

21 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 27 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, 27 February 2019 at 3:30PM.

Time	Item
3.30pm	Opening of meeting – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded and the Council Chamber now has 24 Hour Video Surveillance.
	Acknowledgement of Country – Cllr P W Nelson
3.32pm	Opening Prayer - Reverend Jeremy Tonks, Anglican Exeter/Bundanoon
3.35pm	<ul style="list-style-type: none">• Apologies• Adoption of Previous Minutes• Business Arising (<i>if any</i>)• Declarations of Interest (<i>if any</i>)• Mayoral Minute (<i>if any</i>)• Public Forum (<i>if any</i>)• Motion to move into Committee of the Whole - Cllr P W Nelson• Visitor Item<ul style="list-style-type: none">• 10.1 Relocate Stage, increase attendee numbers, change of hours of operation – Outdoor Concerts Centennial Winery, Centennial Road, Bowral• Council Reports
5.30pm	Motion to move into Council and the Mayor resumes the Chair
5.30pm	Questions from the Public - <i>to be read</i> Continuation of Council Reports General Business Questions Questions with Notice Notices of Motion <ul style="list-style-type: none">• Item 20.1 - Notice of Motion 2/2019 - Waste Levy• Item 20.2 - Notice of Motion 3/2019 - S 4.55 Amendments to Approved Residential Councillor's Development Applications
7.40pm	Closed Council
8.00pm	Meeting Closed

Ann Prendergast
General Manager



Business

1. **OPENING OF THE MEETING**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **PRAYER**
4. **APOLOGIES**
Nil
5. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
Ordinary Meeting of Council held on 13 February 2019
6. **BUSINESS ARISING FROM THE MINUTES**
7. **DECLARATIONS OF INTEREST1**
8. **MAYORAL MINUTES**
9. **PUBLIC FORUM**

COMMITTEE OF THE WHOLE

10. VISITOR MATTERS

OPERATIONS, FINANCE AND RISK

Nil

CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

- 10.1 Relocate Stage, increase attendee numbers, change of hours of operation – Outdoor Concerts Centennial Winery, Centennial Road, Bowral. 2

11. EN BLOC MOTION

12. OPERATIONS FINANCE AND RISK

- 12.1 Proposed Lease - Lot 13 Kirkham Street, Moss Vale39
- 12.2 Investment Report - January 2019.....44
- 12.3 Crown Land Management Act 2016 - Categorisation of Crown Land50
- 12.4 Water Extraction Policy - Public exhibition56
- 12.5 Tender for Construction of Water Filling Stations - Hill Top & Moss Vale63
- 12.6 Tender for Vandenberg Road Renewal and Table Drain Works, Robertson 68

13. CORPORATE STRATEGY AND DEVELOPMENT SERVICES

- 13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self Care Retirement Complex - 133 Old Bowral Road, Bowral.....73
- 13.2 Fire Safety Report - 3-7 Frankland Street Mittagong118

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019



13.3 NSW State Government Easy to Do Business Program	136
13.4 Request for Variation of Purpose for Wingecarribee Community Assistance Scheme Grant 2018/19.....	139
13.5 Request for financial assistance from Shire Horse Breeders Australia (SHBA)	142
13.6 Bi-Annual Delivery Program Progress Report, July to December 2018	145
13.7 Council Policy Review.....	184

Mayor to resume chair at 5.30 pm

COUNCIL MATTERS

14. GENERAL MANAGER

14.1 Legal Report	188
14.2 2019 National General Assembly of Local Government	192
14.3 Code of Conduct Matter - Legal Costs	194

15. DELEGATE REPORTS

15.1 NSW Public Libraries Association Annual Conference	197
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16. PETITIONS

Nil

17. CORRESPONDENCE FOR ATTENTION

Nil

18. COMMITTEE REPORTS

18.1 Management and Advisory Committee Reports	199
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19. QUESTIONS WITH NOTICE

Nil

20. NOTICES OF MOTION

20.1 Notice of Motion 2/2019 - Waste Levy	201
20.2 Notice of Motion 3/2019 - S 4.55 Amendments to Approved Residential Councillor's Development Applications	202

21. GENERAL BUSINESS

Nil

22. CLOSED COUNCIL

Moving into Closed Session	203
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22.1 Legal Report - Closed Council

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



information in Open Council.

22.2 Tender for Construction of Water Filling Stations - Hill Top & Moss Vale

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

22.3 Tender for Vandenberg Road Renewal and Table Drain Works, Robertson

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.

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

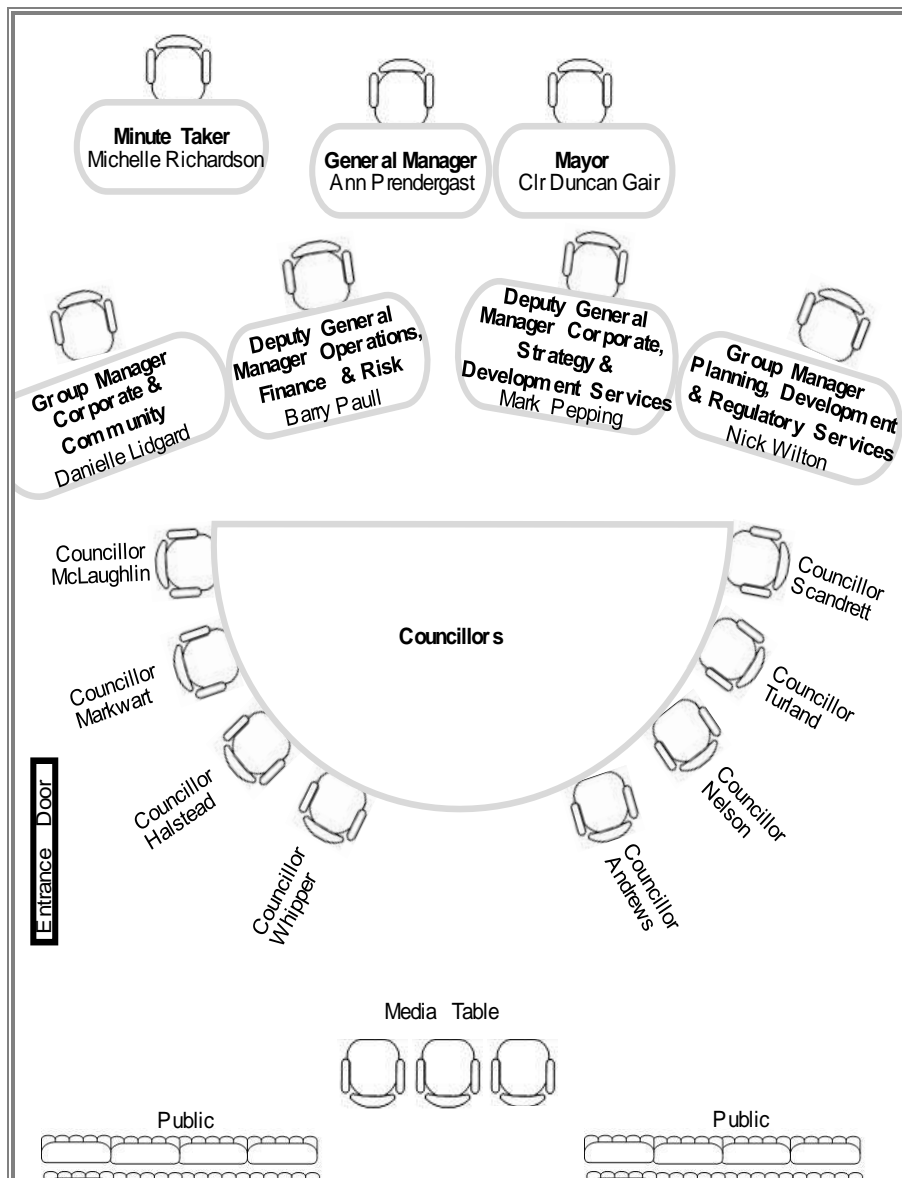
Council Chambers

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.





ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Nil at time of print.

DECLARATIONS OF INTEREST

101/3, 101/3.1

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

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

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

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



COMMITTEE OF THE WHOLE

10 VISITOR MATTERS

CORPORATE STRATEGY AND DEVELOPMENT SERVICES

10.1 Modification Application No: 16/0491.01 Relocate Stage, increase attendee numbers, change of hours of operation – Outdoor Concerts Centennial Winery, Centennial Road, Bowral.

Reference:	16/0491.01
Report Author:	Development Assessment Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Windbelt Pty Ltd
Owner:	Windbelt Pty Ltd
Link to Community Strategic Plan:	Develop and implement initiatives which allow rural industries to innovate, adapt and prosper

PURPOSE

This report details consideration of Modification Application 16/0491.01 under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT Modification Application DA16/0491.01:

1. Change the approved site layout;
2. Maintain attendance numbers at 8,000 persons;
3. Change hours of operation from 2.00pm to 9.00pm with gates open from 12.00 midday and gates closed by 10.00pm TO Concerts to be held on a Saturday only from 2.00pm to 9.30pm with gates open from 12.00 midday and gates closed by 10.30pm;
4. Change Parameters of Consent from:
Four (4) single day concerts per calendar year for a period of five (5) years from the date of the first concert. No more than one (1) concert event is to be held in any four (4) week period
TO
Four (4) single day concerts per calendar year for a period of five (5) years from the date of the first concert. No more than two (2) concerts are permitted per month, and no two (2) concerts are permitted on consecutive weekends.
5. Change the proposed on-site parking of both buses and motor vehicles;
6. Change to dedicated pick-up and drop-off locations to provide a larger area to significantly improve the pick-up drop-off of patrons;
7. Provide a dedicated pick-up and drop-off area for private vehicles and taxis to minimise conflicts and delays.

at Lot 1 DP 435373 & lot 5A DP 16192 & Lot 1 DP 126196, Miranda Park, 254 Centennial Road Bowral be APPROVED in part subject to conditions as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

The subject site is most commonly known as Centennial Winery and Vineyard. The entire site is made of the following parcels of land, Lot 1 DP 435373 & lot 5A DP 16192 & Lot 1 DP 126196.

The site is on the western fringe of Bowral approximately 5km from the Bowral Railway Station. The site can be accessed via Bowral by travelling west along Centennial Road. Alternatively, it may be accessed from Mittagong and points north by turning left off the Old Hume Highway into Centennial Road.

The site is developed with the following improvements being the Centennial, Vineyard Restaurant, cellar door, and car parking and some ancillary shedding and a dwelling to the west. The site consists of cleared grazing land, vineyard and remnant bushland around the dwelling and cellar door complex. The site is identified as containing remnant Southern Highlands Shale Woodland and is also identified as being bushfire prone land. The land undulates and has a natural amphitheatre located to the east of the vineyard building complex. Adjoining the property are both low density residential land and land zoned RU4 Primary Production Small Lots to the east and low density rural areas to the north, south and west.

Background

Council issued development consent in 2008 (DA08/1186) for “A Day on the Green” outdoor concerts to be held 4 times per year over 5 years. The applicant was Roundhouse Entertainment, the promoter of the concerts. The 2008 consent has lapsed.

On 10 September 2015, DA15/0180 was approved by Council for the temporary use of the Centennial Vineyards site for outdoor concerts. The approval was appealed in the NSW Land & Environment Court by an adjoining property owner. The end result of the Court proceedings was that the applicant agreed to surrender the consent.

On 10 February 2017 DA16/0491 was approved by Council for the temporary Use of Land (Outdoor Concerts) subject to conditions. A further appeal was lodged by an adjoining land owner under Class 4 in the NSW Land and Environment Court challenging the consent issued by Council. The end result of the court proceedings was that the appeal was dismissed.

The specific conditions related to the operation of the Concerts are:

1. **Parameters of Consent**

Approval under this consent is given for four (4) single day concerts per calendar year for a period of 5 years from the date of the first concert. No more than one (1) concert event is to be held in any four (4) week period.



Council shall be provided with dates of upcoming concerts prior to tickets being sold or the event advertised.

Council shall review the Applicant's adherence to the conditions within this Notice of Determination 12 months from the commencement of the first concert.

The plans approved with this consent are Plans No. 1 & 2 prepared by Centennial Vineyards, dated 11 November 2008.

NOTE: Approval under this consent is granted pursuant to clause 2.8 of the Wingecarribee Local Environment Plan 2010.

2. Hours of Event.

This consent relates to the operation of Outdoor Concert Events at Centennial Vineyards, from 2.00pm to 9.00pm with gates open from 12.00 midday and gates closed by 10.00pm.

5. Ticket Sales.

Ticket sales are to be limited to a maximum of 8,000 in accordance with the Traffic Management Plan prepared by Craig Eeles as submitted to Council on 1 May 2015.

18. Pick-up/drop-off Areas.

A dedicated pick-up and drop-off area shall be provided for buses to the satisfaction of the Group Manager Planning, Development and Regulatory Services (or their delegate) with details to be provided prior to the next event with the Traffic Management Plan (ie, a minimum of one (1) month before the event). The area shall have good access to Centennial Road and located to minimise conflicts with other traffic. Consideration needs to be given to pedestrian movements within the winery property and particularly within the car parks to minimise conflicts with vehicle movements.

19. *A dedicated pick-up and drop-off area shall be provided for private vehicles and taxis, either on Centennial Road or close to Centennial Road to minimise conflicts and delays for vehicles dropping off and picking up passengers.*

20. Shuttle Bus.

A free shuttle bus is to be provided to and from the event from a designated point or points within Bowral (subject to consultation with NSW Police). This service is to be included in any advertising in order to discourage pedestrian access to the site.

Proposed Development Modification

The proposed modification to the approval for concerts seeks to re-organise the site layout so that rather than concerts being held in that part of the site that is a natural amphitheatre situated towards the eastern end of the site, they be conducted more centrally upon the site.

The modified site layout removes the noise generating aspect of the concerts from proximity to any adjoining residential property and places the stage and viewing area on a part of the site that can be suitable for the purpose of accommodating a large number of people.

This part of the site is to the west of the main driveway entrance, and the north (behind) of the existing site managers dwelling and large storage shed. It is a generally level area with good grass cover and a scattering of trees that could provide shade to concert goers. The concert site will be partially visible from Centennial Road.

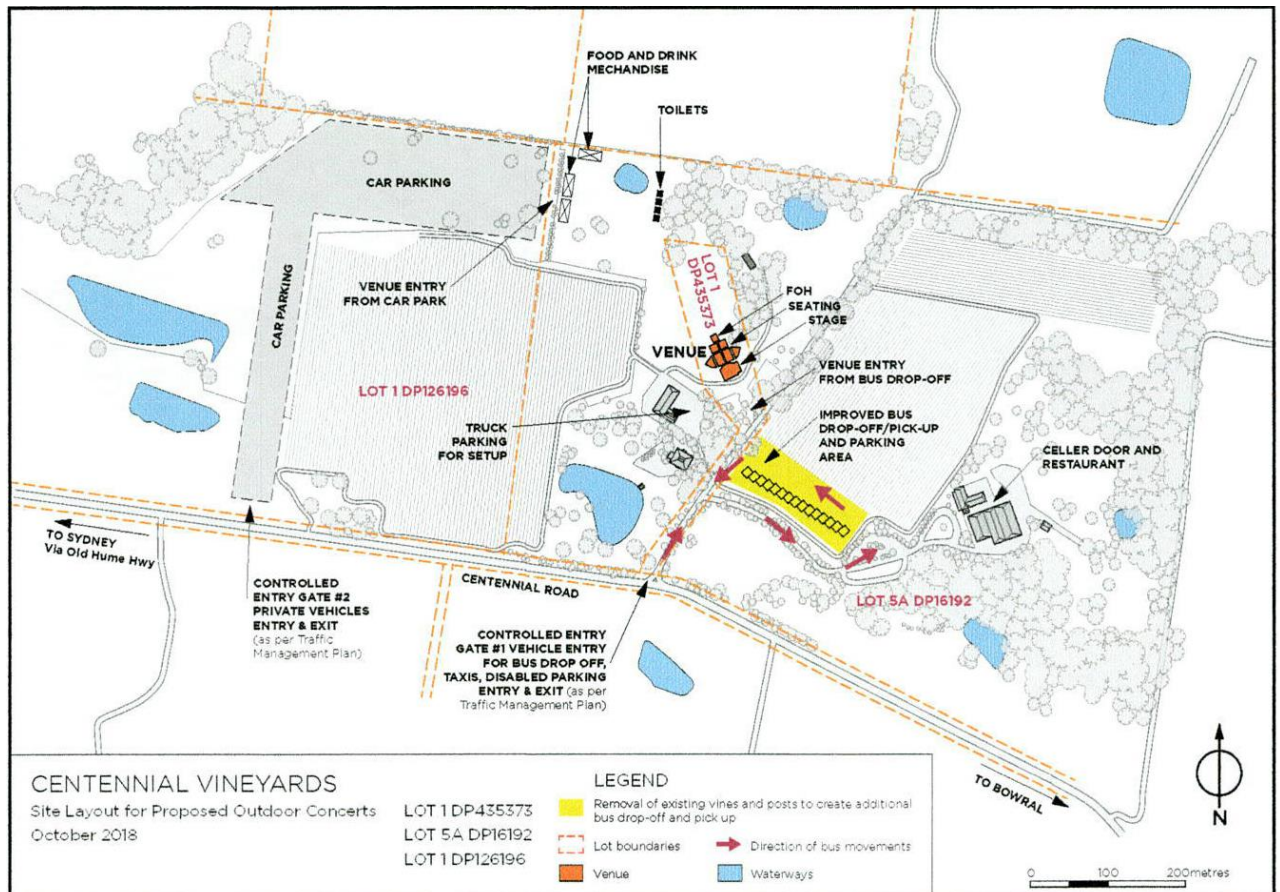


Figure 1: Proposed site layout (see copy at Attachment 2)

The following section lists the conditions of consent that the applicant seeks to modify with the applicant’s justification.

1. Parameters of Consent

Approval under this consent is given for four (4) single day concerts per calendar year for a period of 5 years from the date of the first concert. No more than one (1) concert event is to be held in any four (4) week period. Council shall be provided with dates of upcoming concerts prior to tickets being sold or the event advertised.

Council shall review the Applicant’s adherence to the conditions within this Notice of Determination 12 months from the commencement of the first concert.

The plans approved with this consent are Plans No. 1 & 2 prepared by Centennial Vineyards, dated 11 November 2008.

NOTE: Approval under this consent is granted pursuant to clause 2.8 of the Wingecarribee Local Environment Plan 2010.



It is noted that Condition 1 provided for 5 years of concerts from the date of the first concert. No concerts have yet been held under this consent and in any modified consent this 5 year period is requested to be retained.

The Modification requests that concerts be allowed to be held in consecutive weeks if that is what is dictated by the availability of artists. The reality of the summer outdoor concert season is that there are a number of performers touring the country concurrently so a venue needs flexibility to book an artist at the time they are available. A one month hiatus between concerts would severely jeopardise Centennial's ability to capture prime acts during the concert season.

Allowing more than one (1) concert in a one month period does not increase the overall number of concerts. If there were a need for two (2) concerts in quick succession it simply means that there would then be a longer period between other concerts. The critical issue is the ability to make the venue available to match the availability of the artists.

2. Hours of Event.

This consent relates to the operation of Outdoor Concert Events at Centennial Vineyards, from 2.00pm to 9.00pm with gates open from 12.00 midday and gates closed by 10.00pm.

The most likely time of the day for the concerts would be from early afternoon through the evening and into the night, as was the practice when concerts were held previously.

Condition 2 as it is currently constituted was on the basis of the stage area being in close proximity to a residential property. The early finish time was a compromise imposed by Council in an attempt to alleviate concerns about night time noise. It was not the applicant's preferred outcome. The applicant's preferred position has always been an 11pm finish with gates closed by midnight, consistent with earlier development approvals granted by Council.

This modification application seeks a return to the more workable 10.00pm finish to concerts with visitors off-site by 11.00pm. There would be no change to the starting time. Stage set-up and pull-down would be outside these hours with pull-down being conducted during the day after the concert. This arrangement is consistent with other well-known and popular winery concert venues across the country.

5. Ticket Sales.

Ticket sales are to be limited to a maximum of 8,000 in accordance with the Traffic Management Plan prepared Craig Eeles as submitted to Council on 1 May 2015.

The number of patrons attending any one concert will vary because an outdoor venue is not limited by a set number of seats. However, there is a natural crowd limit imposed by the size of the site itself. The optimum number is also informed by the applicants understanding of the site and the need to ensure a pleasant concert experience for patrons. It is also possible to limit the number of tickets that can be sold for any one concert.

The revised site layout will allow a slightly higher number of patrons to be accommodated in comfort because the available viewing area is approximately 40%

larger than the original site. On that basis, the applicant seeks approval to hold concerts with a potential crowd of up to 10,000 people. This change does not alter the likely impacts of traffic or any of the fundamentals of the required traffic management plans that do not change in nature with marginal changes in the number of patrons once the venue is catering for numbers in the thousands. The traffic management required for 10,000 people is the same as that required for 8,000 people and therefore no additional traffic management is required as a result in the increase in patronage. Patrons will still arrive by private car or bus; Centennial Road is still the access road into the site with patrons arriving from both the east and west; on-site parking will be provided in appropriate numbers; bus facilities will be improved; input from the local Traffic Committee is still a feature of each concert.

Traffic Management

6 – 13 inclusive (RMS, Traffic Management Plan, Traffic Committee, Traffic Control).

These conditions combine to provide a sturdy framework for the conduct of concerts ensuring appropriate traffic management. They remain relevant and appropriate.

The revised site layout provides for on-site parking of both buses, in the same general location as previously approved and private vehicles to the west of the new stage area. This parking will be accessed off Centennial Road to the west of the main entrance, thus separating private cars and buses entering and leaving the site. This is considered to be an advantage of the revised layout over the original layout.

The area identified for car parking is similar to that previously utilised in terms of ground surface and topography. It is not within proximity to any mapped watercourse.

The proposed car parking area available is approximately 6 hectares, which is larger than previously provided. Its configuration would allow it to comfortably accommodate up to 1600 vehicles. In its physical characteristics, this area is similar to that previously used which proved to be suitable for the purpose. In terms of accessibility off Centennial Road, proximity in relation to the stage area and the adequacy of the number of cars that could be parked, it is a suitable solution and emphasises the site's capacity to accommodate the proposed crowd number.

There is a strong car sharing behaviour amongst concert crowds, so that an average of 3-4 persons arriving per car is a reasonable estimate. This equates to the car park being able to cater for approximately 4,800 – 6,400 of the maximum 10,000 crowd.

The Traffic Management plans provided previously remain relevant. They do not need to be re-submitted. The Local Traffic Committee still has a role to play in the traffic management of each concert.

18. *Pick-up/drop-off Areas.*

A dedicated pick-up and drop-off area shall be provided for buses to the satisfaction of the Group Manager Planning, Development and Regulatory Services (or their delegate) with details to be provided prior to the next event with the Traffic Management Plan (ie, a minimum of one (1) month before the event). The area shall have good access to Centennial Road and



located to minimise conflicts with other traffic. Consideration needs to be given to pedestrian movements within the winery property and particularly within the car parks to minimise conflicts with vehicle movements.

The revised site layout allows for a significantly improved bus drop-off/pick-up area. The point of entry to the site for buses remains unchanged from the existing consent, but with the removal of an area of vines that are surplus to the needs of the vineyard, a much larger area can be made available.

This area is contiguous with the existing winery parking area that is the currently approved bus drop-off area under DA16/0491. Together there is approximately 1 hectare available for use. It provides for an efficient circular path of travel into and out of the drop-off/pick-up zone and is sufficient to cater for up to 15 – 20 buses at any one time.

A significant number of people will arrive by bus, either as part of larger organised tours/groups from other regions, or by utilising the shuttle bus service that will be available from the main centres of Bowral, Mittagong and Moss Vale. This service has proven to be popular and well suited to transporting larger numbers of patrons. Given the capacity of the car park as identified and with an efficient arrangement for buses capable of transporting 50-70 people at a time, at least 50% of patrons can easily be accommodated by bus transport by approximately 70 – 80 bus movements.

19. *A dedicated pick-up and drop-off area shall be provided for private vehicles and taxis, either on Centennial Road or close to Centennial Road to minimise conflicts and delays for vehicles dropping off and picking up passengers.*

The bus drop-off area can accommodate drop-off/pick-up for single cars and taxis on a restricted basis.

29. *Noise criteria for the concerts are to be a maximum of LAeq at 55dB(A), LAmx at 60dB(A) and LCmax at 80dB(C) when measured at the closest residential receiver location at 22 St Clair Street Bowral (or a closer dwelling should one be constructed after the issue of this consent).*

The person with the benefit of this development consent must take all practicable measures to minimise any adverse noise impact from concert events on the local amenity. This includes but is not limited to engaging a suitably qualified acoustic professional and ensuring that he/she:

- *Attends the whole duration of the outdoor concert event;*
- *Oversees the full implementation of the noise management and mitigation measures listed on page 32 of the Noise Impact Assessment report by Benbow Environment (Report No 161083_NIA_Rev2, released on 8/6/16) and listed on pages 6 and 7 of correspondence from Benbow Environmental dated 21 September 2016.*
- *Continuously monitors compliance with the abovementioned noise criteria during the concert event and ensures that immediate and effective measures have been taken to rectify any exceedance of the abovementioned noise criteria; and*

- *Prepares and submits the noise monitoring results to Council within fourteen (14) days of the concert event.*

To ensure compliance with this condition is achieved, an acoustic assessment of the proposed new stage and concert area was undertaken by Renzo Tonin & Associates. This report has been prepared to support the modification application.

The new stage area shown in the submitted revised site plan was assessed and identified in the report. This included the dwelling house at 22 St Clair Street which was the nearest dwelling to the original stage location, as well as the existing dwelling house situated on the Centennial vineyards site to the north east of the new stage area. This is owned by the venue operator and in such circumstances; this dwelling is not considered to be a sensitive receiver.

The report has made appropriate reference to the acoustic report prepared by Benbow Environmental that supported the original Development Application (DA16/0491).

Section 4 Table 2 of the report sets out the predicted noise levels at each of the twelve (12) receivers for all three noise criterion covered by the existing condition of consent. There is no exceedance of any of the criterion at any of the receivers.

As a result, the report concludes that subject to the implementation of the recommendations contained within the report, the new stage area can be utilised, working within the noise parameters set by the existing conditions of consent, without noise impact on any residential receivers. The recommendations are consistent with the Benbow report with the exception that it is no longer necessary to use shipping containers, or any other barrier, as temporary noise barriers because all of the receivers will be sufficiently distant from the stage area so as not to require such additional measures.

STATUTORY PROVISIONS

NSW Rural Fires Act 1997

The original application was referred to the NSW Rural Fire Service (RFS). As this modification involves the relocation of the stage area the application was again referred to RFS for comment.

The NSW Rural Fire Service have provided their General Terms of Approval under Division 5 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under Section 100B of the Rural Fires Act 1997 dated 19 January 2019.

State Environmental Planning Policies

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The development is located on land to which SEPP (Sydney Drinking Water Catchment) applies and is Module 5 development. The application was referred to Water NSW for its concurrence. Water NSW has issued its concurrence by letter



dated 14 December 2018. Water NSW advised that they do not object to the Modification subject to attached conditions which replace their previous concurrence dated 24 June 2016. The conditions have been provided in the consent.

State Environmental Planning policy No 55 – Remediation of Land

Consideration was originally made in 2017.

State Environmental Planning Policy (Infrastructure) 2007.

The original application required referral to Roads & Maritime Services (RMS) under the provisions of the SEPP given the proposed traffic generation. RMS advised that it did not object to the proposal in principle and that arrangements for traffic and pedestrians in and around the classified road network should be considered by Council's traffic Committee. RMS also outlined further requirements for approval associated with traffic management which were included in the original consent.

Local Environmental Plans

Wingecarribee Local Environmental plan 2010

The assessment for compliance with the E3 Environmental Management Zone was assessed under the original application (DA16/0491) and the proposed modifications do not change the permissible use.

Development Control Plans.

Rural Lands Development Control Plan

Consideration was originally made in 2017 under determination of DA16/0491.

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, particularly clause 2.8.

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

Not applicable.

(iii) any development control plan, and



The development satisfactorily complies with the relevant controls.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

The likely impacts of the development have been addressed earlier in the report and predominantly pertain to traffic and noise.

In relation to noise the applicant has submitted a new Noise Impact Assessment prepared by Renzo Tonin & Associates that verifies that the relocation of the stage area improves the noise impact issues by moving the stage further away from the nearest identified sensitive receptors as detailed below:

Receptor ID	Address	Approx. Distance from new stage location (m)	Approx. distance from old stage location. (m)
R1	22 St Clair Street Bowral	600	140
R2*	252-254 Centennial Road Bowral	560	460
R3	82 & 84 Allambie Road Woodlands	1100	1490
R4	2681 Old Hume Hwy Bowral	1000	1580
R5	373 Centennial Road Bowral	1100	1640
R6	319 Centennial Road Bowral	900	1290
R7	241 Centennial Road Bowral	590	500
R8	201 Centennial Road Bowral	730	460
R9	94 Centennial Road Bowral	730	360
R10	43-47 Centennial Road Bowral	790	390

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



R11	16 St Clair Street Bowral	960	450
R12	30 Boronia Street Bowral	880	430

* R2 is an associated property

The new venue location is now more central with respect to the surrounding residential receivers and the stage is orientated NNW in the direction of the furthest receivers R3 and R4.

Receiver R2 is owned by the venue operator and, as an associated property, is therefore not a sensitive receiver. However, the predicted levels are shown for reference.

Predicted Noise levels

On the basis of the modelling assumptions the following table shows the predicted noise levels:

Predicted noise levels (dB re 20uPa)

Receiver	LAeq	Criterion	Exceedance	LAmx	Criterion	Exceedance	LCmax	Criterion	Exceedance
R1	49	55		55	60		69	80	
R2*	52	55		58	60		73	80	
R3	47	55		53	60		69	80	
R4	51	55		57	60		80	80	
R5	50	55		56	60		69	80	
R6	48	55		54	60		68	80	
R7	50	55		56	60		72	80	
R8	49	55		55	60		68	80	
R9	48	55		54	60		67	80	
R10	46	55		52	60		65	80	
R11	44	55		50	60		64	80	
R12	45	55		51	60		64	80	

* R2 is an associated property

The above table shows there are no predicted exceedances of the adopted criteria at any receptor.

If the recommendations of the Renzo Tonin & associates report are instigated they will minimise the risk of the occurrence of adverse noise impacts. These recommendations have been included in the conditions of consent.

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



Taking into account the documentation that has been lodged with the application and relevant legislation assessment of the proposal suggests that the site is suitable for the temporary event concerts.

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

Refer to the Consultation section of this report.

(e) *the public interest.*

The proposal is considered to be in the public interest. The SEE argues:

'The public interest includes consideration of all of the positive impacts, including both social and economic, that accrue from a development proposal.

In this case it is self-evident that the concerts have huge spinoff effects throughout the whole community, flowing into the local economy - food, wine, accommodation, transport, not to mention the value of being able to showcase the Shire to the thousands of attending visitors. This was emphatically demonstrated during the time the concerts were held under the previous development approval.

It is acknowledged in the Noise Impact Assessment report prepared by Renzo Tonin & Associates that for some adjacent properties there is likely to be some noise impact. This impact is low in the sense of it being fleeting i.e. confined only to the times when a concert is being held and only for the time that an act is on stage. At all other times of the year when no concerts are being held, there is no impact at all.

It is also mitigated to the extent that appropriate noise management plans and on site engineering mitigation measures can be utilised to minimise impacts.

In addition, there are no broad based public dis-benefits that would weigh against the broader public interest. On the contrary, the 'public interest' benefit is very high given the enormous spin off effects on both a social and economic level. These impacts are long lasting and substantial and exceed the duration of the actual concerts.'

Evaluation of Economic Benefits of Proposed Concerts.

The applicant has submitted an "Evaluation of Economic Benefits of Proposed Concerts" report prepared by Leyshon Consulting Pty Ltd. This report states:

Southern Highlands Tourism Market

Centennial Vineyards is an important element of the overall tourism sector in the Southern Highlands. As the largest vineyard operating in the area, Centennial attracts significant tourist numbers to its wine cellar, associated restaurant as well as hosting functions, corporate events and weddings.

Tourism research Australia (TRA), an authority of the Commonwealth Government, published an LGA tourism profile of Wingecarribee Shire for 2016.



In 2016 there were approximately 731 tourism-related businesses in Wingecarribee LGA and the LGA was estimated to have attracted 1.4 million visitors.

Some 988,000 overnight stays were recorded in 2016 of which the vast majority (842,000) were domestic overnight visitor stays.

Total spending by tourists and visitors to Wingecarribee LGA in 2016 was estimated at \$236million (\$2016).

*The expenditure profile of **domestic overnight visitors** is likely to be most directly comparable to the profile of people living outside Wingecarribee LGA who may attend the proposed concerts at Centennial.*

The average spend of domestic overnight visitors to Wingecarribee in 2016 was as follows:

- *Average spend per trip*
\$333
- *Average spend per night*
\$154
- *Average spend on commercial accommodation per night*
\$230

Wingecarribee's accommodation and food services sector directly employed 1,998 workers or 11.2% of total LGA employment in 2016 and was the third largest employment sector in the LGA at that time.

Including other tourism-related ancillary services total employment attributable to tourism in 2016 would have been in the order of 3,224 jobs or about 18% of total employment in Wingecarribee LGA at that time.

Employment in tourist-related industries has been experiencing significant growth in recent years.

Economic Benefits of Outdoor Concerts

*A broad assessment of the potential **direct** economic benefits of the proposed four annual concerts at the Centennial Vineyards has been undertaken.*

Excluded from this assessment are the largely unquantifiable benefits often attributed to outdoor concerts held in wine-growing areas such as the Southern Highlands.

These ancillary benefits usually include the value of enhanced 'regional branding' – that is, raising the tourism profile of a particular region-increased post-concert wine sales and encouraging repeat visits to an area where such visits are not linked to concert attendance.

Background Studies

A Planning proposal to expand the number of concerts to be held at the North Byron Parklands (NBP) included a detailed assessment of the economic contribution which outdoor music festivals can make to regional economy such as that surrounding Byron Bay.



The research found that the direct expenditure benefit of the NBP festivals to Byron Shire in 2016 broadly was equivalent to \$286 per concert attendee.

Centennial Concert Assumptions

Assuming four concerts are held each year at Centennial Vineyards which attract 10,000 patrons per concert, then a total of 40,000 concert-goers would be attracted to the area annually.

Total Estimated Expenditure

Assuming attendance of 10,000 concert-goers total spending generated per concert is estimated at approximately \$2.423 million (\$2018). This is equivalent to spending of \$242 per attendee.

At constant prices, therefore, four concerts held annually would produce a potential direct expenditure benefit to Wingecarribee Shire of approximately \$9.6 to \$9.7 million per annum (\$2018).

Significance of Expenditure

The proposed annual concerts at Centennial Vineyards would boost direct expenditure in the tourism sector by about 4.1% on an annual basis. This would have beneficial flow-on effects for employment and investment for one of Wingecarribee's most important economic sectors.

Research of case law on the public interest leads to the conclusion that determining whether or not development is in the public interest is a matter best left to the applicable consent authority to apply a flexible interpretation in order to adapt to the needs and values of society as they change.

CONSULTATION

External Referrals

Water NSW and Rural Fire Service

As noted in the report above the Modification has been referred to Water NSW and RFS. The RFS and Water NSW correspondence has been submitted as a part of this application and included as conditions of consent.

NSW Police Force

The matter has been referred to NSW police and their response dated 18 January 2019, is as follows:

"The NSW Police Force remain concerned about the impact of traffic congestion and excessive noise on the quiet, good order, of the area.

Police concerns regarding traffic relate to the possibility of up to an extra forty buses of patrons (50 patrons per bus), or up to a further 666 cars (3 patrons per car) and the impact this volume of traffic will have on post and pre-concert roadways surrounding the Vineyard.



Should Council see fit to give consent to the modification application police would submit that as a minimum measure, the following conditions be imposed. Any conditions imposed on Development Consents are traditionally given considerable weight in subsequent decisions made Liquor and Gaming NSW.

1. *The number of patrons in attendance remain fixed at 8,000 persons.*
2. *The hours of operation to be limited to Saturdays only, from 2.00pm to 9.30pm with gates open from 12pm and gates closed by 10.30pm.*
3. *Four concerts be allowed per calendar year, however no more than two concerts are permitted per month, and no two concerts are permitted on consecutive weekends.*
4. *A suitably qualified acoustic professional is to be engaged to develop an event specific Noise Management Plan (NMP). The NMP is to be completed and provided to The Hume Police District Commander, and the Wingecarribee Shire Council, at least ninety (90) days prior to any event. The purpose of the NMP is to identify and implement strategies to minimize any noise impacts to the community. The NMP is to include, but not limited to:*
 - *Details of sound system;*
 - *Description of the event;*
 - *Community consultation undertaken;*
 - *Noise Monitoring Program;*
 - *Prediction of potential noise impact;*
 - *Noise complaint management policy;*
 - *Set noise management levels at the front of house, and*
 - *Investigate and implement additional strategies for minimizing noise complaints.*
5. *Noise criteria for the concerts are to be a maximum of LA_{eq} at 55dB(A), LA_{max} at 60dB(A) and LC_{max} at 80 dB(C) when measured at the closest residential receiver location at 22 St Clair Street Bowral (or a closer dwelling should one be constructed after the issue of this consent).*

The person with the benefit of this development consent must take all practicable measures to minimise any adverse noise impact from concert events on the local amenity. This includes but is not limited to engaging a suitably qualified acoustic professional and ensuring that he/she:

- *Attends the whole duration of the outdoor concert event;*
- *Oversees the full implementation of the noise management plan;*
- *Continuously monitors compliance with the above mentioned noise criteria during the concert event and ensures that immediate and*



effective measures have been taken to rectify any exceedance of the above mentioned noise criteria; and prepares and submits the noise monitoring results to Council within fourteen (14) days of the concert event.

The comments of the NSW police Force have been included as conditions of consent.

Internal Referrals

Building (Accredited Certifiers)

Building (Accredited Certifiers) Referral Response –17 December 2018

No changes to the original conditions proposed.

Environmental Health Officer

Environmental Health Officer Referral Response –10 December 2018

The application is considered to be satisfactory in relation to Environmental Health matters subject to conditions being imposed on the notice of determination. **(Condition 21)**

Neighbour Notification (or advertising)/Public Participation

The Modified Application was Neighbour notified for the period from 28 November 2018 to 9 January 2019 and during this time Council received three (3) submissions.

The submissions of objection are summarised as follows:

- *Traffic – based on the data in the application, there will be approximately 1600 cars entering and leaving the site and 70-80 buses entering and leaving the site for each concert. Significant number of service vehicles to set-up and dismantle the concerts.*

Comment - Traffic Management was considered during the assessment of the original application and the consent retains the maximum number at 8,000. Conditions exist within the consent to manage traffic throughout the events.

The main damage to roads from events is potentially from heavy vehicles such as trucks and buses rather than cars.

The above matters including condition of the road and potential damage to the road were considered by Council's Engineers in respect of the previous identical application. The option of requiring a dilapidation report and bond as a condition of consent (particularly for Centennial Road) was canvassed. **Condition 35** has been imposed requiring the provision of a Dilapidation Report prior to the commencement of each event.

No parking will be permitted along Centennial Road so as to minimise pedestrian traffic, in addition to this a shuttle bus will also be used to transport patrons from the towns to the site thereby avoiding pedestrian access.

- *Hours of operation – The increased hours of operation from 9pm to 11pm will generate noise and will be quite disruptive to the quality and enjoyment of living in the Southern Highlands.*

Comment – It is considered that concerts should be limited to a Saturday only and that no more than two (2) concert events should be held in any one (1) month period, and no two (2) concerts are permitted on consecutive weekends. This provision has been provided in an **amended condition 1**. Concert hours are recommended to be restricted to from 2.00pm to 9.30pm with gates open from 12.00 midday and gates closed by 10.30pm (**amended condition 2**).

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- *Concerts to be held in consecutive weeks. Potentially we could experience 4 concerts over a 2-3 month period, i.e. 40,000 + people over this period.*

Comment – See above no more than two (2) concert events should be held in any one (1) month period and no two (2) concerts are permitted on consecutive weekends.

- *Dis-benefits that weigh against public interest via drug and alcohol consumption. During the recent summer concert season there has been a spate of drug related incidents, 194 people arrested on New Year's Day for supply or possession of drugs.*

Comment – NSW Police have been consulted and recommended conditions in respect of alcohol and security management (**Condition 33**).

- *Many residents walk along the road curbing in the morning and evening. An increase in both bus and car traffic will result in safety issues for local residents.*

Comment - Traffic Management was considered during the assessment of the original application and the recommendation does not increase the numbers and therefore there is no increased impact. Conditions exist within the consent to manage traffic throughout the events.

- *Many cyclists use Centennial Road throughout the day. An increase in bus and car traffic will cause potential safety issues for cyclists.*

Comment - Traffic Management was considered during the assessment of the original application and the recommendation does not increase the numbers and therefore there is no increased impact. Conditions exist within the consent to manage traffic throughout the events.

- *The increased traffic volume creates a loss of enjoyment for local residents.*

Comment - Traffic Management was considered during the assessment of the original application and the recommendation does not increase the numbers and therefore there is no increased impact. Conditions exist within the consent to manage traffic throughout the events.

- *Centennial Road is not well contoured and has several patches of uneven surface and is prone to pot holes. Increased traffic volumes will make this worse.*

Comment – The condition of Centennial Road was considered in the original application and (**Condition 35**) was imposed requiring the provision of a Dilapidation report prior to the commencement of each event.

- *The application is principally driven by profit greed of Centennial Vineyards, with little regard to the impact on residents from increased traffic flow, increased attendees and extended hours of operation, all impacting local residents enjoyment of their properties.*

Comment – The applicant provided an “Evaluation of Economic Benefits of Proposed Concerts” report prepared by Leyshon Consulting Pty Ltd that showed the economic benefits to the Southern Highlands of staging of these events.

- *These concerts started off as being “one offs” and then crept up to a 5 year approval with 4 concerts per year.*

- *Concerts should be limited to three (3) or four (4) per year and be separated by three (3) months.*

- *Approval should be restricted to two (2) or three (3) years.*

Comment – These issues have been considered in the assessment and the current approval allows for 4 concerts per year for a period of 5 years from the date of the first

concert. The proposal is to allow two (2) concert events in any one (1) month period, and no two (2) concerts are permitted on consecutive weekends

SUSTAINABILITY ASSESSMENT

- **Environment**

No adverse impact to the environment is envisaged due to the temporary and retractable nature of the event. Clause 2.8 of the LEP requires the site be remediated/returned to its former condition immediately following the events.

The main environmental impacts associated with this proposal are noise and traffic. Noise and traffic is considered to be manageable via implementation of the numerous recommended conditions addressing those issues and concert frequency.

- **Social**

Socially, the temporary use would provide an opportunity for social cohesion and sense of place to occur as it would provide a platform for locals and tourists to interact and be part of similar experiences.

Positive impacts include the potential for events that are not usually conducted in the Shire to occur here adding to the cultural and social life of the area.

The potential negative social impacts include the impacts associated with intoxicated patrons (conditions from NSW Police address these impacts) and the impacts on those most affected by noise closest to the venue site. It is assessed that these impacts can be mitigated and managed to an extent that the proposal is acceptable.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural impacts envisaged.

- **Governance**

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

RELATIONSHIP TO CORPORATE PLANS

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

COUNCIL BUDGET IMPLICATIONS

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



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

RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, and the Rural Lands Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

Approve the Modification Application subject to conditions as per Attachment 1.

Option 2

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

Option 1 is the recommended option to this report.

CONCLUSION

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

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

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

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



ATTACHMENTS

1. Draft Conditions of Consent
2. Site Plan
3. Site Locality Plan

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Thursday 21 February 2019

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.
 ATTACHMENT 1 Draft Conditions of Consent



ATTACHMENT 1

Our Ref: 16/0491.01
 Contact: Ross Jauncey



SUMMARY SCHEDULE OF MODIFIED CONDITIONS

PLANS

Modified Drawings (Modified 16/0491.01) – TBA			
Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Site Layout	Not referenced	Not Noted	October 2018

1. Parameters of Consent

Modified Application 16/0491.01 dated TBA to read:

Approval under this consent is given for four (4) single day concerts per calendar year for a period of 5 years from the date of the first concert. No more than two (2) concert events are to be held in any one (1) month period and no two (2) concerts are permitted on consecutive weekends. Council shall be provided with the dates of upcoming concerts prior to tickets being sold or the event advertised.

Council shall review the Applicant’s adherence to the conditions within this Notice of Determination 12 months from the commencement of the first concert.

The plans approved with this consent are Plans prepared by Centennial Vineyards, dated October 2018.

NOTE: Approval under this consent is granted pursuant to clause 2.8 of the *Wingecarribee Local Environmental Plan 2010*.

2. Hours of Event

Modified Application 16/0491.01 dated TBA to read:

This consent relates to the operation of Outdoor Concert Events at Centennial Vineyards, from 2.00pm to 9.30pm with gates open from 12.00 midday and gates closed by 10.30pm.

21. Temporary/Mobile Food Premises Requirements

Modified Application 16/0491.01 dated TBA to read:

- Temporary food premises must be set up and operated in accordance with the *Food Act, Food Regulation, Food Safety Standards* and NSW Food Authority’s *Guidelines for Food Business at Temporary Events*.

In addition to the above mentioned requirements, food vending vehicles must also comply with the NSW Food Authority’s *Guidelines for Mobile Food Vending Vehicles*.

- All temporary food stalls and mobile food vending vehicles shall be fitted with appropriate fire extinguishers and fire blankets.

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.
ATTACHMENT 1 Draft Conditions of Consent

- 2 -

16/0491.01, Lot 1 DP 435373
Lot 5A DP 16192
Lot 1 DP 126196

- Provision of toilets and hand washing facilities for food handlers.

Toilets must be provided for the use by all food handlers and maintained in a hygienic condition. A hand washing facility must be provided immediately adjacent to the toilets. It is to have warm running water through a single outlet and be supplied with soap and paper towels.

29. Operational Noise Levels**Modified Application 16/0491.01 dated TBA to read:**

Noise criteria for the concerts are to be a maximum of LA_{eq} at 55 dB(A), LA_{max} at 60 dB(A) and LC_{max} at 80 dB(C) when measured at the closest residential receiver location at 22 St Clair St, Bowral (or a closer dwelling should one be constructed after the issue of this consent).

Noise Control Measures

The person with the benefit of this development consent must take all practicable measures to minimise any adverse noise impact from concert events on the local amenity. This includes but is not limited to engaging a suitably qualified acoustic professional and ensuring that he/she:

- attends the whole duration of the outdoor concert event;
- oversees the full implementation of the noise management plan and noise mitigation measures listed on page 10 of the Noise Impact Assessment Report by Renzo Tonin & associates (Document reference: TK391-01F02 Centennial Vineyards Noise Impact Assessment (r3), dated 12 November 2018);
- continuously monitors compliance with the abovementioned noise criteria during the concert event and ensures that immediate and effective measures have been taken to rectify any exceedance of the abovementioned noise criteria; and
- prepares and submits the noise monitoring results to Councils within fourteen (14) days of the concert event.'

Noise Management Plan.

A suitably qualified acoustic professional is to be engaged to develop an event specific Noise Management Plan (NMP). The NMP is to be completed and provided to the Hume Police District Commander, and the Wingecarribee Shire Council, at least ninety (90) days prior to any event. The purpose of the NMP is to identify and implement strategies to minimize any noise impacts to the community. The NMP is to include, but not limited to:

- Details of sound system and orientation of stage;
- Description of the event;
- Community consultation undertaken;
- Noise Monitoring Program;
- Prediction of potential noise impacts;
- Noise complaint management policy;
- Set noise management levels at the front of house; and
- Investigate and implement additional strategies for minimizing noise complaints.

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.
ATTACHMENT 1 Draft Conditions of Consent

- 3 -

16/0491.01, Lot 1 DP 435373
Lot 5A DP 16192
Lot 1 DP 126196

31. NSW Rural Fire Service**Modified Application 16/0491.01 dated TBA to read:**

An enlarged site plan shall be prepared and provided to the local NSW Rural Fire Control Centre. The plan shall include the following;

- Entry/exit points to the site;
- Proposed location of the event;
- Proposed car parking areas;
- Proposed bus and taxi drop-off and pick-up areas;
- Location of static water supply (SWS) and the provision of suitable access to the supply; and
- Proposed emergency assembly area(s).

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:

- (i) Slashing of grassed areas on site shall be undertaken before the event and maintained during the duration of the event.
- (ii) A 10 metre asset protection zone shall be maintained as an inner protection area, as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones', along the northern and western lot boundaries (excluding the vineyard) for Lot 1 DP 126196.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bushfire, 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) In recognition that the proposed relocation of the stage is greater than 70 metres from a reticulated water supply (hydrant), a minimum 20,000 litre water supply for fighting purposes shall be provided on site during the event within 70 metres of the stage.

Access

The intent of measures for internal roads is to provide safe operational access to structures and water supply for emergency services while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

- (iv) Access throughout the site as well as to static water supplies shall be made available for emergency vehicles at all times.

Evacuation and Emergency Management

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

- (v) A Bush Fire Emergency Evacuation Plan shall be prepared to comply with NSW Rural Fire Service document '*Guide for Developing a Bush Fire Emergency*

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.
ATTACHMENT 1 Draft Conditions of Consent

- 4 -

16/0491.01, Lot 1 DP 435373
Lot 5A DP 16192
Lot 1 DP 126196

Evacuation Plan. This document shall be prepared and submitted to Council and the NSW RFS no later than 21 days prior to any event.

32. Water NSW**Modified Application 16/0491.01 dated TBA to read:**

Water NSW concurs with Council granting consent to the application pursuant to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, subject to the following conditions:

- (i) Potential water quality impacts from toilets, food stalls, onsite parking and litter associated with the temporary use, shall be managed in accordance with the recommendations in the Water Cycle Management Report (Ref No. 15000115-L-01; dated 27 April 2015) prepared by Strategic Environmental and Engineering Consulting.

Reason for Condition (i) – To ensure that the holding of the event will not adversely affect water quality and to ensure a sustainable neutral or beneficial effect on water quality.

Wastewater Management

- (ii) Portable toilet amenities shall be provided for all concert events. The number and type shall be hired for the event in accordance with the supplier's recommendation and as specified in <http://www.events.nsw.gov.au/event-starter-guide/9-health/9-4-toilet-facilities/>.
- (iii) Wastewater generated from the food stalls shall not be disposed on the site.

Reason for condition (ii) and (iii) – To ensure that appropriate on-site wastewater management systems are designed, located and managed so as to have an overall and sustainable neutral or beneficial effect on water quality over the longer term.

Stormwater Management

- (iv) Potential water quality impacts from toilets, food stalls, on-site parking and litter associated with the temporary use shall be managed in accordance with the recommendations in the Water Cycle Management Report (Ref. No. 1500115-L-01 dated 27 April 2015) prepared by Strategic Environmental & Engineering Consulting.
- (v) The temporary access driveway from Centennial Road to the temporary car park areas, shall be upgraded in accordance with Council's standards. The driveway shall have appropriate cross drainage and be surfaced with durable material (e.g. gravel).
- (vi) The grassed swale adjacent to the proposed bus parking area shall be protected during the event with fencing (temporary or permanent).

Reason for Conditions (iv) to (vi) – To ensure appropriate storm water management measures are in place so as to ensure that a sustainable neutral or beneficial effect on water quality.

Other

- (vii) In the event of significant wet weather and saturated ground conditions that adversely affect parking and high foot traffic areas for the event, the event must be

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.
 ATTACHMENT 1 Draft Conditions of Consent



- 5 -

16/0491.01, Lot 1 DP 435373
 Lot 5A DP 16192
 Lot 1 DP 126196

postponed **OR** alternative suitable parking and transport to the site must be provided which shall include:

- Effective erosion and sediment controls to be installed immediately before or during the event around parking area(s), the entrance to the site and/or high foot traffic areas such as around toilet facilities to prevent sediment or polluted water leaving the site or entering any natural drainage system or storm water drain, and
- The controls shall be maintained and retained until the event has concluded and suitable groundcover re-established or the ground surface stabilized.

(viii) All patrons, stall holders, staff and contractors shall be advised of their responsibilities in relation to waste water, solid waste and erosion and sediment control management as appropriate.

Reason for condition (vii) and (viii) – To ensure that the holding of the event at the venue will not adversely affect water quality, so as to ensure a sustainable neutral or beneficial effect on water quality over the longer term.

SCHEDULE 1 CONDITIONS OF MODIFIED DEVELOPMENT CONSENT

GENERAL – DEVELOPMENT CONSENT CONDITIONS

General Development Consent Conditions

PLANS

Modified Drawings (Modified 16/0491.01) – TBA			
Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
Site Layout	Not referenced	Not Noted	October 2018

1. Parameters of Consent
Modified Application 16/0491.01 dated TBA to read:

Approval under this consent is given for four (4) single day concerts per calendar year for a period of 5 years from the date of the first concert. No more than two (2) concert events are to be held in any one (1) month period and no two (2) concerts are permitted on consecutive weekends. Council shall be provided with the dates of upcoming concerts prior to tickets being sold or the event advertised.

Council shall review the Applicant’s adherence to the conditions within this Notice of Determination 12 months from the commencement of the first concert.

The plans approved with this consent are Plans prepared by Centennial Vineyards, dated October 2018.

NOTE: Approval under this consent is granted pursuant to clause 2.8 of the *Wingecarribee Local Environmental Plan 2010*.

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.
ATTACHMENT 1 Draft Conditions of Consent

- 6 -

16/0491.01, Lot 1 DP 435373
Lot 5A DP 16192
Lot 1 DP 126196

2. Hours of Event**Modified Application 16/0491.01 dated TBA to read:**

This consent relates to the operation of Outdoor Concert Events at Centennial Vineyards, from 2.00pm to 9.30pm with gates open from 12.00 midday and gates closed by 10.30pm.

3. Public Liability Insurance

A copy of the Public Liability Insurance (minimum of \$20 000 000) shall be submitted to Council prior to commencement of each event.

4. Building Code of Australia

The development shall comply with the provisions of the Building Code of Australia at all times, with respect to smoke and flame index of materials, emergency lighting, exit signs and fire-fighting facilities.

5. Ticket Sales

Ticket sales are to be limited to a maximum of 8000 in accordance with the Traffic Management Plan prepared by Craig Eeles as submitted to Council on 1 May, 2015.

Traffic Management6. NSW Roads and Maritime Services

RMS notes an event based Traffic Management Plan (TMP) has been prepared and that advanced warning signage has been proposed on Mittagong Road, which is a state classified road. Therefore, the developer shall apply for, and obtain a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing those works. The ROL application would require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of speed limit, a Speed Zone Authorisation would also be required from the TOU. The developer shall submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon RMS receiving and accurate and compliant TMP.

7. Traffic Management Plan

Traffic shall be managed in accordance with the Traffic Management Plan and correspondence dated 16 June 2016 prepared by Craig Eeles as submitted to Council on 1 May, 2015.

Prior to the commencement of each event, a Traffic Management Plan (including provision for bus parking and a contingency plan for wet weather) and approval from the Police Service in accordance with the Guide to Traffic and Transport Management for Special Events for a Class 2 Event shall be submitted to Council. The Traffic Management Plan shall be submitted to Council at least one month before the date of each concert including all relevant Roads and Traffic Authority approvals to the satisfaction of the Group Manager Planning, Development and Regulatory Services (or their delegate).

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.
ATTACHMENT 1 Draft Conditions of Consent

- 7 -

16/0491.01, Lot 1 DP 435373
Lot 5A DP 16192
Lot 1 DP 126196

8. Traffic Committee

- (i) Centennial Vineyards shall be used for traffic and parking arrangements in association with the concerts, subject to the satisfactory completion of all requirements of the Guide to Traffic and Transport for Special Events for a Class 2 Event.
- (ii) The organiser shall liaise with Police at the Hume Local Area Command prior to the event to manage drop off locations in the Bowral CBD for bus patrons.
- (iii) A procedure shall be prepared for the cancellation of an event due to wet weather which includes the timing of on-site meetings and advice to patrons.

Traffic9. Traffic Control

Traffic control at the gates on Centennial Road shall aim to minimise conflict with other traffic. Tickets shall be taken once vehicles have parked to avoid queuing and congestion at the gates.

10. Attendees from the Sydney direction shall be directed via the Old Hume Highway and the western end of Centennial Road to use the western driveway and associated car parking areas. Attendees from the Sydney direction shall return the same way. The attendees using the eastern end of Centennial Road shall be directed to use the eastern driveway and associated car parking and return the same way.
11. The gravel driveway from the front gate to the first internal driveway (approximately 120 metres) shall be at least 7 metres wide to enable two lanes of traffic (including buses).
12. Pedestrians should be separated from vehicular traffic and encouraged to walk a safe distance away from the driveway.
13. "No Stopping" restrictions to be signposted on Centennial Road on the day of the event within 1.0km to the west of the Centennial Winery entrance and up to Merilbah Road to the east to prevent patrons from parking on Centennial Road.

14. Lighting Plan

A lighting plan shall be submitted to Council for approval prior to the event being held. The lighting plan shall make provision for pedestrians travelling between the venue and car park at night time, after the concert concludes at 9.00pm and provision for the traffic controllers and internal intersections.

15. Car Parking

Adequate provision shall be made for overnight parking. Consideration shall also be given to a road safety promotion involving Council's Road Safety Officer and availability of adequate bus transport.

16. An adequate Police and/or security presence shall be provided to the car park area to prevent unsafe behavior by motorists, particularly at the finish of the event.

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.
ATTACHMENT 1 Draft Conditions of Consent

- 8 -

16/0491.01, Lot 1 DP 435373
Lot 5A DP 16192
Lot 1 DP 126196

17. Dedicated pedestrian areas shall be provided in the car park area and leading to the event to minimise conflicts with vehicular movements.

18. Pick-up/Drop-off Areas

A dedicated pick-up and drop-off area shall be provided for buses to the satisfaction of the Group Manager Planning, Development and Regulatory Services (or their delegate) with details to be provided prior to the next event with the Traffic Management Plan (ie, a minimum of one (1) month before the event). The area shall have good access to Centennial Road and located so as to minimize conflicts with other traffic. Consideration needs to be given to pedestrian movements within the winery property and particularly within the car parks to minimize conflicts with vehicle movements.

19. A dedicated pick-up and drop-off area shall be provided for private vehicles and taxis, either on Centennial Road or close to Centennial Road to minimise conflicts and delays for vehicles dropping off and picking up passengers.

20. Shuttle Bus

A free shuttle bus is to be provided to and from the event from a designated point or points within Bowral (subject to consultation with NSW Police). This service is to be included in any advertising in order to discourage pedestrian access to the site

Food Requirements

21. Temporary/Mobile Food Premises Requirements

Modified Application 16/0491.01 dated TBA to read:

- Temporary food premises must be set up and operated in accordance with the *Food Act, Food Regulation, Food Safety Standards* and NSW Food Authority's *Guidelines for Food Business at Temporary Events*.

In addition to the above mentioned requirements, food vending vehicles must also comply with the NSW Food Authority's *Guidelines for Mobile Food Vending Vehicles*.

- All temporary food stalls and mobile food vending vehicles shall be fitted with appropriate fire extinguishers and fire blankets.
- Provision of toilets and hand washing facilities for food handlers.

Toilets must be provided for the use by all food handlers and maintained in a hygienic condition. A hand washing facility must be provided immediately adjacent to the toilets. It is to have warm running water through a single outlet and be supplied with soap and paper towels.

22. Additional provision for waste receptacles and regular cleaning thereof shall be organised in conjunction with the proposal.

Responsible Service of Alcohol

23. In the interest of public safety, the organisers shall provide on-site breath testing facilities for patrons to test their blood/alcohol levels.

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.
ATTACHMENT 1 Draft Conditions of Consent

- 9 -

16/0491.01, Lot 1 DP 435373
 Lot 5A DP 16192
 Lot 1 DP 126196

24. The licensee shall implement best practice strategies to minimise alcohol related harm, including drink driving crashes in the Wingecarribee Shire Council area. The licensee shall work with the Police Licensing Officer as well as the Wingecarribee Shire Council Road Safety Officer to ensure all bar staff are appropriately briefed.
25. Responsible Service of Alcohol Marshalls shall be provided as per the policy and standard approved by the NSW Office of Liquor Gaming and Racing.
26. Free drinking water shall be available at all times and its availability promoted.

Noise Control

27. Signage shall be erected on site advising attendees to not create excessive noise when leaving the venue, so as to respect the amenity of surrounding residences.
28. The Applicant shall minimise wherever possible any adverse noise impacts on the local amenity associated with the concert.

29. Operational Noise Levels**Modified Application 16/0491.01 dated TBA to read:**

Noise criteria for the concerts are to be a maximum of LA_{eq} at 55 dB(A), LA_{max} at 60 dB(A) and LC_{max} at 80 dB(C) when measured at the closest residential receiver location at 22 St Clair St, Bowral (or a closer dwelling should one be constructed after the issue of this consent).

Noise Control Measures

The person with the benefit of this development consent must take all practicable measures to minimise any adverse noise impact from concert events on the local amenity. This includes but is not limited to engaging a suitably qualified acoustic professional and ensuring that he/she:

- attends the whole duration of the outdoor concert event;
- oversees the full implementation of the noise management plan and noise mitigation measures listed on page 10 of the Noise Impact Assessment Report by Renzo Tonin & associates (Document reference: TK391-01F02 Centennial Vineyards Noise Impact Assessment (r3), dated 12 November 2018);
- continuously monitors compliance with the abovementioned noise criteria during the concert event and ensures that immediate and effective measures have been taken to rectify any exceedance of the abovementioned noise criteria; and
- prepares and submits the noise monitoring results to Councils within fourteen (14) days of the concert event.'

Noise Management Plan.

A suitably qualified acoustic professional is to be engaged to develop an event specific Noise Management Plan (NMP). The NMP is to be completed and provided to the Hume Police District Commander, and the Wingecarribee Shire Council, at least ninety (90) days prior to any event. The purpose of the NMP is to identify and implement strategies to minimize any noise impacts to the community. The NMP is to include, but not limited to:

- Details of sound system and orientation of stage;
- Description of the event;
- Community consultation undertaken;

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.
ATTACHMENT 1 Draft Conditions of Consent

- 10 -

16/0491.01, Lot 1 DP 435373
Lot 5A DP 16192
Lot 1 DP 126196

- Noise Monitoring Program;
- Prediction of potential noise impacts;
- Noise complaint management policy;
- Set noise management levels at the front of house; and
- Investigate and implement additional strategies for minimizing noise complaints.

Bushfire30. Bushfire Hazard

Concerts are to be cancelled on days of predicted fire danger ratings of extreme or catastrophic.

31. NSW Rural Fire Service**Modified Application 16/0491.01 dated TBA to read:**

An enlarged site plan shall be prepared and provided to the local NSW Rural Fire Control Centre. The plan shall include the following;

- Entry/exit points to the site;
- Proposed location of the event;
- Proposed car parking areas;
- Proposed bus and taxi drop-off and pick-up areas;
- Location of static water supply (SWS) and the provision of suitable access to the supply; and
- Proposed emergency assembly area(s).

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:

- (i) Slashing of grassed areas on site shall be undertaken before the event and maintained during the duration of the event.
- (ii) A 10 metre asset protection zone shall be maintained as an inner protection area, as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones', along the northern and western lot boundaries (excluding the vineyard) for Lot 1 DP 126196.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bushfire, 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) In recognition that the proposed relocation of the stage is greater than 70 metres from a reticulated water supply (hydrant), a minimum 20,000 litre water supply for fighting purposes shall be provided on site during the event within 70 metres of the stage.

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.
ATTACHMENT 1 Draft Conditions of Consent

- 11 -

16/0491.01, Lot 1 DP 435373
Lot 5A DP 16192
Lot 1 DP 126196

Access

The intent of measures for internal roads is to provide safe operational access to structures and water supply for emergency services while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

- (iv) Access throughout the site as well as to static water supplies shall be made available for emergency vehicles at all times.

Evacuation and Emergency Management

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

- (v) A Bush Fire Emergency Evacuation Plan shall be prepared to comply with NSW Rural Fire Service document 'Guide for Developing a Bush Fire Emergency Evacuation Plan'. This document shall be prepared and submitted to Council and the NSW RFS no later than 21 days prior to any event.

32. Water NSW**Modified Application 16/0491.01 dated TBA to read:**

Water NSW concurs with Council granting consent to the application pursuant to *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, subject to the following conditions:

- (i) Potential water quality impacts from toilets, food stalls, onsite parking and litter associated with the temporary use, shall be managed in accordance with the recommendations in the Water Cycle Management Report (Ref No. 15000115-L-01; dated 27 April 2015) prepared by Strategic Environmental and Engineering Consulting.

Reason for Condition (i) – To ensure that the holding of the event will not adversely affect water quality and to ensure a sustainable neutral or beneficial effect on water quality.

Wastewater Management

- (ii) Portable toilet amenities shall be provided for all concert events. The number and type shall be hired for the event in accordance with the supplier's recommendation and as specified in <http://www.events.nsw.gov.au/event-starter-guide/9-health/9-4-toilet-facilities/>.
- (iii) Wastewater generated from the food stalls shall not be disposed on the site.

Reason for condition (ii) and (iii) – To ensure that appropriate on-site wastewater management systems are designed, located and managed so as to have an overall and sustainable neutral or beneficial effect on water quality over the longer term.

Stormwater Management

- (iv) Potential water quality impacts from toilets, food stalls, on-site parking and litter associated with the temporary use shall be managed in accordance with the recommendations in the Water Cycle Management Report (Ref. No. 1500115-L-01 dated 27 April 2015) prepared by Strategic Environmental & Engineering Consulting.

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.
ATTACHMENT 1 Draft Conditions of Consent

- 12 -

16/0491.01, Lot 1 DP 435373
Lot 5A DP 16192
Lot 1 DP 126196

- (v) The temporary access driveway from Centennial Road to the temporary car park areas, shall be upgraded in accordance with Council's standards. The driveway shall have appropriate cross drainage and be surfaced with durable material (e.g. gravel).
- (vi) The grassed swale adjacent to the proposed bus parking area shall be protected during the event with fencing (temporary or permanent).

Reason for Conditions (iv) to (vi) – To ensure appropriate storm water management measures are in place so as to ensure that a sustainable neutral or beneficial effect on water quality.

Other

- (vii) In the event of significant wet weather and saturated ground conditions that adversely affect parking and high foot traffic areas for the event, the event must be postponed **OR** alternative suitable parking and transport to the site must be provided which shall include:
- Effective erosion and sediment controls to be installed immediately before or during the event around parking area(s), the entrance to the site and/or high foot traffic areas such as around toilet facilities to prevent sediment or polluted water leaving the site or entering any natural drainage system or storm water drain, and
 - The controls shall be maintained and retained until the event has concluded and suitable groundcover re-established or the ground surface stabilized.
- (viii) All patrons, stall holders, staff and contractors shall be advised of their responsibilities in relation to waste water, solid waste and erosion and sediment control management as appropriate.

Reason for condition (vii) and (viii) – To ensure that the holding of the event at the venue will not adversely affect water quality, so as to ensure a sustainable neutral or beneficial effect on water quality over the longer term.

33. NSW Police Force

- (i) The applicant shall submit a comprehensive Venue Management Plan to support the following conditions. This plan shall be submitted to the NSW Police Force no later than 21 days prior to the date of the event and shall include the following:
- A Venue Plan** containing the following
 - Site plan to include licensed area,
 - Location and description of licensed boarder/fencing,
 - Location of bars,
 - Location of amenities,
 - Location of lighting,
 - First Aid,
 - Private and Event parking,
 - Public transport,
 - Evacuation point,
 - Emergency assembly point.
 - The Liquor Licence**
 - Copy of Approved Liquor Licence,

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.
ATTACHMENT 1 Draft Conditions of Consent

- 13 -

16/0491.01, Lot 1 DP 435373
Lot 5A DP 16192
Lot 1 DP 126196

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- Copy of signed agreed conditions attached,
 - Copy of Licensed area plan submitted to the OLGR.
- **An Alcohol Management Plan**
 - Licensee/managers/Contact details,
 - Bar Managers details,
 - Staff RSA details,
 - Type of food available,
 - Location and number of water stations,
 - Types and nature of Alcohol available,
 - Management of Patrons,
 - Minors ID system,
 - Wrist-banding system,
 - Incident Register,
 - RSA register,
 - Signs displayed.
 - **A Security Management Plan**
 - Security Master Licence holders details,
 - Security Supervisors contact details,
 - Copy of Master Licence,
 - Copy of Security Sign on sheet,
 - Copy of all RSA details for each guard,
 - Security Operations Plan or written instructions to security.
 - **A Venue Facilities Plan**
 - Lighting,
 - Location of Food,
 - Amenities,
 - Locations of Water Stations.
- (ii) The applicant shall consult, negotiate and come to agreement with the Hume Local Area Commander (or their delegate) in relation to the provisions of security personnel and/or User-pay police officers required at the function and shall abide by the Local Area Commander's (or their delegate) final decision. This will take place at least 90 days before the function.
- (iii) The licensee shall consult, negotiate and come to agreement with the Hume Local Area Commander (or their delegate) in relation to the liquor license conditions placed on the Limited License (single function) required at the function and shall abide by the Local Area Commander's (or their delegate) final decision. This will take place at least 90 days before the function.
34. NSW Ambulance
- NSW Ambulance may be in attendance depending on the nature of the event. In an emergency, all requests for an ambulance will be made via 000.
35. Dilapidation Report
- A Dilapidation Report of Centennial Road (between Kirkham Road and Old Hume Highway) shall be undertaken prior to the commencement of each event and submitted to Council. The Dilapidation Report shall be carried out taking into account civil infrastructure and any structural and/or geotechnical factors likely to arise from the undertaking of each event.

10.1 Modification Application No: 16/0491.01

Relocate Stage, increase numbers, change of hours of operation.

ATTACHMENT 1 Draft Conditions of Consent

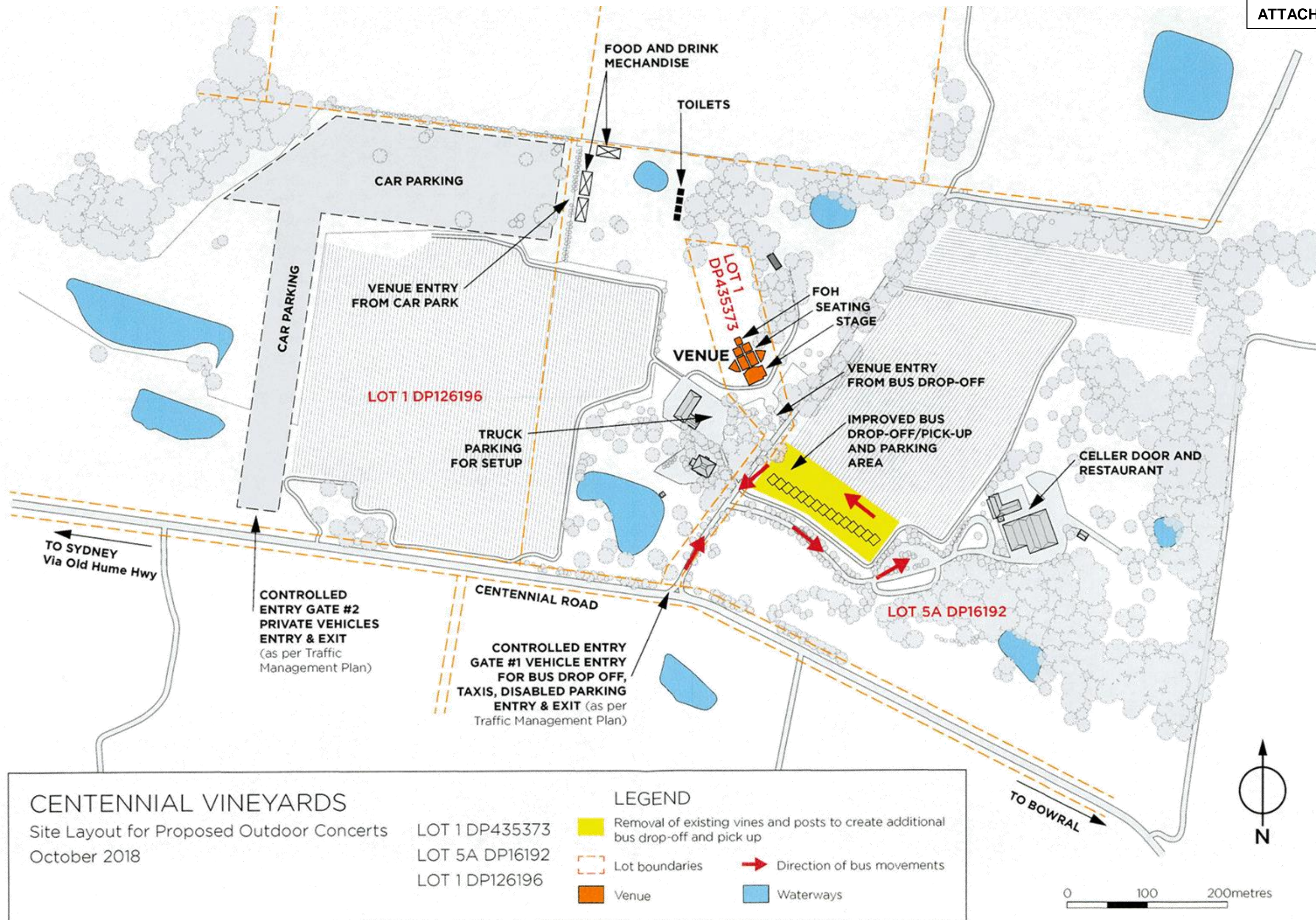


- 14 -

16/0491.01, Lot 1 DP 435373
Lot 5A DP 16192
Lot 1 DP 126196

The person having the benefit of the development consent shall, at their own cost, rectify any damage caused to the road (i.e. damaged grass verges, concrete footpath, kerb and gutter, bitumen damage) as a consequence of each event, to the satisfaction of Council.

END OF CONDITIONS





12 OPERATIONS FINANCE AND RISK

12.1 Proposed Lease - Lot 13 Kirkham Street, Moss Vale

Reference:	PN819550
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 issue a short-term Lease to the adjoining land owner of the land-locked Council land known as Lot 13 Kirkham Street, Moss Vale.

RECOMMENDATION

1. **THAT** Council approve a short-term 5 year lease of the land-locked Council land known as Lot 13 Kirkham Street, Moss Vale.
2. **THAT** it be noted that the rental in the first year in respect of the Lease referred to in resolution 1 above is Five Hundred Dollars (500.00) exclusive of GST in the first year, with annual increases at CPI (Sydney All Groups Index) or 5% whichever is greater.
3. **THAT** upon payment of the application fee for Lease of public land, lease documents be issued to the applicant, being the owner of 13 Dormie Place, Moss Vale.
4. **THAT** the General Manager and Mayor be delegated authority to execute the lease of land referred to in resolution 1 above **AND THAT** the General Manager and Mayor be delegated authority to affix the Common Seal of the Council to those documents (if required).
5. **THAT** Council give a minimum 28 days public notice of its intention to lease Lot 13 Kirkham, Street Moss Vale to the adjoining landowner **AND THAT** a further report be forwarded to a future Council meeting if any objections are received.

REPORT

BACKGROUND

The property which is the subject of this report is a land-locked reserve in Kirkham Street, Moss Vale ("the Council Land") which backs onto Dormie Place, Moss Vale. The property is adjoined by residential dwellings and on its eastern boundary by Moss Vale TAFE.

The land is shown in **Attachment 1**.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



An adjoining owner has previously approached Council with a request to lease or purchase the property, noting that the reserve is not regularly maintained and presents as a potential bushfire hazard. As the reserve is landlocked, this presents ongoing challenges for Council from a maintenance perspective and also does not permit general public access for recreational purposes.

The Council Land is classified as Communality land, therefore cannot be considered for disposal to an adjoining land owner.

At its meeting 28 March 2018 Council considered a report to reclassify the land-locked land known as Lot 13 Kirkham Street, Moss Vale to potentially sell the land to the adjoining landowner. It was resolved as follows (MN 98/18):

THAT Council give a minimum 28 days public notice of its intention to consider the reclassification of Lot 13 Kirkham, Street Moss Vale from Community Land to Operational Land AND THAT a further report be forwarded to a future Council meeting to advise Council of the outcome of that public notice.

THAT a covenant be registered on the title of the property specifying that no building structures are to be erected on the subject land at any time in the future.

A planning proposal is being considered to reclassify the land from Community land to Operational land. In the meantime, it is proposed that a Lease be put in place to the adjoining land owner.

REPORT

The legal description of the Council property is Lot 13 in Deposited Plan 601369. It has an area of 608.1m² which is less than the minimum lot size permissible in the *Wingecarribee Local Environmental Plan 2010*. The property is classified as Community Land and identified as a Public Reserve. The zoning is R3 – Medium Density Residential.

Given that the property is land-locked (with no physical access from a formed road) and while the planning proposal is underway to reclassify the land from Community to Operational, it is proposed that a Lease be put in place so that the adjoining landowner can maintain and enjoy access the area.

It is difficult to obtain a reasonable comparable valuation due to the nature of the land being landlocked and only accessible to directly adjoining neighbours. It is recommended that rental be \$500 plus GST per annum, similar to rental used for Council road reserve leases. The Lessee will be responsible for maintaining the land keeping it free from vermin and noxious weeds.

Once the planning proposal is finalised and the land is reclassified from Community to Operational land, Council can approach the owners to sell the land to the adjoining landowners and if so, terminate the lease.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

COMMUNICATION AND CONSULTATION

Community Engagement

Council will publicly exhibit the proposed Lease for a minimum twenty eight (28) day period.

Internal Communication and Consultation

Strategic Planning

External Communication and Consultation

Adjoining landowner

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications.

RELATED COUNCIL POLICY

The proposed Lease will be in accordance with Council's adopted Policy for the Leasing and Licensing of Council Property (Commercial). This Policy was adopted by Council on 11 February 2015 (MN 8/15).

CONCLUSION

It is recommended that the lease be put on public exhibition for twenty eight (28) days and following exhibition, provided there are no submissions, the lease be executed by the General Manager and Mayor under the Common Seal of the Council.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

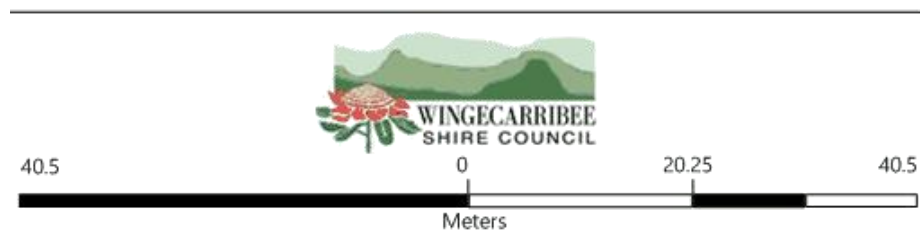
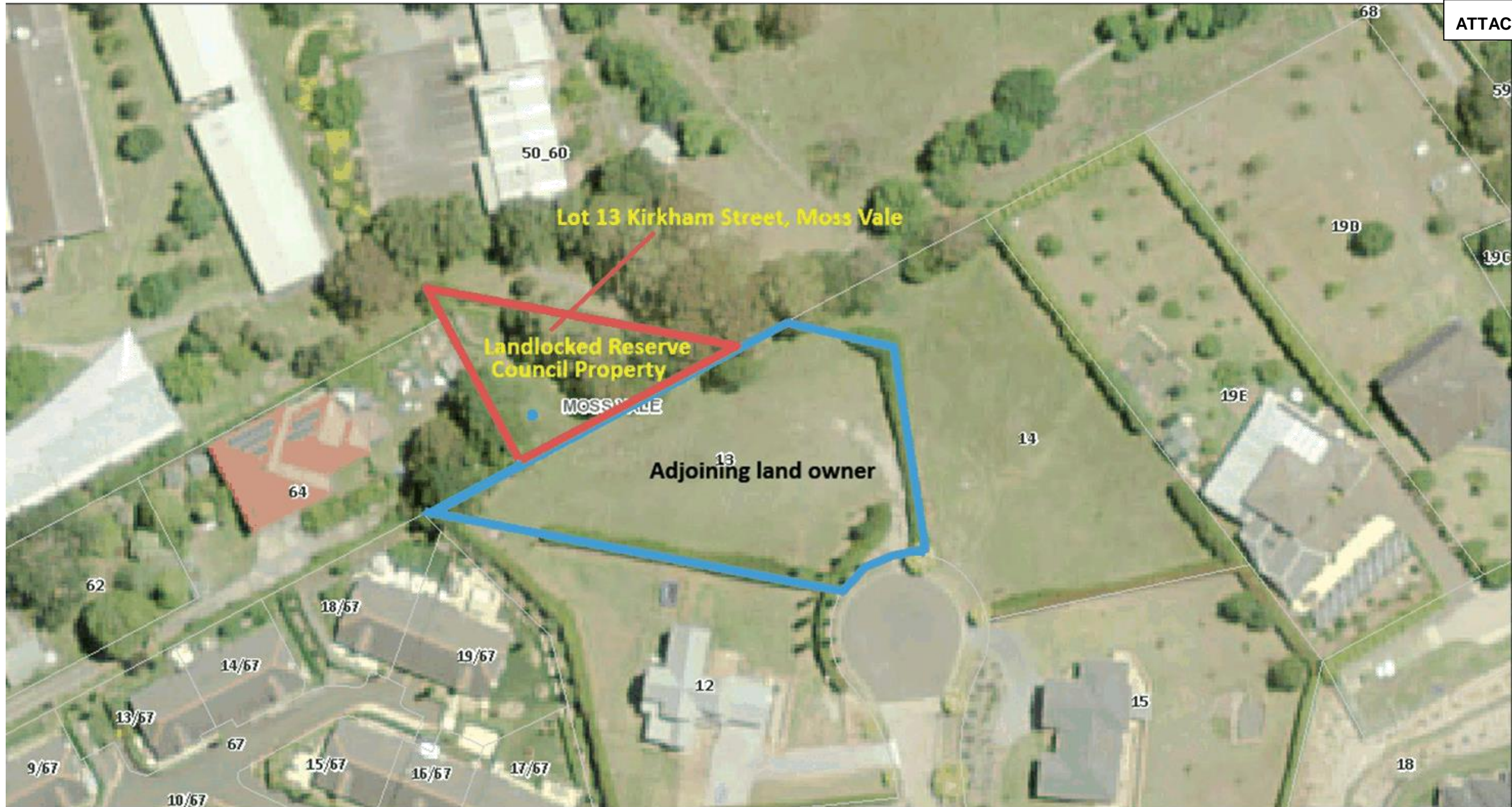
**REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE
AND RISK**



ATTACHMENTS

1. Aerial Map

ATTACHMENT 1



Wingecarribee Shire Council

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12.2 Investment Report - January 2019

Reference:	2104
Report Author:	Accounting Officer - Banking and Investments
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 January 2019.

RECOMMENDATION

THAT the information on Council's Investments as at 31 January 2019 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 January 2019.

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 \$2,550,868.88 for the seven (7) months to 31 January 2019.

ATTACHMENTS

1. Investment Report Summary as at 31 January 2019



ATTACHMENT 1

Wingecarribee Shire Council
Investment Report Summary
For the period ending 31 January 2019
List of Investments

Council's investment portfolio as at 31 January 2019 consists of the following investments:

INVESTMENT PORTFOLIO AS AT 31 January 2019						
Institution	Type	Amount	Interest Rate	Investment Term - Days	Maturity Date	% Investment Portfolio
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	1.84%
CBA	Term Deposit	5,000,000	2.63%	365	2/03/2019	3.06%
BDCU	Term Deposit	3,000,000	2.65%	365	8/03/2019	1.84%
CUA	Term Deposit	2,000,000	2.71%	365	22/03/2019	1.23%
CBA	Term Deposit	3,000,000	2.78%	365	18/04/2019	1.84%
CBA	Term Deposit	2,000,000	2.78%	365	19/04/2019	1.23%
Bankwest	Term Deposit	3,000,000	2.80%	273	8/05/2019	1.84%
Bankwest	Term Deposit	3,000,000	2.80%	272	13/05/2019	1.84%
Bendigo	Term Deposit	5,000,000	2.80%	365	17/05/2019	3.06%
Bankwest	Term Deposit	5,000,000	2.80%	270	20/05/2019	3.06%
MyState	Term Deposit	5,000,000	2.81%	365	24/05/2019	3.06%
Bankwest	Term Deposit	3,000,000	2.75%	270	24/05/2019	1.84%
Bankwest	Term Deposit	5,000,000	2.75%	272	27/05/2019	3.06%
Bankwest	Term Deposit	5,000,000	2.80%	270	28/05/2019	3.06%
Bankwest	Term Deposit	5,000,000	2.80%	270	28/05/2019	3.06%
Bankwest	Term Deposit	5,000,000	2.75%	270	1/06/2018	3.06%
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	3.06%
MyState	Term Deposit	5,000,000	2.90%	365	3/07/2019	3.06%
AMP	Term Deposit	5,000,000	2.91%	365	11/07/2019	3.06%
Bendigo	Term Deposit	5,000,000	2.76%	365	25/07/2019	3.06%
Bendigo	Term Deposit	5,000,000	2.77%	365	2/08/2019	3.06%
ME	Term Deposit	5,000,000	2.75%	365	27/08/2019	3.06%
ME	Term Deposit	5,000,000	2.74%	365	6/09/2019	3.06%
Mystate	Term Deposit	5,000,000	2.70%	365	12/09/2019	3.06%
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	3.06%
Auswide	Term Deposit	5,000,000	2.75%	365	28/09/2019	3.06%
Rural	Term Deposit	5,000,000	2.75%	365	11/10/2019	3.06%
MyState	Term Deposit	5,000,000	2.80%	365	30/10/2019	3.06%
CUA	Term Deposit	3,000,000	2.77%	365	9/11/2019	1.84%
CUA	Term Deposit	5,000,000	2.77%	365	26/11/2019	3.06%
NAB	Term Deposit	5,000,000	2.77%	365	30/11/2019	3.06%
WBC	Term Deposit	4,000,000	2.73%	365	14/12/2019	2.45%
ME	Term Deposit	4,000,000	2.72%	364	3/01/2020	2.45%
CUA	Term Deposit	6,000,000	2.77%	365	24/01/2020	3.68%
WBC	Term Deposit	3,000,000	2.72%	365	31/01/2020	1.84%
NAB	Call Account	2,722,800	1.40%	NA	NA	1.67%
Total Investments		\$163,222,800				100.00%

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

For the period ending 31 January 2019

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%	7.80%	12,722,800	YES	YES
CBA	A1+	40%	8.27%	13,500,000	YES	YES
WBC	A1+	40%	5.82%	9,500,000	YES	YES
Bankwest	A1+	40%	20.83%	34,000,000	YES	YES
AMP	A1	25%	3.06%	5,000,000	YES	YES
BDCU	A2	15%	1.84%	3,000,000	NO	YES
Bendigo	A2	15%	9.19%	15,000,000	NO	YES
Rural Bank	A2	15%	3.06%	5,000,000	NO	YES
CUA	A2	15%	11.64%	19,000,000	NO	YES
ME	A2	15%	8.58%	14,000,000	NO	YES
MyState	A2	15%	12.25%	20,000,000	NO	YES
Auswide	A3	10%	7.66%	12,500,000	NO	YES
Total			100.00%	163,222,800		

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%	42.72%	69,722,800	YES
A1	80%	3.06%	5,000,000	YES
A2	60%	46.56%	76,000,000	YES
A3	20%	7.66%	12,500,000	YES
Govt	25%	0.00%	0	YES
Total		100.00%	163,222,800	



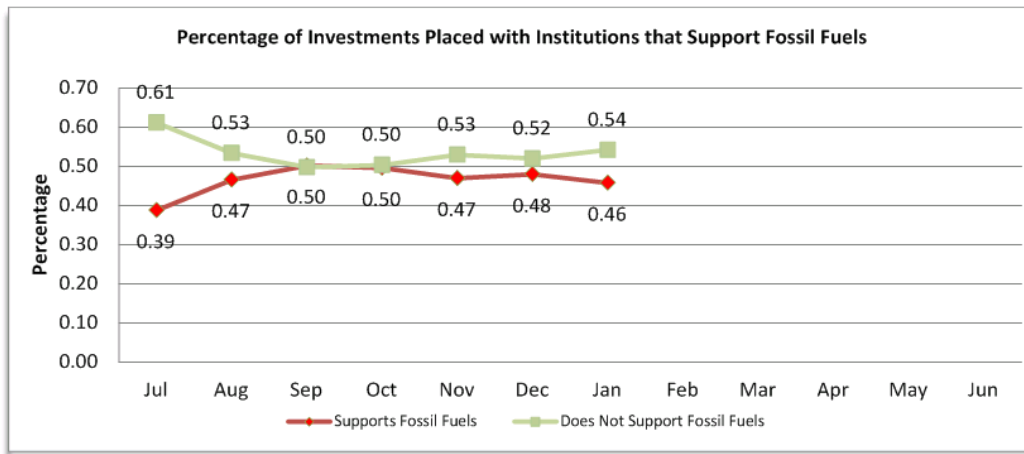
Wingecarribee Shire Council Investment Report Summary

For the period ending 31 January 2019

Non-Fossil Fuel Investment Preferring

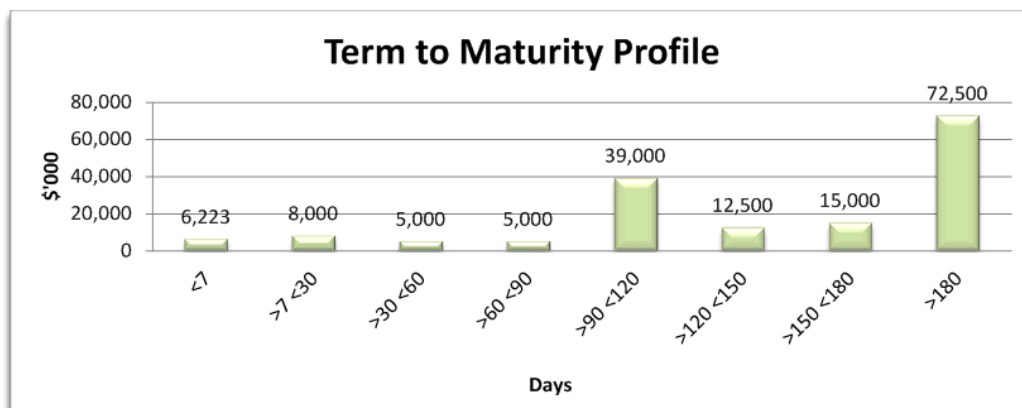
Council's adopted Investment Policy states a preference for placing funds with institutions that do not support the fossil fuel industry. The chart below identifies Council's percentage of investments placed with institutions that do not support the fossil fuel industry.

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.

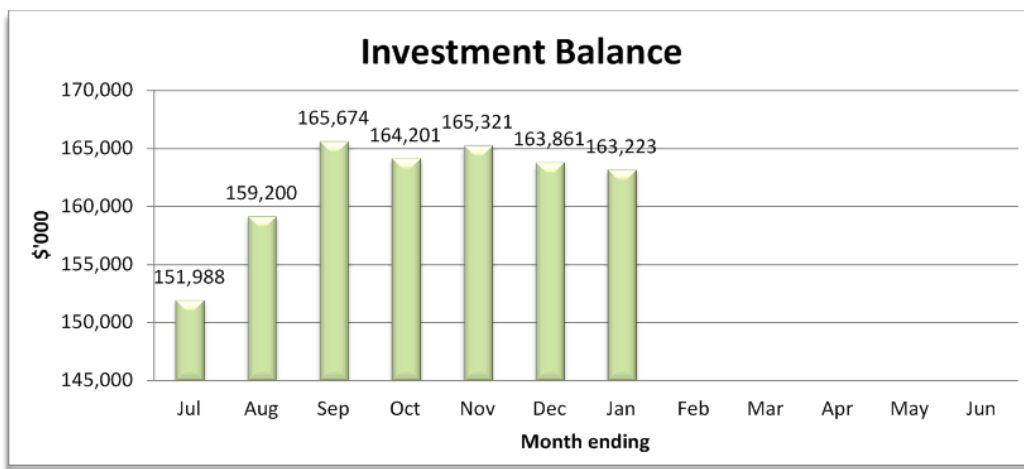




Wingecarribee Shire Council Investment Report Summary For the period ending 31 January 2019

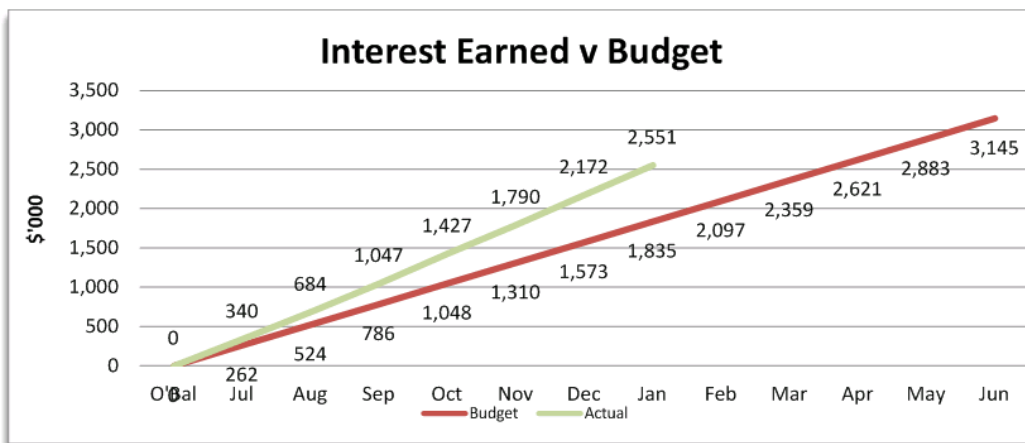
Portfolio Performance

Council's investment balance at the end of January 2019 was \$163.223 million. This has decreased by \$0.638 million since the end of December 2018. The decrease in investments is a result of operational and capital expenditure payments during the January 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.





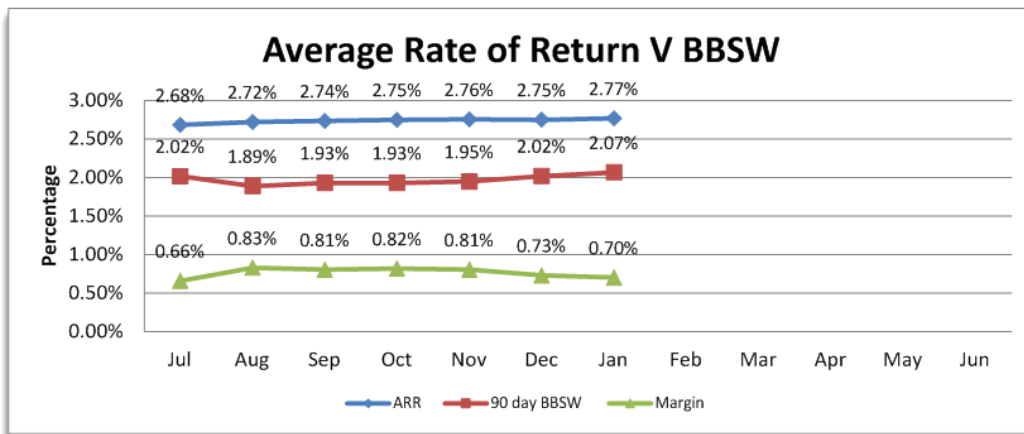
Wingecarribee Shire Council Investment Report Summary For the period ending 31 January 2019

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 January 2019 was 2.77% which has increased by 0.02% since December 2018. There was an increase in the BBSW to 2.07%

The margin above BBSW has decreased in January 2019 by 0.03% as rates available in the fixed interest market remain relatively stable.



12.3 Crown Land Management Act 2016 - Categorisation of Crown Land

Reference:	7136
Report Author:	Property and Projects Officer
Authoriser:	Chief Financial Officer
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek formal Council approval to make a number of minor amendments to the initial categorisation of Crown Land which was approved by Council on the 12 December 2018.

RECOMMENDATION

1. **THAT** in accordance with the *Crown Land Management Act, 2016* Council give written notice to the Minister of Lands and Forestry of the assigned categories of Crown Land managed by Council as Crown Land Manager as updated and listed in Attachment 1 to this report.

REPORT

BACKGROUND

At its meeting 12 December 2018 Council considered a report regarding the initial categorisation of Crown Land to be managed by Council in accordance with the *Crown Land Management Act 2016* (CLM Act).

REPORT

The initial land categorisations for Crown Land managed by Council as Crown Land Manager were adopted on the 12 December 2018. Attached to the report was a table of Crown Land categorisations as recommended by Council's Crown Land Management Implementation Team.

A final review by the Crown Land Management Implementation Team was considered good practice prior to submission to the Minister of Lands and Forestry. This review has identified a number of amendments which are identified by grey shading in **Attachment 1** to this report.

All categories not shaded in Attachment 1 remain unchanged to the recommendation presented to Council on 12 December, 2018.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



It is recommended that Council submit the categorisations as listed in Attachment 1 in its written notice to the Minister of Lands and Forestry.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Council has not factored in the cost of preparing the Plans of Management for all Crown Reserves into its Long Term Financial Plan.

The funding provided by the NSW State Government of \$30,000 falls well below the level of funding which will be required to comply with the timeframe to complete plans of management within the next three years.

Council will need to consider prioritising the preparation of Plans of Management for Crown Reserve in line with its strategic and infrastructure requirements to ensure that this does not result in the diversion of budget funding from essential community services and infrastructure projects.

COMMUNICATION AND CONSULTATION

Community Engagement

The initial categorisation of Crown Land managed by Council as Crown Land Manager is procedural in nature and does not require community engagement. There will be consultation and engagement with the community with respect to the development of the drafts Plans of Management for each respective Crown Reserve.

Internal Communication and Consultation

Council's Crown Land Implementation Team

External Communication and Consultation

NSW Department of Trade and Investment – Crown Lands

Council's panel solicitors

SUSTAINABILITY ASSESSMENT

- **Environment**

Council's Environment & Sustainability and Assets branches have provided guidance during the categorisation process with respect to natural areas and bushland reserves and also provided further amendments as outlined in 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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Culture**

Council's Heritage Planner has provided guidance during the initial categorisation process with respect to heritage matters and areas of cultural significance.

- **Governance**

Council has followed the procedure set by the Crown to undertake the assignment of categorises with respect to the land managed by Council as Crown Land Manager.

COUNCIL BUDGET IMPLICATIONS

Council has not factored in the cost of preparing Plans of Management for all Crown Reserves into its Long Term Financial Plan.

The funding provided by the NSW State Government of \$30,000 falls well below the level of funding which will be required to comply with the timeframe to complete plans of management within the next three years.

Council will need to consider prioritising the preparation of Plans of Management for Crown Reserves in line with its strategic and infrastructure requirements to ensure that this does not result in the diversion of budget funding from essential community services and infrastructure projects.

RELATED COUNCIL POLICY

None identified.

CONCLUSION

To ensure compliance with the CLM Act, it is recommended that written notice be provided to the Minister for Lands & Forestry of the categories assigned to the Crown Land managed by Council as Crown Land Manager as shown in **Attachment 2** to this report.

ATTACHMENTS

1. Attachment 1 - Crown Land Categorisation Table (Final)



ATTACHMENT 1

RESERVE NUMBER	RESERVE NAME	GAZETTED OR DEDICATED PURPOSE (AS PER CROWN RECORDS)	CROWN CATEGORISATION	COUNCIL RECOMMENDATION REVISED	AGREE or AMEND
100106	COMMEMORATION PARK	Public Recreation	Park	Natural Area - Bushland	Amend
52406	BALMORAL	Preservation Of Graves	Area of Cultural Significance	Natural Area - Bushland Area of Cultural Significance	Amend
19854	BERRIMA	Access	General Community Use	General Community Use	Agree
26996	RIVER BEND RESERVE	Public Recreation	Park	Natural Area - Bushland Area of Cultural Significance	Amend
59299	BERRIMA CAMP GROUND	Baths; Public Recreation	Park	Park Natural Area - Bushland General Community Use Area of Cultural Significance	Amend
83731	BERRIMA	Public Recreation	Park	Park Area of Cultural Significance	Amend
85512	BERRIMA	Public Recreation; Resting Place	Multiple Categories	Natural Area - Bushland Area of Cultural Significance	Amend
88790	BERRIMA	Public Hall; Public Recreation	Multiple Categories	Natural Area - Bushland Park Area of Cultural Significance	Amend
96638	BERRIMA	Bush Fire Brigade Purposes	General Community Use	General Community Use	Agree
1016209	BERRIMA	Cemetery	General Community Use	General Community Use	Agree
188	BERRIMA	Public Recreation	Park	General Community Use Area of Cultural Significance	Amend
190	BERRIMA	Public Recreation	Park	Natural Area - Bushland Area of Cultural Significance	Amend
191	BERRIMA	Public Recreation	Park	Natural Area - Bushland Area of Cultural Significance	Amend
19861	BERRIMA	Public Recreation	Park	Natural Area - Bushland Area of Cultural Significance	Amend
530062	BERRIMA	Public Recreation	Park	Natural Area - Bushland Area of Cultural Significance	Amend
530064	CORBETT GARDENS	Public Park	Park	Park Area of Cultural Significance	Amend
84159	CENTENNIAL PARK	Public Baths; Public Recreation; Resting Place	Multiple Categories	Sportsground Park Natural Area - Watercourse Area of Cultural Significance	Amend
56940	WAR MEMORIAL PARK	Public Recreation	Park	Park Area of Cultural Significance	Amend
67616	BUNDANOON	Public Recreation	Park	Natural Area - Watercourse Natural Area - Bushland Sportsground General Community Use Area of Cultural Significance	Amend
88238	PENROSE RUBBISH DEPOT	Rubbish Depot	General Community Use	Natural Area - Bushland General Community Use	Amend
90729	FERNDALE	Public Recreation	Park	Sportsground General Community Use Natural Area Bushland	Amend
1030929	BUNDANOON	General Cemetery	General Community Use	Natural Area - Bushland General Community Use	Amend
78122	FERNDALE	Public Recreation	Park	General Community Use Natural Area - Bushland	Amend
80606	BOWRAL	Public Recreation	Park	General Community Use Sportsground Natural Area - Bushland	Amend



180042	CANYONLEIGH	Community Purposes; Public Recreation	Multiple Categories	Natural Area - Bushland General Community Use	Amend
1032668	EAST KANGALOO	General Cemetery	General Community Use	Natural Area - Bushland Area of Cultural Significance	Amend
91077	GOANNA FALLS RESERVE	Public Recreation	Park	Natural Area - Bushland Park	Amend
96338	GOODMAN'S FORD	Public Recreation	Park	Natural Area - Bushland General Community Use	Amend
65071	BORONIA PARK HILL TOP	Public Recreation	Park	Sportground Natural Area Bushland	Amend
23225	ROBERTSON	Public Recreation	Park	Natural Area - Bushland	Amend
73406	MEDWAY	Public Recreation	Park	Park	Agree
88144	MEDWAY DAM	Pres. Of Native Fauna; Pres.Of Native Flora; Public Recreation	Natural Area (Subcategory required)	Natural Area - Bushland	Agree
57372	MERYLA	Public Recreation	Park	Natural Area - Bushland	Amend
57815	MOUNT ALEXANDRA	Pres. Of Fauna; Pres. Of Native Birds; Pres. Of Native Flora; Pres. Of Trees	Natural Area (Subcategory required)	Natural Area - Bushland	Agree
90284	MITTAGONG	Public Recreation	Park	Natural Area - Bushland General Community Use	Amend
1011589	LACKEY PARK RESERVE TRUST	Public Recreation	Park	Sportground General Community Use	Amend
1023208	MOSS VALE	General Cemetery	General Community Use	General Community Use	Agree
83436	MITTAGONG, BOWRAL	Public Recreation	Park	Natural Area - Bushland Area of Cultural Significance	Amend
63869	PADDY'S RIVER	Public Recreation; Resting Place	Multiple Categories	Natural Area - Bushland General Community Use	Amend
86099	PADDYS RIVER RESERVE	Public Recreation; Resting Place	Multiple Categories	Natural Area - Bushland	Amend
88061	PADDY'S RIVER	Public Recreation	Park	Natural Area - Bushland	Amend
46633	PENROSE	Public Recreation	Park	Natural Area - Bushland	Amend
55900	PENROSE	Public Recreation	Park	General Community Use	Amend
89052	PENROSE	Bush Fire Brigade Purposes	General Community Use	Natural Area - Bushland General Community Use	Amend
1021848	PENROSE	General Cemetery	General Community Use	General Community Use	Agree
1002199	HAMPDEN PARK (PART)	Addition; Public Recreation	Park	Sportground	Amend
1002200	HAMPDEN PARK (PART)	Addition; Public Recreation	Park	Sportground	Amend
1002201	HAMPDEN PARK (PART)	Addition; Public Recreation	Park	Natural Area Bushland	Amend
530065	HAMPDEN PARK (PART)	Public Recreation	Park	Natural Area - Bushland Natural Area - Watercourse Sportground General Community Use	Amend
97448	ROBERTSON COMMUNITY CENTRE	Community Centre	General Community Use	General Community Use	Agree
1032168	ROBERTSON	General Cemetery	General Community Use	Natural Area - Bushland General Community Use Area of Cultural Significance	Amend
223	WOODLANDS	Public Recreation	Park	Natural Area - Bushland	Amend
530067	WELBY	Public Recreation	Park	Natural Area - Bushland Sportground	Amend
81145	WELBY	Public Recreation	Park	Natural Area - Bushland General Community Use	Amend
89310	MITTAGONG	Preservation Of Fauna; Preservation Of Native Flora; Public Recreation	Multiple Categories	Natural Area - Bushland	Amend
1016110	WELBY	General Cemetery	General Community Use	General Community Use	Agree
252	WELBY	Public Recreation	Park	Sportground Park General Community Use	Amend
253	WELBY, WOODLANDS	Public Recreation	Park	Natural Area - Bushland	Amend



1016249	WINGELLO HALL	Community Purposes	General Community Use	General Community Use Park Area of Cultural Significance	Amend
52976	WINGELLO	Public Recreation	Park	Sportsground Natural Area - Bushland	Amend
55750	WINGELLO	Public Recreation	Park	Natural Area - Bushland	Amend
7160	WINGELLO	Cemetery	General Community Use	General Community Use	Agree
89582	ROBERTSON	Rubbish Depot	General Community Use	Natural Area - Bushland General Community Use	Amend
83460	YEOLA WILDLIFE REFUGE	Promotion Of The Study And The Preservation Of Native Flora And Fauna	Natural Area (Subcategory required)	Natural Area - Bushland	Agree

12.4 Water Extraction Policy - Public exhibition

Reference:	7690/1
Report Author:	Operations Technical Officer - Quality and Projects
Authoriser:	Manager Water & Sewer
Link to Community Strategic Plan:	Manage and plan for future water, sewer and stormwater infrastructure needs

PURPOSE

The purpose of this report is to seek the final approval and adoption of the reviewed Water Extraction Policy that was placed on public exhibition from 21 November 2018 to 2 January 2019 (total of 42 days).

RECOMMENDATION

THAT Council adopt the draft Water Extraction policy that has been reviewed and placed on public exhibition for 42 days.

REPORT

BACKGROUND

The current review of the Water Extraction policy is part of Council's ongoing renewal process, which is designed to strategically strengthen Council's ability to prevent water theft and cross contamination from the use of unauthorised standpipes.

This policy was reviewed as part of Council's ongoing policy renewal process. The unauthorised use of standpipes has the potential to put the drinking water supply at risk from cross contamination, create dirty water issues and cause disruption to the supply in the reticulation network. Water theft has been an ongoing issue and remains a significant cost to council due to use of excess water for flushing mains, leaking pipework, time, labour and general repairs to infrastructure.

This policy will facilitate Council's ability to maintain safe and reliable drinking water according to Council's Drinking Water Quality policy; Council's adopted Drinking Water Management System (DWMS), the Australian Drinking Water Guidelines (ADWG) and other supporting legislation.

REPORT

The Local Government Act 1993, Section 68 (1) indicates that activities can only be carried out with the prior approval of Council, Part B (2) specifically relates to any person who wishes to "draw water from a council water supply, or a standpipe or sell water so drawn". The current maximum penalty for this offence is \$2,200.

Council has already made a commitment to supply safe and reliable drinking water to the community under its DWMS, Drinking Water Quality policy and the implementation of six (6) urban filling stations in the Wingecarribee Shire.



This Water Extraction policy will provide management with supporting tools and protocols to implement/enforce a more reliable and consistent approach to the unauthorised use of standpipes, urban filling stations and water theft within the Wingecarribee Shire. This demonstrates Council's commitment to continual improvement and community education about the importance of our drinking water resources and services.

The review of this policy will continue to underpin and facilitate the ongoing protection of Council's water supply network, minimise the health risks to the community and assist in the prevention of costly repairs from damage to Councils water assets.

Amendments to this policy are as follows:

- Change of name from Treated Water Extraction Policy to Water Extraction Policy. This provides consistency with Council's other drinking water quality policies, documents and procedures.
- Inclusions of the relevant legislation updates in the list of related policies and documents

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

This policy has no impact on Council's Fit for the Future Improvement Plan.

COMMUNICATION AND CONSULTATION

This policy was developed in conjunction with Council's compliance obligations with the Public Health Act 2010 that requires private water suppliers and water carters to develop a Quality Assurance Program (QAP).

Community Engagement

The changes required are of a minor nature, the policy was put on public display for an extended period (42 days) due to the 2018 -19 Christmas/New Year break.

Internal Communication and Consultation

The Water Extraction policy was internally reviewed with the Manager Assets, Modelling & Systems Engineer (Water & Sewer) and the Manager Water and Sewer.

External Communication and Consultation

To improve community consultation and education the policy was put on public display for 42 days and a media release on 5th December 2018. There were no responses from the policy being placed on public exhibition.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

This policy will ensure Council's water supply services are capable of delivering safe and reliable drinking water that meets the ADWG and the Public Health Act 2010 requirements.

COUNCIL BUDGET IMPLICATIONS

There are no direct budget implications related to the endorsement of this policy. However water theft, water loss and damage to water infrastructure does incur a cost to Council's water assets, therefore regulatory actions must be applied.

RELATED COUNCIL POLICY

Nil

OPTIONS

The options available to Council are:

Option 1

Council adopt the draft Water Extraction policy that has been reviewed and placed on public exhibition.

Option 2

Council not adopt the Water Extraction policy.

It is recommended that Option 1 be adopted by Council.

CONCLUSION

The adoption of this policy will enhance Council's ability to protect Council's water assets from infrastructure damage and water theft while continuing to supply safe and reliable drinking water to the community.

ATTACHMENTS

1. Water Extraction Policy -public exhibition copy



Water Extraction Policy

ATTACHMENT 1

PLACES

MANAGE AND PLAN FOR THE FUTURE WATER, SEWER AND STORM WATER INFRASTRUCTURE NEEDS

Adoption Date:	<i>(Governance to insert)</i>
Council Reference:	<i>(Governance to insert)</i>
Policy Owner:	<i>(Manager Water and Sewer)</i>
Next review date:	<i>(4years recommended)</i>
File Reference:	<i>(7690/1 Departmental File Number)</i>
Related Policies/Legislation:	<p>Local Government Act 1993 and Regulation 2005, Water Management Act 2010, Protection of the Environment and Operations Act 1997 and Regulation 2010 Public Health Act 2010 Public Health Amendment (Review) Act 2017 Public Health Regulation 2012 Food Act 2003 Work Health and Safety Act 2011 Flouridation of Public Waters Supplies Act 1957 Flouridation of Public Waters Supplies Regulation 2017 Code of practice for the Fluoridation of Public Water Supplies</p>
Related Documents:	<p><i>Australian Drinking Water Guidelines Version 6 - 2011</i> <i>Water Extraction Policy</i> <i>Water Filling station application form</i> <i>Water filling station location map</i> <i>Adopted fees and charges</i> <i>Drinking water Quality Policy</i> <i>Quality Assurance Program or Drinking Water Management System</i></p>
Superseded Policy/GM Practice Note:	<p><i>Use of urban filling stations</i> Treated Water Extraction Policy</p>

OBJECTIVES

The objectives of this policy are to:



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Water Extraction Policy

- Protect Council's potable water supply and minimise health risks to the community by ensuring adequate protection against cross contamination as per the Australian Drinking Water Guidelines (ADWG) 2011
- Prevent Council's assets from being damaged resulting in costly repairs and water wastage.
- Minimise the disruption of the potable water supply from dirty water complaints, possible cross contamination and water wastage issues caused by the inappropriate use of standpipes in the water supply network.

POLICY STATEMENT

Council is committed to providing clean, safe and reliable potable water for use by all members within the community.

Potable water may only be extracted from Council's authorised water filling stations located within the Local Government Area.

It is an offence for any person(s), excluding emergency services and Council Officers to extract water from a water hydrant using a standpipe in the Wingecarribee Shire.

The use of standpipes to extract water from Council's potable water supply network is prohibited unless a special exemption is granted. Special exemptions must be requested in writing to Council and are subject to approval by the Manager of Water and Sewer.

Local government authorities now have responsibility for the regulation of private suppliers and water carters. Water Quality Assurance Program (QAP) is required for all commercial water carters that is intended for human consumption or comes into contact with food.

It is an offence for a supplier of drinking water to fail to establish or adhere to a quality assurance program under the Public Health Amendment (Review) Act 2017. Suppliers of drinking water are required to provide a copy of the quality assurance program to Council as part of their application and approval process.

SCOPE

This policy applies to all persons, corporations and/or contractors wishing to extract water from Council's potable water supply network for non-potable and/or potable water carting.

Council water and sewer maintenance and operational activities are exempt from this policy.

Fire brigades and other emergency services are exempt from this policy.

DEFINITIONS





Water Extraction Policy

Australian Drinking Water Guidelines (ADWG) - are designed to provide an authoritative reference to the Australian community and the water supply industry on what defines safe, good quality water, how it can be achieved and how it can be assured. The guidelines provide a framework for good management of drinking water supplies to ensure safety at the point of use. They address both the health and aesthetic quality aspects of supplying good quality drinking water.

Water filling station – authorised infrastructure used for bulk potable water extraction.

Hydrant - a fixed water connection point in the reticulation mains.

Non-potable water use - water for activities other than human consumption and food production i.e. landscaping, construction and road works etc.

Potable water use - treated water that is fit for human consumption and food preparation.

Standpipe – a removable and/or portable pipework used to extract water from a hydrant.

RESPONSIBILITIES

Responsibilities for implementing this policy are shared between Councillors, Executive and staff, as follows:

Position	Responsibility
Mayor & Councillors	To lead Councillors in their understanding of and compliance with this policy.
Executive and Managers	To lead relevant staff (either directly or through delegated authority) in their understanding of and compliance with this policy. To approve resources to develop, implement and review this policy.
Manager Water and Sewer	To ensure (directly or through delegation) the distribution and communication of the policy to relevant persons. To ensure (directly or through delegation) the approved policy is available in hard copy and electronically on Council's website.
Staff	To comply with this policy and the related procedures.

PERFORMANCE MEASURES

The success of this policy will be measured by the number of noncompliance incidents reported and proven within a calendar year.





Water Extraction Policy

Good performance = 0 – 6 incidents per year

Poor performance = > 6 incidents per year

BREACHES OF THE POLICY

Breaches of this policy may threaten the clean, safe and reliable supply of drinking water to the community.

Under section 68 of the Local Government Act 1993 anyone who fails to obtain an approval to extract water may be guilty of an offence and subject to further action as appropriate.

This may result in warning letters or court orders being issued by Council and formal prosecution for water theft under the legislation.

APPROVED BY:

WINGECARRIBEE SHIRE COUNCIL

(insert date)

ATTACHMENTS

Approved By:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)





12.5 Tender for Construction of Water Filling Stations - Hill Top & Moss Vale

Reference:	6330/18.17
Report Author:	Project Manager
Authoriser:	Manager Project Delivery
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 Construction of Water Filling Stations – Hill Top & Moss Vale.

RECOMMENDATION

1. **THAT** in relation to the report concerning Construction of Water Filling Stations – Hill Top & Moss Vale - Council adopts the recommendations contained within the Closed Council report – Item 22.1.

OR

2. **THAT** the report concerning Tender for Construction of Water Filling Stations – Hill Top & Moss Vale - 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 sought tenders from appropriately qualified and experienced contractors for the construction of Water Filling Stations at Hill Top and Moss Vale.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



REPORT

Council has 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 25 September 2018 to 23 October 2018 (28 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	25 September 2018
Newspaper – Southern Highlands News	26 September 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 five (5) tender submissions were received:

Company Name	Location	Postcode
Carve Earthworks and Constructions	Coledale	2515
City Coast Plumbing Services	Oak Flats	2529
Donnelley Civil	Wollongong	2500
Stefanutti Construction	Unanderra	2526
Zivil Earthmoving	Port Kembla	2505

LATE TENDERS

A total of one (1) tender submission was received late (therefore non-conforming):

Company Name	Location	Postcode
Site Civil Pty Ltd	Corrimal	2518

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
Motor Vehicle - Comprehensive
Works Insurance

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	5%
Specifications	5%
Quality Assurance	5%
Innovation	5%
Community & Social (including local content)	10%
Work Health and Safety	5%
Environment & Sustainability	5%
Total	45%

Summary of Selection Criteria & Weighting:

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

NON-COMPLIANT TENDERS

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

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Funding for Water Filling Stations at Hill Top and Moss Vale has been included in Council's adopted Capital Works Program.

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 water and sewer, assets, procurement and project delivery areas. This consultation includes, scope, technical requirements, budgeting and operational impacts.

External Consultation

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

SUSTAINABILITY ASSESSMENT

• **Environment**

There are no environmental issues in relation to this report.

• **Social**

There are no social issues in relation to this report.

• **Broader Economic Implications**

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATED COUNCIL POLICY

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

CONCLUSION

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

ATTACHMENTS

There are no attachments to this report.



12.6 Tender for Vandenberg Road Renewal and Table Drain Works, Robertson

Reference:	6330/18.21
Report Author:	Project Manager
Authoriser:	Manager Project Delivery
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 Vandenberg Road Renewal and Table Works, Robertson.

RECOMMENDATION

1. **THAT** in relation to the report concerning Vandenberg Road Renewal and Table Works, Robertson - Council adopts the recommendations contained within the Closed Council report – Item 22.2.

OR

2. **THAT** the report concerning Tender for Vandenberg Road Renewal and Table Works, Robertson. - 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 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

Council sought tenders from appropriately qualified and experience contractors for the construction of the Vandenberg Road Renewal and Table Drain Works, Robertson.

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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



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 9 October 2018 to 6 November 2018 (28 days).

The tender was advertised as follows:

Newspaper / Website	Date Advertised
Newspaper – Sydney Morning Herald	9 October 2018
Newspaper – Southern Highlands News	10 October 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 ten (10) tender submissions were received:

Company Name	Location	Postcode
Cleary Bros (Bombo) Pty Ltd	Port Kembla, NSW	2505
Earth Civil Contracting Pty Ltd	Braemar, NSW	2571
Select Civil Pty Ltd	Kembla Grange, NSW	2526
Select Civil Pty Ltd	Kembla Grange, NSW	2526
Shore Contracting Pty Ltd	Helensburgh, NSW	2508
Shore Contracting Pty Ltd	Helensburgh, NSW	2508
South Syd Concrete Pty Ltd	Arncliffe, NSW	2205
Stefanutti Construction Pty Ltd	Unanderra, NSW	2526
Stefanutti Construction Pty Ltd	Unanderra, NSW	2526
Western Earthmoving Pty Ltd	Seven Hills, NSW	2147

LATE TENDERS

No tender submissions were received late (therefore non-conforming).

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
Motor Vehicle – Comprehensive
Works Insurance

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%
Specifications	5%
Quality Assurance	5%
Innovation	5%
Local Contractor	10%
Work Health and Safety	5%
Environment	5%
Total	45%

Summary of Selection Criteria & Weighting:

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

NON-COMPLIANT TENDERS

Upon evaluation one (1) tender submission was determined to be non-compliant:

Company Name	Reason for Non-Compliance
South Syd Concrete Pty Ltd	Did not meet Procurement Process Requirements

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Funding for the Vandenberg Road Renewal and Table Works, Robertson has been included in Council's adopted Capital Works Program.

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 operational areas. This consultation included scope, technical requirements and evaluation methodologies.

External Consultation

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

SUSTAINABILITY ASSESSMENT

• **Environment**

There are no environmental issues in relation to this report.

• **Social**

There are no social issues in relation to this report.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

RELATED COUNCIL POLICY

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

CONCLUSION

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

ATTACHMENTS

There are no attachments to this report.

Barry W Paull

Deputy General Manager Operations, Finance and Risk

Thursday 21 February 2019



13 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self Care Retirement Complex - 133 Old Bowral Road, Bowral

Reference:	DA 03/0786.06
Report Author:	Senior Town Planner
Authoriser:	Group Manager Planning, Development and Regulatory Services
Applicant:	Old Bowral Estate Pty Ltd atf The Old Bowral Estate Trust
Owner:	Old Bowral Estate Pty Ltd atf The Old Bowral Estate Trust
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to consider s.4.55 modification application 03/0786.06 which seeks approval to modify the approved 106 Unit Self Care Retirement Complex, including internal and external modifications to approved units and modification of conditions of consent at Lot 2345 DP 1110446, being 133 Old Bowral Road Bowral. 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** s.4.55 modification application 03/0786.06 which seeks approval to modify the approved 106 Unit Self Care Retirement Complex, including internal and external modifications to approved units and modification of conditions of consent at Lot 2345 DP 1110446, being 133 Old Bowral Road Bowral be **APPROVED**, in part as outlined in the report subject to attached conditions of consent as described in **Attachment 1** to the report.

REPORT

Subject Site and Locality

The subject site, Lot 2345 DP 1110446, being 133 Old Bowral Road Bowral is a 7.774 hectare site located on the western side of Old Bowral Road, to the west of the Mittagong Road / Old Bowral Road intersection (**Attachments 2 and 3**). Approval has been granted for a 106 Unit Self Care Retirement complex, and construction is underway.

The locality is dominated by a combination of land uses zones, including E3 Environmental Management (Landscape Conservation) zone to the west, RU2 Rural Landscape to the north, RU4 Primary Production Small Lots to the south, and R5 Large Lot Residential to the east. The area is predominantly characterised by detached dwellings on large allotments.

Proposed Modification

S.4.55 modification application 03/0786.06 seeks approval to modify the approved 106 Unit Self Care Retirement Complex, including internal and external modifications to approved units and modification of conditions of consent at Lot 2345 DP 1110446, being 133 Old Bowral Road Bowral. The proposed modification includes:

- Internal and external modifications to approved units, including changes to gable, roof forms, glazing, doors, and chimneys of Dwelling type 20, which is a repeated dwelling design in the approved 106 unit development.
- Proposed modification or deletion of 31 conditions of consent, to reflect the approved staging of the development, but also to modify or delete particular engineering conditions, landscaping conditions, Water NSW conditions, building conditions, and planning conditions.

Elevations of the proposed modifications to Dwelling Type 20 can be found at **Attachment 4**.

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 with this proposed modification application 03/0786.06.

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 modification satisfies the requirements of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, subject to conditions of consent, including retention and modification of certain Water NSW conditions. **(Attachment 1) (Conditions 33, 55 and 56)**.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

Clause 2.3 Zone objectives and land use table

The site is zoned R5 Large Lot Residential under the *Wingecarribee Local Environmental Plan 2010*. As Seniors Housing is prohibited in the R5 Large Lot Residential zone, the development under construction enjoys existing use rights for the 106 Unit Self Care



Retirement Complex. S.4.55 modification application 03/0786.06 does not alter the existing use rights of the development.

Development Control Plans

Bowral Town Plan Development Control Plan

The proposed modification results in a built form which is not inconsistent with the design guidelines of the Bowral Town Plan Development Control Plan.

Section 4.15 Evaluation

(1) Matters for consideration—general

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

(a) the provisions of:

(i) any environmental planning instrument, and

The site is zoned R5 Large Lot Residential under the *Wingecarribee Local Environmental Plan 2010*. As Seniors Housing is prohibited in the R5 Large Lot Residential zone, the development under construction enjoys existing use rights for the 106 Unit Self Care Retirement Complex. S.4.55 modification application 03/0786.06 does not alter the existing use rights of the development.

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

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

(iii) any development control plan, and

The proposed modification results in a built form which is not inconsistent with the design guidelines of the Bowral Town Plan Development Control Plan.

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

The Voluntary Planning Agreement entered into is not affected by s.4.55 modification application 03/0786.06.

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

Not applicable to S.4.55 modification application 03/0786.06.

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

Not applicable.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- (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 modification is not considered to adversely impact the natural and built environments, or have adverse social and economic impacts subject to retention, modification and deletion of particular conditions of consent, as discussed in the Discussion of Key Issues of this report.

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

The proposed modification does not alter the suitability of the site for the 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 modification is considered to be in the public interest, subject to retention, modification and deletion of particular conditions of consent, as discussed in the Discussion of Key Issues of this report.

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 addressing the retention, modification and deletion of particular conditions of consent, as discussed in the Discussion of Key Issues of this report.
Tree and Vegetation Officer	Council's Tree and Vegetation Officer has provided conditions addressing the retention, modification and deletion of particular conditions of consent, as discussed in the Discussion of Key Issues of this report.
Accredited Certifier	Council's Accredited Certifier has provided conditions addressing the retention, modification and deletion of particular conditions of consent, as discussed in the Discussion of Key Issues of this report.
Environment Protection Officer	Council's Environment Protection Officer has provided conditions addressing the retention, modification and deletion of particular conditions of consent, as discussed in the Discussion of Key Issues of this report.

External Referrals

Referrals/Notice	Advice/Response/Conditions
Water NSW	Water NSW advises that the proposed modification satisfies the requirements of State Environmental Planning Policy (Sydney

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Referrals/Notice	Advice/Response/Conditions
	Drinking Water Catchment) 2011, subject to conditions of consent, including retention and modification of certain Water NSW conditions. (Attachment 1) (conditions 33, 55 and 56).
Roads and Maritime Services	Roads and Maritime Services raises no objection to the proposed modification.
Rural Fire Service	Rural Fire Service raises no objection to proposed modification.

Neighbour Notification (or Advertising)/Public Participation

The proposed modification was neighbour notified to 50 surrounding properties, and advertised in the local newspaper in accordance with Council policy. Two (2) submissions were received, objecting to the proposed modification. The issues raised in the submissions received have been summarised and are considered below:

Issues	Response
Surprised that an additional 40 units were approved in addition to the 66 units, without consultation. All is not open in the approval process.	The previously approved increase in unit numbers was notified to 27 adjoining property owners and advertised in the local newspaper from July to August 2013, and the modification application assessment report presented to full Council in April 2014.
Approval is for 106 units, however the Gibraltar Park website indicates an intention for 115 units.	Council has no control over the content of the the Gibraltar Park website. The existing consent states 106 units – this is not altered by the proposed modification.
The proposed modification to roadworks and traffic flows may be onerous on local residents. There will be considerable advantages to the applicant and considerable disadvantages to neighbours and the Council. Proposed changes to Driveways & Parking conditions will result in previous problems encountered with the development continuing, including earthworks, trucks, concrete from the development preventing access to adjoining property, and causing increased stormwater from the property.	Council's Development Engineer has provided conditions addressing the retention, modification and deletion of particular conditions of consent, as discussed in the Discussion of Key Issues of this report.



DISCUSSION OF KEY ISSUES

The summary of the applicant's request for modifications, and Council's response, is provided below, and detailed in draft conditions (**Attachment 1**).

Consent Condition		Summary of Applicant's Request for modification	Council Response
3	Use not to Commence	Request modification of condition 3 to reflect the 'Staged' nature of the development & the Section 96 (LUA03/0786.01) approved staging plan.	Modification of condition 3 is supported, as detailed in draft conditions (Attachment 1).
15	Occupation Certificate	Update condition 15 to include the Principal Certifying Authority to undertake these inspections.	Modification of condition 15 is supported, as detailed in draft conditions (Attachment 1).
22	Management Statement	Request deletion of condition 22, as requirements to be included in condition 23.	Condition 22 is correctly worded to require creation of a positive covenant for the maintenance of the detention basin prior to issue of Occupation Certificate, therefore proposed deletion of condition 22 is <u>not supported</u> .
23	Detention Basin Alterations	Request modification of condition 23 to require creation of a restriction to prevent any change or alteration to detention basin prior to issue of Construction Certificate.	Condition 23 is correctly worded to require creation of a restriction to prevent any change or alteration to detention basin prior to issue of Occupation Certificate (not prior to issue of Construction Certificate), therefore proposed modification of condition 23 is <u>not supported</u> .
24	Dedication of Road Widening/Easement	Request deletion of condition 24 (a) which requires a widened Old Bowral Road road reserve and drainage easement.	No objection to the deletion of condition 24 (a) as detailed in draft conditions (Attachment 1), as the road works approved by s.138 application 18/0693 are contained wholly within the existing road reserve, therefore no need to widen road reserve. Deletion of Condition 24 supported.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Consent Condition		Summary of Applicant's Request for modification	Council Response
25	Property Services Within Lots	Request deletion of condition 25 as the Village remains on one title (ie no subdivision of the Lot is necessary).	Modification of condition 25 to require all property services to be contained within the one lot prior to issue of Occupation Certificate is recommended, as detailed in draft conditions (Attachment 1). Deletion of condition 25 <u>not supported</u> .
27	Maintenance & Bond for Public Assets	Request modification of condition 27 'Subdivision Certificate' . Delete reference/s to 'Subdivision Certificate'. - Restriction to only those items to be 'inherited by Council'. - Reflect the approved Staging Plan	Modification of condition 27 to delete reference to "Subdivision Certificate" is supported. The insertion of the words "that will be inherited by Council" unacceptably narrows the developer's responsibility for the maintenance of all road and other civil works, therefore is <u>not supported</u> .
31	Guarantee for Civil Works	Request deletion of condition 31.	No objection to the deletion of condition 31, as the modified condition 27 addresses the maintenance bond.
36	Rail Estate	Request deletion of condition 36 , as Section 96 (LUA03/0786.04) amended the route of the lead-in sewer so as to avoid Australian Rail Track Corporation land, and delete reference to SEPP 5 Support Services.	Condition 36 is to be amended to refer to highlight the stormwater requirements of the Rail Estate, not deleted in its entirety. Reference to SEPP 5 does not form part of condition 36- it is the heading for condition 37 and therefore is not to be deleted.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Consent Condition		Summary of Applicant's Request for modification	Council Response
37	Development in Accordance with SEPP 5, Part 2 Clause 12	<p>Request modification of condition 37</p> <ul style="list-style-type: none"> • to allow for the Staging of the development, in accordance with the Approved Staging Plan and so as to not unduly burden the Residents of the Village. • to include that the Developer abide by the NSW Retirement Villages Act & associated Regulations. Delete reference to 'subdivision'. •• to refer to compliance with SEPP Senior Living 2004 and not the repealed SEPP 5 legislation. 	<p>Modification to section i) of condition 37 is supported. Modification to section ii) of condition 37 is <u>not supported</u> as this requires registration of a restriction on title relating to the Seniors development. The inclusion of restrictions also within the resident contract is the applicant's choice, but the condition requiring registration of a restriction on title relating to the Seniors development as required by section ii) is to be retained. Modification to section v) of condition 37 to include reference to "prior to occupation of any stage of the development, proof of registration of restriction on title" and inclusion of reference to the current SEPP (Housing for Seniors or People with a Disability) 2004 is supported, as detailed in draft conditions (Attachment 1)</p>
46	Large Development Landscaping	<p>Request modification of condition 46 to allow for the Staging of the development, in accordance with the Approved Staging Plan, with replacement wording.</p>	<p>The modification of condition 46 to include "prior to commencement of works for each stage", but not to delete the majority of the content of condition 46, is supported, as detailed in draft conditions (Attachment 1).</p>
47	Landscape Bond	<p>Request deletion of condition 47 requiring landscape bond.</p>	<p>Deletion of condition 47, which required a landscape bond is <u>supported</u>, as landscape bonds can no longer be levied, as consistently ruled by the NSW Land & Environment Court.</p>

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Consent Condition		Summary of Applicant's Request for modification	Council Response
53	Provision of Works and Services	Request change to condition 53 wording: <i>The Applicant, at their own expense, shall ensure that all works and services constructed on the Development are in accordance with Council's Standards and all other relevant Codes and guidelines.</i>	Condition 53 not to be altered as requested by applicant, but to be altered to reflect current standards and deleting previous DCP 12 and 41 references.
55	"Grey Water" Re-use	Request deletion of condition 55 as it contradicts condition 33(x) imposed by Water NSW, specifically prohibiting greywater re-use on the site.	Condition 55 not to be deleted, but to be modified by deletion of sentence stating "re-use of 'greywater' is to be investigated and implemented where possible".
56	Construction of Stormwater Re-use	Request deletion of dot point 2 and replace with - <i>For water conservation and quality control, a centralised stormwater recycling system is to be installed. The storage volume is to be provided at a minimum of 4_500 litres x the number of units. The storage system is to be designed to capture and retain run-off from impervious areas of the Development. Overflow from the storage system will be diverted to the proposed Detention Basin. The collected rainwater is to be used for garden and common area landscape irrigation and internal toilet flushing.</i>	Retention of existing condition 56 is required by Water NSW.
62	Infrastructure Maintenance Considerations	Request change to condition 62 wording: <i>The design of all infrastructure that is to be inherited by Council, shall take into consideration the maintenance aspects and costs associated with the techniques being proposed.</i>	Proposed wording <u>not supported</u> . Existing condition 62 to be retained, as infrastructure both within the site and external to the site is to be designed having regard to maintenance, irrespective of whether it becomes Council infrastructure or not

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Consent Condition		Summary of Applicant's Request for modification	Council Response
63	Driveways and Parking	Request change to condition 63 wording to reflect the approved staging plan whereby works will be undertaken in accordance with the future stages of the development.	Council's engineers advise that the existing wording of condition 63 is to remain.
64	Construction of Road Pavement, Shoulder and Entrance	Request change to condition 64 wording as Section 138 Certificate (18/0693) has been issued.	Council's engineers advise that the existing wording of condition 64 is to remain, therefore request <u>not supported</u> .
68	Sewer Rising Main	Request change to condition 68 wording to include " <i>The Sewer Rising main will not be inherited by Council.</i> "	The modification to condition 68 is <u>supported</u> , as detailed in draft conditions (Attachment 1).
72	Commissioning of Sewage Pump Station	Request deletion of condition 72(g).	The deletion of condition 72(g) is <u>supported</u> , as detailed in draft conditions (Attachment 1).
73	Occupation Certificate	Request deletion of dot point 3 of condition 73 as Council is unable to hold a Bond over Private assets.	The retention of dot point 3 of condition 73 is necessary as the condition / maintenance of the pump station through a maintenance bond is necessary as this enables Council to control the effluent. <u>A minor modification to condition 73 is supported</u> , as detailed in draft conditions (Attachment 1).
79	Works as Executed Plans	Request change to condition 79 wording to " <i>Following completion of any Public Assets, one full set of work- as-executed drawings shall be submitted to and retained by Council. All work-as-executed drawings shall include details of any below ground infrastructure and levels. Any deviations from the approved engineering plans shall be shown on the work-as-executed drawings. Each sheet of the drawings shall carry the certification of the Developer's supervising engineer.</i> "	The modification to condition 79 is <u>supported</u> , as detailed in draft conditions (Attachment 1).

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Consent Condition		Summary of Applicant's Request for modification	Council Response
81	Asset Management	Request change to condition 81 wording to <i>"The Developer is to construct at their own expense and Council is to inherit the Left Hand Deceleration Lane and the Sewer Gravity Main only. All other civil and infrastructure constructed by the Developer on the site, will remain the property of the Developer."</i>	Applicant's requested change to wording is <u>not supported</u> . A minor modification to condition 81 is <u>supported</u> , as detailed in draft conditions (Attachment 1) .
82	Certification of Internal Civil Works	Request change to condition 82 wording to <i>"On completion of each stage of the works, certification shall be provided to the Principle Certifying Authority confirming that all internal civil and infrastructure works have been completed in accordance with the relevant standards and guidelines."</i>	Applicant's requested change to wording is <u>not supported</u> . A minor modification to Condition 82 is <u>supported</u> , as detailed in draft conditions (Attachment 1) .
90	Sample Materials	Request change to condition 90 wording to <i>"Details of all external building materials and finishes, including any proposed colours shall be prepared by the architect and be generally in accordance with the Building Information Certificate (BC2018/0036) referenced units. No variations to the approved finishes are to be allowed without the approval of the site architect."</i>	Applicant's requested change to wording is <u>not supported</u> . Details of external building materials, finishes, and colours shall be submitted to the satisfaction of Council prior to issue of Construction Certificate, as stated in existing condition 90.
92	Section 94 Contributions	Request modification of condition 92 wording to <i>"Council acknowledges that the contributions levied in the respect of Section 94 of the EP&A Act have been paid. Payment to Council of contributions levied in accordance with the Voluntary Planning Agreement between Council and the Developer subject of this development consent are to be made in accordance with the approved staging plan and prior to the issue of a Construction Certificate for that stage."</i>	The applicant's request to amend condition 92 to state that the Stage 1 contributions have been paid is not to be included as part of a condition of consent, as it is an administrative matter.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Consent Condition		Summary of Applicant's Request for modification	Council Response
95	Compliance with Building Code of Australia	Request deletion of condition 95 as it is a repeat of condition 83.	The deletion of condition 95 is <u>supported</u> , and is removed from draft conditions (Attachment 1).

Proposed modifications to Dwelling Type 20

Proposed internal and external modifications to approved units, including changes to gable, roof forms, glazing, doors, and chimneys of Dwelling type 20, which is a repeated dwelling design in the approved 106 unit development, is considered a minor matter, and is therefore supported. The elevations of the proposed modifications to Dwelling Type 20 can be found at **Attachment 4**.

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**

There are no broader cultural implications associated with 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 2018–19: OP181 Assess and certify applications related to development.

COUNCIL BUDGET IMPLICATIONS

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



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

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

RELATED COUNCIL POLICY

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



OPTIONS

The options available to Council are:

Option 1

Approve the modification application in part as outlined in the report subject to the attached conditions of consent; or

Option 2

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

Option 1 is recommended.

CONCLUSION

S.4.55 modification application 03/0786.06 which seeks approval to modify the approved 106 Unit Self Care Retirement Complex, including internal and external modifications to approved units and modification of conditions of consent, is largely supported as detailed in this report and draft conditions of consent (**Attachment 1**).

It is recommended that s.4.55 modification application 03/0786.06 which seeks approval to modify the approved 106 Unit Self Care Retirement Complex, including internal and external modifications to approved units and modification of conditions of consent at Lot 2345 DP 1110446, being 133 Old Bowral Road Bowral, be partially supported subject to conditions as contained in **Attachment 1**.

ATTACHMENTS

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



ATTACHMENT 1 – DRAFT CONDITIONS OF MODIFIED CONSENT

ADMINISTRATION AND COMPLIANCE1. Planning Agreement - ADDED 14.5.2014

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, prior to the issuing of the first construction certificate for the development subject of this consent, modified by the Section 96 Modification LUA03/0786.01 for an additional 40 Units, the draft planning agreement the subject of the offer made by Old Bowral Real Estate Pty Ltd to the Council by letter dated 21 March 2014, must be entered into.

Compliance2. Compliance

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

3. Use not to Commence – Modified X February 2019

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

4. Qualifications and Responsibility for Documentation

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

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

5. Responsibility for Works

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

6. Developers Representative during Construction of Works

1.
A minimum of 48 hours prior to commencement of any construction works on site the Developer must nominate to Council in writing their representative

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



{Construction Supervisor} who will be responsible for all aspects of construction and site control, including Traffic Control, Sediment and Erosion Control and liaison with Council Officers and all other Authorities.

Details to be submitted include:-

- Name of Representative:
- Company:
- Position:
- Contact Ph:
- Contact Fax:
- After Hours Contact:
- Signature of Representative:
- Signature & Acceptance of representative by the Developer:
- Council requires that the nominated " Construction Supervisor" either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site the representative shall:-

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

The Applicant may be required to arrange for Council to peruse all other contract documentation PRIOR TO THE CONTRACTOR ARRIVING ON SITE TO COMMENCE WORK. (Schedule of Works, Specifications Bill of Quantity, traffic control plan and Soil and water management plan).

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

7. Hours of Construction Works

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

8. Workers Compensation & Public Liability

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

9. Management of Construction - ADDED 14.5.2014

A detailed Construction Management Report and Associated Plans is required to be SUBMITTED TO COUNCIL WITH ANY APPLICATION FOR A CONSTRUCTION CERTIFICATE. The required Construction Management Report and Associated Plans SHALL indicate the measures to be implemented to protect the environment as well as public health, safety and convenience. The report SHALL detail provisions for but not limited to:

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



- (i) An overview of the construction and how potential issues arising will be dealt with eg: Traffic Management issue being located in a busy corner site;
- (ii) Working hours clearly specified;
- (iii) Construction Programme clearly indicating timing of works at different phases of construction;
- (iv) Outline of the Construction Methodology;
- (v) Waste Management Plan addressing the waste managed both within the construction site and offsite;
- (vi) Off-street parking for employees, contractors and sub-contractors;
- (vii) Define locations of site access for construction vehicles and equipment purposes;
- (viii) Public safety in the use of roads and footpaths where development activities adjoin such facilities;
- (ix) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors;
- (x) Storage of ALL building materials and equipment wholly within the construction site;
- (xi) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads;
- (xii) External lighting and security alarms proposed for the construction site;
- (xiii) Fire fighting measures to be available on site during development and construction;
- (xiv) Sanitary amenities and ablutions proposed on site during development and construction;
- (xv) Ensuring the safety of members of the public and Council staff who may have on occasion to enter and be in attendance on the **site**;
- (xvi) Maintaining access to properties who share a common access with the site during construction.

10. Prior to Commencement of Work - ADDED 14.5.2014

(a) Fencing of Building Site

The building site shall be fenced in accordance with the submitted fencing proposal prior to any building works commencing on site.

11. Lighting

Intensity, period of intermittency and hours of illumination shall be varied if, in the opinion of the Council, injury is being caused to the amenity of the neighbourhood.

**13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions**



12. Advertising Signs

No signs are to be displayed on the public footway or any external pedestrian areas, to maintain the visual amenity of the locality and to ensure public safety.

13. Construction Certificate

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

14. Other Approvals

Prior to any work commencing, approval under Section 68 of the Local Government Act 1993 will need to be obtained for stormwater drainage, sanitary drainage and water plumbing.

15. Occupation Certificate – Modified X February 2019

Prior to the issue of an Occupation Certificate for any dwelling, an inspection by the Principal Certifying Authority shall be undertaken and the Principal Certifying Authority shall be satisfied that the conditions of Council's Development Consent No.03/0786 have been satisfied..

16. Compliance with Relevant Legislation

Compliance with the *Environmental Planning & Assessment Act 1979* and *Local Government Act 1993*. The Building Code of Australia, SAA Codes and adopted Local Policies shall be observed.

17. Ground Levels

Natural ground levels are not to be altered or adjusted other than shown on the approved plans without the prior consent of Council.

18. Protection of Council's Road Reserve. Kerb and Gutter and Footpath

The building 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 builder to Council's specification and supervision prior to occupation of the development.

19. Occupation Certificate

The building, or part of the building, shall not be occupied or used until such time as an Occupation Certificate has been issued in respect of it.

20. Building Location

All building work shall be constructed wholly within the boundaries of the property. The location of the boundary shall be verified by survey prior to construction commencing.

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



Land Title

21. Site Consolidation

The site being consolidated **BEFORE RELEASE OF ANY CONSTRUCTION CERTIFICATE** to ensure the use of the land as one allotment is legally recognised and to prevent separate dealings in the existing allotments after the use commences.

22. Management Statement

The creation of a "Positive Covenant" on the title to consolidated lot requiring that any proposed detention basin be maintained in a safe and functional manner. In addition, the Section 88B Instrument is to make provision for Council to conduct maintenance on the subject basin at the owner's expense if the basin is not maintained to the agreed standard. Details to be provided for the approval of the Director Environment and Planning **PRIOR TO RELEASE OF THE OCCUPATION CERTIFICATE.**

NOTE: A standard format is available from Council.

23. Detention Basin Alterations

The creation of a "Restriction as to User" on the title to consolidated lot to prevent any change in shape or alteration in structure of the proposed detention basin after the final approval of the structure has been given by Council. Details to be provided for the approval of the Director Environment and Planning **PRIOR TO RELEASE OF THE OCCUPATION CERTIFICATE.**

24. Dedication of Road Widening/Easements - -- Modified X February 2019

The creation or obtaining by the Applicant of the following drainage easements at the Applicant's expense **PRIOR TO OCCUPATION OF THE DEVELOPMENT:**

- (a) Deleted X February 2019
- (b) Stormwater drainage easements over lots downstream of the subject land in favour of proposed lots as necessary from Rail Infrastructure Corporation.

Protection of Council Assets

25. Property Services Within Lots - Modified X February 2019

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

26. Community Asset Bond

The Builder shall at no cost to Council enter into an agreement secured by cash or irrevocable bank guarantee for the sum of \$2000, to ensure that the community assets of Council are not damaged during construction. Should any community assets be damaged, Council would have the right to carry out the work by day labour or contract

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



and deduct the cost of work from the bond. The bond will then need to be renewed to the amount of \$2000.

27. Maintenance and Bond for Public Assets - ADDED 14.5.2014 – Modified X February 2019

The Developer shall at their own expense maintain all road, and other civil works constructed by them with respect to the development for a period of twelve (12) months after the date of the signing of the approval for occupation of the development. Prior to the issue of any Occupation Certificate the Developer shall lodge a cash bond with regard to maintenance of the public assets constructed in an amount equal to 5% of the total engineering works with a minimum bond value of \$1,000. The bond shall be assessed by Council for release after the twelve (12) month period on request by the Developer.

28. Storage Materials

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

29. Applicant Must Advise of Damage to Property

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

30. Vehicular Access Point

A suitable entry point is to be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's property is minimised during construction. The access point is to be surfaced with all weather materials of a minimum of 100mm in size.

31. Deleted X February 2019

GOVERNMENT AGENCIES

32. Department Infrastructure, Planning and Natural Resources (formerly DLWC)

The Department Infrastructure, Planning and Natural Resources has requested Council to include the following in any consent:

- (a) A vegetated riparian zone is to be established within the subject property for a horizontal distance of 5m measured at right angles to the flow of the stream and from the top of banks. The riparian zone is to consist of a diverse range of appropriate native plant species local to the area and is to be densely planted and fully structured (groundcovers, shrubs and trees). The riparian zone is to extend along the entire length of the property. Trees and shrubs are to be planted at a density of one plant per square metre and at a proportion of 1 tree to 3 shrubs. Groundcover species are to be planted at an average density of at least four plants per square metre in addition to the trees and shrubs. The riparian zone is to be free of any new development (including roads, services, retaining walls, impermeable fences etc).

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



- (b) A building setback of 10m measured at right angles to the flow of the stream and from the pond foreshore is to be maintained. At present the closest residence is 6m from the pond foreshore.

The General Terms of Approval form Annexure "1" to this consent.

33. Sydney Catchment Authority - MODIFIED 14.5.2014 and further modified X February 2019

General

1. The layout of the development, the staging and the location of units/buildings shall be as shown on the plan titled Site Plan Gibraltar Park Lot 2345 DP 1110446 Old Bowral Road Bowral (2013-0123 DA01-DA05, DA 06.1-DA06.3; dated May 2013) prepared by Campbell Luscombe Architects. Any revised layout or staging of the development that have the potential to affect water quality shall be agreed to by the Water NSW.

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

Stormwater Management

2. **As relevant to each stage of the development**, all stormwater treatment and management measures shall be implemented as specified in the Stormwater Management and Water Quality Treatment Report (dated 8 August 2013, Version 2) and Stormwater Drainage Management Plan (Project SY13.0117, Dwg. SK03.01; Reissue A; dated 8 August 2013) both prepared by ACOR Consultants Pty Ltd, except where varied by the following conditions.
3. Onsite detention (OSD) basins shall be constructed in both sub-catchments, as specified in Section 3 of the Stormwater Management and Water Quality Treatment Report (dated 8 August 2013 Version 2) prepared by ACOR Consultants Pty Ltd.
4. A hydraulically-sized gross pollutant trap (Rocla Cleans All 600 Unit or Water NSW approved equivalent) shall be installed in Catchment 2 so as to capture and treat all surface runoff from the site prior to discharge to the rainwater tank.
5. A rainwater collection and reuse system shall be installed to collect all runoff from impervious area Catchment 2 and shall incorporate the following specifications and requirements:
 - have rainwater tank(s) with a minimum total capacity of 522,000 litres above any volume require for mains top-up
 - roofs and gutters of the buildings designed such that all roof runoff is captured in the rainwater tank(s)
 - have a suitably filtered and sized stormwater reuse pump system
 - the tank(s) shall be plumbed to toilets and other areas of non-potable use, including landscape irrigation, and
 - all overflow from rainwater tanks shall be directed to the bioretention basin.
6. A bioretention basin shall be installed as shown on the Stormwater Drainage Management Plan (Project SY13.0117, Dwg. SK03.01; Reissue A; dated 8 August 2013) prepared by ACOR Consultants Pty Ltd, and shall incorporate the following requirements and specifications:
 - be consistent with *WSUD Engineering Procedures: Stormwater* (Melbourne Water) and *Adoption Guidelines for Stormwater Biofiltration Systems* (FAWB 2009)
 - a minimum surface and filter area of 300 square metres
 - a minimum filter media depth of 600mm
 - an extended detention depth of 300mm metres above the filter surface
 - a series of underdrains located at a minimum depth of 600mm

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



- a filter media consisting of clean sandy loam with a median particle diameter of 0.5mm, an orthophosphate content of less than 40mg/kg, and a total nitrogen content of less than 400mg/kg
 - a saturated zone below the underdrain with a minimum depth of 100mm that incorporates 10% by volume of hardwood chips
 - be designed such that underdrain discharge is directed past the OSD to the west
 - a 2-metre wide overflow weir with an armoured discharge point such that discharges to the onsite detention basin
 - be planted with appropriate moisture-tolerant deep-rooted vegetation (grass or turf is not suitable deep rooted vegetation)
 - a sign erected on it advising of its design and nature in stormwater quality management,
 - be accessible from road or driveway by machinery to facilitate cleaning, monitoring and maintenance of the structures
 - be permanently protected from vehicular damage by bollards, guard rails, high slotted kerbs or similar permanent structures and
 - the bioretention basin shall be protected by sediment and erosion control measures during any construction phase until the ground surface is stabilised or revegetated.
7. No variation to stormwater treatment and management shall be allowed without prior agreement from Water NSW.
8. **As relevant to each stage of the development**, ACOR Consultants Pty Ltd (or other Water NSW endorsed stormwater consultant or suitably qualified engineer) shall certify in writing to Water NSW and Council, **prior to issuance of any Occupation Certificate for that stage of the development**, that all stormwater management structures have been installed as per these conditions of consent and are in a fully functional state.

Reason for Conditions 2 to 8 – To ensure that the proposed stormwater quality management measures are appropriately designed, located and installed so as to ensure a sustainable neutral or beneficial impact on water quality over the longer term.

Access Road

9. The internal access road shall be constructed in accordance with Council's engineering standards.

Reason for Condition 9 – To ensure that the proposed access road and associated infrastructure will have a sustainable neutral or beneficial impact on water quality during the operational phase of the development.

Wastewater Management

10. There shall be no on-site wastewater management system on the site and all wastewater shall be connected to Council's sewerage system.

Reason for Condition 10 - To ensure that all wastewater generated is disposed of and treated via Council's sewerage system so as to ensure a sustainable neutral or beneficial effect on water quality over the longer term.



Operational Environmental Management Plan

11. An Operational Environmental Management Plan (OEMP) shall be prepared for **each stage** of the development that details the location and nature of all stormwater management structures, including the pits, pipes, gross pollution traps, bioretention basin, rainwater tanks, and on-site detention basins and specifies the detailed requirements and responsibilities for their inspection and maintenance. The OEMP shall be developed in consultation with Water NSW and Council **prior to the issuance of any Occupation Certificate** for each stage of the development.

All stormwater treatment devices shall be monitored, maintained and managed as per the Operational Environmental Management Plan.

Reason for Condition 11 – To ensure stormwater quality management measures are appropriately maintained so as to ensure a sustainable neutral or beneficial impact on water quality over the longer term.

Construction Activities

12. The Soil and Water Management Plan prepared by JMD Development Consultants (Ref: 13111E4; Sheets 2 & 3 of 24; Rev. A, dated 15/07/2015 and 10/07/2015) shall be updated by a person with knowledge and experience in the preparation of such plans for all works proposed or required as part of the development. The Plan shall meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual - the "Blue Book". The Plan shall be updated in consultation with Water NSW and Council and shall be submitted to Water NSW and Council within six weeks of any approval for modification LUA 03/0786.06 granted by Council.

13. A suitably qualified, certified professional shall oversee the implementation of the Soil and Water Management Plan for the development and shall certify in writing to Water NSW and Council that erosion and sediment controls have been installed and maintained at the site in accordance with Condition 12 above for **each stage of the development**. The controls shall prevent sediment or polluted water leaving the site or entering any stormwater drain or natural drainage system. The controls shall be regularly maintained and retained until works have been completed and ground surface stabilised or groundcover re-established.

Reason for Conditions 12 & 13 – To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

34. NSW Rural Fire Service - MODIFIED 14.5.2014

Asset Protection Zones

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

- (i) At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within Appendices 2 and 5 of the 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Services document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to minimise the risk of bush fire attack and provide

**13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions**



protection for emergency services personnel, residents and other assisting fire fighting activities. To achieve this, the following conditions shall apply:

- (ii) The provision of water, electricity and gas supplies shall comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire 2006'.

The intent of measures for internal roads is to provide safe operations access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- (iii) Internal roads shall comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

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

- (iv) A Bush Fire Emergency Evacuation Plan shall be prepared and shall comply with the NSW Rural Fire Service document 'Guide for Developing a Bush Fire Emergency Evacuation Plan'.

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:

- (v) The existing dwelling to be retained shall be upgrade to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.
- (vi) All proposed units within 100 metres of the site boundaries shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping

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

35. Roads & Traffic Authority

- (a) the Roads & Traffic Authority considers that the recommendations made in the applicants Traffic Report (prepared by Transport & Traffic Planning Association) are acceptable and that the proposed improvements to the southern junction of Old Bowral Road and Bowral Road be included as part of the conditions of consent should the application be approved. The design of the proposed improvements will however, need to be approved by the Roads & Traffic Authority prior to construction.
- (b) The Roads & Traffic Authority recommends that the proposed access point onto

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



Old Bowral Road be upgraded to a minimum 'BAL' 'BAR' treatment to safely cater for traffic entering and leaving the facility.

36. Rail Estate – Modified x February 2019

The stormwater requirements of the Rail Estate form Annexure 2 of this consent.

SUPPORT SERVICES & FACILITIES SEPP NO 5 AS REQUIRED BY CLAUSES 12 & 13 OF SEPP NO 5. - MODIFIED 14.5.2014 and further modified X February 2019

37. The development of this project shall provide all relevant support services and facilities as stipulated under Part 2 Clause 12 of SEPP No 5. – Modified X February 2019

(i) To ensure that all residents of the *Development have access to support and facilities, the following shall form part of the Development:*

- Lounge Rooms
- Function Room
- Office Facilities
- Professional Consulting Rooms
- Medical Monitoring
- Indoor Heated Pool
- Community Bus
- Men's Shed

(ii) The following defined management responsibilities shall be incorporated as either an article of association / covenant upon title or by laws associated with possible Strata subdivision. Responsibility and controls shall include:-

- Collection of garbage and waste storage. Residents will not be able to place individual bins on the kerb side for collection.
- No onsite incineration of waste.
- Provision of internal security lighting and lighting shall be adequate for pedestrian safety.
- Maintenance of common or utility facilities and amenities.
- Speed restrictions within the development.
- Internal property identification.
- Location of clothes lines, both private and those belonging to the development.
- Erection of additional structures for the garden cottages ie pergolas.
- A courtesy car, mini-bus or other vehicle including Berrima Buslines Service as required by Clause 12 (1) of SEPP No 5 shall be made available to the residents.

(iii) The property owner/management will be required to enter into an agreement:-

- (a) Indemnifying Council from any liability for damages incurred on and within the property having regard to the part that Council's vehicles and personnel would be required as a result of such an agreement to enter upon the property.

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



(b) Providing access with and to the property for the collection of services.

(c) Acceptance of all charges incurred in providing a service.

(iv) The operator shall assist in making arrangements for suitable nursing home accommodation off-site as and when required.

(v) Title Restrictions and Contractual Commitments

- Prior to occupation of any stage of the development, proof of registration of restriction on title to provide the facilities referred to and support services required under SEPP (Housing for Seniors or People with a Disability) 2004.
- Occupation of the development shall be restricted to "Older People or People with a Disability" who are defined as

"older people" means people aged 55 years or over

"people with a disability" means people of any age who, as a result of having an intellectual, physical, psychiatric or sensory impairment, either permanently or for an extended period, have substantially limited opportunities to enjoy a full and active life.

- Domiciliary assistance such as meals, laundry and home help shall be available to all residents as and when required. Details are to be provided by letter at Stage 1 to demonstrate this.
- Arrangements satisfactory to Council shall be made for the provision of medical and home nursing services to residents as and when required. A consulting room shall be provided within the Administration and Community Centre for use by medical practitioners, allied health services and the like.
- All self-care units shall be equipped with an emergency communication device connected to a 24 hour external provider.
- A suitably experienced administrator shall be responsible for the full time co-ordination of the village to develop community access programs as necessary for the residents. Other suitably experienced staff shall be engaged for extended or after hours assistance.
- The proposed development is to comply with Clause 13 of SEPP No 5, regarding provisions of wheelchair access to self-contained units, and resident facilities within Gibraltar House.

NOTE: Depending on the form of title for each unit Council would also accept the above being incorporated into "By-Laws" should the site be Strata subdivided.

LAND AFFECTATION

Geotechnical

38. Geotechnical Risk Assessment Report Compliance- MODIFIED 14.5.2014

The implementation of the recommendations of the Geotechnical Risk



Assessment Report shall be updated to reflect the modified development, and a copy to be provided to Council prior to the commencement of construction, and carried out to the satisfaction of the Council's Building Surveyor and/or Development Control Engineer.

GEOTECHNICAL RISK ASSESSMENT REPORT:

Report Reference: R/03-060.A
Prepared By: Davies Geotechnical Pty Ltd
Date of Report: 4 August 2003

39. Geotechnical Engineer Supervision of Dam Works

Where land filling of dams and depressions is to occur filling shall be supervised by a Council approved Geotechnical Engineer.

40. Site Classification

The developer's geotechnical engineer is required to provide a site classification in accordance with the current version of AS2870.

41. Placement of Fill on the Development Site

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

ENVIRONMENTAL MANAGEMENT

Sediment and Erosion Control

42. Erosion and Sediment Control Plan Approval

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

43. Erosion and Sediment Control Plan Inclusions

The Erosion and Sediment Control Plan shall include scaled drawings and detailed specifications which can be readily understood and applied on-site by supervisory staff. Items to be shown on the Plan shall include:

- (a) Locality of the site, a north point and scale.
- (b) Existing contours of the site including catchment area boundaries and indications of direction of fall.
- (c) Location of and basic description of existing vegetation.
- (d) Diversion of uncontaminated up-slope run-off around the disturbed sites.
- (e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.



- (f) Nature and extent of earthworks, including cut and fill roadworks.
- (g) Location of all soil and material stockpiles.
- (h) Location of site access, proposed roads and other impervious areas.
- (i) Potential for the development of acid sulphate soil.
- (j) Existing and proposed drainage patterns.
- (k) Location and type of proposed erosion and sediment control measures.
- (l) Site rehabilitation proposals, including final contours.
- (m) Time of placement of sediment controls.
- (n) Staging of works and how the plan is to be implemented for each stage or activity on site.
- (o) Maintenance schedule.

44. Erosion and Sediment Control Plan Compliance

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

In the event of non-compliance with the approved plan, Council Officers have the ability to issue Penalty Notices, being an on the spot fine.

Landscaping and Vegetation

45. Burning of Vegetation

Any trees removed with Council consent and any other vegetation cleared in association with this development shall not be burnt except in accordance with an approval issued by Council under Clause 9(2) of the *Protection of the Environment (Control of Burning) Regulation 2000*. Council encourages the mulching of cleared vegetation.

46. Large Development Landscaping- MODIFIED 14.5.2014 and further modified X February 2019

A detailed landscape plan shall be submitted for Council approval prior to the commencement of works for each stage. The plan shall identify species to be planted and those to be retained or relocated on site. The landscape plan shall also be consistent with the requirements of the Rural Fire Service.

Perimeter landscaping shall be established at the site to coincide with the completion of Stage 1.

Reason: To provide a degree of amenity for neighbours during construction.

Approved landscaping is to be maintained at all times to the satisfaction of the

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



Director Environment and Planning. Detailed landscaping plans to indicate the proposed species to be used, height and spread at maturity, and a specification for soil preparation, drainage, weed control, watering, fertilising and general maintenance during establishment.

47. Deleted X February 2019

Air/Noise/Water Pollution Controls

48. Dust Suppression

The Applicant shall use (water cart, vegetation etc) to control dust from the site when ever conditions are favourable to dust formation.

49. Noise Pollution

The premises being used and operated without excessive noise {namely noise sufficient to provoke justifiable public complaint, having regard to the provisions of the *Protection of the Environment Operations Act 1997*) or other nuisance/pollution, to maintain the amenity of the locality.

50. Burning of BuildersWaste

The burning of builder's waste on site is prohibited. {Clause 73 *Control of Burning Regulations 2000.*}

Waste Management

51. Recycling

A regular recycling collection service shall be arranged and carried out in conjunction with normal garbage collection to the satisfaction of the Director Environment and Planning;

52. Waste Management Plan

Section 2 of Council's standard Waste Management Plan is to be completed in accordance with Development Control Plan 49 to the satisfaction of Council's Director Environment and Planning, **prior to the issue of the Construction Certificate for the development.**

CIVIL ENGINEERING WORKS AND SERVICES

53. Provision of Works andServices – Modified X February 2019

The provision, by the Applicant, at their expense, of the following works and services to be documented and constructed in accordance with Council's Engineering Standards/Specifications and Planning Guidelines, to the satisfaction of the Development Control Engineer. **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE** the Developer must obtain approval for the works to be undertaken by submitting adequate documentation including plans, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council's standards and all other relevant Codes and guidelines.

54. Water and Sewer Authority Conditions - MODIFIED 23 January 2018

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



Prior to issue of a Construction Certificate, the Applicant must obtain approval from Council (as the Water Supply Authority and/or as required under Section 68 of the *Local Government Act*) for sewer lead out infrastructure. The Section 68 Consent will provide approval for only the sewer lead out works that have not been constructed as at 11/12/2017. All other sewer lead out works constructed prior to this date will require certification from a suitably qualified engineer that they have been constructed in accordance with Wingecarribee Shire Council's Construction Specification and Water Services Australia Sewerage Code. The developer shall submit adequate documentation including plans, calculations and specifications which justify that the required works are in accordance with all Council's standards and all other relevant codes and guidelines.

55. Modified X February 2019

Council requests the applicant seek to undertake the re-use of water on this site by measures such as roof stormwater collection for use in toilets, washing machines and watering of landscaping. A 'Water Cycle' Plan of Management is to be prepared and submitted for approval by Council's Development Engineer for approval prior to release of any construction certificate.

Stormwater Drainage

56. Construction of Stormwater/Water Re-use

- Provision of adequate stormwater drainage infrastructure (pits/pipes/open channels/detention storage) for the conveyance of stormwater passing through the site from upstream, and sourced from the development to a discharge outlet to be approved by the Development Control Engineer. The point of discharge is to be clearly depicted and the legal right to discharge at that point to be justified. Status of the point of discharge is to be made clear, ie provision of drainage easements.
- For water conservation and quality control, a 4,500 litre storage tank is to be provided for each unit. The tank is to be designed to capture and retain runoff from roof areas after which runoff by passes the tank and reverts to the main property drainage system. The collected rainwater is to be used for garden irrigation and internal toilet flushing. Design drawings are to be prepared in accordance with AS 3500.3.2. - 1998 and "*Interim Guidelines for the Installation of Rainwater Tank Systems in Urban Areas where a Reticulated Potable Water Supply is Installed*" dated 11 June 2002 produced by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW and by a suitable and experienced hydraulic/stormwater engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

57. Roof/Impervious/Stormwater

All stormwater runoff from the development shall be collected within the property and discharged in a manner approved by the Development Control Engineer and/or Council's Building Surveyor.

5B. Control of Peak Discharge - MODIFIED 14.5.2014

Updated adequate and suitable infrastructure is to be provided to ensure the peak discharge from the site is no greater than the pre-developed peak discharge. This infrastructure shall be designed for the 1:10 year ARI design storm and Council's

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



Development Control Plan No 41. Any stormwater temporarily stored on site shall be done in a manner that does not jeopardise public safety. In this regard the Applicant shall provide a risk assessment with the Construction Certificate Application.

59. Control of Water Quality

Provision of adequate infrastructure (gross pollutant traps / trash racks / water quality ponds) is to be provided to guarantee satisfactory discharge quality from the site.

60. Existing Drainage Augmentation

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

61. Detention Systems

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

62. Infrastructure Maintenance Considerations

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

Parking, Loading, Access and Roadworks

63. Driveways and Parking - MODIFIED 14.5.2014

Internal driveways, turning areas and at least 16 visitor/staff vehicular parking spaces are to be constructed with an all-weather surface of asphaltic concrete or reinforced concrete.

The parking spaces are to be line marked. These spaces will also be available for staff and are to be centred around Gibraltar House. No parking is permitted on Old Bowral Road.

Notes:

- (a) Construction of a minor roundabout at the intersection of the main access road and proposed additional driveway; and
- (b) Provision of concrete blisters and signage at the junction of the main access way and the side internal road near the main access point to ban left turn movement into the side internal road.

64. Construction of Road Pavement, Shoulder and Entrance - MODIFIED 14.5.2014

All road pavement and shoulder construction is to be in accordance with Development Control Plan No 41 and to the satisfaction of the Director Technical Services and Director Environment and Planning.

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



- (a) Construction of road pavement and shoulder surfaced with asphaltic concrete in Old Bowral Road on the frontage to the development as required for any turning lanes to the entrance / exit.

NOTE: Construction details (ie: cross sections and pavement thickness and make up) for the road widening works in Old Bowral Road are to be provided and approved by Council prior to the issue of the updated Construction Certificate.

- (b) Construction of a left turn deceleration lane at the access to the development in Old Bowral Road.
- (c) Upgrading the slope stability of the road embankment in Old Bowral Road on the frontage to the development.
- (d) Construction at the entrance to preclude right hand turns out of the site.

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

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

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

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

Note:

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.

66. Traffic Control Plan

A minimum of seven (7) days prior to the commencement of work, the developer shall submit to Council a Certified Traffic Management Plan for each activity of work in accordance with the current version of Roads and Traffic Authority document "*Traffic Control at Work Sites*". This plan must include each construction activity that involves works on or adjacent to public land. If the work site alters, further plans are to be submitted to Council. A copy of the plan(s) is to be kept on site at all times.



Sewer Mains

67. Construction of Sewer Mains -- MODIFIED 23 January 2018

Construction of sewer mains from the existing main in Lyell Street, along Old Bowral Road to the frontage of the site.

68. Construction of Private Rising Main – modified X February 2019

Construction of private rising main from the private pumping station to the (new) discharge manhole in Old Bowral Road fronting the site
A high level vent will be required at the end of the rising main connecting to the discharge manhole in Old Bowral Road.
The Sewer Rising main will not be inherited by Council.

69. Construction of Sewage Pumping Station– modified X February 2019

Sewage Pumping Station to serve the development with an all weather vehicle access for maintenance.

The sewage pumping station and rising main will **not** be inherited by Council.

The design of the pump station and rising main should comply with conditions of this consent, Council's Development Control Plan and relevant Australian standards.

The applicant will need to obtain an approval to operate (in addition to an approval to construct) the sewerage system under Section 68 of the *Local Government Act*. Council advises that should a discharge to the environment occur, the Managing Committee may be liable for prosecution and/or issue of fines.

70. Deleted X February 2019

71. Deleted X February 2019

72. Commissioning of Sewage Pump Station– modified X February 2019

Prior to commissioning pump station the following items are to be provided:

- (a) Sign permanently fixed to pump station indicating that:

1. *"This is Not Council Property.*
2. *In an emergency Contact your own Plumber.*
3. *Contact Details:*"

- (b) Sign permanently fixed to pump station indicating that it is a:

" Confined Space, Entry by Permit only."

- (c) Copy of owners operating and maintenance manual to be provided to Council and to the applicant.

- (d) Pressure Test results certifying satisfactory performance of rising main.

- (e) Certification from the applicant's supervising engineer that installation of sewer pump station complies with the design requirements in regard to

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



foundations, backfilling and separation to other structures and pipe work.

- (f) Certification from professionally qualified personnel regarding other aspects of the work as considered necessary.
- (g) Deleted X February 2019

73. Occupation Certificate– modified X February 2019

Prior to issue of an occupation certificate the following is required:

- Pump Station is to be commissioned
- A copy of the full system maintenance schedule and manual is to be provided to Council.
- A performance bond of 5% of the cost of the works or \$10,000 whichever is the greater is to be lodged with Council The performance bond will be held for the pump station and rising main as well as the gravity main in Old Bowral Road and Lyell Street which Council will inherit.

74. Operation, Maintenance Schedule and Emergency Response Plan

The applicant will be required to provide an operation, maintenance and emergency response plan for each aspect of the sewerage system owned by the development. The plans are to be prepared by an appropriately qualified consultant and include but not be limited to the following details:

Details of the contract Plumber responsible for general maintenance and available 24 hours a day in case of emergencies are to be included in a prominent position.

75. Annual Return

Prior to the 3rd October each year, the Managing Body is to submit an Annual Return to Council. The Annual Return is to cover the period from the 1st October the previous year to the 30th September in the reporting year. It will be in a format acceptable to Council and include, but not be limited to, the following information:

- Details of contracted Plumber.
- Dates as to when each item listed in the regular maintenance schedule was completed.
- Details of any incidents or emergencies in relation to the operation of the pump station and rising main.
- Details of measures taken to reduce the likelihood and impact of re-occurrence of any incident or emergency.
- Records of daily flow for each pump in the pump station.

In conjunction with the Annual Return Council may carry out an inspection of the pumping station. Such inspections will incur a fee as listed in Council's Revenue Policy for on-site sewerage management inspection fee (currently \$72).

(Note the dates for the reporting period and submission of Annual Return shall be confirmed in any approval to operate issued under Section 68 of the *Local Government Act*.)

Water Mains Supply

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



76. Construction of Water Service

Water service installation to serve the development. Application form to be completed and appropriate fee paid. Note the applicant will be charged actual cost for any connections to the water main in Old Bowral Road and not standard connection fees listed in Council's Revenue Policy.

General

77. Integral Energy Requirements

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

78. Telstra/ AGL - Where Applicable

The Applicant is to contact Telstra / AGL to ascertain the requirements of the organisations for the development. The objective of this condition is to minimise the cost of providing such a service at the construction stage. Written advice is to be submitted to Council **PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE/ SUBDIVISION CERTIFICATE.**

79. Works as Executed Plans – modified X February 2019

Following completion of any Public Assets, one full set of work- as-executed drawings shall be submitted to and retained by Council. All work-as-executed drawings shall include details of any below ground infrastructure and levels. Any deviations from the approved engineering plans shall be shown on the work-as- executed drawings. Each sheet of the drawings shall carry the certification of the Developer's supervising engineer.

80. Relocation of Existing Services

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

81. Asset Management – modified X February 2019

The Applicant is to provide a detailed summary of the Assets that will fall into Council's care and control at the end of the maintenance period. The details are to be provided in a tabular form so as to allow Council to update its Assets register. The assets to be identified include:

- Roadways length and width and type of surface
- Sewer

82. Certification of Internal Civil Works– modified X February 2019

On completion of each stage of the works and prior to the issue of Occupation, Certificate for that particular stage, certification shall be provided to the Principal Certifying authority and Council confirming that all internal civil and infrastructure



works have been completed in accordance with the approved plans and specifications.

BUILDINGS - Prescribed Conditions

83. Compliance with Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

84. Excavations and Backfilling

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

85. Retaining Walls and Drainage

If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) adequate provision must be made for drainage.

86. Support for Neighbouring Buildings

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

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

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

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

87. Protection of Public Places

A If the work involved in the erection or demolition of a building:

- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



(b) building involves the enclosure of a public place

a hoarding or fence must be erected between the work site and the public place.

- B. If necessary, an awning is to be erected, sufficient to prevent any substance from, in or in connection with, the work falling into the public place.
- C. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- D. Any such hoarding, fence or awning is to be removed when the work has been completed.

88. Signs to be Erected on Building and Demolition Sites

- A. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited, and
 - (b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- B. Any such sign is to be removed when the work has been completed.
- C. This clause does not apply to:
 - (a) building work carried out inside an existing building, or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

89. Toilet Facilities

Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Design and Components

90. Sample Materials

Details of all samples of all new external building materials and finishes, including their proposed colours, to be submitted to the satisfaction of Council prior to issue of Construction Certificate.

The Construction Certificate documentation will be provided re-assessing elevational treatments, materials and finishes to avoid total duplication Council requires the applicant to develop variations to give a themed development; to be generally in accordance with but not limited to the approved building envelope. Details of any changes shall be submitted to Council for approval prior to the release of the Construction Certificate.

The development shall be completed in accordance with the Council approved detail for all external claddings and finishes.

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



91. Energy Efficient Housing

Development shall take place in accordance with the requirements of Development Control Plan No 39. In this regard, plans and specifications showing compliance with the Development Control Plan shall be submitted to the Consent Authority/ Accredited Certifier prior to release of the Construction Certificate. All work shall be completed prior to occupation of the building.

CONTRIBUTIONS & DEDICATIONS

92. Section 94 Contributions

Payment to Council of contributions levied in respect of Sec 94 of the E P & A Act subject of this development consent to be made **PRIOR TO THE ENDORSEMENT AND RELEASE OF THE CONSTRUCTION CERTIFICATE**, or as elsewhere specified.

NOTE: This clause does not override the provisions of the condition relating to supervisory charges and those connected with engineering works listed elsewhere on this consent. This clause has been applied in accordance with Council's adopted policy.

93. Compliance Certificate - MODIFIED 9.5.2014

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 just be obtained prior to the issue of **Occupation** Certificate for each Stage of the development.

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

Water \$90.00 + Sewer \$90.00 + Stormwater \$90.00 = \$270.00

Prior to the final release, you will need to contact Council's Environmental Assessment Branch for an inspection to ensure that Council will accept the infrastructure constructed. In response, the Development Engineer of Water and Sewer will specify requirements which will have to met.

In the case of this development, the Construction Certificate will not be issued until the Water Management Act charges have been paid and/or secured and the approval of Council has been obtained.

94. POPE Requirements - DELETED 3.11.2014

95. Deleted X February 2019

96. Disabled Persons Access and Facilities

- (a) Detailed working drawings for the fitout to the disabled persons facilities shall be submitted with the construction certificate application. (Details shall be in accordance with AS 1428.1 Design for Access and Mobility).
- (b) No work is to commence on disabled persons access routes until details of the routes are submitted to and approved by the Principal Certifying Authority. The details shall include a site plan clearly identifying the proposed route for

**13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions**



access by disabled persons. It is noted that access from the allotment boundary, carpark and any other building on the allotment which access for people with disabilities is required, to the entrance of the subject building. Access shall be in accordance with AS 1428.1 Design for Access and Mobility.

- (c) Access for people with disabilities must be provided to and within buildings as set out in Table D3.2 of the Building Code of Australia by means of a continuous path of travel in accordance with AS1428.1:-
- (i) from the allotment boundary at the main points of entry; and
 - (ii) from any carparking space on the allotment (whether within or outside the building) provided in accordance with D3.5; and
 - (iii) from any adjacent and associated accessible building on the allotment; and
 - (iv) through the principal public entrance.

(d) Identification of Accessible Facilities, Services and Features

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

(e) Tactile Indicators

- (a) For a building required to be accessible, tactile ground surface indicators must be provided to warn people with a vision impairment that they are approaching any area as specified in Clause D3.8 of the Building Code of Australia.
- (b) Tactile ground surface indicators required by (a) must be Type B indicators in accordance with AS1428.4.
- (c) A hostel for the aged, nursing home for the aged or a residential aged care building, need not comply with (a) (i) of D3.8 of the Building Code of Australia if handrails incorporating a raised dome button in accordance with AS1428.1 are provided to warn people with impaired vision that they are approaching a stairway or ramp.

(f) Disabled Sanitary Facility

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

(g) **Advisory Note**

- (i) The Applicants/property owner should note that the Commonwealth Disability Discrimination Act 1992 provides opportunity for public complaint potentially leading to legal action if access to premises by people with disabilities or their carers is precluded. This may require action to provide or improve access in addition to the

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



minimum requirements of the Building Code of Australia, particularly if such work would not cause "unjustifiable hardship" for the proprietors or owners.

- (ii) The Human Rights and Equal Opportunity Commission can provide further information on this issue).

97. Disabled Carparking

Carparking spaces shall be provided at the rate of not less than one disabled carparking space for each 100/50 spaces or part thereof in a carpark required to be *accessible*, and a carparking area on the same allotment as a building required to be accessible. The spaces are not required to be signposted where there is a total of not more than 5 carparking spaces, so as to restrict the use of the carparking space only for people with disabilities.

The spaces shall comply with the requirements for parking in the current version of AS 2890.1 for people with disabilities.

98. Early Fire Hazard Indices

Any material used in the building shall comply with the requirements for the "flammability" index, "smoke developed" and "spread of flame" index required by Clause C1.10 and Specification C1.10 of the Building Code of Australia. Details for each material shall be submitted to the Principal Certifying Authority for approval before occupation of the building.

99. Fire Hose Reels

- (a) Except for classrooms and associated corridors in a primary or secondary school, a fire hose reel system must be provided:
- (i) to serve the whole building where one or more internal hydrants are installed; or
 - (ii) where internal fire hydrants are not installed, to serve any fire compartment with a floor area greater than 500m², and for the purposes of this clause, a sole occupancy unit in a Class 2 or 3 building or a Class 4 part is considered to be a fire compartment.
- (b) The fire hose reel system must:
- (i) have fire hose reels installed in accordance with AS2441; and
 - (ii) provide fire hose reels to serve only the storey at which they are located, except a sole occupancy unit:

100. Emergency Lighting/Exit Signs

- (a) Emergency lighting must comply with AS 2293.1.

101. Access to Fire Protection Equipment

Access to fire protection equipment is not to be impeded in any way.



102. Noise Levels from Premises - MODIFIED 3.11.2014

(i) When measured at the boundaries of the nearest affected premises, noise levels are not to exceed 5dB(A) above background level noise from 6.00 pm to midnight. When measured from the same position, the noise level is not to exceed the background level from 12 midnight to 6.00 pm.

(ii) Community Centre - MODIFIED 3.11.2014

The Community Centre will be used predominantly by residents and their guest only. The Community Centre will provide village administration, residents lounge and dining facilities, snooker room, library and internet.

103. Demolition Approval

The fibre cottage shall only be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales and Council's Water and Sewer Asset Protection, including:-

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

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

(g) Sewer Assets Temporary Disconnection or Closure

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

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

The site sanitary drainage is to be temporarily disconnected or closed off by a

13.1 DA 03/0786.06 - s.4.55 modification to approved 106 Unit Self
Care Retirement Complex - 133 Old Bowral Road, Bowral
ATTACHMENT 1 Draft Conditions



suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be disconnected by Council to prevent ingress of contaminants into Council's sewer mains. This work shall be sited and approved by Council's Water and Sewer Asset Inspector before demolition works can commence.

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

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

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

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

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

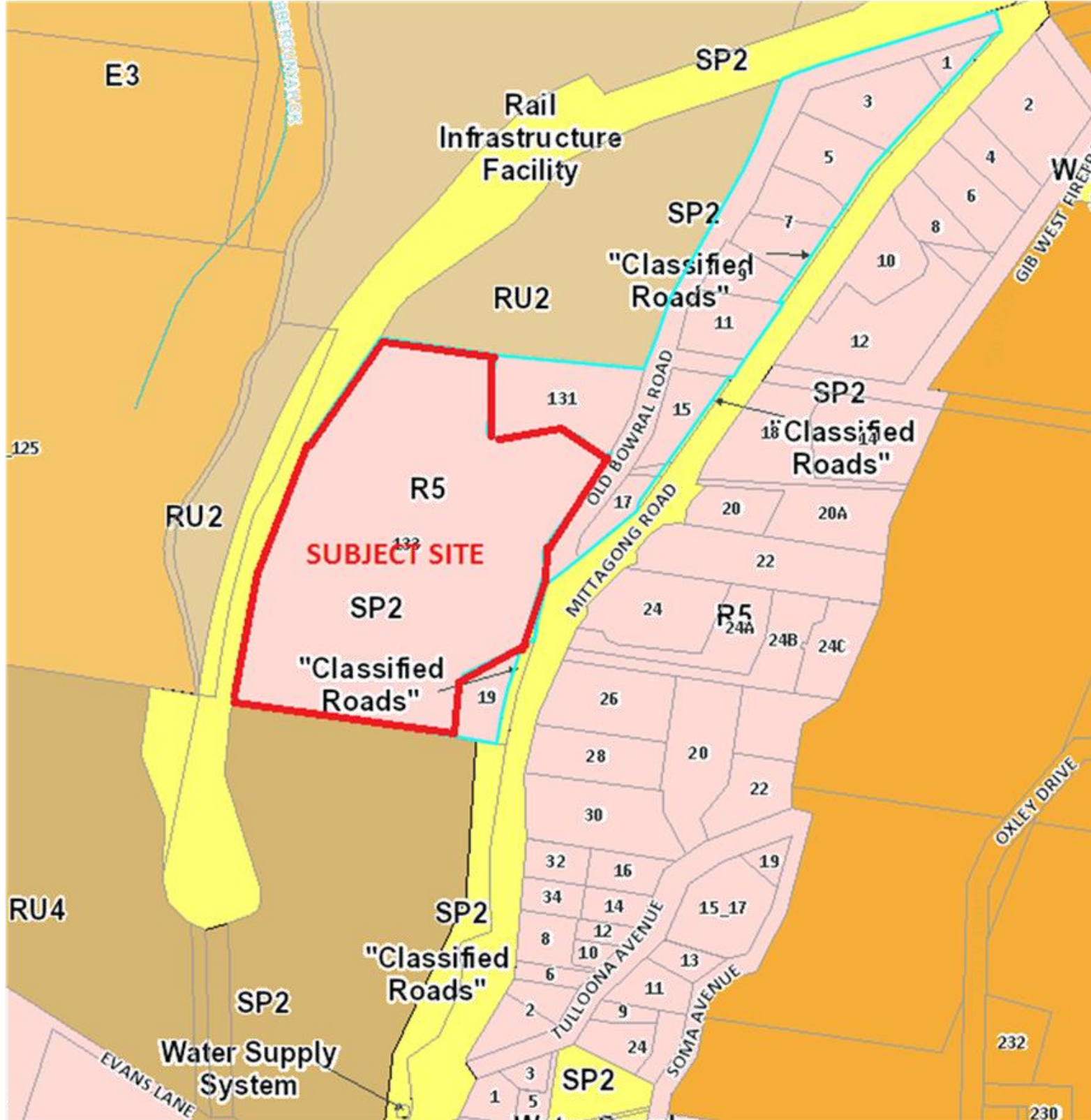
The disposal of refuse is to be to approved locations . Council will require documentary proof of destination for hazardous materials such as asbestos and contaminated soils and may request evidence on disposal of other demolition materials - refer approved Waste Management Plan

END OF CONDITIONS



ATTACHMENT 2

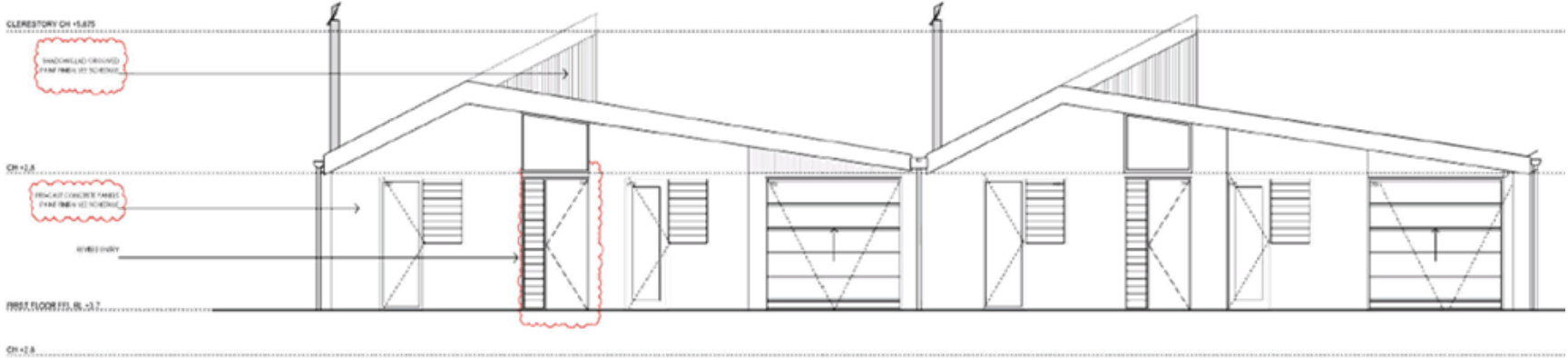
ZONING





ATTACHMENT 3

ELEVATION PLANS



ELEVATION: VISTA ENTRY
1:100



ATTACHMENT 4



13.2 Fire Safety Report - 3-7 Frankland Street Mittagong

Reference:	PN 1773790
Report Author:	Senior Accredited Certifier
Authoriser:	Accredited Certifier
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of the report is for Council to note the Inspection Report of Fire and Rescue NSW (FRNSW) and the compliance action taken by Council in relation to 3-7 Frankland Street Mittagong (former Mittagong Mushroom Farm), File Ref. No. BFS18/3715, dated 23 January 2019 – **(ATTACHMENT 1)**.

Pursuant to the provisions of Schedule 5, Part 8, Section 17(2) of the *Environmental Planning & Assessment Act 1979*, Council must table any report and recommendations received from FRNSW at a meeting of the Council.

RECOMMENDATION

1. **THAT Council notes the Inspection Report and recommendations of FRNSW dated 23 January 2019, File Ref. No. BFS18/3715, 3-7 Frankland Street Mittagong.**
2. **THAT Council notes the compliance action taken to date by Council in relation to the Inspection Report and recommendations received from FRNSW.**

REPORT

BACKGROUND

FRNSW responded to an unattended fire at the subject premises and as a result forwarded concerns regarding fire safety to the Fire Safety Compliance Unit of FRNSW dated 17 December 2018.

On 19 December 2018, pursuant to the provisions of Section 9.23 (1) of the *Environmental Planning & Assessment Act, 1979* Officers from the Fire Safety Compliance Unit of FRNSW in conjunction with Council's Development Compliance Officer and Senior Accredited Certifier conducted an inspection of the premises.

REPORT

FRNSW Inspection Report dated 23 January 2019 identifies numerous deficiencies and recommendations regarding the lack of essential fire safety measures at the premises (**ATTACHMENT 1**) and recommended that Council inspect and address item No. 1 through to item No. 4 of the report.

Based on the findings of FRNSW and Council's joint inspection of the building it was considered that the provisions for fire safety within the building are not adequate to prevent fire, suppress fire and ensure the safety of persons in the event of fire. The building is therefore considered to be unfit for occupation.

Council's records indicate that the structures on the property were previously used as a mushroom farm and that no other development approvals have been issued. Council's investigation indicates that several units are being individually leased to a variety of people and are being used for a number of different unapproved uses including metal fabrication, furniture making and storage.

As a regulatory authority Council has powers pursuant to Section 9.34 of the EPA Act to enforce building compliance and fire safety. Council has a duty of care to consider the safety of occupants of buildings within the Wingecarribee Shire boundaries and determine when to exercise its regulatory powers.

Given the extent of the fire safety issues identified by FRNSW and the timeframe that is required to implement the upgrades it was considered that the occupant safety concerns would be expeditiously addressed by removing all occupants from the building via a Direction to cease the use of the premises.

In this regard Council's Compliance Officer issued the owner of the premises a direction to cease the use for any purpose that is not approved within a period of fourteen days from 4 January 2019 (**ATTACHMENT 2**).

On 8 January 2019 the owner of the premises lodged a Complying Development Certificate (CDC 19/1035) seeking approval for the demolition of all buildings on the site. The application was determined as approved on 23 January 2019 (**ATTACHMENT 3**).

The premises were re-inspected by Council's Compliance Officer on 12 February 2019 which confirmed that the unapproved use of the premises had not ceased in accordance with Council's Direction.

The owner has given Council an undertaking that all premises will be vacated by 22 February 2019 and has further advised that they are currently in the process of obtaining quotes for the demolition of the building and will advise Council of proposed commencement and completion dates for these works.

Council's Development Compliance Officer will conduct a further inspection preceding the 22 February 2019 and will immediately refer to Council's General Counsel for prosecution should the terms of Council's Direction dated 4 January 2019 not be complied with. Once the building has been demolished it is considered that the concerns of FRNSW will have been addressed.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

None identified.

CONSULTATION

Community Engagement

Nil

Internal Consultation

Group Manager Planning, Development and Regulatory Services

Acting Coordinator Certification and Compliance

Development Compliance Officer

Senior Accredited Certifier

External Consultation

Fire and Rescue New South Wales (FRNSW)

SUSTAINABILITY ASSESSMENT

• **Environment**

There are no environmental issues in relation to this report.

• **Social**

The installation and maintenance of essential fire safety measures provides an increased level of safety for the occupants of buildings in accordance with the requirements of the *Environmental Planning and Assessment Regulation*.

• **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

None identified.

RELATED COUNCIL POLICY

Nil

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT GROUP MANAGER PLANNING, DEVELOPMENT AND REGULATORY SERVICES



OPTIONS

The only option available to Council is:

1. **THAT Council notes the Inspection Report and recommendations of FRNSW dated 23 January 2019, File Ref. No. BFS18/3715, 3-7 Frankland Street Mittagong.**
2. **THAT Council notes the compliance action taken to date by Council in relation to the Inspection Report and recommendations received from FRNSW.**

CONCLUSION

The removal of all occupants and the subsequent demolition of the buildings is considered to address the identified fire safety concerns raised by FRNSW.

ATTACHMENTS

1. Attachment 1 - FRNSW Inspection Report
2. Attachment 2 - Directions to Cease Use
3. Attachment 3 - 19/1035 CDC Consent for Demolition



Unclassified

ATTACHMENT 1



File Ref. No: BFS18/3715 (5823)
TRIM Ref. No: D18/92554
Contact: Station Officer Paul Scott

23 January 2019

General Manager
Wingecarribee Shire Council
Civic Centre, Elizabeth Street
MOSS VALE NSW 2577

E-Mail: information.management@wsc.nsw.gov.au

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT
MITTAGONG MUSHROOM FARM
5 FRANKLAND STREET MITTAGONG ("the premises")**

Fire & Rescue NSW (FRNSW) received correspondence on 17 December 2018, in relation to the adequacy of the provision for fire safety in connection with "the premises".

The correspondence stated that:

Ex Mushroom Farm Buildings have been sub let, occupants mixed use, small industry, manufacturing, storage and at least one unit being lived in. the construction of building is long tunnels concrete block walls with insulated panels at either end. Externally a large number of vehicles are stored on site. On attendance at unattended fire, no firefighting prevention provisions in place, no detection systems in place and no fire separation. Believe that the building is being used in a manner in which is not fit for purpose. Fire in this building would be very challenging due to its unknown contents, type of construction and possible non-cooperation of tenants. The premise is known to Police.

Pursuant to the provisions of Section 9.32 (1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), an inspection of 'the premises' on 19 December 2018 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW.

Fire and Rescue NSW

ABN 12 593 473 110

www.fire.nsw.gov.auCommunity Safety Directorate
Fire Safety Compliance Unit1 Amarina Ave
Greenacre NSW 2190T (02) 9742 7437
F (02) 9742 7483www.fire.nsw.gov.au

Page 1 of 4



Unclassified

The inspection was limited to the following:

- A visual inspection of the essential Fire Safety Measures as identified in this report only.
- A conceptual overview of the building, where an inspection had been conducted without copies of the development consent or copies of the approved floor plans.

On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32 (4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act. Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting.

COMMENTS

The local fire station of Fire & Rescue NSW (FRNSW) responded to an unattended fire at "the premises" and as a result a fire safety concern was forwarded to the Fire Safety Compliance Unit of FRNSW. Authorised Fire Officers of FRNSW inspected "the premises" and met with council's compliance officer Ms. Michelle Peddle of Wingecarribee Council and council's offices in Moss Vale on 19 December 2018. Ms. Peddle was advised of the concerns in relation to the use.

The issues surrounding the use aside, the following items were identified as concerns during the inspection:

1. Essential Fire Safety Measures
 - 1A. Fire Hydrant System
 - A. FRNSW estimate the premises to have a floor area greater 6,500m². A fire hydrant system is not installed at the premises contrary to the requirements of Clause E1.3 of the National Construction Code 2016 Volume One, Building Code of Australia (NCC). It appears that the 100mm main located in Frankland Street may not have sufficient flow to control and extinguish a fire at the premises contrary to the requirements of Table 2.1 of Australian Standard (AS) 2419.1-2005.
 - 1B. Fire Hose Reel
 - A. Despite the requirement for the installation of a fire hydrant for the building, a fire hose reel installation would be required in accordance with the requirements of Clause E1.4 of the NCC.
 - 1C. Fire Sprinkler System
 - A. The building appears to be a large isolated building, having a floor area of approximately 6,500m². Typically, a sprinkler system would be required in accordance with Clause E1.5 and C2.3 of the NCC.



Unclassified

- 1D. Portable Fire Extinguishers
 - A. It is unclear if portable fire extinguishers are installed throughout the premises in accordance with Clause E1.6 and E1.9 of the NCC. FRNSW observed and fire extinguisher in Unit #19 which was not mounted on the wall and was believed to have been operated.
- 1E. Smoke Hazard Management
 - A. The building has not been provided with smoke hazard management in accordance with the requirements of Table E2.2a – General Provisions – Large Isolated Building of the NCC.
- 1F. Building Occupant Warning System (BOWS)
 - A. FRNSW is of the opinion that a BOWS is not installed throughout the premises contrary to the requirements of Specification E2.2a - 6 of the NCC.
- 1G. Visibility In An Emergency and Exit Signs
 - A. Emergency lighting would typically be installed for buildings of this size. Emergency lights could not located within the building, contrary to the requirements of Clause E4.2 of the NCC;
 - B. Exit signage and directional exit signage were not visible throughout the premises in accordance with the requirements of Clause E4.5 and E4.8 of the NCC. In this regard consideration to install exit signs in sufficient numbers to direct persons to an exit.
- 2. Access and Egress
 - 2A. It appears that travel distances of up to 60m to an exit exist in multiple portions of the premises. Distances of this nature is contrary to the requirements of Clause D1.5 of the NCC. Each mushroom growing room is approximately 28 metres long with a single access door, which directs occupants into a central part of the building before egress can be achieved at either end of the building to open space.
- 3. Large Isolated Building
 - 3A. It appears that the building is approximately 6,500m² in floor area. Consideration should be given to apply the deemed-to-satisfy requirements of Clause C2.3 and C2.4 of the NCC.
- 4. Generally
 - 4A. The occupant at the time, indicated that two sections of the premises were being used as residences, that being Unit #3 of the mushroom growing rooms and the galvanised iron building located on the western end of the central driveway;



Unclassified

- 4B. FRNSW is therefore of the opinion that there are inadequate provisions for fire safety within the building and that the building may not be fit for occupation.

RECOMMENDATIONS

FRNSW recommends that Council:

- a. Inspect and address any other deficiencies identified on 'the premises', and require item no. 1 through to item no. 4 of this report be addressed appropriately.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Station Officer Paul Scott of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference BFS18/3715 (5823) for any future correspondence in relation to this matter.

Yours faithfully

XXXXXXXXXXXXXX

Paul Scott
Fire Safety Officer
Fire Safety Compliance Unit



Wingecarribee - A Coal Mining Free Shire



Contact: Ian Lacy

4 January 2019

Richard Gillis
Director Frankland Street Pty Ltd
18 St Clair Street
Bowral NSW 2576

Dear Mr Gillis

Re: 3/7 Frankland Street Mittagong

I act for Wingecarribee Shire Council (Council).

Council's records indicate that the corporation (Frankland Street Pty Ltd) is the owner of the above land and a company search indicates that you are the sole director and secretary of the corporation.

The purpose of this letter is to indicate to you that Council has significant concerns regarding the use of the property.

Council's records indicate that the structures on the property were previously used as a mushroom farm and that no other development approvals have been given.

Council has investigated a referral from the NSW Fire and Rescue and has inspected the property.

Council's investigation indicates that several units are being individually leased to a variety of people and are being used for a number of different uses.

These uses include metal fabrication, furniture making and storage. These uses are clearly not associated with mushroom farming, are all unapproved and in some cases fully prohibited in the zone.

Council has serious concerns in relation to the structural integrity of several of the buildings on the premises and has serious concerns for the health and safety of any person on the property at any time.

The purpose of this letter is to indicate to you that Council requires you to cease using (and or authorising other people) to use your property for any purpose that is not approved.



Given the severity of the risk to people, Council requires all unapproved uses on the property within the next fourteen days from the date of this letter and will re-inspect the property at that time.

In the event that you do not cease using the property for unapproved purposes within this timeframe, Council puts you on notice that it take proceedings in the Land and Environment Court of NSW seeking an injunction and permanent orders restraining you from using the property.

This would result in significant legal costs and the dedication of significant resources. Should Council be required to take these measures, Council would rely on this letter in support of an application that you be required to pay for Council's legal costs in the proceedings.

We urge you to give this matter your urgent attention and request that you contact Council immediately to confirm that you have received this letter.

In the event that Council does not hear from you within the next fourteen days (and further inspections reveal that the unapproved uses continue), Council will take proceedings without further notice to you.

Please do not hesitate to contact Ian Lacy, General Counsel on (02) 4868 0754 should you wish to discuss.

Yours sincerely

Ian Lacy
General Counsel



ATTACHMENT 3

Our Ref: 19/1035
 Contact: Andrew Maxon

23 January 2019

FRANKLAND STREET PTY LTD
 18 ST CLAIR STREET
 BOWRAL NSW 2576

COMPLYING DEVELOPMENT CERTIFICATE
 Section 4.28(6) of the *Environmental Planning and Assessment Act 1979*

CERTIFICATE NUMBER:	19/1035
APPLICANT:	FRANKLAND STREET PTY LTD
OWNER:	FRANKLAND STREET PTY LTD
PROPERTY DESCRIPTION:	Lot 1 DP 790170
PROPERTY ADDRESS:	3-7 FRANKLAND STREET MITTAGONG NSW 2575
PROPOSED DEVELOPMENT:	Demolition - industrial building
DETERMINATION:	Approved
CONSENT TO OPERATE FROM:	23 January 2019
CONSENT TO LAPSE ON:	23 January 2024
BUILDING CLASSIFICATION:	7b/8
ZONING:	IN2

Wingecarribee Shire Council certifies that the development is complying development and (if carried out as specified in the certificate) will comply with all development standards applicable to the development and with such other requirements prescribed by the *Environmental Planning and Assessment Regulation 2000* concerning the issue of the certificate. The development will also comply with the relevant development standards in *State Environmental Planning Policy (Exempt and Complying Development) Codes 2008* applying to the **Demolition Code**.

This certificate authorises the Applicant (or a person(s) having benefit of this certificate) to carry out the development in accordance with the conditions set out in the attached Schedule 1 and the approved plans and documentation.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Andrew Maxon (BPB: 1982)
Senior Accredited Certifier
 For Wingecarribee Shire Council (Certifying Authority)

23 January 2019
 Date of Issue

City Centre, Elizabeth St, Moss Vale, NSW 2577, PO Box 141, Moss Vale, t. (02) 4868 0888 f. (02) 4869 120
 e. mail@wsc.nsw.gov.au * AON 49 546 344 35

www.wsc.nsw.gov.au

Working with you



19/1035, Lot 1 DP 790170

APPROVED DOCUMENTATION

Plan Number. / Document	Supporting	Reference / Version	Prepared By	Dated
Site Plan		21811	Gary A. Antaw	06.11.14
Erosions & Sediment Control Plan		-	-	-
Waste Management Plan		-	-	-

SCHEDULE 1 CONDITIONS (DEMOLITION CODE)

Note 1. Complying development under the Demolition Code must comply with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions listed in this Schedule.

Note 2. Division 2A of Part 7 of the *Environmental Planning and Assessment Regulation 2000* specifies conditions to which certain complying development certificates are subject.

Note 3. In addition to the requirements specified for development to be complying development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.

Note 4. If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.

Note 5. Under section 4.29 of the *Environmental Planning and Assessment Act 1979* a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.

Part 1 Conditions applying before works commence

1 Protection of adjoining areas

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

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

Note. Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.

2 Toilet facilities

- (1) Toilet facilities must 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.



19/1035, Lot 1 DP 790170

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

3 Waste management

- (1) A waste management plan for the work must be submitted to the principal certifying authority at least 2 days before work commences on the site.
- (2) The waste management plan must:
 - (a) identify all waste (including excavation, demolition and construction waste material) that will be generated by the work on the site, and
 - (b) identify the quantity of waste material, in tonnes and cubic metres, to be:
 - (i) reused on-site, and
 - (ii) recycled on-site and off-site, and
 - (iii) disposed of off-site, and
 - (c) if waste material is to be reused or recycled on-site—specify how the waste material will be reused or recycled on-site, and
 - (d) if waste material is to be disposed of or recycled off-site—specify the contractor who will be transporting the material and the waste facility or recycling outlet to which the material will be taken.
- (3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- (4) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

5 Run-off and erosion controls

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.



19/1035, Lot 1 DP 790170

Part 2 Conditions applying during the works

Note. The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.

6 Hours for demolition

Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.

7 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

8 Demolition

Any demolition must be carried out in accordance with AS 2601—2001, The demolition of structures.

9 Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Copies of receipts stating the following must be given to the principal certifying authority:
 - (a) the place to which waste materials were transported,
 - (b) the name of the contractor transporting the materials,
 - (c) the quantity of materials transported off-site and recycled or disposed of.
- (4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (5) During construction:
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (6) At the completion of the works, the work site must be left clear of waste and debris.



19/1035, Lot 1 DP 790170

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000 Part 7 Division 2A

Division 2A Conditions of Complying Development Certificate

136A Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989(cf clauses 78 and 78A of EP&A Regulation 1994)

- (1) A complying development certificate for development that involves any building work must be issued subject to the following conditions:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance must be entered into and be in force before any building work authorised to be carried out by the certificate commences.
- (1A) A complying development certificate for a temporary structure that is used as an entertainment venue must be issued subject to the condition that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia (as in force on the date the application for the relevant complying development certificate is made).
- (2) This clause does not limit any other conditions to which a complying development certificate may be subject, as referred to in section 85A (6) (a) of the Act.
- (3) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building, other than a temporary structure that is used as an entertainment venue.
- (4) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant complying development certificate is made.

Note. There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

136AB Notice to neighbours

- (1) A complying development certificate for development on land that is not in a residential release area and that involves:
 - (a) a new building, or
 - (b) an addition to an existing building, or
 - (c) the demolition of a building,

must be issued subject to a condition that the person having the benefit of the complying development certificate must give at least 7 days' notice in writing of the person's intention to



19/1035, Lot 1 DP 790170

commence the work authorised by the certificate to the occupier of each dwelling that is located on a lot that has a boundary within 20 metres of the boundary of the lot on which the work is to be carried out.

136B Erection of signs

- (1) A complying development certificate for development that involves any building work, subdivision work or demolition work must be issued subject to a condition that the requirements of subclauses (2) and (3) are complied with.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition 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 site is prohibited.
- (3) 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.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building, that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a complying development certificate issued before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

136E Development involving bonded asbestos material and friable asbestos material

- (1) A complying development certificate for development that involves building work or demolition work must be issued subject to the following conditions:
 - (a) work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011,
 - (b) the person having the benefit of the complying development certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences,

13.2 Fire Safety Report - 3-7 Frankland Street Mittagong
ATTACHMENT 3 Attachment 3 - 19/1035 CDC Consent for
Demolition



19/1035, Lot 1 DP 790170

- (c) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered,
 - (d) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.
- (2) This clause applies only to a complying development certificate issued after the commencement of this clause.
 - (3) In this clause, bonded asbestos material, bonded asbestos removal work, friable asbestos material and friable asbestos removal work have the same meanings as in clause 317 of the Occupational Health and Safety Regulation 2001.

Note 1. Under clause 317 removal work refers to work in which the bonded asbestos material or friable asbestos material is removed, repaired or disturbed.

Note 2. The effect of subclause (1) (a) is that the development will be a workplace to which the Occupational Health and Safety Regulation 2001 applies while removal work involving bonded asbestos material or friable asbestos material is being undertaken.

Note 3. Information on the removal and disposal of asbestos to landfill sites licensed to accept this waste is available from the Department of Environment, Climate Change and Water.

Note 4. Demolition undertaken in relation to complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 must be carried out in accordance with Australian Standard AS 2601–2001, Demolition of structures.

136I Traffic generating development

If an application for a complying development certificate is required to be accompanied by a certificate of Roads and Maritime Services as referred to in clause 4 (1) (k) of Schedule 1, the complying development certificate must be issued subject to a condition that any requirements specified in the certificate of Roads and Maritime Services must be complied with.

136J Development on contaminated land

- (1) If an application for a complying development certificate is required to be accompanied by a statement of a qualified person as referred to in clause 4 (1) (l) of Schedule 1, the complying development certificate must be issued subject to a condition that any requirements specified in the statement must be complied with.

136N Principal certifying authority to be satisfied that preconditions met before commencement of work

- (1) This clause applies to building work or subdivision work that is the subject of a complying development certificate.
- (2) A principal certifying authority for building work or subdivision work to be carried out on a site, and over which the principal certifying authority has control, is required to be satisfied that

13.2 Fire Safety Report - 3-7 Frankland Street Mittagong
ATTACHMENT 3 Attachment 3 - 19/1035 CDC Consent for
Demolition



19/1035, Lot 1 DP 790170

any preconditions in relation to the work and required to be met before the work commences have been met before the work commences.



13.3 NSW State Government Easy to Do Business Program

Reference:	1602/25.2
Report Author:	Deputy General Manager Corporate, Strategy and Development Services
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services
Link to Community Strategic Plan:	Broaden and promote the range of business and industry sectors

PURPOSE

The purpose of this report is to provide background information and seek support to enter into an agreement with Service NSW for the Easy to do Business Program and to consider future business improvement initiatives.

RECOMMENDATION

1. **THAT Council delegates authority to the General Manager to enter into an agreement with Service NSW.**
2. **THAT if it is required, Council authorise the execution of any agreement under the Common Seal of Council.**

REPORT

BACKGROUND

Council has participated in the Small Business Friendly Councils (SBFC) initiative since September 2014. This program provides the opportunity for participating Councils to implement programs that support small business, share resources and information with other participating Councils and promote this offering to the local business community.

As a result of this initiative Council ensures that payments to small businesses are made as soon as possible, change of use development applications are processed expeditiously, a business directory of businesses in the Shire is established, and pre-development application meetings are encouraged for new business investors.

REPORT

Further to SBFC initiative, the Small Business Commissioner and Service NSW have developed the "Easy to do Business" program. This free program provides a number of benefits for Councils, including:

- Increased productivity with 'decision ready' applications and reduced transaction costs
- Effective tools to help boost our local economy, enabling more jobs in the region.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



The initiative will provide a customer, who wishes to set up a Café, Restaurant or Small Bar, with a single point of contact within Service NSW who will help them navigate all the required approvals to start and operate their business, for example registering the business, obtaining an ABN, and providing guidance in relation to their required Council approvals.

Those looking to start up a Café, Restaurant or Small Bar can benefit from their Council being involved in the Easy to do Business program, as they are eligible to:

- Attain a unique digital profile that can help fast track the approval process across local, state and federal government
- Receive the support of a dedicated Business Concierge who can answer questions, liaise with Council, and review applications to ensure they are 'decision ready'
- Receive step-by-step guidance through the application process
- Know upfront the time, fees and effort involved in starting a business

The intention of the program is to build awareness of specialist advice services available, ensure Council staff can direct enquiries to these services and provide applicants with the skills to be better informed and researched prior to lodging any applications.

Service NSW presented to staff in late 2018 outlining the benefits of the program and seeking Council's support to become a program partner. The program is focused on the Café, Restaurant and Small Bar industry at present, and will expand to support Housing Construction, Retail, Print Manufacturing and Road Freight Transport. The Council will be advised upon the addition of any further prioritised industries that are supported within the Easy to do Business initiative.

For the Council, the process is to endorse the proposed recommendations and to inform Service NSW when this endorsement has occurred. Following this, the Easy to do Business Council Relationship Manager will run a kick off workshop with impacted Council teams as part of the "Operational Readiness" preparation for launch. Service NSW will make a presentation to key Council staff to provide them with the information and skills for "Operational Readiness". Once Council staff are prepared, there will be an official launch and an announcement of the program.

SUSTAINABILITY ASSESSMENT

• Environment

There are no environmental issues in relation to this report.

• Social

There are no social issues in relation to this report.

• Broader Economic Implications

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

• Culture

There are no cultural issues in relation to this report.

• Governance

There are no governance issues in relation to this report.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



COUNCIL BUDGET IMPLICATIONS

This program is at no cost to council to participate. Support material, training and advice is provided by Service NSW at no cost.

OPTIONS

The options available to Council are:

Option 1

To provide delegated authority to the General Manager to enter into an agreement with Service NSW for the Easy to do Business program.

Option 2

Not enter into an agreement for the program and advise Service NSW

Option 1 is the recommended option to this report.

CONCLUSION

As a Small Business Friendly Council participation in the Easy to do Business program is important and will provide support and opportunity for the creation of new businesses within the shire. Implementation of the program has the potential to assist small business prepare their development applications for Council with all the necessary information which will lead to reduced processing times of applications to Council.

ATTACHMENTS

There are no attachments to this report.

13.4 Request for Variation of Purpose for Wingecarribee Community Assistance Scheme Grant 2018/19

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

The purpose of this report is to seek Council's position on a request from The Robertson Shed Inc, trading as the Robertson Community Technology Centre (CTC@Robertson) for a variation on the purpose of the 2018/19 Community Assistance Scheme Grant they received.

RECOMMENDATION

THAT Council determine its position on a variation of purpose request for funds received by CTC@Robertson through the 2018/19 Community Assistance Scheme.

REPORT

BACKGROUND

CTC@Robertson were successful in receiving a Wingecarribee Community Assistance Scheme Grant in the 2018/19 round of funding. CTC@Robertson was granted \$3,500 towards replacing an old printer with a new or refurbished printer. In their discussions with printer providers an offer was made by a company to donate a printer which has since been installed and is meeting the needs of the Centre printing the community Newsletters.

CTC@Robertson has written to Council seeking a variation on the purpose of the grant proposing that the grant be put towards the cost of installing air conditioning.

Any request to vary the purpose of a grant requires Council consent.

REPORT

The next priority identified by CTC@Robertson on their unfunded list is for air conditioning. The building was constructed 12 years ago with an air conditioning system that has since been decommissioned and replaced with fans and heaters which they find does not adequately cool the rooms in summer or provide effective heating in winter. There are additional issues raised with the current arrangements concerning cost of electricity, fire hazards and trip hazards. Quote to install air conditioning to the building which would utilise some of the old systems infrastructure is \$9,500.

To cover the cost, CTC@Robertson have received funds through Federal Government Stronger Communities Program (\$2,624), will be contributing some of their own funds

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



(\$1,000) and will be applying to Veolia Mulwarree Trust to cover remaining costs. The application to Veolia Mulwarree Trust would have more weight if they were able to use the \$3,500 allocated by Council for this project.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

There is no impact on Council's Fit for the Future improvement plan.

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Nil

External Communication and Consultation

Nil

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

CTC@Robertson report that the temperature variations create a problem for many older customers accessing the centre.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

If Council approve the request, there are no budget implications. If the request is denied, the \$3,500 will remain in Council's Community Assistance Scheme budget.

RELATED COUNCIL POLICY

Wingecarribee Community Assistance Scheme Guidelines 2018/19.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



OPTIONS

The options available to Council are:

Option 1

Council support the request to vary the purpose of the \$3,500 Community Assistance Scheme grant awarded to CTC@Robertson

Option 2

Council agree to vary the purpose but propose an amount less than \$3,500 be allocated to CTC@Robertson

Option 3

Council not support the request to vary the purpose of the \$3,500 Community Assistance Scheme grant awarded to CTC@Robertson and the allocated funds remain with Council.

Submitted for determination.

CONCLUSION

CTC@Robertson was successful in receiving \$3,500 through the Wingecarribee Community Assistance Scheme to purchase a new or refurbished printer. As a result of discussions with printer providers a printer was donated. The centre now seeks the consent of Council to put the funds towards the installation of an air conditioning system.

ATTACHMENTS

There are no attachments to this report.



13.5 Request for financial assistance from Shire Horse Breeders Australia (SHBA)

Reference:	2155/1
Report Author:	Coordinator Community Development
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Provide and support a range of community events, festivals and celebrations

PURPOSE

The purpose of this report is to seek Council's position on a request from the Shire Horse Breeders Australia (SHBA) for sponsorship from Council for the National Shire and Southern Highlands Heavy Horse Show to be held over the last weekend in March 2019.

RECOMMENDATION

THAT Council determine its position with regard to the request from Shire Horse Breeders Australia for sponsorship.

REPORT

BACKGROUND

The SHBA is organising the National Shire and Southern Highlands Heavy Horse Show to be held at the Moss Vale Showgrounds at the end of March. The show is an opportunity to promote the Shire breeders and promote heavy horses in general with a number of studs and heavy horse owners, equestrian facilities and equine therapy businesses based in the Wingecarribee area.

The organisers have put together a \$2,000 sponsorship package for Council to consider.

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

REPORT

This will be the eighth national show and the seventh one held in Moss Vale. Organisers are expecting over 50 horses from around the country and have developed a number of ways that individuals and businesses can be involved so that they appeal to the widest range of potential supporters. They are working with the local Chamber of Commerce and the Destination Southern Highlands to promote the show from both a business and tourist perspective.

The Purple Ribbon Sponsorship Package (\$2,000) tailored to Council could include:

- Speech by Council representative at opening of the Show and at the Saturday night dinner

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- Signage displayed prominently at the Arena (to be supplied by Council)
- Regular promotion of Council over the public address system
- Media interview
- Brochures and pamphlets in Show satchel
- Complimentary Trade / Promotional Stand at the grounds
- Two free entry passes to each day of the Show
- Complimentary full page advertisement in the Show Catalogue
- Promotion on a regular basis on the SHBA Facebook page and website
- Photo opportunities with Horses and harness vehicles.

SHBA have also put together other sponsorship packages; Blue Ribbon \$1,000, Red Ribbon \$500 and White Ribbon \$250. These packages offer a variation on what is outlined above.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

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

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Nil

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**

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 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The current balance in the Council Contingency Fund is \$18,735.

RELATED COUNCIL POLICY

Council Contingency Fund Guidelines adopted 1 July 2018.

OPTIONS

The options available to Council are:

Option 1

Council support request for \$2,000 sponsorship package funded from Council's Contingency Fund.

Option 2

Council determine an alternate amount to be funded from Council's Contingency Fund.

Option 3

Council not support request for sponsorship.

Submitted for Determination.

CONCLUSION

The National Shire and Southern Highlands Heavy Horse Show to be held at the Moss Vale Showgrounds will bring together a range of businesses and enthusiasts interested in Shire and Heavy Horses. As a locally held event, the organisers are seeking sponsorship from Council to support the two day event.

ATTACHMENTS

There are no attachments to this report.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

Reference:	501/2018
Report Author:	Corporate Strategy and Policy Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report presents the Bi-Annual Delivery Program Progress Report for the period 1 July to 31 December 2018, which records Council's progress towards achieving the four year actions of the Delivery Program 2017-2021.

RECOMMENDATION

THAT Council receives and notes the Bi-Annual Delivery Program Progress Report for the period 1 July 2018 to 31 December 2018.

REPORT

BACKGROUND

Under the *Local Government Act 1993* and the Integrated Planning and Reporting (IP&R) Framework, Council must have a Delivery Program detailing its major activities. The Delivery Program outlines where Council will take ownership of the goals and strategies of the Community Strategic Plan within its area of responsibility and its available resources.

The Bi-Annual Delivery Program Progress Report for December 2018 outlines Council's performance towards achieving the objectives of the Delivery Program 2017-2021. The Delivery Program 2017-2021 is supported by Council's Operational Plan 2018/19. The Operational Plan outlines the projects and programs that Council undertakes during the financial year towards addressing the objectives of the Delivery Program. This bi-annual review of the Delivery Program informs Council's Annual Report 2018/19, due to be presented to the Office of Local Government on 30 November 2019.

At its meeting on 14 June 2017 and in accordance with the *Local Government Act 1993* Council adopted a new Delivery Program 2017-2021.

REPORT

The Delivery Program Progress Report for December 2018 (**Attachment 1**) provides an overview of progress made towards achieving the objectives set out in the Delivery Program 2017-2021. They are reported under the themes of Leadership, People, Places,

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Environment, and Economy as set out in the Community Strategic Plan, *Wingecarribee 2031*.

This is the third report to Council on the Delivery Program 2017-2021. At the end of December 2018, 98 of the 100 objectives were 'on-track', two were classified as 'needs attention', and there were none 'on-hold', 'delayed' or considered 'critical'.

Full details of progress and highlights from this reporting period are outlined in the attached report.

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

Nil

Internal Communication and Consultation

This bi-annual review of the Delivery Program 2017-2021 has been prepared following input and assistance from both divisions and all branches within Council.

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**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The *Local Government Act 1993* and Integrated Planning & Reporting Framework require Council to report on progress towards achieving its Delivery Program every six months. This report fulfils this requirement.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

RELATED COUNCIL POLICY

Nil

OPTIONS

To meet statutory requirements Council should adopt the Bi-Annual Delivery Program Progress Report.

CONCLUSION

This Delivery Program Progress Report for the period 1 July to 31 December 2018 provides an overview of Council's progress towards achieving the four-year actions of its Delivery Program 2017-2021. It has been prepared following input and assistance from both divisions and all branches within the organisation.

ATTACHMENTS

1. Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018

ATTACHMENT 1



Bi-Annual Delivery Program 2017-21 Progress Report

1 July 2018 to 31 December 2018



Contents






Introduction	3
Integrated Planning and Reporting	3
Leadership	4
People	12
Places	18
Environment	26
Economy	33



Introduction

This Bi-Annual Delivery Program Progress Report is for the period 1 July 2018 to 31 December 2018. It reports Wingecarribee Shire Council's progress towards achieving the 100 objectives of the Delivery Program 2017-21.

At the end of December 2018, 98 of the 100 objectives were 'on-track', two were classified as 'needs attention', none were 'on-hold', none were 'delayed' and none were considered 'critical'. Each objective has been assigned a traffic light to signify overall progress.

-  = On track (green)
-  = Needs attention (amber)
-  = Critical (red)
-  = On-hold (grey)
-  = Delayed (purple)

Integrated Planning and Reporting

Under Section 404(5) of the *Local Government Act 1993* and the NSW Integrated Planning and Reporting Framework, Council requires a report on progress towards achieving its Delivery Program every six months. The **Delivery Program 2017-21** outlines the activities Council will undertake to achieve the objectives established in the Community Strategic Plan within the resources available under the Resourcing Strategy. The diagram below provides an overview of Council's Integrated Planning and Reporting Framework.



13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



Leadership

Wingecarribee 2031 outlines the following **Leadership** Community Goals

- 1.1 Our Council has the trust of the community and well informed decisions are made to ensure long term sustainability of our Shire
- 1.2 Council communicates and engages with the community in a diverse, open and inclusive way
- 1.3 Developing community leadership, strong networks and shared responsibility for the Shire promotes and enhances community capacity

The **Delivery Program 2017-21** includes 23 four-year actions to assist in the achievement of the **Leadership** strategies. The progress for these four-year actions for the July to December 2018 reporting period is outlined below.

DP001 Develop and implement an elected-member professional development program

Following the release of the Office of Local Government Council Circular 18-46 "New Councillor Induction and Professional Development Requirements" on 18 December 2018, Council has commenced implementation planning for development and delivery of professional development and induction training for Councillors following the 2020 local government elections.

DP002 Strengthen Council's Integrated Planning and Reporting and Governance Frameworks

Council continues to deliver quality planning, reporting, policy and governance outcomes. Council is also committed to identifying and implementing best practice in its delivery of Integrated Planning and Reporting and Governance activities.

Council's policy register is regularly reviewed and maintained to ensure policies are current and relevant. Six policies have been approved by Council since July 2018, and a further six were placed on public exhibition following a review process. One new policy was placed on public exhibition following the identification of a gap in the policy framework.

Work continues on the review of Council's internal risk register and other key risk management related documents. During the reporting period, Executive staff attended a workshop on risk management within the organisation, and the Corporate Risk Group met to discuss the Risk Management Action Plan and the Risk Register.

Council continues to work with its internal auditor to deliver on the approved audit program for 2018/19. Two internal audits were undertaken in the period, in records management and development engineering. These audits reviewed the governance, risk management and internal controls in place in these areas of Council's operations.

Work continued on the fraud and corruption control framework, with the development of draft policy and procedure documents with respect to fraud and corruption control, gifts and benefits, and public interest disclosures. These policy documents were placed on public exhibition, and any comments received will be considered. It is expected the documents will be finalised early in 2019.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018**ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018**

In addition, changes to Council meeting practices have been flagged, with the release of the Model Code of Meeting Practice for Councils by the Office of Local Government. Council will incorporate the mandatory provisions of the Model Code into its Code of Meeting Practice by the due date in June 2019.

Work has commenced on the annual review of Council's Delivery Program and the development of the Operational Plan and Budget for 2019/20. Reporting on the 2017/18 Operational Plan was completed with the Annual Report being published in November. Reporting for the current 2018/19 Operational Plan is ongoing, with the first Quarterly Report completed in November, and preparations for the second Quarterly Report and first bi-annual Delivery Program Report (to December 2018) underway.

DP003 Improve community understanding and awareness of Council decisions

Council continues to use a variety of communication channels to inform the community of Council decisions. Council staff continue their positive working relationships with local and regional media stakeholders to ensure Council activities and decisions are reported. Key statistics for the reporting period include:

- 77 media releases were distributed to a range of media, community service and first-responder organisations. These releases and alerts were also posted to Council's online digital Media Centre at media.wsc.nsw.gov.au.
- 132 Facebook posts were published over the reporting period. Council's Facebook had 5,704 'Likes' by 31 December 2018.
- Wingecarribee Today (Council's quarterly newsletter) was distributed to approximately 27,040 properties across the Shire in September and December.
- Regular electronic newsletters are also issued to interested community members and groups from Council's Community Engagement, Environment, and Arts and Culture teams.

Further, notices of upcoming meetings of Council are placed in local newspapers, and Council and Finance Committee meeting agendas and minutes are published on Council's website in a timely manner.

DP004 Develop and maintain an engaged and safe workforce

Overall the management and implementation of work health and safety management systems is progressing in accordance with the adopted business plan. Internally, staff resources have been reviewed to free up staff to undertake the final preparation and consultation processes associated with the implementation of adopted procedures.

DP005 Manage Council's WHS risk management profile to ensure risks are mitigated

All insurances have been renewed for the 2018/19 year. The safety system "TAKE 5" has been fully implemented across Council to manage site specific hazards associated with Council works, and the Risk Management Action Plan process commenced in October 2018.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018**ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018**

DP006 Develop and Maintain Council's Organisational Development Programs 

The outcome of the 2017/18 performance appraisal process was undertaken with 100% of staff participating. Training needs identified in performance reviews have been included in the 2019 Training Calendar. Staff have been engaged in the development of online HR Recruitment and On-boarding learning modules. This is a transformational project with a go-live date of February 2019.

A Competency Framework has been adopted by Executive and will be progressively developed throughout the 2019 calendar year.

DP007 Implement actions from Council's Fit for The Future Improvement Program 

Council's Fit for the Future Improvement Plan included 15 key strategies. Work on all strategies is underway.

The adopted Long Term Financial Plan outlines projections for Council achieving the benchmarks set by the state government.

DP008 Ensure Council's financial systems, procedures and practices are in line with industry best practice and compliant with applicable legislation. 

The 2017/18 Financial Statements and Auditors Reports were presented to Council on 24 October 2018. Council's Auditor, the NSW Audit Office, issued an unqualified opinion on Council's accounts, stating that Council's financial records were fairly and appropriately presented. All other statutory financial reports were completed and submitted within required timeframes.


The September Quarterly Review of the 2018/19 Budget was presented to the Finance Committee on 21 November 2018. The projected budget surplus reported to the Finance Committee of \$150,000 was allocated to the Civic Centre Refurbishment Reserve.

Preparation of Council's budget for the 2019/20 financial year has commenced and will be prepared in accordance with agreed timeframes and presented to Council in accordance with legislation.

Council's investments have been managed in accordance with Council's adopted Investment Policy, ensuring sufficient cash is available to manage operational requirements. A Councillor Briefing session was held in September 2018 providing Councillors with an overview of the performance of Council's Investment portfolio since the adoption of its revised Policy in July 2017.


In August 2018, Council resolved to support the local farming community by granting a rate deferral period to farmland rated properties for the 2018/19 rating year. To date, Council has received 19 farmland rating hardship applications, resulting in total rates deferred of \$103,368.62 and interest waived of \$4,658.08.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018**ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018**

DP009 Manage Council's Fleet to ensure to all plant and equipment is appropriately utilised, fit for purpose and cost effective 

Council's annual plant and light vehicle replacement program was adopted in June 2018 as part of the 2018/19 Operational Plan and Budget. The total value of the replacement program (excluding revotes) is \$2.913 million. During the first half of the 2018/19 financial year, Council has assessed submitted tenders and placed orders for the following plant items: skid-steer loader (SRLX), roads street sweeper, eight tonne water tanker and a range of operational and passenger vehicles.

There have been no major breakdowns and/or incidents during this reporting period which have adversely affected operations.

DP010 Council's property activities and dealings are undertaken within the community's best interests and within legislative requirements 

Council's property portfolio continues to be managed appropriately and in compliance with legislative requirements. The management of the property portfolio also includes the timely reporting to Council on property matters for formal approval. The administration and management of both leased and licensed Council premises is up to date including the provision by the lessees and licensees of valid certificates of currency of public liability insurance.

Council continues to work towards compliance with the *Crown Land Management Act 2016*, which was enacted in July 2018. At its meeting on 12 December 2018 Council adopted the initial categorisation of Crown Reserves as recommended by staff, which will now be submitted to the Minister for Lands and Forestry for approval. Once notified of the outcome of this process, Council will determine a priority schedule for the preparation of Plans of Management for Crown Reserves within the Shire.

With respect to Council's land disposal program, the Plan of Subdivision of the Beavan Place lot was registered on 29 November 2018, with the settlement of the sale of the newly created residential lot taking place on 20 December 2018. The five residential lots for sale at Anembo Street Moss Vale remain on the market for sale; following registration of the Plan of Subdivision (expected late December 2018) the marketing program will be revised in an effort to stimulate interest in the land.

DP011 Procurement activities are undertaken to achieve best value while underpinned by a robust ethical framework which enables local supplier participation 

Council continues to manage its procurement activities to ensure compliance with the Local Government Act, Regulations and Office of Local Government Tendering Guidelines. Tenders are reported to Council in a timely manner and the recent introduction of Council's revised Procurement Policy and Guidelines continue to see improvement in procurement practices.

During the first half of the 2018/19 financial year, training has been provided to all Council staff on the revised Procurement Guidelines. This training has been well received and will be further enhanced by additional training sessions rolled out over the next 12 months.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



DP012 Develop and implement enhanced asset management practices 

Current asset management practices are being reviewed and compared to international asset management best practice standards. The asset database is continually being refined, with updated on-site asset information being collected and uploaded to the database. An online asset scoping process has been introduced. Staff are continuing to ensure recorded asset information matches actual field asset condition, value and location.

Work is continuing on improving the accuracy in asset databases, to improve the quality of asset reporting and planning. Council's asset management software is currently being checked and updated to the latest version to ensure the system remains reliable and accurate.


DP013 Develop and implement Business Transformation Program 

The first four Business Transformation Projects - *Asset Quality Control*, *Maintenance Work Management*, *Development Application Determination* and *Customer First Culture* have progressed through the planning and analysis stage. A progress update on the Business Transformation Project was delivered to the Councillors at the annual Strategic Planning Day held in December.

Action Plans for each of the priority areas are being finalised for endorsement by the Executive in early 2019.

DP014 Enhance customer interaction with Council 

Enhancing customer interaction with Council is a key focus of Council's Business Transformation Program. During the reporting period an Action Plan was developed to improve processes, systems and response times. The Action Plan includes twenty recommendations which were identified through the review of Council's customer contact channels. Implementation of the Action Plan will commence in early 2019. Work has also commenced on upgrading the current Council website.

DP015 Deliver an Information and Communication Technology service that meets Council's business delivery requirements 

Council continues to improve its information and communication technology platforms to assist in delivering better service to the community. This will be driven through greater access to real-time tools that will assist Council in addressing issues raised by the community in real time and will allow the community to be kept up to date throughout the process.

DP016 Deliver Corporate Systems that meet Council's business delivery requirements 


Council continues to investigate and implement new processes to ensure a faster delivery of service to the community. Council continues to work with suppliers to upgrade applications, and ensure that licensing agreements are still offering the best value for money.

Potential e-service platforms are being investigated, to allow the community to securely engage with Council online.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



DP017 Ensure council services are delivered efficiently and effectively 

The service delivery review program is ongoing, enabling Council to identify service delivery improvements and continually work towards best practice.

The Southern Regional Livestock Exchange (SRLX) service delivery review has been undertaken, and a briefing with Councillors was held on 12 December 2018. It was agreed to proceed with consultation with the SRLX Committee and staff. A report to Council will be prepared in February/March 2019.

The Children's Services review is underway, with continued information gathering and analysis. A draft report is under development, on track for consideration by Executive in early 2019.

The Aquatic Services review is on hold while Council captures data on:

- Condition assessment on all equipment and assets
- Compliance review
- Funding required for maintenance (20 year)
- Capital replacement program (20 year)
- Energy efficiency opportunities.

Council also continues to implement new initiatives to improve development assessment timeframes. As at 27 November 2018, 259 active development applications were being assessed by Council staff which equated to an 11% decrease from 10 June 2018.

Of these 259 active applications:

- 149 or 57.5% of the total number were less than 40 days and remained under assessment which represented an increase of 9.1% from 10 June 2018.
- 14.7% were greater than 40 days but within 60 days and remained under assessment (decrease of 2.6%).
- 11.2% were undetermined and were greater than 60 days but within 100 days (decrease of 7.4%).
- 16.6% were undetermined and over 100 days (increase of 1%).

Council continues to progress a number of initiatives to further reduce development application determination times and maintain quality development outcomes. These include:


- Development of the Responsive Outcomes Unit - specifically targeted to provide responsive determination of residential dwelling house applications in defined urban release areas
- Strengthening the front end to ensure that only completed applications that provide a standard of information are accepted by Council
- Establishment of a clearance house arrangement to provide a preliminary assessment process prior to applications being allocated to an assessing officer
- Ensuring greater scrutiny over longer standing applications by seeking updates from staff and management providing direction on how applications are to be determined
- Revision of policy positions to aid responsive outcomes, including the Notification of Development Proposals Policy adopted in November 2018.

In 2019, Council will continue its efforts to reduce determination times surrounding multi dwelling housing, commercial and industrial development and subdivisions with a particular focus on employment generating development.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018**ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018**

DP018 Identify opportunities for regional collaboration 

Joint Organisations were formally enacted from 1 July 2018. Council is a member of the Canberra Region Joint Organisation. The General Manager attends the General Manager Advisory Committee meetings, the Mayor and General Manager attend the Board Meetings and staff from within the organisation attend the various professional forums such as the Planners Forum, Economic Development Forum and Infrastructure Forum.

DP019 Provide quality, timely and accessible information to the community 

Council continues to provide quality, timely and accessible information to the community. News items continue to be proactively sought from throughout the organisation via a range of mediums. These items are promptly issued via a range of communication channels including media releases, quarterly publications of Wingecarribee Today, radio and television interviews, staff newsletters, Council's online digital Media Centre and via Council's Facebook and Twitter social media sites. These sites are continually monitored by staff, who promptly respond to questions from the community.

During the reporting period 77 media releases were issued and 132 social media posts were recorded. The September and December issues of Wingecarribee Today were also distributed across the Shire.

Finally, Council continues to actively manage public access to Council information, with 18 formal access applications finalised since the beginning of July 2018. One formal application remained open at the conclusion of the reporting period, and one internal review application was made, with the decision due early in 2019. In addition, a total of 322 applications for access to information were handled under either the mandatory proactive release or informal access provisions of the legislation.

DP020 Implement an effective Community Engagement Framework 

With a significant increase in construction projects occurring as a result of the special rate variation, there has been a focus during this reporting period on ensuring local stakeholders are notified and kept informed about works which may impact on their daily activities.

Staff from across Council are utilising the Community Engagement Toolkit or seeking advice from relevant staff to develop community engagement plans which identify stakeholder involvement or notification requirements.

Consultation activities have included surveys, site meetings, a Youth Forum, targeted communication with stakeholders, and public exhibition of policies or plans. Of particular interest to the community have been the Neighbourhood Noise Policy, Pie Time evaluation survey and Station Street Upgrade.

DP021 Support Council committees and working groups 

Council staff continue to administer advisory committees, community reference groups and sunset working groups in accordance with Council's Committee Manual 2016-2020, and to seek advice about this from relevant staff as required.

During the reporting period, a mid-Council term review of Council's committee governance framework was finalised, and Councillor representatives on advisory committees were determined for the remaining two years of the Council term.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



DPO22 Actively build capacity for community participation in leadership including mentoring and support 

Council has been involved in introducing to the Shire the CareerHQ/JobGetter pilot program. The program provides the opportunity to enhance collaboration and leadership between and across many parts of the community (e.g. high school students and staff, parents, businesses, chambers of commerce, government agencies, recruitment agencies, volunteer organisations).

DPO23 Develop partnerships and networking with community, government and business 

Council staff continue working with community, government and business sectors to evaluate new opportunities and support existing initiatives.

In early 2019, a report will seek Council's approval to enter into a contract with Service NSW for the "Easy to do Business" program. The program provides the opportunity for participating Councils to implement programs that support small business, sharing resources and information and promoting the local business community.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



People

Wingecarribee 2031 outlines the following **People** Community Goals

- 2.1 Our people have the opportunity for a happy and healthy lifestyle
- 2.2 We are an inclusive community which actively reduces barriers for participation in community life
- 2.3 Wingecarribee values and nurtures a diverse, creative and vibrant community

The **Delivery Program 2017-21** includes 19 four-year actions to assist in the achievement of the **People** strategies. The progress for these four-year actions for the July to December 2018 reporting period is outlined below.

DPO24 Advocate for improved health services in the Shire



Council is a member of the South West Sydney Community Advisory Committee, and has met with the South West Sydney Primary Health Network to establish a Local Health Council in Wingecarribee. All these networks provide opportunities to advocate for improved health services in the local area.

DPO25 Partner with community based organisations in provision of services



Council actively seeks to partner with services to provide events, workshops and deliver programs in the local community. The Dhungung (Food) Share is an example of a program that was developed from a need in the community and addressed by bringing a number of services together to provide a regular and effective program. Partners include Council, OzHarvest, Southern Highlands Homelessness Services, Red Cross, Community Link Wellbeing, Ability Links, New Horizons and Mission Australia. Aboriginal families and individuals are able to access healthy food options, share food ideas and connect in an informal way with local services.

DPO26 Partner with State and community organisations to provide a broad range of health and wellness programs to target specific needs of the community



Council has implemented a range of programs under the '5 Ways to Wellbeing' framework. The framework focuses on feeling good and functioning well following the five strategies of: connect, be active, keep learning, be aware, and help others. The framework was incorporated into the annual Community Services Forum held as part of Mental Health Month and the biennial Youth Forum. Both these calendar events involved a range of partners focused on the health and wellbeing of the community.

In addition, Council has partnered with NSW Health and Better Health to deliver the Aboriginal Go4Fun healthy lifestyle program in term one of the 2019 school year. Planning is underway for this 10 week program, which invites Aboriginal children aged 7-13 and their parents or carers to engage in a fun, interactive nutrition program.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018**ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018**

DPO27 Provide access to sport, recreation and leisure services



During the reporting period, the following projects were completed:

- Rotaract Playground Upgrade project
- Tender documentation for toilet facility upgrades at premier parks - Leighton Gardens, Winifred West
- Tender documentation for toilet facility upgrades at Burrawang Oval
- Memorial Park Mittagong pathway upgrades
- Lake Alexandra playground soft fall installation
- Completion of central control irrigation system and implementation across sporting field network
- Installation of new park furniture (seats and tables) in Northern Villages
- Completion of concept plan for Memorial Park Mittagong
- Installation of cricket wicket covers at Bundanoon and Welby ovals
- Installation of new storage and equipment shed at Eridge Park
- Installation of new rugby league goal posts at Loseby Park, Bowral
- Provision of new storage container at Welby oval for the AFL club
- Installation of new picnic shelter at Lake Alexandra, Mittagong
- Heating system renewal at Bundanoon Soldiers Memorial Hall
- Roof safety system installation at Hill Top Community Centre
- Installation of air conditioning plant Bundanoon Memorial Hall
- Bowral pool building refurbishment
- Walking Bridge Box Vale Track.

The Moss Vale War Memorial Aquatic Centre has been operated and managed by contractor Bluefit during the reporting period. The contract represents excellent value for the community in both cost savings in the management of the facility and the exciting new programs on offer to members and visitors of the facility. Aquatic membership and visitor passes have consistently increased for the facility over this reporting period.

The 2018/19 swimming season commenced in October, with the opening of Bowral Swimming Centre, followed by the opening of Bundanoon Pool in November. Mittagong Pool is scheduled to open in early January 2019.

Council work teams have delivered scheduled maintenance to all open space, town and village facilities in line with operation service levels and strategies.

DPO28 Partner with Police, business and community representatives to implement the Community Safety Plan



Community Safety Plan actions during this period have focused on anti-social behaviour and family violence strategies. Funding received through the Department of Justice will allow for issues of anti-social behaviour and vandalism recorded in Corbett Gardens, Bowral to be addressed during the next period.

White Ribbon Day events in November brought together Police, Council, community and business to raise awareness and funds. Community members including local primary and secondary students participated in a White Ribbon Day walk around Bradman Oval and several teams competed in the Expect Respect Golf Day held on the last weekend in November.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018**ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018**

DPO29 Partner with agencies to ensure emergency management processes and procedures are in place

All agencies that make up the Wingecarribee Local Emergency Management Committee have worked diligently towards a coordinated effort to update existing plans for the Shire's emergency preparedness. Further exercises to test revisions and proficiencies are planned for later in 2019.

Council has received a grant through the Community Resilience Innovation Program to develop workshop guides for engaging with seniors to help them build their individual resilience to extreme weather. Following completion of the project in late 2019, the guides will be made available for use by other councils, emergency agencies and community service organisations.

DPO30 Implement public health and safety regulatory programs

Council has continued to implement public health and safety regulatory programs throughout the reporting period, conducting in excess of 160 inspections of food premises throughout the Shire and continuing to educate the community on food safety awareness including the Food Authority's 'Scores on Doors' program. Proactive food safety promotional material has been circulated to all registered food premises throughout the Southern Highlands to aid efforts in increasing public awareness.

Council has continued to prioritise the management and control of asset protection zones to ensure that assets and lives are appropriately protected from the threat of bushfires. It is expected that these works will be completed within the next reporting period in February 2019. Council has partnered with the Rural Fire Service to provide proactive management of high risk areas including controlled burns. Information on risks associated with bushfires and associated management and protection techniques is provided in Council's customer service centre and on its corporate website.

DPO31 Assess the changing profile of the Shire and prioritise services accordingly

Council provides information relating to our community profile to community groups, Government bodies and community members. Information relating to the 2016 Australian Census is available via Council's website.

DPO32 Provide children services to support family life

Council continues to support families across the Shire with the Family Day Care Program and the Out of School Hours Service based at Mittagong Public School.

The Family Day Care Service received a final rating from the Department of Education and Communities of "Meeting the National Quality Standards". The report from the Department indicated that the service meets the National Standards and, in two of the seven areas assessed, received an "Exceeding" rating (for Governance and Leadership, and Partnerships with Family and Community).

The Children's Service Review is currently under way, and more information is provided at DP017. After the review, a comprehensive business and marketing strategy will be developed using allocated funds from the Community Child Care Fund, granted in July 2018.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018**ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018**

DP033 Support agencies to implement community programs and initiatives

Wingecarribee Community Assistance Scheme applicants received notification at the beginning of the financial year of the outcome of their funding requests, which has enabled a range of local initiatives and infrastructure projects to commence with the financial support of Council. Certificates were presented to recipients at a ceremony held during Local Government Week in August.

Work has commenced on the delivery of a Grants Writing Workshop, to assist community members in applying for grants through the Community Assistance Scheme.

DP034 Provide companion animal services

Council has continued to provide companion animal services to the residents of the Shire in the form of the successful operation of the animal shelter and the provision of ranger services.

The animal shelter receives excellent community support for its work, reflecting the dedication of shelter staff to providing a high quality of care to the lost, stray and unwanted animals of the Shire. Council staff continue to work alongside volunteer group Friends of Wingecarribee Animal Shelter on fundraising and community engagement.

Council continues to respond to community concerns about dogs off leash by increasing ranger patrols of hotspot areas. Council also investigates dog attacks and issues fines and control orders where appropriate.

DP035 Support initiatives which enhance opportunities for learning and skill development

Council provides a range of supports to increase the learning and skill development of community and local service providers. Support is provided by facilitating access to venues and speakers for regular and one-off network meetings. Council has provided the arts community with a demonstration workshop on how to use the online directory WEAVE, specifically designed for artists to promote, connect and communicate. Planning is also underway for the delivery of a Grants Writing Workshop (described at DP033 above), and Aboriginal Cultural Awareness Training in 2019.

DP036 Provide a range of services and programs through Council Library service

The number of loans remains constant over the reporting period when compared to previous reports, although the type of material and format continues to evolve to accommodate an increasingly online environment.

Visitation is slightly down over the reporting period. Interlibrary loans continue to fall, indicating the current collection meets community needs, although staff continue to review the collection.

There has been a large increase in the e-Library space with the demand for these services increasing by over 50 percent during the reporting period. This will continue to be monitored by Council, and work on expanding the range of offerings will commence should demand continue to rise.

Council has been successful in applying for a Green Heritage Grant for the upgrade of lighting and installation of air conditioning at the Mittagong Library.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



DPO37 Implement sector plans that address key barriers to participation in community life 

The Biennial Youth Forum held on 1 November 2018 brought together 110 young people from across the Shire to review the Youth Strategy, identify concerns, and develop strategies to increase participation in community life. The Forum focused on Education and Employment, Recreation and Leisure, Health and Wellbeing and Participation and Engagement.

DPO38 Develop and implement initiatives that support new residents participating in community life 

Council administers the FunFinder App which provides information on local child, youth and family activities. Council also provides the Seniors Directory, providing a vital resource to residents and the services working in this area. In addition, Council is exploring ways to provide new residents to the area with a comprehensive resource that provides relevant information about the Shire.

DPO39 Support intergenerational programs and projects 

Grandparents Day was held in October, and brought older and younger members of our community together to celebrate the valuable contribution that grandparents and older people make to our community.

DPO40 Support and co-ordinate a diverse range of community festivals and celebrations 

NAIDOC Week, Grandparents Day, Arts Festival and Art Trail, and International Day of People with Disability were some of the community events that Council coordinated during this period.

DPO41 Promote and deliver initiatives which enhance community understanding of Aboriginal cultural heritage 

Council actively participates in the Wingecarribee Aboriginal Network and initiates programs which support the Aboriginal community and enhance understanding of Aboriginal cultural heritage.

NAIDOC Week held in July is an important event, and in 2018 it celebrated women with the theme "Because of Her We Can". The week included readings from local indigenous students who had participated in the Poetry First Language project, a mini Expo which provided opportunity for community to connect to local services, a "Finding Food in the Forest" excursion at Fitzroy Falls and a Foyer Gallery display of significant indigenous women.

DPO42 Facilitate the promotion of community arts, emerging artists and cultural awareness and activities 

There were a number of significant arts and culture announcements and events during the reporting period, including:

- The Arts Festival, which includes the annual Art Trail over two weekends in November, and provides opportunities for emerging artists and cultural activities to be experienced and enjoyed by all ages.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



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- A new online platform for local artists to promote themselves and connect with others has commenced.
 - Funding for a Regional Art Gallery was announced by the State Government to redevelop the Old Dairy at Retford Park as a Regional Gallery, with a commitment from Council towards operational costs.



Places

Wingecarribee 2031 outlines the following Places Community Goals

- 3.1 We have an integrated and efficient network of public transport and shared pathways
- 3.2 Wingecarribee has maintained a distinct character and separation of towns and villages
- 3.3 Our built environment creates vibrant and inviting public spaces
- 3.4 We have safe, maintained and effective assets and infrastructure

The Delivery Program 2017-21 includes 23 four-year actions to assist in the achievement of the Places strategies. The progress for these four-year actions for the July to December 2018 reporting period is outlined below.

DPO43 Undertake advocacy activities to further the development of an integrated public transport network ●

Council is liaising with key agencies including Roads and Maritime Services, Sydney Trains, the Infrastructure Working Group, and the National Heavy Vehicle Regulator, and utilising road network modelling and existing strategic documents to develop an Integrated Transport Strategy. The development of the Strategy will be completed during the third and fourth quarter of 2018/19.

DPO44 Provide infrastructure linkages between public transport hubs ●

Council is undertaking transport and traffic surveys to develop more accurate transport utilisation rates and data. Together with strategic development information and community survey information, Council can plan for the required infrastructure linkages between public transport hubs. Currently, staff are improving various infrastructure surrounding train stations, bus bays and bus stops, bicycle and pedestrian routes, and new developments in the Shire.

Council staff work closely with other levels of government, including Roads and Maritime Services, Sydney Trains, Transport for NSW, Department of Primary Industries, the Environmental Protection Authority and Infrastructure NSW, to plan and provide necessary infrastructure for current and future needs.

Strategic plans will link to assets operational plans to ensure infrastructure is delivered.

DPO45 Promote public transport options and linkages across the Shire ●

Council actively supports improvements and utilisation of available public transport options through the provision of infrastructure services near or around public transport hubs, promotion through transport safety programs and education programs, via the traffic committee, and through advertising and public awareness campaigns.

Council is actively pursuing opportunities during planning and infrastructure delivery phases to link transport networks including cycleways, pedestrian footpaths, roads, railway services, and bus and taxi services. Council works closely with other government departments to align to developing trends and advancements in transport technology and infrastructure.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018**ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018**

Council promotes shared transport options to encourage improved efficiency and environmental outcomes.

Council continues to promote alternative and innovative transport options and linkages including electric vehicle infrastructure and vehicles, clean low energy options and improved information systems which improve safety and journey delay times.

DPO46 Expand our network of footpaths and cycle ways to improve connectivity of the Shire



The Bicycle Strategy Stage 3 is being reviewed and this will inform improved connectivity for bicycle facilities throughout the Shire.

A number of footpath capital and renewal projects have been completed throughout the Shire and further projects are planned to ensure the footpath network is being improved and opportunities to expand and link the network are considered. Council is also undertaking programmed and reactive maintenance on its footpaths and cycleways networks.

Customer requests are now being actioned within 14 days to the effect that the request is inspected, made safe and where applicable maintenance programmed or a capital works request submitted for project scoping and prioritisation.

Council continues to apply for grant funding from Roads and Maritime Services for the review of Council's Pedestrian Access Mobility Plans.

DPO47 Partner with agencies to advocate for improved transport services



Council is participating in national and regional transport forums which include group advocacy to key state and federal government ministers and departments for improved transport services to regional Council areas.

Council is awaiting an invitation to the 2019 Roads and Maritime Services Regional Forum to be held in Wollongong NSW. This forum offers the opportunity to network, be updated on local and regional transport information and to participate in regional initiatives. Input opportunities are offered during the forum to directly advocate for improved regional road services.

Council has partnered with the Institute of Public Works Engineering Australasia to advocate for improved transport services by lobbying key ministers and government departments. Staff attend the NSW Road Congress held in Parliament House Sydney and attend various Institute of Public Works Australasia transport forums and information sessions.

Council has developed and submitted a regional transport project list, together with comprehensive information, to the Canberra Region Joint Organisation Infrastructure Working Group. A submission from the Joint Organisation to the NSW Government was prepared which included Council's major regional transport priorities. The regional priorities and major transport projects were presented to Ministers within the NSW government for review. Council is currently awaiting feedback from this submission.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



DPO48 Provide a rigorous planning assessment framework which reflects State legislation and Council's adopted land use strategy to ensure appropriate development outcomes



Work continues on the implementation of the adopted Local Planning Strategy. Site specific Planning Proposals submitted to Council which were included in the Strategy Precinct Plans have now received Gateway Determination (Department of Planning and Environment endorsement) and staff are currently addressing the requirements and conditions of the Gateway. A number of Planning Proposals have been through the exhibition process and will be reported to Council for adoption in 2019.

Work also continues in addressing recommendations within the Local Planning Strategy regarding Rural Tourism, with a draft Rural Tourism Policy currently on public exhibition. It is expected that this policy will be completed within the next reporting period.

A Housing Strategy is being developed in accordance with the requirements of the Regional Plan.

All Planning Proposal submissions continue to be assessed in accordance with Departmental guidelines. Council's Planning Proposal template and guidelines have been reviewed and updated to ensure best practice continues.

DPO49 Review and prepare planning strategies, policies and studies that retain the character of the Shire's towns and villages



A comprehensive review of Council's Development Control Plans (DCPs) commenced in the first quarter of the reporting period. Internal consultation has been completed and preliminary consultation with the development industry has commenced. A number of minor amendments are currently being progressed in advance of the comprehensive review to address recent Council resolutions and inconsistencies in the Plans.

Council staff have also been involved in working groups with the Department of Planning and Environment to prepare a State 'template DCP' which will inform the DCP review.

The timing of the DCP review may be impacted by the proposed 'template DCP' to be released by the Department of Planning during 2019.

DPO50 Implement initiatives that promote and protect cultural heritage



Council assisted in the facilitation of a series of Heritage seminars in July to build awareness and education in relation to the Shire's heritage. Council staff have also worked on a heritage education package, which aims to raise awareness and provide advice and assistance to owners of heritage items, developers/consultants, the broader community, and Council assessment staff.

The 2018/19 heritage grants program was advertised until late July 2018 and six grant offers were made totalling \$23,500. It is expected that this will stimulate a total of \$198,673 in projects in the Shire.

Council is also working on a review of Schedule 5 of the Wingecarribee Local Environment Plan (WLEP), as well as considering a number of new heritage items to be incorporated into WLEP.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



DP051 Implement a program of towns and village centre improvements

Information gathered through community consultation, Council's asset strategy, and asset investigations inform a program to improve town and village centres. Council also looks for grant opportunities to improve town and village centres and main streets. Council's Executive has also met with government representatives to discuss possible grant opportunities for enhancement and improvement to main streets within the Shire.

Council's Town Centre Master Plans are available on Council's website, allowing the public to view Council's endorsed Town Master Plans for Bowral, Mittagong and Moss Vale. Council has also developed a Street Tree Masterplan to guide tree planting and beautification works within our towns and villages. The Master Plans link to the Operational Plan and Project Plans to ensure compliant and consistent improvements are delivered for the community.

Tenders for consultants to develop the Bowral CBD Master Plan have been reviewed and a preferred consultant has been selected. They will be engaged early in 2019 to begin working with Council to develop a master plan for proposed works to the Bowral CBD.

Council is currently implementing a range of works to maintain existing CBD towns and village precincts to manage risks within budget limitations. The following works have been undertaken during the reporting period:

- Regular scheduled service level maintenance and cleansing activities across the central business districts including street washing Corbett Plaza and Bundanoon
- Amenities cleaned to scheduled service levels
- Graffiti cleaning in all town centres
- Installation of bins and dog litter bag dispenser at Burrawang.

Council also installed Christmas displays in town centres, carried out ongoing garden maintenance of roundabouts, street gardens, and undertook roadside landscaping including repairs to pavements in Corbett Plaza, Wingecarribee Street, and Merrigang Street, Bowral.

DP052 Deliver the Urban Street Tree Implementation Plan

Council has completed the following street tree plantings in line with the outcomes and objectives detailed in the Street Tree Implementation Plan and Street Tree Master Plan:

- Ongoing street tree planting of 42 trees across Mittagong, Moss Vale and Welby.
- Roadside planting of 90 plants at Wingello
- 100 street trees planted in Darraby Estate Moss Vale.
- Tree replacement in Lake Alexandra
- Tree replacement Welby hockey Fields - six Himalayan Cypress
- In street tree planting Station Street Mittagong - one Vase Tree.

DP053 Provide and maintain high quality community facilities across the Shire

Council is continuing to develop strategies and collect data for community and public facilities across the Shire. Information and data are fed into Council's Conquest Asset System which provides information for prioritisation and verification for services provided and the necessary work required to ensure ongoing quality service is provided for the community.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



Council continues to manage community facilities in partnership with licensees and community groups and Volunteer training was undertaken over two sessions in November. The volunteer induction training also covered Council's Code of Conduct.

A Volunteer Thank You was held 10 December at Exeter Hall. The event was hosted by the Exeter Hall Management Committee and organised by Council to show appreciation to the volunteer 355 Management Committees.

Work on the Masterplan for the Bong Bong Common has advanced with a final draft being prepared to present to Councillors in February 2019, followed by a public exhibition period. In addition, Council implemented the minor capital works program for buildings. Building work included finalising design specifications for Leighton gardens amenities, Winifred West amenities, Burrawang Tennis Club House, Bundanoon Pool kiosk refurbishment and Welby Cricket and AFL club house. Council also installed air conditioning in the plant room at Bundanoon Memorial Hall.

DP054 Undertake the redevelopment of Bowral Memorial Hall

Design development for the project is continuing. It is anticipated that the design will be completed in the first quarter of 2019.

DP055 Effectively plan for and deliver on the diverse needs of people with a disability

Council addresses the needs of people with disability in a number of ways. The International Day of People with Disability in December brings together a range of services to provide a fun day of activities and entertainment and also provide information to community to raise awareness and address concerns.

Council also facilitates the Access Reference Group and has continued to implement strategies identified in the Disability Inclusion Action Plan.

DP056 Ensure planning controls allow for diversity of housing choice

Council is currently working on detailed character and design controls to ensure that medium density development is appropriately located and is reflective of community expectations. Council has recently commenced preparation of a new Housing Strategy that will plan for the future housing needs of the Shire, including increasing the mix of densities and housing types in appropriate locations.

DP057 Partner with agencies to plan and deliver a program of road upgrades, renewals and maintenance

Council is undertaking programmed and reactive maintenance on its road networks.

Council is partnering with the Roads and Maritime Services, other state Government authorities and community groups and is actively involved in the Canberra Region Joint Organisation and Infrastructure Working Group to ensure delivery of road upgrades, renewals and maintenance.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



Grant funding opportunities are actively sought, to provide improved service delivery for the community.

Customer requests are now being actioned within 14 days to the effect that the request is inspected, made safe and where applicable maintenance programmed or a capital works request submitted for project scoping and prioritisation.

Works undertaken include:

- Shire wide preparation works for the Road Resealing Program
- Bowral (Cycle) Classic road surface preparation
- Gravel roads regrading in Bundanoon, Exeter, Werai, Sutton Forrest, Belanglo, Medway and Berrima

In addition, grading has commenced in Mittagong.

Ongoing design work conducted in-house and through consultancy services continues to deliver improved road quality and consistency throughout the Shire. Council is also working with agencies to develop and implement road safety initiatives in conjunction with Roads and Maritime Services, including programs for Aboriginal elders, new drivers, bike users and motorcycle riders.

DP058 Implement a long term solution for the use and disposal of roadside spoil



Works on the following projects are underway:

- Drapers Road Reuse Management Depot: A concept plan has been completed. A pre-development application lodgement meeting was requested in mid-November.
- Berrima Road Reuse Management Depot: On 16 September 2018 Council was advised that an aboriginal land claim over site had been granted. This land is now transferred to Illawarra Local Aboriginal Land Council (ILALC). Council is investigating discussions with ILALC to use the land as a depot.
- Hilltop Coates Road Quarry Restoration: Amended restoration plans have been submitted to the Crown Lands Department for approval. New legislation will complicate the approval process.
- Temporary Stockpile Sites for Construction Materials (Non reuse): Management Plans for 11 sites have been completed.
- Glenquarry Sheepwash Road Safety Improvement Project: A vehicle runoff embankment plan is almost completed. Other similar safety improvement projects are being investigated.
- Moss Vale Anembo Park Regrading and Beautification: The plan is nearly completed. Suitably classified roadside material can be reused during regrading and landscaping.

DP059 Review and implement Water Master Plan



Council is currently finalising the Integrated Water Cycle Management Strategy (IWCMS). In July, Council presented a draft IWCMS to the Department of Industry Water, and a final IWCMS was forward to the Department in September, for their information and feedback.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



DPO60 Review and implement Sewage Treatment Plant Upgrade Strategy

Council has carried out investigations and developed a long term Sewerage Treatment Upgrade Strategy that links to plans to upgrade Moss Vale and Bowral Sewage Treatment Plants (STPs). The strategy has initiated concept design work which is nearing completion for the Moss Vale and Bowral STP upgrades. Council's strategy also includes innovation through automation, energy efficiency, improved reliability, service delivery and integration between the STPs and the distribution network.

Concepts will be reviewed early in 2019 and approved by the relevant State Government authorities prior to Council lodging an application for funding with the State Government for the detailed design of the plants. Council will be engaging a design consultant for the detailed design of the plants in 2019.

Council continues to address network risk, improved service delivery and lowering whole-of life costs and operational costs. Council is also planning and delivering an entirely new Wide Area Network telecommunications system which will provide enhanced speed, real time data and allow automation to be implemented at a level never before possible, for critical water and sewer infrastructure.

DPO61 Improve stormwater management across the Shire

Council regularly reviews and implements floodplain management strategies, which guide and inform Council's floodplain management projects.

Council is delivering two floodplain management projects this financial year:

- 1) Review of Whites Creek Floodplain Risk Management Study and Plan (40% complete) - Flood study has been completed and the damage assessment commenced;
- 2) Nattai Ponds Floodplain Risk Management Study and Plan (50% complete) - Risk management options assessment was completed.

Strategies also drive Council's stormwater management plans, including the stormwater drainage works undertaken in accordance with the capital works program. Projects completed include the Mittagong Lyell Street Drainage Upgrade, and the Bundanoon Penrose Road Culvert Renewal.

Staff are currently implementing a forward design stormwater drainage program. Stormwater designs currently being completed include Robertson Vandenberg Road Drainage Improvements.

Stormwater designs are in progress for:

- Queen Street, Bowral (Delivery 2018/19)
- Channel Improvements including Federal Approval of Environmental Impact, Renwick (Delivery 2018/19)
- Price Street, Bowral (Delivery 2018/19)
- Ferguson Crescent, Mittagong (Delivery 2019/20)
- Glebe Street, Bowral (Delivery 2019/20)

Council is undertaking programmed and reactive maintenance on stormwater drainage networks. Customer requests are now being actioned within 14 days to the effect that the request is inspected, made safe and where applicable maintenance programmed or a capital works request submitted for project scoping and prioritisation.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



DPO62 Undertake drinking water quality management

Council continues to work in line with its commitments under the adopted Drinking Water Management System and the Australian Drinking Water Guidelines (ADWG) in close consultation with NSW Health.

There are a number of significant measures successfully attained during the reporting period including:

- The production of primary treated water for the community was 100% compliant with the ADWG.
- The delivery of distributed water through the reticulation network was 100% compliant with biological requirements.

Council has a number of initiatives planned to move towards a more proactive mode of operation in 2019 and facilitate increased planned maintenance and monitoring to further improve water quality to the community.

DPO63 Ensure the integrity of water and sewer infrastructure

Council has continued with both planned and reactive maintenance of its water and sewer infrastructure. The review and modification of team structure, skill base and work practices is ongoing to optimise efficiency and maintain customer service standards.

Council staff continue to review and implement policies, including the implementation of updated Trade Waste, Drinking Water and Backflow Management policies, complementing increased action on managing water theft and illegal property water connections.

DPO64 Ensure regulatory compliance of sewerage infrastructure

The Environment Protection Authority regulatory annual return for Robertson waste water treatment scheme was completed in September 2018. The Robertson scheme was performing well and was fully compliant. The other five sewerage treatment schemes' annual returns will be completed and submitted between March and May 2019.

The concept designs for the Bowral, Moss Vale and Mittagong (Braemar) sewerage treatment plants are at different stages of completion, varying from final to draft design stages. These upgrades are essential to ensure compliance with licence parameters, as these plants have reached their maximum capacity because of the population growth in the Shire. Council is in the process of submitting documentation for State grant funding for these essential upgrades.

Determining the origin of stormwater infiltration into sewer mains through smoke testing continued over the past six months. This monitoring program has proven to be successful, as it highlights any damaged assets or any illegal customer connections into Council's sewerage systems.

DPO65 Facilitate and advocate for enhanced access to telecommunication networks

Improved telecommunications infrastructure across the Shire is a component of the draft Economic Development Strategy.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



Environment

Wingecarribee 2031 outlines the following **Environment** Community Goals

- 4.1 Wingecarribee's distinct and diverse natural environment is protected and enhanced
- 4.2 Sustainable living practices are actively encouraged
- 4.3 Wingecarribee achieves continuous reduction in waste generation and disposal to landfill
- 4.4 Wingecarribee addresses, adapts, and builds resilience to climate change

The **Delivery Program 2017-21** includes 23 four-year actions to assist in the achievement of the **Environment** strategies. The progress for these four-year actions for the July to December 2018 reporting period is outlined below.

DP066 Manage public natural assets

Environmental management activities continue to be successfully implemented by the Environment Levy funded Bushcare program across 38 bushland sites.

The Wingecarribee Rivercare Group - Burradoo was formed and working bees commenced in September. Nine revegetation projects at Bowral Centennial Park, Moss Vale Cosgrove Park, Burrawang George Street Wetland, Robertson Caalong Creek, Mittagong Chinamans Creek, Bundanoon Governors Rd, Burradoo Wingecarribee River, Moss Vale Whites Creek, and Mittagong Three Creeks Project commenced during this period.

The Community Nursery continues to operate with volunteer support, with over 4,230 plants produced in the reporting period. The Southern Highlands Koala Conservation project continues. The NSW Government awarded \$450,000 over three years with its SOS Saving Our Species program. A key focus will be on private land conservation agreements, restoration of habitat, road kill hotspots, and support for carers.

The Southern Highlands Platypus Conservation Project and the Southern Highlands Glossy Black Cockatoo Conservation Project continue to be implemented. The Local Government NSW (LGNSW) Roadside Environmental Management Plan Project has commenced with grant funding of \$46,000 received from LGNSW. This project will be completed by March 2019.

DP067 Maintain and build high value environmental lands and corridors

The NSW Office of Environment and Heritage is continuing to develop the Green Web Corridors project. This uses the draft vegetation structural layer in conjunction with koala satellite tracking data and predictive distribution of koala habitat. The Green Web is anticipated to be completed in the second half of the 2018/19 financial year.

Council's Private Land Biodiversity Conservation Strategic Plan continues to be implemented. Council encourages and recruits conservation on private land through a three tiered program to support different types of landholders and conservation values. In total, 197 properties are registered with Council's Habitat For Wildlife program, and 121 properties are registered with the Land For Wildlife program.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018**ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018**

DP068 Ensure the impacts of development on biodiversity are assessed, monitored and mitigated



Council continues to assess new developments in accordance with the relevant legislation. This includes assessing proposals against local and state planning instruments, development control plans and local standards/policies.

Council continues to take enforcement action where works are undertaken without development consent or where environmental impacts have not been considered and/or assessed. Council has recently identified a number of incidents where environmental harm has been caused as a result of destruction of endangered ecological communities (Southern Highlands Shale Woodlands) and has undertaken appropriate regulatory action to ensure that biodiversity is protected including court proceedings.

DP069 Build community partnerships and education programs to reduce pollution



Council continues to operate an investigation and enforcement program for pollution and illegal dumping matters. During this period a number of investigations have resulted in enforcement notices being issued for a number of matters.

During the reporting period, Council delivered school based education programs focused on water quality. Preparations have commenced for 2019 Household Chemical Clean Out event in May and Clean Up Australia Day in March.

Council has undertaken a proactive approach to educating local builders on site regarding their responsibilities for waste management and also sedimentation and erosion control. Whilst minor pollution incidents have been reported through migration of sediment material off construction sites, no major incidents have occurred in the reporting period. Council will continue to build partnerships with local community members to reduce pollution of the environment.

DP070 Reduce the impact from Council infrastructure and operations



Council undertakes Environmental Assessments of the potential impact from Council works, utilising Council's adopted procedure and assessment tool for this function. These tools have been reviewed to reflect changes in the relevant legislation and new biodiversity legislation. Controls to minimise and mitigate environmental impacts are identified through this process. In-house training has been delivered to key project management staff and further training is scheduled in February 2019.

The Local Government NSW Grant funded Roadside Vegetation Project has commenced. This project will see the development and implementation of environmental guidelines which will relate to works within Council's road reserves that affect roadside vegetation.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



DP071 Develop and implement policies that support health, environment and sustainability outcomes within Council and across the Shire



Council aims to ensure up to date environment and sustainability policies are adequate and appropriate to address our community's needs and emerging issues.

During this reporting period the following policies were updated:

Noise Policy – this was approved by Council on 14 November 2018 after a period of public consultation. The supporting Neighbourhood Noise Procedure and supporting materials has been approved by stakeholders and Executive and is now in place for use within Council.

Backyard Burning Of Vegetation Policy – Council's Backyard Burning of Vegetation Policy and mapping tool were updated to reflect new requirements for fire permits in areas under the authority of Fire and Rescue NSW. This policy work and mapping app won the 2018 Local Government NSW Excellence in the Environment Award for Communication, Education and Empowerment (Division B).

Pesticide Notification Plan – the Pesticide Notification Plan was adopted by Council and gazetted during the reporting period. The updated plan is now available for use within Council.

DP072 Implement planning controls that protect the Shire's natural resources



Council's Local Environment Plan and Development Control Plan are regularly monitored and reviewed to ensure that the planning framework is consistent with community expectations in relation to protecting the Shire's natural resources. Staff are currently reviewing Council's storm water development controls and engineering specifications to ensure that future development does not impact on water quality within the Shire.

All Planning Proposals received by Council which are included in the Local Planning Strategy have recently received a Gateway Determination and staff are currently working through the Gateway requirements. A number of planning proposals have been formally exhibited in accordance with the Gateway requirements and will be reported back to Council for finalisation in the near future.

DP073 Advocate to State and Federal government to ensure planning controls, plans and proposals reflect community priorities



Staff continue to stay up to date with proposed legislative changes to ensure planning controls reflect community priorities and advocate to the NSW Government on behalf of the Wingecarribee community. Recent submissions have been provided to the NSW Government on the review of retail planning, the Medium Density Housing Code and the Regional Urban Design Guidelines. As a result of Council's submission, the Medium Density Housing Code had been deferred in the Wingecarribee Shire for a period of 12 months. Council staff have also been involved in working groups with the Department of Planning on the template Development Control Plans and the proposed changes to short term rental accommodation.

Council continues to work with State and Federal Government stakeholders to advocate and respond to emerging issues that impact on the Shire's environment and sustainability. Council is currently working with the Office of Environment and Heritage on a number of key projects including detailed vegetation mapping and a number of Koala mapping and protection projects.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018**ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018**

DP074 Develop partnerships with community and agencies to identify, update and maintain awareness of key natural resources



Council's website pages relating to environmental information are regularly reviewed and amendments made to ensure the currency and reliability of information.

Council maintains a number of Geographic Information Systems environmental datasets for development assessment, planning considerations and environmental assessments of Council projects. Processes are in place to ensure currency of this information.

Waterwatch Program monitoring activities were undertaken at Mittagong Creek, Whites Creek, Lake Alexandra, Medway Rivulet and Caalong Creek. The monitoring program is providing data on catchment health. The aim of monitoring is to collect data on the trends in water quality and stream condition, with results published on Council's website. Council also undertakes stream macroinvertebrate sampling. This monitoring program is providing data on catchment health, and results are also entered into the NSW Atlas of Living Australia.

A Native Bee Seminar and Bee Hotel workshop was held for Habitat for Wildlife and Land for Wildlife members and the general public during National Pollinator Week.

Further, two editions of the Wingecarribee Web e-newsletter were published and distributed to over 1,000 subscribers.

In addition, a number of Citizen Science tools have been developed and deployed via the Survey123 platform including:

- Platypus Spotter
- Glossy Black Cockatoo Hollow Bearing Tree recorder
- Wombat Mange Treatment Tracker
- Koala Spotter

Further tools are in development. Council also supported the Aussie Backyard Bird count in October.

DP075 Implement community awareness programs that promote sustainable living



During the reporting period, Council facilitated one "Demystifying Energy" workshop with the Office of Environment & Heritage. Those who attended were encouraged to bring their electricity bills for assessment and were provided impartial advice on the suitable size for solar installations based on their energy consumption.

Council was successful in receiving a grant for the Community Resilience Innovation Program through the Office of Emergency Management to develop a program focused on assisting senior citizens to deal with extreme weather events.

Development of the School Based Storm Water program continues. Council has supported several schools during the reporting period by providing storm water education sessions to students on site at local waterways. These sessions will be formalised into a package that can be offered to schools within the Shire.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018**ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018**

DP076 Develop partnerships and networks to leverage off existing programs 

The following actions were undertaken during the reporting period:

- Coordinating the delivery of a workshop for Seniors Week 2019 to be presented by the Water and Energy Ombudsman. This workshop will focus on explaining energy bills and interpreting energy costs.
- Council staff attended the Council Youth Forum in late October to present a workshop focused on participation and engagement with environment and sustainability. From this workshop a number of youth expressed interest in forming an environmental youth network or joining an existing network such as CANWin
- Council is collaborating with the Southern Highlands Botanic Gardens to hold an Earth Hour event in late March 2019. Planning is well underway for this event.

DP077 Implement State Government regulations 

Council has continued to assess and determine development applications within the reporting period. Council has considered 1023 Development Applications from 1 July to 31 December 2018.

Council has renewed its commitment to responsive assessment outcomes in residential housing through the establishment of a responsive outcomes unit which deals specifically with residential applications in new release areas. This initiative has seen a reduction in the average determination time of prescribed applications to 13 days in December 2018. This initiative delivers on state government policy to ensure that average determination times on housing approvals are reduced.

DP078 Advocate and educate for improved development outcomes 

Council continues to work in partnership with the State Government and industry to achieve improved development outcomes. Recently, Council adopted the Notification of Development Proposals Policy following consultation with the industry and the community, which will provide greater certainty in terms of community participation in development decision making.

DP079 Support the establishment and expansion of businesses that produce goods locally 

Council assisted in facilitating the Bowral Long Lunch event held in October 2018, with the objective of bringing together local growers and restaurants. Multiple government agencies made presentations. Service NSW and Regional Development Australia helped to fund the event.

DP080 Promote and encourage waste minimisation and recycling 

Council continued to promote recycling and home composting to help reduce waste, including conducting workshops at primary schools and with community groups. Council has also signed up to the Get Grubby national waste education program to assist schools in working through topics such as waste avoidance, waste reuse and recycling opportunities.

Council participated in the Garage Sale Trail, and will continue to promote this event aimed at reducing waste going to landfill.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



In addition, measures are in place to reduce landfill, including the conversion of inert waste into an alternative fuel source, which achieves an 85 percent diversion from landfill. This puts Council in the top recycling facilities in NSW.

DP081 Implement strategies to reduce illegal dumping

Council continues to implement both reactive and proactive initiatives to discourage illegal dumping including prosecutions where illegal activities are detected.

DP082 Manage the Resource Recovery Centre in accordance with Environmental Protection Authority licence and ensure efficient and cost effective operations

Council continues to maintain compliance in accordance with the Environmental Protection Authority (EPA) licensing requirements, while managing additional monitoring requests and recommendations from the EPA.

The efficiency and cost effectiveness of the operations of the Resource Recovery Centre are continually reviewed and improved processes and opportunities to improve the effectiveness of waste recovery and recycling, such as the recently installed cardboard baling machine have been implemented to enhance the overall operations and financial benefit to the community.

DP083 Develop and implement a Council Waste Strategy and Policy

A draft Waste Strategy and Policy have been developed, and will be presented to Council for consideration. The Strategy will be placed on public exhibition for community feedback following endorsement by Council.

DP084 Implement strategies to improve energy management

The following actions were taken to improve energy management:

- Council was successful in obtaining an Office of Environment and Heritage Green Heritage Grant to fund an upgrade of Mittagong Library to include energy efficient measures such as more efficient air conditioning, insulation, and lighting.
- In November, a 37.29 kW solar energy system was installed at the Robertson Sewer Treatment Plant. It is expected this solar installation will generate around 50,000 kWh of renewable energy per year.
- Proposal developed for Moss Vale Aquatic Centre to upgrade the lighting in the pool area. This project will be funded through the Revolving Energy Fund.
- Ongoing work has been undertaken to improve Council's management of utility billing, new utility connections, and investigating older connections that may no longer be required.
- Work has commenced on researching options for the next round of electricity contracts including investigating the option of a power purchase agreement to purchase renewable energy.
- Stage two of the LED street lighting upgrade is now complete. This project received an award at the Local Government NSW Excellence in the Environment Awards.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



DP085 Undertake initiatives that increase awareness and encourage water, energy and waste reduction 

The following activities occurred during the reporting period:

- Council helped promote the Bin Trim program via media articles and through the Southern Highlands Chamber of Commerce and Moss Vale Chamber of Commerce.
- Consultants have been engaged to commence the Community Resilience Innovation Program focused on developing mechanisms to engage with seniors to plan for extreme weather events.
- Council continues to liaise with Low Carbon Living Southern Highlands offering assistance where possible.
- Council has commenced planning for Seniors Week presentations on energy and extreme weather events.

DP086 Implement strategies to address the impacts of climate change 

A formal review of Council's Climate Change Adaptation Plan has commenced. This will be completed and adopted in the second half of the 2018/19 period.

DP087 Improve resource and energy efficiency at Council facilities and monitor carbon emission 

Annual greenhouse gas accounting for Council's operation in 2017/18 was completed and published on Council's website. There has been a slight decline in emissions, which can be attributed primarily to the street lighting upgrade project.

DP088 Encourage carbon reduction across the Shire 

Two Council staff attended the Cities Power Partnership Summit (18-19 October 2018). The Summit was attended by over 160 delegates from councils, community energy groups and climate and industry experts from across Australia. Council was a finalist in the Summit's Energy Efficiency Award category for the LED Street lighting upgrade, and jointly won the Knowledge Sharing category along with the other members of the south east buddies group.

Council staff from the south east buddies group continue to meet regularly to share knowledge and ideas.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



Economy

Wingecarribee 2031 outlines the following **Economy** Community Goals

- 5.1 Our Shire attracts people to work, live and visit
- 5.2 Sustainable business and industry work in harmony with local community and environment
- 5.3 We support the productive use of our agricultural land and promote our diverse and thriving local agriculture industry and its right to farm
- 5.4 Local business is supported through a connected community

The Delivery Program 2017-21 includes 12 four-year actions to assist in the achievement of the **Economy** strategies. The progress for these four-year actions for the July to December 2018 reporting period is outlined below.

DPO89 Support regional activities and partnerships to broaden and promote the range business and industry investment



Council and the NSW Government worked together to produce the Wingecarribee Regional Economic Development Strategy 2018-2022. The Strategy is aimed at delivering infrastructure to the region which will enhance the liveability of the region, facilitate development of agriculture as a key strength and specialisation, and grow the visitor economy based on food, wine and events, grow education, health and aged care sectors, and strengthen the manufacture base.

DPO90 Build on partnerships that increase and broaden local employment opportunities



Council continues to liaise with tertiary education institutions and local schools and the business sector to identify skill gaps in the local workforce.

Council is also working with State Government agencies and non-government agencies in providing data on local employment and business generation.

DPO91 Ensure tourism development assessment is based on quadruple bottom line principles (i.e. considers environmental, economic, social and governance factors)



Council continues to assess tourism development applications considering the quadruple bottom line principles and utilising processes detailed under the relevant legislation to achieve this.

Council is also broadening its strategic policy positions through the revision of its Development Control Plans which will include tourism development controls. Council is currently exhibiting a Rural Tourism Policy which will ensure that future development is managed appropriately.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



DPO92 Promote the Southern Highlands a world class tourist destination

A proactive marketing program was undertaken in conjunction with industry partners, which generated record levels of exposure for the Southern Highlands and positioned and promoted it as a key regional tourism destination. The exposure was spearheaded by major events and festivals such as Pie Time, Tulip Time, Southern Highlands Food & Wine Festival, the Bowral Classic, Hillview Sculpture, and the Southern Highlands Arts Festival and Studio Art Trail. These leading promotional activities all contributed to the increased awareness of the region in key domestic and international markets along with witnessing record visitation and attendance at the associated events.

To further support the promotion of the Southern Highlands as a destination and the Southern Highlands Welcome Centre, TripAdvisor continues to provide a great content portal and showcases independent reviews for the region.

Council has worked closely with Destination NSW, Visit Canberra and Tourism Australia to promote the Southern Highlands via their marketing channels and resources. Numerous tours of the region for trade and media representatives were conducted to introduce the region. As a result, the region received great coverage by leading journalists, and potential for inclusion in trade programs for the future.

DPO93 Develop and implement marketing and promotional activities to promote the Southern Highlands

Highlights of activities to promote the region include:

- Implementation of an innovative Theme Marketing Months Program for the region
- World Toilet Tourism Awards Launch
- Awarded gold at the Canberra Region Tourism Awards in November, with the Australian Tourism Awards to be held in Tasmania in February 2019
- Development and launch of the Southern Highlands Coffee Trail with over 100 local barista outlets
- Golf "Stay & Play" Pass extension for 2 years
- Preparation and printing of 40,000 Planners and 120,000 Maps for the 2019 year prior to Christmas

Tulip Time achieved record visitation of 49,000, with great participation by the local community, artists, schools and choirs.

The Southern Highlands was a finalist in a national campaign by WOTIF for the "Next Big Thing" promotion, for "The Big Tulip". This resulted in exposure for Mittagong and the Southern Highlands during the eight week promotion period.

Work was also undertaken on:

- Development and circulation of a Rural Tourism Policy
- Development of a new Destination Management Plan
- Development of new Products and Experiences - Heritage Trail, Coffee Trail, and Pinot & Pie Trail
- Development of new Corporate and Consumer Websites
- Initiation of a combined industry Christmas party
- A Proactive Visiting Journalists Program and associated media exposure
- The production and distribution of regular Monthly 'What's On in the Highlands' videos
- Active social media marketing activities with high reach and exposure

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018

ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018



- The operation of a successful Southern Highlands Welcome Centre, generating:
 - Membership increase 3%
 - Visitation increase 20%
 - Retail Sales increase 13%
 - Web-Site increase 131%
 - Accommodation Sales increase 28%
 - Facebook increase 34%

DP094 Explore options to progress Moss Vale Enterprise Zone

Recommendations in relation to the promotion of the Moss Vale Enterprise Corridor are to be included in the Economic Development Strategic Plan which will be finalised in the first half of 2019.

DP095 Support the establishment and expansion of clean industries

A survey of businesses in the region with regard to water, waste and energy costs was undertaken. The survey found that many businesses thought they were running clean businesses and were not or had not engaged with environmentally sustainable businesses.

DP096 Manage the operation of the Southern Region Livestock Exchange

The Southern Region Livestock Exchange (SRLX) continues to operate to the agreed service levels, noting the facility requires significant capital improvements to meet current operational standards.

Council was successful in receiving a \$5.2 million grant for the SRLX under the State Government's Growing Local Economies Grant Program, which will facilitate the completion of significant capital works that will bring the SRLX up to current industry standards for the management and sale of cattle. Project planning and consultation with stakeholders will be undertaken in early 2019, with the project works expected to commence in the second half of 2019.

DP097 Ensure development does not impact on viable primary production and food security

All Planning Proposals submitted to Council for consideration are assessed against strategic criteria which include the need to protect the agricultural value of rural land as required under relevant State Environmental Planning Policies and Ministerial Directions. Proposed amendments to relevant State Policies are being reviewed.

DP098 Facilitate programs and networks that support and strengthen business development

Council has provided ongoing support for Southern Region Business Enterprise Centre, and Regional Development Australia Southern Inland. Council has also supported Small Business Month being promoted by Service NSW. The CareerHQ/JobGetter pilot program has the potential to help employers secure a more relevant mix of skills, a key requirement for sustainable businesses.

13.6 Bi-Annual Delivery Program Progress Report, July to December 2018**ATTACHMENT 1 Bi-Annual Delivery Program 2017-21 Progress Report - 1 July 2018 to 31 December 2018**

DP099 Support initiatives that provide opportunities for business mentoring and connection

Council has supported the CareerHQ/JobGetter pilot program which can help businesses secure a more relevant mix of skills. The JobGetter platform design may be extended to include business mentors by the end of the trial in the third quarter of 2019.

DP100 Support regional economic development initiatives

The Bowral Long Lunch held in October brought together all of the main agencies involved in the economic development initiatives in the region for one targeted event. The Circular Economy and the Jobs Agenda 2018 events also extended the collaboration platform.

13.7 Council Policy Review

Reference:	104/7
Report Author:	Corporate Strategy and Policy Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to inform Council of a number of Council policies that have been identified as redundant and to seek approval to repeal these policies from Council's policy register.

RECOMMENDATION

THAT Council approves the repeal of the following policies from the policy register:

1. Access to Information Policy
2. Appointment of Community Representatives Policy
3. Council Event Policy and Guideline
4. Gathering of Information
5. Plant and Vehicle Management Policy
6. Private Works Policy
7. Records and Document Management Policy
8. Sustainability & Design Criteria for New Urban Release Areas
9. Volunteers – Bushcare Volunteers
10. Local Purchasing Preferencing Policy

REPORT

BACKGROUND

Council has undertaken a comprehensive review of all policies within the organisation. This process has identified policies that require review and those that are no longer required as they have been superseded, incorporated into other policies or are no longer relevant.

REPORT

As part of the policy review process, Group Managers and Managers have identified a number of policies that are no longer required and that should be removed from Council's

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES

policy register. The table below lists the policies identified and the reason that each policy is no longer required.

Policy Name	Council Department	Date Originally Adopted	Reason for Repeal
Access to Information Policy	Corporate and Community	14 July 2010	The objectives of this policy are now met by the Agency Information Guide produced by Council in accordance with the <i>Government Information (Public Access) Act 2009</i> .
Appointment of Community Representatives Policy	Corporate and Community	8 July 2009	The objectives of this policy are now met by the Committee Manual 2016-2020 adopted by Council on 8 February 2017.
Council Event Policy and Guideline	Corporate and Community	8 June 2011	The objectives of this policy are met by Council's Planning a Public Event Procedure Manual.
Gathering of Information	Organisational Development	24 November 2004	The objectives of this policy are now met through the Gathering of Information General Manager Practice Note.
Plant and Vehicle Management Policy	Finance, Procurement & Fleet	14 March 2012	The objectives of this policy are now met through the Vehicle Management General Manager Practice Note.
Private Works Policy	Infrastructure Services	24 August 2011	This policy is not required, as Council does not undertake private works.
Records and Document Management Policy	Corporate and Community	28 June 2000	The objectives of this policy are now met through the Records Management General Manager Practice Note.
Sustainability & Design Criteria for New Urban Release Areas	Planning, Development and Regulatory Services	23 April 2008	The objectives of this policy are now met utilising adopted development control plans, adopted engineering and planning specifications, and also state policy.
Volunteers – Bushcare Volunteers	Environment and Sustainability	23 August 2000	The objectives of this policy are now met in the Bushcare Volunteer Manual.
Local Purchasing Preferencing Policy	Finance, Procurement & Fleet	12 August 2009	The policy position has been consolidated into the Procurement Policy adopted by Council on 23 May 2018.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

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

COMMUNICATION AND CONSULTATION

Community Engagement

Not applicable

Internal Communication and Consultation

All relevant Group Managers, Managers and Coordinators were involved in this review process.

External Communication and Consultation

No external consultation has occurred, as the repeal these policies is recommended to streamline the policy framework of Council, and has no impact on the broader community.

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 policy review program ensures that Council policies are current, and that all statutory requirements are met.

COUNCIL BUDGET IMPLICATIONS

There are no Council budget implications in relation to this report.

RELATED COUNCIL POLICY

This report does not relate to one specific policy.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

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



OPTIONS

The options available to Council are:

Option 1

Approve the repeal of the listed policies.

Option 2

Not approve the repeal of the listed policies.

Option 1 is the recommended option to this report.

CONCLUSION

Council's policy register will continue to be reviewed and maintained to ensure the currency of all Council policies. Any further policy developments will be reported to Council as required.

ATTACHMENTS

There are no attachments to this report.

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Thursday 21 February 2019



COUNCIL MATTERS

14 GENERAL MANAGER

14.1 Legal Report

Reference:	107/22
Report Author:	General Counsel
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on Wednesday 28 November 2018.

RECOMMENDATION

1. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.
2. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 22.4.

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

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

REPORT

BACKGROUND

This report updates the current status and costs paid during November 2018, December 2018 and January 2019 for legal proceedings involving Council in the Land and

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Environment Court, including those matters completed since the last report to Council. Legal proceedings involving Council and legal advice obtained by Council are confidential and attract legal professional privilege. Therefore, their status is reported in a closed report.

REPORT

On 17 April 2013, Council resolved:

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

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

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

Consultants' Fees

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

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

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

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

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

There were consultants' fees for legal proceedings paid in the months of November 2018, December 2018 and January 2019 – refer **Attachment 1**.

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

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

CONSULTATION

Community Engagement

Nil

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Internal Consultation

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

External Consultation

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

SUSTAINABILITY ASSESSMENT

- **Environment**

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

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

COUNCIL BUDGET IMPLICATIONS

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

RELATED COUNCIL POLICY

Council's Compliance and Enforcement Policy.

ATTACHMENTS

1. Legal Costs - November December 2018 and January 2019



ATTACHMENT 1

Legal Costs – November 2018, December 2018 and January 2019

Attachment 1

Legal Matter	Legal Expenditure	Consultant Expenditure	Legal Expenditure	Consultant Expenditure	Legal Expenditure	Consultant Expenditure	Legal Expenditure	Consultant Expenditure	Total Expenditure
	Nov-18	Nov-18	Dec-18	Dec-18	Jan-19	Jan-19	YTD	YTD	LTD
Fenwick v Woodside Properties					\$498		\$498		\$25,984
Centennial Winery Centennial Road Bowral	\$3,062		\$3,220				\$8,281		\$188,925
Moss Vale Projects (Woolworths) Cnr Argyle Street and Lackey Road	\$23,069						\$114,388	\$63,172	\$270,230
Willow Properties Retford Road Bowral	\$19,622	\$6,975	\$1,597		\$2,003		\$36,771	\$6,975	\$81,785
RG Capital Erith Street Bundanoon	\$4,896						\$11,349		\$28,536
Blackbrook Nominees 14 Duke Street Mittagong	\$278						\$278		\$27,776
Tujilo Pty Ltd Milton Park, Bowral	\$3,411	\$2,931	\$27,974	\$10,580		\$4,271	\$42,675	\$26,889	\$101,003
Turland Mittagong Road Bowral	\$61,793	\$40,054		\$13,923			\$72,911	\$73,406	\$192,951
Malcolm Holdings Exeter Road Exeter	\$3,428		\$4,914		\$1,154		\$11,818		\$29,723
Deluxe Projects Seniors Living Development East Bowral	\$3,013		\$1,423		\$2,216		\$14,027		\$32,198
Baron Corp P/L Farnborough Drive Moss Vale	\$372		\$1,145		\$391		\$114,523		\$217,198
Reid 21-23 Payten Street Mittagong	\$1,433		\$3,539	\$6,524	\$4,889		\$24,358	\$11,874	\$57,309
Uri T Design Kangaloon Road Bowral	\$59,075		\$5,336		\$403		\$77,138		\$103,905
Michael Brown Planning Loftus Street Bowral	\$10,365		\$3,998	\$4,501	\$3,923	\$4,363	\$20,957	\$8,864	\$58,863
Robert Morgan Sutherland Park Drive Bowral	\$6,637	\$8,115	\$931				\$15,245	\$8,115	\$23,359
Gary Walker Architect Oxley Drive Mittagong	\$2,543						\$6,901		\$6,901
Maly Foxgrove Road Canyonleigh							\$2,040		\$2,040
Development Implementation Pty Ltd Old Hume Highway Braemar							\$338		\$338
Leighton-Daly Park Street Wingello	\$2,048		\$5,057				\$12,025		\$12,025
Shelley Boyce 10-12 Tyndall Street Mittagong	\$2,130		\$5,359		\$3,872		\$11,360		\$11,360
Strathfield Investments Pty Ltd 5 Alice Street Mittagong	\$1,657						\$1,657		\$1,657
Total Expenditure	\$208,832	\$58,075	\$64,493	\$35,528	\$19,349	\$8,634	\$599,538	\$199,295	\$1,474,066

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

Fees Recovered – October 2018

Legal Matter	Fees Recovered Nov-18	Fees Recovered Dec-18	Fees Recovered Jan-19	Fees Recovered YTD	Fees Recovered LTD
O'Shanassy	\$500			\$2,000	\$9,518
Willow Properties				\$13,500	\$13,500
Lomman Matter	\$150,000			\$150,000	\$150,000
Malcolm Holdings Pty Ltd	\$3,000			\$3,000	\$3,000
Deluxe Project Group			\$8,200	\$8,200	\$8,200
Michael Brown Planning			\$10,450	\$10,450	\$10,450
Reid			\$20,000	\$20,000	\$20,000
Total recovery	\$153,500		\$38,650	\$207,150	\$214,668

Notes:

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

14.2 2019 National General Assembly of Local Government

Reference:	203/1, 200, 202
Report Author:	PA for Mayor
Authoriser:	Group Manager Corporate and Community
Link to Corporate Plan:	Ensure systems and processes are in place to achieve mutual trust and collaboration

PURPOSE

The purpose of this report is to seek Councillor nominations to attend the 2019 National General Assembly of Local Government (NGA) to be held at the National Convention Centre in Canberra between 16 – 19 June, 2019.

Councillors are also advised that draft motions are to be directed to the Mayor for consideration by 11 March 2019. These draft motions will be endorsed by Council at the 27 March 2019 Ordinary Council Meeting, prior to forwarding them to the Australian Local Government Association by Friday 29 March 2019.

RECOMMENDATION

- THAT Council authorise the attendance at the 2019 National General Assembly of Local Government to be held from 16 to 19 June 2019 in Canberra as follows:**
 - Mayor Councillor Duncan Gair**
 - Councillor xxxxx**
 - General Manager (or delegate)**
- THAT interested Councillors submit motions to the Mayor for consideration by Friday 11 March 2019 AND THAT these draft motions be endorsed by Council at the 27 March 2019 Ordinary Council Meeting, prior to forwarding them to the Australian Local Government Association Board by 29 March 2019.**

REPORT

BACKGROUND

Council has previously resolved that “the Mayor of the day and one (1) other Councillor and the General Manager or delegate (as an observer) attend future National General Assemblies.” (see MN 26/09).

REPORT

The 2019 National General Assembly of Local Government is to be held in Canberra from 16 to 19 June 2019 and a determination is required on who will be attending the Assembly.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Councillors are requested to submit all proposed draft motions to the Mayor by Friday 11 March 2019. A report will be presented to Council on the 27 March 2019 and the endorsed motions will be forwarded to the Australian Local Government Association Board by 29 March 2019.

A discussion paper has been prepared by the Australian Local Government Association (ALGA) to provide guidance to Council for the development of Motions for debate. The paper provides an overview of policy areas which are being developed by ALGA and require consideration. Councils are encouraged to submit Motions on these policy areas.

COUNCIL BUDGET IMPLICATIONS

Council's 2018/2019 Budget makes provision for attendance at state and national local government forums.

ATTACHMENTS

There are no attachments to this report.

14.3 Code of Conduct Matter - Legal Costs

Reference:	880/2
Report Author:	Group Manager Corporate and Community
Authoriser:	General Manager
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

To consider reimbursement of legal costs incurred by a Councillor related to a Code of Conduct complaint.

THIS MATTER WAS DEFERRED FROM ORDINARY COUNCIL MEETING OF 12 DECEMBER 2018

RECOMMENDATION

THAT Council determine its position on the reimbursement of legal costs incurred by Councillor McLaughlin in relation to a Code of Conduct matter.

REPORT

BACKGROUND

Section 7.1 of Council's *Expenses and Facilities for the Mayor and Councillors Policy* (the Policy) includes the following provision for the reimbursement of reasonable legal expenses incurred by Councillor in relation to a Code of Conduct matter:

“... legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct and that the findings are substantially favourable to the Councillor.”

In addition, Section 7.4 the Policy also specifies:

“Authorisation of the payment or reimbursement of legal expenses for a Councillor will be subject to approval by Council, following consideration of the relevant matters, including this policy, via a report to open Council.”

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT GENERAL MANAGER



REPORT

The General Manager has received a request from Councillor McLaughlin relating to reimbursement of legal expenses incurred by him relating to a Code of Conduct matter. The Itemised Bill of Costs is set out in **Attachment 1** to this report.

The Code of Conduct Reviewer's Report is attached as a confidential attachment as all Code of Conduct matters, and therefore reports relating thereto, are to be treated as strictly confidential.

Also attached is a "Private and Confidential" letter from the Office of Local Government relating to this matter. This letter is a confidential attachment as it is pertinent to Councillors' evaluation of the Reviewer's findings in the report and the conclusion drawn by the Reviewer.

The Code of Conduct to which this request relates was not required to be reported to Council as the recommendations did not reach the threshold set out in the *Procedures for the Administration of the Code of Conduct for reporting to Council*.

The request from Councillor McLaughlin is submitted for Council determination

IMPACT ON COUNCIL'S FIT FOR THE FUTURE IMPROVEMENT PLAN

Nil

COMMUNICATION AND CONSULTATION

Community Engagement

Nil

Internal Communication and Consultation

Discussions were held with the General Manager.

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**

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

REPORT GENERAL MANAGER



- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

Section 7.1 of Council's *Expenses and Facilities for the Mayor and Councillors Policy* includes the following provision for the reimbursement of legal costs:

"... legal costs will only be made available where the matter has been referred by the General Manager to a conduct reviewer or conduct review panel to make formal enquiries into that matter in accordance with Council's Code of Conduct and that the findings are substantially favourable to the Councillor."

The Policy also requires that *"Authorisation of the payment or reimbursement of legal expenses for a Councillor will be subject to approval by Council, following consideration of the relevant matters, including this policy, via a report to open Council."*

COUNCIL BUDGET IMPLICATIONS

Council's budgetary processes (including quarterly reviews) ensure appropriate provisions are in place for the reimbursement of Councillor expenses in accordance with the *Expenses and Facilities for the Mayor and Councillor Policy*.

RELATED COUNCIL POLICY

Wingecarribee Shire Code of Conduct and Procedures

Expenses and Facilities for the Mayor and Councillors Policy

OPTIONS

Council determine its position on the reimbursement of legal costs incurred by Councillor McLaughlin in relation to a Code of Conduct matter.

ATTACHMENTS

1. Itemised Bill of Costs - *circulated under separate cover - confidential*
2. Code of Conduct Reviewer's Report - *circulated under separate cover - confidential*
3. "Private and Confidential" Letter from the Office of Local Government - *circulated under separate cover - confidential*

Ann Prendergast
General Manager

Thursday 21 February 2019

15 DELEGATE REPORTS

15.1 NSW Public Libraries Association Annual Conference

Reference:	100
Report Author:	Councillor
Authoriser:	
Link to Community	
Strategic Plan:	Open and effective communication methods and technology are utilised to share information about Council plans, intentions, actions and progress

PURPOSE

The purpose of this report is to advise that Councillor Peter Nelson and Mr Andrew White (Library Coordinator) attended the NSW Public Libraries Association Conference held at Coffs Harbour Tuesday, 27 November to Friday, 30 November 2018.

28 Councillors and 177 Library staff attended the Conference and the Conference theme was "Switch 2018"

Program Highlights were:

DAY 1 (Wed Nov 28)

Session 1:

State Library of NSW Address by Dr John Vallance State Librarian, State Library of NSW

Key Points:

- The State Librarian encouraged all the NSW public libraries to work together
- He asked that public libraries to contact and work with the SLNSW on future exhibitions and programs
- Announced possible future funding for Indigenous Australians collections

Session 2:

Liberal Party Address by Mr Andrew Fraser MP Member for Coffs Harbour

Session 3:

Keynote Speaker Susan Benton President and CEO, Urban Libraries Council (USA and Canada)

Councillor Session: facilitated by Cr Dallas Tout President NSWPLA

Twenty eight (28) councillors were in attendance to discuss the action plan for the "Renew Our Libraries" campaign.

Key Points:

- Discussion on Ambassadors/champions in each local government area
- Promotion considerations including council advertising page, promotion in libraries, mayoral reports.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

DELEGATES REPORTS



DAY 2 (Thurs Nov 29)

Session 1: Labor Party Address by The Hon Peter Primrose MLC Shadow Minister for Local Government, NSW Parliament

Conference Acknowledgement and Farewell: President of the NSW PLA, Councillor Dallas Tout

- Former Library Coordinator, Sandra Croker was acknowledged for her 33 years of service at Wingecarribee Public Library and her contribution to the Library community

Key Statements from the Conference to consider:

- Once you become a leader you give up the position to be comfortable
- Leaders can amplify the voice of others
- Are you learning as fast as the world is changing?
- Audio books allow listeners to connect more strongly with the characters

RECOMMENDATION

THAT the report on the NSW Public Libraries Association 2018 Annual Conference be noted.

ATTACHMENTS

There are no attachments to this report.



18 COMMITTEE REPORTS

18.1 Management and Advisory Committee Reports

Reference:	107/1
Report Author:	Committee Coordinator
Authoriser:	Manager Assets
Link to Community Strategic Plan:	Encourage all members of the community, especially older residents, to share their knowledge and experience with younger members

PURPOSE

This report provides the Minutes of the following Committee Meetings, copies of which will be tabled for information:

1. Minutes of Bong Bong Common Management Committee 14 August 2018
2. Minutes of Hilltop Community Centre 16 August 2018
3. Minutes of Wingello Mechanics Institute Hall 15 October 2018
4. Minutes of Wingello Mechanics Institute Management Committee 12 November 2018
5. Minutes of Canyonleigh Hall Management Committee 20 November 2018
6. Minutes of East Bowral Community Centre Management Committee Meeting 27 November 2018
7. Minutes of Robertson Community Centre Management Committee 29 November 2018
8. Minutes of Mittagong Memorial Hall Management Committee 13 December 2018
9. Minutes of Moss Vale Senior Citizens and Community Centre Management Committee 17 December 2018
10. Minutes of Penrose Hall Management Committee 4 February 2019



RECOMMENDATION

THAT the information contained in the following Committee Reports be noted:

1. Minutes of Bong Bong Common Management Committee 14 August 2018
2. Minutes of Hilltop Community Centre 16 August 2018
3. Minutes of Wingello Mechanics Institute Hall 15 October 2018
4. Minutes of Wingello Mechanics Institute Management Committee 12 November 2018
5. Minutes of Canyonleigh Hall Management Committee 20 November 2018
6. Minutes of East Bowral Community Centre Management Committee Meeting 27 November 2018
7. Minutes of Robertson Community Centre Management Committee 29 November 2018
8. Minutes of Mittagong Memorial Hall Management Committee 13 December 2018
9. Minutes of Moss Vale Senior Citizens and Community Centre Management Committee 17 December 2018
10. Minutes of Penrose Hall Management Committee 4 February 2019

ATTACHMENTS

There are no attachments to this report.



20 NOTICES OF MOTION

20.1 Notice of Motion 2/2019 - Waste Levy

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillors G M Turland, Clr G Markwart, Clr G J Andrews and Clr G McLaughlin have given notice that it is their intention to move the following motion at the Ordinary Meeting of Council on 27 February 2019:

1. **THAT Council write to all NSW State Election candidates for the Electoral Seats of Goulburn and Wollondilly and seek their support for the removal of the Metropolitan Waste Levy applied in Wingecarribee Shire Council as it is unfair and unjust to our Shire.**
2. **THAT Council request that all the funds paid by the Council over five (5) years (\$5.5m) be refunded back to the residents of the Wingecarribee Shire.**

RECOMMENDATION

Submitted for determination.

20.2 Notice of Motion 3/2019 - S 4.55 Amendments to Approved Residential Councillor's Development Applications

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor I M Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 27 February 2019:

THAT s 4.55 amendments to approved residential Councillor's Development Applications now be determined by staff, unless deemed significant by staff and called up.

RECOMMENDATION

Submitted for determination.



22. CLOSED COUNCIL

MOVING INTO CLOSED SESSION

Section 10A of the *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

Section 10B

1. *[Time spent closed to be minimised]* A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):
 - a. *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
 - b. *If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
2. *[Qualification of 10A(2)(g)]* A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:
 - a. *are substantial issues relating to a matter in which the council or committee is involved, and*
 - b. *are clearly identified in the advice, and*
 - d. *are fully discussed in that advice.*
3. *[Qualification of 10A(3)]* If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).
4. *[Irrelevant matters]* For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - a. *a person may misinterpret or misunderstand the discussion, or*
 - b. *the discussion of the matter may:*
 - (i) *cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or*
 - (ii) *cause a loss of confidence in the council or committee.*

Attention is also drawn to provisions contained in Part 7 of Council's Code of Meeting Practice.

Director General's Guidelines

The Director General of the Department of Local Government has issued guidelines concerning the use of Section 10 of the Act. A copy of the Director General's guidelines has been sent to all Councillors. Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.



RECOMMENDATION

1. **THAT Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the *Local Government Act 1993* as addressed below to consider the following reports that are confidential for the reasons specified below:**

22.1 Tender for Construction of Water Filling Stations - Hill Top & Moss Vale

Relevant Legal Provisions

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

Brief description

The purpose of this report is to present the evaluation of the Request for Tender for the Construction of Water Filling Stations – Hill Top & Moss Vale.

22.2 Tender for Vandenberg Road Renewal and Table Drain Works, Robertson

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 Vandenberg Road Renewal and Table Works, Robertson.

22.3 Legal Report - Closed Council

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors), under clause 10A(2)(e) as it contains information that would, if disclosed, prejudice the maintenance of law and under clause 10A(2)(g) as it contains advice concerning

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 27 February 2019

CLOSED COUNCIL



litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to update Council on the status proceedings reported to Council at the meeting of 28 No 2018.

2. **THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**
-

Ann Prendergast
General Manager

Thursday 21 February 2019