

6 March 2020

Dear Councillor,

You are kindly requested to attend the **Ordinary Meeting** of Wingecarribee Shire Council to be held in **the temporary Council Chambers within the Theatre, Civic Centre, Elizabeth Street, Moss Vale** on **Wednesday 11 March 2020** commencing at **3.30pm**.

Yours faithfully

Ann Prendergast  
**General Manager**

SCHEDULE

3.30pm	Council Meeting begins
7.40pm	Closed Council

# RUNNING SHEET

## ORDINARY MEETING OF COUNCIL

held in the the temporary Council Chambers within the Theatrette, Civic Centre, Elizabeth Street, Moss Vale on Wednesday, 11 March 2020 at 3.30pm.

Time	Item
3.30pm	1. <b>Opening of the Meeting</b> – please remind all present that mobile phones must be switched off before the meeting and that the meeting is tape recorded <b>AND that the Council Chamber now has 24 hour Video Surveillance.</b>
	2. <b>Acknowledgement of Country – Cllr McLaughlin</b>
	3. <b>Opening Prayer – Reverend Jeremy Tonks, Bundanoon Exeter Anglican Church</b>
3.35pm	4. <b>Apologies</b>
	5. <b>Adoption of Previous Minutes</b>
	6. <b>Declarations of Interest</b>
	7. <b>Mayoral Minute</b>
	8. <b>Public Forum</b>
	9. <b>Visitor Items</b>
	10.- 14. <b>Council Reports</b>
	15. <b>Petitions</b>
	16. <b>Committee Reports</b>
5.30pm	17. <b>Questions with Notice</b>
	18. <b>Notices of Motion</b>
7.40pm	19. <b>Closed Council</b>
8.00pm	21. <b>Meeting Close</b>

Ann Prendergast  
**General Manager**



## Business

1. **OPENING OF THE MEETING**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **PRAYER**
4. **APOLOGIES**  
Nil
5. **ADOPTION OF MINUTES OF PREVIOUS MEETING**  
Ordinary Meeting of Council held on 26 February 2020
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7. **MAYORAL MINUTES**
8. **PUBLIC FORUM**

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**19.1 Proposed Acquisition - Land in Bowral**

*This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(b) as it contains discussion in relation to the personal hardship of a resident or ratepayer and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.*

**19.2 Outcome of Direct Negotiations - Customer Relationship and Document Management Systems**

*This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors) and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.*

**19.3 Legal Report - Closed Council**

*This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(g) as it contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.*

**20. RESUMPTION OF OPEN COUNCIL**

Resumption of Open Council

Adoption of Closed Session

**21. 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

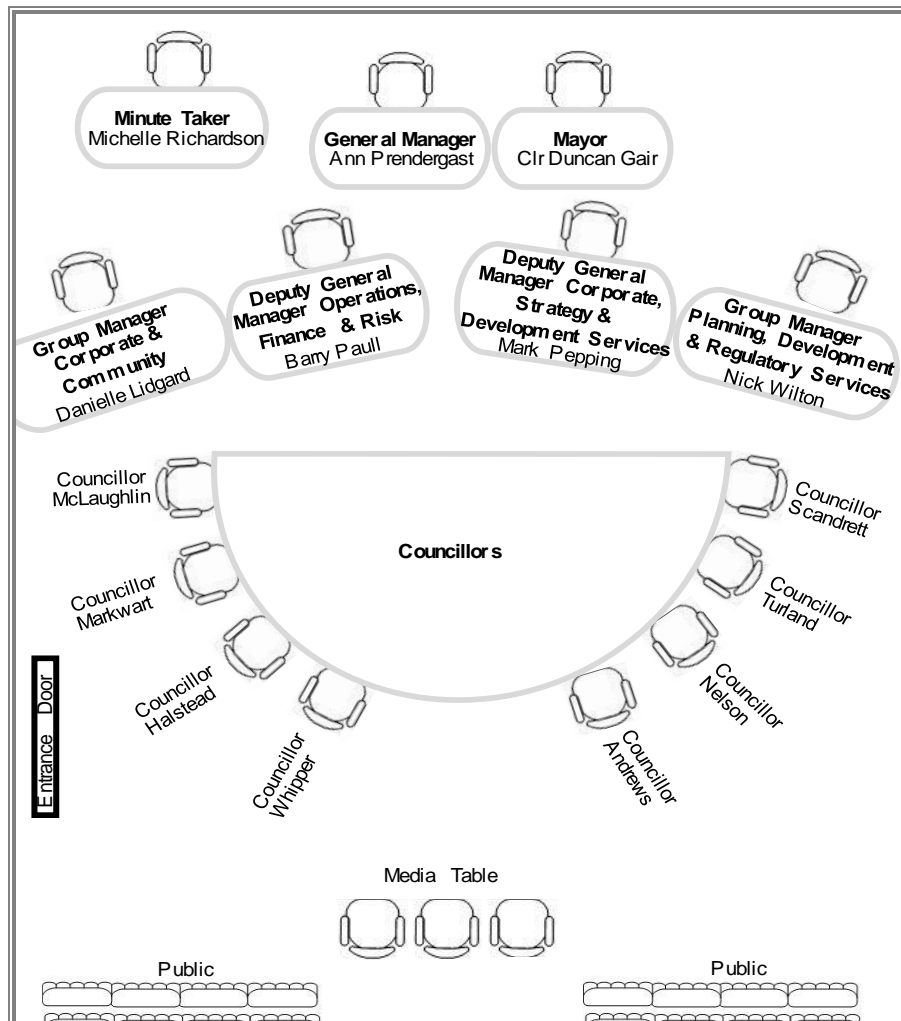
## Council Theatre

### Recording and Webcasting of Ordinary and Extraordinary Meetings of Council

As required under its Code of Meeting Practice, Wingecarribee Shire Council records and webcasts the proceedings of the Council meetings and Finance Committee meetings for public viewing, with the exception of any part of the meeting that is held in closed session. Members of the public attending and speaking at these meetings will be recorded and publicly broadcast. Council does not accept liability for any defamatory, discriminatory or offensive comments that are made during the course of the meeting.

Sound recording of meetings by members of the media is permitted only for the purpose of verifying the accuracy of any report concerning such meeting. Broadcasting of any sound recording is not permitted. Video recording or live streaming is also not permitted. No member of the public is to live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording of the meeting without prior permission of the Council.

The Council Theatre now has 24 Hour Video Surveillance.



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## ACKNOWLEDGEMENT OF COUNTRY

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

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## APOLOGIES

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Nil at time of print.

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## DECLARATIONS OF INTEREST

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101/3, 101/3.1

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

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

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

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

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## 9 VISITOR MATTERS

### CORPORATE STRATEGY AND DEVELOPMENT SERVICES

#### 9.1 Change Of Use - Studio to Secondary Dwelling

Reference:	1520700 19/1771
Report Author:	Trainee Accredited Certifier
Authoriser:	Group Manager Planning, Development and Regulatory Services Group Manager Planning Development and Regulatory Services
Applicant:	Keith Smith
Owner:	Keith Smith
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

#### PURPOSE

##### **THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020**

The purpose of this report is to consider Development Application 19/1771, which seeks consent to change the use of an existing Studio to a Secondary Dwelling at 24 Soma Avenue, Bowral. The application has been referred to Council for determination, as the applicant is seeking a variation to a development standard pursuant to Clause 4.6 of the Wingecarribee Local Environmental Plan 2010. Consequently this report is prepared for determination and recommends REFUSAL.

#### VOTING ON THE MOTION

Councillors are required to record their votes on this matter

#### RECOMMENDATION

**THAT Development Application 19/1771 for the proposed conversion of an existing Studio to a Secondary Dwelling at Lot 152 DP 551920 and Lot 153 DP 551920, No 24 Soma Avenue, Bowral be REFUSED subject to reasons as described in Attachment 1 to the report.**

#### REPORT

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

The subject site is identified as Lot 152 DP 551920 and Lot 153 DP 551920 and known as 24 Soma Avenue, Bowral (**Figures 1 and 2**). The site is zoned R5 Large Lot Residential and is serviced by Council's reticulated water and sewer.

The buildings which currently occupy the site include a Dwelling House, Swimming Pool and ancillary two-storey building which consists of Garage on the ground level and a Studio located directly above.

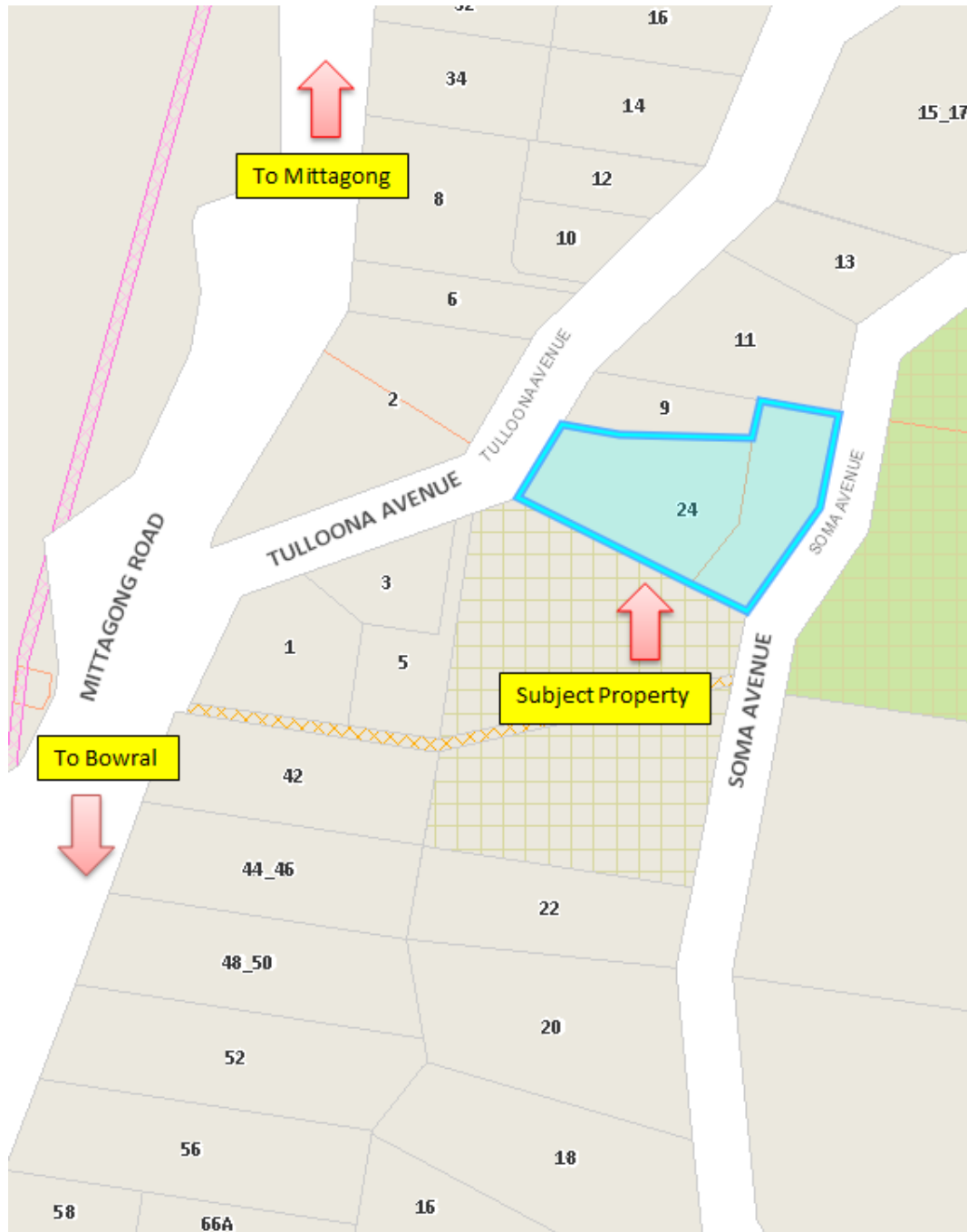


Figure 1 – Site Location





Figure 2 – Aerial Image



### ***Background***

Whilst the Dwelling House and Swimming Pool are currently located on Lot 152 and the Studio/Garage is located on Lot 153, a boundary adjustment to consolidate the existing two lots was approved under DA 18/0719. Once this boundary adjustment is finalised through the issue of the Subdivision Certificate and the registration process finalised through NSW Land Registry Services, all buildings on the site will be located on one allotment of land.

The subject development application was lodged on 18 June 2019 and seeks consent to convert the existing Studio to a Secondary Dwelling. The applicant is seeking to vary the maximum allowable floor area of 60m<sup>2</sup> for a Secondary Dwelling, under Clause 4.6 of the *Wingecarribee Local Environmental Plan 2010*.

**Attachment 3** provides architectural plans of the proposed development.

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## **STATUTORY PROVISIONS**

### ***State Environmental Planning Policies***

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

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

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

The site is 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 subject to delegated approval.

#### State Environmental Planning Policy (Affordable Rental Housing) 2009

As the subject property is zoned R5, the proposed development is prohibited within the zone, however the proposed secondary dwelling is permissible with development consent, as specified in Clause 20.

Clause 22 (3) then states:

*"A consent authority must not consent to development to which this Division applies unless:*

*(a) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area allowed for a dwelling house on the land under another environmental planning instrument, and*

*(b) the total floor area of the secondary dwelling is no more than 60 square metres or, if a greater floor area is permitted in respect of a secondary dwelling on the land under another environmental planning instrument, that greater floor area."*

Subclause (b) is relevant to the subject development proposal as it restricts the maximum allowable floor area to 60m<sup>2</sup> given the maximum permitted size of a secondary dwelling under WLEP 2010 is 60 m<sup>2</sup>. The proposed development does not comply with this development standard, as a floor area of 74.55m<sup>2</sup> is proposed.



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

A satisfactory BASIX Certificate has been provided.

#### **Local Environmental Plans**

##### Wingecarribee Local Environmental Plan 2010

The relevant provisions of the LEP are discussed as follows.

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

The site is zoned R5 and in this zone, a Secondary Dwelling is prohibited development. The objectives of the ZONE are as follows:

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

##### Clause 4.6 Exceptions to development standards

The applicant has requested to vary the maximum allowable floor area of 60m<sup>2</sup> for a Secondary Dwelling, specified in the *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The proposal requests a 24% departure from this development standard, with a 74.55m<sup>2</sup> floor area proposed for the conversion of the existing Studio to a Secondary Dwelling.

Council has consistently applied the 60m<sup>2</sup> limitation for Secondary Dwellings approved in the R5 Zone, in accordance with development standard outlined in Clause 22(3b) of the aforementioned SEPP. As such, varying this development standard is not considered to be in the public interest, or consistent with the objectives of the R5 Zone as outlined in the *Wingecarribee LEP 2010*.

#### **Development Control Plans**

##### Bowral Town Development Control Plan

The applicable sections of the Bowral Town DCP are addressed below:

DCP Control	Assessment
<u>Part A – All Land</u>	
Section 2 – General	The proposal is generally in accordance with the nominated objectives of this section.

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<b>DCP Control</b>	<b>Assessment</b>
<i>Objectives</i>	
<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 subject site is not identified as flood liable land.
<i>Section 6 – Vegetation Management &amp; Landscaping</i>	Council’s Vegetation Map indicates the site does not comprise any endangered ecological communities and no vegetation removal is proposed.
<i>Section 7 – Subdivision, Demolition, Siting &amp; Design</i>	The proposal is generally in accordance with the nominated objectives of this section.

*Part C – Residential Zoned Land – Section 1 Introduction*

<i>Building Materials</i>	No changes are proposed to the existing external materials. The deck material is specified as hardwood or steel, either of which are compliant.
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*Part C – Residential Zoned Land – Section 2 Low Density Housing*

<i>Dual Occupancy and Secondary Dwellings</i>	The proposal is non-compliant with development control C2.3.4(c), requiring Secondary Dwellings permitted with consent under the Affordable Housing SEPP to not exceed a floor area of 60m <sup>2</sup> .
<i>Development Density and Scale</i>	No change is proposed to the existing development footprint on the site.
<i>Dwelling Orientation</i>	No change is proposed to the existing orientation of buildings on the site. The location of existing windows allows for adequate ventilation and sunlight.
<i>Front Setback</i>	No change proposed to existing front setback of 10.7m
<i>Side Setbacks</i>	No proposed changes to existing side setback of 1.78m.  Studio/Garage is currently a habitable Class 1a and Class 10a building, therefore the conversion into a Secondary Dwelling is not considered to increase amenity impacts on neighbouring properties.
<i>Rear Setbacks</i>	No change proposed to the existing rear setback of 4.1m.
<i>Building Height</i>	No changes proposed to the existing two-storey Studio/Garage proposed for conversion into the Secondary Dwelling.
<i>Roof Forms</i>	No change proposed to the existing roof pitch.
<i>Dwellings on</i>	The subject site is not a corner allotment.

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DCP Control	Assessment
Corner Allotments	
Garaging and Driveways	No changes proposed to existing garages on the site.
Landscaped Open Space	No change proposed to the existing landscaped open space.
Fencing, gates, letterboxes	No fencing or gates proposed as part of the subject development application.

#### 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 does not comply with the requirements of the *Wingecarribee Local Environmental Plan 2010* and the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

(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 does not comply with the relevant controls for Secondary Dwellings.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

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

- (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.*

The proposal is not considered to be consistent with the objectives of the R5 Zone . Due to the non-compliance with Clause 22(3b) the *State Environmental Planning Policy (Affordable Rental Housing) 2009*, and non-compliance with the Secondary Dwelling control in the Bowral Town Development Control Plan, it is considered that the approval of the development would not be in the public interest.

## CONSULTATION

### ***Pre-lodgement Meeting***

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

### ***External Referrals***

Referrals	Advice/Response/Conditions
None	N/A

### ***Internal Referrals***

Referrals	Advice/Response/Conditions
None	N/A

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

The development application was Neighbour Notified for a period of 14 days between 21 June 2019 and 09 July 2019 and Council received no submissions.

## SUSTAINABILITY ASSESSMENT

- ***Environment***

The environmental impacts have been discussed within the report.

- ***Social***

The provision of compliant secondary dwelling developments meet housing needs within the community.

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- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The development application has been considered in accordance with the *Wingecarribee Local Environmental Plan 2010*, SEPP (Affordable Rental Housing) 2009 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:

- 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 (Affordable Rental Housing) 2009* and the Bowral Town Development Control Plan.

### OPTIONS

The options available to Council are:

#### Option 1

Refuse the development application, subject to the reasons for refusal outlined in **Attachment 1**.

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#### **Option 2**

Approve the development application subject to Conditions of Consent in **Attachment 2**.

Option 1 is the recommended option to this report.

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#### **CONCLUSION**

The 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, as outlined in the assessment.

Council does not support the variation request pursuant to Clause 4.6 of the *Wingecarribee Local Environmental Plan 2010* concerning the development standard which restricts the maximum floor area to 60m<sup>2</sup>, as outlined in the *State Environmental Planning Policy (Affordable Rental Housing) 2009*. It is therefore recommended that the subject development application be refused.

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#### **ATTACHMENTS**

1. Attachment 1 - Reasons for Refusal
2. Attachment 2 - Draft Conditions Consent
3. Attachment 3 - Architectural Plans - *circulated under separate cover*



## REASONS FOR REFUSAL

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1. The floor area of the Secondary Dwelling does not comply with the development standard specified in Clause 20 (3b) of the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.  
  
*(Section 4.15 (1)(a)(i) of the Environmental Planning & Assessment Act 1979)*
2. Council does not support the Clause 4.6 variation request to the abovementioned development standard, and has consistently applied the 60m<sup>2</sup> limitation to the approval of Secondary Dwellings on R5 Zone land.  
  
*(Clause 4.6 of the Wingecarribee Local Environmental Plan 2010)*
3. The departure to the 60m<sup>2</sup> development standard specified in *State Environmental Planning Policy (Affordable Rental Housing) 2009* is not in the public interest.  
  
*(Section 4.15 (1)(e) of the Environmental Planning & Assessment Act 1979)*
4. To ensure precedence is not set for floor area departures relating to developments approved under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* in the R5 Zone.  
  
*(Section 4.15 (1)(a)(i) of the Environmental Planning & Assessment Act 1979)*
5. The floor area of the Secondary Dwelling does not comply with the development control specified in Part C2.3.4 (c) of the Bowral Town Development Control Plan.  
  
*(Section 4.15 (1)(a)(iii) of the Environmental Planning & Assessment Act 1979)*





## DRAFT CONDITIONS OF DEVELOPMENT CONSENT

### ADMINISTRATION CONDITIONS

#### 1. Development Description

Development consent is granted in accordance with this notice of determination for conversion of the Studio to a Secondary Dwelling and for the construction of a Deck.

**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
Specifications Plan	18/201 Page A3/01	Southern Highlands Building Design	03 October 2018
Site Plan	18/201 Page A3/02	Southern Highlands Building Design	03 October 2018
Floor Plans	18/201 Page A3/03	Southern Highlands Building Design	03 October 2018
Section A-A Plan	18/201 Page A3/04	Southern Highlands Building Design	03 October 2018
Elevations Plan	18/201 Page A3/05	Southern Highlands Building Design	03 October 2018
Basix Certificate	988231S_02	Southern Highlands Building Design	04 June 2019
Waste Management Plan	Lot 153 (24) Soma Avenue, Bowral	Southern Highlands Building Design	-
Bushfire Assessment Report	170514 24 Soma Avenue, Bowral	Australian Bushfire Solutions	04 June 2018

**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**

- (1) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
  - (a) In the case of work for which a principal contractor is required to be appointed:
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
  - (b) In the case of work to be done by an owner-builder:
    - (i) the name of the owner-builder, and
    - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.
- (2) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (1) becomes out of date, further work must not be carried out unless the principal certifying authority (PCA) for the development to which the work relates (not being the council) has given the council



written notice of the updated information.

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

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

##### 7. Developer to advise of damage to Council property

The developer must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves, street trees, drainage pits and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer/owners/proponents expense.

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

**Reason:** *Public safety.*

##### 8. Boundary Adjustment

Prior to the issue of any Construction Certificate, all works associated with the Boundary Adjustment approved in accordance with development consent 18/0719 shall be completed to the satisfaction of Council.

The following documentary evidence shall be provided to the Principal Certifying Authority:

- (a) A copy of the approved Subdivision Certificate relating to development consent 18/0719.
- (b) Registration of the two allotments with NSW Land Registry Services resulting from the boundary adjustment.

**Reason:** *To ensure compliance with the requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009.*

##### 9. Section 7.11 Contributions (formerly Section 94)

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

The following Wingecarribee Shire Council Section 7.11 Developer Contributions Plans are applicable to the development:

- Roads & Traffic Management Facilities
- Resource Recovery Centre 2009
- Central Library Facility



- Section 7.11 Administration 2011 to 2031
- Open Space & Recreation Facilities

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

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics ([www.abs.gov.au](http://www.abs.gov.au) <<http://www.abs.gov.au>>); Section 251 of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

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

**Note:** *Payment of the attached contributions is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment - Developer Charges & Section 7.11". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (i.e. a minimum of 10 days).*

**Reason:** *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*

#### 10. Water Management Act - Certificate of Compliance

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* shall be obtained **prior to the issue of Construction Certificate**.

**Note:** *Section 64 of the Local Government Act 1993 authorises Council to issue Certificates of Compliance under Section 306 of the Water Management Act 2000. Section 64 of the Local Government Act 1993 also authorises Council to impose pre-conditions to the issuing of Certificates of Compliance.*

As a precondition to the issuing of a Certificate of Compliance Council requires the payment of Developer Charges **prior to the issue of Construction Certificate** as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

- Water Supply Development Servicing Plan;
- Sewerage Development Servicing Plan; and
- Stormwater Development Servicing Plan.

A developer Charges - Notice of Payment is attached to the back of this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent.

The water, sewer and stormwater headworks levies are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics ([www.abs.gov.au](http://www.abs.gov.au) <<http://www.abs.gov.au>>); and Council's Development Servicing Plans.

Copies of Development Servicing Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website



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

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

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
01 February 2020 – 30 April 2020	\$11,192.00	\$10,850.00	\$3,664.00
Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, <a href="http://www.abs.gov.au">www.abs.gov.au</a> < <a href="http://www.abs.gov.au">http://www.abs.gov.au</a> >.			

Should new DSP's be prepared, it is possible that the charges may increase significantly. Draft DSP's must be advertised by Council for a period of 30 days prior to adoption.

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

**Compliance Certificate**

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

Water \$250 + Sewer \$250 + Stormwater \$250 = \$750

Prior to final release, you will need to contact Council's Infrastructure Services Division for an inspection to ensure that Council will accept the infrastructure constructed. In response the Manager of Water and Sewer will specify requirements which will have to be met.

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

**Reason:** *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*



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

**11. 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.*

**12. Appointment of Principal Certifying Authority**

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

- (a) A Construction certificate for the building work has been issued by:
  - (i) the consent authority; or
  - (ii) an accredited certifier; and
- (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**

**13. Erosion and Sediment Control**

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

- (a) 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.
- (b) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (c) 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.
- (d) Sediment control devices shall be installed prior to any site works being carried out and prior to construction work commencing and remain in position until the disturbed soils are turfed, 70% vegetated or otherwise stabilised.

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

**14. 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.

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

**15. Approved Hours of Construction**

Construction activities shall be limited to the following hours:

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

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

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



#### 16. Building Materials & Colour Scheme

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

New external building materials and colours shall be recessive in the surrounding landscape as required by Councils Development Control Plan.

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

#### 17. Storage of Building Materials, Plant and Equipment

All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

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

**Reason:** *To ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.*

#### 18. Waste Management

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

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

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

### CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF ANY OCCUPATION CERTIFICATE

#### 19. Occupation Certificate

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

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

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

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



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

## 20. BASIX Commitments

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

In this condition:

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

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

## 21. Bush Fire Safeguards

Construction works shall be carried out in accordance with AS3959 - 2009 "*Construction of Buildings in Bush Fire Prone Areas*" and the document "*Planning for Bush Fire Protection*" as amended. The following measures shall be taken to ensure compliance:

### Design and Construction

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

- (i) The **Deck** shall comply with Australian Standard AS3959-2009 "*Construction of Buildings in Bush Fire-Prone Areas*" **BAL 29**.
- (ii) Ember protection shall be provided to the **Secondary Dwelling** and **Garage** in accordance with the minimal protection measures outlined in the NSW Rural Fire Service document titled *Building Best Practice Guide*.

### Landscaping

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

**Reason:** *Bushfire safety.*





**22. 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.*

**END OF CONDITIONS**

## 9.1 Development Application 20/0720 - Dual Occupancy (Detached) and subsequent subdivision to create two lots, Lot 210 DP 1213900, 40 Sir James Fairfax Circuit

Reference:	20/0720
Report Author:	Senior Town Planner
Authoriser:	Manager Development Assessment Group Manager Planning Development and Regulatory Services
Applicant:	PS Design and Construction Pty Ltd, trading as PS Design
Owner:	Paul Samulski
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

### PURPOSE

The purpose of this report is to present Development Application 20/0720 for the Council's consideration, and recommends APPROVAL subject to the conditions specified in Attachment 1.

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

### RECOMMENDATION

**THAT** Development Application 20/0720 for erection of buildings and carrying out of works for the purpose of a dual occupancy (detached), and subsequent subdivision of land at Lot 210 DP1239600, No 40 Sir James Fairfax Circuit, Bowral, be APPROVED subject to conditions as described in Attachment 1 to the report.

### REPORT

#### *Subject Site and Locality*

Figures 1 and 2 illustrate the land's location and general layout (see also Attachments 2 & 3). It is a vacant 1070m<sup>2</sup> low density residential corner lot on the southern side of Sir James Fairfax Circuit and the eastern side of Ginahgulla Drive in Bowral, around 2.5km east of the town centre. The land is accessible by vehicle from Sir James Fairfax Circuit and Ginahgulla Drive.

The land slopes gently and uniformly from south to north, towards the intersection of Sir James Fairfax Circuit and Ginahgulla Drive. There is no significant vegetation on the land.

The locality is characterised by emerging low density residential development.



Figure 1: Locality Map



Figure 2: Aerial image

**Background**

Development Application 19/1645 which sought Council consent for erection of buildings and carrying out of works for the purpose of a dual occupancy (detached), and subsequent subdivision of land to create two lots was refused by Council at its meeting of 9 October 2019 for the following reasons:

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

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



1. Bulk and scale of the development.
2. Out of character with the surrounding development.
3. Not in the public interest.
4. Inconsistent with the aims and objectives of the design review panel and original developer of the subdivision.

S.8.2 Review of Determination application 19/1645.01 which sought Council review of the refused application for the erection of buildings and carrying out of works for the purpose of a dual occupancy (detached) development, and subsequent subdivision of land to create two lots, was refused by Council at its meeting of 27 November 2019 for the following reasons:

1. Bulk and scale of the development.
2. Out of character with the surrounding development.
3. Not in the public interest.
4. Inconsistent with the aims and objectives of the design review panel and original developer of the subdivision;
5. Increased traffic flow which is inconsistent with the amenity of the area.
6. Setting a precedent with all corner blocks in the estate.

#### ***Proposed Development***

Development Application 20/0720 seeks approval for the erection of buildings and carrying out of works for the purpose of a dual occupancy (detached) development, and subsequent subdivision of land to create two lots of 570 square metres and 500 square metres.

Elevations and site plan of the proposal can be found at **Attachment 4**.

#### **STATUTORY PROVISIONS**

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

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment. The land is not considered likely to be contaminated, nor to require remediation to be made suitable for the proposed development.

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

The Catchment SEPP aims:

- (a) to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal





- (b) to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality
- (c) to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

The development is a Module 1 under the NorBE Guidelines, therefore Council has assumed concurrence to consider water quality. In accordance with clause 10 of the Catchment SEPP, the NorBE Tool has been used to determine that the carrying out of the proposed development would have a neutral or beneficial effect on water quality.

### **Local Environmental Plans**

#### **Wingecarribee Local Environmental Plan 2010**

The relevant provisions of the LEP are discussed as follows.

##### **Clause 1.2—Aims of Plan**

The proposed development is considered satisfactory with respect to the particular aims specified by clause 1.2 (2).

##### **Clause 1.4—Definitions**

The proposed development comprises erection of buildings and carrying out of works for the purpose of a *dual occupancy (detached)* development, and subsequent subdivision of land and carrying out of works to create two lots.

##### **Clause 2.3—Zone objectives and Land Use Table**

The land is in Zone R2 Low Density Residential. The Land Use Table at the end of Part 2 of the LEP specifies developments for the purposes of *dual occupancies (detached)* are permitted with consent.

##### **Clause 2.6—Subdivision—consent requirements**

Clause 2.6 (1) effectively specifies the land may be subdivided only with development consent.

##### **Clause 4.1—Minimum subdivision lot size**

Where applicable, clause 4.1 specifies minimum permissible sizes of lots to be created by subdivision of land. However, the applicability of clause 7.2, discussed below, renders clause 4.1 not applicable to the proposed development.

##### **Clause 7.2—Requirements for subdividing dual occupancies in Zones R2 and B1**

Clause 7.2 (2) (a) and (b) specifies that despite any other LEP provision (including clause 4.1), consent may be granted for subdivision of a lawfully erected dual occupancy in Zone R2 if the development:

- (a) is on a corner allotment of not less than 1,000m<sup>2</sup>, and
- (b) has access to a reticulated town water supply and sewerage system.

The application proposes initial erection of a dual occupancy. The land is a 1070m<sup>2</sup> corner lot in Zone R2, and has access to Council's reticulated water supply and sewerage services. Clause 7.2 therefore facilitates the granting of consent for the proposed development.



Recommended consent **condition 62** specifies no subdivision certificate shall be granted for the proposed development's subdivision component unless a final occupation certificate has been granted for both dwellings in its dual occupancy component.

Clause 7.3—Earthworks

Recommended consent **condition 36** specifies Council's consent does not permit any earthworks other than indicated by the consent drawings or specified by an environmental planning instrument as not requiring prior consent.

Clause 7.10—Public utility infrastructure

Provided all recommended consent conditions are complied with, the proposed development will have access to water supply, electricity supply and sewerage infrastructure.

**Development Control Plans**

Bowral Town Plan Development Control Plan

The applicable sections of the Bowral DCP are addressed below:

Part A—Provisions applicable to all land

Section 2—General objectives

Section A2.2—Objectives of this Plan

Section A2.2.4—Residential amenity

The proposed development is considered satisfactory with respect to the residential amenity objectives specified by section A2.2.4 (a)-(e):

- (a) *Conserve the unique characteristics of existing residential areas of the Bowral township.*
- (b) *Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.*
- (c) *Ensure that residential development includes sustainable principles such as energy and water efficiency, using sustainable building products where ever possible.*
- (d) *Contribute to the enhancement of the urban amenity*
- (e) *Ensure that there is no light spill from any new development which would adversely impact on surrounding residents, including diminishment of the night sky experience.*

Section A2.2.5—Residential diversity

The proposed development is considered satisfactory with respect to the residential diversity objectives specified by section A2.2.5 (a) and (b):

- (a) *Promote a mix of housing types to increase residential choice within the town, particularly around bus and rail connections.*
- (b) *Encourage appropriate site amalgamation and redevelopment to provide a range of residential opportunities throughout the town.*



Section A2.2.6—Visual amenity

The proposed development is considered satisfactory with respect to the visual amenity objectives specified by section A2.2.6 (a)-(c):

- (a) *Demonstrate an appreciation of the existing streetscape.*
- (b) *Enhance the character of individual streets within the town through appropriate built form design.*
- (c) *Provide areas of private open space which can make a positive contribution to the overall visual amenity of the locality.*

Section A2.2.8—Environmental sustainability

The proposed development is considered satisfactory with respect to the environmental sustainability objectives specified by section A2.2.8 (a)-(f):

- (a) *protect vegetation, threatened species, ecological communities, hydrological aspects, watercourses, significant natural features, and any other aspect of environmental quality.*
- (b) *no net loss of riparian condition, remnant vegetation, biodiversity values, wetland values, wildlife habitat or water quality.*
- (c) *Encourage on-site tree plantings which enhance the environment and provide additional wildlife habitat and connectivity of habitat*
- (d) *Maintain and enhance existing public open space areas*
- (e) *Practical incorporation of the principles of ecologically sustainable development into the development*
- (f) *Ensure that buildings are 'energy smart' and meet all BASIX requirements.*

Section 6—Vegetation management and landscaping

Section A6.2—Private landscaped open space

Section A6.2.1—Objectives

The proposed development is considered satisfactory with respect to the private landscaped open space objectives specified by section A6.2.1 (a)-(f):

- (a) *Provides a pleasant, vegetated environment for users of the site (workers or residents).*
- (b) *Contributes to the urban streetscape.*
- (c) *Provides a visual buffer between development and the surrounding neighbourhood.*
- (d) *Contributes to existing tree canopies and wildlife habitats.*
- (e) *Provides adequate ground cover to prevent erosion and assist storm water infiltration.*
- (f) *Contributes where possible to the enhancement of key vegetation and topographical features.*



Section A6.3—Controls

The proposed development is considered satisfactory with respect to the vegetation management and landscaping controls specified by section A6.3.

Section 7—Subdivision, demolition, siting and design

Section A7.1—Subdivision of land

Section A7.1.1—Minimum lot sizes

As discussed earlier, clause 7.2 of the LEP facilitates the granting of consent for the proposed development's subdivision component, despite the minimum lot size requirement otherwise applicable to the land under LEP clause 4.1. The proposed development is therefore considered satisfactory with respect to section A7.1.1 of the DCP.

Section 8—Safer by design

Section A8.3—Crime prevention through environmental design

The proposed development is considered satisfactory with respect to the provisions of sections 8.3.1, 8.3.2, 8.3.3 and 8.3.4, respectively regarding:

- Space and activity management
- Territorial reinforcement
- Surveillance
- Access control.

Section A8.4—Specific design requirements

The proposed development is considered satisfactory with respect to the safer by design requirements specified by section A8.4.

Section 9—Construction standards and procedures

Part C—Provisions applicable to residential-zoned land

Section 1—Introduction

Section C1.2—Objectives

The proposed development is considered satisfactory with respect to the objectives of Part C, specified by section C1.2 (a)-(d):

- (a) *Conservation of the unique characteristics of the residential areas of Bowral, particularly in the case of the identified Conservation Areas,*
- (b) *New residential development which is sympathetic with existing streetscapes and neighbourhood character,*
- (c) *New residential development that is energy efficient, provides good amenity, and is safe and attractive.*
- (d) *Residential development which meets the needs of a range of community and demographic types, including smaller households, older people, people with a disability or people requiring group accommodation.*





Section C1.5—Height of buildings

Section C1.5 notes that residential building heights are generally as follows, measured from natural ground level to roofline:

- (a) For one-storey development, 6.0m
- (b) For two-storey development, 9.0m
- (c) For three-storey development, 12.0m.

Section C1.6—Building materials

Section C1.6.1—Objectives

The proposed development is considered satisfactory with respect to the building materials objectives specified by section C1.6.1:

- *Ensure that durability, detailing and appearance are all considered when selecting building materials to ensure a high quality appearance over time*
- *Encourage the use of materials in the construction of new dwellings that are compatible with adjoining dwelling houses and the streetscape in terms of type, colour and form*
- *Encourage the adoption of an exterior colour scheme which complements the existing streetscape.*

Section C1.6.2—Specific controls

Drawings accompanying the application indicate external finishes being face brick with cladding, and corrugated Basalt Grey metal roof.

The proposed development is considered satisfactory with respect to the building materials controls specified by section C1.6.2 (a) and (b):

- (a) *The use of zincalume is not permitted and galvanised steel may only be used with specific Council consent*
- (b) *A detailed exterior colour scheme must be presented to allow Council to assess the proposed colours against the existing streetscape.*

Section 2—Low density housing

Section C2.2—Objectives of low density housing

The proposed development is considered satisfactory with respect to the low density housing objectives specified by section C2.2 (a)-(j):

- (a) *Maintain and improve the amenity and character of residential areas in (locality).*
- (b) *Ensure that development is of a type, scale, height, bulk and character compatible with existing streetscape characteristics.*
- (c) *Ensure that the heritage value of any property which is, or is within the vicinity of, an Item, or Draft Item of Heritage, or is within a Heritage, or Draft Heritage Conservation Area, is not compromised.*



- (d) *Promote ecologically sustainable development by requiring the construction of energy smart dwellings.*
- (e) *Maximise solar access to the proposed development.*
- (f) *Maximise privacy between existing development and proposed development.*
- (g) *Ensure that adequate on-site car parking is provided for residents and visitors.*
- (h) *Preserve existing mature vegetation and encourage the planting of native vegetation suitable for the area.*
- (i) *Ensure that adequate provision is made for high landscaped open space which complements the overall development and which assists in maintaining existing streetscape quality.*
- (j) *Where located near to road or rail corridors, provide an acceptable acoustic environment for residents through appropriate design, layout and construction measures.*

#### Section C2.3—Dual occupancy and secondary dwellings

##### Section C2.3.3—Controls in the R2 low density residential zone

Section C2.3.3 (b) effectively specifies that whilst no maximum floor area applies to the proposed development's dual occupancy component, its floor space ratio (FSR) must not exceed 0.5:1. Clause 4.5 (2) of the LEP defines FSR as the ratio of the gross floor area (GFA) of all buildings within the site to the site area. The proposed development's total GFA is 408m<sup>2</sup> and the land's site area is 1070m<sup>2</sup>. The proposed FSR is therefore 0.38:1.

##### Section C2.3.5—Subdivision of dual occupancy and secondary dwellings

As discussed earlier, clause 7.2 of the LEP facilitates the granting of consent for the proposed development's subdivision component.

#### Section C2.4—Development density and scale

##### Section C2.4.2—Objectives

The proposed development is considered satisfactory with respect to the density and scale objectives specified by section C2.4.2 (a)-(i):

*The height, scale and style of development shall:*

- (a) *Be compatible with the scale, appearance and character of any existing buildings on the site.*
- (b) *Retain important natural features of the site, including any significant existing trees.*
- (c) *Ensure that dwellings address the street in an appropriate way.*
- (d) *Be compatible with the scale of development of the established built environment and streetscape.*
- (e) *Ensure that the sides and rear of dwellings, which are generally viewed by neighbours, make a positive contribution to residential amenity,*



- (f) *Provide sufficient vehicle access and parking in accordance with standards contained within this Plan.*
- (g) *Ensure that the visual and acoustic privacy of adjoining dwellings are protected.*
- (h) *Ensure adjoining living areas are located to minimise overshadowing and overlooking.*
- (i) *Ensure windows in living areas are located to minimise and overlooking both within the site and between sites.*

#### Section C2.4.3—Controls

Section C2.4.3 effectively specifies the proposed development's footprint, which excludes open space areas such as verandahs, balconies and the like, must not exceed 65% of the land's area. The land's area is 1070m<sup>2</sup> and the proposed development's footprint area, including driveways and the like, is approximately 540m<sup>2</sup>, or 51% of the land's area.

The proposed development is considered satisfactory with respect to the controls specified by section C2.4.3.

#### Section C2.5—Dwelling orientation

##### Section C2.5.1—Objectives

The proposed development is considered satisfactory with respect to the dwelling orientation objectives specified by section C2.5.1:

- (a) *Ensure that all dwellings are orientated to optimise solar access to the main living areas of each.*
- (b) *Position the dwellings on the site to ensure that those open spaces most used by residents receive maximum access to sunlight.*
- (c) *Maximise opportunities for passive heating and cooling of dwellings to reduce reliance on artificial methods.*
- (d) *Ensure that no dwelling will adversely impact on the solar access of existing neighbouring dwellings.*

##### Section C2.5.2—Specific controls

The proposed development is considered satisfactory with respect to the dwelling orientation controls specified by section C2.5.2.

#### Section C2.6—Front setbacks

##### Section C2.6.1—Objectives

The proposed development is considered satisfactory with respect to the front setbacks objectives specified by section C2.6.1:

- (a) *Ensure the front setback of new infill development is consistent with the existing streetscape.*
- (b) *Provide areas for trees and vegetation to enhance the streetscape and provide privacy.*
- (c) *Preserve existing vegetation connections.*



Section C2.6.2—Specific controls

The proposed development would ultimately create two lots smaller than 900m<sup>2</sup>, one being a corner lot and each being occupied by a dwelling. Noting this, section C2.6.2 (c) (iii) effectively specifies minimum 4.5m front setbacks from Sir James Fairfax Circuit to the northernmost proposed dwelling and from Ginahgulla Drive to the southernmost proposed dwelling. The proposed development substantially complies; there is a minor encroachment by the southernmost proposed dwelling's porch, which the DCP recognises as part of the development's open space area.

Section C2.7—Side setbacks

Section C2.7.1—Objectives

The proposed development is considered satisfactory with respect to the side setbacks objectives specified by section C2.7.1:

- (a) *Provide adequate building separation between new and existing development for the purposes of privacy, ventilation, fire safety and solar access.*
- (b) *Provide space between dwellings to maintain the detached housing character and for individual identity and visual interest.*
- (c) *Ensure consistent patterns of built and unbuilt spaces within the streetscape.*
- (d) *Offer opportunities for deep soil areas and landscaping.*

Section C2.7.2—Specific controls

Each of the proposed dwellings complies with the minimum 1.5m side setback effectively specified by section C2.7.2 (c).

Section C2.8—Rear setbacks

Section C2.8.1—Objectives

The proposed development is considered satisfactory with respect to the rear setbacks objectives specified by section C2.8.1:

- (a) *Provide private open space for both active and passive recreation which has good solar access.*
- (b) *Ensure sufficient area on the site for mature trees and vegetation.*
- (c) *Ensure mid block tree canopy can be established or conserved.*

Section C2.8.2—Specific controls

The proposed development would produce two lots smaller than 900m<sup>2</sup>, each being occupied by a dwelling. Section C2.8.2 (c) specifies a minimum rear setback of 3.0m to each dwelling. The proposed development complies.

Section C2.9—Building height

Section C2.9.1—Objectives



The proposed development is considered satisfactory with respect to the building height objectives specified by section C2.9.1:

- (a) *Retention of a low scale domestic residential character (or appropriate alternative depending on locality),*
- (b) *Minimal loss of privacy for existing development*
- (c) *Minimal overshadowing of neighbouring properties by new development*
- (d) *Minimal disruption to the views of existing development.*

Section C2.9.2—Specific controls

Section C2.9.2 (a) specifies the maximum height of a dwelling house shall not exceed two storeys. The proposed development complies, noting the southernmost of the two proposed dwellings is of two storey construction.

Section C2.10—Roof forms

The proposed development's roof forms are considered satisfactory with respect to section C2.10.

Section C2.11—Dwellings on corner allotments

As mentioned earlier, the proposed development would ultimately create two lots, one being a corner lot. The northernmost proposed dwelling, on the proposed corner lot, is therefore subject to the provisions of section C2.11.

Section C2.11.1—Objectives

The proposed development is considered satisfactory with respect to the objectives specified by section C2.11.1 regarding dwellings on corner allotments:

- (a) *Such development enhances the streetscape of both the streets involved.*
- (b) *The design of both dwellings is suited to a corner allotment in that it presents an attractive façade to both streets.*
- (c) *The design of both dwellings reflects the scale and density of surrounding development.*

Section C2.11.2—Specific controls

The proposed development is considered satisfactory with respect to the specific controls specified by section C2.11.2.

Section C2.12—Garaging and driveways

Section C2.12.1—Objectives

The proposed development is considered satisfactory with respect to the objectives specified by section C2.12.1 regarding garaging and driveways.

Section C2.12.2—Specific controls

The proposed development is considered satisfactory with respect to the specific controls specified by section C2.12.2.



Section C2.13—Landscaped open space

Section 2.13.1—Objectives

The proposed development is considered satisfactory with respect to the landscaped open space objectives specified by section C2.13.1:

- (a) *Meets the minimum on-site Open Space standards applicable to low density residential development.*
- (b) *Retains and protects both individual trees and/or identified Threatened Ecological Communities scattered throughout the locality.*
- (c) *Retains existing natural features on the site that contribute to the character of the site and/or the local area.*
- (d) *Seeks to create, maintain or enhance existing corridors of mature landscaping throughout the length of the residential block in order to contribute to existing tree canopies and wildlife habitats.*
- (e) *Protects the plantings on any site which is, or is in the vicinity of, an Item (or Draft Item) of Heritage or is within a Heritage Conservation Area or Draft Area.*
- (f) *Provides several generously designed outdoor spaces, rather than allowing such spaces to be simply 'left over' spaces after the siting of buildings.*
- (g) *Provides both passive and active recreation in private open space areas by providing a combination of hard surface, landscaping and deep soil areas.*
- (h) *Provides sufficient site area to support mature trees and vegetation and allow for water infiltration.*
- (i) *Creates attractive, landscaped front gardens that include a number of small trees and shrubs.*
- (j) *Encourages the use of the front garden and front of dwelling spaces such as verandas and porches, for both active and passive recreation.*
- (j) *Ensures that the dimensions of verandas and porches are sufficient to make a legitimate contribution to private open space.*
- (k) *Provides useable open space, located to maximise solar access.*
- (l) *Ensures ease of movement between living areas of dwellings and private open space.*

Section C2.13.2—Specific controls

The proposed development is considered satisfactory with respect to the specific controls specified by section C2.13.2 regarding landscaped open space.



Section C2.14—Fencing, gates and letterboxes

Section C2.14.1—Specific controls

Documents accompanying the application do not indicate any fencing proposed forward of the development's building line. Recommended **consent condition 3** specifies Council's consent does not permit erection of any fencing other than indicated on the consent drawings or specified by an environmental planning instrument as not requiring development consent.

Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the specific controls specified by section C2.14.1 regarding fencing, gates and letterboxes.

Section 22—Retford Park Precinct

Section C22.2—Development concepts

Section C22.2.1—Preferred development outcomes

The proposed development is considered satisfactory with respect to the objectives specified by section C22.2.1:

- (a) *To ensure the scale and character of development is respectful of the low density residential character of the East Bowral area and heritage significance of the adjoining Retford Park (Schedule 5 WLEP 2010).*
- (b) *To ensure the subdivision occurs as agreed in the Retford Park Planning Agreement in respect of:*
  - (i) *Staging*
  - (ii) *Infrastructure*
  - (iii) *Land dedications*
  - (iv) *Landscaping and Park Embellishments*
  - (v) *Provision of drainage management lands.*

Section C22.2.2—Character of the future development

The proposed development is considered satisfactory with respect to the controls specified by section C22.2.2.

**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*

As discussed earlier, provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the LEP's relevant provisions.

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- (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*

As discussed earlier, provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant provisions of Council's applicable Bowral Town Plan Development Control Plan.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Provided all recommended consent conditions are complied with, the likely impacts of the proposed development are considered acceptable.

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

The proposed development is considered generally compatible with the intended character and amenity of the locality, and no site attributes are considered to render the land unsuitable for it.

- (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 is not considered to be any overriding public interest against granting consent for the proposed development.

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## CONSULTATION

### ***Pre-lodgement Meeting***

The applicant did not seek formal pre-lodgement meeting before making the application.



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#### **External Referrals**

<b>Referrals</b>	<b>Advice/Response/Conditions</b>
NSW Rural Fire Service (integrated development)	No objection or general terms of approval.

#### **Internal Referrals**

<b>Referrals</b>	<b>Advice/Response/Conditions</b>
Accredited Certifier	No objection, subject to various recommended consent conditions.
Development Engineer	No objection, subject to various recommended consent conditions.
Coordinator Strategic Land Use Planning	Developer contributions payable, as specified by recommended consent <b><u>conditions 11 and 12.</u></b>

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

The development application was Neighbour Notified and Council received 8 submissions and one petition containing 90 signatories, objecting to the proposed development. The issues raised in the submissions have been summarised and are considered below:

<b>Issues</b>	<b>Response</b>
Proposed development includes subdivision of the land to create lots smaller than the minimum size shown on the LEP Lot Size Map in relation to the land, being 1000m <sup>2</sup> . In accordance with Clause 7.2 of Wingecarribee Local Environmental Plan 2010, development consent may only be granted for the subdivision of a lawfully erected dual occupancy after it has been lawfully erected. After subdivision, the second dwelling will be on a lot of 500 sqm area, with a gross floor area of 255 square metres, exceeding the 0.5:1 floor space ratio.	The application proposes initial erection of a dual occupancy in Zone R2 and subsequent subdivision of the land to create two lots of 500m <sup>2</sup> and 570m <sup>2</sup> . The land is a 1070m <sup>2</sup> corner lot in Zone R2, and has access to Council's reticulated water supply and sewerage services. Clause 7.2 of the LEP therefore facilitates the granting of consent for the proposed development's subdivision component despite any contrary other LEP provision. A condition of consent can be imposed requiring that no subdivision certificate shall be granted for the development unless an occupation certificate has been granted for both dual occupancy dwellings in the development ( <b><u>condition 62</u></b> ), ensuring that the subdivision only occurs after the dual occupancy development has been lawfully erected.  Clause 7.2 of the LEP does not require each proposed lot to contain a dwelling not exceeding 0.5:1 floor space ratio.
Proposed development does not comply with relevant provisions of the LEP and Council's applicable Bowral Town Plan Development Control Plan (the DCP),	Provided all recommended consent conditions are complied with, the proposed development is considered satisfactory with respect to the relevant provisions of the LEP and DCP. Further

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Issues	Response
<p>including insufficient landscaped area, insufficient setbacks, and excessive floor area.</p>	<p>the assessment included in this report confirms the development meets the LEP and DCP provisions.</p>
<p>The proposed development is not in keeping with the emerging or intended character of the locality and the wider Retford Park Estate, and not in the public interest.</p> <p>The proposed development does not constitute “low density” development as provided for by the land’s R2 Low Density Residential zoning. The bulk, scale and character of the proposed development is contrary to character of the Retford Park Estate, and not in the public interest. The proposed development exceeds the scale of existing development upon the adjoining 42 Sir James Fairfax Circuit site. The proposed subdivision of the land to create lots of 500m<sup>2</sup> and 570m<sup>2</sup> contradicts an intention that the locality be characterised by single dwelling houses on lots of at least 1000m<sup>2</sup>. The proposed development is an overdevelopment of the land, the proposed development will prompt unwanted higher density residential development in the locality.</p> <p>Council’s previous refusal of two previous applications was justified. Whilst the proposed development is permissible, that does not mean it should be permitted. Council should exercise its discretion and reject the proposed Development Application.</p>	<p>The land is in Zone R2, within which development for the purpose of <i>dual occupancies</i> is permitted with consent. Furthermore, clause 7.2 of the LEP facilitates consent being granted for the proposed development’s subdivision component, despite any other LEP provision.</p> <p>The proposed development is also considered satisfactory with respect to the floor space ratio, site coverage and setbacks provisions specified by the DCP.</p> <p>The LEP and DCP facilitate development of lots exceeding 1000m<sup>2</sup> for the purpose of dual occupancy, and subdivision of R2 zoned corner lots of at least 1000m<sup>2</sup> strictly in circumstances specified by clause 7.2 of the LEP. The proposed development is not expected to necessarily prompt excessive development of land in the locality for dual occupancy purposes, and it is noted that of the 157 residential lots in Renwick Park Estate, 19 lots, including the subject land, are corner lots that might conceivably be developed and subdivided pursuant to clause 7.2 of the LEP.</p> <p>On balance, whilst the proposed development may not be entirely consistent with submitters’ expectations for development in the locality, it is considered satisfactory with respect to the locality’s character and amenity having regard to the relevant provisions of Council’s LEP and DCP.</p>
<p>Proposal does not meet design guidelines specifically applicable to Retford Park Estate, and is contrary to the aims and objectives of the design review panel. Developers are bypassing the Design Review Panel. Contrary to the vision which J.O Fairfax had for this. The applicant has failed to comply with the contract written upon purchase of the land. The proposed side boundary setbacks do not comply with the estate’s design guideline requirement of 2</p>	<p>It is understood that the purchase of residential lots in Retford Park Estate is subject to a contractual agreement that development will take place in accordance with design standards that are administered and enforced by a design panel. These standards are not specifically conveyed by any environmental planning instrument or development control plan, and therefore this is a private matter in which Council has no role to play in their enforcement.</p>

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Issues	Response
metres.	
<p>Proposed development's two storey component will cause overshadowing of adjoining land and development. The second dwelling will also now block sunlight for the neighbour along Ginahgulla Drive.</p>	<p>Shadow diagrams accompanying the application indicate adjoining land will receive direct sunlight of periods exceeding three hours on 22 June (winter solstice) despite the proposed development's erection.</p>
<p>The proposal is not in the public interest. Should the subdivision on 40 Sir James Fairfax Cct go ahead, the residents face a number of imminent challenges in the wider Retford Park estate, including precedent will be created for all future corner blocks to be subdivided - there are 14 yet to be developed corner lots; key streets in the estate - Ayrshire, Sir James Fairfax, Betty Close, Caroline &amp; Ginahgulla were never planned or intended to accommodate increased vehicular traffic density due to double the number of residents, reduced street parking especially on street junctions due to increase in number of residents, their respective guests and their vehicles, increased noise levels because of the proximity of living areas from neighbours, due to significantly reduced setbacks required to accommodate the subdivisions, intrusion of privacy from neighbours will become huge issue for both the existing and new home owners due to these reduced setbacks and proximity of additional buildings, and significant blow to the Heritage style, look and feel of the estate because of inconsistent design and scale, which will have an immeasurable negative impact on the value of our asset. 2 storey dwelling allows the residents to look directly into the backyard of our property and therefore privacy reasons are an issue.</p>	<p>Wingecarribee Local Environmental Plan 2010 deliberately enables dual occupancy development and subsequent subdivision on corner lots exceeding 1000 square metres within the R2 Low Density Residential zone. This provision does increase development opportunity, and does increase traffic and noise, but not beyond that which is reasonably expected within an urban residential area. One upper level bedroom window will face the adjoining eastern property, however this is a highlight window, therefore privacy impacts are considered acceptable. Frosted glass windows are provided to upper level walk in robes. The proposed upper level retreat area and balcony face Ginahgulla Drive, and does not overlook backyards of adjoining properties.</p>
<p>Estimated cost of the development is a blatant lie designed to defraud Council of the correct fee or is an indication of poor build quality.</p>	<p>The estimated cost of the development is considered acceptable. Proposed materials and design of the development does not indicate poor build quality.</p>

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Issues	Response
Proposed development will devalue surrounding properties.	The increase or decrease in value of properties is not a matter for consideration in the assessment of a development application under s.4.15 of the Environmental Planning and Assessment Act 1979.

#### SUSTAINABILITY ASSESSMENT

- **Environment**

Provided all recommended consent conditions are complied with, the proposed development is not expected to have any significant negative environmental impact.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

#### RELATIONSHIP TO CORPORATE PLANS

Operational Plan 2019/20: OP168 Assess and certify applications related to development.

#### COUNCIL BUDGET IMPLICATIONS

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

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

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

#### RELATED COUNCIL POLICY

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

#### OPTIONS

The options available to Council are:

##### Option 1

That the Council determines Development Application 20/0720 by granting consent, subject to the conditions specified by **Attachment 1**.

##### Option 2

That the Council determines Development Application 20/0720 by refusing consent, and specifies the reasons for its determination.

Option 1 is the recommended option to this report.

#### CONCLUSION

It is recommended that Development Application 20/0720 which seeks approval for erection of buildings and carrying out of works for the purpose of a dual occupancy (detached) development, and subsequent subdivision of land to create two lots at Lot 210 DP1239600, No 40 Sir James Fairfax Circuit, Bowral, be supported subject to conditions.

The proposal is considered satisfactory in terms of s.4.15 EPA Act 1979, therefore it is recommended that the development application be approved, subject to the attached draft conditions of consent nominated in **Attachment 1**.

#### ATTACHMENTS

1. Draft Conditions of Consent
2. Locality Map
3. Aerial Image
4. Proposed Development Drawings

Mark Pepping

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

Friday 6 March 2020



**ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT**

**ADMINISTRATION CONDITIONS**

**1. Development Description**

Development consent is granted in accordance with Council’s notice of determination for erection of buildings and carrying out of works for the purpose of dual occupancy (detached), and subsequent subdivision of land to create two lots.

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

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

Except where otherwise specified by conditions of consent, the development shall be carried out in accordance with the documents accompanying the development application, and the stamped consent drawings set out in the following including any notations or amendments made by Council. In the event of an inconsistency between documents or drawings, the more recently dated document or drawing shall prevail to the extent of the inconsistency.

<b>Drawing Title</b>	<b>Reference / Version</b>	<b>Prepared By</b>	<b>Dated</b>
Site / Stormwater & Roof Plans	Job No 12-19, Page 1 of 3, Issue A	PS Design (drawn by PS)	15 December 2019
Ground Floor & Roof Plans	Job No 12-19, Page 2 of 3, Issue A	PS Design (drawn by PS)	15 December 2019
Elevations, section & Roof Plans	Job No 12-19, Page 3 of 3, Issue A	PS Design (drawn by PS)	15 December 2019
Proposed Draft Subdivision Plan	Issue A -December 2019	Paul Samulski	December 2019
Landscape Plan	Drawing #L/01	Bluegum Design Services (drawn by SL)	21 May 2019
Landscape Details	Drawing #L/02	Bluegum Design Services (drawn by SL)	21 May 2019
Statement of Environmental Effects		Lee Environmental Planning	May 2019
Bushfire Assessment Report		Australian Bushfire Solutions	30 May 2019

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

**3. Fencing**

Council’s consent does not permit erection of any fencing other than indicated on the stamped consent drawings or specified by an environmental planning instrument as not requiring development consent.

**Reason:** *To prevent unauthorised erection of fencing.*



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**4. Inconsistency between documents**

In the event of any inconsistency between the conditions of Council's consent and the drawings/documents referred to above, the conditions of 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).*

**5. 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.*

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

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

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

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

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

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

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

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

**7. Home Owners Warranty Insurance**

No residential building work within the meaning of the *Home Building Act 1989* may commence until:

(a) A contract of insurance in accordance with Part 6 of the *Home Building Act 1989* is entered into and in force, where such a contract is required under that Act (this is a prescribed condition of consent pursuant to clause 98(1)(b) *Environmental Planning and Assessment Regulation 2000*;

(b) The PCA is satisfied that the principal contractor for the work is the holder of the appropriate

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licence and is covered by the appropriate insurance, in each case if required by the *Home Building Act 1989* (unless the work is to be carried out by an owner-builder);

(c) If the work is to be carried out by an owner builder, that the owner builder is the holder of any owner builder permit required under the *Home Building Act 1989*;

(d) Written notice of the following information has been provided to Council (this is a prescribed condition of consent pursuant to clause 98B of the *Environmental Planning and Assessment Regulation 2000*):

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

- The name and licence number of the principal contractor, and
- The name of the insurer by which the work is insured under Part 6 of the *Home Building Act 1989*,

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

- The name of the owner-builder, and
- If the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permits.

Where Council is not the PCA, the PCA is responsible for notifying Council of the above matters.

Where arrangements for doing residential building work change while the work is in progress so that the above information becomes out of date, the PCA (where not the Council) must provide Council with written notice of the updated information.

**Reason:** *Statutory requirement in accordance with Home Building Act 1989.*

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

#### 8. Application for a Construction Certificate (Building Works)

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

(a) Architectural plans and building specifications complying with the National Construction Code (NCC) relevant Australian Standards, and the development consent and conditions.

(b) If Council or a private accredited certifier issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a qualified chartered professional practicing consulting structural engineer. Also a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the Building Code of Australia requirements.

(c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.

(d) Essential services plan outlining the existing and proposed fire safety measures.

(e) Disabled access provisions to common and public areas in accordance with AS1428 Design for Access and Mobility and the Premises Code.

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(f) If an alternative solution to the “deemed to satisfy” provisions of National Construction Code is proposed, the following details must be lodged:

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

**Reason:** *A requirement under the provisions of the Environmental Planning and Assessment Act 1979.*

**Note:** *Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.*

**Note:** *Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate.*

#### 9. Appointment of Principal Certifying Authority

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

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

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

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

Prior to the issue of any Construction Certificate for building work in the development, an application

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under section 68 of the *Local Government Act 1993* shall be made to, and issued by, Wingecarribee Shire Council, for the following approvals:

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

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

#### 11. Section 7.11 Contributions (formerly Section 94)

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

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

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

A “Developer Charges - Notice of Payment” is attached to the back of Council’s notice of determination, and outlines monetary contributions and unit rates applicable at the time of consent. No construction certificate shall be granted for building work in the development unless the contributions listed in the Notice of Payment have been paid.

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics ([www.abs.gov.au](http://www.abs.gov.au)); Section 251 of the *Environmental Planning and Assessment Regulation 2000*; and Council’s Developer Contributions Plans.

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

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

**Reason:** *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*

#### 12. Water Management Act - Certificate of Compliance

No construction certificate shall be granted for building work in the development unless a Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* has been obtained.

**Note:** *Section 64 of the Local Government Act 1993 authorises Council to issue Certificates of Compliance under Section 306 of the Water Management Act 2000. Section 64 of the Local Government Act 1993 also authorises Council to impose pre-conditions to the issuing of Certificates of Compliance.*



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As a precondition to the issuing of a Certificate of Compliance Council requires the payment of Developer Charges **prior to the issue of Construction Certificate** as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

- Water Supply Development Servicing Plan;
- Sewerage Development Servicing Plan; and

A developer Charges - Notice of Payment is attached to the back of Council's notice of determination and outlines monetary contributions and unit rates applicable at the time of consent.

The water, sewer and stormwater headworks levies are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics ([www.abs.gov.au](http://www.abs.gov.au)); and Council's Development Servicing Plans.

Copies of Development Servicing Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website [www.wsc.nsw.gov.au](http://www.wsc.nsw.gov.au).

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

CPI Period	Water DSP	Sewer DSP	Stormwater DSP
To 30 April 2020	To be advised	To be advised	N/A
Note: The charges shown above are amounts applicable during the stated time period. These amounts will be subject to adjustment quarterly in accordance with upward movements in the Consumer Price Index (CPI) once they become operational. The CPI is published quarterly by the Australian Bureau of Statistics, <a href="http://www.abs.gov.au">www.abs.gov.au</a> .			

Should new DSP's be prepared, it is possible that the charges may increase significantly. Draft DSP's must be advertised by Council for a period of 30 days prior to adoption.

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

#### Compliance Certificate

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

Water \$250.00 + Sewer \$250.00 = \$500.00.

Prior to final release, you will need to contact Council's Infrastructure Services Division for an inspection to ensure that Council will accept the infrastructure constructed. In response the Manager of Water and Sewer will specify requirements which will have to be met.

No Construction Certificate shall be issued for building work in the development until the *Water Management Act 2000* charges have been paid and/or secured and the approval of Council has been obtained.

**Reason:** *To retain a level of service for the existing population and to provide the same level of service to the population resulting from new developments.*



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**13. Construction Traffic Management Plan**

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

- a) Details of site security;
- b) Off-street parking for employees, contractors and sub-contractors.
- c) Site access for construction vehicles and equipment purposes.
- d) Public safety in the use of roads and footpaths where development activities adjoin such facilities.
- e) The storage and removal, on a regular frequency, of builder's rubble and waste by trade waste contractors.
- f) Provision for loading and unloading materials;
- g) Location of all building materials, structures, plant and equipment to be stored or placed within the construction site;
- h) How materials are to be loaded/unloaded and potential impact on Council infrastructure (including but not limited to footpaths and street trees)
- i) Public risk policies and management for all contractors' employees using or gaining access over public footpaths and roads.
- j) External lighting and security alarms proposed for the construction site.
- k) Firefighting measures to be available on site during development and construction.
- l) Sanitary amenities proposed on site during development and construction.
- m) Ensuring the safety of members of the public and Council staff who may have occasion to enter and be in attendance on the site;
- n) Details of management of storm water run-off and the propose sediment and erosion control measures including the location of any rubble grids;
- o) Details of any air and dust management;
- p) Details of noise and vibration controls;
- q) Anticipated staging and duration of works
- r) Provision of Traffic Management Plan (TMP) and Traffic Control Plans (TMP)

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

**14. Provision of Works and Services**

Prior to the issue of the Construction Certificate, the developer shall obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are



in accordance with all Council's standards and all other relevant codes and guidelines.

**Reason:** *Statutory requirement.*

#### **15. Detailed Stormwater Drainage System Design**

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

Should any changes be required to the approved storm water drainage plan, the amended design shall achieve equivalent performance standards in accordance with Design Specifications.

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

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

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

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

#### **16. Energy Service Provider Requirements**

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be met prior to the issue of the Occupation Certificate.

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

#### **17. Waste Management Plan**

No construction certificate shall be granted for any building work in the development unless a Waste Management Plan has been submitted to and approved by Council.

Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout the carrying out of works in the development. Waste management and its storage must not pose a threat to public health or the environment.

**Reason:** *To minimise the amount of waste going to landfill.*

#### **18. Erosion and Sediment Control Plan**

No construction certificate shall be granted for any building work in the development unless an Erosion and Sediment Control Plan has been prepared in accordance with "Landcom's Blue Book" for sedimentation and erosion control plan by a suitably qualified person, and approved by Council.

The Erosion and Sediment Control Plan shall include scaled drawings and detailed specifications which can be referred to onsite by project management staff or project construction supervisor. Items to be shown on the Plan shall include:

- (a) Locality of the site, a north point and scale.

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- (b) Existing contours of the site including catchment area boundaries and indications of direction of fall.
- (c) Location of and basic description of existing vegetation.
- (d) Diversion of uncontaminated up-slope run-off around the disturbed sites.
- (e) Location of significant natural areas requiring special planning or management including waters, floodplains, seasonally wet areas, areas prone to ponding/water logging, unstable slopes etc.
- (f) Nature and extent of earthworks, including cut and fill roadworks.
- (g) Location of all soil and material stockpiles.
- (h) Location of site access, proposed roads and other impervious areas.
- (i) Existing and proposed drainage patterns.
- (j) Location and type of proposed erosion and sediment control measures.
- (k) Site rehabilitation proposals, including final contours.
- (l) Time of placement of sediment controls.
- (m) Staging of works and how the plan is to be implemented for each stage or activity on site.
- (n) Maintenance schedule.

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

#### 19. Erosion and Sediment Control Plan

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

- (a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries.
- (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.
- (e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will



prevent its mobilisation.

(g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

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

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION WORKS CERTIFICATE**

**20. Application for a Subdivision Works Certificate**

Subdivision work in accordance with Council's consent shall not be commenced until a Subdivision Works Certificate has been applied for and issued by Council or an Accredited Certifier, pursuant to Section 6.13 of the *Environmental Planning and Assessment Act 1979*. The application for a Subdivision Works Certificate needs to be accompanied by detailed engineering plans and specifications and completed design checklists found in Council's Engineering Policies.

**Reason:** *A requirement under the provisions of the Environmental Planning and Assessment Act 1979.*

**21. Appointment of Principal Certifying Authority**

No subdivision work shall commence in connection with Council's Development Consent until:

- (a) A Subdivision Works Certificate for the subdivision 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 subdivision work, and
  - (ii) notified the principal certifying authority that the person will carry out the subdivision work as an owner-builder, if that is the case, and
- (b1) the principal certifying authority has, no later than 2 days before the 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 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 subdivision 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 subdivision work, and
- (c) 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 subdivision work.

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



## 22. Energy Service Provider Requirements

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer shall submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be met prior to the issue of the Subdivision Certificate.

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

## 23. Electricity Connection

Provision shall be made for connection to future underground distributions mains to the development. This shall be achieved by installing:

- An underground service line to a suitable existing street pole; or
- Sheathed underground consumers mains to a customer pole erected near the front property boundary (within 1 metre)

**Note:** *A limit of one (1) pole per site will apply.*

Details shall be submitted with the application for a Subdivision Works Certificate.

**Reason:** *To ensure adequate electricity service is provided to the development.*

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

### 24. Notice of Commencement

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

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

**Reason:** *Statutory requirement.*

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

### 25. Principal Certifying Authority Sign

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

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

This clause does not apply to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

**Advice:** *Where Council is the PCA, signage is available from Council.*

**Reason:** *Statutory requirement.*

#### 26. Construction Certificate

No work in the development 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.*

#### 27. Subdivision Works Certificate & Appointment of Principal Certifying Authority

Subdivision work in accordance with a consent must not commence until:

- (a) A Subdivision Works Certificate has been issued.
- (b) The person having the benefit of the development consent has appointed the Principal Certifying Authority (PCA).
- (c) The PCA (if not Council) has, no later than two (2) days before the subdivision work commences, notified the Council (or other consent authority where applicable) of the PCA's appointment.
- (d) The person having the benefit of the consent has given at least two (2) days' notice to the Council of the person's intention to commence the subdivision work.

**Advice:** *Crown work certified in accordance with Part 6 of the Environmental Planning and Assessment Act 1979 is exempted from the above requirements.*

**Reason:** *Statutory requirement.*

#### 28. Developers Representative during Construction of Works

A minimum of 48 hours prior to commencement of any construction works on site the Developer shall nominate to Council in writing their representative (Construction Supervisor) who will be responsible for all aspects of construction and site control, including Traffic Control, Sediment and Erosion Control and liaison with Council Officers and all other Authorities.

Details to be submitted include:-

- 1 Name of Representative:
- 2 Company:
- 3 Position:
- 4 Contact phone:
- 5 Contact fax:
- 6 After Hours Contact:

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- 7 Signature of Representative:
- 8 Signature & Acceptance of representative by the Developer:
- 9 Council requires that the nominated “ Construction Supervisor” either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site the representative shall:

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

The Developer may be required to arrange for Council to peruse all other contract documentation prior to the contractor arriving on site to commence work (Schedule of Works, Specifications Bill of Quantity, traffic control plan and Soil and water management plan).

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

**Reason:** *Statutory requirement.*

#### 29. **Approval Required for Work within Road Reserve - Section 138 Roads Act 1993**

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

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

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

**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.*

#### 30. **Relocation of Existing Services**

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

**Reason:** *Statutory requirement.*



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**31. Fencing of the Construction Site**

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- (b) could cause damage to adjoining lands by falling objects, or
- (c) involve the enclosure of a public place or part of a public place.

**Reason:** *To ensure that the safety of the public is not compromised.*

**32. Erosion and Sediment Control**

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

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

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

**33. Approved Plans to be available on site**

Endorsed Council approved plans, specifications, documentation and the consent shall be made available on site at all times during construction.

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

**34. 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.*

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.*

**35. Survey Report - Minor Development**

In order to ensure compliance with approved plans, a Survey Certificate to Australian Height Datum shall be prepared by a Registered Surveyor as follows:

- (a) At the completion of the first structural floor level indicating the level of that floor and the relationship of the building to the boundaries.
- (b) At the completed height of the building, prior to the placement of concrete in form work, or the laying of roofing materials.
- (c) At completion, the relationship of the building and any penetrations thereto, to the boundaries.

Progress certificates in response to points (a) through to (c) shall be provided to the Council or the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances will work be allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the proposed works.

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

**36. Ground Levels**

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

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

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

**37. Retaining Walls and Drainage**

If the soil conditions require it:

- (a) retaining walls associated with the erection of a building or carrying out of works in the development, or other approved methods of preventing movement of the soil, shall be provided, and
- (b) adequate provision shall be made for drainage.
- (c) any retaining walls which are not indicated on the stamped consent drawings or do not comply with the exempt development standards outlined in the *State Environmental Planning Policy (Exempt and Complying Codes) 2008*, are subject to a separate approval prior to the construction of the retaining wall.

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

**38. Vehicular Access Point - Construction and Delivery Vehicles**

A suitable entry point shall be nominated on site and utilised by construction and delivery vehicles. This entry point is to be located so that the possibility of damage to Council's property is minimised during construction. The access point shall be surfaced with all-weather materials of a minimum of (WHAT SIZE) mm in size. Ballast or crushed gravel (minimum of 40mm rock) for the full width of the kerb from the edge of the road to the property boundary.



**Reason:** *To reduce the possibility of damage to public property.*

### **39. Engineering Inspections by Council**

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

- (a) Piers associated with external drainage designed to distribute weight of structure away from sewer main prior to pouring of concrete.
- (b) Final inspection of footpath, driveway, stormwater and utility construction works within the road reserve.

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

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

**Reason:** *Statutory requirement.*

### **40. Stormwater - Connection to Kerb**

All stormwater connections to the kerb shall be done using minimum 2mm thick galvanised steel section in accordance with Wingecarribee Shire Council's Standard Drawing No SD102.

**Reason:** *To comply with Council standards.*

### **41. Stormwater - Discharge**

All stormwater runoff from the development shall be collected within the property and discharged to an approved stormwater management system.

**Reason:** *To ensure that stormwater is appropriately disposed of.*

### **42. Earthworks, retaining walls and structural support**

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

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

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

**Reason:** *Structural safety.*



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**43. Damage to Adjoining Properties**

All precautions shall be taken to prevent any damage likely to be sustained to adjoining properties. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs shall be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

**Reason:** *Structural safety.*

**44. Erosion and Sediment Control Plan Compliance**

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

**Note:** *In the event of non-compliance with the approved plan, Council Officers have the ability to issue Penalty Notices, being an on the spot fine and/ or orders.*

**Reason:** *To ensure that the environment is protected.*

**45. Soil and Water Management - Site Maintenance**

Roads servicing the construction site shall be maintained in a condition free of mud, soil and other construction/demolition materials at all times.

**Reason:** *To minimise construction / demolition materials being trucked off site.*

**46. Prevention of Nuisance**

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris and noise during the demolition, excavation and building works.

**Reason:** *Health and amenity.*

**47. Dust Control**

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

**Reason:** *Environmental amenity*

**48. Council Reserve / Street Tree Retention**

All trees in Council's road reserve are to be preserved except where removal is separately approved by Council via a tree preservation order permit or development application, to ensure the continued amenity of the streetscape and to retain the ecological integrity of the roadside area.

**Advice:** *Reference should be made to Council's Urban Street Tree Master Plan.*

**Reason:** *To ensure the continued amenity of the streetscape and to retain the ecological integrity of the roadside area.*

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

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The carrying out of building and other works in the development shall be limited to the following hours:

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

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

#### 50. Construction Traffic Management Plan

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

All controls in the Plan shall be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the Accredited Certifier and Council on request.

**Reason:** *Compliance with condition of consent.*

#### 51. 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.*

#### 52. 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.*

#### 53. Storage of Building Materials, Plant and Equipment

All building materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.

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

**Reason:** *To ensure that pedestrian and vehicular access in public places is not restricted and also so that the road reserve is not damaged.*

#### 54. Protection of Public Places

The adjoining or adjacent public area shall not be obstructed by any materials, vehicles, refuse skips and the like, under any circumstances.

If the work involved in the demolition or construction of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the closure of a public place, a barrier, fence or hoarding shall be erected prior to the commencement of any work subject to approval of a Section 138 Roads Act 1993 approval (including submission of a Traffic Management Plan).

Where a hoarding is required, an application for hoarding shall also be submitted to and approved by Council prior to commencement of any work. Hoardings shall be erected to comply with the requirements of WorkCover, the Principal Certifying Authority and with relevant Australian Standards.

**Reason:** *Public safety.*

#### 55. Temporary Onsite Toilet

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

Each toilet shall:

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

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

#### 56. Waste Management

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

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

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

### CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN INTERIM OR FINAL OCCUPATION CERTIFICATE



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**57. 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 building work in the development and the relevant application fee paid. All building works specified in the development consent and approved Construction Certificate plans shall be completed and all related development consent conditions complied with prior to the issue of the Occupation Certificate.

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

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

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

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

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

**58. Smoke Alarms**

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

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

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

**59. BASIX Commitments**

Pursuant to Clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of Council's 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 Council's development consent was granted (or, if the development consent is modified under Section 4.55 of the *Environmental Planning and Assessment Act 1979*, a BASIX Certificate that is applicable to the development when this development consent is modified); or

(ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and

(b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.



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

#### 60. **House Numbering**

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

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

### **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

#### 61. **Subdivision Certificate**

An application for a Subdivision Certificate shall be lodged with Council or an Accredited Certifier (in accordance with Section 6.15 of the *Environmental Planning and Assessment Act 1979*) for approval to enable the subdivision plans to be submitted to and registered with NSW Land Registry Services. Should the Subdivision Certificate application be lodged with Council, a final plan of subdivision and 3 copies shall be included with the application.

All works specified in Council's development consent and approved Subdivision Works Certificate plans shall be completed and all development consent conditions complied with prior to issue of the Subdivision Certificate.

The application for a Subdivision Certificate is to be accompanied by supporting documentation outlining how each condition of consent has been complied with.

The linen plans of subdivision shall be accompanied by a Section 88b Instrument stating:

- Lots 1 and 2 are allotments created as a result of subdivision of a corner site dual occupancy development, in accordance with Clause 7.2 of Wingecarribee LEP 2010 therefore Lot 1 shall contain no more than one dwelling and Lot 2 shall contain no more than one dwelling.
- Should alterations, additions or a replacement dwelling be proposed on either Lot 1 or Lot 2, these shall be designed in accordance with the Dual Occupancy development provisions of the Bowral Town Plan DCP.

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

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

#### 62. **Occupation Certificate**

No subdivision certificate shall be granted for the development unless an occupation certificate has been granted for both dual occupancy dwellings in the development.

**Reason:** *To ensure the development's dual occupancy (detached) component is satisfactorily completed prior to any subdivision of the land.*

#### 63. **Energy Service Provider Requirements**

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer shall submit to Council documentary

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evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained in the form of a Notification of Arrangement (NOA). The requirements of the supply authority will need to be met prior to the issue of the Subdivision Certificate.

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

#### 64. Provision of Services

A separate access, sewer connection, storm water drainage connection, water service and electricity supply shall be provided to each allotment within the subdivision at the applicants expense prior to the issue of the Subdivision Certificate.

All property services shall be located within the lots that they serve in accordance with Councils Engineering Standards. The applicant shall provide to Council written confirmation of compliance.

**Reason:** *To ensure that all available services are provided to each lot within the subdivision.*

#### 65. Residential Driveway

A standard concrete vehicular gutter layback shall be constructed at the driveway entrances in accordance with Council's Standard drawing Nos SD107 and SD123 prior to the issue of the Subdivision Certificate.

**Reason:** *To comply with Council's Engineering Standards.*

#### 66. Provision of Reticulated Sewer to Each Lot

Reticulated sewer service shall be constructed to each allotment in accordance with the approved civil engineering plans prior to the issue of the Subdivision Certificate.

Sewerage mains shall be constructed to serve the development.

**Reason:** *To ensure that the development is serviced.*

#### 67. Construction of Sewer Sidelines

Sidelines and junctions shall be installed for sewer connections to the development by Council at the Developer's cost prior to the issue of the Subdivision Certificate.

Council's application form shall be completed by the applicant and the appropriate fee paid.

If the sideline is to be extended from a sewer main in adjoining property, written permission of the affected landowner allowing work to be undertaken, shall be submitted with the application form.

**Reason:** *To ensure that the development is serviced.*

#### 68. Construction of Water Mains to Lots

A reticulated water service shall be constructed to each allotment in accordance with the approved civil engineering plans prior to the issue of the Subdivision Certificate.

**Reason:** *To ensure that the development is serviced.*

#### 69. Construction of Water Service

A water service shall be installed to the development by Council at the applicant's cost prior to the issue of the Occupation Certificate.



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Council's application form shall be completed by the Developer and the appropriate fee paid.

**Advice:** *A water meter should be installed prior to construction commencing.*

**Reason:** *To ensure that the development is serviced.*

#### 70. Landscaping Plan

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

**Reason:** *To ensure that the landscaping is completed prior to completion of the subdivision.*

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

#### 71. Erosion Control on Completed Developments

Adequate erosion and sediment control measures shall be maintained in place where necessary until site stabilisation and revegetation is finalised.

**Reason:** *To protect the environment.*

### INTEGRATED DEVELOPMENT CONDITIONS

#### 72. General Terms of Approval - NSW Rural Fire Service

The NSW Rural Fire Service has issued its Bush Fire Safety Authority for the development pursuant to section 100B of the Rural Fires Act 1997 without any specific conditions.

### ADVISORY MATTERS

#### Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

*Telecommunications Act 1997 (Commonwealth)*

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works



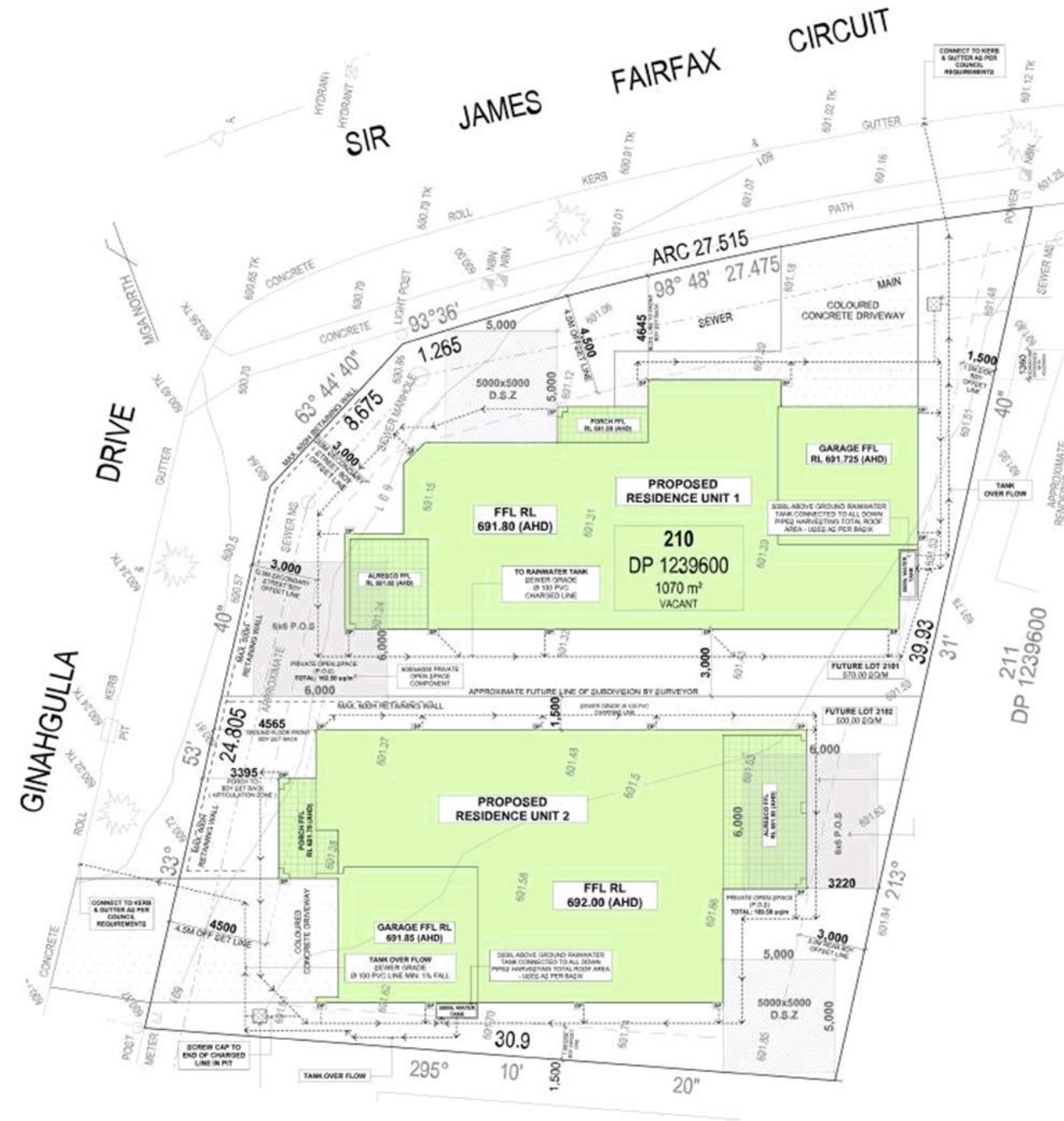




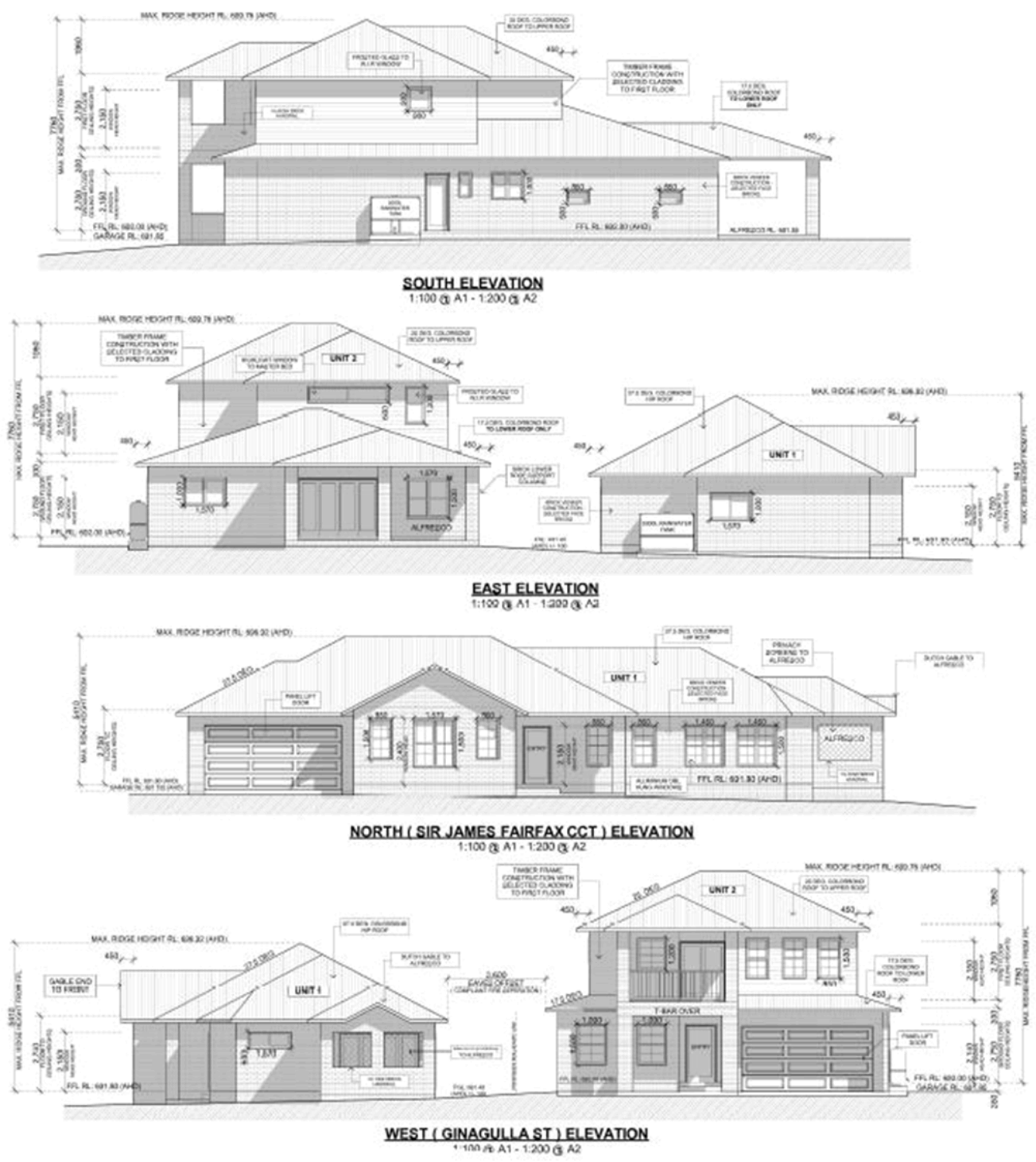




ATTACHMENT 4 – PROPOSED DEVELOPMENT



Proposed Site Plan



Proposed Elevations and Roof Plan







## 11 OPERATIONS FINANCE AND RISK

### 11.1 Proposed Licence Agreement - H & D Roofing - 5-15 Loftus Street, Bowral

Reference:	PN1766600
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 Council approval to enter into a new Licence Agreement with H & D Roofing Ltd for the occupation of the Council owned property located at 5-15 Loftus Street, Bowral being Lots 1-9 in Deposited Plan 1145362 for a period of five (5) years.

#### RECOMMENDATION

1. **THAT Council enter into a new Licence Agreement with H & D Roofing Ltd for a five (5) year term for the property located at 5-15 Loftus Street, Bowral being the whole of the land comprised in Lots 1-9 Deposited Plan 1145362.**
2. **THAT the Mayor and General Manager be delegated authority to execute the Licence Agreement referred to Resolution 1 above under the Common Seal of Council, if required.**

#### REPORT

##### **BACKGROUND**

Council is the registered proprietor of the whole of the land comprised in Lots 1 – 9 in Deposited Plan 1145362 located at 5-15 Loftus Street, Bowral.

In 2008, Council formally resolved to acquire the land known as 5-15 Loftus Street, Bowral, the land having been identified as being required for future infrastructure upgrades, which to date remain unfunded in Council's four year forward estimates and Long Term Financial Plan.

The land is classified as 'Operational' land pursuant to the *Local Government Act 1993*.

Following acquisition of the land, Council granted a Licence Agreement to the former owner of the land, H & D Roofing Ltd for a period of five (5) years. The current Licence Agreement is due to expire on 12 April 2020.

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#### **REPORT**

The licensed area is vacant land being approximately 3,600 square metres. The property is used by H & D Roofing Pty Ltd for storage and access purposes.

The request to renew the Licence Agreement has been referred to the relevant Council officers. No objections to the renewal of the lease were received.

It is recommended however that an additional clause be included in the Agreement that enables either party to rescind the Agreement upon giving three (3) months written notice to the other party.

This clause will allow sufficient flexibility to terminate the Agreement if the property is required; should funding become available to undertake the proposed infrastructure upgrades which the land was acquired for.

As the current Licence Agreement will officially expire on the 12 April 2020, approval is now sought to enter into a new five (5) year Licence for H & D Roofing Ltd's continued occupation of the property.

The new Licence Agreement will be on the same terms and conditions as the current Agreement, with the addition of a clause giving three (3) months' notice to vacate.

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#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

Community consultation is not required. This is an administrative matter in respect of Operational land between Council as Property Owner and H & D Roofing Ltd as Licensee.

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

Relevant Branch Managers

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

H & D Roofing Ltd (Licensee)

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#### **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

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### 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.

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#### **COUNCIL BUDGET IMPLICATIONS**

None identified.

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#### **RELATED COUNCIL POLICY**

None identified.

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#### **CONCLUSION**

It is recommended that Council approve the new Licence Agreement to H & D Roofing Ltd for occupation of Council owned property being 5-15 Loftus Street, Bowral for a further period of five (5) years.

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#### **ATTACHMENTS**

1. Attachment 1 - aerial map





Aerial map

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## 11.2 Proposed Acquisition - Land in Bowral

Reference:	PN 1346400
Report Author:	Coordinator Property Services
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

**IN COUNCIL MEETING ON 26 FEBRUARY 2020 COUNCIL RESOLVED TO ADDRESS THIS ITEM IN CLOSED COUNCIL PURSUANT TO MN 48/20. AS THE MEETING WAS CLOSED PREMATURELY ITEM 19.3 PROPOSED ACQUISITION - LAND IN BOWRAL - WAS NOT ADDRESSED.**

The purpose of this report is to advise Council of a request made by a property owner in Bowral for Council to proceed with the acquisition of part of their property.

### RECOMMENDATION

**THAT** the report concerning Proposed Acquisition of Land in Bowral be considered in Closed Council Item 19.2. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)b as it is a discussion in relation to the personal hardship of a resident or ratepayer.

***Note:** The Council, or a committee of the Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed (15.9 – Code of Meeting Practice).*

*Where the matter has been identified in the agenda of the meeting under clauses 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 15.9, members of the public must first make an application to the Council in the approved form. Applications must be received by close of business (4.30pm) two (2) business days prior to the meeting at which the matter is to be considered (15.11 – Code of Meeting Practice).*

### ATTACHMENTS

There are no attachments to this report.

## 11.3 Proposed Transfer of Crown Roads - Old Wingello Road, Bundanoon and Quarry Road, Bundanoon

Reference:	RD 1837, RD 1843
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 Council approval to make an application to NSW Department of Planning, Industry & Environment - Crown Lands to endorse the transfer of the following Crown Roads to Council as Roads Authority:

1. Old Wingello Road, Bundanoon
2. Quarry Road, Bundanoon

### RECOMMENDATION

**THAT Council make an application to NSW Department of Planning, Industry & Environment – Crown Lands for the transfer of Crown roads being Old Wingello Road, Bundanoon and Quarry Road, Bundanoon to Council as Roads Authority.**

### REPORT

#### **BACKGROUND**

Old Wingello Road, Bundanoon and Quarry Road, Bundanoon are both formed roads. Council has an existing sewer main that currently crosses Old Wingello Road, Bundanoon. Council now intends to upgrade infrastructure to connect the sewer pumping station in Penola Street, Bundanoon to the Treatment Plant in Quarry Road, Bundanoon.

To enable the upgrade to take place, Council proposes to install a new sewer rising main along the Crown road reserve being Old Wingello Road, Bundanoon and across Quarry Road, Bundanoon.

To allow for the works to take place, approval of an application to transfer the roads from Crown to Council as roads authority is sought.

#### **REPORT**

Council has scheduled the upgrade of existing sewer mains and the connection of the sewer pumping Station in Penola Street, Bundanoon to the Treatment Plant in Quarry Road, Bundanoon as part of its works program.

The best route for connection has been identified along Old Wingello Road, Bundanoon and across Quarry Road, Bundanoon. As the roads are currently vested in the Crown, the



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Crown will need to approve the transfer of the roads to Council under Section 152(l) of the *Roads Act*, 1993 prior to Council undertaking the works.

In accordance with the *Roads Act*, 1993 the Minister may, by order published in the Government Gazette, transfer a specified Crown Road to another roads authority (i.e. Council). Upon publication of the order, the road ceases to be a Crown road and becomes a Council Public Road.

In order for the roads to be transferred, Council must make application to NSW Department of Planning, Industry and Environment – Crown Lands. The subject location and area of the roads proposed to be transferred to Council are shown in **Attachment 1**.

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## COMMUNICATION AND CONSULTATION

### Community Engagement

No community engagement is required for the purpose of submitting a road transfer application to NSW Department of Planning, Industry and Environment – Crown Lands.

### Internal Communication and Consultation

Assets

Project Delivery

### External Communication and Consultation

NSW Department of Planning, Industry and Environment – Crown Lands

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## SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

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## COUNCIL BUDGET IMPLICATIONS

There is no expected increase in maintenance expenses as a result of the transfers. The roads are already maintained by Council.

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#### RELATED COUNCIL POLICY

Council's Road Maintenance Policy adopted 11 December 2019.

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#### CONCLUSION

It is recommended that Council make an application to NSW Department of Planning, Industry and Environment – Crown Lands for the transfer of the Crown roads being Old Wingello Road, Bundanoon and Quarry Road, Bundanoon pursuant to the *Roads Act*, 1993.

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#### ATTACHMENTS

1. Attachment 1 - aerial map





Attachment 1

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## 11.4 Consolidation of Titles - Mittagong Depot, 9 Cavendish Street, Mittagong

Reference:	PN 1727870
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 execute the plan of consolidation of Lots 9 and 10 Section 39 DP 1374 and Lot B DP 399642 being Council Works Depot, 9 Cavendish Street, Mittagong.

### RECOMMENDATION

**THAT authority be delegated to the Mayor and General to execute the Plan of Consolidation of Lots 9 and 10 Section 39 DP 1374 and Lot B DP 399642 under Common Seal of Council.**

### REPORT

#### **BACKGROUND**

The Mittagong Depot at 9 Cavendish Street, Mittagong is currently comprised of three separate lots being Lot 9 Section 39 DP 1374, Lot 10 Section 39 DP 1374 and Lot B DP399642, see **Attachment 1** – Aerial map.

Lot 9 has an area of 2,411.80 sqm, Lot 10 has an area of 4,118.20 sqm and Lot B has an area of 3,132.00 sqm. When consolidated, the area of the registered lot will be 9,662.00 sqm.

The lot consolidation will address an issue whereby a recently relocated office building does not meet the Building Code of Australia (BCA) minimum setback requirements.

#### **REPORT**

The Mittagong Depot consists of a number of buildings and sheds. A site plan is provided as **Attachment 2**.

During the recent upgrade undertaken at the Mittagong Depot, a demountable building (shown as the relocated office on the site plan) was relocated and placed in close proximity to the internal boundary between Lot 9 and Lot 10.

A BCA audit has been conducted and it is recommended that Council consolidate the three lots to create one registered lot to address minimum setback requirements.

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Accordingly, a Plan of Consolidation has been prepared by a registered surveyor for registration at NSW Land Registry Services. A copy of the plan is provided as **Attachment 3**.

This report is submitted to obtain Council approval to execute the Plan of Consolidation under the Common Seal of Council to enable registration of the Plan.

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## COMMUNICATION AND CONSULTATION

### Community Engagement

This is an administrative matter for Council and does not require community consultation.

### Internal Communication and Consultation

Water & Sewer

### External Communication and Consultation

Registered Surveyor

NSW Land Registry Services

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## SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

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AND RISK**



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**COUNCIL BUDGET IMPLICATIONS**

There are no budgetary implications arising from the consolidation.

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**RELATED COUNCIL POLICY**

None identified.

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**CONCLUSION**

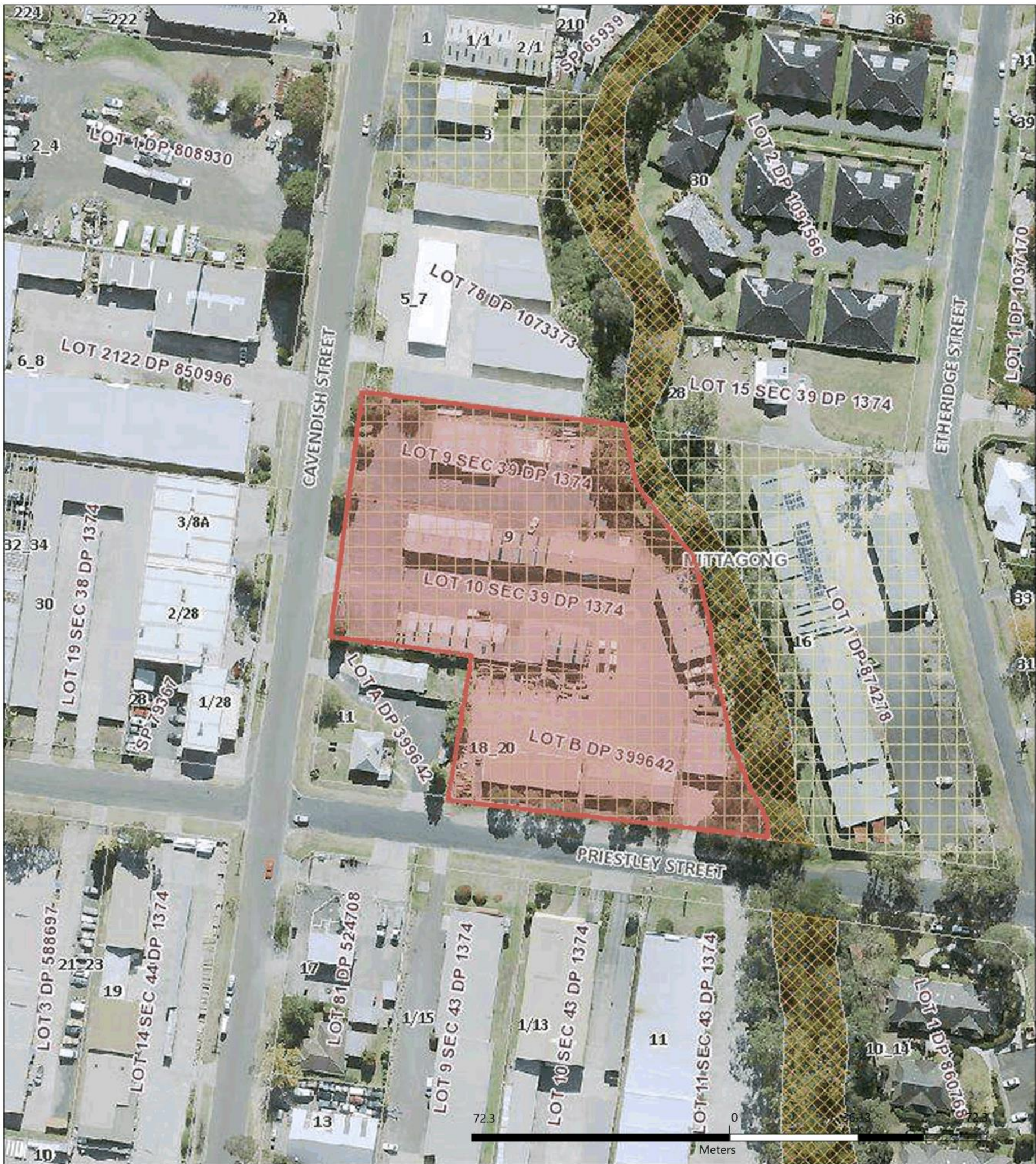
It is recommended that Council resolve to allow for the Plan of Consolidation to be signed by the Mayor and General Manager under the Common Seal of Council.

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**ATTACHMENTS**

1. Attachment 1 - Aerial map
2. Attachment 2 - Site Plan
3. Attachment 3 - Plan of Consolidation





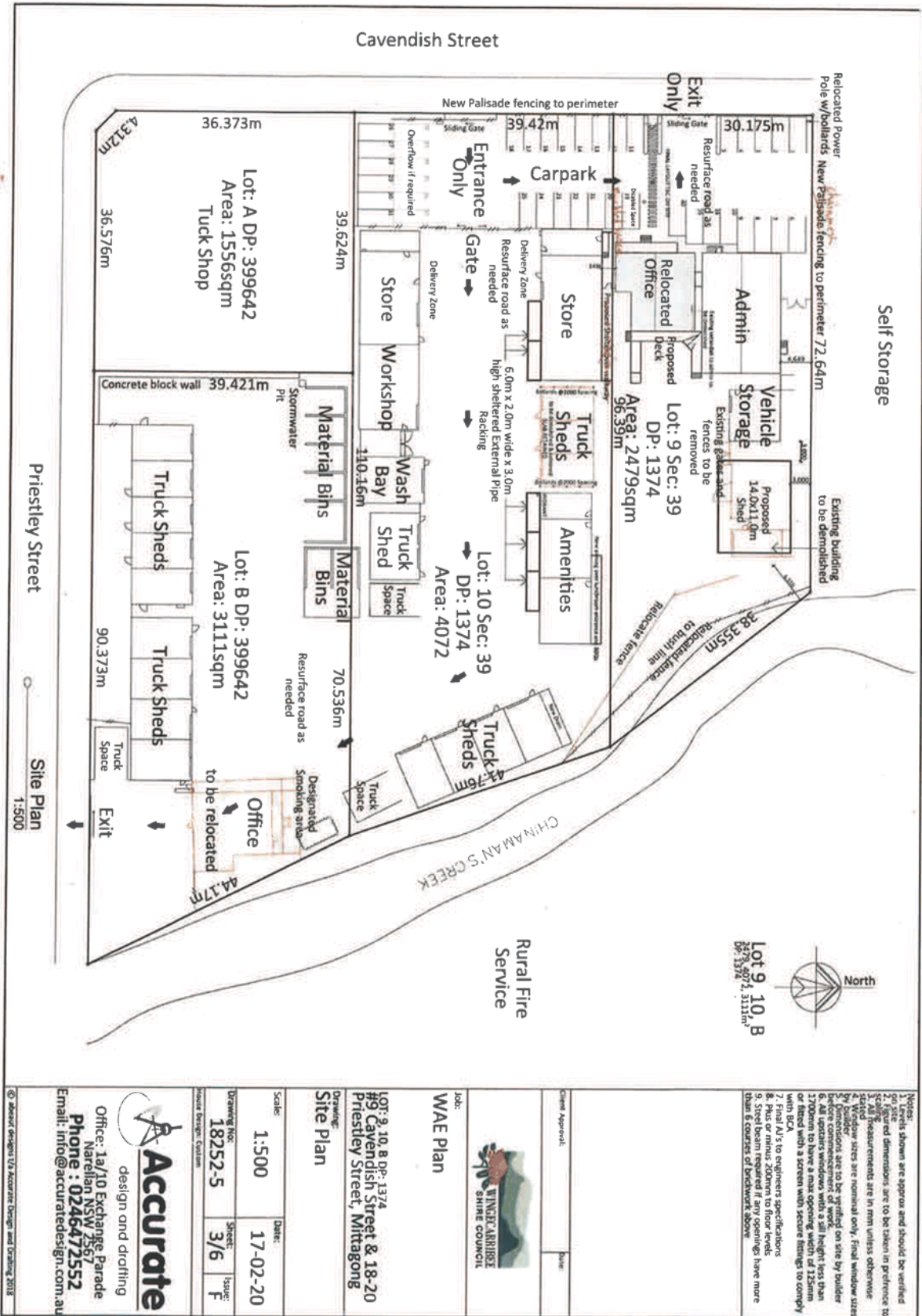
Attachment 1 - Aerial map

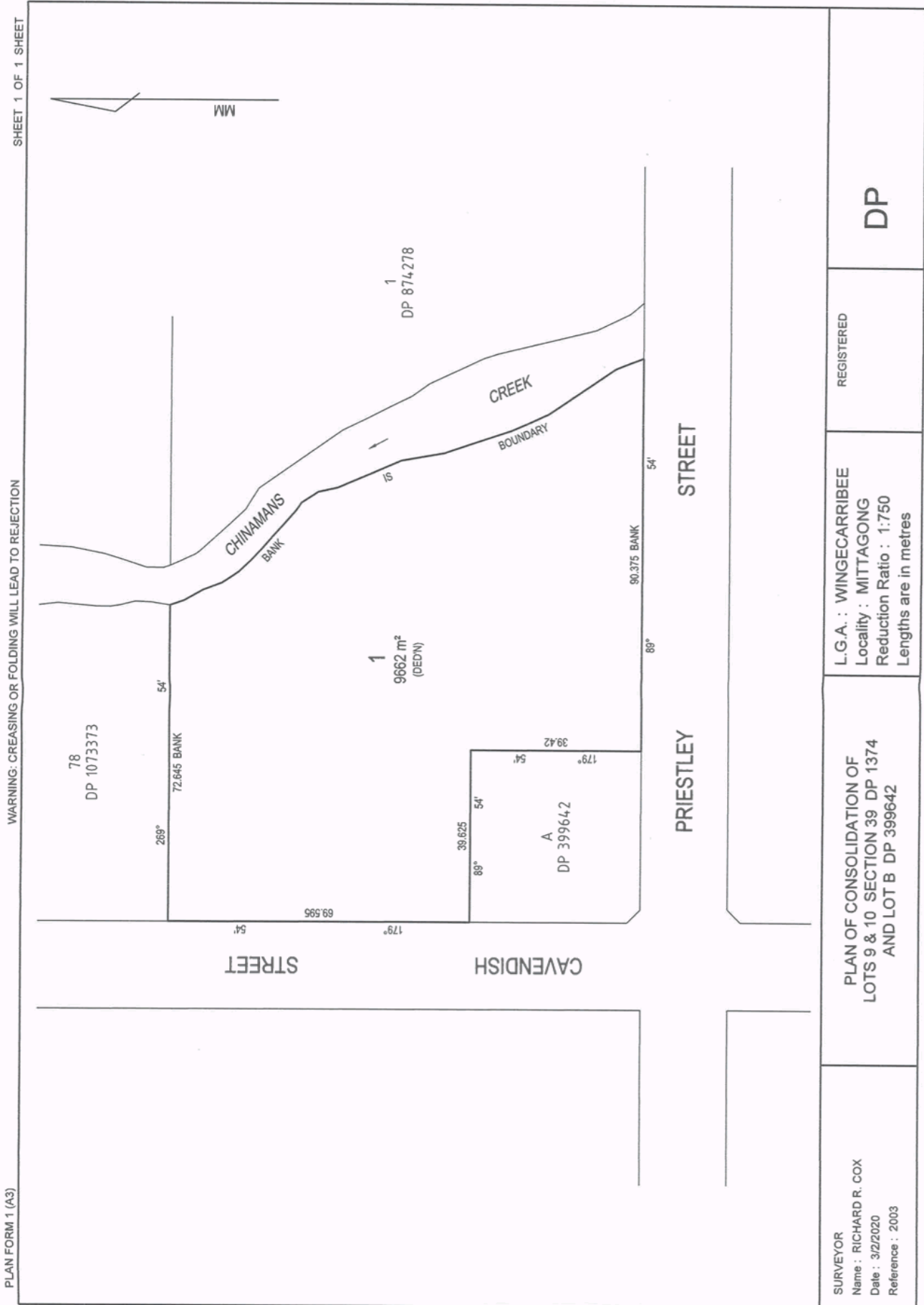
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## 11.5 Application for Transfer of Unmade Crown Road to Council - Part Surrey Street, Berrima

Reference:	RD1419; RD1423
Report Author:	Coordinator Property Services
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Effective financial and asset management ensure Council's long term sustainability

### PURPOSE

The purpose of this report is to seek Council approval to make an application to Department of Planning, Industry and Environment – Crown Lands (“the Crown”) to transfer an unformed Crown Road known as part Surrey Street, Berrima to Council.

### RECOMMENDATION

1. **THAT** Council make application to Department of Planning, Industry & Environment - Crown Lands for the transfer of the unmade Crown road known as Part Surrey Street, Berrima from the Crown to Council as roads authority.
2. **THAT** if the Minister approves Council’s application referred to in Resolution 1 above, it is noted that Council’s Road Maintenance Policy adopted on 11 December 2019 will apply to the road upon transfer.

### REPORT

Council has received notification from the Department of Planning, Industry & Environment – Crown Lands (“the Crown”) of a proposed Crown road closure adjoining Lot 1 in Deposited Plan 1145584 and Lot 1 DP 1054805, Surrey Street, Berrima. The applicants are the owners of the adjoining above properties.

The application was forwarded by the Crown to Council for comment. **See Attachment 1 – Aerial Map of Surrey Street.**

The Crown provided further information to Council advising that a previous application to close the road had been made in 2004 at which time Council objected to the closure. Council’s objection in 2004 was due to the closure of the whole of the Crown road as it was required for public access to a popular swimming area on the Wingecarribee River.

The Crown considered Council’s objection and ultimately closed part of the road reserve (which was ultimately transferred to the adjoining applicant) and retained part of the road reserve to keep access to the Wingecarribee River open. **See Attachment 2 – Aerial of Surrey Street closed and sold by Crown.**

Based on this information, it is now Council’s intention to object to the proposed closure and sale by the Crown to the adjoining residents.

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Further, it is considered prudent for Council to apply for the transfer of the remaining portion of Surrey Street, Berrima from the Crown to Council to ensure ongoing Community access to the Wingecarribee River.

Following the Council meeting on 26 February 2020 when this report was briefly discussed, further discussions were held with NSW Department Planning, Industry and Environment – Crown Lands.

The Crown has confirmed that the application to close the road (including both the initial application and the current application) has been refused by the Crown and the road will remain open. The application to close the road has been refused on the basis that a popular waterhole has been identified on the Wingecarribee River which is accessed via this road and the road is to remain open to enable public access to continue. The Crown has advised that the applicant is aware of this and has acknowledged that the waterhole is accessed by the public.

The NSW Aboriginal Land Council and NTS Corp have both been consulted in relation to the area of road. Neither of these organisations has identified any area of aboriginal significance. In any event, Native Title claims cannot be made over areas of public works (ie. roads).

Further, the Crown has confirmed that, even if Council was not to transfer the road, the application to close the road has still been refused by the Crown and the road will remain open. The Crown has confirmed however that they are in support of Council's application to transfer the road to Council.

### **LEGISLATION**

*Section 152I Roads Act 1993*

Pursuant to this legislation, the Minister may, by order published in the Government Gazette, transfer a specified Crown Road to another road authority, i.e., Council. Upon publication of the order, the road ceases to be a Crown Road and becomes a Council public road.

---

### **COMMUNICATION AND CONSULTATION**

#### **Community Engagement**

No community engagement is required for the purpose of submitting an application to the Crown. If Council resolves to proceed with the application to transfer the road from the Crown to Council, it should be noted that the procedures for the transfer are set out in the *Roads Act 1993* and accompanying Regulation.

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

Relevant Managers and Council Officers

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

Department of Planning, Industry & Environment- Crown Lands



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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There are no governance issues in relation to this report.

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## **COUNCIL BUDGET IMPLICATIONS**

There are no direct budget implications.

---

## **RELATED COUNCIL POLICY**

None identified.

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## **CONCLUSION**

It is recommended that Council make application for the transfer of the Crown road known as part Surrey Street Berrima to Council pursuant to Section 152I of the *Roads Act 1993*.

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## **ATTACHMENTS**

1. Annexure 1 - Aerial Map of Surrey Street
2. Annexure 2 - Aerial Map of Surrey Street previously sold





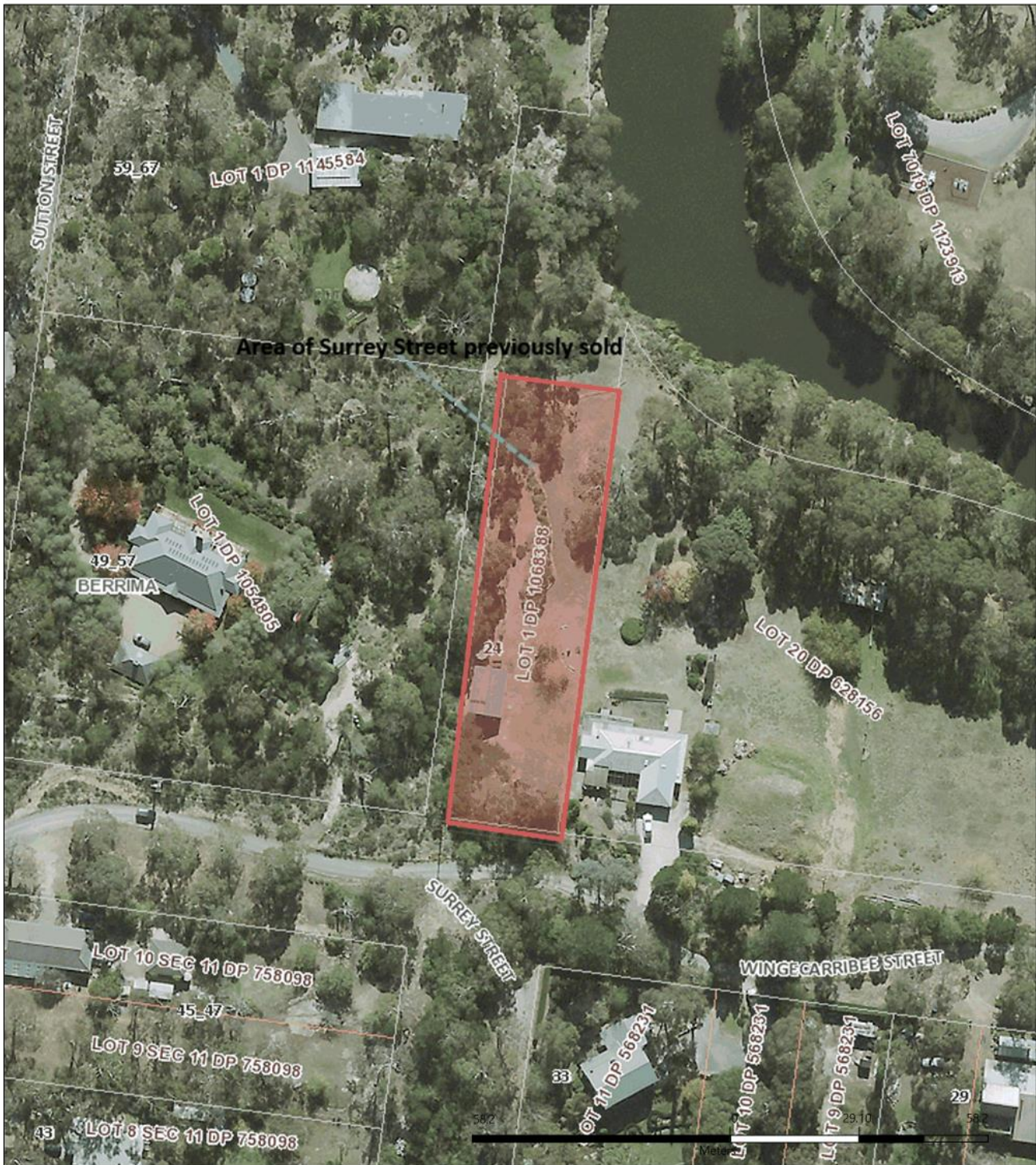
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## 11.6 Adoption of Cemetery Policy

Reference:	7190
Report Author:	Business Services Officer
Authoriser:	Coordinator Assets - Roads and Traffic
Link to Community Strategic Plan:	Effective and efficient Council service delivery is provided within a framework that puts the customer first

### **PURPOSE**

The purpose of this report is to consider submissions received during the exhibition of the draft Cemetery Policy and to seek final adoption of the Cemetery Policy.

### **RECOMMENDATION**

1. **THAT Council adopt the draft Cemetery Policy as per Attachment 1 to this report.**
2. **THAT the persons who made a submission during the exhibition of the draft Cemetery Policy be notified in writing of Resolution 1 above.**

### **REPORT**

#### **BACKGROUND**

The draft Cemetery Policy outlines the terms of management for the safe use and consistent administration of Council's cemeteries. The policy will provide information for visitors and service providers and ensure the activities and conduct of those entering or working with the cemeteries is in accordance with reasonable and practicable standards.

Previous cemetery policies such as the policy on headstones in lawn beam sections, adopted in 1996 were directed to the management of specific issues and these policies have since been rescinded.

#### **REPORT**

The draft Cemetery Policy was placed on public exhibition for a period of fifty-four (54) days from Wednesday 4 December 2019 to 28 January 2020. During the exhibition period three (3) submissions were received. The submissions and responses are summarised in **Attachment 2**.

The first submission raised concerns that management of the environmental and biodiversity values within Council managed cemeteries was not addressed in the draft cemetery policy. The scope of this policy does not include detailed management of the environmental assets in the cemeteries. Assessment of environmental values and specific management plans will be considered under a Plan of Management.

The inclusion of natural burial areas in the draft policy was taken as a positive factor in the second submission. Enquiries for natural burial in Wingecarribee Shire have been very limited to date. However, the concept of natural burial has been growing in popularity and is very suitable for some areas in the existing Council cemeteries.



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The third submission raised general concerns on tree maintenance and consideration for a greater height allowance for headstones in lawn beam areas.

Research on the height of headstones in other cemeteries was undertaken. It found that a height of 0.9m or less was the standard in lawn areas. Advice from qualified stonemasons supported Council's restriction to an overall height of 0.9m from ground level for headstones in lawn areas.

---

## COMMUNICATION AND CONSULTATION

### Community Engagement

The draft Cemetery Policy was placed on public exhibition from Wednesday 4 December 2019 to 28 January 2020.

The community was notified of the public exhibition through a media release on the 3 December 2019, and through public notices in the Southern Highlands News, Council's 'What's on Exhibition web page' and 'Your Say Wingecarribee' email subscription list during the exhibition period.

### Internal Communication and Consultation

Following the exhibition period further internal consultation was undertaken with Council's Environment and Sustainability Manager and Council's Supervisor Parks and Open Spaces.

### External Communication and Consultation

Following the exhibition period external consultation was undertaken with adjoining councils and relevant operators.

---

## SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no expected social issues associated with this report.

- **Broader Economic Implications**

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

- **Culture**

There are no expected cultural issues in relation to this report.

- **Governance**

The policy provides consistent criteria for the management and use of cemeteries for Council the community and service providers.

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#### COUNCIL BUDGET IMPLICATIONS

There are no budget implications as a result of this policy.

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#### RELATED COUNCIL POLICY

There are no current related policies.

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#### OPTIONS

The options available to Council are:

##### Option 1

1. THAT Council adopt the draft Cemetery Policy in Attachment 1.
2. THAT the persons who made a submission during the exhibition of the draft Cemetery Policy be notified in writing of Resolution 1 above.

##### Option 2

THAT Council not adopt the draft Cemetery Policy in **Attachment 1** and provide direction on an alternative policy position.

Option 1 is the recommended option to this report.

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#### CONCLUSION

The draft Cemetery Policy will provide the community and service providers with greater clarity on Council's policy position in regard to the management and use of Council cemeteries.

The draft policy provides a primary policy direction and will support a consistent approach to the management of Wingecarribee Shire Council Cemeteries.

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#### ATTACHMENTS

1. Summary table of submissions - Draft Cemetery Policy
2. Draft Cemetery Policy

Barry W Paull

**Deputy General Manager Operations, Finance and Risk**

Friday 6 March 2020





## Summary of Submission from Public Exhibition

### Draft Cemetery Policy

Date received	Issue raised	Response
6 December 2019	<p>The listing of Threatened Species Conservation Act 1995 is outdated. The Environment Protection and Biodiversity Conservation Act 1999 is not listed</p> <p>The policy does not deal with biodiversity values and how these will be assessed and managed.</p>	<p>The outdated listing has been changed to the Biodiversity Conservation Act 2016. Not all legislation applicable to the management of the cemeteries is listed only the most relevant to regular activities within existing burial areas.</p> <p>Management of biodiversity values will be included in a scheduled Plan of Management for the Cemeteries.</p>
20 December 2019	Noted the section on natural burial in the draft policy and would appreciate any sites opened up by Council for natural burial.	Council is investigating this possibility within existing cemeteries with the space and environmental conditions suitable for a natural burial area.
28 January 2020	<p>Would like headstone heights to be a more consistent height of 1.0m in lawn beam areas.</p> <p>Concerns were raised on the maintenance in cemeteries, in particular the care of landscape trees. With the perception that some cemeteries receive more care than others.</p>	<p>The 0.9metre height is specified in a previous policy on headstones in 1996. Most standard headstones supplied by stonemasons are less than 0.9 metre allowance.</p> <p>The care of landscape trees is undertaken under Council's tree management procedures and practices.</p>



# Cemetery Policy

## PEOPLE

**OUR COUNCIL HAS THE TRUST OF THE COMMUNITY AND WELL INFORMED DECISIONS ARE MADE TO ENSURE LONG TERM SUSTAINABILITY OF OUR SHIRE.**

1.1.3 Effective and efficient Council service delivery is provided within a framework that puts the customer first.

<p>Adoption Date:</p> <p>Council Reference:</p> <p>Policy Owner:</p> <p>Next review date:</p> <p>File Reference:</p> <p>Related Policies/Legislation:</p>	<p><i>(Governance to insert)</i></p> <p><i>(Governance to insert)</i></p> <p>Manager Assets</p> <p>4 years</p> <p>7190</p> <p><i>Local Government Act 1993</i></p> <p><i>Cemeteries and Crematoria Act 2013</i></p> <p><i>Cemeteries and Crematoria Regulation 2014</i></p> <p><i>Crown Lands Management Act 2016</i></p> <p><i>Public Health Act 2010</i></p> <p><i>Public Health Regulation 2012 (Part 8 Disposal of Bodies)</i></p> <p><i>Heritage Act 1977</i></p> <p><i>Environmental Planning and Assessment Act 1979</i></p> <p><i>Environment Planning and Assessment Regulation 2000</i></p> <p><i>Biodiversity Conservation Act 2016</i></p> <p><i>Funeral Funds Act 1979</i></p> <p><i>Coroner's Act 2009</i></p>
<p>Related Documents:</p>	<p>Wingecarribee Council Cemeteries Strategic Plan 2013</p> <p>Cemeteries Information Brochure</p> <p>Guidelines for Placing Flowers and Ornaments in our Cemeteries</p>

## OBJECTIVES

The objective of this policy is to provide a management standard for the sustainable administration, operation and maintenance of Wingecarribee Shire Council's cemeteries by:

- Providing clear guidelines for safe, consistent and socially acceptable standards for those entering, working or visiting Council-managed cemeteries.
- Ensuring cemetery services and infrastructure are provided in a sustainable manner.





# Cemetery Policy

- Meeting legislative requirements and best practice standards for cemetery operations.

## POLICY STATEMENT

### 1. Introduction

Cemeteries are an important community asset and provide essential infrastructure and services to the community.

Wingecarribee Shire Council (Council) is the operator of sixteen cemetery sites across the Shire and is responsible for the administration, maintenance and conservation of environmental and heritage elements within these cemeteries. The cemeteries under Council's authority include:

OPERATIONAL	PARTIALLY OPERATIONAL / NON OPERATIONAL
Bowral General Cemetery	Myra Vale Cemetery
Moss Vale General Cemetery	Rowes Hill Anglican Cemetery
Welby General Cemetery	Glenquarry Cemetery
Berrima General Cemetery	East Kangaloon Cemetery
Bundanoon General Cemetery	Burradoo Wesleyan Cemetery
Robertson General Cemetery	Balmoral Cemetery
Burrawang General Cemetery	Wingello Cemetery Reserve
Penrose General Cemetery	Kangaloon Cemetery Reserve

### 2. Background

The cemeteries in Council's care are either located on Council, Church or Crown Land and were previously administered by church trusts. Responsibility for the administration and management of the cemeteries was transferred from various trusts to Council in 1967 under the *Local Government (Control of Cemeteries) Amendment Act 1966*.

The management and operations of all New South Wales cemeteries are now governed under the *Cemeteries and Crematoria Act 2013*.





# Cemetery Policy

This policy is aligned with the *Cemeteries and Crematoria Act 2013* to ensure that all cemeteries administered by Council operate within a legal framework.

## 3. Management

### 3.1 Fees

Cemetery fees will be reviewed annually and published in Council's Fees and Charges.

### 3.2 Records

In accordance with relevant legislation, Council will collect the information necessary to meet the requirements for the keeping of a cemetery register.

Information contained in cemetery registers and plans, held by Council is available on application.

### 3.3 Burial Allotments and Ash Placement Niches.

Council will make provisions for the development of new types and styles of interment areas within a cemetery as required.

Allotment size and availability in all cemeteries will be determined by Council.

Restrictions on the type of monument and other memorialisation that can be placed on an allotment are applicable and dependent on the style of area. Information on these restrictions will be made available to all applicants for an interment right.

Council reserves the right to close an existing area to new interment rights once an area has reached capacity, or is deemed by Council to be unsuitable for further use.

A number of options for the interment or placement of ashes are available, however not all cemeteries will offer all options.

Cremated remains can only be scattered or interred in Council cemeteries upon the approval of an application to Council.

### 3.4 Natural Burial

Any area nominated by Council for use as a natural burial area within a Council cemetery will retain the natural vegetation with only minimal maintenance to remove weed species.

All interments in natural burial areas are to be single depth and the location recorded by Council staff.

No permanent memorials or physical markers are to be placed in a natural burial area.







# Cemetery Policy

All materials used in natural burial areas, including coffins, caskets, and floral arrangements, must be made of fully biodegradable or compostable materials.

### 3.5 Interment Rights

The granting of, transfer, or revocation of interment rights will be undertaken by Council in accordance with part 4 of the *Cemeteries and Crematoria Act 2013*.

An interment right gives exclusive entitlement to the holder to inter the remains of a deceased person in the place to which it relates.

All interment rights issued by Council are currently granted in perpetuity.

Council will not grant or transfer an interment right to a person if the granting or transfer of the interment right will result in the person holding (including jointly holding) interment rights in respect of more than two interment sites in a cemetery.

Refund of fees for unexercised interment rights transferred back to Council will be determined by Council. Council reserves the right to refuse to accept the transfer of an interment right from an interment right holder back to Council as the cemetery operator.

### 3.6 Applications for Burial under an Interment Right

Interments are only permitted with an interment order issued by Council. An application for an interment order must be lodged with Council before an interment order will be issued.

Interments may only be undertaken during the days and hours approved by Council. During bush fire danger periods, Council recommends interments prior to 11:00am at cemeteries located on bushfire prone land to reduce the risk to the public.

Council reserves the right to temporarily close a cemetery and/or defer funerals:

- when notified of a current bush fire incident within the vicinity of a cemetery;
- on bushfire danger days rated as catastrophic or extreme for cemeteries on bushfire prone land;
- when an emergency warning has been issued by emergency authorities; or
- force majeure events require the evacuation or repair of a cemetery.

## 4. Work Undertaken in Cemeteries

Works are considered to be any gravesite activity including, but not limited to, digging, interment and exhumation of remains, or the construction, repair, addition to or removal of a monument.





## Cemetery Policy

Anyone who wishes to conduct funeral or monument activities at a Council cemetery must hold appropriate qualifications and apply for a licence or permit to undertake the activity and receive approval from Council before commencing any work.

### 4.1 Licence Application

An application for a licence to undertake works must be on an approved form, include all contractor documentation requested on the application form, and be accompanied by the appropriate fee.

The licence will apply to the service provider and their sub-contractors.

Council reserves the right to refuse to grant a licence or to withdraw a licence to undertake works in Council cemeteries.

### 4.2 Service Provider Responsibilities

Service providers are not permitted to make any comments to the media on behalf of Council.

Service providers must at all times comply with all conditions of the permit or approval issued by Council.

Service providers must show due consideration for other contractors, staff and the public while working on site.

### 4.3 Monumental Work Applications

A monumental works application is to be lodged by a licenced mason using the approved form before any monument work is undertaken.

All monumental work must comply with all conditions of approval issued by Council and meet the current Australian Standards; Headstones and Cemetery Monuments AS 4204:2019.

The overall height of headstones on lawn beams must not exceed 0.9m from ground level.

Council may request additional structural plans for monuments in monumental areas.

The care, maintenance and repair of monumental work are the responsibility of the interment right holder or the estate of the deceased. Only minor works may be performed by the interment right holder or family of the deceased, all other work must be referred to a qualified stonemason.

Council may undertake work on monuments to ensure public and staff safety.

Works on monuments identified by Council to be of heritage significance are to be in accordance with the Burra Charter and may require additional assessment and referral to Council's heritage officer before any work may commence.





# Cemetery Policy

4.4 Maintenance of Cemetery Grounds

All maintenance and landscaping of cemetery grounds will be undertaken by Council staff or Council contractors as directed by Council.

Maintenance of cemetery grounds excludes the care and repair of monumental work which remain the responsibility of the interment right holder.

Landscape trees will be maintained as per Council's tree management procedures and practices.

The installation of memorial trees, memorial tree surrounds, or replacement of memorial trees must be approved by Council.

**5. Miscellaneous**

5.1 Placing of Tributes, Ornaments or Objects

The placement of floral and non-floral tributes can be undertaken within the guidelines set by Council.

Council is not responsible or liable for the security of tributes, flowers, ornaments or other objects placed in any cemetery.

Planting of any tree, shrub or plant in the ground in any cemetery is not to be undertaken without the written permission of Council.

Due to safety issues, glass vases or other objects containing glass are not to be left in any area of Council cemeteries. Metal objects, wire, gravel, wood chip, netting or items likely to cause a risk to health or safety are not to be placed in an area specified as a lawn beam area.

Advertising and promotional material are not to be placed or left in any cemetery without written permission of Council.

Council reserves the right to remove, without reference to anyone, any item considered an immediate risk to the safety of the public or staff.

5.2 Vehicles

Vehicle movements within Council cemeteries are to comply with posted speed limits and other vehicle management signs.

Private vehicles are not permitted within burial areas and must stay within designated driveways and parking areas.





# Cemetery Policy

Overnight parking or camping is not permitted in Council cemeteries.

### 5.3 Organised Events (other than funerals)

Where an event or group activity is to be held in a Council cemetery, the organiser must contact Council's cemetery staff at least two weeks prior to the event.

Some events may require the submission of documentation, such as a risk assessment and public liability insurance. Written approval for the event must be given by Council before accessing the cemetery.

### **SCOPE**

This Policy relates to all cemeteries administered by Wingecarribee Shire Council.

### **DEFINITIONS**

**Burra Charter** means "The Burra Charter (The Australia International Council on Monuments and Sites (ICOMOS) Charter For Places Of Cultural Significance)".

**First interment** is the burial of the first person under the provisions of an existing interment right.

**Holder** in relation to an interment right means the person listed in the cemetery register, held by the cemetery authority, as the holder of the interment right.

**Interment order** is a permit allowing for the burial to take place at a time and location, specified on the order, within the cemetery.

**Interment right**, previously called a burial right, is a purchased right issued by a cemetery authority or manager. An Interment right confers to the holder an exclusive right to bury or inter the remains of a person in a specific grave allotment or plot and to place a monument over the grave.

**Joint holder** means two or more persons named as joint holders of a single interment right.

**Mason** means a tradesman, stone mason or person possessing the skills to carryout monument masonry work and offering them as a service.

**Minor Work** is work that is not structural or requires machinery or power tools to complete. Minor work would include activities such as hand cleaning a headstone or weeding.

**Monument** means any structure, plaque, headstone, ledger, masonry, metal work, casting or other item memorialising a person where that item is placed in a Council cemetery.

**Register** means Council's formal data repository containing all the required details relating to burials, cremations, memorial sites.







# Cemetery Policy

**Subsequent interment** is the burial of a second person in one allotment, under the provisions of an existing interment right. A second or subsequent interment fee will be applicable for all second interments exercised under the provisions of an existing interment right.

## RESPONSIBILITIES

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

**Mayor/Councillors:**

- To lead the community in their understanding of and compliance with this Policy.

**Executive:**

- To implement this Policy and related procedures
- To lead Council staff in their understanding of and compliance with this Policy.

**Manager Assets:**

- To implement this Policy and related procedures
- To provide advice and assistance to Councillors and staff in relation to this Policy.

**Staff:**

- To read, understand and comply with this Policy and related procedures.

## PERFORMANCE MEASURES

The success of this policy will be measured by:

High level of compliance by everyone working or visiting Council managed cemeteries.

## BREACHES OF THE POLICY

Enforcement of this Policy is primarily supported by community education, provision of information to cemetery stakeholders and self-policing by the community rather than punitive enforcement by Council.





## Cemetery Policy

Where a member of the public continually fails to comply with this Policy and any associated written notification, Council may serve a caution or penalty notice upon such individual/s under the relevant legislation.

**APPROVED BY:**

**WINGECARRIBEE SHIRE COUNCIL**  
(Insert Date)





# Cemetery Policy

## ATTACHMENTS

1. Guidelines for Placing Flowers and Ornaments in our Cemeteries.
2. Cemeteries Information Sheet

Approved By:

WINGECARRIBEE SHIRE COUNCIL

(Insert Date)



## 12 CORPORATE STRATEGY AND DEVELOPMENT SERVICES

### 12.1 Outcome of Direct Negotiations - Customer Relationship and Document Management Systems

Reference: 0000  
Report Author: Chief Information Officer  
Authoriser: Deputy General Manager Corporate, Strategy and Development 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 present the outcomes of the direct negotiations for the Request for Tender for the Customer Relationship Management and the Electronic Document Management Systems.

#### RECOMMENDATION

1. **THAT** in relation to the report concerning the Tender for Customer Relationship Management and Electronic Records Document Management Systems - Council adopts the recommendations contained within the Closed Council report – Item 19.1.

OR

2. **THAT** the report concerning Tender for Customer Relationship Management and Electronic Records Document Management Systems - be considered in Closed Council – Item 19.1. This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

#### REPORT

##### **BACKGROUND**

Council currently has several systems that perform a critical role in delivering services to its customers and the community. Council however has no single system that manages the relationship with the customer. These processes are currently managed disparately among several standalone systems.

Council in adopting the 2017 – 2021 Delivery Plan at the beginning of its term adopted 7 Strategic Priorities one of which is as follows:

***Business transformation*** We recognise that the community has an expectation that the way we interact with them should reflect modern business processes utilising modern



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*technologies. We are committed to ensuring the systems and process that support service delivery and the way we interact with our customers is responsive and provides a variety of methods for interaction.*

The implementation of a Customer Relationship Management and Electronic Records Document Management System will enable Council to, in part, deliver this Strategic Priority. It is noted that there are several other projects within the Business Transformation Program which are currently being progressed. The tender for the two Systems is a significant component of the overall Business Transformation Program.

Council went to market for a system or systems that can bring together its customer management and assist in the digital transformation journey including website management, mobile application, amongst other functions.

An open Expression of Interest was run in April 2019 to investigate and understand solutions on the market. This process was used to understand the types of systems and obtain an indicative price range for the solution. Based on these findings a selective tender was released to three parties.

Council is committed to a digital transformation program and using technology as a tool to better service the residents and customers of Wingecarribee Shire Council with technology being used to drive a Customer First culture.

#### **REPORT**

At its meetings held on 27 November 2019 and 11 December 2019 Council authorised the tenders for the Customer Relationship Management system and the Electronic Document Management system be combined and for Council to enter into direct negotiations with Technology One Ltd.

The tenders were combined due to the interdependencies identified between the two systems and Technology One Ltd had been selected as the preferred vendor for each tender after separate evaluations had been completed for both tenders. It was determined that to achieve the best outcome for Council and to drive a successful implementation that these tenders should be merged and treated as one tender.

#### **COMMUNICATION AND CONSULTATION**

##### **Community Engagement**

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

##### **Internal Consultation**

Various Branches across the organisation who utilise IT systems specific to the subject of the tender. Cross functional team participated in the vendor demonstrations, and overall feedback was used as part of the non-cost evaluation weighting.

##### **External Consultation**

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

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

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

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## **RELATED COUNCIL POLICY**

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

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## **CONCLUSION**

The direct negotiation outcomes and recommendation are documented in the report to Council's Closed Committee.

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## **ATTACHMENTS**

There are no attachments to this report.

## 12.2 Development Applications Determined from 21 January 2020 to 23 February 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 21 January 2020 to 23 February 2020.

### RECOMMENDATION

**THAT** the information relating to the lists of Development Applications Determined for the period 21 January 2020 to 23 February 2020 be received and noted.

#### APPROVED APPLICATIONS BY DATE RANGE Date Range: 21 January 2020 to 23 February 2020

	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
1	20/0470	1 Cloud Lane Avoca NSW 2577 Lot 2 DP 1245627	J Marsden, I Marsden	Residential Alterations and Additions (Shed)	16/10/2019	59	60	119	13/02/2020 Deferred Commencement
2	19/1512	Victoria Street Balmoral NSW 2571 Lot 14 Sec 1 DP 2500 Lot 15 Sec 1 DP 2500	LS Todd, BA Jackson	Dwelling House	16/04/2019	202	96	298	09/02/2020
3	20/0446	8 Lemon Street Balmoral NSW 2571 Lot 23 Sec 2 DP 2500	R Dirickx, R Dirickx	Dwelling House	11/10/2019	90	32	122	11/02/2020
4	20/0793	578 Wilson Drive Balmoral NSW 2571 Lot 1451 DP 730348	M Duggan	Residential Alterations and Additions (Swimming Pool)	14/01/2020	0	28	28	12/02/2020
5	20/0908	5 Railway Parade Balmoral NSW 2571 Lot 2 DP 2764	S Harrison, J King	Residential Alterations and Additions (Carport)	14/02/2020	0	6	6	20/02/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
6	20/0688	16 Argyle Street Berrima NSW 2577 Lot 17 Sec 37 DP 758098	S Morris, C Morris	Residential Alterations and Additions (Extension and Internal Alterations)	04/12/2019	0	53	53	26/01/2020
7	20/0693	6 Jellore Street Berrima NSW 2577 Lot 11 Sec 2 DP 758098	CCA Feilen, EM Pilkington	Dwelling House	06/12/2019	3	66	69	14/02/2020
8	20/0809	Woolandgidgee 61 Birchforest Place Berrima NSW 2577 Lot 6 DP 869781	G King, V King	Residential Alterations and Additions (Swimming Pool)	17/01/2020	0	26	26	12/02/2020
9	17/0926.05	15 Edward Riley Drive Bowral NSW 2576 Lot 107 DP 1227641	B Cleary, C Cleary	Section 4.55 Modification (Delete Condition 24 pertaining to landscape certification)	04/02/2020	0	2	2	06/02/2020
10	20/0111	98-102 Old South Road Bowral NSW 2576 Lot 22 DP 13235	K Carnegie, EC Carnegie	Subdivision (5 Lots)	30/07/2019	19	166	185	01/02/2020
11	20/0357	148a Bowral Street Bowral NSW 2576 Lot 53 DP 1132127	KC Broad	Subdivision (2 Lots)	23/09/2019	124	22	146	17/02/2020
12	20/0450	6/310-318 Bong Bong Street Bowral NSW 2576 Lot 6 S/P 41585	F Scarcella, H Scarcella, R Scarcella	Commercial Premises (Food and Drink Premises and Small Bar)	14/10/2019	84	45	129	21/02/2020
13	20/0646	460 Kangaloon Road Bowral NSW 2576 Lot 22 DP 792646	Bong Bong Picnic Race Club Ltd	Temporary Use of Land (Small Farm Field Day Event)	27/11/2019	51	11	62	29/01/2020
14	20/0654	11 Herald Drive Bowral NSW 2576 Lot 116 DP 1227641	D Markovski, D Markovski	Dwelling House	28/11/2019	11	68	79	16/02/2020



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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
15	20/0739	92 Centennial Road Bowral NSW 2576 Lot 12 DP 610401	RK Fisher, AM Schiller	Residential Alterations and Additions (Internal Alterations and Awning)	18/12/2019	0	42	42	30/01/2020
16	20/0772	41 King Ranch Drive Bowral NSW 2576 Lot 2 DP 1067486	D Kaegi	Residential Alterations and Additions (Shed)	03/01/2020	0	27	27	31/01/2020
17	20/0801	25 Sir James Fairfax Circuit Bowral NSW 2576 Lot 416 DP 1248107	L Spitzer, A Spitzer	Dwelling House	15/01/2020	0	7	7	23/01/2020
18	20/0852.02	37 Bartholomew Way Braemar NSW 2575 Lot 284 DP 1228384	BR Pattman, E Van De Mortel	Dwelling House	06/02/2020	0	12	12	18/02/2020
19	20/0716	4 Reg Grundy Drive Bundanoon NSW 2578 Lot 9 DP 1219744	ADW Street, S Catlin	Dwelling House	13/12/2019	0	38	38	21/01/2020
20	20/0776	54 Greasons Road Bundanoon NSW 2578 Lot 221 DP 1214182	SG Symonds, A Symonds	Residential Alterations and Additions (Garage)	07/01/2020	0	28	28	04/02/2020
21	20/0817	5 Blue Gum Road Bundanoon NSW 2578 Lot 1 DP 510721	EK Webb	Residential Alterations and Additions (Shed)	20/01/2020	0	24	24	14/02/2020
22	19/1730.05	66b Osborne Road Burradoo NSW 2576 Lot 1 DP 1219836	JA Dunning, E Dunning	Section 4.55 Modification (Adjust BAL Rating)	24/01/2020	0	1	1	24/01/2020
23	20/0182.01	34 Holly Road Burradoo NSW 2576 Lot 4 DP 505098	S Vilo, A Vilo	Section 4.55 Modification (Extensions, Garage and Swimming Pool)	18/12/2019	0	55	55	12/02/2020
24	20/0634	16 Osborne Road Burradoo NSW 2576 Lot 68 DP 13057	I Pech	Dwelling House	25/11/2019	0	69	69	03/02/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
25	20/0848	Bush Fire Shed 42 Banksia Street Colo Vale NSW 2575 Lot 3 Sec 5 DP 2389	Wingecarribee Shire Council	Demolition (RFS Shed & Driveway)	28/01/2020	0	9	9	07/02/2020
26	19/1350	2179 Kangaloon Road East Kangaloon NSW 2576 Lot 2 DP 1077400 & Ep 43445	Wildwood Hill Holdings Pty Ltd	Continued Use (Secondary Dwelling)	15/03/2019	203	118	321	31/01/2020
27	20/0266	Braeside 1990 Kangaloon Road East Kangaloon NSW 2576 Lot 100 DP 1166953	WLS Investments Pty Ltd	Dwelling House	03/09/2019	99	52	151	02/02/2020
28	20/0387	25 Rockleigh Road Exeter NSW 2579 Lot 5 DP 1180426	MB Archer, KA Archer	Secondary Dwelling, Winery & Cellar Door	30/09/2019	70	52	122	31/01/2020
29	20/0667	28 Indigo Lane Exeter NSW 2579 Lot 9 DP 1180426	GB Carpenter, MA Carpenter	Dwelling House	02/12/2019	11	65	76	16/02/2020
30	20/0722	65 Middle Road Exeter NSW 2579 Lot 10 DP 255091	JE Manning	Residential Alterations and Additions (Extension)	16/12/2019	0	41	41	26/01/2020
31	20/0900	27 Indigo Lane Exeter NSW 2579 Lot 7 DP 1180426	EA DeLeeuw	Residential Alterations and Additions (Swimming Pool)	12/02/2020	0	7	7	21/02/2020
32	20/0735	20 Bodycotts Lane Fitzroy Falls NSW 2577 Lot 2 DP 829931	A Medforth, N Medforth	Residential Alterations and Additions (Extensions)	18/12/2019	0	55	55	12/02/2020
33	20/0382	Sheepwash Road Glenquarry NSW 2576 Lot 1 DP 1113295	G E Menzies Pty Ltd	Subdivision (Boundary Adjustment)	27/09/2019	109	23	132	07/02/2020
34	20/0158.01	21 Wyong Street Hill Top NSW 2575 Lot 1 DP 809063	G Barnes, WM Barnes	Section 4.55 Modification (Garage and Carport)	02/12/2019	0	57	57	28/01/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
35	19/0132.05	220 Jacks Valley Road Joadja NSW 2575 Lot 1 DP 877821 & Ep 308001	M Walden	Section 4.55 Modification (Convert Deck to Dining Room)	31/01/2020	0	17	17	18/02/2020
36	20/0625	1801 Kangaloon Road Kangaloon NSW 2576 Lot 103 DP 617717& Ep 171258	L Jensen	Demolish Existing Dwelling, New Dwelling House	22/11/2019	26	52	78	09/02/2020
37	18/0064.02	Durness 310 Joadja Road Mandemar NSW 2575 Lot 1 DP 785525	I Dunn	Section 4.55 Modification (3 Lot Subdivision – Extend Deferred Commencement)	12/02/2020	0	5	5	17/02/2020
38	19/1004	5 Pioneer Street Mittagong NSW 2575 Lot 14 DP 597853	HN Horne	Residential Alterations and Additions (Extensions)	21/12/2018	165	242	407	02/02/2020
39	19/1468.07	29 Nero Street Mittagong NSW 2575 Lot 6 DP 1245206	W Jiang	Section 4.55 Modification (New Rear Deck and Stairs)	11/02/2020	0	12	12	23/02/2020
40	19/1789	Religious Teaching & Training 843 Old South Road Mittagong NSW 2575 Lot 1 DP 804746	Marist Brothers	Place of Public Worship (Additions)	21/06/2019	187	27	214	21/01/2020
41	20/0558	34 Waverley Parade Mittagong NSW 2575 Lot 1 DP 567515	RH Kwong	Dual Occupancy (Detached)	08/11/2019	65	34	99	16/02/2020
42	20/0632	18 Leopold Street Mittagong NSW 2575 Lot 3 DP 241603	KS Ross	Demolish Existing Garage. Construct New Shed.	25/11/2019	32	24	56	21/01/2020
43	20/0670	14 Spencer Street Mittagong NSW 2575 Lot 3 DP 1232376	L Clarke	Dwelling House & Tree Removal	02/12/2019	0	78	78	19/02/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
44	20/0714	8 Bracken Street Mittagong NSW 2575 Lot 2 DP 1222561	JD Pearce	Change of Use (Conversion of Garage to Living Room)	12/12/2019	14	25	39	22/01/2020
45	20/0161	13 Old Dairy Close Moss Vale NSW 2577 Lot 7 DP 1147034	RG Simmons	Alterations and Additions – Industrial (Strata Subdivision - 6 Lots)	09/08/2019	158	7	165	21/01/2020
46	20/0441	13 Wembley Road Moss Vale NSW 2577 Lot 1 DP 1240291	C Facer, TD Facer	Dwelling House	11/10/2019	70	53	123	12/02/2020
47	20/0635	125-127 Argyle Street Moss Vale NSW 2577 Lot 2 DP 620618 Lot 1 DP 1186415	K Mussett, T Mussett	Residential Alterations and Additions (Extensions)	25/11/2019	16	68	84	18/02/2020
48	20/0636	125-127 Argyle Street Moss Vale NSW 2577 Lot 2 DP 620618 Lot 1 DP 1186415	K Mussett, T Mussett	Residential Alterations and Additions (Swimming Pool)	25/11/2019	16	68	84	18/02/2020
49	20/0742	3 Joseph Hollins Street Moss Vale NSW 2577 Lot 71 DP 1218966	EB Laycock	Dwelling House	19/12/2019	0	48	48	06/02/2020
50	20/0775	12 Joyce Street Moss Vale NSW 2577 Lot 4036 DP 1242576	M Hatton	Dwelling House	07/01/2020	0	28	28	04/02/2020
51	20/0789	8 Torulosa Drive Moss Vale NSW 2577 Lot 112 DP 1232222	CD Ash, T Ash	Residential Alterations and Additions (Retaining Wall)	13/01/2020	0	22	22	04/02/2020
52	20/0790	14 Snowy Gum Rise Moss Vale NSW 2577 Lot 13 DP 1252867	D Bearne, AC Connors	Dwelling House	13/01/2020	0	31	31	14/02/2020



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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
53	10/1061.03	6 Old Dairy Close Moss Vale NSW 2577 Lot 1 DP 1053325	Sapor Pty Limited, JM Platt-Hepworth	Section 4.55 Modification (Alter configuration of buildings. Earthworks)	28/06/2019	0	216	216	31/01/2020
54	19/0745.04	2 McGuinness Drive Mount Murray NSW 2577 Lot 2 DP 627558	JM Delhaas, CA Delhaas, B Renwick, S Renwick	Section 4.55 Modification (Extensions, Patio)	07/01/2020	0	26	26	02/02/2020
55	20/0729	78 Bong Bong Road Renwick NSW 2575 Lot 1 DP 1252836	PW Fowler, T Fowler	Dwelling House and Secondary Dwelling	17/12/2019	0	41	42	29/01/2020
56	20/0766	56 Challoner Rise Renwick NSW 2575 Lot 1256 DP 1221207	S Rodden, A Rodden	Residential Alterations and Additions (Alfresco Area, Verandah and Shed)	02/01/2020	0	19	19	21/01/2020
57	20/0773	20 Challoner Rise Renwick NSW 2575 Lot 8 DP 1221206	JR Aquilina, E Aquilina	Residential Alterations and Additions (Shed)	06/01/2020	0	17	17	23/01/2020
58	20/0783	20 Allen Avenue Renwick NSW 2575 Lot 149 DP 1221206	M Feld, J Feld, E Blackshaw, M Feld	Dwelling House	09/01/2020	0	18	18	28/01/2020
59	20/0807	10 Guthawah Way Renwick NSW 2575 Lot 711 DP 1234984	TD Pryce, CM Mladin	Dwelling House	17/01/2020	0	19	19	05/02/2020
60	20/0858	64 George Cutter Avenue Renwick NSW 2575 Lot 1241 DP 1221207	JS Graham, T Leadbeatter	Dwelling House	30/01/2020	4	13	17	17/02/2020
61	20/0875	2 George Cutter Avenue Renwick NSW 2575 Lot 135 DP 1221206	Barrington Housing Group Pty Ltd	Dwelling House	04/02/2020	4	8	12	17/02/2020
62	16/0357.01	151 McEvilly Road Robertson NSW 2577 Lot 3 DP 860218	Zack Property Pty Ltd	Section 4.55 Modification (Increase number of days 'truffle hunts' can be undertaken)	06/11/2019	0	103	103	18/02/2020

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	Application ID	Primary Property	Owner	Description	Date Lodged	Days Stopped	Assess Days	Total Days	Date Finalised
63	19/0978.03	491 Belmore Falls Road Robertson NSW 2577 Lot 1 DP 244159	DE Klimenko, B Klimenko	Section 4.55 Modification (Tree Removal)	24/12/2019	0	28	28	21/01/2020
64	20/0319	42 Burrawang Street Robertson NSW 2577 Lot 12 DP 1215655	T Allen, C Allen, K Clements	Dual Occupancy (Detached)	13/09/2019	96	48	144	05/02/2020
65	20/0541.03	65 North Street Robertson NSW 2577 Lot 1 Sec 22 DP 758882	CA Vizcarra, JA Vizcarra	Section 4.55 Modification (Shed)	20/12/2019	0	53	53	12/02/2020
66	20/0576	4491 Illawarra Highway Robertson NSW 2577 Lot 8 DP 877138	PF McDonell	Residential Alterations and Additions	12/11/2019	5	68	74	25/01/2020
67	20/0706	10 Shackleton Street Robertson NSW 2577 Lot 23 DP 807699	AA Masters, RH Masters	Residential Alterations and Additions (Patio)	10/12/2019	0	49	49	29/01/2020
68	20/0768	2 Lawn Avenue Robertson NSW 2577 Lot 3 DP 1165081	KE Silburn, AR Silburn	Residential Alterations and Additions (Shed)	02/01/2020	0	28	28	31/01/2020
69	20/0769	10 Meryla Street Robertson NSW 2577 Lot 1 DP 244671	W Milsted	Residential Alterations and Additions (Extensions and Carport)	02/01/2020	0	42	42	14/02/2020
70	20/0193	21 Black Horse Lane Sutton Forest NSW 2577 Lot 6 DP 660349	N Lo Russo, S Lo Russo	Cellar Door Premises	16/08/2019	157	18	175	08/02/2020
71	20/0770	10-12 Appenine Road Yerrinbool NSW 2575 Lot 229 DP 9882	T Avila	Residential Alterations and Additions (Swimming Pool)	02/01/2020	0	28	28	31/01/2020
72	20/0813	96 Old Hume Highway Yerrinbool NSW 2575 Lot 4 DP 11780	T Brogan	Residential Alterations and Additions (Shed)	17/01/2020	0	25	25	12/02/2020

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#### Refused Applications

73	20/0293	234 Old Hume Highway Mittagong NSW 2575 Lot A DP 390215	Syreeza Pty Ltd	Business Premises (Extensions to Veterinary Clinic)	06/09/2019	142	11	153	07/02/2020
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#### Reasons for Refusal

1. Pursuant to clauses 60 and 54 of the Environmental Planning and Assessment Regulation 2000 (the Regulation), Water NSW and Council respectively requested the applicant provide additional information to accompany the application. Pursuant to clauses 60 (6) and 54 (6) of the Regulation, the applicant is taken to have notified Council that the requested information would not be provided.

Consequently:

- a. Council is not satisfied by the application and its accompanying documents that the proposed development is satisfactory with respect to the aims specified by clause 3 of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011:
  - (a) *to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and*
  - (b) *to provide that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality, and*
  - (c) *to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.*
- b. Having regard to clause 9 of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, Council is not satisfied by the application and its accompanying documents that the proposed development satisfactorily incorporates Water NSW's current recommended practices and standards.
- c. Council is not satisfied by the application and its accompanying documents that the carrying out of the proposed development would have a neutral or beneficial effect on water quality, on which basis clause 10 (1) of State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 specifies Council must not grant consent to the carrying out of the development.
- d. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the particular aims specified by clause 1.2 (2) (d) (ii), (l) and (p) of Wingecarribee Local Environmental Plan 2010:
  - (d) *to provide opportunities for development and land use activities that—*
  - (ii) *do not adversely impact on natural systems and processes and the overall quality of Wingecarribee's natural environment, and*
  - (l) *to develop an ecologically sustainable future for Wingecarribee through the conservation, rehabilitation and regeneration of native vegetation (particularly*

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*threatened species populations and ecological communities), soil, waterways, riparian land and water quality (surface and groundwater),*

*(p) to protect and enhance waterways, riparian land and water quality in the drinking water catchments of Wingecarribee.*

- e. Council is not satisfied by the application and its accompanying documents that the proposed development is satisfactory with respect to the objectives and controls specified by section A1.8 of Council's applicable Industrial Land Development Control Plan regarding development in Sydney's drinking water catchments.
- f. Council is not satisfied by the application and its accompanying documents that the proposed development is satisfactory with respect to the water sensitive design objectives and controls specified by sections A2.5.2 and A2.5.3 of Council's applicable Industrial Land Development Control Plan (erroneously numbered A2.1.2 and A2.1.3 in the Development Control Plan document).
- g. Council is not satisfied by the application and its accompanying documents that the proposed development is satisfactory with respect to the environmental management objective specified by section B.8 (A) of Council's applicable Industrial Land Development Control Plan:

*(A). To maintain the health of receiving waterways by minimising discharge to sewer, drainage and natural air and water systems.*

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

- 2. The proposed development reduces landscaped area on the land and includes vehicle manoeuvring and parking facilities surfaced with reinforced turf. Council is not satisfied that proposed vehicle manoeuvring and parking surfaces will adequately withstand commercial vehicular traffic so as to ensure a sustained satisfactory visual appearance. Consequently, Council is not satisfied by the application and its accompanying documents that the proposed development is satisfactory with respect to the visual amenity objective specified by section A2.6 (d) of Council's applicable Industrial Land Development Control Plan:

*(d) Provide landscaping that contributes to the overall visual amenity of the locality.*

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

- 3. Council is not satisfied that the proposed development's reinforced turf vehicle entry/exit, manoeuvring and parking facilities will be satisfactorily identified or delineated on the land. Consequently, Council is not satisfied by the application and its accompanying documents that the proposed development is satisfactory with respect to section A2.7 (c) and (g) of Council's applicable Industrial Land Development Control Plan, which specifies Council will only support developments that make a positive contribution to:

*(c) Off site vehicle and pedestrian circulation*

*(g) Transport circulation within the property.*

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

- 4. The proposed development includes 10 off street car parking spaces, whereas Council has assessed the proposed development as demanding provision of 16 off street car parking spaces. Additionally, the proposed development does not include any designated vehicle loading/unloading facility despite including, for example, a "large animals" treatment room. Consequently:



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- a. Council considers the proposed development likely to have significant on-street vehicle parking impacts, thereby detracting from residential amenity for residential zoned land west of the subject land and, in turn, causing land use conflict at the interface of an industrial zone and a residential zone. Council therefore considers the proposed development unsatisfactory with respect to the provisions of section A2.8 of Council's applicable Industrial Land Development Control Plan regarding minimisation of land use conflict at residential interfaces.
- b. Council considers the proposed development unsatisfactory with respect to the access and parking objective specified by section B.4 (F) of Council's applicable Industrial Land Development Control Plan:
  - (F). *To discourage the use of streets for the parking of vehicles associated with new developments.*
- c. Council considers the proposed development unsatisfactory with respect to the control specified by section B.5 of Council's applicable Industrial Land Development Control Plan that off street parking shall be provided at the rate determined by Appendix 1 to the Development Control Plan.
- d. Council considers the proposed development unsatisfactory with respect to the loading and unloading facilities provisions specified by section B.5 of Council's applicable Industrial Land Development Control Plan.
- e. Council considers the proposed development likely to have significant negative impacts with respect to:
  - i. access, transport and traffic
  - ii. site design and internal design
- f. Council considers the land unsuitable for development as proposed.

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

5. Council does not consider granting consent for the proposed development to be in the public interest.

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

74	20/0381	7 Gibbergunya Lane (Priv.) Mittagong NSW 2575 Lot 34 DP 979713	RG Murray, J Murray	Subdivision (2 Lots)	27/09/2019	118	25	144	18/02/2020
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#### **Reasons for Refusal**

1. The proposed development would result in more than three lots being accessible by vehicle via rights of carriageway from Old Hume Highway, contrary to Table D1.1 of Council's Development's Specification D1—Geometric Road Design. Council requested the applicant provide additional information to address this contravention. The applicant failed to provide the requested additional information by the end of the period specified by Council's request, and is taken to have notified Council that the requested additional information will not be provided, pursuant to clause 54 (6) (a) of the Environmental Planning and Assessment Regulation 2000.

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Consequently:

- a. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the objective of Zone R5 Large Lot Residential as specified by the Land Use Table at the end of Part 2 of Wingecarribee Local Environmental Plan 2010:
  - *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- b. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the minimum subdivision lot size objective specified by clause 4.1 (1) (b) of Wingecarribee Local Environmental Plan 2010:
  - (b) to ensure that the subdivision of land to create new lots is compatible with the character of the surrounding land and does not compromise existing development or amenity.*
- c. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the urban function objectives specified by section A2.2.2 (a) and (b) of Council's applicable Mittagong Town Plan Development Control Plan:
  - (a) Improvement of traffic and parking management within the town.*
  - (b) Minimisation of vehicular and pedestrian conflicts.*
- d. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the residential amenity objectives specified by section A2.2.4 (b) and (d) of Council's applicable Mittagong Town Plan Development Control Plan:
  - (b) Encourage new residential development that is sympathetic to existing or desired future streetscapes and neighbourhood character.*
  - (d) Contribute to the enhancement of the urban amenity.*
- e. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the objectives of low density housing specified by section C2.2 (a) of Council's applicable Mittagong Town Plan Development Control Plan:
  - (a) Maintain and improve the amenity and character of residential areas...*
- f. Council is not satisfied by the application and its accompanying documents that the proposed development will not have significant negative impacts in the locality in terms of:
  - i. Context and setting, with particular regard to the character and amenity of the locality and existing land uses in the locality
  - ii. Site design and internal design, with particular regard to the size, shape and design of the proposed lots and access arrangements, and visual and acoustic privacy of adjoining residential lots
  - iii. Access, transport and traffic, with particular regard to potential generation of additional traffic within the rights of carriageway giving access to the land

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- iv. Noise, with particular regard to potential noise emissions from vehicular traffic gaining access to the land from Old Hume Highway via rights of carriageway burdening adjoining and adjacent lots.
- g. Council is not satisfied by the application and its accompanying documents that the proposed development is compatible with the character and amenity of the locality, and is therefore not satisfied that the land is suitable for the proposed development.

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

- 2. Council's Gibbergunyah Creek Flood Study indicates the land is substantially at or below the level of a 1:100 average recurrence interval flood event plus 500mm freeboard (the flood planning level), and subject to Medium Flood Risk. The application is not accompanied by any document detailing the findings of a flood study relating specifically to the subject land, nor any Council flood certificate relating to the subject land. Council requested the applicant provide additional information to address this omission. The applicant failed to provide the requested additional information by the end of the period specified by Council's request, and is taken to have notified Council that the requested additional information will not be provided, pursuant to clause 54 (6) (a) of the Environmental Planning and Assessment Regulation 2000.

Consequently:

- a. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the objectives of Zone R5 Large Lot Residential as specified by the Land Use Table at the end of Part 2 of Wingecarribee Local Environmental Plan 2010:
  - *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
  - *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- b. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the flood planning objectives specified by clause 7.9 (1) (a)-(c) of Wingecarribee Local Environmental Plan 2010:
  - (a) *to minimise the flood risk to life and property associated with the use of land,*
  - (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected climate change,*
  - (c) *to avoid significant adverse impacts on flood behaviour and the environment.*
- c. Council is not satisfied by the application and its accompanying documents that the proposed development:
  - is compatible with the flood hazard of the land
  - incorporates appropriate measures to manage risk to life from flood, and
  - will not be likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

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Clause 7.9 (3) (a), (c) and (e) of Wingecarribee Local Environmental Plan 2010 therefore specifies Council must not grant consent to the proposed development.

- d. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the flood liable land objective specified by section A5.2 (c) of Council's applicable Mittagong Town Plan Development Control Plan:

*(c) Manage the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods.*

- e. Council is not satisfied by the application and its accompanying documents that the proposed development is consistent with the objectives of controls for general development on flood liable land specified by section A5.4.1 (a), (b), (c) (i), (d) and (e) of Council's applicable Mittagong Town Plan Development Control Plan:

*(a) To require development with high sensitivity to flood damages or danger to life to be sited and designed so that it is subject to minimal flood hazard.*

*(b) To allow development with low sensitivity to flood damages or danger to life to be located within a floodplain subject to design and siting controls and provided the chance of personal harm and damage to property is minimised.*

*(c) To ensure that the design and siting controls and built form outcomes required to address the flood hazard do not result in unreasonable impacts on the:*

*(i) amenity and character of an area;*

*(d) To ensure the flood risk within the development, comprising danger to life and damage to property, is minimised and not increased beyond the level acceptable to the community.*

*(e) To ensure that the proposed development does not exacerbate flooding on other properties.*

- f. Council is not satisfied by the application and its accompanying documents that the proposed development is satisfactory with respect to the performance criteria and prescriptive controls for general development on flood liable land specified by sections A5.4.2 and A5.4.3 of Council's applicable Mittagong Town Plan Development Control Plan.

- g. Council is not satisfied by the application and its accompanying documents that the proposed development will not have significant negative impacts in the locality in terms of natural hazards, with particular regard to flooding.

- h. Council is not satisfied by the application and its accompanying documents that the land is suitable for the proposed development.

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

3. Council notified the development application to owners and occupiers of surrounding properties. Notification attracted one submission by way of objection to the proposed development. The stated grounds for objection are that the proposed development would result in more than three lots being accessible by vehicle via rights of carriageway, contrary to Table D1.1 of Council's Development's Specification D1—Geometric Road Design, and the proposed development has potential to increase



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vehicular traffic gaining access to the proposed lots via rights of carriageway, damaging the accessway within the rights of carriageway and detracting from the residential amenity of neighbouring properties.

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

4. Council does not consider the proposed development to be in the public interest.

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

75	15/1265.05	44 Waverley Parade Mittagong NSW 2575 Lot 3 DP 1087566	J Maxwell	Section 4.55 Modification (Tree Removal and Tree Pruning)	08/11/2019	60	21	81	29/01/2020
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#### Reasons for Refusal

1. Insufficient and inadequate information was submitted to properly assess impacts to the trees across the subject site despite requests for it under Clause 54 of the Environmental Planning and Assessment Regulation 2000 and accordingly the information provided was inadequate to enable consideration of impacts under s4.15 (1)(b).

**1. (s4.15(1)(b) of the Environmental Planning & Assessment Act 1979)**

2. Having regard to s4.15(c) of the Act, the site includes a number of established trees that would be negatively affected by the proposal and is therefore not suitable for the proposed development.

**2. (s4.15(1)(c) of the Environmental Planning & Assessment Act 1979)**

3. A number of submissions were received from the public in relation to this application evidencing public concern in relation to the proposal as considered under s4.15(d).

**3. (s4.15(1)(d) of the Environmental Planning & Assessment Act 1979)**

4. Having regard to section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, Council considers that the application is not in the public interest.

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

76	19/1694.03	29-31 Merrigang Street Bowral NSW 2576 Lot 1 DP 154869	Merrigang Pty Ltd	82A Review Residential Alterations and Additions (Fence and Additional Driveway Crossing)	11/10/2019	0	116	116	04/02/2020
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**Reasons for Refusal**

1. The proposal does not comply with Council’s Endorsed Technical Specifications D1 – Geometric Road Design, driveway crossing requirements (Table D1.8 – Geometric Road Design) as the specification only allows provision of one (1) cross per street frontage.

**Table D1.8  
Provision of Vehicular Crossings**

	<b>Residential</b>	<b>Industrial</b>	<b>Commercial</b>	<b>Rural</b>
Number of crossings per street frontage	1	1	1	1
Minimum width per crossing	3.0m	6.0m	4.0m	4.0m
Minimum distance to closest side of crossing from kerb tangent point at intersections	6.0m	6.0m	6.0m	To be assessed on its merits

**Notes:**

Rural crossings are to be provided in accordance with SD 110. If crossing is adjacent to sealed road entrance, it is to be sealed from existing edge of bitumen to boundary line.

2. The proposal for a second cross over is inconsistent with the Merrigang Street streetscape which is characterized by single crossover.
3. The proposal for a second crossover will result in a loss of one street car parking.
4. Having regard to Section 4.15 (1) (a) (iii) the additional driveway crossing will have a detrimental impact upon the functional amenity of the locality and therefore contravenes the objectives of the Bowral Town Development Control Plan.

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

5. Having regard to section 4.15 (1) (a) (iv) of the Environmental Planning and Assessment Act 1979, Council considers the information provided with the development application incomplete and unsatisfactory with respect to the clause 54 (6) of the Environmental Planning and Assessment Regulations 2000.
- 4.

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

6. Having regard to section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979, Council considers the development likely to have significant negative impacts with respect to:
  - (a) The character and amenity of the locality and the streetscape
  - (b) The streetscape aspect of Merrigang Street
  - (c) Loss of on street Vehicle Parking
  - (d) The Heritage aspect of the area

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

7. Having regard to section 4.15 (1) (c) of the Environmental Planning and Assessment Act 1979, Council considers the development incompatible with the desired character and amenity of the locality, therefore Council considers the land unsuitable for the development.

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

8. Having regard to section 4.15 (1) (e) of the Environmental Planning and Assessment Act 1979, Council considers it not to be in the public interest to grant consent for the development.

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

77	19/1305	2179 Kangaloon Road East Kangaloon NSW 2576 Lot 2 DP 1077400	Wildwood Hill Holdings Pty Ltd	Temporary Use Of Land (Utilise Existing Farm Building For Up To Thirty (30) Functions Per Year)	05/03/2019	158	128	286	17/12/2019
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#### Reasons for Refusal

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 85<sup>th</sup> 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,

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- (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)**

78	10/0414.05	144 Mt Broughton Road Werai NSW 2577 Lot 1 DP 804846	IM Scandrett, JA Scandrett	82A Review (Alterations & Additions to Dwelling, Shed and Gates)	23/08/2019	0	110	110	Determined by Council 11/12/2019
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#### Reasons for Refusal

1. The Modification 4.55(1A) Application is not of minimal environmental impact.
2. The Modification application does not satisfy objective 4 of the E3 Environmental Management zone in Wingecarribee Local Environmental Plan 2010 which states *"to minimise the proliferation of buildings and other structures in these sensitive landscape areas."*
3. The modification to the proposed shed does not comply with the maximum ground level building footprint of 600m<sup>2</sup> in that the proposed shed includes 684m<sup>2</sup> or 14% of Control A3.7 – Siting of Rural Buildings (b); Part A Managing our Rural Land; Section 3 Ecologically Sustainable Development of Wingecarribee Rural Lands DCP 2010.
4. The modification to the proposed shed does not comply with the total area of all land occupied by the ground level building footprint of all rural buildings and other structures of 1000m<sup>2</sup> in that the total area exceeds 1000m<sup>2</sup> of Control A3.7 – Siting of Rural Buildings (c); Part A Managing our Rural Land; Section 3 Ecologically Sustainable Development of Wingecarribee Rural Lands DCP 2010.
5. The combination of the additional size, height and reduced setback to the northern boundary will result in an increased negative impact on the amenity of 102 Broughton Road.

#### ATTACHMENTS

There are no attachments to this report.



## 12.3 Development Applications Received from 21 January 2020 to 23 February 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 21 January 2020 to 23 February 2020.

### RECOMMENDATION

**THAT** the information relating to Development Applications Received from 21 January 2020 to 23 February 2020 be received and noted.

### REPORT

#### RECEIVED APPLICATIONS BY DATE RANGE

Date range: 21 January 2020 to 23 February 2020

	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
1	20/0825	102 Old Hume Highway Aylmerton NSW 2575 Lot 72 DP 869189 Lot 7 DP 248546	PIC Pastoral Pty Ltd	Subdivision (2 Lots)	22/01/2020		#PENDING		
2	20/0874	18 Cascabel Close Balaclava NSW 2575 Lot 9 DP 1255186	FA Dempster, JA Dempster	Dwelling House	04/02/2020		#PENDING		
3	20/0908	5 Railway Parade Balmoral NSW 2571 Lot 2 DP 2764	S Harrison, JM King	Residential Alterations and Additions (Carport)	14/02/2020		#APPROVED	20/02/2020	

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
4	19/1011.03	36 Oldbury Street Berrima NSW 2577 Lot 6 DP 1213372	K Berkelouw	Section 4.55 Modification (Internal Alterations. Relocate terrace and stair. Reduce height of building. Relocate parking area and increase size)	13/02/2020		#PENDING		
5	17/0926.05	15 Edward Riley Drive Bowral NSW 2576 Lot 107 DP 1227641	BN Cleary, CA Cleary	Section 4.55 Modification (Delete Condition 24 pertaining to landscape certification)	04/02/2020		#APPROVED	06/02/2020	
6	19/0424.03	149 Merrigang Street Bowral NSW 2576 Lot 6 DP 1240587	J Vild, J Vild	Section 4.55 Modification (Extensions and Internal Alterations)	21/02/2020		#PENDING		
7	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		#PENDING		
8	20/0929	6 Boolwey Street Bowral NSW 2576 Lot 21 DP 802519	H Johnson	Change of Use (Food and Drink Premises)	19/02/2020		#PENDING		
9	20/0819	58 Old Hume Highway Braemar NSW 2575 Lot 56 DP 738324	JW Halliday, P Halliday	Subdivision (2 Lots)	21/01/2020		#PENDING		
10	20/0852.02	37 Bartholomew Way Braemar NSW 2575 Lot 284 DP 1228384	BR Pattman, E Van De Mortel	Dwelling House	06/02/2020		#APPROVED	18/02/2020	
11	20/0890	Rondelay 23 Church Street Bundanoon NSW 2578 Lot 44 DP 10115	Acacia 39 Pty Ltd	Residential Alterations and Additions (Carpport)	07/02/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
12	17/1075.05	124-130 Burradoo Road Burradoo NSW 2576 Lot 10 DP 716085	BF Peckitt	Section 4.55 Modification Dual Occupancy (New Deck, Internal and External Alterations)	20/02/2020		#PENDING		
13	19/1730.05	66b Osborne Road Burradoo NSW 2576 Lot 1 DP 1219836	JA Dunning, E Dunning	Section 4.55 Modification (Adjust BAL rating)	24/01/2020		#APPROVED	24/01/2020	
14	20/0187.01	29a Links Road Burradoo NSW 2576 Lot 242 DP 1235909	JM Poole, JE Poole	Section 4.55 Modification (Modify Driveway Width)	07/02/2020		#PENDING		
15	20/0910	49 Holly Road Burradoo NSW 2576 Lot 1 DP 32898	RA Nash-Smith, JK Nash-Smith	Residential Alterations and Additions (Extensions)	14/02/2020		#PENDING		
16	15/0113.04	7 Barrett Street Burrawang NSW 2577 Lot 2 DP 629639	G Johnson, L Johnson	Section 4.55 Modification (Reduce size of approved southern wing extension)	04/02/2020		#PENDING		
17	20/0939	76 Hoddle Street Burrawang NSW 2577 Lot 31 DP 1694	DR Flett, S Flett	Residential Alterations and Additions (Extensions, New Garage & Retaining Wall)	21/02/2020		#PENDING		
18	20/0848	Bush Fire Shed 42 Banksia Street Colo Vale NSW 2575 Lot 3 Sec 5 DP 2389	Wingecarribee Shire Council	Demolition (RFS Shed & Driveway)	28/01/2020		#APPROVED	07/02/2020	
19	20/0850	22 Jasmine Street Colo Vale NSW 2575 Lot 23 Sec 17 DP 2944	JA Clarke, JM Clarke	Residential Alterations and Additions (Shed)	29/01/2020		#PENDING		
20	20/0870	9 Stringybark Close Colo Vale NSW 2575 Lot 221 DP 1245987	P Klopfer, B Klopfer	Dwelling House	03/02/2020		#PENDING		
21	20/0902	7 Acacia Street Colo Vale NSW 2575 Lot 2 DP 1230986	C Smith, S Smith, P Smith, L Smith	Dwelling House and Secondary Dwelling	12/02/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
22	20/0926	51-53 Church Avenue Colo Vale NSW 2575 Lot 1 DP 518496	M Cosyn, B Cosyn	Residential Alterations and Additions (Extensions)	19/02/2020		#PENDING		
23	20/0937	11 Stringybark Close Colo Vale NSW 2575 Lot 222 DP 1245987	S Tiebosch, A Nicolaous	Dwelling House	21/02/2020		#PENDING		
24	19/0647.05	1750 Tourist Road East Kangaloon NSW 2576 Lot 1 DP 879978	A Pickering, J Pickering	Section 4.55 Modification (Farm Building – Reduce footprint and profile)	05/02/2020		#PENDING		
25	20/0856	112 Devon Road Exeter NSW 2579 Lot 3 DP 1244858	I Plach	Dwelling House	30/01/2020		#PENDING		
26	20/0900	27 Indigo Lane Exeter NSW 2579 Lot 7 DP 1180426	E De Leeuw	Residential Alterations and Additions (Swimming Pool)	12/02/2020		#APPROVED	21/02/2020	
27	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 & Secondary Dwelling	22/01/2020		#PENDING		
28	20/0846	12 Vera Street Hill Top NSW 2575 Lot 215 DP 1206750	SA Packer	Residential Alterations and Additions (Extensions, Deck and Carport)	28/01/2020		#PENDING		
29	19/0132.05	220 Jacks Valley Road Joadja NSW 2575 Lot 1 DP 877821 & Ep 308001	M Walden	Section 4.55 Modification (Convert Deck to Dining Room)	31/01/2020		#APPROVED	18/02/2020	
30	17/1106.04	1200 Kangaloon Road Kangaloon NSW 2576 Lot 103 DP 1241090	G Richardson, R Richardson	Section 4.55 Modification Dwelling House	13/02/2020		#PENDING		
30	18/0064.02	Durness 310 Joadja Road Mandemar NSW 2575 Lot 1 DP 785525	I Dunn	Section 4.55 Modification (3 Lot Subdivision – Extend Deferred Commencement)	12/02/2020		#APPROVED	17/02/2020	



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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
31	19/1468.07	29 Nero Street Mittagong NSW 2575 Lot 6 DP 1245206	Wj Jiang	Section 4.55 Modification (New Rear Deck and Stairs)	11/02/2020		#APPROVED	23/02/2020	
32	20/0826	129 Oxley Drive Mittagong NSW 2575 Lot 102 DP 863520	CLV Stirling	Residential Alterations and Additions (Extensions)	22/01/2020		#PENDING		
33	20/0855	1 Lee Street Mittagong NSW 2575 Lot 6 DP 14129	L Kirkpatrick, B Kirkpatrick	Residential Alterations and Additions (Extensions, Garage and Swimming Pool)	29/01/2020		#PENDING		
34	20/0867	411 Old South Road Mittagong NSW 2575 Lot 1 DP 1201343	Business2- business Relocations and Fitouts Pty Ltd	Infrastructure (Extend water main to service existing rural property.)	03/02/2020		#PENDING		
35	20/0901	1 Etheridge Street Mittagong NSW 2575 Lot 1 DP 26716	T Rollond	Residential Alterations and Additions (Shed)	12/02/2020		#PENDING		
36	20/0911	45-47 Mary Street Mittagong NSW 2575 Lot 2 Sec 1 DP 1847 Lot 3 Sec 1 DP 1847 Lot 11 Sec 1 DP 1847	D Gruesser	Residential Alterations and Additions (Studio)	14/02/2020		#PENDING		
37	20/0914	17 Nero Street Mittagong NSW 2575 Lot 242 DP 1246385	M Mulligan, R Mulligan	Dwelling House	17/02/2020		#PENDING		
38	20/0918	Pre-School 10 Waverley Parade Mittagong NSW 2575 Lot 12 DP 810149	Wingecarribee Shire Council	Advertising Structure	18/02/2020		#PENDING		
39	20/0928	94 Bowral Road Mittagong NSW 2575 Part Lot 13 DP 1258808	Lockquip Pty Ltd	Hard stand storage	19/02/2020		#PENDING		

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
40	20/0940	220 Old Hume Highway Mittagong NSW 2575 Lot 1 DP 516905	JA Clissold, AS Clissold	Change of Use (Vehicle Storage)	21/02/2020		#PENDING		
41	19/0655.04	Kilwinning 344 Headlam Road Moss Vale NSW 2577 Lot 2 DP 774529	S Hanrahan, F Hanrahan	Section 4.55 Modification (Internal and External Alterations)	17/02/2020		#PENDING		
42	20/0822	4 Wyatt Street Moss Vale NSW 2577 Lot 2 DP 246679	P Woodward, N Woodward	Residential Alterations and Additions (Extensions, Internal Alterations)	21/01/2020		#PENDING		
43	20/0838	587a Argyle Street Moss Vale NSW 2577 Lot 1 DP 209719	SM Du-Mughn, J Parker	Demolish Existing Dwelling. Construction of new Dwelling House	24/01/2020		#PENDING		
44	20/0857	19 Roe Street Moss Vale NSW 2577 Lot 218 DP 258240	L Sturt, C Martin	Residential Alterations and Additions (Garage)	30/01/2020		#PENDING		
45	20/0883	47 Narellan Road Moss Vale NSW 2577 Lot 133 DP 1232222	L-L Chao	Child Care Centre	06/02/2020		#PENDING		✓
46	20/0898	71 Iona Park Road Moss Vale NSW 2577 Lot 1 DP 623251	Cl Morrissey	Farm Stay Accommodation	12/02/2020		#PENDING		
47	20/0921	10 Snowy Gum Rise Moss Vale NSW 2577 Lot 11 DP 1252867	Jam Hook, J Hook	Dwelling House	18/02/2020		#PENDING		✓
48	20/0935	Saleyards 205 Berrima Road Moss Vale NSW 2577 Lot 2 DP 215782	Wingecarribee Shire Council	Commercial Alterations and Additions (Passenger Lift Administration Building at Stock & Saleyard)	21/02/2020		#PENDING		✓

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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
49	20/0878	Yacamunda 663 Inverary Road Paddys River NSW 2577 Lot 1 DP 712982	K Jenkins	Dwelling House	04/02/2020		#PENDING		
50	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(2) Modification (Reduce number of Subdivision Lots from 15 to 13. Modify dimensions of remaining 13 Lots)	17/02/2020		#PENDING		
51	20/0858	64 George Cutter Avenue Renwick NSW 2575 Lot 1241 DP 1221207	J Graham, T Leadbeatter	Dwelling House	30/01/2020		#APPROVED	17/02/2020	
52	20/0875	2 George Cutter Avenue Renwick NSW 2575 Lot 135 DP 1221206	Barrington Housing Group Pty Ltd	Dwelling House	04/02/2020		#APPROVED	17/02/2020	
53	20/0879	3 Jefferis Avenue Renwick NSW 2575 Lot 60 DP 1221206	M Cameron	Dwelling House	04/02/2020		#PENDING		
54	20/0887	6 Solomon Street Renwick NSW 2575 Lot 1328 DP 1234992	S Wooldridge	Dwelling House	07/02/2020		#APPROVED	24/02/2020	
55	20/0904	48 Challoner Rise Renwick NSW 2575 Lot 1260 DP 1221207	CEF Clark, K Clark	Residential Alterations and Additions (Swimming Pool)	13/02/2020		#APPROVED	24/02/2020	
56	20/0925	4 Windeyer Street Renwick NSW 2575 Lot 1397 DP 1234992	TA Twist	Dwelling House	18/02/2020		#PENDING		
57	20/0840	12-14 Hoddle Street Robertson NSW 2577 Lot 8 Sec 1 DP 758882	L Stratford, DA Stratford	Residential Alterations and Additions (Shed)	24/01/2020		#PENDING		✓

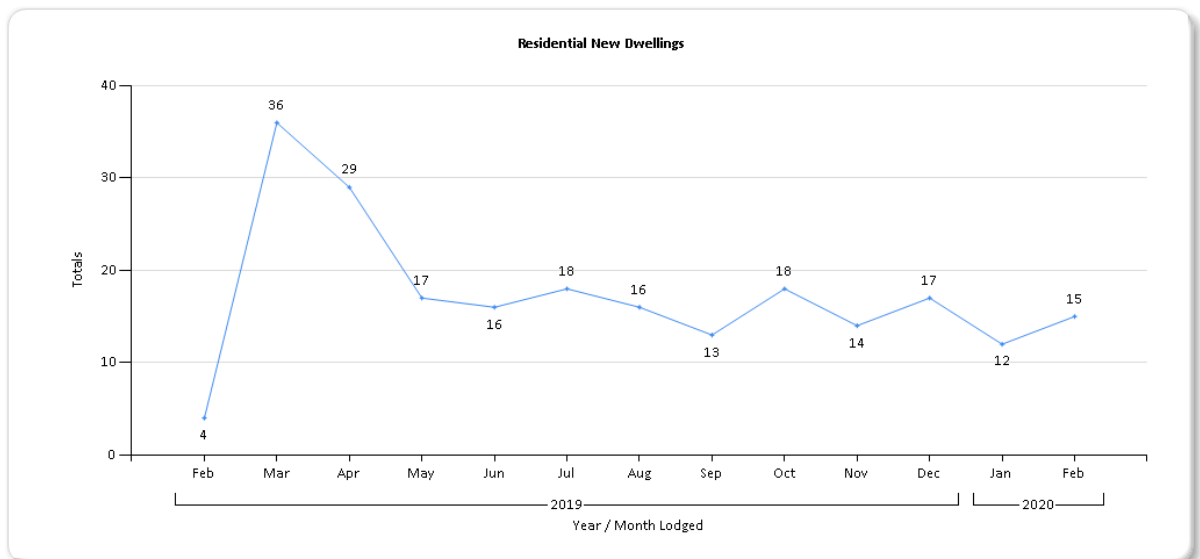
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	Application ID	Primary Property	Owner	Description	Date Lodged	Council	Decision	Determined Date	Weekly Circular
58	20/0859	56 Caalong Street Robertson NSW 2577 Lot 19 DP 15947	DP Shipp, C Shipp	Secondary Dwelling	30/01/2020		#PENDING		
59	20/0876	59-61 North Street Robertson NSW 2577 Lot 4 Sec 23 DP 758882	R Tobler, K Tobler	Secondary Dwelling	04/02/2020		#PENDING		
60	20/0881	22 Caalong Street Robertson NSW 2577 Lot 1 DP 128039	TE Moran	Boundary Adjustment	05/02/2020		#PENDING		
61	17/1442.08	368 Exeter Road Sutton Forest NSW 2577 Lot 1 DP 1213201	Totomo Pty Ltd ATF Morgan Family Trust	Section 4.55 Modification (Internal Alterations)	10/02/2020		#PENDING		
62	20/0877	61 Conflict Street Sutton Forest NSW 2577 Lot 15 DP 533513	C Pena, M Garrao	Dual Occupancy (Attached)	04/02/2020		#PENDING		
63	20/0862	Myra Vale Downs 671 Myra Vale Road Wildes Meadow NSW 2577 Lot 12 DP 716245	M Weber, SM Nixon	Secondary Dwelling	31/01/2020		#PENDING		

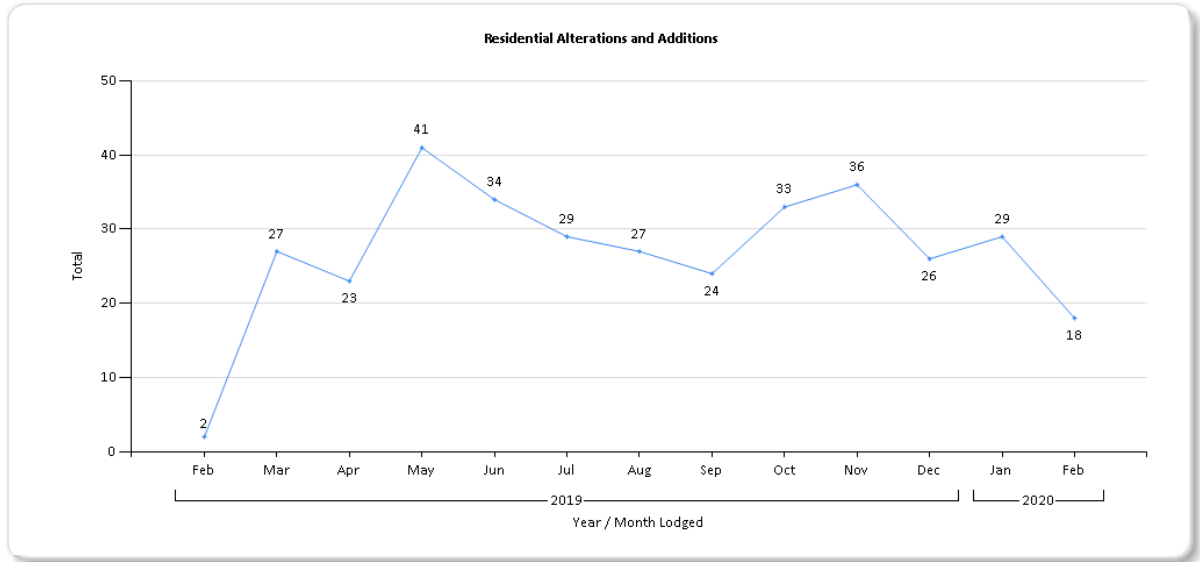




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**ATTACHMENTS**

There are no attachments to this report.

## 12.4 Wingecarribee Local Housing Strategy

Reference:	5600/8
Report Author:	Coordinator Strategic Land Use Planning
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

### PURPOSE

To seek Council endorsement of the draft Wingecarribee Local Housing Strategy – *Housing our Community* for public exhibition.

### VOTING ON THE MOTION

Councillors are required to record their votes on this matter.

### RECOMMENDATION

- 1. THAT** the draft Wingecarribee Local Housing Strategy – *Housing Our Community* be endorsed for public exhibition
- 2. THAT** the draft Wingecarribee Local Housing Strategy be publicly exhibited for a minimum period of eight (8) weeks commencing in March 2020
- 3. THAT** staff hold community engagement kiosks throughout the Shire during the consultation period to coincide with the exhibition of the Local Strategic Planning Statements
- 4. THAT** during the exhibition period of the draft Local Housing Strategy, a site specific environmental constraints assessment be undertaken for each of the identified new residential living areas to provide greater certainty in relation to the extent of the potential developable areas, and
- 5. THAT** the draft Local Housing Strategy and site-specific constraints assessment be reported back to Council following the public exhibition period.

### REPORT

#### **BACKGROUND**

The Wingecarribee Local Planning Strategy (LPS) 2015-2031 was adopted by Council on 23 March 2015 and conditionally endorsed by the (then) Department of Planning and Environment on 15 May 2017. The LPS sets a context and policy framework to guide the management of environmental, rural, housing, economic, built environment and infrastructure outcomes across the Shire.

However, in conditionally endorsing the LPS, the Department did not endorse Chapter 4 - Managing Housing Needs under the Strategy, as it relied solely on infill development to meet the housing supply needs across the Shire. The Department recommended that Council identify potential greenfield release housing areas to ensure the Strategy provides a range of opportunities for new housing supply. Therefore, Council does not currently have an endorsed housing strategy.

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Not having an endorsed housing strategy leaves Council vulnerable to spot rezonings and speculative development proposals being supported by the State Government and / or Regional Planning Panel. Therefore, it is critically important for Council to develop a housing strategy that facilitates new development areas in appropriate locations, to meet the housing needs of our community.

A draft Wingecarribee Local Housing Strategy was reported to the Ordinary Meeting of Council on 11 December 2019 where it was resolved that:

1. *THAT Council defer the release of the Wingecarribee Local Housing Strategy pending a councillor information session and consultation in early 2020.*
2. *THAT until Council deals with the draft Wingecarribee Local Housing Strategy, Council maintains its position of not accepting any planning proposals for future residential development.*

An additional Councillor information session was held on 5 February 2020 in accordance with the above resolution, and this report is again seeking Council endorsement of the draft Local Housing Strategy for public exhibition.

## **REPORT**

**Draft Wingecarribee Local Housing Strategy – Housing Our Community** The draft Wingecarribee Local Housing Strategy (LHS) 'Housing our Community' provides a long-term planning framework to meet the housing needs of our community. The Strategy takes into account the State and regional planning framework, as well as the communities needs and expectations to provide a long-term plan for housing in the Wingecarribee.

The LHS is intended to provide localised input into the review of regional planning policies and provide a framework for future amendments to the Wingecarribee Local Environmental Plan (LEP) and Development Control Plans (DCP). The Housing Strategy will also inform future infrastructure planning and investment decisions by Council, State Government agencies and service providers.

A set of eight (8) guiding principles were used to inform the analysis and decision making process in the preparation of the LHS. The guiding principles include:

- Ensure our housing stock meets the needs of our community, both now and into the future
- Ensure our residents have equity in access to housing, services and infrastructure, by facilitating new development in appropriate locations
- Plan for housing as a fundamental element of society, and not a speculative asset
- Manage growth in a manner which endorses and promotes community values and protects our natural areas and rural landscapes
- Ensure new living areas enhance lifestyle quality and choice for our existing and future residents
- Promote sustainable communities that build on and utilise existing services and infrastructure and reduce dependency on private motor vehicles
- Provide certainty in how our Shire will grow to facilitate informed investment decisions for both Council and the development industry, and
- Maintain inter-urban breaks and rural landscapes between our towns and villages and provide a defined edge of town

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The Strategy is broken up into four (4) chapters as outlined below:

**Chapter 1 Introduction** - Establishes the purpose of the Strategy and provides an overview of the Wingecarribee Shire and the policy context.

**Chapter 2 Drivers of Change** - Provides an overview of population and housing forecasts and drivers of change that will influence the future housing needs of the Shire.

**Chapter 3 Housing Strategy** - Provides planning priorities and a long-term strategy to meet the housing needs of our community, including specific objectives, actions and performance indicators.

**Chapter 4 New Residential Living Areas** - Identifies new living areas to support our growing communities, as well as design principles and infrastructure requirements for the new living areas.

A copy of the draft LHS is provided as Attachment 1 (under separate cover) to this report.

The draft LHS will be graphically designed prior to public exhibition.

#### **Limitations of the Strategy**

The draft LHS has been developed with information and data sets available within the timeframes provided to prepare the Strategy. Therefore, there may be limitations and / or vulnerabilities associated with the constraints mapping used in the analysis.

All sites identified within the Strategy as potential new residential living areas will be required to undertake a full environmental assessment in support of any future planning proposal to rezone the land for residential purposes. Being identified in the Strategy does not remove the requirement for a full environmental assessment as part of the planning proposal process, and does not guarantee that land is free of constraints that may limit development potential on the site.

#### **Local Strategic Planning Statement**

A draft Local Strategic Planning Statement (LSPS) is currently being prepared that will provide a wholistic land use planning framework for the Shire over the next 20 years. The draft LHS will directly inform the LSPS process, with the outcomes of the LHS reflected in the LSPS.

---

## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

The draft LHS will be publicly exhibited for a minimum period of eight (8) weeks commencing in March 2020. As part of the exhibition process, Council will facilitate joint community engagement kiosks throughout the Shire for both the LHS and LSPS which will be exhibited during March and April.

### **Internal Communication and Consultation**

The draft LHS was developed with assistance from Council's GIS team, providing critical input into the constraints mapping, multi-criteria analysis and view shed analysis undertaken to inform the Strategy.

Council's traffic and transport, sewer and water, and stormwater teams provided input into the suitability and serviceability of identified new residential living areas, and identified infrastructure upgrades required to support our growing communities.



An information session was held with Councillors on 4 December 2019 to provide an overview of the LHS, with an additional information session held on 5 February 2020 in accordance with the resolution of Council of 11 December 2019.

### **External Communication and Consultation**

A copy of the draft Housing Strategy will be sent to the Department of Planning, Industry and Environment and relevant Government agencies for comments during the exhibition period.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

The draft LHS seeks to manage growth in a way that protects our natural areas and rural landscapes.

- **Social**

The draft LHS seeks to provide equitable access to housing for our community now and into the future.

- **Broader Economic Implications**

The intent of the Local Housing Strategy is to provide certainty in the location of future development areas and will allow Council and the development industry to make informed investment decisions based on an adopted strategy of the Council.

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The draft LHS provides an evidence based process for identifying future proposed new living areas to meet the housing needs of our Shire. Once adopted, the LHS will provide the long-term strategic framework to inform future LEP and DCP amendments.

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## **COUNCIL BUDGET IMPLICATIONS**

The intent of the Local Housing Strategy is to provide certainty in the location of future development areas and will allow Council to make informed investment decisions in relation to new or augmented infrastructure.

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## **RELATED COUNCIL POLICY**

Not applicable in the context of this report.

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## OPTIONS

The options available to Council are:

### Option 1

Adopt the recommendations of this report.

1. THAT the draft Wingecarribee Local Housing Strategy – *Housing Our Community* be endorsed for public exhibition
2. THAT the draft Wingecarribee Local Housing Strategy be publicly exhibited for a minimum period of eight (8) weeks commencing in March 2020
3. THAT staff hold community engagement kiosks throughout the Shire during the consultation period to coincide with the exhibition of the Local Strategic Planning Statements
4. THAT during the exhibition period of the draft Local Housing Strategy, a site specific environmental constraints assessment be undertaken for each of the identified new residential living areas to provide greater certainty in relation to the extent of the potential developable areas, and
5. THAT the draft Local Housing Strategy and site-specific constraints assessment be reported back to Council following the public exhibition period.

This will allow staff to begin consulting with the broader community on this important planning strategy for the future of the Shire.

### Option 2

THAT Council endorse the LHS for public exhibition, but remove one or more of the identified new residential living areas from the strategy prior to exhibition.

### Option 3

THAT Council not endorse the draft Local Housing Strategy for public exhibition, and a revised Strategy be reconsidered at a later meeting.

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

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## CONCLUSION

The draft Wingecarribee Local Housing Strategy '*Housing our Community*' provides a long-term planning framework to meet the housing needs of our community. The LHS will provide certainty to the community in relation to the location of future residential living areas and will facilitate informed investment decisions for both Council and the development industry.

The LHS is intended to provide localised input into the review of regional planning policies and provide a framework for future amendments to the Wingecarribee Local Environmental Plan (LEP) and Development Control Plans (DCP). The Housing Strategy will also inform future infrastructure planning and investment decisions by Council, State Government agencies and service providers.

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**ATTACHMENTS**

1. Wingecarribee Local Housing Strategy - *circulated under separate cover*



## 12.5 Draft Wingecarribee Local Strategic Planning Statement

Reference:	5612/18
Report Author:	Coordinator Strategic Land Use Planning
Authoriser:	Group Manager Planning, Development and Regulatory Services
Link to Community Strategic Plan:	Identify and protect the unique characteristics of towns and villages to retain a sense of place

### **PURPOSE**

To seek Council endorsement of the draft Wingecarribee Local Strategic Planning Statement for public exhibition.

### **VOTING ON THE MOTION**

Councillors are required to record their votes on this matter.

### **RECOMMENDATION**

- 1. THAT the draft Wingecarribee Local Strategic Planning Statement be endorsed for public exhibition**
- 2. THAT the draft Wingecarribee Local Strategic Planning Statement be publicly exhibited for a minimum period of eight (8) weeks commencing in March 2020**
- 3. THAT staff hold community engagement kiosks throughout the Shire during the consultation period to coincide with the exhibition of the Local Housing Strategy**
- 4. THAT the draft Local Strategic Planning Statement be reported back to Council following the public exhibition period.**

### **REPORT**

#### **BACKGROUND**

In January 2017, the NSW Government announced major reforms to the NSW planning system. These reforms were progressively rolled out during 2018 and 2019 and included amendments to the *Environmental Planning and Assessment Act (EP&A Act) 1979* and its *Regulation*, amendments to *State Environmental Planning Policies (SEPPs)* and new planning circulars and guidelines.

The amendments to the EP&A Act introduced, among other things, a requirement for each Council to prepare a Local Strategic Planning Statement (LSPS) to outline a 20-year land use vision for their Local Government Area (LGA). A Local Strategic Planning Statement is required to explain how strategic priorities at the regional and/or district level are given effect at the local level, and incorporate and summarise land use priorities identified through Council's Community Strategic Plan process. Once in place, the LSPS will inform all amendments to Council's Local Environmental Plan (LEP), including any changes to the existing land use zones and minimum lot sizes. The role of the LSPS in the broader planning framework is depicted in **Figure 1** below.



**Figure 1 – Local Strategic Planning Statement in the Broader Planning Framework**

Under the EP&A Act, all Council's outside of the greater Sydney area are required to submit their final LSPS to the Department of Planning Infrastructure and Environment by 1 July 2020. Council staff have now finalised a draft LSPS, and this report is seeking Council endorsement to commence the formal community engagement on the draft LSPS.

## **REPORT**

**Draft Wingecarribee Local Strategic Planning Statement** The draft Wingecarribee LSPS provides a long-term planning framework to meet the economic, housing, social and environmental needs of our community. The Strategy takes into account the State and regional planning framework, as well as the communities needs and expectations to provide a 20-year land use vision for the Shire.

The draft LSPS builds on the communities priorities that are outlined in the Community Strategic Plan and the Local Planning Strategy to outline how our Shire will manage growth in a way that protects our local character, natural areas and rural landscapes in accordance with the communities expectations.

The LSPS is intended to provide localised input into the review of regional planning policies and provide a framework for future amendments to the Wingecarribee LEP and Development Control Plans (DCP). The LSPS will also inform future infrastructure planning and investment decisions by Council, State Government agencies and service providers.

The LSPS has been developed in accordance with the Department of Planning Industry and Environment (DPIE) Guidelines, and is set out in nine (9) chapters including a 20-year vision for the Shire and six (6) land use planning themes as outlined below:

**Chapter 1 Introduction** - Establishes the purpose of the Strategy and provides an overview of the Regional and local policy context.

**Chapter 2 Our Southern Highlands Story** - Provides an overview of Wingecarribee and the drivers of change that are likely to influence land use in the Shire over the next 20 years (i.e population growth, changing demographics, transportation networks etc).



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**Chapter 3 Our 2036 Vision** – Provides a 20-year land use vision for the Shire based on the vision outlined in our CSP.

**Chapter 4 Our Environment and Sustainability** – Provides a set of planning priorities and actions in relation to our environment and sustainability.

**Chapter 5 Our Rural Lands** – Provides a set of planning priorities and actions in relation to our rural lands.

**Chapter 6 Our Economy** – Provides a set of planning priorities and actions in relation to our economy.

**Chapter 7 Our Housing** – Provides a set of planning priorities and actions in relation to our housing needs.

**Chapter 8 Infrastructure** – Provides a set of planning priorities and actions in relation to our infrastructure needs.

**Chapter 9 Our Places** – Provides a set of planning priorities and actions in relation to our places. This section also provides a vision for how our towns and villages will manage growth over the next 20 years.

A copy of the draft LSPS is provided as **Attachment 1** (under separate cover) to this report. Minor amendments to the graphic design of the LSPS will be completed prior to being publicly exhibited.

### Local Housing Strategy

A draft Local Housing Strategy (LHS) has been prepared and considered in this Business Paper to address our housing needs over the next 30+years. The draft LHS has directly informed the LSPS process, with the outcomes of the draft LHS reflected in the LSPS.

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## COMMUNICATION AND CONSULTATION

### Community Engagement

The preparation of the draft LSPS has been directly informed by the extensive community engagement processes that were completed for the Community Strategic Plan and Local Planning Strategy, as well as the recent local character photography competition.

The draft LSPS will be publicly exhibited for a minimum period of eight (8) weeks commencing in March 2020. As part of the exhibition process, Council will facilitate joint community engagement kiosks throughout the Shire for both the LHS and LSPS which will be exhibited during March and April.

### Internal Communication and Consultation

The draft LSPS was developed with assistance from Council's Environment and Sustainability teams, as well as the Assets team to ensure the planning priorities outlined in the LSPS were reflective of their respective teams' priorities. Council's GIS team provided critical input into the project, undertaking all spatial analysis and mapping work for the LSPS.

A number of information sessions were held with Councillors during 2019 with a detailed information session held on 4 March 2020 to provide an overview of the LSPS. The draft LSPS was also reported through the Demographics and Housing Committee on 19 February 2020.

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### **External Communication and Consultation**

A copy of the draft LSPS will be sent to the DPIE, relevant Government agencies and the Local Aboriginal Land Council for comments during the exhibition period.

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### **SUSTAINABILITY ASSESSMENT**

- **Environment**

The draft LSPS provides a 20-year land use vision for the Shire that seeks to manage growth in a way that protects our natural areas and rural landscapes. Further, the LSPS includes a number of specific planning priorities that seek to provide improved environmental outcomes across the Shire over the next 20 years.

- **Social**

The draft LSPS provides a 20-year land use vision for the Shire that seeks to balance our economic, environmental and social needs over the next 20 years, and to ensure the needs of our community continue to be met into the future.

- **Broader Economic Implications**

The LSPS will provide a level of certainty in the future land use of our Shire, including the location of future development areas. This will allow Council, the development industry and the broader community to make informed investment decisions based on an adopted strategy of the Council.

- **Culture**

The draft LSPS includes planning priorities and actions that seek to better manage both Aboriginal Cultural Heritage and built heritage across the Shire.

- **Governance**

The preparation of a LSPS is mandated under the Environmental Planning and Assessment Act, and is required to be adopted and submitted to DPIE by 1 July 2020.

The draft LSPS provides an evidence-based process for identifying how we will manage growth into the future. Once adopted, the LSPS will provide the long-term strategic framework to inform future LEP and DCP amendments.

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### **COUNCIL BUDGET IMPLICATIONS**

The intent of the LSPS is to provide certainty in the location of future development areas and will allow Council to make informed investment decisions in relation to new or augmented infrastructure.

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### **RELATED COUNCIL POLICY**

Not applicable in the context of this report.

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## OPTIONS

The options available to Council are:

### Option 1

Adopt the recommendations of this report.

1. THAT the draft Wingecarribee Local Strategic Planning Statement be endorsed for public exhibition
2. THAT the draft Wingecarribee Local Strategic Planning Statement be publicly exhibited for a minimum period of eight (8) weeks commencing in March 2020
3. THAT staff hold community engagement kiosks throughout the Shire during the consultation period to coincide with the exhibition of the Local Housing Strategy
4. THAT the draft Local Strategic Planning Statement be reported back to Council following the public exhibition period.

This will allow staff to begin consulting with the broader community on this important planning strategy for the future of the Shire.

### Option 2

THAT Council endorse the LSPS for public exhibition subject to changes to be determined by Council.

Depending on the scale of these changes, this may delay the exhibition of the draft LSPS.

### Option 3

THAT Council not endorse the draft LSPS for public exhibition, and a revised LSPS be reconsidered at a later meeting.

This option would require the exhibition period to be reduced to ensure we can meet the deadline of 1 July 2020 to complete the LSPS.

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

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## CONCLUSION

The draft Wingecarribee LSPS provides a long-term planning framework to meet the economic, housing, social and environmental needs of our community. The LSPS will provide certainty to the community in relation to how our Shire will plan for and manage growth over the next 20 years and will facilitate informed investment decisions for both Council and the development industry.

The LSPS is intended to provide localised input into the review of regional planning policies and provide a framework for future amendments to the Wingecarribee Local Environmental Plan (LEP) and Development Control Plans (DCP). The LSPS and Housing Strategy will also inform future infrastructure planning and investment decisions by Council, State Government agencies and service providers.

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**ATTACHMENTS**

1. Local Strategic Planning Statement - *circulated under separate cover*

## 12.6 Bi-Annual Delivery Program 2017-2021 Progress Report, 1 July - 31 December 2019

Reference:	501/2013
Report Author:	Governance Officer
Authoriser:	Coordinator Corporate Strategy and Governance
Link to Community	
Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

### **PURPOSE**

#### **THIS ITEM WAS CARRIED OVER FROM 26 FEBRUARY 2020 COUNCIL MEETING**

This report presents the Bi-Annual Delivery Program Progress Report for the period 01 July to 31 December 2019, which records Council's progress towards achieving the four year actions of the Delivery Program 2017-2021.

### **RECOMMENDATION**

**THAT Council receive and note the Bi-Annual Delivery Program Progress Report for the period 01 July to 31 December 2019.**

### **REPORT**

#### **BACKGROUND**

Under the *Local Government Act 1993* and the Integrated Planning and Reporting (IP&R) Framework, Council must have a Delivery Program detailing its principal activities. The Delivery Program 2017-2021 outlines where Council will take ownership of the goals and strategies of the Community Strategic Plan, *Wingecarribee 2031* within its area of responsibility and its available resources.

The Bi-Annual Delivery Program 2017-2021 Progress Report – 1 July to 31 December 2019 (**Attachment 1**) outlines Council's performance towards achieving the objectives of the Delivery Program 2017-2021. The Delivery Program 2017-2021 is supported by Council's Operational Plan 2019/20, which outlines the 205 projects, programs and activities (referred to as annual deliverables) that Council undertakes during the financial year in order to address the objectives of the Delivery Program. This bi-annual review of the Delivery Program 2017-2021 informs Council's Annual Report 2019/20 which is due to be presented to the NSW Government on 30 November 2020.

At its meeting on 14 June 2017 and in accordance with the *Local Government Act 1993*, Council moved to adopt the Delivery Program 2017-2021. This is the fifth report on Council's current Delivery Program.

#### **REPORT**

The Bi-Annual Delivery Program 2017-2021 Progress Report – 1 July to 31 December 2019 provides an overview of the progress made towards achieving the objectives set out in the Delivery Program 2017-2021. They are reported under the themes of Leadership, People,



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Places, Environment and Economy as set out in the Community Strategic Plan, *Wingecarribee 2031*.

This report shows that at the end of December 2019, 100 of the 100 objectives set out in the Delivery Program were 'on-track'. No objectives were classified as 'delayed', 'needs attention', 'on hold' or 'critical'.

Full details of the progress and highlights from this reporting period are outlined at **Attachment 1**.

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## COMMUNICATION AND CONSULTATION

### Community Engagement

Nil.

### Internal Communication and Consultation

All branches within Council were consulted in preparing the bi-annual review of the Delivery Program 2017-2021.

### External Communication and Consultation

Nil.

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## SUSTAINABILITY ASSESSMENT

- **Environment**

There are no environmental issues in relation to this report.

- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

The *Local Government Act 1993* and the IP&R Framework require Council to report on its progress towards achieving its Delivery Program every six months. This report fulfils that requirement.

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## COUNCIL BUDGET IMPLICATIONS

There are no budget implications associated with this report.

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#### RELATED COUNCIL POLICY

Nil.

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#### OPTIONS

The only option available to Council is:

THAT Council receive and note the Bi-Annual Delivery Program Progress Report 2017-2021 for the period 1 July 2019 to 31 December 2019.

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#### CONCLUSION

This report provides an overview of Council's progress towards achieving its Delivery Program 2017-2021 and suggests that Council is generally progressing well towards achieving the four-year actions set out therein. The report has been prepared following input and assistance from all branches within Council.

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#### ATTACHMENTS

1. Delivery Program Progress Report 2017-2021 - 1 July to 31 December 2019

Mark Pepping

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

Friday 6 March 2020



## Bi-Annual Delivery Program 2017-2021 Progress Report

1 July 2019 to 31 December 2019



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## Introduction

This Bi-Annual Delivery Program Progress Report is for the period 1 July 2019 to 31 December 2019. It reports Wingecarribee Shire Council's progress towards achieving the 100 objectives of the Delivery Program 2017-2021.

At the end of December 2019, of the 100 objectives 100 were 'on track', none were 'delayed', none were classified as 'needs attention', none were 'on hold', none were considered 'critical'. Each objective has been assigned a traffic light to signify overall progress.

-  On track (green)
-  Needs attention (amber)
-  Critical (red)
-  On hold (grey)
-  Delayed (purple)

## Integrated Planning and Reporting

Under section 404(5) of the *Local Government Act 1993* and the NSW Integrated Planning and Reporting Framework, Council requires a report on progress towards achieving its Delivery Program every six months. The **Delivery Program 2017-2021** outlines the activities Council will undertake to achieve the objectives established in the Community Strategic Plan, *Wingecarribee 2031* within the resources available under the Resourcing Strategy. The diagram below provides an overview of Council's Integrated Planning and Reporting Framework.







## Leadership

Wingecarribee 2031 outlines the following **Leadership** Community Goals:

- 1.1 Our Council has the trust of the community and well informed decisions are made to ensure long term sustainability of our Shire
- 1.2 Council communicates and engages with the community in a diverse, open and inclusive way
- 1.3 Developing community leadership, strong networks and shared responsibility for the Shire promotes and enhances community capacity

The **Delivery Program 2017-2021** includes 23 four year actions to assist in the achievement of the **Leadership** strategies. The progress for these four year actions for the July to December 2019 reporting period is outlined below.

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### DP01 Develop and implement an elected-member professional development program

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Council staff are continuing to plan for the development and delivery of induction training and professional development for Councillors following the 2020 local government elections.

During the reporting period, surveys were designed and undertaken to seek information from potential candidates and former councillors in the lead-up to the election which will guide the preparation of induction programs for the remainder of 2019/20.

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### DP02 Strengthen Council's Integrated Planning and Reporting and Governance Frameworks

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Council continues to deliver on the Integrated Planning and Reporting and Governance outcomes.

Work has commenced on the annual review of Council's Delivery Program and the development of the Operational Plan and Budget for 2020/21. Reporting on the 2018/19 Operational Plan was completed with the Annual Report being published in November.

The NSW Electoral Commission was contracted to administer Council's local government election in 2020 in accordance with a Council resolution from the ordinary meeting of 25 September 2019.

Two internal audits from the approved audit program for 2019/20 were undertaken in the reporting period, in procurement and development assessment. These audits reviewed the adequacy and effectiveness of Council's policies, guidelines, systems, processes and practices relating to these functions. Internal controls were also reviewed to assess their effectiveness in reducing the potential for error or fraud and corruption.

Council continues to deal with requests from the public to access Council information, with 12 formal access applications received during the reporting period and 16 finalised within statutory time frames. In addition, a total of 427 applications for access to information were handled under either the mandatory proactive release or informal access provisions of the *Government Information (Public Access) Act 2009*.




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### DP03 Improve community understanding and awareness of Council decisions

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Council and Finance Committee meetings continue to be webcast in accordance with Council's Code of Meeting Practice. During the reporting period, Council also commenced uploading recordings of the meetings to Council's YouTube channel in order to further enhance accessibility to meetings for the community.

Council produced and distributed the September and December 2019 issues of Wingecarribee Today to more than 27,500 properties across the Shire. Regular electronic newsletters were also issued to interested community members and groups regarding Council's Arts and Culture, Community Engagement and Environment and Sustainability initiatives.

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### DP04 Develop and maintain an engaged and safe workforce

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Work health and safety procedures continue to be reviewed. Resources have been allocated to ensure that this occurs in a timely manner.

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### DP05 Manage Council's WHS risk management profile to ensure risks are mitigated

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Council continues to monitor work health and safety (WHS), providing advice to staff and management on Safe Systems of Work requirements and undertaking and supporting investigations of incidents when they occur while identifying changes to Safe Systems of Work and Safe Work Method Statements where required.

Training of staff in WHS related matters remains a high priority.

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### DP06 Develop and Maintain Council's Organisational Development Programs

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Council has completed the introduction and use of the Cornerstone Recruitment module. This system was developed to meet and support Council's ongoing recruitment processes in an electronic environment replacing the previous paper based system.

Planning has also commenced for the development of the Cornerstone Performance Management module. The performance management system includes the development of specific position-based key performance indicators aligned to Council's Operational Plan and Branch Business Plans. The system also includes the development and implementation of competency-based skill elements which will influence training calendars and map overall staff performance.

Recruitment remains a priority. Whilst turnover has reduced there is a nationwide shortage of qualified Planning, Accredited Certifier, Engineering, Accounting and Human Resources staff with the skills and knowledge of local government required by Council. To meet the skills gap Council has engaged cadet engineers, trainee accredited certifiers, apprentices and trainees. In addition, to meet short term business needs a pool of casual on call business support officers, plant operators and labourers has been established to provide staff at short notice.

Skills based training continues to be provided for staff to maintain accreditation in work related activities such as planning and certification, confined spaces, first aid and working at heights along with other job related refresher courses.

In the reporting period all staff have received mental health awareness training with a number of staff




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completing an in-depth two day course to qualify as mental health first aiders.

Senior staff of Council have undertaken a review of Council's Risk Profiles which has been presented to the Audit, Risk and Improvement Advisory Committee.

Business Continuity mock exercises have been held to test the adopted Business Continuity Plan (BCP). The BCP has also been the subject of an ongoing review to assess the effectiveness of the sub plans within the BCP.

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### **DP07 Implement actions from Council's Fit for The Future Improvement Program**

Council's Fit for the Future Improvement Plan included 15 key strategies to strengthen Council operations and improve efficiency. Six strategies have been completed and work is ongoing on the other nine strategies.

The adopted Long Term Financial Plan outlines projections for Council achieving the benchmarks set by the State Government. Council remains on target to meet these financial and asset management benchmarks.

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### **DP08 Ensure Council's financial systems, procedures and practices are in line with industry best practice and compliant with applicable legislation.**

The 2018/19 Financial Statements and Auditors Reports were presented to Council on 13 November 2019. Council's auditor, the NSW Audit Office, issued an unmodified audit opinion on Council's accounts, stating that Council's financial records were fairly and appropriately presented. All other statutory financial reports were completed and submitted within required timeframes.

The September review of the 2019/20 Budget was presented to the Finance Committee on 20 November 2019. The result presented was a projected surplus of \$22,071 which was transferred to the Capital Projects Reserve for consideration as part of the 2020/21 Budget.

Preparation of the 2020/21 Annual Budget and Long Term Financial Plan has commenced and will be presented to Council in accordance with agreed timeframes and in line with legislative requirements.

Council continues to support its local farming community through a rate deferral scheme for farmland rated properties which are affected by current drought conditions. This scheme has resulted in \$195,200 in rate deferrals and interest waived of \$11,800 since its approval in August 2018.

Residents across the Shire continue to take advantage of receiving their rates and water notices electronically. There are currently 1,031 customers registered to receive their rate notices through BPAY View and 1,117 customers registered for eBilling.

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### **DP09 Manage Council's Fleet to ensure all plant and equipment is appropriately utilised, fit for purpose and cost effective**

Council continues to complete maintenance schedules in line with manufacturer specifications, ensuring the safety and reliability of Council's plant and fleet.

In line with Council's National Heavy Vehicle Legislation responsibilities, Council has installed






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weighing scales into all trucks over 8t GVM (22 trucks) during the second quarter of the 2019/20 financial year. This will eliminate potential load breaches in relation to the transportation of material in Council trucks.

Council's Plant Replacement Program is on track to be delivered within budget and agreed timeframes and in line with operational specifications.

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**DP10 Council's property activities and dealings are undertaken within the community's best interests and within legislative requirements** 

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Council's property portfolio continues to be managed appropriately and in compliance with legislative requirements.

The management of Council's property portfolio also includes the timely reporting to Council on property matters for formal approval. During the first half of the 2019/20 financial year this included the formal approval of the lease of the Aboriginal Community Cultural Centre to the Illawarra Aboriginal Land Council and amendments to the lease to the Southern Highlands Botanical Gardens. Council also received formal notification from the Office of Local Government that the proposed leases to the Southern Highlands Golf Club and Southern Highlands Bridge Club were approved by the Minister for Local Government.

Council continues to work towards compliance with the *Crown Land Management Act 2016*. Council received formal confirmation from the Office of Local Government in November 2019 that its initial categorisation of Crown Land had been approved in full. Council will now commence the development of Plans of Management for those reserves determined high priority and where funding is available.

With respect to Council's land disposal program, the tender results for the sale of 10 Frankland Street were presented to Council in November 2019. Council formally resolved to accept the tender submission from Willow Properties and Paloma Blanca for Lots 2 and 3 Frankland Street with contracts exchanged in December 2019.

Council has also sold one of the five subdivided lots at Anembo Street Moss Vale which settled in December 2019.

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**DP11 Procurement activities are undertaken to achieve best value while underpinned by a robust ethical framework which enables local supplier participation** 

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Council continues to manage its procurement activities to ensure compliance with the *Local Government Act 1993*, Regulations and Office of Local Government Tendering Guidelines. Tenders are reported to Council in a timely manner and the recent introduction of Council's revised Procurement Policy and Guidelines continues to see improvement in procurement practices.

During the first half of the 2019/20 financial year, Council's procurement practices were audited in line with the internal audit schedule approved by the Audit, Risk and Improvement Advisory Committee. The outcome of the audit was overall positive, with a number of areas identified as best practice. There were nine findings from the audit with the majority ranked low or medium risk. A number of these findings were addressed immediately.




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## DP12 Develop and implement enhanced asset management practices

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Council's asset management practices were reviewed during the reporting period as part of the annual financial reporting audit. Auditors assessed how assets are accounted for and what systems and processes are in place. The provision of Asset Management Plans was also reviewed as part of the audit. Council's asset management practices were considered consistent with best practice.

A condition and asset data collection survey of Council's road network was completed and the data is being validated.

Asset data has been updated in the Asset Management System (Conquest) and was used to inform numerous Asset Management Practices including capital works planning, maintenance planning, geographic mapping and financial reporting.

An Asset Management Maturity Assessment commenced during the reporting period.

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## DP13 Develop and implement Business Transformation Program

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Following an open tender process, Council has resolved to undertake direct negotiations in relation to the implementation of an updated Electronic Document Record Management System and Customer Relationship Management and Workflow Management System. These systems will be introduced in 2020.

Staff have undertaken a comprehensive review of all Development Engineering Design Specifications which has resulted in updating the content and drawings to current standards. As part of the update process, Council invited local engineering operators to review the documents.

In relation to development application determinations, Council has moved on to further categories of developments to ensure delays in determinations are minimised. This has followed on from the successful program of dealing with residential dwelling house applications in new release areas which has seen determination times drop to an average of 12 days. The priority area now is economic development-based applications for new development and change of use in existing premises.

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## DP14 Enhance customer interaction with Council

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Continued development of automated processes in the Contact Centre, Front Counter, Cashier and Corporate areas is enhancing how customers interact with Council. The complete review of the Corporate Website and revision of scripting in the Contact Centre ensures that Council remains on track with how customers interact with Council.

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## DP15 Deliver an Information and Communication Technology service that meets Council's business delivery requirements

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Council has now completed a number of technology projects over the reporting period. These projects include the following:

- Implementation of new, high availability firewall configuration with upgraded internet connectivity. This will improve the services offered internally and externally by Council.
- Commissioned and installed new Data Centre infrastructure. This will see an increase of





speed and reliability. In addition to this, it has reduced the amount of power consumption needed to operate.

- Roll out of a new, cloud-based phone and collaboration system to the organisation. This system has improved Council's internal communication and offers a fully cloud-based system to the organisation.
- A new contact system, also cloud based, was released to the organisation. This system allows for greater reporting and visibility of Council's customer service channels. In addition the system will improve disaster recovery options for Council.

Over the next six months Council will continue to implement its five year Information and Communication Technology Strategic Plan. In addition Council will continue to upgrade all equipment in line with its life cycle management policy and look for innovative ways to improve the technology offering to Council and the community.

### DP16 Deliver Corporate Systems that meet Council's business delivery requirements

Council continues to investigate and implement new processes to ensure a faster delivery of service to the community.

Council is currently in the final stages of a procurement process which will see the introduction of a new Customer Relationship Management System, Electronic Document Records Management System and a new customer focused website. It is expected that the procurement process will be completed by March 2020.

Council will continue to review and look for ways to improve its applications to better serve the community and Council.

### DP17 Ensure council services are delivered efficiently and effectively

The service delivery review program remains ongoing and enables Council to identify service delivery improvements. During the reporting period, Council considered the service delivery review of Children's Services and resolved to continue in direct service delivery for both Family Day Care and Wingecarribee Out of School Hours Care for a period of three years, with a further service delivery review to be conducted after two years.

The service delivery review of Waste Management was also concluded with the recommendations of the review to be considered in the development of Council's Waste Strategy. The service delivery review of Community Wellbeing is still in progress while the review for Aquatics Services is on hold pending the capture of additional data.

The 2019 Community Satisfaction Survey was undertaken and the results published on Council's website during the reporting period.

### DP18 Identify opportunities for regional collaboration

Council continues to participate in Canberra Region Joint Organisation meetings including the Board Meeting, General Manager Advisory Committee Meetings and various Professional Working Groups.




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### DP19 Provide quality, timely and accessible information to the community

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Council continues to provide quality, timely and accessible information to the community. News items continue to be proactively sought from throughout the organisation and via a range of mediums. These items are promptly issued via a range of communications channels including media releases, quarterly publications of Wingecarribee Today, radio and television interviews, staff newsletters, Council's online digital Media Centre and Council's Facebook and Twitter social media sites. These sites are continually monitored by staff with feedback provided as soon as possible.

During the reporting period, 88 media releases were issued and 218 posts issued on Facebook with an average reach of 2,233. This led to 3,344 link clicks on Facebook and 1,744 'shares' and resulted in 445 new followers. For the same period 88 tweets were issued resulting in 36 new Twitter followers.

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### DP20 Implement an effective Community Engagement Framework

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Consultation activities have mainly focussed on targeted communication with stakeholders and the public exhibition of policies, leases, licence agreements, designs or plans.

Council's Community Engagement Strategy was reviewed and updated in the second half of 2019. The publicly exhibited version included a Community Participation Plan for land use planning matters as required by a recent amendment to the *Environmental Planning and Assessment Act 1979*. Submissions received during public exhibition of the document guided additional improvements which further clarified Council's approach. The Community Engagement Strategy was adopted by Council on 11 December 2019.

Of particular interest to the community was the first stage of consultation associated with the preparation of local character statements. This commenced with a photo competition focussed on capturing the unique people, places, landscape and buildings in the Shire. Entrants added markers, comments and photos to an online mapping tool.

Local government elections are scheduled for September 2020. Community and councillor surveys were conducted in October to obtain information about the perception or experience of councillor roles, the barriers candidates face and ways Council could respond to these. Responses will be used to guide how pre-selection sessions are organised and information is managed.

With a significant increase in construction projects occurring in 2020, there has been a focus on ensuring local stakeholders are notified and kept informed about works which may impact on their daily activities.

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### DP21 Support Council committees and working groups

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Council staff continue to administer advisory committees, community reference groups and sunset working groups in accordance with Council's Committee Manual 2016-2020.

A casual vacancy for a community representative on the Community Development Advisory Committee was filled during the reporting period, while Council also resolved to increase the number of community representatives on the Heritage Advisory Committee from three to four and appointed two new community members to that Committee.



**DP22 Actively build capacity for community participation in leadership including mentoring and support** 

Council has become a supporter of the establishment of the Southern Highlands Key Stakeholders Group with the goal of identifying and building on key projects around jobs growth through education and training. Monthly meetings have occurred in this reporting period.

**DP23 Develop partnerships and networking with community, government and business** 

Council staff continue working with community, government and business sectors to evaluate new opportunities and support existing initiatives.

Council recently entered into a contract with Service NSW for the 'Easy to do Business' program. The program provides the opportunity for participating councils to implement programs that support small business, sharing resources and information and promoting the local business community. It also provides a 'Concierge' service for businesses to cut through the red tape for retail start-ups.

Council's initial actions in response to the impacts of the Green Wattle Creek fire included the establishment of a Mayoral Relief Fund to which Council made an initial contribution of \$50,000; organising buses for directly impacted residents to inspect fire-affected Balmoral and Buxton; the distribution by staff on 24 and 27 December 2019 at the Balmoral Village Rural Fire Service shed of cash cards to fire-affected residents; and supporting the work of the Emergency Operations Centre.





## People

Wingecarribee 2031 outlines the following **People** Community Goals

- 2.1 Our people have the opportunity for a happy and healthy lifestyle
- 2.2 We are an inclusive community which actively reduces barriers for participation in community life
- 2.3 Wingecarribee values and nurtures a diverse, creative and vibrant community

The **Delivery Program 2017-2021** includes 19 four year actions to assist in the achievement of the **People** strategies. The progress for these four year actions for the July to December 2019 reporting period is outlined below.

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### DP24 Advocate for improved health services in the Shire

Wingecarribee Local Health Council has commenced meeting with a broad cross section of local health providers and community members supported by the South West Primary Health Network. Council is represented on the Local Health Council by the Coordinator Community Development. The Local Health Council guides, informs and participates in the activities that contribute to improved health and service outcomes for the Wingecarribee Shire community.

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### DP25 Partner with community based organisations in provision of services

Council has partnered with the Heart Foundation and Volunteering Wingecarribee (VolWing) to commence walking groups in the local area. The activity is reliant on VolWing finding suitable volunteers to lead the groups in their local area.

Council, Red Cross and Oz Harvest have partnered to provide the Dhungung (Food) Share program at the Aboriginal Community Cultural Centre for this period. The program is well supported by other community organisations who attend on a regular basis to improve access to information and support services. The year ended with a Christmas celebration where all community members and services were in attendance.

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### DP26 Partner with State and community organisations to provide a broad range of health and wellness programs to target specific needs of the community

A Mental Health Symposium held at Warwick Farm highlighted the available services being provided by South West Sydney Primary Health Network. Council has contributed to co-design processes that have informed the funded models of service delivery in the local area. Organisations are able to tender for funding through this model. A number of targeted programs are being delivered in the Wingecarribee Shire Local Government Area.

A new service with Wingecarribee Shire and Wollondilly Shire Councils as partners along with Tharawal in an Aboriginal Youth Suicide and After Care Project has commenced. The project aims to improve the skills of local Elders and community leaders to support individuals and families impacted by suicide. This 12 month project will implement sustainable measures for the recommended model.





**DP27 Provide access to sport, recreation and leisure services** 

The 2019/20 Swimming Season commenced on Saturday 12 October 2019 with the opening of Mittagong Swimming Centre. Unfortunately, the Centre had to close on 22 October due to plant failure; however, it was reopened again on Saturday 14 December 2019. Bowral Swimming Centre opened earlier than originally scheduled on 31 October 2019 due to the closure of Mittagong Swimming Centre. Bundanoon Swimming Centre opened for the season on Saturday 16 November 2019.

Moss Vale War Memorial Aquatic Centre received 42,525 visits in the second quarter to 10 December 2019, compared to 43,602 the previous year to 10 December 2018.

All sports fields and open space areas have continued to be maintained to agreed service standards, though mowing in high fire danger areas was delayed due to fire danger periods. Drought conditions and water restrictions have proved challenging with watering ovals and gardens.

During the reporting period capital renewal works included upgrades to Leighton Gardens and Winifred West amenities buildings, upgrades to Burrawang sports ground club house and amenities and the installation of LED lighting at Mittagong Oval.

**DP28 Partner with Police, business and community representatives to implement the Community Safety Plan** 

The Wingecarribee Community Safety Committee met in November with the August meeting being cancelled due to the absence of key members. The Committee discussed topics raised by members and covered in the Community Strategic Plan as well as focusing on local crime statistics provided by Local Area Command.

**DP29 Partner with agencies to ensure emergency management processes and procedures are in place** 

The Local Emergency Management Committee has continued to work on reviewing Consequence Management Guides, the Emergency Risk Management Plan for the Shire and the Wingecarribee Emergency Management Plan (EMPLAN).

The review of the EMPLAN scheduled for 2019 resulted in the addition of a Snow Plan but remained otherwise unchanged. It will be submitted to the Regional Emergency Management Committee meeting to be held in February 2020 for endorsement.

Substantial work was completed on an update to the Emergency Risk Management Plan, with an added focus on those Council assets that are identified as being critical to response efforts during an emergency event. There is a significant review planned for 2020 in collaboration with Council asset owners to update emergency procedures and look at mitigation strategies for potential emergency events in the future.

**DP30 Implement public health and safety regulatory programs** 

Council has continued to implement public health and safety regulatory programs throughout the reporting period. Council has conducted in excess of 160 inspections relating to food premises





throughout the Shire and staff continue to educate the community on food safety awareness including the Food Authority's 'Scores on Doors' program. Proactive food safety promotional material was recently circulated to all registered food premises throughout the Shire to aid efforts in increasing public awareness.

**DP31 Assess the changing profile of the Shire and prioritise services accordingly** 

The Australian Early Development Census data was released during this period. This information is provided every three years. The data assesses every kindergarten student across five domains - Social, Physical, Emotional, Language and Communication. The results indicate if a child is on track, vulnerable or at risk. This information is broken down for each town and village area which enables it to be mapped over the different periods. The data informs both Council and local service providers about priority areas for the delivery of targeted intervention strategies for children aged 0-5.

Recent data has also been provided by the NSW Local Health District for South West Sydney and by Regional Development Australia - Southern Inland. This enables Council to advocate to funding bodies around the health needs identified through the data.

**DP32 Provide children services to support family life** 

At its meeting on 27 November, Council resolved to maintain the current Child Care Services (Family Day Care and Wingecarribee Out of School Hours Care) provided to the community for three years, demonstrating a commitment to working families and those raising children in the Shire.

**DP33 Support agencies to implement community programs and initiatives** 

Council worked with a group of agencies to implement a Sleep Out for Homelessness Week in August, however the event was cancelled. The group involved merged with the Emergency Services Network and are now involved in developing a Homelessness Information Resource with the funds provided.

During the reporting period, Wingecarribee Club Grants provided over \$50,000 to community organisations to support local initiatives, with these funds distributed in August. In addition, the Wingecarribee Community Assistance Scheme funded a record number of community organisations and sporting groups as part of the 2019/20 funding program.

**DP34 Provide companion animal services** 

Council has continued to provide companion animal services to the residents of the Shire through the successful operation of the Animal Shelter and the provision of ranger services.

The Animal Shelter receives excellent community support for its work, reflecting the dedication of Council staff to providing a high quality of care to the lost, stray and unwanted animals of the Shire. Council staff continue to work alongside the volunteer organisation Friends of Wingecarribee Animal Shelter on fundraising and community engagement.

Council continues to respond to community concerns about off leash dogs by increasing ranger patrols of hotspot areas. Council also investigates dog attacks and issues fines and control orders where appropriate.

As part of Council's commitment to minimise euthanasia of impounded animals, Council adopted the



Wingecarribee Animal Shelter - Alternatives to Euthanasia Policy on 11 December 2019.

**DP35 Support initiatives which enhance opportunities for learning and skill development** 

Council staff recently joined key business sector representatives from the region along with staff from TAFE NSW and the University of Wollongong to discuss issues and opportunities for both campuses. The newly formed Southern Highlands Key Stakeholders Group has established an Education and Training Sector Group to develop initiatives around fulfilling demand for courses and skill shortages.

**DP36 Provide a range of services and programs through Council Library service** 

The number of library loans remained constant over the reporting period when compared to previous reports. The use of e-resources continues to grow with the library allocating more resources to these popular platforms. It is expected that loans will be affected by the temporary closure of both Mittagong and Moss Vale Library branches for renovation projects in the 2019-2020 reporting period.

Attendance at children’s programs has slightly reduced but has performed above expectations due to the impact of temporary Branch Library closures for upgrades. Attendance at the many children’s programs and events including Higher School Certificate study sessions, the Children’s Christmas Program, Bookweek and October School Holiday program remains strong with positive community feedback. Local studies visits and enquiries continue to grow and is a result of increased interest in the collection and successful networking and promotion by the Library.

The planned Mittagong Branch roof upgrade was completed in five weeks over September and October 2019. Work included the removal and replacement of the roof, completion of interior painting and replacement of the weathered front door. The Moss Vale Library has temporarily closed for approximately 12 months for the Moss Vale Civic Centre Repair and Refurbishment Project. While the majority of the Moss Vale collection is in storage many of the materials are still available to customers from the Bowral Library Stack. The Mobile Library will continue to visit Leighton Gardens every Friday between 10am and 4pm while the upgrade is being completed.

**DP37 Implement sector plans that address key barriers to participation in community life** 

Council delivered Accessible Documents Training to key staff involved in the publication and provision of information to the community. This training provided strategies and tools to ensure that all Council information is presented in a way that is accessible to all members of our community.

Council assisted in the organisation of a consultation on the provision of After Hours General Practice services in the Wingecarribee Shire. NSW Health is encouraging community members to access afterhours general practitioner services rather than presenting at emergency departments as an improved recovery framework based on a cost efficiency model.

Funding received by Council from NSW State Government - Youth Opportunities will see opportunities for young people to be involved in designing a series of skill-building workshops and engaging in youth music performances that will build up to a music festival to celebrate the youth in our community. The project is designed to be led by young people for young people.





**DP38 Develop and implement initiatives that support new residents participating in community life** 

A Highlands Child Directory is being developed with funds provided through Wingecarribee Club Grants. The Directory is an initiative of the Highlands Child, Youth and Family Network which is facilitated by Council.

The Wingecarribee Seniors Directory is being updated and will be ready for distribution during the Seniors Festival in February 2020.

**DP39 Support intergenerational programs and projects** 

A National Grandparents Day event took place on 24 October and was designed as an intergenerational event where both the very young and the older members of the community could come together and participate in activities together. Supported by funds from the State Government and in partnership with different Council departments and the Country Women's Association Moss Vale Evening Branch, the event attracted a large attendance of all ages.

**DP40 Support and co-ordinate a diverse range of community festivals and celebrations** 

Mental Health Month, Community Services Expo, Grandparents Day, NAIDOC Week, the Art Trail, International Day of People with Disability and Local Government Week were all held during the reporting period.

**DP41 Promote and deliver initiatives which enhance community understanding of Aboriginal cultural heritage** 

In July 2019, NAIDOC week was celebrated locally in a special way by bringing together Indigenous language poetry and threatened species conservation. First Nations students' poems were published on a grand scale on bus backs as part of the community's NAIDOC celebrations. The 2019 NAIDOC theme of 'Voice. Treaty. Truth. Let's Work Together for a Shared Future' highlighted collaboration, creativity and respect for the environment.

The NSW Government's Saving our Species (SoS) program, with Wingecarribee Shire Council and Red Room Poetry, presented the poetic and environmental learning project for young First Nations students on Gundungurra Country earlier in this Year of Indigenous Languages. The week also provided an 'On Country' experience where the community could come and explore, listen and learn about Gundungurra Country and Aboriginal cultural traditions.

Gundungurra Elder Aunty Sharyn Halls welcomed all to the traditional lands of the Gundungurra people along with a smoking ceremony lead by traditional Lore men. Activities included a history walk of the Berrima river, storytelling, bush tucker and medicine, identifying artefacts and grinding grooves, Aboriginal cultural burning and the Glossies in the Mist conservation workshop.

**DP42 Facilitate the promotion of community arts, emerging artists and cultural awareness and activities** 

During this period the 2019 Art Trail was designed, implemented and evaluated with over 70 artists participating across 50 studios. A new Southern Highlands ARTS FILE website was launched at the Art Trail, giving an opportunity for communication, partnerships, and easy access to events.





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Council staff attended a Planning Workshop at Southern Tablelands Arts to plan for better collaboration and delivery of arts and culture across the region in 2020.

Plans are underway to support the redevelopment of the Civic Centre by creating portraits in spaces that will provide life to dead spaces.





## Places

Wingecarribee 2031 outlines the following Places Community Goals

- 3.1 We have an integrated and efficient network of public transport and shared pathways
- 3.2 Wingecarribee has maintained a distinct character and separation of towns and villages
- 3.3 Our built environment creates vibrant and inviting public spaces
- 3.4 We have safe, maintained and effective assets and infrastructure

The Delivery Program 2017-2021 includes 23 four year actions to assist in the achievement of the Places strategies. The progress for these four year actions for the July to December 2019 reporting period is outlined below.

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### DP43 Undertake advocacy activities to further the development of an integrated public transport network ●

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Council has developed and submitted a regional transport project list, together with comprehensive information, to the Joint Organisation Infrastructure Working Group in Canberra where a joint submission to the NSW Government was prepared which included Council's major regional transport priorities. The regional priorities and major transport projects were presented to Ministers within the NSW Government for review. The South East Tablelands - Future Transport Regional Transport Plan is currently being developed by Transport for NSW.

Council staff have commenced drafting an Integrated Transport Strategy and Road Safety Plan for the Shire. These documents, once completed, will be utilised to improve transport services within the Shire.

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### DP44 Provide infrastructure linkages between public transport hubs ●

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Council has undertaken traffic and parking surveys to obtain more current data to inform transport utilisation rates. This data, coupled with the Traffic Modelling, allows Council to plan for the required infrastructure linkages between public transport hubs. Currently, staff are planning improvements to infrastructure linking and surrounding transport hubs, such as train stations, within the Shire.

The development of the Recreational Trails strategy will also help inform active transport links between hubs. Appropriate resources have been tasked to complete the strategy.

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### DP45 Promote public transport options and linkages across the Shire ●

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Council actively supports improvements and utilisation of available public transport options through the provision of infrastructure services near or around public transport hubs, promotion through transport safety programs and education programs, via the Traffic Committee and through advertising and public awareness campaigns.

Council pursues opportunities during planning and infrastructure delivery phases to link transport networks including cycle ways, pedestrian footpaths, roads, railway services, and bus and taxi services. Council works closely with other government departments to align to developing trends and advancements in transport technology and infrastructure.





**DP46 Expand our network of footpaths and cycle ways to improve connectivity of the Shire**

The Bicycle Strategy Stage 3 is being developed and will provide a plan for improved connectivity for bicycle and recreational walking facilities throughout the shire.

Council staff continue to seek grant funding opportunities to fast track the expansion of the footpath and cycle way network. Generally, grants only offer 50 per cent funding and Council will need to source the matching funds if grants are successful.

**DP47 Partner with agencies to advocate for improved transport services**

Council staff work closely with other levels of government, including Roads and Maritime Services, Sydney Trains, Transport for NSW, Department of Primary Industries, the Environmental Protection Authority and Infrastructure NSW, to plan and provide necessary infrastructure for current and future needs.

Numerous grants have been applied for through the following schemes: Fixing Country Roads, Fixing Local Roads and Black Spot Program. Council staff have engaged with key agencies to ensure that applications are robust and provide the best opportunity for success.

**DP48 Provide a rigorous planning assessment framework which reflects State legislation and Council’s adopted land use strategy to ensure appropriate development outcomes**

Rigorous assessment of development applications has continued with reporting improvements an ongoing feature of team development.

**DP49 Review and prepare planning strategies, policies and studies that retain the character of the Shire’s towns and villages**

Council commenced work on a Local Character Study, with the launch of a photo competition aimed at capturing the character of the Southern Highlands. The consultation will result in Local Character Statements for each of the towns and villages, and supporting development controls aimed at protecting the character of the Wingecarribee Local Government Area.

The Local Character Statements will also be incorporated into the Local Strategic Planning Statement which will guide how the Shire will grow over the next 20 years.

**DP50 Implement initiatives that promote and protect cultural heritage**

The 2019/20 heritage assistance grants scheme received four applications that were successful, with all works anticipated to be completed by the end of the financial year.

Council staff are also working on a heritage education package, which aims to provide advice and assistance to owners of heritage items, developers and consultants, the broader community and Council assessment staff.





Council staff are also working on a review of Schedule 5 of the Wingecarribee Local Environmental Plan (WLEP) as well as considering a number of new heritage items to be incorporated into the WLEP.

**DP51 Implement a program of towns and village centre improvements**



Council has engaged a consultant to develop the Bowral Central Business District (CBD) Master Plan. The consultant has developed a community consultation process which Council staff are currently reviewing. Consultation is planned to commence early in 2020.

Council is currently undertaking a range of works to maintain existing town CBDs and village precincts to manage risks within budget limitations. Works undertaken during the reporting period include Christmas tree placements in Bowral and Mittagong and the completion of street defect repairs in Bowral, Mittagong and Berrima streets.

**DP52 Deliver the Urban Street Tree Implementation Plan**



Council has completed the following street tree planting in line with the outcomes and objectives detailed in the Street Tree Implementation Plan and Street Tree Master Plan for the 2019-20 growing season:

- Etheridge Street, Mittagong was planted with Saw Tooth Oak Trees
- The street tree planting project for Berrima Road was completed with Pin Oaks and Silver Banksia
- Pin Oaks were planted in Braemar
- Brush Box were planted in Monterey Avenue and Albany Street, Moss Vale

The following street tree planning projects remain ongoing:

- Victor Crescent, Moss Vale was scoped and programmed for planting in March 2020 with Tulip Trees
- Planting was scoped and programmed for Roche Close, Moss Vale in March 2020 with Chinese Elms
- Narellan Road, Moss Vale was planted with various trees in between October and November 2019, with the planting project to be completed in March 2020

**DP53 Provide and maintain high quality community facilities across the Shire**



Council staff are continuing to develop strategies and collect data for community and public facilities across the Shire. Information and data are fed into Council's Conquest Asset System which provides information for prioritisation and verification for services delivered and the necessary work required to ensure ongoing quality service is provided for the community.

Council continues to manage community facilities in partnership with licensees and community groups.

Masterplans for the Bong Bong Common and Berrima Marketplace have been completed.



**DP54 Undertake the redevelopment of Bowral Memorial Hall**

Council has completed an application for funding for the Bowral Memorial Hall Redevelopment project in the Commonwealth Government's Building Better Regions Fund - Infrastructure Projects Stream - Round 4 - Drought Support. Applications closed on 19 December 2019 and results are expected to be announced in May 2020.

**DP55 Effectively plan for and deliver on the diverse needs of people with a disability**

The Disability Inclusion Action Plan is currently being reviewed as part of Council's planning and reporting requirements.

The Access Community Reference Group continues to support the work of Council in planning for the diverse needs of people with a disability.

**DP56 Ensure planning controls allow for diversity of housing choice**

A draft Local Housing Strategy was reported to Council for public exhibition in December 2019. The draft Strategy sought to increase the diversity of housing types within the Shire to ensure that our housing stock was reflective of the needs of our community. The draft Strategy was deferred by Council and will be reported back to Council in early 2020 for public exhibition.

Council is currently working on detailed character and design controls to ensure that medium density development is appropriately located and is reflective of community expectations.

**DP57 Partner with agencies to plan and deliver a program of road upgrades, renewals and maintenance**

Council is undertaking programmed and reactive maintenance on its road networks.

Council is partnering with the Roads and Maritime Services, other State Government authorities and community groups and is actively involved in the Canberra Region Joint Organisation and its Infrastructure Working Group to ensure the delivery of road upgrades, renewals and maintenance.

Council staff continue to seek grant funding opportunities to provide improved service delivery for the community.

Works undertaken include:

- Shire-wide preparation works and commencement of the Road Resealing Program;
- Old Hume Highway, Berrima reconstruction;
- Gravel resheeting at Richard Lane, Joadja and Belanglo Road, Belanglo;
- Kirkham Road, Bowral utility adjustments;
- Road and drainage improvements at Queen Street and Banksia Street intersection; and
- Meryla Road, Meryla bridge sidetrack works.

Ongoing design work conducted in-house and through consultancy services continues to deliver improved road quality and consistency throughout the Shire. Council is also working with agencies to develop and implement road safety initiatives in conjunction with Roads and Maritime Services.






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## DP58 Implement a long term solution for the use and disposal of roadside spoil

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Council has identified a site at Drapers Road which is proposed for processing Excavated Public Road material.

Progress on this facility is as follows:

- Concept plan completed
- Development Application lodgement to proceed facilitating the site being used as a processing site for table drain clearing material, subject to Council gaining an environmental processing licence
- A depot concept plan and cost estimate has been developed for consideration in the forward budget estimates.

A second site has been identified at an abandoned quarry. A remediation plan exists for the quarry. Council officers are in discussion with NSW Crown Lands on amendments to the remediation design. If and when approved this will provide an ideal site to deposit roadside reuse material.

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## DP59 Review and implement Water Master Plan

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Council has completed the review of the Water Master Plan. The plan identifies capital and operational projects to improve the efficiency of the water supply network. Priority projects have been included in the forward capital works program.

Water quality modelling has commenced using the updated and bulk calibrated water supply model. Modelling will determine water age within the network, which has a correlation to water quality. Operational and capital works projects will be investigated to overcome any water age issues.

The Wingecarribee and Bundanoon Water Treatment Plant process improvement options assessment is progressing and will review the robustness of each treatment facility. Options for mitigating any process risks will be determined and costed.

A Drought Management Plan is currently being reviewed by Council staff and will be modified to become a Water and Sewerage Emergency Response Plan which will consider additional issues such as fire and flood.

The Medway Package Water Treatment Plant feasibility study has commenced and aims to assess the ability for a package treatment facility to be obtained to improve climate change resilience.

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## DP60 Review and implement Sewage Treatment Plant Upgrade Strategy

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Council's Integrated Water Cycle Management Strategy identified the requirement to upgrade Moss Vale, Bowral and Mittagong Sewage Treatment Plants (STPs).

Concept designs have been completed for Moss Vale, Bowral and Mittagong STP upgrades. Council's upgrade strategy includes innovation through automation, energy efficiency, improved reliability, service delivery and integration between the STPs and the distribution network.

Council lodged funding applications through the Safe and Secure Water Program for funding from the State Government for the detailed design and construction of the plants. Unfortunately, Council was unsuccessful with the grant application for Moss Vale STP; however, it was successful in obtaining \$6.6M towards the upgrade of Bowral STP.



Quotations for the detailed design of the Bowral STP are being sought. The detailed design phase of the Bowral STP is expected to take approximately nine months.

Quotations for the detailed design for the Mittagong STP and Moss Vale STP will be sought subsequent to the award of the Bowral STP detailed design engagement.

Council continues to address network risk, improved service delivery and lowering lifecycle costs and operational costs. Council is also planning and delivering an entirely new Wide Area Network telecommunications system which will provide enhanced speed, real time data and allow automation to be implemented at a level never before possible for critical water and sewer infrastructure.

### DP61 Improve stormwater management across the Shire

Council staff are regularly reviewing and implementing floodplain management strategies, which guide and inform Council's floodplain management projects.

Council is delivering two floodplain management projects this financial year:

- Review of Whites Creek Floodplain Risk Management Study and Plan
- Nattai Ponds Floodplain Risk Management Study and Plan.

Council was successful in obtaining a \$130,000 grant for the review of the Wingecarribee River Flood Study.

Strategies also drive Council's stormwater management plans, including the stormwater drainage works undertaken in accordance with the design and capital works program.

Council is undertaking programmed and reactive maintenance on stormwater drainage networks.

### DP62 Undertake drinking water quality management

As per previous reporting periods, Council continues to work in line with its commitments under the adopted Drinking Water Management System and the Australian Drinking Water Guidelines (ADWG) in close consultation with NSW Health.

Council continues to monitor systems and implement process controls for key Critical Control Parameters (for example, Turbidity, pH, fluoride and chlorine residuals) in our water supplies as a requirement of ongoing Drinking Water Management Systems and operational plans to meet ADWG.

Water availability, customer demand and correct water use have remained a key focus due to long periods of drought being experienced in NSW. New management protocols and increased communication (for example, about water restrictions) have been implemented to minimise both water quality and quantity impacts within the community.

### DP63 Ensure the integrity of water and sewer infrastructure

Council continues to deliver both planned and reactive maintenance of its water and sewer infrastructure. The ongoing capital and operational investment to provide the required resources, appropriate skill base and best practice systems of work will optimise efficiency and maintain customer service standards.

Key programs of note that occurred in this period are as follows:

- Calibration of water flow meters for both Sewage Treatment and Water Treatment Plants;





- Preventive planned maintenance specification on electrical assets was completed;
- Bush fire inspection of electrical assets conducted before summer risks and demand;
- The backflow and trade waste management processes that were implemented on Council's Property and Rating system in the last period have continued to be success and have improved both customer management and business efficiency. There are currently approximately 360 approved trade waste businesses on Councils Property and Rating system;
- The scoping of the new water distribution systems is now underway to replace the current filling station set up, with the project for eight stations due to be completed in 2020;
- Council's standard operational practices and network security has been impacted significantly in the last couple of months due to fire fighting water demand in the north and south of the Shire;
- The Clear Scada Telemetry Project upgrade is currently in progress by Safegroup. The Asset Electrical Panel Design Program has been completed and an electrical panel commissioning tender is being advertised early in next reporting period;
- Both Wingecarribee and Bundanoon Water Treatment Plants are currently being operated to a standard that exceeds the minimum criteria defined in Council's Drinking Water Management System and the Australian Drinking Water Guidelines. Raw water levels in the Wingecarribee Dam still continue to reduce due to low rainfall and drought conditions; however, regular communication of demand is in place between the relevant stakeholders to ensure availability for operational treatment;
- Dam safety inspections have been conducted by qualified operators following adopted protocols. No known structure risks at both Bundanoon and Medway have been highlighted within this period. Moss Vale, Mittagong and Bowral Sewage Treatment Plants (STPs) are currently meeting licence; however, they may exceed the annual licence due to the extended dry period which is effecting the treatment capability of the STPs;
- Algal blooms within this period at Berrima STP may also affect the annual licence pH of the final effluent.

## DP64 Ensure regulatory compliance of sewerage infrastructure

The Robertson sewage treatment scheme compliance annual return was completed and submitted to the Environmental Protection Authority (EPA) between September and October 2019.

The Moss Vale, Mittagong and Bowral treatment schemes are currently meeting licence requirements; however, they have all been impacted by the extended dry periods. This is affecting the treatment capability which may impact final annual return results at the end of the fourth quarter.

The dry period and algal blooms at Berrima treatment scheme may also impact the pH licence requirement of the final effluent leading to an impact on the annual return results.

On 26 November 2019 the Pollution Incident Response Management Plan was activated due to an unexpected major breakdown of the operational process decant weir at Mittagong Sewage Treatment Plant (STP). Excellent work practices and the commitment of staff along with good communication with the EPA minimised the risk of regulatory non-compliance. The process returned to full operation on 4 December 2019.

Positive communication between Council and the EPA has continued with both minor operational and capital investment in place to minimise long-term environmental impacts.

Key capital programs continue to be delivered as part of Council's Delivery Program with the designs for essential upgrades (due to regulatory catchment demand and capacity) to the Bowral, Moss Vale and Mittagong STPs remaining in progress by NSW Public Works Advisory. All are expected to be



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delivered within a five year program with construction at the Bowral STP due to be started in 2020/21.

Key operational and maintenance programs have also continued to ensure regulatory compliance and minimise risk; for example, enhanced remote monitoring of treatment assets, manhole inspections, jetting and flushing programs.

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**DP65 Facilitate and advocate for enhanced access to telecommunication networks**



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Improved telecommunications infrastructure across the Shire will factor in the soon to be developed 'Destination Plan' (Tourism and Economic Development Strategic Plan) which was initiated by Council in late November 2019.





## Environment

Wingecarribee 2031 outlines the following **Environment** Community Goals

- 4.1 Wingecarribee's distinct and diverse natural environment is protected and enhanced
- 4.2 Sustainable living practices are actively encouraged
- 4.3 Wingecarribee achieves continuous reduction in waste generation and disposal to landfill
- 4.4 Wingecarribee addresses, adapts, and builds resilience to climate change

The **Delivery Program 2017-2021** includes 23 four year actions to assist in the achievement of the **Environment** strategies. The progress for these four year actions for the July to December 2019 reporting period is outlined below.

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### DP66 Manage public natural assets

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Environmental management activities continue to be successfully implemented by the Environment Levy-funded Bushcare program and contractors across 59 different reserves and management sites.

Ten revegetation projects progressed during this period at Cosgrove Park, Moss Vale, George Street Wetland, Burrawang, Glow Worm Glen, Garland Street Reserve, Bundanoon Oval and Jordans Crossing, Bundanoon, Caalong Creek, Robertson, and Boronia Park, Hill Top.

The Community Nursery continues to operate with volunteer support, with over 2,018 plants produced in the reporting period which are being preparing for use when the drought breaks.

Council continues to implement a number of significant joint projects with the NSW Government including:

- Southern Highlands Glossy Black Cockatoo Conservation Threatened Species Project;
- Eucalyptus macarthurii Threatened Species Project; and
- Persoonia glaucescens Threatened Species Project.

The Southern Highlands Koala Conservation Project remains ongoing and is co-funded by Council and the NSW Government *Saving our Species* program.

Council continues to support the NSW Biodiversity Conservation Trust (BCT) to launch the Southern Highlands Koala Habitat Tender, a multi-million dollar State Government investment in private land conservation in the Wingecarribee Shire. A record number of applications were submitted by private landholders. BCT tender agreements are funded in-perpetuity conservation agreements.

The koala feed tree seed collection contract commenced. The first batch of seeds is being propagated at Wariapendi Nursery for distribution to target private lands requiring koala habitat restoration or connectivity plantings.

Council staff deliver update reports at every Wollondilly-Wingecarribee Bushfire Management Committee meeting and contributed to and reviewed the University of Melbourne's report on 'Fire risk modelling to support fire management and conservation of koalas Phascolarctos cinereus in the Wingecarribee Local Government Area'.

Current koala road kill reduction strategies involved the Roads and Maritime Services using their motorway variable message signs to warn motorists of koalas during breeding season. Council facilitates messaging through Facebook to warn of koalas on roads.



The koala sightings database is maintained and regularly uploaded to Bionet. 20 sightings were recorded between October and December 2019, with the total number of sightings now at 315.

Council staff scoped the bushfire preparedness of carers for this season, meeting with local carers from the NSW Wildlife Information, Rescue and Education Service (WIRES) and Wildlife Rescue South Coast. Potential Council processes for four bushfire response phases (preparation, alert and standby, search and rescue, recovery and release) were drafted. Also initiated were talks about workshops to assist local carers in relation to eucalyptus identification and burns first aid. Council has assisted in the capture of koalas in care.

**DP67 Maintain and build high value environmental lands and corridors**



The NSW Office of Environment and Heritage is continuing to develop the Green Web Corridors project. This uses the draft vegetation structural layer in conjunction with koala satellite tracking data and predictive distribution of koala habitat.

Council's Private Land Biodiversity Conservation Strategic Plan continues to be implemented. Council encourages and recruits conservation on private land through a three tiered program to support different types of landholders and conservation values.

The Land For Wildlife (LFW) program celebrated its 10th anniversary of operation in the Shire. A celebratory event was held for LFW property owners and attended by 48 people. The current area of active LFW properties in Shire is 4859 hectares with 3200 hectares under conservation. Six LFW property agreements totalling 94 hectares were finalised during the reporting period, while six new LFW Property Expressions of Interest were received making a total of fifteen property assessments currently underway.

Nine new Habitat for Wildlife agreements were received in this period bringing the total to 217.

**DP68 Ensure the impacts of development on biodiversity are assessed, monitored and mitigated**



The rigorous assessment of applications in accordance with environmental legislation has continued and biodiversity values protected under the assessment requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979*.

**DP69 Build community partnerships and education programs to reduce pollution**



Council continues to operate an investigation and enforcement program for pollution and illegal dumping matters. During the reporting period a number of investigations have resulted in enforcement notices being issued for various matters. Land pollution (including asbestos) is an increasing issue in the Shire. These matters are being investigated and actioned in accordance with appropriate legislative provisions. Council launched a significant community awareness program called Dob in a Dirtbag targeting this issue.

Council is preparing for the Household Chemical Clean Out event and Clean Up Australia Day in March 2020.







**DP70 Reduce the impact from Council infrastructure and operations** 

Council undertakes environmental assessments of the potential impact from Council works, utilising Council's adopted procedure and assessment tool for this function. These tools have been reviewed to reflect changes in legislation. Controls to minimise and mitigate environmental impacts are identified through this process. In-house training has been delivered to key project management staff.

The Roadside Management Plan for the management of roadside vegetation was completed with grant funding from Local Government NSW. This Plan won a Local Government NSW Excellence in the Environment Award in December 2019.

**DP71 Develop and implement policies that support health, environment and sustainability outcomes within Council and across the Shire** 

Council maintains a number of policies that deliver positive outcomes for health, sustainability and the environment and these are periodically reviewed for consistency with legislation. No major updates were scheduled or completed during this period.

**DP72 Implement planning controls that protect the Shire's natural resources** 

Council's Local Environmental Plan and Development Control Plans are regularly monitored and reviewed to ensure that the planning framework is consistent with community expectations in relation to protecting the Shire's natural resources. Staff are currently reviewing Council's stormwater development controls and engineering specifications to ensure that future development does not impact on water quality within the Shire.

All Planning Proposals received by Council which are included in the Local Planning Strategy have either received a Gateway Determination or have been finalised.

**DP73 Advocate to State and Federal government to ensure planning controls, plans and proposals reflect community priorities** 

Staff continue to stay up to date with proposed legislative changes to ensure planning controls reflect community priorities and to advocate to the NSW Government on behalf of the Wingecarribee Shire community. Council staff have been involved in working groups with the NSW Department of Planning, Industry and Environment on Short Term Rental Accommodation, the template Development Control Plan and the Low Rise Medium Density Housing Code.

Council continues to work with State and Federal Government stakeholders to advocate and respond to emerging issues that impact on the Shire's environment and sustainability. Council is currently working with the Office of Environment and Heritage on a number of key projects including detailed vegetation mapping and a number of koala mapping and protection projects.





**DP74 Develop partnerships with community and agencies to identify, update and maintain awareness of key natural resources** 

Council's webpages relating to environmental information are regularly reviewed with amendments made to ensure the currency and reliability of information.

Council maintains a number of Geographic Information Systems environmental datasets for development assessment, planning considerations and environmental assessments of Council projects. Processes are in place to ensure the currency of this information. Key datasets include fire management units, weed management units, roadside management plan vegetation model, koala habitat and environmental assessment layers.

Waterwatch Program monitoring activities were undertaken at Mittagong Creek, Whites Creek, Lake Alexandra, Medway Rivulet and Caalong Creek. The monitoring program is providing data on catchment health. The aim of the monitoring is to collect data on the trends in water quality and stream condition, with the results published on Council's website. Council also undertakes stream macroinvertebrate sampling. This monitoring program is providing data on catchment health and the results are also entered into the NSW Atlas of Living Australia. The latest results are showing a growing impact in water levels and water quality from the ongoing intense drought.

The December 2019 edition of the Wingecarribee Web e-newsletter was published and distributed to over 1,000 subscribers.

NatureMapr has been launched in the Shire as Council's main community engagement and citizen science data collection platform. A presentation on the platform has been delivered to Birdlife Southern Highlands.

**DP75 Implement community awareness programs that promote sustainable living** 

The Schools Environment Day event was successfully delivered on 22 October 2019. Approximately 600 students attended and participated in 25 different activities. Council also participated in the 2019 Regeneration Weekend event in Bowral. Planning has commenced for the 2020 Earth Hour event as well as activities for Seniors Week in February 2020.

Council has a number of school based activities in the area of energy and water. One school workshop was delivered during this period.

**DP76 Develop partnerships and networks to leverage off existing programs** 

Planning and collaboration with the Southern Highlands Botanic Garden team has commenced and is on track for the 28 March 2020 Earth Hour event. Council participated in the 2019 Regeneration Weekend community-led event in Bowral.

The Community Assistance Scheme awarded \$10,000 worth of grants to eight community groups for environmental and sustainability projects with funding supplied from the Environment Levy.

**DP77 Implement State Government regulations** 

Council has continued to implement State Government regulations within the reporting period.



Council has considered in excess of 1611 development applications to 31 December 2019.

With a raft of reforms being progressively introduced by the State Government, Council has continued to alter its policy positions to reflect these changes. This includes altering Council's Notification of Development Proposals Policy to reflect the requirements of the Public Participation Plans initiative under the *Environmental Planning and Assessment Regulation 2000*.

As part of the State Government policy to provide for greater jobs and housing including broader policy positions of responsive outcomes for residential dwellings, Council has renewed its commitment to responsive assessment outcomes in residential housing through the establishment of a responsive outcomes unit which deals specifically with residential applications in new release areas. This initiative has seen a reduction in the average determination time of prescribed applications to 12 days (average) to December 2019. This initiative delivers on State Government policy to ensure that average determination times on housing approvals are reduced.

**DP78 Advocate and educate for improved development outcomes** 

Continuous improvements to Council's knowledge and systems with respect to both staff and Council's website for educative purposes have been undertaken.

**DP79 Support the establishment and expansion of businesses that produce goods locally** 

Council continues to support the Moss Vale and Rural Chamber of Commerce's 'Food Cluster' development program. During the reporting period the eighth Cluster was launched which saw the Mittagong region Cluster established, showcasing 20 local businesses promoting locally made products and services.

Council has also proactively supported the Southern Highlands Food and Wine Association in the development of local products and experiences. This was evident during the 2019 Pie Time and Food and Wine Expo events with new products, experiences and events being available to consumers.

**DP80 Promote and encourage waste minimisation and recycling** 

The Resource Recovery Centre continues its commitment to ongoing waste minimisation and recycling to be promoted at every possible opportunity.

Council staff have met all targets for the training of students and community groups. Council also received a Highly Commended award in Division B of Local Government NSW's Excellence in the Environment Awards for Behaviour Change in Waste in December 2019.

**DP81 Implement strategies to reduce illegal dumping** 

Council has reviewed gate fees for asbestos disposal at the Resource Recovery Centre to ensure that the charges match the cost of disposal, to encourage residents to dispose of the material legally.

In addition, Council staff will participate in 'Operation Rumble' which was approved last quarter. The campaign seeks to target illegal dumping of contaminated fill waste in the Shire. Council recently dealt with an incident of illegal dumping of asbestos and subsequently issued a media release to seek community assistance to identify the person or persons responsible.




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**DP82 Manage the Resource Recovery Centre in accordance with Environmental Protection Authority licence and ensure efficient and cost effective operations** 

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The Resource Recovery Centre (RRC) has been compliant with Environmental Protection Authority licence conditions. However, the current drought and extended periods of very hot conditions will require a change to the RRC's operational procedures to manage the elevated risk of fire.

Proactive steps have been taken, including a 40 per cent reduction in green waste organics stockpiled on site with over 4,000 tonnes of shredded, unprocessed green waste organics transported to an external processing site.

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**DP83 Develop and implement a Council Waste Strategy and Policy** 

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A draft Waste Strategy has been developed and will be further reviewed to consider recommendations from the recently completed Waste Services Review before it is presented to Council for endorsement in the first quarter of 2020.

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**DP84 Implement strategies to improve energy management** 

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Planning has been undertaken for the next solar project to be installed on Council's Civic Centre in Moss Vale. A system of between 70-100kw is being planned, funded by Council's revolving energy fund and installed during the repair and renovation of the building's roof.

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**DP85 Undertake initiatives that increase awareness and encourage water, energy and waste reduction** 

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Three activities have been prepared for Seniors Week in February 2020. The Speed Date a Sustainability Expert event will allow community access to local experts providing free advice on sustainable buildings, gardening and lifestyle matters. Workshops are also being prepared for saving energy and resilience in extreme weather events. Development has commenced on a Cool Spot campaign in response to increased heatwave events.

Council participated in the Community Climate Forum in November 2019 which presented climate action and climate adaptation programs.

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**DP86 Implement strategies to address the impacts of climate change** 

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Council adopted its updated Climate Change Adaptation Plan during this reporting period. Planning for a number of the projects has started for commencement in the second half of this financial year.

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**DP87 Improve resource and energy efficiency at Council facilities and monitor carbon emission** 

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The annual calculation of greenhouse gas emissions has been completed and the results published on Council's website. For the period 2018/19 the emissions total was 14,642 tCO<sub>2</sub>-e (tonnes of carbon dioxide equivalent). Electricity, fuels and street lighting were the highest sources of greenhouse gas emissions. Emission levels have been reduced by 12 per cent over the last five years despite the population increase. Emissions attributed to providing water and sewer account for



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57 per cent of the total emissions.

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**DP88 Encourage carbon reduction across the Shire**



Council continues to participate in the Cities Power Partnership (CPP) and the associated South East Buddies Group. Reporting to the CPP on progress against pledges was completed and confirmed that Council is on track with its pledges.

Council participated at the Community Climate Forum in November 2019 and presented on Council and community greenhouse gas emissions data, abatement actions being undertaken and the issues ahead.







## Economy

Wingecarribee 2031 outlines the following **Economy** Community Goals

- 5.1 Our Shire attracts people to work, live and visit
- 5.2 Sustainable business and industry work in harmony with local community and environment
- 5.3 We support the productive use of our agricultural land and promote our diverse and thriving local agriculture industry and its right to farm
- 5.4 Local business is supported through a connected community

The **Delivery Program 2017-2021** includes 12 four year actions to assist in the achievement of the **Economy** strategies. The progress for these four year actions for the July to December 2019 reporting period is outlined below.

### DP89 Support regional activities and partnerships to broaden and promote the range business and industry investment ●

Council has engaged with a number of potential investors seeking to relocate or expand businesses in the region during the reporting period.


Council and the NSW Government also worked together to produce the Wingecarribee Regional Economic Development Strategy 2018-2022. The Strategy is aimed at delivering infrastructure to the region which will enhance the liveability of the region, facilitate development of agriculture as a key strength and specialisation and grow the visitor economy based on food, wine and events, grow education, health and aged care sectors, and strengthen the manufacturing base. This State Government strategy has now been followed up with the development of the Canberra Region Joint Organisation Economic Development Strategy.

The development of a 10 year Wingecarribee Shire 'Destination Plan' has commenced and will be delivered to Council for approval in June 2020. The Plan will identify key strategies in business development and business growth opportunities that align with the region's key attributes of Agribusiness, Tourism and Hospitality, Tertiary and Education, Health and Residential Care, Freight and Logistics along with Advanced Manufacturing.

### DP90 Build on partnerships that increase and broaden local employment opportunities ●

Council continues to liaise with tertiary education institutions, local schools and the business sector to identify skill gaps in the local workforce. This has recently been supported with the establishment of the Southern Highlands Key Stakeholders Group to work in partnership with Council in an effort to develop local business and employment opportunities. Council is also working with State Government agencies and non-government agencies in providing data on local employment and business generation. A recent visit to the region by the NSW Minister for Education and Early Childhood Education provided a valuable opportunity to present our region's education opportunities.



**DP91 Ensure tourism development assessment is based on quadruple bottom line principles (i.e. considers environmental, economic, social and governance factors)** 

Tourism applications have been assessed against quadruple bottom line principles as required under section 4.15 of the *Environmental Planning and Assessment Act 1979* with outcomes increased over the last quarter.

**DP92 Promote the Southern Highlands a world class tourist destination** 

Council undertook a proactive marketing program of integrated activities for the period July to December 2019 which recorded increased visitation and expenditure to the Shire. These Shire wide increases were also realised with above budgeted visitation and sales at the Southern Highlands Welcome Centre.

Destination Southern Highlands worked closely with its industry partners to generate record levels of exposure for the Southern Highlands and positioned it as a key regional tourism destination. Increased awareness and exposure of the region was in part generated by major events such as Tulip Time, the Bowral Classic, the Food and Wine Festival, the Arts Studio Trail and the Bong Bong Picnic Races among others.

Destination Southern Highlands continued to undertake digital advertising during the reporting period to position the region as a must visit destination.

The launch of the region's new website [visitsouthernhighlands.com.au](http://visitsouthernhighlands.com.au) in November 2019 also assisted in promoting the Southern Highlands as a world class destination with multi-lingual assets and the addition of Chinese apps Weibo and Weichat to target this growing market. The new websites also well-positioned the region through professional imagery, experiences, events and bookable products.

The development of the 2020 Southern Highlands Destination Planner by the Destination Southern Highlands team as the region's official publication was completed and this will be a major marketing tool to promote the region's key experiences, products and people.

Council continues to work closely with Destination NSW, visitCanberra and Tourism Australia to promote the Southern Highlands via their marketing channels and resources. A number of trade and media films were conducted to introduce the region into possible international and domestic wholesale travel programs. As a result, the region received coverage by leading journalists.

**DP93 Develop and implement marketing and promotional activities to promote the Southern Highlands** 

Highlights during the reporting period of marketing activities assisting in the promotion of the region included:

- Implementation of an innovative Theme Marketing Months Program for the region which was supported by local industry via events and marketing messages.
- Development of the 2020 Southern Highlands Destination Planner and Map containing new experiences and a new look and branding.
- Awarded Gold in the 'Destination Marketing' category at the Canberra Region Tourism Awards held in Canberra in November 2019 for the region's 2019 Pie Time campaign.



- Commencement of the development of a new Destination Management Plan to include Tourism and Economic Development Strategies.
- Development of new Products and Experiences - Heritage Festival Scoping Study, Tulip Time Festival Relocation Feasibility Study and Pie Time 2020 Campaign.
- Launch of the region's new \$100,000 website [visitsouthernhighlands.com.au](http://visitsouthernhighlands.com.au).
- A Proactive Visiting Journalists Program and associated media exposure with key industry partners of Destination NSW and Tourism Australia.
- The production and distribution of regular Monthly 'What's On in the Highlands' videos.
- Active social media marketing activities with high reach and exposure.

**DP94 Explore options to progress Moss Vale Enterprise Zone** 

Recommendations in relation to the promotion of the Moss Vale Enterprise Corridor are to be included in the development of the 10 year 'Destination Plan' which commenced in November 2019 and will be finalised in mid-2020.

**DP95 Support the establishment and expansion of clean industries** 

Recommendations in relation to the establishment and expansion of clean industries are to be included in the development of the Shire's 10 year 'Destination Plan' which commenced in November 2019 and will be finalised in mid-2020.

**DP96 Manage the operation of the Southern Region Livestock Exchange** 

The Southern Regional Livestock Exchange continues to comply with relevant legislation and Environmental Protection Authority licence requirements. The major refurbishment works are progressing after considerable consultation with key stakeholders. Tenders for the various components of the capital works will go out to the market in 2020.

**DP97 Ensure development does not impact on viable primary production and food security** 

Rural lands have been considered as required under section 4.15 of the *Environmental Planning and Assessment Act 1979*.

**DP98 Facilitate programs and networks that support and strengthen business development** 

Council has provided ongoing support for the Southern Region Business Enterprise Centre and Regional Development Australia Southern Inland.

Council has recently supported small business with the signing of a Memorandum of Understanding with Service NSW for their 'Easy to do Business' Program. The establishment of the new Southern Highlands Key Stakeholders Group will also facilitate the development of new business programs and job growth.

**DP99 Support initiatives that provide opportunities for business mentoring and connection** 



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Council continues to offer business development and mentoring services via its Partnership Program, which accounts for over 300 local businesses receiving the benefits of its 'Concierge' Service Program.

Council also supports the Southern Highlands Key Stakeholders Group Program which is looking to develop business mentoring in its cluster group initiatives.

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### **DP100 Support regional economic development initiatives**



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Council is an active member of the Canberra Region Joint Organisation. Staff will work with surrounding councils on common economic development opportunities. This is further supported with the development of the Southern Highlands Key Stakeholders Group. In addition, a close working relationship with Southern Inland and Destination Sydney Surrounds South regional business groups is a priority for Council.



## 13 GENERAL MANAGER

### 13.1 Exclusion of Notice of Motion and Question with Notice from Business Paper on 6 February 2020

Reference:	503/60
Report Author:	General Manager
Authoriser:	General Manager
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

#### PURPOSE

#### **THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020**

To advise Council of the exclusions of two items from the Extraordinary Meeting of Council dated 6 February 2020.

The Code of Meeting Practice (adopted 12 June 2019) Clause 3.20 states:

*“the General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of Council”.*

As required the General Manager advises that one submitted Notice of Motion and one submitted Question with Notice were excluded in accordance with Clause 3.20 above. Further details are provided below:

1. This item was excluded because it was submitted to the Extraordinary Meeting. As per the Code of Meeting Practice, the provision for a Notice of Motion relates to ordinary meetings of Council only.
2. This item was excluded because it alleged a breach of Council’s Code of Conduct (Code). In accordance with clause 9.12 of the Code you cannot make *“allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.”*

#### RECOMMENDATION

**THAT the report be noted.**

#### ATTACHMENTS

There are no attachments to this report.

## 13.2 Exclusion of Notice of Motion and Question with Notice from Business Paper on 26 February 2020

Reference:	503/60
Report Author:	General Manager
Authoriser:	General Manager
Link to Community	
Strategic Plan:	<b>An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities</b>

### PURPOSE

To advise Council of the exclusions of two items from the Extraordinary Meeting of Council dated 26 February 2020.

The Code of Meeting Practice (adopted 12 June 2019) Clause 3.20 states:

*“the General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is, or the implementation of the business would be, unlawful. The General Manager must report, without giving details of the item of business, any such exclusion to the next meeting of Council”.*

As required the General Manager advises that two submitted Notice of Motion and four submitted Question with Notice were excluded in accordance with Clause 3.20 above. Further details are provided below:

1. This item was excluded because it would be in breach of the EP&A Act and section 7.2 Council’s Code of Conduct (Code)
2. This item was excluded because it alleged a breach of Council’s Code of Conduct (Code). In accordance with clause 9.12 of the Code you cannot make *“allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.”*
3. This item was excluded because it would be a breach of clause 3.15 Council’s Code of Meeting Practice, i.e. *“3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.”*
4. This item was excluded because it would be a breach of clause 3.15 Council’s Code of Meeting Practice, i.e. *“3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.”*
5. This item was excluded because it would be a breach of clause 3.15 Council’s Code of Meeting Practice, i.e. *“3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.”*

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

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



6. This item was excluded because it alleged a breach of Council's Code of Conduct (Code). In accordance with clause 9.12 of the Code you cannot make "*allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.*"

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#### RECOMMENDATION

**THAT the report be noted.**

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#### ATTACHMENTS

There are no attachments to this report.

### 13.3 Councillor Planning Day - November 2019

Reference:	501
Report Author:	Chief Financial Officer
Authoriser:	Deputy General Manager Operations, Finance and Risk
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 WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020**

The purpose of this report is to provide an overview of the presentations delivered at the annual Councillor planning day which was held on the 6 November 2019.

#### **RECOMMENDATION**

**THAT Council notes the summary provided of the annual Councillor planning day held on the 6 November 2019.**

#### **REPORT**

##### **BACKGROUND**

At its meeting 11 December 2019, Council resolved the following (MN 597/19):

1. *THAT Council prepares a report to be presented to council on the information provided to councillors at the staff presentation on that day 6.11.19.*
2. *THAT this report is not to include any confidential information.*

Council undertakes a review of its Operational Plan and Budget on annual basis. This process commences with an annual planning day with Councillors and senior staff in attendance. This has been an established practice for many years.

The planning day provides Councillors with an opportunity to discuss key strategic priorities for the community, which in the past has included policy review and development, significant capital works and major industry changes affecting Council.

The day also provides senior staff with the opportunity to update Councillors on significant internal improvement processes such as the Business Transformation Program.

This report provides an overview of the annual planning day held on 6 November 2019 at Peppers Craigieburn Bowral.

##### **REPORT**

The agenda for the Councillor planning day was as follows:



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

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



1. Introduction and overview
2. Update on infrastructure matters
  - a. Mittagong Playhouse
  - b. Mittagong Pool
  - c. Station Street
3. Delivery Program achievements for Council term
4. Climate change
5. Business transformation update
6. Councillor priorities for the remainder of the Council term

An overview of each session is provided below.

#### **Update of Infrastructure Matters**

##### 1. Mittagong Pool Repairs

Councillors were provided with an update on the repairs required to the balance tank at the Mittagong Pool. A presentation was given by Council's Open Space Recreation and Buildings Infrastructure Manager. The presentation also detailed the pre-season checks and inspections which are completed each year before the pool is re-opened. The balance tank was subsequently repaired, and the pool reopened on 14 December 2019.

##### 2. Mittagong Playhouse

Councillors received a briefing from a qualified structural engineer regarding the complexities and challenges of the structural work required at the Mittagong Playhouse. Councillors were also advised that additional investigation work would be required to ascertain the full extent of the structural damage and associated repairs. Funding has been allocated as part of the December Quarterly Review (Finance Committee – 19 February 2020) to stabilise the exterior wall and conduct the additional investigations required.

##### 3. Station Street Update

The Deputy General Manager Operations, Finance & Risk provided Councillors with an update on the status of the Station Street upgrade project. The discussions included an update on the design of the roundabout at the northern end of Station Street, the progress on entering into a Memorandum of Understanding with Transport NSW and the timeframes to commence work at the southern end of Station Street.

#### **Delivery Program Achievements**

The Deputy General Managers outlined the achievements of the current Council since its election in September 2016. The achievements were presented under the five strategic themes identified within Council's Community Strategic Plan, *Wingecarribee 2031*. This information will be used to form the basis of the End of Term Report which will be presented to the final Council meeting for this term which will be held on the 26 August 2020.

#### **Climate Change**

Councillors received a presentation on the climate change action framework which has been developed by Council's Environment and Sustainability Branch. The presentation outlined Council's achievements in reducing its carbon emissions and other key areas such as community education and engagement.

## **AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 11 March 2020

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



The presentation included an overview of the Climate Change Adaptation Plan which includes 91 actions to be achieved over the short to long term horizon.

#### **Business Transformation**

Council staff provided an update on the work currently being undertaken as part of Council's Business Transformation Program. This includes the four key areas:

- Customer first culture
- Development application determination times
- Asset quality control
- Maintenance works management

#### **Councillor Priorities**

There was a broad discussion between Councillors regarding the priorities for the remainder of this Council term with a strong focus on delivering key infrastructure projects that have already been funded within Council's Budget and Long Term Financial Plan.

#### **Next Steps**

Comments and feedback from Councillors will be taken into account when preparing the first draft of the Operational Plan and Budget. A further workshop will be held with Council in mid-late March providing a detailed analysis of the draft 2020/21 Budget and Capital Works Program.

The draft 2020/21 Operational Plan and Budget will be formally presented to Council in April 2019, before being placed on public exhibition for a period of 28 days for public comment.

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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

Community engagement will take place once the 2020/21 Operational Plan and Budget has been endorsed by Council for public comment.

### **Internal Communication and Consultation**

Executive

Group Manager Corporate & Community

Chief Financial Officer

### **External Communication and Consultation**

Not required.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 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.

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#### **COUNCIL BUDGET IMPLICATIONS**

There are no direct budget implications in relation to this report.

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#### **RELATED COUNCIL POLICY**

None.

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#### **CONCLUSION**

The report provides an overview of the presentations delivered at the Annual Councillor Planning Day which was held on 6 November 2019.

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#### **ATTACHMENTS**

There are no attachments to this report.

## 13.4 Legal Report

Reference:	107/22
Report Author:	General Counsel
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

### PURPOSE

#### **THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020**

The purpose of this report is to update Council on the status of legal proceedings reported at the ordinary meeting of Council on 27 November 2019.

### RECOMMENDATION

1. **THAT** the information relating to ongoing legal costs in Attachment 1 to the report be noted.
2. **THAT** the status of the legal proceedings involving Council be considered in Closed Council – Item 19.3.

*Note: The Council, or a committee of the Council, may allow member of the public to make representations to or at a meeting should be closed (15.9 – Code of Meeting Practice).*

*Where the matter has been identified in the agenda of the meeting under clauses 3.21 as a matter that is likely to be considered when the meeting is closed to the public, in order to make representations under clause 15.9, members of the public must first make an application to the Council in the approved form. Applications must be received by close of business (4.30pm) two (2) business days prior to the meeting at which the matter is to be considered (15.11 – Code of Meeting Practice).*

### REPORT

#### **BACKGROUND**

This report updates the current status and costs paid during November 2019, December 2019 and January 2020, for legal proceedings involving Council in the Land and Environment Court, including those matters completed since the last report to Council.

Legal proceedings involving Council and legal advice obtained by Council are confidential and attract legal professional privilege. Therefore, their status is report in a closed report.

#### **REPORT**

On 17 April 2013, Council resolved:

*THAT the legal costs as detailed in the Legal Affairs Report be made public in the Business Paper on an ongoing basis.*



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

### REPORT GENERAL MANAGER



The report on the status of legal affairs involving Council contains information and advice that is privileged on the grounds of legal professional privilege and contains information that, if disclosed, could confer a commercial advantage on parties with whom Council is conducting business (including opposing parties in litigation). Therefore, it is recommended that the report be considered by Council in Closed Committee pursuant to sections 10A(2)(c) and 10A(2)(g) of the Local Government Act 1993.

For the purpose of preserving privacy, some matters in **Attachment 1** may be described in general terms. **If a Councillor has a specific enquiry regarding the costs reported, they should raise it in Closed Council.**

#### **Consultants' Fees**

At the Council meeting on 8 March 2017, Council resolved that the Legal Affairs Report include a separate column for fees paid to consultants in legal proceedings.

Consultants are engaged in all cases concerning development consents in the Land and Environment Court as the Court requires the parties to provide expert evidence to assist in the determination of the issues in the case.

These consultants prepare reports for the Court and give evidence if the matter goes to hearing on such matters as site density, building layout, traffic, drainage, noise, light and any other relevant issue.

The consultants are always engaged by the external law firm acting for Council.

Usually, their fees are paid by the law firm and recouped from Council through an invoice from the law firm. In that case, the consultants' fees have been included in the monthly Legal Costs report to Council.

There were consultants' fees for legal proceedings paid in the months of November 2019, December 2019 and January 2020 – refer **Attachment 1**.

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## **COMMUNICATION AND CONSULTATION**

### **Community Engagement**

Nil

### **Internal Communication and Consultation**

Staff and management provide information, as required, to assist the progress of the matters reported.

### **External Communication and Consultation**

Solicitors from Council's Legal Panel provide advice and conduct legal proceedings on Council's behalf.

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## **SUSTAINABILITY ASSESSMENT**

- **Environment**

There are no environmental issues in relation to this report. However, some legal proceedings may deal with unauthorised works or activities which have had or could have an environmental impact.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

### REPORT GENERAL MANAGER



- **Social**

There are no social issues in relation to this report.

- **Broader Economic Implications**

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

- **Culture**

There are no cultural issues in relation to this report.

- **Governance**

There is a strong community expectation in relation to enforcement and compliance actions by Council. Actions taken are in line with Council's Compliance and Enforcement Policy.

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### RELATED COUNCIL POLICY

Council's Compliance and Enforcement Policy.

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### ATTACHMENTS

1. Legal Costs - November, December 2019 and January 2020

Ann Prendergast  
**General Manager**

Friday 6 March 2020



Legal Costs – November, December 2019 and January 2020

Attachment 1

Legal Matter	Legal Expenditure	Consultant Expenditure	Legal Expenditure	Consultant Expenditure	Legal Expenditure	Consultant Expenditure	Legal Expenditure	Consultant Expenditure	Total Expenditure
	Nov-19	Nov-19	Dec-19	Dec-19	Jan-20	Jan-20	Year to Date (YTD)	Year to Date (YTD)	Life to Date (LTD)
Catholic Health Care Pty Ltd Aitken Road, Bowral	\$ 4,760	\$ 3,630	-	\$ 19,262	\$ 5,899	-	\$ 49,839	\$ 32,792	\$ 84,330
K.N.D Nominees Pty Ltd Walker Street, Bowral	-	-	\$ 3,837	-	-	-	\$ 7,108	-	\$ 7,108
Reulie Land Co Pty Ltd Myra Vale Road, Wildes Meadow	-	-	\$ 1,039	-	\$ 2,615	-	\$ 3,892	-	\$ 22,792
Lend Lease Retirement Living Holdings Aitken Road, Bowral	\$ 1,233	-	\$ 1,211	-	\$ 432	-	\$ 4,612	-	\$ 12,920
ERF Hospice Pty Ltd Edward Street, Bowral	\$ 7,155	-	\$ 6,126	-	-	-	\$ 18,408	-	\$ 28,098
Michael Brown Planning Loftus Street, Bowral	\$ 15,015	-	\$ 9,846	-	\$ 7,273	-	\$ 58,998	-	\$ 283,161
Turland Mittagong Road Bowral	-	-	\$ 3,602	-	\$ 2,301	-	\$ 5,902	-	\$ 207,837
Bowral Garage Development Pty Ltd Bong Bong Street, Bowral	-	-	\$ 2,866	-	-	-	\$ 2,866	-	\$ 2,866
Phoebe Hodgson Gordon Road, Bowral	\$ 4,182	-	\$ 1,671	-	\$ 1,890	-	\$ 7,743	-	\$ 7,743
Woodbine Park Nominees Wombeyan Caves Road, High Range	-	-	-	-	-	-	-	-	-
Lasovase Pty Ltd 421 Myra Vale Road, Wildes Meadow	-	-	-	-	\$ 700	-	\$ 700	-	\$ 700
Morris Brigadoon Drive, Bundanoon	-	-	\$ 1,720	-	-	-	\$ 1,720	-	\$ 11,226
Paloma Blanca Pastoral Pty Ltd Colo Road, Colo Vale	\$ 2,822	-	\$ 1,686	-	-	-	\$ 12,430	\$ 3,240	\$ 151,173
Strathleigh Investments Pty Ltd Alice Street, Mittagong	-	-	-	-	-	-	\$ 10,572	-	\$ 54,181
Shelley Boyce Tyndall Street Mittagong	\$ 1,022	-	\$ 1,878	-	-	-	\$ 6,547	-	\$ 34,715
Sett Homes P/L Willow Street, Willow Vale	\$ 2,098	-	-	-	-	-	\$ 4,052	-	\$ 8,975
Fenwick v Woodside Properties Wingello Road, Bundanoon	\$ 22,506	-	-	-	-	-	\$ 31,255	-	\$ 72,669
<b>Total Expenditure</b>	<b>\$ 60,793</b>	<b>\$ 3,630</b>	<b>\$ 35,482</b>	<b>\$ 19,262</b>	<b>\$ 21,110</b>	<b>-</b>	<b>\$ 226,644</b>	<b>\$ 36,032</b>	<b>\$ 990,494</b>

Note: This report includes proceedings where legal and/or consultancy costs have been incurred in the 2019/20 Financial Year. It is important to note that the figure reported to the Finance Committee on a quarterly basis is projected expenditure for the entire financial year. The figure reported to the Finance Committee also includes non-development related legal expenditure.

Fees Recovered – November, December 2019 and January 2020

Legal Matter	Fees Recovered	Fees Recovered	Fees Recovered	Fees Recovered	Fees Recovered
	Nov-19	Dec-19	Jan-20	YTD	LTD
O'Shanassy	\$250	\$750	\$500	\$3,750	\$17,728
<b>Total Recovery</b>	<b>\$250</b>	<b>\$750</b>	<b>\$500</b>	<b>\$3,750</b>	<b>\$17,728</b>

Notes:

O'Shanassy - \$93,500 penalty (OSR recovery) plus Council has been awarded by the Supreme Court of NSW a costs order of \$379,000 plus \$4,999.23 being Council's costs in order to undertake the costs assessment.

## 16 COMMITTEE REPORTS

### 16.1 Minutes of the Finance Committee Meeting held on 19 February 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 WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020

This report provides the Minutes of the Finance Committee Meeting held on 19 February 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 1/20

*THAT the minutes of the Finance Committee Meeting held on Wednesday 20 November 2019 MN 34/19 to MN 38/19 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.*

##### Item 6.1 Agenda Reports – Establishment of Mayoral Relief Fund (Public Appeals)

FC 2/20

1. THAT Council note the establishment of the Mayoral Relief Fund (Public Appeals).
2. THAT Council notes the approval by the Australian Taxation Office of the Mayoral Relief Fund as a public fund for persons in necessitous circumstances (Deductible Gift Recipient Endorsement).

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

### COMMITTEE REPORTS



#### Item 6.2 Water Polo NSW Country Championships – Donation of Fees and Charges

FC 3/20

1. THAT Council approve the donation of \$3,663.70 towards the cost of hiring Mittagong Pool for the Water Polo NSW Country Championship held over the 2020 Australia Day long weekend.
2. THAT the donation be funded from the Councillor Contingency Fund.

#### Item 6.3 Implementation of Purchase Card System

FC 4/20

1. THAT Council note the expansion of the Purchase Card expense management system.
2. THAT the General Manager and Mayor be delegated authority to execute under the Common Seal of Council all documents which are required to increase Council's credit facility to \$300,000.

#### Item 6.4 Budget Review to 31 December 2019

FC 5/20

1. THAT Council approve the budget variations reported at the December 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.

#### Item 6.5 Quarterly Progress Report Operational Plan 2019/20, 1 October 2019 to 31 December 2019

FC 6/20

THAT the Quarterly Progress Report Operational Plan 2019/20, 1 October 2019 to 31 December 2019 be noted.

### ATTACHMENTS

1. Minutes of Finance Committee Meeting held on 19 February 2020





# MINUTES

## of the Finance Committee Meeting

held in

Council Chambers

Civic Centre, Elizabeth Street, Moss Vale

on

**Wednesday 19 February 2020**

The meeting commenced at 9.00am

*File No.*



**MINUTES OF THE FINANCE COMMITTEE MEETING**

Wednesday 19 February 2020



<b>1. OPENING OF THE MEETING</b>	
<b>2. ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>3. APOLOGIES</b>	
Nil	
<b>4. ADOPTION OF MINUTES OF PREVIOUS MEETING</b>	
Finance Committee Meeting held on 20 November 2019	
<b>5. DECLARATIONS OF INTEREST .....</b>	<b>2</b>
<b>6. AGENDA REPORTS .....</b>	<b>3</b>
6.1 Establishment of Mayoral Relief Fund (Public Appeals).....	3
6.2 Water Polo NSW Country Championships - Donation of Fees and Charges.....	4
6.3 Implementation of Purchase Card System.....	5
6.4 Budget Review to 31 December 2019.....	6
6.5 Quarterly Progress Report Operational Plan 2019/20, 1 October 2019 to 31 December 2019 .....	7
<b>7. CLOSED COMMITTEE .....</b>	<b>8</b>
Nil	
<b>8. DATE OF NEXT MEETING .....</b>	<b>8</b>
<b>9. MEETING CLOSURE.....</b>	<b>8</b>



**MINUTES OF THE FINANCE COMMITTEE MEETING**

Wednesday 19 February 2020



**MINUTES OF THE FINANCE COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL THEATRETTE, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 19 FEBRUARY 2020 COMMENCING AT 9.00AM**

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

<b>In Attendance:</b>	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 Project Delivery	Mr Ned Tripkovic (in part)
	Deputy Chief Financial Officer	Mr Damien Jenkins
	Chief Information Officer	Mr John Crawford
	Management Accountant	Mr Peter Dunn
	Manager Assets	Mr Stace Lewer (in part)
	Administration Officer	Ms Michelle Richardson

**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."*

**3. APOLOGIES**

There were no apologies at this Meeting.

PERS



**MINUTES OF THE FINANCE COMMITTEE MEETING**

Wednesday 19 February 2020



**4. ADOPTION OF MINUTES OF PREVIOUS MEETING**

MINUTES OF THE FINANCE COMMITTEE MEETING HELD ON WEDNESDAY 20 NOVEMBER 2019

**FC 1/20**

**MOTION** moved by Cllr P W Nelson and seconded by Cllr G J Andrews

**THAT** the minutes of the Finance Committee Meeting held on Wednesday 20 November 2019 MN 34/19 to MN 38/19 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.

There were no declarations of interest at this meeting.



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 19 February 2020



6. AGENDA REPORTS

6.1 Establishment of Mayoral Relief Fund (Public Appeals)

Reference: 102/8  
Report Author: Financial 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 formally advise Council of the establishment of the Mayoral Relief Fund (Public Appeals) and to also inform Council on the status of its application to the Australian Taxation Office (ATO) for endorsement of Council's Mayoral Relief Fund as a Deductible Gift Recipient.

The Chief Financial Officer addressed the Committee on this item.

**FC 2/20**

**MOTION** moved by Cllr P W Nelson and seconded by Cllr G Markwart

1. **THAT** Council note the establishment of the Mayoral Relief Fund (Public Appeals).
2. **THAT** Council notes the approval by the Australian Taxation Office of the Mayoral Relief Fund as a public fund for persons in necessitous circumstances (Deductible Gift Recipient Endorsement).

**PASSED**





MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 19 February 2020



**6.2 Water Polo NSW Country Championships - Donation of Fees and Charges**

Reference: 6700  
Report Author: Manager Open Space, Recreation and Building Maintenance  
Authoriser: Deputy General Manager Operations, Finance and Risk  
Link to Community  
Strategic Plan: Effective financial and asset management ensure Council's long term sustainability

**PURPOSE**

The purpose of this report is to formalise the donation of the fees and charges associated with the Water Polo NSW Country Championship held at the Mittagong Pool in January 2020.

**FC 3/20**

**MOTION** moved by Cllr I M Scandrett and seconded by Deputy Mayor G M Turland

1. **THAT** Council approve the donation of \$3,663.70 towards the cost of hiring Mittagong Pool for the Water Polo NSW Country Championship held over the 2020 Australia Day long weekend.
2. **THAT** the donation be funded from the Councillor Contingency Fund.

**PASSED**



MINUTES OF THE FINANCE COMMITTEE MEETING

Wednesday 19 February 2020



**6.3 Implementation of Purchase Card System**

Reference: 2103  
Report Author: Coordinator Procurement and Fleet  
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 advise Council of the intended expansion of its Purchase Card expense management system and to seek approval to increase the current credit facility to \$300,000.

The Chief Financial Officer addressed the Committee on this item.

**FC 4/20**

**MOTION** moved by Clr P W Nelson and seconded by Clr I M Scandrett

1. **THAT** Council note the expansion of the Purchase Card expense management system.
2. **THAT** the General Manager and Mayor be delegated authority to execute under the Common Seal of Council all documents which are required to increase Council's credit facility to \$300,000.

**PASSED**



**MINUTES OF THE FINANCE COMMITTEE MEETING**

Wednesday 19 February 2020



**6.4 Budget Review to 31 December 2019**

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 December 2019 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 the Committee on this item.

The Deputy General Manager Operations Finance and Risk addressed the Committee on this item.

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

**FC 5/20**

**MOTION** moved by Clr L A C Whipper and seconded by Clr G Markwart

1. **THAT** Council approve the budget variations reported at the December 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 19 February 2020



**6.5 Quarterly Progress Report Operational Plan 2019/20, 1 October 2019 to 31 December 2019**

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

**PURPOSE**

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 the Committee on this item

The Deputy General Manager Operations Finance and Risk addressed the Committee on this item.

**FC 6/20**

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

**THAT** the Quarterly Progress Report Operational Plan 2019/20, 1 October 2019 to 31 December 2019 be noted.

**PASSED**



**MINUTES OF THE FINANCE COMMITTEE MEETING**

Wednesday 19 February 2020



**7. CLOSED COMMITTEE**

Nil

**8. DATE OF NEXT MEETING**

The next meeting will be held on Wednesday 20 May 2020 in Council Theatre Civic Centre, Elizabeth Street, Moss Vale commencing at 9.00am.

**9. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 1028 AM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Meeting held Wednesday 19 February 2020 numbered M/N 1/20 to M/N 6/20 were signed by me hereunder at the Council Meeting held on Wednesday 20 May 2020.

\_\_\_\_\_  
CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 20 MAY 2020**

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER



## 16.2 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020

Reference:	107/6
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

### PURPOSE

#### **THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020**

This report provides the Minutes of the Traffic Committee Meeting electronically held on Wednesday 8 January 2020.

### SUMMARY OF THE RECOMMENDATION AND ACTION FOR COUNCILLORS' ATTENTION AND ADOPTION

#### **Item 1 Traffic Management Arrangements for 2020 Moss Vale Music Tribute Festival**

TC 1/20

THAT there is no objection to the traffic and parking arrangements proposed for the 2020 Moss Vale Tribute Festival on 14 March 2020 subject to the completion of all the requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

### RECOMMENDATION

**THAT recommendation No TC1/20 – as detailed in the Minutes of the Traffic Committee Meeting held electronically on 8 January 2020 be adopted.**

### ATTACHMENTS

1. Minutes of the Traffic Committee Meeting held electronically on 8 January 2020



# MINUTES

of the  
Traffic Committee Meeting  
held Electronically on

Wednesday 8 January 2020

*File No. 107/6*

16.2 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020

ATTACHMENT 1 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Wednesday 8 January 2020



<b>1. AGENDA REPORTS .....</b>	<b>2</b>
1.1 Traffic Management Arrangements for 2020 Moss Vale Music Tribute Festival .....	2
1.2 Changes to timed Bus Zone at Moss Vale Court House on Argyle Street, Moss Vale .....	3
1.3 Traffic Arrangements for Movie In The Gardens .....	4

16.2 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020

ATTACHMENT 1 Minutes of the Traffic Committee Meeting held electronically on 8 January 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Wednesday 8 January 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN HELD ELECTRONICALLY, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 8 JANUARY 2020 COMMENCING AT .

**Present:**

Clr Ken Halstead	Chair
Mrs Jayd Marsh	Roads and Maritime Services
Mr Matthew White	Roads and Maritime Services
Senior Constable Scott Ferguson	NSW Police
Mr Ian Armstrong	Representing Member for Wollondilly
Mrs Katherine Wood	Representing Member for Goulburn

**Council Staff:**

Mr Stace Lewer	Manager Assets
Ms Daria Chen	Acting Traffic Engineer
Mr Naif Ahmed	Coordinator Assets Roads & Traffic



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Wednesday 8 January 2020



1. AGENDA REPORTS

1.1 Traffic Management Arrangements for 2020 Moss Vale Music Tribute Festival

Reference: 7420/3  
Report Author: Traffic Engineer (Contractor)  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on the traffic managements for the 2020 Moss Vale Music Tribute Festival.

RECOMMENDATION

*THAT there is no objection to the traffic and parking arrangements proposed for the 2020 Moss Vale Tribute Festival on 14 March 2020 subject to the completion of all the requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.*

TC1/20

Unanimous support





MINUTES OF THE TRAFFIC COMMITTEE MEETING

Wednesday 8 January 2020



**1.2 Changes to timed Bus Zone at Moss Vale Court House on Argyle Street, Moss Vale**

Reference: 7453  
Report Author: Traffic Engineer (Contractor)  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

**PURPOSE**

To consider alteration to the bus zone at Moss Vale Court House, Moss Vale.

**RECOMMENDATION**

*THAT the bus zone on Argyle Street to the front of Moss Vale Court House be amended to reflect the hours of operations from 7.00 am to 7.00 pm, Monday-Saturday and 1.00 pm to 2.00 pm, Sunday.*

TC2/20

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Wednesday 8 January 2020



**1.3 Traffic Arrangements for Movie In The Gardens**

Reference: 7420/3  
Report Author: Traffic Engineer (Contractor)  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

**PURPOSE**

Reporting on the traffic arrangements for Movie In The Gardens in 2020.

**RECOMMENDATION**

*THAT there is no objection to the traffic and parking arrangements proposed for the Movie in the Gardens on Saturday 15 February 2020 subject to the completion of all the requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.*

TC3/20

Unanimous support

## 16.3 Minutes of the Traffic Committee Meeting held electronically on 10 February 2020

Reference:	107/6
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Deputy General Manager Operations, Finance and Risk
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

### PURPOSE

#### **THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020**

This report provides the Minutes of the Traffic Committee Meeting electronically held on Monday 10 February 2020.

### SUMMARY OF THE RECOMMENDATION AND ACTION FOR COUNCILLORS' ATTENTION AND ADOPTION

#### Item 1: Traffic Management Arrangements for 2020 Trucks Across The Highlands

TC 6/20

THAT there is no objection to the traffic arrangements proposed for the Trucks Across The Highlands event to be held on Saturday 29 February 2020 subject to the satisfactory completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

### RECOMMENDATION

**THAT recommendation No TC6/20 – as detailed in the Minutes of the Traffic Committee Meeting held electronically on 10 February 2020 be adopted.**

### ATTACHMENTS

1. Minutes of the Traffic Committee Meeting held electronically on 10 February 2020



# MINUTES

of the  
Traffic Committee Meeting  
held Electronically on

**Monday 10 February 2020**

*File No. 107/6*

16.3 Minutes of the Traffic Committee Meeting held electronically on 10 February 2020

ATTACHMENT 1 Minutes of the Traffic Committee Meeting held electronically on 10 February 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Monday 10 February 2020




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<b>1. AGENDA REPORTS .....</b>	<b>2</b>
1.1 Traffic Management Arrangements for 2020 Trucks Across The Highlands .....	2



16.3 Minutes of the Traffic Committee Meeting held electronically on 10 February 2020

ATTACHMENT 1 Minutes of the Traffic Committee Meeting held electronically on 10 February 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Monday 10 February 2020



MINUTES OF THE TRAFFIC COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD ELECTRONICALLY ON THURSDAY 16 JANUARY 2020.

<b>Present:</b>	Clr Ken Halstead	Chair
	Mr Matthew White	Roads and Maritime Services
	Sergeant Danny Bridge	NSW Police
	Mr Ian Armstrong	Representing Member for Wollondilly
	Mrs Katherine Wood	Representing Member for Goulburn

<b>Council Staff:</b>	Mr Stace Lewer	Manager Assets
	Ms Daria Chen	Acting Traffic Engineer
	Mr Naif Ahmed	Coordinator Assets Roads & Traffic



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Monday 10 February 2020



1. AGENDA REPORTS

1.1 Traffic Management Arrangements for 2020 Trucks Across The Highlands

Reference: 7420/3  
Report Author: Traffic Engineer (Contractor)  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

**PURPOSE**

Reporting on traffic arrangements for the 2020 Trucks Across The Highlands event.

**RECOMMENDATION**

*THAT there is no objection to the traffic arrangements proposed for the Trucks Across The Highlands event to be held on Saturday 29 February 2020 subject to the satisfactory completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.*

TC6/20

Unanimous support

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## **16.4 Minutes of the Traffic Committee Meeting on Thursday 13 February 2020**

**Reference:** 107/6  
**Report Author:** Administration Officer

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### **PURPOSE**

This report provides the Minutes of the Traffic Committee meeting held on Thursday 13 February 2020.

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### **SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLOR'S ATTENTION AND ADOPTION**

#### Item 5.1 Road Safety Officer Report

TC7/20

THAT the projects/campaigns currently coordinated by Council's Road Safety Officer be noted, particularly:

Current TfNSW Funded Projects confirmed 2019/20

1. Pedestrians - School Zone Safety. Attachment 1
2. Look Before You Step Out. Image 2
3. Motorcycles
4. Graduating Licencing Scheme GLS: Compulsory TfNSW funded project
5. Learner Log Book Run LBR
6. Speed Busters - Speed Display Signs
7. Heavy Vehicles- Joint project with Goulburn and Wollondilly Council

#### Item 5.2 Police report on recent road crashes in the Shire

TC8/20

THAT the information be received and noted.

#### Item 5.3 Traffic Management Arrangements for 2020 Burrawang Easter Market

TC9/20

THAT there is no objection to the traffic arrangements proposed by the Burrawang Easter Market Committee to conduct the Burrawang Easter Market on Saturday 11 April 2020 subject to the satisfactory completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

### COMMITTEE REPORTS



#### Item 5.4 Traffic Management Arrangements for 2020 Earth Hour

TC10/20

THAT there is no objection to the traffic arrangements proposed for the 2020 Earth Hour event on Saturday 28 March 2020 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

#### Item 5.5 2020 Autumn Plant Fair

TC11/20

THAT there is no objection to the traffic arrangements proposed for the 2020 Autumn Plant Fair event on Saturday 18 and Sunday 19 April 2020 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.

#### Item 5.6 Review of the changes to parking restrictions on Berrima Road, Moss Vale

TC12/20

THAT:-

1. The existing No Parking Zone be extended by 10m to the south of Old Dairy Close
2. The existing No Parking Zone be extended by 15m to the north of the driveway at 48 Berrima Road.
3. No Parking signs be installed at 10m to the north and 5m south of the driveway at 67 Berrima Road.
4. The request for reduction in speed limit be referred to the RMS.

#### Item 5.7 Proposed Loading Zone at eight water filling stations

TC13/20

THAT the entire water filling station area at eight water filling stations be designated as a loading zone with 1.5 hour parking limitations.

#### Item 5.8 Proposed extension of the existing chevron markings at the intersection of Bowral Street and Bendooley Street, Bowral

TC14/20

THAT the existing chevron markings at the intersection of Bowral Street and Bendooley Street, Bowral be extended to provide a safe pedestrian painted refuge to 2-3m.

#### Item 5.9 Proposed Timed Drop-Off and Pick-Up Zone on Caalong Street, Robertson

TC15/20

THAT the timed Drop-Off and Pick-Up Zone signage, from 8.30 am to 9.30 am and from 2.30 pm to 3.30 pm on school days, be installed from 20m to the north to 12m south of the school gate on the eastern side of Caalong Street.

#### Item 5.10 Proposed Parking Restrictions on Burrawang Lane, Robertson

TC16/20

1. THAT Council staff investigate the possibility of making the Lane one way.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

### COMMITTEE REPORTS



2. THAT Council staff consult with the residents regarding parking on one side of the Lane or no parking on both sides of the Lane.
3. THAT following consultation with the residents of Burrawang Lane, the matter is reported back to the next Traffic Committee meeting.

Item 5.11 Proposed Front to Kerb Parking in Moss Vale War Memorial Aquatic Centre, Moss Vale

TC17/20

THAT the twenty-four (24) spaces on the western side of the Moss Vale War Memorial Aquatic Centre Car Park in Moss Vale be signposted as 90 DEGREE PARKING, FRONT TO KERB, VEHICLES UNDER 6M ONLY.

Item 5.12 Parking restrictions on Bessemer Street, Mittagong for SES

TC18/20

THAT the existing No Stopping zone be extended by 20m to the south of the driveway to SES on Bessemer Street, Mittagong.

Item 5.13 Proposed double barrier lines and other measures to be installed on Kangaloon Road, Kangaloon

TC19/20

1. THAT double barrier lines be installed at the 90 degree bend at 1431 Kangaloon Road and 25m to both sides of the tangent points, the existing black and white Unidirectional Hazard markers be replaced with yellow and black reflectorized Chevron Alignment markers (CAM's) and the existing advisory speed signs be replaced with 25 km/h advisory signs in accordance with Australian Standard 1742.2.
2. THAT the vegetation be trimmed on the southern corner of Kangaloon Road.

Item 5.14 Traffic Committee Action Sheet

TC20/20

THAT the information be received and noted.

### RECOMMENDATION

**THAT recommendation Nos TC7/20 to TC20/20 as detailed in the Minutes of the Traffic Committee Meeting held on Thursday 13 February 2020 be adopted, save for any items which have budgetary implications AND THAT action on any items with budgetary implications be delayed, pending consideration by the Finance Committee.**

### ATTACHMENTS

1. Minutes of the Traffic Committee Meeting - 13 February 2020





# MINUTES

## of the Traffic Committee Meeting

held in

the Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

**Thursday 13 February 2020**

The meeting commenced at 9:30 am

*File No. 107/6*



**MINUTES OF THE TRAFFIC COMMITTEE MEETING**

Thursday 13 February 2020



<b>1. WELCOME AND APOLOGIES</b>	
<b>2. ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>3. ADOPTION OF MINUTES OF PREVIOUS MEETING</b>	
<b>4. DECLARATIONS OF INTEREST</b>	
<b>5. AGENDA REPORTS</b>	<b>3</b>
5.1 Road Safety Officer Progress Report	3
5.2 Police report on recent road crashes in the Shire	4
5.3 Traffic Management Arrangements for 2020 Burrawang Easter Market	5
5.4 Traffic Management Arrangements for 2020 Earth Hour	6
5.5 2020 Autumn Plant Fair	7
5.6 Review of the changes to parking restrictions on Berrima Road, Moss Vale	8
5.7 Proposed Loading Zone at eight water filling stations	9
5.8 Proposed the extension of the existing chevron markings at the intersection of Bowral Street and Bendooley Street, Bowral	10
5.9 Proposed Timed Drop-Off and Pick-Up Zone on Caalong Street, Robertson	11
5.10 Proposed Parking Restrictions on Burrawang Lane, Robertson	12
5.11 Proposed Front to Kerb Parking in Moss Vale War Memorial Aquatic Centre, Moss Vale	13
5.12 Parking restrictions on Bessemer Street, Mittagong for SES	14
5.13 Proposed double barriers lines and other measures to be installed on Kangaloon Road, Kangaloon	15
5.14 Traffic Committee Action Sheet	16
<b>6. DATE OF NEXT MEETING</b>	<b>17</b>
<b>7. MEETING CLOSURE</b>	<b>17</b>







**MINUTES OF THE TRAFFIC COMMITTEE MEETING**

Thursday 13 February 2020



**4. DECLARATIONS OF INTEREST**

Nil



MINUTES OF THE TRAFFIC COMMITTEE MEETING  
Thursday 13 February 2020



5. AGENDA REPORTS

5.1 Road Safety Officer Progress Report

Reference: 7410  
Report Author: Mr  
Authoriser: Traffic Engineer (Contractor)  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

PURPOSE

Reporting on promotions and activities of the Road Safety Officer (RSO)

RECOMMENDATION

*THAT the projects/campaigns currently coordinated by Council's Road Safety Officer be noted, particularly:*

*Current TfNSW Funded Projects confirmed 2019/20*

1. *Pedestrians- School Zone Safety. Attachment 1*
2. *Look Before You Step Out. Image 2*
3. *Motorcycles*
4. *Graduating Licencing Scheme GLS: Compulsory TfNSW funded project*
5. *Learner Log Book Run LBR*
6. *Speed Busters- Speed Display Signs*
7. *Heavy Vehicles- Joint project with Goulburn and Wollondilly Council*

TC7/20

Unanimous support





MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 13 February 2020



**5.2 Police report on recent road crashes in the Shire**

Reference: 7410  
Report Author: Traffic Engineer (Contractor)  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

**PURPOSE**

Reporting on recent road crashes in the Shire recorded by Police.

**RECOMMENDATION**

*THAT the information be received and noted.*

TC8/20

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 13 February 2020



**5.3 Traffic Management Arrangements for 2020 Burrawang Easter Market**

Reference: 7420/3  
 Report Author: Traffic Engineer (Contractor)  
 Authoriser: Manager Assets  
 Link to Community  
 Strategic Plan: Work in partnership to ensure a safe road network

**PURPOSE**

Reporting on traffic arrangements for the Burrawang Easter Market in 2020

**RECOMMENDATION**

***THAT there is no objection to the traffic arrangements proposed by the Burrawang Easter Market Committee to conduct the Burrawang Easter Market on Saturday 11 April 2020 subject to the satisfactory completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.***

TC9/20

Unanimous support





MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 13 February 2020



**5.4 Traffic Management Arrangements for 2020 Earth Hour**

Reference:	7420/3
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

**PURPOSE**

Reporting on the traffic arrangements for the 2020 Earth Hour event.

**RECOMMENDATION**

*THAT there is no objection to the traffic arrangements proposed for the 2020 Earth Hour event on Saturday 28 March 2020 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.*

TC10/20

Unanimous support





MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 13 February 2020



**5.5 2020 Autumn Plant Fair**

Reference: 7420/3  
Report Author: Traffic Engineer (Contractor)  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

**PURPOSE**

Reporting on traffic arrangements for the 2020 Autumn Plant Fair event.

**RECOMMENDATION**

*THAT there is no objection to the traffic arrangements proposed for the 2020 Autumn Plant Fair event on Saturday 18 and Sunday 19 April 2020 subject to the completion of all requirements detailed in the Guide to Traffic and Transport Management for Special Events for a class 2 event.*

TC11/20

Unanimous support



MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 13 February 2020



**5.6 Review of the changes to parking restrictions on Berrima Road, Moss Vale**

Reference:	7453
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

**PURPOSE**

To review the parking restrictions and consider alterations to the No Parking Zone on Berrima Road, Moss Vale.

**RECOMMENDATION**

**THAT**

1. *The existing No Parking Zone be extended by 10m to the south of Old Dairy Close*
2. *The existing No Parking Zone be extended by 15m to the north of the driveway at 48 Berrima Road.*
3. *No Parking signs be installed at 10m to the north and 5m south of the driveway at 67 Berrima Road.*
4. *The request for reduction in speed limit be referred to the RMS.*

TC12/20

Unanimous support







MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 13 February 2020



**5.7 Proposed Loading Zone at eight water filling stations**

Reference:	7453
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

**PURPOSE**

To consider the installation of Loading Zones at six existing water filling stations and two proposed stations at Hill Top and Moss Vale.

**RECOMMENDATION**

*THAT the entire water filling station area at eight water filling stations be designated as a loading zone with 1.5 hour parking limitations.*

TC13/20

Unanimous support





MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 13 February 2020



**5.8 Proposed extension of the existing chevron markings at the intersection of Bowral Street and Bendooley Street, Bowral**

Reference: 7460/8  
Report Author: Traffic Engineer (Contractor)  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

**PURPOSE**

To consider measures to manage pedestrian safety issues raised by residents at the intersection of Bowral Street and Bendooley Street, Bowral.

**RECOMMENDATION**

*THAT the existing chevron markings at the intersection of Bowral Street and Bendooley Street, Bowral be extended to provide a safe pedestrian painted refuge to 2-3m.*

TC14/20

Unanimous support





MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 13 February 2020



**5.9 Proposed Timed Drop-Off and Pick-Up Zone on Caalong Street, Robertson**

Reference:	7460/30
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

**PURPOSE**

To consider a request for Drop-Off and Pick-Up Zone on Caalong Street, Robertson.

**RECOMMENDATION**

*THAT the timed Drop-Off and Pick-Up Zone signage, from 8.30 am to 9.30 am and from 2.30 pm to 3.30 pm on school days, be installed from 20m to the north to 12m south of the school gate on the eastern side of Caalong Street.*

TC15/20

Unanimous support





MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 13 February 2020



**5.10 Proposed Parking Restrictions on Burrawang Lane, Robertson**

Reference:	7453
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

**PURPOSE**

To consider parking restrictions for Burrawang Lane, Robertson.

**RECOMMENDATION**

1. *THAT Council staff investigate the possibility of making the Lane one way.*
2. *THAT Council staff consult with the residents regarding parking on one side of the Lane or no parking on both sides of the Lane.*
3. *THAT following consultation with the residents of Burrawang Lane, the matter be reported back to the next Traffic Committee meeting.*

TC16/20

Unanimous support





MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 13 February 2020



**5.11 Proposed Front to Kerb Parking in Moss Vale War Memorial Aquatic Centre, Moss Vale**

Reference:	7472
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

**PURPOSE**

To consider front to kerb parking in Moss Vale War Memorial Aquatic Centre Car Park in Moss Vale.

**RECOMMENDATION**

***THAT the twenty-four (24) spaces on the western side of the Moss Vale War Memorial Aquatic Centre Car Park in Moss Vale be signposted as 90 DEGREE PARKING, FRONT TO KERB, VEHICLES UNDER 6M ONLY.***

TC17/20

Unanimous support







MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 13 February 2020



**5.12 Parking restrictions on Bessemer Street, Mittagong for SES**

Reference:	7460/25
Report Author:	Traffic Engineer (Contractor)
Authoriser:	Manager Assets
Link to Community	
Strategic Plan:	Work in partnership to ensure a safe road network

**PURPOSE**

To review and consider the change to the parking restrictions on the western side of Bessemer Street, Mittagong for SES.

**RECOMMENDATION**

***THAT the existing No Stopping zone be extended by 20m to the south of the driveway to SES on Bessemer Street, Mittagong.***

TC18/20

Unanimous support





MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 13 February 2020



**5.13 Proposed double barrier lines and other measures to be installed on Kangaloon Road, Kangaloon**

Reference: 7400  
Report Author: Traffic Engineer (Contractor)  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

**PURPOSE**

To consider the installation of a double barrier lines and other treatments on the curve at 1431 Kangaloon Road, Kangaloon.

**RECOMMENDATION**

- 1. ***THAT double barrier lines be installed at the 90 degree bend at 1431 Kangaloon Road and 25m to both sides of the tangent points, the existing black and white Unidirectional Hazard markers be replaced with yellow and black reflectorized Chevron Alignment markers (CAM's) and the existing advisory speed signs be replaced with 25 km/h advisory signs in accordance with Australian Standard 1742.2.***
- 2. ***That the vegetation be trimmed on the southern corner of Kangaloon Road.***

TC19/20

Unanimous support





MINUTES OF THE TRAFFIC COMMITTEE MEETING

Thursday 13 February 2020



**5.14 Traffic Committee Action Sheet**

Reference: 107/6  
Report Author: Traffic Engineer (Contractor)  
Authoriser: Manager Assets  
Link to Community  
Strategic Plan: Work in partnership to ensure a safe road network

**PURPOSE**

Reporting on the Traffic Committee Action Sheet.

**RECOMMENDATION**

**THAT the information be received and noted.**

TC20/20

Unanimous support



**MINUTES OF THE TRAFFIC COMMITTEE MEETING**

Thursday 13 February 2020



Katherine Wood passed onto the Committee thanks and gratitude from Jack, Jon, Troy and Warrick Hill of Belmore Falls Road, Robertson on the resolution to the problem of the Burrawang Creek Bridge.

**6. DATE OF NEXT MEETING**

The next meeting will be held on Thursday 18 June 2020 in Nattai Room, Civic Centre, Elizabeth Street, Moss Vale commencing at 9:30am.

**7. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 10:58 AM

## 16.5 Minutes of the Community Development Advisory Committee held on 12 November 2019

Reference:	107
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 Community Development Advisory Committee Meeting held on 12 November 2019.

### RECOMMENDATIONS

**THAT** recommendations Nos CD 43/19 to CD 52/19 – as detailed in the Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 12 November 2019 be adopted, save for any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

### SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

*THAT the apology of Cllr Markwart be accepted and leave of absence granted.*

Item 3 Adoption of Minutes of Previous Meeting

*CD43/19*

*THAT the minutes of the Community Development Advisory Committee Meeting held on Tuesday 30 July 2019 MN CD34/19 to MN CD40/19 inclusive, and Notes of the Community Development Advisory Committee Meeting held on Tuesday 10 September 2019, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.*



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

### COMMITTEE REPORTS



CD44/19

*THAT the Notes of the Community Development Advisory Committee Meeting held on Tuesday 10 September 2019, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.*

Item 5.1 Community Development Advisory Committee Members Update

CD45/19

*THAT the update on the Community Development advisory Committee members report be noted.*

Item 5.2 Request from Argyle Housing to assist Tenants with Rubbish Removal

CD46/19

1. *THAT the recommendation from the Community Development Advisory Committee be put up for adoption by Council.*
2. *THAT Argyle Housing be invited to present at a councillor information session in early 2020*
3. *THAT Community Grants Scheme be suggested to Argyle Housing as a funding possibility*

Item 5.3 NCOSS Report on Social Disadvantage in NSW

CD47/19

*THAT the NCOSS Report on Social Disadvantage be noted.*

Item 5.4 Premier's Priority of Reducing Homelessness

CD48/19

*THAT the report on the Premiers Priority of reducing homelessness be noted.*

Item 5.5 Community Development focus on Berrima

CD49/19

*THAT the report on Berrima be noted.*

*THAT Council liaise with Berrima Business Community to recommend an appropriate contact for further advocacy.*

Item 5.6 Minutes of the Seniors Community Reference Group Meeting held Tuesday 5 November 2019

CD50/19

*THAT the Minutes of the Seniors Community Reference Group be noted and accepted.*

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

### COMMITTEE REPORTS



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#### Item 5.7 Minutes of the Access Community Reference Group meeting held Monday 4 November 2019

CD51/19

*THAT the Minutes of the Access Community Reference Group be noted and accepted.*

#### Item 5.8 Community Development Advisory Committee Meeting Dates for 2020

CD52/19

*THAT the report on the meeting dates for 2020 be noted.*

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### ATTACHMENTS

1. Minutes of the Community Development Assistance Committee held on 12 November 2019



# MINUTES

of the  
Community Development Advisory  
Committee Meeting

held in

Gibraltar Room

Civic Centre, Elizabeth Street, Moss Vale

on

**Tuesday 12 November 2019**

The meeting commenced at 4.30pm

*File No. 1800/58*

16.5 Minutes of the Community Development Advisory Committee held on 12 November 2019

ATTACHMENT 1 Minutes of the Community Development Assistance Committee held on 12 November 2019



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 12 November 2019



- 1. WELCOME AND APOLOGIES
- 2. ACKNOWLEDGEMENT OF COUNTRY
- 3. ADOPTION OF MINUTES OF PREVIOUS MEETING
- 4. DECLARATIONS OF INTEREST
- 5. AGENDA REPORTS .....3
  - 5.1 Community Development Advisory Committee Members Update .....3
  - 5.2 Request from Argyle Housing to assist tenants with rubbish removal .....4
  - 5.3 NCOSS Report on Social Disadvantage in NSW.....5
  - 5.4 Premier’s Priority of Reducing Homelessness .....6
  - 5.5 Community Development focus on Berrima.....7
  - 5.6 Minutes of the Seniors Community Reference Group Meeting held Tuesday 5 November 2019.....8
  - 5.7 Minutes of the Access Community Reference Group meeting held Monday 4 November 2019.....9
  - 5.8 Community Development Advisory Committee Meeting Dates for 2020 ..... 10
- 6. CLOSED COMMITTEE .....11
  - Nil
- 7. DATE OF NEXT MEETING.....11
- 8. MEETING CLOSURE .....11

16.5 Minutes of the Community Development Advisory Committee held on 12 November 2019

ATTACHMENT 1 Minutes of the Community Development Assistance Committee held on 12 November 2019



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 12 November 2019



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN GIBRALTAR ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON TUESDAY 12 NOVEMBER 2019 COMMENCING AT 4.30PM.

**Present:**

**Councillors:** Clr L A C Whipper *Chair*  
Clr G J Andrews

**Community**

**Representatives:** Ms Lynne Burgoyne  
Ms Annabel Julian Brown  
Ms Monica O'Connor  
Mr Ric Mejias

**In Attendance:**

Ms Danielle Lidgard *Group Manager Corporate & Community*  
Ms Cath Brennan *Community Development Coordinator*  
Ms Michelle Richardson *Administration Officer*

**1. WELCOME AND APOLOGIES**

It was noted that apologies were received from Clr Markwart

**RECOMMENDATION**

***THAT the apology of Clr Markwart be accepted and leave of absence granted.***

**2. ACKNOWLEDGEMENT OF COUNTRY**

Clr L Whipper acknowledged country:

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

**3. ADOPTION OF MINUTES OF PREVIOUS MEETING**

MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING HELD ON TUESDAY 10 SEPTEMBER 2019



16.5 Minutes of the Community Development Advisory Committee held on 12 November 2019

ATTACHMENT 1 Minutes of the Community Development Assistance Committee held on 12 November 2019



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 12 November 2019



**CD 43/19**

**MOTION** moved by Mr RM Meijias and seconded by Ms L Burgoyne

**THAT** the minutes of the Community Development Advisory Committee Meeting held on Tuesday 30 July 2019 MN CD34/19 to MN CD40/19 inclusive, and Notes of the Community Development Advisory Committee Meeting held on Tuesday 10 September 2019, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

**CD 44/19**

**MOTION** moved by Mr RM Meijias and seconded by Ms A Brown

**THAT** the Notes of the Community Development Advisory Committee Meeting held on Tuesday 10 September 2019, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

**4. DECLARATIONS OF INTEREST**

Nil.



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 12 November 2019



5. AGENDA REPORTS

5.1 Community Development Advisory Committee Members Update

Reference: 1800/58  
Report Author: Coordinator Community Development

**PURPOSE**

Ms Deborah Barnes has tendered her resignation from the Committee due to personal reasons. Deborah is the President of Friends of Wingecarribee Animal Shelter which supports and assists the Shelter management to continue to maintain a minimal euthanasia policy and assist to re-home individual animals.

Deborah was appointed to Committee in April 2014 as the Companion Animal Representative. Deborah is to be thanked for her participation and contribution.

The Coordinator Community Development addressed the committee on this item

**CD 45/19**

**MOTION** moved by Clr G J Andrews and seconded by Ms A Brown

**THAT** the update on the Community Development Advisory Committee members report be noted.

**PASSED**



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 10 December 2019



**5.2 Request from Argyle Housing to assist tenants with rubbish removal**

Reference: 1800/58  
Report Author: Coordinator Community Development

**PURPOSE**

To seek a recommendation from the Community Development Advisory Committee for Council to support Argyle Housing tenants access free Council clean up services on an annual basis.

The Coordinator Community Development addressed the Committee on this item

**CD 46/19**

**MOTION** moved by Clr G J Andrews seconded by Ms M O'Connor

1. **THAT** the recommendation from the Community Development Advisory Committee be put up for adoption by Council.
2. **THAT** Argyle Housing be invited to present at a councillor information session in early 2020
3. **THAT** Community Grants Scheme be suggested to Argyle Housing as a funding possibility

**PASSED**



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 12 November 2019



**5.3 NCOSS Report on Social Disadvantage in NSW**

Reference: 1800/58  
 Report Author: Coordinator Community Development

**PURPOSE**

In NSW, more than 1:5 people are living in poverty. In some communities this is the situation for over a quarter of the population. More than 888,000 people in NSW live with significant economic disadvantage – living below the poverty line = 13.3% of the population.

Key Findings of the report include

- Children were the cohort most likely to be living in poverty. More than 1:6 children in NSW live below the poverty line.
- Women have higher poverty rates than men. 53.6% compared to 46.4%.
- Having a job is not necessarily a guarantee of economic security – poverty rates for people in full-time and part-time work across the state were 5.0% and 7.0% respectively.
- Being single increases likelihood of living with poverty.
- Those living outside of Sydney are faring worse and are more likely to be living in poverty than their metropolitan counterparts.

Areas outside of Sydney with the lowest poverty rates for older people

Hill Top – Colo Vale	4.8%
Byron Bay	5.5%
Southern Highlands	7.1%
Bowral	7.4%

The Coordinator Community Development addressed the committee on this item

**CD 47/19**

**MOTION** moved by Ms L Burgoyne and seconded by Dr McDonell

**THAT** the NCOSS Report on Social Disadvantage be noted.

**PASSED**

16.5 Minutes of the Community Development Advisory Committee held on 12 November 2019

ATTACHMENT 1 Minutes of the Community Development Assistance Committee held on 12 November 2019



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 12 November 2019



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## 5.4 Premier's Priority of Reducing Homelessness

Reference: 1800/58  
Report Author: Coordinator Community Development

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### PURPOSE

NSW Premier has a priority to reduce homelessness by 50% by 2025. To achieve this, a baseline number of people experiencing homelessness needs to be established. The plan is to capture numbers over the month of February 2020 in the South Western Sydney Region. Unlike other areas in our region, Wingecarribee does not have specific areas where homeless people gather.

Purpose is to get input from the Committee members on areas or hotspots where people experiencing homelessness may be located across our Shire.

The Coordinator Community Development addressed the committee on this item

### CD 48/19

**MOTION** moved by Cllr G J Andrews and seconded by Mr RM Mejjias

**THAT** the report on the Premiers Priority of reducing homelessness be noted.

**PASSED**





MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 12 November 2019



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## 5.5 Community Development focus on Berrima

Reference: 1800/58  
Report Author: Coordinator Community Development

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### PURPOSE

Mr Ric Mejias addressed the Committee on issues that focus on the community of Berrima. Committee members were asked to consider ideas that can be implemented or investigated that fall within the scope of this Committee.

### CD 49/19

**MOTION** moved by Cllr G J Andrews and seconded by Ms A Brown

**THAT** the report on Berrima be noted.

**THAT** Council liaise with Berrima Business Community to recommend an appropriate contact for further advocacy.

**PASSED**

16.5 Minutes of the Community Development Advisory Committee held on 12 November 2019

ATTACHMENT 1 Minutes of the Community Development Assistance Committee held on 12 November 2019



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 10 December 2019



**5.6 Minutes of the Seniors Community Reference Group Meeting held Tuesday 5 November 2019**

Reference: 107/26  
Report Author: Coordinator Community Development

**PURPOSE**

The purpose of this meeting is to present the Seniors Community Reference Group Minutes  
The Coordinator Community Development addressed committee on this item

**CD 50/19**

**MOTION** moved by Cllr G J Andrews and seconded by Ms L Burgoyne

**THAT** the Minutes of the Seniors Community Reference Group be noted and accepted.

**PASSED**

16.5 Minutes of the Community Development Advisory Committee held on 12 November 2019

ATTACHMENT 1 Minutes of the Community Development Assistance Committee held on 12 November 2019



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 12 November 2019



**5.7 Minutes of the Access Community Reference Group meeting held Monday 4 November 2019**

Reference: 1828/3  
Report Author: Coordinator Community Development

**PURPOSE**

To present the Access Reference Community Reference Group Minutes.  
The Coordinator Community Development addressed the committee on this item.

**CD 51/19**

**MOTION** moved by Ms A BrownOconnor

**THAT** the Minutes of the Access Community Reference Group be noted and accepted.

**PASSED**

16.5 Minutes of the Community Development Advisory Committee held on 12 November 2019

ATTACHMENT 1 Minutes of the Community Development Assistance Committee held on 12 November 2019



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 12 November 2019



**5.8 Community Development Advisory Committee Meeting Dates for 2020**

Reference: 1800/58  
Report Author: Coordinator Community Development

**PURPOSE**

To confirm the meeting dates and times for 2020.

The Community Development Advisory Committee meets 4 times a year with a special meeting to review and make recommendations on the Community Development applications received as part of the Wingecarribee Community Assistance Scheme. The proposed meeting dates are Tuesdays 4:30pm

- 25 February 2020
- 12 May 2020 – Special Meeting to review grant applications
- 14 July 2020
- 8 September 2020
- 10 November 2020

**CD 52/19**

**MOTION** moved by Ms L Burgoyne and seconded by Mr RM Meijias

**THAT** the report on the meeting dates for 2020 be noted.

**PASSED**

16.5 Minutes of the Community Development Advisory Committee held on 12 November 2019

ATTACHMENT 1 Minutes of the Community Development Assistance Committee held on 12 November 2019



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 12 November 2019



**6. CLOSED COMMITTEE**

Nil

**7. DATE OF NEXT MEETING**

The next meeting will be held on 25 February 2020.

**8. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 6.00 PM



## 16.6 Minutes of the Community Development Advisory Committee held on 25 February 2020

Reference:	107
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 Community Development Advisory Committee Meeting held on 25 February 2020.

### RECOMMENDATIONS

**THAT recommendations Nos CD 43/19 to CD 52/19 – as detailed in the Minutes of the Community Development Advisory Committee Meeting held on Tuesday, 25 February 2020 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.**

### SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

Item 1 Welcome and Apologies

*THAT the apology of Ms Monica O'Connor be accepted and leave of absence granted.*

Item 3 Adoption of Minutes of Previous Meeting

CD1/20/19

*THAT the minutes of the Community Development Advisory Committee Meeting held on Tuesday 12 November 2019 MN 43/19 to MN 52/19 inclusive, be adopted as a correct record of the proceedings of the meeting.*

Suspension Of Standing Orders

CD2/20

*THAT Standing Orders be suspended in order to deal with Item 5.3 Minutes of the Seniors Community Reference Group Meeting held 4 February 2020 and Item 5.4 Minutes of the Access Community Reference Group Meeting held Monday 3 February 2020.*

Item 5.3 Minutes of the Seniors Community Reference Group Meeting held 4 February 2020

CD3/20

*THAT the Notes of the Community Development Advisory Committee Meeting held on Tuesday 10 September 2019, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.*

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

### COMMITTEE REPORTS



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#### Item 5.4 Minutes of the Access Community Reference Group Meeting held Monday 3 February 2020

CD4/20

*THAT the Minutes of the Access Community Reference Group be noted.*

#### Item 5.1 Connect and Celebrate Youth Music Program

CD5/20

1. *THAT the Connect and Celebrate report presented by the Youth Liaison Officer be noted.*
2. *THAT the Youth Liaison Officer be acknowledged for her efforts in this project.*

#### Item 5.2 Update on Bushfire Impact and Recovery

CD6/20

*THAT the bushfire impact and recovery report be noted.*

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### ATTACHMENTS

1. Minutes of Community Development Assistance Committee held on 25 February 2020



# MINUTES

of the  
Community Development Advisory  
Committee Meeting

held in

Gibraltar Room

Civic Centre, Elizabeth Street, Moss Vale

on

**Tuesday 25 February 2020**

The meeting commenced at 4.30pm

16.6 Minutes of the Community Development Advisory Committee held on 25 February 2020

ATTACHMENT 1 Minutes of Community Development Assistance Committee held on 25 February 2020



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 25 February 2020




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- 1. WELCOME AND APOLOGIES
- 2. ACKNOWLEDGEMENT OF COUNTRY
- 3. ADOPTION OF MINUTES OF PREVIOUS MEETING
- 4. DECLARATIONS OF INTEREST

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- 5. AGENDA REPORTS ..... 5
  - 5.1 Connect and Celebrate Youth Music Program ..... 5
  - 5.2 Update on Bushfire Impact and Recovery ..... 6
  - 5.3 Minutes of the Seniors Community Reference Group Meeting held ..... 7
  - 5.4 Minutes of the Access Community Reference Group Meeting held Monday 3 February 2020 ..... 8

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- 6. CLOSED COMMITTEE ..... 9
  - Nil
- 7. DATE OF NEXT MEETING ..... 9
- 8. MEETING CLOSURE ..... 9

16.6 Minutes of the Community Development Advisory Committee held on 25 February 2020

ATTACHMENT 1 Minutes of Community Development Assistance Committee held on 25 February 2020



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 25 February 2020



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN GIBRALTAR ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON TUESDAY 25 FEBRUARY 2020 COMMENCING AT 4.30PM.

**Present:**

**Councillors:** Clr L A C Whipper *Chair*  
Clr G Andrews  
Clr G Markwart

**Community**

**Representatives:** Ms Lynne Burgoyne  
Mr Gavan McDonell  
Ms Annabel Julian Brown

**In Attendance:**

Ms Danielle Lidgard, *Group Manager Corporate & Community*  
Ms Cath Brennan, *Community Development Coordinator*  
Ms Michelle Williams *Youth Liaison Officer (in part)*  
Ms Michelle Richardson *Administration Assistant*

**1. WELCOME AND APOLOGIES**

Ms Monica O'Connor conveyed her apologies for the meeting.

**2. ACKNOWLEDGEMENT OF COUNTRY**

Clr Whipper acknowledged country:

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

**3. ADOPTION OF MINUTES OF PREVIOUS MEETING**

MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING HELD ON TUESDAY 12 NOVEMBER 2019

**CD 1/20**

**MOTION** moved by Ms L Burgoyne and seconded by Dr McDonell

**THAT** the minutes of the Community Development Advisory Committee Meeting held on Tuesday 12 November 2019 MN 43/19 to MN 52/19 inclusive, be adopted as a correct record of the proceedings of the meeting.

**PASSED**





MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 25 February 2020



#### 4. DECLARATIONS OF INTEREST

There were no declarations of interest received at this meeting

#### SUSPENSION OF STANDING ORDERS

**CD 2/20**

**MOTION** moved by Cllr L A C Whipper and seconded by Ms L Burgoyne

**THAT** Standing Orders be suspended in order to deal with Item 5.3 Minutes of the Seniors Community Reference Group Meeting held 4 February 2020 and Item 5.4 Minutes of the Access Community Reference Group Meeting held Monday 3 February 2020.

**PASSED**

Pippa Reyder (12 years old), who has an interest in government, was welcomed to the meeting.

16.6 Minutes of the Community Development Advisory Committee held on 25 February 2020

ATTACHMENT 1 Minutes of Community Development Assistance Committee held on 25 February 2020



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 25 February 2020



**5.3 Minutes of the Seniors Community Reference Group Meeting held 4 February 2020**

Reference: 107/26  
Report Author: Coordinator Community Development

**PURPOSE**

The Coordinator Community Development presented the Seniors Community Reference Group Minutes and provide feedback on the Seniors Festival 12 – 23 February 2020.

**CD 3/20**

**MOTION** moved by Cllr G Markwart and seconded by Ms L Burgoyne

**THAT the Minutes of the Seniors Community Reference Group be noted.**

**PASSED**

16.6 Minutes of the Community Development Advisory Committee held on 25 February 2020

ATTACHMENT 1 Minutes of Community Development Assistance Committee held on 25 February 2020



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 25 February 2020



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**5.4 Minutes of the Access Community Reference Group Meeting held Monday 3 February 2020**

Reference: 1828/3  
Report Author: Coordinator Community Development

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**PURPOSE**

The Coordinator Community Development presented the Minutes of the Access Community Reference Group and discuss issues that have been raised in these Minutes.

**CD 4/20**

**MOTION** moved by Ms L Burgoyne and seconded by Cllr G J Andrews

**THAT** the Minutes of the Access Community Reference Group be noted.

**PASSED**



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING

Tuesday 25 February 2020



## 5. AGENDA REPORTS

### 5.1 Connect and Celebrate Youth Music Program

Reference: 100/2020  
Report Author: Coordinator Community Development

#### **PURPOSE**

Wingecarribee Shire Council received Youth Opportunities funding from Department of Communities and Justice (DCJ) to run a full year program of music and performance events led by young people for young people. The funding aims to build skills of our local young musicians and artists as well as develop capacity and leadership skills for young people aged 12 – 24 years involved in planning and organising the program.

Michelle Williams, the Youth Liaison Officer at Council, informed the Committee of the plans.

#### **CD 5/20**

**MOTION** moved by Clr G J Andrews and seconded by Dr McDonell

1. **THAT** the Connect and Celebrate report presented by the Youth Liaison Officer be noted.
2. **THAT** the Youth Liaison Officer be acknowledged for her efforts in this project.

**PASSED**



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING  
Tuesday 25 February 2020



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## 5.2 Update on Bushfire Impact and Recovery

Reference: 1800/58  
Report Author: Coordinator Community Development

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### **PURPOSE**

The Coordinator Community Development provided an update on the bushfire impact across the Shire and the recovery strategies in place to support the whole of community.

### **CD 6/20**

**MOTION** moved by Ms Julian Brown and seconded by Clr G Markwart

**THAT** the bushfire impact and recovery report be noted.

**PASSED**



16.6 Minutes of the Community Development Advisory Committee held on 25 February 2020

ATTACHMENT 1 Minutes of Community Development Assistance Committee held on 25 February 2020



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING  
Tuesday 25 February 2020



**5.3 Minutes of the Seniors Community Reference Group Meeting held 4 February 2020**

Reference: 107/26  
Report Author: Coordinator Community Development

**PURPOSE**

The Coordinator Community Development presented the Seniors Community Reference Group Minutes and provide feedback on the Seniors Festival 12 – 23 February 2020.

THIS ITEM WAS DEALT WITH ON PAGE 3 MN 3/20

16.6 Minutes of the Community Development Advisory Committee held on 25 February 2020

ATTACHMENT 1 Minutes of Community Development Assistance Committee held on 25 February 2020



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING  
Tuesday 25 February 2020



**5.4 Minutes of the Access Community Reference Group Meeting held Monday 3 February 2020**

Reference: 1828/3  
Report Author: Coordinator Community Development

**PURPOSE**

The Coordinator Community Development presented the Minutes of the Access Community Reference Group and discuss issues that have been raised in these Minutes.

THIS ITEM WAS DEALT WITH ON PAGE 4 MN 4/20.

16.6 Minutes of the Community Development Advisory Committee held on 25 February 2020

ATTACHMENT 1 Minutes of Community Development Assistance Committee held on 25 February 2020



MINUTES OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING  
Tuesday 25 February 2020



**6. CLOSED COMMITTEE**

Nil

**7. DATE OF NEXT MEETING**

The next meeting will be held on Tuesday 14 July 2020 in Gibraltar Room Civic Centre, Elizabeth Street, Moss Vale commencing at 430pm.

**8. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.38 PM

## 16.7 Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 19 February 2020

Reference:	1823/3
Report Author:	PA for Mayor
Authoriser:	Group Manager Corporate and Community
Link to Community Strategic Plan:	Conserve the key natural resources of the Shire and minimise the impact from development

### PURPOSE

This report provides the Minutes of the Demographics and Housing Advisory Committee meeting held on Wednesday, 19 February 2020.

### SUMMARY OF RECOMMENDATIONS AND ACTIONS FOR COUNCILLORS' ATTENTION AND ADOPTION

#### Item 1 Welcome and Apologies

DEM01/20

THAT the apology of Cllr L A C Whipper, Mr T Ward, Mr M Pepping and Ms W Middleton be accepted and leave of absence granted.

#### Item 3 Adoption of Minutes of Previous Meeting

DEM02/20

THAT the minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 04 December 2019 MN DEM10/19 to MN DEM13/19 inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.

#### Item 5.1 Draft Local Housing Strategy

DEM03/20

THAT the report be noted.

DEM 4/20

THAT the Local Housing Strategy increase the ratio of infill to Greenfields development to 70:30, provided it remains consistent with the SWOT analysis character statements contained in the endorsed town and village Precinct Plans of the Local Planning Strategy 2015-2031.

#### Item 5.2 Wingecarribee Local Strategic Planning Statement

DEM 5/20

THAT the report be noted.

DEM 6/20

THAT the Local Strategic Planning Statement include commentary on social infrastructure

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

### COMMITTEE REPORTS



DEM7/20

THAT the Local Strategic Planning Statement include incentives and rewards for sustainable and adaptive development to address both current and expected future climate conditions

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### RECOMMENDATION

THAT recommendations Nos DEM 01/20 to DEM 07/20 – as detailed in the Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday, 19 February 2020 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

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### ATTACHMENTS

1. Minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 19 February 2020





# MINUTES

of the  
**Demographics and Housing Advisory  
Committee Meeting**

held in

Nattai Room

Civic Centre, Elizabeth Street, Moss Vale

on

**Wednesday 19 February 2020**

The meeting commenced at 5pm

*File No. 1823/3*

**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 11 March 2020

**QUESTIONS WITH NOTICE**

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 11 March 2020

**QUESTIONS WITH NOTICE**



**MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING**

Wednesday 19 February 2020



1. **WELCOME AND APOLOGIES**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **ADOPTION OF MINUTES OF PREVIOUS MEETING**
4. **DECLARATIONS OF INTEREST**

<b>5. AGENDA REPORTS .....</b>	<b>3</b>
5.1 Draft Local Housing Strategy .....	3
5.2 Wingecarribee Local Strategic Planning Statement .....	4
<b>6. DATE OF NEXT MEETING .....</b>	<b>5</b>
<b>7. MEETING CLOSURE.....</b>	<b>5</b>

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

### QUESTIONS WITH NOTICE



#### MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 19 February 2020



#### MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN NATTAI ROOM, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 19 FEBRUARY 2020 COMMENCING AT 5PM.

<b>Present:</b>	Clr I M Scandrett	<i>Chair</i>
<b>Community Representatives:</b>	Ms Laurel Cheetham Mr Nicholas Dyer Mr Tristan Ryall Mr Peter Wurfel	
<b>In Attendance:</b>	Mr Michael Park Ms Susan Stannard	<i>Coordinator Strategic Land Use Planning Senior Strategic Land Use Planner</i>

### 1. WELCOME AND APOLOGIES

It was noted that apologies were received from Clr L A C Whipper, Mr Tony Ward, Mr Mark Pepping and Ms Wendy Middleton

#### **DEM 1/20**

**MOTION** moved by Clr I Scandrett and seconded by Mr N Dyer

**THAT** the apology of Clr L A C Whipper, Mr T Ward, Mr M Pepping and Ms W Middleton be accepted and leave of absence granted.

#### **PASSED**

### 2. ACKNOWLEDGEMENT OF COUNTRY

Clr I Scandrett 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.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

Wednesday 11 March 2020

### QUESTIONS WITH NOTICE



#### MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

Wednesday 19 February 2020



### 3. ADOPTION OF MINUTES OF PREVIOUS MEETING

MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING  
HELD ON WEDNESDAY 4 DECEMBER 2019

**DEM 2/20**

**MOTION** moved by Cllr I Scandrett and seconded by Mrs L Cheetham

**THAT** the minutes of the Demographics and Housing Advisory Committee Meeting held on Wednesday 04 December 2019 MN **DEM10/19** to MN **DEM13/19** inclusive, copies of which were forwarded to the Committee, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

### 4. DECLARATIONS OF INTEREST

*Mr Nick Dyer* noted that he has an interest in a property included in the Local Housing Strategy. This was noted and Nick was advised that discussion would be at a high level and not site specific.



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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#### MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

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## 5. AGENDA REPORTS

### 5.1 Draft Local Housing Strategy

Reference: 1823/3, 5600/8  
Report Author: Senior Strategic Land Use Planner

#### **PURPOSE**

To provide an update on the draft Local Housing Strategy.

#### **DEM 3/20**

**MOTION** moved by Mr N Dyer and seconded by Mr P Warfel

**THAT** the report be noted.

**PASSED**

#### **DEM 4/20**

**MOTION** moved by Mr P Wurfel and seconded by Mr TR Ryall

**THAT** the Local Housing Strategy increase the ratio of infill to greenfields development to 70:30, provided it remains consistent with the SWOT analysis character statements contained in the endorsed town and village Precinct Plans of the Local Planning Strategy 2015-2031.

**PASSED**

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### QUESTIONS WITH NOTICE



#### MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

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### 5.2 Wingecarribee Local Strategic Planning Statement

Reference: 1823/3, 5612/18  
Report Author: Senior Strategic Land Use Planner

#### PURPOSE

To provide an update on the drafting of the Local Strategic Planning Statement.

#### **DEM 5/20**

**MOTION** moved by Mr N Dyer and seconded by Mrs L Cheetham

**THAT** the report be noted.

**PASSED**

#### **DEM 6/20**

**MOTION** moved by Ms L Cheetham and seconded by Mr P Wurfel

**THAT** the Local Strategic Planning Statement include commentary on social infrastructure.

**PASSED**

#### **DEM 7/20**

**MOTION** moved by Mr TR Ryall and seconded by Mr P Wurfel

**THAT** the Local Strategic Planning Statement include incentives and rewards for sustainable and adaptive development to address both current and expected future climate conditions

**PASSED**

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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### QUESTIONS WITH NOTICE

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### MINUTES OF THE DEMOGRAPHICS AND HOUSING ADVISORY COMMITTEE MEETING

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#### 6. DATE OF NEXT MEETING

The next scheduled meeting of the Demographics and Housing Advisory Committee will be held on **Wednesday, 20 May 2020 in the Nattai Room commencing at 5pm.**

#### 7. MEETING CLOSURE

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.05PM

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## 17 QUESTIONS WITH NOTICE

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### 17.1 Question with Notice 4/2020 - Report on Station Street

**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

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**To:** General Manager  
**From:** Clr K Halstead  
**Received:** 17.2.20

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**THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020**

**Subject:** Station Street

**Question:**

Could the General Manager indicate when a comprehensive up to date report will be submitted on this proposed project. As an elected councillor and representative of the residents and ratepayers I have a right to be kept informed.

It is apparent that this project is not as yet ready to commence construction work. If not, why?

**Response:**

A comprehensive report is being prepared by staff in anticipation of the finalisation of the Heads of Agreement document. The details of the report will be governed to some extent by the details provided within the Heads of Agreement. It is proposed that an updated report and resolution for project requirements will be provided at the Council Meeting for the project to proceed to tender. That report will provide a status update on the project and the plan to move it forward.

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**RECOMMENDATION**

**THAT the information in relation to Question with Notice 4 /2020 – Report on Station Street - be noted.**

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## 17.2 Question with Notice 5/2020 - Bong Bong Street Taxi Rank

**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

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**To:** General Manager  
**From:** Clr Scandrett  
**Received:** 17.2.20

---

**THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020**

**Subject:** Bong Bong Street Taxi Rank

**Question:**

1. When did Council last review usage of the Taxi rank in Bong Bong St Bowral adjoining Corbett Plaza so as to determine its usage and justification for the current amount of spaces which are mostly empty and come at the expense of shopper & visitor parking?
2. Could the last review be attached?
3. Could Council reconduct a review of the current situation and seek submission from Taxi operators; commercial and retail premises and the public?

**Response:**

The matter was an agenda item at the 24 Nov 2016 Traffic Committee meeting where there was a request for ADDITIONAL taxi zones in Bong Bong Street, Bowral from an aged resident.

The Southern highlands Taxis and Coaches advised:

*On the subject of additional Taxi drop off/pick up zones in Bong Bong St, Bowral, we do not believe that this is an issue as it has not been brought to the attention of management of this company by any of our passengers & we do appreciate the difficulty with limited parking in the town area.*

*We regularly make arrangements for aged passengers for their collection from the rear of the Empire Theatre or rear of Springetts Arcade, Coles & Woolworths plus there is a "No Stopping, Taxis Excepted" bay outside BDCU in Bong Bong Street. The majority of passengers do use the main Plaza Taxi Rank where a free taxi call phone is installed & a bench seat is available should there be even the shortest delay.*

It was recommended:

***THAT the information be received and noted and that the matter be kept under review***



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### QUESTIONS WITH NOTICE



Specific complaints would constitute a need to revisit an item. There have not been any complaints about the current taxi rank recorded since the Traffic Committee report. Discussion with Southern Highlands Taxi confirmed that the rank operates on demand. There can be periods when there may be no taxis and other times where the rank is occupied. The spokesman confirmed they would not like to see a shortening of the rank and could understand that a casual observer might think that the rank was underutilised. The assumption that all shoppers arrive by personal car transport is considered a problematic view. A car parked for an hour may only have one shopper, but a taxi rank that can potentially drop off many people can provide a larger number of shoppers. It is a matter of balance and equity. Not all persons have access to private transport and this is where public transport, taxis etc. help provide an equitable system.

Council may wish to seek submissions from commercial and retail premises however due to the lack of complaints this is not recommended.

### RECOMMENDATION

**THAT the information in relation to Question with Notice 5/2020 – Bong Bong Street Taxi Rank - be noted.**

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### 17.3 Question with Notice 6/2020 - Walkways along Bong Bong Street Bowral

**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

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**To:** General Manager  
**From:** Clr Scandrett  
**Received:** 17.2.20

---

**THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020**

**Subject:** Walkways Along Bong Bong Street, Bowral

**Question:**

1. Has council received any complaints or feedback re seating and tables in, or obstructing, walkways at 302 – 306 Bong Bong Street Bowral?
2. what action has been taken by staff?
3. has public risk & safety been considered, if so, how?
4. what approved areas exist for seating & tables here and are they being complied with?

**Response:**

1. Council has received one (1) complaint in relation to seating, tables allegedly obstructing internal walkways within the building.
2. Council staff have undertaken an inspection of the premises following the complaint to understand the substance of the complaint and also assess compliance against relevant consents, codes and standards. Council staff have also contacted the owners of the premises and the complainant as part of an investigation.
3. Council staff have considered public risk and safety through assessing compliance against the current development approval for the premises and further compliance against the Building Code of Australia including fire safety and the Premises Standards for disabled access.
4. The seating and tables present onsite are within an internal area of the building and compliance has been achieved.

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**RECOMMENDATION**

**THAT the information in relation to Question with Notice 6/2020 – Walkways Along Bong Bong Street, Bowral - be noted.**

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## 17.4 Question with Notice 9/2020 - MOU Station Street Upgrade

**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

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**To:** General Manager  
**From:** Clr Scandrett  
**Received:** 17.2.20

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**THIS REPORT WAS CARRIED OVER FROM COUNCIL MEETING OF 26 FEBRUARY 2020**

**Subject:** MOU Station Street Upgrade

**Questions:**

1. Could the General Manager provide a detailed update on the status of the MOU that was to be signed during December – January with various government departments regarding Station Street upgrade?
2. What government departments were approached to sign this MOU?
3. Which government departments did not sign the MOU?
4. If this has been signed please provide a copy.

**Response:**

An MoU has not yet been signed. Discussions continue with the various parties who would be counter parties to any Heads of Agreement document.

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**RECOMMENDATION**

**THAT the information in relation to Question with Notice 9/2020 – MOU Station Street Upgrade - be noted.**

## 18 NOTICES OF MOTION

### 18.1 Notice of Motion 3/2020 - Town Water Planning

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

**THIS REPORT WAS DEFERRED FROM 12 FEBRUARY 2020 COUNCIL MEETING**

**THIS REPORT WAS CARRIED OVER WFROM 26 FEBRUARY 2020 COUNCIL MEETING**

Councillor Scandrett has have given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 February 2020:

1. THAT Council commence planning for town water in Balmoral
2. THAT Council recommence planning for Town Water in Penrose & Wingello
3. THAT the cost of such planning be funded from reserves.
4. THAT utilising the information we have from previous years that a report on the above be brought to Council within 1 month, as this matter is of great public interest.
5. THAT staff explore Federal & State infrastructure and bushfire rebuilding programs as part of this report, in consultation with our MP's.

#### RECOMMENDATION

**Submitted for determination.**

#### COMMENT FROM STAFF

Council completed community consultation in 2015 with residents of Balmoral, and in 2014 with residents of Wingello and Penrose, regarding the possible provision of a reticulated water supply. The consensus at that time was there was limited support to proceed further with design and costing for these projects. Council was however planning to resurvey the community after five years (2019) to determine if the community's views had changed.

The most current cost "estimates" for these potential augmentation works has seen the costs increased considerably

- 1) Balmoral \$14.8M – For a local reservoir (1ML), reticulation mains and trunk mains (this includes the requirement to duplicate the main between Colo Vale and Hill Top to get enough water to north with the additional demand).
- 2) Penrose/Wingello \$20.5M - For a local reservoir (1ML), reticulation mains and trunk mains.

## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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### NOTICES OF MOTION



Detailed financial modelling is required before further consideration of these projects as the typical residential bill for new and existing ratepayers with water connections would be significantly impacted as they would be required to heavily subsidise the cost of these projects.

**It is highlighted that the Long-Term Financial Plan does NOT provide funding for these potential augmentation projects and funding would likely be 100% via loan borrowing.**

The recommended process if we were to proceed with further consideration of these projects (assuming councillor and community support) would be firstly to complete an options assessment, develop concept designs, develop a revised cost estimate, conduct detailed financial modelling and affordability review, and undertake approvals assessment review. Then subject to support of the project based on these factors that further consultation be undertaken with the relevant communities.

**Risks include:** The misconception that a potable water supply is designed for fighting bushfires (as articulated within the IWCM, the water supply is designed to meet our level of service to water users and not to fight bushfires), environmental constraints, affordability, resources to deliver the large-scale project, the potential that connection take up in the villages is low.



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## 18.2 Notice of Motion 4/2020 Resource Recovery Centre Operating Hours

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

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### PURPOSE

**THIS REPORT WAS DEFERRED FROM 12 FEBRUARY 2020 COUNCIL MEETING**

**THIS REPORT WAS CARRIED OVER FROM 26 FEBRUARY 2020 COUNCIL MEETING**

Councillor Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 February 2020:

THAT Council restore the operating hours of our RRC [Resource Recovery Centre] to those announced by the General Manager, Ms Ann Prendergast on December 19, 2015 where the GM advised the public “that the facility had this week begun trading from 7.30am until 4.30pm seven days a week and that the longer hours are the result of a survey undertaken in which customers told us they’d prefer to see the facility open later in the afternoon”.

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### RECOMMENDATION

**Submitted for determination.**

### COMMENT FROM STAFF

The decision on operating hours for the RRC is a matter for Council, however Council considered the level of utilisation via traffic counts prior to making the decision to reduce opening hours at the RRC. That data indicated that utilisation rates were low during the hours that have been removed. Council would also need to consider how the reinstatement of opening hours would be funded as part of any decision to change opening hours.

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## 18.3 Notice of Motion 5/2020 - Poll for 2024 Mayor

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

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### **PURPOSE**

**THIS ITEM WAS DEFERRED FROM 12 FEBRUARY 2020 COUNCIL MEETING**

**THIS ITEM WAS CARRIED OVER FROM 26 FEBRUARY 2020 COUNCIL MEETING**

Councillor Scandrett has given notice that it is his intention to move the following motion at the Ordinary Meeting of Council on 12 February 2020:

1. THAT a poll for introducing popularly elected Mayor in the 2024 election be held at the next Council election.
2. THAT the cost of such poll be financed along with the election.

---

### **RECOMMENDATION**

**Submitted for determination.**

### **COMMENT FROM STAFF**

Under section 16 of the *Local Government Act 1993* (the Act), a council must obtain the approval of its electors at a constitutional referendum to do any of the following:

- divide a council area into wards or abolish wards
- change the method of electing the mayor
- change the number of councillors
- change the method of election for councillors where the council's area is divided into wards.

The Act provides two methods by which a mayor can be elected — by popular vote at an ordinary election or by vote among the councillors. Section 228 of the Act permits a council to change the way the mayor is elected by seeking approval of its electors at a constitutional referendum that the mayor be elected by the electors.

The decision made at a constitutional referendum binds the council until changed by a subsequent constitutional referendum.

If electors at a constitutional referendum undertaken in conjunction with the 2020 ordinary elections approve a change to the way the mayor is elected, that change will come into effect for the electoral term commencing in September 2024.

In contrast, under section 14 of the Act, a poll of electors may be taken by a council for its information and guidance. A Council poll will not allow for the method by which the mayor

## **AGENDA FOR THE ORDINARY MEETING OF COUNCIL**

Wednesday 11 March 2020

### **NOTICES OF MOTION**

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attains office to be changed. Voting in a poll is not compulsory and the result is not binding on the council.

The NSW Electoral Commission has advised that for planning purposes it needs to be notified “as soon as possible” if Council intends to conduct a constitutional referendum or poll. A final due date for this notification has yet to be confirmed; however, Council staff have been advised verbally that notice given anytime in February 2020 would be acceptable. This means that if Council intends to resolve to conduct a constitutional referendum or poll it should do so either at this meeting or at the Ordinary meeting of Council scheduled for 26 February 2020.

## **19. CLOSED COUNCIL**

### **MOVING INTO CLOSED SESSION**

Section 10A of the *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

#### Section 10B

1. *[Time spent closed to be minimised] A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):*
  - a. *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
  - b. *If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
2. *[Qualification of 10A(2)(g)] A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:*
  - a. *are substantial issues relating to a matter in which the council or committee is involved, and*
  - b. *are clearly identified in the advice, and*
  - d. *are fully discussed in that advice.*
3. *[Qualification of 10A(3)] If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).*
4. *[Irrelevant matters] For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:*
  - a. *a person may misinterpret or misunderstand the discussion, or*
  - b. *the discussion of the matter may:*
    - (i) *cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or*
    - (ii) *cause a loss of confidence in the council or committee.*

Attention is also drawn to provisions contained in Part 15 of Council's Code of Meeting Practice.

Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.

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**RECOMMENDATION**

1. **THAT Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the *Local Government Act 1993* as addressed below to consider the following reports that are confidential for the reasons specified below:**

**19.1 Proposed Acquisition - Land in Bowral**

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(b) as it contains discussion in relation to the personal hardship of a resident or ratepayer and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

**THIS ITEM WAS CARRIED OVER FROM 26 FEBRUARY 2020 COUNCIL MEETING**

The purpose of this report is to advise Council of the request by the owner of 3 Soma Avenue, Bowral ('the property') for Council to proceed with the acquisition of the part of that property identified for acquisition under the Wingecarribee Local Environment Plan 2010.

If the direction of Council is to support this request, this report provides the necessary resolutions to proceed with the compulsory acquisition of the land.

**19.2 Outcome of Direct Negotiations - Customer Relationship and Document Management Systems**

Relevant Legal Provisions

This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(a) as it contains personnel matters concerning particular individuals (other than councillors) and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.

Brief description

The purpose of this report is to present the outcomes of the direct negotiations for the Request for Tender for the Customer Relationship Management and the Electronic Document Management System.





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**19.3 Legal Report - Closed Council**

Relevant Legal Provisions

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

Brief description

**THIS ITEM WAS CARRIED OVER FROM 26 FEBRUARY 2020 COUNCIL MEETING**

The purpose of this report is to update Council on the status of legal proceedings reported to Council at the meeting of 27 November 2019.

2. **THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.**

Ann Prendergast  
**General Manager**

Friday 6 March 2020