, L Egerton	Section 4.55 Modification (Extensions. Demolition of existing Garage)	17/12/2018	0	27	27	14/01/2019
27	17/1583	Mildenhall 10 Anzac Parade Bundanoon NSW 2578 Lot 11 DP 129077	P C & S Sant Pty Ltd	Commercial Alterations and Additions (Alterations & Additions to existing guest house. New commercial tea room. Increase guest accommodation from 10 to 12 guests)	08/11/2017	79	341	420	02/01/2019
28	19/0572	56 Greasons Road Bundanoon NSW 2578 Lot 222 DP 1214182	W Norris	Dwelling House and Detached Shed	10/10/2018	39	64	103	21/01/2019
29	19/0693	1 Willis Street Bundanoon NSW 2578 Lot 13 DP 1040826	Maxson Developments Pty Ltd	Residential Alterations and Additions (Carport)	01/11/2018	7	38	45	17/12/2018
30	17/1817.04	2 Ranelagh Road Burradoo NSW 2576 Lot 2 DP 1219070	PJ Byrne, AK Byrne	Section 4.55 Modification (Internal Alterations)	20/07/2018	0	173	173	09/01/2019
31	19/0094	Cottonwoods 51 Eridge Park Road Burradoo NSW 2576 Lot 11 DP 1063603	A Loneragan	Farm Building (New Shed)	19/07/2018	0	185	185	21/01/2019
32	19/0270	49 Sunninghill Avenue Burradoo NSW 2576 Lot 1 DP 259630	PD Vassie, LA Connell	Dwelling House	17/08/2018	39	114	153	18/01/2019
33	19/0416	29a Links Road Burradoo NSW 2576 Lot 242 DP 1235909	JM Poole, JE Poole	Dwelling House	12/09/2018	0	112	112	02/01/2019
34	19/0652	8-10 Riversdale Avenue Burradoo NSW 2576 Lot 10 DP 241015	JM Nielsen	Residential Alterations and Additions (Extensions)	25/10/2018	0	57	57	21/12/2018
35	19/0660	16 Osborne Road Burradoo NSW 2576 Lot 68 DP 13057	IE Pech	Demolish Existing Dwelling	26/10/2018	0	42	42	07/12/2018

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
36	19/0741	43a Eridge Park Road Burradoo NSW 2576 Lot 31 DP 1128611	P Hickey, L Hickey	Residential Alterations and Additions (Extensions)	08/11/2018	0	61	61	08/01/2019
37	19/0880	114 Burradoo Road Burradoo NSW 2576 Lot 10 DP 270382	TR Phillips, JR Phillips	Residential Alterations and Additions (Internal Alterations)	30/11/2018	0	55	55	24/01/2019
38	19/0907	86 Osborne Road Burradoo NSW 2576 Lot 6 DP 39039 Vol 11724 Fol 00096	R Shore, C Shore	Residential Alterations and Additions (Extension)	06/12/2018	0	13	13	20/12/2018
39	19/0920	31 Toongoon Road Burradoo NSW 2576 Lot 11 DP 562158	DT Cavanagh, LE Cavanagh	Residential Alterations and Additions (Extension)	10/12/2018	0	2	2	12/12/2018
40	19/0936	38 Elizabeth Street Burradoo NSW 2576 Lot 8 DP 718888	R Perry, J Perry	Residential Alterations and Additions (Extensions)	13/12/2018	0	4	4	18/12/2018
41	06/1428.10	Links Road Burradoo NSW 2576 Lot 12 DP 270760	Petson No 2 Pty Limited, No Hope Investments Pty Limited	Section 4.56 Modification (Remove a condition pertaining to Clause 65 Bushfire Protection)	28/09/2018	0	68	68	06/12/2018
42	19/0911	12 Church Street Burrawang NSW 2577 Lot 3 DP 875740	W Engel	Residential Alterations and Additions (Extensions)	07/12/2018	0	40	40	17/01/2019
43	19/0195	Attunga 2151 Tugalong Road Canyonleigh NSW 2577 Lot 1 DP 601590 Lot 3 DP 601372	Attunga Youth Ministries Pty Ltd	Commercial Alterations and Additions (Carport)	07/08/2018	0	166	166	21/01/2019
44	19/0460	2400 Canyonleigh Road Canyonleigh NSW 2577 Lot 14 DP 806293	Noah Retail Group Pty Ltd	Dwelling House	21/09/2018	24	55	79	10/12/2018
45	19/0618	300 Hawkshill Road Canyonleigh NSW 2577 Lot 13 DP 263466	GG Hook	Demolition of Existing Dwelling and New Dwelling House	18/10/2018	0	78	78	05/01/2019

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
46	15/1115.01	6-12 Lynwood Avenue Colo Vale NSW 2575 Lot 3 DP 748084	AG Campbell, EG Campbell	Section 4.55 Modification (Alter required level of construction within unmade portion of Lynwood Ave Road Reserve)	17/08/2018	0	153	153	18/01/2019
47	19/0615.06	3 Geebung Close Colo Vale NSW 2575 Lot 202 DP 1245987	Ta Bentley, J Bentley	Section 4.55 Modification (increase floor to ceiling height to 2590mm and increase height of dwelling)	21/12/2018	0	14	14	04/01/2019
48	19/0240	483 Ellsmore Road Exeter NSW 2579 Lot 3 DP 807940	G Macdonald, C Richards	Residential Alterations and Additions (Extension. Pool & Dressage Arena)	14/08/2018	57	65	122	15/12/2018
49	19/0414	16 Westgrove Road Exeter NSW 2579 Lot 2 DP 1237682	B Graham, M Graham	Dwelling House	12/09/2018	18	75	93	15/12/2018
50	19/0763	31 Middle Road Exeter NSW 2579 Lot 5 Sec 6 DP 3373	M Blair	Residential Alterations and Additions (Extensions)	13/11/2018	0	36	36	20/12/2018
51	19/0888	30 Indigo Lane Exeter NSW 2579 Lot 8 DP 1180426	MB Magill, KR Magill	Residential Alterations and Additions (Swimming Pool)	04/12/2018	0	2	2	07/12/2018
52	17/0529.04	50 George Emery Lane Glenquarry NSW 2576 Lot 9 DP 633513	HH Treweek	Section 4.55 Modification (Extend garage & minor internal alterations)	30/11/2018	0	10	10	11/12/2018
53	18/0432	591 Kangaloon Road Glenquarry NSW 2576 Lot 47 DP 1056092	Am Carpenter, SN Carpenter	Secondary Dwelling and Rural Shed	18/04/2018	0	265	265	08/01/2019
54	17/1162.05	22 Pearce Street Hill Top NSW 2575 Lot 2 DP 1232616	T Challinor, M Moutos	Section 4.55 Modification (Remove Condition 24 pertaining to landscape certification)	20/12/2018	0	21	21	10/01/2019

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
55	18/0528	100 Wattle Ridge Road Hill Top NSW 2575 Lot 2 DP 1219571	V Orchard, M Orchard	Subdivision (5 Lots)	07/05/2018	104	109	213	06/12/2018
56	19/0676	50 Teloepa Road Hill Top NSW 2575 Lot 33 Sec 5 DP 10173	S Petkov, J Petkova	Secondary Dwelling	30/10/2018	0	50	50	19/12/2018
57	18/0121	1740 Kangaloon Road Kangaloon NSW 2576 Lot 1 DP 903422	R Watkins, K Watkins	Dwelling House	08/02/2018	301	4	305	11/12/2018
58	19/0689	1771 Kangaloon Road Kangaloon NSW 2576 Lot 22 DP 1229390	C Francis, S O'Neill	Dwelling House, Detached Garage & Pool	31/10/2018	0	65	65	05/01/2019
59	19/0887	480 Medway Road Medway NSW 2577 Lot 12 Sec 10 DP 758665	MA Stephenson, Aj Whalan	Residential Alterations and Additions (Extension)	04/12/2018	0	35	35	08/01/2019
60	17/0469.05	5 Acacia Street Mittagong NSW 2575 Lot 18 DP 15496	AR Greenough, T Greenough	Section 4.55 Modification (Internal Alterations)	18/12/2018	0	21	21	08/01/2019
61	18/0247.01	41 Oxley Drive Mittagong NSW 2575 Lot 11 DP 1214567	JWH Jessop, VM Jessop	Section 4.55 Modification (Internal Alteration. Remove flood condition)	07/12/2018	0	40	40	16/01/2019
62	18/0444	17 Oxley Drive Mittagong NSW 2575 Lot 2 DP 567515	AC Ghassibe, C Ghassibe	Demolish existing dwelling. Construct Multi Dwelling Housing (4 x two storey dwellings) & 5 Lot Strata Subdivision	19/04/2018	0	245	245	20/12/2018
63	19/0114	10a Priestley Street Mittagong NSW 2575 Lot 82 DP 1129504	S Majewski	Dwelling House	23/07/2018	105	74	179	18/01/2019
64	19/0196	34 Tyndall Street Mittagong NSW 2575 Lot 8 DP 505042	PG Taylor, CA Taylor	Residential Alterations and Additions (Garage)	07/08/2018	0	120	120	06/12/2018
65	19/0257	158a Oxley Drive Mittagong NSW 2575 Lot 31 DP 879062	B Shields	Dwelling House	16/08/2018	0	152	152	16/01/2019

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
66	19/0630	14 Duke Street Mittagong NSW 2575 Lot 12 DP 581070	Blackbrook Nominees Pty Ltd	Section 4.55 Modification (Replace windows and retaining wall)	22/10/2018	0	80	80	17/01/2019
67	19/0729.01	11-13 Cook Street Mittagong NSW 2575 Lot 4 Sec 6 DP 111201 Lot 1 DP 728069	A Vance	Residential Alterations and Additions (Shed)	07/11/2018	0	33	33	11/12/2018
68	19/0855	Ceduna 61 Bong Bong Road Mittagong NSW 2575 Lot 3 DP 811730	EK Schilling	Residential Alterations and Additions (Extension)	27/11/2018	0	59	59	25/01/2019
69	16/1068.04	Francis Street Moss Vale NSW 2577 Lot 4084 DP 1242576	Darraby Pty Limited, Broughton Street Moss Vale Pty Limited	Section 4.55 Modification (Relocate Public Reserve and Replacement (re- subdivision) of Three (3) Residential Lots)	19/10/2018	0	97	97	24/01/2019
70	18/0314	17 Old Dairy Close Moss Vale NSW 2577 No Related Land	Sitecat Pty Limited	Change of Use. (Use of land for the purpose of a warehouse or distribution centre)	21/03/2018	237	25	262	10/12/2018
71	19/0061.06	1 Torulosa Drive Moss Vale NSW 2577 Lot 116 DP 1232222	GR Merchant, C Merchant	Section 4.55 Modification (Alter ground levels and finished floor levels. Increase height of dwelling)	20/12/2018	0	14	14	04/01/2019
72	19/0194	64 Broughton Street Moss Vale NSW 2577 Lot 4003 DP 1242576	CD John	Dwelling House	07/08/2018	13	111	124	10/12/2018
73	19/0271	5 Lytton Road Moss Vale NSW 2577 Lot 33 Sec D DP 2810	MAK Hamilton, M Santos	Residential Alterations and Additions (Extensions)	20/08/2018	2	148	150	18/01/2019
74	19/0393	88 Darraby Drive Moss Vale NSW 2577 Lot 4075 DP 1242576	PK Ryan, WM Ryan	Dwelling House & Retaining Wall	07/09/2018	61	60	121	07/01/2019

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
75	19/0434.03	29 Torulosa Drive Moss Vale NSW 2577 Lot 130 DP 1232222	G Smith, JM Barclay	Dwelling House	07/12/2018	13	12	25	03/01/2019
76	19/0458	RRC Saleyards 205 Berrima Road Moss Vale NSW 2577 Lot 1 DP 1070888 Lot 3 DP 1070888	Wingecarrabee Shire Council	Waste Management Facility (New Demountable Building for staff change rooms & break room)	21/09/2018	0	77	77	07/12/2018
77	19/0522	74 Yarrawa Road Moss Vale NSW 2577 Lot 12 DP 790612	C Bowman, PT Multari	Secondary Dwelling & Home Business	03/10/2018	43	62	105	17/01/2019
78	19/0585	3 Torulosa Drive Moss Vale NSW 2577 Lot 117 DP 1232222	T Buxton, DM Buxton	Dwelling House	12/10/2018	28	39	67	19/12/2018
79	19/0600	1 Salamander Place Moss Vale NSW 2577 Lot 1 DP 1221913	LN Rangitaawa	Exhibition Home and Signage	16/10/2018	0	93	93	17/01/2019
80	19/0603	Headlam Road Moss Vale NSW 2577 Lot 2010 DP 1187522 Lot 2011 DP 1187522	Waratah Thoroughbreds Pty Limited	Residential Alterations and Additions (Extensions. Internal Alteration)	16/10/2018	0	64	64	20/12/2018
81	19/0604	Headlam Road Moss Vale NSW 2577 Lot 2010 DP 1187522 Lot 2011 DP 1187522	Waratah Thoroughbreds Pty Limited	Residential Alterations and Additions (Extension. Internal Alteration)	16/10/2018	0	64	64	20/12/2018
82	19/0638	5a Hazelton Drive Moss Vale NSW 2577 Lot 2 DP 1214570	JM Bullick, A Bullick	Dwelling House	23/10/2018	0	77	77	09/01/2019
83	19/0690	220 Yarrawa Road Moss Vale NSW 2577 Lot 3 DP 76141	Mt Farming Pty Ltd	Demolish existing cottage. Construct New Dwelling and Secondary Dwelling (detached)	01/11/2018	0	49	49	21/12/2018
84	19/0702	2 Hampton Court Moss Vale NSW 2577 Lot 101 DP 1001704	LA Rochaix, SA Haertsch	Residential Alterations and Additions (Studio)	02/11/2018	0	46	46	18/12/2018
85	19/0722	8 Vale Road Moss Vale NSW 2577 Lot 1 DP 1237886	R E Springett Pty Ltd	Subdivision (2 Lots)	06/11/2018	0	30	30	07/12/2018



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86	19/0843	73a Broughton Street Moss Vale NSW 2577 Lot B DP 164379	DA Dickson, SD Glase	Secondary Dwelling	23/11/2018	0	53	53	15/01/2019
87	19/0388	534 Kareela Road Penrose NSW 2579 Lot 4 Sec 2 DP 758838	GM Stivano	Residential Alterations and Additions (Extensions)	06/09/2018	30	71	101	17/12/2018
88	17/1284	Whitfield Lane Renwick NSW 2575 Lot 202 DP 1174912	Minister For Community Services & Assistant Minister For Health For Her Most Gracious Majesty Queen Elizabeth II	Community Centre. Council resolved to Approve the Development Application on 27 June 2018. As a Crown application, the Crown has considered and approved any condition imposed on this consent.	14/09/2017	218	235	453	Determined by Council 27/06/2018  Approved by Crown 11/12/2018
89	19/0502	24 Roty Avenue Renwick NSW 2575 Lot 24 DP 1221206	SA Patel, VP Patel	Dwelling House and Secondary Dwelling (Attached)	28/09/2018	21	48	69	07/12/2018
90	19/0792	21 Challoner Rise Renwick NSW 2575 Lot 1215 DP 1221207	RA Fawkes, JE Fawkes	Dwelling House & Retaining Wall	16/11/2018	14	11	25	12/12/2018
91	19/0824	28 Challoner Rise Renwick NSW 2575 Lot 12 DP 1221206	DJ Wills, VE Wills	Dwelling House	22/11/2018	9	11	20	13/12/2018
92	19/0846	24 Windeyer Street Renwick NSW 2575 Lot 1357 DP 1234992	RGI Southan, PE Southan	Dwelling House	26/11/2018	15	8	23	19/12/2018
93	19/0860	27 George Cutter Avenue Renwick NSW 2575 Lot 1349 DP 1234992	Br Jack, J Jack	Dwelling House	28/11/2018	5	6	11	10/12/2018
94	19/0868	18 Roty Avenue Renwick NSW 2575 Lot 120 DP 1221206	Brooklyn Asset Holdings Pty Ltd	Dwelling House	29/11/2018	0	6	6	06/12/2018
95	19/0869	20 Roty Avenue Renwick NSW 2575 Lot 121 DP 1221206	Brooklyn Asset Holdings Pty Ltd	Dwelling House	29/11/2018	0	6	6	06/12/2018
96	19/0876	5 Roty Avenue Renwick NSW 2575 Lot 81 DP 1221206	KM Kearney	Dwelling House	30/11/2018	0	5	5	06/12/2018

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97	19/0899	25 Green Street Renwick NSW 2575 Lot 53 DP 1221206	C Larkin, LC Larkin	Dwelling House	05/12/2018	0	1	1	07/12/2018
98	19/0903	9 Plumb Street Renwick NSW 2575 Lot 1384 DP 1234992	S Waples, K Buckley	Dwelling House	06/12/2018	8	4	12	18/12/2018
99	19/0913	58 Maxted Street Renwick NSW 2575 Lot 1352 DP 1234992	T Padassa	Dwelling House	07/12/2018	8	4	13	20/12/2018
100	19/0928	16 Plumb Street Renwick NSW 2575 Lot 1369 DP 1234992	DA Grima, JA Grima	Dwelling House	11/12/2018	0	1	1	13/12/2018
101	19/0931	29 Roty Avenue Renwick NSW 2575 Lot 1235 DP 1221207	JL Craker, AD Wareham	Dwelling House	12/12/2018	0	1	1	13/12/2018
102	19/0934	22 George Cutter Avenue Renwick NSW 2575 Lot 111 DP 1221206	PA Malavey, J Malavey	Dwelling House	13/12/2018	0	7	7	20/12/2018
103	19/0937	14 Plumb Street Renwick NSW 2575 Lot 1370 DP 1234992	C Harrington, A Harrington	Dwelling House	13/12/2018	0	4	4	18/12/2018
104	19/0938	13 Solomon Street Renwick NSW 2575 Lot 1318 DP 1234992	M Smith, AM Smith	Dwelling House	13/12/2018	0	5	5	18/12/2018
105	19/0939	45 Challoner Rise Renwick NSW 2575 Lot 1246 DP 1221207	JR Slatter, KJ Slatter	Dwelling House	13/12/2018	0	5	5	19/12/2018
106	19/0952	64 Maxted Street Renwick NSW 2575 Lot 1355 DP 1234992	J Blanchard, R Zullo	Dwelling House	17/12/2018	31	4	35	22/01/2019
107	19/0960	4 Allen Avenue Renwick NSW 2575 Lot 141 DP 1221206	A Kennedy, CM Kennedy	Dwelling House	18/12/2018	32	3	35	22/01/2019
108	19/0964	9 George Cutter Avenue Renwick NSW 2575 Lot 1377 DP 1234992	S Donachie, B Donachie	Dwelling House	18/12/2018	26	3	29	17/01/2019
109	19/0968	27 Maxted Street Renwick NSW 2575 Lot 28 DP 1221206	Sutton Roofing Pty Ltd	Dwelling House	18/12/2018	34	2	36	25/01/2019

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110	19/0988	2 Bold Street Renwick NSW 2575 Lot 8001 DP 1199372	Y Carr, B Carr	Residential Alterations and Additions (Swimming Pool)	20/12/2018	0	15	15	04/01/2019
111	19/0993	32 Green Street Renwick NSW 2575 Lot 1333 DP 1234992	Adenzie Developments Pty Ltd	Dwelling House	20/12/2018	6	20	26	16/01/2019
112	19/1007	11 Plumb Street Renwick NSW 2575 Lot 1385 DP 1234992	R Parsons, EG North, J Parsons, Da Parsons	Dwelling House	21/12/2018	0	20	20	11/01/2019
113	18/0758.06	Quiet Hills 1 Old Jamberoo Road Robertson NSW 2577 Lot 1 DP 126614	Southern Land Holdings Pty Ltd	Section 4.55 Modification (Increase width between containers & adjust roof)	20/12/2018	0	33	33	23/01/2019
114	19/0994	4355 Illawarra Highway Robertson NSW 2577 Lot 1 DP 369508	Cl Castle, B Castle	Residential Alterations and Additions (Shed)	20/12/2018	0	26	26	15/01/2019
115	18/0453	Boscobel Stud Exeter Road Sutton Forest NSW 2577 Lot 1 DP63523 & Lots 1-19 Sec 8 DP758938 & Lots 1-2 Sec 9 DP 758938 & Lot 1 DP1094302 & Lot 1 DP1142493	M Josephson	Subdivision (2 Lots)	20/04/2018	0	244	244	20/12/2018
116	19/0329	76 Joadja Street Welby NSW 2575 Lot 2 DP 1243680	MA Hill, S Hill	Dwelling House	28/08/2018	35	107	142	18/01/2019
117	19/0566	100 Blencowes Lane Wildes Meadow NSW 2577 Lot 12 DP 586550	Joamel Holdings Pty Ltd	Residential Alterations and Additions (Secondary Dwelling)	09/10/2018	0	100	100	18/01/2019
118	19/0568	662 Myra Vale Road Wildes Meadow NSW 2577 Lot 6 DP 737470 Lot 307 DP 751262	Aalhuizen Nominess Pty Limited	Dwelling House, Swimming Pool & Garage Detached	09/10/2018	0	100	100	18/01/2019

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
119	18/0218.03	18 Badgery Street Willow Vale NSW 2575 Lot 15 Sec 11 DP 792	AL Murton, LCM Meeks	Section 4.55 Modification (Relocate shed, alter exterior design and increase length by 2.17m)	09/01/2019	0	12	12	22/01/2019
120	19/0071	1 Bumballa Road Wingello NSW 2579 Lot 2 Sec 1 DP 759097	JS Bird, A Bird	Dual Occupancy (Detached)	13/07/2018	83	66	149	10/12/2018
121	16/0798.02	14 Government Road Yerrinbool NSW 2575 Part Lot 1 DP 805984	E McKeown, H McKeown	Section 4.55 Modification (Boundary Adjustment)	19/12/2018	0	1	1	19/12/2018
122	19/0275	12 Sunrise Road Yerrinbool NSW 2575 Lot 127 DP 9882	E Penn, MCML Totten	Dwelling House	20/08/2018	55	61	116	15/12/2018
123	19/0738	14-16 Cascade Avenue Yerrinbool NSW 2575 Lot 165 DP 11780	R Martin, SC Arts	Residential Alterations and Additions (Shed)	08/11/2018	40	33	73	22/01/2019
124	19/1045	63 Western Road Yerrinbool NSW 2575 Lot 5 DP 773665	C Marshall,A Marshall	Residential Alterations and Additions (Swimming Pool)	11/01/2019	0	6	6	17/01/2019
125	16/0670.03	7 Hamilton Avenue Bowral NSW 2576 Lot 82 DP 1065886	Rosemary Pty Limited	Section 4.55 Modification (Kitchen, Living Room & Terrace)	18/12/2018	0	42	42	29/01/2019
126	18/0630.02	144 Bowral Street Bowral NSW 2576 Lot 4 DP 773104	NSW Land & Housing Corporation	Section 4.55 Modification (Internal Alterations)	19/12/2018	0	41	41	29/01/2019
127	19/0632	34 Victoria Street Bowral NSW 2576 Lot 34 DP 1238715	EP Nichols, BE Nichols	Demolition, Residential Alterations and Additions (Extensions, Garage, Pergola)	22/10/2018	38	60	98	29/01/2019
128	19/0945	Church 182-188 Bowral Street Bowral NSW 2576 Part Lot 1 DP 111722 Part Lot 1 DP 587971 Part Lot 2 DP 587971 Lot 3 DP 587971	Australasian Conference Association Limited	Illuminated Freestanding Pylon Sign	17/12/2018	0	43	43	29/01/2019
129	19/0783	12 Geebung Close Colo Vale NSW 2575 Lot 209 DP 1245987	ME Faulkner, EE Faulkner	Dwelling House	15/11/2018	26	48	74	29/01/2019

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
130	19/0634	514 Sallys Corner Road Exeter NSW 2579 Lot 1 DP 1237682	G McKenzie, M McKenzie	Dwelling House & Secondary Dwelling	22/10/2018	0	99	99	29/01/2019
131	19/0944	Cherry Bank 158 Bundanoon Road Exeter NSW 2579 Lots 10-12 DP1240942	R Hannan, M Hannan	Dwelling House	14/12/2018	0	46	46	29/01/2019
132	18/0759	205 High Range Lane High Range NSW 2575 Lot 3 DP 1076561	D Savill	Tourist & Visitor Accommodation (Farm Stay) and Residential Accommodation (Secondary Dwelling)	26/06/2018	175	41	216	29/01/2019
133	19/0555	60 Wilson Drive Hill Top NSW 2575 Lot 3 DP 711798	A Saunders	Dwelling House	08/10/2018	63	48	112	29/01/2019
134	19/0743	65 Beaconsfield Road Moss Vale NSW 2577 Lot 2 DP 1246549	C Sidorenko, R Sidorenko	Dwelling House. Farm Shed. Swimming Pool. Garage.	08/11/2018	7	73	80	29/01/2019
135	18/0659	9 Edward Street Bowral NSW 2576 Lot 25 Sec C DP 14661	SI Hoffman, D Hoffman	Residential Alterations and Additions (Extensions)	06/06/2018	147	89	236	30/01/2019
136	19/0836	23 Gladstone Road Bowral NSW 2576 Lot 1 DP 84446	C McCulloch	Residential Alterations and Additions (Extensions)	23/11/2018	0	70	70	02/02/2019
137	19/1050	13 Toongoon Road Burradoo NSW 2576 Lot 53 DP 13057	A Connell, S Gibson	Demolish Existing Dwelling and Outbuildings	14/01/2019	0	21	21	01/02/2019
138	19/1098	3 Sunninghill Avenue Burradoo NSW 2576 Lot 2 DP 596835	J Aoun, J Aoun	Residential Alterations and Additions (Extension and Carport)	23/01/2019	0	8	8	01/02/2019
139	19/0677	36 Azalea Street Colo Vale NSW 2575 Lot 2 DP 1239087	TI Hitchens	Dwelling House	30/10/2018	21	75	97	04/02/2019
140	19/0626	19-25 School Lane Exeter NSW 2579 Lot 2 DP 606601	Bw Walker	Residential Alterations and Additions - Extensions	22/10/2018	26	73	99	30/01/2019

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
141	19/1105	9 Laura Street Hill Top NSW 2575 Lots 49-52 Sec 37 DP 1349	J Robertson, C Holcroft	Residential Alterations and Additions (Shed)	24/01/2019	0	8	8	01/02/2019
142	18/0637	6 Bourne Close Mittagong NSW 2575 Lot 11 DP 248417	D Mulquiney	Residential Alterations and Additions (Extension)	31/05/2018	0	246	246	01/02/2019
143	19/0239	20 Huxley Street Mittagong NSW 2575 Lot 3 Sec 25 DP 1338	MW Harrison, R Harrison	New Garage & Workshop	14/08/2018	112	59	171	02/02/2019
144	19/0866	17 Robinson Street Mittagong NSW 2575 Lot 132 DP 1247015	G Biasi, S Biasi	Dwelling House	29/11/2018	5	61	66	04/02/2019
145	19/0935	2/105 Main Street Mittagong NSW 2575 Lot 2 S/P 45315	Stratozcaster Pty Limited	Change of Use (Hair Salon)	13/12/2018	0	54	54	05/02/2019
146	19/1111	41 Bulwer Road Moss Vale NSW 2577 Lot 59 DP 1144867	S Watling, M Watling	Residential Alterations and Additions (Awning)	25/01/2019	0	6	6	31/01/2019
147	19/1081	Lindan Park 551 Inverary Road Paddys River NSW 2577 Lot 4 DP 623028	L Zanatta, L Zanatta	Farm Building (Machinery Shed)	21/01/2019	0	11	11	01/02/2019
148	19/0972	22 Guthawah Way Renwick NSW 2575 Lot 705 DP 1234984	G Darley, M Darley	Dwelling House	19/12/2018	44	2	46	04/02/2019
149	19/0973	22 Guthawah Way Renwick NSW 2575 Lot 705 DP 1234984	G Darley, M Darley	Residential Alterations and Additions (Shed)	19/12/2018	44	2	46	04/02/2019
150	19/1040	17 Allen Avenue Renwick NSW 2575 Lot 99 DP 1221206	T Goldfinch, P Bishop	Dwelling House	10/01/2019	12	7	19	30/01/2019
151	19/1065	56 Challoner Rise Renwick NSW 2575 Lot 1256 DP 1221207	S Rodden, A Rodden	Dwelling House	16/01/2019	4	15	19	05/02/2019
152	19/0542	4 Old Jamberoo Road Robertson NSW 2577 Part Lot 59 DP 13350	A Upward	Dwelling House	05/10/2018	26	92	118	31/01/2019
153	19/0959	135 Pearsons Lane Robertson NSW 2577 Lot 91 DP 1209872	D Handley, R Handley	Residential Alterations and Additions (Shed)	17/12/2018	0	46	46	02/02/2019

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
154	19/0978	491 Belmore Falls Road Robertson NSW 2577 Lot 1 DP 244159	D Klimenko, B Klimenko	Dwelling House, Swimming Pool and Tennis Court Pavilion	20/12/2018	0	46	46	05/02/2019
155	17/0267.02	347 Bong Bong Street Bowral NSW 2576 Lot 2 DP 736410	M De Maria	Section 4.55 Modification Retail Premises - Bottle Shop (Extension of trading hours)	13/12/2018	0	35	35	17/01/2019
156	19/1000	Bunnygalore 720 Bunnygalore Road Belanglo NSW 2577 Lot 1 DP 630269	K Fuller	Residential Alterations and Additions (Extension, Swimming Pool)	21/12/2018	0	47	47	06/02/2019
157	19/0682	38 Merrigang Street Bowral NSW 2576 Lot 8 DP 9661	Merrigang Street Pty Ltd	Health Services Facility	31/10/2018	57	40	97	06/02/2019
158	19/1109	69 Sir James Fairfax Circuit Bowral NSW 2576 Lot 307 DP 1234848	P Lane, M Lane	Dwelling House	24/01/2019	0	12	12	06/02/2019
159	19/0951	17 Brigadoon Drive Bundanoon NSW 2578 Lot 14 DP 1038923	G Cameron, R Cameron	Residential Alterations and Additions (Enclose Deck)	17/12/2018	0	50	50	06/02/2019
160	19/0831	12 Hurlingham Avenue Burradoo NSW 2576 Lot 39 DP 81761	P Vanderschaar, V Heaton	Residential Alterations and Additions (Extensions & Internal Alterations)	22/11/2018	18	57	75	06/02/2019
161	19/0683	1 Jasmine Street Colo Vale NSW 2575 Lot 1 DP 748084	M Tritico, L Tritico	Dual Occupancy (Attached) & Residential Alterations and Additions (Shed)	31/10/2018	4	93	97	06/02/2019
162	19/0821	21 Hood Street Mittagong NSW 2575 Lot 15 Sec 9 DP 111201	R Paterson	Secondary Dwelling	21/11/2018	0	77	77	06/02/2019
163	19/0733	3 Stables Place Moss Vale NSW 2577 Lot 55 DP 1069034	M Coldridge, K Coldridge	Subdivision (2 Lots)	08/11/2018	0	89	89	06/02/2019

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164	19/0829	15 Suttor Road Moss Vale NSW 2577 Lot 1 DP 842690	P Gardiner, J Gardiner	Residential Alterations and Additions - Extensions	22/11/2018	0	76	76	06/02/2019
165	19/1093	16 Challoner Rise Renwick NSW 2575 Lot 6 DP 1221206	L Kell, D Kell	Dwelling House	22/01/2019	0	14	14	06/02/2019
166	19/0661	23 Middle Road Exeter NSW 2579 Lot 7 Sec 6 DP 3373	D Cochran, A Baldo	Dwelling House	26/10/2018	26	76	102	06/02/2019

### REFUSED APPLICATIONS

Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
19/0162	Foxgrove 45 Redhills Road Fitzroy Falls NSW 2577 Lot 2 DP 773087	CC Wallace, MA Roberts	Home Business - Storage Shed	01/08/2018	154	13	167	17/01/2019

#### Reasons for Refusal

- 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 LEP), Council considers the development contrary to the objectives of Zone E3 Environmental Management:
  - 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 minimise the proliferation of buildings and other structures in these sensitive landscape areas.

#### **[Section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979]**

- Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, Council is not satisfied by the development application or its accompanying information that the development complies with the provision of section A3.7 of the Wingecarribee Shire Rural Lands Development Control Plan that 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.

#### **[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]**

- Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, the development does not comply with the provision of section A3.7 of the Wingecarribee Shire Rural Lands Development Control Plan that no rural building or structure is to be located closer than 20 metres from any public road, and Council is not satisfied by the development application or its accompanying information that the proposed building's location 5.0m from the land's boundary to Redhills Road is appropriate due to site constraints.

#### **[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]**



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4. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, the development is contrary to the provision of section B2.8 of the Wingecarribee Shire Rural Lands Development Control Plan that the installation of shipping containers on any site in Zone E3 shall be prohibited, and Council is not satisfied by the development application or its accompanying information that any variation of that provision is justified.

**[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, the development makes no provision for vehicle entry/exit, manoeuvring, parking or loading/unloading associated with operation of the home business. Council therefore considers the development contrary to the home business objective specified at section B2.11.2 (d) of the Wingecarribee Shire Rural Lands Development Control Plan:

- (d) To ensure that home businesses provide adequate safe access/egress and parking for visitors/users.

**[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 unsatisfactory with respect to the development control specified by section B2.11.3 of the Wingecarribee Shire Rural Lands Development Control Plan that Council shall not consent to development for the purpose of a home business unless it is satisfied that:

- all applicable siting and design objectives and controls have been considered and addressed
- adequate parking is provided for the business in addition to at least one space being available for the principal dwelling
- all parking is constructed and located to minimise the potential for any noise nuisance of vehicles entering and leaving the site
- parking spaces, manoeuvring areas and driveways are located away from prominent views with minimal impact on the landscaping of the site
- parking spaces are screened within appropriate landscaping.

**[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979]**

7. Having regard to section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979, Council considers the development likely to have significant impacts in the locality, in terms of:

- (a) The locality's existing and desired character and amenity  
(b) Vehicle entry/exit, manoeuvring, parking and loading/unloading.

**[Section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979]**

8. Having regard to section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979, noting the information accompanying the development application indicates the land's terrain and topography preclude location of the development in accordance with the provisions of the Wingecarribee Shire Rural Lands Development Control Plan, Council considers the site unsuitable for the development.

**[Section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979]**

9. 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]**

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Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
19/0940	12 Solomon Street Renwick NSW 2575 Lot 1325 DP 1234992	PS Group of Companies Pty Ltd	Detached Two Storey Dual Occupancy & Subdivision (2 Lots)	13/12/2018	0	26	26	09/01/2019

#### 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:*

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- (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]**

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]**

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Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
19/0775	23 Jellore Street Berrima NSW 2577 Lot 5 Sec 5 DP 758098 Lot 6 Sec 5 DP 758098	FA Sofield	Dual Occupancy (Detached)	14/11/2018	0	28	28	13/12/2018

#### Reasons for Refusal

1. The proposed buildings is located wholly within the High Risk and Medium Risk Flood precinct. A new dwelling is not permissible form of development in the High Flood Risk precinct in accordance with clauses A4.1 and A5.3.3 of the Berrima Village Development Control Plan and clause 7.9(3) of the Wingecarribee Local Environmental plan 2010.

***(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as amended)***

2. The proposed development is non-compliant with the prescriptive flood controls under clause A5.3 of the Berrima Village Development Control Plan, specifically in relation to floor levels, structural soundness and flood affection.

***(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as amended)***

3. The proposed development is considered to have a detrimental impact on the local heritage listed item - 'Riverview Cottage' existing on the site. The proposed renovation/replacement lacks measured drawings and details for the heritage item. The proposal does not comply with Clause A1.9 of section 8 of the Berrima Village DCP.

4. The proposed new dwelling is not in keeping with the heritage value of the area and does not comply with Clause A1.10 of section 8 of the Berrima Village DCP, specifically in terms of its scale, building design and form and it visually overwhelms the Riverview Cottage from the street elevation. The proposal is non-compliant with Clause 5.10(4&5) and of the Wingecarribee Local Environmental plan 2010.

***(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as amended)***

5. Approval of the proposal will not be in public interest as Council cannot be satisfied that:
  - a. The proposal is compatible with the flood hazard of the land,
  - b. The proposal will not adversely affect flood behavior resulting in detrimental increases in the potential flood affectation of other development or properties.
  - c. The proposal will not pose a risk to life and property during a flood event.
  - d. The proposal is in keeping with the heritage character of the area.

***(Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as amended)***

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Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
18/0287	36 Brigadoon Drive Bundanoon NSW 2578 Lot 41 DP 1048841	T Inui	Mixed Use Development (Dwelling House And Health Consulting Rooms)	16/03/2018	0	271	271	13/12/2018 Determined by Council

#### Reasons for Refusal

1. Having regard to section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979, Council considers the development contrary to the objectives of Zone R2 Low Density Residential as specified by the Land Use Table at the end of Part 2 of Wingecarribee Local Environmental Plan 2010.  
**[Section 4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979].**
2. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, the development's dwelling house component exceeds two storeys in height, significantly exceeding the predominant height of existing residential development in the locality. Consequently, Council considers the development contrary to the building height objectives and specific controls specified by sections C2.9.1 and C2.9.2 of the Bundanoon Town Plan Development Control Plan.  
**[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979].**
3. Having regard to section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979, the development's dwelling house component does not provide any off street car parking facilities behind the building line. Consequently, Council considers the development contrary to the garaging and driveways objectives and specific controls specified by sections C2.12.1 and C2.12.2 (g) of the Bundanoon Town Plan Development Control Plan.  
**[Section 4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979].**
4. Having regard to section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979, Council considers the development likely to have significant negative impacts on the locality's built environment in terms of:
  - (a) The character and amenity of the locality
  - (b) The scale and character of development in the locality
  - (c) Compatibility with surrounding land uses
  - (d) Traffic generation and the capacity of the local road network
  - (e) Design of vehicle manoeuvring, parking and loading/unloading facilities.**[Section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979].**
5. Having regard to section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979, the development is not considered in keeping with the locality's residential character and amenity, and the land's topography is not considered conducive to development as proposed. Consequently, Council considers the land unsuitable for the development.  
**[Section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979].**
6. Having regard to section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979, granting of consent for the development is considered contrary to the public interest.  
**[Section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979].**

#### ATTACHMENTS

There are no attachments to this report.

## 13.2 Development Applications Received from 6 December 2018 to 6 February 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 on the Development Applications received in the period from 6 December 2018 to 6 February 2019

### RECOMMENDATION

**THAT** the information relating to Development Applications Received from 6 December 2018 to 6 February 2019 be received and noted.

### RECEIVED APPLICATIONS BY DATE RANGE Date range: 6 December 2018 to 6 February 2019

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	19/0923	35 Balaclava Street Balaclava NSW 2575 Lot 12 DP 1220081	SA Noble	Dwelling House	11/12/2018		#PENDING		
2	19/1000	Bunnygalore 720 Bunnygalore Road Belanglo NSW 2577 Lot 1 DP 630269	KL Fuller	Residential Alterations and Additions (Extension, Swimming Pool)	21/12/2018		#PENDING		
3	18/0558.04	79 Compton Park Road Berrima NSW 2577 Lot 1 DP 1214829	I Soldatic	Section 4.55 Modification (Minor change to dwelling location and orientation. Internal alterations.)	17/01/2019		#APPROVED	25/01/2019	
4	19/1011	36 Oldbury Street Berrima NSW 2577 Lot 6 DP 1213372	K Berkelouw	Dwelling House	21/12/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
5	16/0670.03	7 Hamilton Avenue Bowral NSW 2576 Lot 82 DP 1065886	Rosemary Pty Limited	Section 4.55 Modification (Kitchen, Living Room & Terrace)	18/12/2018		#PENDING		
6	17/0267.02	347 Bong Bong Street Bowral NSW 2576 Lot 2 DP 736410	M D Maria	Section 4.55 Modification Retail Premises - Bottle Shop (Extension of trading hours)	13/12/2018		#APPROVED	17/01/2019	
7	17/0816.09	80 Station Street Bowral NSW 2576 Lot 3 DP 740426	S Reekie, A Reekie	Section 4.55 Modification (Replace circular vents with horizontal vents. Replace full length glazing with low masonry wall)	21/12/2018		#PENDING		
8	18/0132.05	128 Bowral Street Bowral NSW 2576 Lot 12 DP 597780	PB Burrows, IP Burrows	Section 4.55 Modification (Internal Alterations)	17/12/2018		#APPROVED	19/12/2018	
9	18/0630.02	144 Bowral Street Bowral NSW 2576 Lot 4 DP 773104	NSW Land & Housing Corporation	Section 4.55 Modification (Internal Alterations)	19/12/2018		#PENDING		
10	19/0914	210-224 Bong Bong Street Bowral NSW 2576 Lot 100 DP 1194183	Roloz Pty Ltd	Commercial Alterations & Additions (Office Extension)	07/12/2018		#PENDING		
11	19/0930	90 Bendooley Street Bowral NSW 2576 Lot 1 DP 831681	J Hutchinson, J Bowers	Residential Alterations and Additions (Extensions)	12/12/2018		#PENDING		
12	19/0945	Church 182-188 Bowral Street Bowral NSW 2576 Part Lot 1 DP 111722 Part Lot 1 DP 587971 Part Lot 2 DP 587971 Lot 3 DP 587971 And 1 More	Australasian Conference Association Limited	Freestanding Pylon and Directory Board Sign	17/12/2018		#APPROVED	29/01/2019	
13	19/0949	10 St Clair Street Bowral NSW 2576 Lot 1 DP 587255	R Lennox, C Kirk-Lennox	Residential Alterations and Additions (Extensions, Garage, Studio, Swimming Pool)	17/12/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
14	19/0961	2 Orchard Road Bowral NSW 2576 Lot 2 DP 1047033	C Dinnigan	Residential Alterations and Additions (Convert existing Studio/Guest Accommodation to Home Office. Convert existing Stables to Secondary Dwelling)	18/12/2018		#PENDING		
15	19/0971	32 Mount Road Bowral NSW 2576 Lot 27 DP 11146	I Fletcher	Residential Alterations and Additions (Internal Alterations)	19/12/2018		#APPROVED	20/12/2018	
16	19/0981	5 Betty Close Bowral NSW 2576 Lot 320 DP 1234848	A Clift	Dwelling House	20/12/2018		#APPROVED	17/01/2019	
17	19/0995	56 Shepherd Street Bowral NSW 2576 Lot 1 DP 986146	Maj Van Blommestein	Residential Alterations and Additions (Extension)	21/12/2018		#PENDING		
18	19/1012	42 Rose Street Bowral NSW 2576 Lot 13 DP 742073	Am Grant	Residential Alterations and Additions (Extension)	21/12/2018		#PENDING		
19	19/1016	106a Merrigang Street Bowral NSW 2576 Lot 82 DP 1247129	M Bennett, N Baxter	Dwelling House	02/01/2019		#PENDING		
20	19/1020	Southern Highlands Botanic Gardens 1 Old South Road Bowral NSW 2576 Lot 1 DP 1231536	Wingecarribee Shire Council	Temporary Event for 52 functions per year, including food and drinks	02/01/2019	✓	#PENDING		
21	19/1030	155 Bowral Street Bowral NSW 2576 Lot 11 DP 707159	At Sheehan, T Doyle	Residential Alterations and Additions (Pergola and Retaining Wall)	04/01/2019		#APPROVED	18/01/2019	
22	19/1042	25 Oxley Drive Bowral NSW 2576 Lot 11 DP 603108	Leralais Pty Ltd	Multi Dwelling Housing (8 Dwellings)	11/01/2019		#PENDING		✓
23	19/1057	67 Sir James Fairfax Circuit Bowral NSW 2576 Lot 306 DP 1234848	B Murphy, J Mcloughlin	Dwelling House	15/01/2019		#PENDING		
24	19/1109	69 Sir James Fairfax Circuit Bowral NSW 2576 Lot 307 DP 1234848	P Lane, M Lane	Dwelling House	24/01/2019		#PENDING		



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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
25	19/0953	30 Railway Parade Braemar NSW 2575 Lot 21 DP 1233367	C Bernasconi, V Bernasconi	Dwelling House	17/12/2018		#PENDING		
26	19/0910	2877 Wombeyan Caves Road Bullio NSW 2575 Lot 2 DP 814845 Lot 6 DP 814845	Tm Turner	Dwelling House	07/12/2018		#PENDING		
27	15/1134.03	53 Nerrim Street Bundanoon NSW 2578 Lot 32 DP 9331	A Magro, L Egerton	Section 4.55 Modification (Minor Extension to Dwelling. Demolish existing shed)	17/12/2018		#APPROVED	14/01/2019	
28	19/0929	89 Penrose Road Bundanoon NSW 2578 Lot 6 DP 1244654	B Ambler	Dwelling House	12/12/2018		#PENDING		
29	19/0951	17 Brigadoon Drive Bundanoon NSW 2578 Lot 14 DP 1038923	G Cameron, R Cameron	Residential Alterations and Additions (Extension)	17/12/2018		#PENDING		
30	19/0958	17 William Street Bundanoon NSW 2578 Lot 1 DP 8627	V Durrani	Dual Occupancy (Attached)	17/12/2018		#PENDING		
31	19/0965	12 Anzac Parade Bundanoon NSW 2578 Lot 1 DP 183174	Gastoff Pty Ltd	Change of Use - Tourist Accommodation, Restaurant/Café & Bar	18/12/2018		#PENDING		✓
32	19/1032	13 Hill Street Bundanoon NSW 2578 Lot 17 Sec 2 DP 1510	MI Watson	Residential Alterations and Additions (Carport)	07/01/2019		#PENDING		
33	19/0907	86 Osborne Road Burradoo NSW 2576 Lot 6 DP 39039 Vol 11724 Fol 00096	R Shore, C Shore	Residential Alterations and Additions (Extensions)	06/12/2018		#APPROVED	20/12/2018	
34	19/0920	31 Toongoon Road Burradoo NSW 2576 Lot 11 DP 562158	D Cavanagh, L Cavanagh	Residential Alterations and Additions (Extensions)	10/12/2018		#APPROVED	12/12/2018	
35	19/0936	38 Elizabeth Street Burradoo NSW 2576 Lot 8 DP 718888	R Perry, J Perry	Residential Alterations and Additions (Extensions)	13/12/2018		#APPROVED	18/12/2018	

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
36	19/1009	26 Holly Road Burradoo NSW 2576 Lot 4 DP 1192434	A Rapp	Residential Alterations and Additions (Extend Dwelling. New Detached Shed & Guest Room. Pergola)	21/12/2018		#PENDING		
37	19/1050	13 Toongoon Road Burradoo NSW 2576 Lot 53 DP 13057	A Connell, S Gibson	Demolish Existing Dwelling and Outbuildings	14/01/2019		#PENDING		
38	19/1098	3 Sunninghill Avenue Burradoo NSW 2576 Lot 2 DP 596835	J Aoun, J Aoun	Residential Alterations and Additions (Extensions)	23/01/2019		#PENDING		
39	19/1112	61 Burradoo Road Burradoo NSW 2576 Lot 1 DP 18756	L Mcpherson	Secondary Dwelling	25/01/2019		#PENDING		
40	19/0911	12 Church Street Burrawang NSW 2577 Lot 3 DP 875740	W Engel	Residential Alterations and Additions (Extensions)	07/12/2018		#APPROVED	17/01/2019	
41	19/0947	Wilson Drive Buxton NSW 2571 Lot 3 DP 787486	DI Gough, KI Gough	Dwelling House	17/12/2018		#PENDING		
42	19/1002	Wendela 1751 Canyonleigh Road Canyonleigh NSW 2577 Lot 1 DP 102215	R Fife, J Diaz	Dwelling House	21/12/2018		#PENDING		
43	19/0615.06	3 Geebung Close Colo Vale NSW 2575 Lot 202 DP 1245987	T Bentley, J Bentley	Section 4.55 Modification (Increase height of dwelling. Increase floor to ceiling height to 2590mm)	21/12/2018		#APPROVED	04/01/2019	
44	19/0926	116 Moresby Hill Road East Kangaloon NSW 2576 Lot 20 DP 1030186	Trehear Group Pty Limited	Dwelling House	11/12/2018		#PENDING		
45	19/0917	48 Devon Road Exeter NSW 2579 Lot 3 DP 1245196	B Savage, P Tesoriero	Dwelling House	07/12/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
46	19/0944	Cherry Bank 158 Bundanoon Road Exeter NSW 2579 Lots 10-12 DP1240942	R Hannan, M Hannan	Dwelling House	14/12/2018		#PENDING		
47	19/1024	Rockleigh Road Exeter NSW 2579 Lot 13 DP 1154427	K Stevens, K Payne	Dwelling House	03/01/2019		#PENDING		
48	19/1053	Wentworth 166 Sproules Lane Glenquarry NSW 2576 Lot 4 DP 710710	Rj Sproats	Residential Alterations and Additions (Internal Alterations & Extensions)	14/01/2019		#PENDING		
49	19/0962	Wombaroo 162 Black Spring Road High Range NSW 2575 Lot 1 DP 1158096	The Outdoor Education Group	Temporary Use of Land (Camping Event 17-22 April 2019)	18/12/2018		#PENDING		
50	03/2011.06	955 Wombeyan Caves Road High Range NSW 2575 Lot 85 DP 751275	Woodbine Park Nominees Pty Limited	Section 4.55 Modification (Bulk Water Extraction – Condition 5 pertaining to hours of operation)	17/12/2018	✓	#PENDING		
51	17/1162.05	22 Pearce Street Hill Top NSW 2575 Lot 2 DP 1232616	T Challinor, M Moutos	Section 4.55 Modification (Remove Condition 24 pertaining to landscape certification)	20/12/2018		#APPROVED	10/01/2019	
52	19/0289.05	8 Grandview Parade Hill Top NSW 2575 Lot 98 Sec 1 DP 10173	T Ford, R Dillon	Dwelling House	18/12/2018		#PENDING		
53	19/1105	9 Laura Street Hill Top NSW 2575 Lots 49-52 Sec 37 DP 1349	J Robertson, C Holcroft	Residential Alterations and Additions (Shed)	24/01/2019		#PENDING		
54	16/0867.03	1318 Joadja Road Joadja NSW 2575 Lot 1 DP1142305 & Ep 43433	W Smith, F Gerhardus-Smith	Section 4.55 Modification (Alterations)	02/01/2019		#PENDING		
55	19/0991	1785 Kangaloon Road Kangaloon NSW 2576 Lot 11 DP 802189	H Vlahakis	Residential Alterations and Additions (Extensions and Swimming Pool)	20/12/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
56	17/0561.02	540 Joadja Road Mandemar NSW 2575 Lots 3-4 DP 808296 & Lot 1 DP879474 & Lot 1 DP1177037 (Lot 1 DP 879474 Coal Rights)	I Carter	Section 4.55 Modification (Remove Condition 3 pertaining to Construction Certificate)	11/01/2019		#PENDING		
57	17/0015.01	240 Old Hume Highway Mittagong NSW 2575 Lot 3 Sec 1 DP 111201	I Balchin	Section 4.55 Modification (Remove DA Conditions 3 & 4 pertaining to S138)	15/01/2019		#PENDING		
58	17/0469.05	5 Acacia Street Mittagong NSW 2575 Lot 18 DP 15496	A Greenough,T Greenough	Section 4.55 Modification (Internal Alterations)	18/12/2018		#APPROVED	08/01/2019	
59	18/0247.01	41 Oxley Drive Mittagong NSW 2575 Lot 11 DP 1214567	J Jessop, V Jessop	Section 4.55 Modification (Internal Alteration. Remove flood conditions.)	07/12/2018		#APPROVED	16/01/2019	
60	19/0935	2/105 Main Street Mittagong NSW 2575 Lot 2 S/P 45315	Stratozcaster Pty Limited	Change of Use (Hair Salon)	13/12/2018		#PENDING		
61	19/0942	2 Bracken Street Mittagong NSW 2575 Lot 91 DP 1225576	A Purdom,]B Taylor	Residential Alterations and Additions (Internal Alterations)	14/12/2018		#PENDING		
62	19/0998	66 Sunset Point Drive Mittagong NSW 2575 Lot 48 DP 732184	K Sarty, I Sarty	Residential Alterations and Additions (Extension. Swimming Pool)	21/12/2018		#PENDING		
63	19/0999	7 Bracken Street Mittagong NSW 2575 Lot 1 DP 869824	M Fox, K Fox	Dual Occupancy (Detached) & Subdivision (2 Lots)	21/12/2018		#PENDING		
64	19/1004	5 Pioneer Street Mittagong NSW 2575 Lot 14 DP 597853	H Horne	Residential Alterations and Additions (Extensions)	21/12/2018		#PENDING		
65	19/1015	19 Robinson Street Mittagong NSW 2575 Lot 137 DP 1247015	DM Turland, S Turland	Dwelling House and Secondary Dwelling (Attached)	02/01/2019		#PENDING		✓

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
66	15/1138.02	140 Nowra Road Moss Vale NSW 2577 Lot 7 DP 632169	C Harvey, S Harvey	Section 4.55 Modification (Extend Temporary Use of Site for Functions for Twelve (12) Months)	21/12/2018	✓	#PENDING		✓
67	17/1318.01	Church & Community Activity Centre 18 Spring Street Moss Vale NSW 2577 Lot 90 DP 751253	Connect Christian Church T/A Southlands Care	Section 4.55 Modification (Extend Temporary Use of Site for Growers Market / Food Swap to 2024. Remove "Grow Cook Eat Festival" from consent)	23/01/2019		#PENDING		
68	18/0619.01	597 Argyle Street Moss Vale NSW 2577 Part Lot 1 DP 1075066	J Jarrett, C Jarrett	Section 4.55 Modification (Remove conditions 8 and 24 pertaining to Section 68 and Stormwater discharge)	24/01/2019		#PENDING		
69	19/0061.06	1 Torulosa Drive Moss Vale NSW 2577 Lot 116 DP 1232222	G Merchant, C Merchant	Section 4.55 Modification (Alter ground levels and finished floor levels. Increase height of dwelling)	20/12/2018		#APPROVED	04/01/2019	
70	19/0172.03	Old Dairy Close Moss Vale NSW 2577 Lot 11 S/P 95501	Sitecat Pty Limited	Section 4.55 Modification (Stage development as 2 separate stages)	14/12/2018		#PENDING		
71	19/0434.03	29 Torulosa Drive Moss Vale NSW 2577 Lot 130 DP 1232222	G Smith, Jm Barclay	Dwelling House	07/12/2018		#APPROVED	03/01/2019	
72	19/0915	12 Torulosa Drive Moss Vale NSW 2577 Lot 110 DP 1232222	M Richards, A Richards	Dwelling House	07/12/2018		#PENDING		
73	19/0967	9 Dengate Crescent Moss Vale NSW 2577 Lot 38 DP 252203	G North, Mb North	Dwelling House	18/12/2018		#PENDING		
74	19/0974	53 Kirkham Street Moss Vale NSW 2577 Lot 53 DP 1120498	Joer Pty Ltd	Multi Dwelling Housing (9 Dwellings)	19/12/2018		#PENDING		✓

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
75	19/1021	191 Lackey Road Moss Vale NSW 2577 Lot 2 DP 800986	M Ure, J Betteridge	Residential Alterations and Additions (Extension)	02/01/2019		#PENDING		
76	19/1055	Church 2 Church Road Moss Vale NSW 2577 Lot 1 DP 1225406	Anglican Church Property Trust Diocese Of Sydney	Anglican Church (Extend Amenities Building)	15/01/2019		#PENDING		
77	19/1086	15-17 Mccourt Road Moss Vale NSW 2577 Lot 35 DP 858150	Joy Global Australia Pty Ltd	Industrial Shed	22/01/2019		#PENDING		
78	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		#PENDING		
79	19/1101	8 Torulosa Drive Moss Vale NSW 2577 Lot 112 DP 1232222	C Ash, T Ash	Dwelling House	23/01/2019		#PENDING		
80	19/1111	41 Bulwer Road Moss Vale NSW 2577 Lot 59 DP 1144867	S Watling, M Watling	Residential Alterations and Additions (Awning)	25/01/2019		#PENDING		✓
81	08/0776.03	208 Argyle Street Moss Vale NSW 2577 Lot 101 DP 1142408	NGP Investments (No 2) Pty Limited	Section 4.55 Modification (Replace existing signage with new corporate identity signage & new directional sign)	10/01/2019		#PENDING		
82	19/1072	70 McGuinness Drive Mount Murray NSW 2577 Lot 15 DP 215550	D Middleton	Residential Alterations and Additions (Deck)	17/01/2019		#PENDING		
83	19/1081	Lindan Park 551 Inverary Road Paddys River NSW 2577 Lot 4 DP 623028	L Zanatta, L Zanatta	Farm Building (Machinery Shed)	21/01/2019		#PENDING		
84	19/0903	9 Plumb Street Renwick NSW 2575 Lot 1384 DP 1234992	S Waples, K Buckley	Dwelling House	06/12/2018		#APPROVED	18/12/2018	

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
85	19/0913	58 Maxted Street Renwick NSW 2575 Lot 1352 DP 1234992	TI Padassa	Dwelling House	07/12/2018		#APPROVED	20/12/2018	
86	19/0928	16 Plumb Street Renwick NSW 2575 Lot 1369 DP 1234992	D Grima, J a Grima	Dwelling House	11/12/2018		#APPROVED	13/12/2018	
87	19/0931	29 Roty Avenue Renwick NSW 2575 Lot 1235 DP 1221207	J Craker, A Wareham	Dwelling House	12/12/2018		#APPROVED	13/12/2018	
88	19/0934	22 George Cutter Avenue Renwick NSW 2575 Lot 111 DP 1221206	Pa Malavey, J Malavey	Dwelling House	13/12/2018		#APPROVED	20/12/2018	
89	19/0937	14 Plumb Street Renwick NSW 2575 Lot 1370 DP 1234992	C Harrington, A Harrington	Dwelling House	13/12/2018		#APPROVED	18/12/2018	
90	19/0938	13 Solomon Street Renwick NSW 2575 Lot 1318 DP 1234992	M Smith, A Smith	Dwelling House	13/12/2018		#APPROVED	18/12/2018	
91	19/0939	45 Challoner Rise Renwick NSW 2575 Lot 1246 DP 1221207	J Slatter, K Slatter	Dwelling House	13/12/2018		#APPROVED	19/12/2018	
92	19/0940	12 Solomon Street Renwick NSW 2575 Lot 1325 DP 1234992	PS Group Of Companies Pty Ltd	Detached Two Storey Dual Occupancy & Subdivision (2 Lots)	13/12/2018		#REFUSED	09/01/2019	
93	19/0952	64 Maxted Street Renwick NSW 2575 Lot 1355 DP 1234992	J Blanchard, R Zullo	Dwelling House	17/12/2018		#APPROVED	22/01/2019	
94	19/0960	4 Allen Avenue Renwick NSW 2575 Lot 141 DP 1221206	A Kennedy, C Kennedy	Dwelling House	18/12/2018		#APPROVED	22/01/2019	
95	19/0964	9 George Cutter Avenue Renwick NSW 2575 Lot 1377 DP 1234992	S Donachie, B Donachie	Dwelling House	18/12/2018		#APPROVED	17/01/2019	

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
96	19/0968	27 Maxted Street Renwick NSW 2575 Lot 28 DP 1221206	Sutton Roofing Pty Ltd	Dwelling House	18/12/2018		#APPROVED	25/01/2019	
97	19/0972	22 Guthawah Way Renwick NSW 2575 Lot 705 DP 1234984	G Darley, M Darley	Dwelling House	19/12/2018		#PENDING		
98	19/0973	22 Guthawah Way Renwick NSW 2575 Lot 705 DP 1234984	G Darley, M Darley	Residential Alterations and Additions (Shed)	19/12/2018		#PENDING		
99	19/0988	2 Bold Street Renwick NSW 2575 Lot 8001 DP 1199372	Y Carr, B Carr	Residential Alterations and Additions (Swimming Pool)	20/12/2018		#APPROVED	04/01/2019	
100	19/0993	32 Green Street Renwick NSW 2575 Lot 1333 DP 1234992	Adenzie Developments Pty Ltd	Dwelling House	20/12/2018		#APPROVED	16/01/2019	
101	19/1007	11 Plumb Street Renwick NSW 2575 Lot 1385 DP 1234992	R Parsons, E North, J Parsons, D Parsons	Dwelling House	21/12/2018		#APPROVED	11/01/2019	
102	19/1022	46 Windeyer Street Renwick NSW 2575 Lot 1312 DP 1234992	L McIntyre, L Starnovsky	Dwelling House	02/01/2019		#PENDING		
103	19/1031	48 George Cutter Avenue Renwick NSW 2575 Lot 68 DP 1221206	M Zaman, T Zaman	Dwelling House	07/01/2019		#PENDING		
104	19/1040	17 Allen Avenue Renwick NSW 2575 Lot 99 DP 1221206	T Goldfinch, P Bishop	Dwelling House	10/01/2019		#PENDING		
105	19/1058	47 Maxted Street Renwick NSW 2575 Lot 1338 DP 1234992	R & B Wing Partnership	Dwelling House	15/01/2019		#PENDING		
106	19/1062	18 Solomon Street Renwick NSW 2575 Lot 1322 DP 1234992	B Patel, I Patel	Dwelling House	16/01/2019		#PENDING		



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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
107	19/1065	56 Challoner Rise Renwick NSW 2575 Lot 1256 DP 1221207	S Rodden, A Rodden	Dwelling House	16/01/2019		#PENDING		
108	19/1093	16 Challoner Rise Renwick NSW 2575 Lot 6 DP 1221206	L Kell, D Kell	Dwelling House	22/01/2019		#PENDING		
109	18/0758.06	Quiet Hills 1 Old Jamberoo Road Robertson NSW 2577 Lot 1 DP 126614	Southern Land Holdings Pty Ltd	Section 4.55 Modification (Increase width between containers & alter roof)	20/12/2018		#APPROVED	23/01/2019	
110	19/0955	58-60 Hoddle Street Robertson NSW 2577 Lot 10 Sec 18 DP 758882 Lot 11 Sec 18 DP 758882	The State Of NSW	Community Facility (Mens Shed)	17/12/2018		#PENDING		
111	19/0959	135 Pearsons Lane Robertson NSW 2577 Lot 91 DP 1209872	D Handley, R Handley	Residential Alterations and Additions (Shed)	17/12/2018		#PENDING		
112	19/0978	491 Belmore Falls Road Robertson NSW 2577 Lot 1 DP 244159	D Klimenko, B Klimenko	Dwelling House, Swimming Pool and Tennis Court Pavilion	20/12/2018		#PENDING		
113	19/0979	Belmore Park Belmore Falls Road Robertson NSW 2577 Lot 305 DP 751302	B Klimenko, D Klimenko	Dwelling House	20/12/2018		#PENDING		
114	19/0994	4355 Illawarra Highway Robertson NSW 2577 Lot 1 DP 369508	Cl Castle, B Castle	Residential Alterations and Additions (Shed)	20/12/2018		#APPROVED	15/01/2019	
115	16/0870.05	16-18 Willow Street Willow Vale NSW 2575 Lot 13 Sec 14 DP 792 Lot 14 Sec 14 DP 792	Sett Homes Pty Ltd	Section 4.55 Modification (Remove Street Lighting)	20/12/2018		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
116	18/0218.03	18 Badgery Street Willow Vale NSW 2575 Lot 15 Sec 11 DP 792	A Murton, L Meeks	Section 4.55 Modification (relocate shed, changes to exterior design and increase length by 2.17m)	09/01/2019		#APPROVED	22/01/2019	
117	19/0904	10b Drapers Road Willow Vale NSW 2575 Lot 3 DP 1247842	J Williams, A Williams	Secondary Dwelling	06/12/2018		#PENDING		
118	19/1023	272 Nandi Road Wingello NSW 2579 Lot 3 DP 739567	J Thomas, T Thomas	Secondary Dwelling	03/01/2019		#PENDING		
119	16/0798.02	14 Government Road Yerrinbool NSW 2575 Part Lot 1 DP 805984	E Mckeown, H Mckeown	Section 4.55 Modification (Remove conditions pertaining to construction.)	19/12/2018		#APPROVED	19/12/2018	
120	19/1045	63 Western Road Yerrinbool NSW 2575 Lot 5 DP 773665	C Marshall, A Marshall	Residential Alterations and Additions (Swimming Pool)	11/01/2019		#APPROVED	17/01/2019	
121	19/1113	8 Watson Road Moss Vale NSW 2577 Lot 1 DP 1247272	C Herde Pty Ltd	Dwelling House & Secondary Dwelling	29/01/2019		#PENDING		
122	19/1118	50 Baker Street Moss Vale NSW 2577 Lot 4023 DP 1242576	S White	Dwelling House	29/01/2019		#PENDING		
123	19/1115	6 Ritchie Road Willow Vale NSW 2575 Lot 101 DP 1247843	T Rankin, K Rankin	Dwelling House	29/01/2019		#PENDING		
124	17/0281.01	11 Victoria Street Bowral NSW 2576 Lot 14 Sec B DP 975353	Tesgov Pty Limited	Section 4.55 Modification (Delete Condition 78 – Construction of Concrete Footpath and Bus Stop Pad)	31/01/2019		#PENDING		
125	19/1122	341 Bong Bong Street Bowral NSW 2576 Lot 1 DP 212443	S Perinich, M Perinich	Change of Use (Hair Salon)	30/01/2019		#PENDING		
126	19/1133	2/29 Banksia Street Bowral NSW 2576 Lot 2 S/P 83524	Mmml Pombo,Rt Hurley	Residential Alterations and Additions - Extensions	31/01/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
127	19/1146	8 Warwick Close Bowral NSW 2576 Lot 228 DP 1239600	V Frost, G Frost	Dwelling House	04/02/2019		#PENDING		
128	19/1134	Durham Farm 200 Durham Road Bundanoon NSW 2578 Lot 46 DP 751289	VA Russell, P Asimus	Demolish existing dwelling. Construct new dwelling house	31/01/2019		#PENDING		
129	19/1152	Sparrows Nest 18 Cornwall Road Exeter NSW 2579 Lot 2 DP 830954	DN Kolic, CS Kolic	Dwelling House	04/02/2019		#PENDING		
130	19/1131	208 Range Road Mittagong NSW 2575 Lot 17 Sec 5 DP 2133	PE Awit	Dwelling House	31/01/2019		#PENDING		
131	19/1147	10 Duke Street Mittagong NSW 2575 Lot 4 DP 604014	ME Roberts, DI Roberts	Residential Alterations and Additions - Shed	04/02/2019		#PENDING		
132	19/1135	3 Chapman Street Moss Vale NSW 2577 Lot 5 DP 26575	S Ward, J Ward	Residential Alterations and Additions (Internal Alterations. Deck and Garage)	01/02/2019		#PENDING		
133	19/1156	71 Broughton Street Moss Vale NSW 2577 Lot 1 DP 157638	AC Bulloch, MG Bulloch	Residential Alterations and Additions (Deck)	05/02/2019		#PENDING		
134	19/0070.06	9 Oldfield Road Renwick NSW 2575 Lot 131 DP 1221206	MA Todd, T McGladdery	Section 4.55 Modification (Correct typo by surveyors of finished floor level on contour)	04/02/2019		#PENDING		
135	19/0082.06	12 Roty Avenue Renwick NSW 2575 Lot 117 DP 1221206	S Avery, H Avery	Section 4.55 Modification (Correct typo by surveyors of finished floor level on contour)	04/02/2019		#PENDING		
136	19/0086.04	30 Maxted Street Renwick NSW 2575 Lot 1218 DP 1221207	J Hart, M Hart	Section 4.55 Modification (Correct typo by surveyors of finished floor level on contour)	04/02/2019		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
137	19/0406.05	10 Green Street Renwick NSW 2575 Lot 22 DP 1221206	S Sinclair	Section 4.55 Modification (Correct typo by surveyors of finished floor level on contour)	04/02/2019		#PENDING		
138	19/0508.06	3 Green Street Renwick NSW 2575 Lot 123 DP 1221206	J Elatm, C Elatm	Section 4.55 Modification Dwelling House	04/02/2019		#PENDING		
139	19/1123	54 Challoner Rise Renwick NSW 2575 Lot 1257 DP 1221207	J Boyan, A Boyan	Dwelling House	30/01/2019		#PENDING		
140	19/1128	16 Windeyer Street Renwick NSW 2575 Lot 1391 DP 1234992	S Postle	Dwelling House	30/01/2019		#PENDING		
141	19/1129	9 Solomon Street Renwick NSW 2575 Lot 1316 DP 1234992	KI Cook	Dwelling House	31/01/2019		#PENDING		
142	19/1137	51 Maxted Street Renwick NSW 2575 Lot 1340 DP 1234992	Tm Chang	Dwelling House	01/02/2019		#PENDING		
143	19/1138	11 George Cutter Avenue Renwick NSW 2575 Lot 1378 DP 1234992	A Richardson, K Richardson	Dwelling House	01/02/2019		#PENDING		
144	19/1139	14 Roty Avenue Renwick NSW 2575 Lot 118 DP 1221206	J Joseph, T Thomas	Dwelling House	01/02/2019		#PENDING		
145	19/1141	Quiet Hills 1 Old Jamberoo Road Robertson NSW 2577 Lot 1 DP 126614	Southern Land Holdings Pty Ltd	Farm Building (Storage Shed)	01/02/2019		#PENDING		
146	19/1149	7 Kent Street Yerrinbool NSW 2575 Lot 2 DP 1234983	L Smith, L Woods	Dwelling House	04/02/2019		#PENDING		
147	19/0572.05	56 Greasons Road Bundanoon NSW 2578 Lot 222 DP 1214182	W Norris	Section 4.55 Modification (Alterations)	06/02/2019		#PENDING		

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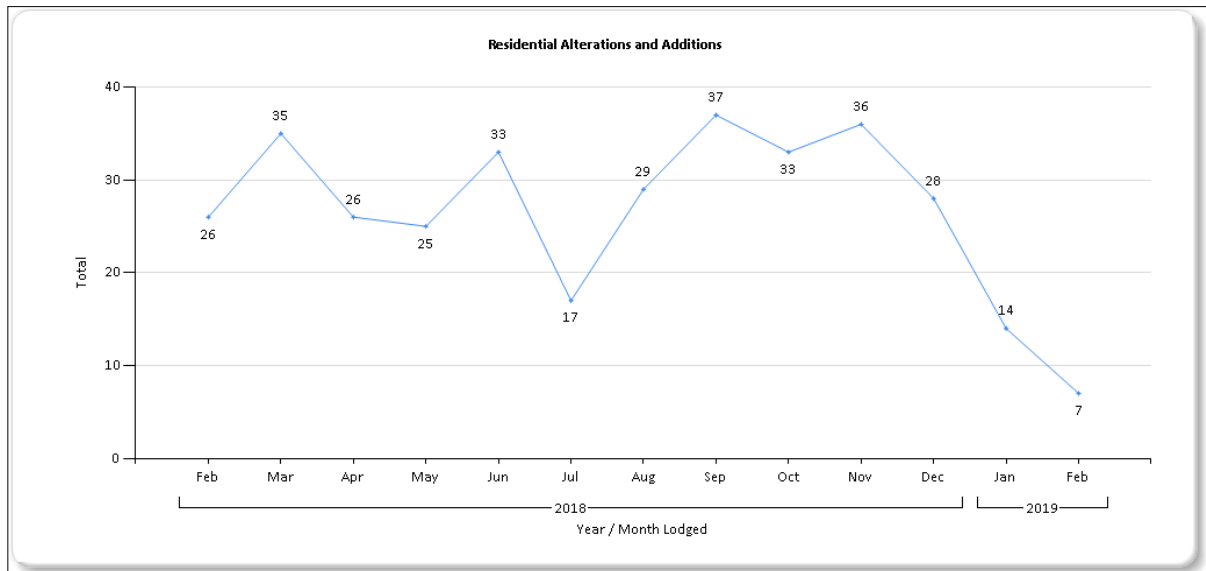
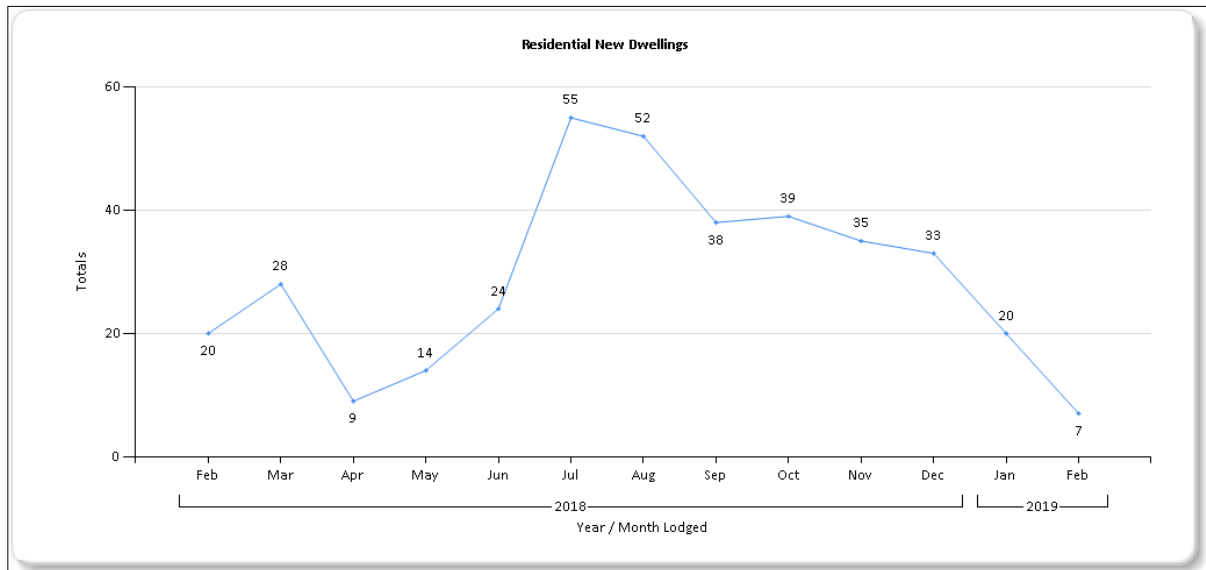
**REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY  
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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
148	16/1337.04	13 Yean Street Burradoo NSW 2576 Lot 222 DP 1216797	R Sheedy, M Hodgson	Section 4.55 Modification (Extensions & Internal Alterations)	06/02/2019		#PENDING		
149	18/0272.03	Old Coowong Road (Priv.) Canyonleigh NSW 2577 Lot 4 DP 1183492	N Prentice, A Prentice	Section 4.55 Modification (Alterations)	06/02/2019		#PENDING		
150	19/1164	31 Colo-Hilltop Road Hill Top NSW 2575 Lot 3 DP 1189861	T Latta, B Latta	Residential Alterations and Additions (Shed)	06/02/2019		#PENDING		
151	19/1159	7 Allen Avenue Renwick NSW 2575 Lot 104 DP 1221206	S Murphy, E Murphy	Residential Alterations and Additions (Deck, Pergola)	06/02/2019		#PENDING		
152	19/1163	62 Challoner Rise Renwick NSW 2575 Lot 1253 DP 1221207	R Smith, De Ryan	Dwelling House	06/02/2019		#PENDING		

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**ATTACHMENTS**

There are no attachments to this report.



### 13.3 Code of Conduct Matter

Reference: 880/2  
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

This report deals with a final investigation report into an alleged breach of the Wingecarribee Shire Council Code of Conduct by a Councillor.

#### RECOMMENDATION

**THAT** the report concerning the final investigation report into an alleged breach of the Wingecarribee Shire Council Code of Conduct by a Councillor be considered in Closed Council – Item 22.6.

This report is confidential in accordance with s10A(2) of the *Local Government Act, 1993*, under clause 10A(2)(i) as it contains alleged contraventions of any code of conduct requirements applicable under section 440.

#### ATTACHMENTS

There are no attachments to this report.



## 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. The Modification Application specifically deals with the size and location of the shed. 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.

### 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 on 11 October 2018 seeking consent for modifications to the application for 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.

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## **STATUTORY PROVISIONS**

### **State Environmental Planning Policies**

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

Clause 7 of SEPP 55 requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use. 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.*
- *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.

*(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.

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- (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.

### 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.

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### **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.

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### **RELATIONSHIP TO CORPORATE PLANS**

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

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### **COUNCIL BUDGET IMPLICATIONS**

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

- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be determined by the extent of the reasons for refusal;
- Should the applicant choose to appeal a refusal, or pursue a deemed refusal, by Council through the Land and Environment Court and win, the question of cost would be dependent upon the extent of the reasons for refusal;
- Should any person choose to take out Class 4 proceedings against Council to the Land and Environment Court and lose, the question of cost with regard to Council's legal representation would be calculated at the appropriate time;

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

#### RELATED COUNCIL POLICY

An assessment of the 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. Draft Conditions 10.0414.03 144 MT BROUGHTON ROAD WERAI NSW 2577 Lot 1 DP 804846 - *circulated under separate cover*
2. Site Location 10.0414.03 144 MT BROUGHTON ROAD WERAI NSW 2577 Lot 1 DP 804846 - *circulated under separate cover*
3. Zoning 10.0414.03 144 MT BROUGHTON ROAD WERAI NSW 2577 Lot 1 DP 804846 - *circulated under separate cover*
4. Site Plan 10.0414.03 144 MT BROUGHTON ROAD WERAI NSW 2577 Lot 1 DP 804846 - *circulated under separate cover*
5. Slab and Mazzanine Plan 18.0414.03 144 MT BROUGHTON ROAD WERAI NSW 2577 Lot 1 DP 804846 - *circulated under separate cover*

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6. Elevations 10.0414.03 144 MT BROUGHTON ROAD WERAI NSW 2577 Lot 1 DP  
804846 - *circulated under separate cover*



## 13.5 DA17/0751 - 7 lot subdivision - 586 - 592 Moss Vale Road, Burradoo

Reference:	17/0751
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Wongabri Burradoo P/L c/- Bureaucracy Busters
Owner:	Wongabri Burradoo P/L
Link to Community Strategic Plan:	Maintain inter-urban breaks (i.e. the green between) and rural landscape between towns

### PURPOSE

The purpose of this report is to consider Development Application 17/0751 which seeks approval for a 7 lot subdivision at Lot 2 DP 258454 and Lot 3 DP 609703, being 586 – 592 Moss Vale Road Burradoo. This report is prepared for determination, and recommends **APPROVAL**, subject to attached conditions of consent (**Attachment 1**).

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

### RECOMMENDATION

1. **THAT Development Application 17/0751 which seeks approval for a 7 lot subdivision at Lot 2 DP 258454 and Lot 3 DP 609703, being 586 – 592 Moss Vale Road Burradoo be APPROVED, subject to attached conditions of consent as described in Attachment 1 to the report.**

### REPORT

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

The subject site, Lot 2 DP 258454 and Lot 3 DP 609703, being 586 – 592 Moss Vale Road Burradoo, otherwise known as “Wongabri” is a 28.91 hectare site located on the eastern side of Moss Vale Road between Moss Vale Road and the Wingecarribee River, located to the north of the Capernwray Bible School property and to the north east of the Briars Inn (**Attachments 2 and 3**). The site is predominantly vacant open land, with the exception of small cattle yards on Lot 2 DP 258454 and a small dam on Lot 3 DP 609703. The site is largely of an open rural character and is not compromised by screen / windbreak planting. Existing isolated plantings on site include pines, oaks and poplar trees. The site topography falls 12 metres in an easterly direction (667.5m to 655.5m) from Moss Vale Road to the Wingecarribee River. The site has a 354 metre frontage to Moss Vale Road. The site is an important visual component of the Burradoo Landscape Conservation Area “green space” between Bowral / Burradoo and Moss Vale. The site has an open rural setting, and



reinforces the rural separation between the urban areas of Burradoo and Moss Vale. Clear vistas across the site from Moss Vale Rd to the Wingecarribee River and beyond add to the aesthetic value of the site to the Burradoo Landscape Conservation Area. Approximately the eastern two thirds of the site is flood affected land, being at or below the 1:100 year flood event affecting that area.

The site is not connected to Council's reticulated sewerage system, but is connected to Council water. The site is affected by a 30.38 metre wide easement for transmission lines in the north west corner of the site. The site is affected by an easement containing Council's trunk water main.

The locality is dominated by land zoned E3 Environmental Management under WLEP 2010, is within the Burradoo Landscape Conservation Area being the green belt between Moss Vale and Burradoo / Bowral which contains scattered detached single storey dwellings on 4 hectare lots, the Bong Bong Common area, the Briars Inn and Capernway Bible School.

### **Proposed Development**

Development Application 17/0751 seeks approval for a 7 lot subdivision at Lot 2 DP 258454 and Lot 3 DP 609703, being 586 – 592 Moss Vale Road Burradoo. The proposed subdivision includes:

- Seven lots of 4.009 hectares to 4.43 hectares in area to be used for rural-residential purposes
- Proposed lot widths of between 40 to 90 metres width
- Proposed building envelopes of 600 square metres per lot, to accommodate dwelling and outbuildings, staggered and separated within the western portion of the site
- Building envelopes intentionally located clear of the three main vistas through the site from Moss Vale Road down to the Wingecarribee River
- Access to proposed Lots 2 and 3 via a right of carriageway over proposed Lot 1
- Access to proposed Lots 4, 5 and 6 via a right of carriageway over proposed Lot 7
- One proposed new driveway entrance, road widening and construction of guardrail to Moss Vale Road

The site plan of the proposed subdivision can be found at **Attachment 4**. The proposed new driveway entrance, road widening and construction of guardrail to Moss Vale Road can be found at **Attachment 5**.

The proposed subdivision and location of building envelopes to accommodate dwellings and outbuildings has responded to the shortfalls of previous subdivision applications, by siting the proposed building envelopes clear of the three main vistas through the site from Moss Vale Road to the Wingecarribee River. The three main vistas / view corridors through the site are highlighted in green as shown on plan in **Attachment 6**.

### **History**

While the site is zoned E3 Environmental Management, where a 40 hectare minimum lot size usually applies under Wingecarribee Local Environmental Plan 2010, a minimum 4 hectare lot size applies to the site. This 4 hectare minimum lot size has its origins in that the land between Moss Vale and Burradoo was previously zoned Rural Smallholding 1(c) under Wingecarribee Local Environmental Plan 1989, which contained the 4 hectare minimum lot size.





Development Application 07/1328 which sought approval for an 8 lot subdivision of the site was refused in 2008 due to the proposed subdivision layout not providing the minimum frontage widths of 200 metres in accordance with Clause 12 (2) (b) of the Wingecarribee Local Environmental Plan 1989, and the proposed lot widths and location of building envelopes creating an “urban” environment and therefore not meeting the objectives of the 7(b) Environmental Protection zone under Wingecarribee Local Environmental Plan 1989. It is noted that the 200 metre minimum frontage width is not contained within the current Wingecarribee Local Environmental Plan 2010 or the Rural Lands Development Control Plan.

A subsequent Development Application 11/0675 which sought approval for a 7 lot subdivision which did not satisfy the objectives of the Burradoo Landscape Conservation Area, did not ensure that principal rural views and vistas across the site were maintained, did not respect the natural form of the land, and did not locate building envelopes appropriately to minimise visual impacts and retain principal rural views and vistas through the site, was withdrawn prior to determination.

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## **STATUTORY PROVISIONS**

### **State Environmental Planning Policies**

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

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

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

The site is located within the Wingecarribee River Sub-catchment. Compliance with the provisions of the SEPP and associated guidelines is therefore required to consider water quality. Water NSW advises that the proposed development satisfies the requirements of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, subject to conditions of consent including conditions addressing wastewater management, stormwater management measures, and erosion / sediment control measures as contained within attached conditions of consent (**Attachment 1) (condition 52)**.

### **Local Environmental Plans**

#### Wingecarribee Local Environmental Plan 2010

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

The site is zoned E3 Environmental Management under the *Wingecarribee Local Environmental Plan 2010* and in this zone a minimum 4 hectare lot size applies, and the proposed subdivision is permissible with development consent.

The objectives of the E3 Environmental Management zone, and their consideration, are discussed below.

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To encourage the retention of the remaining evidence of significant historic and social values expressed in existing landscape and land use patterns.*



- *To minimise the proliferation of buildings and other structures in these sensitive landscape areas.*
- *To provide for a restricted range of development and land use activities that provide for rural settlement, sustainable agriculture, other types of economic and employment development, recreation and community amenity in identified drinking water catchment areas.*
- *To protect significant agricultural resources (soil, water and vegetation) in recognition of their value to Wingecarribee's longer term economic sustainability.*

The proposed 7 lot subdivision and nominated building envelopes is not inconsistent with these zone objectives, and is further discussed in the Discussion of Key Issues section of this report.

### **Development Control Plans**

#### **Rural Lands Development Control Plan**

The site is within the Burradoo Landscape Conservation Area identified under WLEP 2010. Section A7.7 of the Rural Lands DCP describes and states objectives for the Burradoo Landscape Conservation Area as follows:

*The Burradoo Landscape Conservation Area encompasses the green space on either side of Moss Vale Road between Bowral/Burradoo and Moss Vale. It includes the Bong Bong Common which was the site of the Government settlement of the village of Bong Bong of which only archaeological evidence remains. The Burradoo Landscape Conservation Area is characterised by its open rural character which has been compromised in some areas by large screen and windbreak planting. Its importance lies in the fact that it provides a separation between the settlement areas of Bowral/Burradoo and Moss Vale, with the objectives for the Burradoo Landscape Conservation Area including:*

- (a) Maintain the separation between the settlement areas of Bowral/Burradoo and Moss Vale.*
- (b) Maintain the open rural setting of the area.*
- (c) Ensure that development remains sparse.*

The site is an important visual component of the Burradoo Landscape Conservation Area "green space" between Bowral / Burradoo and Moss Vale. The site has an open rural setting, and reinforces the rural separation between the urban areas of Burradoo and Moss Vale. Clear vistas across the site from Moss Vale Rd to the Wingecarribee River and beyond adds to the aesthetic value of the site to the Burradoo Landscape Conservation Area. The public can also view the site from its eastern boundary / Wingecarribee River boundary, as the land to the east of the site is Wingecarribee Council owned public reserve area zoned E2 Environmental Conservation under WLEP 2010.

### **Section 4.15 Evaluation**

*(1) Matters for consideration—general*

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*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

The proposed 7 lot subdivision is permissible within the E3 Environmental Management zone under *Wingecarribee Local Environmental Plan 2010*, satisfies the E3 Environmental Management zone zone objectives, and complies with the minimum 4 hectare lot size applicable to the site.

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

Not applicable in this instance (no relevant draft plans).

(iii) *any development control plan, and*

The proposed 7 lot subdivision meets the specific provisions of the Rural Lands DCP, as discussed in the Discussion of Key Issues section of this report.

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

Not applicable to Development Application 17/0751.

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

Not applicable to Development Application 17/0751.

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

Not applicable.

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

The impacts of the proposed development, including visual impacts, vistas, green belt impacts, and traffic impacts, are discussed in the Discussions of Key issues section of this report.

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

The site is considered suitable for the proposed 7 lot subdivision development as discussed in the Discussions of Key issues section of this report.

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

Refer to the Consultation section of this report.

(e) *the public interest.*

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The proposed 7 lot subdivision development is consistent with the objectives of Wingecarribee Local Environmental Plan 2010, and is considered to be in the public interest.

## CONSULTATION

### Internal Referrals

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

Referrals	Advice/Response/Conditions
Development Engineer	Council's Development Engineer has provided conditions of consent, including conditions addressing access and construction of a cycleway on the frontage to the subdivision in Moss Vale Road in accordance with Council's Moss Vale Bicycle Network Plan ( <b>condition 38</b> ).

### External Referrals

Referrals/Notice	Advice/Response/Conditions
Water NSW	Water NSW supports the proposed 7 lot subdivision development, subject to conditions of consent addressing stormwater management and construction activities. ( <b>Condition 52</b> )
Office of Environment and Heritage (OEH)	Due to the sensitive site location adjacent to the Wingecarribee River, and likelihood of Aboriginal archaeological deposits, the assessment report submitted by the applicant in August 2018 was referred to Office of Environment and Heritage (OEH). OEH has provided recommendations limiting areas of disturbance and building envelopes, which are included within conditions of consent ( <b>Conditions 31 and 50</b> )
Roads and Maritime Services	Roads and Maritime Services has advised by letter dated 30 November 2018 that no objection is raised to the proposed subdivision, new driveway entrance, road widening and construction of guardrail to Moss Vale Road, subject to conditions ( <b>Condition 49</b> ).
Natural Resources Access Regulator (previously Office of Water)	Natural Resources Access Regulator (previously Office of Water) support the inclusion of a condition of consent stating no works are approved by this development consent for works within 40 metres of the Wingecarribee River ( <b>Condition 51</b> ).

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

The proposed 7 lot subdivision was Neighbour Notified to surrounding properties. 6 submissions from five properties were received, objecting to the proposed subdivision. The issues raised in the submissions received have been summarised and are considered below:

Issues	Response
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Issues	Response
<p>Proposed subdivision is contrary to zoning, does not protect the green belt between Moss Vale and Burradoo, and does not protect the rural vista. Green belt needs to be retained for tourism reasons, otherwise will be another Sydney suburb. If approval is granted, the verge should be planted with trees to hide future dwellings from view. Proposal contrary to the Sydney Canberra Corridor Regional Strategy.</p>	<p>This is discussed in the Discussion of Key Issues section of this report. It is noted the Sydney to Canberra Corridor Regional Strategy no longer exists.</p>
<p>Proposed subdivision will worsen already dangerous section of 90 km/h road, due to increased dwellings. Proposed access to the property will become a dangerous black spot. Dangerous right hand turn into property. Not easy to merge into 90 km/h traffic. Submitted traffic studies inadequate. Extra lane required to access property and the adjoining Capernwray property for safety reasons. RMS consultation required.</p>	<p>Roads and Maritime Services have completed their assessment of the application and raise no objection subject to conditions (<b>condition 49</b>).</p>
<p>Effluent disposal on flood affected properties will pollute Sydney's water catchment. Effluent will run into the flood plain. Property is largely flood prone land, and not appropriate for a 7 lot subdivision.</p>	<p>Water NSW has considered the proposed subdivision and the proximity of the effluent disposal area to the 1:100 year flood affected area, and has provided conditions of consent (<b>condition 52</b>).</p>
<p>Width of proposed lots are too narrow, and proposed building envelopes look like a row of town houses, not in keeping with the semi rural sector of Burradoo. Development will appear to be a township of closely built dwellings.</p>	<p>The visual impact of the proposed subdivision and building envelopes is discussed in the Discussion of Key Issues section of this report.</p>
<p>If subdivision is approved, will an application for rezoning follow?</p>	<p>The likelihood of the future lodgement of an application for rezoning is unknown, however current provisions of the Wingecarribee LEP 2010, Rural Lands DCP, and stress the importance of the retention of the green belt between Moss Vale and Bowral / Burradoo.</p>

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Issues	Response
Adverse impact of development upon wildlife.	The proposed 7 lot subdivision with limited building envelopes of 600 square metres is considered to have minimal impact upon wildlife.
Boundary fencing needs to be upgraded as part of subdivision process.	Boundary fencing to adjoining rural properties is a private matter between adjoining property owners.
An historic 20 metre wide right of carriageway at the rear of adjoining property should be removed. Adjoining owners should be advised in writing when the lots are able to be purchased , providing the opportunity to buy the new lots when created.	The removal of a private right of carriageway is a matter to be resolved between property owners. It is not the role of Council to advise adjoining property owners when lots will be able to be purchased.

## DISCUSSION OF KEY ISSUES

### Visual Impact / Rural Views / Burradoo Landscape Conservation Area

The site is an important visual component of the Burradoo Landscape Conservation Area “green space” between Bowral / Burradoo and Moss Vale. The site has an open rural setting, and reinforces the rural separation between the urban areas of Burradoo and Moss Vale. Clear vistas across the site from Moss Vale Rd to the Wingecarribee River and beyond adds to the aesthetic value of the site to the Burradoo Landscape Conservation Area. The public can also view the site from its eastern boundary / Wingecarribee River boundary, as the land to the east of the site is Wingecarribee Council owned public reserve area zoned E2 Environmental Conservation under WLEP 2010.

While the proposed 600 square metre building envelopes to accommodate future dwellings and outbuildings are located in the western portion of the property, outside of the 1:100 year flood affected area, these 600 square metre building envelopes are staggered and separated within the western portion of the site, and intentionally located so as to retain the three main vistas through the site from Moss Vale Road down to the Wingecarribee River (**Attachment 6**). The separation of the 600 square metre building envelopes on the proposed 4 hectare lots, ranging between 25 metres and 100 metres separation, combined with their siting so as to retain the three main vistas through the site from Moss Vale Road down to the Wingecarribee River, and setbacks to Moss Vale Road of between 40 – 100 metres, is considered to respect the Burradoo Landscape Conservation Area. Furthermore,



the proposed building envelopes are generally set 3 – 4 metres downslope from the corresponding Moss Vale Road road level, which also assists in minimising visual impact of future buildings.

The Rural Lands Development Control Plan notes that the open rural character of the Burradoo Landscape Conservation Area has been compromised in some areas by large screen and windbreak planting. To protect the three main view corridors through the site, a restriction to prevent no screen, hedgerow or windbreak plantings within the view corridors is considered appropriate (**condition 31**). The importance of restricting future dwellings and outbuildings to the 600 square metre building envelopes only, so that a wall of buildings is not created, and to ensure the scattered building location characteristic of the Burradoo Landscape Conservation Area is retained, is best addressed by a restriction (**condition 31**).

To minimise visual impact of dwelling houses, a restriction limiting dwellings to single storey construction, with a second level contained within a maximum 35 degree roof pitch, is considered appropriate (**condition 31**). Where a proposed dwelling steps down the slope, split level dwelling designs can be considered. However the split level dwelling must be designed to ensure that the height of the dwelling when measured at any one point does not exceed single storey (with a second level contained within a maximum 35 degree roof pitch) – **condition 31**.

Roof pitches of dwellings shall also be a minimum 27.5 degree roof pitch, respecting the site's proximity to Briars Inn heritage property (**condition 31**).

The minimum lot frontage widths of 200 metres previously required by Clause 12 (2) (b) of the Wingecarribee Local Environmental Plan 1989 is not included within WLEP 2010 or the Rural Lands Development Control Plan. While the visual impact of lot widths of between 40 metres to 90 metres is reduced by way of separated and staggered building envelopes, uniform post and wire / post and rail rural front fencing along the 354 metre frontage to Moss Vale Road is required by condition of consent (**condition 29**) with the benefit of presenting a large lot appearance to Moss Vale Road. Five 40 metre lengths of boundary plantings, interspersed with five 40 metre breaks in boundary plantings, is proposed to the western Moss Vale Road boundary. This provides a balance between softening the appearance of the proposed subdivision, while also retaining the three view corridors through the site from Moss Vale Road to the Wingecarribee River. Approximately 2 – 3 proposed boundary plantings to the immediate north and south of the proposed driveway access should be deleted to ensure one of the three view corridors through the site from Moss Vale Road to the Wingecarribee River remains clear. This is addressed by condition of consent (**conditions 13 and 32**).

A restriction requiring all boundary fencing to be constructed using post and wire / post and rail type fencing (not paling fencing or metal panel colorbond style fencing) is considered appropriate to ensure the rural character of the locality is respected (**condition 31**).

With the above restrictions and conditions, the proposed 7 lot subdivision is considered compatible with the objectives of the E3 Environmental Management zone under WLEP 2010, satisfies the objectives of the Burradoo Landscape Conservation Area as stated within the Rural Lands DCP, particularly that the current proposal (unlike previously refused and withdrawn subdivision proposals) now ensures that principal rural views and vistas across the site are maintained. The subdivision proposal now respects the natural form of the land, and proposed locations of building envelopes (and therefore the location of future

dwellings and associated outbuildings) are separated and sited appropriately to minimise visual impacts and retain principal rural views and vistas through the site.

### **Traffic / Access**

Submission of amended plans to address the safety concerns resulting from a new access entry to Moss Vale Road in a 90km/h speed limit zone, within close proximity to the Briars Inn entry, has resulted in the Roads and Maritime Services advising by letter dated 30 November 2018 that no objection is raised to the proposed subdivision, new driveway entrance, road widening and construction of guardrail to Moss Vale Road, subject to conditions (**condition 49**).

### **Right of carriageway**

Access to proposed Lots 2 and 3 is via a right of carriageway over proposed Lot 1, and access to proposed Lots 4, 5 and 6 is via a right of carriageway over proposed Lot 7, meeting at the one proposed access point to Moss Vale Road. So that vehicles can enter and exit the site safely, the right of carriageway at the proposed entry to the site (being an area of approximately 20 metres width by 20 metres depth) will need to benefit all 7 lots. This engineering requirement is sought by Council's Development Engineer, not the applicant, and is a variation to the Council policy that a right of carriageway can serve a maximum of three lots. As the affected area is minor, and improved safety will be achieved, the variation is considered acceptable.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

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

- **Social**

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

- **Broader Economic Implications**

There are no broader economic implications associated with this report.

- **Culture**

Conditions of consent from the Office of Environment and heritage addressing Aboriginal archaeological deposits are included within draft conditions of consent (**conditions 31 and 50**).

- **Governance**

The development application has been considered in accordance with the *Wingecarribee Local Environmental Plan 2010*, section 4.15 of the *Environmental Planning and Assessment Act 1979* and any other matters relevant to the development.

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## **RELATIONSHIP TO CORPORATE PLANS**

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



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## **COUNCIL BUDGET IMPLICATIONS**

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

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

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## **RELATED COUNCIL POLICY**

An assessment of the proposed development has been made against the Wingecarribee Local Environmental Plan 2010, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and the Rural Lands Development Control Plan.

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## **OPTIONS**

The options available to Council are:

### **Option 1**

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

### **Option 2**

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

**Option 1** is recommended.

---

## **CONCLUSION**

The proposal, subject to conditions of consent, is recommended for approval as the proposed 7 lot subdivision is considered compatible with the objectives of the E3 Environmental Management zone under WLEP 2010, the proposal satisfies the objectives of the Burradoo Landscape Conservation Area as stated within the Rural Lands DCP, the proposal ensures that principal rural views and vistas across the site are maintained, the proposal respects the natural form of the land, and the proposed locations building envelopes (and therefore the location of future dwellings and associated outbuildings) are separated and sited appropriately to minimise visual impacts and retain principal rural views and vistas through the site.

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It is recommended that Development Application 17/0751 which seeks approval for a 7 lot subdivision at Lot 2 DP 258454 and Lot 3 DP 609703, being 586 – 592 Moss Vale Road Burradoo, be supported subject to conditions.

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

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#### ATTACHMENTS

1. Draft Conditions 17.0751 - *circulated under separate cover*
2. Site Location 17.0751 - *circulated under separate cover*
3. Zoning 17.0751 - *circulated under separate cover*
4. Subdivision Plan 17.0751 - *circulated under separate cover*
5. Access and roadworks 17.0751 - *circulated under separate cover*
6. Three Main Vistas Through Site 17.0751 - *circulated under separate cover*

## 13.6 Development Contributions Exemption for Affordable Housing Development

Reference:	19/0544.02
Report Author:	Coordinator Strategic Land Use Planning
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Argyle Housing
Owner:	Argyle Housing
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

To seek Council endorsement to waive development contributions for a secondary dwelling development by not-for-profit housing provider, Argyle Community Housing, at 67 Church Road, Moss Vale.

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

### RECOMMENDATION

**THAT Council provide an exemption to not-for-profit housing provider, Argyle Community Housing, for the development contributions requirements associated with the proposed secondary dwelling at 67 Church Road, Moss Vale.**

### REPORT

#### **Background**

Argyle Community Housing is a community-managed, not-for-profit housing organisation, operating in the Wingecarribee Shire. They play a critical role in the community in providing and managing secure, sustainable housing for people on low to moderate incomes.

Argyle Housing recently sought approval for a secondary dwelling through a private certifier under the State Environmental Planning Policy (Affordable Rental Housing Scheme), and the development was levied development contributions in accordance with Council's Development Contributions Plans and Development Servicing Plans (DSPs).

Under Council's Contributions Plans and DSPs, seniors housing that is provided by a social housing provider is exempt from paying contributions in accordance with the Ministerial Direction of 14 September 2017. The proposed secondary dwelling development does not meet the definition of seniors housing, and is therefore subject to development

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contributions. However, Council's Contributions Plans and DSPs include provisions which allow Council to consider waiving contributions for not-for-profit organisations where it can be demonstrated that there is a public benefit, or the development is for an essential public service.

Argyle Housing has requested Council waive the contributions requirements, and provided the following statement of public benefit to support their request.

*'...The current NSW Family & Community Services Social Housing Register has a waiting list of 83 persons over 55 years in age seeking 2 Bedroom accommodation in the Wingecarribee Shire. It is evident that the demand for the type of accommodation we are providing in Church Road is very high, and consideration by Council to waive the Water & Sewerage Supply charges for this development, in accordance with the provisions in Section 2.6 "Exemptions from developer charges for crown developments" (not-for profit developments) in Council's Development Servicing Plans for Water Supply and Sewerage May 2017 would significantly assist us in providing this much needed housing.'*

Council staff have reviewed the request to waive contributions, and it is recommended that Council provide an exemption for all contributions requirements associated with the proposed secondary dwelling at 67 Church Road, Moss Vale.

#### SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental impacts in relation to this report.

- **Social**

Argyle Housing plays an important social role in the community in providing and managing secure, sustainable housing for people on low to moderate incomes. Waiving the contributions requirements will assist Argyle Housing in continuing to provide this essential social function in the community.

- **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.

#### RELATIONSHIP TO CORPORATE PLANS

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

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#### COUNCIL BUDGET IMPLICATIONS

The report recommends waiving contributions to the value of \$21,075.61. This will lead to a minor shortfall in potential contributions, however, it is not expected to have any impact on Council's ability to provide the essential infrastructure identified in the Contributions Plans and DSPs.

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#### OPTIONS

The options available to Council are:

##### Option 1

Council provide an exemption to not-for-profit housing provider, Argyle Community Housing, for the development contributions requirements associated with the proposed secondary dwelling at 67 Church Road, Moss Vale.

##### Option 2

Council **not** provide an exemption for the development contributions requirements associated with the proposed secondary dwelling at 67 Church Road, Moss Vale.

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

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#### CONCLUSION

Argyle Housing plays a critical role in the community in providing and managing secure, sustainable housing for people on low to moderate incomes. It is recommended that Council waive the contributions requirements associated with the proposed secondary dwelling at 67 Church Road, Moss Vale, to support Argyle Housing in continuing to provide housing and essential services for our community.

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#### ATTACHMENTS

There are no attachments to this report.

## **13.7 Request for financial assistance for Buskers Battle in Moss Vale**

<b>Reference:</b>	<b>2155/1</b>
<b>Report Author:</b>	<b>Coordinator Community Development</b>
<b>Authoriser:</b>	<b>Group Manager Corporate and Community</b>
<b>Link to Community Strategic Plan:</b>	<b>Provide and support a range of community events, festivals and celebrations</b>

### **PURPOSE**

The purpose of this report is to seek Council's position on a request from the Moss Vale and Rural Chamber of Commerce for financial assistance to cover the cost of promoting the Buskers Battle in Moss Vale.

### **RECOMMENDATION**

**THAT Council determines its position with regard to the request from Moss Vale and Rural Chamber of Commerce for financial assistance.**

### **REPORT**

#### **BACKGROUND**

Council has played an integral part in sponsoring and supporting the Moss Vale Buskers competition since it commenced in 2013. The Buskers Battle is a competition to promote musically talented young people through the art of street busking. Buskers perform in strategic positions around Moss Vale shopping precinct on the Saturday, culminating with the final judging in Leighton Gardens on the Sunday.

The organisers have requested \$1,000 to use towards the cost of banners, printing and related promotional expenses.

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

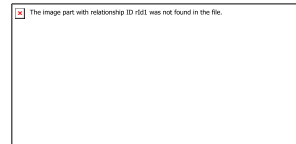
#### **REPORT**

The two day event is organised by the Moss Vale and Rural Chamber of Commerce. The Buskers Battle is a free community event which draws many benefits to Moss Vale. These benefits include further exposure to Moss Vale's business precinct and local producers as well as providing people with things to do together whilst offering an opportunity to meet and connect with others. The Buskers Battle additionally benefits those musically inclined with the opportunity to promote their skills to a responsive audience and compete for prize money.

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

There are no 'Fit for the Future' implications for Council.

#### COMMUNICATION AND CONSULTATION

##### Community Engagement

Nil

##### Internal Communication and Consultation

Consulted with Council Organisational Support Officer, who has previously been involved in supporting the event.

##### External Communication and Consultation

Nil

#### 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**

Last year retailers on Argyle Street, Moss Vale reported an increase in trade over the weekend of the Buskers event.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

#### COUNCIL BUDGET IMPLICATIONS

The current balance in the Council Contingency Fund is \$19,735.

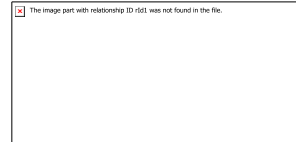
#### RELATED COUNCIL POLICY

Council Contingency Fund Guidelines adopted 1 July 2018.

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#### **OPTIONS**

The options available to Council are:

##### **Option 1**

Council support request for \$1,000 and that it be funded from Council's Contingency Fund.

##### **Option 2**

Council determine an alternate amount and that it be funded from Council's Contingency Fund.

##### **Option 3**

Council not support request for financial assistance.

Option 1 is the recommended option to this report.

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#### **CONCLUSION**

The annual Buskers Battle in Moss Vale run by the Moss Vale and Rural Chamber of Commerce provides an opportunity for musicians to compete for prize money and increases visitors to the Moss Vale area. The request for financial assistance is to assist with promotion of the event.

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#### **ATTACHMENTS**

There are no attachments to this report.





## 13.8 Southern Highlands Gallery at Retford Park Working Committee

Reference:	1652
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Support and promote the creative and cultural sector

### PURPOSE

The purpose of this report is to invite Councillors to nominate a Councillor representative to the Southern Highlands Gallery at Retford Park Working Committee.

### RECOMMENDATION

**THAT Council nominate Councillor \_\_\_\_\_ to represent Council on the Southern Highlands Gallery at Retford Park Working Committee.**

### REPORT

#### **BACKGROUND**

During 2018, Council considered a number of reports in relation to the establishment of a Regional Art Gallery on the grounds of Retford Park Bowral. The idea arose and was progressed through local artist Mr Ben Quilty. Mr Quilty coordinated the preparation of a grant application to the State Government's Regional Cultural Fund which sits within the Regional Growth Fund.

On 19 September 2018, Council resolved to confirm its in principal support for the establishment of a Regional Art Gallery in the Shire and to fund up to \$500,000 per annum for 5 years towards the operational costs of the Regional Gallery.

On 10 December 2018, The Hon Don Harwin, Minister for the Arts made an announcement at the Retford Park site that the State Government had approved a grant of \$2.49M towards the project.

#### **REPORT**

In working towards establishing the Regional Gallery including raising the remaining funds for the project, a Working Committee has been established by Mr Ben Quilty. The Working Committee will be chaired by Mr Quilty and representation has been invited from various organisations including the NSW National Trust owners of the site, Supporters of a Southern Highlands Regional Gallery and Council.

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In terms of Council representation, a Councillor to represent the elected body has been invited. An invitation was also extended to the General Manager for a staff member to be on the Working Committee and in this regard the General Manager has nominated the Deputy General Manager Corporate Strategy and Development Services.

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

Representation on the Working Committee has no impact on Council's Fit for the Future Improvement Plan.

#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

No Community Engagement required.

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

The matter has been discussed at the Executive level.

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

No external communication and consultation 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**

Council representation on the Working Committee is recommended as Council has made a significant investment into the eventual operation of the Regional Art Gallery.

#### **COUNCIL BUDGET IMPLICATIONS**

Representation on the Working Committee has no Council budget implications.

#### **RELATED COUNCIL POLICY**

Not Applicable.

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#### **OPTIONS**

The options available to Council are:

##### **Option 1**

Council nominate a Councillor to be a member of the Working Committee.

##### **Option 2**

Council not make a Councillor nomination to be a member of the Working Committee.

Option 1 is the recommended option to this report.

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#### **CONCLUSION**

The Working Committee is set to convene by mid February 2019. In order to keep all Councillors informed about the progress of the project, it would be appropriate for regular updates to be provided in briefings to Councillors by the Council representatives.

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#### **ATTACHMENTS**

There are no attachments to this report.



## 13.9 2018 Tulip Time Festival Outcomes

Reference:	1671/8
Report Author:	Manager Tourism & Events
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Promote Southern Highlands' unique brand identity

### PURPOSE

The purpose of this report is to provide Council with information regarding the outcomes of the 2018 Tulip Time Festival, the dates of the 2019 Tulip Time Festival, and seek endorsement for the 2019 charity partner – 'Variety – the children's charity'.

### RECOMMENDATION

1. **THAT 2018 Tulip Time Festival Outcome Report is noted as information only.**
2. **THAT Council note that the 2018 Tulip Time Festival resulted in a profit of \$110,473.19 AND THAT this is transferred to Council's Tulip Time Festival reserve.**
3. **THAT Council note the 2019 Tulip Time Festival will be held from Tuesday 24 September to Monday 7 October which includes the October Bank Holiday Monday.**
4. **THAT Council note the 2019 Tulip Time theme is 'Mary Poppins' in recognition of Bowral as the 'home' of Mary Poppins; celebrating 85 years since the publication of the first Mary Poppins book, and the recently released Mary Poppins film.**
5. **THAT Council endorse 'Variety – the children's charity' as the 2019 Tulip Time charity partner.**

### REPORT

#### **BACKGROUND**

The management, co-ordination and operation of Council's Tulip Time Festival is undertaken by its Tourism & Events Unit, Destination Southern Highlands (DSH) in conjunction with Council's Parks & Garden team.

The 58<sup>th</sup> Tulip Time Festival (TTF) 2018 was held from 18 September to 1 October and attracted a record number of visitors through Corbett Gardens (47,940) to look at the displays of massed planted tulips and enjoy the daily program of entertainment and activities.

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**REPORT**

The following table of information highlights statistics for the performance of 2018 Tulip Time with reference to visitation and income/expenditure in relation to the previous year.

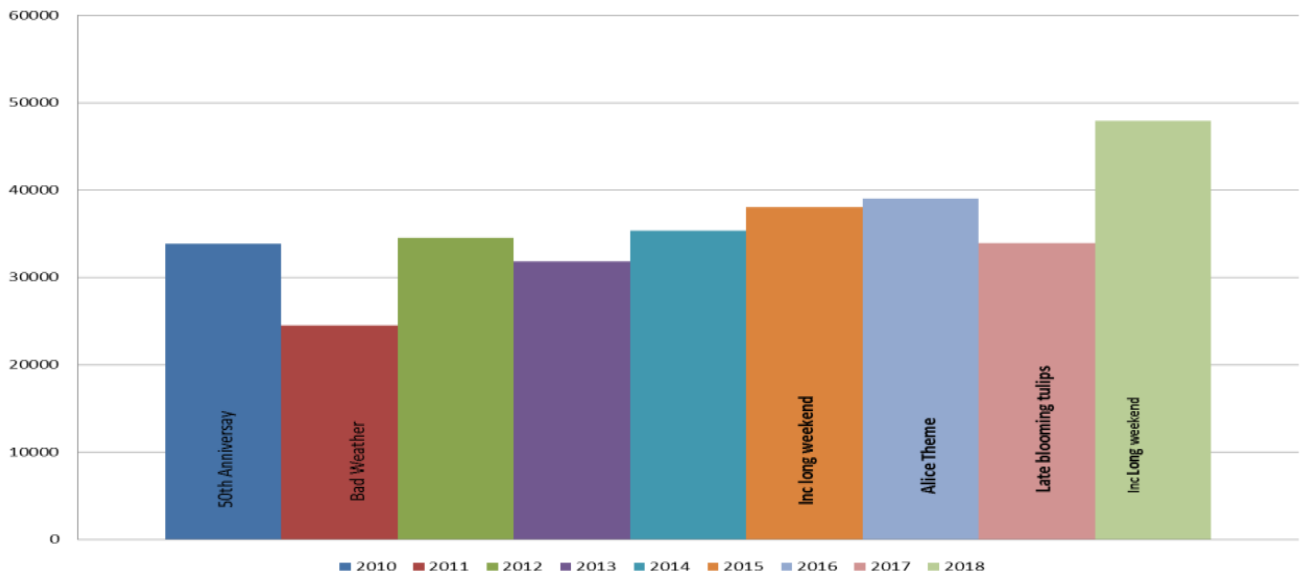
The 2018 Tulip Time focussed on the Arts and featured installations from local artisans and performers and a mini-arts trail which included Bowral Library, Bowral Memorial Hall and the Bowral and District Art Gallery. Local primary and kindergarten schools decorated pots which were displayed throughout the gardens with many local schools and choirs forming part of the daily entertainment program.

**Visitation Numbers**

Tulip Time 2018 saw a record number of visitors 20%, of which were local residents.

	2017	2018	2018 vs 2017 Variance
Total Visitation (14 days)	33,921	47,940	+41%

**TULIP TIME ANNUAL VISITATION**



**Sponsors and supporters**

TT sponsors and supporters for 2018 were:

- Austral Bricks \$5,000
  - Pepperfields \$5,000
  - McDonalds – Mittagong \$2,000
  - Zen Oasis \$1,100
  - Mt Eymard (Unity) \$750
  - Hassos \$500
  - Mt Murray Nursery \$500
- TOTAL \$14,850**

**Community Involvement**

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Local residents	Robyn Karakasch (TT Working Party member) undertook the recruitment and management of the Tulip Time greeters. 20 local residents assisted event staff with providing information to Festival visitors.
Local entertainers	The TT entertainment program was filled by performers from local choirs, schools, dance and singing groups.
Local schools	Baminos Kindergarten Bowral, Best Kdz Early Learning Centre, Exeter Public School, Family Day Care WSC, Gib Gate Preschool, Kangaloon Public School, KU Donkin Preschool, Little Peoples, Bowral Public School, Wingello Public School and Berrima Public School painted pots which were displayed throughout Corbett Gardens.
Local businesses	15 local businesses provided the required TT infrastructure and services to support the event.
Local artists	Local artists and groups held exhibitions during Tulip Time which were promoted on the TT Trail including Heidi McGeoch, Peter Mueller, Bowral Library, Bowral Baptist Church and the Bowral Art Gallery.
Local organisations	<p>The Southern Highlands Chamber of Commerce and Industry organised a window dressing competition and supported the Tulip Time Parade.</p> <p>The Rotary Club of Bowral-Mittagong staffed the Corbett Gardens entry and exit gates.</p> <p>The Bowral Senior Citizens provided a gift shop and refreshments for Festival visitors.</p> <p>The Bowral CWA provided devonshire teas and refreshments for Festival Visitors.</p>
Local media	Editorials and broadcasts were regularly run in support of Tulip Time by Southern Highland News, Highlife and Escape magazines and on Radio 2ST and Highlands FM.

#### **Tulip Time Street Parade**

The annual TT Parade on Bong Bong Street, Bowral was held on Saturday 22 September. The parade was led by the NSW Governor General David Hurley and Mrs Hurley. The parade only lasted 30 minutes rather than the hour allocated and catered for in the approved Traffic Management Plan given the reduced number of participants. There was only one float entered and no marching bands participated in 2018.

For the last two years DSH has been negotiating the handing over of the coordination and management of the 2018 Tulip Time parade to the Southern Highlands Chamber of Commerce & Industry (SHCCI) with the responsibility of the operational aspects (registration, traffic and risk management) continuing to be managed by DSH, to ensure compliance with Council's requirements.

At the Tulip Time Working Party debrief meeting, SHCCI indicated that given disappointing support from the business community despite its best efforts, and its lack of resources, it would not be interested in participating with the Tulip Time Street Parade in the future.

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#### Advertising, Marketing & Print Material

Tulip Time was once again successful in securing contra-sponsorship in order to stretch its limited advertising budget to maximise reach and exposure in TT's target markets – the Southern Highlands, Sydney, Canberra and surrounds.

The marketing and promotions campaign included the following:

Coach Flyer	5,500 copies distributed in May to coach companies, nursing homes, retirement villages, Probus and garden clubs.
Official Program	25,000 copies printed and distributed to visitors in Corbett Gardens.
Wingecarribee Today	A one-page advertisement was included and distributed to 26,841 Southern Highland residences and businesses.
TV	60 sec and 30 sec advertisements were run on Channel 9.
Radio	2ST and 2GB spot ads over 3 weeks.
Print Advertisement	Southern Highlands Destination Planner, Probus Club Magazine "Active Retirees", National Garden Club Magazine and Escape.

#### Festival Finances

*NOTE: All financial amounts reported are exclusive of GST (where applicable) unless otherwise stated.*

Income Sources	2018	2017*	2018 vs 2017 Variance
Entry Gate Takings	\$334,316	\$93,384	
Sponsorship	\$14,850	\$24,300	
Stallholder site fees	\$47,535	\$37,542	
Donations	\$917	\$18,913	
<b>Total</b>	<b>\$397,619</b>	<b>\$263,922</b>	<b>+50%</b>

*\*NB: in 2017 due to late blooming tulips and no entry fees were charged for the first 10 days of the festival.*

Expenditure	2018	2017	2018 vs 2017 Variance
Event Officer & support staff	\$77,161	\$25,322*	
Additional Staff Costs t/f to DSH	\$25,000		
Marketing & Promotion	\$44,020	\$33,445	
Infrastructure & Utilities	\$69,545	\$78,420	
TT Parade	\$11,590	\$10,271	
Entertainment	\$ 8,629		
Other	\$ 5,464	\$15,557	
Donation to charity	\$ 917	\$18,913**	
<b>Total</b>	<b>\$242,326</b>	<b>\$181,928</b>	<b>+19%</b>

*\* 2017 Tulip Time Officer costs for 4 months. 2018 Tulip Time Officer costs for 12 months.*

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*\*\* Donations received in lieu of gate entry free during the first 10 days of the festival.*

The bottom line for 2018 Tulip Time Festival is a profit of \$110,473.19 to be transferred to Council's Reserve Fund.

The cost of the bulbs for Tulip Time is an internal cost and is transferred as required from the TT budget to Parks & Gardens budget.

	2018	2017	
Bulb and annuals purchase for Corbett Gardens	\$45,000	\$39,970	+ 13%

The cost of creating, implementing and managing the tulip gardens beds in Corbett Gardens is funded from the Parks & Gardens budget.

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

None

#### COMMUNICATION AND CONSULTATION

##### Community Engagement

DSH staff continually engage and receives assistance with various TT events, activities and programming structure from the TT Working Party.

##### Internal Consultation

Internal consultation was undertaken between DSH Tourism Coordinator and WSC Finance to align TT income/expenditure as well as Council's Assets and Parks and Gardens team.

##### External Consultation

DSH Staff engages and receives assistance from the TT Working Party.

#### SUSTAINABILITY ASSESSMENT

- **Environment**

In an effort to address sustainability all TT stallholders are required to use environmentally sustainable products. Working closely with WSC Environment Officer, recycling stations are positioned around Corbett Gardens in an effort to minimise general waste.

- **Social**

Social issues associated with Tulip Time, encourage and foster community pride and engagement.

- **Broader Economic Implications**

Tulip Time plays an important role in the tourism destination development of the Southern Highlands as well as providing the local community employment and promotional opportunities.



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Anecdotal evidence suggests that the festival acts as a significant economic driver for our region attracting approximately 65,000 day visitors during the two week period to the Southern Highlands spending an average of \$111 per person/per day representing just over \$7.2m in expenditure. (Source – Tourism Australia Corporate Plan 2013-16, Tourism Research Aust Tourism Monitor 2013).

- **Culture**

Cultural issues associated with Tulip Time develops a sense of community and provides opportunities for the arts and culture sector to participate.

- **Governance**

There are no governance issues in relation to this report.

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#### **COUNCIL BUDGET IMPLICATIONS**

Budget implications resulted in a profit of **\$110,473.19**.

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#### **RELATED COUNCIL POLICY**

There are no policy implications from this report.

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#### **OPTIONS**

The only option offered to Council is:

That Council acknowledges the information provided in 2018 Tulip Time Outcome Report as a factual representation at the time of submission.

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#### **CONCLUSION**

The 2018 Tulip Time Festival was an outstanding success. The Festival attracted record visitation with close to 48,000 visitors. This is the largest attendance to Tulip Time during the 15 years of Council managing the event. Adding to this success was the event made a profit of \$110,473.19 - the largest amount on record during council management.

This year's event attracted an increased geographic demography of visitors as a result of an active social media marketing campaign.

The contributing factors to the 2018 Festival's success arose from an expanded program of activities; revised stall configuration and contribution; the showcasing of local artisans; participation by local community groups and schools; support for national and local charity partners, and a targeted and an integrated marketing campaign. The repositioning of the event to encompass the long weekend in October and excellent weather throughout the 14 days of the Festival contributed to the event's success as well.

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**ATTACHMENTS**

There are no attachments to this report.

## 13.10 Draft Gifts and Benefits Policy

Reference:	800/25
Report Author:	Senior Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

### PURPOSE

This report seeks adoption of the draft Gifts and Benefits Policy (the draft policy). A copy of the draft policy is provided at **Attachment 1**.

### RECOMMENDATION

**THAT Council adopts the draft Gifts and Benefits Policy provided at Attachment 1.**

### REPORT

#### **BACKGROUND**

On 24 October 2018, Council passed the following resolution (MN 449/18):

1. *THAT the draft Gifts and Benefits Policy be placed on public exhibition for a period of twenty eight (28) days and submissions be invited from the public.*
2. *THAT a further report be submitted to Council following the conclusion of the public exhibition period.*

Council placed the draft policy on public exhibition from 26 October to 23 November 2018. During this period the policy was made available on Council's website and advertised in a local newspaper on 7, 14 and 21 November 2018. No public submissions were received.

#### **REPORT**

The draft policy has been developed to ensure that Council officials and suppliers to Council are made aware of their obligations and responsibilities concerning the offer or acceptance of any gift or benefit, and to provide guidance to Council officials in identifying, assessing and managing offers of gifts or benefits to ensure that they do not constitute or are perceived to constitute corrupt conduct.

Council's existing Gifts and Benefits Policy was adopted on 8 October 2014. A review of the existing policy was undertaken in accordance with Council's policy review program and a number of amendments are proposed, including the incorporation of relevant provisions of

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the Model Code of Conduct for Local Councils in NSW (Model Code) that was prescribed by regulation on 14 December 2018.

The draft policy substantially revises Council's existing Gifts and Benefits Policy. It incorporates new Model Code requirements relating to gifts and benefits, including the establishment of a \$50 limit for token value gifts that can be accepted in certain circumstances as well as the mandatory reporting in Council's Gifts and Benefits Register of all gifts or benefits offered or accepted.

During the public exhibition period, feedback was received from a Council staff member about the application of the draft policy to volunteers. As a result of this feedback, the draft policy has been amended so that the definition of Council official includes volunteers. This is consistent with Council's current Gifts and Benefits Policy, and also reflects that the *Public Interest Disclosures Act 1994* applies to volunteers of public authorities (including local councils) in certain circumstances. One minor amendment to the formatting of the draft policy has also been made.

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

This report has no impact on Council's Fit for the Future Improvement Plan.

#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

The draft policy was placed on public exhibition for a period of twenty eight (28) days from 26 October to 23 November 2018, and no submissions were received from the public.

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

The draft policy was developed with input from the Executive and the Corporate Strategy and Governance team. Council staff were also provided with an opportunity to comment on the draft policy which was made available to them on the staff intranet.

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

The draft policy was developed with reference to the revised Model Code of Conduct, comparable policies adopted by other NSW Councils, and other sources of information made available by the NSW Ombudsman and Independent Commission Against Corruption.

#### **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

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- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Council officials are required to adhere to the revised Model Code once it is adopted by Council. The draft policy ensures proper governance by reflecting the relevant provisions of the Model Code, and it is a vital component of Council's ethical behaviour policy framework.

#### **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications associated with this report.

#### **RELATED COUNCIL POLICY**

The draft policy is consistent with Council's existing Fraud and Corruption Prevention Policy and Public Interest Disclosures Policy, as well as the proposed revisions to each of these policies that are also recommended for adoption.

#### **OPTIONS**

The options available to Council are:

##### **Option 1**

Adopt the draft Gifts and Benefits Policy (**Attachment 1**).

##### **Option 2**

Make changes to the draft Gifts and Benefits Policy consistent with the legislative framework and adopt the amended policy.

##### **Option 3**

Make changes to the draft Gifts and Benefits Policy consistent with the legislative framework and place it on public exhibition again for a period of twenty eight (28) days, following which the matter will be reported back to Council for consideration.

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

#### **CONCLUSION**

The draft Gifts and Benefits Policy has been developed to explain the obligations and responsibilities concerning the offer or acceptance of any gift or benefit, consistent with the revised Model Code of Conduct for Local Councils in NSW which has been prescribed by regulation.

#### **ATTACHMENTS**

1. Draft Gifts and Benefits Policy



## Gifts and Benefits Policy

Attachment 1

### LEADERSHIP

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

Adoption Date:	<i>(Governance to insert)</i>
Council Reference:	<i>(Governance to insert)</i>
Policy Owner:	Group Manager Corporate and Community
Next review date:	<b><i>(2 years recommended)</i></b>
File Reference:	800/25
Related Policies/Legislation:	<i>Government Information (Public Access) Act 2009</i> <i>Independent Commission Against Corruption Act 1988</i> <i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i> <i>Public Interest Disclosures Act 1994</i> Code of Conduct Code of Conduct Procedures Disciplinary General Manager Practice Note Disciplinary Procedure Fraud and Corruption Control Policy Fraud and Corruption Control Plan Gifts and Benefits Procedure Public Interest Disclosures Policy Public Interest Disclosures Procedure Statement of Business Ethics Statement of Ethics
Superseded Policy:	Gifts and Benefits Policy version 2.1 (8/10/14)

### OBJECTIVES

The objectives of this Policy are to:

- o ensure that Council officials and suppliers to Council are made aware of their obligations and responsibilities concerning the offer or acceptance of any gift or benefit, and



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## Gifts and Benefits Policy

- provide guidance to Council officials in identifying, assessing and managing offers of gifts or benefits to ensure that they do not constitute or are perceived to constitute corrupt conduct.

### POLICY STATEMENT

Council officials are required to act with integrity at all times. Acceptance of gifts and benefits has real and perceived opportunities for undermining integrity. Therefore, this Policy elaborates on Council's Code of Conduct with respect to managing offers of gifts or benefits.

The Policy recognises that the conduct of Council business may give rise to gifts or benefits of appreciation being offered to Council officials and that in suitable circumstances, and where they are of token value, it is appropriate for such gifts or benefits to be accepted.

However, the acceptance or otherwise of gifts or benefits must be properly managed to ensure that they are not provided as a 'gift of influence' where there is an intention by the giver to receive favourable treatment. Equally important is how gifts or benefits are perceived, regardless of the type or value.

The Policy, together with the Gifts and Benefits Procedure, is designed to guide Council officials as to whether an offer of a gift or benefit should be refused or accepted and how to manage that acceptance. Fundamental to this policy is the Gifts and Benefits Register for the declaration and recording of the management of offers of gifts or benefits. To declare the offer of a gift or benefit a Gifts and Benefits Disclosure Form must be completed and provided to the Senior Governance Officer, who will record it on the Gifts and Benefits Register.

### What is a gift or benefit?

A gift or benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment. These terms are further explained in the definitions.

A reference to a gift or benefit does not include:

- a political donation for the purposes of the *Electoral Funding Act 2018*
- 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





## Gifts and Benefits Policy

- attendance by a Council official at a work-related event or function for the purposes of performing their official duties
- 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:
  - the discussion of official business
  - work-related events such as Council-sponsored or community events, training, education sessions or workshops
  - conferences
  - Council functions or events
  - social functions organised by groups, such as Council committees and community organisations.

### General obligations

Council officials must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from them or from Council, through the provision of gifts or benefits of any kind to Council officials or someone personally associated with them.

However, while it is Council's general preference that all offers of a gift or benefit should be politely refused by Council officials, it is understood that this may not be practical in all situations. Consequently, gifts or benefits can be accepted by Council officials or someone personally associated with them in limited circumstances only as provided by this Policy and the Gifts and Benefits Procedure.

A gift or benefit is deemed to have been accepted where it is received by a Council official or someone personally associated with them.

A separate consideration is the solicitation of gifts or benefits. This is strictly prohibited under all circumstances. More generally, Council officials must not:

- use their position to influence other Council officials in the performance of their official functions to obtain a private benefit for themselves or someone else. Note, however, that a Councillor will not be in breach of this provision where they seek to influence other Council officials through the proper exercise of their role as prescribed under the *Local Government Act 1993*
- take advantage (or seek to take advantage) of their status or position with Council, or of functions they perform for Council, in order to obtain a private benefit for themselves or for any other person or body.







## Gifts and Benefits Policy

If a Council official becomes aware of another Council official taking advantage of their position in any of the above ways, he or she should report the circumstances as soon as possible in accordance with the Gifts and Benefits Procedure. Members of the public are also encouraged to report such conduct by a Council official.

### **Gifts or benefits offered to someone personally associated with a Council official**

This Policy applies to offers of gifts or benefits to someone personally associated with a Council official that is or could be perceived to be offers associated with the Council official's position. Such offers must be declared using the Gifts and Benefits Disclosure Form and only accepted in accordance with this Policy.

### **Gifts and Benefits Register**

All offers of gifts or benefits must be declared through the Gifts and Benefits Disclosure Form and recorded in the Gifts and Benefits Register, regardless of whether they are accepted.

The Gifts and Benefits Register will be analysed every 12 months and trends and statistics reported to Council's Executive and the Audit, Risk and Improvement Advisory Committee.

In accordance with section 7 of the *Government Information (Public Access) Act 2009*, the Gifts and Benefits Register will be made publicly available on Council's website and updated on a six monthly basis. Certain details (for example, personal information of third parties) will be redacted (deleted) where there is an overriding public interest against disclosure of that information.

### **Policy Review**

This Policy will be reviewed at a minimum of every 2 years.

### **SCOPE**

This Policy applies to gifts and benefits offered to Council officials or someone personally associated with them.





## Gifts and Benefits Policy

### DEFINITIONS

**Benefit** – A non-tangible item of value that one person or organisation confers on another (for example, hospitality, preferential treatment, access to confidential information, free access to services which are normally charged at a fee, or access to a private spectator box at a sporting or entertainment event).

**Bribe** – A gift or benefit offered for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.

**Cash-like** – Includes but is not limited to: gift vouchers/cards, 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.

**Corrupt Conduct** – As defined in section 8 of the *Independent Commission Against Corruption Act 1998* (the ICAC Act). This includes but is not limited to:

- a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or
- b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or
- c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
- d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.

**Council official** – Means Councillors, Council employees or contractors, administrators, Council Committee members (excluding members of wholly advisory committees), delegates of Council and volunteers.

**Giver** – The individual or organisation that offers a gift or benefit.

**Gift** – An item of value which one person or organisation presents to another (for example, cash, gift voucher, alcohol, products, or tickets to a sporting or entertainment event).

**Hospitality** – The provision of meals, refreshment or other forms of entertainment.





## Gifts and Benefits Policy

**Non-Civic Function or Event** – A function or event where the Council official does not have any formal role representing Council and the Council official is invited to attend at no cost or a discounted cost to Council. Examples include: sporting events, Christmas parties, conferences, or openings.

**Token Value** – Means the monetary limit of the value of gifts or benefits that may be accepted. This value is \$50 and therefore any non-cash-like gift or benefit valued at no more than \$50 is considered to be of token value in accordance with this Policy. However, the intent of the giver and the role of the Council official must also be considered when deciding whether to accept a token value gift or benefit.

### RESPONSIBILITIES

Responsibilities for implementing this Policy are shared between Councillors, Executive and other Council officials as follows:

Councillors, Executive and Group Managers/Managers:

- Lead Council officials in their understanding of and compliance with this Policy.

General Manager:

- Review reports of alleged bribes and if relevant, report to the ICAC any matter that concerns or may concern corrupt conduct in accordance with the ICAC Act.

Group Manager Corporate and Community:

- Coordinate training and provide advice and assistance to Council officials in relation to this Policy.
- Arrange the return of cash or cash-like gifts to the giver.
- Coordinate the holding of gifts or benefits which are surrendered by staff in accordance with this Policy, until they can be raffled at Council's Christmas party.

Coordinator Corporate Strategy and Governance and Senior Governance Officer:

- Provide advice and assistance to Council officials in relation to this Policy.
- Maintain the Gifts and Benefits Register, upload the Register on Council's website, and report trends and statistics to Council's Executive and the Audit, Risk and Improvement Advisory Committee on an annual basis.
- Review this Policy every 2 years or as otherwise required.

Council Officials:

- Read, understand and comply with this Policy.





## Gifts and Benefits Policy

### PERFORMANCE MEASURES

The success of this Policy will be demonstrated by:

- No reports of breaches of this Policy.
- Trends and statistics being reported on an annual basis to Council's Executive and the Audit, Risk and Improvement Advisory Committee.

### BREACHES OF THE POLICY

Breaches of this Policy may be breaches of Council's Code of Conduct and may result in disciplinary action. However, where a Council official is reasonably suspected of behaving corruptly (for example, by allegedly soliciting gifts or benefits or accepting a bribe), that conduct will be reported to the ICAC and the Council official may be investigated under the ICAC Act.

### APPROVED BY:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)



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Wingecarribee Shire Council – *Gifts and Benefits Policy*

Version: 3.0

Adoption Date: *(Governance to insert)*

Policy Owner: Group Manager Corporate and Community



## Gifts and Benefits Policy

### ATTACHMENTS

There are no attachments to this Policy.

Approved By:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)

DRAFT



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Wingecarribee Shire Council – *Gifts and Benefits Policy*

Version: 3.0

Adoption Date: *(Governance to insert)*

Policy Owner: Group Manager Corporate and Community



## 13.11 Draft Public Interest Disclosures Policy

Reference:	800/26, 1460/8
Report Author:	Senior Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

### PURPOSE

This report seeks adoption of the draft Public Interest Disclosures Policy (the draft policy). A copy of the draft policy is provided at **Attachment 1**.

### RECOMMENDATION

**THAT** Council adopts the draft Public Interest Disclosures Policy provided at Attachment 1.

### REPORT

#### **BACKGROUND**

On 24 October 2018, Council passed the following resolution (MN 450/18):

1. *THAT the draft Public Interest Disclosures Policy be placed on public exhibition for a period of twenty eight (28) days and submissions be invited from the public.*
2. *THAT a further report be submitted to Council following the conclusion of the public exhibition period.*

Council placed the draft policy on public exhibition from 26 October to 23 November 2018. During this period the policy was made available on Council's website and advertised in a local newspaper on 7, 14 and 21 November 2018. No public submissions were received.

#### **REPORT**

The draft policy has been developed to detail the internal reporting system for Councillors and staff to report wrongdoing without fear of reprisal.

Under section 6D of the *Public Interest Disclosures Act 1994* (PID Act), public authorities (including local councils) are required to have a policy that provides for its procedures for receiving, assessing and dealing with public interest disclosures. Council must have regard to any guidelines issued by the NSW Ombudsman with respect to this obligation, including any model policy that is developed.

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Council's existing Public Interest Disclosures Policy was approved under delegation by the General Manager on 21 November 2013. A review of the existing policy was undertaken in accordance with Council's policy review program, and substantial amendments are proposed to ensure consistency with the Model Internal Reporting Policy for Local Government (Model Policy) published by the NSW Ombudsman in June 2014.

The draft policy outlines the five categories of misconduct that meet the criteria of a public interest disclosure under the PID Act. These are:

- Corrupt conduct
- Maladministration
- Serious and substantial waste of public money
- Breach of the *Government Information (Public Access) Act 2009*
- Local government pecuniary interest contravention

The draft policy also outlines the reporting, assessment and investigation processes that apply to public interest disclosures, as well as the protections against reprisal for making such a disclosure that are provided under the PID Act.

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

This report has no impact on Council's Fit for the Future Improvement Plan.

#### COMMUNICATION AND CONSULTATION

##### Community Engagement

The draft policy was placed on public exhibition for a period of twenty eight (28) days from 26 October to 23 November 2018, and no submissions were received from the public.

##### Internal Communication and Consultation

The draft policy was developed with input from the Executive and the Corporate Strategy and Governance team. Council staff were also provided with an opportunity to comment on the draft policy which was made available to them on the staff intranet.

##### External Communication and Consultation

The draft policy was developed with reference to the Model Policy and other relevant guidelines issued by the NSW Ombudsman.

#### SUSTAINABILITY ASSESSMENT

##### • **Environment**

There are no environmental issues in relation to this report.

##### • **Social**

There are no social issues in relation to this report.

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- **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 draft policy ensures proper governance by reflecting the Model Policy published by the NSW Ombudsman, and it is a vital component of Council's ethical behaviour policy framework.

#### COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

#### RELATED COUNCIL POLICY

The draft policy is consistent with Council's existing ethical behaviour policies including the Code of Conduct, Fraud and Corruption Prevention Policy, Gifts and Benefits Policy and Related Party Disclosures Policy.

#### OPTIONS

The options available to Council are:

##### **Option 1**

Adopt the draft Public Interest Disclosures Policy (**Attachment 1**).

##### **Option 2**

Make changes to the draft Public Interest Disclosures Policy consistent with the legislative framework and adopt the amended policy.

##### **Option 3**

Make changes to the draft Public Interest Disclosures Policy consistent with the legislative framework and place it on public exhibition again for a period of twenty eight (28) days, following which the matter will be reported back to Council for consideration.

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

#### CONCLUSION

The draft Public Interest Disclosures Policy has been developed in accordance with Council's obligations under the PID Act and incorporates the provisions of the Model Internal Reporting Policy for Local Government published by the NSW Ombudsman.

#### ATTACHMENTS

1. Draft Public Interest Disclosures Policy





## Public Interest Disclosures Policy

Attachment 1

### LEADERSHIP

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

Adoption Date:	<i>(Governance to insert)</i>
Council Reference:	<i>(Governance to insert)</i>
Policy Owner:	Group Manager Corporate and Community
Next review date:	<b>(2 years recommended)</b>
File Reference:	800/26, 1460/8
Related Policies/Legislation:	<i>Government Information (Public Access) Act 2009</i> <i>Independent Commission Against Corruption Act 1988</i> <i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i> <i>Public Interest Disclosures Act 1994</i> Code of Conduct Code of Conduct Procedures Complaint Handling Policy Complaint Handling Procedure Disciplinary General Manager Practice Note Disciplinary Procedure Fraud and Corruption Control Policy Fraud and Corruption Control Plan Gifts and Benefits Policy Gifts and Benefits Procedure Public Interest Disclosures Procedure Related Party Disclosures Policy Statement of Business Ethics Statement of Ethics
Superseded Policy:	Public Interest Disclosures Policy v.3 (21/11/13)

### OBJECTIVES

The purpose of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy, together with the Public Interest





## Public Interest Disclosures Policy

Disclosures Procedure (PID procedure), sets out who wrongdoing can be reported to in Wingecarribee Shire Council (Council), what can be reported and how reports of wrongdoing will be dealt with by Council.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the *Public Interest Disclosures Act 1994* (PID Act).

This policy is just one in the suite of Council's complaint handling policies, which include the Complaint Handling Policy and the Complaint Handling Procedure.

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the Grievance and Dispute General Manager Practice Note and Grievance and Dispute Procedure. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Council's Organisational Development branch to be dealt with in accordance with the grievance and dispute procedures.

### SCOPE

This policy applies to:

- Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Council
- employees of contractors providing services to Council
- other people who perform Council's official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

The policy also applies to public officials of another council or public authority who report wrongdoing relating to Council.





## Public Interest Disclosures Policy

### POLICY STATEMENT

Council is committed to:

- creating a climate of trust, where people are comfortable and confident about reporting wrongdoing
- encouraging individuals to come forward if they are aware of wrongdoing within Council
- keeping the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate
- protecting the person from any adverse action resulting from them making a report
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keeping the individual who makes a report informed of the progress and the outcome
- encouraging the reporting of wrongdoing within Council, but respecting any decision that is made in accordance with the provisions of the PID Act to disclose wrongdoing outside Council
- ensuring managers and supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this policy, and are aware of the needs of those who report wrongdoing
- reviewing the policy periodically to ensure it is relevant and effective
- providing adequate resources, to:
  - encourage reports of wrongdoing
  - protect and support those who make them
  - provide training about how to make reports and the benefits of internal reports to Council and the public interest generally
  - properly assess and investigate or otherwise deal with allegations
  - properly manage any workplace issues that the allegations identify or that result from a report
  - appropriately address any identified problems.

### What should be reported?

You should report any suspected wrongdoing within Council, or any activities or incidents you see within Council that you believe are wrong.

Reports concerning five categories of misconduct that meet the criteria of a public interest disclosure will be dealt with under the PID Act and according to this policy and the PID procedure.





## Public Interest Disclosures Policy

See below for details about these types of conduct.

### Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

### Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

### Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

### Breach of the GIPA Act

A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.

### Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interest returns, disclose pecuniary interests at Council and Council committee meetings, and leave the meeting while the matter is being discussed. 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.

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. Council will respond to all such reports and make every attempt to protect the staff member making the report from reprisal.

### **Assessment of reports**

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.





## Public Interest Disclosures Policy

### When will a report be treated as a public interest disclosure?

Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
- the report has to be made to the General Manager, the Mayor (for reports about the General Manager), the Group Manager Corporate and Community, a position nominated in the PID procedure, an investigating authority or in limited circumstances to a member of Parliament or journalist.

Reports by staff and Councillors are not public interest disclosures if they:

- mostly question the merits of government policy
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

### Who can receive a report within Council?

Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials as identified in the PID procedure.

### Who can receive a report outside of Council?

Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not the only option. A public interest disclosure can also be made to:

- an investigating authority.
- a Member of Parliament or a journalist, but only in the limited circumstances outlined in the PID procedure.

Contact details for relevant investigating authorities are included at the end of this policy.





## Public Interest Disclosures Policy

### Can a report be anonymous?

There will be some situations where the person making a report (the reporter) may not want to identify themselves when a report is made. Although these reports will still be dealt with by Council, it is best if the reporter identifies themselves. This allows Council to provide any necessary protection and support to the reporter, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent the reporter from being identified by the subjects of the report or their colleagues. If Council does not know who made the report, it is very difficult for Council to prevent any reprisal against the reporter.

### Feedback to staff who report wrongdoing

Staff and Councillors who report wrongdoing will be told what is happening in response to their report.

### Maintaining confidentiality

Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against the reporter for reporting wrongdoing.

Where possible and appropriate, Council will take steps to keep the identity of the reporter, and the fact that they have reported wrongdoing, confidential. Council will discuss with the reporter whether it is possible to keep their identity confidential.

If confidentiality cannot be maintained, Council will develop a plan to offer support and protection to the reporter from reprisal in consultation with the reporter.

If there is a report of wrongdoing, it is important that the reporter only discusses the report with those responsible for dealing with it. This will include the Group Manager Corporate and Community and the General Manager, or in the case of a report about the General Manager, the Group Manager Corporate and Community and the Mayor. The fewer people who know about the report, before and after it is made, the more likely it will be that Council can offer protection from any reprisal.





## Public Interest Disclosures Policy

Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

### Protection against reprisals

Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff and Councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means 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.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Council has reasonable grounds to take such action.





## Public Interest Disclosures Policy

### Support for those reporting wrongdoing

Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Group Manager Corporate and Community.

### Sanctions for making false or misleading statements

It is important all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of Council's Code of Conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

### The rights of persons the subject of a report

Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

### More information

More information around public interest disclosures is available from the Group Manager Corporate and Community or the Coordinator Corporate Strategy and Governance. Staff can also seek advice and guidance from the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).







## Public Interest Disclosures Policy

### Resources

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed below. Please note that all contact details were correct as at the time this policy was adopted by Council, but may have changed since.

#### For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)  
 Phone: 02 8281 5999  
 Toll free: 1800 463 909  
 Tel. typewriter (TTY): 02 8281 5773  
 Facsimile: 02 9264 5364  
 Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
 Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
 Address: Level 21, 133 Castlereagh Street, Sydney NSW 2000

#### For disclosures about maladministration:

NSW Ombudsman  
 Phone: 02 9286 1000  
 Toll free (outside Sydney metro): 1800 451 524  
 Tel. typewriter (TTY): 02 9264 8050  
 Facsimile: 02 9283 2911  
 Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
 Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
 Address: Level 24, 580 George Street, Sydney NSW 2000

#### For disclosures about breaches of the GIPA Act:

Information Commissioner  
 Toll free: 1800 472 679  
 Facsimile: 02 8114 3756  
 Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
 Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
 Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000

#### For disclosures about serious and substantial waste of public money:

Audit Office of NSW  
 Phone: 02 9275 7100  
 Facsimile: 02 9275 7200  
 Email: [governance@audit.nsw.gov.au](mailto:governance@audit.nsw.gov.au)  
 Web: [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au)  
 Address: Level 15, 1 Margaret Street, Sydney NSW 2000

#### For disclosures about local councils:

Office of Local Government  
 Phone: 02 4428 4100  
 Tel. typewriter (TTY): 02 4428 4209  
 Facsimile: 02 4428 4199  
 Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
 Web: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)  
 Address: 5 O'Keefe Avenue, Nowra NSW 2541

### Policy Review

This policy will be reviewed at a minimum of every 2 years.





## Public Interest Disclosures Policy

### DEFINITIONS

**Corrupt conduct** – Has the meaning given to it by the *Independent Commission Against Corruption Act 1988*. This includes but is not limited to:

- (a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or
- (b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or
- (c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
- (d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.

**Journalist** – Means a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.

**Public official** – Means:

- (a) an individual who is an employee of or otherwise in the service of a public authority, and includes (without limitation) each of the following:
  - (i) a Public Service employee,
  - (ii) a member of Parliament, but not for the purposes of a disclosure made by the member,
  - (iii) a person employed by either or both of the President of the Legislative Council or the Speaker of the Legislative Assembly,
  - (iv) any other individual having public official functions or acting in a public official capacity whose conduct and activities may be investigated by an investigating authority,
  - (v) an individual in the service of the Crown, or
- (b) a person employed under the *Members of Parliament Staff Act 2013*, or
- (c) an individual who is engaged by a public authority under a contract to provide services to or on behalf of the public authority, or
- (d) if a corporation is engaged by a public authority under a contract to provide services to or on behalf of the public authority, an employee or officer of the corporation who provides or is to provide the contracted services or any part of those services.





## Public Interest Disclosures Policy

### RESPONSIBILITIES

Roles and responsibilities for implementing this policy are as follows:

#### The role of Council staff and Councillors

Staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All Council staff and Councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Staff and Councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report.

Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to Council's Code of Conduct. A breach of the Code of Conduct could result in disciplinary action.

#### The role of Council

Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

Council will assess all reports of wrongdoing it receives from staff and Councillors and deal with them appropriately. Once wrongdoing has been reported, Council takes 'ownership' of the matter. This means it is up to Council to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.





## Public Interest Disclosures Policy

Council must report on its obligations under the PID Act and statistical information about public interest disclosures in its annual report and to the NSW Ombudsman every six months.

To ensure that Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy and the PID procedure will receive training on their responsibilities.

### Roles of key positions

#### General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring that Council complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- deal with reports made under Council's Code of Conduct in accordance with Council's Code of Conduct Procedures
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

#### Group Manager Corporate and Community

The Group Manager Corporate and Community is Council's disclosures coordinator. The disclosures coordinator has a central role in Council's internal reporting system. The disclosures coordinator can receive and assess reports, and is the primary point of contact in Council for the reporter. The disclosures coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under





## Public Interest Disclosures Policy

- delegation or in consultation with the General Manager)
- deal with reports made under Council's Code of Conduct in accordance with the Code of Conduct Procedures
- coordinate Council's response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure Council complies with the PID Act
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

If a report is made about the Group Manager Corporate and Community, the responsibilities of the disclosures coordinator will be taken on by the General Manager, or a disclosures officer who is delegated this responsibility by the General Manager.

### Disclosures officers

Disclosures officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and Councillors to make reports.

Disclosures officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out a preliminary assessment and forward reports to the Group Manager Corporate and Community or General Manager for full assessment.





## Public Interest Disclosures Policy

### Mayor

The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under Council's Code of Conduct in accordance with the Code of Conduct Procedures
- refer reports to an investigating authority, where appropriate
- liaise with the Group Manager Corporate and Community to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

### Supervisors

All supervisors play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors should be aware of this policy and the PID procedure and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within Council and support staff when they do
- identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy and the PID procedure
- implement local management strategies, in consultation with the Group Manager Corporate and Community, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Group Manager Corporate and Community or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.





## Public Interest Disclosures Policy

### PERFORMANCE MEASURES

The success of this policy will be demonstrated by:

- No reports of breaches of this policy.
- Six-monthly reports being provided to the NSW Ombudsman in accordance with section 6CA of the PID Act.

### BREACHES OF THE POLICY

Breaches of this policy may be breaches of Council's Code of Conduct or the *Local Government Act 1993* and may result in disciplinary action. However, where a Council official is reasonably suspected of behaving corruptly (for example, by allegedly soliciting gifts or benefits or accepting a bribe), that conduct will be reported to the ICAC and the Council official may be investigated under the ICAC Act.

### APPROVED BY:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)





## Public Interest Disclosures Policy

### ATTACHMENTS

There are no attachments to this policy.

Approved By:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)

DRAFT





## 13.12 Draft Fraud and Corruption Control Policy

Reference:	700/11
Report Author:	Senior Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

### PURPOSE

This report seeks adoption of the draft Fraud and Corruption Control Policy (the draft policy). A copy of the draft policy is provided at **Attachment 1**.

### RECOMMENDATION

**THAT** Council adopts the draft Fraud and Corruption Control Policy provided at Attachment 1.

### REPORT

#### **BACKGROUND**

On 24 October 2018, Council passed the following resolution (MN 451/18):

1. *THAT the draft Fraud and Corruption Control Policy be placed on public exhibition for a period of twenty eight (28) days and submissions be invited from the public.*
2. *THAT a further report be submitted to Council following the conclusion of the public exhibition period.*

Council placed the draft policy on public exhibition from 26 October to 23 November 2018. During this period the policy was made available on Council's website and advertised in a local newspaper on 7, 14 and 21 November 2018. No public submissions were received.

#### **REPORT**

The draft policy has been developed to affirm Council's zero tolerance approach to fraud and corruption and to outline Council's approach to fraud and corruption control within the themes of prevention, detection and response.

Council's existing Fraud and Corruption Prevention Policy was adopted on 23 July 2014. A review of the existing policy was undertaken in accordance with Council's policy review program, and substantial amendments are proposed to ensure consistency with the Sample Fraud Control Policy (Sample Policy) published by the Audit Office of NSW in February 2015.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

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



The draft policy details Council's fraud and corruption control framework with reference to the ten attributes of fraud control outlined by the Audit Office of NSW in its Fraud Control Improvement Kit. It incorporates a number of ongoing initiatives Council is committed to undertaking in the area of fraud and corruption control, including high-level processes and behaviours suggested in the Fraud Control Improvement Kit as well as actions recommended in Council's Fraud Control Health Check internal audit report which was finalised in November 2017.

An operational Fraud and Corruption Control Plan has also been developed that includes key fraud control activities, responsibilities and timeframes. This is recommended by both the Fraud Control Improvement Kit and the Australian Standard AS 8001-2008 Fraud and Corruption Control. It was also a recommendation of the Fraud Control Health Check internal audit report. This plan will be approved under delegation by the General Manager if a revised Fraud and Corruption Control Policy is adopted by Council.

An internal review of the draft policy was undertaken during the public exhibition period and the draft policy has been amended so that the definition of Council official includes volunteers. This has also required consequential changes whereby references to 'Council officials and volunteers' now simply read 'Council officials'.

In the previous draft, volunteers were included within the scope of the draft policy but were distinguished from Council officials. The reason for the proposed amendment is to ensure consistency with the *Public Interest Disclosures Act 1994* (PID Act), which explicitly applies to volunteers of public authorities (including local councils) including with respect to disclosures about corrupt conduct. The inclusion of volunteers in the definition of a Council official in the draft policy is also considered good practice because volunteers contribute to the exercise of Council's functions.

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

This report has no impact on Council's Fit for the Future Improvement Plan.

#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

The draft policy was placed on public exhibition for a period of twenty eight (28) days from 26 October to 23 November 2018, and no submissions were received from the public.

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

The draft policy was developed with input from the Executive and the Corporate Strategy and Governance team.

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

The draft policy was developed with reference to the Sample Policy, Fraud Control Improvement Kit, Australian Standard AS 8001-2008 Fraud and Corruption Control, comparable policies adopted by other NSW councils, and other sources of information made available by the Audit Office of NSW and Independent Commission Against Corruption.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The draft policy ensures proper governance by reflecting the relevant provisions of the Sample Policy, and it is a vital component of Council's ethical behaviour policy framework.

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## **COUNCIL BUDGET IMPLICATIONS**

There are no budget implications associated with this report.

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## **RELATED COUNCIL POLICY**

The draft policy is consistent with Council's existing ethical behaviour policies including the Code of Conduct, Public Interest Disclosures Policy, Gifts and Benefits Policy and Related Party Disclosures Policy.

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## **OPTIONS**

The options available to Council are:

### Option 1

Adopt the draft Fraud and Corruption Control Policy (**Attachment 1**).

### Option 2

Make changes to the draft Fraud and Corruption Control Policy consistent with the legislative framework and adopt the amended policy.

### Option 3

Make changes to the draft Fraud and Corruption Control Policy consistent with the legislative framework and place it on public exhibition again for a period of twenty eight (28) days, following which the matter will be reported back to Council for consideration.

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

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 13 February 2019

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



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**CONCLUSION**

The draft Fraud and Corruption Control Policy has been developed to affirm Council's zero tolerance approach to fraud and corruption and detail its fraud and corruption control framework, and is consistent with the Sample Fraud Control Policy published by the Audit Office of NSW.

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**ATTACHMENTS**

1. Draft Fraud and Corruption Control Policy

Mark Pepping

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

Thursday 7 February 2019



## Fraud and Corruption Control Policy

### LEADERSHIP

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

Adoption Date:	<i>(Governance to insert)</i>
Council Reference:	<i>(Governance to insert)</i>
Policy Owner:	Group Manager Corporate and Community
Next review date:	<b>(2 years recommended)</b>
File Reference:	700/11
Related Policies/Legislation:	<i>Independent Commission Against Corruption Act 1988</i> <i>Local Government Act 1993</i> <i>Local Government (General) Regulation 2005</i> <i>Public Interest Disclosures Act 1994</i> Code of Conduct Code of Conduct Procedures Disciplinary General Manager Practice Note Disciplinary Procedure Fraud and Corruption Control Plan Gifts and Benefits Policy Gifts and Benefits Procedure Public Interest Disclosures Policy Public Interest Disclosures Procedure Related Party Disclosures Policy Statement of Business Ethics Statement of Ethics
Superseded Policy:	Fraud and Corruption Prevention Policy v.2.1 (23/07/14)

### OBJECTIVES

The objectives of this Policy are to:

- affirm that Council does not accept or tolerate any act of fraud or corruption, and
- outline Council's approach to fraud and corruption control within the themes of prevention, detection and response.





## Fraud and Corruption Control Policy

### POLICY STATEMENT

Council is committed to minimising the incidence of fraud and corruption by implementing and regularly reviewing a range of strategies that aim to prevent, detect and respond to fraud and corruption behaviours by Council officials, external service providers or members of the public. This commitment is aligned with and reflects Council's organisational values of:

- Integrity, Trust and Respect
- Responsibility and Accountability
- Communication and Team Work
- Service Quality.

Based on the *Australian Standard 8001-2008: Fraud and corruption control*, fraud and corruption can be defined as follows:

**Fraud** is dishonest activity by Council officials, external service providers or members of the public causing actual or potential financial loss to Council, including theft of moneys or other property and where deception is used at the time. This includes the deliberate falsification, concealment, destruction or use of documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit.

**Corruption** is dishonest activity in which a Council official or an external service provider acts contrary to the interests of Council and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or entity.

In addition, **corrupt conduct** is defined at Part 3 of the *Independent Commission Against Corruption Act 1998* (ICAC Act) and includes any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, the honest or impartial exercise of Council's official functions. Fraud is captured within this definition of corrupt conduct.

### Fraud and Corruption Control Framework

Council's approach to fraud and corruption control is adapted from the ten attributes of fraud control provided by the NSW Audit Office Fraud Control Improvement Kit. These are summarised in Table 1.





# Fraud and Corruption Control Policy

**Table 1**

	Attribute	Theme
Attribute one	Leadership	Prevention
Attribute two	Ethical framework	Prevention, Detection, Response
Attribute three	Responsibility structures	Prevention, Detection, Response
Attribute four	Policy	Prevention
Attribute five	Prevention systems	Prevention
Attribute six	Fraud and corruption awareness	Prevention, Response
Attribute seven	Third party management systems	Prevention, Response
Attribute eight	Notification systems	Detection, Response
Attribute nine	Detection systems	Detection
Attribute ten	Investigation systems	Response

**Attribute one: Leadership**

A successful fraud and corruption control framework is led by a committed and accountable Executive. The General Manager, supported by the Councillors and other members of the Executive, is responsible for the strategic oversight of fraud and corruption control at Council.

The Group Manager Corporate and Community has operational responsibility for implementing and monitoring Council's fraud and corruption control framework, with the assistance of the Corporate Strategy and Governance team.

**Attribute two: Ethical framework**

Council has clear policies establishing acceptable standards of ethical behaviour and these are available to all Council officials on Council's intranet. They are also published on Council's website. These include:

- Code of Conduct
- Statement of Business Ethics
- Statement of Ethics

**Attribute three: Responsibility structures**

This is detailed below under the subheading for Responsibilities.

**Attribute four: Policy**

This Policy, together with Council's Fraud and Corruption Control Plan and other related policies, sets out Council's framework for fraud and corruption control and establishes the





## Fraud and Corruption Control Policy

responsibilities for managing fraud and corruption control at Council consistent with the *Australian Standard 8001-2008: Fraud and corruption control*. The other related policies include:

- Fraud and Corruption Control Plan
- Gifts and Benefits Policy
- Public Interest Disclosures Policy

### **Attribute five: Prevention systems**

Council's prevention systems consist of a number of components including:

#### *Fraud and Corruption Risk Assessment*

A fraud and corruption risk assessment is a proactive effort to identify areas where fraud and corruption risks exist, to evaluate how effective controls are to mitigate those risks, and to determine actions necessary to eliminate any gaps. Council's fraud and corruption risk assessment is carried out every two years and is reported to the Executive and the Audit, Risk and Improvement Advisory Committee. The results are also benchmarked against the results for comparable NSW councils where available.

#### *Fraud and Corruption Control Plan*

Council has a Fraud and Corruption Control Plan which contains all the key fraud and corruption control activities of Council, including responsibilities and timeframes. It is linked to the fraud and corruption risk assessment and contains details of the risks requiring treatment.

#### *Fraud and Corruption Incident Register*

The Fraud and Corruption Incident Register records all incidents of fraud and corruption affecting Council and the investigation outcome and response, without identifying the individuals involved. Council is committed to analysing reports of fraud and corruption to help identify potential weaknesses in internal controls. Council is also committed to publishing the de-identified Register on its website to demonstrate the action taken in response to fraud and corruption.

#### *Internal Controls*

Robust internal controls are an effective way to prevent fraud and corruption. Council's internal controls are risk-focused, and have been established to proactively minimise opportunities for fraud and corruption. Examples of appropriate controls employed by Council include:

- segregation of duties
- account reconciliation
- employment delegations







## Fraud and Corruption Control Policy

- risk assessments
- physical security
- internal and external audit reports.

### *Ethical Workforce*

Council is committed to employing staff that support its ethical values. Council conducts pre-employment screening including reference checks as well as additional checks as appropriate for high risk positions.

### **Attribute six: Fraud and corruption awareness**

A key element of Council's fraud and corruption control framework is creating awareness among all staff of the different components of the framework, what activities are considered fraudulent or corrupt and how to respond if fraud or corruption is suspected.

### *Staff training*

Council is committed to facilitating regular training opportunities relevant to fraud and corruption control for its staff.

### *Ethical behaviour policies*

Council has a range of ethical behaviour policies available on its intranet.

### *Awareness raising*

The Group Manager Corporate and Community coordinates a fraud and corruption risk assessment and a fraud and corruption control health check every two years. Staff are asked to participate, especially with respect to the health check to provide their views on how Council is managing fraud. The results of the risk assessment and health check are published on the intranet and promoted to all staff.

Other awareness raising initiatives include email and poster reminders relevant to Council's fraud and corruption control framework.

### *Induction*

Staff induction addresses key policies relevant to Council's fraud and corruption control framework, including the Code of Conduct.

### *Customer and Community Awareness*

Council is committed to ensuring that its customers and suppliers are aware of its commitment to ethical behaviour. Council's Statement of Business Ethics is published on its website, along with policies relevant to the fraud and corruption control framework. This information is also provided to Council volunteers, including advisory committee members.





## Fraud and Corruption Control Policy

### **Attribute seven: Third party management systems**

Council ensures that appropriate controls, such as the segregation of duties, are in place to manage its dealings with third parties. Council provides a copy of its Statement of Business Ethics to contractors and suppliers so they understand the mutual obligations of all parties and the standards of behaviour expected by Council.

Third parties are encouraged to report suspected fraud and corruption to Council in accordance with the processes outlined in Council's Public Interest Disclosures Policy.

### **Attribute eight: Notification systems**

Council requires its officials and encourages third parties and members of the public to report known or suspected fraud or corruption in accordance with Council's Public Interest Disclosures Policy.

The *Crimes Act 1900* provides that in certain circumstances, failure to report a serious offence (which could include corrupt conduct) to the NSW Police or another appropriate authority is an offence.

The *Public Interest Disclosures Act 1994* (PID Act) provides protection to public officials (as defined by the PID Act) who make a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person that is substantially in reprisal for that person making a public interest disclosure.

### **Attribute nine: Detection systems**

Council routinely undertakes checks of activities, processes, controls and transactions. This monitoring and review process seeks to ensure that irregularities and warning signals are identified early and acted upon.

Internal controls are also applied to detect fraud and corruption. These include data analytics and both internal audit and external audit.

Auditing is a particularly significant control mechanism, as Council's audit processes aim to provide a proactive, independent and comprehensive approach to evaluating and improving the effectiveness of fraud and corruption control. Council's audit program is risk-based and regularly reviewed by senior management and the Audit, Risk and Improvement Advisory Committee. Council has robust procedures for following up on audit recommendations, with responsibility assigned to individual staff and clear timetables set for response and implementation. The outcomes of audits are reported to Council's Executive and the Audit, Risk and Improvement Advisory Committee.





## Fraud and Corruption Control Policy

### **Attribute ten: Investigation systems**

Guidelines for the investigation of suspected fraud or corruption, and the possible disciplinary action which may result, are set out in Council's Public Interest Disclosures Policy and Procedure, Code of Conduct Procedures, and Disciplinary General Manager Practice Note and Procedure. However, where a Council official or other relevant party is reasonably suspected of behaving corruptly, that will be reported to the ICAC and that person may be investigated under the ICAC Act. There is also the possibility of an investigation by the NSW Police if the reported behaviour constitutes criminal conduct.

### **Policy Review**

This Policy will be reviewed at a minimum of every 2 years.

### **SCOPE**

This Policy is part of Council's fraud and corruption control framework and applies to all officials of Council, including temporary staff and contractors. Community members who undertake volunteer roles with Council, such as advisory committee members, will be removed from their position as a volunteer if they are found to have behaved fraudulently or corruptly.

### **DEFINITIONS**

**Benefit** – A non-tangible item of value that one person or organisation confers on another (for example, hospitality, preferential treatment, access to confidential information, free access to services which are normally charged at a fee, or access to a private spectator box at a sporting or entertainment event).

**Bribe** – A gift or benefit offered for the purpose of winning favours or to influence the decision or behaviour of a Council official to benefit someone or something.

**Corruption** – This is defined earlier in this Policy. In addition, the ICAC Act further defines corrupt conduct as including but not being limited to:

- a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or





## Fraud and Corruption Control Policy

- b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or
- c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
- d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.

**Council official** – Means Councillors, Council employees or contractors, administrators, Council Committee members (excluding members of wholly advisory committees), delegates of Council and volunteers.

**External service provider** – An entity engaged to deliver a function or service for and on behalf of Council.

**Fraud** – This is defined earlier in this Policy.

**Gift** – An item of value which one person or organisation presents to another (for example, cash, gift voucher, alcohol, products, or tickets to a sporting or entertainment event).

**Internal control** – A process, policy or other action that acts to minimise risk and enhance the likelihood that stated objectives and goals will be achieved.

### RESPONSIBILITIES

Responsibilities for implementing this Policy are shared as follows:

#### General Manager

- Guide the proper management of Council resources and the development and implementation of systems and practices to minimise the risk of fraud and corruption.
- Ensure that the investigation of suspected fraud and corruption adheres to relevant Council policies, and where appropriate is reported to the ICAC in accordance with the ICAC Act.

#### Councillors and Executive

- Ensure that Council's powers, duties and responsibilities are exercised in an open, fair and proper manner to the highest standards of probity.
- Lead Council staff and external service providers in their understanding of and compliance with this Policy and related Council policies.





## Fraud and Corruption Control Policy

### Group Managers and Managers

- Ensure there are adequate measures to prevent, detect and respond to fraud and corruption within the respective business areas under their control, in accordance with Council's fraud and corruption control framework.
- Lead team members in their understanding of and compliance with this Policy and related Council policies.

### Group Manager Corporate and Community

- Implement and monitor Council's fraud and corruption control framework.
- Provide advice and assistance to Council staff in relation to this Policy.

### Corporate Strategy and Governance Team

- Support the Group Manager Corporate and Community to implement and monitor Council's fraud and corruption control framework.
- Provide advice and assistance to Council staff in relation to this Policy.

### Corporate Risk Group

- Support the Executive with the strategic management of Council's risk framework.

### Council Officials

- Read, understand and comply with this and related policies.
- Report known or suspected fraud or corruption as soon as possible after becoming aware of it, in accordance with the processes outlined in the Public Interest Disclosures Policy and Procedure.

### Internal Audit and External Audit

- Be alert to the possibility of fraud and corruption within Council.
- Examine and evaluate the adequacy and effectiveness of internal controls.

### Audit, Risk and Improvement Advisory Committee

- Review and advise Council on risk management, control, governance and external accountability responsibilities.

### Members of the public are encouraged to familiarise themselves with this Policy and to:

- Refrain from engaging in fraud and corruption behaviours in their dealings with Council.
- Report known or suspected fraud or corruption in accordance with the processes outlined in the Public Interest Disclosures Policy.





## Fraud and Corruption Control Policy

### PERFORMANCE MEASURES

The success of this Policy will be demonstrated by:

- No reports of breaches of this Policy.
- Audits making positive findings about Council's fraud and corruption control measures, where applicable.

### BREACHES OF THE POLICY

Breaches of this Policy may be breaches of Council's Code of Conduct and may result in disciplinary action. However, where a Council official is reasonably suspected of behaving corruptly (for example, by allegedly soliciting gifts or benefits or accepting a bribe), that conduct will be reported to the ICAC and the Council official may be investigated under the ICAC Act.

### APPROVED BY:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)



[www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)

Wingecarribee Shire Council – *Fraud and Corruption Control Policy*

Version: 3.0

Adoption Date: *(Governance to insert)*

Policy Owner: Group Manager Corporate and Community



## Fraud and Corruption Control Policy

### ATTACHMENTS

There are no attachments to this Policy.

Approved By:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)

DRAFT



[www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)

Wingecarribee Shire Council – *Fraud and Corruption Control Policy*

Version: 3.0

Adoption Date: *(Governance to insert)*

Policy Owner: Group Manager Corporate and Community

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## COUNCIL MATTERS

### 14 GENERAL MANAGER

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#### 14.1 Save Our Recycling Campaign Call to Action

Reference:	7520
Report Author:	Organisational Support Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Maximise the recovery of resources from the waste stream

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#### PURPOSE

The purpose of this report is to present to Council a recommendation to endorse the Local Government NSW's campaign, Save Our Recycling.

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#### RECOMMENDATION

1. **THAT** Council endorse Local Government NSW's campaign, *Save Our Recycling*, to realise the reinvestment of a 100% of the Waste Levy collected each year by the NSW Government in waste minimisation, recycling and resource recovery.
2. **THAT** Council make representation to the local State Member Hon Pru Goward, Member for Goulburn and Wollondilly and the new Member for Wollondilly when elected in support of this campaign objective - for the NSW Government to commit to reinvest 100% of the Waste Levy in waste minimisation, recycling and resource recovery.
3. **THAT** Council write to the Premier, the Hon Gladys Berejiklian MP, the Opposition Leader, the Hon Michael Daley MP, the Minister for Local Government and the Minister for the Environment, the Hon Gabrielle Upton MP, and the Shadow Minister for the Environment and Heritage, Penny Sharpe MLC, seeking bipartisan support for the 100% reinvestment of the Waste Levy collected each year into waste minimisation, recycling and resource recovery.
4. **THAT** Council take a lead role in activating the Local Government NSW *Save Our Recycling* campaign locally.
5. **THAT** Council endorse the distribution and display of the Local Government NSW *Save Our Recycling* information on Council premises, as well as involvement in any actions arising from the initiative.
6. **THAT** Council formally advise Local Government NSW that Council has endorsed the *Save Our Recycling* advocacy initiative.





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**REPORT**

**BACKGROUND**

The NSW Government collects hundreds of millions of dollars each year through its Waste Levy. Only a small portion is reinvested into waste recycling.

Most NSW residents are now committed to recycling as a practical way to do their bit for the environment. Until recently NSW has been sending a significant portion of its recycling overseas and interstate. NSW urgently needs a state wide approach to collecting, processing and reusing recyclable materials.

Funds could be made available without any extra cost to tax payers, business or councils. If more of the Waste Levy was allocated to the development of an effective recovery and efficient reuse process it would mean less waste would go to landfill and reclaimed materials could be recycled back into local industry.

**REPORT**

Local Government NSW is calling on all Local Government Councillors to support its advocacy to those contesting the State election to reinvest 100% of the waste levy collected each year into waste management, recycling and resource recovery in NSW.

The Protection of the Environment Operations Act 1997 (POEO Act) requires certain licensed waste facilities in NSW to pay a contribution to the NSW Government for each tonne of waste received at the facility. Referred to as the 'waste levy', the contribution aims to reduce the amount of waste being landfilled and promote recycling and resource recovery.

The waste levy applies in the regulated area of NSW which comprises the Sydney metropolitan area, the Illawarra and Hunter regions, the central and north coast local government areas to the Queensland border as well as the Blue Mountains, Wingecarribee and Wollondilly local government areas.

In 2016/17, the NSW Government collected \$726 million from local government, community, businesses and industry via the waste levy, but only committed to use \$72 million through its Waste Less Recycle More initiative – or 10% - on waste minimisation and recycling in 2017-18.

Overall the NSW Government's Waste Less Recycle More initiative allocates \$801 million over 8 years (2013-2021) to waste and recycling, however the waste levy collected over that same period will be over \$4.62 billion.

At a local government level, just 18% of the \$300 million collected from the local government sector each year is reinvested in recycling and waste management. Wingecarribee Shire Council paid \$5.6M in waste levy in financial years 2013-2018, while Council received \$947,998 in contestable / non-contestable funding over the same period to assist the council with waste management and recycling infrastructure, programs and education.

Regardless of how you look at it, the principle remains the same – very little of the waste levy is currently used to support waste minimisation, recycling and resource recovery. The remainder is returned to NSW Government's consolidated revenue.

The reinvestment of the waste levy to support waste and resource recovery infrastructure, develop markets and innovative solutions, and undertake other initiatives to encourage reuse and recycling also offers wide-ranging benefits to our communities right across NSW.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 13 February 2019

### REPORT GENERAL MANAGER



There is the potential for economic growth, new infrastructure, new technology and new jobs, particularly in our regional areas.

It should be noted that the following motion was unanimously endorsed at the Local Government NSW 2018 Conference:

*“That the NSW Government be called upon to ensure that 100% of the levy arising from Section 88 of the Protection of the Environment Operations Act 1997 be used for waste infrastructure and programs, predominantly by local government and the waste sector, for initiatives such as:*

- *Development of regional and region-specific solutions for sustainable waste management (e.g. soft plastic recycling facilities, green waste, waste to energy).*
- *Support innovative solutions to reduce waste and waste transport requirements.*
- *Protect existing and identify new waste management locations.*
- *Local community waste recovery and repair facilities.*
- *Funding a wider range of sustainability initiatives, such as marketing and strategies, that promote and support a circular economy.”*

This motion covered motions proposed by Blacktown City Council (Resource recovery locations); Central Coast Council (Waste levy revenues); Cessnock City Council (Recycling crisis - funding support); City of Ryde (Revenue raised by the waste levy); Federation Council (Waste resource); Gwydir Shire Council (Tyre recycling); Hornsby Shire Council (Increase in grant funding for waste levy program); Leeton Shire Council (Increase of waste levy distribution); and Shoalhaven City Council (POEO Levies). Related motions were also submitted by Tweed Shire Council (Recycled products and procurement); Lake Macquarie Council (Support for recycle end markets, reusable, recyclable or compostable packaging); and Orange City Council (Waste management).

As previously noted, this is not a party-political issue: the advocacy initiative calls on all parties and candidates to commit to the 100% hypothecation of the Waste Levy to the purpose for which it is collected.

I am recommending that we support this campaign by the NSW local government sector and Local Government NSW and call on all political parties to commit to the reinvestment of 100% of the Waste Levy collected each year by the NSW Government into waste management, recycling and resource recovery.

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

Nil

### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

There had been no community engagement at this time.

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

General Manager

Deputy General Manager Operations, Finance and Risk

Deputy General Manager Corporate Strategy and Development Services

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### **External Communication and Consultation**

A request for Council support for the program came through Local Government NSW.

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### **SUSTAINABILITY ASSESSMENT**

- **Environment**

A state wide approach to recycling and waste management could reduce the amount of waste going to land fill and conserve valuable recyclable resources, create new jobs, new industries and provide a circular economy that allows NSW to manage its own waste.

- **Social**

A state wide approach to recycling and waste management could create new jobs and new industries.

- **Broader Economic Implications**

A state wide approach to recycling and waste management would provide a circular economy that would allow NSW to manage its own waste at the same time providing valuable reclaimed resources for use by industry and manufacturing.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

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### **COUNCIL BUDGET IMPLICATIONS**

Nil

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### **RELATED COUNCIL POLICY**

Nil

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### **OPTIONS**

The options available to Council are:

#### **Option 1**

Council passes a Mayoral Minute to officially show Wingecarribee Shire's support for the initiative.

#### **Option 2**

Council passes a Mayoral Minute to officially show Wingecarribee Shire's support for the initiative and actively promotes the campaign through the community and media.

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 13 February 2019

**REPORT GENERAL MANAGER**



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**Option 3**

Council does nothing.

Option 2 is the recommended option to this report.

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**CONCLUSION**

A state wide approach to recycling and waste management could create new jobs, new industries and provide a circular economy that allows NSW to manage its own waste.

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**ATTACHMENTS**

There are no attachments to this report.

Ann Prendergast  
**General Manager**

Thursday 7 February 2019



## 18 COMMITTEE REPORTS

### 18.1 Minutes of the Wingecarribee Community Assistance Scheme Advisory Committee held on Monday, 19 November 2018

Reference:	1870/2018
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Work collaboratively to address social disadvantage

#### PURPOSE

This report provides the Minutes of the Wingecarribee Community Assistance Scheme Advisory Committee Meeting held on Monday, 19 November 2018. This meeting reviewed the Community Assistance Scheme Guidelines for 2019/20.

The following changes to the Guidelines are being recommended

- Revised opening and closing dates to reflect the new financial year
- Inclusion of Environment and Sustainability Grant Objectives as a separate heading
- Deletion of 'substantial' from 2.20 under ineligible, so that it now reads 'Permanent fixtures or maintenance or upgrades on Council property, facilities or buildings' rather than 'Substantial permanent fixtures or maintenance or upgrades on Council property, facilities or buildings.' This will remove debate as to what constitutes substantial.

#### RECOMMENDATION

1. **THAT** the Minutes of the Wingecarribee Community Assistance Scheme meeting held on Monday, 19 November 2018 be adopted, save for any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.
2. **THAT** the draft Guidelines for the Wingecarribee Community Assistance Scheme 2019/20 be endorsed to include the following changes
  - -Revised opening and closing dates to reflect the new financial year
  - -Inclusion of Environment and Sustainability Grant Objectives as a separate heading
  - -Deletion of 'substantial' from 2.20 under ineligible, so that it now reads 'Permanent fixtures or maintenance or upgrades on Council property, facilities or buildings.'

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 13 February 2019

**COMMITTEE REPORTS**



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**ATTACHMENTS**

1. Minutes of the Wingecarribee Community Assistance Scheme Meeting 19 November 2018
2. Guidelines of the Wingecarribee Community Assistance Scheme 2019/20



# MINUTES

of the  
Community Assistance Scheme Advisory  
Committee Meeting

held in

Nattai Room, Civic Centre, Elizabeth Street, Moss Vale

on

**Monday 19 November 2018**

The meeting commenced at 9.00 am

*File No. 1870/2018*

**18.1 Minutes of the Wingecarribee Community Assistance Scheme  
Advisory Committee held on Monday, 19 November 2018**

**ATTACHMENT 1 Minutes of the Wingecarribee Community  
Assistance Scheme Meeting 19 November 2018**



**MINUTES OF THE COMMUNITY ASSISTANCE SCHEME ADVISORY  
COMMITTEE MEETING**

Monday 19 November 2018



1. **WELCOME AND APOLOGIES**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
4. **BUSINESS ARISING FROM THE MINUTES**  
Community Assistance Scheme Advisory Committee Meeting held on 28 May 2018
5. **DECLARATIONS OF INTEREST**

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<b>6. AGENDA REPORTS .....</b>	<b>2</b>
6.1 Review and confirmation of the Wingecarribee Community Assistance Scheme Guidelines 2019/20 .....	2
<b>7. DATE OF NEXT MEETING .....</b>	<b>3</b>
<b>8. MEETING CLOSURE .....</b>	<b>3</b>



18.1 Minutes of the Wingecarribee Community Assistance Scheme  
Advisory Committee held on Monday, 19 November 2018

ATTACHMENT 1 Minutes of the Wingecarribee Community  
Assistance Scheme Meeting 19 November 2018



MINUTES OF THE COMMUNITY ASSISTANCE SCHEME ADVISORY  
COMMITTEE MEETING

Monday 19 November 2018



MINUTES OF THE COMMUNITY ASSISTANCE SCHEME ADVISORY COMMITTEE  
MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC  
CENTRE, ELIZABETH STREET, MOSS VALE ON MONDAY 19 NOVEMBER 2018  
COMMENCING AT 9.00 AM.

**Present:** Mayor T D Gair *Chair*  
Clr G J Andrews *Chair of Sport and Recreation Advisory Committee*

**In Attendance:** Ms Cath Brennan *Community Development Coordinator*  
Mr Michael Rhydderch *Environmental Project Officer - Sustainability*

**1. WELCOME AND APOLOGIES**

It was noted that apologies were received from Clr L Whipper and Mr Barry Arthur

**RECOMMENDATION**

***THAT** the apology of Clr L Whipper and Mr Barry Arthur be accepted and leave of absence granted.*

**2. ACKNOWLEDGEMENT OF COUNTRY**

Mayor T D Gair acknowledged country:

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

**3. ADOPTION OF MINUTES OF PREVIOUS MEETING**

MINUTES OF THE COMMUNITY ASSISTANCE SCHEME ADVISORY COMMITTEE  
MEETING HELD ON MONDAY 28 MAY 2018

**RECOMMENDATION**

***THAT** the minutes of the Community Assistance Scheme Advisory Committee Meeting held on Monday 28 May 2018 MN MN 5/18 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.*

**4. BUSINESS ARISING**

Nil

**5. DECLARATIONS OF INTEREST**

18.1 Minutes of the Wingecarribee Community Assistance Scheme  
Advisory Committee held on Monday, 19 November 2018

ATTACHMENT 1 Minutes of the Wingecarribee Community  
Assistance Scheme Meeting 19 November 2018



MINUTES OF THE COMMUNITY ASSISTANCE SCHEME ADVISORY  
COMMITTEE MEETING

Monday 19 November 2018



6. AGENDA REPORTS

6.1 Review and confirmation of the Wingecarribee  
Community Assistance Scheme Guidelines 2019/20

Reference: 1870/2019  
Report Author: Coordinator Community Development

**PURPOSE**

To present the draft guidelines for the Wingecarribee Community Assistance Scheme 2019 / 20 for review and adoption.

**RECOMMENDATION**

*THAT the draft guidelines for the Wingecarribee Community Assistance Scheme 2019 / 20 be endorsed report be noted.*

18.1 Minutes of the Wingecarribee Community Assistance Scheme  
Advisory Committee held on Monday, 19 November 2018

ATTACHMENT 1 Minutes of the Wingecarribee Community  
Assistance Scheme Meeting 19 November 2018



MINUTES OF THE COMMUNITY ASSISTANCE SCHEME ADVISORY  
COMMITTEE MEETING

Monday 19 November 2018



**7. DATE OF NEXT MEETING**

The next meeting will be held on Monday 20 May 2019 in Nattai Room commencing at 9:00am.

**8. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10:05 AM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Meeting held Monday 19 November 2018 numbered M/N <#> to M/N <#> were signed by me hereunder at the Council Meeting held on .

\_\_\_\_\_  
CHAIRMAN

**READ AND CONFIRMED ON**

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER



# Guidelines

## Wingecarribee Community Assistance Scheme 2019/20

[www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au)





## How to submit your application

- Applications must be submitted online
- Access to the internet and an email address will be required
- The link to the Application Form is available on Council's website  
<http://www.wsc.nsw.gov.au/wingecarribee-community-assistance-scheme>
- The application must be submitted by the due date
- Late or incomplete applications will be not considered

The scheme opens on **Monday 18<sup>th</sup> February 2019**

Closing date for applications **Friday 29<sup>th</sup> March 2018 at 4:00pm**

If you require assistance to use the online application form contact the  
Community Development Coordinator Cath Brennan  
Email: [cath.brennan@wsc.nsw.gov.au](mailto:cath.brennan@wsc.nsw.gov.au) or Telephone: 4868 0761

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## Introduction

The Community Assistance Scheme encourages the development of community initiatives in line with Wingecarribee Shire Council's Community Strategic Plan – Wingecarribee 2031

The principles and values that underpin the Plan are social justice and sustainability.

The Community Assistance Scheme aims to build capacity, encourage participation and support initiatives that promote partnerships and working together to maintain our community and its assets.

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## Important things to note:

- Donations are for up to \$600
- General grants are for amounts up to \$7000
- Environment and Sustainability grants are for amounts up to \$2000
- The same application form is used for both donations or grants
- The organisation or group applying for the grant is referred to as the 'applicant' throughout the application.
- The applicant is the organisation, not the individual representative or person completing the application form.
- Grants are given for projects that will commence after 1 July 2019 and be completed by 30 June 2020. Applicants need to plan in advance and consider the timing of their projects or purchases.



## 1. Objective

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1.1 The Community Strategic Plan for Wingecarribee Shire, “*Wingecarribee 2031*” outlines five themes. These include a commitment to leadership, our people, our places, our environment and our economy. These were developed in consultation with the community and underpin the work of Council.

A copy of this plan is available on the Wingecarribee Shire Council website which can be accessed at <http://wsc.nsw.gov.au/uploads/2515/wingecarribee-2031-community-strategic-plan.pdf>

The objective of the Wingecarribee Community Assistance Scheme is to further this commitment to the Community Strategic Plan – Wingecarribee 2031 through the distribution of funds to local non-profit community (*incorporated*) organisations to assist in the development and provision of cultural, sporting, welfare, health promotion, leisure, environmental and community development programs, activities and events.

These funds help to establish, improve, or enhance resources, services and facilities and access for all residents of the Wingecarribee Shire, by providing grants for capital works, equipment, programs, activities and events or facilities.

A grant pool has been provided by the Environment Levy to support potential projects with the principle purpose to achieve environment or sustainability outcomes, especially those that increase sustainability and community capacity.

1.2 There are **three types of funding** available under the Community Assistance Scheme. These are:

**Donations of \$600** - Donations are not subject to Goods and Services Tax (GST). When donations have been spent, organisations are requested to provide documentation to Council on the use of the donation using the online forms provided.

**Grants up to \$7,000** - Grants are subject to Goods and Services Tax (GST) for gst registered organisations – please refer to Section 3.12 for further details. Grant recipients are required to undertake a more rigorous reporting regime as outlined in Section 5.

**Environment and Sustainability Grants up to \$2,000** - Grants are subject to Goods and Services Tax (GST) for gst registered organisations – please refer to Section 3.12 for further details. Grant recipients are required to undertake a more rigorous reporting regime as outlined in Section 5.

### 1.3 Environment and Sustainability Grant Objectives

An Environment and Sustainability Grant pool of \$10,000 has been provided by the Environment Levy to support potential projects with the principle purpose to achieve environment or sustainability outcomes, especially those that increase sustainability and community capacity.

The Environment and Sustainability Grant Scheme has been provided to support community groups, schools and early learning centres who want to deliver a project that focuses on achieving sustainable living practices and the promotion of sustainable living as way of life.

The objectives for the Environment and Sustainability Grant stream funding have been taken directly from the Environmental Goals of the Wingecarribee Shire Council’s Community Strategic Plan – Wingecarribee 2031.

**18.1 Minutes of the Wingecarribee Community Assistance Scheme  
Advisory Committee held on Monday, 19 November 2018  
ATTACHMENT 2 Guidelines of the Wingecarribee Community  
Assistance Scheme 2019/20**



These objectives are:

1. Wingecarribee's distinct and diverse natural environment is protected and enhanced
2. Sustainable living practices are actively encouraged
3. Wingecarribee achieves continuous reduction in waste generation and disposal to landfill
4. Wingecarribee addresses, adapts, and builds resilience to climate change

**For your submission to be accepted, you must demonstrate how your project achieves a minimum of one of the objectives listed above.**

Types of projects may include but are not limited to:

- Energy and water savings initiatives
- Climate change adaptation and mitigation initiatives
- Waste minimisation/recycling
- Fauna and flora protection and conservation
- Education and community capacity

Please note that under the Environment and Sustainability Grant stream the following applications are eligible\*

- Schools and organisations primarily associated with a school
- Permanent works of a capital nature executed on and/or pertaining to private property
- Substantial permanent fixtures or maintenance or upgrades on Council property, facilities or buildings.

*\*Note under the general funding stream of the Community Assistance Scheme, these are ordinarily ineligible. (see 3.20 for further information)*

## 2. Funding Principles

So that funding is allocated equitably and effectively successful applications must meet the following criteria:

- 2.1. The applicant Organisations must demonstrate their commitment to the principles of social justice and how they work towards the promotion of equity, access and participation and the rights of all Wingecarribee residents who access their services, projects, activities and events.
- 2.2. Applicants must address how their application fits into one of the five themes outlined in the **Community Strategic Plan - Wingecarribee 2031**.  
<http://wsc.nsw.gov.au/uploads/2515/wingecarribee-2031-community-strategic-plan.pdf>
- 2.3. Applicants must identify the type of funding being applied for and must comply with all the scheme guidelines.
- 2.4. In general, only **one** application of any type will be accepted from an organisation (refer also to 3.7 re Auspicing organisations). Council may accept an Environment and Sustainability Grant application from an organisation who is also applying for grant under the main Community Assistance Scheme (each will be assessed and prioritised individually in line with the Funding Principles).
- 2.5. Priority will be given to:
  - 2.5.1. Areas where the need is considered greatest and where there is an obvious and documented community/local need.

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Advisory Committee held on Monday, 19 November 2018  
ATTACHMENT 2 Guidelines of the Wingecarribee Community  
Assistance Scheme 2019/20**



- 2.5.2. Projects which have not previously received funding from Council
- 2.5.3. Projects which support the goals and strategies of the Community Strategic Plan - Wingecarribee 2031
- 2.5.4. Projects that demonstrate clear value for money
- 2.5.5. Projects where the applicant contributes \$ for \$ in cash
- 2.6. Grant applications must benefit and/or support local cultural, sporting, welfare, health promotion, community development and leisure facilities, services and activities. Applications for environmental projects must demonstrate clear environment/sustainability benefits.
- 2.7. Environmental donation and grant applications that would ordinarily be considered / delivered through an existing program of the Environment Levy may not be supported. Consideration of Environment and Sustainability Grant applications will be limited to projects that have the principal purpose to achieve environment or sustainability outcomes. Projects that principally have other objectives (eg community development, cultural, welfare etc.) but which may have an incidental environmental/sustainability component will be considered through the general Community Assistance Scheme process.
- 2.8. Generally a low priority will be given to projects requiring recurrent funding. For long term projects Council may consider funding components of the project that can be completed within twelve (12) months.
- 2.9. Funds **must** be expended **within the twelve (12) month period** from 1 July 2019 to 30 June 2020 unless otherwise approved by Council.
- 2.10. Where funding has been granted under this scheme in previous years, the applicant must have fully satisfied the conditions of previous Wingecarribee Community Assistance funding agreements to be considered for this round.
- 2.11. Contributions from the applicant to the project in cash and/or in-kind (voluntary labour and/or materials, etc) will strengthen the application, as will evidence of efforts to seek funding from other sources.
- 2.12. Council's Advisory Committees and Reference Groups are not eligible to apply for funding.
- 2.13. Any asset, non-permanent fixture or fitting acquired through the Community Assistance scheme and located on Council property, will remain in Council ownership. Ownership of any other assets acquired with these funds is to be determined by Council as a condition of each project funded. Should the organisation cease to operate, or vary the objectives/rules under which it operates, assets and resources acquired with Council grant funds must be returned to Wingecarribee Shire Council. If not voluntarily returned, Wingecarribee Shire Council reserves the right to take possession of these assets and resources and redistribute to a like-minded organisation within Wingecarribee Shire.
- 2.14. All funding awarded by Council is made on the assumption of honest and full disclosure of information. Evidence of any breach of this trust will make the grant or donation null and void in which case, any funds paid under the subject scheme must be returned to Council.
- 2.15. No funds will be granted or donated for goods, services or works carried out or purchased in the previous financial year. Organisations need to plan in advance and consider the timing of their projects or purchases that they are completing an application for.
- 2.16. Council funding is made directly to the Community Organisation therefore Council cannot pay the supplier directly for goods or services purchased with Council funds. To ensure



**18.1 Minutes of the Wingecarribee Community Assistance Scheme  
Advisory Committee held on Monday, 19 November 2018  
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Assistance Scheme 2019/20**



accountability, all Council funds must go through the organisation's bank account. Receipts or accounts from suppliers must be presented for payments to be made – refer to 5.2

- 2.17. Generally funding requests for the purchase of electronic office and communication equipment (such as computers, data projectors, printers, photocopiers and mobile phones) or the development and maintenance of web-sites are *not favourably considered* and in the case of data projectors, applicants will need to demonstrate why they are unable to use data projectors at Council community facilities (Mittagong Community Centre, Moss Vale Community Centre, Civic Centre Theatre Moss Vale, Bundanoon Memorial Hall, Hill Top Community Centre, East Bowral Community Centre, Robertson Community Centre)
- 2.18. Applicants should note that the information and documents requested in the application form will be used to assess that the organisation is currently functioning and sustainable.
- 2.19. Before applying for funding please refer to the table below to make sure you are eligible for funding under this scheme:



2.20.

ELIGIBLE	INELIGIBLE
<ul style="list-style-type: none"> <li>• Projects which meet the objectives of the scheme and organisations that comply with the guidelines</li> <li>• Projects that are able to demonstrate a link to the themes, goals and strategies of the Community Strategic Plan -Wingecarribee 2031</li> <li>• Any community project where there is a demonstrated need</li> <li>• “Seeding” Donations or Grants to enable incorporation</li> <li>• Projects based in the Wingecarribee local Government area</li> <li>• Projects that maximise access for participation across the general community and those that provide access to people with mobility restriction/s</li> <li>• Projects on public/community/Council owned property</li> <li>• Projects on Council property relating to events, activities, resources, training, coaching and similar activities and minor fixtures such as barbecues, seating, fencing and signage (<u>not</u> maintenance, upgrades, substantial permanent fixtures or as determined by Council)</li> <li>• Projects in leased Council buildings for items NOT covered by Council lease agreements</li> <li>• Projects that benefit and/or support local cultural, sporting, welfare, health promotion, community development and leisure facilities, services and activities</li> <li>• Environmental projects that meet the guidelines (see 2.6, 2.7 and 2.8)</li> <li>• Projects/programs run by religious organisations that can demonstrate broad community benefit-(not capital works on places of worship)</li> <li>• Schools and organisations primarily associated with a school (<u>Environment and Sustainability Grants only</u>)</li> </ul>	<ul style="list-style-type: none"> <li>• Private organisations and/or individuals or projects that provide a commercial financial benefit to the applicant.</li> <li>• Projects that cannot demonstrate a need or will not ensure access for all residents of the Shire</li> <li>• Projects that pose a risk to the environment or work, health and safety</li> <li>• State and Federal government departments</li> <li>• Schools and organisations primarily associated with a school (Note: Environment Grant applications of this nature may be considered)</li> <li>• Permanent works of a capital nature executed on and/or pertaining to private property (Note: Environmental Grant applications of this nature may be considered)</li> <li>• Permanent fixtures or maintenance or upgrades on Council property, facilities or buildings. These are considered as part of Council’s Infrastructure Renewal Strategy and Section 94 Plan (Note: Environmental Grant applications of this nature may be considered)</li> <li>• Recurrent services or ongoing components of a project</li> <li>• Funding requests for works, projects and events that have already been completed</li> <li>• Projects mainly benefiting community groups/organisations or residents outside the Wingecarribee Shire</li> <li>• Funding for vehicle purchases and maintenance</li> <li>• Funding to cover a shortfall in the applicant organisation’s operational budget</li> <li>• Data projectors are generally ineligible but refer to 2.18</li> <li>• Capital works or facility upgrades on places of worship</li> </ul>



### 3. Procedures

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In order to be considered for funding, applicants must follow these procedures:

- 3.1 A new application form must be completed each year.
- 3.2 Only **one** application of any type can be submitted by each organisation (also refer to 2.4 for Environment and Sustainability Grant and 3.7 Auspicing organisations).
- 3.3 Applications for grants should include quote(s) or estimate(s) justifying the budget request. Quote(s) are not required for donations.
- 3.4 Attach any additional relevant information which you believe would assist Council in determining your grant (i.e. site plan, project plans, etc) in pdf, Word or jpg format.
- 3.5 Council may recommend part funding for your project. To assist in the determination process, where possible, break your project into stages according to your priorities.
- 3.6 Attach copies of your organisation's latest audited financial account statement, or where an organisation is not subject to audit requirements, a signed statement of income and expenditure for the previous financial year must be submitted with your application.
- 3.7 If a group wishing to apply for funding is NOT incorporated, it MUST be supported by an Incorporated Organisation that has similar objectives. In this case the application is made on behalf of the Incorporated Organisation (this organisation is referred to as the Auspicing Organisation). Auspicing organisations can still make their own separate application.
- 3.8 Funding for projects being undertaken in a Council facility, park or sports field that is managed by a Council 355 Management Committee and/or a similar group which manages a facility on Council's behalf, must obtain written approval from the relevant management committee/officer, and attach evidence that such approval has been granted.
- 3.9 Where development consent is required, a development application and or construction certificate must be lodged and further approved by the consent authority prior to release of funds by Council for a successful application. Where development consent is not required, Council will be required to acknowledge that the development and or use of the land (where necessary) is exempt development in accordance with the Environmental Planning and Assessment Act 1979.
- 3.10 Council 355 Committees can only apply for projects which involve equipment, events, training and other activities which DO NOT involve maintenance, upgrades or permanent fixtures, with the exception of seating, fencing, BBQ's and signage for which a community benefit is demonstrated and the project has Council support.
- 3.11 Where a project is dependent on some form of contribution from another organisation, a letter of endorsement from the other organisation is required.
- 3.12 If your organisation has an ABN and is registered to claim GST, a tax invoice together with the necessary Payment Claim Form and invoices/receipts from the supplier must be included when making claims for payment of the grant.
- 3.13 If you are not registered for GST, you will be required to submit an Invoice. If you do not have an ABN you will be required to submit a Statement by Supplier form. Further instructions will be supplied to successful grant recipients.

**18.1 Minutes of the Wingecarribee Community Assistance Scheme  
Advisory Committee held on Monday, 19 November 2018  
ATTACHMENT 2 Guidelines of the Wingecarribee Community  
Assistance Scheme 2019/20**



- 3.14 If you know in advance of difficulties in commencing your project and/or claiming the funds within the financial year for which the funds were granted, please contact Council to discuss your situation.
- 3.15 Applications WILL NOT BE CONSIDERED IF:
- 3.15.1 They are not completed in full and the required documentation is not attached.
  - 3.15.2 They are not submitted on the online application form.
  - 3.15.3 They have been completed or signed by Councillors or Council staff.
  - 3.15.4 Are submitted AFTER the closing date.
- 3.16 The closing date for submission of applications is Friday 29 March 2018 at 4:00pm**
- 3.17 Applications must be submitted using the online application form.
- 3.18 Assistance to complete your application is provided on request.

## 4. Evaluation Process

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To ensure continuing objectivity in the funding evaluation process, the following procedure will be strictly adhered to:

- 4.1 Applications will be considered on their merits, taking into account the circumstances of each case, the availability of funds and the relevant provisions of the Local Government Act 1993, or any other Act or Acts authorising Council to provide grants, subsidies or donations.
- 4.2 All information provided will be treated as **confidential**.
- 4.3 Applications will initially be processed for eligibility in accordance with these guidelines.
- 4.4 Applications may then be assessed and ranked according to priority by relevant Advisory Committees of Council. Advice is also sought from relevant Council staff.
- 4.5 Final recommendations for funding will be made by the Wingecarribee Community Assistance Scheme Advisory Committee and will be reported to Council for final endorsement.

## 5. Funding Agreements and Accountability

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- 5.1 Successful donation and grant applicants will receive notification and an invitation to attend a Special Presentation Function in August to receive a Certificate of Entitlement. All project compliance and reporting forms and instructions will be presented to successful applications at the Presentation Function and also be available from 1 July 2019 through Council's online grant system – Smartygrants.
- 5.2 Grant monies, other than donations, are to be paid progressively during the project, subject to Council receiving a completed Certificate of Compliance, Progressive Payment Claim form, a Tax Invoice/Invoice for the Grant amounts from the recipient organisations and receipts for monies spent or accounts in relation to the project.



- 5.3 A Presentation of Certificates is held during Local Government Week (first week of August). Before receiving the funds, successful applicants (other than recipients of donations) must complete and return to Council the online Certificate of Compliance. Successful applicants must also comply with the payment guidelines and upon requesting payment, provide a progress and/or final report outlining:
- 5.3.1 How the funds are being/have been spent (receipts or accounts from suppliers for the project will be required).
  - 5.3.2 How the project is meeting/has met its objectives.
  - 5.3.3 How the project is being/has been evaluated.
  - 5.3.4 Photographs or other printed material illustrating the project.
- 5.4 Council may inspect completed works on acquittal.
- 5.5 Funding is granted for a specified project. Any minor variations to projects that are in keeping with the original purpose can be approved by the General Manager. Substantial variations and those that involve a change to the original purpose must be approved by Council.
- 5.6 Previous recipients may also be invited to present on their funded project in future years of the Scheme.
- 5.7 Council must be acknowledged in any publicity relating to projects funded through the Scheme.
- 5.8 Council reserves the right to use information about funded projects in publicity and reports.

## 6. Assistance to Complete Your Application

- 6.1 If you need assistance with the online application form or with any aspect of completing your application please contact the: **Community Development Coordinator (02) 4868 0761.**
- 6.2 If your project relates to a Council facility or project please ensure that you liaise with one of the following Council Officers. The relevant Department of Council will be able to assist and advise on your project. These Council Officers may also be able to assist with non-Council projects.

<b>Arts and Culture</b>	<b>Jenny Kena</b> (Cultural Development Officer)	<b>4868 0855</b>
<b>Building Maintenance</b>	<b>Rachel Forte</b> (Assets Co-ordinator)	<b>4868 0893</b>
<b>Community Development</b>	<b>Cath Brennan</b> (Community Development Coordinator)	<b>4868 0761</b>
<b>Environment &amp; Sustainability</b>	<b>Barry Arthur</b> (Manager, Environment and Sustainability)	<b>4868 0852</b>
<b>Section 355 Committees</b>	<b>Lynne Morrison</b> (S355 Committees Coordinator)	<b>4868 0704</b>
<b>Sport and Recreation</b>	<b>Michelle Green</b> (Asset Planner - Parks & Buildings)	<b>4868 0882</b>

## 19 QUESTIONS WITH NOTICE

### 19.1 Questions with Notice 01/2019 - Environmentally Sensitive, Energy Efficient, Residential Housing Design Campaign

**Reference:** 101/2  
**Report Author:** Administration Officer (Meetings)  
**Authoriser:** Coordinator Corporate Strategy and Governance  
**Link to Community Strategic Plan:** An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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**To:** General Manager  
**From:** Cllr G Markwart  
**Received:** 11 December 2018

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**Subject:** Environmentally Sensitive, Energy Efficient Housing Design Campaign

#### Question:

Can Council please brief Councillors on the possibility of running a campaign for new home buyers and renovators, plus select developers, real estate agents and builders to promote environmentally sensitive, energy efficient residential housing design.

This could be based upon the Federal Government's publication "Our Home" which is a well written publication describing design aspects of environmentally sensitive and energy efficient homes. This document has been around for many years and evolved into a very worthwhile document. It's available chapter by chapter on line for no charge and in hard copy for less than \$40.

It is applicable for new and existing homes.

It is envisaged as an incentive the campaign could include some form of contest or new home buyer questionnaire, and the "winners" would receive a number hard copy of this booklet as a reward. Other incentives are envisaged.

Developers, real estate agents and builders should also be involved to gain their support. It could add value to differentiate some of their offerings.

It would be an opportunity for council to be seen as proactive in this area, could involve parallel promotion by CANWin and similar community organisations.

The publication can be viewed at <http://www.yourhome.gov.au/>

#### Response:

All residential dwellings in NSW must obtain a BASIX Certificate prior to lodging an application. Introduced by the NSW Government in the early 2000s, BASIX, the Building Sustainability Index, ensures homes are designed to use less potable water and be

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### QUESTIONS WITH NOTICE

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responsible for fewer greenhouse gas emissions by setting energy and water reduction targets.

Council's Development Control Plans also provide applicants guidance on environmentally sustainable development. An objective in the DCP, amongst many provisions, is to promote ecologically sustainable development by requiring the construction of energy smart dwellings.

Council staff will consider options for a public awareness campaign and bring back to Councillors at a future Briefing Session.

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### RECOMMENDATION

**THAT the information in relation to Question with Notice 14/2018 - Environmentally Sensitive, Energy Efficient Housing Design Campaign - be noted.**

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## 19.2 Questions with Notice - 02/2019 - Property Life

**Reference:** 101/2  
**Report Author:** Administration Officer (Meetings)  
**Authoriser:** Coordinator Corporate Strategy and Governance  
**Link to Community Strategic Plan:** An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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**To:** General Manager  
**From:** Clr Garry Turland  
**Received:** 12 December 2018

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**Subject:** In August 2018, I had a Question with Notice regarding the Property Life Magazine being delivered throughout the Shire. Council stated there was 40 complaints, however when this was the subject of a GIPA, only 16 complaints were noted.

**Question:**

How did Council derive the original number of forty complaints received?

**Response:**

The number of 40 complaints represents each separate physical written complaint received by Council. In total there were 16 complainants who made complaints with several of the complainants making multiple complaints during the course of the distribution of the publication over a period of a number of months resulting in the 40 recorded complaints.

The GIPA application stated the number of complainants not complaints.

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**RECOMMENDATION**

**THAT the information in relation to Question with Notice 02/2019 – Property Life - be noted.**





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### 19.3 Questions with Notice - 03/2019 - Stop Work Notice - Links Road

**Reference:** 101/2  
**Report Author:** Administration Officer (Meetings)  
**Authoriser:** Coordinator Corporate Strategy and Governance  
**Link to Community Strategic Plan:** An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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**To:** General Manager  
**From:** Cllr Garry Turland  
**Received:** 12 December 2018

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**Subject:** A stop work notice was issued on a property in Links Road in 2018, however under investigation, Council was required to pay a large amount of money for compensation to the applicant for wrongly issuing the stop work notice.

**Question:**

Can the General Manager confirm that Council's Vegetation Officer issued the stop work notice and was Council required to pay a large amount of money for compensation to the applicant for wrongly issuing the stop work notice?

**Response:**

A search of Council records confirms that two compliance investigations were undertaken on a property in Links Road Burradoo in 2017 which had been brought to Council's attention by a complainant. The first matter related to the illegal removal of vegetation without the required permits and the second matter related to earthworks on a property that no attached approval at the time had been granted. The works involved bulk earthworks and excavation. The response to this Question with Notice relates to the second matter only.

Council's Compliance Officer and Vegetation Officer inspected the property in early August 2017. As a result of the earthwork activities, the Compliance Officer not Council's Vegetation Officer issued instructions to the contractors on site to cease work in order for an investigation to be completed. The removal of vegetation also occurred in the location of the earthworks which had no approval at the time from Council's Vegetation Officer. Staff carried out the necessary assessment of what was being undertaken against planning legislation and concluded the works that were being carried out at the time did not require development consent based on the depth of works. This advice was conveyed to the contractor within 24 hours thereby allowing the works to continue. The Works were for the purpose of a dwelling house which did require an approval. A complying development certificate was applied for in October 2017 and granted by a private certifier under Complying Development on 31 January 2018.

No compensation was paid to any party in relation to the instruction to cease work. It is appropriate for Council to request work cease to enable an investigation into whether works are being carried out in breach of planning legislation.

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**QUESTIONS WITH NOTICE**

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**RECOMMENDATION**

**THAT the information in relation to Question with Notice 03/2019 – Stop Work Notice – Links Road - be noted.**

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## 19.4 Questions with Notice 04/2019 - Remembrance Drive

**Reference:** 101/2  
**Report Author:** Administration Officer (Meetings)  
**Authoriser:** Coordinator Corporate Strategy and Governance  
**Link to Community Strategic Plan:** An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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**To:** General Manager  
**From:** Cllr L A C Whipper  
**Received:** 5 February 2019

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**Subject:** Remembrance Drive

**Question:**

I have been informed that the RMS will be closing and discontinuing maintenance of memorials along the Remembrance Drive. Can Councillors please have an update on this matter and provided with the justification for this action.

There have been significant concerns raised about this decision and the total lack of communication or consultation with Council and the community on this matter.

**Response:**

In the first instance a Weekly Circular will be provided to the Councillors and if need be a Councillor Briefing Information can be arranged if requested by Councillors.

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**RECOMMENDATION**

**THAT the information in relation to Question with Notice 04/2019 – Remembrance Drive - be noted.**

## 20 NOTICES OF MOTION

### 20.1 Notice of Motion 01/2019 - Code of Conduct

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 13 February 2019:

#### RECOMMENDATION

**Submitted for determination.**

#### **Motion:**

1. **THAT** Council note that the Independent Commission Against Corruption (ICAC) has published best-practice guidelines to guide councillors, proponents of development and lobbyists in relation to land use planning and development assessment.
2. **THAT** Council note the ICAC statement Councillor lobbying:  
*“Councillor lobbying is common in Local Government and the ICAC has a view that appropriate lobbying of councillors is normal and is seen as part of the democratic process. Developers and their consultants have meetings with senior Council staff, and have approached the Mayor and Councillors for discussions about areas of the Shire”.*
3. **THAT** Council adopt the following additional clauses in the Code of Conduct to increase transparency:  
*“That in respect of Planning Proposals and Development Applications (including foreshadowed and formally lodged), the Mayor and Councillors must:*
  - (a) *Keep a written record of meetings and other communications with developers, proponents and lobbyists.*
  - (b) *Request applicants, who have approached you for a meeting, to formally write to Council to request a meeting with all Councillors and relevant council officers and to submit their arguments/proposals in writing prior to the meeting.*

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### NOTICES OF MOTION



- (c) *Conduct meetings with applicants in official locations, such as Council premises, and have a senior council officer present at all times.*
  - (d) *Provide copies of information presented by an applicant during a meeting to Council officers for consideration and assessment (if required), distribution to other Councillors and filing in Council's records management system.*
  - (e) *Make a declaration at a Council meeting, during consideration of any relevant planning matter, about the lobbying activities of applicants which were not part of Council's formal engagement/consultation processes.*
4. **THAT** Council create a public register of meetings with applicants for Planning Proposals and Development Applications (foreshadowed and formally lodged) to provide transparency for the people of Wingecarribee Shire. The register would include meetings between applicants and the Mayor and Councillors, and the applicants be advised that the meeting details will be included in such register."

### **COMMENT FROM STAFF**

In December 2018 the Office of Local Government (OLG) prescribed the 2018 Model Code of Conduct for Local Councils in NSW (Model Code) and the associated procedures. All councils must adopt the Model Code and Procedures by 14 June 2019. The OLG has also advised that councils may include supplementary provisions in their adopted codes of conduct and may also impose more onerous requirements than those prescribed under the Model Code of Conduct. However, councils must not dilute the standards prescribed in the Model Code of Conduct.

Staff will be working with Councillors over the coming months to consider the requirements of the Model Code of Conduct and any supplementary requirements prior to adoption of the Wingecarribee Shire Code of Conduct by 14 June 2019.



## **22. CLOSED COUNCIL**

### **MOVING INTO CLOSED SESSION**

Section 10A of the *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

#### Section 10B

1. *[Time spent closed to be minimised]* A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):
  - a. *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
  - b. *If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
2. *[Qualification of 10A(2)(g)]* A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:
  - a. *are substantial issues relating to a matter in which the council or committee is involved, and*
  - b. *are clearly identified in the advice, and*
  - d. *are fully discussed in that advice.*
3. *[Qualification of 10A(3)]* If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).
4. *[Irrelevant matters]* For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
  - a. *a person may misinterpret or misunderstand the discussion, or*
  - b. *the discussion of the matter may:*
    - (i) *cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or*
    - (ii) *cause a loss of confidence in the council or committee.*

Attention is also drawn to provisions contained in Part 7 of Council's Code of Meeting Practice.

### **Director General's Guidelines**

The Director General of the Department of Local Government has issued guidelines concerning the use of Section 10 of the Act. A copy of the Director General's guidelines has been sent to all Councillors. Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.

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**RECOMMENDATION**

1. **THAT Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the *Local Government Act 1993* as addressed below to consider the following reports that are confidential for the reasons specified below:**

**22.1 Tender for the construction of Wingecarribee Adult Day Care Centre - Alterations & Additions**

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 Wingecarribee Adult Day Care Centre – Alterations & Additions.

**22.2 Post Tender Negotiations for the Construction of Synthetic Hockey Field No.2, Welby**

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 Post Tender Negotiations for the Construction of Synthetic Hockey Field No.2, Welby.

**22.3 Sewer System Telemetry Upgrade**

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.

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#### Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Sewer System Telemetry Upgrade.

#### **22.4 Code of Conduct Matter**

##### 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)(i) as it contains alleged contraventions of any code of conduct requirements applicable under section 440 and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

##### Brief description

This report deals with a final investigation report into an alleged breach of *the Wingecarribee Shire Council Code of Conduct* by a Councillor.

- THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**
- 

Ann Prendergast  
**General Manager**

Thursday 7 February 2019