

4 June 2020

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held remotely using audio visual link and is open to members of the community via webcast on **Wednesday 10 June 2020** commencing at **3.30pm**.

Yours faithfully

Ann Prendergast
General Manager

SCHEDULE

3.30pm	Council Meeting begins
7.40pm	Closed Council

Business

- 1. OPENING OF THE MEETING**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. PRAYER**
- 4. APOLOGIES**
- 5. ADOPTION OF MINUTES OF PREVIOUS MEETING**
Ordinary Meeting of Council held on 27 May 2020
- 6. DECLARATIONS OF INTEREST 1**
- 7. MAYORAL MINUTES**
- 8. PUBLIC FORUM**

- 9. VISITOR MATTERS**
OPERATIONS, FINANCE AND RISK
Nil
CORPORATE, STRATEGY AND DEVELOPMENT SERVICES
9.1 Section 8.2 Review of Refused DA19/1305 for Temporary Use of Land (Existing Farm Building and Secondary Dwelling) for a Function Centre at 2179 Kangaloon Road, East Kangaloon 2
- 10. EN BLOC MOTION**

- 11. OPERATIONS FINANCE AND RISK**
11.1 Mt Gibraltar Property Matters - Status Update 21
11.2 Lease to Optus Mobile Pty Limited, Mt Gibraltar Radio Facility, Part 22 Oxley Drive, Bowral 27
11.3 Renewal of Existing Licence Agreements - Mt Gibraltar Telecommunications Facility - 232 Oxley Drive Bowral 32
11.4 Planning Proposal to Reclassify Lot 1 DP 1246504, 7-11 Burgess Street, Bundanoon 37
11.5 Draft Public Memorials Policy and Public Memorials Policy Guidelines 41
11.6 Public Exhibition of Draft Playspace Strategy 55

- 12. CORPORATE STRATEGY AND DEVELOPMENT SERVICES**
12.1 Development Applications Determined from 28 April 2020 to 25 May 2020 60
12.2 Development Applications Received from 28 April 2020 to 25 May 2020 76
12.3 Planning Proposal to Rezone and Reduce the Minimum Lot Size of 50A Bulwer Road, Moss Vale 87

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020



-
- 12.4 Demolition of Fire Damaged Dwelling & Construction of a New Dwelling at 587A Argyle Street Moss Vale 99
- 12.5 Draft Committee Manual 2016-2021126
- 13. GENERAL MANAGER**
Nil
- 14. DELEGATE REPORTS**
- 15. PETITIONS**
Nil
-
- 16. COMMITTEE REPORTS**
- 16.1 Minutes of the Finance Committee Meeting held on 20 May 2020129
- 16.2 Management and Advisory Committee Reports138
-
- 17. QUESTIONS WITH NOTICE**
- 17.1 Question with Notice 16/2020 Station Street Alternative Parking at Mittagong.....139
- 17.2 Question with Notice 18/2020 Berrima Deviation Project140
-
- 18. NOTICES OF MOTION**
- 18.1 Notice of Motion 17/2020 - Bowral Memorial Hall.....141
- 18.2 Notice of Motion 19/2020 Local Housing Strategy.....142
- 18.3 Notice of Rescission Motion 8/2020 Seniors Housing at Wiseman Road, Bowral143
-
- 19. CLOSED COUNCIL**
Nil
- 20. 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

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Please ensure that all electronic devices including mobile phones are switched to silent.

ACKNOWLEDGEMENT OF COUNTRY

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

APOLOGIES

Request for Leave of Absence – Councillor G Markwart

Councillor G Markwart intends to be absent from all Council commitments from Wednesday, 10 June 2020 to Wednesday 22 July 2020 (inclusive), including all Ordinary Meetings of Council and Briefing Sessions, for personal health reasons.

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

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

DECLARATIONS OF INTEREST

101/3, 101/3.1

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

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

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

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

9 VISITOR MATTERS

CORPORATE STRATEGY AND DEVELOPMENT SERVICES

9.1 Section 8.2 Review of Refused DA19/1305 for Temporary Use of Land (Existing Farm Building and Secondary Dwelling) for a Function Centre at 2179 Kangaloon Road, East Kangaloon

Reference:	19/1305.01
Report Author:	Manager Development Assessment
Authoriser:	Deputy General Manager Corporate, Strategy and Development Services Group Manager Planning Development and Regulatory Services
Applicant:	Wildwood Hill Holdings C/O Lee Environmental Planning
Owner:	Mr Keats
Link to Community Strategic Plan:	Provide diversity in tourist attractions and experiences

PURPOSE

The purpose of this report is to consider a s8.2 Review Application in regard to refused DA19/1305 for the Temporary Use of Land for a Function Centre to cater for up to thirty (30) functions per year including up to 50 guests per function for three (3) years at 2179 Kangaloon Road, East Kangaloon.

This report is prepared for determination, and recommends **REFUSAL**, for reasons detailed at **Attachment 1** of this report.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT this s8.2 Review application in regard to the refused DA19/1305 for a proposed Temporary Use of Land for a Function Centre for up to thirty (30) functions per year at Lot 2 DP 10777400 known as No. 2179 Kangaloon Road, East Kangaloon be **REFUSED** subject to conditions as described in Attachment 1 to this report.

REPORT

Subject Site and Locality

The site, Lot 2 in DP 1077400, being 2179 Kangaloon Road, East Kangaloon is a 41-hectare property containing a dwelling and sheds located on the eastern side of Kangaloon Road, to the north of Robertson Village. The area is characterised by rural development set in a stunning rural landscape shown below at Figure 1:



Figure 1: View from Kangaloon Road frontage

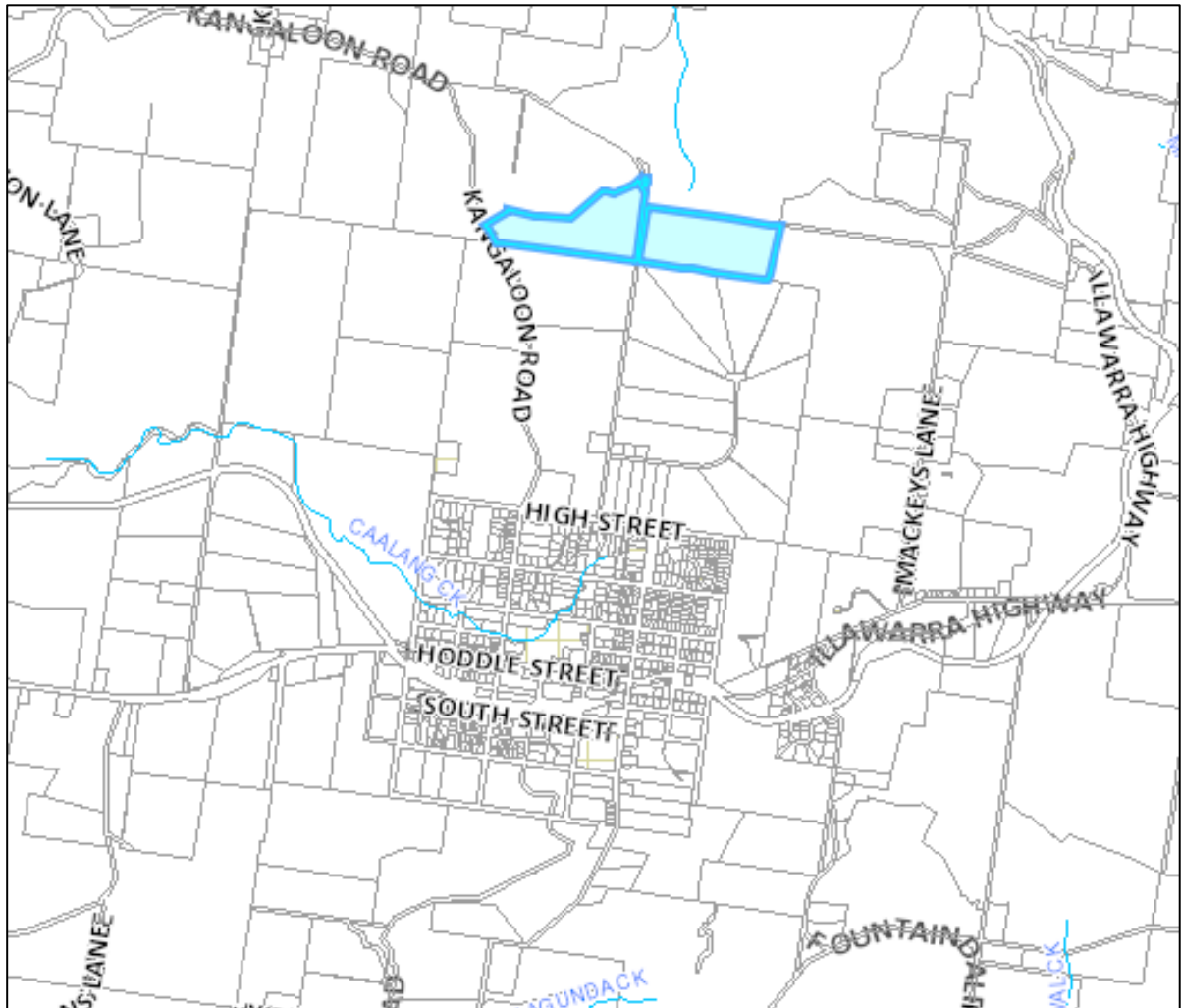


Figure 2: Locality Plan



Figure 3: Aerial Image and locational details marked (site and Robertson village)

Background – Previous DA19/1305 (Refused on 17 December 2019)

Development Application 19/1305 was lodged with Council on 5 March 2019 seeking approval for the Temporary Use of Land under Clause 2.8 temporary use of land under the *Wingecarribee Local Environmental Plan 2010* to utilise the existing 190 square metre farm building for a Function Centre for 30 events per year, 50 guests per event, operating for 3 years. The functions are proposed to be operated between the hours of 5pm – 9:30 pm. The existing farm building which is proposed to accommodate the function events is located in the western portion of the site, setback approximately 112 metres east from Kangaloon Road.

The application was assessed under s4.15 of the Act which included both internal and external referrals. A site inspection was undertaken, and the proposal was considered in its context.

The proposal was notified to the surrounding area in accordance with current notification of development proposals policy 2018 and one (1) submission was received. The issues raised in that submission included localised impacts from increased noise and access issues due to nature of current access being private and overgrown. Concern was raised due to increased traffic to the area.

The proposal was considered by Council's Engineers who found that the proposed access and car parking arrangements were unsatisfactory. Accordingly, that formed one of the reasons for the previous refusal of that application.



The application was also considered by other relevant sections within Council and a formal request for information under Clause 54 of the *Environmental Planning and Assessment Regulation* was sent to the proponent on 12th July 2019 requesting the provision of a traffic assessment report and plans showing 22 car spaces and drop off and pick up area for buses including turning space for buses and consideration of (minimum) Basic left-turn treatment (BAL) / Basic right-turn treatment (BAR) upgrade to access and driveway details complying with relevant Australian Standard (engineers), floor plans including handwash basins and evidence of hot and cold water supply for food handling matters (environmental health), Building Code of Australia (BCA) audit / assessment report or alternative solution detailing upgrades that may be required to bring building up to standard under the National Construction Code (NCC), Fire Engineering report, evidence of installation of compliant wastewater system.

Inadequate information was provided, and this resulted in the refusal of this application under delegation on 17 December 2019. As can be seen from the process shown above, Council's assessing officer provided the proponent with approximately 5 months to provide the information as requested.

The proposal was considered by Water NSW who raised no issues with the proposal and issued their concurrence and associated conditions. The proposal was also considered by NSW RFS who also raised no issues and did not object and sought no specific requirements to be imposed in regard to bush fire protection.

This application was refused for the following reasons on 17 December 2019:

- 1. The location of the proposed driveway entrance does not satisfy sight distance requirements of Figure 3.2 of AS2890.1-2004. Kangaloon Road is a 80km/hr road, and in accordance with AS2890.1-2004 the desirable sight distance is 111 metres with the minimum sight distance being 105 metres (note – access points should be designed for the speed limit or 85th percentile (whatever is greater) meaning the distance might increase). The existing driveway has an approximate 90 metre sight distance. All driveways/intersections are to be located in accordance with the safe sight line distances as stated within AS2890.1-2004. Insufficient information has been submitted to prove that the entry driveway / intersection can be located to achieve the above safe sight distance requirements. (S.4.15 (1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979);*
- 2. Insufficient information has been submitted showing 10 formalised marked car spaces within a defined parking area, 12 informal car spaces within an overflow area, and bus drop off and pickup area (indicating how the buses will turn around on the site such that the vehicles will enter an exit in a forward motion) (S.4.15 (1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979);*
- 3. As DA 19/1305 seeks approval for the use of the existing farm building and immediate surrounds as a place to conduct occasional functions, by way of Clause 2.8 Temporary use of land under Wingecarribee Local Environmental Plan 2010, insufficient information has been submitted detailing how the land, including car parking area, will be restored to a condition in which it was before the commencement of the use, so as to satisfy Clause 2.8(3)(d) Wingecarribee Local Environmental Plan 2010 requirements. (S.4.15 (1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979);*
- 4. The requested amended Building Code of Australia Audit / Assessment Report prepared by an A1 Accredited Certifier to include the proposed change of use of the*



ground floor portion of the building for function / dining events (DA 19/1305), has not been submitted. Therefore, insufficient information has been submitted addressing the following matters:

- a) *Identification of all existing non-compliances with the 'Deemed-to-Satisfy' (DTS) provisions of NCC 2019 for the proposed use of the building as a secondary dwelling to the first floor and for a function / dining room to the ground floor,*
- b) *Proposed upgrade strategy to bring the building into compliance with either the DTS provisions or Performance Requirements of NCC 2019 (in relation to NCC Parts C, **D**, E and F including the provision of access for people with a disability and the provision of sanitary facilities),*

Due to the change in classification and increase in occupant population, the existing building will be required to be upgraded to comply with the current BCA/NCC and afforded with the appropriate measures to ensure compliance for the intended occupant population;

(S.4.15 (1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)

5. *The requested amended Fire Engineering Report to include the change of use and classification of the ground floor portion of the building for function / dining events (DA 19/1305), has not been submitted, therefore insufficient information has been submitted addressing this matter. (S.4.15 (1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979).*
6. *The requested provision of evidence by way of installation photographs and certification from the installer of the wastewater system to prove that all measures in accordance with the Harris Environmental Consulting Report, ref: 2179ww, dated 27.08.2017 have been satisfactorily completed, has not been submitted, therefore insufficient information has been submitted addressing this matter.*

(S.4.15 (1)(a)(b)(c)(d)(e) of the Environmental Planning & Assessment Act 1979)

Proposed Development (Review of refused application)

This application is an application under s8.2 of the Act which provides for a review of the refused development application and enables the proponent to submit further information in support of the original assessment. This review process benefits from a 6 month timeframe from the date of Determination within which, Council must determine the matter or the ability for Council to determine it lapses.

In this case, the refused development application (19/1305) was determined on 17 December 2019 and accordingly, this application will lapse on 17 June 2020. Accordingly, this report has been prepared for consideration by Council, as requested, to enable a determination prior to the lapsing of the relevant timeframe.

In particular, the proposal includes the following elements:

1. No change to previously refused proposed 'use' and 'overall concept': -

Use of the existing barn building and secondary dwelling for up to 30 functions per year over 3 years.



2. Proposed access and engineering drawing in regard to achieving a safe sight distance and safe vehicular access (Novati Consulting Engineers) to address Reason for Refusal No.1 shown previously. This is included at **Attachment 2**;
3. Consideration that the reliance upon the definition of 'function centre' is not applicable and that the proposal should be considered as the 'use of part of an existing farm building as a venue for occasional functions', and
4. The reasons for refusal No's 2 – 6 are not addressed through the submission of additional information that can be assessed but are considered by way of an explanation provided in the 'Rebuttal of the stated reasons for refusal issued by Council' included with the application.

The site and layout plans included with the original development application are included at **Attachment 3** for information. The plans also form part of the assessment of this application due to the type of application being a s8.2 Review application under the Act.

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

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

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is within the Warragamba Catchment and therefore the Catchment SEPP is applicable to the assessment of the application. Water NSW concurrence is required and has been obtained.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The site is zoned E3 Environmental Management under the *Wingecarribee Local Environmental Plan 2010* and in this zone, a Function Centre is prohibited. The proposal has been submitted seeking approval for the function centre under Clause 2.8 Temporary Use of Land *Wingecarribee Local Environmental Plan 2010 (WLEP 2010)*.

As this s8.2 Review of DA 19/1305 seeks approval for the use of the existing farm building and immediate surrounds as a place to conduct occasional functions, by way of Clause 2.8 Temporary use of land under *Wingecarribee Local Environmental Plan 2010*, insufficient information has been submitted detailing how the land, including car parking area, will be restored to a condition in which it was before the commencement of the use, so as to satisfy Clause 2.8(3)(d) *Wingecarribee Local Environmental Plan 2010* requirements. Accordingly, this remains a reason for the recommendation for the refusal of the application.

The review of this application revealed that there are no other definitions within the *WLEP 2010* that can be relied upon and accordingly the consideration previously made, stands.



Development Control Plans

The Rural Lands DCP applies, however, in this case the use is primarily considered under the WLEP 2010 as considered above. As the use is prohibited, the Rural Lands DCP does not include car parking rates for function centres. Accordingly, the rate provided through the nearest (geographically) DCP being the Robertson & Bowral DCP’s has been considered in regard to the calculation of car parking rate requirements.

The original application 19/1305 was referred to Council’s Development Engineers for comment who responded as follows on 9th April 2019:

‘I have reviewed the information submitted for the proposal of 30 functions per year, for 3 years, and have some traffic concerns that will be required to be addressed prior to conditioning.

The events layout plan submitted as part of the proposal indicates that there is anticipated to be as many as 52 people at any event (not including the staff). When considering the Bowral or Robertson DCP, a car space would be required for every 3 seats or 15 car spaces per 100m². From Council’s calculations, this would require 18 car spaces for the people attending the event with an anticipated 4 more staff parking required. Therefore, a minimum of 22 onsite parking spaces are required for the proposed functions. An amended site plan is to be provided detailing where these parking spaces will be provided onsite.

The Statement of Environmental Effects states that there will potentially be busses dropping people off. Therefore, the drop off and pickup area is required to be shown on the revised site plan, indicating how the busses will turn around on the site such that the vehicles will enter an exit in a forward motion.’

The comments are based upon consideration of Part B, Section 4 of the Robertson DCP. The relevant extract from the Schedule of Car Parking Requirements at Figure B5.4 of the Robertson DCP is shown below:

<p>Restaurants</p>	<p>plus 1 space per 100 sq m of warehouse gross floor area</p> <p>1 space per 3 seats OR 15 spaces per 100 m² of gross floor area.</p> <p>NB: Council may reduce the above parking requirements where it considers that ample parking will be available in the vicinity for patrons during evening hours, without adversely affecting the amenity of the surrounding locality during the day or evening.</p>
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Consideration of the formal requirement resulted in a requirement of 18 spaces and 4 staff spaces, however, Council agreed to a compromise position with the guidance of our Development Engineers of 10 line-marked spaces and 12 informal spaces to be provided and detailed on plans.

Such plans have not been provided to Council throughout the assessment of the DA and this s8.2 Review application.

State Legislation

Rural Fires Act 1997

This applies to this application (and the previous DA19/1305) because the events would be held on bushfire prone land. This application was therefore referred to the Rural Fire Service under s100B of this Act. The original application was referred to the RFS for consideration who did not object or require any specific requirements to be imposed.

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 that the application does not comply with the *Wingecarribee Local Environmental Plan 2010*.

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

Not applicable.

(iii) *any development control plan, and*

It has not been demonstrated the development satisfactorily complies with the relevant controls. Accordingly, the application is recommended for refusal.

(iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

Not applicable.

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

Additional information was requested throughout the assessment process for both DA19/1305 and this current s8.2 Review application in regard to compliance with the National Construction Code (NCC) including the Building Code of Australia (BCA) and other matters called up by the Regulations and this was not provided by the proponent. Accordingly, this remains a recommended reason for refusal.

(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 proposal relies upon the use of two primary areas approved for significantly different uses than that proposed.

Therefore, Council's Certifier, Environmental Health Officer and Development Engineer have requested information including (but not limited to) a plan including details of the hot water system and hand wash basin required for

potential food handling throughout the function areas, details of the construction of an informal car parking area, BCA audit / assessment report prepared by an A1 Accredited Certifier that includes the change of use of the ground floor portion of the building for function / dining events.

This information as requested has not been provided in support of the application despite several discussions in regard to the matter.

In regard to further consideration by Water NSW and NSW RFS this was not required due to the nature of this application which is a review of the existing information provided with the previous application and any current issues or information to be provided by the proponent. Accordingly, the previous consideration of both Agencies is noted as included in the Background section of this report.

This application has also been considered in regard to Council's adopted Rural Tourism Policy which specifically considers 'Function Tourism in the E3 Environmental Management Zone' and states:

'The E3 Environmental Management zone accounts for some 49% of all land within the Shire. Development of the rural weddings tourist market is restricted in the E3 Environmental Management zone due to function centres, restaurants and cafes being prohibited in the zone. Council is not supportive of broad scale amendments to WLEP 2010 to permit function centres or those forms of tourist and visitor accommodation which are prohibited in the E3 zone...'

Accordingly, it is considered that this proposal is not consistent with the Rural Tourism Policy as adopted.

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

The use of the site for the prohibited use has not been justified and insufficient information provided to comply with local requirements or address local concerns.

(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 not considered to be favorable in regard to the public interest and may have localized impacts due to the potential for events being held over 3 years.

This equates to a potential 30 events each year. Where these are weekend events, this could impact significantly upon the surrounding area. The application documentation does not specify the days on which such events will or will not take place. The potential nuisance to the neighbouring area and lack of information provided to support the proposal including any potential upgrading of the areas in accordance with the BCA (Fire requirements etcetera) is found to be contrary to the public interest.

CONSULTATION

Pre-lodgement Meeting

No pre-lodgment meeting was held prior to the lodgment of the original development application that resulted in the refusal or prior to the lodgment of this s8.2 Review application.

Neighbour Notification (or Advertising)/Public Participation

The s8.2 Review application was Neighbour Notified/Advertised for a period of 14 days between 27th April 2020 and 18th May 2020 and Council received one (1) submission. The issues raised in the submissions have been summarised and are considered below:

Issue	Comment
Noise Impacts	The proposal has not been supported by any acoustic information that would assist Council to consider this matter. Council has requested information on several occasions throughout the assessment processes for both this application and the previously refused development application. The proponent has not provided sufficient information to enable Council to consider any approval for the proposed use and its localised impacts. Accordingly, the application is again recommended for refusal.
Traffic Impacts	A Traffic Report was requested and not provided along with car parking plans and further information in regard to driveway suitability.
Unlawful Advertising of unapproved use	The business has been advertising without any approval in place. This matter has been referred to Council's compliance team for consideration.

SUSTAINABILITY ASSESSMENT

• ***Environment***

There are no environmental impacts in relation to this report because the proposal has been recommended for refusal due to the lack of supporting information.

• ***Social***

There are no social issues in relation to this report other than concerns raised by objectors in regard to localised environmental impacts.

• ***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. The property is not identified as an item of heritage significance.

• ***Governance***

The s8.2 Review 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.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



COUNCIL BUDGET IMPLICATIONS

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

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

RELATED COUNCIL POLICY

An assessment of the proposal has been made against the *Wingecarribee Local Environmental Plan 2010*, *SEPP (Sydney Drinking Water Catchment) 2011*, *State Environmental Planning Policy No 55 – Remediation of Land* and the Rural Lands & Robertson (in part) Development Control Plans, Rural Tourism Policy adopted 13/11/20.

OPTIONS

The options available to Council are:

Option 1

THAT this s8.2 Review application in regard to the refused DA19/1305 for a proposed Temporary Use of Land for a Function Centre for up to thirty (30) functions per year at Lot 2 DP 10777400 known as No. 2179 Kangaloon Road, East Kangaloon be REFUSED subject to conditions as described in Attachment 1 to this report.

Option 2

1. THAT the application for Approval be deferred subject to the submission of information to the satisfaction of key issues including:

Food Handling – plans to be amended to include details of the location of a hand-wash basin supplied with hot water through a mixer spout connected to a hot water system;

BCA / NCC matters - Provide a BCA Audit / Assessment Report prepared by an A1 Accredited Certifier that includes the proposed change of use of the ground floor portion of the building for function / dining events. The Report shall include the following (but not limited to):

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- a) *Identify all existing non-compliances with the 'Deemed-to-Satisfy' (DTS) provisions of NCC 2019 for the proposed use of the building as a secondary dwelling to the first floor and for a function / dining room to the ground floor,*
- b) *Propose an upgrade strategy to bring the building into compliance with either the DTS provisions or Performance Requirements of NCC 2019 (in relation to NCC Parts C, D, E and F including the provision of access for people with a disability and the provision of sanitary facilities),*

Due to the change in classification and increase in occupant population, the existing building will be required to be upgraded to comply with the current BCA/NCC and afforded with the appropriate measures to ensure compliance for the intended occupant population;

If a performance solution to the "deemed to satisfy" provisions of National Construction Code is proposed, the following details must be lodged:

- o *Performance requirements that the alternative solution intends to meet.*
- o *Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the BCA; and*
- o *A statement about the person who prepared the performance solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body.*

Provide evidence by way of installation photographs and certification from the installer of the wastewater system that all measures in accordance with the Harris Environmental Consulting Report, ref: 2179ww, dated; 27.08.2017 have been satisfactorily completed

2. THAT delegation be given to the General Manager to prepare and issue a Development Consent subject to the matters in 1. above being complied with to the satisfaction of Council Officers.

Please note that this s8.2 Review application must be determined by the 17 June 2020 under s8.2 of the Act.

Option **No. 1** is the recommended option to this report.

CONCLUSION

The s8.2 Review application has been assessed in accordance with the matters for consideration under section 4.15 of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies. It is therefore recommended that the application be determined by way of refusal for reasons detailed in **Attachment 1**.

ATTACHMENTS

1. Attachment 1 - Draft Reasons for Refusal
2. Attachment 2 - Engineering Plan and Detail
3. Attachment 3 DA (original application) Plans

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

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



Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Thursday 4 June 2020

9.1 Section 8.2 Review of Refused DA19/1305 for Temporary Use of Land
(Existing Farm Building and Secondary Dwelling) for a Function Centre at
2179 Kangaloon Road, East Kangaloon

ATTACHMENT 1 Attachment 1 - Draft Reasons for Refusal



ATTACHMENT 1 – Draft Reasons for Refusal (19/1305.01):

That the s8.2 Review application numbered 19/1305.01 be refused for the following reasons:

1. Insufficient information has been submitted showing 10 formalised marked car spaces within a defined parking area, 12 informal car spaces within an overflow area, and bus drop off and pickup area (indicating how the buses will turn around on the site such that the vehicles will enter an exit in a forward motion)

(S.4.15 (1)(a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*);

2. As DA 19/1305 seeks approval for the use of the existing farm building and immediate surrounds as a place to conduct occasional functions, by way of Clause 2.8 Temporary use of land under Wingecarribee Local Environmental Plan 2010, insufficient information has been submitted detailing how the land, including car parking area, will be restored to a condition in which it was before the commencement of the use, so as to satisfy Clause 2.8(3)(d) Wingecarribee Local Environmental Plan 2010 requirements.

(S.4.15 (1)(a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*);

3. The requested amended Building Code of Australia Audit / Assessment Report prepared by an A1 Accredited Certifier to include the proposed change of use of the ground floor portion of the building for function / dining events (DA 19/1305), has not been submitted. Therefore, insufficient information has been submitted addressing the following matters:

- a) *Identification of all existing non-compliances with the 'Deemed-to-Satisfy' (DTS) provisions of NCC 2019 for the proposed use of the building as a secondary dwelling to the first floor and for a function / dining room to the ground floor,*
- b) *Proposed upgrade strategy to bring the building into compliance with either the DTS provisions or Performance Requirements of NCC 2019 (in relation to NCC Parts C, D, E and F including the provision of access for people with a disability and the provision of sanitary facilities),*

Due to the change in classification and increase in occupant population, the existing building will be required to be upgraded to comply with the current BCA/NCC and afforded with the appropriate measures to ensure compliance for the intended occupant population;

(S.4.15 (1)(a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*)

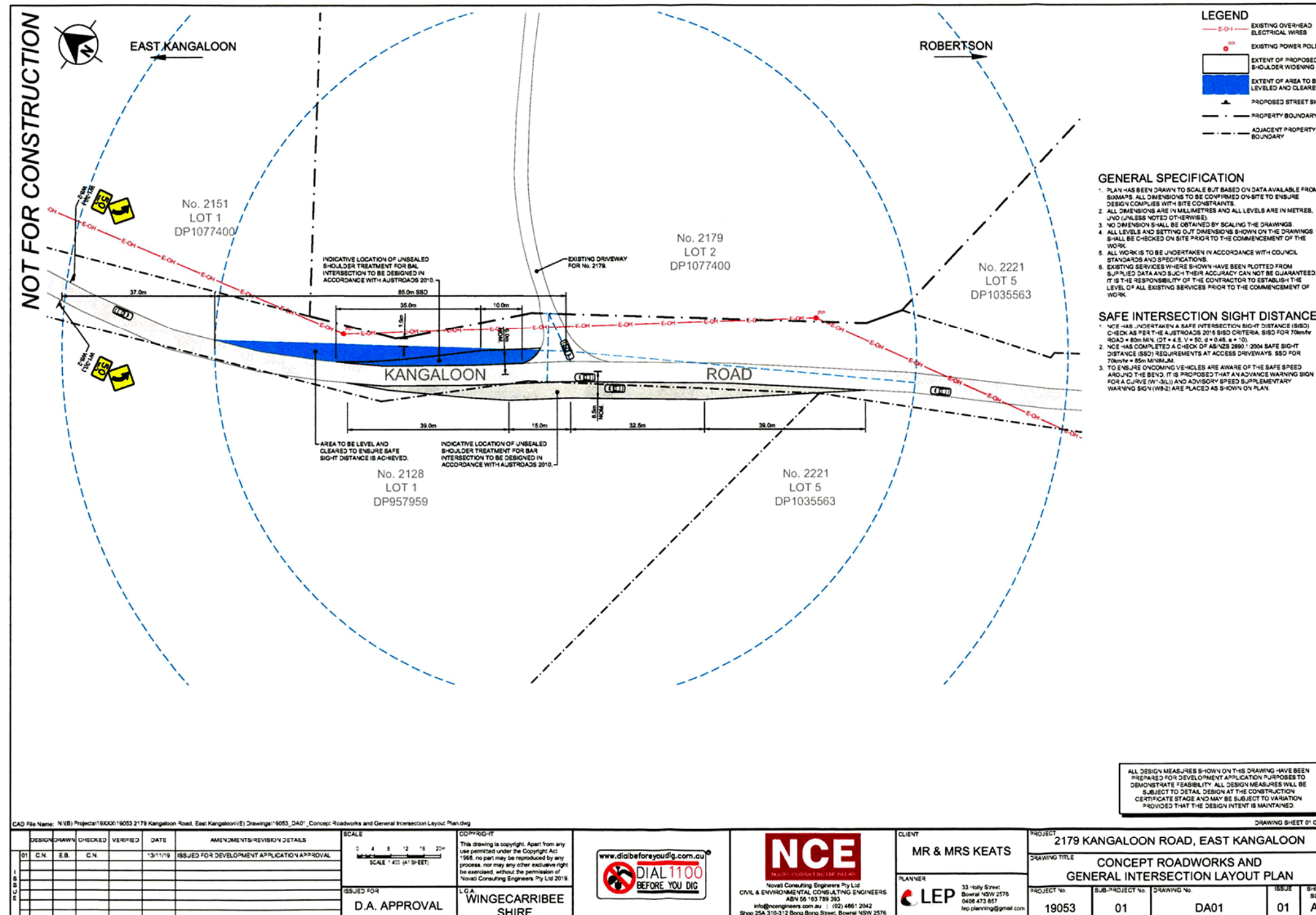
4. The requested amended Fire Engineering Report to include the change of use and classification of the ground floor portion of the building for function / dining events (DA 19/1305), has not been submitted, therefore insufficient information has been submitted addressing this matter. (S.4.15 (1)(a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*).

5. The requested provision of evidence by way of installation photographs and certification from the installer of the wastewater system to prove that all measures in accordance with the Harris Environmental Consulting Report, ref: 2179ww, dated 27.08.2017 have been satisfactorily completed, has not been submitted, therefore insufficient information has been submitted addressing this matter.

(S.4.15 (1)(a)(b)(c)(d)(e) of the *Environmental Planning & Assessment Act 1979*)

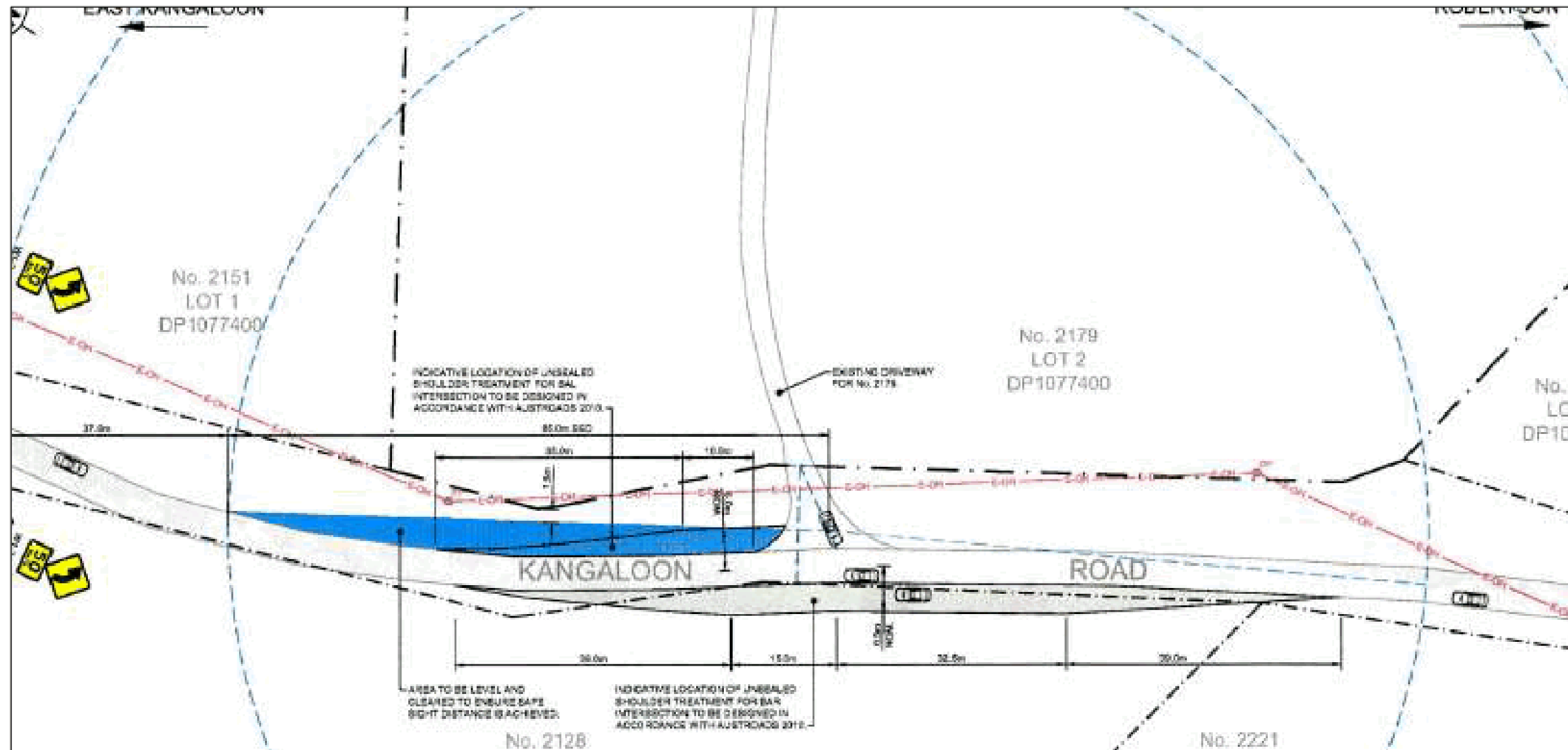


Attachment 2: Engineering Plan submitted (detail included on next page)





Extract from plan above (for legibility purposes):





Attachment 3: Plans

For Detail Site Plan
SEE DRG No B2

LOT 2
DP 1077400
100 acres

Proposed "Biota in the Barn" Events
SEE DRG Nos B2-B3

EXISTING ARENA
112890 APPROX.

EXISTING DWELLING
No 2179

GARAGE

KANGALOO ROAD

ROBERTSON

SITE PLAN
SCALE 1:1500

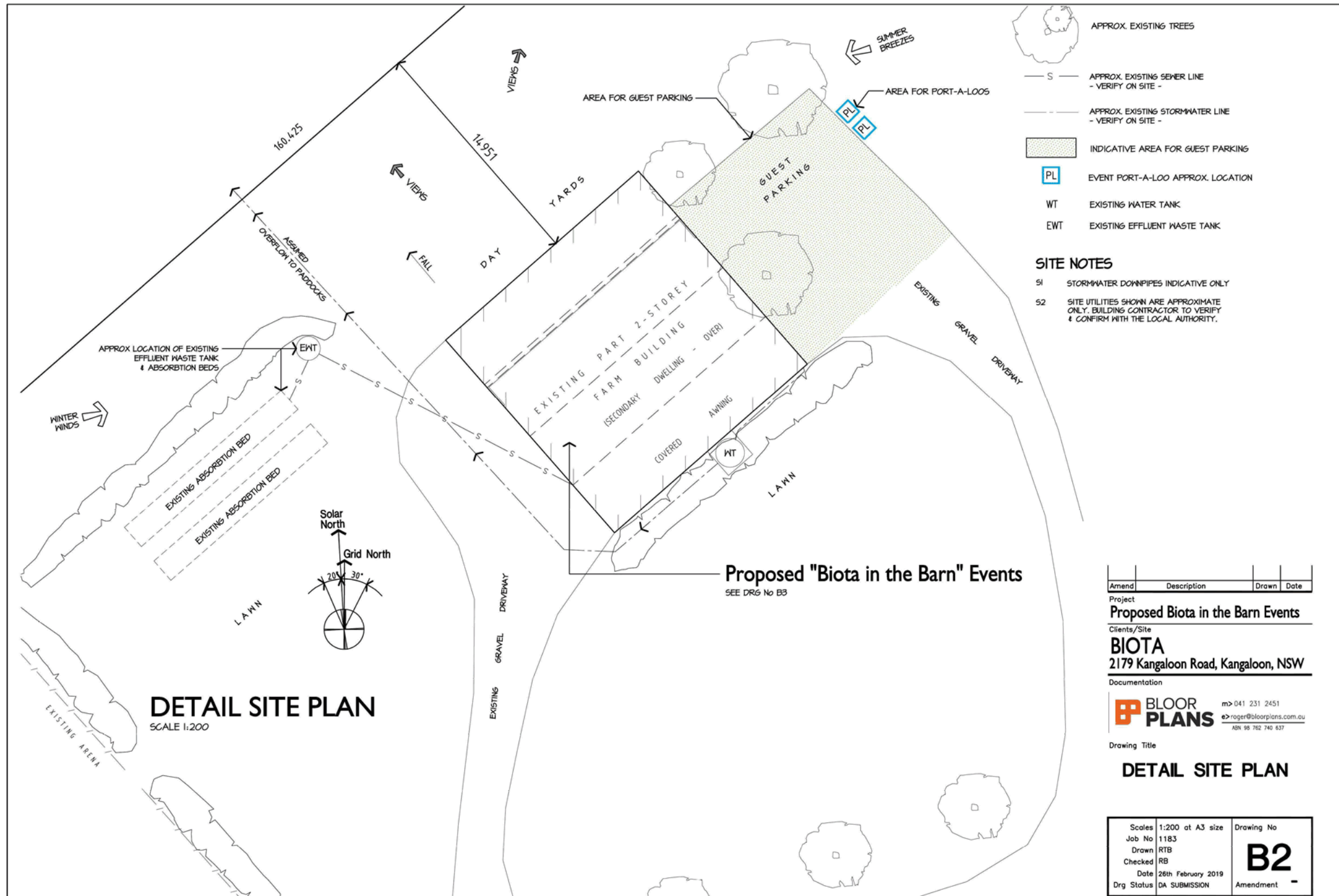
ARCHITECTURAL DRAWING LIST

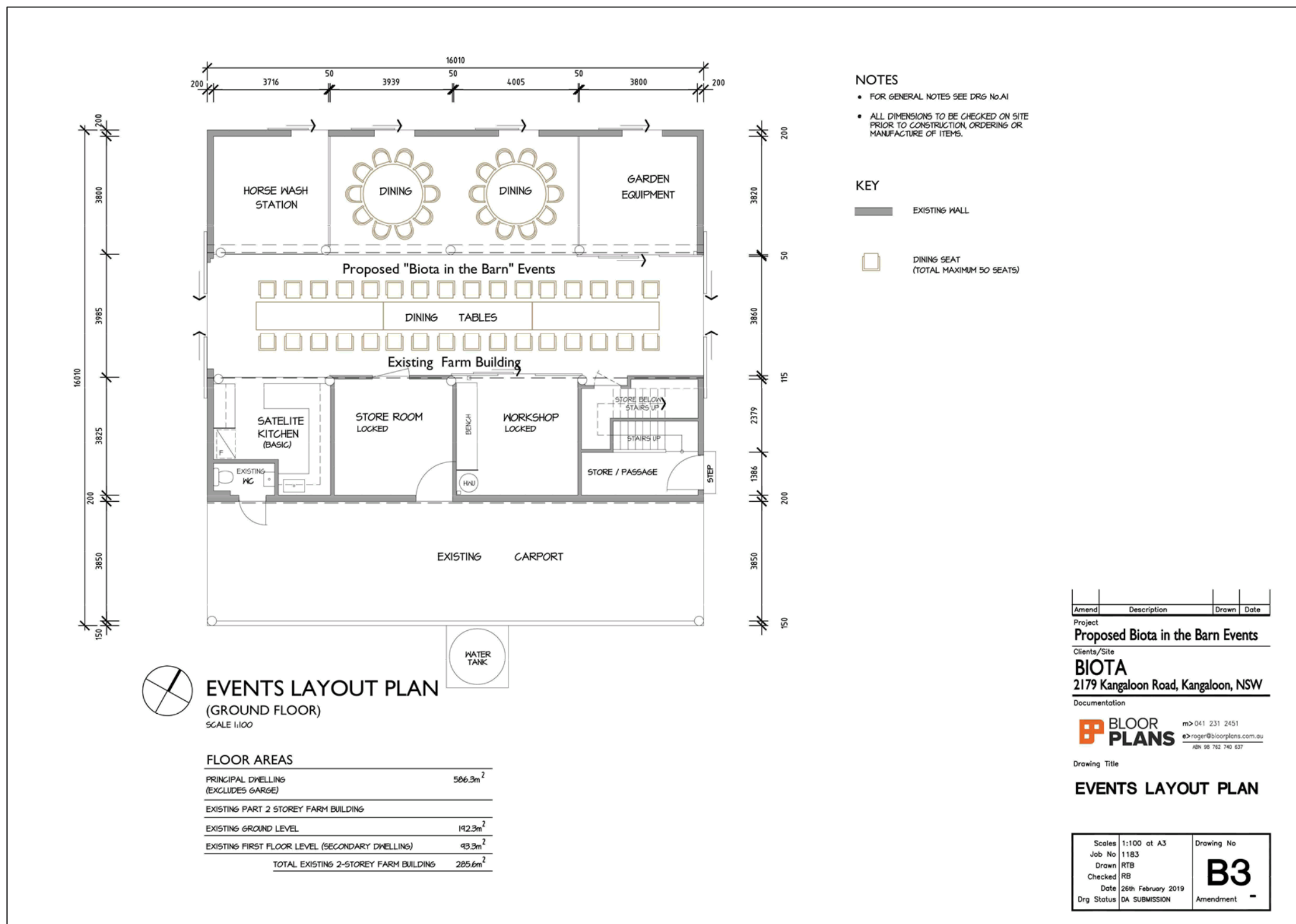
Drg No	Drawing Title
B1	SITE PLAN, DRAWING LIST & NOTES
B2	DETAIL SITE PLAN
B3	EVENTS LAYOUT PLAN
NN	NEIGHBOUR NOTIFY PLANS

GENERAL NOTES

- THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE SPECIFICATION & ALL RELEVANT MANUFACTURERS CURRENT DOCUMENTATION
- ALL DIMENSIONS ARE IN MILLIMETERS UNLESS STATED OR INDICATED OTHERWISE.
- THE DIMENSIONS SHOWN ON THE DRAWINGS ARE TO BE PREFERRED TO THOSE SCALED OFF.
- ALL LEVELS, DIMENSIONS AND SETBACKS ARE TO BE CHECKED AND VERIFIED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORKS.
- WHERE DISCREPANCIES BECOME APPARENT CONSULT WITH CONSTRUCTION SUPERVISOR FOR VERIFICATION AND CONFIRMATION.
- ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, CURRENT RELEVANT S.A.A. CODES AND THOSE OF ALL STATUTORY AUTHORITIES HAVING JURISDICTION OVER THE WORK.
- PRIOR TO CONSTRUCTION, CONTRACTOR SHALL LOCATE ALL SERVICES ON SITE & CONFIRM WITH THE LOCAL AUTHORITY.
- DURING CONSTRUCTION, THE STRUCTURE SHALL BE MAINTAINED IN A SAFE AND STABLE CONDITION AND SHALL NOT BE OVERSTRESSED.

Amend	Description	Drawn	Date
Project Proposed Biota in the Barn Events			
Clients/Site BIOTA 2179 Kangaloon Road, Kangaloon, NSW			
Documentation			
BLOOR PLANS		m> 041 231 2451 e> roger@bloorplans.com.au ABN 88 762 740 437	
Drawing Title SITE PLAN, DRG LIST & NOTES			
Scales	1:1500 at A3 size	Drawing No	
Job No	1183	B1	
Drawn	RTB		
Checked	RB		
Date	26th February 2019		
Drg Status	DA SUBMISSION		Amendment





11 OPERATIONS FINANCE AND RISK

11.1 Mt Gibraltar Property Matters - Status Update

Reference:	PN 1797440
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

This purpose of this report is to provide an update to Council on the range of property matters relating to the Mt Gibraltar Heritage Reserve and for Council to reaffirm its ongoing commitment to resolving these matters on behalf of key stakeholder groups such as the Mount Gibraltar Landcare and Bushcare Group and the broader community.

RECOMMENDATION

1. **THAT Council formally lodge an application with NSW Department of Planning, Industry and Environment – Crown Lands to be appointed as Reserve Trust Manager of Crown Reserve 83436 being Lot 2 in DP 169019, Lots 1- 6 DP 259828, Lot 32 DP771155, Lot 1 DP 784884 (Joshua Stokes Reserve), Lot 2 DP 1118702, Lot 2 DP 1174086).**
2. **THAT Council acknowledge the complexity of the property matters which are delaying the consolidation of the Mount Gibraltar Heritage Reserve AND THAT Council reaffirm its commitment to resolving these matters on behalf of key stakeholder groups such as the Mount Gibraltar Landcare and Bushcare Group, and the broader community.**

REPORT

BACKGROUND

A Councillor briefing session was held on the 10 April 2019 to provide Councillors with an update on the ongoing property issues in relation to the Mount Gibraltar Heritage Reserve.

Following that briefing session, a report was presented to the Council meeting 10 July 2019 where Council resolved (MN 327/19):

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



2. *THAT as a matter of urgency Council convene a meeting with Mount Gibraltar Landcare and Bushcare Group, Council's Chief Financial Officer, Manager Open Space, Recreation and Building Maintenance, the Team Leader of Open Spaces, Deputy Mayor Cllr G Turland and Cllr L Whipper.*
3. *THAT this meeting be for the purpose of a specific report to Council to identify the means of consolidating additional parcels of land to the reserve and an agreed commitment and timeline for this purpose.*
4. *THAT this report be presented to full council no later than the last meeting of October 2019.*

Following the above resolution, a meeting was convened in October 2019 at which time further discussions took place between Council officers and the Landcare and Bushcare Group.

REPORT

This report provides Council with a further update on the ongoing property matters relating to the ultimate consolidation of the Mount Gibraltar Heritage Reserve. These matters were discussed in detail when Council officers met with the Landcare and Bushcare Group in October 2019.

A summary of the ongoing matters associated with the Reserve is provided below:

1. Application to become Reserve Trust Manager – Reserve 83436

Reserve 83436 includes Lot 2 DP 169019, Lots 1-6 DP 259828, Lot 32 DP 771155, Lot 1 DP 784884, Lot 2 DP 1118702, Lot 2 DP 1174086 and comprises the Crown land at Mount Gibraltar Heritage Reserve. **This is shown in Attachment 1.**

Reserve 83436 was gazetted for Public Recreation in 1961. The Reserve is currently devolved to Council and while Council is responsible for maintenance of the Reserve, Council requires consent of NSW Department of Planning, Industry and Environment – Crown Lands as owner of the land to undertake any significant works on the land.

Being appointed as Reserve Trust Manager will enable Council to have full care, control and management of the Reserve. Accordingly, Council should apply to become the Reserve Trust Manager, thereby finalising the adoption of the Reserve by Council.

This will not permit further consolidation with other lots within the reserve.

2. Acquisition of Adjoining RE1 land

Council has entered into negotiations to acquire land from one of the owners of land zoned RE1 identified for future acquisition. This was reported to the Council meeting held on the 11 March 2020.

Negotiations to acquire the land by agreement are continuing with the property owner.



3. Council Report – Access to undertake works on private property

A report was presented to Council on the 13 May 2020 to permit Council's Bushcare Team to undertake regeneration activities on RE1 land adjoining Mount Gibraltar Heritage Reserve. At that meeting, Council resolved as follows: (MN 127/20):

1. *THAT Council authorises the General Manager to undertake work on privately owned RE 1 zoned land under Council's Bushcare Program in accordance with Section 67 of the Local Government Act, 1993, at no cost to the landowners to remove weed infestations and any costs be reported to Council in accordance with Section 67 of the Local Government Act.*
2. *THAT Council authorises the General Manager to negotiate with landholders to commence primary weeding work, if deemed strategically necessary, on certain RE1 lands adjoining Mount Gibraltar Heritage Reserve.*
3. *THAT where the need, value and eligibility for work to occur is identified, that staff administering the Bushcare Program approach the landholders for permission to commence this work. Bush regeneration work will only commence when and if the landholder agrees and signs a deed of release. Work is only to occur during a regular Bushcare working bee, under the supervision of Council's Bushcare Team.*
4. *THAT if land ownership changes, work ceases until a deed of release is signed by the new owner.*

Council officers will be contacting private landowners to facilitate the works. Participation is entirely voluntary, and Council staff will facilitate negotiations with the private landowners.

4. Status of Aboriginal land claims

Aboriginal Land Claims 29892, 29922, 29968, 29974, 30039, 30076, 30078, 30079, 30161, 40820, 41934 and part claim 42492 affecting Lot 32 DP 771155, Lot 2 DP 1118702, Lot 2 DP 169019, Lots 1 – 6 DP 259828 and Lot 1 DP 784884 were refused in March, 2019.

The appeals period has now expired and no appeals were lodged. The refusal of the above Aboriginal Land Claims does not exclude the land from possible future land claims.

5. Crown Land Categorisation and preparation of Plan of Management

Council's categorisation for the Crown Reserve forming part of Mt Gibraltar Heritage Reserve was submitted to Crown in March 2019. In November 2019, the Crown confirmed Council's submission for the Crown Reserve to be categorised as "Bushland" and "Area of Cultural Significance".

Preparation of a Plan of Management for Mount Gibraltar is of the highest priority to Council. Now that categorisation has been accepted by the Crown, Council staff will commence the preparation of the required Plan of Management. The whole reserve will be covered by one Plan of Management specifically prepared for Mt Gibraltar Heritage Reserve.

6. Acquisition and consolidation of Crown Reserve

It is Council's long term intention that the Crown Reserve should ultimately be transferred to the ownership of Council to form part of the Mount Gibraltar Heritage Reserve. Council cannot dictate when this will occur as the land transfer process is overseen by NSW Department of Planning, Industry and Environment – Crown Lands.

7. Boundary adjustment for Asset Protection zone and road opening

A development application was approved in March 2020 (DA 20/0366) for the required boundary adjustment to incorporate a 10 metre bushfire buffer around the existing telecommunication tower. This application also incorporated the dedication of a public road (existing) for the Mount Gibraltar lookout.

The plan of boundary adjustment and road opening has been prepared by a qualified surveyor and lodged with Council for the required subdivision certificate. The plan will then be lodged for registration at NSW Land Registry Services (NSW LRS).

Following registration of the plan at NSW LRS, works will commence on fencing the adjusted boundary for the Asset Protection Zone.

COMMUNICATION AND CONSULTATION

Community Engagement

No community engagement is required to be undertaken by Council. Application to be appointed as Reserve Trust Manager is an administrative matter between NSW Department of Planning, Industry and Environment – Crown Lands and Council.

Internal Communication and Consultation

Environment and Sustainability

External Communication and Consultation

Mount Gibraltar Landcare and Bushcare Group

NSW Department of Planning, Industry and Environment – Crown Lands

SUSTAINABILITY ASSESSMENT

- **Environment**

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

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The update provided in this report has no direct budget implications. Budget implications arising from the separate matters are the subject of previous reports to Council.

RELATED COUNCIL POLICY

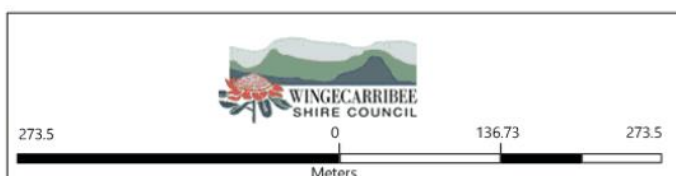
There are no policy implications in respect of this report.

CONCLUSION

Following the Councillor briefing session, the report to Council in July 2019 and the meeting held between Council officers and the Mount Gibraltar Landcare and Bushcare Group, this report has been prepared to provide an update on property matters associated with Mount Gibraltar and to reaffirm Council's ongoing commitment to resolving the property matters which are currently delaying the ultimate consolidation of the Mount Gibraltar Heritage Reserve.

ATTACHMENTS

1. Attachment 1 - aerial map Reserve 83436



Reserve 83436

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11.2 Lease to Optus Mobile Pty Limited, Mt Gibraltar Radio Facility, Part 22 Oxley Drive, Bowral

Reference:	PN 1704893
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to obtain formal approval to enter into a new Lease with Optus Mobile Pty Limited for its continued occupation of Council property known as Mt Gibraltar Telecommunications Tower located at 232 Oxley Drive, Bowral for a period of five (5) years.

RECOMMENDATION

1. **THAT** a new Lease be offered to Optus Mobile Pty Limited for part of the Council property known as Mt Gibraltar Telecommunications Tower, 232 Oxley Drive, Bowral being part Lot 21 in Deposited Plan 856512 to Optus Mobile Pty Limited for a term of five (5) years.
2. **THAT** the Mayor and General Manager be delegated authority to execute the Lease under the Common Seal of Council.

REPORT

BACKGROUND

Council is the registered proprietor of the whole of the property known as Mt Gibraltar Telecommunications Tower being Lot 21 in Deposited Plan 856512 at 232 Oxley Drive, Bowral. The Council property is classified as Community Land pursuant to Section 26 of the *Local Government Act, 1993*.

Optus Mobile Pty Limited previously entered into what was essentially a twenty (20) year Lease (with four (4) consecutive five (5) year Leases). The final term of the Lease between Council and Optus Mobile Pty Limited expired in December 2014. Since that date Council has utilised the holding over provisions of the expired Lease agreement.

A report was presented to Council on the 10 December 2014 where Council resolved (MN 369/14):

1. ***THAT** Council approves the holding over of the Lease of Part 232 Oxley Drive, Bowral ("Council Property") for a period one (1) year pursuant to clause 3.2 of the Lease between Council and the Lessee.*
2. ***THAT** it be noted that a further Report will be forwarded to a future Ordinary Meeting of Council following negotiation of terms and conditions to enter in to a*



new Lease with the Lessee for the continued occupation of the Council Property.

REPORT

The Council property as shown in **Attachment 1** (aerial photo) and **Attachment 2** (hut) has been leased to Optus for in excess of twenty years (20) years. The Lease includes the separate Optus shelter at the Council owned facility together with use of the tower for placement of antennas etc.

Following the resolution of Council from the 10 December 2014, Council officers initiated negotiations with Optus Mobile Pty Limited on the fee structure for the new Lease.

These negotiations have been protracted and there has been significant delays in determining the rental terms, conditions of entry and additional equipment that the Lessee wishes to install on the tower.

Negotiations regarding the terms of the new Lease have been ongoing over several years; with agreement on a number of key issues only now being reached. Accordingly, approval is now sought to enter into a new five (5) year Lease to enable Optus Mobile Pty Limited to continue occupation of the Council property under a new Lease.

COMMUNICATION AND CONSULTATION

Community Engagement

There has been no engagement with the community. This report deals with the renewal of an existing Lease to enable the continued operation by the existing Lessee.

Internal Communication and Consultation

Finance, Procurement & Property

External Communication and Consultation

Optus Mobile Pty Limited

McCabe Curwood Lawyers

Sitexcell

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

The current Lessee provides telephone and broadband services for the community from the telecommunications tower on the Council property. This has significant social benefits for residents and businesses within the Shire.

- **Broader Economic Implications**

There are no broader economic implications.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

Council was able to negotiate favourable rental terms which will be reflected in the first quarterly review of the 2020/21 Budget. It should be noted that the rental income from the previous Lease agreement is factored into Council's recurrent Budget.

RELATED COUNCIL POLICY

Council Policy - Leases & Licences of Council Property (Commercial).

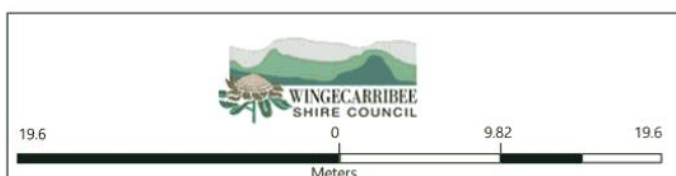
CONCLUSION

The current Lessee has operated from the subject site for a period in excess of twenty (20) years.

It is recommended that Council approve the renewal of the Lease to Optus Mobile Pty Limited for occupation of Council owned property being the property known as Telecommunications Tower located at 232 Oxley Drive, Bowral for a period of five (5) years.

ATTACHMENTS

1. Attachment 1 - aerial map
2. Attachment 2 - Optus Shelter



Attachment 1 - Mt Gibraltar

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OPTUS SHELTER – MT GIBALTAR



11.3 Renewal of Existing Licence Agreements - Mt Gibraltar Telecommunications Facility - 232 Oxley Drive Bowral

Reference:	PN 1704893
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval for the issue of new Licence Agreements for access to the Mt Gibraltar Telecommunications facility at 232 Oxley Drive Bowral for existing users where expired agreements require renewal.

RECOMMENDATION

1. **THAT Licence Agreements be entered into by Council with respect to the use of the Mount Gibraltar Telecommunications facility at 232 Oxley Drive Bowral with each of the following Licensees for a term of five (5) years:**
 - Southern Highlands Taxis
 - Ambulance Service of NSW
 - Berrima Coaches (Berrima Buslines)
 - Music FM (Formally 2WYR Youth Radio)
 - Metwide Communications
 - NSW Volunteer Rescue Association
2. **THAT the General Manager be delegated authority to negotiate agreements relating to the renewal of existing Licence Agreements for access to the Mount Gibraltar Telecommunications facility referred to in resolution 1 above.**
3. **THAT the Mayor and General Manager be delegated the authority to execute the Licence Agreements under the Common Seal of Council relating to the renewal of the Licence Agreements for access to the Mount Gibraltar Telecommunications facility referred to in resolution 1 above.**

REPORT

BACKGROUND

Council is the registered proprietor of the property known as the Mt Gibraltar Telecommunications facility at 232 Oxley Drive, Bowral (being Lot 21 in DP 856512). The property is classified as "Community Land" pursuant to the *Local Government Act*, 1993.

At its meeting 13 April 2016 Council considered a report regarding a new agreement with WIN Television for the continued use and maintenance of the tower. It was resolved as follows (*MN 153/16*):

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK

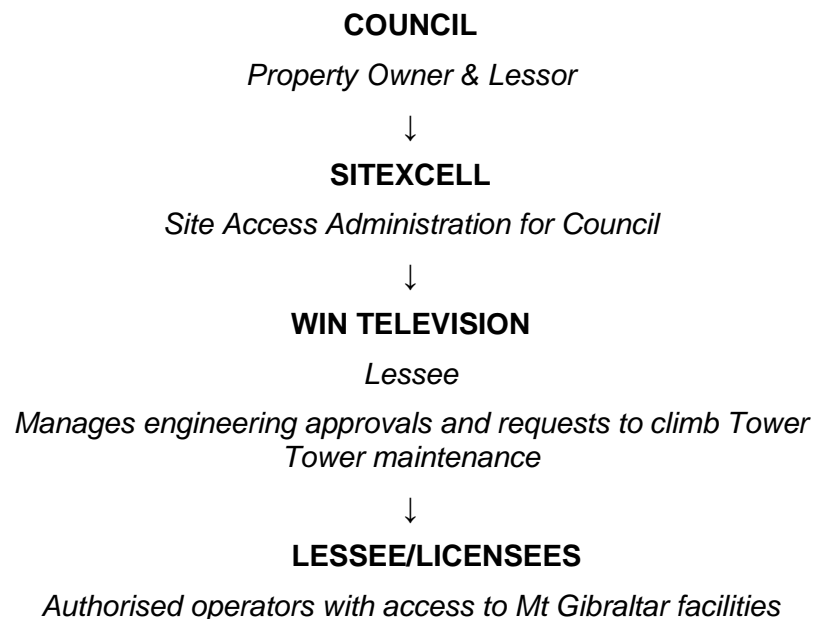


THAT in relation to the report on the Agreement with WIN Corporation Pty Ltd, 232 Oxley Drive Bowral, Council adopts the recommendations contained within the Closed Council report – Item 22.3, as follows:

1. *THAT it be noted that WIN Corporation Pty Ltd has exercised its option of the original agreement between Council and WIN Corporation Pty Ltd (formerly TWT Limited) regarding the Mount Gibraltar telecommunications tower site AND THAT in accordance with the original agreement, Council has negotiated the fees payable by WIN for the option period.*
2. *THAT the General Manager be delegated authority to execute all legal documents necessary to give effect to the agreement for the option period negotiated between Council as property owner and WIN Corporation Pty Ltd.*

Subsequently the agreement was executed and is now registered on the title to the property.

The hierarchy of operations at the Mt Gibraltar Telecommunications facility is as follows:



REPORT

Council issues Licence Agreements to qualified users to enable access to the site for transmission/ broadcast and the installation and maintenance of equipment.

This report seeks Council approval to renew existing Licence Agreements for users of the facility that require continued access to the site. The Licensees that have agreements due for renewal include:

- Southern Highlands Taxis
- Ambulance Service of NSW
- Berrima Coaches (Berrima Buslines)

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- Music FM (Formally 2WYR Youth Radio)
- Metwide Communications
- NSW Volunteer Rescue Association

The current agreements for the majority of these licensees have expired over the past 12 months and have been operating under holding over provisions within their existing licence agreement.

The format of the licence agreements for the Mount Gibraltar Telecommunications Tower has been standardised by Council's General Counsel and the terms reviewed by Council's Site Access Administrator, Sitexcell.

A licence agreement can be renegotiated to a minor extent if requested by the licensee, with the approval of the General Manager under delegation. However, it is the intention of Council officers that the agreements remain consistent with the agreements which have expired.

The annual fees payable in respect of each licence agreement will be calculated in line with the existing licences and will be indexed in line with a fixed percentage or the Consumer Price Index (CPI), whichever is greater.

This report recommends that the General Manager be delegated authority to negotiate the renewal of the existing Licence Agreements. It is also recommended that the Mayor and General Manager be delegated authority to execute any documents relating to the renewal of existing Licence Agreements under the Common Seal of Council (if required).

COMMUNICATION AND CONSULTATION

Community Engagement

There has not been any engagement with the community. This report deals with the renewal of existing Licence Agreements to enable the continued operations by existing Licensees.

Internal Communication and Consultation

N/A

External Communication and Consultation

Existing Licensees
Council's appointed site administrator

SUSTAINABILITY ASSESSMENT

• Environment

There are no environmental issues in relation to this report.

• Social

Two of the Licensees that are seeking renewal of existing Licences provide critical infrastructure and essential emergency services to the Shire and beyond. The provisions of such communications have positive social impacts on health and community well-being.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

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**

There are no governance issues in relation to this report.

COUNCIL BUDGET IMPLICATIONS

The revenue derived from the subject Licence Agreements are factored into Council's Recurrent Budget. If Council were not to renew any of these Licences, this would result in a budget shortfall which would need to be addressed at a future quarterly review of the Budget.

RELATED COUNCIL POLICY

None identified.

CONCLUSION

It is recommended that Council approve the issue of new Licence Agreements to existing Licensees that wish to continue their agreement with Council for access to the Mount Gibraltar Telecommunications facility.

ATTACHMENTS

1. Attachment 1 - Aerial map



Attachment 1 - aerial map Mt Gibraltar

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11.4 Planning Proposal to Reclassify Lot 1 DP 1246504, 7-11 Burgess Street, Bundanoon

Reference:	PN 1820130
Report Author:	Coordinator Property Services
Authoriser:	Chief Financial Officer
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to seek Council approval to proceed with a Planning Proposal to reclassify Lot 1 DP 1246504 being Council owned property at part 7-11 Burgess Street Bundanoon from 'Community' Land to 'Operational' Land. The purpose of the reclassification is to provide consistency with surrounding Council owned property.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT a Planning Proposal be prepared and submitted to the NSW Department of Planning Industry and Environment for a Gateway Determination to reclassify Lot 1 DP 1246504, part 7-11 Burgess Street Bundanoon, from Community to Operational.

REPORT

BACKGROUND

The subject land is of rectangular shape and has an area of 406.4 sqm. The land is a former public road which was closed in 2018.

The road was closed so that the land could be utilised by the users who have licences in place for the adjoining Council owned property. **Figure 1** below indicates the location of the subject property.



Figure 1 Location of subject land

Council is required to classify all public land as either 'Community' or 'Operational' under the provisions of s25 and s26 of the *Local Government Act 1993*. Community land is land used for a public purpose. Operational land is land which facilitates the functions or 'operations' of Council.

The land is zoned R3 Medium Density Residential with a minimum lot size of 700m². The property is owned by Council and is currently classified as 'Community' land. The property is surrounded by Council land that is classified as 'Operational' land.

To provide consistency and to bring the property in line with the surrounding 'Operational' land, it is now proposed that a planning application be made to reclassify the property from 'Community' to 'Operational'. This report outlines that process.

REPORT

The reclassification of public land through an amendment to Schedule 4 (Classification and reclassification of public land) of WLEP 2010 is subject to both the local plan-making process in the *Environmental Planning & Assessment Act 1979* and the public land management requirements of the *Local Government Act 1993*.

The process for achieving the reclassification of the subject land from 'community' to 'operational' is as follows:

- Council resolves to prepare a Planning Proposal under s3.33 of the *Environmental Planning & Assessment Act 1979*.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- The Planning Proposal is prepared and submitted to the Department of Planning, Industry and Environment (the Department) for a Gateway Determination to proceed.
- Agency referrals are completed as required under the Gateway Determination – always Water NSW and generally NSW Rural Fire Service. The Planning Proposal cannot proceed until any matters of concern raised by an agency are resolved.
- Community consultation is undertaken in accordance with the Gateway Determination - for a minimum period of 28 days.
- A Public Hearing is arranged as required under *s57 of the Environmental Planning & Assessment Act 1979* and *s29 of the Local Government Act 1993* and held at least 21 days after completion of the public exhibition of the Planning Proposal. The Public Hearing is chaired by an independent facilitator who then submits a report to Council identifying issues raised.
- A report is prepared for Council addressing submissions received during the public exhibition and issues raised at the public hearing.

Subject to final Council approval, the Planning Proposal is then forwarded to the Department for finalisation and amendment of WLEP 2010.

COMMUNICATION AND CONSULTATION

Community Engagement

Community Engagement will occur through public exhibition of the Planning Proposal and the holding of an independently facilitated Public Hearing.

Internal Communication and Consultation

Strategic Planning

Finance, Procurement & Property

External Communication and Consultation

Agency consultation will occur as required under the Gateway Determination.

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 10 June 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Governance**

The Planning Proposal and Public Hearing would be undertaken in accordance with legislative requirements under the *Environmental Planning & Assessment Act 1979* and the *Local Government Act 1993*.

COUNCIL BUDGET IMPLICATIONS

Costs associated with the gateway determination will be funded through existing budget allocations. The cost of preparing the planning proposal will be met by in-house resources. The cost of engaging an independent facilitator for the public hearing, should the matter proceed, will be covered by Council's Property Reserve Fund.

RELATED COUNCIL POLICY

n/a

OPTIONS

The options available to Council are:

Option 1

THAT a Planning Proposal be prepared to reclassify Lot 1 DP 1246504, part 7-11 Burgess Street Bundanoon, from Community to Operational.

Option 2

THAT Council not proceed with the Planning Proposal which would result in the land remaining classified as Community.

Option 1 is the recommended option to this report.

CONCLUSION

Given that the property is located adjacent to Council owned 'Operational' land, it is recommended that Council apply to reclassify this property from "Community" to "Operational" to ensure consistency with the adjoining Council property.

ATTACHMENTS

There are no attachments to this report.

11.5 Draft Public Memorials Policy and Public Memorials Policy Guidelines

Reference:	7150/1
Report Author:	Senior Asset Officer Parks and Building
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Create welcoming and accessible community facilities that support opportunities for people to meet and connect with one another

PURPOSE

The purpose of this report is to advise Council of the proposed draft Public Memorials Policy and Public Memorials Policy Guidelines (the “Draft Policy and Guidelines”), and to seek approval for the Draft Policy and Guidelines to be placed on public exhibition with the community invited to provide feedback and comments.

RECOMMENDATION

1. **THAT the Draft Policy and Guidelines be endorsed for public exhibition for a period of twenty eight (28) days.**
2. **THAT the Draft Policy and Guidelines be submitted to Council for adoption following public exhibition.**

REPORT

BACKGROUND

Wingecarribee Shire Council receives requests from time to time from members of the public seeking to install a memorial for a loved one in a public space. Council also receives requests to name public places such as parks and reserves in commemoration of a person. To date, Council has been dealing with these requests on a case-by-case basis, and Council staff can spend considerable time dealing with enquiries and applications from the public.

The purpose of the Draft Policy and Guidelines is to provide a framework for assessing and approving the placement of memorials in public spaces within the Shire to simplify the process for members of the public and to provide clear parameters for Council staff. The Draft Policy and Guidelines also provide a framework for memorial naming of places or buildings in memory of people who had an association with the Shire. This will result in consistency in decision making and will provide clear and succinct guidance to members of the public as to the types and locations of memorials that will be permitted in public spaces across the Shire.

REPORT

The Draft Policy and Guidelines aim to provide a framework for the consideration and approval of memorials in public spaces within the Shire. The Draft Policy and Guidelines also aim to improve consistency in decision making when Council receives a request to name a public place or building after a significant person within the local community.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



The Draft Policy and Guidelines cover all applications and requests for memorials in Council owned public space with the exception of memorials placed in cemeteries (Council owned or otherwise), on private land, on privately owned buildings, memorials relating to war or military service and roadside tributes. In addition, the Draft Policy and Guidelines do not cover the naming of roads, or parks and reserves within new subdivisions.

The Draft Policy and Guidelines outline the requirements for approval of a memorial, including a requirement that memorials will not change the intended purpose of the public space and the surrounding environment. Memorials will not be approved if they create a negative impact on future maintenance expenditure of Council, or present a significant financial burden to Council.

The requirements in the Draft Policy and Guidelines mirror requirements in other policies from councils across Australia, and the provisions relating to naming places or buildings are in line with advice contained in the Geographical Names Board of NSW Policy – Place Naming.

COMMUNICATION AND CONSULTATION

Community Engagement

It is proposed that the Draft Policy and Guidelines be placed on public exhibition with the community invited to provide feedback and comments.

Internal Communication and Consultation

Assets, Governance, Organisation Development, Infrastructure Services and Executive have been engaged during the development of the Draft Policy and Guidelines.

External Communication and Consultation

The Draft Policy and Guidelines have been developed with reference to other similar policies from a number of councils across Australia, and relevant policies from the NSW Government. Further external communication and consultation will occur through the public exhibition process.

SUSTAINABILITY ASSESSMENT

- **Environment**

The Draft Policy and Guidelines will ensure that memorials are placed in appropriate locations, thereby preserving the accepted use of parks and reserves for environmental management.

- **Social**

The Draft Policy and Guidelines will ensure that memorials are placed in appropriate locations, thereby preserving the accepted use of public spaces for recreation.

- **Broader Economic Implications**

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

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



- **Culture**

The Draft Policy and Guidelines will ensure that memorials are placed in appropriate locations, preserving the cultural characteristics of the Shire.

- **Governance**

The Draft Policy and Guidelines will enhance Council's ability to meet its obligations with respect to the management of public spaces across the Shire.

COUNCIL BUDGET IMPLICATIONS

The implementation of the Draft Policy and Guidelines will be within current budget allocations.

RELATED COUNCIL POLICY

Cenotaphs and War Memorial (Protected Places) Security and Protection Policy
Cemetery Policy

OPTIONS

The options available to Council are:

Option 1

1. THAT the Draft Policy and Guidelines be placed on public exhibition for a period of twenty eight (28) days.
2. THAT the Draft Policy and Guidelines be submitted to Council for adoption following public exhibition.

Option 2

THAT Council does not endorse the Draft Policy and Guidelines for public exhibition.

Option 1 is the recommended option to this report.

CONCLUSION

The proposed Draft Policy and Guidelines provide the community with clear guidance on the types of memorials that may be permitted within the Shire's public spaces, and the naming of public buildings and places in memory of a significant person within the local community. Placing the Draft Policy and Guidelines on public exhibition and providing opportunity for community feedback will enable the Draft Policy and Guidelines to be submitted to Council for adoption following the exhibition period.

ATTACHMENTS

1. Attachment 1 - Draft Public Memorials Policy
2. Attachment 2 - Draft Public Memorials Policy Guidelines



Public Memorials Policy

PLACES

3.3 OUR BUILT ENVIRONMENT CREATES VIBRANT AND INVITING PUBLIC SPACES

Adoption Date:	<i>(Governance to insert)</i>
Council Reference:	<i>(Governance to insert)</i>
Policy Owner:	Manager Assets
Next review date:	<i>Governance to insert (4 years from adoption date)</i>
File Reference:	7150/1
Related Policies/Legislation:	Cenotaphs and War Memorial (Protected Places) Cemetery Policy Security and Protection Policy
Related Documents:	Public Memorials Policy Guidelines Public Memorials Procedures Geographical Names Board of NSW Policy – Place Naming
Superseded Policy/GM Practice Note:	Nil

Objectives

The objective of this Policy is to provide a framework for assessing and approving the placement of memorials on Council-owned land and the naming of public spaces within the Wingecarribee Shire (the Shire).

Policy Statement

Wingecarribee Shire Council (Council) recognises the need for public amenities, including parks and reserves, across the Shire. Council's parks and reserves are primarily provided and maintained for recreation or environmental protection.

Council considers the cemeteries provided by Council and other providers in the Shire are the most appropriate places for commemorating loved ones, and overall, Council does not support the proliferation of visible memorials in its parks and reserves or alongside footpaths.

However, Council recognises that on occasion, it is appropriate to commemorate a deceased person in a more public space. In such circumstances, Council may approve a public memorial in accordance with this Policy and the Public Memorials Policy Guidelines (the Guidelines). Further information on the types of memorials that may be approved is contained in the Guidelines.



Memorials will only be approved for a person who is deceased and was a resident of the Wingecarribee Shire. Memorials will:

- be consistent with, and not interfere with, the intended purpose of the proposed location and the surrounding environment;
- be consistent with any existing Plan of Management;
- enhance the landscape, recreation, and cultural value of the park or reserve;
- build community connections and connect people to place;
- take into account the number of existing memorials, artworks and other objects in the vicinity; and
- be designed and located such that they enhance the visual amenity of the park.

Memorials will not be approved if they:

- duplicate an existing memorial within the Shire, except in exceptional circumstances;
- create a negative impact on Council's future maintenance expenditure, or present a significant financial burden to Council;
- pose a safety risk now or in the future; and/or
- result in a change of use of a park or reserve.

Council does not consider it appropriate to scatter ashes in Council parks and reserves, including at or around memorials placed in accordance with this Policy. Council cemeteries and other cemeteries in the Shire can accommodate the placement or scattering of ashes.

Requests for memorials will only be approved if they meet the criteria contained in this Policy and the Guidelines. This Policy replaces any previous approval or process regarding the installation of a memorial. Existing memorials or plaques cannot be employed as precedent for future approvals.

Scope

This Policy covers all applications and requests for commemorative naming and placement of memorials in Council-owned land. It does not cover memorials placed in cemeteries (whether Council-owned or otherwise), on private land, or on privately owned buildings.

This Policy does not include memorials relating to war or military service. Refer to the Cenotaphs and War Memorial (Protected Places) Security and Protection Policy for further information.

This Policy does not include the naming of new parks that are being created as part of a subdivision. The naming of these parks will continue to be undertaken as part of the development application process, in accordance with guidelines issued by the Geographical Names Board of NSW.

This Policy does not include the naming of roads within the Shire. Roads will continue to be named in accordance with the NSW Address Policy and User Manual published by the Geographical Names Board of NSW.

This policy does not include directional signage or informational signage as relates to anything other than those designed to commemorate a person or event.

This policy does not include Roadside Tributes. Refer to Transport for NSW Guidelines for Roadside Tributes for further information.



Definitions

For the purpose of this policy *Memorials* encompasses all requests covered by the policy including the following:

- Planting of memorial trees
- Park seats including plaques
- Historical markers and commemorative plaques
- Monuments, statues and other memorials
- Interpretative signage
- Naming of public places

Responsibilities

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

Councillors

- To lead the community in their understanding of, and compliance with, this Policy
- To consider requests for large memorials in accordance with this Policy and the Public Memorials Policy Guidelines
- To consider requests for naming public places and buildings in accordance with this Policy and the Public Memorials Policy Guidelines

Executive

- To implement this Policy, the Public Memorials Policy Guidelines and any related procedures
- To lead staff in their understanding of, and compliance with, this Policy
- To consider requests for historical markers and interpretative signage in accordance with this Policy, the Public Memorials Policy Guidelines and any associated procedures

Manager Assets

- To implement and maintain this Policy, the Public Memorials Policy Guidelines and any associated procedures

Responsible Officer

- To assess requests and applications for memorials trees and memorial park seats in accordance with this Policy, the Public Memorials Policy Guidelines and any associated procedures

All Council Staff

- To comply with this Policy, the Public Memorials Policy Guidelines and any associated procedures

Performance Measures

The success of this Policy will be measured by:

- a reduction in the number of enquiries for information about memorials in Council's parks and reserves;



- a reduction in the number of complaints associated with Council’s decisions not to approve the placement of memorials; and
- a reduction in the number of complaints associated with Council’s decisions to approve the placement of memorials.

Breaches of the Policy

Breaches of this Policy should be reported to Manager Assets. The Manager Assets will investigate alleged breaches and determine the appropriate course of action to resolve the matter.

APPROVED BY:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)

DRAFT



Attachments

1. Public Memorials Policy Guidelines

Approved By:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)

DRAFT



Public Memorials Policy Guidelines

DIVISION: OPERATIONS, FINANCE AND RISK

BRANCH: ASSETS

FILE NOS: 7150/1

APPROVAL DATE:

MINUTE NO: *if applicable*

Guidelines for the types and placement of memorials

Wingecarribee Shire Council (Council) may approve the placement of memorials in its public spaces in accordance with the Public Memorials Policy and these Guidelines.

Council may approve the following types of memorials in its public spaces:

Memorial Trees

Requests may be made to Council for the planting of a tree in memory of a deceased person. The placement of a tree in a park or reserve is considered to be a private and individual acknowledgement for personal and private remembrance. Requests for the placement of a tree in a particular park or reserve will be considered only where space is available for additional trees. Any such planting may be part of a Council revegetation project.

Applicants are liable for all costs associated with the supply, installation and establishment of memorial trees. The location of any planting will be determined by Council, and any trees planted must be in keeping with the function and accepted use of the park or reserve. Council will advise appropriate trees for each park and reserve, and the tree will be planted by Council staff. No physical plaque will be permitted, due to the continued need to maintain plaques.

Council does not guarantee the longevity of any memorial tree. Council reserves the right to remove any memorial tree which, in its opinion, poses a public safety risk or develops structural defects. Should the memorial tree be vandalised, replacement costs would remain the responsibility of the applicant, and the applicant must seek Council permission to replace the tree in accordance with the Public Memorials Policy and these Guidelines. Council takes no responsibility for contacting the applicant in the event the tree is damaged. Council also reserves the right to remove any memorial tree that no longer aligns with the purpose and function of the park or reserve.

Requests for memorial trees will be assessed by Council staff. Applicants will be advised if the request has been approved, and if so, the details of any approval, including the species of tree(s) available for the park or reserve, the approximate location of the tree within the park or reserve, and the expected timing of planting the tree. Applicants who wish to hold a private ceremony following the planting of the tree should consider other users of the public space and safety when planning and conducting any ceremony. No ceremonies will be permitted at the time of planting.

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If an application to plant a memorial tree is refused as a result of the park or reserve reaching saturation point, alternative sites may be discussed with the applicant.

Plaques on Park Seats

Requests may be made to Council for the installation of a park seat with a memorial plaque in memory of a deceased person who had a close connection to the reserve or public space. For the purpose of these guidelines, park seats include seats in road reserves.

A plaque placed on a park seat is a public recognition of the significant contribution a person has made to the local area. As such, requests will only be considered for those people who are publicly acknowledged as having made a significant contribution to the local area in a not-for-profit capacity. This may include:

- people who contributed to the community through sport, arts and culture, education, conservation of the environment, or by providing assistance to the vulnerable; or
- people who have contributed to the development of the region socially, culturally or economically.

Requests for new memorial park seats will only be approved where space is available for additional park/street furniture. The location of the seat will be determined by Council, and any seat must be in keeping with existing facilities in the public space and not conflict with Council's Strategies or any Plan of Management for the area.

The text contained on a plaque must be submitted to Council for approval. Council staff will order and install the memorial plaque and the park seat. The Applicant is responsible for all costs associated with the supply and installation of the memorial plaque and park seat.

Council does not guarantee the longevity of a park seat. Council reserves the right to remove or relocate any park seat with a memorial plaque which, in its opinion, is damaged or beyond reasonable repair, or no longer aligns with the purpose and function of the park or reserve. Council does not guarantee the replacement of a seat if it is damaged, removed or stolen. Should the seat or plaque be damaged, removed or stolen, repair and replacement costs would remain the responsibility of the applicant, and the applicant must seek Council permission to replace the plaque and/or the park seat in accordance with the Public Memorials Policy and these Guidelines. Council takes no responsibility for contacting the applicant if the seat is damaged, removed or stolen.

Requests for plaques and park seats will be assessed by Council staff. Applicants will be advised of the details of any approval, including the location of the park seat, and the expected timing of placement of the plaque and seat. Applicants who wish to hold a private ceremony following the installation of the seat or plaque should consider other users of the public space and safety when planning and conducting any ceremony. No ceremonies will be permitted at the time of installation.

If an application is refused as a result of a public space reaching saturation point, alternative sites may be discussed with the applicant.

Historical Markers and Commemorative Plaques

Historical markers and commemorative plaques can enhance understanding of the unique history and identity of the place, people and events associated with the site of the marker or plaque. Markers and plaques can also enhance the experience and perceptions of a site, by drawing attention to the unique features associated with the site.

Council may, in its discretion, install historical markers or commemorative plaques in relevant places in the public domain, in acknowledgement of its role in observing and documenting the life of the local community.



The person, association or event to be recognised should be:

- an individual or association that has contributed significantly to the local community through sport, arts and culture, education, or the development of the region socially, culturally, or economically; or
- an individual or association strongly linked to the Shire and its history; or
- a significant event unique to the Shire's local history and environment.

Any historical marker will only commemorate an event that occurred more than 50 years prior so as to avoid the perception of favouritism or partisan perception or changes in community judgement and acceptance, and to avoid situations where historical events have later proven to be unworthy of commemoration.

The Applicant is responsible for all costs associated with the supply and installation of historical markers. All requests and applications to install historical markers will be assessed by Council staff in accordance with the above criteria. A report will be prepared for the General Manager, and the responsibility for approving or refusing any request or application will rest with the General Manager.

Monuments, Statues and other Memorials

Requests may be made to Council for the installation of monuments, statues and other memorials (collectively called large memorials) in public spaces owned by Council.

Any new large memorial must be demonstrated to be of lasting value to the community for social, cultural, historical, educational or aesthetic reasons, and must add to the existing community amenity of the proposed location within the context of the current and future use of the area. Monuments, statues and other memorials will only be considered for a person who is deceased.

Subjects for a large memorial will only be considered appropriate if they meet one or more of the following criteria:

- the subject is or was an individual or association that has contributed significantly to the cultural or social aspects of the development of the region, including:
 - more than 20 years dedicated to the development of the region, or
 - more than 20 years not-for-profit work on a community or social cause, such as sports, education, arts, culture, or providing assistance to the vulnerable; or
- the large memorial commemorates a significant anniversary of an event unique to the region's history and development.

In addition, the subject of the memorial must have a strong connection to the proposed site of the memorial. Large memorials for political or religious figures will only be considered if that person has also contributed to the community outside of their political or religious life, in accordance with the criteria outlined above.

Approval will only be granted for a new large memorial if it is consistent with Council's master plan or strategic development framework for the site. Any proposal for a large memorial that may be considered to be an artistic work must be endorsed by Council's Arts and Culture Advisory Committee.

Any request for a large memorial should include evidence of community consultation on the memorial's purpose, location and design, in the form of at least three letters of support from relevant or affected interest groups and/or organisations. Council reserves the right to undertake further consultation or direct the applicant to undertake further consultation if it is considered necessary.

Applicants for a large memorial must meet all costs associated with the design, manufacture and installation of the memorial. Council will oversee the installation of any large memorial and may require specialist contractors to advise on and/or install the memorial. Should the memorial be damaged, lost or vandalised, repair and replacement costs would remain the responsibility of the applicant.



No new memorial will be considered which commemorates a person, event or occasion that is already the subject of a memorial in the Wingecarribee Shire unless there are exceptional circumstances, such as the commemoration of people or events with immense national or international significance.

Council reserves the right to refuse an application for a large memorial if it has the potential to cause offence.

All requests and applications to install a large memorial will be assessed by Council staff in accordance with the above criteria. Staff will produce a report to Council, including recommendations for the approval or refusal of the application. The report and the original request will be placed on public exhibition for a period to be determined by Council. The responsibility for approving or refusing any request or application will rest with Council, unless delegated by Council to the General Manager or other senior staff member.

Interpretative Signage

Council will consider the installation of interpretative signage associated with a monument, statue or other memorial where the broader public may not be aware of the significant contribution made by the individual or association being commemorated. Interpretative signage may also be installed where the individual or association being commemorated has faded from broader public memory and there is significant benefit in maintaining public awareness of the individual or association.

The Applicant is responsible for all costs associated with the supply and installation of interpretative signage. All requests and applications to install interpretative signage will be assessed by Council staff in accordance with these criteria. A report will be prepared for the General Manager, and the responsibility for approving or refusing any request or application will rest with the General Manager.

Naming of Public Places and Buildings

Unambiguous and recognised place names are essential for emergency services, postal and service delivery as well as professional and personal navigation. Place names become a tool for the general public to locate themselves within the Shire, and soon become part of the language of the region in terms of way finding and pinpointing locations.

From time to time, Council receives requests to name public places or buildings after a significant person in the Shire. Council will only consider requests to name or rename a public place or building in exceptional circumstances. Any such request will be assessed based on the following criteria:

- places or buildings will only be named after a person who has been deceased for more than one year; and
- the person commemorated must have had a long-term association of more than twenty years with the area around the place or building to be named, and
- the person commemorated must have had a long-term association with the Shire of more than twenty years, and
- the person commemorated must have contributed significantly to the cultural or social aspects of the Shire, such as twenty or more years of service:
 - for a local community group or service club, or
 - for a local organisation, or
 - to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community, and
- the person commemorated should be well-known, both in the area of their contribution to the community and more widely within the community.



It is the responsibility of the applicant to provide proof of how the above criteria are met. Acceptable proof may include:

- evidence of membership to appropriate clubs or associations,
- records of service in an appropriate field, and/or
- letters of support from both appropriate organisations and the broader community.

Further proof of a broad reputation within the community may also consist of newspaper articles or other media sources acknowledging the person's contribution to the community.

Council reserves the right to refuse to name a place or building after a person if to do so would have the potential to cause offence.

All requests and applications to name a public place or building will be assessed by Council staff in accordance with the above criteria. Staff will produce a report to Council, including recommendations for the approval or refusal of the application. The report and the original request will be placed on public exhibition for a period to be determined by Council. The responsibility for approving or refusing any request or application will rest with Council, unless delegated by Council to the General Manager or other senior staff member. Where required, Council will refer its decision to the Geographical Names Board of NSW for final approval.

Other information

Any request for a memorial must be made in writing. Any request must be made by an appropriate person, such as the next of kin or a near relative of the deceased. An appropriate person may also include the representative of an organisation closely associated with the deceased, where that association is the basis for the request. All applications, whether made by a person, an association or organisation, or an elected representative of any level of government, will be assessed in accordance with the Public Memorials Policy and these Guidelines. Where a request for a memorial or a commemorative naming has been made by an organisation, it should be accompanied wherever possible by a letter of permission from a relative of the person being honoured.

Council will maintain public spaces containing tree or seat memorials in accordance with its usual maintenance schedule appropriate for the location. No additional maintenance of the memorial will be undertaken by Council. Council will maintain large memorials, and places and buildings named under the Public Memorials Policy and these Guidelines, in accordance with maintenance and management schedules appropriate for the large memorial, place or building.

Council accepts no responsibility for any loss or damage to a memorial through vandalism or other actions. Applications for the replacement of memorials will be considered in accordance with the Public Memorials Policy and these Guidelines as if it were a new request. If an applicant wishes to replace a memorial and their application is approved, the cost of replacement will be the responsibility of the applicant.

In cases where the memorial sought is on or near a heritage item, heritage exemption or development consent may be required and Council staff will advise applicants if this applies. It is the applicant's responsibility to seek any required exemption or development consent and, in these cases, the assessment will not proceed until this is obtained. All costs associated with DA approval will be the responsibility of the applicant.

Applicants are liable for any costs associated with the supply and installation of memorials. Council will supply applicants with a quotation based on Council's adopted Fees and Charges at the time of any approval.

Council will not create a waiting list for any memorial. If a particular public space is considered to have reached



saturation point, alternative locations may be discussed with the applicant.

Members of the community wanting to place a roadside tribute following a death caused by a road incident should follow the Transport for NSW Guidelines for Roadside Tributes.

DRAFT

11.6 Public Exhibition of Draft Playspace Strategy

Reference:	6500
Report Author:	Project Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Increase promotion of healthy lifestyle choices

PURPOSE

To seek approval for the Draft Playground Strategy to be placed on public exhibition with the community invited to provide feedback and comments.

RECOMMENDATION

1. **THAT** the Draft Playspace Strategy be endorsed for public exhibition for a period of twenty eight (28) days.
2. **THAT** the Draft Playspace Strategy incorporating community submissions be submitted to Council for adoption following the public exhibition.

REPORT

BACKGROUND

In 2016 to compliment the Fit for the Future Improvement Program, Council endorsed the newly developed Parks Strategy. This high-level strategic document identifies current and future provision requirements, asset categories, levels of service and provides rationale for financial sustainability into the future for Council's parks network.

Subsequently, in 2017 the Public Toilet Strategy was added to this suite of documents, sitting under the Parks Strategy in line with parks levels of service and providing specific direction on the development and management of public toilet facilities.

Similarly, the Draft Playspace Strategy will form part of this suite of documents. Council engaged a specialist parks consultant, Xyst Pty Ltd, to assist in the developing this draft document.

The Draft Playspace Strategy has been developed to provide guidance on the current 48 playspaces located within the Shire. The document identifies categories for four levels of playspaces along with levels of service and financial sustainability of playgrounds.

REPORT

The Draft Playspace Strategy is a vision for play areas in Wingecarribee Shire and provides guidance for Council on future provision, development and maintenance of its playgrounds.

The purpose of this strategy is to analyse the current situation in terms of playspace provision, quality, and financial investment. It then provides a framework upon which to base decisions for the future development of playspaces that meet the community's needs for a sustainable network of playspaces that are attractive, inclusive, safe and affordable.

The Playspace Strategy will be used to provide an overall framework for the consistent management and maintenance of play areas including providing general development

standard guidelines, identifying appropriate levels of service for each type of playspace category and setting the capital, renewal and disposal program for the existing 48 playspace sites.

Council's playspaces have been categorised into four (4) categories:

- Destination
- Level One
- Level Two
- Level Three

Playspace infrastructure requires a higher level of maintenance than other items typically found in open space settings, such as park furniture. Further, a successful playground is generally supported by other infrastructure such as public toilets, formed pathways and bins. It is therefore not recommended to locate playspaces at parks with low service levels.

With industry trends for playgrounds evolving the Draft Strategy acknowledges the growing need for play value at our parks. Facilities are considered to have high play value when they can challenge and engage children for extended periods of time. Equipment that is functional but does not encourage different, innovative and challenging use will quickly lose attraction. Creating playspaces in which children can have a wide variety of play experiences and sensations is important.

Each playspace was assessed using the Playable Space Quality Assessment Tool used by park's consultant, Xyst. This enabled each facility to be evaluated using a structured process. The assessment tool focuses on three major aspects to children's outdoor play provision: the location of play areas, play value and ancillary facilities (such as shade, seating, toilets, etc.).

The most striking result is the low play value scores across all sites. This is generally due to equipment being installed prior to the availability of current higher play value designs, only catering to a narrow (relatively young) age range and offering little in the way of challenging or imaginative play experiences.

Another important aspect of playspaces considered by this Draft Strategy, is inclusive play. The Draft Strategy has incorporated the recent NSW State Government Guidelines 'Everyone Can Play'. A fundamental objective for playspace design and equipment provision is to ensure inclusive access is provided for all members of the community. The phrases *Can I Stay, Can I Play, Can I Get There* form the basis for the checklist for these guidelines.

The Draft Playspace Strategy also takes note of the community's feedback and expectations regarding Council's playgrounds.

Council undertook an online community survey from December 2017 to February 2018. There were 382 submissions with 961 views of this survey which was the third highest response to a Council survey using this methodology. This indicates a high level of interest in the provision of playspaces.

The survey asked a range of questions relating to frequency of use, travel methods, and preference for the mix of playspaces and invited comments about desired enhancements to improve their children's play experience.



The response to the Playspace Survey was very encouraging and provided meaningful and constructive feedback.

Overall, the community was divided on whether to focus funding on providing fewer playgrounds with high quality play value or providing a larger variety of playspaces with lower play values. When participants were asked their preference between maintaining the current mix of small and large playspaces or providing centrally located large playgrounds with better play value, the feedback was evenly balanced.

While maintaining the current number of playgrounds, and simultaneously improving play value and amenity may be desirable from a community experience point of view, it is also not affordable and not supported by Council's current strategic framework.

The Draft Strategy seeks to maintain a good level of distribution of playgrounds across the shire, while improving play value and accessibility. The Strategy includes reducing the overall number of playspaces while increasing the play value and amenity of those retained. The sites identified to be disposed, at end of life, were determined taking into consideration the amenity, distribution and location of playspaces within the Shire.

Options Considered

To determine the preferred approach, four funding scenarios were considered as part of the Draft Playspace Strategy's preparation. These included:

- **Scenario 1** - Continuing to operate within the current allocated budget, disposal of 24 playspaces at end of life.
- **Scenario 2** - Maintain current level of service with play equipment largely being replaced like for like, with no increase in LoS or play values, disposal of 15 playspaces at end of life.
- **Scenario 3** - Implementing the recommendations and level of service proposed in the Draft Playspace Strategy, *excluding* the development of a Destination playground, disposal of 15 playspaces at end of life.
- **Scenario 4** - Implementing the recommendations and level of service proposed in the Draft Playspace Strategy, *including* the development of a Destination playground, disposal of 15 playspaces at end of life.

The preferred scenarios are Scenario 3 or 4. This level of service is designed to meet a reasonable balance between affordability and meeting current and future playspace needs for residents and visitors to the Shire.

COMMUNICATION AND CONSULTATION

Community Engagement

Community Engagement for the Draft Playspace Strategy was conducted at the beginning of the playspace journey in January – February 2018 and assisted in guiding the finalised draft document. Engagement at this early stage included an initial face to face intercept survey at a number of playspace facilities. The face to face informal chats were conducted by Council Officers and were in conjunction to an online survey through Council's 'Your Say' platform. The response to this survey was overwhelming with submissions totalling 382, the third highest response to a Council survey to date.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



Following approval from Council the Draft Playspace Strategy will be placed on public exhibition for a period of 28 days. The public exhibition of the Draft Playspace Strategy will include newspaper advertisement, social media and other engagement tools on the Your Say Wingecarribee platform.

The Strategy will be promoted on social media and other engagement tools utilised, such as Your Say Wingecarribee, in accordance with Covid-19 Regulations.

Notices will also be posted at all Council playspaces encouraging users to participate in feedback.

Once the exhibition period has closed, a report will be provided to Council for consideration.

Internal Consultation

Parks & Buildings Asset Team have consulted the draft document with Infrastructure Services, Tourism & Economic Development, Strategic Planning, Community Development, Finance and Executive Staff.

A Councillor Briefing Session was held on 3 June 2020.

External Consultation

Council Officers engaged in consultation with the NSW Government 'Everyone Can Play' team, Livvie's Place and South Western Sydney Local Heath District.

SUSTAINABILITY ASSESSMENT

- **Environment**

There are no broader environmental implications associated with this report.

- **Social**

The adoption of the Playspace Strategy will promote Council's capacity to provide sustainable outdoor recreational spaces for the community. This will include active, passive and social use of playgrounds that offers associated health and wellbeing benefits.

- **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**

There are no broader governance implications associated with this report.

COUNCIL BUDGET IMPLICATIONS

The impact on council's budget will depend on which scenario is adopted. This will be determined following the exhibition period. The funding strategy, for the adopted scenario, will subsequently be considered during the annual budget review process and reported to council.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER OPERATIONS, FINANCE AND RISK



RELATED COUNCIL POLICY

The Draft Parks Strategy refers to the following Council policies:

- Asset Management Policy

OPTIONS

The options available to Council are:

Option 1

1. THAT the Draft Playspace Strategy be endorsed for public exhibition for a period of twenty eight (28) days.
2. THAT the Draft Playspace Strategy incorporating community submissions be submitted to Council for adoption following the public exhibition.

Option 2

THAT Council does not place the Draft Playspace Strategy on public exhibition.

Option 1 is the recommended option to this report.

CONCLUSION

Placing the Draft Playspace Strategy on public exhibition and providing further opportunity for community feedback will enable the final Strategy to be submitted to Council for adoption.

ATTACHMENTS

1. Draft Playspace Strategy for Public Exhibition V1.5 - *circulated under separate cover*

Richard Mooney
Acting Deputy General Manager Operations, Finance and Risk

Thursday 4 June 2020

12 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

12.1 Development Applications Determined from 28 April 2020 to 25 May 2020

Reference: 5302
Report Author: Team Leader Business Support
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Promote building practices and the types of developments that improve resource efficiency

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 28 April 2020 to 25 May 2020.

RECOMMENDATION

THAT the information relating to the lists of Development Applications Determined for the period 28 April 2020 to 25 May 2020 be received and noted.

APPROVED APPLICATIONS BY DATE RANGE

Date Range: 28 April 2020 to 25 May 2020

****Denotes an application for a property that has been affected by the Green Wattle Creek or Morton Bushfires.**

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	19/1418	3 Cardigan Street Balaclava NSW 2575 Lot 1 DP 557441	Paloma Blanca Pastoral Pty Limited	Subdivision (25 lots)	28/03/2019	379	40	419	Deferred Commencement 22/05/2020
2	20/1121 **	43 Railway Parade Balmoral NSW 2571 Lot 4 DP 1204910	J Brown	Residential Alterations and Additions (Shed)	08/04/2020	17	22	39	19/05/2020
3	18/0565.01	3020 Old Hume Highway Berrima NSW 2577 Pt Lot 3 DP 584423 Farm	Antikvorem Pty Ltd	Section 4.55 Modification (Modification of Concept Master Plan)	26/07/2019	237	55	292	Determined by Council 14/05/2020

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
4	20/0102	3020 Old Hume Highway Berrima NSW 2577 Pt Lot 3 DP 584423 Farm	Antikovrem Pty Ltd	Tourist and Visitor Accommodation - Construction of Accommodation Lodge, Restaurant & Meeting Room Building, Secular Meeting Space & House Keeping facility.	26/07/2019	237	55	292	Determined by Council 14/05/2020
5	15/0076.06	158 Merrigang Street Bowral NSW 2576 Lot 158 DP 1099950	E Di Francesco	Section 4.55 Modification (Alter Condition 4 from Relocate Existing Building to Demolish Existing Building)	23/04/2020	0	12	12	05/05/2020
6	19/1177.06	2 Albert Street Bowral NSW 2576 Lot 2 DP 1240587	PM Weate, M Barr	Section 4.55 Modification (Amend Condition 67 pertaining to Septic System and Restriction on residue Stage 2 Lot)	23/03/2020	0	58	58	21/05/2020
7	20/0575.04	9 Alice Avenue Bowral NSW 2576 Lot 28 DP 792830	T Bonner, I Bonner	Section 4.55 Modification (Reduce Size of Extension)	01/05/2020	0	21	21	22/05/2020
8	20/0627	9 Kimberley Drive Bowral NSW 2576 Lot 21 DP 749890	M Money	Continued Use - Secondary Dwelling and Residential Alterations & Additions (Extensions)	22/11/2019	101	70	171	Deferred Commencement 12/05/2020
9	20/0683	30 Kimberley Drive Bowral NSW 2576 Lot 7 DP 1019330	A Cameron, E Cameron	Dwelling House	03/12/2019	85	0	85	12/05/2020

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



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10	20/0804	51 Woodbine Street Bowral NSW 2576 Lot 16 Sec 16 DP 976576	RG Boyce, EV Boyce	Residential Alterations and Additions (Extensions, Internal Alterations & Carport)	15/01/2020	16	97	113	08/05/2020
11	20/0907	4 Belmore Street Bowral NSW 2576 Lot 1 DP 798457 & Lots 18-19 Sec D DP 2630	N Kolak	Subdivision (Boundary Adjustment) and Demolition of Existing Dwelling	14/02/2020	0	94	94	19/05/2020
12	20/0929	6 Boolwey Street Bowral NSW 2576 Lot 21 DP 802519	H Johnson	Change of Use (Food and Drink Premises)	19/02/2020	0	78	78	08/05/2020
13	20/1007	12 Warwick Close Bowral NSW 2576 Lot 226 DP 1239600	P & S Constructions Pty Ltd	Dwelling House and Retaining Wall	05/03/2020	54	8	62	07/05/2020
14	20/1052	29 Sir James Fairfax Circuit Bowral NSW 2576 Lot 418 DP 1248107	JA Smythe, HM Smythe	Dwelling House	17/03/2020	42	20	62	19/05/2020
15	20/1094	158 Merrigang Street Bowral NSW 2576 Lot 158 DP 1099950	E Di Francesco	Demolition of Existing Dwelling & Ancillary Buildings	30/03/2020	20	16	36	06/05/2020
16	20/1119	148 Old South Road Bowral NSW 2576 Lot 6 DP 708665	AG Mobbs	Residential Alterations and Additions (Carport)	08/04/2020	0	39	39	18/05/2020
17	20/1142	115 Bowral Street Bowral NSW 2576 Lot 9 DP 844956	Goota Pty Ltd	Demolition of Existing Dwelling and Garage and Tree Removal	17/04/2020	0	10	10	28/04/2020
18	20/1143	56 Ascot Road Bowral NSW 2576 Lot 2 DP 246511	V Bardzhamian, M Bardzhamian	Residential Alterations and Additions (Extensions & Internal Alterations)	17/04/2020	0	18	18	06/05/2020

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
19	20/1188	2 Rose Street Bowral NSW 2576 Lot A DP 158240	AM Moore, JM Moore	Residential Alterations and Additions (Swimming Pool)	27/04/2020	0	17	17	15/05/2020
20	20/1209	29 Kimberley Drive Bowral NSW 2576 Lot 2 DP 1015533	N Hercus, M Hercus	Residential Alterations and Additions (Swimming Pool)	29/04/2020	0	15	15	15/05/2020
21	18/0698.01	4 Tyree Place Braemar NSW 2575 Lot 2 DP 1149654	Bunnings Properties Pty Ltd	Section 4.55 Modification (Demolish existing building and alterations and additions to Hardware & Building Supplies / Garden Centre to create Timber Trade Sales area and enlarge Café Playground)	27/03/2020	0	40	40	06/05/2020
22	20/0586.05	36 Old Hume Highway Braemar NSW 2575 Lot 17 Sec 1 DP 792	A Sawaqed	Section 4.55 Modification (Garage & Studio)	01/05/2020	0	6	6	08/05/2020
23	19/0965	12 Anzac Parade Bundanoon NSW 2578 Lot 1 DP 183174	Gastoff Pty Ltd	Change of Use - Tourist Accommodation, Restaurant/Café and Small Bar	18/12/2018	437	79	516	19/05/2020
24	20/1165	11 Idolwood Ridge Bundanoon NSW 2578 Lot 6 DP 1219744	M Lichtenberg, M Lichtenberg	Dwelling House	21/04/2020	5	8	13	05/05/2020
25	20/0398	59 Sunninghill Avenue Burradoo NSW 2576 Lot 13 DP 525306	J Green	Subdivision (4 Lots)	03/10/2019	182	35	217	08/05/2020
26	20/0774	32 Toongoon Road Burradoo NSW 2576 Lot 2 DP 1254348	DS Ellis	Dwelling House	06/01/2020	87	31	118	04/05/2020

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
27	20/0939	76 Hoddle Street Burrawang NSW 2577 Lot 31 DP 1694	DR Flett, SLC Flett	Residential Alterations and Additions (Internal Alterations, Dwelling Extension, Pergola, Garage & Retaining Wall	21/02/2020	0	73	73	05/05/2020
28	18/0789.05	Walsh Bridgewater 2622 Canyonleigh Road Canyonleigh NSW 2577 Lot 1 DP 1053805	Filetron Pty Limited	Section 4.55 Modification (Remove requirement for water quality ponds. Provide access road for Lots 10-13. Provide 35 hectare area to be revegetated from agricultural land within the subdivision)	05/03/2020	0	76	76	21/05/2020
29	20/1064	1488 Tugalong Road Canyonleigh NSW 2577 Lot 13 DP 554106	C Bet	Dwelling House	20/03/2020	0	52	52	11/05/2020
30	20/1221	Waratah Park 101 McCallum Road Colo Vale NSW 2575 Lot 6 DP 1010323	J Hansen, S Hansen	Residential Alterations and Additions (Shed)	04/05/2020	0	10	10	15/05/2020
31	20/0969	60 Devon Road Exeter NSW 2579 Lot 4 DP 1245196	T Clark, A Clark	Dwelling House & Shed	26/02/2020	0	70	70	07/05/2020
32	20/1079	38 School Lane Exeter NSW 2579 Lot 642 DP 717065	S Thomas, L Thomas	Residential Alterations and Additions (Shed)	23/03/2020	0	59	59	21/05/2020
33	20/0830	345 Sheepwash Road Glenquarry NSW 2576 Lot 2 DP 1113295 Lot 2 DP 248254 Lot 2 DP 555648	G E Menzies Pty Ltd	Dwelling House and Secondary Dwelling	22/01/2020	48	49	97	28/04/2020

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
34	20/0723	92 Mount Minderoo Lane High Range NSW 2575 Lot 6 DP 1061373	V McManus, P McManus	Continued Use (Dwelling House)	16/12/2019	54	83	137	01/05/2020
35	20/1093	13-15 Fitzroy Street Hill Top NSW 2575 Lot 47 DP 1176403	L Docherty, A Docherty	Continued Use (Garage)	26/03/2020	0	56	56	22/05/2020
36	15/0434.03	96 Bowral Road Mittagong NSW 2575 Lot 1 DP 1187383	Nusuna Pty Ltd	Section 4.55 Modification (Service Station – Alter Site Layout)	06/11/2019	148	33	181	06/05/2020
37	18/0365.01	Aranda Park 294 Diamond Fields Road Mittagong NSW 2575 Lot 1 DP 575272	Tiwhaite Pty Limited	Section 4.55 Modification (Additional toilet, shower and sink to Pavilion)	01/04/2020	0	26	26	28/04/2020
38	20/0465	30 Tyndall Street Mittagong NSW 2575 Lot 2 DP 808183	A Bell, JA Bell	Subdivision (2 Lots)	16/10/2019	88	119	207	11/05/2020
39	20/0751	Teacher Residence Lot 10 Range Road Mittagong NSW 2575 Lot 10 Sec 13 DP 1289	Winifred West Schools Ltd	Dual Occupancy (Detached)	20/12/2019	58	81	139	08/05/2020
40	20/0752	Teacher Residence 2 Railway Parade Mittagong NSW 2575 Lot B DP 364822	Winifred West Schools Ltd	Dual Occupancy (Detached)	20/12/2019	63	81	144	12/05/2020
41	20/1175	32 Tyndall Street Mittagong NSW 2575 Lot 9 DP 505042	JR Holmes, J Holmes	Residential Alterations and Additions (Internal Alterations)	24/04/2020	0	6	6	30/04/2020
42	17/1311.02	70 Argyle Street Moss Vale NSW 2577 Lot 1 DP 25818	IG Jones, W Ramage-Jones	Section 4.55 Modification (Remove Secondary Dwelling from Approved DA Consent)	20/04/2020	0	32	32	22/05/2020

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
43	20/0011.01	Church & Community Activity Centre 18 Spring Street Moss Vale NSW 2577 Lot 90 DP 751253	Connect Christian Church T/As Southlands Care Op-Shop	Section 4.55 Modification (Remove Condition requiring charged line roofwater disposal. Amend condition pertaining to Fire Safety)	15/04/2020	0	13	13	28/04/2020
44	20/0031.05	5 Warrawong Drive Moss Vale NSW 2577 Lot 107 DP 1232222	KSF Motycka, S Motycka	Section 4.55 Modification (Increase rear setback of Garage)	13/05/2020	0	6	6	19/05/2020
45	20/0299.05	13 James Street Moss Vale NSW 2577 Lot 22 DP 847068	AM Smith, S Culpeper	Section 4.55 Modification (Extensions and Studio)	30/03/2020	0	38	38	08/05/2020
46	20/0445.01	32 Lovelle Street Moss Vale NSW 2577 Lot 12 DP 866036	Prime Moss Vale Pty Limited	Section 4.55 Modification (Remove Contribution Fees & Service Condition Fees for Display Home)	21/04/2020	0	8	8	29/04/2020
47	20/0733	43 Throsby Street Moss Vale NSW 2577 Lot C DP 158025	NDR Wilkinson, R Russo	Subdivision (2 Lots)	18/12/2019	0	147	147	13/05/2020
48	20/1012	25 Lytton Road Moss Vale NSW 2577 Lot 5 DP 22327	B Chapman, R Alves	Residential Alterations and Additions (Extension)	06/03/2020	70	5	75	21/05/2020
49	20/1039	3 Snowy Gum Rise Moss Vale NSW 2577 Lot 39 DP 1252867	BM McGlynn	Dwelling House	13/03/2020	0	54	54	07/05/2020
50	20/1115	9 Snowy Gum Rise Moss Vale NSW 2577 Lot 36 DP 1252867	L Sutherland, KE Sutherland	Dwelling House	07/04/2020	0	30	30	08/05/2020

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



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51	18/0379.05	Renwick Drive Renwick NSW 2575 Lot 902 DP 1210273	Minister For Community Services & Assistant Minister For Health For Her Most Gracious Majesty Queen Elizabeth II	Section 4.55 Modification (Reduce number of Subdivision Lots from 15 to 13. Modify dimensions of remaining 13 Lots)	17/02/2020	0	94	94	21/05/2020
52	20/0236.09	46 Green Street Renwick NSW 2575 Lot 1302 DP 1234992	Charm Constructions Pty Limited	Section 4.55 Modification (Retaining Walls)	22/04/2020	0	7	7	30/04/2020
53	20/0729.04	78 Bong Bong Road Renwick NSW 2575 Lot 1 DP 1252836	PW Fowler, T Fowler	Section 4.55 Modification (Alter Cut and Fill Batters at Secondary Dwelling)	06/05/2020	0	3	3	08/05/2020
54	20/1011	31 Oldfield Road Renwick NSW 2575 Lot 15 DP 1221206	J Johnston, C Johnston	Continued Use (Retaining wall)	06/03/2020	24	45	69	15/05/2020
55	20/1154	70 George Cutter Avenue Renwick NSW 2575 Lot 1244 DP 1221207	JW Leever	Dwelling House	20/04/2020	9	10	19	11/05/2020
56	20/1177	40 Challoner Rise Renwick NSW 2575 Lot 1264 DP 1221207	MR Lindsay, VM Lindsay	Dwelling House	24/04/2020	0	16	16	11/05/2020
57	20/1189	34 Challoner Rise Renwick NSW 2575 Lot 1267 DP 1221207	M Graham, B Graham	Dwelling House and Shed	27/04/2020	10	3	13	12/05/2020
58	20/1215	25 Oldfield Road Renwick NSW 2575 Lot 18 DP 1221206	Scarmax Property Group Pty Ltd	Dwelling House and Retaining Wall	30/04/2020	6	5	11	13/05/2020
59	15/0616.03	2264 Kangaloon Road Robertson NSW 2577 Lot 2 DP 500519	K Bunda	Section 4.55 Modification (Reduce Building Footprint. Internal Alterations)	08/04/2020	0	29	29	07/05/2020

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
60	20/0319.04	42 Burrawang Street Robertson NSW 2577 Lot 12 DP 1215655	T Allen, C Allen, K Clements	Section 4.55 Modification (Modify Conditions 10 & 11 to allow separate Construction Certificates for each Dwelling and timing of Contributions & Fees)	21/04/2020	0	24	24	15/05/2020
61	20/0557	218 Wallaby Hill Road Robertson NSW 2577 Lot 4 DP 731833	W Andrews, C Andrews, C Andrews, MA Andrews	Alterations to Existing Dwelling & Construction of a New Dwelling to create a Dual Occupancy (Attached)	08/11/2019	91	101	192	19/05/2020
62	20/1078	3 Mandemar Street Welby NSW 2575 Lot 51 DP 1254461	DP Howarth, DM Tonks	Dwelling House	23/03/2020	0	59	59	22/05/2020
63	08/0315.02	Rose Dale Greenhills Road Werai NSW 2577 Lot 1 DP 1127243 Lot 2 DP 1127243	LA Hancock, SO Chilly Pty Limited	Section 4.55 Modification (Extensions, Internal Alterations, Shed and Pool)	23/12/2019	0	140	140	12/05/2020
64	20/0779	1244 Belmore Falls Road Wildes Meadow NSW 2577 Lot 1 DP 1049499	W Barker, C Barker	Dwelling House	08/01/2020	38	86	124	12/05/2020
65	20/0862	Myra Vale Downs 671 Myra Vale Road Wildes Meadow NSW 2577 Lot 12 DP 716245	M Weber, S Nixon	Secondary Dwelling and Detached Garage	31/01/2020	56	40	96	07/05/2020
66	20/0892	Emu Cottage 200 Wildes Meadow Road Wildes Meadow NSW 2577 Lot 1 DP 57801 Lot 1 DP 712472	D Armati, C Armati	Residential Alterations and Additions (Extensions & Deck)	07/02/2020	0	86	86	03/05/2020

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



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67	20/1213	Brookville 230 Blencowes Lane Wildes Meadow NSW 2577 Lot 102 DP 627195	K White	Residential Alterations and Additions (Swimming Pool)	30/04/2020	0	22	22	22/05/2020
68	20/0917	6c Drapers Road Willow Vale NSW 2575 Lot 34 DP 1245619	JA Ingram, R Langley	Dwelling House, Retaining Walls, Shed & Vegetation Removal	18/02/2020	0	71	71	29/04/2020
69	20/1013	4c Railway Terrace Willow Vale NSW 2575 Lot 6 DP 1106365	SM Dyson	Dwelling House	06/03/2020	0	59	59	05/05/2020
70	14/0751.01	Training/Retreat Centre 219 Forest Road Wingello NSW 2579 Lot 1 DP 850272 & Ep 763	Association Of Engaged Buddhists Inc	Section 4.55 Modification (Amend Approved Toilets)	29/05/2019	304	50	354	18/05/2020
71	20/1091 **	5 Park Street Wingello NSW 2579 Lot 425 DP 1096435 Lot 426 DP 1096435	HE Brearley	Residential Alterations and Additions (Shed)	26/03/2020	31	22	53	19/05/2020
72	20/0347.01	Public Square 2 Market Place Berrima NSW 2577 Lot 1 DP 1152987	Wingecarribee Shire Council	Section 4.55 Modification (Relocate Playground Equipment)	08/04/2020	0	46	46	25/05/2020
73	20/0385	20 Sir James Fairfax Circuit Bowral NSW 2576 Lot 431 DP 1248107	L Flocco, C Flocco	Dual Occupancy (Attached)	30/09/2019	201	36	237	25/05/2020
74	20/1085	Milton Park 201 Horderns Road Bowral NSW 2576 Lot 9 S/P 32202	EA Armstrong, D Armstrong	Residential Alterations and Additions (Pergola & Re-tractable Awning Roof)	23/03/2020	0	62	62	25/05/2020
75	20/0890	Rondelay 23 Church Street Bundanoon NSW 2578 Lot 44 DP 10115	Acacia 39 Pty Ltd	Residential Alterations and Additions (Carport)	07/02/2020	28	79	107	25/05/2020

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
76	20/0928	94 Bowral Road Mittagong NSW 2575 Lot 13 DP 1258808	Lockquip Pty Ltd	Hard Stand Storage	19/02/2020	0	95	95	25/05/2020
77	19/1275.05	Charity Berrima Street Welby NSW 2575 Lot 3 Sec 6 DP 759070 Lot 2 DP 1019107	Challenge Southern Highlands Inc	Section 4.55 Modification Garden Centre - Alterations and Additions (Demolish Existing Potting Shed. Construction of New Shed & Toilets)	04/05/2020	0	20	20	25/05/2020
78	19/1149.04	7 Kent Street Yerrinbool NSW 2575 Lot 2 DP 1234983	LH Smith, LE Woods	Section 4.55 Modification (Amend septic absorption pits/trenches)	04/05/2020	0	20	20	25/05/2020

Refused Applications

79	20/0763	24 Murrimba Road Wingello NSW 2579 Lot 21 DP 878382	D Robinson	Residential Alterations and Additions (Internal Alterations, Garage & Change of Use – Secondary Dwelling)	24/12/2019	60	76	136	08/05/2020
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Reasons for Refusal

1. Pursuant to clause 54 (1) of the Environmental Planning and Assessment Regulation 2000 (the Regulation), Council requested the applicant provide additional information to accompany the application in relation to colour selection, boundary setbacks and bushfire hazard concerns. The applicant is taken to have notified Council that the requested additional information will not be provided, pursuant to clause 54 (6) of the Regulation.

Consequently, Council is not satisfied by the application and its accompanying documents insofar as:

- (a) That the proposed development is sympathetic to the existing or desired future streetscape and neighbourhood character as specified by part A2.2.4 of the Penrose and Wingello Villages Development Control Plan;

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



- (b) That the proposed development meets setback requirements as specified by parts C2.7 and C2.8 of the Penrose and Wingello Villages Development Control Plan;
- (c) That the proposed development conforms to the specifications and requirements of the document 'Planning for Bushfire Protection 2006' as required by Section 4.14 (1(a)) of the Environmental Planning and Assessment Act.

80	20/0623	Werai Park 506 Greenhills Road Werai NSW 2577 Lot 106 DP 625826	J Stock	Secondary Dwelling	22/11/2019	5	162	167	08/05/2020
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Reasons for Refusal

1. Wingecarribee Local Environmental Plan 2010 defines *secondary dwelling* as follows:

secondary dwelling means a self-contained dwelling that—

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Noting the proposed dwelling site is located some 400m from the existing dwelling house on the land and is accessible by vehicle via a proposed separate access point from Greenhills Road, Council does not consider the proposed dwelling materially connected to, or to be “established in conjunction with”, the existing dwelling house on the land. Council therefore does not consider the proposed development to be for the purpose of a *secondary dwelling*. Instead, Council considers the proposed development to be for the purpose of *dual occupancy (detached)* as defined by Wingecarribee Local Environmental Plan 2010:

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a *secondary dwelling*.

The Wingecarribee Local Environmental Plan 2010 Land Zoning Map indicates the land is in Zone RU2 Rural Landscape. The Land Use Table at the end of Part 2 of Wingecarribee Local Environmental Plan 2010 specifies development for the purpose of *dual occupancies (detached)* is prohibited in Zone RU2.

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

2. Council considers the proposed development likely to exacerbate an undesirable proliferation and sprawl of significant detached buildings in the landscape, thereby having a significant negative impact on the locality's desired rural visual character and amenity.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



Consequently:

(a) Council considers the proposed development contrary to the particular aims specified by clause 1.2 (d) (iii) and (k) of Wingecarribee Local Environmental Plan 2010:

(d) to provide opportunities for development and land use activities that—

(iii) retain the critical natural, rural and built environmental landscape elements that make up the scenic and cultural heritage value of Wingecarribee,

(k) to protect areas of high scenic landscape value.

(b) Council considers the proposed development contrary to the RU2 zone objective specified by the Land Use Table at the end of Part 2 of Wingecarribee Local Environmental Plan 2010:

- *To maintain the rural landscape character of the land.*

(c) Council considers the proposed development unsatisfactory with respect to section A3.7 (c) of the applicable Wingecarribee Shire Rural Lands Development Control Plan regarding siting of rural buildings, which specifies:

(c) The total area of all land occupied by the ground level building footprint of all rural buildings and other structures shall not generally exceed a total ground level footprint of 1000 square metres (except as permitted in Section B6.5.2 – Equine Facilities), excluding any area on which works or structures are carried out or constructed beneath the natural ground level.

Furthermore, Council is not satisfied by documents accompanying the development application that a variation of section A3.7 (c) of the Wingecarribee Shire Rural Lands Development Control Plan is justified in this instance.

(d) Council considers the proposed development unsatisfactory with respect to section A3.7 (d) of the applicable Wingecarribee Shire Rural Lands Development Control Plan regarding siting of rural buildings, which specifies:

(d) All rural buildings are generally to be within building envelopes that are separated from each other by a distance of not more than 30 metres and not less than 5 metres.

Furthermore, Council is not satisfied by documents accompanying the development application that a variation of section A3.7 (d) of the Wingecarribee Shire Rural Lands Development Control Plan is justified in this instance.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



(e) Council considers the proposed development contrary to the objectives specified by section B2.1.2 (a), (b) and (e) of the applicable Wingecarribee Shire Rural Lands Development Control Plan, regarding siting, design and landscaping of residential development:

(a) development is responsive to the scenic and historic landscapes of the Shire.

(b) development recognises, protects and promotes the scenic qualities of its immediate and wider setting. Rural developments must respect the landscape setting, not attempt to dominate it.

(e) dominant scenic character and quality of the Shire are maintained by ensuring that new developments are located designed, coloured and landscaped in a way that complements the existing and desired future character of the area in which they are situated.

(f) Council considers the proposed development unsatisfactory with respect to the performance standard specified by section B2.1.3 (e) of the applicable Wingecarribee Shire Rural Lands Development Control Plan regarding siting, design and landscaping of residential development:

(e) Where there are two or more buildings, for example homes, sheds and ancillary buildings, they will be clustered to reduce the space that they occupy and be landscaped to reduce their accumulated impacts. Building groups that spread across the landscape and increase the visibility and bulk of the built form will not be permitted...

(g) Council considers the proposed development unsatisfactory with respect to the provision of section B2.3.1 of the applicable Wingecarribee Shire Rural Lands Development Control Plan regarding dual occupancy and secondary dwelling developments, that a secondary dwelling is permitted with consent, to be located within 50m of the principal dwelling.

(h) Council considers the proposed development contrary to the objectives specified by section B2.3.2 (b) and (c) of the applicable Wingecarribee Shire Rural Lands Development Control Plan regarding dual occupancy and secondary dwelling developments:

(b) No adverse impact on the character of a rural area will occur through any dual occupancy or secondary dwelling development.

(c) The cumulative effects of dual occupancy or secondary dwelling development, both on the subject site, or within the vicinity.

(i) Council considers the proposed development unsatisfactory with respect to the development controls specified by section B2.3.3 (b) (ii) and (c) of the applicable Wingecarribee Shire Rural Lands Development Control Plan regarding dual occupancy and secondary dwelling developments:

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



(b) In assessing a dual occupancy or secondary dwelling application Council will take into consideration the following matters:

(ii) visual impacts; particularly with regard to the combined bulk and scale of both the principal dwelling and the dual occupancy or secondary dwelling development;

(c) A secondary dwelling which is separate from the principal dwelling shall be located no more than 50 metres from the principal dwelling so that the effect of the relative locations is to create a 'group' of buildings.

Furthermore, Council is not satisfied by documents accompanying the development application that a variation of the development control specified by section B2.3.3 (c) of the Wingecarribee Shire Rural Land Development Control Plan is justified in this instance.

(j) Council considers the proposed development likely to have significant negative environmental impacts with respect to the locality's context and setting, site design and internal design, and cumulative impacts.

(k) Council considers the proposed development incompatible with the locality's desired character and amenity, and therefore considers the land unsuitable for the development as proposed.

[Section 4.15 (1) (a) (i) & (iii), (b) and (c) of the Environmental Planning and Assessment Act 1979]

3. Council considers the proposed dwelling's relative proximity to adjoining and adjacent rural properties to unnecessarily render the proposed dwelling susceptible to potential negative amenity impacts of nearby agricultural activities.

Consequently:

(a) Council considers the proposed development contrary to the objective specified by clause 5.16 (1) of Wingecarribee Local Environmental Plan 2010 regarding subdivision of, or dwellings on, land in certain rural, residential or environment protection zones:

(1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses).

b) Council considers the proposed development unsatisfactory with respect to the matters for consideration specified by clause 5.16 (4) of Wingecarribee Local Environmental Plan 2010 regarding subdivision of, or dwellings on, land in certain rural, residential or environment protection zones:

(4) The following matters are to be taken into account—

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



(a) *the existing uses and approved uses of land in the vicinity of the development,*

(b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*

(c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*

(d) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

(c) Council considers the proposed development contrary to the objectives specified by section B2.3.2 (a) and (c) of the applicable Wingecarribee Shire Rural Lands Development Control Plan regarding dual occupancy and secondary dwelling developments:

(a) *The development ensures a high level of amenity, both for it and for the principal dwelling.*

(c) *The cumulative effects of dual occupancy or secondary dwelling development, both on the subject site, or within the vicinity.*

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

4. Documents accompanying the application do not indicate the design or precise location of the proposed new vehicle access from Greenhills Road. Council requested additional information from the applicant in this regard; in response, the applicant's engaged consultant provided an indicative proposed access location but otherwise referred to the statement of environmental effects accompanying the application, which indicates:

"The final location of the [vehicle access driveway] crossing will be the subject of an application under Section 138 of the Roads Act 1993 with such application also providing the necessary engineering design of the driveway to Council's specification. Design details have not yet been provided because it is yet to be determined by Council that the chosen location for the secondary dwelling will be approved".

ATTACHMENTS

There are no attachments to this report.

12.2 Development Applications Received from 28 April 2020 to 25 May 2020

Reference: 5302
 Report Author: Team Leader Business Support
 Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Open and effective communication methods and technology are utilised to share information about Council plans, intentions, actions and progress

PURPOSE

The purpose of this report is to update Councillors on Development Applications Determined for the period 28 April 2020 to 25 May 2020.

RECOMMENDATION

THAT the information relating to Development Applications Received from 28 April 2020 to 25 May 2020 be received and noted.

REPORT

RECEIVED APPLICATIONS BY DATE RANGE

Date range: 28 April 2020 to 25 May 2020

****Denotes an application for a property that has been affected by the Green Wattle Creek or Morton Bushfires.**

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	20/0335.01	Glenora 6045 Illawarra Highway Avoca NSW 2577 Lot 40 DP 1095193	Fitzpatrick Group Nominees Pty Ltd	Farm Building	22/05/2020		#PENDING		
2	14/0571.07	15 Market Place Berrima NSW 2577 Lot 9 Sec 1 DP 758098 Lot 10 Sec 1 DP 758098	RS Blay, D Blay, R & D Blay Pty Ltd	Section 4.55 Modification (Modify approved subdivision boundary adjustment including addition of gravel turning bay and works to road reserve)	29/04/2020		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
3	20/1279	23 Jellore Street Berrima NSW 2577 Lot 5 Sec 5 DP 758098 Lot 6 Sec 5 DP 758098	FA Sofield	Dwelling House	15/05/2020		#PENDING		
4	20/1284	Church 5-13 Argyle Street Berrima NSW 2577 Part Lot 2 Sec 3 DP758098 & Lots 101-104 DP1004483	Anglican Church Property Trust Diocese Of Sydney	Vegetation Clearing (Remove 7 Trees)	15/05/2020		#PENDING		
5	16/0895.04	12 Gibraltar Road Bowral NSW 2576 Lot 115 DP 15496	TA Jones, AB Jones	Section 4.55 Modification (Extensions)	20/05/2020		#PENDING		
6	19/1718.05	110 Mittagong Road Bowral NSW 2576 Lot 410 DP 733694	U Wypych	Section 4.55 Modification (Extensions, Shed, Carport and Removal of 3 Trees)	14/05/2020		#PENDING		
7	20/0068.01	180 Merrigang Street Bowral NSW 2576 Lot 7 DP 29303	P Boyce	Section 4.55 Modification (Tree Removal)	19/05/2020		#PENDING		
8	20/0575.04	9 Alice Avenue Bowral NSW 2576 Lot 28 DP 792830	T Bonner, IM Bonner	Section 4.55 Modification (Extensions and New Deck)	01/05/2020		#APPROVED	22/05/2020	
9	20/1209	29 Kimberley Drive Bowral NSW 2576 Lot 2 DP 1015533	N Hercus, M Hercus	Residential Alterations and Additions (Swimming Pool)	29/04/2020		#APPROVED	15/05/2020	
10	20/1272	73 Kangaloon Road Bowral NSW 2576 Lot 2 DP 1212947	GM Phillips, DGS Ferguson	Residential Alterations and Additions (Internal Alterations)	13/05/2020		#PENDING		
11	20/1281	4a Oxley Drive Bowral NSW 2576 Lot 1 DP 1138547	GJ Fincher, MC Fincher	Change Of Use (Secondary Dwelling)	15/05/2020		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
12	20/1282	Miranda Park 402 Centennial Road Bowral NSW 2576 Lot 162 DP 751252 Lot 165 DP 751252 Lot 161 DP 1120331	SS Lippa	Residential Alterations and Additions (Extensions)	15/05/2020		#PENDING		
13	20/1283	16a Hopewood Road Bowral NSW 2576 Lot 8 DP 1015455	EME Adams, LM Adams	Residential Alterations and Additions (Extensions)	15/05/2020		#PENDING		✓
14	20/1297	6 Mansfield Road Bowral NSW 2576 Lot 4 DP 882934	Loris H Hassall Pty Limited	Residential Alterations and Additions (Deck and Extensions)	19/05/2020		#PENDING		
15	12/1057.01	65-69 Shepherd Street Bowral NSW 2576 Lots 1-2 & 9-10 Sec H DP 979526 & Lot 34 DP1105528	CCJ Creswick	Section 4.55 Modification (Boundary Adjustment)	18/05/2020		#PENDING		
16	20/0586.05	36 Old Hume Highway Braemar NSW 2575 Lot 17 Sec 1 DP 792	A Sawaqed	Section 4.55 Modification (Garage and Studio)	01/05/2020		#APPROVED	08/05/2020	
17	17/1101.06	4 Burgess Street Bundanoon NSW 2578 Lot 24 Sec 1 DP 1307	LA Hines, JC Hines	Section 4.55 Modification (Replace fixed window louvres with privacy film. Alter boundary fences from hardwood to colourbond)	12/05/2020		#PENDING		
18	20/1228	7 Penola Street Bundanoon NSW 2578 Lot 27 DP 831816	De Le Cheminant	Residential Alterations and Additions (Shed)	04/05/2020		#PENDING		
19	20/1263	1 Victoria Street Bundanoon NSW 2578 Lots 23-25 DP 2849	JA Atherton, A Atherton	Subdivision (2 Lots)	12/05/2020		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
20	20/1266	1 Idolwood Ridge Bundanoon NSW 2578 Lot 1 DP 1219744	CE Economos, B Gilroy	Dwelling House	12/05/2020		#PENDING		
21	20/1286 **	21 Yuille Avenue Bundanoon NSW 2578 Lot 3 DP 872507	AF Thornton, KM Talty	Dwelling House	15/05/2020		#PENDING		
22	20/1290	2 Reg Grundy Drive Bundanoon NSW 2578 Lot 10 DP 1219744	JE Spence, M Jenkins	Dwelling House	18/05/2020		#PENDING		
23	20/0187.02	29a Links Road Burradoo NSW 2576 Lot 242 DP 1235909	JM Poole, JE Poole	Subdivision (2 Lots)	30/04/2020		#PENDING		
24	20/1257	77 Sunninghill Avenue Burradoo NSW 2576 Lot 9 DP 227660	WJ Turczynski, B Turczynski	Residential Alterations and Additions (Shed)	11/05/2020		#PENDING		
25	18/0359.05	630 Tugalong Road Canyonleigh NSW 2577 Lot 13 DP 622684	Highland Olive Groves Pty Ltd	Section 4.55 Modification (Internal & External Alterations)	21/05/2020		#PENDING		
26	20/1221	Waratah Park 101 Mccallum Road Colo Vale NSW 2575 Lot 6 DP 1010323	JT Hansen, S Hansen	Residential Alterations and Additions (Shed)	04/05/2020		#APPROVED	15/05/2020	
27	20/1250	45-47 Wattle Street Colo Vale NSW 2575 Lot 2 Sec 14 DP 2389	J Verity, H Verity	Residential Alterations and Additions (Shed)	08/05/2020		#PENDING		
28	20/1295	14 Geebung Close Colo Vale NSW 2575 Lot 208 DP 1245987	PG Badger, EB Badger	Dwelling House	19/05/2020		#PENDING		
29	20/1280	574 Ellsmore Road Exeter NSW 2579 Lot 11 DP 1233979	O James	Subdivision (4 Lots)	15/05/2020		#PENDING		✓
30	20/1317	638 Sallys Corner Road Exeter NSW 2579 Lot 103 DP 1256077	KA Stuart	Farm Dam	21/05/2020		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
31	08/1042.05	Vine Lodge 24 Exeter Road Exeter NSW 2579 Lot 1 DP 596495 Lot A DP 927745 Lot 4 DP 660174	Malcolm Holdings Pty Limited	Section 4.55 Modification (Modification of consent for 25 Lot Subdivision by amendment of conditions relating to footpath construction, section 88B instruments, and WaterNSW concurrence conditions)	21/05/2020		#PENDING		✓
32	20/1239	161 Redhills Road Fitzroy Falls NSW 2577 Lot 10 DP 1031686	KI Manka	Residential Alterations and Additions (Extensions)	05/05/2020		#PENDING		
33	20/1224	120 George Emery Lane Glenquarry NSW 2576 Lot 3 DP 1134160 Lot 2 DP 1238484 Lot 1 DP 1238484	SJ Kean	Dwelling House, Secondary Dwelling, Residential Alterations & Additions - Shed, Swimming Pool	04/05/2020		#PENDING		
34	20/1248	33 King Street Hill Top NSW 2575 Lot 2 DP 1008184	C Palaniwat, DR Riley	Residential Alterations and Additions (Shed)	08/05/2020		#PENDING		
35	17/1106.05	1200 Kangaloon Road Kangaloon NSW 2576 Lot 103 DP 1241090	G Richardson, R Richardson	Section 4.55 Modification (Retaining Walls & Fire Pit)	07/05/2020		#PENDING		
36	16/0009.07	Clear Hills 230 Medway Road Medway NSW 2577 Lot 12 DP 1245786	TKMMG Pty Limited	Section 4.55 Modification (New Water Main)	21/05/2020		#PENDING		
37	20/1216	1 Southey Street Mittagong NSW 2575 Lot 2 DP 568204	C John	Dwelling House	01/05/2020		#PENDING		
38	20/1238	5-7 Siemens Street Mittagong NSW 2575 Lot 1 DP 1254336	JM Marsh	Dwelling House	05/05/2020		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
39	20/1241	Sedalia Farm 350 Diamond Fields Road Mittagong NSW 2575 Lot 11 DP 872275	SH Mellor, DF Hadley	Residential Alterations and Additions (Shed)	06/05/2020		#PENDING		
40	20/1261	23 Robinson Street Mittagong NSW 2575 Lot 139 DP 1247015	VD Tasker, NJ Tasker	Dwelling House	11/05/2020		#PENDING		
41	20/1304	320 Diamond Fields Road Mittagong NSW 2575 Lot 10 DP 872275	Rovalblue Pty Ltd	Residential Alterations and Additions (Extensions)	19/05/2020		#PENDING		
42	20/1319	Arabel 475 Old South Road Mittagong NSW 2575 Lot 1 DP 751282 Lot 2 DP 707944	VE Abel, JL Abel	Water Main Extension	21/05/2020		#PENDING		
43	20/0031.05	5 Warrawong Drive Moss Vale NSW 2577 Lot 107 DP 1232222	KSF Motycka, SR Motycka	Section 4.55 Modification (Increase rear setback of Garage)	13/05/2020		#APPROVED	19/05/2020	
44	20/0161.06	13 Old Dairy Close Moss Vale NSW 2577 Lot 7 DP 1147034	RG Simmons	Section 4.55 Modification (Modify construction into two (2) stages)	11/05/2020		#PENDING		
45	20/1220	33 Simon Place Moss Vale NSW 2577 Lot 32 DP 800631 (Akas 133 Argyle Street)	A Deakin, K Deakin	Residential Alterations and Additions (Swimming Pool)	04/05/2020		#PENDING		
46	20/1251	7 Berrima Road Moss Vale NSW 2577 Lot 51 DP 714382	DA Eldridge	Subdivision (2 Lots)	08/05/2020		#PENDING		
47	20/1315	23 Villiers Road Moss Vale NSW 2577 Lot 12 DP 252203	GJB Deery, LC Deery	Residential Alterations and Additions (Extensions)	20/05/2020		#PENDING		
48	20/1318	1 Peppermint Drive Moss Vale NSW 2577 Lot 26 DP 1252867	NA Sherry, BP McCroary	Dwelling House	21/05/2020		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
49	20/1321	Burwood Lodge 231 Iona Park Road Moss Vale NSW 2577 Lot 103 DP 1123372	GP Wallace, HG Wallace	Farm Building	22/05/2020		#PENDING		
50	20/1311	70 Quigg Fire Trail Penrose NSW 2579 Lot 1 DP 624103	Penrose Rural Co-Op Ltd	Dwelling House	20/05/2020		#PENDING		
51	20/0729.04	78 Bong Bong Road Renwick NSW 2575 Lot 1 DP 1252836	PW Fowler, T Fowler	Section 4.55 Modification (Alter Cut and Fill Batters at Secondary Dwelling)	06/05/2020		#APPROVED	08/05/2020	
52	20/1212	7 Windeyer Street Renwick NSW 2575 Lot 1401 DP 1234992	SA Kemp, O Kemp	Attached Dual Occupancy & Swimming Pool	30/04/2020		#PENDING		
53	20/1215	25 Oldfield Road Renwick NSW 2575 Lot 18 DP 1221206	Scarmax Property Group Pty Ltd	Dwelling House and Retaining Wall	30/04/2020		#APPROVED	13/05/2020	
54	20/1222	28 Guthawah Way Renwick NSW 2575 Lot 702 DP 1234984	MS Wilkins, KM Wilkins	Dwelling House	04/05/2020		#PENDING		
55	20/1237	50 Challoner Rise Renwick NSW 2575 Lot 1259 DP 1221207	JR Downie, G Downie	Residential Alterations and Additions (Shed)	05/05/2020		#PENDING		
56	20/1262	35 Roty Avenue Renwick NSW 2575 Lot 1232 DP 1221207	D Lombardo, G Lombardo	Dwelling House	12/05/2020		#PENDING		
57	20/1265	46 Challoner Rise Renwick NSW 2575 Lot 1261 DP 1221207	R Van Grootel, AG Van Grootel	Residential Alterations and Additions (Shed)	12/05/2020		#PENDING		
58	20/1271	6 Guthawah Way Renwick NSW 2575 Lot 713 DP 1234984	D Lombardo, G Lombardo	Dwelling House	13/05/2020		#PENDING		
59	20/1289	78 Bong Bong Road Renwick NSW 2575 Lot 1 DP 1252836	PW Fowler, T Fowler	Residential Alterations and Additions (Shed)	18/05/2020		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
60	20/1301	3 Solomon Street Renwick NSW 2575 Lot 1313 DP 1234992	RM Rundle	Residential Alterations and Additions (Shed)	19/05/2020		#PENDING		
61	20/1316	59 Challoner Rise Renwick NSW 2575 Lot 1344 DP 1234992	C Belshaw	Dwelling House	21/05/2020		#PENDING		
62	20/1236	30 Old Jamberoo Road Robertson NSW 2577 Lot 69 DP 13350 Lot 70 DP 13350	PG Kirby, B Kirby	Dwelling House	05/05/2020		#PENDING		
63	20/1245	1821 Jamberoo Mountain Road Robertson NSW 2577 Lot 7 DP 619794	S King	Dwelling House	07/05/2020		#PENDING		
64	20/1258	254 Oldbury Road Sutton Forest NSW 2577 Lot 2 DP 1252953	MW Ellis, DW Elliott	Demolish Existing Dwelling. Construct New Dwelling, Shed & Carport	11/05/2020		#PENDING		
65	19/1275.05	Charity Berrima Street Welby NSW 2575 Lot 3 Sec 6 DP 759070 Lot 2 DP 1019107	Challenge Southern Highlands Inc	Section 4.55 Modification Garden Centre - Alterations and Additions (Demolish Existing Potting Shed. Construction of New Shed & Toilets)	04/05/2020		#APPROVED	25/05/2020	
66	20/1276	28 Joadja Street Welby NSW 2575 Lot 71 DP 1245853	B Bayldon	Dwelling House	14/05/2020		#PENDING		
67	20/1213	Brookville 230 Blencowes Lane Wildes Meadow NSW 2577 Lot 102 DP 627195	K White	Residential Alterations and Additions (Swimming Pool)	30/04/2020		#APPROVED	22/05/2020	
68	20/1178.02	30B Bumballa Road Wingello NSW 2579 Lot 6 DP 1261769	S Tebb, N Tebb	Dwelling House	05/05/2020		#PENDING		

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
69	20/1204 **	133 Forest Road Wingello NSW 2579 Lot 2 DP 777027	MD Kirchhoff, CM Gibson	Dwelling House, Shed & Water Tanks	29/04/2020		#PENDING		
70	20/1207	14343 Hume Highway Wingello NSW 2579 Part Lot 269 DP 751298 Lot 12 & Lot 13 DP 250694	Bowral Brickworks Pty Ltd	Earthworks	29/04/2020		#PENDING		✓
71	16/0885.05	380 Woodlands Road Woodlands NSW 2575 Lot 2 DP 263756	RS Ali	Section 4.55 Modification (Internal & External Alterations)	04/05/2020		#PENDING		
72	20/1192	41 Woodlands Road Woodlands NSW 2575 Lot 6 DP 516142	J Gray, G Gray	Dwelling House, Secondary Dwelling and Swimming Pool	28/04/2020		#PENDING		
73	09/0408.02	2466 Old Hume Highway Woodlands NSW 2575 Lot 3 DP 555362	DA Penn, NM McCudden- Penn	Section 4.55 Modification (Extensions and Carport)	14/05/2020		#PENDING		
74	12/0410.02	5 Allambie Road Woodlands NSW 2575 Lot 150 DP 810661	Willow Vale Meadows Pty Limited	Section 4.55 Modification (Boundary Adjustment)	19/05/2020		#PENDING		
75	19/1149.04	7 Kent Street Yerrinbool NSW 2575 Lot 2 DP 1234983	L Smith, LE Woods	Section 4.55 Modification (Amend septic absorption pits/trenches)	04/05/2020		#APPROVED	25/05/2020	
76	20/0136.05	7 Truro Place Balmoral NSW 2571 Lot 204 DP 1240094	GA Tilley, KA Tilley	Section 4.55 Modification (Amend condition to delete non- approved detached garage from plans)	25/05/2020		#PENDING		
77	16/1124.05	6 Oxley Drive Bowral NSW 2576 Lot 4 DP 606988	Ei Di Francesco, C Di Francesco	Section 4.55 Modification (External and Internal Alterations)	25/05/2020		#PENDING		

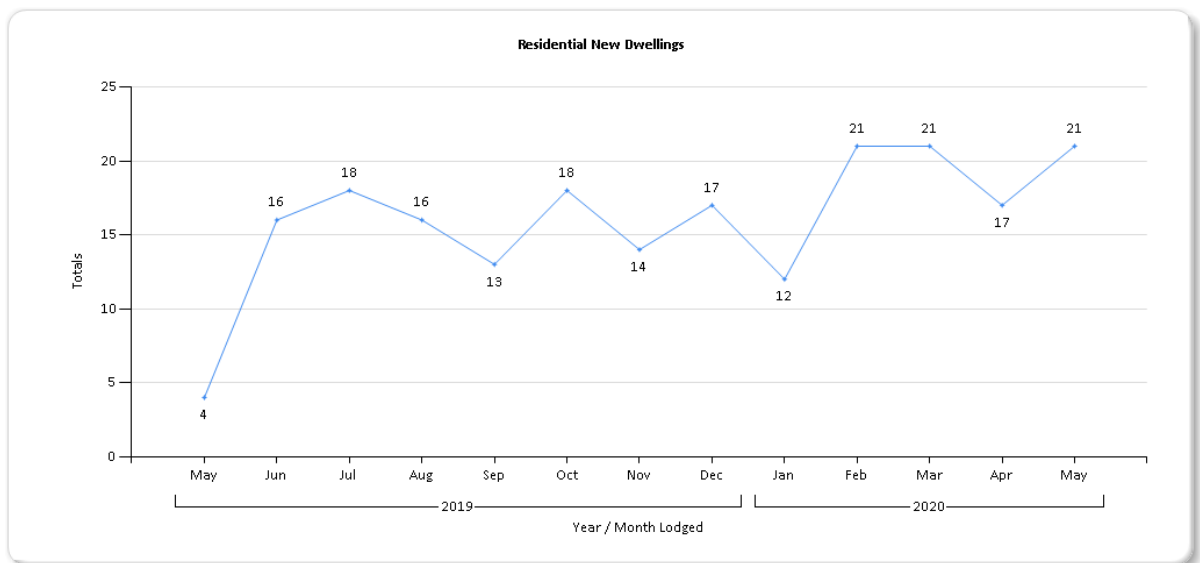
AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



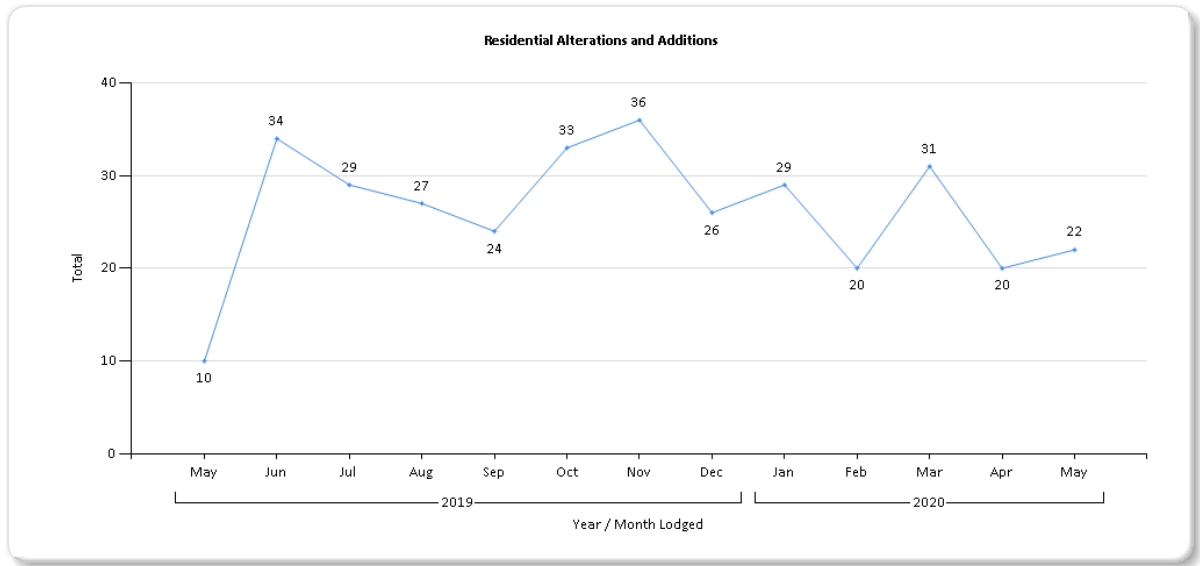
	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
78	20/1325	38 Hoddle Street Burrawang NSW 2577 Lot 1 DP 1239510	BI Paton	Dwelling House	25/05/2020		#PENDING		
79	20/1327	121 Hawthorne Lane Kangaloon NSW 2576 Lot 1 DP 1127157	Smedley Investments (NSW) Pty Limited	Residential Alterations and Additions (Extensions)	25/05/2020		#PENDING		
80	20/1326	Mali Brae 562 Nowra Road Moss Vale NSW 2577 Lot 277 DP 751303 Lot 220 DP 651063 Lot 5 DP 114684	GW Dark, SN Dark	Change of Use (Temporary use of existing function centre as café and restaurant)	25/05/2020		#PENDING		✓



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

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



ATTACHMENTS

There are no attachments to this report.

12.3 Planning Proposal to Rezone and Reduce the Minimum Lot Size of 50A Bulwer Road, Moss Vale

Reference: PN 1786790
Report Author: Senior Strategic Land Use Planner
Authoriser: Group Manager Planning, Development and Regulatory Services

Link to Community Strategic Plan: Provide a mixture of housing types that allow residents to meet their housing needs at different stages of their lives and support affordable living

PURPOSE

The purpose of this report is to enable Council to consider a Planning Proposal to amend WLEP 2010 to rezone and reduce the minimum lot size for a site in the north-west of Moss Vale, in order to permit rural residential development.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT a Planning Proposal be prepared and submitted to the NSW Department of Planning, Industry & Environment for a Gateway Determination to rezone Lots 8-10 Sec F DP 2810, 50A Bulwer Road, Moss Vale currently zoned RU2 Rural Landscape, to E4 Environmental Living and apply a minimum lot size of 2 hectares, in accordance with the North-West Moss Vale study area adopted by Council in its Ordinary meeting of 12 December 2018.

REPORT

BACKGROUND

During the preparation of the Wingecarribee Local Planning Strategy 2015-2031, Council received three (3) Planning Proposals seeking to reduce the minimum lot size of land to the north-west of Moss Vale.

In order to assess these Proposals, a North-West Moss Vale study area (the study area) was established as indicated in **Figure 1** below.

The northern portion of the study area is currently zoned RU2 Rural Landscape under Wingecarribee Local Environmental Plan (WLEP) 2010 with a minimum lot size of 40 hectares. The remainder of the study area is zoned RU4 Primary Production Small Lots with a minimum lot size of 2 hectares.

The study area is surrounded by IN1 General Industrial zoned land to the north and west and IN3 Heavy Industrial zoned land across Lackey Road to the east. To the south lies predominantly R2 Low Density Residential zoned land with a minimum lot size of 700m², although the south-eastern portion of the subject land is bordered by IN1 General Industrial zoned land.

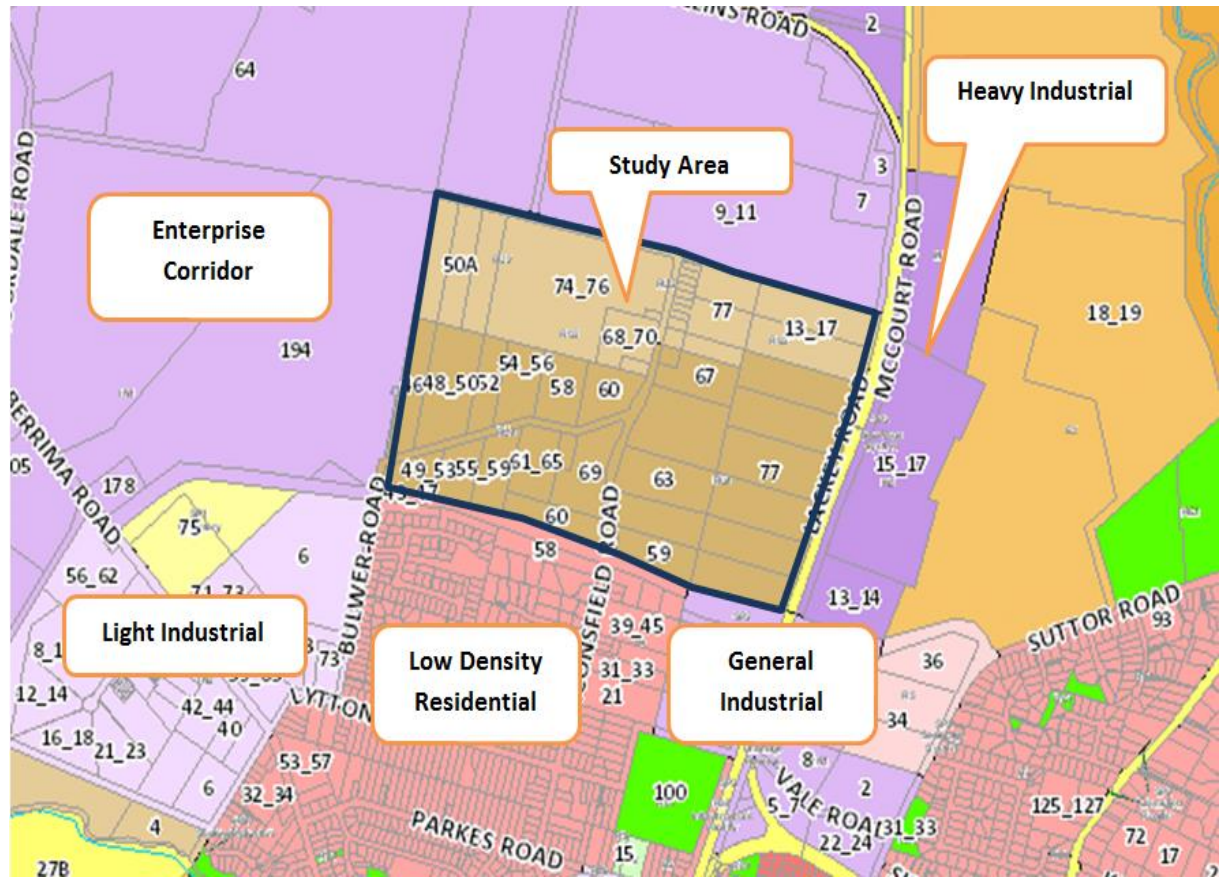


Figure 1 Location of North-West Moss Vale study area (Attachment 1)

The subject site for the purpose of this Planning Proposal is Lots 8-10 Sec F DP 2810, 50A Bulwer Road, Moss Vale, which is currently zoned RU2 and has a minimum lot size of 40 hectares. The property currently covers just over six (6) hectares of area as indicated in **Figure 2** below.

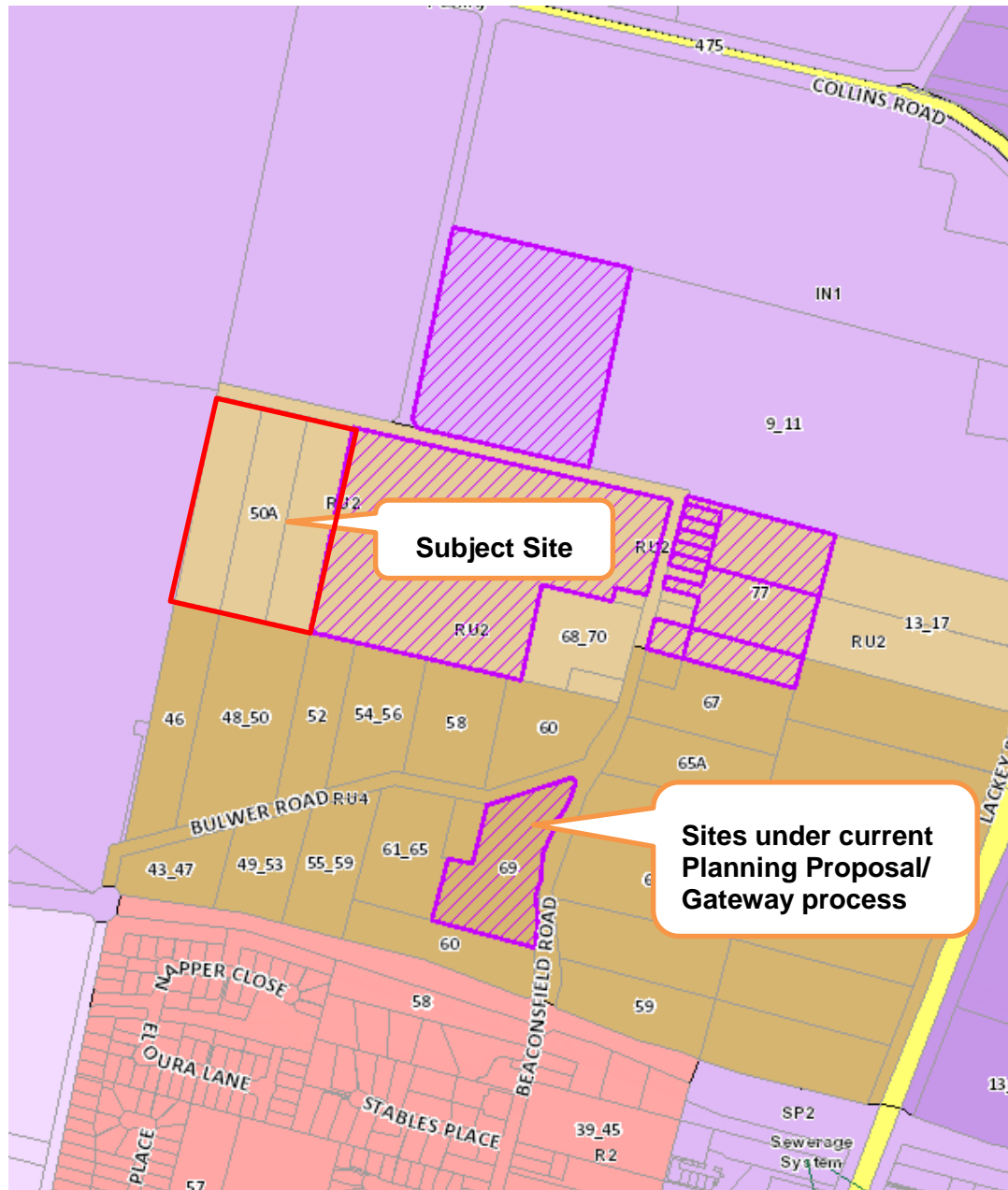


Figure 2 Location of Subject Site (Attachment 2)

The review of the study area noted that it is no longer an area of active primary production and is now a rural-residential area where the E4 Environmental Living zone may be more appropriate. The E4 Environmental Living zone is focussed more on rural-residential lifestyle development while affording ongoing protection of existing rural and environmental sensitivities. It also provides a gradual transition of lot sizes from the small lots within the R2 zone towards the South, and a buffer between the residential area and the industrial precinct.

Consequently, at its Ordinary Meeting of 12th December 2018, Council resolved to support a future zoning of the study area of E4 Environmental Living with a minimum lot size of 2 hectares in the Northern section and a minimum lot size of 1 hectare in the south as indicated in **Figure 3** below.

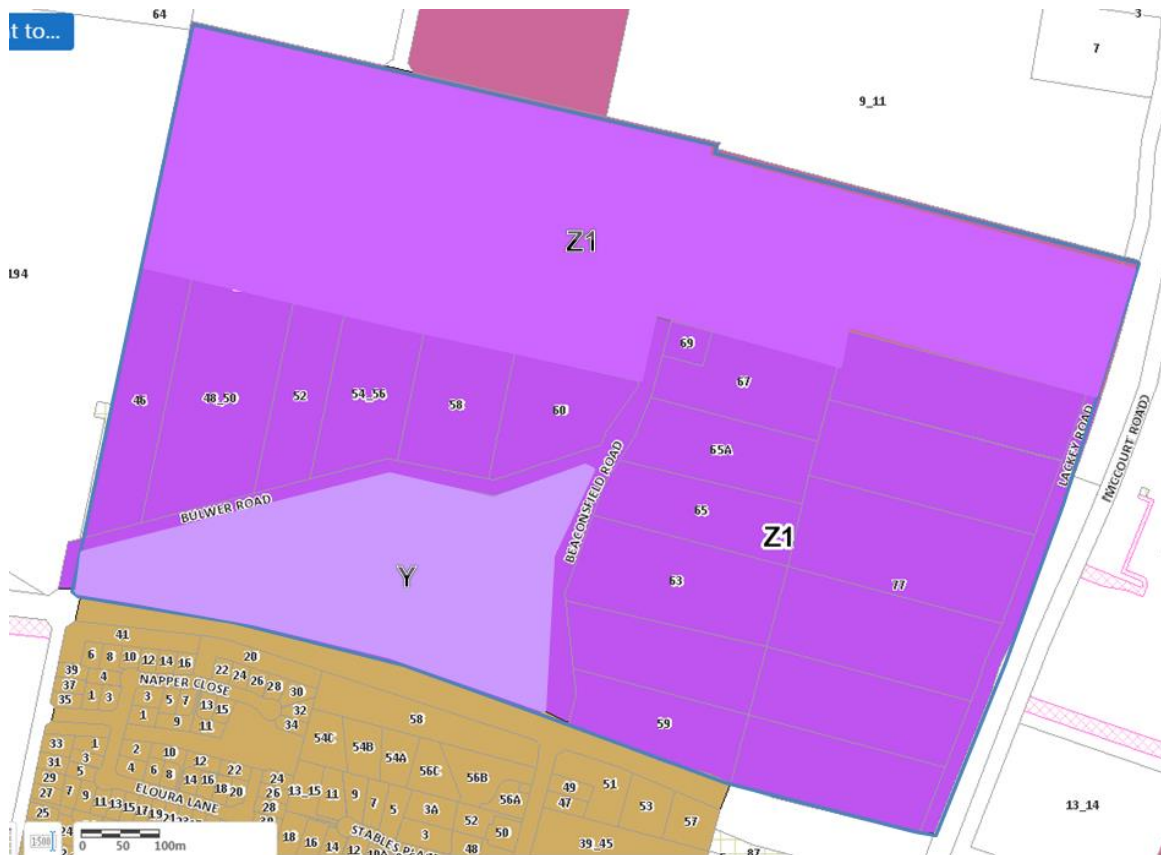




Figure 4 Location of Dwelling House on the Subject Site (Attachment 4)

During the preparation of the Local Area Plan, preliminary strategic assessment identified three (3) key constraints which will impact on determining the best strategic outcome for the subject area – the water & sewer infrastructure capacity, the extent of flood liable land and the proposed Moss Vale by-pass.

Water and Sewer Infrastructure

As indicated in **Figure 5** below, reticulated water and sewer infrastructure is available along the western boundary of the subject site. These services can be extended into the lots for any future development on the site.



Water Mains – Blue & Sewer Mains – Red

Figure 5 Sewer and Water Infrastructure around the Subject Site (Attachment 5)

As part of any future development application for subdivision or building a Dwelling House, the site would need to be modelled against Council’s future model to determine if the any of the mains may require upsizing or duplicating to supply adequate pressure and sewer requirements to the new development.

Flooding Risk

As shown in **Figure 6** below, a low to medium level of flood risk is indicated within the subject site, along the Northern half of the property. The image below suggests that there is enough area within the subject site to mitigate development around the flooding risk for any future development proposed on the three new lots. If any future development is proposed close to the flooding area, Flood Liable measures in the DCP shall be considered at development consent stage.



Yellow = Medium flood prone; Blue = Low flood prone

Figure 6 Flooding constraint of the subject land (Attachment 6)

Vegetation Management and Endangered Ecological Community (EEC)

While not a major impediment to future development in the subject site, it is noted that an area of Southern Highlands Shale Woodland threatened ecological community exists in the South Eastern corner of the site as indicated in **Figure 7** below. Southern Highlands Shale Woodland is listed as threatened on both state and national registers. The nearest possible development to the area mapped EEC has already been constructed, and hence there does not appear to be any additional impact on the endangered species as a result of this proposal.

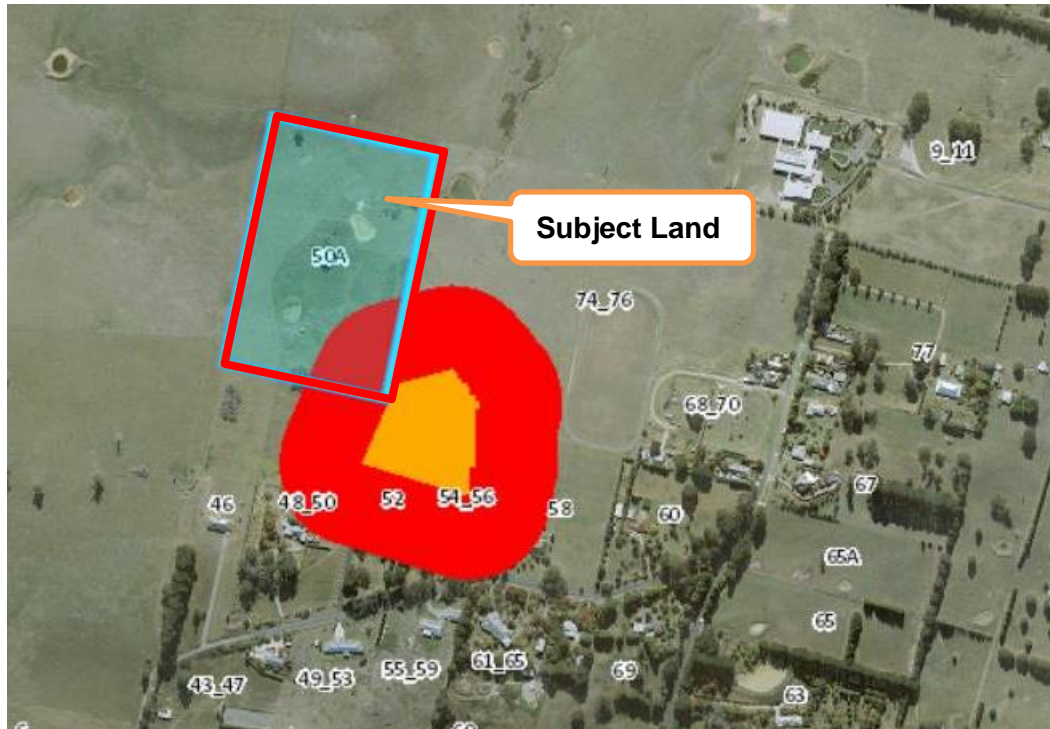


Green Hatched area = Southern Highlands Shale Woodlands TEC

Figure 7 Vegetation and mapped Threatened Ecological Community (Attachment 7)

Bushfire Threat

It is noted that there is an area within the subject site that is mapped to have bushfire threat. As shown in **Figure 8** below, the aerial image shows that the area has been mostly cleared and has minimal bushfire threat due to lack of vegetation on the subject land. Also, the area within the subject land is mapped as the bushfire buffer zone – Vegetation buffer category. Development on the lot (depending on the location of the development) will require a bushfire assessment and shall be built to the current bushfire building standards. The nearest possible development to the area mapped bushfire prone has already been developed, and hence there does not appear to be any major bushfire threat on the subject land.



Red = Vegetation Buffer area; Orange = Vegetation Category 1 area

Figure 8 Mapped Bushfire threat around the subject land (Attachment 8)

Recommendations

As a consequence of considering these constraints outlined above, it is proposed that the Planning Proposal for the subject land Lot 8-10 Sec F DP 2810, 50A Bulwer Road, Moss Vale, be supported in keeping with the Local Area Plan for North-West Moss Vale.

It is proposed that the subject land be rezoned to E4 Environmental Living, with a Minimum Lot Size of 2 Hectares. This would allow two additional dwellings on the property either on the existing allotments as they are or on a three lot reconfigured arrangement subject to a future development application consent for subdivision.

This provides a gradual change in lot sizes from the much smaller R2 Low Density Residential in the South to the IN1 General Industrial to the North and West of the subject land.

COMMUNICATION AND CONSULTATION

Community Engagement

No community consultation has occurred at this stage but will be undertaken should the Planning Proposal receive a positive Gateway Determination, subsequent to a positive outcome from Council's decision.

Internal Communication and Consultation

No Additional internal consultation has occurred at this stage.

External Communication and Consultation

No external consultation has occurred as yet. Consultation with Water NSW and RFS will be part of the Gateway process subsequent to Council supporting the Planning Proposal and requirements determined by the Department of Planning, Industry and Environment.

SUSTAINABILITY ASSESSMENT

- **Environment**

The proposed zoning and minimum lot size amendments to the subject land take into account its environmental sensitivities.

- **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 preparation of the Planning Proposal would be undertaken in accordance with the legislative requirements under the *Environmental Planning and Assessment Act 1979*.

COUNCIL BUDGET IMPLICATIONS

There are no budget implications from this Planning Proposal.

RELATED COUNCIL POLICY

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

OPTIONS

The options available to Council are:

Option 1

THAT a Planning Proposal be prepared and submitted to the NSW Department of Planning, Industry & Environment for a Gateway Determination to rezone Lots 8-10 Sec F DP 2810, 50A Bulwer Road, Moss Vale currently zoned RU2 Rural Landscape, to E4 Environmental Living and apply a minimum lot size of 2 hectares, in accordance with the North-West Moss Vale study area adopted by Council in its Ordinary meeting of 12th December 2018.

Option 2

THAT Council not support the recommendation on this report.



Option No. 1 is the recommended option to this report.

CONCLUSION

The subject Planning Proposal for Lots 8-10 Sec F DP 2810, 50A Bulwer Road, Moss Vale is consistent with the Local Area Plan for North-West Moss Vale. It is proposed that the subject site is rezoned to E4 Environmental Living with a minimum lot size of 2 hectares.

It was recognised that the land will yield a maximum of three lots of 2 ha each which is an increase of two dwellings. This is a minor increase, however the capacity of the sewer and water mains shall be studied at the development assessment stage prior to issuing a Development Consent for any development on the lot.

ATTACHMENTS

1. Figure 1 - Location of North-West Moss Vale study area
2. Figure 2 - Location of subject site - *circulated under separate cover*
3. Figure 3 - Adopted proposed Zoning and Minimum lot size for the study area - *circulated under separate cover*
4. Figure 4 - Three lots in the Subject Site - *circulated under separate cover*
5. Figure 5 - Sewer and Water Infrastructure around the Subject Site - *circulated under separate cover*
6. Figure 6 - Flooding constraint of the subject land - *circulated under separate cover*
7. Figure 7 - Vegetation and mapped Threatened Ecological - *circulated under separate cover*
8. Figure 8 - Mapped Bushfire threat around the subject land - *circulated under separate cover*

12.4 Demolition of Fire Damaged Dwelling & Construction of a New Dwelling at 587A Argyle Street Moss Vale

Reference:	52800 20/0838
Report Author:	Accredited Certifier
Authoriser:	Group Manager Planning Development and Regulatory Services
Applicant:	Scott Du-Mughn & Jessica Parker
Owner:	Scott Du-Mughn & Jessica Parker
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

PURPOSE

The purpose of this report is to consider Development Application 20/0838, which seeks consent for the demolition of the existing fire damaged semi-detached Dwelling House at 587A Argyle Street, Moss Vale. The subject application has been called up by Council for determination, consequently this report is prepared and recommends APPROVAL.

VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

RECOMMENDATION

THAT development application 20/0838 for the proposed demolition of the existing fire damaged Dwelling House and construction of a new dwelling at Lot 1 DP 209719, No 587A Argyle Street, Moss Vale be **APPROVED** subject to conditions as described in Attachment 1 to the report.

REPORT

Subject Site and Locality

The subject site is identified as Lot 1 DP 209719 and known as 587A Argyle Street, Moss Vale (**Figures 1 and 2**). The site is zoned R3 Medium Density Residential and is serviced by Council's reticulated water and sewer.

The property is listed as Local Heritage Item I318, under Schedule 5 of the *Wingecarribee Local Environmental Plan (WLEP) 2010*, in conjunction with the adjoining Lot 2, 587 Argyle Street, Moss Vale.

The buildings which currently occupy the subject site include the existing fire damaged semi-detached Dwelling and a detached Garage which is located at the rear of the property.



Figure 2 – Aerial Image

Background

The subject site is listed as Local Heritage Item I318 and is considered to represent the early historical development within the township of Moss Vale. The semi-detached Dwelling is representative of the late 19th Century workers cottages which were constructed throughout the Shire during the 19th and 20th centuries. The Dwelling was subject to a major house fire in June 2019 and as a result has been irreparably damaged.

Proposed Development

The subject development application was lodged on 24 January 2020 and seeks consent for the demolition of the fire damaged semi-detached Dwelling and for the construction of a new semi-detached Dwelling on the site to the same appearance as the replaced dwelling and mirror of its adjoining attached dwelling.

Attachment 2 provides plans of the proposal.

STATUTORY PROVISIONS

State Environmental Planning Policies

State Environmental Planning Policy No 55 – Remediation of Land

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

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

The site is within the Warragamba Catchment and therefore the Catchment SEPP is applicable to the assessment of the application. The application is a Module 1 development for the purposes of the Neutral or Beneficial Effect on Water Quality Assessment Guideline and therefore Council has delegated authority to determine water quality. An assessment has been completed for the development with standard sediment and erosion conditions to be imposed.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A satisfactory BASIX Certificate was submitted with the application (1027232S). The BASIX Certificate satisfies the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows.

Clause 2.3 Zone objectives and land use table

The site is zoned R3 Medium Density Residential and in this zone, 'Demolition and a Dwelling House' is permissible with development consent. The objectives of the R3 Zone are as follows:

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

Clause 5.10 Heritage conservation

The subject site is not identified as an Archaeological site or an Aboriginal place of heritage significance. The subject site is identified as a local Heritage Item under Schedule 5 of the WLEP 2010.

The proposed development includes the rebuilding of the significantly fire damaged building to match the neighbouring attached dwelling and is not considered to adversely affect the heritage significance of the heritage item, including its setting.



The proposed development is not considered to have a significant adverse impact on the amenity of the surrounding area, or on the heritage significance of adjoining items.

Clause 7.3 Earthworks

The proposed demolition and construction works require minimal excavation.

Subject to siteworks including the provision of sediment control measures and the installation of the proposed stormwater collection / drainage system the proposal is expected to have non-detrimental impacts on drainage patterns in the locality.

Minimal fill is proposed to be imported to the site as the new dwelling will be constructed on the existing natural ground level. Any fill required will be virgin excavated natural material and controlled via a condition of development consent.

The proposed lightweight single storey development is unlikely to have detrimental impacts on the likely future use or redevelopment of the land.

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

Development Control Plans

Moss Vale Development Control Plan

The applicable sections of the Moss Vale DCP are addressed below:

DCP Control	Assessment
Part A – All Land	
<i>Section 2 – General Objectives</i>	The proposal is generally in accordance with the nominated objectives of this Section.
<i>Section 3 – Biodiversity</i>	The proposal is generally in accordance with the nominated objectives of this Section.
<i>Section 4 – Water Management</i>	The proposal is generally in accordance with the nominated objectives of this Section.
<i>Section 5 – Flood Liable Land</i>	The proposal is generally in accordance with the nominated objectives of this Section.
<i>Section 6 – Vegetation Management and Landscaping</i>	The proposal is generally in accordance with the nominated objectives of this Section.
<i>Section 7 – Subdivision, Demolition, Siting and Design</i>	The proposal is generally in accordance with the nominated objectives of this Section. The documentation submitted with the subject development application is considered acceptable. No changes to the existing landscaping on site are proposed.



DCP Control	Assessment
Part C – Residential Zoned Land – Section 1 Introduction	
<i>Building Materials</i>	<p>The proposed new dwelling consists of Colorbond roof sheeting, weatherboard cladding, face brick dwarf wall and timber verandah posts.</p> <p>The above-mentioned materials are not considered to be acceptable from a heritage perspective. The following material changes will be controlled via a condition of development consent:</p> <ol style="list-style-type: none"> a. Weatherboard cladding, door and window framing to be solid timber. b. Roof and gutter material to be galvanised iron. c. Roof profile to be custom orb. d. Ridges to be roll cap. e. Gutters to be quad style f. Downpipes to be round.
Part C – Residential Zoned Land – Section 2 Low Density Housing	
<i>Dual Occupancy and Secondary Dwellings</i>	N/A – no Dual Occupancy or Secondary Dwelling is proposed as part of the subject development application.
<i>Development Density and Scale</i>	No changes are proposed to the existing development footprint on the site, with approximately 40% of the lot to remain developed and considered compliant with the subject development control of 65%.
<i>Dwelling Orientation</i>	The main living area will open directly onto private open space. It is considered that the proposed dwelling will not reduce the solar access of living areas and private open space of adjacent dwellings. The design is therefore considered compliant.
<i>Front Setback</i>	The proposed front setback of 8m is consistent with the existing front setback of the fire damage dwelling and considered compliant.
<i>Side Setbacks</i>	The proposed side setback of 3m is consistent with the existing side setback of fire damage dwelling and considered compliant.
<i>Rear Setbacks</i>	No changes are proposed to the existing rear setback of the fire damaged dwelling. The proposed dwelling will match the existing rear setback and be consistent with the semi-detached dwelling on the adjoining property.
<i>Building Height</i>	The proposed height of the new single storey dwelling is consistent with the height of the existing fire damaged dwelling. Due to the slope of the land and the need to connect in with the roofline of the adjoining dwelling at 587 Argyle Street, the height is considered acceptable and compliant.
<i>Roof Forms</i>	The proposed primary roof pitch is 40 degrees and the verandah roof pitch is 24 degrees. This is considered acceptable in relation to the impact on the streetscape and is considered to maintain the desired heritage aesthetic applicable to the subject site.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE STRATEGY AND DEVELOPMENT SERVICES



DCP Control	Assessment
<i>Dwellings On Corner Allotments</i>	N/A – The subject site is not a corner allotment.
<i>Garaging and Driveways</i>	N/A – no changes are proposed to the existing detached Garage at the rear of the lot. The proposal includes a new residential vehicle crossing which will be subject to a Section 138 approval and controlled via a condition of development consent. The new proposed internal gravel driveway is considered acceptable.
<i>Landscaped Open Space</i>	No changes are proposed to the existing landscaped open space, which encompasses approximately 60% of the site.
<i>Fencing, Gates and Letterboxes</i>	N/A – no changes are proposed to the existing fencing on the subject site.
Part C – Residential Zoned Land – Section 15 Southern Residential Precinct	
<i>Specific Development Controls</i>	The proposal consists of a single storey semi-detached Dwelling, consistent with the design of the existing fire damage Dwelling. The proposal is considered to be compliant with the objectives and controls of the Southern Residential Precinct.

Section 4.15 Evaluation

(1) *Matters for consideration—general*

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

(a) *the provisions of:*

(i) *any environmental planning instrument, and*

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

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

Not applicable.

(iii) *any development control plan, and*

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

(iia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*

Not applicable.



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

Not applicable.

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

Not applicable.

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

The proposed development is clear of any areas mapped as threatened or endangered plant community and does not involve the removal of any trees.

The residential nature of the development will not give rise to any noted adverse social or economic impacts.

The impacts on the surrounding built environment and

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

The site is considered to be suitable for the proposed development.

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

Refer to the Consultation section of this report.

(e) *the public interest.*

There are no covenants, easements, restrictions or agreements that affect the proposed development. As such, the proposed residential development is considered to be in the public interest.

CONSULTATION

Pre-lodgement Meeting

No pre-lodgment meeting was held with the applicant or the owners.

Internal Referrals

Referrals	Advice/Response/Conditions
Heritage Advisor	<p><u>Conditions</u></p> <ul style="list-style-type: none"> • Provide external colour scheme for heritage adviser comment. • Weatherboard cladding and door and window framing to be solid timber. • Roof and gutters to be galvanised finish. • Profiles: roof to be Custom orb, roll cap ridges, gutters quad, downpipes round. • Salvage schedule to be provided by a suitably qualified heritage professional so as to assess any potential salvageable fabric for subsequent reuse. • Mitigation measures to be condition to conserve heritage

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE STRATEGY AND DEVELOPMENT SERVICES



Referrals	Advice/Response/Conditions
	<p>significance in accordance with Part 7.3 of the Heritage Impact Statement submitted with the subject development application.</p> <p><u>Response</u> The above heritage requirements will be controlled via conditions of development consent (Conditions 9 and 10).</p>
Wingecarribee Advisory Committee	<p><u>Concerns</u></p> <ul style="list-style-type: none">Expressed concern as to whether the total demolition of the fire damaged Dwelling is necessary. <p><u>Response</u> A 'salvage schedule' is to be provided by a suitably qualified heritage consultant to assess if any material is appropriate for retention and re-use. This will be enforced via a planning condition (Condition 8).</p>

Neighbour Notification (or Advertising)/Public Participation

The development application was Neighbour Notified for a period of 14 days between 31 January 2020 and 18 February 2020 and Council received no submissions.

SUSTAINABILITY ASSESSMENT

- ***Environment***

The environmental impacts have been discussed within this report.

- ***Social***

There are no social issues in relation to this report.

- ***Broader Economic Implications***

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

- ***Culture***

There are no cultural issues in relation to this report.

- ***Governance***

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

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 10 June 2020

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*, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, *State Environmental Planning Policy No 55 – Remediation of Land, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*, *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* and the Moss Vale Development Control Plan.

OPTIONS

The options available to Council are:

Option 1

THAT development application 20/0838 for the proposed demolition of the existing fire damaged Dwelling House and construction of a new dwelling at Lot 1 DP 209719, No 587A Argyle Street, Moss Vale be APPROVED subject to conditions as described in **Attachment 1** to the report.

Option 2

THAT development application 20/0838 for the proposed demolition of the existing fire damage Dwelling House at Lot 1 DP 209719, No 587A Argyle Street, Moss Vale be REFUSED, in which case Council would need to provide reasons for refusal.

Option 1 is the recommended option to this report.

CONCLUSION

The subject development application has been assessed in accordance with the matters for consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979*, and all relevant environmental planning instruments and Council policies, and it is

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE STRATEGY AND DEVELOPMENT SERVICES



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

ATTACHMENTS

1. Attachment 1 - Draft Conditions of Consent
2. Attachment 2 - Architectural Plans



ADMINISTRATION CONDITIONS

1. Development Description

Development consent has been granted in accordance with this notice of determination for the purposes of the demolition of the existing fire damaged semi-detached dwelling house and the construction of a new semi-detached dwelling house and solar panels.

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

2. Development in Accordance with Plans and Documents

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

Plan Title / Supporting Document	Reference / Version	Prepared By	Dated
General Notes Plan	201906-228 Rev B Page A001	Structability Consulting Engineers	14 November 2019
Site Plan	201906-228 Rev B Page A002	Structability Consulting Engineers	14 November 2019
Sediment Control Plan	201906-228 Rev B Page A003	Structability Consulting Engineers	14 November 2019
Sediment Control Details Plan	201906-228 Rev B Page A004	Structability Consulting Engineers	14 November 2019
Floor Plan	201906-228 Rev B Page A101	Structability Consulting Engineers	14 November 2019
Roof Plan	201906-228 Rev B Page A201	Structability Consulting Engineers	14 November 2019
Elevations Plan	201906-228 Rev B Page A301	Structability Consulting Engineers	14 November 2019
Section & BASIX Commitments Plan	201906-228 Rev B Page A401	Structability Consulting Engineers	14 November 2019
Door & Window Schedule Plan	201906-228 Rev B Page A501	Structability Consulting Engineers	14 November 2019

12.4 Demolition of Fire Damaged Dwelling & Construction of a New Dwelling at 587A Argyle Street Moss Vale

ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent



Waste Management Plan	587A Argyle Street, Moss Vale	Applicant	-
BASIX Certificate	1027232S	Sustainability-Z Pty Ltd	13 November 2019
Heritage Impact Statement	Ref: 8587 587A Argyle Street, Moss Vale	Heritage 21	November 2019

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

3. Inconsistency between Documents

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

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

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

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

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

5. Erection of Signs

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

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

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

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

6. Notification of Home Building Act 1989 Requirements

12.4 Demolition of Fire Damaged Dwelling & Construction of a New Dwelling at 587A Argyle Street Moss Vale**ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent**

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

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

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

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

7. Demolition Works

No demolition works may commence on site prior to the issue of a Construction Certificate.

Reason: *To ensure that salvageable materials are identified on site prior to demolition.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**8. Schedule of Salvageable Materials**

A Salvage Schedule report shall be prepared by a suitably qualified heritage professional, to identify any potential salvageable fabric present in the fire-damaged dwelling for subsequent re-use in the new construction works.

Reason: *To preserve original building materials.*

9. Amendments to Approved Plans

The applicant shall make the following amendments to the approved plans prior to the issue of a Construction Certificate:

- a) External weatherboard cladding to be specified as solid timber.
- b) External doors and window framing to be specified as solid timber.
- c) Roof ridges to be roll cap.
- d) Roof sheeting material to be specified as galvanised iron with a custom orb profile.
- e) Gutters to be specified as quad style and galvanised iron.
- f) Downpipes are to be specified as round.

12.4 Demolition of Fire Damaged Dwelling & Construction of a New Dwelling at 587A Argyle Street Moss Vale**ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent**

- g) Salvageable materials (if any) specified in the Salvage Schedule prepared in accordance with Condition 8 are to be identified for re-use on the plans.

Note: *This involves a change to the Development Application plans as submitted to and approved by Council.*

Any changes in this regard shall be reflected as amended plans to be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate for the proposed development.

Reason: *To confirm and clarify the terms of Council's approval.*

10. Detailed External Colour Scheme

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

Evidence of Council's written authorisation of the acceptable external Colour Scheme shall be provided to the Principal Certifying Authority.

Reason: *To ensure that the external building elements are visually compatible with heritage requirements.*

11. Section 68 Local Government Act 1993 Approvals

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

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

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

12. Section 138 Roads Act 1993 Approval

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

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

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

12.4 Demolition of Fire Damaged Dwelling & Construction of a New Dwelling at 587A Argyle Street Moss Vale**ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent**

applicant / contractor undertaking the works.

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

Reason: *Statutory requirement.*

13. Dilapidation Report

A Dilapidation Report shall be undertaken for the adjoining property known as 587 Argyle Street, Moss Vale, which in the opinion of a suitably experienced professional and chartered qualified engineer, could be potentially affected by the construction of the project. The Dilapidation Report shall be carried out taking into account civil infrastructure and submitted to Council prior to the issue of the Construction Certificate.

The Report shall cover structural and geotechnical factors likely to arise from the development, and identify the existing condition of the semi-detached Dwelling.

The person having the benefit of the development consent shall, at their own cost, rectify any damage caused to other properties during the construction of the project to the satisfaction of Council.

Reason: *To ensure the structural stability and condition of neighbouring buildings.*

14. Developer to provide photos of damage to Council property

The developer must provide Council and the PCA with photos of any damage of Council property adjoining the development prior to the issue of the Construction Certificate.

Photos should include any damage to footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter and road pavement and the like.

Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged Council property are to be carried out by the contractor/builder to Council's specification and supervision prior to issue of any Occupation Certificate or Subdivision Certificate (as applicable).

Reason: *To ensure that Councils assets are protected.*

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK**15. Construction Certificate**

No work shall commence until a:

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



Reason: *Statutory Requirement.*

16. Appointment of Principal Certifying Authority

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

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

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

CONDITIONS TO BE SATISFIED DURING THE CONSTRUCTION PHASE

17. Building Materials

The use of Zinalume, stainless steel, unetched zinc or copper is not permitted.

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

18. Approved Hours of Construction & Demolition

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

DAY	HOURS
Monday to Saturday	7:00am to 5:00pm

12.4 Demolition of Fire Damaged Dwelling & Construction of a New Dwelling at 587A Argyle Street Moss Vale

ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent



DAY	HOURS
Sunday	Nil
Public Holidays	Nil

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

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

19. Support for Neighbouring Buildings

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

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

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

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

Reason: *To preserve and protect neighbouring buildings.*

20. Erosion and Sediment Control

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

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

12.4 Demolition of Fire Damaged Dwelling & Construction of a New Dwelling at 587A Argyle Street Moss Vale**ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent**

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

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

21. Demolition of Buildings

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

- a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - The demolition of structures.

Note: *Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.*

- b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site five (5) working days prior to demolition. Such notification shall state the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite the demolition site. Demolition must not commence prior to the date stated in the notification.
- c) Five (5) working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Wingecarribee Shire Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must not commence prior to the commencement date nominated in the written notice.
- d) On the first day of demolition, work is not to commence until the Principal Certifying Authority (PCA) has inspected the site. Should the building to be demolished be deemed likely to contain asbestos, approval to commence demolition will not be granted until the PCA is satisfied that all measures are in place so as to comply with WorkCover's document 'Your Guide to Working with Asbestos'.
- e) On demolition sites where buildings to be demolished are likely to contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos has been removed from the site to

12.4 Demolition of Fire Damaged Dwelling & Construction of a New Dwelling at 587A Argyle Street Moss Vale

ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent



an approved waste facility.

- f) Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- g) Demolition is to be completed within five (5) days of commencement at which time the applicant shall notify the Certifying Authority.
- h) Protective fencing is to be installed to prevent public access to the site.
- i) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a facility licensed by the NSW Environmental Protection Authority (EPA) to accept such waste provided to Council.

Note: *The person responsible for disposing of the above asbestos waste is to telephone the EPA on 131 555 or Council's Customer Service Department on (02) 4868 0888 to determine the location of a waste facility licensed to receive asbestos. Within 14 days of the completion of demolition works, the applicant must lodge with Council, all original weighbridge receipts issued by the receiving licensed waste facility as evidence of proper disposal.*

- k) After completion, the applicant shall notify the Principal Certifying Authority within seven (7) days to assess the site and ensure compliance with Australian Standard AS2601 2001 - The Demolition of Structures.
- l) Within 14 days of completion of demolition, the applicant shall submit to Council:
 - (i) an asbestos clearance certificate prepared by a WorkCover licensed asbestos assessor; and
 - (ii) a signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of actual weighbridge receipts for the recycling/disposal of all materials.
- (m) Ensuring only licensed demolition contractors are used as required pursuant to Occupational Health and Safety Legislation.
- (n) Appropriate precautions are taken in regard to lead based paints.
- (o) Erection of hoardings to be provided where appropriate.
- (p) The disposal of refuse is to occur at an approved location. Council will require documentary proof of destination for hazardous materials such as asbestos and contaminated soils and may request evidence on disposal of other demolition materials - refer approved Waste Management Plan.

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

22. Ground Levels

Natural ground levels shall not be altered or adjusted other than shown on the approved plans or where varied by the conditions of consent without the prior consent of Council.

Finished ground levels shall be graded away from the buildings and adjoining properties

12.4 Demolition of Fire Damaged Dwelling & Construction of a New Dwelling at 587A Argyle Street Moss Vale**ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent**

must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to an approved storm water drainage system.

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

23. Building Operations

Building operations such as brick cutting, washing tools or brushes and mixing mortar are not permitted on public roadways or footways or in any other locations which could lead to the discharge of materials into the storm water drainage system.

Reason: *To ensure that building materials are not washed into storm water drains.*

24. Maintenance of the Site

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

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

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

During construction:

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

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

Reason: *Environmental amenity*

25. Excavations and Backfilling

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

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

26. Temporary Onsite Toilet

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

Each toilet shall:

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

12.4 Demolition of Fire Damaged Dwelling & Construction of a New Dwelling at 587A Argyle Street Moss Vale**ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent**

(c) be a temporary chemical closet approved under the *Local Government Act 1993*.

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

27. Waste Management

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

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

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

28. Imported 'Waste-derived' Fill Material

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

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

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

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

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**29. Occupation Certificate**

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

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

- All required inspections (including each applicable mandatory critical stage

12.4 Demolition of Fire Damaged Dwelling & Construction of a New Dwelling at 587A Argyle Street Moss Vale**ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent**

inspection) have been carried out; and

- Any preconditions to the issue of the certificate required by a development consent have been met.

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

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

Note: *The applicant is to ensure that works associated with the Section 138 (Roads Act) approval and Section 68 (Local Government Act) approval are completed and inspected by Council.*

30. BASIX Commitments

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

In this condition:

- (a) Relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the *Environmental Planning and Assessment Act 1979*, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.

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

31. Council Property

The applicant shall rectify any damage to Council property (including footpaths, road furniture, landscaping/trees, drainage, water, sewer, kerb and gutter, road pavement and the like) as a result of the development, prior to the issue of any Occupation Certificate at no cost to Council.

Reason: *To ensure that Councils assets are protected.*

32. Stormwater Drainage

Prior to the issue of the Occupation Certificate:

- (a) Any regraded areas shall be free draining, away from the dwelling, and shall not concentrate surface water onto adjoining properties.

12.4 Demolition of Fire Damaged Dwelling & Construction of a New Dwelling at 587A Argyle Street Moss Vale

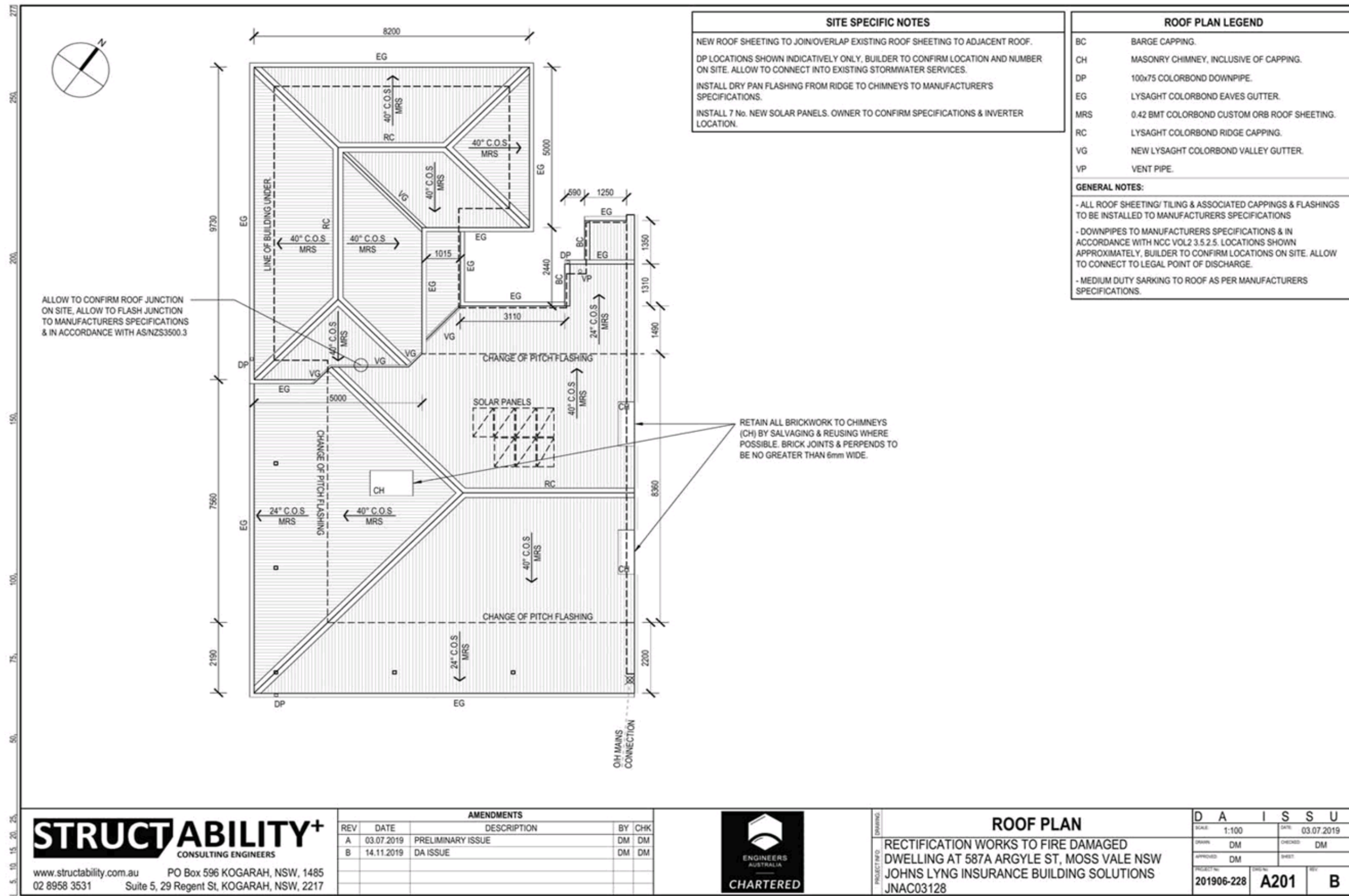
ATTACHMENT 1 Attachment 1 - Draft Conditions of Consent



-
- (b) Roofwater shall be piped to a minimum 3,000 litre rainwater storage tank and the overflow directed in accordance with the requirements outlined on the Section 68 approval.

Reason: *To comply with legislation.*

END OF CONDITIONS



SITE SPECIFIC NOTES

NEW ROOF SHEETING TO JOIN/OVERLAP EXISTING ROOF SHEETING TO ADJACENT ROOF.
 DP LOCATIONS SHOWN INDICATIVELY ONLY, BUILDER TO CONFIRM LOCATION AND NUMBER ON SITE. ALLOW TO CONNECT INTO EXISTING STORMWATER SERVICES.
 INSTALL DRY PAN FLASHING FROM RIDGE TO CHIMNEYS TO MANUFACTURER'S SPECIFICATIONS.
 INSTALL 7 No. NEW SOLAR PANELS. OWNER TO CONFIRM SPECIFICATIONS & INVERTER LOCATION.

ROOF PLAN LEGEND

BC	BARGE CAPPING.
CH	MASONRY CHIMNEY, INCLUSIVE OF CAPPING.
DP	100x75 COLORBOND DOWNPIPE.
EG	LYSAGHT COLORBOND EAVES GUTTER.
MRS	0.42 BMT COLORBOND CUSTOM ORB ROOF SHEETING.
RC	LYSAGHT COLORBOND RIDGE CAPPING.
VG	NEW LYSAGHT COLORBOND VALLEY GUTTER.
VP	VENT PIPE.

GENERAL NOTES:

- ALL ROOF SHEETING/ TILING & ASSOCIATED CAPPINGS & FLASHINGS TO BE INSTALLED TO MANUFACTURERS SPECIFICATIONS
- DOWNPIPES TO MANUFACTURERS SPECIFICATIONS & IN ACCORDANCE WITH NCC VOL2 3.5.2.5. LOCATIONS SHOWN APPROXIMATELY, BUILDER TO CONFIRM LOCATIONS ON SITE. ALLOW TO CONNECT TO LEGAL POINT OF DISCHARGE.
- MEDIUM DUTY SARKING TO ROOF AS PER MANUFACTURERS SPECIFICATIONS.

ALLOW TO CONFIRM ROOF JUNCTION ON SITE. ALLOW TO FLASH JUNCTION TO MANUFACTURERS SPECIFICATIONS & IN ACCORDANCE WITH AS/NZS3500.3

RETAIN ALL BRICKWORK TO CHIMNEYS (CH) BY SALVAGING & REUSING WHERE POSSIBLE. BRICK JOINTS & PERPENDS TO BE NO GREATER THAN 6mm WIDE.

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AMENDMENTS				
REV	DATE	DESCRIPTION	BY	CHK
A	03.07.2019	PRELIMINARY ISSUE	DM	DM
B	14.11.2019	DA ISSUE	DM	DM

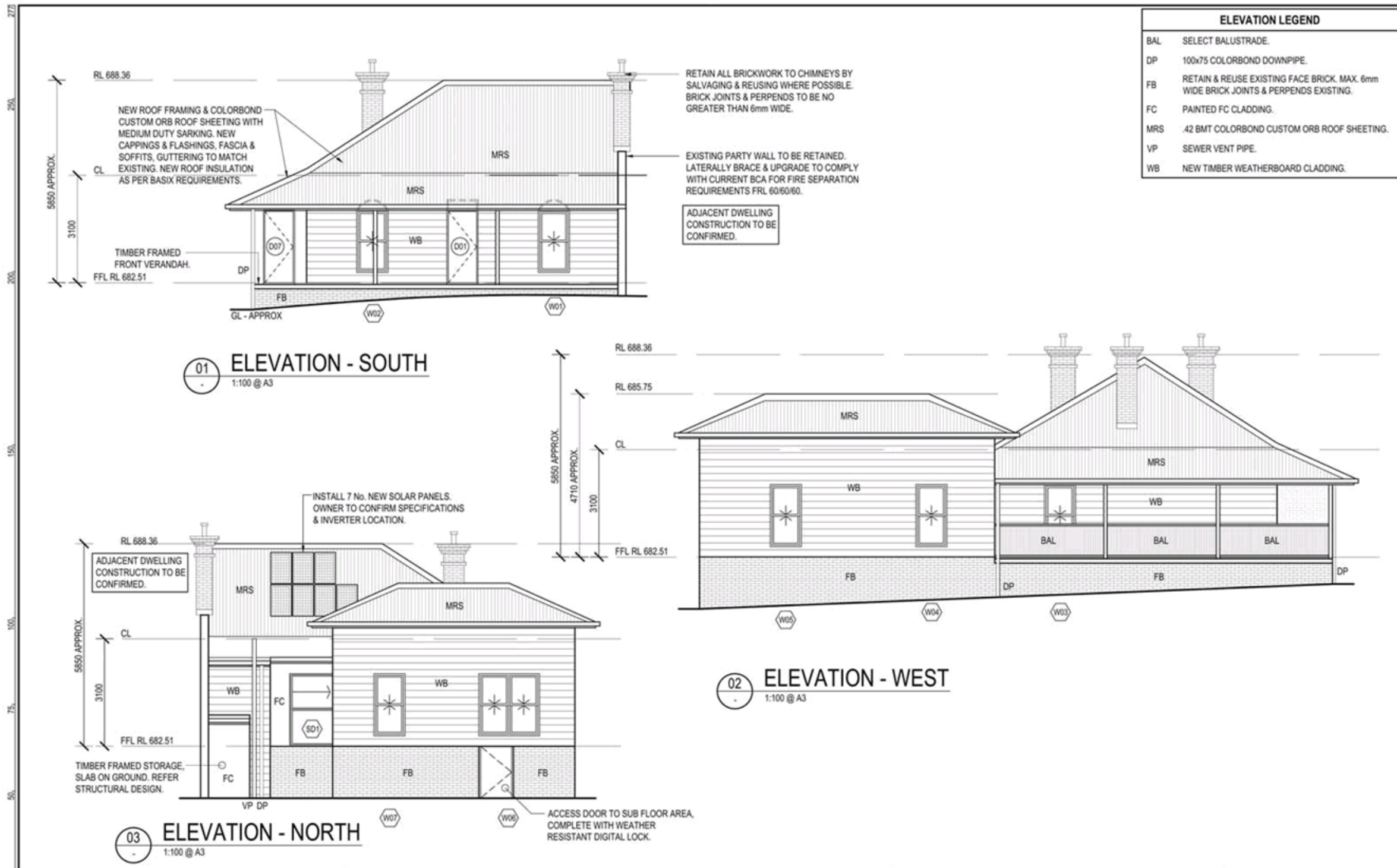


ROOF PLAN

RECTIFICATION WORKS TO FIRE DAMAGED DWELLING AT 587A ARGYLE ST, MOSS VALE NSW
 JOHNS LYNG INSURANCE BUILDING SOLUTIONS
 JNAC03128

D A I S S U E			
SCALE:	1:100	DATE:	03.07.2019
DRAWN:	DM	CHECKED:	DM
APPROVED:	DM	SHEET:	
PROJECT No:	201906-228	DRAWING No:	A201
REV:		REV:	B

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REV	DATE	DESCRIPTION	BY	CHK
A	03.07.2019	PRELIMINARY ISSUE	DM	DM
B	14.11.2019	DA ISSUE	DM	DM



ELEVATIONS

RECTIFICATION WORKS TO FIRE DAMAGED DWELLING AT 587A ARGYLE ST, MOSS VALE NSW
 JOHNS LYNG INSURANCE BUILDING SOLUTIONS
 JNAC03128

D A I S S U E			
SCALE	DATE	DATE	DATE
1:100	03.07.2019		
DRAWN	DM	CHECKED	DM
APPROVED	DM	SHEET	
PROJECT NO.	DRAWING NO.	REV.	
201906-228	A301	B	

12.5 Draft Committee Manual 2016-2021

Reference:	107/4
Report Author:	Coordinator Corporate Strategy and Governance
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to seek adoption of the draft Committee Manual 2016-2021 at **Attachment 1** (the Committee Manual).

RECOMMENDATION

THAT Council adopt the Committee Manual 2016-2021 at Attachment 1 to this report.

REPORT

BACKGROUND

In March 2020, the NSW Minister for Local Government announced that the Local Government elections scheduled for September 2020 would be postponed to address the risks posed by the COVID-19 virus. The Minister has announced that it is likely the rescheduled Local Government elections will take place in September 2021, although the NSW Government retains the flexibility of selecting a different date if circumstances warrant it.

This extension to the current term of Council means that the term of Council's committees likewise needs to be extended so that these terms are in alignment, as was intended by the Committee Manual.

REPORT

The current Committee Manual applies to advisory committees, community reference groups and sunset working groups as well as committees of Council established under clause 260 of the *Local Government (General) Regulation 2005*. The Committee Manual documents the broad governance framework for the 2016-2020 Council term, and community and agency representatives currently serving on committees were appointed for that term.

The amended Committee Manual provided at **Attachment 1** updates the existing references to the 2016-2020 Council term to make it clear that it now applies to the extended 2016-2021 term of Council. A note to this effect has also been inserted into the document to explain this change.

If the Committee Manual is adopted by Council, staff will contact the community and agency representatives to advise them of the extension to the term of Council's committees. If vacancies arise because any of those representatives elect not to continue serving on a committee, staff will endeavour to fill those vacancies in accordance with the provisions of the Committee Manual.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



It is to be noted that Councillor representatives to committees, including Chairpersons where applicable, are elected at a Council meeting for a two-year term in alignment with the term of the Mayoral office. The last committee election was held on 10 October 2018. As the term of the Mayor expires in September 2020, and another Mayoral election will take place at that time, the next election for Councillor representatives (including Chairpersons) will occur in October 2020.

COMMUNICATION AND CONSULTATION

Community Engagement

Community engagement in relation to the amendment of the Committee Manual is not necessary. Community and agency representatives will be notified of the outcome following consideration of this report by Council.

Internal Communication and Consultation

Consultation was undertaken with Council's Executive.

External Communication and Consultation

Council staff consulted with staff of Wollondilly Shire Council as that Council's advisory committees are also aligned with the Council term. Wollondilly Shire Council staff advised that the term of its advisory committees will continue into 2021 in accordance with the extension to the Council term.

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 amended Committee Manual ensures the continued good governance of Council's committee framework by extending the term of committees to align with the extension to the Council term.

COUNCIL BUDGET IMPLICATIONS

Nil

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

REPORT DEPUTY GENERAL MANAGER CORPORATE, STRATEGY AND DEVELOPMENT SERVICES



RELATED COUNCIL POLICY

The Committee Manual refers to and is consistent with Council's Code of Conduct and Code of Meeting Practice.

OPTIONS

The options available to Council are:

Option 1

THAT Council adopt the draft Committee Manual 2016-2021 at Attachment 1.

Option 2

THAT Council adopt the draft Committee Manual 2016-2021 at Attachment 1 with amendments as determined by Council.

Option 3

THAT Council not adopt the draft Committee Manual 2016-2021 at Attachment 1.

Option 1 is the recommended option to this report.

CONCLUSION

The report seeks adoption of the draft Committee Manual 2016-2021 at **Attachment 1**. The adoption of the draft Committee Manual will ensure the continued good governance of Council's committee framework by extending the term of committees to align with the extension to the Council term resulting from the postponement of the local government elections.

ATTACHMENTS

1. Committee Manual 2016-2021 - *circulated under separate cover*

Mark Pepping

Deputy General Manager Corporate, Strategy and Development Services

Thursday 4 June 2020

16 COMMITTEE REPORTS

16.1 Minutes of the Finance Committee Meeting held on 20 May 2020

Reference:	107/21
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

This report provides the Minutes of the Finance Committee Meeting held on 20 May 2020.

RECOMMENDATION

THAT the report be noted.

SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 4 Adoption of Minutes of Previous Meeting

FC 7/20

THAT the minutes of the Finance Committee Meeting held on Wednesday 19 February 2020 MN 1/20 to MN 6/20 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

Item 6.1 Quarterly Progress Report Operational Plan 2019/20, 1 January 2020 to 31 March 2020

FC 8/20

1. *THAT the Quarterly Progress Report Operational Plan 2019/20, 1 January 2020 to 31 March 2020 be noted.*
2. *THAT Council formally note the Mayoral Relief Fund has distributed \$120,000 to over 200 families affected by the bushfires.*
3. *THAT Council formally acknowledge other councils' support by personally writing to those Mayors to thank them.*

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

COMMITTEE REPORTS



Item 6.2 Budget Review to 31 March 2020

FC 9/20

1. *THAT Council approve the budget variations reported at the March Quarterly Review as listed in Attachment 1 to the report.*
2. *THAT Council note the projected position for the 2019/20 Financial Year remains a balanced budget.*

ATTACHMENTS

1. Minutes of Finance Committee on 20 May 2020



MINUTES

of the
Finance Committee Meeting

held remotely using audio visual link and open to members of the community via webcast

on

Wednesday 20 May 2020

The meeting commenced at 9.00am



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 20 May 2020



1. OPENING OF THE MEETING	
2. ACKNOWLEDGEMENT OF COUNTRY	
3. APOLOGIES	
Nil	
4. ADOPTION OF MINUTES OF PREVIOUS MEETING	
Finance Committee Meeting held on 19 February 2020	
5. DECLARATIONS OF INTEREST	2
6. AGENDA REPORTS	3
6.1 Quarterly Progress Report Operational Plan 2019/20, 1 January 2020 to 31 March 2020	3
6.2 Budget Review to 31 March 2020	4
7. CLOSED COMMITTEE	5
Nil	
8. DATE OF NEXT MEETING.....	5
9. MEETING CLOSURE	5



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 20 May 2020



MINUTES OF THE FINANCE COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD REMOTELY USING AUDIO VISUAL LINK ON WEDNESDAY 20 MAY 2020 COMMENCING AT 9.00AM

Present: Mayor Clr T D Gair (Chair)
 Clr G J Andrews*
 Clr K J Halstead*
 Clr G McLaughlin*
 Clr G Markwart*
 Clr P W Nelson*
 Clr I M Scandrett*
 Clr G M Turland*
 Clr L A C Whipper*

In Attendance:	General Manager	Ms Ann Prendergast
	Deputy General Manager Operations, Finance and Risk	Mr Barry Paull
	Deputy General Manager Corporate, Strategy and Development Services	Mr Mark Pepping
	Chief Financial Officer	Mr Richard Mooney
	Group Manager Corporate and Community	Ms Danielle Lidgard
	Group Manager Capital Delivery	Mr Ned Tripkovic
	The Chief Information Officer	Mr John Crawford
	Deputy Chief Financial Officer	Mr Damien Jenkins
	Management Accountant	Mr Peter Dunn
	Administration Officer	Ms Michelle Richardson

NOTE: Due to current government requirements around social distancing due to the COVID-19 pandemic, all councillors attended the meeting remotely via zoom audio visual link. This is indicated by *. The Mayor and staff were present in the Council Chambers for this meeting.

1. OPENING OF THE MEETING

The Mayor Clr T D Gair opened the meeting and welcomed members of the public and the press.

2. ACKNOWLEDGEMENT OF COUNTRY

The Mayor Clr T D Gair acknowledged country:

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



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 20 May 2020



3. APOLOGIES

There were no apologies at this Meeting.

PERS

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE FINANCE COMMITTEE MEETING HELD ON WEDNESDAY 19 FEBRUARY 2020

FC 7/20

MOTION moved by Cllr G J Andrews and seconded by Cllr L A C Whipper

THAT the minutes of the Finance Committee Meeting held on Wednesday 19 February 2020 MN 1/20 to MN 6/20 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

5. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any Councillor now disclose any interest and the reason for declaring such interest in the matters under consideration by the Finance Committee at this Meeting and to complete the appropriate form to be handed up at the Meeting.

Nil.



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 20 May 2020



6. AGENDA REPORTS

6.1 Quarterly Progress Report Operational Plan 2019/20, 1 January 2020 to 31 March 2020

Reference: 501/2019
 Report Author: Corporate Strategy Officer
 Authoriser: Coordinator Corporate Strategy and Governance
 Link to Community
 Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

The purpose of this report is to provide the Finance Committee (the 'Committee') with an overview of Council's progress towards delivering its annual Operational Plan 2019/20.

The Group Manager Corporate and Community addressed Council on this item.

The Deputy General Manager Operations, Finance and Risk addressed Council on this item.

The Deputy General Manager Corporate Strategy and Development Services addressed Council on this item.

The General Manager left the meeting the time being 9.22am.

The General Manager returned to the meeting the time being 9.23am.

The Group Manager Capital Delivery addressed Council on this item.

The Chief Information Officer addressed Council on this item.

FC 8/20

MOTION moved by Mayor Clr T D Gair and seconded by Clr P W Nelson

1. **THAT** the Quarterly Progress Report Operational Plan 2019/20, 1 January 2020 to 31 March 2020 be noted.
2. **THAT** Council formally note the Mayoral Relief Fund has distributed \$120,000 to over 200 families affected by the bushfires.
3. **THAT** Council formally acknowledge other councils' support by personally writing to those Mayors to thank them.

PASSED



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 20 May 2020



6.2 Budget Review to 31 March 2020

Reference: 2120/19
Report Author: Management Accountant
Authoriser: Chief Financial Officer
Link to Community
Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

PURPOSE

The purpose of this report is to inform Council of the results of the budget review undertaken for the period ending 31 March 2020 and to seek approval to make the necessary adjustments to the 2019/20 Budget.

The Quarterly Review of the Budget is reported to Council at the end of each quarter in accordance with Section 203 of the *Local Government (General) Regulation 2005*.

The Chief Financial Officer addressed Council on this item.

The General Manager addressed Council on this item.

The Deputy General Manager Operations, Finance and Risk addressed Council on this item.

FC 9/20

MOTION moved by Deputy Mayor G M Turland and seconded by Cllr G McLaughlin

1. **THAT** Council approve the budget variations reported at the March Quarterly Review as listed in Attachment 1 to the report.
2. **THAT** Council note the projected position for the 2019/20 Financial Year remains a balanced budget.

PASSED



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 20 May 2020



7. CLOSED COMMITTEE

Nil

8. DATE OF NEXT MEETING

The next meeting will be held on Wednesday 19 August 2020 in Council Theatrette Civic Centre, Elizabeth Street, Moss Vale commencing at 9.00am.

9. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 9.56 AM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Meeting held Wednesday 20 May 2020 numbered M/N 7/20 to M/N 9/20 were signed by me hereunder at the Council Meeting held on Wednesday 19 August 2020.

CHAIRMAN

READ AND CONFIRMED ON WEDNESDAY 19 AUGUST 2020

CHAIRMAN

PUBLIC OFFICER

16.2 Management and Advisory Committee Reports

Reference: 107/1
Report Author: Committee Coordinator

PURPOSE

This report provides the Minutes of the following Committee Meetings, copies of which will be tabled:

1. Mittagong Memorial Hall Management Committee held on 5 September 2019.
2. East Bowral Community Centre Management Committee held on 25 June 2019
3. East Bowral Community Centre Management Committee held on 30 April 2019
4. East Bowral Community Centre Management Committee held on 22 October 2019
5. Bong Bong Common Management Committee held on 15 October 2019

RECOMMENDATION

THAT the information contained in the following Committee Reports be noted:

1. Mittagong Memorial Hall Management Committee held on 5 September 2019.
2. East Bowral Community Centre Management Committee held on 25 June 2019
3. East Bowral Community Centre Management Committee held on 30 April 2019
4. East Bowral Community Centre Management Committee held on 22 October 2019
5. Bong Bong Common Management Committee held on 15 October 2019

ATTACHMENTS

There are no attachments to this report.

17 QUESTIONS WITH NOTICE

17.1 Question with Notice 16/2020 Station Street Alternative Parking at Mittagong

Reference:	101/2
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager

From: Clr Scandrett

Received: 18 May 2020

Subject: Station Street Alternative Parking at Mittagong

Question:

Could the General Manager advise the cost and break up of providing the alternative parking for Station Street at Mittagong, and the approval process therein.

Response:

The high level estimate for the provision of public car parking adjacent to the Mittagong train station has been based on a preliminary design estimate that considers the number of parking spaces and specific site considerations. Upon the execution of the Station Street Upgrade Heads of Agreement document, further design documentation will be prepared in accordance with Council's capital project process framework.

RECOMMENDATION

THAT the information in relation to Question with Notice 16 /2020 - Station Street Alternative Parking at Mittagong - be noted.

17.2 Question with Notice 18/2020 Berrima Deviation Project

Reference: 101/2
Report Author: Administration Officer (Meetings)
Authoriser: Group Manager Corporate and Community
Link to Community Strategic Plan: An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

To: General Manager
From: Cllr Scandrett
Received: 1 June 2020

Subject: Berrima Deviation Project

Question:

Could the Deputy General Manager, Operations, Finance and Risk, provide an update on his previous advice regarding the construction fencing for the Berrima Deviation Project where he advised that the fencing was now "off hire" and now at no cost to Council.

Also could he please advise:

1. Has Council paid any rental since then? How much?
2. If not, please explain why
3. Has Council purchased the fencing:
4. What is the number of fence panels on the site now?

Response:

Council has continued to maintain a minimal fencing perimeter around the Berrima Road site to maintain security to the site access track and tree protection.

As previously advised, the rental arrangement for the perimeter fencing has been on a month to month arrangement at a cost of \$185 per month.

No additional fencing has been purchased.

Council is currently paying for 27 Fencing panels.

The remaining panels around the entire perimeter of the site does not form part of Council's current hire arrangements.

RECOMMENDATION

THAT the information in relation to Question with Notice 18/2020 – Berrima Deviation Project - be noted.

18 NOTICES OF MOTION

18.1 Notice of Motion 17/2020 - Bowral Memorial Hall

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 10 June 2020:

1. THAT Council proceed forthwith with the “shovel ready” renovations of Bowral Memorial Hall whilst it is closed; and
2. THAT Council also examine new grant opportunities to support that.

RECOMMENDATION

Submitted for determination.

COMMENT FROM STAFF

Council is currently awaiting the outcome of a grant application in relation to the Bowral Memorial Hall which is anticipated to be announced in June/July.

Given Council's funding commitments as outlined within the Draft 2020/2021 Operational Plan and Budget, it is not recommended that this project commence until a confirmed funding strategy is in place for the expected cost of the refurbishment.

18.2 Notice of Motion 19/2020 Local Housing Strategy

Reference:	100/4
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillor Whipper has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 10 June 2020:

- 1) THAT Council write to the Premier raising concern about the refusal of Council's request by Minister Robert Stokes (Minister for Planning) to allow for natural Justice to be afforded to residents of our shire, who have been restricted in their ability to participate in meaningful consultation due to restrictions imposed by the government due to Covid-19.
- 2) THAT Due to being prevented from adequately engaging our community in genuine consultation in relation to our Local Strategic Planning Statement and Local Housing Strategy; that Council resolve to defer the Local Housing Strategy until such time as our LSPS is finalised by the Department of Planning.
- 3) THAT Council defer our LHS until such time as our LSPS is endorsed by NSW Department of Planning and then then re-engage and consult with our community in preparation of our Local Housing Strategy.

RECOMMENDATION

Submitted for determination.

COMMENT FROM STAFF

In response to Council's resolution MN 182/20 of 27 May 2020 Council meeting, the Mayor has sent Council's letter to the President of Local Government, New South Wales.

18.3 Notice of Rescission Motion 8/2020 Seniors Housing at Wiseman Road, Bowral

Reference:	100/5
Report Author:	Administration Officer (Meetings)
Authoriser:	Group Manager Corporate and Community
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

PURPOSE

Councillors Turland, Nelson and Andrews have given notice that it is their intention at the Ordinary Meeting of Council on 10 June 2020 the following motion of rescission will be moved:

THAT the motion passed by Council on 27 May 2020, being item number 12.2 Post Exhibition Report - Planning Proposal and Draft Development Control Plan Amendment for Seniors Housing at Wiseman Road Bowral minute number 170/20, be rescinded.

THAT Council not proceed with the Planning Proposal to enable an additional permitted use of seniors housing on the combined site area of 6 Wiseman Road Bowral (Lot 4 DP 829578) and 8 Wiseman Road Bowral (Lot 1000 DP 1117715) by means of an amendment to Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010, nor with the accompanying draft Development Control Plan Amendment.

RECOMMENDATION

Submitted for determination.

Should the above motion of rescission be carried, we hereby give notice of our intention to move the following motion:

THAT Council proceed with the recommendation as reported in the agenda dated 27 May 2020, page 213, Item number 12.2.

1. THAT the Planning Proposal to enable an additional permitted use of seniors housing on the combined site area of 6 Wiseman Road Bowral (Lot 4 DP 829578) and 8 Wiseman Road Bowral (Lot 1000 DP 1117715) by means of amendment to Schedule 1 (Additional Permitted Uses) of Wingecarribee Local Environmental Plan 2010, be forwarded to the NSW Department of Planning, Industry and Environment for finalisation.
2. THAT the draft Development Control Plan for the Wiseman Road Precinct, as exhibited, be adopted.

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 10 June 2020

NOTICES OF MOTION



Ann Prendergast
General Manager

Thursday 4 June 2020